

**DATE ISSUED:** April 21, 2005 **REPORT NO. PC-05-134**

**ATTENTION:** **Planning Commission, Agenda of April 28, 2005**

**SUBJECT:** **TEXAS STREET TENTATIVE MAP - PROJECT NO. 48480,  
PROCESS FOUR**

**OWNER/  
APPLICANT:** Gouveia Properties, LLC  
Herman Bateman, San Diego Land Surveying, Applicant

**SUMMARY**

**Issue(s):** Should the Planning Commission approve a Tentative Map for the conversion of eight (8) existing residential apartment units into condominiums and waive the requirement to underground existing overhead utilities at 3937 Texas Street, in the MR-800B Zone of the Mid-City Communities Planned District, in the Transit Area Overlay Zone, within the Greater North Park Community Plan area?

**Staff Recommendation:**

1. **Approve** Tentative Map No. 143274; and
2. **Approve** waiver to the requirement for the undergrounding of existing overhead utilities.

**Community Planning Group Recommendation:** On November 16, 2004, the Greater North Park Community Planning Committee approved this project, with six conditions, by a vote of 11-1-1 (Attachment 7).

**Environmental Review:** This project is exempt from environmental review pursuant to Article 19, Section 15301(k), Existing Facilities, of the California Environmental Quality Act (CEQA).

**Fiscal Impact:** None associated with this action. All costs associated with the processing of this project are paid by the applicant.

**Code Enforcement Impact:** None with this project.

**Housing Impact Statement:** With the proposed conversion of eight existing apartments to condominiums, there would be a loss of eight rental units and a gain of eight for-sale units. This condominium conversion project was deemed complete on September 2, 2004, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance. The project has been conditioned to require the subdivider to pay an Inclusionary Affordable Housing In-Lieu Fee of \$6,077 based on a \$0.87 fee per residential square foot, pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance.

## **BACKGROUND**

The 0.159-acre site is located at 3937 Texas Street (Attachment 1), between University and Lincoln Avenue, in the MR-800B Zone of the Mid-City Communities Planned District, within the Greater North Park Community Plan (Attachment 3). The site is presently developed with a two story structure containing three, one-bedroom units and five, two bedroom units. There are twelve parking spaces provided onsite, including two garage spaces and 10 open parking spaces. The parking provided conforms with the requirement for 12 spaces that was in effect when the project was constructed in 1987. The project is surrounded by multi-family development on all sides

The site was incorporated into the MR-800B Zone of the Mid-City Communities Planned District in November 1987. The site was zoned R-3A when the structure was built in early 1987. Under current standards, nine units could be built on the subject property. The project has previously conforming rights, to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. The development complies with the zoning and development regulations in effect at the time of construction and no Building or Zoning Code violations have been recorded against the property.

## **DISCUSSION**

### **Project Description:**

The project proposes a Tentative Map for the subdivision of a 0.159-acre site to convert eight existing dwelling units into condominiums (Attachment 5). The applicant is also requesting that the requirement for the undergrounding of the existing overhead utilities be waived.

Section 125.0410 of the San Diego Municipal Code (SDMC) requires that a Tentative Map be processed for the subdivision of land. According to SDMC Sections 125.0440 and 125.0444, *Findings for Tentative Maps and for Condominium Conversions*, the decisionmaker may approve a Tentative Map for the purposes of the conversion of residential property into a condominium project if the decisionmaker finds that the proposed conversion complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed condominium conversion and determined that it complies with both the Subdivision Map Act and the San Diego Municipal Code.

### Undergrounding Waiver Request

San Diego Municipal Code Section 144.0240 allows the subdivider to apply for a waiver from the requirement to underground the existing overhead utilities within the boundary of the subdivision or within the abutting public rights of way. City staff has determined the undergrounding waiver request qualifies under the guidelines of Council Policy 600-25, *Underground Conversion of Utility Lines at the Developer's Expense*, in that the conversion is a requirement of a condominium conversion of an existing development and the conversion involves a short span of overhead facilities less than a full block in length and the conversion would not represent a logical extension to an undergrounding facility. The applicant would be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 4 of the draft Tentative Map resolution (Attachment 6).

The site is served by one existing power pole with overhead utility lines, located at the rear of the property in the alley right-of-way. This power pole serve multiple properties. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3AA, which is proposed to be undergrounded in Fiscal Year 2017 (Attachment 10).

### **COMMUNITY PLANNING GROUP RECOMMENDATION**

On November 16, 2004, the Greater North Park Community Planning Committee voted 11-1-1 to approve the project with six conditions, which are listed below:

1. *Maximize on-site parking:* The applicant would maintain the 12 existing parking spaces which were required at the time of construction.
2. *Provide new and appropriate landscaping as needed:* Although landscape improvements would not be required by the Tentative Map, this request has been forwarded to the applicant for their consideration.
3. *Require the existing parking spaces to meet current standards with regard to size:* The project is required to provide the same parking configuration and number of spaces that was approved at the time of construction. The project has previously conforming rights, to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.
4. *Right of first refusal to existing tenants:* This is a standard condominium conversion Tentative Map condition. Please see Condition No. 8 of the Resolution (Attachment 6)
5. *Preservation of historic sidewalk stamps and scoring patterns:* This is an existing requirement of the Municipal Code.
6. *Deny request to waive undergrounding of overhead utilities:* The applicant's request to waive the requirement to underground existing overhead utilities was reviewed by Engineering staff, who determined that the waiver request met the requirements of City Council Policy 600-25.

### **PROJECT-RELATED ISSUES**

The requested conversion of these residential units to condominiums represents primarily a change in ownership. The applicant has certified that the required 60-day Notice of Intent to Convert to Condominiums was provided to the tenants on June 15, 2004 (Attachment 11).

All condominium conversion projects Deemed Complete on or after February 7, 2004 must conform with the new regulations regarding inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. This proposed project was Deemed Complete on September 2, 2004, and is therefore subject to these new regulations. With their application submittal, the applicant has indicated their decision to pay the in-lieu fee to satisfy these requirements as allowed by these regulations. The project has been conditioned to require the subdivider pay an Inclusionary Affordable Housing In-Lieu Fee of \$6,077 based on a \$0.87 fee per residential square footage, pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code), and demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5), to the satisfaction of the City Manager and the Housing Commission, prior to the recordation of the Final Map.

### **CONCLUSION**

Staff has reviewed the request for a Tentative Map for the conversion of eight residential units into condominiums and the request to waive the requirements of the undergrounding of existing overhead utilities, and has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps and Council Policy 600-25 regulating undergrounding of existing overhead utilities. Staff believes the required findings can be supported and recommends the Planning Commission approve the project as proposed.

### **ALTERNATIVES**

1. **Approve Tentative Map No. 143274 with modifications.**
2. **Deny Tentative Map No. 143274 if the findings required to approve the project cannot be affirmed.**

**Respectfully submitted,**

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**Marcela Escobar-Eck  
Deputy Director, Project Management Division  
Development Services Department**

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**Paul Godwin  
Development Project Manager  
Development Services Department**

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Attachments:

1. Aerial Photo
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Tentative Map
6. Draft Map Conditions and Subdivision Resolution
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Chronology
10. City's Undergrounding Master Plan – Map 3AA
11. Copy of Tenant Notices