

**CITY OF SAN DIEGO
M E M O R A N D U M**

DATE: January 27, 2006

TO: Members of the Planning Commission

FROM: Michelle Sokolowski, Development Project Manager

SUBJECT: PROJECT NO. 74806 – 4037 Idaho VTM

The above referenced project was originally scheduled for a public hearing before the Planning Commission on December 15, 2005.

Following public testimony, this item was continued by the Planning Commission until February 2, 2006, with the recommendation that applicant to return to the Greater North Park Planning Committee for a recommendation, and for the applicant to provide requested design details.

The applicant did return to the Greater North Park Planning Committee on January 22, 2006. The Committee voted 11-0-1 to recommend approval of the proposal, with the condition that the “building and site design shall be incorporated into City conditions of approval” as indicated on the attached form.

The original Planning Commission Report No. 05-324 is also attached. All applicable dates within the Tentative Map Resolution will be modified in the final version, should a decision be rendered.

Michelle Sokolowski
Development Project Manager
Development Services Department

DATE ISSUED: December 9, 2005 **REPORT NO. PC-05-324**

ATTENTION: **Planning Commission, Agenda of December 15, 2005**

SUBJECT: 4037 IDAHO STREET VESTING TENTATIVE MAP - PROJECT NO.
74806
PROCESS FOUR

OWNERS: Betty T. Ma Living Trust, Shaohua H. Lu Living Trust, Christina T. Ma
and Jeremy F. Reiter (Attachment 9)

APPLICANT: Burkett & Wong, Engineer and Maisel-Presley, Inc., Developer

SUMMARY

Issue: Should the Planning Commission approve a Vesting Tentative Map for the conversion of nine existing residential units into condominiums at 4037 Idaho Street, within the Greater North Park Community Plan Area?

Staff Recommendation:

1. **Approve** Tentative Map No. 229802; and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: The Greater North Park Planning Committee voted 10-0-0 to recommend denial of the proposed project on September 20 2005, until the applicant returns with a conceptual design and elevations, as detailed within this report (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). This project is not pending an appeal of the environmental determination.

The environmental exemption determination for this project was made on June 24, 2005, and the opportunity to appeal that determination ended July 9, 2005.

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

Code Enforcement Impact: None with this action.

Housing Impact Statement: With the proposed conversion of nine existing apartments to condominiums, there would be a loss of nine rental units and a gain of nine for-sale units. This condominium conversion project was deemed complete on June 17, 2005, and is therefore subject to the new regulations regarding Inclusionary housing and tenant relocation assistance.

BACKGROUND

The 0.16-acre site is located at 4037 Idaho Street in the MR-1250B Zone of the Mid-City Communities Planned District and the Transit Overlay Zone, within the Greater North Park Community Plan Area (Attachment 3). The site is presently developed with one, two story structure containing nine units. Six units have one bedroom and three units have two bedrooms. Nine off-street parking spaces are provided on the site: four accessed from Idaho Street at the front and five accessed from the alley at the rear. The site is bounded on all sides by multi-family residential uses.

The existing improvements were constructed in 1966. At that time the site was zoned R-4 and would have allowed for 18 dwelling units. Parking requirements effective in 1966 required nine parking spaces to be provided for the nine dwelling units. The development complied 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.

The project does not conform with the current density requirement of one unit per 1,250 square feet in the MR-1250B Zone, which would only allow six units to be constructed today. Under current criteria, 13 off-street parking spaces would be required. The project has previously-conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.

DISCUSSION

Project Description:

The project proposes a Tentative Map for the subdivision of a 0.16-acre site to convert nine existing dwelling units into condominiums on two existing lots (Attachment 5). The applicant is also requesting that the requirement for the undergrounding of 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 of Existing Utilities

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 involves a short span of overhead facility (less than 600 feet in length) and it has been determined that such conversion is not a part of a continuing effort to accomplish a total undergrounding within a specific street or area. Further, the conversion is a requirement of a condominium conversion of an existing development and the conversion would not represent a logical extension to an underground facility.

The applicant will be required to underground all existing service to the site per Condition No. 15 of the draft Tentative Map resolution (Attachment 6). The applicant would also 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 neighborhood currently contains power poles and overhead utilities lines in the alley right-of-way. The utility lines to these poles extend to other properties located north and south within the alley. The pole closest to this property is located within the alley right-of-way, adjacent to the property to the south of this site. As indicated above, all utilities serving this property will be required to be undergrounded. The waiver is being requested for the requirement to underground adjacent utilities serving the surrounding properties. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 3R, and the date for undergrounding has been established for the year 2016 (Attachment 11).

Community Planning Group and Neighborhood Recommendations:

The Greater North Park Planning Committee voted 10-0-0 to recommend denial of the proposed project on September 20, 2005, "until the applicant returns to the Greater North Park Community Planning Committee (GNPCPC) with a conceptual design and elevations" (Attachment 7).

The applicant has indicated they have attended several GNPCPC subcommittee and full committee meetings and requested a final recommendation from that Committee (Attachment 8).

Regardless of the recommendation, the applicant has indicated their desire to move forward through the decision process.

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 Notices of Intent to Convert to Condominiums were provided to the tenants on April 7, 2005 (Attachment 12).

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 June 17, 2005, and is therefore subject to these new regulations. The project has been conditioned to require the subdivider conform with 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 nine residential units into condominiums and has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps. Staff believes the requirement findings can be supported and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. **Approve Tentative Map No. 229802, with modifications.**
2. **Deny Tentative Map No. 229802 if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

Jeffrey D. Strohminger
Acting Deputy Director, Customer Support
and Information Division
Development Services Department

Michelle Sokolowski
Customer Support and
Information Division
Development Services Department

STROHMINGER/MAS

Attachments:

1. Aerial Photograph
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. Applicant's Community Planning Group Correspondence
9. Ownership Disclosure Statement
10. Project Chronology
11. City's Undergrounding Master Plan – Map 3R
12. Copy of 60-Day Notice of Intent to Convert