

DATE ISSUED: May 19, 2005 **REPORT NO.** PC-05-168
ATTENTION: Planning Commission, Agenda of May 26, 2005
SUBJECT: 4170 ALABAMA TENTATIVE MAP - Project No. 60378
**OWNER/
APPLICANT:** BFC Alabama, LLC

SUMMARY:

Issue(s) - Should the Planning Commission approve Vesting Tentative Map No. 78500 to convert ten existing residential units to condominiums and waive the requirement to underground existing overhead utilities at 4170 Alabama Street within the Mid City Communities Planned District within the Greater North Park Community Plan?

Staff Recommendation

1. APPROVE Vesting Tentative Map No. 78500; and
2. APPROVE waiver of the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: On March 18, 2005 the Greater North Park Planning Committee voted 9 in favor, 3 opposed, and 1 abstention to approve the project, with several conditions. The Greater North Park Community Planning Committee recommended conditions are discussed further in this report.

Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301(k) as "Existing Facilities."

Fiscal Impact: 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 conversion of ten existing apartments to

condominiums, there would be a loss of ten rentals units and a gain of ten for-sale units. This Vesting Tentative Map request was deemed complete after February, 2004 and is required to comply with the inclusionary affordable housing requirements.

BACKGROUND

The 0.16 acre site is located at 4170 Alabama Street in the MR-1250 Zone of Mid City Communities Planned District within the Greater North Park Community Plan. (Attachment 1) The subject property is surrounded by similar multi-family and single family development (Attachment 2). The Greater North Park Community Plan designates the project site for Medium High Residential at 30 to 35 dwelling units per acre (Attachment 3). The site is zoned MR-1250 by the Mid City Communities Planned District.

The site is presently improved with a two story, ten-unit apartment building. The building includes seven one bedroom units with 650 square feet of living area and three two bedrooms units with 805 square feet of living area. The project was constructed in 1970 at which time the site was zoned R4. The R4 zone permitted one dwelling unit for every 400 square feet. The project site contains the ten off street parking spaces which were required by the zoning ordinance at the time the apartments were constructed in 1970.

The development complied with the zoning and development regulations in effect at the time of construction. No Building or Zoning Code violations have been recorded against the property. The existing development 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 Vesting Tentative Map to allow the conversion of ten existing multi-family dwelling units into ten condominiums and a request to waive the requirement to place existing overhead utilities underground. No physical changes to the developed site are proposed or will occur should the project be approved (Attachment 4).

Section 125.0410 of the San Diego Municipal Code requires a Vesting Tentative Map be processed for the subdivision of land. According to San Diego Municipal Code Section 144.0444, Findings for Vesting Tentative Maps for Condominium Conversion, the decision maker may approve a Vesting Tentative Map for the purposes of the conversion of residential property into a condominium project if the decision maker 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 it complies with both the Subdivision Map Act and the 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, the conversion would represent an isolated undergrounding. 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 Vesting Tentative Map resolution (Attachment 5).

The neighborhood currently contains power poles and overhead utility lines within the alley at the rear of the property. There are two poles located within the alley at the southwest corner adjacent to the subject property. Furthermore, sites adjacent and across the alley from the subject property receive electrical, telephone and/or cable service from these overhead lines. Undergrounding those services would disrupt properties not included in the proposed project. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3X, and is proposed to be undergrounded in Fiscal Year 2009 (Attachment 6).

Condominium Conversion Regulations

The requested conversion of these residential units to condominiums represents a change in ownership.

The applicant has certified that the required 60-day Notice of Intent to Convert to Condominium was provided to the tenants on October 10, 2004 (Attachment 7).

All condominium conversion projects deemed complete on or after February 7, 2004, must comply with regulations addressing inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. The project was deemed complete on November 18, 2004, and is subject to all Inclusionary Affordable Housing Regulations.

Community Planning Group Recommendations

On March 18, 2005 the Greater North Park Planning Committee voted 9 in favor, 3 opposed, and 1 abstention to approve the project with the following conditions (Attachment 8). The Board's conditions are provided in the underlined text below. Staff's response on each issue follows in regular text.

1. Maximize parking and landscaping

The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. The existing development was constructed in conformance with the development regulations governing the site at time the original construction permits were issued. Staff has not made this a condition of the map waiver.

2. Provide existing tenants "First Right of Refusal"

The subdivider will give each of the tenants of the proposed condominium project notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to

the tenant.

3. Save historic sidewalk stamps and scoring.

The following is part of the Vesting Tentative Map Resolution for this project: “The existing contractors’ stamps shall be protected in place and existing scoring patterns shall be replicated.”

4. Deny request for undergrounding waiver request:

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, the conversion would represent an isolated undergrounding. Staff recommends the Planning Commission grant the Waiver.

CONCLUSION:

Staff has reviewed the request for a Vesting Tentative Map to convert ten residential units into condominiums and the request to waive the requirements of the undergrounding of existing overhead utilities. Staff determined the project is in conformance with the applicable sections of the San Diego Municipal Code regulating Vesting Tentative Maps and Council Policy 600-25 regulating undergrounding of existing overhead utilities. Staff has determined the required findings can be supported and recommends the Planning Commission acknowledge the Environmental Exemption and approve the project as proposed.

ALTERNATIVES

1. Approve Vesting Tentative Map No. 78500 and waive the requirement to underground existing overhead utilities, with modifications.
2. Deny Vesting Tentative Map No. 78500 and deny the waiver the requirement to underground existing overhead utilities, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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Deputy Director, Customer Support and
Information Division
Development Services Department

Derrick Johnson, Development Project
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Attachments:

1. Aerial Photo
2. Project Location Map
3. Community Plan Land Use Map
4. Vesting Tentative Map Exhibit
5. Vesting Tentative Map resolution
6. City's Undergrounding Master Plan for Fiscal Year 2004
7. 60 Day Notice of Filing Vesting Tentative Map for Conversion
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. Project Data Sheet

Job Order No. 42-3887