

**DATE ISSUED:** June 2, 2005 **REPORT NO. PC-05-195**

**ATTENTION:** **Planning Commission, Agenda of June 9, 2005**

**SUBJECT:** **4351 ALABAMA TENTATIVE MAP - PROJECT NO. 56165,  
PROCESS FOUR**

**OWNER:** Locke & Tsoulos Gen. Partnership, Nicholas and Ruth Tsoulos Family Trust  
and the Lounsberry Family Trust

**APPLICANT:** Frank Spees, CondoConversions.com

**SUMMARY**

**Issue(s):** Should the Planning Commission approve a Tentative Map for the conversion of sixteen (16) existing residential apartment units into condominiums and waive the requirement to underground existing overhead utilities at 4351 Alabama Street, in the MR-800B zone of the Mid-City Communities Planned District, within the Greater North Park Community Plan area?

**Staff Recommendation:**

1. **Approve** Tentative Map No. 163997; and
2. **Approve** waiver to the requirement for the undergrounding of existing overhead utilities.

**Community Planning Group Recommendation:** On March 18, 2005, the Greater North Park Community Planning Committee approved the project, with four conditions, by a vote of 12-0-1 (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 16 existing apartments to condominiums, there would be a loss of 16 rental units and a gain of 16 for-sale units. This condominium conversion project was deemed complete on December 29, 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 \$16,471, based on a \$1.75 fee per residential square foot, pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance.

## **BACKGROUND**

The 0.24-acre site is located at 4351 Alabama Street (Attachment 1), between Meade Avenue and El Cajon Boulevard, in the MR-800B Zone of the Mid-City Communities Planned District, within the Greater North Park Plan (Attachment 3). The site is presently developed with two, two-story multi-family structures, containing a total of 16 units, consisting of four studio units, eight, one-bedroom units and four, two-bedroom units. 16 surface parking spaces are provided onsite, which complies with the requirement for one space per unit that was in effect when the project was constructed in 1959. The project is surrounded by multi-family development to the north and south and single- and multi-family development to the east and west.

The site was incorporated into the MR-800B zone of the Mid-City Communities Planned District in November 1987. The site was zoned R-4 when the structure was constructed in 1959. Under current standards, 13 units could be built on the subject property. Although the existing 16 units exceeds this amount, 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 0.24-acre site to convert 16 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, *Under ground 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 existing overhead utility lines which are connected to a power pole located on the opposite side of the alley right-of-way at the rear of the property. This power pole serves multiple properties. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3X, which is scheduled for funding in fiscal year 2009 (Attachment 10).

#### **COMMUNITY PLANNING GROUP RECOMMENDATION**

On March 18, 2005, the Greater North Park Community Planning Committee voted 12-0-1 to approve the project with four conditions, which are listed below (Attachment 7).

1. *Maximize Landscaping and Parking:* Due to the existence of previously conforming rights, additional landscaping is not required at this time, however, this request has been forwarded to the applicant for their consideration. The 16 parking spaces that were required when the project was constructed would remain. The Land Development Code specifies that parking, once provided, cannot be reduced below that which is required. Further said, parking areas must remain available for parking vehicles.
2. *Right of First Refusal:* This is a standard condominium conversion Tentative Map condition. Please see Condition No. 8 of the Resolution (Attachment 6).
3. *Save Historic sidewalk stamps and scoring:* The Land Development Code requires the preservation of historic sidewalk markers and has been included as part of Condition No. 14 of the Resolution (Attachment 6).
4. *Deny request to waive undergrounding of 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 meets 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 September 13, 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 December 29, 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 \$16,471, based on a \$1.75 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. 163997, with modifications.**
2. **Deny Tentative Map No. 163997, if the findings required to approve the project cannot be affirmed.**

**Respectfully submitted,**

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Customer Support and Information Division  
Development Services Department

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**Paul B. Godwin**  
Development Project Manager,  
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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 3X
11. Copy of Tenant Notices