

DATE ISSUED: June 2, 2006 **REPORT NO.** PC-06-170

ATTENTION: Planning Commission, Agenda of June 8, 2006

SUBJECT: 3951 ALBATROSS TENTATIVE MAP - PROJECT NO. 78961
PROCESS FOUR

OWNERS: ALBATROSS ARMS LLC., (Attachment 8)

APPLICANT: Algert Engineering Inc., Engineer

SUMMARY

Issue: Should the Planning Commission approve a Tentative Map for the conversion of 14 existing residential units into condominiums at 3951 Albatross Street, within the Uptown Community Plan Area?

Staff Recommendation:

1. **Approve** Tentative Map No. 248883 and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: The Uptown Planners voted 9-0-1 to recommend approval of the proposed project on April 4, 2006, with recommendations 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 August 30, 2005, and the opportunity to appeal that determination ended September 19 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 14 existing apartments to condominiums, there would be a loss of 14 rental units and a gain of 14 for-sale units. This condominium conversion project was deemed complete on August 25, 2006, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance.

BACKGROUND

The 0.23-acre site is located at 3951 Albatross Street in the MR-1000 Zone of the Mid City Communities Planned District and the Transit Overlay Zone, within the Uptown Community Plan area (Attachment 3). The site is developed with two two-story structures containing 4, two-bedroom units and ten, one-bedroom units. The project has 15 off-street parking spaces provided on the site: seven are accessed from Albatross Street at the front of the property and eight are accessed from the alley at the side. The site is bounded on the east by a school and single family residential uses to the west, north and south.

When the existing 14-units were constructed in 1972, the site was zoned R-4, which would have allowed the construction of 26 dwelling units. The parking requirements effective in 1972 required 14 parking spaces for the 14 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 density does not conform to the current density requirement of one unit per 1,000 square feet in the MR-1000 zone, which would only allow nine units to be constructed today. Under current criteria 20 off-street parking spaces would be required to be constructed today. 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 subdivision of a 0.23-acre site into one (1) lot for a 14-unit residential condominium conversion (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 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. 12 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 to the rear. The utility lines to these poles extend to other properties located north and south within the alley. The pole closest to this property, which carries the line serving this site, is located in the alley at the rear of the property. 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 3T, and the date for undergrounding has been established for the year 2014 (Attachment 10).

Community Planning Group and Neighborhood Recommendations:

On April 4, 2006 the Uptown Planners voted 9-0-1 to approve the project with their five standard conditions and several other conditions (Attachment 7).

1. No waiver or exemption from state and local requirements that existing utility services for this property be placed underground be granted. Placing of all overhead utility services underground is a critical infrastructure need in our community, and is typically paid for by the developer. Exceptions may be made for alleyway above ground utilities, or any above ground utilities that are firmly scheduled to be placed underground in the next five years. *Based on the preceding information regarding the undergrounding of the existing utilities, staff continues to support the undergrounding waiver request.*
2. The first right of refusal to purchase a unit be given to current tenants. *The Tentative Map Resolution has been conditioned to provide the right of first refusal to the existing*

tenants, as required by the State Map Act, which is a standard condition for all conversion projects.

3. Historic sidewalk stamps and scoring of existing sidewalks be preserved, and any replacement or new sidewalks be constructed so that the scoring matches the existing sidewalk scoring, color, texture and type of contractor date stamp. *The Land Development Code already requires the preservation of historic sidewalk stamps and scoring.*
4. Landscaping shall be brought into conformance with the current Land Development Code regulations for the City of San Diego, including the placing of street trees at required locations as indicated in the San Diego Street Design Manual. *There is no construction proposed with this project, therefore no additional landscaping is required. As indicated above, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.*
5. Current on street parking will be preserved, and where feasible, the provision of new parking should be provided both onsite and offsite. The latter goal can be accomplished by minimizing curb cuts, and other innovative measures. *There is no construction proposed with this project, therefore no additional parking is required. As indicated above, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.*
6. That recessed window boxes be incorporated into the design. *The applicant has voluntarily agreed to review this recommendation and or implement if feasible.*
7. That the windows be upgraded, and vinyl not used. *The applicant has voluntarily agreed to review this recommendation and or implement if feasible.*
8. The front planter be preserved so that it extends to the front of the property. *The applicant has voluntarily agreed to review this recommendation and or implement if feasible.*
9. Three new street trees be planted in front area. *The applicant has voluntarily agreed to review this recommendation and or implement if feasible.*
10. That front patios be added. *The applicant has voluntarily agreed to review this recommendation and or implement if feasible.*

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 March 30, 2005 (Attachment 13).

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 August 25, 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. The applicant has elected to pay the Inclusionary Affordable Housing In-Lieu-Fee of \$23,525.00 (9,416 square feet x \$ 2.50) pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 12 of the Land Development Code).

Conclusion:

Staff has reviewed the request for a Tentative Map to convert 14 residential units into condominiums and to waive the requirements of the undergrounding of existing overhead utilities. Staff has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps, the State Map Act and Council Policy 600-25 regulating undergrounding of existing overhead utilities. Staff has determined the required findings can be supported and staff recommends the Planning Commission acknowledge the Environmental Exemption and approve the project as proposed.

ALTERNATIVES

1. **Approve Tentative Map No. 248883 with modifications.**
2. **Deny Tentative Map No. 248883 if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

Mike Westlake
Program Manager
Development Services Department

Derrick Johnson
Development Project Manger
Development Services Department

WESTLAKE/DNJ

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. Ownership Disclosure Statement
9. Project Chronology
10. City's Undergrounding Master Plan – Map 3T
11. Copy of Sample 60-Day Notice of Intent to Convert
12. Photos of Existing Front and Rear Elevations