

**DATE ISSUED:** October 12, 2006 **REPORT NO.** PC-06-259

**ATTENTION:** Planning Commission, Agenda of October 19, 2006

**SUBJECT:** 3740 ALABAMA TENTATIVE MAP - PROJECT NO. 86857.  
PROCESS 4.

**OWNER/  
APPLICANT:** Investments Balboa, LLC, Owners (Attachment 9)/ San Diego Land  
Surveying & Engineering, Inc., Applicant

### **SUMMARY**

Issue(s) - Should the Planning Commission approve Tentative Map No. 275882 to convert 18 existing residential units to condominiums and waive the requirement to underground existing utilities on a 0.62 acre site at 3740 Alabama Street in the Greater North Park Community Plan area?

#### Staff Recommendation -

1. APPROVE Tentative Map No. 275882 and waive the requirement to underground existing utilities.

Community Planning Group Recommendation – The Greater North Park Planning Committee, on April 18, 2006 voted 9:1:1 to approve the project, with two conditions. The 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.” This Tentative Map has no outstanding environmental appeals.

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 proposed conversion of eighteen existing

apartments to condominiums, there would be a loss of 18 rentals units and a gain of 18 for-sale units. This Tentative Map request was deemed complete subsequent to February 7, 2004, and therefore is required to comply with the inclusionary affordable housing requirements.

## **BACKGROUND**

The Land Use Element of the Greater North Park Community Plan designates the site for Medium High Residential development at 30-45 dwelling units per acre (Attachment 1). Per the Greater North Park Community Plan a maximum of 18 to 30 dwelling units would be allowed on the site. The .062 acre site is located at 3740 Alabama Street in the MR-1000 zone within the Mid-Cities Communities Planned District between Robinson Avenue and Landis Street in the Greater North Park Community Plan area (Attachment 2). The surrounding land uses are multi-family residential development to the west, north, east and south. The .062 acre site has been developed at an approximate density of 29 dwelling units per acre (Attachment 3). Within areas designated for attached housing, the Greater North Park Community Plan does not address the issue of single versus condominium or fractional ownership.

The existing development was constructed in 1988 at which time the site was zoned MR-1000 allowing one dwelling unit for every 1,000 square feet of lot area. At the time the property was developed the approved construction met all current regulations. The site is presently improved with a three-story, eighteen unit apartment building, parking and landscaping. The three story building includes eighteen two-bedroom units of 908 square feet of living area. The original development provided and maintains thirty-six parking spaces.

The development complied with the zoning and development regulations in effect at the time of construction. No Building or Zoning Code violations are recorded against the 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 new regulations adopted by the City Council regarding condominium conversions do not apply to this project. The project was included in the appeals filed by Briggs Law Offices and rejected by the City Council. The City Council made a deliberate decision to exempt the tentative maps which were the subject of the appeals.

## **DISCUSSION**

### **Project Description**

The current application proposes a Tentative Map (Attachment 4) to convert the existing 18 residential units to condominiums and waive the requirement to underground existing utilities. No physical changes to the developed site are proposed or will occur should the Planning Commission action be to approve the application.

Section 125.0410 of the San Diego Municipal Code (SDMC) requires a Tentative Map be processed for the subdivision of land. According to SDMC §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 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 San Diego Municipal Code.

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 with a minimum probability of extension in the future, 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. 5 of the draft Tentative Map resolution (Attachment 5).

The neighborhood currently contains power poles and overhead utility lines within the right-of-way of Robinson Avenue and Alabama Street. Electrical, telephone and cable utilities are located above ground in the right-of-way of Robinson Avenue and Alabama Street adjacent to the site. There are power poles located near each property corner on the eastern side of the site. The next closest pole is located on the northwest corner of Alabama Street and Robinson Avenue approximately 85 feet north of the site. Neighboring sites adjacent and across the street 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 3R, and is proposed to be undergrounded in Fiscal Year 2016 (Attachment 6).

#### The Greater North Park Planning Committee Recommendation

The Greater North Park Planning Committee, on April 18, 2006 voted 9:1:1 to recommend approval of the Tentative Map and deny the request to waive the undergrounding requirement of existing utilities, with two conditions (Attachment 7). The two conditions are as follows:

1. The existing fence be removed.

City staff has determined the existing fence has standing to remain as a previously conforming improvement. Staff does not support requiring the applicant to remove the fence. Staff has not made this a condition of the tentative map.

2. The applicant pay the affordable housing in-lieu fee and offers two units at 150% AMI.

The City Council has adopted legislation defining the requirements of the Affordable Housing Program. In these regulations an applicant may either provide affordable housing units within the property or pay an in-lieffee. The regulations do not require both. Staff has not made this a condition of the tentative map.

### **CONDOMINIUM CONVERSION REGULATIONS**

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 Condominium was provided to the tenants on September 28, 2005 (Attachment 8).

All condominium conversion projects deemed complete on or after February 7, 2004, must comply with new regulations addressing inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. This proposed project was deemed complete on November 7, 2005, is subject to these regulations and has been conditioned to comply with the requirements. The applicant has elected to pay an in lieu fee in the amount of \$40,860.00 to meet these requirements. This tentative map was included in the appeals filed by Briggs Law Corporation. The City Council expressly exempted all tentative maps which were the subject of the appeals from the new condominium conversion regulations in effect on July 27, 2006.

### **CONCLUSION**

Staff has reviewed the request for a Tentative Map for the conversion of 18 residential units into condominiums and to waive the requirement to underground existing overhead utilities and has determined the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps and the Council Policy 600-25 concerning underground utilities. Staff has provided draft findings to support approval of the tentative map and waiver of requirement to underground existing overhead utilities (Attachment 5) and recommends the Planning Commission approve the project as proposed.

### **ALTERNATIVE**

1. Approve Tentative Map No. 275882 and waive the requirement to underground existing utilities, with modifications.

2. Deny Tentative Map No. 275882 and the waiver of the requirement to underground existing utilities, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

---

Mike Westlake  
Program Manager  
Development Services Department

---

John S. Fisher  
Development Project Manager  
Development Services Department

BROUGHTON/JSF

- Attachments:
1. Community Plan Land Use Map
  2. Aerial Photograph
  3. Project Location Map
  4. Tentative Map
  5. Draft Map Conditions and Subdivision Resolution
  6. Underground Project Schedule
  7. Community Planning Group Recommendation
  8. Government Code 66452.3; self-certification statement
  9. Ownership Disclosure Statement
  10. Project Chronology
  11. Project Data Sheet