

**DATE ISSUED:** May 3, 2007

**REPORT NO: PC-07-076**

**ATTENTION:** **Planning Commission, Agenda of May 10, 2007**

**SUBJECT:** 2353 ALBATROSS TENTATIVE MAP; PROJECT NO. 103928  
PROCESS FOUR

**OWNERS:** Dan Floit (Attachment 8)

**APPLICANT:** Burkett and Wong Engineering

**SUMMARY**

**Issue:** Should the Planning Commission approve a Tentative Map for the conversion of 24 existing residential units to condominiums at 2353 Albatross Street, within the Uptown Community Plan Area?

**Staff Recommendation:**

1. **APPROVE** Tentative Map No. 343620 and waiver of the requirement to underground the existing overhead utilities.

**Community Planning Group Recommendation:** On October 3, 2006, the Uptown Community Planning Group voted 13-0 to recommend approval of the project with recommendations as described in this report (Attachment 7).

**Environmental Review:** This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15301 on June 22, 2006. An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on March 20, 2007. Therefore, the scope of the subject hearing only includes the project, not the environmental determination.

**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 24 existing residential units to condominiums, there would be a loss of 24 rental units and a gain of 24 for-sale units. This condominium conversion project was deemed complete after February 7, 2004, and is therefore subject to the regulations regarding inclusionary housing and tenant relocation assistance.

## **BACKGROUND**

This Tentative Map project is subject to the condominium conversion regulations effective June 13, 2006, with the exception of the parking regulations, based on the City Council's specific adoption language for the "new" condominium conversion regulations. At the June 13, 2006, hearing, the City Council adopted regulations for additional requirements for landscaping, a building conditions report, onsite inclusionary housing, noticing and parking. Based on the adopted language and project timing, all of these new regulations apply to this project, with the exception of the parking regulations. Accordingly, this project has been reviewed against the new regulations, and this project can proceed to its discretionary hearing.

The 035 -acre site is located at 2353 Albatross Street (Attachment 1), at the southeast corner of Kalmia Street and Albatross Street, in the MR-1000 Zone of the Mid-City Communities Planned District, within the Uptown Community Plan area (Attachment 2).

The site is developed with one, 24-unit, three-story over subterranean parking, multi-family structure that was built in 1962. The building consists of 1 studio unit, 8 one-bedroom units and 15 two-bedroom units with square footages ranging from 1,211 to 627 square feet. There are 28 parking spaces provided in the subterranean parking garage which is accessed from a single driveway on Albatross Street. Under current standards, 38 parking spaces would be required for this site, however, the project has previously-conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.

The current MR-1000 zoning would allow one residential unit for each 1,000 square feet of lot area, or a maximum of 15 units on the subject site. The Uptown Community Plan designates the site for residential development at a rate of up to 44 dwelling units per acre, or 15 dwelling units allowed on this site. Although the 24 existing units exceeds the current density allowance for the site, the project has previously-conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.

The project is located in an established residential area and is surrounded by multi-family residential development on all sides. The project complies with the zoning and development regulations in effect at the time of construction and there are no active Building or Zoning Code violations for the subject property.

## **DISCUSSION**

The project proposes a Tentative Map for the subdivision of a 0.35-acre site to convert 24 existing multi-family units in one structure 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, *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 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. 15 of the draft Tentative Map resolution (Attachment 6).

The site is served by existing overhead utility lines which are connected to power poles located along the Albatross Street frontage on the west side of the structure. These power poles also serve other properties in the neighborhood. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 2A, for which the funding date has not yet been determined (Attachment 10).

### **Community Planning Group Recommendation:**

On October 3, 2006, the Uptown Community Planning Group voted 13-0 to recommend approval of the project (Attachment 7) with the following recommendations:

1. *The water feature at the entryway contained in the project's rendition be made a condition of the project:* The applicant has voluntarily agreed to provide the water feature.

2. *The blue mosaic tile and stainless steel door contained in the applicant's rendition be made a condition of the project:* The applicant has voluntarily agreed to provide the stainless steel door but will not provide the tile mosaic. The request is not enforceable through the current condo conversion regulations.
3. *Recommend the applicant replace the proposed vinyl windows with upgraded materials:* The applicant does not accept this recommendation. The request is not enforceable through the current condo conversion regulations.
4. *Approval be conditioned on the applicant's representation that two affordable units will be provided and energy efficient appliances be used:* The applicant agrees to both conditions. The requirement to provide two affordable onsite units is included in the project approval.
5. *Improvements be made to mitigate noise impacts:* New windows would be installed which would contribute to the mitigation of existing noise.
6. *The standard conditions regarding condominium conversions:* The applicant has agreed to comply with all requirements of the applicable condominium conversion regulations and the project has been conditioned accordingly.

### **Project Related Issues:**

This Tentative Map project is subject to the condominium conversion regulations effective June 13, 2006, with the exception of the parking regulations, based on the City Council's specific adoption language for the "new" condominium conversion regulations.

### **Building Conditions Report and Landscape Requirements**

In accordance with the current regulations, the applicant provided a Building Conditions Report and Landscape Concept Plan. Both of these documents have been reviewed for conformance with the applicable regulations within Land Development Code (Chapter 14, Article 4, Division 5) and have been accepted by staff as conforming with the regulations.

### **Affordable Housing**

This subdivision is subject to and has been conditioned to comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code). Condominium conversion projects of twenty or more units are required to satisfy the inclusionary housing requirements on-site in accordance with Section 142.1306 of the San Diego Municipal Code. Prior to the recordation of the final map, the Subdivider must enter into an agreement with the San Diego Housing Commission to assure that 10% of the units are sold at restricted prices to eligible households.

The project has also 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.

### Noticing

The requested conversion of these residential units to condominiums represents primarily a change in ownership. California State Law and the City's Municipal Code require that all tenants living within a proposed condominium conversion project, and all persons applying for a rental unit within such a project, must receive adequate notice (see California Government Code Section 66427.1 and San Diego Municipal Code Sections 125.0431 and 125.0640). The applicant certified that the required 60-day Notice of Intent to Convert to Condominiums was provided to existing tenants on January 2, 2007 (Attachment 11). Additionally, the applicant has certified that per Government Code 66452.3, a copy of the staff report was served to each tenant at least 72 hours prior to the hearing.

### CONCLUSION:

Staff has reviewed the request for a Tentative Map for the conversion of 24 existing residential units to condominiums 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. 343620 with modifications.**
2. **Deny Tentative Map No. 343620 if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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**Mike Westlake**  
**Program Manager**  
**Development Services Department**

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**Paul Godwin**  
**Development Project Manager**  
**Development Services Department**

WESTLAKE/PBG

Attachments:

1. Aerial Photo
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Tentative Map and Landscape Plan
6. Draft Map Conditions w/Resolution
7. Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Chronology
10. Undergrounding Master Plan (2A)
11. Sample 60-Day Notice
12. Photos of Existing Building
13. Building Conditions Report Summary