

**DATE ISSUED:** November 10, 2005 **REPORT NO.** PC-05-332

**ATTENTION:** Planning Commission, Agenda of November 17, 2005

**SUBJECT:** 4329 ALABAMA TENTATIVE MAP - PROJECT NO. 79419.  
PROCESS 4.

**OWNER/  
APPLICANT:** Smoke Holdings, L.P. and Phillip Morgan, Owners/Applicants  
(Attachment 7)

**SUMMARY**

Issue(s) - Should the Planning Commission approve Tentative Map No. 247654 and waive the requirement to underground existing utilities to convert twelve existing residential units to condominiums at 4329-4343&1/2Alabama Street in the Greater North Park Community Plan area?

Staff Recommendation -

1. APPROVE Tentative Map No. 247654 and waive the requirement to underground existing utilities.

Community Planning Group Recommendation - The proposed tentative map was presented to the Greater North Park Planning Committee on October 3, 2005 by the applicant. The community planning committee has not made a recommendation regarding the tentative map.

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 proposed conversion of twelve existing apartments to condominiums, there would be a loss of 12 rentals units and a gain of 12 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 High to Very High Density Residential at 45-55 dwelling units per acre with the opportunity of obtaining a density bonus of up to 75 units per acre through parcel accumulation and conformance with the Greater North Park Community Plan Urban Design Element guidelines (Attachment 1). The 0.305 acre site has been developed at an approximate density of 40 dwelling units per acre (Attachment 2). 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 site located at 4329-4343&1/2 Alabama Street in the MR-800B Zone of the Mid-City Communities Planned District within the Greater North Park Plan area between Mead Avenue and El Cajon Boulevard (Attachment 3). The site was zoned R-4 on 6/7/1930 and rezoned to R-3A on 2/27/1975. The site was zoned MR-800B as part of the Mid City Communities Planned District on 11/2/1987. The site is in the Transit Area Overlay Zone. The surrounding land uses are residential and institutional to the west, multi-family residential to the north and east and commercial development to the south.

The twelve existing apartments were constructed from 1952 to 1960 during which time the site was zoned R-4 which permitted multiple unit residential development (Attachment 3). Twelve residential units were allowed on the site at the time the existing units were built. The current zone would allow a maximum of 17 residential units on the site. At the time the property was developed the approved construction met all current regulations. The site is presently improved with a two buildings each of which is a combination of one- and two-stories with six apartment units in each. The site has four one-bedroom units with 425 square feet each, four two-bedroom units with 800 square feet each and four two-bedroom units with 90 square feet of living area. The property has eight single vehicle garages.

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 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 current application proposes a Tentative Map (Attachment 4) and waiver from the requirement to underground existing utilities to convert twelve existing residential units to condominiums. Electrical, telephone and cable utilities are located above ground in the alley

behind the buildings. 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 alley at the rear of the property. There is one power pole located on each of the property corners at the alley. 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 2005 designates the site within Block 3X, and is proposed to be undergrounded in Fiscal Year 2011 (Attachment 6).

### **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 August 15, 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

August 8, 2005, is subject to these regulations and has been conditioned to comply with the requirements.

### **CONCLUSION**

Staff has reviewed the request for a Tentative Map and to waive the requirement to underground existing utilities for the conversion of 12 residential units into condominiums and determined the project conforms with the applicable sections of the San Diego Municipal Code regulating Tentative Maps and Council Policy 600-25 relating to the waiver from undergrounding existing overhead utilities. Staff has provided draft findings to support approval of the tentative map and underground waiver (Attachment 5) and recommends the Planning Commission approve the project as proposed.

### **ALTERNATIVES**

1. Approve Tentative Map No. 247654 and waive the requirement to underground existing utilities, with modifications.
2. Deny Tentative Map No. 247654 and deny waiving the requirement to underground existing utilities, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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Jeffrey D. Strohminger  
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Customer Support and  
Information Division  
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John S. Fisher  
Development Project Manager  
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HALBERT/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. City's 2004 Master Underground Program
  7. Ownership Disclosure Statement

8. Government Code 66452.3; self-certification statement
9. Project Chronology
10. Project Data Sheet