



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: March 9, 2005 REPORT NO. HO-05-035

ATTENTION: Hearing Officer

SUBJECT: MYRTLE AVENUE MAP WAIVER  
PROJECT NO. 38908

LOCATION: 1732 - 1744 Myrtle Avenue

APPLICANT: Kim Brandt Langhorst, Trustee of the Kim Brant Langhorst Trust

### SUMMARY

Requested Action - Should the Hearing Officer approve a request to waive the requirements for a tentative map to convert four existing residential units into condominiums and a request to waive the requirement to underground existing overhead utilities?

Staff Recommendation - APPROVE Map Waiver No. 110404, including the request to waive the requirement to underground existing overhead utilities.

Community Planning Group Recommendation - The Greater North Park Community Planning Committee considered the project on August 18, 2004 and voted 12-0-0 to recommend approval of the project with no conditions (Attachment 9).

Environmental Review - The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301 (k), Existing Facilities.

### BACKGROUND

The 0.201-acre project site is located at 1732-1744 Myrtle Avenue, between Park Boulevard and Indiana Street, in the MR-1000 Zone of the Mid-City Communities Planned District, within the Greater North Park Community Plan (Attachment 1). The Community Plan designates the site for low-density residential development at 5-10 dwelling units per acre. The four existing units comply with the maximum allowance of one unit per 1,000 square feet of lot area allowed under

the MR-1000 zoning. Previous zoning for the site included R-3A (R-600), which was established in April 1975 and R-4 (R-400), which was established in October 1930. The project site is also located within the Transit Area Overlay Zone.

The site is presently developed with one single-story and one two-story structure, with a total of four residential units and three garage parking spaces. The four units consist of one, one-bedroom, two, two-bedroom, and one three-bedroom units. The three garage parking spaces with alley access are located within the two-story structure at the west end of the property. The parking provided conforms with the R-4 zoning requirements that were in effect when the project was constructed in 1935. The project is surrounded by multi-family development to the west and north and single- and multi-family development to the east and south.

While the project complies with existing density regulations, it does not comply with all current parking and development standards. However, 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 is requesting a Map Waiver to waive the requirements of a tentative map for the subdivision of a 0.201-acre site into one lot for a 4-unit residential condominium development. Section 125.0410 of the San Diego Municipal Code requires that a Tentative Map be processed for the subdivision of land. The Tentative Map request is a Process Three Hearing Officer decision as outlined in San Diego Municipal Code Section 125.0430 (Decision Process for a Tentative Map). According to San Diego Municipal Code Section 125.0440, Findings for Tentative Maps, the decisionmaker may approve a Tentative Map if the decisionmaker finds that the proposed division of land complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. According to San Diego Municipal Code Section 144.0444, Findings for Tentative Maps for Condominium Conversion, 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.

The Subdivision Map Act and the Land Development Code provide a process to waive the requirement for a Parcel Map and the associated Tentative Map for construction of a condominium on a single parcel. The waiver process provides a process for the construction of a condominium on a single parcel where the site was previously developed and no additional infrastructure is required. Since the subject project meets these requirements and includes four residential units under construction on a single parcel, the project is eligible for a Process Three Map Waiver.

### **Underground Utility Waiver**

San Diego Municipal Code Section 144.0240 allows the subdivider to apply for a waiver of the requirements to relocate the existing overhead utilities to an underground position 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 Developers Expense) in that the conversion involves a short span of overhead facility (less than 600 feet in length) and that the conversion is a requirement of a condominium conversion of an existing development 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 resolution.

The neighborhood currently contains power poles and overhead utility lines within the opposite side of the alley at the rear of the subject property. There are no power poles on the project site. The closest pole is located within the alley opposite the property to the west. 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 2014 (Attachment 10).

### **Community Planning Group Recommendation**

On August 18, 2004, the Greater North Park Community Planning Committee voted 12-0-0 to recommend approval the project with no conditions.

### **Other Project Issues**

The project proposes the conversion of four existing residential apartment units into condominiums. 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 June 17, 2004, and is therefore subject to these new regulations. The project has been conditioned to require the subdivider pay an Inclusionary Affordable Housing In-Lieu Fee 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 Parcel Map.

### **CONCLUSION**

Staff has reviewed the application for the map waiver and the request to waive the requirement to underground the existing utility lines. Staff has determined that the proposed condominium conversion complies with the applicable sections of the Municipal Code. Staff believes the required findings can be made to support the project (Attachment 6). The Greater North Park Community Planning Committee has voted in favor of the project. The proposed project was reviewed and exempted from the California Environmental Quality Act and as an existing facility the project is Categorical Exempt from further environmental review. Therefore, staff

recommends that the Hearing Officer approve the map waiver and waive the requirement to underground the overhead utilities.

ALTERNATIVES

1. Approve Map Waiver No. 110404, with modifications.
2. Deny Map Waiver No. 110404, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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Paul Godwin, Development Project Manager

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Map Waiver Exhibit
6. Draft Map Resolution with Findings and Conditions
7. Copy of Public Notice
8. Community Planning Group Recommendation
9. Undergrounding Master Plan – Block 3R

Job Order Number: 42-2887