

**DATE ISSUED:** January 27, 2005                      **REPORT NO.** PC-05-026

**ATTENTION:** Planning Commission, Agenda of February 3, 2005

**SUBJECT:** UTAH STREET TENTATIVE MAP - PROJECT NO. 24806  
PROCESS FOUR

**OWNER/  
APPLICANT:** Olen and Barbara Mercer (Attachment 8)  
Shamrock Environmental Design and Development

**SUMMARY**

**Issue(s)** – Should the Planning Commission approve a Tentative Map for the conversion of six (6) existing residential units into condominiums and waive the requirement to underground existing overhead utilities at 4666 Utah Street, within the Greater North Park Community Plan area?

**Staff Recommendation:**

1.     **Approve** Tentative Map No. 65412; and
2.     **Approve** waiver to the requirement for the undergrounding of the existing overhead utilities.

**Community Planning Group Recommendation** - On June 16, 2004, the Greater North Park Planning Committee considered the project and voted 12-0-0 in favor of the project with four recommendations, which are discussed in the 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).

**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 six existing apartments to condominiums, there would be a loss of six rental units and a gain of six for-sale units. This condominium conversion project was deemed complete on March 16, 2004, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance.

## **BACKGROUND**

The 0.16-acre site is located at 4666 Utah Street between Madison Avenue and Adams Avenue in the MR-1500 Zone of the Mid-City Communities Planned District within the Greater North Park Community Plan area (Attachment 3). The site is presently developed with a 2-story building consisting of six 2-bedroom residential units. The development also provides twelve off-street parking spaces. Four tandem spaces are provided in two garages with access provided from Utah Street. There are four garage spaces and four surface parking spaces in the rear of the property with access provided from the Alley. Surrounding land use consists of multi-unit residential development.

The site is currently zoned MR-1500 and is within the Mid-City Communities Planned District established in November 1987. The site is also within the Transit Area Overlay Zone applied over the area in October 1992. The six-unit residential complex was issued building permits in December 1989, subject to the MR-1500 Zone development regulations. A maximum of 5 units are permitted on the subject 7,000-square-foot site based on the 1 unit per 1,500 square feet of lot area allowed in the MR-1500 Zone. The additional unit was permitted pursuant to a Density Bonus Agreement with the Housing Commission executed in June 1990 (Attachment 12). Pursuant to the Density Bonus Agreement, one 2-bedroom unit is required to be rent and occupancy restricted for low income households for 20 years from the date of original occupancy. Upon termination of the Density Bonus Agreement on October 1, 2010, the property owner may sell the one bonus unit as a market rate unit. At the time the development was issued building permits, a total of 9 residential parking spaces and 3 supplemental parking spaces were required, which have been provided. 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.

In conjunction with the Density Bonus Agreement, the six-unit development complies with the current density allowed. With respect to project parking, the 12 spaces provided exceeds the maximum of 11 spaces required under the current requirement of 1.75 spaces per unit.

## **DISCUSSION**

### **PROJECT DESCRIPTION:**

The project proposes a Tentative Map for the subdivision of a 0.16-acre site to consolidate 2 lots into one lot and for the conversion of six multi-family dwelling units 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 a) the conversion involves a short span of overhead facility (less than 600 feet in length), and b) 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 Tentative Map resolution (Attachment 6).

The neighborhood currently contains power poles and overhead utility lines along the west side of the alley right of way and do not abut the project site. Service to the site is provided via an overhead utility line connected to a power pole located in the alley approximately 3 feet north of the project site. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3-Y, which is proposed to be undergrounded in Fiscal Year 2008 (Attachment 10).

#### **COMMUNITY PLANNING GROUP RECOMMENDATION:**

The Greater North Park Planning Committee considered the project on October 18, 2004 and voted 12-0-1 in favor of the project with the following recommendations: grant first right of refusal; maximize landscaping and parking; save historic sidewalk stamps and scoring; and underground utilities. The project has been conditioned to require first right of refusal. Based on the preceding information, staff continues to support the undergrounding request. The project complies with current parking requirements. The project proposes to convert existing residential units to condominiums with no physical change to the existing development, and has previously conforming rights. The applicant is not required to provide any additional landscaping required pursuant to current municipal code regulations.

**PROJECT RELATED ISSUES:**

The requested conversion of these residential units to condominiums represents primarily a change in ownership.

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 March 16, 2004, and is therefore subject to these new regulations and the applicant has selected to pay an in-lieu fee. The project has been conditioned to require the subdivider pay an Inclusionary Affordable Housing In-Lieu Fee of \$2,737.00 based on \$0.50 per square footage 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 Final Map.

**CONCLUSION:**

Staff has reviewed the request for a Tentative Map for the conversion of six residential units into condominiums and the request to waive the requirements of the undergrounding of existing overhead utilities, 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. 65412, with modifications.**
2. **Deny Tentative Map No. 65412, if the findings required to approve the project cannot be affirmed.**

**Respectfully submitted,**

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**Marcela Escobar-Eck**  
**Deputy Director, Project Management Division**  
**Development Services Department**

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**Firouzeh Tirandazi**  
**Development Project Manager**  
**Development Services Department**

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**Attachments:**

1. Aerial Photograph of Project Site
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 3-Y
11. Copy of Sample Notice to Tenants
12. Density Bonus Agreement

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