

**DATE ISSUED:** January 6, 2006 **REPORT NO. PC-06-025**

**ATTENTION:** **Planning Commission, Agenda of January 12, 2006**

**SUBJECT:** TERRACE PARK TENTATIVE MAP - PROJECT NO. 62881  
PROCESS FOUR

**OWNERS:** Terrace Park Corporation (Attachment 8)

**APPLICANT:** The Keith Companies, Engineer

**SUMMARY**

**Issue:** Should the Planning Commission approve a Tentative Map for the conversion of 29 existing residential units into condominiums at 1801-43 Myrtle Avenue and 1804-26 Upas Street, within the Greater North Park Community Plan Area?

**Staff Recommendation:**

1. **Approve** Tentative Map No. 187174and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

**Community Planning Group Recommendation:** The Greater North Park Planning Committee voted 14-0-0 to recommend approval of the proposed project on April 19, 2005, with no recommended conditions (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). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on March 8, 2005, and the opportunity to appeal that determination ended March 30, 2005.

**Fiscal Impact Statement:** 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 29 existing apartments to condominiums, there would be a loss of 29 rental units and a gain of 29 for-sale units. This condominium conversion project was deemed complete on February 15, 2005, and is therefore subject to the new regulations regarding Inclusionary housing and tenant relocation assistance.

## **BACKGROUND**

The 1.6-acre site is located at 1801-43 Myrtle Avenue and 1804-26 Upas Street in the MR-1000 Zone of the Mid-City Communities Planned District, within the Greater North Park Community Plan Area (Attachment 3). The site is presently developed with 1 three-story and 4 two-story structures containing a total of 20 two-bedroom units, 8 three-bedroom units, and 1 studio unit. Forty-one off-street parking spaces are provided on the site and are accessed from Myrtle Avenue and Upas Street. The site is bounded to the north by single-family development. Balboa Park is located to the south across Upas Street, while to the east is a canyon and multi-family development, and to the west is multi-family development.

The existing improvements were constructed in approximately 1957 and 1958. At that time the site was zoned R-4 and would have allowed for 174 dwelling units. There were no parking requirements in effect for multi-family development in 1957/1958; parking requirements became effective in multi-family zones in 1960. However, the project was constructed with 41 off-street parking spaces. 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 conforms with the current density requirement of one unit per 1,000 square feet in the MR-1000 Zone, which would allow 70 units to be constructed today. Under current criteria, 58 off-street parking spaces would be required. 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 proposes a Tentative Map for the subdivision of a 1.6-acre site to convert 29 existing dwelling units into condominiums on two existing parcels (Attachment 5). The applicant is also requesting that the requirement for the undergrounding of 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 of Existing Utilities

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 involves a short span of overhead facility (less than 600 feet in length).

The applicant will be required to underground all existing service to the site per Condition No. 15 of the draft Tentative Map resolution (Attachment 6). The applicant would also 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 utilities lines in the Myrtle Avenue and Upas Street rights-of-way. The utility lines to these poles extend to other properties located east and west. As indicated above, all utilities serving this property will be required to be undergrounded. The waiver is being requested for the requirement to underground adjacent utilities serving the surrounding properties. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 3R, and the date for undergrounding has been established for the year 2016 (Attachment 10).

#### **Community Planning Group and Neighborhood Recommendations:**

The Greater North Park Planning Committee voted 14-0-0 to recommend approval of the proposed project on April 19, 2005, with no recommended conditions (Attachment 7). No communications have been received from the surrounding neighborhood.

#### **Project-Related Issues:**

The requested conversion of these residential units to condominiums represents primarily a change in ownership. The applicant has certified that the required 60-day Notices of Intent to Convert to Condominiums were provided to the tenants between February 14, 2005 and March 20, 2005 (Attachment 11).

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 February 15, 2005, and is therefore subject to these new regulations. The project has 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.

**Conclusion:**

Staff has reviewed the request for a Tentative Map for the conversion of 29 residential units into condominiums and has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps. Staff believes the requirement findings can be supported and recommends the Planning Commission approve the project as proposed.

**ALTERNATIVES**

1. **Approve Tentative Map No. 187174with modifications.**
2. **Deny Tentative Map No. 187174if the findings required to approve the project cannot be affirmed.**

**Respectfully submitted,**

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**Jeffrey D. Strohminger**  
**Acting Deputy Director, Customer Support**  
**and Information Division**  
**Development Services Department**

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**Michelle Sokolowski**  
**Customer Support and**  
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**Development Services Department**

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Attachments:

1. Aerial Photograph
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 3R
11. Certification of 60-Day Notice of Intent to Convert (originals on file)
12. Photos of Existing Front and Rear Elevations