



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: June 8, 2005                      REPORT NO. HO -05-099  
ATTENTION: Hearing Officer

SUBJECT: BUENOS AVENUE MAP WAIVER  
PTS PROJECT NUMBER: 55197

LOCATION: 1225-1229 Buenos Avenue and 5110 Savannah Street

APPLICANT: Robert Bateman

### SUMMARY

Requested Action - Should the Hearing Officer approve a request to waive the requirements of a Tentative Map to convert three existing residential units to condominiums at 1225-1229 Buenos Avenue and 5110 Savannah Street?

#### Staff Recommendation -

1. APPROVE Map Waiver No. 166998, including the request to waive the requirement to underground existing overhead utilities.

Community Planning Group Recommendation – On January 24, 2005, the Linda Vista Community Planning Committee voted 9-3-0 to recommend approval of the project, subject to compliance with all city requirements.

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).

### BACKGROUND

The 0.215 acre site is located at the southeast corner of the intersection of Buenos Avenue and Savannah Street east of Morena Boulevard in the RM-1-1 Zone within the Linda Vista Community Plan area (Attachment 3). The community plan designates this site for low density and the existing use is consistent with this designation. The site is presently developed with

three, one-story residential structures and two detached garages containing five vehicle parking spaces. The site is surrounded by residential uses.

## **DISCUSSION**

### **Project Description**

The project proposes a Map Waiver to waive the requirements of a Tentative Map for the subdivision of this 0.21 acre site to convert three (3) existing residential units to condominiums on one proposed lot (Attachment 5).

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 Tentative Map for construction of a condominium on a single parcel. The waiver process provides for the conversion of four or fewer residential units to condominiums where the site was previously developed and no additional infrastructure is required. Since the subject project meets these requirements and includes three residential units, 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 it has been determined that such conversion is not a part of a continuing effort to accomplish a total undergrounding within a specific street or area. 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 Buenos Avenue, Savannah Place alley and Savannah Street rights-of-way adjacent to the site. The City's

Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 6A, and is proposed to be undergrounded in Fiscal Year 2009 (Attachment 7).

### **Community Planning Group Recommendation**

On January 24, 2005, the Linda Vista Community Planning Committee voted 9-3-0 to recommend approval of the project, with no conditions but subject to compliance with all city requirements.

### **CONCLUSION:**

Staff has reviewed the request for a Map Waiver for the conversion of three (3) 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 and Map Waivers. Staff believes the required findings can be supported and recommends the Hearing Officer approve the project as proposed.

### **ALTERNATIVES**

- 1. Approve Map Waiver No. 166998, with modifications.**
- 2. Deny Tentative Map No. 166998, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

---

Jeannette Temple, 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 (to Hearing Officer Only)
6. Draft Map Waiver Resolution
7. Undergrounding Master Plan
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. Examples of Notices to Tenants