



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: June 15, 2005

REPORT NO. HO-05-109

ATTENTION: Hearing Officer

SUBJECT: NORTH PARK BUNGALOWS MAP WAIVER,  
PROJECT NO. 65303

LOCATION: 3950-3956 Arizona Street

OWNER/  
APPLICANT RICHARD J. MARCIANO and ANA L. LOPEZ

### SUMMARY

Requested Action - Should the Hearing Officer approve a request to waive the requirements for a tentative map to convert 4 residential units under construction into condominiums and a request to waive the requirement to underground existing overhead utilities?

### Staff Recommendation -

APPROVE Map Waiver No. 198045 including the request to waive the requirement to underground existing overhead utilities.

Community Planning Group Recommendation – The Greater North Park Planning Committee considered the project on April 19, 2005 and voted 8-1-4 recommending denial of the project because the project does not contribute to the long term fabric of the community, nor its diverse architectural style as described in the North Park Community Plan (Attachment 7).

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

## **BACKGROUND**

The 0.22-acre project site is located on the west side of Arizona Street north of University Avenue at 3950-3956 Arizona Street within the Greater North Park Community Plan area (Attachment 2). The Community Plan designates the site for residential development with a density of 15 - 45 dwelling units per acre (Attachment 1). The site is surrounded by multi-unit residential development to the north, south, east, and west.

The project site is located in the MR-800B Zone of the Mid-City Communities Planned District established in November 1987. The property is also within the Transit Area Overlay Zone applied to the area in October 1992. Building permits for the four unit residential project were issued on December 22, 2004. The project is currently under construction and consists of two 3-story duplex buildings consisting of 4 residential units in a combination of two 2-bedroom and two 3-bedroom units, and a total of eight garage spaces. The 4-unit development on the approximately 9,583-square-foot site is in compliance with the maximum density of 1 unit per 800-square-foot allowed in the MR-800B zone. The eight parking spaces provided are consistent with the 1.75-space per unit requirement for the project. The project has been designed in compliance with the applicable development regulations.

## **DISCUSSION**

### **Project Description**

The project is requesting a Map Waiver to waive the requirements of a tentative map for the subdivision of a 0.22-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.

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). 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 alley right-of-way. The closest poles are located directly across the project site and approximately 10 feet north of the project site. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3-R, and is proposed to be undergrounded in Fiscal Year 2014 (Attachment 8).

### **Community Planning Group Recommendation**

The Greater North Park Planning Committee recommended denial of the project on the basis that the project does not contribute to the long term fabric of the community, nor its diverse architectural style as described in the North Park Community Plan. The 4-unit residential project is in compliance with all applicable regulations of the municipal code. Building permits for the subject development were issued on December 22, 2004. The applicant has submitted an application for a Map Waiver to convert the residential units to condominiums. This process is subject to discretionary review and a Process 3 Hearing Officer decision. As required, the Map Waiver exhibit was distributed to the Greater North Park Planning Committee for a recommendation on the proposed conversion of the units to condominiums and not the design of the project as the project has already been approved and is under construction. Staff believes that the project has been reviewed and processed in accordance with the applicable regulations of the Municipal Code.

### **Other Project Issues**

The project proposes the conversion of four residential units that are currently under construction into condominiums. The project was required to pay an inclusionary housing in-lieu fee at the time building permits were issued.

### **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 map waiver for the creation of four condominium units complies with the applicable sections of the Municipal Code. Staff believes the required findings can be made to support the project (Attachment 5). The proposed project was reviewed and exempted from the California Environmental Quality Act and as an existing facility the project is Categorically 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. 198045, with modifications.
2. Deny Map Waiver No. 198045, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

---

Firouzeh Tirandazi, Development Project Manager

Attachments:

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

Job Order Number: 42-4132