

neighborhood of the Mid-City Communities Planned District area on a 0.16-acre site designated for multi-family residential development.

The four multi-family units maintained on the property consist of one, one-story detached single-family unit that was built in 1949 and a two-story structure with three units that was permitted in 1957 under the R-400 zone. The development complied with the allowable density and development regulations in effect at that time. In 1957, this zone allowed one dwelling unit for every 400 square feet of lot area which would have permitted a maximum of 17 dwelling units to be built on this site. In 1957, no on-site parking was required for the zone, however seven off-street parking spaces were provided and are maintained on the site. The development complies with the allowable density and development regulations currently in effect and relevant to this site. However, the four existing units with seven off-street parking spaces conform to the regulations through previously conforming rights. The Land Development Code does not allow the reduction of existing off-street parking spaces that are not required.

DISCUSSION/ANALYSIS

Section 125.0120 of the San Diego Municipal Code allows an applicant to request a waiver of the Tentative Map requirements as provided by the Subdivision Map Act. The Map Waiver request is a Process Three, Hearing Officer decision as outlined in San Diego Municipal Code Section 125.0121, Decision Process for Map Waivers. According to San Diego Municipal Code Section 125.0122, Findings for Map Waivers, the decision maker may approve a Map Waiver if the decision maker finds that the proposed division of land complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. San Diego Municipal Code Section 144.0240 allows an applicant 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 it involves a span of less than 600 feet, is not part of a continuing effort to accomplish undergrounding within a specific street or area, and the conversion would represent an isolated undergrounding with a minimum probability of extension in the future and 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 project site is located on the west side of Hamilton Street, south of Adams Avenue, within Council District Three. The project currently contains overhead utility lines, which are located within the alley and along Hamilton Street. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3Y, proposed to be undergrounded in Fiscal Year 2008 (Attachment 7).

The Greater North Park Planning Committee recommended the following conditions:

1. That the underground waiver not be approved.
2. That the historic sidewalk stamps/scoring be preserved.
3. On-site parking site be maximized.
4. New and appropriate landscaping be incorporated into the project.
5. The right of first refusal to purchase be given to the current tenants.

The applicant's request to waive the undergrounding of the existing utilities meet the waiver criteria found in Council Policy 600-25 and therefore this recommendation will not be instituted. Recommendation two will be preserved, however, recommendations three and four were considered and the current development regulations do not require any improvements be made to the site as part of the Map Waiver request. The applicant has chosen to maintain the previously conforming conditions found on the property which complied with the R-400 development regulations at the time of development. Recommendation five has been incorporated into the draft Resolution as Condition No. 8.

CONCLUSION

Staff has reviewed the Map Waiver request to waive the regulations for a Tentative Map and to waive the requirements for the undergrounding of existing overhead utilities. The project is in conformance with the applicable sections of the San Diego Municipal Code regulating Map Waivers and Council Policy 600-25 regulating undergrounding of existing overhead utilities. The development is consistent with the residential land use designation of the Mid-City Communities Plan. Staff has determined the required findings can be made and the Development Services Department recommends project approval.

ALTERNATIVES

1. Approve Map Waiver No. 73234 with modifications.
2. Deny Map Waiver No. 73234 if it is determined the required findings to approve the project can not be supported.

Respectfully submitted,

Linda D. French,
Development Project Manager

- Attachments:
1. Draft Resolution with Findings & Conditions
 2. Ownership Disclosure Statement
 3. Project Data Sheet
 4. Copy of Project Plans (forwarded to HO)
 5. Copy of Public Notice (forwarded to HO)
 6. Community Planning Group Recommendation
 7. Undergrounding Master Plan Map
 8. Project Chronology

Job Order Number 42-2393