



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: September 15, 2004 REPORT NO.: HO-04-145
ATTENTION: HEARING OFFICER
SUBJECT: CLEVELAND ROW HOMES MAP WAIVER - PROJECT NO. 38677
LOCATION: 4313 Cleveland Avenue
APPLICANT: Shui-Kuen Fan

SUMMARY

Requested Action - Should the Hearing Officer approve Map Waiver No. 132304 for the conversion of four newly created residential units to condominiums?

Staff Recommendation(s) - Approve Map Waiver No. 132304 to waive the requirements for a Tentative Map and to waive the requirements for the undergrounding of existing overhead utilities.

Community Planning Group Recommendation - On August 3, 2004, the Uptown Planners voted 14/0/0 in favor of the proposed Map Waiver with recommended conditions.

Environmental Review - The project is exempt from the California Environmental Quality Act pursuant to Article 19, section 15301(k) on the basis the development is an existing facility.

BACKGROUND

The project proposes a Map Waiver to waive the requirements for a Tentative Map for the conversion of two existing residential units into condominiums. The applicants are also requesting a waiver from the requirement to underground existing overhead utilities.

The project is located at 4313 Cleveland Avenue in the MR-1500 Zone of the Mid-City Communities Planned District within the Uptown Community Planning area, on a 0.22-acre site designated for multi-family residential development.

The four newly created multi-family units (two duplexes) were permitted by Building Permits No. 28076 and 28100 on December 18, 2003. They are currently under construction and are being built in compliance with the MR-1500 Zone and the approved set of plans. Both duplexes are three-stories where one houses 3 bedrooms, 2 baths, a 2 car garage, decks and a fireplace and the other duplex consists of 2 bedrooms, 2 baths, a 2 car garage, decks and a fireplace. The development complies with the allowable density and development regulations currently in effect and the units have not been issued the Certificate of Occupancy.

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 east side of Cleveland Avenue, south of Meade Avenue, within Council District Three. The project's overhead utility lines are located along Cleveland Avenue and within the alley. The City Council has determine that the undergrounding of this site, Block 3W (Attachment 7) per the City's Undergrounding Master Plan for Fiscal Year 2004, will occur in 2010.

The San Diego Housing Commission and City staff has determined that the conversion of the four dwelling units is subject to the Inclusionary Housing Ordinance and the Condo Conversion Ordinance. As such, the applicant has agreed and has already paid an in-lieu fee to the Housing Commission to satisfy the Inclusionary Housing Ordinance.

The Uptown Planners 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. Recommendations 2, 3 and 4 have all been addressed in the review of the building permits and were found to be in compliance with the groups recommendations. Recommendation 5 is not applicable because the units are currently under construction and therefore have no tenants occupying them.

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 Greater North Park Community Plan. Staff has determined the required findings can be made and the Development Services Department recommends project approval.

ALTERNATIVES

1. Approve Map Waiver No. 132304 with modifications.
2. Deny Map Waiver No. 132304 if it is determined the required findings to approve the project cannot 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 42-2878