



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: December 8, 2004

REPORT NO. HO-04-192

ATTENTION: Hearing Officer

SUBJECT: VILLAS AT MONTECITO MAP WAIVER,
PROJECT NO. 40749

LOCATION: 4146 First Avenue

APPLICANT: Thomas J. Moore

SUMMARY

Requested Action - Should the Hearing Officer approve a request to waive the requirements for a tentative map to convert 3 residential units under construction into condominiums and a request to waive the requirement to underground existing overhead utilities?

Staff Recommendation -

APPROVE Map Waiver No. 115739 including the request to waive the requirement to underground existing overhead utilities.

Community Planning Group Recommendation – The Uptown Planning Committee considered the project on November 2, 2004 and voted unanimously on the consent agenda recommending approval of the project with five recommendations, which are discussed in the report (Attachment 9).

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

BACKGROUND

The 0.11-acre project site is located at the southwest corner of First Avenue and Montecito Way at 4146 First Avenue within the Uptown Community Plan area (Attachment 1). The Community

Plan designates the site for residential development with a density of 44 - 73 dwelling units per acre. The site is bounded by a single family home to the south, multi-unit residential development to the west and east, and an office to the north.

The project site is located in the MR-800B Zone of the Mid-City Communities Planned District established in May 1989. Building permits for the three unit residential project were issued on June 29, 2004. The project is currently under construction and includes a 3-story building consisting of three 3-bedroom units on a 0.11-acre site. The project also provides a total of six garage spaces. The 3-unit development on the approximately 5,000-square-foot site is in compliance with the maximum density of 1 unit per 800 square feet of lot area allowed in the MR-800B zone. The six off-street parking spaces provided are consistent with the required parking spaces for the three 3-bedroom units located in the Transit Overlay Zone. 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 0.11-acre site into one lot for a 3-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. 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 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) and that the conversion is a requirement of a condominium conversion of an existing development and the conversion 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 neighborhood currently contains power poles and overhead utility lines within the rights-of-way of First Avenue and Montecito Way adjacent to the project site. The closest poles are located approximately 15 feet east of the project site at the southwest corner of Montecito Way and First Avenue, and 10 feet west of the project site within the right-of-way of Montecito Way. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3U, and is proposed to be undergrounded in Fiscal Year 2011 (Attachment 10).

Community Planning Group Recommendation

The Uptown Community Planning Committee recommended approval of the proposed project with five recommendations: to not grant a waiver for the undergrounding of utilities; to require the applicant grant first right of refusal; to require existing landscaping to be brought into compliance with current requirements; to preserve historic sidewalk stamps and scoring; and to maximize parking (Attachment 9). Based on the preceding information, staff continues to support the undergrounding waiver request. The recommendation to grant the first right of refusal is not applicable as the development is under construction. With respect to the recommendations related to parking and landscaping, the project has been designed in accordance with current development regulations.

Other Project Issues

The project proposes the conversion of three 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 condominium conversion complies with the applicable sections of the Municipal Code. Staff believes the required findings can be made to support the project (Attachment 6). The Uptown Planning Committee has voted in favor of the project. 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. 115739, with modifications.
2. Deny Map Waiver No. 115739, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Firouzeh Tirandazi, 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
6. Draft Map Resolution with Findings and Conditions
7. Project Chronology
8. Copy of Public Notice
9. Community Planning Group Recommendation
10. Undergrounding Master Plan – Block 3U

Job Order Number: 42-2976

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