



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: December 22, 2004

REPORT NO. HO-04-201

ATTENTION: Hearing Officer

SUBJECT: 2127 GRAND AVENUE
PROJECT NO. 49731

LOCATION: 2127 Grand Avenue

OWNER/
APPLICANT: J. R. McCleary Real Estate, LLC/
Donald Baker

SUMMARY

Requested Action - Should the Hearing Officer approve Tentative Map No. 170485, Coastal Development Permit No. 144197 to amend Coastal Development Permit No. 6264, and waive the requirement to underground existing overhead utilities to create four residential condominiums units on a 0.143-acre site?

Staff Recommendation –

1. APPROVE Tentative Map No. 170485;
2. APPROVE Coastal Development Permit No. 144197; and
3. APPROVE waiver to the requirement for the undergrounding of the existing overhead utilities.

Community Planning Group Recommendation - On October 25, 2004, the Pacific Beach Community Planning Committee voted 19-0-0 to recommend approval of the proposed project with no conditions (See Attachment 7).

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).

Fiscal Impact - None with this action. All costs associated with the processing of this project are paid by the applicant.

Code Enforcement Impact - None with this action.

Housing Impact Statement – With the proposed conversion of four existing apartments to condominiums, there would be a loss of four rental units and a gain of four for-sale units. This condominium conversion project was deemed complete on September 13, 2004, and is subject to the Inclusionary Affordable Housing requirements of the San Diego Municipal Code (SDMC) which requires 10% affordable units or payment of an in-lieu fee. The applicant plans to pay an in-lieu fee instead of providing affordable housing on site to satisfy the requirements. The project is currently under construction and would not be subject to the tenant relocation assistance regulations.

BACKGROUND

The 0.143-acre site is located at 2127 Grand Avenue, east of Noyes Street in the RM-2-5 zone, the Coastal Overlay zone (non-appealable area), and Coastal Height Limit Overlay zone, within the Pacific Beach Community Planning area (Attachment 2). The site is designated within the Pacific Beach Community Plan for Residential use, 14-29 dwelling units per acre (Attachment 3). The site is developed with two-duplexes that are currently under construction. The buildings consist of one, two-bedroom apartment unit, and three, three-bedroom apartment units as well as 9 off-street parking spaces which are accessed from the alley.

The two-duplexes were approved under Coastal Development Permit No. 6264, issued on May 1, 2002 (Attachment 4). The building permits were approved under Plan File No. A103484-03, and were issued on September 29, 2003. The project complies with the development regulations of the RM-2-5 zone, the Coastal Overlay zone, and the Coastal Height Limit Overlay zone.

The proposed project will self-generate at least 50 percent of its electrical energy needs through photovoltaic technology (solar panels). Because the project utilizes renewable technologies and qualifies as a Sustainable Building under Council Policies 900-14 and 600-27, the land use approvals have been processed through the “Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.”

DISCUSSION

Project Description:

The project proposes a Tentative Map for the subdivision of a 0.143-acre site to convert two-duplexes into condominiums on two existing lots (Attachment 6). The applicant is also requesting that the requirement for the undergrounding of the existing overhead utilities be waived.

Section 125.0410 of the SDMC requires that a Tentative Map be processed for the subdivision of land. According to SDMC Sections 125.0440 and 125.0444, *Findings for Tentative Maps and for Condominium Conversions*, 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 SDMC. Staff has reviewed the proposed condominium conversion and determined that it complies with both the Subdivision Map Act and the SDMC.

Undergrounding Waiver Request:

The project site is located on the south side of Grand Avenue, between Noyes Street and Olney Street, within Council District Two. The project currently contains overhead utility lines, which are located within the alley that is currently supplying utility service to the site and the surrounding community. The project has already been undergrounded and is connected to one utility pole within the right-of-way located across the alley that is approximately 25-feet from the rear property line. The request for the Undergrounding Waiver is for the utility poles within the right-of-way in the alley. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 2U and a date has not been determined by City Council for the undergrounding of this block (Attachment 8).

SDMC Section 144.0240 allows the subdivider to apply for a waiver from the requirement to underground the existing overhead utilities 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 Developer's Expense*, in that the conversion is a requirement of a condominium conversion of an existing development, the conversion involves a short span of overhead facilities less than a full block in length, 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. 6 of the draft Tentative Map resolution (Attachment 11).

Community Planning Analysis:

The project site is located within a Residential-Medium Density (14-29 dwelling units per acre) section of the Pacific Beach Community Planning area. This density occurs primarily along Sail Bay, Grand Avenue, Hornblend Street and Lamont Street, and is characterized by four-plexes or four-unit condominiums. The existing development is bounded on either side by existing development consisting of a two-story, multi-unit complex and a single-family residence. The property across the street and to the rear of the subject property consists of a mixture of multi-family residential development. The immediate area is surrounded by sites with similar zoning and land use designation. The Pacific Beach Community Plan encourages the development of a variety of housing types and styles to provide a greater opportunity for housing that is both affordable and accessible.

Project Related Issues:

The requested conversion of these residential units to condominiums represents primarily a change in ownership. This condominium conversion project was deemed complete on September 13, 2004, and is therefore subject to the new regulations regarding Inclusionary Housing and will be paying an In-Lieu Fee pursuant to the Section 142.1310 of the San Diego Municipal Code. The project is currently under construction and would not be subject to the tenant relocation assistance regulations.

CONCLUSION:

Staff has reviewed the request for a Tentative Map for the conversion of two-duplexes into condominiums and the request to waive the requirements of the undergrounding of existing overhead utilities, and has found the project to be in conformance with the applicable sections of the SDMC regulating Tentative Maps and Council Policy 600-25 regulating undergrounding of existing overhead utilities.

The project proposes to utilize renewable technology, self-generating at least 50 percent of its electrical energy needs through photovoltaic technology (solar panels), thus meeting the requirements of Council Policy 900-14, the City Council's Sustainable Building Policy.

Staff has determined that the development is consistent with the land use designation of the Pacific Beach Community Plan, Local Coastal Program Land Use Plan, the Progress Guide and General Plan, the Strategic Framework Element, and the Inclusionary Affordable Housing Ordinance, and believes the required findings can be supported. Therefore, staff recommends that the Hearing Officer acknowledge the Environmental Exemption, and approve Tentative Map No. 170485, Coastal Development Permit No. 144197, and the waiver to the requirement for the undergrounding of the existing overhead utilities.

ALTERNATIVES

1. Approve Tentative Map No. 170485, Coastal Development Permit No. 144197, and the waiver to the requirement for the undergrounding of the existing overhead utilities with modifications.
2. Deny Tentative Map No. 170485, Coastal Development Permit No. 144197, and the waiver to the requirement for the undergrounding of the existing overhead utilities if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Jeffrey A. Peterson
Development Project Manager
Development Services Department

PETERSON:JAP

Attachments:

1. Aerial Photograph
2. Project Location Map
3. Community Plan Land Use Map
4. Coastal Development Permit No. 6264
5. Project Data Sheet
6. Project Plans (Reduced)
7. Community Planning Group Recommendation
8. City's Undergrounding Master Plan for Fiscal Year 2004 - Block 2U
9. Draft Coastal Development Permit with Conditions
10. Draft Coastal Development Permit Resolution with Findings
11. Draft Tentative Map Resolution with Conditions
12. Ownership Disclosure Statement
13. Project Chronology
14. Copy of Public Notice
15. Copy of Project Plans (Full size-forwarded to HO)
16. Copy of Environmental Document (forwarded to HO)

Job Order Number 42-3373