



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: March 9, 2005 REPORT NO. HO-05-038

ATTENTION: Hearing Officer

SUBJECT: 4711-15 IDAHO STREET MAP WAIVER
PROJECT NO. 44777

LOCATION: 4711 – 4715 Idaho Street

APPLICANT: Todd Huffine, Marlin Properties, LLC

SUMMARY

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

Staff Recommendation - APPROVE Map Waiver No. 131326, including the request to waive the requirement to underground existing overhead utilities.

Community Planning Group Recommendation – The Greater North Park Community Planning Committee considered the project on February 15, 2005, and voted 6-4-1 to recommend denial of the project due to parking issues, which is 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 0.16-acre project site is located at 4711 - 4715 Idaho Street in the CN-3 Zone of the Mid-City Communities Planned District, within the Greater North Park Community Plan (Attachment 2). The Community Plan designates the site for mixed use commercial and residential development. Adjacent uses include commercial development to the south, west and east with a

new multi-family development to the north. This site is comprised of portions of the original subdivision lots and does not have alley access, although an alley exists to the east of the site.

The project site is located in the CN-3 Zone of the Mid-City Communities Planned District established in November 1987 and is within the Transit Overlay Zone. Prior to the CN-3 Zone, the C Zone was applied to the area in June 1930. According to the applicant, the three-unit residential project was constructed in 1920, prior to zoning being applied to the property. However, the C Zone applied in 1930 would have permitted residential development, as does the current CN-3 Zone. The project meets current density allowances (3 units where 5 are permitted), but deviates from current parking criteria. The 3-unit residential project has a duplex at the front of the property, a one-story single unit at the rear, and a two-car garage at the rear. The garage is accessed via a driveway from Idaho Street at the front of the property. Only the two garage spaces can be counted for legal parking spaces. In 1920, and until 1960, there were no on-site parking requirements for multi-family residential development. The project complies with current density criteria, but may not comply with all current development regulations. However, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.

DISCUSSION

Project Description

The project is requesting a Map Waiver to waive the requirements of a tentative map for the subdivision of a 0.115-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 condominium conversion on a single parcel. The waiver process provides a process for a condominium conversion 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 the conversion of three existing residential units 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 represent an isolated undergrounding with a minimum probability of extension in the future. 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 which is to the east of the subject property, but not abutting the site. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3Y, and is proposed to be undergrounded in Fiscal Year 2008 (Attachment 7).

Community Planning Group Recommendation

The Greater North Park Community Planning Committee recommended denial of the proposed project based on the amount of parking existing at the site (Attachment 6). As indicated above, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. Since no construction is proposed with this project, no additional parking is required. However, based on this information and Land Development Code requirements, staff continues to support the proposed Map Waiver project.

Other Project Issues

The project proposes the conversion of three existing residential apartment units into condominiums. All condominium conversion projects Deemed Complete on or after February 7, 2004, must conform with the new regulations regarding inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. This proposed project was Deemed Completed on August 4, 2004, and is therefore subject to these new regulations. The project has been conditioned to require the subdivider pay an Inclusionary Affordable Housing In-Lieu Fee pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code), and demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5), to the satisfaction of the City Manager and the Housing Commission, prior to the recordation of the Parcel Map.

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 5). The proposed project was reviewed and exempted from the California Environmental Quality Act and as an existing facility the project is Categorical 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. 131326, with modifications.
2. Deny Map Waiver No. 131326, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Michelle Sokolowski, 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. Community Planning Group Recommendation
7. Undergrounding Master Plan – Block 3Y

Job Order Number: 42-3128