



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: April 13, 2005 REPORT NO. HO 05-065

ATTENTION: Hearing Officer

SUBJECT: THORN STREET MAP WAIVER
PTS PROJECT NO. 55338

LOCATION: 1410 W. Thorn Street

APPLICANT: Christine Baird

SUMMARY

Requested Action - Should the Hearing Officer approve Map Waiver No. 161262 and waive the requirements to underground existing overhead utilities to allow the conversion of a 3,761.26 square foot site into one lot for a two unit condominium?

Staff Recommendation -

1. Acknowledge the project is exempt from environmental review pursuant to Article 19, Section 15301(k) of the California Environmental Quality Act (CEQA) on the basis the facilities are existing;
2. APPROVE Map Waiver No. 161262; and
3. APPROVE wavier to the requirement for the undergrounding of the existing overhead utilities.

Community Planning Group Recommendation – The Uptown Planners voted, on March 1, 2005, to recommend approval of the application by a vote of 15:0:0, with conditions. A full discussion of the eight conditions is provided in this report.

Environmental Review - The project is exempt from environmental review pursuant to Article 19, Section 15301(k) of the California Environmental Quality Act (CEQA) on the basis the facilities are existing.
facility.

Fiscal Impact - None with this action. All of the costs associated with the processing of Map Waiver No. 161262 are paid by the applicant.

Code Enforcement Impact - None.

Housing Impact Statement - Approval of the proposed conversion would result in an increase of two for-sale market-rate units and the loss of two existing rental units. The project will comply with the Affordable Housing requirements.

BACKGROUND

The 3,761.26 square foot site is located at 1410 W. Thorn Street in the Uptown Community Planning 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 zoned MR-3000 zone of the Mid-City Planned District and is surrounded by multi- and single family development. The urbanized site does not contain or adjacent to the Multi-Habitat Planning Area (MHPA).

DISCUSSION

The project proposes to waive the Tentative Map for the subdivision of a 3,761.26 square foot site into one lot for a two unit condominium conversion. The applicant is also requesting that the requirement for the undergrounding of existing overhead utilities be waived.

According to San Diego Municipal Code §125.0440 and §144.0444 the decision-maker may approve a Map Waiver if the decision-maker finds 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 the decision-maker may approve a Tentative Map for the purposes of the conversion of residential property into a condominium project if the decision-maker finds the proposed conversion complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code.

The requested conversion of these residential units to condominiums represents primarily a change in ownership and no other entitlements are granted by this approval. This condominium conversion application was deemed complete November 30, 2004, and is subject to Inclusionary Housing requirements. The applicant has chosen to pay the In-Lieu Fee pursuant to §142.1310 of the San Diego Municipal Code and has met the relocation requirements.

Community Planning Group Recommendation

The Uptown Planners voted, on March 1, 2005, to recommend approval of the application by a vote of 15:0:0, with eight conditions. City staff has reviewed and considered the proposed conditions from the community planning group and based on current regulation, policies and franchise agreements has the following responses:

1. Dedicate 3.5 feet along State Street right-of-way.

Staff response:

No condition is recommended. This requirement identified earlier in the process by the LDR Engineering Section has subsequently been deleted.

2. The age of the structure exceeds 45 years and the building is of an architectural style considered to be significant to the community. Future development on the site would be subject to review under the Historical Resources Regulations pursuant to the LDC.

Staff response:

No condition is recommended. If at some time in the future the property owner seeks to redevelop the property or remodel the structure a full and thorough review of the proposal will be evaluated against the current regulations applicable at that time. No redevelopment or remodel is proposed by the tentative map waiver application.

3. Any proposed exterior improvements should be consistent with the original architectural style of the structure. Project should be reviewed by HRB Design Subcommittee for possible designation and to review any proposed changes to the exterior of the building.

Staff response:

No condition is recommended. If at some time in the future the property owner seeks to remodel the structure a full and thorough review of the proposal will be evaluated against the regulations applicable at that time. No redevelopment or remodel is proposed by the tentative map waiver application.

4. Project parking must be maintained and utilized for the purpose as intended. Garages and driveways must be made accessible to vehicles of the residents and should not be converted, rented separately, or used (for) any other purpose that might further impact the demand for on-street parking.

Staff response:

No condition is recommended. All existing parking is required to be maintained for the residents as outlined in the Land Development Code. Parking and garages may not be rented or converted to other uses.

5. The undergrounding of all overhead utility services is a critical infrastructure need in our community and is typically paid for by the developer. Waivers should only be granted for overhead utilities within an alleyway or any utility planned and programmed to be undergrounded in the next five years as identified and verified by the council district office.

Staff response:

Requiring undergrounding of existing utilities is not recommended to be a condition. Council Policy 600-25 outlines the conditions under which a waiver to the requirements to underground utilities may be granted. Based on staff's evaluation, staff has determined the waiver from the undergrounding requirement may be approved.

6. Replace or repair sidewalks as needed, maintaining the historic sidewalk contractors' stamps and traditional scoring, coloring, and texture.

Staff response:

A condition is included. The subdivider is required to reconstruct the curb ramp at the corner of State Street and Thorn Street to current standards. The draft resolution addresses the concern of protecting existing contractors' stamps and traditional scoring patterns.

7. To the extent possible, the project should be brought into compliance with the current LDC Landscape requirements. The sidewalk and parkway planter configuration should be brought into general compliance with the City's Street Design Manual including streetscape planting requirements.

Staff response:

No condition is recommended. No site development, redevelopment or remodel is proposed with the current application. The existing development has previously conforming rights and cannot be required to be upgraded to current land development regulations regarding landscaping of the site.

8. Place any new backflow prevention device or other utility equipment outside of the public right-of-way and within a planting area, if appropriate, or otherwise screen from view of the public right-of-way.

Staff response:

No condition is recommended. No site development or redevelopment is proposed with the current application. The existing development has previously conforming rights and cannot be required to be upgraded to current land development regulations. The City and the public utility companies have a franchise agreement which authorizes the location for utilities in the public right-of-way. The public right-of-way is the appropriate location for public utilities.

CONCLUSION

Staff has reviewed the application for the map waiver and waiver from the requirement to underground the existing utility lines. Staff has determined the proposed condominium conversion complies with the applicable sections of the Municipal Code and the State Map Act. Staff has determined the required findings can be made to support the decision to approve the map waiver and waiving the requirement to underground the overhead utilities (Attachment 5). The Uptown Planning Committee has voted in favor of the project, with conditions. The proposed project was reviewed and exempted from the California Environmental Quality Act as an existing facility categorically exempt from further environmental review. Staff recommends the Hearing Officer approve the map waiver and waive the requirement to underground the existing overhead utilities.

ALTERNATIVES

1. Approve Tentative Map Waiver No. 161262 and waive the requirement to underground existing overhead utilities, with modifications.
2. Deny Tentative Map Waiver No. 161262 and waiver of the requirement to underground existing overhead utilities, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

John S. Fisher,
Development Project Manager

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Tentative Map Waiver exhibit
5. Draft Map Waiver Conditions and Subdivision Resolution
6. Community Planning Group Recommendation
7. Ownership Disclosure Statement
8. Evidence of 60 day notice

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