



REPORT TO THE HEARING OFFICER

HEARING DATE: June 8, 2005

REPORT NO. HO-05-088

ATTENTION: Hearing Officer

SUBJECT: SAN FERNANDO MAP WAIVER
PROJECT NUMBER: 58983

LOCATION: 829 San Fernando Place

APPLICANT: San Fernando Properties, LLC
David Yeh, Landmark Consultants

SUMMARY

Requested Action - Should the Hearing Officer approve a request to waive the requirements for a Tentative Map to convert four (4) existing residential units to condominiums and a request to waive the requirement to underground existing overhead utilities?

Staff Recommendation - APPROVE Map Waiver 173524 including the request to waive the requirement to underground existing overhead utilities.

Community Planning Group Recommendation – The project was presented at the Mission Beach Precise Planning Board's Meeting on January 20, 2005. The Board recommended approval of the map waiver on a vote of 9 in favor, 0 opposed and 1 abstention with concerns discussed in the report.

Environmental Review – The project has been determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the State CEQA Guidelines.

BACKGROUND

The 2,800 square foot project site is located on the south side of San Fernando Place between Bayside Lane and Mission Boulevard at 829 San Fernando Place within the Mission Beach Planned District in the Mission Beach Precise Plan Area. The site is surrounded by visitor/commercial and multi-family residential units to the east and west, multi and single family residential development to the south and Mission Bay Park to the north.

The project site is located in the Mission Beach Planned District, Visitor Commercial South Zone (MBPD-VC-S), the Mission Beach Community Plan and Local Coastal Program Land Use Plan; the Coastal Overlay Zone, Deferred Certification Area (Map C-730); the Coastal Height Limitation Overlay Zone; the 500-year floodplain; and the Beach Parking Impact Overlay Zone. The site is located within a 500 year flood-plain; however, the proposed project is exempt from the requirement to obtain a Site Development Permit per SDMC Section 142.0110(c) (2). This will require a Coastal Development Permit from the State Coastal Commission.

The existing four (4) unit apartment building was constructed in 1966. The permit allowed for the construction of a new two story, 4-unit apartment building observing a zero (0) foot front yard setback, three (3) foot side yard setbacks and a ten (10) foot rear yard setback. The project provides a total of four (4) off-street parking spaces located in the rear of the property with access provided from the alley. Project required four parking spaces when originally built in 1966; the current parking requirement is seven parking spaces for the four unit development. There are currently two vacation rentals upstairs and the downstairs units are vacant. There is no existing retail on the ground floor.

DISCUSSION

The project is requesting a Map Waiver to waive the requirements of a tentative map for the subdivision of a 2,800 square foot site into one lot for a four (4) 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 Tentative Map and the associated Parcel 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 existing units on a single parcel, the project is eligible for a 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 the conversion is a requirement of a condominium conversion of an existing development and the conversion would not represent a logical extension to an underground facility. The applicant would be required to underground any new service run to any new or proposed structures within the subdivision per conditions of the draft resolution

There are currently power poles and utility lines located in the alley right-of-way behind San Fernando Place. There is one pole located in the alley public right of way across from the site. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 2S. This area has been scheduled for undergrounding in Fiscal Year 2008 (Attachment 9.)

Planning Group Recommendation

The Mission Beach Precise Planning Board considered the project on January 20, 2005 and voted 9-0-1 in favor with the stipulation that the project meets all the codes and parking guidelines at the time it was originally built in 1966. At the time the project was constructed, the on-site parking requirement for residential development was one space per dwelling unit which would be four spaces. The project continues to provide a total of four parking spaces

The site deviates from current parking requirements of seven spaces; however, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. Future expansion or redevelopment of the project site is subject to review under current development regulations. There are no Building or Zoning Code violations of record against this property.

Affordable Housing:

All condominium conversion projects "Deemed Complete" on or after February 7, 2004, must conform to the new regulations regarding inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. This proposed project was deemed complete on January 7, 2005 and is therefore subject to the new regulations. The applicant has selected to pay an in-lieu fee. The project has been conditioned to require the applicant to comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code) to the satisfaction of the City Manager and the Housing Commission prior to recording of the Parcel Map.

The San Diego Housing Commission has certified that the applicant for the subject property has satisfied all the provisions of the Municipal Code for Tenant Relocation Benefits. The units have been verified as summer vacation rentals. Therefore relocation benefits will not be included as a condition of the final 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. The Mission Beach Precise Planning Board has recommended approval of the project. The proposed project was reviewed and exempted from the California Environmental Quality Act (CEQA) 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, with modifications Map Waiver 173524.
2. Deny Map Waiver 173524 if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Jeffrey Wayne Robles
Development Project Manager

Attachments:

1. Aerial Photograph of Project Site
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. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Schedule for Undergrounding of Utilities
10. San Diego Housing Commission; Tenant Relocation Benefits