

# **REPORT TO THE HEARING OFFICER**

REPORT NO. HO 13-085

HEARING DATE: October 9, 2013
ATTENTION: Hearing Officer
SUBJECT: 4 ON ALBATROSS MAP WAIVER PROJECT NUMBER: 324243
LOCATION: 4069 Albatross Street

APPLICANT: Sandy Pujji, Pujji Development, LLC

### SUMMARY

<u>Issue</u>: Should the Hearing Officer approve a Map Waiver to allow the creation of four residential condominium units (under construction), including a request to waive the requirement to underground existing overhead utilities, in the Uptown Community Plan area?

Staff Recommendation: APPROVE Map Waiver No. 1146145.

<u>Community Planning Group Recommendation</u>: The Uptown Planners voted 11-0-1 to recommend approval of the proposed project on August 6, 2013, with no recommended conditions.

<u>Environmental Review</u>: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section Section 15303(b) (new construction or conversion of small structures). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on September 3, 2013, and the opportunity to appeal that determination ended September 17, 2013.

## BACKGROUND

The 0.119-acre project site is located on the east side of Albatross Street, between West Lewis and Washington Streets, at 4069 Albatross Street, in the MR-800B Zone of the Mid-City Communities Planned District, within the Uptown Community Plan area (Attachment 3).

The proposed project is a request to create four residential condominium units (under construction). On April 25, 2013, the Development Services Department approved Building

Permit Nos. 1083376 and 1083395 for the construction of four residential units, which have not yet received Certificates of Occupancy.

### DISCUSSION

The applicant is requesting a Map Waiver to waive the requirement for a Tentative Map for the subdivision of the 0.119-acre site, with four residential units currently under construction, to create four residential condominium units. The proposed project will turn these residential units from apartments into condominiums and is purely a mapping action. No construction is associated with this mapping action.

An Affordable Housing Fee of \$5,829 was paid at the time of the issuance of the building permit, therefore the project is in compliance with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code) and no additional Inclusionary Housing Fees are required.

### Undergrounding of Existing Utilities

San Diego Municipal Code Section 144.0232 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 request to waive the requirement to underground existing offsite overhead utilities, qualifies under the guidelines of San Diego Municipal Code section 144.0242 *Waiver of the Requirements to Underground Privately Owned Utility Systems and Service Facilities* in that the conversion involves a short span of overhead facility (less than a full block in length) and would not represent a logical extension to an underground facility, the conversion involves undergrounding of utilities that are already scheduled to occur in the near term as a utility company financed undergrounding project or as part of the City's utility underground program.

The applicant will be required to underground existing utilities and all new service runs to any new or proposed structures within the subdivision per Condition Nos. 7 and 8 of the draft Map Waiver conditions (Attachment 6).

There are overhead utility lines existing in the alley at the rear, serving other properties, with a power pole at the southeast corner of the property in the alley. The current City's Undergrounding Master Plan designates the site within Block 3U, which is proposed to start the undergrounding process in Fiscal Year 2023. This situation permits the approval of the request to waive the requirement to underground existing offsite overhead utilities.

### **Community Planning Group:**

The Uptown Planners voted 11-0-1 to recommend approval of the proposed project on August 6, 2013, with no recommended conditions.

### **CONCLUSION**

The proposed project conforms with the regulations within the Land Development Code and therefore staff recommends the Hearing Officer approve the requested Map Waiver No. 1146145.

### ALTERNATIVES

- 1. Approve Map Waiver No. 1146145, with modifications.
- 2. Deny Map Waiver No. 1146145, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Michelle Sokolowski, Development Project Manager

Attachments:

- 1. Aerial Photograph
- 2. Community Plan Land Use Map
- 3. Project Location Map
- 4. Project Data Sheet
- 5. Draft Map Resolution
- 6. Draft Map Conditions
- 7. Environmental Exemption
- 8. Map Waiver Exhibit (Hearing Officer only)
- 9. Community Planning Group Recommendation
- 10. Ownership Disclosure Statement





# **Aerial Photo**

4 ON ALBATROSS MW - PROJECT NO. 324243

North

**ATTACHMENT 1** 

**4069 Albatross Street** 

# **ATTACHMENT 2**



# **Community Land Use Map**



# 4 ON ALBATROSS MW - PROJECT NO. 324243

**4069 Albatross Street** 

# **ATTACHMENT 3**





**Project Location Map** <u>4 ON ALBATROSS MW – PROJECT NO. 324243</u>



**4069 Albatross Street** 

# PROJECT DATA SHEET FOR CONDOMINIUMS

TORCONDOMINUMS					
PROJECT NAME:	4069 Albatross Street				
PROJECT DESCRIPTION:	Creation of four residential condominium units (unde construction), including a request to waive the require to underground existing overhead utilities				
COMMUNITY PLAN AREA:	Uptown				
DISCRETIONARY ACTIONS:	Map Waiver				
COMMUNITY PLAN LAND USE DESIGNATION:	High density residential use at a density of 44-73 dwelling units per acre				
CURRENT ZONING INFORMATION: ZONE: MR-800B: A multi-unit residential zone in the Mid-City Communities Planned District DENSITY: 1 dwelling unit per 800 sq.ft. of lot area HEIGHT LIMIT: 50'; 60' where a building is above enclosed parking LOT SIZE: 6,000 square-foot minimum lot size FLOOR AREA RATIO: 1.25 maximum		CONSTRUCTED: MR-800B 4 units Under construction, per code 5,200 square feet (existing lot) Under construction, per code			
FRONT SETBACK: 10 feet SIDE SETBACK: 6 feet (10% of width if < 50'wide) STREETSIDE SETBACK: 6 feet REAR SETBACK: 1 foot if alley; 15 if no alley PARKING: 7 spaces required		10 feet 4 feet (40' wide lot = 10% of width) N/A 1 foot (alley) 8 spaces provided			
ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE		EXISTING LAND USE		
NORTH:	High density residential; MR-800B		Multi-Family		
SOUTH:	High density residential; MR-800B		Multi-Family		
EAST:	High density residential; MR-800B		Multi-Family		
WEST:	High density residential; MR-800B		Multi-Family		
DEVIATIONS OR VARIANCES REQUESTED:	None				
COMMUNITY PLANNING GROUP RECOMMENDATION:	The Uptown Planners voted 11-0-1 to recommend approval of the proposed project on August 6, 2013, with no recommended conditions.				

# RESOLUTION NO. \_\_\_\_\_ DATE OF FINAL PASSAGE \_\_\_\_

# A RESOLUTION OF THE HEARING OFFICER ADOPTING THE FINDINGS AND APPROVING MAP WAIVER NO. 1146145 FOR 4 ON ALBATROSS MAP WAIVER – PROJECT NO. 324243

### DRAFT

WHEREAS, PUJJI DEVELOPMENT, LLC (A California Limited Liability Company), Subdivider, and METROPOLITAN MAPPING, Licensed Land Surveyor, submitted an application with the City of San Diego for Map Waiver No. 1146145, to waive the requirement for a Tentative Map to create four residential condominium units (under construction), and to waive the requirement to underground existing offsite overhead utilities. The project site is located on the east side of Albatross Street, between West Lewis and Washington Streets, at 4069 Albatross Street, in the MR-800B Zone of the Mid-City Communities Planned District, within the Uptown Community Plan area. The property is legally described as Lot 5, Block 2, Florence Heights Addition, Map No. 892; and

WHEREAS, the Map proposes the subdivision of a 0.119-acre site into one parcel for a four-unit residential development (under construction); and

WHEREAS, on September 3, 2013, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 *et. seq.*) under CEQA Guidelines

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Section 15303(b) (new construction or conversion of small structures); and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code section 112.0520; and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer pursuant to Subdivision Map Act section 66491(a) and San Diego Municipal Code sections 144.0220(a) and 144.0220(b); and

WHEREAS, the project consists of four (4) units under construction for which Certificates of Occupancy have not been issued; and

WHEREAS, the subdivision is a condominium project as defined in California Civil Code section 1351(f) and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is four (4); and

WHEREAS, the request to waive the requirement to underground existing offsite overhead utility facilities qualifies under the guidelines of San Diego Municipal Code Section 144.0242, *Waiver of the Requirements to Underground Privately Owned Utility Systems and Service Facilities* in that the conversion involves a short span of overhead facility (less than a full block in length) and would not represent a logical extension to an underground facility, the conversion involves undergrounding of utilities that are already scheduled to occur in the near term as a utility company financed undergrounding project or as part of the City's utility underground program; and

WHEREAS, on October 9, 2013, the Hearing Officer of the City of San Diego considered Map Waiver No. 1146145, including the waiver of the requirement to

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underground existing offsite overhead utilities, and pursuant to sections 125.0122 (map waiver), 125.0440 (tentative map), and 144.0240 (underground) of the San Diego Municipal Code and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Hearing Officer having fully considered the matter and being fully advised concerning the same; NOW

THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Map Waiver No. 1146145:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Action §§ 66473.5, 66474(a), and 66474(b)).

The proposed project is a request to create four residential condominium units (under construction). On April 25, 2013, the Development Services Department approved Building Permit Nos. 1083376 and 1083395 for the construction of four residential units, which have not yet received Certificates of Occupancy. The project conforms to the development regulations of the MR-800B Zone of the Mid-City Communities Planned District within the Uptown Community Plan. The Uptown Community Plan designates this site for high density residential use at a density of 44-73 dwelling units per acre. The 0.119-acre site could accommodate up to 7 units based on the underlying zone and from 5 to 9 units based on the community plan. The proposal of four dwelling units reflects the ability to comply with the rest of the development regulations for the underlying zone (parking, setbacks, etc.), while stil The project does not include deviations from the regulations; therefore, the proposed subdivision and its design or improvements are consistent with the policies, goals, and objectives of the applicable land use plan.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code.

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The proposed project is a request to create four residential condominium units (under construction). On April 25, 2013, the Development Services Department approved Building Permit Nos. 1083376 and 1083395 for the construction of four residential units, which have not yet received Certificates of Occupancy. The project conforms to the development regulations of the MR-800B Zone of the Mid-City Communities Planned District within the Uptown Community Plan. The project does not include deviations from the regulations; therefore, the proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code.

# 3. The site is physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)).

The proposed project is a request to create four residential condominium units (under construction). The project conforms to the development regulations of the MR-800B Zone of the Mid-City Communities Planned District within the Uptown Community Plan. The Uptown Community Plan designates this site for high density residential use at a density of 44-73 dwelling units per acre. The 0.119-acre site could accommodate up to 7 units based on the underlying zone and from 5 to 9 units based on the community plan. Therefore the site is physically suitable for the type and density of development.

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)).

The proposed project is a request to create four residential condominium units (under construction). The City of San Diego, as Lead Agency through the Development Services Department, conducted an environmental review of this site in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. The project was determined to be categorically exempt from CEQA pursuant to Section 15303(b), new construction or conversion of small structures. The proposed development occurs within city limits and is substantially surrounded by urban uses. The project site has no value as habitat for endangered, rare or threatened species. The site does not contain and is not adjacent to the MHPA, environmentally sensitive lands or other areas that would support fish or wildlife, since there is no habitat present. Therefore the proposed subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat.

5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)).

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The proposed project is a request to create four residential condominium units (under construction). On April 25, 2013, the Development Services Department approved Building Permit Nos. 1083376 and 1083395 for the construction of four residential units, which have not yet received Certificates of Occupancy. The approval for this project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the San Diego Municipal Code in effect for this subdivision and improvements. Such conditions have been determined by the decisionmaker as necessary to avoid adverse impacts upon the public health, safety and welfare. Further, the applicant is required to abide by all relevant Federal, State and Local regulations, including building regulations. Therefore, the design of the subdivision and the type of improvements will not be detrimental to the public health, safety, and welfare.

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)).

The proposed project is a request to create four residential condominium units (under construction). The project is located on the east side of Albatross Street, between West Lewis and Washington Streets. The site is an interior lot and does not contain any easements acquired by the public at large for access through or use of property within the proposed subdivision.

## 7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1).

The proposed project is a request to create four residential condominium units (under construction). The proposed subdivision of a 0.119-acre parcel into one lot for a four-unit residential condominium development will not impede or inhibit any future passive or natural heating and cooling opportunities. The design of the subdivision has taken into account the best use of the land to minimize grading. The independent design of the proposed subdivision gives the opportunity through building materials, site orientation, architectural treatments, placement and selection of plant materials to provide to the extent feasible, for future passive or natural heating and cooling opportunities. The project is not requesting any deviations from the regulations, and therefore conforms with regulations regarding future passive or natural heating and cooling opportunities. The project has been designed and conditioned to conform with all underlying San Diego Municipal Code and applicable building code regulations.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental

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# resources (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3).

The proposed project is a request to create four residential condominium units (under construction). The project site is located in the MR-800B Zone of the Mid-City Communities Planned District, within the Uptown Community Plan. The Uptown Community Plan designates this site for high density residential use at a density of 44-73 dwelling units per acre. The 0.119-acre site could accommodate up to 7 units based on the underlying zone and from 5 to 9 units based on the community plan. The City of San Diego, as Lead Agency through the Development Services Department, conducted an environmental review of this site in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. The project was determined to be categorically exempt from CEQA pursuant to Section 15303(b), new construction or conversion of small structures. On April 25, 2013, the Development Services Department approved Building Permit Nos. 1083376 and 1083395 for the construction of four residential units, which have not yet received Certificates of Occupancy. An Affordable Housing Fee totaling \$5,829 for the four units was paid at the time of the issuance of the building permit, therefore the project is in compliance with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code) and no additional Inclusionary Housing Fees are required. The project is currently under construction and would not be subject to the tenant relocation assistance regulations. Therefore, the decisionmaker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources.

9. The proposed subdivision of land complies with requirements of the Subdivision Map Act and the Land Development Code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act or the Land Development Code enacted pursuant thereto (San Diego Municipal Code § 125.0123 and Subdivision Map Act § 66428(b)).

The proposed project is a request to create four residential condominium units (under construction). The project site is located in the MR-800B Zone of the Mid-City Communities Planned District, within the Uptown Community Plan. The site is within Zone X of the Flood Insurance Map Rates for San Diego County, which is an area determined to be outside the 500-year floodplain. The project fronts on an already-improved street, and no additional improvements are required. This infill development is connected to the City's water and sewer system and is supplied accordingly. No additional impact is anticipated for the creation of these new units, and the development is anticipated by the zoning and

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community plan designation. The zoning designation is multi-family residential, which allows for one residential unit per 800 square feet of lot area. The Uptown Community Plan designates this site for high density residential use at a density of 44-73 dwelling units per acre. The 0.119-acre site could accommodate up to 7 units based on the underlying zone and from 5 to 9 units based on the community plan The City of San Diego, as Lead Agency through the Development Services Department, conducted an environmental review of this site in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. The project was determined to be categorically exempt from CEQA pursuant to Section 15303(b), new construction or conversion of small structures. The project is not requesting any deviations from the regulations and has been designed and conditioned to conform with all underlying San Diego Municipal Code and applicable building code regulations. Therefore, the proposed subdivision of land complies with requirements of the Subdivision Map Act and the land Development Code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and other requirements of the Subdivision Map Act or the Land Development Code.

That said Findings are supported by the minutes, maps, and exhibits, all of which

are herein incorporated by reference.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Hearing Officer, Map Waiver No. 1146145; is hereby granted PUJJI DEVELOPMENT, LLC, subject to the attached conditions which are made a part of this resolution by this reference.

By

Michelle Sokolowski Development Project Manager Development Services Department

ATTACHMENT: Map Waiver Conditions

Internal Order No. 24003777

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## HEARING OFFICER CONDITIONS FOR MAP WAIVER NO. 1146145 4 ON ALBATROSS MAP WAIVER - PROJECT NO. 324243 ADOPTED BY RESOLUTION NO. \_\_\_\_\_ON \_\_\_\_

# **DRAFT**

## **GENERAL**

- 1. This Map Waiver will expire October 16, 2016.
- 2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Certificate of Compliance, unless otherwise noted.
- 3. A Certificate of Compliance shall be recorded in the Office of the San Diego County Recorder, prior to the Map Waiver expiration date.
- 4. Prior to the recordation of the Certificate of Compliance, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
- 5. Prior to the issuance of a Certificate of Compliance, City staff will perform a field site visit to verify that all property corners, or property corner offsets have been set. If any property corners are missing, they must be set and a Corner Record or Record of Survey (whichever is applicable) shall be filed with the County Surveyor pursuant to the Professional Land Surveyors Act. A copy of the Record of Survey or Corner Record shall be provided to the City.
- 6. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify the Subdivider of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City bears its own attorney's fees and costs, City defends the action in good faith, and

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Subdivider is not be required to pay or perform any settlement unless such settlement is approved by the Subdivider.

## **ENGINEERING**

- 7. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
- 8. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
- 9. The Subdivider shall comply with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980. Only those exceptions to the General Conditions which are shown on the Map Waiver and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

### **INFORMATION:**

- The approval of this Map Waiver by the Hearing Officer of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 *et seq.*).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Map Waiver will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Map Waiver, may

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protest the imposition within 90 days of the approval of this Map Waiver by filing a written protest with the San Diego City Clerk pursuant to Government Code Sections 66020 and/or 66021.

• Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Internal Order No. 24003777

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### NOTICE OF EXEMPTION

(Check one or both)

TO: <u>X</u>RECORDER/COUNTY CLERK

P.O. BOX 1750, MS A-33 1600 PACIFIC HWY, ROOM 260 SAN DIEGO, CA 92101-2422 FROM: CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT 1222 FIRST AVENUE, MS 501 SAN DIEGO, CA 92101

OFFICE OF PLANNING AND RESEARCH 1400 TENTH STREET, ROOM 121 SACRAMENTO, CA 95814

PROJECT NO.: 324243

PROJECT TITLE: 4 ON ALBATROSS MAP WAIVER

PROJECT LOCATION-SPECIFIC: 4069 Albatross Street, San Diego, CA 92109 (Lot 5 of Block 2 of Florence Heights Addition, Map 892).

PROJECT LOCATION-CITY/COUNTY: San Diego/San Diego

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: Map Waiver application to waive the requirements of a Tentative Map. Map Waiver will create 4 condominium units from 4 multi-family units currently under construction. The project is located on a 5,560 square foot lot. The property is located within the MR-800B Zone of the Mid-City Communities Plan District, the Airport FAA Part 77 Noticing Area, the Residential Tandem Parking Area Overlay Zone and the Transit Area Overlay Zone.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: SANDY PUJJI

PUJJI DEVELOPMENT, LLC PO BOX 5000-104 RANCHO SANTE FE, CA 92067

EXEMPT STATUS: (CHECK ONE)

- () MINISTERIAL (SEC. 21080(b)(1); 15268);
- () DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a));
- () EMERGENCY PROJECT (SEC. 21080(b)(4); 15269 (b)(c))
- (X) CATEGORICAL EXEMPTION: 15303(b), (new construction or conversion of small structures) of the State CEQA Guidelines.
- () STATUTORY EXEMPTIONS:

REASONS WHY PROJECT IS EXEMPT: The proposed Map Waiver will create 4 condominium units from 4 multi-family units currently under construction and no environmental affects would occur. Therefore the map waiver meets the criteria set forth in sections 15303(b) new construction or conversion of small structures; and the exceptions listed in CEQA section 15300.2 would not apply. In addition, this site is not included on any government code listings of hazardous waste sites.

LEAD AGENCY CONTACT PERSON: Majas

TELEPHONE: (619) 619-446-5394

IF FILED BY APPLICANT:

- ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.
   HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC
  - HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT? YES () NO

SENIOR PLANNER

IS THEREBY CERTIFIED THAT THE CITY OF SAN DIEGO HAS DETERMINED THE ABOVE ACTIVITY TO BE EXEMPT FROM CEQA

SIGNATURE/TITLE

CHECK ONE: (X) SIGNED BY LEAD AGENCY () SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

# PROJECT PLANS

As attachment to Hearing Officer Package Only



# UPTOWN PLANNERS Uptown Community Planning Group August 6, 2013 MEETING MINUTES Meeting Place: Joyce Beers Community Center

Meeting called to order at 6:00 p.m. by Chair Leo Wilson.

Present: Ernie Bonn, Rhett Butler, Neil Ferrier, Tom Fox (Treasurer), Bob Grinchuk, Beth Jaworski (Vice-Chair) [in at 6:15], Jim Mellos, Joe Naskar (Secretary), Jennifer Pesqueira, Ken Tablang, Chris Ward,

Tony Winney [in at 6:10], Leo Wilson (Chair), and Matt Winter.

Absent: Kim Adler, Gary Bonner, and Janet O'Dea.

Marlon Pangilinan, City of San Diego Senior City Planner, was not present.

Approximately 40+ members of the public were in attendance

### I. Board Meeting: Parliamentary Items/ Reports:

#### Introductions and Recognition of Quorum

**Announcement**: (1) The meeting is being recorded. (2) Please sign in on the sign sheet. If you plan or think you might want to run for the Uptown Planners in the March 2014 election, you are required to attend 3 meetings of the Uptown Planners per Uptown Planners Bylaws.

### Adoption of Agenda:

Motion to place Action Item 5, Letter of Support for 24<sup>th</sup> Annual Aids Walk; and Item 6, Letter of Support for Nightmare on Normal Street to consent agenda made by Ferrier; Seconded by Pesqueira. Motion passed by vote of 11-0-1. Voting in favor: Ferrier, Pesqueira, Bonn, Butler, Fox, Grinchuk, Mellos, Naskar, Tablang, Ward, and Winter. Voting against: None. Abstaining: Non-voting Chair Wilson.

Motion to place Action Item 1, 4069 Albatross Street Map Waiver, to consent agenda made by Butler; Seconded by Bonn. Motion passed by vote of 11-0-1. Voting in favor: Butler, Bonn, Ferrier, Fox, Grinchuk, Mellos, Naskar, Pesqueira, Tablang, Ward, and Winter. Voting against: None. Abstaining: Non-voting Chair Wilson. Motion to approve agenda made by Butler; Seconded by Ward. Motion passed by vote of 11-0-1. Voting in favor: Butler, Ward, Bonn, Ferrier, Fox, Grinchuk, Mellos, Naskar, Pesqueira, Tablang, and Winter. Voting against: None. Abstaining: Non-voting Chair Wilson.

#### Approval of Minutes:

Uptown Planner Minutes for Regular Meeting June 6, 2013 distributed by email; Chair Wilson requested any revisions; none heard. Motion to approve minutes made by Mellos; Seconded by Bonn. Motion passed by vote of 11-0-1. Voting in favor: Mellos, Bonn, Butler, Ferrier, Fox, Grinchuk, Naskar, Pesqueira, Tablang, Ward, and Winter. Voting against: None. Abstaining: Non-voting Chair Wilson.

### Treasurer's Report:

Treasurer Fox reported there was a balance of \$81.20. There is a debt of \$119.40. Therefore, he asked to 'pass-the-hat' to generate some funds, voluntarily, from the board and members of the public. Chair Wilson recommended to 'pass-the-hat' everyone month to build a cushion.

### Chair/CPC Report:

Chair Wilson had received a report from Marlon Pangilinan. It stated that the IHO for Uptown is being presented to the Code Monitoring Team on August 14<sup>th</sup> at 2 PM in DSD Building; City Staff and Council President Gloria are supporting the recommendation from Uptown Planners to make the extension of the IHO co-terminus with the Community Plan Update process.

The Planning Commission will be discussing the Uptown / Golden Hill / North Park CPU cluster on August 15<sup>th</sup> at 9 AM in Council Chambers; in particular, they will be talking about density 'down-zones' in Uptown, adjustments to University Heights-North Park boundaries, and public space ideas.

CIP recommendations were made last year involving a recommendation for one project from each community in Uptown, none of which were funded. They wish to involve community planning groups, once again, in case funds become available or if a bond is initiated. Only 5-7 Million dollars are available city wide. Chris Ward spoke to the CIP selections from last year. Of 250 recommendations from city's CPGs last year that the city received, only 10 were ultimately selected; most of which involved sidewalk and street light improvements. The value of setting the priorities remains valuable to communicate needs to the city.

[Jaworski joins meeting]

[Winney joins meeting]

### Website Report:

Tony Winney reported that the Facebook page became operational; however, it was discovered that commenting could not be disabled, as was discussed previously. He requested that the board consider allowing the Facebook page to proceed with commenting enabled. Chair Wilson wanted to have an opinion from the City Attorney on the matter. Winney verified that presently, the Facebook page was disabled; he noted that during its operation, there were 40 people who joined the page.

### II. Public Communication (Non-Agenda)

# DRAFT

Don Liddell, the board's representative at the Balboa Park Committee reported that the board has only taken a single action; it was to allow a standing approval for AIDS Walk special event as an experiment. There was no meeting in July or August.

Chair Wilson noted the plans to close the Cabrillo Bridge on weekends has been abandoned; a maintenance closure by CalTrans will continue as planned.

Rhett Butler made a statement regarding land use changes in University Heights. He stated that (1) the Uptown Planners voted to approve land use changes that had been rejected in a vote 2 months prior without calling for a vote of reconsideration; or (2) the Uptown Planners voted to approve land use changes without giving time for the public to communicate opposition. Chair Wilson suggested that Butler could bring a formal motion forward at the next Uptown Planners meeting.

Hugh Largey, Mission Hills resident, suggested not to tinker with parking that already works, noting Balboa Park, the bridge, and other communities.

Luke Terpstra, Hillcrest Town Council, the Center has also asked for a letter of support for AIDS Walk and Nightmare on Normal from the HTC.

Toni Sarge introduced herself as representative from UCSD Healthcare.

Chris Ward announced there would be another community CPU forum regarding UH zoning at Grace Lutheran on August 29 at 6 PM. North Park is also having a dialog on zoning on August 8<sup>th</sup> at NP Rec. Center.

### III. Representatives of Elected Officials:

Gavin Deeb from Congresswoman Susan Davis, Jason Weiss from Assemblymember Toni Atkins' office, Chris Ward from State Senator Marty Block's office, and Anthony Bernal from Council President Todd Gloria's office reported to the community on our elected official's work.

### IV. Consent Agenda:

Potential Action Items (VI) 1, 5, and 6 were placed on consent. Jaworski made a motion to approve the consent agenda; seconded by Mellos. Motion passed by vote of 13-0-1. Voting in favor: Jaworski, Mellos, Bonn, Butler, Ferrier, Fox, Grinchuk, Naskar, Pesqueira, Tablang, Ward, Winney, and Winter. Voting against: None. Abstaining: Non-voting Chair Wilson.

### V. Potential Action Items: Projects

 UPTOWN BIKE CORRIDOR PROJECT – Presentation by Beth Robrahn of SANDAG: draft project alignments for bicycle routes have been prepared by SANDAG staff for the Uptown Regional Bike Corridor Project in Hillcrest, Mission Hills, Bankers Hill/Park West and Five Points; involves modifications to traffic flow, parking, and traffic lanes on Washington Street, University Avenue, Fourth and Fifth Avenues, India Street and other streets in Uptown.

Beth Robrahn, Project Manager for SANDAG's Uptown Regional Bike Corridors made a presentation regarding the status of the bike corridors, route alignments, and other input from community forums hosted by SANDAG. Her presentation included merits of the project and a detailed explanation of project goals and implementation.

# DRAFT

The project area was reviewed and there was a detailed discussion of the Washington/University alignment through Mission Hills and Hillcrest; with consideration of options of facilities. Alignments through Bankers Hill - Park West were reviewed, with route options and facilities under consideration. Routes through Middletown - Five Points - Old Town were not a part of presentation, generally.

Chair Wilson stated that questions would be recorded for further discussion at a future meeting. Public comment started with Gerrie Trussell from MH BID who noted pedestrian access from MH to the trolley, and a dedicated path for pedestrians and cyclists. She also inquired if there were any use studies and where displaced parking would be accommodated.

Hugh Largely made comments about practical traffic and facility needs for the community, he also noted concerns about emergency vehicles.

Ian Epley asked if a discussion had been started with Uptown Parking District, and the need for a parking structure.

Sharron Gehl made comments regarding parking in Five Points. She personally measured Washington from India Street and calculated 28 parking spaces that would be eliminated. How many spaces would also be eliminated across Washington Street and is there any way to replace those lost parking spaces?

Chris Cole commented on safety and that a Pacific Highway alignment would be better.

Roy Dahl questioned the wisdom of a Robinson alignment, and the possibility of building an additional bridge, and didn't understand why Upas wasn't being considered. He also was concerned about the idea that Washington Street could absorb more traffic.

Mat Wahlstrom expressed concerns with the plan, bike traffic is incidental, and not a completely practical solution. Not all business and customer needs are met by bicycles. Is the intention to be more bicycle friendly or to be anti-car.

Other public comments were received from Walter Chambers, Luke Terpstra, and Dalour Younan.

Beth Robrahn provided answers to some of the questions. Regarding use studies, those have not been modeled at this time. In response to project purpose, the idea is to get more people biking to meet state mandates, and to increase opportunities to bike. She has been looking into finding parking solutions which don't include a parking garage; perhaps smart meters or other solutions. The number of parking spaces affected on San Diego has not been studied for full parking loss. Finally, Pacific Highways is an important project, but is a more expensive and complex project; it is to be a part of phase 2. Essex to Herbert was not analyzed. Financing would come from a Transnet Tax, and is awaiting approval.

Board comments started with Naskar who was concerned that Middletown was not a part of presentation, and expressed concerns about parking loss in Five Points and Middletown, and throughout Uptown. He also asked about how project funding was being distributed across the project area.

Winney supported the idea of more people being moved by bus and bike. Tom Fox asked about how communities came to support implemented bike paths.

Grinchuk was concerned about traffic in core Hillcrest. Many of the presentation images were from streets that were much wider than those in Hillcrest. Business owners will be upset at a loss of parking or the loss of the median improvements through Hillcrest.

Mellos asked for more specifics on each area. Parking also remains a concern, especially along West Washington; losses will harm those businesses.

# DRAFT

Chair Wilson spoke to the issue of consistency during a plan update. There needs to be balance. He also noted that the success of the businesses in Uptown is from the availability of parking. He also expressed great concern for loss of traffic lanes through Bankers Hill.

Bonn expressed concern that during the CPU, the traffic plan and circulation has not been completed.

Butler asked for time for consensus from the community to be allowed to come forward.

Ward stated concern that the design presented to Uptown Planners is remarkable similar to plan presented at the start of the community advisory group kick-off. He also noted that the community knows itself; what about the community's preferences?

Mellos made the motion to continue the discussion to the September meeting of Uptown Planners; seconded by Butler. Motion passed by a vote of 13-0-1. Voting in favor: Mellos, Butler, Bonn, Ferrier, Fox, Grinchuk, Jaworksi, Naskar, Pesqueira, Tablang, Ward, Winney, and Winter. Voting against: None. Abstaining: Non-voting Chair Wilson.

### 2. UNIVERSITY HEIGHTS UNIFICATION WITHIN THE UPTOWN PLANNG DISTRICT – University Heights – The Mayor's Office has indicated that all of University Heights will be placed in the Uptown Community Planning District; the formal boundary adjustment will be made at the time the Uptown Community Plan update is completed. For purposes of the community plan update process the unification is now in effect.

No staff presentation available. Public comment made by Greg Sarini, explained that unification would allow the community to develop in a consistent manner.

Ian Epley thought unification was silly, and everyone is in Council District 3 and the MCPD. One single Uptown community would be better. Most of the communities are not unique.

JD Abercrombie stated that in December 2007 and March 2012, Uptown Planners recommended that all of University Heights be incorporated into Uptown. She also had a petition of nearly 500 signatures. It should be completed as a part of the CPU.

Dalour Younan did not see what the advantages / disadvantages for the community are in the disputed area; what is the end game?

Carol Neidenberg, VP, UHCA, expressed the importance of community. There is support from the Uptown Planners on UH issues, versus lack of support from North Park Planning Group and it is onerous to attend multiple planning group meetings.

Public comment closed. Board comment started with supportive comments from Ferrier.

Ward made the motion to reaffirm Uptown Planners support to include the entire University Heights neighborhood into the Uptown Community Plan, and for Uptown Planners to commence including planning decisions for all of University Heights, during the Community Plan Update process; seconded by Mellos.

Butler made further comments regarding North Park Planning, their opposition to UH community goals, and DIF that has left University Heights and gone into North Park.

Bonn stated that fees were placed into the joint use facility at Birney. She also commented that University Heights should have its own planning group.

Chair Wilson noted concern about DIF leaving eastern University Heights. A community divided destroys the planning effort.

Winter commented the effort it takes to attend multiple planning groups. Winney stated that the unification was long over-due.

Jaworski stated that the division created a situation for the community where there is a lack of representation. Naskar was supportive, noting a similarity to Middletown's need to seek permission from Midway Planning Group.

Motion passed by a vote of 12-1-1. Voting in favor: Ward, Mellos, Butler, Ferrier, Fox, Grinchuk, Jaworski, Naskar, Pesqueira, Tablang, Winney, and Winter. Voting against: Bonn Abstaining: Non-voting Chair Wilson.

### VI. Potential Action Items: Projects; Other

1. 4069 ALBATROSS STREET ("4 ON ALBATROSS MAP WAIVER") – Process Three --Hospital District - Map waiver application to waive the requirements of a tentative map to create four residential condominium units (under construction) on a 0.11-acre lot

### -- PLACED ON CONSENT AGENDA --

 MISSION HILLS COMMUNITY MONUMENT SIGN – Mission Hills -- Proposal to place a Mission Hills community monument on Washington Street, east of Eagle Street, that will identify the community as Mission Hills.

Gerrie Trussell requested a letter of support for 2 monument signs. They are planned to be installed on Washington Avenue and are consistent with signs on Alameda and Sunset. They have support from Mission Hills Town Council, and Mission Hills Heritage.

Public comment started with Sharon Gehl stating that community has been working on getting the monument signs for over 10 years.

Ferrier made the motion to support as presented; seconded by Butler. Motion passed by a vote of 13-0-1. Voting in favor: Ferrier, Butler, Bonn, Fox, Grinchuk, Jaworski, Mellos, Naskar, Pesqueira, Tablang, Ward, Winney, and Winter. Voting against: None. Abstaining: Non-voting Chair Wilson.

- 3. 2147 SAN DIEGO AVENUE NUP ("DR. BOYD'S PET RESORT") Process Two Middletown – Neighborhood Use Permit to allow overnight boarding and an outdoor play area for an existing pet day care facility located at 2147 San Diego Avenue in the CL-6 Zone of the Mid-Cities Communities Planned District, AAOZ, and FAA 77 Overlay Zones.
  - -- APPLICANT NOT PRESENT -- ITEM GOES OFF CALENDAR --
- LETTER OF SUPPORT FOR 24TH ANNUAL AIDS WALK Bankers Hill/Park West --Event will take place on September 29, 2013, and be in Balboa Park and along Sixth Avenue.
  - -- PLACED ON CONSENT AGENDA --

6. LETTER OF SUPORT FOR NIGHTMARE ON NORMAL STREET – Hillcrest -- Event will take place on October 26, 2013 along Normal Street, north of University Avenue.

### -- PLACED ON CONSENT AGENDA --

7. LETTER OF SUPPORT FOR STOP SIGN AT THE INTERSECTION OF SAN DIEGO AVENUE AND NOELL STREET – Middletown/Western Slope – Proposal to place a four-way stop sign at the intersection of San Diego Avenue and Noell Street; a recommendation from Uptown Planners would provide the Third District City Councilmember the discretion to place the stop sign at the intersection.

Tom Littell from WSCA, made a brief presentation about the San Diego-Noell intersection. He explained pedestrian traffic and adjacent uses including a hotel, a VA medical facility, and K-8 school.

A discussion started with Ward's initial hesitation to the request, but having reviewed the existing conditions, saw the merits of a controlled intersection; he suggested that a motion should include alternate traffic calming measures, should funding become available. Chair Wilson expressed his preference for stop signs.

Naskar, noted that the council policy was for a stop sign, not other measures, especially considering the lack of money for Middletown.

Bob Daniel, WSCA, stated he had earlier in the day witnessed a pedestrian incident in the intersection. Littell explained the lack of study periods from the consultant who determined the request did not meet the criteria.

Ward made the motion to support installation of the stop sign as described in the agenda, and indicated it would be favorable to the study of additional traffic calming measures in the future; seconded by Mellos. Motion passed by a vote of 13-0-1. Voting in favor: Ward, Mellos, Ferrier, Butler, Bonn, Fox, Grinchuk, Jaworski, Naskar, Pesqueira, Tablang, Winney, and Winter. Voting against: None. Abstaining: Non-voting Chair Wilson.

4. CAMPUS AVENUE PARKING: HEAD IN CONVERSION – University Heights – Proposal to replace angle parking with head-in parking on Campus Street between Tyler Avenue and Van Buren Avenue; existing parking consists of 37 spaces; head-in parking would result in a total of 50 spaces, an increase of 13.

Ernie Bonn presented the project. There was an edict from Council President Gloria to find 125 spaces within 2 years. Their consultant has identified 200; the most expedient is to change angles changed.

Board comments started with Ward asked if there were safety concerns with driver visibility, and does this limit the ability to implement bike facilities. Bonn responded that this was a city requirement.

No public comment.

Motion by Mellos to support the project as presented; seconded Naskar. Motion passed by a vote of

13-0-1. Voting in favor: Mellos, Naskar, Ferrier, Butler, Bonn, Fox, Grinchuk, Jaworski, Pesqueira, Tablang, Ward, Winney, and Winter. Voting against: None. Abstaining: Non-voting Chair Wilson. Jaworski asked to revisit the University Heights boundary change, asking for clarification on the specific boundary. She read the motion from 2007: "*That Uptown Planners recommend that the portion of University Heights should extend to the alleyway east of Texas Street and parallel to Texas Street on the east, and alleyways or lot lines, south of Lincoln Avenue and parallel to Lincoln on the south. Her concern was that a handful of properties would be undefined." Chair Wilson noted that many members of the public were no longer present; the boundary would come back before the Uptown Planners.* 

### VII. Member Comments/Community Reports

Aspire Center Advisory Committee: Report distributed by email; no time for discussion allowed in agenda.

### VIII. Adjournment:

Motion to Adjourn made by Mellos; Seconded by Ferrier. Motion passed by Consent. Meeting adjourned at approximately 8:10 PM.

### NOTICE OF FUTURE MEETINGS

Next meeting is September 3, 2013, at 6:00 PM. The meeting will occur at the Joyce Beers Center meeting facility on Vermont Street in the Uptown Shopping Center.

Respectfully submitted,

Joe Naskar Secretary

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Printed on recycled paper. Visit our web site at <u>www.sandiego.gov/development-services</u> Upon request, this information is available in alternative formats for persons with disabilities.

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