



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: February 28, 2008 **REPORT NO. PC-08-022**

ATTENTION: **Planning Commission, Agenda of March 6, 2008**

SUBJECT: 7052-7074 FULTON STREET TENTATIVE MAP-PROCESS FOUR

REFERENCE: PTS 57614, Site Development Permit No.169389,
Approved by Hearing Officer on September 7, 2005

**OWNER/
APPLICANT:** Michael Contreras

SUMMARY

Issue: Should the Planning Commission approve a Tentative Map to enable the sale of 29 (6 existing and 23 under construction) residential units as condominiums, located at 7052-7074 Fulton Street, including the request to waive the requirement to underground existing overhead utilities within the Linda Vista Community Plan Area?

Staff Recommendation: **APPROVE** Tentative Map No. 485209; including the request to waive the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: On January 28, 2008, the Linda Vista Planning Group voted 13-0-0 to recommend approval with the condition to comply with the City's parking requirement (Attachment 8).

Environmental Review: This project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Section 15332(a) for the new condos and 15302 for the existing condos. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on August 26, 2007, and the opportunity to appeal that determination ended September 11, 2007.

Code Enforcement Impact: None with this action.

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

Housing Impact Statement: This project was approved on September 7, 2005, as rental apartments having to provide 10 percent of the units for rent to families earning no more than 65% Area Median Income (AMI). The units are currently under construction. The applicant is proposing to convert the units to condominiums for sale. This condominium conversion project is subject to the regulations of the Inclusionary Housing Ordinance. The applicant, as a condition of the Tentative Map, is required to enter into an agreement with the San Diego Housing Commission to assure the construction and occupancy of the affordable housing units. Ten percent (3 units) of the condominium units will be available for sale to households earning no more than 100% Area Median Income.

BACKGROUND

The 0.978-acre site is located at 7052-7074 Fulton Street, west of Linda Vista Road, in the Linda Vista Community Planning area, and falls within the RM-3-7 zone (Attachment 2). The site is designated within the Linda Vista Community Plan for Medium-High Density residential use at 30-43 dwelling units per acre.

On September 7, 2005 the Hearing Officer of the City of San Diego Approved Site Development Permit No. 169389 to demolish an existing duplex and construct a 23 unit residential apartment development. A six-unit apartment building located on the site was to remain and be refurbished for a total of 29 units on the 0.978-acre site. The new construction consisted of two- and three-story residential structures containing two- and three-bedroom units that range in size from 827 square-feet to 1,147 square-feet of living area, with 17 attached tandem garages. The project included a detached carport to accommodate an additional 16 parking spaces. A total of 50 parking spaces were provided on-site.

The proposed site development included the construction of driveways, a recreation area, laundry facilities, storage, and landscaping. The project complied with the RM-3-7 development regulations within the San Diego Municipal Code (SDMC) and did not request any deviations. In addition, the landscaping conformed to the City's *Land Development Manual -Landscape Standards*.

Building Permit No.184669 was issued on January 22, 2007 and four new buildings are currently under construction for the new 23 residential units. Building 5 which was built in 1941 has been refurbished and the six units are occupied at this time.

DISCUSSION

Project Description:

The project proposes a Tentative Map for the subdivision of a 0.978-acre site into one (1) lot for a 29 unit residential condominium ownership. The applicant is also requesting that the requirement for the undergrounding of existing overhead utilities be waived.

Section 125.0410 of the San Diego Municipal Code (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 decision maker may approve a Tentative Map for the purpose of the conversion of residential property into condominium project if the decision maker finds that the proposed conversion complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed condominium conversion and determined that it complies with both the Subdivision Map Act and the San Diego Municipal Code.

Community Plan Analysis:

The project site is located on the northwest corner of Fulton Street and Eastman Court within the Linda Vista Community Planning Area (Attachment 3). The community plan designates the site for Medium High Density residential use at 30-43 dwelling units per acre, and would allow a minimum of 29 units and a maximum of 42 units on the subject property (Attachment 2). The 29 unit residential complex (23 new and six existing) would not adversely affect the Linda Vista Community Plan in that it would implement policies and recommendations of the community Plan associated with building scale and character, site and building design, parking areas for multi family developments, pedestrian access, streetscape, landscaping, outdoor amenities and pedestrian activity areas. The tentative map is being processed to enable the sale of the 29 residential units as condominiums.

Undergrounding of Existing Utilities:

San Diego Municipal Code 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, *Undergrounding Conversion of Utility lines at the Developer's Expense*, in that the conversion involves a short span of overhead facility (less than a full block in length) and it has been determined that such conversion is not a part of a continuing effort to accomplish a total undergrounding within a specific street or area.

The conversion would represent an isolated undergrounding with a minimum probability of extension in the future, 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 City's Undergrounding Master Plan for Fiscal Year 2008 designates the site within Block 6V1 and a date for undergrounding has been established for the year 2056 (Attachment 7). All new service runs to new structures within the subdivision will be undergrounded per conditions of the Tentative Map (Attachment 6).

Community Planning Group Recommendations:

At the January 28, 2008 meeting of the Linda Vista Planning Group, discussion was held on required parking for the project. The project is proposing to provide 50 off-street parking spaces as required by their previous permit, where 41 are required under the condo conversion regulations. Therefore, the Linda Vista Community Planning Group moved to approve the project with the condition that their parking be in conformance with the City's parking requirements (Attachment 8).

Project-Related Issues:

All condominium conversion projects not yet heard by July 25, 2006, must conform to the current regulations regarding: inclusionary housing, tenant relocation benefits, the provision of a building conditions report, conformance with landscape regulations, and conformance with noticing requirements. This project is also required to conform to the new parking regulations for condominium conversions, based on language adopted by City Council. The requested conversion of these residential units to condominiums represents primarily a change in ownership.

Inclusionary Housing Ordinance: The applicant is proposing to convert the units to condominiums for sale. This condominium conversion project is subject to the regulations regarding Inclusionary Housing Ordinance. The applicant is required to enter into an agreement with the San Diego Housing Commission, a condition of the permit, to assure the construction and occupancy of the affordable housing units. Ten percent (3 units) of the condominium units will be available for sale to households earning no more than 100% Area Median Income.

Prior to the recordation of the final map, the Subdivider shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code). Condominium conversion projects of twenty or

more units are required to satisfy the inclusionary housing requirements on-site in accordance with Section 142.1306 of the San Diego Municipal Code. Prior to the recordation of the final map, the Subdivider must enter into an agreement with the San Diego Housing Commission to assure that the 10% of the affordable units are sold at restricted prices to eligible households.

In order to comply with the relocation requirements of the condo conversion ordinance, the Housing Commission will send the applicant a tenant roster to complete and return to the Housing Commission. The applicant shall provide a relocation assistance payment to all tenants of the project. The relocation payment shall be three months rent based on the current San Diego "fair market rent" for apartment size, as established by the U. S. Department of Housing and Urban Development. The relocation payment shall be paid no later than the day on which the applicant gives notice to the tenant to vacate the premises and shall be based on the fair market rent at the time of the notice. Compliance with the relocation requirements of the condominium conversion ordinance will be a condition to filing a final subdivision map.

Building Conditions Report: In accordance with the current regulations, the applicant provided a Building Conditions Report and Landscape Concept Plan. Both of these documents have been reviewed for conformance with the applicable regulations within Land Development Code (Chapter 14, Article 4, Division 5) and have been accepted by staff as conforming to the regulations.

Noticing: There is no noticing requirement for the new 23 units since they are currently under construction and vacant. However the six existing units that are rented will require the Tenant 60-day Notice of Intent to Convert to Condominiums. Two of the units are occupied by the owner of the project; one as his residence and one as his office. The other four units were notified on July 15, 2007 (Attachment 11).

Parking: Under condominium conversion regulations the 29 unit project will be required to provide 41 off-street parking spaces. The approved apartment project was conditioned to provide 50 parking spaces. The applicant is proposing to provide 49 parking spaces as shown on Exhibit "A". Therefore, the proposed project exceeds the minimum requirement for off-street parking.

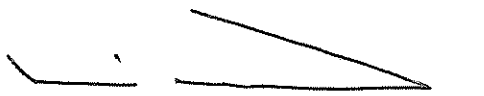
Conclusion:

Staff has reviewed the request for a Tentative Map for the conversion of 29 residential units into condominiums and has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps. Staff believes the required findings can be supported and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. Approve Tentative Map No. 485209, with modifications.
2. Deny Tentative Map No. 485209, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



Farah Mahzari
Development Project Manager
Development Services Department

WESTLAKE/FZM

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Tentative Map
6. Draft Tentative Map Conditions and Subdivision Resolution
7. Utilities Undergrounding Master Plan
8. Community Planning group Recommendation
9. Ownership Disclosure Statement
10. Project Chronology
11. Tenant 60-Day Notice of Intent to Convert to Condominiums
12. Building Conditions Report (Under separate cover)