

**DATE ISSUED:** February 1, 2007

**REPORT NO. PC-07-024**

**ATTENTION:** **Planning Commission, Agenda of February 8, 2007**

**SUBJECT:** 2233 ULRIC ST TENTATIVE MAP - PROJECT NO. 96590  
PROCESS FOUR

**OWNER:** Michael & Vivian Contreras

**APPLICANT:** Grace Baker, DGB Survey & Mapping Inc.

**SUMMARY**

**Issue(s):** Should the Planning Commission approve a Tentative Map to convert one hundred forty two (142) existing residential units to condominiums with a request to waive the requirement to underground existing overhead utilities on a 2.19 acre site at 2233 Ulric Street in the RM-3-9z one within the Linda Vista Community Plan?

**Staff Recommendation:**

1. **APPROVE** Tentative Map No. 313806
2. **APPROVE** request to waive the requirement to underground existing overhead utilities.

**Community Planning Group Recommendation:** On June 26, 2006, the Linda Vista Community Planning Committee voted 7-6-0 to approve this project with no conditions.

**Environmental Review:** This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15301 on March 15, 2006. An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on July 31, 2006. The scope of the subject hearing only includes the project, not the environmental determination.

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

**Code Enforcement Impact:** None with this action.

**Housing Impact Statement:** With the proposed conversion of 142 existing apartments to condominiums, there would be a loss of 142 rental units and a gain of 142 for-sale units. This condominium conversion project was deemed complete on March 8, 2006, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance.

## **BACKGROUND**

This Tentative Map project is subject to the condominium conversion regulations in effect prior to June 13, 2006, based on the City Council's specific adoption language for the "new" condominium conversion regulations. At the June 13, 2006, hearing, the City Council specifically excluded all projects that had CEQA appeals pending on or before June 13, 2006. This project is one of those which had a pending appeal. That appeal hearing was held on July 31, 2006, and the City Council denied the appeal of the CEQA determination of exemption. Therefore, the project can proceed to its discretionary hearing.

The 2.19 acre project site is located at 2233-2281 Ulric Street, in the RM-3-9 zone, within the Linda Vista Community Plan Area (Attachment 2). The site is presently developed with ten 2-story structures containing 128 studio units and 14 one-bedroom units. 99 off-street parking spaces are provided onsite. The site is surrounded by commercial development to the west, and multi-unit residential development to the north, east, and south.

The project, originally consisting of 10 buildings with 146 studio units, 2 one-bedroom units, and 99 parking spaces was approved for construction in 1959. At the time of construction, the site was zoned R-4 and would have allowed one unit per 400 square feet of lot area, or 239 units on the 95,498-square-foot site. Modifications in buildings 7, 8, 9, and 10 were approved in 1994 allowing the conversion of 18 studio units into 12 one-bedroom units with a net loss of 6 units. The site had been rezoned to R-3A at the time of the remodeling, which allowed one unit per 600 square feet of lot area, or 159 units on the subject site. The project conforms to the current density requirement of the RM-3-9 zone, which also allows one unit per 600 square feet of lot area or 159 units on the subject site. The development complied with the zoning and development regulations in effect at the time of construction and no active Building or Zoning code violations are recorded against the property.

The project proposes the construction of 12 additional off-street parking spaces: four new parking spaces are proposed along the southern project boundary with access provided from the alley, and the relocation and re-striping of parking spaces along the southeastern project boundary resulting in a net increase of 8 parking spaces for a total of 111 parking spaces. Based on current parking criteria, a total of 18 parking spaces would be required for the 142-unit residential complex. However, the project has previously-conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. There were no parking requirements at the time the project was constructed.

## **DISCUSSION**

### **Project Description:**

The project proposes a Tentative Map for the subdivision of a 2.19-acre site to convert 142 existing dwelling units into condominiums on one existing lot (Attachment 5). 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 decisionmaker may approve a Tentative Map for the purposes of the conversion of residential property into a 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.

### **Undergrounding Waiver Request:**

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, *Underground Conversion of Utility Lines at the Developer's Expense*, the conversion involves a short span of overhead facility (less than 600 feet in length) and the conversion would not represent a logical extension to an underground facility.

The applicant will be required to underground all existing service on the site per Condition No. 20 of the draft Tentative Map resolution (Attachment 6). The applicant would also be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 4 of the draft Tentative Map resolution (Attachment 6).

There is currently a power pole on West Dunlop, which serves building number 9 and surrounding properties. There is also a power pole on the property next to the Service Office with overhead lines that connect to buildings 8 and 10. Service to the other buildings within the development is from the power pole next to the Service Office which is fed underground from Ulric Street. As indicated above, all onsite utilities serving this property will be required to be undergrounded. The waiver is being requested for the requirement to underground adjacent utility poles serving the surrounding properties. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 6E, and the date for undergrounding has been established for the year 2029 (Attachment 10).

**Community Planning Group and Neighborhood Recommendations:**

On June 26, 2006, the Linda Vista Community Planning Committee voted 7-6-0 to approve this project with no conditions.

**Project-Related Issues:**

This project was the subject of a valid appeal of its environmental determination as of June 13, 2006. On July 31, 2006, the City Council denied the CEQA appeal. (Attachment 7). Therefore, this project is subject to the regulations that were in effect at the time its submittal was deemed complete.

The requested conversion of these residential units to condominiums represents primarily a change in ownership. The applicant certified that the required 60-day Notice of Intent to Convert to Condominiums was provided to existing tenants between June 8 through June 12, 2006 (Attachment 11).

All condominium conversion projects Deemed Complete on or after February 7, 2004, must conform with the regulations regarding inclusionary housing adopted by the City Council on March 15, 2004. This project was deemed complete on March 8, 2006 and is therefore subject to these regulations.

The project has been conditioned to require the subdivider conform with 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 Final Map. The applicant has elected to pay an in-lieu fee of \$113,800 (45,520 square feet x \$2.50) to satisfy the Inclusionary Housing requirement, as allowed by the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

**Conclusion:**

Staff has reviewed the request for a Tentative Map for the conversion of 142 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 requirement findings can be supported and recommends the Planning Commission approve the project as proposed.

**ALTERNATIVES**

1. **Approve** Tentative Map No. 313806**with modifications.**
2. **Deny** Tentative Map No. 313806**if the findings required to approve the project cannot be affirmed.**

**Respectfully submitted,**

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**Mike Westlake**  
**Program Manager**  
**Development Services Department**

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**John Cruz**  
**Project Manager**  
**Development Services Department**

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Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Tentative Map
6. Draft Map Conditions and Subdivision Resolution
7. City Council Resolution R-301773 denying the Environmental Exemption appeal
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. Project Chronology
11. City's Undergrounding Master Plan – Map 6E
12. Sample of 60-Day Notice of Intent to Convert