



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: June 11, 2015 **REPORT NO. PC-15-082**

ATTENTION: Planning Commission, Agenda of June 18, 2015

SUBJECT: UTAH 7 TENTATIVE MAP – PROJECT NO. 402736 – PROCESS 4

**OWNER/
APPLICANT:** Pujji Development, LLC

SUMMARY

Issue(s): Should the Planning Commission approve a Tentative Map to create a total of seven (7) condominium units and waive the requirement to underground existing offsite overhead utilities at 4512-4518 Utah Street, within the Greater North Park Community Plan area?

Staff Recommendation(s): Approve Tentative Map No. 1407709.

Community Planning Group Recommendation: On April 20, 2015, the North Park Community Planning Committee voted 10-0-0, on consent, to recommend denial of the project. The denial was based on the lack of prior community input for the under-construction multi-family structure that was previously approved by ministerial construction permits (Attachment 10).

Environmental Review: This project is exempt from environmental review pursuant to Article 19, Section 15304, Minor Alterations to Land, of the California Environmental Quality Act (CEQA) (Attachment 7). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on April 22, 2015, and the opportunity to appeal that determination ended May 7, 2015.

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

Code Enforcement Impact: None with this action.

Housing Impact Statement: Approval of the proposed Tentative Map for the conversion of one existing unit and the creation six under-construction units into condominiums, for a total of seven condominium units on the project site. The applicant will provide one unit restricted to very low income households pursuant to their previously approved Density Bonus and Affordable Housing Agreement with the San Diego Housing Commission, as discussed below.

BACKGROUND

The 0.16-acre site is located at 4512-4518 Utah Street (Attachment 1), in the MR-1500 Zone of the Mid-City Communities Planned District, within the Greater North Park Community Plan area (Attachment 2) and the Transit Area Overlay Zone. The MR-1500 Zone allows multi-family residential development at a density of one unit per 1,500 square feet of lot area, which would allow five units on the site. The Greater North Park Community Plan designates the site for Medium density residential development, at a rate of 15-30 dwelling units per acre, which would also allow up to five units on the site. The site is presently developed with a 1,225-square-foot, single-family, three-bedroom, one-story residential structure that was built in 1928, and is surrounded on all sides by existing, multi-family development. On November 13, 2013, the existing single-family structure was determined to be not historically significant and that determination is valid until November 13, 2018.

A three-story, multi-family residential structure with six units is currently under construction at the rear of the project site, behind the existing single-family structure, and was approved via Building Permit No. 1330215, under Project No. 380704. The six units include two studio, two one-bedroom and two two-bedroom units. A total of eight onsite parking spaces are provided, in compliance with San Diego Municipal Code (SDMC) requirements, including the specific parking requirements of the Transit Overlay Zone and SDMC Section 143.0740(g), Development Incentives for Affordable Housing Density Bonus Projects.

During the ministerial building permit review of the six-unit structure, the applicant entered into an approved, recorded Density Bonus and Affordable Housing Agreement with the San Diego Housing Commission, as allowed by SDMC Section 143.0720 and State law. All conditions and requirements of this agreement remain in effect for this subdivision approval. This agreement provided the applicant with a density bonus of two additional units above the five allowed units, in exchange for the restriction of one unit to very low income households. Therefore, there are seven residential units on this project site where five are allowed by the base zone and Community Plan. The agreement restricts one unit for an initial 30 years at a rent not to exceed 30 percent of 50 percent Area Median Income (AMI) and the next 25 years at 30 percent of 65 percent AMI. This agreement was approved and executed as part of the ministerial building permit review and is not part of the approval scope of this discretionary action.

The six units currently under construction were allowed three incentives in the form of deviations to the development regulations of the zone as part of the Affordable Housing Density Bonus agreement, as allowed by the SDMC Section 143.0740 and State law. The building permit was therefore approved with deviations to the side setback on the north side, maximum site coverage and maximum Floor Area Ratio (FAR).

DISCUSSION

Project Description:

The project proposes a Tentative Map for the subdivision of the site to convert one (1) existing single-family residential structure into a condominium and create six (6) residential condominium units in a multi-family structure that is currently under construction, for a total of seven (7) condominium units on the subject site. SDMC Section 125.0410 requires that a Tentative Map be processed for the subdivision of land. The Tentative Map request is a Process Four Planning Commission decision as outlined in SDMC Section 125.0430. According to SDMC Section 125.0440, Findings for Tentative Maps, the decision maker may approve a Tentative Map if they find that the proposed subdivision complies with the requirements of the Subdivision Map Act and the SDMC.

The applicant is requesting that the requirement to underground the existing offsite, overhead utilities be waived. SDMC Section 144.0242 allows the subdivider to apply for a waiver of the requirement to underground such utilities within the boundary of the subdivision or within the abutting public rights-of-way. City staff has determined the underground waiver request qualifies for consideration pursuant to SDMC Section 144.0242(c) in that the conversion involves a short span of overhead utilities less than a full block in length and the conversion would not represent a logical extension to an underground facility. The applicant is required to underground any new service runs to any new or proposed structures and all onsite utilities within the subdivision per the conditions contained in the draft Tentative Map Resolution.

There are no existing power poles located on or immediately adjacent to the project site. The closest power pole is located in the alley at the rear of the project site, on the opposite side of the right-of-way. The City's Undergrounding Master Plan for Fiscal Year 2009 designates the site within Block 3Y1, which currently has an estimated construction start date of 2030.

The project has been conditioned to construct public improvements, as shown on the approved construction plan for Right-of-Way Permit No. 1367301, Project No. 391639, which includes new curb, gutter, sidewalk, driveway, water & fire services and alley pavement.

Project-Related Issues:

The project includes a request to convert one existing residential unit to a condominium, which primarily represents a change in ownership. Because the unit to be converted to a condominium is a single-family structure that is the only existing unit that has been occupied on the subject site, it is not subject to the condominium conversion regulations, including noticing, tenant relocation and inclusionary housing. As stated in SDMC Section 144.0501, these regulations apply to the conversion of *apartments* to condominiums. There is only one existing unit on the site that functions as a single-family home on one lot and is therefore not an apartment.

Conclusion:

Staff has reviewed the request for a Tentative Map to convert one (1) existing single-family residential structure into a condominium and create six (6) residential condominium units (under construction) 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. 1407709, **with modifications.**
2. **Deny** Tentative Map No. 1407709, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Assistant Deputy Director
Development Services Department



Paul Godwin
Development Project Manager
Development Services Department

WESTLAKE/PG

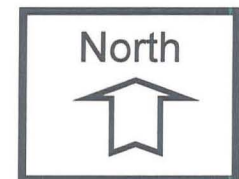
Attachments:

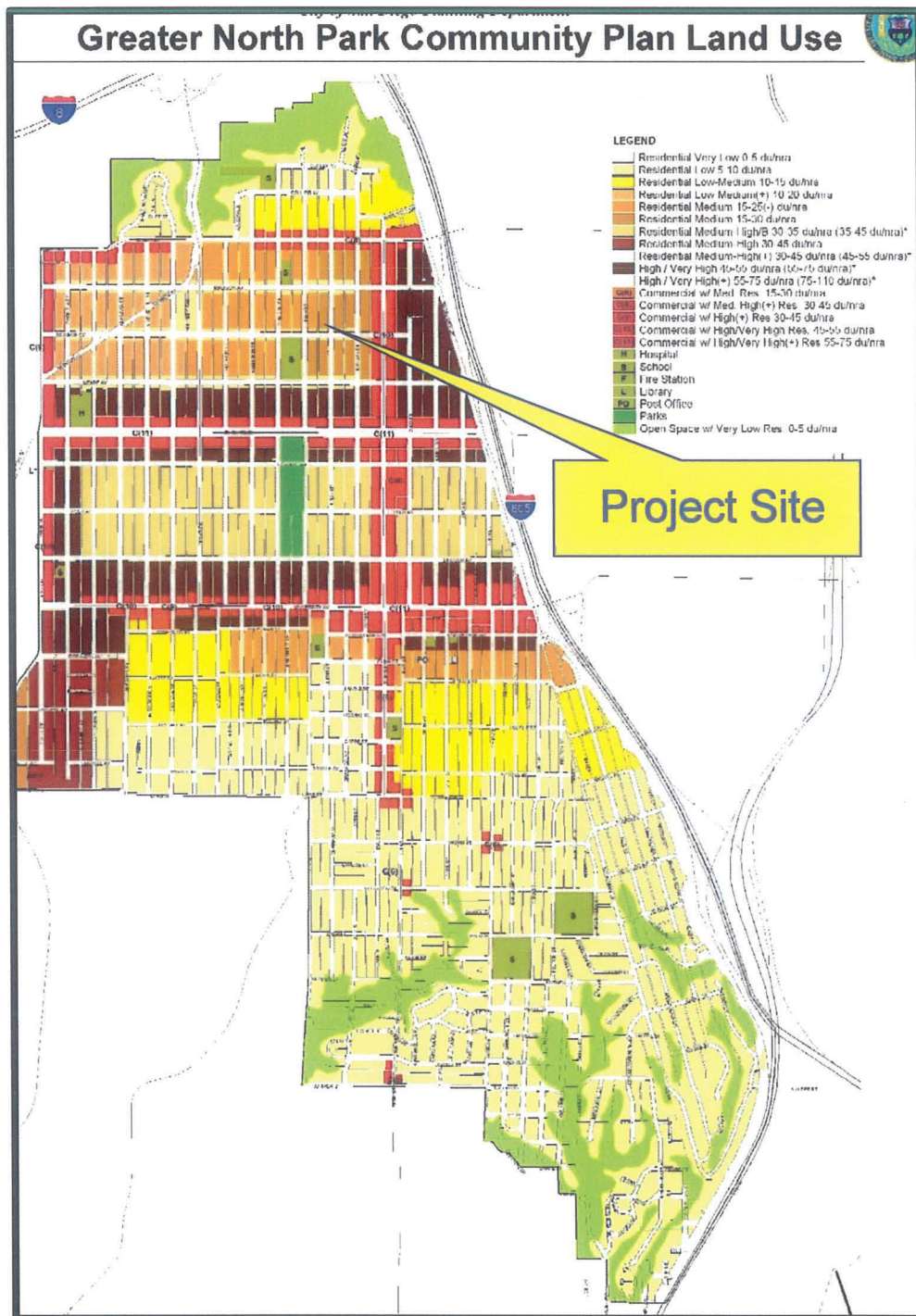
1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft Map Resolution with Findings
6. Draft Map Conditions
7. Environmental Exemption
8. Map Exhibit-Tentative Map
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement



Location Aerial Photo

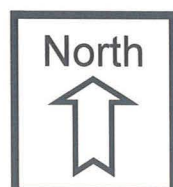
Utah 7 Tentative Map – 4512-4518 Utah Street
PROJECT NO. 402736





Land Use Map

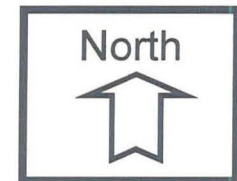
Utah 7 Tentative Map – 4512-4518 Utah Street
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Project Location Map

Utah 7 Tentative Map – 4512-4518 Utah Street
PROJECT NO. 402736



PROJECT DATA SHEET

PROJECT NAME:	Utah 7 Tentative Map	
PROJECT DESCRIPTION:	Tentative Map to create seven condominium units, including underground utility waiver	
COMMUNITY PLAN AREA:	Greater North Park	
DISCRETIONARY ACTIONS:	Tentative Map	
COMMUNITY PLAN LAND USE DESIGNATION:	Multi-Family Residential (Allows residential development at 15-30 dwelling units per acre).	
<u>ZONING INFORMATION:</u> ZONE: MR-1500: (A multi-unit residential zone that permits 1 dwelling unit for each 1,500 square-feet of lot area) HEIGHT LIMIT: 30-foot maximum height limit LOT SIZE: 6,000-square-foot minimum lot size FLOOR AREA RATIO: 0.75 maximum FRONT SETBACK: 10 feet SIDE SETBACK: 6 feet STREETSIDE SETBACK: 8 feet REAR SETBACK: 1 foot (with alley) PARKING: 8 parking spaces required		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Multi-Family Residential; MR-1500	Multi-Family Development
SOUTH:	Single-Family Residential; RS-1-7	Multi-Family Development
EAST:	Multi-Family Residential; MR-1500	Multi-Family Development
WEST:	Multi-Family Residential; MR-1750	Multi-Family Development
DEVIATIONS OR VARIANCES REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On April 20, 2015, the North Park Community Planning Committee voted on consent, (10-0-0), to recommend denial of the project.	

PLANNING COMMISSION RESOLUTION NUMBER R-_____

TENTATIVE MAP NO. 1407709, UTAH 7 TENTATIVE MAP -
PROJECT NO. 402736

WHEREAS, Pujji Developoment, LLC, Subdivider, and Vernon Franck, Metropolitan Mapping, Surveyor, submitted an application to the City of San Diego for a Tentative Map to create six (6) residential condominium dwelling units (under construction) and to convert one (1) existing residential unit into a condominium for the Utah 7 Tentative Map project, and to waive the requirement to underground existing offsite overhead utilities. The 0.16-acre project site is located at 4512-4518 Utah Street, in the MR-1500 Zone of the Mid-City Communities Planned District, within the Greater North Park Community Plan area. The property is legally described as Lots 27 and 28 in Block 56 of University Heights, Map No. 8; and

WHEREAS, the Map proposes the Subdivision of a 0.16-acre site into one (1) lot to create six (6) residential condominiums that are currently under construction and the condominium conversion of one (1) existing residential unit, for a total of seven condominium (7) units; and

WHEREAS, this subdivision is a condominium project as defined in Section 4125 of the Civil Code of the State of California and is filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is seven (7); and

WHEREAS, on April 22, 2015, 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 Guideline Section 15304; 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 request to waive the undergrounding of existing overhead utilities has been determined to be appropriate pursuant to San Diego Municipal Code section 144.0242(c) because 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.; and

WHEREAS, on June 18, 2015, the Planning Commission of the City of San Diego considered Tentative Map No. 1407709, including the waiver of the requirement to underground existing offsite overhead utilities, and pursuant to San Diego Municipal Code section(s) 125.0440, 125.0444, and 144.0240 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 Planning Commission having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 1407709:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.

The project proposes a Tentative Map for the subdivision of the site to convert one (1) existing single-family residential structure into a condominium and create six (6) residential condominium units in a multi-family structure that is currently under construction, for a total of

seven (7) condominium units on the 0.16-acre project site, located at 4515-4518 Utah Street, in the MR-1500 Zone of the Mid-City Communities Planned District Ordinance, in the Greater North Park Community Plan area. The Greater North Park Community Plan designates the site for Medium density residential development, at a rate of 15-30 dwelling units per acre, which would allow up to five units on the site.

During the Ministerial building permit review of the six-unit structure, the applicant entered into an approved Density Bonus and Affordable Housing Agreement with the San Diego Housing Commission, as allowed by SDMC Section 143.0720. This agreement provided the applicant with a density bonus of two additional units above the five allowed units, in exchange for the restriction of one unit to very low income households. The agreement restricts one unit for an initial 30 years at a rent not to exceed 30 percent of 50 percent Area Median Income (AMI) and the next 25 years at 30 percent of 65 percent AMI. Therefore, there are seven residential units on this project site where five are allowed by the base zone and Community Plan. The subdivision is consistent with the Greater North Park Community Plan and the General Plan.

The six units currently under construction were allowed three incentives in the form of deviations to the development regulations of the zone as part of an Affordable Housing Density Bonus agreement, as allowed by the SDMC. The building permit was therefore approved with deviations to the side setback on the north side, maximum site coverage and maximum Floor Area Ratio (FAR) allowed. The under-construction project was reviewed for conformance with the Mid-City Communities Planned District Ordinance MR-1500 Zone during the Building Permit plan check phase. With the exception of the allowed deviations, the development conforms to the development regulations of the zone and there are no zoning or planning issues with the proposed Tentative Map.

The requested waiver of the requirement to underground the existing overhead utility facilities in the abutting public rights-of-way qualifies under the guidelines of Municipal Code Section 144.0242, Waiver of the Requirements to Underground Privately Owned Utility Systems and Service Facilities, in that the project 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 project has been conditioned to underground any new service run to any new or proposed structures within the subdivision.

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.

The project proposes a Tentative Map for the subdivision of the site to convert one (1) existing single-family residential structure into a condominium and create six (6) residential condominium units in a multi-family structure that is currently under construction, for a total of seven (7) condominium units on the 0.16-acre project site, located at 4515-4518 Utah Street, in the MR-1500 Zone of the Mid-City Communities Planned District Ordinance, in the Greater North Park Community Plan area. The Greater North Park Community Plan designates the site for Medium density residential development, at a rate of 15-30 dwelling units per acre, which would allow up to five units on the site. The project includes a request to waive the requirement to underground the existing offsite overhead utilities.

The requested waiver of the requirement to underground the existing overhead utility facilities in the abutting public rights-of-way qualifies under the guidelines of Municipal Code Section 144.0242, Waiver of the Requirements to Underground Privately Owned Utility Systems and Service Facilities, in that the project 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 project has been conditioned to underground any new service run to any new or proposed structures within the subdivision.

During the Ministerial building permit review of the six-unit structure, the applicant entered into an approved Density Bonus and Affordable Housing Agreement with the San Diego Housing Commission, as allowed by SDMC Section 143.0720. This agreement provided the applicant with a density bonus of two additional units above the five allowed units, in exchange for the restriction of one unit to very low income households for at least 30 years. The agreement restricts one unit for an initial 30 years at a rent not to exceed 30 percent of 50 percent Area Median Income (AMI) and the next 25 years at 30 percent of 65 percent AMI. Therefore, there are seven residential units on this project site where five are allowed by the base zone and Community Plan.

The six units currently under construction were allowed three incentives in the form of deviations to the development regulations of the zone as part of an Affordable Housing Density Bonus agreement, as allowed by the SDMC. The building permit was therefore approved with deviations to the side setback on the north side, maximum site coverage and maximum Floor Area Ratio (FAR) allowed. The under-construction project was reviewed for conformance with the Mid-City Communities Planned District Ordinance MR-1500 Zone during the Building Permit plan check phase. With the exception of the allowed deviations, the development conforms to the development regulations of the zone and there are no zoning or planning issues with the proposed Tentative Map.

The project has been reviewed and determined to be in compliance with the Municipal Code and the Subdivision Map Act and includes conditions and exhibits to ensure the provision of adequate parking, public improvements and compliance with the Land Development Code.

3. The site is physically suitable for the type and density of development.

The project proposes a Tentative Map for the subdivision of the site to convert one (1) existing single-family residential structure into a condominium and create six (6) residential condominium units in a multi-family structure that is currently under construction, for a total of seven (7) condominium units on the 0.16-acre project site, located at 4515-4518 Utah Street, in the MR-1500 Zone of the Mid-City Communities Planned District Ordinance, in the Greater North Park Community Plan area. The project includes a request to waive the requirement to underground the existing offsite overhead utilities.

The developed, urban, in-fill project site is located on a flat, previously graded parcel. The project has been conditioned to construct public improvements, as shown on the approved construction plan for Right-of-Way Permit No. 1367301, Project No. 391639, which includes new curb, gutter, sidewalk, driveway, water & fire services and alley pavement. 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.

The project proposes a Tentative Map for the subdivision of the site to convert one (1) existing single-family residential structure into a condominium and create six (6) residential condominium units in a multi-family structure that is currently under construction, for a total of seven (7) condominium units on the 0.16-acre project site, located at 4515-4518 Utah Street, in the MR-1500 Zone of the Mid-City Communities Planned District Ordinance, in the Greater North Park Community Plan area. The project includes a request to waive the requirement to underground the existing offsite overhead utilities.

The developed project site is located in an urban in-fill area and does not contain nor is adjacent to any sensitive resources, MHPA lands, or existing fish or wildlife habitats. No improvements or intensification of use is proposed with the subdivision. The subdivision is categorically exempt from review under the California Environmental Quality Act.

5. The design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare.

The project proposes a Tentative Map for the subdivision of the site to convert one (1) existing single-family residential structure into a condominium and create six (6) residential condominium units in a multi-family structure that is currently under construction, for a total of seven (7) condominium units on the 0.16-acre project site, located at 4515-4518 Utah Street, in the MR-1500 Zone of the Mid-City Communities Planned District Ordinance, in the Greater North Park Community Plan area. The project includes a request to waive the requirement to underground the existing offsite overhead utilities.

Although no improvements or intensification of use is proposed with the subdivision, all Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and other regulations governing construction, continued operation and health/life/safety requirements apply to this project. The project has been reviewed and determined to be in compliance with the Municipal Code and the Subdivision Map Act and includes conditions and exhibits to ensure the provision of adequate parking, public improvements and compliance with the Land Development Code. The subdivision is categorically exempt from review under the California Environmental Quality Act.

The six units currently under construction were allowed three incentives in the form of deviations to the development regulations of the zone as part of an Affordable Housing Density Bonus agreement, as allowed by the SDMC. The building permit was therefore approved with deviations to the side setback on the north side, maximum site coverage and maximum Floor Area Ratio (FAR) allowed. The under-construction project was reviewed for conformance with the Mid-City Communities Planned District Ordinance MR-1500 Zone during the Building Permit plan check phase. With the exception of the allowed deviations, the development conforms to the development regulations of the zone and there are no zoning or planning issues with the proposed Tentative Map.

The project has been conditioned to construct public improvements, as shown on the approved construction plan for Right-of-Way Permit No. 1367301, Project No. 391639, which includes new curb, gutter, sidewalk, driveway, water & fire services and alley pavement.

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.

The project proposes a Tentative Map for the subdivision of the site to convert one (1) existing single-family residential structure into a condominium and create six (6) residential condominium units in a multi-family structure that is currently under construction, for a total of seven (7) condominium units on the 0.16-acre project site, located at 4515-4518 Utah Street, in the MR-1500 Zone of the Mid-City Communities Planned District Ordinance, in the Greater North Park Community Plan area. The project includes a request to waive the requirement to underground the existing offsite overhead utilities.

There are no existing access easements located within the project boundaries, as shown on Tentative Map No. 1407709. As such, no conflict would occur with the recording of subdivision and there would be no conflict with any easements acquired by the public at large for access through or use of the 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.

The project proposes a Tentative Map for the subdivision of the site to convert one (1) existing single-family residential structure into a condominium and create six (6) residential condominium units in a multi-family structure that is currently under construction, for a total of seven (7) condominium units on the 0.16-acre project site, located at 4515-4518 Utah Street, in the MR-1500 Zone of the Mid-City Communities Planned District Ordinance, in the Greater North Park Community Plan area. The project includes a request to waive the requirement to underground the existing offsite overhead utilities.

The potential and opportunity exists to implement sustainable building techniques that utilize photovoltaic systems (solar panels) to generate a portion of the project's energy needs. Each structure will have 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.

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 resources.

The project proposes a Tentative Map for the subdivision of the site to convert one (1) existing single-family residential structure into a condominium and create six (6) residential condominium units in a multi-family structure that is currently under construction, for a total of seven (7) condominium units on the 0.16-acre project site, located at 4515-4518 Utah Street, in the MR-1500 Zone of the Mid-City Communities Planned District Ordinance, in the Greater

North Park Community Plan area. The project includes a request to waive the requirement to underground the existing offsite overhead utilities.

The requested Tentative Map would not result in a change in the number of housing units available, nor would it create additional a need for additional public services or fiscal and environmental resources. The project site is developed with one existing unit and six under-construction units that will exist with or without approval of the Tentative Map. The Tentative Map would alter the ownership arrangement to make the individual units condominiums but would not result in additional units or intensity.

9. The notices required by San Diego Municipal Code section 125.0431 have been given in the manner required.

The project proposes a Tentative Map for the subdivision of the site to convert one (1) existing single-family residential structure into a condominium and create six (6) residential condominium units in a multi-family structure that is currently under construction, for a total of seven (7) condominium units on the 0.16-acre project site, located at 4515-4518 Utah Street, in the MR-1500 Zone of the Mid-City Communities Planned District Ordinance, in the Greater North Park Community Plan area. The project includes a request to waive the requirement to underground the existing offsite overhead utilities.

The project includes a request to convert one existing residential unit to a condominium, which primarily represents a change in ownership. Because the unit to be converted to a condominium is a single-family structure that is the only existing unit on the subject site, it is not subject to the condominium conversion regulations, including tenant noticing. As stated in SDMC Section 144.0501, these regulations apply to the conversion of *apartments* to condominiums. There is only one existing unit on the site that functions as a single-family home on one lot and is therefore not an apartment. There are no tenants in the six-unit multi-family structure that is currently under construction as no Certificate of Occupancy has been issued. Therefore, no tenant notices are required for that portion of the project either.

10. The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing.

The project proposes a Tentative Map for the subdivision of the site to convert one (1) existing single-family residential structure into a condominium and create six (6) residential condominium units in a multi-family structure that is currently under construction, for a total of seven (7) condominium units on the 0.16-acre project site, located at 4515-4518 Utah Street, in the MR-1500 Zone of the Mid-City Communities Planned District Ordinance, in the Greater North Park Community Plan area. The project includes a request to waive the requirement to underground the existing offsite overhead utilities.

All costs associated with the processing and financing of this subdivision were paid by the applicant through private funds. Therefore, the project was not financed by funds obtained from a governmental agency to provide for elderly, disabled or low income housing.

11. For any project that was developed to provide housing for the elderly, disabled or to provide low income housing, provisions have been made to perpetuate the use for which the project was developed.

The project proposes a Tentative Map for the subdivision of the site to convert one (1) existing single-family residential structure into a condominium and create six (6) residential condominium units in a multi-family structure that is currently under construction, for a total of seven (7) condominium units on the 0.16-acre project site, located at 4515-4518 Utah Street, in the MR-1500 Zone of the Mid-City Communities Planned District Ordinance, in the Greater North Park Community Plan area. The project includes a request to waive the requirement to underground the existing offsite overhead utilities.

During the Ministerial building permit review of the six-unit structure, the applicant entered into an approved Density Bonus and Affordable Housing Agreement with the San Diego Housing Commission, as allowed by SDMC Section 143.0720. This agreement provided the applicant with a density bonus of two additional units above the five allowed units, in exchange for the restriction of one unit to very low income households. The agreement restricts one unit for an initial 30 years at a rent not to exceed 30 percent of 50 percent Area Median Income (AMI) and the next 25 years at 30 percent of 65 percent AMI. This agreement was approved and executed as part of the Ministerial building permit review and is not within the scope of the current discretionary action. Conformance with the approved Density Bonus and Affordable Housing Agreement has been included in the Tentative Map conditions.

The above 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 Planning Commission, Tentative Map No. 1407709, is hereby granted to Pujji Development, LLC, subject to the attached conditions which are made a part of this resolution by this reference.

By

Paul Godwin
Development Project Manager
Development Services Department

ATTACHMENT: Tentative Map Conditions

Internal Order No. 24005459

PLANNING COMMISSION CONDITIONS FOR TENTATIVE MAP NO. 140779,
UTAH 7 TENTATIVE MAP - PROJECT NO. 402736

ADOPTED BY RESOLUTION NO. R-_____ ON _____

GENERAL

1. This Tentative Map will expire July 2, 2018.
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 Final Map, unless otherwise noted.
3. Prior to the Tentative Map expiration date, a Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the San Diego County Recorder.
4. Prior to the recordation of the Final Map, 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. 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 Subdivider of any claim, action, or proceeding, or if 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 both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

ENGINEERING

6. The Subdivider shall construct the required Public Improvements, as shown on the approved construction plan with approval number 1367301, which included new curb, gutter, sidewalk, driveway, water & fire services and alley pavement.
7. The Subdivider shall provide a letter, agreeing to prepare CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.

Project No. 402736

TM No. 1407709

8. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
9. 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.
10. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Tentative Map 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.

MAPPING

11. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
12. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
13. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of First Order accuracy. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

WATER

14. The Subdivider shall obtain a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.

LANDSCAPE

15. Prior to the recordation of the parcel map, the Owner/Subdivider shall submit documentation of required, existing landscape to remain consistent with Exhibit 'A' Landscape Concept Plan and Building Permits issued under PTS 380704.
16. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.
17. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace it in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage.
18. If any required landscape (including existing plantings, hardscape, landscape features, etc.) indicated on the approved exhibits is damaged or removed during the life of the project, the Owner/Permittee shall repair and/or replace in kind to the satisfaction of the Development Services Department consistent with section 142.0403((b)(8) of the Land Development Code. Street trees and street yard landscape shall be provided in accordance with the requirements for condominium conversions in Section 142.0402.

TRANSPORTATION

19. No fewer than eight (8) parking spaces shall be maintained on the property at all times in the approximate locations shown on Exhibit "A". All on-site parking stalls and aisle widths shall be in compliance with the requirements of the Land Development code and shall not be converted and/or utilized for any other purpose, unless authorized in writing by the Development Services Department.

INFORMATION:

- The approval of this Tentative Map by the Planning Commission 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 USC § 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 Tentative Map 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 Tentative Map, may protest the imposition within ninety days of the approval of this Tentative Map 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. 24005459

ATTACHMENT 7

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

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:



NORTH PARK PLANNING COMMITTEE
Draft Minutes: April 20, 2015 – 6:30 PM
www.northparkplanning.org
info@northparkplanning.org

Like us:  [NorthParkPlanning](https://www.facebook.com/NorthParkPlanning) Follow us:  [@NPPlanning](https://twitter.com/NPPlanning)

I. **Call to order:** 6:35 pm

II. **Attendance Report:**

Member	Robert Barry	Howard Blackson	Dionne Carlson	Steve Codraro	Daniel Gebreselassie	Vicki Granowitz	Peter Hill	Brandon Hilpert	Rachel Levin	Sarah McAlear	Lucky Morrison	Roger Morrison	Dang Nguyen	Rick Pyles	Rene Vidales
Attendance			1	2	3	4	5	6	7	8	9			10	11
Late														6:45	
Absences	1	1										1	1		

III. **Modifications to and Adoption of the 4/21/15 Agenda**

- a. Urgent Non-Agenda Action Items: none
- b. **MOTION:** Adopt 4/21/15 Agenda Hill/Hilpert 10-0-0

IV. **Consent Agenda:**

- a. **4514-4516 Utah St. – Tentative Map** for a 7-unit project (6 units under construction, 1 existing residence) is to create condominiums. The 7,000 sf site is within the MR-1500 zone of the Mid-City Communities Planned District & the Transit Area Overlay Zone. An affordable Housing Density Bonus allowed a density bonus of 2 units (included one very affordable, one bedroom unit through the SD Housing commission). 8 parking spaces are to be provided, of which 6 are tandem. **MOTION: To deny the project as presented, due to lack of prior community input. McAlear/UDPR 10-0-0 (On Consent)**
- b. **3537-3547 Indiana St Apartments.** 24 units on a 24,326 sf site. The project to keep two historically designated bungalows & relocation 3 other bungalows. Parking to be underground, accessed through the alley, parking for all units, including the existing bungalows included. The site is located within the MR-1000 zone of the Mid-City Communities Planned District, Transit Area Overlay Zone **MOTION: To approve Indiana St Apartments Project #396980 at 3537-3547 Indiana St including a Site Development Permit, Neighborhood Use Permit, Easement Vacation for an existing drain and Deviations for:**
 - 1) required side and rear setbacks from the property lines for an elevator structure on the alley
 - 2) maximum allowable height, for an elevator equipment enclosure and solar panels
 - 3) architectural features required, for roof, window and door treatments
 - 4) providing one pedestrian entry where the code requires two entries**Steppke/UDPR 10-0-0 (On Consent)**
- c. **Proposed Zoning Correction for 2011-2197 Haller & Rezoning of 1942 Boundary St.** **MOTION: To recommend rezoning of the RS-1-7 at 1942 Boundary St & 2011-2197 Haller St to multifamily medium density (14-29 dwelling units per acre), include a zoning correction on the adjacent 2011-2197 Haller St existing townhouse development to reflect its actual density. The steep hillside is remain RS 1-1 & and to preserve access to Juniper Canyon open space. Granowitz/UDPR 10-0-0 (On Consent)**



THE CITY OF SAN DIEGO

City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit
☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☐ Conditional Use Permit
☐ Variance ☒ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment • ☐ Other _____

Project Title

Utah 7

Project No. For City Use Only

402736

Project Address:

4514-16 Utah Street, San Diego, CA

Part I - To be completed when property is held by Individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☐ Yes ☒ No

Name of Individual (type or print):

Rominder Pujji

☒ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

P. O. Box 5000-104

City/State/Zip:

Rancho Santa Fe, CA. 92067

Phone No:

858-205-9515

Fax No:

Signature :

Date: DEC 16, 2014
Nov 6, 2013

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

Anjali Pujji

☒ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

P. O. Box 5000-104

City/State/Zip:

Rancho Santa Fe, CA. 92067

Phone No:

858-205-9515

Fax No:

Signature :

Date: DEC 16, 2014
Nov 6, 2013

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Project Title:

4 on Albatross

Project No. (For City Use Only)

402736

Part II - To be completed when property is held by a corporation or partnership**Legal Status (please check):**

☐ Corporation ☒ Limited Liability -or- ☐ General) What State? CA Corporate Identification No. _____
☐ Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. **Additional pages attached** ☐ Yes ☐ No

Corporate/Partnership Name (type or print):
Pujji Development, LLC, a Ca limited liability company

☒ Owner ☐ Tenant/Lessee

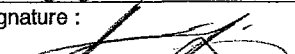
Street Address:
P. O. Box 5000-104

City/State/Zip:
Rancho Santa Fe, CA. 92067

Phone No: 858-205-9515 Fax No: _____

Name of Corporate Officer/Partner (type or print):
Rominder Pujji

Title (type or print):
Managing Member

Signature :  Date: DEC 16 ' 2014
Nov 6, 2013

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: _____ Fax No: _____

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : _____ Date: _____

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: _____ Fax No: _____

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : _____ Date: _____

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: _____ Fax No: _____

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : _____ Date: _____

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: _____ Fax No: _____

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : _____ Date: _____

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: _____ Fax No: _____

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : _____ Date: _____