



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: July 13, 2005                      REPORT NO. HO 05-122

ATTENTION:                      Hearing Officer

SUBJECT:                      5934 RILEY STREET MAP WAIVER  
PTS PROJECT NUMBER: 49463

LOCATION:                      5934 Riley Street

APPLICANT:                      Tom Armstrong

### SUMMARY

Requested Action - Should the Hearing Officer approve a request for Map Waiver No. 147359 to waive the requirement for a Tentative Map to create three condominium ownerships from three residential apartment units under construction?

Staff Recommendation - APPROVE an application for Map Waiver 147359.

Community Planning Group Recommendation – On January 24, 2005 the Linda Vista Community Planning Board voted to approve the Map Waiver. The motion passed 11-1, with conditions as discussed in the report (Attachment 6).

Environmental Review - This project is exempt from environmental review pursuant to Article 19, Section 15301(k), Existing Facilities, of the California Environmental Quality Act (CEQA).

### BACKGROUND

The 0.115 acre property is located at 5934 Riley Street in the RM-3-7 Zone of the Linda Vista Community Plan. The Community Plan designates the site for residential development, with a medium high density of 30 to 43 dwelling units per acre. The Community Plan describes this area as the Silver Terrace neighborhood, an area developed with multi-unit condominium and apartment complexes. Residential uses exist to the north, east, west and south. The project has an approved Engineering Permit for grading and improvement plans per drawing No. 32550-D, and an approved Building Permit No. A105139-03 which allows the construction of a three unit

apartment building. Building permits were previously issued to allow construction of this 4,587 square foot two-story building over a 2,242 square foot basement parking area. The basement includes eight off-street parking spaces as required for the project in accordance with current regulations. The project complies with current development criteria, including density and parking. The construction is near completion, though the newly constructed units have not yet received a Certificate of Occupancy (COO).

## DISCUSSION

### Project Description:

The project is requesting a Map Waiver to waive the requirements of a Tentative Map for the subdivision of a 0.115 acre site. This Map Waiver request would create three condominium units for sale, where three residential apartment units are under construction. The Subdivision Map Act allows a local ordinance to provide for waiver of the requirement for a tentative map for the construction of a condominium project on a single parcel. Section 125.0120 of the City's Municipal Code (MC) establishes a discretionary process which allows an applicant to request, and the Hearing Officer to consider, a waiver from tentative map requirements for Condominium Projects, as provided by the State's Subdivision Map Act. The MC Section 125.0120(b) defines condominium projects as the construction of a condominium project on a single parcel that was previously mapped and monumented in a manner satisfactory to the City Engineer.

Staff has determined the proposed waiver conforms to the applicable requirements of the State's Subdivision Map Act Section 66428 and the MC. This process allows this Map Waiver for the construction of condominiums as long as the newly constructed units have not yet received a Certificate of Occupancy (COO). If a COO were issued, then the project would be subject to the condominium conversion regulations. Therefore, since a COO has not been issued, the requirements for a tentative map may be waived for this project. A condition of the Map Waiver requires the applicant to record a Parcel Map to set all property corners, allowing three condominium interests.

The Map Waiver is exempt from environmental review per Article 19, Section 15301(k) of CEQA, based on "Existing Facilities." The project does not include a request to waive the requirements to underground existing utilities. Utilities will be undergrounded as required by the City of San Diego MC.

### Sustainable Building Expedite Program:

This project qualified for the Affordable/In-Fill Housing and Sustainable Building Expedite Program as part of the building permit process. The Expedite Program provides expedited permit processing for all eligible affordable/in-fill housing and sustainable building projects. This project qualified for this program as each unit provided a photovoltaic system for this new residential project, which meets the "sustainable buildings" definition as established by Council Policy 900-14. The photovoltaic system includes panels located on the roof top of the building. This system will generate more than 50% of the projected total energy consumption on site.

Inclusionary Housing:

All residential development is subject to the Inclusionary Affordable Housing Regulations. This project was deemed complete on October 20, 2004. The project does not provide affordable housing, therefore is subject to the in lieu fee rate in effect on the deemed complete date per the requirements of MC 142.1310. No fees were required at the time of building permit issuance; therefore this project is required to pay the in-lieu fee prior to recordation of the Parcel Map. The project has been conditioned to require payment of an Inclusionary Affordable Housing In-Lieu Fee. The rate of the in-lieu fee is based on the gross floor area minus garages (4,587 square feet) multiplied by fee set per MC 142.1310 ( $\$0.875$ ) =  $\$4,014$ .

Community Group:

The Linda Vista Community Planning Board recommended approval of the condominium project at their January 24, 2005 meeting. The Board voted 11 to 1 to recommend approval, subject to compliance with all City requirements.

CONCLUSION

The proposed Map Waiver is consistent with the Municipal Code and the State Subdivision Map Act. Staff has reviewed the application for the Map Waiver and believes that the required findings can be made to support the proposed project. Additionally, the project was reviewed and exempted from the California Environmental Quality Act and Categorically Exempt from further environmental review. Therefore, staff recommends that the Hearing Officer approve the proposed Map Waiver.

ALTERNATIVE(S)

1. APPROVE Map Waiver 147359, with modifications.
2. DENY Map Waiver 147359, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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Diane Murbach, Development Project Manager

Attachments:

1. Project Location Map/Aerial Photograph
2. Community Plan Land Use Map
3. Project Data Sheet
4. Draft Resolution with Findings
5. Project Plans (to Hearing Officer)
6. Community Planning Group Recommendation, January 24, 2005 (to Hearing Officer)
7. Ownership Disclosure Statement (to Hearing Officer)
8. Notice of Hearing (to Hearing Officer)