



THE CITY OF SAN DIEGO

## REPORT TO THE PLANNING COMMISSION

**DATE ISSUED:** May 16, 2007 **REPORT NO:** PC-07-080

**ATTENTION:** Planning Commission, Agenda of May 31, 2007

**SUBJECT:** 3125 COWLEY WAY VESTING TENTATIVE MAP; PROJECT NO. 106917. PROCESS FOUR

**OWNERS:** Evans Whythycombe Residential L.P. (Attachment 8)

**APPLICANT:** Camille Passon, Project Design Consultants, Inc.

### SUMMARY

**Issue:** Should the Planning Commission approve a Vesting Tentative Map for the conversion of 162 existing residential units to condominiums at 3101-87 Cowley Way, within the Clairemont Mesa Community Plan Area?

**Staff Recommendation:** Approve Vesting Tentative Map No. 355355

**Community Planning Group Recommendation:** The Clairemont Mesa Planning Committee voted 8-2-0 to recommend approval of the proposed project on November 21, 2006, with no recommended conditions. (Attachment 7).

**Environmental Review:** This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15301 on August 4, 2006. An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on March 20, 2007. The scope of the subject hearing only includes the project, and 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 162 existing apartments to condominiums, there would be a loss of 162 rental units and a gain of 162 for-sale units. This condominium conversion project was deemed complete on August 2, 2006, and is therefore subject to the new regulations regarding Inclusionary housing and tenant relocation assistance. This project is required to set aside at least 10 percent of the units

on site for households with an income at or below 10 percent AMI (see VTM Condition #21)

## **BACKGROUND**

This Vesting Tentative Map project is subject to the condominium conversion regulations effective June 13, 2006. At the June 13, 2006, hearing, the City Council adopted regulations for additional requirements for landscaping, a building conditions report, onsite inclusionary housing, noticing and parking. Based on the adopted language and project timing, all of these new regulations apply to this project. Accordingly, this project has been reviewed against the new regulations, and this project can proceed to its discretionary hearing.

The 8.1-acre project site is located at 3101-87 Cowley Way in the RM-1-3 Zone, and the Clairemont Mesa Height Limit Overlay Zone, within the Clairemont Mesa Community Plan Area (Attachment 3.) The project is also subject to Hillside Review Permit No. 87-0652, approved by the Planning Director on January 15, 1988. The site is presently developed with 18, two-story structures containing 72 one-bedroom units, and 90 two-bedroom units. 239 off-street parking spaces are provided and dispersed on the site; all are accessed from Cowley Way. The site is bounded on the east by City-owned open space, with multi-family residential uses to the north, west, and south.

The existing improvements were constructed in 1988. At the time the site was constructed it was in the R-3 Zone, which would allow for 353 units. Current density requirements in the RM-1-3 Zone would permit one unit for every 2,000 square feet and which would allow 176 units on the site. At the time building permits were approved, the project site required 239 off-street parking spaces. The current condominium conversion ordinance requires the site to have 185 parking spaces. However, the project will maintain the 239 existing parking spaces. The development complied with the zoning and development regulations in effect at the time of construction and no Building or Zoning code violations have been recorded against the property.

The project does conform to the current maximum density of 176 units and provides 239 parking spaces where 185 are currently required.

## **DISCUSSION**

### **Project Description:**

The project proposes a Vesting Tentative Map for the subdivision of an 8.1-acre site to convert 162 existing dwelling units into condominiums on one existing lot (Attachment 5).

Section 125.0410 of the San Diego Municipal Code (SDMC) requires that a Vesting 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 of Existing Utilities

The project is not requesting a waiver from the requirement to underground existing overhead utilities. When the property was constructed, all utilities were undergrounded. The applicant would still be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 24 of the draft Tentative Map resolution (Attachment 6).

### Community Planning Group and Neighborhood Recommendations:

The Clairemont Mesa Planning Committee voted 8-2-0 to recommend approval of the proposed project on November 21, 2006, with no recommended conditions. (Attachment 7).

The applicant's proposed schematic rendering presented to the Clairemont Mesa Planning Committee is attached (Attachment 13).

### Project-Related Issues:

All condominium conversion projects not yet heard by July 25, 2006, must conform with the current regulations regarding: inclusionary housing, tenant relocation benefits, the provision of a building conditions report, conformance with landscape regulations, parking, and conformance with noticing requirements.

The requested conversion of these residential units to condominiums represents primarily a change in ownership. The applicant has certified that the required 60-day Notices of Intent to Convert to Condominiums were provided to the tenants on August 21, 2006 (Attachment 11).

### Inclusionary Housing Ordinance and Tenant Relocation Benefits Conformance:

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.

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. The project has been conditioned to conform with this requirement, and to assure the affordable units are sold at restricted prices to eligible households.

### Building Conditions Report and Landscape Requirements

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 with the regulations. The list of required improvements (from staff approved Building Conditions report) is attached (Attachment 11).

Noticing

The proposed project has been conditioned to conform with all new noticing requirements for condominium conversions.


**Conclusion:**

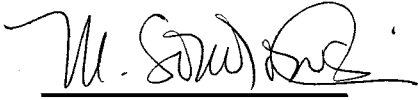
Staff has reviewed the request for a Vesting Tentative Map for the conversion of 162 residential units into condominiums and has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Vesting Tentative Maps. Staff believes the required findings can be supported and recommends the Planning Commission approve the project as proposed.

**ALTERNATIVES**

1. **Approve Tentative Map No. 355355, with modifications.**
2. **Deny Tentative Map No. 355355, 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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**Michelle Sokolowski**  
**Development 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. Vesting Tentative Map and Landscape Development Plan
6. Draft Map/Conditions and Subdivision Resolution
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Chronology

10. Sample of 60-Day Notice of Intent to Convert
11. List of required improvements from Building Conditions Report
12. Photos of Existing Front and Rear Elevations
13. Applicant's proposed schematic presented to Community Planning Group