



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: October 11, 2007 **REPORT NO. PC-07-125**

ATTENTION: Planning Commission, Agenda of October 18, 2007

SUBJECT: CARMEL TERRACES VESTING TM - PROJECT NO. 106361.
PROCESS 5.

**OWNER/
APPLICANT:** Equity Residential–Carmel Terrace Vistas, Inc., Owner (Attachment 7)
Project Design Consultants, Applicant

SUMMARY

Issue(s): Should the Planning Commission recommend to the City Council approval of to convert 384 existing residential apartments to condominiums, and to vacate two existing wastewater easements on a 19.40 acre site at 11743 Stoney Peak Drive within the Carmel Mountain Ranch Community Plan area?

Staff Recommendation: Recommend the City Council **Approve** Vesting Tentative Map No. 353968 with easement vacations.

Community Planning Group Recommendation: On October 11, 2006, the Carmel Mountain Community Planning Board voted unanimously to approve the proposed actions with no conditions (Attachment 6).

Environmental Review: The proposed actions are categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15301(k), Existing Facilities (Attachment 8). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on August 8, 2006, and the opportunity to appeal that determination ended August 24, 2006.

Fiscal Impact Statement: No fiscal impact. All costs associated with the processing of the application are recovered through a deposit account funded by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: With the proposed conversion of 384 existing apartments to condominiums, there would be a loss of 384 rentals units and a gain of 384 for-sale units. This Vesting Tentative Map request is required to comply with the new inclusionary affordable housing requirements, and is required to set aside at least 10 percent of the units for households earning 100 percent of the Area Median Income (AMI), or less.

BACKGROUND

This Vesting Tentative Map project is subject to the condominium conversion regulations effective June 13, 2006, with the exception of the parking regulations, based on the City Council's specific adoption language for the "new" condominium conversion regulations. 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, with the exception of the parking regulations. Accordingly, this project has been reviewed against the new regulations, and this project can proceed to its discretionary hearing.

The existing developed site is located within the Carmel Mountain Ranch community. The Carmel Mountain Ranch Community Plan (Plan) designates the site for multiple family residential use (Attachment 1). The site is designated in the Plan as Medium Density Residential at a density range of 30-43 dwelling units per gross acre. The site is located specifically east of Interstate 15 between Rancho Carmel Drive and Ted Williams Parkway at 11743 Stoney Peak Drive (Attachment 2). The 19.40 acre site is developed with 384 existing apartment units, 639 existing parking spaces, two recreation areas each with a pool, spa and restrooms, a leasing office, and site landscaping and other minor improvements. The 384 dwelling units are provided in 27 separate buildings (Attachment 3). The site is zoned RM-2-5.

The existing development was constructed in 1988. At the time the property was developed the approved construction met all current regulations. The site is presently improved with 27 two-story apartment buildings. Of these 27 buildings, six are identified as building type A, two are type B, five are type B*, three are type C, three are type D, one is type D*, three are type E and one is type F. Within the eight building types there are five floor plan configurations, each configuration has a different number of bedrooms and/or square footage. Unit A plan is a one bedroom plan of 621 square feet. Unit B plan is a one bedroom plan of 631 square feet. Unit C plan is a two bedroom plan of 875 square feet. Unit D plan is a two bedroom plan of 899 square feet and Unit E plan is a two bedroom plan of 904 square feet. Each building contains a combination of two unit floor plans, A, B, C, D or E. Of the 384 total dwelling units in the 27 buildings, 164 units are one bedroom units and 220 are two-bedroom units.

The development complied with the zoning and development regulations in effect at the time of construction. No Building or Zoning Code violations are recorded against the property. The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. The new regulations adopted by the City Council regarding condominium conversions do apply and the proposed project is consistent with these regulations.

All utilities are presently located underground. Several easements are present on the site. A six and ten foot wide easement is granted to San Diego Gas and Electric and a 15- and 30-foot wide wastewater easement is granted to the City of San Diego. A portion of the 15-foot and the entire 30-foot wide easement is proposed to be vacated by this application.

The site is surrounded by single family development on the east, south and west. Multiple family development is located to the northeast and commercial development to the northwest (Attachment 3).

DISCUSSION

Project Description

The Carmel Terraces Vesting TM project proposes to convert 384 existing residential apartments to condominiums and to vacate two existing wastewater easements on a 19.40 acre site at 11743 Stoney Peak Drive in the RM-2-5 Zone within the Carmel Mountain Ranch Community Plan area.

Section 125.0410 of the San Diego Municipal Code (SDMC) requires a Vesting Tentative Map be processed for the subdivision of land. According to SDMC §125.0440 and §125.0444, Findings for Vesting Tentative Maps and for Condominium Conversions, the decision maker may approve a Vesting Tentative Map for the purposes of the conversion of residential property into a condominium project if the decision maker finds 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 it complies with both the Subdivision Map Act and San Diego Municipal Code.

The proposed project would add twelve new parking spaces to the existing 639 spaces on the site. These 651 spaces would meet the requirements for on-site parking.

Condominium Conversion Regulations

The requested conversion of these residential units to condominiums represents primarily a change in ownership. The applicant has certified on September 28, 2005 the required 60-day Notice of Intent to Convert to Condominium was provided to the tenants (Attachment 9).

All condominium conversion projects deemed complete on or after February 7, 2004, must comply with new regulations addressing inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. The proposed project was deemed complete on July 25, 2006, is subject to these regulations and has been conditioned to comply with the requirements. The applicant would comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance, LDC §142.1300. Prior to receiving a final map, the Subdivider must enter into an agreement with the San Diego Housing Commission to assure the set aside at least ten percent of the units for households with an income at or below 100 percent AMI. The applicant would also either show evidence that relocation assistance has been paid to eligible tenants or enter into an agreement with the San Diego Housing Commission to

demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits, LDC §144.0505. In addition, Subdivider must pay the appropriate fees incurred by the Housing Commission for compliance monitoring per LDC §144. 0503.

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 the staff-approved Building Conditions Report, is attached (Attachment 10).

Noticing

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

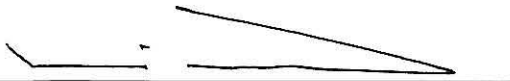
Conclusion

Staff has reviewed the request for a Vesting Tentative Map and easement vacation to subdivide the existing site for the purpose of converting 384 existing apartments to condominiums and vacate two existing wastewater easements on a 19.40 acre site at 11743 Stoney Peak Drive in the RM-2-5 Zone within the Carmel Mountain Ranch Community Plan area. All issues identified through the review process have been resolved in conformance with the adopted City Council policies and regulations of the Land Development Code. Staff has provided draft findings to support approval of the subdivision map and easement vacation (Attachment 5). Staff recommends the Planning Commission recommend to the City Council approval of the project as proposed.

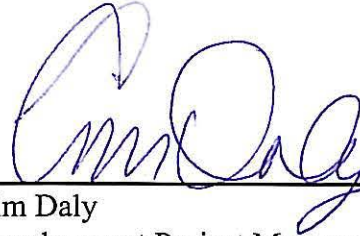
ALTERNATIVES

1. **Approve** Vesting Tentative Map No. 353968 with easement vacations, **with modifications.**
2. **Deny** Vesting Tentative Map No. 353968 with easement vacations, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



Tim Daly
Development Project Manager
Development Services Department

BEOKAMP:JSF

Attachments:

1. Community Plan Land Use Map
2. Aerial Photograph
3. Project Location Map
4. Vesting Tentative Map
5. Draft Map Conditions and Subdivision Resolution
6. Community Planning Group Recommendation
7. Ownership Disclosure Statement
8. Determination of Environmental Exemption, Aug. 8, 2006
9. Sample 60-Day Notice
10. Table of Immediate Repair and Deferred Maintenance Expenditures
11. Project Chronology
12. Project Data Sheet
13. Building Conditions Report