

DATE ISSUED: September 23, 2005 **REPORT NO. PC-05-286**

ATTENTION: **Planning Commission, Agenda of September 29, 2005**

SUBJECT: **ARCHSTONE AT MISSION VALLEY - PROJECT NO. 60359,
TENTATIVE MAP AND EASEMENT VACATION, PROCESS FIVE**

OWNER: Archstone-Smith Operating Trust

APPLICANT: Rick Engineering Co.

SUMMARY

Issue(s): Should the Planning Commission approve a Tentative Map with an Easement Vacation for the conversion of 736 existing residential apartment units into condominiums at on a 29.45 acre site at 2116-2464 Fenton Parkway in the CC-3-5 Zone within the Mission Valley Community Plan Area and the Mission City Specific Plan?

Staff Recommendation:

1. **Approve** Tentative Map No. 178423 and Easement Vacation No. 262289.

Community Planning Group Recommendation: On April 6, 2005, the Mission Valley Unified Planning Committee approved the project, with no conditions, by a vote of 14-1-0 (Attachment 7).

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).

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

Code Enforcement Impact: None with this project.

Housing Impact Statement: With the proposed conversion of 736 existing apartments to condominiums, there would be a loss of 736 rental units and a gain of 736 for -sale units.

This condominium conversion project was deemed complete on January 31, 2005, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance. The project has been conditioned to require the subdivider to pay an Inclusionary Affordable Housing In-Lieu Fee of \$1,22,029.00 based on a \$1.75 fee per residential square foot, pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance.

BACKGROUND

The 29.45 acre site is located at 2116-2464 Fenton Parkway in the CC-3-5 Zone within the Mission Valley Community Plan area (Attachments 2 and 3). The project is also located in the Multiple Use, Planning Area 6 of the Mission City Specific Plan. The Community and Specific Plans designate the site for Multiple Uses. The existing development is consistent with this designation. The site is presently developed with eighteen (18) three-story multi-unit structures, containing a total of 736 units, consisting of 360 one-bedroom units, 348 two-bedroom units and 28 three-bedroom units. 1284 parking spaces, consisting of 394 garage spaces, 342 open/ carport parking spaces, and 548 surface parking spaces are provided onsite, which complies with the requirements that were in effect when the project was constructed in 1999-2001 under building permit plan file number A100999-99. The project is surrounded by multi-family development on the north and west. There is a commercial shopping center to the east and the San Diego River to the south.

DISCUSSION

Project Description:

The project proposes a Tentative Map with Easement Vacation for the subdivision of a 29.45 acre site to convert 736 existing dwelling units into condominiums (Attachment 5).

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 decisionmaker 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. The site's utilities are undergrounded.

COMMUNITY PLANNING GROUP RECOMMENDATION

On April 6, 2005, the Mission Valley Unified Planning Committee approved the project, with no conditions, by a vote of 14-1-0 (Attachment 7).

PROJECT-RELATED ISSUES

The requested conversion of these residential units to condominiums represents primarily a change in ownership. The applicant has certified that the required 60-day Notice of Intent to Convert to Condominiums was provided to the tenants on September 17, 2004 (Attachment 10). All condominium conversion projects Deemed Complete on or after February 7, 2004 must conform with the new regulations regarding inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. This proposed project was Deemed Complete on January 31, 2005, and is therefore subject to these new regulations.

With their application submittal, the applicant has indicated their decision to pay the in-lieu fee to satisfy these requirements as allowed by these regulations. The project has been conditioned to require the subdivider pay an Inclusionary Affordable Housing In-Lieu Fee of \$1,212,029.00 based on a \$1.75 fee per residential square footage, pursuant to the Affordable Housing Requirements of 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 project also includes the vacation of portions of a sewer easement that traverses the western area of the lot. This sewer easement is already filled and plugged, and was assumed to have been vacated with the approval of Tentative Map No. 96-0544. During the course of this project, however, it was discovered that this particular easement vacation was not included in the resolution language, and thus is required to be vacated at this time.

CONCLUSION

Staff has reviewed the request for a Tentative Map with Easement Vacation for the conversion of 73 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 and Public Right of Way Vacations. Staff believes the required findings can be supported and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

- 1. Approve Tentative Map No. 178423 and Easement Vacation No. 262289, with modifications.**

2. **Deny Tentative Map No. 178423 and Easement Vacation No. 262289, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

Jeffrey D. Strohminger
Assistant Deputy Director,
Customer Support and Information Division
Development Services Department

Jeannette Temple
Development Project Manager,
Customer Support and Information Division
Development Services Department

STROHMINGER/JT

Attachments:

1. Aerial Photo
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. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Chronology
10. Copy of Tenant Notices