

DATE ISSUED: January 6, 2006 REPORT NO. PC-06-003

ATTENTION: Planning Commission, Agenda of January 12, 2006

SUBJECT: 5355 CLAIREMONT MESA BLVD. - PROJECT NO. 64666.
PROCESS NUMBER 4.

OWNER/
APPLICANT: C & C Deville Associates, LLC, a California Limited Liability
Corporation, Grant Cardone, Manager and Dale Christensen, Partner,
Property Owner

San Diego Land Surveying and Engineering, Inc., Robert J. Bateman,
Designer/Applicant (Attachment 8).

SUMMARY

Issue(s): Should the Planning Commission approve a Tentative Map for the conversion of sixty-six (66) existing residential apartment units to condominium units, and a waiver of the requirement to underground existing overhead utilities on a 1.25-acre site addressed as 5355 Clairemont Mesa Blvd., within the Clairemont Mesa Community Plan Area?

Staff Recommendation:

1. **APPROVE** Tentative Map No. 193574
2. **APPROVE** Waiver from the requirement to underground existing adjacent overhead utilities.

Community Planning Group Recommendation: On October 18, 2005, the Clairemont Mesa Community Planning Group voted 92- 0to recommend approval of the project. The Community Group's concerns are discussed in this report and a copy of the recommendation is included as 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). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on March 2, 2005, and the opportunity to appeal that determination ended on March 17, 2005.

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 66 existing apartments to condominiums, there would be a loss of 66 rental units and a gain of 66 for-sale units. This condominium project was deemed complete after February 7, 2004, and is therefore required to comply with the new regulations regarding inclusionary housing and tenant relocation assistance, which have been included as conditions of the tentative map. The subdivider has elected to pay the In-Lieu Fee as the method to satisfy the Inclusionary Affordable Housing Ordinance.

BACKGROUND

The 1.25-acre site is addressed as 5355 Clairemont Mesa Blvd., located on the south side of Clairemont Mesa Blvd., west of Doliva Drive, east of Limerick Ave., and north of Kesling St., in the RM-3-9(Residential – Multi-Family) Zone within the Clairemont Mesa Community Plan Area (Attachment 2). The Clairemont Mesa Community Plan designates this site for medium-high density, multi-family residential development at 30-45 dwelling units per acre (Attachment 2). The existing land use is consistent with this designation. Surrounding land uses include multi-family residential to the north and west, multi- and single-family residential to the south, and commercial to the east.

In 1963, the property was developed with nine, two-story buildings containing a total of 66 dwelling units (Clairemont Manor). The development complied with the all zoning and development regulations in effect at the time of construction. In 1974, the site was rezoned from R-400 to RM-3-9. This multi-family residential zone allows development at a maximum density of one unit per 60 square feet of lot area, for a total of 91 units.

The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1, of the Land Development Code. No Building or Zoning Code violations have been recorded against the property.

DISCUSSION

Project Description

The project proposes a Tentative Map for the subdivision of a 1.25-acre site to create one lot for the conversion of 66 multi-family dwelling units into condominiums (Attachment 5), and a

waiver of the requirement to underground existing overhead utilities (Attachment 11). Utilities to the site are currently provided from three above grade power poles located along the south side of a 20-foot wide dedicated public alley, south of the subject property. 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 SDMC. Staff has reviewed the proposed condominium conversion and determined that it complies with the Subdivision Map Act and the SDMC.

Undergrounding Waiver Request

SDMC Section 144.0240 allows the subdivider to apply for a waiver from the requirement to underground the existing overhead utilities within the boundary of the subdivision or within the abutting public rights of way. City staff has determined the undergrounding waiver request qualifies under the guidelines of Council Policy 600-25, Underground Conversion of Utility Lines at the Developer's Expense, in that the conversion is a requirement of a condominium conversion of an existing development, no new construction is proposed, the conversion involves a short span of overhead facilities less than a full block in length and the conversion would not represent a logical extension to an undergrounding facility.

The neighborhood currently contains power poles and overhead utility lines along the alley located to the south of the subject property. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 6T, which has a projected date for undergrounding in year 2023 (Attachment 10).

Project-Related Issues

The requested conversion of these residential units to condominiums represents primarily a change in ownership. All condominium conversion projects Deemed Complete on or after February 7, 2004, must conform to 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 December 22, 2004, and is therefore subject to these new regulations. Conditions have been added to the draft tentative map resolution (Attachment 6) to address these requirements.

With their application submittal, the Applicant has indicated their decision to pay the in-lieu fee to satisfy these requirements as allowed by the regulations. The project has been conditioned to require that the subdivider pay an Inclusionary Affordable Housing In-Lieu Fee of \$63,987.00, based on a \$1.75 fee per residential square foot (36,564 sq. ft.), 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 recommendation of the Clairemont Mesa Community Planning Committee included concerns related to the reduction in affordable housing, though it acknowledged that the units would be offered at levels about the lowest in the City. The Groups recommendation also included a request that additional parking spaces be provided. The submitted map indicates that the project was constructed in 1963, when zoning regulations required one off-street parking space per dwelling unit. To accommodate the existing 66 dwelling units, a total of 66 off-street parking spaces would have been required. The 66 existing parking spaces would not meet current off-street parking standards based on the bedroom count. However, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code (LDC). Therefore, additional parking spaces are not required. In addition, zoning regulations in effect in 1963 permitted development at a density of one dwelling unit per 400 square feet of lot area, which would have allowed a maximum of 136 units. It is presumed that the existing development met the applicable development regulations in effect at that time.

Conclusion

Staff has reviewed the request for a Tentative Map for the conversion of 66-residential units into condominiums and determined the project to be in conformance with the applicable sections of the Municipal Code regulating Tentative Maps. Staff can support the required findings and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. Approve Tentative Map No. 193574 with modifications.
2. Deny Tentative Map No. 193574 if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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

William C. Tripp
Development Project Manager
Customer Support and Information Division
Development Services Department

HALBERT/WCT

Attachments:

1. Aerial Photograph
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. City's Undergrounding Master Plan – Map 6T
11. Undergrounding Waiver Request Letter
12. Sample Notice to Tenants