

**DATE ISSUED:** March 23, 2006                      REPORT NO. PC-06-098

**ATTENTION:** Planning Commission, Agenda of March 30, 2006

**SUBJECT:** 1394 ORO VISTA TENTATIVE MAP- PROJECT NO. 88457

**OWNER/  
APPLICANT:** MCCLURKEN/VALLEY BREEZE PARTNERSHIP  
DONALD SCOTT PETERS

**SUMMARY**

**Issue(s):** Should the Planning Commission approve a Tentative Map to convert 128 apartment units into condominiums and the request to waive the requirement to underground existing overhead utilities?

**Staff Recommendation:** APPROVE Tentative Map No. 282265 and APPROVE the request to waive the requirement to underground existing overhead utilities.

**Community Planning Group Recommendation:** On November 17, 2005 the Otay Mesa-Nestor Planning Committee voted 10-3-0 to recommend approval of the Tentative Map with no conditions (Attachment 7).

**Environmental Review:** The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, 15301(k), Existing Facilities. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on November 22, 2005.

**Fiscal Impact Statement:** All costs associated with the processing of this application are paid for by the applicant.

**Code Enforcement Impact:** None.

**Housing Impact Statement:** The proposed project is the conversion of 128 existing apartment units into condominiums. There would be a loss of 128 rental units and a gain of 128 for-sale units. This condominium conversion project is required to comply with the inclusionary housing requirements and tenant relocation assistance program, which are conditions of the proposed Tentative Map (Attachment 6). The applicant has chosen to pay in-lieu fees in the amount of \$316,900 in place of providing Affordable Units on-site in accordance with the City's Inclusionary Housing Ordinance.

## **BACKGROUND**

The 8.6 acre site is located at 1394 Oro Vista Road in the RM-1-1 zone within the Otay Mesa-Nestor Community Planning area. The development is located on one parcel designated Residential with a density range of 10-15 dwelling units per acre (Attachment 2). The surrounding area is developed with City of San Diego Pump Station 2484 to the north, a multi-family development to the south, the Nestor Neighborhood Community Park to the west and Interstate 5 to the east.

The complex was constructed in 1987 and consists of 11, wood frame, stucco exterior residential buildings. The complex also contains a structure that houses a recreation area, office, and Laundromat. The apartment complex was in conformance with the development codes in effect at the time of construction.

## **DISCUSSION**

### **Project Description:**

The project proposes to convert the existing 128 apartments into condominiums. There are no zoning or code violations associated with the property. The existing multi-unit complex exceeds current parking requirements in that 306 spaces are existing where 266 are required. The project consists of 48 two-bedroom units of 935 square feet each, 40 two-bedroom units of 962 square feet each, and 40 three-bedrooms of 1,085 square feet each.

### **Project-Related Issues:**

The proposed condominium conversion will represent a change in ownership of each unit. The applicant has provided City staff with copies of the required 60-day Notice of Intent to Convert to Condominiums (Attachment 10), and a Tenant Benefits Summary Notification for Condominium Conversion (Attachment 12).

All condominium conversion projects deemed complete on or after February 7, 2004, must conform to the regulations regarding inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. Conditions Nos. 9 and 10 in the draft Tentative Map resolution require compliance with this ordinance. The applicant has chosen to pay in-lieu fees in the amount of \$316,900 in place of providing Affordable Units on-site in accordance with the City's Inclusionary Housing Ordinance.

### **Undergrounding Waiver Request**

San Diego Municipal Code Section 144.0240 allows the subdivider to apply for a waiver of the requirement to underground the existing overhead utilities within the boundary of the parcel or subdivision. Staff has determined the undergrounding waiver request qualifies under the guidelines of Council Policy 600-25, in that the conversion involves a short span of overhead facility (less than 600 feet in length) and it has been determined that such conversion is not a part of a continuing effort to accomplish a total undergrounding within a specific street or area.. The project's implementation requires the undergrounding of any new utilities to any new or proposed structures within the parcel or subdivision, per condition 16 and 17 of the draft

resolution (Attachment 6). Power lines run east to west adjacent to the extreme north portion of the site then cross over Oro Vista Road and then over Interstate 5. The overhead lines continue for some distance beyond the project location. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 8s Proposed construction to underground the existing overhead utilities has not been set (Attachment 12).

Condition No. 16 of the project's resolution states that all on-site utilities serving the subdivision shall be undergrounded with appropriate permits prior to the issuance of the Final Map.

**CONCLUSION:**

A "Tentative Map for a Condominium Conversion" is a Process Four, Planning Commission decision pursuant to San Diego Municipal Code Section 125.0430. A Tentative Map for Condominium Conversion may be approved if the decision maker finds that the proposed division of land complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed condominium conversion and found it to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps and land use policies. Staff has determined that the required findings can be made as the project meets the applicable San Diego Municipal Code regulations and requirements. Staff recommends approval of the project as proposed.

**ALTERNATIVES**

1. Approve Tentative Map No. 282265 with modifications.
2. Deny Tentative Map No. 282265 if the findings required to approve the project cannot be affirmed.

**Respectfully submitted,**

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**Jeff Strohminger**  
**Acting Deputy Director, Customer Support and**  
**Information Division**  
**Development Services Department**

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**William Zounes**  
**Customer Support and**  
**Information Division**  
**Development Services Department**

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. 60-Day Notice
11. Summary of Tenant Benefits
12. Proposed Undergrounding of Overhead Utilities
13. Photos of Existing Front and Rear Elevations