

**DATE ISSUED:** January 7, 2005

**REPORT NO.** PC-05-002

**ATTENTION:** **Planning Commission, Agenda of January 13, 2005**

**SUBJECT:** VILLA PACIFIC CONDOS – PROJECT NO. 43184, TENTATIVE MAP  
PROCESS FOUR

**OWNER/  
APPLICANT:** VILLA PACIFIC PROPERTIES  
STERLING LAND SERVICES, INC

**SUMMARY**

**Issue(s)** - Should the Planning Commission approve a Tentative Map for the conversion of 184 existing residential units to condominiums and waive the requirement to underground existing overhead utilities at 2901-2993 Clairemont Drive, and 4902-5030 Field Street, within the Clairemont Mesa Community Plan?

**Staff Recommendation:**

1. **Approve** Tentative Map No. 124608; and
2. **Approve** waiver to the requirement for the undergrounding of the existing overhead utilities.

**Community Planning Group Recommendation** - The Clairemont Mesa Planning Committee voted 9-1-0 to recommend approval of the proposed project on September 21, 2004, with a condition as discussed in the report (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 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 184 existing apartments to condominiums, there would be a loss of 184 rental units and a gain of 184 for-sale units. This condominium conversion 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 owner has elected to pay the In-Lieu Fee as their method to satisfy the Inclusionary Affordable Housing Requirements.

## **BACKGROUND**

The 6.77-acre site is located between Fairfield Street and Burgener Boulevard at 2901-2993 Clairemont Drive, and 4902-5030 Field Street in the RM-2-5 Zone and the Clairemont Mesa Height Limit Overlay Zone, within the Clairemont Mesa Community Plan area (Attachment 3). The community plan designates this site for multi-family development and the existing residential complex is consistent with this designation. The site is presently developed with six, two to three-story structures containing twenty-four (24) one-bedroom apartment units and 160 two-bedroom units, with 244 off-street parking spaces, both in garages and outside spaces. Parking is accessed from Field Street and Fairfield Street. The site is surrounded by multi-family residences to the north, commercial services to the east and single family residences to the south and west.

The proposed Tentative Map application is to convert 184 existing residential units to condominiums located on one lot. The 295,000 square foot site is currently in the RM-2-5 Zone established in January 2000. Prior zoning included the R-2A (R-1500) Zone applied to the area in February 1974, and the R-4 (R-400) established in July 1954. The 184 unit residential project was constructed in 1958 when the site was zoned R-4. It is assumed development met all regulations in effect at that time. Under the current RM-2-5 Zone the site could accommodate up to 197 dwellings ( $295,000/1,500=197$ ). The project deviates from current parking criteria and may deviate from other current development regulations. However, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.

## **DISCUSSION**

### **PROJECT DESCRIPTION:**

The project proposes a Tentative Map for the subdivision of a 6.77-acre site to convert 184 existing dwelling units into condominiums on one proposed lot (Attachment 5). The applicant is also requesting that the requirement for the undergrounding of the existing overhead utilities be waived.

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.

### Undergrounding Waiver Request

San Diego Municipal Code 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 would involve an inordinate cost to the development. Such determination was made on the basis of cost estimates supplied by the utility company (Attachment 12).

The applicant would be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 4 of the draft Tentative Map resolution (Attachment 6).

The neighborhood currently contains power poles and overhead utility lines along Fairfield Street and Field Street. There are currently six Power Poles adjacent to this site. The applicant has received a cost estimate from SDG&E which identifies the cost of undergrounding the SDG&E lines alone, at between \$200,000-300,000. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 6G, which is scheduled for undergrounding in 2012 (Attachment 10).

### **COMMUNITY PLANNING GROUP RECOMMENDATION:**

The Clairemont Mesa Planning Committee voted 9-1-0 to recommend approval of the proposed project on September 21, 2004, with the condition that the parking spaces be used exclusively by the condominium owners for the purposes of parking cars.

The applicant has supplied eviction notices to non-residents who were using the parking garages, dated November 25, 2002. The applicant has ensured and agrees that the garage spaces shall only be utilized by residents of the complex.

### **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 Condominium was provided to the tenants between May 19-21, 2004 (Attachment 11).

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 after that date and has indicated that they will pay the in-lieu fee for inclusionary housing. Additionally, the draft Tentative Map Conditions Nos. 11 and 12 specifically address the affordable housing and rent relocation requirements.

### **CONCLUSION:**

Staff has reviewed the request for a Tentative Map for the conversion of 184 residential units into condominiums and the request to waive the requirements of the undergrounding of existing overhead utilities, and has found the project to be in conformance with the applicable sections of the San Diego

Municipal Code regulating Tentative Maps and Council Policy 600-25 regulating undergrounding of existing overhead utilities. Staff believes the required findings can be supported and recommends the Planning Commission approve the project as proposed.

**ALTERNATIVES**

1. **Approve Tentative Map No. 124608, with modifications.**
2. **Deny Tentative Map No. 124608, if the findings required to approve the project cannot be affirmed.**

**Respectfully submitted,**

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**Marcela Escobar-Eck, Deputy Director  
Project Management Division  
Development Services Department**

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**Jeannette Temple  
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. 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 6G
11. Copy of Tenant Notices
12. SDG&E Estimate of Cost to Underground Utilities