

DATE ISSUED: August 19, 2005 REPORT NO. PC-05-245

ATTENTION: Planning Commission, Agenda of August 25, 2005

SUBJECT: COWLEY WAY TENTATIVE MAP - PROJECT NO. 58242.
PROCESS 4.

OWNER/
APPLICANT: Cowley Ltd., Soto Kafetzopoulos, General Partner, Owner
San Diego Land Surveying and Engineering, Inc., Robert J. Bateman,
Applicant (Attachment 8)

SUMMARY

Issue: Should the Planning Commission approve a Tentative Map for the conversion of 70, existing residential apartment units to condominiums, on a 1.456-acre site addressed as 3010 and 3020 Cowley Way, within the Clairemont Mesa Community Plan Area?

Staff Recommendation:

1. APPROVE Tentative Map No. 171029.

Community Planning Group Recommendation: On May 17, 2005, the Clairemont Mesa Community Planning Group voted 10-0-1 to recommend approval of the project with the stipulation that the City will require all necessary improvements and upgrades to meet all requirements. The motion was amended to include a provision in the Community Code Regulations (CCR's) to prohibit storage use in the provided garages to require them to be used for parking. A copy of this 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).

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 70 existing apartments to condominiums, there would be a loss of 70 rental units and a gain of 70 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 owner has elected to pay the In-Lieu Fee as their method to satisfy the Inclusionary Affordable Housing Requirements.

BACKGROUND

The 1.456-acre site is addressed as 3010 and 3020 Cowley Way, located on the west side of Cowley Way, west of Tecolote Canyon, east of Clairemont Dr., north of Field St. and Mt. Acadia Blvd. and south of Iroquois Ave., in the RM-3-7 (Residential – Multi-Family) Zone within the Clairemont Mesa Community Plan Area (Attachment 3). The site is presently developed with three detached, three-story buildings containing a total of 70 dwelling units. The Clairemont Mesa Community Plan designates this site for medium-high density, multi-family residential development at a density of 30-45 dwelling units per acre (Attachment 2). The existing land use is consistent with this designation. Surrounding land uses include commercial uses to the north and west, and multi-family residential land uses to the east and south.

The site is currently zoned RM-3-7, which was applied to the site in 1981. This zoning allows a maximum density of one dwelling unit per 1,000 square feet of lot area, which would allow a maximum of 63 dwelling units. The existing 70-unit apartment building was constructed in 1986, and included a density bonus which allowed the 70-unit development with the provision that seven (7) units, four (4) two-bedroom and three (3) one-bedroom units remain rent and occupancy restricted to low income households for a term of 20 years, pursuant to an Agreement Authorizing Affordable Housing Density Bonus and Imposing Covenants and Restrictions on Real Property. Condition Nos. 12 and 13 are included with the Tentative Map (Attachment 6) which require that these seven units remain as rental units and not be sold individually as condominiums during the remaining term of the Agreement (until June 1, 2006). The development complied with the all other zoning and development regulations in effect at the time of construction. A total of 103 off-street parking spaces are currently provided.

DISCUSSION

Project Description

The project proposes a Tentative Map for the subdivision of a 1.456-acre site to create one lot and for the conversion of 70 multi-family dwelling units into condominiums (Attachment 5). Utilities to the site have been undergrounded.

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 the Subdivision Map Act and the San Diego Municipal Code.

Community Planning Group Recommendation

The Groups recommendation to approve the project indicated that all necessary improvements and upgrades should meet all requirements, and that the Community Code Regulations (CCR's) prohibit storage use in the provided garages and require them to be used for parking.

Conditions of the Tentative Map Resolution (Attachment 6) require compliance with relevant requirements of the State Subdivision Map Act, Civil, and Business and Professions Codes. Conditions also require compliance with Land Development Code requirements pertaining to Affordable Housing Requirements of the Inclusionary Housing Ordinance and Tenant Relocation Benefits, the remaining term of the Density Bonus Agreement, and compliance with sewer and water conditions pertaining to back flow prevention devices and private water and sewer facilities.

Community Code Regulations, also known as Conditions, Covenants and Restrictions (CC&R's) are required to be submitted to the Department of Real Estate. The CC&R's are a private agreement to which the City is not a part, and therefore any CC&R requirements are not enforceable by the City. Land Development Code Section 142.0510 specifies that required off-street parking spaces be used only for parking operable vehicles of residents and visitors, and that all off-street parking spaces be kept clear of any temporary or permanent obstructions. Any alleged violations of Land Development Code regulations are referred to and investigated by the Neighborhood Code Compliance Department through a complaint process.

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 \$90,611.50, 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 Manger and the Housing Commission, prior to the recordation of the Final Map.

Conclusion

Staff has reviewed the request for a Tentative Map for the conversion of 70-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. 171029 with modifications.
2. Deny Tentative Map No. 171029 if the findings required to approve the project can not be affirmed.

Respectfully submitted,

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Customer Support and Information Division
Development Services Department

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

STROHMINGER/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. Copy of Tenant Notices