

DATE ISSUED: July 14, 2006 **REPORT NO. PC-06-212**

ATTENTION: **Planning Commission, Agenda of July 20, 2006**

SUBJECT: LA TERRAZA VESTING TENTATIVE MAP; PROJECT NO. 71595
PROCESS FOUR

OWNERS: Alliance I, L.L.C. (Attachment 8)

APPLICANT: Leppert Engineering Corp.

SUMMARY

Issue: Should the Planning Commission approve a Vesting Tentative Map for the conversion of 402 existing residential units to condominiums at 10806 – 10896, 10910 – 10990 Poblado Road and 17402 – 17466 Matinal Road, within the Rancho Bernardo Community Plan?

Staff Recommendation: **Approve** Vesting Tentative Map No. 221775.

Community Planning Group Recommendation: On September 15, 2005, the Rancho Bernardo Community Planning Board voted 15-1-0 to approve the project with recommendations as detailed within this 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). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on June 7, 2005, and the opportunity to appeal that determination ended June 28, 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 402 existing apartments to condominiums, there would be a loss of 402 rental units and a gain of 402 for-sale units. This condominium conversion project was deemed complete on May 23, 2005, and is therefore subject to the new regulations regarding Inclusionary housing and tenant relocation assistance.

BACKGROUND

The 21.47-acre project site is located at 10806 – 10896, 10910 – 10990 Poblado Road and 17402 – 17466 Matinal Road, in the RM-1-1 zone of the Rancho Bernardo Community Plan Area (Attachment 3). The site is presently developed with 36, two-story above basement garage structures and 19, three-story structures containing 144, one-bedroom units, 144, two-bedroom units, and 114, three bedroom units and 600 off-street parking spaces. The site is bounded on north and east by single family residential uses, south by a school, and east by an open space easement and multi-family residential use.

Pursuant to Westwood Valley Unit No. 4, Map No. 11935, the existing property originally encompassed 27.73 acres of which 21.47 acres was developed with residential and the residual was dedicated as an open space easement, maintained by the property owner. The existing improvements were constructed in 1988-1989. At the time the site was constructed, it was zoned R-3000 and allowed for 2 dwelling units for each 5,000 square feet of lot area. The 600 parking spaces provided comply with the parking requirements in effect at the time of construction. Utilizing current parking standards, 760 spaces would be required. The development complies with the zoning and development regulations in effect at the time of construction and no Building or Zoning code violations have been recorded against the property.

The project does conform to the current density requirement of one unit per 3,000 square feet per the RM-1-1 zone which would allow for 402 units to be constructed today. The project also 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 Vesting Tentative Map for the subdivision of a 21.47-acre site to convert 402 existing dwelling units into condominiums on two existing lots (Attachment 5). All utilities were placed underground during the construction of the project.

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.

Community Planning Group and Neighborhood Recommendations:

On September 15, 2005, the Rancho Bernardo Community Planning Board voted 15-1-0 to approve the project with the following recommendations (Attachment 7).

1. They increase the number of handicap parking places to be more realistic. *The applicant does not propose to increase the number of handicap parking places. There is no construction proposed with this project, therefore no additional parking is required. As indicated above, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.*
2. Increase additional on site parking to alleviate existing street parking and ensure compliance with all ADA requirements. *The applicant does not propose to increase additional on site parking. There is no construction proposed with this project, therefore no additional parking is required. As indicated above, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.*
3. Concern about the affect to affordable housing that condo conversions make. *As stated earlier, with the proposed conversion of 402 existing apartments to condominiums, there would be a loss of 402 rental units and a gain of 402 for-sale units.*

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 Notices of Intent to Convert to Condominiums were provided to the tenants on April 12, 2005 (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 May 23, 2005, and is therefore subject to these new regulations. The project has been conditioned to require the subdivider conform with 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 applicant has elected to pay an in-lieu fee of \$753,357.50 [430,490 square feet (residential only) x \$1.75] to satisfy the Inclusionary Housing requirement, as allowed by the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

Conclusion:

Staff has reviewed the request for a Vesting Tentative Map for the conversion of 402 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. Staff believes the requirement findings can be supported and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. **Approve Vesting Tentative Map No. 221775, with modifications.**
2. **Deny Vesting Tentative Map No. 221775, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

Mike Westlake
Program Manager
Development Services Department

Tim Daly
Development Project Manager
Development Services Department

WESTLAKE/TD

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Vesting Tentative Map
6. Draft Map Conditions and Subdivision Resolution
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Chronology
10. Sample of 60-Day Notice of Intent to Convert