



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: February 8, 2007 REPORT NO. PC-07-021

ATTENTION: **Planning Commission, Agenda of February 15, 2007**

SUBJECT: 9494 CARROLL CANYON ROAD TENTATIVE MAP
PROJECT NO. 90632, PROCESS FOUR

OWNERS: Carroll Canyon, LLC
Wayne R. Green, Manager, Marilyn D. Green, Member (Attachment 7)

APPLICANT: Leppert Engineering Corporation

SUMMARY

Issue – Should the Planning Commission approve a Tentative Map for the conversion of 156 existing residential units to condominiums at 9494 Carroll Canyon Road, within the Mira Mesa Community Plan Area?

Staff Recommendations -

Approve Tentative Map No. 290588

Community Planning Group Recommendation – The Mira Mesa Community Planning Committee voted 12-2-0 to recommend approval of the project on June 19, 2006 with no conditions. (Attachment 9)

Environmental Review – On December 16, 2005, this project was exempted from environmental review pursuant to Article 19, Section 15301 (k), Existing Facilities, of the California Environmental Quality Act (CEQA). An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on June 13, 2006. The scope of the subject hearing only includes the project, and not the environmental determination.

Fiscal Impact – None with this action. All costs associated with the processing of this application are paid for by the applicant.

Code Enforcement Impact - None with this action.



Housing Impact Statement – With the proposed conversion of the 156 existing apartments to condominiums, there would be a loss of 156 rental units and a gain of 156 for-sale units. This condominium conversion project was deemed complete on December 7, 2005, and is therefore subject to the inclusionary housing ordinance and tenant relocation assistance.

BACKGROUND

This Tentative Map project is subject to the condominium conversion regulations in effect prior to June 13, 2006, based upon the City Council's specific adoption language for the "new" condominium conversion regulations. At the June 13, 2006, hearing, the City Council specifically excluded all projects that had CEQA appeals pending on or before June 13, 2006. This project is one of those which had an appeal. That appeal hearing was held on June 13, 2006, and the City Council denied the appellant's appeal of the CEQA determination of exemption. Therefore, the project can proceed to its discretionary hearing.

The 6.17-acre project site is located at 9400-9494 Carroll Canyon Road in the AR-1-1 zone within the Mira Mesa Community Plan. (Attachment 1). The site is presently developed with 156 units: 40 one-bedroom units, 94 two-bedroom units, and 22 three-bedroom units within eight two-story buildings. Two hundred and thirty-eight (238) off-street parking spaces were required at the time of construction and two hundred and thirty-nine (239) are provided on the site. The site is bounded on all sides by multi-family residential uses.

The existing improvements were constructed in 1976. At the time the site was constructed it was zoned R-3 and would have allowed for 268 units, or 1 unit for every 1,000 square feet of lot area. Current density requirements in the AR-1-1 zone also allow for 1 unit for every 1,000 square feet. Current parking regulations would require a total of 303 parking spaces: 60 spaces for the one-bedroom units, 94 spaces for the two-bedroom units, and 22 for the three-bedroom units. There are 239 parking spaces provided on site and 239 were required in 1976 at the time of construction. The development complied with the zoning and development regulations in effect at the time of construction and no Building or Zoning code violations are recorded against the property. 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 Tentative Map for the subdivision of a 6.17-acre site to convert 156 apartments into condominiums on one existing lot (Attachment 5).

Section 125.0401 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 Map and Condo Conversions*, the decision maker may approve a Tentative Map for the conversion of residential units into condominiums if the decision maker finds that the proposed project complies with the requirements of the Subdivision Map Act and

the San Diego Municipal Code. Staff has reviewed the proposed project for condominium conversion and has determined that it complies with Subdivision Map Act and the San Diego Municipal Code.

Existing utilities have already been undergrounded in this area. The applicant will be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 22 of the draft Tentative Map resolution (Attachment 4).

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 January 4, 2006 (Attachment 11).

All condominium conversion projects Deemed Complete on or after February 7, 2004, must conform with the regulations regarding Inclusionary housing and tenant relocation benefits. 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 \$338,415 (135,366 square feet x \$2.50) 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).

Community Planning Group Recommendation:

On June 19, 2006, the Mira Mesa Community Planning Committee voted 12-2-0 to recommend approval of the project with no conditions. (Attachment 9)

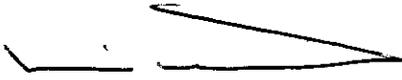
CONCLUSION

Staff has reviewed the request for the Tentative Map for the conversion of the 156 residential units into condominiums and it was determined that the project is in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps. Staff believes that the required findings can be supported and recommends that the Planning Commission approve the proposed project.

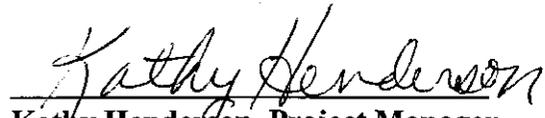
ALTERNATIVES

1. **Approve** Tentative Map No. 290588.
2. **Deny** Tentative Map No. 290588, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



Kathy Henderson, Project Manager
Development Services Department

Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photo
4. Draft Tentative Map Resolution with Findings and Conditions
5. Tentative Map Exhibit
6. Project Data Sheet
7. Ownership Disclosure Statement
8. Project Chronology
9. Community Planning Group Recommendation
10. Photographs of Existing Elevations
11. Sample 60-Day Notice