

DATE ISSUED: December 10, 2004 **REPORT NO. PC-04-214**

ATTENTION: **Planning Commission, Agenda of December 16, 2004**

SUBJECT: FIGHTERTOWN TENTATIVE MAP - PROJECT NO. 39175
PROCESS FOUR

OWNER Fightertown 88, A California Limited Partnership, Applicant
APPLICANT: James Neil, Agent

SUMMARY

Issue: Should the Planning Commission approve a Tentative Map for the conversion of 88 existing residential apartment units into condominiums at 10068 Maya Linda Road, in the RM-2-5 zone of the Mira Mesa Community Plan?

Staff Recommendation: Approve Tentative Map No. 111668

Community Planning Group Recommendation: On July 19, 2004 the Mira Mesa Community Planning Group voted 13-2-0 to recommend approval of the Tentative Map with no conditions.

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: All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Code Enforcement Impact: None from this action

Housing Impact Statement: With the proposed conversion of 88 existing apartments to condominiums, there would be a loss of 88 rental units and a gain of 88 for-sale units. This condominium conversion project was deemed complete on June 23, 2004, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance. The project would meet the requirement of affordable housing by paying the in-lieu fee.

BACKGROUND

The 3.054 acre project site is located at 10068 Maya Linda Road (Attachment 1) between Black Mountain Road to the west and Maya Springs Way to the east within the RM-2-5 zone of the Mira Mesa Community Plan (Attachment 3). The site is presently developed with six two-story, wood and stucco buildings containing two junior apartments, 32 one bedroom/one bath apartments and 54 two bedroom/two bath apartments for a total square-footage of 75,068. The site also contains 129 parking spaces located on the north side of the property. Eighty-eight of these parking spaces are located in carports while the remaining 41 are uncovered spaces. It is expected that the 129 parking spaces provided would not meet current standards based on the bedroom count. However, the projects has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. The project was constructed in 1988 and at that time was zoned R-2A. The zoning permitted 89 units for the site. 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. Variance No. C-19040 was approved for the site in January of 1986 to allow for the crib walls to be placed within the rear yard setback, and exceed the maximum height.

The parcel immediately north of the site is developed with multi-family units. The parcels to the east and west of the site are zoned are developed with multi-family units as well. The parcels south of the site are developed with office and light industrial uses.

DISCUSSION

Project Description:

The project proposes a Tentative Map for the subdivision of a 3.054 acre site to convert 88 existing dwelling units into condominiums. The parking for the site is contained in the northern portion of the property. There are footpaths leading from the parking area between each of the six, two story wood and stucco apartment buildings. There are two entrances to the site from Maya Linda Road, at the north-western portion of the property and another located at the north-eastern portion of the property (Attachment 5). The western entrance is currently gated and locked and is not in use.

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 decision maker may approve a Tentative Map for the purposes of the conversion of residential property into a condominium project if the decision maker 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 Plan Analysis:

The Mira Mesa Community Plan designates the area for Medium Density Residential Development of 15-30 units/net acre. The site is consistent with this designation at approximately 29 units/acre.

Environmental Analysis:

This project is exempt from environmental review pursuant to Article 19, Section 15301(k), Existing Facilities, of the California Environmental Quality Act (CEQA).

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 Condominiums was provided to the tenants on October 8, 2004 (Attachment 10).

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 June 23, 2004, and is therefore subject to these new regulations. With their application submittal, the applicant has indicated their decision to pay the in-lieu fee to satisfy these requirements as allowed by these regulations. The project has been conditioned to require the subdivider to pay an Inclusionary Affordable Housing In-Lieu Fee of \$131,369 based on \$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 Manager 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 88 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 required findings can be supported and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

- 1. Approve Tentative Map No. 111668, with modifications.**
- 2. Deny Tentative Map No. 111668, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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

Michael J. VanBuskirk
Development Project Manager
Development Services Department

ESCOBAR-ECK/MJV

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

Rev 10-01-04 dcj