

**DATE ISSUED:** February 23, 2006

**REPORT NO. PC- 06-048**

**ATTENTION:** **Planning Commission, Agenda of March 2, 2006**

**SUBJECT:** LEGACY TENTATIVE MAP  
PROJECT NO. 73675  
PROCESS 4

**OWNER/  
APPLICANT:** Garden Communities RP, LLC (Attachment 11)  
Hunsaker & Associates, Engineers

**SUMMARY**

**Issue:** Should the Planning Commission approve Tentative Map No. 225557 to convert 412 residential units to condominiums on a 17.58 acre site located at 9320 Hillery Drive within the Mira Mesa Community Planning area?

**Staff Recommendation:** **Approve** Tentative Map No. 225557

**Community Planning Group Recommendation:** The Mira Mesa Community Planning Group met on November 21, 2005 and voted 13-1-0 to approve the condominium conversion.

**Environmental Review:** The project is categorically exempt from environmental review pursuant to Article 19, Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA). This project is not pending an appeal of the environmental determination. The environmental exemption determination was made on July 7, 2005, and the opportunity to appeal that determination ended July 28, 2005.

**Fiscal Impact Statement:** None with this action. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

**Code Enforcement Impact:** None with this action.

**Housing Impact Statement:** With the proposed conversion of 412 existing apartments

to condominiums, there would be a loss of 412 rental units and a gain of 412 for-sale units. The project is subject to the requirements of both the inclusionary housing ordinance and the condominium conversion ordinance. In order to meet the requirements of the inclusionary ordinance, the applicant has indicated they will pay an in-lieu fee (\$613,508). In order to comply with the relocation requirements of the condominium conversion ordinance, a tenant survey will be completed to determine the income levels of the current tenants. Based upon the outcome of the survey, the applicant may be responsible for relocation benefits.

## **BACKGROUND**

The 17.58 acre site is located at 9320 Hillery Drive. It lies west of Interstate 15, east of Black Mountain Road, north of Carroll Canyon Road and south of Mira Mesa Boulevard. The proposed project site lies in a land use area designated as “commercial” and is within the CC-1-3 Zone of the Mira Mesa Community Plan. The CC-1-3 Zone allows for community-serving commercial uses and residential uses with an automobile orientation. The CC-1-3 Zone allows for one dwelling unit per 1,500 square feet of lot area, which would allow a maximum of 511 units to be built on this site. The residential project was constructed in 2002 and is developed with 412 residential units in twenty-two (22) buildings (Attachment 5).

The surrounding neighborhood includes land use designations of commercial to the north, school and park uses to the west, the I-15 corridor to the east, and residential to the south. Existing land uses include San Diego Miramar College to the west, commercial to the north, residential to the south and the Interstate 15 corridor to the east.

## **DISCUSSION**

### **Project Description:**

The complex contains 252 one-bedroom units, 136 two-bedroom units and 24 three-bedroom units in the project. Each of the twenty-two (22) stucco residential buildings on-site is three-stories in height. The one-bedroom units range from 629 to 859 square feet, the two-bedroom units from 974 to 1,189 square feet, and the three-bedroom units have 1,321 square feet. The complex includes a swimming pool and spa. Current regulations require 834 parking spaces. There are 847 parking spaces on site, including 234 garage, 191 carport, 237 open stall, 69 parallel parking, 99 tandem and 17 accessible spaces. Included in this total are 93 required “Park and Ride” spaces located along Hillery Drive.

The project proposes a Tentative Map for the subdivision of a 17.58 acre site to convert 412 residential apartment units into condominiums on two (2) lots (Attachment No. 5). Section 125.040 of the San Diego Municipal Code (SDMC) requires a Tentative Map be processed for the subdivision of land. According to San Diego Municipal Code Section 144.0444, *Findings for Tentative Maps for Condominium Conversion*, 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 the proposed conversion complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff reviewed the proposed condominium conversion, and determined it complies with both the Subdivision Map Act and the Municipal Code.

### **Project-Related Issues:**

#### **Condominium Conversion Regulations**

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 mailed to each tenant on August 24, 2004 (Attachments 7 & 8).

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” June 8, 2005, and is therefore subject to these new regulations. The project has been conditioned to require the subdivider to 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.

#### **Community Group**

The Mira Mesa Community Planning Group met on November 21, 2005 and voted 13-1-0 to approve the condominium conversion.

### **Conclusion:**

Staff has reviewed the request for a Tentative Map for the subdivision of land for the conversion of 412 existing residential apartment units into a condominium project, and found the project is 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. 188494 with modifications.**
- 2. Deny Tentative Map No. 188494 if the findings required to approve the project cannot be affirmed.**

**Respectfully submitted,**

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**Jeffrey D. Strohming**  
**Acting Deputy Director**  
**Customer Support and Information Division**  
**Development Services Department**

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**Robert P. Tucker**  
**Development Project Manager**  
**Customer Support and Information Division**  
**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. Certification of "Tenant Notice for Condominium Map" mailing
8. "60 Day Notice Mailed to Tenants" example
9. Community Planning Group Recommendation
10. Ownership Disclosure
11. Project Chronology

Rev 06-01-05 dej