

DATE ISSUED: February 17, 2005 **REPORT NO.** PC-05-043

ATTENTION: Planning Commission, Agenda of February 24, 2005

SUBJECT: ANDALUCIA TENTATIVE MAP - PROJECT NO. 52273.
PROCESS 4

**OWNER/
APPLICANT:** **Andalucia Carmel Country, LLC**

SUMMARY

Issue(s): Should the Planning Commission approve Tentative Map No. 159014 to convert 181 existing residential units to condominiums at 3780 Mykonos Lane in the Carmel Valley Community Planned Area?

Staff Recommendation:

1. APPROVE Tentative Map No. 159014

Community Planning Group Recommendation: The Carmel Valley Community Planning Group, on February 8, 2005, voted 11:0:1 to recommend approval of the Tentative Map No. 159014.

Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301(k) as "Existing Facilities."

Fiscal Impact: 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 one hundred eighty-one existing apartments to condominiums, there would be a loss of 181 rentals units and a gain of 181 for-sale units. This Tentative Map request was deemed complete subsequent to February 7, 2004, and therefore is required to comply with the inclusionary affordable housing requirements.

BACKGROUND

The 6.13 acre site is located on Mykonos Lane, a local residential street, accessed from Carmel Creek Road in the Carmel Valley Community plan area. The surrounding land uses include residential to the immediate east and north, the San Dieguito Union High School District owns the property west and south of the project site and has constructed the Carmel Valley Middle School for grades seven and eight. The Carmel Valley Community Plan Land Use Map designates the site for residential development at the density developed on the property. The site is zoned MF-4 by the Carmel Valley Planned District Ordinance.

The Carmel Valley Neighborhood 9 Precise Plan designates the project site for Medium Density residential development at a density of 30- 44 dwelling units per acre. The site has been developed consistent with this density at approximately 30 dwelling units per acre. Within areas designated for attached housing, the Carmel Valley Neighborhood 9 Precise Plan does not address the issue of single versus fractional ownership.

The existing development was approved by the Hearing Officer on behalf of the City Manager on October 6, 1999 at a noticed public hearing after the application was determined by staff to be in conformance with the Carmel Valley Community Plan and Planned District regulations. The Carmel Valley Planned District Permit (CVPDP) No. 99-0030 was recorded by the County Recorder's Office on October 29, 1999 as Document No. 1999-0726372. Subsequently building permit applications were reviewed and approved for the construction of the 181 dwelling units. The currently vested CVPDP No. 99-0030 supercedes a previous discretionary permit approved by the Planning Commission on March 2, 1989 as CVPDP No. 88-1090. The approved CVPDP No. 99-0030 required no variances or deviations to approve the project and met all current regulations in effect at the time the application was deemed complete.

The project developed the 6.13 acre site with 181 dwelling units, a pool, spa, clubhouse, landscaping and parking facilities for residents and guests. The development complex began construction in August 7, 2000 and was completed in March 6, 2002.

DISCUSSION

Project Description:

The current application proposes a Tentative Map to convert the existing 181 residential units to condominiums on the 6.13 acre site at 3702 Mykonos Lane in the MF-4 zone of Carmel Valley Planned District within the Carmel Valley Community Plan. All utilities are currently installed under the ground and a request to waive the under grounding of utilities is not necessary. No physical changes to the developed site are proposed or will occur should the Planning Commission action be to approve the application.

Section 125.0410 of the San Diego Municipal Code (SDMC) requires a Tentative Map be processed for the subdivision of land. According to SDMC §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 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 it complies with both the Subdivision Map Act and San Diego Municipal Code.

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 Condominium was provided to the tenants on June 1, 2004 (Attachment 11).

All condominium conversion projects deemed complete on or after February 7, 2004, must comply with new regulations addressing inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. This proposed project was deemed complete on October 25, 2004 and is subject to these regulations.

CONCLUSION

Staff has reviewed the request for a Tentative Map for the conversion of 181 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 has provided draft findings to support approval of the tentative map and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. Approve Tentative Map No. 159014, with modifications.
2. Deny Tentative Map No. 159014, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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Deputy Director, Project Management Division
Development Services Department

John S. Fisher
Development Project Manager
Development Services Department

HALBERT/JSF

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Tentative Map
5. Draft Map Conditions and Subdivision Resolution
6. Copy of Carmel Valley Planned District Permit No. 99-0030
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Chronology
10. Government Code 66452.3; self-certification statement

Rev 10-01-04 dcj