

DATE ISSUED: February 17, 2005 **REPORT NO. PC-05-189**

ATTENTION: **Planning Commission, Agenda of May 26, 2005**

SUBJECT: MARLBOROUGH AVENUE TENTATIVE MAP
PROJECT NO. 46314. PROCESS 4

OWNER: **LDV, Inc.**

APPLICANT: **Chris Christiansen**

SUMMARY

Issue(s): Should the Planning Commission approve an application for a Tentative Map to convert 14 existing residential units into condominiums on a 0.32-acre site located at 3562 Marlborough Street in the RS-1-7 Zone within the City Heights Neighborhood Element of the Mid-City Communities Plan area?

Staff Recommendations:

1. APPROVE Tentative Map No. 130943 and
2. WAIVE the requirement to underground existing overhead utility lines.

Community Planning Group Recommendation: On January 3, 2005, the City Heights Area Planning Committee voted 6-4-1, conditionally approving a recommendation to approve the proposed Tentative Map (Attachment 7).

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

Fiscal Impact Statement: None. All of the cost of processing this application is paid for the applicant.

Code Enforcement Impact: None.

Housing Impact Statement: With the proposed conversion of fourteen existing apartments to condominiums, there would be a net loss of fourteen rental units and a net gain of fourteen for-sale units. This condominium conversion project was deemed complete on September 2, 2004, and is therefore subject to the regulations regarding inclusionary housing and tenant relocation assistance. This issue is discussed in greater detail within this report.

BACKGROUND

The project site is located at 3562 Marlborough Street within the City Heights Neighborhood Element of the Mid-City Communities Plan (Attachment 1). The 0.32 -acre site is designated for medium low density residential development between 6 to 10 dwelling units per acre (Attachment 2). The property is in the RS-1-7 Zone and subject to the applicable development regulations of the Land Development Code. Surrounding land uses within the area include a mix of single and multi-family development (Attachment 4).

Project Description:

The existing 14 unit residential project was permitted for construction in July 1964, when the site was zoned R-3 and permitted up to 14 units. The current RSI-7 Z one would allow one single-family dwelling unit per lot and the existing 0.32-acre lot could conceivably be subdivided into two, or possibly a maximum of three lots with a minor deviation. The project deviates from the current density and parking requirements however, the structure and the density have previously conforming rights pursuant to Chapter 12, Article 7, Division 1, of the Land Development Code.

The site includes two two story buildings with a total of 14 units. The unit mix includes 10 two bedroom units and 4 three-bedroom units which are built around an interior courtyard. The codified parking requirements at the time the building was constructed required one space for each unit. The project is required to maintain the existing 14 off-street parking spaces which are located both at the rear of the building (11) and in the front (3) off Marlborough Street.

DISCUSSION

The project proposes a Tentative Map for the subdivision of a 0.32-acre site to convert fourteen existing dwelling units into condominiums on one lot (Attachment 5). The applicant is also requesting that the requirement for the undergrounding of the existing overhead utilities be waived.

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 May 17, 2004 (Attachment 9).

Condominium Conversions

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 regulations.

Undergrounding Waiver Request

San Diego Municipal Code Section 144.0240 allows the subdivider to apply for a waiver from the requirement to underground the existing overhead utilities within the boundary of the subdivision or within the abutting public rights of way. City staff has determined the undergrounding waiver request qualifies under the guidelines of Council Policy 600-25, *Underground Conversion of Utility Lines at the Developer's Expense*, in that the conversion is a requirement of a condominium conversion of an existing development and the conversion involves a short span of overhead facilities less than a full block in length and the conversion would not represent a logical extension to an undergrounding facility. The applicant would be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 4 of the draft Tentative Map Resolution (Attachment 6).

The neighborhood currently contains power poles and overhead utility lines within the alley right-of-way at the rear of the property. The existing power poles and overhead utility lines serving the project attach mid-span and cross the alley and connect to the sides of the two buildings. There are no overhead lines along the project frontage on Marlborough Street and there are no existing poles within the right-of-way directly adjacent to the site. Staff has determined that the existing poles located on adjacent properties would have to be relocated to the corners of the subject property to facilitate an undergrounding effort for this site and additional poles may be required to support the overhead utilities servicing the other properties in the general vicinity. The Citywide Underground Conversion Program Master Plan indicates that the project site is located in Residential District 3-L and tentatively scheduled for comprehensive undergrounding in 2028 (Attachment 10).

Affordable Housing

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 application was Deemed Complete on September 2, 2004, and is therefore subject to these regulations. The property owner has opted to pay the in-lieu fee established by the Inclusionary Housing Ordinance rather than providing affordable units on site. Based on the date that the project was deemed complete and the number of units, the in-lieu fee for this project is calculated at \$1.75 per square-foot of gross floor area (excluding garages) which totals approximately \$23,782.00. Relocation benefits will be based on a Housing Commission tenant survey anticipated to be conducted after the approval of the tentative map and prior to the recordation of the final map. Both the in-lieu fee and the relocation assistance are conditions of the Tentative Map Resolution (Attachment 6).

Community Planning Group recommendation

The City Heights Area Planning Committee recommended approval of the proposed project at their January 3, 2005, meeting by a vote of 6-4-1 (Attachment 7). The Committee's recommendation includes support of the tentative map for the purpose of the condominium conversion and a recommendation to deny the underground utility waiver.

Staff has reviewed the Planning Committee's recommendations and determined that the project complies with the criteria within Council Policy 600-25 and recommends approval of the underground waiver.

Conclusion:

Staff has reviewed the application for a Tentative Map for the conversion of fourteen residential units into condominiums and the request to waive the requirement to underground the existing overhead utilities, and has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps. Further, the staff determined the project to be consistent with the City's Inclusionary Housing Regulations and Council Policy 600-25 regulating the undergrounding of existing overhead utilities. The project is exempt from further CEQA review and has the conditional support of the City Heights Area Planning Committee. Therefore, staff believes the required findings can be supported and recommends that the Planning Commission approve the project as conditioned.

ALTERNATIVES:

1. Approve Tentative Map No. 130943 with modifications.
2. Deny Tentative Map No. 130943 if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

**Marcela Escobar-Eck
Deputy Director, Customer Support and
Information Division
Development Services Department**

**Patrick Hooper, Project Manager
Customer Support and Information Division
Development Services Department**

ESCOBAR-ECK/JPHS

Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Project Data Sheet
5. Project Site Plan/Tentative Map
6. Draft Subdivision Resolution with Findings and Map Conditions
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. 60-Day Notice (Sample)
10. Undergrounding Master Plan – Neighborhood 3-L
11. Project Chronology