

**DATE ISSUED:** December 1, 2005 **REPORT NO. PC-05-348**

**ATTENTION:** **Planning Commission, Agenda of December 8, 2005**

**SUBJECT:** 4479 Marlborough Tentative Map - PROJECT NO. 75920  
PROCESS FOUR

**OWNER/** Tabachki Family Trust (Attachment §)

**APPLICANT:** **Cynthia Petersen, Gabhart Investments, Inc**

**SUMMARY**

**Issue(s):** Should the Planning Commission approve a Tentative Map to convert eight (8) existing residential units to condominiums and a request to waive the requirement to underground existing overhead utilities on a 5,520 square foot site at 4479 Marlborough Avenue in the RM-1-1 zone of the Central Urbanized Planned District within the Kensington Talmadge Neighborhood of Mid City Communities Plan Area?

**Staff Recommendation:**

1. **APPROVE** Tentative Map No. 233651
2. **APPROVE** request to waive the requirement to underground existing overhead utilities.

**Community Planning Group Recommendation:** On September 14, 2005, the Kensington-Talmadge Planning Committee voted 13-0 to approve the tentative map with no conditions.

**Environmental Review:** The proposed activity is categorically exempt from CEQA pursuant to Article 19, Section 15301(k), Existing Facilities of the State CEQA Guidelines.

As of this writing, this project is NOT the subject of a pending appeal.

**Fiscal Impact Statement:** None with this action. All costs associated with the processing of this project are being paid by the applicant.

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

**Housing Impact Statement:** With the proposed conversion of eight (8) existing apartments to condominiums, there would be a loss of eight (8) rental units and a gain of eight (8) for-sale units. This condominium conversion project was deemed complete on June 29, 2005, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance.

## **BACKGROUND**

The 0.127 acre site is located at 4479 Marlborough Avenue (between Monroe Avenue and Meade Avenue) in the RM-1-1 zone of the Central Urbanized Planned District within the Kensington Talmadge Neighborhood of Mid City Communities Plan Area. The Community Plan designates this site for multi-family residential development and the residential use existing is consistent with this designation. The site is presently developed with one, two-story structure consisting of four 1-bedroom and four 2-bedroom residential units. The site provides a total of eight (8) off-street parking spaces.

All development complies with the zoning and development regulations in effect at the time of construction. No Building or Zoning Code violations have been recorded against the property.

Surrounding land use consists of a mixture of single-family and multi-family residential developments to the north, south, east, and west

## **DISCUSSION**

### **Project Description:**

The project proposes a Tentative Map for the subdivision of a 0.127 acre site to convert eight (8) 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.

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 decisionmaker may approve a Tentative Map for the purposes of the conversion of residential property into a condominium project if the decisionmaker 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.

**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 under-grounding 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). All onsite utilities serving the subdivision shall be undergrounded with appropriate permits per Condition No. 16 of the draft Tentative Map Resolution.

The neighborhood currently contains power poles and overhead utility lines only at the rear of the properties in the alley. The closest pole location to this project is in the alley east of this development. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 3AA, scheduled for undergrounding in 2020. (Attachment 10).

**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 June 13, 2005 (Attachment 11).

This project was Deemed Complete on June 29, 2005. All condominium conversion projects Deemed Complete after February 7, 2004, must conform to the regulations regarding inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. 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 the project was deemed complete and the number of units, the in-lieu fee for this project is calculated at \$.85 per square foot. The gross floor area for this project is 2,600 square feet. The in-lieu fee will be \$2,27500 . 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.

On September 14, 2005, the Kensington-Talmadge Planning Committee voted 13-0 to approve the tentative map with no conditions.

**Conclusion:**

Staff has reviewed the request for a Tentative Map to convert eight (8) existing residential units to condominiums and a request to waive the requirement to underground 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 and Council Policy 600 25 regulating undergrounding of existing overhead utilities. Staff believes the required findings can be supported and recommends the Planning Commission approve the project as proposed.

**ALTERNATIVES**

1. **Approve** Tentative Map No. 233651 **with modifications.**
2. **Deny** Tentative Map No. 233651 **if the findings required to approve the project cannot be affirmed.**

**Respectfully submitted,**

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**Jeffrey D. Strohminger**  
**Assistant Deputy Director, Customer Support and**  
**Information Division**  
**Development Services Department**

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**John Cruz, Project Manager**  
**Customer Support and**  
**Information Division**  
**Development Services Department**

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Tentative Map Exhibit
6. Draft Map Conditions and Subdivision Resolution
7. Community Planning Group Recommendation and Minutes
8. Ownership Disclosure Statement
9. Project Chronology
10. City's Undergrounding Master Plan - Map 3AA
11. Copy Of Tenant Notice and Certification