

DATE ISSUED: November 30, 2005 **REPORT NO.** PC- 05-349

ATTENTION: Planning Commission, Agenda of December 8, 2005

SUBJECT: **4554 MARLBOROUGH DRIVE TENTATIVE MAP**
PROJECT NO. 76152. PROCESS 4

**OWNER/
APPLICANT:** 4554 Marlborough, LLC (Attachment 7)

SUMMARY

Issue: Should the Planning Commission approve a Tentative Map for the conversion of seven existing residential units into condominium units and waive the requirement to underground existing overhead utilities at 4554 Marlborough Drive in the Kensington-Talmadge neighborhood of the Mid-City Communities Plan area?

Staff Recommendations:

1. APPROVE Vesting Tentative Map No. 234872.
2. APPROVE waiver from the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: On October 12, 2005, the Kensington-Talmadge Planning Group voted 12:0:0 to approve the project 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). This project is not subject to a pending appeal.

Fiscal Impact Statement: 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 seven existing apartments to condominiums, there would be a loss of seven rental units and gain of seven for-sale units. This condominium project is required to comply with the Inclusionary Affordable Housing Ordinance and tenant relocation assistance which have been included as conditions of the Tentative Map. The subdivider has elected to pay the “In-Lieu Fee” to satisfy the Inclusionary Affordable Housing Ordinance.

BACKGROUND

The 6,000 square foot site is located at 4554 Marlborough Drive between Monroe Avenue and Madison Avenue in the RS-1-7 Zone, in the Mid-City Communities Plan area (Attachment 1). The site is currently developed with a two-story structure with seven apartments and seven off-street parking spaces. Four spaces are located in front of the units and three are enclosed parking spaces located at the rear of the property. The Community Plan designates the site for multi-family residential use (Attachment 2). Both the existing and proposed development is consistent with the land use designation and zoning in effect for the site.

The seven unit apartment complex was constructed in 1970. At the time of construction the site was zoned R-4 and the apartment complex was constructed in accordance with the regulations of the R-4 zone. The project was constructed with seven off-street parking spaces. Four of the parking spaces are located within the front of the property and three are enclosed parking spaces located at the rear of the property. The three enclosed parking spaces are accessed from the alley. Under current regulations for the RS-1-7 zone 11 parking spaces would be required. The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, and Division 1 of the Land Development Code.

DISCUSSION

Project Description:

The project proposes a Tentative Map for the subdivision of a 6,000-square-foot site to convert seven existing dwelling units into condominium ownership on one lot (Attachment 5). 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.

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 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 will be required to underground all existing service to the site. The applicant would be required to underground any new service run to any new or proposed structures within the subdivision per the draft Tentative Map resolution (Attachment 6).

The neighborhood currently contains power poles and overhead utility lines. All utilities serving this property will be required to be undergrounded. The waiver is being requested for the requirement to underground adjacent utilities serving the surrounding properties. The City's Undergrounding Master Plan for Fiscal Year 2006 designates Residential Block 3AA's allocation year as 2020(Attachment 9).

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 by April 5, 2005(Attachment 10).

This project was Deemed Complete on July 15, 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 draft Tentative Map resolution require compliance with this ordinance (Attachment 6)

Conclusion:

Staff has reviewed the request for a Tentative Map for the conversion of the seven residential units into condominiums and the request to waive the requirements of the undergrounding of existing adjacent 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. 234872, with modifications.
2. Deny Tentative Map No. 234872, if the findings required approving the project cannot be affirmed.

Respectfully submitted,

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Customer Support and Information Division
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**Patricia Grabski, AICP
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STROHMINGER/PXG

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. Ownership Disclosure Statement
8. Project Chronology
9. City's Undergrounding Master Plan
10. Copy of Tenant Notice and Certification