

DATE ISSUED: April 14, 2006 **REPORT NO.** PC-06-050

ATTENTION: **Planning Commission, Agenda of April 20, 2006**

SUBJECT: 4102 MARLBOROUGH STREET TENTATIVE MAP - PROJECT NO.
86137
PROCESS FOUR

OWNERS: UPTOWN VILLAS, LLC (Attachment 8)

APPLICANT: Landmark Engineering

SUMMARY

Issue: Should the Planning Commission approve a Tentative Map for the conversion of 18 existing residential units into condominiums at 4102 Marlborough Street, within the Mid City Community Plan Area?

Staff Recommendation:

1. **Approve** Tentative Map No. 273162and

Community Planning Group Recommendation: The City Heights Area Planning Committee voted 9-1-0 to recommend approval of the project, with recommended conditions, on January 9, 2006 (Attachment 7).

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 pending an appeal of the environmental determination. The environmental exemption determination for this project was made on October 28, 2005, and the opportunity to appeal that determination ended November 21, 2005.

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 18 existing apartments to condominiums, there would be a loss of 18 rental units and a gain of 18 for-sale units. This condominium conversion project was deemed complete on October 20, 2005, and is therefore subject to the new regulations regarding Inclusionary housing and tenant relocation assistance.

BACKGROUND

The 0.402 acre site is located at 4102 Marlborough Street in the RM-1-3 zone and the Transit Area Overlay Zone, Central Urbanized Planned District within the City Heights Neighborhood of the Mid-City Communities Plan Area(Attachment 3). The site is presently developed with one, three-story structure containing one, three-bedroom unit, 16, two-bedroom units, and one, one-bedroom unit. The project provides 29 off-street parking spaces; 13 of which are located along the alley frontage and 16 of which are located in a parking lot located on the north side of the site. The site is bounded on all sides by multi-family residential uses.

The existing improvements were constructed in 1979 when the site was zoned R-3A, which allowed for the development of the 18 units. The 29 parking spaces provided complied with the parking requirements in effect at the time of construction. The site is currently within the RM-1-3 Zone of the Central Urbanized Planned District, which would allow nine units to be constructed on the subject site (1 unit per 2,000 sq/ft of lot area). Utilizing current parking standards, 31 spaces would be required. The development complied with the zoning and development regulations in effect at the time of construction and no Building or Zoning code violations have been recorded against the property.

Although the project does not conform with the current maximum density of nine units and provides 29 parking spaces where 31 are currently required, the project has previously-conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.

DISCUSSION

Project Description:

The project proposes a Tentative Map for the subdivision of a 0.402 acre site to convert 18 existing dwelling units into condominiums on four existing lots (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 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.

Community Planning Group and Neighborhood Recommendations:

The City Heights Area Planning Committee voted 9-1-0 on January 9, 2006 to recommend approval with the following recommendations (Attachment 7):

1. The inclusionary housing requirement be fulfilled with units on site and that a fee-in-lieu not be allowed. *The applicant has proposed to pay the in-lieu fee as required by San Diego Municipal Code Chapter 14, Article 2, Division 13.*
2. Recommend installation of motion sensitive flood lighting of the alley area. *Although this recommendation is not a standard requirement of the Municipal Code, the request has been forwarded to the applicant for their consideration.*
3. Recommend installation of street address numbers on the rear of the buildings. *Although this recommendation is not a standard requirement of the Municipal Code, the request has been forwarded to the applicant for their consideration.*

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 Notices of Intent to Convert to Condominiums were provided to the tenants September 29, 2005 (Attachment 11).

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 on October 29, 2005, and is therefore subject to these new regulations. The project has been conditioned to require the subdivider 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. In order to meet the inclusionary housing ordinance requirements, the applicant has elected to pay the in-lieu fee (\$38,102.50).

Conclusion:

Staff has reviewed the request for a Tentative Map for the conversion of 18 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 believes the requirement findings can be supported and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. **Approve Tentative Map No. 273162 with modifications.**
2. **Deny Tentative Map No. 273162 if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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

Paul Godwin
Project Manager, Customer Support
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STROHMNGER/PG

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. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Chronology
10. A sample of the 60-Day Notice of Intent to Convert
11. Photos of Existing Front and Rear Elevations