

DATE ISSUED: March 30, 2006 **REPORT NO. PC-06-114**

ATTENTION: **Planning Commission, Agenda of April 6, 2006**

SUBJECT: 3686 Marlborough Tentative Map - PROJECT NO. 78326
PROCESS FOUR

OWNER/ Jamie Winn Family Trust (Attachment 8)

APPLICANT: Sterling Land Services, Inc., Engineer

SUMMARY

Issue(s): Should the Planning Commission approve a Tentative Map for the conversion of 18 existing residential units into condominiums at 3686 Marlborough Drive, within the City Heights neighborhood of the Mid City Communities Plan Area?

Staff Recommendation:

1. **APPROVE** Tentative Map No. 243256and
2. **APPROVE** waiver to the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: The City Heights Area Planning Committee voted 11-2-0 to recommend approval of the proposed project on February 8, 2006, with five recommendations detailed within this report (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 August 18, 2005, and the opportunity to appeal that determination ended September 7, 2005.

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 eighteen (18) existing apartments to condominiums, there would be a loss of eighteen (18) rental units and a gain of eighteen (18) for-sale units. This condominium conversion project was deemed complete on August 5, 2005, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance.

BACKGROUND

The 0.32 acre site is located at 3686 Marlborough Avenue in the RM-1-1 zone of the Central Urbanized Planned District, within the City Heights Neighborhood of the Mid City Communities Plan Area. The site is presently developed with 2, two story structures containing 6, two-bedroom units and 12, one-bedroom units. Eighteen off-street parking spaces are provided on the site: 8 are accessed from Marlborough Avenue at the front and 10 accessed from the alley at the rear. The site is bounded on all sides by multi-family residential uses.

The existing improvements were constructed in 1969. At that time the site was zoned R-4 and would have allowed 35 units. Parking requirements effective in 1969 required 18 parking spaces to be provided for the 18 dwelling units. 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.

The project does not conform with the current density requirement of one unit per every 3,000 square feet in the RM-1-1 zone, which would only allow a maximum of 5 dwelling units to be constructed today. Under current criteria 30 off street parking spaces would be 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 0.32 acre site to convert 18 existing dwelling units into condominiums on four existing lots (Attachment 5). The applicant is also requesting that the requirement for the undergrounding of 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 involves a short span of overhead facilities less than 60feet in length.

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.20 of the draft Tentative Map Resolution (Attachment 6).

The neighborhood currently contains power poles and overhead utility lines only at the rear of the properties in the alley. The utility lines to these poles extend to other properties located east and west within the alley. As indicated above, 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 the site within Block 3N, scheduled for undergrounding in 2020 (Attachment 10).

Community Planning Group and Neighborhood Recommendations:

The City Heights Area Planning Committee voted 11-2-0 to recommend approval of the project on February 8, 2006, with the following recommendations (Attachment 7).

1. Recommend denial of a waiver of the undergrounding requirement and installation of underground piping to prepare for future undergrounding. *Based on the preceding information regarding the undergrounding of the existing utilities, staff continues to support the undergrounding waiver request.*
2. Placing inclusionary units on site rather than paying an in-lieu fee. *In accordance with Chapter 14, Article 2, Division 13 of the Land Development Code the applicants have elected to pay an in-lieu fee. The project will be required to pay an in-lieu fee of \$28,455.00 (11,382 sq. ft. x \$2.50).*
3. Installation of motion sensitive rear lighting to light the alley at night. *The applicants*

have voluntarily agreed to incorporate this recommendation into their project.

4. Installation of the street address at the rear of all buildings, in large numbers. *The applicants have voluntarily agreed to incorporate this recommendation into their project.*

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 were provided to the tenants between May 12, 2005 thru May 21, 2005(Attachment 11).

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. This project was Deemed Complete on August 5, 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. The applicant has elected to pay the Inclusionary Affordable Housing In-Lieu Fee of \$28,455.00 (11,382 square feet x \$2.50) pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

Conclusion:

Staff has reviewed the request for a Tentative Map for the conversion of 18 residential units into condominiums has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps. Staff has determined 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,

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

Derrick Johnson, 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
6. Draft Map Conditions and Subdivision Resolution
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Chronology
10. City's Undergrounding Master Plan - Map 3N
11. Copy of 60-Day Notice of Intent to Convert
12. Photos of Existing Front and Rear Elevations