

**CITY OF SAN DIEGO  
M E M O R A N D U M**

**DATE:** November 1, 2005

**TO:** Planning Commission

**FROM:** John S. Fisher, Development Project Manager

**SUBJECT: Planning Commission Docket of November 10 , 2005  
Menlo Tentative Map**

Planning Commission trailed this item from October 27, 2005. A motion to deny the tentative map was proposed, the vote called and the motion failed for lack of a majority. The vote was 3:3:0.

John S. Fisher

**DATE ISSUED:** October 20, 2005 **REPORT NO.** PC-05-281

**ATTENTION:** Planning Commission, Agenda of October 27, 2005

**SUBJECT:** 4249 MENLO AVENUE TENTATIVE MAP - PROJECT NO. 61282.  
PROCESS 4.

**OWNER/**

**APPLICANT:** KAJA Development, LLC, Owners/Applicants (Attachment 8)

**SUMMARY**

Issue(s) - Should the Planning Commission approve Tentative Map No. 181703 and waive the requirement to underground existing utilities to convert 8 existing residential units to condominiums at 4249 Menlo Avenue in the Mid-Cities Community Plan area?

Staff Recommendation -

1. APPROVE Vesting Tentative Map No. 181703 and waive the requirement to underground existing utilities.

Community Planning Group Recommendation - The City Heights Area Planning Committee, on April 4, 2005 voted 8:2:1 on a consent agenda to recommend approval of the project and deny the request to waive the undergrounding requirement of existing utilities.

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

Fiscal Impact - 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 eight existing apartments to condominiums, there would be a loss of 8 rentals units and a gain of 8 for-sale units. This Tentative Map request was deemed complete subsequent to February 7, 2004, and

therefore is required to comply with the inclusionary affordable housing requirements.

## **BACKGROUND**

The 0.14 acre site is located at 4249 Menlo Avenue in the RM-1-1 zone within the Mid-Cities Community Plan area at between El Cajon Boulevard and University Avenue. The surrounding land uses are multi-family residential development. The Land Use Element of the Mid-Cities Community Plan designates the site for Residential 11 to 15 dwelling units per acre. Per the Mid-Cities Community Plan a maximum of two dwelling unit is allowed on site (Attachment 1). The 0.4 acre site has been developed at an approximate density of 57 dwelling units per acre (Attachment 2). Within areas designated for attached housing, the Mid-Cities Community Plan does not address the issue of single versus condominium or fractional ownership.

The existing development was constructed in 1958 when the property was zoned R4. (Attachment 3). At the time the property was developed the approved construction met all current regulations. The site is presently improved with a two-story eight unit apartment building. The building includes four one bedroom units with 576 square feet of living area each and four two bedroom units of 781 square feet each. The original development provided six parking spaces.

The development complied with the zoning and development regulations in effect at the time of construction. No Building or Zoning Code violations are recorded against the property. 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 current application proposes a Tentative Map (Attachment 4) to convert the existing 8 residential units to condominiums. Electrical, telephone and cable utilities are located above ground in the alley behind the buildings. No physical changes to the developed site are proposed or will occur should the Planning Commission action be to approve the application.

Section 125.0410 of the San Diego Municipal Code (SDMC) requires a Tentative Map be processed for the subdivision of land. According to SDMC §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 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 it complies with both the Subdivision Map Act and San Diego Municipal Code.

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, the conversion would represent an isolated undergrounding with a minimum probability of extension in the future, 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. 5 of the draft Tentative Map resolution (Attachment 5).

The neighborhood currently contains power poles and overhead utility lines within the alley at the rear of the property. There are no power poles located within the alley adjacent to the property line. The next closest poles are located several hundred feet north and south within the alley. Neighboring sites adjacent and across the alley from the subject property receive electrical, telephone and/or cable service from these overhead lines. Undergrounding those services would disrupt properties not included in the proposed project. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3V, and is proposed to be undergrounded in Fiscal Year 2021 (Attachment 6).

### **CONDOMINIUM CONVERSION REGULATIONS**

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 November 30, 2004 (Attachment 9).

All condominium conversion projects deemed complete on or after February 7, 2004, must comply with new regulations addressing inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. This proposed project was deemed complete on February 14, 2005, is subject to these regulations and has been conditioned to comply with the requirements. The applicant has elected to pay an in lieu fee in the amount of \$4,750.00 to meet these requirements.

### **CONCLUSION**

Staff has reviewed the request for a Tentative Map for the conversion of 8 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 has provided draft findings to support approval of the tentative map (Attachment 5) and recommends the Planning Commission approve the project as proposed.

**ALTERNATIVES**

1. Approve Tentative Map No. 181703 and waive the requirement to underground existing utilities, with modifications.
2. Deny Tentative Map No. 181703 and waive the requirement to underground existing utilities, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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

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John S. Fisher  
Development Project Manager  
Customer Support and  
Information Division  
Development Services Department

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- Attachments:
1. Community Plan Land Use Map
  2. Aerial Photograph
  3. Project Location Map
  4. Tentative Map
  5. Draft Map Conditions and Subdivision Resolution
  6. Underground Project Schedule
  7. Community Planning Group Recommendation
  8. Ownership Disclosure Statement
  9. Government Code 66452.3; self-certification statement
  10. Project Chronology
  11. Project Data Sheet