

**DATE ISSUED:** January 5, 2006                   **REPORT NO. PC -06-002**

**ATTENTION:** **Planning Commission, Agenda of January 12, 2006**

**SUBJECT:** 4157 MENLO TENTATIVE MAP – PROJECT NO. 75907  
PROCESS FOUR

**OWNER/  
APPLICANT:** NEIL R. TABACHKI AND NANCY J. TABACHKI FAMILY TRUST  
NICOLE NOBLE, STERLING LAND SERVICES

### **SUMMARY**

**Issue(s):** Should the Planning Commission approve a Tentative Map for the conversion of seven (7) existing residential units to condominiums and waive the requirement to underground existing overhead utilities at 4157 Menlo 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?

#### **Staff Recommendation:**

1. **Approve** Tentative Map No. 236265and ;
2. **Approve** the waiver for the requirements to underground existing overhead utilities located in the public-right-of-way.

**Community Planning Group Recommendation** - On September 7, 2005, the City Heights Area Planning Committee voted8-4-0 to recommend approval of the map and disapproval of the waiver of the undergrounding of utilities.

**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). There have been no appeals on this project.

**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 seven (7) existing apartments to condominiums, there would be a loss of seven (7) rental units and a gain of seven (7) for-sale units. This condominium conversion project was deemed complete after February 7, 2004, and is

therefore required to comply with the new regulations regarding inclusionary housing and tenant relocation assistance, which have been included as conditions of the Tentative Map. The owner has elected to pay the In-Lieu Fee as their method to satisfy the Inclusionary Affordable Housing Requirements.

## **BACKGROUND**

The proposed Tentative Map application is to convert a seven (7)-unit apartment complex on two lots to a seven (7)-unit residential condominium complex on one lot.

The 014 -acre site is located at 4157 Menlo Avenue, between Orange and Polk Avenues, in the RM-1-1 Zone in the City Heights Neighborhood within the Mid-City Communities Plan Area. (Attachments 2 and 3). The site was zoned R-4 on 10/20/1930. The site was rezoned R-3A on 5/22/1975. The site was zoned MR-1500B as part of the Mid City Communities Planned District on 1/21/1986. The site was zoned RM-1-1 on 10/2/2000 as part of the adoption of the Central Urbanized Planned District. The site is also in the Transit Area Overlay Zone. The current zone (RM-1-1) allows one dwelling unit for every 3,000 square feet of lot area. The project site would therefore be allowed to have a maximum of two (2) units. The community plan designates this site at 11-15 dwelling units/acre.

The property was constructed in 1975 at which time the site was zoned R-3A, allowing a maximum of ten (10) dwelling units. The site is surrounded by multi-family residential development to the north, south, and west. A school lies to the east of the site.

The site is presently developed with one, two-story structure, containing six (6) one-bedroom apartment units, and one (1) two-bedroom unit. Seven (7) parking spaces (one parking space per unit) were provided in accordance with the parking regulations at the time of construction. Current parking regulations would require nine (9) parking spaces. 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 014 -acre site to convert seven (7) 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 involves a short span of overhead facility (less than 600 feet in length.) The applicant would be required to underground any new service run to any new or proposed structures within the subdivision as indicated in the draft Tentative Map Resolution (Attachment 6).

The neighborhood currently contains power poles and overhead utility lines at the rear of the property in the alley. The closest poles are located at both sides of this development. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3V, which has been scheduled for undergrounding by the City Council in 2021 (Attachment 10).

The project is conditioned that the subdivider shall ensure that all onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.

### **COMMUNITY PLANNING GROUP RECOMMENDATION**

On September 7, 2005, the City Heights Area Planning Committee voted 8-4-0 to recommend approval of the map and disapproval of the waiver of the under grounding of utilities.

### **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 Condominium was provided to the existing tenants on May 24, 2005 and to potential tenants thereafter (Attachment 11).

All condominium conversion projects Deemed Complete on or after February 7, 2004, must conform to 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 after that date and has indicated that they will pay the in-lieu fee for inclusionary housing. Additionally, the draft Tentative Map Conditions Nos. 10 and 11 specifically address the affordable housing and rent relocation requirements.

### **CONCLUSION:**

Staff has reviewed the request for a Tentative Map for the conversion of seven (7) residential units into condominiums and the request to waive the requirements of the undergrounding of existing overhead utilities in the public-right-of-way 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. 236265and the waiver to underground existing overhead utilities , with modifications.**
2. **Deny Tentative Map No. 236265and the waiver to underground existing overhead utilities , 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**

STROHMINGER/JR

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**Jeffrey W. Robles  
Development Project Manager  
Development Services Department**

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Tentative Map/Photo Survey
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 3GG
11. Copy of Tenant Notices