

**DATE ISSUED:** December 2, 2005 **REPORT NO. PC-05-327**

**ATTENTION:** **Planning Commission, Agenda of December 8, 2005**

**SUBJECT:** 5540 LINDO PASEO TENTATIVE MAP PROJECT NO. 74866  
PROCESS FOUR

**OWNER/** 5540 LINDO PASEO OWNER, LLC (Attachment 8)

**APPLICANT:** **Sterling Land Services**

**SUMMARY**

**Issue(s):** Should the Planning Commission approve a Tentative Map for the conversion of twenty-one (21) existing residential units into condominium units and a waiver of the requirement to underground existing overhead utilities at 5540 Lindo Paseo within the College Community Plan area?

**Staff Recommendation:**

1. **Approve** Tentative Map No. 230006
2. **Approve** Waiver from the requirement to under-ground existing adjacent overhead utilities.

**Community Planning Group Recommendation:** On September 14, 2005, the College Area Community Council made a motion to recommend denial of the application for the Tentative Map to convert the apartments to condominium ownership. The motion to recommend denial passed 19-0. The Community Group's concerns are discussed in this report.

**Environmental Review:** This project is exempt from environmental review pursuant to Article 19, Section 15301(k), of the California Environmental Quality Act (CEQA) on the basis that the facilities are existing. This project is not subject to a pending appeal.

**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 the twenty-one (21) existing apartments to condominiums, there would be a loss of twenty-one (21) rental units and a gain of twenty-one (21) for-sale units. This condominium conversion project is required to comply with the Inclusionary Affordable Housing Ordinance and tenant relocation assistance which have been included as a condition of the Tentative Map. The subdivider has elected to pay the In-Lieu Fee to satisfy the Inclusionary Affordable Housing Ordinance.

## **BACKGROUND**

The 027 acre site is located at 5540 Lindo Paseo, between 55<sup>th</sup> Street and College Avenue in the RM-3-9 zone, within the College Community Plan area and the Master Project Plan, which designates the site for Fraternity/Sorority uses(Attachment 2. The site is presently developed with one, three story structure on two lots. The three story structure contains twenty one, two bedroom units. The site also provides 42 tandem off street parking spaces located in an underground garage.

The existing improvements were constructed in 1982 when the site was zoned R-4. The R-4 zone allowed one unit per 400 square feet of lot area and permitted the twenty-one units on the 11,76120 square foot site. No Building or Zoning Code violations have been 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 project proposes a Tentative Map for the subdivision of a 027- acre site to convert twenty-one existing dwelling units into condominiums on one lot (Attachment 3). The applicant is also requesting that the requirement for the under-grounding of the existing adjacent overhead utilities be waived.

According to the College Community Plan area and the Master Project Plan, which designates the site for Fraternity/Sorority uses, any proposed development must be able to convert to Fraternity/Sorority housing. The proposed conversion would not alter the ability for the units to become Fraternity or Sorority housing. Additionally, the redevelopment agency was consulted regarding the proposed condominium conversion and had no concerns regarding the proposal.

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 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 would be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. four (4) of the draft Tentative Map resolution (Attachment 6).

The neighborhood currently contains power poles and overhead utility lines. All utilities serving this property have been 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 District 7J's allocation year "to be determined by the Council" (Attachment 10).

**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 July 5, 2005(Attachment 11).

This project was Deemed Complete on June 24, 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. Conditions No. ten(10) and eleven(11) in the draft Tentative Map resolution require compliance with this ordinance (Attachment 6)

On September 14, 2005, the College Area Community Council made a motion to recommend denial of the application for the Tentative Map to convert the apartments to condominium ownership. The community group cited concerns of off -site ownership of the units which will

still house mostly students, and the direct accountability of landlords regarding complaints resulting from student residents. The motion to recommend denial passed unanimously 19-0 (Attachment 7).

**Conclusion:**

Staff has reviewed the request for a Tentative Map for the conversion of the twenty-one (21) residential units into condominiums and the request to waive the requirements of the under-grounding of existing 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. 230006 and the waiver to underground the existing Utilities **with modifications.**
2. **Deny** Tentative Map No. 230006 **if the findings required to approve the project cannot be affirmed.**

**Respectfully submitted,**

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

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**Helene Deisher**  
**Development Project Manager**  
**Development Services Department**

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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. Community Planning Group Recommendation and Minutes
8. Ownership Disclosure Statement
9. Project Chronology
10. City's Undergrounding Master Plan –7J
11. Copy Of Tenant Notice and Certification