

**DATE ISSUED:** November 30, 2006                      **REPORT NO. PC-06-302**

**ATTENTION:**            **Planning Commission, Agenda of December 7, 2006**

**SUBJECT:**                ROBINSON CONDOMINIUMS – PROJECT NO. 2906

**OWNERS/  
APPLICANT:**            Louise and Joseph Quinn  
                                  Craig and Associates

**SUMMARY**

**Issue(s):** Should the Planning Commission recommend that the City Council approve an application for a two-unit condominium conversion, including a request to waive the requirement to underground existing overhead utilities; and the abandonment of an existing sewer easement on a 0.84-acre site located at 1501 and 1505 Robinson Avenue in the MR-3000 Zone of the Mid-City Communities Planned District within the Uptown Community?"

**Staff Recommendation:**

1.        Recommend that the City Council APPROVE Map Waiver No. 305268 including the request to waive the requirement to underground existing overhead utilities; and
2.        Recommend that the City Council APPROVE Easement Abandonment No. 398804

**Community Planning Group Recommendation:** On June 4, 2002, The Uptown Planning Committee voted 11-2-0 to approve the proposed project with no additional comments or conditions (Attachment 8).

**Environmental Review:** The project was determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the State CEQA Guidelines. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on May 7, 2002,

and the opportunity to appeal that determination ended May 26, 2002.

**Fiscal Impact Statement:** None. All of the cost associated with the processing of this application is paid for by the applicant.

**Housing Impact Statement:** With the proposed conversion of two existing apartments to condominiums, there would be a loss of two rental units and a gain of two for-sale units. This condominium conversion project was deemed complete on May 2, 2002, and therefore is not subject to the new regulations regarding Inclusionary housing and tenant relocation assistance.

## **BACKGROUND**

The property is located at 1501 and 1505 Robinson Avenue (Attachment 1). The Uptown Community Plan designates the site for residential development with a medium high density ranging from 29 to 44 dwelling units per acre (Attachment 2). The 0.084~~a~~ acre site is zoned MR-3000 as a part of the Mid City Communities Planned District and subject to the development regulations of the Mid-City Planned District Ordinance. The neighborhood is characterized by multi-family development and a mix of commercial uses one block north of the site on University Avenue and two blocks east on Park Boulevard.

The site is presently developed with two detached one bedroom single-story structures. The units were permitted and constructed in 1960 with a single car garage. According to City and County building records, the garage was converted to a family room in 1962 and one off-street parking space was maintained on the site in lieu of the garage. It is unclear as to the date the three-foot wide sewer easement was dedicated on the property however, the line is inactive and the easement is no longer required.

Prior to 1989, the property was within the R-2Z one which was applied to the general vicinity in 1930. The R-2 Zone allowed two residential units on the 3,660 square-foot lot, however there were no off-street parking requirements in 1960 and 1962 therefore the one off-street parking space would have been permitted. 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 density does not conform to the current density requirement of one unit per 3000 square feet in the MR-3000 zone, which would allow only a single unit to be constructed today. Additionally under current parking criteria three off-street parking spaces would be required for the two units. 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 Analysis:**

The project is requesting a Map Waiver to waive the requirements of a tentative map for the

subdivision of a 0.084-acre site into one lot for a two-unit residential condominium development. The project also requires the abandonment of an existing three-foot wide sewer easement that is located beneath the dwelling unit addressed as 1505 Robinson Avenue. Development Services has determined that the sewer line is not part of an active system and the easement is no longer required. The project has been consolidated into a Process Five decision as required for the abandonment of the easement.

Section 125.0410 of the San Diego Municipal Code requires that a Tentative Map be processed for the subdivision of land. The Map Waiver request is a Process Three Hearing Officer decision as outlined in San Diego Municipal Code Section 125.0430 (Decision Process for a Tentative Map). According to San Diego Municipal Code Section 125.0440, Findings for Tentative Maps, the decisionmaker may approve a Tentative Map if the decisionmaker finds that the proposed division of land complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. According to San Diego Municipal Code Section 144.0444, Findings for Tentative Maps for Condominium Conversion, 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.

The Subdivision Map Act and the Land Development Code provide a process to waive the requirement for a Tentative Map for condominium conversion on two parcels. The waiver process provides a process for a condominium conversion on two parcels where the site was previously developed and no additional infrastructure is required. Since the subject project meets these requirements and includes the conversion of two existing residential units on two parcels, the project is eligible for a Process Three Map Waiver. However, the requirement to abandon the existing sewer easement is a Process Five decision with the City Council acting as the decision maker; therefore the two discretionary actions are consolidated to the highest hearing level.

### **Underground Utility Waiver**

San Diego Municipal Code Section 144.0240 allows the subdivider to apply for a waiver of the requirements to relocate the existing overhead utilities to an underground position 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 Developers Expense) in that the conversion involves a short span of overhead facility (less than 600 feet in length).

There are existing overhead facilities within the public right-of-way abutting the project site on the south side of Robinson Avenue. The applicant is requesting a waiver from the requirement to underground the existing overhead utility lines. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 3S, and is proposed to be undergrounded in Fiscal Year 2015 (Attachment 9).

The applicant will be required to underground all existing service runs to the site per Condition No. 9 of the draft Map Waiver resolution (Attachment 6). The applicant would also be required to underground any new service run to any new or proposed structures within the subdivision per

Condition No. 10 of the draft Tentative Map resolution (Attachment 6).

### **Project-Related Issues:**

The requested conversion of these residential units to condominiums represents primarily a change in ownership. The applicant certified that the required 60-day Notice of Intent to Convert to Condominiums was provided to existing tenants on March 14, 2006 (Attachment 13).

All condominium conversion projects Deemed Complete on or after February 7, 2004, must conform with the new regulations regarding inclusionary housing adopted by the City Council on March 15, 2004. This project was deemed complete on May 2, 2002, and is therefore is not subject to the new regulations for in-lieu fees and tenant relocation assistance. Please note this project is not subject to the condominium conversion ordinance that was passed by the City Council on June 13, 2006. Projects such as this that had a valid appeal of the environmental exemption determination pending at the time of the ordinance adoption were specifically excluded from the new ordinance. On July 31, 2006, the City Council denied the environmental appeal for this project.

### **Community Plan Analysis**

The Uptown Community Plan does not provide specific recommendations regarding condominium conversions. However, an objective of the Community Facilities and Services Element of the Plan is to encourage the systematic improvement of water and sewer lines in the community, and replacing lines as needed. It has been determined that there is no current or future need for the easement, therefore abandoning the easement would not conflict with the objectives of the Uptown Community Plan,

### **Conclusion:**

Staff has reviewed the application for the map waiver and the request to waive the requirement to underground the existing utility lines and the proposed easement abandonment. Staff has determined that the proposed project complies with the applicable sections of the Municipal Code and State Map Act. Staff believes the required findings can be made to support the project (Attachment 5). The proposed project was reviewed and exempted from the California Environmental Quality Act and as existing facilities the project is Categorically Exempt from further environmental review. Therefore, staff recommends that the Planning Commission forward this application to the City Council with a recommendation to approve the map waiver and easement abandonment and waive the requirement to underground the overhead utilities.

### **ALTERNATIVES**

- 1. Approve Map Waiver No. 305268 including the request to waive the requirement to underground existing overhead utilities and Easement Abandonment No. 398804, with modifications.**

2. **Deny** Map Waiver No. 305268 including the request to waive the requirement to underground existing overhead utilities and Easement Abandonment No. 398804, **if the findings required to approve the project cannot be affirmed.**

**Respectfully submitted,**

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**Mike Westlake**  
**Program Manager**  
**Development Services Department**

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**Patrick Hooper**  
**Project Manager**  
**Development Services Department**

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Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Project Data Sheet
5. Project Site Plan/Map Waiver Exhibit
6. Draft Map Conditions and Subdivision Resolution
7. Planning Commission Recommendation Resolution
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. Underground Utility Map
11. Project Chronology
12. Building Improvements
13. Tenant Notice and Certification
14. Project Photographs