

DATE ISSUED: August 12, 2004 REPORT NO. PC-04-127

ATTENTION: Planning Commission, Agenda of August 19, 2004

SUBJECT: **FIRST AND ROBINSON – PROJECT NO. 20155. PROCESS 5.**

**OWNER/
APPLICANT:** DMH 1st and Robinson, LLC

SUMMARY

Issue(s) – Should the Planning Commission recommend to the City Council approval of the relocation of a designated historical site, abandonment of a sewer lateral easement, and the construction of a 25-unit condominium project on First Avenue between Robinson and University within the Uptown Community Plan Area?

Staff Recommendation:

1. Recommend **Certification** of Mitigated Negative Declaration No. 20155, and adoption of Mitigation, Monitoring, and Reporting Program (MMRP); and
2. Recommend **Approval** of Map Waiver No. 49311, Site Development Permit No. 49312, and Easement Abandonment No. 122086;

Community Planning Group Recommendation - On March 2, 2004, the Uptown Planners considered the project and voted 11-2-0 recommending approval. Included as part of the motion is the recommendation that the City move forward rapidly with the planned installation of a new traffic signal at the intersection of Third and Robinson due to the cumulative traffic impacts at this intersection, which is further discussed in the report.

Other Recommendations – On June 24, 2004, the project was unanimously approved by the Historical Resources Board with three recommended conditions, which are discussed in the report and have been incorporated as conditions in the permit.

Environmental Review – Mitigated Negative Declaration, Project No. 20155, has been prepared for the project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring, and Reporting Program has been prepared and will be implemented which will reduce to, a level of insignificance, any potential impacts identified in the environmental review process.

Fiscal Impact – None with this action. Project costs are paid by the applicant.

Code Enforcement Impact – None with this action.

Housing Impact Statement – The Uptown Community Plan designates the 0.388-acre site for high density residential development at 44-73 dwelling units per acre. The site could accommodate between 20 to 34 dwelling units. The underlying MR-800B Zone allows one unit per 600 square feet of lot area, or a maximum of 28 units on the subject site. The proposed density of 25 residential units implements the recommendation in the community plan and is in compliance with the maximum density allowed on the site. No affordable units are proposed, however, the project is subject to the requirements of the Inclusionary Housing Ordinance, Chapter 14, Article, 2, Division 13 of the Municipal Code.

BACKGROUND

The First and Robinson project is located at 3815, 3817-3819, and 3821 First Avenue north of Robinson Avenue within the Uptown Community Plan Area (Attachment 1). The project site is located within the MR-800B Zone of the Mid-City Communities Planned District and the Transit Area Overlay Zone. The MR-800B Zone is a residential zone permitting a base density of one unit per 600 square feet of lot area for lots greater than 15,000 square feet. The subject site is 16,913 square feet. The Community Plan designates the site for high density development at 44-73 dwelling units per acre (Attachment 2). The site is surrounded by a mix of single-family and multi-family residential development. There are retail, restaurants, and a Church north of project area along University Avenue.

The site is currently improved with two single-family homes and one residential duplex, which were constructed between 1906 and 1912. The proposed project involves the removal of the existing buildings, except for the front third of the home located at 3821 First Avenue. This structure was designated as the Herbert and Ira Hower House by the City of San Diego Historical Resources Board on May 22, 2003, due the Craftsman bungalow style of the structure and its unique decorative elements. The historically significant segment of the structure is proposed to be retained and slightly relocated on site. The rear portion of the structure that was added in the 1970s will be demolished.

The project is requesting 1) a Map Waiver to waive the requirements of a tentative map and final map for the subdivision of a 0.388-acre site into one lot for a 25-unit residential condominium

development, 2) a summary abandonment of an existing sewer lateral easement, and 3) a Site Development Permit for the relocation of a historical resource and the proposed deviations from the setback and floor area ratio regulations of the Mid-City Communities Planned District Ordinance. The project is subject to a Process 5 City Council hearing due to the request for the easement abandonment.

DISCUSSION

Project Description:

The project proposes the demolition and removal of the existing duplex and single family home, the partial retention and relocation of the existing designated historic house, and the construction of 25 condominium units in a combination of one-bedroom flats (2), two-bedroom flats (14), two-bedroom town homes (7), and three-bedroom town homes (2). The units are proposed in four separate buildings above a partially subterranean level parking on a 16,913-square-foot site (Attachment 6). The tallest buildings are two 4-story residential condominiums proposed at the rear of the lot, which will be 53.5 feet tall, where a maximum height of 60 feet is permitted. The front third of the existing historic house is proposed to be retained and relocated approximately 9.5 feet from its original location towards the front of the lot on First Avenue. The structure will be integrated with the proposed development and will include a small second-story addition behind the existing roof ridge, not exceeding the height of the existing structure. The fourth building is proposed as a two-story residential complex. A 13,070-square-foot, partially subterranean garage is proposed to provide the 43 required parking spaces. Access to the garage is provided from the alley.

Other project features include private usable decks and terraces, hardscape and landscape improvements; the undergrounding of the existing overhead utilities abutting project frontage; water, sewer, and gas utility relocation/ improvements; public right-of-way improvements such as street light, pedestrian ramps, sidewalk replacement and curb/gutter improvements; and a 2.5-foot alley dedication to the City in order to maintain an unobstructed 15-foot wide alley.

The project location is along Metropolitan Transit System (MTS) Route 11 and is well served by numerous bus routes on First Avenue, Fourth Avenue, University Avenue, and Washington Street. A bus stop for Route 11 is at the project site on First Avenue. The existing bus stop and sign would be retained during and after construction. To meet current Americans with Disabilities Act (ADA) requirements of an 8-foot wide and 5-foot long bus stop, the project would extend the boundary of the sidewalk improvements another three feet to the south as well as fill in the parkway between the sidewalk and curb beginning at their property line extending south for 15 feet.

The project has been designed to integrate with the Craftsman style of the historic house proposed to be retained as part of the project, in accord with the style of the surrounding neighborhood. The project is consistent with the goals of the community plan related to

compatible design, preservation of historic structures, off-street parking access from the alley, landscaping, and density. The project also complies with the applicable development regulations of the Municipal Code, including the Mid-City Communities Planned District regulations except for the requested deviations to setback and floor area ratio requirements as discussed in this report.

Deviations:

Deviations from the regulations in the Mid-City Communities Planned District Ordinance are subject to approval of a Site Development Permit. The project proposes an increased Floor Area Ratio (FAR) and reduced front yard, rear yard, and side yard setbacks (Attachment 4).

FAR: An FAR of 1.51 (25, 573 square feet) is proposed where 1.25 (21,145 square feet) is permitted, which exceeds the maximum allowable by 4,428 square feet. The project also exceeds the amount of floor area permitted in the front 40% of the lot by 421 square feet, resulting in a FAR of 0.81 where 0.75 is permitted. This increase in FAR allows the historic house original interior spaces to be maintained. Additionally, the 2.5-foot alley dedication required by the City to maintain a minimum 15-foot wide unobstructed alley resulted in the slight shifting of the project to the front of the property.

Setbacks: The project proposes a front yard setback of 8'-6" where 10 feet is required. As mentioned above, the 2.5-foot alley dedication resulted in shifting the project to the front of the property. Staff supports the proposed deviation and believes that sufficient building setback is provided and the proposed encroachment of 1'-6" is minimal.

The required rear-yard setback in the MR-800B Zone is 1 foot, with an incremental setback of 7 feet for each story above the second story up to a maximum of 14 feet. The first (basement/garage) and second stories observe a 4-inch setback where 1 foot is required, the third story observes a 4-inch setback where 7 foot is required, and the fourth and fifth stories observe a 7-foot and 13'-3" setback, respectively, where 14 feet is required. The project has resulted in this deviation due to the required 2.5-foot alley dedication and the basement/garage level being considered a story as defined in the Land Development Code. The alley dedication caused the property line to shift 2.5 feet to the west reducing the rear yard setback by 2.5 feet; otherwise, the project was designed to meet the minimum 1-foot setback. With respect to the incremental setback required for stories above the second, the project would have been in compliance if the basement/garage level was not classified as a story. The basement/garage level is considered the first story and subject to the setback since the vertical distance between the proposed grade and the finish-floor elevation immediately above is greater than 6 feet, ranging between 7 to 10 feet. Staff believes that the project provides sufficient rear yard setback and satisfies the intent of the requirement to break up bulk and scale.

The required interior side yard setback is 6 feet, with an incremental setback of 3 feet for each story above the second story up to a maximum of 15 feet. The first story (basement/garage) observes a 2-foot side setback where 6 feet is required, the second story observes the required 6-

foot setback, the third story observes a 6-foot setback where 9 feet is required, the fourth story observes a 9-foot setback where 12 feet is required, and the fifth story observes a 12-foot setback where 15 feet is required. The private terraces and decks also encroach into the side-yard setback by an additional one foot on the second and third stories providing a 5-foot setback, and an additional four feet on the fourth and fifth stories along the southern property line providing a 5-foot and 8-foot setback, respectively. Staff supports the partial 4-foot encroachments into the side yards in the basement/garage level to allow for sufficient turn around area in the parking garage. With respect to the incremental setbacks, as explained above, classifying the basement/garage level as a story caused the side-yard setback deviations. The project was designed with the understanding that the basement/garage is not a story per the definition of the Uniform Building code, however, it does meet the definition of “Story” per the Land Development Code.

The decks and terraces provide usable open space, and an amenity to the future residents. Each unit is provided with a deck or terrace, which exceeds the area required per the Municipal Code; 50% of the total units. In essence, the project provides the required setbacks, however, based on the definition for a story, it is off a story beginning with the story above the second level. Staff believes that the project as designed satisfies the intent of the requirement by providing sufficient setback from adjacent properties and breaking up bulk and scale.

Community Plan Analysis:

The Uptown Community Plan designates the 0.388-acre site for high density residential development at 44 to 73 dwelling units per acre and could therefore accommodate between 20 and 34 residential dwelling units. The proposal to construct 25 residential units implements the recommendations embodied in the Land Use Element of the community plan.

The Conservation, Cultural and Heritage Resources section of the Plan recommends the preservation of historical structures at their original location as well as in their historic context whenever possible (Pg. 188) (Attachment 25). The plan also suggests curb-cuts and entrances to off-street parking areas should be minimal and designed so that conflicts between the pedestrian and vehicular traffic are minimized (Pg. 83). Further, the Urban Design Element of the plan recommends that new construction should be compatible with the existing architectural detail and overall appearance or the quality development in the surrounding neighborhood (Pg. 78). In addition, the design of the buildings should be articulated so as to relate to the form and scale of surrounding structures through the use of compatible setbacks, building coverage and floor area ratios (Pg. 78).

In support of the community plan’s Urban Design, Historical Conservation and Land Use objectives, several project features have been incorporated into the project: the retention of one of the three existing houses into the project proposal; access the subterranean parking garage from the alley; and the provision of shade-producing street trees as well as enhanced landscaping.

Environmental Analysis:

A Mitigated Negative Declaration (Project No. 20155) has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. The proposed project includes mitigation measures to offset potential impacts to the environment in the areas of historical resources (architectural), historical resources (archaeological), and paleontology:

Historical Resources (Architectural): The property at 3821 First Avenue was built in 1912 and was locally-designated by the City of San Diego Historical Resources Board (HRB) as the Herbert and Ira Howe House, HRB Site #589, on May 22, 2003 because it exemplifies the Craftsman bungalow style with unique decorative elements. The front third of the house, or the original portion of the structure excluding the 1978 addition, is proposed to be retained and relocated on site, approximately 9 feet forward towards First Avenue from its original location. To ensure protection of the locally-designated historic house, a Treatment Program and Documentation Plan will be provided including measured drawings and photographic documentation of the resource and plan for the interim temporary storage, off-site relocation or dismantling of the resource before the permanent on-site relocation occurs, and historical monitoring during construction.

Historical Resources (Archaeological): The project site is located on the border of the area designated as “high” potential for archaeological resources. Because of the age of the existing structures, excavation may encounter historic trash deposits from possible historic use of backyard burn its and or privies. Subsurface soil disturbance for the proposed basement garage excavation and utilities excavation would require monitoring for archaeological resources by a qualified archaeologist in accordance with the City’s Historical Resource Guidelines. With implementation of a monitoring program, impacts to archaeological resources would be reduced to below a level of significance.

Paleontology: The project site is located in an area underlain by Lindavista (Qln) geologic formation which is designated as “moderate” potential for paleontological (fossil) resources in the Hillcrest area. Numerous fossil localities are located in the San Diego (Tsd) formation in the canyon areas approximately three blocks southwest of the site. Grading for the subsurface basement garage is estimated to export approximately 2,629 cubic yards of cut and export for a basement that would extend from a ground elevation of approximately 285 feet mean sea level (MSL) to a depth of 278 feet MSL plus additional excavation for the building footers. As such, monitoring for fossil resource would be required during site excavation. With implementation of this monitoring program, impacts to archaeological resources would be reduced to below a level of significance.

Project-Related Issues:

Historic Site: The Historical Resources Board designated the structure at 3821 as a historic resource on May 22, 2003, while at the same time not designating the other two structures on the project site. The Board, however, did request documentation in the form of measured drawings and photographs for the non-designated house at 3815 First Avenue because of its importance to the streetscape along First Avenue. The two non-designated structures at 3815 First Avenue and 3817-19 First Avenue will be demolished, but the designated resource at 3821 First Avenue will be incorporated into the project. The applicant is proposing to temporarily raise on cribs, store off-site, or dismantle and re-assemble, the character defining, cross-gabled front portion of the designated house during construction of the underground parking garage. Once the garage and foundation are completed, the house would then be placed on the foundation in a location that is very near its original location, about 9.5 feet further west towards First Avenue. The historical house will also have a second story addition behind the existing roof ridge, not exceeding the existing building height.

The Design Assistance Subcommittee considered the project on April 30, 2003 and June 4, 2003. Prior to the second meeting, the house at 3821 First Avenue had been designated and the applicant had incorporated the Subcommittee recommendations to preserve the historical significant component of the 3821 First Avenue structure (excluding the rear addition), and to provide walkways or courtyards as open space around the house to separate it from the new construction. The Subcommittee was also inclined to support deviations from code requirements if necessary in order to preserve the house. At the June 4, 2003 meeting, the Subcommittee concurred that the project meets the Secretary of the Interior's Standards and suggested incorporation of additional colors for the rear buildings to create a grouping of individual buildings.

Historical Resources Board Recommendation: The Historical Resources Board considered the project on June 24, 2004 and voted unanimously in favor of the project with three recommendations, which have been incorporated as permit conditions (Attachment 22): 1) documentation of the house at 3815 First Avenue (SDP condition No. 16); 2) submit to HRB staff for approval the project's construction drawing elevations which show the proposed exterior colors prior to issuance of building permits (SDP condition No. 17); and 3) require the applicant to work with the HRB staff and Design Assistance Subcommittee to revise the design of the second story addition to the historical house (SDP condition No. 18.)

Uptown Planners Recommendation: On March 22, 2004, the Uptown Planners voted 11-2-0 in favor of the project with a recommendation that the City move forward rapidly with the planned installation of a new traffic signal at Third and Robinson due to the cumulative traffic impacts at this location (Attachment 21). This intersection is one block east of the project site and is currently improved with a 4-way stop sign. According to Transportation Department staff, there are no plans at this time for a new traffic signal at Third and Robinson. A final determination regarding the installation of a new signal has not been made at this time as the type of

improvements necessary is still under study. Additionally, the project has frontage on First Avenue and along a north-south alley east of the project. The project has no frontage on Robinson Avenue. The only vehicular access to the project is provided from the alley east of the project. The Uptown Facility Financing Plan does identify traffic signal improvements at the intersection of First and Robinson. However, since the project is expected to have minimal impact to the intersection of First and Robinson generating approximately 150 average weekday trips, no traffic improvements have been required. The project has been required to provide standard frontage improvements, including replacing curb, gutter, and sidewalk along its frontage on First Avenue, and dedication and widening of 2.5 feet in the alley along its eastern frontage.

Inclusionary Housing: The project has been conditioned to require the applicant pay an Inclusionary Affordable Housing In-Lieu Fee of prior to issuance of building permit pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Municipal Code.)

Conclusion:

In summary, staff finds the project consistent with the recommended land use, design guidelines, and development standards in effect for this site per the adopted Uptown Community Plan, the MR-800B Zone (with the exception to the FAR and setback deviations requested), and the Historical Resources Regulations. Draft conditions of approval have been prepared for the project (Attachments 17 and 19); and Findings required to approve the project are included in the draft resolutions (Attachments 17, 18, and 20).

ALTERNATIVES

1. **Recommend** to the City Council approval of Map Waiver No. 49311, Site Development Permit No. 49312, and Easement Abandonment No. 122086 with modifications;

2. **Recommend** to City Council denial of Map Waiver No. 49311, Site Development Permit No. 49312, and Easement Abandonment No. 122086 if it is determined that the required findings to approve the project cannot be affirmed.

Respectfully submitted,

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HALBERT/FZT

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Map Waiver Exhibit
6. Project Site Plan
7. Basement Level Floor Plan
8. First Level Floor Plan
9. Second Level Floor Plan
10. Third Level Floor Plan
11. Fourth Level Floor Plan
12. Roof Plan
13. West & South Project Elevations
14. East & North Project Elevations
15. Landscape Concept Plan
16. Draft Planning Commission Resolution
17. Draft Map Conditions and Map Waiver City Council Resolution
18. Draft Easement Abandonment City Council Resolution
19. Draft Permit with Conditions
20. Draft Permit City Council Resolution with Findings
21. Community Planning Group Recommendation
22. Historic Site Board Recommendation
23. Ownership Disclosure Statement
24. Project Chronology
25. Uptown Community Plan - Land Use Recommendations