

DATE ISSUED: September 30, 2004 REPORT NO. PC-04-151

ATTENTION: Planning Commission, Agenda of October 7, 2004

SUBJECT: **PARK & ROBINSON – PROJECT NO. 11996.**
PROCESS 4.

**OWNER/
APPLICANT:** DECA, LP

SUMMARY

Issue(s) – Should the Planning Commission approve the demolition of a designated historic structure and the construction of a 6-story mixed-use development consisting of 37 residential condominiums and 3,700 square feet of commercial retail and plaza area at the southwest corner of Robinson Avenue and Park Boulevard within the Uptown Community Plan Area?

Staff Recommendation:

1. **Certify** Mitigated Negative Declaration No. 11996, and **Adopt** the Mitigation, Monitoring, and Reporting Program (MMRP); and
2. **Approve** Map Waiver No. 24614 and Site Development Permit No. 24584.

Community Planning Group Recommendation - On November 4, 2003, the Uptown Planners considered the project and voted 16-0-0 in favor of the project recommending approval with the condition that the quality of material and detail along Robinson Avenue be extended to the alley side of the project and a landscape buffer adjacent to the alley be developed.

Other Recommendations – On September 23, 2004, the Historical Resources Board voted unanimously (9-0-2) to recommend certification of the Mitigated Negative Declaration and approval of the Site Development Permit with no recommended conditions.

Environmental Review – Mitigated Negative Declaration, Project No. 11996, 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 0.514-acre site for mixed-use development with residential development at a density range of 44-73 dwelling units per acre. The underlying CN-2 Zone allows one unit per 600 square feet of lot area, or a maximum of 37 units on the subject site. The proposed project density of 37 residential units is the maximum density that could be accommodated 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 Park and Robinson project is located at 3736-3748 Park Boulevard at the southwest corner of Park Boulevard and Robinson Avenue within the Uptown Community Plan Area (Attachment 1). The 0.514-acre project site is located within the CN-2 Zone of the Mid-City Communities Planned District and the Transit Area Overlay Zone. The CN-2 Zone is a commercial zone intended to provide for pedestrian-oriented commercial and mixed-use development, and allows a base density of one unit per 600 square feet on lots less than 30,000 square feet. The Community Plan designates the site for mixed-use development, which is intended to promote pedestrian-oriented retail service uses on the ground floor with residential development at a density range of 44-73 dwelling units per acre (Attachment 2). The site is surrounded by a mix of multi-unit residential and commercial development to the north and east, an alley and a single-family residence beyond to the west, and multi-unit residential development to the south.

The site is currently improved with two, vacant, single-story commercial structures located on the eastern portion of the site along the Park Boulevard frontage. The structure on the southern portion of the site was constructed in 1926, and the second structure located to the north was constructed in 1935. The structures are immediately adjacent to one another creating the impression of a single continuous façade. Over the years, the structures have been used for various retail/commercial activities including a cleaning and dyeing establishment, grocers, cleaners, shoe repair, tailoring, clothing stores, a gas station, television sales and repair, bicycle rentals and a beauty salon. The western portion of the site consists of a gravel parking lot and concrete debris.

The project site and the exterior building façades were locally designated by the City of San Diego Historical Resources Board on August 23, 2001 on the basis that the façades embody distinctive characteristics of the Art Deco/Art Moderne style. The project proposes the demolition of these structures, however, the project would reconstruct this historic exterior façade on the building consistent with the Secretary of Interior's Standards by maintaining the historic materials, features, and spatial relationships that characterize the property (Attachment 6).

The project is requesting 1) a Map Waiver to waive the requirements of a tentative map and final map for the subdivision of a 0.514-acre site into one lot for a mixed-use development consisting of 37 residential condominium units and a 3,700-square-foot commercial retail and plaza area, and 2) a Site Development Permit for the demolition of a historical resource and the proposed deviations from the minimum commercial area, street wall, interior side-yard setback, and transparency regulations of the Mid-City Communities Planned District Ordinance.

DISCUSSION

Project Description:

The project proposes to demolish the two existing commercial structures, and construct a 6-story mixed-use building on the 22,390-square-foot site (Attachment 7). The project will consist of 37 residential condominiums in a combination of five single-level 1-bedroom units, thirty-one multi-level 2-bedroom units, and a single-level 3-bedroom penthouse. A 3,700-square-foot commercial retail and plaza area consisting of 2,360 square feet of interior retail space, and a 1,340-square-foot exterior sidewalk café / retail plaza area is proposed on the ground floor in the northeast corner of the property primarily fronting Park Boulevard. Parking is proposed in a two-level subsurface garage providing a total of 79 off street parking spaces for the commercial use (8 spaces) and residential use (71 spaces). Access to the underground parking garage would be provided from the alley via Robinson Avenue. The proposed building would extend six levels up to 79 feet high above grade, with an overall structure height of 92 feet measured from the lowest grade to the top of the structure. There is no height limit in the CN-2 Zone.

The project proposes to reconstruct the existing building façades of the structures fronting Park Boulevard consistent with the Secretary of Interior's Standards, which requires that "new additions, exterior alterations or related new construction not destroy historic materials, features, and spatial relationships that characterize the property." The façades would be constructed in complementary Art Deco/Art Moderne style incorporating corbel features, a flat façade and repetition of the dominant façade fenestration. Existing proportions, heights, storefront details, the curvilinear cantilevered canopy and building materials along this façade would be reconstructed at the ground level. Subsequent floors would be set back appropriately to provide distinction of the replicated façade.

Other project features include private usable decks and terraces and common area decks and

courtyards; a recreation room; hardscape and landscape improvements; the relocation and undergrounding of the existing overhead utilities abutting project frontage; water, sewer, and gas utility relocation/ improvements; right-of-way improvements including the provision of new paved sidewalks, curb and gutter and street landscaping along the length of the site on Park Boulevard and Robinson Avenue, alley improvements, and construction of a four-foot wide median on Park Boulevard and restriping of the southbound travel lanes.

The project has been designed to reconstruct the existing Art Deco/Art Moderne style architectural elements into the proposed 6-level mixed-use structure and proposes the use of building materials such as concrete, steel, aluminum and composite material, and the use of colors which are characteristic of the existing building as well as the surrounding development. The project is consistent with the goals of the community plan related to enhancing the pedestrian environment, landscaping, off-street access from the alley, land use 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 street wall, interior side-yard setback, minimum commercial area, and transparency 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 a reduction in the minimum amount of commercial area along Park Boulevard, an increase in the distance of street wall setback requirement along Park Boulevard, reduced transparency area along Robinson Avenue, and a zero interior side-yard setback (Attachment 4).

Commercial Area: The project requires 3,360 square feet of commercial area along the Park Boulevard frontage and 4,100 square feet of commercial area along the Robinson Avenue frontage. The project proposes 2,360 square feet of interior retail space on the ground floor fronting primarily on Park Boulevard, and for approximately 25 feet along the Robinson Avenue frontage. The project also proposes 1,340 square feet of outdoor sidewalk café and pedestrian plaza area at the northeast corner of the property. The project proposes “row home” type residential development along the Robinson frontage. The commercial activity in the area is concentrated on Park Boulevard. The grade of Robinson Avenue begins to slope downward west of Park Boulevard, and therefore it is not conducive to pedestrian commercial shopping off of the main commercial strip. While the outdoor area does not technically fulfill the requirement for the minimum commercial square footage, the combined indoor and outdoor commercial area of 3,700 square feet at the sidewalk level meets the purpose and intent of the regulation to create pedestrian activity at the public right-of-way, and offers a transition from the commercial activity to the residences immediately to the west.

Street Wall: The project requires a building wall within 6 feet of the front and street side property lines along at least 65 percent of the frontage, and may be setback up to a maximum of 15 feet from the property line if a sidewalk café, public plaza or retail courtyard is provided for pedestrian use. The project meets the requirement along Robinson Avenue. However, it does

not meet the requirement along Park Boulevard as it only provides a building wall within 6 feet of the property line for 31 percent of the frontage, and is then setback 19 feet for 29 percent of the frontage and 30 feet along 25 percent of the frontage with a sidewalk café and public plaza in between. Staff believes that the project as designed meets the purpose and intent of the requirement of creating a pedestrian environment along the right-of-way and providing pedestrian activity with the plaza and sidewalk café.

Transparency: The project does not meet the minimum transparency requirement at the street level along the Robinson Avenue elevation. The project provides about 250 square feet of transparency located between 3 feet and 10 feet above the sidewalk where 581 square feet are required. The transparency requirement at the ground level is intended to create a pedestrian friendly environment in the commercial zones. As previously indicated, the commercial activity in the area is concentrated on Park Boulevard. As such, the project has been designed to create pedestrian activity along the Park Boulevard frontage. The Robinson Avenue side of the project has a residential character to transition the site from the commercial strip on Park Boulevard to the residential uses to the west on Robinson Avenue. Therefore, staff believes that the project meets the purpose and intent of the regulation of providing a pedestrian environment in an area where the commercial activity is concentrated and allowing for a transition to the residential neighborhood to the west.

Zero Interior Side-Yard Setback: The project requires a 6-foot setback from the interior side property line. A building wall not exceeding two stories is permitted on the property line for sites that abut the MR-400, MR-800B, MR-1000B, and MR-1000 zones or commercial transition zoned properties. The project proposes a two-story building wall along 45 feet of the 168-foot long interior side property line. The adjoining property is zoned MR-1500, which unlike the other multi-family residential zones in the Mid-City Communities Planned District, does not provide for a zero-yard setback option. The existing designated historic structure proposed to be demolished is located on the interior side property line. The project proposes to reconstruct the façade of the historic structure in the same location consistent with the Secretary of Interior's Standards for reconstruction, which requires the building of a replicated façade in the same location. The project proposes to add a second story to the replicated historic façade which extends the existing building wall on the property line to two stories. The project proposes a zero yard setback on only 27 percent of the total side property line length. The third story of the proposed building observes a 9-foot interior side-yard setback. Staff supports the proposed deviation as the project proposes the reconstruction of a designated historic facade and per the Secretary of Interior's standards is proposed at the existing location. Furthermore, the Mid-City Planned District Ordinance allows for the zero yard option in several other multi-family zones, which are similar to the MR-1500 zone in all respects except for density.

Community Plan Analysis:

The Uptown Community Plan designates the subject property for mixed-use development. The mixed-use designation is intended to promote pedestrian-oriented retail service uses on the ground floor, with office uses or residential development at a density range of 44-73 dwelling units per acre. The proposed project, occupying 0.51 acre, could be developed with up to 37

dwelling units. The proposal to construct 37 residential dwelling units with ground-level retail space implements the land use element of the community plan.

Suggestions embodied in the Urban Design Element of the Plan for enriching the pedestrian experience include increasing sidewalk widths when appropriate, minimizing curb-cuts and entrances to off-street parking areas, providing usable plazas visible from adjacent streets and identifying street tree themes to create neighborhood identities through coordinated street plantings (pg. 82). The project implements the recommendations embodied in the Urban Design element by significantly enhancing the pedestrian environment through the removal of a large curb cut along Park Boulevard, the addition of a large public plaza at the corner of Park Boulevard and Robinson Avenue, the inclusion of stoops to the residential units along Robinson Avenues as well as the incorporation of enhanced landscaping and shade-producing street trees within the public right-of-way.

The project implements the goals and objectives embodied in the General Plan's Strategic Framework Element, which places an emphasis on new residential development that contributes to increased walkability and the provision of housing opportunities in close proximity to local employment centers as well as along transit corridors. The project would be located within close proximity to the Downtown San Diego and Hillcrest business districts and is in walking distance to Balboa Park. Further, the project is located along SANDAG's proposed Transit First bus rapid transit route.

Environmental Analysis:

A Mitigated Negative Declaration (Project No. 11996 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 site contains two separate structures that are immediately adjacent to one another and create the impression of a single continuous façade. The project site and the exterior building façades were locally designated by the City of San Diego Historical Resources Board as Site No. 481 of the Historical Landmarks on August 23, 2001 on the basis that the façades embody distinctive characteristics of the Art Deco/Art Moderne style. The project proposes to reconstruct this historic exterior façades on the first level consistent with the Secretary of Interior's Standards. The structure will include the existing proportions, heights, storefront details, the curvilinear cantilevered canopy and building materials. A Treatment Program and Documentation Plan will be provided including measured drawings and photographic documentation of the resource, as well as the monitoring of the deconstruction and construction by an Historical and or Architectural Historian to ensure that the replication preserves the historic integrity.

Historical Resources (Archaeological): The project site is located within an area

identified as sensitive on the City's Historical Resources Sensitivity Map and several previously recorded historic and prehistoric sites have been identified in the project vicinity. Because of the age of the existing structures, excavation may encounter subsurface historic archaeological materials in pit privies and trash deposits. Subsurface soil disturbance for the proposed parking 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 the San Diego Formation, which is designated as "high" potential for paleontological (fossil) resources. Construction of the project requires approximately 17,500 cubic yards of soil cut material to depths in excess of 20 feet below the surface. 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 project site and the exterior building façades were locally designated by the City of San Diego Historical Resources Board as Site No. 481 of the Historical Landmarks on August 23, 2001 on the basis that the building façades embody distinctive characteristics of the Art Deco/Art Moderne style. Based on the need to implement a Property Mitigation and Soil Reuse Plan, structural analysis, and an economic analysis, it has been concluded that the existing structures cannot be retained.

The site used to contain five underground storage tanks in connection with a dry cleaning establishment that formerly occupied the site. The tanks have been removed. However, several of these tanks discharged unauthorized releases of petroleum hydrocarbons into the underlying soils and groundwater. Redevelopment of the site and the associated grading required for the subsurface parking is subject to implementation of a Property Mitigation and Soil Reuse Plan (PMSRP) and the remediation of contaminated soil on the westerly half of the site. The project proposes to bury on the site approximately 7,000 cubic yards of primarily contaminated soil below the concrete floor of the underground parking garage. Although not anticipated, any soil with high concentrations of petroleum hydrocarbons identified would be segregated in a separate stockpile and disposed under manifest. This plan has been approved by County Department of Environmental Health and provides a cost effective and appropriate means of handling the contaminated soil present on site.

According to a structural analysis of the existing buildings, it has been concluded that the methods, materials, and condition of the construction of the building sections is not able to support increased lateral loads or seismic requirements in order to add new construction to the building. Therefore, it not structurally possible to retain the structures and pursue the intensity of

development planned for per the land use and density designation of the Uptown Community Plan and the CN-2 zone of the Mid-City Communities Planned District

Additionally, based on an economic analysis, the retention and reuse of the existing buildings would result on an economic hardship as this proposal would not provide for a reasonable economic return from the property in comparison to the economic return that can be achieved with the proposed mixed-use development. The analysis evaluated three project scenarios: 1) the project as presented; 2) a reduced scope of the project, which would retain and reuse the existing buildings with new construction behind, and 3) a “no project” scenario which would rehabilitate and reuse the existing buildings. The reduced project scope scenario and the no project scenario would not allow for the implementation of the proposed Property Mitigation Soil Reuse Plan because there would not be a large enough area behind the existing buildings to over excavate and bury the contaminated soil. The material would have to be exported off site adding a significant cost, approximately \$500,000 - 700,000 based on a disposal fee range of \$75.00 - \$100.00 per cubic yard, to the overall project cost. According to the analysis, the residual land values for the three alternatives show a range of a positive \$3.5 million to a negative \$750,000, with the no project alternative showing a minimal \$200,000 positive value.

Due to the foregoing reasons, it is not structurally possible or economically feasible to retain the existing buildings. Additionally, the proposed project would allow for the implementation of a feasible means of handling the contaminated soil on the project site. Therefore, the project proposed is to demolish the structures and reconstruct the historic exterior façades on the first level in the existing footprint, and will include the existing proportions, heights, storefront details, the curvilinear cantilevered canopy and building materials consistent with the Secretary of Interior’s standards.

The Design Assistance Subcommittee of the Historic Resources Board considered the project on April 2, 2003, May 5, 2004, and July 7, 2004, and has provided substantial input over the course of the review of the project. The project has been designed to address the Subcommittee concerns related to the reconstruction and to ensure the reconstructed façade is similar to the existing with respect to material, design elements, and color. The applicants commissioned a historical color analysis so that the historical colors can be restored to the reconstructed building facades. Additionally, historic preservation architects have been retained to design reconstructed facades that will meet the Secretary of the Interior’s Standards and applicable code requirements, including custom extruded aluminum frames, butt glass joints, and laminated glass to achieve a thinner glazing profile.

Adjacent Property – The adjacent parcel to the west at 1735 Robinson Avenue is an HRB-locally designated historical site (Historical Site No. 448 per Resolution No. R-00102607) owned by a third party. A Mills Act Agreement for this site was approved on December 1, 2000. The site contains a single-family residence built in 1924 that captures both the Colonial and Mission Revival architectural styles. A garage was later constructed within the alley right-of-way outside of the property line of this parcel, and there are no permits on record for its construction. Because the garage was located in the right-of-way, it was not included in the recorded historical designation for the site. The City’s Neighborhood Code Compliance section has required the

owner to remove the garage structure. The project proposes the use of the alley right-of-way for vehicular access to the parking garage. All existing improvements within the alley, including the garage, would have to be demolished, and the applicant and the adjacent property owner have agreed that the applicant would demolish and remove the garage concurrently with the demolition of the structures on its property.

Historical Resources Board Recommendation: The Historical Resources Board considered the project on September 23, 2004 and voted unanimously (9-0-2) to recommend certification of the Mitigated Negative Declaration and approval of the Site Development Permit with no recommended conditions.

Uptown Planners Recommendation: On November 4, 2003, the Uptown Planners voted 16-0-0 in favor of the project with a recommendation that the quality of material and detail along Robinson Avenue be extended to the alley side of the project and that the applicant consider the development of a landscape buffer adjacent to the alley such as vine planter railings. The project has been designed to incorporate the similar quality of detail and building material on the west elevation of the building, including balconies, terraces, off setting planes, and the use of glass blocks and painted concrete. Project landscaping along this elevation consists of vertical form trees and shrubs to provide screening and shade as well as a planter area with shrubs and vines.

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 CN-2 Zone (with the exception to the commercial area, street wall, transparency, and interior side-yard setback deviations requested), and the Historical Resources Regulations. Draft conditions of approval have been prepared for the project (Attachments 22 and 24); and Findings required to approve the project are included in the draft resolutions (Attachments 23 and 24).

ALTERNATIVES

- 1. Approve** Map Waiver No. 24614 and Site Development Permit No. 24584 with modifications;
- 2. Deny** Map Waiver No. 24614 and Site Development Permit No. 24584 if it is determined that the required findings to approve the project cannot be affirmed.

Respectfully submitted,

Marcela Escobar-Eck
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Firouzeh Tirandazi
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ESCOBAR-ECK/FZT

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Map Waiver Exhibit
6. Demolition Plan
7. Project Plans
8. Draft Site Development Permit with Conditions
9. Draft Resolution with Findings
10. Draft Map Waiver Resolution with Conditions
11. Community Planning Group Recommendation
12. Historic Site Board Recommendation
13. Ownership Disclosure Statement
14. Project Chronology
15. Economic Analysis
16. Uptown Community Plan - Land Use Recommendations

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