

DATE ISSUED: May 5, 2005 **REPORT NO.** PC-05-148

ATTENTION: Planning Commission, Agenda of May 12, 2005

SUBJECT: ARBOR DRIVE TENTATIVE MAP - PROJECT NO. 51031
PROCESS FOUR

**OWNER/
APPLICANT:** Arbor Drive Row Homes, LLC (Attachment 8)
Kenneth French

SUMMARY

Issue(s) – Should the Planning Commission approve a Tentative Map for the creation of six (6) residential condominium units currently under construction and waive the requirement to underground existing overhead utilities at 512 Arbor Drive, within the Uptown Community Plan area?

Staff Recommendation:

1. **Approve** Tentative Map No. 171456; and
2. **Approve** waiver to the requirement for the undergrounding of the existing overhead utilities.

Community Planning Group Recommendation - On February 1, 2005, the Uptown Planning Committee considered the project and voted unanimously (16-0-0) on the consent agenda to recommend approval of the project with recommendations, which are discussed in the report (Attachment 7).

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).

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 – A building permit was granted on July 9, 2004 to allow the construction of a 6-unit residential complex at 512 Arbor Drive. The applicant has submitted an application for a Tentative Map to convert the 6 units under construction into condominiums, resulting in a gain of 6 for-sale units. No affordable units are proposed. The project was required to pay in-lieu fees at the time that the building permit was issued in accordance with the requirements of the Inclusionary Housing Ordinance, Chapter 14, Article 2, Division 13 of the Municipal Code.

BACKGROUND

The 0.22-acre site is located at 512 Arbor Drive between 5th and 6th Avenues within the MR-800B Zone of the Mid-City Communities Planned District and the Uptown Community Plan area (Attachment 3). The Community Plan designates the site for high density residential development with a residential density of 44-73 dwelling units per acre. The site is surrounded by multi-unit residential development to the north, south, east, and west.

The project site is located in the MR-800B Zone of the Mid-City Communities Planned District established in May 1989. A building permit allowing the construction of 6 row homes was issued on July 9, 2004. The project is currently under construction and consists of six three-story two bedroom row homes with a two-car garage per unit. The 6-unit development on the 9,500-square-foot site is in compliance with the maximum density of 1 unit per 800 square-foot allowed in the MR-800B Zone. The 12 parking spaces provided exceed the required 10 parking spaces for six 2 bedroom units within the Transit Area Overlay Zone. The project has been designed in compliance with the current applicable development regulations.

DISCUSSION

PROJECT DESCRIPTION:

The project proposes a Tentative Map for the subdivision of a 0.22-acre site to consolidate 2 lots into one lot and for the creation of six residential condominiums currently under construction (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. The creation of a condominium is considered a subdivision and the approval process is the same as for any subdivision. According to SDMC Section 125.0440, *Findings for Tentative Maps*, the decisionmaker may approve a Tentative Map if the decisionmaker finds that the proposed subdivision complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed Tentative Map 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 per Condition No. 4 of the draft Tentative Map resolution (Attachment 6).

The neighborhood currently contains power poles and overhead utility lines within the south side of Arbor Drive right-of-way. The closest pole to the site is located approximately 10 feet west of the project site, which serves other development in the neighborhood. Service to the site is via an underground connection to this pole. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3-U, which has been scheduled for undergrounding in Fiscal Year 2011 (Attachment 10).

COMMUNITY PLANNING GROUP RECOMMENDATION:

The Uptown Planning Committee considered the project on February 1, 2005 and voted 16-0-0 on the consent agenda to recommend approval of the project with the following two recommendations:

1. *Replace or repair sidewalks as needed, maintaining the historic sidewalk contractor's stamps and traditional scoring, coloring, and texture.* Although staff is not requiring the repair or replacement of the existing sidewalk as a condition of the Tentative Map based on existing conditions, it is a standard requirement to require preservation of historic sidewalk stamps and scoring patterns per the Municipal Code.
2. *Replace the curb with City standard curb and gutter adjacent to the site. On-street parking should be preserved in its current quantity and every effort be made to increase on-street and off-street parking where possible including re-striping and removal of underutilized curb cuts.* The project has been conditioned to close the existing curb cut on the westerly side of the property, and install a new 25-foot wide driveway. The project provides 10 off-street parking spaces, which is in compliance with current parking standards per the municipal code.

PROJECT RELATED ISSUES:

The project proposes the creation of 6 residential condominium units that are currently under construction. The project was required and has paid an inclusionary housing in-lieu fee at the time the building permit was issued.

CONCLUSION:

Staff has reviewed the request for a Tentative Map for the subdivision of the 0.22-acre parcel to consolidate 2 lots into 1 to create six residential condominium units currently under construction and the request to waive the requirements of the undergrounding 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. 171456 with modifications.**
2. **Deny Tentative Map No. 171456 if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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

Firouzeh Tirandazi
Customer Support and Information
Division
Development Services Department

STROHMINGER/FZT

Attachments:

1. Aerial Photograph of Project Site
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Tentative Map
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 3-U

3/08/04wct