

DATE ISSUED: August 18, 2005 **REPORT NO.** PC-05-255

ATTENTION: Planning Commission, Agenda of August 25, 2005

SUBJECT: ROBINSON AVENUE TENTATIVE MAP - PROJECT NO. 48028
PROCESS FOUR

OWNER/ Robinson-Hillcrest 92103, LLC, Lin Majors, and Robin Kastner
(Attachment 8)

APPLICANT: David Parot

SUMMARY

Issue(s) – Should the Planning Commission approve a Tentative Map for the conversion of eight (8) existing residential units into condominiums and waive the requirement to underground existing overhead utilities at 727 Robinson Avenue, within the Uptown Community Plan area?

Staff Recommendation:

1. **Approve** Tentative Map No. 137055; and
2. **Approve** waiver to the requirement for the undergrounding of the existing overhead utilities.

Community Planning Group Recommendation - On February 2, 2005, the Uptown Planners considered the project and unanimously voted (16-0-0) on the consent agenda to recommend approval of the Tentative Map 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 – With the proposed conversion of eight existing apartments to condominiums, there would be a loss of eight rental units and a gain of eight for-sale units. This condominium conversion project was deemed complete on September 20, 2004, and is therefore subject to the new regulations regarding inclusionary housing and tenant relocation assistance.

BACKGROUND

The 0.143 acre site is located at 727 Robinson Avenue between Seventh and Eighth Avenues in the NP-1 Zone of the Mid-City Communities Planned District, and within the Uptown Community Plan Area (Attachment 3). The site is presently developed with a 3-story building consisting of one one-bedroom, 3 two-bedroom, and 2 three-bedroom residential units. The development also provides a total of 14 off-street parking spaces, including six parking spaces within three tandem garages and 8 surface parking spaces. Surrounding land use consists of residential uses to the south, east and west, with residential and office uses to the north across Robinson Avenue.

The site is currently zoned NP-1 and is within the Mid-City Communities Planned District, which was established over the area in May 1989. The site is also within the Transit Area Overlay Zone established in October 1992. The eight unit residential project was constructed in 1990 subject to the NP-1 development regulations and permitted up to 8 units on the approximately 6,250-square-foot site. The project required a total of 12 parking spaces based on the requirement of 1.25 space per one-bedroom unit, 1.5 spaces per two-bedroom unit, and 1.75 spaces per three-bedroom unit. 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.

There has been no change to property zone since 1990 and therefore the project does meet the current density requirement of the NP-1 Zone, which allows 1 unit per 800 square feet of lot area or a total of 8 units on the subject site. The project also meets the current parking requirement of 14 parking spaces for the eight-unit development.

DISCUSSION

PROJECT DESCRIPTION:

The project proposes a Tentative Map for the subdivision of a 0.143 acre site to consolidate portions of 4 lots into one lot and for the conversion of eight multi-family dwelling units into condominiums (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. 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 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 west side of the alley right of way and the south side of Robinson Avenue. The closest power pole is located within the Robinson Avenue right of way, approximately 10 feet north of the property. There are existing overhead utility lines that connect from the northeast corner of the building to 5 feet easterly of this power pole. The City's Undergrounding Master Plan for Fiscal Year 2004 designates the site within Block 3-T. Undergrounding in this area is scheduled for funding in Fiscal Year 2012 (Attachment 10).

COMMUNITY PLANNING GROUP RECOMMENDATION:

The Uptown Planners considered the project on February 2, 2005 and voted 16-0-0 on the consent agenda to recommend approval with the following recommendations:

1. *Replace the curb with City standard curb and gutter adjacent to the site.* This has been required by LDR-Engineering staff. Please see Condition No. 14 of the Tentative Map Resolution.
2. *Replace or repair sidewalks as needed, maintaining the historic sidewalk contractor's stamps and traditional scoring, coloring, and texture.* This is an existing requirement of the Municipal Code.

3. *Reconstruct the two alley pedestrian ramps to current City standards at the alley entrance on Robinson.* This has been required by LDR-Engineering staff. Please see Condition No. 15 of the Tentative Map Resolution.
4. *On-street parking be preserved in its current quantity and every effort be made to increase on-street and off-street parking.* The applicant would maintain the 14 off-street parking spaces provided, which is consistent with current parking standards per the Municipal Code.
5. *Bring landscaping into compliance with current requirements.* The applicant would maintain the existing landscaping. The subject Tentative Map application is not subject to current landscape requirements.
6. *Place new back flow prevention devices or other utility equipment within a planting area and out of the public right-of-way.* Location of such facilities is subject to review by and approval by Engineering staff.
7. *Grant waivers from the requirement of undergrounding overhead utilities only if the facility is within alleyway or planned and programmed to be undergrounded in the next five years as identified by the local council district office.* The applicant's request to waive the requirement to underground existing overhead utilities was reviewed by Engineering staff, who determined that the waiver request met the requirements of City Council Policy 600 25.

PROJECT RELATED ISSUES:

The requested conversion of these residential units to condominiums represents primarily a change in ownership.

All condominium conversion projects Deemed Complete on or after February 7, 2004 must conform with the new regulations regarding inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. This proposed project was Deemed Complete on September 20, 2004, and is therefore subject to these new regulations. With their application submittal, the applicant has indicated their decision to pay the in-lieu fee to satisfy the subdivider pay an Inclusionary Affordable Housing In-Lieu Fee of \$4,879.00, based on a \$0.87 fee per residential square footage, pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code), and demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5), to the satisfaction of the City Manager and the Housing Commission, prior to the recordation of the Final Map.

CONCLUSION:

Staff has reviewed the request for a Tentative Map for the conversion of eight residential units into condominiums 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. 137055, with modifications.**
2. **Deny Tentative Map No. 137055, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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Information Division
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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 3T
11. Copy of Sample Notice to Tenants