

DATE ISSUED: November 23, 2005

REPORT NO. PC-05-366

ATTENTION: Planning Commission, Agenda of December 1, 2005

SUBJECT: Staff Recommendation to Decision Makers Regarding the
Undergrounding of Utility Service Runs as a Condition for Proposed
Condominium Conversions

SUMMARY:

THIS IS AN INFORMATION ITEM ONLY. NO ACTION IS REQUIRED ON THE PART OF THE PLANNING COMMISSION.

BACKGROUND

The Planning Commission often considers condominium conversion projects. Municipal Code Section 144.0240 requires the undergrounding of overhead utilities for all new subdivisions, including condominium conversions. Council Policy 600-25 provides for the waiver of the undergrounding requirements if certain criteria are satisfied and subject to the discretion of the hearing body. Many times, proposed condominium conversions contain requests for the waiver of the requirement to underground existing overhead utilities. While the piecemeal undergrounding of utilities in the public right-of-way poses concerns, the undergrounding of the service runs to a proposed condominium project is feasible and provides benefits to the City.

DISCUSSION

Effective December 1, 2005, all draft resolutions for tentative maps and map waivers for condominium conversions will include the staff recommendation that any existing overhead service runs of utilities be undergrounded to the satisfaction of the City Engineer as a condition for the proposed subdivision. The placing of this condition on proposed subdivisions will facilitate the City's schedule for the undergrounding of existing overhead utilities by ensuring the timely undergrounding of utility service runs on multifamily developments. The failure of property owners to timely underground service runs of utilities on multifamily developments has posed cost and scheduling impacts to the City's Underground Conversion Program.

The City's Underground Conversion Program is funded by a surcharge on electric utility rates. The Program is augmented by underground conversions funded through California Public Utility Commission mandates that require utility companies to underground existing overhead utilities in certain locations. The City's Underground Conversion Program will ensure that the undergrounding of existing overhead utilities is accomplished in public rights-of-way citywide. City Underground Conversion Program maps and schedules are provided to hearing bodies to assist in the evaluation of waiver requests.

It is the responsibility of all abutting property owners to underground the existing onsite overhead utilities that bring services to their private property at the time that the neighborhood is converted to underground service. The private responsibility includes the installation of onsite appurtenances to accommodate undergrounded utilities as well as conduit runs to connect to utilities in the public right-of-way. The City's Underground Conversion Program coordinates the work within the public right-of-way with the private properties owners' obligations in order to maintain the schedule of underground conversions.

CONCLUSION

The Planning Commission has discretion in granting undergrounding waivers. The waiver of undergrounding obligations on subdivisions is sometimes warranted, as provided for in Council Policy 600-25. While the piecemeal undergrounding of overhead utilities in the public right-of-way may not contribute to the orderly and cost-effective underground conversion of overhead utilities, requiring undergrounding of the service runs on condominium conversions is practical and provides benefits to the City.

Notwithstanding the staff recommendation on requiring the underground conversion of the existing overhead service runs, the Planning Commission retains the authority to require all undergrounding, including the undergrounding of utilities in the abutting right-of-way as a condition for a proposed subdivision. The Planning Commission also retains the discretion to waive some or all of the undergrounding requirements in accordance with the provisions of City Council Policy 600-25.

Respectfully submitted,

Kelly Broughton
Deputy Director, Development Services

Don Weston
Senior Civil Engineer, Development Services