



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: April 11, 2018 REPORT NO. HO-18-026

HEARING DATE: April 18, 2018

SUBJECT: PARC POINTE TENTATIVE MAP WAIVER - Process Three Decision

PROJECT NUMBER: [562521](#)

OWNER/APPLICANT: Hillcrest Urban Partners 1, LLC / Christensen Engineering & Surveying

SUMMARY

Issue: Should the Hearing Officer approve the Tentative Map Waiver for the creation of five residential condominium units in an under-construction development and waive the requirements to underground exiting offsite overhead utilities at 3535 3rd Avenue in the Uptown Community Planning area?

Staff Recommendation: APPROVE Tentative Map Waiver No. 1979567.

Community Planning Group Recommendation: On November 7, 2017, the Uptown Community Planning Group voted 12-0-1 to recommend approval of the proposed project without conditions/recommendations.

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on February 5, 2018, and the opportunity to appeal that determination ended February 21, 2018.

BACKGROUND

The 0.155-acre site is located at 3535 3rd Avenue (Attachment 1), in the RM-3-9 zone, within the Uptown Community Plan area. The RM-3-9 is a multi-family zone designation that became effective for the site on February 4, 2017, in conjunction with an update to the Uptown Community Plan.

The five units under construction consist of one, three-story unit and four, four-story units totaling 13,971 square feet. The project consists of two, two bedroom units and three, three bedroom unit with a total of ten parking spaces. The development is being constructed by-right under the previously conforming MR-800B zone in accordance with the San Diego Municipal Code (SDMC) Mid-City Communities Planned District Ordinance. The ministerial building permits were deemed complete on June 22, 2016 and approved on June 28, 2017, via project No. 496210. At the time of building permit issuance the applicant paid an in-lieu fee to comply with the City's Affordable Housing Regulations. During ministerial review the project was determined to be in compliance with all underlining zone regulations including but not limited to height, floor area ratio, parking, setbacks and landscaping. The Tentative Map Waiver would allow the creation of condominium units for home ownership opportunities and does not affect the previously approved building permit approved under project No. 496210.

DISCUSSION

Project Description:

The proposed project requires a Tentative Map Waiver per SDMC Section [125.0120\(b\)\(1\)](#) to create five residential condominium units (under construction) and a waiver of the requirement to underground existing overhead utilities on a single parcel that was previously mapped. The project as proposed requires a Process Three, Hearing Officer decision with appeal rights to the Planning Commission.

The project requires ten parking spaces and ten parking spaces are provided. The proposed subdivision is consistent with the development regulations of the underlying zone and complies with the setback, floor area ratio, density and landscaping requirements. No deviations are requested with this action.

According to SDMC Section 125.0123, Findings for a Tentative Map Waiver, the decision maker may approve a Tentative Map Waiver if the decision maker finds that the proposed subdivision complies with the requirements of the Subdivision Map Act and the Land Development Code. Staff has reviewed the proposed subdivision and determined that it complies with both the Subdivision Map Act and the Land Development Code.

Uptown Community Plan:

The Uptown Community Plan designates the 0.155-acre project site for residential high density development at a rate of 45-73 dwelling units per acre, or 7-11 units allowed on site. The density per the RM-3-9 base zone allows a maximum of eleven dwelling units onsite with no required minimum density. Therefore, the creation of five residential condominium units in the under-construction project complies with the Uptown Community Plan and the base zone allowed density.

Waiver of the Requirement to Underground Utilities:

There are existing off-site overhead utilities abutting the project site. Pursuant to SDMC Section [144.0240\(b\)\(5\)](#), the applicant has requested a waiver of the requirement to underground these utilities. The project qualifies for the waiver in accordance to SDMC Section [144.0242\(c\)\(1\)\(B\)](#), as the

conversion involves a short span of overhead facility (less than a full block in length) and would not represent a logical extension to an underground facility.

ALTERNATIVES

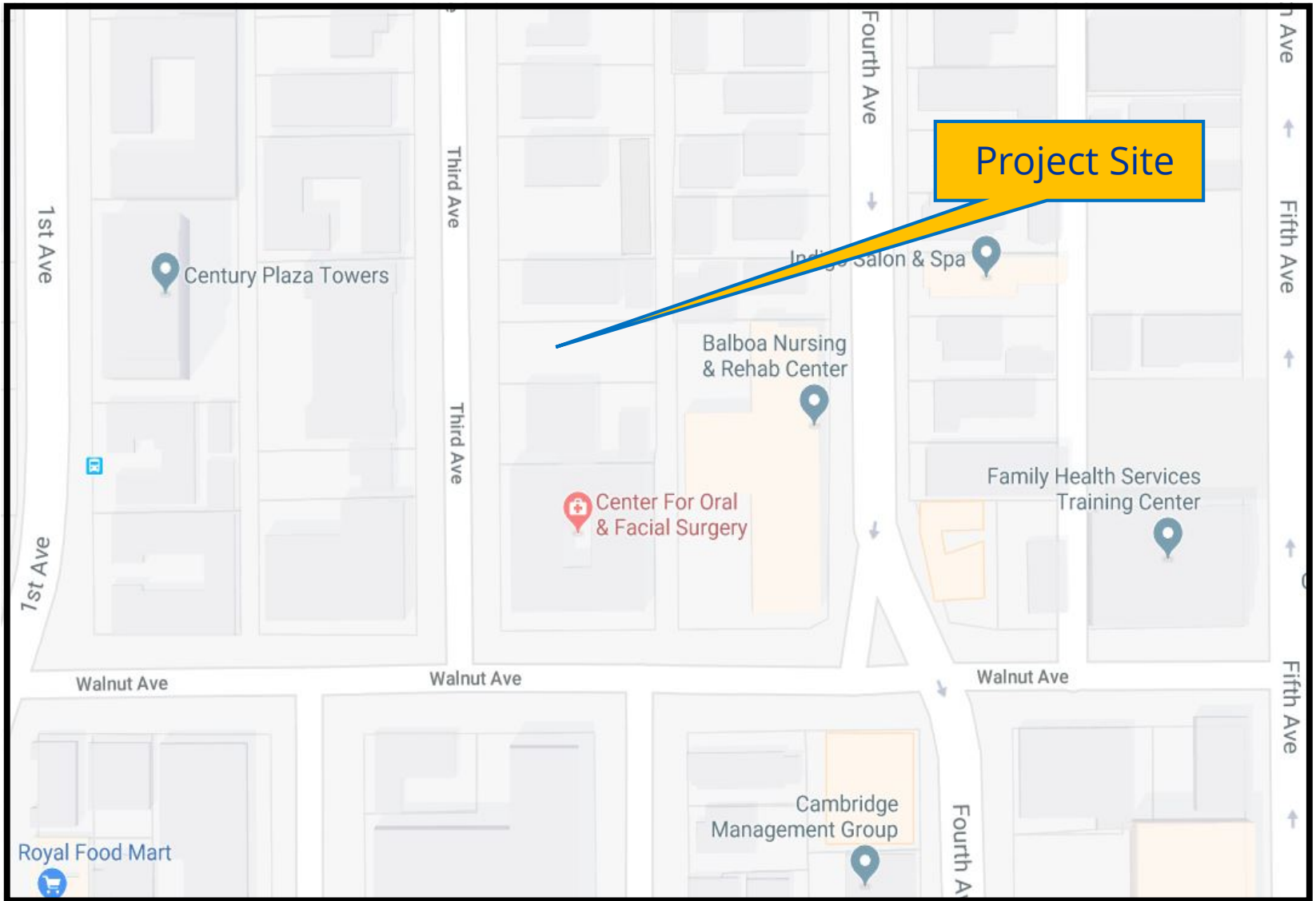
1. Approve Tentative Map Waiver No. 1979567, with modifications.
2. Deny Tentative Map Waiver No. 1979567, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Hugo Castaneda, Development Project Manager

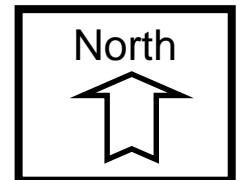
Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Draft Resolution with Findings and Conditions
5. Environmental Exemption and Notice of Right to Appeal Environmental Determination
6. Community Planning Group Recommendation
7. Ownership Disclosure Statement
8. Tentative Map Waiver Exhibit



Project Location Map

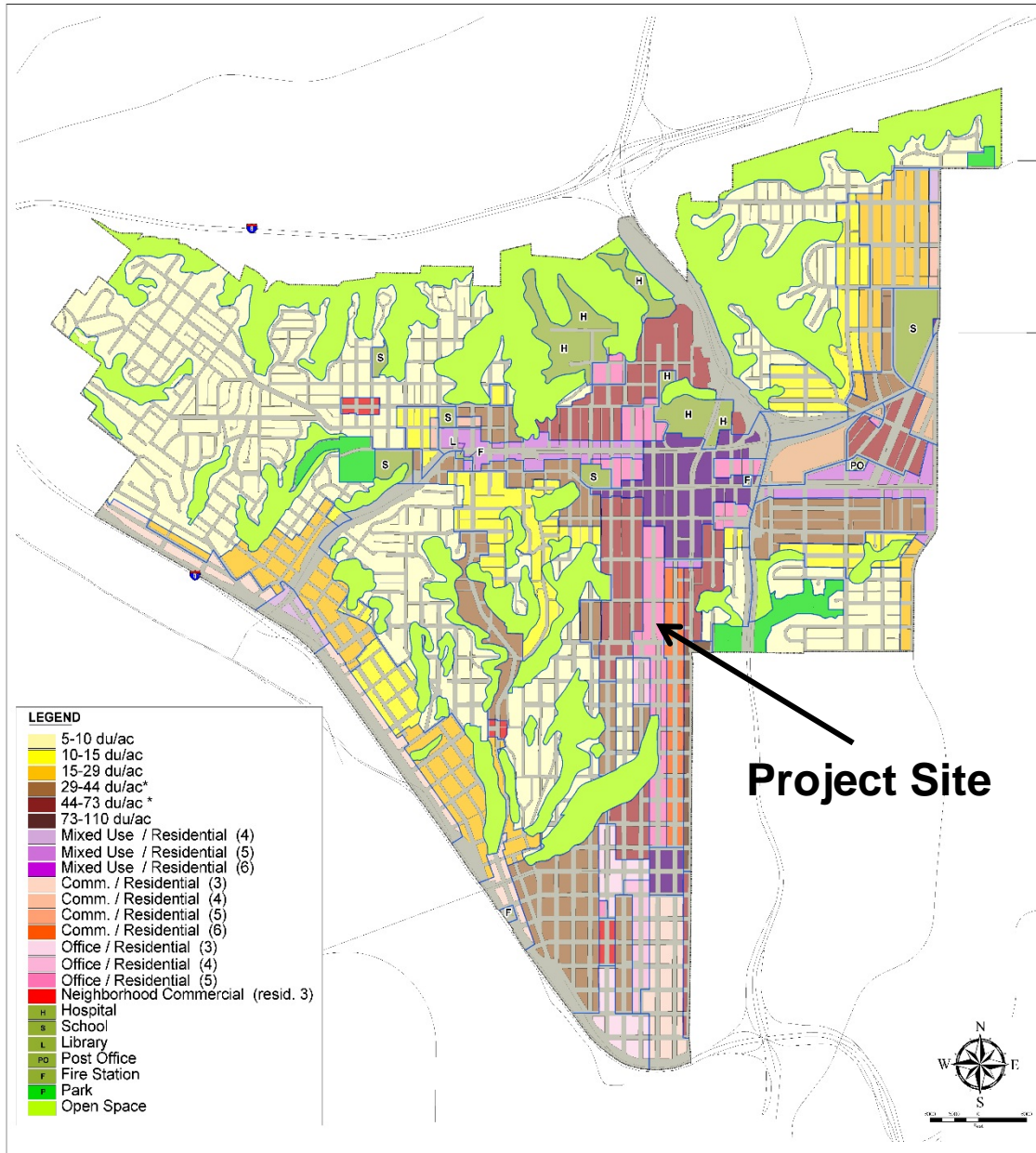
Parc Pointe Map Waiver / 3535 3rd Avenue
PROJECT NO. 562521





City of San Diego Planning Department

Uptown Community Plan Land Use

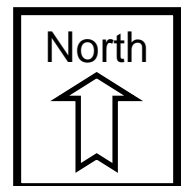


GIS DATA PROVIDED BY THE CITY OF SAN DIEGO PLANNING DEPARTMENT. THE DATA IS PROVIDED AS-IS AND WITHOUT WARRANTY. THE USER ASSUMES ALL LIABILITY FOR THE USE OF THE DATA. THE CITY OF SAN DIEGO PLANNING DEPARTMENT IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE DATA IS CURRENT AS OF 12/15/2011.



Land Use Map

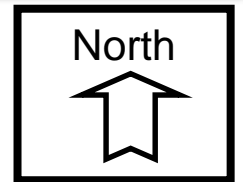
Parc Pointe Map Waiver / 3535 3rd Avenue
PROJECT NO. 562521





Aerial Photo

Parc Pointe Map Waiver / 3535 3rd Avenue
PROJECT NO. 562521



ATTACHMENT 4

HEARING OFFICER
CONDITIONS FOR TENTATIVE MAP WAIVER NO. 1979567
PARC POINTE -MAP WAIVER - PROJECT NO. 562521
ADOPTED BY RESOLUTION NO. _____ ON _____
DRAFT

GENERAL

1. This Map Waiver will expire May 2, 2021.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Certificate of Compliance, unless otherwise noted.
3. A Certificate of Compliance shall be recorded in the Office of the San Diego County Recorder, prior to the Map Waiver expiration date.
4. Prior to the recordation of the Certificate of Compliance, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify the Subdivider of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not be required to pay or perform any settlement unless such settlement is approved by the Subdivider.

ENGINEERING

6. The following will be conditions of the Tentative Map Wavier Resolution that the subdivider will need to satisfy/assure before the Certificate of Compliance is recorded.
7. The Subdivider shall improve the dedicated 2.5 feet alley portion per the recorded drawing number 39303-B, per current City Standards, satisfactory to the City Engineer.
8. The Subdivider shall reconstruct the existing non-standard curb and gutter adjacent to site on Third Avenue, per current City Standards, satisfactory to the City Engineer.
9. The Subdivider shall reconstruct the damaged sidewalk panels adjacent to site on Third Avenue, per current City Standards, satisfactory to the City Engineer.

ATTACHMENT 4

10. The Subdivider shall provide a letter, agreeing to prepare CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.
11. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
12. The Subdivider shall comply with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980. Only those exceptions to the General Conditions which are shown on the Map Waiver and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

13. Upon approval of the Tentative Map Waiver (TMW), a Certificate of Compliance shall be recorded with the County Recorder prior to the expiration date of the TMW.
14. Prior to the recordation of the Certificate of Compliance, all conditions in the (TMW) Resolution of Approval must be satisfied.
15. Prior to the recordation of the Certificate of Compliance, taxes must be paid or bonded for this property pursuant to section 66492 of the Subdivision Map Act. A current original tax certificate, recorded in the office of the San Diego County Recorder, must be provided to satisfy this condition.

Please note if tax bond is required as indicated in the tax certificate, please make sure that it is paid or posted, and submit an evidence (e.g., filed bond letter or receipt from Clerk of the Board) indicating the required tax bond amount has been paid or bonded.

16. Prior to the issuance of a Certificate of Compliance, City staff will perform a field monument inspection to verify that all property corners are being marked with survey monuments. If any of the survey monument was missing, it must be replaced with a new monument, and a Corner Record or Record of Survey (whichever is applicable) shall be filed with the County Recorder pursuant to the Professional Land Surveyors Act. A copy of the filed Corner Record or Record of Survey must be submitted to satisfy this requirement prior to the approval and recordation of the Certificate of Compliance.

INFORMATION:

- The approval of this Map Waiver by the Hearing Officer of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 *et seq.*).

ATTACHMENT 4

- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Map Waiver will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Map Waiver, may protest the imposition within 90 days of the approval of this Map Waiver by filing a written protest with the San Diego City Clerk pursuant to Government Code Sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Internal Order No. 12002110

RESOLUTION NO. _____
DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE HEARING OFFICER ADOPTING THE FINDINGS
AND APPROVING TENTATIVE MAP WAIVER NO. 1979567 FOR
PARC POINTE MAP WAIVER – PROJECT NO. 562521

WHEREAS, Hillcrest Urban Partners 1, LLC, Subdivider, and Christensen Engineering & Surveying, Surveyor, submitted an application with the City of San Diego for Tentative Map Waiver No. 1979567, to waive the requirement for a Tentative Map for the creation of five residential condominium units for a project that is currently under construction, and to waive the requirement to underground existing offsite overhead utilities. The project site is located at 3535 3rd Avenue, in the RM-3-9 zone, within the Uptown Community Planning area. The property is legally described as Lot 6 in Block 2 of Loma Grande, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 692, filed in the office of the County Recorder of San Diego County; and

WHEREAS, the Map proposes the subdivision of a 0.155-acre site into five residential condominium units for a project that is currently under construction; and

WHEREAS, on February 5, 2018, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 *et. seq.*) under CEQA Guidelines Section 15305 (minor alterations in Land Use Limitations); and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code section 112.0520; and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer pursuant to Subdivision Map Act section 66491(a) and San Diego Municipal Code sections 144.0220(a) and 144.0220(b); and

WHEREAS, the project consists of five units under construction for which Certificates of Occupancy have not been issued; and

WHEREAS, the subdivision is a condominium project as defined in California Civil Code section 4125 and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is five; and

WHEREAS, the request to waive the undergrounding of existing overhead utilities has been determined to be appropriate pursuant to San Diego Municipal Code section 144.0242(c)(1)(B) based on that the creation involves a short span of overhead facility (less than a full block in length) and would not represent a logical extension to an underground facility; and

WHEREAS, on April 18, 2018, the Hearing Officer of the City of San Diego considered Tentative Map Waiver No. 1979567, including the waiver of the requirement to underground existing offsite overhead utilities, and pursuant to sections 125.0122 (tentative map waiver), and 144.0240 (underground utilities waiver) of the San Diego Municipal Code and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Hearing Officer having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Tentative Map Waiver No. 1979567:

Findings for a Tentative Map Waiver –Section 125.0440**1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.**

The project proposes to create five residential condominium units, currently under construction, within a single lot, and to waive the requirement to underground existing offsite overhead utilities. The 0.155-acre site is located at 3535 3rd Avenue in the RM-3-9 zone, within the Uptown Community Plan area. The proposed Tentative Map Waiver is to create residential units for individual ownership with no enlargement or expansion of use.

The proposed project is consistent with the land use residential designation of the Uptown Community Plan. The Community Plan designates the project site for 45-73 dwelling units per acre (per Uptown Community Plan Figure 2-1, pg. 32), or 7-11 units allowed on site. The RM-3-9 base zone allows a maximum of eleven dwelling units onsite with no required minimum density. Therefore, the creation of five residential condominium units in the under-construction project complies with the Uptown Community Plan and the base zone allowed density. The project would also assist with furthering the Uptown Community Plan Land Use goals to provide residential densities appropriate to each Uptown neighborhood and multi-family development that does not detract from its surrounding neighborhood by providing five residential units in an established, predominantly multi-family, urban neighborhood, surrounded by similar development. Therefore, the proposed development is in conformity with the adopted Community Plan and complies with the regulation of the Land Development Code. The proposed subdivision and its design or improvements are consistent with the policies, goals and objectives of the applicable land use plan.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

The project proposes to create five residential condominium units, currently under construction, within a single lot, and to waive the requirement to underground existing offsite overhead utilities. The 0.155-acre site is located at 3535 3rd Avenue in the RM-3-9 zone, within the Uptown Community Plan area. The proposed Tentative Map Waiver is to create residential units for individual ownership with no enlargement or expansion of use.

The development is being constructed by right under the previously conforming MR-800B zone in accordance with the SDMC Mid-City Community Planned District Ordinance. On June 28, 2017, the City of San Diego approved the residential development's ministerial construction permit under Project No. 496210. During the ministerial review the project was determined to be in compliance with all the underlying zone regulations including but not limited to height, floor area ratio, parking, setbacks, and landscaping and no deviations were proposed. The Tentative Map Waiver proposes condominiums for home ownership opportunities and does not affect the previously approved building permits.

The neighborhood currently contains SDG&E power poles within the public right-of-way along the alley. The City's undergrounding Master Plan designates the site within Block 3T1, and is estimated for construction in June 2023. The proposed subdivision utilities shall be undergrounded and the project includes a waiver for the requirement to underground the existing overhead utilities within the boundary of the subdivision or within the abutting public right-of-way. In conformance with SDMC Section 144.0240(b)(5), the waiver of the requirements to underground privately owned utility systems and services facilities qualifies under the guidelines of SDMC Section 144.0242(c)(1)(B) as follows: The conversion involves a short span of overhead facility (less than a block in length) and would not represent a logical extension to an underground facility. The project does not propose any deviation. Therefore, the proposed subdivision complies with the applicable zoning and development regulation of the Land Development Code.

3. The site is physically suitable for the type and density of development.

The project proposes to create five residential condominium units, currently under construction, within a single lot, and to waive the requirement to underground existing offsite overhead utilities. The 0.155-acre site is located at 3535 3rd Avenue in the RM-3-9 zone, within the Uptown Community Plan area. The proposed Tentative Map Waiver is to create residential units for individual ownership with no enlargement or expansion of use.

The development is being constructed by right under the previously conforming MR-800B zone in accordance with the SDMC Mid-City Community Planned District Ordinance. The ministerial building permits were approved June 28, 2017, project No. 496210, and the right of way permit was approved on May 23, 2017, project No. 471939. This mapping action complies with all development regulation including lot area, lot dimension and setbacks. The structure is being constructed in compliance with all geologic and engineering requirements including applicable building code requirements. The graded, level project site is located in a developed, urban neighborhood surrounded by similar development and is served by existing developed right-of-way and public utilities. The public right-of-way would be improved by replacing sidewalk with new City Standard sidewalk and installing sidewalk underdrains and water services along 3rd Avenue. Therefore, the site is physically suitable for the type and density of development.

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The project proposes to create five residential condominium units, currently under construction, within a single lot, and to waive the requirement to underground existing offsite overhead utilities. The 0.155-acre site is located at 3535 3rd Avenue in the RM-3-9 zone, within the Uptown Community Plan area. The proposed Tentative Map Waiver is to create residential units for individual ownership with no enlargement or expansion of use.

This site is located in a developed, urban neighborhood and is surrounded by similar development. The site does not contain nor is adjacent to any watercourses, sensitive biological resources, Multiple Habitat Planning Area (MHPA) lands or Environmentally Sensitive Lands (ESL). The project is exempt from CEQA pursuant to Section 15305 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines. Therefore, the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare.

The project proposes to create five residential condominium units, currently under construction, within a single lot, and to waive the requirement to underground existing offsite overhead utilities. The 0.155-acre site is located at 3535 3rd Avenue in the RM-3-9 zone, within the Uptown Community Plan area. The proposed Tentative Map Waiver is to create residential units for individual ownership with no enlargement or expansion of use.

The project proposes condominiums for home ownership opportunities and does not affect the previously approved building permit. The project has been reviewed and is in compliance with the SDMC and the Subdivision Map Act. The Tentative Map Waiver includes conditions and corresponding exhibits of approvals relevant to adequate parking, public improvements, and paying applicable fees in order to achieve compliance with SDMC regulations. The proposed subdivision is consistent with the development regulations of the underlying zone of the Land Development Code regulations and permitted requirements continue to govern this project. Therefore, the design of the subdivision or the type of improvements will not be detrimental to the public, health, safety and welfare.

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

The project proposes to create five residential condominium units, currently under construction, within a single lot, and to waive the requirement to underground existing offsite overhead utilities. The 0.155-acre site is located at 3535 3rd Avenue in the RM-3-9 zone, within the Uptown Community Plan area. The proposed Tentative Map Waiver is to create residential units for individual ownership with no enlargement or expansion of use.

The proposed subdivision does not contain any easements acquired by the public at large for access through or use of property within the subdivision. The site has frontage on 3rd Avenue and is accessed from the existing developed alley right-of-way. Therefore, the design of the subdivision and proposed improvement would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

The project proposes to create five residential condominium units, currently under construction, within a single lot, and to waive the requirement to underground existing offsite overhead utilities. The 0.155-acre site is located at 3535 3rd Avenue in the RM-3-9 zone, within the Uptown Community Plan area. The proposed Tentative Map Waiver is to create residential units for individual ownership with no enlargement or expansion of use.

The proposed subdivision will not impede or inhibit any future passive or natural heating and cooling opportunities. Each unit is exposed on two sides (north and south) to ensure passive cooling through cross-ventilation for the interior spaces. Therefore, the design of the proposed subdivision provides sufficient future passive or natural heating and cooling opportunities.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources.

The project proposes to create five residential condominium units, currently under construction, within a single lot, and to waive the requirement to underground existing offsite overhead utilities. The 0.155-acre site is located at 3535 3rd Avenue in the RM-3-9 zone, within the Uptown Community Plan area. The proposed Tentative Map Waiver is to create residential units for individual ownership with no enlargement or expansion of use.

The project proposes a Tentative Map Waiver to create five residential condominium units (under construction). Other than the subdivision to allow condominium ownership within a built out urbanized community with adequate infrastructure, no other changes are requested, and the project does not include additional development of the property. The site consists of five units, each unit with a parking garage that was permitted on June 28, 2017, project No. 496210. The Owner/Permittee paid the Affordable Housing In-Lieu Fee and Development Impact Fees to finance public facilities. Therefore, the decision maker has reviewed the administrative record including the project plans, environmental documentation and public testimony to determine the effects of the proposed subdivision on the housing needs of the region and those needs were balanced against the needs for public services and the available fiscal and environmental resources.

That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Hearing Officer, Tentative Map Waiver No. 1979567 including the waiver of the requirement to underground existing offsite overhead utilities is hereby granted to Hillcrest Urban Partners 1, LLC subject to the attached conditions which are made a part of this resolution by this reference.

By _____
Hugo Castaneda
Development Project Manager
Development Services Department

ATTACHMENT: Map Waiver Conditions
Internal Order No. 12002110



THE CITY OF SAN DIEGO

Date of Notice: February 5, 2018
NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION
DEVELOPMENT SERVICES DEPARTMENT
SAP No. 12002049

PROJECT NAME/NUMBER: Parc Pointe Map Waiver/562521
COMMUNITY PLAN AREA: Uptown Community Plan
COUNCIL DISTRICT: 3
LOCATION: 3535 3rd Avenue, San Diego, California 92103

PROJECT DESCRIPTION: Map Waiver to waive the requirements for a Tentative Map for the creation of five residential condominium units currently under construction on a 0.155-acre-site at 3535 Third Avenue. The project site is designated for multi-family residential use and it is zoned RM-3-9 zone.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Hearing Officer

ENVIRONMENTAL DETERMINATION: CEQA Exemption 15305 (Minor Alterations in Land Use Limitations)

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego staff

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15305 which addresses minor alterations in land use limitations, in areas with an average slope of less than 20 percent, and which do not result in any changes in land use density. In addition, the exceptions listed in CEQA Section 15300.2 would not apply.

DEVELOPMENT PROJECT MANAGER: Hugo Castaneda
MAILING ADDRESS: 1222 First Avenue, MS 501
San Diego, CA 92101
PHONE NUMBER/EMAIL: 619-446-5220/HCastaneda@sandiego.gov

On February 5, 2018, the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal a CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk within 10 business days from the date of the posting of this Notice (February 20, 2018). The appeal application can be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

This information will be made available in alternative formats upon request.

POSTED IN THE OFFICE OF DSD
Posted FEB 05 2018 *mc*
Removed FEB 21 2018
Posted by *myralee*

NOTICE OF EXEMPTION

ATTACHMENT 5

(Check one or both)

TO: Recorder/County Clerk
P.O. Box 1750, MS A-33
1600 Pacific Hwy, Room 260
San Diego, CA 92101-2400

FROM: City of San Diego
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Project Name: Parc Pointe Map Waiver

Project No. 562521

Project Location-Specific: 3535 3rd Avenue, San Diego, California 92103

Project Location-City/County: San Diego/San Diego

Description of nature and purpose of the Project: Map Waiver to waive the requirements for a Tentative Map for the creation of five residential condominium units currently under construction on a 0.155-acre-site at 3535 Third Avenue. The project site is designated for multi-family residential use and it is zoned RM-3-9 zone.

Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: Greg La Marca
Alliance Development Services
17828 Villamoura Drive
Poway, CA 92010
(760) 802-4888

Exempt Status: (CHECK ONE)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269 (b)(c))
- Categorical Exemption: 15305 (Minor Alterations in Land Use Limitations)

Reasons why project is exempt:

The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15305 which addresses minor alterations in land use limitations, in areas with an average slope of less than 20 percent, and which do not result in any changes in land use density. In addition, the exceptions listed in CEQA Section 15300.2 would not apply.

Lead Agency Contact Person: Anna L. McPherson AICP

Telephone: (619) 446-5276

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? Yes No

It is hereby certified that the City of San Diego has determined the above activity to be exempt from CEQA

ATTACHMENT 5

Amal McPherson

/Senior Planner

February 21, 2018

Signature/Title

Date

Check One:

Signed By Lead Agency

Signed by Applicant

Date Received for Filing with County Clerk or OPR:

Project Name: Park Pointe Map Waiver

Project Location: 2995 3rd Avenue, San Diego, California 92103

Project Location - City/County: San Diego/San Diego

Description of nature and purpose of the project: Map Waiver to waive the requirements for a Tentative Map for the addition of five residential condominium units currently under construction on 9.8.123-acre site at 2995 3rd Avenue. The project site is designated for multi-family residential use and is zoned RM-5-B zone.

Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: Grace M. Marra
 Alliance Development Services
 17322 Wilshire Drive
 Poway, CA 92129
 (619) 865-4888

Exempt Status (Check One):
 Ministerial (Sec. 15080.02) (15080)
 Expedited Permitting (Sec. 15080.03) (15080.03)
 Expedited Permit (Sec. 15080.04) (15080.04)
 Categorical Exemption, 15300 (Minor Alterations in Land Use Categorical)

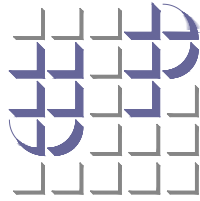
Reasons why project is exempt:
 The City of San Diego conducted an environmental review to determine if the project would have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15300 which addresses minor alterations in land use. The project is in an area with an average slope of less than 30 percent and which does not result in any changes in land use density. In addition, the exceptions listed in CEQA Section 15300.2 would not apply.

Lead Agency Contact Person: Anna L. McKinnon AICP
 Telephone (619) 446-5236

Filed by applicant

This report of exemption has been filed by the public agency approving the project. () No
 () Yes

It is hereby certified that the City of San Diego has determined the above activity to be exempt from CEQA.



UPTOWN PLANNERS

MEMORANDUM OF MOTION

MOTION APPROVED ON NOVEMBER 7, 2017

BY THE BOARD OF UPTOWN PLANNERS

Motion Approved By Uptown Planners on November 7, 2017:

Uptown Planners recommended support for the following project at its November 7, 2017 meeting by a unanimous vote; the item was noticed on the agenda as follows:

- 1. 3535 THIRD AVENUE MAP WAIVER (“PARC POINTE MW”) – Process Three – Hillcrest** – Map Waiver to waive the requirements for a tentative map for the creation of five residential condominium units currently under construction within a 6,747 square feet building at 3535 Third Avenue. The 0.155 acre site is in the RM-3-9 zone; Transit Overlay Zone; Tandem Parking Overlay Zone, FAA Part 77 Noticing.

Applicant’s representative was present at the meeting. No member of the public requested public comment, or objected to the item being placed on the consent agenda. The board voted unanimously to approve the project and place it on the consent agenda.

Voting YES 10 Voting NO 0 Abstain 1 (non-voting chair)

Respectfully Submitted

Leo Wilson

Leo Wilson
Chair, Uptown Planners



City of San Diego
 Development Services
 1222 First Ave., MS-302
 San Diego, CA 92101
 (619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit
 Variance Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment • Other _____

Project Title

Project No. For City Use Only

Parc Pointe Map Waiver

542521

Project Address:

3535 3rd Avenue, San Diego, CA 92103

Part I - To be completed when property is held by individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached Yes No

Name of Individual (type or print):

Name of Individual (type or print):

Owner Tenant/Lessee Redevelopment Agency

Owner Tenant/Lessee Redevelopment Agency

Street Address:

Street Address:

City/State/Zip:

City/State/Zip:

Phone No:

Fax No:

Phone No:

Fax No:

Signature :

Date:

Signature :

Date:

Name of Individual (type or print):

Name of Individual (type or print):

Owner Tenant/Lessee Redevelopment Agency

Owner Tenant/Lessee Redevelopment Agency

Street Address:

Street Address:

City/State/Zip:

City/State/Zip:

Phone No:

Fax No:

Phone No:

Fax No:

Signature :

Date:

Signature :

Date:

Project Title: Parc Pointe Map Waiver	Project No. (For City Use Only)
------------------------------------------	---------------------------------

Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

Corporation Limited Liability -or- General) What State? CA Corporate Identification No. _____
 Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property.. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. **Additional pages attached** Yes No

Corporate/Partnership Name (type or print):
Hillcrest Urban Partners 1, LLC

Owner Tenant/Lessee

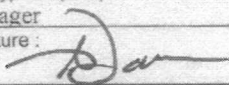
Street Address:
17828 Villamoura Drive

City/State/Zip:
Poway, CA 92064

Phone No: _____ Fax No: _____
(760)802-4888

Name of Corporate Officer/Partner (type or print):
Greg La Marca

Title (type or print):
Manager

Signature :  Date: 12/13/16

Corporate/Partnership Name (type or print):
Hillcrest Urban Partners 1, LLC

Owner Tenant/Lessee

Street Address:
17828 Villamoura Drive

City/State/Zip:
Poway, CA 92064

Phone No: _____ Fax No: _____

Name of Corporate Officer/Partner (type or print):
Drew D'Angelo

Title (type or print):
Manager

Signature : _____ Date: _____

Corporate/Partnership Name (type or print):
Hillcrest Urban Partners 1 LLC

Owner Tenant/Lessee

Street Address:
17828 Villamoura Drive

City/State/Zip:
Poway, CA 92064

Phone No: _____ Fax No: _____

Name of Corporate Officer/Partner (type or print):
Sandra J. Houston

Title (type or print):
Member

Signature : _____ Date: _____

Corporate/Partnership Name (type or print):
Hillcrest Urban Partners 1 LLC

Owner Tenant/Lessee

Street Address:
17828 Villamoura Drive

City/State/Zip:
Poway, CA 92064

Phone No: _____ Fax No: _____

Name of Corporate Officer/Partner (type or print):
Brian Johnson

Title (type or print):
Member

Signature : _____ Date: _____

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: _____ Fax No: _____

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : _____ Date: _____

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: _____ Fax No: _____

Name of Corporate Officer/Partner (type or print):

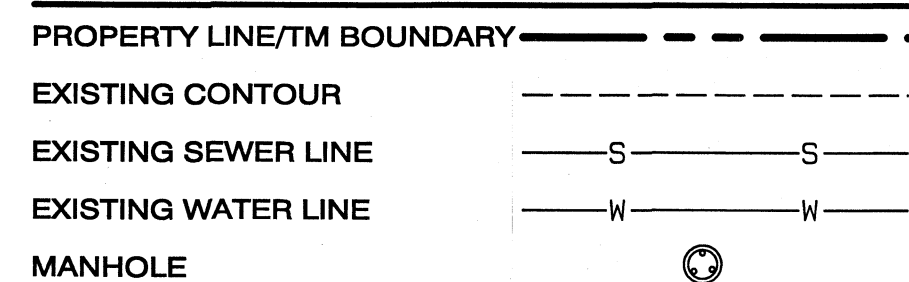
Title (type or print):

Signature : _____ Date: _____

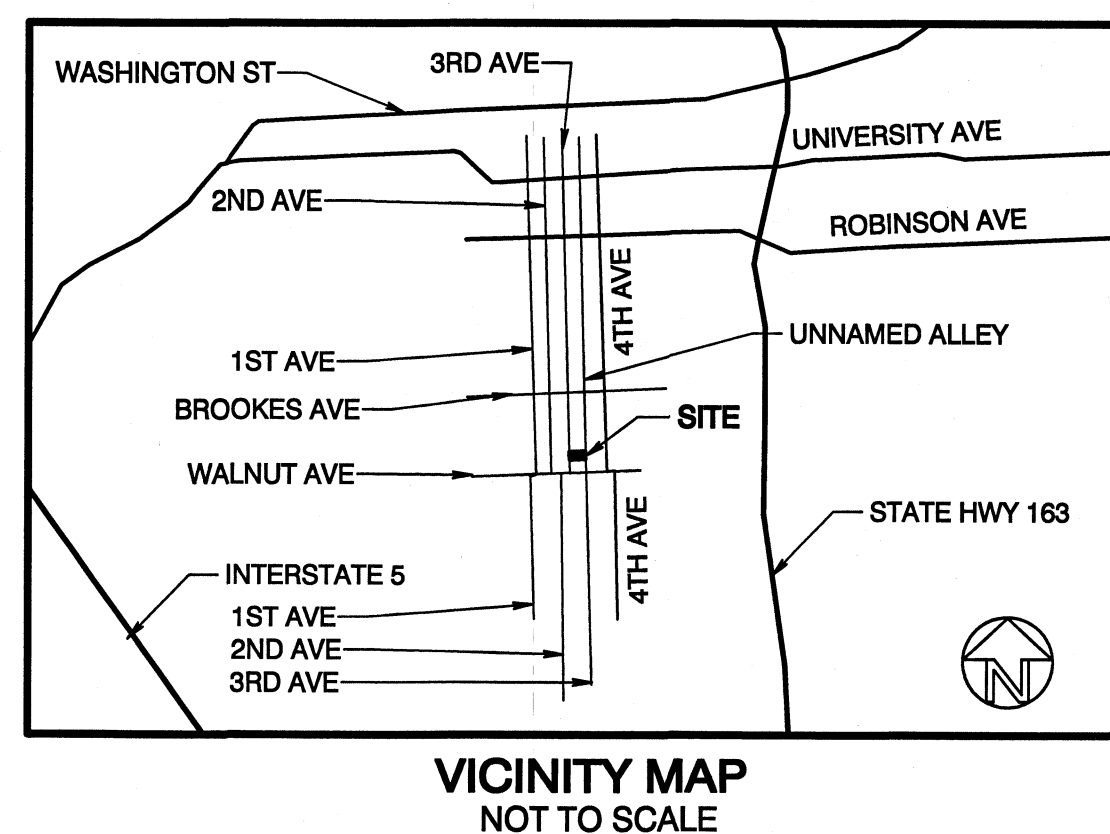
TITLE NOTES

NOTE:
NO EASEMENTS EXIST ENCUMBERING THE PROPERTY BUT OTHER ITEMS THAT CANNOT BE PLOTTED EXIST. SEE TITLE REPORT.

LEGEND



UTILITY TABLE	
TELE (AT&T):	OVERHEAD
CATV (TIME WARNER):	OVERHEAD
ELEC (SDG&E):	OVERHEAD



USES:
CURRENT USE: MULTIPLE RESIDENTIAL
PROPOSED USE: MULTIPLE UNIT RESIDENTIAL - CONDOMINIUM

TYPE OF CONSTRUCTION/OCCUPANCY

CLASSIFICATION:
CONSTRUCTION CLASSIFICATION: TYPE V(A) WITH AUTOMATIC SPRINKLER SYSTEM PER NFPA 13

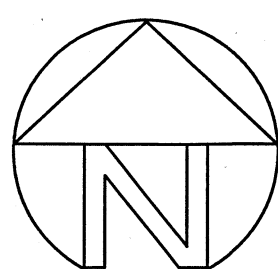
OCCUPANCY CLASSIFICATION: RESIDENTIAL GROUP R-2
PRIVATE GARAGE GROUP U

OWNER'S CERTIFICATE

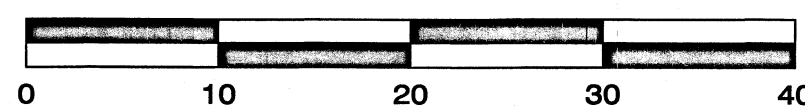
I HEREBY CERTIFY THAT I AM THE RECORD OWNER OF THE PROPERTY SHOWN ON THE MAP WAIVER AND THAT SAID MAP SHOWS ALL OF MY CONTIGUOUS OWNERSHIP IN WHICH I HAVE ANY DEED OR TRUST INTEREST. I UNDERSTAND THAT OUR PROPERTY IS CONSIDERED CONTIGUOUS EVEN IF IT IS SEPARATED BY ROADS, STREETS, UTILITY EASEMENTS, OR RAILROAD RIGHTS-OF-WAY.

GREGORY J. LA MARCA, MANAGING MEMBER
HILLCREST URBAN PARTNERS 1, LLC
17828 VILLAMOURA DRIVE
POWAY, CA 92064

DATE _____



SCALE: 1" = 10'



**TENTATIVE MAP WAIVER NO. 1979567
(PTS 562521)
CONDOMINIUM CREATION**

LEGAL DESCRIPTION

LOT 6 IN BLOCK 2 OF LOMA GRANDE, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 692, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY.

BASIS OF BEARINGS

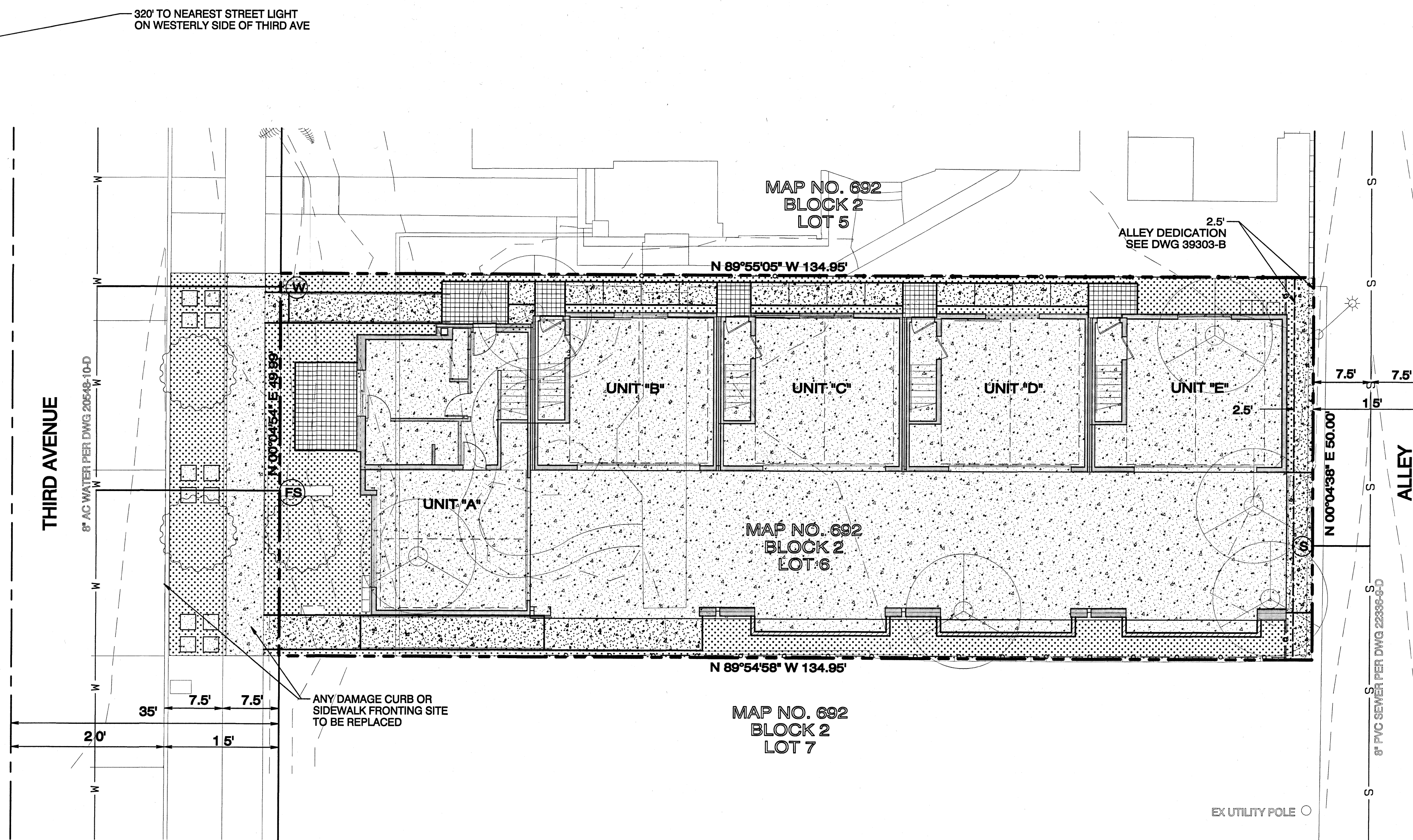
THE EASTERLY LINE OF THIRD AVENUE AS SHOWN ON CORNER RECORD NO. 12086. I.E. NORTH 00°04'54" EAST

BENCHMARK

CITY OF SAN DIEGO BENCHMARK BRASS PLUG IN TOP OF CURB AT THE NORTHWESTERLY CORNER OF THIRD AVE. AND PENNSYLVANIA AVE. ELEVATION 285.46' MEAN SEA LEVEL (N.G.V.D. 1929).

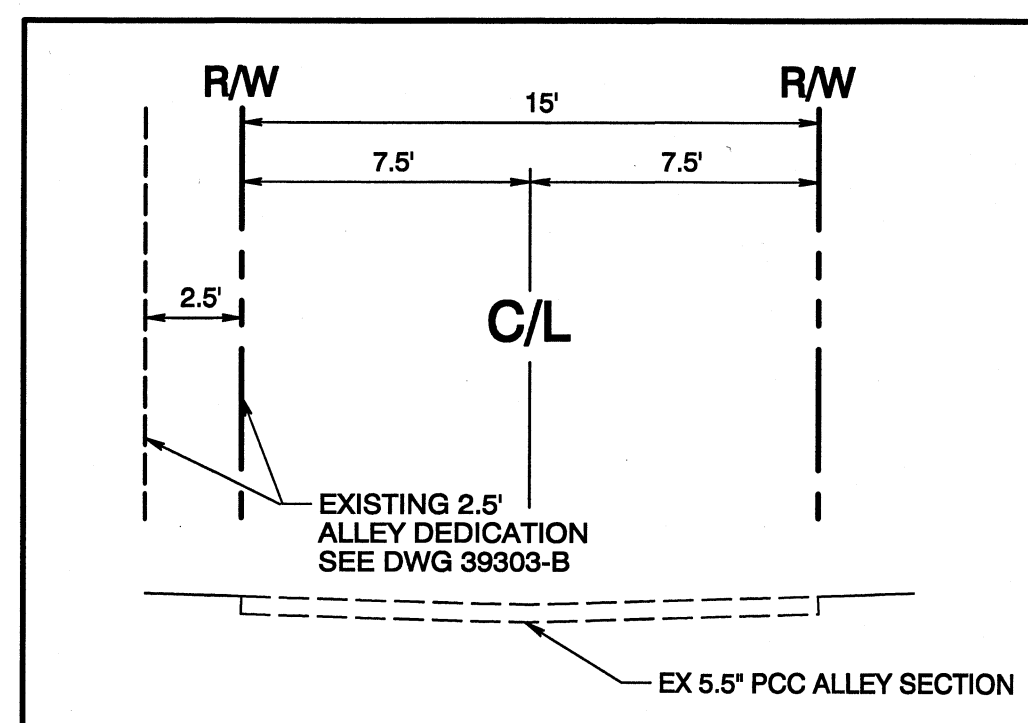
NOTES

1. THE SOURCE OF THE TOPOGRAPHIC INFORMATION SHOWN HEREON IS ON THE GROUND SURVEY CHRISTENSEN ENGINEERING AND SURVEYING., DATED JULY 15, 2015.
2. THE USE OF PROPOSED LOT IS FOR 5 RESIDENTIAL CONDOMINIUM UNITS.
3. THE SUBJECT PROPERTY IS SERVED BY SEPARATE SANITARY SEWER LATERAL AND WATER SERVICE CONNECTED TO CITY OF SAN DIEGO MAINS.
4. THE EXISTING NUMBER OF LOTS IS ONE. THE PROPOSED NUMBER OF LOTS IN THIS SUBDIVISION IS ONE.
5. DEVELOPER SHALL PROVIDE BUILDING ADDRESS NUMBERS, VISIBLE AND LEGIBLE FROM THE STREET FRONTING THE PROPERTY PER FHPS POLICY P-00-6 (UFC 901.4.4)
6. NAD27 COORDINATES = 210-1719. NAD83 COORDINATES = 1850-6279.
7. THIS IS A CONDOMINIUM PROJECT AS DEFINED IN SECTION 4125 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT. TOTAL NUMBER OF RESIDENTIAL UNITS IS 5.
8. THE TOTAL AREA OF THE PROJECT IS 0.155 ACRE.
9. THE SOURCE OF TITLE INFORMATION IS PRELIMINARY TITLE REPORT PREPARED BY CHICAGO TITLE COMPANY, ORDER NO. 00064685-996-RT4 , DATED JULY 06, 2017.
10. A WAIVER OF UNDERGROUNDING OF OVERHEAD UTILITIES IS REQUESTED.
11. WAIVER OF THE TENTATIVE MAP AND FINAL MAP IS REQUESTED.
12. A CERTIFICATE OF COMPLIANCE SHALL BE RECORDED FOLLOWING APPROVAL OF THIS MAP WAIVER.
13. THIS PROJECT IS CURRENTLY UNDER CONSTRUCTION. SEE BUILDING PLAN APPROVAL NO. 1738346, PTS NO.496210
14. 2.5' AREA OF ALLEY DEDICATION TO BE PAVED WITH 5.5' CONCRETE PAVEMENT.

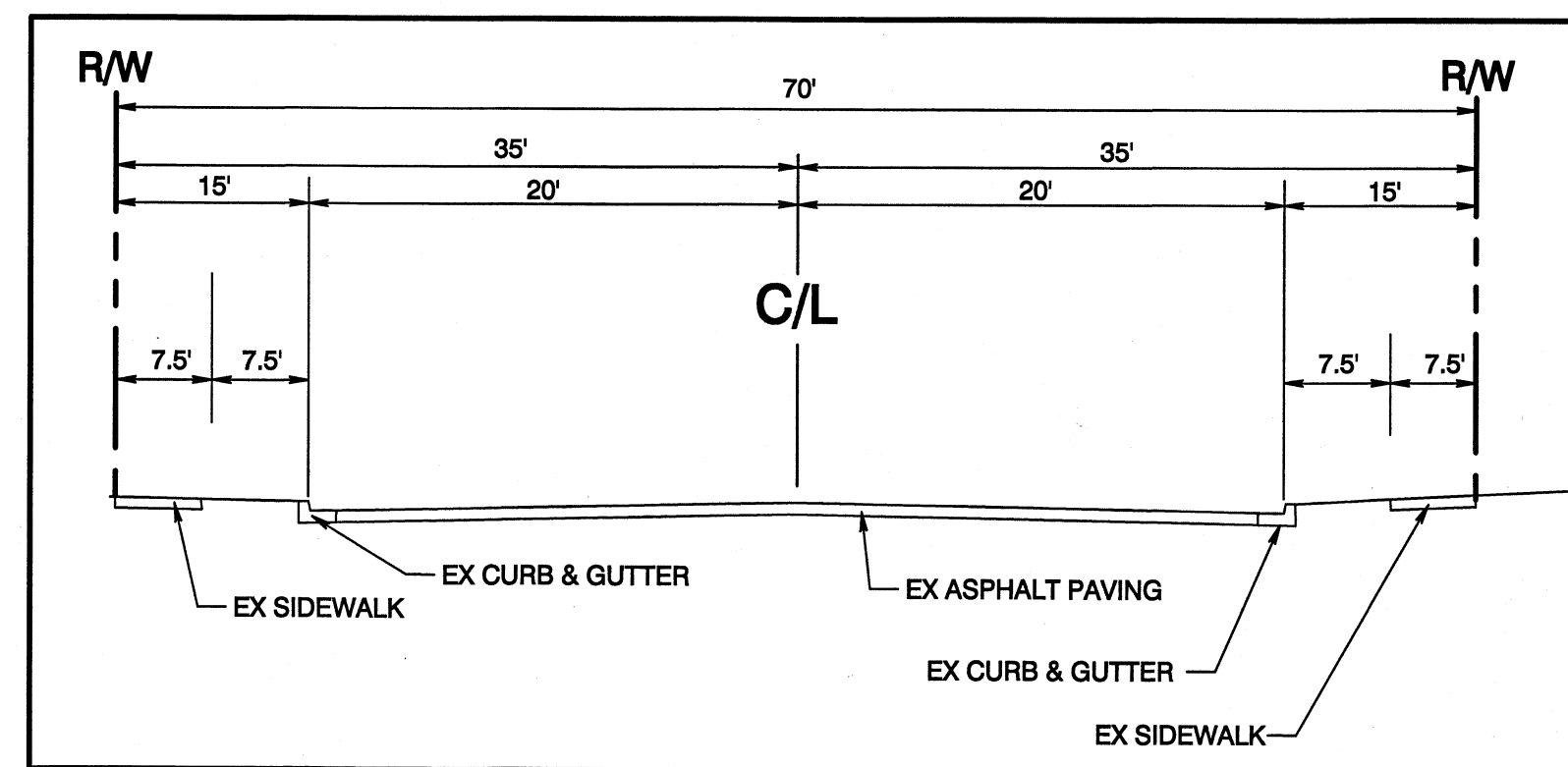


320' TO NEAREST STREET LIGHT ON WESTERLY SIDE OF THIRD AVE

250' TO NEAREST STREET LIGHT AT SOUTHERLY INTERSECTION OF WALNUT STREET AND THIRD AVENUE



TYPICAL ALLEY SECTION
NOT TO SCALE



TYPICAL STREET SECTION: 3RD AVENUE
NOT TO SCALE



Anthony K. Christensen
ANTHONY K. CHRISTENSEN, LS7508

EXP. 12-31-19

JANUARY 02, 2018
DATE

Prepared By:
CHRISTENSEN ENGINEERING & SURVEYING
7888 SILVERTON AVENUE, SUITE "J"
SAN DIEGO, CA 92126
PHONE (858)271-9901 FAX (858)271-8912

Project Address:
3535 3RD AVENUE
SAN DIEGO, CA 92103

Project Name:
PARC POINTE MAP WAIVER

Sheet Title:

- Revision 5:
- Revision 4:
- Revision 3:
- Revision 2: 01-02-18 ADDRESS CITY COMMENTS
- Revision 1: 08-28-17 ADDRESS CITY COMMENTS

Original Date: DECEMBER 13, 2016

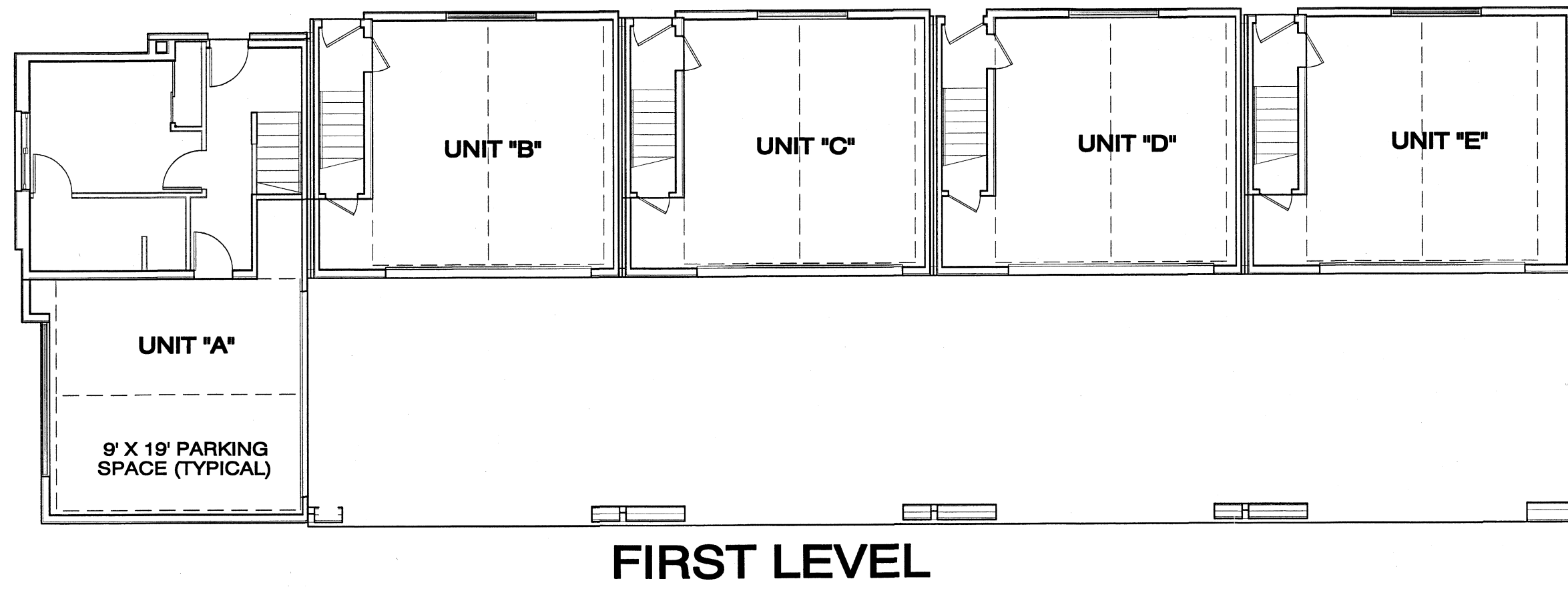
Sheet 1 of 2 Sheets

TENTATIVE MAP WAIVER

CE & S CHRISTENSEN ENGINEERING & SURVEYING
CIVIL ENGINEERS LAND SURVEYORS PLANNERS
7888 SILVERTON AVENUE, SUITE "J", SAN DIEGO, CALIFORNIA 92126
TELEPHONE: (858)271-9901 FAX: (858)271-8912

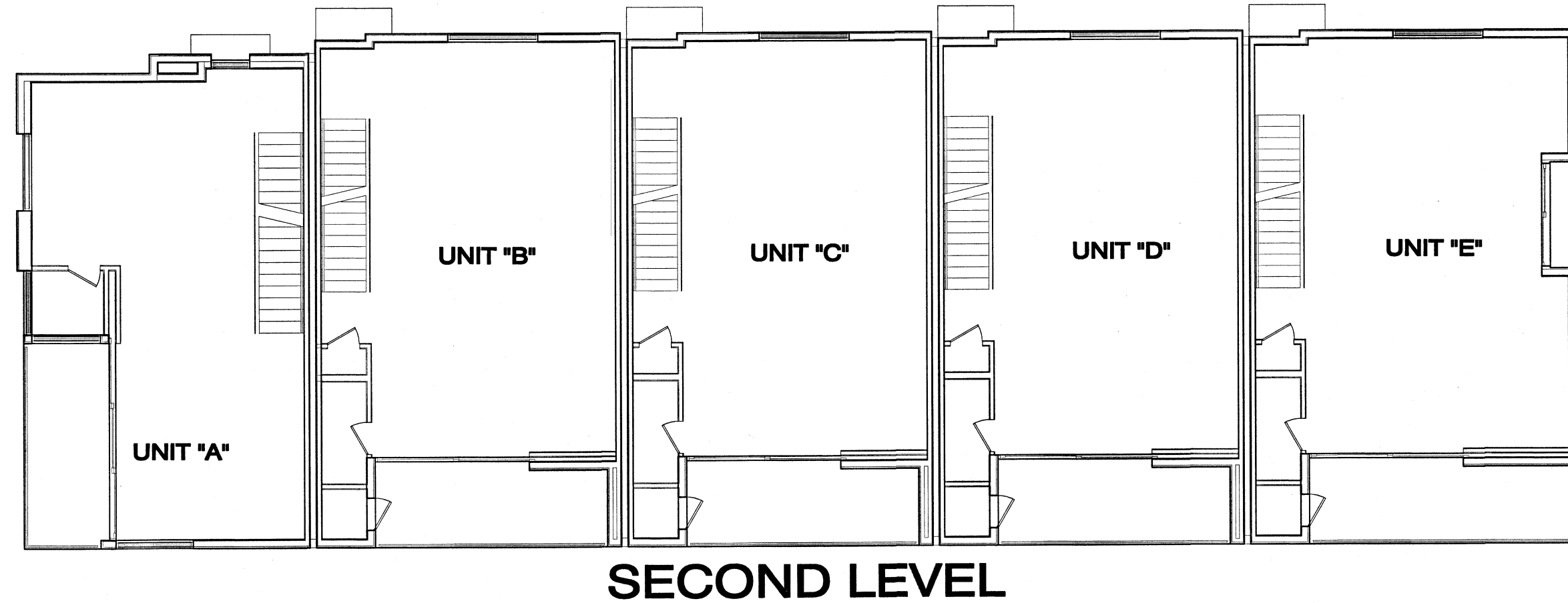
TENTATIVE MAP WAIVER NO. 1979567
(PTS 562521)
CONDOMINIUM CREATION

3RD AVENUE



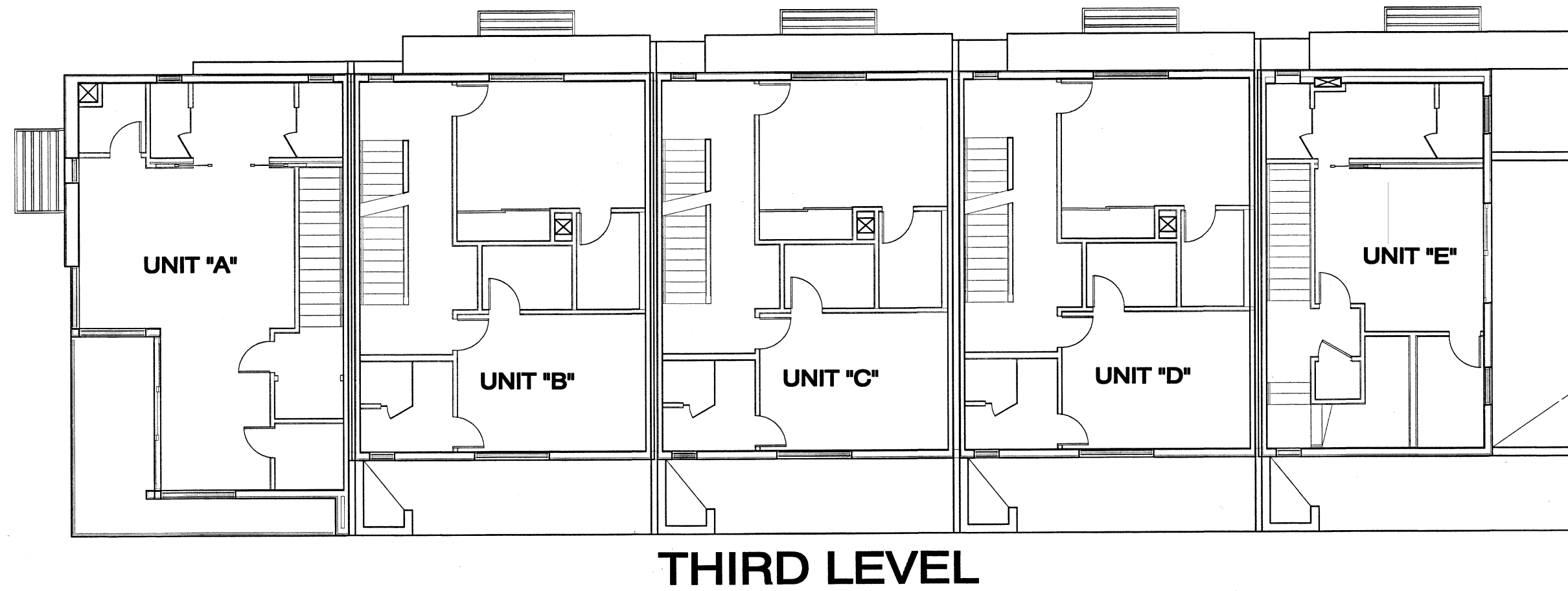
ALLEY

3RD AVENUE



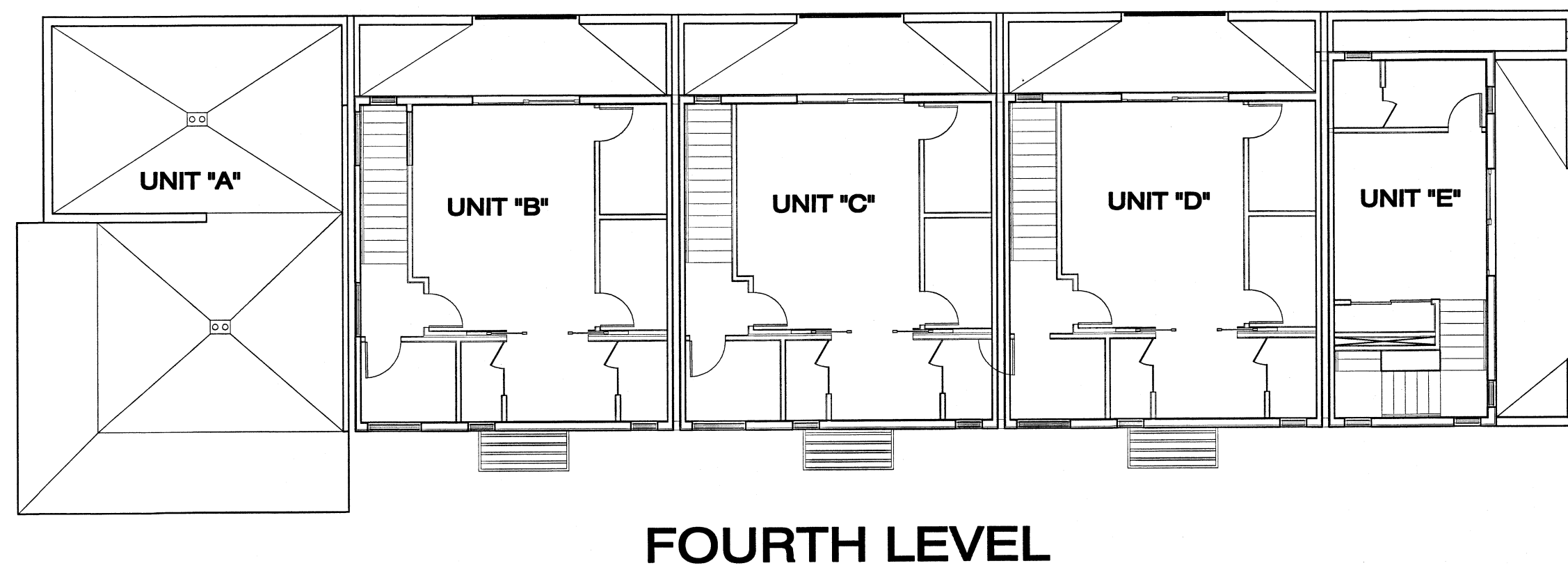
ALLEY

3RD AVENUE



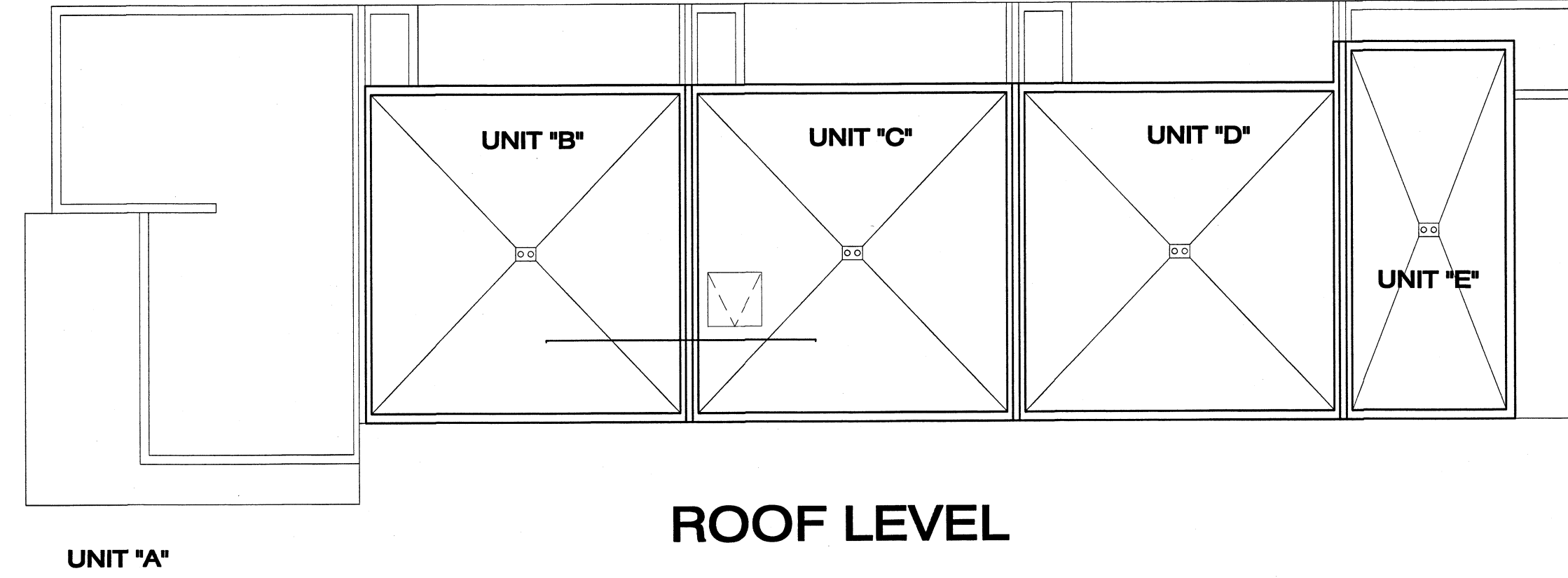
ALLEY

3RD AVENUE



ALLEY

3RD AVENUE



ALLEY

RESIDENTIAL UNIT TABULATION

UNIT	LIVING AREA	PARKING AREA	DECK AREA	BEDROOMS	PARKING SPACES
A	1,828 SF	425 SF	190 SF	2	2
B	2,257 SF	432 SF	213 SF	3	2
C	2,271 SF	431 SF	213 SF	3	2
D	2,271 SF	431 SF	213 SF	3	2
E	1,883 SF	462 SF	451 SF	2	2

TOTAL OFF-STREET PARKING SPACES:
TRANSIT AREA OVERLAY ZONE
TANDEM PARKING OVERLAY ZONE
SPACES REQUIRED PER TABLE 142-05C (1.75/2 BDRM UNIT X 2 UNITS) = 3.5 SPACES
(2.0/3 BDRM UNIT X 3 UNIT) = 6.0 SPACES

SPACES REQUIRED = 9.5 SPACES
SPACES PROVIDED = 10 GARAGE SPACES ONSITE

MAP WAIVER SUMMARY

THIS PROJECT PROPOSES CREATION OF 5 RESIDENTIAL CONDOMINIUM UNITS AND WAIVES THE REQUIREMENT FOR A TENTATIVE MAP AND FINAL MAP

ASSESSOR PARCEL NO. & ADDRESS

ASSESSOR'S PARCEL NUMBER: 452-402-32-00
ADDRESS: 3535 3RD AVENUE
SAN DIEGO, CA 92103

OWNER:

HILLCREST URBAN PARTNERS 1, LLC
17828 VILLAMOURA DRIVE
POWAY, CA 92064

ZONING:

MCCPD-MR-800B
MID-CITY COMMUNITIES PLANNED DISTRICT-MR-800B
OVERLAY ZONES:
TRANSIT AREA
TANDEM PARKING
AIRPORT INFLUENCE AREA

SETBACK:

10' FRONT YARD
5' INTERIOR SIDE YARD (PLUS 3' FOR EACH STORY ABOVE 2ND)
1' REAR YARD (PLUS 7' FOR EACH STORY ABOVE 2ND, UP TO 14')

AREA:

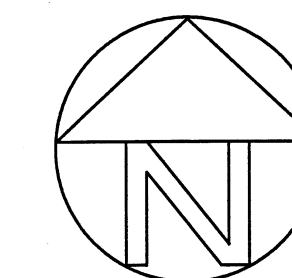
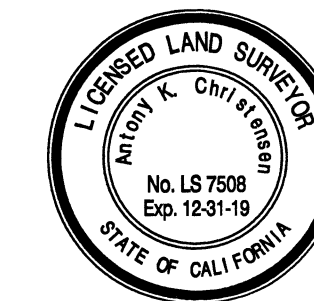
SITE AREA: 0.155 ACRES (6,747 SQUARE FEET)

GROSS FLOOR AREA
10,510 SQUARE FEET LIVING
2,181 SQUARE FEET GARAGE
1,280 SQUARE FEET DECKS

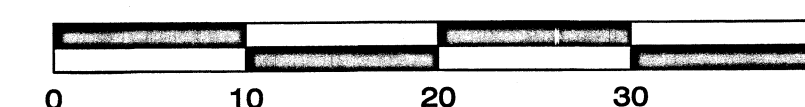
Anthony K. Christensen
ANTHONY K. CHRISTENSEN, LS7508

EXP. 12-31-19

JANUARY 02, 2018
DATE



SCALE: 1" = 10'



Prepared By:

CHRISTENSEN ENGINEERING & SURVEYING
7888 SILVERTON AVENUE, SUITE 'J'
SAN DIEGO, CA 92126
PHONE (858)271-9901 FAX (858)271-8912

Project Address:

3535 3RD AVENUE
SAN DIEGO, CA 92103

Project Name:

PARC POINTE MAP WAIVER

Sheet Title:

TENTATIVE MAP WAIVER

Revision 5:
Revision 4:
Revision 3:
Revision 2:

Revision 1: 01-02-18 ADDRESS CITY COMMENTS

Original Date: DECEMBER 13, 2016

Sheet 2 of 2 Sheets