



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: October 31, 2012

REPORT NO. HO 12-096

ATTENTION: Hearing Officer

SUBJECT: ADAMS & IDAHO MAP WAIVER
PROJECT NUMBER: 291263

LOCATION: 2767 Adams Avenue

APPLICANT: CityMark Adams LLC

SUMMARY

Issues: Should the Hearing Officer approve a request to waive the requirements for a tentative map including a waiver requiring undergrounding existing overhead utility line to create 12 residential units and one commercial unit (under construction) into condominiums?

Staff Recommendation - Approve Map Waiver No. 1021778.

Community Planning Group Recommendation - The North Park Planning Committee voted 11-0-0 on October 16, 2012, adopting a motion to approve the Map Waiver with the condition no additional utility box be placed in the right-of-way (Attachment 5).

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (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 October 11, 2012 and the opportunity to appeal that determination ended October November 1, 2012 (Attachment 8).

Fiscal Impact: None. All of the costs associated with processing this application are paid for by the applicant through a deposit account.

Housing Impact Statement: The project proposes no affordable housing units on site. Instead, the applicant has paid the in-lieu fee per the Inclusionary Housing Ordinance at the issuance of the approved building permits acquired pursuant to Project No. 272633.

BACKGROUND

The project site is located at 2767 Adams Avenue between Oregon Street and Utah Street (Attachment 1). The 0.32-acre property is in the North Park Planning area and designated for mixed use commercial land use with permissible residential density (Attachment 2). The property is regulated by the development regulations of the CV-3 Zone of the Mid-City Communities Planned District Ordinance. The intent of the Commercial Village (CV) zones is to provide for pedestrian oriented districts with commercial, residential, or mixed-use development and is normally applied in linear areas between commercial nodes.

The project site is on the southwest corner of Adams Avenue and Idaho Street. The lot is now vacant but prior to the demolition associated with this development, the property contained a small independent mattress making business. The neighborhood east and west along Adams Avenue is primarily comprised of commercial retail and commercial service businesses. The area outside of the commercial district is predominantly multi-family residential development of medium densities.

Project Description

The project proposes to convert 12 apartment units and one retail space that are currently under construction into condominium units. The mixed use project was submitted and approved under Project No. 272633. Building permits were issued August 2, 2012 for two detached 3-story buildings. Previous permits issued in association with this project also included a demolition permit for the previous structure, a consolidation map making four parcels into a single lot and public improvement permits for work within the public right-of-way. Building One contains 5 residential units over garage parking and Building Two contains seven residential units over garages and a ground floor corner retail space.

The project includes ten 2-bedroom units, two 1-bedroom unit and approximately 1,000 square-foot of commercial space. The two buildings form a courtyard type interior that is used for access to enclosed garages on the first floors. Vehicle access to the garages is provided from an adjacent public alley. Living space for the units is mainly on the second and third floors.

The previously approved building permits ensured all applicable development regulations of the CV-3 Zone and the Mid-City Planned District were complied with including landscape and street trees within the public right-of-way. No deviation or variance was required to permit the residential and commercial project. This action merely requests a Map Waiver to convert what was approved as apartments into condominiums.

DISCUSSION

The project is requesting a Map Waiver to waive the requirements of a Tentative Map for the subdivision of a 0.32-acre site. Section 125.0410 of the San Diego Municipal Code requires that

a Tentative Map be processed for the subdivision of land. The Tentative Map request is a Process Three Hearing Officer decision as outlined in San Diego Municipal Code Section

125.0430 (Decision Process for a Tentative Map). According to San Diego Municipal Code Section 125.0440, Findings for Tentative Maps, the decision maker may approve a Tentative Map if the decision maker finds that the proposed division of land complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. The Adams and Idaho condominium conversion project qualifies as a Process Three Map Waiver as the buildings are considered existing (construction permits issued), public improvements normally associated with a Tentative Map are already in place and the previous lots have been consolidated into one parcel.

Overhead Utilities

The requirement to underground existing overhead utilities can be waived by the decision maker as part of a Tentative Map or Map Waiver if it is demonstrated that requiring the undergrounding would not provide a practical public benefit at the time of the subdivision. The Adams Avenue and Idaho Street project requested a waiver for overhead utilities located across the alley as they are not part of an eminent underground effort and the length is less than 600 linear feet. A new San Diego Gas & Electric transformer was installed in the Adams Avenue right-of-way adjacent to the project site. Existing utilities in the Adams Avenue right-of-way have previously been undergrounded and all new service runs to the property are conditioned to be installed below grade.

Building Conditions Report and Landscape Requirements

This project was submitted and reviewed under separate building permits as for rent apartments and commercial lease space. The project is considered new construction therefore a Building Conditions Report is not required with this action and landscaping will comply with the minimum citywide standards.

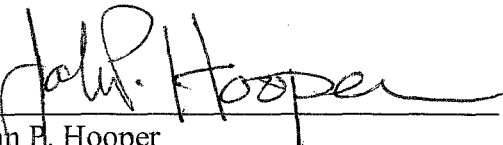
CONCLUSION

Staff has reviewed the request for a Map Waiver to waive the requirements for a Tentative Map for the subdivision of a 0.32-acre site to create 12 residential condominium units and one commercial condominium unit. Staff has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps and believes the required findings can be approved. The project was previously submitted, reviewed and approved as an apartment project with a commercial lease space constituting a ministerial Process One project decision. Therefore, the built structure would comply in every way with the applicable development regulations of the Mid-City Planned District Ordinance and CV-3 zoning. The mixed use nature of the proposed project would be consistent with the North Park Community Plan land use designation for the site and the uses would be compatible with the surrounding neighborhood. Therefore, staff recommends that the Hearing Officer approve Map Waiver No. 993076 subject to the proposed conditions (Attachment 4).

ALTERNATIVES

1. Approve Map Waiver No. 1021778 with modifications; or
2. Deny Map Waiver No. 1021778 if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

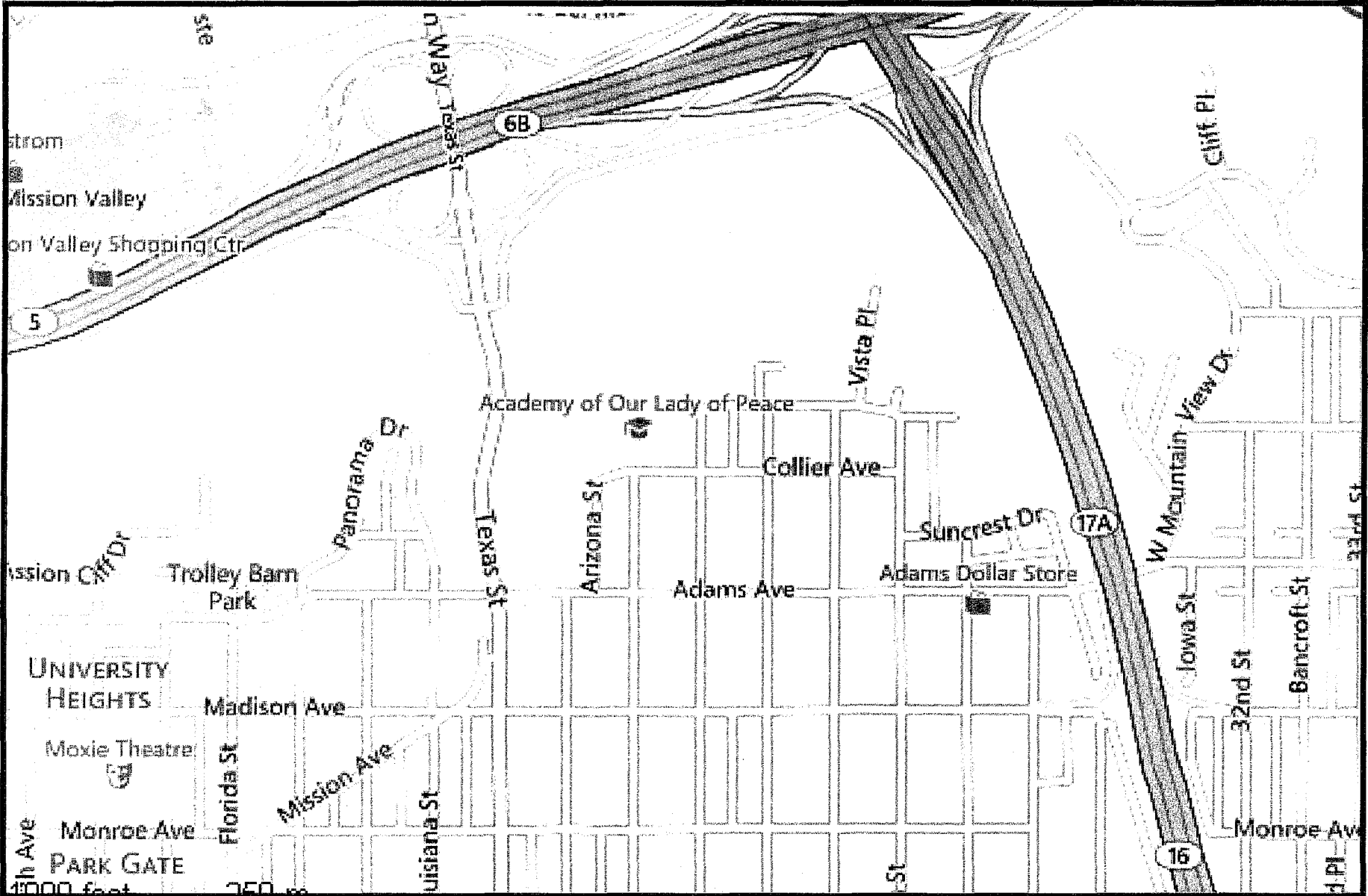


John P. Hooper
Development Project Manager

Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photo
4. Map Waiver Exhibit
5. Draft Map Conditions and Subdivision Resolution
6. Community Planning Group Recommendation
7. Ownership Disclosure Statement
8. Notice of Hearing
9. Environmental Exemption

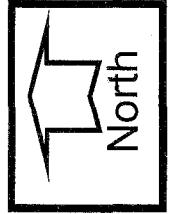
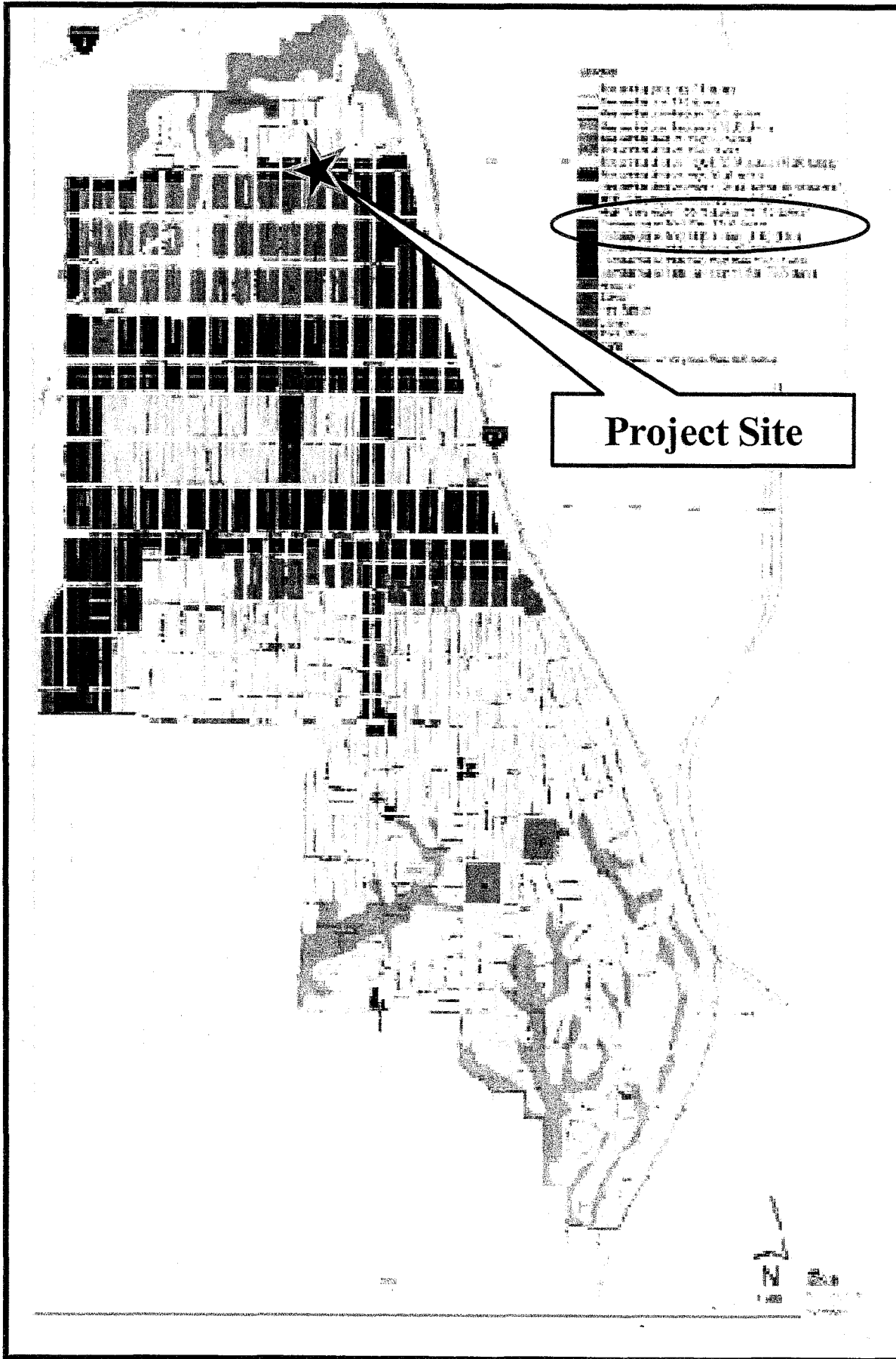
Internal Order Number: 24003107



Project Location Map

ADAMS & IDAHO MAP WAIVER - 2767 ADAMS AVENUE
 PROJECT NUMBER 291263

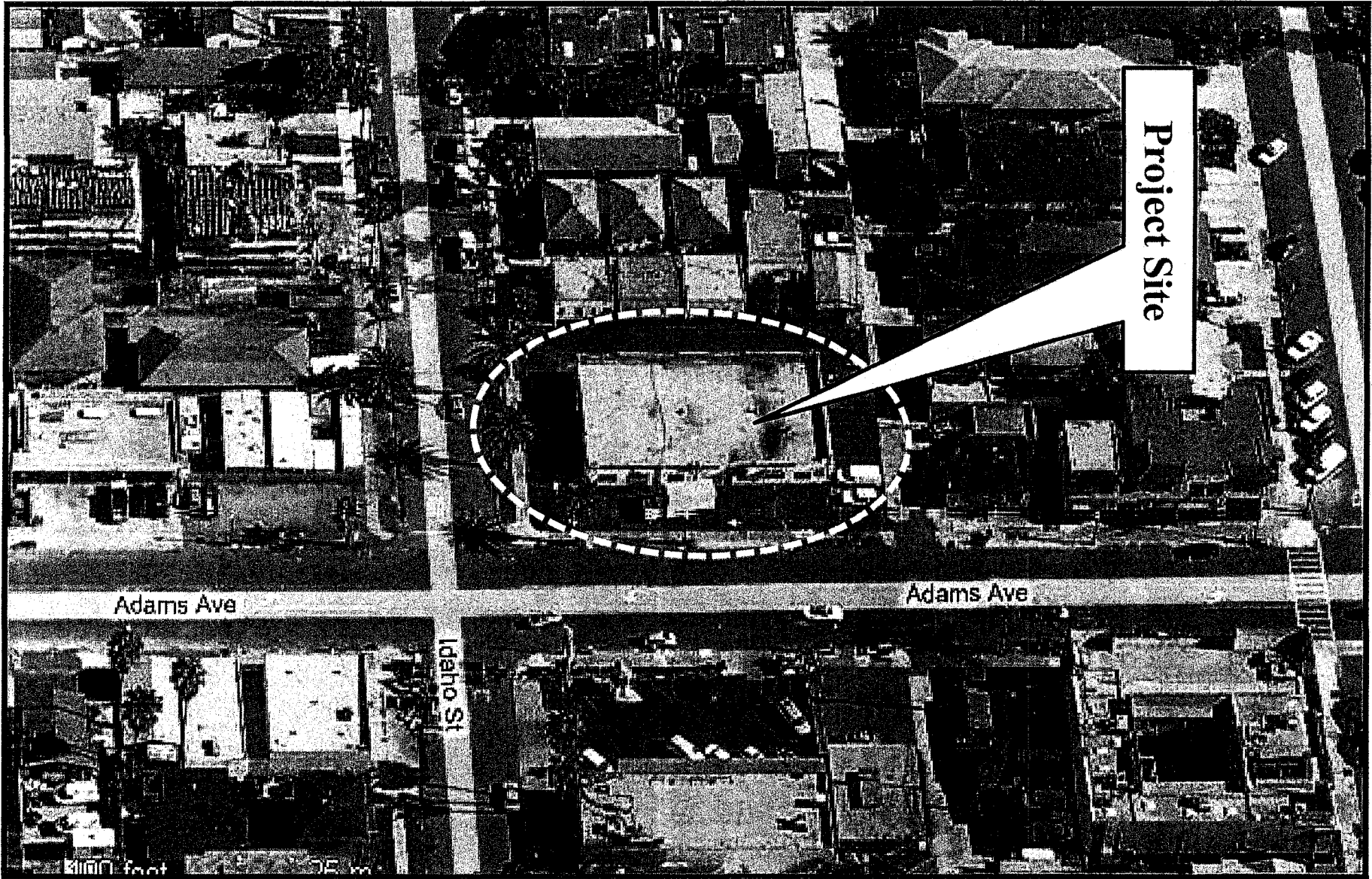




Project Site

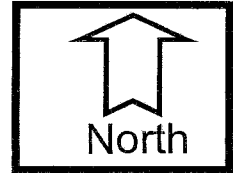
Land Use Map
ADAMS & IDAHO MAP WAIVER - 2767 ADAMS AVENUE
PROJECT NUMBER 291263





Aerial Photo

ADAMS & IDAHO MAP WAIVER – 2767 ADAMS AVENUE
PROJECT NUMBER 291263



**TENTATIVE PARCEL MAP
WAIVER # 1021778
PROJECT # 291263**

NEW CONDOMINIUM DEVELOPMENT

THE CITY OF BOYD, OREGON, HAS REVIEWED THE TENTATIVE PARCEL MAP AND WAIVER AND HAS DETERMINED THAT THE PROJECT IS IN ACCORDANCE WITH THE CITY OF BOYD ZONING AND COMMUNITY PLAN AND THE CITY OF BOYD SUBDIVISION MAP ACT. THE CITY OF BOYD HAS REVIEWED THE PROJECT AND HAS DETERMINED THAT THE PROJECT IS IN ACCORDANCE WITH THE CITY OF BOYD ZONING AND COMMUNITY PLAN AND THE CITY OF BOYD SUBDIVISION MAP ACT.

LEGAL DESCRIPTION
THE TRACT, PART OF LOTS 15 & 16, OF THE CITY OF BOYD, OREGON, BEING THE TRACT DESCRIBED AS FOLLOWS: ...

ASSESSORS PARCEL NUMBER
ASSESSORS PARCEL MAP NO. 0001-25
CENTRAL AND IMPROVED CORNS, 0-1
COMMUNITY PLAN NO. 017, COMMUNITY

OWNER/APPLICANT
SUNSHINE REALTY, LLC
1011 W. 10TH ST., SUITE 100
BOYD, OREGON 97111

BASIS OF BEARINGS
THE BEARINGS FOR THE LINES OF THE PROJECT ARE BASED ON THE BEARINGS AND DISTANCES OF THE LINES OF THE PROJECT AS SHOWN ON THE TENTATIVE PARCEL MAP AND WAIVER.

LAMBERT COORDINATES
749-728

BENCHMARK
AN IRON PIPE SET IN THE CORNER OF THE CORNER OF 10TH STREET AND WASHINGTON STREET, BOYD, OREGON, IS USED AS A BENCHMARK.

TOPOGRAPHIC SURVEY
A TOPOGRAPHIC SURVEY WAS CONDUCTED BY SUNSHINE REALTY, LLC, ON 08/14/2024, TO DETERMINE THE EXISTING ELEVATIONS AND TOPOGRAPHY OF THE PROJECT AREA.

PROPOSED DEVELOPMENT
THE PROPOSED DEVELOPMENT CONSISTS OF 15 CONDOMINIUM UNITS, EACH WITH AN ATTACHED GARAGE, AND A COMMUNITY ROOM. THE PROJECT IS TO BE DEVELOPED ON A TRACT OF APPROXIMATELY 1.5 ACRES.

SETBACKS
THE PROPOSED DEVELOPMENT SHALL BE SETBACK FROM THE ADJACENT PROPERTY LINES AS FOLLOWS: ...

UTILITIES
THE PROPOSED DEVELOPMENT SHALL BE SERVED BY THE FOLLOWING UTILITIES: ...

STRUCTURAL TREATMENT
THE PROPOSED DEVELOPMENT SHALL BE CONSIDERED AS FOLLOWS: ...

LEGEND
PROPOSED PROPERTY LINE/PAVEMENT
EXISTING ALLEYS
EXISTING DRIVEWAYS
EXISTING DRIVEWAYS (FOR EXISTING DRIVEWAYS AND PROPOSED DRIVEWAYS)
EXISTING DRIVEWAYS (FOR EXISTING DRIVEWAYS AND PROPOSED DRIVEWAYS)
EXISTING DRIVEWAYS (FOR EXISTING DRIVEWAYS AND PROPOSED DRIVEWAYS)

SCALE
GRAPHIC SCALE: 1" = 100'

DATE
08/14/2024

DRAWN BY
SUNSHINE REALTY, LLC

CHECKED BY
SUNSHINE REALTY, LLC

APPROVED BY
SUNSHINE REALTY, LLC

PROJECT #
291263

WAIVER #
1021778

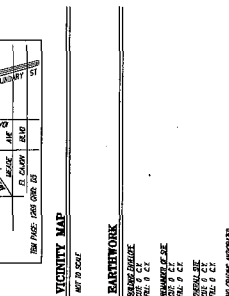
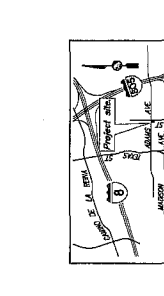
MAP #
15

LOT #
1-5

BLOCK #
15

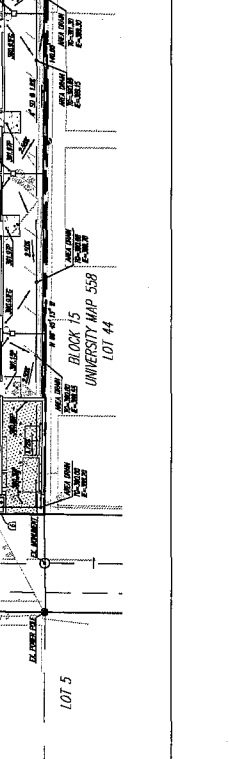
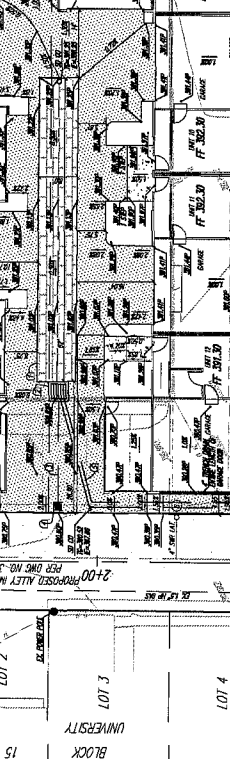
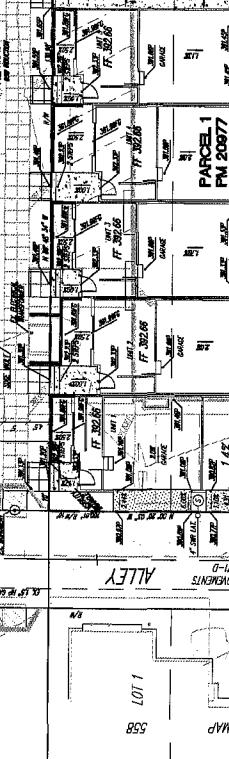
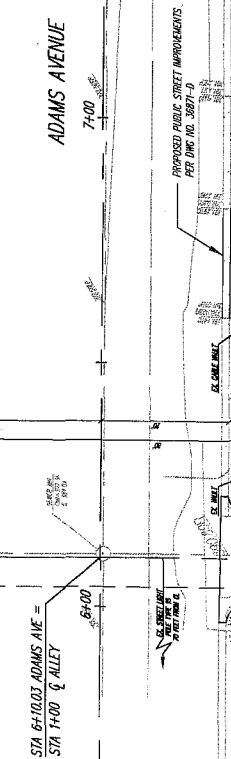
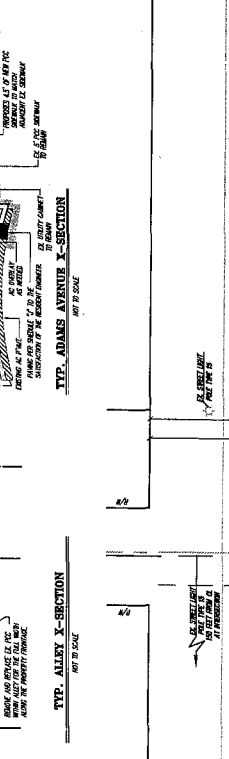
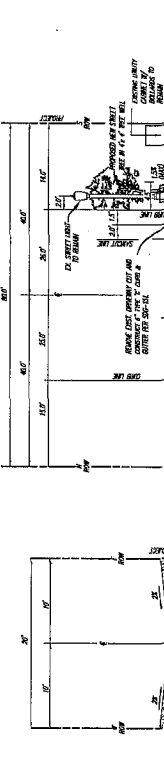
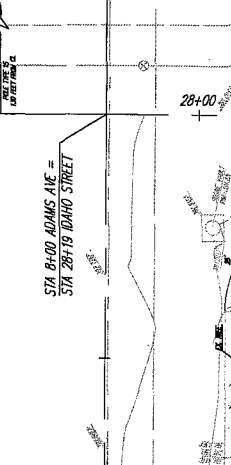
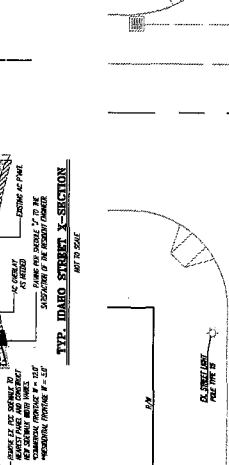
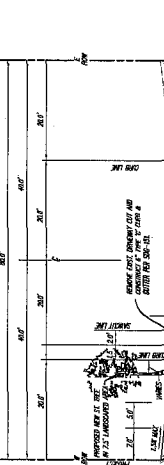
UNIVERSITY MAP #
539

LOT #
101.44



PROJECT SUMMARY

LOT	AREA (SQ FT)	AREA (AC)	AREA (SQ FT)	AREA (AC)	AREA (SQ FT)	AREA (AC)
1	1,200	0.027	1,200	0.027	1,200	0.027
2	1,200	0.027	1,200	0.027	1,200	0.027
3	1,200	0.027	1,200	0.027	1,200	0.027
4	1,200	0.027	1,200	0.027	1,200	0.027
5	1,200	0.027	1,200	0.027	1,200	0.027
TOTAL	6,000	0.136	6,000	0.136	6,000	0.136



UNIVERSITY MAP # 539
BLOCK 15
LOT 1-5
ADAMS AVENUE
IDAHO STREET
UNIVERSITY STREET

RESOLUTION NO. HO-_____
DATE OF FINAL PASSAGE NOVEMBER 14, 2012

A RESOLUTION OF THE HEARING OFFICER
ADOPTING THE FINDINGS AND APPROVING MAP
WAIVER NO. 1021778 FOR PROJECT NO. 291263,
ADAMS & IDAHO MAP WAIVER

WHEREAS, CITYMARK ADAMS,LLC., Subdivider, and NIETO CONSULTING ENGINEERS, Engineer, submitted an application with the City of San Diego for Map Waiver No. 1021778, to waive the requirement of a Tentative Parcel Map, including a waiver to waive the requirements to underground existing overhead utilities, for the creation of twelve residential units and one commercial unit into a condominium development (under construction). The project site is located at 2767 Adams Avenue, between Oregon Street and Utah Street, in the CV-3 Zone of the Mid-City Communities Planned District Ordinance within the Greater North Park Planning area. The property is legally described as Parcel 1 of Map No. 20977 recorded in the County of San Diego, State of California on June 15, 2012; and

WHEREAS, the Map proposes the subdivision of a 0.32-acre site into one twelve (12) residential units and one (1) commercial unit condominium development, currently under construction; and

WHEREAS, on October 11, 2012, the City of San Diego, as Lead Agency, through the Development Services Department, determined to the subdivision was categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15305 (minor alteration in land use limitations); 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 12 residential units under construction for which Certificates of Occupancy have not been issued; and

WHEREAS, the subdivision is a condominium project as defined in Section 1350 et. seq. of the Civil Code of the State of California and is filed pursuant to the Subdivision Map Act. The number of residential condominium dwelling is twelve units and one commercial condominium unit; and

WHEREAS, the request to waive the requirement to underground existing offsite overhead utility facilities qualifies under the guidelines of Council Policy No. 600-25, *Underground Conversion of Utility Lines at Developers Expense* in that the conversion involves a short span of overhead facility (less than 600 feet in length) and an overall underground effort is not scheduled for this area until 2025; and

WHEREAS, the subdivider shall continue to be required to underground any new service run to the proposed structures within the subdivision; and

WHEREAS, on November 14, 2012, the Hearing Officer of the City of San Diego considered Map Waiver No. 1021778, and pursuant to sections 125.0123 (map waiver), 125.0440 (tentative map), 125.0444 (condo conversion) 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 Map Waiver No. 1021778:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Act §§ 66473.5, 66474(a), and 66474(b)).

The twelve residential units and one commercial unit are currently under construction and no new development is proposed with this subdivision. No construction or grading is permitted by this Map Waiver No. 1021778. All development was previously approved by construction permits issued pursuant to Project No. 272633. The proposed project is a subdivision of the property to create 13 condominium ownership interests, and complies with the development regulations of the Land Development Code and is consistent with the mixed use land use designation of the North Park Community Plan. Therefore, the proposed subdivision complies 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 (San Diego Municipal Code § 125.0440(b)).

The 12 residential units and one commercial unit are currently under construction and no new development is proposed with this subdivision. No construction or grading is permitted by this Map Waiver No. 1021778. All development was previously approved by construction permits issued pursuant to Project No. 272633. The proposed project is a subdivision of the property to create 13 condominium ownership interests, and complies with the development regulations of the Land Development Code. The project was submitted, reviewed and approved for construction as a ministerial Process One mixed use development with for rent apartments and a commercial lease space. The project conforms to all applicable development regulations of the CV-3 Zone and the Mid-City Communities Planned District Ordinance. No deviations to the development regulations are required of this action. Therefore, the proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (San Diego Municipal Code § 125.0440(b)).

3. The site is physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)).

The 12 residential units and one commercial unit are currently under construction and no new development is proposed with this subdivision. No construction or grading is permitted by this Map Waiver No. 1021778. All development was previously approved by construction permits issued pursuant to Project No. 272633. The proposed subdivision was determined to be consistent with the development regulations of the CV-3 Zone including height, setbacks, floor area ratio, landscaping and architectural design. The proposed subdivision would be a mixed use commercial and residential project consistent with the community plan and the surrounding developed neighborhood that consists of multi-family housing to the north and south and commercial services and retail development to the east and west. 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 (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)).

The 12 residential units and one commercial unit are currently under construction and no new development is proposed with this subdivision. No construction or grading is permitted by this Map Waiver No. 1021778. All development was previously approved by construction permits issued pursuant to Project No. 272633. The design of the subdivision is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the project is located in an urban area and there are no watercourses on the site. No environmental resources are located on or in the proximity to the site. The project site and surrounding area has been fully developed including grading and construction over the last century, therefore this finding is not applicable to this action.

5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)).

The 12 residential units and one commercial unit are currently under construction and no new development is proposed with this subdivision. No construction or grading is permitted by this Map Waiver No. 1021778. All development was previously approved by construction permits issued pursuant to Project No. 272633. The project has been reviewed and determined to be in compliance with the Municipal Code and Subdivision Map Act. The Map Waiver includes conditions and corresponding exhibits of approvals relevant to adequate parking, public improvements, and paying applicable taxes in order to achieve compliance

with the regulations of the San Diego Municipal Code. The project was determined to be categorically exempt pursuant to State CEQA Guidelines Section §15305 and no environmental impacts are anticipated with this development. Therefore the proposed project would 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 (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)).

No new easements are proposed within the project boundaries as shown on Map Waiver No. 1021778 and all existing easements for public right-of-way will remain in the existing condition. As such no conflict will occur with the recording of the subdivision and therefore no conflict will result which would negatively affect the public at large.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1).

The development is currently under construction and no new development is proposed with this subdivision. No construction or grading is permitted by this Map Waiver No. 1021778. All development was previously approved by construction permits issued pursuant to Project No. 276733. The proposed project is a subdivision of the property to create condominium ownership interests, and would not impact 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 (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3).

The development is currently under construction and no new development is proposed with this subdivision. No construction or grading is permitted by this Map Waiver No. 1021778. All development was previously approved by construction permits issued pursuant to Project No. 272633. The proposed project is a subdivision of the property to create 12 residential units and one commercial unit to condominium ownership interests, and would not impact the housing within the region, public services and the available fiscal and environmental resources. The provision of twelve residential units and the associated increase in the need for public services and the available fiscal and environmental resources are balanced by adequate public transit in the immediate area, the proximity of shopping and essential services in the Mid-City area and recreation in the nearby developed urban area including local neighborhood parks and the regional Balboa Park.

9. The proposed subdivision of land complies with requirements of the Subdivision Map Act and the Land Development Code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act or the Land Development Code enacted pursuant thereto (San Diego Municipal Code § 125.0122 and Subdivision Map Act § 66428(b)).

The construction of the residential and commercial project was approved via applicable building permits applying all current zoning and building code regulations. The proposed subdivision complies with all requirements of the Subdivision Map Act and the Land Development Code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act or the Land Development Code enacted pursuant thereto as there are no proposed physical changes to the site with the project consisting of the subdivision of the property to create eight residential units and four commercial unit to condominium ownership interests.

10. The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing (San Diego Municipal Code § 125.0444(b)).

The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing (San Diego Municipal Code § 125.0444(b)) as all costs associated with this subdivision are paid by the applicant.

11. For any project that was developed to provide housing for the elderly, disabled or to provide low income housing, provisions have been made to perpetuate the use for which the project was developed (San Diego Municipal Code § 125.0444(c)).

The proposed subdivision has not been developed to provide housing for the elderly, disabled or to provide low income housing, therefore this findings does not apply.

12. The notices required by San Diego Municipal Code section 125.0431 have been given in the manner required (San Diego Municipal Code § 125.0444(a), and Subdivision Map Act §§ 66452.17 and 66427.1).

The project is currently under construction and a Certificate of Occupancy has not been issued for the condominium units. There are no existing tenants and therefore, no need to provide notices as required by San Diego Municipal Code and Subdivision Map Act. This development has been conditioned to comply with any noticing requirement by San Diego Municipal Code section 125.0431 to be given in the manner required (San Diego Municipal Code § 125.0444(a), and

Subdivision Map Act §§ 66452.17 and 66427.1) for any future tenant after the approval of this subdivision and prior to the sale of any unit.

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

THEREFORE, BE IT FURTHER RESOLVED that based on the Findings hereinbefore adopted by the Hearing Officer, Map Waiver No. 1021788 is hereby granted to Citymark Adams, LLC., subject to the attached conditions which are made a part of this resolution by this reference.

BE IT FURTHER RESOLVED, that the decision of the Hearing Officer is affirmed, and Map Waiver No. 1021778 is granted to Citymark Adams, LLC., subject to the attached conditions which are made a part of this resolution by this reference.

By

John P. Hooper
Development Project Manager
Development Services Department

ATTACHMENT: Map Waiver Conditions
Internal Order No. 24003107

HEARING OFFICER
CONDITIONS FOR MAP WAIVER NO. 1021778
ADAMS & IDAHO MAP WAIVER - PROJECT NO. 282719
ADOPTED BY RESOLUTION NO. HO-_____ ON NOVEMBER 14, 2012

GENERAL

1. This Map Waiver will expire November 28, 2015.
2. Compliance with all conditions shall be 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 County Recorder, prior to the Map Waiver expiration date.
4. Prior to the recordation of the Parcel Map 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.

CONDOMINIUM CONVERSION

6. The Subdivider shall provide a Notice of Tenants Rights and Notices for Condominium Conversion, consistent with the Land Development Manual to be provided as follows:
 - a. For prospective tenants, upon application for the rental of a unit in the proposed condominium conversion.

7. The Subdivider shall provide each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the Subdivision Map Act.
8. The Subdivider shall provide each of the tenants of the proposed condominiums written notice of intention to convert at least 180 days prior to termination of tenancy due to the conversion or proposed conversion in conformance with Subdivision Map Act section 66427.1(a)(2)(E). The provisions of this condition shall neither alter nor abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Civil Code sections 1941, 1941.1 and 1941.2.
9. The Subdivider shall provide the tenants of the proposed condominiums with written notification within 10 days after approval of a Parcel Map for the proposed conversion, in conformance with Subdivision Map Act section 66427.1(a)(2)(D).
10. The Subdivider shall give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (San Diego Municipal Code § 125.0431(a)(4)).
11. The Subdivider shall provide each of the tenants of the proposed condominiums notification of their exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, in conformance with Subdivision Map Act section 66427.1(a)(2)(F) and San Diego Municipal Code section 125.0431(a)(5). The right shall commence on the date the subdivision public report is issued, as provided in section 11018.2 of the Business and Professions Code, and shall run for a period of not less than 90 days, unless the tenant gives prior written notice of his or her intention not to exercise the right. (San Diego Municipal Code § 125.0431(a)(5)).

ENGINEERING

12. The Subdivider shall ensure that all 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.
13. Prior to the recordation of a Certificate of Compliance, taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition.

14. The Subdivider shall construct Public Improvements per PTS 271330 and City of San Diego Improvement Plan 36871-D, to the satisfaction of the City Engineer.
15. The Subdivider shall install appropriate private back flow prevention devices on all existing and proposed water services (domestic, irrigation, and fire) adjacent to the project site in a manner satisfactory to the Water Department Director.

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.*).
- 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. 24002715



NORTH PARK PLANNING COMMITTEE
Draft Minutes: October 16, 2012– 6:30 PM

www.northparkplanning.org
info@northparkplanning.org

Like us: [NorthParkPlanning](#) Follow us: [@NPPlanning](#)

- I. Call to order: 6:32pm
- II. Attendance Report (11):

Member	NPPC	UD/PR	City Council	Planning Commission	PF/PA	MAD	Social Media	CPC	Utility Boxes	Sustainable NPMS	Bylaws	Other
Robert Barry	X	X			X							McKinley
David Cohen	X											NPMS
Dionne Carlson		X			X							
Cheryl Dye	X	X			X					X		AABA
Vicki Granowitz	X		X		X			X				NPMS
Peter Hill	X	X			X			X		X		UH Library, AABA, McKinley, Panorama Historical District
Brandon Hilpert	X						X					UH Library
Roger Lewis												
Carl Moczydlowsky	X											
Lucky Morrison												
Dang Nguyen	X	X										
Omar Passons												
Rick Pyles	X	X										
Rene' Vidales	X	X			X			X		X		
Steven Williamson												

- a. Steven Williamson (3rd in row – forfeits seat),

III. Modifications to and Adoption of the 9/18/12 Agenda.

Motion to adopt: Vidales/Pyles 11-0-0

IV. Consent Agenda:

- a. (UDPR 10/1/12 In attendance: Barry, Dye, Carlson, Hill, Morrison, Nguyen, Vidales, Callen, Steppke)
 (PFPA 10/10/12 In Attendance: Carlson, Vidales, Hill, Barry, Granowitz, Bonn, Callen, and Steppke-Easement Vacation & Adams & Idaho TM Waiver only)
 - i. Easement Vacation, 4212 Texas St Project #291363 CHW. 2 unused sewer easements recorded on the deed in 1923. Currently there are no sewer lines on the site, none are needed by the City or a project, DSD has no objections. Possible affordable housing project, no project currently. Located northwest corner of Texas & Howard, formerly AT&T, site includes parking lots on both the east and west sides of Texas Street
MOTION: Support Sewer Easement Vacation at Texas St. and Howard Ave. Vidales/ Nguyen 9-0-0
 - ii. Traffic Calming at Upas Street and Granada Street (southbound). Request for Stop Sign/Median Chokers along Upas Street. **MOTION: To support the installation of a stop sign on Upas Street at Granada Street for traffic calming purposes based on information provided as long as the constituents of all corners have been contacted. Vidales/Granowitz 8-0-0**

MOTION TO APPROVE: Pyles/(UDPR/PFPA) 11-0-0

V. Approval of Previous NPPC Minutes: September 18, 2012

- a. Carlson/Dye 11-0-0

VI. Treasurer's Report

- a. David Cohen - \$621.87 is the current balance.

VII. Chair's Report/CPC

- a. **CPC:** 4th Tuesday of the month, 7 pm MOCII 9192 Topaz Way, Kearney Mesa
 - i. DSD Reorganization – Kelly Braughton & Cecilia Gallardo
 - ii. Housing Element – 10,000 more units to North Park via the mathematical formula.
 - iii. Canyonlands – at LUHC this month
 - iv. Mayoral Forum – 30 minutes from each candidate. Each candidate tailored the answers to the CPC board. Filner spoke on neighborhoods while Demaio spoke on reorganization of planning in general. On the issue of Council vote on boundary adjustments. Demaio would not support and Filner said he would consider.
 - b. Added Social Media to Agenda
 - c. Alcohol Policy Panel – interesting to hear about how ABC come about; related to the end of prohibition. Heard about some strategies might be helpful in dealing with problem bars.
 - d. U31's Cabaret License was suspended.
- VIII. **Social Media** – updated the Wikipedia page: http://en.wikipedia.org/wiki/North_Park,_San_Diego
- IX. **Planner's Report** - Marlon Pangilinan, 619.235.5293; mpangilinan@sandiego.gov
- a. Community Plan Update – See Agenda Item XIV.a.below
- X. **Announcements & Non Agenda Public Comment**
- a. **Junior Chef's** program starting at the YMCA
 - b. **Canyonlands Proposal for Dedication of Open Space** Oct 17, 2pm LU&H 202 C St 12th Flr
 - c. **SANDAG-Regional Transportation Plan, Sustainable Communities...** Oct 19, 11:30-2 4050 Taylor St Old Town, lunch is provided RSVP to: <http://www.sandag.org/flier> is below
 - d. **Toyland Parade December 1, 2012** needs financial assistance & sponsorship, for more info Debra Fuentes: mkmtrust2@yahoo.com. See letter included below. Coupon for NP Businesses supporting the parade available as well as special fundraising at Alexander's, Zensei Sushi, Bar Pink, The Office. More information at <http://vhcorp.org/>
- XI. **Elected Official's Report**
- a. **Katherine Fortner, Hon. Susan Davis, US Congressional District 53, Katherine.Fortner@mail.house.gov** - Medicare enrollment and coverage forum on October 17, 10am. Working on improved voter access across the country. ESTOP Act to end the practice of dynamic pricing.
 - b. **Lindsey Masukawa, Hon. Toni Atkins, State Assembly District 76, Lindsey.Masukawa@asm.ca.gov** - No Report
 - c. **Anthony Bernal, Hon. Todd Gloria, City Councilmember District 3, ABernal@sandiego.gov** - No Report
- XII. **Subcommittee Reports:**
- a. **Urban Design/Project Review**, Robert Barry, Cheryl Dye - NP Adult Community Center, 6:00pm 1st Monday. Next meeting November 5, 2012
 - i. See consent agenda
 - ii. Draft land use map discussion in relation to the existing community plan. Looking at the density hierarchies.
 - b. **Public Facilities/Public Art**, Dionne Carlson, Rene Vidales – NP Adult Community Center, 6:00 pm, 2nd Wednesday. Next meeting, Wednesday November 14, 2012.
 - i. See Consent Agenda
 - ii. CIP Plan discussion
 - iii. Traffic calming best practices for North Park
 - c. **Utility Boxes**, Cheryl Dye, - September 24th workshop with Councilmember Gloria's office and local utility providers. Communities would like to be involved before engineering begins. Passionate discussion. SDGE will put together 2 information sheets on undergrounding costs, and the nature of the safety issues (according to the meeting facilitator's notes). No next steps identified.
 - d. **Bylaws Ad Hoc Committee**, Vicki Granowitz – send comments on provided materials
- XIII. **Liaisons Report**
- a. **Balboa Park Committee** - Rob Steppke via email.
 - i. Presentation by the 2015 celebration committee that has branded the term "edge" as part of their campaign.
 - ii. The second item dealt with the new monument sign for the San Diego Zoo. There are a number of design regulations etc. that apply in the Park. The Zoo chose to play arrogant and ignore all of them and just plunk down the new sign. After being alerted, they are falling all over themselves with apologies and now wanting everyone associated with the Park to approve the new sign and logo that has already been erected.

- a. **Maintenance Assessment District** – No Report
- b. **NPMS Sustainability Committee** - Rene Vidales SHPO Grant to hire a Sustainability Manager and to implement the strategies. The committee has been working on RFPs and a job description. Additional work as far as scoping the website, etc.
- c. **Regional Bike Plan Proposed Initial Implementation** – Setting up meetings, appointed Vidales and Carlson to the Uptown and Mid-City Regional Bike Plans.
- d. **North Park Mainstreet** - Taste of North Park was a big success. Policy issue around entry monuments is potentially needed. NPMS board input on CIP issues.

XIV. Action & Discussion Items

- a. **Community Plan Update** – Consider adding an Arts Element to the Community Plan Update.
 - i. **Dye** – Arts and “Culture” element is the preferred language
 - ii. **Barry to Marlon:** Do other Community Plans have an element? Yes – Barrio Logan
MOTION: To add an Arts & Culture Element to the Community Plan Update Vidales/Dye 11-0-0
- b. **Adams & Idaho Tentative Map Waiver, 2767 Adams Ave Project# 291263**
 - i. Proposal to build 12 town homes, 1250 sf of retail, & the required 23 parking spaces. Currently the property is used for storing cars. The project was permitted previously for apartments. In order to sell the units as townhomes, developer requires a TM waiver. The project is consistent with the NP Community Plan. There are 2 second floor units, will include individual rear yards & 2 car garages. All but one unit is accessed through the alley. Contemporary architecture. Underground parking cost prohibited. Developer would be willing to pay fees into a fund for parking to help free up space, 4 jacaranda trees will be installed.
 - ii. Russ Hailey - City Mark Development – Mixed Use Residential Projects in urban areas
 - 1. Parking – over parked by 1 space. 1 ADA for the 1200 sq ft commercial space. Also generating 2 on-street spaces. Residence spaces are garaged. All but one of the units will be through a 36’ driveway courtyard via the alley.
 - 2. Concerns regarding utility boxes being vaulted – not adding requirements for additional structures. The proposed pole relocation in front of the violin shop has been eliminated. Also an additional pole will be removed.
MOTION: To approve the map waiver, conditional on no new above ground utility appurtances installed in the public right-of-way. Carlson/Vidales 11-0-0
- c. **Capital Improvement Program:** To approve a North Park CIP Priority Recommendations List for submission to the CPC & the City of San Diego’s FY 14 CIP Budget. Recommendations by Nov 7, 2012. For more info see: FY14 Budget Development Process for CPC, <http://www.northparkplanning.org/cip.html> & <http://www.sandiego.gov/iba/pdf/cipguidefullversion.pdf>
 - i. \$2 Billion Program, with \$25 Million in undedicated funds. NPPC’s list will be aggregated with all CPG submittals.
 - ii. North Park should have an unfunded needs list. This will go to both the CPC list and a North Park Unfunded Needs List.
 - iii. Each CPG was provided a list. Sewer, water and cross community or city wide projects were removed. Financing plan projects were posted by Public Facilities.
 - iv. Outreach by face to face meeting, phone and email with: AABA, ECBIA, NPMS, WalkSanDiego, SD Bike Coalition, McKinley Joint Use Working Group
 - v. Public Facilities took the lead, held 2 public hearings. Projects ended up being identified based on
 - 1. What the public had been most recently reviewed
 - 2. Unserved or underserved areas of NP
 - 3. Safety issues
 - vi. **MOTION: To recommend a tentative priority list for CIP projects in the following order:**
 - 1. *McKinley Elementary School Joint Use Improvements (S12001)*
 - 2. *North Park Mini Park and Streetscape Improvements (S10050)*
 - 3. *University Avenue Mobility Plan (S00915)*
 - 4. *North Park/University Heights Library (S00809) - If the boundary between Uptown Planners and North Park Planning changes, then NPPC vote should be null and void on the NP/UH Library project.*
 - 5. *Five (5) projects for traffic calming & safety to be voted separately*

- a. *Barry/Bonn. 8-0-0 (Members Present PF/PA October 10, 2012: Dionné Carlson, René Vidales, Vicki Granowitz, Robert Barry, Peter Hill, Ernie Bonn, Kitty Callen)*

MOTION: To continue the priority list for CIP projects in the following order:

6. *El Cajon Blvd. Acorn Lights [El Cajon Blvd. BIA]*
7. *I-805 Bridge Pedestrian & Bike Improvements [Adams Ave. BIA]*
8. *University Ave & 32nd St Traffic Signal Modification [Unfunded Needs List from 8/16/11 NPPC request]*
9. *Park Blvd. and Cypress Ave Concrete Pop-outs & Lighted Crosswalk (B00994)*
10. *30th & Adams Traffic Signal Modification [Adams Ave. BIA]*

- a. *Granowitz/Barry. 7-0-0*

vii. **Public Comment**

1. Grant Merkel: President of the Burlingame Community Association on behalf of Switzer Canyon project. Application didn't get submitted because of some out of town issues. Have been working with the MAD on the project, a lot of activity in the last year. Would like it added to the list. Meets two of the major criteria for consideration. Preliminary review being provided by the city of architectural plans. Also a safety consideration.
 - a. James Nagelvoort via email: FYI, the Switzer Canyon/30th Street Bridge Enhancement Project (S10054) is already in the FY2013 CIP Budget. The Public Works Department met with CD2 and Roger in the month of August and agreed to take on this project and initiate the preliminary engineering phase. We will be developing this preliminary scope-of-work, budget, and schedule for this project. Sorry that this project is not listed on the spreadsheets that we provide the community planning groups, there is a lag in getting new projects assigned to us into our systems. This project will remain in the CIP Budget. We will carry it forward from FY13 into FY14. However, only \$60K has been budgeted for this project out of the North Park MAD. If the community feels it is a high priority, they may want to push for more funding in the FY14 CIP Budget.
2. Daniel Gevreselassie: Glad that the University Heights Library made the list. But it doesn't make sense to build a new library based on the very limited hours. Would like to push for expanded hours.
3. Jennifer Spencer: Voice support for the McKinley Joint Use project. There is a lot of community support, especially since there is partial funding for the design phase. Submitted many signatures via petition. Helps with the park deficit and helps raise the values of the neighborhood. School field is in need of upgrade.
4. Julie Ashton-Grey, Principal of McKinley Elementary: In support of the project, there is tremendous community support. Access to the property would be great for the community.
5. Sandi Weiner: 60% of the students at the school are low-income without access to playing fields and yards. Would be beneficial to that community
6. Nick Pollard: Board member of Altadena Neighborhood Association, speaking on behalf of the Association and as an individual. Strong communities are built on strong relationships. Parks serve as a great resource for the community to meet neighbors and build community. Would be more likely to keep local kids in the community.
7. 8 supporters for McKinley present.

viii. **Board Comments:**

1. **Carlson** – Spreadsheet ranking corrections.
2. **Cohen** – would suggest moving Switzer Canyon up above the Library.
3. **Barry** – Description for McKinley is misleading. Pleased that people are supporting. Switzer Canyon is a major thoroughfare and a safety issue between North Park and South Park. Agrees that the Switzer Canyon project should be higher than the Library.
4. **Hilpert** – should add Switzer as a back-up for the Library.
5. **Moczydlowsky** – agrees to move up Switzer above the Library.
6. **Pyles** - agrees to move up Switzer above the Library.
7. **Granowitz** – Would like to remind that the goal was to focus on all of North Park and moving up Switzer Canyon continues the appearance of neglect to areas north of University. Would like 32nd and University traffic signal to #10 in the list.
8. **Dye** – agrees with Granowitz.

ix. **MOTION:** to approve the order of the CIP list below.

1. McKinley Elementary School Joint Use Improvements (S12001)
2. North Park Mini Park and Streetscape Improvements (S10050)
3. University Avenue Mobility Plan (S00915)
4. North Park/University Heights Library (S00809) - If the boundary between Uptown Planners and North Park Planning changes, then NPPC vote should be null and void on the NP/UH Library project.
5. Switzer Canyon/30th Street Bridge Enhancement Project (S10054)
6. El Cajon Blvd. Acorn Lights [El Cajon Blvd. BIA]
7. Adams Avenue Traffic Calming & Pedestrian Enhancement
8. Park Blvd. and Cypress Ave Concrete Pop-outs & Lighted Crosswalk (B00994)
9. Gateway to Adams Avenue from 805 at Madison
10. University Ave & 32nd St Traffic Signal Modification
Dye/Vidales 11-0-0

d. Update changes to NPPC Social Media – Deferred to next month

XV. Unfinished & Future Agenda Items

- a. Steven Williamson has missed 4 meetings and 3 in a row. Will be replaced via a mid-term election vacancy in January.
- b. Monday article in the Union Tribune regarding the Zoo Paid Parking Plan.
 - i. Zoo has not voted on that issue. May address if the Zoo does vote on that plan.

XVI. Next Meeting Date: November 20, 2012

XVII. Motion to Adjourn: Barry/Ngyuen 11-0-0 8:41PM

- a. Minutes submitted by Carl Moczydlowsky

Ownership Disclosure Statement

Project No. (For City Use Only)



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

Adams & Idaho Mixed Use Development

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):
Citymark Adams LLC, a California Limited Liability Company

Owner Tenant/Lessee

Street Address:
3818 PARK BOULEVARD

City/State/Zip:
SAN DIEGO, CALIFORNIA 92103

Phone No: (619) 231-1161 Fax No: (619) 235-4691

Name of Corporate Officer/Partner (type or print):
Russell C. Haley, Trustee of the Haley Trust dated 12.12.02

Title (type or print):
Vice President and Chief Financial Officer

Signature: *[Signature]* Date: 8/16/12

Corporate/Partnership Name (type or print):
Citymark Adams LLC, a California Limited Liability Company

Owner Tenant/Lessee

Street Address:
3818 PARK BOULEVARD

City/State/Zip:
SAN DIEGO, CALIFORNIA 92103

Phone No: (619) 231-1161 Fax No: (619) 2354691

Name of Corporate Officer/Partner (type or print):
Richard V Gustafson, Trustee of the Gustafson Trust dated 9/11/02

Title (type or print):
President

Signature: _____ Date: _____

Corporate/Partnership Name (type or print):
Citymark Adams LLC, a California Limited Liability Company

Owner Tenant/Lessee

Street Address:
3818 PARK BOULEVARD

City/State/Zip:
SAN DIEGO, CALIFORNIA 92103

Phone No: (619) 231-1161 Fax No: 619 2354691

Name of Corporate Officer/Partner (type or print):
Vince Hoenigman, Trustee for Hoenigman Trust dated 9.17.02

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: _____

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: _____



THE CITY OF SAN DIEGO

DATE OF NOTICE: November 1, 2012, 2012

NOTICE OF PUBLIC HEARING

HEARING OFFICER

DEVELOPMENT SERVICES DEPARTMENT

DATE OF HEARING:	November 14, 2012
TIME OF HEARING:	8:30 A.M.
LOCATION OF HEARING:	Council Chambers, 12th Floor, City Administration Building, 202 C Street, San Diego, California 92101
PROJECT TYPE:	Map Waiver; Decision Process Level 3 – Environmental Exemption
PROJECT NO:	<u>Project No. 291263</u>
PROJECT NAME:	<u>ADAMS & IDAHO and MAP WAIVER</u>
APPLICANT:	Citymark Adams, LLC.
COMMUNITY PLAN AREA:	North Park
COUNCIL DISTRICT:	District Three
CITY PROJECT MANAGER:	Patrick Hooper, Development Project Manager
PHONE NUMBER/E-MAIL:	(619) 557-7992 – phooper@sandiego.gov

As a property owner, tenant, or person who has requested notice, please be advised that the Hearing Officer will hold a public hearing to approve, conditionally approve, or deny an application for a Map Waiver application to waive the requirements of a Tentative Map to create 12 residential condominiums (under construction) on a 0.34 acre site located at 4696 Idaho Street within the CV-3 Zone of the Mid-City Planned District Ordinance within the North Park Community Plan.

The decision of the Hearing Officer is final unless appealed to the Planning Commission. In order to appeal the decision you must be present at the public hearing and file a speaker slip concerning the application or have expressed interest by writing to the Hearing Officer before the close of the public hearing. The appeal must be made within 10 working days of the Hearing Officer's decision. Please do not e-mail appeals as they will not be accepted. See Information Bulletin 505 "Appeal Procedure", available at www.sandiego.gov/development-services or in person at the Development Services Department, located at 1222 First Avenue, 3rd Floor, San Diego, CA 92101

The decision made by the Planning Commission is the final decision by the City.

Should the condominium conversion project be approved, tenants may be required to vacate the premises. No units may be sold in this building unless the conversion is approved by the city and until after a public report is issued by the Department of Real Estate. Each tenant has the exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.

If you are an existing tenant within this project, you may have rights to certain benefits as outlined in San Diego Municipal Code Section 144.0503. To learn more information regarding these benefits, please contact the Housing Commission at (619) 578-7580, or find the details on their website at: <http://www.sdhc.net/haotherproglh.shtml>.

This project was determined to be categorically exempt from the California Environmental Quality Act on September 25, 2012 and the opportunity to appeal that determination ended on October 16, 2012.

If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing. If you have any questions after reviewing this notice, you can call the City Project Manager listed above.

This information will be made available in alternative formats upon request. To request an agenda in alternative format or to request a sign language or oral interpreter for the meeting, call Support Services at (619) 321-3208 at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are also available for the meeting upon request.
Internal Order Number: 24003107

NOTICE OF EXEMPTION

TO: X RECORDER/COUNTY CLERK
 P.O. BOX 1750, MS A-33
 1600 PACIFIC HWY, ROOM 260
 SAN DIEGO, CA 92101-2422

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 NO.: 291263

PROJECT TITLE: **Adams & Idaho Map Waiver**

PROJECT LOCATION-SPECIFIC: 2767 Adams Avenue and 4698 Idaho Street, San Diego, California 92116

PROJECT LOCATION-CITY/COUNTY: San Diego/San Diego

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: Map Waiver application to create a total of 12 residential condominium units attached, and a retail space located on the first floor with two units above on a 0.32-acre site.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Manuel Nieto (Agent)
 Nieto Consulting Engineers
 418 Third Avenue, Suite 206
 San Diego, California 92101
 (760) 535-2772

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: CEQA EXEMPTION 15305 (MINOR ALTERATIONS IN LAND USE LIMITATIONS)
 STATUTORY EXEMPTIONS:

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: Rhonda Benally

TELEPHONE: (619) 446-5468

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

Annah McMullen AICP/Senior Planner
 SIGNATURE/TITLE

OCTOBER 11, 2012
 DATE

CHECK ONE:

- SIGNED BY LEAD AGENCY
 SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR: