



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: August 7, 2013

REPORT NO. HO 13-063

ATTENTION: Hearing Officer

SUBJECT: HYATT CONDO CONVERSION
PROJECT NUMBER: 301358

LOCATION: 7125, 7127, and 7129 Hyatt Street

APPLICANT: Jerry Van Wey

SUMMARY

Issue(s): Should the Hearing Officer approve a Map Waiver to convert three residential dwelling units into condominiums and waive the requirement to underground existing overhead utilities within the Linda Vista Community Planning area?

Staff Recommendations - APPROVE Map Waiver No. 1055582.

Community Planning Group Recommendation - On July 22, 2013, the Linda Vista Community Planning Group voted 14-0-0 to recommend approval of the project with no conditions (Attachment 7).

Environmental Review - This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15301(k)(Existing Facility). The environmental exemption determination for this project was made on March 5, 2013 and the opportunity to appeal that determination ended March 26, 2013.

BACKGROUND

The project proposes a Map Waiver to convert three existing residential units to into three condominiums on a 0.24-acre site located at 7125, 7127, and 7129 Hyatt Street in the RM-1-1 Zone within the Linda Vista Community Plan.

The three units, one stand alone and one duplex, are occupied and each share common parking within the mid-section of the site. Unit No. one (7125 Hyatt Street) is a stand-alone, three-bedroom and two bathroom single family residence with a living room and kitchen. Unit Nos. 2 and 3 (7127-7129 Hyatt Street) is a duplex and each consists of a two-bedroom and 2.5

bathrooms with living room and dining room and kitchen. Landscaped areas exist along the front yard and along the perimeter of the buildings. The site is surrounded by residential dwellings.

This Map Waiver project is subject to the condominium conversion regulations effective June 13, 2006, based on the City Council's specific adoption language for the "new" condominium conversion regulations. At the June 13, 2006 hearing, the City Council adopted regulations for additional requirements for landscaping, a building conditions report, on-site inclusionary housing, noticing, and parking. Based on the adopted language and project timing, all of these new regulations apply to this project. Accordingly, this project has been reviewed against the new regulations.

A Map Waiver is required for the conversion of three residential units into condominiums as defined in San Diego Municipal Code section 125.0120.

DISCUSSION

The project proposes a Map Waiver to waive the requirements of a Tentative Map to convert three residential dwelling units into condominiums located at 7125, 7127, and 7129 Hyatt Street. The existing development will remain in compliance with the RM-1-1 zone. The existing landscape meets the requirements of the zone and all other requirements regulating condominium conversions as required with San Diego Municipal Code section 144.0501. The Map Waiver application does not include any new construction and is entirely processed to convert three residential dwelling units into condominiums. However, the subdivider is required to construct public improvements including the modification of the existing north driveway to meet City standards.

Section 125.0120 of the San Diego Municipal Code (SDMC) allows a Tentative Parcel Map Waiver to be processed for the subdivision of land. The Subdivider may request a waiver of the requirement to file a tentative parcel map or parcel map including those imposed by the Subdivision Map Act, Section 66426. According to SDMC Section 125.0123, *Findings for Map Waivers*, the decision maker may approve a Map Waiver if the decision maker finds that the proposed conversion complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Since the subject development meets these requirements, the project is eligible for a Process Three Map Waiver.

Project Related Issues

Undergrounding Waiver Request

San Diego Municipal Code Section 144.0240 allows the subdivider to apply for a waiver from the requirement to underground the existing overhead utilities within the boundary of the subdivision or within the abutting public rights of way. City staff has determined the undergrounding waiver request qualifies under the guidelines SDMC section 144.0242,

Waiver of the Requirements to Underground Privately Owned Utility Systems and Service Facilities, in that the conversion involves a short span of overhead facility (less than 600 feet in length) and the conversion would not represent a logical extension to an underground facility.

The applicant will be required to underground all existing service to the site per Condition No. 18 of the draft Map Waiver conditions (Attachment 6). The applicant would also be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 19 of the draft Map Waiver conditions (Attachment 6).

The neighborhood currently contains power poles and overhead utilities lines along Hyatt Street. The utility lines to these poles extend to other properties located north and south. As indicated above, all utilities serving this property will be required to be undergrounded. The waiver is being requested for the requirement to underground offsite adjacent utilities serving the surrounding properties. The City's Undergrounding Master Plan designates the site within Block 6e, and the date for undergrounding has been established for the year 2062 (Attachment 12).

Conclusion

Staff has determined that the project complies with the development regulations of all applicable sections of the Land Development Code. Staff has determined that the required findings can be made as the project meets the applicable San Diego Municipal Code regulations and requirements. Staff recommends approval of the project as proposed.

ALTERNATIVES

1. Approve Map Waiver No. 1055582 with modifications or;
2. Deny Map Waiver No. 1055582 if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

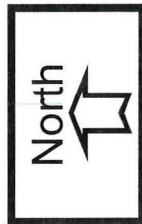

William Zounes,
Development Project Manager

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft Map Waiver Resolution
6. Draft Map Waiver Conditions

7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Chronology
10. Utility Undergrounding Schedule
11. Notice of Exemption
12. Project Plans

ATTACHMENT 1- AERIAL PHOTOGRAPH



Project Site
7125, 7127, and 7129 Hyatt Street

Aerial Photo

Hyatt Map Waiver- PROJECT NUMBER 301358

7125, 7127, and 7129 Hyatt Street

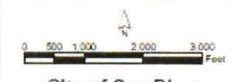


Linda Vista Existing Conditions

Legend Land Use

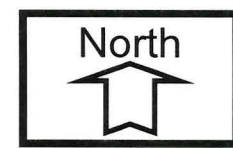
- Single Family Residential
- Multi-Family Residential
- Group Quarters
- Middle Home Park
- Commercial
- Industrial Warehouse/Storage
- Communication Utilities, Transportation Related
- Institutional
- Military Use
- Schools
- Park, Open Space
- Private Recreation
- Undeveloped
- Potential Plot Midge Location

Single Family - single family detached housing units, no lots smaller than 1 acre.
Multi-Family - Attached housing units, row or town units per structure. Includes duplexes, triplexes, condominiums, apartments, and SRO's in Carra City Group Quarters - includes dormitories, convalescent or retirement homes not associated with or within a health care facility, nursing homes, or half-way houses.
Commercial - includes, community, neighborhood, and specialty shopping centers, office buildings, hotels, resorts, auto dealerships, wholesale trade, and drive thru retail, which may include stand-alone, in residential or top-of-commercial, or residential units adjacent to commercial establishments.
Industrial - heavy industry, light industry, which includes industrial parks or office-commercial uses clustered into a center, light industry generally located along major streets or clustered in certain areas, which includes manufacturing uses such as lumber, furniture, paper, rubber, stone, clay, and glass, as well as light industrial uses as auto-repair services and recycling centers. Warehousing/traffic storage - mostly large buildings located near freeways, industrial or strip commercial areas.
Communications and Utilities/Parking - TV and radio broadcasting stations, utility towers, electrical power generating plants, power and sewage treatment facilities and surface parking lots. Transit Centers included.
Institutional - hospitals, churches, libraries, post office, police and fire stations, and other public services, such as cultural facilities, museums, art galleries, social service agencies, humane societies, and historic sites.
Schools - includes public and private schools, colleges, and universities.
Park - Community parks with recreation areas and centers containing one or more of the following activities: tennis or badminton courts, baseball diamonds, soccer fields, or swings. Smaller neighborhood parks with a high level of use are also included as active parks.
Private Recreation - May include clubhouses, recreation areas, pools, tennis courts etc. with or associated with residential development in a separate parcel units. Also includes Golf Courses.
Open Space - includes wildlife and nature preserves, lands set aside for open space, and parks limited development and access.
Unplayed - Vacant land that is either graded or not graded. Undevelopable terrain includes all open spaces, easements around development or open space as a part of limited park or preserve.
Note: Land designations may not occur in the area displayed on this map.



City of San Diego
Planning Department
November 24, 2003

Map of the City of San Diego, California, showing the boundaries of the City of San Diego and the County of San Diego. The map is for informational purposes only and does not constitute a legal document. The City of San Diego is not responsible for any errors or omissions on this map. The City of San Diego is not responsible for any damages or losses resulting from the use of this map. The City of San Diego is not responsible for any claims or liabilities arising from the use of this map. The City of San Diego is not responsible for any claims or liabilities arising from the use of this map.



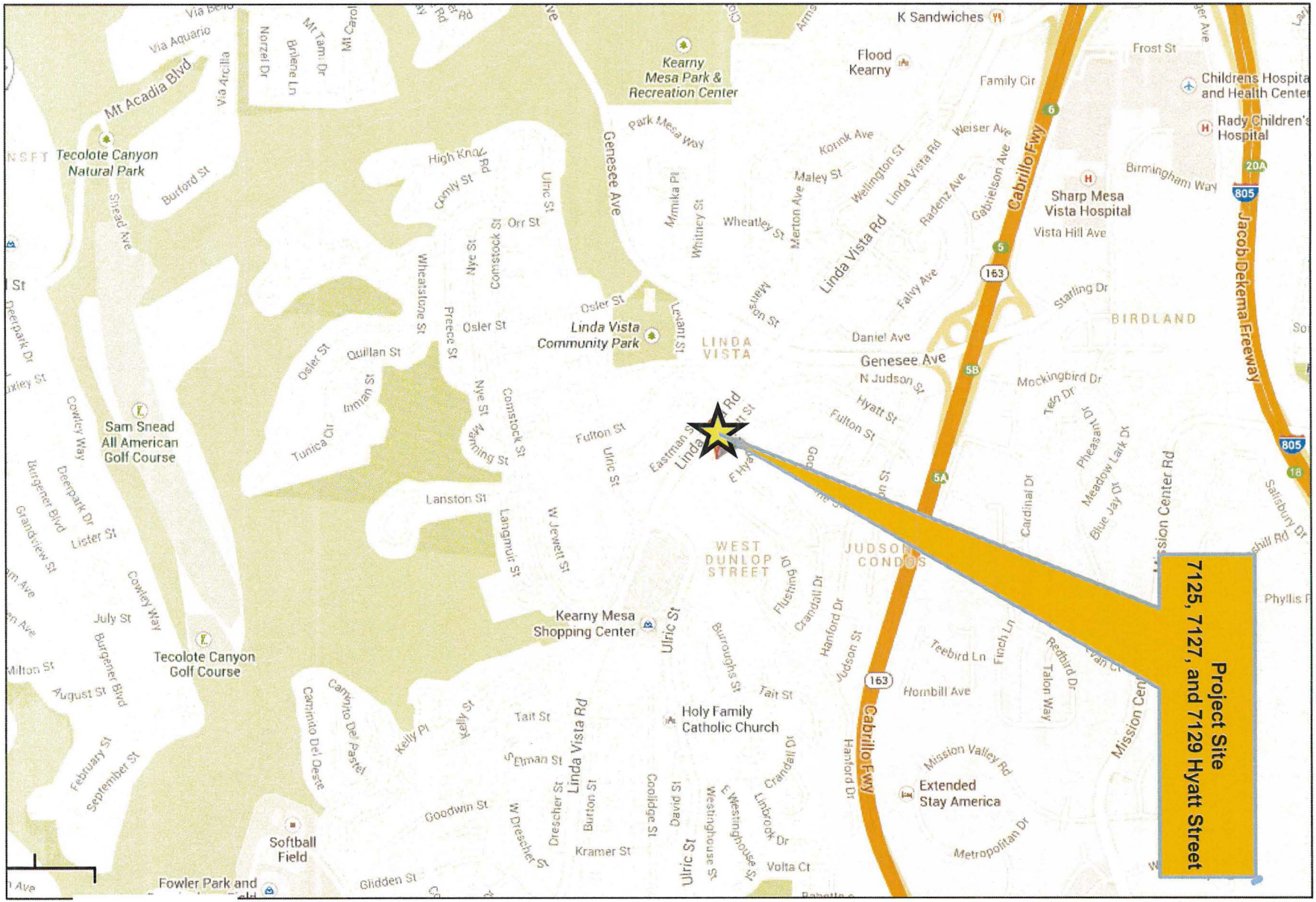
Project Site
7125, 7127, and 7129 Hyatt Street

**ATTACHMENT 2 – Community Plan
Land Use Map**

Community Land Use Map

Hyatt Map Waiver– PROJECT NUMBER 301358
7125, 7127, and 7129 Hyatt Street

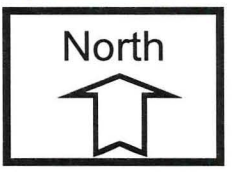




**Attachment 3
Project Location Map**



Location Map
Hyatt Map Waiver– PROJECT NUMBER 301358
7125, 7127, and 7129 Hyatt Street



PROJECT DATA SHEET

PROJECT NAME:	Hyatt Condo Conversion	
PROJECT DESCRIPTION:	Map Waiver to convert three residential dwellings into condominiums	
COMMUNITY PLAN AREA:	Linda Visat Community Plan	
DISCRETIONARY ACTIONS:	Map Waiver	
COMMUNITY PLAN LAND USE DESIGNATION:	Multi-Family Residential	
<p><u>ZONING INFORMATION:</u></p> <p>ZONE: RM-1-1; (Residential Multiple Unit)</p> <p>HEIGHT LIMIT: 30-Foot max. height limit</p> <p>LOT SIZE: 10,400 square-foot minimum lot size.</p> <p>FLOOR AREA RATIO: .75 maximum</p> <p>FRONT SETBACK: 15/20- feet</p> <p>SIDE SETBACK: 10-feet</p> <p>STREETSIDE SETBACK: 10-feet</p> <p>REAR SETBACK: 15-feet.</p> <p>PARKING: 4 parking spaces provided</p>		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Multi-Family Residential RM-1-1	Residential
SOUTH:	Multi-Family Residential; RM-1-1	Residential
EAST:	Multi-Family Residential RM-1-1	Residential
WEST:	Commercial, CC-2-3	Residential/Commercial
DEVIATIONS OR VARIANCES REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On July 22, 2013 the Linda Vista Community Planning Group voted xxxxxx to recommend approval of the project with no conditions.	

RESOLUTION NO. _____
DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE HEARING OFFICER
ADOPTING THE FINDINGS AND APPROVING MAP
WAIVER NO. 1055582 FOR HYATT CONDOMINIUM
CONVERSION – PROJECT NO. 301358

WHEREAS, JEROME VAN WEY, Subdivider, and LAWRENCE W. WALSH, ENGINEER, submitted an application with the City of San Diego for Map Waiver No.1055582, to waive the requirement of a Tentative Map to convert three residential units into condominiums and to waive the requirements to underground existing offsite overhead utilities. The project site is located at 7125, 7127, and 7129 Hyatt Street within the RM-1-1 zone of the Linda Vista Community Plan area. The property is legally described as Lot 8 of Block 49 of Linda Vista Unit No. 8, according to Map No. 33253 thereof; and

WHEREAS, the Map proposes the subdivision of a 0.24-acre site a three unit residential condominium conversion; and

WHEREAS, on March 5, 2013, 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 15301(k); and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code section 112.0520; and

Attachment 5
Draft Map Waiver Resolution

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 request to waive the requirement to underground existing offsite overhead utility facilities qualifies under San Diego Municipal Code section 144.0242, *Waiver of the Requirements to Underground Privately Owned Utility Systems and Service Facilities* in that: 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; and

WHEREAS, on August 7, 2013, the Hearing Officer of the City of San Diego considered Map Waiver No. 1055582, including the waiver of the requirement to underground existing offsite overhead utilities, and pursuant to sections 125.0122 (map waiver), 125.0444 (condo conversion), and 144.0240 (underground) 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. 1055582:

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 project proposes to convert three existing residential units into condominiums on a 0.24-acre site located at 7125, 7127, and 7129 Hyatt Street within the RM-1-1 zone of the Linda Vista Community Plan area.

The proposed project is consistent with the land use designations of the Linda Vista Community Plan by continuing to maintain a density range of 9-15 dwelling units per acre. The plan recommends maintaining Neighborhood 4 of the plan as a primarily residential community with diverse neighborhoods. The proposed residential condominiums would meet the goals of the Linda Vista Community Plan/Local Coastal Program by providing the appropriate residential density recommended. Therefore, the proposed subdivision and its design or improvement 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 (San Diego Municipal Code § 125.0440(b)).

The project proposes to convert three existing residential units into condominiums on a 0.24-acre site located at 7125, 7127, and 7129 Hyatt Street within the RM-1-1 zone of the Linda Vista Community Plan area.

City staff has reviewed this project and have determined that the proposed development complies with the applicable zoning and development regulations of the Land Development Code including land development requirements regulating condominium conversions. The existing structures are in compliance with the RM-1-1 zone land development requirements which include but are not limited to setbacks, density, landscape, parking, and Floor Area Ratio. Therefore, the proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code.

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 project proposes to convert three existing residential units into condominiums on a 0.24-acre site located at 7125, 7127, and 7129 Hyatt Street within the RM-1-1 zone of the Linda Vista Community Plan area.

The project site is flat, has been previously graded, and contains three existing residential units. The site has frontage on Hyatt Street with no alley access at the rear. Surrounding the site are one and two-story single family and multi-family developments. The RM-1-1

Attachment 5
Draft Map Waiver Resolution

zone allows one dwelling unit for every 3,000 square feet of site area. The existing site is 10,400 square feet which will accommodate three dwelling units. The number of units allowed on the site in accordance with the RM-1-1 zone, therefore, the site is physically suitable for the type and density of the 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 project proposes to convert three existing residential units into condominiums on a 0.24-acre site located at 7125, 7127, and 7129 Hyatt Street within the RM-1-1 zone of the Linda Vista Community Plan area.

Minor land modifications are proposed with this Map Waiver to include the replacement of substandard driveway along Hyatt Street. The Map Waiver was reviewed by the City of San Diego for conformance to the Land Development Regulations, California Building Code, and Land Use Policies. The proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(Existing Facility) of the State CEQA Guidelines. The project is located within an urbanized and built out environment where there are no watercourses on or adjacent to the site. 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 (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)).

The project proposes to convert three existing residential units into condominiums on a 0.24-acre site located at 7125, 7127, and 7129 Hyatt Street within the RM-1-1 zone of the Linda Vista Community Plan area.

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 undergrounding new utilities, adequate parking, public improvements, and paying applicable taxes in order to achieve compliance with the regulations of the San Diego Municipal Code. The proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(k) of the State CEQA Guidelines. Therefore the project 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 (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)).

Attachment 5
Draft Map Waiver Resolution

The project proposes to convert three existing residential units into condominiums on a 0.24-acre site located at 7125, 7127, and 7129 Hyatt Street within the RM-1-1 zone of the Linda Vista Community Plan area.

The proposed subdivision does contain a San Diego Gas & Electric utility easement at the rear of the site. No new development which would encroach into the easement is requested with this application. Additionally, the project does not propose any new easements with this condominium conversion application. Hyatt Street fronts the site with no alley access. Minor land modifications are proposed with this Map Waiver to include the replacement of substandard driveway along Hyatt Street. Therefore, the design of the subdivision and proposed improvements 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 (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1).

The project proposes to convert three existing residential units into condominiums on a 0.24-acre site located at 7125, 7127, and 7129 Hyatt Street within the RM-1-1 zone of the Linda Vista Community Plan area.

The potential and opportunity to implement sustainable building techniques utilizing photovoltaic systems (solar panels) to generate a certain percentage of the project's energy needs exists. The site fronts Hyatt Street which runs north to south. The building orientation of the rear unit would permit for maximum solar orientation for future solar heating. Currently there are small evergreen and deciduous trees planted on the site. The foliage from these trees has the potential of providing shade to the structures to help avert heating the interior of the homes. Therefore, the design of the proposed subdivision provides, to the extent feasible, for 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 project proposes to convert three existing residential units into condominiums on a 0.24-acre site located at 7125, 7127, and 7129 Hyatt Street within the RM-1-1 zone of the Linda Vista Community Plan area.

The RM-1-1 zone is a multiple family residential zone and the three existing dwelling units currently conform to the 9-15 dwelling unit per acre land use maximum allowed. The development complies with land use, setbacks, height, floor area ratio, off-street parking, and landscape regulation requirements of this zone and current Map Waiver

regulations in accordance with San Diego Municipal Code (SDMC) section 144.0501. The Map Waiver will create three for sale units for the community. The current zoning and land use designation allow up to three units for the site. The subject subdivision is within the allowed residential density for the area. Currently there are commercial services, public transportation, and retail sales within a few blocks from the development which can offer assistance to the new owners and support to the business. Therefore, 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.

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 § 125.0123 and Subdivision Map Act § 66428(b)).

The project proposes to convert three existing residential units into condominiums on a 0.24-acre site located at 7125, 7127, and 7129 Hyatt Street within the RM-1-1 zone of the Linda Vista Community Plan area.

The proposed subdivision would comply with all of the applicable requirements of the Subdivision Map Act and the Land Development Code. The development complies with the requirements that regulate the size and location of the structure, including setbacks, coverage, height, and floor area. The proposed subdivision is within a developed urban residential neighborhood and located on existing improved and dedicated rights-of-way. The development would not be subject to floodwater inundation. Drainage is directed off the site into the City's stormwater collection system. The property is within the jurisdiction of the City of San Diego, and therefore all residential waste generated from the subdivision would be collected and disposed of in the City landfill. Water and sewer facilities exist on the site and the project is not within or near environmentally sensitive lands. As such, 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.

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 proposes to convert three existing residential units into condominiums on a 0.24-acre site located at 7125, 7127, and 7129 Hyatt Street within the RM-1-1 zone of the Linda Vista Community Plan area.

Attachment 5
Draft Map Waiver Resolution

All costs associated with the processing of this Map Waiver were paid by the applicant. Therefore, the project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing.

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 project proposes to convert three existing residential units into condominiums on a 0.24-acre site located at 7125, 7127, and 7129 Hyatt Street within the RM-1-1 zone of the Linda Vista Community Plan area.

The Map Waiver was not processed to provide housing for the elderly, disabled or to provide low income housing.

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 proposes to convert three existing residential units into condominiums on a 0.24-acre site located at 7125, 7127, and 7129 Hyatt Street within the RM-1-1 zone of the Linda Vista Community Plan area.

Notice to each tenant of the proposed project required in the Subdivision Map Act section 66427 and a Notice of Tenants Rights have been provided to all existing tenants. No new tenants have applied for rent or moved into the units during the processing of the subject Map Waiver. Subsequent notices to be provided include a 60 Day Notice of Termination of Tenancy, Notice of 90 Day Period of First Right of Refusal to Purchase the unit to existing tenants, and a 180 Day Notice of Intention to Convert shall be provided subsequent to the approval of the Map Waiver. Therefore, all applicable notices required by San Diego Municipal Code section 125.0431 have been given in the manner required.

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

Attachment 5
Draft Map Waiver Resolution

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Hearing Officer, Map Waiver No. 301358 is hereby granted to JEROME VAN WEY subject to the attached conditions which are made a part of this resolution by this reference

By _____
William Zounes
Development Project Manager
Development Services Department

ATTACHMENT: Map Waiver Conditions
Internal Order No. 24003359

HEARING OFFICER
CONDITIONS FOR MAP WAIVER NO. 1055582
HYATT CONDOMINIUM CONVERSION- **PROJECT NO. 301358**
ADOPTED BY RESOLUTION NO. _____ ON _____

GENERAL

1. This Map Waiver will expire August 7, 2016.
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.

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 existing tenants, within 10 days of the project application for the condominium conversion being deemed complete; or

Attachment 6
Draft Map Waiver Conditions

- b. 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 Certificate of Compliance 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)).
12. The Subdivider shall provide a copy of the Building Conditions Report to a prospective purchaser prior to the opening of an escrow account. (San Diego Municipal Code § 144.0504(c)).
13. Prior to the recordation of the Certificate of Compliance, the Subdivider shall demonstrate conformance with the San Diego Municipal Code provisions for building and landscape improvements (San Diego Municipal Code § 144.0507), to the satisfaction of the City Engineer.

AFFORDABLE HOUSING

14. Owner/Permittee shall comply with the provisions of Chapter 14, Article 2, Division 13 of the San Diego Municipal Code (“Inclusionary Affordable Housing Regulations”) by paying the Condominium Conversion Inclusionary Affordable Housing Fee in one of the following, manners:
 - a. Deferring payment of the Condominium Conversion Inclusionary Affordable Housing Fee until the close of escrow of the first condominium sold at the development by entering into a written agreement with the San Diego Housing Commission securing payment of the Condominium Conversion Inclusionary Affordable Housing Fee, which shall be recorded against the development and secured by a recorded deed of trust in favor of the San Diego Housing Commission. If Owner/Permittee elects future payment of the Condominium Conversion Inclusionary Affordable Housing, the fee shall be calculated using the rate in effect at the close of escrow of the first condominium unit sold at the development; or
 - b. Pre-paying the Condominium Conversion Inclusionary Affordable Housing Fee to the City based upon the aggregate square footage of all residential units in the project. If Owner/Permittee pre-pays the Condominium Conversion Inclusionary Affordable Housing, the fee shall be calculated using the rate in effect on the date of pre-payment.
15. Prior to the recordation of the Certificate of Compliance, the Subdivider shall demonstrate conformance with the San Diego Municipal Code provisions for Tenant Relocation Benefits (San Diego Municipal Code § 144.0505), to the satisfaction of the Development Services Department and the Housing Commission

ENGINEERING

16. The Subdivider shall replace the existing northerly driveway with a maximum 14-foot wide City standard driveway, on Hyatt Street, per Standard Drawing SDG-160.
17. The Subdivider shall obtain an Encroachment Maintenance and Removal Agreement for the existing free standing wall located within Hyatt Street right-of-way.
18. 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.

19. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
20. 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.
21. 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.

WASTEWATER

22. 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.

WATER

23. 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.

LANDSCAPE

24. All existing and required landscape shall be maintained in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.
25. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual, Landscape Standards.
26. Tree root barriers shall be installed where trees are placed within 5 feet of public improvements including walks, curbs, or street pavement or where new public

improvements are placed adjacent to existing trees. Root barriers shall be installed for existing Street Trees.

27. Any existing Street Trees that dies within 3 years of approval of map waiver or damaged by public improvements shall be replaced with a minimum 24-inch box tree and an automatic, electronically controlled irrigation system shall be installed for the tree.

TRANSPORTATION

28. Parking shall be maintained in accordance with San Diego Municipal Code Section 142.0525(a).

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 to 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. 24003359

DRAFT



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101

THE CITY OF SAN DIEGO

Community Planning Committee Distribution Form Part 2

Project Name: Hyatt Condo Conversion	Project Number: 301358	Distribution Date: 2/8/2013	
Project Scope/Location: LINDA VISTA Map Waiver (Process 3) to convert three existing residential units (one detached residence and a two-story duplex at the rear of the property) into condominiums including a request to Waive the underground requirements on a 10,400 sq ft lot located at 7125 - 7129 Hyatt St. The site is in the RM-1-1 zone, Airport Influence Area and Geo Haz 52 in the Linda Vista Community Plan. Council District 7. Notice Card=1.			
Applicant Name: Walsh, Larry		Applicant Phone Number: (619) 588-6747	
Project Manager: Teasley, Sandra	Phone Number: (619) 446-5271	Fax Number: (619) 446-5245	
E-mail Address: STeasley@sandiego.gov			
Committee Recommendations (To be completed for Initial Review):			
<input checked="" type="checkbox"/> Vote to Approve	Members Yes <i>14</i>	Members No <i>0</i>	Members Abstain <i>0</i>
<input type="checkbox"/> Vote to Approve With Conditions Listed Below	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Deny	Members Yes	Members No	Members Abstain
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)		<input type="checkbox"/> Continued	
CONDITIONS:			
NAME: <i>Draw Corley</i>		TITLE: <i>Chairman</i>	
SIGNATURE: <i>Draw Corley</i>		DATE: <i>7/22/13</i>	
<i>Attach Additional Pages If Necessary.</i>		Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101	
Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services . Upon request, this information is available in alternative formats for persons with disabilities.			



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

0v

Attachment 8
Ownership Disclosure Form

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

Hyatt Street Condominium Conversion

Project Address:

7125, 7127, & 7129 Hyatt Street

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):
 Jerry Van Wey
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 1306 Eagle Glen
 City/State/Zip:
 Escondido, Ca 92029
 Phone No: (619) 315-7034 Fax No:
 Signature : *J. Van Wey* Date: 10/25/2012

Name of Individual (type or print):

 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 City/State/Zip:
 Phone No: Fax No:
 Signature : Date:

Name of Individual (type or print):
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 City/State/Zip:
 Phone No: Fax No:
 Signature : Date:

Name of Individual (type or print):
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 City/State/Zip:
 Phone No: Fax No:
 Signature : Date:

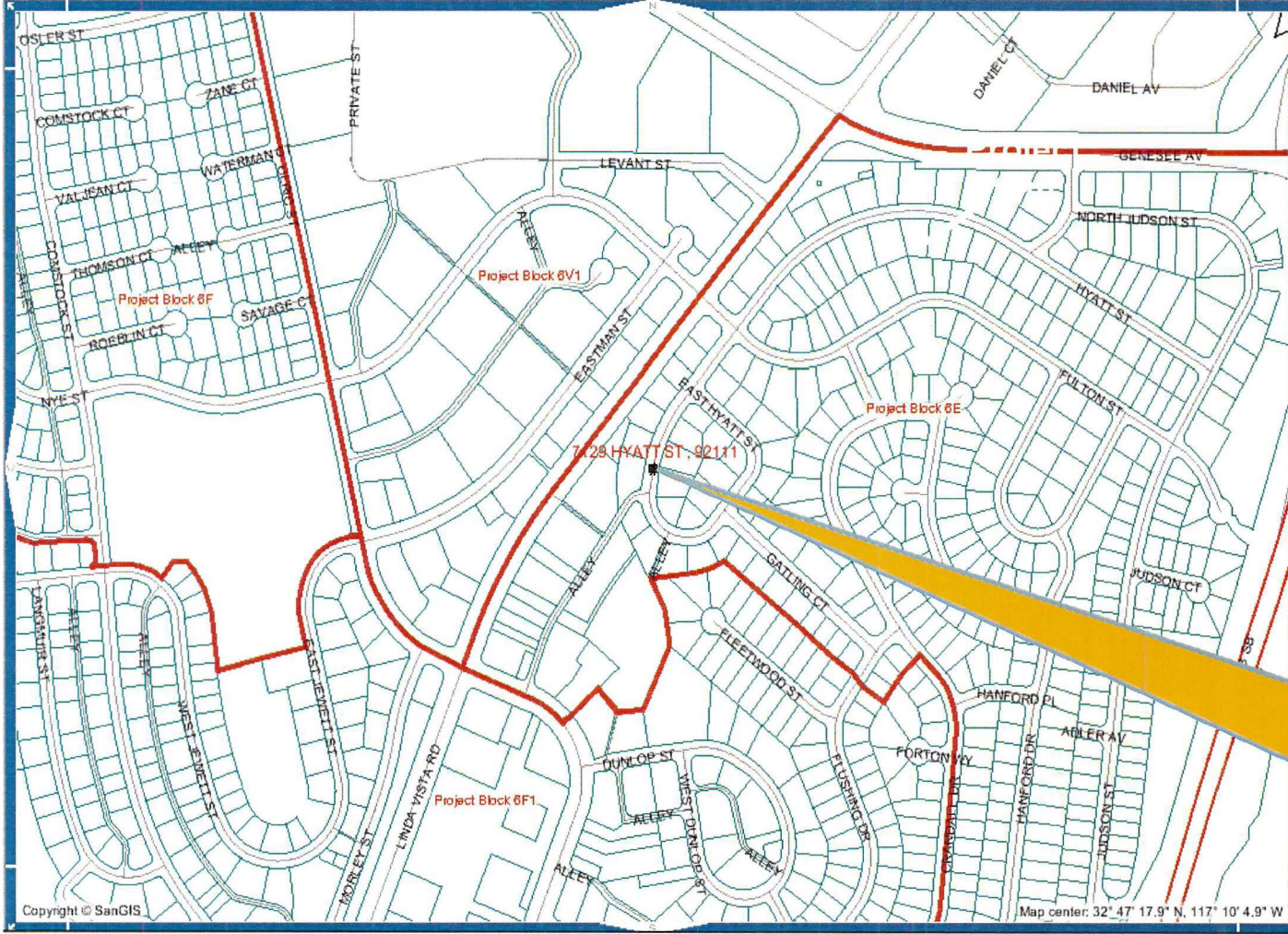
**Project Chronology
Hyatt Condo Conversion
PROJECT NO. 301358**

Date	Action	Description	City Review Time	Applicant Response
2/8/13	First Submittal	Project Deemed Complete and distributed		
3/6/13	First Submittal Assessment Letter out		26 days	
4/16/13	Second submittal In	Normal Submittal		41 days from First Assessment Letter
5/14/13	Second Submittal Assessment Letter out		28 days	
8/7/13	Hearing Officer Hearing		85 days	
TOTAL STAFF TIME**			4 month 19 days	
TOTAL APPLICANT TIME**				1 months 11 days
TOTAL PROJECT RUNNING TIME**		From Deemed Complete to HO Hearing	6 months 0 days	

**Based on 30 days equals to one month.

Utilities Undergrounding Mapping Application

Layers Legend Council Priorities Find Location Refresh Map Help



Identify Results

Council Districts
 Council District: 7
 Member Name: Scott Sherman
 Office Phone: (619) 236-6677

Utilities Undergrounding Projects
 Project Name: Project Block 6E
 Year Allocated: 2058
 Project Start: May 31, 2062
 Project End: May 31, 2064
 Contact Person: UNDERGROUND UTII
 Phone #: (619) 533-3841
 Email: undergrounding@sa
 Website: www.sandiego.gov/
 Council District: 6
 Phase: unallocated

Project Site 7125, 7127,
and 7129 Hyatt Street

Attachment 10
City's Undergrounding Master Plan



NOTICE OF EXEMPTION

(Check one or both)

TO: 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.: 301358

PROJECT TITLE: Hyatt Condo Conversion

PROJECT LOCATION-SPECIFIC: 7125-7129 Hyatt Street, San Diego, CA 92109 (Lot 8 of Block 49 of Linda Vista Unit No. 8, Map 3253)

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

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: Map Waiver application to waive the requirements of a Tentative Map to convert 3 existing residential units, one detached single dwelling unit and a two-story duplex at the rear of the property, into condominiums including a request to Waive the underground requirements on the 10,400-square-foot lot located at 7125-7129 Hyatt Street. The site is in the RM-1-1 zone and the Airport Influence Area within the Linda Vista Community Planning Area of the City and County of San Diego.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Jerry Van Wey
1306 Eagle Glenn
Escondido, CA 92029
619-315-7034

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: 15301 (k) existing facilities, division of existing multiple dwelling units into common interest ownership.
- STATUTORY EXEMPTIONS:

REASONS WHY PROJECT IS EXEMPT: The proposed Map Waiver proposes no construction. No construction would occur with this Map Waiver, and therefore, no environmental affects would occur. Therefore the activity meets the criteria set forth in sections 15301 (k) existing facilities division of existing multiple dwelling units into common interest ownership; and the exceptions listed in CEQA section 15300.2 would not apply. In addition, this site is not included on any government code listings of hazardous waste sites.


LEAD AGENCY CONTACT PERSON: Lizzi

TELEPHONE: (619) 619-446-5159

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

 SENIOR PLANNER
SIGNATURE/TITLE

3/1/2013
DATE

CHECK ONE:

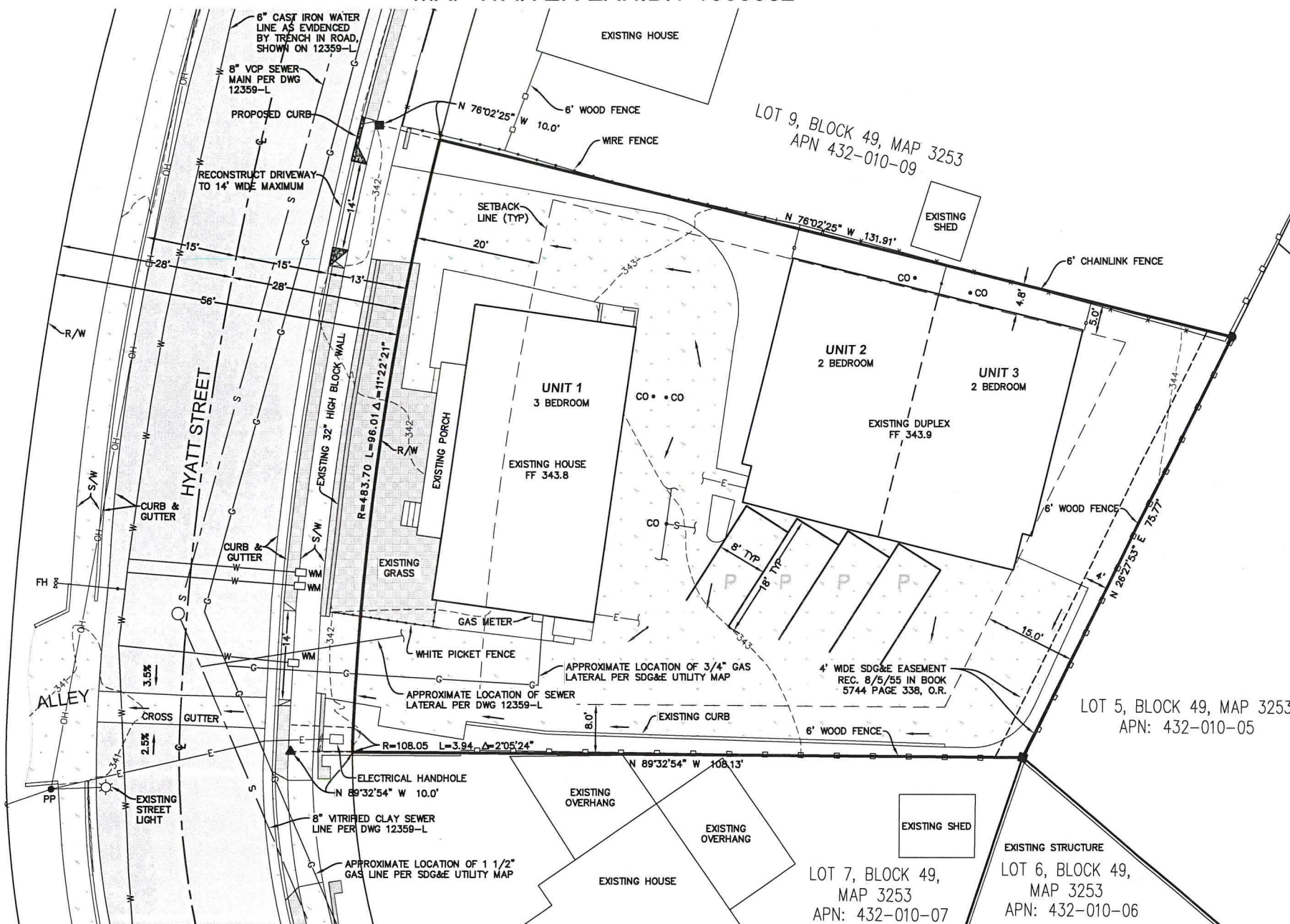
- SIGNED BY LEAD AGENCY
- SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

ABBREVIATIONS

CO	SEWER CLEAN-OUT
FH	FIRE HYDRANT
PP	POWER POLE
R/W	RIGHT OF WAY
S/W	SIDEWALK
WM	WATER METER
VCP	VITRIFIED CLAY PIPE

MAP WAIVER EXHIBIT 1055582



LEGAL DESCRIPTION
LOT 8 IN BLOCK 49 OF LINDA VISTA UNIT NO. 8 THEREOF NO. 3253

NOTES
ASSESSOR PARCEL NUMBER: 432-010-08
STREET ADDRESS: 7125, 7127, & 7129 HYATT STREET
ZONING: RM-1-1
GROSS AREA: 10,400 SF
NUMBER OF UNITS: 3
EXISTING USE: RESIDENTIAL
PROPOSED USE: RESIDENTIAL

LEGEND

- EXISTING ASPHALT CONCRETE
- EXISTING PCC CONCRETE
- PROPOSED PCC CONCRETE
- EXISTING SEWER LINE AND LATERALS AS EVIDENCED BY MANHOLES AND CLEAN-OUT VALVES
- EXISTING WATER LATERAL AS EVIDENCED BY WATER METERS
- EXISTING UNDERGROUND UTILITY LINES
- EXISTING GAS LINE AND LATERALS AS EVIDENCED BY VALVES AND METERS
- EXISTING WOOD FENCE
- EXISTING CHAINLINK FENCE
- EXISTING BLOCK WALL
- PARKING SPACE
- FOUND 3/4" PIPE WITH DISC STAMPED LS 6045 PER CORNER RECORD 20559
- FOUND DISC STAMPED LS 6045 PER CORNER RECORD 20559
- FOUND LEAD NO DISC, SEE CORNER RECORD 20559
- DRAINAGE DIRECTION

SOURCE OF TOPOGRAPHY
FIELD SURVEY PERFORMED BY WALSH ENGINEERING & SURVEYING, INC. ON OCTOBER 1, 2012.

BENCHMARK
DESCRIPTION: BRASS PLUG IN CURB
LOCATION: EASTERLY CURB RETURN AT THE INTERSECTION OF HYATT ST. AND FULTON ST.
ELEVATION: 349.128 MSL
SOURCE: CITY OF SAN DIEGO BENCHMARK NOTEBOOK

EASEMENT NOTES:
EASEMENTS PLOTTED PER PRELIMINARY REPORT PREPARED BY CORINTHIAN TITLE COMPANY AS ORDER NO. 61797-PD DATED OCTOBER 19, 2012.
EASEMENT FOR TIME WARNER CABLE RECORDED MARCH 29, 2007 AS DOC # 2007-0212032 NOT SHOWN HEREON; THE EXACT LOCATION OF SAID EASEMENT IS NOT DISCLOSED OF RECORD.

WAIVER REQUEST
TENTATIVE PARCEL MAP
STREET LIGHT NOTE
STREETS LIGHTS AS SHOWN, NEXT CLOSEST LIGHTS ARE AT THE INTERSECTIONS OF HYATT STREET AND EAST HYATT STREET TO THE NORTH AND HYATT STREET AND GATLING COURT TO THE EAST.

GRADING
NO GRADING IS PROPOSED FOR THIS PROJECT

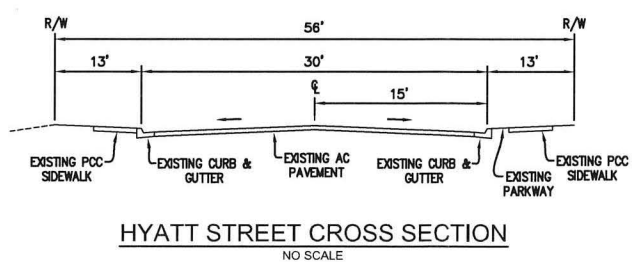
NOTES:
THE SUBDIVISION IS A RESIDENTIAL CONDOMINIUM PROJECT AS DEFINED IN SECTION 1350 et. seq. OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT. THE TOTAL NUMBER OF CONDOMINIUM DWELLING UNITS IS 3.

UTILITY	PROVIDER	UNDERGROUND / OVERHEAD
GAS / ELECTRIC	SDG&E	UNDERGROUND
CABLE	TIME WARNER	UNDERGROUND
TELEPHONE	AT&T / TIME WARNER	UNDERGROUND

UNIT TYPE	SQUARE FOOTAGE
SINGLE FAMILY RESIDENCE	1,265
DUPLEX	2,874

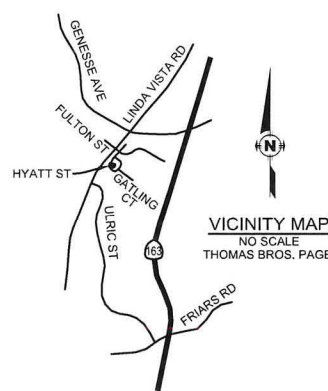
UNIT	NO. OF BEDROOMS	PARKING SPACES REQUIRED
1	3	1.5
2	2	1.25
3	2	1.25

TOTAL NO. OF PROPOSED PARKING SPACES = 4



OWNER:
Jerome Van Wey 5/14/2013
JEROME VAN WEY
1306 EAGLE GLEN
ESCONDIDO, CA 92029
(619) 315-7034

PREPARED BY:
Lawrence W. Walsh 5/14/13
LAWRENCE W. WALSH RCE 46316
607 Aldwych Road, El Cajon, CA 92020
(619) 588-6747 (619) 792-1232 Fax



MAP WAIVER FOR:					
7125, 7127, & 7129 HYATT STREET					
CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 1 OF 1	W.O. NO. _____ P.T.S. NO. 301358				
DESCRIPTION	BY	APPROVED	DATE	FILMED	1867-6279
ORIGINAL	WALSH		10/31/12		NAD 83 COORDINATES
					226-1719
					LAMBERT COORDINATES