



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: August 21, 2013

REPORT NO. HO 13-072

ATTENTION: Hearing Officer

SUBJECT: 3RD AVENUE MAP WAIVER
PROJECT NUMBER: 316441

REFERENCE: Historical Resources Board Report No. 13-034
<http://www.sandiego.gov/planning/programs/historical/pdf/2013/staffreports/hrb13034mtng130627.pdf>

LOCATION: 3600 3rd Avenue and 136 Brookes Avenue

APPLICANT: Robert Bateman, San Diego Land Surveying & Engineering, Inc.
OWNER: Robert Linton

SUMMARY

Issue: Should the Hearing Officer approve a Map Waiver to allow the conversion of two existing single family residences to residential condominium units?

Staff Recommendation: APPROVE Map Waiver No. 1105833.

Community Planning Group Recommendation – The Uptown Planners voted 11-1-2 to recommend approval of the proposed project on May 7, 2013, with no additional recommendations.

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301(k), the division of existing single-family residences into common-interest ownership. In addition, the exceptions listed in CEQA Section 15300.2 do not apply. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on July 12, 2013, and the opportunity to appeal that determination ended July 30, 2013.

BACKGROUND

The 0.155-acre project site is located at the northwest corner of 3rd and Brookes Avenues, and is addressed as 3600 3rd Avenue and 136 Brookes Avenue, within the MR-800B Zone of the Mid-City Communities Planned District, within the Uptown Community Plan area (Attachment 3).

The site is improved with two residential structures, each containing one dwelling unit. These structures were designated as historic structures on June 27, 2013 (HRB No. 1109), as more fully described in Historical Resources Board Report No. 13-034, <http://www.sandiego.gov/planning/programs/historical/pdf/2013/staffreports/hrb13034mtng130627.pdf>.

Combination Permit Nos. 1094503 and 1094508 were issued February 20, 2013, for interior construction modifications to the two existing residential units (companion unit & two story primary dwelling unit) on one lot. The scope of work includes interior demolition, relocation of non-bearing partition walls for both units, additional bathrooms, but no additional bedrooms. The proposed modifications associated with these permits were reviewed and approved by Historical Resources staff for consistency with the U.S. Secretary of the Interior's Standards, which determined that the proposed modifications would not result in an adverse impact to the resources.

DISCUSSION

The applicant is requesting a Map Waiver to waive the requirements of a Tentative Map for the subdivision of the 0.155-acre site, to convert the two existing residential structures to condominiums units. The proposed project will turn these residential units from apartments into condominiums and is purely a mapping action.

Section 125.0120 of the San Diego Municipal Code (SDMC) allows a Tentative Map Waiver to be processed for the subdivision of land. The Subdivider may request a waiver of the requirement to file a tentative map and parcel map for a condominium conversion project creating four or fewer condominium units. According to SDMC Section 125.0123, *Findings for Map Waivers*, the decisionmaker may approve a Map Waiver for the purposes of the conversion of residential property into a condominium project if the decisionmaker finds that the proposed conversion complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Since the subject development meets these requirements, the project is eligible for a Process Three Map Waiver.

The project was deemed complete on March 27, 2013, and is therefore subject to all regulations of the Condominium Conversion Ordinance (SDMC, Chapter 14, Article 4, Division 5), as amended June 13, 2006. The project was reviewed under these regulations, and conditions requiring conformance have been included.

Undergrounding of Existing Utilities

There are existing overhead facilities adjacent to the project site in the alley. In accordance with San Diego Municipal Code Section 144.0240(b)(3), the project is a single-family subdivision of four lots or less and therefore is exempt from the requirement to underground the existing overhead utility facilities in the alley right-of-way, which also serve adjacent properties. However, conditions have been provided to require the Subdivider will underground all onsite utilities serving the subdivision with the appropriate permits.

Inclusionary Affordable Housing

As a condition of approval, the Subdivider is required to pay the Condominium Conversion Inclusionary Affordable Housing Fee, in accordance with SDMC Chapter 14, Article 2, Division 13 (*Inclusionary Affordable Housing Regulations*).

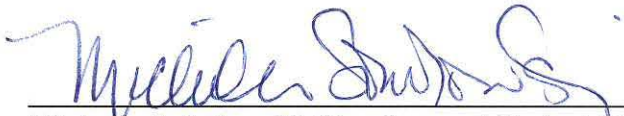
CONCLUSION

The proposed project conforms with the regulations within the Land Development Code and therefore staff recommends the Hearing Officer approve the requested Map Waiver No. 1105833.

ALTERNATIVES

1. Approve Map Waiver No. 1105833 with modifications.
2. Deny Map Waiver No. 1105833, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Michelle Sokolowski, Development Project Manager

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft Map Resolution
6. Draft Map Conditions
7. Environmental Exemption
8. Map Waiver and Project Plan (Hearing Officer only)
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement

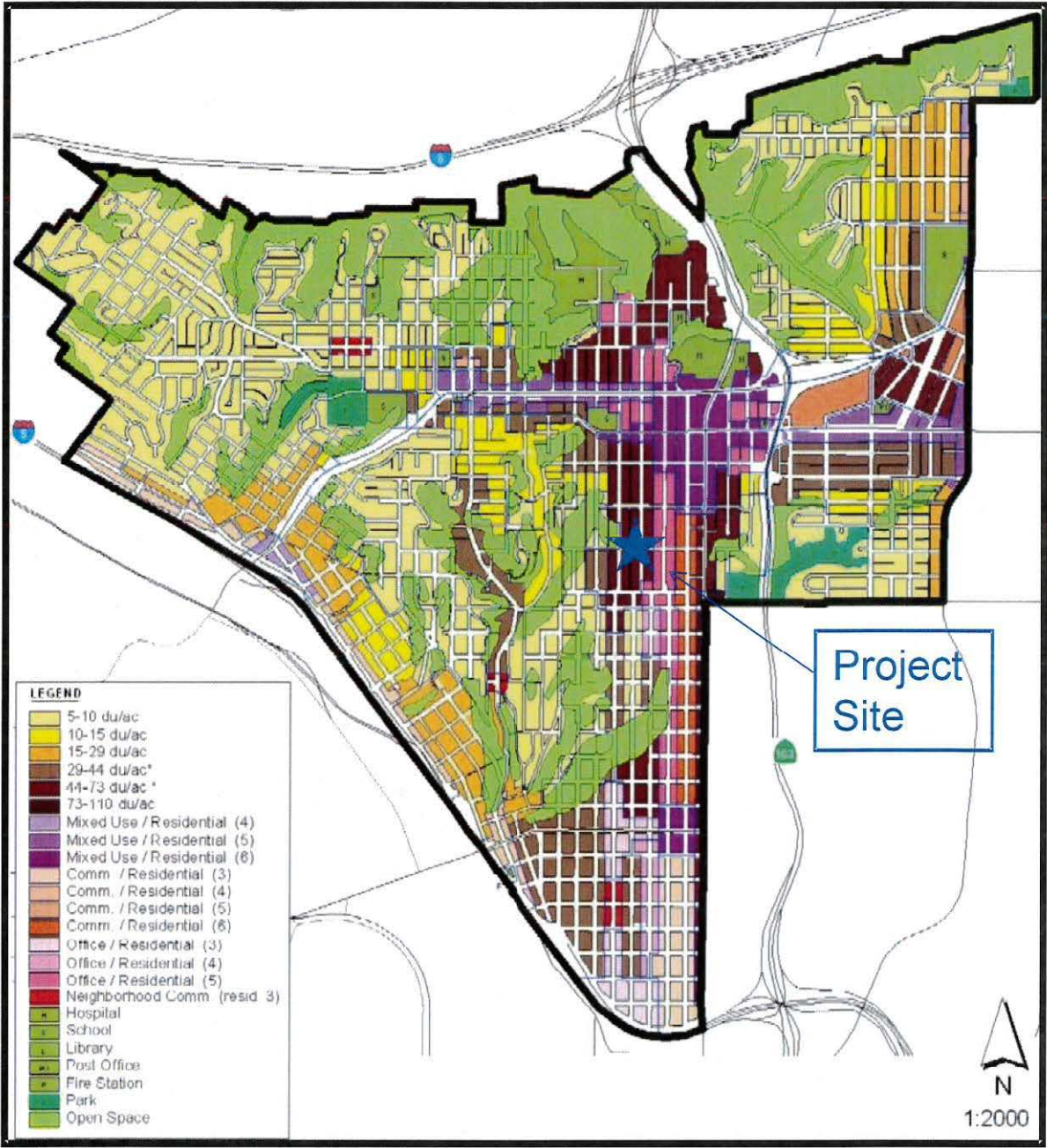


Aerial Photo

3RD AVENUE MAP WAIVER - PROJECT NO. 316441

3600 3rd Avenue and 136 Brookess Avenue (NWC 3rd & Brookess Avenues)





Community Land Use Map



3RD AVENUE MAP WAIVER - PROJECT NO. 316441

3600 3rd Avenue and 136 Brookes Avenue (NWC 3rd & Brookes Avenues)



Project Location Map

3RD AVENUE MAP WAIVER - PROJECT NO. 316441

3600 3rd Avenue and 136 Brookes Avenue

(NWC 3rd & Brookes Avenues)



PROJECT DATA SHEET FOR CONDOMINIUM CONVERSIONS

PROJECT NAME:	3600 3 rd Avenue/136 Brookes Avenue	
PROJECT DESCRIPTION:	Conversion of 2 existing single-family residences to residential condominium units	
COMMUNITY PLAN AREA:	Uptown	
DISCRETIONARY ACTIONS:	Map Waiver	
COMMUNITY PLAN LAND USE DESIGNATION:	High density 44-73 dwelling units per acre.	
<u>CURRENT ZONING INFORMATION:</u>	<u>CONSTRUCTED/EXISTING:</u>	
ZONE: MR-800B: A multi-unit residential zone in the Mid-City Communities Planned District	Prior to Zoning (1908 construction; HRB Site No. 1109)	
DENSITY: (for 15,000 sf or more) 1 dwelling unit per 600 sq.ft. of lot area OR (for 15,000 sf or less) 1 dwelling unit per 800 sq.ft. of lot area	2 units	
HEIGHT LIMIT: 50'; 60' where a building is above enclosed parking	NA	
LOT SIZE: 6,000 square-foot minimum lot size.	6,761 square feet	
FLOOR AREA RATIO: 1.25 maximum.	NA	
FRONT SETBACK: 10 feet	22 feet	
SIDE SETBACK: 6 feet	4.3 feet	
STREETSIDE SETBACK: 6 feet.	4 feet	
REAR SETBACK: 1 foot if alley; 15 if no alley	4.8 feet	
PARKING: 4 spaces	4 spaces	
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Multi-Family Residential; MR-800B	Vacant
SOUTH:	Multi-Family Residential; MR-800B	Multi-Family
EAST:	Multi-Family Residential; MR-800B	Multi-Family
WEST:	Multi-Family Residential; MR-800B	Multi-Family
DEVIATIONS OR VARIANCES REQUESTED:	none	
COMMUNITY PLANNING GROUP RECOMMENDATION:	The Uptown Planners voted 11-1-2 to recommend approval of the proposed project on May 7, 2013, with no additional recommendations.	

RESOLUTION NO. _____
DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE HEARING
OFFICER ADOPTING THE FINDINGS
AND APPROVING MAP WAIVER NO.
1105833 FOR 3RD AVENUE MAP
WAIVER – PROJECT NO. 316441

WHEREAS, ROBERT LINTON, Subdivider, and SAN DIEGO LAND SURVEYING AND ENGINEERING, INC., submitted an application with the City of San Diego for Map Waiver No. 1105833, to waive the requirement for a Tentative Map to convert two existing single family residences to residential condominium units. The project site is located at the northwest corner of 3rd and Brookes Avenues, and is addressed as 3600 3rd Avenue and 136 Brookes Avenue, within the MR-800B Zone of the Mid-City Communities Planned District, within the Uptown Community Plan area. The property is legally described as Lot 13, Block 10, Brookes' Addition, Map No. 596; and

WHEREAS, the Map proposes the subdivision of a 0.155-acre site into one (1) lot for a 2 unit residential condominium conversion; and

WHEREAS, on July 12, 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), the division of existing single-family residences into common-interest ownership. In addition, the exceptions listed in CEQA Section 15300.2 do not apply; and there was no

appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code section 112.0520; and

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

WHEREAS, August 21, 2013, the Hearing Officer of the City of San Diego considered Map Waiver No. 1105833, and pursuant to sections 125.0122 (map waiver), 125.0440 (tentative map), and 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 Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Map Waiver No. 1105833:

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 proposed project is for the conversion of two existing single-family residences to condominium units. The site is a designated historic site (HRB No. 1109). The project conforms to the development regulations of the MR-800B Zone of the Mid-City Communities Planned District, within the Uptown Community Plan. The project does not include deviations from the regulations; therefore, the proposed subdivision and its design or improvements are consistent with the policies, goals, and objectives of the applicable land use plan.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (San Diego Municipal Code § 125.0440(b)).

The proposed project is for the conversion of two existing single-family residences to condominium units. The site is a designated historic site (HRB No. 1109). The project conforms to the development regulations of the MR-800B Zone of the Mid-City Communities Planned District, within the Uptown Community Plan. The project does not include deviations from the regulations; therefore, the proposed subdivision and its design or improvements are consistent with the policies, goals, and objectives 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 site is located in the MR-800B Zone of the Mid-City Communities Planned District, within the Uptown Community Plan. The site is a designated historic site (HRB No. 1109). The zoning designation allows multi-family residential development at a density of one unit per 800 square feet of lot area. The Uptown Community Plan designates the project site for high residential use at a density of 44-73 dwelling units per acre. The 0.155-acre site could accommodate up to 8 units based on the underlying zone and from 7 to 11 units based on the community plan. The site is improved with less units than allowable, however, the existing two units are designated as historic structures (HRB No. 1109), and additional dwelling units are not proposed with this condominium conversion project. 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 City of San Diego, as Lead Agency through the Development Services Department, conducted an environmental review of this site in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. The project was determined to be categorically exempt from CEQA pursuant to Section 15301(k), the division of existing single-family residences into common-interest ownership. The Map Waiver to convert two existing units to condominiums on a 0.155-acre site is consistent with the existing land use designation (multi-family residential) and all applicable general plan policies as well as with applicable zoning designation and regulations. The proposed development occurs within city limits on a project site of no more than five acres and is substantially surrounded by urban uses. The project site has no value as habitat for endangered, rare or threatened species. The site does not contain and

is not adjacent to the MHPA, environmentally sensitive lands or other areas that would support fish or wildlife, since there is no habitat present. Therefore, the proposed subdivision and the proposed improvements are 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 proposed project is for the conversion of two existing single-family residences to condominium units. The site is a designated historic site (HRB No. 1109). The conditions of approval for this Map Waiver includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the San Diego Municipal Code and Subdivision Map Act in effect for this subdivision and improvements. Such conditions have been determined by the decisionmaker as necessary to avoid adverse impacts upon the public health, safety, and welfare. Further, the applicant is required to abide by all relevant Federal, State and Local regulations, including building regulations. Therefore, the design of the subdivision and the type of improvements will not be detrimental to the public health, safety, and welfare.

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)).

The project site is located at the northwest corner of 3rd and Brookes Avenues, and is addressed as 3600 3rd Avenue and 136 Brookes Avenue. The site does not contain any easements acquired by the public at large for access through or use of property within the proposed subdivision. Therefore, the design of the subdivision and 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.

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 proposed project is for the conversion of two existing single-family residences to condominium units. The site is a designated historic site (HRB No. 1109). The project conforms to the development regulations of the MR-800B Zone of the Mid-City Communities Planned District, within the Uptown Community Plan. The proposed conversion of two existing residential units to condominiums will not impede or inhibit any future passive or natural heating and cooling opportunities. The structures are existing and the Map Waiver request

does not include additional construction. The project has been designed and conditioned to conform with all relevant Federal, State and Local regulations, including building code regulations which would address passive or natural heating and cooling requirements. The project does not include deviations from the regulations, and therefore conforms with regulations regarding 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 site is located in the MR-800B Zone of the Mid-City Communities Planned District, within the Uptown Community Plan. The site is a designated historic site (HRB No. 1109). The zoning designation allows multi-family residential development at a density of one unit per 800 square feet of lot area. The Uptown Community Plan designates the project site for high residential use at a density of 44-73 dwelling units per acre. The 0.155-acre site could accommodate up to 8 units based on the underlying zone and from 7 to 11 units based on the community plan. The site is improved with less units than allowable, however, the existing two units are designated as historic structures (HRB No. 1109), and additional dwelling units are not proposed with this condominium conversion project. The project was determined to be categorically exempt from CEQA pursuant to Section 15301(k), the division of existing single-family residences into common-interest ownership. The Map Waiver has been conditioned to require payment of the required Affordable Housing Fee per the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code). The structures have been vacant since prior to submittal of this Map Waiver request, and there are no tenants that would be subject to the tenant relocation assistance regulations. Therefore, the decisionmaker 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 site is located in the MR-800B Zone of the Mid-City Communities Planned District, within the Uptown Community Plan. The site is a designated historic site (HRB No. 1109). The site is within Zone X of the Flood Insurance

Map Rates for San Diego County, which is an area determined to be outside the 500-year floodplain. The project fronts on two already-improved public roads (3rd and Brookes Avenues) and an alley abuts to the rear. As conditions of Map Waiver approval, the applicant is required to dedicate 2.5 feet at the alley to meet the standards of the Street Design Manual, as well as alley improvements with respect to surfacing, apron and ramp. Curb ramp and sidewalk improvements are also required at the 3rd and Brookes Avenues frontages, consistent with Subdivision Map Act and Land Development Code requirements. Private backflow prevention devices are required to address sanitary disposal requirements. This infill development is connected to the City's water and sewer system and is supplied accordingly. No additional impact is anticipated since this is the conversion of existing units which are already being served, and the development is anticipated by the zoning and community plan designation. The zoning designation is multi-family residential, which allows for one residential unit per 800 square feet of lot area. The Uptown Community Plan designates the project site for high residential use at a density of 44-73 dwelling units per acre. The 0.155-acre site could accommodate up to 8 units based on the underlying zone and from 7 to 11 units based on the community plan designation. The project was determined to be categorically exempt from CEQA pursuant to Section 15301(k), the division of existing single-family residences into common-interest ownership. The project is not requesting any deviations from the regulations and has been designed and conditioned to conform with all underlying San Diego Municipal Code and applicable building code regulations. Therefore, 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.

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 site is located in the MR-800B Zone of the Mid-City Communities Planned District, within the Uptown Community Plan. The site is a designated historic site (HRB No. 1109). All costs of processing this Map Waiver request have been paid by the applicant. This project is privately financed and no funds obtained from a governmental agency to provide for elderly, disabled, or low income housing would be used in this development.

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 site is located in the MR-800B Zone of the Mid-City Communities Planned District, within the Uptown Community Plan. The site is a designated

historic site (HRB No. 1109). This project was not developed 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 proposed project is for the conversion of two existing single-family residences to condominium units. The site is a designated historic site (HRB No. 1109). Both existing residences were vacant upon application of the Map Waiver request, and have been vacant during the processing of this request; therefore, there are no persons who have been required to receive notice. The Map Waiver is conditioned to require all notices be provided to prospective residents and/or tenants of the property.

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

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Hearing Officer, Map Waiver No. 1105833; is hereby granted to Robert Linton, subject to the attached conditions which are made a part of this resolution by this reference.

By

Michelle Sokolowski
Development Project Manager
Development Services Department

ATTACHMENT: Map Waiver Conditions
Internal Order No. 24003628

HEARING OFFICER
CONDITIONS FOR MAP WAIVER NO. 1105833
3RD AVENUE MAP WAIVER - **PROJECT NO. 316441**
ADOPTED BY RESOLUTION NO. _____ ON AUGUST 21, 2013

GENERAL

1. This Map Waiver will expire September 5, 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

- 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, site and landscape improvements (San Diego Municipal Code § 144.0507), to the satisfaction of the City Engineer.

AFFORDABLE HOUSING

14. Prior to recordation of Certificate of Compliance, the Subdivider 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.

ENGINEERING

15. The Subdivider shall dedicate and improve an additional 2.5 feet of the adjacent alley, satisfactory to the City Engineer.
16. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the Subdivider to provide the right-of-way free and clear of all encumbrances and prior easements. The Subdivider must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
17. The Subdivider shall reconstruct the damaged alley with a current City Standards Concrete Pavement Full Width Alley, in the alley adjacent to the site, satisfactory to the City Engineer.
18. The Subdivider shall reconstruct the existing curb ramp at the northwest corner of Third Avenue and Brookes Avenue, with current City standard curb ramp Standard Drawing SDG-130 and SDG-132 with truncated domes, satisfactory to the City Engineer.

19. The Subdivider shall reconstruct the alley apron, adjacent to the site, with current City Standard Drawing SDG-120, satisfactory to the City Engineer.
20. The Subdivider shall construct curb ramps on both sides of the alley entrance, adjacent to the site, with current City Standard Drawing SDG-136 with truncated domes, satisfactory to the City Engineer.
21. The Subdivider shall reconstruct the damaged portions of the sidewalk, maintaining the existing sidewalk scoring pattern and preserving any contractor's stamp, adjacent to the site on Third Avenue and Brookes Avenue, satisfactory to the City Engineer.
22. The Subdivider shall remove the existing fence encroaching into the Brooks Avenue and Third Avenue Right-of-Way, satisfactory to the City Engineer.
23. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
24. 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.
25. The Subdivider shall comply with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980. Only those exceptions to the General Conditions which are shown on the Map Waiver and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

26. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
27. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
28. The Certificate of Compliance shall:

- a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.
29. Prior to the recordation of the Certificate of Compliance, the Subdivider shall set monumentations and file a Corner Record in the office of the County Surveyor.

WATER AND WASTEWATER

30. 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 Public Utilities Department Director.
31. 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 in a manner satisfactory to the Public Utilities Department Director.

PLANNING

32. This project site is designated historic site HRB No. 1109, designated June 27, 2013. All future improvements and permit applications must be reviewed and approved by Historical Resources staff for consistency with the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties.

LANDSCAPE

33. Prior to the recordation of the Certificate of Compliance, the Subdivider shall submit complete landscape construction documents, including plans, details, and specifications (including a permanent automatic irrigation system unless otherwise approved), for the required right-of-way and median improvements, and revegetation of all disturbed land in accordance with the Landscape Standards

and to the satisfaction of the Development Services Department. The landscape construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department.

34. It shall be the responsibility of the Subdivider to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.
35. All 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.
36. The Subdivider shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity.
37. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage.

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. 24003628

REF

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.: 316441 PROJECT TITLE: 3rd Avenue Map Waiver
 PROJECT LOCATION-SPECIFIC: 3600 3rd Ave & 136 Brooks Ave, San Diego, CA 92103

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

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: The project is a Map Waiver to waive the requirements of a Tentative Map to convert two existing single family residences on a 0.15-acre lot to condominium units.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Robert J. Bateman
 San Diego Land Surveying and Engineering
 9665 Chesapeake Drive, Ste. 445
 San Diego, California 92123
 (858) 565-8362, Extension 101

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 15301(K) (EXISTING FACILITIES)
 STATUTORY EXEMPTIONS:

REASONS WHY PROJECT IS EXEMPT: The proposed project, a Map Waiver to waive the requirements of a Tentative Map to convert two existing single family residences on a 0.15-acre lot to condominium units, is exempt from CEQA pursuant to Section 15301 which allows for the operation, repair maintenance, permitting, leasing, licensing, or minor alteration of existing facilities (public or private) involving negligible or no expansion of use beyond that existing at the time of the determination. The project does not involve an expansion of use. Further, 15301(k) includes the division of existing single-family residences into common-interest ownership, where no physical changes occur which are not otherwise exempt. No environmental impacts were identified for the proposed project. Additionally, none of the exceptions described in CEQA Guidelines Section 15300.2 apply.

LEAD AGENCY CONTACT PERSON: Anna L. McPherson, AICP

TELEPHONE: (619) 446-5276

IF FILED BY APPLICANT:

1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.
2. HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT?
 YES NO

IT IS HEREBY CERTIFIED THAT THE CITY OF SAN DIEGO HAS DETERMINED THE ABOVE ACTIVITY TO BE EXEMPT FROM CEQA

Anna L. McPherson AICP /SENIOR PLANNER
 SIGNATURE/TITLE

JULY 12, 2013

DATE

CHECK ONE:

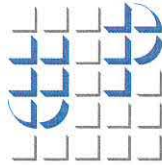
- SIGNED BY LEAD AGENCY
 SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

MAP WAIVER & PROJECT
PLAN EXHIBIT

As attachment to Hearing Officer
Package Only

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UPTOWN PLANNERS
 Uptown Community Planning Group
 May 7, 2013
 MEETING MINUTES
 Meeting Place: Joyce Beers Community Center

Meeting called to order at 6:00 p.m. by Chair Beth Jaworski.

Present: Ernie Bonn, Gary Bonner, Rhett Butler, Neil Ferrier, Tom Fox (Treasurer), Bob Grinchuk, Beth Jaworski (Vice-Chair), Jim Mellos [out at 6:20], Joe Naskar (Secretary), Janet O'Dea (in at 6:20), Jennifer Pesqueira, Ken Tablang, Tony Winney [in at 7:25] Leo Wilson [Chair], and Matt Winter.

[Note: Leo Wilson was appointed to the board to fill out the remainder of Don Liddell's term due to vacancy; Joe Naskar relinquished Vice-Chair and retained Secretary Position; Beth Jaworski relinquished role as Chair and became Vice-Chair; Leo Wilson was selected by the board to become the Chair of Uptown Planners; see below]

Absent: Kim Adler, and Chris Ward.

Marlon Pangilinan, City of San Diego Senior City Planner, was present.

Approximately 30+ members of the public were in attendance

I. Board Meeting: Parliamentary Items/ Reports:

Introductions and Recognition of Quorum

Announcement by Secretary: (1) The meeting is being recorded. (2) Please sign in on the sign sheet. If you plan or think you might want to run for the Uptown Planners in the March 2014 election, you are required to attend 3 meetings of the Uptown Planners per Uptown Planners Bylaws.

Adoption of Agenda:

Upas Street pipeline replacement project on the was added to agenda as a potential action item; motion by Naskar; seconded by Ferrier. Approved by consent.

Mystic Park presentation moved forward of Community Plan Update Park Ideas; motion by Butler; seconded by Bonner. Approved by consent.

Amended agenda approved by consent.

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DRAFTApproval of Minutes:

Uptown Planner Minutes for Regular Meeting April 2, 2013 (Draft Version 2); no revision submitted. Motion to approve made by Grinchuk; seconded by Bonn. Motion passed by vote of 11-0-1 Voting in favor: Grinchuk, Bonn, Butler, Bonner, Ferrier, Fox, Mellos, Naskar, Pesqueira, Tablang, and Winter. Voting against: None. Abstaining: Non-voting Chair Jaworski.

Treasurer's Report:

Treasurer Fox reported there was \$81.20; deposit for Joyce Beers meeting room has not been cashed.

Website Report:

No report submitted (Winney not present at time of item).

Chair/CPC Report:

Chair Jaworski continued item.

Vacant Board Seat and Board Appointment (Secretary Report)

Chair Jaworski asked Vice-Chair and Acting Secretary Naskar to Chair the appointment for seat vacated by Don Liddell. In accordance with Bylaws, Naskar submitted a report regarding Don Liddell's vacancy:

At our April 2nd meeting, I stated to the board that I had been notified that Don Liddell had missed 4 regular meetings during the 12-month period between April 2012 to March 2013. On short notice, I did not have time to fully review and verify these absences with Mr. Liddell. As I also stated at that meeting, I would verify the dates and confirm to the board that a vacancy had occurred. (see Uptown Planners Bylaws Article IV, Section 1; and City Council Policy 600-24)

Since that time, I have had the opportunity to discuss this matter with Mr. Liddell. He has verified through review of his calendar and travel records that the absences did occur, and our minutes are accurate. The dates of his absences were: May 1, 2012; August 7, 2012; December 4, 2012; and March 5, 2013.

As the absences have been verified, the board may now fill this vacancy, which does exist, as directed by the Uptown Planners Bylaws. This vacancy is to be filled by appointment, and the appointee will fill out the remainder of the term; ending in March 2015.

Receipt of this report is validation of the vacancy existing.

Naskar then stated that the Uptown Planners could appoint an eligible member of the Uptown community to serve out the remainder of Mr. Liddell's term (Expiring in 2015). He reminded the room that the appointment was not an election; the next Uptown Planner's election would be in March 2014. He then opened the floor to eligible candidates to speak to the board regarding their consideration for appointment.

Leo Wilson and Roy Dahl addressed the board for their consideration for appointment. Nancy Moors also spoke but not for consideration as appointee.

Naskar closed the floor. Jim Mellos moved that the Uptown Planners appoint Leo Wilson to serve out the remainder of Don Liddell's term ending in 2015; seconded by Butler. Motion passed by vote of 11-0-1. Voting in favor: Mellos, Butler, Bonn, Bonner, Ferrier, Fox, Grinchuk, Naskar, Pesqueira, Tablang, and Winter. Voting against: None. Abstaining: Non-voting Chair Jaworski.

Naskar stated that holding 2 officer positions had become too much work and he would like to continue as secretary and ask another board member to fill the position of Vice-Chair. Jaworski offered to take the

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position of Vice-Chair. Jim Mellos moved that Joe Naskar remain as Secretary, Beth Jaworski become Vice-Chair, and Leo Wilson become Chair of Uptown Planners; Seconded by Pesqueira. Motion passed by vote of 8-2-2. Voting in favor Mellos, Pesqueira, Bonn, Bonner, Butler, Grinchuk, Naskar, and Tablang. Voting against: Fox and Winter. Abstaining: Ferrier and Non-Voting Chair Jaworski.

Jim Mellos, on behalf of the board, thanked Beth Jaworski for her hard work and leadership of the past months. Wilson requested that Beth Jaworski continue to chair current meeting, as she had prepared the agenda, and he would begin his duties at the June meeting. He joined the board as a participating member.

(Mellos leaves meeting at 6:20; O'Dea joins meeting at 6:20)

II. Public Communication

Nancy Moors announced that the Bankers Hill Residents Group would be hosting Mayor Bob Filner regarding his Balboa Park Plan on Monday, May 20th at 6:30 at the Inn at the Top of the Park.

Zach Schlagel from UCSD Health System announced that crosswalks had been installed, and a health exchange town hall will be held on May 17th 2-4 PM.

Ernie Bonn announced that a meeting was being held regarding the Community Plan Update as it affects University Heights and North Park, May 15th at 6:30 at the Lutheran Church.

Rhett Butler from UHCA announced there was a clean-up hosted by their neighborhood beatification committee at the Gateway (SR-163 on ramp) on June 2 from 8-11 AM.

III. Representatives of Elected Officials:

Jason Weiss from Assemblymember Toni Atkins' office spoke about AB 468 regarding fire safety that that repeals back-country fire fees and places a fee on all property insurance plans. He also spoke about a partnership with Cox communication and the San Diego County Office of Education to provide high speed internet service low income people, and about AB 1121 that allows Transgender individuals to change names more easily and only be processed through the State Office of Records. (Handout)

Jessica Poole from Congresswoman Susan Davis' office spoke about a town hall in another part of the district, and she highlighted a bill regarding internet privacy (CISPA) that the congresswoman voted against. (Handout)

Anthony Bernal from Council President Todd Gloria's office spoke about May being bike to work month, Upas Street pipeline project May 15th or May 18th Mid-City Bus Rapid Transit meet May 20th at 5:30 that will address construction schedule for that project. (Handout)

IV. Consent Agenda:

No items added to consent agenda.

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V. Informational Items: Projects

1. UPAS STREET PIPELINE -- Pipeline replacement project of 24-30 inch cast iron.

Alice Altes, project manager for the project from the City of San Diego, introduced the project. The transmission main that goes from Grape St. along Upas, and then to Pacific Highway; there will be an open house on May 16th. Ana Buisign from Infrastructure Engineering Corporation was asking for community comments and was on hand to answer questions.

Chair Jaworski opened the floor to public comment; none heard. Board commented stated with Tom Fox asked how the project would be affected by the Mayor's Proposed Parking Plan, and about abandoned trolley tracks. The applicant was aware of the Mayor's proposal, and the tracks are abandoned and unusable. Chair Jaworski asked for contact representative during project. Leo Wilson asked about street closure schedules. Board comment closed.

No action taken.

2. 2665 FIFTH AVENUE ("5TH AND NUTMEG PROJECT") – Substantial Conformance Review – Bankers Hill/Park West – Informational presentation of the redesign of the mixed use project located at Fifth Avenue and Nutmeg Street; which has been reduced in height to seven stories consisting of 45 residential units, with 42 two bedroom and 3 three bedroom units; and ground floor retail. The redesign is intended to conform to the existing Site Development Permit (SDP) through the Substantial Conformance Review (SCR) process

Graeme Gabriel from ColRich presented the projected. They are currently in escrow on the property. The redesign fits within the SDP, 2bedrom units with 2 parking stalls for each unit. The project also has very large landscaped balconies. Faramarz Jabbari of ARK Architects, Inc. presented how the redesign addressed short-comings on the previous aesthetic and technical issues.

Public comment was made by Ian Epley, and Sol Schumer.

Board comment was made by Fox regarding the setbacks on 6th Ave. Wilson was very supportive of redesign, and the Bankers Hill community. Tablang asked for more information on parking and deliveries to the retail. The applicant stated that loading would be done inside the building. Bonn asked how many spaces were provided (120 spaces, no tandem). Pesqueira asked when the completion date and price point would be when completed (2015, and prices would start in \$700s). Naskar was supportive of the project and asked how many parking spaces were dedicated to retail (11 spaces, exceeding requirement) O'Dea asked about environmental aspects of the project. Bonn asked if additional parking spaces on street could be added. (Number of spaces would remain the same). Board comment closed.

No action taken.

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VI. Potential Action Items: Projects

1. **4041 IBIS STREET (“T-MOBILE GREEN MANOR CUP”) -- Process Three** -- Mission Hills – Update to a previously review and approved application to upgrade a wireless communications facility (WCF), the City of San Diego requested further information regarding its plans to update its existing facility and cooperation with Sprint, which also has a facility on the site; Mid-City Communities Planned District CN-2A, CD: 2, FAA Part 77.

T-Mobile has been asked to move their facilities to the top of the building; location requires less screening. Sprint facilities will be heard separately.

No public comment. Board comment from Fox, and Winter.

Motion by Wilson to support project; seconded by Butler. Motion passed by vote of 12-0-1. Voting in favor: Wilson, Butler, Bonn, Bonner, Fox, Ferrier, Grinchuk, Naskar, O'Dea, Pesqueira, Tablang, and Winter. Voting against: None. Abstaining: Non-voting Chair Jaworski.

2. **3600 THIRD AVENUE & 136 BROOKS AVENUE (“THIRD AVENUE MAP WAIVER”) — Process Three** – Hillcrest –Request for a Map Waiver (MW) to waive the requirements of a tentative map to convert two existing single family residences (built in 1917) on a 0.15-acre lot to condominium units. The site has two addresses, 3600 Third Avenue & 136 Brooks Avenue and is located in the Mid-City Plan District MR-800B; FAA Part 77 Noticing Zone; Brush Management Setback Zone; Very High Fire Hazard Zone.

Robert Bateman from San Diego Land Surveying and Engineering presented project information for project; a map waiver to create 2 condominium projects from 2 existing buildings. It includes 4 parking spaces (versus none previously). It will allow separate ownership of the 2 structures.

Public comment was taken from Sol Schumer regarding the project being located in a very high fire hazard zone. Roy Dahl asked about the curb cut.

Board comment started with Pesqueira storage (garage); the applicant explained that the project did not allow for garages or car ports. Bonn suggested that the board take no action as she did not believe that the 1917 but 1895; the applicant should come back once historical report is completed. The applicant responded that he had not changed the structure, and has exceeded the standard even though the buildings are not yet designated. Wilson clarified that the project was a property division, and no change to the structure. O'Dea asked about project construction elements; applicant listed details of project and historical restorations that had been implemented.

(Tony Winney joins meeting at 7:25)

Motion to support the project as presented made by Butler; seconded by Pesqueira. Motion passed by vote of 11-1-2. Voting in favor: Butler, Pesqueira, Bonner, Fox, Ferrier, Grinchuk, Naskar, O'Dea, Tablang, Wilson, and Winter. Voting against: Bonn. Abstaining: Winney and Non-voting Chair Jaworski.

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3. **1236 UNIVERSITY AVENUE (“UPTOWN TAVERN NUP AMENDMENT”) – Process Two** – Neighborhood Use Permit – Hillcrest – Neighbor Use Permit to amend NUP 40-0502 to replace a previously approved mesh metal barrier with a new concrete planter topped with glass to the existing sidewalk café, and add 168 sq. ft. of sidewalk café on the left side of the door in the public right of way of an existing restaurant at 1236 University Avenue; in the CN-2A zone; TAOZ

David Cohen, owner, presented the sidewalk cafe project. The original patio was maintained, and additional area on opposite side of door. Patio barrier will add landscape/greenery to streetscape. The planners will add to efforts to LEED standards with solar and energy conservation. The planter will have a glass wall at the top to prevent transients from reaching into patio area, which has been a problem.

Public comment was opened with Roy Dahl with supportive comments, followed by Ben Nichols from the HBA, expressed support for the project which will increase street life. Ian Epley had positive comments for the project.

Supportive board comments were made by Wilson. Bonner asked about the wall height; the applicant stated the wall will be 32" tall. Bonn and Naskar also made supportive comments.

Motion to support the project as presented made by Wilson, seconded by Ferrier. Motion passed by vote of 13-0-1. Voting in favor: Wilson, Ferrier, Bonn, Bonner, Butler, Fox, Grinchuk, Naskar, O'Dea, Pesqueira, Tablang, Winney, and Winter. Voting against: None. Abstaining: Non-voting Chair Jaworski.

VII. Potential Action Items: Planning

1. **“MYSTIC PARK” PROPOSAL** – – University Heights – Rhett Butler, University Heights Community Association -- the proposed park is approximately 3.5 acres in size, and is located north of Washington Street between Maryland Street and I-163. The proposed park could include a fenced dog walking area, children's playground, and multi-grass area for community events.

Rhett Butler made a presentation about Mystic Park as part of the University Heights neighborhood. The project has been in the works for 7 years, and David Mc Cullough of Mc Cullough Landscape Architecture, has been working pro bono for 3 years with Mr. Butler. The property is already owned by the city and state. The SR-163 on-ramp would be changed to improve traffic; however, the park could be built even if the ramp were to remain, but not optimal.

David Mc Cullough gave an overview of the park highlighting aspects and amenities of the park. Based on population, Uptown is seriously "under parked". This is a unique site and it would have a tot-lot with imaginative over-scale children toys/play structures, amphitheatre, dog-park, and open landscaping with picnic areas. Caltrans and City Park staff view the ideas as do-able. The Vermont Street foot bridge would connect to a glass elevator similar to Solana Beach Amtrak station which, along with ramps, would provide ADA access.

Floor open to public comments. Ian Epley spoke about ADA issues, equal access, and park maintenance. Sharon Gehl asked about the on-ramp, and Sol Schumer asked about the necessity of the elevator. Roy Dahl commented that the on-ramp should be an intersection allowing bike access.

Public comment was closed, and board comments were made by Winney, asking if the canyon was designated as open space; Butler noted it is not designated open space but is designated as historic which will be addressed. Additional comments were made by Pesqueira ask if the BBQ areas posed a

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fire danger in canyon; Naskar asked if elevator was necessary or an added maintenance cost. Supportive comments were also made by Tablang, and O'Dea.

Wilson moved that the Mystic Park be made a priority park proposal in the Uptown Community Plan Update recommendations, motion seconded by Bonner. Motion passed by vote of 12-1-1. Voting in favor: Wilson, Bonner, Butler, Fox, Ferrier, Grinchuk, Naskar, O'Dea, Pesqueira, Tablang, Winney, and Winter. Voting against: Bonn. Abstaining: Non-voting Chair Jaworski.

Don Liddell gave an update about Olive Street Parcel Park. The city had a made an offer to the adjacent property occupant, which was rejected, and the city is looking at the revocation of their special use permit allowing the park to be built as intended. The parking lot represents an impediment to the park proceeding.

2. COMMUNITY PLAN UPDATE – PARK IDEAS EVALUATION – Uptown – Marlon Pangilinan will lead discussion and solicit recommendations of park ideas to be considered for inclusion in the Recreation Element of the Uptown Community Plan Update as potential population-based park sites.

Marlon Pangilinan explained that part of the CPU was to identify potential park sites and to assign a rating for prioritization. The information is used to help shape policy, identify parks, and help staff in the CIP process to build parks. Information was provided at the previous month's meeting, and he asked for community input.

Chair Jaworski opened the floor to public comment. Tom Mullaney stressed that uptown is park deficient; an area that is more than a half mile from a park, there is no additional density is allowed, but this was overlooked in Uptown; Uptown has 11 acres of park versus 103 minimum standard. (handout) Sharon Gehl commented that West Lewis pocket park phase II is not completed. Ian Epley commented that in-lieu fees associated with more density would create more parks.

Wilson started board comment agreeing with the need for larger parks; and that Mystic, Olive St., and Reynard Way be priorities. Bonner did not agree with spending time on privately owned lots, and that equal emphasis should be placed on Caltrans/City property and the school agreements.

Bonn questioned why property in SDUSD should be examined including the Teachers Training Annex. She also suggested that paper streets be identified. Winter suggested that anything that is not a privately held property should all make their way into the CPU to address potential parks into the future.

Winney agreed that Mystic Park should be a priority, and that Golden Gate park is passive use park, and should be a low priority in converting it to an active use park.

Naskar commented that Middletown is being provided no public park space except a small house lot adjacent to I-5 (#17) and that the city staff need to review. (Marlon Pangilinan asked for any recommendations for more parks)

Butler noted that the Teachers Learning Annex would be a great park, and that Normal St. linear park is not really a park, and hopefully will be a part of grant.

Wilson suggested that Mystic Park, and Reynard, and the school site would be good high priorities; however, Hillcrest and Middletown are not being addressed, though, Hillcrest would have access to Mystic Park. O'Dea suggested that Mystic Park be a linked-park serving multiple areas of community, and that larger parks should be priority. Chair Jaworski concluded comments cautioning that a linear park should not be provided instead of larger parks.

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Wilson made an initial motion that: (1) the three priority parks for the Uptown CPU should be Mystic Park, Olive Street Park, and Reynard Way Park; (2) No Uptown money should be used for parks within Balboa Park, and that should come from a separate funding source; (3) The education site should be studied and should it come forward, money from Uptown and North Park should be used as it would serve both communities; and (4) the Normal Street Linear Park could be an appendage of Mystic park, and should be studied. (5) and that private property should be removed from the CPU priority list. Motion seconded by Ferrier.

Winney offered an amendment to the motion that: (6) Golden Gate park be moved from high to low priority; which was accepted.

O'Dea offered an amendment to make the Learning Annex should be set as a high priority and should be set without a lot of conditions. Wilson was concerned that communities who are building density are not getting parks from DIF, and that should be a part of the motion.

Bonn was concerned that Florence joint-use in Hillcrest was not included. Wilson hasn't seen any proposal, so that could be added once a proposal had been viewed, and didn't accept the amendment.

Naskar was concerned that a set of park priorities was being established within the community plan update but Middletown's section of the plan would be devoid of any parks. Wilson offered to amend the motion by saying: (7) each community should be spending its own DIF, and that a park needs to be located in Middletown and Hillcrest; and that in addition to 3 identified priorities, Middletown and Hillcrest identify a park, and that the Teachers Learning Annex be added; Uptown should not subsidize North Park.

Motion was re-stated as: (1) the three priority parks for the Uptown CPU should be Mystic Park, Olive Street Park, and Reynard Way Park; (2) that Hillcrest and Middletown each identify a priority park site; (3) the Teachers Learning Annex should be a high priority, and the DIF East and West University Heights should be used to fund it; (4) Golden Gate park be moved from high to low; (5) No Uptown money should be used for parks within Balboa Park, and that should come from a separate funding source; (6) that private property should be removed from the CPU priority list; and (7) that this motion can be amended at a future time when presentations are brought forth of other park sites.

Restated motion accepted by Ferrier from original seconding of motion.

Motion passed by a vote of 12-1-1. Voting in Favor: Wilson, Ferrier, Bonn, Bonner, Butler, Fox, Grinchuk, Naskar, O'Dea, Tablang, Winney, and Winter. Voting against: Pesqueira. Abstaining: Non-voting Chair Jaworski.

3. UNIVERSITY HEIGHTS QUASQUICENTENNIAL NEIGHBORHOOD SIGN PROJECT –
 University Heights – Carol Neidenberg, University Heights Community Association,
 proposal to place community identification signs to be located at the corners of
 Washington Street & Lincoln Avenue; Park Blvd. & Lincoln Avenue; El Cajon Blvd. &
 Texas Street; and Adams Avenue & Texas Street

Carol Neidenberg presented a brief history of University Heights. In celebration 125 years, she presented graphics that might be a part of new banner signs; not a part of the request for support. She then presented the City of San Diego neighborhood identification that says "City of San Diego - University Heights - Established 1888". She asked the Uptown Planners to support the placement of the City of San Diego neighborhood identification signs.

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There was some discussion about boundaries, and the problems of University Heights being separated into 2 planning community areas.

Bonn asked if this sign would replace a sign Texas and 30th that was damaged? Applicant responded yes. Wilson noted the history and ongoing problems of the boundary with North Park; he was supportive of the signs.

Ferrier made the motion to support the proposal as presented; seconded by Butler. Motion passed by a vote of 13-0-1. Voting in favor: , Ferrier, Butler, Bonn, Bonner, Fox, Grinchuk, Naskar, O'Dea, Pesqueira, Tablang, Winney, Wilson, and Winter. Voting against: None. Abstaining: Non-voting Chair Jaworski.

VIII. Member Comments/Community Reports

Uptown Regional Bike Corridor Project Advisory Committee: Tablang - no report.

Aspire Center Advisory Committee: Naskar - no report.

IX. Adjournment:

Motion to Adjourn made by Jaworski; Seconded by Winney. Motion passed by Consent.

X. NOTICE OF FUTURE MEETINGS

Next meeting is June 4, 2013, at 6:00 p.m., at the Joyce Beers Center meeting facility on Vermont Street in the Uptown Shopping Center.

Meeting adjourned at approximately 9:10 P.M.

Respectfully submitted,

Joe Naskar
Secretary



Ownership Disclosure Statement

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

Project Title **Project No. For City Use Only**
 3600 3rd Avenue Map Waiver 316441

Project Address:
 3600 3rd Avenue

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):
 Robert Linton
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 1341 Oliver Avenue
 City/State/Zip:
 San Diego, CA 92109
 Phone No: _____ Fax No: _____
 619-813-5847
 Signature : Date: 2/28/13

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: _____