

CITY OF SAN DIEGO
OFFICE OF THE CITY CLERK

RECOMMENDATIONS

COMMUNITY PLANNING GROUP /STAFF'S /PLANNING COMMISSION

Project Manager must complete the following information for the Council docket:

CASE NO. Project No. 97621

STAFF'S

Please indicate recommendation for each action. (ie: Resolution / Ordinance)

Grant the appeal and approve the Vesting Tentative Map, including the request to waive the requirement to underground existing overhead utilities.

PLANNING COMMISSION (List names of Commissioners voting yea or nay)

Note: At the time of the Planning Commission hearing, there was one unfilled position on the Planning Commission.

YEAS: None

NAYS: Ontai, Griswold, Schultz, Garcia, Otsuji and Naslund

ABSTAINING: None

TO: Deny the proposed project.

COMMUNITY PLANNING GROUP (choose one)

LIST NAME OF GROUP:

- No officially recognized community planning group for this area.
- Community Planning Group has been notified of this project and has not submitted a recommendation.
- Community Planning Group has been notified of this project and has not taken a position.
- Community Planning Group has recommended approval of this project.
- Community Planning Group has recommended denial of this project.
- This is a matter of City-wide effect. The following community group(s) have taken a position on the item:

In favor:

Opposed:

By Michelle Sokolowski
Michelle Sokolowski, Project Manager



001053

THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: May 25, 2007 **REPORT NO:** PC-07-081

ATTENTION: Planning Commission, Agenda of May 31, 2007

SUBJECT: 4724 30TH STREET VESTING TENTATIVE MAP;
PROJECT NO. 97621
PROCESS FOUR

OWNERS: Richard Mansur, Trustee of the Richard Mansur Trust of 2004
(Attachment 8)

APPLICANT: Scott Peters, Sterling Land Services, Inc.

SUMMARY

Issue: Should the Planning Commission approve a Vesting Tentative Map for the conversion of seven existing residential units to condominiums at 4724 30th Street, within the Greater North Park Community Plan Area?

Staff Recommendation:

1. Approve Tentative Map No. 318764; and
2. Approve waiver to the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: The Greater North Park Planning Committee voted 9-0-0 to recommend approval of the proposed project on March 5, 2007, with no additional recommendations (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 on March 22, 2006. An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on July 31, 2006. The scope of the subject hearing only includes the project, and not the environmental determination.

Fiscal Impact Statement: None with this action. All costs associated with the processing of this project are paid by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: With the proposed conversion of seven existing apartments to condominiums, there would be a loss of seven rental units and a gain of seven for-sale units. This condominium conversion project was deemed complete on March 8, 2006, and is therefore subject to regulations regarding inclusionary housing and tenant relocation assistance.

BACKGROUND

This Tentative Map project is subject to the condominium conversion regulations in effect prior to 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 specifically excluded all projects that had CEQA appeals pending on or before June 13, 2006. This project is one of those which had a pending appeal. That appeal hearing was held on July 31, 2006, and the City Council denied the appellant's appeal of the CEQA determination of exemption. Therefore, the project can proceed to its discretionary hearing.

The 0.161-acre site is located at 4724 30th Street in the MR-3000 Zone of the Mid-City Communities Planned District and the Transit Overlay Zone, within the Greater North Park Community Plan area (Attachment 3). The site is presently developed with 1, two-story structure containing seven units consisting of three 1-bedroom units and four 2-bedroom units. Ten off-street parking spaces are provided on the site: five spaces are accessed from 30th Street at the front and five are accessed from the alley at the rear. The site is bounded on the north, east and west by multi-family residential uses, and to the south by the parking lot of the commercial use fronting on Adams Street.

The existing improvements were permitted in 1984. At the time the site was constructed it was zoned R-3 and would have allowed for seven units, or 1 unit for every 1,000 square feet of lot area. Current density requirements for this site would allow two units to be constructed, or 1 unit for every 3,000 square feet of lot area. Parking requirements at the time of construction resulted in 10 spaces being required on-site. Current parking regulations for the development on this site in the Transit Area Overlay Zone would require 11 spaces. The development complied with the zoning and development regulations in effect at the time of construction and no Building or Zoning code violations have been recorded against the property.

The project does not conform with the current maximum density and parking requirements. The project has previously-conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.

DISCUSSION

Project Description:

The project proposes a Vesting Tentative Map for the subdivision of a 0.161-acre site to convert seven existing dwelling units into condominiums on one existing lot (Attachment 5). The applicant is also requesting that the requirement for the undergrounding of existing overhead

utilities be waived.

Section 125.0410 of the San Diego Municipal Code (SDMC) requires that a Tentative Map be processed for the subdivision of land. According to SDMC Sections 125.0440 and 125.0444, *Findings for Tentative Maps and for Condominium Conversions*, the decisionmaker may approve a Tentative Map for the purposes of the conversion of residential property into a condominium project if the decision maker finds that the proposed conversion complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed condominium conversion and determined that it complies with both the Subdivision Map Act and the San Diego Municipal Code.

Undergrounding of Existing Utilities

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 of Council Policy 600-25, *Underground Conversion of Utility Lines at the Developer's Expense*, in that the conversion involves a short span of overhead facility (less than 600 feet in length) and the conversion is a requirement of a condominium conversion of an existing development 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. 12 of the draft Vesting Tentative Map resolution (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. 4 of the draft Vesting Tentative Map resolution (Attachment 6).

The neighborhood currently contains power poles and overhead utilities lines in the alley. The utility lines to these poles extend to other properties located north and south within the alley. The pole closest to this property, which carries the line serving this site, is located within the rear alley right-of-way. As indicated above, all utilities serving this property will be required to be undergrounded. The waiver is being requested for the requirement to underground adjacent utilities serving the surrounding properties. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 3Y, and the date for undergrounding has been established for the year 2010 (Attachment 10).

Community Planning Group and Neighborhood Recommendations:

On March 5, 2007, the Greater North Park Community Planning Group voted 9-0-0 to recommend approval of the project no additional recommendations (Attachment 7).

Project-Related Issues:

The requested conversion of these residential units to condominiums represents primarily a change in ownership. The applicant has certified that the required 60-day Notices of Intent to Convert to Condominiums were provided to the tenants between October 18 and November 18, 2005 (Attachment 11).

001056

All condominium conversion projects Deemed Complete on or after February 7, 2004, must conform with the regulations regarding inclusionary housing and tenant relocation benefits. The project has been conditioned to require the subdivider conform with the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code) and demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5) to the satisfaction of the City Manager and the Housing Commission, prior to the recordation of the Final Map.

The applicant has elected to pay an in-lieu fee of \$7,677.50 (6,142 square feet x \$1.25) to satisfy the Inclusionary Housing requirement, as allowed by the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

Conclusion:

Staff has reviewed the request for a Vesting Tentative Map for the conversion of seven residential units into condominiums and has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Vesting Tentative Maps. Staff believes the requirement findings can be supported and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. **Approve Vesting Tentative Map No. 318764, with modifications.**
2. **Deny Vesting Tentative Map No. 318764, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



Michelle Sokolowski
Development Project Manager
Development Services Department

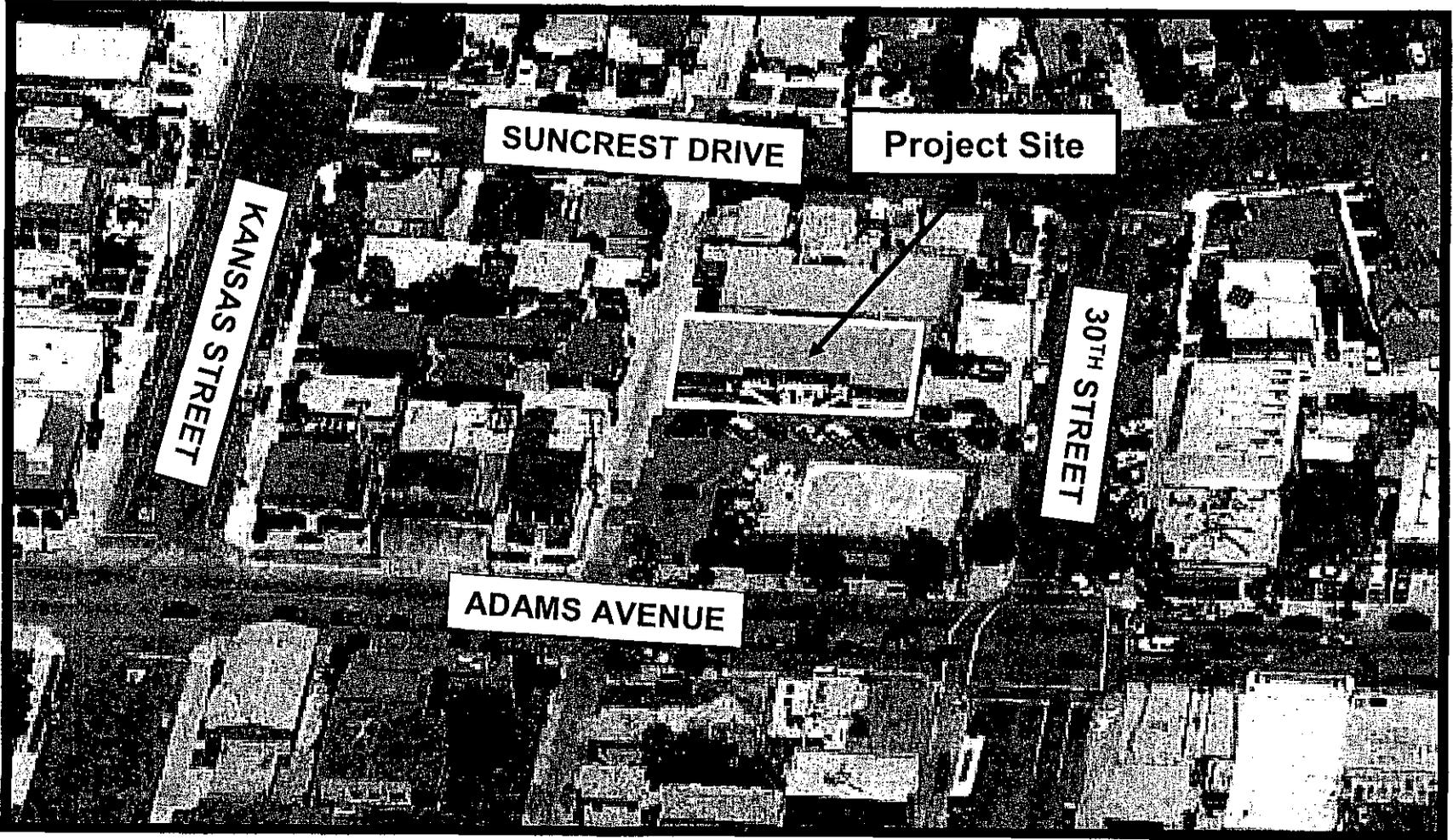
WESTLAKE/MS

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Vesting Tentative Map
6. Draft Map Conditions and Subdivision Resolution
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement

001057

9. Project Chronology
10. City's Undergrounding Master Plan – Map 3Y
11. Sample of 60-Day Notice of Intent to Convert
12. Photos of Existing Front and Rear Elevations

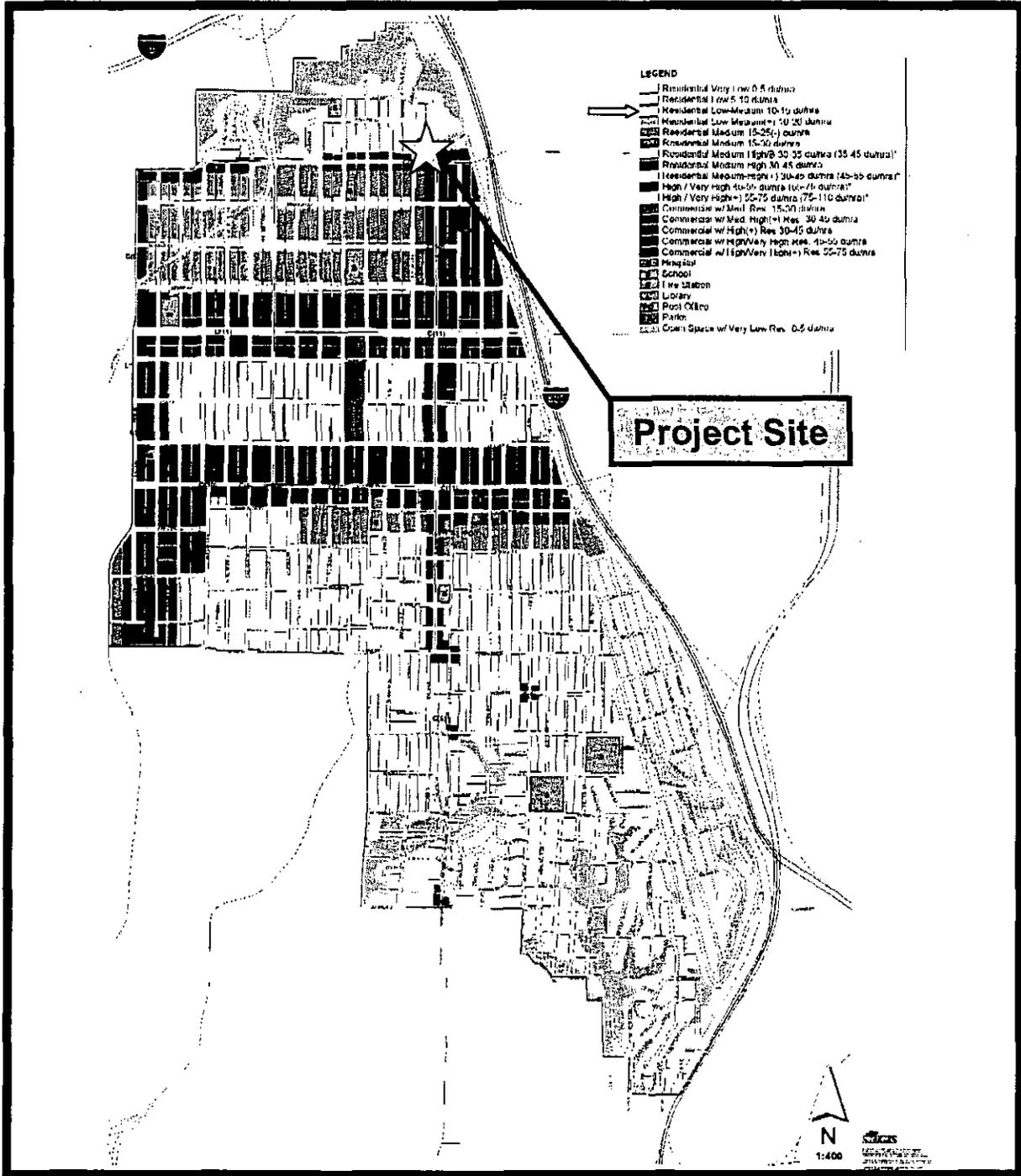


Aerial Photo

4724 30TH ST VTM - PROJECT NUMBER 97621

4724 30th Street

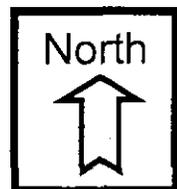


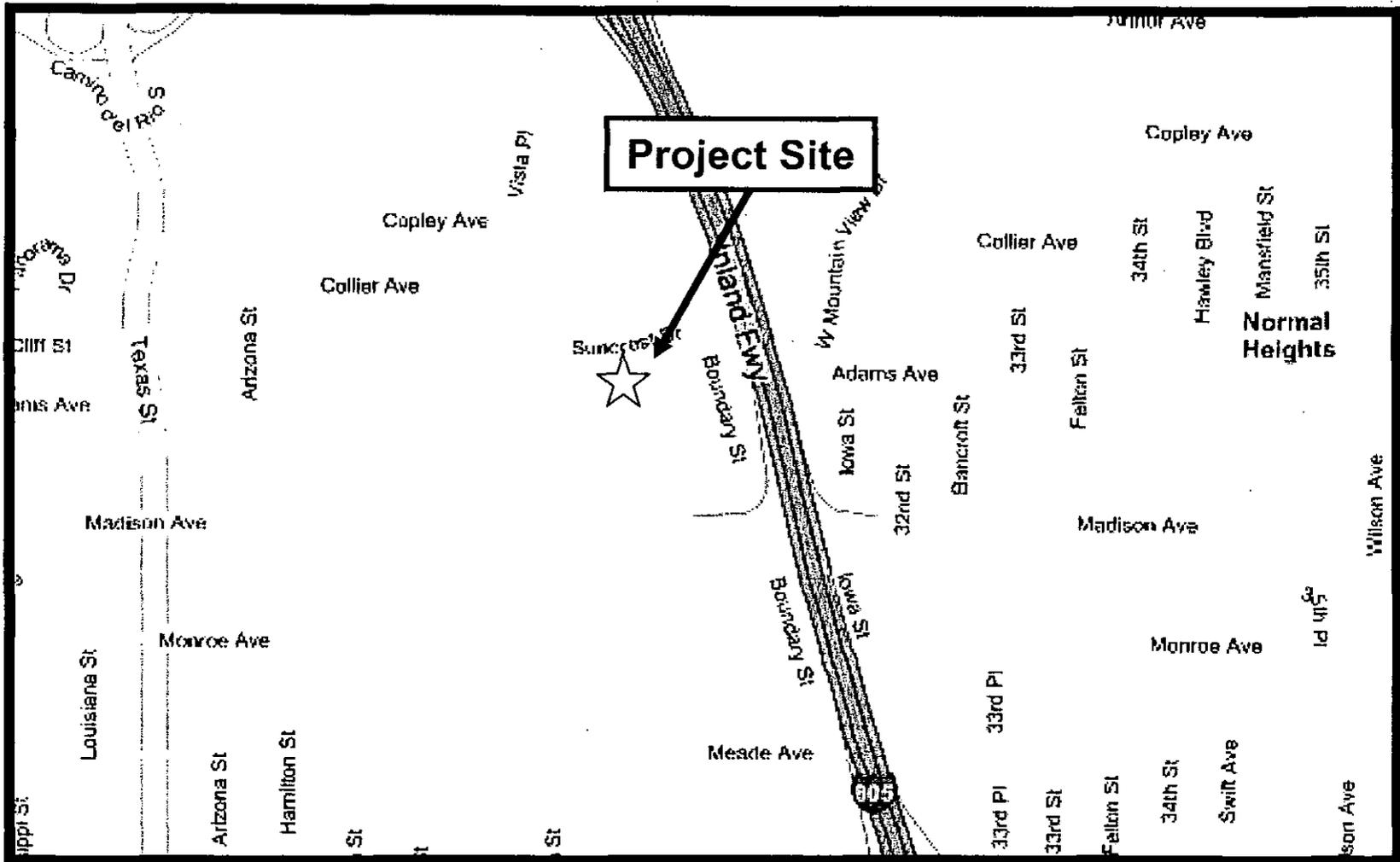


Community Plan Land Use Map

4724 30TH ST VTM - PROJECT NUMBER 97621

4724 30th Street





Project Location Map

4724 30TH ST VTM - PROJECT NUMBER 97621
4724 30th Street



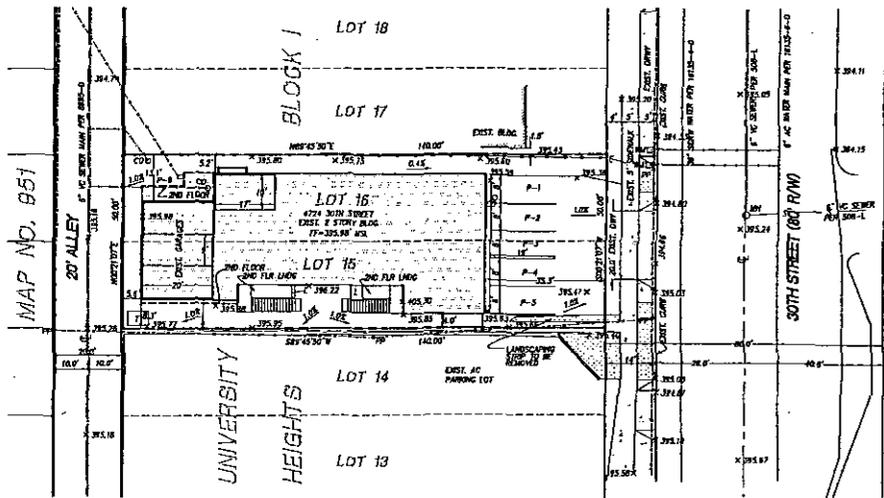
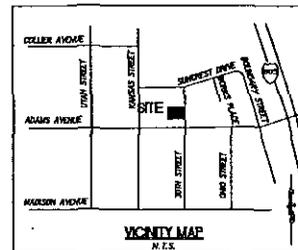
001062

PROJECT DATA SHEET

PROJECT NAME:	4724 30 TH STREET VESTING TENTATIVE MAP	
PROJECT DESCRIPTION:	Conversion of 7 existing apartments into condominiums.	
COMMUNITY PLAN AREA:	Greater North Park Community Plan Area	
DISCRETIONARY ACTIONS:	Vesting Tentative Map	
COMMUNITY PLAN LAND USE DESIGNATION:	Multi-family residential (Allows multi-family residential development).	
CURRENT ZONING INFORMATION:	CONSTRUCTED	
ZONE: MR-3000: A multi-unit residential zone in the Mid-City Communities Planned District	R-3	
DENSITY: 1 dwelling unit per 3,000 sq.ft. of lot area	1 unit per 1,000 sq.ft. of lot area	
HEIGHT LIMIT: 30'	Not available	
LOT SIZE: 6,000 square-foot minimum lot size.	6,996 square feet	
FLOOR AREA RATIO: 0.40 maximum.	Not available	
FRONT SETBACK: 10 feet	35.3 feet	
SIDE SETBACK: 6 feet	4.0 feet/5.2 feet	
STREETSIDE SETBACK: 8 feet.	N/A	
REAR SETBACK: 4 feet if alley; 15 if no alley	5.6 feet	
PARKING: 11 spaces	10 spaces	
ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Multi-Family Residential; MR-3000	Multi-Family
SOUTH:	Commercial Node/Multi-Family Residential; CN-3	Parking lot for commercial use fronting on Adams Avenue
EAST:	Multi-Family Residential; MR-3000	Multi-Family
WEST:	Multi-Family Residential; MR-3000	Multi-Family
DEVIATIONS OR VARIANCES REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	The Greater North Park Planning Committee voted 9-0-0 to recommend approval on March 5, 2007.	

VESTING TENTATIVE MAP NO. 318764

4724 - 30TH STREET
CITY PROJECT NO. 97621



MAP NO. 857

GENERAL NOTES

1. PRESENT AND PROPOSED ZONING IS MFC-2000 COMMUNITY PLANNING AREA (CPA) NORTH PARK PLANNED DISTRICT (MFC20) NEIGHBORHOOD ZONING. DENSITY AREA DEVELOPMENT HAZARD CATEGORY: S3
2. TOTAL LOT AREA: 0.1676 ACRES (4,976 SQ. FT.) EXISTING BUILDING FOOTPRINT: 1,516 SQ. FT.
3. TOTAL NUMBER OF EXISTING LOTS = 2
TOTAL NUMBER OF PROPOSED LOTS = 1
THIS SUBDIVISION IS A CONDOMINIUM PROJECT AS DEFINED IN SECTION 15002.02, SUBSECTION (C) 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 2.
4. LOT SUMMARY:

LOT NO.	USE	UNITS	PARKING
1	CONDOMINIUMS	2	10

STRUCTURE ERECTED 1984

UNITS

- 1 TWO BDRM/1.5 BATH (1000 S.F.)
- 2 TWO BDRM/1.5 BATH (944 S.F.)
- 3 ONE BDRM/1 BATH (798 S.F.)

PARKING

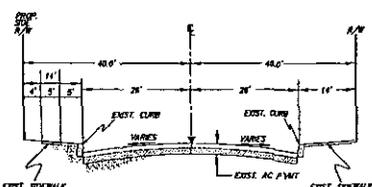
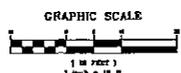
- 3 GARAGE PARKING SPACES (2 OF X 20')
- 1 GARAGE PARKING SPACE (10' X 17')
- 2 PARKING SPACES (8' X 12')
- 1 PARKING SPACE (11' X 20')

PARKING CALCULATION PER MUNICIPAL CODE TABLE 142-002

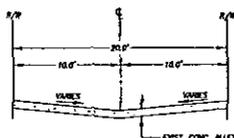
LAND-USE TYPE OF UNIT	MIN. AREA (SQ. FT.)	NO. OF UNITS PER LOT
(1) ONE BDRM UNIT	1,251	2
(2) TWO BDRM UNIT	1,251	2

TOTAL REQUIRED SPACES: 11
TOTAL EXISTING SPACES: 10

5. PERMITS:
 - WATER: CITY OF SAN DIEGO (UNDERGROUND)
 - SEWER: CITY OF SAN DIEGO (UNDERGROUND)
 - CITY & COUNTY PUBLIC UTILITIES - OVERHEAD: CABLE T.V., COX COMMUNICATIONS (OVERHEAD)
 - FIRE AND POLICE PROTECTION: CITY OF SAN DIEGO
 - SCHOOLS: SAN DIEGO UNIFIED SCHOOL DISTRICT
 - UNDERGROUND UTILITIES SHOWN HEREON ARE FROM AVAILABLE RECORDS.
6. GRADING:
 - A. THERE IS NO GRADING AS PART OF THIS TENTATIVE MAP.
 - B. DRAINAGE:
 - 1. ALL DRAINAGE FROM LOT IS DIRECTED TO THE STREET OR ALLEY.
 - 2. ALL EXISTING DISTANCES, LOT DIMENSIONS, AND CURVE RADII ARE APPROXIMATE.
7. PHOTOGRAPHY PROVIDED BY TITLING LAND SERVICES FIELD SURVEY ON JANUARY 30, 2004.



TYPICAL SECTION 30TH STREET N.T.S.



TYPICAL SECTION 20TH ALLEY N.T.S.

APN

APN: 438-29-13-04

LEGAL DESCRIPTION

LOTS 15 AND 16 IN BLOCK "Y" OF UNIVERSITY HEIGHTS IN THE CITY OF SAN DIEGO COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP RECORDED AS SET FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JUNE 1, 1902.

BENCHMARK

THE NEAREST BENCHMARK FOR THIS SITE IS BRASS PLUG IN THE SOUTHWEST INTERSECTION OF ADAMS AVENUE AND 29TH STREET BEING SAN DIEGO METRIC CONTROL BENCHMARK #3077 ELEVATION: 352.27' MSL.

BASES OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE NORTHERLY MERIDIAN OF LOT 17, BLOCK 2 AS SHOWN ON A.S.E. MAP NO. 12641 BEARING: 352.27' MSL.

MAPPING AND MONUMENTATION

ALL PROPERTY CORNERS WILL BE SET AND A ONE (1) FOOT IRON PIPE WILL BE FIELD UPON APPROVAL OF THE TENTATIVE MAP. COMPLIANCE WITH ALL CONDITIONS SHALL BE ASSURED TO THE SATISFACTION OF THE CITY ENGINEER. PRIOR TO THE RECEPTION OF THE FINAL MAP, UNLESS OTHERWISE NOTED, A DETAILED PROCEDURE OF SURVEY WILL BE SHOWN ON THE FINAL MAP.

SUBMITTER RESPONSIBILITIES

1. INSTALL APPROPRIATE BACK FLOW PREVENTION DEVICES ON ALL EXISTING AND PROPOSED WATER SERVICES (PLASTIC BRONZE AND FIBER) ADJACENT TO THE PROJECT SITE IN A MANNER SATISFACTORY TO THE WATER DEPARTMENT DIRECTOR.
2. PROVIDE A LETTER AGREEING TO PREPARE CONTRACTS FOR THE OPERATION AND MAINTENANCE OF ALL PRIVATE WATER AND SEWER FACILITIES THAT SERVE OR TRAVEL MORE THAN A SINGLE CONDOMINIUM UNIT OF LOTS.
3. OBTAIN AN ENCUMBRANCE MAINTENANCE AND RESOLVING AGREEMENT FOR THE PRIVATE WALKWAY IN 30TH STREET.
4. COMPLY WITH ALL CURRENT STREET LIGHTING STANDARDS ACCORDING TO THE CITY OF SAN DIEGO STREET LIGHTING MAINTENANCE CALCULATOR TO THE CITY ENGINEER. POSSIBLY INCLUDING INSTALLATION OF NEW STREET LIGHTS AND/OR IMPROVING DISTANCE.
5. GUARANTEE THAT ALL DWG. UTILITIES SERVING THE SUBDIVISION SHALL BE UNDERGROUNDED WITH APPROPRIATE PERMITS. IN ADDITION PROVIDING WRITTEN COOPERATION FROM APPLICABLE UTILITIES OF THE CONVEYOR AND/OR UNDERGROUNDING SATISFACTORY TO THE CITY ENGINEER.

LEGEND

PROPERTY LINE / IN BOUNDARY	SYMBOL
EXISTING LOT LINES	---
EXISTING SEWER LINE	---
EXISTING WATER METER	---
EXISTING WATER LINE	---
EXISTING POWER POLE	---
EXISTING OVERHEAD POWER LINES	---
EXISTING FENCE	---
EXISTING CONCRETE	---
EXISTING BUILDING	---
EXISTING WALL	---
SPOT ELEVATION	---
DIRECTION OF DRAINAGE	---
EXISTING LANDSCAPE	---

ABBREVIATIONS

CO	SEWER CLEAN OUT
L	GROUND FLOOR LANDSCAPE
MH	SEWER MAN HOLE
PP	POWER POLE
PS-2	PARKING SPACE
TR	TRUST SIGN
WB	WATER METER

PROJECT ADDRESS

4724 - 30TH STREET
SAN DIEGO, CA 92116
SR MAP PAGE: 1259-43

SURVEYOR/MAPPER

STARKING LAND SERVICES, INC.
2927 FIRST AVE.
SAN DIEGO, CA 92101
PHONE: (619) 546-6145

B.D. CITY PROJECT NUMBERS

16376 (TENTATIVE MAP) NO. 318764
6707 (PLANNING) NO. 97621
CITY WORK ORDER NO. 43-4167

REQUIRED PERMITS/APPROVALS

ALL PROPERTY CORNERS WILL BE SET AND A ONE (1) FOOT IRON PIPE WILL BE FIELD UPON APPROVAL OF THE TENTATIVE MAP.

OWNER/DEVELOPER

4724 30TH STREET, LLC
2927 FIRST AVE.
SAN DIEGO, CA 92101-3028
PHONE: (619) 473-8433

DESIGN NAME

PROJECT NAME: RICHARD HANFRA

DATE

DATE: TWENTY

CERTIFICATION AND DECLARATION OF RESPONSIBLE CHARGE

I, RICHARD HANFRA, AS THE LAND SURVEYOR FOR THIS PROJECT, HAVE EXERCISED PROFESSIONAL JUDGEMENT AND HAVE REVIEWED THE SUBMITTALS AND HAVE BEEN PLACED ON THE APPROVED LIST FOR COMPLETION REVIEW SELF-CERTIFICATION. WITH THIS SUBMITTAL, I CONFIRM THAT PLANS AND DOCUMENTS SUBMITTED FOR REVIEW AND APPROVAL MEET ALL SUBMITTAL REQUIREMENTS FOR SECTION 4 OF THE SUBMITTAL MANUAL. I UNDERSTAND IF RETURNED DOCUMENTS OF PLAN CONTENT IS MISSING, PROJECT REVIEW WILL BE DELAYED.

LAND SURVEYOR OF RECORD:
STARKING LAND SERVICES, INC.
2927 FIRST AVE.
SAN DIEGO, CA 92101
TELEPHONE: (619) 546-6145

DR. D. SCOTT PETERS
P.L.S. NO. 7946, EXPIRES 12-31-07



DATE _____

VESTING TENTATIVE MAP FOR 4724 - 30TH STREET

Revision 1:	09/21/06	Original Date:	3/2/04
Revision 2:	10/23/06	Sheet:	1 of 1
Revision 3:	01/23/07	DATE:	
Revision 4:	03/20/07	BY:	

FIG 97621 V.T.M. 318764 B.O. 43-4167 L.C. 716-1736 LOTS 15-16-17-18



PLANNING COMMISSION
RESOLUTION NO.
VESTING TENTATIVE MAP NO. 318764
4724 30TH STREET VESTING TENTATIVE MAP; PROJECT NO. 97621
DRAFT

WHEREAS, RICHARD MANSUR, TRUSTEE OF THE RICHARD MANSUR TRUST OF 2004, Applicant/Subdivider, and STERLING LAND SERVICES, INC., submitted an application with the City of San Diego for a Vesting Tentative Map, No. 318764, for the condominium conversion of seven (7) existing residential units, including a request to waive the requirement to underground existing overhead utilities. The project site is located on the west side of 30th Street, between Adams Avenue and Suncrest Drive, at 4724 30th Street, and is described as Lots 15 and 16, Block "I", University Heights, according to Map No. 951, in the MR-3000 Zone of the Mid-City Communities Planned District and the Transit Overlay Zone, within the Greater North Park Community Plan Area; and

WHEREAS, the Map proposes the subdivision of a 0.161-acre site into one (1) lot for a seven-unit residential condominium conversion; and

WHEREAS, the project is exempt from environmental review pursuant to Article 19, Section 15301(k) of the California Environmental Quality Act (CEQA) on the basis that the facilities are existing; and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer pursuant to the Subdivision Map Act and Section 144.0220 of the Municipal Code of the City of San Diego; and

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

WHEREAS, on May 31, 2007, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 318764, including the waiver of the requirement to underground existing overhead utilities, and pursuant to Sections 125.0440 (tentative map), 125.0444 (condo conversion), and 144.0240 (underground) of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the Planning Commission having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 318764:

1. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).
2. 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 (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).
3. Each of the tenants of the proposed condominium conversion project has received, pursuant to State Map Action Section 66452.9, written notification of intention to convert at least 60 days prior to the filing of a tentative map (Land Development Code 125.0444 and State Map Act Section 66427.1(a)).
4. The project has been conditioned that the Subdivider will give 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 State Map Act (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).
5. The project has been conditioned that the Subdivider will give each tenant 10 days' written notification that an application for a public report will be, or has been, submitted to the Department of Real Estate, and that such report will be available on request (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).
6. The project has been conditioned that the Subdivider will give each tenant of the proposed condominium project written notification within 10 days of approval of a final map for the proposed conversion (Land Development Code Section 125.0444 and State Map Act Section 66427.1(b)). If the subdivider chooses to provide affordable housing units, the subdivider shall enter into an affordable housing agreement with the Housing Commission, prior to recordation of the Final Map.
7. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project 180 days' written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion (Land Development Code Section 125.0444 and State Map Act Section 66427.1(c)).
8. The project has been conditioned that all tenants whose income is less than 100% of the area median income are eligible for relocation benefits, so based upon the outcome of a survey conducted by the Housing Commission, the applicant may be responsible for relocation benefits to eligible tenants.

001067

9. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project notice of an 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.
10. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right (Land Development Code Section 125.0444 and State Map Act Section 66427.1(d)).
11. The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing (Land Development Code Section 125.0444.b).
12. 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 (Land Development Code Section 125.0444.c).
13. The underground waiver of the existing overhead facilities qualifies under the guidelines of Council Policy No. 600-25 *Underground Conversion of Utility Lines at Developers Expense* in that the conversion involves a short span of overhead facility (less than 600 feet in length and the conversion is a requirement of a condominium conversion of an existing development and the conversion would not represent a logical extension to an underground facility.
14. 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 Planning Commission, Vesting Tentative Map No. 318764, including the waiver of the requirement to underground existing overhead utilities, is hereby granted to RICHARD MANSUR, TRUSTEE OF THE RICHARD MANSUR TRUST OF 2004, Applicant/ Subdivider, subject to the following conditions:

GENERAL

1. This Tentative Map will expire on May 31, 2010.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.

3. Prior to the Vesting Tentative Map expiration date, a Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder.
4. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
5. 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 State Map Act.
6. The Subdivider shall provide the tenants a Notice of Application for a Public Report at least 10 days prior to the submittal to the Department of Real Estate (DRB), pursuant to Section 66427.1(a) of the Subdivision Map Act.
7. 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 Section 66427.1(c) of the Subdivision Map Act. The provisions of this subdivision shall not 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 Sections 1941, 1941.1 and 1941.2 of the Civil Code.
8. 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 Section 66427.1(d) of the State Map Act. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report, pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.
9. The Subdivider shall provide the tenants of the proposed condominiums with written notification within 10 days or approval of a Final Map for the proposed conversion, in conformance with Section 66427.1(b) of the Subdivision Map Act.

AFFORDABLE HOUSING

10. Prior to the recordation of the Final Map, the Subdivider shall pay an Inclusionary Affordable Housing In-Lieu Fee of \$7,677.50 (6,142 square feet x \$1.25) pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

001069

11. Prior to filing a Final Map, the applicant shall either show evidence that relocation assistance has been paid to eligible tenants or enter into an agreement with the San Diego Housing Commission to demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5, 144.0503). In addition, applicant must pay the appropriate fees incurred by the Housing Commission for compliance monitoring (Chapter 14, Article 4, Division 5, 144.0502).

ENGINEERING

12. 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.
13. The subdivider shall obtain an Encroachment Maintenance and Removal Agreement, for a private walkway in 30th Street.
14. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map 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. 769830.

MAPPING

15. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
16. "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."
17. The Final Map 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.
18. The design of the subdivision shall include private easements, if any, serving parcels of land outside the subdivision boundary or such easements must be removed from the title of the subdivided lands prior to filing any parcel or final map encumbered by these easements.
 21. The applicant shall conform to Municipal Code provisions for "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the City Engineer.

INFORMATION:

- The approval of this Vesting Tentative Map by the Planning Commission 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 (24 USC Section 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then 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.
- This development may be subject to the payment of a park fee in accordance with the San Diego Municipal Code, which specifies park fees applicable in the Mid City Community Plan area.
- Subsequent applications related to this Vesting Tentative Map 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 Vesting Tentative Map, may protest the imposition within 90 days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SAN DIEGO, CALIFORNIA, ON MAY 31, 2007.

By _____
MICHELLE SOKOLOWSKI
Development Project Manager
Development Services Department

Job Order No. 42-6167



City of San Diego
 Development Services
 1222 First Ave., MS-302
 San Diego, CA 92101
 (619) 446-5210

**Community Planning
 Committee
 Distribution Form Part 2**

Project Name : 4724 30 th St Vesting TM		Project Number 97621	Distribution Date 03/13/06		
Project Scope : GREATER NORTH PARK JO# 42-6167 * SELF CERTIFICATION SUBMITTAL * (PROCESS 4) Vesting Tentative Map to convert 7 existing residential units to condominiums and waiver for undergrounding overhead utilities on a 0.1606 acre site at 4724 30th Street in the MR-3000 Zone of Mid City Communities Planned District within the Greater North Park Community Plan, Transit Area.Council District 3. Notice Cards=1.					
Project Location 4724 30 th St					
Related Projects					
Project Manager Michelle Sokolowski		Phone Number 446-5278	Fax Number (619) 446-5245	E-mail Address MSokolowski@san diego.gov	
Community Plan: Greater North Park			Council District		
Existing Zone	Proposed Zone	Building Height	Number of Stories	FAR	
Committee Recommendations (To be completed for Initial Review):					
<input checked="" type="checkbox"/> Vote to Approve (CONSENT)		Members Yes 9	Members No 0	Members Abstain 0	
<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 VERNON FRANCK			TITLE GNPCPC UD/PR CHAIR		
SIGNATURE <i>[Signature]</i>			DATE 3-5-07		
Attach Additional Pages If Necessary: Project Management Division		Please Return Within 30 Days of Distribution of Project Plans To: City Of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101			



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

Ownership Disclosure Statement

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

Project Title: 4724 30th Street
Project No. For City Use Only: 97621
Project Address: 4724 30th 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): Richard W. Mansun
 Owner Tenant/Lessee Redevelopment Agency
Street Address: P.O. Box 28492
City/State/Zip: San Diego, CA 92198
Phone No: 858-675-8450 Fax No: 858-675-8451
Signature: [Signature] Date: 2/10/06

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:

001075

DEVELOPMENT SERVICES

Project Chronology4724 30TH STREET VESTING TENTATIVE MAP; PROJECT NO. 97621

	Action	Description	City Review Time	Applicant Response
3/8/06	First Submittal	Project Deemed Complete		
4/7/06	CEQA Appeal Filed	CEQA appeal filed by Briggs Law	30 days	
7/14/06	First Assessment Letter	First assessment letter sent to applicant.	98 days	
7/31/06	City Council Hearing on CEQA Appeal	CEQA appeal denied by City Council	17 days	
8/4/06	Second submittal	Applicant's response to first assessment letter		4 days
8/19/06	Second Assessment	Second assessment letter sent to applicant	15 days	
9/8/06	Third submittal	Applicant's response to second assessment letter		20 days
10/13/06	Third Assessment	Third assessment letter sent to applicant	35 days	
11/1/06	Fourth submittal	Applicant's response to third assessment letter		19 days
1/19/07	Fourth Assessment	Fourth assessment letter sent to applicant (CPG recommendation still needed)	79 days	
1/25/07	Fifth submittal	Applicant's response to fourth assessment letter		6 days
2/20/07	Fifth Assessment	Fifth assessment letter sent to applicant (minor engineering comment)	26 days	
3/12/07	Sixth submittal	Applicant's response to fifth assessment letter		20 days
3/15/07	Seventh Assessment – issues addressed	Issues addressed	3 days	
5/31/07	Public Hearing-Planning Commission	Planning Commission Hearing - First Available	77 days	
TOTAL STAFF TIME**			380 days	
TOTAL APPLICANT TIME**				69 days
TOTAL PROJECT RUNNING TIME**		From Deemed Complete to PC Hearing	449 days	

**Based on 30 days equals to one month.

COUNCIL DISTRICT THREE

June 14, 2005

ALLOCATION YEAR (FISCAL YEAR)	PROJECT NAME	ESTIMATED FOOTAGE	ESTIMATED NOMINAL COST
2006	Residential District 3 - HH	15,536	\$ 4,481,946
2007	Residential District 3 - CC	46,745	\$ 9,778,141
2008	Residential District 3 - DD	15,152	\$ 4,200,000
2009	Residential District 3 - BB	27,929	\$ 5,178,298
2010	Residential District 3 - Y	26,894	\$ 5,032,570
2011	Residential District 3 - X	30,823	\$ 5,807,075
2012	Residential District 3 - W	37,016	\$ 6,981,694
2013	Residential District 3 - U	16,812	\$ 3,464,832
2014	Residential District 3 - T	30,549	\$ 6,031,107
2015	Residential District 3 - S	22,195	\$ 4,565,801
2016	Residential District 3 - R	31,696	\$ 6,506,129
2017	Residential District 3 - GG	25,694	\$ 5,378,635
2018	Residential District 3 - Z	15,656	\$ 3,505,837
2019	Residential District 3 - II	32,193	\$ 6,255,119
2020	Residential District 3 - AA	32,193	\$ 6,793,827
2021	Residential District 3 - V	23,257	\$ 5,246,696
2022	Residential District 3 - M	22,343	\$ 5,081,359
2023	Residential District 3 - N	21,292	\$ 4,919,464
2024	Residential District 3 - A	18,106	\$ 4,351,404
2025	Residential District 3 - O	37,246	\$ 8,435,601
2026	Residential District 3 - P	31,837	\$ 7,381,545
2027	Residential District 3 - Q	22,702	\$ 5,486,734
2028	Residential District 3 - G	20,314	\$ 5,028,257
2029	Residential District 3 - H	19,342	\$ 4,814,990
2030	Residential District 3 - L	25,584	\$ 6,304,358
2031	Residential District 3 - K	21,672	\$ 5,504,657
2032	Residential District 3 - J	16,464	\$ 4,321,323
2033	Residential District 3 - I	12,615	\$ 3,459,962
2034	Residential District 3 - D	21,933	\$ 5,586,638
2035	Residential District 3 - E	14,139	\$ 3,804,579
2036	Residential District 3 - F	14,423	\$ 3,930,020
2037	Residential District 3 - C	18,531	\$ 4,866,313
2038	Residential District 3 - B	19,338	\$ 5,260,596
TOTAL		149.3	MILES



Council District Three

4724 30TH ST VTM - PROJECT NUMBER 97621

4724 30th Street

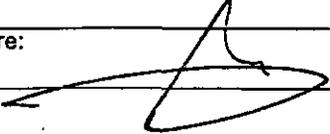
001079



City of San Diego
 Development Services
 1222 First Ave., MS-301
 San Diego, CA 92101
 (619) 446-5000

Certification of Tenant Notice for Condominium Conversion Map

THE CITY OF SAN DIEGO

Project Address: 4724 30th Street	Project No.: <i>For City Staff Use</i>
<p>I hereby certify that the "NOTICE" required under California Government Code Section 66427.1(a) and Municipal Code Section 125.0431 has been given to each tenant and person applying for the rental of a unit of the proposed condominium conversion project located at the project address listed above. The "NOTICE" was mailed or delivered on <u>10/19/05 - 11/16/05</u> (date).</p> <p>I understand that City staff may not file a tentative map or map waiver for condominium conversion with the decision-making body less than 60 calendar days from the date this "NOTICE" was mailed or delivered. Further, I understand that if it is found that any of this information is incorrect, the project application may be denied by the decision-making body or voided by the courts, and the project may have to be reheard after the required notices have been given.</p> <p><i>Richard W. Mansun</i></p>	
Owner/Owner Agent Name (Please Print):	
Signature: 	Date: 2/10/06
<p>Attachments:</p> <ol style="list-style-type: none"> 1. List of Names/Addresses of persons receiving notice 2. Copy of 60-day Notice of Intent to Convert to Condominiums 	

001080

Tenant 60 Day Notice of Intent to Convert to Condominiums

To the occupants of 4724 30th Street,

The owner of this building, at 4724 30th Street, plans to file a Tentative Map with the City of San Diego to convert this building to a condominium project.

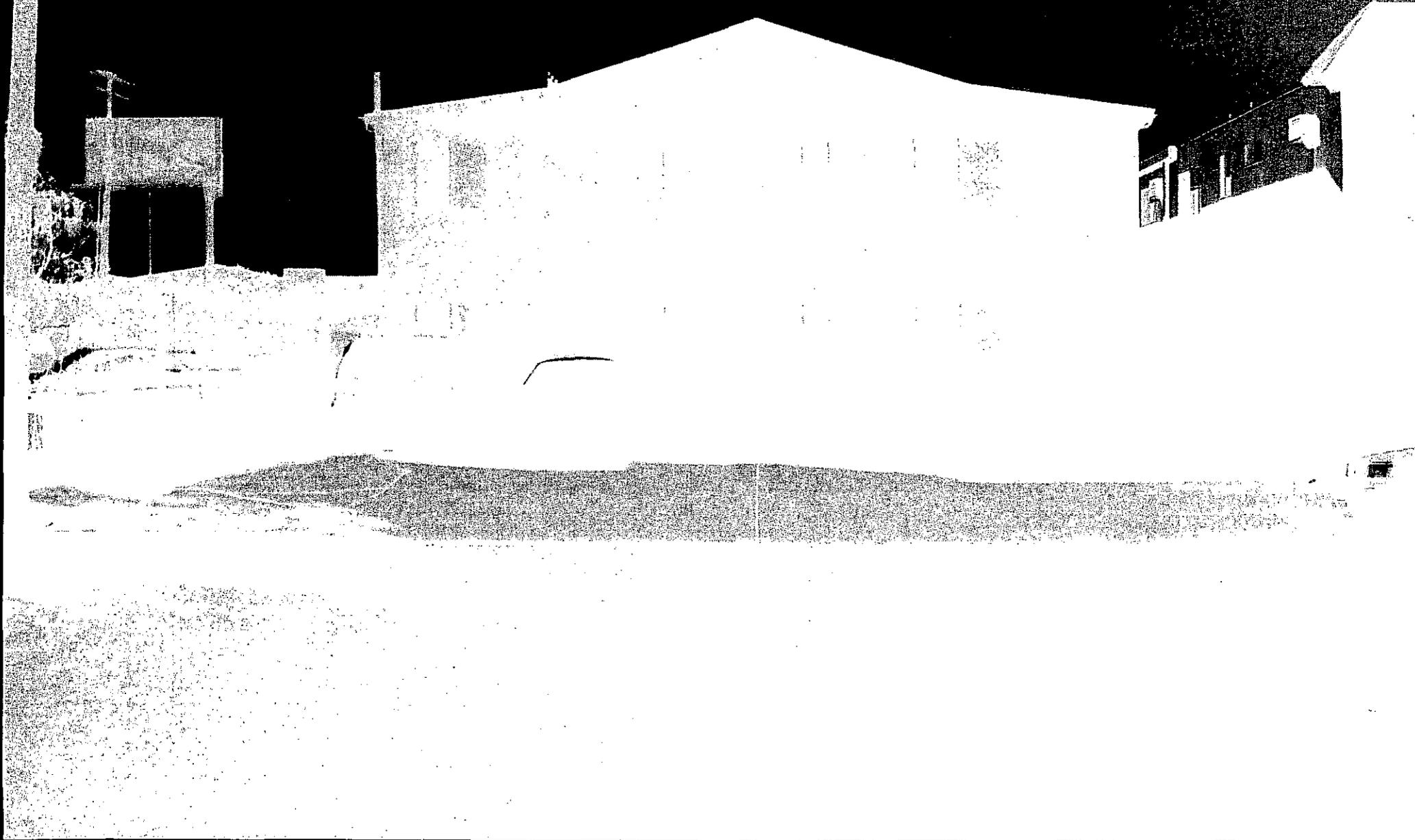
You shall be given notice of each hearing for which notice is required pursuant to Sections 663451.3 and 66452.5 of the Government Code, and you have the right to appear and the right to be heard at any such hearing.

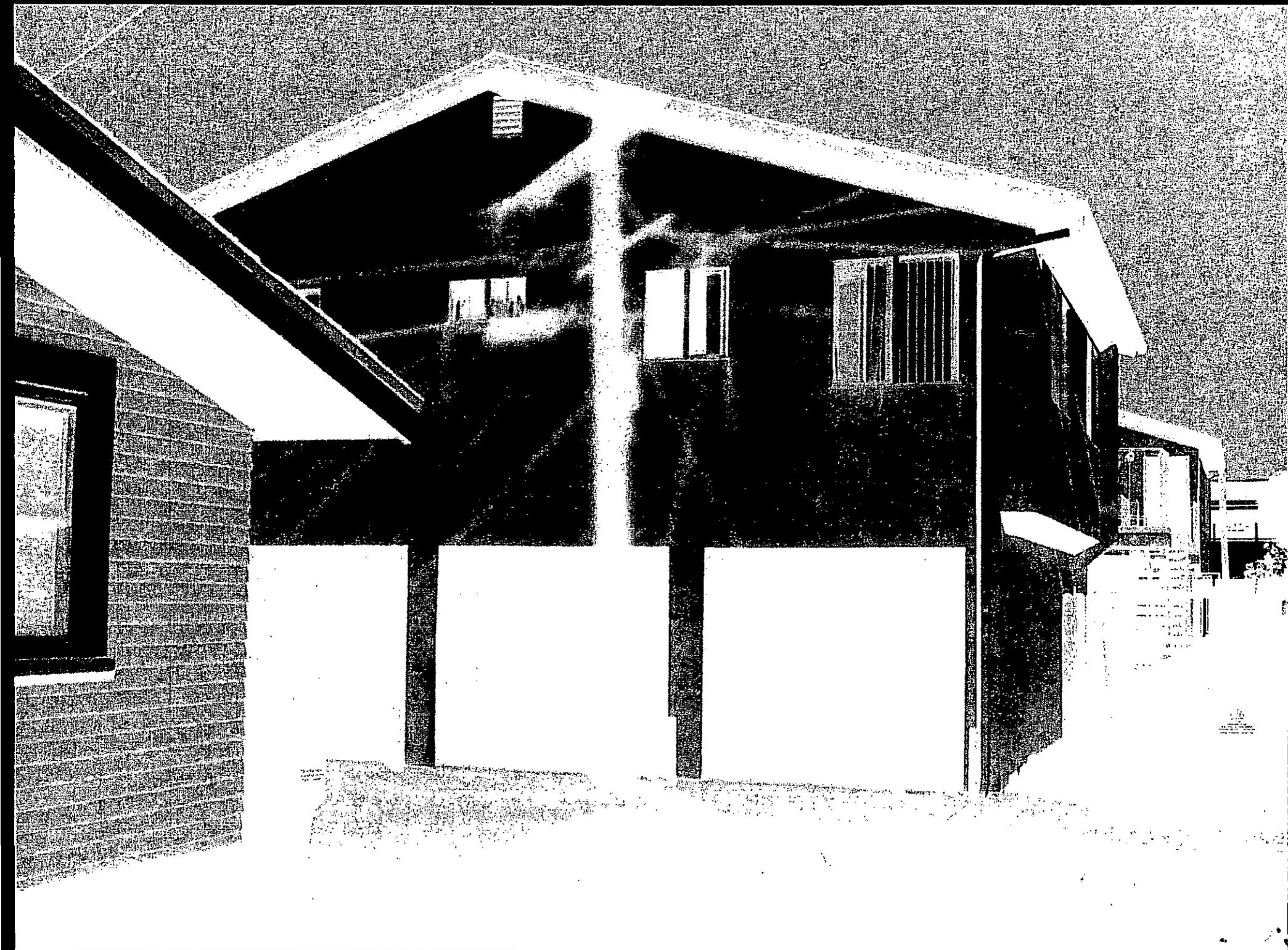
Should the condominium conversion project be approved, tenants may be required to vacate the premises.



Jason Durbin
Azul Properties
October 16, 2005

001081







City of San Diego
Development Services
1222 First Ave. • 3rd Floor
San Diego, CA 92101-4154
(619) 446-5210

RECEIVED
CITY CLERK'S OFFICE
07 JUN -6 PM 2:05

Development Permit/ Environmental Determination Appeal Application

THE CITY OF SAN DIEGO

See information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

- Process Two Decision - Appeal to Planning Commission
- Process Three Decision - Appeal to Planning Commission
- Process Four Decision - Appeal to City Council
- Environmental Determination - Appeal to City Council
- Appeal of a Hearing Officer Decision to revoke a permit

2. Appellant Please check one Applicant Officially recognized Planning Committee "Interested Person" (Per M.C. Sec. 113.0103)

Name

D. Scott Peters, Surveyor and Applicant

Address

2607 First Avenue City San Diego CA State Zip Code 92103 Telephone 619-546-6165

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

Richard Mansur

4. Project Information

Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
PTS #97621	May 31, 2007	Michelle Sokolowski

Decision (describe the permit/approval decision):

Denied by Planning Commission - Finding #2

5. Grounds for Appeal (Please check all that apply)

- Factual Error (Process Three and Four decisions only)
- Conflict with other matters (Process Three and Four decisions only)
- Findings Not Supported (Process Three and Four decisions only)
- New Information (Process Three and Four decisions only)
- City-wide Significance (Process Four decisions only)

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

This project was deemed complete on March 8, 2006.

Applicant is exempt from new ordinance requiring Landscaping and Building Condition Report Requirements due to this project being included in the Cory Briggs Lawsuit. Applicant did not comply with Planning Commission Voluntary Conditions because he does not want his Final Map Approval to be contingent upon completing upgrades, as he will likely not convert for many years.

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature:

Date:

5/31/07 6/6/07

Note: ~~Faxed~~ appeals are not accepted.



City of San Diego
 Development Services
 1222 First Ave., MS-301
 San Diego, CA 92101-4154
 (619) 446-5000

THE CITY OF SAN DIEGO www.sandiego.gov/development-services

General Application

42-6167

Part I (Complete for all permits/approvals)	1. Approval Type: Check appropriate box for type of approval needed. Separate electrical, plumbing and/or mechanical permits are required for projects other than single-family residences or duplexes. <input type="checkbox"/> Electrical • <input type="checkbox"/> Plumbing/Mechanical • <input type="checkbox"/> Sign • Construction Permits: <input type="checkbox"/> Structure <input type="checkbox"/> Grading <input type="checkbox"/> Public Right-of-Way; • <input type="checkbox"/> Subdivision • <input type="checkbox"/> Demolition/Removal • Development Permits: <input type="checkbox"/> Neighborhood Use <input type="checkbox"/> Coastal <input type="checkbox"/> Neighborhood Development <input type="checkbox"/> Site Development <input type="checkbox"/> Planned Development <input type="checkbox"/> Conditional Use <input type="checkbox"/> Variance • <input checked="" type="checkbox"/> Vesting Tentative Map • <input type="checkbox"/> Tentative Map • <input type="checkbox"/> Map Waiver • <input type="checkbox"/> Other _____					
	2. Project Address: Include Building or Suite No. 4724 30th Street, San Diego, CA 92116		Project Title: 4724 30th Street		Project No. For City Use Only 97621	
	Legal Description: (Lot, Block, Subdivision Name & Map Number OR Parcel and Parcel Map Number) Lots 15 & 16 in Block I of University Heights, Map No. 921				Assessor's Parcel No. 438-301-13-00	
	Existing Use: Apartments		Proposed Use: Condominiums		Total Floor Area: 6142 sq. ft.	
	Project Description: Condo Conversions					
	3. Engineer/Architect/Designer Name Sterling Land Services, Inc.					
	Address 2607 First Avenue		City San Diego	State CA	Zip Code 92105	Fax Number 619-546-6164
	4. Property Owner/Lessee Tenant Name Please check one <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Lessee or Tenant Richard W. Mansur		Address P.O. Box 28492		City San Diego	State CA
			Zip Code 92198	Telephone 858-675-8451		
	5. Contractor Name (not required for development permits)					
Address		City	State	Zip Code	Telephone	
State License No.		License Class		City Business Tax No.		
Licensed Contractor's Declaration: I hereby affirm that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.						
Signature		Title		Date		
6. Workers' Compensation Declaration: I hereby affirm under penalty of perjury one of the following declarations: <input type="checkbox"/> a. I have and will maintain a certificate of consent to self-insure for workers' compensation as provided by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. <input type="checkbox"/> b. I have and will maintain workers' compensation, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are: Insurance Company _____ Policy No. _____ Expiration Date _____ (This section need not be completed if the permit is for one hundred dollars (\$100) or less). <input type="checkbox"/> c. I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Workers' Compensation Laws of California, and agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions. Signature _____ Date _____ Warning: Failure to secure workers' compensation coverage is unlawful, and shall subject an employer to criminal penalties and civil fines up to one hundred thousand dollars (\$100,000), in addition to the cost of compensation, damages as provided for in Section 3706 of the Labor Code, interest, and attorney's fees.						
7. Owner-Builder Declaration: I hereby affirm that I am exempt from the Contractor's License Law for the following reason [Sec. 7031.5, Business and Professions Code: Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he is licensed pursuant to the provisions of the Contractor's License Law (Chapter 9, commencing with Section 7000, of Division 3 of the Business and Professions Code) or that he is exempt therefrom, and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500)]: <input type="checkbox"/> I, as owner of the property, or my employees with wages as their sole compensation, will do the work and the structure is not intended or offered for sale (Sec. 7044, Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or through his own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he did not build or improve for the purpose of sale.) <input type="checkbox"/> I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and contracts for such projects with contractor(s) licensed pursuant to the Contractor's License Law). <input type="checkbox"/> I am exempt under Section _____ B.&P.C. for this reason: Signature _____ Date _____						
8. Construction Lending Agency: I hereby affirm that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3097, Civ. C). If the name of the lending agency is not known, the word "unknown" should be written here. Lender's Name: _____ Lender's Address: _____						

Part II (Complete for building, plumbing, electrical, mechanical or sign permits)

CONTINUED ON REVERSE SIDE

DATE REPORT ISSUED: July 20, 2007

REPORT NO.: PC-07-081

ATTENTION: Council President and City Council

ORIGINATING DEPARTMENT: Development Services Department

SUBJECT: 4724 30th Street Vesting Tentative Map. PTS Project Number: 97621

COUNCIL DISTRICT: 3

STAFF CONTACT: Michelle Sokolowski, 446-5278, msokolowski@sandiego.govREQUESTED ACTION:

A Vesting Tentative Map for the conversion of 7 existing residential units to condominiums at 4724 30th Street, within the Greater North Park Community Plan Area.

STAFF RECOMMENDATION:

Grant the appeal and **approve** the Vesting Tentative Map, including the request to waive the requirement to underground existing overhead utilities.

EXECUTIVE SUMMARY:

Granting the appeal would allow the applicant to process their Final Map and convert the existing apartment units to condominiums.

Basis for Appeal: The applicant's appeal form indicates the project is in compliance with applicable laws and should be approved. The applicant states, "This project was deemed complete on March 8, 2006. Applicant is exempt from new ordinance requiring Landscaping and Building Condition Report Requirements due to this project being included in the Cory Briggs Lawsuit. Applicant did not comply with Planning Commission Voluntary Conditions because he does not want his Final Map approval to be contingent upon completing upgrades, as he will likely not convert for many years." (Attachment 2).

Staff Response:

Staff concurs with the applicant's request. The Planning Commission's decision to deny the proposed Tentative Map was based on Finding No. 2, which states: "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." Staff believes the intent of this required finding is to respond to leapfrog development and to provide necessary public facilities for additional housing in communities. In this instance, there is no net loss or gain of housing units. The property owner of the existing complex is requesting a change in the form of ownership from single ownership to multiple ownerships. The subject project does not include any physical changes in the environment or any intensification of use.

This project is subject to the "old code" condominium conversion regulations. The project was part of the original 76 CEQA appeals by Cory Briggs. The City Council, when enacting the "new" condominium conversion regulations on June 13, 2006, specifically permitted these projects to follow the "old code" regulations. For "old code" projects, the Planning Commission has requested applicants to voluntarily provide Building Condition Reports and Landscape Concept Plans.

In this instance, the applicant elected not to provide the voluntary Building Conditions Report and Landscape Concept Plan requested by the Planning Commission for "old code" projects. The applicant expressed a desire to move through the system with the original requirements, and expressed a willingness to accept a denial and move forward to the City Council. The Planning Commission respected the honesty, and moved denial. Commissioner Griswold expressed concern that the applicant was attempting to circumvent Commission procedures and to make the Planning Commission a non-factor by not offering their analysis to the City Council. The applicant indicated the owner's intention was to prepare the documents and perform the work; the owner just did not want these to be conditions of the Vesting Tentative Map.

The appeal was filed by Scott Peters of Sterling Land Services, representing the applicant, on June 7, 2007.

Please reference Report to the Planning Commission No. PC-07-081 for project details (Attachment 1).

FISCAL CONSIDERATIONS:

All costs associated with the processing of this project are paid by the applicant.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Greater North Park Planning Committee voted 9-0-0 to recommend approval of the proposed project on March 5, 2007, with no additional recommendations. Other than the applicant, no other speakers were present at the Planning Commission hearing, and no other communications were received.

The Planning Commission heard the project on February May 31, 2007. After a presentation by the applicant, and a discussion by the Planning Commission, a motion to deny the project was made by Commissioner Ontai and seconded by Commissioner Griswold. The vote was 6-0 (with Commissioners Schultz, Garcia, Griswold, Ontai, Otsjui and Naslund voting in opposition to the project; one Commissioner seat was vacant).

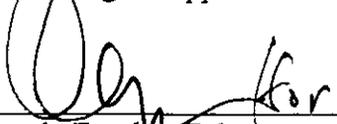
PREVIOUS COUNCIL and/or COMMITTEE ACTION:

As described above, the CEQA determination of exemption was appealed by Cory Briggs of Briggs Law. On July 31, 2006, the City Council denied the CEQA appeal by Resolution No. R-301777. That denial permitted the project to move forward through the review and hearing process.

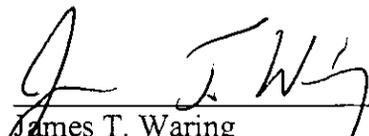
KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

The property owner is Richard Mansur, Trustee of the Richard Mansur Trus of 2004.

The applicant's engineer is Sterling Land Services, Inc. Scott Peters of that firm has been representing the applicant. Other key stakeholders include the property tenants.



 Marcela Escobar-Eck
 Director
 Development Services Department



 James T. Waring
 Deputy Chief of Land Use and
 Economic Development

001087

ATTACHMENTS:

1. Report to the Planning Commission No. PC-07-081
2. Appeal to the City Council, dated June 7, 2007
3. Determination of CEQA Exemption
4. Planning Commission Minutes: May 31, 2007

DETERMINATION OF
ENVIRONMENTAL EXEMPTION

Pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines

Agency: CITY OF SAN DIEGO

Project No.: 97621

Date: March 22, 2006

Action/Permit(s): Vesting Tentative Map

Description of Activity: 4724 30th STREET VESTING TENTATIVE MAP. The proposed project is a vesting tentative map to convert seven existing residential units to condominiums and waiver for undergrounding overhead utilities.

Location of Activity: The proposed project is located at 4724 30th Street, between Adams Avenue and Suncrest Drive, within the Greater North Park Community Planning Area. Legal Description: Lots 15 and 16, Block I, University Heights, Map 951.

(CHECK BOXES BELOW)

1. This activity is EXEMPT FROM CEQA pursuant to:
 - Section 15060(b) (3) of the State CEQA Guidelines (the activity is not a project as defined in Section 15378).

2. This project is EXEMPT FROM CEQA pursuant to State CEQA Guidelines Section checked below:

**ARTICLE 19 of GUIDELINES
CATEGORICAL EXEMPTIONS**
(Incomplete list)

**ARTICLE 18 of GUIDELINES
STATUTORY EXEMPTIONS**
(Incomplete list)

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


Allison Sherwood, Senior Planner
Environmental Analysis Section

Distribution:

Nicole Noble
 Michelle Sokolowski, Development Project Manager
Exemption File

001093

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
MAY 31, 2007
IN CITY COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING**

Agm # 12

CHRONOLOGY OF THE MEETING:

Chairperson Schultz called the meeting to order at 9:05 a.m. Chairperson Schultz adjourned the meeting at 11:22 a.m.

ATTENDANCE DURING THE MEETING:

Chairperson Barry Schultz-present
Vice-Chairperson Kathleen Garcia- present
Commissioner Eric Naslund-present
Commissioner Robert Griswold- present
Commissioner Gil Ontai-present
Commissioner Dennis Otsuji- present
Vacancy

Staff:

Mary Wright, Planning Department – present
Westlake, Development Services-present
Andrea Dixon, City Attorney- present
Don Weston, Development Services -present
Sabrina Curtin, Recorder-present

001094

ITEM-10: **4255 WINONA AVENUE TENTATIVE MAP – PROJECT NO. 87147**
City Council District: 3; Plan Area: City Heights Neighborhood of the Mid-City Communities Plan

COMMISSION ACTION:

MOTION BY COMMISSIONER NASLUND TO CONTINUE REPORT NO. PC-07-062 TO JULY 12, 2007 AS REQUESTED. Second by Vice-Chairperson Garcia. Passed by a 6-0 vote with one vacancy.

ITEM-11: **3125 COWLEY WAY VESTING TENTATIVE MAP - PROJECT NO. 106917**
City Council District: 3; Plan Area: Greater North Park

COMMISSION ACTION:

CONSENT MOTION BY VICE-CHAIRPERSON GARCIA TO APPROVE VESTING TENTATIVE MAP NO. 355355 AS PRESENTED IN REPORT NO. PC-07-080 TO THE PLANNING COMMISSION WITH THE CORRECTION; TOTAL NUMBER OF PARKING SPACES 234. Second by Commissioner Ontai. Passed by a 6-0 vote with one vacancy. Resolution No. 4265-PC.

ITEM-12: **4724 30th STREET VESTING TENTATIVE MAP– PROJECT NO. 97621**
City Council District: 3; Plan Area: Greater North Park

COMMISSION ACTION:

MOTION BY COMMISSIONER ONTAI TO DENY VESTING TENTATIVE MAP NO. 318764 AND DENY THE WAIVER FOR THE REQUIREMENTS TO UNDERGROUND EXISTING OVERHEAD UTILITIES AS PRESENTED IN REPORT NO. PC-07-081 TO THE PLANNING COMMISSION; DUE TO THE INABILITY TO MAKE NO. 2; *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 (LAND DEVELOPMENT CODE 125.044.H AND STATE MAP SECTION 66412.3).*
Second by Commissioner Griswold. Passed by a 6-0-1 vote with one vacancy. Resolution No. 4266-PC