

000903

RECOMMENDATIONS

COMMUNITY PLANNING GROUP/STAFF'S/PLANNING COMMISSION

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

CASE NO. 5445 55th Street Tentative Map – Project No. 83624

STAFF'S

Please indicate recommendation for each action. ie: resolution / ordinance

DENY APPEAL and APPROVE Resolution for Tentative Map No. 263259 including the request to waive the requirement to underground existing overhead utilities.

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

YEAS: 5 - Schultz, Ontai, Otsuji, Griswold and Smiley

NAYS: None

ABSTAINING: 2 - Nasland absent, seat vacant

TO: APPROVE Resolution for Tentative Map No. 263259 including the request to waive the requirement to underground existing overhead utilities.

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 _____
Project Manager



000905

THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: February 8, 2008 **REPORT NO.** PC-08-016

ATTENTION: **Planning Commission, Agenda of February 14, 2008**

SUBJECT: 5445 55TH STREET TENTATIVE MAP – PROJECT NO. 83624
PROCESS FOUR

OWNERS: M.S. Brower Development Corporation (Attachment 8)

APPLICANT: Sterling Land Services, Surveyor

SUMMARY

Issue: Should the Planning Commission approve a Tentative Map for the conversion of twenty-five existing residential units to condominiums at 5445 55th Street, including a waiver of the requirement to underground the existing overhead utilities, within the College Area Community Plan?

Staff Recommendation:

1. **Approve** Tentative Map No. 263259; and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: On November 9, 2005, the College Area Community Council voted 12-4-1 to recommend denial of the proposed project as discussed in the report (Attachment 7).

Environmental Review: This project is exempt from environmental review pursuant to Article 19, Section 15301(k), Existing Facilities, of the California Environmental Quality Act (CEQA). The environmental exemption determination for this project was made on September 20, 2005 and the opportunity to appeal that determination ended October 11, 2005.

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 twenty-five existing apartments to condominiums, there would be a loss of twenty-five rental units and a gain of twenty-five for-sale units. This condominium conversion project was deemed complete on September 13, 2005, and is therefore subject to the regulations regarding Inclusionary housing and tenant relocation assistance. This project is required to set aside 10% of the units for households earning 100% of the Area Median Income or less.

BACKGROUND

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

The 0.67-acre project site is located at 5445 55th Street in the RM-3-9 Zone and the Parking Impact Overlay Zone, within the College Community Plan area (Attachment 3). The site is presently developed with one, four-story structure containing a total of six, 1-bedroom units and nineteen, 2-bedroom units. Twenty-six off-street parking spaces are provided on the site: five exposed and twenty-one in carports, all accessed from 55th Street. The site is bounded on the north and west by multi-family residential uses and San Diego State University uses to the south and east.

The existing improvements were constructed in 1962 when the site was zoned R-4, which permitted multi-family residential development. The site is currently zoned RM-3-9, which would allow forty-eight units on the subject site. Current parking regulations would require fifty-four parking spaces on site and twenty-six parking spaces are provided. 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 or parking requirements; however, 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 Tentative Map for the subdivision of a 0.67-acre site into one (1) lot for a twenty-five unit residential condominium conversion (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 decisionmaker 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*, the conversion involves a short span of overhead facility less than a full block 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. 20 of the draft 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. 19 of the draft Tentative Map resolution (Attachment 6).

The neighborhood currently contains power poles and overhead utilities lines in the 55th Street right-of-way. The utility lines to these poles extend to other properties located north and south within the street. The poles closest to this property, which carry the lines serving this site, are at both corners of the property. 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 7J1, and the date for undergrounding has been established for the year 2049 (Attachment 10).

Community Planning Group:

On November 9, 2005, the College Area Community Council voted 12-4-1 to recommend denial of the proposed project (Attachment 7). Staff's response follows each issue identified by the Council:

1. *It will reduce the supply of much needed rental housing in the community:* Although the ownership change could result in a loss of rental housing, there is no information that can predict this change. Some or all of the units may be owner-occupied while some or all may be rented out by the purchasers.
2. *It is not in conformance with the College Area Community Plan:* There are no findings in

the State Map Act or Municipal Code that this change in ownership be consistent with the Community Plan. Additionally, there is language in the Community Plan which states that the 55th Street Sub Area for the College Area Redevelopment Project Area shall be redeveloped residentially at medium to medium-high density. The existing development is in conformance with this recommendation.

3. *Homebuyers will not be able to meet FNMA/FHLMC loan-underwriting requirements that 70% of the units be owner occupied as their primary residence:* While this may or may not be true, the City of San Diego does not regulate the financing options of home buyers.
4. *Denial of request to waive the requirement to underground existing overhead utilities:* This project conforms with Council Policy 600-25 and therefore, staff recommends approval of the waiver. The applicant will be required to underground all existing service to the site per Condition No. 20 of the draft 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. 19 of the draft Tentative Map resolution (Attachment 6).

Project-Related Issues:

Inclusionary Housing Ordinance and Tenant Relocation Benefits Conformance:

The requested conversion of these residential units to condominiums represents primarily a change in ownership. The applicant has certified that the twenty-five unit complex has been served the 60-day Notice of Intent to Convert to Condominiums May 9, 2005, (Attachment 11).

All condominium conversion projects Deemed Complete on or after February 7, 2004, must conform with the regulations regarding Inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. This proposed project was Deemed Complete on September 13, 2005, and is therefore subject to these new regulations. 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) to the satisfaction of the City Manager and the Housing Commission, prior to the recordation of the Final Map. The applicant will have to adhere to the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5). *If prospective tenants move into the premises prior to the recording of the Final Map, 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 required by the State Map Act and Land Development Code.*

On June 13, 2006, the City Council adopted regulations for additional requirements for landscaping, a building conditions report, onsite inclusionary housing, noticing and parking. Based on the adopted language and project timing, all of these new regulations apply to this project, with the exception of the parking regulations. The applicant will be required to enter into an agreement with the San Diego Housing Commission to provide the on-site affordable units prior to recordation of the Final Map, pursuant to the Affordable Housing Requirements of

the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

Building Conditions Report and Landscape Requirements

In accordance with the current regulations, the applicant provided a Building Conditions Report and Landscape Concept Plan. Both of these documents have been reviewed for conformance with the applicable regulations within Land Development Code (Chapter 14, Article 4, Division 5) and have been accepted by staff as conforming with the regulations.

Noticing

The proposed project has been conditioned to conform with all new noticing requirements for condominium conversions.

Conclusion:

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

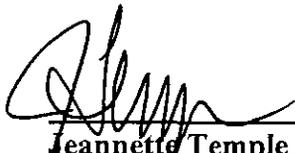
ALTERNATIVES

1. **Approve** Tentative Map No. 263259 along with the waiver of the requirement to underground existing overhead utilities, **with modifications.**
2. **Deny** Tentative Map No. 263259 along with the waiver of the requirement to underground existing overhead utilities, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



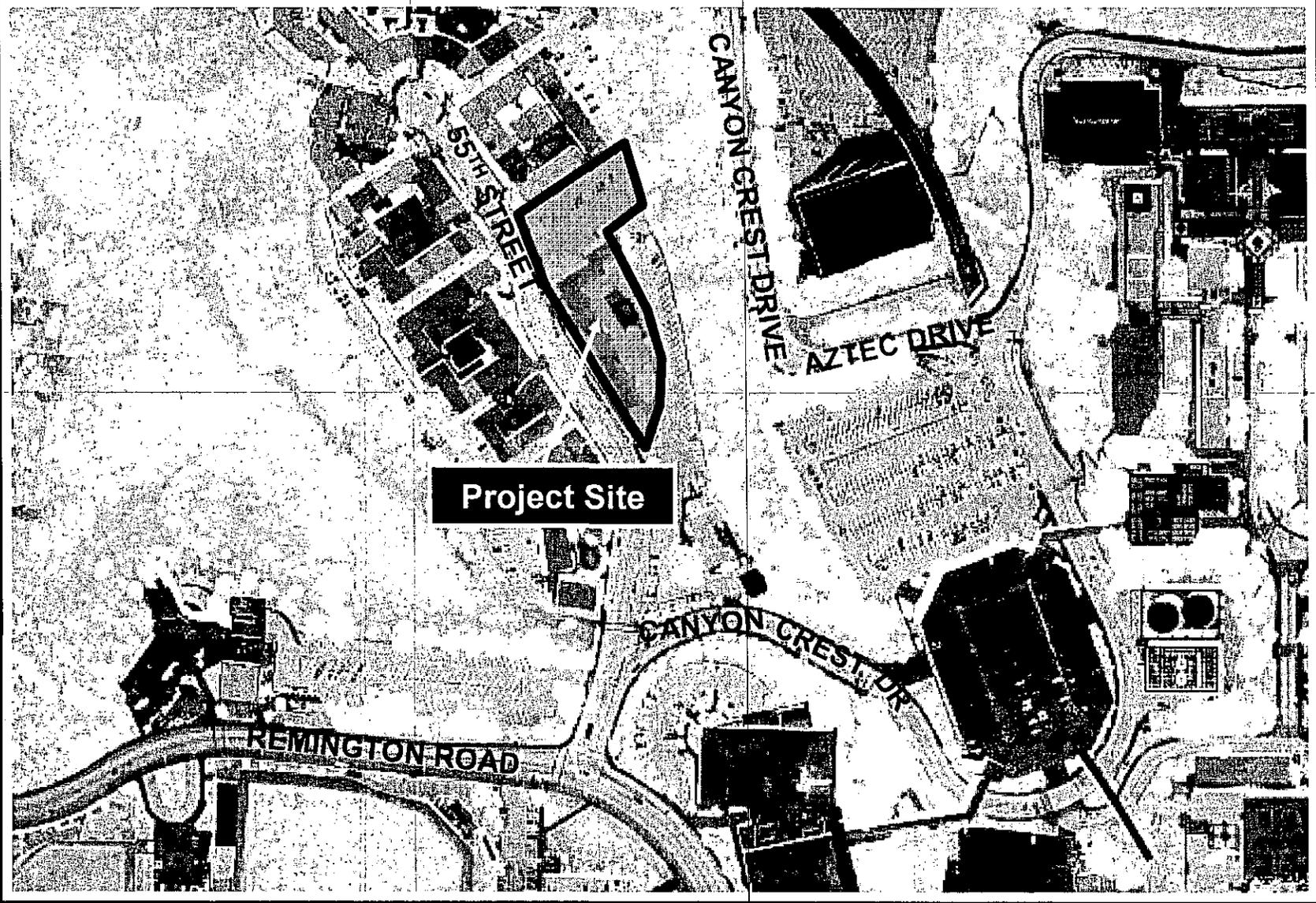
Jeannette Temple
Development Project Manager
Development Services Department

WESTLAKE/JT

Attachments:

000910

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Tentative Map
6. Draft Map Conditions and Subdivision Resolution
7. Community Planning Group Recommendation
8. Project Chronology
9. Ownership Disclosure Statement
10. City's Undergrounding Master Plan Map 7J1
11. 60-Day Notices of Intent to Convert
12. Photos of Existing Front and Rear Elevations
13. Building Conditions Report (limited distribution)



Project Site

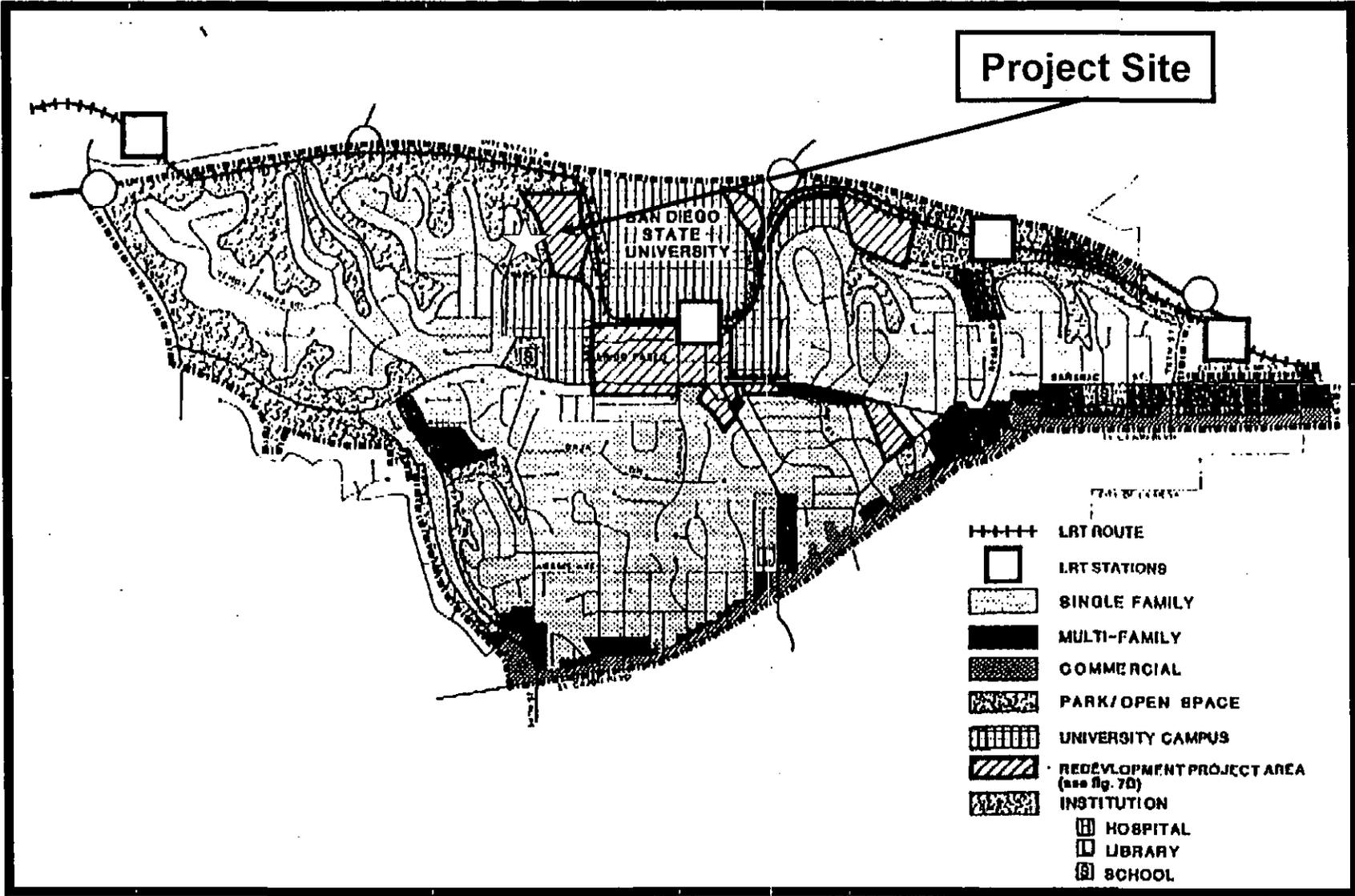


Aerial Photo

5445 55th Street Tentative Map – Project Number 83624

5445 55th Street



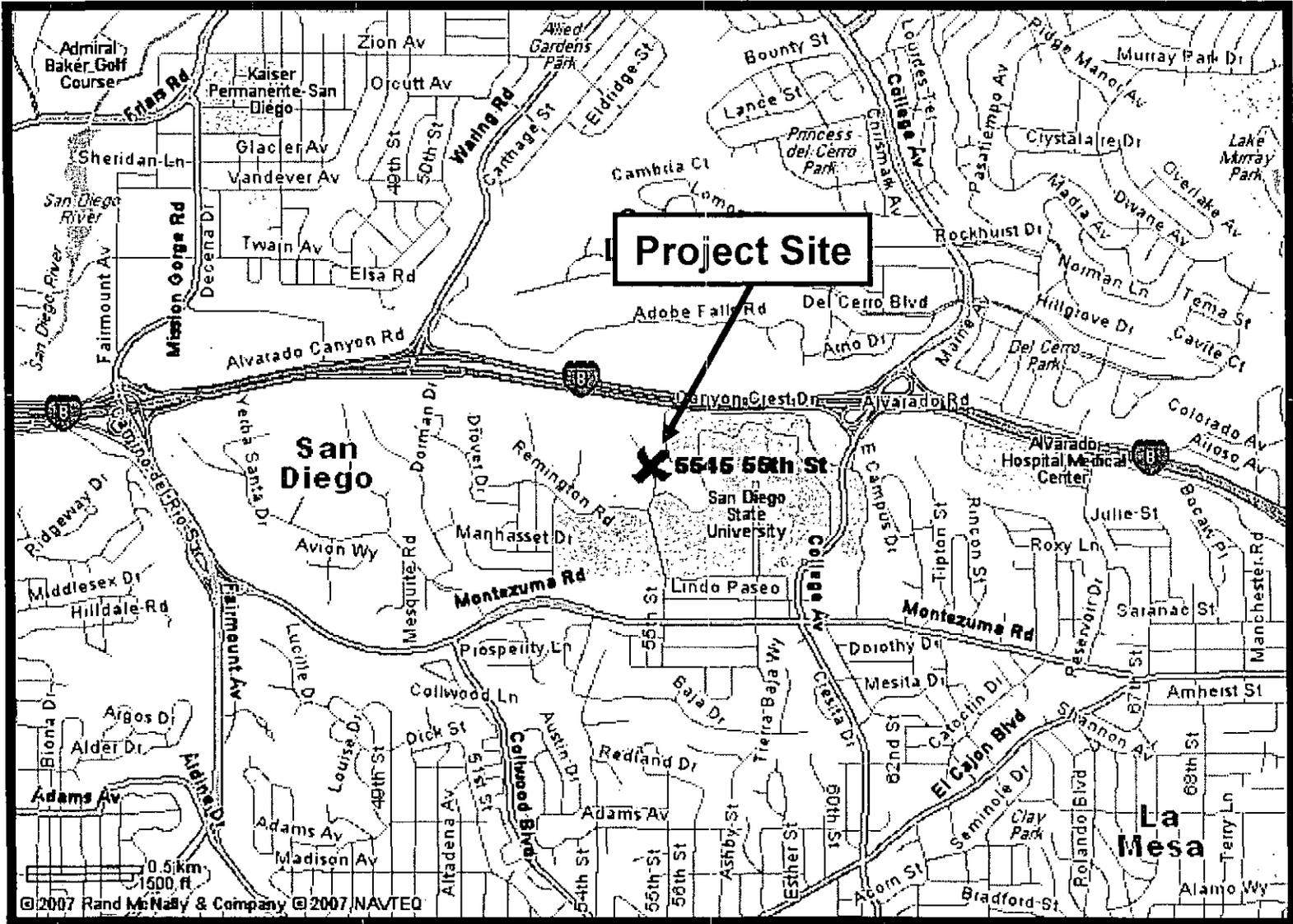


Land Use Map

5445 55th Street Tentative Map – Project Number 83624

5445 55th Street – College Area





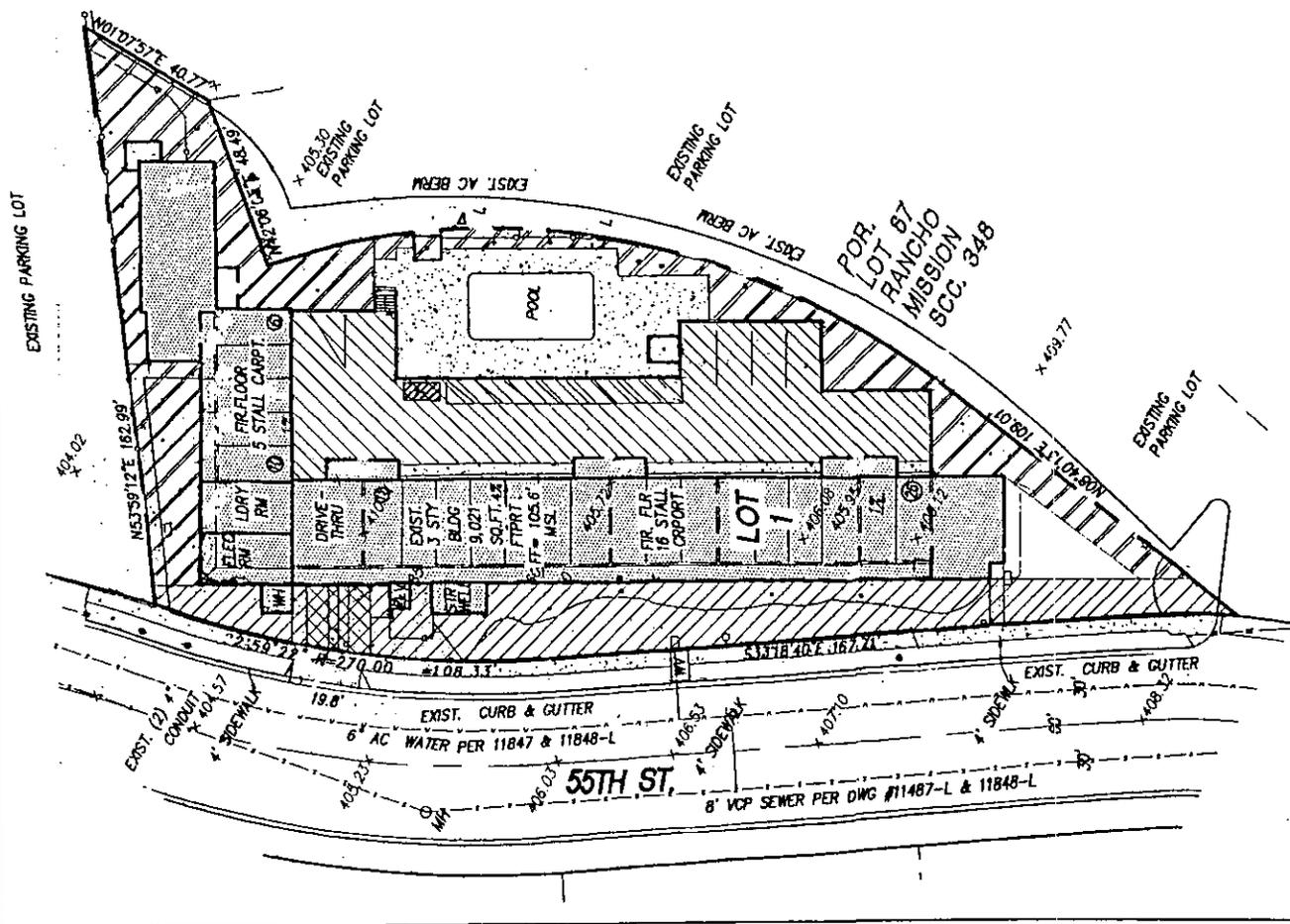
Project Location Map

5445 55th Street Tentative Map – Project Number 83624
 5445 55th Street



000917 PROJECT DATA SHEET		
PROJECT NAME:	5445 55 th Street Tentative Map	
PROJECT DESCRIPTION:	Conversion of twenty-five existing apartments into condominiums.	
COMMUNITY PLAN AREA:	College	
DISCRETIONARY ACTIONS:	Tentative Map	
COMMUNITY PLAN LAND USE DESIGNATION:	Multi-Family Residential (medium to medium-high density)	
<u>CURRENT ZONING INFORMATION:</u>	<u>CONSTRUCTED</u>	
ZONE: RM-3-9	R-4 zone	
DENSITY: 1 dwelling unit per 600 sq.ft. of lot area	25 units	
HEIGHT LIMIT: 4-stories per the redevelopment area	na	
LOT SIZE: 7,000 square-foot minimum lot size.	29,011 sf	
FLOOR AREA RATIO: 2.7 maximum.	Approx 1.25	
FRONT SETBACK: 10 min, 20 standard	Approx 5 ft	
SIDE SETBACK: 5 feet,	6.2 ft	
STREETSIDE SETBACK: 10 ft.	NA	
REAR SETBACK: 5 feet	4.2 ft	
PARKING: 54 spaces required	26 spaces	
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Multi-Family Residential; RM-3-9	Multi-Family
SOUTH:	University; RS-1-7	University
EAST:	University; RS-1-7	University
WEST:	Multi-Family Residential; RM-3-9	Multi-family
DEVIATIONS OR VARIANCES REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On November 9, 2005, the College Area Community Council voted 12-4-1 to recommend denial of the proposed project	

0009921



City of San Diego
Department of Planning
 1221 Third Ave., 16th Floor
 San Diego, CA 92101-4194
 (619) 444-3300

Landscape Calculations Worksheet
 Single Dwelling Unit Development in RIR Zones
 Multiple Dwelling Unit Development in All Zones

Provide the following information on the Landscape Plan. The Landscape Calculations determine the planting area and points required by the Landscape Regulations, Chapter 14, Article 2, Chapter 4 of the Land Development Code.

STREET YARD

* A minimum 40 sq. ft. planting area shall be provided for all trees, with no dimension less than 5 ft.
 * At least one half of the required planting areas shall be non-native trees.

Planting Area Required (14.0.0005)	Planting Area Provided	Excess Area Provided
Total Area 5425 sq. ft. x 0.80% = 4340 sq. ft.	4304 sq. ft.	649 sq. ft.
Planting Points Required (14.0.0005)	Plant Points Provided	Excess Points Provided
Total Area 5425 sq. ft. x 0.80% = 4340 points	4304 points	36 points
Points satisfied with trees	995 points	
Planting Area additional to landscape or unshaded and secure (14.0.0005) (0.80%)	Provided	
Total Area	sq. ft. x 0.80% =	NA sq. ft.

VEHICULAR YARD - Single structure on lot

Plant Points Required	Plant Points Provided	Points Satisfied with trees (at least 50%)
80 points	5315 points	4805 points
Points satisfied with trees	4805 points	

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Landscape Calculations Worksheet
 Vehicular Use Areas (VUA)

Provide the following information on the Landscape Plan. The Landscape Calculations determine the planting area and points required by the Landscape Regulations, Chapter 14, Article 3, Chapter 4 of the Land Development Code.

One tree per parking space (see Note 3) is required unless 20 sq. ft. of shade parking space. If points have not met, use plant equivalent. If a street tree is planted in a residential street, 1/2 of each parking space.

VEHICULAR USE AREA (14.0005) (14.0.0005 - 14.0.0007)

Planting Area Required: provide 40 sq. ft. per tree (with no dimension less than 5 ft.)

Plant Points Required	Plant Points Provided	Excess Points Provided
Total VUA 5661 sq. ft. x 0.80% = 4529 points	4590 points	61 points
Points satisfied through street tree (see Note 3)	1,000 points	

LANDSCAPE CALCULATIONS

STREET YARD PLANT POINTS:

QTY	SIZE	PLANT POINTS	TOTAL POINTS
01	Existing non-native tree 7" caliper	175 points / tree	600
01	Existing non-native tree 8" caliper	200 points / tree	200
01	30" Trk Fan Palm	30 points / tree	80
02	25" Trk Fan Palm	30 points / tree	30
02	20" Trk Fan Palm	30 points / tree	80
06	8" Trk Fan Palm	7.5 points / tree	45
28	Existing shrub >24" H.	15 points/shrub	330
			1385 Total Street Yard Points

220 Street Yard Points Required
 898 Plant Points from Trees

REMAINING YARD PLANTING REQUIREMENTS:

QTY	SIZE	PLANT POINTS	TOTAL POINTS
04	Existing non-native tree 19" caliper	400 points / tree	1600
01	Existing non-native tree 24" caliper	600 points / tree	2400
01	Existing non-native tree 17" caliper	300 points / tree	300
01	Existing non-native tree 8" caliper	200 points / tree	400
02	20" Trk Fan Palm	30 points / tree	80
06	8" Trk Fan Palm	7.5 points / tree	45
34	Existing shrub >24" H.	15 points/shrub	510
			6315 Total Remaining Yard Points

89 Remaining Yard Points Required
 2848 Plant Points from Trees

STREET TREE REQUIREMENTS: (1 Tree per 30 feet of Street Frontage)

Street Trees Required	09
Street Trees Existing	0
Street Trees Provided	11 (Pyrus kawakami) (Standard)

VEHICULAR USE AREA REQUIREMENTS (< 6,000 sq. ft.):

QTY	SIZE	PLANT POINTS	TOTAL POINTS
01	Existing non-native tree 18" caliper	400 points / tree	800
01	Existing non-native tree 8" caliper	200 points / tree	200
06	Existing shrub >24" H.	15 points/shrub	80
			1080 Total Vehicular Use Points

2848 Vehicular Use Points Required
 1800 Plant Points from Trees

LANDSCAPE CALCULATIONS NORTH

REVISIONS BY

LANDSCAPE ARCHITECTURE / CONSTRUCTION
 1221 Third Ave., 16th Floor
 San Diego, CA 92101
 (619) 444-3300

LANDSCAPE ARCHITECTURE / CONSTRUCTION
 1221 Third Ave., 16th Floor
 San Diego, CA 92101
 (619) 444-3300

PROJECT: 5445 55th Street, San Diego, CA 92115

OWNER: Brown Management Corporation
 2000 La Jolla Village Drive, Suite 100
 San Diego, CA 92161
 619-594-1111

DATE: 9-20-07
 SCALE: 1" = 10'-0"
 DRAWN: [Signature]
 JOB: [Signature]
 SHEET: L-2 OF 1

ATTACHMENT 5

000925

SECTION 0211
LANDSCAPE IRRIGATION

PART 1 - GENERAL

1.01 SUMMARY
A. Section includes all specifications and drawings that the finished system is complete in every respect and shall be ready for operation satisfactory to the Owner.
B. The work shall include all materials, labor, services, transportation, and equipment necessary to perform the work as indicated on the drawings, in these specifications, and as necessary to complete the contract.

1.02 CONSTRUCTION METHODS
A. Due to the nature of the drawings, it is not possible to indicate all effects, fittings, sleeves, etc., which may be required. The Contractor shall carefully inspect the structure and fixture conditions affecting it at its own and plan his work accordingly, furnishing work fittings, etc., as may be required to meet such conditions. Overlays are generally photographs and sketches of the work to be installed. The work shall be installed in such a manner as to avoid conflicts between irrigation systems, existing, and anticipated features.
B. All work called for on the drawings by notes or details shall be finished and installed whether or not specifically mentioned in the specifications, when as shown on the plans and not shown on the specifications or vice versa, it shall be deemed to be an item on both. The Landscape Architect shall have final authority for alterations.
C. The Contractor shall not attempt to install the irrigation system as shown on the drawings when it is obvious in the field that obstructions, grade differences or discrepancies in area dimensions exist that might not have been considered in engineering. Such obstructions or differences should be brought to the attention of the Landscape Architect as soon as detected. In the event the modification is not performed, the Irrigation Contractor shall assume full responsibility for any revision necessary.

1.03 QUALITY ASSURANCE
A. Provide at least one English speaking person who shall be present at all times during execution of this portion of the work and who shall be thoroughly familiar with the type of materials being installed and the manufacturer's recommended methods of installation and one shall direct all work performed under this section.
B. Manufacturer's structure and detailed drawings shall be followed in all cases where the manufacturer's instructions are used in the contract, covering covering covering points not shown in the drawings and specifications.
C. All steel, masonry and other work, rules and regulations governing or relating to any portion of the work are hereby incorporated into and made a part of these specifications, and their provisions shall be enforced by the Contractor. Anything contained in these specifications shall not be construed to conflict with any of the above rules and regulations of the same. However, when these specifications and their provisions shall be enforced by the Contractor, the construction of a better quality, higher standard, or larger size than is required by these rules and regulations, or the provisions of these specifications and drawings shall take precedence.

D. All materials supplied for the project shall be new and free from any defects. All defective materials shall be replaced immediately at no additional cost to Owner.
E. The Contractor shall secure the required licenses and permits including payments of charges and fees, plus required notices to public authorities, verify permits received or arrangements made by others affecting the work of this section.

1.04 SUBMITTALS
A. Materials List:
1. After award of contract and before any irrigation system materials are delivered to the job site, submit to the Owner a complete list of all irrigation systems, materials, or processes proposed to be furnished and installed as part of this contract.
2. Show manufacturer's name and listing number for each item, furnish complete catalog cuts and technical data, furnish the manufacturer's recommendations as to the method of installation.
3. No substitutions will be allowed without prior written acceptance by the Landscape Architect or Owner's authorized representative.
4. Manufacturer's warranty shall reflect the Contractor's of the liability under the contract. Such warranties shall any requirement the guarantee.
B. Substitutions:
If the Irrigation Contractor wishes to substitute any equipment or materials for those equipment or materials called for in the drawings and specifications he may do so by providing the following information to the Landscape Architect or Owner's authorized representative for approval:
1. Provide a written statement indicating the reason for making the substitution.
2. Provide catalog cut sheets, technical data, and performance information for each substitute item.
3. Provide in writing the difference in installed price if the item is accepted.

1.05 EXISTING CONDITIONS
A. The Contractor shall verify and be familiar with the location, size and detail of points of connection provided on the source of water, electrical supply, and telephone line connection to the irrigation system.
B. Irrigation design is based on the available static water pressure shown on the drawings. The Contractor shall verify static water at the project prior to the start of construction. Should a discrepancy exist, notify the Landscape Architect and Owner's authorized representative prior to the start of construction.
C. Prior to starting field work, the Contractor shall locate all existing, underground, power lines, and other utilities as well as any previously unaccounted underground and surface pipe. Proper procedures shall be followed to detect such improvements. If conflict exists between the work contract and the proposed work, the Contractor shall promptly notify the Landscape Architect and Owner who will arrange for resolution. The Contractor will proceed in the same manner if a rock layer or any other such conditions are encountered.

D. The Contractor shall protect all existing utilities and features to remain on and adjacent to the project site during construction. Contractor shall repair, at his own cost, all damage resulting from his operations or negligence.
E. The Irrigation Contractor shall coordinate with the General Contractor for installation of required manholes or valves on the plans.

1.06 INSPECTIONS
A. The Contractor shall permit the Landscape Architect and Owner's authorized representative to visit and inspect at all times any part of the work and shall provide safe access for such visits.
B. Where the specifications require work to be tested by the Contractor, it shall not be covered until accepted by the Landscape Architect, Owner's authorized representative, and/or governing agency. The Contractor shall be solely responsible for notifying the Landscape Architect, Owner, and governing agencies, a minimum of 48 hours in advance, where and when the work is ready for testing. Show any work to be tested without testing or acceptance. It shall be, if so ordered, measured at the Contractor's expense.
C. Inspections will be required for the following at a minimum:
1. System layout
2. Pressure test of irrigation main line (four hours at 125 PSI or 150% of static water pressure, which ever is greater)
3. Coverage test of irrigation system
4. Final inspection prior to start of maintenance period
5. Final acceptance

D. Site observations and testing will not commence without the record drawings as prepared by the Irrigation Contractor. Record drawings must complete and up to date for each site visit.
E. Work which falls below and is not accepted will be reworked. Re-work and expenses of the Landscape Architect, Owner's authorized representative, and governing agencies for reworking will be paid by the Irrigation Contractor at no additional expense to Owner.
1.07 STORAGE AND HANDLING
A. Use of means necessary to protect irrigation system materials before, during, and after installation and to protect the installation work and materials of all other trades in the event of damage. Irrespective of all repairs and replacements necessary to the acceptance of the Landscape Architect and Owner and at no additional cost to the Owner.
B. Exercise care in handling, loading, unloading, and storing plastic pipe and fittings under cover until ready to install. Transport plastic pipe only in a vehicle with a load long enough to allow the pipe to lay flat to avoid undue bending and compressed internal load.

1.08 CLEANUP AND DISPOSAL
A. Dispose of waste, trash, and debris in accordance with applicable laws and ordinances and as prescribed by authorities having jurisdiction. Buy no such waste material and clean up the site during the work and debris to be provided to the Contractor shall remove and dispose of rubbish and debris generated by his work and sorters of frequent intervals or when ordered to do so by the Owner's authorized representative.
B. At the time of completion the entire site will be cleaned of logs, stumps, rubbish and debris which shall be disposed of off-site in a legal disposal site.

1.09 TURNOVER ITEMS
A. Record Drawings:
1. Record accurately on one set of contract drawings all changes in the work constituting departure from the original contract drawings.
2. The changes and drawings shall be recorded in a legible and workmanlike manner to the satisfaction of the owner. Prior to final inspection of work, submit revised drawings to the Landscape Architect or Owner's authorized representative.
3. Dimensions from permanent points of reference such as buildings, sidewalks, curbs, etc. shall be shown. Date on record drawings shall be recorded on a day to day basis on the project to be fully installed. All lettering on drawings shall be minimum 1/8 inch high in size.
B. Specifications and details of the following items:
a. Point of connection (including water meters, backflow preventers, meter control valves, etc.)
b. Routing of sprinkler pressure lines (minimum stress at a minimum of 100 feet along routing)
c. End valves
d. Automatic remote control valves
e. Quick coupling valves
f. Routing of control lines
g. Irrigation controllers
h. Related equipment (as may be directed)

3. Maintain record drawings on site at all times. Upon completion of work, transfer all in-built information and drawings to reproducible copy plans.
B. Contractor Charts:
1. Record drawings must be approved by Landscape Architect and/or Owner's authorized representative before charts are prepared.
2. Prepare one contractor chart for each automatic controller. Chart shall show the area covered by the particular controller.
3. The chart to be a reduced copy of the actual "zone" drawing. In the event the contractor acceptance is not within when the drawing is reduced, it shall be enlarged by a minimum of 1/2 inch.
4. When completed and approved, the chart shall be handmailed sealed between two pieces of plastic, each piece being a minimum 20 inch by 16 inch.
C. Operation and Maintenance Manual:
1. Two individually bound copies of operation and maintenance manual shall be delivered to the Landscape Architect or Owner's authorized representative at least 15 calendar days prior to final inspection. The manual shall describe the materials installed and the proper operation of the system.
2. Each complete, bound manual shall include the following information:
a. Meter street address and telephone number
b. Location of maintenance period, list of equipment including names and addresses of local manufacturer representatives.
c. Operating and maintenance instructions for all equipment.
d. Spare parts lists and related manufacturer information for all equipment.

D. Equipment:
1. Supply as a part of this contract the following items:
a. Two (2) manholes for accessibility and adjustment of each type of applicable valve used in the irrigation system.
b. Three 30-inch sprinkler heads for manual operation of control valves.
c. Two keys for each automatic controller.
d. One solid bronze lever with a 3/4" bronze base hole, bent nose type with hard steel and the complete 3" key.
e. One solid bronze lever with a 3/4" bronze base hole, bent nose type with hard steel and the complete 3" key.
f. One 3-inch lock wrench for operating gate valves 3 inches or larger (if used).
g. One three quarter inch of each size and type
2. The above equipment shall be turned over to Owner's authorized representative at the final inspection.

1.10 COMPLETION
A. At the time of the pre-maintenance period inspection, the Landscape Architect, Owner's authorized representative, and governing agency will inspect the work, and if not accepted, will prepare a list of items to be completed by the Contractor. At the time of the post-maintenance period or final inspection the work will be inspected and final acceptance will be in writing by the Landscape Architect, Owner's authorized representative, and governing agency.
B. The Owner's authorized representative shall have final authority on all portions of the work.
C. After the system has been completed, the Contractor shall instruct Owner's authorized representative in the operation and maintenance of the irrigation system and shall furnish a complete set of operating and maintenance instructions.
D. Any testing of brackets which may occur during the one-year period following completion shall be required to the owner's satisfaction by the Contractor without any additional expense to the owner. Repairs shall include the complete restoration of all damage to planting, paving or other improvements of any kind as a result of the work.

1.11 GUARANTEE
A. The entire workable system, including all work done under this contract, shall be unconditionally guaranteed against all defects and loss of material and workmanship, including cutting of installed areas below grade, for a period of one (1) year following the (day of the) date of Completion. Should any problem with the irrigation system be discovered within the guarantee period, it shall be corrected by the Contractor at no additional expense to owner within ten (10) calendar days of receipt of written notice from Owner. When the nature of the trouble as determined by the Owner constitutes an emergency (i.e. broken pressure line) the Owner may proceed to make repairs at the Contractor's expense. Any and all damage to existing improvements resulting therefrom from faulty materials or workmanship, or from the necessary repairs to correct same, shall be repaired to the satisfaction of the owner by the Contractor, all at an additional cost to the Owner.
B. Guarantee shall be submitted an Contractor own letterhead as follows:

QUARANTEE FOR SPRINKLER IRRIGATION SYSTEM
We hereby guarantee that the irrigation system we have furnished and installed is free from defects in materials and workmanship, and the work has been completed in accordance with the drawings and specifications, unless noted and corrected by the Contractor, or except as noted. We agree to repair or replace any defective material during the period of one year from date of filing of the Certificate of Completion and also to repair or replace any damage resulting from the repairing or replacing of such defects at no additional cost to the owner. We shall make such repairs or replacements within 10 calendar days following written notification by the owner. In the event of our failure to make such repairs or replacements within the time specified after receipt of written notice from owner, so authorize the owner to proceed to have said repairs or replacements made at our expense and by any other contractor and we agree to reimburse the owner therefor.

PROJECT NAME:
PROJECT LOCATION:
CONTRACTOR NAME:
ADDRESS:
TELEPHONE:
SIGNED:
DATE:

PART 1 - MATERIALS

2.01 SUMMARY
Use only new materials of the manufacturer, size and type shown on the drawings and specifications. Materials or equipment installed or furnished that do not meet Landscape Architect's, Owner's, or governing agency's standards will be rejected and shall be removed from the site at the expense of the Contractor.

2.02 PIPE
A. Pressure supply line from point of connection through backflow prevention unit shall be 2" hard copper pipe.
B. Pressure supply line 2 inches in diameter and up to 3 inches in diameter downstream of backflow prevention unit shall be Class 115 solvent weld PVC piping shall conform to ASTM D2241.
C. Pressure supply line 1 1/2 inches in diameter and smaller of the backflow prevention unit shall be Schedule 40 solvent weld PVC conforming to ASTM D1782.

D. Non-pressure line 3/4" inches in diameter and larger downstream of the remote control valve shall conform to Schedule 40 PVC, non-pressure-duct-impervious, non-Dew-Dew-Block, non-pressure Schedule 40 piping shall conform to ASTM D1782 PVC and non-pressure Class 200 shall conform to ASTM 2472 PVC.

2.03 METAL PIPE AND FITTINGS
A. Brass pipe shall be 85 percent hot brass, ANSI, #2 Standard 125 pounds, Schedule 40 standard pipe.
B. Brass fittings shall be medium brass, covered 125-pound steel.
C. Copper pipe shall be "Type K".
D. Copper fittings shall be soldered type.

2.04 PLASTIC PIPE AND FITTINGS
A. Pipe shall be marked continuously with manufacturer's name, nominal pipe size, schedule or class, PVC type and grade, minimum Sanitation Foundation approval, Dimensional Standards, manufacturer, and date of approval.
B. All plastic pipe shall be subjected to an approved PVC single pipe compound in accordance with ASTM D2241 or ASTM D1782.
C. All PVC fittings shall be standard weight Schedule 40 and shall be injection molded or an approved rigid PVC fitting compound. The PVC fittings shall be the "deep socket" bracketed type. Threaded plastic fittings shall be injection molded. All pipe and pipe shall be sold joint. All fittings shall conform to ASTM D2241.
D. All threaded fittings shall be standard weight Schedule 80 with threaded threads and shall conform to ASTM D1782.
E. All solvent cement, setting of plastic pipe and fittings shall be a two-stage process, using primer and solvent cement applied per the manufacturer's recommendations. Cement shall be of a BULK consistency, not gel-like or runny. Solvent cementing shall be in accordance with ASTM D2241 and ASTM D1782.
F. When connection is plastic to metal, female threads shall be hand threaded, pipe ends are to be steel threads. Male compound shall be hand-bored before fitting pipe, tape, or.

2.05 BACKFLOW PREVENTION UNITS
A. The backflow prevention unit shall be of the manufacturer, size, and type indicated on the drawings.
B. The backflow prevention unit shall be installed in accordance with the requirements set forth by local codes.
C. The backflow prevention assembly shall consist of brass piping, unions and fittings.
D. Backflow prevention assemblies shall be of the manufacturer, size, and type indicated on the drawings. Enclosure shall be constructed of 3/16" stainless steel angle stock with 1-1/2" No. 8 expanded metal panels and a 3/8" U-bolt lock to be secured to the concrete mounting post.

2.06 VALVES
A. Ball Valve:
1. Ball valves shall be of the manufacturer, size, and type indicated on the drawings.
2. Ball valves shall be double union design, full 90° PVC bodies with Teflon and seats. End connector carrier and stem are to have either EPDM or Viton O-rings.
3. All ball valves are to have threaded connections.
4. All ball valves shall have a minimum turning pressure of not less than 125 psi and shall conform to API 6000.
B. Quick Coupler Valve:
1. Quick coupler valves shall be of the manufacturer, size, and type indicated on the drawings.
2. Quick coupler valves shall be brass with a wall thickness guaranteed to withstand normal working pressure of 150 psi without leakage. Valves shall have 3/4" female threaded opening at base, with two-piece body. Valves to be operated only with a coupler key, designed for that purpose. Coupler key to be located into valve and a positive, watertight connection shall be made between the coupler key and valve. Range cover shall be the locking type constructed of brass with a rubber-like gasket cover.
C. Automatic Control Valves:
1. Automatic control valves shall be of the manufacturer, size, and type indicated on the drawings.
2. Automatic control valves shall be electrically operated.

D. Anti-drain Valves:
1. Anti-drain valves shall be of the manufacturer, size, and type indicated on the drawings.
2. Anti-drain valves shall have 18-8 stainless steel springs and valve stems with Buna-N seats.
3. Anti-drain valves are to have threaded connections the size of the flow or pipe they are to be installed into, or the next feasible size. No slip connection anti-drain valves are allowed.

2.07 VALVE BOXES
A. Valve boxes shall be fabricated from a durable, weather-resistant plastic material resistant to burglary and chemical action of acids.
B. The valve box cover shall be green in color and covered with bolts.
C. The cover and box shall be capable of withstanding a load of 1,000 pounds.
D. Valve box extensions shall be by the same manufacturer as the valve box.
E. Automatic control valves boxes shall be 18" x 11" x 12" rectangular size. Valve box covers shall be "hard braided" in 2" high letters "RCV" with the valve identification number.
F. Ball valve, quick valve, remote valve and quick coupler valve boxes shall be 18" x 12" x 12" with "RCV" covers shall be "hard braided" in 2" high letters with either "BV", "QV", "RV" or "RCV".

REVISIONS BY
Landscape Architect / Construction
3443 30th Street
San Diego, CA 92115
PROJECT: 3443 30th Street
San Diego, CA 92115
OWNER: Bloomer Management Corporation
Matthew B. Bloomer, President
17000 Camino del Rio East, Suite 100
San Diego, CA 92108
DATE: 05-27-2004 11:11 AM
Scale: 1" = 16'-0"
Job:
Sheet
L-6
Of Sheets

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**PLANNING COMMISSION RESOLUTION NO. XXXX
TENTATIVE MAP NO. 263259
5445 55TH STREET TENTATIVE MAP - PROJECT NO. 83624
DRAFT**

WHEREAS, M.S. Browar Development Corporation, Applicant/Subdivider, and Sterling Land Services, Inc., Surveyor, submitted an application with the City of San Diego for a Tentative Map, No. 263259, and to waive the requirement to underground existing overhead utilities. The project site is located at 5445 55th Street, north of Aztec Circle in the RM-3-9 Zone and the Parking Impact Overlay Zone, within the College Community Plan area. The site is legally described as Lots 110 and 111 of College View Unit No. 3, Map No. 3157; and

WHEREAS, the Map proposes the subdivision of a 0.67-acre site into one (1) lot for a twenty-five (25) unit residential condominium conversion; and

WHEREAS, the project is exempt from environmental review pursuant to Article 9, 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 twenty-five; and

WHEREAS, on February 14, 2008, the Planning Commission of the City of San Diego considered Tentative Map No. 263259 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 Tentative Map No. 263259:

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 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 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, which notice shall be provided within 5 working days of the issuance of the Subdivision Public Report.. 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

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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)).

9. 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).
10. 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).
11. Each of the tenants of the proposed condominium project has received written notification of the project application for the condominium conversion within 10 days after the application was deemed complete (Land Development Code 125.0431(a)(3)).
12. The project has been conditioned that the subdivider will give each person applying for the rental of a unit in such residential real property written notification that the project application for the condominium conversion was deemed complete (Land Development Code 125.0431(a)(3)).
13. The project has been conditioned that the subdivider will give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (Land Development Code Section 125.0431(a)(4)).
14. A Building Conditions Report has been prepared in accordance with the Land Development Manual by a registered architect or engineer licensed by the State of California (Land Development Code Section 144.0504(b)).
15. The project has been conditioned that the subdivider will provide to a prospective purchaser a copy of the Building Conditions Report prior to the opening of an escrow account. (Land Development Code Section 144.0504(c)).
16. The project has been conditioned that the subdivider will provide a relocation assistance payment to all tenants of the project whose tenancy has terminated due to the condominium conversion. (Land Development Code Section 144.0505).
17. The project has been conditioned for the subdivider to complete the physical improvements as outlined in Land Development Code Section 144.0507, to the satisfaction of the City Engineer prior to final map approval.
18. The project has been conditioned for the subdivider to satisfy the inclusionary housing requirements on-site in accordance with Land Development Code Section 142.1306. (Land Development Code Section 144.0508).

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19. The requested 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:
 - a. The conversion involves a short span of overhead facility (less than 600 feet in length).
 - b. 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.
20. 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, Tentative Map No. 263259 including the waiver of the requirement to underground existing overhead utilities, is hereby granted to M.S. BROWAR DEVELOPMENT CORPORATION, Applicant/Subdivider, subject to the following conditions:

GENERAL

1. This Tentative Map will expire February 14, 2011.
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 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. Prior to the issuance of Final Map taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition
5. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain

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independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant

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 State Map Act.
8. 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.
9. 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.
10. 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.

11. 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

12. Prior to the recordation of the Final Map, the subdivider shall enter into an affordable housing agreement with the Housing Commission to provide affordable housing units in compliance with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).
13. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5), to the satisfaction of the Development Services Department and the Housing Commission.
14. The subdivider will give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (Land Development Code Section 125.0431(a)(4)).
15. The subdivider will provide to a prospective purchaser a copy of the Building Conditions Report prior to the opening of an escrow account. (Land Development Code Section 144.0504(c)).

ENGINEERING

16. The subdivider shall replace the damaged and displaced sidewalk panels, preserving any contractor's stamp, adjacent to the site on 55th Street.
17. The subdivider shall replace the onsite sidewalk, at the northerly end of the project, to be flush with the public sidewalk.
18. The subdivider shall reconstruct the existing driveway and curb ramp, to current City standards, adjacent to the site on 55th Street. In addition the subdivider shall either relocate or trim the palm tree, so as not to impede the use of the curb ramp.
19. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
20. The subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has

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taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.

21. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the Municipal Code provisions for building and landscape improvements (Land Development Code Sections 144.0507), to the satisfaction of the City Engineer. The parking requirements in Land Development Code Sections 144.0507 and 142.0525.a do not apply, since this project was deemed complete prior to the effective date of this ordinance (July 27, 2006).
22. 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. RR-297376.

MAPPING

23. "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).
24. "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."
25. 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.

SEWER AND WATER

26. Water and Sewer Requirements:

- a. The subdivider shall install appropriate private back flow prevention devices on all existing and proposed water services (domestic, irrigation, and fire) adjacent to the project site in a manner satisfactory to the Water Department Director.
- b. 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.

INFORMATION:

- The approval of this 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 (16 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.
- Subsequent applications related to this 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 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.
- Where in the course of development of private property, public facilities are damaged or removed the property owner 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. Municipal Code Section 142.0607.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SAN DIEGO, CALIFORNIA, ON FEBRUARY 14, 2008.

By

Jeannette Temple
Development Project Manager
Development Services Department

Job Order No. 42-5226

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College Area Community Council
 P.O. Box 15723 San Diego, CA 92175-5723
 E-mail: info@cacc-sd.org Web: http://www.cacc-sd.org

EXECUTIVE BOARD MINUTES
 Community Center, Faith Presbyterian Church
 November 9, 2005
 7:00pm

Present:

Doug Case	Rosary Nepi	Tom Phelps
Roberta Eidemiller	Aaryn Belfer	Michael Bloom
Judy Hopps	Charles Maze	Sally Roush
Christina Kish	Jim Boggus	Arlene Hady
Steve Laub	Doug Knutson-Keller	Harold Webber
Scott Moomjian	Sandy Alter	Dan Cornthwaite

I. Call to Order/Pledge of Allegiance/Roll Call

Scott Moomjian called the meeting to order at 7:00 p.m. The pledge of Allegiance was recited.

II. Minutes/Agenda Approval

A. It was moved and seconded to approve the minutes of October 12, 2005 as distributed.

Unanimously Approved

III. Adoption and Approval of Consent Agenda

None to Report

IV. Public Comment on Non Agenda Items

- A. Steve Siliverino – 4107 Bedford Dr. – Friends of the Language Academy – There will be a silent auction on December 6th to raise funds for a joint-use project at the Language Academy on Montezuma Rd.
- B. Mary Steckbauer – 5633 Marylane Dr. – Dennis Kramer (594-SAFE) gets a thanks from resident for the (619)594-SAFE program
- C. Kristen Beattie – Mid-City Community Court Prosecutor – Thanks to participants in the community court process. The new Community Relations Officer is Richard Fox.

V. Reports of Government Liaisons

- A. Jay Wilson - Madaffer's office Council District 7 (619) 236-7042 – Spoke regarding the trash on Montezuma Rd. He tried to get SDSU involved but there is a problem

with safety and the lack of sidewalks. There is an event at the Montezuma Language Academy and he will report back to us in January about the progress of the mini-dorm meetings.

- B. Lieutenant Bob McManus - SDSU Department of Public Safety (619) 594-7874 – There has been additional crime at SDSU but all actions are still under investigation. Additional officers from Cal State Long Beach are coming to SDSU for the weekend. The office location is in the student services east building. Their SAFE program is working well in its first month.
- C. Michael Woomeer – SDSU Associate Director of Design and Construction (619) 594-8076 – Aztec Aqua-Plex funded by Associated Students and additional fees was voted on by the students. He gave a small presentation on the status of the project.
- D. Jason Farran – County Supervisor Ron Robert's Office – “AAA” bond rating at the county. \$70 million was spent in fire preparedness. Violent crime rates are down this year.

****7:20pm Steve Laub arrived**

- E. Deanneka Goodwin – Congresswoman Susan Davis' office – She brought copies of their monthly newsletter. Included in the newsletter are dates and times for the Neighborhood Day at Doyle Park. The Congresswoman supports HRI 548.
- F. Lisa McClarty- Senator Christine Kehoe’s Office (619) 645-3133 – Community Council sent a letter about sober living homes. She also had post-hearing reports on development blight and eminent domain. Call her office for hearing information on Emergency Response.
- G. Theresa Nakata - SDSU Research Foundation - not in attendance
- H. Christina Kish - Executive Director for College Area BID - Gave a parade re-cap with the first year being a successful one. There is a design workshop on Wednesday, November 14th at 6:30 at the firehouse. The Holiday Tree Lighting will be on December 6th on the corner of College Ave. and El Cajon Blvd.
- I. Fernando Reyes - Assemblywoman Shirley Horton's Office (619) 462-7878 – The Assembly is currently out on recess. Assembly member Choo co-authored AB 1926 (licensing sober living homes).
- J. Marlon Pangilinan - City of San Diego Planning Department – There is a workshop on housing element on November 17th at 9am at council chambers with Bill Levin [(619) 235-5214]. City Council recognized changes in 600-24 including missing 3 consecutive meetings, etc.

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VI. Treasurer's Report – Dan Cornthwaite

A. October had an income of \$84.41 and an expenditure of \$71.79 leaving us with a gain of \$12.62 and a balance of \$9,528.38.

Motion to approve by Harold/Sally/Unanimously Approved

VII. Committee Reports

A. Planning Committee:

Information Item:

1. Proposed Joint Use Sports Field at The Language Academy; Friends of the Language Academy (FOLA) (Applicant).

- A representative from the Language Academy will be making a presentation to the Executive Board on November 9. Presentation by Susan Baldwin.

Action Items:

2. Action to consider a Planned Development Permit (PDP) to deviate from minimum lot size and depth and Tentative Map to create 5 residential parcels from one existing 0.58 acre site at 5402 Gilbert Drive in the RS-1-7 Zone (El Cerrito Enclave Project).

Committee comments:

John Becker represented the applicant. The 5 homes range from 1600-2200 s.f., from 4-5 bedrooms. The existing 1920's era home will be torn down. There was extensive public comment from the neighbors in El Cerrito. Based on these concerns and those of the committee, the Committee voted 11-0 to recommend to the Executive Board that:

The CACC forward the following list of concerns to the City of San Diego and request that the Applicant conduct further review and return to the CACC with responses before a vote is taken:

- (a) The proposed homes do not have an architectural style that is consistent or compatible with the existing homes in the neighborhood.
- (b) The properties do not have sufficient yards to support families and are thus inconsistent with surrounding family-oriented residential development.
- (c) The 89' depth of lots 4 & 5 are inconsistent and incompatible with the depth of the surrounding lots, including the 176' deep lot to the east.
- (d) More information is needed on traffic control measures during construction. There is a concern that construction traffic will prevent residents from accessing their properties.
- (e) There is concern that the houses will become rental units and be rented to college students. This creates problems associated with mini-dorms, including excessive noise, poor property maintenance, and availability of on-street parking. The community requests assurances that the units will not become mini-dorms.
- (f) More information is needed to determine if the new north-leg of Berting and Gilbert will cause increased traffic accidents at the intersection.
- (g) There are existing flooding problems at the intersection, and adding more improvement could cause overflow of the storm drain system.

Action to consider a Planned Development Permit (PDP) to deviate from minimum lot size and depth and Tentative Map to create 5 residential parcels from one existing 0.58 acre site at 5402 Gilbert Drive in the RS-1-7 Zone (El Cerrito Enclave Project).

Motion presented by Committee chair
16-0-1 Motion Passes

3. Action to consider a Tentative Map to convert 25 existing residential units to condominiums and waiver for undergrounding overhead utilities on a 0.667 acre site at 5445 55th Street in the RM-3-9 Zone (55th Street Tentative Map Project).

Committee comments:

Robert Hardenall represented the applicant. The Committee voted 10-1 to recommend to the Executive Board that:

The CACC recommend denial of the application for the following reasons:

- (a) It will reduce the supply of much needed rental housing in the community
- (b) It is not in conformance with the College Area Redevelopment Project Master Plan
- (c) Homebuyers will not be able to meet FNMA/FHLMC loan underwriting requirements that 70% of the units be owner occupied as their primary residence
- (d) Request for Waiver of under-grounding of utilities be denied if the project is otherwise approved.

Motion to amend by Dan Cornthwaite to add item "D" request for waiver of underground over-head utilities be denied if the project is otherwise approved. Second by Harold Webber/Uniamously approved.

Motion with amendment passes to deny application. 12-4-1

4. Action to consider a Site Development Permit (SDP) for the Business Improvement District (BID) in the College Area Community Plan to allow encroachments into the public right-of-way (PROW) per approved set of guidelines (College Avenue BID Project).

Committee comments:

The Committee had not received any supporting material for the application and there was no presentation from the applicant. The Committee voted to defer action on the application to the December meeting.

Motion by Sandy Alder/ Second by Sally Roush to defer committee passes. 9-7-1

000941

5. Action to consider a Tentative Map to convert 28 existing residential units to condominiums on a 0.321 acre site at 7240 El Cajon Boulevard in the CU-2-3 Zone (7240 El Cajon Tentative Map Project).

The applicant was not present at the meeting. The Committee voted 10-1 to recommend to the Executive Board that:

The CACC recommend denial of the application for the following reasons:

- (e) It will reduce the supply of much needed rental housing in the community
- (f) It is not in conformance with the College Area Community Plan
- (g) Homebuyers will not be able to meet FNMA/FHLMC loan-underwriting requirements that 70% of the units be owner occupied as their primary residence.

Motion to amend request for waiver of underground overhead utilities be denied if the project is otherwise approved.

Motion to amend amendment to deny all waivers.

10-6-1 Motion Passes

Motion that request for waiver of underground overhead utilities be denied and to deny all waivers if otherwise approved.

16-0-1 Motion Passes

Overall Motion including amendments.

12-4-1 Motion Passes

B. Parking District "B":

Construction workers' trucks are being ticketed.

Motion to request the city to provide written rules of parking district B enforcement including service vehicles, construction vehicles, gardening vehicles, etc. These rules would be distributed to all residents within parking district B by the city. The request shall be submitted to the 7th council district office for processing within the city.

Motion to amend the previous motion with opportunity for the CACC to review the parking District B rules and give comments before distribution.

16-0-1 Motion Passes

- C. Library Committee: Welcome to the first Executive CACC meeting to the library meeting next Thursday, November 17th at 6pm for elections.

D. Membership: applications available

E. Bylaws: no report

F. Projects: no report

G. Community Relations: no report

VIII. Reports of Special Delegates

A. College Community Redevelopment PAC - (Jim Boggus): There is a meeting on December 6th.

B. Crossroads Redevelopment PAC - (Charles Maze): There was a meeting on Thursday, October 27th. The "AMCAL" project at the corner of College Ave. and El Cajon Blvd. is going into two phases. Four stories of residential/retail mixed-use are planned.

****Motion to extend the meeting by 30 minutes
Unanimously Approved**

C. Community Planners Committee - (Steve Laub): Reviewing the general plan update sections of review splitting the elements.

D. Mid-City Community Court - (Tom Phelps): They need more volunteers for meetings and training. They meet every Monday evening.

E. Events Advisory Committee - no report

F. Paseo Task Force - (Jim Boggus): Looking for a possible non-profit to buy out the Paseo Project.

IX. Old Business - none to report

X. New Business - For elections, there are two vacant seats. One seat is available for March 2006 and the other for March 2007. One applicant, John Adamske (a resident), is up for the March 2007 seat by a 16-0-1 vote, but the March 2006 seat is still open. Elections are to be held in December. All nomination forms are due by Friday, December 9th. We need representation in the other College Areas that are not currently represented.

**Nomination for Jim Boggus as Vice President
Nomination Approved / 16-0-1**

**Nomination for Dan Cornthwaite as Treasurer for the remainder of the year
Nomination Approved / 16-0-1**

XI. Announcements - The CACC will hold executive board meetings at the new College-Rolando Public Library Community Room at 6600 Montezuma Road, effective November 9, 2005 (this meeting).

XII. Adjournment

000943

There being no further business, the meeting was adjourned at 10:00 p.m. in memory of
Tony Navoy

Christina Kish, CACC Secretary

5445 55th STREET TENTATIVE MAP

PROJECT CHRONOLOGY

PTS # 83624 JO# 425226

000945

Date Response	Action	Description	City Review Time	Applicant
9/13/05	Customer Submits First Cycle			
10/05/05	Initial Assessment Letter Sent		22days	
1/24/06	Customer submits 2 nd Cycle			3 months, 19 days
2/8/06	Second Assessment Letter		14 days	
6/25/07	Customer submits 3rd Cycle	Landscape Plan and Building Conditions Report only		1 year, 4 months, 17 days
7/13/07	Third Assessment Letter		18 days	
12/20/07	Fourth Submittal	Building Conditions Report only		5 months, 7 days
1/15/08	Cycle Complete	Ready for Hearing	25 days	
2/14/08	Planning Commission Hearing		29 days	

<i>Total Staff Time (Average at 30 days per month):</i>	<i>3 months, 18 days</i>
<i>Total Applicant Time (Average at 30 days per month):</i>	<i>2 years, 1 month, 13 days</i>
<i>Total Project Running Time (Years/Months/Days):</i>	<i>2 years, 5 months, 1 day</i>

000947



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: 5445 55th Street TM Project No. For City Use Only
Project Address: 5445 55th Street

Part 2 - to be completed when property is held by individuals

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.

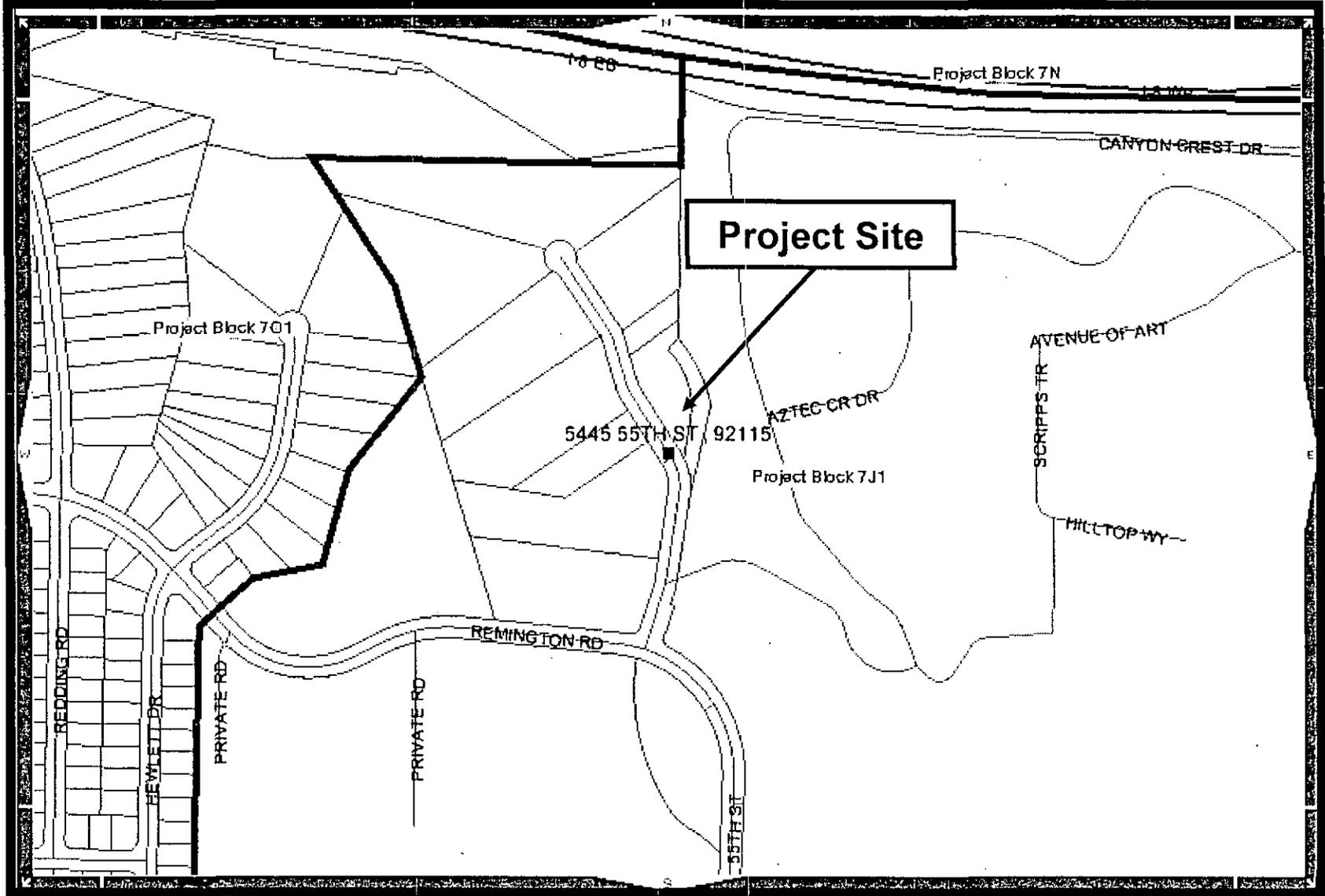
Additional pages attached Yes No

Name of individual (type or print): MAR BROWAR
 Owner Tenant/Lessee Redevelopment Agency
Street Address: 2207 Garnet Ave #J
City/State/Zip: San Diego, CA 92109
Phone No: (658) 270-5500 Fax No:
Signature: [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: Olive Vita Family Revocable Trust
P.O. Box 577
City/State/Zip: Del Mar CA 92014
Phone No: 619 417-4416 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:



Block 7J1 Residential Roads and Alleys
 5445 55th Street Tentative Map – Project Number 83624
 5445 55th Street



Project Block 7G	2028	7
Project Block 7L	2029	7
Project Block 7D	2030	7
Project Block 7S	2031	7
Project Block 7Y	2032	7
Project Block 7K	2033	7
Project Block 7B	2034	7
Project Block 7S2	2035	7
Project Block 7G1	2036	7
Project Block 7H3	2037	7
Project Block 7B1	2038	7
Project Block 7S1	2039	7
Project Block 7Z	2040	7
Project Block 7G3	2041	7
Project Block 7V	2042	7
Project Block 7AA1	2043	7
Project Block 7H2	2044	7
Project Block 7C	2045	7
Project Block 7V1	2046	7
Project Block 7I2	2047	7
Project Block 7C1	2048	7
→ Project Block 7J1	2049	7
Project Block 7AA	2050	7
Project Block 7M1	2051	7
Project Block 7W	2052	7
Project Block 7X	2053	7
Project Block 7I	2054	7
Project Block 7IND	2055	7
Project Block 7Mil	2060	7



Council District Seven

5445 55th Street Tentative Map – Project Number 83624
5445 55th Street

*Sample***Browar Development Corporation**

2207 Garnet Avenue, Suite J

San Diego, CA 92109

(858) 270-5500

000951

Tenant
60 Day Notice of Intent to Convert to
Condominiums

May 9, 2005

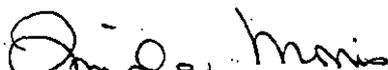
Tina Chanthachak
5445 55th St., Apt # 2A
San Diego, CA 92115

The owner(s) of this building, at 5445 55th St., Apt # 2A, San Diego, CA 92115 plans to file a Tentative Map or Map Wavier with the City of San Diego to convert this building to a condominium project.

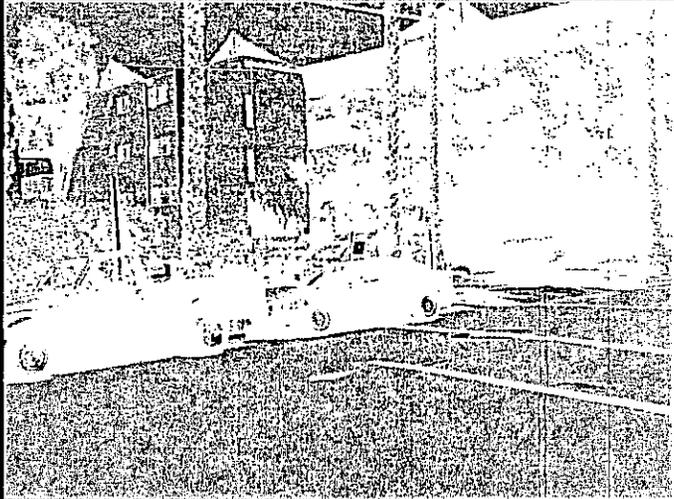
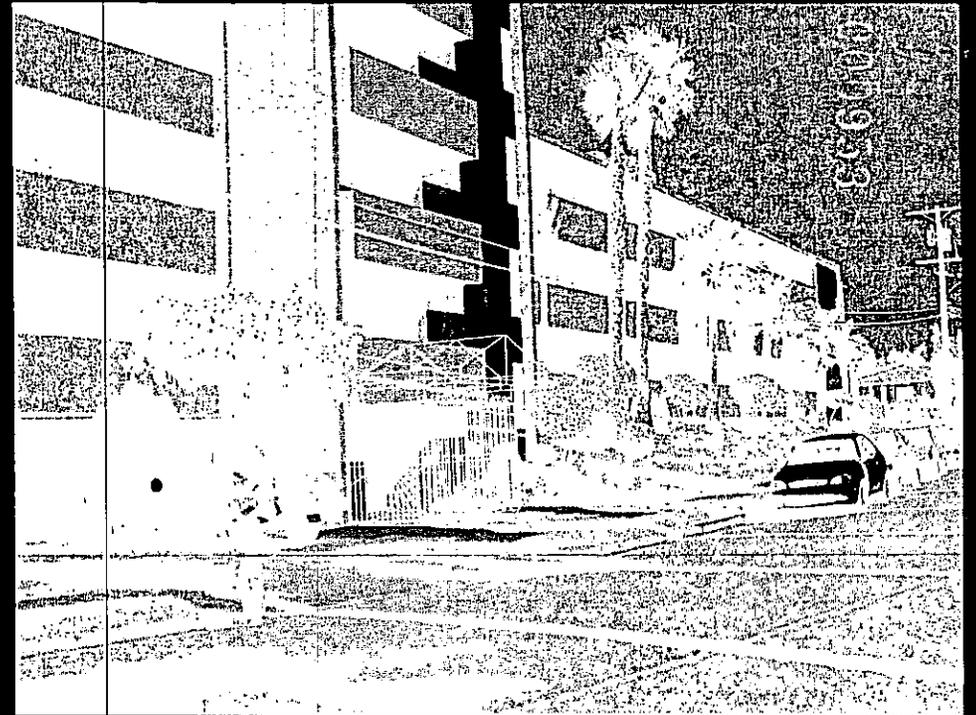
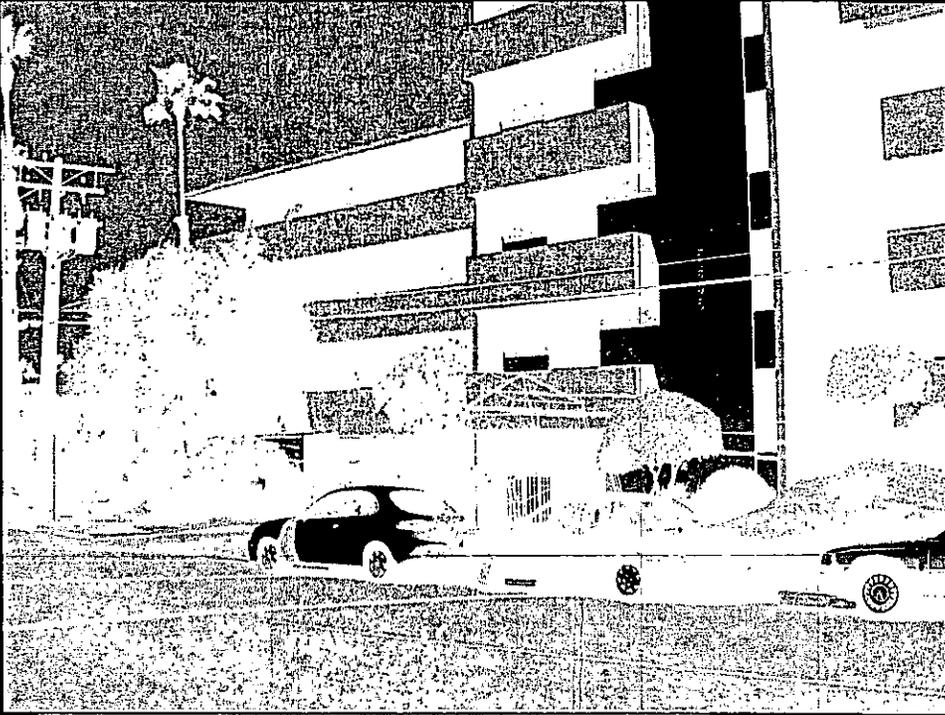
You shall be given notice of each hearing for which notice is required pursuant to Sections 66451.3 and 66452.5 of the Government Code, and you have the right to appear and the right to be heard at any such hearing.

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

Please Note: It is not my intention to sell these apartments as condominiums now or in the near future. This conversion process is only being pursued as a precaution to possible future City of San Diego changes which may make a conversion in the future cost prohibitive or impossible. It is being done solely for the purpose of having the opportunity to put a condominium map on the property while it is still possible to do so. We have no intention of making the physical change, but I feel it is important to the value of the building to have this process in place should the real estate climate have any radical changes in the future.



(Signature of owner or owner's agent)



Site Photos

5445 55th Street Tentative Map – Project Number 83624

5445 55th Street

PARRA BUILDING CONSULTANTS

000955

BUILDING CONDITIONS REPORT

5445 55th Street

SAN DIEGO, CA 92115

Date Re-Issued: 09/17/2007

PARRA BUILDING CONSULTANTS

000956

September 17, 2007

City of San Diego
1222 First Avenue
San Diego, CA 92101-4154

Attn: Ananta Baidya - Development Services

Re: Building Conditions Report
5445 55th Street
San Diego, CA 92115

The requested updates of the attached Building Conditions Report can be found within the report as follows, or are listed below:

- Issue #3 – changes can be found in section B
Roofs will be replaced and exterior doors and trim will be painted
- Issue #4 – changes can be found in section 2.7.1 and 2.4.3
- Issue #5 – changes can be found in section 2.8.2
- Issue #6 – changes can be found in section 2.4.4
- Issue #7 – changes can be found in section 2.4.5
- Issue #8 – changes can be found in section 2.8.4
- Issue #9 – changes can be found in section 2.4.3
- Issue #10 – changes can be found in section 2.7.1

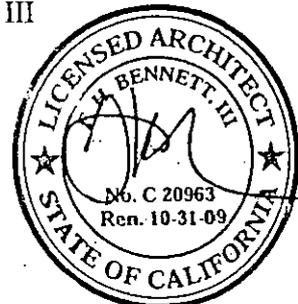
Submitted by,



Dennis Parra
CA Lic. #324386



F.H. "Trip" Bennett III
Architect



Appendix "A"

000957

PTS # 83624
5445 55th Street

This report has been prepared by a California registered architect.

This property consists of 25 units. All 25 units were inspected. For more detail of each unit, please see pages 5, 18 & 19 in the report.

The roof will be replaced, if the remaining life is less than 5 years.

All items listed below have a remaining life of 5 years or less and will be repaired or replaced.

1. Hard-wired smoke detectors will be installed in all bedrooms and outside of bedroom doors.
2. Minor exterior wall repair.
3. Repair original building windows to make operable, and replacement of windows where needed to comply with the emergency egress provisions to the current standard code.
4. Handrails and steps at stairs will be repaired or replaced where needed.
5. Any damaged concrete at walkways will be repaired.

Owner: M.S. Browar Development Corporation, A California Corporation as to 50% interest and Irving Okovita and Olivia Esther Okovita, Trustees of the Okovita Family Revocable Trust, as to 50% interest, as tenants in common

000958

Attn: Matthew Browar
2207 Garnet Avenue, Suite J
San Diego, CA 92109

Regarding: Residential units
5445 55th St.
San Diego, CA 92115

Legal: Lots 110 and 111 of College View Unit No. 3, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 3157, filed in the Office of the County Recorder of San Diego County, November 19, 1954

APN: 462 - 220 - 07

Parra Building Consultants is pleased to provide this Building Conditions Report for the property at 5445 55th St. San Diego, CA 92115. This assessment was performed in general accordance with the City of San Diego's scope of work for Building Conditions Reports.

We appreciate the opportunity to provide our services. If you have any questions concerning this report, or if we can assist you in any other matter please contact us.

Sincerely,



Dennis Parra
CA Lic. # 324386

F. H. "Trip" Bennett, III
Architect

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- B. General Physical Condition
- C. Conclusions/Recommendations

000959

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- 1.2 Reliance
- 1.3 Scope and Exceptions
- 1.4 Document Review and Interviews

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- 2.2 Site Visit
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4.0 Limitations

000961

APENDICES

PROJECT SUMMARY

Parra Building Consultants performed a property condition assessment on 10/9/2006 on the property located at 5445 55th St., San Diego, CA 92115 (subject property).

The Subject Property consists of twenty-five residential units over a cantilevered parking structure on the east side of 55th St. Approximately one mile south of Interstate 8. The building is finished with stucco, has built up low slope roofing. Concrete pedestrian walkway leads from 55th to the front of the building serving elevators and stairways. At the rear of the property a concrete and asphalt driveway serves cantilevered parking area.

A. General Description

Front of the building is fully landscaped with lawn and bushes. Approximately fifteen semi-mature trees of mixed types. Swimming pool and fenced area at the rear of the property. Gas meters are located at the front left of the building. Electric meters located in drive through parking equipment room with water heaters.

The Subject Property is zoned C

BUILDINGS	BUILDING AREA (S.F.)	# of STORIES	FIRE SPRINKLERS	
			YES	NO
1, Four Story building	21,600 s.f.	4		X

UNIT MIX		
Size	Number of Units	SF Area (SF)
A, B, D, & G	2 Bedroom, 2 Bath	960 - 1,050 s.f.
C & H	2 Bedroom, 1 1/2 Bath	1,080s.f.
E & F	1 Bedroom, 1 Bath	720 s.f.

B. General Physical Condition

The Subject Property was observed to be in fair overall condition. Maintenance of the Subject Property's major systems, components, and equipment appears to have taken place over the life of the structure.

Building Components and Systems with Remaining Life of five years or less

000962

BUILDINGS SYSTEMS	LESS THAN FIVE YEARS REMAINING LIFE	MORE THAN FIVE YEARS REMAINING LIFE
Structural		X
Foundation		X
Roof	X	
Electrical		X
Plumbing		X
Sewer		X
Heating		X
Cooling		X
Floor Coverings		X

C. Conclusions/Recommendations

Deferred maintenance items and physical conditions that are considered major, require immediate repair, or will need to be replaced within five years, were identified and included in the following: Provide and install hard wire smoke detectors in all bedrooms and outside of bedroom doors, minor exterior stucco wall repair. All exposed wood doors, windows and trim should be prepared for, and should be painted

The structural elements of the building were observed to be in fair condition. The recommendations in this report should be made in an appropriate time frame; a preventive/remedial maintenance program should be implemented continually; and all site systems and building components should be replaced as necessary with an acceptable standard of care. Other site and building elements are replaceable; however, as the property ages, the maintenance program cost should be expected to increase.

Parra Building Consultants makes no comment on the marketability of the site. Any qualifications and limitations in place for the building conditions report as provided by Parra Building Consultants is applicable to the summary comments mentioned in this report.

1.0 INTRODUCTION

At the request of Tenants in Common M.S. Browar Development Corporation and The Okovita Family Revocable Trust, a building conditions assessment was performed by Parra Building Consultants at the property location of 5445 55th Street, in San Diego,

CA (Subject Property). This assessment was performed in accordance with the Client's scope of work for Property Condition Assessments. Parra Building Consultants prepared this report for the review of the City of San Diego Development Services.

000963
1.1 Purpose

The purpose of this Building Conditions Report was to observe and document readily visible materials and building systems, which might significantly affect the value of the property, and determine if conditions exist which may have a significant impact on the continued operation of the facility during the evaluation period.

1.2 Reliance

All reports, both verbal and written, are for the benefit of the current owner and the City of San Diego Development Services. This report has no other purpose and may not be relied upon by any other person or entity without the written consent of Parra Building Consultants.

1.3 Scope and Exceptions

This Report is based on a site visit, in which agents of Parra Building Consultants performed a visual, non-intrusive and non-destructive evaluation of various external and internal building components. All of the accessible buildings components were observed and physical conditions evaluated in general accordance with ASTM E2018-01. These systems include site development, building structure, building exterior and interior areas; mechanical, electrical, and plumbing systems, conveyance systems, life safety/fire protection, and general ADA compliance. Photographs were taken to provide a record of general conditions of the facility, as well as building code, safety, regulatory or environmental compliance inspection.

During the site visit we observed the interior spaces to determine their general character and condition, site personnel and/or property managers to add or confirm the general character of the construction, and made inquiries to the local building department and zoning department.

If any additional information is encountered concerning the facility, it should be forward to Parra Building Consultants for possible re-evaluation of the assumptions, conclusions and recommendations presented herein. The recommendations provided herein are for observed conditions based on the understanding that the facility will continue operating in its present occupancy classification.

This Report is based on the evaluator's judgment on the physical condition of the components and their known ages. The conclusions presented are based upon the evaluator's professional judgment. The actual performance of individual components may vary from a reasonable expected standard and may be affected by circumstances that occur after the date of the evaluation.

The Report does not identify minor, inexpensive repairs or maintenance items, which are clearly part of the property owner's current operating budget as long as these items

appear to be addressed on a regular basis. The report does identify infrequently occurring maintenance items of significant cost, such as exterior painting, deferred maintenance and repairs and replacements that normally involve major expense or outside contracting.

000964

The following terms are used throughout the report and are defined as follows:

Excellent: New or Like New

Good: Average to above-average condition for the building system or material assessed, with consideration of its age, design, and geographical location. Generally, other than normal maintenance, no work is recommended or required.

Fair: Average condition for the building system evaluated. Satisfactory, however some short term and/or immediate attention is required or recommended, primarily due to normal aging and wear of the building system, to return the system to good condition.

Poor: Below average condition for the building system evaluated. Requires immediate repair, significant work or replacement anticipated to return the building system or material to an acceptable condition.

Unless stated otherwise in this report, the systems reviewed are considered to be in fair condition and their performance appears to be satisfactory.

1.4 Document Review and Interviews

Parra Building Consultants were provided with the following documents for review:

- None

The following people or organizations were interviewed by an agent of Parra Building Consultants during the site visit or report preparation:

- Building manager/owner representative.

2.0 SYSTEM DESCRIPTION AND OBSERVATION

2.1 Overall General Description

This assessment observation was conducted on 10/02/06 at 5445 55th Street, San Diego, California. The subject property consists of a rectangular shaped parcel of land situated at the east side of 55th street, south of Interstate 8 highway. The property has nineteen units in a combination of two and three-story structure, built above underground parking. In addition, the property has concrete pedestrian walks, a landscape/hardscape side yard and a concrete driveway apron to the parking structure.

The buildings are conventional wood framed structures constructed on concrete perimeter footings and slab-on-grade floor for the parking. The conventional roof

framing is low slope and covered with a capsheet system. The exterior of the building is finished with stucco and wood trim.

Typical interior finishes include spray applied textured and painted drywall/plaster ceilings and walls. The kitchens have original wood cabinets with countertops and cast iron sinks.

000965

2.2 Site Visit

A professional associate of Parra Building Consultants performed the site visit portion of this property condition assessment on 10/02/2006. The following summarizes the building systems evaluated:

- Site Development
- Building Structure
- Building Exterior
- Building Interior
- Mechanical System
- Electrical System
- Plumbing Systems
- Conveyance System
- Life Safety/Fire Protection
- ADA Compliance

2.3 Site/Site Improvements

2.3.1 Topography

Description:

Site Topography gentle slope. Black top parking area and pool at rear. Rear black top parking not part of Subject Property.

Observations/Comments:

Black top in fair condition but will need slurry seal. Front lawn and garden appears to be over watered.

2.3.2 Storm Water Drainage

Description:

Storm Water from the Subject Property drains via plastic down spouts form roof drains on parking areas, which divert to concrete swale.

Observations/Comments:

Drainage appears adequate for surface style drainage, although, water runs over surface and no collectors were installed as part of original construction.

2.3.3 Paving Type/Age

Description:

Black top paving and concrete swale.

Observations/Comments:

Observed cracks that should be filled and sealed when resurfacing.

000966

2.3.4 Curbs

Description:

Curbing along adjacent sidewalks/public street is constructed of seven-inch high cast in place concrete.

Observations/Comments:

Curb appears to be in good condition.

2.3.5 Pavement Striping

Description:

White lines.

Observations/Comments:

Will need re-striping when resealed.

2.3.6 Flatwork/Stairs/Railing

Description:

The pedestrian walkways and parking area consist of cast in place concrete. Concrete stairways and metal handrails.

Observations/Comments:

The Front of the Property at the walkways is in fair condition with some cracking noted. Recommend repair/replacement of up-lifted concrete as well as routine maintenance, including crack sealing for remaining life of the building.

2.3.7 Landscaping and Appurtenances

Description:

The Front and sides of the Property are neatly landscaped with semi-mature trees with shrubbery along the building face and the pool area. Five foot high fencing exists along the north side and a slump block wall with wrought iron fence exists around the pool area.

Observations/Comments:

The Front of the Property appears to be over watered. The wrought iron fence appears to be in fair condition, although, it shows some surface rust needing maintenance. The wood fence at the north appears to be in fair condition.

2.3.8 Utilities

000967

Description:

The necessary utilities are installed and available at the site and appear adequate for current property needs. The City of San Diego provides domestic water to the property with one meter located in the 55th right-of-way. San Diego Gas and Electric provides gas and electrical services to the site. The property contains 26 electric meters, 1 gas meter and 1 main water meter and a backflow prevented. Cox Cable available and running over roof. AT&T provides telephone service to the Subject Property.

UTILITY	PROVIDER	ISSUE/ADEQUACY
Electric	San Diego Gas and Electric	Main panel in utility room. Sub panels in apartments.
Sewer	City of San Diego	Adequate
Water	City of San Diego	Backflow protection Device installed.
Gas	San Diego Gas and Electric	Adequate: To be Inspected by SDG&E.
Cable	Cox Cable	Adequate
Telephone	AT&T	Adequate.

2.3.9 Site Lighting

Description:

Site Lighting of wall-mounted and soffit at walkway areas and parking area.

Observation/Comments:

The fixtures appear to be in fair overall condition. Recommend replacement of dated electrical fixtures. Recommend routine replacement anticipated for the remaining life of the building.

2.3.10 Waste Storage Area

Description:

Property provides two three-yard dumpsters for all residential units.

Observations/Comments:

None

2.3.11 Site and Building Signage

Description:

The individual units contain painted on apartment identification.

Observations/Comments:

Apartment identification was observed to be readable but recommend to be increased to substantial identification.

000968

2.3.12 Retaining Walls

Description:

Slump block and masonry retaining walls at back parking to pool area.

Observations/Comments:

None

2.3.13 Other Site Amenities/Recreational Facilities

Description:

At the rear of the Property there is an in-ground gunite pool with surrounding concrete deck. Equipment for pool amenities in equipment room under cantilevered parking with three quarter horsepower pump, dimataceous filter, and pvc piping.

Observations/Comments:

The pool is in fair condition with no major cracks. The pool vessel is in need of resurfacing, surrounding bond beam connection needs resealing, and surrounding concrete deck needs repair due to cracking and lifting. Electrical safety for light and GFCI needs a full inspection test and may need replacing. The surface drains need to be tested for proper function.

2.4 Structural Frame and Building Envelope

2.4.1 Substructure

Description:

No architectural, planning, or structural drawings were provided for review. The foundation and slab were not visible do to floor coverings.

Observations/Comments:

The substructure of the Property was in fair condition, although, there was some minor unevenness felt throughout the flooring. Further evaluation is needed when replacing floor coverings.

2.4.2 Superstructure

Description:

No architectural, planning, or structural drawings were provided for review. Therefore based on our limited site assessment, the structural components of the building were not accessible for observation.

Observations/Comments:

Visible elements in fair condition. Some signs of wall unevenness and possible bulging at south end of property. Only minor cracking in ceiling and wall finishes were observed in the structure.

000969

2.4.3 Facades

Exterior Walls

Description:

Exterior surfaces of the residential unit were finished with stucco and metal/wood trim.

Observations/Comments:

The exterior finishes were observed to be in fair condition. Some areas need minor repair. Past cracking and moisture damage have visible repairs. Recommend repair or replacement of aging elements and periodic repainting, resurfacing, and maintenance needed for the remaining life of the building.

Windows

Description:

Exterior windows consist of single pane aluminum frame windows in fair condition.

Observations/Comments:

Sealing joints and sliding mechanisms were inoperable in some of the units at the time of assessment. Recommend repair or replacement of older aluminum windows. Replacement of windows will also improve the building envelopes energy efficiency. Routine maintenance and repair should be anticipated for the remaining life of the building. Windows will be replaced as needed to comply with the egress requirements.

Doors/Frames

Description:

Unit entry doors are wood construction. Door entry hardware typically knob key lock and cylinder dead bolt.

Observations/Comments:

Exterior doors are in fair overall condition. Exterior doors exhibit moderate wear and tear. We recommend repairing and installing new weather stripping and an application of paint finish. Routine maintenance should be anticipated for the remaining life of the doors.

2.4.4 Roofing

Roof Type

Description:

Roof framing not observed due to no attic area. The roof has a low slope built up cap sheet system. Roof slopes into surface drains.

Observations/Comments:

Roof is older in poor condition with ponding. Removal and some resloping of the substrate in addition to drains are recommended. Re-roofing is needed at this time.

000970

Active Leaks

Description:

No reported or visible active leaks at the time of assessment.

Observations/Comments:

Re-inspection during times of heavy rains needed to evaluate active leak conditions.

Roof Drainage

Description:

Roof drains into surface sump drains and through interior plumbing lines running down to landscape and driveway.

Observations/Comments:

Inspecting and testing drain lines before re-roofing is recommended. Additional drains may also be needed to correct ponding. Existing drains may need to be replaced during re-roofing.

Warranty

Description:

Not applicable

Observation/Comments:

None.

2.4.5 Stairs

Description:

Interior concrete stairs were in fair to good condition.

Observation/Comments:

Some uneven or chipped steps need repair. Some handrails need repair or installation. Changes should be completed to comply with the accessibility standards in the prevailing edition of the California Building Code.

2.4.6 Balconies/Patios/Elevated Walkways

Description:

Balconies and walkways are in fair condition but appear to be original.

Observations/Comments:

No major leaks or damage visible at the underside of the soffits at the front entries. Due to age and type of construction, recommendation is to resurface with a water proofing system. Rear balcony decks have concrete spalling and cracking with repairs needed. Resurfacing of the balcony decks recommended after repairs are completed. Handrails have surface rust and an opening over four inches needing an upgrade.

2.5 Mechanical, Electrical & Plumbing

2.5.1 HVAC Systems

Description:

All residential units have wall type electric heaters in living rooms and bedrooms. Living rooms have widow style wall mounted through wall self contained air conditioners.

Observations/Comments:

Some wall heaters have been replaced. Older units will need replacing in the future. Checking of all electrical needed during replacement. Some Air conditioners have been replaced. Older units will need replacing in the future. All HVAC units will need regular maintenance and cleaning on a semi-annual basis.

2.5.2 Electrical Systems

Description:

San Diego Gas and Electric provide electrical systems. Main disconnect is 800 amp system located in electrical mechanical room adjacent to the front driveway. There is a 100-amp distribution to the sub-panels located in individual apartments in the bedroom or hallway closets. There were twenty electric meters.

Observations/Comments:

Electrical system appears to be original and is outdated by today's standards. Due to the age of the system upgrade is needed at this time. Code compliance GFCI outlets shall be installed where required by code at all kitchens, bathrooms, and exterior locations.

2.5.3 Plumbing Systems

Piping systems

Description:

Hot and cold-water piping was observed to be copper with ABS and cast iron waste lines exposed in some areas.

Observations/Comments:

Copper water lines are older. No active leaking found during time of evaluation. Due to age it is recommended to test cut a pipe to determine the remaining life. Cast iron waste lines are older and appear to be at the end of their useful life. Some exposed

areas have surface corrosion and one visible leaking area in parking structure. A camera survey is recommended to determine the useful life of the system.

000972

Domestic Hot Water

Description:

The City of San Diego provides the cold water supply to the subject property. Water piping was observed to be copper in exposed areas. Hot water to buildings is provided by, two, hundred gallon heaters located in the mechanical room adjacent to the driveway. One heater is a 1993 AO Smith and the other is a 2001 Rudd-Rheem. A circulating pump is also installed on the system.

Observations/Comments:

Due to the age of the AO Smith water heater, replacement is recommended in the near future. An upgrade to the seismic strapping is needed at this time. The additions of copper piping and circulating pump need further evaluation. Some copper re-pipe was visible at the time of evaluation. The abandoned water storage tank in the room adjacent to the mechanical room needs removal.

2.6 Vertical Transportation/Conveyor Systems

2.6.1 Elevators

Description:

None

Observations/Comments:

None.

2.6.2 Escalators

Description:

None.

Observations/Comments:

None.

2.7.1 Fire/ Life Safety

Description:

Some smoke detectors were observed at hallways and bedrooms.

Observations/Comments

Installation of hard wire with battery back up systems is recommended at hallways and all sleeping/bedrooms.

2.7.1 Fire Sprinklers

Description:

Property is not equipped with a fire sprinkler system.

Observations/Comments:

None

000973

2.7.2 Life Safety/Alarm Systems

Description:

Fire extinguishers located at each level in the corridors. The fire alarm system was observed but not verified.

Observations/Comments:

Building fire alarm system was observed and needs further testing and evaluation for operation and condition.

2.8 Interior Elements

2.8.1 Room Mix

Description:

There are six one bedroom, one bathroom units at the subject property.

Observations/Comments:

None.

2.8.2 Viewed Spaces

All common areas and fifteen of the twenty-five residential units were observed.

2.8.1 Room Mix

Description:

Thirteen units have two bedrooms and 2 bathrooms. Six units have two bedrooms and one bathroom. Six units have one bedroom and one bathroom.

Observations/Comments:

None.

2.8.2 Viewed Spaces

000974

APARTMENT UNITS OBSERVED: 25		
OCCUPIED UNITS OBSERVED: 25		
Unit	Type	Comments/Issue
1A	2 bed – 2 bath	New wall a/c fair condition
2A	2 bed – 2 bath	New wall a/c fair condition
2B	2 bed – 2 bath	New wall a/c fair condition
2C	2 bed – 1 bath	
2D	2 bed – 2 bath	
2E	1 bed – 1 bath	
2F	1 bed – 1 bath	
2G	2 bed – 1 bath	
2H	2 bed – 2 bath	
3A	2 bed – 2 bath	
3B	2 bed – 2 bath	Needs retile @ hall shower
3C	2 bed – 1 bath	
3D	2 bed – 2 bath	Newer shower tile
3E	1 bed – 1 bath	
3F	1 bed – 1 bath	
3G	2 bed – 1 bath	
3H	2 bed – 2 bath	
4A	2 bed – 2 bath	New wall a/c fair condition
4B	2 bed – 2 bath	Newer carpet

000975 4C	2 bed – 1 Bath	Corroded bathroom sink connection at drain to wall
4D	2 bed – 2 bath	
4E	1 bed – 1 bath	Newer carpet
4F	1 bed – 1 bath	Older A/C – Newer carpet - GFCI in bath
4G	2 bed – 1 bath	
4H	2 bed – 2 bath	
VACANT UNITS OBSERVED: 0		
None		
DOWN UNITS OBSERVED: 0		
None		

2.8.3 Floor Coverings

Description:

Floor coverings consist of carpet in the living and bedroom areas. Vinyl flooring in kitchens and bathrooms.

Observations/Comments:

Floor coverings have been replaced at different times. In general fair to good condition.

2.8.4 Ceilings and Walls

Description:

The interior walls are drywall/ plaster finish with texture and paint. Ceiling is drywall/plaster finish with acoustic spray on texture. Smooth finishes in kitchens and bathrooms.

Observations/Comments:

Interior finishes were observed to be in fair to good condition. Minor cracking was observed. Due to the age of the building the acoustic ceiling may contain asbestos based materials, testing is needed to verify. The ceilings and walls will need upgrading as required for Noise Control requirements.

2.8.5 Appliances and Cabinetry

000976
Description:

Appliances provided in each residential unit consisted of electric ranges and refrigerators. Cabinetry consisted of painted wood door fronts with wood shelves and Formica counter tops.

Observations/Comments:

Kitchens are in fair condition. Older appliances will need replacing.

3.0 ADA COMPLIANCE

The review of this Subject Property for compliance with state and local accessibility requirements is beyond the scope of this report.

The scope of this report is limited to a general overview of the subject property improvements common public areas (of improvements considered to be "Public Accommodations") based upon the requirements of Title III of the Americans with Disability Act (ADA). Per Title III, disabled persons are to be provided accommodations and access equal to, or similar to, that available to the general public and requires that architectural and communication barriers in existing public accommodations be removed if they are "readily achievable" and are not an "undue burden". Most states and local municipalities have adopted accessibility requirements that, in some cases, may be more stringent than the ADA. Any "place of public accommodation", which is designed and constructed for first occupancy after January 26, 1992 is required to be compliant with ADA requirements.

This section will identify certain obvious items that do not appear to be in general conformance with the Title III requirements; without inferring that correction of the reported items will bring the property into total compliance with the ADA. While opinions of cost to correct or remove noted barriers are provided herein, they do not constitute an opinion that elimination of the barriers is "readily achievable" and not an "undue burden" as defined by the ADA. The owner must determine this issue. The ADA is not intended to affect the contractual responsibilities existing in lease agreements between owners and tenants. Typically, the tenant is responsible for review and making readily achievable accommodations in its own lease/work space while the owner is responsible for the common areas of the improvements.

Given the age of buildings, it is not in compliance with the current minimum ADA guidelines specifically as it relates to areas of "Public Accommodations" such as apartment unit access, parking and restrooms. Additionally, no major renovations to the Subject Property were reported to have been done after January 26, 1992. Therefore, Title III of the ADA does not apply to this property at this time.

It is important to note that the ADA was enacted as a guideline for designing new buildings and was not necessarily intended to serve as a regulation for existing buildings. Therefore, implementation of certain upgrades may not necessarily be mandated due to "grandfather clauses" and/or "undue hardships" involved in satisfying ADA standards. Upgrades and/or retrofits would most likely be required only in the event of significant property remodeling, reconstruction or use/occupancy

reclassification. The extent of any upgrade requirements would be subject to interpretation by any number of city, state or federal agencies.

Corrections, if mandated, of these condition should be addressed from a liability standpoint and are not considered code violations. The guidelines are civil rights issues as they pertain to the disabled.

000977

5.0 LIMITATIONS

Property Condition Assessment reports are observation in nature. Information contained in this report was obtained by means of site observations, interviews and Client-provided documents and information. Evaluation by visual observation is specifically limited to those items or components that are readily accessible and visible to the unaided eye. No testing, neither destructive nor non-destructive, was performed, and no calculations were performed to determine the capacities of the existing building systems. The observation of concealed or inaccessible areas of the subject property, which would have required the use of destructive investigation, was beyond the contracted scope of services. The information presented in this report represents the condition of the subject property at the time of site visit. Other issues may develop with time that were not evident at the time of this assessment. Parra Building Consultants has prepared this assessment using the degree of care and skill ordinarily exercised under similar conditions by reputable consultants performing due diligence in this or similar localities. No other expressed or implied warranty is made regarding the content of this assessment.

The section "Out of Scope Considerations" of the ASTM "Standard Guide for Property Condition Assessments: Baseline Property Condition Assessment Process" (ASTM E 2018-01) is incorporated by reference.

Items identified as requiring action are so noted. Conclusions and recommendations should be not construed in any way to constitute a warranty or guarantee regarding the current or future performance of the facility. Costs to perform work should be provided by a licensed contractor skilled the that particular trade or type of work

This report is intended to be read in whole. Information provided in the various sections is complementary and in some instances provides additional explanation of information concerning the assessment. Therefore, interpretations and conclusions drawn by reviewing only specific section are the sole responsibility of the user.

The representations regarding the status of ADA Title III compliance were based on visual observation and without any physical measurement and, thus are only intended to be a good faith effort to assist the owner/client by noting non-conforming conditions.

Owner/client has the right to reproduce in full and provide copies of the assessment report to interested parties including the owner's/client's agents, bond rating agencies, and exiting/potential loan or loan-pool participants. All reports, both verbal and written, are for the benefit of owner/client and its agents, employees, participants, and assigns.

This report is addressed to the owner/client, such other persons as may be designated by owner/client and their respective successors and assigns. Special conditions include (i) the report may be relied upon owner/client in determining whether to make a

loan evidenced by a note ("the Property Note") secured by the subject property, (ii) the Report may be relied upon by any purchaser in determining whether to purchase the property note from owner/client and any rating agency rating securities issued by or representing an interest in the Mortgage Note, (iii) the report may be referred to in and included with materials offering for sale the property note or an interest in the property note, (iv) persons who acquire the property note or an interest in the property note may rely on the report, (v) the report speaks only as of its date in the absence of a specific written update of the report signed and delivered by contractor. This report has no other purpose and may not be relied upon by any other person or entity without written consent of Parra Building Consultants

00-9978

 City of San Diego Development Services 1222 First Ave. 8th Floor San Diego, CA 92101 (619) 446-6210	RECEIVED DEVELOPMENT SERVICES OFFICE FEB 22 PM 4:31	Development Permit/ Environmental Determination Appeal Application	FORM DS-3031 MARCH 2007
	THE CITY OF SAN DIEGO		

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

1. Type of Appeal:

<input type="checkbox"/> Process Two Decision - Appeal to Planning Commission	<input type="checkbox"/> Environmental Determination - Appeal to City Council
<input type="checkbox"/> Process Three Decision - Appeal to Planning Commission	<input type="checkbox"/> Appeal of a Hearing Officer Decision to revoke a permit
<input checked="" type="checkbox"/> Process Four Decision - Appeal to City Council	

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

Name
D. Scott Peters, Sterling Land Services, Inc., Surveyor

Address 303 Market Street, #525	City San Diego	State CA	Zip Code 92101	Telephone 619-546-6165
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3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.
Sterling Land Services, Inc., Surveyor

4. Project Information	Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
	PTS 83624, CEQA Exempt	February 14, 2008	Jeannette Temple

Decision (describe the permit/approval decision):
Approved without a requested Deferral of Private Building Improvements.

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

<input type="checkbox"/> Factual Error (Process Three and Four decisions only)	<input type="checkbox"/> New Information (Process Three and Four decisions only)
<input type="checkbox"/> Conflict with other matters (Process Three and Four decisions only)	<input type="checkbox"/> City-wide Significance (Process Four decisions only)
<input type="checkbox"/> Findings Not Supported (Process Three and 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 September 13, 2005

The owner/applicant requested a "Deferral of Private Building Improvements", the performance of which would be assured by a lien upon the Title/Policy.

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

Signature:  Date: 2/19/08

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.

EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: February 8, 2008 REPORT NO.: PC-08-016
ATTENTION: Council President and City Council
ORIGINATING DEPARTMENT: Development Services Department
SUBJECT: 5445 55th Street Tentative Map – Project No. 83624
COUNCIL DISTRICT: 7
STAFF CONTACT: Jeannette Temple (619) 557-7908; jtemple@sandiego.gov

REQUESTED ACTION:

Appeal of the Planning Commission's decision to approve a Tentative Map including a waiver of the requirement to underground existing overhead utilities to convert twenty-five existing apartments to condominiums at 5445 55th Street in the RM-3-9 Zone and Parking Impact Overlay Zone within the College Area Community Plan area. The applicant is appealing the Tentative Map condition requiring that the physical improvements recommended in the Building Conditions Report be completed prior to the recordation of Final Map.

STAFF RECOMMENDATION:

Deny the appeal and approve Tentative Map No. 263259 including a waiver of the requirement to underground existing overhead utilities, with the current Tentative Map conditions requiring implementation of the Building Conditions Report and Landscape Concept Plan, prior to recordation of the of the Final Map.

EXECUTIVE SUMMARY:

The application for a Tentative Map and waiver from the requirement to underground existing overhead utilities was deemed complete on September 13, 2005. Although at that time the condominium conversion regulations did not require a Building Conditions Report or landscape improvements, this project is subject to the condominium conversion regulations effective June 13, 2006, with the exception of the parking regulations, based on the City Council's specific adoption language for the "new" condominium conversion regulations. At the June 13, 2006, hearing, the City Council adopted regulations for additional requirements for landscaping, a building conditions report, onsite inclusionary housing, noticing and parking. Based on the adopted language and project timing, all of these new regulations apply to this project, with the exception of the parking regulations. Accordingly, this project has been reviewed against the new regulations. In accordance with the current regulations, the applicant provided a Building Conditions Report and Landscape Concept Plan. Both of these documents have been reviewed for conformance with the applicable regulations within the Land Development Code (Chapter 14, Article 4, Division 5), and have been accepted by staff as conforming to the regulations.

The environmental determination for this project was made on September 20, 2005, and the opportunity to appeal that determination expired on October 11, 2005. This project's environmental determination was not appealed.

On February 14, 2008, the Planning Commission approved the project with a condition (Condition No. 21 of the Tentative Map, Attachment 6, page 7 of the Planning Commission Report) requiring building and landscape improvements as identified in the submitted Building Conditions Report and Landscape Plan to be completed prior to

recording of the Final Map. The appellant is objecting to this condition for the following reason as stated in their appeal with staff responses in italics;

The project was deemed complete on September 13, 2005, and the owner/applicant requested a "Deferral of Private Building Improvements," the performance of which would be assured by a lien upon the Title/Policy.

That statement is true. However, the applicant requested the action after the project was approved on consent. Additionally, the Condominium Conversion regulations were amended by City Council on July 5, 2006, making the new requirements applicable to this project.

In several previous appeals in 2007-2008, the City Council adopted a compromise which allows the condo converter to execute the required physical improvements prior to the sale of the first unit. City staff does not recommend that approach as it does not provide a mechanism for the City Engineer to verify that the improvements have been completed.

In the latest appeal of this issue on March 4, 2008, the City Council rejected the compromise and adopted staff's recommendation.

City staff's recommendation is to deny the appeal and approve the project with the approved Tentative Map conditions.

FISCAL CONSIDERATIONS:

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

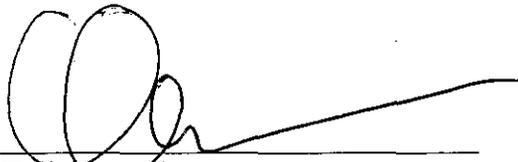
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On September 27, 2007, the Planning Commission voted 5-0-2 to approve the project.

On November 9, 2005, the College Area Community Council voted 12-4-1 to recommend denial of the proposed project.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

M.S. Browar Development Corporation, Applicant/Subdivider, Sterling Land Services, Inc., Surveyor, and the property's tenants.



Kelly Broughton
Director
Development Services Department



William Anderson
Deputy Chief of Land Use and
Economic Development

ATTACHMENTS:

1. Planning Commission Report PC-08-016
2. Appeal to the City Council, dated February 22, 2008

000983

DETERMINATION OF ENVIRONMENTAL EXEMPTION

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

Agency: CITY OF SAN DIEGO

Project No.: 83624

Date: September 20, 2005

Action/Permit(s): Tentative Map

Description of Activity: 5445 55th Street Tentative Map. The project proposes a Tentative Map to convert 25 existing residential units to condominiums and a waiver for undergrounding overhead utilities on a 0.667-acre site at 5445 55th Street in the RM-3-9 Zone within the College Area Community Plan area, Parking Impact Zone, Council District 7 (Lot 110 and 111 of College View Unit 3, Map No. 3157/APN: 462-220-07-00). Applicant/Agent: Nicole Noble, Sterling Land Services, Inc., 2607 First Avenue, San Diego, CA 92103, Tele. No. (619) 546-6165.

Location of Activity: 5445 55th Street, San Diego, CA 92115, County of San Diego.

(CHECK BOXES BELOW)

- 1. [] This activity is EXEMPT FROM CEQA pursuant to:
[] Section 15060(c) (3) of the State CEQA Guidelines (the activity is not a project as defined in Section 15378).
2. [x] This project is EXEMPT FROM CEQA pursuant to State CEQA Guidelines Section checked below:

ARTICLE 19 of GUIDELINES CATEGORICAL EXEMPTIONS (Incomplete list)

- Section Short Name
[x] 15301 Existing Facilities
[] 15302 Replacement or Reconstruction
[] 15303 New Construction or Conversion of Small Structures
[] 15304 Minor Alterations to Land
[] 15305 Minor Alteration in Land Use
[] 15306 Information Collection
[] 15311 Accessory Structures
[] 15312 Surplus Government Property Sales
[] 15315 Minor Land Divisions
[] 15317 Open Space Contracts or Easements
[] 15319 Annexation of Existing Facilities and Lots for Exempt Facilities
[] 15325 Transfer of Ownership of Interest in Land to Preserve Open Space
[] Other

ARTICLE 18 of GUIDELINES STATUTORY EXEMPTIONS (Incomplete list)

- Section Short Name
[] 15261 Ongoing Project
[] 15262 Feasibility and Planning Studies
[] 15265 Adoption of Coastal Plans and Programs
[] 15268 Ministerial Projects
[] 15269 Emergency Projects
[] Other

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

Distribution:

Exemption or Project file
Jeannette Temple, Development Project Manager, MS 501

Signature of Anne Lowry, Senior Planner, Environmental Analysis Section

08 000 50 0 35

000989

**CITY COUNCIL RESOLUTION NO. XXXX
TENTATIVE MAP NO. 263259
5445 55TH STREET TENTATIVE MAP - PROJECT NO. 83624**

WHEREAS, M.S. Browar Development Corporation, Applicant/Subdivider, and Sterling Land Services, Inc., Surveyor, submitted an application with the City of San Diego for a Tentative Map, No. 263259, and to waive the requirement to underground existing overhead utilities. The project site is located at 5445 55th Street, north of Aztec Circle in the RM-3-9 Zone and the Parking Impact Overlay Zone, within the College Community Plan area. The site is legally described as Lots 110 and 111 of College View Unit No. 3, Map No. 3157; and

WHEREAS, the Map proposes the subdivision of a 0.67-acre site into one (1) lot for a twenty-five (25) unit residential condominium conversion; and

WHEREAS, the project is exempt from environmental review pursuant to Article 9, 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 twenty-five; and

WHEREAS, on February 14, 2008, the Planning Commission of the City of San Diego APPROVED Tentative Map No. 263259 including the waiver of the requirement to underground existing overhead utilities; and

WHEREAS, on February 22, 2008, applicant D. Scott Peters, Sterling Land Services, Inc. appealed the Planning Commission approval on the basis of being denied a deferral of private building improvements; and

WHEREAS, on XXXX, 2008, the City Council of the City of San Diego considered Tentative Map No. 263259 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 City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, that it DENIES the APPEAL and adopts the following findings with respect to Tentative Map No. 263259:

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 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 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, which notice shall be provided within 5 working days of the issuance of the Subdivision Public Report.. 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)).

9. 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).
10. 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).
11. Each of the tenants of the proposed condominium project has received written notification of the project application for the condominium conversion within 10 days after the application was deemed complete (Land Development Code 125.0431(a)(3)).
12. The project has been conditioned that the subdivider will give each person applying for the rental of a unit in such residential real property written notification that the project application for the condominium conversion was deemed complete (Land Development Code 125.0431(a)(3)).
13. The project has been conditioned that the subdivider will give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (Land Development Code Section 125.0431(a)(4)).
14. A Building Conditions Report has been prepared in accordance with the Land Development Manual by a registered architect or engineer licensed by the State of California (Land Development Code Section 144.0504(b)).
15. The project has been conditioned that the subdivider will provide to a prospective purchaser a copy of the Building Conditions Report prior to the opening of an escrow account. (Land Development Code Section 144.0504(c)).
16. The project has been conditioned that the subdivider will provide a relocation assistance payment to all tenants of the project whose tenancy has terminated due to the condominium conversion. (Land Development Code Section 144.0505).
17. The project has been conditioned for the subdivider to complete the physical improvements as outlined in Land Development Code Section 144.0507, to the satisfaction of the City Engineer prior to final map approval.

18. The project has been conditioned for the subdivider to satisfy the inclusionary housing requirements on-site in accordance with Land Development Code Section 142.1306. (Land Development Code Section 144.0508).
19. The requested 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:
 - a. The conversion involves a short span of overhead facility (less than 600 feet in length).
 - b. 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.
20. 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 City Council, Tentative Map No. 263259 including the waiver of the requirement to underground existing overhead utilities, is hereby granted to M.S. BROWAR DEVELOPMENT CORPORATION, Applicant/Subdivider, subject to the following conditions:

GENERAL

1. This Tentative Map will expire February 14, 2011.
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 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. Prior to the issuance of Final Map taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition
5. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of

any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant

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 State Map Act.
8. 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.
9. 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.
10. 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.

11. 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

12. Prior to the recordation of the Final Map, the subdivider shall enter into an affordable housing agreement with the Housing Commission to provide affordable housing units in compliance with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).
13. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5), to the satisfaction of the Development Services Department and the Housing Commission.
14. The subdivider will give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (Land Development Code Section 125.0431(a)(4)).
15. The subdivider will provide to a prospective purchaser a copy of the Building Conditions Report prior to the opening of an escrow account. (Land Development Code Section 144.0504(c)).

ENGINEERING

16. The subdivider shall replace the damaged and displaced sidewalk panels, preserving any contractor's stamp, adjacent to the site on 55th Street.
17. The subdivider shall replace the onsite sidewalk, at the northerly end of the project, to be flush with the public sidewalk.
18. The subdivider shall reconstruct the existing driveway and curb ramp, to current City standards, adjacent to the site on 55th Street. In addition the subdivider shall either relocate or trim the palm tree, so as not to impede the use of the curb ramp.
19. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.

20. The subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
21. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the Municipal Code provisions for building and landscape improvements (Land Development Code Sections 144.0507), to the satisfaction of the City Engineer. The parking requirements in Land Development Code Sections 144.0507 and 142.0525.a do not apply, since this project was deemed complete prior to the effective date of this ordinance (July 27, 2006).
22. 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. RR-297376.

MAPPING

23. "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).
24. "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."
25. 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 (θ 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.

SEWER AND WATER

26. Water and Sewer Requirements:

- a. The subdivider shall install appropriate private back flow prevention devices on all existing and proposed water services (domestic, irrigation, and fire) adjacent to the project site in a manner satisfactory to the Water Department Director.
- b. 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.

INFORMATION:

- The approval of this 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 (16 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.
- Subsequent applications related to this 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 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.

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- Where in the course of development of private property, public facilities are damaged or removed the property owner 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. Municipal Code Section 142.0607.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SAN DIEGO,
CALIFORNIA, ON FEBRUARY 14, 2008.

By

Jeannette Temple
Development Project Manager
Development Services Department

Job Order No. 42-5226

08 FEB 14 2008

February 14, 2008

000999

**PLANNING COMMISSION RESOLUTION NO. 4369-PC
TENTATIVE MAP NO. 263259
5445 55TH STREET TENTATIVE MAP - PROJECT NO. 83624**

WHEREAS, M.S. Browar Development Corporation, Applicant/Subdivider, and Sterling Land Services, Inc., Surveyor, submitted an application with the City of San Diego for a Tentative Map, No. 263259, and to waive the requirement to underground existing overhead utilities. The project site is located at 5445 55th Street, north of Aztec Circle in the RM-3-9 Zone and the Parking Impact Overlay Zone, within the College Community Plan area. The site is legally described as Lots 110 and 111 of College View Unit No. 3, Map No. 3157; and

WHEREAS, the Map proposes the subdivision of a 0.67-acre site into one (1) lot for a twenty-five (25) unit residential condominium conversion; and

WHEREAS, the project is exempt from environmental review pursuant to Article 9, 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 twenty-five; and

WHEREAS, on February 14, 2008, the Planning Commission of the City of San Diego considered Tentative Map No. 263259 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 Tentative Map No. 263259:

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 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 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, which notice shall be provided within 5 working days of the issuance of the Subdivision Public Report.. 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)).

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9. 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).
10. 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).
11. Each of the tenants of the proposed condominium project has received written notification of the project application for the condominium conversion within 10 days after the application was deemed complete (Land Development Code 125.0431(a)(3)).
12. The project has been conditioned that the subdivider will give each person applying for the rental of a unit in such residential real property written notification that the project application for the condominium conversion was deemed complete (Land Development Code 125.0431(a)(3)).
13. The project has been conditioned that the subdivider will give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (Land Development Code Section 125.0431(a)(4)).
14. A Building Conditions Report has been prepared in accordance with the Land Development Manual by a registered architect or engineer licensed by the State of California (Land Development Code Section 144.0504(b)).
15. The project has been conditioned that the subdivider will provide to a prospective purchaser a copy of the Building Conditions Report prior to the opening of an escrow account. (Land Development Code Section 144.0504(c)).
16. The project has been conditioned that the subdivider will provide a relocation assistance payment to all tenants of the project whose tenancy has terminated due to the condominium conversion. (Land Development Code Section 144.0505).
17. The project has been conditioned for the subdivider to complete the physical improvements as outlined in Land Development Code Section 144.0507, to the satisfaction of the City Engineer prior to final map approval.
18. The project has been conditioned for the subdivider to satisfy the inclusionary housing requirements on-site in accordance with Land Development Code Section 142.1306. (Land Development Code Section 144.0508).
19. The requested 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:

a. The conversion involves a short span of overhead facility (less than 600 feet in length).

b. 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.

20. 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, Tentative Map No. 263259 including the waiver of the requirement to underground existing overhead utilities, is hereby granted to M.S. BROWAR DEVELOPMENT CORPORATION, Applicant/Subdivider, subject to the following conditions:

GENERAL

1. This Tentative Map will expire February 14, 2011.
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 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. Prior to the issuance of Final Map taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition
5. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a

disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant

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 State Map Act.
8. 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.
9. 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.
10. 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.

11. 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

12. Prior to the recordation of the Final Map, the subdivider shall enter into an affordable housing agreement with the Housing Commission to provide affordable housing units in compliance with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).
13. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5), to the satisfaction of the Development Services Department and the Housing Commission.
14. The subdivider will give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (Land Development Code Section 125.0431(a)(4)).
15. The subdivider will provide to a prospective purchaser a copy of the Building Conditions Report prior to the opening of an escrow account. (Land Development Code Section 144.0504(c)).

ENGINEERING

16. The subdivider shall replace the damaged and displaced sidewalk panels, preserving any contractor's stamp, adjacent to the site on 55th Street.
17. The subdivider shall replace the onsite sidewalk, at the northerly end of the project, to be flush with the public sidewalk.
18. The subdivider shall reconstruct the existing driveway and curb ramp, to current City standards, adjacent to the site on 55th Street. In addition the subdivider shall either relocate or trim the palm tree, so as not to impede the use of the curb ramp.
19. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
20. The subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.

21. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the Municipal Code provisions for building and landscape improvements (Land Development Code Sections 144.0507), to the satisfaction of the City Engineer. The parking requirements in Land Development Code Sections 144.0507 and 142.0525.a do not apply, since this project was deemed complete prior to the effective date of this ordinance (July 27, 2006).
22. 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. RR-297376.

MAPPING

23. "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).
24. "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."
25. 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.

SEWER AND WATER

26. Water and Sewer Requirements:

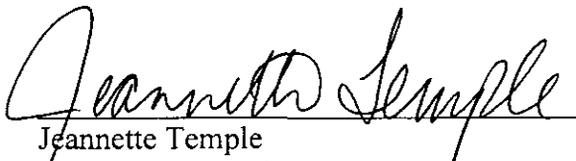
- a. The subdivider shall install appropriate private back flow prevention devices on all existing and proposed water services (domestic, irrigation, and fire) adjacent to the project site in a manner satisfactory to the Water Department Director.
- b. The subdivider shall provide a letter, agreeing 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.

INFORMATION:

- The approval of this 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 (16 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.
- Subsequent applications related to this 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 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.
- Where in the course of development of private property, public facilities are damaged or removed the property owner 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. Municipal Code Section 142.0607.

001007

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF
SAN DIEGO, CALIFORNIA, ON FEBRUARY 14, 2008.

By 
Jeannette Temple
Development Project Manager
Development Services Department

Job Order No. 42-5226

08 FEB 14 2008

Project No. 83624
TM No. 263259
February 14, 2008

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001009

Item 6

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
FEBRUARY 14, 2008
IN CITY COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING**

CHRONOLOGY OF THE MEETING:

Chairperson Schultz called the meeting to order at 9:11 a.m. Chairperson Schultz adjourned the meeting at 12:17 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Barry Schultz - present
Vice-Chairperson - Vacant
Commissioner Robert Griswold - present
Commissioner Gil Ontai - present
Commissioner Dennis Otsuji - present
Commissioner Eric Naslund – not present
Commissioner Mike Smiley – present

Staff

Andrea Dixon, City Attorney - present
Mary Wright, Planning Department – present
Mike Westlake, Development Services Department - present
Elisa Contreras, Recorder - present
Donna Trask, Recorder-present

PLANNING COMMISSION MINUTES FOR FEBRUARY 14, 2008

001010

~~ITEM 1: ANNOUNCEMENTS/PUBLIC COMMENT - ISSUES WITHIN THE JURISDICTION OF THE COMMISSION NOT PREVIOUSLY HEARD:
None~~

~~ITEM 2: REQUESTS FOR CONTINUANCE AND/OR ITEMS TO BE WITHDRAWN:
None~~

~~ITEM 3: REQUESTS FOR ITEMS TO BE PLACED ON THE CONSENT AGENDA:
Item No. 6 was placed on the consent agenda~~

~~ITEM 4: DIRECTOR'S REPORT:
Bill Anderson announced that counsel has approved a consulting contract for Barrio Logan. Mr. Anderson also commented that RFR has been issue for a Planning consulting for Otay Mesa. General planning is tentatively schedule for March 3, 2008
Mary Wright made an announced that SANDAG has received 2 grants.~~

~~ITEM -5: COMMISSION COMMENT:
Commissioner Griswold recommended staff develop standard guidelines for building condition reports.~~

ITEM-6: **5445 55TH STREET TENTATIVE MAP – PROJECT NO. 83624**
City Council District: 7 Plan Area: College

Staff: Jeannette Temple

Speaker slip submitted in favor by Matt Browar, Scott Peters
No speaker slips in opposition.

COMMISSION ACTION:

CONSENT MOTION BY COMMISSIONER OTSUJI TO APPROVE TENTATIVE MAP NO. 263259; AND APPROVE WAIVER TO THE REQUIREMENT TO UNDERGROUND EXISTING OVERHEAD UTILITIES AS PRESENTED IN REPORT NO. PC-08-016. Second by Commissioner Ontai. Passed by a 5-0-1 vote with commissioner Naslund not present and one vacancy. Resolution No 4369-PC

~~ITEM-7: **4532-34 FELTON VESTING TENTATIVE MAP – PROJECT NO. 97653**~~



001011 San Diego City Planning Commission

#6
Temple

IN FAVOR OF PROJECT

Complete this form and place in appropriate basket at podium before the Commission begins discussion on the item you wish to address.

NOTE: The Planning Commissioners may not be able to thoroughly review and consider materials delivered the day of the hearing.

Agenda item number 10 Date 2/14/08

Subject 55th STREET CONVERSION

Estimate of your presentation time 3:00

NAME SCOTT PETERS

~~Address: Number Street City~~

~~State ZIP Telephone~~

Representing OWNER

Are you part of an organized presentation? Yes No

If yes, list speakers in order of presentation:

Please read guide to speaking at public meeting on reverse side.
The Chairperson will call you to the microphone at the appropriate time.



#6

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San Diego City Planning Commission

Concern

IN FAVOR OF PROJECT

Complete this form and place in appropriate basket at podium before the Commission begins discussion on the item you wish to address.

NOTE: The Planning Commissioners may not be able to thoroughly review and consider materials delivered the day of the hearing.

Agenda item number 6 Date 2/14/08

Subject 5445 5512 Street
Tentative Map

Estimate of your presentation time 3-minutes

NAME Matt Browar

2207 Grand Ave, S.D.

Address Number 2207 Street Grand Ave City S.D.

State CA ZIP 92109 Telephone 858.270.5500

Representing Self

Are you part of an organized presentation? Yes No

If yes, list speakers in order of presentation: _____

Please read guide to speaking at public meeting on reverse side.
The Chairperson will call you to the microphone at the appropriate time.