

RECOMMENDATIONS

000591

334
01/13

COMMUNITY PLANNING GROUP/STAFF'S/PLANNING COMMISSION

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

CASE NO.

Project No. 78873 – 7827 Stalmer Street Tentative Map

STAFF'S

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

DENY the appeal and uphold the Planning Commission's Approval of the Tentative Map.

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

YEAS: Golba, Naslund, Ontai, Otsuji, Shultz,

NAYS: Griswold

ABSTAINING:

ABSENT: Smiley

TO: (list recommendation or action)

APPROVE Tentative Map No. 347677 and the Waiver of the requirement to underground the existing overhead utilities.

COMMUNITY PLANNING GROUP (choose one)

LIST NAME OF GROUP: Clairemont Mesa

- 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: 6

Opposed: 3

By _____

08 10 13 10 3 51



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: September 12, 2008 **REPORT NO:** PC-08-122

ATTENTION: Planning Commission, Agenda of September 18, 2008

SUBJECT: 7827 STALMER STREET TENTATIVE MAP - PROJECT NO. 104906
PROCESS FOUR

OWNERS: Mesa Villas Investors, LLC

APPLICANT: San Diego Land Surveying and Engineering, Inc.

SUMMARY

Issue: Should the Planning Commission approve a Tentative Map for the conversion of 20 existing residential units to condominiums at 7827-67 Stalmer Street, including a waiver of the requirement to underground the existing overhead utilities, within the Clairemont Mesa Community Plan Area?

Staff Recommendation:

1. Approve Tentative Map No. 347677; and
2. Approve waiver to the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: On January 16, 2007, the Clairemont Mesa Planning Committee voted 6-3-0 to recommend approval of the proposed project without recommendations (Attachment 7).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15301 on June 22, 2006. An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on March 20, 2007. The scope of the subject hearing only includes the project, and not the environmental determination.

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

000594

Code Enforcement Impact: None with this action.

Housing Impact Statement: With the proposed conversion of 20 existing apartments to condominiums, there would be a loss of 20 rental units and a gain of 20 for-sale units. This condominium conversion project was deemed complete on June 8, 2006, and is therefore subject to the regulations regarding Inclusionary housing and tenant relocation assistance.

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 0.79-acre project site is located at 7827-67 Stalmer Street in the RM-2-5 Zone, the Residential Tandem Parking Overlay Zone, and the Clairemont Mesa Height Limitation Overlay Zone, within the Clairemont Mesa Community Plan area (Attachment 3). The site is presently developed with five, two-story structures containing a total of 20 two-bedroom units. The project site has 32 off-street parking spaces which are accessed from a driveway at the rear of the property. The site is bounded on all sides by multi-family residential uses.

The existing improvements were constructed in 1978 when the site was zoned R-4, which permitted multi-family residential development at an unlimited density. The site is currently zoned RM-2-5, which would allow one unit for every 1,500 square feet or 23 units on the subject site.

Current parking regulations would require 40 parking spaces on site and 32 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 of 23 units; 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 0.79-acre site into one lot to convert 20 existing dwelling units into condominiums (Attachment 5). The applicant is also

requesting that the requirement for the undergrounding of existing overhead utilities be waived.

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

Undergrounding of Existing Utilities

San Diego Municipal Code Section 144.0240 allows the subdivider to apply for a waiver from the requirement to underground the existing overhead utilities within the boundary of the subdivision or within the abutting public rights of way. City staff has determined the undergrounding waiver request qualifies under the guidelines of Council Policy 600-25, *Underground Conversion of Utility Lines at the Developer's Expense*, in that the conversion involves a short span of overhead facility less than 600 feet in length, 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. 17 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. 18 of the draft Tentative Map resolution (Attachment 6).

The neighborhood currently contains power poles and overhead utilities lines in the alley. The utility lines to these poles extend to other properties located north and south of the property. The poles closest to this property, which carries the lines serving this site, are located along Stalmer Street. 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 6U, and the date for undergrounding has been established for the year 2055 (Attachment 10).

Community Planning Group and Neighborhood Recommendations:

On January 16, 2007, the Clairemont Mesa Planning Committee voted 6-3-0 to recommend approval of the proposed project without recommendations (Attachment 7).

Project-Related Issues:

All condominium conversion projects not yet heard by July 25, 2006, must conform with the current regulations regarding: inclusionary housing, tenant relocation benefits, the provision of a building conditions report, conformance with landscape regulations, and conformance with noticing requirements. This project is not required to conform with the new parking regulations

090596
for condominium conversions, based on specific language adopted by the City Council.

The requested conversion of these residential units to condominiums represents primarily a change in ownership. The applicant has certified that the required 60-day Notices of Intent to Convert to Condominiums were provided to the tenants on January 1, 2006 (Attachment 11).

Inclusionary Housing Ordinance and Tenant Relocation Benefits Conformance:

The project has been conditioned to require the subdivider conform with the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code) and demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5) to the satisfaction of the City Manager and the Housing Commission, prior to the recordation of the Final Map.

The applicant has elected to provide 10% or two units on site to satisfy the Inclusionary Housing requirement, as allowed by the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

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 20 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. 347677, with modifications.**
2. **Deny Tentative Map No. 347677, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

000597

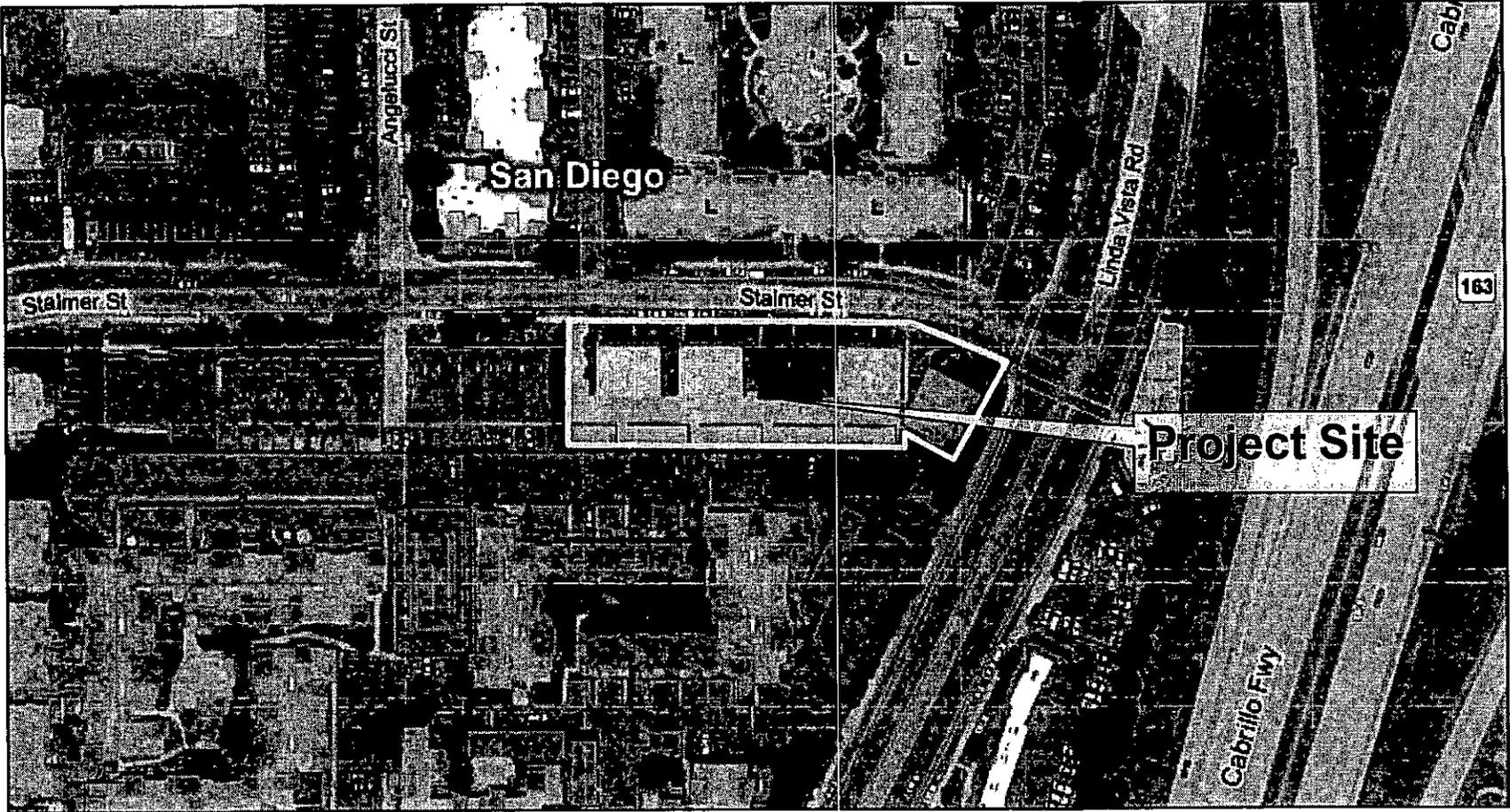
Mike Westlake
Program Manager
Development Services Department

Derrick Johnson
Derrick Johnson
Development Project Manager
Development Services Department

WESTLAKE/DJ

Attachments:

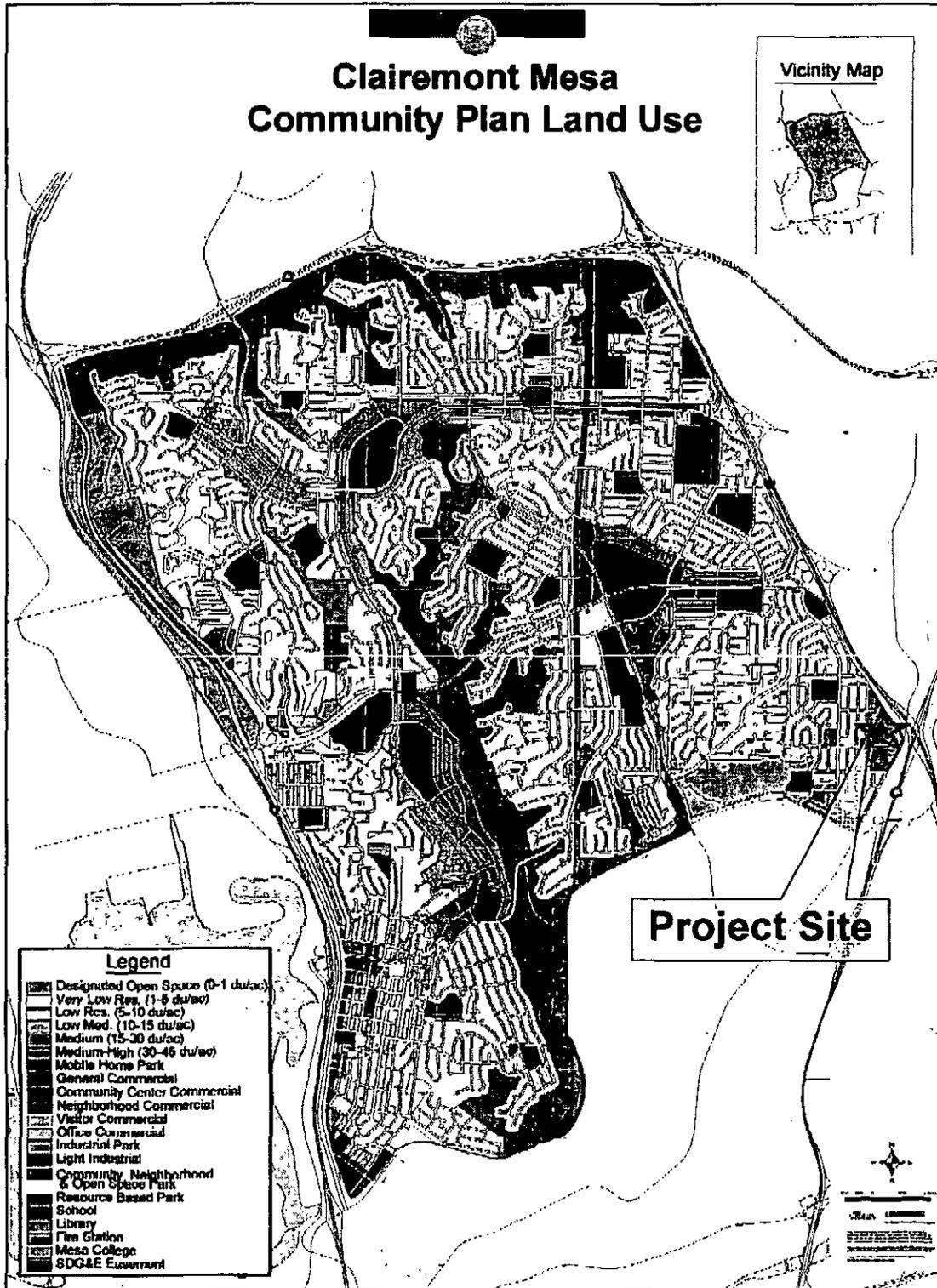
1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Tentative Map
6. Draft Map Conditions and Subdivision Resolution
7. Community Planning Group Recommendation
8. Project Chronology
9. Undergrounding Master Plan 6U
10. List of required improvements from Building Conditions Report
11. Sample 60-Day Notice
12. Photos of Existing Elevations
13. Ownership Disclosure Statement



Aerial Photo

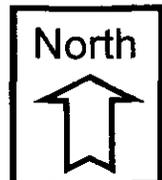
7827 STALMER ST TENTATIVE MAP - 7827 STALMER STREET
PROJECT NO. 104906

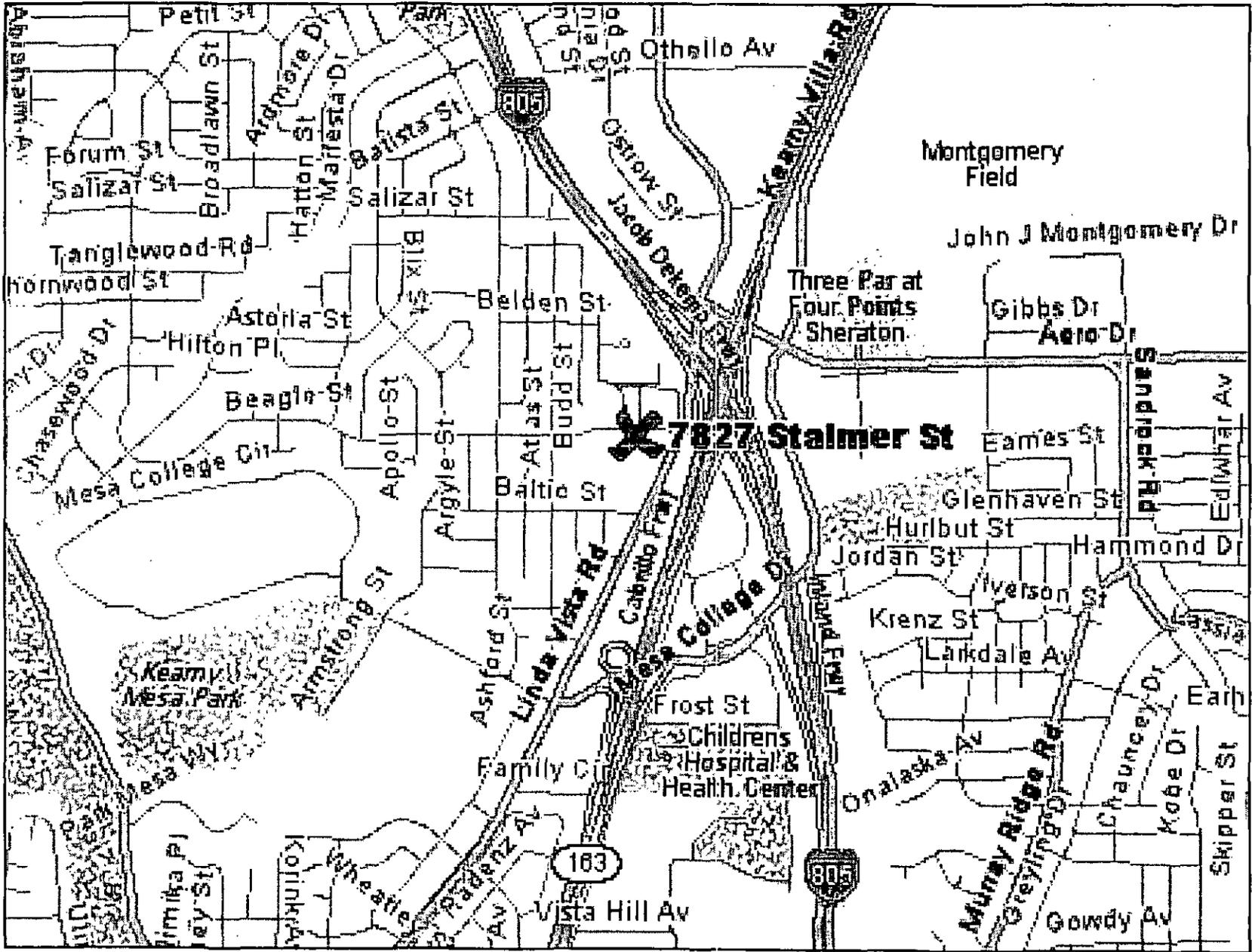




Community Plan Land Use Map

**7827 STALMER ST TENTATIVE MAP – 7827 STALMER STREET
PROJECT NO. 104906**





Project Location Map

7827 STALMER ST TENTATIVE MAP - 7827 STALMER STREET
 PROJECT NO. 104906



000602

PROJECT DATA SHEET FOR CONDOMINIUM CONVERSIONS

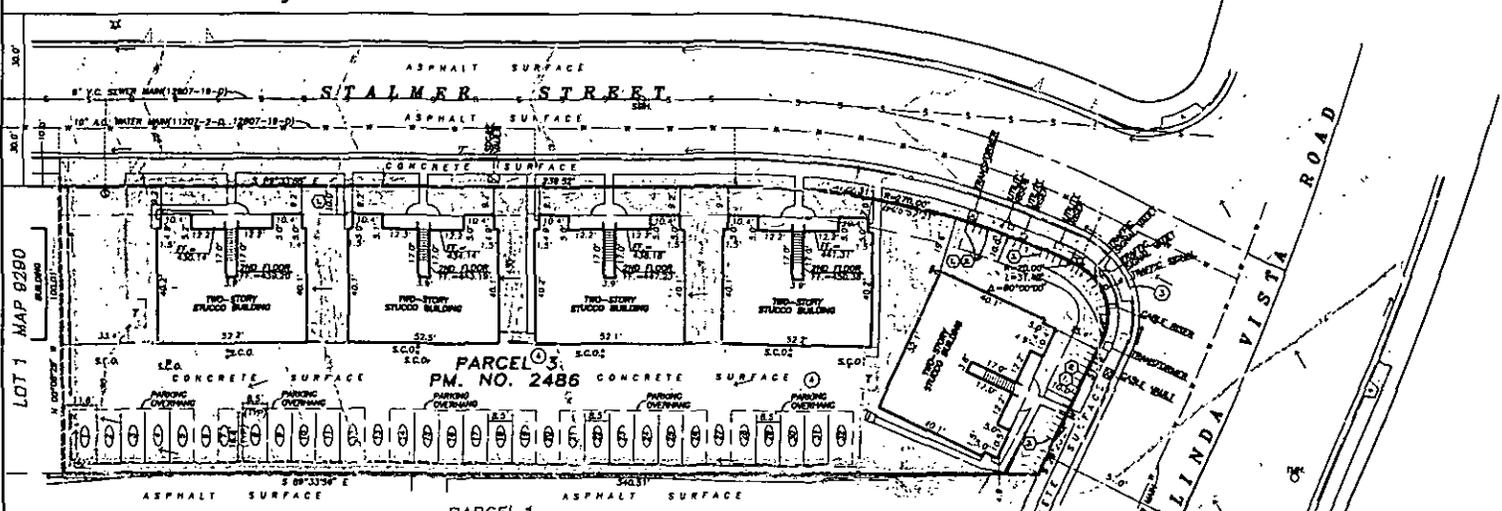
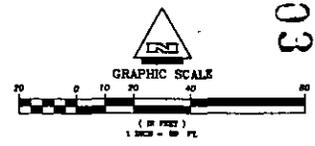
| | | |
|--|--|--------------------------|
| PROJECT NAME: | 7867 Stalmer Street Tentative Map – Project No. 104906 | |
| PROJECT DESCRIPTION: | Conversion of twenty existing residential units to condominium ownership located at 7867 Stalmer Street on a 0.79-acre site. | |
| COMMUNITY PLAN AREA: | Clairemont Mesa Community Plan | |
| DISCRETIONARY ACTIONS: | Tentative Map | |
| COMMUNITY PLAN LAND USE DESIGNATION: | Multi-family Residential | |
| <u>CURRENT ZONING INFORMATION:</u> | <u>CONSTRUCTED:</u> | |
| ZONE: RM-2-5 (Residential – Multiple Unit) | R-2A (Residential – Low Rise Apts) | |
| DENSITY: One dwelling unit per 1,500 sf. of lot area. | One dwelling unit per 1,500 sf. | |
| HEIGHT LIMIT: 40-Foot maximum height limit. | N/A | |
| LOT SIZE: 6,000 square-foot minimum lot size. | 6,000 square-foot minimum lot size. | |
| FLOOR AREA RATIO: 1.35 maximum. | .80 plus .40 for enclosed parking | |
| FRONT YARD SETBACK: 10-ft(min) – 20-ft(std) | N/A | |
| STREET YARD SETBACK: 10-feet | N/A | |
| SIDE YARD SETBACK: 5-feet | N/A | |
| REAR SETBACK: 15-feet | N/A | |
| PARKING: | N/A | |
| <u>ADJACENT PROPERTIES:</u> | LAND USE DESIGNATION & ZONE | EXISTING LAND USE |
| NORTH: | RM-2-5 (Residential – Multiple) | Multi-Family Residential |
| SOUTH: | RM-2-5 (Residential – Multiple) | Multi-Family Residential |
| EAST: | CO-1-2 (Commercial – Office) | Office–Low Rise |
| WEST: | RM-2-5 (Residential – Multiple)t | Multi-Family Residential |
| DEVIATIONS OR VARIANCES REQUESTED: | None | |
| COMMUNITY PLANNING GROUP RECOMMENDATION: | On January 16, 2007, the Clairemont Mesa Planning Committee voted 6-3-0 to recommend approval of the proposed project without recommendations. | |

00603

7827-67 STALMER STREET

TENTATIVE MAP FOR CONDOMINIUM CONVERSION

Tentative Map No. 347677
Project No. 104906



- LEGEND:**
- INDICATES FOUND MONUMENTS AS NOTED
 - INDICATES WATER METER
 - ⊕ INDICATES FIRE HYDRANT
 - INDICATES DATE W/VE
 - INDICATES SECH
 - INDICATES HANDICAP RAMP OR PARKING SPACE
 - INDICATES LIGHT POLE UNLESS NOTED
 - S.C.O. INDICATES SEWER CLEAN OUT
 - DI INDICATES DRAIN INLET
 - TMH INDICATES TELEPHONE MANHOLE
 - SMH INDICATES SEWER MANHOLE
 - Y INDICATES TRASH ENCLOSURE
 - INDICATES CHAIN LINK FENCE
 - INDICATES WOOD FENCE
 - INDICATES BRICK WALL
 - INDICATES DIRECTION OF DRAINAGE
 - INDICATES SEWER LATERAL
 - INDICATES WATER SERVICE
 - INDICATES STRIPED PARKING SPACE
 - TTTTTTT INDICATES ABUTTER'S RIGHTS OF ACCESS RESERVED TO STATE OF CALIFORNIA
 - INDICATES PROPERTY LINE/TENTATIVE MAP BOUNDARY

PROFESSIONAL LAND SURVEYOR:
SAN DIEGO LAND SURVEYING & ENGINEERING, INC.
8845 CHEMUNING DRIVE, SUITE 44
SAN DIEGO, CALIFORNIA 92121 (652) 565-8362
DRAWING NO. 2008/05/27/277M

ROBERT J. BATHMEL, P.L.S. 7042
REGISTRATION EXPIRES DECEMBER 31, 2008

8-17-2007 DATE

DEVELOPMENT NOTES:

1. THIS IS A MAP OF A CONDOMINIUM PROJECT AS DEFINED IN SECTION 1330 (1) SUBSECTION OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT. THE TOTAL NUMBER OF CONDOMINIUM DWELLING UNITS IS 20.
2. THE SUBDIVIDER WILL ASSURE THAT THE ON-SITE UTILITIES SERVING THE SITE WILL BE UNDERGROUNDED WITH THE APPROPRIATE PERMITS, SATISFACTORY TO THE CITY ENGINEER.
3. THE SUBDIVIDER SHALL INSTALL PRIVATE BACK FLOW DEVICES ON ALL EXISTING AND PROPOSED WATER SERVICES ADJACENT TO PROJECT SITE IN A MANNER SATISFACTORY TO THE WATER DEPARTMENT DIRECTOR.
4. THE SUBDIVIDER SHALL PREPARE CLEAN AS REQUIRED.
5. THE SUBDIVIDER SHALL OBTAIN AN EMINA FOR THE CONCRETE STEPS IN STALMER STREET RIGHT-OF-WAY.
6. THE SUBDIVIDER SHALL COMPLY WITH ALL CURRENT STREET LIGHTING STANDARDS ACCORDING TO CITY OF SAN DIEGO STREET MANUAL, SATISFACTORY TO THE CITY ENGINEER.

UTILITY TABLE:

| UTILITY | OVERHEAD | UNDERGROUND |
|-----------|----------|-------------|
| WATER | | X |
| SEWER | | X |
| GAS | | X |
| ELECTRIC | | X |
| TELEPHONE | | X |
| CITY | | X |

ZONING INFORMATION:

EXISTING AND PROPOSED ZONE: RM-2-S
COMMUNITY PLAN NAME: CLAREMONT MESA
PLANNED DISTRICT: M-2
OVERLAY ZONES: CLAREMONT MESA HEIGHT LIMIT
RESIDENTIAL ZAMEN PARKING

CITY OF SAN DIEGO

DEVELOPMENT SUMMARY:

1. SUMMARY OF REQUEST:
CONVERT 20 EXISTING UNITS TO CONDOMINIUMS AND FILE A ONE LOT SUBDIVISION MAP.
2. STREET ADDRESS: 7827-67 STALMER ST.
ON THE E/W SIDE BETWEEN LINDA VISTA RD. AND ANSELMO CT.
3. SITE AREA:
TOTAL SITE AREA (GROSS) (34,818 SF) (0.797 AC.)
NET SITE AREA: (34,818 SF) (0.795 AC.)
4. DENSITY (RESIDENTIAL):
MAXIMUM NO. DWELLING UNITS ALLOWED PER ZONE: 23
NUMBER OF EXISTING UNITS TO REMAIN ON SITE: 20
NUMBER OF PROPOSED DWELLING UNITS ON SITE: 0
TOTAL NUMBER OF UNITS PROVIDED ON THE SITE: 20
5. YARD/SETBACK STANDARD MINIMUM FRONT YARD: 20' 5' SIDE YARD: 5' STREET YARD(S): 10' REAR YARD: 10'
6. PARKING: PARKING CATEGORIES: RESIDENTIAL COMMERCIAL INDUSTRIAL MIXED USE OTHER

| TYPE OF UNIT | NUMBER OF TYPE | PARKING REQUIRED PER UNIT | TOTAL PER TYPE |
|------------------------|----------------|---------------------------|----------------|
| 2 BR UNIT | 20 | 2.0 | 40 |
| TOTAL REQUIRED BY ZONE | | | 40 |
| TOTAL PROVIDED ON-SITE | | | 32 |

UNIT AREAS:

| TYPE OF UNIT | NUMBER OF TYPE | SQUARE FOOTAGE PER UNIT | TOTAL PER TYPE |
|--------------|----------------|-------------------------|----------------|
| 2 BR UNIT | 20 | 1,085 | 21,800 |

MONUMENTATION & MAPPING:

ALL PROPERTY CORNERS WILL BE SET AND A ONE LOT SUBDIVISION MAP WILL BE FILED. A DETAILED PROCEDURE OF SURVEY WILL BE SHOWN ON FINAL MAP.

EXISTING IMPROVEMENTS:

SEWER DRAWING NO. 11207-18-0
WATER DRAWING NO. 11207-2-G, 12007-10-G, 13629-7-D

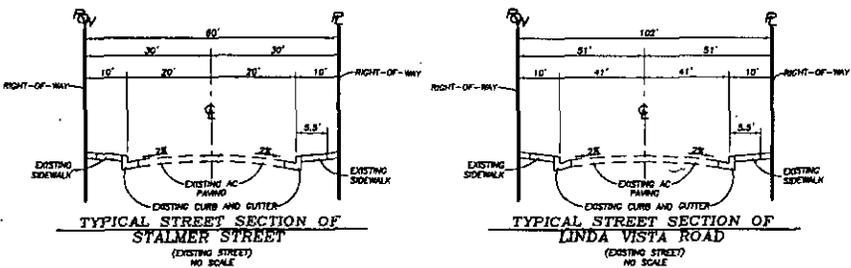
EXISTING & PROPOSED EASEMENTS:

1. AN EASEMENT GRANTED TO STATE OF CALIFORNIA FOR HIGHWAY SLOPE PURPOSES, RECORDED JUNE 4, 1988 AS FILE NO. 83046 OF OFFICE RECORDS.
2. AN EASEMENT GRANTED TO THE STATE OF CALIFORNIA FOR HIGHWAY SLOPE PURPOSES, RECORDED APRIL 27, 1975 AS FILE NO. 73-11789 OF OFFICE RECORDS.
3. THE FACT THAT OWNERSHIP OF SAN LUIS DOES NOT INCLUDE RIGHTS OF ACCESS TO OR FROM THE STREET OR HIGHWAY KNOWN AS LINDA VISTA ROAD, ALTHOUGH THIS LAND SEEN RIGHTS HAVING BEEN SAVED FROM THE LAND BY DECLARER RECORDED APRIL 27, 1975 AS FILE NO. 73-11789.

OWNER/DEVELOPER:

MESA VILLAS INVESTORS, LLC
2525 CAMINO DEL RIO, S. STE 170
SAN DIEGO, CA 92108

PAUL REISCHNER, MANAGING MEMBER



Prepared By:
SAN DIEGO LAND SURVEYING AND ENGINEERING, INC.
8845 CHEMUNING DRIVE, SUITE 44
SAN DIEGO, CA 92121-1394
PHONE: 619-594-8362 FAX: 619-594-1954 EMAIL: Admin@sdles.com

Consultor:
Project 208 Consultant: Existing developed etc.

Source of Topography:
Field survey by San Diego Land Surveying on 4-4-09

Project Permits Required:
TENTATIVE MAP NO. 347677
ONE LOT SUBDIVISION

Project Data:
Number of Sheets: 3
Proposed use: Residential
Easting used: Resurfaced
Zone Designation: RM-2-S
Year of Construction (year, structure): 1975

Project Name:
7827-67 STALMER STREET
CONDOMINIUM CONVERSION

Project Address:
7827-67 Stalmer Street
San Diego, CA 92111

Project Owner:
Mesa Villas Investors
2525 Camino del Rio A, Box 170
San Diego, CA 92108

Map Title:
TENTATIVE MAP 347677
Project No. 104906

Scale:
1" = 20'

Original Date: May 21, 2008
Published: October 18, 2008
Revised: September 17, 2007

Sheet 1 of 1

ATTACHMENT 5

000604

PLANNING COMMISSION
RESOLUTION NO. TO BE FILLED IN.
TENTATIVE MAP NO. 347677
7827-67 STALMER STREET TENTATIVE MAP; PROJECT NO. 104906

DRAFT

WHEREAS, MESA VILLAS INVESTORS, LLC, A CALIFORNIA CORPORATION, Applicant/Subdivider, and SAN DIEGO LAND SURVEYING AND ENGINEERING, INC, submitted an application with the City of San Diego for a Tentative Map, No. 347677, for the condominium conversion of 20 existing residential units, including a request to waive the requirement to underground existing overhead utilities. The project site is located on the south side of Stalmer Street, between Baltic Street and Belden Street, at 7827-67 Stalmer Street, and is described as Parcel 3, Map No. 2486, in the RM-2-5 Zone, the Residential Tandem Parking Overlay Zone, and the Clairemont Mesa Height Limitation Overlay Zone, within the Clairemont Mesa Community Plan; and

WHEREAS, the Map proposes the subdivision of a 0.79-acre site into one (1) lot for an 20-unit residential condominium conversion; and

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

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report 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 20; and

WHEREAS, on September 18, 2008, the Planning Commission of the City of San Diego considered Tentative Map No. 347677, 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. 347677:

1. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).
2. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).
3. Each of the tenants of the proposed condominium conversion project has received, pursuant to State Map Action Section 66452.9, written notification of intention to convert at least 60 days prior to the filing of a tentative map (Land Development Code 125.0444 and State Map Act Section 66427.1(a)).
4. Each of the tenants of the proposed condominium project has received written notification of the project application for the condominium conversion at least 10 days after the application was deemed complete (Land Development Code 125.0431(a)(3)).
5. 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)).
6. 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)).
7. 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)).
8. 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.

9. 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)).
10. 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)).
11. 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)).
12. The project has been conditioned that a relocation assistance payment will be made to all tenants of the project. The relocation payment shall be three months rent based on the current San Diego "fair market rent" for apartment size, as established by the U. S. Department of Housing and Urban Development. The relocation payment shall be paid no later than the day on which the applicant gives notice to the tenant to vacate the premises and shall be based on the fair market rent at the time of the notice.
13. 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).
14. 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).
15. 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)).
16. 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)).

17. 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).
18. 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.
19. The project has been conditioned for the subdivider to satisfy the inclusionary housing requirements via the payment of an in-lieu fee, in accordance with Land Development Code Section 142.1306. (Land Development Code Section 144.0508).
20. The underground waiver of the existing overhead facilities, qualifies under the guidelines of Council Policy No. 600-25 *Underground Conversion of Utility Lines at Developers Expense* in that the conversion involves a short span of overhead facility less than 600 feet in length, 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.
21. 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. 347677, including the waiver of the requirement to underground existing overhead utilities, is hereby granted to MESA VILLAS INVESTORS, LLC, A CALIFORNIA CORPORATION, Applicant/Subdivider, subject to the following conditions:

GENERAL

1. This Tentative Map will expire on September 18, 2008.
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. 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

000608 :

- b. For prospective tenants, upon application for the rental of a unit in the proposed *condominium conversion*.
5. 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 (DRE), pursuant to Section 66427.1(a) of the Subdivision Map Act.
6. The subdivider shall include in all notices required in Land Development Code Section 125.0431(a) a statement advising the tenants that should the *condominium conversion* be approved, tenants may be required to vacate the *premises* following any payment of benefits due under Land Development Code Section 144.0505.
7. The subdivider shall provide 60-Day Notice of Termination of Tenancy, consistent with the Land Development Manual, provided to each tenant 60 days prior to being required to vacate the property.
8. The subdivider shall provide each of the tenants of the proposed condominiums written notice of intention to convert at least 180 days prior to termination of tenancy due to the conversion or proposed conversion in conformance with 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.
9. 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.
10. The subdivider shall provide to all tenants within 5 working days of the issuance of the Subdivision Public Report or 90 days prior to the initial public offer for sale if no Subdivision Public Report the Notice of First Right of Refusal to Purchase. Failure to provide the notice within the time period required shall extend the 90-day period of First Right of Refusal to Purchase to 90 days from the date the notice is provided to the tenant.
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 applicant will provide 10% or two units on site to satisfy the Inclusionary Housing requirement, pursuant to 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 filing a final map, the applicant shall either show evidence that relocation assistance has been paid to eligible tenants or enter into an agreement with the San Diego Housing Commission to demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5, 144.0503). In addition, applicant must pay the appropriate fees incurred by the Housing Commission for compliance monitoring (Chapter 14, Article 4, Division 5, 144.0502).

ENGINEERING

14. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
15. A Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder, prior to the Tentative Map expiration date.
16. The subdivider shall reconstruct the existing pedestrian ramp at the southwest corner of Stalmer Street and Linda Vista Road, with current City Standard pedestrian ramp Standard Drawing SDG-132 and SDG-133 with truncated domes.
17. The Subdivider shall ensure that all onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
18. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
19. The Subdivider shall obtain an Encroachment Maintenance Removal Agreement for the concrete steps in the Stalmer Street Right-of-Way.
20. Pursuant to City Council Policy 600-20, the Subdivider shall provide evidence to ensure that an affirmative marketing program is established.
21. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City

000610

Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.

22. 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).
23. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. 769830.

LANDSCAPE

24. Prior to recordation of the Final Map, complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with the Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department.
25. Prior to recordation of the Final Map, and after Landscape and Irrigation Construction Documents have been approved by Development Services, the subdivider shall install all required landscaping consistent with the approved plans and the Land Development Manual, Landscape Standards.
26. Prior to recordation of the Final Map, it shall be the responsibility of the Permittee/Owner to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.
27. The Landscape Construction Plan shall take into account a 40 square foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)5.
28. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The

000611

trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

29. The Permittee or subsequent owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.
30. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to a Certificate of Occupancy or a Final Landscape Inspection.

MAPPING

31. "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).
32. "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."
33. 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.

000612

34. The design of the subdivision shall include private easements, if any, serving parcels of land outside the subdivision boundary or such easements must be removed from the title of the subdivided lands prior to filing any parcel or final map encumbered by these easements.

SEWER AND WATER

35. 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 (24 USC Section 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- 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.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SAN DIEGO, CALIFORNIA, ON SEPTEMBER 18, 2008.

000613

ATTACHMENT 6

By

Derrick Johnson
Development Project Manager
Development Services Department

Job Order No. 42-6539

| |
|---|
| Clairemont Mesa Planning Committee |
|---|

Minutes of the Meeting of
January 16, 2007
North Clairemont Friendship Center

| | | | |
|--|--|---|--|
| P Jack Carpenter A Brandon Tappen A Dale Smith P Richard Jensen | P Sheri Mongeau P Kathy Monsour P Eleanor Mang – Chair P Susan Mourmian- Treas. | P Billy Paul A Chris Rink P Thomas Schmidt P Brooke Peterson- Sec. | A Donald Steele P Scott Wentworth P Mike Vinti- Vice Chair P Alys Masek |
|--|--|---|--|

P – Present A – Absent

Call to Order / Roll Call

Eleanor Mang, Chair, called the meeting to order at 6:35 p.m. Attendance called by Brooke Peterson and quorum present.

Communications from Committee

Sheri Mongeau announced that the Clairemont Town Council would be having a presentation by Mayor Sanders on February 1.

Communications from the Public

Dave Potter thanked the Committee for their support of themes College Parking Structure project; the project was approved January 8th.

- Billy Paul commented that in the proposed land transfer to the Linda Vista community, the land should go into the Tecolote Park and Linda Vista should contribute an equal amount to the park.

John Ziebarth announced that the Genesee Plaza and Balboa Mesa shopping center expansion projects were on the Planning Commission agenda on January 25 at 9:00a.m. He encouraged members of the Committee and public to attend.

Modifications to the Agenda

None.

Approval of Minutes

The minutes were approved 9-0-1.

Information Items

101. Garfield Starbucks (Sydnee Freeman)

The project, originally proposed in 2005, has been changed in an effort to respond to Committee comments. Changes include: closing most curb cuts (1 new cut along Clairemont Dr.); moving the drive-thru location to the eastern side of the building and improved aesthetics of eastern elevation; motorcycle spaces provided per code; better pedestrian-orientation; additional landscape features to screen street and parking and increased medians; and additional street trees (varieties are consistent with Balboa Ave. RAP).

000615

- Billy Paul expressed concern regarding pedestrian access being stairs vs. ramp and therefore not ADA compliant.

Public Comments:

- There was significant concern from nearby and adjacent residents regarding health hazards of contamination. A number of residents were present at the meeting to voice their concern.
- Additional questions were asked and clarification provided by applicant regarding location and number of monitoring wells that would be onsite.
- One member of the public expressed concern regarding pedestrian/ bus user safety along Clairemont Mesa.

Richard Jensen made a motion to recommend approval of the project. The motion was seconded by Susan Mournian. Vote 6-4-1, motion passed.

302. Cavicke Residence (Chris Cavicke)

The project includes the remodel of a single-family residence to include an expansion of approx. 2,000 sq.ft including a companion unit. Applicant initially conducted significant illegal grading (without grading permit) and City has then required the processing of a Site Development Permit. The project now has approval from City staff and the applicant has complied with staff's comments/requests. Project will go to a hearing officer, appealable to the Planning Commission.

Comments from the Committee:

- Jack Carpenter asked to see the plans for the retaining wall along the property line. Though applicant indicated the wall would be 10 ft.; actual plans were not provided.
- There was significant discussion regarding the preparation and provision to the Committee of a soils report. It was concluded that the soils report should be part of the Committee's condition of recommended approval of the project.
- Thomas Schmidt commented that the Committee should not approve the project without a confirmed soils report in hand.

Public Comments:

- There was significant concern from one adjacent resident regarding integrity of her foundation and the aesthetic impact to her residence which would reduce her property value.
- The neighbor on the opposite side expressed his concern regarding the aesthetic impacts to his view and property value.

A motion was made by Jack Carpenter to recommend approval of the project subject to an approved soils report on file with the City. The motion was seconded by Billy Paul. Vote, 8-3-0, motion passed.

303. 7827 Stalmer Street, Condominium Conversion (Robert Bateman)

The project proposes the conversion of apartments to condominiums at 7827 Stalmer Street. The project includes conversion of 20 units, comprising 5 buildings built in 1979. Each building has water shut off; 1 for domestic/ 1 for landscaping. Each unit has individual gas and electrical units. There are 31 parking spaces and carport covered. The applicant is not proposing to convert units and put up for sale immediately; timing would depend upon market conditions.

Comments from the Committee:

- Billy Paul voiced concern regarding the loss of lower income units, particularly when located close to Mesa College provided key affordable units for college students and indicated his opposition to the project.

Public Comments:

- One public citizen commented that parking is a significant issue along Stalmer Street so any changes to potentially increase parking traffic should be avoided.

Richard Jensen made a motion to recommend approval of the project. The motion was seconded by Mike Vinti. Vote passed 6-3-0.

304. Mt. Hay Road Humps (Gary Pence)

The project proposes to add road humps along Mt. Hay. The request for road humps passed all the screening criteria and received Fire Dept. approval. The survey showed 83% of the community is in favor of the humps, 20 out of 24 approve. There would be 3 humps installed approximately 200' apart.

Billy Paul made a motion to recommend approval of the project. The motion was seconded by Susan Mournian. Motion passed, 9-0-0.

305. Atlas St./ Baltic St. Road Humps (Gary Pence)

The project proposes road humps and the request passed all screening criteria and received approval of the Fire Dept. Community support was 23 out of 24 in favor of the humps.

A motion was made by Billy Paul to recommend approval of the project. The motion was seconded by Richard Jensen. Motion passed, 9-0-0.

Reports to Committee

None.

Adjournment at 9:50 p.m. Next meeting to be held on February 20, 2007.

DEVELOPMENT SERVICES

Project Chronology

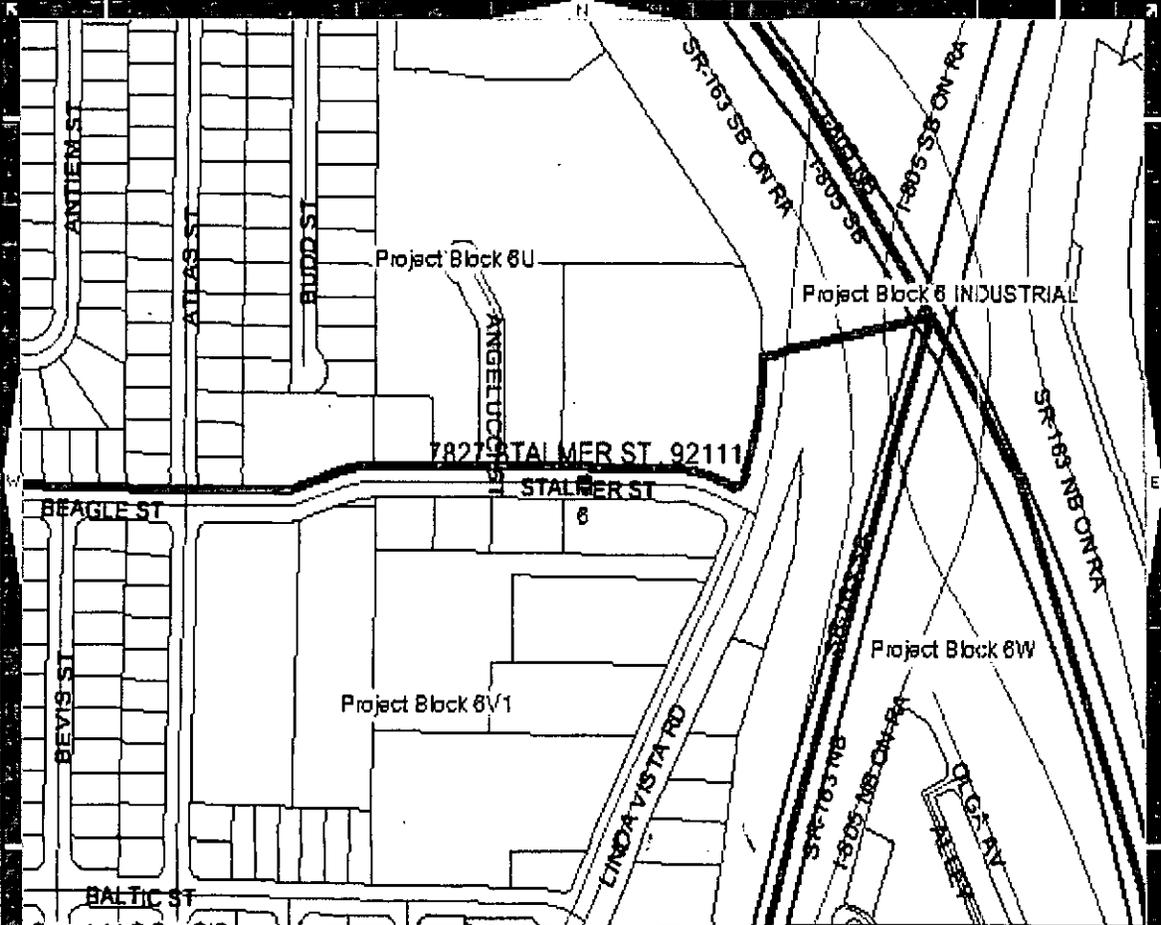
7827 STALMER STREET TENTATIVE MAP; PROJECT NO. 104906

| | Action | Description | City Review Time | Applicant Response |
|-------------------------------------|-----------------------------|--|---------------------------------|-----------------------------|
| 6/8/06 | First Submittal | Project Deemed Complete | | |
| 6/28/06 | First Assessment Letter | First assessment letter sent to applicant. | 20 days | |
| 7/31/06 | City Council denies appeal | Council denies the appeal of the environmental determination filed by Briggs Law | 33 days | |
| 10/31/06 | Second submittal | Applicant's response to first assessment letter | | 123 days |
| 12/7/06 | Second Assessment Letter | Second assessment letter sent to applicant. | 53 days | |
| 5/22/07 | Third submittal | Applicant's response to second assessment letter | | 33 days |
| 7/5/07 | Third Assessment Letter | Third assessment letter sent to applicant. | 45 days | |
| 8/8/08 | Fourth Submittal | Applicant's response to third assessment letter | | 368 days |
| 8/20/08 | All Cycle Issues Resolved | Staff review complete | 12 days | |
| 9/18/08 | Planning Commission hearing | | 28 days | |
| TOTAL STAFF TIME** | | | 6 Mo 4 days | |
| TOTAL APPLICANT TIME** | | | | 1 yr 5 mo 5 days |
| TOTAL PROJECT RUNNING TIME** | | From Deemed Complete to PC Hearing | 1 yr, 11 months, 10 days | |

**Based on 30 days equals to one month.

Utilities Undergrounding Mapping Application

Layers Legend Council Priorities Find Location Refresh Map Help



Identify Results

Council Districts

Council District: 6
 Member Name: Donna Frye
 Office Phone: (619) 236-6616

Utilities Undergrounding Projects

Project Name: Project Block 6V1
 Year Allocated: 2056
 Project Start: Jun 1, 2058
 Project End: May 31, 2060
 Contact Person: Carol Drummond
 Phone #: 6195333841
 Email: undergrounding@s
 Website: www.sandiego.gov
 Council District: 6
 Phase: unallocated

000619



| Item | Excellent | Good | Fair | Poor | Action* | Immediate Needs | Capital Reserves** |
|--|-----------|------|------|------|---------|-----------------|--------------------|
| SITE IMPROVEMENTS | | | | | | | |
| Gas Distribution System | | | X | | NM | | |
| VERTICAL TRANSPORTATION CONVEYING SYSTEMS | | | | | | | |
| Elevators/ Escalators | | | | | NA | | |
| FIRE/ LIFE SAFETY | | | | | | | |
| Fire Suppression Systems | | | X | X | IR | \$14,000 | |
| Security Alarm Systems | | | | | NA | | |
| INTERIOR ELEMENTS | | | | | | | |
| Common Area Finishes / Appliances | | | X | | NM | | |
| Tenant Area Finishes (Walls, Floors, Ceilings, Etc.) | | | X | X | IR/RR | \$30,000 | \$16,500 |
| Tenant Appliances/Cabinets | | | X | X | IR | \$367,000 | |
| Interior Doors & Frames | | | X | X | NM | | |
| "BARRIER FREE" ACCESSIBILITY (ADA) | | | | | | | |
| Parking, Signage & Ramps | | | | | NA | | |
| Common Area Accessibility Including Restrooms | | | | | NA | | |

*Action: NM = Normal Maintenance, IR = Immediate Repair/Replacement, RR = Replacement Reserves, NA = Not Applicable, **Un-inflated Values, NA=Not Applicable

| Immediate And Reserve Summary | Term (yrs) | Uninflated Cost | Inflated Cost | Uninflated \$/Unit/Yr. | Inflated \$/Unit/Yr. | Report Section |
|--|------------|-----------------|---------------|------------------------|----------------------|----------------|
| Immediate Repair and Deferred Maintenance Expenditures | 0-1 | \$498,000 | NA | NA | NA | Table 1 |
| Replacement Reserves Cost Estimate | 12 | \$36,500 | \$42,329 | \$152 | \$176 | Table 2 |

This table displays the estimated costs. The estimated costs are preliminary and are based upon LAC's experience in conducting similar projects. The actual cost will be affected by factors such as project duration, site access, market conditions, and other contingencies applied by the owner. This project summary is not to be used alone. The attached report is intended to be read in its entirety.

000620

60-Day Tenant Notice of Intent to Convert to Condominiums

To the occupant(s) of

7827 STALMER STREET, UNIT A, SAN DIEGO, CA 92111:
(address)

The owner(s) of this building, at 7827 STALMER STREET, SAN DIEGO, CA 92111, plans to file a Tentative Map or Map Waiver with the City of San Diego to convert this building to a condominium project.

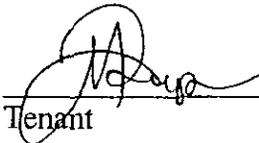
No units may be sold in this building unless the conversion is approved by the City and until after a public report is issued by the Department of Real Estate.

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.


(signature of owner's agent)

1/1/06
(date)


Tenant

Tenant

1/1/2006
Date

Date

000621



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

THE CITY OF SAN DIEGO

Certification of Tenant Notice for Condominium Conversion Map

| | |
|---|--|
| Project Address: 7827-67 Stalmer St. | Project No.: <i>For City Staff Use</i> |
|---|--|

I hereby certify that the "NOTICE" required under California Government Code Section 66427.1(a) and Municipal Code Section 125.0431 has been given to each tenant and person applying for the rental of a unit of the proposed condominium conversion project located at the project address listed above. The "NOTICE" was mailed or delivered on 4/1/06 (date).

I understand that City staff may not file a tentative map or map waiver for condominium conversion with the decision-making body less than 60 calendar days from the date this "NOTICE" was mailed or delivered. Further, I understand that if it is found that any of this information is incorrect, the project application may be denied by the decision-making body or voided by the courts, and the project may have to be reheard after the required notices have been given.

Owner/Owner Agent Name (Please Print):

Signature:

Date:

5/23/06

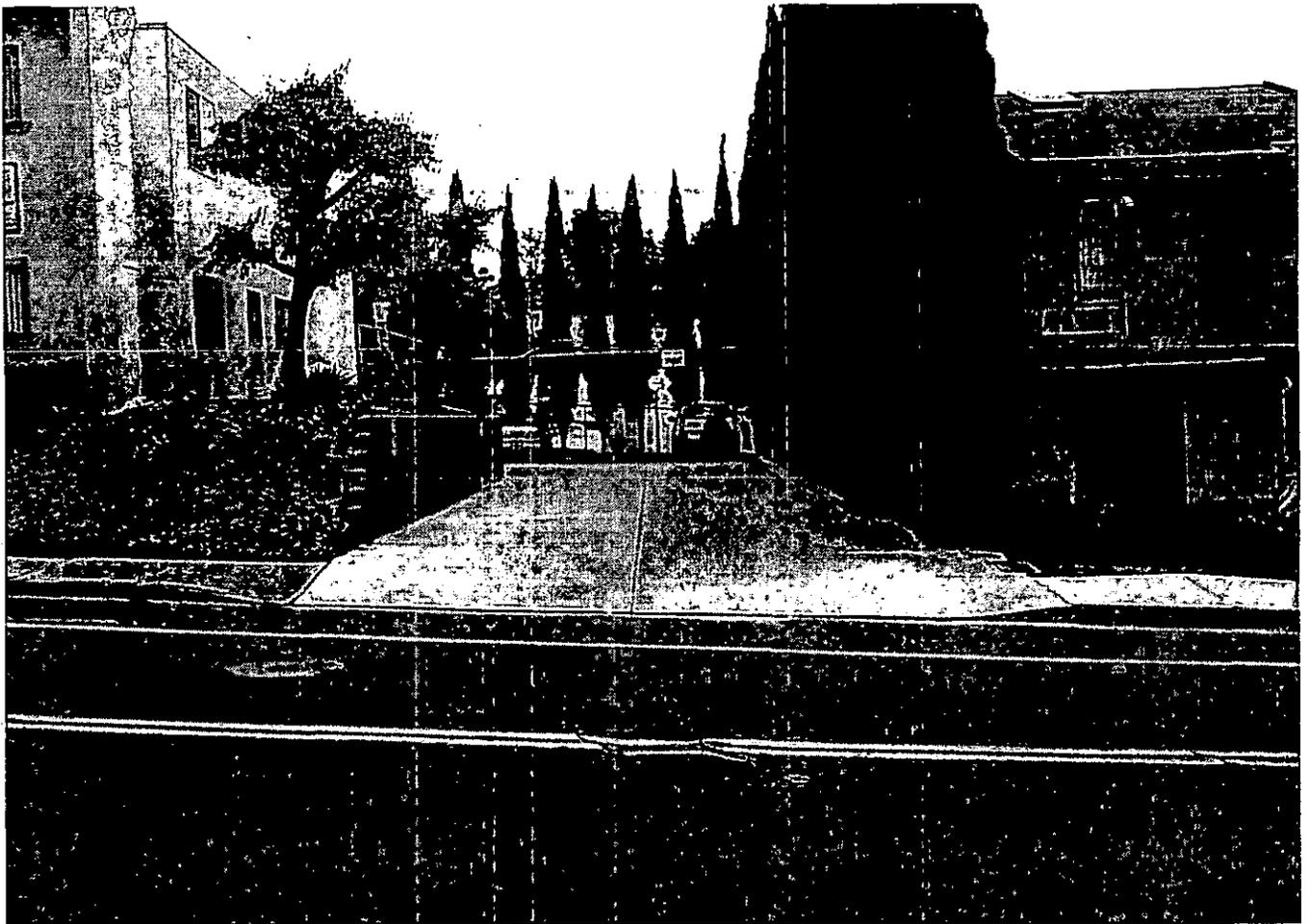
Attachments:

1. List of Names/Addresses of persons receiving notice
2. Copy of 60-day Notice of Intent to Convert to Condominiums

000622



2

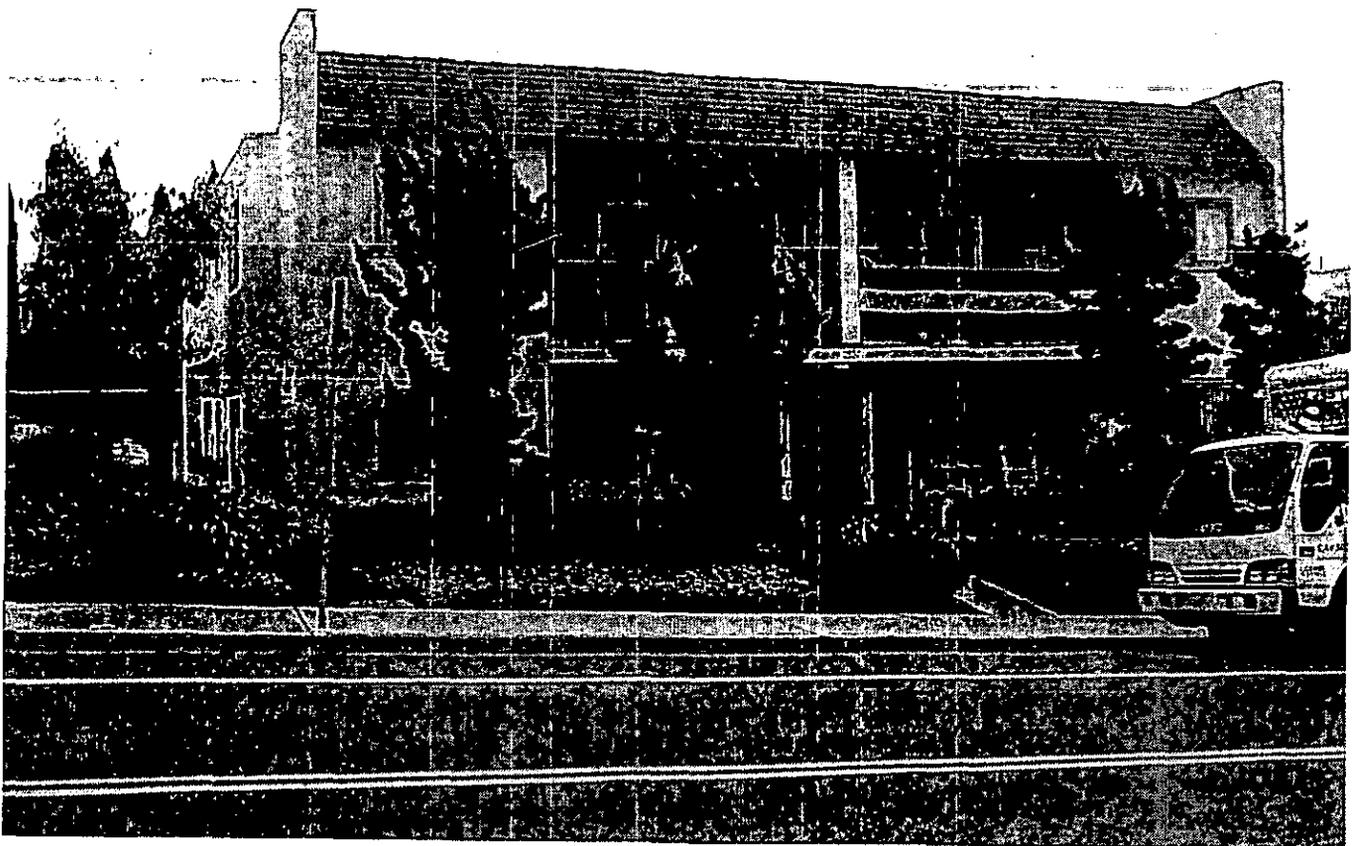


000623

3



4

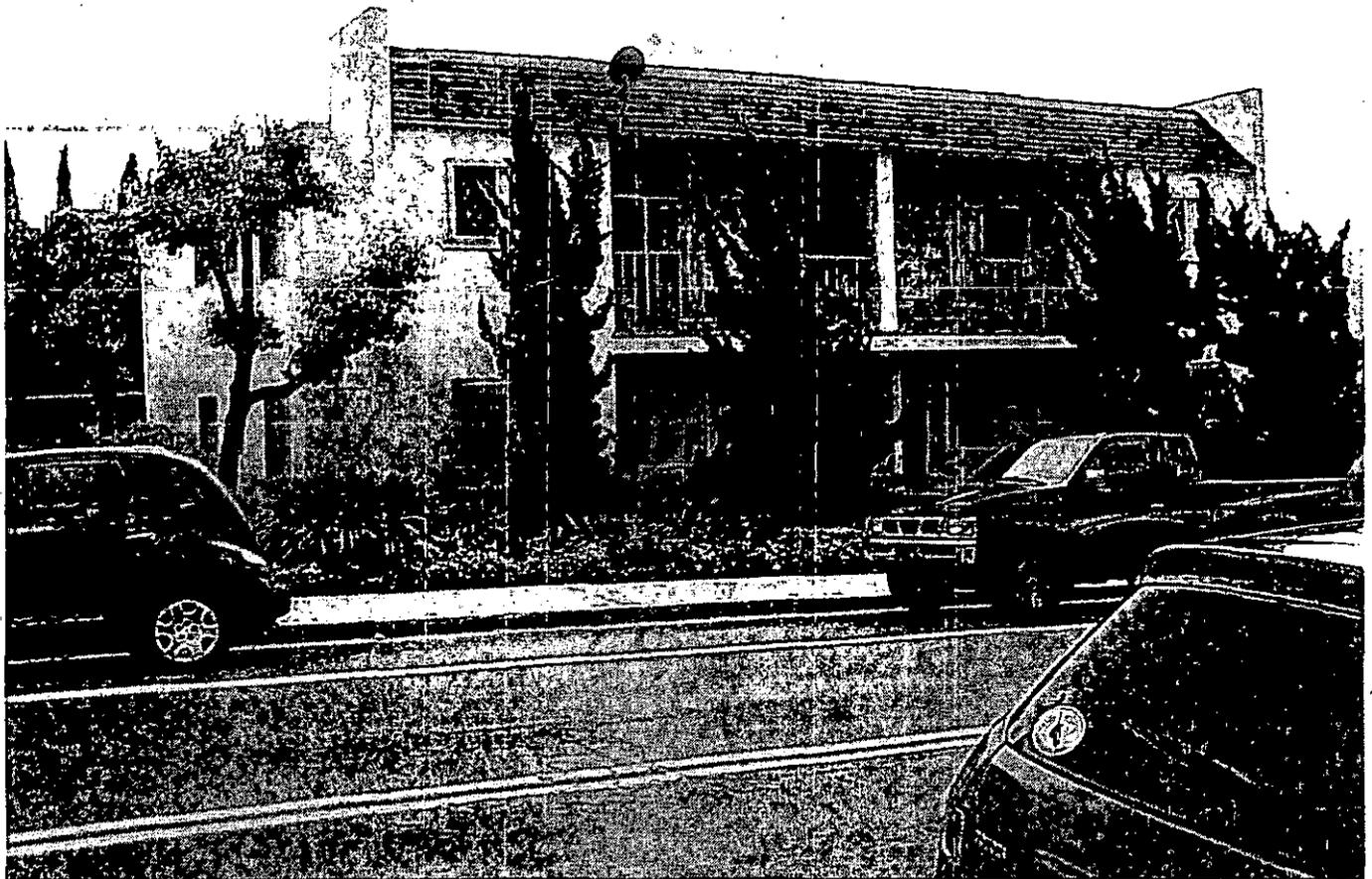


000624

5



6



080625

7

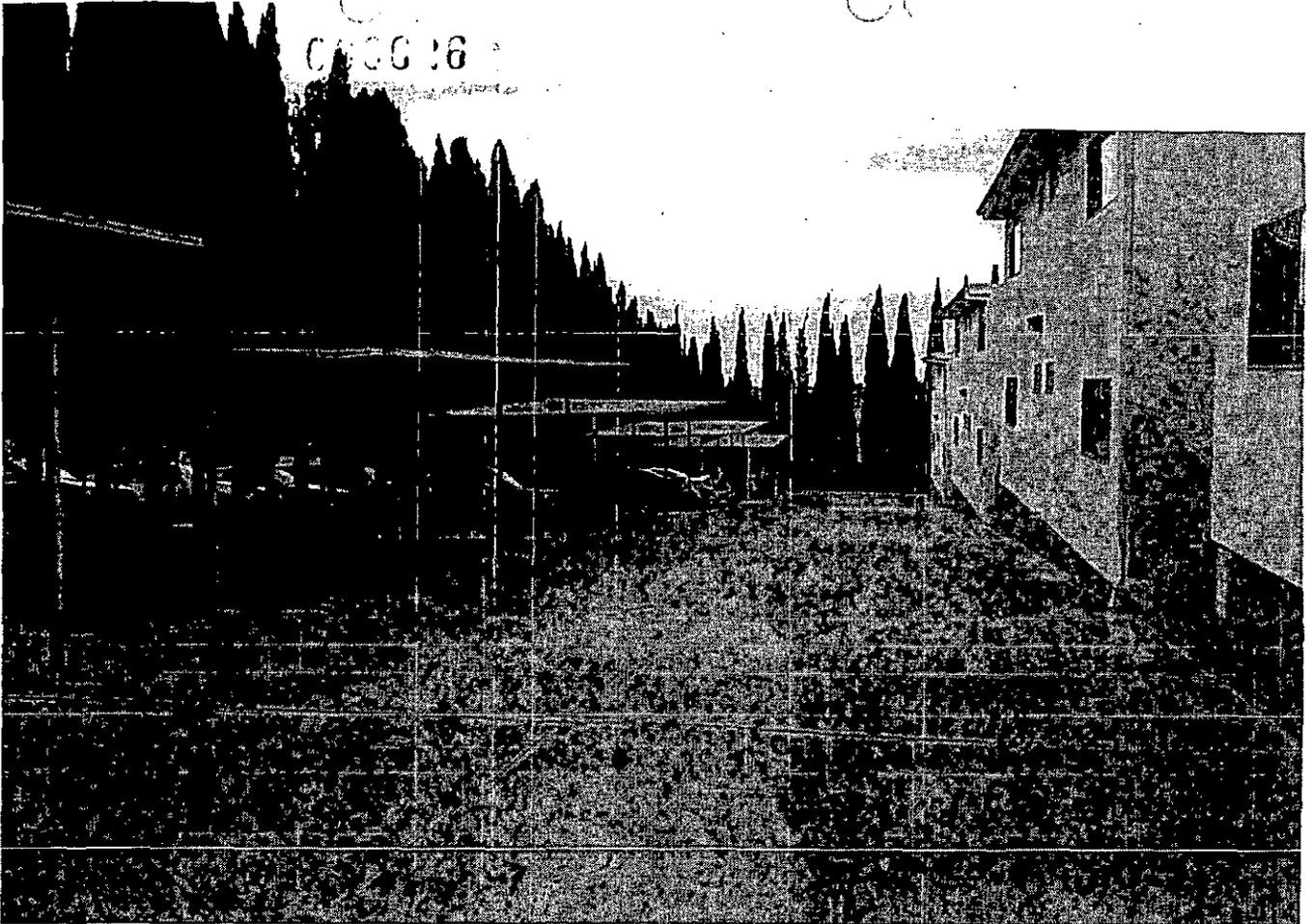


8



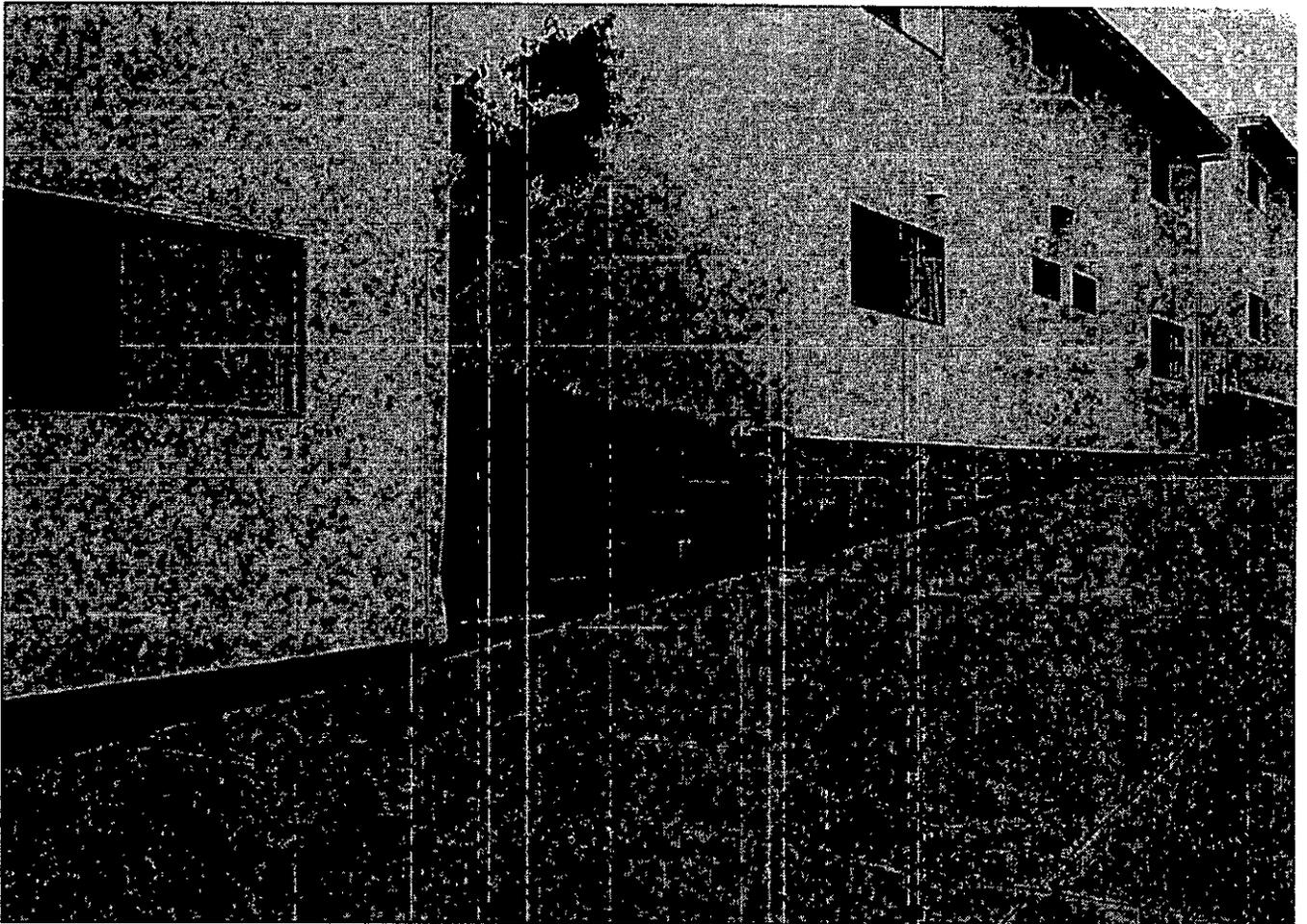
000016

9



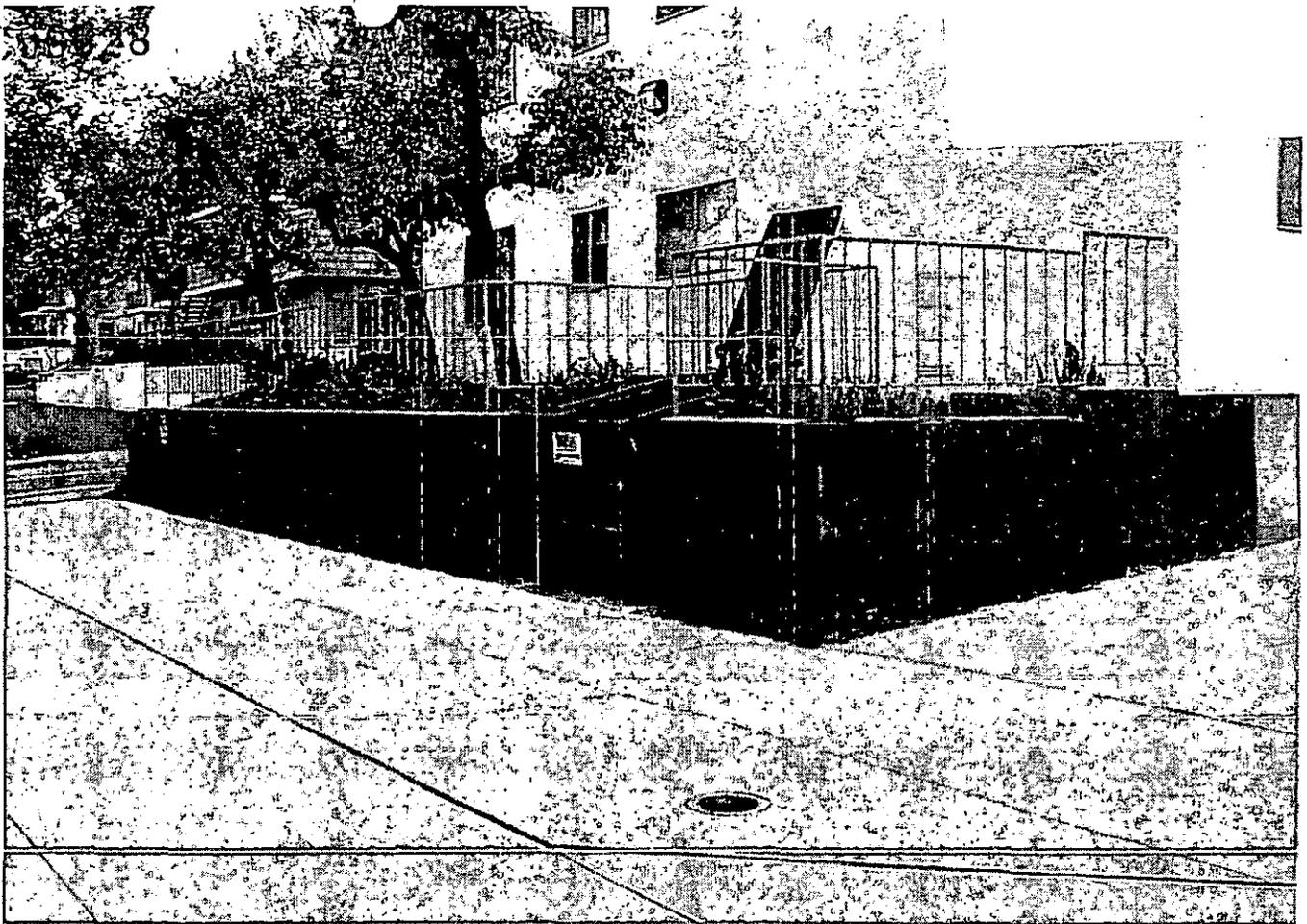
10



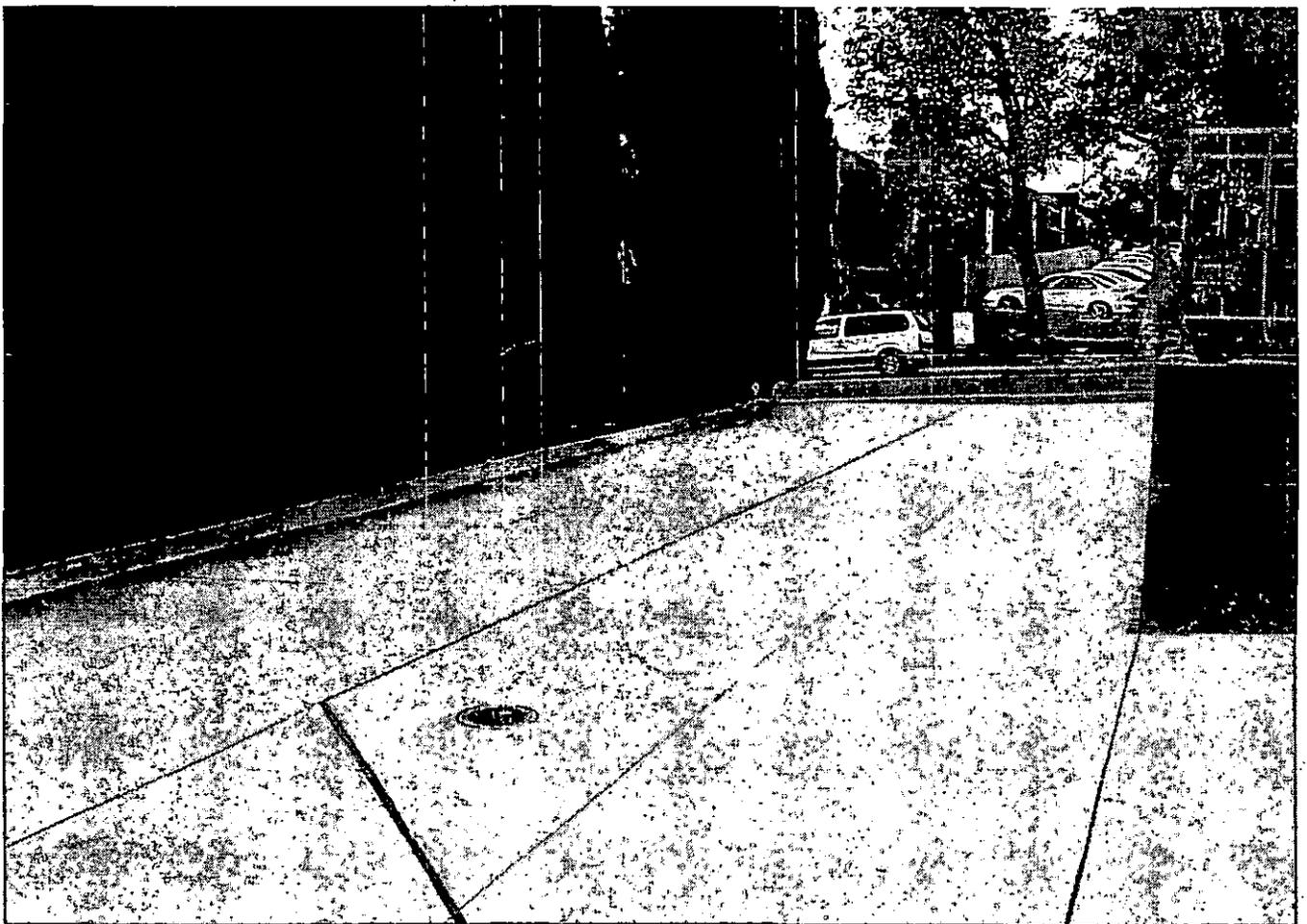


030528

13



14



OWNERSHIP DISCLOSURE STATEMENT

**Mesa Villas Apartments
7827-67 Stalmer St
San Diego, CA 92111**

Owner: Mesa Villas Investors, LLC

Managing Members: Paul Ruchlewicz & Joseph Sonnabend

2525 Camino Del Rio S. #170
San Diego, CA 92108

000631



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: 7827-67 Stalmer St. Condominium Conversion
Project No. For City Use Only: 104906
Project Address: 7827-67 Stalmer St.

Part I: To be completed when property is held by individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached Yes No

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

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

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

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

000632

Project Title: 7827-67 Stalmer St. Condominium Conversion Project No. (For City Use Only)

Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

Corporation (X) Limited Liability -or- () General) What State? CA Corporate Identification No. 33-0756655 () Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. Additional pages attached () Yes () No

Corporate/Partnership Name (type or print): MESA VILLAS INVESTORS, LLC (X) Owner () Tenant/Lessee Street Address: 2525 CAMINO DEL RIO S. #170 City/State/Zip: SAN DIEGO, CA 92108 Phone No: 619-220-6020 Fax No: 619-299-9469 Name of Corporate Officer/Partner (type or print): PAUL RUCHLEWICZ Title (type or print): MANAGING MEMBER Signature: [Signature] Date: 5/10/04

Corporate/Partnership Name (type or print): () Owner () Tenant/Lessee Street Address: City/State/Zip: Phone No: Fax No: Name of Corporate Officer/Partner (type or print): Title (type or print): Signature: Date:

Corporate/Partnership Name (type or print): () Owner () Tenant/Lessee Street Address: City/State/Zip: Phone No: Fax No: Name of Corporate Officer/Partner (type or print): Title (type or print): Signature: Date:

Corporate/Partnership Name (type or print): () Owner () Tenant/Lessee Street Address: City/State/Zip: Phone No: Fax No: Name of Corporate Officer/Partner (type or print): Title (type or print): Signature: Date:

Corporate/Partnership Name (type or print): () Owner () Tenant/Lessee Street Address: City/State/Zip: Phone No: Fax No: Name of Corporate Officer/Partner (type or print): Title (type or print): Signature: Date:

Corporate/Partnership Name (type or print): () Owner () Tenant/Lessee Street Address: City/State/Zip: Phone No: Fax No: Name of Corporate Officer/Partner (type or print): Title (type or print): Signature: Date:

000633

334
01/13



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

RECEIVED
CITY CLERK'S OFFICE
08 OCT 10 AM 10:00

Development Permit Appeal Application

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

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

1. Type of Appeal:

- Process Two Decision - Appeal to Planning Commission
- Process Three Decision - Appeal to Planning Commission
- Process Three Decision - Appeal to Board of Zoning Appeals
- Appeal of a Hearing Officer Decision to revoke a permit
- Process Four Decision - Appeal to City Council

2. Appellant Name Please check one Applicant Officially recognized Planning Committee "Interested Person" (Per M.C. Sec. 113.0103)
Affordable Housing Coalition of San Diego County and Citizens for Responsible Equitable Environmental Development,
c/o Cory J. Briggs, Briggs Law Corporation

| Address | City | State | Zip Code | Telephone |
|---|------|-------|----------|--------------|
| 99 East "C" Street, Suite 111, Upland, CA 91786 | | | | 909-949-7115 |

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

Unknown

4. Project Information

| | | |
|---|-------------------|-----------------------|
| Permit/Approval Being Appealed & Permit/Approval No.: | Date of Decision: | City Project Manager: |
| 104906-7827 Stalmer St. T.M. | 10/9/08 | Derrick Johnson |

Decision (describe the permit/approval decision):
The Planning Commission approved the application for a tentative map to convert residential units to condominiums without preparing an initial study or performing other study under the California Environmental Quality Act and in violation of other applicable laws, including the Subdivision Map Act.

5. Reason for Appeal

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

Description of Reasons for Appeal (Please relate your description to the allowable reasons for appeal noted above. Attach additional sheets if necessary.)

The Planning Commission erred in approving the project without first preparing an initial study or performing any other study under the California Environmental Quality Act and in violation of San Diego Municipal Code §§ 125.0440(a)-(h), 142.1304, and 142.1305 and Government Code § 66412.3. The project does not qualify for exemption under section 15301 of the CEQA Guidelines. Furthermore, the project does not qualify for exemption due to the cumulative and other potential adverse environmental impacts of converting apartments to condominiums, especially in light of the numerous proposed conversions and the serious decline in affordable housing that the City of San Diego is facing. The City also has an independent obligation to conduct this environmental review under CEQA and the Subdivision Map Act (§ 66474). The opposition letter submitted by Briggs Law Corporation prior to approval of the project provides additional information that supports this appeal, including but not limited to the City's inability to make the finding required by Government Code § 66473.5 because the housing element has become invalid due to the City's failure to revise it lawfully and in a timely manner under Government Code § 65588(e). Evidence of cumulative impacts and other potential adverse environmental impacts of the conversions may not have been available to the person(s) on staff who made the determination of exemption or to the public until after the appeal period for the determination expired.

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

Signature Cory J. Briggs Date October 10, 2008

Note: Faxed appeals are not accepted.

DATE REPORT ISSUED: December 1, 2008 REPORT NO.:
ATTENTION: Council President and City Council
ORIGINATING DEPARTMENT: Development Services Department
SUBJECT: **PROJECT APPEALS BY CREED (BRIGGS LAW CORPORATION)**
CONDOMINIUM CONVERSION PROJECT
COUNCIL DISTRICT(S): 6
STAFF CONTACT: Derrick Johnson, (619) 446-5238, dnjohnson@sandiego.gov

REQUESTED ACTION:

Should the City Council deny the project appeal and approve the condominium conversion project (Attachment 1)?

STAFF RECOMMENDATION: DENY the appeal and APPROVE the Tentative Map for 7827 Stalmer Street, Project No. 104906.

EXECUTIVE SUMMARY:

This Executive Summary describes the project that was approved by the Planning Commission and subsequently appealed by Citizens for Responsible Equitable Environmental Development, c/o Cory J. Briggs, Briggs Law Corporation (Attachment 2). Please note this is a project appeal and not an environmental appeal, therefore the environmental issues raised are not relevant to this project appeal. The project was determined to be exempt from review under the California Environmental Quality Act (CEQA) and the appeal period for that decision has expired and an appeal of the CEQA exemption has been previously heard and rejected by the City Council.

Although the majority of the concerns raised in the Appeal Application are environmental issues that have been previously addressed, there are references to several San Diego Municipal Code (SDMC) and California Government Code sections which are not CEQA-related and may be addressed through this project appeal. These codes sections and staff's responses are contained below:

SDMC Sections 125.0440(a)-(h): These sections describe the required findings for a Tentative Map. The State Map Act (SMA) restricts the scope of the City's review and limits the findings that apply to the conversion of existing buildings into condominiums. SMA Section 66427 precludes the City from reviewing the building design and the division of the airspace and SMA Section 66427.2 exempts condo conversions from six of the eight standard Tentative Map findings. Based on the above, only findings 125.0440 (b) and (h) apply to condominium conversion projects and the appellant's assertion that all of the findings listed in 125.0440 (a)-(h) apply is incorrect. The two findings that do apply are described below.

SDMC Section 125.0440(b): *"The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code."* The project has been reviewed by staff and determined to be in compliance with the applicable zoning and development regulations, including the new condominium conversion regulations. Although the project does not comply with the current requirements for new construction, the project is allowed to maintain the current configuration because no additional units or expansions are proposed and they are considered previously conforming for density and development standards.

000636

SDMC Section 125.0440(h) and California Government Code Section 66412.3: *"The decisionmaker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources."* The project has been approved by the Planning Commission, who was the decisionmaker required to make this finding. Staff believes the intent of this required finding is to respond to "leapfrog" development and to provide necessary public facilities for additional housing in communities. In this instance there is no net loss or gain of housing units, therefore, staff believes this appeal point is not valid.

SDMC Sections 142.1304 and 142.1305: These sections describe the requirements for approving a variance or waiver from the City's inclusionary housing requirements. The project would comply with the City's requirements by providing onsite affordable housing. The project is not requesting a variance or waiver from the inclusionary housing requirements, therefore, these code sections are not relevant to these approved condominium conversion projects.

The appeal also asserts that the Housing Element of the City's General Plan has become invalid due to the City's failure to revise it lawfully and in a timely manner. The current Housing Element was adopted by the City Council on December 5, 2006, and certified by the U.S. Department of Housing and Urban Development on February 5, 2007. The project was approved after the certification of the most recent Housing Element update. A 2007 California appeals court case addressed the question about whether a housing element updated beyond time periods identified in Government Code Section 65588 is invalid and determined that it was not. Therefore, the City's Housing Element has never been considered invalid and would not be grounds for denial of this project.

FISCAL CONSIDERATIONS:

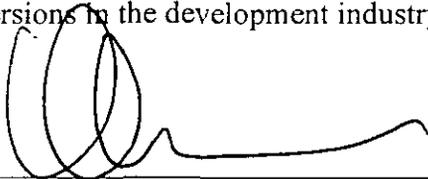
None. All costs associated with the processing of this project are paid by the applicant.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

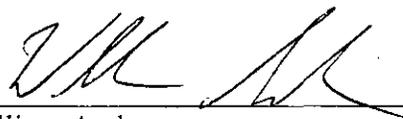
On January 16, 2007, the Clairemont Mesa Planning Committee voted 6-3-0 to recommend approval of the proposed project without recommendations. In addition, on October 9, 2008 the project was unanimously approved by a 6-0-1 vote by the Planning Commission.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Citizens for Responsible Equitable Environmental Development, c/o Cory J. Briggs, Briggs Law Corporation. Owner: Mesa Villas Investors, LLC, Managing Members: Paul Ruchlewicz & Joseph Sonnabend. Other key stakeholders include those associated with condominium conversions in the development industry, the housing industry, and residents.



Kelly Broughton
Director, Development Services Department



William Anderson
Deputy Chief Operating Officer:
Executive Director of City Planning and
Development

000637

ATTACHMENTS:

1. Ownership Disclosure Statement
2. Briggs appeal application
3. Briggs project opposition letter to Planning Commission
4. Draft City Council Tentative Map Resolution
5. Environmental Exemption form for condominium conversions

C00639

OWNERSHIP DISCLOSURE STATEMENT

**Mesa Villas Apartments
7827-67 Stalmer St
San Diego, CA 92111**

Owner: Mesa Villas Investors, LLC

Managing Members: Paul Ruchlewicz & Joseph Sonnabend

2525 Camino Del Rio S. #170
San Diego, CA 92108

000641



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: 7827-67 Stalmer St. Condominium Conversion
Project No. For City Use Only: 104906
Project Address: 7827-67 Stalmer St.

Part I - To be completed when property is held by Individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached Yes No

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

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

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

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

000642

Project Title: 7827-67 Stalmer St. Condominium Conversion Project No. (For City Use Only)

Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

Corporation (X) Limited Liability -or- General) What State? CA Corporate Identification No. 33-0756655 Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. Additional pages attached Yes No

Corporate/Partnership Name (type or print): MESA VILLAS INVESTORS, LLC
Owner Tenant/Lessee
Street Address: 2525 CAMINO DEL RIO S. #170
City/State/Zip: SAN DIEGO, CA 92108
Phone No: 619-220-6020 Fax No: 619-299-9469
Name of Corporate Officer/Partner (type or print): PAUL RUCHLEWICZ
Title (type or print): MANAGING MEMBER
Signature: [Signature] Date: 5/10/06

Corporate/Partnership Name (type or print):
Owner Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature: Date:

Corporate/Partnership Name (type or print):
Owner Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature: Date:

Corporate/Partnership Name (type or print):
Owner Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature: Date:

Corporate/Partnership Name (type or print):
Owner Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature: Date:

Corporate/Partnership Name (type or print):
Owner Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature: Date:

000643



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

RECEIVED
CITY CLERK'S OFFICE
08 OCT 10 AM 10:00
SAN DIEGO, CALIF
KC

Development Permit Appeal Application

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

1. Type of Appeal:

- Process Two Decision - Appeal to Planning Commission
- Process Three Decision - Appeal to Planning Commission
- Process Three Decision - Appeal to Board of Zoning Appeals
- Appeal of a Hearing Officer Decision to revoke a permit
- Process Four Decision - Appeal to City Council

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

Affordable Housing Coalition of San Diego County and Citizens for Responsible Equitable Environmental Development,
c/o Cory J. Briggs, Briggs Law Corporation

| | | | | |
|---|------|-------|----------|--------------|
| Address | City | State | Zip Code | Telephone |
| 99 East "C" Street, Suite 111, Upland, CA 91786 | | | | 909-949-7115 |

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

Unknown

4. Project Information

Permit/Approval Being Appealed & Permit/Approval No.:

Date of Decision:

City Project Manager:

104906-7827 Stalmer St. TM.

10/9/08

Derrick Johnson

Decision (describe the permit/approval decision):

The Planning Commission approved the application for a tentative map to convert residential units to condominiums without

preparing an initial study or performing other study under the California Environmental Quality Act and in violation of

other applicable laws, including the Subdivision Map Act.

5. Reason for Appeal

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

Description of Reasons for Appeal (Please relate your description to the allowable reasons for appeal noted above. Attach additional sheets if necessary.)

The Planning Commission erred in approving the project without first preparing an initial study or performing any other study

under the California Environmental Quality Act and in violation of San Diego Municipal Code §§ 125.0440(a)-(h), 142.1304, and

142.1305 and Government Code § 66412.3. The project does not qualify for exemption under section 15301 of the CEQA

Guidelines. Furthermore, the project does not qualify for exemption due to the cumulative and other potential adverse

environmental impacts of converting apartments to condominiums, especially in light of the numerous proposed conversions

and the serious decline in affordable housing that the City of San Diego is facing. The City also has an independent obligation

to conduct this environmental review under CEQA and the Subdivision Map Act (§ 66474). The opposition letter submitted by

Briggs Law Corporation prior to approval of the project provides additional information that supports this appeal, including but

not limited to the City's inability to make the finding required by Government Code § 66473.5 because the housing element has

become invalid due to the City's failure to revise it lawfully and in a timely manner under Government Code § 65588(e).

Evidence of cumulative impacts and other potential adverse environmental impacts of the conversions may not have been available

to the person(s) on staff who made the determination of exemption or to the public until after the appeal period for the

determination expired.

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

Signature

Cory J. Briggs

Date

October 10, 2008

Note: Faxed appeals are not accepted.

000645

BRIGGS LAW CORPORATION

San Diego Office:
5663 Balboa Avenue, No. 376
San Diego, CA 92111-2705

Telephone: 658-495-9082
Facsimile: 658-495-9138

Please respond to: Inland Empire Office

Inland Empire Office:
99 East "C" Street, Suite 111
Upland, CA 91786

Telephone: 909-949-7115
Facsimile: 909-949-7121

Ballot File(s): 1007.08

Planning Commission
City of San Diego
202 C Street
San Diego, CA 92101

October 6, 2008

Re: Project Number: 104906
Project Name: 7827 Stalmer Street TM
Commission Meeting Date: October 9, 2008

Dear Planning Commission:

On behalf of Citizens for Responsible Equitable Environmental Development and the Affordable Housing Coalition of San Diego County, I am writing to express my clients' opposition to approval of the above-referenced project, which is scheduled to be considered by the Planning Commission on the above-identified date.

My clients oppose approval of the project on the grounds that converting apartments to condominiums is subject to environmental review under the California Environmental Quality Act. The exemptions set forth in Section 15301 of the CEQA Guidelines do not apply to the project. Furthermore, the cumulative and other potential significant impacts of converting apartments to condominiums make the exemption inapplicable. Evidence of the project's cumulative adverse impacts is contained in, among other sources, (i) the City Attorney's memorandum dated November 10, 2005, regarding the applicability of CEQA to condominium conversions; (ii) the City Manager's report no. 05-060; (iii) the City Manager's report no. 05-060 rev.; (iv) the City Manager's report no. 05-106; (v) the City Manager's report no. 05-163; (vi) the City Council's prior resolutions declaring a state of emergency over the lack of affordable housing; and (vii) the City's current housing element (e.g., its comments about the environmental effects of condo conversions and the loss of affordable housing). Additionally, the project should be denied because your action in approving it would violate San Diego Municipal Code §§ 125.0440(a)-(b), 142.1304, and 142.1305 and Government Code §§ 66412.3 and 66474 (by not proceeding in the manner prescribed by law, not making all necessary findings, and not supporting the findings with sufficient evidence). Lastly, the project should not be approved because it is inconsistent with the housing element, thus precluding the necessary finding under Government Code § 66473.5; the housing element has not been lawfully revised as required by Government Code § 65588(e)(5) and therefore is invalid. My clients therefore urge the City of San Diego to comply with all applicable laws before approving the project or to deny approval.

Thank you for giving this matter the attention that it deserves.

Sincerely,

BRIGGS LAW CORPORATION

Cory Briggs
Cory Briggs

October 9, 2008

000647

PLANNING COMMISSION
RESOLUTION NO. 4467-PC
TENTATIVE MAP NO. 347677
7827-67 STALMER STREET TENTATIVE MAP; PROJECT NO. 104906
DRAFT

WHEREAS, MESA VILLAS INVESTORS, LLC, A CALIFORNIA CORPORATION, Applicant/Subdivider, and SAN DIEGO LAND SURVEYING AND ENGINEERING, INC, submitted an application with the City of San Diego for a Tentative Map, No. 347677, for the condominium conversion of 20 existing residential units, including a request to waive the requirement to underground existing overhead utilities. The project site is located on the south side of Stalmer Street, between Baltic Street and Belden Street, at 7827-67 Stalmer Street, and is described as Parcel 3, Map No. 2486, in the RM-2-5 Zone, the Residential Tandem Parking Overlay Zone, and the Clairemont Mesa Height Limitation Overlay Zone, within the Clairemont Mesa Community Plan; and

WHEREAS, the Map proposes the subdivision of a 0.79-acre site into one (1) lot for an 20-unit residential condominium conversion; and

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

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report 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 20; and

WHEREAS, on October 9, 2008, the Planning Commission of the City of San Diego considered Tentative Map No. 347677, 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. 347677:

- 000648
1. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).
 2. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).
 3. Each of the tenants of the proposed condominium conversion project has received, pursuant to State Map Action Section 66452.9, written notification of intention to convert at least 60 days prior to the filing of a tentative map (Land Development Code 125.0444 and State Map Act Section 66427.1(a)).
 4. Each of the tenants of the proposed condominium project has received written notification of the project application for the condominium conversion at least 10 days after the application was deemed complete (Land Development Code 125.0431(a)(3)).
 5. 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)).
 6. 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)).
 7. 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)).
 8. 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.
 9. 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)).

10. 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)).
11. 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)).
12. The project has been conditioned that a relocation assistance payment will be made to all tenants of the project. The relocation payment shall be three months rent based on the current San Diego "fair market rent" for apartment size, as established by the U. S. Department of Housing and Urban Development. The relocation payment shall be paid no later than the day on which the applicant gives notice to the tenant to vacate the premises and shall be based on the fair market rent at the time of the notice.
13. 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).
14. 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).
15. 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)).
16. 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)).
17. 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).

000650

18. 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.
19. The project has been conditioned for the subdivider to satisfy the inclusionary housing requirements via the payment of an in-lieu fee, in accordance with Land Development Code Section 142.1306. (Land Development Code Section 144.0508).
20. The underground waiver of the existing overhead facilities, qualifies under the guidelines of Council Policy No. 600-25 *Underground Conversion of Utility Lines at Developers Expense* in that the conversion involves a short span of overhead facility less than 600 feet in length, 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.
21. 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. 347677, including the waiver of the requirement to underground existing overhead utilities, is hereby granted to MESA VILLAS INVESTORS, LLC, A CALIFORNIA CORPORATION, Applicant/Subdivider, subject to the following conditions:

GENERAL

1. This Tentative Map will expire on October 9, 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. 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*.

000651

5. 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 (DRE), pursuant to Section 66427.1(a) of the Subdivision Map Act.
6. The subdivider shall include in all notices required in Land Development Code Section 125.0431(a) a statement advising the tenants that should the *condominium conversion* be approved, tenants may be required to vacate the *premises* following any payment of benefits due under Land Development Code Section 144.0505.
7. The subdivider shall provide 60-Day Notice of Termination of Tenancy, consistent with the Land Development Manual, provided to each tenant 60 days prior to being required to vacate the property.
8. The subdivider shall provide each of the tenants of the proposed condominiums written notice of intention to convert at least 180 days prior to termination of tenancy due to the conversion or proposed conversion in conformance with 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.
9. 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.
10. The subdivider shall provide to all tenants within 5 working days of the issuance of the Subdivision Public Report or 90 days prior to the initial public offer for sale if no Subdivision Public Report the Notice of First Right of Refusal to Purchase. Failure to provide the notice within the time period required shall extend the 90-day period of First Right of Refusal to Purchase to 90 days from the date the notice is provided to the tenant.
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 applicant will provide 10% or two units on site to satisfy the Inclusionary Housing requirement, pursuant to 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 filing a final map, the applicant shall either show evidence that relocation assistance has been paid to eligible tenants or enter into an agreement with the San Diego Housing Commission to demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5, 144.0503). In addition, applicant must pay the appropriate fees incurred by the Housing Commission for compliance monitoring (Chapter 14, Article 4, Division 5, 144.0502).

ENGINEERING

14. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
15. A Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder, prior to the Tentative Map expiration date.
16. The subdivider shall reconstruct the existing pedestrian ramp at the southwest corner of Stalmer Street and Linda Vista Road, with current City Standard pedestrian ramp Standard Drawing SDG-132 and SDG-133 with truncated domes.
17. The Subdivider shall ensure that all onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
18. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
19. The Subdivider shall obtain an Encroachment Maintenance Removal Agreement for the concrete steps in the Stalmer Street Right-of-Way.
20. Pursuant to City Council Policy 600-20, the Subdivider shall provide evidence to ensure that an affirmative marketing program is established.
21. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.

22. 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).
23. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. 769830.

LANDSCAPE

24. Prior to recordation of the Final Map, complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with the Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department.
25. Prior to recordation of the Final Map, and after Landscape and Irrigation Construction Documents have been approved by Development Services, the subdivider shall install all required landscaping consistent with the approved plans and the Land Development Manual, Landscape Standards.
26. Prior to recordation of the Final Map, it shall be the responsibility of the Permittee/Owner to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.
27. The Landscape Construction Plan shall take into account a 40 square foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)5.
28. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.
29. The Permittee or subsequent owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual Landscape Standards unless long-term maintenance of said

landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

30. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to a Certificate of Occupancy or a Final Landscape Inspection.

MAPPING

31. "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).
32. "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."
33. 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 meridian (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.
34. The design of the subdivision shall include private easements, if any, serving parcels of land outside the subdivision boundary or such easements must be removed from the title of the subdivided lands prior to filing any parcel or final map encumbered by these easements.

SEWER AND WATER

35. 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 (24 USC Section 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- 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.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SAN DIEGO, CALIFORNIA, ON OCTOBER 9, 2008.

By _____
 Derrick Johnson
 Development Project Manager
 Development Services Department

Job Order No. 42-6539

08

DETERMINATION OF
ENVIRONMENTAL EXEMPTION

000657

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

Agency: CITY OF SAN DIEGO

Project No. 104906

Date: 6/22/06

Action/Permit(s): Tentative Map

Description of Activity: 7827 Stalmer Street Tentative Map to convert 20 existing residential units to condominiums on a 0.792 acre site.

Location of Activity: Project is located at 7827 Stalmer Street in the RM-2-5 Zone of the Clairemont Mesa Community Plan, in the City of San Diego, County of San Diego, and State of California. Applicant: Mesa Villas Investors

(CHECK BOXES BELOW)

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

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

| Section | Short Name |
|---|---|
| <input checked="" type="checkbox"/> 15301 | Existing Facilities (k) |
| <input type="checkbox"/> 15302 | Replacement or Reconstruction |
| <input type="checkbox"/> 15303 | New Construction or Conversion of Small Structures |
| <input type="checkbox"/> 15304 | Minor Alterations to Land |
| <input type="checkbox"/> 15305 | Minor Alteration in Land Use |
| <input type="checkbox"/> 15306 | Information Collection |
| <input type="checkbox"/> 15311 | Accessory Structures |
| <input type="checkbox"/> 15312 | Surplus Government Property Sales |
| <input type="checkbox"/> 15315 | Minor Land Divisions |
| <input type="checkbox"/> 15317 | Open Space Contracts or Easements |
| <input type="checkbox"/> 15319 | Annexation of Existing Facilities and Lots for Exempt Facilities |
| <input type="checkbox"/> 15325 | Transfer of Ownership of Interest in Land to Preserve Open Space |
| <input type="checkbox"/> Other | |

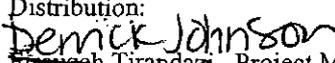
**ARTICLE 18 of GUIDELINES
STATUTORY EXEMPTIONS**
(Incomplete list)

| Section | Short Name |
|--------------------------------|--|
| <input type="checkbox"/> 15261 | Ongoing Project |
| <input type="checkbox"/> 15262 | Feasibility and Planning Studies |
| <input type="checkbox"/> 15265 | Adoption of Coastal Plans and Programs |
| <input type="checkbox"/> 15268 | Ministerial Projects |
| <input type="checkbox"/> 15269 | Emergency Projects |
| <input type="checkbox"/> Other | |

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



Senior Planner
Environmental Analysis Section

Distribution:

~~Frouzeh Tirandazi~~, Project Manager
Joshua McMurray, Planning
EAS file

000659

PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
OCTOBER 9, 2008
IN CITY COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING

Item no 10

CHRONOLOGY OF THE MEETING:

Chairperson Schultz called the meeting to order at 9:16 a.m. Chairperson Schultz adjourned the meeting at 7:00 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Barry Schultz –present (left @ 6:00pm)
Vice-Chairperson - Eric Naslund –present
Commissioner Robert Griswold – present
Commissioner Gil Ontai –present
Commissioner Dennis Otsuji – present
Commissioner Mike Smiley – not present
Commissioner Tim Golba - Present

Staff

Shirley Edwards, City Attorney - present
Mary Wright, Planning Department – present
Mike Westlake, Development Services Department – present
Brenda Clark, Legislative Recorder - present
Elisa Contreras, Recorder – present

✓ ITEM-10: *Trailed from September 18, 2008, September 25, 2008 and October 2, 2008:*

7827 STALMER STREET TENTATIVE MAP -PTS 104906
City Council District: 6; Plan Area: Clairemont Mesa

Staff: Derrick Johnson

Speaker slip submitted in favor of project by Robert Bateman.

Speaker slip submitted oppose to project by Joy Sunyata.

COMMISSION ACTION:

MOTION BY COMMISSIONER NASLUND TO APPROVE TENTATIVE MAP 347677; AND APPROVE WAIVER TO THE REQUIREMENT TO UNDERGROUND EXISTING OVERHEAD UTILITIES AS PRESENTED IN REPORT NO. PC-08-122. Second by Commissioner Ontai Passed by vote of 5-1-1 with Commissioner Griswold voting nay and Commissioner Smiley not present. Resolution No. 4467-PC

ITEM-11: *Trailed from September 18, 2008, September 25, 2008, and continued from October 2, 2008:*

3918 MISSISSIPPI TENTATIVE MAP-PTS 95317
City Council District: 3; Plan Area: Greater North Park

Staff: Derrick Johnson

Speaker slip submitted in favor of project by Angela Messenger.

Speaker slip submitted oppose to project by Joy Sunyata.

COMMISSION ACTION:

MOTION BY COMMISSIONER OTSUJI TO APPROVE TENTATIVE MAP NO. 308422; AND APPROVE WAIVER TO THE REQUIREMENT TO UNDERGROUND EXISTING OVERHEAD UTILITIES AS PRESENTED IN REPORT NO. PC-08-123. Second by Commnissioner Ontai. Passed by vote of 4-2-1 with Commissioner Schultz, Griswold voting nay and Commissioner Smiley not present. Resolution No. 4466-PC

ITEM-12: *Trailed from September 25, 2008 and continued from October 2, 2008:*

4711 BIONA DRIVE TM – PROJECT NO. 78145
City Council District: 3; Plan Area: Kensington-Talmadge

Staff: Paul Godwin

RESOLUTION NUMBER R-302439

DATE OF FINAL PASSAGE MARCH 20, 2007

WHEREAS, on June 2, 2006, Mesa Villas Investors, LLC, a California Limited Liability Company, submitted an application as owners to the City of San Diego for approval of a Tentative Map to convert 20 existing residential dwelling units located at 7827 Stalmer into individually owned condominium units (hereinafter referred to as the 7827 Stalmer Project); and

WHEREAS, said 7827 Stalmer Project was assigned Project Number 104906 by the City of San Diego Development Services Department; and

WHEREAS, on June 8, 2006, the City of San Diego, through the Development Services Department, determined that the application for Project Number 104906 was complete and, therefore, was deemed complete on said date; and

WHEREAS, on June 22, 2006, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the 7827 Stalmer Project is a Class 1, Existing Facilities Project, Categorically Exempt from the California Environmental Quality Act [CEQA] (Public Resources Code section 21000 et. seq.) under CEQA Guideline section 15301(k) (California Code of Regulations sections 15000, 15301(k)); and

WHEREAS, in accordance with CEQA (Public Resources Code section 21151(c)), and section 112.0520 of the San Diego Municipal Code, Citizens for Responsible Equitable Environmental Development, care of Cory J. Briggs, Briggs Law Corporation (hereinafter, Appellant) appealed the Environmental Determination for the 7827 Stalmer Project to the Council of the City of San Diego (hereinafter, City Council); and

WHEREAS, the appeal was set for a public hearing to be conducted by the City Council on March 20, 2007; and

WHEREAS, the issues on appeal were heard, and evidence in the form of testimony and other evidence were accepted into the record, by the City Council on March 20, 2007; and

WHEREAS, the City Council considered, in light of the whole record, the Environmental Determination to Categorically Exempt the 7827 Stalmer Project, the potential environmental impacts associated with the 7827 Stalmer Project, the issues raised on appeal and the issues brought up at the hearing through testimony and public participation; and

WHEREAS, under Charter section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the City Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, upon consideration of the whole record before it, that it is determined that the Environmental Determination has been completed in compliance with CEQA and the CEQA Guidelines, that the declaration reflects the independent judgment of the City of San Diego as Lead Agency, and that the information contained in the Development Services Department staff report and testimony and comments received during the public testimony process have been reviewed and considered by this City Council in connection with the appeal of the Environmental Determination.

BE IT FURTHER RESOLVED, that the City Council finds, based upon the representations of City staff, public testimony and the whole record before it, the following:

1. There is substantial evidence, in light of the whole record, supporting the Environmental Determination to Categorically Exempt the 7827 Stalmer Project under the provisions of CEQA Guidelines section 15301(k);
2. A fair argument, based upon evidence found in the whole record, has not been established demonstrating that exceptions to the Categorical Exemption, within the meaning of CEQA and the CEQA Guidelines (California Code of Regulations section 15300.2), exist with respect to the 7827 Stalmer Project; and
3. Based upon substantial evidence in light of the whole record, the 7827 Stalmer Project would not result in any significant or potentially significant impacts or effects on the environment.

BE IT FURTHER RESOLVED, that the Environmental Determination of the Development Services Department is sustained, and the appeal of Citizens for Responsible Equitable Environmental Development, care of Cory J. Briggs, Briggs Law Corporation, is denied.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 

Karen Heumann
Assistant City Attorney

KH:jb
04/09/2007
Or. Dept: Clerk
R-2007-936