

RESOLUTION NUMBER R-303089

DATE OF FINAL PASSAGE OCTOBER 16, 2007

WHEREAS, Richard Mansur, Trustee of the Richard Mansur Trust of 2004 ,
Owner/Permittee, and Sterling Land Services, Inc. filed an application with the City of
San Diego for a vesting tentative map [Vesting Tentative Map No. 318764] for the condominium
conversion of seven existing residential units. The project site is located on the west side of 30th
Street, between Adams Avenue and Suncrest Drive, at 4724 30th Street, and is described as Lots
15 and 16, Block I, University Heights, according to Map No. 951, in the MR-3000 zone of the
Mid-City Communities Planned District and the Transit Overlay Zone, within the Greater North
Park Community Plan Area; and

WHEREAS, the Map proposes the subdivision of a 0.161-acre site into one lot for
a 7-unit residential condominium conversion; and

WHEREAS, the applicant seeks to waive the requirement to underground existing
overhead utilities, pursuant to Council Policy 600-25; and

WHEREAS, on May 31, 2007, the Planning Commission of the City of San Diego
considered Vesting Tentative Map No. 318764, and pursuant to Resolution No. 4266-PC denied
the map; and

WHEREAS, D. Scott Peters appealed the Planning Commission decision to the Council
of the City of San Diego; and

WHEREAS, the Project was determined to be categorically exempt from the California
Environmental Quality Act [CEQA] March 15, 2006. An appeal of the CEQA determination was

previously made and the City Council denied the CEQA appeal on July 31, 2006. The scope of the subject hearing only includes the project, and not the environmental determination.

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineers pursuant to the Subdivision Map Act and San Diego Municipal Code section 144.0220; 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 units is 7; 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 Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on October 16, 2007, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

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

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code [LDC] section 125.0440(b)).
2. The proposed subdivision complies with the applicable zoning and development regulations of the (LDC section 125.0440(b)).

3. 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 (LDC section 125.0440(h) and Subdivision Map Act section 66412.3).

4. Each of the tenants of the proposed condominium conversion project has received, pursuant to Subdivision Map Act Section 66452.9, written notification of intention to convert at least sixty days prior to the filing of a tentative map (LDC section 125.0444 and Subdivision Map Act Section 66427.1(a)).

5. 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 Subdivision Map Act (LDC section 125.0444 and Subdivision Map Act Section 66427.1(a)).

6. The project has been conditioned that the Subdivider will give each tenant ten 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 (LDC section 125.0444 and Subdivision Map Act Section 66427.1(a)).

7. The project has been conditioned that the Subdivider will give each tenant of the proposed condominium project written notification within ten days of approval of a final map for the proposed conversion (LDC section 125.0444 and Subdivision 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.

8. 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 (LDC section 125.0444 and Subdivision Map Act Section 66427.1(c)).

9. The project has been conditioned that all tenants whose income is less than 100% of the area median income are eligible for relocation benefits, so based upon the outcome of a survey conducted by the Housing Commission; the applicant may be responsible for relocation benefits to eligible tenants.

10. 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.

11. The right shall run for a period of not less than ninety 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 (LDC Section 125.0444 and Subdivision Map Act Section 66427.1(d)).

12. The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing (LDC section 125.0444(b)). .

13. 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 (LDC section 125.0444(c)).

14. The underground waiver of the existing overhead facilities qualifies under the guidelines of Council Policy No. 600-25 *Underground Conversion of Utility Lines at Developers Expense* in that the conversion involves a short span of overhead facility (less than 600 feet in length and the conversion is a requirement of a condominium conversion of an existing development and the conversion would not represent a logical extension to an underground facility).

BE IT FURTHER RESOLVED, that the appeal of D. Scott Peters is granted, the decision of the Planning Commission is overruled, and Vesting Tentative Map No. 318764 is granted to Richard Mansur, Trustee of the Richard Mansur Trust of 2004, Applicant, and Sterling Land Service, Inc., Engineer, subject to the conditions attached hereto and made a part hereof.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By _____
Marianne Greene
Deputy City Attorney

MG:ca
10/28/2007
Or.Dept:DSD
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