



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: August 29, 2012 REPORT NO. HO 12-074

ATTENTION: Hearing Officer

SUBJECT: 1667-73 PUTERBAUGH MAP WAIVER  
PROJECT NUMBER: 280467

LOCATION: 1667-73 Puterbaugh Street

APPLICANT: John LaRaia, CityMark Development

OWNER: CityMark MH, LLC (Attachment 10)

### SUMMARY

Issue: Should the Hearing Officer approve a Map Waiver to allow the creation of four (4) residential condominium units (under construction), including a request to waive the requirement to underground existing overhead utilities?

Staff Recommendation(s) – APPROVE Map Waiver No. 985094.

Community Planning Group Recommendation – The Uptown Planners voted 12-2-1 to recommend approval of the proposed project at their June 5, 2012, meeting, with no recommended conditions.

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15305 (minor alterations in land use). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on July 13, 2012, and the opportunity to appeal that determination ended August 1, 2012.

### BACKGROUND

The 0.23-acre site is located on the south side of Puterbaugh Street, east of Andrews Street, at 1667-73 Puterbaugh Street, in the MR-1500 Zone of the Mid-City Communities Planned District, the Airport Approach Overlay Zone and the FAA Part 77 Notification Area, within the Uptown Community Plan area (Attachment 3). The building permits for this site have been issued under Project No. 242522 for four apartment units, which are currently under construction. In-lieu fees of \$10,716.96 have been paid in association with these building

permits to meet the inclusionary affordable housing requirements of the San Diego Municipal Code.

## DISCUSSION

The applicant is requesting a Map Waiver to waive the requirements of a Tentative Parcel Map for the subdivision of the 0.23-acre site, with four residential units currently under construction, to create four residential condominium units. The proposed project will turn these residential units from apartments into condominiums and is purely a mapping action.

Section 125.0120 of the San Diego Municipal Code (SDMC) allows a Tentative Parcel Map Waiver to be processed for the subdivision of land. The Subdivider may request a waiver of the requirement to file a tentative map and parcel map for the construction of a new condominium project on a single parcel that was previously mapped and monumented in a manner satisfactory to the City Engineer in accordance with Subdivision Map Act Section 66428(b). According to SDMC Section 125.0123, *Findings for Map Waivers*, the decision maker may approve a Map Waiver 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. Since the subject development meets these requirements, the project is eligible for a Process Three Map Waiver.

### 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 underground 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 a full block in length) and it has been determined that such conversion is not a part of a continuing effort in the near term to accomplish a total undergrounding within a specific street or area, and the conversion would involve an inordinate cost to the development. This waiver is only for the lines serving other properties; the applicant will be required to underground all utilities on the subject property.

The applicant will continue to be required to underground existing utilities and all new service runs to any new or proposed structures within the subdivision per Condition Nos. 9 and 10 of the draft Map Waiver conditions (Attachment 6).

There are power poles and overhead utilities lines existing in the Puterbaugh Street right-of-way in front of this property, which serve other properties. The current City's Undergrounding Master Plan designates the site within Block 2C, which is proposed to be undergrounded in Fiscal Year 2047. This situation necessitates the request to waive the requirement to underground existing offsite overhead utilities.

ALTERNATIVES

1. Approve Map Waiver No. 985094, with modifications.
2. Deny Map Waiver No. 985094, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

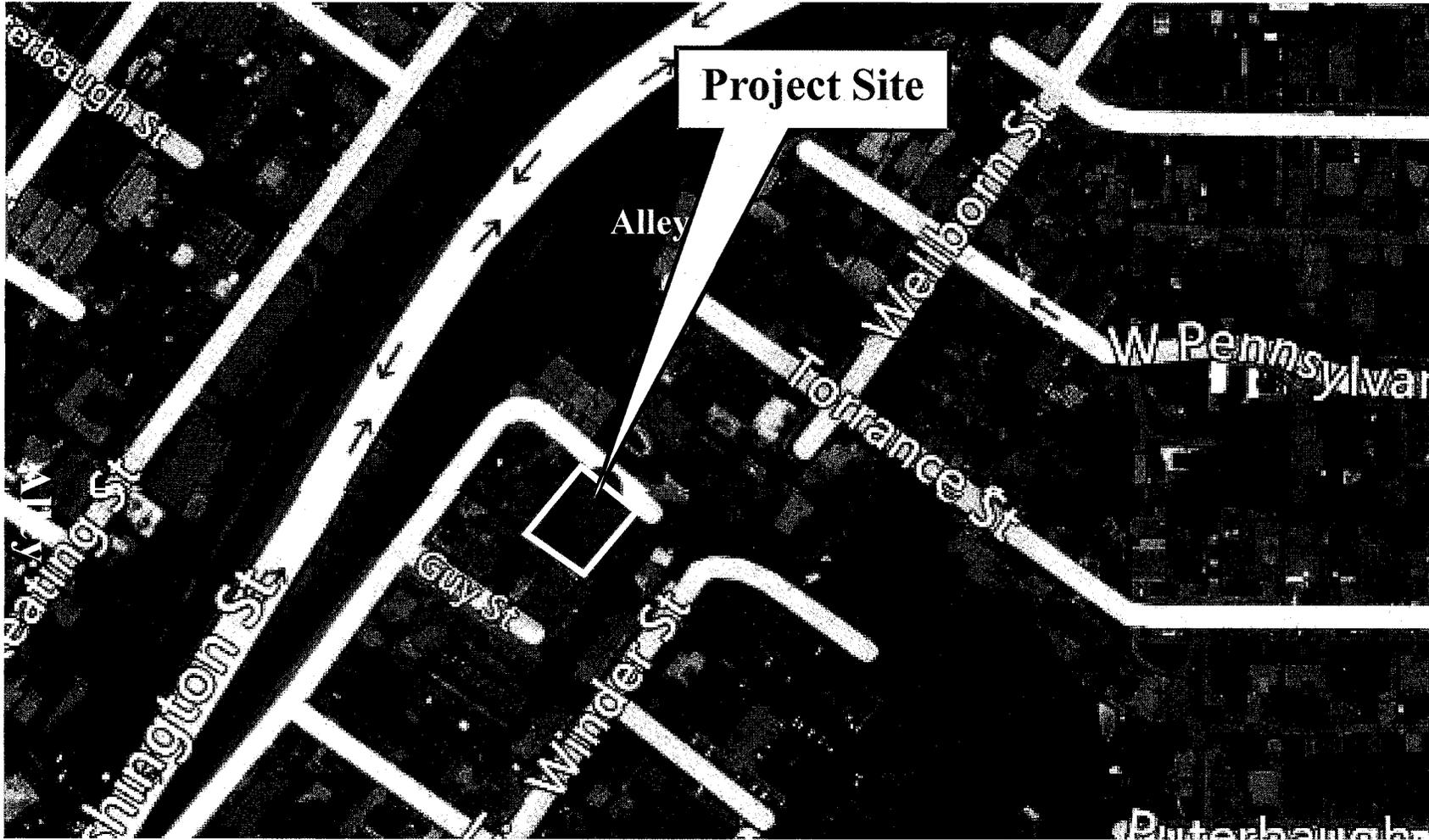


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Michelle Sokolowski, Development Project Manager

Attachments:

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



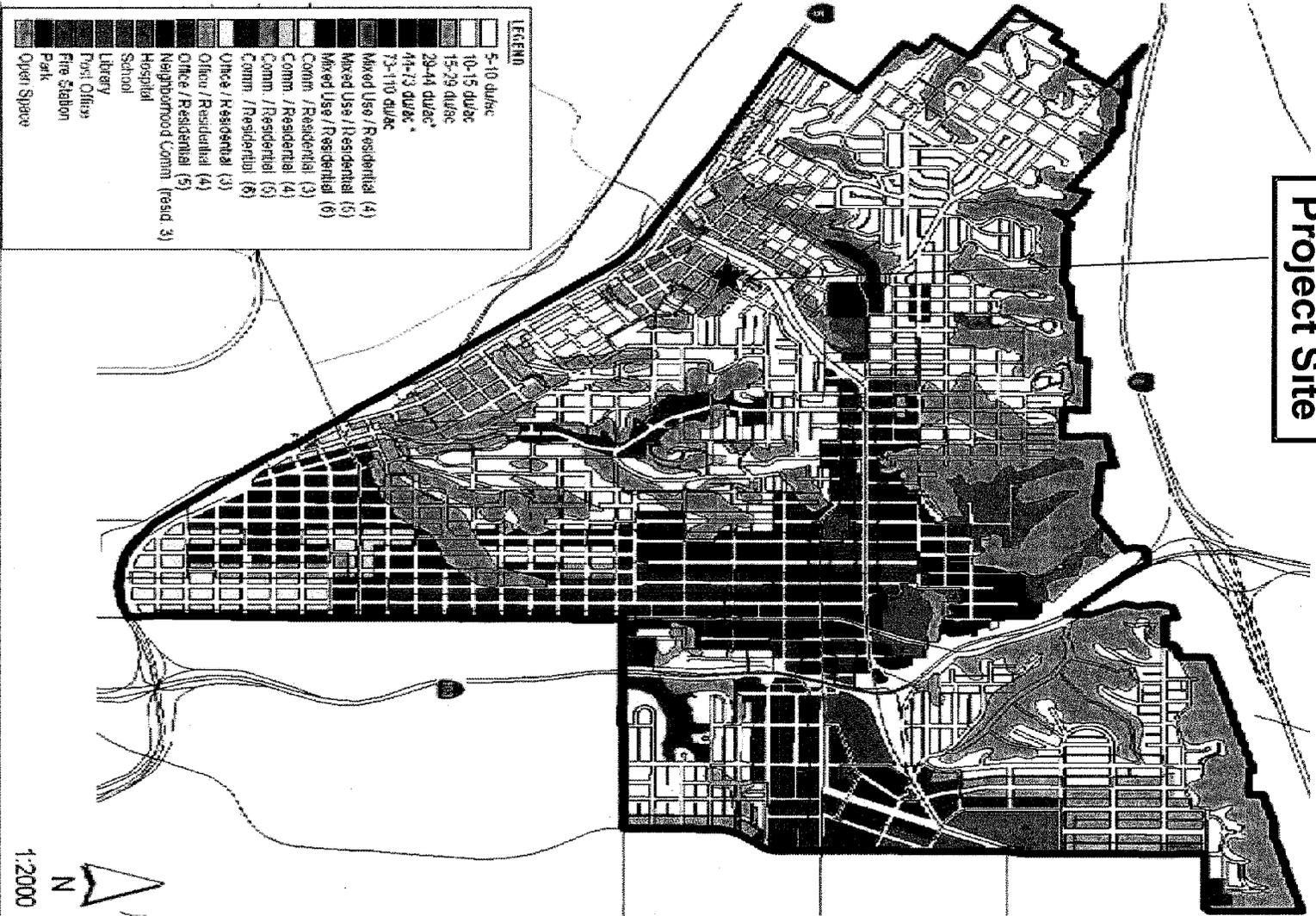
## Aerial Photo

1667-73 Puterbaugh Map Waiver - PROJECT NO. 280467

1667-73 Puterbaugh Street



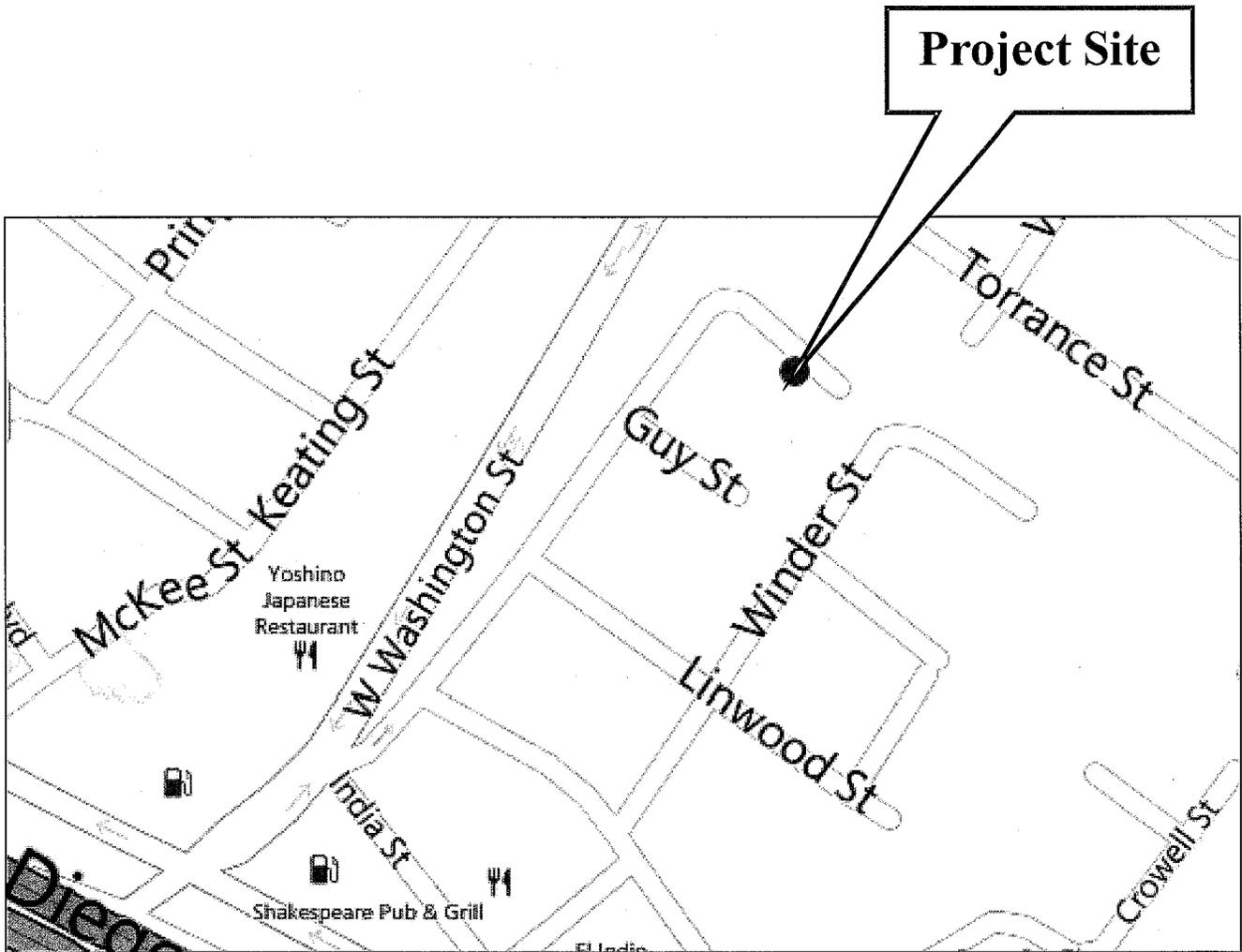
**Project Site**



# Community Land Use Map

1667-73 Puterbaugh Map Waiver - PROJECT NO. 280467

1667-73 Puterbaugh Street



## Project Location Map

1667-73 Puterbaugh Map Waiver - PROJECT NO. 280467

1667-73 Puterbaugh Street



# PROJECT DATA SHEET

<b>PROJECT NAME:</b>	1667-73 Puterbaugh Map Waiver	
<b>PROJECT DESCRIPTION:</b>	Creation of four (4) residential condominium units (under construction)	
<b>COMMUNITY PLAN AREA:</b>	Uptown	
<b>DISCRETIONARY ACTIONS:</b>	Map Waiver, including request to waive the requirement to underground existing overhead utilities.	
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	Medium density residential uses (15-29 du/ac)	
<b>CURRENT ZONING INFORMATION:</b>	<b>CONSTRUCTED:</b>	
<b>ZONE:</b> MR-1500, Mid-City Communities Planned District	MR-1500 (MCCPD)	
<b>DENSITY:</b> 1 dwelling unit per 1,500 sq.ft. of lot area	4 units	
<b>HEIGHT LIMIT:</b> 30'	Under construction	
<b>LOT SIZE:</b> 6,000 square-foot minimum lot size.	10,012 square feet	
<b>FRONT SETBACK:</b> 10 feet	10 feet	
<b>SIDE SETBACK:</b> 6 feet	6 feet	
<b>STREETSIDE SETBACK:</b> 8 feet.	N/A	
<b>REAR SETBACK:</b> 1 foot if alley; 15 if no alley	15 feet	
<b>PARKING:</b> 9 spaces required	9 spaces	
<b>ADJACENT PROPERTIES:</b>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	Single-family/Park; RS-1-7	Residential
<b>SOUTH:</b>	Multi-family; MR-1500	Residential
<b>EAST:</b>	Multi-family/Park; MR-1500/RS-1-2	Residential
<b>WEST:</b>	Multi-family; MR-1500	Residential
<b>DEVIATIONS OR VARIANCES REQUESTED:</b>	None	
<b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b>	The Uptown Planners voted 12-2-1 to recommend approval of the project on June 5, 2012, with no recommended conditions.	

RESOLUTION NO. \_\_\_\_\_  
DATE OF FINAL PASSAGE \_\_\_\_\_

A RESOLUTION OF HEARING OFFICER ADOPTING  
THE FINDINGS AND APPROVING MAP WAIVER NO.  
985094 FOR 1667-73 PUTERBAUGH MAP WAIVER -  
PROJECT NO. 280467

**DRAFT**

WHEREAS, CityMark MH, LLC, Subdivider, and Nieto Consulting Engineers, Engineer, submitted an application with the City of San Diego for Map Waiver No. 985094, to waive the requirement for a Tentative Map for to create four (4) condominiums (under construction), and to waive the requirement to underground existing offsite overhead utilities. The project site is located on the south side of Puterbaugh Street, east of Andrews Street, at 1667-73 Puterbaugh Street, in the MR-1500 Zone of the Mid-City Communities Planned District, the Airport Approach Overlay Zone and the FAA Part 77 Notification Area, within the Uptown Community Plan area. The property is legally described as Parcel 1 of Parcel Map No. 20963 (APN 451-221-03); and

WHEREAS, the Map proposes the subdivision of a 0.23-acre site into one (1) lot for a four (4)-unit residential condominium development currently under construction; and

WHEREAS, on July 13, 2012, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination

that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 *et. seq.*) under CEQA Guidelines Section 15305 (minor alterations in land use); and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code section 112.0520; and

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

WHEREAS, the project consists of four (4) units under construction for which Certificates of Occupancy have not been issued; and

WHEREAS, the subdivision is a condominium project as defined in California Civil Code section 1351(f) and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is four (4); and

WHEREAS, the request to waive the requirement to underground existing offsite overhead utility 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 a full block in length) and it has been determined that such conversion is not a part of a continuing effort in the near term to accomplish a total undergrounding within a specific street or area, and the conversion would involve an inordinate cost to the development; and

WHEREAS, on August 29, 2012, the Hearing Officer of the City of San Diego considered Map Waiver No. 985094, including the waiver of the requirement to underground existing offsite overhead utilities, and pursuant to sections 125.0123 (map waiver), 125.0440 (tentative map), and 144.0240 (underground) of the San Diego Municipal Code and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Hearing Officer having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Map Waiver No. 985094:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Act §§ 66473.5, 66474(a), and 66474(b)).

On January 30, 2012, the Development Services Department approved Building Permit Nos. 870772 and 870780 (Project No. 242522) for the construction of four residential units, which have not yet received a Certificate of Occupancy (COO). On April 9, 2012, Parcel Map No. 20963 was recorded for the consolidation of four lots for the creation of the 0.23-acre site. The project conforms to the development regulations of the MR-1500 Zone of the Mid-City Communities Planned District within the Uptown Community Plan. The Uptown Community Plan designates this site for residential uses at a density of 15-29 dwelling units per acre, which is consistent with this development. The project does not include deviations from the regulations; therefore, the proposed subdivision and its design or improvements are consistent with the policies, goals, and objectives of the applicable land use plan.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable

deviations pursuant to the Land Development Code (San Diego Municipal Code § 125.0440(b)).

On January 30, 2012, the Development Services Department approved Building Permit Nos. 870772 and 870780 (Project No. 242522) for the construction of four residential units, which have not yet received a Certificate of Occupancy (COO). On April 9, 2012, Parcel Map No. 20963 was recorded for the consolidation of four lots for the creation of the 0.23-acre site. The project conforms to the development regulations of the MR-1500 Zone of the Mid-City Communities Planned District within the Uptown Community Plan. The project does not include deviations from the regulations; therefore, the proposed subdivision and its design or improvements are consistent with the policies, goals, and objectives of the applicable land use plan.

3. The site is physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)).

The project site is location in the MR-1500 zone of the Mid-City Communities Planned District, within the Uptown Community Plan. The zoning designation allows multi-family residential development at a density of one unit per 1,500 square feet of lot area. The Uptown Community Plan designates the project site for residential uses at a density of 15-29 dwelling units per acre. The 0.23-acre project site could accommodate up to 7 units based on the underlying zone, and 3 to 7 units based on the community plan. Therefore, the site is physically suitable for the type and density of development.

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)).

The City of San Diego, as Lead Agency, through the Development Services Department, conducted an environmental review of this site in accordance with the State of California Environmental Quality Act (CEQA) guidelines. The site does not include any environmentally sensitive resource and is not adjacent to environmentally sensitive lands or waterways. The project was determined to be categorically exempt from CEQA pursuant to Section 15305 (minor alterations in land use). Therefore the proposed subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)).

On January 30, 2012, the Development Services Department approved Building Permit Nos. 870772 and 870780 (Project No. 242522) for the construction of four residential units, which have not yet received a Certificate of Occupancy (COO). On April 9, 2012, Parcel Map No. 20963 was recorded for the consolidation of four lots for the creation of the 0.23-acre site. The approval for this project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the San Diego Municipal Code in effect for this subdivision and improvements. Further, the proposed subdivision and improvements would be permitted, constructed, and inspected in accordance with the California Building Code. Such conditions have been determined by the decision maker as necessary to avoid adverse impacts upon the public health, safety and welfare.

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

The project is located at 1667-73 Puterbaugh Street, on the south side of Puterbaugh Street, east of Andrews Street. The site is an interior lot and does not contain any easements acquired by the public at large for access through or use of property within the proposed subdivision. Therefore, the design of the subdivision and proposed improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1).

The design of the subdivision conforms to the development regulations of the MR-1500 Zone of the Mid-City Communities Planned District and the Uptown Community Plan. The project has been designed and conditioned to conform with all underlying San Diego Municipal Code and applicable building code regulations. The design of the proposed subdivision, through building materials, site orientation, architectural treatments and the placement and selection of plan materials, as specified by building and development code requirements, provide to the extent feasible for future passive or natural heating and cooling opportunities.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3).

The project site is located in the MR-1500 zone of the Mid-City Communities Planned District, within the Uptown Community Plan. The zoning designation allows multi-family residential development, at a density of one unit per 1,500 square feet of lot area. The Uptown Community Plan designates the project site for residential uses at a density of 15-29 dwelling units per acre. The 0.23-acre project site could accommodate up to 7 units based on the underlying zone, and 3 to 7 units based on the community plan. The project was determined to be categorically exempt from CEQA pursuant to Section 15305 (minor alterations in land use).

On January 30, 2012, the Development Services Department approved Building Permit Nos. 870772 and 870780 (Project No. 242522) for the construction of four residential units, which have not yet received a Certificate of Occupancy (COO). An In-Lieu Fee of \$10,716.96 was paid at the time of issuance of the building permits, therefore the project is in compliance with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code) and no additional Inclusionary Housing Fees are required. The project is currently under construction and is not subject to the tenant relocation assistance regulations. Therefore, 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.

9. The proposed subdivision of land complies with requirements of the Subdivision Map Act and the Land Development Code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act or the Land Development Code enacted pursuant thereto (San Diego Municipal Code § 125.0123 and Subdivision Map Act § 66428(b)).

The project site is located in the MR-1500 Zone of the Mid-City Communities Planned District, the Uptown Community Plan, and is within Zone X of the Flood Insurance Rate Maps for San Diego County, which is an area determined to be outside the 500-year floodplain. The zoning designation is a residential zone, which allows for one residential unit per 1,500 square feet of lot area. The Uptown Community Plan designates the project site for residential uses, at a residential density of 15-29 dwelling units per acre. The 0.23-acre project site could accommodate up to 7 units based on the underlying zone, and 3 to 7 units based on the community plan. The project was determined to be categorically exempt from CEQA pursuant to Section 15305 (minor alterations in land use). The project is not requesting any deviations from the regulations, and has been designed and conditioned to conform with all underlying San Diego Municipal Code and applicable building code regulations. Therefore, the proposed subdivision of land complies with requirements of the Subdivision Map Act and the Land Development Code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply

availability, environmental protection, and other requirements of the Subdivision Map Act or the Land Development Code.

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

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Hearing Officer, Map Waiver No. 985094 is hereby granted to CityMark MH, LLC, subject to the attached conditions which are made a part of this resolution by this reference.

By

\_\_\_\_\_  
Michelle Sokolowski  
Development Project Manager  
Development Services Department

ATTACHMENT: Map Waiver Conditions

Internal Order No. 24002671

HEARING OFFICER  
CONDITIONS FOR MAP WAIVER NO. 985094  
1667-73 PUTERBAUGH MAP WAIVER - **PROJECT NO. 280467**  
ADOPTED BY RESOLUTION NO. \_\_\_\_\_ ON AUGUST 29, 2012

**DRAFT**

**GENERAL**

1. This Map Waiver will expire September 13, 2015.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Certificate of Compliance, unless otherwise noted.
3. A Certificate of Compliance shall be recorded in the Office of the San Diego County Recorder, prior to the Map Waiver expiration date.
4. Prior to the recordation of the Certificate of Compliance, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify the Subdivider of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not be required to pay or perform any settlement unless such settlement is approved by the Subdivider.

**AIRPORT**

6. Prior to recordation of the Certificate of Compliance, the Subdivider shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration (FAA).

**ENGINEERING**

7. The subdivider shall obtain an Encroachment Maintenance and Removal Agreement for the sidewalk underdrains located within Puterbaugh Street right-of-way, satisfactory to the City Engineer.
8. All works as shown on the construction plan with the approval number 906730 shall be accepted by the Resident Engineer.
9. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
10. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
11. The Subdivider shall comply with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980. Only those exceptions to the General Conditions which are shown on the Map Waiver and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

**MAPPING**

12. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
13. "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."
14. The Certificate of Compliance shall:
  - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet

thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.

- b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

### **PUBLIC UTILITIES DEPARTMENT**

15. 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 Director of Public Utilities and the City Engineer.
16. 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, satisfactory to the Director of Public Utilities and the City Engineer.

### **INFORMATION:**

- The approval of this Map Waiver by the Hearing Officer of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 *et seq.*).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Map Waiver will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Map Waiver, may protest the imposition within 90 days of the approval of this Map Waiver by filing a written protest with the San Diego City Clerk pursuant to Government Code Sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Internal Order No. 24002671

DRAFT

## NOTICE OF EXEMPTION

TO:  RECORDER/COUNTY CLERK  
 P.O. BOX 1750, MS A-33  
 1600 PACIFIC HWY, ROOM 260  
 SAN DIEGO, CA 92101-2422

FROM: CITY OF SAN DIEGO  
 DEVELOPMENT SERVICES DEPARTMENT  
 1222 FIRST AVENUE, MS 501  
 SAN DIEGO, CA 92101

\_\_\_\_ OFFICE OF PLANNING AND RESEARCH  
 1400 TENTH STREET, ROOM 121  
 SACRAMENTO, CA 95814

PROJECT NO.: 280467

PROJECT TITLE: 1667-73 PUTERBAUGH MAP WAIVER

PROJECT LOCATION-SPECIFIC: 1667, 1669, 1671 and 1673 Puterbaugh Street, San Diego, California 92103

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

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: Map Waiver application to waive the requirements of a Tentative Map to create 4 residential condominium units on a 0.23-acre site.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: John La Raia (Agent for Owner)  
 City Mark Development (Firm)  
 3818 Park Boulevard  
 San Diego, California 92103  
 (619) 308-2048

EXEMPT STATUS: (CHECK ONE)

- MINISTERIAL (SEC. 21080(b)(1); 15268);  
 DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a));  
 EMERGENCY PROJECT (SEC. 21080(b)(4); 15269 (b)(c))  
 CATEGORICAL EXEMPTION: CEQA EXEMPTION 15305 (MINOR ALTERATIONS IN LAND USE ALTERATIONS IN LAND USE LIMITATIONS)  
 STATUTORY EXEMPTIONS:

REASONS WHY PROJECT IS EXEMPT: The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15305 which addresses minor alterations in land use limitations in areas with an average slope of less than 20 percent, and which do not result in any changes in land use density. In addition; the exceptions listed in CEQA Section 15300.2 would not apply.

LEAD AGENCY CONTACT PERSON: Rhonda Benally

TELEPHONE: (619) 446-5468

IF FILED BY APPLICANT:

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

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

*Mark G. / Senior Planner*  
 SIGNATURE/TITLE

July 13, 2012  
 DATE

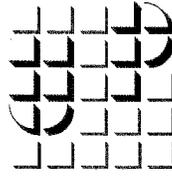
CHECK ONE:

- SIGNED BY LEAD AGENCY  
 SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

# MAP WAIVER EXHIBIT

As attachment to Hearing Officer  
Package Only



## UPTOWN PLANNERS

Uptown Community Planning Group

June 5, 2012

MEETING MINUTES

Meeting Place: Joyce Beers Community Center

Meeting called to order at 6:00 p.m. by Chair Don Liddell.

Present: Jennifer Pesqueira, Matt Winter, Joe Naskar, Kim Adler, Tom Fox, Bob Grinchuk, Ernie Bonn, Gary Bonner, Rhett Butler, Chris Ward, Ken Tablang, Neil Ferrier, Don Liddell, Tony Winney, Beth Jaworski, Janet O'Dea (6:15), Jim Mellos (6:35).

Absent: none

Approximately 30 people were in attendance

### **I. Board Meeting: Parliamentary Items/ Reports:**

Chair Don Liddell indicated his schedule is so busy that it precludes him from continuing to serve as chair. Liddell represents Uptown Planners on the Balboa Park Committee, and is chair of its West Mesa Committee – commitments which entail a significant amount of work. Liddell stated he wanted to step down, and allow Vice Chair Beth Jaworski to become chair. Liddell offered to remain Vice Chair.

Motion by Butler, seconded by Bonner, to elected Beth Jaworski as chair, and Don Liddell as vice chair, of Uptown Planners; motion passed by a vote of 13-0-2; voting in favor Pesqueira, Winter, Naskar, Adler, Fox, Grinchuk, Bonn, Bonner, Butler, Ward, Tablang, Ferrier, Winney; Liddell and Jaworski abstaining.

Jaworski assumed the role of chair for the meeting.

Secretary Wilson pointed out that Chair Jaworski is the representative to the Community Planners Committee ("CPC"); and that the board should appoint an alternative should Jaworski not be able to attend a meeting. Vice Chair Liddell was unanimously approved as the alternative representative by a vote of 13-0-2, non-voting chair and Liddell abstaining.

### Approval of Agenda:

Two agenda items were placed on the Consent Agenda: "836 West Pennsylvania Avenue ('Verizon Wireless Goldfinch')", and "Request for Letter of Support for Potential Washington Street Pedestrian Improvement Grant".

The following item was removed from the agenda; the applicant will make a presentation upon submittal of the project to the city.

**1027 UNIVERSITY AVENUE SIDEWALK CAFÉ ("100 WINES HILLCREST") – Process Two – Hillcrest – Proposal for a sidewalk café, with awning, at 1027 University Avenue**

Motion by Naskar, seconded by Ferrier, to approve the agenda for the meeting as revised; motion passed by a vote of 14-0-1, with non-voting chair Jaworski abstaining.

Approval of Minutes:

Motion made by Bonn, seconded by Naskar, to approve the May 1, 2012 minutes; approved by a vote of 12-0-3; with Liddell and Adler, who had not been present at the May meeting, and non-voting Chair Jaworski, abstaining.

Treasurer's Report:

Fox reported there was a total of \$375.00 in the Uptown Planners bank account; the same amount as the previous month.

Website Report:

Winney gave an update about the website, and requested photographs and other documents that could be added to it. The Uptown Planners website address, [chair@uptownplanners.org](mailto:chair@uptownplanners.org) will be linked to Chair Jaworski's E-mail.

Board members discussed such options as using a file sharing system, and establishing a Facebook page. After much discussion, a motion was made by Tablang, seconded by \_\_\_\_\_, that Uptown Planners should open a Facebook page; the motion passed by a vote of 15-0-1, with non-voting Chair Jaworski abstaining. After further discussion, a subsequent motion was made by Ward, seconded by Naskar, to table the previous motion for future discussion; the motion to table was passed by a vote of 14-1-1: voting in favor Pesqueira, Winter, Naskar, Adler, O'Dea, Fox, Grinchuk, Bonn, Bonner, Butler, Ward, Tablang, Liddell, Ferrier in favor; voting against is Winney; non-voting Chair Jaworski abstained.

Chair/CPC Report:

Chair Jaworski indicated she had attended the CPC meeting to represent Uptown Planners in a non-voting capacity. The new officers elected by the CPC are Chair: Joe La Cava (La Jolla PG) as Vice Chair Landry Watson (Ocean Beach PG) and as Secretary Doug Case (College PG).

Jaworski reported on two CPC agenda items affecting community planning groups:

(1.) Councilmember Sherri Lightner, chair of the City Council Economic Development & Strategies Committee, each community planning group ("CPG") had requested the CPC respond to a comment from the Chamber of Commerce that CPGs should represent more of a "diversity of viewpoint." In response, each CPG has compiled a list of its business representation. Below is the summary submitted by Uptown Planners

**Uptown Planners: 17 board members**

11 board members have business licenses; six of whom have storefront businesses in Uptown. Six residents who do not have business licenses also serve on the board (all but one of the business licensees also reside in Uptown). All 17 board members own residential or business property in Uptown.

Businesses licensees include owners of two restaurants, an upscale wine bar, a construction company, a plumbing company, a realtor (named realtor of the year in 2010), an architect, an attorney who specializes in sustainable energy law, who taught classes on energy law and policy at USD Law School, and an attorney with a business-oriented law practice. Two non-business resident board members have degrees in urban planning. Eight board members serve on the board/committees of community development corporations; 12 members serve on boards/steering committees of community associations. Several businesses owners are within the boundaries of the two BIDS in Uptown.

(2.) At CPC, Andrew Poat on behalf of the Chamber of Commerce made a presentation about its proposed "Jobs, Housing & Neighborhoods Act", which was stated to be a "top to bottom" reform of the City's infrastructure planning and funding process. The Act would authorize the present mayor to appoint a committee to decide what the infrastructure priorities are for all the communities of San Diego. A multi-billion dollar bond proposal would then be placed on the ballot to fund the recommended infrastructure improvements. The CPC was not supportive of the proposed initiative; and stated the infrastructure priorities should be decided by the community planning groups.

## **II. Non-Agenda Public Comment:**

Tom Mullaney introduced Fred Meyer, an architect who had been the first chair of Uptown Planners. Mullaney suggested that each Uptown community should be preparing its own proposals for inclusion in the community plan update.

Sharon Gehl spoke in favor of the Plaza de Panama project; and exhibited a montage of photographs of streets scenes in Mission Hills.

Ann Garwood spoke against the Plaza de Panama project, and stated that Todd Gloria would be speaking at a Bankers Hill residents meeting later in the month.

Zack Schlegel provided an update on the UCSD Hospital traffic study, and indicated that UCSD was supportive of the Human Rights Campaign and LGBT community.

Ernie Bonn announced the University Heights CDC summer concerts would begin in late June; and that the Historic Resources Board on May 24, 2012 had presented a posthumous award to Mary Wendorf.

A summer concert series was also about to begin in Mission Hills in Pioneer Park.

Joe Naskar announced the formation of the Western Slope Community Association, and indicated it had voted to become affiliated with the Bankers Hill/Park West/Five Points Community Development Corporation.

## **III. Representatives of Elected Officials:**

Jessica Poole, representing Congresswoman Susan Davis, provided an update about a recent trip to Afghanistan, and legislative actions to protect pregnant workers and individuals buying homes.

Anthony Bernal, representing Councilmember Todd Gloria, who was running unopposed for re-election, will be representing all of Uptown and Downtown beginning in December. Bernal provided an update about the progress of Harvey Milk Street, and announced Gloria would be having a coffee at the Mission Hills Vons.

## **IV. Consent Agenda:**

The two items below had been placed on the Consent Agenda when the agenda was approved.

Motion by Bonn, seconded by Ferrier, to approve the consent agenda; the motion passed by a 15-0-1 vote; non-voting chair Jaworski abstaining.

**836 WEST PENNSYLVANIA AVENUE ("VERIZON WIRELESS GOLDFINCH") – Process Four** – Mission Hills – Application for a Conditional Use Permit for an existing wireless facility located at 836 West Pennsylvania Avenue. This WCF consists of twelve antennas and one microwave dish completely concealed inside two rooftop cupolas, painted and textured to match the existing building. The equipment associated with this project is located on the first floor inside the building, not visible to the public.

**REQUEST FOR LETTER OF SUPPORT FOR POTENTIAL WASHINGTON STREET PEDESTRIAN IMPROVEMENT GRANT** -- Mission Hills/Five Points/ Middletown -- Lara Gates is seeking a letter of support to obtain a grant to study potential pedestrian improvements along the north side of Washington Avenue between Kettner Boulevard and Hawk Street.

**V. Potential Action Items: Projects:**

**Community Reports: Community Plan Update -- Potential Action Item -- Uptown --** Presentation/Discussion of Uptown Community Plan Update Draft Planned Land Use Map— Marlon Pangilinan, Senior Planner, Development Services Department.

Marlon Pangilinan made an informational presentation regarding proposed new zoning for Uptown. He presented two maps: A "Planned Land Use Map" and a "Proposed Planned Land Use Map." which indicated new zoning designations for all of Uptown. The maps reflect new city-wide zoning categories established as a result of the City's recent update of its General Plan. Each new zoning category determines how many units per acre may be built in residentially zoned areas; and also the type of uses that are permitted in commercial, mixed-use, and residential areas.

This was the introductory presentation about the maps; Uptown Planners will review the maps at several meetings in the coming months. The maps will be placed online.

Board members asked several questions: O'Dea inquired how the new zoning categories differed from the existing ones, and whether they resulted in changes in density. Several board members requested a map be created that indicated the density and zoning changes resulting from the new land use designations. Liddell emphasized it was important to review final maps prior to making a recommendation.

Public Comment:

Ian Epley opposed any down zoning, and wanted a map showing areas that will be downzoned. Tom Mullaney requested the online maps be high resolution, and that there be a way to compare the old designation to the new zoning nomenclature.

Renee Bonner recollected that at an Uptown Plan update charette a recommendation had been made by the Bankers Hill/Park West attendees to modify zoning along an area of First Avenue; Don Liddell and Leo Wilson also recalled the discussion. Roy Dahl inquired if there were any density increases or transfer of density to another location.

Ann Garwood expressed concern that if other communities in Uptown, such as Mission Hills, were downzoned, the density would be transferred to Hillcrest.

Barry Hager, on behalf of Mission Hills Heritage, indicated that certain areas of Mission Hills could be downzoned without the need for an increase in density elsewhere, as the City's General Plan provided sufficient housing to meet state requirements. Kristen Harms spoke on behalf of University Heights, and indicated they had several meetings focusing on the plan update for that community.

Board Comment:

Butler and Ward stated that it was important to begin the process of unifying all of University Heights into the Uptown Planning area. Naskar requested a link to a data base with definitions of the zoning categories. Bonn wanted to know what was considered "build out" for Uptown, and pointed out the need for adequate public facilities which would be addressed in a Public Facilities Finance Plan.

Concern was expressed over the loss of specific zoning that existed in various planned district ordinances; such as that in the West Lewis Street PDO. Winter and O'Dea indicated they needed clarification on the scope of the regulatory impacts of the maps before making any recommendations.

Board members stated they wanted to begin review of the maps prior to the August meeting. The consensus was that the board should meet as a "committee of the whole" and review the maps in July.

Motion by Butler, seconded by Bonn, that the board of Uptown Planners call a special meeting on July 17, 2012 where it will meet as a "committee of the whole" to review the proposed Planned Land Use Maps. Motion passed by 14-0-2; non-voting Chair Jaworski abstained; Mellos did not vote.

**4080 GOLDFINCH STREET ("MISSION 8 MAP WAIVER") – Process Three – Missions Hills –** Map waiver application to waive the requirements of a Tentative Map to create eight residential condominiums (under construction) on a 0.23 acre site at 4080 Goldfinch Street in the MR-1000 Zone; FAA Part 77

Motion by Butler, seconded by Winter, to continue the project until August so the applicant could attend the meeting and make a presentation; motion passed by a vote of 7-6-3; voting in favor Butler, Winter, Grinchuk, Tablang, Bonner, Bonn, Ward; voting against Mellos, Adler, Liddell, Fox, O'Dea, Pesqueira; non-voting Chair Jaworski and Naskar abstained.

**1673 PUTERBAUGH MAP WAIVER – Process Three – Mission Hills – Map Waiver application to waive** the requirements of a Tentative Map to create four residential condominium units on a 0.23-acre site located at 1673 Puterbaugh in the MR-1500 Zone; AAOZ, FFA Part 77

Russ Hales, of City Mark Development, made the presentation on behalf of the applicant. The project was approved through a ministerial process, is permitted and is under construction. The application before Uptown Planners is only a condominium map waiver. The review by Uptown Planners is limited to confirm that the applicant has complied with the requirements for a condominium subdivision map.

O'Dea stated she felt the project design was too modern and not compatible with the historic character of the neighborhood in which it was located. Adler objected to the process of map waivers being sought after a project had been approved and is under construction.

Motion by Butler, seconded by Naskar, to approve the map waiver; motion passed by a vote of 12-2-1; voting in favor Pesqueira, Winter, Naskar, Fox, Grinchuk, Bonn, Bonner, Butler, Liddell, Ward, Ferrier, Winney, voting against Adler, O'Dea. Non-voting chair Jaworski abstained.

**VERMONT STREET ANGLE PARKING – Hillcrest – Proposal to place angle parking along the** west side of Vermont Street between University Avenue and Robinson Street. Would add five additional parking space; Roy Dahl collected signatures of over 75% of the residential and commercial businesses owners on a petition in favor of the proposal.

Roy Dahl explained how he had collected signatures on a petition representing 75% of the properties along the section of Vermont Street where the angle parking was proposed. Dahl stated he obtained signatures from property owners as well as residents. A question arose if the signatures on the petition needed to be that of property owners, or could include residents.

During public comment, Walt Chambers spoke against the proposal; as did Luke Terpstra who thought there should be a bicycle lane on the street rather than angle parking.

Motion by Mellos, seconded by Liddell, to continue the item until the August board meeting, and in the interim seek a clarification from city staff whether the petitions needed to be signed by only property owners; the motion passed 7-6-1; voting in favor Mellos, Adler, Bonn, Liddell, Winney, O'Dea; voting

against Grinchuk, Naskar, Fox, Tablang, Ferrier, Bonner; non-voting chair Jaworski, Pesqueira and Winter abstained. Chair Jaworski broke the 6-6 tie by voting in favor of the motion.

Board members praised Roy Dahl for his effort in organizing the petition effort.

**VI. Adjournment:**

Meeting adjourned at approximately 8:30 p.m.

Respectfully submitted,  
Leo Wilson, Acting Secretary

# **OWNERSHIP DISCLOSURE STATEMENT**

**1667-73 Puterbaugh Map Waiver**

**Project No. 280467**

CITYMARK MH, LLC (a California Limited Liability Company)

Members:           Russell Haley  
                          Rich Gustafson  
                          Vince Hoenigman



THE CITY OF SAN DIEGO

DATE OF NOTICE: August 15, 2012

# NOTICE OF PUBLIC HEARING

## HEARING OFFICER

DEVELOPMENT SERVICES DEPARTMENT

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<b>DATE OF HEARING:</b>	August 29, 2012
<b>TIME OF HEARING:</b>	8:30 A.M.
<b>LOCATION OF HEARING:</b>	Council Chambers, 12th Floor, City Administration Building, 202 C Street, San Diego, California 92101
<b>PROJECT TYPE:</b>	Map Waiver, CEQA Exemption, Process 3
<b>PROJECT NO:</b>	<u>280467</u>
<b>PROJECT NAME:</b>	<u>1667-73 PUTERBAUGH MAP WAIVER</u>
<b>APPLICANT:</b>	John LaRaia, CityMark Development
<b>COMMUNITY PLAN AREA:</b>	Uptown
<b>COUNCIL DISTRICT:</b>	District 2
<b>CITY PROJECT MANAGER:</b>	Michelle Sokolowski, Development Project Manager
<b>PHONE NUMBER/E-MAIL:</b>	(619) 446-5278/ <a href="mailto:msokolowski@sanidiego.gov">msokolowski@sanidiego.gov</a>

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As a property owner, tenant, or person who has requested notice, please be advised that the Hearing Officer will hold a public hearing to approve, conditionally approve, or deny an application for a Map Waiver waive the requirements of a Tentative Map to allow the creation of four (4) residential condominium units (under construction), including a request to waive the requirement to underground existing overhead utilities. The 0.23-acre site is located on the south side of Puterbaugh Street, east of Andrews Street, at 1667-73 Puterbaugh Street, in the MR-1500 Zone of the Mid-City Communities Planned District, the Airport Approach Overlay Zone and the FAA Part 77 Notification Area, within the Uptown Community Plan area.

The decision of the Hearing Officer is final unless appealed to the Planning Commission. In order to appeal the decision you must be present at the public hearing and file a speaker slip concerning the application or have expressed interest by writing to the Hearing Officer before the close of the public hearing. The appeal must be made within 10 working days of the Hearing Officer's decision. Please do not e-mail appeals as they will not be accepted. See Information Bulletin 505 "Appeal Procedure", available at [www.sandiego.gov/development-services](http://www.sandiego.gov/development-services) or in person at the Development Services Department, located at 1222 First Avenue, 3rd Floor, San Diego, CA 92101

The decision made by the Planning Commission is the final decision by the City.

This project was determined to be categorically exempt from the California Environmental Quality Act on July 18, 2012, and the opportunity to appeal that determination ended August 1, 2012.

If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing. If you have any questions after reviewing this notice, you can call the City Project Manager listed above.

This information will be made available in alternative formats upon request. To request an agenda in alternative format or to request a sign language or oral interpreter for the meeting, call Support Services at (619) 321-3208 at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALDs) are also available for the meeting upon request.

Internal Order Number: 24002671