

DISCUSSION

The applicant is requesting a Map Waiver to waive the requirements of a Tentative Map for the subdivision of the 0.230-acre site, with eight residential units currently under construction, to create eight residential condominium units. The proposed project will turn these residential units from apartments into condominiums and is purely a mapping action.

An Affordable Housing Fee of \$30,158.88 was paid at the time of the issuance of the building permit, 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.

Section 125.0120 of the San Diego Municipal Code (SDMC) requires that a Tentative Map Waiver 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 125.0122, *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.

The utilities serving the property have already been undergrounded, and there is no waiver requested with this action.

Community Planning Group:

According to the draft minutes from the September 4, 2012, meeting, the Uptown Planners voted 6-5-1-1 to recommend denial with no recommended conditions. These minutes state:

"Motion by Adler, seconded by O'Dea, that Uptown Planners recommends denial of application of map waiver; the project is overly dense and does not fit in within the architectural character of the Mission Hills community; the process should be revised to allow Uptown Planners to review the entire project or any portion of the project that requires discretionary approval.

Motion passed by a 6-5-1-1 vote: in favor Adler, O'Dea, Bonn, Bonner, Ward, Tabland; opposed Liddell, Winter, Grinchuk, Ferrier, Butler; Naskar and non-voting chair Jaworski abstained.

The applicant questioned why the project was not supported as it was not going through any design review. Chair Jaworski explained that the board can take a position on an issue even when it conflicts with a current city policy. O'Dea elaborated that the

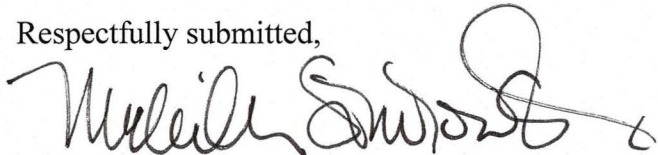
applicant should review the community plan as a guide even if a project is being approved through a ministerial process."

Staff Response: *The ministerial permits for the construction of the eight dwelling units were issued prior to the submittal of this mapping request, in accordance with applicable San Diego Municipal Code regulations. The current request is purely a mapping action, and does not address construction.*

ALTERNATIVES

1. Approve Map Waiver No. 920965, with modifications.
2. Deny Map Waiver No. 920965, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



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
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. Notice of Public Hearing



Project Site



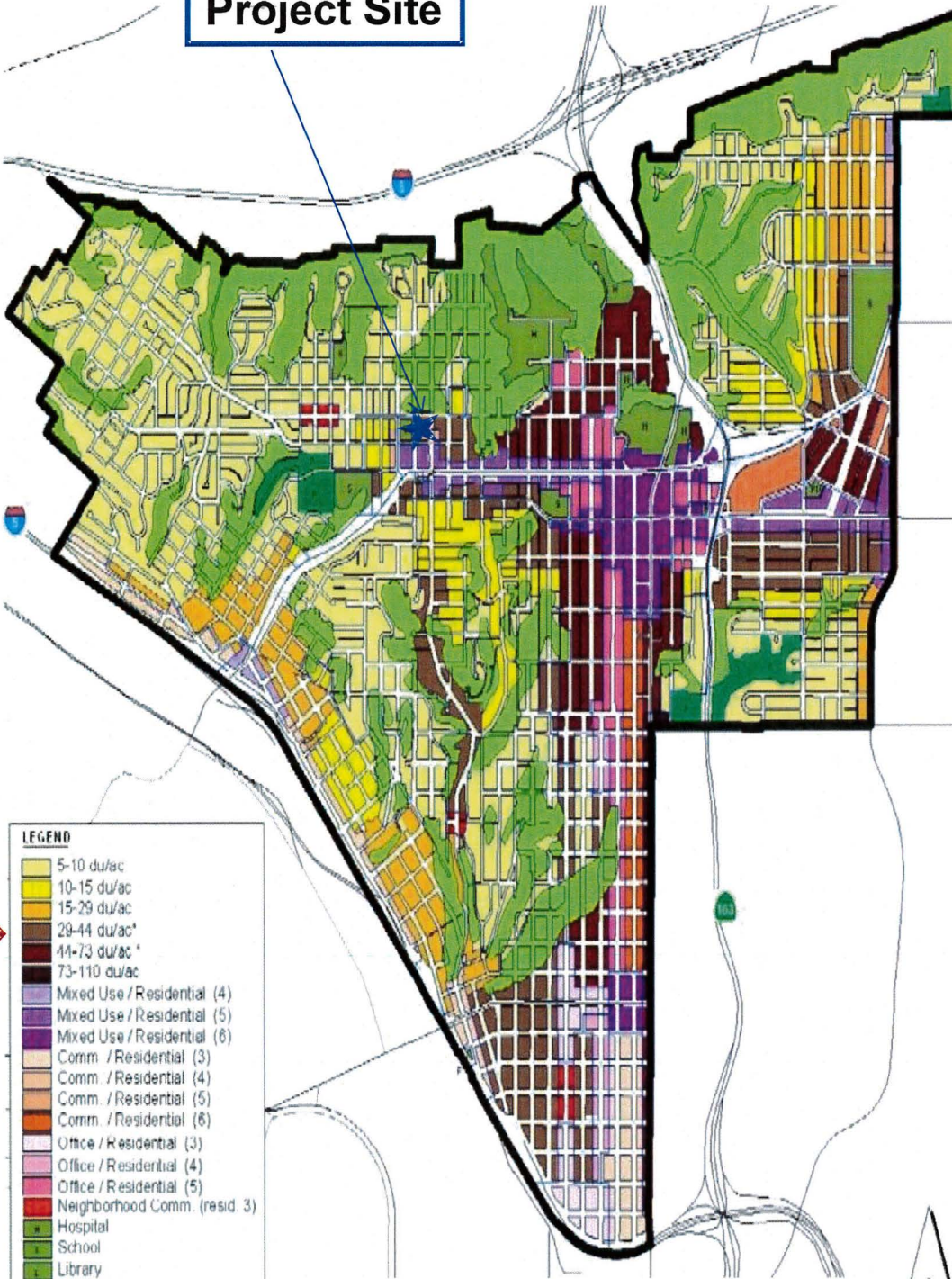
Aerial Photo

Mission 8 Map Waiver - PROJECT NO. 261502

4080 Goldfinch Street, Units 1-8



Project Site



LEGEND

[Light Yellow]	5-10 du/ac
[Yellow]	10-15 du/ac
[Orange]	15-29 du/ac
[Dark Orange]	29-44 du/ac*
[Red-Orange]	44-73 du/ac*
[Red]	73-110 du/ac
[Purple]	Mixed Use / Residential (4)
[Dark Purple]	Mixed Use / Residential (5)
[Dark Blue-Purple]	Mixed Use / Residential (6)
[Light Purple]	Comm / Residential (3)
[Light Blue-Purple]	Comm / Residential (4)
[Medium Blue-Purple]	Comm / Residential (5)
[Dark Blue-Purple]	Comm / Residential (6)
[Light Blue]	Office / Residential (3)
[Medium Blue]	Office / Residential (4)
[Dark Blue]	Office / Residential (5)
[Red-Orange]	Neighborhood Comm. (resid. 3)
[Green]	Hospital
[Light Green]	School
[Lighter Green]	Library
[Lightest Green]	Post Office
[Yellow-Green]	Fire Station
[Yellow]	Park
[Light Green]	Open Space



Community Land Use Map
Mission 8 Map Waiver - PROJECT NO. 261502
4080 Goldfinch Street, Units 1-8





Project Location Map

Mission 8 Map Waiver - PROJECT NO. 261502

4080 Goldfinch Street, Units 1-8



PROJECT DATA SHEET

PROJECT NAME:	Mission 8 Map Waiver – Project No. 261502	
PROJECT DESCRIPTION:	Creation of eight (8) residential condominium units (under construction)	
COMMUNITY PLAN AREA:	Uptown	
DISCRETIONARY ACTIONS:	Map Waiver	
COMMUNITY PLAN LAND USE DESIGNATION:	Commercial and medium-high density residential uses (29-44 du/ac)	
<u>CURRENT ZONING INFORMATION:</u>	<u>CONSTRUCTED:</u>	
ZONE: MR-1000: A multi-unit residential zone in the Mid-City Communities Planned District	MR-1000 (MCCPD)	
DENSITY: 1 dwelling unit per 1,000 sq.ft. of lot area	8 units	
HEIGHT LIMIT: 40'; 50' where a building is above enclosed parking	Under construction	
LOT SIZE: 6,000 square-foot minimum lot size.	10,000 square feet	
FLOOR AREA RATIO: 0.75 maximum.	Under construction	
FRONT SETBACK: 10 feet	10 feet	
SIDE SETBACK: 6 feet (10% if 50' wide or less)	5 feet (50' wide, therefore 10%=5')	
STREETSIDE SETBACK: 6 feet.	N/A	
REAR SETBACK: 1 foot if alley; 15 if no alley	N/A (double-fronted, no rear)	
PARKING: 16 spaces	16 spaces	
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Multi-family; MR-1000	Multi-Family
SOUTH:	Commercial/Multi-family; CV-3	Multi-Family & Commercial
EAST:	Commercial/Multi-family; MR-1000	Multi-Family
WEST:	School; MR-3000	St. Vincent's – church and school
DEVIATIONS OR VARIANCES REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	The Uptown Planners voted 6-5-1-1 to recommend denial on September 4, 2012, with no recommended conditions.	

RESOLUTION NO. _____
DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE HEARING OFFICER
ADOPTING THE FINDINGS AND APPROVING MAP
WAIVER NO. 920965 FOR MISSION 8 MAP WAIVER –
PROJECT NO. 261502

DRAFT

WHEREAS, GOLDHAWK PROPERTIES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, Subdivider, and VON REITER GROUP, ENGINEER, submitted an application with the City of San Diego for Map Waiver No. 920965, to waive the requirement for a Tentative Map to create eight (8) residential condominium units (under construction). The project site is located between Hawk and Goldfinch Streets, between Fort Stockton Drive and West Lewis Street, at 4080 Goldfinch Street, Units 1 through 8, in the MR-1000 Zone of the Mid-City Communities Planned District and the FAA Part 77 Notification Area, within the Uptown Community Plan. The property is legally described as Parcel 1 of Parcel Map No. 20993; and

WHEREAS, the Map proposes the subdivision of a 0.230-acre site into one (1) lot for an eight (8) unit residential condominium development currently under construction; and

WHEREAS, on May 22, 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; 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 Municipal Code sections 144.0220(a) and 144.0220(b); and

WHEREAS, the project consists of eight (8) 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 eight (8); and

WHEREAS, on November 7, 2012, the Hearing Officer of the City of San Diego considered Map Waiver No. 920965, and pursuant to sections 125.0122 (map waiver) and 125.0440 (tentative map) 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. 920965:

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 February 21, 2012, the Development Services Department approved Building Permit No. 957061 for the construction of eight residential units, which have not yet received a Certificate of Occupancy. The project conforms to the development regulations of the MR-1000 Zone of the Mid-City Communities Planned District within the Uptown Community Plan. The Uptown Community Plan designates this site for medium-high residential use at a density of 29-44 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 (San Diego Municipal Code § 125.0440(b)).

On February 21, 2012, the Development Services Department approved Building Permit No. 957061 for the construction of eight residential units, which have not yet received a Certificate of Occupancy. The project conforms to the development regulations of the MR-1000 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 Land Development Code.

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 located in the MR-1000 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 1,000 square feet of lot area. The Uptown Community Plan designates the project site for medium-high residential use at a density of 29-44 dwelling units per acre. The 0.230-acre site could accommodate up to 10 units based on the underlying zone and from 7 to 10 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 project was

determined to be categorically exempt from CEQA pursuant to Section 15305 (Minor Alterations in Land Use Limitations). The site is an urban setting, entirely surrounded by developed properties, and does not contain and is not adjacent to the MHPA, environmentally sensitive lands or other areas that would support fish or wildlife, since there is no habitat present. Therefore the proposed subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable 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 February 21, 2012, the Development Services Department approved Building Permit No. 957061 for the construction of eight residential units, which have not yet received a Certificate of Occupancy. 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. Such conditions have been determined by the decisionmaker as necessary to avoid adverse impacts upon the public health, safety and welfare. Further, the applicant is required to abide by all relevant Federal, State and Local regulations, including building regulations. Therefore, the design of the subdivision and the type of improvements will not be detrimental to 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 4080 Goldfinch Street (Units 1 – 8), on the west side of Goldfinch Street, north of Fort Stockton 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 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.

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-1000 Zone of the Mid-City Communities Planned District and the Uptown Community Plan. The project is not requesting any deviations from the regulations, and therefore conforms with regulations regarding future passive or natural heating and cooling opportunities. The project has been designed and conditioned to conform with all underlying San Diego Municipal Code and applicable building code regulations.

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-1000 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 1,000 square feet of lot area. The Uptown Community Plan designates the project site for medium-high residential use at a density of 29-44 dwelling units per acre. The 0.230-acre site could accommodate up to 10 units based on the underlying zone and from 7 to 10 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 Limitations).

On February 21, 2012, the Development Services Department approved Building Permit No. 957061 for the construction of eight residential units, which have not yet received a Certificate of Occupancy. An Affordable Housing Fee of \$30,158.88 was paid at the time of the issuance of the building permit, 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 would not be subject to the tenant relocation assistance regulations. Therefore, 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.

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-1000 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 multi-family residential zone, which allows for one residential unit per 1,000 square feet of lot area. The Uptown Community Plan designates the project site for medium-high density residential development, a rate of 29-44 dwelling units per acre. The 0.230-acre site could accommodate up to 10 units based on the underlying zone and from 7 to 10 units based on the community plan. The project was determined to be categorically exempt from CEQA pursuant to Section 15305 (Minor Alterations). 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. 920965 is hereby granted to GOLDHAWK PROPERTIES, 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. 24002295

HEARING OFFICER
CONDITIONS FOR MAP WAIVER NO. 920965
MISSION 8 MAP WAIVER - **PROJECT NO.** 261502
ADOPTED BY RESOLUTION NO. _____ ON NOVEMBER 7, 2012

DRAFT

GENERAL

1. This Map Waiver will expire November 21, 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.

ENGINEERING

6. The Subdivider shall close the non-utilized portions of the existing driveways with current City Standards curb, gutter and sidewalk adjacent to the site on

Goldfinch Street and Hawk Street per PTS 261963 and Right-of-Way Permit approval No. 0922427, satisfactory to the City Engineer.

7. The Subdivider shall construct current City Standard concrete driveways adjacent to the site on Goldfinch Street and Hawk Street in the location approved per PTS 261963 and Right-of-Way Permit approval No. 0922427, satisfactory to the City Engineer.
8. 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.
9. 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.
10. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
11. 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.
12. 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

13. "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).
14. "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."

15. 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.

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. 24002295

NOTICE OF EXEMPTION

TO: X 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.: 261502

PROJECT TITLE: MISSION 8 MAP WAIVER

PROJECT LOCATION-SPECIFIC: 4080 Goldfinch Street, #1-8, San Diego, California 92103

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

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: Map Waiver (MW) application to waive the requirements of a Tentative Map to create 8 residential condominiums (under construction) on a 0.23-acre site.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Beth Reiter (Agent)
 Von Reiter Group
 San Diego, CA 92131
 (858) 232-4580

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 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

Rhonda Benally / AICP / Senior Planner
 SIGNATURE/TITLE

MAY 22, 2012
 DATE

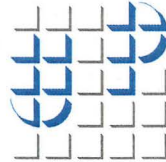
CHECK ONE:

- 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
September 4, 2012
MEETING MINUTES
Meeting Place: Joyce Beers Community Center

Meeting called to order at 6:00 p.m. by Chair Beth Jaworski.

Present: Matt Winter, Kim Adler, Bob Grinchuk, Ernie Bonn, Gary Bonner, Rhett Butler, Chris Ward, Ken Tablang, Neil Ferrier, Joe Naskar, Don Liddell, Beth Jaworski, Janet O'Dea

Absent: Jim Mellos, Tony Winney, Jennifer Pesqueira, Tom Fox

Approximately 25 people were in attendance

I. Board Meeting: Parliamentary Items/ Reports:

Appointment of Secretary

Motion made to appoint Joe Naskar as Secretary of Uptown Planners; approved by a 12-0-1 vote, with non-voting Chair Jaworski abstaining. At Naskar's request, Leo Wilson agreed to continue to help with secretarial duties as permitted by City council Policy 600-24, Article VII, during the transition.

Adoption of Agenda:

Two agenda items were placed on the Consent Agenda: Potential Action Item VII: 1 and 2:

1. **REQUEST FOR LETTER OF SUPPORT FOR JUVENILE DIABETES WALK** that will be held on November 10, 2012.
2. **REQUEST FOR LETTER OF SUPPORT FOR THE 9TH ANNUAL SAN DIEGO RACE FOR AUTISM 5K** that will be held on Saturday, March 30, 2013; the event will utilize a route along Sixth Avenue, instead of it usual route through Balboa Park, because of pending construction.

Motion by Ferrier, seconded by Butler, to move the above to items to the consent agenda; approved by unanimous voice vote: 12-0-1, with non-voting Chair Jaworski abstaining.

Motion by O'Dea, and seconded by Adler, to approve the agenda as amended; motion approved by unanimous voice vote: 12-0-1, with non-voting Chair Jaworski abstaining.

Approval of the August 7, 2012 Minutes:

O'Dea made a correction to the minutes indicating a fundraiser she announced regarding the SOHO Plaza de Panama lawsuit on September 21, 2012 would not be at her house, but at another location.

Motion to approve the minutes passed by a voice vote; 10-0-3; Liddell and Naskar abstaining as they were not in attendance at the August 7, 2012 meeting; non-voting chair Jaworski abstaining.

Treasurer's Report:

Treasurer Fox not present to give report.

Website Report:

Winney not present to give report.

Chair/CPC Report:

Chair Jaworski informed the board that the Development Services Department had been reorganized, and that Assistant Planning Director Mary Wright no longer worked for DSD; Cecilia Gallardo would be assuming her duties. Jaworski further informed the board that the Uptown Planners Capital Improvement Program recommendations were due on November 7, 2012; and would be considered by the CPC at its November 25, 2012 meeting.

II. Non-Agenda Public Comment:

Vicki Granowitz, chair of the Greater North Park Planning Group described the activities her planning group had been involved with in University Heights. These included funding for improvements at Garfield Elementary and North Park Elementary Schools, as well as the Jefferson Middle School. North Park had also provided funding for the Birney School joint use park project. Granowitz also indicated North Park had supported University Heights in its opposition to certain activities taking place in Trolley Barn Park.

Leo Wilson, administrator of the Bankers Hill/Park West/Five Points CDC, spoke regarding the Airport Approach Overlay Zone (AAOZ), which applies to a substantial part of Bankers Hill/Park West and Middletown. The San Diego International Land Use Plan is currently being updated by the Airport Authority; once this is completed, the DSD airport planner has indicated the AAOZ would be repealed. The effect would be to replace a mandatory height and safety regulation with a discretionary one.

Belinda Smith, of Surfriders and the Mission Hills Town Council, spoke about the Missions Hill Town Council "Walk the Wash" proposal, which seeks to turn Washington Street into a "green" street. Smith also indicated the CIP projects which the Mission Hills Town Council supports in addition to Walk the Wash were the Pioneer Park restroom upgrade, and the Mission Hills/Hillcrest Library project.

Dalour Youman, the owner of Hillcrest Shell, a service station on Washington Street, spoke in opposition to a proposed liquor license for a 7-11 on Washington Street. The 7-11 alcohol application will be heard at the October meeting of Uptown Planners.

Kim Adler announced there would be a Mission Hills Heritage house tour in the Presidio neighborhood on September 22. Ernie Bonn announced the University Heights Arts Open Walk, and Taste of University Heights to be held on September 16, 2012. Butler commented that University Heights should be deciding how its DIF monies are spent. Janet O'Dea gave a reminder about the SOHO legal fund event on September 21.

III. Representatives of Elected Officials:

Jessica Poole, from Congresswoman Susan Davis Office, passed out the office newsletter, and stated that Davis participated in an audio town hall event which had over 35,000 participants.

Anthony Bernal, from Councilmember Todd Gloria, stated the city council was about to come back from the August legislative recess. He announced a public meeting about utility undergrounding at the Santa Fee Room in Balboa Park on September 24, and that there was a cleanup in Marston Hill along I-163. Meetings were announced at which Richard Barrera, a member of the board of education, would discuss the future redevelopment plans for the University Heights Education Center.

IV. Consent Agenda:

Motion by Adler, seconded by Butler, to approve the Consent Agenda; motion passed by a 12-0-1; non-voting chair Jaworski abstaining. The items below were on the Consent Agenda:

1. **REQUEST FOR LETTER OF SUPPORT FOR JUVENILE DIABETES WALK** that will be held on November 10, 2012.
2. **REQUEST FOR LETTER OF SUPPORT FOR THE 9TH ANNUAL SAN DIEGO RACE FOR AUTISM 5K** that will be held on Saturday, March 30, 2013; the event will utilize a route along Sixth Avenue, instead of its usual route through Balboa Park, because of pending construction

V. Informational Items/Potential Action Items: Planning:

UPTOWN COMMUNITY PLAN UPDATE -- Potential Action Item -- Uptown -- Discussion of Uptown Community Plan Update Draft Planned Land Use Map; and proposed changes to underlying densities and zoning in Uptown — Marlon Pangilinan, Senior Planner, Development Services Department.

Marlon Pangilinan, senior DSD planner, gave an update on the status of the Uptown Community Plan update density/zoning map. He presented a Power Point presentation showing buildings at the various densities proposed for Uptown. Jaworski inquired over the size of the units in the buildings; and how that affected height and size.

Pangilinan stated he received community recommendations regarding density/zoning from the Bankers Hill/Park West/Five Points CDC, including a map prepared by Gary Bonner; as well as from a group of Five Points business/ property owners. Comments were also received opposing density reductions along Reynard Way

Joe Naskar questioned the proposed 1,000 foot buffer along I-5 in which no residential development would be permitted. The proposed buffer zone would extend through Bankers Hill/Park West and Middletown. Naskar indicated there was a preference in both communities to allow mixed use in the buffer, as allowed on the west side of I-5 in Little Italy and Downtown, as well as along I-163. Naskar also spoke in favor of preserving existing 30-foot height limitation in the Western Slope community.

Public Comment:

Roy Dahl pointed to the example of the Centre Street Lofts, and example of increased units that could result from density bonuses in certain; and also raised the issue of the unit size as it relates to zoning.

Sharon Gehl opposed any downzoning; and pointed out in the 20 years the existing zoning had been in place in Mission Hills and had not resulted in adverse impacts. Gehl felt that density should be higher than what was proposed to provide enough density to provide a neighborhood residential feel.

Ben Nichols, the director of the Hillcrest BID, indicated business owners he had talked to east of I-163 were not supportive of the downzoning the commercial areas of Hillcrest.

Janet O'Dea, Kim Adler and Barry Hagar indicated **that before the community got involved to persuade changes, the One Mission (formerly Paseo de Mission Hills) was an** example of a project in Mission Hills that was not desirable and had an adverse impact; and favored the proposed reduction in density.

Walt Chamber, a Hillcrest resident, pointed to the area adjacent to Park Boulevard, which was 100-feet wide, in Hillcrest as an appropriate location for taller buildings.

In response to public comment, Pangilinan and Bernie Turgeon, a DSD planner, spoke of the various levels of density bonuses and incentives that would allow for redevelopment and additional density in commercial corridors. For example projects below 45-feet in height might be approved ministerially; while higher building height could require a project applicant to provide public amenities, such as a plaza or additional parking. (Note: Diagrams presented showed a height limit of 45-feet in Missions Hills, 55-feet in Middletown, and 65-feet in Bankers Hill / Hillcrest / University Heights)

Regarding residential prohibitions along I-5, Turgeon expanded on air quality analysis and State of California CEQA requirements, and studies were necessary.

Pangilinan stated the process of gathering additional stakeholder comment would continue.

Final board comments included Butler requesting the city look at projects like the affordable housing complex on Polk and Georgia where condominium plans were converted to different uses and setbacks. Naskar requested that increased height incentives from DIF for Middletown be similar to Mission Hills.

CAPITAL IMPROVEMENT PROGRAM PROCESS: The Community Planning Groups will be making recommendations regarding the City of San Diego's Fiscal Year 2014 Capital Improvement Budget. Recommendations from each community planning group must be received by no later than *November 7, 2012*.

Chair Jaworski introduced the item, indicating there were limited funds in the CIP budget – last year about 25 million dollars was available, which contributed to funding to approximately 10 projects in the City of San Diego. The recommendations from Uptown are due by November 7th; the CPC will review the recommendation of the community planning groups on November 25th.

The board discussed the process for making recommendations regarding the capital improvement projects for Uptown. It was agreed that a special meeting in October might be necessary, in addition to the board's regular October meeting. The board discussed forming an ad hoc subcommittee, with representatives from each of the five communities in Uptown: Bankers Hill/Park West, Hillcrest, Middletown, Mission Hills and University Heights. Besides the projects recommended by Belinda Smith of the Mission Hills Town Council; board initially mentioned several other possible Uptown projects, including the University Heights Library, Olive Street Park and Hillcrest Fire Station.

Motion by Ward, seconded by Butler, (1) that Uptown Planner forms an ad hoc subcommittee to establish a procedure to evaluate and making recommendations regarding potential CIP projects in Uptown: the subcommittee will consist of five members, one from each of the five communities indicated above; (2) that Uptown Planners consider having a special meeting, open to the public, in October, in addition to its regular October 2, 2012 meeting to make recommendations for CIP projects in Uptown. The motion passed by a 12-0-1 vote; non-voting chair Jaworski abstaining.

Chris Ward was appointed chair of the ad hoc subcommittee; with Ernie Bonn (University Heights); Matt Winter (Hillcrest); Leo Wilson (Bankers Hill/Park West); Joe Naskar (Middletown), and Ken Tablang (Mission Hills) as members.

4080 GOLDFINCH STREET (“MISSION 8 MAP WAIVER”) – Process Three – Mission 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.

Beth Reiter made the presentation on behalf of the applicant. The project is presently under construction, and will consist of eight residential condominiums.

Barry Hager, on behalf of Mission Hills Heritage, opposed granting the map waiver, stating the project's modern urban style did not harmonize with the community's character, and that eight units was too dense for the site. Belinda Smith inquired regarding green features. Sharon Gehl and Ian Epley supported the project, indicating that in reviewing a map waiver, all that Uptown Planners was charged with doing was to review whether the condominium map met city code requirements.

Ken Tablang spoke about problems with the configuration of the driveways that would make entry a problem. Naskar asked if there would be any guest parking provided with consideration of adjacent church.

Motion by Adler, seconded by O'Dea, that Uptown Planners recommends denial of application of map waiver; the project is overly dense and does not fit in within the architectural character of the Mission Hills community; the process should be revised to allow Uptown Planners to review the entire project or any portion of the project that requires discretionary approval.

Motion passed by a 6-5-1-1 vote; in favor Adler, O'Dea, Bonn, Bonner, Ward, Tablang; opposed Liddell, Winter, Grinchuk, Ferrier, Butler; Naskar and non-voting chair Jaworski abstained.

The applicant questioned why the project was not supported as it was not going through any design review. Chair Jaworski explained that the board can take a position on an issue even when it conflicts with a current city policy. O'Dea elaborated that the applicant should review the community plan as a guide even if a project is being approved through a ministerial process. .

IV. Potential Action Items: Non-Project:

UPTOWN COMMUNITY PARKING DISTRICT PROPOSED BUDGET, REORANIZATION & POTENTIAL CHANGES TO CITY POLICY 100-18 REGARDNG COMMUNITY PARKING DISTRICTS – Uptown – The Uptown Parking District had submitted a proposed budget for review by the City Council's Economic Development and Strategies Committee on June 25, 2012; at the request of the Mayor's Office the item was continued until September 17, 2012. On July 11, 2012, the City Council Budget and Finance Committee approved a motion to prioritize use of parking meter funds for tangible results and creating additional parking spaces

Don Liddell, Rules/Bylaws Committee Chair, conducted this portion of the meeting; as at a previously meeting the threat of a legal action against Uptown Planners had been made.

Ben Verdugo, Operations Director of the Uptown Parking District, spoke in favor of the proposed Uptown Parking budget; as did Ben Nichols, Director of the Hillcrest BID, and Tim Gahagan, President of the Uptown Parking District and member of the Hillcrest Town Council. They stated the organization was reorganized properly, and that they were seeking approval of the budget to gain access to funds to address mobility related issues in Hillcrest and other Uptown communities. Gahagan pointed out that the Uptown Parking District was recommending the reduction of parking meter rates in Hillcrest.

Leo Wilson, of the Bankers Hill/Park West/Five Points CDC, spoke against the budget as it pertained to Bankers Hill/Park West; indicating opposition to the proposal to remove traffic lanes on Fourth, Fifth, Sixth Avenues, and pointing out that Bankers Hill/Park was the only community that an increase in the number of parking meters and their hours and pricing was being proposed.

Liddell questioned why Uptown Planners had not been supplied a copy of the bylaws of the Uptown Parking District in advance of it again resuming operation late in 2011; Verdugo offered to provide a copy of the current bylaws.

Motion by Liddell, seconded by Naskar, to reject the proposed Uptown Parking budget as it is procedurally unsound, as Uptown Planners did not have the opportunity to review the reorganized group's bylaws prior to the Uptown Parking District being restored into operation]; motion passed by a 7-5-1 vote; in favor: Liddell, Naskar, Butler, Adler, Ferrier, Bonner, Bonn; voting against; Winter, Ward, O'Dea, Grinchuk, Tablang; non-voting chair Jaworski abstained.

APPOINTMENT OF UPTOWN PLANNERS REPRESENTATIVE TO VA ASPIRE CENTER NEIGHBORHOOD ADVISORY COMMITTEE -- Western Slope/ Middletown -- as part of their CUP approval, the VA San Diego Health System Aspire Center created a Neighborhood Advisory Committee that will include a representative from Uptown Planners.

The VA San Diego Health System Aspire Center has formed a Neighborhood Advisory Committee, which will include representation from Uptown Planners. The board of Uptown Planners needs to appoint a representative.

Motion by Ferrier, seconded by Butler, to appoint Joe Naskar as the Uptown Planners representative to the VA San Diego Health System Aspire Center Neighborhood Advisory Committee; motion passed by a 12-0-1 vote, non-voting chair Jaworski abstaining.

Meeting adjourned at approximately 8:50 P.M.

Respectfully submitted,
Joe Naskar, Secretary

OWNERSHIP DISCLOSURE STATEMENT

Mission 8 Map Waiver

Project No. 261502

Owner: Goldhawk Properties, LLC (a California Limited Liability Company)

Members of Goldhawk Properties, LLC:

ACE Realty LP (a Delaware Limited Partnership), managed by its General Partner: E24 Investment Services, LLC (a Delaware Limited Liability Company) – Benjamin Vilenski, Samuel Michan and David, Co-Managers

ACE Realty's Limited Partners are:

The DM International Investment Trust
The DS Investment Trust
Benjamin Vilenski



THE CITY OF SAN DIEGO

DATE OF NOTICE: October 24, 2012

NOTICE OF PUBLIC HEARING

HEARING OFFICER

DEVELOPMENT SERVICES DEPARTMENT

DATE OF HEARING:	November 7, 2012
TIME OF HEARING:	8:30 A.M.
LOCATION OF HEARING:	Council Chambers, 12th Floor, City Administration Building, 202 C Street, San Diego, California 92101
PROJECT TYPE:	MAP WAIVER, CEQA EXEMPTION PROCESS THREE
PROJECT NO:	<u>261502</u>
PROJECT NAME:	<u>MISSION 8 MAP WAIVER</u>
APPLICANT:	BETH REITER
COMMUNITY PLAN AREA:	UPTOWN
COUNCIL DISTRICT:	District 2
CITY PROJECT MANAGER:	Michelle Sokolowski, Development Project Manager
PHONE NUMBER/E-MAIL:	(619) 446-5278/ msokolowski@sandiego.gov

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 to waive the requirement for a Tentative Map to create eight (8) residential condominium units (under construction). The project site is located between Hawk and Goldfinch Streets, between Fort Stockton Drive and West Lewis Street, at 4080 Goldfinch Street, Units 1 through 8, in the MR-1000 Zone of the Mid-City Communities Planned District and the FAA Part 77 Notification Area, within the Uptown Community Plan.

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 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 May 22, 2012, and the opportunity to appeal that determination ended May 24, 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: 24002295
