



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: November 18, 2015 REPORT NO. HO 15-131

ATTENTION: Hearing Officer

SUBJECT: 3425 Fifth Avenue Map Waiver - Project No. 421799

LOCATION: 3425 Fifth Avenue, San Diego, CA 92103

APPLICANT: Joy Christensen, Christensen Engineering & Surveying

SUMMARY

Issue(s): Should the Hearing Officer approve a Map Waiver to create three residential condominium units and one commercial condominium located at 3425 – 3427 Fifth Avenue within the Uptown Community Plan?

Staff Recommendation: APPROVE an application for a Map Wavier No. 1484172.

Community Planning Group Recommendation: On August 4, 2015, the Uptown Planners voted to recommend approval of the project with no additional 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 limitations. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on October 8, 2015, and the opportunity to appeal that determination ended October 22, 2015.

BACKGROUND

The 0.115-acre property is located at 3425 – 3427 Fifth Avenue on the east side of Fifth Avenue, north of Upas Street and south of Ivy Lane, in the CV-1 (Commercial Village) Zone of the Mid City Communities Planned District within the Uptown Community Plan area. The project site is currently developed with a 915 square-foot concrete block building, proposed for demolition. The remaining eastern portion of the project site is graded and undeveloped after the previous demolition of a 1,190 square-foot, single dwelling unit wood structure (Demolition Permit No. 1337603). The site is bordered by similar existing Commercial-Residential and Mixed Use development.

DISCUSSION

Project Description: The proposed project is a Tentative Map Waiver for the subdivision of the 0.115-acre site to construct a new three-story mixed use development with three residential condominium units and one commercial condominium unit. The residential units on the second and third floor level will have a range between approximately 1,472 and 2,579 square feet of living area and the ground floor commercial unit will be approximately 1,016 square feet. The Uptown Community Plan designates the site for Commercial-Residential development at a High Intensity, maximum density of 73 dwelling units per acre (one dwelling unit per 600 square feet of lot area). The project is consistent with the Uptown Community Plan's density range. Five off-street parking spaces are required for the development and the development proposes to provide seven parking spaces. The applicant is also requesting that the requirement for the undergrounding of the existing overhead utilities be waived.

Section 125.0120(b)(1) of the San Diego Municipal Code (SDMC) allows a Tentative 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 or final 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 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.

SDMC Section 144.0242 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 design of the proposed mixed use development and the privately-owned underground utilities that will be constructed within the subdivision are consistent with accepted engineering practices and meet the requirements of SDMC Section 144.0240-Underground Conversion of Utility Lines at Developers Expense.

The requested undergrounding waiver of existing overhead facilities located on southeast corner of the property in the abutting public right-of-way qualifies for consideration pursuant to SDMC Section 144.0242(c) in that the conversion is a requirement of a condominium conversion of an existing development and the conversion involves a short span of overhead facilities less than a full block in length and the conversion would not represent a logical extension to an undergrounding facility. The applicant would be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 8 of the draft Map Waiver Conditions. All onsite utilities serving the subdivision shall be undergrounded with appropriate permits per Condition No. 9 of the draft Map Waiver Conditions.

Inclusionary Affordable Housing: The project will comply with the City's Inclusionary Affordable Housing Ordinance by paying the full Inclusionary Affordable Housing Fee based

upon the aggregate square footage of all residential units in the project, on terms set forth within the Inclusionary Affordable Housing Regulations.

Conclusion: Development Services completed the review of the requested Map Waiver application and determined the proposed project would be consistent with the Uptown Community Plan and would comply with all relevant sections of the City of San Diego Land Development Code and the State Subdivision Map Act. Staff concludes that all of the necessary findings to approve the project can be affirmed and that the conditions applied to the Map Waiver are sufficient to insure the project would be in harmony with the surrounding community.

ALTERNATIVES

1. **Approve Map Wavier No. 1484172, with modifications.**
2. **Deny Map Wavier No. 1484172, if the findings required to approve the project cannot be affirmed.**

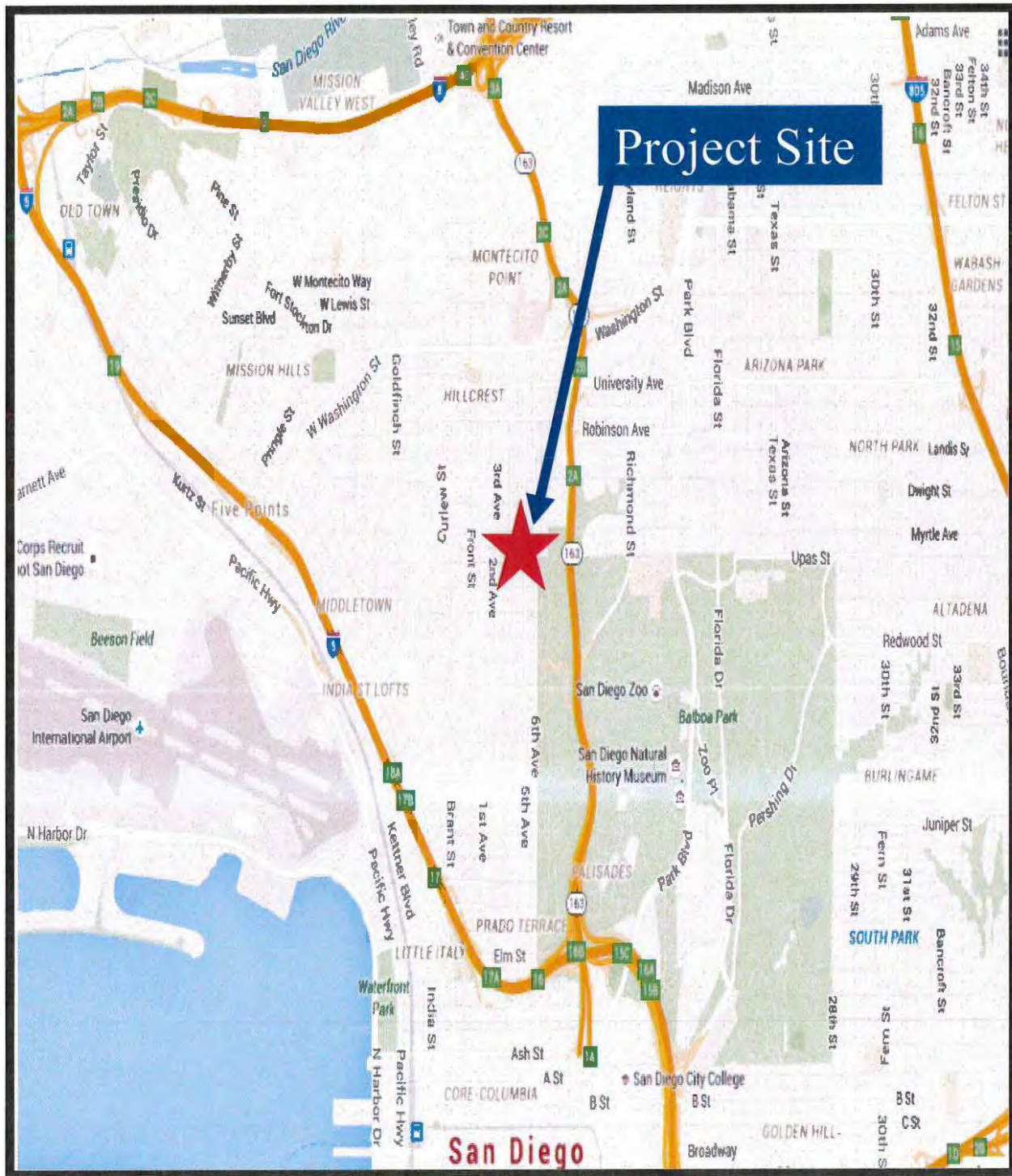
Respectfully submitted,



Tim Daly, Development Project Manager

Attachments:

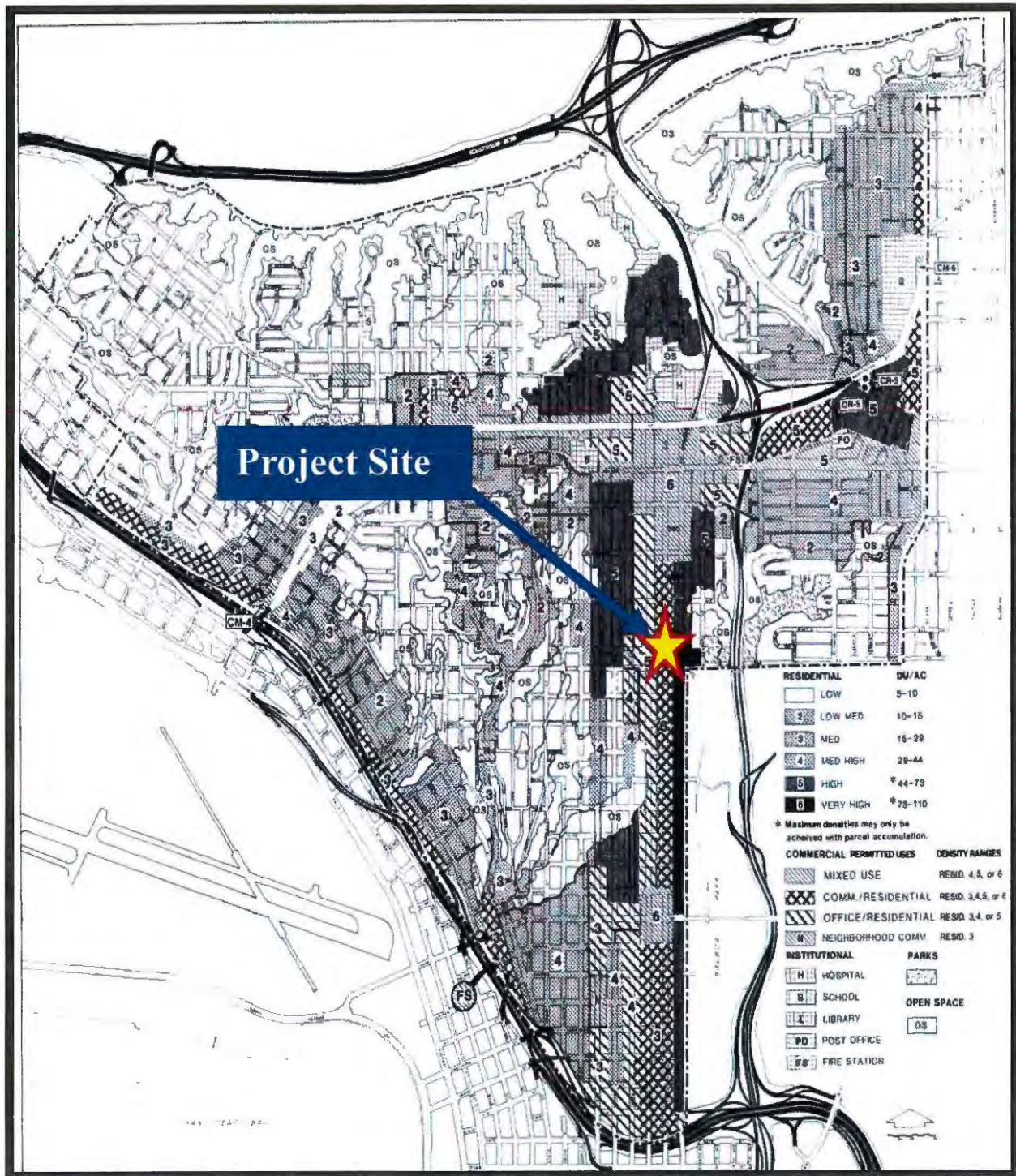
1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Project Data Sheet
5. Draft Map Resolution
6. Draft Map Conditions
7. Environmental Exemption
8. Ownership Disclosure Statement
9. Project Chronology
10. Map Exhibit (Separate to Hearing Officer)



Project Location

3425 Fifth Avenue Map Waiver, Project No. 421799
3425 Fifth Avenue, San Diego CA 92103





Uptown Community Land Use Plan

3425 Fifth Avenue Map Waiver, Project No. 421799
 3425 Fifth Avenue, San Diego CA 92103





Aerial Photo

3425 Fifth Avenue Map Waiver, Project No. 421799
3425 Fifth Avenue, San Diego CA 92103



PROJECT DATA SHEET

PROJECT NAME:	3425 Fifth Avenue Map Waiver	
PROJECT DESCRIPTION:	Map Waiver to create three residential condominium units and one commercial condominium unit.	
COMMUNITY PLAN AREA:	Uptown	
DISCRETIONARY ACTIONS:	Map Waiver	
COMMUNITY PLAN LAND USE DESIGNATION:	Commercial-Residential	
<u>ZONING INFORMATION:</u>		
ZONE: Mid City Communities Planned District (MCCPD) CV-1		
HEIGHT LIMIT: 150 ft. maximum height limit		
LOT SIZE: Min. 2,400 square feet / 5,000 square feet existing		
FLOOR AREA RATIO: Each .01 of residential FAR in a commercial/residential project earns an additional .01 of commercial FAR up to a maximum commercial FAR of 3.00.		
FRONT SETBACK: None required		
REAR SETBACK: 6 ft. required abutting residential; third story 9 ft. required		
SIDE SETBACK: None required		
PARKING: 5 parking spaces required; 7 provided		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Commercial-Residential; MCCPD-CV-1	Multi-family Residential
SOUTH:	Commercial-Residential; MCCPD-CV-1	Multi-family Residential
EAST:	Multi-Residential; MCCPD-MR-400	Multi-family Residential
WEST:	Commercial-Residential; MCCPD-CV-1	Commercial Office
DEVIATIONS OR VARIANCES REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On August 4, 2015, the Uptown Planners voted to recommend approval of the project with no additional conditions	

RESOLUTION NO. _____
DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE HEARING OFFICER
ADOPTING THE FINDINGS AND APPROVING MAP
WAIVER NO. 1484172 FOR 3425 FIFTH AVENUE MAP
WAIVER – PROJECT NO. 421799

WHEREAS, EME Capital, LLC, Subdivider, and Christensen Engineering & Surveying, Engineer, submitted an application with the City of San Diego for Map Waiver No. 1484172, to waive the requirement for a tentative map for the subdivision of a 0.12 acre site into one (1) lot for a four (4) units residential and commercial condominium development, and to waive the requirement to underground existing offsite overhead utilities. The project site is located 3425 – 3427 Fifth Avenue in the Mid-City Communities Planned District (MCCPD) CV-1 Zones, Airport Influence Area (San Diego International Airport, Review Area 2), Federal Aviation Administration Part 77 Noticing Area (San Diego International Airport – Lindbergh Field, North Island Naval Air Station), Residential Tandem Parking Overlay Zone, and Transit Area Overlay Zone within the Uptown Community Plan. The property is legally described as Lot 6 in Block 5 of Loma Grande in the City of San Diego, County of San Diego, State of California according to Map No. 692, filed in the Office of the County Recorder of San Diego County, November 17, 1891; and

WHEREAS, the Map proposes the subdivision of a 0.115-acre-acre site into one (1) lot for a four (4)-unit residential and commercial condominium development; and

WHEREAS, on October 8, 2015, 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 Limitations); 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 requested undergrounding waiver of existing overhead facilities in the abutting public right-of-way qualifies under the guidelines of the Municipal Code 144.0242, Waiver of the Requirements to Underground Privately Owned Utility Systems and Service Facilities in that the conversion involves a short span of overhead facility (less than a full block in length) and would not represent a logical extension to an underground facility; and

WHEREAS, on November 18, 2015, the Hearing Officer of the City of San Diego considered Map Waiver No. 1484172, including the waiver of the requirement to underground existing offsite overhead utilities, and pursuant to sections 125.0122 and 144.0240 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. 1484172:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.

The project proposes to create three residential condominium units and one commercial condominium on a 0.115-acre site located at 3425-3427 Fifth Avenue in the CV-1 zone of the Mid-City Communities Planned District within the Uptown Community Plan area.

The proposed condominium creation will comply with the San Diego Municipal Code development regulations which include setbacks, parking and public improvements. Therefore, the proposed subdivision and its design and 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.

The project proposes to create three residential condominium units and one commercial condominium on a 0.115-acre site located at 3425-3427 Fifth Avenue in the CV-1 zone of the Mid-City Communities Planned District within the Uptown Community Plan area. The project does not propose any deviations from the regulations. Therefore, the proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code.

3. The site is physically suitable for the type and density of development.

The project proposes to create three residential condominium units and one commercial condominium on a 0.115-acre site located at 3425-3427 Fifth Avenue in the CV-1 zone of the Mid-City Communities Planned District within the Uptown Community Plan area. The project site is flat, it has been previously graded. The site fronts Fifth Avenue with access on Fifth Avenue. The project site is surrounded with multi-family and commercial 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.

The project proposes to create three residential condominium units and one commercial condominium on a 0.115-acre site located at 3425-3427 Fifth Avenue in the CV-1 zone of the Mid-City Communities Planned District within the Uptown Community Plan area. The project is located within an urbanized environment where there are no watercourses or environmentally sensitive lands harboring fish or wildlife on or adjacent to the site. Therefore, the project will not cause substantial environmental damage or substantially 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.

The project proposes to create three residential condominium units and one commercial condominium on a 0.115-acre site located at 3425-3427 Fifth Avenue in the CV-1 zone of the Mid-City Communities Planned District within the Uptown Community Plan area.

No land modifications are proposed with this Map Waiver and the project has been reviewed and determined to be in compliance with the Municipal Code and Subdivision Map Act. The project includes conditions and corresponding exhibits of approvals relevant to adequate parking, public improvements, and paying applicable taxes in order to achieve compliance with the regulations of the San Diego Municipal Code. Therefore, the design of the subdivision or 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.

The project proposes to create three residential condominium units and one commercial condominium on a 0.115-acre site located at 3425-3427 Fifth Avenue in the CV-1 zone of the Mid-City Communities Planned District within the Uptown Community Plan area.

There are no public easements located within the project boundaries. There is an existing San Diego Gas and Electricity utility easement that will not be affected by this development. Therefore, no conflicts will occur with the recording of the subdivision or would negatively affect any 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.

The project proposes to construct a mixed use development and create three residential condominium units and one commercial condominium on a 0.115-acre

site located at 3425-3427 Fifth Avenue in the CV-1 zone of the Mid-City Communities Planned District within the Uptown Community Plan area.

The proposed subdivision and construction of the mixed use development will be designed to provide multiple architectural offsets and additionally provides multiple balconies and patios per unit, thus providing for 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.

The project proposes to create three residential condominium units and one commercial condominium on a 0.115-acre site located at 3425-3427 Fifth Avenue in the CV-1 zone of the Mid-City Communities Planned District within the Uptown Community Plan area.

The subject subdivision is within the allowed residential density for the area. Currently there are commercial services, public transportation, and retail sales within a few blocks from the development. which can offer assistance to the new owners and support to the business. 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.

The proposed subdivision is conditioned to implement drainage and storm water improvements due to the required implementation of current codes, and the fees and taxes from the subdivision will be used for future infrastructure. Therefore, the Hearing Officer 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.

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. 1484172 is hereby granted to EME Capital, LLC subject to the attached conditions which are made a part of this resolution by this reference.

By

Tim Daly
Development Project Manager
Development Services Department

ATTACHMENT: Map Waiver Conditions
Internal Order No.

DRAFT

HEARING OFFICER
CONDITIONS FOR MAP WAIVER NO. 1484172
3425 FIFTH AVENUE MAP WAIVER – PROJECT NO. 421799
ADOPTED BY RESOLUTION NO. HO-XXXX ON NOVEMBER 18, 2015

GENERAL

1. This Map Waiver will expire December 3, 2018.
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.

AFFORDABLE HOUSING

6. Prior to recordation of the Certificate of Compliance, the Subdivider shall comply with the provisions of Chapter 14, Article 2, Division 13 of the San Diego Municipal Code, Inclusionary Affordable Housing Regulations, by paying to the City of San Diego the full Inclusionary Affordable Housing Fee based upon the aggregate square footage of all residential units in the project, on terms set forth within the Inclusionary Affordable Housing Regulations.

ENGINEERING

7. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
8. 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.
9. 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.
10. The Subdivider shall replace the existing curb with full-height City standard curb and gutter, along the entire project frontage on Fifth Avenue.
11. The Subdivider shall close the existing driveway and construct a 14-foot wide City standard driveway on Fifth Avenue.
12. The Subdivider shall replace the existing sidewalk with the same scoring pattern City standard sidewalk along the project frontage on Fifth Avenue.
13. The Subdivider shall obtain an Encroachment Maintenance and Removal Agreement for the proposed sidewalk underdrain located within Fifth Avenue public right-of-way.
14. Prior to the issuance of any construction permit, the Subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
15. Prior to the issuance of any construction permit, the Subdivider shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.

16. Prior to the issuance of any construction permit, the Subdivider shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

MAPPING

17. A Certificate of Compliance shall be requested once the items of the approved tentative map waiver and resolution have been satisfied.
18. Prior to the issuance of a Certificate of Compliance, City staff will perform a field site visit to verify that all property corners, or property corner offsets have been set. If any property corners are missing, they must be set and a Corner Record or Record of Survey (whichever is applicable) shall be filed with the County Recorder pursuant to the Professional Land Surveyors Act. A copy of the Record of Survey or Corner Record shall be provided to the City.
19. "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).
20. "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."
21. Every 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 First Order accuracy. 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

22. 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.

PLANNING

23. The subdivision shall conform to the development requirements of the Mid-City Communities Planned District Ordinance as applicable. A separate construction permit for any building is required.

LANDSCAPING

24. The Subdivider shall submit complete landscape and irrigation construction documents consistent with the Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Development Services Department.
25. The Subdivider shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40 square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.
26. The Subdivider shall submit a water budget in accordance with the Water Conservation Requirements pursuant to SDMC 142.0413, Table 142-04I, to be included with the construction documents. An irrigation audit shall be submitted consistent with Section 2.7 of the Landscape Standards of the Land Development Manual at final inspection. The irrigation audit shall certify that all irrigation systems have been installed and operate as approved by the Development Services Department.
27. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Subdivider shall repair and/or replace it in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage.

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. 2400583

(Check one or both)

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.: **421799**

PROJECT TITLE: **3425 Fifth Avenue Map Waiver**

PROJECT LOCATION-SPECIFIC: The project is located at 3425 – 3427 Fifth Avenue, San Diego, CA 92103 in the MCCPD-CV-1 (Mid-City Communities Planned District: Commercial) Zone, Airport Influence Area (San Diego International Airport, Review Area 2), Federal Aviation Administration Part 77 Noticing Area (San Diego International Airport – Lindbergh Field, North Island Naval Air Station), Residential Tandem Parking Overlay Zone, and the Transit Area Overlay Zone within the Uptown Community Plan area.

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

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: The project includes a Map Waiver for the subdivision of the 0.115-acre site to construct a new three-story mixed use development with three residential condominium units and one commercial condominium unit. The residential units on the second and third floor level will have a range between approximately 1,472 and 2,579 square feet of living area and the ground floor commercial unit will be approximately 1,016 square feet. The project site is located at 3425-3427 Fifth Avenue in the MCCPD-CV-1 (Mid-City Communities Planned District: Commercial) Zone, Airport Influence Area (San Diego International Airport, Review Area 2), Federal Aviation Administration Part 77 Noticing Area (San Diego International Airport – Lindbergh Field, North Island Naval Air Station), Residential Tandem Parking Overlay Zone, and the Transit Area Overlay Zone within the Uptown Community Plan.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Joy Christensen, Christensen Engineering & Surveying, 7888 Silverton Ave., Ste J, San Diego, CA 92126, (858) 271-9901

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: 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 Guidelines Section 15305, which consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density. Furthermore, the exceptions listed in CEQA Section 15300.2 would not apply in that no cumulative impacts were identified; no significant effect on the environmental were identified; the project is not adjacent to a scenic highway; nor is the project identified on a list of hazardous waste sites pursuant to Section 65962.5 of the Government Code.

LEAD AGENCY CONTACT PERSON: Lindsey Sebastian

TELEPHONE: (619) 236-5993

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

OCTOBER 8, 2015

SIGNATURE/TITLE

/SENIOR PLANNER

DATE

CHECK ONE:

SIGNED BY LEAD AGENCY

SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:



City of San Diego
 Development Services
 1222 First Ave., MS-302
 San Diego, CA 92101
 (619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit
 Variance Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment • Other

Project Title: 3425 5th Avenue Map Waiver
 Project No. For City Use Only: 421799

Project Address:
 3425 5th Avenue, San Diego, CA

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

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

Additional pages attached Yes No

Name of Individual (type or print):
~~SHARIN MOBINE~~
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
~~3425 5th Ave~~
 City/State/Zip:
~~SAN DIEGO CA 92103~~
 Phone No:
~~858-699-2085~~ Fax No:
 Signature: ~~SM~~ Date: ~~4/15/2015~~

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

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

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

Project Title: 3425 5th Avenue Map Waiver Project No. (For City Use Only)
421799

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

Legal Status (please check):

Corporation Limited Liability -or- General) What State? _____ Corporate Identification No. _____
 Partnership

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

Corporate/Partnership Name (type or print):
EME CAPITAL LLC
 Owner Tenant/Lessee
 Street Address: 3425 5TH AVE
 City/State/Zip: SAN DIEGO, CA 92103
 Phone No: 858 699 2085 Fax No:
 Name of Corporate Officer/Partner (type or print): SHARIN MORINE
 Title (type or print): PRESIDENT
 Signature: *Sharin* Date: 4/15/2015

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

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

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

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

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

Project Chronology
3425 Fifth Avenue Map Waiver – Project No. 421799

Date	Action	Description	City Review Time	Applicant Response
5/13/15	First Submittal	Project Deemed Complete		
6/4/15	First Review Complete		22 days	
6/9/15	Second Submittal			5 days
7/20/15	Second Review Complete		41 days	
8/6/15	Third Submittal			17 days
9/2/15	Third Review Complete		27 days	
9/4/15	Fourth Submittal			2 days
9/24/15	Fourth Review Complete		20 days	
9/30/15	Fifth Submittal			6 days
10/20/15	All Issues Resolved			20 days
11/18/15	HO Hearing		29 days	
TOTAL STAFF TIME			139 days	
TOTAL APPLICANT TIME				50 days
TOTAL PROJECT RUNNING TIME		From Deemed Complete to Hearing Officer	6 months, 5 days	