

**DATE ISSUED:** March 28, 2008

**REPORT NO. PC-08-032**

**ATTENTION:** **Planning Commission, Agenda of April 3, 2008**

**SUBJECT:** 4052 32<sup>ND</sup> STREET TENTATIVE MAP; PROJECT NO. 139502  
PROCESS FOUR

**OWNER:** Daniel K. Dillard,  
Trustee of the Daniel K. Dillard Trust, UTD Dated 2-16-05

**APPLICANT:** Municipal Engineers, Inc.

### **SUMMARY**

**Issue(s):** Should the Planning Commission approve a Tentative Map to create six (6) residential condominiums (under construction), including a request to waive the requirement to underground existing overhead utilities, at 4052 32<sup>nd</sup> Street, within the Greater North Park Community Plan area?

#### **Staff Recommendation:**

1. **Approve** Tentative Map No. 486185; and
2. **Approve** a waiver of the requirement to underground the existing overhead utilities.

**Community Planning Group Recommendation:** The Greater North Park Planning Committee voted 7-5-0 to recommend approval of the proposed project on January 15, 2008, with no recommendations received from the group (Attachment 7).

**Environmental Review:** This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301, on September 25, 2007, and the opportunity to appeal that determination ended October 16, 2007.

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

**Code Enforcement Impact:** None with this action.

**Housing Impact Statement:** With the proposed construction of six condominium units, there will be a gain of six for-sale units. The project is subject to the current inclusionary housing regulations, which have already been addressed during building permit issuance.

## **BACKGROUND**

This Tentative Map project is subject to the current condominium regulations. Because the building is currently under construction and has not yet been occupied, this is not a “conversion,” and the project is not subject to the condominium conversion regulations.

The 0.16-acre site is located 4052 32<sup>nd</sup> Street, in the MR-1250B Zone of the Mid-City Communities Planned District and the Transit Area Overlay Zone, within the Greater North Park Community Plan area (Attachment 2). The site is also located within the FAA Part 77 area; the FAA issued a “Determination of No Hazard to Air Navigation” on January 14, 2008 (Aeronautical Study No. 2007-AWP-7610-OE).

The site is presently developed with one two-story structure, under construction, which will ultimately contain six residential units consisting of four 2-bedroom units and two 1-bedroom units. The approved Building Permit (No. 144507) allows for the construction of six units with a total of ten off-street parking spaces. These ten parking spaces on the site are all accessed from the alley at the rear. The site is surrounded by multi-family properties.

The entire project complies with the current density, parking, landscape and development regulations and there are no Building or Zoning code violations recorded against the property.

## **DISCUSSION**

### **Project Description:**

The project proposes a Tentative Map for the subdivision of a 0.16-acre site to create six residential condominium units in one structure that is currently under construction (Attachment 5). The applicant is also requesting that the requirement for the undergrounding of existing overhead utilities be waived.

Section 125.0410 of the San Diego Municipal Code (SDMC) requires that a Tentative Map be processed for the subdivision of land. According to SDMC Section 125.0440, *Findings for Tentative Maps*, the decisionmaker may approve a Tentative Map or a Vesting Tentative Map for the purposes of the creation of a condominium project if the decision maker finds that the proposed subdivision complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Section 125.0120 of the SDMC allows a Tentative Map Waiver for the construction of a new condominium project on a single parcel. This particular project does not qualify for a Map Waiver since it contains more than one parcel. Accordingly, the applicant is processing this Tentative Map request. Staff has reviewed the proposed condominium creation project and determined that it complies with both the Subdivision Map Act and the San Diego Municipal Code.

### Undergrounding of Existing Utilities

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

The applicant will be required to underground all existing service to the site per Condition No. 14 of the draft Tentative Map resolution (Attachment 6). The applicant would also be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 13 of the draft Tentative Map resolution.

The project site is served by power poles and overhead utilities lines located in the alley right-of-way at the rear of the property and at the front of the property. These utility lines also service the adjacent properties. As indicated above, all utilities serving this property will be required to be undergrounded. The waiver is being requested for the requirement to underground adjacent utilities serving the surrounding properties. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 3GG, and the date for undergrounding has been established for the year 2038 (Attachment 10).

### **Community Planning Group and Neighborhood Recommendations:**

The Greater North Park Planning Committee voted 7-5-0 to recommend approval of the proposed project on January 15, 2008, with no recommendations received from the group.

### **Project-Related Issues:**

Because these are units under construction, this is not a "condominium conversion" and the project is not required to conform with the Condominium Conversion regulations. There are no existing tenants, so there are no tenant noticing requirements. The conformance with the Inclusionary Housing Ordinance was confirmed at the time of building permit issuance for the units under construction. Furthermore, the proposed landscape and conformance with the building code were also reviewed at the time of building permit issuance, and conform with current requirements.

### **Conclusion:**

Staff has reviewed the request for a Tentative Map for the creation of six residential condominium units under construction and has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps. Staff believes the requirement findings can be supported and recommends the Planning Commission approve the project as proposed.

**ALTERNATIVES:**

1. **Approve** Tentative Map No. 486185, **with modifications.**
2. **Deny** Tentative Map No. 486185 **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



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Mike Westlake  
Program Manager  
Development Services Department



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Michelle Sokolowski  
Development Project Manager  
Development Services Department

WESTLAKE/MS

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Tentative Map
6. Draft Map Conditions and Subdivision Resolution
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Chronology
10. Utility Undergrounding Master Plan Map

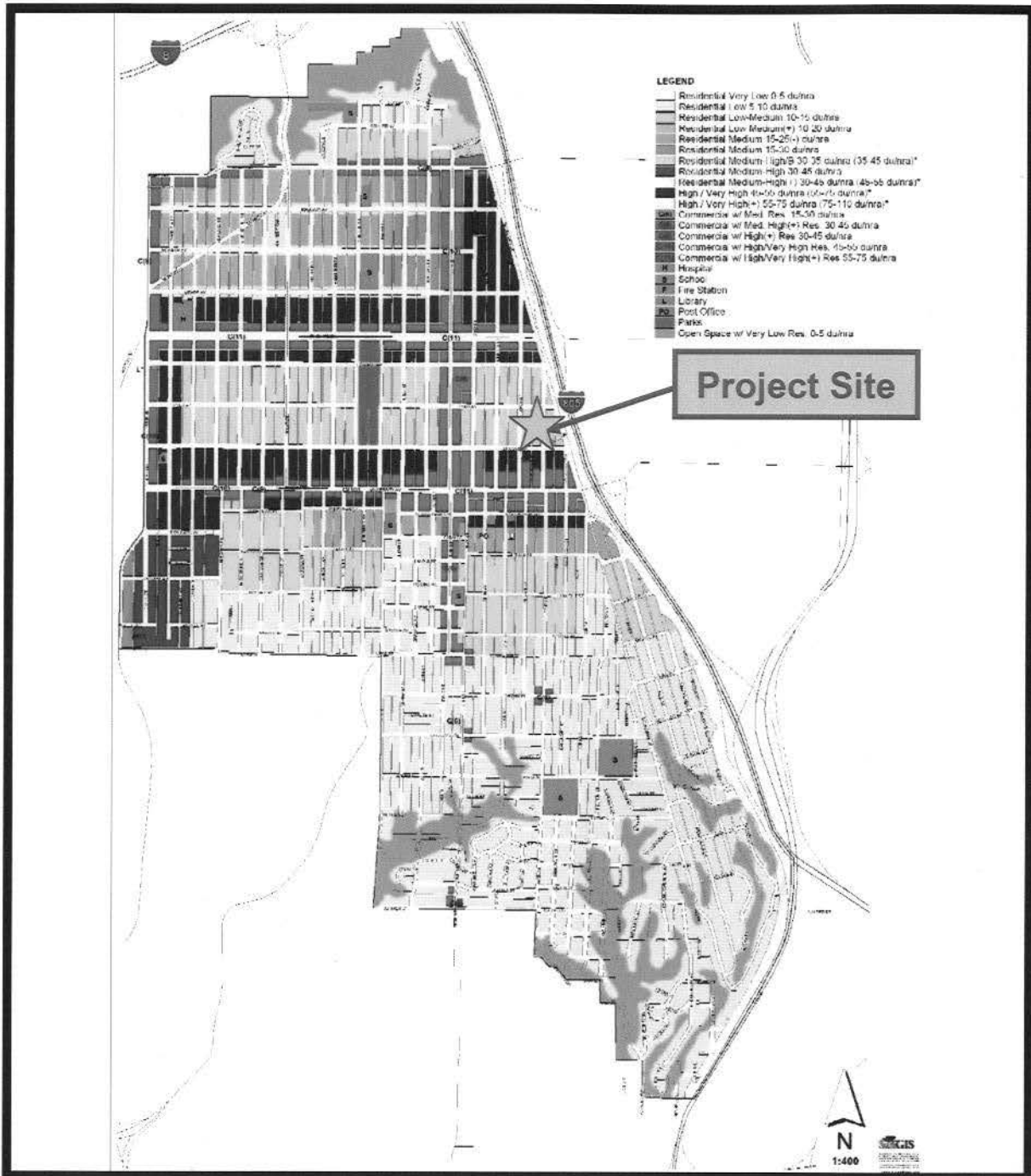


## Aerial Photo

4052 32ND ST TENTATIVE MAP - PROJECT NUMBER 139502

4052 32<sup>nd</sup> Street

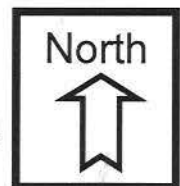




# Community Plan Land Use Map

**4052 32ND ST TENTATIVE MAP - PROJECT NUMBER 139502**

**4052 32nd Street – Greater North Park**

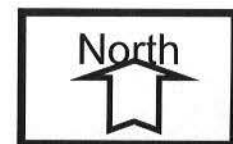




## Project Location Map

**4052 32ND ST TENTATIVE MAP - PROJECT NUMBER 139502**

**4052 32nd Street**



## PROJECT DATA SHEET

<b>PROJECT NAME:</b>	4052 32 <sup>nd</sup> Street Tentative Map
<b>PROJECT DESCRIPTION:</b>	Tentative Map for the creation of 6 residential condominiums (under construction)
<b>COMMUNITY PLAN AREA:</b>	Greater North Park
<b>DISCRETIONARY ACTIONS:</b>	Tentative Map
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	Multi-Family Residential (Allows residential development up to 35 dwelling units per acre).

### ZONING INFORMATION:

**ZONE:** MR-1250B (A multi-unit residential zone in the Mid-City Communities Planned District that permits 1 dwelling unit for each 1,250 square-feet of lot area)

**HEIGHT LIMIT:** 40'; 50' where a building is above enclosed parking.

**LOT SIZE:** 6,000 square-foot minimum lot size.

**FLOOR AREA RATIO:** 0.75 maximum.

**FRONT SETBACK:** 10 feet.

**SIDE SETBACK:** 6 feet.

**STREETSIDE SETBACK:** 6 feet.

**REAR SETBACK:** 1 foot if alley; 15 if no alley

**PARKING:** 10 parking spaces required.

<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
<b>NORTH:</b>	Multi-Family Residential; MR-1250B.	Multi-family residential
<b>SOUTH:</b>	Multi-Family Residential; MR-1250B.	Multi-family residential
<b>EAST:</b>	Multi-Family Residential; MR-1250B.	Multi-family residential
<b>WEST:</b>	Multi-Family Residential; MR-1250B.	Multi-family residential
<b>DEVIATIONS OR VARIANCES REQUESTED:</b>	None.	
<b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b>	The Greater North Park Planning Committee voted 7-5-0 to recommend approval of the proposed project on January 15, 2008, with no recommendations received from the group.	



# TENTATIVE MAP OF 4052 32nd STREET CONDOMINIUMS

**LEGAL DESCRIPTION:**  
BEING A SUBDIVISION OF LOTS 37 AND 38 IN BLOCK 181 OF UNIVERSITY HEIGHTS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF BY S.A. DYMECOURT, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY IN BOOK 8, PAGE 37, ET. SEQ. OF US PATENTS.

**CONDOMINIUM STATEMENT:**  
THIS IS A MAP OF A CONDOMINIUM PROJECT AS DEFINED IN SECTION 1300 ET. SEQ. OF THE CIVIL CODE OF THE STATE OF CALIFORNIA, CONTAINING 6 RESIDENTIAL UNITS AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT.

**OWNER & APPLICANT:**  
MR. DANIEL DILLARD  
9607 W. CANYON TERRACE, #2  
SAN DIEGO, CA 92123  
(858) 204-8258 FAX (858) 627-8477

**TOTAL MAP AREA:** 0.16 ACRES GROSS

**NUMBER OF EXISTING LOTS = 2**  
**NUMBER OF PROPOSED LOTS = 1** (TOTAL OF 6 CONDOMINIUM UNITS)

**ZONING:** M1-1202B MID-CITY PLANNED DISTRICT (NO CHANGE)  
GREATER NORTH PARK COMM. PLANNING GROUP (PROPOSED)

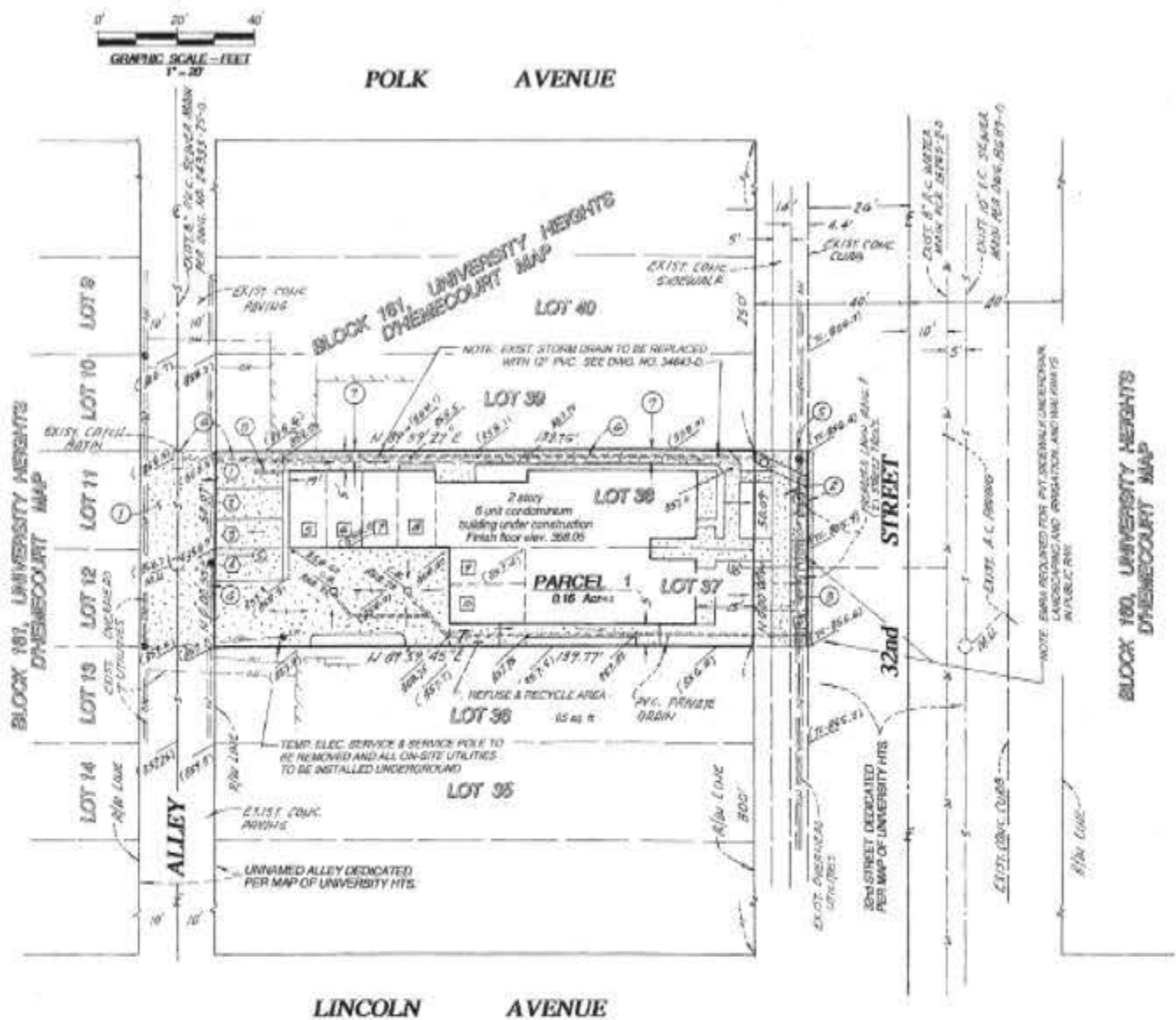
**ASSESSOR'S PARCEL NUMBER:** 445-303-21

- NOTES:**
- MINOR SITE PREPARATION HAS BEEN COMPLETED AND BUILDING IS UNDER CONSTRUCTION PER APPROVED BUILDING PLAN FILE NO. 74100. NO ADDITIONAL GRADING TO BE DONE.
  - SITE ADDRESS: 4052 32nd STREET, SAN DIEGO, CA.
  - SOURCE OF SITE TOPOGRAPHY: FIELD SURVEY PREPARED BY MUNICIPAL ENGINEERS, INC., DATED OCT. 4, 2004. MEAN SEA LEVEL DATUM.
  - THERE IS NO SURVEY OF RECORD FOR THIS SITE AND NO EXISTING MONUMENTS. SURVEY TO BE PERFORMED TO MONUMENT PROPERTY CORNERS.
  - A 1 LOT SUBDIVISION MAP WILL BE FILED TO COMBINE EXISTING LOTS IN ONE NEW LOT.
  - REQUESTING A WAIVER OF THE CITY UNDERGROUNDING REQUIREMENT FOR EXISTING OVERHEAD FACILITIES.
  - EXISTING DRAINAGE EASEMENT ADJACENT TO NORTHERLY PROPERTY LINE AS SHOWN HEREON. NO NEW EASEMENTS PROPOSED.

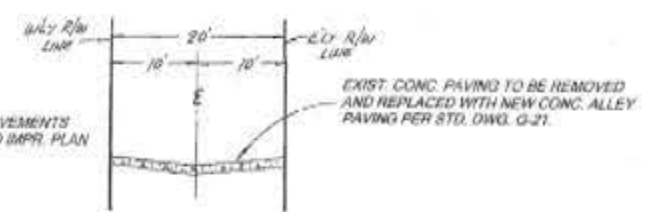
**UNIT & ON-SITE PARKING DATA:**  
UNIT DATA:  
6 UNITS TOTAL - 2 UNITS W/ 1 BED + DEN / 1.5 BATH / 850 SF EACH  
3 UNITS W/ 2 BEDROOM / 2 BATH / 907 SF EACH  
2 UNITS W/ 2 BEDROOM / 2 BATH / 1102 SF EACH

**ON-SITE PARKING PROVIDED:**  
GARAGE PARKING - 6 SPACES  
OPEN PARKING - 4 SPACES  
TOTAL - 10 SPACES PROVIDED

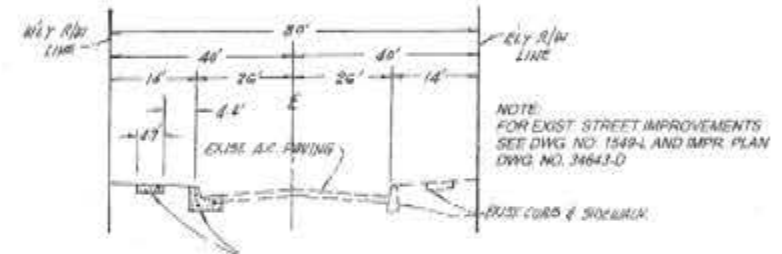
**PARKING REQD. PER SAN DIEGO MUNICIPAL CODE - TABLE 14B-050 (TRANSIT AREA):**  
2 UNITS @ 1.25 = 3 SPACES  
4 UNITS @ 1.75 = 7 SPACES  
TOTAL - 10 SPACES REQUIRED



**NOTE:**  
FOR EXIST. ALLEY IMPROVEMENTS SEE DWG. NO. 2120-L AND IMPR. PLAN DWG. NO. 34643-0.



Typical Section of ALLEY  
No Scale



Typical Section of 32nd STREET  
No Scale

**BENCH MARK:**  
BRASS PLUG AT SOUTH-EAST CORNER MADISON AVENUE & IDAHO STREET.  
ELEVATION: 365.019' MEAN SEA LEVEL DATUM



Vicinity Map  
No Scale

- NOTES:**
- REMOVE EXIST. CONC. PAVING AND REPLACE WITH CONC. NEW ALLEY PAVING.
  - REMOVE EXIST. SIDEWALK AND CURB. REPLACE WITH NEW CONC. SIDEWALK AND CURB + GUTTER PER CITY STANDARDS. MAINTAIN EXIST. SIDEWALK SCORING PATTERN AND PRESERVE CONTRACTOR'S HISTORIC STAMP, IF ANY.
  - CLOSE EXIST. DRIVEWAY AND REPLACE WITH FULL HEIGHT CURB & GUTTER.
  - EXIST. POWER POLE AND GUY TO BE RELOCATED.
  - CONST. TYPE A CURB OUTLET AND CONNECT TO EXIST. STORM DRAIN.
  - EXIST. CATCH BASIN AND 10" CONC. STORM DRAIN. SEE DWG. 2120-L.
  - EXIST. 3" DRAINAGE EASEMENT TO CITY OF SAN DIEGO RECORDED 7-21-26 IN BOOK 1281, PAGE 83 AND 7-21-26 IN BOOK 1233, PAGE 256, BOTH OF DESIG.
  - EXISTING BUILDING WALL EXTENSION TO BE REMOVED.

- Legend:**
- 355.0 Indicates existing spot elevation.
  - 350.0 Indicates proposed finish elevation.
  - Indicates garage parking space (8' X 10' minimum).
  - Indicates open parking space (8' X 10' minimum).
  - Indicates direction of drainage.
  - Indicates project boundary.
  - ⊕ Indicates exist. water service.
  - ⊙ Indicates exist. sewer lateral.
  - Indicates trash bin area.

**A. Certification and Declaration of Responsible Charge**

- I hereby declare that I am the Engineer for this project, that I have exercised responsible charge over this submittal as defined in Section 5703 of the Business and Professions Code.
- I certify that I have performed reasonable research to determine the required approvals for this proposed project.
- As the Engineer, I have taken the self-certification class and have been placed on the approved list for completion review and certification. With this submittal, I certify that plans and documents submitted for review and approval meet all submittal requirements per Section 4 of the submittal manual. I understand if required documents or plan content is missing, project review will be delayed.

Engineer of Work:  
Name of Company: Municipal Engineers, Inc.  
Address: 2030 First Avenue, Suite 208  
San Diego, CA 92103  
Telephone: (619) 239-8171

Name of Engineer: Robert W. Ramsey  
Registration #: RCE 14349  
Expiration date: 3-31-07

*R. W. Ramsey*  
Robert W. Ramsey

DATE: 3/17/07  
DATE: 3/17/07



**MUNICIPAL ENGINEERS, INC.**  
CIVIL ENGINEERS & LAND SURVEYORS  
2030 FIRST AVENUE, SUITE 208 SAN DIEGO, CA 92103  
TELEPHONE (619) 239-8171 FAX (619) 328-8117

SHEET 1 OF 1

**TENTATIVE MAP OF  
4052 32nd Street  
Condominiums**

DATE: 3/17/07  
DRAWN BY: RWR  
CHECKED BY: RWR  
DATE: 3/17/07

PLANNING COMMISSION  
RESOLUTION NO.  
TENTATIVE MAP NO. 486185  
**4052 32<sup>ND</sup> STREET TENTATIVE MAP - PROJECT NO. 139502**  
**DRAFT**

WHEREAS, DANIEL K. DILLARD, TRUSTEE OF THE DANIEL K. DILLARD TRUST, UTD DATED 2-16-05, Applicant/Subdivider, and MUNICIPAL ENGINEERS, INC., ENGINEER, submitted an application with the City of San Diego for a Tentative Map, No. 486185, for the creation of six (6) residential condominiums (under construction), including a request to waive the requirement to underground existing overhead utilities. The project site is located on the west side of 32<sup>nd</sup> Street between Polk and Lincoln Avenues at 4052 32<sup>nd</sup> Street, and is legally described as being a subdivision of Lots 37 and 38, Block 161, University Heights, according to a map thereof by G.A. D'Hemecourt, recorded in the Office of the County Recorder of San Diego County in Book 8, Page 36, et. seq. of lis pendens, in the MR-1250B Zone of the Mid-City Communities Planned District, the FAA Part 77 Overlay Zone, and the Transit Area Overlay Zone, within the Greater North Park Community Plan Area; and

WHEREAS, the Map proposes the subdivision of a 0.16-acre site into one (1) lot for a six (6) unit residential development currently under construction; and

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

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer pursuant to the Subdivision Map Act and Section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, the project consists of six (6) residential units under construction which have not been issued Certificates of Occupancy; and

WHEREAS, the subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is six; and

WHEREAS, on April 3, 2008, the Planning Commission of the City of San Diego considered Tentative Map No. 486185, including the waiver of the requirement to underground existing overhead utilities, and pursuant to Sections 125.0440 (tentative map) and 144.0240 (underground) of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the Planning Commission having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 486185:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code Section 125.0440.a and State Map Action Sections 66473.5, 66474(a), and 66474(b)).
2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).
3. The site is physically suitable for the type and density of development (Land Development Code Section 125.0440.c and State Map Act Sections 66474(c) and 66474(d)).
4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (Land Development Code Section 125.0440.d and State Map Act Section 66474(e)).
5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (Land Development Code Section 125.0440.e and State Map Act Section 66474(f)).
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 (Land Development Code Section 125.0440.f and State Map Act Section 66474(g)).
7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (Land Development Code Section 125.0440.g and State Map Act Section 66473.1).
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 (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).
9. The requested underground waiver of the existing overhead facilities qualifies under the guidelines of Council Policy No. 600-25 *Underground Conversion of Utility Lines at Developers Expense* in that the conversion involves a short span of overhead facility (less than 600 feet in length).

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

BE IT FURTHER RESOLVED, that, based on the Findings hereinbefore adopted by the Planning Commission, Tentative Map No. 486185, including the waiver of the requirement to underground existing overhead utilities, is hereby granted to DANIEL K. DILLARD, TRUSTEE OF THE DANIEL K. DILLARD TRUST, UTD DATED 2-16-05, Applicant/Subdivider, subject to the following conditions:

#### **GENERAL**

1. This Tentative Map will expire April 3, 2011.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the issuance of the Final Map taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition
4. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.
5. Prior to recordation of the Final Map, subdivider shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration (FAA).

**ENGINEERING**

6. The subdivider shall replace the alley full width, adjacent to the site.
7. The subdivider shall replace the existing curb with City Standard curb and gutter adjacent to the site on 32<sup>nd</sup> Street.
8. The subdivider shall replace the sidewalk, maintaining the existing sidewalk scoring pattern and preserving any contractor's stamp, adjacent to the site on 32<sup>nd</sup> Street.
9. The subdivider shall replace the storm drain system along the northerly property line as shown on the tentative map.
10. The subdivider shall close the driveway on 32<sup>nd</sup> Street, with full height curb and gutter.
11. The subdivider shall obtain an Encroachment Maintenance Removal Agreement for the curb outlet, sidewalk underdrain, irrigation, landscape and appurtenances in the 32<sup>nd</sup> Street right-of-way.
12. The subdivider shall remove the northerly building wall extension, that extends into parking space one (1).
13. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
14. 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.
15. The Subdivider shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.
16. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

## **MAPPING**

17. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
18. "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."
19. The Final Map shall:
  - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true meridian (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
  - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

## **SEWER AND WATER**

20. Water and Sewer Requirements:
  - a. The subdivider shall install appropriate private back flow prevention devices on all existing and proposed water services (domestic, irrigation, and fire) adjacent to the project site in a manner satisfactory to the Water Department Director.

- b. The subdivider shall provide a letter, agreeing to prepare CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.

**INFORMATION:**

- The approval of this Tentative Map by the Planning Commission of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within 90 days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.
- Where in the course of development of private property, public facilities are damaged or removed the property owner 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. Municipal Code Section 142.0607.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SAN DIEGO, CALIFORNIA, ON APRIL 3, 2008.

By \_\_\_\_\_

Michelle Sokolowski  
Development Project Manager  
Development Services Department

Job Order No. 42-8529

Project No. 139502  
TM No. 486185  
April 3, 2008

**GREATER NORTH PARK COMMUNITY PLANNING COMMITTEE**  
**2901 NORTH PARK WAY, 2<sup>ND</sup> FLOOR**  
**P.O. BOX 4825, SAN DIEGO, CA 92164**  
**APPROVED MINUTES: JANUARY 15, 2008**

- I. Called to Order:** 6:32 pm.
- II. In Attendance:** Sal Arechiga, Steve Chipp, Ed Cronan, Mike Forbes, Vernon Franck, Vicki Granowitz, Brenda Martin, Judith O'Boyle, Dean Petersen, Keoni Rosa, Rob Steppke, Liz Studebaker, Stephen Whitburn.  
**Absent:** Rene Vidales.  
**Secretary Report on Attendance:** Ms. Armelin's position on the Committee remains vacant.
- III. Motion to Adopt January 15, 2008 Agenda** (with modification that Consent Item IV.C. (Walgreens) be pulled and considered as Action Item V. A.): **Martin/Petersen 13-0-0**
- IV. Chair's Report/CPC**
- A.** Chair allowed Officer David Surillo to introduce himself as the new North Park Community Officer. The Hillcrest Office at 1001 University Avenue has reopened. He can be reached at (619) 876-9646. He stressed that emergency calls should be made to 911 and any non-emergency calls should be directed to 619-531-2000.
  - B.** Chair announced the upcoming March Annual Elections for the Committee. Rob Steppke is the Chair of the Election Subcommittee. Serving with him will be Ed Cronan and Judi O'Boyle.
  - C.** UD/PR Subcommittee will need to find a new location for its meetings. A possibility is Jefferson Elementary. Judi O'Boyle is looking into this. Meetings there would have to end at 9:00 pm and there will be costs. UD/PR will need to find a location before its February Meeting. The Chair, Ms. Granowitz, would like to have a location where both the UD/PR and the full Committee would be able to meet.
  - D.** Year End Report is due in March. The Chair needs goals from the Subcommittee Chairs by February 12, 2008.
  - E.** An article in the UHCA newsletter indicated an interest in annexing University Heights- currently a part of the North Park planning area- into Uptown Planners' area of planning.
- V. Motion to approve November 20, 2007 minutes:** **Steppke/Whitburn 13-0-0**
- VI. Treasurer's Report:** Balance as of January 1, 2008 was \$345.22 At the UD/PR Subcommittee meeting, \$96.50 was collected and \$50.00 was used to pay for the rental of the meeting location. \$46.50 remains in that account.
- VII. Announcements**
- 1.** Lynn Elliot announced that planning has begun for the upcoming Summer Bird Park Concerts. The NPCA is looking for input.
  - 2.** Sheila Hardin, Community Relations Manager for CCDC announced that there will be a Multicultural Festival downtown on Saturday, January 19, 2008 from 11:00am- 5:00pm. In addition, the Balboa Theatre will have its opening gala on January 31, 2008.
  - 3.** Dana Hosseini spoke about the recent UD/PR subcommittee Meeting regarding the Bluefoot Lounge. He was disappointed in the process that took place. Mr. Hosseini alleged the following: There was not equal time for the opponents; there was a random pattern of speakers; subcommittee members expressed opinions and anecdotes before the public spoke; the proponents were allowed to sit at the table with the Subcommittee; the Subcommittee Chair was disinterested in the elements of a Neighborhood Use Permit and the Subcommittee Chair failed to disclose a conflict of interest.
  - 4.** Mr. Petersen announced that Committee Member Keoni Rosa received an Environmental Award from Assembly Member Lori Saldana in December



5. Mr. Cronan announced that the Historical Resources Board is considering some significant changes to the Mills Act qualifications, which may restrict its availability.

**VIII. Planner's Report:** Marlon Pangilinan, (619) 235-5293, [mpangilinan@sanidiego.gov](mailto:mpangilinan@sanidiego.gov).

Mr. Pangilinan stated he had some issues to discuss. There are some concerns regarding the way the UD/PR Subcommittee has been conducted.

1. The Brown Act notice requirements must be followed pertaining to timeliness and compliance regarding items on the Agenda.
2. There have been alleged violations of the Brown Act. These need to be addressed by the Chair of the full GNPCPC. An investigation should be conducted and remedies devised, up to and perhaps including the removal of the UD/PR Subcommittee Chair.
3. Meetings must be fair. Matters should be introduced objectively:
  - A. The applicants are heard from.
  - B. The Board can ask technical questions.
  - C. Public Comment. There may be time limits. Then public comment is closed.
  - D. Then the Board can comment and ask questions. Questions can be directed to the applicants or the public, both of which may respond.
4. A conflict of interest does not apply to the GNPCPC and its subcommittees. There must be a Direct Economic Interest. A member *may* have other interests that they may want to fully disclose and state that they do not have a Direct Economic Interest.
5. The Planning Staff strives to remain out of these matters and prefers that the individual community planning committees handle these matters on their own. If necessary, the City Attorney's Office can provide guidance as well. The GNPCPC is now on notice. The Chair, Ms. Granowitz, will meet with Mr. Pangilinan to discuss this. This meeting was approved by the full board, in that no objection was made and the Chair asked for approval

**IX. Elected Officials Report**

1. Todd Gloria (rep for Congresswoman Susan Davis, U.S. Congressional District 53): Todd is leaving on a leave of absence to run for City Council. He introduced his replacement, Nick Norvell. Nick can be reached at (619) 280-5353. Nick noted that all are welcome to sign up for e-news from the Congresswoman's office. He noted that there have been changes in requirements crossing the border in returning from Mexico. You will need a passport soon.
2. Kirsten Clemons (rep for Lori Saldana, CA State Assembly District 76): Kirsten can be reached at (619) 645-3090. Two critical items at the State level are the Budget and the Health Care Bill. The governor has called a fiscal emergency in light of the \$14.5 Billion deficit. The legislature has 45 days to act. So far, the governor has called for a 10% cut. Among items affected, education will see a \$400 million reduction and state beaches will see reductions in lifeguards. The Health Care bill has passed out of the Assembly. Once through the Senate, the governor has indicated a willingness to sign it. As noted earlier, Keoni Rosa was one of the recipients of Ms. Saldana's Environmental Awards. California Center for Sustainable Energy is available for workshops.
3. Monica Pelaez (rep for Toni Atkins, City Council District 3): Monica can be reached at (619) 533-4068. On January 23, 2008 at 2:30 pm there will be a meeting of the Land Use and Housing Committee. On the agenda to be discussed will be demolition permits. The City Council passed the second reading of the min-dorm ordinance. With the inclusion of a provision regarding low-income families, Ms. Atkins voted for the ordinance. Ms. Atkins remains on a number of committees and will continue to chair the Budget Committee for the City Council.

**X. Consent Agenda**

(Members Present PF/PA January 3, 2008: René Vidales, Sal Aréchiga, Rob Steppke, Judi O'Boyle, Michael Forbes, Jeffrey Wergeles).

1. **Installation of Stop Sign on Boundary Street at Palm Street.** This petition replaces the previously presented petition and motion passed by the NPPC on the installation of a stop sign on Boundary Street at Cooper Street. A new request by the McKinley Elementary School Officer was presented. **Motion:** To recommend the City to install a Stop Sign on both northbound and southbound Boundary Street at the intersection with Palm Street, and a Crosswalk at its intersection with Palm Street. O'Boyle/PFPA On Consent 13-0-0.

2. **Drainage at the end of the 2300 block of 34th Street.** The end of the cul-de-sac for 34th Street drains into a canyon, but the driveway for 2345 34th Street is on the path of the drainage pattern with every storm. **Motion: To recommend the City to install a Curb Inlet and Storm Drain to discharge public runoff coming from the 2300 to 2500 blocks of 34th Street in order to eliminate surface drainage from entering the private property at 2345 34th Street. O'Boyle/ PFFA On Consent 13-0-0.**

Note: Vernon Franck left at 7:10 pm.

#### XI Action Items

1. **Walgreens Neighborhood Use Permit (PTS# 141798)** 3202 University Ave. Replacement of an existing manual changing copy sign on an existing pole sign with a double-sided electronic changeable copy message center type sign with 40 SF of sign face on each side. CL-1 zone of the Mid-City PDO. **Motion:** Approve the replacement of manual copy sign with electronic changeable copy sign conditioned by low voltage LED letters, no animation, and no more than 4 - 5 copy changes per hour. Passed in UDPR Franck/Petersen 6-2-0. Following discussion by the Full Board, there was a Motion to Postpone this Matter: **Motion to Postpone 10-2-0 (Those opposed were Cronan and Petersen. All others present voted for the motion to postpone.)**
2. **PAC Elections.** The GNPCPC needs a candidate to run for the PAC. **Motion to Nominate Judi O'Boyle 11-0-1 (Martin abstained.)** Mike Forbes was designated to be the voting member for the GNPCPC at the PAC Elections.
3. **Gibbins Vacation (#5719)** Applicants John and Karen Gibbons. Item was heard and approved at the Sept 2, 2003 UDPR meeting. Following discussion **Motion to approve the vacation with the condition that the applicant returns with the final plan of grading, street and curb improvements they will be making. Petersen/Rosa 12-0-0**
4. **4052 32nd Street Map Waiver (PTS# 139502)** Daniel Dillard. (Process 4) to convert 6 residential units (UNDER CONSTRUCTION) to condominiums on a 7,000 SF site in the MR-1250-B Zone of Mid-City PDO; Transit Area Overlay Zone. Extensive discussion by the Board members. Concerns among those opposing this application were rooted in the original plans lacking architectural diversity. Those members in favor expressed appreciation for the applicants picking up a project that had stalled at 90% of completion. Applicants indicated a good faith willingness to return to the Board with their landscape plans. Denial at UDPR was on a 4-3 vote. After close of discussion, **Motion to Approve the Project Cronan/Petersen** Following further discussion, Mr. Arechiga moved the question. **Motion passed 7-5-0 (Voting in favor- Chipp, Cronan, Forbes, Granowitz, Martin, Petersen, Whitburn. Those opposed- Arechiga, O'Boyle, Rosa, Steppke, Studebaker.)**
4. **Bluefoot Bar & Grill NUP (PTS# 143884)** 3404 30th Street. (Process 2) to re-establish previously conforming use for an existing bar/lounge in the CN-1-2 zone within the Greater North Park Community Plan. Prior to this being heard, Ms. Studebaker declared that she works for North Park Main Street. The Applicant is not yet within the BID, and Ms. Studebaker has no Direct Economic Interest. Following this disclosure, Planner Pangilinan indicated that Ms. Studebaker was fine to stay to hear this matter. Applicant's Attorney, Felix Tinkoff stated that a bar had been at this location since 1935. In 1984, the City Council restricted the liquor license to beer and wine only, a type 42 license. When the current applicants came onto the scene, they applied to have the full type 48 (beer, wine and spirits) license re-instituted. The City mistakenly approved this and ABC granted a full type 48 license. Following an appeal by a group of nearby residents, the ABC granted a restricted type 48 license. Among the restrictions was that the bar had to close at midnight from Sunday through Thursday, and could only remain open until 2:00 AM on Friday and Saturday nights. The Applicants are now applying for a Neighborhood Use Permit, which actually should have preceded the City's approval in the first place. The current City Planning Staff recommendation has 6 conditions attached. If the N.U.P. is denied, the

Applicants will simply revert to their type 42 license (beer and wine), which has no restrictions, thus allowing them to stay open until 2:00 AM every day. Cuong Nguyen, one of the bar owners, spoke to the bar's involvement in the renewal of the community and their efforts to alleviate the issues of concern by employing security at the door, a person to monitor the patio and a roving security person. They empathize with the neighbors and are trying to be responsible business owners.

Dana Hosseini spoke for the organized opposition. The opponents have no objection to the bar being there. They want a balance. The CN-1-2 Zoning accomplishes that, by allowing establishments to serve alcohol only until midnight, every day of the week. There is a proliferation of businesses in the neighborhood that are able to serve alcohol, soon to be 6. Jaime Rosales lives behind the bar on 29<sup>th</sup> Street. His property abuts Upas Street, as shown on an aerial photograph. He had no issues with noise before the bar opened. Since then, the level is "unreal." Patrons are disrespectful on their way to their cars parked near Mr. Rosales' home. He noted that since the Bluefoot has been closing earlier from Sunday through Thursday, it has been a "lot more" quiet.

Mr. Hosseini read from excerpts from the ABC hearing officer's decision. Mr. Hosseini set forth 6 conditions proposed by the Residents. In essence, the conditions are:

1. Only allow sale of beer, wine and spirits until midnight every day.
2. Alternatively, allow the applicants to serve only beer and wine (type 42) until 2:00 AM every day.
3. No amplified music after midnight every night of the week.
4. If no other conditions, at least an independently managed and licensed security staff of 2 guards to patrol the nearby neighborhood.
5. Direct phone line to the bar to handle complaints.
6. Quarterly meeting with bar owners and residents, to be mediated by the NPPC.

Both sides were allotted equal time in their presentations.

A Motion to Approve the NUP, with certain conditions, was read. Thereafter, various Board Members posed numerous questions to the Applicants and Opponents. Following this, the discussion was opened up to Public Comment.

19 people spoke in favor of the Applicants. The crux of their statements was that they supported the bar; it is a cultural hub and has made a significant contribution to the revitalization of the corner of Upas and 30<sup>th</sup> Street. An additional 13 names were read of people who supported the Applicants, but did not need to speak.

9 people spoke in opposition to the Applicants. The main thrust of the opponents' comments related to issues of excessive noise by departing patrons late at night; trash; the negative impact on neighborhood parking, and that these issues all arose after Bluefoot opened for business. 2 additional names were read of people who opposed the Applicants, but did not wish to speak.

A Motion was formally made to Approve, but first, Mr. Whitburn presented an Amendment. The Amendment entailed adding on 2 additional conditions: the quarterly meetings and that the NUP shall expire in 2 years.

Further discussion ensued among the Board Members regarding the Amendment. Following this, Mr. Whitburn split the question, to vote on each additional condition separately. Accordingly:

**Part 1. Motion To Amend, to add the additional condition that there be quarterly meetings between the bar owners and residents, to be mediated by a member of the GNPCPC. Whitburn/Rosa Motion failed 6-6-0 (Voting in favor of the Motion to Amend Part 1- Arechiga, Chipp, Granowitz, Rosa, Steppke, Whitburn. Voting opposed- Cronan, Forbes, Martin, O'Boyle, Petersen, Studebaker.)**

**Part 2. Motion to Amend, adding the condition that the NUP expire after 2 years Whitburn/Rosa Motion failed 3-9-0 (Voting in favor- Rosa, Steppke, Whitburn. Voting opposed- Arechiga, Chipp, Cronan, Forbes, Granowitz, Martin, O'Boyle, Petersen, Studebaker.)**

Thereafter the original Motion was put to the vote:

**Motion:** Approve the NUP with the following conditions: 1. The business owners will responsibly manage loitering during business hours and after closing; 2. This permit shall expire within 5 years in order to reevaluate compatibility with surrounding development and, if necessary, to add conditions to protect the public health, safety, and welfare; 3. The operator of the establishment shall take reasonable steps to prevent loitering on the premises, in parking lots serving the premises, and on public sidewalks adjacent to the premises; 4. A litter control plan shall be implemented to keep the facility and adjacent property free of litter. (Conditions 2-4 conform to City Conditions 4-6) Martin/Cronan Motion passed 10-1-0 (Steppke opposed. All other members present voting for the motion as read.)

Note: Ms. Studebaker departed at 9:10 PM.

**XII. Information Items**

At the request of the full Board, the Chair deferred the information item on Balboa Park, due to the late hour.

**XIII. Subcommittee Reports**

1. **Policy/Community Relations**, Rob Steppke, North Park Main Street Office, 3076 University Ave., 6:30 pm, 2<sup>nd</sup> Wednesday. Subcommittee did not meet. Will probably meet next month to discuss the upcoming Annual Elections.

**XIV. Liaison Reports**

1. **Project Area Committee**- Rob Steppke. Discussed the Housing Enhancement Loan Program.
2. **Maintenance Assessment District**. Brenda Martin. City presented 3 different budgets to spend down the balance in M.A.D.'s account.
3. **NP Parking Garage/Art Selection Working Group**- Granowitz noted that this group is still in process.
4. **North Park Main Street**- Ed Cronan. Shooters bar has been purchased. A big remodel is planned. It will be upscale and have food available from nearby Urban Solace.

**XV. Future Business**

1. Secretary Petersen suggested, in light of Planner Pnagilinan's comments at the beginning of the meeting, that the full Board consider the matter of the removal of Mr. Franck as Chair of the UDPR Subcommittee.
2. Mr. Forbes indicated that he would like the Board to consider the matter of the Mobile Needle Exchange.

**XVI. Next Meeting on February 19, 2008**

**XVII. Motion to Adjourn Petersen/Arechiga 12-0-0**  
Meeting adjourned at 9:25 PM.

Submitted by:

Dean Petersen, Secretary.

**OWNERSHIP DISCLOSURE STATEMENT**

**4052 32<sup>ND</sup> STREET TENTATIVE MAP**

**Project No. 139502**

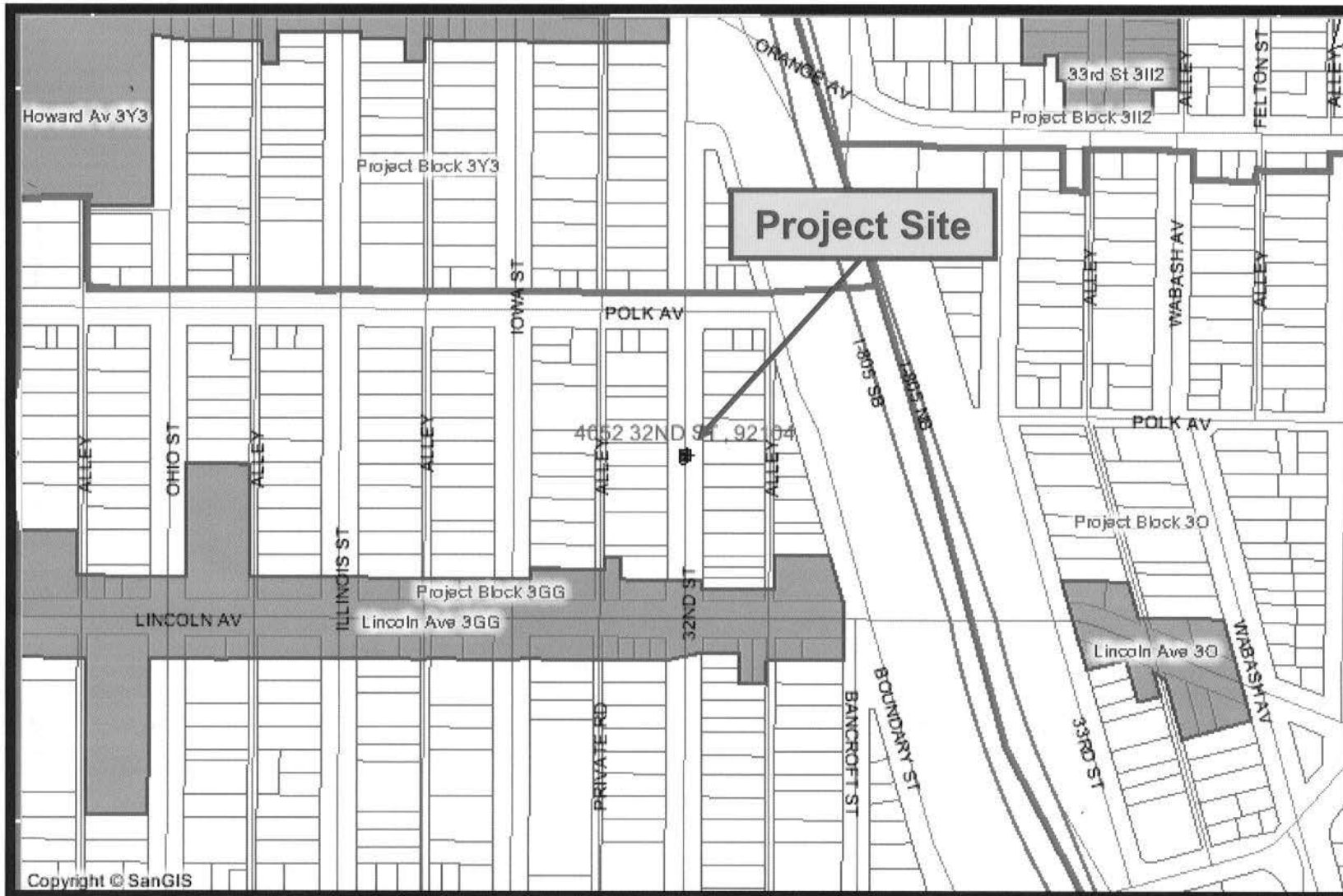
Owner:

Daniel K. Dillard,  
Trustee of the Daniel K. Dillard Trust, UDT Dated 2-16-05

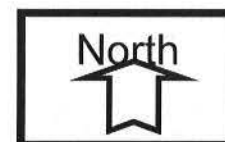
DEVELOPMENT SERVICES  
**Project Chronology**  
 4052 32<sup>ND</sup> STREET TENTATIVE MAP; PROJECT NO. 139502

	<b>Action</b>	<b>Description</b>	<b>City Review Time</b>	<b>Applicant Response</b>
9/17/07	First Submittal	Project Deemed Complete		
10/5/07	First Assessment Letter	First assessment letter sent to applicant.	18 days	
12/11/07	Second submittal	Applicant's response to first assessment letter		74 days
1/24/08	Second Assessment Letter	Second assessment letter sent to applicant	44 days	
2/7/08	Third submittal	Applicant's response to second assessment letter		13 days
2/7/08	Issues addressed	Planning Group recommendation rec'd.	0 days	
3/13/08	Public Hearing-Planning Commission - CONTINUED	Planning Commission Hearing – continued to 4/3/08 due to noticing error	35 days	
4/3/08	Public Hearing-Planning Commission	Planning Commission Hearing	21 days	
<b>TOTAL STAFF TIME**</b>			<b>118 days</b>	
<b>TOTAL APPLICANT TIME**</b>				<b>87 days</b>
<b>TOTAL PROJECT RUNNING TIME**</b>		From Deemed Complete to PC Hearing	<b>205 days</b>	

\*\*Based on 30 days equals to one month.



**Block 3GG Residential Roads and Alleys**  
**4052 32ND ST TENTATIVE MAP - PROJECT NUMBER 139502**  
**4052 32nd Street**



Project Block 3AA	2032	3
Project Block 3AA1	2033	3
Project Block 3II2	2034	3
Project Block 3Y3	2035	3
Project Block 3X2	2036	3
Project Block 3R	2037	3
→ Project Block 3GG	2038	3
Project Block 3O	2039	3
Project Block 3A	2040	3
Project Block 3M	2041	3
Project Block 3V	2042	3
Project Block 3V1	2043	3
Project Block 3M1	2044	3
Project Block 3OS	2045	3
Project Block 3O1	2045	3
Project Block 3P	2046	3
Project Block 3P1	2047	3
Project Block 3Q	2048	3
Project Block 3R2	2049	3
Project Block 3Q1	2050	3
Project Block 3G1	2051	3
Project Block 3P2	2052	3
Project Block 3H1	2053	3
Project Block 3L	2054	3
Project Block 3K	2055	3
Project Block 3J	2056	3



### Council District Three

**4052 32ND ST TENTATIVE MAP - PROJECT NUMBER 139502**

**4052 32nd Street**