



THE CITY OF SAN DIEGO

## REPORT TO THE PLANNING COMMISSION

**DATE ISSUED:** October 30, 2008 **REPORT NO. PC-08-141**

**ATTENTION:** Planning Commission, Agenda of November 6, 2008

**SUBJECT:** 3558 5<sup>th</sup> AVENUE TENTATIVE MAP - PROJECT NO. 78878  
PROCESS 4

**OWNER/  
APPLICANT:** Matthew Browar and Nancy Browar (Attachment 9)/  
D. Scott Peters, Sterling Land Services, Inc.

### SUMMARY

**Issue(s):** Should the Planning Commission approve Tentative Map No. 245505 and waive the requirement to underground existing overhead utilities to convert twelve existing residential units to condominium at 3558 5<sup>th</sup> Avenue in Uptown Community Plan area?

### Staff Recommendations:

1. APPROVE Tentative Map No. 245505; and
2. APPROVE waiver to the requirement to underground existing overhead utilities.

**Community Planning Group Recommendation:** On March 13, 2006, the Uptown Community Planning Committee voted 10-0-1 to recommend denial of the project (Attachment 8).

**Environmental Review:** The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301(k) as Existing Facilities. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on September 1, 2005, and the opportunity to appeal that determination ended September 26, 2005.

**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 conversion of twelve existing apartments to condominiums, there would be a loss of twelve rental units and a gain of twelve for-sale units. This project was deemed complete August 9, 2005 and is subject to the current inclusionary housing regulations and tenant relocation assistance.

## **BACKGROUND**

This Tentative Map project is subject to the condominium conversion regulations effective June 13, 2006, with the exception of the parking regulations, based on the City Council's specific adoption language for the "new" condominium conversion regulations. On June 13, 2006, the City Council adopted regulations for additional requirements for landscaping, a building conditions report, inclusionary housing, noticing, and parking. Based on the adopted language and the project timing, all of these new regulations apply to this project, with the exception of the parking requirements.

The 0.23 acre project site is located at 3558-3572 1/2 5<sup>th</sup> Avenue in the CV-1 zone of the Mid-City Communities Planned District within the Uptown Community Plan (Attachment 1). The Uptown Community Plan area designates this site for commercial/residential (Attachment 2). The site is presently development with five residential buildings for a total of twelve residential units. The buildings are arranged around a center courtyard with walkway. Four single-story buildings are located on the perimeter of the courtyard with a two-story building at the end of the courtyard. The single-story buildings each contain two, one-bedroom and one-bathroom units. The two-story building contains four, one-bedroom and one-bathroom units. Two single-car garages are provided on site and are accessed from the alley. One garage is located on the north and the other to south of the two-story building. Commercial development is located north, east, and west of the subject property, and a parking lot facility is located to the south.

Research indicates the buildings were constructed about 1926-1927 and there were no zoning regulations at the time the five residential buildings were built. Zoning started in 1930 and at that time, the property was zoned C (Commercial). The original development of the site had no parking requirements. On May 30, 1989, the Mid City Communities Planned District (MCCPD) Ordinance came into effect and applied MCCPD-CV-1 (Commercial Village) zoning to the property. Today, the site is currently zoned MCCD-CV-1. Current parking regulations would require fifteen parking spaces on site and two, single-car garages are provided to be maintained with previously conforming rights. The development complied with the zoning and development regulations in effect at the time of construction.

## **DISCUSSION**

### **Project Description:**

The current application proposes a Tentative Map for the subdivision of a 0.23 acre site to

convert twelve existing residential units into condominiums. The applicant is also requesting the requirement for the undergrounding of existing overhead utilities. Section 125.0410 of the San Diego Municipal Code (SDMC) requires a Tentative Map be processed for the subdivision of land. According to SDMC Sections 125.0440 and 124.0444, Findings for Tentative Maps and for Condominium Conversions, the decision maker may approve a Tentative Map 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 SDMC. City staff has reviewed the proposed condominium conversion and determined that it complies with both the Subdivision Map Act and the SDMC.

#### Undergrounding of Existing Utilities

SDMC 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) and the conversion would not represent a logical extension to an underground facility.

The applicant will be required to underground all existing services to the site per Condition No. 20 of the draft Tentative Map resolution (Attachment 7). The applicant would also be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 19 of the draft Tentative Map resolution (Attachment 7).

The neighborhood currently contains power poles and overhead utility lines on the north of the property and along the alley, which the utility lines to these poles extend to other properties. As indicated above, all utilities serving this property will be required to be undergrounded. The City's Undergrounding Master Plan designates the site within Block 3T2, and the date for undergrounding has been established for the year 2021 (Attachment 11).

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

All condominium conversion applications not decided upon by July 25, 2006, must conform with the current regulations regarding inclusionary housing, tenant relocation benefits, the provision of a building conditions report, conformance with landscape regulations, and conformance with noticing requirements. This project is not required to conform with the new parking regulations for condominium conversions, based on specific language adopted by the City Council.

The requested conversion of these residential units to condominiums represents primarily a change in ownership. The applicant has certified that the required 60-day Notice of Intent to Convert to Condominiums was provided to the tenants on May 12, 2005.

Inclusionary Housing Ordinance and Tenant Relocation Benefits Conformance:

The project has been conditioned to require the subdivider to conform with the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code) and demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5).

The applicant must pay or enter into an agreement for the payment of the in-lieu fee prior to receiving a Final Map in accordance with the City's Inclusionary Housing Ordinance. The in-lieu fee for this project will be \$12,850.00. The applicant must also show evidence that relocation assistance has been paid to eligible tenants or enter into an agreement with the San Diego Housing Commission to demonstrate conformance with Tenant Relocation Benefits.

Building Conditions Report and Landscape Requirements

In accordance with the current regulations, the applicant provided a Building Conditions Report and Landscape Concept Plan. Both of these documents have been reviewed for conformance with the applicable regulations within Land Development Code (Chapter 14, Article 4, Division 5) and have been accepted by staff as conforming with the regulations.

Noticing

The proposed project has been conditioned to conform with all noticing requirements for condominium conversions.

Community Planning Group Recommendation

On March 13, 2006, the Uptown Community Planning Committee voted 10-0-1 to deny the project with the following motions:

1. *The motion is based on the applicant's failure to present detailed site, landscaping and parking plans for the project, and also to indicated the nature of any improvements or modifications that will take place as a result of the proposed condominium conversion.*

Staff's response: The applicant has provided the City with the Tentative Map, Landscaping Plans, and Building Conditions Report required for this project based on the applicable condominium conversion regulations.

2. *Applicant is seeking a blind entitlement, based on a claim of a ministerial right to a condominium conversion, which is unsupportable.*

Staff's response: This Tentative Map project is a process four decision, to be decided by Planning Commission and is a discretionary action. This project is not a blind entitlement and not a ministerial action.

3. *In making this motion to deny, the Uptown Planners state it favors the preservation of the structure in question, and would encourage the applicant to return to Uptown Planners with the specific plans and documents indicated in this motion.*

Staff's response: The applicant chooses not to return to the Uptown Planners for another vote.

4. *The Board recommends the owner consider having the property designated historically.*

Staff's response: The property is not designated historical. The property owner has agreed to perform all repair work consistent with the Secretary of the Interior's Standards for Rehabilitation (the Standards).

Standard five conditions attached to condominium conversions:

1. *No waiver or exemption shall be granted from state and local requirements that existing utility services for this property be placed underground. Exceptions may only be made for utilities located in back alleys, or for streets which have a definite schedule date to have their utilities placed underground within the next five years;*

Staff's response: The project has been conditioned to underground all onsite utilities serving the subdivision and is condition number 20 of the draft Tentative Map resolution. Staff continues to support the waiver to underground existing utilities abutting the right-of-way and determined the undergrounding waiver is consistent with the guidelines of Council Policy 600-25, *Underground Conversion of Utility Lines at the Developer's Expense*.

2. *The right of first refusal to purchase a unit shall be given to the current tenants;*

Staff's response: In accordance with the State Map Act and Government Code provisions regulating condominium conversions, renters have the first right of refusal to purchase the units which they occupy. The Subdivider is required to provide each of the tenants of the proposed condominiums notification of their exclusive right to contract for the purchases of his or her respective unit and is condition number ten of the draft Tentative Map resolution.

3. *Historic sidewalk stamps and scoring of existing sidewalks shall be preserved, and any replacement or new sidewalks shall be constructed so that the new scoring matches the existing sidewalk scoring, color, texture and type of contractor date stamp;*

Staff's response: The Land Development Code and Street Design Manual require the preservation of historic sidewalks and imprints. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual and is condition number 22 of the draft Tentative Map resolution.

4. *Landscaping shall be brought into conformance with the current Land Development Code regulations of the City of San Diego, including the placing of street trees at required locations as*

*indicated in the San Diego Street Design Manual;*

Staff's response: The project's landscaping complies with current Landscape Regulations. The project proposes two street trees along 5<sup>th</sup> Avenue and shown on the landscape plans.

*5. Current on street parking will be preserved, and where feasible, the provision of new parking should be provided both onsite and offsite. The latter goal can be accomplished by minimizing curb cuts, and other innovative measures. There should be no net loss of on street parking.*

Staff's response: This project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. The existing development was constructed in conformance with the development regulations governing the site at the time original construction permits were issued. The existing development provides two one-car garages adjacent to the alley. Additional parking on the site is not a requirement of this application.

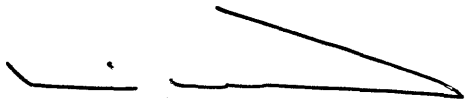
### **CONCLUSION**

Staff has reviewed the request for a Tentative Map for the conversion of twelve residential units into condominiums and has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps and the waiver from the requirement to underground the existing overhead utilities. City staff recommends the Planning Commission approve the project as proposed.

### **ALTERNATIVES**

1. **Approve** Tentative Map No. 245505 and the waiver from the requirement to underground existing overhead utilities, **with modifications.**
2. **Deny** Tentative Map No. 245505 and waiver of the requirement to underground existing overhead utilities, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake  
Program Manager  
Development Services Department



Cherlyn Cac  
Project Manager  
Development Services Department

KGB/CTC

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Tentative Map
6. Landscape Plan
7. Draft Map Conditions and Subdivision Resolution
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. Project Chronology
11. Utility Underground Project Schedule
12. Sample 60-Day Notice of Intent to Convert
13. Photos of Existing Elevations
14. Building Conditions Report (under separate cover)



## Aerial Photo

3558 5<sup>TH</sup> AVENUE TENTATIVE MAP – PROJECT NO. 78878

3558-3572 ½ 5<sup>TH</sup> Avenue

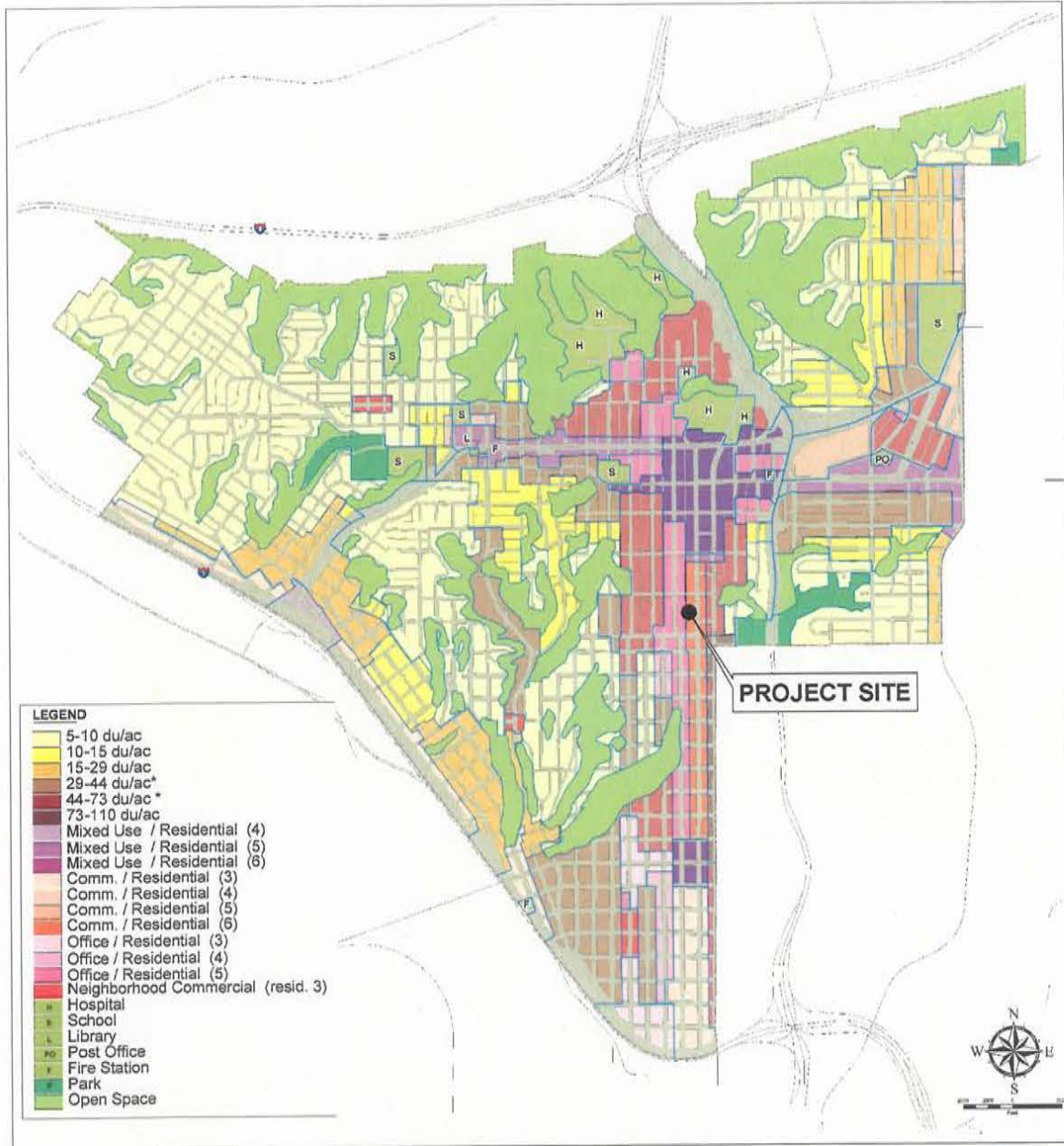






City of San Diego Planning Department

### Uptown Community Plan Land Use



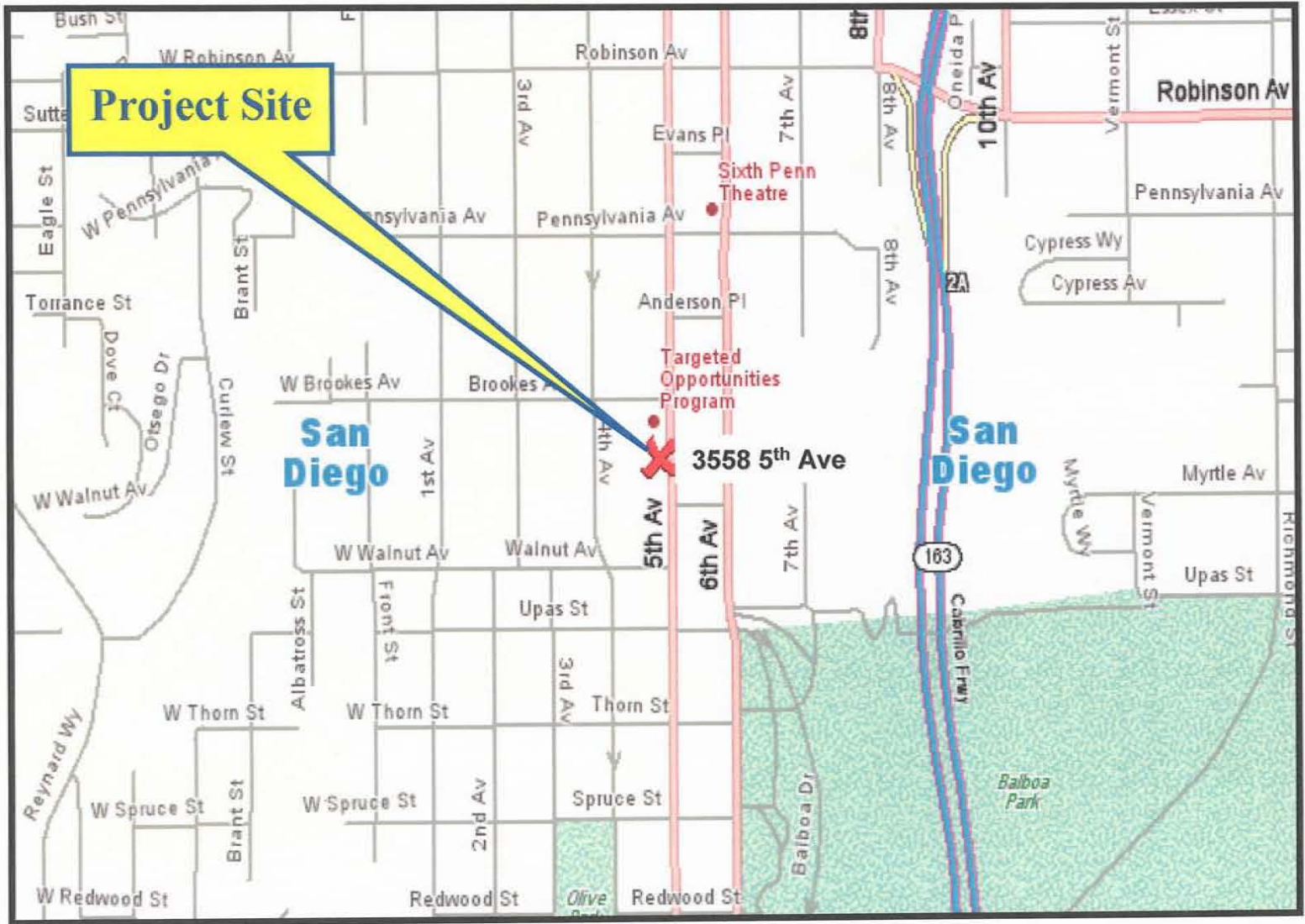
## Community Plan Land Use Map

3558 5<sup>th</sup> AVENUE TENTATIVE MAP –PROJECT NO. 78878

3558-3572 ½ 5<sup>th</sup> Avenue



SDGIS  
 City of San Diego  
 Planning Department  
 1201 K Street, Suite 200  
 San Diego, CA 92101  
 619-441-3100  
 www.sandagis.com  
 12/15/2010



## Project Location Map

3558 5<sup>TH</sup> AVENUE TENTATIVE MAP – PROJECT NO. 78878  
 3558-3572 ½ 5<sup>TH</sup> AVENUE

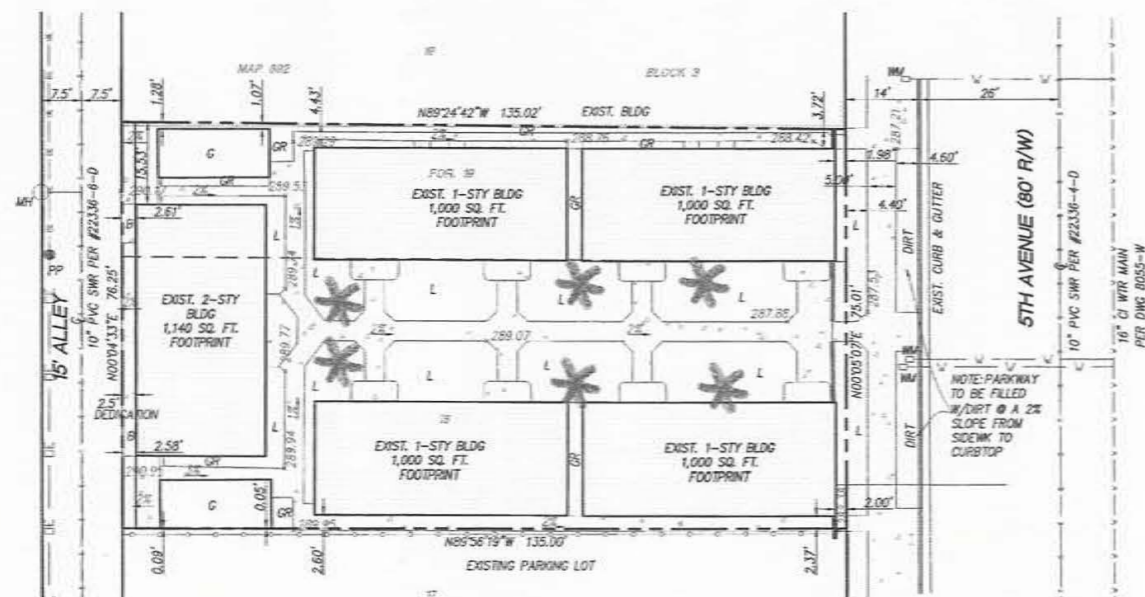


## PROJECT DATA SHEET FOR CONDOMINIUM CONVERSIONS

<b>PROJECT NAME:</b>	3558 5 <sup>th</sup> Ave Tentative Map	
<b>PROJECT DESCRIPTION:</b>	Consolidate two lots into one and convert 12 dwelling units to condominiums	
<b>COMMUNITY PLAN AREA:</b>	Uptown	
<b>DISCRETIONARY ACTIONS:</b>	Tentative Map	
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	Commercial/Residential (73-110 du/ac)	
<b>ZONE:</b> <b>DENSITY:</b> <b>HEIGHT LIMIT:</b>  <b>LOT SIZE:</b> <b>FLOOR AREA RATIO:</b> <b>FRONT SETBACK:</b> <b>SIDE SETBACK:</b> <b>STREETSIDE SETBACK:</b> <b>REAR SETBACK:</b> <b>PARKING:</b>	<b>CURRENT ZONING INFORMATION:</b>  CV-1; Comm/Res/Mixed Use 1 du/600 sf (17 du) 150 feet  6,000 sf minimum 1.5 for Comm – No max FAR for Res None None N/A None 15 required by current code	<b>CONSTRUCTED:</b>  Unzoned (1926) 12 dwelling units Four 1-story bldgs and one 2-story building in rear 10,125 sf (0.23 ac) 0.66 FAR 2' 1.1' (north side) – 2.4' (south side) N/A 2.6' 2 spaces
<b>ADJACENT PROPERTIES:</b>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	Comm/Res (73-110 du/ac); MCCPD-CV-1	Commercial
<b>SOUTH:</b>	Comm/Res (73-110 du/ac); MCCPD-CV-1	Parking lot
<b>EAST:</b>	Comm/Res (73-110 du/ac); MCCPD-CV-1	Office
<b>WEST:</b>	Office/Res (44-73 du/ac); MCCPD-NP-1	Office
<b>DEVIATIONS OR VARIANCES REQUESTED:</b>	None	
<b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b>	On March 13, 2006, the Uptown Community Planning Committee voted 10-0-1 to recommend denial of the project.	

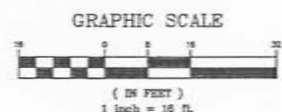
# TENTATIVE MAP NO. 245505

3558-72 5TH AVENUE  
CITY PROJECT NO. 78878



### ABBREVIATIONS

B	BALCONY
G	GARAGE
GR	GRAVEL
L	LANDSCAPING



### GENERAL NOTES

- EXISTING AND PROPOSED ZONING IS MCCPD-CV-1 COMMUNITY PLAN: UPTOWN OVERLAY ZONES: TRANSIT AREA, RESIDENTIAL TANDEM PARKING
- TOTAL LOT AREA: 0.23 ACRES EXISTING BUILDING FOOTPRINTS: SEE PLAN
- TOTAL NUMBER OF EXISTING LOTS = 2 TOTAL NUMBER OF PROPOSED LOTS = 1 THIS SUBDIVISION IS A CONDOMINIUM PROJECT AS DEFINED IN SECTION 1350 ET. SEQ. OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT. THE TOTAL NUMBER OF CONDOMINIUM DWELLING UNITS IS 12.

LOT SUMMARY:

LOT NO.	USE	UNITS	PARKING
1	CONDOMINIUMS	12	2

STRUCTURE ERECTED 1928  
UNITS:  
8 ONE BDRM/ONE BA (500 SQ.FT.)  
4 ONE BDRM/ONE BA (570 SQ.FT.)

PARKING:  
2 GARAGE SPACES (8.5x19')

PARKING CALCULATIONS PER MUNICIPAL CODE TABLE 142-05C

NUMBER/TYPE OF UNIT	RATE	TOT. REQ.
(12) ONE BEDROOM UNITS	1.25	15

TOTAL REQUIRED SPACES: 15  
TOTAL EXISTING SPACES: 2

- FACILITIES:  
WATER: CITY OF SAN DIEGO  
SEWER: CITY OF SAN DIEGO  
GAS & ELECTRIC: S.D.G.&E.  
FIRE AND POLICE PROTECTION: CITY OF SAN DIEGO  
CABLE T.V.: COX COMMUNICATIONS  
SCHOOLS: SAN DIEGO UNIFIED SCHOOL DISTRICT  
\*UNDERGROUND UTILITIES SHOWN HEREON ARE FROM AVAILABLE RECORDS.
- GRADING  
A. THERE IS NO GRADING AS PART OF THIS TENTATIVE MAP
- DRAINAGE  
A. ALL DRAINAGE FROM LOT IS DIRECTED TO STREET AND ALLEY
- ALL LENGTHS, DISTANCES, LOT DIMENSIONS, AND CURVE RADII ARE APPROXIMATE.
- TOPOGRAPHY PROVIDED BY STERLING LAND SERVICES FIELD SURVEY ON JUNE 21, 2005.
- THERE IS NO PERMANENT TRASH LOCATION. THE SITE IS SERVED BY MOVABLE TRASH BINS.

### LEGEND

PROPERTY LINE/ TENTATIVE BOUNDARY	---
EXISTING LOT LINES	---
EXISTING SEWER LINE	---
EXISTING SEWER MANHOLE	⊙
EXISTING WATER METER	⊙
EXISTING WATER LINE	---
EXISTING POWER POLE	---
EXISTING OVERHEAD POWER LINES	---
EXISTING WOOD FENCE	---
EXISTING CONCRETE	---
EXISTING BUILDING	---
EXISTING WALL	---
SPOT ELEVATION	106.5'
DIRECTION OF DRAINAGE	---
EXISTING PALM TREE	✻

### APN

APN: 452-406-18-00

### LEGAL DESCRIPTION

LOT 18 AND THE SOUTH 25 FEET OF LOT 19 IN BLOCK 3 OF LOMA GRANDE, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 692, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 23, 1891.

### BENCHMARK

THE VERTICAL BENCHMARK FOR THE SITE IS A BRASS PLUG IN THE CURB AT THE SOUTHEAST INTERSECTION OF 5TH AVE. AND UPAS ST, BEING SAN DIEGO CITY VERTICAL CONTROL BENCHMARK FROM ELEVATION: 291.906' MSL

### BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS PROJECT IS THE WEST LINE OF 5TH AVE PER C.R. 17164 AS N 00°05'07" E.

### SUBDIVIDER RESPONSIBILITIES

- INSTALL APPROPRIATE 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.
- PROVIDE A LETTER AGREEING TO PREPARE O&M'S FOR THE OPERATION AND MAINTENANCE OF ALL PRIVATE WATER AND SEWER FACILITIES THAT SERVE OR TRAVERSE MORE THAN A SINGLE CONDOMINIUM UNIT OR LOT.
- DEDICATE AND IMPROVE 2.5' OF ADJACENT ALLEY IN ADDITION TO REPLACING THE WESTERN THIRD PORTION OF THE ALLEY. FURTHERMORE, PROVIDING THE RIGHT-OF-WAY FREE AND CLEAR OF ALL ENCUMBRANCES AND PRIOR EASEMENTS. SECURE "SUBORDINATION AGREEMENTS" FOR MINOR DISTRIBUTION FACILITIES AND/OR "JOINT-USE AGREEMENTS" FOR MAJOR TRANSMISSION FACILITIES.
- OBTAIN AN ENCROACHMENT MAINTENANCE AND REMOVAL AGREEMENT FOR LANDSCAPING AND A PRIVATE WALKWAY ON FIFTH AVENUE.
- REPLACE THE WESTERN THIRD OF THE DAMAGED ALLEY.
- COMPLY WITH ALL CURRENT STREET LIGHTING STANDARDS ACCORDING TO THE CITY OF SAN DIEGO STREET DESIGN MANUAL SATISFACTORY TO THE CITY ENGINEER.
- REQUEST FOR NEW WATER AND SEWER FACILITIES SHALL ENCUMBER DESIGN AND CONSTRUCTION OF SUCH FACILITIES IN ACCORDANCE WITH MOST CURRENT EDITIONS OF THE CITY OF SAN DIEGO WATER AND SEWER DESIGN GUIDES AND CITY REGULATION, STANDARDS AND PRACTICES PERTAINING THERETO.
- DEVELOPMENT MAY BE SUBJECT TO PAYMENT OF A PARK FEE PRIOR TO FILING OF FINAL MAP IN ACCORDANCE WITH THE CITY OF SAN DIEGO MUNICIPAL CODE.

### PROJECT ADDRESS

3558-72 5TH AVENUE  
SAN DIEGO, CA 92103  
T.B. MAP PAGE: 1269-86

### SURVEYOR/MAPPER

STERLING LAND SERVICES, INC.  
303 MARKET STREET STE 525  
SAN DIEGO, CA 92101  
PHONE: 619-545-6165

### S.D. CITY PROJECT NUMBERS

TENTATIVE MAP NO. 245505  
CITY PROJECT NO. 78878  
CITY JOB ORDER NO. 42-4927

### REQUIRED PERMITS/APPROVALS

-TENTATIVE MAP

### MAPPING AND MONUMENTATION

ALL PROPERTY CORNERS WILL BE SET AND A ONE LOT SUBDIVISION MAP WILL BE FILED UPON APPROVAL OF THE TENTATIVE MAP. A DETAILED PROCEDURE OF SURVEY WILL BE SHOWN ON THE FINAL MAP.

### OWNER/DEVELOPER

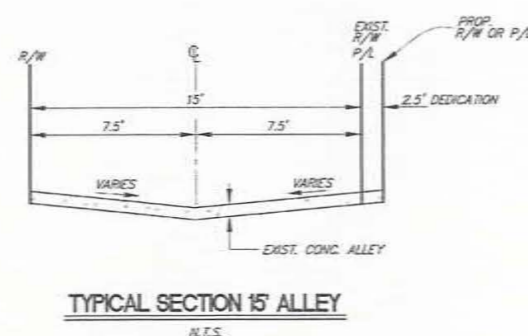
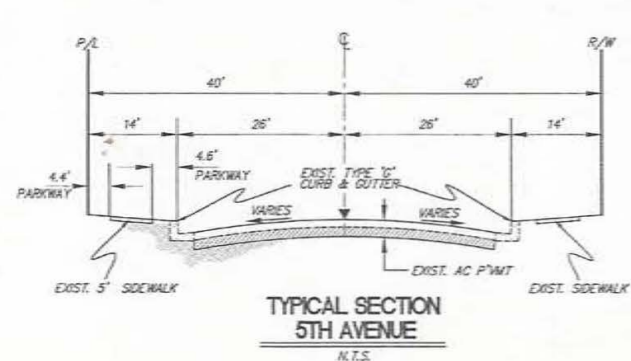
M.S. BROWAR FAMILY TRUST  
MATTHEW S. BROWAR, TRUSTEE  
2207 GARNET AVE, STE J  
SAN DIEGO, CA 92109

SIGNATURE: *Matthew S. Browar*  
PRINT NAME: Matthew S. Browar  
TITLE: Trustee  
DATE: 6/17/08

### SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE ON JUNE 30, 2005.

*Gerald Scott Peters* 6/13/08  
GERALD SCOTT PETERS L.S. 7190 DATE  
MY REGISTRATION EXPIRES 12/31/09



TENTATIVE MAP FOR:  
**3558-72 5TH AVENUE**

Revision 1:	07/27/05	Original Date:	5/30/05
Revision 2:	09/09/05	Sheet	1 of 1
Revision 3:	12/7/05	DEP#	
Revision 4:	02/08/06		



**City of San Diego**  
 Development Services  
 2222 First Ave., MS-501  
 San Diego, CA 92101-4154  
 (619) 449-5000

**Landscape Calculations Worksheet**  
 Single Dwelling Unit Development in RM Zones  
 Multiple Dwelling Unit Development in All Zones

Provide the following information on the Landscape Plans. The Landscape Calculations determine the planting area and points required by the Landscape Regulations, Chapter 14, Article 2, Division 4 of the Land Development Code.

**STREET YARD**  
 • A minimum 40 sq. ft. planting area shall be provided for all trees, with no dimension less than 5 ft.  
 • At least one-half of the required planting points shall be achieved with trees.

Planting Area Required [142.0404]	Planting Area Provided	Excess Area Provided
Total Area 150 sq. ft. x 50% = 75 sq. ft.	130 sq. ft.	55 sq. ft.

Planting Points Required [142.0404]	Plant Points Provided	Excess Points Provided
Total Area 150 sq. ft. x 0.05 = 8 points	741 points	733 points

Points achieved with trees: 546 points

Planting Area allowable as landscape or unattached unit paving [142.0405(b)(1)(B)]	Provided
Total Area N/A sq. ft. x 10% = sq. ft.	sq. ft.

**REMAINING YARD - Single structures on lot**

Plant Points Required	Plant Points Provided	Points Achieved with trees (at least 50%)
60 points	points	Points

Points achieved with trees: points

**REMAINING YARD - Multiple structures on lot**

Number of Buildings	Number of Trees Required	Number of Trees Provided
7 buildings x 3 = 21 trees required	23	23

Trees must be located on each side and in the rear of each structure.

**VEHICULAR USE AREA (VUA) - See separate worksheet (DS-6)**

**ADDITIONAL YARD PLANTING AREA AND POINT REQUIREMENTS**

If any of the requirements of Landscape Regulations, Section 142.0405 (a) 1, 2, or 3 apply to your project, provide a written summary explaining how requirements are being met.

**PLANTING NOTES:**

- Final location of all plant materials shall be subject to the approval of the owner's authorized representative.
- If conflicts arise between size of areas and plans, contractor to contact owner's authorized representative for resolution. Failure to make such conflicts known to the owner's authorized representative will result in contractor's liability to relocate the materials.
- It is the landscape contractor's responsibility to furnish plant materials free of pests or plant diseases. Pre-selected or 'tagged' material must be inspected by the contractor and certified pest and disease free.
- Landscape contractor shall be responsible for making himself familiar with all underground utilities, pipelines and structures. Landscape contractor shall take sole responsibility for any cost incurred due to damage of said utilities.
- Landscape contractor shall not willfully proceed with construction as designed when it is obvious that unknown obstructions and/or grade differences exist that may not have been known during design. Such conditions shall be immediately brought to the attention of the owner's authorized representative. The contractor shall assume full responsibility for all necessary revisions due to failure to give such notification.
- Landscape contractor shall be responsible for any coordination with subcontractors as required to accomplish planting operations.
- Landscape contractor shall verify plant material quantities per plan.
- Plant symbols take precedence over plant quantities specified in legend.
- Landscape contractor shall have a soil analysis performed and shall follow the recommendations for soil preparation and fertilization per the results of the soil analysis.
- All Landscape and Irrigation shall conform to the City of San Diego's Land Development Code, Landscape Regulations; the Land Development Manual, Landscape Standards; and all other city and Regional Standards.
- All required planting areas shall be covered with mulch groundcover to a minimum depth of 2", excluding slopes requiring re-vegetation and areas planted with groundcover. All exposed soil areas without vegetation shall also be mulched to this minimum depth. SDMC 142.0403(b).
- Maintenance: All required landscape areas shall be maintained by Private Homeowner's Association. The landscape areas shall be maintained free of debris and litter and all plant material shall be maintained in a healthy, growing condition. Diseased or dead plant material shall be satisfactorily treated or replaced per the conditions of the permit.
- Tree root barriers shall be installed where trees are placed within 5 feet of public improvements including walks, curbs or street pavements or where new public improvements are placed adjacent to existing trees. The root barrier will not be wrapped around the root ball. SDMC 142.0403(b)(12).

Table 142-04E  
 Minimum Tree Separation Distance

Improvement	Minimum Distance to Street Tree
Traffic signal, Stop Sign	30 feet
Underground Utility Lines	5 feet
Above Ground Utility Structures (Transformers, hydrants, utility poles, etc.)	10 feet
Streetscape	10 feet
Median (connecting curb lines of two streets)	15 feet

**LANDSCAPE CALCULATIONS**

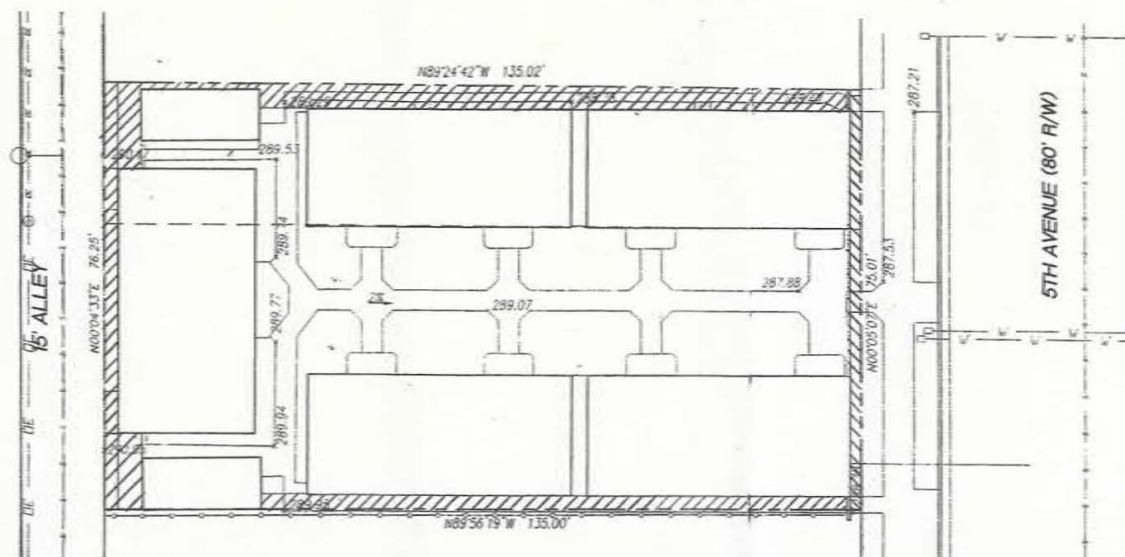
**STREET YARD PLANT POINTS:**

QTY	SIZE	PLANT POINTS	TOTAL POINTS
02	Existing non-native tree 6" caliper	150 points / tree	300
02	8" Trnk Fthr Palm	3 points / 1" Trnk	48
03	10" Trnk Fthr Palm	3 points / 1" Trnk	90
13	12" Trnk Fthr Palm	3 points / 1" Trnk	108
	Existing shrub >24" ht.	15 points/shrub	195
			741 Ttl. St. Yd. Pts. Rqd.
			546 Tree Points

**REMAINING YARD PLANTING REQUIREMENTS:**  
 The Remaining Yard tree requirements are met with the existing trees located in the interior courtyard as indicated on the plan. Due to existing perimeter side yard site conditions (i.e. 4' side yard space, rear yard concrete paving) trees can not be planted around perimeter of property, per SDMC 142.0403(b)(5) The owner shall clean side yards of debris and weeds and install 2" layer of mulch in all bare ground areas not covered with concrete paving.

**STREET TREE REQUIREMENTS: (1 Tree per 30 feet of Street Frontage)**  
 Street Trees Required 02  
 Street Trees Provided 02 (Lagerstroemia indica)

**VEHICULAR USE AREA REQUIREMENTS (< 6,000sf):**  
 There is not Vehicular Use Area for this project.



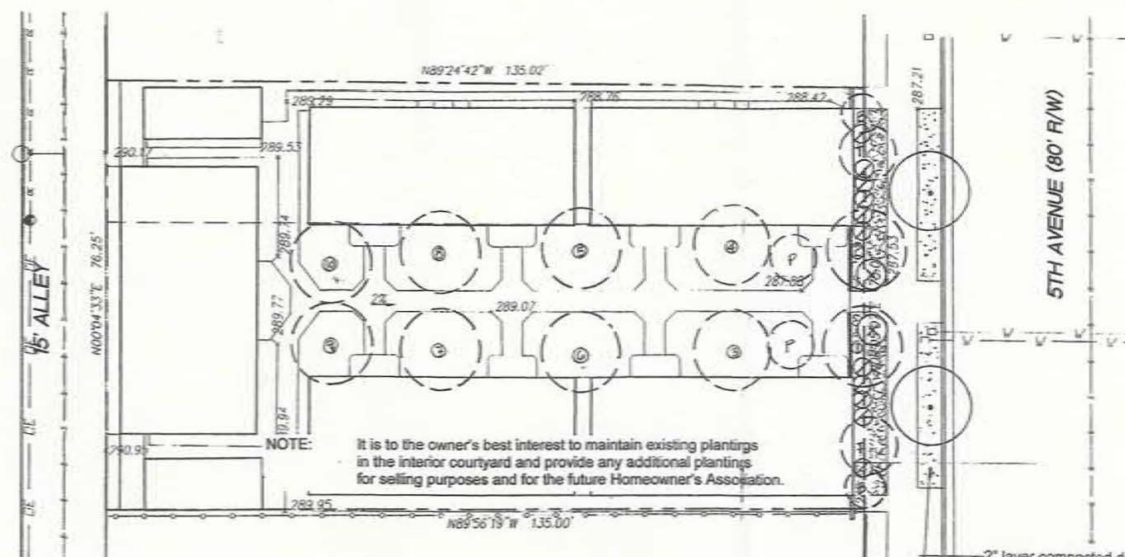
**LANDSCAPE CALCULATIONS**

**PLANT LEGEND**

TREES SYMBOL	CATEGORY/DESCRIPTION	QTY	SIZE
①	Existing Archontophoenix cunninghamiana / King Palm (4 Trunks)	01	12" BnTrk
②	Existing Archontophoenix cunninghamiana / King Palm (4 Trunks)	01	10" BnTrk
③	Existing Archontophoenix cunninghamiana / King Palm (3 Trunks)	02	8" BnTrk
④	Existing Archontophoenix cunninghamiana / King Palm (2 Trunks)	02	12" BnTrk
⑤	Existing Archontophoenix cunninghamiana / King Palm (2 Trunks)	02	10" BnTrk
⑥	Existing Archontophoenix cunninghamiana / King Palm (2 Trunks)	03	15" BnTrk
⑦	Existing Archontophoenix cunninghamiana / King Palm (2 Trunks)	01	12" BnTrk
⑧	Existing Archontophoenix cunninghamiana / King Palm (2 Trunks)	01	10" BnTrk
⑨	Existing Archontophoenix cunninghamiana / King Palm (2 Trunks)	01	13" BnTrk
⑩	Existing Archontophoenix cunninghamiana / King Palm (2 Trunks)	01	12" BnTrk
⑪	Existing Archontophoenix cunninghamiana / King Palm (2 Trunks)	02	18" BnTrk
⑫	Existing Archontophoenix cunninghamiana / King Palm (3 Trunks)	03	15" BnTrk
⑬	Existing Archontophoenix cunninghamiana / King Palm (3 Trunks)	02	15" BnTrk
⑭	Existing Archontophoenix cunninghamiana / King Palm (3 Trunks)	01	12" BnTrk
⑮	Existing Archontophoenix cunninghamiana / King Palm (3 Trunks)	01	15" BnTrk
⑯	Existing Archontophoenix cunninghamiana / King Palm (3 Trunks)	01	10" BnTrk
⑰	Existing Archontophoenix cunninghamiana / King Palm (3 Trunks)	01	8" BnTrk
⑱	Existing Archontophoenix cunninghamiana / King Palm (3 Trunks)	01	20" BnTrk
⑲	Existing Archontophoenix cunninghamiana / King Palm (3 Trunks)	02	10" BnTrk
P	Existing Phoenix roebelinii / Pigmy Date Palm	02	4" BnTrk
T	Existing Tupidanthus calyptrotus (mult) / NCN	02	6" caliper
L	Lagerstroemia indica / Crepe Myrtle (Standard)	02	24" box
B	Existing Streitzia nicholai / Giant Bird of Paradise	02	10" ht.

**SHRUBS & GROUNDCOVERS**

SYMBOL	CATEGORY/DESCRIPTION	QTY	SIZE
⊙	Existing Philodendron 'Xanadu' / Dwarf Philodendron	11	> 24" ht.
⊗	Existing Cycas revoluta / Sago Palm	02	> 24" ht.
■	2" layer wood-bark mulch groundcover.		



**PLANTING PLAN**

**Declaration of Responsible Charge:**

I hereby declare that I am the Landscape Architect for this project, that I have exercised responsible charge over the design of the project as defined in Section 6703 of the Business and Professions Code, and that the design is consistent with current standards. I understand that the check on project drawings and specifications by the City of San Diego is confined to a review only and does not relieve me, as Landscape Architect of Work, of my responsibilities for the project design.

*[Signature]* 6.15.07  
 Date  
 Kent A. Wilson, N.A. 3008  
 My License Expires 04/30/09  
 Landscape Resource Group  
 3780 Hancock Street, Suite G  
 San Diego, CA 92110  
 (619) 497-0566



**REVISIONS BY**

No.	Description	By	Date

**Landscape Architecture / Construction**  
 3780 Hancock Street, Suite G  
 San Diego, CA 92110  
 PH: 619.497.0566 FAX: 619.497.0569  
 License 2005 License 77819

**LANDSCAPE RESOURCE GROUP, INC.**

Project: 3558-72 5th Avenue  
 San Diego, CA 92103

Owner: M.S. Brower Family Trust  
 Matthew S. Brower, Trustee  
 2207 Garner Avenue, Suite J  
 San Diego, CA 92109  
 (619) 270-5600 ext. 14

Date: \_\_\_\_\_  
 Scale: 1" = 16' - 0"  
 Drawn: \_\_\_\_\_  
 Job: \_\_\_\_\_  
 Sheet: \_\_\_\_\_  
 L - 1  
 Of \_\_\_\_\_ Sheets

PLANNING COMMISSION RESOLUTION NO.  
TENTATIVE MAP NO. 245505  
**3558 5th AVENUE TENTATIVE MAP - PROJECT NO. 78878**  
**DRAFT**

WHEREAS, MATTHEW S. BROWAR AND NANCY A. BROWAR, IN THEIR CAPACITY AS TRUSTEES OF THE M.S. BROWAR FAMILY TRUST DATED FEBRUARY 9, 1988, Applicant/Subdivider, and DONALD SCOTT PETERS, Surveyor, submitted an application with the City of San Diego for a Tentative Map, No. 245505, to convert 12 residential units into condominiums and to waive the requirement to underground existing overhead utilities. The project site is located 3558-3572 1/2 5<sup>th</sup> Avenue, between Brookes Avenue and Walnut Avenue, in the CV-1 Zone of Mid City Communities Planned District within the Uptown Community Plan area. The property is legally described as Lot 18 and the South 25 feet of Lot 19 in Block 3 of Loma Grande, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 692, filed in the Office of the County Recorder of San Diego County, November 23, 1891; and

WHEREAS, the Map proposes the subdivision of a 0.23 acre site into one (1) lot for a 12 unit residential condominium conversion; and

WHEREAS, the project is exempt from environmental review pursuant to 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 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 12; and

WHEREAS, on November 6, 2008, the Planning Commission of the City of San Diego considered Tentative Map No. 245505, including the waiver of the requirement to underground existing overhead utilities, and pursuant to Sections 125.0440 (tentative map), 125.0444 (condo conversion), 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. 245505:

1. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).
2. 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).
3. Each of the tenants of the proposed condominium project has received, pursuant to State Map Action Section 66452.9, written notification of intention to convert at least 60 days prior to the filing of a tentative map (Land Development Code 125.0444 and State Map Act Section 66427.1(a)).
4. The project has been conditioned that the Subdivider will give each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).
5. The project has been conditioned that the Subdivider will give each tenant 10 days' written notification that an application for a public report will be, or has been, submitted to the Department of Real Estate, and that such report will be available on request (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).
6. The project has been conditioned that the Subdivider will give each tenant of the proposed condominium project written notification within 10 days of approval of a final map for the proposed conversion (Land Development Code Section 125.0444 and State Map Act Section 66427.1(b)). If the subdivider chooses to provide affordable housing units, the subdivider shall enter into an affordable housing agreement with the Housing Commission, prior to recordation of the Final Map.
7. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project 180 days' written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion (Land Development Code Section 125.0444 and State Map Act Section 66427.1(c)).
8. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, which notice shall be provided within 5 working days of the issuance

of the Subdivision Public Report.. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right (Land Development Code Section 125.0444 and State Map Act Section 66427.1(d)).

9. The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing (Land Development Code Section 125.0444.b).
10. For any project that was developed to provide housing for the elderly, disabled or to provide low income housing, provisions have been made to perpetuate the use for which the project was developed (Land Development Code Section 125.0444.c).
11. Each of the tenants of the proposed condominium project has received written notification of the project application for the condominium conversion within 10 days after the application was deemed complete (Land Development Code 125.0431(a)(3)).
12. The project has been conditioned that the subdivider will give each person applying for the rental of a unit in such residential real property written notification that the project application for the condominium conversion was deemed complete (Land Development Code 125.0431(a)(3)).
13. The project has been conditioned that the subdivider will give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (Land Development Code Section 125.0431(a)(4)).
14. A Building Conditions Report has been prepared in accordance with the Land Development Manual by a registered architect or engineer licensed by the State of California (Land Development Code Section 144.0504(b)).
15. The project has been conditioned that the subdivider will provide to a prospective purchaser a copy of the Building Conditions Report prior to the opening of an escrow account. (Land Development Code Section 144.0504(c)).
16. The project has been conditioned that the subdivider will provide a relocation assistance payment to all tenants of the project whose tenancy has terminated due to the condominium conversion. (Land Development Code Section 144.0505).
17. The project has been conditioned for the subdivider to complete the physical improvements as outlined in Land Development Code Section 144.0507, to the satisfaction of the City Engineer prior to final map approval.



18. The project has been conditioned for the subdivider to satisfy the inclusionary housing requirements in accordance with Land Development Code Section 142.1306. (Land Development Code Section 144.0508).
19. 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:
  - a. The conversion involves a short span of overhead facility (less than 600 feet in length).
  - b. The conversion is a requirement of a condominium conversion of an existing development and the conversion would not represent a logical extension to an underground facility.
20. 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. 245505, including the waiver of the requirement to underground existing overhead utilities, is hereby granted to MATTHEW S. BROWAR AND NANCY A. BROWAR, IN THEIR CAPACITY AS TRUSTEES OF THE M.S. BROWAR FAMILY TRUST DATED FEBRUARY 9, 1988, Applicant/Subdivider, subject to the following conditions:

**GENERAL**

1. This Tentative Map will expire November 6, 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 Tentative Map expiration date, a Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder.
4. 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.
5. 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

6. The subdivider shall provide a Notice of Tenants Rights and Notices for Condominium Conversion, consistent with the Land Development Manual to be provided as follows:
  - a. For existing tenants, within 10 days of the project application for the condominium conversion being deemed complete; or
  - b. For prospective tenants, upon application for the rental of a unit in the proposed condominium conversion.
7. The Subdivider shall provide each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act.
8. The Subdivider shall provide the tenants a Notice of Application for a Public Report at least 10 days prior to the submittal to the Department of Real Estate (DRB), pursuant to Section 66427.1(a) of the Subdivision Map Act.
9. The Subdivider shall provide each of the tenants of the proposed condominiums written notice of intention to convert at least 180 days prior to termination of tenancy due to the conversion or proposed conversion in conformance with Section 66427.1(c) of the Subdivision Map Act. The provisions of this subdivision shall not alter nor abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Sections 1941, 1941.1 and 1941.2 of the Civil Code.
10. The Subdivider shall provide each of the tenants of the proposed condominiums notification of their exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, in

conformance with Section 66427.1(d) of the State Map Act. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report, pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.

11. The Subdivider shall provide the tenants of the proposed condominiums with written notification within 10 days or approval of a Final Map for the proposed conversion, in conformance with Section 66427.1(b) of the Subdivision Map Act.

### **AFFORDABLE HOUSING**

12. Prior to recordation of the Final Map, the Subdivider shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code). The Subdivider has elected to pay an in-lieu fee of \$12,850.00 to meet these requirements. Prior to receiving a final map, the applicant must either pay the entire in-lieu fee amount or enter into an agreement with the San Diego Housing Commission to assure the payment of the in-lieu fee.
13. Prior to the recordation of the Final Map, the Subdivider either show evidence that relocation assistance has been paid to eligible tenants or enter into an agreement with the San Diego Housing Commission to demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5), to the satisfaction of the Development Services Department and the Housing Commission. In addition, the Subdivider must pay the appropriate fees incurred by the Housing Commission for compliance monitoring (Chapter 14, Article 4, Division 5).
14. The Subdivider will give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (Land Development Code Section 125.0431(a)(4)).
15. The Subdivider will provide to a prospective purchaser a copy of the Building Conditions Report prior to the opening of an escrow account. (Land Development Code Section 144.0504(c)).

### **ENGINEERING**

16. The Subdivider shall dedicate and improve an additional 2.5 feet of the adjacent alley, and shall also replace the western third of the alley, which is damaged.
17. The Subdivider shall obtain an Encroachment Maintenance and Removal Agreement, for landscaping and a private walkway on 5th Avenue.

18. 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 limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.
19. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
20. 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.
21. Prior to the recordation of the Final Map, the Subdivider shall demonstrate conformance with the Municipal Code provisions for building and landscape improvements (Land Development Code Sections 144.0507), to the satisfaction of the City Engineer. The parking requirements in Land Development Code Sections 144.0507 and 142.0525.a do not apply, since this project was deemed complete prior to the effective date of this ordinance (July 27, 2006).
22. 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**

23. "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).
24. "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."

25. 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 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.

## **SEWER AND WATER**

26. 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.

## **LANDSCAPE**

27. Prior to recordation of the Final Map, complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with the Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department.
28. Prior to recordation of the Final Map, and after Landscape and Irrigation Construction Documents have been approved by Development Services, the subdivider shall install all required landscaping consistent with the approved plans and the Land Development Manual, Landscape Standards.

29. Prior to recordation of the Final Map, it shall be the responsibility of the Permittee/Owner to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.
30. The Landscape Construction Plan shall take into account a 40 square-foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)5.
31. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.
32. The Permittee or subsequent owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.
33. 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, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to a Certificate of Occupancy or a Final Landscape Inspection.

**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.

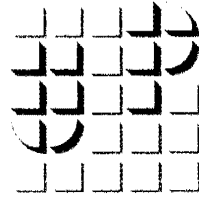
- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, 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 NOVEMBER 6, 2008.

By

\_\_\_\_\_  
Cherlyn Cac  
Development Project Manager  
Development Services Department

Job Order No. 42-4937



## UPTOWN PLANNERS

### Uptown Community Planning Committee MINUTES

SPECIAL MEETING: CONDOMINIUM CONVERSIONS

Monday, March 13, 2006

*Present:* Marilee Kapsa, Janet O'Dea, Jay Hyde, Ernie Bonn, Mary Wendorf, Mike Singleton, Leo Wilson, Roy Dahl, Steve Satz, Dan Horrigan, Alex Sachs Peggy Mazzella

#### I. Consent Agenda: Approved by vote of: 8 - 0 - 2

1. **MONDE MAP WAIVER – (Process Three)** – Hillcrest – TMW application to waive the requirements of a Tentative Map to create 12 residential condominiums and 1 commercial condominium (under construction) on a 0.241 acre site at 3970 Ninth Avenue in the CN-1A Zone: **Conditions: (1.) Applicant to examine the feasibility of installing solar panels on the roof of the building; (2.) and the use of green products, such as fumeless paint and carpets, also be considered; (3.) Standard conditions re: condo conversions.**
2. **3760 THIRD AVENUE TENTATIVE MAP -- (Process Four)** – Hillcrest – Tentative Map to convert six existing residential units to condominiums on a 0.15 acre site at 3760 Third Avenue in the MR-800B Zone. **Conditions: (1.) Applicant to examine the feasibility of installing solar panels on the roof of the building; (2.) standard conditions re: condo conversions.**

#### II. Action Items

1. **4046 NORMAL STREET TENTATIVE MAP – (Process Three)** – Hillcrest – TM to convert seven existing residential units to condominiums on a 6653 sq. ft. site at 4046 Normal Street in the MR-800B Zone.

**MOTION TO APPROVE (Wendorf, 2<sup>nd</sup>.Horrigan: Vote 10 - 0 - 1)**

**Subject to the following conditions:**

- (1.) **The approval of this project is expressly conditioned on the design being in substantial compliance with the rendition presented to Uptown Planners by the applicant at the Board meeting on March 13, 2006. (A copy of the rendition is attached to these minutes and incorporated by reference.) Any substantial deviation from the attached rendition will nullify this motion, and Uptown Planners requests the project be returned to Uptown Planners for reconsideration;**
- (2.) **It is recommended that the applicant be allowed by the City to add two additional parking spaces to the project, so that a total of six parking spaces will be created. This is important, as the area the project is located is parking deficient. The**



Board indicated to the applicant the locations at which the additional two parking spaces could be appropriately located.

- (3.) It is recommended there be no reserve parking.
  - (4.) The standard five conditions for condominium conversions in Uptown shall apply (see attachment "A," at end of minutes for text of standard conditions)
2. **134 WEST HAWTHORNE MAP WAIVER – (Process Three) – Bankers Hill/Park West** – Application to waive the requirements of a Tentative Map to convert eighteen (18) residential units to condominiums, located at 134 West Hawthorne in the MR-1000 Zone: Airport Approach Overlay Zone, Airports Environs Overlay Zone, Tandem Parking Zone, Transit Area Overlay Zone.

**MOTION TO APPROVE (Singleton, 2<sup>nd</sup> Satz: Vote: 10- 0 - 1)**

**Subject to the following conditions:**

- (1.) The applicant should investigate having the project designated historical under the California Mills Act.
  - (2.) An attempt should be made to get the City to approve angle parking on the street in front of the project. Applicant should work with Uptown Partnership to obtain such approval.
  - (3.) Trellises shall be installed below the first band on the building side.
  - (4.) All widows should be double-hung, casement.
  - (5.) The applicant should provide affordable housing onsite, rather than pay in lieu fees.
  - (5.) The standard five conditions for condominium conversions in Uptown shall apply (see attachment "A," at the end of these minutes for the text of the standard conditions)
3. **3700 TENTH AVENUE TENTATIVE MAP – (Process Four – Tentative Map) – Hillcrest** – Tentative Map to convert 51 residential units to condominiums on a 0.97 acre site at 3700 Tenth Avenue in the MR-1000 Zone.

**MOTION TO APPROVE (Sachs, 2<sup>nd</sup> O'Dea: Vote: 8- 2 - 1)**

- (1.) The applicant should provide affordable housing onsite, rather than pay in lieu fees.
- (2.) The large ficus tree in the front of the project property should be preserved.
- (3.) The applicant should explore having the building historically designated.
- (4.) The standard five conditions for condominium conversions in Uptown shall apply, including placing the utilities underground and scoring the sidewalk (see attachment "A," at the end of these minutes for the text of the standard conditions)

4. **3517 SIXTH AVENUE TENTATIVE MAP – (Process Four) – Hillcrest – Tentative Map** to convert 11 existing residential units to condominiums on a 8, 175 sq. ft. site at 3517 Sixth Avenue in the MR-800B Zone.

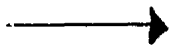
**MOTION TO DENY (Sachs, 2<sup>nd</sup> Dahl: Vote 10 – 0 – 1)**

- (1.) **The motion is based on the applicant’s failure to present detailed site, landscaping and parking plans for the project, and also to indicate the nature of any improvements or modifications that will take place as a result of the proposed condominium conversion.**
- (2.) **Applicant is seeking a blind entitlement, based on a claim of a ministerial right to a condominium conversion, which is unsupportable.**
- (3.) **In making this motion to deny, the Uptown Planners states it favors the preservation of the structure in question, and would encourage the applicant to return to Uptown Planners with the specific plans and documents indicated in this motion.**
- (4.) **Uptown Planners recommends the owner consider having the property designated historically.**

5. **4082 FOURTH AVENUE MAP WAIVER – (Process Three) – Hillcrest – TMW** application to waive the requirements of a Tentative Map to create seven commercial condominium units at a site located at 4082 Fourth Avenue in the NP-1 Zone.

**MOTION TO APPROVE (Singleton, 2<sup>nd</sup> Sachs: Vote: 9- 1 - 1)**

- (1.) **Landscaping treatment be brought up to City Code.**
- (2.) **During normal business hours, the underground parking should be reserved for tenant use.**
- (3.) **Utilities should be placed underground, pursuant to the Uptown Planner’s standard residential condominium conversion condition number one.**



6. **3558 FIFTH AVENUE TENTATIVE MAP – (Process Four) – Hillcrest – Tentative Map** to convert 12 existing residential units to condominiums on a 10,210 sq. ft. site located at 3558 Fifth Avenue in the NP-1 Zone.

**MOTION TO DENY (Sachs, 2<sup>nd</sup> Dahl: Vote 10 – 0 – 1)**

- (1.) **The motion is based on the applicant’s failure to present detailed site, landscaping and parking plans for the project, and also to indicate the nature of any improvements or modifications that will take place as a result of the proposed condominium conversion.**
- (2.) **Applicant is seeking a blind entitlement, based on a claim of a ministerial right to a condominium conversion, which is unsupportable.**
- (3.) **In making this motion to deny, the Uptown Planners states it favors the preservation of the structure in question, and would encourage the applicant to return to Uptown Planners with the specific plans and documents indicated in this motion.**

**(4.) The Board recommends the owner consider having the property designated historically.**

- 7. 2350 THIRD AVENUE TENTATIVE MAP – (Process Four) – Bankers Hill/Park West**  
 -- Tentative Map to convert 16 existing residential units to condominiums on a 10,037 sq. ft. site at 2350 Third Avenue in the NP-2 Zone. Airport Environs Overlay Zone, Airport Approach Overlay Zone.

**MOTION TO DENY (Sachs, 2<sup>nd</sup> Dahl: Vote 10 – 0 – 1)**

**(1.) The motion is based on the applicant's failure to present detailed site, landscaping and parking plans for the project, and also to indicate the nature of any improvements or modifications that will take place as a result of the proposed condominium conversion.**

**(2.) Applicant is seeking a blind entitlement, based on a claim of a ministerial right to a condominium conversion, which is unsupportable.**

**(3.) In making this motion to deny, the Uptown Planners states it favors the preservation of the structure in question, and would encourage the applicant to return to Uptown Planners with the specific plans and documents indicated in this motion.**

**(4.) The Board recommends the owner consider having the property designated historically.**

- 8. 3953 CENTRE STREET TENTATIVE MAP – Resubmittal -- (Process Four) – Hillcrest**  
 -- Tentative Map to convert 21 existing residential units to condominiums on a 16,540 sq. ft. site at 3953 Centre Street in the MR-800B Zone.

**MOTION TO DENY (Sachs, 2<sup>nd</sup> Dahl: Vote 10 – 0 – 1)**

**(1.) The motion is based on the applicant's failure to present detailed site, landscaping and parking plans for the project, and also to indicate the nature of any improvements or modifications that will take place as a result of the proposed condominium conversion.**

**(2.) Applicant is seeking a blind entitlement, based on a claim of a ministerial right to a condominium conversion, which is unsupportable.**

**(3.) In making this motion to deny, the Uptown Planners states it favors the preservation of the structure in question, and would encourage the applicant to return to Uptown Planners with the specific plans and documents indicated in this motion.**

**(4.) The Board recommends the owner consider having the property designated historically.**

- 9. 450 WEST UNIVERSITY TENTATIVE MAP – (Process 4) – Hillcrest**  
 -- Tentative Map to convert 13 existing residential units to condominiums on a 0.31 acre site at 445 West University in the MR-1000 Zone

**MOTION TO APPROVE (Sachs, 2<sup>nd</sup> Dahl: Vote 10- 0 – 1)**

**(1.) Applicant should explore having the property designated historically.**

**(2.) The standard five conditions for condominium conversions in Uptown shall apply, including placing the utilities underground and scoring the sidewalk (see attachment "A," at the end of these minutes for the text of the standard conditions)**

- 10. 1415 ESSEX VILLAS WEST MAP WAIVER – (Process Four) – Hillcrest –**  
Application to waive the requirement of a Tentative Map to convert six residential units (under construction) to condominiums on a 0.21 acre site, located at 1415 Essex Street in the MR-1000 Zone. Transit Area Overlay Zone, Residential Tandem Parking Overlay Zone.

**CONTINUED: At the request of the applicant.**

- 11. 4250 FOURTH AVENUE TENTATIVE MAP – (Process Four) – Hillcrest – Tentative**  
Map to convert 126 existing residential units to condominiums and to waive the requirement to underground utilities on a site located at 4053 Fourth Avenue in the MR-800B Zone; Transit Overlay Zone.

**12.**

**OFF-CALENDAR: No representative of applicant attended meeting.**

- 13. 4202 FOURTH AVENUE TENTATIVE MAP -- (Process Four) – Hillcrest – Tentative**  
Map to convert 30 existing residential units to condominiums and waive the requirement to underground utilities on a 0.34 acre site at 4202 Fourth Avenue in the MR-800B Zone.

**CONTINUED: At the request of the applicant.**

**STANDARD FIVE CONDITIONS ATTACHED TO CONDOMINIUM CONVERSIONS:**

- 1) No waiver or exemption shall be granted from state and local requirements that existing utility services for this property be placed underground. Exceptions may only be made for utilities located in back alleys, or for streets which have a definite schedule date to have their utilities placed underground within the next five years;
- 2) The right of first refusal to purchase a unit shall be given to the current tenants;
- 3) Historic sidewalk stamps and scoring of existing sidewalks shall be preserved, and any replacement or new sidewalks shall be constructed so that the new scoring matches the existing sidewalk scoring, color, texture and type of contractor date stamp;
- 4) Landscaping shall be brought into conformance with the current Land Development Code regulations of the City of San Diego, including the placing of street trees at required locations as indicated in the San Diego Street Design Manual;
- 5) Current on street parking will be preserved, and where feasible, the provision of new parking should be provided both onsite and offsite. The latter goal can be accomplished by minimizing curb cuts, and other innovative measures. There should be no net loss of on street parking;

**Respectfully Submitted,  
Leo Wilson  
Chair**



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 Project No. For City Use Only  
 3558 - 72 1/2 5th AVENUE TM 78878

Project Address:  
 3558 - 72 1/2 5th AVENUE

**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):  
 MAH BROWAR  
 Owner  Tenant/Lessee  Redevelopment Agency

Street Address:  
 2207 Garnet Ave. # J  
 City/State/Zip:  
 SAN DIEGO, CA 92109  
 Phone No: (858) 270-5500 Fax No:  
 Signature: Date: 7/19/05

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):  
 NANCY A. BROWAR  
 Owner  Tenant/Lessee  Redevelopment Agency

Street Address:  
 2207 Garnet Ave # J  
 City/State/Zip:  
 SAN DIEGO, CA 92109  
 Phone No: (858) 270-5500 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:

DEVELOPMENT SERVICES  
**Project Chronology**  
**3558 5<sup>th</sup> AVENUE TENTATIVE MAP – PROJECT NO. 78878**

<b>Date</b>	<b>Action</b>	<b>Description</b>	<b>City Review Time</b>	<b>Applicant Response</b>
7/27/05	First Submittal	Project Deemed Complete		
8/26/05	First Assessment Letter		22 days	
11/2/05	Second Submittal			1 month, 17 days
11/25/05	Second Review Complete		15 days	
3/17/06	Third Submittal			2 months, 18 days
4/21/06	Third Review Complete		25 days	
7/25/06	Condo conversion regulations	Review landscape plans & building conditions report for projects in review		
6/26/07	Fourth Submittal	Review includes building conditions report & landscape		9 months, 28 days
7/24/07	Fourth Review Complete		19 days	
7/23/07	Historical Review			
8/1/07	Historical Review Complete		7 days	
10/2/07	Fifth Submittal			1 month, 13 days
11/19/07	Fifth Review Complete		34 days	
3/28/08	Sixth Submittal			2 months
4/30/08	Sixth Review Complete		23 days	
5/13/08	Seventh Submittal	Building conditions report review		9 days
6/3/08	Seventh Review Complete		15 days	
6/17/08	Eighth Submittal	Building conditions report review		9 days
7/3/08	Eighth Review Complete		12 days	
9/30/08	All issues resolved		60 days	
<b>11/06/08</b>	<b>Public Hearing</b>	<b>Planning Commission</b>	27 days	

ATTACHMENT 10

<b>TOTAL STAFF TIME</b>	Averaged at 30 days per month	<b>8 months, 19 days</b>	
<b>TOTAL APPLICANT TIME</b>	Averaged at 30 days per month		<b>1 year, 7 months, 5 days</b>
<b>TOTAL PROJECT RUNNING TIME</b>	From Deemed Complete to Hearing	<b>2 years, 3 months, 24 days</b>	



## Identify Results

### Council Districts

Council District: 3

Member Name: Toni Atkins

Office Phone: (619) 236-6633

### Utilities Undergrounding

#### Projects

Project Name: Project Block 3T2

Year Allocated: 2021

Project Start: May 21, 2023

Project End: May 10, 2025

Contact Person: Carol Drummond

Phone #: 6195333841

Email: [undergrounding@sandiego.gov](mailto:undergrounding@sandiego.gov)

Website: [www.sandiego.gov](http://www.sandiego.gov)

Council District: 3

Phase: unallocated



## Underground Project Schedule

3558 5<sup>th</sup> AVENUE TENTATIVE MAP - PROJECT NO. 78878

3558-3572 ½ 5<sup>TH</sup> Avenue





# **Browar Development Corporation**

2207 Garnet Avenue, Suite J

San Diego, CA 92109

(858) 270-5500

## Tenant 60 Day Notice of Intent to Convert to Condominiums

May 12, 2005

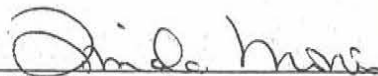
Francesca Bestetti  
3558 5<sup>th</sup> Ave.  
San Diego, CA 92103

The owner(s) of this building, 3558 5<sup>th</sup> Ave., San Diego, CA 92103 plans to file a Tentative Map or Map Wavier with the City of San Diego to convert this building to a condominium project.

You shall be given notice of each hearing for which notice is required pursuant to Sections 66451.3 and 66452.5 of the Government Code, and you have the right to appear and the right to be heard at any such hearing.

Should the condominium conversion project be approved, tenants may be required to vacate the premises.

**Please Note:** It is not my intention to sell these apartments as condominiums now or in the near future. This conversion process is only being pursued as a precaution to possible future City of San Diego changes which may make a conversion in the future cost prohibitive or impossible. It is being done solely for the purpose of having the opportunity to put a condominium map on the property while it is still possible to do so. We have no intention of making the physical change, but I feel it is important to the value of the building to have this process in place should the real estate climate have any radical changes in the future.



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(Signature of owner or owner's agent)

