



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: February 4, 2009 **REPORT NO. PC-09-011**

ATTENTION: Planning Commission, Agenda of February 19, 2009

SUBJECT: 2137 BRANT STREET TENTATIVE MAP
PROJECT NO. 105413 - PROCESS FOUR

**OWNER/
APPLICANT:** Stephan Oggel

SUMMARY

Issue(s): Should the Planning Commission approve a Tentative Map for the conversion of five (5) existing residential units to condominiums at 2137 Brant Street, including a waiver of the requirement to underground the existing overhead utilities, within the Uptown Community Planning Area?

Staff Recommendation:

1. **Approve** Tentative Map Waiver No. 350894.
2. **Approve** waiver to the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: As of the writing of this staff report, the proposed project has not received a final recommendation from the Uptown Planning Committee. It is anticipated the Uptown Planning Committee will be meeting to provide a final recommendation on February 3, 2009. Staff will make every effort to provide the Planning Commission with the most updated community information possible.

Environmental Review: The proposed activity is exempt from CEQA pursuant to Section 15301 (Existing facilities) of the State CEQA Guidelines. This determination was made on August 7, 2006 and the opportunity to appeal that determination ended on August 28, 2006.

Fiscal Impact Statement: None with this action. All costs associated with this permit are paid by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: With the proposed conversion of five existing apartments to condominiums, there would be loss of five rental units and a gain of five for sale units. This Tentative Map was deemed complete subsequent to July 25, 2006, and therefore is subject to the Inclusionary Housing Ordinance and tenant relocation assistance.

BACKGROUND

This Tentative Map project is subject to the condominium conversion regulations that became effective June 13, 2006, based on the City Council's specific adoption language for the "new" condominium conversion regulations. At the June 13, 2006, hearing, the City Council adopted regulations for additional requirements for landscaping, a building conditions report, onsite inclusionary housing, noticing and parking. Based on the adopted language and project timing, all of these new regulations apply to this project. Accordingly, this project has been reviewed against the new regulations and this project can proceed to its discretionary hearing.

The 0.12-acre site is located at 2137 Brant Street, in the MR-1000 Zone, the Residential Tandem Parking Overlay Zone, the Transit Overlay Zone, the Airport Environs Overlay Zone and the Airport Approach Overlay Zone of the Mid-City Communities Planned District within the Uptown Community Plan (Attachment 2). The site is presently developed with one, two-story structure containing a total of five 1-bedroom apartment units. There are four onsite parking spaces with garages that are accessed from Brant Street. The site is surrounded by multi-family development.

The existing buildings were constructed with approved building permits in 1941. The site is currently zoned MR-1000, which is a multi-family zone that allows one unit per 1,000 square feet. The Community Plan also designates the site for low to medium density residential development. The San Diego Municipal Code requires four off-street parking spaces per Table 142-05C and four are provided.

The development complies with the zoning and development regulations in effect at the time of construction and no Building or Zoning code violations have been recorded against the property. The project maintains previously conforming rights for density, as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.

DISCUSSION

Project Description:

The project proposes a Tentative Map for the subdivision of a 0.12-acre site into one lot to convert 5 existing dwelling units into condominiums (Attachment 5). The applicant is also requesting that the requirement to underground the 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 Sections 125.0440 and 125.0444,

approve a Tentative Map or a Vesting 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 San Diego Municipal Code. Staff has reviewed the proposed condominium conversion 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, Expense* in that the conversion involves a short span of overhead facility (less than 600 feet in length), it has been determined that such conversion is not a part of a continuing effort to accomplish a total undergrounding within a specific street or area, the conversion would represent an isolated undergrounding with a minimum probability of extension in the future, and 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.

The applicant will be required to underground all existing service to the site per Condition No. 17 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. 16 of the draft Tentative Map resolution.

The project site is served by power poles and overhead utilities lines located on Brant Street. 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 has not allocated a date for undergrounding at this time.

Project-Related Issues:

All condominium conversion projects not yet heard 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, parking and conformance with noticing requirements. 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 prepared on October 10, 2005 (Attachment 9).

The project received a "Determination of No Hazard to Air Navigation" from the Federal Aviation Administration (FAA) on June 12, 2008.

Inclusionary Housing Ordinance and Tenant Relocation Benefits Conformance:

The project has been conditioned to require the subdivider 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) to the satisfaction of the City Manager and the Housing Commission, prior to the recordation of the Final Map.

The applicant has elected to pay an in-lieu fee of \$12,590.40 (\$3.66 x 3,440 square feet) to satisfy the Inclusionary Housing requirement, as allowed by the City’s Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

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 new noticing requirements for condominium conversions.

Conclusion:

Staff has reviewed the request for a Tentative Map for the conversion of five (5) 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. Staff believes the requirement findings can be supported and recommends the Planning Commission approve the project as proposed.

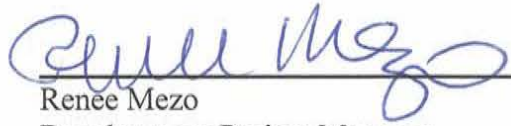
ALTERNATIVES:

1. **Approve** Tentative Map No. 350894, **with modifications.**
2. **Deny** Tentative Map No. 350894 **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department

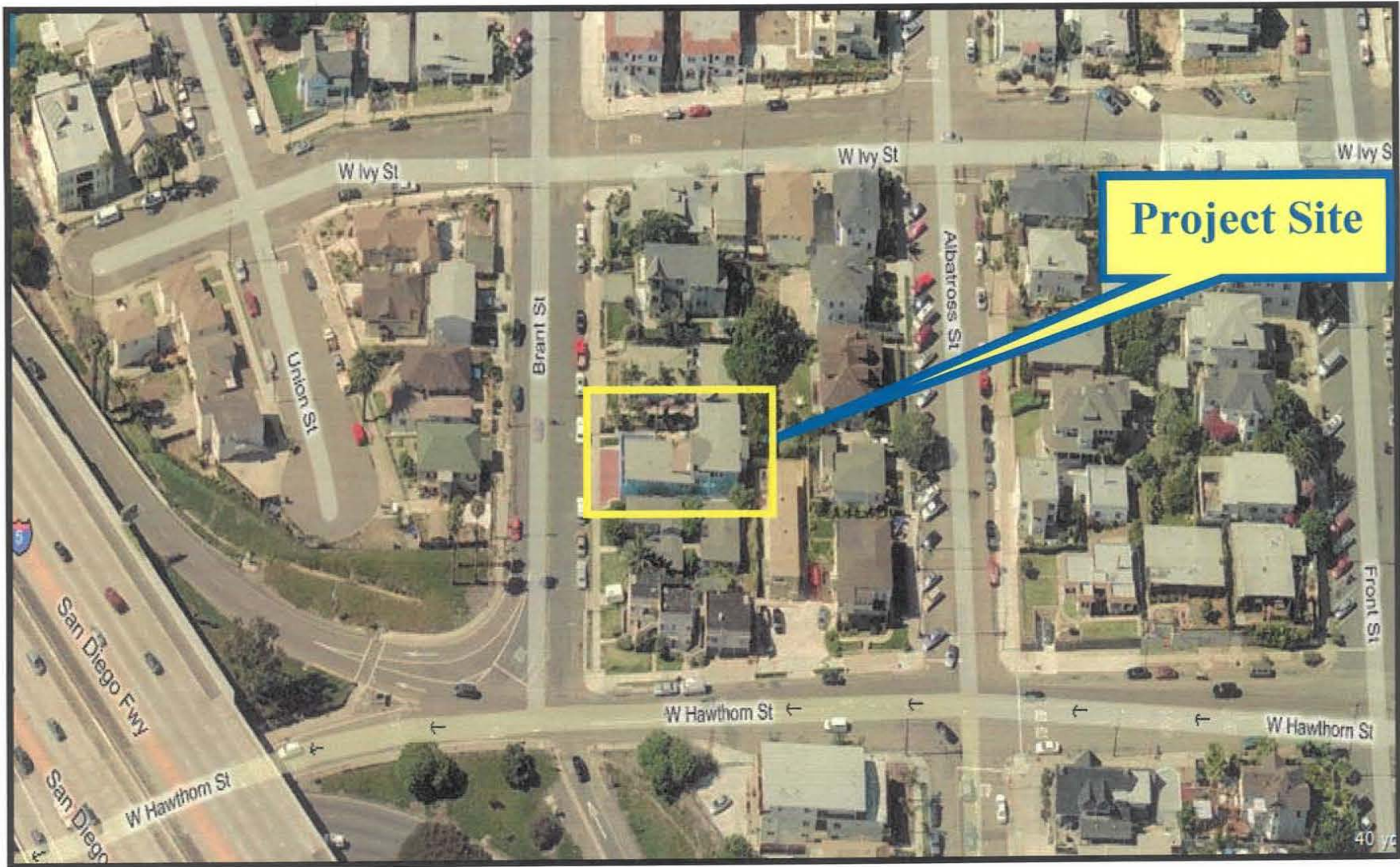


Renee Mezo
Development Project Manager
Development Services Department

WESTLAKE/RM

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Tentative Map and Landscape Plan (sheet L-2 contains photos of existing elevations)
6. Draft Map Conditions and Subdivision Resolution
7. Ownership Disclosure Statement
8. Project Chronology
9. Sample 60-Day Notice of Intent to Convert
10. Building Conditions Report

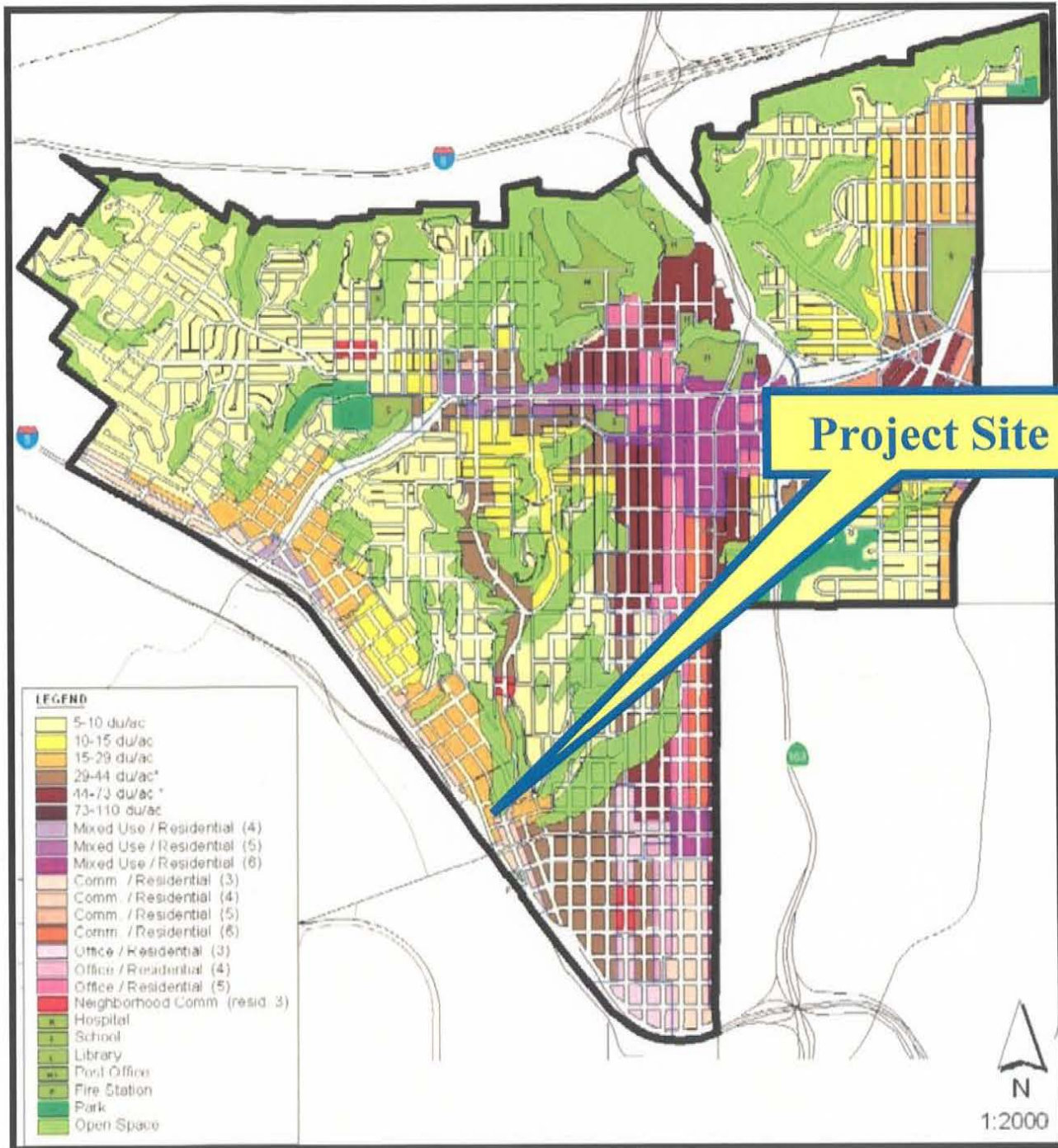


Aerial Photo

2137 Brant Tentative Map – 105413

2137 Brant Street

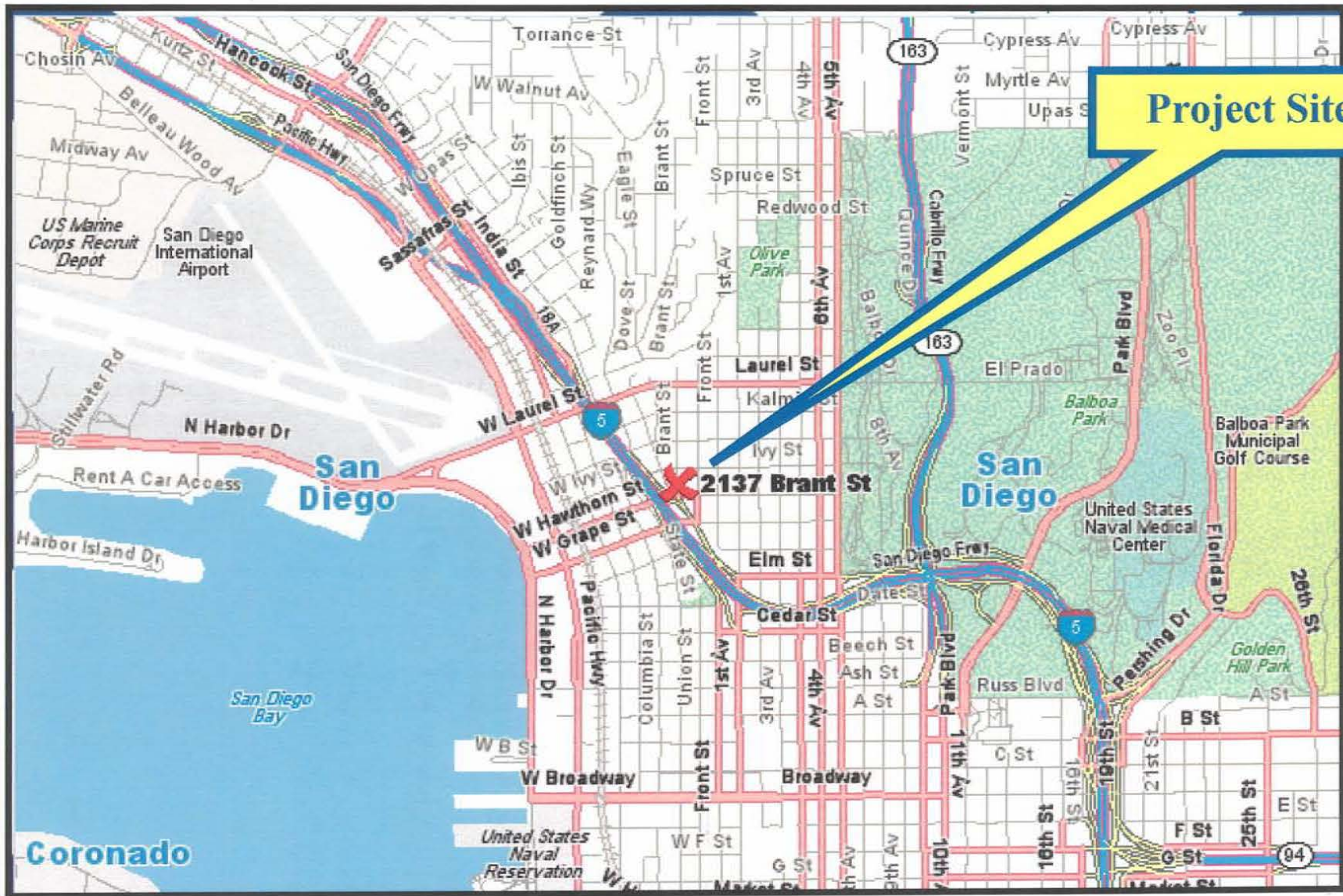




Land Use Map

2137 Brant Tentative Map – 105413
2137 Brant Street





Project Location Map

2137 Brant Tentative Map – 105413

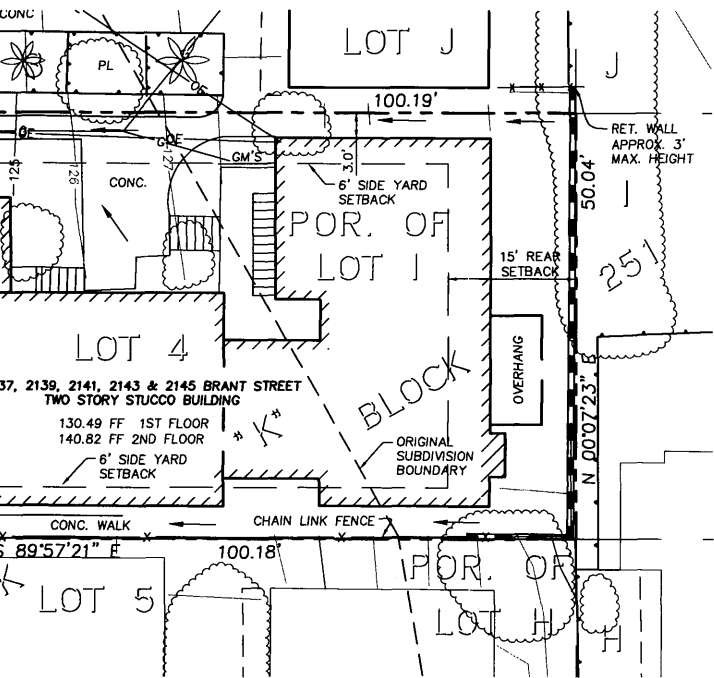
2137 Brant Street



PROJECT DATA SHEET

PROJECT NAME:	2137 BRANT STREET TENTATIVE MAP	
PROJECT DESCRIPTION:	Conversion of 5 existing units into condominiums.	
COMMUNITY PLAN:	Uptown Community Plan	
DISCRETIONARY ACTIONS:	Tentative Map	
COMMUNITY PLAN LAND USE DESIGNATION:	Multi-family Residential	
<u>CURRENT ZONING INFORMATION:</u>	<u>CONSTRUCTED</u>	
ZONE: MR-1000: A multi-unit residential zone in the Mid-City Communities Planned District	R-4	
DENSITY: 1 dwelling unit per 1,000 sq.ft. of lot area	5 units	
HEIGHT LIMIT: 40'; 50' where a building is above enclosed parking	Two-story	
LOT SIZE: 6,000 square-foot minimum lot size.	5,227 square feet	
FLOOR AREA RATIO: 0.75 maximum.	Not available	
FRONT SETBACK: 10 feet	10 feet	
SIDE SETBACK: 6 feet	6 feet	
STREETSIDE SETBACK: 6 feet.	N/A	
REAR SETBACK: 1 foot if alley; 15 if no alley	15 feet	
PARKING: 4 spaces required	4 spaces	
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	MR-1,000, Mulri-family Residential	Multi-family Residential
SOUTH:	MR-1,000, Mulri-family Residential	Multi-family Residential
EAST:	MR-1,000, Mulri-family Residential	Multi-family Residential
WEST:	MR-1,000, Mulri-family Residential	Multi-family Residential
DEVIATIONS OR VARIANCES REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	As of the writing of this data sheet, the proposed project has not received a final recommendation from the Uptown Planning Committee. It is anticipated the Uptown Planning Committee will be meeting to provide a final recommendation on February 3, 2009. Staff will make every effort to provide the Planning Commission with the most updated community information possible.	

MAP EXHIBIT NO. 350894
 PROJECT No. 105413
 2135 BRANT STREET CONDOMINIUMS



LEGAL DESCRIPTION:

LOT 4, IN THE BLOCK "K" OF MIDDLETOWN, ACCORDING TO PARTITION MAP THEREOF MADE BY JOHN E. JACKSON ON FILE IN THE OFFICE OF THE COUNTY CLERK OF SAN DIEGO COUNTY, AND THAT PORTION OF LOT "I" IN THE BLOCK 251 OF HORTON'S ADDITION, ACCORDING TO THE MAP THEREOF ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, ALL BEING IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 4 IN BLOCK "K" OF MIDDLETOWN: THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 4, 50 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 4 AND THE EASTERLY EXTENSION THEREOF, AND ALONG THE SOUTH LINE OF LOT "I" IN BLOCK 251 OF HORTON'S ADDITION TO A POINT WHICH IS 100 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT "I"; THENCE NORTH ON A LINE PARALLEL WITH AND 100 FEET DISTANT FROM THE EAST LINE OF SAID LOT "I", 50 FEET TO A POINT IN THE NORTH LINE OF SAID LOT; THENCE WEST ALONG THE NORTH LINE OF SAID LOT "I" AND THE EASTERLY EXTENSION THEREOF ALONG THE NORTH LINE OF SAID LOT 4 IN SAID BLOCK "K" TO THE POINT OF BEGINNING.

PLOTTABLE EASEMENTS

THERE ARE NO PLOTTABLE EASEMENTS

NON-PLOTTABLE EASEMENTS

- AN EASEMENT FOR AVIGATION AND INCIDENTAL PURPOSES, RECORDED SEPTEMBER 26, 2001 AS INSTRUMENT NO. 2001-691877 OF OFFICIAL RECORDS. IN FAVOR OF SAN DIEGO UNTRIED PORT DISTRICT.
- AN EASEMENT FOR AVIGATION AND INCIDENTAL PURPOSES, RECORDED DECEMBER 9, 2002 AS INSTRUMENT NO. 2002-1114914 OF OFFICIAL RECORDS. IN FAVOR OF SAN DIEGO UNIFIED PORT DISTRICT AFFECTS THE LAND DOCUMENT ENTITLED ASSIGNMENT OF AVIGATION EASEMENT RECORDED APRIL 28, 2003 AS INSTRUMENT NO. 2003-0490704 OF OFFICIAL RECORDS.

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE NAD 83, ZONE 6 GRID BEARING BETWEEN CONTROL MONUMENTS 1047 (N 1,847,083.47, E 6,280,572.87) AND 1054 (N 1,847,086.89, E 6,282,283.81) AS SHOWN ON RECORD OF SURVEY MAP NO. 14492. I.E. N 89°53'08" E

BASIS OF ELEVATIONS

THE BASIS OF ELEVATION FOR THIS SURVEY IS THE CITY OF SAN DIEGO BENCHMARK DESCRIBED AS A BRASS PLUG IN THE TOP OF CURB LOCATED AT THE NORTHEAST INTERSECTION OF BRANT STREET AND HAWTHORN STREET. INDEX # 2052-17183 ELEVATION = 112.341 M.S.L.

LEGEND

UTILITIES

- POWER POLE ● PP
- OVERHEAD ELECTRIC LINE — oe —
- GAS LINE — G —
- WATER METER ■ WM
- WATER LINE — W —
- SEWER LINE — S —

IMPROVEMENTS

- FENCE x x
- WALL ———
- CONCRETE CONC.
- AC PAVING ASPH
- CURB ———
- BUILDING FOOTPRINT / / / /
- TRASH ENCLOSURE TE
- FLOW LINE FL
- TOP OF CURB TC

LANDSCAPING

- PLANTER PL
- DECIDUOUS TREE *
- PALM TREE *

PROPERTY DATA

- PROPERTY LINE ———
- CENTER LINE ———
- PRELIMINARY TITLE REPORT ITEM NO. ①
- TIE TO BUILDING CORNER, PERPENDICULAR OR RADIAL TO PROPERTY LINE 15.5'

GENERAL

- DRAINAGE PATTERN ———

REFERENCE DRAWINGS

CITY OF SAN DIEGO SEWER FIELD BOOK
 CITY OF SAN DIEGO WATER FIELD BOOK
 SDG&E ELECTRIC DRAWING NO. 204-1716D
 SDG&E GAS DRAWING NO. 15-407

3'x18' GARAGE STALLS

05C

EQUIPMENT SPACES

TOTAL 4 REQUIRED
 TOTAL 4 EXISTING

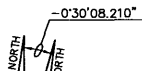
THIS SURVEY IS A
 SURVEY BY BURKETT & WONG
 DATED IN NOVEMBER 2005.

THIS PROJECT IS IN ACCORDANCE WITH
 SECTION 101 OF THE CIVIL CODE
 AND IS FILED AS A
 MAP ACT. THE
 UNITS IS 5.

THIS MAP SHOWING A
 SURVEY WILL BE FILED AS A
 PRELIMINARY MAP.

NO RECORD UTILITIES
 RECORD DATA
 RECORDS MAKE NO
 UNDERGROUND

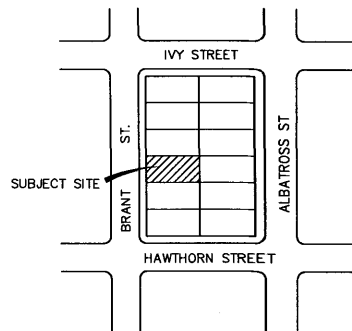
AS SHOWN HEREON
 BY TITLE COMPANY
 JANUARY 5, 2006.
 PRECISION, ACCURACY,
 AND DATE IS ASSUMED BY



OWNER/DEVELOPER

STEVEN PETER OGGEL
 2137 BRANT STREET
 SAN DIEGO, CA 92101

**VICINITY MAP
 NO SCALE**



Prepared By:

Name: BURKETT & WONG

Revision 14:

SAM WADE
Landscape Architect

4429 Morona Blvd. | San Diego, CA 92117
Tel 858-270-8488 | Fax 858-270-8489
AZ LIC #24705 | CA LIC #8703

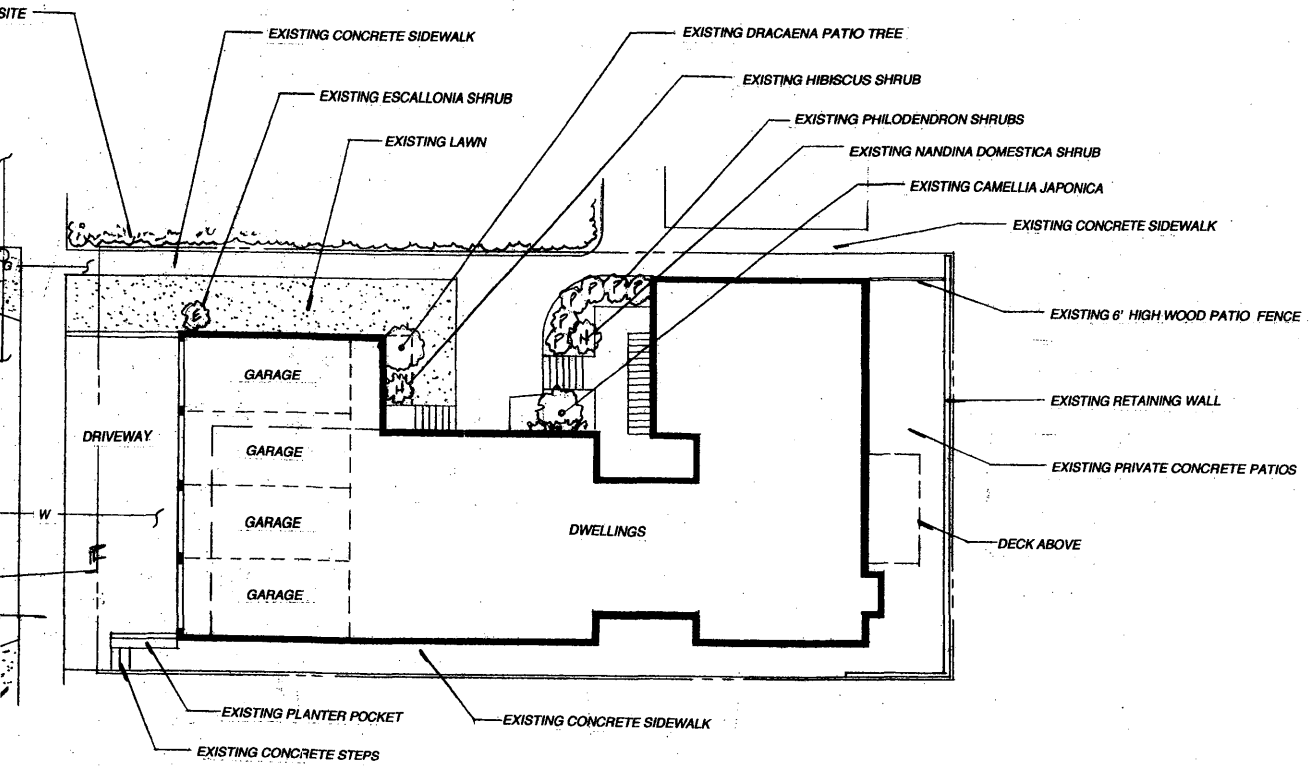
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Brant Street Condominiums
2137 Brant Street
San Diego, CA 92101

Prepared for:
Steven P. Ogden
2137 Brant Street
San Diego, CA 92101

EXISTING LANDSCAPE PLAN

REVISIONS



EXISTING LANDSCAPE PLAN
SCALE: 1" = 10'





BRANT STREET FROM 2137

2



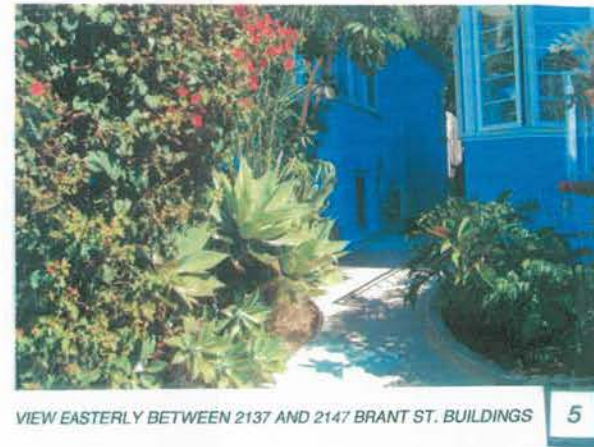
VIEW OF CENTRAL COURTYARD @ 2137

3



VIEW OF CENTRAL COURTYARD @ 2137

4



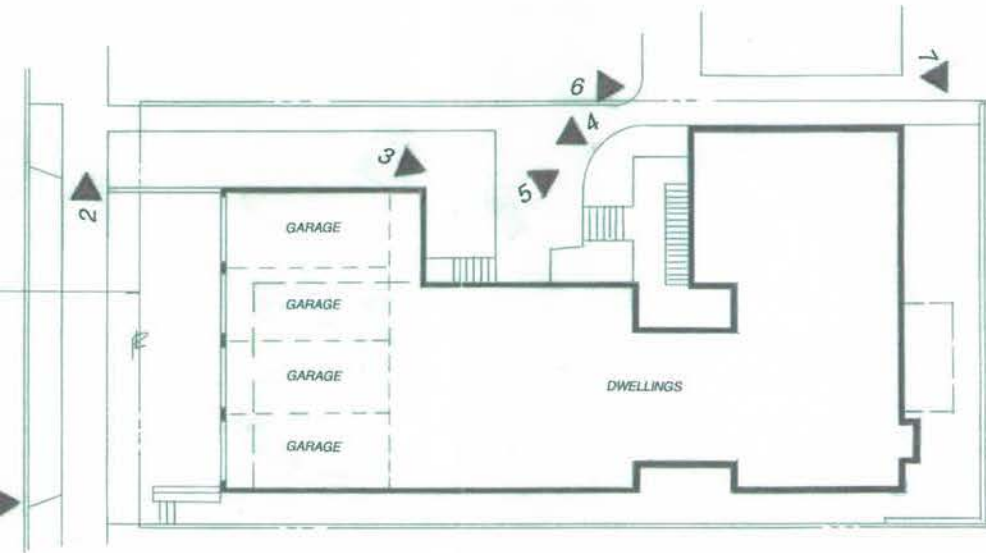
VIEW EASTERLY BETWEEN 2137 AND 2147 BRANT ST. BUILDINGS

5



VIEW EASTERLY BETWEEN 2137 AND 2147 BRANT ST. BUILDINGS

6



EXAMPLE

1

DIRECTION / NUMBER OF PHOTOGRAPH

EXISTING SITE PLAN
SCALE: 1" = 10'



SAM WADE

Landscape Architect

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AD LIC #9470 | CA LIC #8789



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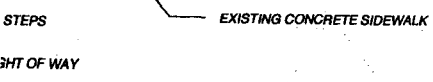
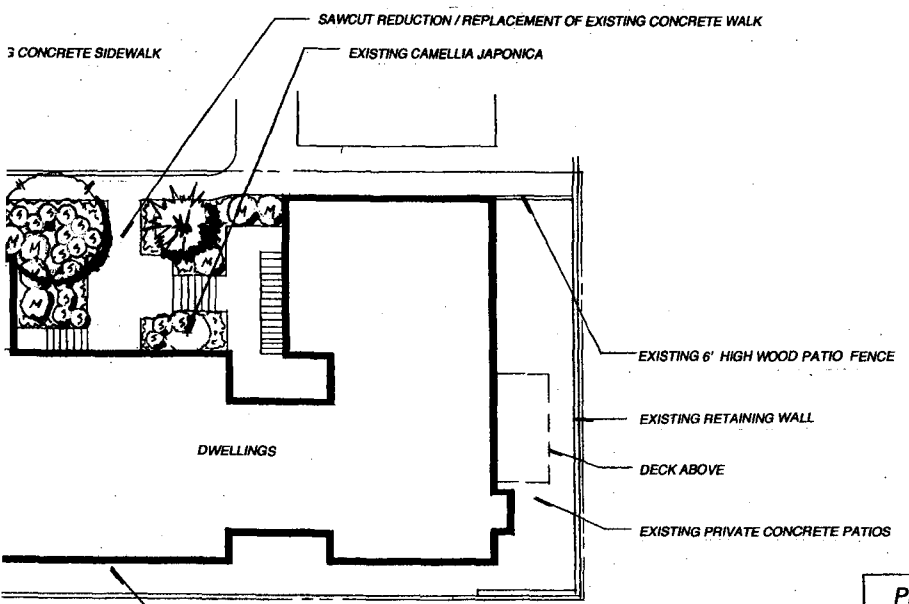
Brant Street Condominiums
2137 Brant Street
San Diego, CA 92101

Prepared for:
Steven P. Cappel
2137 Brant Street
San Diego, CA 92101

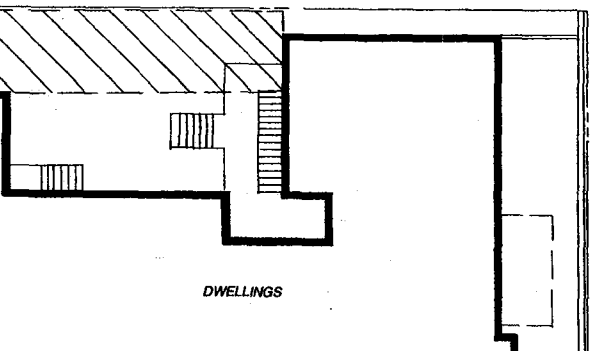
EXISTING
LANDSCAPE
CONDITIONS
PHOTO SURVEY

REVISIONS





LANDSCAPE DEVELOPMENT PLAN
SCALE: 1" = 10'



DESIGN STATEMENT

THE PROPOSED LANDSCAPE DESIGN CHARACTERIZES PLANT MATERIAL BENEFITTING FROM COASTAL SAN DIEGO'S SEMI TROPICAL CLIMATE ZONE THAT DEMONSTRATES RELATIVELY STABLE TEMPERATURES AND INFREQUENT FROST IMPACTS. THE CHARACTER OF THE PLANTS ARE TO BE BROADLEAF EVERGREEN DISPLAYING COLORFUL BURSTS OF FLOWERS AT VARYING TIMES OF YEAR. ALL PLANTS HAVE MODEST IRRIGATION REQUIREMENTS ONCE ESTABLISHED.

GENERAL NOTES

1. AN AUTOMATIC, WATER EFFICIENT IRRIGATION SYSTEM SHALL BE PROVIDED AS REQUIRED FOR PROPER IRRIGATION, ESTABLISHMENT, DEVELOPMENT AND MAINTENANCE OF THE VEGETATION. THE DESIGN OF THE SYSTEM SHALL PROVIDE ADEQUATE SUPPORT FOR THE VEGETATION SELECTED.
2. ALL REQUIRED LANDSCAPE AREAS SHALL BE MAINTAINED BY THE OWNER. THE LANDSCAPE AREAS SHALL BE MAINTAINED IN 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.
3. ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE STANDARDS OF THE CITY WIDE LANDSCAPE REGULATIONS AND THE CITY OF SAN DIEGO LAND DEVELOPMENT MANUAL LANDSCAPE STANDARDS AND ALL OTHER LANDSCAPE RELATED CITY AND REGIONAL STANDARDS.

GENERAL PLANTING NOTES

1. ALL LANDSCAPE INSTALLATION SHALL BE MAINTAINED IN ACCORDANCE WITH THE CITY OF SAN DIEGO'S LAND DEVELOPMENT MANUAL LANDSCAPE STANDARDS.
2. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE SITE LANDSCAPE MAINTENANCE IN ACCORDANCE WITH NOTE 1 ABOVE.

MINIMUM TREE SEPARATION DISTANCE

Improvement / Minimum Distance to Street Tree

- Traffic signals (stop sign) - 20 feet
- Underground utility lines - 10 feet
- Above ground utility structures - 10 feet
- Driveway (entries) - 10 feet
- Intersections (intersecting curb lines of two streets) - 25 feet

PLANTING LEGEND

SYMBOL	BOTANICAL NAME / COMMON NAME	QUANTITY	SIZE	FORM / FUNCTION	POINTS
	<i>Trachycarpus fortunei</i> Windmill Palm	2	12.5' Brown trunk height ea.	Upright / Vertical scale, shade	
Turf / Lawn (Parkway)					
	<i>Fescue</i> spp. Marathon® II Grass		Sodded Turf		
Vehicular Use Area Trees					
	<i>Arbutus 'Marina'</i> Marina Strawberry	1	36" box	Small Canopy / Shade	50
Shrubs					
Small to Medium (1' - 4' height); 5 Total Units					
	<i>Liriope gigantea</i> Giant Big Blue Lily Turf	5 gal.		Low, upright / Flower, foliage texture	
	<i>Philodendron 'Xanadu'</i> Xanadu Philodendron	5 gal.		Low, mounding / Foliage, texture, color	
	<i>Strelitzia reginae</i> Bird of Paradise	5 gal.		Upright, coarse / Foliage, flower	10
Street Yard Palm Trees					
	<i>Trachycarpus fortunei</i> Windmill Palm	2	6' Brown trunk height ea.	Upright, Vertical scale, Shade	18
Trees					
	<i>Arbutus 'Marina'</i> Marina Strawberry	1	36" box	Small Canopy / Shade	50
Shrubs					
Medium to Large (4' - 6' height); 8 Total Units					
	<i>Fatsia japonica</i> Japanese aralia	5 gal.		Upright, spreading / Foliage, texture	16
Small to Medium (1' - 4' height); 20 Total Units					
	<i>Hemerocallis hybrid</i> Daylily	5 gal.		Low, arching / Flowers, foliage texture	
	<i>Liriope gigantea</i> Giant Big Blue Lily Turf	5 gal.		Low, upright / Flower, foliage texture	
	<i>Philodendron 'Xanadu'</i> Xanadu Philodendron	5 gal.		Low, mounding / Foliage, texture, color	
	<i>Strelitzia reginae</i> Bird of Paradise	5 gal.		Upright, coarse / Foliage, flower	40
Ground Covers					
	<i>Festuca ovina 'Glauca'</i> Blue Fescue		Rooted cuttings from flats @ 3" o.c.; Grass like / Color, BMP		
	<i>Ophiopogon japonicus</i> Mondo Grass		Rooted cuttings from flats @ 3" o.c.; Grass like / Color, BMP		
					Total Plant Points 184
Bark Mulch					
For bedding areas (levels) use "Walk On Bark", applied in a continuous 2" layer; do not apply in tree, shrub or groundcover watering basins (refer to planting detail for specific mulch application in watering basins). Available from: Sequoia Horticultural Products, Ph. 760-632-9442					

SAM WADE
Landscape Architect

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Tel 619-270-8481 | Cell 619-270-8489
AZ LIC #24795 (CA LIC #278)

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Brant Street Condominiums
2137 Brant Street
San Diego, CA 92101

Prepared for:
Steven P. Oggel
2137 Brant Street
San Diego, CA 92101

LANDSCAPE DEVELOPMENT PLAN

REVISIONS

SUMMARY OF LANDSCAPE CALCULATIONS
Condominium Conversion

PLANNING COMMISSION
RESOLUTION NO. XXXX
TENTATIVE MAP NO. 350894
2137 BRANT STREET TENTATIVE MAP - PROJECT NO. 105413
DRAFT

WHEREAS, STEPHAN OGGEL, Applicant/Subdivider, and BURKETT & WONG, Engineer, submitted an application with the City of San Diego for a Tentative Map No. 350894, for the conversion of five (5) existing residential units to condominiums, including a request to waive the requirement to underground existing overhead utilities. The project site is located on the west side of Brant Street between Hawthorn Street and Ivy Street at 2317 Brant Street, and is legally described as Lot 4, Block "K" of Middletown and Lot "I" of Horton's Addition, in the MR-1000 Zone, the Airport Environs and Airport Approach Overlay Zones of the Mid-City Communities Planned District, within the Uptown Community Plan; and

WHEREAS, the Map proposes the subdivision of a 0.12-acre site into one (1) lot for a 5-unit residential condominium conversion; 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 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 five; and

WHEREAS, on February 19, 2009, the Planning Commission of the City of San Diego considered Tentative Map No. 350894, 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. 350894:

1. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).

The proposed subdivision would comply with the development regulations of the underlying MR-1000 Zone and all of the applicable development regulations of the Land Development Code. No deviation or variance is requested with this application. The project maintains previously conforming rights for density, as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.

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).

The decision maker has reviewed the administrative record including the project plans, technical studies, environmental documentation and public testimony to determine 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 and found that the conversion of five residential units would assist the housing needs of the Uptown Community Plan.

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)).

A signed affidavit has been provided to the Development services Department identifying each of the tenants of the proposed project and stating each tenant received, pursuant to State Map Action Section 66452.9, written notification of intention to convert at least 60 days on October 10, 2005.

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)).

Condition No. 6 of this Resolution requires that the Subdivider 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.

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)).

Condition No. 7 of this Resolution requires that the Subdivider 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

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.

Condition No. 10 of this Resolution requires that the Subdivider must 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. Further, if the subdivider chooses to provide affordable housing units, Condition 16 requires that the Subdivider 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)).

Condition No. 8 of this Resolution requires that the Subdivider 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.

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)).

Condition No. 9 of this Resolution requires that the Subdivider give each of the tenants exclusive right to contract for the purchase of his or her respective unit upon the same terms.

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).

This project is privately financed and no funds obtained from a governmental agency to provide for elderly, disabled, or low-income housing would be used in this development.

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).

This project was not developed to provide housing for the elderly, disabled or to provide low-income housing

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)).

Condition No. 5(a) of this Resolution requires that each of the tenants of the proposed project has received written notification of the project application for the condominium conversion within 10 days after the application was deemed complete. A Notice of Application which identifies the project location and describes the proposed conversion was mailed to each tenant on August 6, 2006.

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)).

Condition 5(b) of this resolution requires 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

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)).

Condition 11 of this resolution requires that the subdivider give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property.

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)).

A Building Conditions Report has been prepared for this project by Land America Property Inspection in accordance with the Land Development Manual and reviewed for compliance with the Condominium Conversion Regulations.

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)).

Condition 12 of this resolution requires that the subdivider provide to a prospective purchaser a copy of the Building Conditions Report prior to the opening of an escrow account.

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).

Condition 14 of this resolution requires that the subdivider provide a relocation assistance payment to all tenants of the project whose tenancy has terminated due to the condominium conversion.

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.

Condition 20 includes the Engineering conditions specifically required for this development 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 and 144.0508.

Conditions Nos. 13 and 14 include the Affordable Housing conditions that would be required of this development to comply with the City of San Diego Inclusionary Housing Ordinance.

19. The proposed subdivision complies with the parking regulations of the Land Development Code (Land Development Code Section 142.0505).

The proposed development requires four off-street parking spaces based on the number and size of the residential units. The development provides four off-street parking spaces and therefore complies with the parking regulations of the Land Development Code.

20. 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), it has been determined that such conversion is not a part of a continuing effort to accomplish a total undergrounding within a specific street or area, the conversion would represent an isolated undergrounding with a minimum probability of extension in the future, and 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.

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

The above findings are supported by the administrative record for this project including all review documentation, maps and the Exhibit "A" drawing dated February 19, 2009.

BE IT FURTHER RESOLVED, that, based on the Findings hereinbefore adopted by the Planning Commission, Tentative Map No. 350894, including the waiver of the requirement to underground existing overhead utilities, is hereby granted to STEPHAN OGGEL, Applicant/Subdivider, subject to the following conditions:

GENERAL

1. This Tentative Map will expire February 19, 2012.
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. 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*.
6. 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.
7. 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.
8. 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.

9. 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.
10. 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.
11. 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)).
12. 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)).

AFFORDABLE HOUSING

13. 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) by paying an in-lieu fee of \$12,590.40 ($\$3.66 \times 3,440$ square feet), satisfactory to the Housing Commission.
14. Prior to filing a final map, the applicant shall 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, Section 144.0505). In addition, applicant must pay the appropriate fees incurred by the Housing Commission for compliance monitoring (Chapter 14, Article 4, Division 5, Section 144.0503).

ENGINEERING

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. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
17. 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.
18. Prior to the recordation 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.
19. The subdivider shall enter into an agreement to indemnify, protect and hold harmless the City, its officials and employees from any and all claims, demands, causes or action, liability or loss because of, or arising out of the repair and/or maintenance of the public drainage entering into the project site.
20. 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.

MAPPING

21. "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).
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.

23. "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."

24. 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

25. 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

26. 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.

27. 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.
28. 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.
29. The Landscape Construction Plan shall take into account a 40 sq-ft area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)5.
30. 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.
31. 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.
32. 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 FEBRUARY 19, 2009.

By

Renee Mezo
Development Project Manager
Development Services Department

Job Order No. 42-6564



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 SUBDIVISION

Project Title **Project No. For City Use Only**
2137-45 BRANT STREET - CONDOMINIUM CONVERSION
Project Address: 2137-45 BRANT STREET 105413

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):
STEPHEN P. OGEL
 Owner Tenant/Lessee Redevelopment Agency
2137 BRANT STREET
 Street Address:
SAN DIEGO, CA 92101
 City/State/Zip:
619-446-7800 619-237-1065
 Phone No: [Signature] Fax No:
 Signature : [Signature] Date: 2/22/06

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

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

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

DEVELOPMENT SERVICES
Project Chronology
 2137 BRANT STREET TENTATIVE MAP; PROJECT NO. 105413

	Action	Description	City Review Time	Applicant Response
7/25/06	First Submittal	Project Deemed Complete		
8/18/06	First Assessment Letter	First assessment letter sent to applicant.	24 days	
2/14/08	Second submittal	Applicant's response to first assessment letter		545 days
3/13/08	Second Assessment Letter	Second assessment letter sent to applicant	27 days	
11/21/08	Third submittal	Applicant's response to second assessment letter		252 days
12/12/08	Third Assessment Letter	Third assessment letter sent to applicant	21 days	
1/13/09	Issues addressed			32 days
2/19/09	Public Hearing-Planning Commission	Planning Commission Hearing	37 days	
TOTAL STAFF TIME**			109 days	
TOTAL APPLICANT TIME**				829 days
TOTAL PROJECT RUNNING TIME**		From Deemed Complete to PC Hearing	938 days	

**Based on 30 days equals to one month.

Notice of Intent to Convert to Condominiums

Scott Freathy
2137 Brant St
San Diego CA, 92101

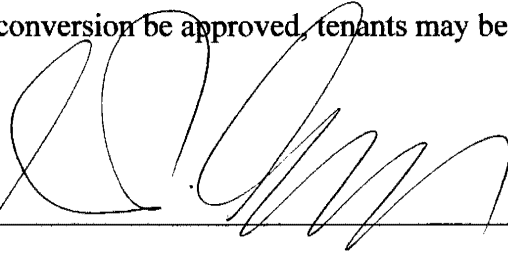
To the Occupant(s) of 2137 Brant St, San Diego CA 92101:

Dear Mr. Freathy:

The owners of this building located at 2137 Brant St. San Diego, CA 92101, has filed or plans to file a tentative map with the City of San Diego to convert this building to a condominium. No units may be sold in this building unless the conversion is approved by the City and until after a public report has been issued by the California Department of Real Estate. As a tenant of this building, you shall be given notice of each hearing for which a 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 be approved, tenants may be required to vacate the premises.

Signature of Owner: _____



Dated: _____

10/10/05

Building Condition Report

2137-45 Brant Street

Inspection Dates: 3-28-06 and 5-25-06

Prepared By:

- **LandAmerica Property Inspection Services**
- **William L. Mix, State of California Licensed General Contractor**
- **Ed Vargas, Registered California Structural Engineer**

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- 1. Appendix “A”**
- 2. Analysis and Executive Summary**
- 3. Key Findings**
- 4. Property Information**
- 5. Structural Engineers Report – Vargas Engineering**
- 6. Photographs**

APPENDIX "A"

PTS#: 105413

2137 Brandt St Tentative Map No. 350894

This report has been prepared by a licensed California professional. This property consists of 4 units and all 4 units were inspected, for a more detailed description of what is outlined below please refer to attached reports.

The roof and all flooring will be replaced, if at the time of conversion the remaining life is less than 5 years.

All items listed below have a remaining life of 5 years or less and will be replaced or repaired or are required per San Diego Municipal Code 144.0507:

1. Smoke Alarms shall be installed within each unit and shall be interconnected with primary power from building wiring, and shall be equipped with a battery back up, within sleeping rooms a visual notification will be installed for the hearing impaired.
2. The electrical system grounding shall be provided, and electrical receptacle protection shall be upgraded to include ground fault circuit interrupter protection, (GFCI) and shall comply with the prevailing code.
3. All improper drainage shall be corrected so that water and moisture drain away from the buildings
4. Repair any and all stairs so that they are compliant with the current regulations.
5. Properly attach the patio deck to the structure so that it meets code.
6. Repair any damaged shingles on the roof and terminate all gutters and downspouts so that they drain properly into the existing drainage system.
7. Provide seismic restraints on all water heaters.
8. All Landscaping will be completed per the approved set of landscaping plans.
9. All roofing issues regarding drainage and ponding will be corrected or repaired.

10. All heating and cooling systems will be corrected or repaired to ensure safe operating conditions.
11. All window openings will meet the current ingress and egress requirements.
12. Owner agrees to address the vertical and lateral load resisting systems by adding knee braces to the post and beam system supporting the room extension mentioned on page 4 of the BCR per ordinance number)- 19266N.S.
13. Owner agrees to repair all deck boards on 2137 that are damaged due to moisture as referenced on page 4 of the BCR.
14. No work is to be done regarding sound continuation as there are no units that reside over one another, there are units over the garages but they are adequately framed and insulated to minimize any noise transfer from garage to units above.
15. No work is to be done regarding handicap access, the building owner has no intent to provide any additional forms of access other than what is currently existing.
16. The holes in the attic between 2145 and 2139 will be patched and repaired.
17. The existing sleepers, which cause the birdbaths on unit 2145, will be repaired.
18. The holes in the fire barrier between the garage and interior mentioned on page 3 of the report will be fixed.
19. The owner agrees to abide by any and all conversion regulations as they pertain to the amendments adopted by City Council on January 26th, 2006.

Analysis and Executive Summary



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Building Condition Report Analysis and Executive Summary June 2nd , 2006 Version 3

The subject property is a residential complex located at 2137-45 Brant St. San Diego, California. Consisting of one structure (garage and residential) and four (4) living units.

This report consists of two sections, the analysis and executive summary section followed by the inspectors detailed findings and photographs.

Detailed inspections and reports were performed by Ed Vargas, Vargas Engineers State Of California Licensed Engineer, William L. Mix, State of California Licensed General Contractor and Anthony Genova, State of California Licensed Plumbing and Heating Contractor.

Every attempt has been made to ensure that the inspection and this report comply with the City Of San Diego Condominium Conversion Process Building Condition Report Ordinance.

Executive Summary

The building, systems and grounds in this development are aged, have some deferred maintenance, and in some cases are not constructed consistent with modern building practices. With that said this development can be rehabilitated and converted to condominiums/living units consistent with the neighborhood's general construction quality, amenities and architectural style.

Integral Building Components Health And Safety Code Analysis

Foundation And Structure:

The building foundations and structures are aged and are in need of specific repairs in multiple locations. These repairs include but are not limited to:

1. Correction of improper grading that can lead to foundational moisture intrusion and damage.



LandAmerica[®] Property Inspection Services

2. Structural augmentation to correct soft story construction technique may be required.

Walls And Exterior Components:

1. Stairs and their required handrails/guardrails are not compliant with current standards and are non-existent in some required locations.
2. Patio deck is not properly bolted to structure and should be properly attached.

Windows:

Windows are functional and provide proper fire egress methods for the sleeping areas.

Roofs:

The roof covering is in adequate condition. Some repairs are recommended

1. Damaged shingles
2. Gutters/downspouts do not terminate in the surface drainage system.

Electrical:

1. The electrical system does not make complete use of currently accepted safety components (GFCIs and AFCIs). The electrical system should be upgraded to include appropriate use of currently approved electrical distribution safety devices (GFCI outlets and AFCI breakers for sleeping areas).
2. The building and living units do not meet current municipal residential building guidelines in regards to number, location and installation of smoke detectors. Smoke detector system upgrades are recommended

Plumbing:

1. The natural gas supply system does not include manual or automatic seismic shutoff valves. Seismic shutoff valves should be installed
2. The natural gas plumbing uses thread protectors as unions this situation can lead to dangerous gas leaks and should be corrected immediately.
3. Shower control valves are antiquated and may lead to scalding, replacement is warranted.
5. Water heaters are not installed consistent with current standards and lack seismic restraints. Upgrades are recommended to correct installation and seismic restraint issues.



Mechanical:

Most heaters failed to respond to normal controls, the heater in unit 2145 shows signs of overheating and is a severe safety hazard. Further inspection, repairs and upgrade by a licensed heating contractor are warranted.

Paving And Drainage:

1. Paving (concrete drives and walks) are generally in a condition consistent with age. Some amount of cracking and settlement is present. Preventive/corrective maintenance is recommended to extend the life of concrete drives/garages.
2. The lot suffers from improper grading and lack of a planned drainage system. The lot should be re-graded to direct runoff away from buildings.

Landscaping, Parking And Recreational Facilities Analysis:

Landscaping is consistent with the neighborhood. Four (4) garaged parking spaces are provided. No recreation facilities are provided within the bounds of the development.

Energy Efficiency Standards Compliance Analysis:

Due to the age and construction style using non-invasive inspection techniques it was impossible to determine certain aspects of energy efficiency (insulation R factors for example). The following recommendations are made:

1. Windows could be replaced with windows meeting current municipal residential energy efficiency standards.
2. The buildings should be appropriately weatherproofed consistent with current municipal residential building guidelines
3. Heating equipment could be replaced with modern high efficiency gas furnaces, heat pumps or electrical resistance heating units.

Integral Building Components Remaining Useful Life Analysis:

Roofs:

The main roof and garage roof is in need of some minor repairs but once repaired have an adequate remaining useful life greater than 5 years.



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Water Heating:

The water heaters are functional and have an adequate remaining useful life greater than 5 years. Installation upgrades are required to meet seismic restraint standards.

Cooling And Heating Mechanical:

Some heating systems failed to respond to normal operator controls and one unit showed signs of unsafe overheating, further inspection and repair is warranted. These units do not appear to have adequate useful remaining life.

Exterior Floor Coatings:

Exterior surfaces consist of finished concrete and wood decking. Exterior concrete is in need of some resurfacing and repairs. Exterior wood decking is in need of some repairs and re-application of the surface finish. With recommended repairs these components will have an acceptable remaining useful life greater than 5 years.

Disabled Access Analysis:

No provisions for disabled access are currently available in this project.

Actions To Ensure Safe And Efficient Operation Of Plumbing, Heating, Electrical and Roofing Systems:

Developer intends to take the following actions in regards to the future safe and efficient operation of these important major building systems:

1. Upgrade electrical system to include installation of GFCIs and AFCIs in all required locations.
2. Correct plumbing, and DWS issues as noted in this report.
3. Replace current furnaces with modern high efficiency, natural gas furnaces, electric wall heaters or similar devices.
4. Smoke detectors will be upgraded and installed consistent with current municipal residential building guidelines.
5. Roof repairs will be made as per the recommendations of this report.



Proposed Structural Changes And Cosmetic Improvements:

No structural changes are planned. However, structural enhancements, corrections and maintenance will be performed as indicated by this report to ensure the longevity and safety of the structures. Additional enhancements may be made to bring the structure into compliance with seismic safety standards for existing residential structures. All structural enhancements will be planned by a licensed structural engineer and supervised, and performed by an appropriate State of California Licensed Contractor.

Report Approval:

Reviewed And Approved:

Edward J. Vargas
President Vargas Engineers
State Of California Licensed P.E. C41205

William Leonard Mix
CREIA Certified Inspector
State Of California Licensed General Contractor B-840425

Anthony Genova
State Of California Licensed Plumbing And Heating Contractor C36-679871

Michael P. Goodrich
Consulting Inspection Engineer
LandAmerica Property Inspection Services
ASHI Certified Home Inspector
State Of Arizona Certified Home Inspector
State Of Arizona Certified Wood Destroying Insect Inspector
IESO Certified Residential Mold Inspector

Key Findings

Legend

= Action Item

= Maintenance Item

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ACTION ITEMS

SITE AND GROUNDS

- 1. Sections of the grading around the building slopes toward the foundation. This condition promotes water accumulation near the building, which could result in deterioration of the foundation and water penetration into the structure.
- SUGGESTION: We suggest adjusting the surrounding grade near the building as needed, to ensure unobstructed flow of surface water away from the foundation.

BUILDING EXTERIOR

- 2. Some of the exterior stairs are not constructed in accordance with standard trade practices - improper "rise" and "run;" improper width; and, insufficient attachment/anchoring. Additionally, some stairways handrails/guard rails do not meet current industry standards/building code - baluster spacing and/or, railing height.
- SUGGESTION: A qualified technician should repair/replace the stairs and/or handrails.

ROOF

- 3. Some of the shingles are missing. This may be a result of wind and weather, or it may indicate improper installation. Additionally, a section of the roll roofing at the eave/gutter is damaged (S/E corner of Building).
- SUGGESTION: A qualified technician could make repairs or modifications as necessary.

PLUMBING SYSTEM

- 4. A thread protector has been used as a coupling in the gas supply piping under 2145 & 39. This is not an approved fitting as the threads are not tapered and are prone to leakage.
- SUGGESTION: An approved left & right handed coupling should be installed by a qualified technician in accordance with industry standards.
- 5. The bathroom shower valves/diverters do not appear to be modern/temperature balanced. SUGGESTION: Install vales/diverters that meet current industry standards/building code.
- 6. **[In Plumbing System: Water Heater]** The water heater do not appear to be installed in accordance with current industry standards/building code and lack seismic restraint.
- SUGGESTION: The California Office of the State Architect has published standards with which all water heater installations in the state must comply when buildings are sold or transferred. These standards require adequate restraint, provided by an approved metal strapping located one third down from the top and another approximately 4" above the control valve. If the heater is larger than 52 gallons, then additional strapping or engineered strapping is required.

ELECTRICAL SYSTEM

Legend

= Action Item

= Maintenance Item

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ACTION ITEMS

ELECTRICAL SYSTEM

- 7. Ground Fault Circuit Interrupter (GFCI) protection is installed for some, but not all, of the receptacles where this type of protection is presently required. This includes locations in bathrooms, garages, exteriors, basements and crawl spaces and kitchens within six feet of the sink. They are also commonly utilized for equipment such as sump pumps, whirlpools, spas and pool equipment. GFCI's have two different forms: receptacles with test/reset buttons, and panel breakers. Either form is effective in protecting appropriate outlets or fixtures.
- SUGGESTION: Consider upgrading unprotected receptacles in areas where GFCI protection is presently required.
- 8. The sub panel in 2145 is wired with material that appears to be aluminum; may be "tinned" copper.
SUGGESTION: Have a licensed electrician evaluate the wiring and repair/modify/replace as needed.
- 9. There is an abandoned electric cable under 2145 & 39. If it is connected to an energized source, it could be a fire or shock hazard. Additionally, there is surface run MN Cable ("Romex") wiring on the exterior @ the Laundry Room.
- SUGGESTION: Have a licensed electrician repair/reconfigured any segments of improper wiring.

HEATING AND COOLING

- 10. Some of the heaters failed to respond to normal operating controls. Additionally, the unit in 2137 (upstairs living room) was damaged - case melted.
- SUGGESTION: A qualified technician should evaluate the system and make repairs or modifications as necessary.

INTERIOR

- 11. It appears the installed smoke detectors are battery operated, not hard wired or interconnected.
SUGGESTION: Install smoke detectors meeting current industry standards/building code.
- 12. The glass at the bathroom windows have no visible marking to indicate that it is tempered or laminated safety glass.
- SUGGESTION: If tempered or laminated safety glass cannot be confirmed at this location, a qualified glass company should be consulted to examine it and identify its composition. If it is not safety glazing, we recommend upgrading it with safety glass.

ATTIC

- 13. There are holes in the fire wall/barrier between 2145 & 39.. This can allow a fire to spread more rapidly through the building.
- SUGGESTION: Repair the attic fire wall/barriers between units.

GARAGE

- 14. The optical sensor or track beam installed on the garage door opener (which activates the reversing eye system) is installed at the incorrect height. This could allow small children or animals to move under the beam without activating the safety feature. This is a safety concern.
- SUGGESTION: The optical sensor or track beam should be installed six inches above the floor of the garage or in accordance with the manufacturer's specifications.

Legend

= Action Item

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ACTION ITEMS

GARAGE

- 15. There are holes/damage in the fire-resistive barrier between the garage and interior. This condition can allow more rapid spread of smoke and flames in the event of a fire.
- SUGGESTION: All voids should be repaired.
- 16. There are stains or damage indicating roof/deck leaks at the ceiling of the garage. Additionally, there are stains around the drains from the units above the garage.
- SUGGESTION: Consult a qualified roofer and plumber for specifications, costs, and repairs.

MAINTENANCE ITEMS

INTRODUCTORY NOTES

- 17. Mold may be present in visible or hidden areas of this structure. Molds have been present since the beginning of time. There are thousands of different types of mold. Some people do allege adverse health reactions to certain molds. The federal Environmental Protection Agency has not established any standards for levels of mold within a structure that may lead to human health problems. Determination of mold in or on any given product that may be present in this structure can only be made with a laboratory test of suspected material or by air sampling. Such tests will not indicate if any person may have an adverse reaction to any mold that may be present. Unless specifically requested by the client and addressed elsewhere in this report or by separate document, testing for mold is not within the scope of this inspection.
- 18. Given the age of this property, it may have some products in it that contain asbestos. Asbestos has been shown to cause a variety of health problems. Asbestos was used as an ingredient in hundreds of products commonly used in construction. Shingles, floor coverings, ceiling tiles, duct wraps, insulation, ceiling coatings, and wallboard joint compound are but a few of these common products that often contained asbestos in years past. Determination of asbestos in any given product that may be present in this structure can only be made with a laboratory test of the material. Unless specifically requested by the client and addressed elsewhere in this report or by separate document, testing for asbestos content in any material is not within the scope of this inspection.
- 19. Indications are that this property was built prior to 1978. Prior to this year, many paint and stain products contained lead. Lead is a material that is medically harmful to human health and development, especially children. Testing for lead is outside the scope of this inspection, but only by testing can one determine the presence or absence of lead in either the interior or exterior painted or stained surfaces.
- SUGGESTION: Check with local authorities for any testing requirements. Have a qualified technician perform any tests as desired.

SITE AND GROUNDS

- 20. Water is ponding on the rear patio. This is a potential safety concern and may promote deterioration of the surface.
- SUGGESTION: Modifying the surface of the walk to allow complete drainage is advised. These areas should be monitored and maintained as necessary.

BUILDING EXTERIOR

Legend

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MAINTENANCE ITEMS

BUILDING EXTERIOR

- 21. There are one or more deteriorated floorboards on the deck (2137)..
 - SUGGESTION: All deteriorated elements of the deck should be removed and replaced with proper materials. A qualified technician could do the work.
- 22. The deck does not appear to be bolted to the structure. Until recent years, many jurisdictions did not require decks to be bolted to the structure. Nonetheless, decks should be bolted to the main structure for deck user's safety, particularly decks high above the ground. Unbolted decks could separate and fall if not properly secured.
 - SUGGESTION: Bolts or lag screws are effective fasteners. A qualified carpenter can provide repair specifications and costs, and perform the work.

ROOF

- 23. Some of the downspouts do not terminate into the surface drainage system.
 - SUGGESTION: As an upgrade, we recommend connecting all of the downspouts to the surface drainage system.
- 24. The mortar chimney cap has minor deterioration.
 - SUGGESTION: It should be repaired during routine property maintenance.

PLUMBING SYSTEM

- 25. You should be aware that older structures commonly have old-style exterior sewer pipe and plumbing in general. These older sewer pipes are frequently made up of individual short sections of clay pipe. The joint connections between the individual pipes are a vulnerable area at which tree roots can enter the sewer line. Tree roots can cause partial or full blockage of the sewer line. Periodic cleaning of the sewer by a plumber may be required.
 - SUGGESTION: A plumber equipped with a special camera that displays the condition of the interior of the sewer can be contacted if you suspect a problem with the sewer line. Based on the age of this structure, having this done prior to closing may be warranted.
- 26. There is no "emergency seismic shut off" meter wrench in the vicinity of the gas meter. A meter wrench is recommended in areas subject to seismic activity.
 - SUGGESTION: An emergency shutoff wrench should be chained to the meter to provide a convenient means for shutoff in an emergency. The valve can be turned 90 degrees in either direction to shut the gas supply off.
- 27. The meter is not equipped with an automatic seismic shutoff valve. This could allow gas leakage in the event of an earthquake.
 - SUGGESTION: A contractor could install a shutoff.

ELECTRICAL SYSTEM

- 28. We could not confirm that the HVAC equipment is properly bonded to ground. Lack of an electrical bond can be unsafe.
 - SUGGESTION: A qualified electrician should confirm the equipment bond or repair as needed.

HEATING AND COOLING

Legend

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MAINTENANCE ITEMS

HEATING AND COOLING

- 29. **[In Roof]** The flue cap for the wall furnace(s) is missing; furnace appears abandoned.
- SUGGESTION: Have a qualified mechanical contractor repair or replace all damaged and/or missing vent caps.

INTERIOR

- 30. There are smoke stains on the face of the fireplace, indicating either poor draft, or improper fire-lighting methods.
- SUGGESTION: Ask the owner about the history of the fireplace draft. Consider obtaining a more detailed evaluation and repair by a fireplace specialist if desired.
- 31. The fireplace and chimney could not be fully evaluated because of the buildup of soot and creosote.
- SUGGESTION: A qualified chimney sweep should clean and evaluate the flue and make repairs or modifications as necessary.

LAUNDRY AREA

- 32. The laundry tub is free standing, and not secured to either the floor or the wall. This can allow excessive flexing of the water supply and drain connections.
- SUGGESTION: The laundry tub should be firmly secured with rigid fastening to either the floor or the wall as needed.

Property Information

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LandAmerica Property Inspection Services

Inspector: Leonard Mix

Client(s): Hickman

2137-45 Brant Street, San Diego, CA 92101

Inspection Date: March 28, 2006

Thank you for choosing us for your property inspection. We hope you find value in our service. Your reports represent our professional opinion regarding conditions present at the time of the inspection. Due to the quantity and complexity of components and systems contained at the property, inspections can be helpful in identifying some, although not eliminating all risks associated with ownership.

We have inspected the major structural components, plumbing, heating and electrical systems for signs of significant non-performance, excessive or unusual wear and general state of repair. Your inspection was conducted in accordance with recognized standards of practice governing residential home inspections.

Your **PROPERTY INSPECTION REPORT** is documented by the following three sections: **KEY FINDINGS**, **PROPERTY INFORMATION**, and **INSPECTION AGREEMENT**. It is important to evaluate all of the sections to gain the most valuable assessment of the property and general conditions. The following definitions may be helpful in reviewing your reports.

Action Items may include:

- Items that are no longer functioning as intended
- Conditions that present safety issues
- Items or conditions that require repair, replacement, or further evaluation by a specialist
- Items that were inaccessible

Maintenance Items may include:

- Non-critical conditions requiring repair that arise due to normal wear and the passage of time.
- Conditions that have not significantly affected usability or function- but may if left unattended.

SECTION I. KEY FINDINGS (typically produced at the time of inspection)

This summary section is designed to provide a more detailed description of conditions that may require your immediate attention, and in some cases, suggestions for securing further evaluation or resolution.

The information may be used in the prioritization and planning for repairs and maintenance of systems and components. However, in compliance with professional standards, we make no suggestion as to whom if anyone should be responsible for recommended repairs. We strongly recommend that you evaluate these identified issues and discuss resolution options with your Realtor and/or others involved with the property. With neglect, lower priority conditions usually become increasingly problematic over time.

SECTION II. PROPERTY INFORMATION (typically available one business day after the inspection)

This section contains additional details such as various component locations, system types and details, maintenance tips, and other general information about the property. Notification of report availability is typically delivered via email, and can be viewed, printed, or downloaded from our Web site (www.inspectech.com).

SECTION III. INSPECTION AGREEMENT (typically provided before the start of the inspection)

The inspection agreement identifies what we will and will not inspect, how we inspect, and describes and limits our liability.

Your reports may contain specific references to areas and items that were inaccessible and therefore could not be inspected - potentially missing reportable conditions. Should you desire, inspection of these areas can be performed at a later date upon arrangement with the concerned parties to ensure accessibility. Additional fees may apply.

LandAmerica Property Inspection Services

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2137-45 Brant Street, San Diego, CA 92101
Inspection Date: March 28, 2006

To retrieve your PROPERTY INSPECTION REPORT (including sections I through III) from our Web site:

- Point your web browser to <http://www.inspectech.com>
- Click on **View Your Inspection Report**
- Enter the **Report Id** and **Client Last Name** (shown below)
 - ❖ Report Id: **060324000010163**
 - ❖ Client's Last Name: **Hickman**
- Follow the instructions to either view the report online or download it to your computer.

Again, thank you for selecting us as your inspection company. Please contact our Customer Service Center at 800-285-3001 should you have any questions about your reports or desire additional assistance.

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INTRODUCTORY NOTES

The following information sets the stage for the conduct of this inspection as well as describing conditions pertinent to the inspection. In addition, wherever we could, we have provided valuable advice to help with the operation and maintenance of the property and its features.

This inspection is limited to requirements of the standards of practice and the standard's glossary cited in your inspection agreement, and to readily accessible structural and mechanical areas and features and the current condition of those components. Latent, inaccessible, or concealed defects are excluded from this inspection. We did not dismantle any item or equipment, or invasively test any component. Unless specifically ordered by the client, we did not test for the presence of any potentially harmful substances or environmental hazards. Any item marked as "Action" or "Maintenance" should be interpreted as simply the inspector's opinion of the problem's importance. It is the client's responsibility to determine which of any such problems requires further negotiation with the seller.

In an emergency, the locations of the various shut-offs for the utilities should be readily accessible and well known. We strongly recommend familiarizing yourself and other occupants of this building with their exact locations and their operation. You can find information about their locations under this section or in the Plumbing and Electrical systems.

If the inspection is performed in connection with the sale, exchange or transfer of the property, you or we may give copies of the report to the principals in the transaction and their agents. Further, you and we agree that the report is for your sole information and benefit, and no one else may use it or rely on it, to maintain the confidentiality of the report and not to disclose any part of it to any one else, and that you and we do not intend for anyone but the person(s) listed on this report to benefit, directly or indirectly, from this agreement and inspection report. You agree to indemnify, defend and hold us harmless from any claims caused by your unauthorized distribution of the report. This report is not valid unless the holder possesses a signed inspection agreement that has been executed by a representative of this company and the person(s) listed and named on this report.

Information on the Scope of This Inspection

- ◆ This inspection and report addresses the Building Conditions Report (BCR) mandated by the City of San Diego. Although this limited inspection may meet the requirements of certain components of nationally or state-recognized standards of practice, its limited scope should not be interpreted as meeting all requirements of such standards of practice.

Weather Conditions at the Start of the Inspection

- ◆ At 9:00 AM when the inspection began, the weather was cloudy, the temperature was in the range of 60-70 degrees F, and the soil condition was dry.

The Age of the Building

- ◆ Based upon the inspector's observations, the building is about 60 years old.

Location of the Main Water Shutoff

- ◆ The domestic water supply main shut-off valve is located at the building exterior.

Location of the Electrical Main Switch and Distribution Panel

- ◆ The main electrical distribution panel and disconnect are located at the exterior. - left rear.

Location of the Gas Meter and Main Gas Shut-off

Legend

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INTRODUCTORY NOTES

Location of the Gas Meter and Main Gas Shut-off

- ◆ The gas service to the property is natural gas. The meter and/or main shut-off valve are located at the building exterior - left side.

Sewer Cleanout Location

- ◆ A cleanout is located at the base of the observed sewer system drains, just above the joint where the pipe(s) pass through the floor to the underbuilding areas.

Advice About Possible Environmental Hazards

- ◆ Given the age of this property, it may have some products in it that contain asbestos. Asbestos has been shown to cause a variety of health problems. Asbestos was used as an ingredient in hundreds of products commonly used in construction. Shingles, floor coverings, ceiling tiles, duct wraps, insulation, ceiling coatings, and wallboard joint compound are but a few of these common products that often contained asbestos in years past. Determination of asbestos in any given product that may be present in this structure can only be made with a laboratory test of the material. Unless specifically requested by the client and addressed elsewhere in this report or by separate document, testing for asbestos content in any material is not within the scope of this inspection.
- ◆ Indications are that this property was built prior to 1978. Prior to this year, many paint and stain products contained lead. Lead is a material that is medically harmful to human health and development, especially children. Testing for lead is outside the scope of this inspection, but only by testing can one determine the presence or absence of lead in either the interior or exterior painted or stained surfaces.
 - SUGGESTION: Check with local authorities for any testing requirements. Have a qualified technician perform any tests as desired.
- ◆ Mold may be present in visible or hidden areas of this structure. Molds have been present since the beginning of time. There are thousands of different types of mold. Some people do allege adverse health reactions to certain molds. The federal Environmental Protection Agency has not established any standards for levels of mold within a structure that may lead to human health problems. Determination of mold in or on any given product that may be present in this structure can only be made with a laboratory test of suspected material or by air sampling. Such tests will not indicate if any person may have an adverse reaction to any mold that may be present. Unless specifically requested by the client and addressed elsewhere in this report or by separate document, testing for mold is not within the scope of this inspection.
- ◆ Any questions the client may have regarding the report should be directed to the inspector at 3108729146. The inspector will return your call at the earliest opportunity.
- ◆ The purpose of the re-inspection is to verify that the listed items have been addressed. Typically, components of the repairs are concealed and not accessible. This re-inspection should not be construed as a warranty or guarantee of any kind on the repairs performed.
- ◆ Please read the inspection report's Key Findings for a summary description of conditions that need immediate attention, and details on repairs that are likely to be costly.

SITE AND GROUNDS

Our inspection of the site and grounds includes a visual examination of grading and drainage within five feet of the building, walkways, driveways, patios, connected to or directly adjacent to the structure. These items are examined for excessive or unusual wear and general state of repair. Vegetation, including trees, is examined only to the extent that it is presently or may in the near term have an affect on the structure. No other features on the property grounds were examined unless specifically discussed in this report. Geological evaluations and the determination of soils

Legend

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SITE AND GROUNDS

stability are outside the scope of this inspection.

Snow & Soil Advisories

- ◆ The soil conditions are not within the scope of this inspection.

Drainage System Advisories

- ◆ The surface water drainage system is below grade and not visible. Designs and materials for these systems vary widely, making it virtually impossible to evaluate the nature or condition of the system.
- ◆ The property drainage system was not water-tested during the inspection. We make no representations as to its nature or effectiveness.
 - SUGGESTION: The operation of the drainage system should be observed during adverse weather.
- ◆ We observed some, but not necessarily all, of the intake and discharge points for the drainage system.
 - SUGGESTION: The property owner should be asked to identify and mark all of the intake and discharge points for future reference.

Advice About Exterior Features

- ◆ Fences at the perimeter of the property were not inspected and are not included in this report. Fences immediately adjacent to the building were inspected, and any exceptions are noted.

Descriptive Information About the Building Site and Surrounding Grounds

- ◆ The walkway is surfaced with concrete on grade.
- ◆ The general topography (surface) of the lot is sloped rear to front.

Property Drainage Descriptions

- ◆ A surface drainage system is designed to collect and divert roof runoff and other surface water away from a building. It is typically installed in solid pipe and normally flows continuously downhill to a point of discharge.
- ◆ A typical roof water drainage system consists of 4" diameter solid (non-perforated) pipe installed underground and directed continuously downhill to a point of discharge. The purpose of the drain system is to divert water from the roof away from the foundation, thus helping to prevent water infiltration into crawl spaces and living spaces located below grade.

Area Grading Conditions

- ◆ Sections of the grading around the building slopes toward the foundation. This condition promotes water accumulation near the building, which could result in deterioration of the foundation and water penetration into the structure.
 - SUGGESTION: We suggest adjusting the surrounding grade near the building as needed, to ensure unobstructed flow of surface water away from the foundation.

Property Drainage Conditions

- ◆ All drainage systems require ongoing maintenance to ensure proper function. Tree debris, roots and other materials can collect in drains or catch basins and clog the drainage system. The areas and drainage components should remain free from debris.

Walkway Conditions

Legend

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SITE AND GROUNDS

Walkway Conditions

- ♦ Water is ponding on the rear patio. This is a potential safety concern and may promote deterioration of the surface.
 - SUGGESTION: Modifying the surface of the walk to allow complete drainage is advised. These areas should be monitored and maintained as necessary.

BUILDING EXTERIOR

Our inspection of the building exterior includes a visual examination of the accessible finished surfaces, wall cladding, windows, doors, flashing, trim, fascia, eaves, soffits, decks, porches and railings. These items are examined for excessive or unusual wear and general state of repair. Exterior wood components are randomly probed where deterioration is suspected, but we did not probe every inch of every feature. Hidden or latent damage can be present but not visible at the time of inspection. If we report one area of deterioration, the client should assume other areas of similar damage is present, and the client should have a qualified contractor determine the exact extent of damage before proceeding to escrow closing. Components may not be visible because of soil, vegetation, storage, surface paint and/or the nature of construction. In such cases these items are considered inaccessible and are not inspected. We cannot accept responsibility for inaccessible, camouflaged or hidden damage.

Exterior Deck Conditions

- ♦ The deck does not appear to be bolted to the structure. Until recent years, many jurisdictions did not require decks to be bolted to the structure. Nonetheless, decks should be bolted to the main structure for deck user's safety, particularly decks high above the ground. Unbolted decks could separate and fall if not properly secured.
 - SUGGESTION: Bolts or lag screws are effective fasteners. A qualified carpenter can provide repair specifications and costs, and perform the work.
- ♦ There are one or more deteriorated floorboards on the deck (2137)..
 - SUGGESTION: All deteriorated elements of the deck should be removed and replaced with proper materials. A qualified technician could do the work.

Exterior Stair Conditions

- ♦ Some of the exterior stairs are not constructed in accordance with standard trade practices - improper "rise" and "run;" improper width; and, insufficient attachment/anchoring. Additionally, some stairways handrails/guard rails do not meet current industry standards/building code - baluster spacing and/or , railing height.
 - SUGGESTION: A qualified technician should repair/replace the stairs and/or handrails.

ROOF

Our inspection of the accessible roof system components includes a visual examination of the surface materials, connections, penetrations, chimneys and roof water drainage system. We examine the roofing material for damage and deterioration. We look for evidence of roof system leaks, roofing material damage and conditions that suggest limited remaining service life. We may offer opinions concerning repair and/or replacement. Opinions stated herein concerning the roofing material are based on the general condition of the roof system as evidenced by our visual inspection. These do not constitute a warranty that the roof is, or will remain, free of leaks. We cannot predict when or if a roof might leak in the future. All roof systems require annual maintenance. Failure to perform routine roof maintenance will usually result in leaks and accelerated deterioration of the roof covering, flashings and other components.

Limitations About the Roofing Inspection

Legend

- = Action Item
- = Maintenance Item

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ROOF

Limitations About the Roofing Inspection

- ◆ We observed no evidence of active leakage during the inspection. However, our inspection of the roof surface, attic and interior spaces should not be interpreted as a certification that this roof is, or will be free of leaks.
- ◆ We could not determine the number of roofing layers without employing destructive testing methods. Such testing is beyond the scope of this inspection.

Information About Gutter & Downspout Inspection

- ◆ The internal roof drain is hidden by the finished surfaces of the building. Therefore, we could not inspect the drain.

Other Roof Features

- ◆ The spark arrestor was not removed to allow an examination of the interior of the chimney. Dismantling of a building's components is beyond the scope of this inspection.

How the Roof was Inspected

- ◆ The inspection of the roof reported in this section was conducted from the roof surface. The inspector walked on the surface and visually examined the accessible roofing components.

Descriptive Information about the Roof Covering

- ◆ The slope (pitch) of this roof is both medium & low.
- ◆ The materials described in this section, or their types are a combination of asphalt-composition shingles and 90lb., mineral coated, roll roofing

Composition Shingle Conditions

- ◆ Some of the shingles are missing. This may be a result of wind and weather, or it may indicate improper installation. Additionally, a section of the roll roofing at the eave/gutter is damaged (S/E corner of Building).
- SUGGESTION: A qualified technician could make repairs or modifications as necessary.

Gutters & Downspout Conditions

- ◆ Some of the downspouts do not terminate into the surface drainage system.
- SUGGESTION: As an upgrade, we recommend connecting all of the downspouts to the surface drainage system.

Internal Roof Drain Conditions

- ◆ As with any drainage system, the need for ongoing maintenance is required to ensure its proper function. Tree debris and other materials collect on the roof and typically clog the drainage system. The system should be kept free of debris. Water intrusion from a clogged roof drain can be very costly if not maintained properly.

Notes On The Chimney

- ◆ A visual observation of the flue that is within the scope of a standard home inspection may not detect defects far down/up the chimney or where soot has accumulated.
- SUGGESTION: Other inspection methods can be employed by specialists in this field.
- ◆ The mortar chimney cap has minor deterioration.
- SUGGESTION: It should be repaired during routine property maintenance.

Legend

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ROOF

Gas & Oil Appliance Flue Conditions

- ♦ The flue cap for the wall furnace(s) is missing; furnace appears abandoned.
 - SUGGESTION: Have a qualified mechanical contractor repair or replace all damaged and/or missing vent caps.

PLUMBING SYSTEM

Our inspection of the plumbing system includes a visual examination of the exposed portions of the domestic water supply lines, water heater, drain, waste and vent lines, gas lines, faucets, fixtures, valves, drains, traps, exposed pipes and fittings. These items are examined for excessive or unusual wear, leakage, and general state of repair. The hidden nature of piping prevents inspection of every pipe and joint. Plumbing leaks can be present but not evident in the course of a normal inspection. A sewer lateral test to determine the condition of the underground sewer lines is beyond the scope of this inspection. If desired, a qualified individual could be retained for such a test. Our review of the plumbing system does not include landscape irrigation systems, water wells, on site and/or private water supply systems, water quality, off site community water supply systems or private (septic) waste disposal systems unless specifically noted. If desired, review of such systems should be performed by qualified specialists prior to the close of escrow.

Interior Water Supply Conditions

- ♦ The visible and accessible water supply piping has been upgraded from galvanized piping to copper. We were unable to verify that copper has been installed in the concealed inaccessible areas.

Drain, Waste & Vent Line Conditions

- ♦ The drain and waste piping should be routinely cleaned to remove the buildup of grease, hair and dirt to help prevent blockages and subsequent drainage failures.
- ♦ You should be aware that older structures commonly have old-style exterior sewer pipe and plumbing in general. These older sewer pipes are frequently made up of individual short sections of clay pipe. The joint connections between the individual pipes are a vulnerable area at which tree roots can enter the sewer line. Tree roots can cause partial or full blockage of the sewer line. Periodic cleaning of the sewer by a plumber may be required.
 - SUGGESTION: A plumber equipped with a special camera that displays the condition of the interior of the sewer can be contacted if you suspect a problem with the sewer line. Based on the age of this structure, having this done prior to closing may be warranted.

Water Fixture, Supply & Drain Conditions

- ♦ The bathroom shower valves/diverters do not appear to be modern/temperature balanced. SUGGESTION: Install vales/diverters that meet current industry standards/building code.

Gas Meter & Shut-Off Conditions

- ♦ There is no "emergency seismic shut off" meter wrench in the vicinity of the gas meter. A meter wrench is recommended in areas subject to seismic activity.
 - SUGGESTION: An emergency shutoff wrench should be chained to the meter to provide a convenient means for shutoff in an emergency. The valve can be turned 90 degrees in either direction to shut the gas supply off.
- ♦ The meter is not equipped with an automatic seismic shutoff valve. This could allow gas leakage in the event of an earthquake.
 - SUGGESTION: A contractor could install a shutoff.

Gas Piping Conditions

Legend

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Page 7 of 11**PLUMBING SYSTEM****Gas Piping Conditions**

- ♦ A thread protector has been used as a coupling in the gas supply piping under 2145 & 39. This is not an approved fitting as the threads are not tapered and are prone to leakage.
 - SUGGESTION: An approved left & right handed coupling should be installed by a qualified technician in accordance with industry standards.

Water Heater**Water Heater(s) Seismic Restraint Conditions**

- ♦ The water heater do not appear to be installed in accordance with current industry standards/building code and lack seismic restraint.
 - SUGGESTION: The California Office of the State Architect has published standards with which all water heater installations in the state must comply when buildings are sold or transferred. These standards require adequate restraint, provided by an approved metal strapping located one third down from the top and another approximately 4" above the control valve. If the heater is larger than 52 gallons, then additional strapping or engineered strapping is required.

ELECTRICAL SYSTEM

Our examination of the electrical system includes a visual examination of the exposed and accessible service entry wiring, service panels, subpanels, overcurrent protection devices, branch circuit wiring, light fixtures, switches and receptacles. Service equipment, proper wiring methods, grounding, bonding and overcurrent protection are focal points. We inspected for adverse conditions such as improper installation of aluminum wiring, lack of grounding and bonding, overfusing, exposed wiring, open-air wire splices, reversed polarity and defective GFCIs. The hidden nature of the electrical wiring prevents inspection of every length of wire. Performing voltage tests, load calculations or determining the adequacy of the electrical system is outside the scope of this inspection. Telephone, video, audio, security system, landscape lighting, and other low voltage wiring was not included in this inspection unless specifically noted. We recommend you have the seller or a qualified specialist demonstrate the serviceability of such systems to you.

Descriptive Information About the Electric System Amperage & Voltage

- ♦ We use the terms, 120 volts and 240 volts throughout the inspection report as this is the nominal value of the designated voltage class in all nationally recognized standards for both residential and commercial construction. The actual voltage at which circuits operate can vary from the nominal in a range that permits adequate operation of the equipment, again as defined in nationally recognized standards. This range includes 110 volts and 220 volts, the terms you may be most familiar with. In fact, we are both speaking of the same voltage levels and not of a different type or class.
- ♦ The available amperage provided through the electric service main is 100 amps.
- ♦ Determination of service capacity was based upon the labeled rating of the main electrical service disconnect.

Descriptive Information About the Electric System Wiring & Grounding

- ♦ The electrical system is grounded to a driven rod at the exterior, near the electric meter.

Descriptive Information About the Electric System Circuit Protection

Legend

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ELECTRICAL SYSTEM

Descriptive Information About the Electric System Circuit Protection

- ◆ GFCI PROTECTION - Ground Fault Circuit Interrupters (GFCI) are a special type of electrical device, available as a receptacle or a circuit breaker, designed to monitor the current entering and leaving the circuit or receptacle it protects. If the device detects a minute difference in the current balance indicating an electrical leak (ground fault), it will immediately trip or open the circuit. GFCI protection can provide an increased margin of safety.
- ◆ Branch circuit overload protection is provided by circuit breakers.

Branch Circuitry Conditions

- ◆ There is an abandoned electric cable under 2145 & 39. If it is connected to an energized source, it could be a fire or shock hazard. Additionally, there is surface run MN Cable ("Romex") wiring on the exterior @ the Laundry Room.
 - SUGGESTION: Have a licensed electrician repair/reconfigured any segments of improper wiring.

Subpanel(s) Conditions

- ◆ The sub panel in 2145 is wired with material that appears to be aluminum; may be "tinned" copper.
 - SUGGESTION: Have a licensed electrician evaluate the wiring and repair/modify/replace as needed.

HVAC Wiring Conditions

- ◆ We could not confirm that the HVAC equipment is properly bonded to ground. Lack of an electrical bond can be unsafe.
 - SUGGESTION: A qualified electrician should confirm the equipment bond or repair as needed.

Ground Fault Circuit Protection Conditions

- ◆ Ground Fault Circuit Interrupter (GFCI) protection is installed for some, but not all, of the receptacles where this type of protection is presently required. This includes locations in bathrooms, garages, exteriors, basements and crawl spaces and kitchens within six feet of the sink. They are also commonly utilized for equipment such as sump pumps, whirlpools, spas and pool equipment. GFCI's have two different forms: receptacles with test/reset buttons, and panel breakers. Either form is effective in protecting appropriate outlets or fixtures.
 - SUGGESTION: Consider upgrading unprotected receptacles in areas where GFCI protection is presently required.

HEATING AND COOLING

Our examination of the heating and cooling system includes a visual examination of the exposed and accessible equipment, thermostat, safety controls, venting and the means of distribution. These items are examined for excessive or unusual wear and general state of repair. Weather permitting, our inspection of a heating or cooling system includes activating it via the thermostat and checking for appropriate temperature response. Modern furnace heat exchangers are inaccessible by design, which would require significant dismantling of the furnace to be evaluated. Our inspection does not include disassembly of the furnace, therefore heat exchangers are not included in the scope of this inspection. To obtain maximum efficiency and reliability from your heating and cooling system, we recommend annual seasonal servicing and inspection by a qualified technician. Ceiling fans are not typically inspected as they are not within the scope of the inspection.

General Conditions About the Heating System

Legend

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HEATING AND COOLING

General Conditions About the Heating System

- ♦ Some of the heaters failed to respond to normal operating controls. Additionally, the unit in 2137 (upstairs living room) was damaged - case melted.
 - SUGGESTION: A qualified technician should evaluate the system and make repairs or modifications as necessary.

INTERIOR

Our inspection of the interior includes a visual examination for structural and safety deficiencies of the readily accessible portions of the walls, ceilings, floors, doors, windows, cabinetry, countertops, steps, stairways, balconies, railings and smoke alarms. Not included in the scope of inspection are cosmetic conditions of floor and wall covering or determination of failed seals in insulated windows and doors. Please note that a representative sample of accessible windows and electrical receptacles and fixtures are inspected. These features are examined for proper function, excessive wear and general state of repair. In some cases, all or portions of these components may not be accessible in an occupied building because of furniture and personal effects. In such cases these items are not inspected.

Condition of Fireplaces

- ♦ The fireplace and chimney could not be fully evaluated because of the buildup of soot and creosote.
 - SUGGESTION: A qualified chimney sweep should clean and evaluate the flue and make repairs or modifications as necessary.
- ♦ There are smoke stains on the face of the fireplace, indicating either poor draft, or improper fire-lighting methods.
 - SUGGESTION: Ask the owner about the history of the fireplace draft. Consider obtaining a more detailed evaluation and repair by a fireplace specialist if desired.

Window Conditions

- ♦ The glass at the bathroom windows have no visible marking to indicate that it is tempered or laminated safety glass.
 - SUGGESTION: If tempered or laminated safety glass cannot be confirmed at this location, a qualified glass company should be consulted to examine it and identify its composition. If it is not safety glazing, we recommend upgrading it with safety glass.

Smoke & Carbon Monoxide Detector Conditions

- ♦ The smoke detector(s) were inspected for location only. For future reference, testing with only the built-in test button verifies proper battery and horn function, but does not test the smoke sensor. We advise testing with simulated smoke upon occupying the building.
- ♦ It appears the installed smoke detectors are battery operated, not hard wired or interconnected.
 - SUGGESTION: Install smoke detectors meeting current industry standards/building code.

ATTIC

Our inspection of the accessible areas of the attic includes a visual examination of the roof framing (see also Structure Section), ventilation, insulation, and any plumbing, electrical and mechanical systems therein. There are often heating ducts, bathroom vent ducts, electrical wiring, chimneys and appliance and plumbing vents in the attic, some of which may not be accessible. We examine the visible systems and components for excessive or unusual wear and general state of repair. When low clearance, framing design or obstructions, deep insulation and mechanical components prohibit walking safely in an unfinished attic, inspection is conducted from the available

Legend

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ATTIC

service platforms or access openings only.

Fire Wall & Chase Conditions

- ♦ There are holes in the fire wall/barrier between 2145 & 39.. This can allow a fire to spread more rapidly through the building.
 - SUGGESTION: Repair the attic fire wall/barriers between units.

GARAGE

Our inspection of the garage includes a visual examination of the readily accessible portions of the walls, ceilings, floors, vehicle and personnel doors, steps and stairways, fire resistive barriers, garage door openers and hardware if applicable. Please note that a representative sample of accessible windows and electrical receptacles are inspected. These features are examined for proper function, excessive wear and general state of repair. In some cases, all or portions of these components may not be visible because of stored personal property. In such cases, some items may not be inspected.

Descriptive Information About the Garage

- ♦ The walls of the detached garage are constructed of poured-in-place concrete.

Garage Door Opener Conditions

- ♦ The optical sensor or track beam installed on the garage door opener (which activates the reversing eye system) is installed at the incorrect height. This could allow small children or animals to move under the beam without activating the safety feature. This is a safety concern.
 - SUGGESTION: The optical sensor or track beam should be installed six inches above the floor of the garage or in accordance with the manufacturer's specifications.
- ♦ The garage door opener raises and lowers the door properly, other than any exceptions noted. We did not test the auto-reversing function of the opener because of the potential to damage the door or the opener.

Garage-House Fire Separation Conditions

- ♦ There are holes/damage in the fire-resistive barrier between the garage and interior. This condition can allow more rapid spread of smoke and flames in the event of a fire.
 - SUGGESTION: All voids should be repaired.

Condition of the Garage Walls & Ceilings

- ♦ There are stains or damage indicating roof/deck leaks at the ceiling of the garage. Additionally, there are stains around the drains from the units above the garage.
 - SUGGESTION: Consult a qualified roofer and plumber for specifications, costs, and repairs.

LAUNDRY AREA

Testing of clothes washers, dryers, water valves and drains are not within the scope of this inspection. We inspect the general condition and accessibility of the visible water supply, drain and electric and/or gas connections and dryer vent. If present, laundry sink features will be inspected.

Laundry Tub Conditions

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LAUNDRY AREA

Laundry Tub Conditions

- ♦ The laundry tub is free standing, and not secured to either the floor or the wall. This can allow excessive flexing of the water supply and drain connections.
 - SUGGESTION: The laundry tub should be firmly secured with rigid fastening to either the floor or the wall as needed.

Structural Engineer's Report
Vargas Engineers

VARGAS ENGINEERS

808 N. Viewcrest Drive
Montebello, CA 90640

Phone: (323) 353-2063
Fax: (323) 726-8520

May 30, 2006

Mr. Mike Goodrich
SW Area Executive
LandAmerica Property Inspection Services
1363 S. Vineyard
Mesa, AZ 85210

RE: Structural Inspection on May 25, 2006
Project Location: 2137-45 Brant St., San Diego, CA 92101

Dear Mr. Goodrich:

Thank you for the opportunity to serve you. At your request, we performed a limited structural inspection of the above property on the above date. The following report was prepared based on that inspection. The weather was clear and outdoor temperature about 75 degrees F.

For your convenience, we prepared the following summary of conditions of structural systems of the property. Please read the report for a more detailed discussion of these systems.

SUMMARY

- Overall foundation system is in good condition
- Exterior building surface is in good condition
- Water control/surface runoff is not adequate along right yard of 5-unit apartment building.

INTRODUCTION

The purpose of this inspection and report is to evaluate the current condition of the **structural system** of this apartment building complex and to determine what, if any significant maintenance, repairs, and/or replacement to this system is required now.

This report is an opinion about the structural condition of this building. It is based on visual evidence available during a diligent inspection of reasonably accessible areas. No surface materials were removed, neither destructive testing undertaken, nor furnishings moved. This report is not an exhaustive technical evaluation.

The report is not to be considered a guarantee of condition and no warranty is implied. The report is not to be used as a substitute for disclosure under California Law. Scope of this inspection does not include a comprehensive evaluation for code compliance, governmental regulation compliance, or hazardous materials anywhere on the site.

For your reference while reading our report, the following definitions may be helpful. Please note these are applied as overall ratings and do not preclude that a part or section of a particular system or component may be in different condition:

- Excellent- Component or system is in "as new" condition, requiring no rehabilitation, and should perform in full accordance with expected performance.
- Good- Component or system is sound and performing its function, although it may show signs of normal wear and tear. Some minor rehabilitation work may be required.
- Fair - Component or systems falls into one or more of the following categories: a) Evidence of previous repairs not in compliance with commonly accepted standards, b) Workmanship not in compliance with commonly accepted standards, c) Component or system is obsolete, d) Component or system approaching end of expected life. Repair or replacement is required to prevent further deterioration or to prolong expected life.
- Poor- Component or system has either failed or cannot be relied upon to continue performing its original function as a result of having exceeded its expected performance, excessive deferred maintenance, or state of disrepair. Present condition could contribute or cause deterioration of other elements or systems. Repair or replacement is required.

DESCRIPTION

The apartment building is a two-story structure with four parking garages located under Unit #2145. The interior of each apartment unit was not accessible for inspection. Wood framing is used for exterior walls. Exterior walls are covered with Portland cement stucco. At the time of our inspection a geotechnical soils report was not available for review.

For purposes of this report, all directions (left, right, rear, etc.) are taken from the viewpoint of an observer standing in front of the building and facing it from Brant Street.

STRUCTURAL

BUILDING FOUNDATION

5-Unit Apartment Building: #2137, #2139, #2141, #2143, and #2145

Unit #2139 and #2143: Foundation inspection only

We entered the crawl space through a crawl holes located along the left wall of Unit #2139 and Unit #2143. While in the crawl space, we observed concrete foundation stem walls and wood posts on concrete piers.

Unit #2139 and #2143 (continued):

At the time of our inspection, the topsoil in the crawl space was relatively dry. Foundations below grade were not accessible for inspection. We did not observe major concrete cracks on the surface of concrete stem walls. Concrete stem walls and wood posts are relatively straight and plumb.

In the crawl space, wood posts, floor beams, floor joists, and wood sub-floor are in good condition.

At the time of our inspection, the stud wall sill plate was flush and true with the foundation wall. Foundation anchor bolts were observed protruding through the wood sill plate. The building is anchored to its foundation. No lateral shifting of the apartment building with respect to its foundation was observed.

Where visible, the apartment building foundation is in good condition and is structurally sound.

Unit #2145: Inspection of exterior appendages only

Action Required: A wood patio deck is supported by wood sleepers (flat plates), which rest on top of the garage flat roof. The garage flat roof at and adjacent to the front wall of Unit #2145 is showing standing water (birdbaths). Unit #2145 roof downspouts spill onto the flat roof of the garage and wood sleepers supporting the wood patio deck is preventing surface water from traveling and draining into the scupper located at the front left corner of the garage roof.

Exterior walls and patio deck guardrail are covered with stucco. Walls and guardrail do not show major stucco cracks. Wood framed concrete covered stair and landing do not show major cracks.

Action required: We observed rain gutters and downspouts. A downspout is showing rust damage.

Units #2141: Inspection of exterior appendages only

Exterior walls do not show major stucco cracks. Wood framed concrete covered stair and landing do show minor hairline cracks.

Unit #2137: Inspection of exterior appendages only

Action may be required: A wood framed patio deck extends out from Unit #2137 and over the roof of pitched roof of Unit #2141 below. Patio deck floor joists and floor beams rest on top of short wood posts that are supported by Unit #2141 roof framing. Unit #2141 roof framing may not be designed to support floor loads.

Wood framed concrete covered stair and landing are showing concrete cracks. Stucco on exterior walls is in good condition.

5-Unit Apartment Building: #2137, #2139, #2141, #2143, and #2145 (continued):

Rear Yard:

Action Required: A second floor room extension is supported by a wood post and beam system. The post and beam system is missing knee bracing to resist lateral wind or seismic forces.

Right Yard:

The right yard is covered with concrete stairs and walkway. The right yard slopes down in the direction of the street curb and gutter. A concrete stair and landing near the right front corner of the building is blocking right yard surface drainage.

Garage Front Wall:

Action may be required: It should be noted here that according to the current California Building Code (CBC 2001) the front of the building where the second-story apartment unit is supported by the garages below are considered a "Type 1 Vertical Irregularity" (stiffness irregularity-soft story). It may be that the lower story (garage) stiffness is less than 70% of the stiffness of the story above (2nd story apartment). If this is the case, then the front part of the building does not meet current code requirements for lateral stability during a strong-motion seismic event.

EXTERIOR

Exterior wall surfaces (stucco and wood trim) are in good condition. Stucco hairline cracks are visible at various locations. These stucco hairline cracks are most likely caused by expansion and contraction of the stucco material due to changes in temperature or very minor movement of parts of the building structure due to differential settlement of the foundation, wind, or seismic activity that occurs periodically in the region. The presence of hairline stucco cracks does not render the building unstable.

CONCLUSION AND RECOMMENDATIONS

Based on visible evidence, we consider this property to be in good structural condition when compared to others of similar age and construction type. No major structural repairs are recommended at this time.

This report has been prepared in strict confidence with you as our client and for your exclusive use. We will not release this report, or discuss its contents, to anyone without your permission. We prefer if our report is not provided to other inspection professionals without coordinating with us ahead of time.

Vargas Engineers does not intend any other individual or party to rely upon this report without our expressed written consent.

Third parties will indemnify and hold harmless Vargas Engineers for any damages, losses, or expenses they incur as a result of its use.

If you have any questions or would like further clarification on specific findings, please do not hesitate to call. Thank you for the opportunity to be of assistance to you.

Sincerely,



Edward J. Vargas, P.E.
President

Calif. Lic. No. C 41205



Photographs

 **LandAmerica**
Property Inspection Services




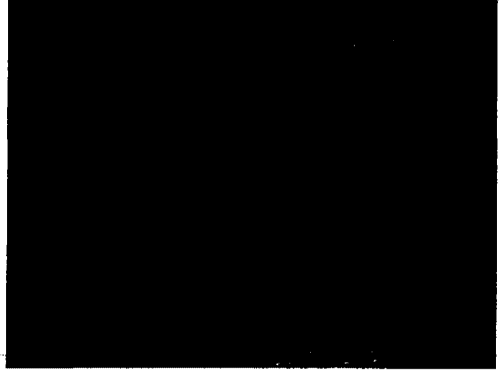
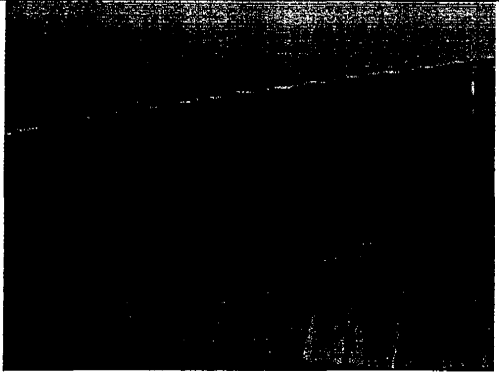
Property Inspection Report
2137-45 Brant St.
San Diego, CA 92101

Inspection Date:
4/5/2006

Client Name(s):
Steve Oggel

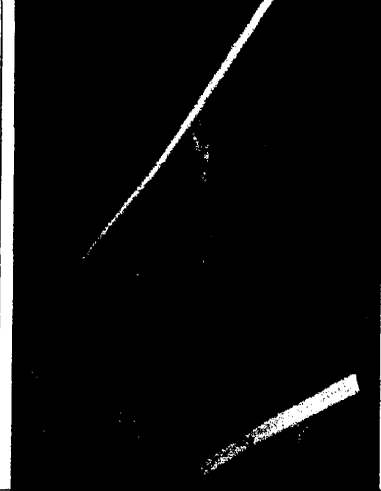
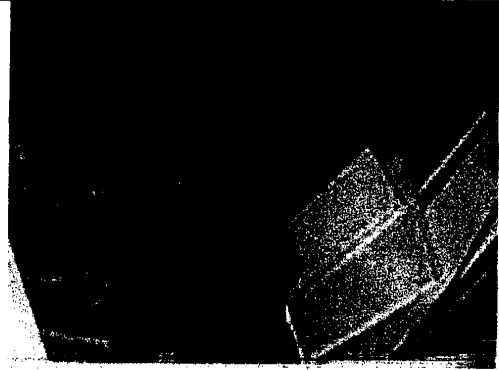
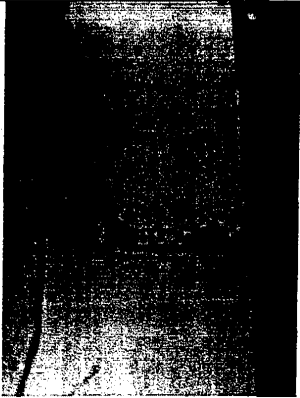
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	Right side
	Abandoned cabled
	Deteriorated decking

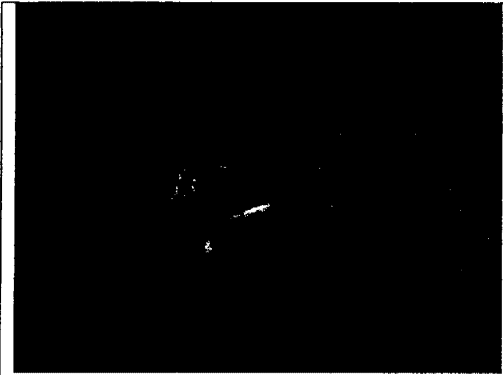

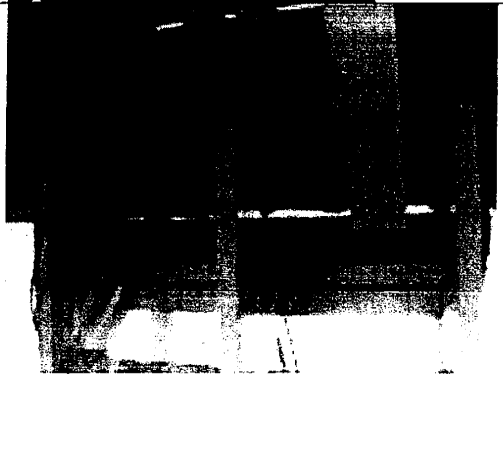
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	Deteriorated subfloor
	Debris under building
	Deteriorated sidewalk

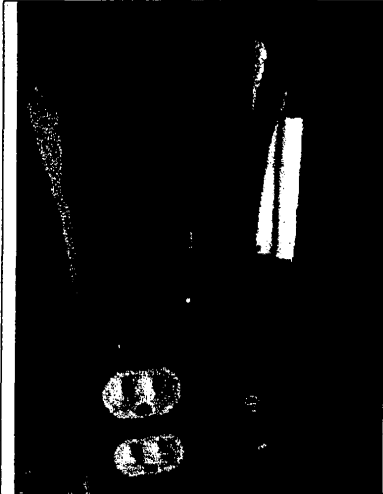

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	<p>Firewall breach in garage</p>
	<p>Unsafe railing</p>
	<p>Improper stair framing</p>


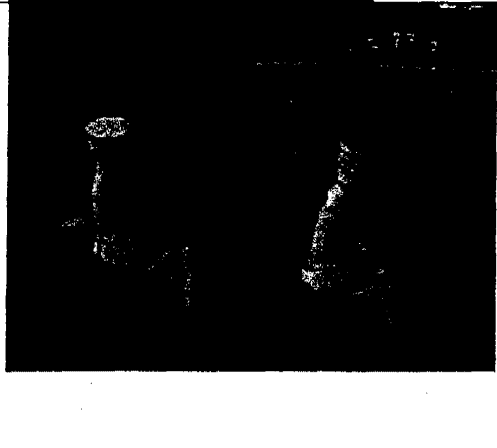

*Photos are taken at our discretion and are included as a courtesy to you. We have provided a limited number to give you a better understanding of some of the conditions noted in the report. Please refer to the body of the report for more detailed information.

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	Improper wiring
	Incorrect sensor height

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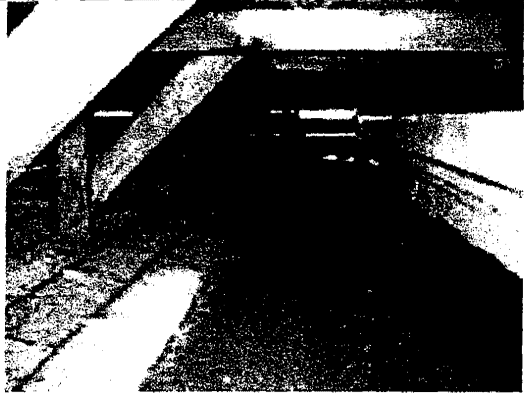
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	Leaking union
	Missing vent cap abandoned flue
	Cracked mortar cap

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LandAmerica Property Inspection Services



Missing lag bolts



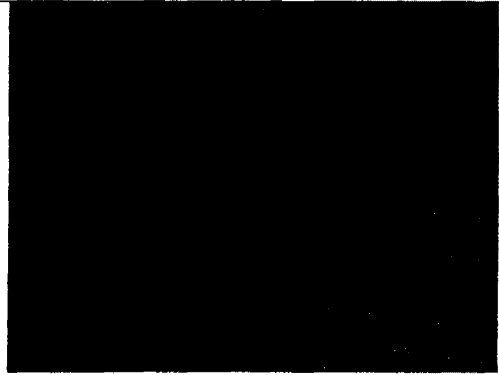

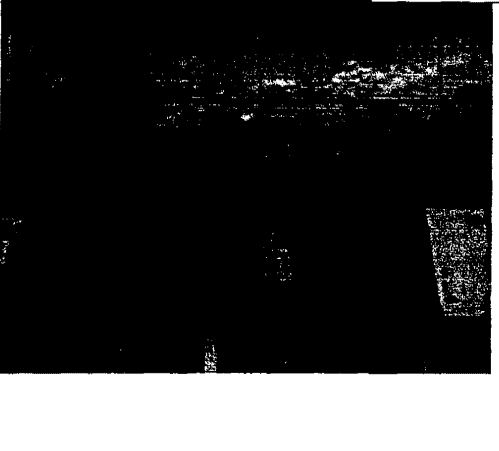
Roof damage



Shingle damage

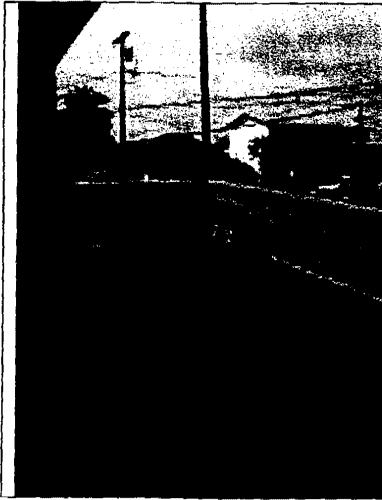
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	Surface run cable
	Ponding, inadequate drainage
	

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Decking over membrane roof

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