



THE CITY OF SAN DIEGO

## REPORT TO THE PLANNING COMMISSION

**DATE ISSUED:** March 5, 2009                      **REPORT NO.** PC-09-020

**ATTENTION:** Planning Commission, Agenda of March 19, 2009

**SUBJECT:** 4214 34<sup>th</sup> STREET TENTATIVE MAP  
PROJECT NO. 125709 - PROCESS FOUR

**OWNER:** Snell-Wellen PSP, LLC; William Snell & Jeffrey Wellen, Members

**APPLICANT:** Anthony-Taylor Consultants

### SUMMARY

**Issue(s):** Should the Planning Commission approve a Tentative Map for the conversion of seven (7) existing residential units to condominiums at 4214 34<sup>th</sup> Street, including a waiver of the requirement to underground the existing overhead utilities, within the City Heights neighborhood of the Mid-City Communities Plan area?

#### Staff Recommendation:

**Approve** Tentative Map No. 430753, including a waiver to the requirement to underground the existing overhead utilities

**Community Planning Group Recommendation:** On September 7, 2008, the City Heights Community Planning Group voted 13-0 to recommend approval of the project with the conditions outlined on Page 4 of this report (Attachment 10).

**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 July 25, 2007 and the opportunity to appeal that determination ended on August 8, 2007.

**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 seven existing apartments to condominiums, there would be loss of seven rental units and a gain of seven for sale units. This Tentative Map was deemed complete on July 17, 2007, and therefore is subject to the Inclusionary Housing Ordinance and tenant relocation assistance. An Affordable Housing Density Bonus Agreement has been recorded on the property which restricts one of the seven units as an affordable rental unit until May 1, 2009.

## **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 a discretionary hearing.

The 0.14-acre site is located at 4214 34th Street, in the RM-1-1 Zone of the Central Urbanized Planned District, the Transit Overlay Zone and the City Heights Redevelopment Project, within the City Heights neighborhood of the Mid-City Communities Plan area (Attachment 2). The RM-1-1 Zone allows one residential unit per 3,000 square feet of lot area, or two units allowed on this site. The Mid-City Communities Plan designates the site for multi-family development at a rate of 16-20 dwelling units per acre, or 2-3 dwelling units allowed on this site. The project is surrounded by single-family development to the south and multi-family development to the north, east and west.

The site is presently developed with one, two-story structure containing three one-bedroom units and four two-bedroom units, for a total of seven units. When the project was constructed in 1989, the site was zoned MR-1000B, which allowed one unit per 1,000 square feet of lot area, or six units allowed on this site. The project received a one-unit density bonus to allow seven units by entering into an Affordable Housing Density Bonus Agreement with the San Diego Housing Commission (Attachment 11). This agreement requires that one of the seven units (Unit No. 6) be rented as an affordable unit until May 1, 2009. Map conditions have been included which require that the Affordable Housing Density Bonus Agreement be maintained and to prevent the restricted density bonus unit from being vacated to allow renovations related to the condominium conversion without the prior written permission of the Housing Commission.

When the project was constructed in 1989, 11 onsite parking spaces were identified, consisting of five garage spaces and six surface parking spaces, which are accessed from a driveway on 34<sup>th</sup> Street and from the alley at the rear of the property. The 11 parking spaces provided conform with the current condominium conversion parking requirement of 8.25 parking spaces for this project, as described in Table 142-05C of the Municipal Code. Although not all of the spaces meet current requirements for size and location, they are allowed to remain because they conform with the regulations that were in effect at the time of construction.

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 0.14-acre site into one lot to convert seven 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, *Findings for Tentative Maps and for Condominium Conversions*, the decision maker may 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. 20 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. 19 of the draft Tentative Map resolution.

The project site is served by power poles and overhead utilities lines located at the rear of the property in the alley right-of-way. 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 project is within Block 3112 of the City's Undergrounding Master Plan and designated for undergrounding in 2034.

**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).

**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 \$14,750.88 (\$3.16 x 4,668 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.

**Community Planning Group Recommendation:**

On September 7, 2008, the City Heights Community Planning Group voted 13-0 to recommend approval of the project (Attachment 10) with the conditions that the applicant install motion-sensitive flood lighting at the rear of the building and place the building address in a visible place at the rear of the building. Although neither of these are requirements of the municipal code, the applicant has indicated that they intend to voluntarily comply with these conditions.

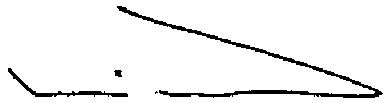
**Conclusion:**

Staff has reviewed the request for a Tentative Map for the conversion of seven 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:**

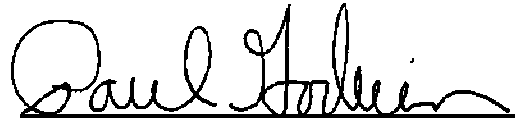
1. **Approve Tentative Map No. 430753, with modifications.**
2. **Deny Tentative Map No. 430753, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



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Mike Westlake  
Program Manager  
Development Services Department



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Paul Godwin  
Development Project Manager  
Development Services Department

WESTLAKE/PG

Attachments:

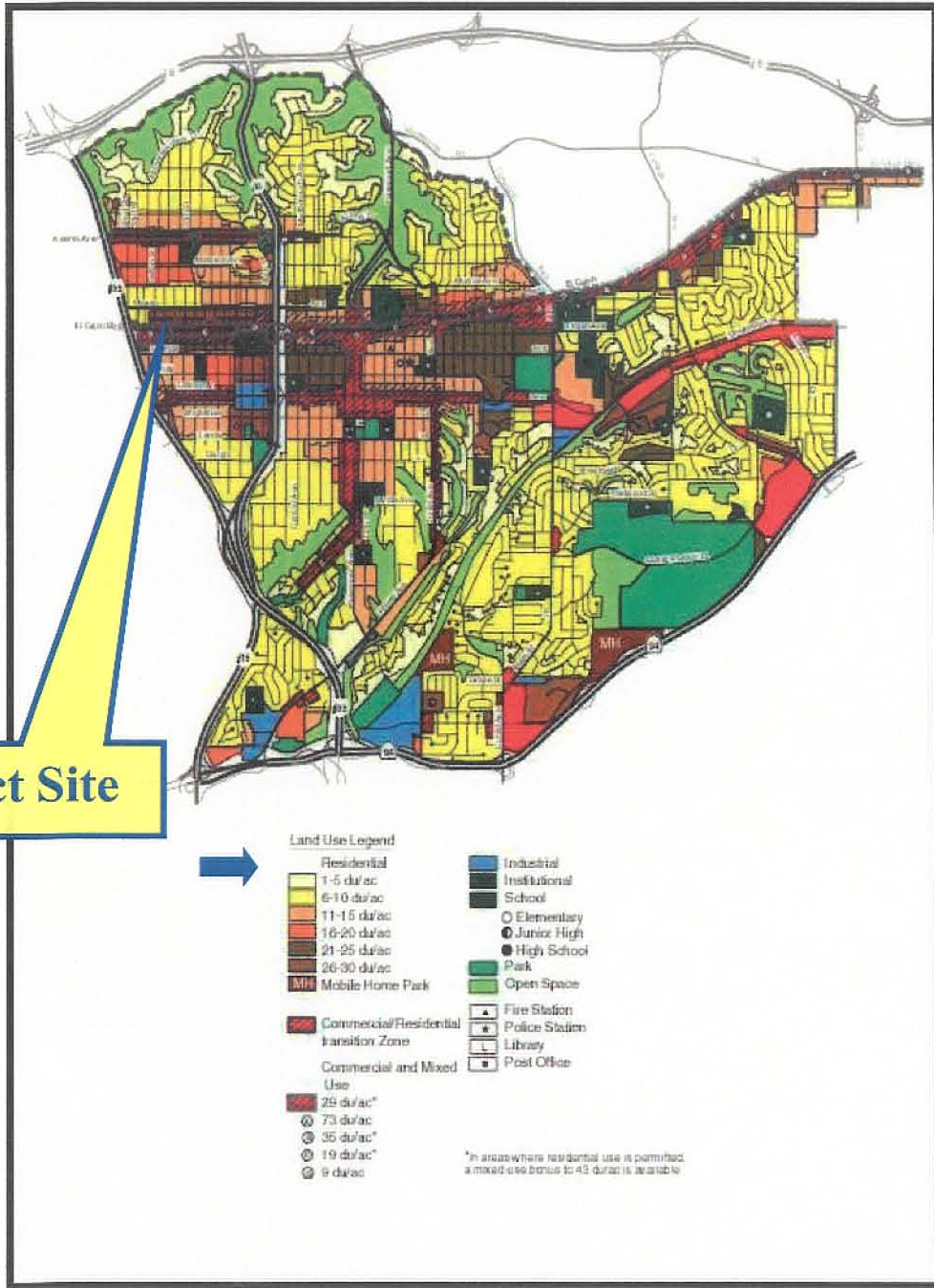
1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Tentative Map and Landscape Plan
6. Draft Map Conditions and Subdivision Resolution
7. Ownership Disclosure Statement
8. Project Chronology
9. Sample 60-Day Notice of Intent to Convert
10. Community Planning Group Recommendation
11. Density Bonus Agreement
12. Building Conditions Report (Includes photos of existing development)



### Aerial Photo

4214 34<sup>th</sup> Street Tentative Map – 125709  
4214 34<sup>th</sup> Street





**Project Site**

- Land Use Legend**
- Residential
    - 1-5 du/ac
    - 6-10 du/ac
    - 11-15 du/ac
    - 16-20 du/ac
    - 21-25 du/ac
    - 26-30 du/ac
    - MHP Mobile Home Park
  - Commercial/Residential transition Zone
  - Commercial and Mixed Use
    - 25 du/ac\*
    - 33 du/ac
    - 35 du/ac\*
    - 19 du/ac\*
    - 9 du/ac
  - Industrial
  - Institutional
  - School
    - Elementary
    - Junior High
    - High School
  - Park
  - Open Space
  - ▲ Fire Station
  - Police Station
  - Library
  - Post Office
- \*In areas where residential use is permitted a mixed-use bonus to 45 du/ac is available



## Land Use Map

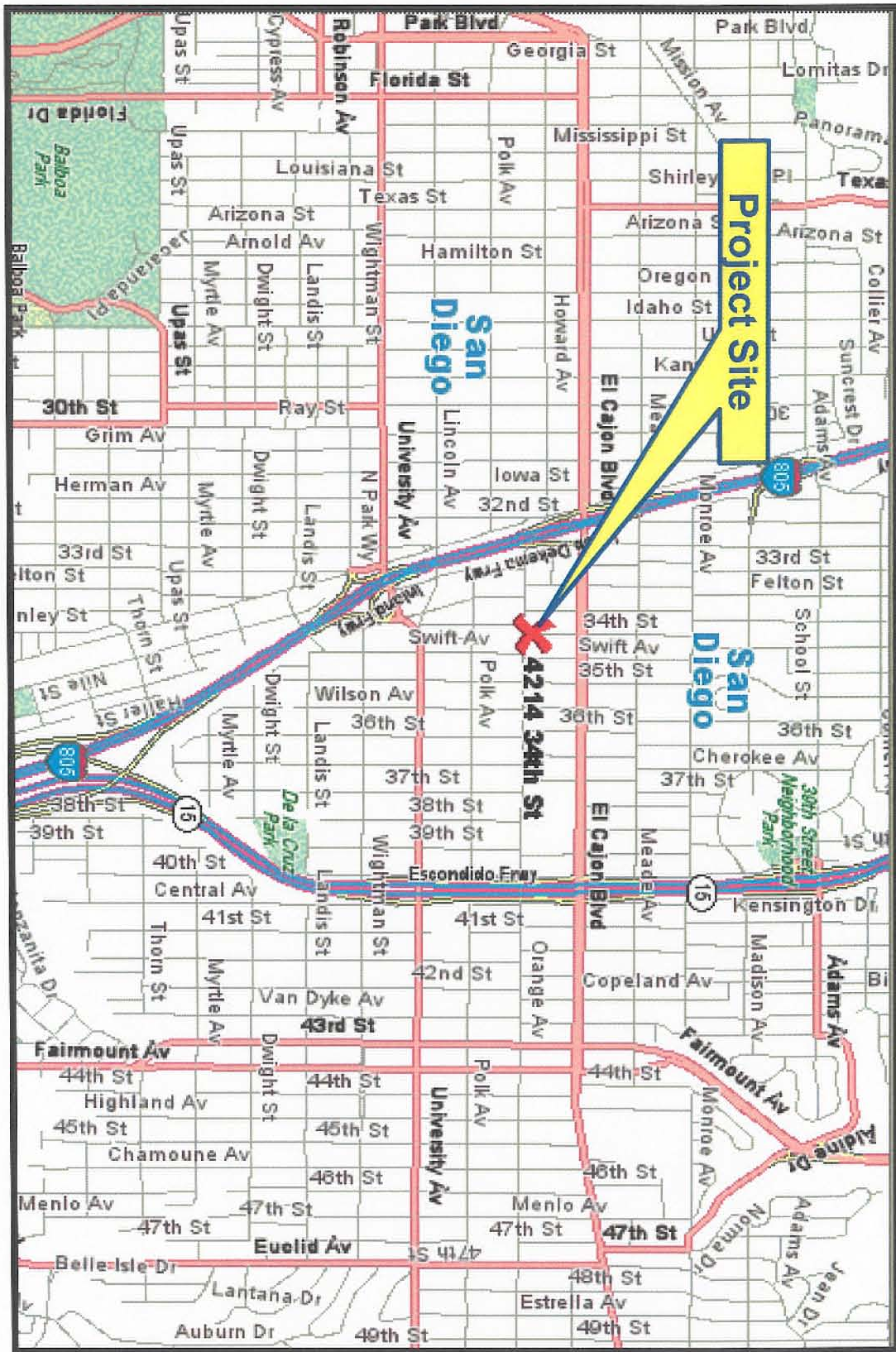
4214 43<sup>rd</sup> Street Tentative Map – 125709

4214 43<sup>rd</sup> Street - Mid-City Community Plan Area





**Project Location Map**  
 4214 34th Street Tentative Map – 125709  
 4214 34th Street

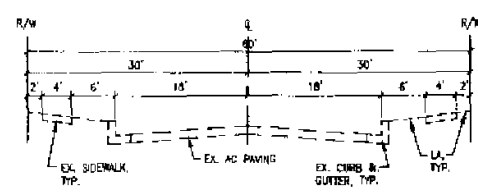




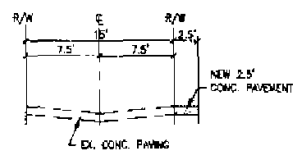
<b>PROJECT DATA SHEET</b>		
<b>PROJECT NAME:</b>	4214 34 <sup>th</sup> STREET TENTATIVE MAP	
<b>PROJECT DESCRIPTION:</b>	Conversion of seven existing units into condominiums.	
<b>COMMUNITY PLAN:</b>	Mid-City Communities Plan	
<b>DISCRETIONARY ACTIONS:</b>	Tentative Map	
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	Multi-family Residential	
<b><u>CURRENT ZONING INFORMATION:</u></b>	<b><u>CONSTRUCTED</u></b>	
<b>ZONE:</b> RM-1-1: Multi-family zone	MR-1000B	
<b>DENSITY:</b> 1 dwelling unit per 3,000 sq.ft. of lot area	7 units	
<b>HEIGHT LIMIT:</b> 30 feet	Two-story	
<b>LOT SIZE:</b> 6,000 square-foot minimum lot size.	6,252 square feet	
<b>FLOOR AREA RATIO:</b> 0.55 maximum.	Not available	
<b>FRONT SETBACK:</b> 15 feet	17.8 feet	
<b>SIDE SETBACK:</b> 5 feet	5.8 feet	
<b>STREETSIDE SETBACK:</b> 10 feet.	N/A	
<b>REAR SETBACK:</b> 1 foot if alley; 15 if no alley	20.6 feet	
<b>PARKING:</b> 8.25 spaces required	11 spaces	
<b><u>ADJACENT PROPERTIES:</u></b>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	RM-1-3, Multi-family Residential	Multi-family Residential
<b>SOUTH:</b>	RM-1-1, Multi-family Residential	Single-family Residential
<b>EAST:</b>	RM-1-3, Multi-family Residential	Multi-family Residential
<b>WEST:</b>	RM-1-1, Multi-family Residential	Multi-family Residential
<b>DEVIATIONS OR VARIANCES REQUESTED:</b>	None	
<b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b>	On September 7, 2008, the City Heights Community Planning Group voted 13-0 to recommend approval of the project with the conditions.	

4214 N. 34TH STREET  
TENTATIVE MAP NO. 430753  
PROJECT NO. 125709

RESUBDIVISION OF  
BLOCKS H & I OF  
TERALTA MAP 1036  
BLOCK 39



TYPICAL SECTION - 34TH STREET  
N/S  
(EXISTING STREET)



TYPICAL SECTION - UNNAMED ALLEY  
N/S  
(EXISTING STREET)

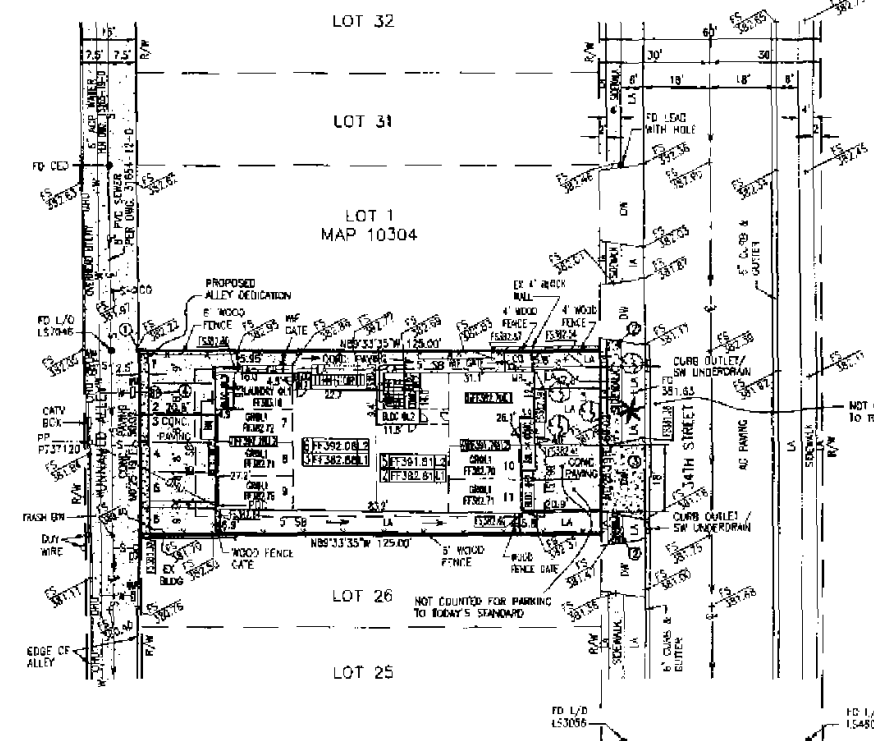
- CONSTRUCTION NOTES**
- REPLACE THE EXISTING WITH 2.5' CONCRETE PAVEMENT AS SHOWN TO MEET CURRENT CITY STANDARDS.
  - REPLACE THE EXISTING DAMAGED SIDEWALK PANELS WITH NEW ONES TO MEET CITY SATISFACTION.
  - REPLACE THE EXISTING DRIVEWAY TO CURRENT CITY STANDARDS.
  - INSTALL APPROPRIATE PRIVATE BACK 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.

**CONDOMINIUM NOTE**  
THIS IS A CONDOMINIUM PROJECT AS DEFINED IN SECTION 1300 ET. SEQ OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND IS FILED IN PURSUANT TO THE SUBDIVISION MAP ACT.  
TOTAL NUMBER OF RESIDENTIAL DWELLING UNITS IS 7.

- PARKING**
- EXISTING (APPROVED IN 1990)  
PS PROVIDED:  
0 UNCOVERED (FRONTING THE ALLEY, ELIGIBLE)  
1 UNCOVERED (FRONTING THE ALLEY, NOT ELIGIBLE)  
2 UNCOVERED (FRONTING THE DRIVEWAY, NOT COUNTED TO TODAY'S STANDARD)  
1 UNCOVERED (OFFSITE, NOT COUNTED TO TODAY'S STANDARD)  
3 CR  
11 TOTAL (COUNTED TO TODAY'S STANDARD)

**TODAY'S STANDARDS (PER TABLE 142-05C)**  
PS CURRENTLY REQUIRED:  
1 BR @ 1.0 PS = 3 UNITS  
2 BR @ 1.25 PS = 3 UNITS = 3.75  
3 BR @ 1.5 PS = 1.5 UNITS = 1.5  
6.25 TOTAL

**EXISTING IMPROVEMENT DRAWINGS**  
8" P/C SEWER DRAWING 31654-12-D  
6" ACP WATER DRAWING 15265-15-D

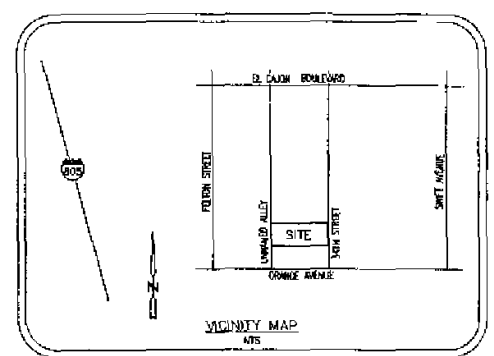


**UTILITY DATA**

TYPE	CURRENT STATUS	NAME OF PROVIDER
GAS	UNDERGROUND	SDGE
ELECTRIC	OVERHEAD	SDGE
TELEPHONE	OVERHEAD	AT&T
CABLE TV	UNDERGROUND	COX
SEWER	UNDERGROUND	CITY OF SAN DIEGO
WATER	UNDERGROUND	CITY OF SAN DIEGO

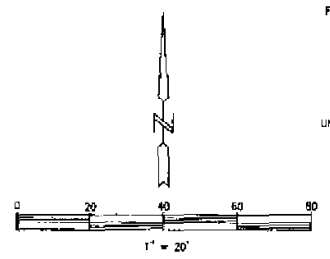
**BUILDING DATA**

UNIT	TYPE OF DWELLING	AREA
1	1 BR	520 SF
2	1 BR	485 SF
3	2 BR	736 SF
4	3 BR	930 SF
5	1 BR	465 SF
6	2 BR	735 SF
7	2 BR	810 SF
TOTAL UNITS 7	TOTAL TYPES 1 OF 3 BR, 3 OF 2 BR, 3 OF 1 BR	TOTAL AREA 4,980 SF



- LEGEND AND ABBREVIATIONS**
- FD MONUMENT AS NOTED
  - PROPERTY LINE/TENTATIVE MAP BOUNDARY
  - SEWER LINE
  - WATER LINE
  - OVERHEAD UTILITY
  - BUILDING
  - FENCE AS NOTED
  - WALL AS NOTED
  - FLOW DIRECTION

- AC ASPHALT
- ACP ASBESTOS CONCRETE PIPE
- BAL BALCONY
- BLDG BUILDING
- BR BEDROOM
- CATV CABLE TELEVISION
- CEM CITY ENGINEER DISK
- CC SOWER CLEANOUT
- CONC CONCRETE
- CR DRIVEWAY
- EX EXISTING
- FD FOUND
- FF FINISH FLOOR
- FS FINISH SURFACE
- GR GARAGE
- GN GAS METER
- LA LANDSCAPE
- L/D LEAD WITH DECK
- ME MAIL BOX
- N/S NOT TO SCALE
- OAU OVERHEAD UTILITY MAIN
- P/C POINT OF CONNECTION
- PP POWER POLE
- PS PARKING SPACE
- PVC POLY VINYL CHLORIDE
- R/W RIGHT OF WAY
- S SENCOR MAIN
- SB SET BACK
- SF SQUARE FOOTAGE
- SMH SEWER MANHOLE
- SN SIDEWALK
- SW TOP OF CURB
- TE TRASH ENCLOSURE
- W WATER MAIN
- WF WROUGHT IRON FENCE
- WM WATER METER



**FINISH FLOOR ELEV.**

5	FF 301.81	L2
2	FF 302.61	L1

**LEGAL DESCRIPTION**  
LOTS 27 AND 28 IN BLOCK 39 OF THE RESUBDIVISION OF BLOCKS "H" AND "I" OF TERALTA, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1036, FILED MARCH 8, 1907 IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO.

**EXISTING EASEMENT**  
PER PRELIMINARY REPORT PREPARED BY FIRST AMERICAN TITLE COMPANY, ORDER NO. NCS-272547-50, DATED DECEMBER 28, 2006.  
4. AN EASEMENT FOR RIGHT OF WAY AND AN AGREEMENT UPON THE TERMS AND CONDITION THEREOF AFFECTING SAID LAND, FOR CONSTRUCTION, INSTALLATION, USE, MAINTENANCE, ALTERATION, ADDITION, REPAIR, REPLACEMENT, REMOVAL, SERVICE AND OTHER OPERATIONS WITH RESPECT TO COMMUNITY ANTENNA TELEVISION SYSTEMS, INCLUDING ALL CABLE, EQUIPMENT, AND RELATED SYSTEMS AND INCIDENTAL PURPOSES, RECORDED MARCH 31, 1989 AS INSTRUMENT NO. 89-187191 OF OFFICIAL RECORDS.

IN FAVOR OF: COX CABLE SAN DIEGO, INC.  
AFFECTS: A PORTION OF SAID LAND  
THE LOCATION OF THE EASEMENT CAN NOT BE DETERMINED FROM RECORD INFORMATION (NON PLOTTABLE)

**SITE ADDRESS**  
4214 N. 34TH STREET  
SAN DIEGO, CA 92104-1427  
BETWEEN ORANGE AVENUE AND EL CAJON BOULEVARD

**SUMMARY REQUEST**  
THE MAP PROPOSES THE SUBDIVISION OF A 0.144 ACRE SITE INTO ONE (1) LOT FOR A SEVEN (7) UNIT RESIDENTIAL CONDOMINIUM CONVERSION.

**SITE DATA**  
SITE AREA = 6,222.5 SF (0.144 ACRE)  
BUILDING FOOTPRINT = 2,845 SF  
YEAR CONSTRUCTED: 1990  
SETBACKS: 15' FRONT, 5' SIDES & 15' REAR  
ASSESSOR PARCEL NUMBER: 447-582-15  
SCHOOL DISTRICT: SAN DIEGO UNIT  
PLANNED DISTRICT: CENTRAL URBAN  
COMMUNITY PLAN NAME: CITY HEIGHTS - MID CITY  
GEOLOGIC NUMBER: 52  
OVERLAY ZONES: (CUPDD) FACILITY-DEPENDENT NEIGHBORHOODS  
DISTINGUISHED ZONING: RM-1-1  
ALL EXISTING STRUCTURES TO REMAIN  
NUMBER OF PROPOSED LOTS=7 / NUMBER OF EXISTING LOTS=2  
NO PROPOSED GRADING

**APPLICANT**  
TOUCHSTONE PROPERTIES  
WILMA SNELL  
50 E. STREET  
SANTA ROSA, CA 95404

**BASE OF BEARINGS**  
THE CENTERLINE OF 34TH STREET PER CORNER RECORD 4978 IS N072549'E

**BENCHMARK**  
SWEP ORANGE AVENUE & 34TH STREET  
ELEVATION: 378.84 MSL

**MONUMENTATION AND MAPPING**  
UPON PROJECT APPROVAL, A SUBDIVISION MAP WILL BE FILED. MONUMENTS WILL BE SET AS REQUIRED BY THE SUBDIVISION MAP ACT

**SURVEYOR**  
ANTHONY-TAYLOR CONSULTANTS  
304 ENTERPRISE STREET  
ESCONDIDO, CA 92026  
(760) 736-0800  
PROJECT NO. 06-2722  
THIS TOPOGRAPHIC SURVEY WAS DONE BY ME OR UNDER MY DIRECTION ON 01/20/07

Richard J. Taylor  
Exp. 09/30/10  
STATE OF CALIFORNIA  
11-24-08  
DATE

**OWNER/DEVELOPER**  
SNELL-HELLEN PSP, LLC  
A CALIFORNIA LIMITED LIABILITY COMPANY  
50 E. STREET  
SANTA ROSA, CA 95404  
PH: (707) 544-6611

OWNER'S NAME

PROJECT: 125709  
NO. LAMBERT COORDINATE: 214-1732  
NO. 83 COORDINATE: 1854-6294

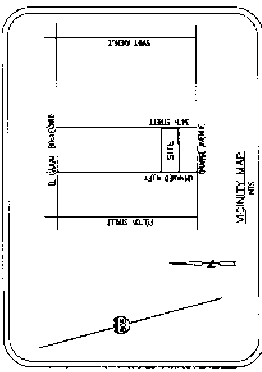
TENTATIVE MAP 430753  
CITY OF SAN DIEGO  
FOR EXCLUSIVE USE BY  
TOUCHSTONE PROPERTIES  
50 E. STREET,  
SANTA ROSA, CA 95404

**ANTHONY-TAYLOR CONSULTANTS**  
ARCHITECTS • PLANNERS • ENGINEERS • CONSTRUCTION MANAGERS  
304 ENTERPRISE STREET, ESCONDIDO, CA 92026 (760) 736-0800 (760) 736-0232 FAX

DATE: 02/07/07	REVISED: 11/25/08	SHEET 1 OF 1 SHEET
SCALE: AS SHOWN	DRAWN BY: DN	CHECKED BY: RAP
JOB NO.: 06-2722	ASSESSOR'S PARCEL NO.: 447-582-15	

4214 N. 34TH STREET  
TENTATIVE MAP NO. 430753  
PROJECT NO. 125709

RESUBDIVISION OF  
BLOCKS H & I OF  
TERRALTA MAP 10535  
BLOCK 38

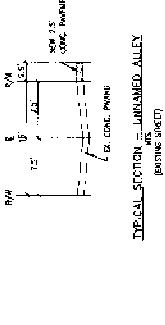
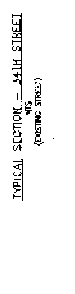
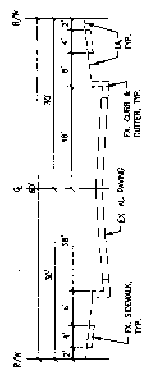
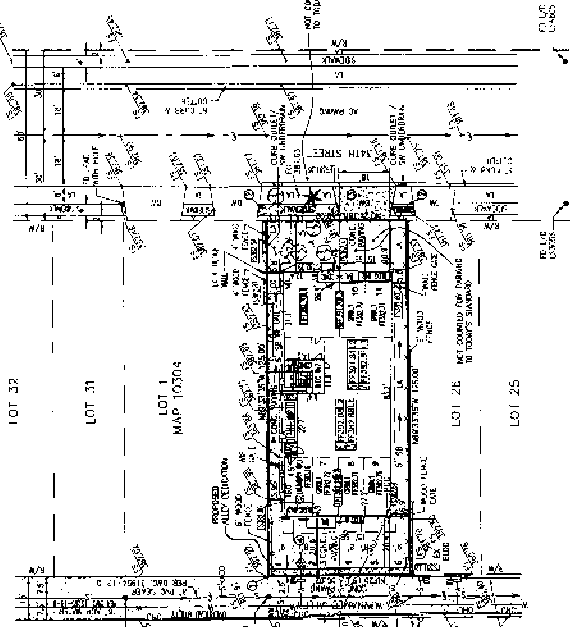
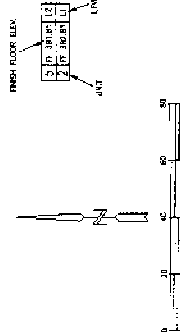


UTILITY DATA

TYPE	DEPTH	STATUS	NAME OF PROVIDER
WATER	48"	UNDERGROUND	WATER
SEWER	48"	UNDERGROUND	SEWER
TELEPHONE	18"	UNDERGROUND	TELEPHONE
TELEPHONE	18"	UNDERGROUND	TELEPHONE
TELEPHONE	18"	UNDERGROUND	TELEPHONE
TELEPHONE	18"	UNDERGROUND	TELEPHONE
TELEPHONE	18"	UNDERGROUND	TELEPHONE
TELEPHONE	18"	UNDERGROUND	TELEPHONE
TELEPHONE	18"	UNDERGROUND	TELEPHONE
TELEPHONE	18"	UNDERGROUND	TELEPHONE
TELEPHONE	18"	UNDERGROUND	TELEPHONE
TELEPHONE	18"	UNDERGROUND	TELEPHONE

BUILDING DATA

NO.	TYPE OF BUILDING	AREA
1	1 BR	158.57
2	2 BR	158.57
3	2 BR	158.57
4	2 BR	158.57
5	2 BR	158.57
6	2 BR	158.57
7	2 BR	158.57
TOTAL UNITS: 7 TOTAL AREA: 1110.84 SQ FT		



**CONSTRUCTION NOTES**

- CONCRETE CURB SHALL BE 4" THICK CONCRETE ON 4" SAND. FINISH TO MATCH ADJACENT SIDEWALK.
- CONCRETE SIDEWALK SHALL BE 4" THICK CONCRETE ON 4" SAND. FINISH TO MATCH ADJACENT SIDEWALK.
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**CONDOMINIUM NOTES**

- THIS IS A CONDOMINIUM PROJECT AS DEFINED IN SECTION 11600 OF THE CALIFORNIA CIVIL CODE.
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**FABRICS**

- CONCRETE CURB SHALL BE 4" THICK CONCRETE ON 4" SAND. FINISH TO MATCH ADJACENT SIDEWALK.
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**EXISTING IMPROVEMENT DRAWINGS**

- NO. 1000, DATE 11/25/08, SHEET 1 OF 1
- NO. 1000, DATE 11/25/08, SHEET 1 OF 1
- NO. 1000, DATE 11/25/08, SHEET 1 OF 1
- NO. 1000, DATE 11/25/08, SHEET 1 OF 1
- NO. 1000, DATE 11/25/08, SHEET 1 OF 1
- NO. 1000, DATE 11/25/08, SHEET 1 OF 1
- NO. 1000, DATE 11/25/08, SHEET 1 OF 1
- NO. 1000, DATE 11/25/08, SHEET 1 OF 1
- NO. 1000, DATE 11/25/08, SHEET 1 OF 1
- NO. 1000, DATE 11/25/08, SHEET 1 OF 1

**LEGAL DESCRIPTION**

LOT 25 AND LOT 31 OF BLOCK 38 OF TERRALTA MAP 10535, BLOCK 38, CITY OF CALIFORNIA, ACCORDING TO THE TRUSTEE'S MAP, FILED FOR RECORD IN THE COUNTY CLERK'S OFFICE OF SAN DIEGO COUNTY, CALIFORNIA, ON 11/25/08, BOOK 11, PAGE 11.

**EXISTING EASEMENT**

PER PRELIMINARY REPORT PREPARED BY FIRST AMERICAN TITLE COMPANY, DATED 11/25/08, THE EXISTING EASEMENT IS 12 FEET WIDE AND 12 FEET DEEP, LOCATED ON THE EAST SIDE OF LOT 25, BETWEEN 42ND STREET AND 44TH STREET.

**SITE ADDRESS**

4214 N. 34TH STREET  
SAN DIEGO, CALIFORNIA 92116

**APPLICANT**

ANTHONY TAYLOR CONSULTANTS  
11111 LINDSEY DRIVE  
SAN DIEGO, CALIFORNIA 92121  
TEL: (619) 594-1111

**LEGAL DESCRIPTION**

LOT 25 AND LOT 31 OF BLOCK 38 OF TERRALTA MAP 10535, BLOCK 38, CITY OF CALIFORNIA, ACCORDING TO THE TRUSTEE'S MAP, FILED FOR RECORD IN THE COUNTY CLERK'S OFFICE OF SAN DIEGO COUNTY, CALIFORNIA, ON 11/25/08, BOOK 11, PAGE 11.

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11111 LINDSEY DRIVE  
SAN DIEGO, CALIFORNIA 92121  
TEL: (619) 594-1111

**LEGEND AND ABBREVIATIONS**

TO INTERFERE AS NOTED  
PROPERTY LINES/TERRACE LINE BOUNDARY

SEWER LINE  
WATER LINE  
OPENING UTILITY  
ELECTRIC

HAZE AS NOTED  
MALL AS NOTED  
FLOW DIRECTION

ASBESTOS CONCRETE PIPE  
W/4  
W/6  
W/8  
W/10  
W/12  
W/14  
W/16  
W/18  
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W/92  
W/94  
W/96  
W/98  
W/100

**TENTATIVE MAP 430753**

CITY OF SAN DIEGO  
FOR EXCLUSIVE USE BY  
TOUCHSTONE PROPERTIES  
50 E. STREET,  
SANTA ROSA, CA 95404

**ANTHONY TAYLOR CONSULTANTS**  
ARCHITECTS & ENGINEERS  
11111 LINDSEY DRIVE, SAN DIEGO, CA 92121  
(619) 594-1111

DRAWN BY: BN  
CHECKED BY: RBP  
DATE: 02/07/09  
SCALE: AS SHOWN  
JOB NO.: 06-2722  
ASSESSOR'S PARCEL NO.: 447-542-16

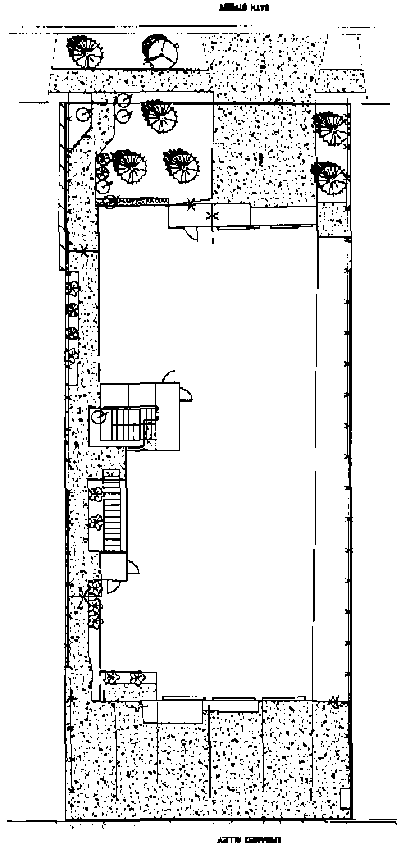
**EXISTING TREES TO REMAIN**

BOTANICAL	COMMON	SIZE	QTY.
ACACIA ANBERNA	ACACIA	8 GAL.	4
SYZYGIA ROYALTIPTUM GREEN PALM	GREEN PALM	3" BLACK	1

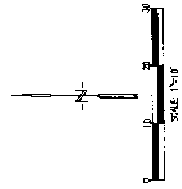


**EXISTING PLANTS TO REMAIN**

BOTANICAL	COMMON	SIZE	QTY.
RHAPTOLYPSIS INDICA	INDIAN HAWTHORN	8 GAL.	4
ADONISAMIS PROSTRATA	ELLY OF THE RILEY	8 GAL.	4
NAUSTRINA DOMESTICA	HEAVENLY BAMBOO	8 GAL.	5



EXISTING PLANTING ONLY



PROJECT: 15209  
 LAYOUT COORDINATE: 214-1172  
 NO. IN COMPANY: 164-1816

**EXISTING LANDSCAPE PLAN**

CITY OF SAN DIEGO  
 FOR EXCLUSIVE USE BY  
 TOUCHSTONE PROPERTIES  
 50 E. STREET,  
 SANTA ROSA, CA 95404

**ANTHONY-TAYLOR CONSULTANTS**  
 14000 SAN DIEGO AVENUE, SUITE 100, SAN DIEGO, CA 92128  
 619-594-8888

DATE: 11/15/07  
 SCALE: AS SHOWN  
 JOB NO.: 06-2722

DESIGNED BY: MIB  
 DRAWN BY: MIB  
 CHECKED BY: CP

SHEET 1 OF 4 SHEETS  
 ASSESSOR'S PARCEL NO.: 447-562-15



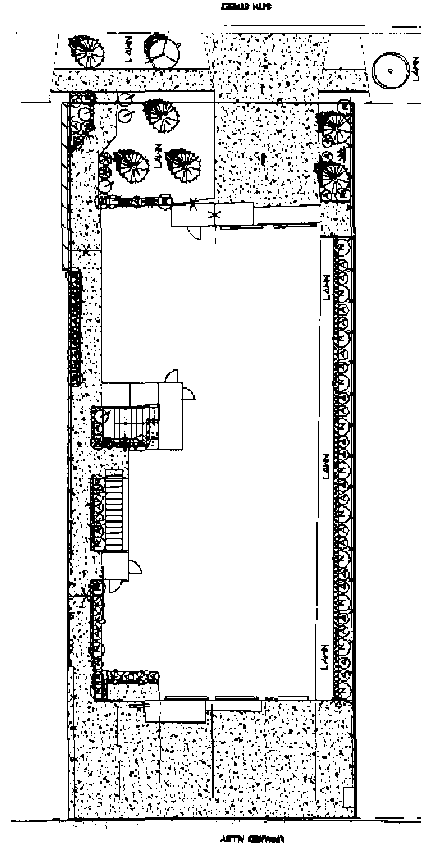
**EXISTING PLANTING MATERIAL TO REMAIN**

BOTANICAL	CULTIVAR	SIZE	QTY
ACACIA ANAEMIA	ACACIA	8 GAL.	1
RYTHMIS ROSEANORINIA	QUEEN PALM	24" BOX	1
RYTHMIS ROSEANORINIA	INDIAN LANTERN	8 GAL.	2
RYTHMIS ROSEANORINIA	LILY OF THE RILE	8 GAL.	4
RYTHMIS ROSEANORINIA	HEAVENLY BIRDIE	8 GAL.	2

**PLANT LEGEND**

BOTANICAL	CULTIVAR	SIZE	QTY
RYTHMIS ROSEANORINIA	QUEEN PALM	24" BOX	1
RYTHMIS ROSEANORINIA	QUEEN PALM	24" BOX	1
RYTHMIS ROSEANORINIA	INDIAN LANTERN	8 GAL.	2
RYTHMIS ROSEANORINIA	HEAVENLY BIRDIE	8 GAL.	2
RYTHMIS ROSEANORINIA	LILY OF THE RILE	8 GAL.	4

AS REQ.	PERMANENT MAINTENANCE	EMERGENCY	PLANT AT 0' PLAYS
AS REQ.	BANDY PRUNE	LAWN	NO D.



**PROPOSED PLANTING**

**IRRIGATION**  
 ALL PLANTING SHALL BE ELECTRICALLY CONTROLLED AND INSTALLED IN ACCORDANCE WITH THE CALIFORNIA PLANTING AND MAINTENANCE ACT AND THE CALIFORNIA PLANTING AND MAINTENANCE ACT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL HEALTH DEPARTMENT AND THE LOCAL HEALTH DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL HEALTH DEPARTMENT AND THE LOCAL HEALTH DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL HEALTH DEPARTMENT AND THE LOCAL HEALTH DEPARTMENT.

**MAINTENANCE**  
 ALL REQUIRED LANDSCAPE AREAS SHALL BE MAINTAINED IN ACCORDANCE WITH THE CALIFORNIA PLANTING AND MAINTENANCE ACT AND THE CALIFORNIA PLANTING AND MAINTENANCE ACT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL HEALTH DEPARTMENT AND THE LOCAL HEALTH DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL HEALTH DEPARTMENT AND THE LOCAL HEALTH DEPARTMENT.



PROJECT: 11709  
 DATE: 11/18/07  
 SCALE: AS SHOWN  
 JOB NO.: 06-2722

FOR EXCLUSIVE USE BY  
 CITY OF SAN DIEGO  
 TOUCHSTONE PROPERTIES  
 501 E. STREET  
 SANTA ROSA, CA 95404

ANTHONY-TAYLOR CONSULTANTS  
 ARCHITECTS • ENGINEERS • PLANNERS • CONSTRUCTION MANAGER  
 1000 AVENUE OF THE STARS, SUITE 1000, SANTA ROSA, CA 95404

DESIGNED BY: MUR  
 CHECKED BY: GP  
 SHEET 2 OF 4 SHEETS  
 ASSESSOR'S PARCEL NO.: 447-602-18

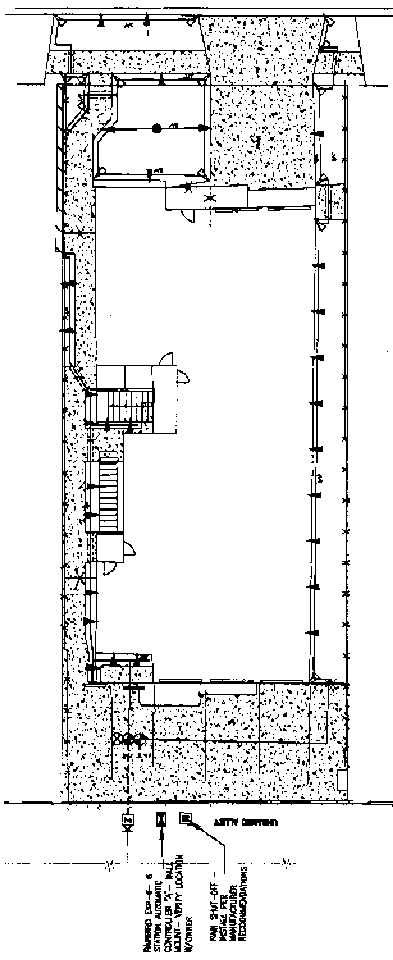
IRRIGATION LEGEND - SPRINKLERS

SYM	PRO	MODEL	DESCRIPTION	QRT	ARC	RAJ	DETAIL
⊙	RAINBOW	600-1001-PCO-PND 600-1001-PCO-PND 600-1001-PCO-PND	IF R EMMIT HEAD ON 4" PIPE USE TO 20' DIA (1/2")	50	4.4	36.4	AL-4
⊙	RAINBOW	600-1001-PCO-PND 600-1001-PCO-PND 600-1001-PCO-PND	IF R EMMIT HEAD ON 4" PIPE USE TO 20' DIA (1/2")	50	4.4	36.4	AL-4
⊙	RAINBOW	600-1001-PCO-PND 600-1001-PCO-PND 600-1001-PCO-PND	IF R EMMIT HEAD ON 4" PIPE USE TO 20' DIA (1/2")	50	4.4	36.4	AL-4
⊙	RAINBOW	600-1001-PCO-PND 600-1001-PCO-PND 600-1001-PCO-PND	IF R EMMIT HEAD ON 4" PIPE USE TO 20' DIA (1/2")	50	4.4	36.4	AL-4
⊙	RAINBOW	600-1001-PCO-PND 600-1001-PCO-PND 600-1001-PCO-PND	IF R EMMIT HEAD ON 4" PIPE USE TO 20' DIA (1/2")	50	4.4	36.4	AL-4
⊙	RAINBOW	600-1001-PCO-PND 600-1001-PCO-PND 600-1001-PCO-PND	IF R EMMIT HEAD ON 4" PIPE USE TO 20' DIA (1/2")	50	4.4	36.4	AL-4
⊙	RAINBOW	600-1001-PCO-PND 600-1001-PCO-PND 600-1001-PCO-PND	IF R EMMIT HEAD ON 4" PIPE USE TO 20' DIA (1/2")	50	4.4	36.4	AL-4
⊙	RAINBOW	600-1001-PCO-PND 600-1001-PCO-PND 600-1001-PCO-PND	IF R EMMIT HEAD ON 4" PIPE USE TO 20' DIA (1/2")	50	4.4	36.4	AL-4
⊙	RAINBOW	600-1001-PCO-PND 600-1001-PCO-PND 600-1001-PCO-PND	IF R EMMIT HEAD ON 4" PIPE USE TO 20' DIA (1/2")	50	4.4	36.4	AL-4
⊙	RAINBOW	600-1001-PCO-PND 600-1001-PCO-PND 600-1001-PCO-PND	IF R EMMIT HEAD ON 4" PIPE USE TO 20' DIA (1/2")	50	4.4	36.4	AL-4

CONTRACTOR TO VERIFY WASTEWATER REUSE CODES ARE CORRECT FOR WASTEWATER REUSE. WASTEWATER REUSE SHALL BE DESCRIBED AS ALL WASTEWATER CONTAINING POTENTIAL HAZARDOUS MATERIALS EQUIVALENT WASTEWATER. POTENTIAL HAZARDOUS WASTEWATER SHALL NOT BE REUSED FOR IRRIGATION PURPOSES ONLY.

IRRIGATION LEGEND - EQUIPMENT + CONTROLS

SYM	PRO	MODEL	DESCRIPTION	QRT	ARC	RAJ	DETAIL
⊙	RAINBOW	600-1001-PCO-PND	REGULATOR FILTER PER CIVIL DWG	30	8.4	70.9	AL-4
⊙	RAINBOW	600-1001-PCO-PND	POINT OF CONNECTION TO WATER SERVICE	30	8.4	70.9	AL-4
⊙	RAINBOW	600-1001-PCO-PND	1/2" REDUCED FRICTION (7.5 IN/100 FT) GALV. STEEL	30	8.4	70.9	AL-4
⊙	RAINBOW	600-1001-PCO-PND	1/2" REDUCED FRICTION (7.5 IN/100 FT) GALV. STEEL	30	8.4	70.9	AL-4
⊙	RAINBOW	600-1001-PCO-PND	1/2" REDUCED FRICTION (7.5 IN/100 FT) GALV. STEEL	30	8.4	70.9	AL-4
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⊙	RAINBOW	600-1001-PCO-PND	1/2" REDUCED FRICTION (7.5 IN/100 FT) GALV. STEEL	30	8.4	70.9	AL-4
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⊙	RAINBOW	600-1001-PCO-PND	1/2" REDUCED FRICTION (7.5 IN/100 FT) GALV. STEEL	30	8.4	70.9	AL-4



PROPOSED IRRIGATION

IRRIGATION NOTES:

- CONTRACTOR SHALL VERIFY ALL IRRIGATION EQUIPMENT IS AS SHOWN IN THIS PLAN, GALLERY AND AND ALL WORK SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE GOVERNING REGULATIONS.
- ALL IRRIGATION SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE GOVERNING REGULATIONS.
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PROJECT NO.: 19758  
 DATE: 11/18/23  
 SCALE: AS SHOWN  
 JOB NO.: 06-2722

SHEET COMMENTS: 11-111  
 11-112  
 11-113  
 11-114

FOR EXCLUSIVE USE BY  
 TOUCHSTONE PROPERTIES  
 50 E. STREET  
 SANTA ROSA, CA 95404

DESIGNED BY: ME  
 CHECKED BY: GP  
 SHEET 3 OF 4 SHEETS

ASSESSOR'S PARCEL NO.: 447-562-16

PROPOSED IRRIGATION PLAN

CITY OF SAN DIEGO

ANTHONY-TAYLOR CONSULTANTS  
 447-562-16  
 11-111  
 11-112  
 11-113  
 11-114

PLANNING COMMISSION  
RESOLUTION NO. XXXX  
TENTATIVE MAP NO. 430753  
**4214 34<sup>th</sup> STREET TENTATIVE MAP - PROJECT NO. 125709**  
**DRAFT**

WHEREAS, SNELL-WELLEN PSP, LLC, Applicant/Subdivider, and ANTHONY-TAYLOR CONSULTANTS, Engineer, submitted an application with the City of San Diego for a Tentative Map No. 430573, for the conversion of seven (7) 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 34<sup>th</sup> Street between Orange Avenue and El Cajon Boulevard, at 4214 34<sup>th</sup> Street, and is legally described as Lots 27 and 28 of Block 39, of the resubdivision of Blocks "H" and "T" of Teralta, according to Map No. 1036, in the RM-1-1 Zone of the Central Urbanized Planned District, the Transit Overlay Zone and the City Heights Redevelopment Project Area, within the City Heights neighborhood of the Mid-City Communities Plan; and

WHEREAS, the Map proposes the subdivision of a 0.14-acre site into one (1) lot for a seven-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 seven; and

WHEREAS, on March 19, 2009, the Planning Commission of the City of San Diego considered Tentative Map No. 430753, 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. 430753:

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 existing development was legally constructed in 1989 when the site was zoned MR-1000B. The proposed subdivision complies with the development regulations that were in effect at the time of construction and the project maintains previously conforming rights for density, as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. No additional construction or expansion is proposed with this subdivision.

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 Mid-City Communities 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).

An Affordable Housing Density Bonus Agreement was executed with the San Diego Housing Commission and recorded in the San Diego Recorder's Office on November 2, 1988, as document #88-563083, restricting one of the seven units as an affordable rental unit until May 1, 2009. This restricted unit must remain as an affordable rental unit until May 1, 2009 as described in Conditions No. 15, 16 and 17.

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 No. 23 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 8.25 off-street parking spaces based on the number and size of the residential units. The development provides 11 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 March 19, 2009.

BE IT FURTHER RESOLVED, that, based on the Findings hereinbefore adopted by the Planning Commission, Tentative Map No. 430753, including the waiver of the requirement to underground existing overhead utilities, is hereby granted to SNELL-WELLEN PSP, LLC, Applicant/Subdivider, subject to the following conditions:

**GENERAL**

1. This Tentative Map will expire March 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 \$14,750.88 (\$3.16 x 4,668 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).
15. The subject property located at 4214 34<sup>th</sup> Street, APN 447-562-16, previously received a City of San Diego Density Bonus pursuant to Municipal Code. The Density Bonus allowed the development of seven (7) units with the provision that one (1) two-bedroom one-bath unit remain rent and occupancy restricted to low income households for a term of 20 years pursuant to an Agreement Authorizing Affordable Housing Density Bonus and Imposing Covenants and Restrictions on Real Property.
16. The restricted density bonus unit shall not be vacated to accomplish renovations related to the condominium conversion without the prior written permission of the Housing Commission. Any such vacancy shall require extension of the density bonus term of affordability equal to the length of time the unit is vacant.
17. Subdivider/Applicant as a condition of this Tentative Map request for conversion of seven residential units to condominiums must incorporate the following language into its Condominium Plan submitted for approval to the State of California Department of Real Estate:

An Agreement Authorizing Affordable Housing Density Bonus and Imposing Covenants and Restrictions on Real Property ("Agreement") executed with the San Diego Housing Commission and recorded in the San Diego Recorder's Office on November 2, 1988, as document #88-563083, restricts one of the seven units as an affordable rental unit under the terms of the "Agreement" until the termination date on May 1, 2009. The restricted density bonus unit number is #6. This restricted unit must remain as an affordable rental unit during the remaining term of the "Agreement."

Upon the termination of the "Agreement" on May 1, 2009, the designated bonus unit is released from the terms of restrictions and may be individually sold as a condominium by the Subdivider, provided that the owner has complied with California Government Code Section 65863.10, 65863.11 and 65863.13.

**ENGINEERING**

18. The Subdivider shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high-pressure sodium vapor and/or upgrading wattage.
19. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
20. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
21. Prior to the recordation of the final map, 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.
22. 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.
23. 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.
24. The Subdivider shall dedicate and improve an additional 2.5 feet of the adjacent alley.
25. The Subdivider shall replace the southerly damaged sidewalk panel and reconstruct the existing driveway to current City standards, adjacent to the site on 34th Street.
26. The Subdivider shall obtain an Encroachment Maintenance Removal Agreement for the two existing sidewalk underdrains, landscape, irrigation and appurtenances in the 34th Street right-of-way.



**MAPPING**

27. "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).
28. 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.
29. "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."
30. 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**

31. 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**

32. 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.
33. 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.
34. 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.
35. 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.
36. 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.

37. 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.
38. 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 MARCH 19, 2009.

By \_\_\_\_\_  
Paul Godwin  
Development Project Manager  
Development Services Department

Job Order No. 42-7579



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  Veiling Tentative Map  Map Waiver  Land Use Plan Amendment -  Other \_\_\_\_\_

Project Title: 4214 N. 34th St TM Project No. For City Use Only: \_\_\_\_\_

Project Address: 4214 N. 34th Street, San Diego

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): \_\_\_\_\_  
 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: \_\_\_\_\_

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

Project Title: 4214 N. 34th TRU Project No. (For City Use Only)

Legal Status (please check):

Corporation  Limited Liability -or-  General What State? CA Corporate Identification No. 202617110155  
 Partnership

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

Corporate/Partnership Name (type or print):  
Snell-Wellen ASP, LLC  
 Owner  Tenant/Lessee  
Street Address:  
6418 Bennett Valley Road  
City/State/Zip:  
Santa Rosa  
Phone No: 707 544 6611 Fax No: 707 544 6332  
Name of Corporate Officer/Partner (type or print):  
The Snell-Wellen Profit-Sharing Plan  
Title (type or print):  
Member  
Signature: L. Wellen Snell, Trustee Date: 1-18-07

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

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

Corporate/Partnership Name (type or print):  
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 Owner  Tenant/Lessee  
Street Address:  
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Corporate/Partnership Name (type or print):  
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City/State/Zip:  
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Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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Street Address:  
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City/State/Zip:  
\_\_\_\_\_  
Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_  
Name of Corporate Officer/Partner (type or print):  
\_\_\_\_\_  
Title (type or print):  
\_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

ATTACHMENT 8

DEVELOPMENT SERVICES  
**Project Chronology**  
 4214 34<sup>th</sup> STREET TENTATIVE MAP; PROJECT NO. 125709

	<b>Action</b>	<b>Description</b>	<b>City Review Time</b>	<b>Applicant Response</b>
7/17/07	First Submittal	Project Deemed Complete		
8/3/07	First Assessment Letter	First assessment letter sent to applicant.	17 days	
11/29/07	Second submittal	Applicant's response to first assessment letter		118 days
3/13/08	Second Assessment Letter	Second assessment letter sent to applicant	105 days	
12/5/08	Third submittal	Applicant's response to second assessment letter		267 days
12/19/08	Third Assessment Letter	Third assessment letter sent to applicant	14 days	
2/6/09	Fourth submittal	Applicant's response to second assessment letter		49 days
2/12/09	Issues addressed		6 days	
3/19/09	Public Hearing-Planning Commission	Planning Commission Hearing	35 days	
<b>TOTAL STAFF TIME**</b>			<b>177 days</b>	
<b>TOTAL APPLICANT TIME**</b>				<b>434 days</b>
<b>TOTAL PROJECT RUNNING TIME**</b>		From Deemed Complete to PC Hearing	<b>611 days</b>	

**60 Day Tenant Notification that the Owner Intends to File an  
Application with the City of San Diego to Convert the Existing  
Apartments to Condominiums**

**Jun Matsubara  
4212 N. 34<sup>th</sup> Street, Unit 1  
San Diego, Ca 92104**

The owner(s) of this building, at 4212 N. 34<sup>th</sup> Street, plans to file a Tentative Map with the City of San Diego to convert this building to a condominium project.

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

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

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(signature of owner's agent)

---

(date)



## City Heights Area Planning Committee

Postoffice Box 5859  
San Diego CA 92165  
(619) 280-3910

September 7, 2008

MEMORANDUM FOR: DPM Michelle Sokolowski

From: Jim Varnadore, Chair

Subj: 4214 34th Street (PTN125709)

1. At its September meeting, the Committee heard the subject application for waivers of the tentative map requirement and utility under grounding. After discussion, it was moved and seconded to recommend approval of the application for waivers. The Committee voted 13/0/0 (chair not voting) and the motion passed.
2. In the discussion, the Committee recommended that the applicant install motion-sensitive flood lighting in the rear of the building and paint the property address in large characters in a visible place on the rear of the building. The applicant's representative indicated that the applicant was amenable to those additions.

2351

ATTACHMENT 11

38 563083 #224

RECORDING REQUESTED BY COMMONWEALTH TITLE CO.  
AND WHEN RECORDED MAIL TO:

San Diego Housing Commission  
1625 Newton Avenue  
San Diego, California 92113-1012  
APN: 447-562-16

RECORDED BY  
OFFICE OF COUNTY CLERK  
OF SAN DIEGO COUNTY, CA

28 NOV -2 PM 3:58

VERA L. LYLE  
COUNTY RECORDER

**AGREEMENT AUTHORIZING AFFORDABLE HOUSING  
DENSITY BONUS AND IMPOSING COVENANTS AND  
RESTRICTIONS ON REAL PROPERTY**

RF 19
AR 16
MG 1

THIS AGREEMENT is made as of the 2nd day of November, 1988, by and between Steven D. Burns and Alexis L. Burns and Scott C. Crampton and Pamela D. Crampton (the "Developer") and the San Diego Housing Commission (the "Commission") with regard to the following facts.

A. The Developer is the owner of certain unimproved real property more particularly described on Exhibits A and B attached hereto and made a part hereof (the "Property") and it is the Developer's intent to construct a maximum of seven residential units (the "Units") on the Property.

B. In order to construct the Units, the Developer must obtain a density bonus from the City of San Diego (the "City") for the Property as provided for in City of San Diego Municipal Code SEC. 101.0307 et seq. and Government Code S65915, which density bonus can only be granted by the City in accordance with the strict limitations of said ordinance and Government Code.

C. The City is willing to grant a density bonus to the Developer authorizing the construction of units, and the Commission is willing to administer a rental control program in connection with one of the Units pursuant to the terms, covenants, and conditions contained herein.

NOW, THEREFORE, in consideration of the approval and granting of the density bonus requested by the Developer and the benefits conferred thereby on the Property, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Developer and the Commission hereby covenant and agree as follows:

1. **Developer Agreements.** The Developer hereby agrees that it shall rent one two-bedroom one bath unit, (the "Affordable Unit") only in accordance with the terms and conditions of this Agreement. All other Units at the Property which are not an Affordable Unit ("Market-Rate Units") shall be exempt from the provisions of this Agreement and may be leased or sold by the Developer on terms and conditions acceptable to the Developer in its sole discretion.

a. The following provisions shall be applicable to the Affordable Unit:

(i) The monthly rent for the Affordable Unit (which shall include any permitted prototypical adjustment and utility allowance as reflected in Exhibit C attached hereto and incorporated herein by reference) shall not exceed 30% of

the monthly income of a household earning 80% of the median income of the area as defined by the U.S. Department of Housing and Urban Development ("HUD"). The gross annual income of the household occupying the Affordable Unit shall not exceed 80% of the area's median income, as adjusted for family size, as defined by HUD.

(ii) For the purposes of this Agreement, the median income of the area as defined by HUD shall be the then current median income for the San Diego Standard Metropolitan Statistical Area, established periodically by HUD and published in the Federal Register, as adjusted for family size as shown on the Maximum Income/Affordable Rent Table attached hereto as Exhibit C which Exhibit shall be deemed adjusted from time to time in accordance with any adjustments that are authorized by HUD or any successor agency. In the event that HUD ceases to publish an established median income as aforesaid, the Commission may, in its sole discretion, use any other reasonable and comparable method of computing adjustments in median income.

(iii) Notwithstanding the foregoing, any rent charged for the Affordable Unit shall not exceed 90% of the rent charged for a comparable Market-Rate Unit in this project. Comparable market-rate rent shall be defined as the rental amount charged for the last Market-Rate Unit, of comparable square footage, amenities, and number of bedrooms, to be rented in the project. For purposes of this subparagraph 1 (a) (iii), the rent for the comparable Market-

Rate Unit shall be adjusted downward if such Market-Rate Unit is being rented with a garage and the Affordable Unit in question is not being rented with a garage. The amount of such adjustment shall be \$40 per month at the outset of this Agreement, and shall increase from time to time during the term hereof in proportion to increases in the Formula Rent setforth in Exhibit C.

(iv) The Affordable Unit shall not be rented to a tenant whose income has not been certified in accordance with the income criteria set forth in this Agreement. Such certification shall be performed by the Developer and submitted to the Commission for approval. Failure by the Commission to approve or disapprove a tenant's qualification within seven (7) days of submittal shall be deemed automatic approval. However, this seven (7) day period to qualify tenants shall only apply to applications which have been completed in their entirety. Tenant certification shall be repeated annually to assure continued eligibility. The Developer agrees, in renting the Affordable Unit, to rent only on a month-to-month basis.

(v) No Affordable Unit in any building or structure at the Property shall be occupied by the Developer or any person related to or affiliated with the Developer, and as a resident manager or maintenance personnel.

(vi) No Affordable Unit in any building or structure at the Property shall be occupied exclusively by full-time students, unless such persons are married and eligible to file a joint federal income tax return. Full-time students shall be defined as any persons who will be or have been full-time students during five calendar months of this calendar year at educational institutions (other than a correspondence school) with regular faculty and students).

(vii) Notwithstanding the provisions of subparagraph 1 (a) (vi), no Affordable Unit shall be occupied by a student dependent as defined in the U.S. Internal Revenue Code, unless the taxpayer resides in the same unit.

(viii) No occupant of any Affordable Unit may own improved property.

(ix) The Developer agrees to only sell the Property to parties who execute and forward to the Commission an expressed written assumption of the terms of this Agreement.

2. **Density Bonus.** The Commission hereby agrees that the Developer has met conditions necessary, including obtaining design approval of development plans from the Commission, to qualify for a density bonus for the Property and is therefore entitled to one density bonus unit pursuant to SEC. 101.0307 et seq. of the San Diego Municipal Code

sufficient that the Developer may construct thereon, in the aggregate, a maximum number of seven units provided the Developer is able to secure building permit(s) from the City of San Diego.

3. **Commission Agreement.** During the term of this Agreement, the Commission covenants and agrees to perform all of the following:

a. It shall prepare and make available to the Developer any general information that it possesses regarding income limitations and restrictions which are applicable to the Affordable Unit.

b. It shall review and certify the income and attendant eligibility of any potential tenant of an Affordable Unit and shall require that any tenant execute an income verification statement certifying, among other things, that the tenant understands the requirements of the Commission's rental control program, has not falsified any information, and waives any right to privacy regarding any financial information submitted.

c. For the Affordable Unit to be rented, it will establish and keep the Developer advised as to any income qualifications that it determines are proper.

4. **Enforcement - Liquidated Damages.**

a. Developer expressly agrees and declares that the Commission or any public agency succeeding to jurisdiction

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over the Property and/or this Agreement, shall be the proper party and shall have standing to initiate and pursue any and all actions or proceedings, at law or in equity, to enforce the provisions hereof and/or to recover damages for any default hereunder, notwithstanding the fact that such damages or the detriment arising from such default may have actually been suffered by some other person or the public at large.

b. Liquidated Damages - The Developer and the Commission agree that it would be extremely difficult and impracticable to calculate the amount of damages actually accruing to the Commission in the event of a default hereunder by the Developer. Therefore, the Developer and the Commission agree that, in the event of a default hereunder by the Developer, the Developer shall pay and the Commission shall be entitled to receive a lump sum payment equal to: (i) the difference between the market-rate rent, as defined in subparagraph 1(a)(iii) above, and the monthly rent for the Affordable Unit, at the time of the default, multiplied by (ii) one (the number of Affordable Units), multiplied by (iii) the number of months remaining in the term of this Agreement from and after the date of the breach. The Developer and the Commission agree that the foregoing provision represents a fair and reasonable method of approximating and liquidating the damages to the Commission arising from a default hereunder by the Developer.



5. **Attorneys' Fees.** In the event that a party to this Agreement brings an action against any other party, either at law or arbitration or any manner of non-judicial dispute resolution to this Agreement by reason of the breach of any condition or covenant, representation or warranty in this Agreement, or otherwise arising out of this Agreement, the prevailing party in such action shall be entitled to recover from the other reasonable attorneys' fees to be fixed by the court which shall render a judgement, as well as the costs of suit.

6. **Assignment by Commission.** The Commission may assign all or part of its obligations under this Agreement to any other public agency having jurisdiction over the Property provided that it gives the Developer thirty (30) days advance written notice thereof.

7. **Severability.** In the event that any term, covenant, or condition of this Agreement is held to be invalid or unenforceable, then the remaining portions of this Agreement shall remain in full force and effect.

8. **Notices.** Any notices desired or required to be given under this Agreement shall be in writing and shall either be personally delivered or shall be sent by certified mail, return receipt requested, postage prepaid, to the parties at the following addresses:

To the Commission:           Density Bonus Program  
San Diego Housing Commission  
1625 Newton Avenue  
San Diego, California 92113

To the Developer:           Scott Crampton  
2859 El Cajon Boulevard  
Suite 1A  
San Diego, CA 92104

Any party may change the address to which notices are to be sent by notifying the other party of such new address in the manner set forth above.

9. **Indemnity.** The Developer agrees to indemnify and hold the Commission, the City of San Diego, the Housing Authority of the City of San Diego, and any and all of their respective Commissioners, members, officers, agents, servants, or employees harmless from and against all claims, losses, damages, costs, and expenses, whether direct or indirect, arising in any way from the construction or operation of the Property and/or the Units, or from the execution of or performance under this Agreement by any Party.

10. **Covenants, Etc.** The Developer agrees that all of its obligations hereunder shall constitute covenants, restrictions, and conditions which shall run with the land and shall be binding upon the Property and every person having any interest hereon at any time and from time to time.

11. **Recording.** The parties hereto agree that this Agreement shall be recorded in the Official Records of San Diego County, California subsequent to the recordation of the grant deed pursuant to which the Developer acquires fee title to the Property.

12. **Entire Agreement.** The parties hereto agree that this Agreement constitutes the entire Agreement between the parties hereto and shall inure to and be binding upon their respective heirs, successors, and assigns.

13. **Termination.** This Agreement shall terminate upon the earlier to occur of:

a. that date which is twenty (20) years from the issuance of a certificate of occupancy or twenty-two (22) years from the recordation of this Agreement, whichever occurs first; or;

b. that date which is six (6) months after the Commission has sent the Developer written notice that it has elected to terminate its obligations under this Agreement.

14. **Discrimination.** The Developer agrees that neither it nor its agents shall discriminate against any tenant or potential tenant because of said persons' race, color, religion, sex, or national origin.

15. **Reporting.** The developer hereby agrees to provide necessary documentation to assure ongoing compliance with the terms set forth herein. Such reporting includes but is not


limited to providing a copy of the Certificate of Occupancy, providing tenant eligibility information, and ongoing occupancy reports as requested.

16. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of California.

17. **Further Assurances.** The parties hereto shall execute and deliver, in recordable form if necessary, any and all documents, certificates, instruments, and agreements which may be desired or required in order to effectuate the intent of this Agreement. Such documents shall include but not be limited to any document requested by the Developer to exhibit that this Agreement has terminated in accordance with the provisions of paragraph 13 above.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written.

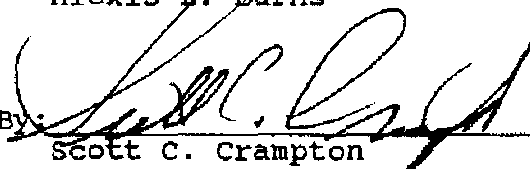
SAN DIEGO HOUSING COMMISSION

for By:   
Evan E. Becker  
Executive Director

DEVELOPER

By:   
Steven D. Burns

By:   
Alexis L. Burns

By:   
Scott C. Crampton

By:   
Pamela D. Crampton

(DB. Burns)

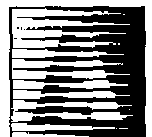
**Report of Physical Elements Assessment  
City Heights Apartments  
A.P.N. 447-562-16  
4214 34<sup>th</sup> Street,  
San Diego, California 92104**

***Prepared For:***  
**Mr. William Snell**  
**TOUCHTONE PROPERTIES**  
50 "E" Street  
Santa Rosa, California 95404

***Date:***  
**April 14, 2008**  
**Revised January 29, 2009**

***Project No.***  
**06-2722**

***PREPARED BY:***  
***Anthony-Taylor Consultants***  
***304 Enterprise St.***  
***Escondido, California 92029***



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# ANTHONY-TAYLOR CONSULTANTS

304 Enterprise Street • Escondido, CA 92029 • (760) 738-8800 • (760) 738-8232 fax

April 14, 2008  
Revised January 29, 2009

**TOUCHTONE PROPERTIES**  
50 "E." Street  
Santa Rosa, California 95404

**Project No. 06-2722**

**Attention:** Mr. William Snell

**Subject:** Report of Physical Elements Assessment  
City Heights Apartments, A.P.N. 447-562-16  
4214 34<sup>th</sup> Street, San Diego, California 92104

**References:**

1. Anthony Taylor Consultants, "Tentative Map, 4214 34<sup>th</sup> Street, San Diego, California," dated February 7, 2007, Project No. 06-2722.
2. GTA Architects, Inc., "Plans for: 7-Unit Building, San Diego, Ca.," dated December 15, 1988.

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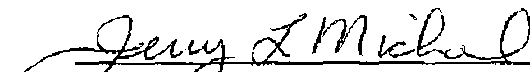
Mr. Snell:

In accordance with your request, representatives of Anthony-Taylor Consultants have performed an assessment of the physical elements and conditions associated with the subject property. It is our understanding that you plan to convert the existing 7-unit apartment complex into condominium units, and that an assessment of the property is desired in performing the conversion. Our assessment is based upon a preliminary review of construction documents at the City of San Diego, information provided by you, and onsite observations performed by us on March 16, 2007.

Based upon our assessment, it appears that the subject complex is in fair to good overall condition, and may be conducive to conversion from a physical elements perspective, provided that recommendations contained in the body of this report are implemented.

Should you have any inquiries pertaining to the subject matter herein, please do not hesitate to contact the undersigned at (760) 738-8800.

Respectfully submitted;  
**ANTHONY-TAYLOR CONSULTANTS**

  
Jerry L. Michal, P.E.  
Senior Engineer, RCE 42590







on-site observations were made of all the units on March 16, 2007 with a representative of the management company who provided access to each of the seven units.

The City Heights Apartments contains 7 dwelling units, contained within one, two-story building. The two-story building is generally rectangularly shaped and contains 1 three-bedroom unit, 3 two bedroom units (one of two bathrooms), 3 one-bedroom units, and ranging in size from 465 to 930 square feet. The second floor end units have balconies and the ground floor units have small concrete patio's. There are five single car garages with two garages on the east end of the building with access off 34<sup>th</sup> Street and three garages on the west end with access off the unnamed alley. In addition, there are seven uncovered parking spaces for a total of twelve. A laundry room is located adjacent to Unit 3 on the east end of the building containing one coin operated Washing Machine and one coin operated Clothes Dryer.

Altogether, the dwelling units comprise a total building area of 4,688 sf. The gross covered building area is approximately 2,845 sf. The building is constructed of wood framing covered with exterior cement plaster and vinyl siding and interior gypsum board, founded upon post-tension slab-on-grade with perimeter concrete footings. The project construction is Type V-Non Rated with 1 Hour Area Separation Walls (per the building plans on file with the City). The roof is covered with asphalt-fiberglass shingles, gutters and down spouts are provided on the north elevation of the 2 story building. The development of the complex was completed in 1990 on an urban lot of an estimated 6,252.5 square feet in the City of San Diego, California.

Heating of the units is provided with electric wall heaters. There is one unit in each bedroom and each living room space. There are no A/C condenser units present and cooling is by open windows or ceiling fans within the units. The individual bathrooms are provided with heat lamps for additional heat. Domestic hot water for the dwelling units is provided by individual hot water heaters. The water heaters are located in interior hot water heater closets for Units 1, 2, 4 and 5. The water heaters for Units 6 and 7 are in a common closet on the second floor landing outside Unit 5. Unit 3's water heater is in the laundry room area. None of the 30 gallon water heaters are strapped. Each unit is provided with an electric range/oven, refrigerator, dishwasher, hood and garbage disposer.

The electric distribution panels are at the southwest corner of the Building. All units have electric sub-breaker panels generally located in the bedrooms behind the doors. The individual unit gas meters are located on the exterior north wall of the building at the northwest corner. Smoke detectors are installed in all individual units, no GFI outlets were noted in the units during our walk through inspection.



Parking areas cover 1,428 SF of the project and include 7 regular parking spaces. Hardscape comprising sidewalks and lower-unit paved patio slabs cover approximately 695 SF of the site. Landscape and lawn areas cover approximately 1,285 SF of the project.

The subject property appears adequately maintained and in overall satisfactory to fair condition with some defects noted. Components of the building are composed of durable materials and sturdy construction. It is our opinion that the subject property is comparable to other similar properties of similar age in this area, and subject to a continued program of sustained preventive maintenance. The on-site review of the property did not reveal any surface conditions that would indicate major structural distress in the buildings' foundation/slab or structural wood-framed bearing wall components. With a normal, anticipated preventative maintenance program, the remaining economic life of the subject project should exceed 40 years.

### **3.0 PHYSICAL ELEMENTS DESCRIPTION AND OBSERVATIONS**

#### **3.1 BUILDINGS**

##### **3.1.1 Roofs**

Description: Access to the roof is by way of a portable ladder.

The apartment buildings are weatherproofed with a conventional composition fiberglass/asphalt roof shingle, over standard wood framing members installed at 12" x 5" pitch. Gutters and down spouts are provided for on the north elevation of the 2 story building. Rainwater empties from the down spouts onto the landscaped areas and generally surface drains to the street or rear alley or is tight lined to the street through curb outlets. The runoff water on the other elevations of the building free flows off the building without the aid of gutters and down spouts and flows through landscaped areas of the project.

Roofing cement, metal flashing and counter flashing, roof jacks, and other waterproofing materials and devices are implemented at joints of the roof and penetration locations.

Description: Management of the property advised that there were no roof leak reports, and no signs of leakage were noted from the interiors of the buildings during our on-site walk through observations. The roofs appeared adequately maintained and in satisfactory to fair condition. A well constructed system of the project type with proper maintenance effort can easily last 15 to 20 years, depending on the frequency of traffic on the surface.

Observations: The roof appears to be the original roof and as such appears to be near the end of it's life expectancy. Although the roof did not appear to exhibit leaking at the time of our site observations, it is our opinion that the roof has 3 to 5 years of remaining useful life.

Recommendations: We recommend that the roof be thoroughly inspected by a qualified



roofing contractor to determine the need for replacement at this time. Based upon our limited observations and known apparent age of the roof, a new roof is recommended.

### **3.1.2            Foundations**

Description: Original plans and specifications were provided for our review. The apartment complex is founded upon a cast-in-place, reinforced post-tensioned concrete slab system, and 12" x 12" interior footings beneath interior bearing walls and 6" x 10" footings under non-bearing walls with concrete slabs-on-grade. HD-2, HD-3, and HD-6 hold downs are specified at door openings and wall ends. Perimeter walls are also provided with 5/8" anchor bolts at 48" on center. Interior bearing and party walls are anchored by 5/8" anchor bolts at 48" on center. Interior non-bearing walls are anchored by 1/4" Ramset anchors at 32" on center.

Observations/Comments: Visible portions of the foundations were observed to be in good condition. No signs of cracking, settling, or distress were observed.

No repairs are recommended at this time.

### **3.1.3            Lateral Force Resisting Elements**

Description: Original plans and specifications were provided for our review. Based upon our review of the plans, the lateral force resisting system consists of HD-2 hold down anchors straps at all 4" x 4" posts, HD-3 hold down anchors at doorways with a 5/8th inch bolt embedded 12 inches into the footing, and HD-6 hold down anchors at all 4" x 6" posts with 5/8th inch bolt embedded 12 inches into the footing. Other anchor bolts consist of 5/8th inch bolts embedded 12 inches into the footing at 48 inches on center around the perimeter walls and double party walls, and 1/4 inch ramsets at 32 inches on center in other interior walls. Shear paneling consists of 3/8-inch plywood with 8d edge nailing at 6" on center for interior walls and 3/8-inch plywood with 8d edge nailing at 4" and 3" on center for exterior walls. The exterior wall panels are generally 4-foot to 6-foot panels at the corners of the building and along the sides of the north and south wall.

Observations/Comments: Based on our review of the plans and our site observations, the lateral force resisting elements appear to be in good condition and are adequate. The exterior perimeter walls appear to be in good condition with no sign of distress or deficiency.



### **3.1.4 Walls, Windows and Doors**

Description: Exterior walls of the apartment buildings are observed to be constructed of wood-framed walls covered by stucco and vinyl siding with operable windows, sliding patio doors, and stucco with painted wood trims. Typically, the stucco is over metal wire lath and water-repellent building paper on 3/8" gyp board or 3/8" plywood shear wall backing, supported on wood studs. Window and exterior door openings are believed to have been reinforced with additional wood members and HD-2 anchors for stress-transferring continuity.

The single pane windows were measured and found to comply with the emergency egress conditions. Window egress was measured and found to be 21 inches in the kitchen, 24 inches in the living room and 34 inches in the bedrooms between the floors and lower edge of the window.

Interior party walls consist of double 2" x 4" construction with a 1-inch dead space and full insulation. The walls are covered with one layer of 5/8" Type X gyp board from the ground floor through to the roof line. Fire blocking occurs at mid-wall and at the first floor to second floor transitions. All penetrations for plumbing or electrical were specified to be provided with appropriate fire blocking as well (Reference 2).

Apartment unit entry doors are of 36-inch wide solid-core type, with twist-action door knobs and dead bolts. Interior doors are typically of 30-inch wide hollow core units. Windows and patio balcony doors are of aluminum framed, single pane glass operable units with meshed screens. There is generally 34 inches between the bottom of the unit's windows and the floor in the bedrooms and livingroom and 21 inches in the kitchen.

Observations/Comments: No structural distresses were noted on the walls. The walls remain to be straight, in-line and plumb. Generally, exterior walls appeared adequately maintained and in good condition, with the exception of one area where the concrete landing of the stairway has been poured up over the weep screed. In addition, there are numerous areas where the concrete sidewalks have been poured to within 1/2-inch of the weep screed. Minimum clearance between screed and hard surfaces should be 1-1/2 to 2 inches. Also, there are several areas of broken stucco around the rear garage doors and in the wall adjacent to the water supply line.

The interior and entry doors appear to be original and were in poor to moderate condition. Several entry doors were misaligned or warped and would not latch or lock properly. The windows consist of single pane glass and most work satisfactorily. The screens were in fair to moderate condition.

Recommendations: We recommend the removal of all sidewalks in close proximity to weep screeds and replacement with hardscape that has the proper 2 inches of clearance provided.



We recommend replacing the interior and entry doors of all units. The doors that bind and appear to be out of alignment and do not latch or lock will require additional framing adjustments or modifications. Entry and interior doors are estimated to have 1 to 3 years of useful life remaining.

The single-pane windows are recommended to be replaced with dual-pane energy efficient windows.

The stucco damage should be repaired when the building is repainted.

### **3.1.5 Exterior Paint and Woodwork**

**Description:** Woodwork is typically covered by stucco, except for the wood and vinyl siding along the front of the building. Exterior paint includes the stairs, wood trims, siding, railings for the stairs and landings.

**Observations/Comments:** Management of the property advised that the building exteriors are to be painted as part of the conversion repairs.

**Recommendations:** We recommend that exterior painting be performed as part of the conversion process.

### **3.1.6 Plumbing and Hot Water Heaters**

**Description:** The plumbing system of the subject apartments includes necessary hot and cold water supplies, drainage, waste, and vents. Water supply, waste, drainage and vent lines consist of copper water piping, cast iron and ABS waste and vent piping, and steel natural gas piping. Sanitary sewers and storm wastes are discharged to their respective public infrastructures. No sewage lift stations were observed during the property visit. Apartment bathroom fixtures consist of enameled steel lavatories with wood cabinets, floor-mounted water closets and fiberglass bathtubs with showers.

**Observations/Comments:** Plumbing system of the subject property was observed to be in satisfactory condition, and appeared adequately maintained. The gas-fired hot water heaters were not properly strapped for seismic safety. Estimated useful remaining life of the water heaters are 6 to 8 years.

**Recommendations:** It is recommended that these gas-fired hot water heaters be strapped to the adjacent walls to prevent them from tumbling during a moderate to major earthquake. It is also recommended that the gas company be contacted to examine all gas appliances and equipment for safety purposes.



### **3.1.8            Mechanical (HVAC)**

Description: Heating is provided for the apartments by wall mounted electric heaters in the bedrooms and living rooms. Bathrooms and kitchens are equipped with wall switch controlled exhaust fans. Exhausts are ducted through the roof. Ventilation of the apartments is by gravity and natural breeze. There did not appear to be A/C units for the individual units.

Observations/Comments: The electric wall heaters were observed to be in poor to good condition. There are no A/C units in the apartments. The heating units appear to work well in spite of their age. The remaining useful life of these items is estimated to be 1 to 3 years.

Recommendations: Replacement of the electric wall heaters is recommended and A/C units should be provided for each unit as part of the planned renovation.

### **3.1.9            Electrical**

Description: Telephone and Electrical services for the property are supplied from pole mounted San Diego Gas and Electricity and phone company lines the southwest corner of the building and then to the buildings' distribution panels located at the southwest corner of the building. Tenants are individually metered for electric services. Power to the building is provided at 120/208-volts. Each apartment is provided with a 120-volt, 90-ampere single-phase service. Circuit breakers are provided for overload protection. Observed conductors and wiring appeared to be copper enclosed in metallic and plastic conduits. The referenced plans indicated that GFI switches were to be installed in the residences. However, no GFI switches were noted in either the bathrooms or kitchens of the individual units. Smoke alarms have been hard wired into the ceilings of the units in the hallway outside of the bedroom(s) and bathrooms.

Observations/Comments: Electric system of the property appeared adequately maintained and in satisfactory condition. The serviceable longevity of a residential electric system is normally estimated at 50 years. Smoke alarm units were found to be working in some units, broken in others and missing in one unit. No smoke alarms were located in the bedrooms of any unit.

Recommendations: No repairs to the electrical system is required at this time. However, the installation of GFI switches in the bathrooms and kitchen will be required. Smoke alarms should be installed in the bedrooms of each unit and be hardwired into the electrical system. Existing smoke alarms should be replaced with new alarms that have a visual notification device.



### 3.1.10 Unit Interiors

**Description:** The interior walls of the units appear to be plaster over gypsum wall board. The ceilings are of the "popcorn" type. The bathroom cabinets appear to be constructed of pressed board with thin veneers and laminate tops. The kitchen cabinets appear to be wood. Kitchen appliances consist of electric oven and stove, refrigerator, dishwasher and garbage disposal. Kitchen sinks are steel and the bathroom sinks are formed with the counter top as one piece units. Showers are single piece, pre-fabricated units. Lighting is present in the kitchen (36-inch fluorescent), hallway (single globe type) and bathroom light bar over the sink. Some units have hanging lights or ceiling fans. Other lighting is of the wall plug type. Floor coverings consist of tile, linoleum and carpeting. Private patio's are concrete slabs on the first floor and decks comprised of wood framing with light weight concrete deck surface and wrought iron railings on the second floor.

**Observations:** The interior walls and ceilings are dirty and in some units have numerous picture hanger holes. The cabinets appear to be in generally poor to moderate condition but also appear to be the originally installed units in most locations. Kitchen appliances generally appear to be the original appliances with the exception of a newer dishwasher in one unit. The anticipated life expectancy of the appliances is 3 to 5 years. The lighting appears to function well and is in fair to good condition. There is a four-bulb light bar over the sink in the bathroom, a single fixture in the hallway ceiling, and a 1-foot by 3-foot fluorescent fixture in the kitchen. The Tub enclosures and water closets appear to be original construction and are stained. Some of the bathrooms exhibit wall staining, apparent mold and deterioration of wall plaster. The fascia boards on the westerly, second floor balcony were noted to be dry rotted and in need of replacement.

**Recommendations:** We recommend that the interior walls and ceilings be repainted as part of the conversion process. We see a need to replace the kitchen and bathroom cabinets at this time as well as the existing faucets and water closet. We recommend that the old appliances be replaced as part of the conversion process. The bathtubs should also be replaced. The carpets, tile and linoleum appeared to be generally in good to fair condition. The carpet is anticipated to be replaced as part of the conversion process. The balcony slab cracks should be caulked and sealed to protect the waterproof membrane and wood-framing members below the concrete slab and replace dry rotted balcony fascia boards.

### 3.1.11 Sound Transmission

Based upon a review of the project building plans, the following items were found.

**Party Walls:** Party walls consist of double 2x4 walls with staggered studs, a one inch air gap and two layer of 5/8-inch gyp board on each side of the walls. The STC for this wall was



determined to be 62 which is greater than the required STC of 50 to 54. For walls separating the units from garages, the walls consist of two rows of 2x4 studs on a 2x6 sill plate with one layer of 5/8 inch gyp board on each side with an STC of 52. Exterior walls consist of 2x6 stud walls with one layer of 5/8 inch gyp board on the interior and a 1/2 inch gypboard on the exterior with either 7/8 inch of stucco or wood siding for an STC of 54. Plumbing walls are 2x6 stud walls with two layers of 5/8-inch gyp board on each side of the walls for an STC of 62. The second floor consists of 2x10 joists with R-11 insulation, a 5/8 inch sub floor, and 1-1/2 inch of light weight concrete. For floors covered with carpet and pads, the STC is 73. For floors covered with vinyl, the STC is 56. All penetrations in the walls are sealed within 12 inches of the penetration with an elastic adhesive for sound control.

**Conclusions: The building satisfies the requirement for sound control of an STC between 50 and 54.**

### **3.2 COMMON AREAS**

#### **3.2.1 Pavement and Walkways**

Description: Poured concrete curb and sidewalk parallel to 34<sup>th</sup> Street are provided as part of the City's sidewalk system. The on-site driveway and parking lot are paved with concrete and stamped concrete. Walkways around apartment building consists of stamped decorative concrete. There are numerous cracks within the walkways and two sections appear to have been ground down to mitigate tripping hazards. The walkways adjacent to the units appear to have been poured too close to the weep screed on the building. The stairways and landings consist of Concrete Treads and steel stair stringers with wood framed landings. The railings consist of 34-inch high wrought iron. The stairways appear to be in good condition.

Observations/Comments: The concrete slabs-on-grade were observed to be cracked in numerous locations and were reported to be scheduled for replacement in the near future. Concrete Stairs Treads should be inspected and replaced as deemed necessary.

Recommendations: It is recommended that all concrete flatwork, including the driveway approach, be replaced as part of the conversion process.

#### **3.2.2 Landscaping/Plantings**

Description: Landscaping of evergreen and deciduous trees, flowers, shrubs, and ground covers is provided along the sidewalk parallel to the city street and inside the property.





**Observations/Comments:** The condition of live plant material is satisfactory with no diseased or dead material. However, bare areas were noted in the ground cover areas.

**Recommendations:** It is recommended that the bare spots be filled and replanted.

### **3.2.3 Irrigation System**

**Description:** An automatic irrigation system is provided for all landscaped areas on the property. Sprinkler lines appear to be PVC with 1-1/2" mains and 3/4" branches, sprinkler heads appear to be plastic and brass. Some of the sprinkler heads are located in close proximity to the building walls and appear to spray on the walls and adjacent walkways.

**Observations/Comments:** The irrigation system appears to be able to provide adequate coverage for the landscaping and plants. The irrigation system for the property appeared adequately maintained and in good condition. It is noted, however, that watermarks induced by irrigation are evident along the lower area of some of the exterior walls near the ground at several building locations.

**Recommendations:** We recommend that the irrigation system be thoroughly examined. Make necessary repairs and adjustments to assure the proper spraying of irrigation water away from the building walls. It is recommended that the irrigation system be changed to a drip or low flow system where it is in close proximity to the building walls and walkways.

### **3.2.4 Common Laundry Room**

There is a common laundry room located adjacent to unit 3 at the northwest corner of the building. The laundry room has one coin-operated washer, one coin-operated dryer and a linoleum floor. The coin-operated washer and dryer appeared to be in good to fair condition. We do not know how old these units are. The door was locked and no access was provided. The walls are plastered and appear to be in fair condition.

**Recommendations:** We recommend that the laundry room interior be repainted, and that the washer/dryer be replaced with new machines.

### **3.2.5 Trash Areas**

**Observations:** There is one trash can on the property at the southwest corner of the rear parking area adjacent to the alley. The single trash can with a metal lid is not contained within



an enclosure.

**Recommendations:** We recommend that a trash enclosure be provided with a roof that minimizes the infiltration of rainfall into the enclosure.

### **3.2.6 Exterior Common Area Lighting**

**Description:** Lighting for these areas is provided by building wall mounted lighting fixtures.

**Observations/Comments:** The property was not observed at night, and we do not know if the lighting is sufficient for illumination of the site at night.

### **3.2.7 Walls and Fences**

**Description:** Unpainted wood fencing and concrete block fence walls are provided around the property lines. Wrought iron lockable gates are present on the northeast and northwest corners of the building.

**Observations/Comments:** Management of the property advised that the fences are to be painted as part of the conversion. The wood fences are in need of repair. They have settled out of alignment, are dry rotting in some locations and have loose boards and closure strips.

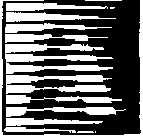
**Recommendations:** We recommend that the wood fencing be repaired where necessary and be re-painted as part of the conversion process.

### **3.2.8 Drainage Facilities**

**Description:** On-site drainage is primarily surface controlled. Building pads are marginally raised above gradient for proper drainage. Rainwater from the roofs is emptied onto the pavement and landscaped areas or collected by rain gutters and directed via a closed system through curb outlets to 34<sup>th</sup> Street. The concrete paved driveway and parking lot are constructed with noticeable slopes that are away from the building structures and converge to the rear alley or 34<sup>th</sup> Street.

**Observations/Comments:** Drainage systems of the property appear to have positive slopes that generally lead water away from the building structures and toward the street and alley. The central landscape areas are generally enclosed by sidewalks which limit the amount of off site flow so that ponding of water in these areas can occur during periods of heavy rainfall.

**Recommendations:** We recommend that a drain system be installed in the enclosed landscape



areas in the central portion of the site. These area drains should be tied into a closed drain system and be directed to 34<sup>th</sup> Street through curb outlets.

#### **4.0 ADDITIONAL RECOMMENDATIONS**

The following recommendations are provided to the owners in consideration of the planned condominium conversion. These may be considered on an as-needed basis, or may be incorporated comprehensively across the community in improving the complex for sale as condominiums. The following items and their current condition is listed below with recommendations for repair or replacement (as appropriate):

##### **4.1 Stair Support Posts**

The stair landing support Posts consist of 2-inch diameter steel pipe columns. Several of the pipe columns supporting the stair landing are in close proximity with the adjacent ground surface and need to be raised up to minimize the potential for rust and deterioration to affect the structural capacity of these supports. A minimum 3 inches should be provided between the ground surface and the pipe column.

##### **4.2 Utilities Protection**

The gas meters and water supply line are located at the northwest corner of the building adjacent to resident parking spaces. These utilities are situated such that a vehicle could strike them resulting in damage. We recommend that metal bollards be installed to protect these areas. The bollards should be painted brightly and conform to City of San Diego Standards.

##### **4.3 Smoke Alarms**

The smoke alarms in some units were missing or did not function. We recommend that all smoke alarms be replaced with new alarms.

#### **5.0 Required Repairs**

The following repairs are suggested to be completed prior to the recording of the final parcel map for the project. These items are either considered to have less than 5 years of remaining useful life or are in poor to fair condition at the time of our observations.



1. Roof replacement.
2. Window replacement with energy efficient dual pane glass.
3. Exterior Painting and wood trim replacement.
4. Hot water heater replacement and strapping.
5. GFI installation and smoke alarm replacement.
6. Interior wall painting.
7. Carpet and floor covering replacement.
8. Unit heating and cooling unit replacement.
9. Bathroom and Kitchen cabinet replacement.
10. Tub and water closet replacement.
11. Dishwasher, stove, garbage disposal and refrigerator replacement.
12. Upgrades to existing interior lighting (such as vanity lights).
13. Exterior walls and fencing replacement where needed.

## **6.0            Accessibility**

The buildings current level of accessibility complies with the accessibility standards in the prevailing edition of the California Building Code (CBC 2007). All access routes from the rear parking and frontal parking consist of flat level sidewalks with no steps or grades. All first floor units are readily accessible to a handicapped person via these walkways. In addition, the ground floor units can be readily converted to the needs of the handicapped should these be required.

**APPENDIX A - PROPERTY PROFILE**

<b>Tract No.</b>	<b>TERALTA</b>
<b>Property Name</b>	<b>CITY HEIGHTS</b>
<b>Property Address</b>	<b>4214 34<sup>th</sup> Street San Diego, California 92104</b>
<b>Year Built</b>	<b>1990</b>
<b>APN</b>	<b>447-562-16</b>
<b>Thomas Brothers Coord.</b>	<b>1251- H5</b>
<b>Zoning</b>	<b>RM-1-1 Multiple Dwelling</b>
<b>Occupancy Group</b>	<b>R-1</b>
<b>Construction Type</b>	<b>V Non-Rated, Not fire-sprinkled w/ 1 hour walls</b>
<b>Number of Buildings</b>	<b>One L-shaped apartment building.</b>
<b>Number of Apartments</b>	<b>7 TOTAL UNITS</b>
<b>Owner</b>	<b>SNELL-WELLEN PSP, LLC</b>
<b>Occupancy Rate</b>	<b>100</b>
<b>Number of Stories</b>	<b>2-Story</b>
<b>Basement</b>	<b>None</b>
<b>Lot Size</b>	<b>Approximately 6,252.5 SF</b>
<b>Size of Apartment</b>	<b>Varies from 465 s.f. (1-bedroom) to 930 s.f. ( 3bedroom)</b>
<b>Total Building Area</b>	<b>Approximately 4,668 square feet</b>
<b>Number of Parking Spaces</b>	<b>7 Spaces on concrete, 5 garages</b>
<b>Property Visit Date</b>	<b>March 16, 2007</b>
<b>Property Visit Conducted</b>	<b>Jerry Michal</b>
<b>Accompanied By</b>	<b>Representative of Management Company</b>
<b>Weather</b>	<b>Sunny, mid 60's</b>

**APPENDIX "B"**  
**PROPERTY PHOTOGRAPHS**

4214 34<sup>TH</sup> STREET, SAN DIEGO, CALIFORNIA



1. FRONT VIEW LOOKING WEST.

2. REAR ALLEY LOOKING NORTH.



4214 34<sup>TH</sup> STREET, SAN DIEGO, CALIFORNIA



**3. NORTH SIDE YARD LOOKING WEST.**

**4. REAR OF BUILDING LOOKING SOUTH.**



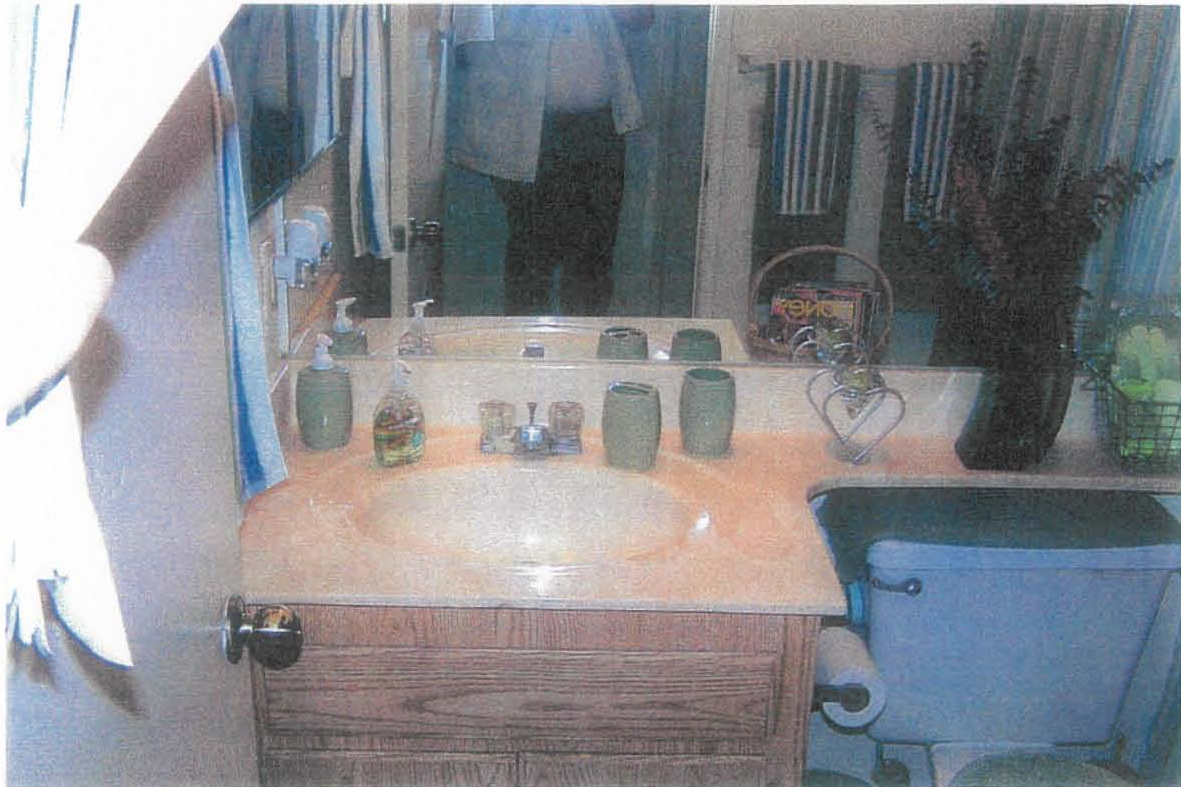


4214 34<sup>TH</sup> STREET, SAN DIEGO, CALIFORNIA



5. TYPICAL KITCHEN LAYOUT.

6. TYPICAL BATHROOM LAYOUT.



4214 34<sup>TH</sup> STREET, SAN DIEGO, CALIFORNIA



7. CIRCUIT PANEL IN BEDROOM.

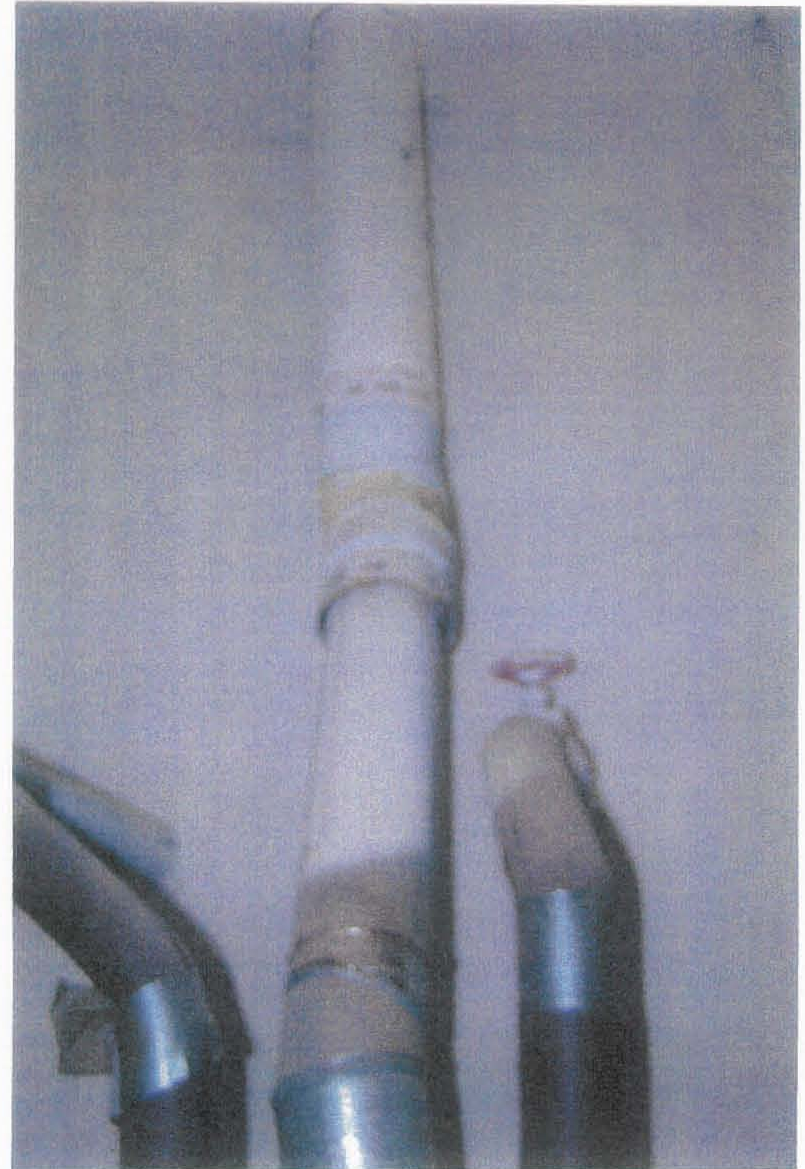
8. ELECTRIC WALL HEATER IN BEDROOMS AND LIVINGROOM.



4214 34<sup>TH</sup> STREET, SAN DIEGO, CALIFORNIA



9. TYPICAL, UNSTRAPPED 30 GALLON WATER HEATER.



10. WATER HEATER SUPPLY AND VENT LINES.

4214 34<sup>TH</sup> STREET, SAN DIEGO, CALIFORNIA



11. ATTIC CRAWL SPACE ACCESS DOOR IN HALLWAY.

12. TYPICAL SECOND FLOOR BALCONY, NOTE CRACKING.



4214 34<sup>TH</sup> STREET, SAN DIEGO, CALIFORNIA



13. TYPICAL STAIRWAY TO UPSTAIRS UNITS.



14. TYPICAL FIRST FLOOR PATIO SLAB.

4214 34<sup>TH</sup> STREET, SAN DIEGO, CALIFORNIA



15. MINOR DETERIORATION OF FASCIA BOARDS.

16. MINOR DETERIORATION OF FASCIA BOARDS.



4214 34<sup>TH</sup> STREET, SAN DIEGO, CALIFORNIA



**17. TYPICAL STUCCO DAMAGE AROUND GARAGE DOORS.**

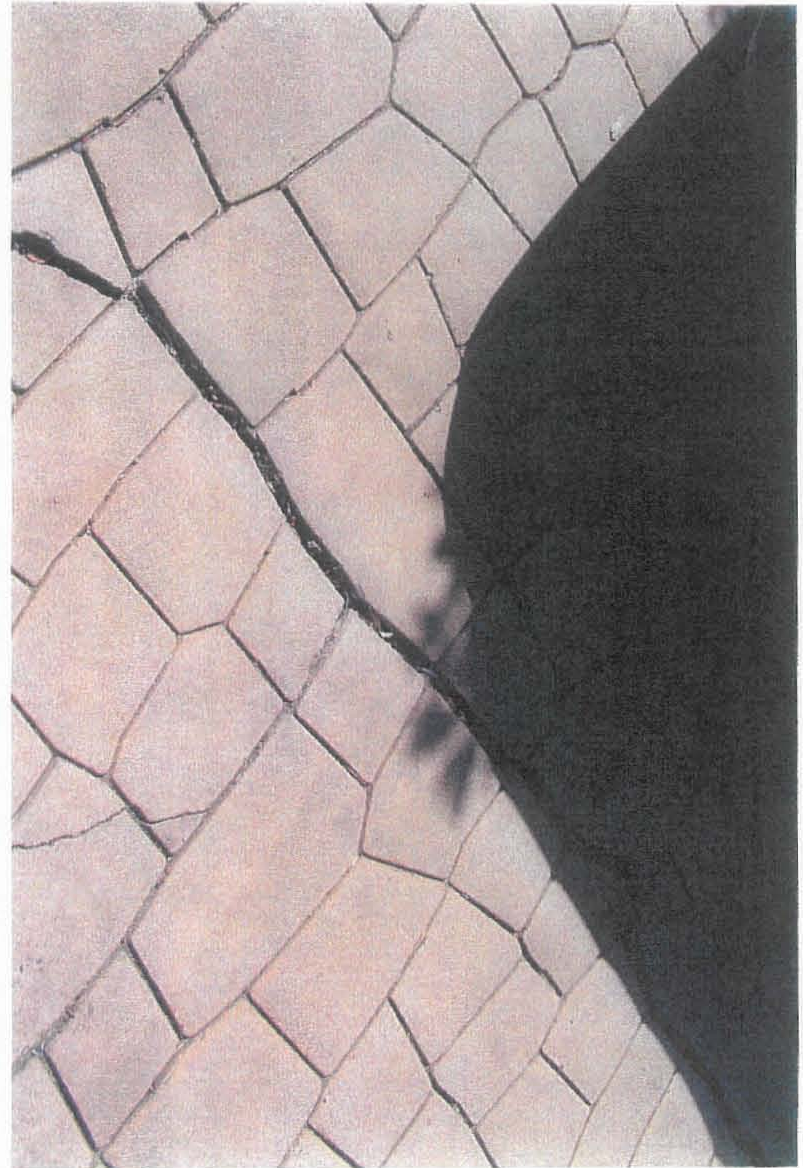
**18. LAUNDRY ROOM DRYER VENT MISSING SCREEN.**



4214 34<sup>TH</sup> STREET, SAN DIEGO, CALIFORNIA



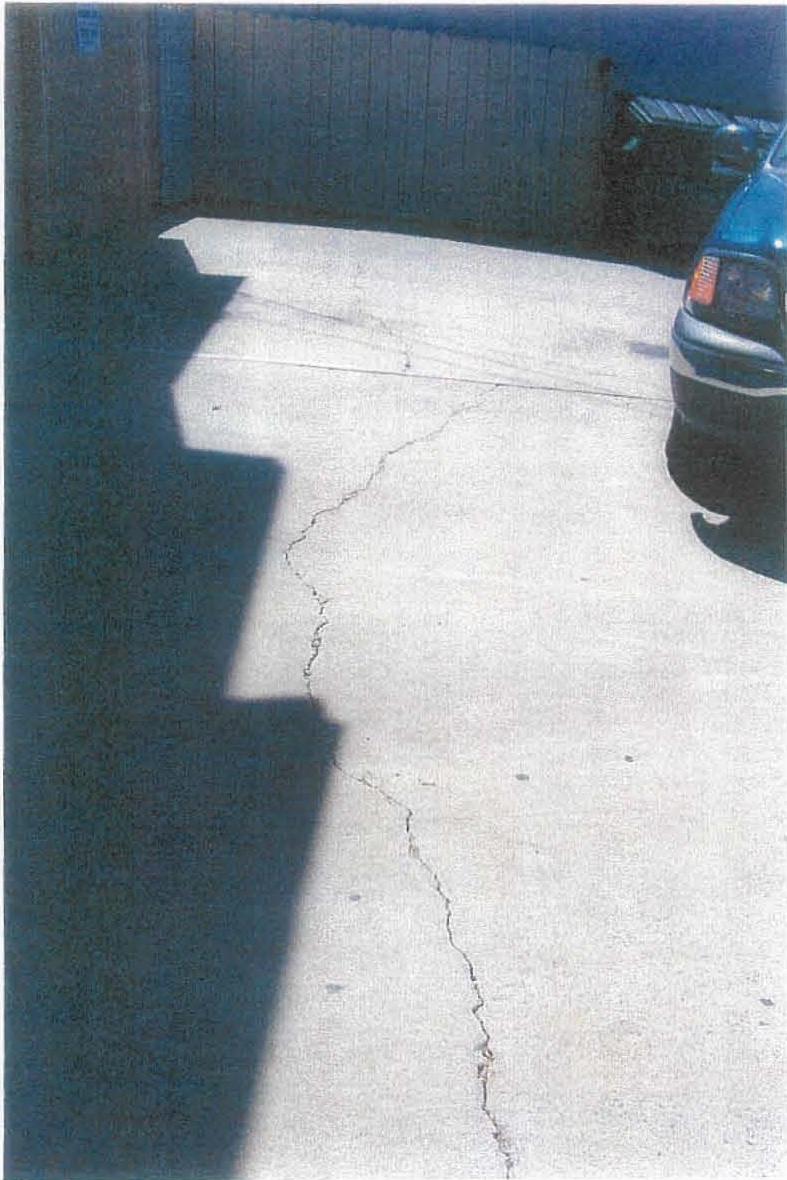
19. DRIVEWAY APPROACH SLAB CRACK AND HEAVING.



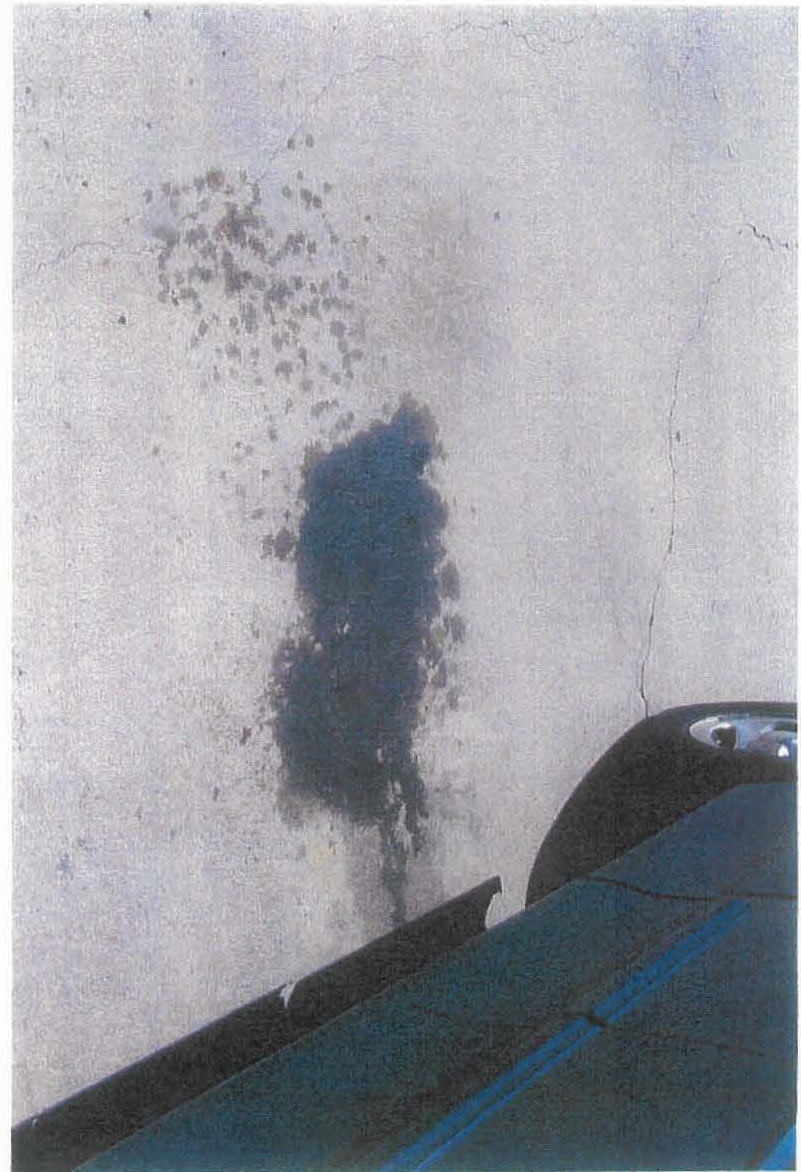
20. DRIVEWAY STAMP CRETE SLAB CRACK.



4214 34<sup>TH</sup> STREET, SAN DIEGO, CALIFORNIA



21. REAR DRIVEWAY APPROACH SLAB CRACKS.



22. OIL STAINING ON REAR DRIVEWAY.

4214 34<sup>TH</sup> STREET, SAN DIEGO, CALIFORNIA



23. TYPICAL SIDEWALK SLAB CRACKS OUTSIDE OF UNITS 1 AND 2.

24. TYPICAL SIDEWALK SLAB CRACKS OUTSIDE OF UNITS 1 AND 2.



4214 34<sup>TH</sup> STREET, SAN DIEGO, CALIFORNIA



25. TYPICAL SIDEWALK SLAB CRACKS & TRIPPING HAZARDS.

26. TYPICAL SIDEWALK SLAB CRACKS & TRIPPING HAZARDS.



# Site Location Map



**NORTH**  
N.T.S.



**ANTHONY-TAYLOR CONSULTANTS**

Corporate Office:  
304 Enterprise, Escondido, California 92029  
(760) 738-8808

**Job Name: 42<sup>ND</sup> Street Apartments**  
**Site Address: 4214 34<sup>th</sup> Street**  
**San Diego, California**  
**PROJECT NO. 06-2722**

**FIGURE I**