



THE CITY OF SAN DIEGO

## REPORT TO THE PLANNING COMMISSION

**DATE ISSUED:** May 6, 2010 **REPORT NO. PC-10-024**

**ATTENTION:** Planning Commission, Agenda of May 13, 2010

**SUBJECT:** ESSEX TENTATIVE MAP - PROJECT NO. 69202 PROCESS 4

**OWNER/  
APPLICANT:** Park Fifth Avenue Venture, Fredrich Kleinbub  
Scott Peters, Sterling Land Services

### SUMMARY

**Issue(s):** Should the Planning Commission approve a Tentative Map to convert 52 apartment units to condominium units in an existing, multi-family residential building within the Uptown Community Planning Area?

**Staff Recommendation:** APPROVE Tentative Map No. 209827.

**Community Planning Group Recommendation:** On May 2, 2006 the Uptown Planners voted unanimously in favor of the project with five conditions. These conditions are discussed below.

**Environmental Review:** 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 (Attachment 7).

This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on May 26, 2005, and the opportunity to appeal that determination ended on June 14, 2005.

**Fiscal Impact Statement:** All costs associated with this project are paid from a deposit account maintained by the applicant.

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

**Housing Impact Statement:** Approval of the 52 residential units to condominium ownership would result in an increase of 47 residential for-sale, market-rate units, and five affordable units.

## BACKGROUND

This Tentative Map project is subject to the condominium conversion regulations in effect prior to June 13, 2006, based on the City Council's specific adoption language for the "new" condominium conversion regulations. The CEQA determination for this project was not appealed. The environmental exemption determination for this project was made on May 26, 2005, and the opportunity to appeal that determination ended on June 14, 2005.

The 1.3-acre site (56,628 square feet) is located at 1707 Essex Street in the MR-1000B and CN-2A zones of the Mid-City Communities Planned District and the Transit Overlay Zone, within the Uptown Community Plan Area (Attachment 2) and is designated for residential use. The site is presently developed with 5 two and three story structures containing 20 one-bedroom units, 30 two-bedroom units, and 2 three-bedroom units. The project provides 77 off-street parking spaces, including 63 garage spaces and 14 open parking spaces accessed from the alleys located east and west of the project site, and Robinson Avenue located south of the project site. The site is bounded by multi-family residential use to the north, south, and west, and a mix of commercial and multi-family residential use to the east.

The existing improvements were constructed in 1977. At that time the site was zoned R-3 and would have allowed for 94 dwelling units. The project would conform to the current density requirement of one unit per 1,000 square feet in the MR-1000 Zone, or 56 units.

Parking requirements in 1977 required 77 parking spaces for the 52 dwelling units and 77 are proposed. Under current criteria, 97 off-street parking spaces would be required. However, the project has previously-conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. The site is located in a Transit Overlay Zone and is on block from Metropolitan Transit System Routes 1, 7, 10 and 11.

The development complied 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.

## DISCUSSION

### Project Description:

The project proposes a Tentative Map for the subdivision of a 1.3-acre site to convert 52 existing dwelling units into condominiums on six existing lots (Attachment 8). The applicant is also requesting that the requirement for the undergrounding of existing overhead utilities be waived.

Section 125.0410 of the San Diego Municipal Code (SDMC) requires that a Tentative Map be processed for the subdivision of land. According to SDMC Sections 125.0440 and 125.0444, *Findings for Tentative Maps and for Condominium Conversions*, the decision maker may approve a Tentative Map for the purposes of the conversion of residential property into a condominium project if the decision maker finds that the proposed conversion complies with the requirements of the Subdivision Map Act and the 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*, in that the conversion involves a short span of overhead facility (less than 600 feet in length), 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 on-site utilities per Condition No. 20 of the draft Tentative Map Conditions (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. 4 of the draft Tentative Map Conditions (Attachment 6).

The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 3S, and the date for undergrounding has been established for the year 2015 (Attachment 10).

### Community Planning Group and Neighborhood Recommendations:

The Uptown Planners voted unanimously on the consent agenda to recommend approval of the proposed project on May 2, 2006, with five recommendations discussed below. The applicant has agreed to include five onsite affordable residential units, and will enclose the trash containers on site. The five recommendations are:

1. No waiver or exemption from state and local requirements that existing utility services for this property be placed underground be granted. Placing of all overhead utility services underground is a critical infrastructure need in our community, and is typically paid for by the developer. Exceptions may be made for alleyway above ground utilities, or any above ground utilities that are firmly scheduled to be placed underground in the next five years. *Based on the preceding information regarding the undergrounding of the existing utilities, staff supports the undergrounding waiver request. The City's Undergrounding Master Plan designates the site for undergrounding within five years.*
2. The first right of refusal to purchase a unit be given to current tenants. *The Tentative Map Resolution has been conditioned to provide the right of first refusal to the existing tenants, as required by the State Map Act, which is a standard condition for all conversion projects.*
3. Historic sidewalk stamps and scoring of existing sidewalks be preserved, and any replacement or new sidewalks be constructed so that the scoring matches the existing sidewalk scoring, color, texture and type of contractor date stamp. *The Land Development Code requires the preservation of historic sidewalk stamps and scoring.*
4. Landscaping shall be brought into conformance with the current Land Development Code

regulations for the City of San Diego, including the placing of street trees at required locations as indicated in the San Diego Street Design Manual. *There is no construction proposed with this project and, therefore, no additional landscaping is required. However, the applicant has provided a Landscape Concept Plan that staff has found to conform to previous requirements. As indicated above, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.*

5. Current on street parking will be preserved, and where feasible, the provision of new parking should be provided both onsite and offsite. The latter goal can be accomplished by minimizing curb cuts, and other innovative measures. *There is no construction proposed with this project and, therefore, no additional parking is required. As indicated above, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.*

### **Community Plan Analysis:**

The Uptown Community Plan designates the project site for medium-high residential land use at 29-44 dwelling units per acre. The project proposes 52 units on 1.3 acres resulting in a density of 40 units per acre and, is, therefore, consistent with the plan. The project area is bordered by higher density multi-family residential development with commercial uses along University Avenue and Park Boulevard. The project is also consistent with the Uptown Plan goal to locate medium and high density developments near commercial areas and transit.

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

The requested conversion of these residential units to condominiums represents primarily a change in ownership. The applicant has certified that the required 60-day Notices of Intent to Convert to Condominiums were provided to the tenants December 14, 2004(Attachment 11).

All condominium conversion projects Deemed Complete on or after February 7, 2004, must conform to the new regulations regarding Inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. This proposed project was Deemed Complete on May 9, 2005, and is therefore subject to these new regulations. 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.

Chapter 14, Article 2, Division 13 of the Land Development Code (Inclusionary Housing Ordinance) requires that condominium conversions of 20 or more must provide affordable units, and is not eligible to pay an in-lieu fee. The Essex TM project proposes to convert 52 units and, therefore, is providing 10 percent or 5 units of the proposed condominium conversion for households with an income at or below 100 percent of Area Median Income.




**Conclusion:**

Staff has reviewed the request for a Tentative Map for the conversion of 52 residential units into condominiums and has found that the project conforms to the applicable sections of the San Diego Municipal Code regulating Tentative Maps. Staff believes the required findings can be supported and recommends the Planning Commission approve the project as proposed.

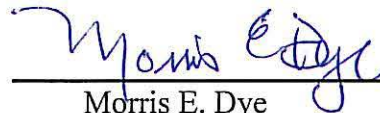
1. **Approve** Tentative Map No. 209827, **with modifications.**
2. **Deny** Tentative Map No. 209827, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



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Mike Westlake  
Program Manager  
Development Services Department



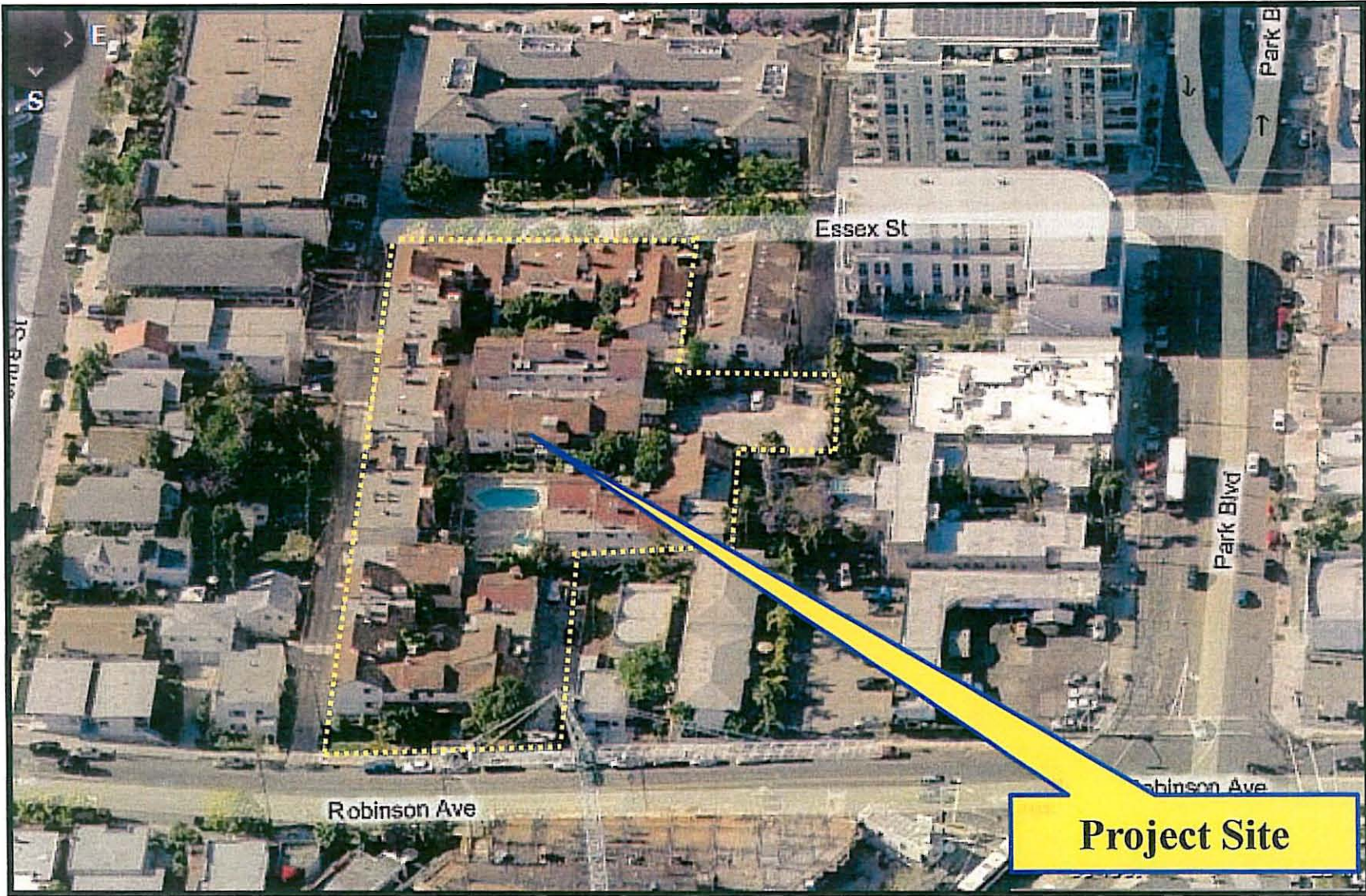
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Morris E. Dye  
Development Project Manager  
Development Services Department

Attachments:

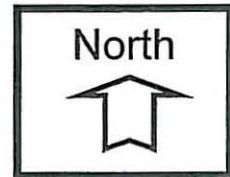
1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft Map Resolution with Findings
6. Draft Map Conditions
7. Environmental Exemption
8. Tentative Map
9. Ownership Disclosure Statement
10. Project Chronology
11. Sample 60-Day Notice
12. Building Conditions Report (Separate Cover)
13. Landscape Plan (Separate Cover)



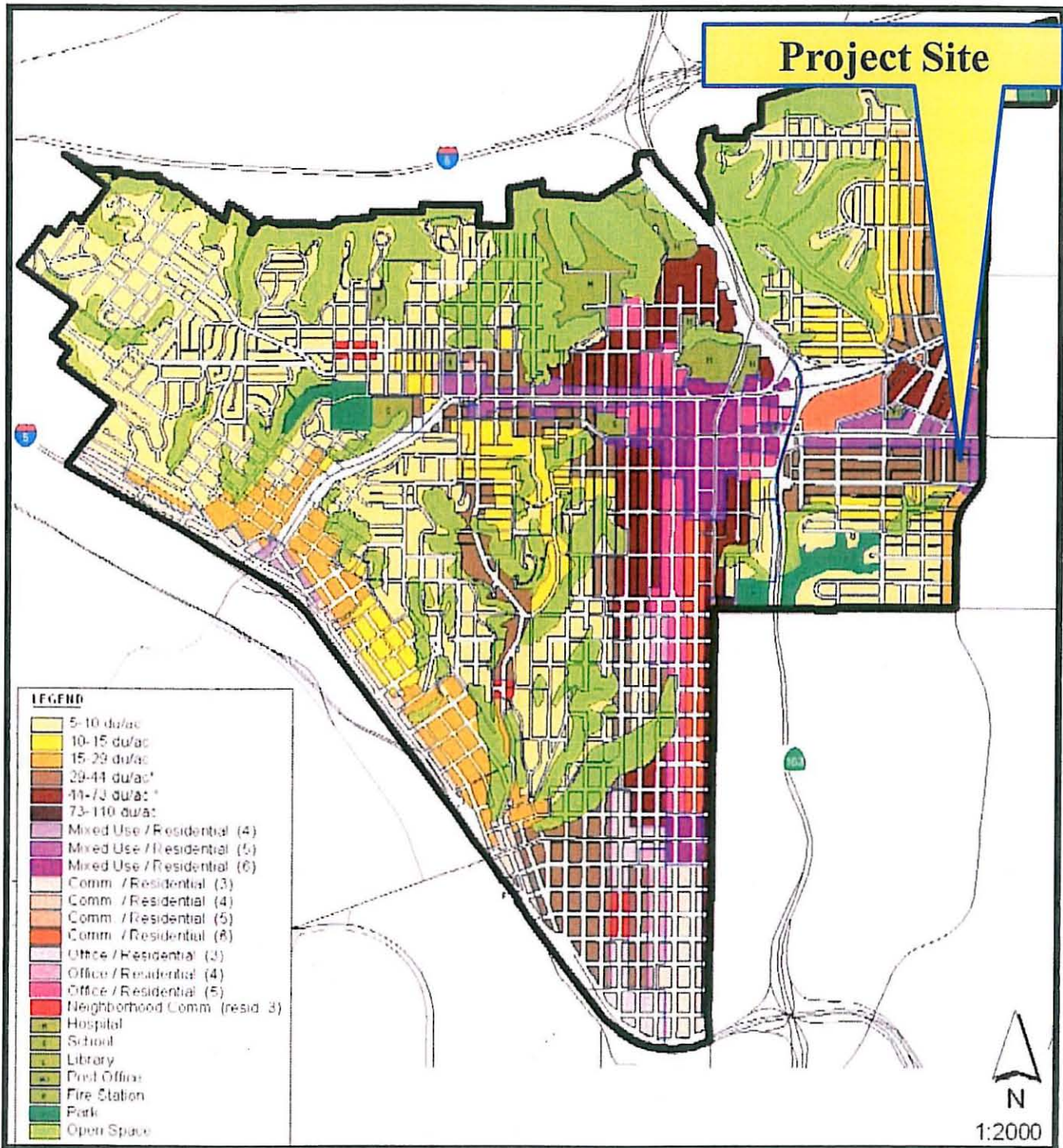


## Aerial Photo

Essex Tentative Map- 1707 Essex Street  
PTS 69202

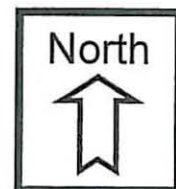




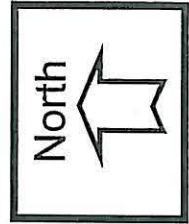
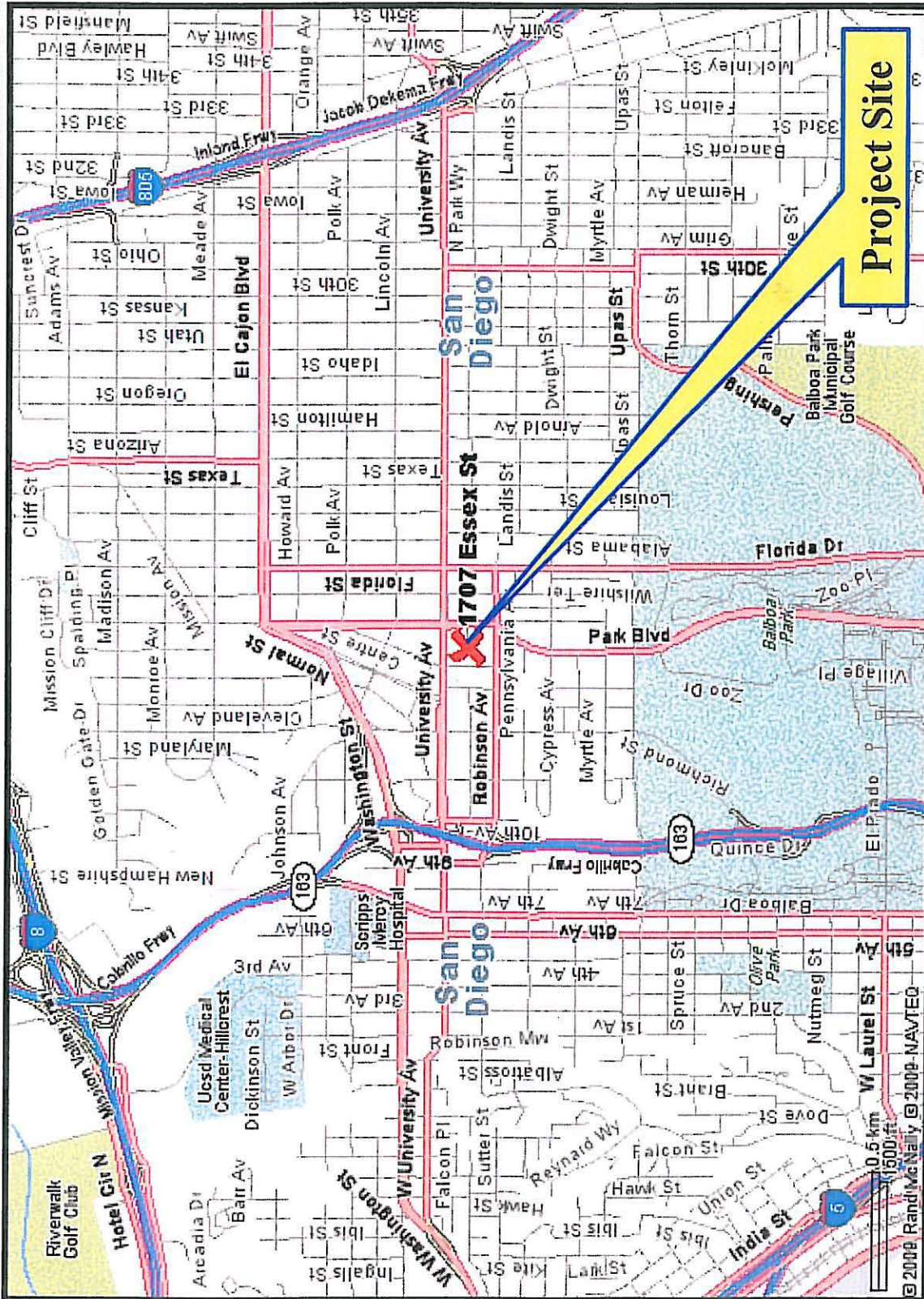


# Land Use Map

**ESSEX TENTATIVE MAP - 1707 ESSEX STREET  
PTS 69202**







### Project Location Map

Essex Tentative Map - 1707 Essex Street  
 PTS 69202



© 2008 Rand McNally © 2008 NAVTEQ  
 0.5 km  
 1500 ft



## **PROJECT DATA SHEET**

### **FOR CONDOMINIUM CONVERSIONS**

<b>PROJECT NAME:</b>	1707 Essex Street	
<b>PROJECT DESCRIPTION:</b>	Tentative Map (Process 4) to convert 52 residential units to condominiums on a 1.3 acre site in the MR-1000 Zone of Mid-City Communities Planned District, and a waiver from the requirement to underground existing utilities.	
<b>COMMUNITY PLAN AREA:</b>	Uptown	
<b>DISCRETIONARY ACTIONS:</b>	Tentative Map and utility underground waiver	
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	Multi-Family Residential – allows for Medium-High density at 29-44 dwelling units per acre.	
<b><u>CURRENT ZONING INFORMATION:</u></b> <b>ZONE:</b> MR-1000: A multi-unit residential zone <b>DENSITY:</b> one unit per 1,000 sq. ft. of lot area <b>HEIGHT LIMIT:</b> 40-ft (50-ft above enclosed pkgng) <b>LOT SIZE:</b> 6,000 sq. ft. minimum <b>FRONT SETBACK:</b> 10-ft <b>SIDE SETBACK:</b> 6-ft <b>STREETSIDE SETBACK:</b> 6-ft <b>REAR SETBACK:</b> 15-ft <b>PARKING:</b> 77	<b><u>CONSTRUCTED:</u></b> R-3A (R-600) one unit per 838 sq. ft. NA 56,628 sq. ft. 15-ft (double fronted lot) 7-ft NA NA 77	
<b><u>ADJACENT PROPERTIES:</u></b>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	Multi-Family Residential; MF	Multi-Family
<b>SOUTH:</b>	Multi-Family Residential; MF	Multi-Family
<b>EAST:</b>	Multi-Family Residential; MF	Multi-Family
<b>WEST:</b>	Multi-Family Residential; MF	Multi-Family
<b>DEVIATIONS OR VARIANCES REQUESTED:</b>	None	
<b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b>	On May 2, 2006, the Uptown Community Planning Group voted unanimously to recommend approval with five conditions.	

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PLANNING COMMISSION  
RESOLUTION NO. \_\_\_\_\_  
TENTATIVE MAP NO. 209827  
1707 ESSEX TENTATIVE MAP - PROJECT NO. 69202  
DRAFT

WHEREAS, PARK FIFTH AVENUE VENTURE, LP, Applicant/Subdivider, and TERRA SURVEYING CONSULTANTS, ENGINEER, submitted an application with the City of San Diego for a Tentative Map, No. 209827, for the condominium conversion of 52 existing residential units and to waive the requirement to underground existing overhead utilities; and

WHEREAS, the project site is located between Essex Street and Robinson Avenue at 1707 Essex Street, and is legally described as Lots 7 through 12, Block 2, Essex Place, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1097 on file in the Office of the County Recorder of Said County, along with portion of Pueblo Lot 1125, in the MR-1000B and CN-2A Zones of the Mid-City Communities Planned District, within the Transit Area Overlay Zone and the Uptown Community Plan area; and

WHEREAS, the Map proposes the subdivision of a 1.3-acre site into one (1) lot for a 52-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 Engineering 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 52; and

WHEREAS, the requested undergrounding waiver of existing overhead facilities qualifies under the guidelines of Council Policy 600-25-Underground Conversion of Utility Lines at Developer's Expense in that:

- a. The conversion involves a short span of overhead facility (less than a full block length) and it has been determined that such conversion is not part of a continuing effort to accomplish a total undergrounding within a specific street or area;

- b. The conversion would represent an isolated undergrounding with a minimum probability of extension in the future.

WHEREAS, on May 13, 2010, the Planning Commission of the City of San Diego considered Tentative Map No. 209827, 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. 209827:

1. **The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Action §§ 66473.5, 66474(a), and 66474(b)).**

The proposed project is a subdivision of an existing 52-unit apartment complex to condominium ownership interests. There is no new construction proposed with this project and the 52-unit apartment building was consistent with the Uptown Community Plan at the time of construction. No deviations or variances are being requested with this application. Therefore, the proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Action §§ 66473.5, 66474(a), and 66474(b)).

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

The proposed project is a subdivision of an existing 52-unit apartment complex to condominium ownership interests. The existing development was previously approved and permitted pursuant to the zoning and development regulations at the time of construction. No deviation or variance would be requested with this application, and no construction is approved or requested with this application. Therefore, the proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).



**3. The site is physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)).**

The proposed project is a subdivision of an existing 52-unit apartment complex to condominium ownership interests. There is no new construction proposed with this project and the 52-unit apartment building was consistent with the Uptown Community Plan at the time of construction. No deviations or variances are being requested with this application. Therefore, the site is physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)).

**4. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)).**

The proposed project is a subdivision of an existing 52-unit apartment complex to condominium ownership interests, was constructed in 1977 and no new construction is proposed. The project site is located in an urbanized area and is not located near environmentally sensitive lands or near fish and wildlife habitats. Therefore, the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)).

**5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)).**

The proposed project is a subdivision of an existing 52-unit apartment complex to condominium ownership interests. The project has been conditioned to provide 2.5 feet of right-of-way adjacent to the project to provide for adequate public alley width, and to replace sidewalk on Robinson Avenue in an effort to improve public safety. Therefore, the design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)).

**6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)).**

The proposed project is a subdivision of an existing 52-unit apartment complex to condominium ownership interests. There are no easements for public use associated with the project. Therefore, the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of

property within the proposed subdivision (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)).

**7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1).**

The proposed project is a subdivision of an existing 52-unit apartment complex to condominium ownership interests. While the property has an address facing north, most of the project building have an east/west orientation and, therefore, lend themselves to maximum solar exposure. The project provides open courtyards and thereby opportunity for passive cooling and heating. Therefore, the design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1).

**8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).**

The proposed project is a subdivision of an existing 52-unit apartment complex to condominium ownership interests. The Uptown Community Plan designates the site for multifamily development. The proposed subdivision complies with the policies, goals, and objectives of the applicable land use plan. The existing development was previously approved and permitted pursuant to the zoning and development regulations at the time of construction. There is no net change in density or intensity with the conversion of apartment units to condominium ownership and therefore the project does not increase impacts to public services or fiscal or environmental resources. Therefore, the decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).

**9. The notices required by the San Diego Municipal Code section 125.0431 have been given in the manner required (San Diego Municipal Code section 125.0444(a) and Subdivision Map Act Sections 66452.17; 66427.1).**

The proposed project is a subdivision of an existing 52-unit apartment complex to condominium ownership interests. 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 all required written notifications. Therefore, the notices required by the San Diego Municipal Code section 125.0431 have been given in the



manner required (San Diego Municipal Code section 125.0444(a) and Subdivision Map Act Sections 66452.17; 66427.1).

**10. 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).**

The proposed project is a subdivision of an existing 52-unit apartment complex to condominium ownership interests. This project is privately financed and no funds were obtained from a governmental agency to provide for elderly, disabled, or low income housing. Therefore, 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).

**11. 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).**

The proposed project is a subdivision of an existing 52-unit apartment complex to condominium ownership interests. This project was not developed to provide housing for the elderly, disabled or to provide low income housing. Therefore, 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).

BE IT FURTHER RESOLVED, that, based on the Findings hereinbefore adopted by the Planning Commission, Tentative Map No. 209827, is hereby granted to Park Fifth Avenue Venture, Applicant/Subdivider, subject to the attached conditions which are made a part of this resolution by this reference.

By

\_\_\_\_\_  
Morris E. Dye  
Development Project Manager  
Development Services Department

ATTACHMENT: Tentative Map Conditions

Internal Order No. 23424354

PLANNING COMMISSION  
CONDITIONS FOR TENTATIVE MAP NO. ESSEX TENTATIVE MAP - PROJECT  
NO. 69202

ADOPTED BY RESOLUTION NO. R-\_\_\_\_\_ ON May 13, 2010

GENERAL

1. This Tentative Map will expire May 13, 2013.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the Tentative Map expiration date, a Final Map to consolidate the existing lots into one lot shall be recorded in the office of the County Recorder.
4. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
5. Prior to recordation of the Final Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
6. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

Project No. 69202

TM No. 209827



CONDOMINIUM CONVERSION

7. 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*.
8. 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.
9. 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 Subdivision Map Act Section 66427.1(a).
10. 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 Subdivision Map Act Section 66427.1(a)(2)(E). 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 California Civil Code sections 1941, 1941.1 and 1941.2.
11. The Subdivider shall provide the tenants of the proposed condominiums with written notification within ten days or approval of a Final Map for the proposed conversion in conformance with Subdivision Map Act section 66427.1(a)(2)(D).
12. The Subdivider shall give each tenant a notice of termination of tenancy sixty days prior to being required to vacate the property. (San Diego Municipal Code section 125.0431(a)(4)).
13. 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

Project No. 69202

TM No. 209827

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 Subdivision Map Act section 66427.1(a)(2)(F) and San Diego Municipal Code section 125.0431(a)(5). The right shall commence on the date the subdivision public report is issued, as provided in section 11018.2 of the Business and Professions Code, and shall run for a period of not less than 90 days, unless the tenant gives prior written notice of his or her intention not to exercise the right. (San Diego Municipal Code § 125.0431(a)(5)).

14. The Subdivider shall provide a copy of the Building Conditions Report to a prospective purchaser prior to the opening of an escrow account. (San Diego Municipal Code section 144.0504)).
15. Prior to the recordation of the Final Map, the Subdivider shall demonstrate conformance with the San Diego Municipal Code provisions for building and landscape improvements (San Diego Municipal Code § 144.0507), to the satisfaction of the City Engineer. The parking requirements in San Diego Municipal Code sections 144.0507 and 142.0525(a) do not apply, since this project was deemed complete prior to the effective date of ordinance O-19505 (July 27, 2006).

#### AFFORDABLE HOUSING

16. Prior to the recordation of the Final Map, the Subdivider shall enter into an affordable housing agreement with the San Diego Housing Commission to provide five affordable housing units in compliance with the City's Inclusionary Affordable Housing Regulations (San Diego Municipal Code §§ 143.0301 et seq.).
17. Prior to the recordation of the Final Map, the Subdivider shall demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5), to the satisfaction of the Development Services Department and the Housing Commission.

#### ENGINEERING

18. Pursuant to City Council Policy 600-20, the Subdivider shall provide evidence to ensure that an affirmative marketing program is established.
19. Prior to recordation of the Final Map, the Subdivider shall dedicate 2.5 feet of right-of-way for the adjacent alley, satisfactory to the City Engineer.

20. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the Subdivider to provide the right-of-way free and clear of all encumbrances and prior easements. The Subdivider must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
21. The Subdivider shall ensure that all onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the undergrounding has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
22. The Subdivider shall replace a portion of the sidewalk on Robinson Avenue, maintaining the existing sidewalk scoring pattern and preserving the any contractor's stamp, replace the alley apron at Robinson Avenue, reconstructing one alley curb ramp and installing the other alley curb ramp and replace the existing curb with curb and gutter on Robinson Avenue.
23. 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.
24. 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.

### MAPPING

25. "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).

26. "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."
27. 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.

### LANDSCAPING

28. 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.
29. 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.
30. 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

Project No. 69202

TM No. 209827

landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

31. 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.
32. 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.
33. 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.
34. 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 66021.
- 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.

Job Order No. 23424354



Pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines

Agency: CITY OF SAN DIEGO

LDR FILE No.: 69202

DATE: May 26, 2005

Action/Permit: Tentative Map

Permit No. N/A

Description of Activity: 1707 Essex Tentative map. A tentative map to convert 52 existing residential units to condominiums.

Location of Activity: 1707 Essex Street, Uptown Community Plan area.

1.  This activity is **EXEMPT FROM CEQA** pursuant to:

Section 15060(b) (3) of the State CEQA Guidelines (the activity is not a project as defined in Section 15378).

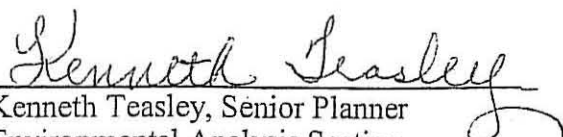
2.  This project is **EXEMPT FROM CEQA** pursuant to State CEQA Guidelines Section checked below:

ARTICLE 19 of GUIDELINES CATEGORICAL EXEMPTIONS (Incomplete list)		ARTICLE 18 of GUIDELINES STATUTORY EXEMPTIONS (Incomplete list)	
Sec.	Short Name	Sec.	Short Name
<input checked="" type="checkbox"/> 15301	1 Existing Facilities	<input type="checkbox"/> 15261	Ongoing Project
<input type="checkbox"/> 15302	2 Replacement or Reconstruction	<input type="checkbox"/> 15262	Feasibility and Planning Studies
<input type="checkbox"/> 15303	3 New Construction or Conversion of Small Structures	<input type="checkbox"/> 15265	Adoption of Coastal Plans and Programs
<input type="checkbox"/> 15304	4 Minor Alterations to Land	<input type="checkbox"/> 15268	Ministerial Projects
<input type="checkbox"/> 15305	5 Minor Alterations in Land Use Limitations	<input type="checkbox"/> 15269	Emergency Projects
<input type="checkbox"/> 15306	6 Information Collection	<input type="checkbox"/> Other	
<input type="checkbox"/> 15311	11 Accessory Structures		
<input type="checkbox"/> 15312	12 Surplus Government Property Sales		
<input type="checkbox"/> 15315	15 Minor Land Divisions		
<input type="checkbox"/> 15317	17 Open Space Contracts or Easements		
<input type="checkbox"/> 15319	19 Annexation of Existing Facilities and Lots for Exempt Facilities		
<input type="checkbox"/> 15325	25 Transfer of Ownership of Interest in Land to Preserve Open Space		
<input type="checkbox"/> Other			

It is hereby certified that the City of San Diego has determined the above activity to be exempt:

Distribution:

Exemption file  
Project Manager

  
Kenneth Teasley, Senior Planner  
Environmental Analysis Section

1707 ESSEX STREET TENTATIVE MAP NO. 209827 PROJECT NO. 69202



**VENUE MAP**  
NO SCALE

**SITE DATA**

1. THIS SITE IS PART OF THE BLOCK 3, SHEET 7, MAP 209827, AS SHOWN IN THE CITY OF SAN BEBE PLANS.

2. THIS SITE IS A CORNER LOT.

3. THE TOTAL AREA OF THE SITE IS 1,234.56 SQ. FT.

4. THE ZONING OF THE SITE IS RC-1.

**REFERENCE PLANS**

1. CITY OF SAN BEBE PLANS

2. TENTATIVE MAP NO. 209827

**LEGEND**

- PROPERTY LINE
- EXISTING SETBACK
- EXISTING DRIVEWAY
- EXISTING DRIVE
- EXISTING DRIVEWAY
- EXISTING DRIVEWAY
- EXISTING DRIVEWAY
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- EXISTING DRIVEWAY
- EXISTING DRIVEWAY

**PARKING DATA - ORIGINAL**

2 1/4 (ONE SPACE)

2 1/4 (ONE SPACE)

2 1/4 (ONE SPACE)

2 1/4 (ONE SPACE)

2 1/4 (ONE SPACE)

**PARKING DATA - CURRENT**

2 1/4 (ONE SPACE)

2 1/4 (ONE SPACE)

2 1/4 (ONE SPACE)

2 1/4 (ONE SPACE)

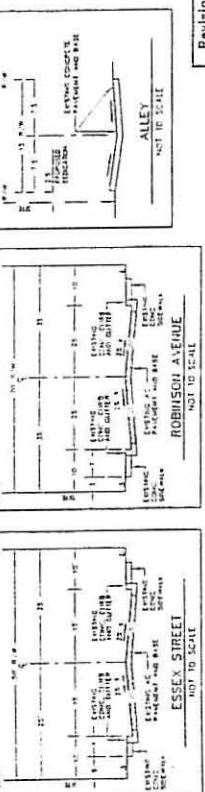
2 1/4 (ONE SPACE)



**SURVEYOR OF WORK**

1707 ESSEX STREET

ESSEX STREET



**ESSEX STREET**  
NOT TO SCALE

**ROBINSON AVENUE**  
NOT TO SCALE

**ALLEY**  
NOT TO SCALE

**BENCHMARK**

1707 ESSEX STREET

ESSEX STREET

**NOTES**

1. THE SURVEYOR HAS VERIFIED THE CORNER MARKERS FOR THE BLOCK 3, SHEET 7, MAP 209827, AS SHOWN IN THE CITY OF SAN BEBE PLANS.
2. THE TOTAL AREA OF THE SITE IS 1,234.56 SQ. FT.
3. THE ZONING OF THE SITE IS RC-1.
4. THE SURVEYOR HAS VERIFIED THE CORNER MARKERS FOR THE BLOCK 3, SHEET 7, MAP 209827, AS SHOWN IN THE CITY OF SAN BEBE PLANS.
5. THE SURVEYOR HAS VERIFIED THE CORNER MARKERS FOR THE BLOCK 3, SHEET 7, MAP 209827, AS SHOWN IN THE CITY OF SAN BEBE PLANS.
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9. THE SURVEYOR HAS VERIFIED THE CORNER MARKERS FOR THE BLOCK 3, SHEET 7, MAP 209827, AS SHOWN IN THE CITY OF SAN BEBE PLANS.
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14. THE SURVEYOR HAS VERIFIED THE CORNER MARKERS FOR THE BLOCK 3, SHEET 7, MAP 209827, AS SHOWN IN THE CITY OF SAN BEBE PLANS.
15. THE SURVEYOR HAS VERIFIED THE CORNER MARKERS FOR THE BLOCK 3, SHEET 7, MAP 209827, AS SHOWN IN THE CITY OF SAN BEBE PLANS.

Graphic Scale: 1"=30'

Job No. 2004-27

1707 ESSEX STREET

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THE CITY OF SAN DIEGO

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

# Ownership Disclosure Statement

Project Title: 1707 Essex Street Project No. For City Use Only: 69202

Project Address: 1707 Essex Street

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

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. **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

Street Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Name of Individual (type or print): \_\_\_\_\_

Owner  Tenant/Lessee

Street Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Name of Individual (type or print): \_\_\_\_\_

Owner  Tenant/Lessee

Street Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Name of Individual (type or print): \_\_\_\_\_

Owner  Tenant/Lessee

Street Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Name of Individual (type or print): \_\_\_\_\_

Owner  Tenant/Lessee

Street Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Name of Individual (type or print): \_\_\_\_\_

Owner  Tenant/Lessee

Street Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

Signature : \_\_\_\_\_ Date: \_\_\_\_\_



Project Title: \_\_\_\_\_ Project No. (For City Use Only) \_\_\_\_\_

Part 2 - To be completed when property is held by a corporation or partnership

Legal Status (please check):

Corporation  Limited Liability -or-  General What State? \_\_\_\_\_ Corporate Identification No. \_\_\_\_\_  
 Partnership

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

Corporate/Partnership Name (type or print):  
**PARK DIAMOND VENTURE L.P.**  
 Owner  Tenant/Lessee  
**1707 ESSEX ST.**  
Street Address:  
**SAN DIEGO, CA 92103**  
City/State/Zip:  
**658 454-5214 658 454-1579**  
Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):  
**FREDERICK KLEINBURG**  
Title (type or print):  
**GEN. MGR / PRESIDENT**  
Signature: **[Signature]** Date: **6/2/06**

Corporate/Partnership Name (type or print):  
**ANGELINA KLEINBURG**  
 Owner  Tenant/Lessee  
Street Address:  
City/State/Zip:  
Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):  
Title (type or print):  
**LIMITED PARTNER**  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Corporate/Partnership Name (type or print):  
**DONALD + SIZANNE KLEINBURG**  
 Owner  Tenant/Lessee  
Street Address:  
City/State/Zip:  
Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):  
Title (type or print):  
**LIMITED PARTNER**  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Corporate/Partnership Name (type or print):  
**ERIC KLEINBURG TRUST**  
 Owner  Tenant/Lessee  
Street Address:  
City/State/Zip:  
Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):  
Title (type or print):  
**LIMITED PARTNER**  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Corporate/Partnership Name (type or print):  
**CHRISTIAN KLEINBURG TRUST**  
 Owner  Tenant/Lessee  
Street Address:  
City/State/Zip:  
Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):  
Title (type or print):  
**LIMITED PARTNER**  
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: \_\_\_\_\_

Essex Tentative Map  
PROJECT CHRONOLOGY  
PTS #69202 IO# 23424354

Date	Action	Description	City Review	Applicant Response
May 9, 2005	Project Deemed Complete	Applicant Submits Project		
May 27, 2005 August 4, 2005	City Issues Assessment Letter	Applicant resubmits	1.0 month	2.0 months
November 3, 2005	City Issues Assessment Letter	Applicant resubmits	3.0 months	3.0 months
February 7, 2006	City Completes Geology Review	Applicant submits BCR	1.0 month	0.5 month
April 24, 2007	City Issues Assessment Letter	Applicant submits LP	2.0 months	0.0 month
March 5, 2007	City Issues Assessment Letter	Applicant resubmits BCR	0.0 month	7.0 months
November 30, 2007	City Issues Assessment Letter	Applicant resubmits LP	0.5 month	1.0 month
December 11, 2007	City Issues Assessment Letter	Applicant resubmits LP	0.5 month	7.0 months
February 11, 2008	City Issues Assessment Letter	Applicant provides Hearing Info.	1.0 month	16 months
February 14, 2008	Public Hearing		3.0 months	
September 25, 2008				
October 22, 2008				
February 3, 2010				
May 13, 2010				

<i>Total Staff Time (Average at 30 days per month):</i>	12.0 months
<i>Total Applicant Time (Average at 30 days per month):</i>	36.5 months
<i>Total Project Running Time (Years/Months/Days):</i>	48.5 months

DISCLOSURE IN ACCORDANCE WITH  
GOVERNMENT CODE SECTION 66459

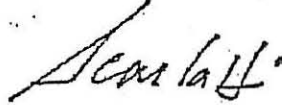
TO THE PROSPECTIVE TENANTS OF:

1707-1717 Essex St.  
San Diego, California 92103

23  
Apartment No.

The unit you may rent may have been approved for sale to the public as a condominium project, community apartment project, or stock cooperative project (whichever applies). The rental unit may be sold to the public, and if it is offered for sale, your lease may be terminated.

You will be notified at least 90 days prior to any offering to sell if you still lawfully reside in the unit, you will be given a right of first refusal to purchase the unit.



Westone Management Consultants  
Authorized Agent for the Owner of the  
Property

Dec 14, 2004  
Date

I have read and understand this notice that the unit is in the process of, or may have been converted to condominiums

  
Tenant's Signature

5-20-08  
Date

Westone Management Consultants  
6799 Balboa Ave, Suite 240, San Diego, California, 92123  
Phone 658-268-8300 Fax 658-268-8321