



THE CITY OF SAN DIEGO

## Report to the Hearing Officer

DATE ISSUED: September 27, 2023 REPORT NO. HO-23-050

HEARING DATE: October 4, 2023

SUBJECT: 4085 UTAH STREET, Process Three Decision

PROJECT NUMBER: [PRJ-1080517](#)

OWNER/APPLICANT: TD PIERSON LLC, Owner / MRoland Management Services, LLC, Applicant

### SUMMARY

Issue: Should the Hearing Officer approve a Tentative Map Waiver for the creation of four new residential condominium units currently under construction and waive the requirement to underground existing off-site overhead utilities at 4085 Utah Street within the North Park Community Plan area?

Staff Recommendation: **Approve** Tentative Map Waiver No. PMT-3200963 and a waiver of the requirement to underground existing off-site overhead utilities.

Community Planning Group Recommendation: On May 27, 2023, the North Park Community Planning Group voted 1-8-0 with no abstentions to recommend denial of the proposed project. The reason for the denial is discussed herein.

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 (Minor Alterations in Land Use Limitations) of the State CEQA Guidelines. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on July 17, 2023, and the opportunity to appeal that determination ended July 31, 2023 (Attachment 6).

### BACKGROUND

The project site is located at 4085 Utah Street (Attachments 1 and 2). The 0.14-acre site is zoned RM-3-7 and is designated Residential – Medium High (30-44 dwelling units per acre) in the [North Park Community Plan](#). It is located within an urban, developed residential neighborhood, surrounded by a mix of single and multi-family development.

The project is a subdivision mapping action only and does not propose any additional development. The land proposed for subdivision is currently under construction. The development is being constructed via construction permits issued on November 16, 2022, as part of Project Nos. [PRJ-1048765](#) and [PRJ-1055584](#).

## DISCUSSION

The project is a subdivision for condominium ownership only and no further development is proposed, the project requires a Tentative Map Waiver per SDMC Section [125.0120](#) to create four new residential condominium units. It requires a Process Three, Hearing Officer decision with appeal rights to the Planning Commission. According to SDMC section [125.0123](#), Findings for Map Waiver, the decision maker may approve a Map Waiver if the decision maker finds that the proposed subdivision complies with the requirements of the Subdivision Map Act and the Land Development Code. Staff has reviewed the proposed subdivision and determined that it complies with both the Subdivision Map Act and the requirements of the Land Development Code.

The project also has requested a waiver of the requirement to underground existing overhead utilities. The applicant has provided documentation demonstrating that the waiver qualifies per SDMC section [144.0242\(c\)\(1\)\(B\)](#), Waiver of the Requirements to Underground Privately Owned Utility Systems and Services Facilities, because the conversion involves a short span of the overhead facility (less than a full block in length) and would not represent a logical extension to an underground facility.

### Project Description:

The Project proposes a subdivision for condominium ownership only and no further development is proposed. The project would create four residential condominium units for dwelling units that are currently under construction. The units are being constructed by right in accordance with the San Diego Municipal Code (SDMC) Base Zone regulations and were approved on November 16, 2022, as part of Project Nos. PRJ-1048765 and PRJ-1055584. The proposed subdivision complies with all applicable development regulations and no deviations to the applicable land development regulations are proposed with the exceptions of the waiver to underground existing overhead utilities.

The original development onsite was reviewed by the Historic Resources staff under ministerial construction permit PRJ-1048765. San Diego Municipal Code Section 143.0212 requires City staff to review all projects impacting a parcel that contains a structure 45 years old or older to determine whether a potentially significant historical resource exists on site prior to issuance of a permit. Staff reviewed the photos, Assessor's Building Record, water and sewer records and considered all other information received from the applicant as well as any input received through applicable public noticing and outreach and determined that the property does not retain integrity and does not meet local designation criteria as an individually significant resource under any adopted Historical Resources Board criteria.

The property will front Utah Street and take access from Utah Street and a rear unnamed alley, with all required public utilities and services located adjacent to the site. The project requests a waiver of

the requirement to underground existing offsite overhead utilities pursuant to SDMC section [144.0242\(c\)\(1\)\(B\)](#). City staff supports the undergrounding waiver because the conversion involves a short span of the overhead facility (less than a full block in length) and would not represent the logical extension to an underground facility.

Community Plan Recommendation:

On May 27, 2023, the North Park Community Planning Group voted 1-8-0 to recommend denial of the proposed project with the following conditions/recommendations:

1. Four off-street parking spaces are not adequate for four three-bedroom units. This block and the nearby blocks do not currently have adequate on-street parking spaces.

Staff Response: The units under construction were previously approved under ministerial Project Nos. PRJ-1048765 and PRJ-1055584 and are not a part of this discretionary action. The units met all parking requirements of the SDMC Section 142.0525. The project is located in the Transit Priority Overlay Zone and provides the required amount of transportation amenities.

2. This project received a building permit as an apartment complex. Now the owners are requesting a map waiver to sell the units as condominiums. Using the process in this way deprives the community of the opportunity to provide meaningful input.

Staff Response: The dwelling units under construction were previously approved under ministerial Project Nos. PRJ-1048765 and PRJ-1055584 and are not a part of this discretionary action. The proposed map waiver proposes a subdivision for condominium ownership only of the residential dwelling units currently under construction. Construction was approved ministerially per the base zone and did not require discretionary permits that would have been within the purview of the planning group recommendation.

3. None of the units are deed restricted affordable units.

The condominium creation is not subject to the inclusionary housing regulations. As the construction of the four dwelling units is less than 10 units, the project is not subject to the inclusionary housing regulations for new residential development per Section 142.1302. The proposed project is in compliance with all applicable regulations and has been approved and is currently undergoing inspections for project No. PRJ-1048765..

4. Public facilities are not adequate in this area.

Staff Response: The site is served by existing utilities suitable for the site and appropriately served by emergency services. The development permitted under Project Nos. PRJ-1048765 and PRJ-1055584 does not create an additional burden on services, and public facilities are not a function of this individual project.

Conclusion:

Staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and Land Development Code regulations. The Project conforms to the North Park Community Plan, the General Plan, and meets the requirements of the Subdivision Map Act. Staff has provided draft findings and conditions in support in the affirmative (Attachment 4 and 5) and recommends the Hearing Officer APPROVE Tentative Map Waiver No. PMT-3200963.

#### ALTERNATIVES

1. Approve Tentative Map Waiver No. PMT-3200963 and the waiver for the requirement to underground existing off-site overhead utilities, with modifications.
2. Deny Tentative Map Waiver No. PMT-3200963 and the waiver for the requirement to underground existing off-site overhead utilities, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

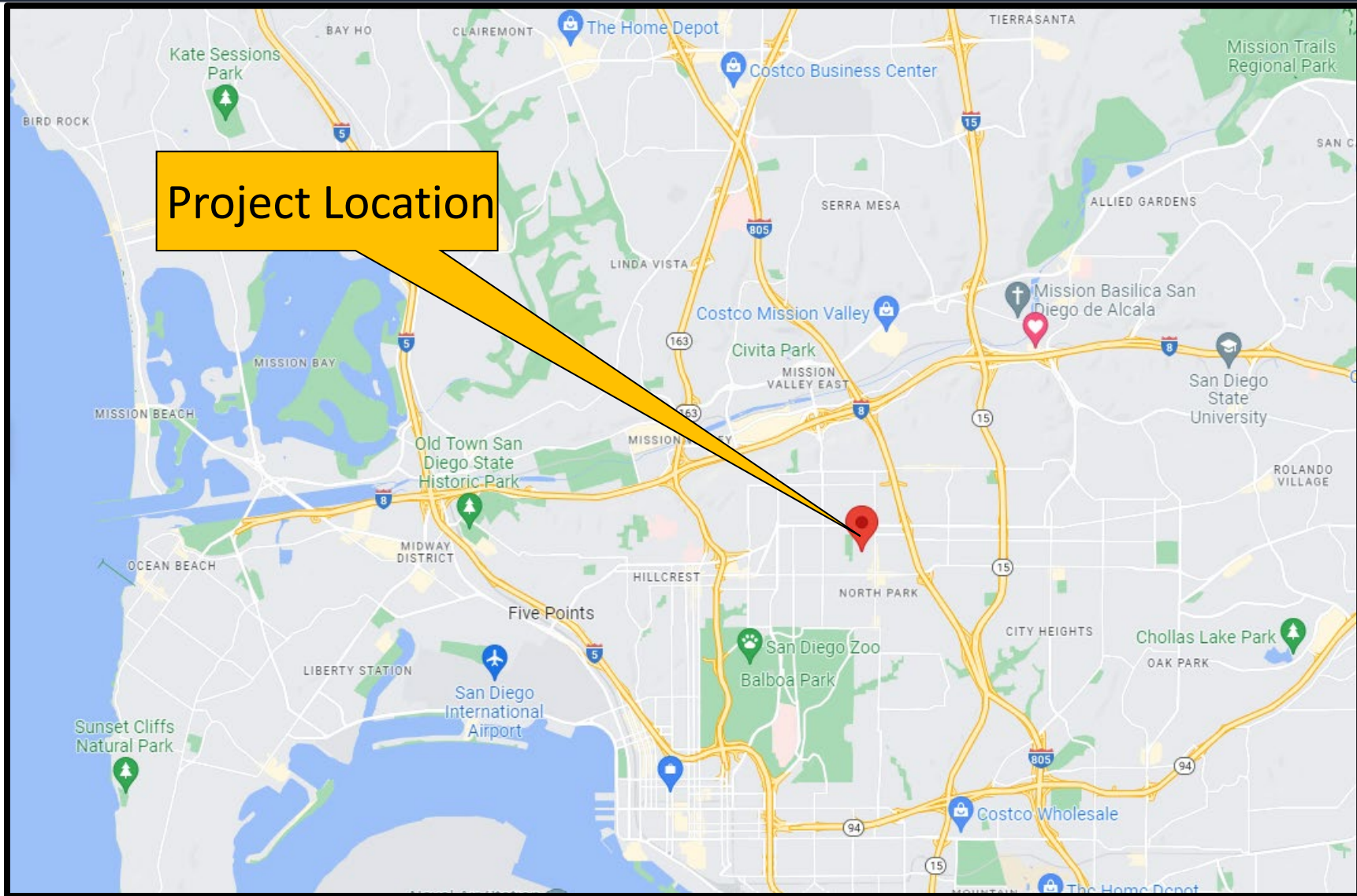


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May Rollin  
Development Project Manager

#### Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Draft Resolution with Findings
5. Draft Tentative Map Waiver Conditions
6. Environmental Exemption
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Tentative Map Waiver Exhibit

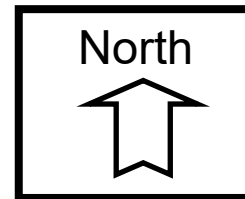


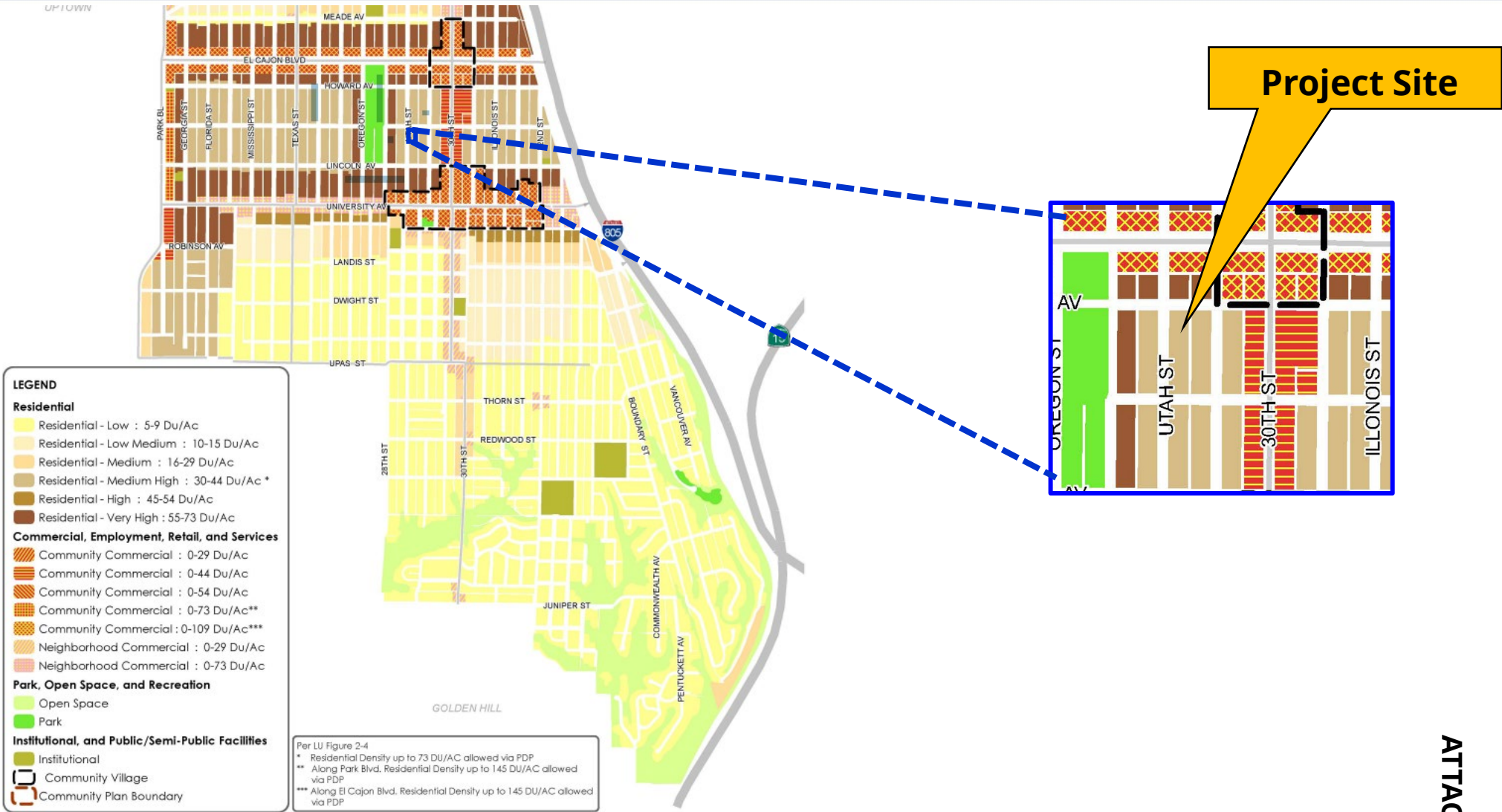
**Project Location**



## Project Location Map

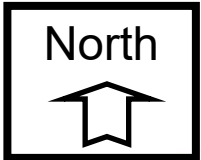
4085 Utah  
Project No. PRJ-1080517

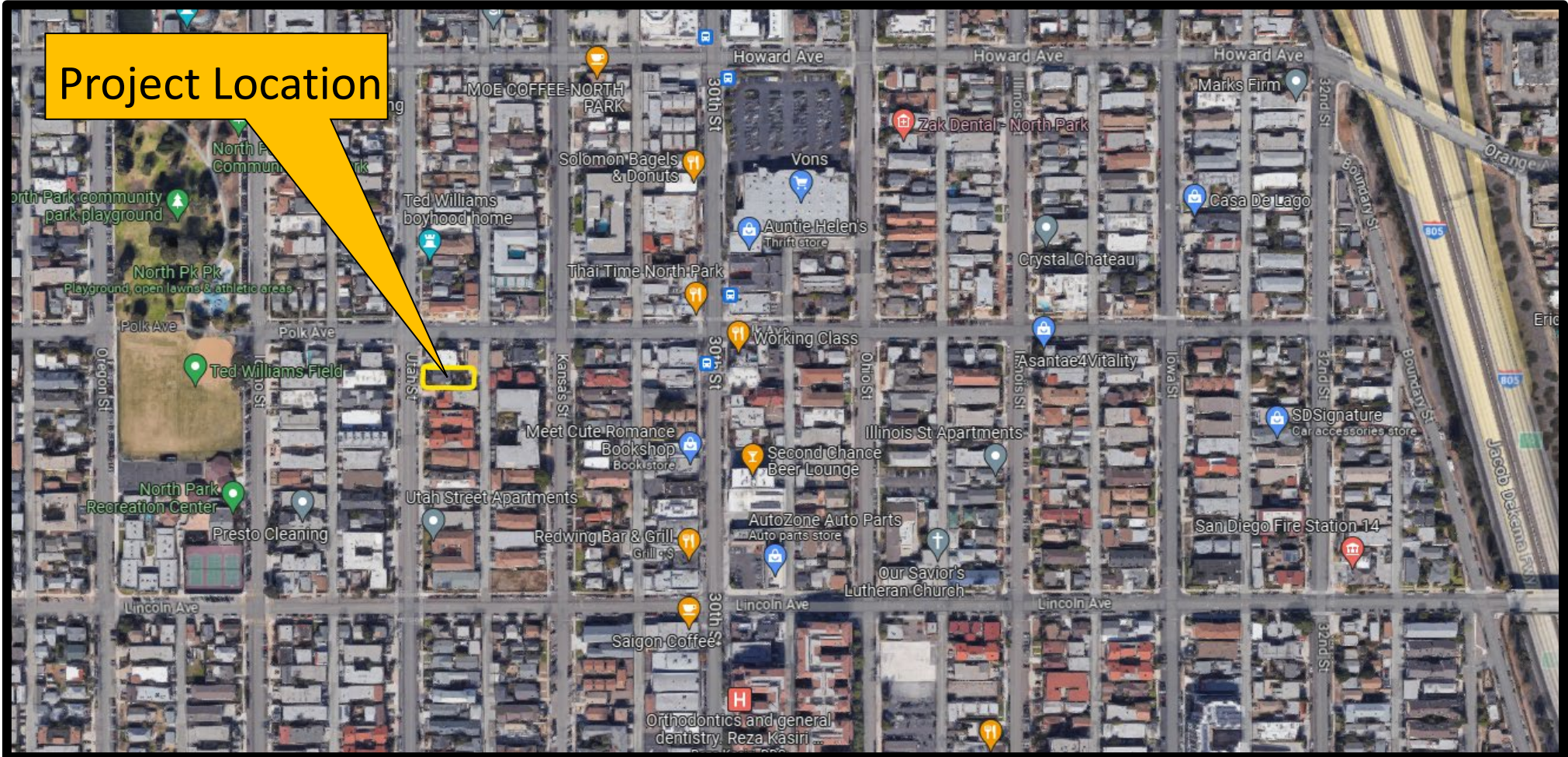




# Land Use Map

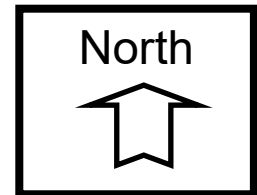
4085 Utah Street  
 Project No. PRJ-1080517 - 4085 Utah Street





## Aerial Photograph

Project No. PRJ-1080517 – 4085 Utah Street



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE HEARING OFFICER ADOPTING THE FINDINGS  
AND APPROVING TENTATIVE MAP WAIVER NO. PMT-3200963 FOR  
**4085 UTAH STREET – PROJECT NO. PRJ-1080517**

WHEREAS, TD PIERSON LLC, a California Limited Liability Company, Owner and Subdivider, VERNON V. FRANCK, Surveyor, submitted an application with the City of San Diego for Tentative Map Waiver No. PMT-3200963 to waive the requirement for a Tentative Map for the creation of four residential condominium units currently under construction and to waive the requirement to underground existing overhead utilities on a 0.14-acre site located at 4085 Utah Street in the Residential Multi-Dwelling Unit (RM-3-7) zone, Airport Influence Area, Airport Land Use Compatibility Overlay Zone, Transit Area, Parking Standards Transit Priority Area, Transit Priority Area, and the Federal Aviation Administration (FAA) Part 77 Noticing Area within the North Park Community Plan (Community Plan). The property is legally described as PARCEL 1 OF PARCEL MAP NO. 21944, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARCEL MAP THEREOF, RECORDED JUNE 30, 2022 AS FILE NO. 2022-7000292 ; and

WHEREAS, on July 17, 2023, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 *et. seq.*) under CEQA Guidelines Section 15305 (Minor Alterations in Land Use Limitations); and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code section 112.0520; and



WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer pursuant to Subdivision Map Act Section 66491(a) and San Diego Municipal Code Sections 144.0220(a) and 144.0220(b); and

WHEREAS, the project consists of four dwelling units in two detached buildings under construction for which Certificates of Occupancy have not been issued; and

WHEREAS, the subdivision is a condominium project as defined in California Civil Code section 4125 and filed pursuant to the Subdivision Map Act. The total number of condominiums dwelling units is four; and

WHEREAS, the request to waive the undergrounding of existing overhead utilities has been determined to be appropriate pursuant to San Diego Municipal Code section 144.0242(c)(1)(B), conversion involves a short span of overhead facility (less than one full block in length) and would not represent a logical extension to an underground facility; and

WHEREAS, on October 4, 2023, the Hearing Officer of the City of San Diego considered Tentative Map Waiver No. PMT-3200963, including the waiver of the requirement to underground existing overhead utilities, and pursuant to sections 125.0122 and 144.0240 of the San Diego Municipal Code and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Hearing Officer having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Tentative Map Waiver No. PMT-3200963:

**Findings for A Map Waiver – San Diego Municipal Code (SDMC) 125.0440:****1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.**

The Tentative Map Waiver for this 0.14-acre site located at 4085 Utah Street proposes to create four residential condominium units in two buildings currently under construction and to waive the requirements to underground existing overhead utilities. The site is designated as Residential – Medium High (30-44 dwelling units per acre) within the Community Plan. The units currently under construction meet this density requirement.

The Community Plan Land Use Element, Policy LU-4.12 states, "Achieve a diverse mix of housing types and forms, consistent with allowable densities and urban design policies." The development in the surrounding neighborhood consists of one- and two-story multi-dwelling unit development with a few single dwelling unit sites. Additionally, Policy LU-4.15: "Support rental and ownership opportunities in all types of housing, including alternative housing such as companion units, live/work studios, shopkeeper units, small-lot housing typologies, and for-sale townhomes. The tentative map waiver to allow condominium ownership of four dwelling units is consistent with these land use policies. Therefore, the proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.

**2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.**

The project is a subdivision only and no additional development is requested. The project requests a waiver from the requirement to underground overhead utilities in accordance with SDMC section 144.0242(c)(1)(B) in that the conversion involves a short span of overhead facility (less than one full block in length) and would not represent a logical extension to an underground facility. The Tentative Map Waiver complies with all other applicable development regulations.

The residential development was approved as a separate action under ministerial construction permits PRJ-1048765 and PRJ-1055584. Therefore, the proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code.

**3. The site is physically suitable for the type and density of development.**

The site was previously developed with a single dwelling unit and garage. The site is currently under construction as two separate, three-story duplexes with attached garages for a total of four units. The site was a previously graded flat lot. The site has access from Utah Street on the west and an improved alleyway along the east. The site is served by existing utilities that are suitable for the site, is appropriately served by emergency services, and does not create an additional burden on the services required for the community. Therefore, the subdivision to create four condominium units is physically suitable for the type and density of development.

**4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

The infill project site is located in an urban developed area. No additional development is proposed with this Tentative Map Waiver. The site does not contain Environmentally Sensitive Lands as defined by SDMC Section 113.0103 nor is it within or adjacent to the Multi-Habitat Planning Area. Therefore, the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

**5. The design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare.**

The project proposes to create four residential condominium units in two duplexes in an urban neighborhood. The Tentative Map Waiver does not involve any physical change to the duplex buildings currently permitted and under construction. The developed project site is served by existing utilities and access to the site is provided from Utah Street and an improved alley. The proposed subdivision has been designed to comply with all applicable Federal, State and policies including the California Subdivision Map Act and the City of San Diego Land Development Code. Therefore, the design of the subdivision or the types of improvements will not be detrimental to public health, safety and welfare.

**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.**

The proposed project site does not contain any easements acquired by the public at large, and no new dedications are proposed. Pedestrian access to the site is provided from Utah Street and the site may also be accessed from the alleyway. Vehicular access is provided through the site from a new curb cut and single driveway serving the four units. Therefore, the design of the subdivision and proposed improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

**7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.**

The project site is currently under construction and complies with all current code and Title 24 Standards. It is located in a developed urban neighborhood and the underlying zone provides opportunity through building materials, site orientation, architectural treatments, placements and selection of plant materials to provide, to the extent feasible, for future passive or natural heating and cooling opportunities.

The site is within a developed neighborhood with existing infrastructure. The design of the building has taken into account the best use of the land and ensures adequate natural light and air movement between the structures. Future development must comply with all applicable building and zoning reviews and requirements, including setbacks, building materials, site orientation, architectural treatments and landscaping to provide for future passive or natural heating and cooling opportunities in the dwelling units. Therefore, the design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

**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.**

The project site is currently under construction and is within a medium-high density urban neighborhood. It is not anticipated to have employment or housing impacts beyond those which have already occurred. The site is served by existing public infrastructure including public transit in the immediate area, the proximity of shopping, essential services and recreation in the nearby developed urban area. Impacts to environmental resources would be avoided because the site is in a developed urban neighborhood and does not contain, nor is adjacent to such resources. The project proposes the creation of condominium units for homeownership opportunities consistent with the North Park Community Plan goals and policies, including Policy LU-4.15: "Support rental and ownership opportunities in all types of housing, including alternative housing such as companion units, live/work studios, shopkeeper units, small-lot housing typologies, and for-sale townhomes. Therefore, there would be no additional demand for public services or available fiscal and environmental resources associated with the creation of four new condominium units.

The above findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that based on these Findings adopted by the Hearing Officer, Tentative Map Waiver No. PMT-3200963, including the waiver of the requirement to underground existing offsite overhead utilities, is hereby granted to TD PIERSON LLC, subject to the attached conditions which are made a part of this resolution by this reference.



By

\_\_\_\_\_  
May Rollin  
Development Project Manager

Development Services Department

ATTACHMENT: Map Waiver Conditions  
Internal Order No. 11004543

DRAFT

HEARING OFFICER  
CONDITIONS FOR TENTATIVE MAP WAIVER NO. PMT-3200963  
**4085 UTAH STREET – PROJECT NO. PRJ-1080517**  
ADOPTED BY RESOLUTION NO. \_\_\_\_\_ ON \_\_\_\_\_

**GENERAL**

1. This Tentative Map Waiver will expire October 18, 2026.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Certificate of Compliance unless otherwise noted.
3. A Certificate of Compliance shall be recorded in the Office of the San Diego County Recorder prior to the Map Waiver expiration date.
4. 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.
5. Prior to the recordation of the Certificate of Compliance, taxes must be paid or bonded for this property pursuant to section 66492 of the Subdivision Map Act. A current original tax certificate, recorded in the office of the San Diego County Recorder, must be provided to satisfy this condition. If a tax bond is required as indicated in the tax certificate, ensure that it is paid or posted at the County Clerk of the Board of Supervisors Office and supply proof prior to the recordation of the Certificate of Compliance.

**ENGINEERING**

6. Prior to issuance of the Certificate of Compliance, the Developer shall assure, by permit and bond, the removal of the existing curb and replacement with the current City Standard curb and gutter at Utah Street frontage, satisfactory to the City Engineer.
7. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
8. 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.

**MAPPING**

9. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
10. "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."
11. Every Certificate of Compliance 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 First Order accuracy. 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.
12. Prior to the issuance of a Certificate of Compliance, City staff will perform a field monument inspection to verify that all property corners are being marked with survey monuments. If any survey monument is missing, it must be replaced with a new monument, and a Corner Record or Record of Survey (whichever is applicable) shall be filed with the County Recorder pursuant to the Professional Land Surveyors Act. A copy of the field Corner Record or Record of Survey must be submitted to satisfy this requirement prior to the approval and recordation of the Certificate of Compliance.

**INFORMATION:**

- The approval of this Tentative Map Waiver by the Hearing Officer 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 § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), 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 Waiver 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 Waiver, may protest the imposition within ninety days of the approval of this Tentative Map Waiver by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider 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 (San Diego Municipal Code § 142.0607).

Internal Order No. 11004543

DRAFT



## NOTICE OF EXEMPTION

*(Check one or both)*

**TO:** Recorder/County Clerk  
 P.O. Box 1750, MS A-33  
 1600 Pacific Hwy, Room 260  
 San Diego, CA 92101-2400

**From:** City of San Diego  
 Development Services Department  
 1222 First Avenue, MS 501  
 San Diego, CA 92101

Office of Planning and Research  
 1400 Tenth Street, Room 121  
 Sacramento, CA 95814

**Project Name/Number:** 4085 Utah Street / 1080517

**SCH No.:** Not Applicable

**Project Location-Specific:** 4085 Utah Street, San Diego, CA 92104

**Project Location-City/County:** San Diego/San Diego

**Description of nature and purpose of the Project:** Tentative Map Waiver for four new three bedrooms residential condominium units of three stories, currently under construction. The construction of 6,007.32 SF is on previously mapped and monumented single lot at 4085 Utah Street. The 0.138-acre site is located in the RM-3-7 zone and the Airport Influence Area Review Area 2 (SDIA), Airport Land Use Compatibility Overlay Zone (ALUCOZ), Transit Area Overlay Zone (TAOZ), Parking Standards Transit Priority Area (PSTPA), Transit Priority Area (TPA), and FAA Part 77 Noticing Area within the North Park Community Plan and Council District 3. (LEGAL DESCRIPTION: Parcel 1 of Parcel Map No. 21944, in the City of San Diego, County of San Diego, State of California, According to Parcel Map thereof, record June 30, 2022 as file No. 2022-7000292)

**Name of Public Agency Approving Project:** City of San Diego

**Name of Person or Agency Carrying Out Project:** TD PIERSON LLC, 400 S Sierra Ave #201, Solana Beach, CA, 92075, 858-720-8559

**Exempt Status:** (CHECK ONE)

- Ministerial (Sec. 21080(b)(1); 15268)  
 Declared Emergency (Sec. 21080(b)(3); 15269(a))  
 Emergency Project (Sec. 21080(b)(4); 15269 (b)(c))  
 Categorical Exemption: Section 15305, Minor Alterations in Land Use Limitations  
 Statutory Exemptions:  
 Other:

**Reasons why project is exempt:** The City of San Diego determined that the project would qualify to be categorically exempt from CEQA pursuant to Section 15305 which consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density; and where the exceptions listed in Section 15300.2 would not apply. Since CEQA Section 15305 allows for minor alterations in land use limitations, the exemption is appropriate.

**Lead Agency Contact Person:** C. Holowach

**Telephone:** 619-446-5187

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project?  Yes  No

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

*Courtney Holowach* Senior Planner  
Signature/Title


7/28/23  
Date

**Check One:**

- Signed By Lead Agency
- Signed by Applicant

Date Received for Filing with County Clerk or OPR:

Click here to complete and submit this form online

Page 3	City of San Diego · Information Bulletin 620	May 2020
	City of San Diego Development Services	<b>Community Planning Committee Distribution Form</b>
Project Name: <i>The Commons</i>		Project Number: <i>1080517</i>
Community: <i>North Park</i>		<i>4085 Utah St., San Diego</i>
<p>For project scope and contact information (project manager and applicant), log into OpenDSD at <a href="https://aca.accela.com/SANDIEGO">https://aca.accela.com/SANDIEGO</a>.</p> <p>Select "Search for Project Status" and input the Project Number to access project information.</p>		
<input type="checkbox"/> Vote to Approve <input type="checkbox"/> Vote to Approve with Conditions Listed Below <input type="checkbox"/> Vote to Approve with Non-Binding Recommendations Listed Below <input checked="" type="checkbox"/> Vote to Deny		
# of Members Yes	# of Members No	# of Members Abstain
<i>1</i>	<i>13</i>	<i>0</i>
Conditions or Recommendations:		
<i>see attached sheet</i>		
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)		
NAME: <i>Mark Spitzer</i>		
TITLE: <i>Member: North Park Planning Committee Board</i>		DATE: <i>2-23-23</i>
<p align="center">Attach additional pages if necessary (maximum 3 attachments).</p>		

Visit our web site at [www.sandiego.gov/development-services](http://www.sandiego.gov/development-services).

Upon request, this information is available in alternative formats for persons with disabilities.

DS-5620 (08-18) ONLINE FORM

Attached sheet of Community Planning Committee Distribution Form

Project Name: The Commons

Address: 4085 Utah St., San Diego

Conditions or Recommendations

The North Park Planning Committee does not approve this Map Waiver for the following reasons:

- 1) Four parking spaces is not adequate for 4-3bedroom units. This block and the nearby blocks do not currently have adequate on street parking spaces.
- 2) This project received a building permit as an apartment complex. Now the owners are requesting a map waiver to sell the units as condominiums. Using the process in this way deprives the community of the opportunity to provide meaningful input.
- 3) None of the units are deed restricted affordable units.
- 4) Public facilities are not adequate in this area.

	<b>City of San Diego Development Services</b> 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	<h1>Ownership Disclosure Statement</h1>	<b>FORM</b>
			<b>DS-318</b>
			<b>October 2017</b>

**Approval Type:** Check appropriate box for type of approval(s) requested:  Neighborhood Use Permit  Coastal Development Permit  
 Neighborhood Development Permit  Site Development Permit  Planned Development Permit  Conditional Use Permit  Variance  
 Tentative Map  Vesting Tentative Map  Map Waiver  Land Use Plan Amendment  Other \_\_\_\_\_

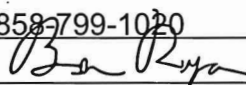
**Project Title:** 4085 Utah St Map Waiver **Project No. For City Use Only:** \_\_\_\_\_  
**Project Address:** 4085 Utah Street

**Specify Form of Ownership/Legal Status (please check):**

Corporation  Limited Liability -or-  General - What State? CA Corporate Identification No. 201913510109  
 Partnership  Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter 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), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of **ANY** person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. 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.

**Property Owner**

Name of Individual: TD Pierson LLC, a California limited liability com  Owner  Tenant/Lessee  Successor Agency  
 Street Address: 400 S. Sierra Ave., Ste 201  
 City: Solana Beach State: CA Zip: 92075  
 Phone No.: 858-799-1020 Fax No.: \_\_\_\_\_ Email: Ben@TourmalineBuilders.com  
 Signature:  Date: 12/15/22  
 Additional pages Attached:  Yes  No

**Applicant**

Name of Individual: MRoland Management Services, LLC, Maggie R  Owner  Tenant/Lessee  Successor Agency  
 Street Address: 3752 Park Blvd., Ste 701  
 City: San Diego State: CA Zip: 92103  
 Phone No.: 619-578-2916 Fax No.: 866-833-9006 Email: Maggie@MRolandSD.com  
 Signature: Maggie Roland Digitally signed by Maggie Roland  
Date: 2022.12.16 09:30:16 -0800 Date: 12-14-2022  
 Additional pages Attached:  Yes  No

**Other Financially Interested Persons**

Name of Individual: \_\_\_\_\_  Owner  Tenant/Lessee  Successor Agency  
 Street Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_ Email: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Additional pages Attached:  Yes  No

Printed on recycled paper. Visit our web site at [www.sandiego.gov/development-services](http://www.sandiego.gov/development-services).  
 Upon request, this information is available in alternative formats for persons with disabilities.

TENTATIVE MAP WAIVER NO.  
PROJECT NO.  
THE COMMONS

ATTACHMENT 9

PROJECT SUMMARY

TENTATIVE MAP WAIVER (FOR CONDOMINIUM PURPOSES)  
EXISTING LOTS: 1  
PROPOSED LOTS: 1

EXISTING SITE DATA

SITE ADDRESS: 4085 UTAH STREET, SAN DIEGO, CA 92104  
ASSESSOR'S PARCEL NUMBER: 446-362-13  
SITE AREA: 6,007.32 SF / 0.138 ACRES

EXISTING ZONING  
BASE ZONE: RM-3-7

OVERLAY ZONES  
AIRPORT INFLUENCE AREAS (REVIEW AREA 2)  
FAA PART 77 NOTICING AREA (SDIA - LINDBERGH FIELD)  
MOBILITY ZONE (ZONE 2)  
PARKING STANDARDS TRANSIT PRIORITY AREA  
TRANSIT AREA OVERLAY ZONE  
TRANSIT PRIORITY AREA

GEOLOGIC HAZARD CATEGORY: 52

BUILDING SETBACKS

FRONT: 10'/20'  
SIDE: 5'  
STREET SIDE: 5'/10'  
REAR: 5'

NOTE

BUILDING DATA

NUMBER OF RESIDENTIAL CONDOMINIUM UNITS: 4 (3 BEDROOM)  
TOTAL FLOOR AREA OF RESIDENTIAL CONDOMINIUM UNITS: 7,541 SF  
NUMBER OF STORIES: 3  
NUMBER OF BUILDINGS: 2

OFF-STREET PARKING SPACE REQUIREMENTS

PARKING REQUIRED: 4 UNITS @ 1 SPACE PER UNIT=4 SPACES PROVIDED

CURRENT PERMITS

BUILDINGS CURRENTLY UNDER CONSTRUCTION  
CONSTRUCTION PROJECT NO. 1048765  
CONSTRUCTION APPROVAL NO. 3140327, 3140330  
ROW CONSTRUCTION PLAN PERMIT NO. 3145420

DEVELOPMENT NOTES

THIS IS A MAP OF A CONDOMINIUM PROJECT AS DEFINED IN SECTION 4125 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT. THE TOTAL NUMBER OF RESIDENTIAL CONDOMINIUM DWELLING UNITS IS 4.

MONUMENTATION NOTES

ALL PROPERTY CORNER MONUMENTS ARE IN PLACE, SET PER PM 21944

REFERENCE DRAWINGS

PM 21944

NOTES

- THE MAINTENANCE OF THE PRIVATE WATER AND SEWER FACILITIES SERVING THIS PROJECT SHALL BE GOVERNED BY PRIVATE COVENANTS, CONDITIONS, AND RESTRICTIONS.
- 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.
- EXISTING DRAINAGE PATTERNS: SURFACE FLOW TO UTAH STREET AND ALLEY
- THE SUBDIVIDER SHALL RECORD A DECLARATION OF COVENANTS AND RESERVATION OF EASEMENTS FOR SHARED VEHICULAR ACCESS. THE DECLARATION OF COVENANTS AND RESERVATION OF EASEMENTS SHALL STATE: SINCE THE MUTUAL ACCESS EASEMENT AGREEMENT IS A PRIVATE AND NOT A PUBLIC ISSUE, THE CITY OF SAN DIEGO IS NOT RESPONSIBLE FOR ANY DISPUTE THAT MIGHT ARISE IN THE FUTURE BETWEEN THE PRIVATE PARTIES.

LEGAL DESCRIPTION

PARCEL 1 OF PARCEL MAP NO. 21944, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARCEL MAP THEREOF, RECORDED JUNE 30, 2022 AS FILE NO. 2022-7000292

EASEMENTS

THERE ARE NO EXISTING OR PROPOSED EASEMENTS

SOURCE OF TOPOGRAPHY

FIELD SURVEY BY METROPOLITAN MAPPING, DECEMBER 2021

BASIS OF ELEVATIONS

CITY OF SAN DIEGO BENCHMARK DESCRIPTION: SWBP  
UTAH STREET & HOWARD STREET  
ELEVATION: 380.07 FEET DATUM: MEAN SEA LEVEL (NGVD 29)

BASIS OF BEARINGS

THE EASTERLY LINE OF UTAH STREET, AS SHOWN ON PM 21944  
I.E., N0°14'49"E

PROJECT OWNER

TO PIERSON, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY  
400 S SIERRA AVENUE, SOLANA BEACH, CA 92075

BY: BEN RYAN, MANAGING MEMBER DATE

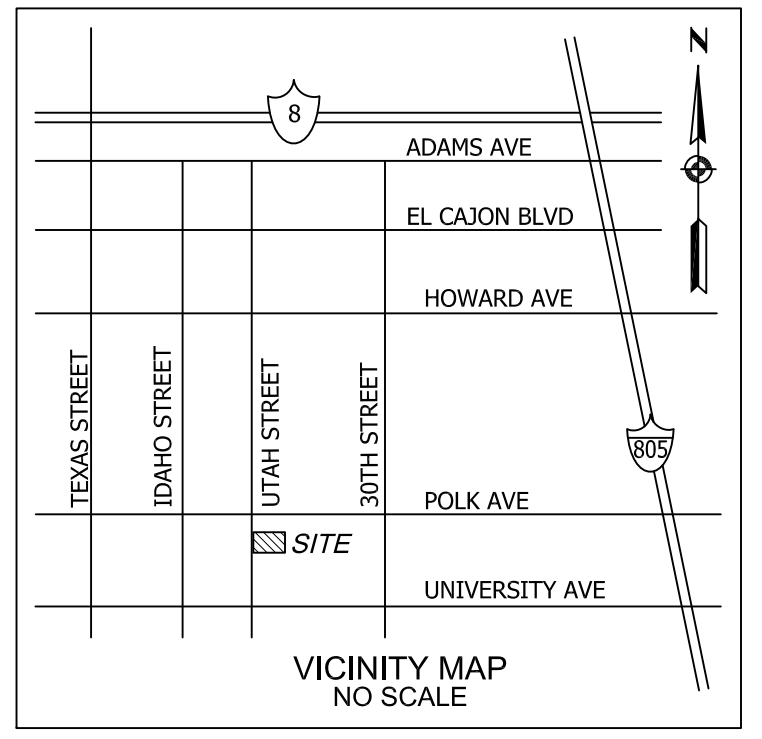
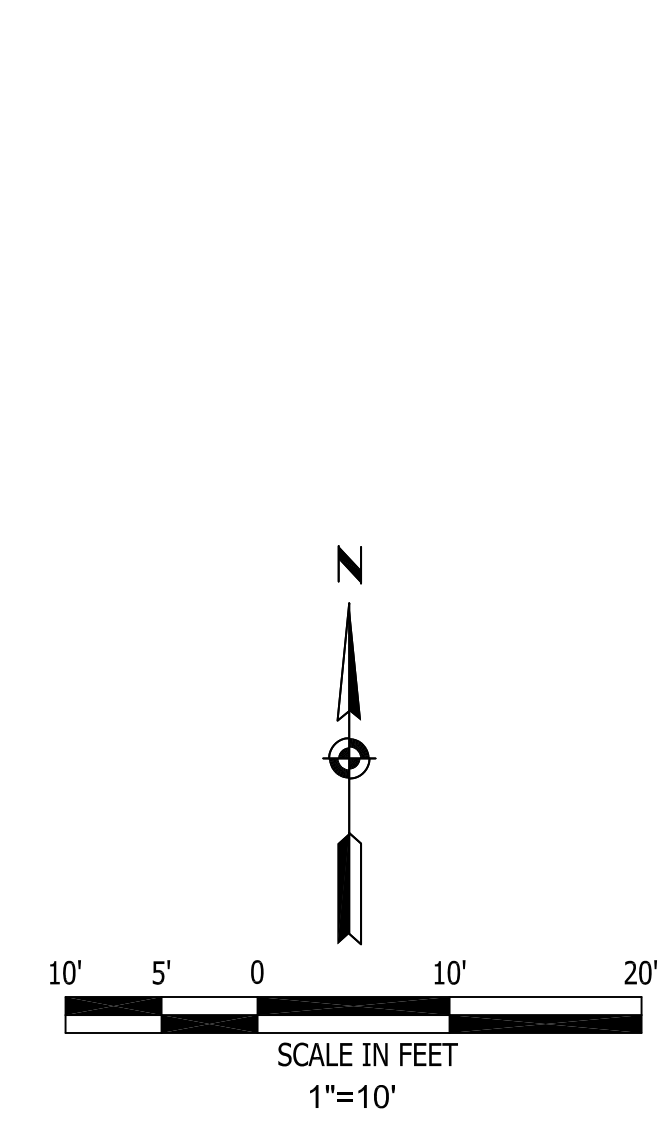
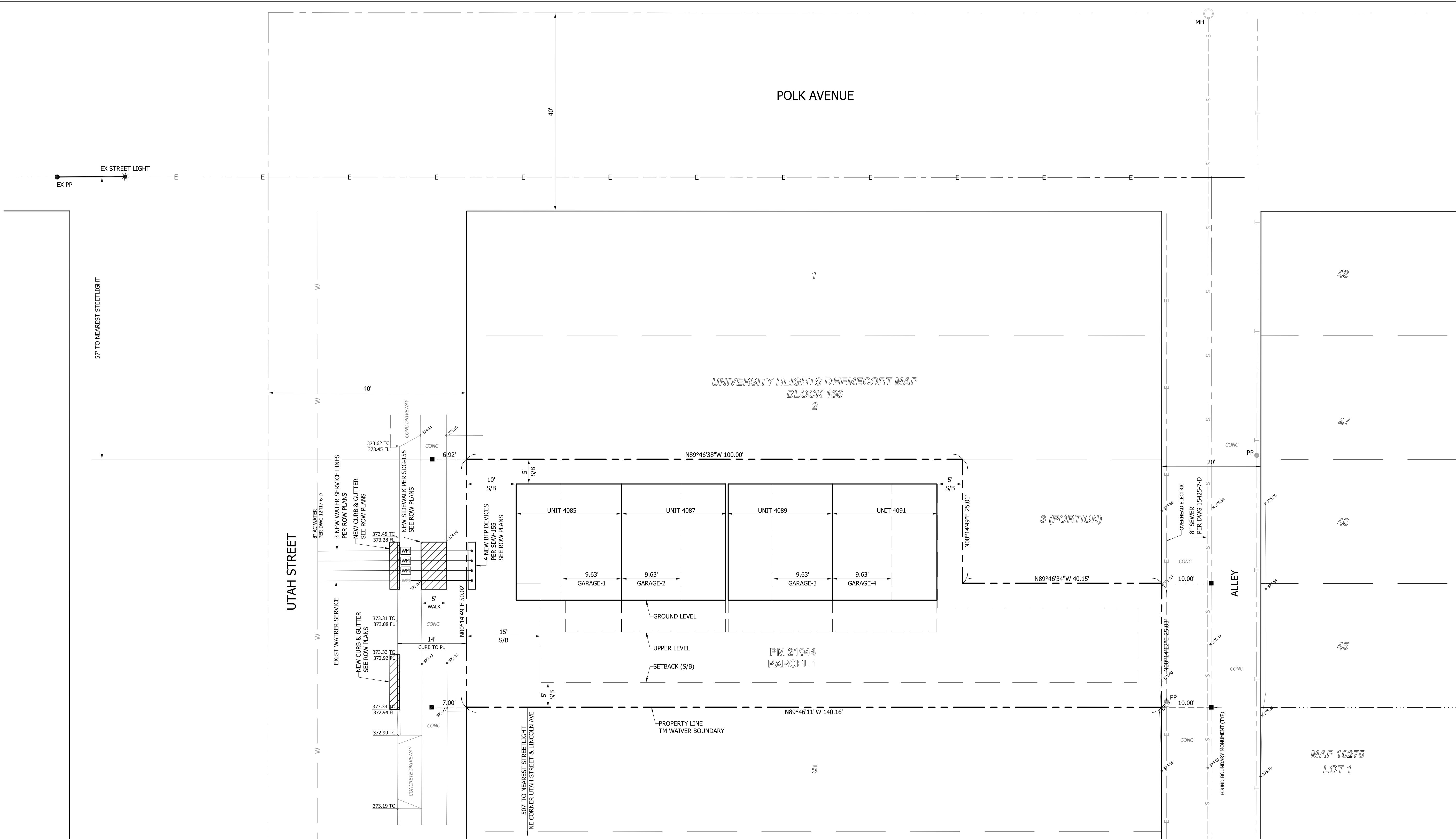
PROJECT NAME

THE COMMONS

SHEET TITLE

TENTATIVE MAP WAIVER NO.

LC: 214-1729 CCS 83: 1854-6289 PROJ. NO. SHEET 1 OF 1



ABBREVIATIONS

APPROX	APPROXIMATE
BLDG	BUILDING
CMU	CONCRETE MASONRY UNIT
CO	CLEANOUT
CONC	CONCRETE
DI	DRAIN INLET
DWAY	DRIVEWAY
EL	ELEVATION
EX	EXISTING
FL	FLOWLINE
FTG	FOOTING
GB	GRADE BREAK
PP	UTILITY POLE
S/B	SETBACK
TG	TOP OF GRATE (DRAIN)
TC	TOP OF CURB
TYP	TYPICAL
TW	TOP OF WALL
UP	UP (STEP)
WM	WATER METER

EXISTING FRANCHISE UTILITY TABLE

(TYPE)	(STATUS)
ELECTRIC	OVERHEAD
TELEPHONE	OVERHEAD
CABLE TELEVISION	OVERHEAD

LEGEND

---	PROPERTY LINE
---	CENTER LINE
---	LOT LINE
---	RIGHT OF WAY
N55°42'50"E 80.96'	BOUNDARY LINE DATA (BEARING/DISTANCE)
■	EXISTING BOUNDARY MONUMENT PER PM 21944
EXISTING IMPROVEMENTS	
---	EDGE OF CONCRETE
---	CURB & GUTTER
CONC	CONCRETE SURFACE
S	SEWER LINE
W	WATER LINE
---	OVERHEAD ELECTRIC
---	OVERHEAD TELECOMM
WM	WATER METER
• 371.04	SPOT ELEVATION

PREPARED BY:  
METROPOLITAN MAPPING  
3712 30TH STREET  
SAN DIEGO, CA 92104  
TEL: 619-431-5250  
FAX: 619-330-1830  
email: metromap.sd@gmail.com



Vernon V. Franck  
VERNON V. FRANCK, PLS 7927

12/12/2022  
DATE