



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: December 7, 2023 REPORT NO. PC-23-050

HEARING DATE: December 14, 2023

SUBJECT: 1661 HARVEY MILK TENTATIVE MAP
Process Four Decision

PROJECT NUMBER: [PRJ-1066008](#)

OWNER/APPLICANT: HARVEY MILKME LLC, Applicant and Owner

SUMMARY

Issue: Should the Planning Commission approve a Tentative Map to consolidate two existing legal lots into one legal lot, create eight commercial condominium units currently under construction, and waive the requirement to underground existing off-site overhead utilities, located at 1661 Harvey Milk Street within the Uptown Community Plan area?

Proposed Action:

1. APPROVE Tentative Map No. PMT-3173688.

Fiscal Considerations: None with this action. The proposed Project is privately funded by the applicant.

Code Enforcement Impact: There are no open Code Enforcement cases for this site.

Housing Impact Statement: The applicant proposes a mapping action only for the creation of eight commercial condominium units currently under construction. This mapping action only project is for development units currently under construction under Project No. PTS 674197 for a seven-story mixed-use building which was reviewed and approved ministerially on July 19, 2021. The housing units within the proposed subdivision are previously approved dwelling units. Therefore, there will be no housing impact associated with this Project.

Community Planning Group Recommendation: On November 1, 2022, the Uptown Community Planning Group voted 9-1-1 to recommend approval of the proposed project (Attachment 8).

Environmental Impact: The project was determined to be exempt from the California Environmental

Quality Act (CEQA) pursuant to Section 15305 (Minor Alterations in Land Use Limitations) of the State of CEQA Guidelines. This project is not pending an appeal of the environmental determination. The environmental exemption determination was made on October 12, 2023, and the opportunity to appeal that determination ended on October 26, 2023 (Attachment 6).

BACKGROUND

A seven-story mixed-use building is currently under construction on the site of the proposed subdivision. The seven-story mixed-use building and associated site improvements were ministerially approved under [Project No. PTS 674197](#) on July 19, 2021. The development includes parking, storage, and commercial space on the first-floor; commercial spaces on the second through the sixth floors; twenty-four residential dwelling units (including two affordable units) on the fifth and sixth floors, and a commercial office space on the seventh floor. Public right-of-way (ROW) improvements were also ministerially approved under [Project No. PTS 680381](#), [Permit No. 2546909](#), issued on August 26, 2021.

The 0.16-acre project site is located at 1661 Harvey Milk Street within the CC-3-8 (Commercial Community) Base Zone, the Airport Influence Area for San Diego International Airport (SDIA), and the Community Plan Implementation Zone A within the [Uptown Community Plan](#). The site is located within an urban, developed residential neighborhood surrounded by a mix of residential development (single-dwelling and multi-dwelling) and commercial development.

DISCUSSION

Project Description:

The project proposes the consolidation of two existing legal lots into one legal lot and the subdivision for the creation of eight commercial condominiums currently under construction. The proposed project is a mapping action only, and does not propose any new development, nor any deviations from the Land Development Code (LDC) other than the waiver to underground utilities. The project site is one block north of University Avenue, east of State Route 163, and two blocks west of Park Boulevard. The project site is accessed via an unnamed alley to the west. All required public utilities and services are located within the public right-of-way adjacent to the site.

Waiver of Undergrounding:

There are existing overhead utility lines on the northeast side of the project site and therefore, the applicant is seeking an underground waiver. The requested underground waiver qualifies under the guidelines of SDMC section [144.0242\(c\)\(1\)\(B\)](#) - Waiver of the Requirements to Underground Privately Owned Utility Systems and Services Facilities, where the conversion involves a short span of overhead facility (less than a full block in length) and would not represent a logical extension to an underground facility.

Permits Required:

- The project requires a Tentative Map in accordance with [SDMC section 125.0410](#) and is a

Process Four, Planning Commission decision in accordance with [SDMC Section 125.0430](#) with appeal rights to the City Council. In accordance with [SDMC 125.0440](#), the decision maker may approve a Tentative Map if the decision maker makes certain findings in accordance with the Subdivision Map Act and the SDMC regulations.

Community Plan Analysis:

The project site has a land use designation of Community Commercial (0-73 dwelling units per acre) ([Figure 2-3: Community Plan Land Use Map - East, page LU-26](#)) which, “provides for shopping areas with retail, service, civic, and office uses for the community at-large within three to six miles. Housing may be allowed up to a very high residential density as part of a mixed-use development” (p. LU-30). The project site is within the Hillcrest community and neighbors a mixed-use commercial and residential building immediately to the south. A Community Center is to the immediate east of the project site, and multi-dwelling residential units are to the north. The location of the project provides “residential densities appropriate to each Uptown neighborhood” which is consistent with the Hillcrest community (p. LU-21). The project also supports “opportunities for new medical and professional office development” and “active commercial districts that benefit from a sustainable level of residential density and multiple mobility options” (p. LU-21). The subdivision to allow for the consolidation of two existing legal lots into one legal lot and create eight commercial condominiums is consistent with the Community Plan land use designation and community goals.


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, the Land Development Code Regulations and the Subdivision Map Act. Staff supports a determination that the project is consistent with the requirements of the Subdivision Map Act, the recommended land use, and development standards in effect for this site pursuant to the Uptown Community Plan and the San Diego Municipal Code. Staff has provided draft findings and conditions in support of approval (Attachments 4 and 5) and recommends the Planning Commission approve Tentative Map No. PMT-3173688.

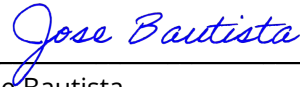
ALTERNATIVES

1. Approve TENTATIVE MAP NO. PMT-3173688, with modifications.
2. Deny TENTATIVE MAP NO. PMT-3173688 if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



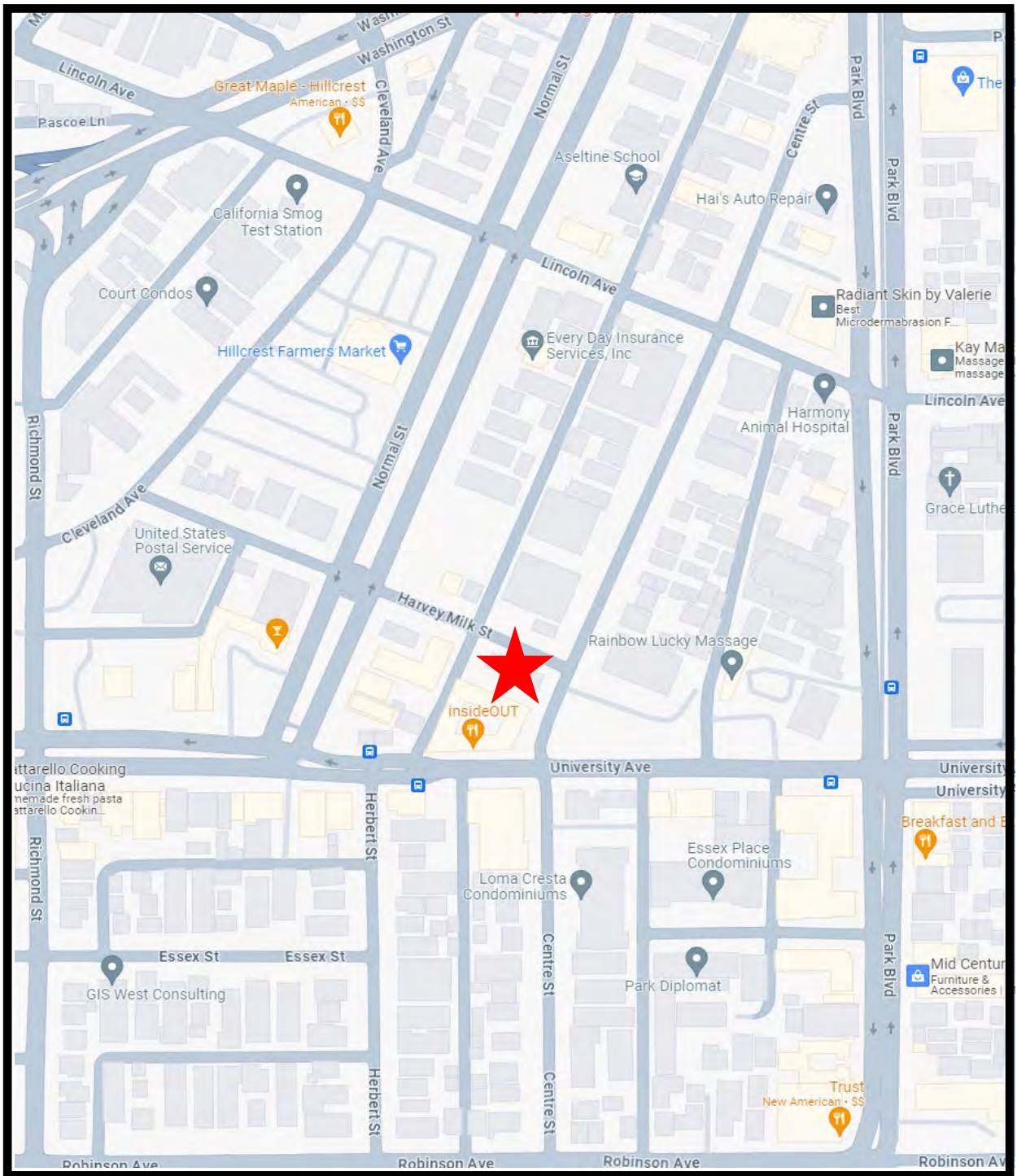
Renee Mezo
Assistant Deputy Director
Development Services Department



Jose Bautista
Development Project Manager
Development Services Department

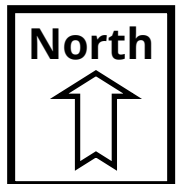
Attachments:

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



Project Location

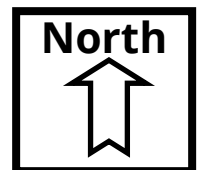
1661 Harvey Milk Street
Project No. PRJ-1066008

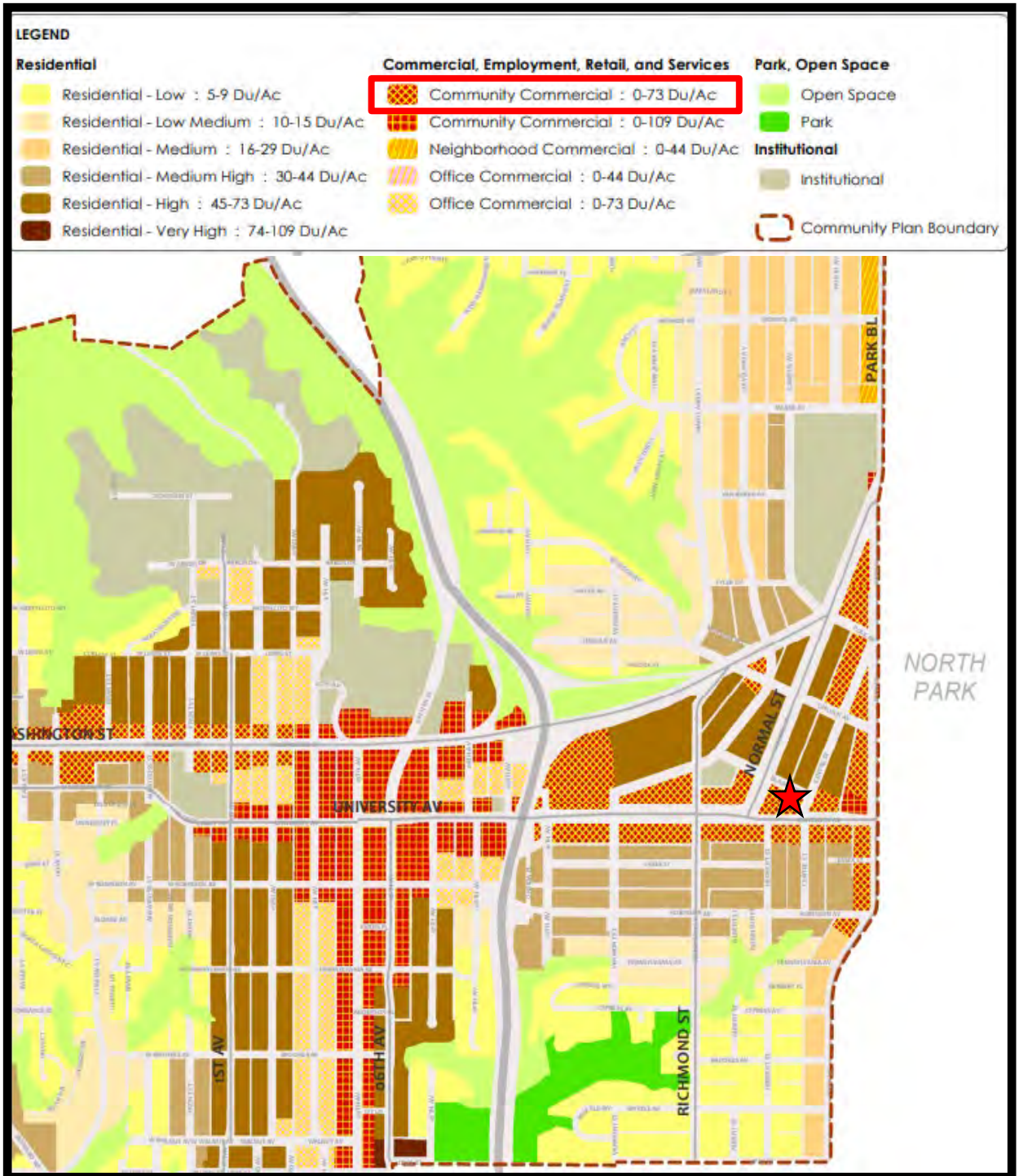




Aerial Photo

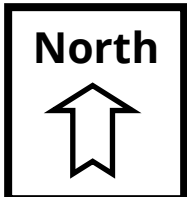
1661 Harvey Milk Street
Project No. PRJ-1066008





Community Land Use Plan

1661 Harvey Milk Street
Project No. 1066008



RESOLUTION NUMBER R- _____
TENTATIVE MAP NO. PMT-3173688
HARVEY MILK TENTATIVE MAP, PROJECT NO. PRJ-1066008

WHEREAS, Harvey Milkme LLC, Subdivider, and William Gregg Mack, Surveyor, submitted an application to the City of San Diego for Tentative Map No. PMT-3173688 to consolidate two existing legal lots into one legal lot and to subdivide the 0.16-acre project site for the creation of eight commercial condominium units (currently under construction), and to waive the requirement to underground existing offsite overhead utilities. The project site is located at 1661 Harvey Milk Street, east of State Route 163, north of University Avenue, and west of Park Boulevard, in the CC-3-8 (Commercial-Community) Base Zone, the Airport Influence Area for San Diego International Airport (SDIA), and the Community Plan Implementation Zone A within the Uptown Community Plan area. The property is legally described as LOTS 15 AND 16 IN BLOCK 190, UNIVERSITY HEIGHTS ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE AMENDED MAP THEREOF MADE BY G. A. D'HEMECOURT IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, IN BOOK 8, PAGE 36 ET SEQ OF LIS PENDENS; and

WHEREAS, the Map proposes the consolidation of two existing legal lots on a 0.16-acre site into one legal lot, and a subdivision to create eight commercial condominiums; and

WHEREAS, on October 12, 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 Guideline 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 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 commercial condominium units is eight; 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) based on the conversion involving a short span of overhead facility (less than a full block in length) and would not represent a logical extension to an underground facility; and

WHEREAS, on December 14, 2023, the Planning Commission of the City of San Diego considered Tentative Map No. PMT-3173688, including a waiver of the requirement to underground existing offsite overhead utilities pursuant to San Diego Municipal Code section(s) 125.0430, 144.0240, 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 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. PMT-3173688:

- 1. Findings for a Tentative Map [San Diego Municipal Code (SDMC) Section 125.0440]**
 - a. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.**

The Harvey Milk Tentative Map project (Project) is a mapping-only action that proposes the consolidation of two existing legal lots into one legal lot, and the creation of eight commercial condominiums as part of a seven-story commercial, residential, visitor accommodation, and storage mixed-use building currently under construction. The 0.16-acre project site is located at 1661 Harvey Milk Street in the CC-3-8 (Commercial-Community) Base Zone, and Community-Commercial (0-73 dwelling units per acre) land use designation within the Uptown Community Plan area. The project site is one block north of University Avenue, east of State Route 163, and two blocks west of Park Boulevard. The proposed project is a mapping action only and does not propose any new development, nor any deviations from the Land Development Code (LDC) other than the waiver to underground utilities. The City approved the construction permits for the seven-story development of a mixed-use building on July 19, 2021, as part of Project No. 674197 and the Project is currently under construction. The building permit for Project No. 674197 was approved ministerially in accordance with the CC-3-8 Base Zone regulations of SDMC section 131.0522.

The project site is within an urban, developed neighborhood surrounded by a mix of commercial, single-dwelling, and multi-dwelling residential development. The Project is consistent with the Uptown Community Plan goals and policies, including the Land Use Policy of providing “a diverse mix of housing types consistent with allowable densities” (LU-2.1) and to “enable rental and ownership opportunities in all types of housing including alternative housing units such as companion units, live/work studios, and shopkeeper units” (LU-2.2). The Project allows the opportunity for ownership through the subdivision of the project site into eight commercial condominiums. These commercial condominiums include commercial office spaces, visitor accommodation, parking and storage, and residential studio units; these commercial condominiums are a mix of housing types consistent with the allowable densities and existing development within the neighborhood of Hillcrest. The Project also supports “opportunities for new medical and professional office development” with the proposed subdivision of commercial condominiums, and “active commercial districts that benefit from a sustainable level of residential density and multiple mobility options” (p. LU-21) as the project site is near four transit stops located along University Avenue, and four transit stops located along Park Boulevard. Therefore, the proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.

b. 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 proposed subdivision is described in Tentative Map finding 1.a. above, incorporated herein by reference. As identified in the finding above, the Project is a mapping action only and does not include any additional development, nor does it include any requested deviations other than the waiver to underground utilities. The lot consolidation and subdivision will continue to comply with the development regulations of the base zone. The Project will also comply with Tentative Map conditions including compliance with the creation of a condominium map in accordance with SDMC section 125.0430.

The Project proposes the establishment of commercial condominium units for ownership opportunities and does not affect the previously approved ministerial building permit(s) of the mixed-used development currently under construction.

The project site qualifies for an underground waiver of existing electric overhead utilities since the underground conversion would involve a short span of less than a full block in length and would not represent a logical extension to an underground facility. Therefore, the proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code.

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

The proposed subdivision is described in Tentative Map findings 1.a. and 1.b. above, incorporated herein by reference. As identified in the findings above, the Project is a mapping action only and does not include any additional development, nor does it include any requested deviations other than the waiver to underground utilities. The Project will include the creation of eight commercial condominiums. Parking requirements under SDMC section 142.0540 have been met with the provision of five parking spaces, where four are required, which will be accessed via Harvey Milk Street and the alley west of the project site. The project site consists of a 6,994.6-square-foot lot that allows for a density of 1 dwelling unit for each 600-square-foot of lot area for a CC-3-8 Base Zone. A Floor Area Ratio (FAR) of 2.0 is allowed with a bonus of 2.5 for residential mixed-use development, for a total FAR of 4.5 for an allowed density of 31,476-square-foot ($4.5 \times 6,994.6 = 31,475.7$) mixed-use development. The City ministerially approved building permit(s) for the mixed-use building under Project No. 674197 allowing for a total of 38,889-square-feet with an affordable housing density bonus allowing for an increase in allowable square footage from 31,476 to 38,889-square-feet. Therefore, the Project conforms to the density regulations of the underlying zone.

The project site is within an urban environment that has suitable public services and utilities and will not have a significant impact on available utilities and emergency services response times for the community. Therefore, the requested mapping action is physically suitable for the type and density of the proposed development.

d. 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 proposed subdivision is described in Tentative Map findings 1.a. through 1.c. above, incorporated herein by reference. As identified in the findings above, the Project is a mapping action only and does not include any additional development, nor does it include any requested deviations other than the waiver to underground utilities. The infill project site is located in an urban developed neighborhood with no Environmentally Sensitive lands (ESL) or Multi-Habitat Planning Area (MHPA) lands located on or adjacent to the site. The 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 of CEQA Guidelines. Therefore, the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

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

The proposed subdivision is described in Tentative Map findings 1.a. through 1.d. above, incorporated herein by reference. As identified in the findings above, the Project is a mapping action

only and does not include any additional development, nor does it include any requested deviations other than the waiver to underground utilities. The Tentative Map includes conditions of approval and corresponding exhibits in order to achieve compliance with the regulations of the SDMC and the Subdivision Map Act.

The site has been previously graded for the construction of a seven-story commercial, residential, visitor accommodation, and storage mixed-use building with a proposed new underground utility services, and existing overhead electric utilities fronting the project site. Pedestrian access is provided via the public right-of-way (ROW) on Centre Street, Harvey Milk Street, and the public alley ROW located west of the project site. The project site is currently under construction which was reviewed and approved in accordance with the CC-3-8 Base Zone regulations of the SDMC section 131.0522. Since the Project is a mapping action only, there will be no additional demand for public services or available fiscal and environmental resources associated with the creation of eight commercial condominiums.

The Tentative Map conditions for the proposed Project include various conditions of approval relevant to achieving compliance with the applicable regulations of the SDMC in effect for this Project. The Project is conditioned to record a Final Map with the San Diego County Recorder's Office with taxes paid pursuant to Subdivision Map Act section 66492. All proposed private water and sewer facilities are to be designed to meet the requirements of the California Uniform Plumbing Code. The Project is conditioned to provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration, and complete all required public improvements per right-of-way (ROW) Project No. 680381, Permit No. 2546909. The Project was reviewed under the ministerial building permit review to ensure conformance with the setback, structure height, parking regulations, and stormwater management regulations. Additionally, the proposed subdivision has been conditioned as necessary for the mixed-use building to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. The Project will comply with the development conditions in effect for the subject property as described in Tentative Map No. PMT-3173688, and other regulations and guidelines pertaining to the subject property per the SDMC. Therefore, the design of the subdivision or the types of improvements will not be detrimental to public health, safety and welfare.

f. 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 subdivision is described in Tentative Map findings 1.a. through 1.e. above, incorporated herein by reference. As identified in the findings above, the Project is a mapping action only and does not include any additional development, nor does it include any requested deviations other than the waiver to underground utilities. The project site does not contain any easements on-site nor does it propose any new onsite easements; 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.

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

The proposed subdivision is described in Tentative Map findings 1.a. through 1.f. above, incorporated herein by reference. As identified in the findings above, the Project is a mapping action only and does not include any additional development, nor does it include any requested deviations other than the waiver to underground utilities. The project site is currently under construction for a seven-story mixed-use building in conformance with the regulations of the SDMC and the applicable version of the California Building, Mechanical, Energy, and Green Standards Building Code. The project site is located in a developed urban neighborhood and the underlying commercial 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 project site is within a developed neighborhood with existing infrastructure. The design of the building permitted under the associated ministerial building permit, Permit No. 2480561, has taken into account the best use of the land and ensures adequate natural light and air movement between the structure. Existing and 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 commercial condominiums and residential dwelling units. Therefore, the design of the proposed subdivision provides, to the extent feasible, for future passive and natural heating and cooling opportunities.

h. 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 proposed subdivision is described in Tentative Map findings 1.a. through 1.g. above, incorporated herein by reference. The Project proposes eight commercial condominium units for commercial ownership opportunities; this is consistent with the Uptown Community Plan goals and policies, including ensuring “adequate transition between commercial/mixed-use and residential uses” (LU-2.10). The Project supports the Mobility Element Goal of “a complete network of pedestrian-friendly, multi-modal facilities throughout the community to meet current and future needs” (MO-42) by encouraging commercial condominium ownership within walking distance to four transit stops just south of the project site along University Avenue, which provides local and express transit stops, and a light rail transit route along Park Boulevard. The vicinity of the project site to transit stops encourages transit use, and commuter bicycling opportunities which is consistent with the San Diego Climate Action Plan.

The project site is served by existing public infrastructure including transit in the immediate area, and is located in proximity to shopping, essential services, and recreation within the developed urban area. Impacts to environmentally sensitive resources would be avoided because the project site is in a developed urban neighborhood and does not contain, nor is it adjacent to such resources.

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 the Findings hereinbefore adopted by the Planning Commission, Tentative Map No. PMT-3173688, including the waiver of the requirement to underground existing offsite overhead utilities, hereby granted to Harvey Milkme, LLC subject to the attached conditions which are made a part of this resolution by this reference.

By _____
Jose Bautista
Development Project Manager
Development Services Department

ATTACHMENT: Tentative Map Conditions

Internal Order No. 11004543

DRAFT

PLANNING COMMISSION
CONDITIONS FOR TENTATIVE MAP NO. PMT-3173688
HARVEY MILK TENTATIVE MAP - PROJECT NO. PRJ-1066008
ADOPTED BY RESOLUTION NO. R-_____ ON DECEMBER 14, 2023

GENERAL

1. This Tentative Map will expire December 14, 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 Final Map, unless otherwise noted.
3. Prior to the expiration of the tentative map, if approved, a Final Map to consolidate and subdivide the properties into eight commercial condominium units shall be recorded at the County Recorder's office.
4. Prior to the 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.
5. 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.

AIRPORT

6. Prior to the recordation of the Final Map, the Subdivider shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration [FAA].

ENGINEERING

7. The requested underground waiver of the existing overhead facilities qualifies under the guidelines of San Diego Municipal Code Section 144.0242(c) Waiver of the Requirements to Underground Privately Owned Utility Systems and Services Facilities in that the conversion involves a short span of overhead facility (less than a full block in length) and would not represent a logical extension to an underground facility. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.

8. The Subdivider shall complete all the required public improvements per right-of-way (ROW) Project No. 680381, Permit No. 2546909.
9. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Tentative Map and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

10. The Final Map shall be based on field survey and all lot corners must be marked with durable survey monuments pursuant to Section 144.0311(d) of the City of San Diego Land Development Codes and Subdivision Map Act Section 66495. All survey monuments shall be set prior to the recordation of the Final Map, unless the setting of monuments is deemed impractical due to the proposed improvements and/or grading associated with the project, in which case, delayed monumentation may be applied on the Final Map in accordance with Section 144.0130 of the City of San Diego Land Development Codes.
11. All subdivision maps in the City of San Diego are required to be tied to the California Coordinate System of 1983 (CCS83), Zone 6 pursuant to section 8801 through 8819 of the California Public Resources Code.
12. 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 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.

PUBLIC UTILITIES DEPARTMENT

13. All proposed private water and sewer facilities are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.
14. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and five feet of any water facilities.

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 § 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 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 ninety days of the approval of this Tentative Map 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



THE CITY OF SAN DIEGO

Date of Notice October 12, 2023

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 11004535

PROJECT NAME/NUMBER: 1661 Harvey Milk Street/ 1066008

COMMUNITY PLAN AREA: Uptown

COUNCIL DISTRICTS: 3

LOCATION: The project is located at 1661 Harvey Milk Street, San Diego, CA 92103

PROJECT DESCRIPTION: A Tentative Map to create eight commercial condominiums which are currently under construction. The Tentative Map is required for the creation of a condominium conversion map pursuant to City of San Diego Municipal Code Section SDMC 125.0430. No new construction is being proposed. The .06 acre site is located in the CC-3-8 zone, Airport Influence Area (SDIA), and Community Plan Implementation Zone (A) within the Uptown Community Plan.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego, Planning Commission

ENVIRONMENTAL DETERMINATION: Section 15305 (Minor Alterations)

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego, Development Services Department

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The City of San Diego conducted an environmental review and determined that the project would qualify to be Categorically exempt from CEQA pursuant to Section 15305 (Minor Alterations). 15305 allows for the minor alterations in land use limitations as long as the area does not contain average slopes greater than 20 percent and would not result in changes in land use density. The project site is currently under construction and the building lots have been leveled to accommodate the approved development. Since the project would only consolidate and subdivide lots for a previously approved condominium project on land that does not contain slopes greater than 20 percent the exemption is appropriate. City staff has reviewed the project and determined that no impacts would occur, and the exceptions listed in section 15300.2 do not apply.

DEVELOPMENT PROJECT MANAGER: Jose Bautista
MAILING ADDRESS: 1222 First Avenue, MS 501, San Diego, CA 92101-4153
PHONE NUMBER/EMAIL: (619) 619-557-7983/ jabautista@sandiego.gov

On October 12, 2023, the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

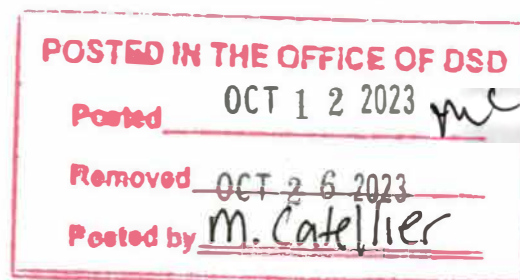
Applications to appeal CEQA determinations made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk within 10 business days from the date of the posting of this Notice so the final day to file an appeal is October 26, 2023. Appeals to the City Clerk must be filed by email or in-person as follows:

- 1) Appeals filed via E-mail: The Environmental Determination Appeal Application Form [DS-3031](#) can be obtained at <https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/forms/ds3031>. Send the completed appeal form (including grounds for appeal and supporting documentation in pdf format) by email to Hearings1@sandiego.gov by 5:00p.m. on the last day of the appeal period; your email appeal will be acknowledged within 24 business hours. You must separately mail the appeal fee by check payable to the City Treasurer to: City Clerk/Appeal, MS 2A, 202 C Street, San Diego, CA 92101. The appeal filing fee must be United States Postal Service (USPS) postmarked) before or on the final date of the appeal. Please include the project number on the memo line of the check.

- 2) Appeals filed in person: Environmental Determination Appeal Application Form [DS-3031](#) can be obtained at <https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/forms/ds3031.pdf>. Bring the fully completed appeal application [DS-3031](#) (including grounds for appeal and supporting documentation) to the City Administration Building—Public Information Counter (Open 8:00am to 5:00pm Monday through Friday excluding City-approved holidays), 1st Floor Lobby, located at 202 C Street, San Diego, CA 92101, by 5:00pm on the last day of the appeal period. The completed appeal form shall include the required appeal fee, with a check payable to: City Treasurer.

The appeal application can also be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

This information will be made available in alternative formats upon request.



	City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	FORM DS-318 October 2017
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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: Harvey Milkme **Project No. For City Use Only:** _____

Project Address: 1661 Harvey milk Street, San Diego, CA 92103

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

Corporation Limited Liability -or- General – What State? CA Corporate Identification No. 201933810411
 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: Harvey Milkme LLC Owner Tenant/Lessee Successor Agency

Street Address: 1642 University Avenue #210

City: San Diego State: CA Zip: 92103

Phone No.: 6197380871 Fax No.: _____ Email: mgmt@LivingModernSD.com

Signature: mike Date: 7/8/22

Additional pages Attached: Yes No

Applicant

Name of Individual: Harvey Milkme LLC Owner Tenant/Lessee Successor Agency

Street Address: 1642 University Avenue #210

City: San Diego State: CA Zip: 92103

Phone No.: 6197380871 Fax No.: _____ Email: mgmt@LivingModernSD.com

Signature: mike Date: 7/8/22

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: _____

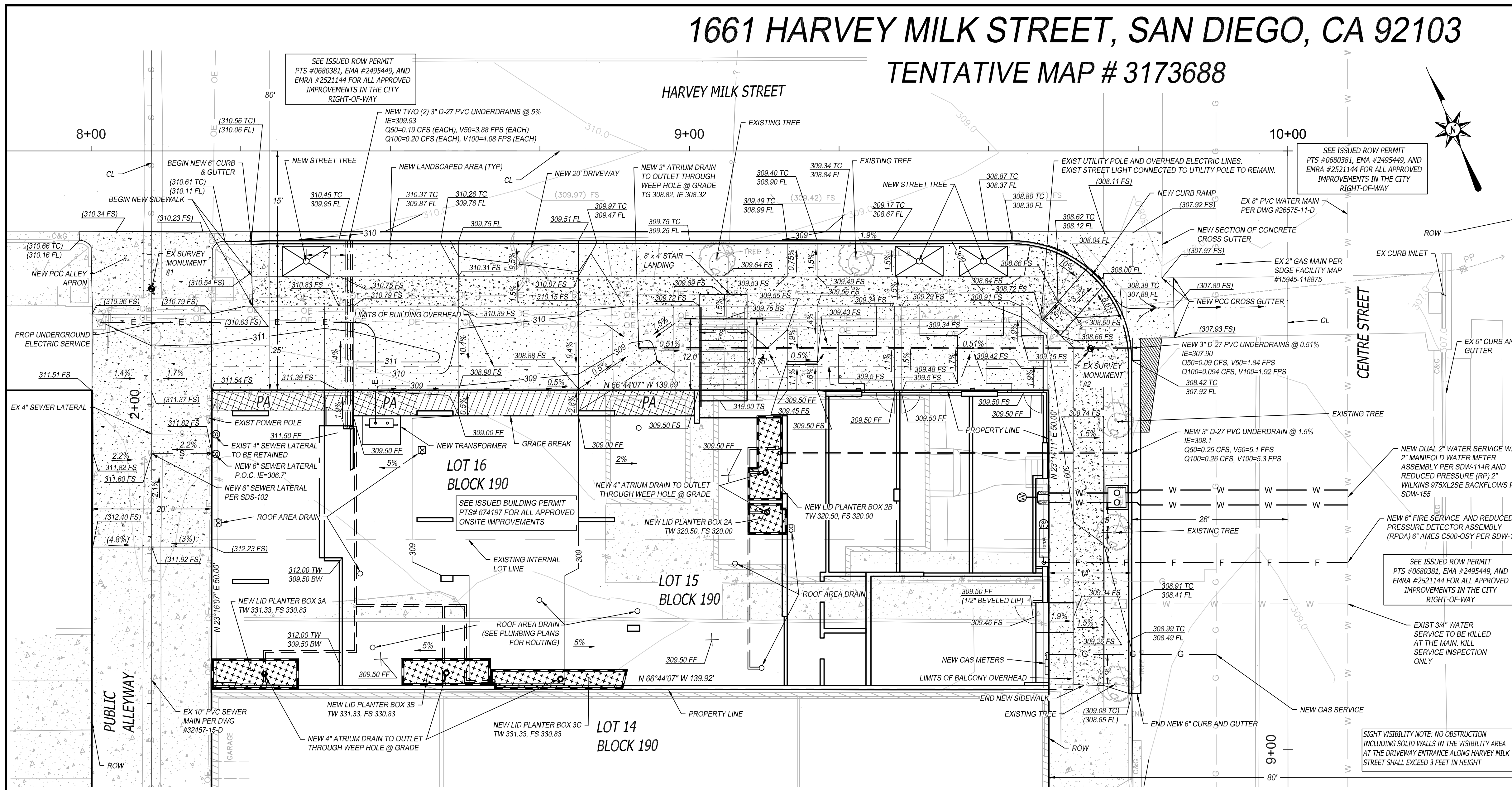
Signature: _____ Date: _____

Additional pages Attached: Yes No

Page 3	City of San Diego · Information Bulletin 620	August 2018
	City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101	<h2 style="margin: 0;">Community Planning Committee Distribution Form</h2>
Project Name: 1661 Harvey Milk St		Project Number: 1066008
Community: Uptown		
For project scope and contact information (project manager and applicant), log into OpenDSD at https://aca.accela.com/SANDIEGO . Select "Search for Project Status" and input the Project Number to access project information.		
<input checked="" type="radio"/> 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 type="checkbox"/> Vote to Deny		Date of Vote: November 01, 2022
# of Members Yes 9	# of Members No 1	# of Members Abstain 1
Conditions or Recommendations: This is for a Tentative Map to create 8 commercial condominiums which will be integrated into commercial levels 2-6 and 7 of the building. This replaces the IB-620 submitted on 11/10/22, to more correctly identify the project number.		
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)		
NAME: Mat Wahlstrom		
TITLE: Chair, Uptown Planners		DATE: February 06, 2023
<i>Attach additional pages if necessary (maximum 3 attachments).</i>		

1661 HARVEY MILK STREET, SAN DIEGO, CA 92103

TENTATIVE MAP # 3173688



OWNER:
HARVEY MILKME, LLC
1642 UNIVERSITY AVE #210
SAN DIEGO, CA 92103
APN: 445-650-08
619-738-0871

SITE INFO:
SITE ADDRESS:
1661 HARVEY MILK STREET
SAN DIEGO, CA 92103
APN: 445-650-08
SITE AREA: 6,996 S.F. 0.16 ACRES

LEGAL DESCRIPTION:
LOTS 15 AND 16 IN BLOCK 190, UNIVERSITY HEIGHTS ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE AMENDED MAP THEREOF MADE BY G. A. D'HEMOCOURT IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, IN BOOK 6, PAGE 36 ET SEQ OF LIS PENDENS.

BENCHMARK:
CITY OF SAN DIEGO VERTICAL CONTROL ID 5005.00, BRASS PLUG N.W. CORNER CURB RETURN CENTRE ST. & UNIVERSITY AVE.
ELEV. = 309.93
DATUM NSVD 29

BASIS OF BEARINGS:
THE BASIS OF BEARINGS FOR THIS MAP IS THE SOUTHERLY RIGHT OF WAY LINE OF BLAINE AVENUE AS SHOWN ON CORNER RECORD NO. 10318. BEARING N 66°44'07" W

SURVEY NOTE:
TOPOGRAPHIC AND BOUNDARY SURVEY INFORMATION SHOWN HEREON WAS COMPILED ON 09/17/2019 AND PREPARED BY:
INDIGO SURVEYING
3620 NILE STREET
SAN DIEGO, CA 92104
CONTACT: DAN COMERFORD, LS
PHONE: 619-593-1763
EMAIL: INDIGOSURVEYING@COX.NET

PASCO LARET SUITER AND ASSOCIATES HAS NOT INDEPENDENTLY VERIFIED THE ACCURACY OF THE PROVIDED SURVEY AND DOES NOT TAKE RESPONSIBILITY FOR THE DATA PROVIDED THEREON, INCLUDING THE MAPPING OF ANY EXISTING EASEMENTS.

ABBREVIATION LEGEND:
FL = FLOWLINE (FL) = MATCH EX FLOWLINE
FS = FINISHED SURFACE (FS) = MATCH EX FINISHED SURFACE
TC = TOP OF CURB
FF = FINISHED FLOOR
TWT = TOP OF WALL
IE = INVERT ELEVATION
TS = TOP OF STAIRS
BS = BOTTOM OF STAIRS

LEGEND

- PROPERTY LINE
- ROAD CENTERLINE
- INTERNAL LOT LINE
- RIGHT OF WAY
- FINISHED SURFACE ELEVATION
- EXISTING BUILDING
- EXISTING SEWER
- EXISTING WATER
- EXISTING GAS
- EXISTING OVERHEAD ELECTRIC
- EXISTING FOUND SURVEY MONUMENT
- NEW 2" WATER SERVICE
- NEW 6" FIRE SERVICE
- NEW 6" SEWER LATERAL
- NEW UNDERGROUND ELECTRIC SERVICE
- NEW PVC STORM DRAIN (SIZE PER PLAN)
- NEW P.C.C. HARDSCAPE
- NEW LANDSCAPE AREA
- NEW BUILDING FOOTPRINT
- LIMITS OF BUILDING/BALCONY OVERHEAD
- GRADE BREAK
- STREET YARD AREA
- STREET YARD PLANTING AREA

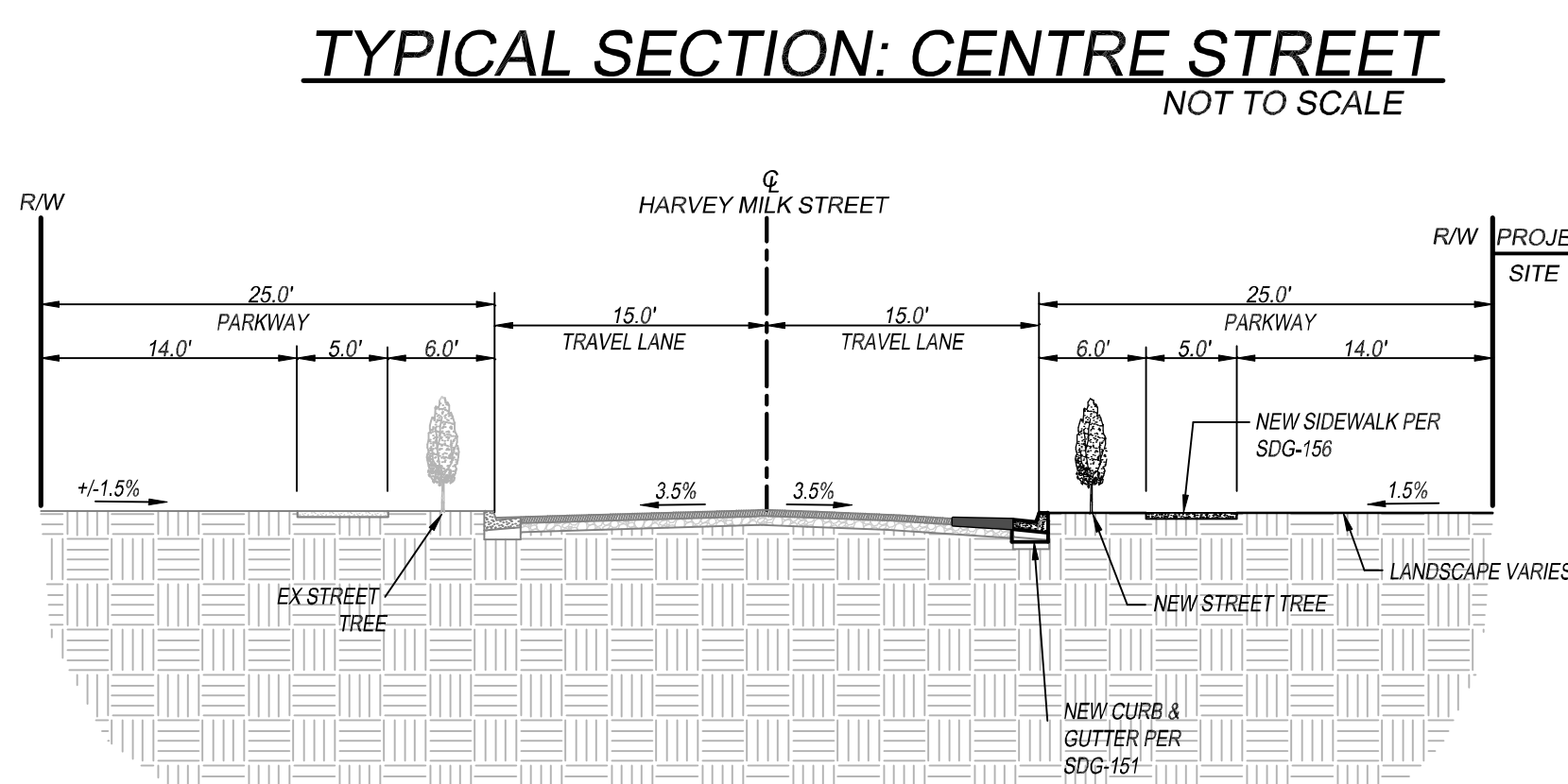
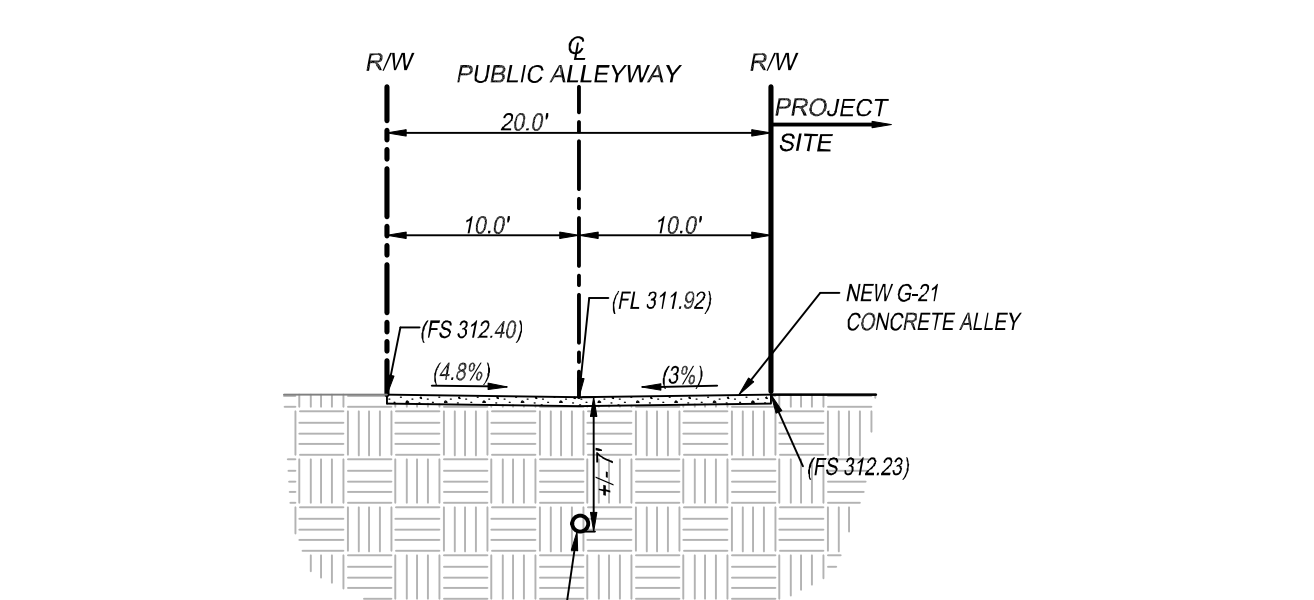
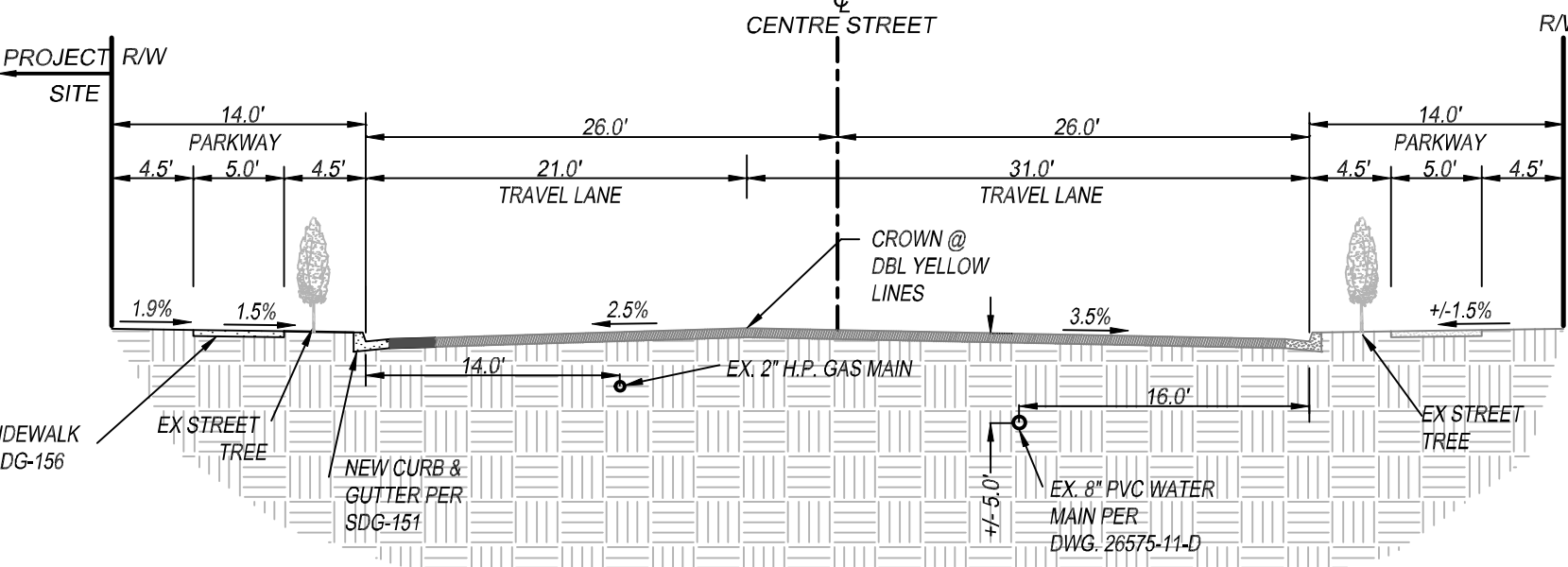
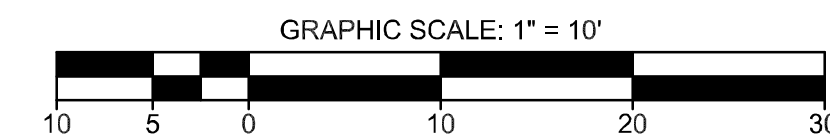
SURVEY MONUMENTS:

- #1: FD, L&D "SAN DIEGO CITY ENGR" IN LIEU OF "CITY ENGINEER", PER CR 40774, CR 40986
- #2: FD, LEAD PEGS & TACK IN CONC. SIDEWALK ON 7'X7' OFFSET LINE, NO RECORD

DRY UTILITY DATA TABLE

SERVICE TYPE	LOCATION	STATUS
ELECTRIC	DIRECTLY NORTH OF THE SITE.	ABOVEGROUND
GAS	EAST OF THE SITE ON CENTRE ST.	UNDERGROUND

MAPPING NOTE:
A FINAL MAP SHALL BE FILED AT THE COUNTY RECORDER'S OFFICE PRIOR TO THE EXPIRATION OF THE TENTATIVE MAP, IF APPROVED. A DETAILED PROCEDURE OF SURVEY SHALL BE SHOWN ON THE FINAL MAP AND ALL PROPERTY CORNERS SHALL BE MARKED WITH DURABLE SURVEY MONUMENTS.



PROJECT DESCRIPTION

- THIS PROJECT IS A TENTATIVE MAP TO CREATE COMMERCIAL CONDOS WHICH ARE CURRENTLY UNDER CONSTRUCTION.
- NO NEW CONSTRUCTION IS PROPOSED IN THIS APPLICATION.
- THIS PROJECT IS A PROCESS 4 TENTATIVE MAP APPROVAL WITH THE CITY OF SAN DIEGO.
- SEE ISSUED BUILDING PERMIT PFS #71197 FOR ALL APPROVED ON-SITE IMPROVEMENTS.
- SEE ISSUED ROW PERMIT PFS #680381, EMA #2495449, AND EMRA #2521144 FOR ALL APPROVED IMPROVEMENTS IN THE CITY RIGHT-OF-WAY.
- NO DEVELOPMENTAL REGULATION DEVIATIONS ARE PROPOSED IN THIS PROJECT.
- NO TRANSIT STOPS ARE PROPOSED IN THIS PROJECT. THERE ARE NO EXISTING TRANSIT STOPS IMMEDIATELY ADJACENT TO THE PROJECT. THE NEAREST TRANSIT STOP IS A BUS STATION ~250 FT SOUTH OF THE PROPERTY ON UNIVERSITY AVE.

PARKING NOTES:
PARKING GARAGES ARE LOCATED AT GROUND LEVEL WITH ACCESS FROM HARVEY MILK STREET AND THE PUBLIC ALLEYWAY.

COMMERCIAL:

REQUIRED SPACES	4 (SDMC 142.05(4))
PROPOSED SPACES	5

MOTORCYCLE:

PROPOSED SPACES	2
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STRUCTURE

STORIES: 7
TOTAL CONDO SQ. FOOTAGE: 38,889 SF

- COMMERCIAL CONDO 1 - VISITOR ACCOMMODATION R1 USE (1,436 SF)
 - COMMERCIAL CONDO 2 - PARKING, UTILITY AND STORAGE USE (4,281 SF)
 - COMMERCIAL CONDO 3 - VISITOR ACCOMMODATION R1 (15,129 SF)
 - COMMERCIAL CONDO 4 - RESIDENTIAL APARTMENTS R2 USE (9,166 SF)
 - COMMERCIAL CONDO 5 - OFFICE B USE (1,716 SF)
 - COMMERCIAL CONDO 6 - OFFICE B USE (424 SF)
 - COMMERCIAL CONDO 7 - OFFICE B USE (1,247 SF)
 - COMMERCIAL CONDO 8 - UTILITY/MECHANICAL USE (197 SF)
- ASSOCIATION SPACES (STAIRS, CORRIDORS, ELEVATORS, ETC) (5,374 SF)

LEGAL DESCRIPTION:
LOTS 15 AND 16 IN BLOCK 190, UNIVERSITY HEIGHTS ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE AMENDED MAP THEREOF MADE BY G. A. D'HEMOCOURT IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, IN BOOK 6, PAGE 36 ET SEQ OF LIS PENDENS.

NUMBER OF EXISTING LOTS: 2
NUMBER OF PROPOSED LOTS: 1

THIS IS A TENTATIVE MAP FOR A CONDOMINIUM PROJECT AS DEFINED IN SECTION 6542 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT. THE TOTAL NUMBER OF COMMERCIAL CONDOMINIUM UNITS IS 8.

PROFESSIONAL LAND SURVEYOR
WILLIAM GREGG MACK
LS 9389
STATE OF CALIFORNIA

REGISTERED PROFESSIONAL ENGINEER
WILLIAM GREGG MACK
No. 73620
CIVIL
STATE OF CALIFORNIA

- NOTES:**
- NO EXISTING OR PROPOSED EASEMENTS WITHIN PROPERTY.
 - REQUIRED SETBACKS ZONE CC-3-8
FRONT: 0' MIN. MAX FOR 90% OF FRONTAGE
SIDE YARD: 10' OR 0' OPTION
 - SEE IMPROVEMENT PLAN 680381 FOR CONSTRUCTION OF IMPROVEMENTS WITHIN RIGHT-OF-WAY.
 - PROVIDE BUILDING ADDRESS NUMBERS VISIBLE AND LEGIBLE FROM THE STREET FRONTING THE PROPERTY PER FHPS POLICY P-00-6 (UFC 901.4.4)
 - PLEASE REFER TO CALIFORNIA FIRE CODE, 2019, CHAPTER 33, FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION.
 - ALL PUBLIC IMPROVEMENTS ARE NEW PER APPROVED ROW PERMIT PFS#060381, EMA APPROVAL #2495449, AND EMRA APPROVAL #2521144. THERE ARE NO PROPOSED PUBLIC ROW IMPROVEMENTS AS PART OF THIS TENTATIVE MAP.

11/16/2023
DATE

WILLIAM G. MACK
RCE NO. 73620, PLS 9389

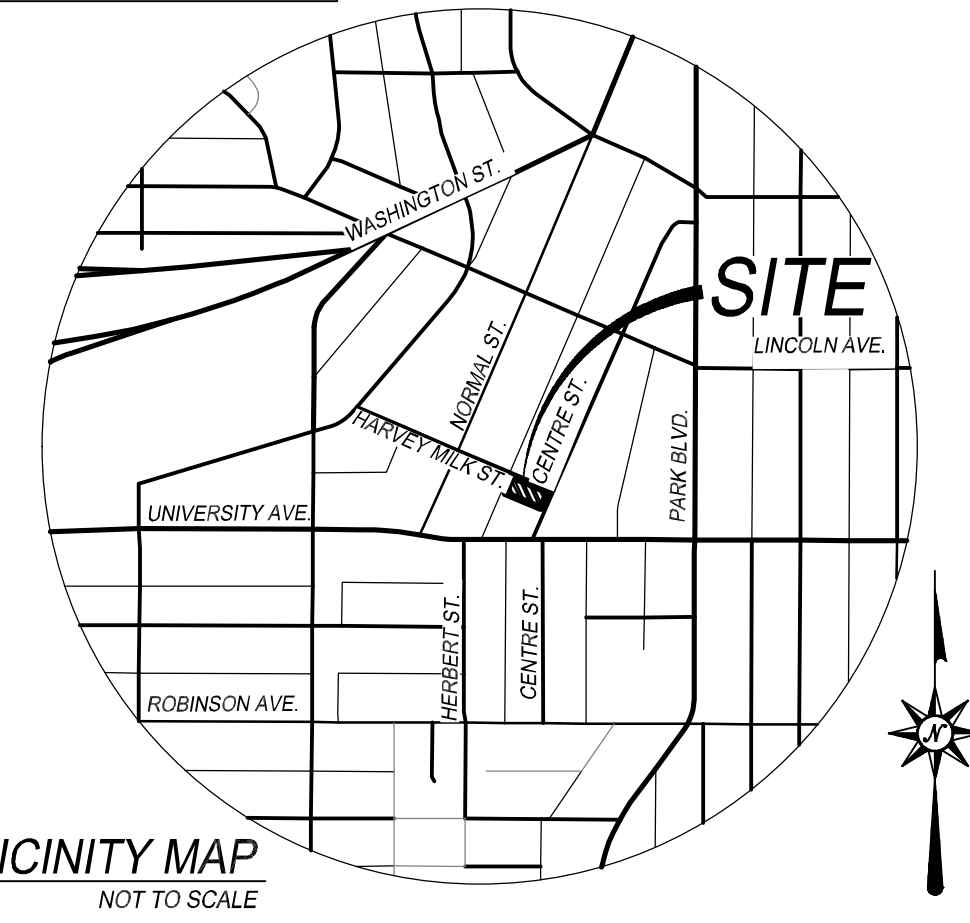
STREET YARD NOTES:
A MINIMUM 40 SQ. FT PLANTING AREA SHALL BE PROVIDED PER TREE WITH NO DIMENSION LESS THAN 5 FEET. AT LEAST 50% OF THE REQUIRED PLANT POINTS SHALL BE ACHIEVED WITH TREES.

- HARVEY MILK STREET
- STREET YARD AREA: 314 SF
 - PLANTING AREA PROVIDED (50%): 157 SF
 - PLANTING AREA PROVIDED: 135 SF
- CODE 142.04(5)(1)(B) UP TO 10% OF THE REQUIRED STREET YARD PLANTING AREA LOCATED OUTSIDE THE VIA FOR RM ZONES OR MULTIPLE DWELLING UNIT RESIDENTIAL USES MAY CONSIST OF HARDSCAPE PAVEMENTS.

- AREA PROVIDED FROM HARDSCAPE: 47 SF
- TOTAL PLANTING AREA PROVIDED: 182 SF
- TOTAL PLANTING POINTS REQUIRED: 314 x 0.05 = 16 POINTS
- TOTAL POINTS PROVIDED FROM TREES: (3) 24" BOX TREES = 3 x 20 = 60 POINTS
- EXCESS POINTS PROVIDED: 44 POINTS

CENTRE STREET
STREET YARD AREA: NONE

THE PROPOSED SITE PLAN EXCEEDS THE STREET YARD REQUIREMENTS FOR BOTH THE PLANTING AREA AND POINTS



PROJECT DATA:

MIXED-USE (RESIDENTIAL / COMMERCIAL)
PROPOSED USE: 8 COMMERCIAL CONDOMINIUMS

(SITE CURRENTLY UNDER CONSTRUCTION PER PFS #674197)
EXISTING AND PROPOSED ZONE: CC-3-8

APN: 445-650-08
SITE AREA: 6,996 SF (0.16 ACRES)
GRADING: 0 FILL 0 CUT 0 IMPORT

UTILITIES:
WATER & SEWER CITY OF SAN DIEGO
SD&GE GAS & ELECTRIC
COX CABLE AND PHONE
AT&T CABLE AND PHONE

PROJECT ADDRESS: 1661 HARVEY MILK STREET SAN DIEGO, CA 92103

OWNER/DEVELOPER: HARVEY MILKME, LLC 1642 UNIVERSITY AVE, #210 SAN DIEGO, CA 92103

PASCO LARET SUITER & ASSOCIATES

1911 San Diego Avenue, Unit A, San Diego, CA 92110
ph 858.259.8212 | fx 858.259.4812 | plsengineering.com

CONSULTANTS:
CIVIL ENGINEER: PASCO LARET SUITER & ASSOCIATES
1911 SAN DIEGO AVENUE, SUITE 100, SAN DIEGO, CA 92110
858-259-8212

PROJECT NAME: HARVEY MILKME
PROJECT ID: TENTATIVE MAP# 3173688
W.O.#: PERMIT PRJ #: 1066008 PERMIT APPROVAL #: L.C.: 212-1723 CCS 83: 1852-6363

SCALE 1"=10'
ORIGINAL DATE: 07/08/22 REVISION DATE: 11/16/23

SHEET 1 OF 1