



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: June 24, 2020 REPORT NO. HO-20-032

HEARING DATE: July 1, 2020

SUBJECT: 3425 5th AVENUE MAP WAIVER, PROCESS THREE

PROJECT NUMBER: [656534](#)

OWNER/APPLICANT: EME Capital, LLC/Christensen Engineering

SUMMARY

Issue: Should the Hearing Officer approve the conversion of three existing dwelling units and one 1,016-square-foot commercial unit into condominium units, and a waiver to the requirement to underground existing utilities, located at 3425 5th Avenue in the Uptown Community Planning Area?

Staff Recommendation: APPROVE Tentative Map Waiver No. 2387404.

Community Planning Group Recommendation: On April 7, 2020, the Uptown Planners approved the project 14-0-0, with no conditions (Attachment 7).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, Existing Facilities. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on May 20, 2020, and the opportunity to appeal that determination ended June 4, 2020 (Attachment 6).

BACKGROUND

The 0.115-acre site is located at 3425 5th Avenue (Attachment 1), in the CC-3-9 zone and the Community Commercial (0-109 du/ac, Attachment 2) land use designation within the [Uptown Community Plan](#). The building was constructed ministerially via Project No. 432694. Adjacent properties to the north, west, and south are located within the same zone and land use designation and are developed with a mix of commercial, residential, and mixed uses. Properties to the east are zoned RM-4-10, designated Residential - Very High: 74-109 Du/Ac, and developed with residential uses.

DISCUSSION

The proposed project proposes a waiver of the requirement to file a tentative map for the creation of three new residential and one new commercial condominium unit per SDMC [125.0120\(b\)\(2\)](#), and a request to waive the requirement to underground existing overhead utilities. The project requires a Process Three Hearing Officer decision, which is appealable to the Planning Commission.

The existing building was approved in December 2015 and completed in December 2017. The project complies with all applicable sections of the Municipal Code. No deviations are requested with this Map Waiver. The request to waive the requirement to underground existing utilities is appropriate pursuant to [SDMC 144.0242\(c\)\(1\)\(B\)](#) because 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. Existing tenants will receive all required notice.

According to SDMC Section 125.0123, Findings for a Tentative Map Waiver, the decision maker may approve a Tentative Map Waiver if the decision maker finds that the proposed subdivision complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed subdivision and determined that this is the case.

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 regulations of the Land Development Code. The project conforms to both the Uptown Community Plan and the General Plan. Staff has provided draft findings and conditions (Attachment 4) and recommends the Hearing Officer approve the project as proposed.

ALTERNATIVES

1. Approve Tentative Map Waiver No. 2387404 with modifications.
2. Deny Tentative Map Waiver No. 2387404, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Travis Cleveland
Development Project Manager

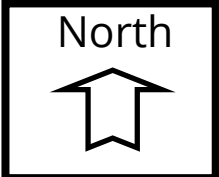
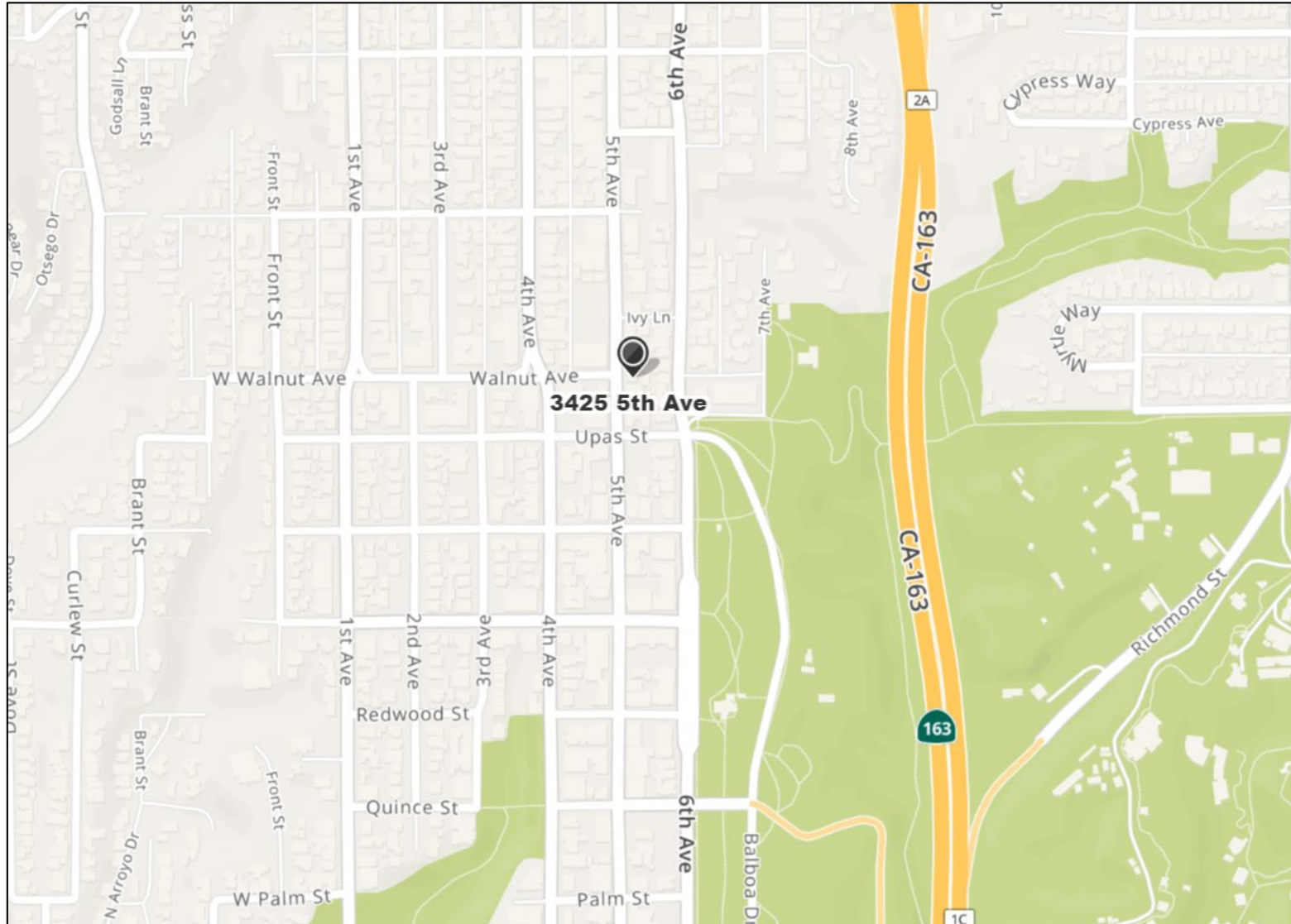
Attachments:

1. Project Location
2. Community Plan Land Use Map
3. Aerial Photograph

4. Draft Map Resolution with Findings and Conditions
5. Tentative Map Waiver Exhibit
6. Environmental Exemption
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement



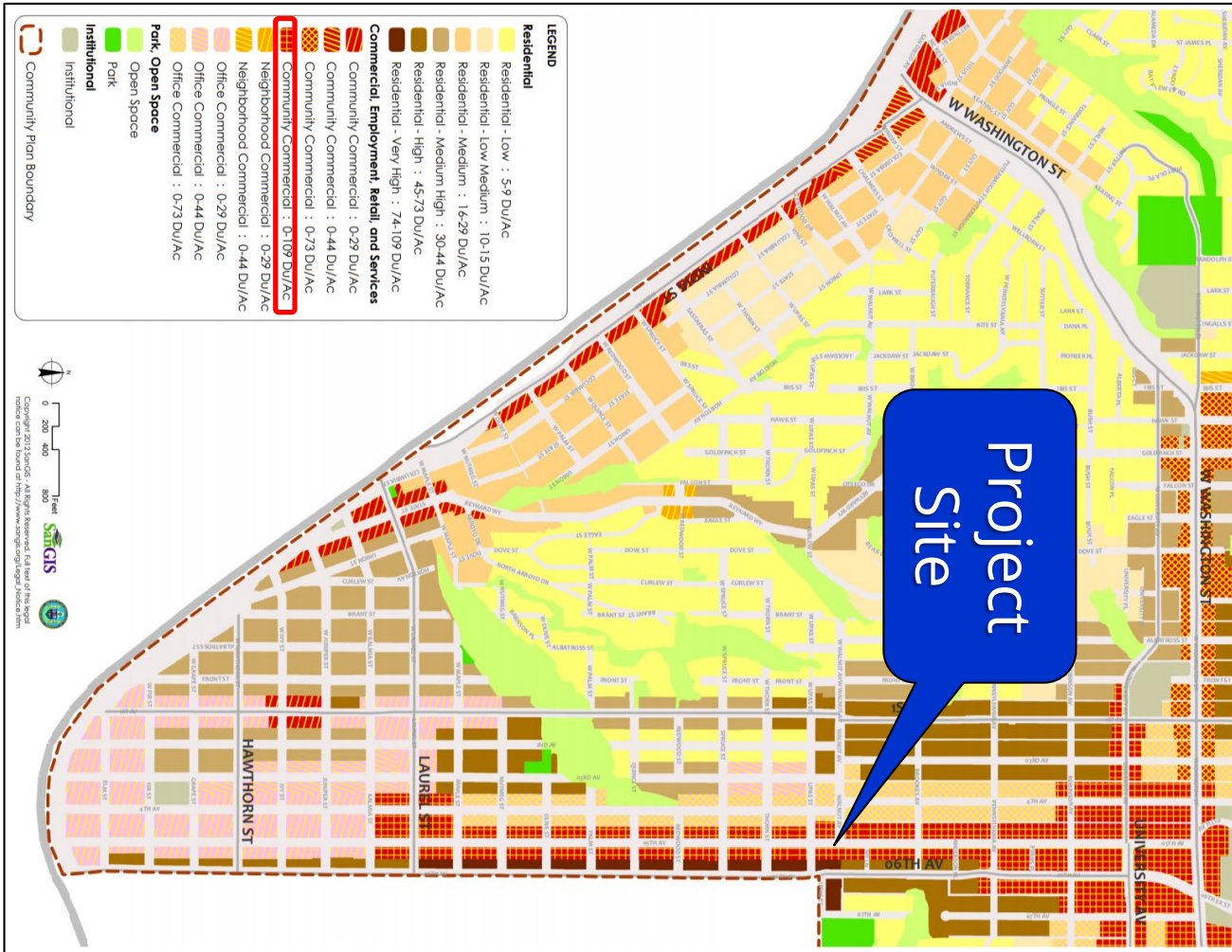
Project Location Map



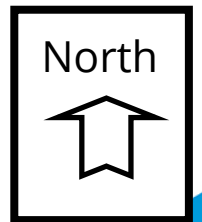
3425 Fifth Avenue Map Waiver, Project Number 656534
3425 Fifth Avenue



Community Plan

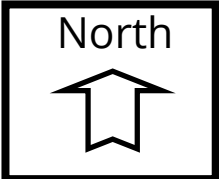
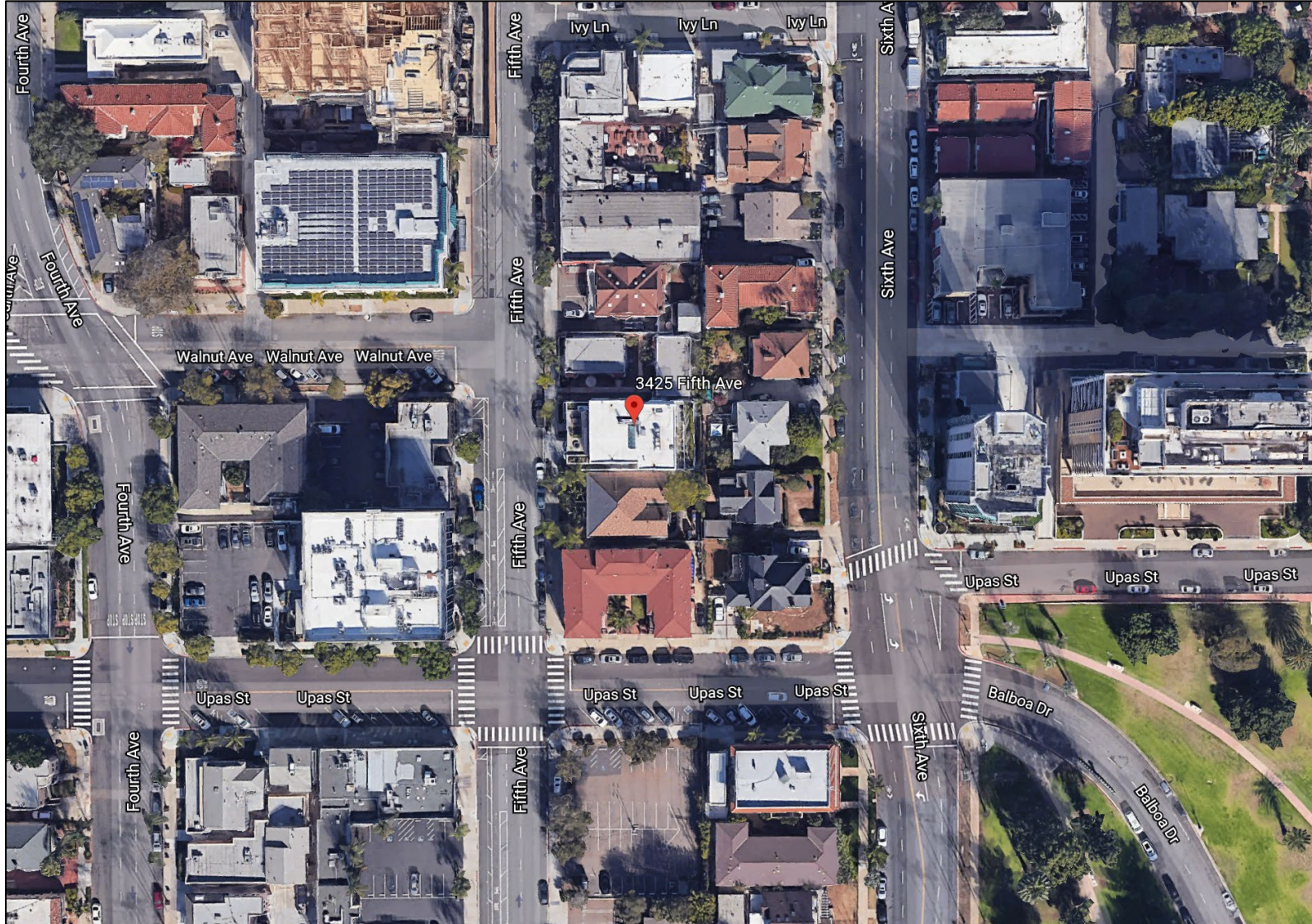


3425 Fifth Avenue Map Waiver, Project Number 656534
3425 Fifth Avenue





Aerial Photo



ATTACHMENT 3

3425 Fifth Avenue Map Waiver, Project Number 656534
3425 Fifth Avenue

RESOLUTION NO. _____
DATE OF FINAL PASSAGE _____

**A RESOLUTION OF THE HEARING OFFICER
ADOPTING THE FINDINGS AND APPROVING MAP WAIVER NO.
2387404 FOR THE 3425 FIFTH AVENUE MAP WAIVER
PROJECT NO. 656534**

WHEREAS, EME Capital, LLC, Subdivider, and CHRISTENSEN ENGINEERING, SURVEYOR, submitted an application with the City of San Diego for Map Waiver No. 2387404, to waive the requirement for a Tentative Map for the creation of four condominium units (three residential and one commercial). The 0.115-acre site is located at 3525 5th Avenue in the CC-3-9 zone and the Community Commercial (0-109 du/ac) land use designation within the Uptown Community Plan. The property is legally described as: LOT 6 IN BLOCK 5 OF LOMA GRANDE, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA ACCORDING TO MAP THEREOF NO. 692, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY NOVEMBER 17, 1891; and

WHEREAS, the map proposes the subdivision of a 0.115 acres site into 1 lot for 3 units residential, and 1 unit commercial; and

WHEREAS, on May 20, 2020, 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 15301, Existing Facilities, 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 condominium dwelling units is three, and the total number of commercial condominiums is one; 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) because 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; and

WHEREAS, on July 1, 2020, the Hearing Officer of the City of San Diego considered Map Waiver No. 2387404 including the waiver of the requirement to underground existing offsite overhead utilities, and pursuant to sections 125.0122 and 125.0444 , 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 Map Waiver No. 2387404:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.

The project proposes the conversion of three residential units and one commercial space into condominiums. The 0.115-acre site is located at 3525 5th Avenue in the CC-3-9 zone and the

Community Commercial (0-109 du/ac) land use designation within the Uptown Community Plan The 0.115-acre site is located at 3525 5th Avenue in the CC-3-9 zone and the Community Commercial (0-109 du/ac) land use designation within the Uptown Community Plan.

The project is consistent with Uptown Community Plan goals and policies, including Policy P-LU-2.2: Enable rental and ownership opportunities in all types of housing including alternative housing units such as companion units, live/work studios, and shopkeeper units.

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 does not facilitate any additional development.

The residential units were previously approved in compliance with all applicable development regulations. Future purchasers of the units will be required to observe the requirements of the CC-3-9 zone. The request to waive the requirement to underground existing utilities is appropriate pursuant to [SDMC 144.0242\(c\)\(1\)\(B\)](#) because 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, 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 project is a subdivision only and does not facilitate any additional development. The infill project site is located in a developed area. The project would continue to front on and take access from Fifth Avenue. No additional development is proposed with this map waiver. Future operations at the site would be required to comply with Land Development Code Regulations and construction permit requirements. The site is in a developed, urban neighborhood with no watercourses, Environmentally Sensitive Lands (ESL) or Multi-Habitat Planning Area (MHPA) lands located on or adjacent to the site. 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 project is a subdivision only and does not facilitate any additional development. There are no watercourses, Environmentally Sensitive Lands (ESL) or Multi-Habitat Planning Area (MHPA) lands located on or adjacent to the site, which is surrounded by existing development. The project was determined to be exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Existing Facilities). Therefore, the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife on their habitat.

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

This project is in a developed, urban neighborhood and does not propose or facilitate any additional development. The Tentative Map Waiver was reviewed and determined to comply with the Municipal Code and Subdivision Map Act. The Tentative Map Waiver includes conditions and corresponding exhibits of approval, including installation of public improvements, and payment of applicable taxes in order to achieve compliance with the regulations of the San Diego Municipal Code.

The developed project site is served by existing utilities and access to the site is provided via an existing alley. The frontage is developed with existing curb, gutter, and sidewalk that would remain. Future development would be required to comply with Land Development Code Regulations and Building Permit requirements.

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 site will continue to be accessed from the existing public street which is developed with curb, gutter, and sidewalk. Future development would be required to comply with Land Development Code Regulations and Building Permit requirements and there are no existing access easements through the property. Therefore, the design of the subdivision and proposed improvements would 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 proposed condominium subdivision will not impede or inhibit any future passive or natural heating and cooling opportunities. The project proposes no additional development, and future development would be required to comply with Land Development Code Regulations and Building Permit requirements, which includes setback and height limitations to ensure adequate natural light and air movement between the future structures. 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 subdivision does not propose additional development; therefore, it is not anticipated to have employment or housing impacts beyond those which have already occurred. Future development on the property would be subject to the underlying zone regulations at the time of the application. The site is served by existing public infrastructure, including developed rights-of-way and utility lines. 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. Therefore, there would be no additional demand for public services or available fiscal and environmental resources associated with the creation of two new condominium units.

That said 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 Hearing Officer, Map Waiver No. 2387404 is hereby granted to EME CAPITAL, LLC subject to the attached conditions which are made a part of this resolution by this reference.

By _____
Travis Cleveland
Development Project Manager
Development Services Department

ATTACHMENT: Map Waiver Conditions

Internal Order No. 12002110

DRAFT

ATTACHMENT 4

HEARING OFFICER
CONDITIONS FOR TENTATIVE MAP WAIVER NO. 2387404
3525 5TH AVENUE MAP WAIVER - PROJECT NO. 656534
ADOPTED BY RESOLUTION NO. _____ ON _____

GENERAL

1. This Tentative Map Waiver will expire July 15, 2023.
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. Prior to the expiration of the Tentative Map Waiver (TMW), a Certificate of Compliance (COC) shall be recorded with the County Recorder.
4. Prior to the recordation of the Certificate of Compliance, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. 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 COC.

5. The Certificate of Compliance shall conform to the provisions of Tentative Map Waiver No. 2387404.
6. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify the Subdivider of any claim, action, or proceeding, or if the 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 bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not be required to pay or perform any settlement unless such settlement is approved by the Subdivider.

CONDOMINIUM CONVERSION

7. The Subdivider shall provide a Notice of Tenants Rights and Notices for Condominium Conversion, consistent with the Land Development Manual to be provided as follows:
 - a. For existing tenants, within 10 days of the project application for the condominium conversion being deemed complete; or
 - b. For prospective tenants, upon application for the rental of a unit in the proposed

ATTACHMENT 4

condominium conversion.

8. The Subdivider shall provide each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the Subdivision Map Act.
9. The Subdivider shall provide each of the tenants of the proposed condominiums written notice of intention to convert at least 180 days prior to termination of tenancy due to the conversion or proposed conversion in conformance with Subdivision Map Act section 66427.1(a)(2)(E). The provisions of this condition shall neither alter nor abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Civil Code sections 1941, 1941.1 and 1941.2.
10. The Subdivider shall provide the tenants of the proposed condominiums with written notification within 10 days after approval of a Certificate of Compliance for the proposed conversion, in conformance with Subdivision Map Act section 66427.1(a)(2)(D).
11. The Subdivider shall give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (San Diego Municipal Code § 125.0431(a)(4)).
12. The Subdivider shall provide each of the tenants of the proposed condominiums notification of their exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, in conformance with Subdivision Map Act section 66427.1(a)(2)(F) and San Diego Municipal Code section 125.0431(a)(5). The right shall commence on the date the subdivision public report is issued, as provided in section 11018.2 of the Business and Professions Code, and shall run for a period of not less than 90 days, unless the tenant gives prior written notice of his or her intention not to exercise the right. (San Diego Municipal Code § 125.0431(a)(5)).
13. Prior to the recordation of the Certificate of Compliance the Subdivider shall demonstrate conformance with the San Diego Municipal Code provisions for building and landscape improvements (San Diego Municipal Code § 144.0507), to the satisfaction of the City Engineer.

MAPPING

14. 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 of the survey monuments are 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 filed Corner Record or Record of Survey must be submitted to satisfy this requirement prior to the approval and recordation of the Certificate of Compliance.

ENGINEERING

15. The Subdivider shall ensure that all onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
16. The Subdivider shall comply with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980. Only those exceptions to the General Conditions which are shown on the Map Waiver 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.

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 U.S.C. § 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 90 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. 12002110

DEVELOPMENT SUMMARY

PROJECT SUMMARY:

THIS PROJECT PROPOSES THE CONDOMINIUM CONVERSION OF A MIXED USE PROPERTY COMPRISED OF 3 RESIDENTIAL UNITS AND 1 COMMERCIAL UNIT. NO DEVELOPMENT REGULATION DEVIATIONS ARE PROPOSED. THE PROJECT REQUESTS TENTATIVE AND FINAL MAP WAIVER APPROVAL.

UTILITY TABLE	
TELE (AT&T): OVERHEAD	---
CATV (COX): OVERHEAD	---
ELEC (SDG&E): OVERHEAD	---

LEGEND

PROPERTY LINE	---
EXISTING CONTOUR	---
EXISTING ELECTRICAL LINE	—E—E—
EXISTING GAS LINE	—G—G—
EXISTING SEWER LINE	—S—S—
EXISTING TELEPHONE LINE	—T—T—
EXISTING WATER LINE	—W—W—
EXISTING OVERHEAD UTILITY	---
FIRE HYDRANT	HO
MANHOLE	O

USES:

CURRENT USE:
MIXED USE
PROPOSED USE:
MIXED USE:
MULTIPLE UNIT RESIDENTIAL - CONDOMINIUM
COMMERCIAL - CONDOMINIUM

TYPE OF CONSTRUCTION/OCCUPANCY CLASSIFICATION:

CONSTRUCTION CLASSIFICATION:
TYPE V(B) WITH AUTOMATIC SPRINKLER SYSTEM

OCCUPANCY CLASSIFICATION:
RESIDENTIAL GROUP R-2
PRIVATE GARAGE GROUP U
BUSINESS (COMMERCIAL GROUP B
RESIDENTIAL ACCESSORY
(MECHANICAL STORAGE) GROUP U

TITLE NOTES

ITEMS AFFECT PROPERTY THAT CANNOT BE PLOTTED, SEE TITLE REPORT FOR PARTICULARS.

TITLE REPORT PROVIDED BY CHICAGO TITLE INSURANCE COMPANY ORDER NO. 00122970-996-SD1-RT4, DATED DECEMBER 30, 2019.

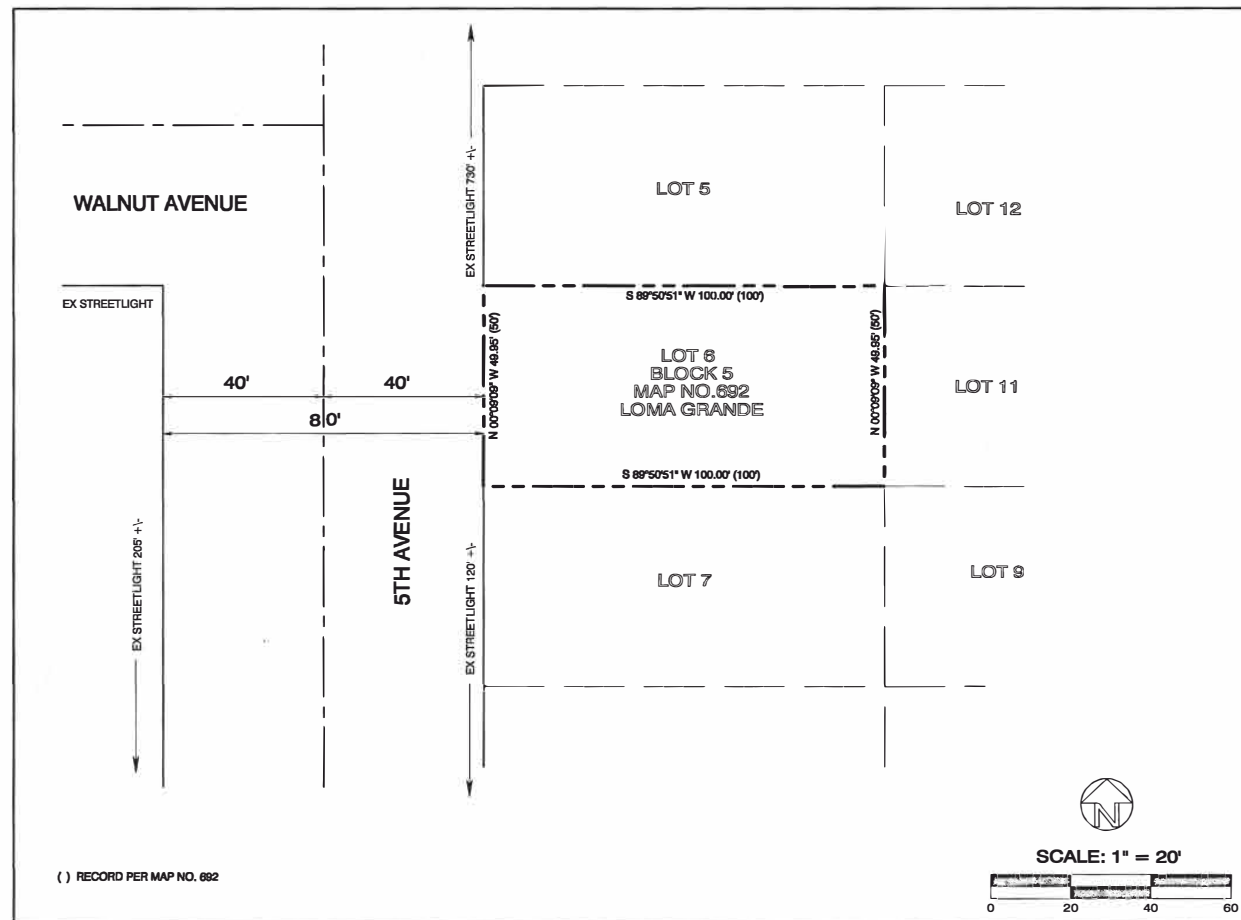
OWNER'S CERTIFICATE

I HEREBY CERTIFY THAT I AM THE RECORD OWNER OF THE PROPERTY SHOWN ON THE MAP WAIVER AND THAT SAID MAP SHOWS ALL OF MY CONTIGUOUS OWNERSHIP IN WHICH I HAVE ANY DEED OR TRUST INTEREST. I UNDERSTAND THAT OUR PROPERTY IS CONSIDERED CONTIGUOUS EVEN IF IT IS SEPARATED BY ROADS, STREETS, UTILITY EASEMENTS, OR RAILROAD RIGHTS-OF-WAY.

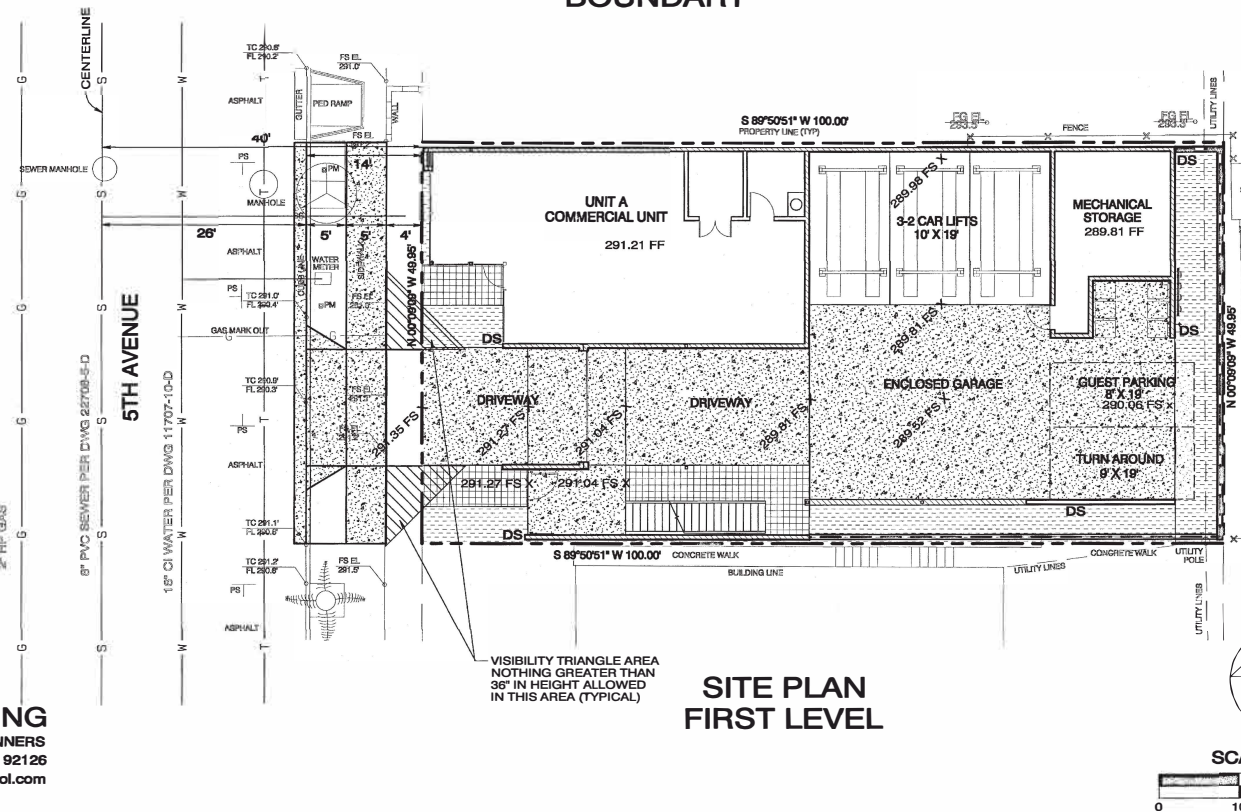
ABBY MOBINE
EME CAPITAL, LLC
2555 CAMINO DEL RIO S.
SAN DIEGO CA 92108-3712

DATE

CE & S CHRISTENSEN ENGINEERING & SURVEYING
CIVIL ENGINEERS LAND SURVEYORS PLANNERS
7888 SILVERTON AVENUE, SUITE "J", SAN DIEGO, CALIFORNIA 92126
TELEPHONE: (858)271-9901 EMAIL: ceands@aol.com



BOUNDARY



SITE PLAN FIRST LEVEL

TENTATIVE MAP WAIVER NO. 2387404 CONDOMINIUM CONVERSION

LEGAL DESCRIPTION

LOT 6 IN BLOCK 5 OF LOMA GRANDE, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA ACCORDING TO MAP THEREOF NO. 892, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY NOVEMBER 17, 1991.

BASIS OF BEARINGS

THE NORTHERLY LINE OF IVY LANE AS SHOWN ON RECORD OF SURVEY NO. 10466 I.E. NORTH 89°58'20\"/>

BENCHMARK

CITY OF SAN DIEGO BENCHMARK LOCATED AT THE NORTHWESTERLY CORNER OF 5TH AVENUE AND THORN STREET. ELEVATION 287.91' MEAN SEA LEVEL (N.G.V.D. 1929).

NOTES

1. THE SOURCE OF THE TOPOGRAPHIC INFORMATION SHOWN HEREON IS SURVEY BY CHRISTENSEN ENGINEERING & SURVEYING, DATED FEBRUARY 24, 2015.
2. THE USE OF PROPOSED LOT IS FOR 3 RESIDENTIAL AND ONE COMMERCIAL CONDOMINIUM UNITS.
3. THE SUBJECT PROPERTY IS SERVED BY SEPARATE SANITARY SEWER LATERAL AND WATER SERVICES CONNECTED TO CITY OF SAN DIEGO MAINS.
4. THE EXISTING NUMBER OF LOTS IS ONE. THE PROPOSED NUMBER OF LOTS IN THIS SUBDIVISION IS ONE.
5. DEVELOPER SHALL PROVIDE BUILDING ADDRESS NUMBERS, VISIBLE AND LEGIBLE FROM THE STREET FRONTING THE PROPERTY PER FHPS POLICY P-00-6 (UFC 901.4.4)
6. NAD27 COORDINATES = 210-1719. NAD83 COORDINATES = 1850-.6279.
7. THE TOTAL AREA OF THE PROJECT IS 0.115 ACRES.
8. THE SOURCE OF TITLE INFORMATION IS PRELIMINARY TITLE REPORT PREPARED BY CHICAGO TITLE COMPANY, ORDER NO.00122970-996-SD1-RT4, DATED DECEMBER 30, 2019.
9. A MAP WAIVER IS REQUESTED FOR BOTH THE TENTATIVE AND FINAL MAPS.
10. A WAIVER OF UNDERGROUNDING OF OVERHEAD UTILITIES IS REQUESTED.
11. PROJECT WAS CONSTRUCTED IN 2016-17 BY BUILDING PERMIT PTS NO. 548192 AND WORK IN RIGHT OF WAY, APPROVAL NO. 1927811 WITH ENCROACHMENT MAINTENANCE AND REMOVAL AGREEMENT, APPROVAL NO. 1927829 (FOR PRIVATE IMPROVEMENTS IN THE RIGHT OF WAY).
12. THE SUBDIVIDER SHALL PREPARE CC&RS FOR THE OPERATION AND MAINTENANCE OF ALL PRIVATE WATER AND SEWER FACILITIES THAT SERVE OR TRAVERSE MORE THAN A SINGLE CONDOMINIUM UNIT OR LOT.

CONDOMINIUM NOTE

1. THIS SUBDIVISION IS 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 CONDOMINIUM UNITS IS 4 (3 RESIDENTIAL UNITS AND 1 COMMERCIAL UNIT).

ANTONY K. CHRISTENSEN, LS7508

EXP. 12-31-21

APRIL 1, 2020
DATE



Prepared By:

CHRISTENSEN ENGINEERING & SURVEYING
7888 SILVERTON AVENUE, SUITE "J"
SAN DIEGO, CA 92126
PHONE (858)271-9901

Project Address:

3425-27 FIFTH AVENUE
SAN DIEGO, CA 92103

Project Name:

5TH AVENUE MIXED USE

Sheet Title:

TENTATIVE MAP WAIVER

Revision 5:

Revision 4:

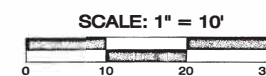
Revision 3:

Revision 2:

Revision 1: 04-01-20 ADDRESS CITY COMMENTS

Original Date: JANUARY 12, 2020

Sheet 1 of 2 Sheets



TENTATIVE MAP WAIVER NO. 2387404 CONDOMINIUM CONVERSION

RESIDENTIAL UNIT TABULATION

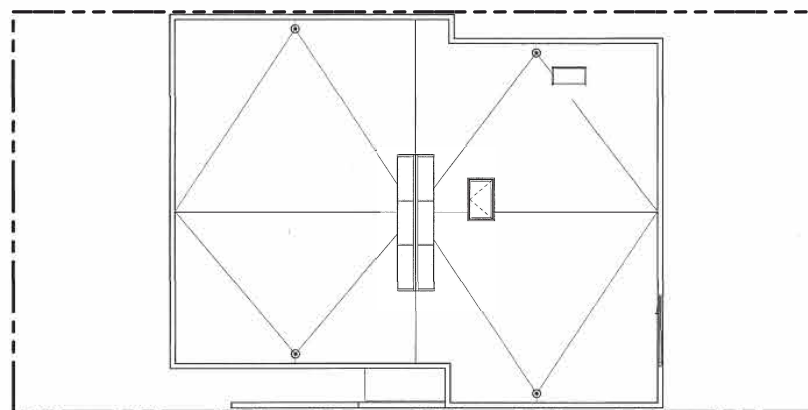
UNIT	LIVING AREA	PARKING AREA	DECK AREA	BEDROOMS	PARKING SPACES PROVIDED	PARKING SPACES REQUIRED
1	1,472 SF	177 SF	140 SF	1	2	1.25
2	1,744 SF	177 SF	321 SF	2	2	1.75
3	2,579 SF	177 SF	781 SF	2	2	1.75
TOTAL	1,018 SF				6 SPACES PROVIDED	4.75 SPACES REQUIRED

TOTAL OFF-STREET PARKING SPACES:
SPACES REQUIRED PER TABLE 142-050 (1.25/1 BDRM UNIT X 1 UNIT) = 1.25 SPACES
(1.75/2BDRM UNIT X 2 UNITS) = 3.5 SPACES

SPACES REQUIRED = 5 SPACES
SPACES PROVIDED = 7 GARAGE SPACES ONSITE
3 - 2 CAR LIFTS (10' X 19' EA)
1 GUEST PARKING SPACE (9' X 19')

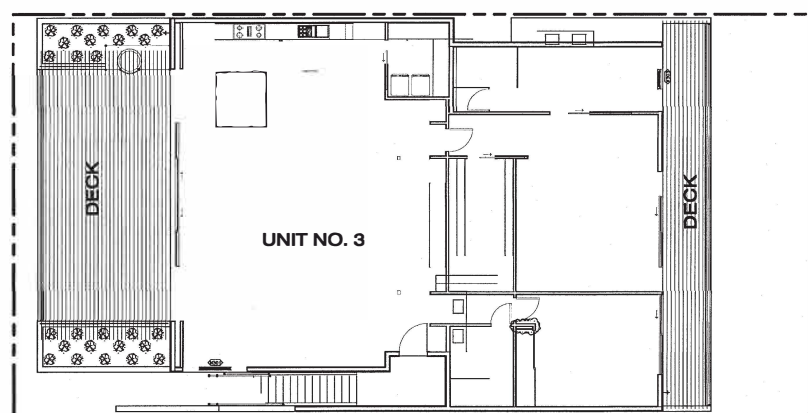
COMMERCIAL IS EXEMPT FROM PARKING REQUIREMENTS FOR SMALL LOTS (5,000 SQ FT)
PER 142.0540, TABLE 142-05H

FIFTH AVENUE



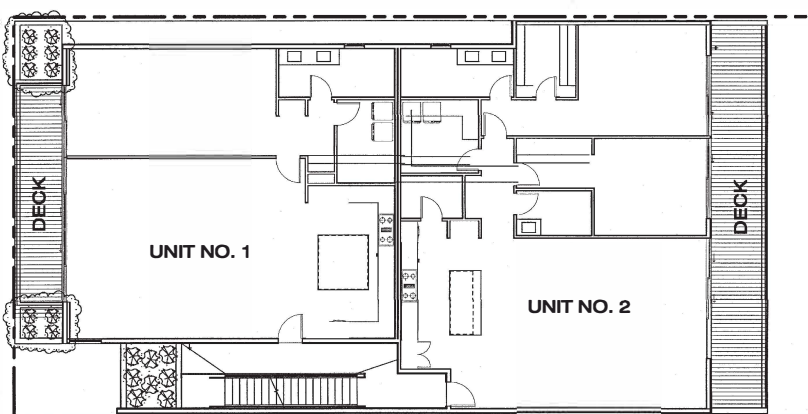
ROOF LEVEL

FIFTH AVENUE



THIRD LEVEL

FIFTH AVENUE



SECOND LEVEL

TENTATIVE MAP WAIVER SUMMARY

THIS PROJECT PROPOSES THE CONDOMINIUM CONVERSION OF A MIXED USE PROPERTY COMPRISED OF 3 RESIDENTIAL UNITS AND 1 COMMERCIAL UNIT

THE PROJECT REQUESTS TENTATIVE MAP AND FINAL MAP WAIVER.

ASSESSOR PARCEL NO. & ADDRESS

ASSESSOR'S PARCEL NUMBER: 452-555-04-00

ADDRESS: 3425-27 FIFTH AVENUE
SAN DIEGO, CA 92103

OWNER:

EME CAPITAL LLC
2565 CAMINO DEL RIO S,
SAN DIEGO CA 92108-3712

ZONING:

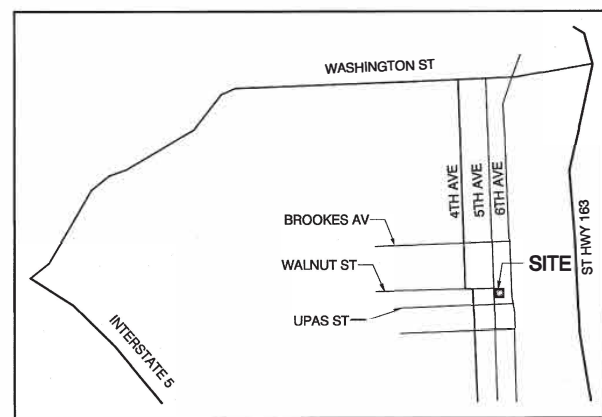
CC-3-9
UPTOWN COMMUNITY PLAN
OVERLAY ZONES:
COMMUNITY PLAN IMPLEMENTATION OVERLAY ZONE-A
SAN DIEGO INTERNATIONAL AIRPORT INFLUENCE AREA
FEDERAL AVIATION ADMINISTRATION PART 77 NOTICING AREA
RESIDENTIAL TANDEM PARKING
TRANSIT AREA

SETBACK:
FRONT YARD: NONE
INTERIOR SIDE YARD: NONE
REAR YARD: 6' ABUTTING RESIDENTIAL;
9' THIRD STORY;
15' FOURTH STORY AND ABOVE

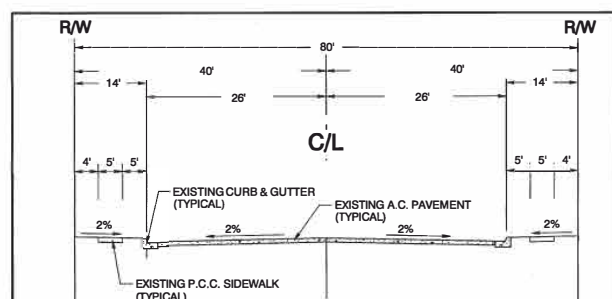
AREA:

SITE AREA: 0.115 ACRES (4,995 SQUARE FEET)

GROSS FLOOR AREA
6,006 SQUARE FEET LIVING
1,761 SQUARE FEET GARAGE
1,327 SQUARE FEET DECK



VICINITY MAP
NOT TO SCALE



TYPICAL STREET SECTION: FIFTH AVENUE
NOT TO SCALE

Prepared By:

CHRISTENSEN ENGINEERING & SURVEYING
7888 SILVERTON AVENUE, SUITE 'J'
SAN DIEGO, CA 92126
PHONE (858)271-9901

Project Address:

3425-27 FIFTH AVENUE
SAN DIEGO, CA 92103

Project Name:

5TH AVENUE MIXED USE

Sheet Title:

TENTATIVE MAP WAIVER

Revision 5:

Revision 4:

Revision 3:

Revision 2:

Revision 1: 04-01-20 ADDRESS CITY COMMENTS

Original Date: JANUARY 12, 2020

Sheet 2 of 2 Sheets

CE & S CHRISTENSEN ENGINEERING & SURVEYING
CIVIL ENGINEERS LAND SURVEYORS PLANNERS
7888 SILVERTON AVENUE, SUITE 'J', SAN DIEGO, CALIFORNIA 92126
TELEPHONE: (858)271-9901 EMAIL: ceands@aol.com

ANTONY K. CHRISTENSEN, LS7508

EXP. 12-31-21

APRIL 1, 2020
DATE



SCALE: 1" = 10'



NOTICE OF EXEMPTION

ATTACHMENT 6

(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: 3425 5th Ave Map Waiver/656534

SCH No.: N.A.

Project Location-Specific: 3423-3427 5th Ave, San Diego, CA 92103. Uptown Community Plan Area. Council District 3.

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

Description of nature and purpose of the Project: Map Waiver (Process 3) for the conversion of three existing residential units, two 2-bedroom units and one 1-bedroom unit, and one 1,016 sq. ft. commercial unit into condominiums, and to waive the requirement to underground existing utilities at 3423-3427 5th Ave. The 0.115-acre site is in the CC-3-9 zone, Community Plan Implementation Overlay Zone-A, and San Diego International Airport Influence Area.

Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: Christensen Engineering/Joy Christensen (Agent and Point of Contact), 7888 Silverton Ave Ste. J, San Diego, CA, 92126, 858-271-9901

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: Existing Facilities, Sec. 15301(k)
- Statutory Exemptions:

Reasons why project is exempt: The City of San Diego determined that the project would qualify to be categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301, Existing Facilities. The conversion of three existing residential units to condominiums is consistent with section (k): division of existing multiple-family residences into common-interest ownership, where no physical changes occur which are not otherwise exempt. In addition, the exceptions listed in Section 15300.2 would not apply.

Lead Agency Contact Person: Jamie Kennedy

Telephone: 619-446-5445

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

ATTACHMENT 6

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


Senior Planner
Jamie Kennedy/Senior Planner

June 23, 2020
Date

Check One:

Signed By Lead Agency

Signed by Applicant

Date Received for Filing with County Clerk or OPR:



UPTOWN PLANNERS

Uptown Community Planning Group Meeting

April 7, 2020

In Attendance: Clint Daniels, Bob Daniel, Stephen Cline, Soheil Nakshab, Bill Smith, Gail Freidt, Zach Bunshaft, Stu McGraw, Brer Marsh, Tom Mullaney, Roy Dahl, Michael Brennan, Dennis Seisun, Matt Medeiros.

Absent: Aimee Hayes, Tim Gahagan, Bill Ellig.

I. Call to order: Meeting called to order by Soheil at 6:04pm

1. Introductions
2. Adoption of Agenda and Rules of Order

Tom moved to place action items 1 & 3 on the consent agenda, Michael 2nd, passed unanimously 14-0-0.

3. Approval of February Minutes – February draft minutes were posted online but were not sent out. Will be placed on next agenda.
4. Treasurer's Report: No activity since last report.

V. Consent Agenda

Action items 1 & 3 passed by unanimous consent.

VI. Action Items

1. Project Review 414646 – 1217 Lincoln Ave – Tentative Map Waiver: Committee will review project located in University Heights. (Process 3) Tentative Map Waiver for the conversion of two residential dwellings into residential condominiums; and to waive the requirements to underground existing utilities, located at 12151217 Lincoln Avenue, within the Uptown Community Plan Area.

Passed on the consent agenda.

2. Project Review 542261 – Mott Residence: UPTOWN (Process 2) Neighborhood Development Permit for the demolition of existing retaining walls and construct a 806-square-foot addition to an existing single family dwelling within a site that contains Environmentally Sensitive Lands in the form of sensitive vegetation. The 0.17-acre site is located at 1804 Mission Cliff Drive in the RS-1-1 and RS-1-7 zone(s) within the Uptown Community Plan Area within Council District 3. Contact: Cole Stafford: cole@omega-consultants.com

There is an error on the agenda – It has been revised to a 284 square feet addition, was two stories, now just one. Plan is to remove the old walls and put it back to original spot.

- a. Tom asked for the height of the retaining wall - Max height 10 feet.
- b. Dennis asked about drainage - all will be pumped to the curb. No drainage down the slope. Sign off is not required by neighbors.
- c. Michael remembers previous applicant was trying to do something similar, but it was problematic and the new plan seems to address those concerns.

Bob moved to approve as is, Matt 2nd, passed unanimously 14-0-0.

3. Project Review 656534 – 3425 5th Avenue Map Waiver: UPTOWN (Process 3) Map Waiver for the conversion of three existing residential units, two 2-bedroom units and one 1-bedroom unit, and one 1,016 sq ft commercial unit into condominiums, and to waive the requirement to underground existing utilities at 3423-3427 5th Ave. The 0.115 acre site is in the CC-3-9 zone, Community Plan Implementation Zone-A and within the Uptown Community Plan area. Council District 3. Contact: Joy Christensen: ceands@aol.com;

Note: In 2015, this project came before this group and was moved to the consent agenda, and passed with a 14-0 vote, with 1 abstention. The owner let the previous MW project, PTS #421799, expire, and it has again been submitted for approval.

Passed on the consent agenda.

4. Project Review 6- Arbor Terrance, 4th Ave and Arbor St: The planning group is seeking approval of their plan for a pedestrian walkway on Arbor Drive, just to the west of 4th Avenue. Arbor Terrace is a 50 unit apartment building currently under construction in the area. Contact: Curtis Brooks: cbrooks@murfeycompany.com, Russ Murfey: russ@murfeycompany.com, Scott Murfey: scott@murfeycompany.com

Although the applicant is not present, the walkway is just temporary walkway and construction is ongoing.

Tom moved to approve, Dennis 2nd, unanimously approved 14-0-0.

5. Project Review 645644 – Fifth and Thorn Project: UPTOWN (Process 4)- EXPEDITE: VTM, SDP, & NDP for demolition of 1 multi-family residential building, 1 commercial building and parking lot. Replication of 1 multi-family building. Development of 20 story mixed use building, 214 units with commercial retail and under ground parking, site located at 3333, 3365 5th Ave, 3300,3330,3340 6th Ave, and 514 Thorn St. The 1.17-acre site is in the RM-4-10 & CC-3-9 base zone in Uptown Community Plan CD 3. Contact: Marcela Escobar: mescobareck@atlantissd.com, Sofia Del Mar English: SDeIMarEnglish@jwdainc.com

Also present: Steve Bossi - Atlantic Group and Floit Properties - Joseph Wong & Associates & Rachel Laing - Consultant

Public Comment:

- a. Lu Rehling - Asked the implications for shade on other properties and the affordable housing on a separate site and how that compares to those being lost due to conversion. Also asked why affordable housing will not be on-site?

It is within the allowable height. Tried to identify as much articulation as possible. Affordable housing is allowed to be created within the plan area or within a mile of the property.

- b. Mary Brown - believes it will be a beautiful project. Appreciates the historical aspects. She asked if the affordable units have been located and if so, when they will be built.

Board Comment:

- a. Bill - Approves of this project and believes it is the right place for this sort of density.
- b. Tom - Asked about sidewalk space and the height limit. No height limit besides the FAA limit which has not been a problem. It is a 14ft sidewalk.
- c. Clint - How many affordable units are currently there on site today and what is the net gain? No current restricted units right now, net gain of 20. Clint would appreciate less on-site parking.
- d. Brer - Likes the design. Would appreciate less parking.
- e. Dennis - Doesn't like the "segregation" of lower income/affordable housing off site, believes the height is too tall and "dwarfs" other buildings, doesn't believe it alleviates our housing crisis enough.
- f. Gail - Wants more projects like this in Hillcrest.
- g. Michael- Appreciates the mixes of use.
- h. Roy - Wants to keep on-site parking.

Clint moved to approve as is, Matt 2nd.

Discussion:

Tom offered the amendment for a preliminary approval, there was no second.

Motion approved 13-1-0, Dennis Opposed.

Matt moved to adjourn the meeting, Zach 2nd, meeting adjourned by acclamation at 7:38pm.

	City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	<h1>Ownership Disclosure Statement</h1>	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: 3425 5th Avenue Map Waiver-Condominium Conversion **Project No. For City Use Only:** 056534


Project Address: 3425 5th Avenue, San Diego, CA 92103

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


Corporation Limited Liability -or- General - What State? CA Corporate Identification No. _____
 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: EME Capital, LLC Owner Tenant/Lessee Successor Agency
 Street Address: 3425 5th AVE
 City: SAN DIEGO State: CA Zip: 92103
 Phone No.: 858-456-1940 Fax No.: _____ Email: abby@emeimports.com
 Signature:  Date: 1-6-20
 Additional pages Attached: Yes No

Applicant

Name of Individual: ABBY MORINE Owner Tenant/Lessee Successor Agency
 Street Address: 3425 5th AVE
 City: SAN DIEGO State: CA Zip: 92103
 Phone No.: 619-701-3201 Fax No.: _____ Email: abby@emeimports.com
 Signature:  Date: 1-6-20
 Additional pages Attached: Yes No

Other Financially Interested Persons

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