



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: June 24, 2015

REPORT NO. HO 15-081

ATTENTION: Hearing Officer

SUBJECT: FIRST AVE MAP WAIVER
PROJECT NUMBER: 386872

LOCATION: 4132-4138 First Avenue

APPLICANT: Joy Christenson

SUMMARY

Issues: Should the Hearing Officer approve a Tentative Map Waiver to convert four existing residential units into condominiums located at 4132-4138 First Avenue within the Uptown Community Plan Area?

Staff Recommendation:

APPROVE Tentative Map Waiver No. 1436594.

Community Planning Group Recommendation: At the June 2, 2015, meeting of the Uptown Community Planning Council, the project was approved by a vote of 9-3 with no recommendations (Attachment 6).

Environmental Review: The project was determined to be exempt (Attachment 5) pursuant to California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) under CEQA Guideline Section 15303(e), new construction or conversion of small structures. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on May 14, 2015 and the opportunity to appeal that determination ended May 29, 2015.

BACKGROUND

The 0.11-acre site is located at 4132-4138 First Avenue (Attachment 1) in the Multi-family Residential MR-800B Zone of the Mid-City Communities Planned District, the Residential Tandem Parking Overlay Zone and the Transit Area Overlay Zone within the Uptown Community Plan Area (Attachment 2). The site consists of two, 3-story duplexes with garages constructed under Building Permit Nos. 1013827 and 1011772, issued on January 8, 2014. The duplexes just recently finished construction and are currently vacant and have never been occupied.

The Uptown Community Plan designates the site as residential with a density of 44-73 dwelling units per acre. The project proposes to convert four residential units to condominium ownership on a 0.11-acre site, or approximately 35 dwelling units per acre, which is less than the community plan land use density for the site.

DISCUSSION

Project Description:

The project requires a Tentative Map Waiver per San Diego Municipal Code (SDMC) Section 125.0120 to convert the four existing residential units into condominiums. The project as proposed requires a Process Three, Hearing Officer decision with appeal rights to the Planning Commission. According to SDMC Section 125.0123, Findings for Map Waiver, the decision maker may approve a Tentative Map if the decisions 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 it complies with both the Subdivision Map Act and the San Diego Municipal Code.

The project also has requested a waiver of the requirement to underground existing overhead utility facilities. The waiver 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 project has been conditioned to ensure that all existing onsite utilities as well as any new utility services serving the site shall be undergrounded with the appropriate permits.

The project requires 8 parking spaces and 8 parking spaces are provided. The proposed subdivision is consistent with the development regulations of the underlying zones and complies with setbacks, floor area ratio, and landscaping and no deviations are requested with this action.

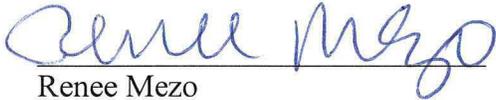
Conclusion:

Staff has reviewed the request for a Tentative Map Waiver and has found the project to be in conformance with the applicable sections of the San Diego Municipal Code and believes the required findings can be approved. Therefore, staff recommends the Hearing Officer approve Tentative Map Waiver No. 1436594 (Attachments 3).

ALTERNATIVES

1. **Approve** Tentative Map Waiver No. 1436594 **with modifications.**
2. **Deny** Tentative Map Waiver No. 1436594 **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Renee Mezo
Project Manager
Development Services Department

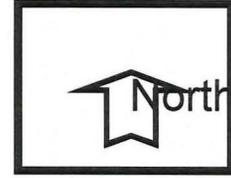
Attachments:

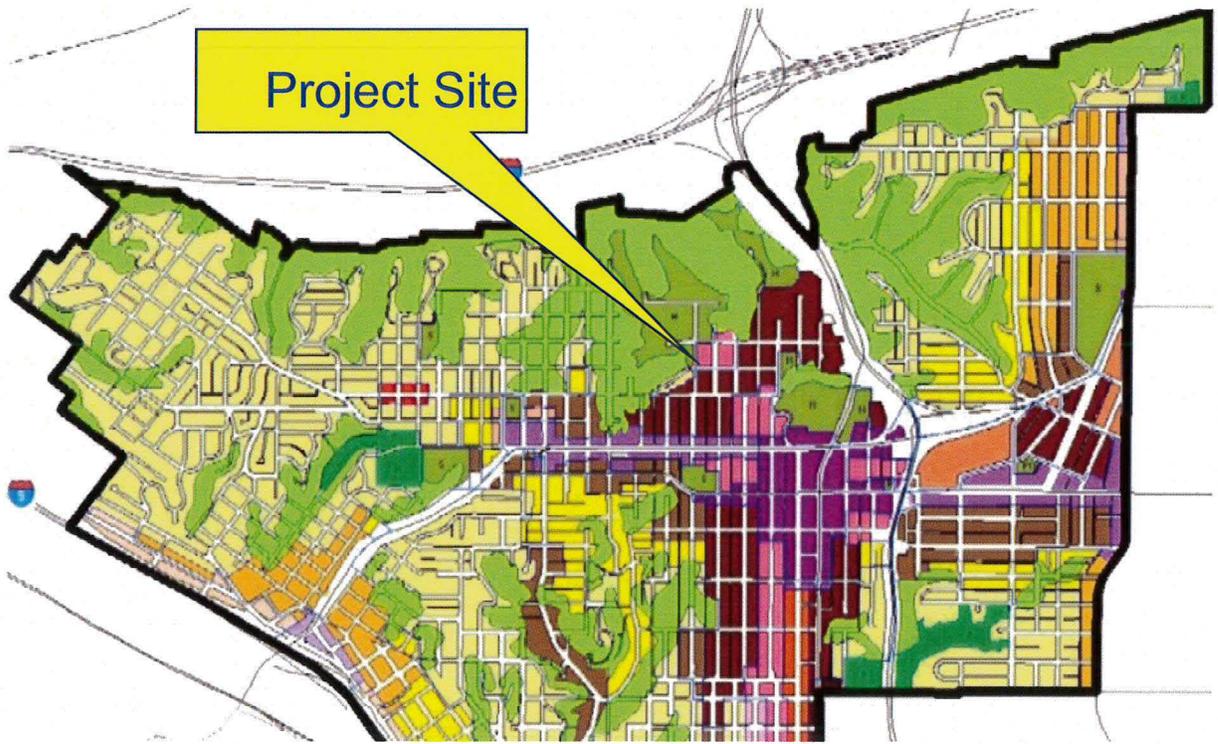
1. Aerial Photograph
2. Community Plan Land Use Map
3. Draft Tentative Map Findings and Conditions
4. Map Exhibit
5. CEQA Exemption
6. Community Planning Group Recommendation
7. Ownership Disclosure Statement
8. Photos



Location Aerial Photo

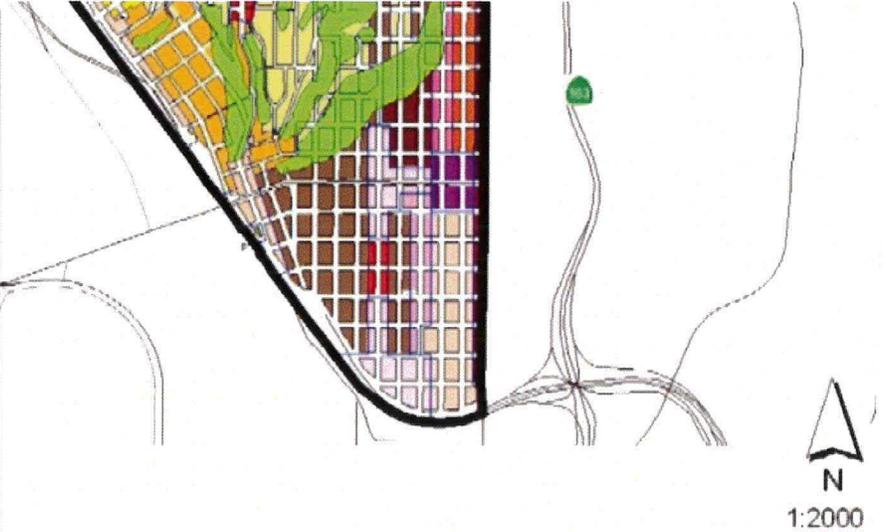
First Avenue Map Waiver – 4132-4138 1st Avenue
PROJECT NO. 386872





LEGEND

[Light Yellow]	5-10 du/ac
[Yellow]	10-15 du/ac
[Orange]	15-29 du/ac
[Dark Orange]	29-44 du/ac*
[Red-Orange]	44-73 du/ac*
[Red]	73-110 du/ac
[Purple]	Mixed Use / Residential (4)
[Dark Purple]	Mixed Use / Residential (5)
[Dark Blue-Purple]	Mixed Use / Residential (6)
[Light Purple]	Comm / Residential (3)
[Light Blue-Purple]	Comm / Residential (4)
[Medium Blue-Purple]	Comm / Residential (5)
[Dark Blue-Purple]	Comm / Residential (6)
[Light Blue]	Office / Residential (3)
[Medium Blue]	Office / Residential (4)
[Dark Blue]	Office / Residential (5)
[Red-Orange]	Neighborhood Comm (resid 3)
[Green]	Hospital
[Light Green]	School
[Light Green]	Library
[Light Green]	Post Office
[Light Green]	Fire Station
[Light Green]	Park
[Light Green]	Open Space



Land Use Map

FIRST AVENUE HOME- 4132-4138 FIRST AVENUE
PROJECT NO. 386872



**RESOLUTION NO. XXXX
DATE OF FINAL PASSAGE JUNE 24, 2015**

**A RESOLUTION OF THE HEARING OFFICER
ADOPTING THE FINDINGS AND APPROVING
TENTATIVE MAP WAIVER NO. 1436594**

**FIRST AVENUE MAP WAIVER
PROJECT NO. 386872**

DRAFT

WHEREAS, NXM LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, Subdivider, and JOY CHRISTENSON, Engineer, submitted an application with the City of San Diego for Map Waiver No. 1436594, to waive the requirements for a Tentative Map and a waiver of the requirement to underground existing overhead utility facilities. The project site is located at 4132-4138 First Avenue in the MR-800B Zone of the Mid-City Communities Planned District, the Residential Tandem Parking Overlay Zone and the Transit Area Overlay Zone within the Uptown Community Plan; and

WHEREAS, the property is legally described as Lots 21-22, Block 16 of Fifth Street Addition, Map. No. 577; and

WHEREAS, the Map proposes the subdivision of a 0.11-acre site to convert four residential condominiums; and

WHEREAS, on May 14, 2015, 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 15303(e), new

construction or conversion of small structures and there was no appeal of the environmental determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

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, on June 24, 2015, the Hearing Officer of the City of San Diego considered Tentative Map Waiver No. 1436594, and pursuant to sections 125.0122 (Map Waiver) and 144.0242 (Waiver of the Requirements to Underground Privately Owned Utility Systems and Service Facilities), 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, required by SDMC Sections 125.0123 and 125.0440 with respect to Tentative Map Waiver No. 1436594:

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

The Uptown Community Plan designates the site as residential with a density of 44-73 dwelling units per acres. The project proposes to convert four residential units for condominium ownership on a 0.11-acre site, or approximately 35 dwelling units per acre, which is less than the community plan land use density

for the site. Therefore, the proposed subdivision and its design are consistent with the policies, goals, and objectives of the applicable land use plan.

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

The proposed subdivision is consistent with the development regulations of the underlying zones and complies with setbacks, floor area ratio, landscaping and parking and no deviations are requested with this action. Therefore, the site complies with the applicable zoning and development regulations of the land Development Code. The site consists of two, 3-story duplexes with garages constructed under Building Permit Nos. 1013827 and 1011772, issued on January 8, 2014. The duplexes just recently finished construction and are currently vacant and have never been occupied.

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

The project requires a Tentative Map Waiver to covert four existing residential units into condominiums. The site is relatively flat and the structures have already been built in compliance with all geologic and engineering requirements. The proposed subdivision would be consistent with the recommended and residential land use and density range of Uptown Community Plan and would comply with the underlying zoning regulations. Therefore, the bulk, scale and siting of the proposed development would be compatible with the existing and future surrounding land uses and the site is physically suitable for the type and density of development. The site consists of two, 3-story duplexes with garages constructed under Building Permit Nos. 1013827 and 1011772, issued on January 8, 2014. The duplexes just recently finished construction and are currently vacant and have never been occupied.

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 requires a Tentative Map Waiver to covert four residential units into condominiums. The 0.11-acre site is located at 4132-4138 First Avenue in the Multi-family Residential MR-800B Zone of the Mid-City Communities Planned District, the Residential Tandem Parking Overlay Zone and the Transit Area Overlay Zone within the Uptown Community Plan Area. The site is within an existing developed urban in-fill area and does not contain nor is adjacent to any fish or wildlife habitats, environmentally sensitive lands or with the Multiple Habitat Planning Area. Therefore, the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

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

The project has been reviewed and is in compliance with the Municipal Code and the Subdivision Map Act. The Tentative Map Waiver includes conditions and corresponding exhibits of approvals relevant to adequate parking, public improvements, and paying applicable taxes in order to achieve compliance with the regulations of the San Diego Municipal Code. The site consists of two, 3-story duplexes with garages constructed under Building Permit Nos. 1013827 and 1011772, issued on January 8, 2014. The duplexes just recently finished construction and are currently vacant and have never been occupied.

All Uniform Building, Fire, Plumbing, Electrical and Mechanical Code regulations and permitting requirements governing the continued operation of the development to this project. Therefore, the design of the subdivision or the type of improvements will not be detrimental to the public, health, safety and welfare.

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

Other than the subdivision to allow condominium ownership, no other changes are requested, and the project does not include additional development of the property. There are no existing easements acquired by the public at large for access through or use of property within the proposed subdivision, therefore, no conflicts exist.

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

The project requires a Tentative Map Waiver to convert four existing residential units into condominiums. The proposed subdivision will not impede or inhibit any future passive or natural heating and cooling opportunities. The design of the subdivision has taken into account the best use of the land to minimize grading. The units have already been constructed and the underlying zone provided opportunity through building materials, site orientation, architectural treatments, placement and selection of plant materials to provide, to the extent feasible, for future passive or natural heating and cooling opportunities.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources.

The project requires a Tentative Map Waiver to convert four existing residential units into condominiums. Other than the subdivision to allow condominium ownership, no other changes are requested, and the project does not include additional development of the property. The site consists of two, 3-story duplexes with garages under Building Permit Nos. 1013827 and 1011772, issued on January 8, 2014. The duplexes just recently finished construction and have paid the in-lieu fee to comply with the City-wide Affordable housing Regulations. The decision maker has reviewed the administrative record including the project plans, environmental documentation and public testimony to determine the effects of the proposed subdivision on the housing needs of the region. Those needs were balanced against the needs for public services and the available fiscal and environmental resources and found that the proposed subdivision will not adversely impact the housing needs of the Uptown Community Plan area.

9. The notices required by San Diego Municipal Code section 125.0431 have been given in the manner required.

The site consists of two, 3-story duplexes with garages under Building Permit Nos. 1013827 and 1011772, issued on January 8, 2014. The duplexes just recently finished construction and are currently vacant, therefore the notices are not required.

10. The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing.

The project requires a Tentative Map Waiver to convert four existing residential units into condominiums and was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing.

11. For any project that was developed to provide housing for the elderly, disabled or to provide low income housing, provisions have been made to perpetuate the use for which the project was developed.

The site consists of two, 3-story duplexes with garages under Building Permit Nos. 1013827 and 1011772, issued on January 8, 2014. The duplexes just recently finished construction and are currently vacant and were not developed to provide housing for the elderly, disabled or to provide low income housing.

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. 1436594 is hereby granted to NXM LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, subject to the attached conditions which are made a part of this resolution by this reference.

By _____
Renee Mezo
Development Project Manager
Development Services Department

ATTACHMENT: Map Waiver Conditions

HEARING OFFICER
CONDITIONS FOR MAP WAIVER NO. 1436594
FIRST AVENUE MAP WAIVER- PROJECT NO. 386872
ADOPTED BY RESOLUTION NO. XXXX ON JUNE 24, 2015

DRAFT

GENERAL

1. This Map Waiver will expire on July 9, 2018.
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 Parcel Map unless otherwise noted.
3. Prior to the Map Waiver expiration date, a Parcel Map to consolidate the existing lots into one lot shall be recorded in the Office of the San Diego County Recorder.
4. A Certificate of Compliance shall be recorded in the Office of the San Diego County Recorder, prior to the Map Waiver expiration date.
5. Prior to the recordation of the Parcel Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
6. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify 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.

ENGINEERING

7. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.

8. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
9. 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.

MAPPING

10. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
11. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
12. Every Parcel 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

13. The Subdivider shall grant adequate water easements, including vehicular access to each appurtenance (meters, valves, etc.) for all public water facilities that are not located within fully improved public right-of-ways. Easements, as shown on the approved tentative map, will require modification based on standards and final engineering.
14. The Subdivider shall process encroachment maintenance and removal agreements, for all acceptable encroachments into the water easement, including but not limited to structures, enhanced paving, or landscaping. No structures or landscaping of any kind shall be installed in or over any vehicular access roadway.
15. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and within five feet of any water facilities.
16. Prior to the recording of the Parcel Map, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Public Utilities Director and the City Engineer.

LANDSCAPE

17. Prior to the recordation of the parcel map, the Owner/Subdivider shall submit documentation of required, existing landscape to remain consistent with Exhibit "A" Landscape Plan and previous Building Permits issued under PTS 288336.
18. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.
19. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.
20. If any required landscape (including existing plantings, hardscape, landscape features, etc.) indicated on the approved exhibits is damaged or removed during the life of the project, the Owner/Permittee shall repair and/or replace in kind to the satisfaction of the Development Services Department consistent with section 142.0403(b)(8) of the Land Development Code.

INFORMATION:

- The approval of this 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 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 Map Waiver, may protest the imposition within 90 days of the approval of this 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. 24005073

TITLE NOTES

NOTE:
NO EASEMENTS EXIST ENCUMBERING THE PROPERTY BUT OTHER ITEMS THAT CANNOT BE PLOTTED EXIST, SEE TITLE REPORT.

UTILITY TABLE	
TELE (AT&T): OVERHEAD	
CATV (TIME WARNER): OVERHEAD	
ELEC (SDG&E): OVERHEAD	

LEGEND

PROPERTY LINE/TMW BOUNDARY	---
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	—O—O—
FIRE HYDRANT	⊕
MANHOLE	○

LANDSCAPE NOTE

ALL REQUIRED LANDSCAPING, AS SHOWN ON THESE PLANS, INSTALLED PER PREVIOUS BUILDING PERMIT UNDER PTS288336. ALL PREVIOUSLY REQUIRED LANDSCAPING SHALL BE RETAINED AND PROTECTED IN PLACE AS A CONDITION OF THE TENTATIVE MAP WAIVER CONVERSION.

MAPPING AND MONUMENTATION NOTE

ALL PROPERTY CORNERS SHALL BE SET AND A ONE LOT CONSOLIDATION PARCEL MAP WILL BE FILED UPON APPROVAL OF THE TENTATIVE MAP WAIVER. A DETAILED PROCEDURE OF SURVEY WILL BE SHOWN ON THE PARCEL MAP.

**TENTATIVE MAP WAIVER NO. 1436594
CONDOMINIUM CONVERSION**

LEGAL DESCRIPTION

LOTS 21 AND 22 IN BLOCK 16 OF FIFTH STREET ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 577, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY.

BASIS OF BEARINGS

THE SOUTHERLY LINE OF LEWIS STREET AS SHOWN ON PARCEL MAP NO. 19702. I.E. NORTH 89°54'10" WEST

BENCHMARK

CITY OF SAN DIEGO BRASS PLUG LOCATED AT THE NORTHEAST CORNER OF MONTECITO WAY AND FIRST AVENUE. ELEVATION 297.189' MEAN SEA LEVEL (N.G.V.D. 1929).

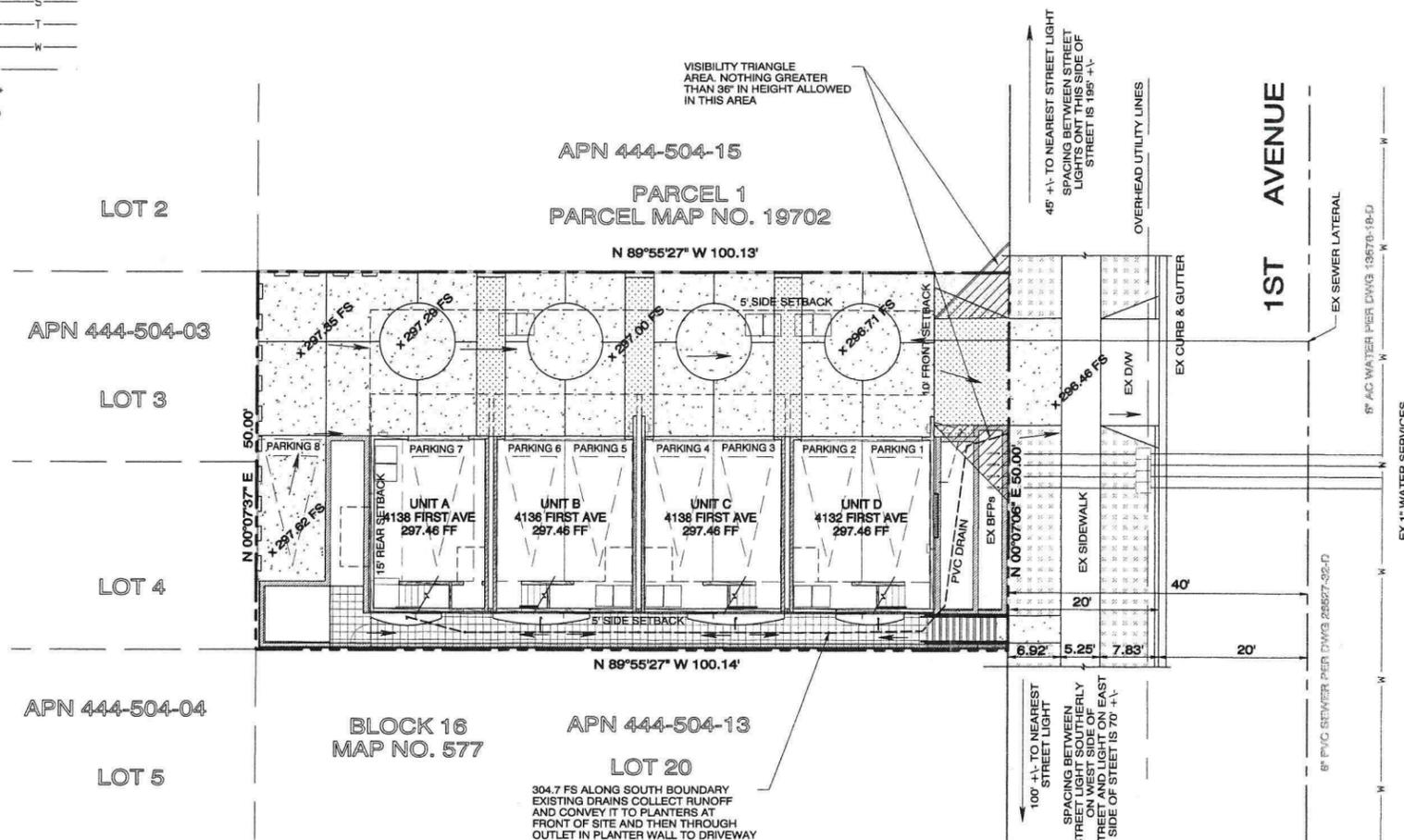
NOTES

1. THE SOURCE OF THE TOPOGRAPHIC INFORMATION SHOWN HEREON IS SURVEY BY BERT HAZE AND ASSOCIATES, INC., DATED JUNE 21, 2012. THIS SURVEY USED USGS BENCH MARK "BM 298" AS SHOWN ON LA JOLLA 7.5 MINUTE QUADRANGLE MAP. THE BENCHMARK SHOWN ABOVE WAS USED TO CONVERT THE ELEVATIONS TO THOSE SHOWN HEREON.
2. THE USE OF PROPOSED LOT IS FOR 4 RESIDENTIAL 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 TWO. 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 = 215-1720. NAD83 COORDINATES = 1855-6280.
7. THIS SUBDIVISION IS A CONDOMINIUM PROJECT AS DEFINED IN SECTION 4125 et. seq. OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT. THE TOTAL NUMBER OF CONDOMINIUM DWELLING UNITS IS FOUR.
9. THE TOTAL AREA OF THE PROJECT IS 0.115 ACRES.
10. THE SOURCE OF TITLE INFORMATION IS PRELIMINARY TITLE REPORT PREPARED BY FIRST AMERICAN TITLE COMPANY, ORDER NO. NHSC-4711317 (06), DATED AUGUST 18, 2014.
11. A MAP WAIVER IS REQUESTED FOR BOTH THE TENTATIVE AND FINAL MAPS.
12. A WAIVER OF UNDERGROUNDING OF OVERHEAD UTILITIES IS REQUESTED.
13. PROJECT HAS NEVER BEEN OCCUPIED AND RECEIVED FINAL BUILDING INSPECTION APPROVAL IN FEBRUARY 2015.

Anthony K. Christensen
ANTHONY K. CHRISTENSEN, LS7508

EXP. 12-31-15

APRIL 16, 2015
DATE



OWNER'S CERTIFICATE

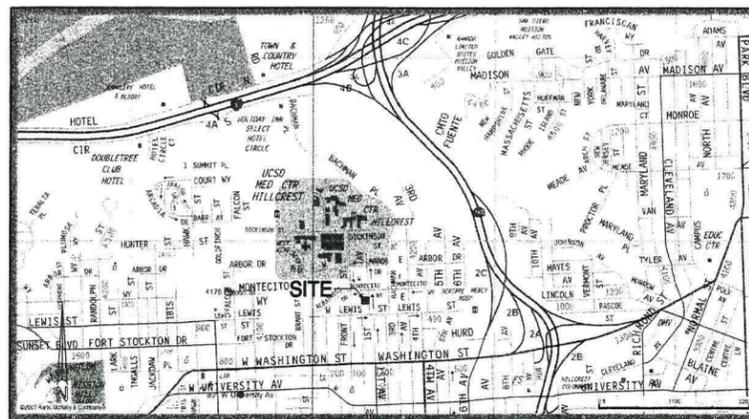
I HEREBY CERTIFY THAT I AM THE RECORD OWNER OF THE PROPERTY SHOWN ON THE MAP WAIVER AND THAT SAID MAP SHOWS ALL OF MY CONTIGUOUS OWNERSHIP IN WHICH I HAVE ANY DEED OR TRUST INTEREST. I UNDERSTAND THAT OUR PROPERTY IS CONSIDERED CONTIGUOUS EVEN IF IT IS SEPARATED BY ROADS, STREETS, UTILITY EASEMENTS,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

ANDREW TENG, MEMBER
NOM, LLC
9426 LAURENTIAN DR
SAN DIEGO, CA 92129

DATE



SCALE: 1" = 10'



VICINITY MAP
NOT TO SCALE

Prepared By:
CHRISTENSEN ENGINEERING & SURVEYING
7888 SILVERTON AVENUE, SUITE "J"
SAN DIEGO, CA 92128
PHONE (858)271-9901 FAX (858)271-8912

Project Address:
4132-38 1ST AVENUE
SAN DIEGO, CA 92103

Project Name:
1ST AVENUE HOMES

Sheet Title:

Revision 5:
Revision 4:
Revision 3:
Revision 2: 04-16-15 ADDRESS CITY COMMENTS
Revision 1: 02-04-15 ADDRESS CITY COMMENTS

Original Date: AUGUST 18, 2014

Sheet 1 of 2 Sheets

TENTATIVE MAP WAIVER

CE & S CHRISTENSEN ENGINEERING & SURVEYING
CIVIL ENGINEERS LAND SURVEYORS PLANNERS
7888 SILVERTON AVENUE, SUITE "J", SAN DIEGO, CALIFORNIA 92128
TELEPHONE: (858)271-9901 FAX: (858)271-8912

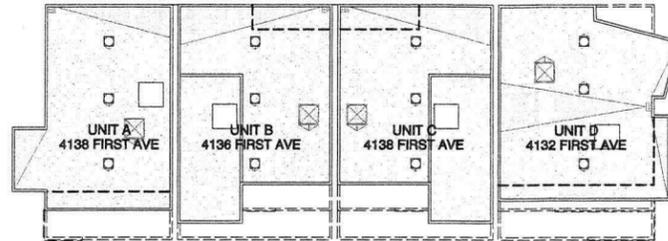
RESIDENTIAL UNIT TABULATION

UNIT	LIVING AREA	PARKING AREA	DECK AREA	BEDROOMS	PARKING SPACES
A	1,275 SF	376 SF	94 SF	2	2
B	1,403 SF	464 SF	112 SF	3	2
C	1,403 SF	464 SF	112 SF	3	2
D	1,526 SF	464 SF	174 SF	3	2

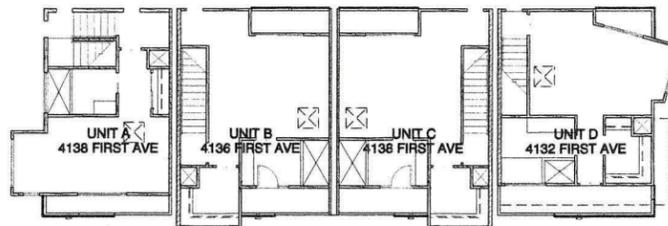
TOTAL OFF-STREET PARKING SPACES:
 SPACES REQUIRED PER TABLE 142-05C (1.75/2 BDRM UNIT X 1 UNIT) = 1.75 SPACES
 (2/3BDRM UNIT X 3 UNITS) = 6 SPACES

SPACES REQUIRED = 7.75 SPACES
 SPACES PROVIDED = 7 GARAGE SPACES ONSITE AND 1 ADJACENT PARKING SPACE TO UNIT A.

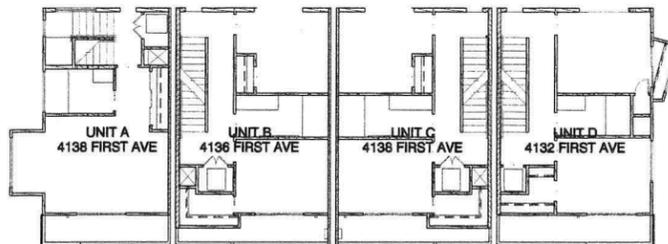
ROOF LEVEL



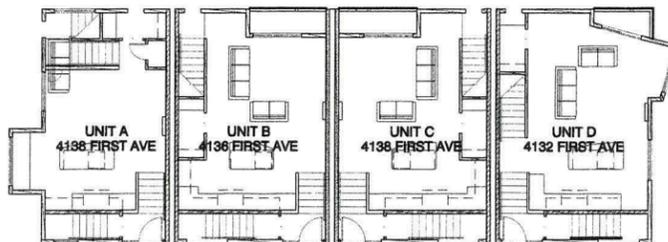
THIRD LEVEL



SECOND LEVEL



FIRST LEVEL



1ST AVENUE
1ST AVENUE

**TENTATIVE MAP WAIVER NO. 1436594
 CONDOMINIUM CONVERSION**

TENTATIVE MAP WAIVER SUMMARY

THIS PROJECT PROPOSES CONVERSION OF 4 EXISTING APARTMENT UNITS TO 4 RESIDENTIAL CONDOMINIUM UNITS.

THE PROJECT REQUESTS TENTATIVE MAP WAIVER.

ASSESSOR PARCEL NO. & ADDRESS

ASSESSOR'S PARCEL NUMBER: 444-504-14-00

ADDRESS: 4132-4138 FIRST AVENUE
 SAN DIEGO, CA 92037

OWNER:

NXM, LLC
 9426 LAURENTIAN DR
 SAN DIEGO, CA 92129

ZONING:

MCCPD-MR-800B
 MID-CITY COMMUNITIES PLANNED DISTRICT-MR-800B
 OVERLAY ZONES:
 RESIDENTIAL TANDEM PARKING
 TRANSIT AREA
 FAA PART 77 NOTICING AREA

SETBACK:
 10' FRONT YARD
 5' INTERIOR SIDE YARD
 15' REAR YARD.

AREA:

SITE AREA: 0.115 ACRES (5,006 SQUARE FEET)

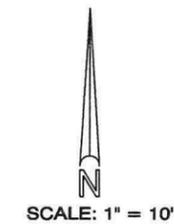
GROSS FLOOR AREA
 5,607 SQUARE FEET LIVING
 1,761 SQUARE FEET GARAGE
 492 SQUARE FEET DECK



Anthony K. Christensen
 ANTHONY K. CHRISTENSEN, LS7508

EXP. 12-31-15

APRIL 16, 2015
 DATE



Prepared By:

CHRISTENSEN ENGINEERING & SURVEYING
 7888 SILVERTON AVENUE, SUITE "J"
 SAN DIEGO, CA 92126
 PHONE (858)271-9901 FAX (858)271-8912

Project Address:

4132-38 1ST AVENUE
 SAN DIEGO, CA 92103

Project Name:

1ST AVENUE HOMES

Sheet Title:

TENTATIVE MAP WAIVER

Revision 5:

Revision 4:

Revision 3:

Revision 2: 04-16-15 ADDRESS CITY COMMENTS

Revision 1: 02-04-15 ADDRESS CITY COMMENTS

Original Date: AUGUST 19, 2014

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 FAX: (858)271-8912

NOTICE OF EXEMPTION

TO: X Recorder/County Clerk
P.O. Box 1750, MS A-33
1600 Pacific Hwy, Room 260
San Diego, CA 92101-2422

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 No.: **386872**

Project Title: **First Avenue Home-Map Waiver**

Project Location-Specific: 4132-38 1st Avenue, San Diego, California 92103

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

Description of nature and purpose of the Project: The project proposes a Map Waiver (MW) to allow for the conversion of four residential units into condominium units, and a request to waive the requirement to underground overhead utilities, on a 0.115-acre site.

Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: Jennifer Lowe (Applicant),
1852 Stoner Avenue,
Los Angeles, California 90025,
(858) 736-6679

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: CEQA Exemption 15301 (k)-(Existing Facilities)
 Statutory Exemptions:

Reasons why project is exempt: The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15301(k) which allows the division of existing multiple family or single-family residences into a common-interest ownership, where no physical changes occur which are not otherwise exempt. In addition; the exceptions listed in CEQA Section 15300.2 would not apply.

Lead Agency Contact Person: Rhonda Benally

Telephone: (619) 446-5468

If filed by applicant:

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

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

Channah McPherson AICP/Senior Planner
Signature/Title

May 14, 2015
Date

Check One:

- Signed By Lead Agency
 Signed by Applicant

Date Received for Filing with County Clerk or OPR:

Mezo, Renee

From: Michael Brennan [michaelbrennan.community@gmail.com]
Sent: Wednesday, June 10, 2015 9:11 AM
To: Mezo, Renee
Cc: Pangilinan, Marlon; James Mellos
Subject: Re: June 2 Agenda

Importance: High

Renee,

The First Ave map waiver was approved by a 9-3-1 vote at our June 2nd Uptown Planners meeting. Let me know if you need any more specifics, this was a fairly straightforward item.

-Michael

On Jun 9, 2015, at 12:46 PM, James Mellos <uptownplannerschair2015@gmail.com> wrote:

Michael,

Can you please assist Mr. Mezo with his request since you recorded the meeting? I usually take better notes but it was the first day I could use my right hand after being in a sling for 7 weeks....

Please make sure to CC me in your response.

Thank you,

J. Demetrios Mellos III

Chair
Uptown Planners

Tel: 619-696-3600 x1
e-mail: UptownPlannersChair2015@gmail.com

On Jun 8, 2015, at 3:26 PM, Mezo, Renee <RMezo@sandiego.gov> wrote:

Hi,

Can someone send me the vote and any recommendations for the First Ave Map Waiver project? We are scheduled for a June 24 hearing.

Thanks so much,

Renee Mezo
City of San Diego
Development Services
Development Project Manager
1222 First Ave. MS501

San Diego, CA 92101-4155

619-446-5001

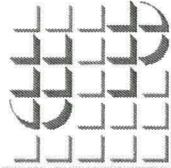
FAX 619-446-5499

rmezo@SanDiego.gov

<http://www.sandiego.gov/development-services/>

<image001.png> Now: [Pay Invoices](#) and [Deposits Online](#)

Correspondents should assume that all communication to or from this address is recorded and may be reviewed by third parties.



UPTOWN PLANNERS
Uptown Community Planning Group

AGENDA

NOTICE OF PUBLIC MEETING

June 2, 2015 - 6:00-9:00 p.m.

Joyce Beers Community Center, Uptown Shopping District

(Located on Vermont Street between the Aladdin Restaurant and Panera Bread)

All times listed are estimates only: an item may be heard earlier than the estimated time:

I. Board Meeting: Parliamentary Items/Reports: (6:00 p.m.)

- A. Introductions
- B. Adoption of Agenda and Rules of Order
- C. Approval of Minutes
- D. Treasurer's Report
- E. CPC Report, Alternate Appointment
- F. Website Report
- G. Chair's Report

II. Public Communication: Non-Agenda Public Comment (3 minutes); Speakers are encouraged, but not required, to fill out a public comment form, and provide them to the Secretary at the beginning of the meeting.

III. Representatives of Elected Officials: (3 minutes each)

IV. Consent Agenda:

V. Information Item: (6:45 p.m.)

1. A

VI. Potential Action Items: (7:30 p.m.)

1. **3844 ALBATROSS STREET – Process Five – Hillcrest** – Public-Right-of- Way vacation and Site Development Permit to construct a 3,117 sq. ft., two story single family residence on a proposed 0.28 vacant lot at 3844 Albatross Street; the lot partially consists of land designed as potential open space;
2. **301-319 UPAS & THIRD AVENUE MAP WAIVER (“BALBOA PARK II MAP WAIVER”)** – Process Four - Bankers Hill/Park West – Map Waiver to create 10 residential condominiums totaling 15,651 sq. ft. with 10 associated garages, currently under construction. The development of six single dwelling units and two duplexes was ministerially approved under PTS number 251600. The 0.34 acre site, which is currently a parking lot, is located at the corner of Third Avenue and Upas Street in the MCCPD-NP-2 zone;

3. **1217 LINCOLN AVENUE MAP WAIVER – Process Three -- University Heights -** Map Waiver for the conversion of two detached residential units to condominiums; unit one is 1,105-square feet and unit two is 1,564-square feet, and to waive the requirements to underground existing utilities located at 1215 & 1217 Lincoln Avenue. The 0.16-acre site is in the MR-3000 zone;
4. **101 DICKINSON SITE DEVELOPMENT PERMIT AND TENTATIVE MAP – Process Four – Hospital District –** Site Development Permit and Tentative Map to demolish existing residences, construct 49 residential condominium units in a mixed-use residential and commercial project located at 101-112 Dickinson Avenue. The 0.73 acre is located in the MCCPD-NP-1 and the RS-1-1 zones;
5. **4132-4138 FIRST AVENUE MAP WAIVER – Process Three – Hospital District --** Map Waiver to create six residential condominiums, with attached garages, currently under construction, in a three story new building at 4132-4138 First Avenue;
6. **LETTER OF SUPPORT FOR AIDS WALK –** Request for Letter of Support for AIDS Walk and Run, which will be held on September 20, 2015;
7. **LETTER OF SUPPORT FOR JDRF “ONE WALK” TO CURE DIABETES –** Request for Letter of Support for the JDRF One Walk to Cure Diabetes, which will be held on November 7, 2015;
8. **LETTER OF SUPPORT FOR EL INDIO RESTAURANT 75TH ANNIVERSARY EVENT –** Request for letter of support for El Indio Restaurant 75st anniversary special event on India Street on August 15, 2015; El Indio Restaurant was the San Diego's first Mexican restaurant;
9. **LETTER OF SUPPORT FOR KOMEN SAN DIEGO RACE FOR THE CURE –** Request for a Letter of Support for the Komen San Diego Race for the Cure, which will be held on November 1, 2015.

VII. Adjournment (8:30 p.m.)

NOTICE OF FUTURE MEETINGS

Uptown Planners: August 4, 2015, at 6:00 p.m., at the Joyce Beers Center on Vermont Street in the Uptown Shopping District (*see parking map below*)

Anyone who requires an alternative format of this agenda or has special access needs, please contact (619) 835-9501 at least three days prior to the meeting. For more information on meeting times or issues before Uptown Planners, call Marlon Pangilinan at 235-5293, or E-mail the Chair, J. Demetrios Mellos III: UptownPlannersChair2015@gmail.com Uptown Planners is the City of San Diego's recognized advisory community planning group for the Uptown Community Planning area.



THE CITY OF SAN DIEGO

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

Ownership Disclosure Statement

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

Project Title

First Avenue Map Waiver

Project No. For City Use Only

386872

Project Address:

4132-38 First Ave, San Diego, CA

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

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached Yes No

Name of Individual (type or print):

 Owner Tenant/Lessee Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

 Owner Tenant/Lessee Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

 Owner Tenant/Lessee Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

 Owner Tenant/Lessee Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Project Title: First Avenue Homes Map Waiver Project No. (For City Use Only) 356872

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

Legal Status (please check):

Corporation Limited Liability -or- General) What State? _____ Corporate Identification No. _____
 Partnership

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

Corporate/Partnership Name (type or print): NXM LLC
 Owner Tenant/Lessee
 Street Address: 9426 Laurentian Dr.
 City/State/Zip: San Diego CA 92129
 Phone No: (858) - 484 - 2158 Fax No:
 Name of Corporate Officer/Partner (type or print): ANDREW TENG
 Title (type or print): member/owner
 Signature: [Signature] Date: 8/20/2014

Corporate/Partnership Name (type or print): NXM LLC
 Owner Tenant/Lessee
 Street Address: 9426 Laurentian Dr.
 City/State/Zip: San Diego, CA 92129
 Phone No: 858-484-2158 Fax No:
 Name of Corporate Officer/Partner (type or print): Lillian TENG
 Title (type or print): member/owner
 Signature: [Signature] Date: 8/20/2014

Corporate/Partnership Name (type or print): NXM LLC
 Owner Tenant/Lessee
 Street Address: 9426 Laurentian Dr.
 City/State/Zip: San Diego CA 92129
 Phone No: 858 - 484 - 2158 Fax No:
 Name of Corporate Officer/Partner (type or print): Gee Y. Lowe
 Title (type or print): member/owner
 Signature: [Signature] Date: 8/20/2014

Corporate/Partnership Name (type or print): NXM LLC
 Owner Tenant/Lessee
 Street Address: 9426 Laurentian Dr.
 City/State/Zip: San Diego CA 92129
 Phone No: 858-484-2158 Fax No:
 Name of Corporate Officer/Partner (type or print): Jennifer C. Lowe
 Title (type or print): member/owner
 Signature: [Signature] Date: 8/20/14

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

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



