



THE CITY OF SAN DIEGO

## REPORT TO THE PLANNING COMMISSION

**DATE ISSUED:** June 5, 2008      **REPORT NO.** PC-08-055

**ATTENTION:** Planning Commission, Agenda of June 12, 2008

**SUBJECT:** 3953 CENTRE STREET TENTATIVE MAP-PROJECT NO. 79752  
PROCESS 4

**OWNER/  
APPLICANT:** Matt Browar  
Scott Peterson

### SUMMARY

**Issue:** Should the Planning Commission approve a Tentative Map for the conversion of 21 existing residential units to condominiums and waive the requirement to underground existing overhead utilities?

#### Staff Recommendation:

1. Approve Tentative Map No. 248795; and
2. Approve waiver to the requirement to underground existing overhead utilities.

**Community Planning Group Recommendation:** The Uptown Community Planning Committee voted 10-0-1 to recommend denial of the proposed project on March 13, 2006 (Attachment 7). Reference the discussion section of the report.

**Environmental Review:** This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to section 15301(k) on August 31, 2005, and the opportunity to appeal that determination ended September 15, 2005.

**Fiscal Impact Statement:** None with this action. All costs associated with the processing of this project are paid by the applicant.

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

**Housing Impact Statement:** With the proposed conversion of 21 existing apartments to condominiums, there would be a loss of 21 rental units and a gain of 21 for-sale units. This condominium conversion project was deemed complete on August 19, 2005, and is

therefore subject to the regulations regarding Inclusionary housing and tenant relocation assistance. The proposed condominium conversion is required to set aside ten percent of the units for households with an income at or below 100 percent Area Medium Income (AMI).

## **BACKGROUND**

This Tentative Map project is subject to the condominium conversion regulations effective June 13, 2006, with the exception of the parking regulations, based on the City Council's specific adoption language for the "new" condominium conversion regulations. At the June 13, 2006 hearing, the City Council adopted regulations for additional requirements for landscaping, a building conditions report, on-site inclusionary housing, noticing, and parking. Based on the adopted language and project timing, all of these new regulations apply to this project, with the exception of the parking regulations. Accordingly, this project has been reviewed against the new regulations.

The 0.38-acre project site is located at 3953 – 3967 Centre Street in the MR-800B zone of the Mid-City Communities Planned District, within the Uptown Community Planning area (Attachment 3). The site is presently developed with two, two-story residential structures with six garages. The units consist of four studios at 375 square feet each, 11 one bedroom units at 600 square feet each, and six two-bedroom units totaling 800 square feet each. The site provides 17 off-street parking spaces. The site is bounded on all sides by multi and single family residences.

The existing apartment complex was constructed in 1965, when the property was zoned R-4 (400 SF/unit), allowing 41 units. The current MR-800B Zone permits 21 units on the property. Each of the 21 residential units has front and side landscape courtyard/walkways. The complex currently contains a gated entry facing Centre Street and adjacent to the alley. Current parking regulations require 29 parking spaces. The development complied with the zoning and development regulations in effect at the time of construction and no Building or Zoning code violations have been recorded against the property.

The project does not conform to the current parking requirement of the MR-800B Zone however, the development maintains previously-conforming rights as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.

## **DISCUSSION**

### **Project Description:**

The project proposes a Tentative Map for the subdivision of a 0.38 acre site to convert 21 existing dwelling units into condominiums on three existing lots (Attachment 5). The applicant is also requesting that the requirement for the undergrounding of existing overhead utilities be waived.

Section 125.0410 of the San Diego Municipal Code (SDMC) requires that a Tentative Map be processed for the subdivision of land. According to SDMC Sections 125.0440 and 125.0444, *Findings for Tentative Maps and for Condominium Conversions*, the decision maker may approve a Tentative Map for the purposes of the conversion of residential property into a

condominium project if the decision maker finds that the proposed conversion complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed condominium conversion and determined that it complies with both the Subdivision Map Act and the San Diego Municipal Code.

### **Undergrounding of Existing Utilities**

San Diego Municipal Code Section 144.0240 allows the subdivider to apply for a waiver from the requirement to underground the existing overhead utilities within the boundary of the subdivision or within the abutting public rights of way. City staff has determined the undergrounding waiver request qualifies under the guidelines of Council Policy 600-25, *Underground Conversion of Utility Lines at the Developer's Expense*, in that the conversion involves a short span of overhead facility (less than 600 feet in length), the conversion is a requirement of a condominium conversion of an existing development and the conversion would not represent a logical extension to an underground facility.

The applicant will be required to underground all existing service to the site per Condition No. 24 of the draft Tentative Map resolution (Attachment 6). The applicant would also be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 23 of the draft Tentative Map resolution (Attachment 6).

The utility poles closest to this property are located within the alley at the rear. As indicated above, all utilities serving this property will be required to be undergrounded. The waiver is being requested for the requirement to underground adjacent utilities serving the surrounding properties. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 3S, and the date for undergrounding has been established for the year 2023 (Attachment 10).

### **Community Planning Group**

On March 13, 2006, the Uptown Planning Committee voted 10-0-1 to recommend denial of this project for the following reasons (Attachment 7):

1. *The motion is based on the applicant's failure to present detailed site, landscaping and parking plans for the project, and also to indicate the nature of any improvements or modification that will take place as a result of the proposed condominium conversion.*
2. *Applicant is seeking a blind entitlement, based on a claim of a ministerial right to a condominium conversion, which is unsupportable.*
3. *In making this motion to deny, the Uptown Planners states it favors the preservation of the structure in question, and would encourage the applicant to return to Uptown Planners with the specific plans and documents indicated in the motion.*

The applicant responded to the Planning Committee's recommendation with the following:

1. *The owner, although applying for the entitlement to convert these buildings into condos, is a professional landlord and makes his living from renting these properties. His*

*intention is to pursue entitlements only to increase the value of the properties for loan purposes (Before ordinance changes made it too difficult and expensive to complete).*

2. *It has never been the owner's intention to actually convert and sell the properties, ergo he has no plans to complete significant changes to the architecture or landscaping. The planning group agreed unanimously that the property adds a certain ambiance to the community, but it is their policy to deny projects without a presentation including exhibits.*
3. *The owner is well known for keeping this property in above average condition. But given these circumstances he was not comfortable fabricating a set of documents he had no intention of actually implementing simply to satisfy the planning group stated policy on denying projects that did not provide presentations.*

### **Project-Related Issues**

All condominium conversion projects not yet heard by July 25, 2006, must conform with the current regulations regarding: inclusionary housing, tenant relocation benefits, the provision of a building conditions report, conformance with landscape regulations, and conformance with noticing requirements. This project is not required to conform with the new parking regulations for condominium conversions, based on specific language adopted by the City Council.

The requested conversion of these residential units to condominiums represents primarily a change in ownership. The applicant has certified that the required 60-day Notices of Intent to Convert to Condominiums were provided to the tenants on May 12, 2005 (Attachment 11).

### **Inclusionary Housing Ordinance and Tenant Relocation Benefits Conformance:**

The project has been conditioned to require the subdivider conform with the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code) and demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5) to the satisfaction of the City Manager and the Housing Commission, prior to the recordation of the Final Map.

The applicant is conditioned to sell ten percent of the units to households who earn 100 percent or less of the AMI to satisfy the Inclusionary Housing requirement, as allowed by the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

### **Building Conditions Report and Landscape Requirements**

In accordance with the current regulations, the applicant provided a Building Conditions Report and Landscape Concept Plan. Both of these documents have been reviewed for conformance with the applicable regulations within Land Development Code (Chapter 14, Article 4, Division 5) and have been accepted by staff as conforming to the regulations. The list of required improvements (from staff approved Building Conditions report) is attached (Attachment 14).

**CONCLUSION:**

Staff has reviewed the request for a Tentative Map for the conversion of 21 residential units into condominiums and has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps. Staff believes the requirement findings can be supported and recommends the Planning Commission approve the project as proposed.

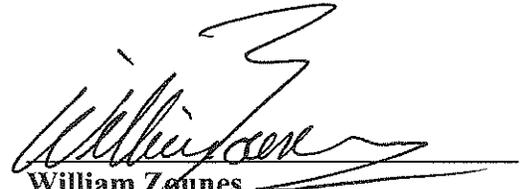
**ALTERNATIVES**

1. **Approve Tentative Map No. 248795, with modifications.**
2. **Deny Tentative Map No. 248795, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



**Mike Westlake  
Program Manager  
Development Services Department**



**William Zounes  
Development Project Manager  
Development Services Department**

WESTLAKE/WJZ

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Tentative Map and Landscape Development Plan
6. Draft Map Conditions and Subdivision Resolution
7. Community Planning Group Recommendation
8. Owner response to Planning Group Recommendation
9. Ownership Disclosure Statement
10. Project Chronology
11. City's Undergrounding Master Plan – Map 3s
12. Sample of 60-Day Notice of Intent to Convert
13. Photos of Existing Front and Rear Elevations
14. List of required improvements from Building Conditions Report
15. Building Conditions Report (under separate cover)

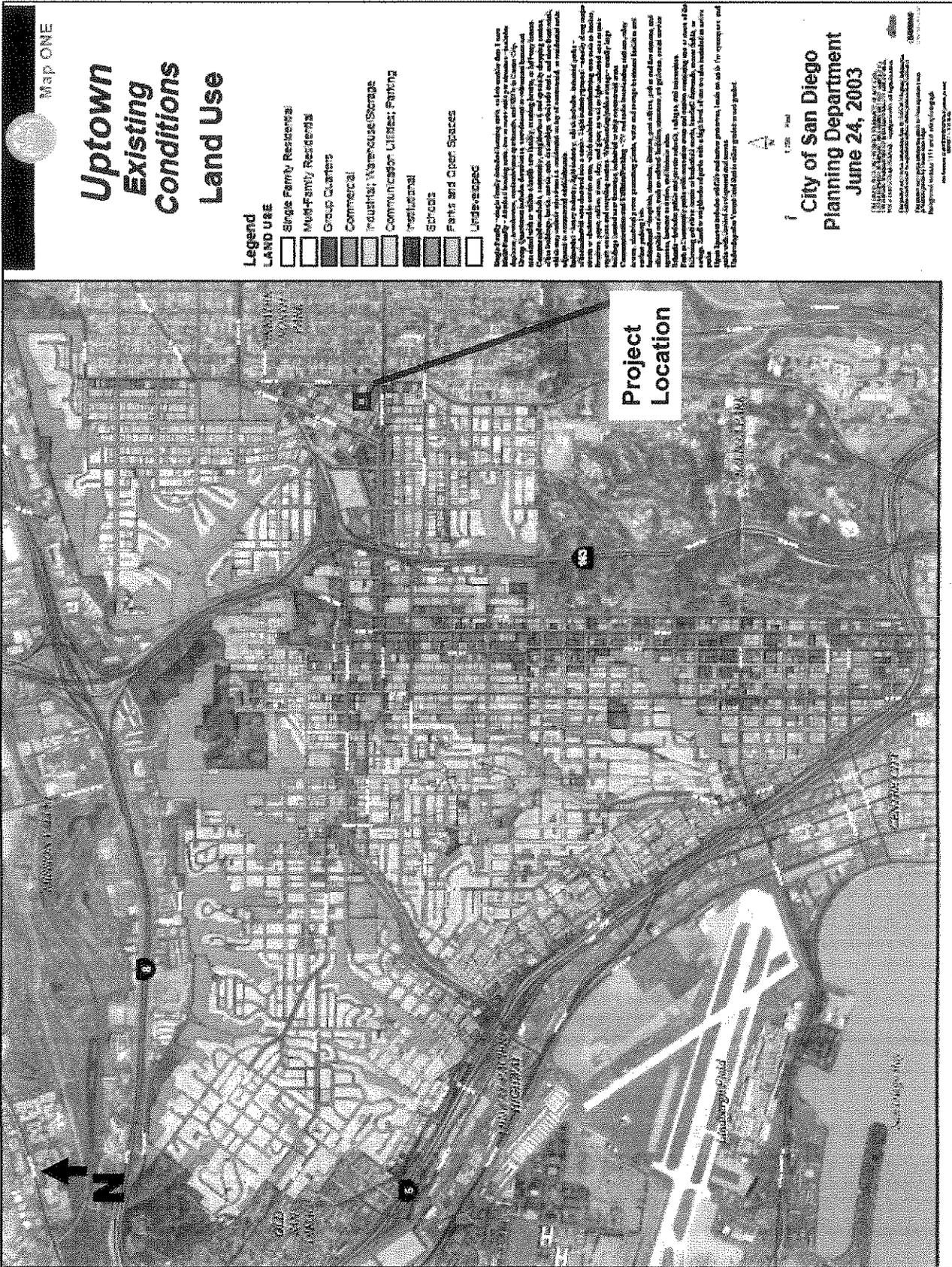


Attachment 1  
Aerial Photograph of Site



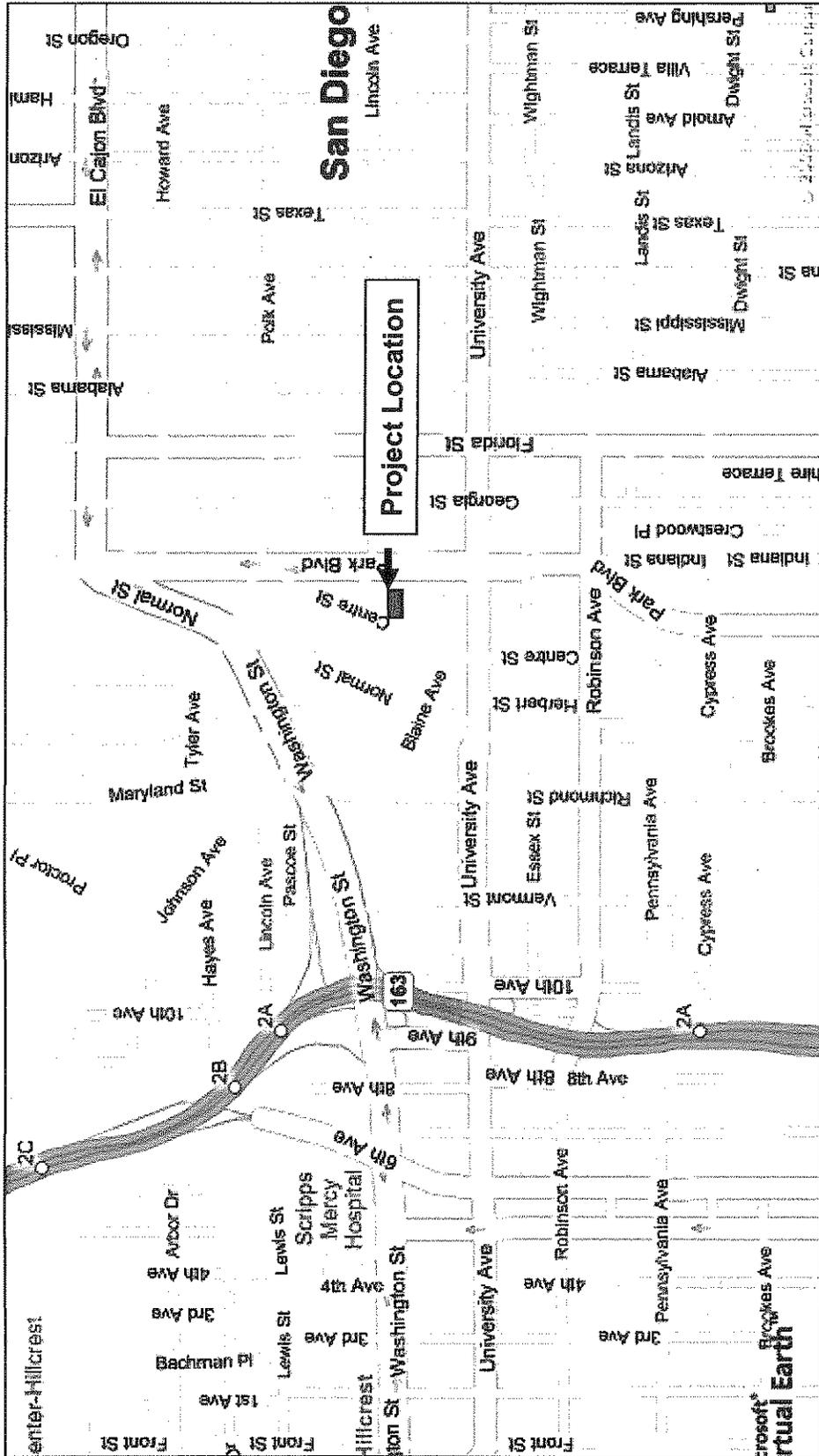


# Attachment 2 Community Plan Land Use Map





# Attachment 3 Project Location Map





## PROJECT DATA SHEET FOR CONDOMINIUM CONVERSIONS

<b>PROJECT NAME:</b>	3953 CENTRE TENTATIVE MAP	
<b>PROJECT DESCRIPTION:</b>	Tentative Map for the conversion of 21 existing residential units to condominiums and waive the requirement to underground existing overhead utilities	
<b>COMMUNITY PLAN AREA:</b>	Uptown Plan area	
<b>DISCRETIONARY ACTIONS:</b>	Tentative Map and utility underground waiver	
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	High density 44-73 dwelling units per acre	
<b><u>CURRENT ZONING INFORMATION:</u></b> <b>ZONE:</b> MR-800B: A multi-unit residential zone <b>DENSITY:</b> one dwelling unit per 600 sq.ft. of lot area. <b>HEIGHT LIMIT:</b> 30-Foot maximum height limit. <b>LOT SIZE:</b> 15,000 square-foot minimum lot size. <b>FLOOR AREA RATIO:</b> 1.25 maximum. <b>FRONT SETBACK:</b> 10 feet. <b>SIDE SETBACK:</b> 6 feet. <b>STREETSIDE SETBACK:</b> 6 feet. <b>REAR SETBACK:</b> 1-foot. <b>PARKING:</b> 29 spaces required	<b><u>CONSTRUCTED:</u></b> R-4 Not Available Not available 16,465 Square Feet Not available 6 feet 4 feet Not available 0 feet None	
<b><u>ADJACENT PROPERTIES:</u></b>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	Residential; MR-800B	Multi-Family/Single Family
<b>SOUTH:</b>	Residential; MR-800B.	Multi-Family
<b>EAST:</b>	Residential; CN-2	Multi-Family/Single Family
<b>WEST:</b>	Residential; MR-800B	Multi-Family/Single Family
<b>DEVIATIONS OR VARIANCES REQUESTED:</b>	none	
<b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b>	The Uptown Community Planning Committee voted 10-0-1 to recommend denial of the proposed project on March 13, 2006.	



**Landscape Calculations Worksheet**

City of San Diego, Department of Planning and Economic Development, 1100 La Jolla Village Drive, San Diego, CA 92161  
 Planning and Economic Development, 1100 La Jolla Village Drive, San Diego, CA 92161  
 Planning and Economic Development, 1100 La Jolla Village Drive, San Diego, CA 92161

Project: 1100 La Jolla Village Drive, San Diego, CA 92161  
 Date: 05/27/07

Prepared by: [Signature]

Checked by: [Signature]

Approved by: [Signature]

Scale: 1" = 10'-0"

North Arrow

**Landscape Calculations Worksheet**

Vehicle Use Areas (VUA)

City of San Diego, Department of Planning and Economic Development, 1100 La Jolla Village Drive, San Diego, CA 92161  
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Project: 1100 La Jolla Village Drive, San Diego, CA 92161  
 Date: 05/27/07

Prepared by: [Signature]

Checked by: [Signature]

Approved by: [Signature]

Scale: 1" = 10'-0"

North Arrow

**PLANTING NOTES:**

- The contractor shall provide all plants to be installed on the project. The contractor shall be responsible for the selection, procurement, and installation of all plants. The contractor shall be responsible for the maintenance of all plants until they are established.
- If conflicts arise between the size of any plant, contractor to contact owner's representative for clarification. The contractor shall be responsible for the selection, procurement, and installation of all plants. The contractor shall be responsible for the maintenance of all plants until they are established.
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**LANDSCAPE CALCULATIONS**

EXISTING AND PLANT POINTS

QTY	SIZE	PLANT POINTS	TOTAL POINTS
03	18" x 18" x 18"	50	50
42	Existing shrub 24"TL	15	15

Notes: Due to site existing conditions, existing overhead structures and existing footings, the Street Tree planting area is less than the requirement. The excess points advanced with the existing overhead structures and existing footings. Therefore, we will be compensated per SDG&D (14.14.05).

**PLANTING AND PLANTING REQUIREMENTS**

STREET TREE REQUIREMENTS: 01 Palm Tree per 20' feet of Street Frontage  
 02 Street Tree Existing  
 03 Street Tree Proposed

VEHICULAR USE AREA REQUIREMENTS (VUA): 01 Existing 18" x 18" x 18"  
 02 Existing 24"TL  
 03 Existing 30"TL  
 04 Existing 36"TL  
 05 Existing 42"TL  
 06 Existing 48"TL  
 07 Existing 54"TL  
 08 Existing 60"TL  
 09 Existing 66"TL  
 10 Existing 72"TL  
 11 Existing 78"TL  
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June 5, 2008

Attachment 6

**Draft Map Conditions and Subdivision Resolution**

PLANNING COMMISSION  
RESOLUTION NO. XXXXXX  
TENTATIVE MAP NO. 248795

3953 CENTRE TENTATIVE MAP- **PROJECT NO. 79752**

**DRAFT**

WHEREAS, MATT BROWAR, Applicant/Subdivider, and SCOTT PETERS, surveyors, submitted an application with the City of San Diego for a Tentative Map, No. 248795, for the conversion of 21 for rent apartment units into condominiums and to waive the requirement to underground existing overhead utilities. The project site is located The project site is located at 3953 Centre Street in the MR-800B Zone of Mid City Communities Planned District within the Uptown Community Planning area and legally describe as lots 7, 8, 9, 10, and 11 in block 193 of University Heights, according to amended map thereof made by G.A. D'Hemecourt, in block 8, page 36, ET SEQ of LIS Pendens, filed in the office of the County Recorder of San Diego County;

WHEREAS, the map proposes the subdivision of a 0.38 acre site into one (1) lot for 21 unit residential condominium conversion.; and

WHEREAS, the project is exempt from environmental review pursuant to 15301(k) of the California Environmental Quality Act (CEQA) on the basis that the facilities are existing; and

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

WHEREAS, the subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is 21; and

WHEREAS, on June 5, 2008 the Planning Commission of the City of San Diego considered Tentative Map No. 248795, including the waiver of the requirement to underground existing overhead utilities, and pursuant to Sections 125.0440 (tentative map), 125.0444 (condo conversion), and 144.0240 (underground) of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the Planning Commission having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 248795 and Public Right-of-Way and/or Easement Vacation" 248795:

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**Draft Map Conditions and Subdivision Resolution**

1. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).
2. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).
3. Each of the tenants of the proposed condominium project has received, pursuant to State Map Action Section 66452.9, written notification of intention to convert at least 60 days prior to the filing of a tentative map (Land Development Code 125.0444 and State Map Act Section 66427.1(a)).
4. The project has been conditioned that the Subdivider will give each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).
5. The project has been conditioned that the Subdivider will give each tenant 10 days' written notification that an application for a public report will be, or has been, submitted to the Department of Real Estate, and that such report will be available on request (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).
6. The project has been conditioned that the Subdivider will give each tenant of the proposed condominium project written notification within 10 days of approval of a final map for the proposed conversion (Land Development Code Section 125.0444 and State Map Act Section 66427.1(b)). If the subdivider chooses to provide affordable housing units, the subdivider shall enter into an affordable housing agreement with the Housing Commission, prior to recordation of the Final Map.
7. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project 180 days' written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion (Land Development Code Section 125.0444 and State Map Act Section 66427.1(c)).
8. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project notice of an 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, which notice shall be provided within 5 working days of the issuance

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of the Subdivision Public Report.. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right (Land Development Code Section 125.0444 and State Map Act Section 66427.1(d)).

9. The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing (Land Development Code Section 125.0444.b).
10. For any project that was developed to provide housing for the elderly, disabled or to provide low income housing, provisions have been made to perpetuate the use for which the project was developed (Land Development Code Section 125.0444.c).
11. Each of the tenants of the proposed condominium project has received written notification of the project application for the condominium conversion within 10 days after the application was deemed complete (Land Development Code 125.0431(a)(3)).
12. The project has been conditioned that the subdivider will give each person applying for the rental of a unit in such residential real property written notification that the project application for the condominium conversion was deemed complete (Land Development Code 125.0431(a)(3)).
13. The project has been conditioned that the subdivider will give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (Land Development Code Section 125.0431(a)(4)).
14. A Building Conditions Report has been prepared in accordance with the Land Development Manual by a registered architect or engineer licensed by the State of California (Land Development Code Section 144.0504(b)).
15. The project has been conditioned that the subdivider will provide to a prospective purchaser a copy of the Building Conditions Report prior to the opening of an escrow account. (Land Development Code Section 144.0504(c)).
16. The project has been conditioned that the subdivider will provide a relocation assistance payment to all tenants of the project whose tenancy has terminated due to the condominium conversion. (Land Development Code Section 144.0505).
17. The project has been conditioned for the subdivider to complete the physical improvements as outlined in Land Development Code Section 144.0507, to the satisfaction of the City Engineer prior to final map approval.

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18. The project has been conditioned for the subdivider to satisfy the inclusionary housing requirements on-site in accordance with Land Development Code Section 142.1306. (Land Development Code Section 144.0508).
19. The requested underground waiver of the existing overhead facilities, qualifies under the guidelines of Council Policy No. 600-25 *Underground Conversion of Utility Lines at Developers Expense* in that the conversion involves a short span of overhead facility (less than 600 feet in length).
20. 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 Planning Commission, Tentative Map No. 248795, including the waiver of the requirement to underground existing overhead utilities, is hereby granted to MATT BROWAR, Applicant/Subdivider, subject to the following conditions:

**GENERAL**

1. This Tentative Map will expire June 5, 2011.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the Tentative Map expiration date, a Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder.
4. Prior to the issuance of the Final Map taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition.
5. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto,

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including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant

6. The subdivider shall provide a Notice of Tenants Rights and Notices for Condominium Conversion, consistent with the Land Development Manual to be provided as follows:
  - a. For existing tenants, within 10 days of the project application for the *condominium conversion* being deemed complete; or
  - b. For prospective tenants, upon application for the rental of a unit in the proposed *condominium conversion*.
7. ] The Subdivider shall provide each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act.
8. The Subdivider shall provide the tenants a Notice of Application for a Public Report at least 10 days prior to the submittal to the Department of Real Estate (DRB), pursuant to Section 66427.1(a) of 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 Section 66427.1(c) of the Subdivision Map Act. The provisions of this subdivision shall not alter nor abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Sections 1941, 1941.1 and 1941.2 of the Civil Code.
10. 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 Section 66427.1(d) of the State Map Act. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report, pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.

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11. The Subdivider shall provide the tenants of the proposed condominiums with written notification within 10 days or approval of a Final Map for the proposed conversion, in conformance with Section 66427.1(b) of the Subdivision Map Act.

**AFFORDABLE HOUSING**

(10 PERCENT REQUIRED)

12. Prior to the recordation of the, the subdivider shall enter into an affordable housing agreement with the Housing Commission to provide affordable housing units in compliance with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).
13. Prior to the recordation of the, the subdivider shall demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5), to the satisfaction of the Development Services Department and the Housing Commission.
14. The subdivider will give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (Land Development Code Section 125.0431(a)(4)).
15. The subdivider will provide to a prospective purchaser a copy of the Building Conditions Report prior to the opening of an escrow account. (Land Development Code Section 144.0504(c)).

**ENGINEERING**

16. The subdivider shall replace the existing curb with City Standard curb & gutter adjacent to the site on Centre Street.
17. The subdivider shall reconstruct the existing driveway, maintaining the existing width, to provide sidewalk across the driveway span adjacent to the site on Centre Street.
18. The subdivider shall replace the sidewalk, maintaining the existing scoring pattern and preserving any contractor's stamp, adjacent to the site on Centre Street.
19. The subdivider shall obtain an Encroachment Maintenance and Removal Agreement, for 2 sidewalk underdrains, the brick wall, landscaping and landscaping appurtenances in the Centre Street right-of-way.
20. The subdivider shall adjust the water utility covers to grade by the existing driveway adjacent to the site on Centre Street.

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21. The Subdivider shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.
22. Pursuant to City Council Policy 600-20, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.
23. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
24. 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.
25. The subdivider shall demonstrate conformance with the Municipal Code provisions for building and landscape improvements (Land Development Code Sections 144.0507), to the satisfaction of the City Engineer. The parking requirements in Land Development Code Sections 144.0507 and 142.0525.a do not apply, since this project was deemed complete prior to the effective date of this ordinance (July 27, 2006).
26. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

**MAPPING**

27. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
28. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone

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for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."

29. The Final Map shall:

- a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
- b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

**SEWER AND WATER**

30. Water and Sewer Requirements:

The subdivider shall disconnect at the water main the existing service and design and construction of new water service(s) outside of any driveway, in a manner satisfactory to the Water Department Director and the City Engineer.

The Subdivider shall provide a letter agreeing to prepare CC&Rs for the operation and maintenance of all private sewer facilities that serve or traverse more than a single condominium unit or lot.

**INFORMATION:**

- The approval of this Tentative Map by the Planning Commission of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be

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required to provide adequate and acceptable levels of service and will be determined at final engineering.

- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within 90 days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.
- Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer. Municipal Code Section 142.0607.

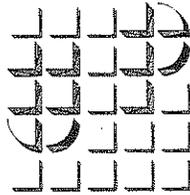
PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SAN DIEGO, CALIFORNIA, ON JUNE 5, 2008

By

\_\_\_\_\_  
William Zounes  
Development Project Manager  
Development Services Department

Job Order No. 424987





## UPTOWN PLANNERS

### Uptown Community Planning Committee MINUTES

SPECIAL MEETING: CONDOMINIUM CONVERSIONS

Monday, March 13, 2006

*Present:* Marilee Kapsa, Janet O'Dea, Jay Hyde, Ernie Bonn, Mary Wendorf, Mike Singleton, Leo Wilson, Roy Dahl, Steve Satz, Dan Horrigan, Alex Sachs Peggy Mazzella

#### I. Consent Agenda: Approved by vote of: 8 - 0 - 2

1. **MONDE MAP WAIVER – (Process Three) – Hillcrest – TMW application to waive the requirements of a Tentative Map to create 12 residential condominiums and 1 commercial condominium (under construction) on a 0.241 acre site at 3970 Ninth Avenue in the CN-1A Zone: **Conditions: (1.) Applicant to examine the feasibility of installing solar panels on the roof of the building; (2.) and the use of green products, such as fumeless paint and carpets, also be considered; (3.) Standard conditions re: condo conversions.****
2. **3760 THIRD AVENUE TENTATIVE MAP -- (Process Four) – Hillcrest – Tentative Map to convert six existing residential units to condominiums on a 0.15 acre site at 3760 Third Avenue in the MR-800B Zone. **Conditions: (1.) Applicant to examine the feasibility of installing solar panels on the roof of the building; (2.) standard conditions re: condo conversions.****

#### II. Action Items

1. **4046 NORMAL STREET TENTATIVE MAP – (Process Three) – Hillcrest – TM to convert seven existing residential units to condominiums on a 6653 sq. ft. site at 4046 Normal Street in the MR-800B Zone.**

**MOTION TO APPROVE (Wendorf, 2<sup>nd</sup>.Horrigan: Vote 10 – 0 – 1)**

**Subject to the following conditions:**

- (1.) **The approval of this project is expressly conditioned on the design being in substantial compliance with the rendition presented to Uptown Planners by the applicant at the Board meeting on March 13, 2006. (A copy of the rendition is attached to these minutes and incorporated by reference.) Any substantial deviation from the attached rendition will nullify this motion, and Uptown Planners requests the project be returned to Uptown Planners for reconsideration;**
- (2.) **It is recommended that the applicant be allowed by the City to add two additional parking spaces to the project, so that a total of six parking spaces will be created. This is important, as the area the project is located is parking deficient. The**

(4.) The Board recommends the owner consider having the property designated historically.

7. 2350 THIRD AVENUE TENTATIVE MAP – (Process Four) – Bankers Hill/Park West -- Tentative Map to convert 16 existing residential units to condominiums on a 10.037 sq. ft. site at 2350 Third Avenue in the NP-2 Zone. Airport Environs Overlay Zone, Airport Approach Overlay Zone.

MOTION TO DENY (Sachs, 2<sup>nd</sup> Dahl: Vote 10 – 0 – 1)

- (1.) The motion is based on the applicant's failure to present detailed site, landscaping and parking plans for the project, and also to indicate the nature of any improvements or modifications that will take place as a result of the proposed condominium conversion.
- (2.) Applicant is seeking a blind entitlement, based on a claim of a ministerial right to a condominium conversion, which is unsupportable.
- (3.) In making this motion to deny, the Uptown Planners states it favors the preservation of the structure in question, and would encourage the applicant to return to Uptown Planners with the specific plans and documents indicated in this motion.
- (4.) The Board recommends the owner consider having the property designated historically.

8. 3953 CENTRE STREET TENTATIVE MAP – Resubmittal -- (Process Four) – Hillcrest – Tentative Map to convert 21 existing residential units to condominiums on a 16, 540 sq. ft. site at 3953 Centre Street in the MR-800B Zone.

MOTION TO DENY (Sachs, 2<sup>nd</sup> Dahl: Vote 10 – 0 – 1)

- (1.) The motion is based on the applicant's failure to present detailed site, landscaping and parking plans for the project, and also to indicate the nature of any improvements or modifications that will take place as a result of the proposed condominium conversion.
- (2.) Applicant is seeking a blind entitlement, based on a claim of a ministerial right to a condominium conversion, which is unsupportable.
- (3.) In making this motion to deny, the Uptown Planners states it favors the preservation of the structure in question, and would encourage the applicant to return to Uptown Planners with the specific plans and documents indicated in this motion.
- (4.) The Board recommends the owner consider having the property designated historically.

9. 450 WEST UNIVERSITY TENTATIVE MAP – (Process 4) – Hillcrest – Tentative Map to convert 13 existing residential units to condominiums on a 0.31 acre site at 445 West University in the MR-1000 Zone

MOTION TO APPROVE (Sachs, 2<sup>nd</sup> Dahl: Vote 10- 0 – 1)

- (1.) Applicant should explore having the property designated historically.

**Attachment 8**  
**Owner response to Planning**  
**Group Recommendation**

*PTS #78880 -- 3517 6<sup>th</sup> Avenue*

To whom it may concern,

We have been asked to supply an explanation of why we believe our project on 6<sup>th</sup> Avenue, was not approved by the Uptown planning group.

We were asked by the planning group to provide architectural renderings of changes to the buildings, landscaping plans, samples of paints and finishes etc. he intended to use when he converted the buildings.

We explained to them that the owner, although applying for the entitlement to convert these buildings into condos, is a professional landlord and makes his living from renting these properties. His intention is to pursue entitlement only to increase the value of the properties (before ordinance changes made it too difficult and expensive to complete).

It has never been the owner's intention to actually convert and sell the properties, ergo he had no plans to complete significant changes to the architecture or landscaping. The planning group agreed unanimously that the property adds a certain ambiance to the community, but it is their policy to deny projects without a presentation including the above exhibits.

The owner is well known for keeping his property in above average condition. But given these circumstances he was not comfortable fabricating a set of documents he had no intention of actually implementing simply to satisfy the planning groups stated policy on denying projects that did not provide presentations.

This project is architecturally unique and will continue to add to the historical character to the community. We hope this explanation is adequate to satisfy your questions regarding the denial by the Community Planning Group.





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

OW

Attachment 9  
 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 Centre Street TM Project No. For City Use Only 79752

Project Address: 3953 - 3967 Centre Street

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):  
MAR BROWAR  
 Owner  Tenant/Lessee  Redevelopment Agency

Street Address: 2207 Garnet Ave. #J  
 City/State/Zip: San Diego, CA 92109  
 Phone No: (650) 270-5500 Fax No: \_\_\_\_\_  
 Signature: [Signature] Date: 7/25/05

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: \_\_\_\_\_



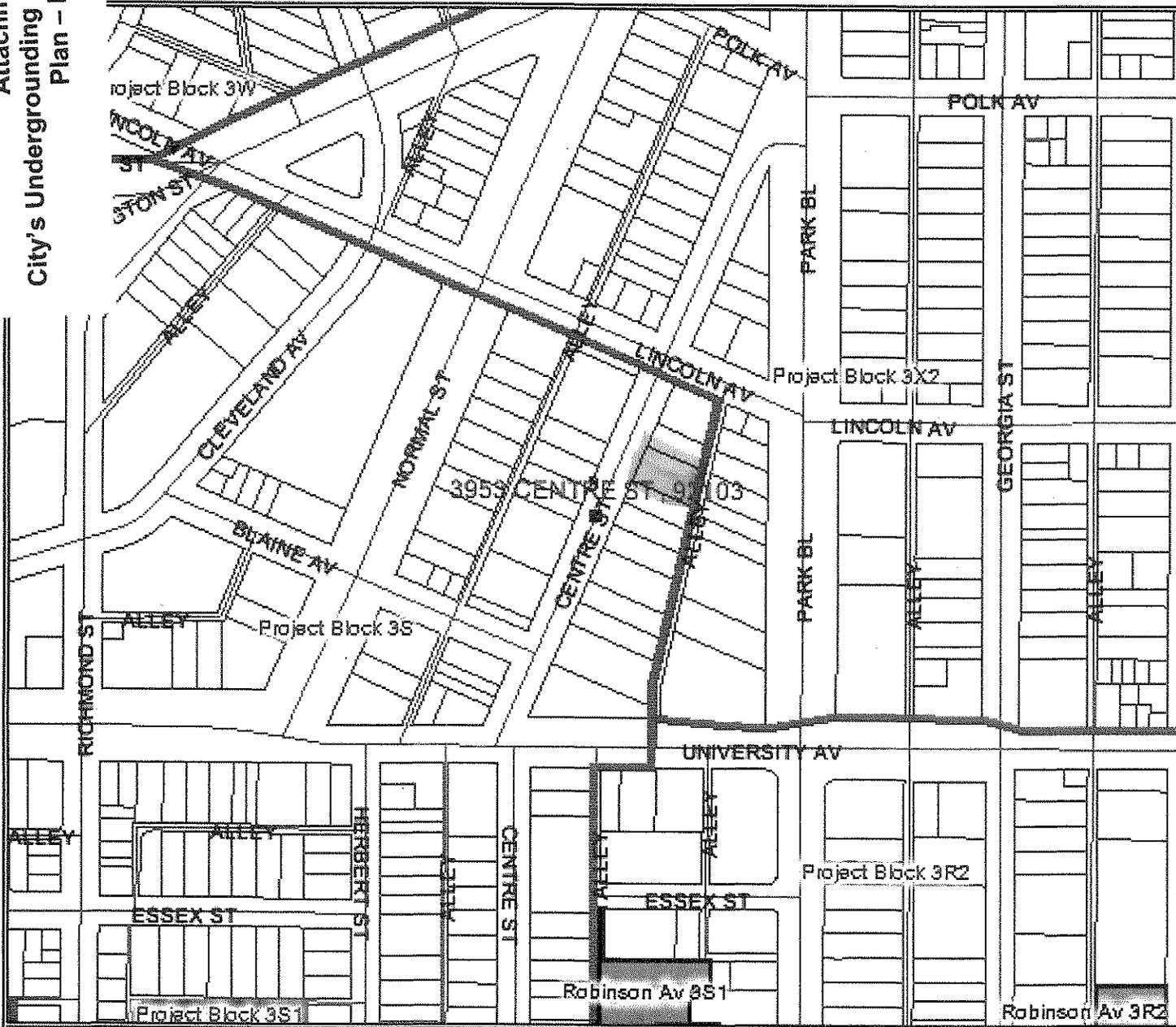
DEVELOPMENT SERVICES  
3953 CENTRE TENTATIVE MAP  
PROJECT NO. 79752

Date	Action	Description	City Review Time	Applicant Response
8/19/05	First Full Submittal	Project Deemed Complete & distributed		
9/26/05	First Submittal Assessment Letter out		35 days	
12/5/05	Second Full submittal In	Normal Submittal		70 days from first Assessment Letter
1/20/06	Second Full Submittal Assessment Letter out		46 days	
6/25/07	Third Full Submittal In			523 days from second Assessment Letter
9/18/07	Third Full Submittal Assessment Letter out		85 days	
12/20/07	Fourth Full Submittal In			93 days from third Assessment Letter
1/29/08	Fourth Full Submittal Assessment Letter out		40 days	
3/5/08	Fifth Full Submittal In			36 days from third Assessment Letter
3/31/08	Fifth Full Submittal Assessment Letter out		26 days	
6/5/08	Planning Commission Public Hearing		66 days	
<b>TOTAL STAFF TIME**</b>			<b>9 months 28 days</b>	
<b>TOTAL APPLICANT TIME**</b>				<b>24 month 3days</b>
<b>TOTAL PROJECT RUNNING TIME**</b>		From Deemed Complete to PC Hearing	<b>33 months, 28 days</b>	

\*\*Based on 30 days equals to one month.

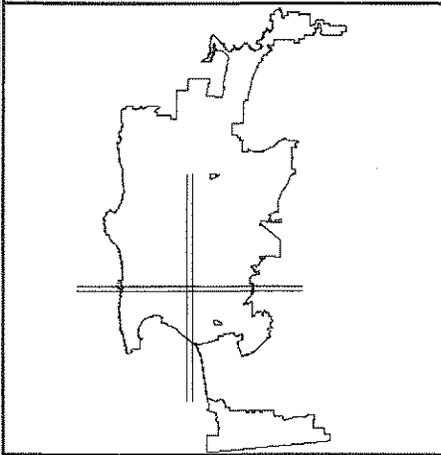


# Site Map



### Legend

- Future Streetlights
- Undergrounding Projects**
- all\_20\_a
- all\_blocks
- Freeways
- Minor Roads
- Parcel Ownership
- Bay
- Streams
- Major
- Minor
- Council Districts
- Ocean
- County



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# Browar Development Corporation

2207 Garnet Avenue, Suite J

San Diego, CA 92109

(858) 270-550

Attachment 12  
Sample of 60-day Notice of  
Intent to Convert

## Tenant 60 Day Notice of Intent to Convert to Condominiums

May 9, 2005

Samuel Behar  
Arjun Ratnayake  
3953 Centre St., Apt #1  
San Diego, CA 92103

The owner(s) of this building, at 3953 Centre St., Apt #1, San Diego, CA 92103 plans to file a Tentative Map or Map Wavier with the City of San Diego to convert this building to a condominium project.

You shall be given notice of each hearing for which notice is required pursuant to Sections 66451.3 and 66452.5 of the Government Code, and you have the right to appear and the right to be heard at any such hearing.

Should the condominium conversion project be approved, tenants may be required to vacate the premises.

**Please Note:** It is not my intention to sell these apartments as condominiums now or in the near future. This conversion process is only being pursued as a precaution to possible future City of San Diego changes which may make a conversion in the future cost prohibitive or impossible. It is being done solely for the purpose of having the opportunity to put a condominium map on the property while it is still possible to do so. We have no intention of making the physical change, but I feel it is important to the value of the building to have this process in place should the real estate climate have any radical changes in the future.

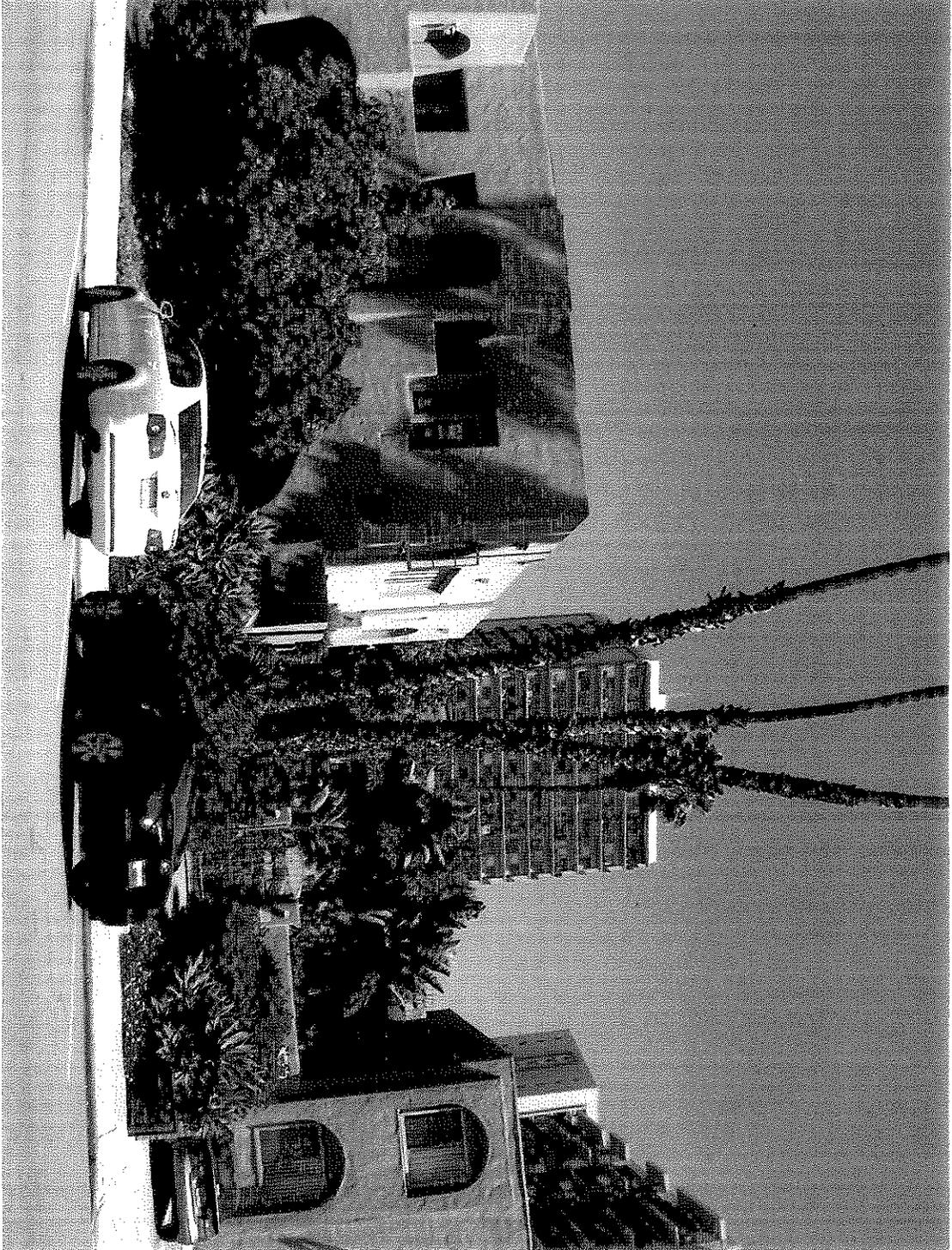


(Signature of owner or owner's agent)



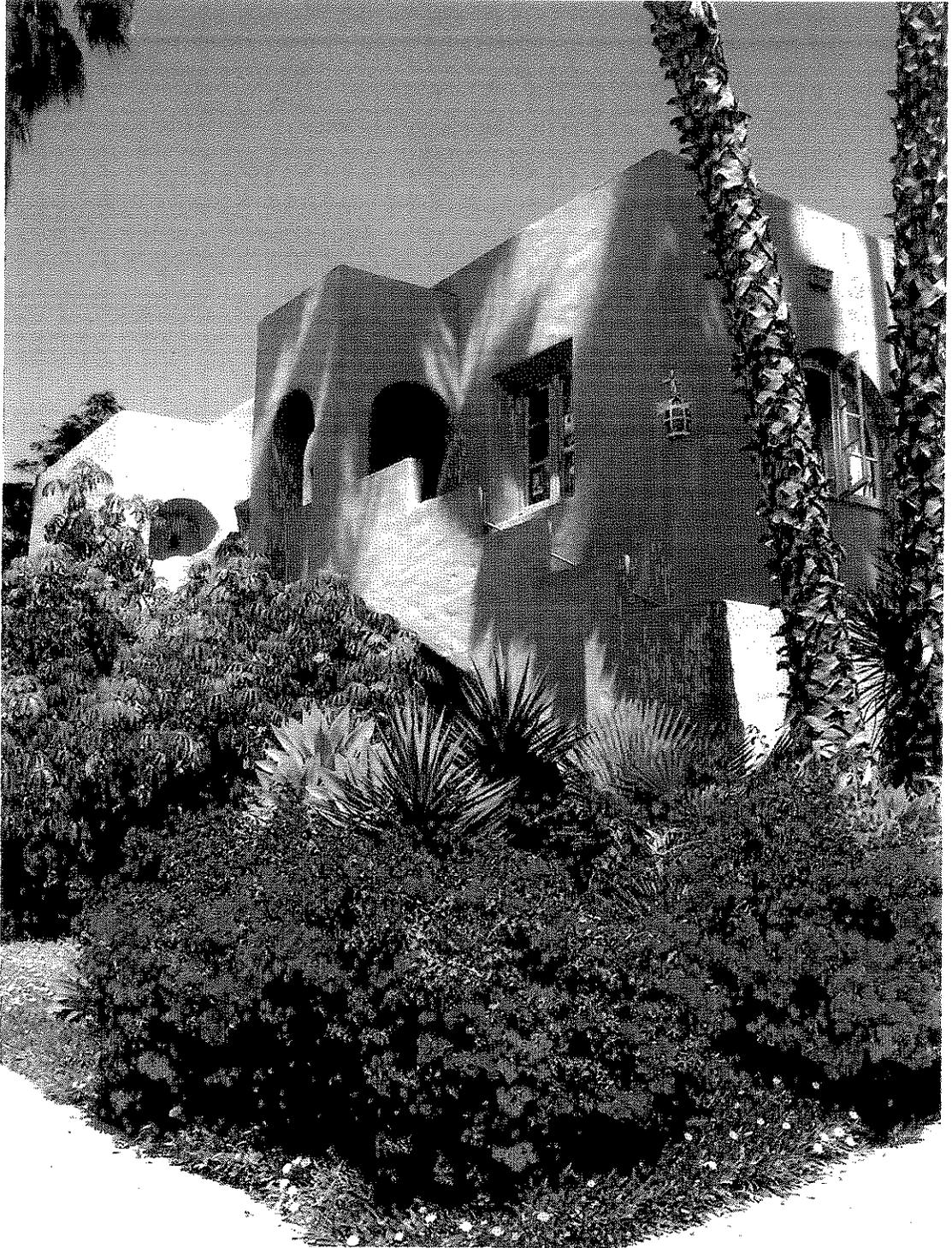
**Attachment 13**  
**Photos of Existing Front and Rear Elevations**  
**Page 1 of 3**

**Front view of complex as seen from across Centre Street**



**Attachment 13**  
**Photos of Existing Front and Rear Elevations**  
**Page 2 of 3**

**Front view of complex as seen from sidewalk along Centre Street**



Attachment 13  
Photos of Existing Front and Rear Elevations  
Page 3 of 3

Back view of complex as seen from alley





**B. General Physical Condition**

The Subject Property was observed to be in fair to good overall condition. Maintenance of the Subject Property's major systems, components, and equipment appears to have taken place over the life of the structure.

**C. Conclusions/Recommendations**

Deferred maintenance items and physical conditions that are considered minor and require immediate repair, or will need to be replaced within five years, were identified and included in the following: Provide and install hard wire smoke detectors in all bedrooms and outside of bedroom doors, minor exterior wall repair, remove and replace tile and grout at damaged countertops, bathroom and kitchen fixture/appliance replacement of original fixtures, repair or replace original building windows to make operable, remove and repair paved concrete at walk ways, to be flush and level. All exposed wood doors, windows and trim should be prepared for, and should to be painted.

**Building Components and Systems with Remaining Life of five years or less**

BUILDINGS SYSTEMS	LESS THAN FIVE YEARS REMAINING LIFE	MORE THAN FIVE YEARS REMAINING LIFE
Structural		X
Foundation		X
Roof		X
Electrical		X
Plumbing		X
Sewer		X
Heating		X
Cooling		N/A

The structural elements of the building were observed to be in fair to good condition. The recommendations in this report should be made in an appropriate time frame; a preventative/remedial maintenance program should be implemented continually; and all site systems and building components should be replaced as necessary with an acceptable standard of care. Other site and building elements are replaceable; however, as the property ages, the maintenance program cost should be expected to increase.

PARRA BUILDING CONSULTANTS makes no comment on the marketability of the site. Any qualifications and limitations in place for the building conditions report as provided by Parra Building Constants is applicable to the summary comments mentioned in this report.

