



THE CITY OF SAN DIEGO

DATE ISSUED: June 4, 2009

REPORT NO. PC-09-052

ATTENTION: Planning Commission, Agenda of June 11, 2009

SUBJECT: 4105 54th PLACE TENTATIVE MAP - PROJECT NO. 78952.
PROCESS 4

**OWNER/
APPLICANT:** Park View Terrace Apts. Venture L.P (Attachment 8)
Scott Peters

SUMMARY

Issue(s): Should the Planning Commission approve a Tentative Map for the conversion of 100 existing residential units to condominiums and waive the requirement to underground existing overhead utilities?

Staff Recommendation:

1. **Approve Tentative Map No. 245790; and**
2. **Approve waiver to the requirement to underground existing overhead utilities.**

Community Planning Group Recommendation: On May 14, 2006, the Eastern Area Community Planning committee voted unanimously to recommend approval of the project.

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15301 on September 7, 2005, and the opportunity to appeal that determination ended September 22, 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 100 existing apartments to condominiums, there would be a loss of 100 rental units and a gain of 100 for-sale units. This condominium conversion project was deemed complete on September 2,

Development Services

1222 First Avenue, MS 302 • San Diego, CA 92101-4153

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2005, and is therefore subject to the regulations regarding Inclusionary housing and tenant relocation assistance. Pursuant to the Inclusionary Housing Ordinance, this project this required to set aside 10 percent of the units for affordable housing.

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 3.42-acre project site is located at 4105 54th Place in the RM-1-1 zone of the of Central Urbanized Planned District, within the Eastern Area Neighborhood of Mid Cities Communities Plan Area. The site is presently developed with 100 units consisting of six, three-story structures containing 22, one-bedroom units and 78, two-bedroom units. All units include balconies and storage. The site contains 155 parking spaces where 165 are required. The site is bounded by the Colina Del Sol Municipal Pool to the north, the Osteopathic Center for Children and Family Center to the east, multi-family development to the south, and across 54th Street Colina Del Sol Park to the west.

The existing buildings were constructed in 1969 and consist of wood frame structures constructed on reinforced concrete footings. Included in the complex are coin operated washer and dryer facilities on each floor of each structure. The development includes a community picnic area with tables, barbecue, and grass area. A wrought iron fence surrounds the perimeter of the site. At the time of construction, the building was zoned R-4 allowing 100 units where currently 49 units would be allowed. Current parking regulations in the RM-1-1 zone require 165 parking spaces on site. 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 maximum density requirement of the RM-1-1 zone or parking requirements. However, the project 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 3.42-acre site to convert 100 existing dwelling units into condominiums on a single existing lot (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. 19 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. 18 of the draft Tentative Map resolution (Attachment 6).

The neighborhood currently contains power poles and overhead utility lines along 54th Place. The utility lines to these poles extend to other properties located east and west. The poles closest to this property are along 54th Place. 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 7C, and the date for undergrounding has been established for the year 2045 (Attachment 10).

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 in May 2005 and again to the tenants on February 9, 2009 (Attachment 13).

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 owner is required to set aside ten-percent of the units as affordable housing to satisfy the Inclusionary Housing requirement, pursuant to 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 13).

CONCLUSION:

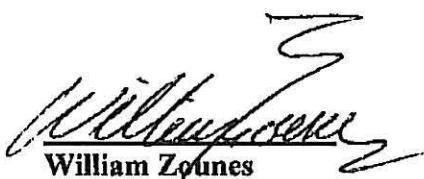
Staff has reviewed the request for a Tentative Map for the conversion of 100 residential units into condominiums and has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps. Staff believes the findings can be supported and recommends the Planning Commission approve the project as proposed.

ALTERNATIVES

1. Approve Tentative Map No. 245790, with modifications.
2. Deny Tentative Map No. 245790, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Mike Westlake
Program Manager
Development Services Department



William Zunes
Development Project Manager
Development Services Department

WESTLAKE/WJZ

Attachments:

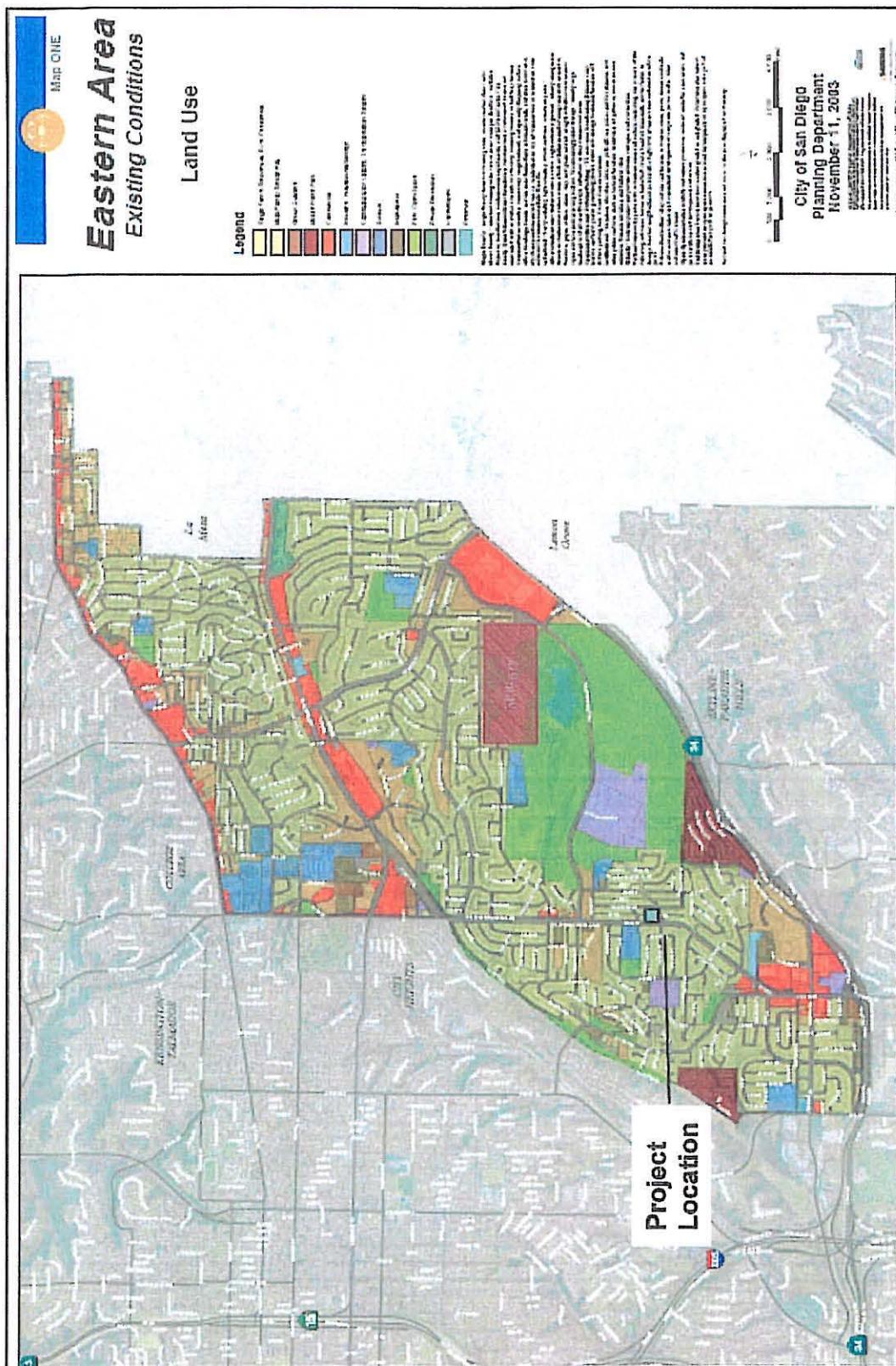
1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet

5. Tentative Map and Landscape Development Plan
6. Draft Map Conditions and Subdivision Resolution
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Chronology
10. City's Undergrounding Master Plan – Map 3T2
11. Sample of 60-Day Notice of Intent to Convert
12. Photos of Existing Front and Rear Elevations
13. List of required improvements from Building Conditions Report
14. Building Conditions Report (under separate cover)

Attachment 1
Aerial Photograph of Site

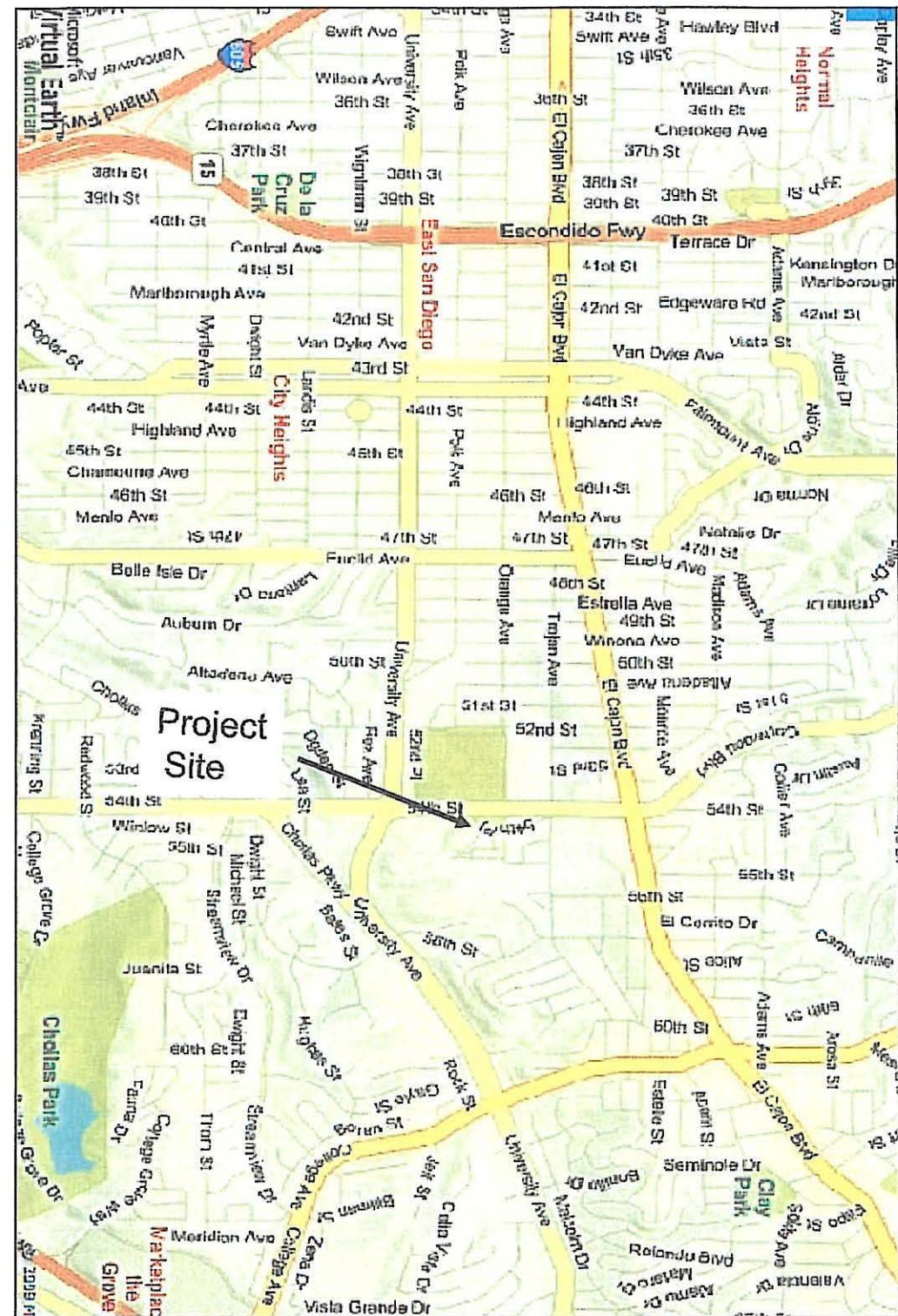


Attachment 2



Attachment 3

Project Location Map

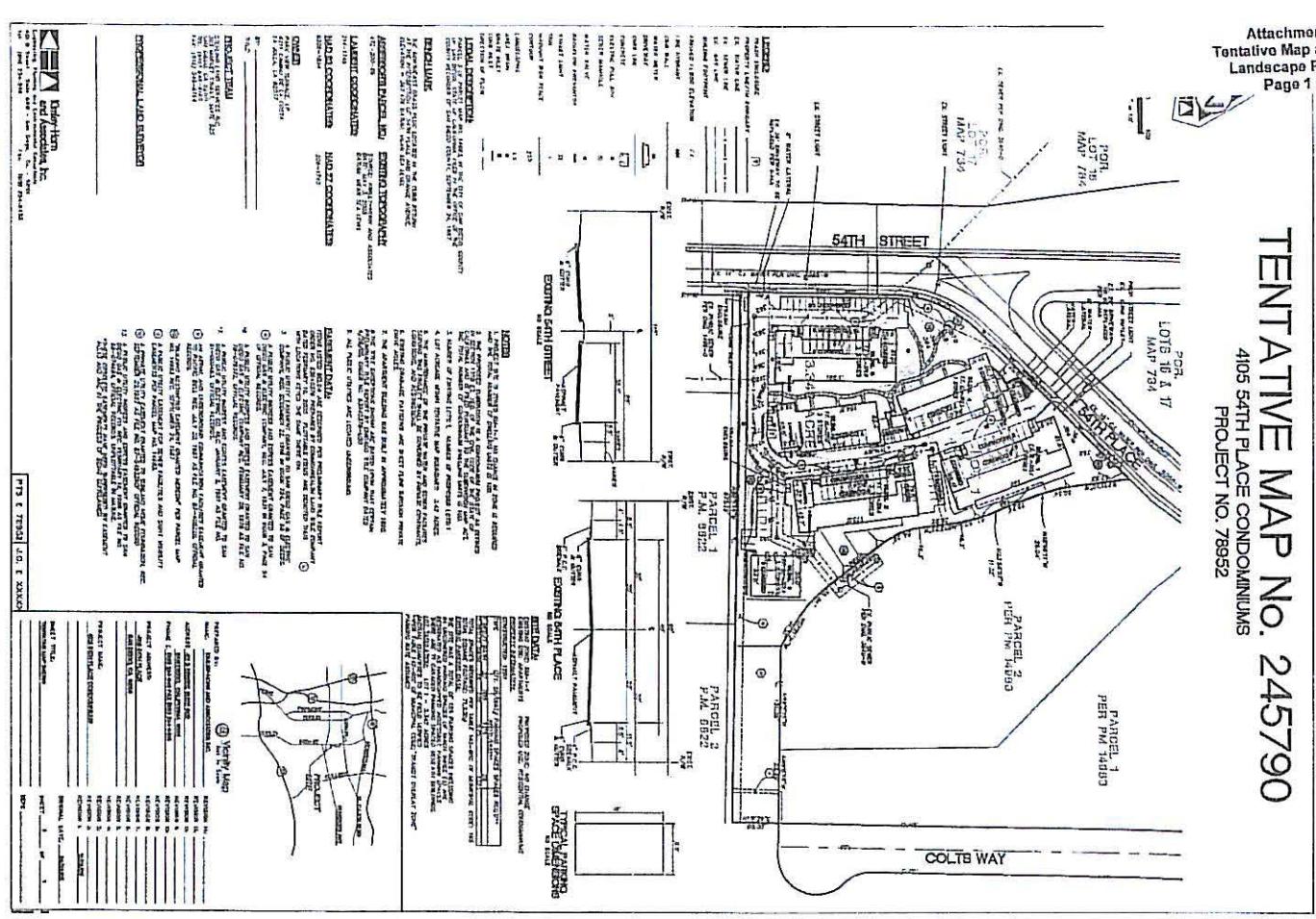


PROJECT DATA SHEET **FOR CONDOMINIUM CONVERSIONS**

PROJECT NAME:	4105 54 th Street Tentative Map	
PROJECT DESCRIPTION:	Tentative Map for the conversion of 100 existing residential units to condominiums and waive the requirement to underground existing overhead utilities	
COMMUNITY PLAN AREA:	Eastern Area Neighborhood of Mid City Communities Plan Area	
DISCRETIONARY ACTIONS:	Tentative Map and utility underground waiver	
COMMUNITY PLAN LAND USE DESIGNATION:	High density 15-30 dwelling units per acre	
CURRENT ZONING INFORMATION:		CONSTRUCTED:
ZONE: RM-1-1: A multi-unit residential zone		R-4
DENSITY: one dwelling unit per 3000 sf of lot area.		Not Available
HEIGHT LIMIT: 30-Foot maximum height limit.		Not available
LOT SIZE: 148,975 square-foot minimum lot size.		148,975 Square Feet
FLOOR AREA RATIO: .75 maximum.		Not available
FRONT SETBACK: 15/20 feet.		Not available
SIDE SETBACK: 5/8 feet.		Not available
STREETSIDE SETBACK: 10 feet.		Not available
REAR SETBACK: 15 feet.		Not available
PARKING: 165 spaces required		155
ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Parks; OP-1-1	Recreation Center
SOUTH:	Residential; RM-2-6	Multi-Family
EAST:	Residential; RM-1-1	Osteopathic Center for Children and Family Center
WEST:	Parks; OP-1-1	Colina Del Sol Park
DEVIATIONS OR VARIANCES REQUESTED:	none	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On May 14, 2006 the Eastern Area Community Planning committee voted unanimously to recommend approval of the project.	

Attachment 5
Native Map and
Landscape Plan
Page 1 of 3

TATIVE MAP No. 245790
4105 54TH PLACE CONDOMINIUMS
PROJECT NO. 78952





Park Place

4103 54th Place
San Diego, California

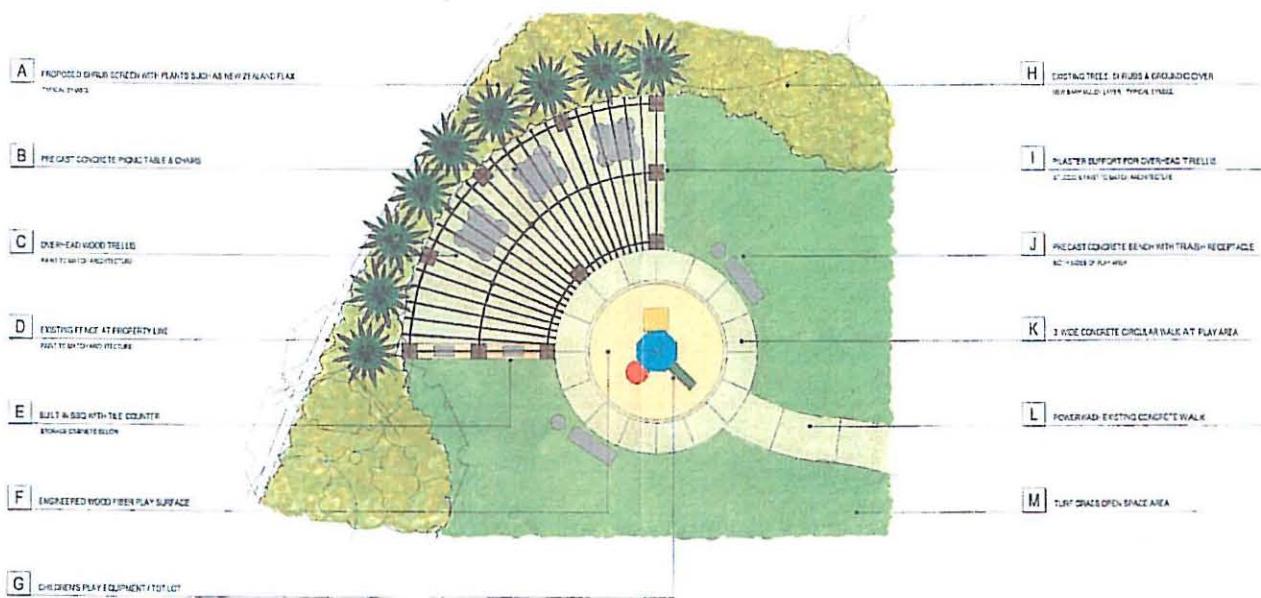
LANDSCAPE CONCEPT PLAN

Site Plan

Westcone Management Consultants
CORPORATE COMMERCIAL MANAGEMENT CONSULTANTS

Prepared by:
Zee Design
© 2010 Westcone Management Consultants

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Park Place

4103 54th Place
San Diego, California

LANDSCAPE CONCEPT PLAN

Open Space Recreation Area Plan

Prepared by:
Westona Management Consultants
 CONSULTANT ENGINEERS + LANDSCAPE ARCHITECTS

Prepared by:
J+Design
 CONSULTANT ENGINEERS + LANDSCAPE ARCHITECTS

12047

May 14, 2009

Attachment 6
Map Conditions and Subdivision Resolution

PLANNING COMMISSION
RESOLUTION NO. XXXXXX
TENTATIVE MAP NO. 245790

4105 54TH PLACE TENTATIVE MAP - PROJECT NO. 78952

DRAFT

WHEREAS, PARK VIEW TERRACE APTS. VENTURE, LP, Applicant/Subdivider, and MICHAEL KNAPTON, Surveyor, submitted an application with the City of San Diego for a Tentative Map, No. 245790, for the conversion of 100 for rent apartment units into condominiums and to waive the requirement to underground existing overhead utilities. The project site is located 4105 54th Place in the RM-1-1 Zone of Central Urbanized Planned District within the Eastern Area Neighborhood of Mid City Communities Plan Area legally described as parcel 3 of parcel map no. 14983 in the City of San Diego, County of San Diego State of California filed in the office of the County Recorder of San Diego County, September 24, 1987; and

WHEREAS, Map proposes the subdivision of a 3.4 acre site into one (1) lot for a 100 unit residential condominium conversion; and

WHEREAS, the project is exempt from environmental review pursuant to section 15301 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 project complies with the requirements of a preliminary soils and/or geological reconnaissance report 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 100; and

WHEREAS, on May 14, 2009, the Planning Commission of the City of San Diego considered Tentative Map No. 245790, 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 waiver) 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,

Attachment 6
Map Conditions and Subdivision Resolution

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. 245790:

- 1. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).**

The project proposes the conversion of 100 for rent residential units into 100 condominium the request to waive the requirement to underground existing overhead utilities. The existing development was legally constructed in 1990 when the site was zoned MR-1000. The proposed subdivision complies with the development regulations that were in effect at the time of construction and the project maintains previously conforming rights for density, as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code. No additional construction or expansion is proposed with this subdivision.

- 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).**

The decision maker has reviewed the administrative record including the project plans, technical studies, environmental documentation and public testimony to determine 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 and found that the conversion of five residential units would assist the housing needs of the Mid-City Communities Plan.

- 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)).**

A signed affidavit has been provided to the Development services Department identifying each of the tenants of the proposed project and stating each tenant received, pursuant to State Map Action Section 66452.9, written notification of intention to convert at least 60 days on October 10, 2005.

- 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**

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State Map Act (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).

Condition No. 6 of this Resolution requires that the Subdivider 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.

- 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)).**

Condition No. 7 of this Resolution requires that the Subdivider 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.

- 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.**

Condition No. 10 of this Resolution requires that the Subdivider must provide the tenants of the proposed condominiums with written notification within 10 days of approval of a Final Map for the proposed conversion, in conformance with Section 66427.1(b) of the Subdivision Map Act.

- 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)).**

Condition No. 8 of this Resolution requires that the Subdivider 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.

- 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**

Attachment 6
Map Conditions and Subdivision Resolution

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 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)).

Condition No. 9 of this Resolution requires that the Subdivider give each of the tenants exclusive right to contract for the purchase of his or her respective unit upon the same terms.

- 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).**

This project is privately financed and no funds obtained from a governmental agency to provide for elderly, disabled, or low-income housing would be used in this development.

- 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).**

This project was never developed to provide housing for the elderly, disabled or provide low-income housing. Therefore, there are not existing provisions to perpetuate those uses.

- 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)).**

Condition No. 5(a) of this Resolution requires that each of the tenants of the proposed project has received written notification of the project application for the condominium conversion within 10 days after the application was deemed complete. A Notice of Application which identifies the project location and describes the proposed conversion was mailed to each tenant in September 2005. However, due to the processing duration of the project, another notice was provided to existing tenants on February 2, 2009.

- 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**

Attachment 6
Map Conditions and Subdivision Resolution

notification that the project application for the condominium conversion was deemed complete (Land Development Code 125.0431(a)(3)).

Condition 5(b) of this resolution requires 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.

- 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)).**

Condition 13 of this resolution requires that the subdivider give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property.

- 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)).**

A Building Conditions Report has been prepared for this project by JCEP/Huang Consulting Engineers, Inc in accordance with the Land Development Manual and reviewed for compliance with the Condominium Conversion Regulations.

- 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)).**

Condition 14 of this resolution requires that the subdivider provide to a prospective purchaser a copy of the Building Conditions Report prior to the opening of an escrow account.

- 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).**

Condition 12 of this resolution requires that the subdivider provide a relocation assistance payment to all tenants of the project whose tenancy has terminated due to the condominium conversion.

- 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.**

Attachment 6
Map Conditions and Subdivision Resolution

Condition No. 24 includes the Engineering conditions specifically required for this development prior to final map approval.

- 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).**

Conditions Nos. 11 include the Affordable Housing condition that would be required of this development to comply with the City of San Diego Inclusionary Housing Ordinance.

- 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) and that 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.**
- 20. That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.**

The above findings are supported by the administrative record for this project including all review documentation, maps and the Exhibit "A" drawing dated May 14, 2009.

BE IT FURTHER RESOLVED, that, based on the Findings hereinbefore adopted by the Planning Commission, Tentative Map No. 245790, including the waiver of the requirement to underground existing overhead utilities, is hereby granted to PARK VIEW TERRACE APTS. VENTURE, LP Applicant/Subdivider, subject to the following conditions:

GENERAL

1. This Tentative Map will expire May 14, 2012.
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 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

Attachment 6
Map Conditions and Subdivision Resolution

4. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against any Indemnified Party 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 cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, and defends the action in good faith. Subdivider shall not be required to pay or perform any settlement unless such settlement is approved by the Subdivider.
5. 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*.
6. 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.
7. 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.
8. 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.
9. 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

Attachment 6
Map Conditions and Subdivision Resolution

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.

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

AFFORDABLE HOUSING

11. Prior to the recordation of the Final Map, the subdivider shall enter into an affordable housing agreement with the Housing Commission to provide affordable housing units (10 percent required) 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).
12. Prior to the recordation of the Final Map, 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.
13. 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. 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

15. The subdivider shall reconstruct the two existing driveways, to provide for a sidewalk transition, with City Standard G-14A Concrete Driveway, adjacent to the site on 54th Street and 54th Place.
16. The subdivider shall replace the existing damaged curb and gutter, with City Standard curb and gutter, adjacent to the site on the curb return of 54th Place.
17. The subdivider shall replace the damaged sidewalk, adjacent to the site on 54th Place.
18. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed

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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.

19. Pursuant to City Council Policy 600-20, the subdivider shall provide evidence to ensure that an affirmative marketing program is established.
20. The Subdivider shall install appropriate private back flow prevention devices on all existing and proposed water services (domestic, irrigation, and fire) adjacent to the project site in a manner satisfactory to the Water Department Director.
21. The Subdivider shall provide a letter, agreeing to prepare CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.
22. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
23. 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.
24. Prior to the recordation of the Final Map, 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).
25. 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

Attachment 6
Map Conditions and Subdivision Resolution

26. "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).
27. "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."
28. 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.

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 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.

Attachment 6
Map Conditions and Subdivision Resolution

- 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 MAY 14, 2009.

By _____

William Zounes
Development Project Manager
Development Services Department

Job Order No. 424938

Rev 04/13/07 rh

Attachment 7
Community Planning Group Vote

EASTERN AREA COMMUNITIES PLANNING COMMITTEE
HOLY SPIRIT CATHOLIC CHURCH, 2725 55TH STREET, SAN DIEGO, CA 92105

May 14, 2006

To: The Planning Department

From: The Eastern Area Communities Planning Committee (EACPC)

Re: 4103 54th Place, Park View Terrace – Condominium Conversion (Project No. 78952)

The vote by the EACPC to approve the conversion was unanimous in favor of the project.

The reasons the EACPC voted to approve the above named project are as follows:

1. The buildings were originally designed and built in a manner that will allow the prospective buyers of the condominiums will provide a quality;
2. We find the design to be innovative and a good match for the site;
3. The contemporary style chosen by the developer fits well with the character of the area and the architectural details, including the patios and window style look like they will provide variety to the development;
4. We like the imaginative landscape and hardscape details and the materials and colors selected for the project; and
5. We would further like to add that the EACPC is in favor of and requests that the developer pay the in-lieu fee for inclusionary housing, rather than provide the housing, at this site as the legally adopted Mid-City Area Community Plan clearly states:
 - (i) that the Area already has more than its share of low income housing opportunities compared to other neighborhoods of the City; and
 - (ii) that the highest priority should be to create market rate housing so as to achieve a greater balance with other neighborhoods of the City.

Attachment 8
Ownership Disclosure Statement
Page 1 of 2

Project Title: 4103-4125 54TH PLACE	Project No. (For City Use Only)
Part II - To be completed when property is held by a corporation or partnership	
Legal Status (please check):	
<input type="checkbox"/> Corporation (<input type="checkbox"/> Limited Liability -or- <input type="checkbox"/> General) What State? _____ Corporate Identification No. _____ <input checked="" type="checkbox"/> Partnership	
<p>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 <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
Corporate/Partnership Name (type or print): PARK VIEW TERRACE APARTS - VENTURE L.P.	
<input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Leasee	
Street Address: 10211 CAMINO DELA COSTA	
City/State/Zip: LA JOLLA, CA 92037	
Phone No: 858 454-5214 Fax No: 858 454-1579	
Name of Corporate Officer/Partner (type or print): FREDERICK KLEINHUB	
Title (type or print): (GEN) P.T.R. / PRESIDENT	
Signature : Fredrich Kleinhub Date: 7-20-05	
Corporate/Partnership Name (type or print):	
<input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Leasee	
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):	
<input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Leasee	
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):	
<input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Leasee	
Street Address:	
City/State/Zip:	
Phone No: _____ Fax No: _____	
Name of Corporate Officer/Partner (type or print):	
Title (type or print):	
Signature : _____ Date: _____	

**4105 54th Place Tentative Map Project No. 78952
Park View Terrace Apts Venture LP
Ownership Names**

General Partner, Pacific Transwest Real Estate, Inc

Fredrick Kleinbub, President of the corporation and General Partner of the LP,

Partners:

Kleinbub Family Trust,
Norma Hidalgo Del Rio,
Christian K Kleinbub Trust
Eric K Kleinbub Trust

ATTACHMENT 9
Project Chronology

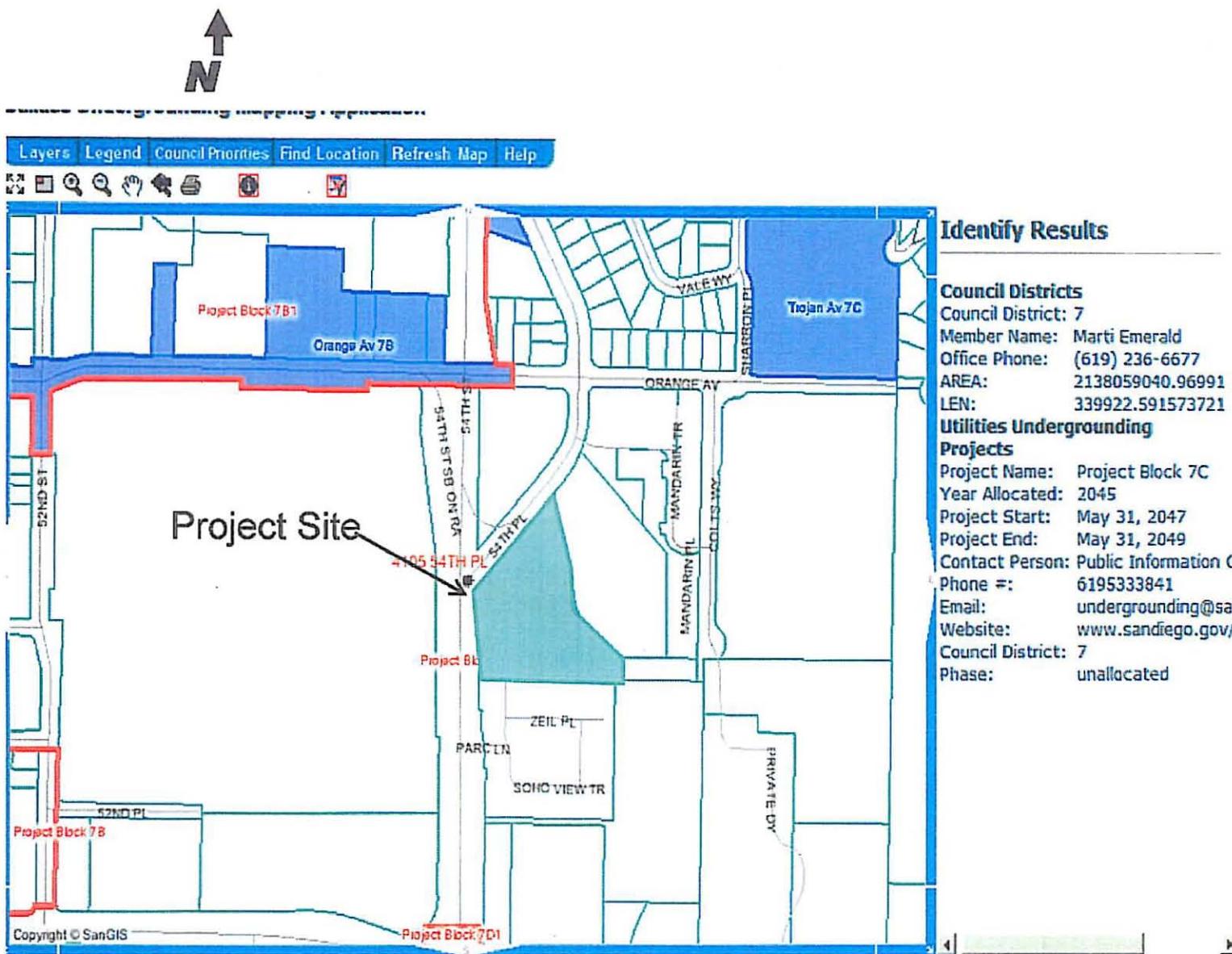
DEVELOPMENT SERVICES
4105 54th Place Tentative Map
PROJECT NO. 78952

Date	Action	Description	City Review Time	Applicant Response
9/2/05	First Full Submittal	Project Deemed Complete & distributed		
12/2/05	First Submittal Assessment Letter out		91 days	
1/6/06	Second Full submittal In	Normal Submittal		35 days from first Assessment Letter
2/3/06	Second Full Submittal Assessment Letter out		28 days	
3/28/07	Third Full Submittal In			418 days from second Assessment Letter
4/12/07	Third Full Submittal Assessment Letter out		15 days	
2/11/08	Fourth Full Submittal In			305 days from third Assessment Letter
2/28/08	Fourth Full Submittal Assessment Letter out		27 days	
10/22/08	Fifth Full Submittal In			237 days from third Assessment Letter
11/6/08	Fifth Full Submittal Assessment Letter out		15 Days	
3/9/09	Sixth Full Submittal In			123 days from third Assessment Letter
4/1/09	Sixth Full Submittal Assessment Letter out		23 Days	
5/14/09	Planning Commission Public Hearing		44 days	
TOTAL STAFF TIME**			8 months 3days	
TOTAL APPLICANT TIME**				37 month 8 days
TOTAL PROJECT RUNNING TIME**		From Deemed Complete to PC Hearing	45 months, 11 days	

**Based on 30 days equals to one month.

City's Undergrounding Master Plan

Attachment 10



Tenant
60-Day Notice of Intent to Convert to
Condominiums

"To the occupant(s) of

4105,4109,4113,4117,4121,4125 54th Place San Diego, CA 92105

The owner(s) of this building at 4105-4125 54th Place
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.



Scott Peters, Sterling Land Services, Inc. (Agent for Owner)

2/06/09

Date

**60 Day Tenant Notification that the Owner Intends to File an
Application with the City of San Diego to Convert the Existing
Apartments to Condominiums**

Moore, Amanda
4125 54th Place Suite# 304
San Diego, CA 92105

The Owner(s) of the buildings located at, 4125 54th Place, San Diego, CA 92105, intends to file an application with the City of San Diego to convert the building to a condominium.

No unit may be sold in this building unless the conversion is approved by the City of San Diego and until after a public report is issued by the Department of Real Estate.

You shall be given notice of each public 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.

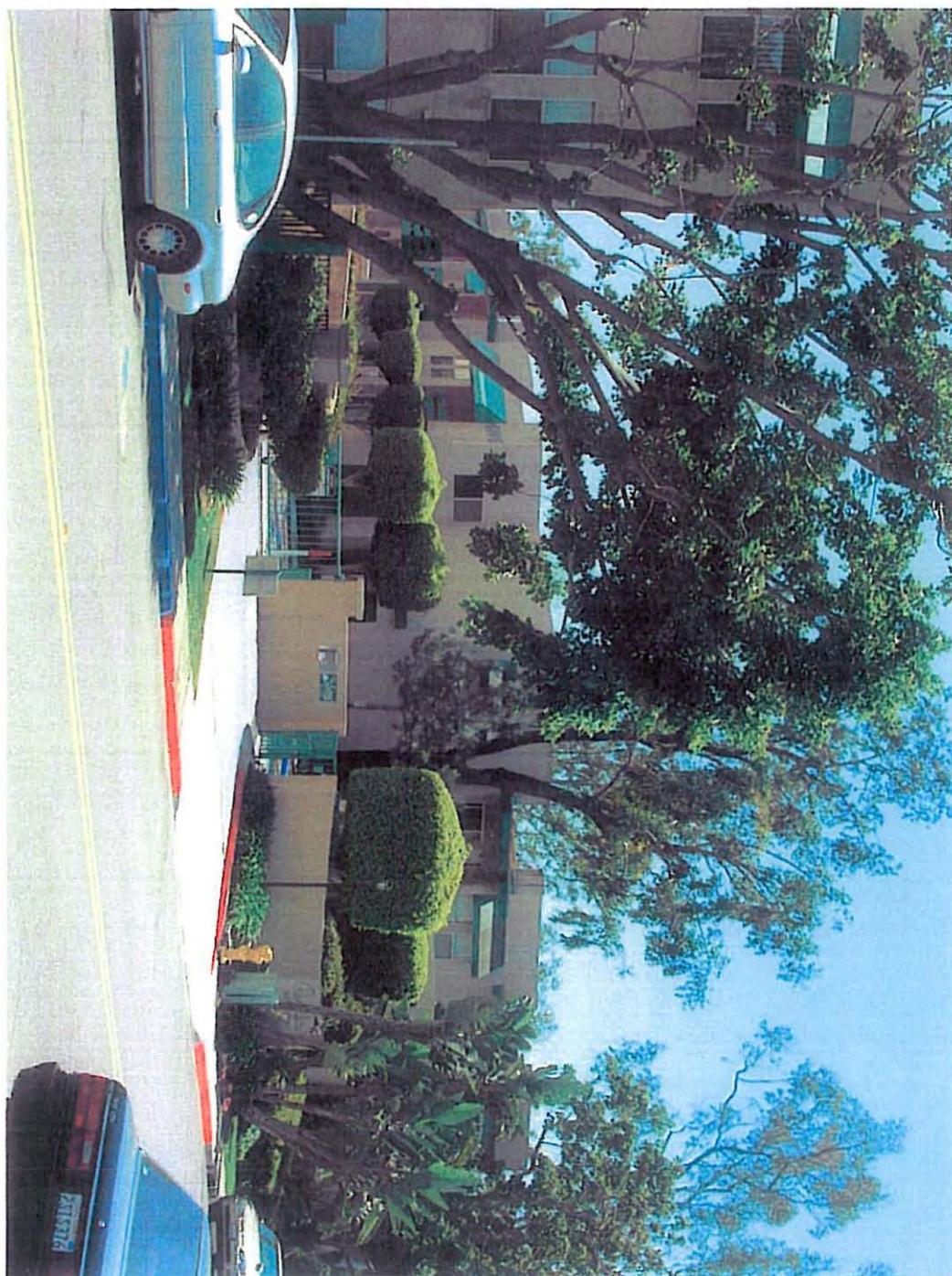
Should the condominium project be approved, tenants may be required to vacate the premises.

Westone Management Consultants, LLC
Authorized Agent for the Owners of the Property

5-10-05
Date

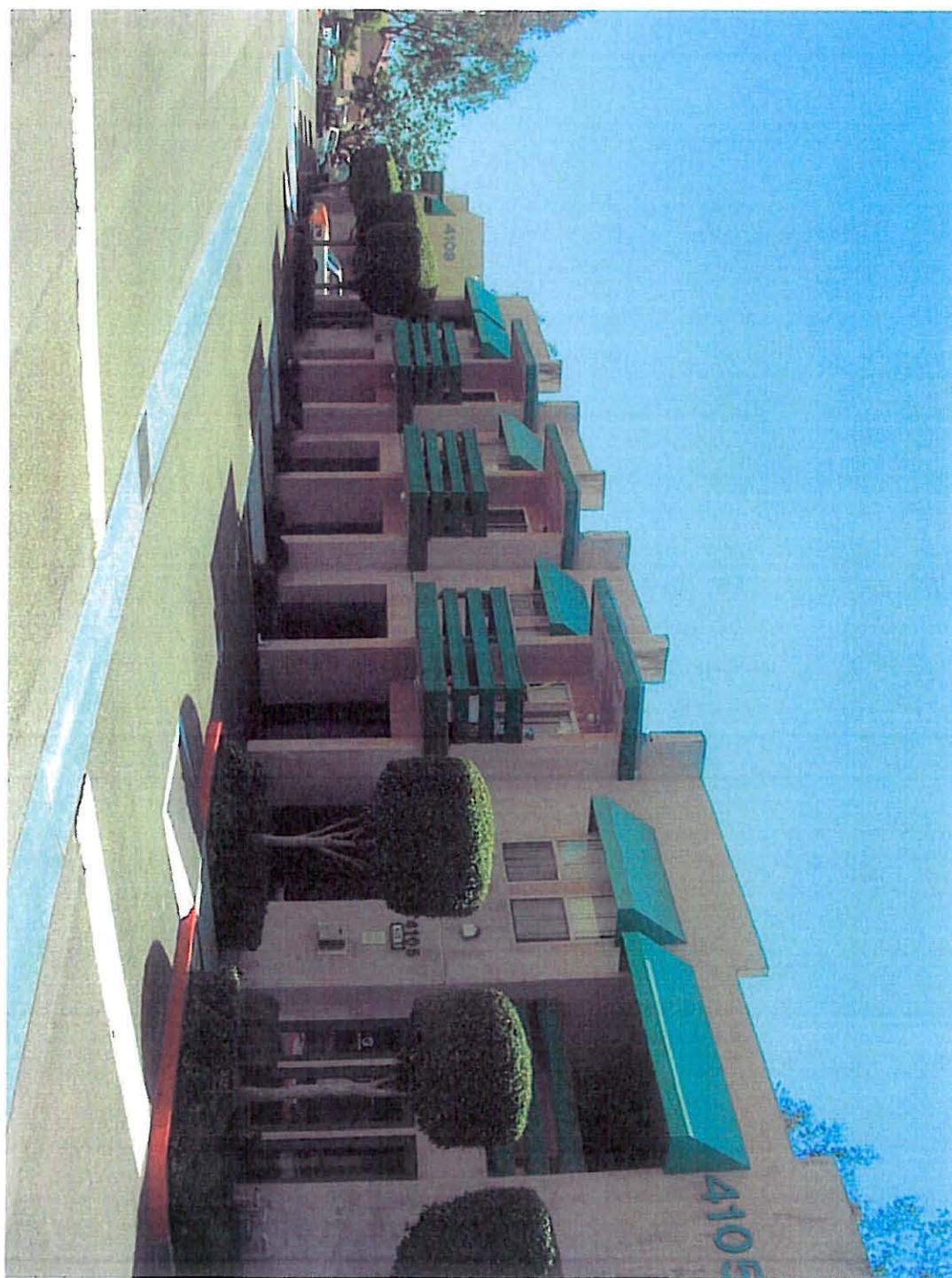
Attachment 12
Photos of Existing Development
Page 1 of 3

Front view of complex as seen from across 54th Place

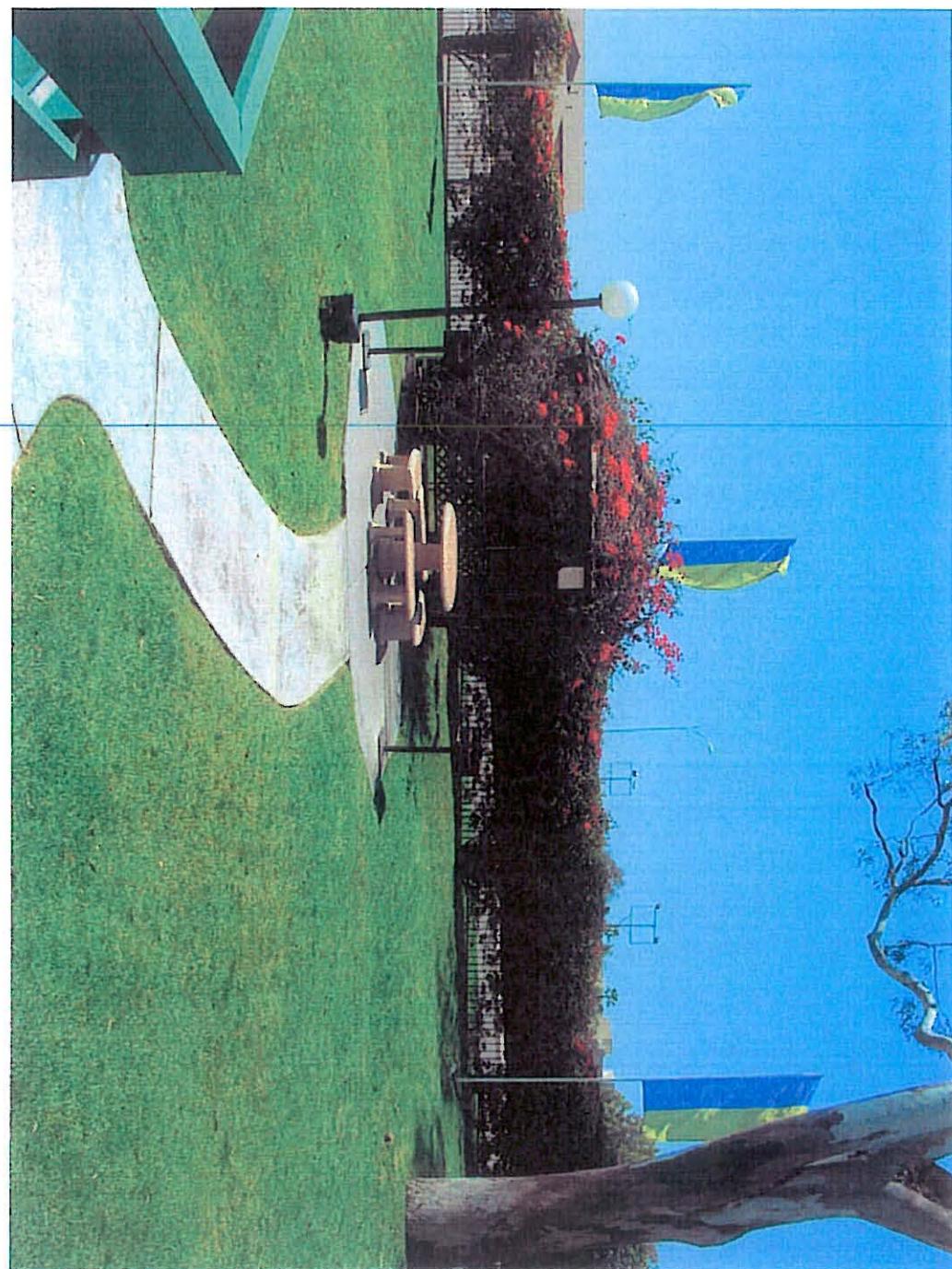


Attachment 12
Photos of Existing Development
Page 2 of 3

Interior view of complex as seen along entry driveway



Attachment 12
Photos of Existing Development
Page 3 of 3



Picnic area

1.0 EXECUTIVE SUMMARY

1.1 General Description

JCEP/Huang completed a physical elements assessment of a multi-dwelling complex known as the Park View Terrace Apartments located at 4103 54th Place in San Diego, San Diego County, California 92105-2303 (subject property) at the request of Letitia Buggs of Westone Management Consultants. As a part of the assessment, an on-site walk through observation was made on March 9, 2006 by Johnny Huang of JCEP/Huang with Sara Yvonne Galindo, Community Manager of the subject property.

The subject property contains 100 one and two-bedroom dwelling units scattered in a total of 6 three-story garden type apartment buildings. Constructed of wood framing and founded on conventional reinforced concrete footing systems, the subject buildings have a total net rentable area of an approximated 71,830 square feet. Development of the facility was completed in 1969 on a suburban lot of an estimated 3.34 acres in the City of San Diego. A brief description of the apartment buildings and the dwelling units is as follows:

Apartment Buildings

Bldg No.	Bldg Address	No. of Units	Remarks
1	4105 54 th Place	16, Nos. 102 through 105 Nos. 202 through 205 Nos. 301 through 308	Units 301, 306, 307 & 308 are on higher ground without apartments underneath.
2	4109 54 th Place	15, Nos. 101 through 103 Nos. 201 through 204 Nos. 301 through 308	Units 204 and 304 through 308 are on higher ground.
3	4113 54 th Place	20, Nos. 201 through 210 Nos. 301 through 310	This building is on higher ground without 100 series numbers.
4	4117 54 th Place	8, Nos. 201 through 204 Nos. 301 through 304	This building is on higher ground without 100 series numbers.
5	4121 54 th Place	20, Nos. 201 through 210 Nos. 301 through 310	This building is on higher ground without 100 series numbers.
6	4125 54 th Place	21, No. 110 Nos. 201 through 210 Nos. 301 through 310	This building is on higher ground without 100 series numbers, except No. 110.
Total		100 units	

Apartment Mix

Unit Type	Unit Area (s.f.)	No. of Units	Total Area (s.f.)
One x one	535	22	11,770
Two x one	770	78	60,060
Total			71,830 s.f.

Park View Terrace Apartments also offers 63 tucked under carports and 56 open asphalt paved surface parking spaces including three that are designated for the

Attachment 13
Required Improvements from
Building Conditions Report
Page 2 of 4

physically disabled, a single level leasing/administration office, community laundry rooms on each floor of the apartment buildings, and associated hardscape and landscape.

Air conditioned cooling is provided for each apartment by through-the-wall A/C unit in the living room. Heating is provided by individual electricity-powered wall heaters located in each room of the apartments. Domestic hot water for the apartments is provided by central gas-fired hot water heaters contained in the utility closet of each apartment building. Each dwelling unit is furnished with an electric range/oven, double stainless steel sinks with garbage disposal, cabinets, countertops and a refrigerator. Each apartment is provided with washer and dryer hook-ups. Furthermore, one community laundry room, with a coin-operated washer and dryer is located on each floor of the apartment buildings.

Electric distribution panels and individual electric meters are housed in the utility closet attached to the exterior wall of each building. Smoke detectors and fire alarms are available for the apartments, and the apartment buildings are fitted with strobes, alarm pull boxes, battery-backed exit signs and fire extinguishers. Additionally, fire hydrants are located along the city street sidewalk by the property and on-site as required by the current fire code.

1.2 General Physical Condition

Management advised that roofing systems for Buildings 4105 and 4117 were replaced in 2004. No other major repairs and replacements were performed, except routine maintenance.

The subject property appeared adequately maintained and in overall good to fair condition with few defects noted. Components of the buildings are composed of durable materials and sturdy construction. It is JCEP/Huang's opinion that the subject property is comparable to other similar properties of similar age and similar construction in this area. Subject to a continued program of sustained preventative maintenance, the remaining economic life of the subject apartments should exceed 35 years. Estimated remaining useful life (RUL) of major building components is listed as follows:

Building Components	Estimated Useful Life	Effective Age of Components	RUL	Remarks
Roofing	20	18	2	Except roofings for Buildings 4105 and 4117 which should have at least 18 years RUL.
Foundation	50	10	40	
Framing	50	15	35	
Electrical	50	15	35	
Plumbing	50	15	35	

Building Components	Estimated Useful Life	Effective Life Of Components	RUL	Remarks	Page
Mechanical	15	Vary	vary	Replacement/repair of mechanical units has been on-going, condition of hot water heaters, wall heaters and A/C units differs from apartment to apartment. However, Owner of the apartments has planned to repair/replace all units as a part of the Renovation Program.	
Concrete Walkway	50	15	35		
Asphalt Pavement	40	15	25		

1.3 Immediate Repairs (within 12 months)

Deferred maintenance and physical deficiencies for which corrective actions are needed may represent potentially unsafe conditions, material code violations, and items that require corrective works on a higher priority than routine work.

The following objectionable property conditions that require immediate actions were noted:

- It was noted that some fire extinguisher inspection certificates are expired. JCEP/Huang recommends that the Fire Department of the City of San Diego be contracted and have the fire extinguishers inspected and certified immediately.
 - Observed roof drains were noted to be at least partially clogged (see photograph Nos. 39 & 40). It is recommended that all roof drains (except the roof drains on Buildings 4105 & 4117) be cleared of debris, flushed, and snaked, if necessary.

ESTIMATED COST: \$1,500/each building x 4 \$6,000.00

- A localized upheaval on the asphalt pavement in front of Building 4125 was noted (See photograph No. 27). This condition can be considered as a potential tripping hazard.

It is recommended that this condition be corrected immediately.

ESTIMATED COST: \$1,000.00

1.4 Short Term and Intermediate Term Repairs (one to 5 years)

Attachment 13
Required Improvements from
Building Conditions Report

We understand that the Owner of Park View Terrace Apartments has planned a **Page 4 of 4** Renovation Program to convert the existing apartment units into condominiums. The program includes:

1. Replacement of flooring and painting of interiors of all dwelling units.
2. Replacement of unit entry doors.
3. Replacement of kitchen appliances, countertops, cabinets and sinks, and the installation of washer and dryer in each dwelling unit.
4. Repair/replacement of windows, patio/balcony doors and interior doors.
5. Repair/replacement of bathroom fixtures, including the countertops.
6. Repair/replacement of any water and termite damaged building elements and materials.
7. Repair/replacement of the mechanical units—A/C units, hot water heaters and wall heaters.
8. Paint building exteriors following necessary localized repairs and the repair/replacement of windows and doors.
9. Paint and repair all exterior elements including breezeways, balconies/patios, property fences, stairs, railing systems and the metal security gate system.
10. Refurbish the community laundry rooms.
11. Repair/replacement of trash enclosures.
12. Repair/replacement of electrical and plumbing systems as needed.
13. Up-grade landscaping and the associated irrigation system.
14. Repair/resurface the asphalt pavement followed by seal-coating and striping.
15. Repair/resurface concrete walkways.
16. Improvement of site lighting.
17. Reroof the buildings, except Buildings 4105 & 4117.
18. Repair/replacement of fire protection equipment.