



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: April 12, 2018 REPORT NO. PC-18-022

HEARING DATE: April 19, 2018

SUBJECT: MARYLAND STREET TM - Process Five Decision

PROJECT NUMBER: [564646](#)

OWNER/APPLICANT: Maryland Heights SD LLC/Ty Creamer

SUMMARY

Issue: Should the Planning Commission recommend approval to the City Council of an application for a Tentative Map to allow the creation of six residential condominium units in an under-construction project and the vacation of an unneeded slope easement, located at 4155 Maryland Street, in the Uptown Community Plan area?

Staff Recommendation: Recommend the City Council APPROVE Tentative Map No. 2025414 and Easement Vacation No. 2025415.

Community Planning Group Recommendation: On December 5, 2017, the Uptown Planners voted 11-0 to recommend approval of the project with no conditions (Attachment 7).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305, Minor Alterations in Land use Limitations. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on February 5, 2018, and the opportunity to appeal that determination ended February 20, 2018 (Attachment 5).

Fiscal Impact Statement: All costs associated with this project are paid for by a deposit account funded by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: Project approval would allow the creation of six residential condominium units in an under-construction multi-family project. The applicant paid an in-lieu fee at the time of building permit issuance to comply with the City's Affordable Housing Regulations.

BACKGROUND

The 0.20-acre site is located at 4155 Maryland Street (Attachment 3), in the RM-3-7 zone, within the Uptown Community Plan area. The RM-3-7 zone is a multi-family residential zone that allows one unit per 1,000 square feet of lot area or a maximum of nine units allowed on site. The Uptown Community Plan also designates the site for multi-family development at rate of 15-29 units per acre or 3-6 units allowed on site. There are currently six, two-bedroom residential units with attached two-car garages under construction on the project site, which were approved via ministerial building permits in July, 2017, under Project No. 541440. During ministerial review the development was determined to be in compliance with all applicable zone and citywide regulations, including but not limited to height, floor area ratio, setbacks, parking and landscaping. Therefore, the design of the previously-approved, under-construction units is not a part of this Tentative Map application.

The project site is located on the east side of Maryland Street, mid-block between Tyler Avenue and Lincoln Avenue with alley access at the rear of the property. The level site is located in a developed, urban neighborhood surrounded by similar multi-family development to the north, east and south and single-family development to the west.

DISCUSSION

Tentative Map:

The applicant is requesting the approval of a Tentative Map in accordance with San Diego Municipal Code ([SDMC Section 125.0410](#)) to consolidate the two existing lots into one, vacate an unneeded slope easement and to create six residential condominium units in the under-construction project described above.

As proposed, the project requires a Process Five, City Council decision with a recommendation from the Planning Commission. According to [SDMC Section 125.0440](#), Findings for a Tentative Map, the decision maker may approve a Tentative Map if the decision maker finds that the proposed subdivision complies with the requirements of the Subdivision Map Act and the SDMC. Staff has reviewed the proposed subdivision and determined that it complies with both the Subdivision Map Act and the SDMC.

Easement Vacation:

Approximately 2,036 square feet of the western portion of the site adjacent to the alley right-of-way contains an easement for earth excavation or embankment slopes, which was recorded July 16, 1953. The applicant is requesting this easement be abandoned as a part of the Tentative Map, which is allowed if the decision maker can make the required findings listed in [SDMC Section 125.1040](#). City staff has reviewed the request and determined that there is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated. Easements of this nature are typically acquired for future road/highway construction. The surrounding area is completely developed with residential uses and no new or expanded roadways are planned for the site by the Uptown Community Plan or the City's Capital Improvements Program. Therefore, staff is supportive of the easement vacation request.

Overhead Utility Underground Waiver:

There are existing off-site overhead utilities abutting the project site along the alley right-of-way. Pursuant to [SDMC Section 144.0240\(b\)\(5\)](#), the applicant has requested a waiver of the requirement to underground these utilities. The project qualifies for the waiver in accordance with [SDMC Section 144.0242\(c\)\(1\)\(B\)](#), as the conversion involves a short span of overhead facilities (less than a full block in length) and would not represent a logical extension to an underground facility. The site is located in Block 3W of the City of San Diego Utilities Undergrounding Master Plan, which allocates this block for utility undergrounding in 2025.

Community Plan Analysis:

The 0.20-acre project site is located in the University Heights neighborhood of the Uptown Community Plan which designates the site for residential development at a rate of 15 to 29 units per acre or three to six units allowed on site. Therefore, the creation of six residential condominium units in an under-construction project with a vacation of an unneeded slope easement complies with the Uptown Community Plan allowed land use and density. The project would also assist with furthering the Uptown Community Plan Land Use goals to provide residential densities appropriate to each neighborhood and multi-family development that does not detract from its surrounding neighborhood by providing for-sale residential units in an established, predominantly multi-family, urban neighborhood.

CONCLUSION

Staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. Staff has provided draft findings and conditions of approval (Attachments 4) to support approval of the project. Staff recommends the Planning Commission recommend approval of the project as proposed to the City Council.

ALTERNATIVES

1. Recommend the City Council approve Tentative Map No. 2025414 and Easement Vacation No. 2025415, with modifications.
2. Recommend the City Council deny Tentative Map No. 2025414 and Easement Vacation No. 2025415, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,


P.J. FitzGerald
Assistant Deputy Director
Development Services Department

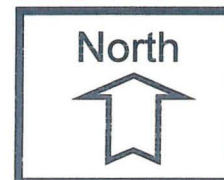

Paul Godwin
Development Project Manager
Development Services Department

Attachments:

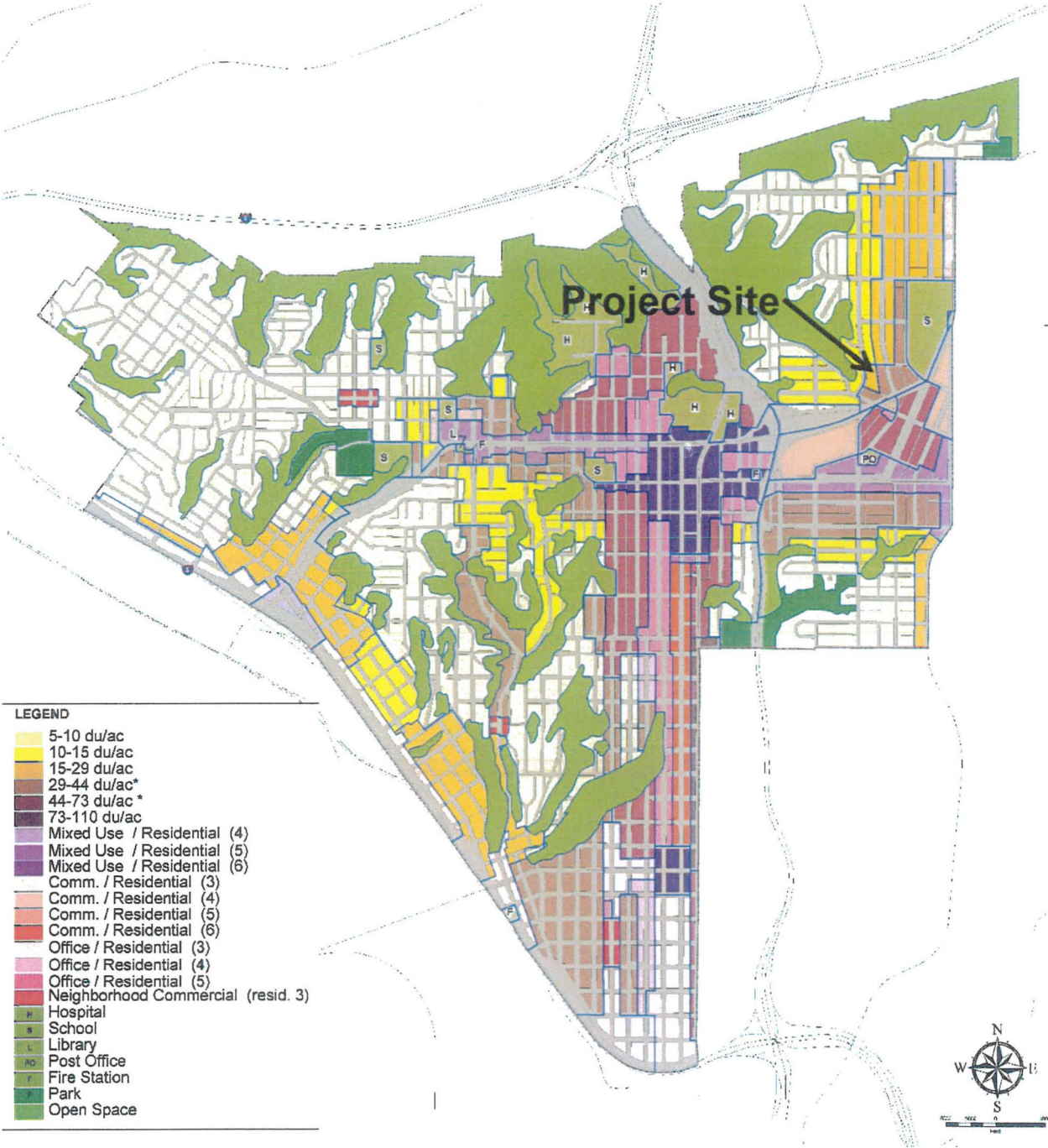
1. Aerial Photographs
2. Community Plan Land Use Map
3. Project Location Map
4. Draft Map Resolution with Findings and Conditions
5. Environmental Exemption
6. Map Exhibit-Tentative Map with Easement Vacation
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Site Photographs



Aerial Photo
Maryland Street TM / 4155 Maryland Street
PROJECT NO. 564646



Uptown Community Plan Land Use



Land Use Map

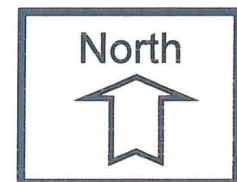
Maryland Street TM/4155 Maryland Street
PROJECT NO. 564646





Project Location Map

Maryland Street TM / 4155 Maryland Street
PROJECT NO. 564646



CITY COUNCIL
RESOLUTION NUMBER R-_____
TENTATIVE MAP NO. 2025414 - PROJECT NO. 564646

WHEREAS, Maryland Heights SD LLC, Subdivider, and John Coffey, Engineering, submitted an application to the City of San Diego for Tentative Map No. 2025414 and Easement Vacation No. 2025415 for the creation of six residential condominium units in an under-construction project, the vacation of a slope easement and to waive the requirement to underground existing offsite overhead utilities. The project site is located 4155 Maryland Street, in the RM-3-7 zone, within the Uptown Community Plan. The property is legally described as Lots 6 and 7, Block 139 of University Heights, according to amended Map thereof made by G.A. D'Hemecourt, Book 8, Page 36; and

WHEREAS, the Map proposes the Subdivision of a 0.20-acre site into six units for residential condominium development; and

WHEREAS, on February 5, 2018, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act [CEQA] (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15305; and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to Subdivision Map Act sections 66490 and 66491(b)-(f) and San Diego Municipal Code section 144.0220; and

WHEREAS, on April 12, 2018, the Planning Commission of the City of San Diego considered Tentative Map No. 2025414 and Easement Vacation No. 2025415, and pursuant to Resolution

No. [INSERT Planning Commission Resolution No.], the Planning Commission voted to recommend City Council approve the map and vacation; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, on _____, the City Council of the City of San Diego considered Tentative Map No. 2025414, and Easement Vacation No. 2025415, including the waiver of the requirement to underground existing offsite overhead utilities, and pursuant to San Diego Municipal Code sections 125.0440, 144.0240, 125.1040 and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 2025414:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan. (San Diego Municipal Code § 125.0440(a))

The requested Tentative Map would consolidate two existing lots into one, vacate an unneeded slope easement and allow the creation of six residential units in an under-construction development. The 0.20-acre project site is located at 4155 Maryland Street in the RM-3-7 zone, within the Uptown Community Plan area.

The Uptown Community Plan designates the site for multi-family development at rate of 15 to 29 units per acre or three to six units allowed on site. Therefore, the creation of six residential condominium units in an under-construction project complies with the Uptown Community Plan allowed land use and density. The project would also assist with furthering the Uptown Community

Plan Land Use goals to provide residential densities appropriate to each Uptown neighborhood and multi-family development that does not detract from its surrounding neighborhood by providing six residential units in an established, predominantly multi-family, urban neighborhood, surrounded by similar development. Therefore, the proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code. (San Diego Municipal Code § 125.0440(b))

The subdivision would consolidate two existing lots into one, vacate an existing unneeded slope easement and create six residential condominium units in a multi-family development that is currently under construction. The 0.20-acre project site is located at 4155 Maryland Street in the RM-3-7 zone, within the Uptown Community Plan area. The RM-3-7 zone allows for multi-family residential development at a rate of one dwelling unit per 1,000 square feet of lot area, or a maximum of eight units allowed on the site.

The development is being constructed by-right in accordance with the San Diego Municipal Code's base zone regulations. The development was determined to comply with the RM-3-7 zone and Land Development Code requirements through the building permit review process under Project No. 541440. The proposed subdivision is consistent with the development regulations of the underlying zone and complies with all applicable regulations, including lot width, density, floor area ratio and landscaping and no deviations to the Land Development Code are requested with this action.

There are existing off-site overhead utilities abutting the project site along the alley right-of-way. Pursuant to SDMC Section 144.0240(b)(5), the applicant has requested a waiver of the requirement to underground these utilities. The project qualifies for the waiver in accordance with SDMC Section 144.0242(c)(1)(B), as the conversion involves a short span of overhead facilities (less than a full block in length) and would not represent a logical extension to an underground facility. The site is located in Block 3W of the City of San Diego Utilities Undergrounding Master Plan, which allocates this block for utility undergrounding in 2025. As such, the proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code.

3. The site is physically suitable for the type and density of development. (San Diego Municipal Code § 125.0440(c))

The subdivision would create six residential condominium units in a multi-family development that is currently under construction. The proposed Tentative Map would consolidate two existing lots into one, vacate an existing unneeded slope easement and create residential condominium units for individual ownership with no enlargement or expansion of use.

The site is located in an urban developed neighborhood with level topography, is served by existing public infrastructure/utilities and fronts on the fully developed Maryland Street and rear alley rights-of-way. The site is being constructed in compliance with all applicable geologic, engineering and building code requirements, as reviewed under the issued building permit (Project No. 541440). The approved construction permits also include the requirement to install City-standard, curb, gutter,

sidewalk and driveway at the project site. Therefore, the site is physically suitable for the type and density of development.

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. (San Diego Municipal Code § 125.0440(d))

The site is within an existing, developed, in-fill urban area surrounded on all sides by existing residential development. The site does not contain nor is adjacent to any fish or wildlife habitats, environmentally sensitive lands or Multiple Habitat Planning Area lands. Therefore, the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

5. The design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare. (San Diego Municipal Code § 125.0440(e))

The project has been reviewed and is in compliance with the San Diego Municipal Code (SDMC) and the Subdivision Map Act. The Tentative Map includes conditions and corresponding exhibits of approvals relevant to adequate parking, public improvements, and payment of applicable fees in order to achieve compliance with the regulations of the SDMC. The site is being constructed in compliance with all applicable geologic, engineering and building code requirements, as reviewed under the issued building permit (Project No. 541440). The proposed subdivision is consistent with all Uniform Building, Fire, Plumbing, Electrical and Mechanical Code regulations and permitting requirements continue to govern this project. Therefore, the design of the subdivision or the type of improvements will not be detrimental to the public, health, safety, and welfare.

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. (San Diego Municipal Code § 125.0440(f))

The site fronts on Maryland Street and is accessed from the alley right-of-way at the rear of the site. Approximately 2,036 square feet of the western portion of the site adjacent to the alley right-of-way contains an easement for earth excavation or embankment slopes, which was recorded on July 16, 1953. Easements of this nature are typically acquired for future road/highway construction. The applicant is requesting this easement be abandoned as a part of the Tentative Map. The surrounding area is completely developed with residential uses and no new or expanded roadways are planned for the site by the Uptown Community Plan or the City's Capital Improvements Program. Therefore, the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities. (San Diego Municipal Code § 125.0440(g))

The proposed Tentative Map will not impede or inhibit any future passive or natural heating and cooling opportunities as the purpose of the subdivision is to create residential and commercial

condominium units for individual ownership and no enlargement or expansion of use. The development is under construction via the building permit approved under Project No. 541440 and the underlying zone provided opportunities through required setbacks, building materials, site orientation, architectural treatments and landscaping to provide for future passive or natural heating and cooling opportunities. Therefore, the design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources. (San Diego Municipal Code § 125.0440(h))

The requested Tentative Map would consolidate two existing lots into one, vacate an unneeded slope easement and allow the creation of six residential units in an under-construction development and does not include any enlargement or expansion of use. The 0.20-acre project site is located at 4155 Maryland Street in the RM-3-7 zone, within the Uptown Community Plan area.

All applicable Developer Impact Fees, school, water/sewer connection and other impact fees have been paid at building permit issuance under Project No. 541440. The applicant has complied with the City's Affordable Housing Regulations through payment of the in-lieu fee at the time of building permit issuance. The project is located in an urban, developed neighborhood and served by existing public infrastructure, including improved right-of-way and water, sewer, electrical and gas lines.

The decision maker has reviewed the administrative record including the project plans, environmental documentation and public testimony to determine the effects of the proposed subdivision on the housing needs of the region. Those needs were balanced against the needs for public services and the available fiscal and environmental resources and found that the proposed subdivision will not adversely impact the housing needs of the Uptown Community Plan area.

The above findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that portions of an earth excavation or embankment slope or slope easement, located within the project boundaries as shown in Tentative Map No. 2025414, shall be vacated, contingent upon the recordation of the approved Final Map for the project, and that the following findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference:

9. There is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated. (San Diego Municipal Code § 125.1040(a))

Approximately 2,036 square feet of the western portion of the site adjacent to the alley right-of-way contains an easement for earth excavation or embankment slopes, which was recorded July 16, 1953. Easements of this nature are typically acquired for future road/highway construction. The applicant is requesting this easement be abandoned as a part of the Tentative Map. The surrounding area is completely developed with residential uses and no new or expanded roadways are planned for the site by the Uptown Community Plan or the City's Capital Improvements Program. Therefore, there is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated.

10. The public will benefit from the action through improved utilization of the land made available by the vacation. (San Diego Municipal Code § 125.1040(b))

Approximately 2,036 square feet of the western portion of the site adjacent to the alley right-of-way contains an easement for earth excavation or embankment slopes, which was recorded on July 16, 1953. Easements of this nature are typically acquired for future road/highway construction. The applicant is requesting this easement be abandoned as a part of the Tentative Map. The public will benefit from the vacation in that it will allow the site to be fully utilized for residential development in an area zoned and designated by the Uptown Community Plan for multi-family residential uses. The creation of for-sale residential condominium uses will also benefit the public by providing more home ownership opportunities and increasing residential property tax revenues.

11. The vacation is consistent with any applicable land use plan. (San Diego Municipal Code § 125.1040(c))

As outlined within Tentative Map Finding No. 1 listed above, the proposed subdivision with vacation and its design and improvement are consistent with the policies, goals, and objectives of the applicable land use plan. The subdivision would allow the creation of residential condominium units in an area zoned and designated by the Uptown Community Plan for multi-family residential uses. Therefore, vacation is consistent with any applicable land use plan.

12. The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists. (San Diego Municipal Code § 125.1040(d))

Approximately 2,036 square feet of the western portion of the site adjacent to the alley right-of-way contains an easement for earth excavation or embankment slopes, which was recorded on July 16, 1953. Easements of this nature are typically acquired for future road/highway construction. The applicant is requesting this easement be abandoned as a part of the Tentative Map. The surrounding area is completely developed with residential uses and no new or expanded roadways are planned for the site by the Uptown Community Plan or the City's Capital Improvements Program. Therefore, the public facility or purpose for which the easement was originally acquired

will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the City Council, Tentative Map No. 2025414 and Easement Vacation No. 2025415, including the request to waive the requirement to underground the existing overhead utilities, are hereby granted to Maryland Heights SD LLC, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MARA W. ELLIOTT, City Attorney

By _____
[Attorney]
Deputy City Attorney

[Initials]:[Initials]
[Month]/[Day]/[Year]
Or.Dept:[Dept]
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ATTACHMENT: Tentative Map Conditions

Internal Order No. 24007398

CITY COUNCIL
CONDITIONS FOR TENTATIVE MAP NO. 2025414
MARYLAND STREET TM – PROJECT NO. 564646
ADOPTED BY RESOLUTION NO. R-_____ ON _____

GENERAL

1. This Tentative Map will expire [City Clerk to insert date].
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the recordation of the Final Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
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 the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

ENGINEERING

5. Per the City of San Diego Street Design Manual-Street Light Standards, and Council Policy 200-18, the Subdivider will be required to install a new street light adjacent to the site on Maryland Street.
6. The Subdivider shall vacate the embankment and slope easement per Book 4923, Page 343 & 346 of Official Records, satisfactory to the City Engineer.
7. The Subdivider shall reconstruct the AC alley along property frontage with a current City Standard Concrete Pavement Full Width Alley per the approved Exhibit A.
8. The Subdivider shall reconstruct the existing curb with City Standard curb and gutter, adjacent to the site on Maryland Street, satisfactory to the City Engineer.

9. The Subdivider shall reconstruct the damaged portions of the existing sidewalk per current City Standards, adjacent to the site on Maryland Street, satisfactory to the City Engineer.
10. The Subdivider shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the Palm Tree in the Maryland Street Right of Way.
11. The Subdivider shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the sidewalk underdrains in the Maryland Street right-of-way.
12. 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.
13. 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

14. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
15. "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."
16. The Final Map shall be based on field survey and all lot corners must be marked with durable survey monuments pursuant to Section 144.0311(d) of the City of San Diego Land Development Codes and Subdivision Map Act Section 66495.
17. All survey monuments shall be set prior to the recordation of the Final Map, unless the setting of monuments is deemed impractical due to the proposed improvements and/or grading associated with the project, in which case, delayed monumentation may be applied on the Final Map in accordance with Section 144.0130 of the City of San Diego Land Development Codes.
18. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.

- b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of First Order accuracy. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

WATER AND SEWER

19. Prior to any Final Map being recorded, the Subdivider is required to ensure that all separately titled units developed under this permit, which share water or sewer service connections to the City's public utility systems, are encumbered by CC&Rs written so as to ensure (to the satisfaction of the Public Utilities Director) that the operation and maintenance of all such shared water/sewer facilities will be provided for in perpetuity.

INFORMATION:

- The approval of this Tentative Map by the City Council of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within ninety days of the approval of this Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Internal Order No. 24007398

NOTICE OF EXEMPTION**ATTACHMENT 5***(Check one or both)*

TO: ☒ Recorder/County Clerk
P.O. Box 1750, MS A-33
1600 Pacific Hwy, Room 260
San Diego, CA 92101-2400

FROM: City of San Diego
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

☐ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Project Name: Maryland Street TM

Project No. 564646

Project Location-Specific: 4155 Maryland Street, San Diego, California 92103

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

Description of nature and purpose of the Project: A Tentative Map with a Slope Easement Vacation to create six residential condominium units in an under-construction project on a 0.14-acre site located at 4155 Maryland Street. The project site is designated for multi-family residential use and is zoned RM-3-7.

Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: Ty W. Creamer
Maryland Heights
3636 Fifth Avenue, Suite No. 101
San Diego, CA 92103
(619) 933-5247

Exempt Status: (CHECK ONE)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269 (b)(c))
- ☒ Categorical Exemption: 15305 (Minor Alterations in Land Use Limitations)

Reasons why project is exempt:

The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15305 which addresses minor alterations in land use limitations, in areas with an average slope of less than 20 percent, and which do not result in any changes in land use density. In addition, the exceptions listed in CEQA Section 15300.2 would not apply.

Lead Agency Contact Person: Anna L. McPherson AICP

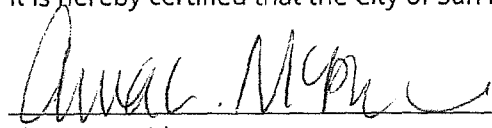
Telephone: (619) 446-5276

If filed by applicant:

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

ATTACHMENT 5

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



/Senior Planner

Signature/Title

February 21, 2018

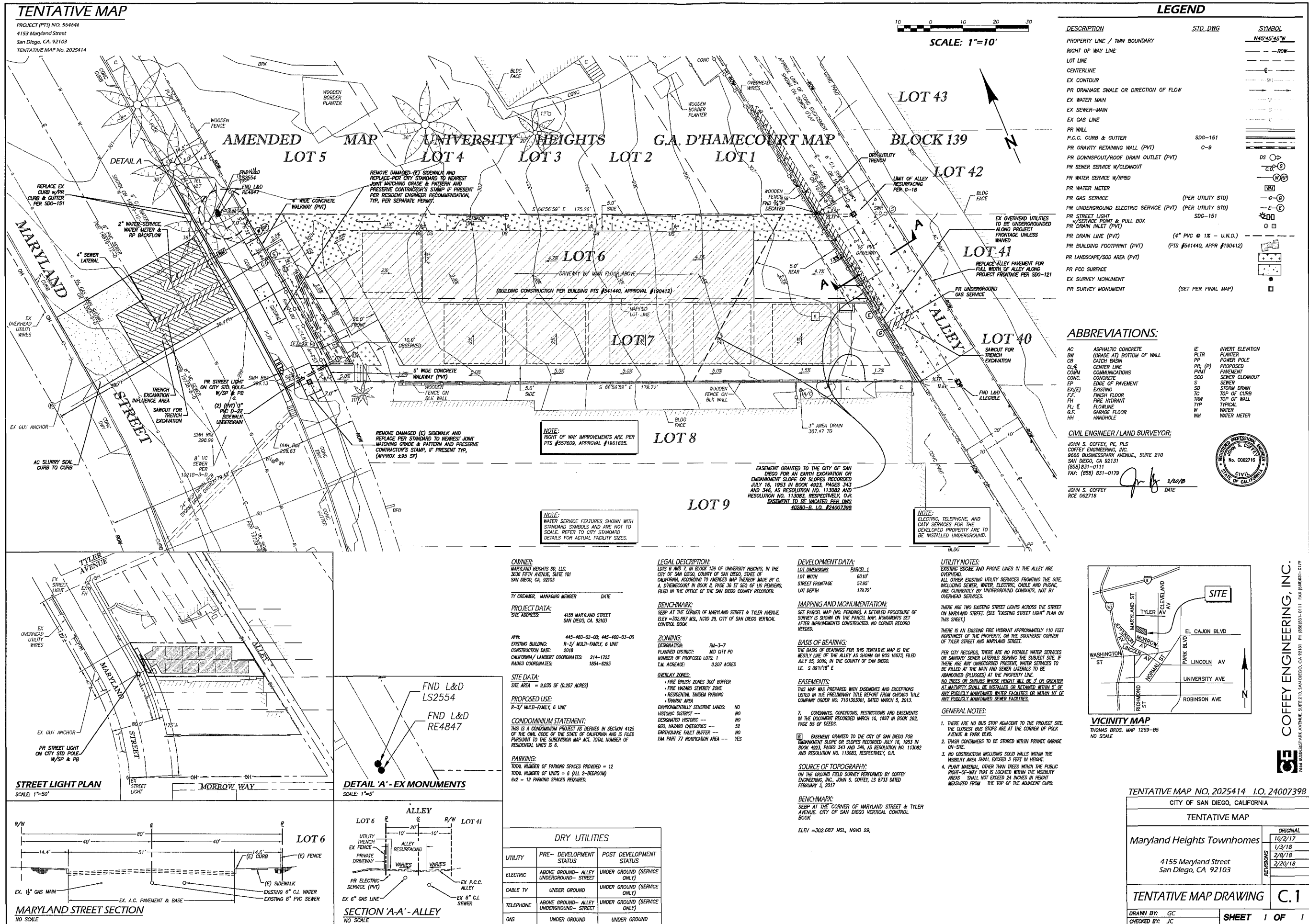
Date

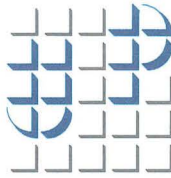
Check One:

☒ (X) Signed By Lead Agency

☐ () Signed by Applicant

Date Received for Filing with County Clerk or OPR:





UPTOWN PLANNERS
Uptown Community Planning Group
FINAL MINUTES
December 5, 2017

Call to order by Leo Wilson at 6:03

In attendance: Gary Bonner, Leo Wilson, Jennifer Pesqueira, Mat Wahlstrom, Bill Ellig, Bob Daniel, Jay Newington, Amie Hayes, Michael Brennan, Tom Mullaney, Stuart McGraw (appointed at meeting), Ken Tablang (left early)

Absent: Dana Hook, Maya Rosas, Roy Dahl, Soheil Nakhshab, Tim Gahagan

I. Board Meeting: Parliamentary Items/Reports:

- A. Introductions by board members.
- B. Adoption of Agenda and Rules of Order: Motion by Ellig to approve the agenda, seconded by Wahlstrom, approved by unanimous voice vote.
- C. Approval of Minutes: none
- D. Treasurer's Report: none
- E. Chair/CPC Report: Chair indicated that the Uptown Project Pipeline had only two projects in it: the Front Street Vacation and Jordan Family Residence project.
- F. Appointment to Vacant Board Seat; board member Cindy Thorsen had previously resigned.
 - 1.) Each individual seeking appointment to the board was allowed three minutes to speak: The individuals were: Mia Earn, Stuart McGraw, Dennis Seisun, Lee Shepard, William Smith, Jr., & Judith Tentor
 - 2.) Board members voted by written ballot:
 - First Vote:
 - Stuart McGraw: 5 votes – Newington, Mullaney, Wilson, Ellig, Wahlstrom
 - William Smith: 4 votes – Pesqueira, Brennan, Bonner. Daniel
 - Dennis Seisun: 1 vote -- Hayes
 - Judith Tentor: 1 vote -- Tablang
 - Second Vote: Run Off:
 - Stuart McGraw 6 votes -- Newington, Mullaney, Wilson, Hayes, Ellig, Bonner
 - William Smith 5 votes -- Pesqueira, Brennan, Daniel, Wahlstrom, Tablang

- II. **Public Communication:** None
- III. **Representatives of Elected Officials:** None
- IV. **Consent Agenda:** None

V. Projects: Action Items:

- 1. **1804 MISSION CLIFF DRIVE NDP ("MOTT RESIDENCE")** – Process Two – University Heights – Neighborhood Development Permit for the demolition of existing retaining walls, and construction of a 1,108 square foot addition to an existing single family dwelling within a site that contains Environmentally Sensitive Lands in the form of

sensitive vegetation. The 0.17-acre site is located at 1804 Mission Cliff Drive in the RS-1-1 and RS-1-7 zones;

Chair Wilson indicated the city had an open code enforcement violation case on the property since 2007, as a result of unpermitted encroachments into sensitive lands done by a prior owner. The northern portion of the parcel had been rezoned in February 2017 from RM-1-1 to OR-1-1 (Open Space Residential).

Presentation made by Ricardo Perez, of Estudio 75, on behalf of the applicant, who indicated the encroachments into the sensitive lands would be removed, and the sensitive lands restored to their natural state. Perez also stated the current project being proposed would not involve a new encroachment into any sensitive lands. After restoring the sensitive land, the applicant would have a brush management plan as part of the project. Board members stated they felt it was too early in the planning review process for the board to make a recommendation regarding the project, and instead suggested the project be referred to the Design Review Subcommittee for review in the future as the project progresses.

Motion by Ellig, seconded by Daniel, that the project be referred to the Uptown Planners Design Review Subcommittee for further review as the project progressed through the planning process. Motion passed unanimously 10-0-1, with non-voting chair Wilson abstaining.

2. 4155 MARYLAND STREET TENTATIVE MAP AND SLOPE EASEMENT VACATION TOWNHOMES – Process Five – University Heights – Tentative Map with Slope Easement Vacation to create six residential condominium units in an under-construction project, and vacate a slope easement on an 0.14 site located at 4155 Maryland Street in the RM-3-7 zone.

Presentation by Ty Creamer, of Tyco Construction, on behalf of the project applicant; Creamer stated the embankment slope easement vacation is sought as it is outdated and serves no present purpose. The project complies with city code, and its building permit and other necessary permits have been approved. Motion by Wahlstrom, seconded by Newington, to approve the vacation of the slope easement on the subject property; motion passed unanimously 10-0-1, with non-voting chair Wilson abstaining.

VI. Letters of Support:

- 1. REQUEST FOR LETTER OF SUPPORT FOR GREAT CHOCOLATE 10-MILE RACE –** Uptown -- Presentation by Michael Barder; The race will take place on December 17, 2017. The race will begin Downtown; enter Uptown along Sixth Avenue; go west on Fir Street, north on First Avenue; west on Laurel; north on State Street and Reynard Street; then east on University Avenue, and then south on Sixth Avenue into Downtown.

The applicant was not present to make a presentation. Motion by Wahlstrom, seconded by Bonner, to not take action as there was no presentation by the applicant; Motion passed unanimously 10-0-1, with non-voting chair Wilson abstaining.

VII. Information Items: Misc.

- 1. HAYES AVENUE STORM DRAIN REPLACEMENT PROJECT – University Heights --** The project proposes to install approximately 500 linear feet (LF) of 18" Reinforced Concrete Pipe [RCP] along Hayes Avenue, down the alley/drive way at 926 Hayes Avenue and down

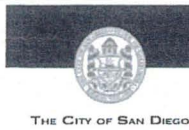
into the canyon where the outfall will be. The new storm drain will replace/upgrade the existing 16-inch diameter Corrugated Metal Pipe [CMP] which currently runs under a structure at 906 Hayes Ave. and will be abandoned with the new alignment keeping the pipe within the Right-of-Way.

No presentation was made by city staff; renditions received from city staff were forwarded to the board prior to the meeting for their review.

Adjournment: 7:00pm

Respectfully submitted

Michael Brennan
Secretary
(Finalized by Leo Wilson)



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

Ownership Disclosure Statement

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

Project Title

Maryland Street - Vacation

Project No. For City Use Only

564646

Project Address:

Maryland Street, San Diego CA 92103 (APN 445-460-0200)

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

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

Additional pages attached ☐ Yes ☒ No

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Project Title: Maryland Street - Vacation	Project No. (For City Use Only) 564646
---	--

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

Legal Status (please check):

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

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

Corporate/Partnership Name (type or print): Maryland Heights SD LLC <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: 3636 5th Avenue, #101 City/State/Zip: San Diego, CA 92103 Phone No: <u>619-933-5247</u> Fax No: _____ Name of Corporate Officer/Partner (type or print): <u>Ty W. Creamer</u> Title (type or print): <u>Manager</u> Signature: <u>Ty W. Creamer</u> Date: <u>8/17/17</u>	Corporate/Partnership Name (type or print): <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: City/State/Zip: Phone No: _____ Fax No: _____ Name of Corporate Officer/Partner (type or print): Title (type or print): Signature: _____ Date: _____
Corporate/Partnership Name (type or print): <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: City/State/Zip: Phone No: _____ Fax No: _____ Name of Corporate Officer/Partner (type or print): Title (type or print): Signature: _____ Date: _____	Corporate/Partnership Name (type or print): <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: City/State/Zip: Phone No: _____ Fax No: _____ Name of Corporate Officer/Partner (type or print): Title (type or print): Signature: _____ Date: _____
Corporate/Partnership Name (type or print): <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: City/State/Zip: Phone No: _____ Fax No: _____ Name of Corporate Officer/Partner (type or print): Title (type or print): Signature: _____ Date: _____	Corporate/Partnership Name (type or print): <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: City/State/Zip: Phone No: _____ Fax No: _____ Name of Corporate Officer/Partner (type or print): Title (type or print): Signature: _____ Date: _____



North elevation, looking south down Maryland Street



Existing multi-unit residential development south of site, project on left



Existing multi-unit residential development north of site, project on right



West side of Maryland Street across from project site



Looking south down alley, project on the right



Looking north down alley, away from the project site