



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: October 31, 2012 REPORT NO. HO 12-088
ATTENTION: Hearing Officer
SUBJECT: 710 TURQUOISE STREET MAP WAIVER
PROJECT NUMBER: 282719
LOCATION: 710 Turquoise Street
APPLICANT: San Diego Land Surveying and Engineering

SUMMARY

Issues: Should the Hearing Officer approve a request to waive the requirements for a tentative map to create eight residential units and four commercial units (under construction) into condominiums?

Staff Recommendation - Approve Map Waiver No. 993076.

Community Planning Group Recommendation - The Pacific Beach planning Board voted 15-2-1 to recommend approval of the proposed project with no additional comment or condition. (Attachment 5).

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15332 (Infill Development Projects). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on September 13, 2012 and the opportunity to appeal that determination ended October 6, 2012 (Attachment 8).

Fiscal Impact: None. All of the costs associated with processing this application are paid for by the applicant through a deposit account.

Housing Impact Statement: The project proposes no affordable housing units on or off-site. Instead, the applicant has paid the in-lieu fee per the Inclusionary Housing Ordinance at the issuance of their building permits (No. 765829).

BACKGROUND

The project site is located at 710 Turquoise Street, between La Jolla Boulevard and Mission Boulevard (Attachment 1). The 0.34-acre property is in the CC-4-2 Zone of the Pacific Beach Community PanNIN area (Attachment 2). The property is regulated by the development regulations of the Land Development Code and includes the Coastal Height Limit Overlay Zone and the Transit Area Overlay Zone.

The proposed development includes four, two-story detached structures with eight residential units and four commercial units. The mixed use project was reviewed and approved as for rent apartments and commercial lease space and multiple building permits were issued in April 2012 pursuant to Project No. 265921. The project complies with all applicable development regulations of the Land Development Code including the minimum off-street parking requirements, and no deviation or variance is necessary with this application. The site previously contained a vacant one-story structure that was used as an automotive repair service. Demolition of the existing structure was approved and completed under separate permit pursuant to Project No. 273894. Surrounding land use includes a mix of commercial retail establishments, restaurants and multi-family residential development.

DISCUSSION

The project is requesting a Map Waiver to waive the requirements of a Tentative Map for the subdivision of a 0.34-acre site. Section 125.0410 of the San Diego Municipal Code requires that a Tentative Map be processed for the subdivision of land. The Tentative Map request is a Process Three Hearing Officer decision as outlined in San Diego Municipal Code Section 125.0430 (Decision Process for a Tentative Map). According to San Diego Municipal Code Section 125.0440, Findings for Tentative Maps, the decision maker may approve a Tentative Map if the decision maker finds that the proposed division of land complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code.

Building Conditions Report and Landscape Requirements

This project was submitted and reviewed under separate building permits as for rent apartments and commercial lease space. The project is considered new construction therefore a Building Conditions Report is not required with this action and landscaping will comply with the minimum citywide standards.


CONCLUSION

Staff has reviewed the request for a Map Waiver to waive the requirements for a Tentative Map for the subdivision of a 0.34-acre site to create eight (8) residential condominium units and four (4) commercial condominium units. Staff has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps and believes the required findings can be approved. Therefore, staff recommends that the Hearing Officer approve Map Waiver No. 993076 subject to the proposed conditions (Attachment 4).

ALTERNATIVES

1. Approve Map Waiver No. 993076, including the request to waive the requirement to underground the existing overhead utilities, with modifications; or
2. Deny Map Waiver No. 993076, including the request to waive the requirement to underground the existing overhead utilities, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

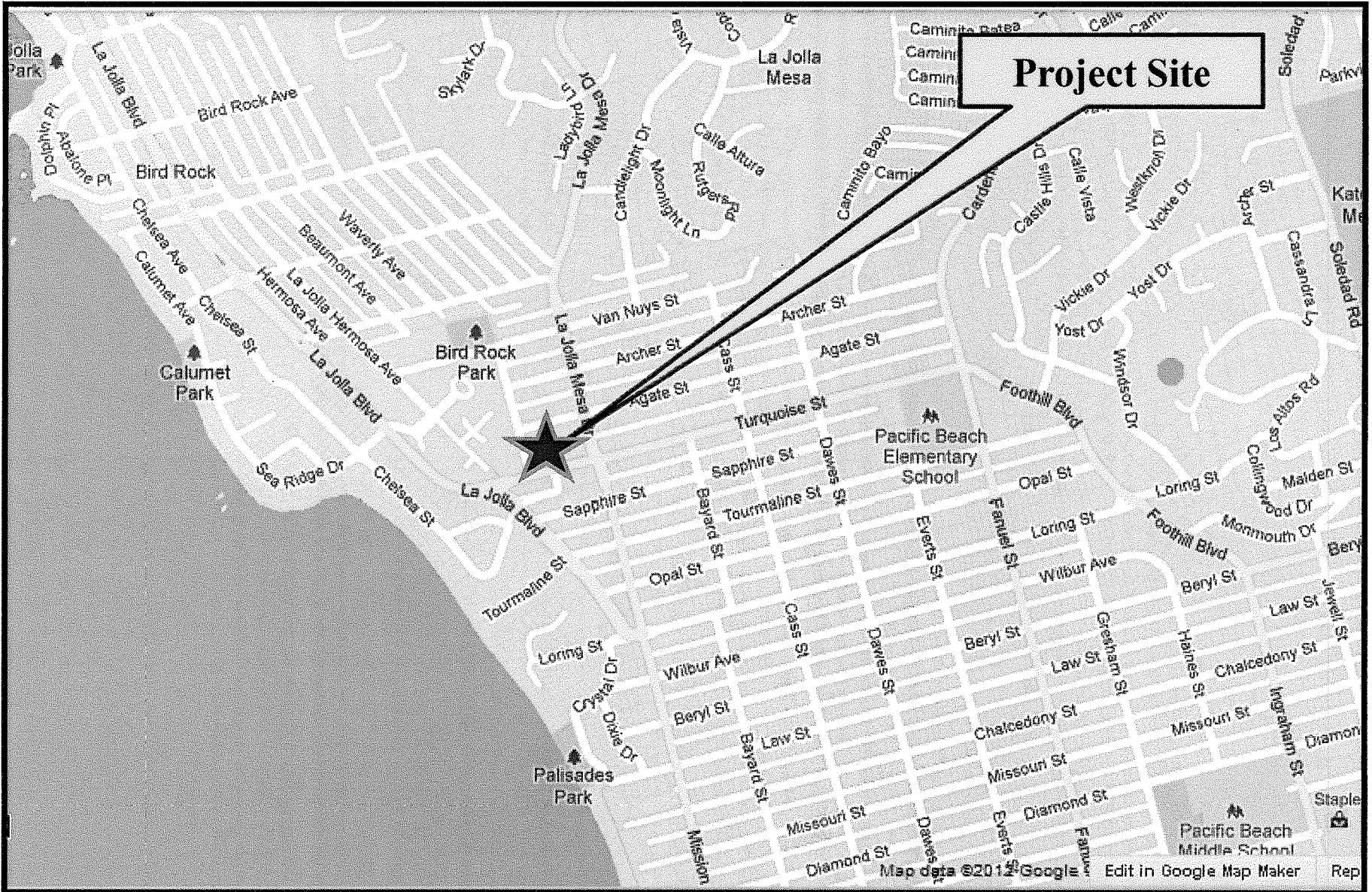


John P. Hooper
Development Project Manager

Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photo
4. Map Waiver (Hearing Officer only)
5. Draft Map Conditions and Subdivision Resolution
6. Community Planning Group Recommendation
7. Ownership Disclosure Statement
8. Notice of Hearing
9. Environmental Exemption

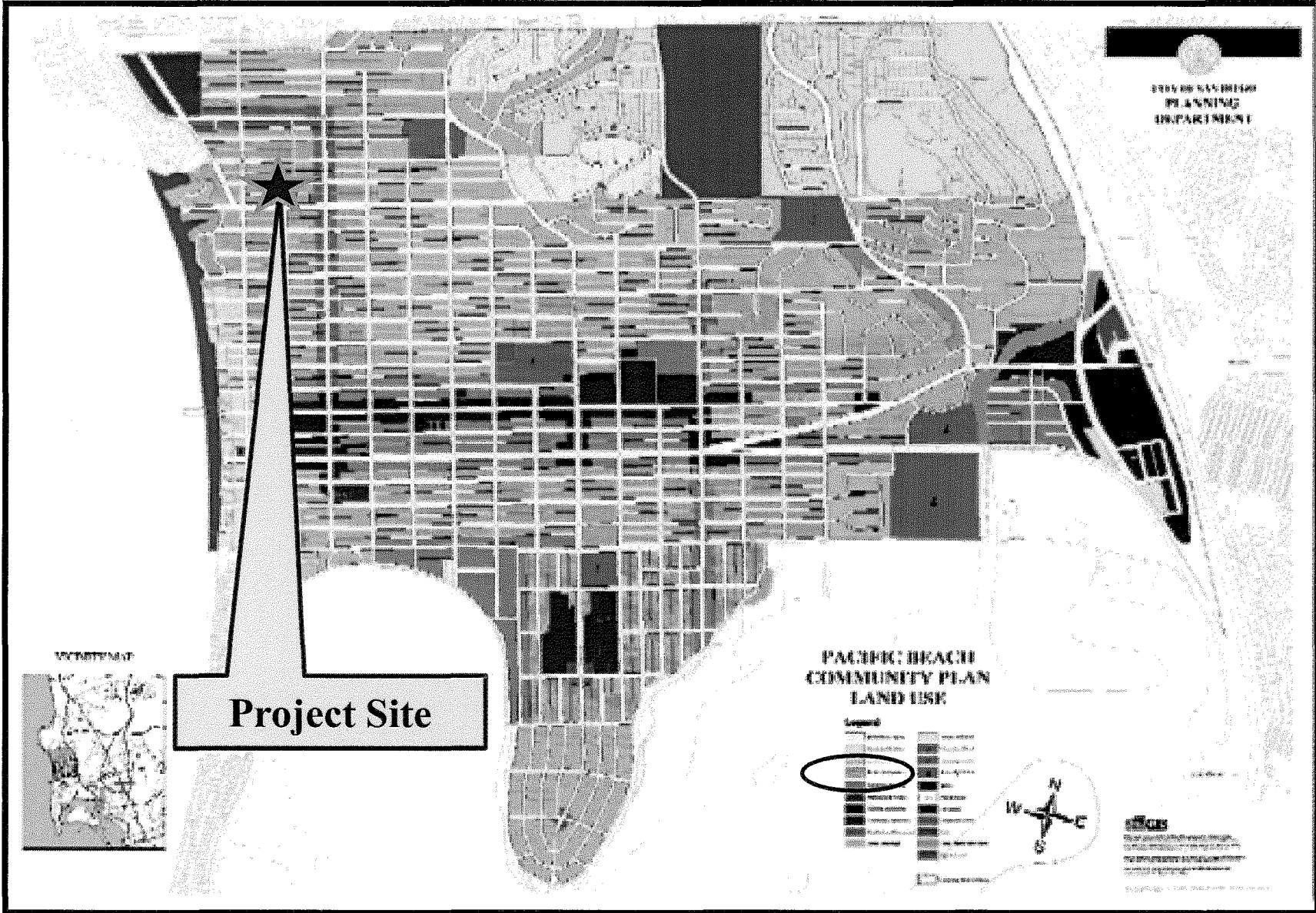
Internal Order Number: 24000578



Project Location Map

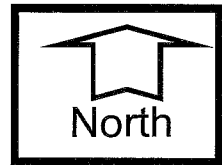
TURQUOISE STREET MAP WAIVER – 710 TURQUOISE STREET
PROJECT NUMBER 282719

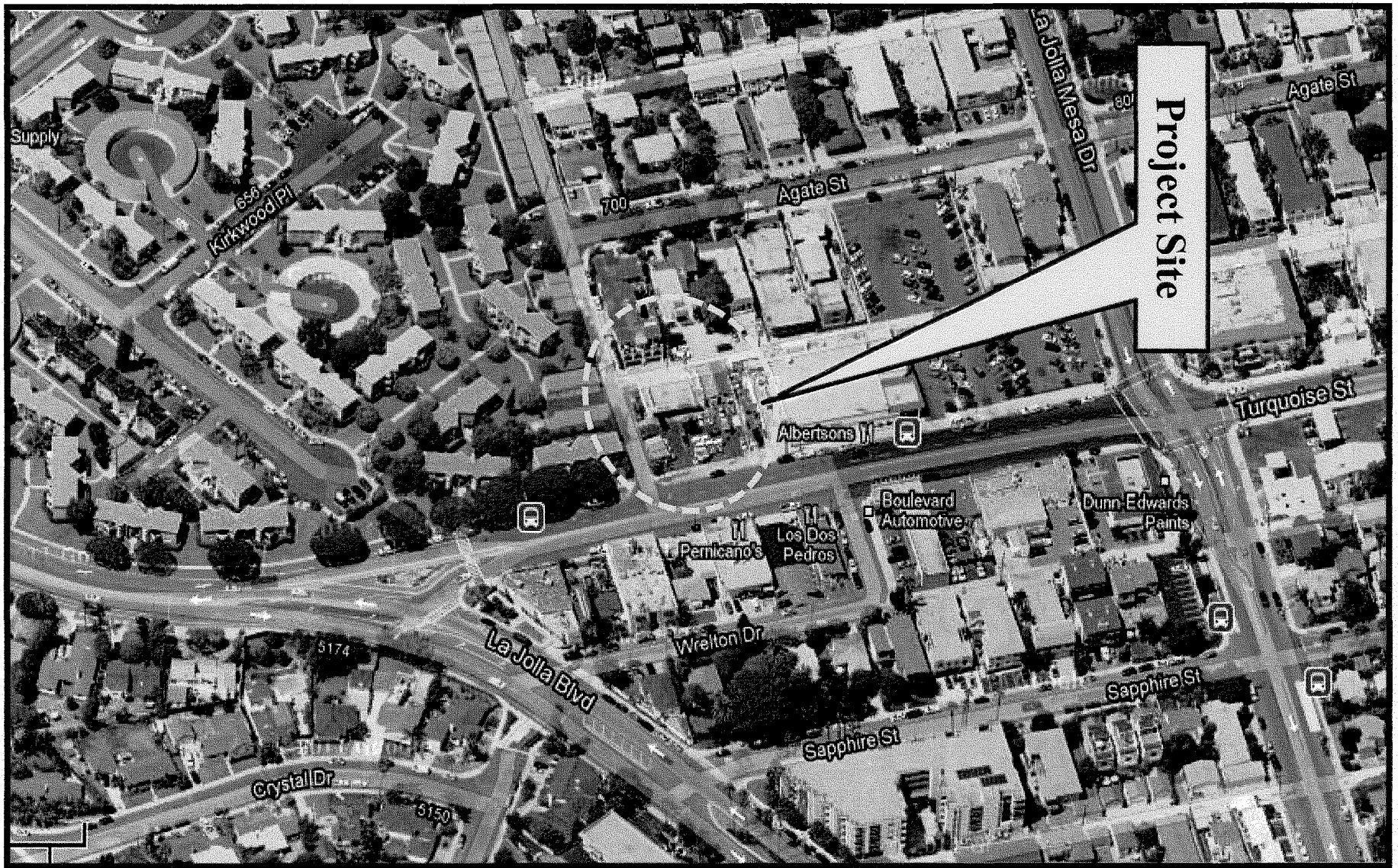




Land Use Map

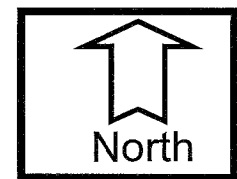
COST MART MARKET – 3347 EL CAJON BOULEVARD
PROJECT NUMBER 285219





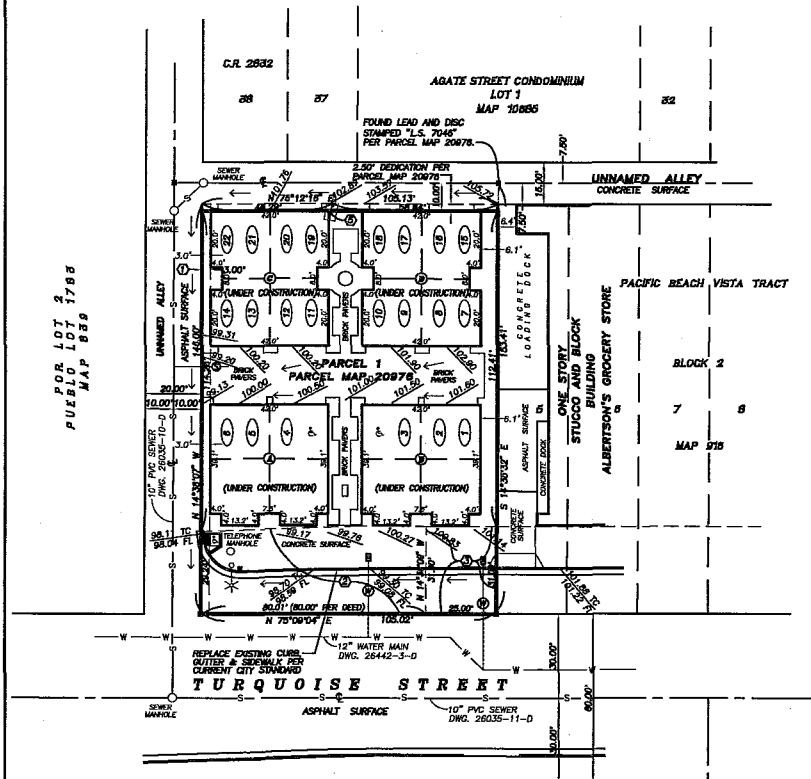
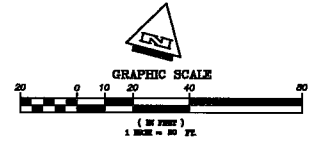
Aerial Photo

TURQUOISE STREET MAP WAIVER – 710 TURQUOISE STREET
PROJECT NUMBER 282719



710 TURQUOISE STREET

Map Waiver No. 993076, Project No. 282719



- EXISTING EASEMENTS:**
- INDICATES AN EASEMENT FOR SEWER PIPE LINE AND INCIDENTAL PURPOSES GRANTED TO THE CITY OF SAN DIEGO, RECORDED MARCH 2, 1928 IN BOOK 1100 PAGE 198 OF OFFICIAL RECORDS.
 - INDICATES AN EASEMENT FOR PUBLIC ROAD AND INCIDENTAL PURPOSES GRANTED TO THE CITY OF SAN DIEGO, RECORDED NOVEMBER 25, 1949 IN BOOK 3400 PAGE 470 OF OFFICIAL RECORDS.
 - INDICATES AN EASEMENT FOR PUBLIC ROAD AND INCIDENTAL PURPOSES GRANTED TO THE CITY OF SAN DIEGO, RECORDED JANUARY 3, 1950 IN BOOK 3438 PAGE 301 OF OFFICIAL RECORDS.
 - AN EASEMENT FOR PUBLIC UTILITIES GRANTED TO SAN DIEGO GAS AND ELECTRIC COMPANY, RECORDED APRIL 1, 1974 AS INSTRUMENT NO. 74-080744 OF OFFICIAL RECORDS. THE EXACT LOCATION AND EXTENT OF SAID EASEMENT IS NOT DISCLOSED OF RECORD AND THEREFORE COULD NOT BE PLOTTED.
 - INDICATES AN EASEMENT FOR PUBLIC UTILITIES GRANTED TO SAN DIEGO GAS AND ELECTRIC COMPANY, RECORDED MAY 21, 1974 AS INSTRUMENT NO. 74-102092 OF OFFICIAL RECORDS.
 - AN AGREEMENT AND GRANT OF EASEMENT FOR WALL ENCROACHMENT, RECORDED AUGUST 13, 1992 AS INSTRUMENT NO. 1992-001613 OF OFFICIAL RECORDS. THE EXACT LOCATION AND EXTENT OF SAID EASEMENT IS NOT DISCLOSED OF RECORD AND THEREFORE COULD NOT BE PLOTTED.

- CITY OF SAN DIEGO DEVELOPMENT SUMMARY**
- SUMMARY OF REQUEST:**
CREATE: 8 RESIDENTIAL CONDOMINIUM UNITS
4 COMMERCIAL CONDOMINIUM UNITS
CERTIFICATE OF COMPLIANCE
 - STREET ADDRESS:** 710 TURQUOISE STREET
BETWEEN LA JOLLA BOULEVARD AND LA JOLLA MESA DRIVE
 - SITE AREA:**
TOTAL SITE AREA (GROSS): 15,073.3 SQUARE FEET = 0.348 ACRE
NET SITE AREA: 11,965.7 SQUARE FEET = 0.272 ACRE
 - DENSITY (RESIDENTIAL):**
MAXIMUM NO. DWELLING UNITS ALLOWED PER ZONE: 8
NUMBER OF EXISTING UNITS TO REMAIN ON SITE: 0
NUMBER OF PROPOSED DWELLING UNITS ON SITE: 8
TOTAL NUMBER OF UNITS PROVIDED ON THE SITE: 8
 - YARD/SETBACK:**
MINIMUM FRONT SETBACK: -
MINIMUM SIDE SETBACK: 10'
OPTIONAL SIDE SETBACK: 0'
MINIMUM REAR SETBACK: -
MINIMUM STREET SIDE SETBACK: -
OPTIONAL SIDE SETBACK: 10'
MAXIMUM STRUCTURE HEIGHT: 90'
 - PARKING:**
PARKING CATEGORIES:
 RESIDENTIAL COMMERCIAL INDUSTRIAL
 MIXED USE OTHER

- LEGEND:**
- INDICATES FOUND SPIKE AND WASHER STAMPED "L.S. 7046" PER PARCEL MAP 20976. EXCEPT AS NOTED.
 - INDICATES WATER METER
 - INDICATES POWER POLE
 - INDICATES STREET LIGHT MOUNT
 - INDICATES STREET LIGHT MOUNT
 - INDICATES BLOCK WALL
 - INDICATES DIRECTION OF DRAINAGE
 - INDICATES PEDESTRIAN RAMP OR HANDICAPPED PARKING
 - INDICATES PARKING SPACE
 - INDICATES SEWER LATERAL
 - INDICATES WATER SERVICE
 - INDICATES PROPERTY LINE/MP WINDER BOUNDARY

TYPE OF UNIT	NUMBER OF UNITS	PARKING REQUIRED PER UNIT	TOTAL REQUIRED PER SITE
3 BR UNIT	8	2	16
TOTAL REQUIRED BY ZONE			16
TOTAL PROVIDED ON-SITE			22

UNIT AREAS

TYPE OF UNIT	NUMBER OF UNITS	SQUARE FOOTAGE PER UNIT	TOTAL SQUARE FOOTAGE
3 BR UNIT	4	1,721	6,884
3 BR UNIT	2	1,808	3,616
3 BR UNIT	2	1,789	3,578
COMMERCIAL	4	392	1,568

ZONING INFORMATION
EXISTING AND PROPOSED ZONE: COMMERCIAL COMMUNITY CC4-2
COMMUNITY PLAN NAME: PACIFIC BEACH
OVERLAY ZONES: COASTAL HEIGHT LIMIT TRAVEL AREA

MONUMENTATION & MAPPING
ALL MONUMENTS HAVE BEEN FOUND PER PARCEL MAP 20976. ANY MONUMENTS DESTROYED DURING CONSTRUCTION WILL BE RESET AND A CORNER RECORD FILED.

EXISTING IMPROVEMENTS
SEWER DRAINING NO. 28030-11-D
WATER DRAINING NO. 25442-3-D

DEVELOPMENT NOTES:

- THIS IS A MAP OF A CONDOMINIUM PROJECT AS DEFINED IN SECTION 1390 ET SEQ. OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT. TOTAL NUMBER OF RESIDENTIAL UNITS IS 8. TOTAL NUMBER OF COMMERCIAL UNITS IS 4.
- REPLACE THE EXISTING CURB, OUTER AND SIDEWALK ALONG TURQUOISE STREET TO THE CURRENT CITY STANDARD.

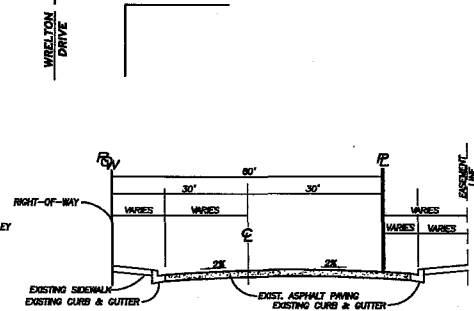
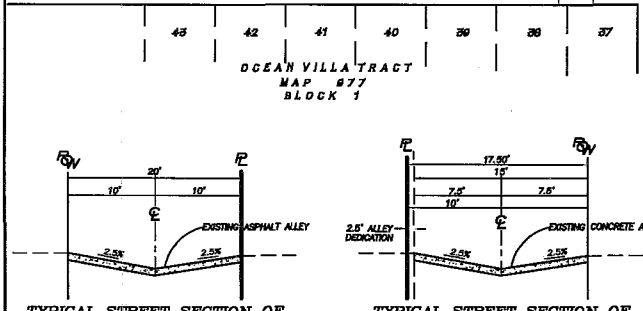
NUMBER OF EXISTING PARCELS = 1
NUMBER OF PROPOSED PARCELS = 1

OWNER/DEVELOPER:
MICHAEL E. TURK, INC., A CALIFORNIA CORPORATION DBA MTI
4544 HIGHWAY STREET
SAN DIEGO, CA 92109

MICHAEL E. TURK, PRESIDENT

PROFESSIONAL LAND SURVEYOR:
SAN DIEGO LAND SURVEYING & ENGINEERING, INC.
8905 CHESTNUTE DRIVE, SUITE 445
SAN DIEGO, CALIFORNIA 92123 (654) 505-8382
DRAWING NO. Turquoise St 710 TL.dwg

ROBERT J. BATEMAN, P.L.S. 7048
DATE: 08-09-2012



VICINITY MAP
NO SCALE

Project Soil Condition: Existing developed soils.

Source of Topography: Filed survey by San Diego Land Surveying on 03-02-2011

Project Permits Required: Map Waiver

Project Date:

Number of Stories: 3
Proposed Use: Mixed use Residential/Commercial
Existing Use: Mixed use Residential/Commercial
Zoning Designation: Commercial Community CCA-2
Year of Construction (unless otherwise noted): 2012

LAMBERT COORDINATES:
NAD 27 = 234-1696 NAD 83 = 1074-0246

A.P.N.: 415-162-13

Project Name: 710 TURQUOISE STREET

Project Address: 710 Turquoise Street San Diego, CA 92109

Project Owner: Michael E. Turk, Inc. dba MTI 4641 Ingraham Street San Diego, CA 92109

Sheet Title: MAP WAIVER No. 993076 Project No. 282719

Scale: 1" = 20'
Original Date: May 17, 2012
Revised: August 13, 2012
Revised: September 5, 2012

RESOLUTION NO. HO-_____
DATE OF FINAL PASSAGE OCTOBER 31, 2012

A RESOLUTION OF THE HEARING OFFICER
ADOPTING THE FINDINGS AND APPROVING MAP
WAIVER NO. 993076 FOR PROJECT NO. 282719,
TURQUOISE STREET MAP WAIVER

WHEREAS, MICHAEL E. TURK, INC., Subdivider, and SAN DIEGO LAND SURVEYING & ENGINEERING, Engineer, submitted an application with the City of San Diego for Map Waiver No. 993076, to waive the requirement of a Tentative Parcel Map for the creation of eight residential units and four commercial units into condominiums (under construction). The project site is located at 710 Turquoise Street, between Mission Boulevard and La Jolla Boulevard, in the CC-4-2 Zone of the Pacific Beach Community Plan. The property is legally described as Lots 1, 2, 3 and 4 Block 2 Pacific Beach Vista Tract Map No. 916 ; and

WHEREAS, the Map proposes the subdivision of a 0.34-acre site into one eight (8) residential units and four (4) commercial units condominium development, currently under construction; and

WHEREAS, on September 25, 2012, the City of San Diego, as Lead Agency, through the Development Services Department, determined to the subdivision was categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15332 (infill development); and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer pursuant to Subdivision Map Act section 66491(a) and San Diego Municipal Code sections 144.0220(a) and 144.0220(b); and

WHEREAS, the project consists of 12 units under construction for which Certificates of Occupancy have not been issued; 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 is filed pursuant to the Subdivision Map Act. The number of residential condominium dwelling is eight units and four commercial condominium units; and

WHEREAS, the subdivider shall continue to be required to underground any new service run to the proposed structures within the subdivision; and

WHEREAS, on October 31, 2012, the Hearing Officer of the City of San Diego considered Map Waiver No. 993076, and pursuant to section 125.0444 (condo conversion) of the San Diego Municipal Code and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Hearing Officer having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Map Waiver No. 993076:

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) and Subdivision Map Act §§ 66473.5, 66474(a), and 66474(b)).

The eight residential units and four commercial units are currently under construction and no new development is proposed with this subdivision. No construction or grading is permitted by this Map Waiver No. 993076. All development was previously approved by construction permits issued pursuant to Project No. 265921. The proposed project is a subdivision of the property to create 12 condominium ownership interests, and complies with the development regulations of the Land Development Code and is consistent with the mixed use land use designation of the Pacific Beach Community Plan. Therefore, the proposed subdivision complies 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 (San Diego Municipal Code § 125.0440(b)).

The eight residential units and four commercial units are currently under construction and no new development is proposed with this subdivision. No construction or grading is permitted by this Map Waiver No. 993076. All development was previously approved by construction permits issued pursuant to Project No. 265921. The proposed project is a subdivision of the property to create 12 condominium ownership interests, and complies with the development regulations of the Land Development Code. Therefore, the proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (San Diego Municipal Code § 125.0440(b)).

3. The site is physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)).

The eight residential units and four commercial units are currently under construction and no new development is proposed with this subdivision. No construction or grading is permitted by this Map Waiver No. 993076. All development was previously approved by construction permits issued pursuant to Project No. 265921. The proposed subdivision was determined to be consistent with the development regulations of the CC-4-2 Zone including height, setbacks, floor area ratio, landscaping and architectural design. The proposed subdivision would be a mixed use commercial and residential project consistent with the community plan and the surrounding developed neighborhood that consists of multi-family housing to the west and north and commercial retail development to the east and south. 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) and Subdivision Map Act § 66474(e)).

The eight residential units and four commercial units are currently under construction and no new development is proposed with this subdivision. No construction or grading is permitted by this Map Waiver No. 993076. All development was previously approved by construction permits issued pursuant to Project No. 265921. The design of the subdivision is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat as the project is located in an urban area and there are no watercourses on the site.

5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)).

The eight residential units and four commercial units are currently under construction and no new development is proposed with this subdivision. No construction or grading is permitted by this Map Waiver No. 993076. All development was previously approved by construction permits issued pursuant to Project No. 265921. The project has been reviewed and determined to be in compliance with the Municipal Code and Subdivision Map Act. The Map Waiver includes conditions and corresponding exhibits of approvals relevant to adequate parking, public improvements, and paying applicable taxes in order to achieve compliance with the regulations of the San Diego Municipal Code. The project was determined to be categorically exempt pursuant to State CEQA Guidelines Section § 15332 and no environmental impacts are anticipated with this development. Therefore the proposed project would 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) and Subdivision Map Act § 66474(g)).

No new easements are proposed within the project boundaries as shown on Map Waiver No. 993076 and all existing easements for public right-of-way will remain in the existing condition. As such no conflict will occur with the recording of the subdivision and therefore no conflict will result which would negatively affect the public at large.

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) and Subdivision Map Act § 66473.1).

The development is currently under construction and no new development is proposed with this subdivision. No construction or grading is permitted by this Map Waiver No. 993076. All development was previously approved by construction permits issued pursuant to Project No. 265921. The proposed project is a subdivision of the property to create condominium ownership interests, and would not impact 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) and Subdivision Map Act § 66412.3).

The development is currently under construction and no new development is proposed with this subdivision. No construction or grading is permitted by this Map Waiver No. 863735. All development was previously approved by construction permits issued pursuant to Project No. 265921. The proposed project is a subdivision of the property to create eight residential units and four commercial units to condominium ownership interests, and would not impact the housing within the region, public services and the available fiscal and environmental resources.

9. The proposed subdivision of land complies with requirements of the Subdivision Map Act and the Land Development Code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act or the Land Development Code enacted pursuant thereto (San Diego Municipal Code § 125.0122 and Subdivision Map Act § 66428(b)).

The proposed subdivision complies with all requirements of the Subdivision Map Act and the Land Development Code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act or the Land Development Code enacted pursuant thereto as there are no proposed physical changes to the site with the project consisting of the subdivision of the property to create eight residential units and four commercial unit to condominium ownership interests.

10. The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing (San Diego Municipal Code § 125.0444(b)).

The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing (San Diego Municipal Code § 125.0444(b)) as all costs associated with this subdivision are paid by the applicant.

11. For any project that was developed to provide housing for the elderly, disabled or to provide low income housing, provisions have been made to perpetuate the use for which the project was developed (San Diego Municipal Code § 125.0444(c)).

The proposed subdivision has not been developed to provide housing for the elderly, disabled or to provide low income housing, therefore this findings does not apply.

12. The notices required by San Diego Municipal Code section 125.0431 have been given in the manner required (San Diego Municipal Code § 125.0444(a), and Subdivision Map Act §§ 66452.17 and 66427.1).

The project is currently under construction and a Certificate of Occupancy has not been issued for the condominium units. There are no existing tenants and therefore, no need to provide notices as required by San Diego Municipal Code and Subdivision Map Act. This development has been conditioned to comply with any noticing requirement by San Diego Municipal Code section 125.0431 have been given in the manner required (San Diego Municipal Code § 125.0444(a), and Subdivision Map Act §§ 66452.17 and 66427.1) for any future tenant after the approval of this subdivision prior to the sale of any unit.

That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

THEREFORE, BE IT FURTHER RESOLVED that based on the Findings hereinbefore adopted by the Hearing Officer, Map Waiver No. 993076 is hereby granted to Michael E. Turk, Inc., subject to the attached conditions which are made a part of this resolution by this reference.

BE IT FURTHER RESOLVED, that the decision of the Hearing Officer is affirmed, and Map Waiver No. 993076 is granted to Michael E. Turk, Inc., subject to the attached conditions which are made a part of this resolution by this reference.

By

John P. Hooper
Development Project Manager
Development Services Department

ATTACHMENT: Map Waiver Conditions
Internal Order No. 24002715

HEARING OFFICER
CONDITIONS FOR MAP WAIVER NO. 993076
TURQUOISE STREET MAP WAIVER - **PROJECT NO. 282719**
ADOPTED BY RESOLUTION NO. HO-_____ ON OCTOBER 31, 2012

GENERAL

1. This Map Waiver will expire October 31, 2015.
2. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Certificate of Compliance, unless otherwise noted.
3. A Certificate of Compliance shall be recorded in the Office of the County Recorder, prior to the Map Waiver expiration date.
4. Prior to the recordation of the Parcel Map taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify the Subdivider of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not be required to pay or perform any settlement unless such settlement is approved by the Subdivider.

CONDOMINIUM CONVERSION

6. The Subdivider shall provide a Notice of Tenants Rights and Notices for Condominium Conversion, consistent with the Land Development Manual to be provided as follows:
 - a. For prospective tenants, upon application for the rental of a unit in the proposed condominium conversion.

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

ENGINEERING

12. The Subdivider shall continue to be required to underground any new service run to the proposed structures within the subdivision.

INFORMATION:

- The approval of this Map Waiver by the Hearing Officer of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 *et seq.*).

- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Map Waiver will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Map Waiver, may protest the imposition within 90 days of the approval of this Map Waiver by filing a written protest with the San Diego City Clerk pursuant to Government Code Sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Internal Order No. 24002715

September 26, 2012 PBPG Board Meeting

September 22, 2012 9:16 am

**September 2012
Pacific Beach Planning Group
Pacific Beach Taylor Library
4275 Cass Street, San Diego, CA 92109
Wednesday September 26, 2012 – 6:30PM – 8:30PM**

Item 1 – 6:30 Call to Order, Quorum

Item 2 Current Agenda – Modifications and Approval

Item 3 Minutes August 22, 2012 – Modifications and Approval

Item 4 Chair’s Remarks – Brian J. Curry

Item 5 – 6:45 Non-Agenda Public Comments (Note: 2 minutes maximum per speaker)

- Issues not on the Agenda and within the jurisdiction of the Pacific Beach Planning Group

Item 6 – 7:00 Government Office Reports

- Council District 2 – Katherine Miles

Item 7 – 7:10 Community Advisory Committee (CAC)

- Precedent has been PBPG Chair appoints representatives to CAC.
- Current reps: Scott Chipman & Eve Anderson
- *Action Item – Motion to require PBPG appoint and/or approve reps to CAC.*

Item 8 – 7:25 PBPG SubCommittee Reports

- **Commercial and Residential Projects – Curtis Patterson**
- 1. Project Name – 710 Turquoise St. Map Waiver (Action Item)
 - a. Presenter – Robert Bateman, Paul Ross
 - b. Residential/Commercial/Mixed-Use –Mixed-Use
 - c. City Project Number – 282719
 - d. Description -The sustainable, mixed-use, infill project on a bus line – is under construction and includes 8 residential condos and 4 commercial spaces on the street front. The application is to create for-sale units while they are under construction. It is not a “conversion” of occupied units.
 - *e. Action Item – Motion to approve*

- 2. Project Name – North PB Lifeguard Station (Informational Item)
- 3. Project Name – PB Parks (Action Item)
 - a. Presenter – Chris Olson
 - b. Residential/Commercial/Mixed-Use – Mixed-Use
 - c. City Project Number – N/A
 - d. Description – Presentation to discuss FY2014 CIP Budget Development Process.
 - e. *Action Item – Approve Parks to be sent to the CPC to apply to be passes to the city for funds.*

- **Code Compliance – John Skober**

- *Action Item – Motion to approve Neighborhood Code Compliance (NCC) Priority List*
 - PBPG Neighborhood Code Compliance Priority list Proposed

- **Electronic Media – John Shannon**
- **Bylaws – Eve Anderson**
- **Traffic & Parking – Paul Falcone**

Item 9 – 8:20 Other Reports to PGPG (Time Permitting)

- Community Planners' Committee – Brian J. Curry
- Community Advisory Committee – Scott Chipman
- Mission Bay Gateway Project – Scott Chipman

Item 10 – 8:30 Adjournment

(Next Meeting: October 24, 2012)



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

Ownership Disclosure Statement

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

Project Title

Project No. For City Use Only

710 Turquoise St. Map Waiver

Project Address:

710 Turquoise Street

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

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least _____ 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: 710 Turquoise St. Map Waiver	Project No. (For City Use Only)
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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? CA 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):
Michael E. Turk, Inc., DBA MTI

Owner Tenant/Lessee

Street Address:
4641 Ingraham Street

City/State/Zip:
San Diego, CA 92109

Phone No: 858-274-5995 Fax No: 858-274-0964

Name of Corporate Officer/Partner (type or print):
Michael E. Turk

Title (type or print):
President

Signature : Michael E Turk Date: 5/17/12

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:



THE CITY OF SAN DIEGO

DATE OF NOTICE: October 17, 2012

NOTICE OF PUBLIC HEARING HEARING OFFICER

DEVELOPMENT SERVICES DEPARTMENT

DATE OF HEARING:	October 31, 2012
TIME OF HEARING:	8:30 A.M.
LOCATION OF HEARING:	Council Chambers, 12th Floor, City Administration Building, 202 C Street, San Diego, California 92101
PROJECT TYPE:	Map Waiver; Decision Process Level 3 – Environmental Exemption
PROJECT NO:	<u>Project No. 282719</u>
PROJECT NAME:	<u>TURQUOISE STREET MAP WAIVER</u>
APPLICANT:	Robert Bateman
COMMUNITY PLAN AREA:	Pacific Beach
COUNCIL DISTRICT:	District Two
CITY PROJECT MANAGER:	Patrick Hooper, Development Project Manager
PHONE NUMBER/E-MAIL:	(619) 557-7992 – phooper@sandiego.gov

As a property owner, tenant, or person who has requested notice, please be advised that the Hearing Officer will hold a public hearing to approve, conditionally approve, or deny an application for a Map Waiver application to waive the requirements of a Tentative Map to create 8 residential condominiums and 4 commercial condominiums (under construction) on a 0.34 acre site located at 710 Turquoise Street within the CC-4-2 Zone in the Pacific Beach Community Plan.

The decision of the Hearing Officer is final unless appealed to the Planning Commission. In order to appeal the decision you must be present at the public hearing and file a speaker slip concerning the application or have expressed interest by writing to the Hearing Officer before the close of the public hearing. The appeal must be made within 10 working days of the Hearing Officer's decision. Please do not e-mail appeals as they will not be accepted. See Information Bulletin 505 "Appeal Procedure", available at www.sandiego.gov/development-services or in person at the Development Services Department, located at 1222 First Avenue, 3rd Floor, San Diego, CA 92101

The decision made by the Planning Commission is the final decision by the City.

Should the condominium conversion project be approved, tenants may be required to vacate the premises. No units may be sold in this building unless the conversion is approved by the city and until after a public report is issued by the Department of Real Estate. Each tenant has the 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. 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.

If you are an existing tenant within this project, you may have rights to certain benefits as outlined in San Diego Municipal Code Section 144.0503. To learn more information regarding these benefits, please contact the Housing Commission at (619) 578-7580, or find the details on their website at: <http://www.sdhc.net/haotherprog1h.shtml>.

This project was determined to be categorically exempt from the California Environmental Quality Act on September 25, 2012 and the opportunity to appeal that determination ended on October 16, 2012.

If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing. If you have any questions after reviewing this notice, you can call the City Project Manager listed above.

This information will be made available in alternative formats upon request. To request an agenda in alternative format or to request a sign language or oral interpreter for the meeting, call Support Services at (619) 321-3208 at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are also available for the meeting upon request.

Internal Order Number: 24002715

Revised 04/08/10 HRD

NOTICE OF EXEMPTION

(Check one or both)

TO: RECORDER/COUNTY CLERK
 P.O. BOX 1750, MS A-33
 1600 PACIFIC HWY, ROOM 260
 SAN DIEGO, CA 92101-2422

FROM: CITY OF SAN DIEGO
 DEVELOPMENT SERVICES DEPARTMENT
 1222 FIRST AVENUE, MS 501
 SAN DIEGO, CA 92101

OFFICE OF PLANNING AND RESEARCH
 1400 TENTH STREET, ROOM 121
 SACRAMENTO, CA 95814

PROJECT TITLE/NO.: **710 TURQUOISE MAP WAIVER / 282719**

PROJECT LOCATION-SPECIFIC: 710 Turquoise Street, San Diego, CA 92037

PROJECT LOCATION-CITY/COUNTY: San Diego/San Diego

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: The applicant is requesting a Map Waiver waive the requirements of a Tentative Map to create eight residential condominiums and four commercial condominiums (currently under construction). The construction of the four commercial units was approved in April 2012 under Project Number 265921. The project would also construct various associated site improvements (i.e., hardscape and landscaping). The 0.34-acre project site is located at 710 Turquoise Street, within the CC-4-2 Zone, the Coastal Height Limitation Overlay Zone, and the Transit Area Overlay Zone within the Pacific Beach Plan and Local Coastal Program area. (LEGAL DESCRIPTION: Lots 1,2,3, and 4 in Block 2 of Pacific Beach Tract, Map No. 916).

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Michael E. Turk, Miiichael E. Turk Inc DBA MTI, 4641 Ingraham Street, San Diego, CA 92109, (858) 274-5995.

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: 15332 (Infill Development)
- STATUTORY EXEMPTIONS:

REASONS WHY PROJECT IS EXEMPT: The project meets the criteria set forth in CEQA Section 15332 which allows for the construction of infill development within an urbanized area that can be adequately served by all required utilities and public services. The project site does not contain any habitat for endangered, rare or threatened species; the project would not result in any significant impacts to biological resources, historical resources, traffic, noise, air quality, or water quality; and lastly, the project can be adequately be served by all required utilities and public services

Furthermore, the exceptions listed in CEQA Section 15300.2 would not apply in that no cumulative impacts were identified; no significant effect on the environmental were identified; the project is not adjacent to a scenic highway; the project was not identified on a list of hazardous waste sites pursuant to Section 65962.5 of the Government Code.