REPORT TO THE HEARING OFFICER

HEARING DATE: June 19, 2013
REPORT NO. HO 13-056

ATTENTION: Hearing Officer

SUBJECT: LAMONT STREET TOWNHOMES
PROJECT NUMBER: 304111

LOCATION: 3953-59 Lamont Street

APPLICANT: Dan Linn

SUMMARY

Issue(s): Should the Hearing Officer approve a Coastal Development and Tentative Parcel Map to construct four residential condominiums within the Pacific Beach community planning area?

Staff Recommendations - APPROVE Coastal Development Permit No. 1077654 and Tentative Parcel Map No. 1098945.

Community Planning Group Recommendation - On March 27, 2013, the Pacific Beach Planning Group voted 15-1-0 to recommend approval of the project with no conditions (Attachment 10).

Environmental Review - The proposed activity is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 and 15303 of the State CEQA Guidelines. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on March 5, 2013, and the opportunity to appeal that determination ended March 26, 2013.

The project proposes a Coastal Development Permit and Tentative Parcel Map to construct four residential condominiums and waive the requirement to underground existing overhead utilities. The project is located at 3953-59 Lamont Street in the RM-2-5 zone of the Pacific Beach Community Plan. The property is designated multi-family residential with a maximum density range of 29 dwelling units per acre. This would allow for four units to be built on this 5,950 square-foot lot. The site currently contains two detached single family residences and a detached garage constructed in 1946 and 1956. Surrounding this site are single story and multi-
story multi-family and single family dwelling units. Crown Point Park exists an eighth of a mile
to the south and approximately one mile to the north is retail shopping.

A Coastal Development Permit is required for the proposed development of four condominiums
in accordance with San Diego Municipal Code section 126.0702.

A Tentative Parcel Map is required in accordance with San Diego Municipal Code (SDMC)
section 144.0210 for the creation of four condominiums.

DISCUSSION

The project proposes the demolition of two single family units and a detached garage for the
construction four, two-bedroom residential condominiums. The proposed project design meets
all requirements of the Land Development Code including setbacks, floor area ratio, landscaping,
parking, and height. The proposed project will be three stories to include a total of 6,028 square
feet of habitable area. The project will include four tandem parking spaces within two-car
garages and one uncovered surface parking space. All parking will be accessed from the alley.
The entire site will be landscaped with a mixture of trees, shrubs, and ground cover. Each unit
will contain an open deck.

Project Related Issues

Undergrounding Waiver Request

San Diego Municipal Code Section 144.0240 allows the subdivider to apply for a waiver from
the requirement to underground the existing overhead utilities within the boundary of the
subdivision or within the abutting public rights of way. City staff has determined the
undergrounding waiver request qualifies under the guidelines SDMC section 144.0242,
Waiver of the Requirements to Underground Privately Owned Utility Systems and Service
Facilities, in that the conversion involves a short span of overhead facility (less than 600 feet in
length) and the conversion would not represent a logical extension to an underground facility.

The applicant will be required to underground all existing service to the site per Condition
No. 11 of the draft Tentative Parcel Map resolution (Attachment 8). The applicant would also be
required to underground any new service run to any new or proposed structures within the
subdivision per Condition No. 10 of the draft Map Waiver resolution (Attachment 8).

The neighborhood currently contains power poles and overhead utilities lines within the alley.
The utility lines to these poles extend to other properties located north and south. As indicated
above, all utilities serving this property will be required to be undergrounded. The waiver is
being requested for the requirement to underground offsite adjacent utilities serving the
surrounding properties. The City’s Undergrounding Master Plan designates the site within Block
2BB1, and the date for undergrounding has been established for the year 2067 (Attachment 12).
Conclusion:

Staff has reviewed the proposed project and has found it is consistent with the development standards in effect for the site and with the adopted Pacific Beach Community Plan, Local Coastal Program Land Use Plan, and the City of San Diego Progress Guide and General Plan. Staff recommends approval of the project.

ALTERNATIVES:

1. **Approve** Coastal Development Permit No. 1077654 and Tentative Parcel Map No. 1098945, with modifications.

2. **Deny** Coastal Development Permit No. 1077654 and Tentative Parcel Map No. 1098945, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

[Signature]
William Zounes,
Development Project Manager

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions
7. Draft Tentative Parcel Map Resolutions with Findings
8. Draft Tentative Parcel Map Conditions
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. Utility Undergrounding Schedule
12. Project Chronology
13. Notice of Exemption
14. Project Plans
Aerial Photograph (Birds Eye)

Lamont Street Townhomes- Project No. 304111
3953-59 Lamont St

North
Location Map

Lamont Street Townhomes- Project No. 30411
3953-59 Lamont Street
# PROJECT DATA SHEET

<table>
<thead>
<tr>
<th>PROJECT NAME:</th>
<th>Lamont Street Townhomes</th>
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<tbody>
<tr>
<td>PROJECT DESCRIPTION:</td>
<td>The project proposes the demolition of two single family units and a detached garage for the construction four, two-bedroom residential condominiums.</td>
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<tr>
<td>COMMUNITY PLAN AREA:</td>
<td>Pacific Beach</td>
</tr>
<tr>
<td>DISCRETIONARY ACTIONS:</td>
<td>Tentative Parcel Map/Coastal Development Permit</td>
</tr>
<tr>
<td>COMMUNITY PLAN LAND USE DESIGNATION:</td>
<td>Multi-Unit Residential</td>
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</tbody>
</table>

## ZONING INFORMATION:

**ZONE:** RM-2-5 Zone  
**HEIGHT LIMIT:** 30 feet  
**LOT SIZE:** 0.14-acres  
**FLOOR AREA RATIO:** 1.35  
**FRONT SETBACK:** 15/20 feet  
**SIDE SETBACK:** 5 feet  
**STREETSIDE SETBACK:** 15 feet  
**REAR SETBACK:** 15 feet  
**PARKING:** 5 spaces required

## ADJACENT PROPERTIES:

<table>
<thead>
<tr>
<th>ADJACENT PROPERTIES</th>
<th>LAND USE DESIGNATION &amp; ZONE</th>
<th>EXISTING LAND USE</th>
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</thead>
<tbody>
<tr>
<td>NORTH</td>
<td>Multi-Family, RM-2-5</td>
<td>Mixed Multi-Family and Single Family dwellings</td>
</tr>
<tr>
<td>SOUTH</td>
<td>Multi-Family, RM-2-5</td>
<td>Mixed Multi-Family and Single Family dwellings</td>
</tr>
<tr>
<td>EAST</td>
<td>Multi-Family, RM-1-1</td>
<td>Mixed Multi-Family and Single Family dwellings</td>
</tr>
<tr>
<td>WEST</td>
<td>Multi-Family, RM-1-1</td>
<td>Mixed Multi-Family and Single Family dwellings</td>
</tr>
</tbody>
</table>

## DEVIATIONS OR VARIANCES Requested:

None

## COMMUNITY PLANNING GROUP RECOMMENDATION:

On March 27, 2013, the Pacific Beach Planning Group voted 15-1-0 to recommend approval of the project with no conditions.
WHEREAS, PACIFIC BEACH 2012, LTD, Owner/Permittee, filed an application with the City of San Diego for a permit to construct four residential condominiums (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1077654), on portions of a 0.14-acre site;

WHEREAS, the project site is located at 3953-59 Lamont Street in the RM-2-5 zone of the Pacific Beach Community Plan;

WHEREAS, the project site is legally described as Lots 11 and 12 in block 4 of Venice Park, in the City of San Diego, County of San Diego, State of California, According to Map thereof No. 991, filed in the office of the County Recorder of San Diego County, May 24, 1906;

WHEREAS, on June 19, 2013, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 1077654 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on March 5, 2013, 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 15301 and 15303 and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated June 19, 2013.

FINDINGS:

Coastal Development Permit - Section 126.0708

1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

The project proposes to demolish two single family homes with detached garage and replace it with four, two-bedroom condominiums with decks and garages on a 0.14-acre site located at 3953-59 Lamont Street in the RM-2-5 zone of the Pacific Beach Community Plan.

The property is located approximately 1/8 mile from the Mission Bay. The property is not located on or adjacent to an existing or proposed physical access way identified in the Local Coastal Program Land Use
Plan. The Pacific Beach Community Plan does not identify a public view corridor on or adjacent to the site. Therefore the coastal development permit will not encroach upon on existing or purposed access way nor affect existing views to and along the ocean or other scenic coastal areas.

2. **The proposed coastal development will not adversely affect environmentally sensitive lands.**

The project proposes to demolish two single family homes with detached garage and replace it with four, two-bedroom condominiums with decks and garages on a 0.14-acre site located at 3953-59 Lamont Street in the RM-2-5 zone of the Pacific Beach Community Plan.

The project is proposed for a site that is located in a built, urban environment, and does not contain environmentally sensitive lands. The site is not located adjacent to any sensitive resources, and not within, or adjacent to, the Multi-Habitat Planning Area (MHPA). The proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(i)(1), Existing Facilities Demolition and 15303, New Construction. As the project is not located within or adjacent to, any sensitive resources areas, the proposed coastal development will not adversely affect environmentally sensitive lands.

3. **The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.**

The project proposes to demolish two single family homes with detached garage and replace it with four, two-bedroom condominiums with decks and garages on a 0.14-acre site located at 3953-59 Lamont Street in the RM-2-5 zone of the Pacific Beach Community Plan.

The proposed project is consistent with the residential land use designations of the Pacific Beach Community Plan by continuing to maintain a density range of 14-29 dwelling units per acre. This density occurs primarily along Sail Bay, Grand Avenue, Hornblend Street and Lamont Street, and is characterized by four-unit condominiums.

The plan recommends that new multi-family residential developments conform to area-specific streetscape recommendations for landscape, lighting, sidewalk treatment and signage and be implemented through the citywide landscape ordinance. Additionally, the plan recommends that residential neighborhoods be enhanced by establishing and maintaining street tree patterns and promoting general maintenance and improvement of residential properties.

The proposed residential condominiums would meet the goals of the Pacific Beach Community Plan/Local Coastal Program by providing the appropriate residential density and implementing the community plan's street tree pattern. There are two existing fan palms adjacent to the site along the Lamont Street public right-of-way that will remain in place with the new development. These fan palms are the recommended street tree for Lamont Street pursuant to the Pacific Beach Community Plan Appendix D. Additionally, the project is required to install a street light adjacent to the site which is consistent with Pacific Beach Community Plan regarding lighting standards.
The proposed development will meet the land use regulations of the certified Implementation Program including compliance to the San Diego Municipal Code development regulations to include but not limited to height, setbacks, landscape, and, floor area ratio. Therefore, the proposed development is in conformity with the Pacific Beach Community Plan and Local Coastal Program and complies with the regulations of the certified Implementation Program.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The project proposes to demolish two single family homes with detached garage and replace it with four, two-bedroom condominiums with decks and garages on a 0.14-acre site located at 3953-59 Lamont Street in the RM-2-5 zone of the Pacific Beach Community Plan.

The site is not located between the sea or shoreline of any body of water and first public road.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Development Services Department, Coastal Development Permit No. 1077654 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1077654, a copy of which is attached hereto and made a part hereof.

William Zounes
Development Project Manager
Development Services

Adopted on: June 19, 2013

Job Order No. 24003411
INTERNAL ORDER NUMBER: 24003411

COASTAL DEVELOPMENT PERMIT NO. 1077654
LAMONT STREET TOWNHOMES PROJECT NO. 304111
HEARING OFFICER

This Coastal Development Permit No. 1077654 is granted by the Hearing Officer of the City of San Diego to PACIFIC BEACH 2012, LTD, Owner, and, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0502. The 0.14-acre site is located at 3953-59 Lamont Street in the RM-2-5 zone of the Pacific Beach Community Plan. The project site is legally described as: Lots 11 and 12 in Block 4 of Venice Park, in the City of San Diego, County of San Diego, State of California, According to Map thereof No. 991, filed in the office of the County Recorder of San Diego County, May 24, 1906;

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for demolition of two single family dwellings with detached garage and construction of four two-bedroom condominiums described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 19, 2013, on file in the Development Services Department.

The project shall include:

a. Demolition of two single family homes with one detached garage and construct four, two-bedroom condominiums with deck and garage;

b. Landscaping (planting, irrigation and landscape related improvements);

c. Off-street parking;

d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality
Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by July 3, 2016.

2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
   a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
   b. The Permit is recorded in the Office of the San Diego County Recorder.

3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

8. Construction plans shall be in substantial conformity to Exhibit “A.” Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
9. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" conditions(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney’s fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney’s fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

AFFORDABLE HOUSING REQUIREMENTS:

11. Prior to the issuance of any building permits, the Owner/Permittee shall comply with the affordable housing requirements of the City’s Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.).

ENGINEERING REQUIREMENTS:

12. Prior to the issuance of any building permit, the Owner/Permittee shall dedicate and improve an additional 2.5 feet of the adjacent alley, satisfactory to the City Engineer.
13. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the closure of the existing driveway with City standard curb, gutter and sidewalk, satisfactory to the City Engineer.

14. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

15. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.

16. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

17. Prior to the issuance of any building permits, the Owner/Permittee shall submit an building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying the pad elevation based on USGS datum is consistent with Exhibit A', satisfactory to the City Engineer.

**LANDSCAPE REQUIREMENTS:**

18. Complete landscape and irrigation construction documents consistent with the Land Development Manual: Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. Construction plans shall take into account a 40 square foot area around each tree that is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)5.

19. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or a Final Landscape Inspection.

20. Required shrubs or trees that die 3 years or more after installation shall be replaced with 15-gallon size or 60-inch box size /15 foot BTH material, respectively. Development Services may authorize adjustment of the size and quantity of replacement material where material replacement would occur in inaccessible areas or where the existing plant being replaced is larger than a 15-gallon shrub or 60-inch box.

21. A No-Fee Street Tree application shall be completed prior to occupancy.
22. Prior to issuance of construction permits for public right-of-way improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall indicate adequate area equal to 40 square feet around each tree, which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

23. Prior to Final Inspection, it shall be the responsibility of the Owner/Permittee to install all required landscape. A “No Fee Street Tree Permit application shall be obtained for the installation, establishment, and on-going maintenance of all Street Trees. A minimum of one 24-inch box Jacaranda tree shall be planted in the parkway.

24. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual, Landscape Standards.

25. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to the performance of a Final Landscape Inspection.

**PLANNING/DESIGN REQUIREMENTS:**

26. Owner/Permittee shall maintain a minimum of five off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit “A.” Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

27. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations.

28. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this permit.

29. A topographical survey conforming to the provisions of the Municipal/Land Development Code may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this permit or a regulations of the underlying zone. The cost of any such survey shall be borne by the permittee.
30. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

31. The uncovered parking space located behind Tandem Space #4 as shown on Exhibit A (dated 12-12-12) shall be assigned to the unit and garage it abuts.

INFORMATION ONLY:

• The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.

• Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.

• This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on June 19, 2013.
Attachment 6
Draft Permit with Conditions

Permit Type/PTS Approval No.: CDP NO. 1077654
Date of Approval: June 19, 2013

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

William Zounes
Development Project Manager

NOTE: Notary acknowledgment must be attached per Civil Code section 1189 et seq.

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

By ______________________________

Pacific Beach 2012, LTD

NOTE: Notary acknowledgments must be attached per Civil Code section 1189 et seq.
HEARING OFFICER RESOLUTION NUMBER R-__________________

TENTATIVE PARCEL MAP NO. 1098945, LAMONT STREET TOWNHOMES PROJECT NO. 304111.

WHEREAS, PACIFIC BEACH 2012, LTD, Subdivider, and VERNON V. FRANCK, Land Surveyor, submitted an application to the City of San Diego for a tentative parcel map (Map No. 1098945) to construct four residential condominiums, and to waive the requirement to underground existing offsite overhead utilities. The project site is located 3953-59 Lamont Street in the RM-2-5 zone of the Pacific Beach Community Plan. The property is legally described as Lots 11 and 12 in block 4 of Venice Park, in the City of San Diego, County of San Diego, State of California, According to Map thereof No. 991, filed in the office of the County Recorder of San Diego County, May 24, 1906; and

WHEREAS, the Map proposes the Subdivision of a 0.14-acre site into four residential condominiums; and

WHEREAS, on March 5, 2013, 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 15301 and 15303 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, 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 subdivision is a condominium project as defined in California Civil Code section 1351 and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is four; and

WHEREAS, the request to waive the requirement to underground existing offsite overhead utilities, qualifies under the guidelines of guidelines SDMC section 144.0242, Waiver of the Requirements to Underground Privately Owned Utility Systems and Service Facilities, in that the conversion involves a short span of overhead facility (less than 600 feet in length) and the conversion would not represent a logical extension to an underground facility; and

WHEREAS, on June 19, 2013, the Hearing Officer of the City of San Diego considered Tentative Parcel Map No. 1098945, including the waiver of the requirement to underground existing offsite overhead utilities, and pursuant to San Diego Municipal Code section(s) 125.0440, 144.0240 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 Tentative Parcel Map No. 1098945:

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 project proposes to demolish two single family homes with detached garage and replace it with four, two-bedroom condominiums with decks and garages on a 0.14-acre site located at 3953-59 Lamont Street in the RM-2-5 zone of the Pacific Beach Community Plan.
The proposed project is consistent with the residential land use designations of the Pacific Beach Community Plan by continuing to maintain a density range of 14-29 dwelling units per acre. This density occurs primarily along Sail Bay, Grand Avenue, Hornblend Street and Lamont Street, and is characterized by four-plexes or four-unit condominiums.

The plan recommends that new multi-family residential developments conform to area-specific streetscape recommendations for landscape, lighting, sidewalk treatment and signage and be implemented through the citywide landscape ordinance. Additionally the plan recommends that residential neighborhoods be enhanced by establishing and maintaining street tree patterns and promoting general maintenance and improvement of residential properties.

The proposed residential condominiums would meet the goals of the Pacific Beach Community Plan/Local Coastal Program by providing the appropriate residential density and implementing the community plan’s street tree pattern. There are two existing fan palms adjacent to the site along the Lamont Street public right-of-way that will remain in place with the new development. These fan palms are the recommended street tree for Lamont Street pursuant to the Pacific Beach Community Plan Appendix D. Additionally, the project is required to install a street light adjacent to the site which is consistent with Pacific Beach Community Plan regarding lighting standards.

The proposed development will meet the land use regulations of the certified Implementation Program including compliance to the San Diego Municipal Code development regulations to include but not limited to height, setbacks, landscape, and, floor area ratio. 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.

The project proposes to demolish two single family homes with detached garage and replace it with four, two-bedroom condominiums with decks and garages on a 0.14-acre site located at 3953-59 Lamont Street in the RM-2-5 zone of the Pacific Beach Community Plan.

The project is consistent with the development regulations of the RM-2-5 zone. The proposed project meets all land development requirements of the Land Development Code to include setbacks, floor area ratio, landscaping, parking, storm water runoff, architectural design, and height. City staff has determined the undergrounding waiver request qualifies under the guidelines SDMC section 144.0242, Waiver of the Requirements to Underground Privately Owned Utility Systems and Service Facilities, in that the conversion involves a short span of overhead facility (less than 600 feet in length) and the conversion would not represent a logical extension to an underground facility. Therefore, the proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code.

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 project proposes to demolish two single family homes with detached garage and replace it with four, two-bedroom condominiums with decks and garages on a 0.14-acre site located at 3953-59 Lamont Street in the RM-2-5 zone of the Pacific Beach Community Plan.

The project site is flat and has been previously graded. The site has frontage on Lamont Street with alley access at the rear. Surrounding the site are one and two-story single family and multi-family developments. The RM-2-5 zone allows one dwelling unit for every 1,500 square feet of site area. The existing site is 5,459 square feet which will accommodate four dwelling units. The Pacific Beach Community Plan designates the site as residential allowing up to 29 dwelling units per acre. The addition of four units for the site is within the community plan’s density range. Therefore, the site is physically suitable for the type and density of the 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 project proposes to demolish two single family homes with detached garage and replace it with four, two-bedroom condominiums with decks and garages on a 0.14-acre site located at 3953-59 Lamont Street in the RM-2-5 zone of the Pacific Beach Community Plan.

Minor land modifications are proposed with this Tentative Parcel Map to include the closure of an existing curb cut adjacent to the site. The Tentative Parcel Map was reviewed by the City of San Diego for conformance to the Land Development Regulations, Californian Building Code, and Land Use Policies. The Tentative Parcel Map included a review for compliance for storm water runoff requirements during and after construction. The proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 and 15303 of the State CEQA Guidelines. The project is located within an urbanized and built out environment where there are no watercourses on or adjacent to the site. Therefore, the design of the subdivision or the proposed improvements is 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)).

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 project proposes to demolish two single family homes with detached garage and replace it with four, two-bedroom condominiums with decks and garages on a 0.14-acre site located at 3953-59 Lamont Street in the RM-2-5 zone of the Pacific Beach Community Plan.

The project has been reviewed and determined to be in compliance with the Municipal Code and Subdivision Map Act. The Tentative Parcel Map and associated development permit includes conditions and corresponding exhibits of approvals including undergrounding new utilities, storm water and construction water runoff, adequate parking, public improvements, and paying applicable taxes in order to achieve compliance with the regulations of the San Diego Municipal
Code. The proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 and 15303 of the State CEQA Guidelines. Therefore the project 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) and Subdivision Map Act § 66474(g)).

The project proposes to demolish two single family homes with detached garage and replace it with four, two-bedroom condominiums with decks and garages on a 0.14-acre site located at 3953-59 Lamont Street in the RM-2-5 zone of the Pacific Beach Community Plan.

The proposed subdivision does not contain or propose any new easements for the development. Lamont Street fronts the property to the west and an existing alley runs north and south adjacent to the site, both are not required to be vacated as a result of this Tentative Parcel Map. The subdivision proposes public improvements. The public improvements include the closure of an existing curb cut along Lamont Street adjacent to subject site and replacing it with a City standard curb, gutter and sidewalk satisfactory to the City Engineer. Therefore, the design of the subdivision and proposed improvements would 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) and Subdivision Map Act § 66473.1).

The project proposes to demolish two single family homes with detached garage and replace it with four, two-bedroom condominiums with decks and garages on a 0.14-acre site located at 3953-59 Lamont Street in the RM-2-5 zone of the Pacific Beach Community Plan.

The potential and opportunity to implement sustainable building techniques during building permit review that utilize photovoltaic systems (solar panels) to generate a certain percentage of the project's energy needs exists. The project site is located on Lamont Street which runs north and south which will allow for maximum solar orientation for future solar hearing. 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) and Subdivision Map Act § 66412.3).
The project proposes to demolish two single family homes with detached garage and replace it with four, two-bedroom condominiums with decks and garages on a 0.14-acre site located at 3953-59 Lamont Street in the RM-2-5 zone of the Pacific Beach Community Plan.

The site contains currently contains two dwelling units. 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. The decision maker has determined that the provision of four residential units and the associated increase in the need for public services and the available fiscal and environmental resources are balanced by adequate public transit in the immediate area, the proximity of shopping, and essential services and recreation in the nearby developed urban area. The Crown Point Community Park exists approximately an eighth of a mile to the south and retail shopping exists approximately four blocks north of the site. Therefore, the housing needs of the region are balanced against the needs for public services and the available fiscal and environmental resources.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Hearing Officer, Tentative Parcel Map No. 1098945, hereby granted to PACIFIC BEACH 2012, LTD subject to the attached conditions which are made a part of this resolution by this reference

By
William Zounes
Development Project Manager
Development Services Department

ATTACHMENT: Tentative Map Conditions

Internal Order No. 24003411
HEARING OFFICE
CONDITIONS FOR TENTATIVE PARCEL MAP NO. 1098945
LAMONT STREET TOWNHOMES- PROJECT NO. 304111
ADOPTED BY RESOLUTION NO. R-_________ ON __________

GENERAL

1. This Tentative Parcel Map will expire July 3, 2016.

2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map, unless otherwise noted.

3. Prior to the Tentative Parcel Map expiration date, a Parcel Map to consolidate the existing lots into one lot shall be recorded in the Office of the San Diego County Recorder.

4. 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 Tentative Parcel map shall conform to the provisions of Coastal Development Permit No. 1077654.

6. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City’s approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify 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.
ENGIN EE RING

7. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map, unless otherwise noted.

8. The Subdivider shall install a City standard street light, adjacent to the project site on Lamont Street.

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

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

11. 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.

12. 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.

WATER

13. The subdivider shall install appropriate private back flow prevention devices on all existing and proposed water services (domestic, irrigation, and fire) adjacent to the project site in a manner satisfactory to the Water Department Director.

INFORMATION:

- The approval of this Tentative Map 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 USC § 1531 et seq.).

Project No. 304111
TM No. 1098945
Attachment 8

Draft Tentative Parcel Map Conditions

- 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). 

- This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by Education Code Section 17620, in accordance with procedures established by the Director of Building Inspection.

Internal Order No. 24003411
**Committee Distribution Form Part 2**

<table>
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<tr>
<th>Project Name:</th>
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<th>Distribution Date:</th>
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<tbody>
<tr>
<td>Lamont Street Townhomes</td>
<td>304111</td>
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</table>

**Project Scope/Location:**
The proposed project is located in the RM-2-5 zone in the Coastal Height Limitation Overlay Zone, Coastal Overlay Zone, Parking Impact (coastal and beaches) Overlay Zone, Residential Tandem Parking Overlay Zone. The project proposes to demolish two existing dwelling units and construct two three story duplex buildings with an attached parking garage. Address is 3953-3959 Lamont Street.

**Applicant Name:** Dan Linn

**Project Manager:** Will Zounes

**Applicant Phone Number:**

**Phone Number:** (619) 321-3200

**Fax Number:** wzounes@sandiego.gov

**E-mail Address:** wzounes@sandiego.gov

**Committee Recommendations (To be completed for Initial Review):**

- **Vote to Approve**
  - Members Yes: 15
  - Members No: 1
  - Members Abstain

- **Vote to Approve**
  - With Conditions Listed Below
  - Members Yes
  - Members No
  - Members Abstain

- **Vote to Approve**
  - With Non-Binding Recommendations Listed Below
  - Members Yes
  - Members No
  - Members Abstain

- **Vote to Deny**
  - Members Yes
  - Members No
  - Members Abstain

- **No Action** (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)
  - Continued

**CONDITIONS:**

**NAME:** Brian Curry

**TITLE:** PBPG Chair

**SIGNATURE:**

**DATE:** 3/27/2013

Please return to:
Project Management Division
City of San Diego
Development Services Department
1222 First Avenue, MS 302
San Diego, CA 92101

Printed on recycled paper. Visit our website at [www.sandiego.gov/development-services](http://www.sandiego.gov/development-services). Upon request, this information is available in alternative formats for persons with disabilities.
Ownership Disclosure Statement

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

Legal Status (please check):

- Corporation
- Limited Liability -or- General
- 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.

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Additional pages attached | Yes | No

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Underground Master Plan

Lamont Street Townhomes- Project No. 30411
3953-59 Lamont Street

Council District: 2
Member Name: Kevin Faulconer
Office Phone: (619) 238-6622
AREA: 190705848.84
Utilities Undergrounding
Projects
Project Name: Project Block 2881
Year Allocated: 2062
Project Start: May 31, 2007
Project End: May 31, 2009
Contact Person: UNDERGROUND UTIL
Phone #: (619) 533-3841
Email: undergrounding@sandiego.gov
Website: www.sandiego.gov
Council District: 2
Phase: unallocated
### Project Chronology
#### Lamont Street Townhomes
**Project No. 304111**

<table>
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<tr>
<th>Date</th>
<th>Action</th>
<th>Description</th>
<th>City Review Time</th>
<th>Applicant Response</th>
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<td>2/1/13</td>
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<td>Hearing Officer Hearing</td>
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**TOTAL STAFF TIME**

|                  |                                             | 4 month 16 days                   |                  |                                                   |

**TOTAL APPLICANT TIME**

|                  |                                             | 2 months 2 days                   |                  |                                                   |

**TOTAL PROJECT RUNNING TIME**

|                  | From Deemed Complete to HO Hearing          | 6 months 18 days                  |                  |                                                   |

**Based on 30 days equals to one month.**
NOTICE OF EXemption

(Check one or both)

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

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

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

DEVELOPMENT SERVICES
DEPARTMENT
1222 FIRST AVENUE, MS 501
SAN DIEGO, CA 92101

Attachment 13
Notice of Exemption

PROJECT NO.: 304111
PROJECT TITLE: LAMONT STREET TOWNHOMES

PROJECT LOCATION-SPECIFIC: 3953-3959 Lamont Street, San Diego, CA 92109 (Lots 11 and 12 of Block 4, Venice Park, Map 991)

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

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: Coastal Development Permit (CDP) and Map Waiver to demolish two (2) single dwelling units and a detached garage and construct two (2), three (3) story duplex condominiums for a total of four condominiums on a 5,954-square-foot lot located at 3953-59 Lamont Street. The site is in the RM-2-5 Zone, the Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limit, and Residential Tandem Parking area within the Pacific Beach Community Planning area of Council District 2 of the City of San Diego.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Daniel Linn
5732 Bellevue Avenue
San Diego, CA, 92037
858-459-8108

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: This project is exempt pursuant to the California Environmental Quality Act Section 15301 (1)(1), Existing Facilities Demolition and 15303 New Construction.
( ) STATUTORY EXEMPTIONS:

REASONS WHY PROJECT IS EXEMPT: The project is located in an area known to contain archaeological resources. Qualified City staff conducted a California Historic Resources Information System (CHRIS) search and concluded that historical resources are not located on site and that the project would not have the potential to impact archeological resources. The existing structures were evaluated by the City of San Diego’s Historical Resources Board staff for eligibility for historic designation and determined that the structures did not meet the designation criteria as a significant resources. No additional environmental resources would be impacted. Therefore the project is exempt pursuant to CEQA Sections 15301 (1)(1), Existing Facilities Demolition and 15303 – New Construction – and where the exceptions listed in CEQA section 15300.2 would not apply.

LEAD AGENCY CONTACT PERSON: Lizzi
TELEPHONE: (619) 446-5159

IF FILED BY APPLICANT:
1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.
2. HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT?
   ( ) YES  ( ) NO

IT IS HEREBY CERTIFIED THAT THE CITY OF SAN DIEGO HAS DETERMINED THE ABOVE ACTIVITY TO BE EXEMPT FROM CEQA

SIGNED BY LEAD AGENCY
DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

DATE: 3/1/2013

( ) SIGNED BY APPLICANT