REPORT TO THE HEARING OFFICER

HEARING DATE: April 23, 2014

ATTENTION: Hearing Officer

SUBJECT: AVENIDA DE PORTUGAL MAP WAIVER
PTS PROJECT NUMBER: 337536

LOCATION: 3102-3104 Avenida de Portugal and 1120-1122 Locust Street

APPLICANT: Hossein Zomorrodi

SUMMARY

Issue(s): Should the Hearing Officer approve a Map Waiver to create four residential condominiums and waive the requirement to underground existing overhead utilities within the Peninsula Community Plan area?

Staff Recommendation(s) – APPROVE Map Waiver No. 1192156.

Community Planning Group Recommendation - On January 16, 2014, a motion to recommend approval of the Map Waiver failed by a vote of 5-6-2 (See Discussion Section below).

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15304. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on March 21, 2014 and the opportunity to appeal that determination ended April 7, 2014.

BACKGROUND

The project proposes a Map Waiver to create four residential condominiums, currently under construction on a 0.11-acre site located at 3102-3104 Avenida de Portugal and 1120-1122 Locust Street in the RM-3-7 zone of the Peninsula Community Plan area.

Construction plans were reviewed and a construction permit was issued by the Development Services Department on April 24, 2013 under Approval Nos. 980989 and 980990, permitting the construction of the four residential units. The development includes the construction of two, 2,023 square-foot two bed-room condominiums and a 1,771 and 1,969 square-foot, two-
bedroom, two-story residential condominium for a total of four condominiums. The units each feature an attached garage on the south and east side of the property and landscaped areas in the front yard and along the perimeter of the building. The site abuts multi-family residential dwellings with a density and church across the street.

A Map Waiver is required for the creation of four residential condominiums as a single lot defined in San Diego Municipal Code section 125.0120.

DISCUSSION

The project proposes a Map Waiver to create four residential condominiums located at 3102-3104 Avenida de Portugal and 1120-1122 Locust Street. Proposed Land modifications/improvements with this Map Waiver include the reconstruction of a portion of curb, gutter, driveways, and sidewalks along Avenida De Portugal and Locust Street. The project has been reviewed and determined to be in compliance with the Municipal Code and Subdivision Map Act. An affordable housing fee was paid prior to the issuance of the building permit to comply with the Affordable Housing Requirements of the City’s Inclusionary Housing Ordinance (Chapter 14, Article 2, and Division 13, of the Land Development Code).

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 existing overhead utilities within the boundary of the subdivision or within the abutting public rights of way. City staff has determined the undergrounding waiver request qualifies under the guidelines of Council Policy 600-25, Underground Conversion of Utility Lines at the Developer’s Expense, in that the conversion involves a short span of overhead facility (less than a full block in length) and it has been determined that such conversion is not a part of a continuing effort to accomplish a total undergrounding within a specific street or area.

The applicant is 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 conditions (Attachment 7).

Community Planning Group

On January 16, 2014 the Peninsula Community Planning Board reviewed the project. The group voted twice. An initial vote of 12-1 to deny the construction of the development on the basis that the building is out of character with the neighborhood due to excessive height. A second motion was made to recommend approval of a Map Waiver for the creation of four residential condominiums, however the motion failed by a vote of 5-6-2. The failed Map Waiver vote was based on the previous vote to deny the construction of the four residential units.
Staff’s response to the Peninsula Community Planning Board’s recommendation of denial is that the proposed condominiums are currently in construction under Building Permits No. 980989 and 980990 issued on April 24, 2013. The new structures were determined to be consistent with the development regulations of the RM-3-7 zone to include height, setbacks, floor area ratio, landscaping and architectural design. The project does not include deviations from the regulations. The project is in conformity and consistent with the Peninsula Community Plan which designates the site for multi-family residential development with an allowed density range of 30-44 dwelling units per acre. The Map Waiver would meet the goals of the Peninsula Community Plan by maintaining residential development and not interfering with public access or public views to the beaches and bays. The City’s Undergrounding Master Plan designates the site within Block 2L1, and the date for undergrounding has been established for the year 2045 (Attachment 12).

Conclusion

Staff has determined that the project complies with the development regulations of all applicable sections of the Land Development Code, City Council Policies, and the State Map Act as it regulates the creation of condominiums through a Map Waiver process. Staff recommends approval of the project as proposed.

ALTERNATIVES

1. **Approve** Map Waiver No. 1192156 with modifications; or

2. **Deny** Map Waiver No. 1192156 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 Map Waiver Resolution
6. Draft Map Waiver Conditions
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Chronology
10. Notice of Exemption
11. Utility Undergrounding Schedule
12. Project Plans
Aerial Photograph (Birds Eye)
Avenda De Portugal Map Waiver Project No. 337536
1120-1122 Locust Street & 3102-3104 Avenida De Portugal
Land Use Plan

Avenda De Portugal Map Waiver Project No. 337536
1120-1122 Locust Street & 3102-3104 Avenida De Portugal
Land Use Plan

Avenda De Portugal Map Waiver Project No. 337536
1120-1122 Locust Street & 3102-3104 Avenida De Portugal
# PROJECT DATA SHEET

<table>
<thead>
<tr>
<th>PROJECT NAME:</th>
<th>Avenida De Portugal Map Waiver</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROJECT DESCRIPTION:</td>
<td>Map Waiver to create four residential condominiums</td>
</tr>
<tr>
<td>COMMUNITY PLAN AREA:</td>
<td>Peninsula Community Plan</td>
</tr>
<tr>
<td>DISCRETIONARY ACTIONS:</td>
<td>Map Waiver</td>
</tr>
<tr>
<td>COMMUNITY PLAN LAND USE DESIGNATION:</td>
<td>Multi-Family Residential</td>
</tr>
</tbody>
</table>

## ZONING INFORMATION:
- **ZONE:** RM-3-7; (Residential Multiple Unit)
- **HEIGHT LIMIT:** 30-Foot max. height limit
- **LOT SIZE:** 5,000 square-foot minimum lot size.
- **FLOOR AREA RATIO:** 1.8 maximum
- **FRONT SETBACK:** 10/20-feet
- **SIDE SETBACK:** 5-feet min
- **STREETSIDE SETBACK:** 10-feet
- **REAR SETBACK:** 5-feet.
- **PARKING:** 8 parking spaces provided

<table>
<thead>
<tr>
<th>ADJACENT PROPERTIES:</th>
<th>LAND USE DESIGNATION &amp; ZONE</th>
<th>EXISTING LAND USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>NORTH:</td>
<td>Multi-Family Residential /RM-3-7</td>
<td>Residential</td>
</tr>
<tr>
<td>SOUTH:</td>
<td>Multi-Family Residential; /RM-3-7</td>
<td>Residential/Dentist</td>
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<td>EAST:</td>
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<tr>
<td>WEST:</td>
<td>Multi-Family Residential /RM-3-7</td>
<td>Church</td>
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</table>

**DEVIATIONS OR VARIANCES REQUESTED:** None

**COMMUNITY PLANNING GROUP RECOMMENDATION:** On January 16, 2014, a motion to recommend approval of the Map Waiver failed by a vote of 5-6-2
RESOLUTION NO. ________
DATE OF FINAL PASSAGE APRIL 23, 2014

A RESOLUTION OF THE HEARING OFFICER
ADOPTING THE FINDINGS AND APPROVING MAP
WAIVER NO. 1192156 FOR AVENIDA DE PORTUGAL
MAP WAIVER – PROJECT NO. 337536

WHEREAS, AMERICAN COASTAL PROPERTIES, LLC, Subdivider, and HOSSEIN ZOMORRODI, engineer, submitted an application with the City of San Diego for Map Waiver No. 1192156, to waive the requirement for a Tentative Map for the creation of four residential condominiums and to waive the requirement to underground existing offsite overhead utilities. The project site is located at 3102-3104 Avenida de Portugal and 1120-1122 Locust Street in the RM-3-7 zone of the Peninsula Community Plan area. The property is legally described as Lot 6, Block 14 of Roseville of Map No. 165; and

WHEREAS, Whereas the map proposes the subdivision of a 0.11 acre site into one (1) lot for a 4 units residential condominium conversion, currently under construction; and

WHEREAS, on March 21, 2014, 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 Guidelines Section 15304 (Minor Alterations) and whereas, there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code section 112.0520; and
WHEREAS, the project complies with the requirements of a preliminary soils
and/or geological reconnaissance report pursuant to Subdivision Map Act sections 66490
and 66491(b)-(f) and San Diego Municipal Code section 144.0220; and

WHEREAS, Whereas the map proposes the subdivision of a 0.11 acre site into
one (1) lot for a 4 units residential condominium conversion, currently under construction
and

WHEREAS, the subdivision is a condominium project as defined in California
Civil Code section 1351(f) 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 utility facilities qualifies under the guidelines of Council Policy No. 600-25,
Underground Conversion of Utility Lines at Developers Expense in that the conversion
involves a short span of overhead facility (less than a full block in length) and would not
represent a logical extension to an underground facility; and

WHEREAS, on April 23, 2014, the Hearing Officer of the City of San Diego
considered Map Waiver No. 1192156, including the waiver of the requirement to
underground existing offsite overhead utilities, and pursuant to sections 125.0122 (map
waiver) 125.0123 (findings for map waiver), 125.0440 and 144.0240 (underground) of
the San Diego Municipal Code and Subdivision Map Act sections 66428 and 66474,
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. 1192156:

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 create four residential condominiums from four residential units
under construction on a 0.11-acre site located at 3102-3104 Avenida de Portugal and
1120-1122 Locust Street in the RM-3-7 zone of the Peninsula Community Plan area.
Construction plans were reviewed and issued construction permits by the Development
Services Department on April 24, 2013 under Approval Nos. 980989 and 980990,
permitting the construction of the four residential units and associated site improvements.

The project is in conformity and is consistent with the Peninsula Community Plan which
designates the site for multi-family residential development with an allowed density
range of 30-44 dwelling units per acre. The subdivision would meet the goals of the
Peninsula Community Plan by maintaining residential development and not interfering
with public access or public views to the beaches and bays. The proposed creation of
four residential units to condominiums will meet the land use regulations of the San
Diego Municipal Code development regulations which include setbacks, parking, and
public improvements. 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.

The project proposes to create four residential condominiums from four residential units
under construction on a 0.11-acre site located at 3102-3104 Avenida de Portugal and
1120-1122 Locust Street in the RM-3-7 zone of the Peninsula Community Plan area.

The proposed condominiums are currently under construction through Building Permit
Nos. 980989 and 980990 issued on April 24, 2013. The development includes the
construction of two, 2,023 square-foot each, two bed-room condominiums and a 1,771
and 1,969 square-foot, two-bedroom, two-story residential condominium for a total of
four condominiums. The construction was determined to be consistent with the
development regulations of the RM-3-7 zone to include height, setbacks, floor area ratio,
landscaping and architectural design. The project does not include deviations from the regulations. 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 create four residential condominiums from four residential units under construction on a 0.11-acre site located at 3102-3104 Avenida de Portugal and 1120-1122 Locust Street in the RM-3-7 zone of the Peninsula Community Plan area.

The site is relatively flat and has been previously graded. The four residential units were issued construction permits on April 24, 2013 and are currently under construction. The site fronts Avendia De Portugal and Lotus Street. The RM-3-7 zone allows one dwelling unit for every 1,000 square feet of site area. The existing site is 5,000 square feet which will accommodate five dwelling units. The Peninsula Community Plan designates the site as multi-family residential. The creation of four residential condominiums is consistent with the community plan’s land use designation and within the RM-3-7 zone 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 create four residential condominiums from four residential units under construction on a 0.11-acre site located at 3102-3104 Avenida de Portugal and 1120-1122 Locust Street in the RM-3-7 zone of the Peninsula Community Plan area.

The project is located within an urbanized and built-out environment where there are no watercourses or environmentally sensitive lands harboring fish or wildlife on or adjacent to the site. Therefore, the subdivision or the proposed improvements will not cause substantial environmental damage or substantially injure fish or wildlife or their habitat (Land Development Code Section 125.0440.d and State Map Act Section 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 create four residential condominiums from four residential units under construction on a 0.11-acre site located at 3102-3104 Avenida de Portugal and 1120-1122 Locust Street in the RM-3-7 zone of the Peninsula Community Plan area.
Land modifications/improvements are proposed with this Map Waiver to include the reconstruction of a portion of curb, gutter, driveways, and sidewalks along Avenda De Portugal and Locust Street. 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 relevant to obtaining permits for the work within the public right-of-way and paying applicable taxes in order to achieve compliance with the regulations of the San Diego Municipal Code. The proposed sidewalk improvements should further improve safety conditions by providing an easier path of travel for pedestrians through these areas. Therefore, 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)).

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.

The project proposes to create four residential condominiums from four residential units under construction on a 0.11-acre site located at 3102-3104 Avenida de Portugal and 1120-1122 Locust Street in the RM-3-7 zone of the Peninsula Community Plan area.

The proposed subdivision will not conflict with existing public easements as there are none on the site. The site has frontage on Avenida de Portugal and Locust Street which are dedicated public rights-of-way. Additionally, general utilities run along the public rights-of-ways and not through the existing project site. The subdivision proposes public improvements to include the reconstruction of a portion of curb, gutter, driveways, and sidewalks along Avenda De Portugal and Locust Street. 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.

The project proposes to create four residential condominiums from four residential units under construction on a 0.11-acre site located at 3102-3104 Avenida de Portugal and 1120-1122 Locust Street in the RM-3-7 zone of the Peninsula Community Plan area.

The potential and opportunity exists to implement sustainable building techniques that utilize photovoltaic systems (solar panels) to generate a certain percentage of the project’s energy needs. The four units incorporate roofs which may facilitate solar panels in the future and the units face the southwest, conducive to effective solar utilization. Additionally, new dual-glazed windows having Low E Glazing will be installed which will help reduce solar heat gain within the units. 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.

The project proposes to create four residential condominiums from four residential units under construction on a 0.11-acre site located at 3102-3104 Avenida de Portugal and 1120-1122 Locust Street in the RM-3-7 zone of the Peninsula Community Plan area.

The decision maker has reviewed the administrative record including the project plans and environmental documentation to determine the effects of the proposed subdivision on the housing needs of the region. With the proposed creation of four residential condominiums, there would be a loss of four rental units and a gain of four for-sale units. The four residential units are within a built out urbanized community with adequate infrastructure. The decision maker has determined that 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 project is within a block from public transit and retail services and sales. In addition, Cabrillo Recreation Center is located within blocks from the site. Therefore, the housing needs of the region are balanced against the needs for 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.

The project proposes to create four residential condominiums from four residential units under construction on a 0.11-acre site located at 3102-3104 Avenida de Portugal and 1120-1122 Locust St. in the RM-3-7 zone of the Peninsula Community Plan area.

The proposed subdivision would comply with all of the applicable requirements of the Subdivision Map Act and the Land Development Code. The development complies with the requirements that regulate the size and location of the structure, including setbacks, coverage, height, and floor area. The proposed subdivision is within a developed urban residential neighborhood and located on existing improved and dedicated rights-of-way. The development would not be subject to floodwater inundation. Drainage is directed off the site into the City’s stormwater collection system. The property is within the jurisdiction of the City of San Diego, and therefore all normal residential waste generated from the subdivision would be collected and disposed of in the City landfill. Therefore, 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))

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

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Hearing Officer, Map Waiver No. 1192156; is hereby granted to AMERICAN COASTAL PROPERTIES, LLC 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: Map Waiver Conditions
Internal Order No. 24004046
HEARING OFFICER
CONDITIONS FOR MAP WAIVER NO. 1192156
AVENIDA DE PORTUGAL MAP WAIVER- PROJECT NO. 337756
ADOPTED BY RESOLUTION NO. ________ ON APRIL 23, 2014

GENERAL

1. This Map Waiver will expire May 7, 2017.

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 Certificate of Compliance unless otherwise noted.

3. A Certificate of Compliance shall be recorded in the Office of the San Diego County Recorder, prior to the Map Waiver expiration date.

4. Prior to the recordation of the Certificate of Compliance, 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.

ENGINEERING

6. 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.

7. Prior to the recordation of a Certificate of Compliance, the Subdivider shall replace the existing curb with City standard curb and gutter, along the project

Project No. 337536
MW No. 1192156
April 23, 2014
frontages on Avenida De Portugal and Locust Street, per Standard Drawing SDG-151.

8. Prior to the recordation of a Certificate of Compliance, the Subdivider shall repair and/or replace the existing curb ramp with City standard curb ramp with truncated domes, located at the northwest corner of Avenida de Portugal and Locust Street, per Standard Drawing SDG-132.

9. Prior to the recordation of a Certificate of Compliance, the subdivider shall obtain an Encroachment Maintenance and Removal Agreement for the free standing wall located within the City's right-of-way.

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. The Subdivider shall comply with the “General Conditions for Tentative Subdivision Maps,” filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980. Only those exceptions to the General Conditions which are shown on the Map Waiver 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.

WASTEWATER/WATER REQUIREMENTS:

13. Prior to the recordation of a Certificate of Compliance, the Subdivider shall assure, by permit and bond, the design and construction of new water and sewer service outside of any driveway, and the removal of all existing unused services, within the right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Director and the City Engineer.

14. Prior to the recordation of a Certificate of Compliance, the Subdivider shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.
15. Prior to the recordation of a Certificate of Compliance, 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.

16. Prior to the recordation of any certificates of occupancy, all public water and
sewer facilities, if required shall be complete and operational in a manner
satisfactory to the Public Utilities Director and the City Engineer.

17. The Owner/Permittee shall design and construct all proposed public water and
sewer facilities, if required in accordance with established criteria in the current
edition of the City of San Diego Water Facility Design Guidelines and City
regulations, standards and practices.

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. 24004046
Meeting Called to order by Julia Quinn at 6:32

2. Avenida De Portugal – Jay comments on finished grade and concerned with height limit. Project review voted 4-1 to bring project to board. Applicant, Marengo Morton discusses project. Addresses height, elevation of building is 28 feet, with differential it is at 36 feet. Paul discusses technical bulletin allowed planters to be built up. Gentlemen from audience spoke against project. Gale Barlough – local resident concerned with height and waiver, there is not a need for more condos, but a need for apartments. Nora Varner – went to Development services and expected to have plans reviewed and is does not conform with community and concerned with traffic and parking. Audience member concerned with this becoming a parking problem and height variance that future projects will follow this way. Bruce Coons questions what PCPB can do about it. Jay recommends that we should look into a Community Plan update. Jarvis comments that we can vote in opposition, but project will still probably go through. Bruce Coons discusses how height should be measured by lowest point on the lot not the highest. Applicant discusses answers to questions. Paul Webb discusses city is looking to appeal 30 foot height regulation. Pete Nystrom motion that board is not supportive of Avenida De Portugal/Locust Street project based on out of character with the neighborhood and excessive height. Jarvis seconded motion. All in favor: Norm, Pete, Shannon, Mike, Paul, Dominic, Bruce Coons, Mark, Julia, Nicole, Patricia, Jarvis, and Jay. Opposed; Mark Krencik. Dominic made a motion to approve map waiver. Mark seconded motion. All in favor; Norm, Dominic, Mark, Jay, and Nicole. Opposed; Mike, Peter, Jarvis, Bruce, Shannon. Abstained Paul and Patricia – Paul is not supportive of project and Patricia is not clear what the community wants and cannot make decision. Julia breaks tie to oppose the motion. Motion does not pass.
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-  [x] 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. Additional pages attached  [ ] Yes  [x] No

Corporate/Partnership Name (type or print):
American Coastal Properties, LLC

[ ] Owner  [ ] Tenant/Lessee

Street Address: 18881 Von Karman, Ste 800
City/State/Zip: Irvine, CA 92612
Phone No: 949-625-6100  Fax No: (949-625-6102)

Name of Corporate Officer/Partner (type or print):
Barry A Fast
Title (type or print):
Vice President, Regional Director
Signature:  Date: 8/21/2013

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:
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Description</th>
<th>City Review Time</th>
<th>Applicant Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>10/9/13</td>
<td>First Submittal</td>
<td>Project Deemed Complete and distributed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11/6/13</td>
<td>First Submittal Assessment Letter out</td>
<td></td>
<td>28 days</td>
<td></td>
</tr>
<tr>
<td>12/12/13</td>
<td>Second Submittal In</td>
<td>Normal Submittal</td>
<td>36 days from First Assessment Letter</td>
<td></td>
</tr>
<tr>
<td>1/14/14</td>
<td>Second Submittal Assessment Letter out</td>
<td></td>
<td>33 days</td>
<td></td>
</tr>
<tr>
<td>2/26/14</td>
<td>Third submittal In</td>
<td>Normal Submittal</td>
<td>43 days from First Assessment Letter</td>
<td></td>
</tr>
<tr>
<td>3/19/14</td>
<td>Third Submittal Assessment Letter out</td>
<td></td>
<td>21 days</td>
<td></td>
</tr>
<tr>
<td>4/23/14</td>
<td>Hearing Officer Hearing</td>
<td></td>
<td>35 days</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL STAFF TIME</strong></td>
<td></td>
<td>3 months 27 days</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL APPLICANT TIME</strong></td>
<td></td>
<td>2 months 19 days</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL PROJECT RUNNING TIME</strong></td>
<td>From Deemed Complete to HO Hearing</td>
<td>6 months 16 days</td>
<td></td>
</tr>
</tbody>
</table>

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

(Check one or both)

TO: X  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 SERVICE
1222 FIRST AVENUE, MS
SAN DIEGO, CA 92101

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

PROJECT NO.: 337536  PROJECT TITLE: Avenida De Portugal Map Waiver

PROJECT LOCATION-SPECIFIC: The project is located at the following addresses: 3104 Avenida De Portugal, 3102 Avenida De Portugal, 1120 Locust Street, and 1122 Locust Street within the Peninsula Community Plan.

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

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: Map Waiver to convert four residential dwelling units into condominiums on a 0.11-acre site. The four residential units are currently under construction and each building would have three stories and garages. Other improvements would consist of sidewalks, curb and gutter, and driveway. The project site is in an urbanized area lacks sensitive resources.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: American Coastal Properties LLC, 18881 Von Karman # 800, Irvine California 92612. (949) 625-6100.

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))
(X) CATEGORICAL EXEMPTION: SECTION 15304 (MINOR ALTERATIONS)
( ) STATUTORY EXEMPTION:

REASONS WHY PROJECT IS EXEMPT: The City of San Diego conducted an environmental review and determined that the project would qualify to be exempt from CEQA pursuant to Section 15304(Minor Alterations). 15304 allows for the alteration to land that would not involve the removal of healthy, mature or scenic trees and where the Exceptions (15300.2) are not triggered. Since the project site is currently under construction there are no mature or scenic trees or any other sensitive resources and the exemption does apply.

LEAD AGENCY CONTACT PERSON: JEFFREY SZYMANSKI  TELEPHONE: 619 446-5324

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:

3/19/14

DATE

3/19/14

3/19/14
Underground Master Plan
Avenda De Portugal Map Waiver Project No. 337536
1120-1122 Locust Street & 3102-3104 Avenida De Portugal