



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: July 16, 2014 REPORT NO. HO 14-040

ATTENTION: Hearing Officer

SUBJECT: NEPTUNE PLACE MAP WAIVER
PTS PROJECT NUMBER: 356779

LOCATION: 6767 Neptune Place

APPLICANT: Michael Turk, President of 6767 Neptune Place LLC, Property Owner;
Robert Bateman, Land Surveyor

SUMMARY

Issue(s): Should the Hearing Officer approve the conversion of an eighteen dwelling unit apartment building, currently under construction, to an eighteen dwelling unit condominium on a 0.511-acre property within the La Jolla Community Plan area?

Staff Recommendation(s) – **APPROVE** Coastal Development Permit No. 1255277 and Map Waiver No. 1248753.

Community Planning Group Recommendation – On June 5, 2014, the La Jolla Community Planning Association voted 16-0-1 to recommend approval of this proposed project with no conditions.

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15305 (Minor Alterations in Land Use Limitations). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on April 1, 2014, and the opportunity to appeal that determination ended on April 18, 2014.

BACKGROUND

The 22,259 square foot site is located at 6767 Neptune Place in the RM-3-7 Zone, Coastal Overlay Zone (appealable) and Coastal Height Overlay Zone. The development is located on one lot and designated Multi-Family Residential by, and located within, the La Jolla Community Plan area (Attachment 2). The surrounding area is developed with multi-family and single family development. The proposed subdivision constitutes, by definition, Coastal Development, which pursuant to the Land Development Code (Section 126.0702) requires a Coastal

Development Permit. The proposed subdivision qualified for a Map Waiver request, by the Land Development Code (Section 125.0120), for the proposed division of the property into eighteen residential condominium dwelling units.

The original project, Project No. 147066, was for a 24 dwelling unit, three story apartment building approved by the Planning Commission on June 3, 2010. An Extension of Time, Project No. 325506, was approved by the Hearing Officer on September 11, 2013. A Substantial Conformance Review (SCR), Project No. 343572, which reduced the number of dwelling units from 24 to 18, was approved on January 7, 2014.

DISCUSSION

The previously approved and under construction development is a three-story, eighteen dwelling unit apartment building that was recently issued construction permits. The apartment building includes three one-bedroom units, approximately 797 square feet each in floor area, three two-bedroom units, approximately 1,551 square feet and twelve three-bedroom units ranging in size from approximately 1,741 square feet to 2,196 square feet each. The original development provided thirty eight parking spaces.

The project proposes to convert the existing residential apartment building, a total of eighteen residential apartment dwelling units, into eighteen residential condominium dwelling units. Utilities are located below ground, which meets the under grounding requirement. The project has a total of thirty eight off-street parking spaces, with vehicular access off of the adjacent streets, Playa Del Norte Street and Playa Del Sur Street. During the project's review, City Staff determined that the existing structure was in conformance with the development codes in effect at the time.

CONCLUSION

A Coastal Development Permit and Map Waiver for the proposed eighteen dwelling unit condominium conversion may be approved if the decision maker finds that the proposed division of land complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed condominium conversion and found it to be in conformance with the applicable sections of the San Diego Municipal Code regulating Coastal Development, Map Waivers and land use policies. Staff has determined that the required findings can be made and recommends approval of the project as proposed.

ALTERNATIVE

1. Approve Coastal Development Permit No. 1255277 and Map Waiver No. 1248753, with modifications.
2. Deny Coastal Development Permit No. 1255277 and Map Waiver No. 1248753, if the findings required to approve the project cannot be affirmed.

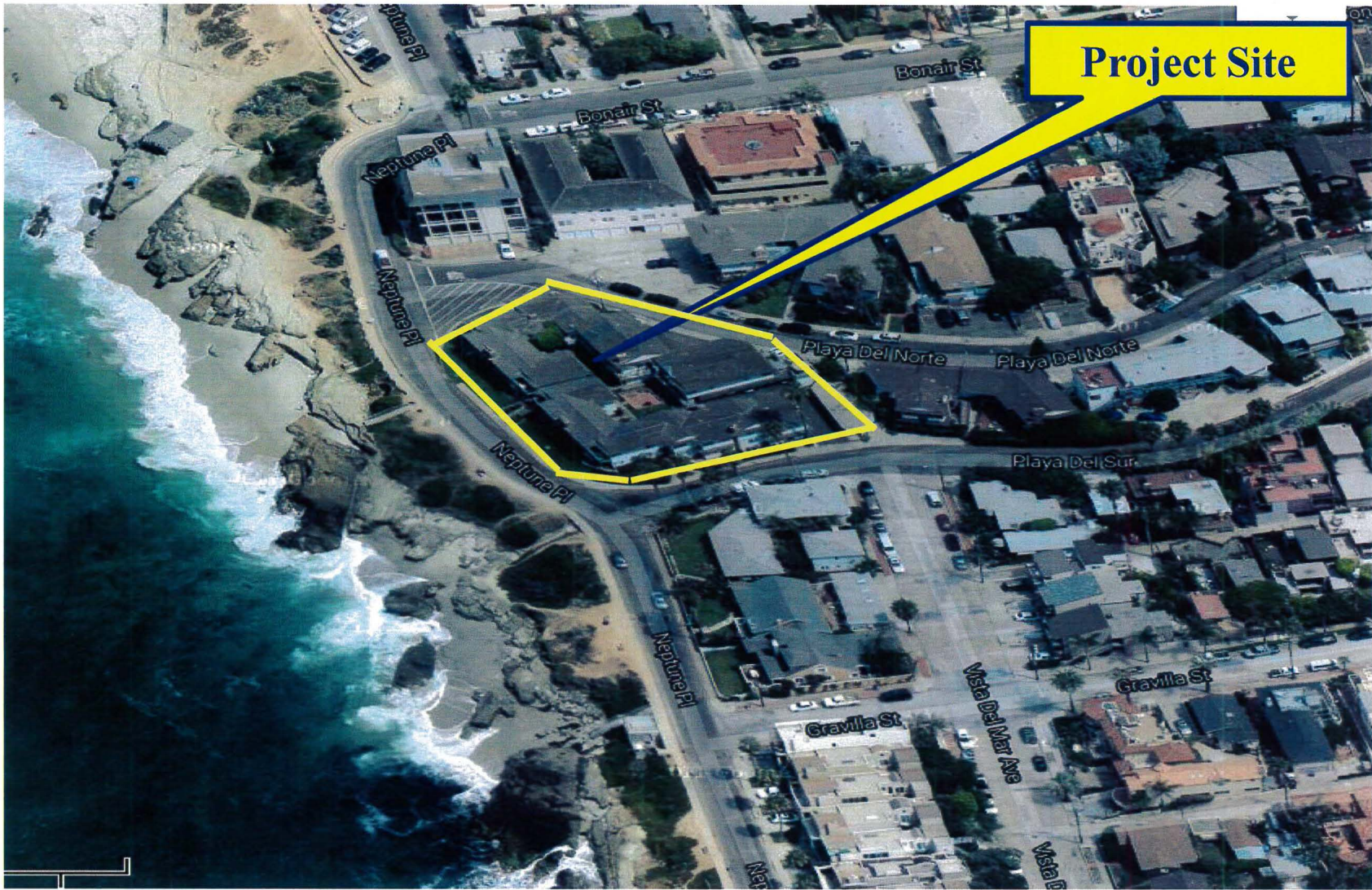
Respectfully submitted,



Glenn R. Gargas, Development Project Manager

Attachments:

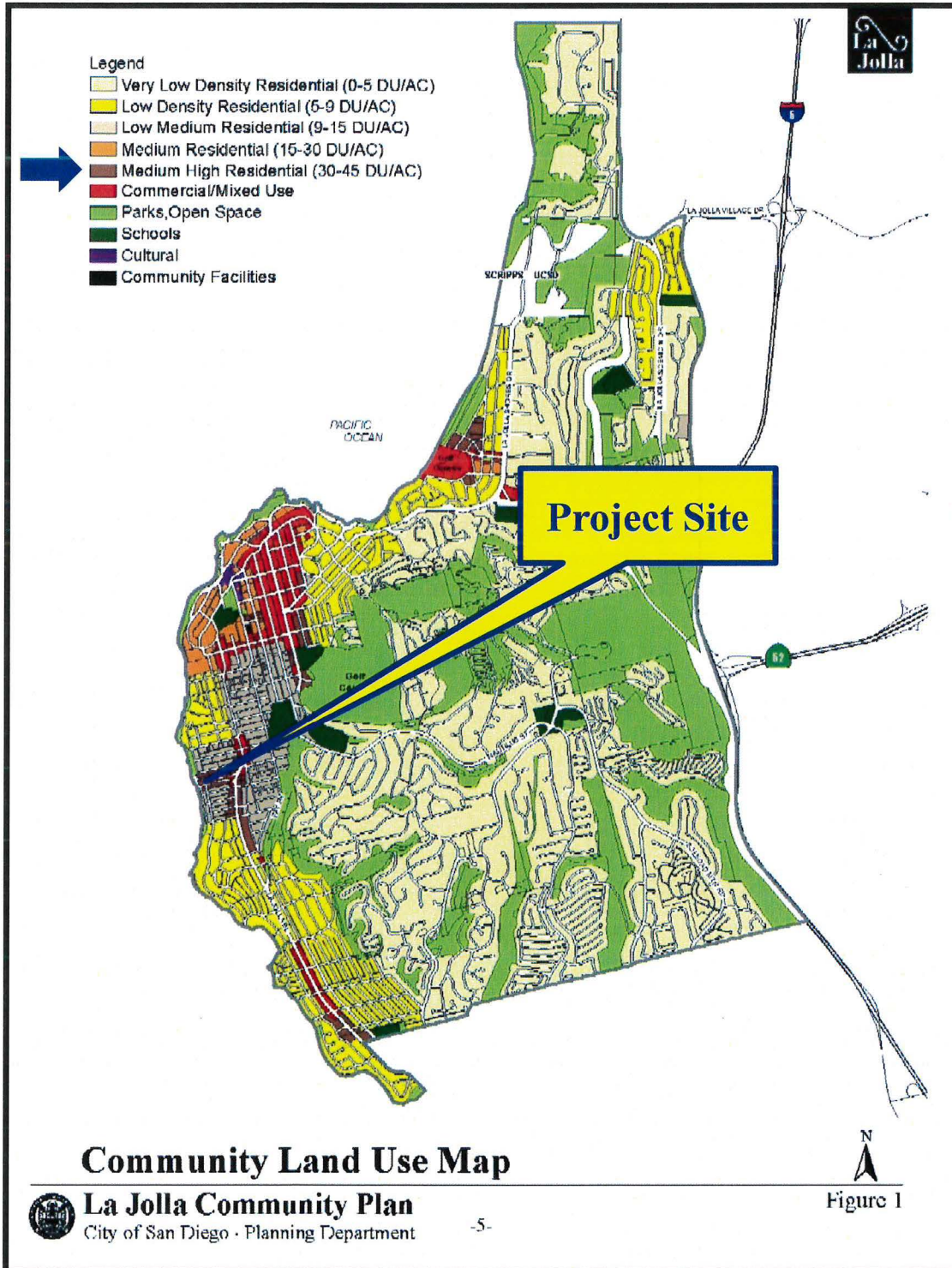
1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft Coastal Permit Resolution with Findings
6. Draft Coastal Permit with Conditions
7. Draft Map Waiver Resolution
8. Draft Map Waiver Conditions
9. Project Site Plan - Map Exhibit-Map Waiver
10. Copy of Recorded Permit and EOT
11. Community Planning Group Recommendation
12. Ownership Disclosure Statement



Aerial Photo

NEPTUNE PLACE MAP WAIVER – 6767 NEPTUNE PLACE
PROJECT NO. 356779





Land Use Map

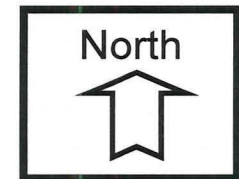
NEPTUNE PLACE MW – 6767 NEPTUNE PLACE
PROJECT NO. 356779 La Jolla





Project Location Map

NEPTUNE PLACE MW – 6767 NEPTUNE PLACE
PROJECT NO. 356779



PROJECT DATA SHEET

PROJECT NAME:	Neptune Place Map Waiver – Project No. 356779
PROJECT DESCRIPTION:	CDP and MW to convert an 18 dwelling unit apartment building, currently under construction into condominiums on a 0.551-acre property.
COMMUNITY PLAN AREA:	La Jolla
DISCRETIONARY ACTIONS:	Coastal Development Permit and Map Waiver.
COMMUNITY PLAN LAND USE DESIGNATION:	Medium High Density Residential (30-45 DUs per acre)

ZONING INFORMATION:

ZONE: RM-3-7 Zone
HEIGHT LIMIT: 30-Foot maximum height limit.
LOT SIZE: 7,000 square-foot minimum lot size – existing lot
 22,259 sq. ft.
FLOOR AREA RATIO: 1.8
FRONT SETBACK: 10 foot minimum, 20 foot standard
SIDE SETBACK: 17 feet
STREETSIDE SETBACK: 17 feet for 50% and 12 feet for 50%
REAR SETBACK: NA
PARKING: 38 parking spaces required.

<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Medium High Density Residential; RM-3-7 Zone	Multi-Family Residence
SOUTH:	Medium High Density Residential; RM-3-7 Zone	Multi-Family Residence
EAST:	Medium High Density Residential; RM-3-7 Zone	Multi-Family Residence
WEST:	None	Beach – Pacific Ocean

ATTACHMENT 4

DEVIATIONS OR VARIANCES REQUESTED:	None.
COMMUNITY PLANNING GROUP RECOMMENDATION:	The La Jolla Community Planning Association voted to approve the project by a vote of 16-0-1 at their meeting on June 5, 2014.

HEARING OFFICER RESOLUTION NO. _____
 COASTAL DEVELOPMENT PERMIT NO. 1255277
NEPTUNE PLACE MAP WAIVER - PROJECT NO. 356779

WHEREAS, 6767 Neptune Place, LLC, a Nevada Limited Liability Company, Owner/Permittee, filed an application with the City of San Diego for a permit to convert (subdivide) an apartment building, currently under construction, into condominium ownership (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1255277), on portions of a 0.511-acre property;

WHEREAS, the project site is located at 6767 Neptune Place, in the RM-3-7 Zone, Coastal (appealable), Coastal Height Limitation, Beach Parking Impact Overlay Zones of the La Jolla Community Plan area;

WHEREAS, the project site is legally described as Parcel 1, Parcel Map No. 21118;

WHEREAS, on July 16, 2014, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 1255277, pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on April 1, 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 Guideline Section 15305 (Minor Alterations in Land Use Limitations) 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 July 16, 2014.

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; and**

The 0.511-acre project site is currently developed with an 18 dwelling unit apartment building, currently under construction. The development proposes to divide the eighteen dwelling units into residential condominiums and is located directly adjacent to the coastline. The proposed development does not involve any further physical change to the apartment building and is contained within the existing legal lot area, which will not encroach upon any existing or proposed physical access to the coast. The project site is located on or adjacent to an identified visual access corridor as identified within the La Jolla Community Plan and Local Coastal Land Use Plan, however, it was designed to comply with the identified public views. The project site is

situated along Neptune Place, within a developed multi-family and single family residential neighborhood. The proposed division into condominiums is to a new construction which meets the development setbacks and height limit required at the time of building permit issuance and the proposed structure will protect and enhance the identified visual corridor.

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

The 0.551-acre project site is currently under construction with a eighteen dwelling unit apartment building and the site does not contain environmentally sensitive lands. The environmental review, determined that the project would not have a significant environmental effect on environmentally sensitive lands and was found to be exempt from environmental review under CEQA Guidelines. The project is only to subdivide the property into condominium ownership and does not propose any grading or physical change on any portion of the property and does 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; and

The proposed division of the apartment building, currently under construction with eighteen dwelling units into condominium units is located on a site which has a Multi-Family Residential land use designation. This proposal is only for the subdivision of the property into condominium ownership. There is not physical change to the property with this proposal. During environmental review, it was determined that the project was exempt under the CEQA Guidelines. The project design was also determined to be in compliance with all of the applicable development regulations at the time building permits were obtained. Due to these factors the proposed condominium conversion was found to be in compliance with the City of San Diego adopted La Jolla Community Plan and Local Coastal Land Use Plan.

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 0.511-acre site, currently under construction with an apartment building that includes eighteen dwelling units, is located within a well developed multi-family and single family residential neighborhood. The project site is located between the first public road and the sea or coastline. Development of the project will be fully within the private property. The project site is directly adjacent to Pacific Ocean, separated only by a public street. There is identified public access and public recreation area on or adjacent to the project site, however, this previously approved apartment building is contained within the legal lot area and these stated resources will not be impaired by the development or subdivision of this property. The proposed condominium conversion project is designed to take access off the existing public streets, with all thirty eight off street parking spaces with access off Playa Del Norte Street and Playa Del Sur Street. The existing character and pedestrian design of the street will remain unaltered. The project conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 1255277, 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. 1255277, a copy of which is attached hereto and made a part hereof.

Glenn R. Gargas
Development Project Manager
Development Services

Adopted on: July 16, 2014

Job Order No. 24004384

RECORDING REQUESTED BY
 CITY OF SAN DIEGO
 DEVELOPMENT SERVICES
 PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24004384

COASTAL DEVELOPMENT PERMIT NO. 1255277
NEPTUNE PLACE MAP WAIVER - PROJECT NO. 356779
HEARING OFFICER

This Coastal Development Permit No. 1255277, is granted by the Hearing Officer of the City of San Diego to 6767 Neptune Place, LLC, a Nevada Limited Liability Company, Owner / Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0702. The 0.511-acre site is located at 6767 Neptune Place, in the RM-3-7 Zone, Coastal (appealable), Coastal Height Limitation, Parking Impact, Residential Tandem Parking, Transit Area Overlay Zones and within the La Jolla Community Plan area. The project site is legally described as: Parcel 1, Parcel Map No. 21118.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to convert an apartment building, currently under construction, to condominium ownership described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated July 16, 2014, on file in the Development Services Department.

The project shall include:

- a. To convert an 18 dwelling unit apartment building, currently under construction, into a 18 unit residential condominium on a 22,259 square foot property;
- b. Existing Landscaping (planting, irrigation and landscape related improvements);
- c. Existing 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 _____ (pending California Coastal Commission Appeal Period).
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.
3. 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.
4. 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.
5. 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.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. 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.).
8. 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.

9. 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.

10. 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" condition(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.

11. 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:

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

PLANNING/DESIGN REQUIREMENTS:

13. Owner/Permittee shall maintain a minimum of (38) thirty eight 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.

14. The Owner/Permittee shall post a copy of each approved discretionary Permit or Tentative Map in its sales office for consideration by each prospective buyer.

15. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

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 July 16, 2014, by Resolution No. _____.

RESOLUTION NO. _____
DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE HEARING OFFICER
ADOPTING THE FINDINGS AND APPROVING MAP
WAIVER NO. 1248753 FOR NEPTUNE PLACE MAP
WAIVER – PROJECT NO. 356779

WHEREAS, 6767 Neptune Place LLC, Subdivider, and Robert J. Bateman, San Diego Land Surveying and Engineering Inc., submitted an application with the City of San Diego for Map Waiver No. 1248753, to waive the requirement for a Tentative Parcel Map to create a legal lot. The project site is located at 6767 Neptune Place, a vacant lot on the. The property is legally described as Parcel 1, Parcel Map No. 21118; and

WHEREAS, the Map proposes the subdivision of a 0.511-acre site into one lot;
and

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

WHEREAS, on July 16, 2014, the Hearing Officer of the City of San Diego considered Map Waiver No. 1248753, and pursuant to sections 125.0122 (map waiver), 125.0440 (tentative map) of the San Diego Municipal Code and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Hearing Officer having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Map Waiver No.1248753:

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 proposed one lot, eighteen dwelling unit condominium conversion subdivision of a 0.511-acre property that contains an eighteen unit apartment building, currently under construction, originally approved under Coastal Development Permit and Site Development Project No. 147066. This tentative map does not include additional development of the property. The project site is located in the RM-3-7 zone and is designated Medium-High Residential Density 30 to 45 DU's per acre by the La Jolla Community Plan. The proposed subdivision, is simply to convert the existing (under construction) apartment building into condominiums and remains consistent with the previously approved Coastal Development and Site Development Permit, Project No. 147066, Extension of Time Project No. 325506 and Substantial Conformance Review, Project No. 343572, which were found consistent 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)). Therefore, the proposed subdivision and its design or improvement would be 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 (San Diego Municipal Code § 125.0440(b).

The proposed one lot, eighteen dwelling unit condominium conversion subdivision complies with the development regulations of the underlying RM-3-7 zone and all of the applicable development regulations of the Land Development Code. There is no further development proposed within the scope of this Map Waiver. The proposed subdivision, is simply to convert the existing (under construction) apartment building into condominiums and remains consistent with the previously approved Coastal Development and Site Development Permit, Project No. 147066, Extension of Time Project No. 325506 and Substantial Conformance Review Project No. 343572, which were found to comply with the applicable zoning and development regulations of the Land Development Code (San Diego Municipal Code § 125.0440(b)). During the review of the proposed Map Waiver, Development Services Department Staff determined proposal to also be consistent with the development regulations, purpose and intent of the RM-3-7 zone, contained in 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 proposed one lot, eighteen dwelling unit condominium conversion subdivision of a 0.511-acre property that contains an eighteen unit apartment building approved under Coastal Development Permit and Site Development Permit, Project No. 147066, which is currently under construction. This tentative map does not include any additional development of the property. The project site is located in the RM-3-7 zone and is designated Medium High Residential Density by the La Jolla Community Plan. The proposed subdivision is simply to convert the existing (under construction) apartment building into condominiums and remains consistent with the previously approved Coastal Development and Site Development Permit, Project No. 147066, Extension of Time Project No. 325506 and Substantial Conformance Review Project No. 343572, which were found 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)). . Therefore, this project will not affect the existing and future surrounding land uses and the site is physically suitable for the type and density under the proposed map waiver project.

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 proposed one lot, eighteen dwelling unit condominium conversion subdivision of a 0.511-acre property is to an eighteen unit apartment building, currently under construction. This tentative map waiver does not include any physical development or changes to the environment that are likely to cause environmental damage of any kind. This project was determined to be categorically exempt under the California Environmental Quality Act. Therefore, since there is no further change to the property with this proposal, the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

5. The design of the subdivision or the type of 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 proposed one lot, eighteen dwelling unit condominium conversion subdivision of a 0.511-acre property is to an eighteen unit apartment building, currently under construction. This tentative map waiver proposes no further change or any additional development of the property. This project was determined to be categorically exempt under the California Environmental Quality Act. This environmental review did include the review of the project's potential impact on public health, safety, and welfare. Therefore, the design of the subdivision or the proposed improvements would not be detrimental to the public health, safety, and welfare.

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)).

The proposed one lot, eighteen dwelling unit condominium conversion subdivision of a 0.511-acre property is to an eighteen unit apartment building, currently under construction. This tentative map waiver does not include any additional development of the property. The proposed subdivision is located fully within the private property and would maintain the existing public rights-of-ways, Neptune Place, Playa Del Norte Street, Playa Del Sur Street and general utility easements. Therefore, the design of the subdivision and the associated 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 proposed subdivision of a 0.511-acre property with an eighteen unit apartment building, currently under construction, into condominium ownership does not include any additional development of the property, will provide, to the extent feasible, for any future passive or natural heating and cooling opportunities. The design of the subdivision has taken into account the best use of the land to minimize grading and preserving environmentally sensitive lands. 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 new eighteen unit building is prewired to facilitate for solar panels in the future. The cross ventilation air flow will provide natural cooling of all 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 (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3).

The proposed one lot, eighteen dwelling unit condominium conversion subdivision of a 0.511-acre property is to an existing eighteen unit apartment building. This tentative map waiver does not include any additional development of the property. The decision maker has reviewed the administrative record including the project plans, environmental documentation and public testimony to determine the effects of the proposed subdivision on the housing needs of the region. Those regional needs were balanced against the needs for public services and the available fiscal and environmental resources and found that the proposed tentative map would not negatively impact the housing needs of the La Jolla Community Plan area.

9. The proposed subdivision of land complies with requirements of the Subdivision Map Act and the Land Development Code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act or the Land Development Code enacted pursuant thereto (San Diego Municipal Code § 125.0123 and Subdivision Map Act § 66428(b)).

The proposed one lot, eighteen dwelling unit condominium conversion subdivision of a 0.511-acre property is to an eighteen unit apartment building, currently under construction. This tentative map waiver does not include any additional development of the property. The public streets and related floodwater drainage control, sanitary disposal facilities, water supply and environmental protection measures are already existing at this site and comply with the Subdivision Map Act and Land Development Code.

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

The proposed one lot, eighteen dwelling unit condominium conversion subdivision of a 0.511-acre property is to an eighteen unit apartment building, currently under construction. This project is privately financed and no funds obtained from governmental agency to provide for elderly, disabled, or low income housing would be used in this development.

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

The proposed one lot, eighteen dwelling unit condominium conversion subdivision of a 0.511-acre property is to an eighteen unit apartment building, currently under construction. This project is market-rate housing and was not developed to provide housing for the elderly, disabled, or to provide low income housing.

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

The proposed one lot, eighteen dwelling unit condominium conversion subdivision of a 0.511-acre property is to an eighteen unit apartment building, currently under construction. This proposed Map Waiver, condo conversion, is for a new apartment building that has not been occupied yet, and therefore the tenant notice provisions of San Diego Municipal Code Section 125.0444(a) are not applicable.

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. 1248753; is hereby granted to 6767 Neptune Place LLC, subject to the attached conditions which are made a part of this resolution by this reference.

By _____
Glenn R. Gargas, AICP
Development Project Manager
Development Services Department

ATTACHMENT: Map Waiver Conditions

Internal Order No. 24004384

**HEARING OFFICER
CONDITIONS FOR MAP WAIVER NO. 1248753
NEPTUNE PLACE MAP WAIVER - PROJECT NO. 356779
ADOPTED BY RESOLUTION NO. _____ ON JULY 16, 2014**

GENERAL

1. This Map Waiver will expire July 30, 2017 (pending California Coastal Commission Appeal Period).
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. 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.
4. The Certificate of Compliance shall conform to the provisions of Site Development Permit No. 837819 and Planned Development Permit No. 837820.
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. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.

7. The Subdivider shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. The Subdivider shall install a total of three (3) street lights along the property's frontages to the satisfaction of the City Engineer.
8. The subdivider shall ensure that all 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.
9. 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.
10. A Certificate of Compliance shall be recorded in the Office of the County Recorder, prior to the Map Waiver expiration date.
11. The Map Waiver shall comply with the conditions of Extension of Time No. 1138504 and Coastal Development Permit 1255277.
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.

MAPPING

13. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
14. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."

15. A certificate of compliance shall be requested once the items of the approved tentative map waiver and resolution have been satisfied.
16. Prior to the issuance of a Certificate of Compliance, City staff will perform a field site visit to verify that all property corners, or property corner offsets have been set. If any property corners are missing, they must be set and a Corner Record or Record of Survey (whichever is applicable) shall be filed with the County Recorder pursuant to the Professional Land Surveyors Act. A copy of the Record of Survey or Corner Record shall be provided to the City.
17. Prior to the recordation of the Certificate of Compliance taxes must be paid or bonded for this property pursuant to section 66492 of the Subdivision Map Act. A current original tax certificate, recorded in the office of the San Diego County Recorder must be provided to satisfy this condition.
18. Every Certificate of Compliance shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

INFORMATION:

- The approval of this 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

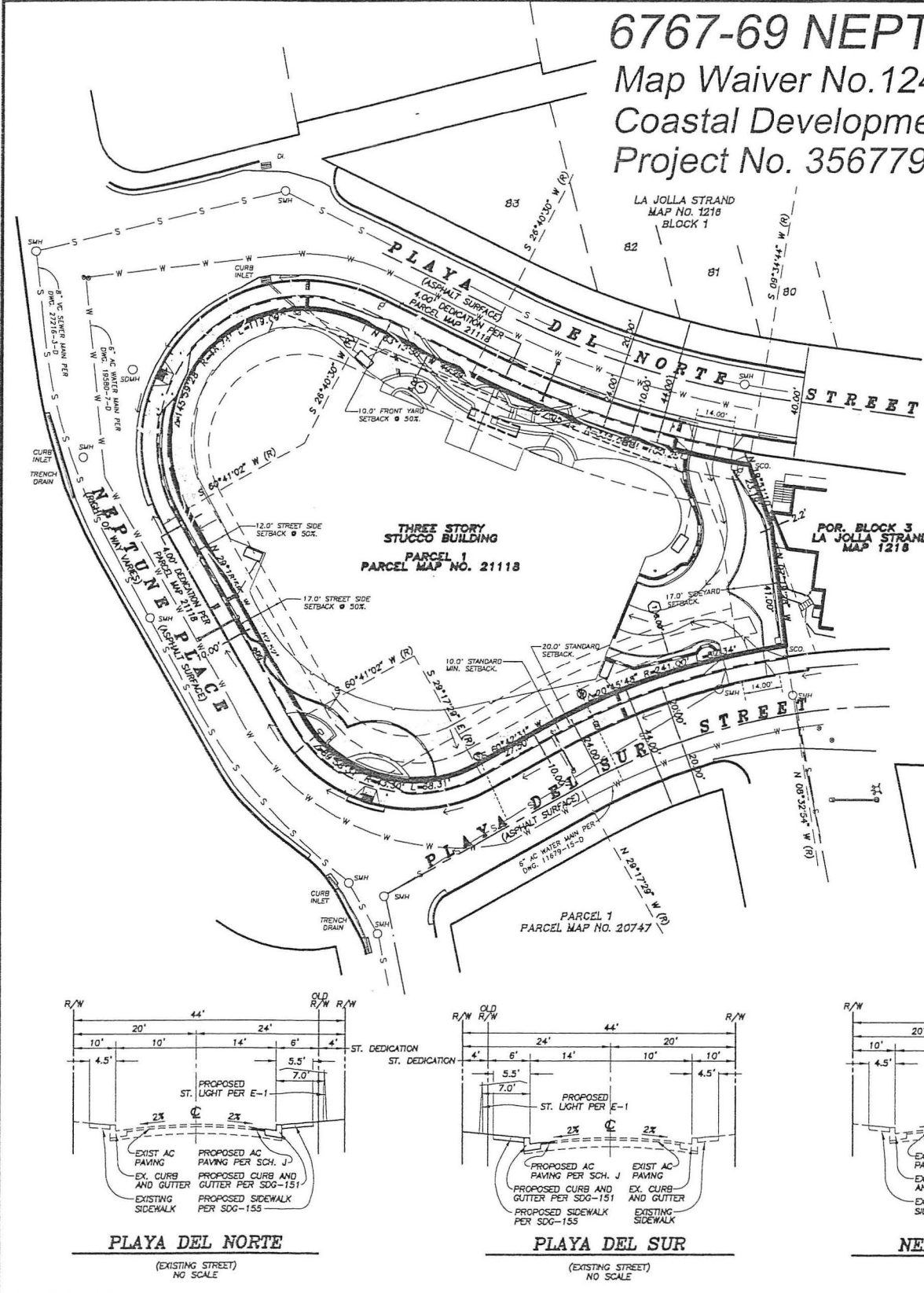
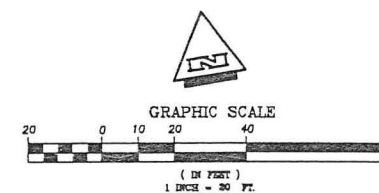
guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.

- 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. 24004384

6767-69 NEPTUNE PLACE

Map Waiver No. 1248753
Coastal Development Permit No. 1255277
Project No. 356779



CITY OF SAN DIEGO DEVELOPMENT SUMMARY

- SUMMARY OF REQUEST:**
CREATE 18 RESIDENTIAL CONDOMINIUM DWELLING UNITS
- STREET ADDRESS:** 6767 NEPTUNE PLACE
ON OS BE OS SIDE BETWEEN PLAYA DEL NORTE STREET AND PLAYA DEL SUR STREET
- SITE AREA:**
TOTAL SITE AREA (GROSS): (22,259 SF) (0.511 AC.)
NET SITE AREA: (22,259 SF) (0.511 AC.)
- DENSITY: (RESIDENTIAL)**
MAXIMUM NO. DWELLING UNITS ALLOWED PER ZONE: 22
NUMBER OF EXISTING UNITS TO REMAIN ON SITE: 0
NUMBER OF PROPOSED DWELLING UNITS ON SITE: 18
TOTAL NUMBER OF UNITS PROVIDED ON THE SITE: 18
- YARD/SETBACK:**
MINIMUM FRONT: 10'
STANDARD FRONT: 20'
MINIMUM SIDE: 5'
MINIMUM STREET SIDE: 15'
REAR: 15'
MAX. STRUCTURE HEIGHT: 40' ZONING HEIGHT AND 30' COASTAL HEIGHT
- PARKING:**
PARKING CRITERIA: RESIDENTIAL COMMERCIAL INDUSTRIAL MIXED USE OTHER

TYPE OF UNIT	NUMBER OF TYPE	PARKING REQUIRED PER UNIT	TOTAL PER TYPE
1 BR UNIT	3	1.5	4.5
2 BR UNIT	3	2.0	6.0
3 BR UNIT	12	2.25	27.0
TOTAL REQUIRED BY ZONE			37.5
TOTAL PROVIDED ON-SITE			38.0

GENERAL NOTES:

- THERE IS NO BUS STOP ADJACENT TO SITE.
- TRASH CONTAINERS ARE LOCATED IN THE PARKING GARAGE, SEE BUILDING PLANS.

UTILITY TABLE:

UTILITY	OVERHEAD	UNDERGROUND
CATV	X	
ELECTRIC	X	
GAS		X
TELEPHONE	X	

ZONING INFORMATION

EXISTING AND PROPOSED ZONE: RM-3-7
RESIDENTIAL MULTIPLE UNIT-3-7
OVERLAY ZONES: COASTAL HEIGHT LIMIT
COASTAL-APPEALABLE AREA
PARKING IMPACT
COASTAL & BEACH
RESIDENTIAL TANDEM PARKING
TRANSIT AREA

MONUMENTATION & MAPPING

ALL MONUMENTS WILL BE SET AT THE COMPLETION OF THE PUBLIC IMPROVEMENTS ASSOCIATED WITH THIS PROJECT PER THE EXISTING SUBDIVISION BOND.

EXISTING IMPROVEMENTS

SEWER DRAWING NO. 27216-3-0, 27216-4-0
WATER DRAWING NO. 27216-3-0, 11679-15-0
19580-7-0, 11679-14-0

EXISTING EASEMENTS:

NONE

PROPOSED EASEMENT:

- PROPOSED 6.0 WIDE VIEW CORRIDOR EASEMENT ALONG PLAYA DEL NORTE STREET AND PLAYA DEL SUR STREET.

DEVELOPMENT NOTES:

- THIS IS A MAP OF A CONDOMINIUM PROJECT AS DEFINED IN SECTION 4125 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT. TOTAL NUMBER OF RESIDENTIAL CONDOMINIUM DWELLING UNITS IS 18.
- NUMBER OF EXISTING PARCELS = 1
NUMBER OF PROPOSED PARCELS = 1
- THE SITE IS CURRENTLY UNDER CONSTRUCTION.

UNIT AREAS

TYPE OF UNIT	NUMBER OF TYPE	SQUARE FOOTAGE PER UNIT	TOTAL PER TYPE
3 BR UNIT	1	1,910.65	1,910.65
3 BR UNIT	1	2,033.58	2,033.58
3 BR UNIT	1	1,859.79	1,859.79
3 BR UNIT	1	1,799.74	1,799.74
3 BR UNIT	1	1,882.58	1,882.58
3 BR UNIT	1	1,771.59	1,771.59
3 BR UNIT	1	1,781.39	1,781.39
3 BR UNIT	1	1,856.98	1,856.98
3 BR UNIT	1	1,741.86	1,741.86
3 BR UNIT	1	2,196.40	2,196.40
3 BR UNIT	1	2,075.17	2,075.17
3 BR UNIT	1	2,050.05	2,050.05
2 BR UNIT	2	1,550.86	3,101.72
2 BR UNIT	1	1,551.82	1,551.82
1 BR UNIT	2	797.17	1,594.34
1 BR UNIT	1	797.86	797.86
TOTAL	18		30,005.52

OWNER/DEVELOPER:

6767 NEPTUNE PLACE, LLC,
4641 INGRAHAM STREET
SAN DIEGO, CA 92109

MICHAEL E. TURK, MANAGING MEMBER

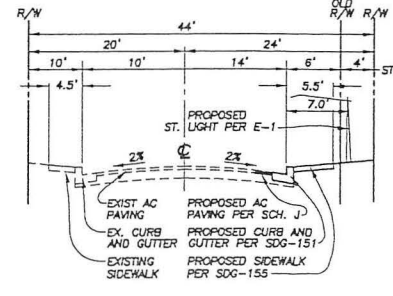
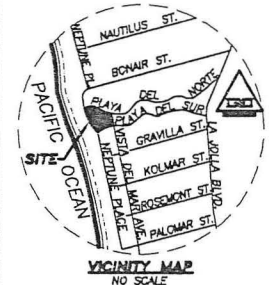
LEGEND:

- INDICATES STREET LIGHT
- INDICATES WATER METER
- INDICATES POWER POLE
- INDICATES WATER GATE VALVE
- INDICATES EXISTING FIRE HYDRANT
- INDICATES WOOD FENCE
- INDICATES SEWER CLEAN OUT
- INDICATES SEWER MANHOLE
- INDICATES STORM DRAIN MANHOLE
- INDICATES DIRECTION OF DRAINAGE
- INDICATES WALL
- INDICATES SEWER LINE AS NOTED.
- INDICATES WATER LINE AS NOTED.
- INDICATES SEWER LATERAL
- INDICATES WATER SERVICE
- INDICATES PROPERTY LINE/MAP WAIVER BOUNDARY

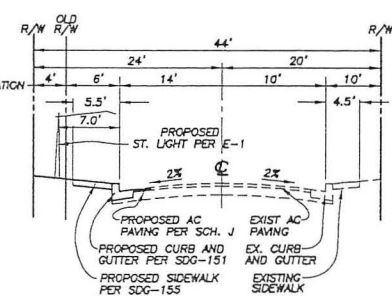
PROFESSIONAL LAND SURVEYOR:
SAN DIEGO LAND SURVEYING & ENGINEERING, INC.
9665 CHESAPEAKE DRIVE, SUITE 445
SAN DIEGO, CALIFORNIA 92123 (858) 565-8362



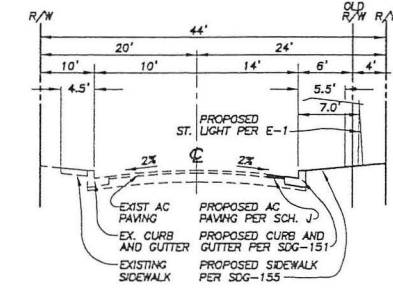
ROBERT J. BATEMAN, P.L.S. 7046
DATED: 5-8-2014



PLAYA DEL NORTE
(EXISTING STREET)
NO SCALE



PLAYA DEL SUR
(EXISTING STREET)
NO SCALE



NEPTUNE PLACE
(EXISTING STREET)
NO SCALE

Prepared by:
SAN DIEGO LAND SURVEYING AND ENGINEERING, INC.
9665 CHESAPEAKE DRIVE, SUITE 445
SAN DIEGO, CA 92123-1354
PHONE: 858-565-8362
FAX: 858-565-4354 EMAIL: rbaleman@sdsee.com

Consultants:

Project Soil Condition: Existing developed site.

Source of Topography: Field survey by San Diego Land Surveying on 07-30-13

Benchmark: CITY OF SAN DIEGO BENCH MARK: NORTHEAST BRASS PLUG AT THE INTERSECTION OF NEPTUNE PLACE AND PLAYA DEL SUR STREET. ELEVATION = 27.469 M.S.L.

Project Legal Description:
PARCEL 1 OF PARCEL MAP NO. 21118, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, APRIL 9, 2014.

PROJECT COORDINATES:
NAD 27 = 242-1683 NAD 83 = 1882-6243
A.P.N. 351-382-01

Project Name:
6767-69 NEPTUNE PLACE

Project Address:
6767-69 Neptune Place
San Diego, CA

Project Owner:
6767 Neptune Place, LLC
4641 Ingraham Street
San Diego, CA 92109

Sheet Title:
Map Waiver No. 1248753
Project No. 356779

Scale: 1" = 20'
Original Date: January 27, 2014
Revised: May 8, 2014
Revised: Sheet 1 of 1

RECORDING REQUESTED BY
 CITY OF SAN DIEGO
 DEVELOPMENT SERVICES
 PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

THE ORIGINAL OF THIS DOCUMENT
 WAS RECORDED ON JUL 14, 2010
 DOCUMENT NUMBER 2010-0352089
 DAVID L. BUTLER, COUNTY RECORDER
 SAN DIEGO COUNTY RECORDER'S OFFICE
 TIME: 9:39 AM

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 23430092

COASTAL DEVELOPMENT PERMIT NO. 518964
 SITE DEVELOPMENT PERMIT NO. 519873
NEPTUNE APARTMENTS - PROJECT NO. 147066 [MMRP]
 PLANNING COMMISSION

This Coastal Development Permit No. 518964 and Site Development Permit No. 519873 are granted by the Planning Commission of the City of San Diego to Westgate Park LLC, West Prince Road LLC, and 250 North Arcadia LLC, Arizona Limited Liability Companies, Owner(s)/Permittee(s), pursuant to San Diego Municipal Code [SDMC] sections 126.0708, 126.504(a) and (b). The 0.56 acre site is located at 6767 Neptune Place in the RM-3-7 Zone, appealable Coastal Overlay Zone, Coastal Height Limit Overlay Zone, Sensitive Coastal Overlay Zone, the Beach Impact Area of the Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone, Transit Area Overlay Zone within the La Jolla Community Plan and Local Coastal Program Land Use Plan. The project site is legally described as that portion of Block 3 of La Jolla Strand, Map No. 1216 filed in the Office of the County Recorder of San Diego County (APN 351-382-01).

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner(s)/Permittee(s) to demolish 19 dwelling units and construct a 24 unit residential apartment complex, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 3, 2010, on file in the Development Services Department.

The project shall include:

- a. Demolition of an existing 20,198 square foot 19 unit two-story apartment building and construction of a 32,780 square foot 24 unit residential three story apartment building with a 25,150 square foot subterranean two story parking garage;

- b. A roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption, in accordance with Council Policy 900-14;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking; and
- e. 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.
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.
3. 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.
4. 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.
5. 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.

6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. 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.).
8. 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.
9. 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.
10. 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" condition(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.

11. 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.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program (MMRP) shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

13. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No. 147066, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 147066, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas: Paleontological Resources.

15. Prior to issuance of any Construction Permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

AFFORDABLE & SUSTAINABLE HOUSING REQUIREMENTS:

16. 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.) by paying an in-lieu fee.

17. Prior to the issuance of any Building Permits, construction documents shall fully illustrate the incorporation of a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption, in accordance with Council Policy 900-14.

ENGINEERING REQUIREMENTS:

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

19. Prior to the issuance of any Construction Permits, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications, satisfactory to the City Engineer.

20. Prior to the issuance of any Construction Permits, 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, satisfactory to the City Engineer.
21. Prior to the issuance of any Construction Permits, the Owner/Permittee shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report, satisfactory to the City Engineer.
22. The drainage system proposed for this development is private and subject to approval by the City Engineer.
23. This project proposes to export 18,000 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per SDMC Section 141.0620(i).
24. Prior to Foundation Inspection, the Owner/Permittee shall submit a building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying that the pad elevation based on USGS datum is in accordance with the approved plans.
25. Prior to issuance of any Certificate of Occupancy, the Owner/Permittee shall dedicate 4 feet of right-of-way along the site frontage to achieve a 10 foot curb-to-property line distance.
26. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the applicant to provide the right-of-way free and clear of all encumbrances and prior easements. The Owner/Permittee must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
27. Prior to issuance of any Certificate of Occupancy, the Owner/Permittee shall construct a curb ramp at the intersection of Neptune Place and Playa del Sur, and the intersection of Neptune Place and Playa del Norte, to the satisfaction of the City Engineer.
28. Prior to issuance of any Certificate of Occupancy, the Owner/Permittee shall install 3 street lights on the Neptune Place frontage, the Playa del Norte frontage and the Playa del Sur frontage to the satisfaction of the City Engineer. The street lights shall be in conformance the Street Design Manual and generally shall be 150 Watt HPS luminaries with new light standards.
29. Prior to issuance of any Certificate of Occupancy, the Owner/Permittee shall construct a new sidewalk on the Neptune Place frontage and the Playa del Norte frontage, wherever there is no existing sidewalk, to the satisfaction of the City Engineer.
30. All driveways and curb openings shall comply with City Standard Drawings G-14A and SDG-100, to the satisfaction of the City Engineer.

GEOLOGY REQUIREMENTS:

31. Prior to the issuance of any Construction Permit, the Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans, to the satisfaction of the Geology Section of the Development Services Department.

LANDSCAPE REQUIREMENTS:

32. Prior to issuance of Public Right-of-Way Permits, the Owner/Permittee shall submit complete landscape construction documents demonstrating the right-of-way improvements to the Development Services Department for approval. Improvement plans shall indicate an 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.

33. Prior to issuance of Building Permits, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual, Landscape Standards 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.

34. Prior to issuance of a Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

35. The Owner/Permittee shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

36. 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.

37. 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 issuance of a Certificate of Occupancy.

38. Plants within the view corridor easements, except for required street trees shall not exceed 3 feet in height and shall be maintained to preserve the view corridors.

PLANNING/DESIGN REQUIREMENTS:

39. Prior to the issuance of any Construction Permits, the Owner/Permittee shall record a View Corridor Easement preserving a visual corridor 6 feet wide from the proposed public right-of-way dedication as shown on Exhibit "A," along Playa Del Norte Street and Playa Del Sur Street in accordance with SDMC Section 132.0403(a).

40. Prior to the issuance of any Construction Permit, the Owner/Permittee shall execute a Notice of Hazardous Condition-Indemnification and Hold Harmless Agreement for Sensitive Coastal Bluffs in accordance with SDMC Sec. 143.0143(e), in a form and content acceptable to the Director of the Development Services Department, or designated representative who shall provide: (a) that the Owner/Permittee understands that all development including buildings, accessory structures, and any additions to existing structures shall be set back at least 40 feet from the coastal bluff edge, as illustrated on the approved plan Exhibit "A;" and (b) that the Owner/Permittee understands that the site may be subject to extraordinary hazard from coastal bluff erosion and the Owner/Permittee assumes all liability from such hazards; and (c) the Owner/Permittee unconditionally waives any claim of liability against the City of San Diego and agrees to defend, indemnify and hold harmless the City of San Diego and its advisors relative to the City of San Diego's approval of the project and for any damage due to natural hazards. This Notice of Hazardous Conditions-Indemnification and Hold Harmless Agreement shall be recorded against title to the property and shall run with the land, binding upon all successor and assigns.

41. A topographical survey conforming to the provisions of the SDMC 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 regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

42. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

TRANSPORTATION REQUIREMENTS

43. Owner/Permittee shall maintain a minimum of 47 off-street automobile parking spaces (including 2 van accessible spaces), 2 motorcycle spaces, and 12 bicycle spaces with rack(s) on the property at all times in the approximate locations shown on the approved Exhibit "A." All residential tandem parking spaces shall be assigned to the same unit. 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.

44. Prior to issuance of any Certificate of Occupancy, the Owner/Permittee shall construct one 14 foot wide driveway cut at the project's frontage on Playa Del Sur, satisfactory to the City Engineer.

45. Prior to issuance of any Certificate of Occupancy, the Owner/Permittee shall provide and maintain a 10 foot visibility triangle area on both sides of the driveway on Playa Del Sur and both sides of the driveway on Playa Del Norte, and a 25 foot visibility triangle area at the corner of the street intersection of Playa Del Norte and Neptune Place and at the corner of the street intersection at Playa Del Sur and Neptune Place. No obstacles higher than 36 inches shall be located within this area (e.g. walls, landscaping, shrubs, etc).

WASTEWATER REQUIREMENTS:

46. Prior to the issuance of any Building Permit, the Owner/Permittee shall abandon the unused segment of the 8 inch pipe including the sewer manhole in Playa Del Sur just to the east of the proposed sewer lateral. Prior to abandonment of any sewer mains or services, the sewer shall be closed circuit television inspected by a California Licensed Plumbing Contractor to ensure that there are no other existing laterals connected to the sewer line.

47. The Owner/Permittee shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide. All onsite sewer facilities will be private. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities.

WATER REQUIREMENTS:

48. Prior to the issuance of any Building Permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of any new water service(s) outside of any driveway or vehicular use area, and the disconnection at the water main of the existing unused water service adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

49. Prior to the issuance of any Building permits, the Owner/Permittee 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 Director of Public Utilities and the City Engineer.

50. Prior to the issuance of any Certificates of Occupancy, all public water facilities shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.

51. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities, and associated easements, as shown on approved Exhibit "A" shall be modified at final engineering to comply with standards.

INFORMATION ONLY:

- 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 Planning Commission of the City of San Diego on June 3, 2010 and Resolution No. PC-4599-1.

THE ORIGINAL OF THIS DOCUMENT
 WAS RECORDED ON OCT 30, 2013
 DOCUMENT NUMBER 2013-0649799
 Ernest J. Dranenburg, Jr., COUNTY RECORDER
 SAN DIEGO COUNTY RECORDER'S OFFICE
 TIME: 10:22 AM

RECORDING REQUESTED BY
 CITY OF SAN DIEGO
 DEVELOPMENT SERVICES
 PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

JOB ORDER NUMBER: 24003803

SPACE ABOVE THIS LINE FOR RECORDER'S USE

EXTENSION OF TIME NO. 1138504
 EXTENSION OF TIME TO COASTAL DEVELOPMENT PERMIT NO. 518964 AND
 SITE DEVELOPMENT PERMIT NO. 519873
NEPTUNE APARTMENTS – PROJECT NO. 325506 [MMRP]
HEARING OFFICER

This EXTENSION OF TIME No. 1138504 is a 36-month Extension of Time to previously approved Coastal Development Permit No. 518964 and Site Development Permit No. 519873, and is hereby granted by the Hearing Officer of the City of San Diego to 250 North Arcadia LLC, Owner/Permittee, pursuant to San Diego Municipal Code Section 126.0111. The 0.56-acre site is located at 6767 Neptune Place, in the RM-3-7 zone, within the La Jolla Community Planning area. The property is legally described as that portion of Block 3 of La Jolla Strand, Map No. 1216, filed October 18, 1909.

Subject to the terms and conditions set forth in this Permit, and previously approved Coastal Development Permit No. 518964 and Site Development Permit No. 519873, permission is granted to 250 North Arcadia LLC, Owner/Permittee to construct a 24-unit residential apartment complex, described and identified by size, dimension, quantity, type, and location on the previously approved exhibits [Exhibit "A"] and conditions on file in the Development Services Department. The original Coastal Development Permit No. 518964 and Site Development Permit No. 519873 approved by the Planning Commission on June 3, 2010, is hereby extended as indicated within this permit until July 9, 2016.

The project shall include:

- a. A 36-month extension of time for the previously approved Coastal Development Permit No. 518964 and Site Development Permit No. 519873.

STANDARD REQUIREMENTS:

1. This permit must be utilized prior to July 9, 2016, which does not exceed thirty-six (36) months from the expiration date of the original permit. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit.
2. This permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.
3. 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.
4. No further Extension of Time may be granted pursuant to SDMC Section 126.0111(a).
5. Construction plans shall be in substantial conformity to Exhibit "A," per the previously approved Exhibits and conditions on file with Development Services for Coastal Development Permit No. 518964 and Site Development Permit No. 519873, Project No. 147066, Recorded with the County of San Diego Recorder on July 14, 2010, Document No. 2010-0352089, with the exception of the expiration dates. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

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 development 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 §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 September 11, 2013,
Resolution No. HO-6653.



P.O. BOX 889
LA JOLLA
CALIFORNIA 92038

LA JOLLA COMMUNITY PLANNING ASSOCIATION

P.O. Box 889 La Jolla CA 92038 Ph 858.456.7900

<http://www.LaJollaCPA.org> Email: Info@LaJollaCPA.org

Regular Meeting – 5 June 2014

Attention: Glenn Gargas, PM, City of San Diego

Project: Neptune Place Map Waiver
6767 Neptune Place
PN: 356779

Motion: To accept the recommendations of the DPR Committee that for: Neptune Place Map Waiver: the findings can be made for a Map Waiver to convert 18 residences under or nearly under construction (building permit pending) into condos on a 0.511 acre property at 6767 Neptune Place. **Vote: 16-0-1**

Submitted by:

Joseph LaCava

5 June 2014

Joe LaCava, President
La Jolla CPA

Date



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

Ownership Disclosure Statement

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

Project Title Neptune Place MW **Project No. For City Use Only** 356779

Project Address:
 6767-6769 Neptune Place

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

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

Additional pages attached Yes No

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature : _____ Date: _____

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature : _____ Date: _____

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature : _____ Date: _____

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature : _____ Date: _____


Project Title:
Neptune Place Map Waiver

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

Legal Status (please check):

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

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

Corporate/Partnership Name (type or print):
6767 Neptune Place, LLC
 Owner Tenant/Lessee
Street Address:
4641 Ingraham Street
City/State/Zip:
San Diego, CA 92109
Phone No: 858-274-5995 Fax No: 858-274-0964
Name of Corporate Officer/Partner (type or print):
Michael E. Turk
Title (type or print):
President
Signature :  Date: 1/24/2014

Corporate/Partnership Name (type or print):

 Owner Tenant/Lessee
Street Address:

City/State/Zip:

Phone No: Fax No:

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

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

 Owner Tenant/Lessee
Street Address:

City/State/Zip:

Phone No: Fax No:

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

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

 Owner Tenant/Lessee
Street Address:

City/State/Zip:

Phone No: Fax No:

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

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

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Street Address:

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Street Address:

City/State/Zip:

Phone No: Fax No:

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

Title (type or print):

Signature : Date: