

THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE:	August 20, 2014	REPORT NO. HO 14-050
ATTENTION:	Hearing Officer	
SUBJECT:	THE POINT MAP WAIVER PTS PROJECT NUMBER: 357838	
LOCATION:	3805 Ingraham Street	
APPLICANT:	Russ Murfey, Veritas Point LLC, Pro William Mack, Engineer/Agent.	operty Owner;

SUMMARY

<u>Issue(s)</u>: Should the Hearing Officer approve the conversion of a mixed-use development with twenty-one (21) apartment dwelling units and one (1) commercial unit, currently under construction, to twenty-two (22) condominium interests, and waive the requirement to underground existing overhead utilities, within the Pacific Beach Community Plan area?

<u>Staff Recommendation(s)</u> – **APPROVE** Coastal Development Permit No. 1340045 and Map Waiver No. 1263729.

<u>Community Planning Group Recommendation</u> – On April 23, 2014, the Pacific Beach Planning Group voted 18-0-0 to recommend approval of the proposed project with no conditions.

<u>Environmental Review</u>: 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 June 12, 2014, and the opportunity to appeal that determination ended on June 12, 2014.

BACKGROUND

The 0.51-acre site is located at 3805 Ingraham Street in the CN-1-2 Zone, Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limitation Overlay Zone, Parking Impact Overlay

Zone, Residential Tandem Parking Overlay Zone within the Pacific Beach Community Plan area (Attachment 1). The project site is legally described as Lot 1 of Crown Point Country Club, in the City of San Diego, County of San Diego, State of California, according to Map No. 6246, filed in the Office of the County Recorder of San Diego County, on December 6, 1968. The project site is designated for Neighborhood Commercial use in the Pacific Beach Community Plan (Attachment 2). The community plan allows mixed-use commercial/residential projects on this site, with a residential density of up to 43 dwelling units per acre. The surrounding area is developed with small scale commercial uses, multi-family residential development and single family homes (Attachment 3).

A mixed use development containing 21 (for rent) residential units and 2,266 square feet of commercial ground floor space is currently under construction at the project site, in accordance with Coastal Development Permit No. 131711, approved on May 21, 2012, per Resolution CM-6251 (PTS No. 271170, Murfey Mixed Use). A building permit for the development currently under construction was issued in January 2013 under PTS No. 287160 and the Certificate of Occupancy (COO) has not been issued. Grading and public improvements were approved under PTS No. 284609, DRW No. 37035-D.

The proposed subdivision of the existing single lot into twenty-two (22) condominium interests requires a Coastal Development pursuant to San Diego Municipal Code (SDMC) Section 126.0702, and qualifies for a Map Waiver request per SDMC Section 125.0120.

DISCUSSION

A three story 15,874-sqaure-foot mixed use development containing 21 (for rent) residential units and a 2,266 square foot commercial space has been previously approved and is currently under construction. The residential apartment component includes one (1) studio unit, twelve (12) one-bedroom units, and eight (8) two-bedroom units; the 2,266 square feet of commercial space is located on the ground floor. The development has a total of forty four (44) parking spaces, with vehicular access off of the adjacent La Playa Avenue and Ingraham Street. The project proposes to subdivide the existing mixed-use development into twenty-two (22) condominium interests, comprised of twenty-one (21) residential units and one (1) commercial unit, does not include any new construction.

Underground Waiver Request

The neighborhood currently contains power poles and overhead utility lines which run along south side of La Playa Avenue, across the street and to the south of the project site. The City's current Undergrounding Master Plan designates the site within Block 2BB1, and the date for undergrounding has been established for the year 2067 (Attachment 9). San Diego Municipal Code Section 144.0240 allows the subdivider to apply for a waiver from the requirement to underground the existing overhead utilities within the boundary of the subdivision or within the abutting public rights of way. City staff has determined the undergrounding waiver request qualifies under the guidelines of the SDMC (Section 144.0242, "Waiver of the Requirements to Underground Privately Owned Utility Systems and Service Facilities") in that the conversion

involves a short span of overhead facility (less than a full block in length) and would not represent a logical extension to an underground facility. The applicant would be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 6 of the draft Map Waiver conditions (Attachment 8).

CONCLUSION

Staff has determined that the project complies with the development regulations of all applicable sections of the Land Development Code. Staff has determined that the required findings can be made as the project meets the applicable San Diego Municipal Code regulations and requirements. Staff recommends approval of the project as proposed.

ALTERNATIVE

- 1. Approve Coastal Development Permit No. 1340045 and Map Waiver No. 1263729, with modifications.
- 2. Deny Coastal Development Permit No. 1340045 and Map Waiver No. 1263729, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Patricia I, FitzGerald, 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. Underground Master Plan
- 10. Copy of Recorded Permit
- 11. Ownership Disclosure Statement
- 12. Project Site Plan Map Exhibit-Map Waiver

ATTACHMENT 4

PROJECT DATA SHEET

PROJECT NAME:	The Point Map Waiver – Project No. 357838	
PROJECT DESCRIPTION:	CDP and MW to convert a mixed-use development with twenty-one (21) apartment dwelling units and one (1) commercial unit to twenty-two (22) condominium interests.	
COMMUNITY PLAN:	Pacific Beach	
DISCRETIONARY ACTIONS:	Coastal Development Permit and Map Waiver	
COMMUNITY PLAN LAND USE DESIGNATION:	Medium High Density Residential (max 43 DUs per acre)	

ZONING INFORMATION:

ZONE: CN-1-2 Zone

HEIGHT LIMIT: 30-Foot max; 31' existing (as allowed under PTS No. 271170, conforms with "Prop D") **LOT SIZE:** 0.51 acre (5,000 min required)

FLOOR AREA RATIO: 1.75 (base 1.0, bonus 0.75, as allowed under PTS No. 271170)

FRONT SETBACK: 0 foot minimum, 10 foot max.

SIDE SETBACK: 10 feet (7.67-foot east side setback existing, as allowed under PTS No. 271170)

STREETSIDE SETBACK: 0 foot minimum, 10 foot max.

REAR SETBACK: 10 feet (0 foot option)

PARKING: 42 parking spaces required; 44 provided.

<u>ADJACENT</u> <u>PROPERTIES</u> :	LAND USE DESIGNATION & ZONE	EXISTING LAND USE	
NORTH:	Neighborhood Commercial; CN-1-2 Zone	Multi-Family Residential	
SOUTH:	Neighborhood Commercial; CN-1-2 Zone	Commercial/Multi-Family Residential	
EAST:	Neighborhood Commercial; CN-1-2 Zone	Multi-Family Residential	
WEST:	Neighborhood Commercial, CN-1-2 Zone	Commercial/Multi-Family Residential	
DEVIATIONS OR VARIANCES REQUESTED:	None.		
COMMUNITY PLANNING GROUP RECOMMENDATION:	On April 23, 2014, the Pacific Beach Planning Group voted 18-0-0 to recommend approval of this proposed project with no conditions.		

HEARING OFFICER RESOLUTION NO. COASTAL DEVELOPMENT PERMIT NO. 1340045 THE POINT MAP WAIVER - PROJECT NO. 357838

WHEREAS, VERITAS POINT, LLC, a California Limited Liability Company, Owner and Permittee, filed an application with the City of San Diego for a permit to subdivide an existing mixed-use development into twenty-two (22) condominium interests, comprised of twenty-one (21) residential units and one (1) commercial unit, (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1340045), on portions of a 0.51-acre site;

WHEREAS, the project site is located at 3805 Ingraham Street in the CN-1-2 Zone within the Pacific Beach Community Plan, Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone and Council District 2;

WHEREAS, the project site is legally described as Lot 1 of Crown Point Country Club, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 6246, filed in the Office of the County Recorder of San Diego County, on December 6, 1968;

WHEREAS, on August 20, 2014, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 1340045, pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on June 12, 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 August 20, 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.

A mixed use development containing 21 (for rent) residential units and 2,266 square feet of commercial ground floor space is currently under construction at the 0.51-acre project site. The project proposes to subdivide the existing mixed-use development into twenty-two (22)

condominium interests, comprised of twenty-one (21) residential units and one (1) commercial unit, and does not include any new construction. The property is a corner lot, and is located approximately 1-mile from the Pacific Ocean and 1000-feet from the shoreline of Mission Bay. The proposed development does not involve any physical change to the project site, and will not encroach upon any existing or proposed physical public access to the coast. The project site is not located on or adjacent to an identified visual access corridor, and will enhance and protect public views to and along the ocean and other scenic coastal areas as specified within the Pacific Beach Community Plan and Local Coastal Land Use Plan.

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

A mixed use development containing 21 (for rent) residential units and 2,266 square feet of commercial ground floor space is currently under construction at the 0.51-acre project site. The project proposes to subdivide the existing mixed-use development into twenty-two (22) condominium interests, comprised of twenty-one (21) residential units and one (1) commercial unit, and does not include any new construction. 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 the project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15305 (Minor Alterations in Land Use Limitations). 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 will not adversely affect environmentally sensitive lands.

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

A mixed use development containing 21 (for rent) residential units and 2,266 square feet of commercial ground floor space is currently under construction at the 0.51-acre project site. The project proposes to subdivide the existing mixed-use development into twenty-two (22) condominium interests, comprised of twenty-one (21) residential units and one (1) commercial unit, and does not include any new construction. The Pacific Beach Community Plan designates the project site for Neighborhood Commercial use and allows mixed-use commercial/residential, with a residential density of up to 43 dwelling units per acre. The project design was determined to be in compliance with all of the applicable development regulations at the time building permits were obtained. The proposed coastal development is in conformity with the Pacific Beach Community Plan and Local Coastal Land Use Plan, and complies with all regulations of the certified Implementation Program.

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

A mixed use development containing 21 (for rent) residential units and 2,266 square feet of commercial ground floor space is currently under construction at the 0.51-acre project site. The project proposes to subdivide the existing mixed-use development into twenty-two (22)

ATTACHMENT 5

condominium interests, comprised of twenty-one (21) residential units and one (1) commercial unit, and does not include any new construction. The property is a corner lot, and is located approximately 1-mile from the Pacific Ocean and 1000-feet from the shoreline of Mission Bay, and is not located between the nearest public roadway and the sea or the shoreline of any body of water located within the Coastal Overlay Zone. The proposed coastal development is in conformity 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. 1340045, 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. 1340045, a copy of which is attached hereto and made a part hereof.

Patricia J. FitzGerald Development Project Manager Development Services

Adopted on: August 20, 2014

Job Order No. 24004413

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

INTERNAL ORDER NUMBER: 24004413

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 1340045 THE POINT MAP WAIVER - PROJECT NO. 357838 HEARING OFFICER

This Coastal Development Permit No. 1340045, is granted by the Hearing Officer of the City of San Diego to VERITAS POINT, LLC, a California Limited Liability Company, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0708. The 0.51-acre site is located at 3805 Ingraham Street in the CN-1-2 Zone, Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone within the Pacific Beach Community Plan area. The project site is legally described as Lot 1 of Crown Point Country Club, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 6246, filed in the Office of the Country Recorder of San Diego County, on December 6, 1968.

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 August 20, 2014, on file in the Development Services Department.

The project shall include:

a. Subdivision of an existing mixed-use development on one (1) lot to allow the conversion of twenty-one (21) residential (for rent) units and 2,350 square feet of commercial space, into twenty-two (22) condominium interests, comprised of twenty-one (21) residential units and one (1) commercial unit;

- 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 September 5, 2017.

2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

- a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
- b. The Permit is recorded in the Office of the San Diego County Recorder.

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

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

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

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

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

8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and were determinednecessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

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

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

AFFORDABLE HOUSING REQUIREMENTS:

11. Prior to the issuance of any 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.).

12. The project was originally constructed as an apartment complex and utilized a density bonus pursuant to California Government Code Sections 65915-65918 and San Diego Municipal Code Chapter 14, Article 3, Division 7. Because the project provides two (2) affordable units,

only the nineteen (19) market rate units will be subject to the condo conversion ordinance. Additionally, the restricted density bonus rental units shall not be sold individually. If sold, they shall be sold as a group, held by one ownership entity, and operated as affordable rental housing until the expiration of the density bonus agreement with the San Diego Housing Commission.

PLANNING/DESIGN REQUIREMENTS:

13. A minimum of 42 (44 provided) automobile spaces including 1 van accessible space, 2 motorcycle, 9 bicycle spaces for residential; and 12 spaces including 1 van accessible 2 bicycle spaces with rack(s) for retail are required by the Land Development Code. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, 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 August 20, 2014, by Resolution No. HO-_____.

Permit Type/PTS Approval No.: CDP No. 1340045 Date of Approval: August 20, 2014

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Patricia J. FitzGerald Development Project Manager

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

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

VERITAS POINT, LLC, a California Limited Liability Company Owner/Permittee

By

Russell Murfey Title:

VERITAS POINT, LLC, a California Limited Liability Company Owner/Permittee

By

Scott Murfey Title:

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

ATTACHMENT 7

RESOLUTION NO. _____ DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE HEARING OFFICER ADOPTING THE FINDINGS AND APPROVING MAP WAIVER NO. 1263729 FOR THE POINT MAP WAIVER - PROJECT NO. 357838

WHEREAS, VERITAS POINT, LLC, a California Limited Liability Company, Subdivider, and William Mack, P.E., Pasco Laret Suiter & Associates, submitted an application with the City of San Diego for Map Waiver No. 1263729, to waive the requirement for a Tentative Parcel Map to create a legal lot. The project site is located at 3805 Ingraham Street in the CN-1-2 Zone within the Pacific Beach Community Plan. The property is legally described as Lot 1 of Crown Point Country Club, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 6246, filed in the Office of the County Recorder of San Diego County, on December 6, 1968; and

WHEREAS, the Map proposes the subdivision of a 0.51-acre site into twenty-two (22) condominium interests, comprised of twenty-one (21) residential units and one (1) commercial unit; and

WHEREAS, on June 12, 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

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Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

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 August 20, 2014, the Hearing Officer of the City of San Diego considered Map Waiver No. 1263729, 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.1263729:

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)).

A mixed use development containing 21 (for rent) residential units and 2,266 square feet of commercial ground floor space is currently under construction at the 0.51-acre project site, as previously approved under Coastal Development Permit No. 131711 (PTS No. 271170, Murfey Mixed Use). The project proposes to subdivide the existing mixed-use development into twenty-two (22) condominium interests, comprised of twenty-one (21) residential units and one (1) commercial unit, and does not include any new construction. The Pacific Beach Community Plan designates the project site for Neighborhood Commercial use and allows mixed-use commercial/residential, with a residential density of up to 43 dwelling units per acre. The proposed subdivision and its design or

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improvement are consistent with the policies, goals, and objectives of the Pacific Beach Community Plan and Local Coastal Land Use Plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Act §§ 66473.5, 66474(a), and 66474(b)).

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 project proposes to subdivide the existing mixed-use development on one lot into twenty-two (22) condominium interests, comprised of twenty-one (21) residential units and one (1) commercial unit, and does not include any new construction. A mixed use development containing 21 (for rent) residential units and 2,266 square feet of commercial ground floor space is currently under construction at the 0.51-acre project site, as previously approved under Coastal Development Permit No. 131711 (PTS No. 271170, Murfey Mixed Use). The proposed subdivision complies with the development regulations of the underlying CN-1-2 zone and all of the applicable 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 subdivide an existing mixed-use development on one lot into twenty-two (22) condominium interests, comprised of twenty-one (21) residential units and one (1) commercial unit, and does not include any new construction. A mixed use development containing 21 (for rent) residential units and 2,266 square feet of commercial ground floor space is currently under construction at the 0.51-acre project site, as previously approved under Coastal Development Permit No. 131711 (PTS No. 271170, Murfey Mixed Use). A building permit for the development currently under construction was issued in January 2013 under PTS No. 287160, and grading and public improvements were approved under PTS No. 284609, DRW No. 37035-D. These development approvals certified that the site is physically suitable for the type and density of development under the proposed map waiver project (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)).

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 subdivide an existing mixed-use development on one lot into twenty-two (22) condominium interests, comprised of twenty-one (21) residential units and one (1) commercial unit. 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 project proposes to subdivide an existing mixed-use development on one lot into twenty-two (22) condominium interests, comprised of twenty-one (21) residential units and one (1) commercial unit, 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. The design of the subdivision or the proposed improvements will not be detrimental to the public health, safety, and welfare.

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

The project proposes to subdivide an existing mixed-use development on one lot into twenty-two (22) condominium interests, comprised of twenty-one (21) residential units and one (1) commercial unit, currently under construction. This tentative map waiver does not include any additional development of the property. The proposed subdivision is located fully within private property and will maintain the existing public rights-of-ways, La Playa Avenue and Ingraham Street and any general utility easements. The design of the subdivision and the associated improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1).

The project proposes to subdivide an existing mixed-use development on one lot into twenty-two (22) condominium interests, comprised of twenty-one (21) residential units and one (1) commercial unit, currently under construction, and does not include any

additional development of the property. The existing development has the potential and opportunity to implement sustainable building techniques utilizing photovoltaic systems (solar panels) to generate a certain percentage of the project's energy needs. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3).

The project proposes to subdivide an existing mixed-use development on one lot into twenty-two (22) condominium interests, comprised of twenty-one (21) residential units and one (1) commercial unit, currently under construction, and 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 Pacific Beach 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 project proposes to subdivide an existing mixed-use development on one lot into twenty-two (22) condominium interests, comprised of twenty-one (21) residential units and one (1) commercial unit, currently under construction, and 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 project proposes to subdivide an existing mixed-use development on one lot into twenty-two (22) condominium interests, comprised of twenty-one (21) residential units and one (1) commercial unit, currently under construction, and does not include any

additional development of the property. The 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 project proposes to subdivide an existing mixed-use development on one lot into twenty-two (22) condominium interests, comprised of twenty-one (21) residential units and one (1) commercial unit, currently under construction, and does not include any additional development of the property. As previously approved under Coastal Development Permit No. 131711 (PTS No. 271170, Murfey Mixed Use), and subsequently through approval of the building permit for the development currently under construction (issued in January 2013 under PTS No. 287160), the project was originally constructed as an apartment complex and utilized a density bonus pursuant to California Government Code Sections 65915-65918 and San Diego Municipal Code Chapter 14, Article 3, Division 7. The San Diego Housing Commission has reviewed the proposed map waiver and supports this project. As a condition of this map waiver and in the associated Coastal Development Permit No. 1340045, because the project provides two (2) affordable units, only the nineteen (19) market rate units will be subject to the condo conversion ordinance. Additionally, the restricted density bonus rental units shall not be sold individually. If sold, they shall be sold as a group, held by one ownership entity, and operated as affordable rental housing until the expiration of the density bonus agreement with the San Diego Housing Commission. Therefore, provisions have been made to perpetuate the low income housing use for which the project was developed (San Diego Municipal Code § 125.0444(c)).

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

The project proposes to subdivide an existing mixed-use development on one lot into twenty-two (22) condominium interests, comprised of twenty-one (21) residential units and one (1) commercial unit, currently under construction, and does not include any additional development of the property. This proposed map waiver is for a new mixed use building under construction that has yet to be occupied, 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.

Project No. 357838 MW No. 1263729 August 20, 2014 BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Hearing Officer, Map Waiver No. 1263729; is hereby granted to VERITAS POINT, LLC, a California Limited Liability Company, subject to the attached conditions which are made a part of this resolution by this reference.

By

Patricia J. FitzGerald Development Project Manager Development Services Department

ATTACHMENT: Map Waiver Conditions

Internal Order No. 24004413

Project No. 357838 MW No. 1263729 August 20, 2014

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ATTACHMENT 8

HEARING OFFICER CONDITIONS FOR MAP WAIVER NO. 1263729 FOR THE POINT MAP WAIVER - PROJECT NO. 357838 ADOPTED BY RESOLUTION NO. _____ ON AUGUST 20, 2014

GENERAL

1. This Map Waiver will expire September 5, 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. 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 both the associated Coastal Development Permit No. 1340045, and the previously approved Coastal Development Permit No. 131711.
- 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.

Project No. 357838 MW No. 1263729 August 20, 2014 Page 1 of 4

- 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. 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.
- 9. A Certificate of Compliance shall be recorded in the Office of the County Recorder, prior to the Map Waiver expiration date.
- 10. The Map Waiver shall comply with the conditions of Coastal Development Permit No. 1340045.
- 11. The Subdivider shall construct the required Public Improvements, as shown on the approved drawing 37055-D, which included new curb ramp, curbs, gutters, sidewalks and driveway.
- 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.

AFFORDABLE HOUSING REQUIREMENTS:

- 13. 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.).
- 14. The project was originally constructed as an apartment complex and utilized a density bonus pursuant to California Government Code Sections 65915-65918 and San Diego Municipal Code Chapter 14, Article 3, Division 7. Because the project provides two (2) affordable units, only the nineteen (19) market rate units will be subject to the condo conversion ordinance. Additionally, the restricted density bonus rental units shall not be sold individually. If sold, they shall be sold as a group, held by one ownership entity, and operated as affordable rental housing until the expiration of the density bonus agreement with the San Diego Housing Commission.

Project No. 357838 MW No. 1263729 August 20, 2014 Page 2 of 4

MAPPING

- "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).
- 16. "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."
- 17. A certificate of compliance shall be requested once the items of the approved tentative map waiver and resolution have been satisfied.
- 18. 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.
- 19. 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.
- 20. 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.

Project No. 357838 MW No. 1263729 August 20, 2014 Page 3 of 4

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. 24004413

Project No. 357838 MW No. 1263729 August 20, 2014 Page 4 of 4

Itilities Undergrounding Mapping Application

Layers Legend Council Priorities Find Location Refresh Map Help





Utility Undergrounding Schedule



9

RECORDING REQUESTED BY CITY OF SAN DIEGO DEVELOPMENT SERVICES PERMIT INTAKE, MAIL STATION 501 THE ORIGINAL OF THIS DOCUMENT WAS RECORDED ON JUN 22, 2012 DOCUMENT NUMBER 2012-0364483 Ernest J. Dronenburg, Jr., COUNTY RECORDER SAN DIEGO COUNTY RECORDER'S OFFICE TIME: 9:06 AM

WHEN RECORDED MAIL TO PROJECT MANAGEMENT PERMIT CLERK MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24002475

COASTAL DEVELOPMENT PERMIT NO. 953061 MURFEY MIXED USE - PROJECT NO. 271170 DEVELOPMENT SERVICES DEPARTMENT

This Coastal Development Permit No. 953061 is granted by the Development Services Department of the City of San Diego to VERITAS POINT, LLC, a California Limited Liability Company, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0708. The 0.51-acre site is located at 3805 Ingraham Street in the CN-1-2 Zone within the Pacific Beach Community Plan, Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone and Council District 2. The project site is legally described as: Lot 1 of Crown Point Country Club, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 6246, filed in the Office of the County Recorder of San Diego County, on December 6, 1968.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish an existing gas station and construction of a mixed use development containing 21 (for rent) residential units and 2,350 square feet of commercial space: described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated May 21, 2012, on file in the Development Services Department.

The project shall include:

- Demolition of an existing gas station and construction of a three story mixed use development containing 21 (for rent) residential units and 2,350 square feet of commercial space;
- b. The project includes a 35-pecent affordable housing density bonus pursuant to the State Density Bonus Law and the State incentives or concessions would apply. The project will require setting aside at least two (2) residential units for very low income

households and includes a density bonus for an additional six (6) residential units over the base zone that would allow 15 residential units for a total of 21 (for rent) residential units;

c. The project is allowed two (2) State incentives or concessions to the development regulations as follows:

1. Exceed the height limit of the CN-1-2 Zone, as shown on Exhibit "A." The project shall comply with the Coastal Height Limitation Overlay Zone 30-foot height limit regulations; and

2. Reduced 7-foot 8-inch side yard setback from the required 10-foot setback of the CN-1-2 Zone.

- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Off-street parking;
- f. Accessory improvements (seat wall along the commercial space located on La Playa Avenue, site walls and fencing, residential common outdoor space and common room); and
- g. 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 June 5, 2015.

2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

- a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
- b. The Permit is recorded in the Office of the San Diego County Recorder.



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

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

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

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

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

8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and were determinednecessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

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

10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision.



The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

AFFORDABLE HOUSING REQUIREMENTS:

11. Prior to receiving the first residential building permit, Owner/Permittee shall comply with the provisions of Chapter 14, Article 2, Division 13 of the San Diego Municipal Code ("Inclusionary Affordable Housing Regulations") by performing one of the following, at the Owner's/Permittee's sole election, as and to the extent permitted by applicable law.

a. Payment to the City of San Diego of the full Inclusionary Affordable Housing Fee based upon the aggregate square footage of all residential units in the project, on terms set forth within the Inclusionary Affordable Housing Regulations; or

b. Provide evidence to the San Diego Housing Commission, in the form of executed Exemption Agreements and Public Entity Agreements, as referenced with Part IV of the Inclusionary Affordable Housing Implementation & Monitoring Procedures Manual ("Procedures Manual") approved by the City Council of the City of San Diego, demonstrating that the Owner/Permittee is exempt from the payment of the Inclusionary Affordable Housing Fee based upon San Diego Municipal Code Section 142.0303(f) because the Owner/Permittee is receiving specific regulatory incentives and/or concessions from a public agency that result in identifiable, financially sufficient, and actual project cost reductions, including but not limited to expedited permit processing provided through the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program and/or the approval of a deviation, waiver or reduction of development standards or regulations ("development incentives") and because the Owner/Permittee is voluntarily restricting rental units in exchange for such development incentives, as provided for within Part IV of the Procedures Manual; or

c. Provide evidence to the San Diego Housing Commission, in the form of executed Exemption Agreements and Public Entity Agreements, as referenced with Part IV of the Inclusionary Affordable Housing Implementation & Monitoring Procedures Manual ("Procedures Manual") approved by the City Council of the City of San Diego, demonstrating that the Owner/Permittee is exempt from the payment of the Inclusionary Affordable Housing Fee based upon San Diego Municipal Code Section 142.0303(g) because the Owner/Permittee is voluntarily pursuing and receiving tax credits, multifamily housing bonds, below market interest rate government agency loans, and/or grants to facilitate the construction of the development

ENGINEERING REQUIREMENTS:

12. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the closure of all non-utilized driveways, on Ingraham Street and La Playa Avenue, with City standard curb, gutter and sidewalk, satisfactory to the City Engineer.

13. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the construction of two 24-foot wide City standard driveway, one on Ingraham Street and one on La Playa Avenue, per Standard Drawing G-14A, G-16 and SDG-100, satisfactory to the City Engineer.

14. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the construction of City standard bus slab, adjacent to the project site on Ingraham Street, per Standard Drawing SDG-102, satisfactory to the City Engineer.

15. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the replacement of the existing curb ramp with City standard curb ramp with truncated domes, at the northeast corner of Ingraham Street and la Playa Avenue, per Standard Drawing SDG-132, satisfactory to the City Engineer.

16. Prior to the issuance of any construction permit, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for the enhanced paving, curb outlet, tree grates, landscape and irrigations, and seat wall located within Ingraham Street and La Playa Avenue rights-of-way, satisfactory to the City Engineer.

17. Prior to the issuance of any construction permits, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.

18. 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.

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

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

LANDSCAPE REQUIREMENTS:



21. Complete landscape and irrigation construction documents consistent with the Land Development Manual: Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department.

22. Construction plans shall take into account a 40 square foot area around each tree that is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)5.

23. In the event that the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to be consistent with the Landscape Plan such that landscape areas are consistent with the Exhibit "A," Landscape Development Plan.

24. Prior to issuance of construction permits for public right-of-way improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall take into account a 40 square-foot area around each tree, which is unencumbered by utilities. Driveways, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

25. All required landscape shall be maintained in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

26. Prior to Final Inspection, it shall be the responsibility of the Owner/Permittee to install all required landscape. A "No Fee" Street Tree Permit, and/or Encroachment Maintenance Removal Agreement, EMRA, if applicable, shall be obtained for the installation, establishment, and ongoing maintenance of all street trees.

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

28. Any required planting that dies within 3 years of installation shall be replaced within 30 calendar days of plant death with the same size and species of plant material shown on the approved plan.

29. Required shrubs or trees that die 3 years or more after installation shall be replaced with 15-gallon size or 60-inch box size /15 foot BTH material, respectively. Development Services may authorize adjustment of the size and quantity of replacement material.



PLANNING/DESIGN REQUIREMENTS:

30. 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.

31. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

32. 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

33. A minimum of 42 (45 provided) automobile spaces including 1 van accessible space, 2 motorcycle, 9 bicycle spaces for residential; and 12 spaces including 1 van accessible 2 bicycle spaces with rack(s) for retail are required by the Land Development Code. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

34. The applicant shall provide 10 foot visibility triangle areas on both sides of the driveway on Ingraham Street and La Playa Avenue, as proposed on Exhibit "A." No obstacles higher than 36 inches shall be located within the visibility triangle areas (i.e., walls and fencing, landscape, hardscape, shrubs etc.).

35. The applicant shall provide 25-foot visibility triangle areas at the intersection of Ingraham Street and La Playa Avenue, as proposed on Exhibit "A." No obstacles higher than 36 inches shall be located within the visibility triangle areas (i.e., walls and fencing, landscape, hardscape, shrubs etc.).

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

36. All proposed public water and sewer facilities, including services and meters, must be designed and constructed in accordance with established criteria in the most current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices pertaining thereto.

37. All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

38. Utilization of existing sewer laterals is at the sole risk and responsibility of the developer to ensure the laterals are functional and connected to a public sewer facility. Prior to connecting to any existing sewer lateral, the lateral shall be inspected using a closed-circuit television (CCTV)

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by a California Licensed Plumbing Contractor to verify the lateral is in good working condition and free of all debris.

39. 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 and sewer service(s) outside of any driveway, 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.

40. 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.

41. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any water and sewer facilities.

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 Development Services Department of the City of San Diego on May 21, 2012 and pursuant to Resolution No. CM-6251.



Permit Type/PTS Approval No.: CDP No. 953061 Date of Approval: May 21, 2012

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Jeffrey A Peterson Development Project Manager

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

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

VERITAS POINT, LLC, a California Limited Liability Company Owner/Permittee

Bv Russell Murfey Title:

VERITAS POINT, LLC, a California Limited Liability Company Owner/Permittee

cott Murfey Title:

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

COPY

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THE CITY OF SAN DIEGO	City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101 (619) 446-5000	Ov	vnership Disclosure Statement	
Neighborhood De	eck appropriate box for type of approval (s) requeste evelopment Permit	Planned Development Pe	ermit Conditional Use Permit ndment • Other	
Project Title			Project No. For City Use Only	
The Point Project Address:			357830	
3805 Ingraham	Street			
Part I - To be comp	bleted when property is held by Individual(s)		
above, will be filed wi below the owner(s) ar who have an interest i individuals who own t from the Assistant Exe Development Agreem Manager of any chang the Project Manager	ship Disclosure Statement, the owner(s) acknowledge th the City of San Diego on the subject property, we had tenant(s) (if applicable) of the above referenced in the property, recorded or otherwise, and state the he property). A signature is required of at least one ecutive Director of the San Diego Redevelopment A ent (DDA) has been approved / executed by the C ges in ownership during the time the application is to at least thirty days prior to any public hearing on to lit in a delay in the hearing process.	ith the intent to record an e property. The list must inclu- type of property interest (e.g of the property owners. A gency shall be required for a City Council. Note: The app peing processed or considered	ncumbrance against the property. Please list ide the names and addresses of all persons g., tenants who will benefit from the permit, all tach additional pages if needed. A signature all project parcels for which a Disposition and dicant is responsible for notifying the Project ed. Changes in ownership are to be given to	
Name of Individual	(type or print):	Name of Individual (ty	pe or print):	
	enant/Lessee Redevelopment Agency	Owner Tena	nt/Lessee Redevelopment Agency	
Street Address:		Street Address:		
City/State/Zip:		City/State/Zip:		
Phone No:	Fax No:	Phone No:	Fax No:	
Signature :	Date:	Signature :	Date:	
Name of Individual	(type or print):	Name of Individual (ty	pe or print):	
	nant/Lessee Redevelopment Agency	Cowner CTenan	t/Lessee Redevelopment Agency	
Street Address:		Street Address:		
City/State/Zip:		City/State/Zip:		
Phone No:	Fax No:	Phone No:	Fax No:	
Signature :	Date:	Signature :	Date:	

Printed on recycled paper. Visit our web site at <u>www.sandiego.gov/development-services</u> Upon request, this information is available in alternative formats for persons with disabilities.

Project Title:	Project No. (For City Use Only)
Part II - To be completed when property is held by a corpor	ration or partnership
Legal Status (please check):	
as identified above, will be filed with the City of San Diego on the the property Please list below the names, titles and addresses otherwise, and state the type of property interest (e.g., tenants in a partnership who own the property). A signature is required property. Attach additional pages if needed. Note: The applicant	acknowledge that an application for a permit, map or other matter, the subject property with the intent to record an encumbrance against is of all persons who have an interest in the property, recorded or who will benefit from the permit, all corporate officers, and all partners of at least one of the corporate officers or partners who own the int is responsible for notifying the Project Manager of any changes in
Manager at least thirty days prior to any public hearing on the s information could result in a delay in the hearing process. Ad	Recently Recently
Corporate/Partnership Name (type or print): VERITAS POINT INJESTORS L.P.	Corporate/Partnership Name (type or print):
Owner Tenant/Lessee	Owner Tenant/Lessee
Street Address: 1571 LA PLAYA AVE	Street Address:
City/State/Zip: SAN DIEGO CA 92109	City/State/Zip:
Phone No: Fax No: 619 857 1549	Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):	Name of Corporate Officer/Partner (type or print):
Title (type or print): GENERAL PARTNER	Title (type or print):
Signature : OLA (My Date: 2/3/14	Signature : Date:
Corporate/Partnership Name (type or print):	Corporate/Partnership Name (type or print):
Owner Tenant/Lessee	Owner Tenant/Lessee
Street Address:	Street Address:
City/State/Zip:	City/State/Zip:
Phone No: Fax No:	Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):	Name of Corporate Officer/Partner (type or print):
Title (type or print):	Title (type or print):
Signature : Date:	Signature : Date:
Corporate/Partnership Name (type or print):	Corporate/Partnership Name (type or print):
Owner Tenant/Lessee	Owner Tenant/Lessee
Street Address:	Street Address:
City/State/Zip:	City/State/Zip:
Phone No: Fax No:	Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):	Name of Corporate Officer/Partner (type or print):
Title (type or print):	Title (type or print):
Signature : Date:	Signature : Date:



ATTACHMENT 12

COLUM GREGG THE CE

No. 73620 Exp. 12/31/14

STATE OF CAN

n	D	c	D

DATE

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CAUFORNIA COORDINATE SYSTEM, CCS83, ZONE 6, EPOCH 1991.35 AT STATIONS (1991, MOORLAND & INGRAHAM & (154, LAM PER ROS 14492 2 + COVERED PARKING 15,874 SF UNIT 303 S0, F00TAGE: 640 SF UNIT 304 BERROWS: 1 UNIT 304 BERROWS: 2 UNIT 306 BERROWS: 2 UNIT 305 BERROWS: 2 UNIT 305 S2, F00TAGE: 640 SF UNIT 305 S2, F00TAGE: 895 SF UNIT 306 BERROWS: 2 UNIT 306 BERROWS: 2 UNIT 307 BERROWS: 2 UNIT 308 SC, F00TAGE: 802 SF UNIT 308 BERROWS: 3 UNIT 308 SC, F00TAGE: 640 SF UNIT 310 BERROWS: 1 UNIT 310 BERROWS: 1 UNIT 310 BERROWS: 1 UNIT 310 BERROWS: 1 UNIT 311 BERROWS: 1 UNIT 311 BERROWS: 1 UNIT 303 SO FOOTAGE: 640 SE
 55
 BEDROOMS:
 1

 65
 00.507.002.
 965
 557.002.

 66
 BEDROOMS:
 2
 2

 75
 00.707.002.
 822
 2

 78
 DEDROOMS:
 2
 2

 80
 500.704.002.
 820
 500.714.002.

 95
 50.70074.002.
 640.95
 9

 98
 BEDROOMS:
 1
 0.502.
 57.99

 98
 BEDROOMS:
 1
 1.502.
 56.90

 98
 BEDROOMS:
 1
 1.502.
 56.90

 98
 BEDROOMS:
 1
 1.502.
 56.90

 98
 BEDROOMS:
 1
 1.502.
 56.90
 COMMERCIAL SPACE: 2,266 SF PARKING LOT IS LOCATED AT GROUND LEVEL OF BUILDING WITH ACCESS FROM LA PLAYA AVENUE AND INGRAHAM STREET. THE PARKING LOT CONTAINS A TOTAL OF 44 OFF-STREET PARKING SPACES. A MINIMUM OF 42 NO EXISTING OR PROPOSED EASEMENTS WITHIN PROPERTY. THIS PLAN REQUESTS A WAIVER OF THE REQUIREMENT TO FILE A TENTATIVE SEE IMPROVEMENT PLAN 37055-D FOR CONSTRUCTION OF IMPROVEMENTS LEAD & DISK "RCE 8195" PER MAP 6246 LEAD & DISK "LS 8548" PER CR 33275 IFAD & DISK "IS 5211" PER CR (C) ____ TILITIES 33 FS=32.50 _ _ _ · · · · ·

VH+++++111 STANDARD BMP LANDSCAPE AREA (UNLINED) * * *

BP

00

ENGINEER OF WORK

PASCO LARET SUITER & ASSOCIATES 535 NORTH HIGHWAY 101, SUITE A SOLANA BEACH, CA 92075 858-259-8212

WILLIAM G. MACK RCE NO. 73620 REGISTRATION EXPIRES 12-31-14



BRASS PLUG LOCATED IN SOUTHWEST CORNER OF THE INTERSECTION OF INGRAHAM STREET AND LA PLAYA EL = 32.84 MSL

DATE

TOPOGRAPHIC INFORMATION TOPOGRAPHIC SURVEY FIELD WORK WAS COMPLETED ON DECEMBER 06, 2011 BY PASCO LARET SUITER & ASSOCIATES

MAPPING NOTE:

A DETAILED PROCEDURE OF SURVEY SHALL BE SHOWN ON THE PARCEL MAP AND ALL PROPERTY CORNERS MARKED WITH DURABLE SURVEY MONUMENTS.





ATTACHMENT 12