REPORT TO THE HEARING OFFICER

HEARING DATE: December 10, 2014

REPORT NO. HO 14-075

ATTENTION: HEARING OFFICER

SUBJECT: OLIVER/FANUEL; PROJECT NO. 369870

PROCESS 3

LOCATION: 1304-1312 Oliver Avenue and 4213-4215 Fanuel Street

OWNER/APPLICANT: Oliver/Fanuel, LLC / Paul D. Ross

SUMMARY

Requested Action: Should the Hearing Officer approve the demolition of four existing residential buildings containing a total of seven units, and construction of four residential dwelling units located at 1304-1312 Oliver Avenue and 4213-4215 Fanuel Street in the Pacific Beach Community Plan and Local Coastal Program Area?

Staff Recommendation:

1. APPROVE Coastal Development Permit No. 1296834;

2. APPROVE Tentative Map No. 1296833; and

3. APPROVE the waiver to the requirements to underground existing overhead utilities.

Community Planning Group Recommendation: On October 22, 2014, the Pacific Beach Planning Group voted 13-2-2 to recommend approval of the project (Attachment 13).

Environmental Review: This project is exempt from environmental review pursuant to Article 19, Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA). The project proposes the demolition of four existing residential buildings containing a total of seven units, and construction of four residential dwelling units, which two of the units will be condominium units. The environmental exemption determination for this project was made on November 4, 2014, and the opportunity to appeal that determination ended November 19, 2014 (Attachment 15). This project is not pending an appeal of the environmental determination.
BACKGROUND

The proposed project site is located at 1304-1312 Oliver Avenue and 4213-4215 Fanuel Street (Attachment 1), the northeast corner of Oliver Avenue and Fanuel Street (Attachment 2). The site is located in the RM-1-1 Zone (Attachment 3) within the Pacific Beach Community Plan and Local Coastal Program Area (Attachment 4), Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zone (Coastal and Beach Impact Areas), and the Residential Tandem Parking Overlay Zone. The Pacific Beach Community Plan (PBCP) designates the proposed project site for Low Medium Density Residential and allows a density of 9-15 dwelling units per acre (DU/AC). The project site, occupying 0.28 acres, could accommodate 4 dwelling units based on the underlying zone and 3-4 dwelling units based on the community plan.

The rectangular shaped project site consists of 4 legal lots with frontage on Oliver Avenue and Fanuel Street with alley access. The property has been previously graded and developed with seven residential units in the form of three detached duplexes and one unit attached to the existing six car garage. The buildings were constructed in 1948, and a historical assessment was performed. City staff determined that the property and associated structures would not be considered historically or architecturally significant under the CEQA in terms of architectural style, appearance, design, or construction associated with important persons or events in history.

Properties to the west, north, and east contain multi-family residential development and the properties to the south contain multi-family and single-family residential development, and the land use designation for all of the properties are Low Medium Density Residential and allows a density of 9-15 DU/AC and are zoned RM-1-1.

DISCUSSION

Project Description:

The project proposes the demolition of four existing residential buildings containing a total of seven units, and construction of four residential dwelling units, of which two of the residential dwelling units will be condominium units on one lot and the remaining two units will be constructed on two separate legal lots. The project site is located approximately 3,420 feet from the Pacific Ocean and 900 feet from the shoreline of Mission Bay. Neither Oliver Avenue nor Fanuel Street are identified as the first public roadway paralleling the ocean. The maximum building heights are 29 feet 9 inches, 29 feet 6 inches, and 23 feet 10 inches; therefore, the buildings and any projections will not exceed the maximum 30 foot height limit allowed by the Coastal Height Limitation Overlay Zone. The proposed development would be on private property and proposes no deviations or variances from the applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site.

Development of the proposed project requires the approval of a Process 3 Coastal Development Permit (CDP) for development within the Coastal Overlay Zone and a Process 3 Tentative Map (TM) for the creation of two residential condominium ownerships on one lot [Lot 39 and 40], and a request to waive the requirements to underground the existing overhead utilities. As a
component of the proposed project, the buildings will utilize renewable energy technology, self-generating at least 50-percent of the projected total energy consumption on site through photovoltaic technology (solar panels). Because the project utilizes renewable technologies and qualifies as a Sustainable Building, the land use approvals have been processed through the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.

Project Related Issues:

Affordable and Inclusionary Housing - The property currently contains seven residential units in the form of three detached duplexes and one unit attached to the existing six car garage. The proposed development would be exempt from the requirements of the Coastal Overlay Zone Affordable Housing Replacement Regulations pursuant to Section 143.0820 (c) and (d) of the San Diego Municipal Code (SDMC), since there are no existing structures containing three or more units and there are fewer than 10 units being proposed for demolition. However, the proposed project is subject to the requirements of the City’s Inclusionary Affordable Housing Regulations (SDMC Section 142.1301 et seq.). The applicant has elected to pay an in-lieu fee to meet these requirements and prior to receiving the first residential building permit; the applicant must pay the entire in-lieu fee amount.

Undergrounding Requirement - The project site is located within Council District Two. SDMC Section 144.0240(b)(5) 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 that the waiver of the requirements to underground privately owned utility systems and services facilities qualifies under the guidelines of SDMC Section 144.0242(c)(1)(B) as follows: 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 neighborhood currently contains power poles and overhead utility lines within the public right-of-way along Fanuel Street and within the alley (Attachment 7). The proposed subdivision shall be undergrounded and the waiver is being requested for the requirement to underground adjacent utilities serving the surrounding properties within the abutting public rights-of-way.

The City’s Undergrounding Master Plan designates the site within Block 2U, 2x3, and a projected is currently under the design phase with an approximate construction date of September 24, 2014 (Attachment 8). Staff visited the site and the undergrounding construction phase had not started. The applicant would be required to underground any existing and/or proposed public utility systems and service facilities within the subdivision as a condition of the TM (Attachment 12).

Conclusion:

The project meets all applicable regulations and policy documents, and staff finds the project consistent with the recommended land use, design guidelines, and development standards in effect for this site per the adopted Pacific Beach Community Plan and Local Coastal Program Land Use Plan, SDMC, and the General Plan. As a component of the proposed project, the buildings will utilize renewable energy technology, self-generating at least 50-percent of the
projected total energy consumption on site through photovoltaic technology (solar panels), thus meeting the criteria for the Affordable/In-Fill Housing Expedite Program.

ALTERNATIVES

1. **APPROVE** Coastal Development Permit No. 1296834, Tentative Map No. 1296833, and the waiver to the requirements to underground existing overhead utilities, with modifications.

2. **DENY** Coastal Development Permit No. 1296834, Tentative Map No. 1296833, and the waiver to the requirements to underground existing overhead utilities, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

[Signature]

Jeffrey A. Peterson  
Development Project Manager  
Development Services Department

Attachments:

1. Location Map  
2. Aerial Photograph  
3. Zoning Map  
4. Community Plan Land Use Map  
5. Project Data Sheet  
6. Project Plans  
7. Existing Overhead Utilities  
8. City’s Undergrounding Master Plan Block 2U, 2x3  
9. Draft CDP Permit with Conditions  
10. Draft CDP Resolution with Findings  
11. Draft TPM Resolution  
12. Draft TPM Conditions  
13. Pacific Beach Planning Group Recommendation  
14. Ownership Disclosure Statement  
15. Environmental Exemption  
16. Project Chronology

Internal Order No. 24004698
Location Map
Oliver/Fanuel - Project No. 369870
1304-1312 Oliver Avenue and 4213-4215 Fanuel Street

Project Site

North
Aerial Photograph
Oliver/Fanuel- Project No. 369870
1304-1312 Oliver Avenue and 4213-4215 Fanuel Street

Project Site

North
Zoning Map (RM-1-1 Zone)

Oliver/Fanuel - Project No. 369870
1304-1312 Oliver Avenue and 4213-4215 Fanuel Street

Project Site
Project Site

Pacific Beach Community Land Use Map
Oliver/Fanuel-Project No. 369870
1304-1312 Oliver Avenue and 4213-4215 Fanuel Street
### PROJECT DATA SHEET

<table>
<thead>
<tr>
<th>PROJECT NAME:</th>
<th>Oliver/Fanuel; Project No. 369870</th>
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<tbody>
<tr>
<td>PROJECT DESCRIPTION:</td>
<td>Demolition of four existing residential buildings containing a total of seven units, and construction of four residential dwelling units.</td>
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<tr>
<td>COMMUNITY PLAN AREA:</td>
<td>Pacific Beach</td>
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<td>DISCRETIONARY ACTIONS:</td>
<td>Coastal Development Permit and Tentative Map</td>
</tr>
<tr>
<td>COMMUNITY PLAN LAND USE DESIGNATION:</td>
<td>Low Medium Density Residential (9-15 DU/AC)</td>
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</tbody>
</table>

#### ZONING INFORMATION:
- **ZONE**: RM-1-1 Zone
- **HEIGHT LIMIT**: 30-foot maximum height limit (Coastal Height Limitation Overlay Zone)
- **LOT SIZE**: 6,000 square feet
- **FLOOR AREA RATIO**: 0.75
- **LOT COVERAGE**: NA
- **FRONT SETBACK**: 15-foot min./20-foot standard
- **SIDE SETBACK**: 5-foot min./8-foot standard
- **STREETSIDE SETBACK**: 10-feet
- **REAR SETBACK**: 15-feet
- **PARKING**: 9 spaces

<table>
<thead>
<tr>
<th>ADJACENT PROPERTIES:</th>
<th>LAND USE DESIGNATION &amp; ZONE</th>
<th>EXISTING LAND USE</th>
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<tr>
<td>NORTH:</td>
<td>Low Medium Density Residential; RM-1-1</td>
<td>Multi-family Residential Development</td>
</tr>
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<td>SOUTH:</td>
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<td>Single-family and Multi-family Residential Development</td>
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<td>Multi-family Residential Development</td>
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<td>WEST:</td>
<td>Low Medium Density Residential; RM-1-1</td>
<td>Multi-family Residential Development</td>
</tr>
</tbody>
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#### DEVIATIONS OR VARIANCES REQUESTED:
None

#### COMMUNITY PLANNING GROUP RECOMMENDATION:
On October 22, 2014, the Pacific Beach Planning Group voted 13-2-2 to recommend approval of the project.
OLIVER-FANUEL HOMES
A SUSTAINABLE PROJECT

COASTAL DEVELOPMENT PERMIT &
TENTATIVE MAP
RESUBMITTAL SET III
4211 FANUEL ST. - WEST ELEVATION

4211 FANUEL ST. - NORTH ELEVATION

ELEVATIONS

OLIVER-FANUEL HOMES

GOLBA ARCHITECTURE

Property is lower than the proposed height limits.

Prepared By:
Golba Architecture
4211 Oliver Ave.
San Diego, CA 92104
Phone: (619) 289-2670
Fax: (619) 289-0497
Contact: Rebecca Marquez
Revision Date: 06/20/14

Original Date: 05/06/14

Sheet 1 of 21

Sheet Title:
ELEVATIONS

Page Title:
ATTACHMENT 6

Page of: 21

Dimensions: 1226.9 x 794.9
1804 OLIVER AVE. - EAST ELEVATION

1804 OLIVER AVE. - SOUTH ELEVATION

ELEVATIONS
154 OLIVER AVE - WEST ELEVATION

154 OLIVER AVE - NORTH ELEVATION

PREPARED BY: GOLBA ARCHITECTURE

PROJECT ADDRESSES:

4211 44TH FUTURUS
1304 4TH OLIVER AVE

PROJECT NAME: OLIVER-FANUEL HOMES

CONTACT: REBECCA MORGUEZ

REVISION: 06/2014

ELEVATIONS

ATTACHMENT 6
Existing Utilities along Fanuel Street

Oliver/Fanuel- Project No. 369870
1304-1312 Oliver Avenue and 4213-4215 Fanuel Street
City's Undergrounding Master Plan Block 2U, 2x3

Oliver/Fanuel - Project No. 369870
1304-1312 Oliver Avenue and 4213-4215 Fanuel Street
COASTAL DEVELOPMENT PERMIT NO. 1296834
OLIVER/FANUEL - PROJECT NO. 369870
HEARING OFFICER

This Coastal Development Permit No. 1296834 is granted by the Hearing Officer of the City of San Diego to OLIVER/FANUEL, LLC, a California Limited Liability Company, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0708. The 0.28-acre site is located at 1304-1312 Oliver Avenue and 4213-4215 Fanuel Street, the northeast corner of Oliver Avenue and Fanuel Street, in the RM-1-1 Zone within the Pacific Beach Community Plan and Local Coastal Program Area, Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zone (Coastal and Beach Impact Areas), and the Residential Tandem Parking Overlay Zone. The project site is legally described as: Lots 37 Through 40, in Block 288 of Pacific Beach, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 923, filed in the Office of the County Recorder of San Diego County, September 24, 1904.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for the demolition of four existing residential buildings containing a total of seven units, and construction of four residential dwelling units, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated December 10, 2014, on file in the Development Services Department.

The project shall include:

a. Demolition of seven residential units in the form of 3 detached duplexes and one unit attached to the existing 6 car garage, and construction four residential dwelling units, which two of the residential dwelling units will be condominium units. Lot 37 and Lot 38 each shall contain a 3-story, 2,666 square foot detached single family dwelling unit with a 400 square foot detached carport. Lot 39 and 40 shall be combined into one lot and contain two detached single family dwelling unit with a 400 square foot detached...
carport, Unit 1 is a 3-story, 2,497 square foot unit, and Unit 2 is a 2-story, 2,084 square foot unit;

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

c. Off-street parking; and

d. A roof-mounted photovoltaic system for each single family dwelling unit consisting of solar panels sufficient to generate at least 50 percent of the project’s projected energy consumption; 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. This permit must be utilized by December 24, 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 determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

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

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

**AFFORDABLE HOUSING REQUIREMENTS:**

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

**ENGINEERING REQUIREMENTS:**

12. This Permit shall comply with all conditions of Tentative Parcel Map No. 1296833, satisfactory to the City Engineer.

13. The project proposes to export no material from the project site. Any excavated material that is exported shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2009 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

14. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

15. 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 consistent with Exhibit "A," satisfactory to the City Engineer.

16. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of a current City Standard maximum 12 foot wide concrete driveway adjacent to the site on Oliver Avenue, satisfactory to the City Engineer.

17. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practice (BMP) maintenance, satisfactory to the City Engineer.

18. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction BMPs 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.
LANDSCAPE REQUIREMENTS:

20. Prior to issuance of public improvement plans, landscape construction plans consistent with this development permit shall be submitted for approval. Improvement plans shall take into account a 40 square-foot area around each required tree which is unencumbered by utilities.

21. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees. In the event that the Landscape Plan and the Public Improvement Plan conflict, the Public Improvement Plan shall be revised to be consistent with the Landscape Plan such that landscape areas are consistent with the Exhibit “A” Landscape Development Plan.

22. Prior to building permit issuance, landscape and irrigation plans substantially conforming to Exhibit ‘A,’ (Landscape Development Plan) shall be submitted to the Development Services Department for approval.

23. Any existing landscape to remain, as indicated on the approved plans, that is damaged during construction shall be replaced in kind to the satisfaction of the Development Services Department within 30 days of damage or final inspection.

PLANNING/DESIGN REQUIREMENTS:

24. The carport shall be constructed and maintained with at least two sides that are at least 75 percent completely open. The carport shall be included in the calculation of floor area ratio (FAR) if less than two sides of the carport are 75 percent completely open. The project may not exceed the allowable FAR of the zone.

25. 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.

26. Prior to the issuance of building permits, construction documents shall fully illustrate the incorporation of a roof-mounted photovoltaic system for each single family dwelling unit consisting of solar panels sufficient to generate at least 50 percent of the project’s projected energy consumption, in conformance with the criteria of the City’s Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.

27. 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

28. Owner/Permittee shall maintain a minimum of nine (9) off-street parking spaces at all times in the approximate locations shown on the approved Exhibit “A.” 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 in writing by the Development Services Director.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

29. Prior to the issuance of any construction permit, the Owner/Permittee shall obtain a building or misc/plumbing permit to install a private above ground backflow prevention device (BFPD) for each water service (domestic, fire, and/or irrigation) serving the property. BFPDs are typically located on private property, in-line with the service, and immediately adjacent to the Right-of-Way. The Public Utilities Department will not allow BFPDs to be located below grade or within a structure.

30. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public water and sewer facilities are to be in accordance with established criteria in the most current City of San Diego Water and Sewer Design Guides.

31. All public water and sewer facilities are to be in accordance with the established criteria in the most current City of San Diego Water and Sewer Design Guides.

32. All proposed private water and 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.

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

34. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to cap (abandon) at the property line any existing unused sewer lateral and install new sewer lateral(s) which must be located outside of any driveway or vehicular use area.

35. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to remove (kill) at the main any existing unused water service.

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 December 10, 2014, and Resolution No. ________________.
Permit Type/PTS Approval No.: CDP No. 1296834
Date of Approval: December 10, 2014

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.

OLIVER/FANUEL, LLC,
a California Limited Liability Company
Owner/Permittee

By
Michael E. Turk
Managing Member of OLIVER/FANUEL, LLC

NOTE: Notary acknowledgments must be attached per Civil Code section 1189 et seq.
WHEREAS, OLIVER/FANUEL, LLC, a California Limited Liability Company, Owner and Permittee, filed an application with the City of San Diego for a permit to demolish four existing residential buildings containing a total of seven units and construction of four residential dwelling units (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1296834), on portions of a 0.28 acre site;

WHEREAS, the project site is located at 1304-1312 Oliver Avenue and 4213-4215 Fanuel Street, the northeast corner of Oliver Avenue and Fanuel Street, in the RM-1-1 Zone within the Pacific Beach Community Plan and Local Coastal Program Area, Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zone (Coastal and Beach Impact Areas), and the Residential Tandem Parking Overlay Zone;

WHEREAS, the project site is legally described as Lots 37 Through 40, in Block 288 of Pacific Beach, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 923, filed in the Office of the County Recorder of San Diego County, September 24, 1904;

WHEREAS, on December 10, 2014, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 1296834 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on November 4, 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 15332 (In-Fill Development Projects), and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; NOW, THEREFORE,

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 December 10, 2014.

FINDINGS:

I. Coastal Development Permit - Section 126.0708(a)

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

The proposed project site is located at 1304-1312 Oliver Avenue and 4213-4215 Fanuel Street, the northeast corner of Oliver Avenue and Fanuel Street, in the RM-1-1 Zone within the
Pacific Beach Community Plan and Local Coastal Program Area. The Pacific Beach Community Plan (PBCP) designates the proposed project site for Low Medium Density Residential and allows a density of 9-15 dwelling units per acre (DU/AC). The project site, occupying 0.28 acres, could accommodate 4 dwelling unit based on the underlying zone and 3-4 dwelling units based on the community plan.

The project proposes the demolition of four existing residential buildings containing a total of seven units, and construction of four residential dwelling units, of which two of the residential dwelling units will be condominium units on one lot and the remain two units will be constructed on two separate legal lots. The rectangular shaped project site consists of 4 legal lots with frontage on Oliver Avenue and Fanuel Street, and is located approximately 3,420 feet from the Pacific Ocean and 900 feet from the shoreline of Mission Bay. Neither Oliver Avenue nor Fanuel Street at this location are identified as the first public roadway paralleling the ocean, and are not designated as a physical accessway or view corridor, and do not contain intermittent or partial vistas, viewsheds or scenic overlooks within the adopted PBCP and Local Coastal Program.

The maximum building heights are 29 feet 9 inches, 29 feet 6 inches, and 23 feet 10 inches; therefore, the buildings and any projections will not exceed the maximum 30 foot height limit allowed by the Coastal Height Limitation Overlay Zone (CHLOZ). The project proposes no deviations or variances from the applicable regulations and policy documents, and is consistent with the recommended land use designation, design guidelines, and development standards in effect for this site. Therefore, the development has been designed to meet the development regulations of the underlying zone and would not affect any physical accessway and/or public views to the Pacific Ocean and Mission Bay or other scenic coastal areas as specified in the Local Coastal Program.

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

The project proposes the demolition of four existing residential buildings containing a total of seven units, and construction of four residential dwelling units, of which two of the residential dwelling units will be condominium units on one lot and the remain two units will be constructed on two separate legal lots. The rectangular shaped project site consists of 4 legal lots with frontage on Oliver Avenue and Fanuel Street, and is located approximately 3,420 feet from the Pacific Ocean and 900 feet from the shoreline of Mission Bay. Neither Oliver Avenue nor Fanuel Street at this location are identified as the first public roadway paralleling the ocean. The site is approximately 29 feet above Mean Sea Level (MSL) and is located above the 100-year floodplain. The site is not within or adjacent to the Multiple Species Conservation Program (MSCP) Multiple Habitat Planning Area (MHPA) and does not contain any other type of Environmental Sensitive Lands (ESL) as defined in LDC 113.0103.

The City of San Diego conducted an environmental review of this site in accordance with State of California Environmental Quality Act (CEQA) guidelines. The project was determined to be categorically exempt from CEQA pursuant to Section 15332 (In-Fill Development Projects). Therefore, it has been determined that the project does not contain environmentally sensitive lands and would not adversely affect these resources.
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 project site is located at 1304-1312 Oliver Avenue and 4213-4215 Fanuel Street, the northeast corner of Oliver Avenue and Fanuel Street, in the RM-1-1 Zone within the PBCP and Local Coastal Program Area. The PBCP designates the proposed project site for Low Medium Density Residential and allows a density of 9-15 DU/AC. The project site, occupying 0.28 acres, could accommodate 4 dwelling unit based on the underlying zone and 3-4 dwelling units based on the community plan.

The project proposes the demolition of four existing residential buildings containing a total of seven units, and construction of four residential dwelling units, of which two of the residential dwelling units will be condominium units on one lot and the remain two units will be constructed on two separate legal lots. The rectangular shaped project site consists of 4 legal lots with frontage on Oliver Avenue and Fanuel Street, and is located approximately 3,420 feet from the Pacific Ocean and 900 feet from the shoreline of Mission Bay. Neither Oliver Avenue nor Fanuel Street at this location are identified as the first public roadway paralleling the ocean, and are not designated as a physical accessway or view corridor, and do not contain intermittent or partial vistas, viewsheds or scenic overlooks within the adopted PBCP and Local Coastal Program.

The maximum building heights are of 29 feet 9 inches, 29 feet 6 inches, and 23 feet 10 inches; therefore, the buildings and any projections will not exceed the maximum 30 foot height limit allowed by the CHLOZ. The project proposes no deviations or variances from the applicable regulations and policy documents, and is consistent with the recommended land use designation, design guidelines, and development standards in effect for this site. Therefore, the development is in conformity with the certified Local Coastal Program 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.

The proposed project site is located at 1304-1312 Oliver Avenue and 4213-4215 Fanuel Street, the northeast corner of Oliver Avenue and Fanuel Street, in the RM-1-1 Zone within the PBCP and Local Coastal Program Area. The rectangular shaped project site consists of 4 legal lots with frontage on Oliver Avenue and Fanuel Street, and is located approximately 3,420 feet from the Pacific Ocean and 900 feet from the shoreline of Mission Bay. Neither Oliver Avenue nor Fanuel Street at this location are identified as the first public roadway paralleling the ocean, and are not designated as a physical accessway or view corridor, and do not contain intermittent or partial vistas, viewsheds or scenic overlooks within the adopted PBCP and Local Coastal Program, and the proposed development would be on private property.
The project proposes the demolition of four existing residential buildings containing a total of seven units, and construction of four residential dwelling units, of which two of the residential dwelling units will be condominium units on one lot and the remain two units will be constructed on two separate legal lots. The project meets all applicable regulations and policy documents, and is consistent with the recommended land use designation, design guidelines, and development standards in effect for this site and public access to the water, public recreation facilities, or public parking facilities would not be adversely affected by the approval of this development. Therefore, the proposed development has demonstrated conformance with the public access and recreation policies of the California Coastal Act as required by this finding.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 1296834 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. 1296834 a copy of which is attached hereto and made a part hereof.

Jeffrey A. Peterson
Development Project Manager
Development Services Department

Adopted on: December 10, 2014

Internal Order No. 24004698
WHEREAS, OLIVER/FANUEL, LLC, a California Limited Liability Company, Subdivider, and SAN DIEGO LAND SURVEYING AND ENGINEERING, INC., Surveyor, submitted an application to the City of San Diego for a tentative map (Tentative Map No. 1296833) for Lot 39 and 40 for two residential condominium ownerships on one lot, and to waive the requirement to underground existing offsite overhead utilities. The project site is located at 1304-1306 Oliver Avenue and 4213-4215 Fanuel Street [proposed 4211 and 4221 Fanuel Street], the northeast corner of Oliver Avenue and Fanuel Street, in the RM-1-1 Zone within the Pacific Beach Community Plan and Local Coastal Program Area, Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zone (Coastal and Beach Impact Areas), and the Residential Tandem Parking Overlay Zone. The project site is legally described as: Lot 39 and 40, in Block 288 of Pacific Beach, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 923, filed in the Office of the County Recorder of San Diego County, September 24, 1904; and

WHEREAS, the Map proposes the Subdivision of a 0.143-acre site into one (1) lot for two residential condominium ownerships; and

WHEREAS, on November 4, 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 15332 (In-Fill Development
Projects); and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; and

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

WHEREAS, the subdivision is a condominium project as defined in California Civil Code section 1351 and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is two (2); and

WHEREAS, the request to waive the requirement to underground existing offsite overhead utilities, qualifies under the guidelines of Council Policy No. 600-25 Underground Conversion of Utility Lines at Developers Expense in that the conversion involves a short span of overhead facility (less than a full block in length) and it has been determined that such conversion is not a part of a continuing effort to accomplish a total undergrounding within a specific street or area. The conversion would represent an isolated undergrounding with a minimum probability of extension in the future; and

WHEREAS, on December 10, 2014, the Hearing Officer of the City of San Diego considered Tentative Map No. 1296833, including the waiver of the requirement to underground existing offsite overhead utilities, and pursuant to San Diego Municipal Code Section(s) 125.0440 and 144.0240 and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Hearing Officer having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,
BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 1296833:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Act §§ 66473.5, 66474(a), and 66474(b)).

The project proposes combining lots 39 and 40 for the development of two residential condominium ownerships on one lot for two proposed detached single family dwelling units. The project site is located at 1304-1306 Oliver Avenue and 4213-4215 Fanuel Street [proposed 4211 and 4221 Fanuel Street], the northeast corner of Oliver Avenue and Fanuel Street. The site is located in the RM-1-1 Zone within the Pacific Beach Community Plan and Local Coastal Program Area. The Pacific Beach Community Plan (PBCP) designates the proposed project site for Low Medium Density Residential and allows a density of 9-15 dwelling units per acre (DU/AC). The project site, occupying 0.143 acres, could accommodate 2 dwelling unit based on the underlying zone and 1-2 dwelling units based on the community plan.

The project proposes no deviations or variances from the applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the adopted PBCP and Local Coastal Program, San Diego Municipal Code (SDMC), General Plan, and the Subdivision Map Action.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code.

The project site is located at 1304-1306 Oliver Avenue and 4213-4215 Fanuel Street [proposed 4211 and 4221 Fanuel Street], the northeast corner of Oliver Avenue and Fanuel Street. The site is located in the RM-1-1 Zone within the PBCP Local Coastal Program Area, Coastal Overlay Zone (Non-Appealable Area 2), and the Coastal Height Limitation Overlay Zone. The PBCP designates the proposed project site for Low Medium Density Residential and allows a density of 9-15 DU/AC. The project site, occupying 0.143 acres, could accommodate 2 dwelling unit based on the underlying zone and 1-2 dwelling units based on the community plan.

The project proposes combining Lots 39 and 40 for the development of two residential condominium ownerships on one lot for two proposed detached single family dwelling units. The project proposes no deviations or variances from the applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the adopted PBCP and Local Coastal Program, SDMC, and the General Plan.

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 site is located at 1304-1306 Oliver Avenue and 4213-4215 Fanuel Street [proposed 4211 and 4221 Fanuel Street], the northeast corner of Oliver Avenue and Fanuel
Street. The site is located in the RM-1-1 Zone within the PBCP Local Coastal Program Area, Coastal Overlay Zone (Non-Appealable Area 2), and the Coastal Height Limitation Overlay Zone. The PBCP designates the proposed project site for Low Medium Density Residential and allows a density of 9-15 DU/AC. The project site, occupying 0.143 acres, could accommodate 2 dwelling unit based on the underlying zone and 1-2 dwelling units based on the community plan.

The project proposes combining Lots 39 and 40 for the development of two residential condominium ownerships on one lot for two proposed detached single family dwelling units. Properties to the west, north and east contain multi-family residential development and the properties to the south contain multi-family and single-family residential development, and the land use designation for all of the properties are Low Medium Density Residential and allows a density of 9-15 DU/AC and are zoned RM-1-1. Therefore, the site is physically suitable for the type and density of development.

4. **The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)).**

The rectangular shaped project site consists of two legal lots with frontage on Oliver Avenue and Fanuel Street, and is located approximately 3,420 feet from the Pacific Ocean and 900 feet from the shoreline of Mission Bay. The site is approximately 29 feet above Mean Sea Level (MSL) and is located above the 100-year floodplain. The site is not within or adjacent to the Multiple Species Conservation Program (MSCP) Multiple Habitat Planning Area (MHPA). The site is located in an urbanized area and there are no watercourses on site, the project would not impact 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 combining Lots 39 and 40 for the development of two residential condominium ownerships on one lot for two proposed detached single family dwelling units. The project proposes no deviations or variances from the applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the adopted PBCP and Local Coastal Program, SDMC, and the General Plan.

The approval for this project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations and policy documents in effect for this subdivision and improvements and upon submitting the building plans the proposed development shall comply with all Building and Fire Code requirements. The conditions have been determined by the decision-maker as necessary to avoid impacts upon the health, safety, and general welfare of the persons residing and working in the area. Therefore, the proposed development 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 site is located at 1304-1306 Oliver Avenue and 4213-4215 Fanuel Street [proposed 4211 and 4221 Fanuel Street], the northeast corner of Oliver Avenue and Fanuel Street. The project site is a rectangular shaped lot with frontage on Oliver Avenue and Fanuel Street, which does not contain any easements 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 combining Lots 39 and 40 for the development of two residential condominium ownerships on one lot for two proposed detached single family dwelling units. The project proposes no deviations or variances from the applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the adopted PBCP and Local Coastal Program, SDMC, and the General Plan. Therefore, the project would not impact future passive or natural heating and cooling opportunities. As a component of the proposed project, the buildings will utilize renewable energy technology, self-generating at least 50-percent of the projected total energy consumption on site through photovoltaic technology (solar panels), thus meeting the requirements of the City’s Affordable/In-Fill Housing Expedite Program.

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 site is located at 1304-1306 Oliver Avenue and 4213-4215 Fanuel Street [proposed 4211 and 4221 Fanuel Street], the northeast corner of Oliver Avenue and Fanuel Street. The site is located in the RM-1-1 Zone within the PBCP Local Coastal Program Area, Coastal Overlay Zone (Non-Appealable Area 2), and the Coastal Height Limitation Overlay Zone. The PBCP designates the proposed project site for Low Medium Density Residential and allows a density of 9-15 DU/AC. The project site, occupying 0.143 acres, could accommodate 2 dwelling unit based on the underlying zone and 1-2 dwelling units based on the community plan.

The project proposes combining lots 39 and 40 for the development of two residential condominium ownerships on one lot for two proposed detached single family dwelling units. The project proposes no deviations or variances from the applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the adopted PBCP and Local Coastal Program, SDMC, and the General Plan. In addition, the community plan encourages the development of a variety of housing types and styles to provide a greater opportunity for housing that is both affordable and accessible. Therefore, the decision-maker has considered the effects of the
proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources.

The above 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, Tentative Map No. 1296833, hereby granted to OLIVER/FANUEL, LLC, a California Limited Liability Company, subject to the attached conditions which are made a part of this resolution by this reference.

By

Jeffrey A. Peterson
Development Project Manager
Development Services Department

ATTACHMENT: Tentative Map Conditions

Internal Order No. 24004698
HEARING OFFICER
CONDITIONS FOR TENTATIVE MAP NO. 1296833
OLIVER/FANUEL - PROJECT NO. 369870

ADOPTED BY RESOLUTION NO. R-___________ ON DECEMBER 10, 2014

GENERAL

1. This Tentative Parcel Map will expire on December 24, 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 Parcel Map, unless otherwise noted.

3. Prior to the recordation of the Parcel Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.

4. The Tentative Map shall conform to the provisions of Coastal Development Permit No. 1296834, satisfactory to the City Engineer.

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 Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney’s fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

ENGINEERING

6. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
7. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.

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

9. The Subdivider has requested new water and sewer facilities including services 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, satisfactory to the City Engineer.

10. Conformance with the “General Conditions for Tentative Subdivision Maps,” filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Tentative Parcel Map and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

11. “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].

12. “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.”

13. The Parcel Map 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 First Order accuracy. 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 Tentative Map by the Hearing Officer of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).

- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.

- Subsequent applications related to this Tentative Parcel Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Parcel Map, may protest the imposition within ninety days of the approval of this Tentative Parcel Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.

- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).
Hi Jeff,
Brian is out of town and has requested I send the action items from the PBPG's October meeting. Please see below for your records.

11. Development Subcommittee (Action Items)
Presenter: Curtis Patterson

1. 967 Hornblend (PTS# 353730)
CDP to remodel first floor and add 2,560 sf second floor to existing office building) Subcommittee recommends motion to approve.

    Curtis Patterson made a motion to approve the project as presented, Karen Sumek seconded, **Motion passed, 16-0-1**
    Abstain: Don Gross

2. 1634-52 Grand Avenue (PTS# 379426)
CDP to demo older sfrs and construct 10 residential and 2 commercial units. Subcommittee recommends motion to approve.

    Curtis Patterson made a motion to approve the project as presented with accommodation, Chris Olson seconded, **Motion passed, 13-1-3**
    Against: Joe Wilding, Reason: 3-stories
    Abstentions: Larry Emlaw, Don Gross, Baylor Triplett. Reason: Parking - should have 1-space per bedroom

3. 1452-54 Reed Avenue (PTS# 383512)
CDP to demo older sfr and construct two units. Subcommittee recommends motion to approve.

    Curtis Patterson made a motion to approve the project as presented, Chris Olson seconded, **Motion passed, 14-2-1**
    Against: Larry Emlaw, Baylor Triplett. Reason: Parking
    Abstention: Don Gross. Reason: Cannot vote for a committee who cannot justify their existence

4. 1304-12 Oliver Avenue (PTS# 369870)
CDP to demo older multi-family and construct four units. Subcommittee recommends motion to approve.

    Curtis Patterson made a motion to approve the project as presented, Chris Olson seconded, **Motion passed, 13-2-2**
    Against: Baylor Triplett, Reason: Parking & Joe Wilding, Reason: Density
    Abstentions: Larry Melawi, Don Gross; Reason: Parking
Regards,

Curtis Patterson, SE 5629, LEED AP

Patterson Engineering, Inc.
4747 Mission Blvd., Suite 6
San Diego, CA 92109
Office: 858-605-0937
Cell: 858-525-3012
Fax: 858-605-1414
www.pattersoneng.com

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yelp

# 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:**

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**Project Address:**

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<th>City/State/Zip:</th>
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**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.

**Name of Individual (type or print):**

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

**Name of Individual (type or print):**

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**Additional pages attached**

- Yes
- No

**Signature:**

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Upon request, this information is available in alternative formats for persons with disabilities.
**ATTACHMENT 14**

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

Legal Status (please check):
- [ ] Corporation
- [ ] Limited Liability
- [ ] General

What State? ______ Corporate Identification No. ______

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):**

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<td>Karen D. Turk, PBIT member</td>
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Street Address:

4213 Fannel St
San Diego, CA 92109

Phone No.: (858) 274-5995 Fax No.: (274) 0164

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

Mike Turk, manager, OMD/REX, LLC

Title (type or print):

Project Manager

Signature: [Signature]

Date: 5-5-14

**Corporate/Partnership Name (type or print):**

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Street Address: [Same]

City/State/Zip: [Same]

Phone No.: [Same] Fax No.: [Same]

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

Karen D. Turk, PBIT member

Title (type or print):

PBIT member

Signature: [Signature]

Date: [Date]

**Corporate/Partnership Name (type or print):**

<table>
<thead>
<tr>
<th>Owner</th>
<th>Tenant/Lessee</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Street Address: [Same]

City/State/Zip: [Same]

Phone No.: [Same] Fax No.: [Same]

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

Karen D. Turk

Title (type or print):

PBIT member

Signature: [Signature]

Date: [Date]
**Amendment to Articles of Organization of a Limited Liability Company (LLC)**

To change information of record for your California LLC, you can fill out this form, and submit for filing along with:

- A $30 filing fee.
- A separate, non-refundable $16 service fee also must be included, if you drop off the completed form.
- To file this form, the status of your LLC must be active on the records of the California Secretary of State, or if suspended, this form can only be filed to list a new LLC name. To check the status of the LLC, go to kepler.sos.ca.gov.

**Important!** To change the LLC addresses, or to change the name or address of the LLC's agent for service of process, you must file a Statement of Information (Form LLC-12). To get Form LLC-12, go to www.sos.ca.gov/business/be/statements.htm.

Items 4-8: Only fill out the information that is changing. Attach extra pages if you need more space or need to include any other matters.

**For questions about this form, go to www.sos.ca.gov/business/be/filing-tips.htm:**

<table>
<thead>
<tr>
<th>LLC’s Exact Name (on file with CA Secretary of State)</th>
<th>LLC File No. (issued by CA Secretary of State)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2660 Bayside, LLC</td>
<td>200606610311</td>
</tr>
</tbody>
</table>

**Purpose**

3. The purpose of the limited liability company is to engage in any lawful act or activity for which a limited liability company may be organized under the California Revised Uniform Limited Liability Company Act.

**New LLC Name** (List the proposed LLC name exactly as it is to appear on the records of the California Secretary of State.)

<table>
<thead>
<tr>
<th>Proposed LLC Name</th>
<th>The proposed new name must include: LLC, L.L.C., Limited Liability Company, Limited Liability Co., Ltd. Liability Co. or Ltd. Liability Company, and may not include: bank, trust, trustee, incorporated, Inc., corporation, or corp., insurer, or insurance company.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oliver/Fanuel, LLC</td>
<td></td>
</tr>
</tbody>
</table>

**Management** (Check only one.)

5. The LLC will be managed by:

- [x] One Manager
- [ ] More Than One Manager
- [ ] All Limited Liability Company Member(s)

**Amendment to Text of the Articles of Organization** (List both the current text, and the text as amended by this filing.)

5. [Amendment description]

Read and sign below: Unless a greater number is provided for in the Articles of Organization, this form must be signed by at least one manager, if the LLC is manager-managed or at least one member, if the LLC is member-managed. If the signing manager or member is a trust or another entity, go to www.sos.ca.gov/business/be/filing-tips.htm for more information. If you need more space, attach extra pages that are 1-sided and on standard letter-sized paper (8.5” x 11”). All attachments are part of this document.

**Sign here**

Michael E. Turk

Print your name here

Manager

Your business title

Make check/money order payable to: Secretary of State

Upon filing, we will return one (1) uncertified copy of your filed document for free, and will certify the copy upon request and payment of a $5 certification fee.

By Mail

Secretary of State

Business Entities, P.O. Box 944228
Sacramento, CA 94244-2280

Drop-Off

Secretary of State

1500 11th Street, 3rd Floor
Sacramento, CA 95814

2014 California Secretary of State

www.sos.ca.gov/business/be
ATTACHMENT 15

NOTICE OF EXEMPTION

(Check one or both)

To:    X  Recorder/County Clerk
       P.O. Box 1750, MS A-33
       1600 Pacific Hwy, Room 260
       San Diego, CA 92101-2422

       Office of Planning and Research
       1400 Tenth Street, Room 121
       Sacramento, CA 95814

From:  City of San Diego
       Development Services Department
       1222 First Avenue, MS 501
       San Diego, CA 92101

Project Title/No.: OLIVER/FANUEL CDP/TPM / 369870  

State Clearinghouse No.: Not Applicable

Project Location-Specific: 1304 and 1314 Oliver Avenue, and 4211 and 4221 Fanuel Street, San Diego, CA

Project Location-City/County: San Diego/San Diego

Description of nature and purpose of the Project: A COASTAL DEVELOPMENT PERMIT and TENTATIVE PARCEL MAP are being requested for the demolition of seven dwelling units and subsequent construction of four single-dwelling units with carports on four lots. The 3,126-square foot Lots 37 and 38 would be comprised of a three-story single-dwelling units with 404 square feet of deck area. Lot 39 would be comprised of a two-story 2,084-square foot single-dwelling residence with 787 square feet of deck area; whereas, Lot 40 would be comprised of a three-story 2,497-square foot single dwelling residence with 360 square feet of deck area. The project would construct various associated site improvements (e.g. hardscape, retaining walls, and landscaping). The project would incorporate roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50-percent of the project's projected energy consumption. The combined 12,504-square-foot (0.29-acre) project site is located at 1304 and 1314 Oliver Avenue, and 4211 and 4221 Fanuel Street. The project site is designated low-medium density residential (9-<15 dwelling units per acre), zoned RM-1-1, in the Coastal Height Limitation Overlay Zone, the Coastal Overlay Zone (Non-Appealable 2 Area), the Parking Impact Overlay Zone (Beach Impact Area), the Residential Tandem Parking Overlay Zone, and within the Pacific Beach Community Plan and Local Coastal Program Area. (LEGAL: Lots 37 and 40, Block 288, Map No. 925 of Pacific Beach Map).

Name of Person or Agency Carrying Out Project: Michael Turk, KDM Pacific LLC, 4641 Ingraham Street, San Diego, CA 92109, (858) 274-5995.

Exempt Status: (CHECK ONE)

( ) Ministerial (Sec. 21080(b)(1); 15268)
( ) Declared Emergency (Sec. 21080(b)(3); 15269(a))
( ) Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
( X ) Categorical Exemption: 15332 (Infill Development Projects)
( ) Statutory Exemptions:

Reasons why project is exempt: The project meets the criteria set forth in CEQA Section 15332 which allows for the construction of infill development within an urbanized area that can be adequately served by all required utilities and public services. The development occurs within the City of San Diego jurisdiction and the project site is less than five acres (0.14-acre) and is surrounded by urban uses; the project would not result in any significant impacts to biological resources, historical resources, traffic, noise, air quality, or water quality; and lastly, the project can be adequately be served by all required utilities and public services.

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

Lead Agency Contact Person: E. Shearer-Nguyen  
Telephone: (619) 446-5369
If filed by applicant:
1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project?
   ( ) Yes  ( ) No

It is hereby certified that the City of San Diego has determined the above activity to be exempt from CEQA.

Signature/Title

Senior Planner

November 4, 2014

Date

Check One:
(X) Signed By Lead Agency
( ) Signed by Applicant

Date Received for Filing with County Clerk or OPR:
Date of Notice: November 4, 2014

NOTICE OF RIGHT TO APPEAL
ENVIRONMENTAL DETERMINATION
DEVELOPMENT SERVICES DEPARTMENT
Internal Order No. 24004698

PROJECT NAME/NUMBER: OLIVER/FANUEL CDP/TPM / 369870

COMMUNITY PLAN AREA: Pacific Beach

COUNCIL DISTRICT: 2

LOCATION: 1304 and 1314 Oliver Avenue, and 4211 and 4221 Fanuel Street, San Diego, CA

PROJECT DESCRIPTION: A COASTAL DEVELOPMENT PERMIT and TENTATIVE PARCEL MAP are being requested for the demolition of seven dwelling units and subsequent construction of four single-dwelling units with carports on four lots. The 3,126-square foot Lots 37 and 38 would be comprised of a three-story single-dwelling units with 404 square feet of deck area. Lot 39 would be comprised of a two-story 2,084-square foot single-dwelling residence with 787 square feet of deck area; whereas, Lot 40 would be comprised of a three-story 2,497-square foot single dwelling residence with 360 square feet of deck area. The project would construct various associated site improvements (e.g. hardscape, retaining walls, and landscaping). The project would incorporate roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50-percent of the project’s projected energy consumption. The combined 12,504-square foot (0.29-acre) project site is located at 1304 and 1314 Oliver Avenue, and 4211 and 4221 Fanuel Street. The project site is designated low-medium density residential (9-<15 dwelling units per acre), zoned RM-1-1, in the Coastal Height Limitation Overlay Zone, the Coastal Overlay Zone (Non-Appealable 2 Area), the Parking Impact Overlay Zone (Beach Impact Area), the Residential Tandem Parking Overlay Zone, and within the Pacific Beach Community Plan and Local Coastal Program Area. (LEGAL: Lots 37 and 40, Block 288, Map No. 925 of Pacific Beach Map). Applicant: Paul D. Ross, PB Consulting.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Hearing Officer

ENVIRONMENTAL DETERMINATION: Categorically exempt from CEQA pursuant to CEQA State Guidelines, Section 15332 (Infill Development Projects).
ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The project meets the criteria set forth in CEQA Section 15332 which allows for the construction of infill development within an urbanized area that can be adequately served by all required utilities and public services. The development occurs within the City of San Diego jurisdiction and the project site is less than five acres (0.14-acre) and is surrounded by urban uses; the project would not result in any significant impacts to biological resources, historical resources, traffic, noise, air quality, or water quality; and lastly, the project can be adequately be served by all required utilities and public services.

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

DEVELOPMENT PROJECT MANAGER: Jeffery A. Peterson
MAILING ADDRESS: 1222 First Avenue, MS501, San Diego CA 92101
PHONE NUMBER: (619) 446-5237

On November 4, 2014 the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk within 10 business (November 19, 2014) from the date of the posting of this Notice. The appeal application can be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

This information will be made available in alternative formats upon request.
<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Description</th>
<th>City Review Time (Working Days)</th>
<th>Applicant Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/22/2014</td>
<td>First Submittal</td>
<td>Project Deemed Complete</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>6/16/2014</td>
<td>First Assessment Letter</td>
<td></td>
<td>16 days</td>
<td></td>
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<tr>
<td>6/17/2014-8/12/2014</td>
<td>Conflict Resolution</td>
<td>The applicant requested Conflict Resolution regarding comments.</td>
<td>39 days</td>
<td></td>
</tr>
<tr>
<td>9/5/2014</td>
<td>Second Submittal</td>
<td></td>
<td>17 days</td>
<td></td>
</tr>
<tr>
<td>9/18/2014</td>
<td>Second Assessment Letter</td>
<td></td>
<td>7 days</td>
<td></td>
</tr>
<tr>
<td>9/29/2014</td>
<td>Third Submittal</td>
<td></td>
<td>7 days</td>
<td></td>
</tr>
<tr>
<td>10/14/2014</td>
<td>Third Assessment Letter</td>
<td></td>
<td>11 days</td>
<td></td>
</tr>
<tr>
<td>10/17/2014</td>
<td>Fourth Submittal</td>
<td></td>
<td>3 days</td>
<td></td>
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<tr>
<td>10/30/2014</td>
<td>Fourth Review</td>
<td>All review issues resolved</td>
<td>9 days</td>
<td></td>
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<tr>
<td>11/4/2014</td>
<td>Environmental</td>
<td>NORA Posted</td>
<td>3 days</td>
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<tr>
<td>11/19/2014</td>
<td>Environmental</td>
<td>NORA-End of Appeal Period</td>
<td>10 days</td>
<td></td>
</tr>
<tr>
<td>12/10/2014</td>
<td>Public Hearing</td>
<td>First available date</td>
<td>14 days</td>
<td></td>
</tr>
</tbody>
</table>

TOTAL STAFF TIME: (Does not include City Holidays or Furlough) 60 days

TOTAL APPLICANT TIME: (Does not include City Holidays or Furlough) 76 days

TOTAL PROJECT RUNNING TIME: From Deemed Complete to Hearing 136 working days (201 calendar days)