

THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE:

August 26, 2015

REPORT NO. HO 15-102

ATTENTION:

Hearing Officer

SUBJECT:

KEYSTONE 4-UNIT TM & CDP

PTS PROJECT NUMBER: 414485

LOCATION:

1329 Felspar Street

APPLICANT:

KEYSTONE FINANCIAL GROUP, LLC

SUMMARY

<u>Issue(s)</u>: Should the Hearing Officer approve the subdivision of property into four (4) condominium interests, within the Pacific Beach Community Plan area?

<u>Staff Recommendation(s)</u> – **APPROVE** Coastal Development Permit No. 1541102 and Tentative Map No. 1458641.

<u>Community Planning Group Recommendation</u> – On May 27, 2015, the Pacific Beach Planning Group voted 13-2 to recommend approval of the proposed project with no conditions.

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15305 (Minor Alterations in Land Use Limitations). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on July 8, 2015, and the opportunity to appeal that determination ended on July 22, 2015.

BACKGROUND

The 0.143-acre site is located at 1329 Felspar Street in the RM-2-5 Zone, Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zone within the Pacific Beach Community Plan and Local Coastal Program area (Attachment 1). The project site is legally described as Lots 7 and 8, Block 199, according to Map Nos. 697 and 854. The project site is designated for Medium Density residential land use in the Pacific Beach Community Plan (PBCP), with a residential density between 14-29 dwelling units per acre,

allowing for four units to be built on the 0.143 acre property (Attachment 2). The surrounding area is primarily developed with single and multi-story multi-family residential development and single-family homes, and St. Paul's Lutheran School (K-8th grade) is across the street to the north of the project site (Attachment 3). The project site is located on private property approximately six (6) blocks east of the Pacific Ocean and seven (7) blocks north of the shoreline of Mission Bay.

A residential development containing four (4) residential rental units is currently under construction at the project site, in accordance with Coastal Development Permit No. 1311389 (Attachment 10), approved on December 2, 2014, per Resolution CM-6272 (PTS No. 372205, Felspar Duplex). A building permit for the development currently under construction was issued in March 2015 under PTS No. 390409 and no Certificate of Occupancy (COO) has been issued to date. Public improvements were approved under Right-of-way Approval No. 1427088 issued June 2015 (PTS 408073). The proposed project will include a total of nine (9) parking spaces.

The proposed subdivision requires a Coastal Development pursuant to San Diego Municipal Code (SDMC) Section 126.0702. A Tentative Parcel Map is required in accordance with San Diego Municipal Code (SDMC) Section 144.0210 for the creation of four residential condominium interests.

DISCUSSION

The project proposes to subdivide the property into four (4) condominium interests, including a waiver to the requirement to underground existing overhead utilities, on a site where four (4) residential rental units are currently under construction. 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.

The Tentative Map is required to comply with the conditions of Coastal Development Permit No. 1311389 and Right-of-way Approval No. 1427088. Site infrastructure and public improvements to be provided through those approvals include reconstruction of the full width of the adjacent alley, removal of the existing brick paver within the City right-of-way and replacement with a substitute material as allowed by the City Engineer, and new water and fire services.

The proposed project is consistent with the Medium Density residential land use designation of the PBCP by continuing to maintain a density range of 14-29 dwelling units per acre. The proposed development is reflective of the architectural design and scale characteristic of the project vicinity, and is consistent with the General Plan and PBCP goals encouraging neighborhood "compatibility and continuity". The proposed project complies with the RM-2-5 zone and applicable regulations of the Land Development Code.

Underground Waiver Request

The neighborhood currently contains power poles and overhead utility lines which run along the alley adjacent to the project site to the south. San Diego Municipal Code Section 144.0240(b)

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. 17 of the draft Tentative Map conditions (Attachment 7).

On May 27, 2015, the Pacific Beach Planning Group voted 13-2 to recommend approval of the proposed project with no conditions. The two dissenting votes did not address the design of the project itself, but rather the larger concept of approving development while the state of California is under a drought State of Emergency. As noted previously, the project is only to subdivide the property into condominium ownership and does not propose any physical development (Attachment 9).

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. 1541102 and Tentative Map No. 1458641, with modifications.
- 2. Deny Coastal Development Permit No. 1541102 and Tentative Map No. 1458641, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Patricia I FitzGerald, Development Project Manager

Attachments:

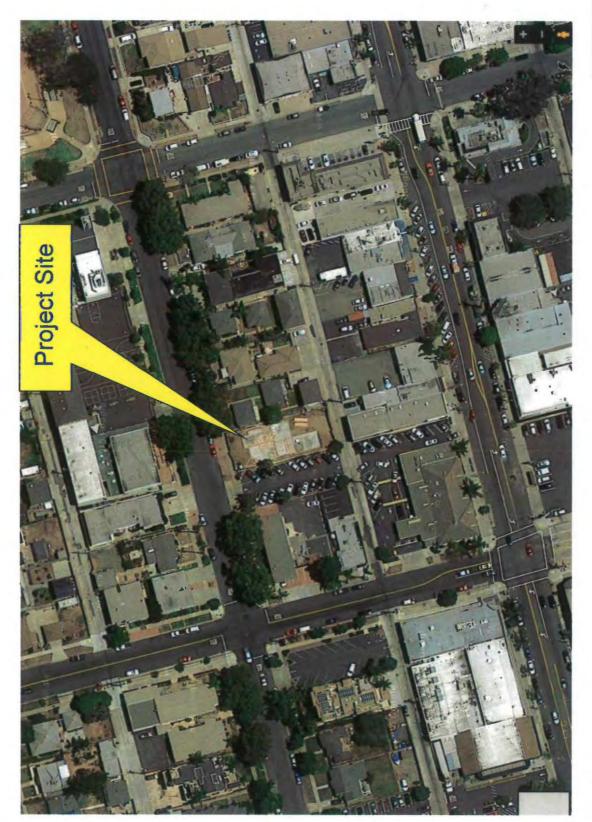
- 1. Aerial Photograph
- 2. Community Plan Land Use Map
- 3. Project Location Map

- Draft Coastal Permit Resolution with Findings 4.
- 5. **Draft Coastal Permit with Conditions**
- 6. Draft Map Resolution
- Draft Map Conditions CEQA Exemption 7.
- 8.
- CPG Recommendation 9.
- CDP No. 1311389 10.
- 11.
- Ownership Disclosure Statement Project Site Plans Map Exhibit-Map Waiver 12.

ATTACHMENT 1

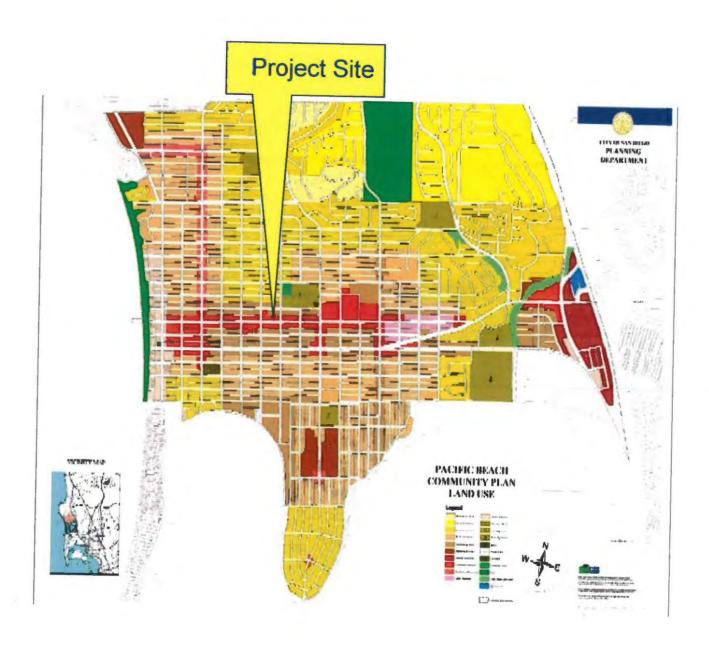






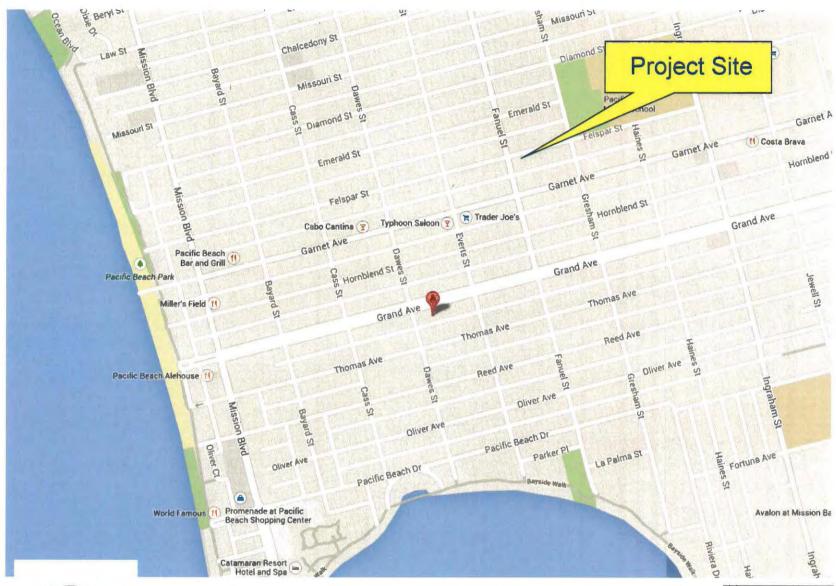
















Attachment 4 Draft Permit Resolution

HEARING OFFICER RESOLUTION NO. _____ COASTAL DEVELOPMENT PERMIT NO. 1541102 KEYSTONE 4-UNIT TM & CDP - PROJECT NO. 414485

WHEREAS, KEYSTONE FINANCIAL GROUP, LLC, a California Limited Liability Company, Owner/Permittee, filed an application with the City of San Diego for a permit to subdivide the property into four (4) condominium interests, including a waiver to the requirement to underground existing overhead utilities (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1541102), on portions of a 0.143-acre site; and

WHEREAS, the project site is located at 1329 Felspar Street in the RM-2-5 Zone and Coastal (non appealable) Overlay Zone within the Pacific Beach Community Plan and Local Coastal Program area; and

WHEREAS, the 0.143-acre project site is legally described as Lots 7 and 8, Block 199, according to Map Nos. 697 and 854; and

WHEREAS, on August 26, 2015, the City Manager of the City of San Diego considered Coastal Development Permit No. 1541102, pursuant to the Land Development Code of the City of San Diego; and

WHEREAS, on July 8, 2015, 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; NOW THEREFORE,

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

That the City Manager adopts the following written Findings, dated August 26, 2015.

FINDINGS:

Coastal Development Permit - SDMC 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.

Attachment 4 Draft Permit Resolution

The project proposes to subdivide the property into four (4) condominium interests, including a waiver to the requirement to underground existing overhead utilities. Four (4), residential units in the form of two (2), three-story duplex townhomes with attached garages, are currently under construction at the project site (as allowed per Coastal Development Permit No. 1311389 and Building Permit No. 1363099). The project site is located on private property approximately six (6) blocks east of the Pacific Ocean and seven (7) blocks north of the shoreline of Mission Bay, and the proposed development 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 residential development comprised of four (for rent) residential units is currently under construction at the 0.143-acre project site (as allowed per Coastal Development Permit No. 1311389 and Building Permit No. 1363099). 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 residential development comprised of four (for rent) residential units is currently under construction at the 0.143-acre project site (as allowed per Coastal Development Permit No. 1311389 and Building Permit No. 1363099). The construction currently underway was determined to be in compliance with all of the applicable development regulations at the time building permits were obtained, and conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and incorporated into Coastal Development Permit No. 1541102. The proposed 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 the project complies with the RM-2-5 zone and applicable regulations of the Land Development Code. 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.

Attachment 4 Draft Permit Resolution

The project proposes to subdivide the property into four (4) condominium interests, including a waiver to the requirement to underground existing overhead utilities. The project site is located on private property approximately six (6) blocks east of the Pacific Ocean and seven (7) blocks north of 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. 1541102, 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. 1541102, a copy of which is attached hereto and made a part hereof.

Patricia J. FitzGerald Development Project Manager Development Services

Adopted on: August 26, 2015

Job Order No. 24004736

RECORDING REQUESTED BY

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

WHEN RECORDED MAIL TO PROJECT MANAGEMENT PERMIT CLERK MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24005695

COASTAL DEVELOPMENT PERMIT NO. 1541102 KEYSTONE 4-UNIT TM & CDP - PROJECT NO. 414485 HEARING OFFICER

This Coastal Development Permit No. 1541102 is granted by the Hearing Officer of the City of San Diego to KEYSTONE FINANCIAL GROUP, LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0707. The 0.143-acre site is located at 1329 Felspar Street in the RM-2-5 Zone and Coastal (non appealable) Overlay Zone within the Pacific Beach Community Plan and Local Coastal Program area. The project site is legally described as Lots 7 and 8, Block 199, according to Map Nos. 697 and 854.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to subdivide the property into four (4) condominium residential interests, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated August 26, 2015, on file in the Development Services Department.

The project shall include:

- a. Subdivision of the property into four (4) condominium interests (including a waiver to the requirement to underground existing overhead utilities);
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;
- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

- 1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by September 11, 2018.
- 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 sign and return 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. The Coastal Development Permit shall comply with all Conditions of the Final Map for Tentative Map No. 1458641.

TRANSPORATION REQUIREMENTS:

13. No fewer than 9 parking spaces shall be maintained on the property at all times in the approximate locations shown on 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

Attachment 5 Draft Permit

and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Department.

PLANNING/DESIGN REQUIREMENTS:

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.

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 o	of the City	of San l	Diego on	August 26,	2015, a	and
Resolution No.								

Attachment 5 Draft Permit

Coastal Development Permit No. 1541102 Date of Approval: August 26, 2015

N DIEGO DEVELOPMENT SERVICES
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cution hereof, agrees to each and every condition of every obligation of Owner/Permittee hereunder.
By KEYSTONE FINANCIAL GROUP, LLC Owner/Permittee

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

HEARING OFFICER RESOLUTION NUMBER

TENTATIVE MAP NO. 1458641 **KEYSTONE 4-UNIT TM & CDP - PROJECT NO. 414485**

WHEREAS, KEYSTONE FINANCIAL GROUP, LLC, a California Limited Liability
Company, Subdivider, and ROBERT BATEMAN, Professional Land Surveyor, submitted an
application to the City of San Diego for a tentative map (Map No. 1458641) to subdivide the
property into four (4) condominium interests, and to waive the requirement to underground existing
offsite overhead utilities. The project site is located at 1329 Felspar Street in the RM-2-5 Zone and
Coastal (non appealable) Overlay Zone within the Pacific Beach Community Plan and Local
Coastal Program area. The property is legally described as Lots 7 and 8, Block 199, according to
Map Nos. 697 and 854; and

WHEREAS, the Map proposes the Subdivision of a 0.143-acre site into one (1) lot for a 4 unit residential condominium; and

WHEREAS, on July 8, 2015, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act [CEQA] (Public Resources Code section 21000 et. seq.) under CEQA Guidelines Section 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; and

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

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

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

WHEREAS, on August 26, 2015, the Hearing Officer of the City of San Diego considered Tentative Map No. 1458641, including the waiver of the requirement to underground existing offsite overhead utilities, and pursuant to San Diego Municipal Code Section(s) 125.0440, 144.0240 and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Hearing Officer having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 1458641:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Act § 66473.5, 66474(a), and 66474(b)). The project proposes to subdivide the property into four (4) condominium interests, including a waiver to the requirement to underground existing overhead utilities. 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. Four (4), residential units in the form of two (2), three-story duplex townhomes with attached garages, are currently under construction at the project site (as allowed per Coastal Development Permit No. 1311389 and Building Permit No. 1363099). The proposed project is

consistent with the residential land use designations of the Pacific Beach Community Plan by continuing to maintain a density range of 14-29 dwelling units per acre. The proposed residential condominiums will meet the goals of the Pacific Beach Community Plan/Local Coastal Program by providing the appropriate residential density. The proposed subdivision and its design or improvement is consistent with the policies, goals, and objectives of the applicable land use plan.

- 2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code. The project proposes to subdivide the property into four (4) condominium interests, including a waiver to the requirement to underground existing overhead utilities. 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. The project is consistent with the development regulations of the RM-2-5 zone. The undergrounding waiver request qualifies under the guidelines SDMC section 144.0242, Waiver of the Requirements to Underground Privately Owned Utility Systems and Service Facilities, in that the conversion involves a short span of overhead facility (less than 600 feet in length) and the conversion would not represent a logical extension to an underground facility. Therefore, the proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code.
- 3. The site is physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)). The project proposes to subdivide the property into four (4) condominium interests, including a waiver to the requirement to underground existing overhead utilities. The project site is flat and has been previously graded. Four (4), residential units in the form of two (2), three-story duplex townhomes with attached garages, are currently under construction at the project site (as allowed per Coastal Development Permit No. 1311389 and Building Permit No. 1363099). The RM-2-5 zone allows one dwelling unit for every 1,500 square feet of site area, and the existing 0.143-acre site can accommodate four dwelling units. The Pacific Beach Community Plan designates the site for residential land use allowing up to 29 dwelling units per acre. The addition of four residential condominium units is within the Pacific Beach Community Plan's density range of 14-29 dwelling units per acre for the site. Therefore, the site is physically suitable for the type and density of the development.
- 4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)). The project is located within an urbanized and built-out environment where there are no watercourses or environmentally sensitive lands harboring fish or wildlife on or adjacent to the site. Therefore, the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)).
- 5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (San Diego Municipal Code § 125.0440(e)

and Subdivision Map Act § 66474(f)). The project is only to subdivide the property into condominium ownership and does not propose any grading or physical change on any portion of the property. The Tentative Map is required to comply with the conditions of Coastal Development Permit No. 1311389 and Right-of-way Approval No. 1427088. Site infrastructure and public improvements to be provided through those approvals include reconstruction of the full width of the adjacent alley, removal of the existing brick paver within the City right-of-way and replacement with a substitute material as allowed by the City Engineer, and new water and fire services. The project has been reviewed and determined to be in compliance with the Municipal Code and Subdivision Map Act. The proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15305 (Minor Alterations in Land Use Limitations). Therefore, the design of the subdivision project will not be detrimental to the public health, safety, and welfare.

- 6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)). The proposed subdivision will not conflict with existing public easements as the site does not contain existing easements and does not propose any new easements for the development. 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. The site fronts existing dedicated public rights-of-way, fronting Felspar Street on the north and an unnamed alley lies adjacent to the site along the southern boundary. General utilities run along the public rights-of-ways and not through the existing project site. The design of the subdivision and proposed improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- 7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1). The potential and opportunity exists to implement sustainable building techniques that utilize photovoltaic systems (solar panels) to generate a certain percentage of the project's energy needs. The four units under construction incorporate roofs which may facilitate solar panels in the future. The project site is located on Felspar Street which runs east and west and will allow for solar orientation for future solar hearing. Therefore, the design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.
- 8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3).
- 9. The decision maker has reviewed the administrative record including the project plans and environmental documentation to determine the effects of the proposed subdivision on the housing needs of the region. With the proposed creation of four (4) residential condominiums, there would be a loss of four (4) rental units and a gain of four (4) for-sale units. The four (4) residential

units are within a built out urbanized community with adequate infrastructure. The decision maker has determined that the available fiscal and environmental resources are balanced by adequate public transit in the immediate area, the proximity of shopping, and essential services and recreation in the nearby developed urban area. The project is within a block from public transit and retail services and sales. Therefore, the housing needs of the region are balanced against the needs for public services and the available fiscal and environmental resources.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Hearing Officer, Tentative Map No. 1458641, hereby granted to KEYSTONE FINANCIAL GROUP, 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: Tentative Map Conditions

Internal Order No. 24005695

Attachment 7 Draft TM Conditions

HEARING OFFICER CONDITIONS FOR TENTATIVE MAP NO. 1458641 KEYSTONE 4-UNIT TM & CDP - PROJECT NO. 414485

ADOPTED BY	RESOLUTION NO. HO-	ON AUGUST 26, 2015

GENERAL

- 1. This Tentative Map will expire August 26, 2018.
- 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. All subdivision maps in the City of San Diego are required to be tied to the California Coordinate System of 1983 (CCS83), Zone 6. pursuant to Section 8801 through 8819 of the California Public Resources Code.
- 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.

MAPPING

- 6. "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].
- 7. Prior to the Tentative Map expiration date a Parcel Map to consolidate the existing lots into one lot, and to subdivide the ownership interest as a condition of the tentative map, shall be recorded in the Office of the San Diego County Recorder.
- 8. "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."
- 9. 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 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.

TRANSPORATION

10. No fewer than 9 parking spaces shall be maintained on the property at all times in the approximate locations shown on 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 Department.

ENGINEERING

- 11. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map, unless otherwise noted.
- 12. The Tentative Map shall comply with the conditions of Coastal Development Permit No. 1311389 and Right-of-way Approval No. 1427088.
- 13. The Subdivider shall remove the existing brick pavers in the Felspar Street's right-of-way, and replace with landscape, adjacent to the site, satisfactory to the City Engineer.
- 14. The Subdivider shall ensure that all onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
- 15. The Subdivider shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.
- 16. 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.
- 17. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
- 18. 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.
- 19. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Tentative Map and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with

Attachment 7 Draft TM Conditions

criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

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 Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within ninety days of the approval of this Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607.
- This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by Education Code Section 17620, in accordance with procedures established by the Director of Building Inspection.

Internal Order No. 24005695

NOTICE OF EXEMPTION

(Check one or both)		
TO: X RECORDER/COUNTY CLERK P.O. BOX 1750, MS A-33 1600 PACIFIC HWY, ROOM 260 SAN DIEGO, CA 92101-2422	FROM:	CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT 1222 FIRST AVENUE, MS 501 SAN DIEGO, CA 92101
OFFICE OF PLANNING AND RESEARCH 1400 TENTH STREET, ROOM 121 SACRAMENTO, CA 95814		
PROJECT TITLE/ No.: KEYSTONE 4-UNIT TM & CDP / 41	4485	
PROJECT LOCATION-SPECIFIC: 1329 Felspar Street, San E	Diego, California 92	103
PROJECT LOCATION-CITY/COUNTY: San Diego/San Dieg	go	
DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: A TReconsolidate two existing lots into one lot, and create four reside to waive the requirements to underground existing utilities. The condominium units, which was approved under PTS 372205 a residential condominiums would be 6,728-square-feet. There parking spaces would be provided. The 0.143 acre (6,246-square-feet) designated Low-Medium Density Residential (14 - 29 dwelling Unit, permits a maximum density of 1 dwelling unit for each 1 Coastal Height Limitation Overlay Zone, Coastal Overlay Zone Plan and Local Coastal Program (LEGAL DESCRIPTION:	ential condominium the project site is cur and PTS 390409. The would be three three are-feet) project site g units per acre) and 500-square-feet of the, Parking Impact C	units on the project site. The project also proposes rently under construction with the residential to total floor area of the proposed three-story e-bedroom units and one two-bedroom unit. Nine is located at 1329 Felspar Street. The project site is I within the RM-2-5 zone (Residential – Multiple lot area). Additionally, the project site is within the overlay Zone, and the Pacific Beach Community
NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Robo 2B, Solana Beach, California, (858) 775-0701	ert Mueller, Keystor	e Financial Group LLC, 731 S. Highway 101, Suite
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)(4); 15269 (b)(4); 15269 (b)(4); 15269 (b)(4); 15269 (b)(5)(6) (X) CATEGORICAL EXEMPTION: 15305 (MINOR ALTERATION) () STATUTORY EXEMPTIONS:	c))	IMITATIONS)
REASONS WHY PROJECT IS EXEMPT: The City of San Diego connot have the potential for causing a significant effect on the enthe applicable zone. The project would not result in any significate CEQA Section 15305 which consists of minor alterations in lawhich do not result in any changes in land use or density. Further	vironment in that th ficant environmenta nd use limitations in	e project is consistent with the community plan and impacts. The project meets the criteria set forth in a areas with an average slope of less than 20%,
LEAD AGENCY CONTACT PERSON: ELIZABETH SHEARER-NGUY	YEN T	ELEPHONE: 619-446-5369
IF FILED BY APPLICANT: 1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDIN 2. HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBL () YES () NO		/ING THE PROJECT?
IT IS HEREBY CERTIFIED THAT THE CITY OF SAN DIEGO HAS DET	FERMINED THE ABOV	E ACTIVITY TO BE EXEMPT FROM CEQA.
Must Ma / Senier Planner	_	July 8, 2015
SIGNATURE/TITLE	-	DATE
CHECK ONE: (X) SIGNED BY LEAD AGENCY	DATE RECEIVED FO	R FILING WITH COUNTY CLERK OR OPR:

() SIGNED BY APPLICANT



Pacific Beach Taylor Library 4275 Cass Street, San Diego, CA 92109 Wednesday, May 27, 2015: 6:30-8:30 pm MINUTES

Item 1 - 6:35 Call to Order, Seating New Members, Quorum

Pat Dobson, Henish Pulickal, Joe Wilding, Karen Sumek, William Ramirez, Harry Couch, Elizabeth Knowles, Jim Krokee, Mike Beltran, Debbie Conca, Eve Anderson, Chris Olson, Baylor Triplett, Jim Morrison.

Vacancies: Amy Gordon, census tract 79.03, has all signatures needed - she works with architects, engineers, etc. in Pacific Beach. She is elected unanimously 12-0. There is still a commercial vacancy.

Item 2 Current Agenda - Modifications and Approval - approval 13-0

Item 3 April 22, 2015 Minutes - Modifications and Approval - approved as modified (minor corrections) 14-0

Item 4 – 6:40 **PBPG Vacancies (Possible Action Item)**Presenter: Debbie Conca - commercial vacancy still not filled.

Item 5 – 6:55 Chair's Report

Presenter: Henish Pulickal (Vice Chair)

We should push back against naming trolley stops (which Linda Vista wants). The planning group has money to spend on tech. We should donate to the Friends of Pacific Beach Library. Upset and concerned that planning groups are not being listened to as in the Paseo Project.

Item 6 – 7:00 Non-Agenda Public Comments (Note: 2 minutes maximum per speaker)

Issues not on Agenda and within the jurisdiction of Pacific Beach Planning Group.

- Elizabeth Knowles: water & sewer project #816. A city engineer is going to Crown Point to talk to the principal and parents about the project.
- Sara Berns: Alternative Justice Program includes a 2 hour class plus 4 hours of community service so those involved can learn how quality of life affects the community. At least 5 PROW forms have been turned in (\$100 each).
- Karen Zirk: Rose Creek Park and 2016 Budget. Should be an open space. Cost of \$350,000 to survey the lower creek for Parkland. RoseCreek. org.
- Marcie Beckett: The continuation of the land use committee hearing at Golden Hall from 1-5 p.m. on May 29.
- Scott Chipman: Channel 10 had a news story on crime in PB featuring McDonald's on Garnet Avenue and drug dealing and use.
- Don Gross: La Playa and Jewel is completed and is a good example of what should be done.
- Billy Paul: from Claremont. 3 tons of trash as cleaned out of Rose Creek fromMBHS to In 'N Out.
- Michael Beltran: the traffic subcommittee meets the 2nd Thursday of the month at Discover PB at 5 p.m. Discussion of traffic calming at Kendall & PB Drive.
- Jim Morrison: parking issue illegal parking in alleys because there is not enough parking available.

- Eve Anderson: Bylaws, abstaining, vacancies. When to abstain from voting (limited circumstances. must state reason.)
- Chris Olson: Development subcommittee. Friday is "Bike to Work Day." The library has t-shirts, etc. Saturday: Library and seniors. Friday: Chris will speak at the City Council's Vacation Rental/Land Use meeting at 1 p.m.

Item 7-7:55 Government Offices Report - postponed to 7:55.

Presenter: Liezl Mangoonan

The smart growth and land use committee will meet at 1 p.m. at Golden Hall in the Copper Room. This is a follow-up meeting. Speakers from the first meeting will not be allowed to speak again. The De Anza Project will include one full-time senior planner. \$500,000 will be funded from the City Budget.

Item 8 – 7:05 Mid-Coast Trolley Update (Information Item)

Presenters: John Haggerty (SANDAG) & Jeff Howard (Parsons Brinkerhoff) How is information influenced?

Feers Old Terre to LITO is 44 sell

From Old Town to UTC is 11 miles in the Mid-Coast Corridor Project. Approval of environmental documents. \$2 billion project. Construction will start in 2016.

<u>Balboa Station</u>: preference for rounded canopy. Incorporate a canyon feeling. Bus transfer station. Bus only lanes. 220 parking spots. New pedestrian bridge. EV chargers for all stations. Heavy/coarse fluted/ribbed concrete pattern to stop graffiti (back walls). 5 bike lockers + 10 bike racks or station? - a building where you need a pass to swipe to get into which will have bike racks and a bike work area with tools. Video for surveillance.

<u>Tecolote Road Station</u>: 280 parking spaces. Landscaped areas for water retention. Drop off/turn around area.

<u>Clairemont Station</u>: 150 parking spaces for Park & Ride. Bus station access. Recycled glass embedded in concrete will be used.

The whole Mid-Coast Trolley line will open at one time.

Item 9 – 7:55 Vision Zero Street Safety Campaign (Information Item)

Presenter: Kathleen Ferrier (Circulate San Diego)

Circulate San Diego wants better walking/biking choices - "Vision Zero" is focused on San Diego streets and 0 deaths! There has been a 20% increase in pedestrian collisions. 8 corridors are problem areas. We must increase the culture of traffic safety. The crosswalk policy needs updating. We need a study for Garnet Avenue. PBPG will vote next month to become a collaborative partner with "Vision Zero." Put this on the agenda.

- 1. education for everyone on the road will be asking the city to partner.
- 2. enforcement
- 3. infrastructure

Item 10 – 8:20 Development Subcommittee (Information & Action Items)

Presenter: Chris Olson

1. PBPG Implementation of EcoDistrict Principles (Information Item) Draft for review and comment.

Eco District design principles - new revised format for considering projects.

- 2. Community Planning Groups versus City Council (Action Item)
 Subcommittee recommends motion to approve letter to City Council and Mayor.
 A motion was made to send a letter to ALL City Council members, and the Mayor.
 (Chris -1st, Eve, 2nd) 15-0-0
- 3. 1329 Felspar Keystone 4 Tentative Map No. 414485 (Action Item) Subcommittee recommends motion to approve creation of four residential condominiums (conversion).

PBPG reviewed a condo conversion at 1329 Felspar last fall and it was approved 10-3-1. Do we agree to approve condos instead of apartments? 13-2 (Jim & Baylor against because why do we allow new construction during this drought.)



DOC# 2014-0559692

Dec 19, 2014 10:28 AM
OFFICIAL RECORDS
Ernest J. Dronenburg, Jr.,
SAN DIEGO COUNTY RECORDER
FEES: \$67.00

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

WHEN RECORDED MAIL TO PROJECT MANAGEMENT PERMIT CLERK MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24004736

COASTAL DEVELOPMENT PERMIT NO. 1311389 FELSPAR DUPLEX - PROJECT NO. 372205 CITY MANAGER

This Coastal Development Permit No. 1311389 is granted by the Hearing Officer of the City of San Diego to KEYSTONE FINANCIAL GROUP, LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0504. The 0.143-acre site is located at 1329 Felspar Street in the RM-2-5 Zone and Coastal (non appealable) Overlay Zone within the Pacific Beach Community Plan and Local Coastal Program area. The project site is legally described as Lots 7 and 8, Block 199, according to Map Nos. 697 and 854.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish an existing residence and construct four (4) for rent residential units, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated December 2, 2014, on file in the Development Services Department.

The project shall include:

- Demolition of an existing 1,332-square-foot single-family home;
- Construction of four (4), for rent residential units totaling 7,911-square-feet, in the form of two (2), three-story duplex townhomes with attached garages;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking;
- 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.

ORIGINAL

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 18, 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 sign and return 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 building permits, the Owner/Permittee shall comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.).

ENGINEERING REQUIREMENTS:

- 12. Prior to the issuance of any construction permit, the Owner/Permittee shall assure by permit and bond reconstruction of the full width of the adjacent alley pursuant to City Standards, satisfactory to the City Engineer.
- 13. Prior to the issuance of any construction permit, the Owner/Permittee shall obtain a right-of-way permit for the removal of the existing brick paver within the City right-of-way, satisfactory to the City Engineer.



- 14. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
- 15. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporated any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into construction plans or specifications.
- 16. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.
- 17. Prior to the issuance of any foundation inspection, the Owner/Permittee shall submit a 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.

PLANNING/DESIGN REQUIREMENTS:

- 18. The Owner/Permittee shall maintain a minimum of nine (9) off-street parking spaces (including 1 van accessible space) are required on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.
- 19. 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.
- 20. 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 City Manager of the City of San Diego on December 2, 2014, and Resolution No. CM-6472.



AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Patricia J. Fitz Gerald

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.

Βv

Robert Alan Mueller KEYSTONE FINANCIAL GROUP, LLC

Owner/Permittee

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

ORIGINAL

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document. State of California County of before me Date personally appeared Name(s) of Signer(s) who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/aresubscribed to the within instrument and acknowledged to me that he/she/they executed the same in hie/her/their authorized capacity(ice), and that by hie/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal. STACIE L. MAXWELL Commission # 1988104 Notary Public - California San Diego County Signature My Comm. Expires Aug 22, 2016 Signature of Notary Public Place Notary Seal Above **OPTIONAL** Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document. **Description of Attached Document** Document Date: JCCOM Title or Type of Document: FCISD Signer(s) Other Than Named Above: Number of Pages: Capacity(ies) Claimed by Signer(s) Signer's Name: Signer's Name: ☐ Corporate Officer — Title(s): ☐ Corporate Officer — Title(s): ☐ Partner — ☐ Limited ☐ General ☐ Partner — ☐ Limited ☐ General ☐ Individual ☐ Attomey in Fact ☐ Individual ☐ Attorney in Fact ☐ Trustee ☐ Trustee ☐ Guardian or Conservator ☐ Guardian or Conservator ☐ Other: ☐ Other: Signer Is Representing: Signer Is Representing:

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ORIGINAL

ALL-PURPOSE ACKNOWLEDGMENT

200000000000000000000000000000000000000	•
State of California	} ss. 8
County of San Viego	500.
on December 17,2014, before me,	C. Shollenberger, Notary Public, &
personally appeared Robert Hlan F	Mueller, who proved to me on the 8
basis of satisfactory evidence to be the person(s	whose name(s) (s) are subscribed to the within instrument and acknowledged to me that he she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.
C. SHOLLENBERGER COMM. \$ 2012058 UNDTART PUBLIC-CALIFORNIA UND SAN DIEGG COUNTY MY COMM. EXP. MAR. 15, 2017	WITNESS may hand and official seal. NOTARY'S SIGNATURE
	L INFORMATION may prove valuable and could prevent fraudulent attachment
CAPACITY CLAIMED BY SIGNER (PRINCIPAL	DESCRIPTION OF ATTACHED DOCUMENT
☐ INDIVIDUAL	Coastal, Deve opment, remost 16 3113898
CORPORATE OFFICER	TELEPOR TYPE OF DOCUMENT
PARTNER(S) ATTORNEY-IN-FACT	6
TRUSTEE(S)	NUMBER OF PAGES
☐ GUARDIAN/CONSERVATOR	12.14-14
	DATE OF DOCUMENT
OTHER:	DATE OF DOCUMENT
OTHER:	- DATE OF DOCUMENT
SIGNER (PRINCIPAL) IS REPRESENTING: NAME OF PERSON(S) OR ENTITY(IES)	OTHER RIGHT THUMBPRINT OF SIGNER

CITY MANAGER RESOLUTION NO. CM-6472 COASTAL DEVELOPMENT PERMIT NO. 1311389 FELSPAR DUPLEX - PROJECT NO. 372205

WHEREAS, KEYSTONE FINANCIAL GROUP, LLC, a California Limited Liability Company, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish an existing residence and construct four (4) residential rental units (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1311389), on portions of a 0.143-acre site; and

WHEREAS, the project site is located at 1329 Felspar Street in the RM-2-5 Zone and Coastal (non appealable) Overlay Zone within the Pacific Beach Community Plan and Local Coastal Program area; and

WHEREAS, the 0.143-acre project site is legally described as Lots 7 and 8, Block 199, according to Map Nos. 697 and 854; and

WHEREAS, on December 2, 2014, the City Manager of the City of San Diego considered Coastal Development Permit No. 1311389, pursuant to the Land Development Code of the City of San Diego; and

WHEREAS, on November 6, 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 15301(1) (Existing Facilities) and Section 15303(b) (New Construction) 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 City Manager of the City of San Diego as follows:

That the City Manager adopts the following written Findings, dated December 2, 2014.

FINDINGS:

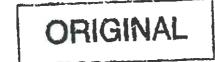
Coastal Development Permit - SDMC Section 126.0708

1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan. The project proposes to demolish an existing 1,332-square-foot single-family home and construct four (4), residential rental units totaling 7,911-square-feet (in the form of two (2), three-story duplex townhomes with attached garages). The project site is located on private property approximately six (6) blocks east of the



Pacific Ocean and seven (7) blocks north of the shoreline of Mission Bay, and the proposed development 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. The project proposes to demolish an existing 1,332-square-foot single-family home and construct four (4), residential rental units totaling 7,911-square-feet (in the form of two (2), three-story duplex townhomes with attached garages). An environmental review was conducted which determined that the project was categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301(1) (Existing Facilities) and Section 15303(b) (New Construction). The site does not contain environmentally sensitive lands, and therefore, will not adversely affect environmentally sensitive lands.
- The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program. The project proposes to demolish an existing 1,332-square-foot single-family home and construct four (4), residential rental units totaling 7,911-square-feet (in the form of two (2), three-story duplex townhomes with attached garages). The Pacific Beach Community Plan (PBCP) designates the project site for Medium Density residential land use (between 14-29 dwelling units per acre), and the project density is consistent with this designation. The character of the neighborhood along Felspar Street is a mixture of architectural building forms, masses, and articulation of structures consisting of a diverse mix of residential and commercial development (three, two, and one-story single/multi-dwelling unit buildings). The proposed development is reflective of the architectural design and scale characteristic of the project vicinity, and is consistent with the General Plan and PBCP goals encouraging neighborhood "compatibility and continuity". The proposed project complies with the RM-2-5 zone and applicable regulations of the Land Development Code, and conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and incorporated into Coastal Development Permit No. 1311389. 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. The project proposes to demolish an existing 1,332-square-foot single-family home and construct four (4), residential rental units totaling 7,911-square-feet (in the form of two (2), three-story duplex townhomes with attached garages). The project site is located on private property approximately six (6) blocks east of the Pacific Ocean and seven (7) blocks north of 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. 1311389, 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. 1311389, a copy of which is attached hereto and made a part hereof.

Patricia J. FitzGerald
Development Project Manager
Development Services

Adopted on: December 2, 2014

Job Order No. 24004736



Ownership Disclosure

Project Title:			Project No. (For City Use Only)
1329 Felspar TM			
Part II - To be completed who	en property is held by a corpor	ation or partnership	
Legal Status (please check):			
Corporation X Limited Lie	ability -or- General) What St	ate? CA Corporate Ident	ification No. 77-0602022
as identified above, will be filed the property. Please list below otherwise, and stete the type of in a partnership who own the p property. Attach additional pag ownership during the time the	d with the City of San Diego on the the names, titles and addresses of property interest (e.g., tenants to property). A signature is required jes if needed. Note: The applicar application is being processed or ior to any public hearing on the s	te subject property with the interest of all persons who have an in who will benefit from the permit of at least one of the corporatit is responsible for notifying the considered. Changes in own	en for a permit, map or other matter, ent to record an encumbrance against interest in the property, recorded or it, all corporate officers, and all partners ate officers or partners who own the ne Project Manager of any changes in tership are to be given to the Project ovide accurate and current ownership
Corporate/Partnership Name Keystone Financial Group I		Corporate/Partnership N	ame (type or print):
⊠ Owner			ıt/Less ee
Street Address: 731 S. Highway 101, Suite 2	2B	Street Address:	
City/State/Zip: Solana Beach, CA 92075		City/State/Zip:	
Phone No: 858-775-0701	Fax No: 858-792-4643	Phone No:	Fax No:
Name of Corporate Officer/Partr Robert Mueller	ner (type or print):	Name of Corporate Officer/	Partner (type or print):
Title (type or print) President/Authorized Signe	г	Title (type or print):	
Signature :	Date: January 7, 2015	Signature :	Date:
Corporate/Partnership Name	(type or print):	Corporete/Partnership N	ame (type or print):
Owner Tenant/Le	issee	Owner Tenar	
Street Address:		Street Address:	
City/State/Zip:		Clty/State/Zip:	
Phone No:	Fax No:	Phone No:	Fax No:
Name of Corporate Officer/Partr	ner (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 N	lame (type or print):
Owner Tenant/Le	985 00	Cowner Tena	nt/Lessee
Street Address:		Street Address:	
Clty/State/Zlp:		Clty/State/Zip:	
Phone No:	Fax No:	Phone No:	Fax No:
Name of Corporate Officer/Parti	ner (type or print):	Name of Corporate Officer/	Partner (type or print):
Title (type or print):	<u> </u>	Title (type or print):	
Signature :	Date:	Signature :	Date:

