

THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE:

November 04, 2015

REPORT NO. HO 15-126

ATTENTION:

Hearing Officer

SUBJECT:

PM INVEST TENTATIVE MAP

Project No. 416775

LOCATION:

4592 Santa Monica Avenue and 1965 Froude Street

OWNER/

PM INVESTMENTS LLC

APPLICANT:

ERIC MYRMEL

SUMMARY

<u>Issue:</u> Should the Hearing Officer approve a Tentative Map and a Coastal Development Permit to convert two residential dwelling units into condominiums with a waiver of the overhead utility undergrounding requirement for a site located in the RM-1-1 zone of the Peninsula Community Plan area?

<u>Staff Recommendation(s)</u> - **Approve** Tentative Map No. 1466379 and Coastal Development Permit No. 1466380.

<u>Community Planning Group Recommendation</u> – The Peninsula Community Planning Board voted 11-0-0 to recommend approval of the project with one condition (Attachment 8).

<u>Environmental Review</u> - The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301(k) – Existing Facilities. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on July 07, 2015 and opportunity to appeal that determination ended August 04, 2015 (Attachment 10).

BACKGROUND

The subject site is located at 4592 Santa Monica Avenue and 1965 Froude Street in the RM-1-1 and Coastal Overlay (Non-Appealable) zones of the Peninsula Community Plan and Local Coastal Program (Attachment 1). The site is designated by the Community Plan for Residential uses and allows residential development at a density of 15 dwelling units per acre (du/ac) (Attachment 2). The proposed project site, occupying 0.160-acre, could accommodate 2 dwelling

units based on the underlying RM-1-1 Zone and 2 dwelling units based on the Community Plan, or 12.5 du/ac. The single family residence located at 4592 Santa Monica Avenue was constructed over 45 years ago, but was determined to be exempt from historical designation as part of Coastal Development Permit No. 1105593. The rear residence located at 1965 Froude Street was recently constructed subject to Coastal Development Permit No. 1105593 and Construction Project No. 344347 approved by the Development Services Department in 2013 and 2014, respectively. Public Improvements related to the development at the subject site are under construction.

DISCUSSION

The proposed Tentative Map would convert the two dwelling units to condominiums. The project is also requesting a waiver of the requirement to underground overhead utilities located on the opposite side of the abutting alley. The request qualifies for a waiver from the requirement to underground these facilities in accordance with San Diego Municipal Code Section 144.0242 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 project also requires a Coastal Development Permit for the proposed subdivision.

On September 17, 2015 the Peninsula Community Planning Board voted 11-0 to recommend approval with one condition that any future development maintain building separation distances so the project appears as two houses (Attachment 8). Staff's response is that any future development on the site must comply with adopted City Council policies and the applicable regulations of the Land Development Code. Staff cannot recommend including conditions that may restrict development rights. Therefore, this condition was not added to the draft permit (Attachments 5, 6).

Conclusion

Staff has reviewed the proposed project and all issues identified through that review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. The proposed Tentative Map to convert two residential units to condominiums is consistent with the applicable recommendations of the Peninsula Community Plan. Staff has provided draft findings supporting the project approval (Attachments 4-7). Staff recommends the Hearing Officer approve the project as proposed without the condition of the Peninsula Community Planning Board.

ALTERNATIVES

- 1. **Approve** Tentative Map No. 1446379 and Coastal Development Permit No. 1446380, with modifications.
- 2. **Deny** Tentative Map No. 1446379 and Coastal Development Permit No. 1446380, **if the findings required to approve the project cannot be affirmed**.

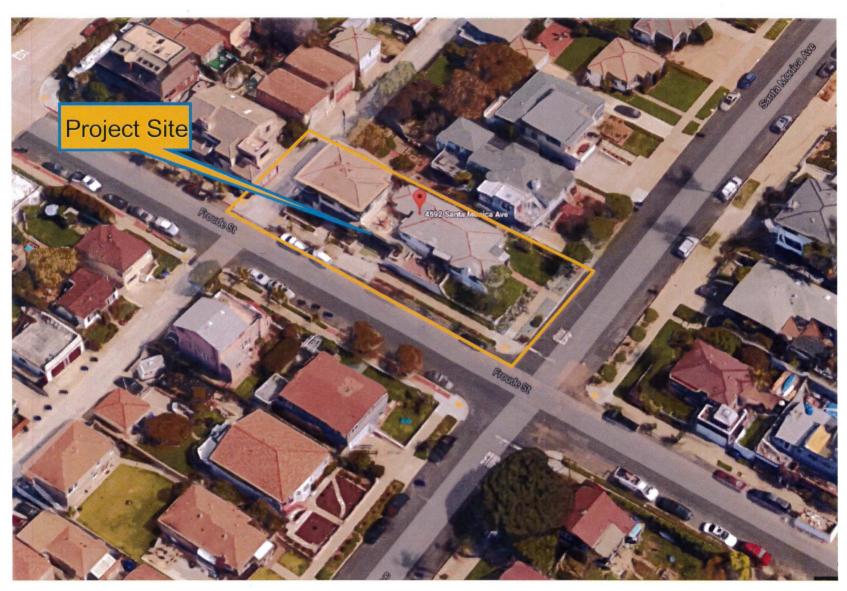
Respectfully submitted,

Francisco Mendoza/

Development Project Manager

Attachments:

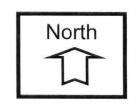
- 1. Aerial Photograph
- 2. Community Plan Land Use Map
- 3. Project Location Map
- 4. Draft Map Resolution
- 5. Draft Map Conditions
- 6. Draft CDP Permit Conditions
- 7. Draft CDP Resolution Findings
- 8. Community Group Recommendation and Minutes
- 9. Ownership Disclosure Statement
- 10. Environmental Exemption
- 11. Tentative Map Exhibit

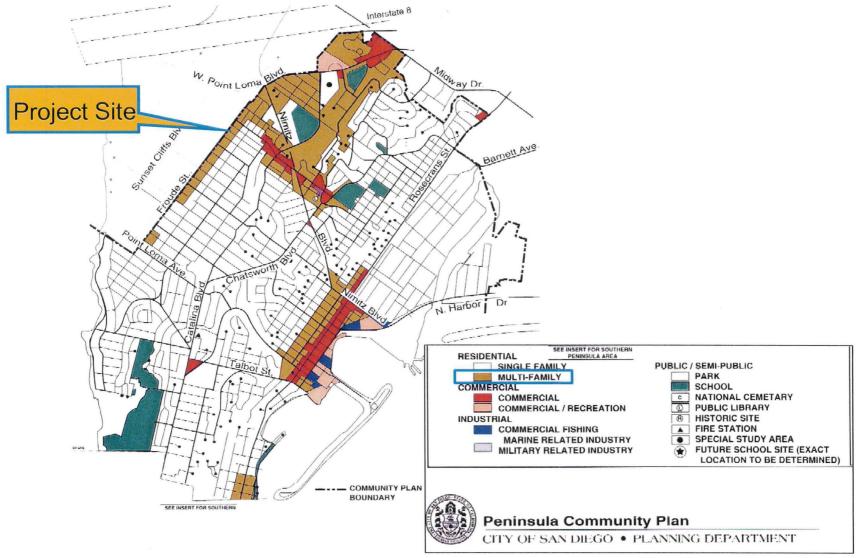




Location Aerial Photo

PM Invest Tentative Map / 4592 Santa Monica Ave PROJECT NO. 416775

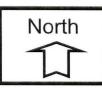






Land Use Map

PM Invest Tentative Map / 4592 Santa Monica Ave **PROJECT NO. 416775**

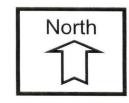






Project Location Map

PM Invest Tentative Map / 4592 Santa Monica Ave PROJECT NO. 416775



Draft

RESOLUTION NO. HO-XXXX DATE OF FINAL PASSAGE NOVEMBER 04, 2015

A RESOLUTION OF THE HEARING OFFICER ADOPTING THE FINDINGS AND APPROVING TENTATIVE MAP NO. 1466379 FOR PM INVEST TENTATIVE MAP – PROJECT NO. 416775

WHEREAS, PM INVESTMENTS LLC, a California Limited Liability Company, and JAMES H. ALGERT, Engineer, submitted an application with the City of San Diego for Tentative Map No. 1466379, to convert two residential units into condominium units and to waive the requirement of undergrounding existing offsite overhead utilities. The project site is located at 4592 Santa Monica Avenue and 1965 Froude Street in the RM-1-1 zone of the Peninsula Community Plan and Local Coastal Program. The property is legally described as Lots 1 and 2 in Block 3 of Ocean Beach, Map No. 279; and

WHEREAS, the Map proposes the subdivision of a 0.160-acre site into one lot for a two unit residential condominium conversion, under construction; and

WHEREAS, on July 21, 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 15301(k)-Existing Facilities; 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 Section 4125 of the Civil Code of the State of California and is filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is 2; and

WHEREAS, the request to waive the undergrounding of existing overhead utilities has been determined to be appropriate pursuant to San Diego Municipal Code section 144.0242(c) as the conversion involves a short span of overhead facility (less than a full block in length) and would not represent a logical extension to an underground facility; and

WHEREAS, on November 04, 2015, the Hearing Officer of the City of San Diego considered Tentative Map No. 1466379, including a request to waive the requirement to underground existing offsite overhead utilities, and pursuant to sections 125.0440 (tentative map), 125.0444 (condo conversion), and 144.0240 (underground) of the San Diego Municipal Code and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Hearing Officer having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 1466379:

1. The proposed subdivision and its design or improvements are consistent with the policies, goals, and objectives of the applicable land use plan.

The Peninsula Community Plan and Local Coastal Program Land Use Map identifies the site for Residential uses at a maximum density of 15 dwelling units per acre (du/ac). The site is zoned RM-1-1 and is developed with two residential units, or 12.5 du/ac. The 7,000 square-foot site can accommodate a maximum of two dwelling units. Therefore, the subdivision for two residential condominium units 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.

No new development will result from the subdivision of the site. The site is developed with two residential units and all public and private improvements are existing or under construction. The site is zoned RM-1-1. The proposed subdivision is consistent with all the development regulations of the RM-1-1 zone within the Peninsula Community Plan and Local Coastal Program. No deviations are proposed or required to approve the tentative map. Therefore, the project 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.

The site is zoned RM-1-1 and designated as Residential use. The 0.160-acre site is similar in size, topography, and uses to adjacent sites and is developed with two residential units and public and private improvements are existing or under construction. The site is physically suitable with 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.

The site is not located on or adjacent to environmentally sensitive lands. No development will result from the subdivision of the site. The tentative map will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare.

The subdivision is a conversion of existing units to condominiums. The site is developed with two residential units and all public and private improvements are existing or under construction. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare.

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

The site contains no public easements for access or use of the property, therefore the design of the subdivision will not conflict with any easements acquired by the public at large for access through or use of property within the proposed subdivision.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

The site is developed with two residential units and all public and private improvements are existing or under construction. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in that no development will result from the subdivision of the site.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources.

The subdivision will be required to comply with provisions of the Inclusionary Housing Regulations through the payment of an in-lieu fee. Public services necessary for supporting the community are existing. The subdivision will increase the available fiscal resources through the increase in property taxes collected from the owner, and there are no environmental resources present on the site.

9. The notices required by San Diego Municipal Code section 125.0431 have been given in the manner required.

Notice to each tenant of the proposed project required in the Subdivision Map Act section 66427 and a Notice of Tenants Rights have been provided to all existing tenants. No new tenants have applied to rent a unit or moved into the units during the processing of the subject Tentative Map. Subsequent notices to be provided include a 60 Day Notice of Termination of Tenancy, Notice of 90 Day Period of First Right of Refusal to Purchase the unit to existing tenants, and a 180 Day Notice of Intention to Convert shall be provided subsequent to the approval of the Tentative Map.

10. The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing.

All costs associated with the processing of this Tentative Map were paid by the applicant. The subdivision was not developed to provide housing for the elderly, disabled or to provide low income housing

11. For any project that was developed to provide housing for the elderly, disabled or to provide low income housing, provisions have been made to perpetuate the use for which the project was developed.

The subdivision was not developed to provide housing for the elderly, disabled or to provide low income housing.

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

BE IT FURTHER RESOLVED, that based on the Findings herein before adopted by the Hearing Officer, Tentative Map No. 1466379 is hereby granted to PM Investing LLC subject to the attached conditions which are made a part of this resolution by this reference.

BE IT FURTHER RESOLVED, that the decision of the Hearing Officer is affirmed and Tentative Map No. 1466379 is granted to PM Investing LLC, subject to the attached conditions which are made a part of this resolution by this reference.

By ____

Francisco Mendoza Development Project Manager Development Services Department

ATTACHMENT:

Tentative Map Conditions

Internal Order No.

24005728

DRAFT

HEARING OFFICER CONDITIONS FOR TENTATIVE MAP NO. 1466379 PM INVEST TENTATIVE MAP - PROJECT NO. 416775 ADOPTED BY RESOLUTION NO. HO-XXXX ON NOVEMBER 04, 2015

GENERAL

- 1. This Tentative Map will expire November 19, 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 Tentative Map expiration date, a Parcel Map to consolidate the existing lots into one lot shall be recorded in the Office of the San Diego County Recorder.
- 4. 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.
- 5. The Parcel Map shall conform to the provisions of Coastal Development Permit No. 1466380 and Tentative Map No. 1466379.
- 6. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify the Subdivider of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not be required to pay or perform any settlement unless such settlement is approved by the Subdivider.

CONDOMINUM CONVERSION

- 7. The Subdivider shall provide a Notice of Tenants Rights and Notices for Condominium Conversion, consistent with the Land Development Manual to be provided as follows:
 - a. For existing tenants, within 10 days of the project application for the condominium conversion being deemed complete; or
 - b. For prospective tenants, upon application for the rental of a unit in the proposed condominium conversion.
- 8. The Subdivider shall provide each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the Subdivision Map Act.
- 9. The Subdivider shall provide each of the tenants of the proposed condominiums written notice of intention to convert at least 180 days prior to termination of tenancy due to the conversion or proposed conversion in conformance with Subdivision Map Act section 66427.1(a)(2)(E). The provisions of this condition shall neither alter nor abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Civil Code sections 1941, 1941.1 and 1941.2.
- 10. The Subdivider shall provide the tenants of the proposed condominiums with written notification within 10 days after approval of a Parcel Map for the proposed conversion, in conformance with Subdivision Map Act section 66427.1(a)(2)(D).
- 11. The Subdivider shall give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (San Diego Municipal Code § 125.0431(a)(4)).
- 12. The Subdivider shall provide each of the tenants of the proposed condominiums notification of their exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, in conformance with Subdivision Map Act section 66427.1(a)(2)(F) and San Diego Municipal Code section 125.0431(a)(5). The right shall commence on the date the subdivision public report is issued, as provided in section 11018.2 of the Business and Professions Code, and shall run for a period of not less than 90 days, unless the tenant gives prior written notice of his or her intention not to exercise the right. (San Diego Municipal Code § 125.0431(a)(5)).

- 13. The Subdivider shall provide a copy of the Building Conditions Report to a prospective purchaser prior to the opening of an escrow account. (San Diego Municipal Code § 144.0504(c)).
- 14. Prior to the recordation of the Parcel Map, the Subdivider shall demonstrate conformance with the San Diego Municipal Code provisions for building and landscape improvements (San Diego Municipal Code § 144.0507), to the satisfaction of the City Engineer.

AFFORDABLE HOUSING

- 15. Prior to recordation of the Parcel Map, Owner/Permittee shall comply with the provisions of Chapter 14, Article 2, Division 13 of the San Diego Municipal Code ("Inclusionary Affordable Housing Regulations") by paying the Condominium Conversion Inclusionary Affordable Housing Fee in one of the following, manners:
 - a. Deferring payment of the Condominium Conversion Inclusionary
 Affordable Housing Fee until the close of escrow of the first condominium sold at
 the development by entering into a written agreement with the San Diego Housing
 Commission securing payment of the Condominium Conversion Inclusionary
 Affordable Housing Fee, which shall be recorded against the development and
 secured by a recorded deed of trust in favor of the San Diego Housing
 Commission. If Owner/Permittee elects future payment of the Condominium
 Conversion Inclusionary Affordable Housing, the fee shall be calculated using the
 rate in effect at the close of escrow of the first condominium unit sold at the
 development; or
 - b. Pre-paying the Condominium Conversion Inclusionary Affordable Housing Fee to the City based upon the aggregate square footage of all residential units in the project. If Owner/Permittee pre-pays the Condominium Conversion Inclusionary Affordable Housing, the fee shall be calculated using the rate in effect on the date of pre-payment.
- 16. Prior to the recordation of the Parcel Map, the Subdivider shall demonstrate conformance with the San Diego Municipal Code provisions for Tenant Relocation Benefits (San Diego Municipal Code § 144.0505), to the satisfaction of the Development Services Department and the Housing Commission.

ENGINEERING

17. 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.

- 18. The Subdivider shall construct the required Public Improvements, as shown on the approved construction plan with approval number 1259417, which included closing the existing driveway, and constructing a new 20-foot wide driveway, and alley apron, water services, and sewer lateral.
- 19. The Subdivider shall replace the damaged portion of the alley with full-width concrete alley adjacent to the project site.
- 20. The Subdivider shall obtain an Encroachment Maintenance and Removal Agreement for the existing wall located within Santa Monica Avenue right-of-way.
- 21. The Tentative Map shall comply with the conditions of the Coastal Development Permit No. 1466380.
- 22. 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.
- 23. The Subdivider shall comply with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980. Only those exceptions to the General Conditions which are shown on the Map Waiver and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

WATER AND SEWER

- 24. The Subdivider shall apply for a plumbing permit for the installation of appropriate private back flow prevention devices (BFPDs) 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.
- 25. The Subdivider shall provide a letter, agreeing to prepare Covenants, Conditions, and Restrictions (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.

MAPPING

26. 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.

27. Every 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 U.S.C. § 1531 et seq.).
- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then 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 90 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).

Internal Order No. 24005728

Draft

HEARING OFFICER RESOLUTION NO. HO-XXXX COASTAL DEVELOPMENT PERMIT NO. 1466380 PM INVEST TENTATIVE MAP - PROJECT NO. 416775

WHEREAS, PM INVESTMENTS LLC, a California Limited Liability Company, Owner/Permittee, filed an application with the City of San Diego for a permit to convert two residential units into two condominium residential units (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1466380), on portions of a 0.160-acre site;

WHEREAS, the project site is located at 4592 Saratoga Avenue and 1965 Froude Street in the RM-1-1 zone of the Peninsula Community Plan;

WHEREAS, the project site is legally described as: Lots 1 and 2 in Block 3 of Ocean Beach, Map No. 279;

WHEREAS, on November 04, 2015, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 1466380 and Tentative Map No. 1466379 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on July 21, 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 15301 (k) – Existing Facilities; and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; NOW THEREFOR

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 November 04, 2015;

COASTAL DEVELOPMENT PERMIT FINDINGS (SDMC 126.0708):

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;

No new development will result from the subdivision of the site. The site is developed with two residential units and private and public improvements are existing or under construction. The Peninsula Community Plan does not identify an existing or proposed public accessway on or adjacent to the site. The project is not located within or adjacent to a public view corridor or a defined vista look out as defined within the Peninsula Community Plan. Therefore, the proposed subdivision will not encroach upon any existing or proposed physical accessways.

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

The site is developed with two residential units and public and private improvements are existing. The existing development is within a developed urbanized community. The site does not contain nor is adjacent to environmentally sensitive lands. Therefore, the proposed subdivision 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;

The site is zoned RM-1-1 and designated as Residential in the Peninsula Community Plan. The existing development is consistent with the land use designation by continuing to maintain an existing multi-family development without exceeding the density range as identified within the Peninsula Community Plan. The residential condominium conversion conforms with the land use regulations of the certified Implementation Program as the project proposes no deviations.

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 existing development is not located between the nearest public road and the sea or shoreline of the Pacific Ocean located within the Coastal Overlay Zone or on or adjacent to a public access or public recreational area. The development is approximately five blocks east of the shoreline of the Pacific Ocean, and the nearest public road is Abbott Street located 1 block east of the Pacific Ocean.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, considered Coastal Development Permit No. 1466380 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.1466380, a copy of which is attached hereto and made a part hereof.

Francisco Mendoza Development Project Manager Development Services

Adopted on: November 04, 2015

SAP Number: 24005728

RECORDING REQUESTED BY

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

PROJECT MANAGEMENT PERMIT CLERK MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24004424

COASTAL DEVELOPMENT PERMIT NO. 1466380 PM INVEST TENTATIVE MAP - PROJECT NO. 416775 HEARING OFFICER

This Coastal Development Permit No. 1466379 is granted by the Hearing Officer of the City of San Diego to PM INVESTMENTS, LLC, a California Limited Liability Company, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0708. The 0.16-acre site is located at 4592 Santa Monica Avenue and 1965 Froude Street in the RM-1-1 zone of the Peninsula Community Plan. The project site is legally described as: Lots 1 and 2 in Block 3 of Ocean Beach, Map No. 279;

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to convert two existing residential dwelling units into two residential condominium units described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated November 04, 2015, on file in the Development Services Department.

The project shall include:

- a) Conversion of two residential dwelling units into two residential condominium units.
- b) 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 November 19, 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 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.

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.

ENGINEERING REQUIREMENTS:

- 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. This Coastal Development Permit shall comply with the conditions of the Tentative Map No. 1466379.

PLANNING REQUIREMENTS:

13. The Owner/Permittee shall provide a copy of each approved discretionary Permit and Tentative Map 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 of the City of San Diego on November 4, 2015 and Resolution No. HO-XXXX

Coastal Development Permit No: 1466379 Date of Approval: November 04, 2015

AUTHENTICATED BY THE CITY OF SAN DEPARTMENT	V DIEGO DEVELOPMEN'	Γ SERVICES	
Francisco Mendoza Development Project Manager	_		
NOTE: Notary acknowledgment must be attached per Civil Code			

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.

PM Investments LLC Owner/Permittee

Ву		
	Erik Myrmel	
	Responsible Managing Officer	

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

section 1189 et seq.



City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101

Community Planning Committee Distribution Form Part 2

THE CITY OF SAN DIEGO

Project Name:		oject Number:	Distribution Date:		
PM INVEST TM					
Project Scope/Location: 4592 SANTA MONICA TENT. MAP & COP FOR CONVERSION OF TWO EXISTING RESIDENTIAL UNITS TO CONDUS					
4592 DANIE VILLER C	DRIVER	SION OP	7110		
TENT. MAP & CUI TOIL	12.17	TO CON!	ω (
EXISTING RESTINENTIAL	NII				
Applicant Name:		Applicant P	hone Number:		
ERIC MYRMEL					
Project Manager: Pho	one Number:	Fax Number:	E-mail Address:		
		(619) 321-3200			
Committee Recommendations (To be completed for Initi	ial Review):				
	. 1				
☐ Vote to Approve	Members Yes	s Members No	Members Abstain		
Vote to Approve With Conditions Listed Below	Members Yes	Members No	Members Abstain		
☐ Vote to Approve With Non-Binding Recommendations Listed Below	Members Yes	s Members No	Members Abstain		
☐ Vote to Deny	Members Yes	Members No	Members Abstain		
☐ No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.) ☐ Continued					
CONDITIONS: ANY FUTURE DEVELOPMENT					
MAINTAIN SIDEVARD SE	TBACK				
NAME: DON SEVRONS TITLE: PCPA SECRETARY					
SIGNATURE Donald E. Seven DATE: 09/21/15					
	Please return to: Project Manager City of San Dieg Development Ser 1222 First Avent San Diego, CA	nent Division o rvices Department ie, MS 302			
Printed on recycled paper. Visit our web					

PENINSULA COMMUNITY PLANNING BOARD MINUTES

3701 Voltaire St., Point Loma Library

Sept. 17, 2015

TO BE VOTED ON OCT. 15

Present: Amanda Behnke, Patricia Clark, Bruce Coons, David Dick, Robert Goldyn, James Hare, Mark Krencik, Jon Linney, Peter Nystrom, Julia Quinn, Jarvis Ross, Don Sevrens, Jay Shumaker and Paul Webb.

Absent: Nicole Burgess.

Called to order at 6:32 p.m.

PARLIAMENTARY ITEMS

PI 1. Approval of agenda. By consent.

PI 2. Approval of July 2015 minutes. Motion by Jarvis, second by Clark. Approved 12-0-1. Webb abstaining (absent), Burgess not present.

ACTION ITEMS

Citygate Report on Fire Station Funding. Approve letter to conceptually support Citygate Report for new fire stations and conceptually support public bond financing, subject to voter approval, to design, construct, and equip new fire stations throughout San Diego. Presentation: City Council President Pro Tem Mart Emerald, Assistant San Diego Fire Chief Ken Barnes and Chris Olson, independent budget analyst.

Presenters said San Diego needs 19 more fire stations because of growth and traffic congestion in order to avoid potentially fatal lags in response times. A general obligation bond issue on the November 2016 ballot is the intended financing vehicle. That bond issue would require a two-thirds favorable vote to pass.

Fire stations would be cookie-cutter style when practical to save money and issuance of bonds would be done in stages to help control interest expense.

Shumaker: Is this a good time to borrow?

A: (Olson) Yes.

Shumaker: I was against at Project Review. Parking spaces/seem tight and half the cars may wind up on the street. Twenty-four cars on a steep drive is a concern as is getting trash to the street. "Just because they are legal does not make them good projects."

Di ck: The modern architecture near older homes is not the right look for the neighborhood.

Linney: This project is too big. It doesn't feel like it fits.

Coons: Way too dense.

Goldyn: Moving a curb cut closer to an intersection is not prudent.

Applicant Ted Tchang, president and CEO of Techbilt: We won't compromise on the unit count.

Motion by Shumaker, second by Coons to deny. Motion recommending that project be denied passed 8-4, Burgess absent, Linney no longer present. Voting in favor of denying: Behnke, Clark, Coons, Dick, Goldyn, Krencik, Sevrens, Shumaker. Voting against motion: Hare, Nystrom, Ross, Webb

Jarvis & Scott CDP/SDP, Project No. 429363, 2902-2912 Jarvis St., Zone RM-3-7, CDP and SDP (process 3) to demolish eight apartment units and construct twelve 3-story units totaling 22,564 sf on 0.361 acre site. Coastal (non-appealable!) Overlay Zone. Applicant: Joseph Holasek.

Krencik said project in compliance with density regulations as well as the architecture and all other aspects. The project needs to move before storm water changes take effect Dec. 24.

Motion by Sevrens, second by Shumaker to approve. Motion approved 11-0, Burgess absent, Dick and Linney no longer present.

Keats Townhomes Map Waiver, Project No. 434210, 3125-3131 Keats St., Zone RM-3-7. Map Waiver (Procress 3) to waive requirement for a Tentative Map to create four residential condominium units (under construction) totaling 5761 sf and waive requirement to underground existing utilities until the area is ready. Applicant: Justin Brennan.

Motion by Webb, second by Nystrom to approve. Motion approved 11-0, Burgess absent, Dick and Linney no longer present.

PM Invest TM, Project No. 416775, 4592 Santa Monica Ave., RM-1-1. Tentative Map and CDP for conversion of two existing residential units to condominiums. Coastal (non-appealable) overlay zone. Applicant: Eric Myrmel.

Krencik: Other aspects approved 18 months ago and the only issue now is the tentative map.

There is some floor area ratio left and I would ask if applicant is comfortable with a condition that would maintain setback to keep the appearance of two houses.

Applicant Eric Myrmel: I'm comfortable with that condition

Motion by Krencik, second by Clark to approve tentative map with condition that any future development maintain sideyard setbacks. Motion approved 11-0, Burgess absent, Dick and Linney no longer present.

City of San Diego Draft Climate Action Plan (CAP) dated July 2015, and COP Draft Environmental Impact Report Response Letter.

Chair Quinn said there is a Sept. 29 deadline on the project review and that her letter supports increased walkability and bicycle compatability while acknowledging there are some weaknesses.

Clark: She did a lot of work on this.

Krencik: There are very aggressive energy conservation goals. If even half are achieved, that is good.

Motion by Shumaker, second by Clark to approve sending of draft letter. Motion approved 10-0-1. Burgess was absent and Dick and Linney were no longer present. Webb abstained because of his roles with other organizations.

SUBCOMMITTEES

Note: Because of the lateness of the hour, board members were busy simultaneously disassembling tables and chairs. The reports were informational, quite brief and not necessarily mentioned here.

Airport — Paul Webb. The Airport Authority is giving consideration to a redesign of the surface street traffic system east of the airport. Traffic coming west from Point Loma is now 25% of the overall volume instead of the previous 30%.

Traffic –Peter Nystrom. Two left-turn lanes instead of one are still/being considered from Chatsworth onto Catalina. After complaints about speed on Talbot, the Traffic Department found that the posted sign and the 85% of traveling motorists did not warrant a new posting, Further, a three-way stop sign at Talbot and Gage was definitely not recommended.

Project Title:	Project No. (For City Use Only)
Part II - To be completed when property is held by a cor	poration or partnership
Legal Status (please check):	
Corporation Limited Liability -or- General) Wha	t State? Corporate Identification No
as identified above, will be filed with the City of San Diego of the property. Please list below the names, titles and addres otherwise, and state the type of property interest (e.g., tenar in a partnership who own the property). A signature is required property. Attach additional pages if needed. Note: The application is being processed.	s) acknowledge that an application for a permit, map or other matter, in the subject property with the intent to record an encumbrance against sees of all persons who have an interest in the property, recorded or into who will benefit from the permit, all corporate officers, and all partners iried of at least one of the corporate officers or partners who own the cant is responsible for notifying the Project Manager of any changes in did or considered. Changes in ownership are to be given to the Project e subject property. Failure to provide accurate and current ownership Additional pages attached Yes No
Corporate/Partnership Name (type or print):	Corporate/Partnership Name (type or print):
Owner Tenant/Lessee	wner Tenant/Lessee
Street Address:	Street Address: 8AMR AS ADJ.
City/State/Zip: CA 92107	City/State/Zip:
Phone No: Fax No:	Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):	Name of Corporate Officer/Partner (type or print): CHARLES KENT PENONELL
Title (type or print):	Title (type or print):
Signature : Date:	Signature: Date:
Corporate/Partnership Name (type or print):	Corporate/Partnership Name (type or print):
Owner Tenant/Lessee	Owner Tenant/Lessee
Street Address:	Street Address:
City/State/Zip:	City/State/Zip:
Phone No: Fax No:	Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):	Name of Corporate Officer/Partner (type or print):
Title (type or print):	Title (type or print):
Signature : Date:	Signature : Date:
Corporate/Partnership Name (type or print):	Corporate/Partnership Name (type or print):
Owner Tenant/Lessee	Owner Tenant/Lessee
Street Address:	Street Address:
City/State/Zip;	City/State/Zip:
Phone No: Fax No:	Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):	Name of Corporate Officer/Partner (type or print):
Title (type or print):	Title (type or print):
Signature: Date:	Signature: Date:

NOTICE OF EXEMPTION

(Check one or both)		
TO: X RECORDER/COUNTY CLERK	FROM:	CITY OF SAN DIEGO
P.O. Box 1750, MS A-33		DEVELOPMENT SERVICES DEPARTMENT
1600 PACIFIC HWY, ROOM 260		1222 First Avenue, MS 501
SAN DIEGO, CA 92101-2422		SAN DIEGO, CA 92101
Office of Planning and Research		
1400 TENTH STREET, ROOM 121		
SACRAMENTO, CA 95814		
PROJECT No.:416775	PROJECT	TITLE: PM INVEST TENTATIVE MAP
PROJECT LOCATION-SPECIFIC: This project is located at 4592 Sant RM-1-1 zone within the Peninsular Community Plan Area.	ta Monica l	Boulevard, San Diego, CA 92107 in the
PROJECT LOCATION-CITY/COUNTY: San Diego/San Diego		
DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: Coastal the conversion of two existing residential units to condominiums o under PTS# 316136).		
NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Dieg	go, Develop	oment Services Department
Name of Person or Agency Carrying Out Project: PM Inve 1(619)252-2444.	stments LI	.C, 1995 Froude Street, San Diego CA 92107
EXEMPT STATUS: (CHECK ONE) () MINISTERIAL (SEC. 21080(b)(1); 15268); () DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a)); () EMERGENCY PROJECT (SEC. 21080(b)(4); 15269 (b)(c)) (X) CATEGORICAL EXEMPTION: Section 15301(k) (Existing FOR CONTROL OF CO		
REASONS WHY PROJECT IS EXEMPT: The City of San Diego conduction project would qualify to be Categorically exempt from CEQA purs allows for the division of existing multiple family residences into coccur which are not otherwise exempt. Since the project is a map to condominiums the exemption is appropriate. Because the project 15300.2 do not apply.	uant to Sec ommon-int waiver to co	tion 15301(k) – Existing Facilities. 15301(k) terest ownership where no physical changes onvert two existing residential dwelling units
LEAD AGENCY CONTACT PERSON: de Freitas IF FILED BY APPLICANT:	TE	LEPHONE: (619) 446-5187
 ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING. HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC 	AGENCY AI	PPROVING THE PROJECT?
() YES () NO IT IS HEREBY CERTIFIED THAT THE CITY OF SAN DIEGO HAS DETERM	MINED THE	ABOVE ACTIVITY TO BE EXEMPT FROM CEOA
OPELLI/SPENIER PLANNIE		7/19/2015
STOP TITLE '		DATE

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

() SIGNED BY APPLICANT

CHECK ONE: (X) SIGNED BY LEAD AGENCY

