



THE CITY OF SAN DIEGO

## Report to the Hearing Officer

DATE ISSUED: October 10, 2025 REPORT NO. HO-25-041

HEARING DATE: November 5, 2025

SUBJECT: 4572 - 4576 NIAGARA AVENUE

PROJECT NUMBER: [PRJ-1108766](#)

OWNER/APPLICANT: Tad Grow and Lisa Grow/ Christensen Engineering & Surveying

### **SUMMARY**

Issue: Should the Hearing Officer approve a Coastal Development Permit and Tentative Map Waiver, including waiver of the requirement to underground existing offsite overhead utilities, for the conversion of two dwelling units into condominiums located at 4572 - 4576 Niagara Avenue in the Peninsula Community Plan?

### **Proposed Actions:**

1. Approve Coastal Development Permit No. PMT-3270794 and Tentative Map Waiver No. PMT-3270795.

Fiscal Considerations: None. All costs associated with the processing of this application are paid from a deposit account maintained by the applicant.

Housing Impact Statement: The project will convert two dwelling units into condominiums. The project is subject to the City's Inclusionary Housing Regulations (San Diego Municipal Code [Chapter 14, Article 2, Division 13](#)) and is conditioned to pay to the City of San Diego the required Inclusionary Affordable Housing In-Lieu Fee.

Community Planning Group Recommendation: On March 21, 2024, the Peninsula Community Planning Board voted 9-0-0 to recommend approval of the proposed project without conditions. (Attachment 12)

### **Environmental Impact:**

The project was determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption) as well as categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), and 15332 (In-fill Development

Projects). The environmental exemption determination was made on July 7, 2025, and the opportunity to appeal that determination ended July 21, 2025. There were no appeals to the environmental determination.

## **BACKGROUND**

The subject property is currently developed with two existing dwelling units: a five-bedroom unit with an attached two-car garage located at 4572 Niagara Avenue, primary resident (Unit A), and a three-bedroom unit with an attached two-car garage and detached one-car garage located at 4576 Niagara Avenue (Unit B). According to building records, the primary unit is more than 45 years old; however, SDMC Section 143.0212(a)(1) exempts this project from historical significance review in that the proposed project will not impact the building's exterior. The property fronts both Niagara Avenue and an alley, with access provided from the north (alley) and south (Niagara Avenue) via existing developed public rights-of-way. The 0.179-acre (7,815 square foot) site is located approximately 0.65 miles east of the Pacific Ocean and is within an established urbanized neighborhood comprised of one and two-story residential single-dwelling units of varied architectural styles surrounding the site.

The project site is in the RM-1-1 (Residential – Multiple Unit) zone and is subject to the Airport Land Use Compatibility Overlay Zone for Naval Air Station (NAS) North Island and San Diego International Airport (SDIA), the Coastal Height Limit Overlay Zone, the Coastal Overlay Zone (Non-Appealable) and is within a Transit Priority Area. The Peninsula Community Plan and Local Coastal Program Land Use Plan (Community Plan) designates the property for Residential- Multiple-Density use (10–14 dwelling units per net acre).

The site does not encroach upon any existing or proposed public accessways identified in the Community Plan and does not obstruct public views of the ocean, designated view corridors, bluffs, hillsides, open space canyons, or beach areas from public vantage points, as identified in the Community Plan. Additionally, the site does not contain Environmentally Sensitive Lands (ESL) as defined in San Diego Municipal Code ([SDMC Section 113.0103](#)), nor is it located within or adjacent to the City's Multi-Habitat Planning Area (MHPA).

## **DISCUSSION**

The project will convert the two existing units into condominiums. No physical development is proposed on the project site other than the public improvements within the established right-of-way as required by condition.

### Permits Required

Process 3 – Coastal Development Permit (CDP) pursuant to San Diego Municipal Code ([SDMC Section 126.0708](#)).

Process 3 – Tentative Map Waiver/Tentative Parcel Map (TMW/TPM) pursuant to SDMC [Sections 125.0122](#) and [SDMC Section 125.0444](#) for a condominium conversion.

### Community Plan Analysis:

The Community Plan designates the site as Residential Multi-Family, allowing 10–14 dwelling units per net acre (two to three dwelling units on the site). The Community Plan describes the neighborhood where this project is located as consisting of “single- and multifamily structures, many of which predate World War II. The streets are generally quite wide and there are a number of large trees scattered throughout the neighborhood” (page 7). A residential objective of the Community Plan states that residential development is to be a balance of residential types, densities, and prices. (page 22). Another objective of the Community Plan calls for providing “housing opportunities for persons of all income levels, including both rental and ownership units, through new construction and rehabilitation of deteriorating structures” (page 22). The project also aligns with the Housing Element of the General Plan, which emphasizes the need for diverse housing types accessible to households of all income levels. There is no redevelopment with this project; however, conversion into two condominiums will provide an opportunity for each unit to be held in separate ownership. By proposing condominium units, the project offers a more attainable homeownership option compared to a single dwelling on the same site. Therefore, the proposed site is in conformity with the certified Local Coastal Program land use plan and complies with all the regulations of the certified Implementation Program. Therefore, the proposed subdivision and its design are consistent with the goals, policies, and objectives of the applicable land use plans.

#### Project-Related Issues:

The project qualifies for a waiver from the requirement to underground existing overhead utilities pursuant to [SDMC Section 144.0242\(c\)\(1\)\(B\)](#), as the Street frontage is approximately 50 feet and does not represent a logical extension of an undergrounding district.

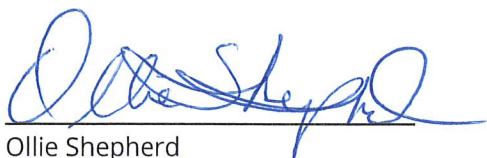
#### Conclusion:

Staff has reviewed the proposed project and has found the proposal to be consistent with the governing entitlements, regulations of the Land Development Code, and the Community Plan. Staff, therefore, recommends approval of Coastal Development Permit No. PMT-3270794 and Tentative Map Waiver No. PMT-3270795.

#### **ALTERNATIVES**

1. — APPROVE Coastal Development Permit No. PMT-3270794 and Tentative Map Waiver No. PMT-3270795 with modifications.
2. — DENY Coastal Development Permit No. PMT-3270794 and Tentative Map Waiver No. PMT-3270795, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Ollie Shepherd

Development Project Manager  
Development Services Department

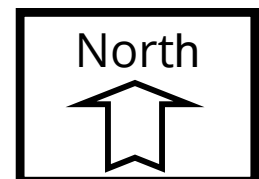
Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Draft Permit with Conditions
5. Draft Permit Resolution with Findings
6. Draft Map Conditions
7. Draft Map Resolution with Findings
8. Environmental Determination
9. Ownership Disclosure Statement
10. Condominium Compliance Certification
11. Community Planning Group Recommendation Vote
12. Project Plans

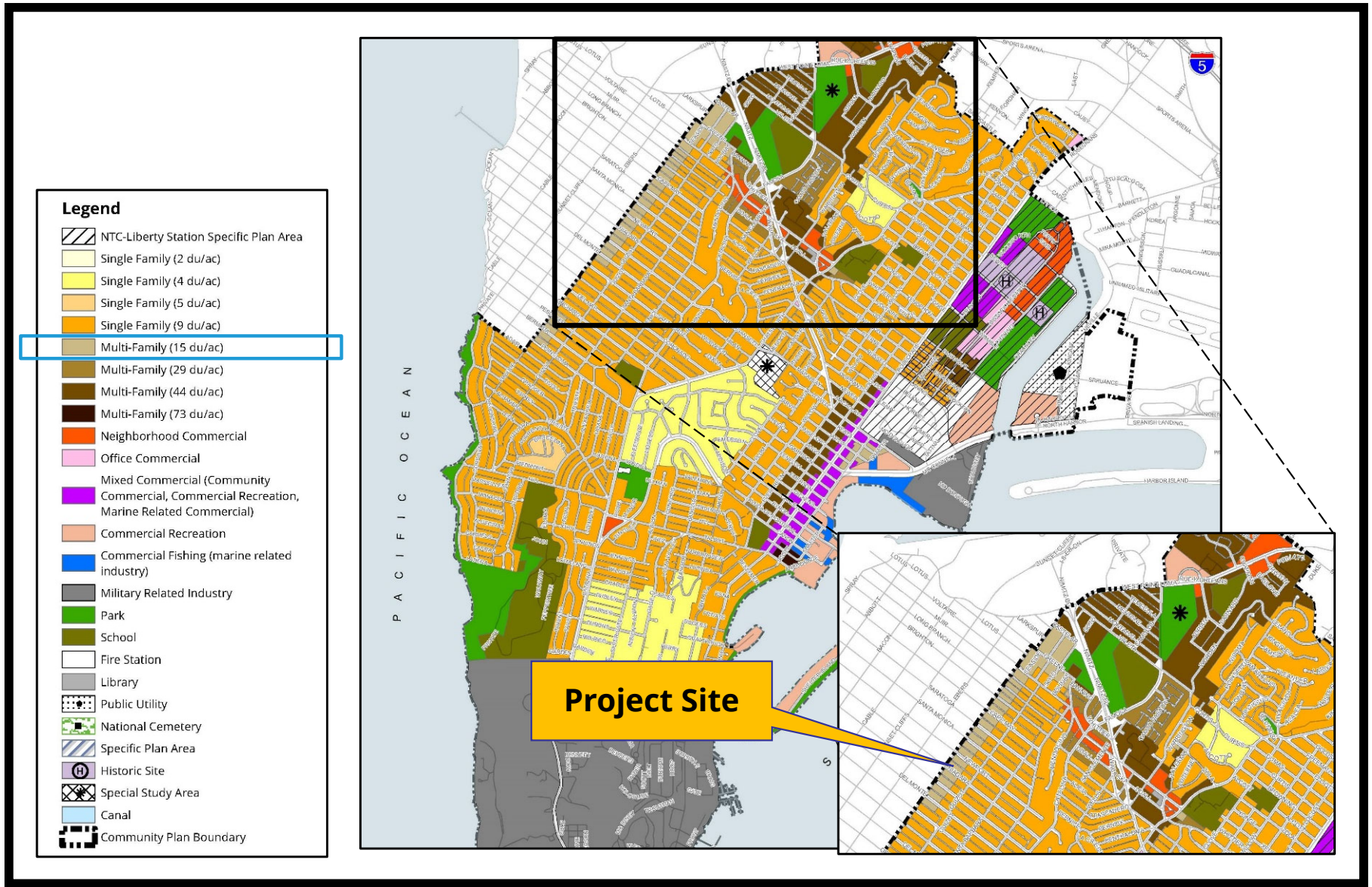


## Project Location Map

4572 - 4576 Niagara Avenue Project No. PRJ-1108766  
4572 - 4576 Niagara Avenue, San Diego, CA 92107

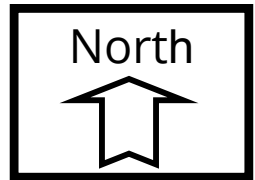




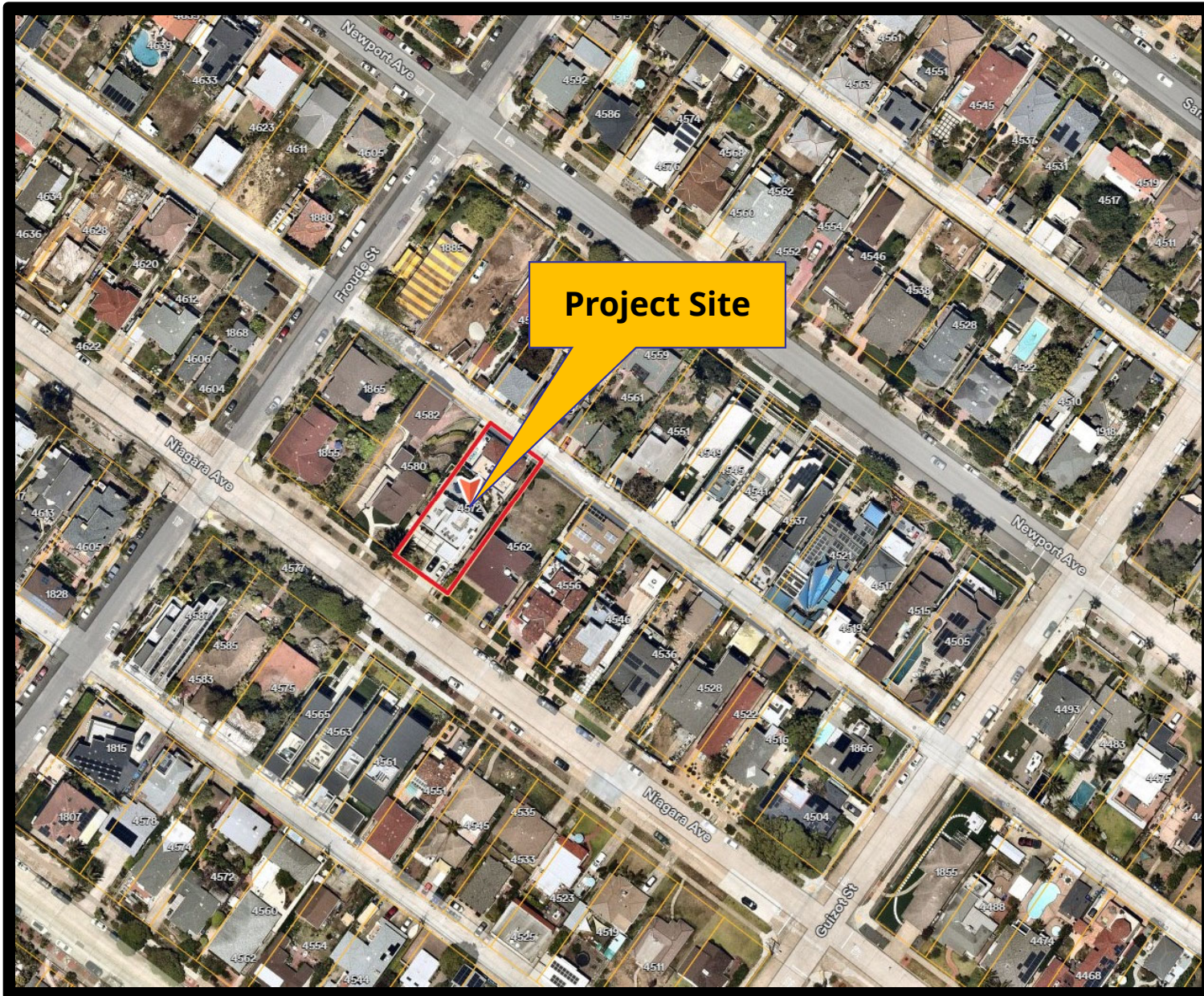


# Community Plan Land Use Map

4572 - 4576 Niagara Avenue Project No. PRJ-1108766  
4572 - 4576 Niagara Avenue, San Diego, CA 92107

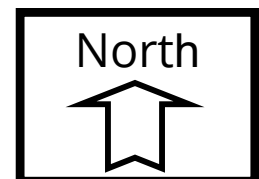






## Aerial Photograph

4572 - 4576 Niagara Avenue Project No. PRJ-1108766  
4572 - 4576 Niagara Avenue, San Diego, CA 92107





**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES  
PERMIT INTAKE, MAIL STATION  
DSD-1-A

**WHEN RECORDED MAIL TO**  
**PROJECT MANAGEMENT**  
**PERMIT CLERK**  
**MAIL STATION DSD-1-A**

INTERNAL ORDER NUMBER: 11004543

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. PMT-3270794  
TENTATIVE MAP WAIVER NO. PMT-3270795  
**4572 - 4576 NIAGARA AVENUE PROJECT NO. PRJ-1108766**  
HEARING OFFICER

This Coastal Development Permit No. PMT-3270794 is granted by the Hearing Officer of the City of San Diego to Tad Grow and Lisa Grow, Husband and Wife, as Community Property with Right of Survivorship, Owner/Permittee, pursuant to San Diego Municipal Code (SDMC) section 126.0708. The 0.179-acre site is located at 4572 - 4576 Niagara Avenue in the RM-1-1 (Residential-Multiple Unit) zone, the Airport Land Use Compatibility Overlay Zone for Naval Air Station (NAS) North Island and San Diego International Airport (SDIA), the Coastal Height Limit Overlay Zone, and the Coastal Overlay Zone (Non-Appealable) within the Peninsula Community Plan and Local Coastal Program Land Use Plan. The project site is legally described as: THE EAST HALF OF LOT SIX, ALL OF LOTS SEVEN AND EIGHT IN BLOCK FIVE OF OCEAN BEACH, ACCORDING TO MAP THEREOF NO. 279, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MAY 28, 1887; EXCEPTING FROM SAID LOT EIGHT THE SOUTHEAST 6.25 FEET THEREOF.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to convert two 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 5, 2025, on file in the Development Services Department.

The project shall include:

- a. The conversion of two dwelling units into condominiums via the associated Map Waiver No. PMT-3270795;
- b. Landscaping (planting, irrigation, and landscape-related improvements);
- c. 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, 2028.
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 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 the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to

comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

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

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 the Owner/Permittee.

**AFFORDABLE HOUSING REQUIREMENTS:**

11. Prior to recordation of the parcel or final map, the Owner/Permittee shall demonstrate compliance with the provisions of the San Diego Municipal Code, including the Condominium Conversion Regulations of Chapter 14, Article 4, Division 5; the Inclusionary Affordable Housing Regulations of Chapter 14, Article 2, Division 13; and the Inclusionary Housing Procedures Manual by payment of the applicable Inclusionary Affordable Housing In-Lieu Fee.

12. The Owner/Permittee shall either show evidence that relocation assistance has been paid to eligible tenants or enter into a written Agreement with the San Diego Housing Commission which shall be drafted and approved by the San Diego Housing Commission, executed by the Owner/Permittee, and secured by a deed of trust which incorporates applicable relocation benefit conditions consistent with the San Diego Municipal Code.

**LANDSCAPE REQUIREMENTS:**

13. Prior to issuance of any public improvement permit, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-square-foot area around each tree that is unencumbered by utilities. Driveways, utilities, drains, water, and sewer laterals shall be designed so as not to prohibit the placement of Street trees.

14. In the event that a foundation-only permit is requested by the Owner/Permittee, a site plan or staking layout plan shall be submitted to the Development Services Department identifying all landscape areas consistent with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions, and labeled as 'landscaping area.

15. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of another entity approved by the Development Services Department. All required landscapes shall be maintained consistent with the Landscape Standards in a disease, weed, and litter-free condition at all times. Severe pruning or "topping" of trees is not permitted.

16. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed, the Owner/Permittee shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy.

**PLANNING/DESIGN REQUIREMENTS:**

17. Prior to recording of the final map, the project must comply with the Inclusionary Affordable Housing Regulations as outlined in Chapter 14, Article 2, Division 13 of the Municipal Code.

The condominium conversion is subject to the Inclusionary Housing Regulations outlined in Chapter 14, Article 2, Division 13 of the Municipal Code. The project will be subject to in lieu of fees. The applicant has provided, on the site plan, the floor area of the residential building(s) so that the fees may be calculated.

**TRANSPORTATION REQUIREMENTS**

18. Prior to recordation of the parcel map, the Owner/Permittee shall provide and maintain a sight visibility area on each side of the driveway along the new property line on Niagara Avenue per Exhibit "A." No obstacles higher than 36 inches shall be located in this area, e.g., shrubs, landscape, walls, columns, signs, etc.



**INFORMATION ONLY:**

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary 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 5, 2025, and [Approved Resolution Number].

Coastal Development Permit/PRJ Approval No.: PMT-3270794

Map Waiver No.: PMT-3270795

Date of Approval: November 5, 2025

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

\_\_\_\_\_  
Ollie Shepherd  
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.

Owner/Permittee

By \_\_\_\_\_  
Tad Grow  
Owner

Owner/Permittee

By \_\_\_\_\_  
Lisa Grow  
Owner

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

HEARING OFFICER RESOLUTION NO. **HO-XXXX**  
COASTAL DEVELOPMENT PERMIT NO. PMT-3270794  
**4572 - 4576 NIAGARA AVENUE - PROJECT NO. PRJ-1108766**

WHEREAS, TAD GROW AND LISA GROW, HUSBAND AND WIFE, AS COMMUNITY PROPERTY WITH RIGHT OF SURVIVORSHIP, Owner/Permittee, filed an application with the City of San Diego for a permit for a Coastal Development Permit to allow the conversion of two dwelling units into condominiums (via associated Map Waiver No. PMT-3270795, as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Coastal Development Permit No. PMT-3270794), on portions of a 0.179-acre site;

WHEREAS, the project site is located at 4572 - 4576 Niagara Avenue in the RM-1-1 (Residential-Multiple Unit) zone, the Airport Land Use Compatibility Overlay Zone for Naval Air Station (NAS) North Island and San Diego International Airport (SDIA), the Coastal Height Limit Overlay Zone, and the Coastal Overlay Zone (Non-Appealable) within the Peninsula Community Plan and Local Coastal Program Land Use Plan;

WHEREAS, the project site is legally described as follows: THE EAST HALF OF LOT SIX, ALL OF LOTS SEVEN AND EIGHT IN BLOCK FIVE OF OCEAN BEACH, ACCORDING TO MAP THEREOF NO. 279, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MAY 28, 1887; EXCEPTING FROM SAID LOT EIGHT THE SOUTHEAST 6.25 FEET THEREOF;

WHEREAS, on July 7, 2025, 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 Sections 15061(b)(3) (Common Sense Exemption), 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), and 15332 (In-fill Development



Projects; and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on November 5, 2025, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. PMT-3270794 pursuant to the Land Development Code of the City of San Diego; NOW THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Coastal Development Permit No. PMT-3270794:

**COASTAL DEVELOPMENT PERMIT [San Diego Municipal Code (SDMC) Section 126.0708]**

**1. Findings for all Coastal Development Permits:**

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

The proposed project at 4572–4576 Niagara Avenue involves the conversion of two (2) existing dwelling units into two (2) residential condominiums. No new physical development is proposed beyond the required on-site and public right-of-way improvements.

The 0.179-acre (7,815 square foot) site is located within the RM-1-1 (Residential – Multiple Unit) zone and is the site is designated for Residential- Multiple-Density use (10–14 dwelling units per net acre) in the Peninsula Community Plan and Local Coastal Program Land Use Plan (Community Plan).

The property is approximately 0.65 miles east of the Pacific Ocean and is not located between the sea and the first public roadway paralleling the sea. It fronts both Niagara Avenue and an alley, with access from both the north (alley) and south (Niagara Avenue). The site does not encroach upon any existing or proposed public accessways identified in the Community Plan, figure 27, page 106.

Additionally, the project does not obstruct public views of the ocean, view corridors, bluffs, hillsides, open space canyons, or beach areas from public vantage points, as outlined in the Community Plan, figure 27a, page 107.

. Therefore, the project will not encroach upon any existing physical accessway that is legally used by the public, or any proposed public accessway, nor will it impact

public views to and along the ocean or other scenic coastal areas as specified in the Community Plan.

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

The subject property is located approximately 0.65 miles east of the Pacific Ocean in a developed, urbanized neighborhood within the Peninsula community. The project site does not contain Environmentally Sensitive Lands (ESL) as defined in SDMC Section 113.0103. The project site does not contain, nor is it adjacent to the City's Multi-Habitat Planning Area (MHPA) designated lands. No physical development is proposed within the subdivision other than landscaping improvements and public improvements within the established public right-of-way. Therefore, the proposed coastal development will not adversely affect environmentally sensitive lands.

**c. 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 subject property is currently developed with two existing dwelling units: a five-bedroom unit with an attached two-car garage located at 4572 Niagara Avenue (Unit A), and a three-bedroom unit with an attached two-car garage and detached one-car garage located at 4576 Niagara Avenue (Unit B).

The site is approximately 0.65 miles east of the Pacific Ocean and is within an established urbanized neighborhood comprised of one and two-story residential single-dwelling units of varied architectural styles surrounding the site.

The project will convert the existing units to condominiums. No new physical development is proposed beyond the required on-site and public right-of-way improvements as required by permit conditions. No modifications to the existing structures are proposed. According to building records, the structure is more than 45 years old; however, SDMC Section 143.0212(a)(1) exempts this project from historical significance review in that the proposed project does not include a change to the structure's exterior.

The Peninsula Community Plan and Local Coastal Program Land Use Plan (Community Plan) designate the property for Residential Multiple-Density use (10–14 dwelling units per net acre). This density allows 2 to 3 units on site. The proposed residential condominium conversion project contains two units and is consistent with the allowed density as per the Community Plan.

The project is within the RM-1-1 (Residential - Multiple Unit) zone which supports the development of lower-density multiple dwelling units with some characteristics of single dwelling units and implements the Community Plan land use density. The RM-1-1 zone permits a maximum density of 1 dwelling unit for each 3,000 square feet of

lot area and would allow up to three (3) units on the 0.179-acre (7797-square-foot) site.

The Community Plan describes the neighborhood where this project is located as consisting of “single- and multifamily structures, many of which predate World War II. The streets are generally quite wide and there are a number of large trees scattered throughout the neighborhood” (page 7). A residential objective of the Community Plan states residential development are to be a balance of residential types, densities, and prices. (page 22). Another objective of the Community Plan calls for providing “housing opportunities for persons of all income levels, including both rental and ownership units, through new construction and rehabilitation of deteriorating structures” (page 22). It also aligns with the Housing Element of the General Plan, which emphasizes the need for diverse housing types accessible to households of all income levels. Specifically, Policies HE-1.2 and HE-1.12 encourage housing in high-opportunity, and resource-rich areas close to transit and employment centers. The project is within an urbanized community that is accessible by transit and includes services and employment areas within a short distance. Transit options within walking distance of the site include bus stops near Cabel Street and Newport Avenue, as well as Orchard Avenue and Sunset Cliff Boulevard and the Old Town Transit Center Trolley Station is accessible by bus. Both commercial and employment areas are within a short distance, and include Ocean Beach commercial district, Liberty Station, Rosecrans Street commercial corridor, and the Midway shopping and employment area. There is no redevelopment with this project; however, converting two dwelling units into two condominiums will provide an opportunity for each unit to be held in separate ownership. By proposing condominium units, the project offers a more attainable homeownership option compared to a single-family dwelling on the same site. Therefore, the proposed site is in conformity with the certified Local Coastal Program land use plan and complies with all the regulations of the certified Implementation Program.

- d. 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 site is located approximately 0.65 miles east of the Pacific Ocean and is not between the sea and the first public roadway paralleling the sea. Therefore, this finding is not applicable.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.



## ATTACHMENT 5

BE IT FURTHER RESOLVED that, based on these findings adopted by the Hearing Officer, Coastal Development Permit No. PMT-3270794 is hereby GRANTED by the Hearing Officer, to Tad Grow and Lisa Grow, Husband and Wife, as Community Property with Right of Survivorship, Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. PMT-3270795, a copy of which is attached hereto and made a part hereof.

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Ollie Shepherd  
Development Project Manager  
Development Services

Adopted on: November 5, 2025

IO#: 11004543

## ATTACHMENT 6

HEARING OFFICER  
CONDITIONS FOR MAP WAIVER NO. PMT-3270795  
**4572 - 4576 NIAGARA AVENUE PROJECT NO. PRJ-1108766**  
ADOPTED BY RESOLUTION NO. HO-XXX ON NOVEMBER 5, 2025

### **GENERAL**

1. This Map Waiver will expire on November 5, 2028
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 expiration of the Tentative Map Waiver (TMW), a Parcel Map to consolidate and subdivide the 0.179-acre properties into two residential condominium units shall be recorded in the San Diego County Recorder's Office.
4. Prior to the recordation of the Parcel Map, taxes must be paid or bonded for this property pursuant to section 66492 of the Subdivision Map Act. A current original tax certificate, recorded in the office of the San Diego County Recorder, must be provided to satisfy this condition.

Please note that if a tax bond is required, as indicated in the tax certificate, please make sure that it is paid or posted, and submit evidence (e.g., filed bond letter or receipt from the Clerk of the Board) indicating the required tax bond amount has been paid or bonded.

5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify the Subdivider of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

### **AFFORDABLE HOUSING**

6. Prior to recordation of the parcel or final map, the Owner/Permittee shall demonstrate compliance with the provisions of the San Diego Municipal Code, including the Condominium Conversion Regulations of Chapter 14, Article 4, Division 5; the Inclusionary Affordable Housing Regulations of Chapter 14, Article 2, Division 13; and the Inclusionary Housing Procedures Manual by payment of the applicable Inclusionary Affordable Housing In-Lieu Fee.

**CONDOMINIUM 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 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.

### **ENGINEERING**

15. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
16. Prior to the recordation of a parcel map, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement for the landscape, irrigation, and Stacked Wall located within the City's right of way, satisfactory to the City Engineer.

### **MAPPING**

17. Prior to the expiration of the Tentative Map Waiver (TMW), a Parcel Map to consolidate and subdivide the 0.179-acre properties into 2 residential condominium units shall be recorded in the San Diego County Recorder's Office.
18. The Parcel Map shall be based on a field survey, and all lot corners must be marked with durable survey monuments pursuant to Section 144.0311(d) of the City of San Diego Land Development Code and Subdivision Map Act Section 66495.

All survey monuments shall be set prior to the recordation of the Parcel Map, unless the setting of monuments is deemed impractical due to the proposed improvements and/or grading associated with the project, in which case, delayed monumentation may be applied on the Parcel Map in accordance with Section 144.0130 of the City of San Diego Land Development Code.

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 sections 8801 through 8819 of the State of California Public Resources Code.

The Parcel Map shall:

- a. Use the California Coordinate System for its "Basis of Bearings" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true meridian (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 the conversion of grid-to-ground shall be shown on the map.

### **TRANSPORTATION**

19. Prior to recordation of the parcel map, Owner/Permittee shall provide and maintain a sight visibility area on each side of the driveway along the new property line on Niagara Avenue



## ATTACHMENT 6

per Exhibit "A." No obstacles higher than 36 inches shall be located in this area, e.g., shrubs, landscape, walls, columns, signs, etc.

### **INFORMATION:**

- The approval of this Map Waiver by the Hearing Officer of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies, including but not limited to the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 *et seq.*).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Map Waiver will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Map Waiver may protest the imposition within 90 days of the approval of this Map Waiver by filing a written protest with the San Diego City Clerk pursuant to Government Code Sections 66020 and/or 66021.
- Where in the course of the 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. 11004543

RESOLUTION NO. **HO-XXXX**  
DATE OF FINAL PASSAGE \_\_\_\_\_

A RESOLUTION OF THE HEARING OFFICER ADOPTING THE FINDINGS  
AND APPROVING TENTATIVE MAP WAIVER NO. PMT-3270795 FOR  
4572 - 4576 NIAGARA AVENUE PROJECT NO. PRJ-1108766

WHEREAS, TAD GROW AND LISA GROW, HUSBAND AND WIFE, AS COMMUNITY PROPERTY WITH RIGHT OF SURVIVORSHIP, Subdivider, and Christensen Engineering & Surveying, Engineer, submitted an application with the City of San Diego for Map Waiver No. PMT-3270795, to waive the requirement for a Tentative Map for the conversion of two dwelling units into condominiums and to waive the requirement to underground existing utilities. The project site is located at 4572 - 4576 Niagara Avenue in the RM-1-1 (Residential-Multiple Unit) zone, the Airport Land Use Compatibility Overlay Zone for Naval Air Station (NAS) North Island and San Diego International Airport (SDIA), the Coastal Height Limit Overlay Zone, and the Coastal Overlay Zone (Non-Appealable) within the Peninsula Community Plan and Local Coastal Program Land Use Plan. The property is legally described as: THE EAST HALF OF LOT SIX, ALL OF LOTS SEVEN AND EIGHT IN BLOCK FIVE OF OCEAN BEACH, ACCORDING TO MAP THEREOF NO. 279, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MAY 28, 1887; EXCEPTING FROM SAID LOT EIGHT THE SOUTHEAST 6.25 FEET THEREOF; and

WHEREAS, the Map proposes the subdivision of a 0.179-acre site into one (1) lot for two residential condominium units; and

WHEREAS, on July 7, 2025, 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 Sections 15061(b)(3) (Common Sense Exemption), 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), and 15332 (In-fill Development Projects; and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; and

WHEREAS, a preliminary soils and geological reconnaissance report is 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, on November 5, 2025, the Hearing Officer of the City of San Diego considered Map Waiver No. PMT-3270795, including the waiver of the requirement to underground existing offsite overhead utilities, and pursuant to sections 125.0122 (map waiver), 125.0440 (tentative map), 125.0444 (condo conversion), and 144.0242 (utility underground waiver) of the San Diego Municipal Code and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Hearing Officer having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Map Waiver No. PMT- 3270795:

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

The 4572 – 4576 Niagara Avenue subdivision project proposes converting two (2) existing dwelling units into two condominiums.

The 0.179-acre (7,815 square foot) subject property is located approximately 0.65 miles east of the Pacific Ocean, within a developed, urbanized neighborhood comprised of one and two-story residential single-dwelling units of varied architectural styles surrounding the site in the Peninsula Community Plan area. The site is currently improved with the development of two

existing dwelling units: a five-bedroom unit with an attached two-car garage located at 4572 Niagara Avenue (Unit A), and a three-bedroom unit with an attached two-car garage and detached one-car garage located at 4576 Niagara Avenue (Unit B). The property fronts both Niagara Avenue and an alley, with access provided from the north (alley) and south (Niagara Avenue) via existing developed public rights-of-way.

The Peninsula Community Plan and Local Coastal Program Land Use Plan (Community Plan) designates the property for Residential- Multiple-Density use (10–14 dwelling units per net acre). This density allows two (2) to three (3) units on site. There are two units on site, and this is consistent with the allowed density per the Community Plan.

The proposed two-unit residential condominium conversion is consistent with both the allowable density under the Community Plan and the development regulations of the RM-1-1 zone. The project supports the goals of the Community Plan by maintaining the designated land use and contributing to a variety of housing options and ownership opportunities, as stated on page 22. It also aligns with the Housing Element of the General Plan, which emphasizes the need for diverse housing types accessible to households of all income levels. Specifically, Policies HE-1.2 and HE-1.12 encourage housing in high-opportunity, and resource-rich areas close to transit and employment centers. The project is within an urbanized community that is accessible by transit and includes services and employment areas within a short distance. Transit options within walking distance of the site include bus stops near Cabel Street and Newport Avenue, as well as Orchard Avenue and Sunset Cliff Boulevard and the Old Town Transit Center Trolley Station is accessible by bus. Both commercial and employment areas are within a short distance, and include Ocean Beach commercial district, Liberty Station, Rosecrans Street commercial corridor, and the Midway shopping and employment area.

There is no redevelopment with this project; however, conversion to two condominiums will provide an opportunity for each unit to be held in separate ownership. By proposing condominium units, the project offers a more attainable homeownership option compared to two dwelling units on the same site under single ownership. Therefore, the proposed subdivision and its design are consistent with the goals, policies, and objectives of the applicable land use plans.

**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 RM-1-1 zone supports the development of lower-density multiple dwelling units with some characteristics of single dwelling units and implements the Community Plan land use density. The RM-1-1 zone permits a maximum density of 1 dwelling unit for each 3,000 square feet of lot area and would allow up to three (3) units on the 0.179-acre (7,815 square-foot) site. Additionally, there is no new development proposed beyond the required off-site and public right-of-way improvements, and the project does not encroach upon any existing or proposed public accessways and does not obstruct public views of the ocean, view corridors, bluffs, hillsides, open space canyons, or beach areas, as identified in the Community Plan.

The site is not located within or adjacent to the City's Multi-Habitat Planning Area (MHPA) or any Environmentally Sensitive Lands (ESL). Although physical development is not proposed, the existing structures comply with all applicable RM-1-1 development regulations, including minimum lot size, setbacks, floor area ratio, height, and parking requirements.



The project qualifies for a waiver from the requirement to underground existing overhead utilities pursuant to SDMC Section 144.0242(c)(1)(B), as undergrounding would involve an inordinate cost and require significant off-site improvements. Additionally, the Street frontage is approximately 50 feet and does not represent a logical extension of an undergrounding district.

Therefore, the proposed subdivision complies with all development regulations of the Land Development Code and 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 existing two-story structures are consistent with the height, scale, bulk and rhythm of the Peninsula Community Plan, and are consistent with the architectural detail, color, and the rhythm of spacing between the other development, lending to a harmonious visual impact with its surroundings. The proposed subdivision involves converting two (2) existing dwelling units into two (2) residential condominiums. The site is designated Residential – Multi-Family in the Community Plan, allowing 10–14 dwelling units per net acre. This density allows two (2) to three (3) units on site. The proposed residential condominium conversion project contains two (2) units and is consistent with the allowed density per the Community Plan. The RM-1-1 zone permits a maximum density of 1 dwelling unit for each 3,000 square feet of lot area and would allow up to three (3) units on the 0.179-acre (7,815 square-foot) site. The proposed two-unit residential condominium conversion is consistent with the allowable density under both the Community Plan and the RM-1-1 zone regulations. Therefore, the site is physically suitable for the type and density of development proposed.

**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 subject property is located approximately 0.65 miles east of the Pacific Ocean, within a developed, urbanized neighborhood within the Peninsula community. No physical development is proposed on the project site other than on-site improvements and public improvements within the established right-of-way as required by Map Waiver conditions. There are no watercourses, Environmentally Sensitive Lands (ESL), or Multi-Habitat Planning Area (MHPA) lands located 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 in 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 project site is located within a developed, urban neighborhood, surrounded by similar residential development and served by existing public utilities and will include right-of-way improvements to meet City standards. Access to the site is provided via Niagara Avenue and an alley, and the property frontage is improved with curb, gutter, and sidewalk. The proposed subdivision has been reviewed and found to be in conformance with the SDMC and the Subdivision Map Act. The Tentative Map Waiver includes conditions of approval, and these conditions require

public improvements to meet current City standards. The subdivision is consistent with the development regulations of the RM-1-1 zone and applicable building permit requirements under the Land Development Code. Therefore, the design of the subdivision and associated improvements will not be detrimental to the public health, safety, or 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 project site does not contain any easements acquired by the public at large for access or use of the property. The site has frontage on both Niagara Avenue and an alley, with access provided from the north (alley) and south (Niagara Avenue) via existing developed public rights-of-way. The proposed project does not include any new public service easements. Therefore, the design of the subdivision and associated improvements will not conflict with any public access easements 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 proposed subdivision will convert two dwelling units into condominiums. No new construction, expansion of the building footprint, or change in use is proposed. The subdivision does not preclude the modification or future redevelopment of the site. 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.**

The project supports the Community Plan's goal of providing housing opportunities for residents of all income levels and age groups, as stated on page 22 of the Peninsula Community Land Use Plan, Objectives. The proposed subdivision would create two (2) residential condominiums from existing duplex units, without any new construction or expansion of use. As the dwelling units already exist, the project does not adversely impact public resources or services. Additionally, as stated in earlier findings, the project is consistent with planned land use and zoning density.

The site is located within a fully developed, urbanized neighborhood and is adequately served by existing public services and utilities, including fire, police, schools, parks, libraries, medical services, electricity, water, and sewer. No additional development is proposed beyond the required on-site and right-of-way improvements as part of the subdivision conditions of approval. The project is subject to the City's Inclusionary Affordable Housing In-Lieu Fee, as required by the conditions of approval. Therefore, the decision maker has reviewed the administrative record—including project plans, environmental determinations, and public input—and finds that the proposed subdivision is consistent with the Peninsula community's housing needs. The housing needs of the region have been considered and appropriately balanced with the availability of public services and environmental resources.

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

Written notice was provided by the Subdivider to all tenants residing on the subject property at the time of application, in accordance with San Diego Municipal Code (SDMC) Section 125.0431.

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

The project was not financed with funds from any governmental agency intended to provide housing for the elderly, disabled, or low-income individuals. However, the proposed subdivision is conditioned to pay the Inclusionary Affordable Housing In-Lieu Fee in accordance with the City's Inclusionary Affordable Housing Ordinance.

**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 project was not developed to provide housing specifically for elderly, disabled, or low-income individuals; therefore, this finding is not applicable to the proposed subdivision.

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

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Hearing Officer, Map Waiver No. PMT--3270795, including the waiver of the requirement to underground existing offsite overhead utilities, is hereby granted to Tad Grow and Lisa Grow, Husband And Wife, As Community Property With Right Of Survivorship, subject to the attached conditions, which are made a part of this resolution by this reference.

By \_\_\_\_\_  
Ollie Shepherd  
Development Project Manager  
Development Services Department

ATTACHMENT: Map Waiver Conditions  
Internal Order No. 11004543

Revised: 3/7/2016



THE CITY OF SAN DIEGO

DATE OF NOTICE: July 7, 2025

# NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

I.O. No. 11004500

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**PROJECT NAME / NUMBER:** 4572 Niagara Avenue / PRJ-1108766

**COMMUNITY PLAN AREA:** Peninsula

**COUNCIL DISTRICT:** 2

**LOCATION:** 4572 Niagara Avenue, San Diego, CA 92107

**PROJECT DESCRIPTION:** A request for a COASTAL DEVELOPMENT PERMIT and a TENTATIVE MAP WAIVER to convert two existing dwelling units to two residential condominium units. The 0.179-acre project site located at 4572 Niagara Avenue is zoned Residential-Multiple Unit (RM-1-1) and designated Multi-Family Residential in the Peninsula Community Plan. The site is within the Airport Land Use Compatibility Overlay Zone, Coastal Overlay Zone, Coastal Height Limit Overlay Zone, and Transit Priority Area. (LEGAL DESCRIPTION: The east half of Lot 6 all of Lots 7 and 8 in Block Five of Ocean Beach, according to Map thereof No. 279, filed in the Office of the County Recorder of San Diego County, May 28, 1887; excepting from said Lot 8 the southeast 6.25 feet thereof. Assessor's Parcel Number: 448-652-03).

**ENTITY CONSIDERING PROJECT APPROVAL:** City of San Diego Hearing Officer

**ENVIRONMENTAL DETERMINATION:** Categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15061(b)(3) (Common Sense Exemption), 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), and 15332 (In-fill Development Projects).

**ENTITY MAKING ENVIRONMENTAL DETERMINATION:** City of San Diego

**STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION:** The City of San Diego determined that the project qualifies to be categorically exempt from CEQA pursuant to Section 15061(b)(3) (Common Sense Exemption), 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), and 15332 (In-fill Development Projects). The project would qualify for an exemption pursuant to CEQA Guidelines Section 15061(b)(3) because the project is only proposing a mapping action where no physical changes to the dwelling units or project site are

proposed. Therefore, the project would not be subject to CEQA since it would not have the potential to cause a significant effect on the environment. The project would also qualify for an exemption pursuant to CEQA Guidelines Section 15301 since the physical structures are existing and the project would not result in an expansion of existing or former use. The project would qualify for the CEQA Guidelines Section 15303 exemption, considering the project consists of converting fewer than six multi-family units in an urban area. Lastly, the project meets the criteria set forth in CEQA Guidelines Section 15332, as the project (a) would be consistent with the Residential general plan designation and applicable general plan policies as well as with the RM-1-1 zoning designation and regulations, (b) is within City limits on a site less than five acres (0.179-acre site) substantially surrounded by urban uses, (c) the site has no value as habitat for endangered, rare, or threatened species considering it is an entirely developed, (d) has less than significant effects relating to traffic, noise, air quality, and water quality considering no physical change would occur, and (e) would be served by all required utilities and public services on the site considering it is already serviced. The exceptions listed in CEQA Section 15300.2 would not apply considering the project is not located within a particularly sensitive environment; would not significantly contribute to a cumulative impact; is not adjacent to a scenic highway; is not included on any list compiled pursuant to Government Code Section 65962.5 for hazardous waste sites; and the project would not cause substantial adverse change in the significance of a historical resource.

<b>DEVELOPMENT PROJECT MANAGER:</b>	Ollie Shepherd
<b>MAILING ADDRESS:</b>	1222 First Avenue, MS 501, San Diego, CA 92101-4153
<b>PHONE NUMBER / EMAIL:</b>	(619) 446-5412 / <a href="mailto:oshepherd@sandiego.gov">oshepherd@sandiego.gov</a>

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On July 7, 2025, the City of San Diego (City), as Lead Agency, has made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk by 5:00pm within ten (10) business days from the date of the posting of this Notice (July 21, 2025). Appeals to the City Clerk must be filed by email or in-person as follows:

- 1) Appeals filed via E-mail: The Environmental Determination Appeal Application Form [DS-3031](#) can be obtained at <https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/forms/ds3031>. Send the completed appeal form (including grounds for appeal and supporting documentation in pdf format) by email to [Hearings1@sandiego.gov](mailto:Hearings1@sandiego.gov) by 5:00p.m. on the last day of the appeal period; your email appeal will be acknowledged within 24 business hours. You must separately mail the appeal fee by check payable to the City Treasurer to: City Clerk/Appeal, MS 2A, 202 C Street, San Diego, CA 92101. The appeal filing fee must be United States Postal Service (USPS) postmarked) before or on the final date of the appeal. Please include the project number on the memo line of the check.
- 2) Appeals filed in person: Environmental Determination Appeal Application Form [DS-3031](#) can be obtained at <https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/forms/ds3031.pdf>. Bring the fully completed appeal application [DS-](#)



[3031](#) (including grounds for appeal and supporting documentation) to the City Administration Building-Public Information Counter (Open 8:00am to 5:00pm Monday through Friday excluding City-approved holidays), 1st Floor Lobby, located at 202 C Street, San Diego, CA 92101, by 5:00pm on the last day of the appeal period. The completed appeal form shall include the required appeal fee, with a check payable to: City Treasurer.

This information will be made available in alternative formats upon request.

**POSTED ON THE CITY'S CEQA WEBSITE**

**POSTED:** 07/07/2025

**REMOVED:** 07/21/2025

**POSTED BY:** *Myra Lee*



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

# Ownership Disclosure Statement

**FORM  
DS-318**

**October 2017**

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

**Project Title:** 4572-4576 Niagara CDP/Map Waiver

**Project No. For City Use Only:** \_\_\_\_\_

**Project Address:** 4572-4576 Niagara Avenue, San Diego, CA 92107

**Specify Form of Ownership/Legal Status (please check):**

☐ Corporation ☐ Limited Liability -or- ☐ General - What State? \_\_\_\_\_ Corporate Identification No. \_\_\_\_\_

☐ Partnership ☒ Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the owner(s), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of **ANY** person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

**Property Owner**

Name of Individual: Tad Pand Lisa L. Grow ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: 4576 Niagara Avenue

City: San Diego State: CA Zip: 92107

Phone No.: 832-731-6796 Fax No.: \_\_\_\_\_ Email: lisa@branditmarketing.com

Signature: *Tad & Lisa Grow* Date: 12-4-2023

Additional pages Attached: ☐ Yes ☒ No

**Applicant**

Name of Individual: Tad & Lisa Grow ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: 4576 Niagara Avenue

City: San Diego State: CA Zip: 92107

Phone No.: 832-731-6796 Fax No.: \_\_\_\_\_ Email: lisa@branditmarketing.com

Signature: *Tad & Lisa Grow* Date: 12-4-2023

Additional pages Attached: ☐ Yes ☒ No

**Other Financially Interested Persons**

Name of Individual: \_\_\_\_\_ ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_ Email: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Additional pages Attached: ☐ Yes ☐ No

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



**Condominium Conversion Program  
Compliance Certification**

Project 1108766  
4572 Niagara Avenue

I Lisa Grow & Tad Grow am the owner of a property located at 4572 Niagara Avenue, San Diego, California, 92107. The units are being rented as short term rentals and will continue to be rented as short term rentals until the time of conversion to condominiums. No tenant relocation will take place because of this conversion.

I hereby certify under penalty of perjury under the laws of the State of California that the above information is true, complete, correct and accurate in all respects and I understand that the San Diego Housing Commission will rely on this certification in determining an exemption for relocation assistance under Municipal Code Chapter 14, Article 4, Division 5.

I further certify under penalty of perjury under the laws of the State of California that I have the authority to execute this certification. I further acknowledge that a false statement made under penalty of perjury to a state agency has potential criminal consequences and ramifications.

Lisa Grow

Owner Name

Tad Grow


Owner Signature

Lisa Grow

Tad Grow

5-23-2025

Date

Page 3	City of San Diego · Information Bulletin 620		August 2018
	<b>City of San Diego Development Services</b> 1222 First Ave., MS-302 San Diego, CA 92101		<b>Community Planning Committee Distribution Form</b>
Project Name: 4572-4576 Niagara Ave		Project Number: PRJ-1108766	
Community: Peninsula			
<p>For project scope and contact information (project manager and applicant), log into OpenDSD at <a href="https://aca.accela.com/SANDIEGO">https://aca.accela.com/SANDIEGO</a>.</p> <p>Select "Search for Project Status" and input the Project Number to access project information.</p>			
<input checked="" type="radio"/> Vote to Approve <input type="checkbox"/> Vote to Approve with Conditions Listed Below <input type="checkbox"/> Vote to Approve with Non-Binding Recommendations Listed Below <input type="checkbox"/> Vote to Deny			Date of Vote: March 21, 2024
# of Members Yes 9	# of Members No 0	# of Members Abstain 0	
Conditions or Recommendations:			
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			
NAME: Joe Holasek			
TITLE: Project Review Chair			DATE: April 07, 2024

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DS-5620 (08-18) ONLINE FORM



DEVELOPMENT SUMMARY

PROJECT SUMMARY:

TENTATIVE MAP WAIVER TO CONVERT EXISTING DUPLEX UNITS TO TWO RESIDENTIAL CONDOMINIUM UNITS.

PREVIOUS PERMITS:

COASTAL DEVELOPMENT PERMIT NO. 1416034 (PTS 402946)  
BUILDING PERMIT- PTS 613219  
GRADING PERMIT - PTS 589234

LEGAL DESCRIPTION:

THE EAST HALF OF LOT SIX, ALL OF LOTS SEVEN AND EIGHT, IN BLOCK 5 OF OCEAN BEACH, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 279, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, MAY 28, 1887; EXCEPTING FROM SAID LOT EIGHT OF THE SOUTHEAST 6.25 FEET THEREOF.

APN: 448-652-04-00

OWNER:

TAD AND LISA GROW  
4572 NIAGARA STREET  
SAN DIEGO, CA 92107

ZONING:

RM-1-1

PENINSULA COMMUNITY PLAN

SETBACK:  
FRONT: 15'  
SIDE: 5'  
REAR:10'

OVERLAY ZONES:

COASTAL HEIGHT LIMIT  
COASTAL - CITY (NON-APPEALABLE)  
PARKING IMPACT  
SAN DIEGO INTERNATIONAL AIRPORT APPROACH  
AIRPORT INFLUENCE AREA

AREA:

SITE AREA: 0.179 ACRES (7,815 SQUARE FEET)

USES:

CURRENT USE:  
TWO SINGLE FAMILY RESIDENCES  
PROPOSED USE:  
MULTI-FAMILY RESIDENTIAL - CONDOMINIUMS

THIS PERMIT IS NOT FOR THE CONSTRUCTION OF THE UNITS

TITLE NOTES:

PRELIMINARY TITLE REPORT PROVIDED BY CHICAGO TITLE COMPANY, ORDER NO. 00169692-996-SD1-R14, DATED DECEMBER 12, 2024.

AN EASEMENT FOR PERPETUAL AIR OR FLIGHT, ALSO REFERRED TO AS 'AVIGATION RIGHTS', RECORDED OCTOBER 05, 2017 AS DOCUMENT 2017-0461166, O.R. (AVIGATION RIGHTS ARE OVER THE ENTIRE PROPERTY)

UTILITY TABLE	
TELE (A/T&T):	UNDERGROUND
CATV (C/OX):	UNDERGROUND
ELEC (SDG&E):	UDERGROUND

RESIDENTIAL UNIT TABULATION

UNIT	LIVING AREA	GARAGE AREA	BEDROOMS	PARKING SPACES
A	3203 SF	380 SF	5	2
B	1680 SF	471 SF	3	3
UNIT B INCLUDES A ROOF DECK				

TOTAL OFF-STREET PARKING SPACES:

SPACES REQUIRED PER TABLE 142-05C (0 SPACES FOR UNIT A, 0 SPACES FOR UNIT B = 0 SPACES

SPACES REQUIRED = 0 SPACES

SPACES PROVIDED = 5 SPACES

OWNER'S CERTIFICATE

WEHEREBY CERTIFY THAT WE ARE THE RECORD OWNERS OF THE PROPERTY SHOWN ON THE TENTATIVE MAP AND THAT SAID MAP SHOWS ALL OF OUR CONTIGUOUS OWNERSHIP IN WHICH WE HAVE ANY DEED OR TRUST INTEREST. WE UNDERSTAND THAT OUR PROPERTY IS CONSIDERED CONTIGUOUS EVEN IF IT IS SEPARATED BY ROADS, STREETS, UTILITY EASEMENT, OR RAILROAD RIGHTS-OF-WAY.

TAD P. GROW \_\_\_\_\_ DATE \_\_\_\_\_

LISA L. GROW \_\_\_\_\_ DATE \_\_\_\_\_

CE

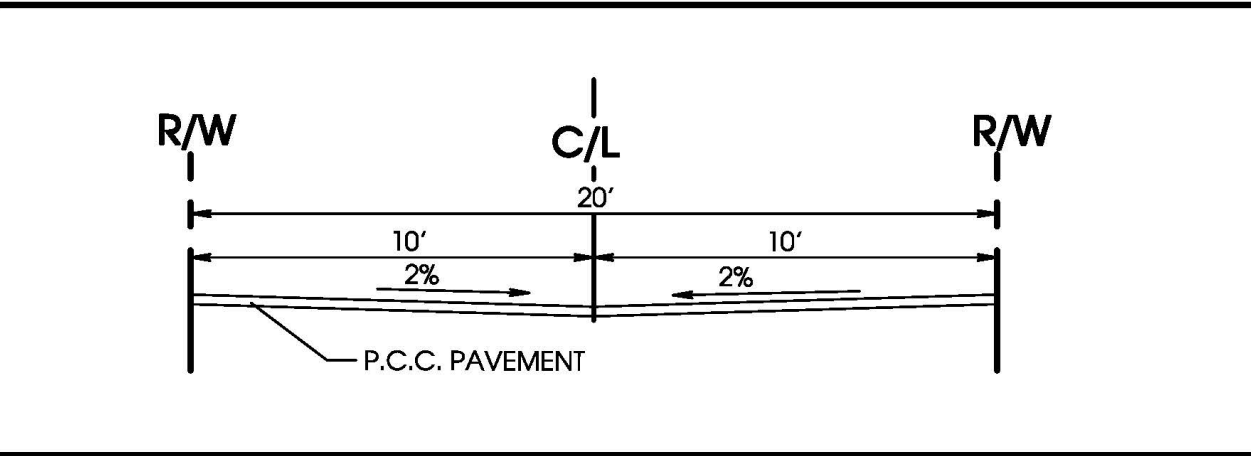
S

CHRISTENSEN ENGINEERING & SURVEYING

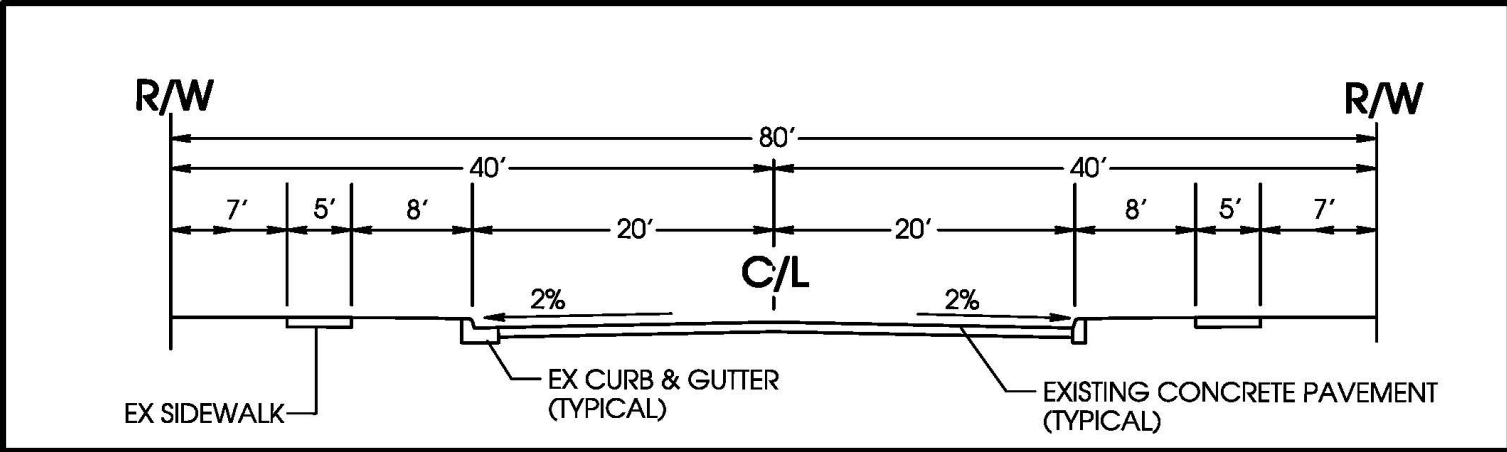
CIVIL ENGINEERS LAND SURVEYORS PLANNERS

7888 SILVERTON AVENUE, SUITE "J", SAN DIEGO, CALIFORNIA 92126

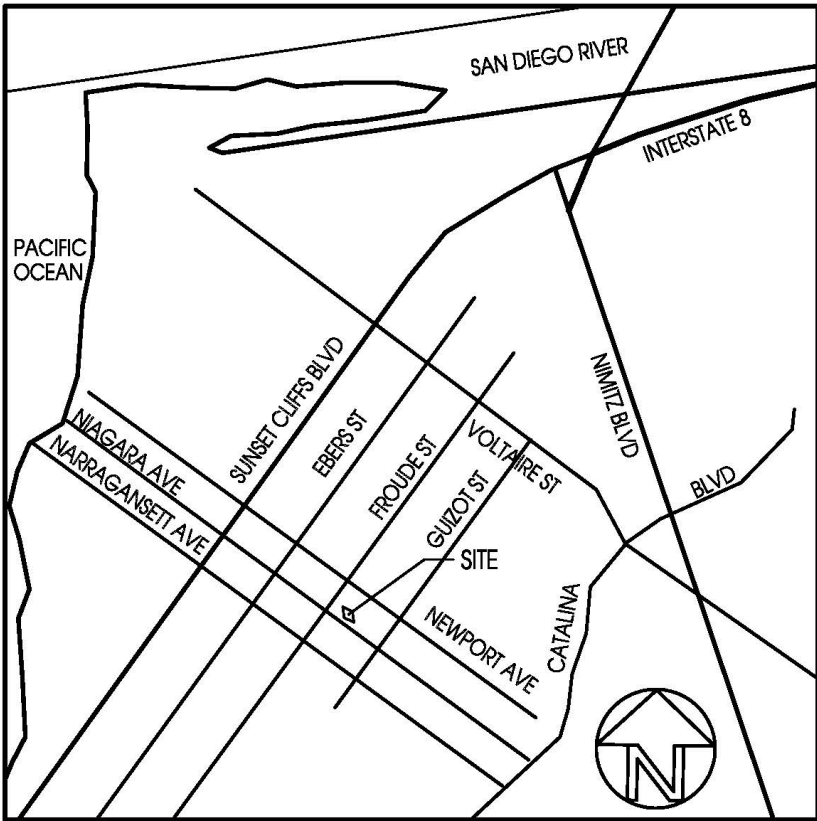
TELEPHONE: (858) 271-9901 EMAIL: ceands@aol.com



TYPICAL SECTION: UNNAMED ALLEY  
NOT TO SCALE



TYPICAL STREET SECTION: NIAGARA AVENUE  
NOT TO SCALE



VICINITY MAP  
NOT TO SCALE

TENTATIVE MAP WAIVER NO. PMT 3270795  
COASTAL DEVELOPMENT PERMIT 3270794  
PRJ NO. 1108766  
CONDOMINIUM CONVERSION

BASIS OF BEARINGS

THE BASIS OF BEARINGS IS THE SOUTHEAST RIGHT OF WAY LINE OF FROUDE AVENUE AS SHOWN ON PARCEL MAP 19998, I.E. SOUTH 36°35' 48" WEST.

BENCHMARK

CITY OF SAN DIEGO BRASS PLUG LOCATED AT THE SOUTH CORNER OF FROUDE STREET AND NIAGARA STREET. ELEVATION 144.688' MEAN SEA LEVEL (N.G.V.D. 1929).

NOTES

1. THE SOURCE OF THE TOPOGRAPHIC INFORMATION SHOWN HEREON IS ON THE GROUND SURVEY BY dk GREENE CONSULTING, INC., DATED 10-2017 AND 02-01-2018.
2. THE USE OF PROPOSED PROJECT IS FOR 2 RESIDENTIAL CONDOMINIUM UNITS.
3. THE SUBJECT PROPERTY IS SERVED BY SEPARATE SANITARY SEWER LATERAL AND WATER SERVICES CONNECTED TO CITY OF SAN DIEGO MAINS.
4. THE EXISTING NUMBER OF LOTS IS ONE AND PORTIONS OF TWO OTHERS. THE PROJECT WILL PROCESS A PARCEL MAP FOLLOWING APPROVAL OF THE TMW.
5. DEVELOPER SHALL PROVIDE BUILDING ADDRESS NUMBERS, VISIBLE AND LEGIBLE FROM THE STREET FRONTING THE PROPERTY PER FHPS POLICY P-00-6 (UFC 901.4.4)
6. NAD27 COORDINATES = 210-1693. NAD83 COORDINATES = 1850-6253.
7. THIS 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.
9. THE TOTAL AREA OF THE PROJECT IS 0.179 ACRES.
10. THE SOURCE OF TITLE INFORMATION IS PRELIMINARY TITLE REPORT PREPARED BY CHICAGO TITLE COMPANY, ORDER NO. 00169692-996-SD1-R14, DATED NOVEMBER 1, 2023.
11. A WAIVER OF UNDERGROUNDING OF OVERHEAD UTILITIES IS REQUESTED.
12. UNIT "B" CONSTRUCTED UNDER BUILDING PERMIT 2173562 (PTS 613219) AND GRADING PERMIT 2385234 (PTS 589234)
13. NO NEW CONSTRUCTION IS PROPOSED.
14. A PARCEL MAP SHALL BE FILED AT THE COUNTY RECORDER'S OFFICE PRIOR TO THE EXPIRATION OF THE TENTATIVE MAP WAIVER. IF APPROVED, A DETAILED PROCEDURE OF SURVEY SHALL BE SHOWN ON THE PARCEL MAP AND ALL PROPERTY CORNERS SHALL BE MARKED WITH DURABLE SURVEY MONUMENTS

CONDOMINIUM NOTE:

THIS 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. TOTAL NUMBER OF RESIDENTIAL CONDOMINIUM UNITS IS 2.



ANTHONY K. CHRISTENSEN, RCE 54021  
LS 7508

SEPTEMBER 12, 2025  
Date



Prepared By:  
CHRISTENSEN ENGINEERING & SURVEYING  
7888 SILVERTON AVENUE, SUITE "J"  
SAN DIEGO, CA 92126  
PHONE (858) 271-9901

Project Address:  
4572 NIAGARA AVENUE  
SAN DIEGO, CA 92107

Project Name:  
4572 NIAGARA AVENUE  
MAP WAIVER

Sheet Title:

TENTATIVE MAP WAIVER

PROJECT NO.: PRJ-1108766 TMW NO.: PMT-3270795 CDP NO.: PMT-3270794

Revision 6:  
Revision 5:  
Revision 4: 09-12-25 REVISE APN  
Revision 3: 04-5-26-25 REVISE LOT AREA  
Revision 2: 04-17-25 ADDRESS CITY COMMENTS  
Revision 1: 12-19-24 ADDRESS CITY COMMENTS

Original Date: DECEMBER 06, 2023

Sheet 1 of 3 Sheets

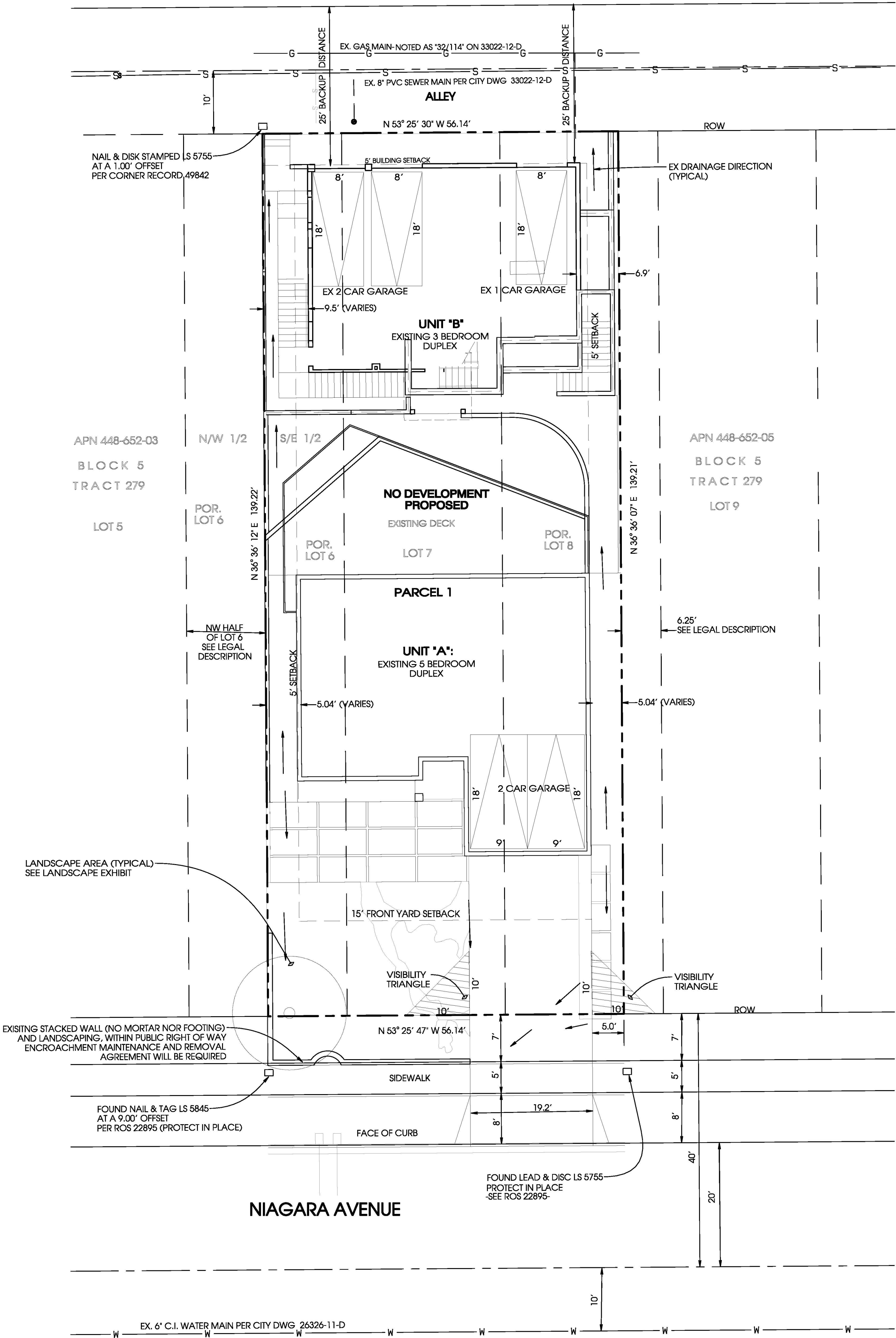
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TENTATIVE MAP WAIVER NO. PMT 3270795  
COASTAL DEVELOPMENT PERMIT 3270794  
PRJ NO. 1108766  
CONDOMINIUM CONVERSION

CONSTRUCTION NOTES

NOTE:  
ONSITE IMPROVEMENTS SHOWN HEREON EXIST. NO NEW CONSTRUCTION IS PROPOSED.



NOTE:  
NO OBSTRUCTION, INCLUDING LANDSCAPING OR SOLID WALLS  
IN THE VISIBILITY AREA, SHALL EXCEED 36 INCHES IN HEIGHT.

ANTHONY K. CHRISTENSEN, RCE 54021  
LS 7508

SEPTEMBER 12, 2025  
Date



Prepared By:  
CHRISTENSEN ENGINEERING & SURVEYING  
7888 SILVERTON AVENUE, SUITE "J"  
SAN DIEGO, CA 92126  
PHONE (858) 271-9901

Project Address:  
4572 NIAGARA AVENUE  
SAN DIEGO, CA 92107

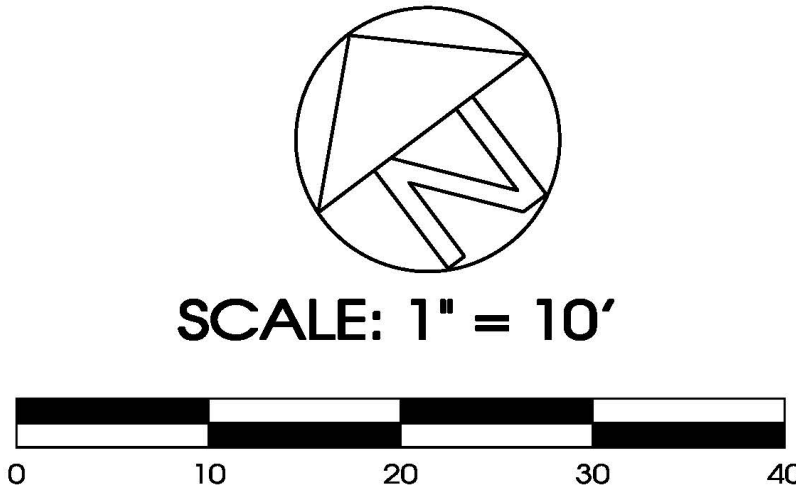
Project Name:  
4752 NIAGARA AVENUE  
MAP WAIVER

Sheet Title:  
TENTATIVE MAP WAIVER  
SITE PLAN

Revision 6:  
Revision 5:  
Revision 4:  
Revision 3: 09-11-25 ADDRESS CITY COMMENTS  
Revision 2: 04-17-25 ADDRESS CITY COMMENTS  
Revision 1: 12-19-24 ADDRESS CITY COMMENTS

Original Date: DECEMBER 06, 2023

Sheet 2 of 3 Sheets



PROJECT NO.: PRJ-1108766 | TMW NO.: PMT-3270795 | CDP NO.: PMT-3270794

C02