

THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED:	September 14, 2022	REPORT NO. HO-22-042
HEARING DATE:	September 21, 2022	
SUBJECT:	Union Street Bungalows; Process Three Decis	sion
PROJECT NUMBER:	1050177	
OWNER/APPLICANT:	JMAN, LLC – Owner/Applicant	

SUMMARY

<u>Issue:</u> Should the Hearing Officer approve a Conditional Use Permit to allow visitor accommodations within the buildings designated as Historical Resource No. 1264, the Gordon B. Wells/Allen H. Hilton Bungalow Court Apartments and the Residential Emphasis land use district of the Centre City Planned District ("Project"), located on the 5,005 square-foot site at 1525-1537 Union Street in the Little Italy neighborhood of the Downtown Community Plan area (Council District 3)?

Staff Recommendation: APPROVE Conditional Use Permit (CUP) No. PMT-3137953.

<u>Community Planning Group Recommendation</u>: On April 20, 2022, the Downtown Community Planning Council voted 14-0 to recommend approval of the Project (Attachment 6).

Environmental Review: The Development Services Department completed a California Environmental Quality Act (CEQA) review for the Project. On August 3, 2022, the Environmental Analysis Section (EAS) determined that the Project is consistent with the previously certified City of San Diego Downtown Environmental Impact Report (SCH# 2003041001). Development within the Downtown Community Planning area is covered under the following documents, referred to collectively as the "Downtown FEIR": (1) Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan (DCP), Centre City Planned District Ordinance, and 10th Amendment to the Centre City Redevelopment Plan, certified by the former Redevelopment Agency ("Former Agency") and the City Council on March 14, 2006 (Resolutions R-04001 and R-301265, respectively); (2) Subsequent Addenda to the FEIR certified by the Former Agency and City Council on: August 3, 2007 (Resolution R-04193 and R-302932, respectively); April 13, 2010 (Council Resolution R-305759); April 21, 2010 (Former Agency Resolutions R-04509 and R-04510); August 3, 2010 (Former Agency Resolution R-04544 and Council Resolution R-30614); February 12, 2014 (City Council Resolution R-308724); July 14, 2014 (City Council Resolution R-309115); and (3) Final Supplemental Environmental Impact Report for the Downtown San Diego Mobility Plan certified by the City Council on June 21, 2016 (Resolution R-310561).

Development within the DCP area is also covered under the following documents, referred to collectively as the "CAP FEIR": FEIR for the City of San Diego Climate Action Plan (CAP) Project No. 416603/SCH No. 2015021053, certified by the City Council on December 15, 2015 (City Council Resolution R-310176), and the Addendum to the CAP, certified by the City Council on July 12, 2016 (City Council Resolution R- 310595).

The Downtown FEIR and CAP FEIR are "Program EIRs" prepared in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15168. The information contained in the Downtown FEIR and CAP FEIR reflects the independent judgment of the City of San Diego as the Lead Agency. The environmental impacts of the Project were adequately addressed in the Downtown FEIR and CAP FEIR; the Project is within the scope of the development program described in the Downtown FEIR and CAP FEIR and is adequately described within each document for the purposes of CEQA; and, none of the conditions listed in CEQA Guidelines Section 15162 exist. Therefore, no further environmental documentation or review is required under CEQA. All environmental documents for the DCP area are available here: https://www.sandiego.gov/developmentservices/newsprograms/ downtown-development/eirs; the CAP FEIR is available here: https://www.sandiego.gov/cega/final.

Fiscal Impact Statement: No fiscal impact; Project is privately owned and funded.

Code Enforcement Impact: None; no active code enforcement cases on the property.

<u>Housing Impact Statement</u>: Project proposes to convert existing residential dwelling units to visitor accommodations, resulting in a net loss of eight residential dwelling units.

BACKGROUND

The Project is located at 1525-1537 Union Street on a 5,005-square-foot (sf) site on the east side of Union Street between Cedar Street and Beech Street in the Little Italy neighborhood of the Downtown Community Plan (DCP) area within the Residential Emphasis district of the Centre City Planned District Ordinance (CCPDO) (Attachment 1). The site currently contains seven detached, single-story bungalow buildings that contain eight residential studio dwelling units that were most recently used as short-term rentals. The site is surrounded by a mix of uses, including high-rise residential buildings to the north and west, a surface parking lot to the south, and various mixed commercial uses such as offices and retail. The building in which the Project is located is known as the "Gordon B. Wells/Allen H. Hilton Bungalow Court Apartments," originally constructed in 1926 and designated as a historical resource by the City of San Diego Historical Resources Board (HRB) in 2017 as HRB No. 1264. The designation was based on the findings that the historical resource embodies distinctive characteristics of a Spanish Eclectic style bungalow court apartment and retains architectural integrity from its 1926 period of significance, as well as represents a notable work of Master Builder Allen H. Hilton.





Union Street frontage of Project site

South side view of Project site (single-story buildings in foreground)

Per Table 146-0310-A of the CCPDO, visitor accommodations are not a permitted use in the Residential Emphasis land use district; however, per San Diego Municipal Code (SDMC) Section 156.0315(i) of the CCPDO, land uses not otherwise allowed in a district may be permitted if located within a designated historical resource with approval of a CUP in accordance with Process 3, subject to the following regulations:

- 1. The building must be designated as a historical resource by the City of San Diego HRB before approval of the CUP.
- 2. The use of the historical buildings shall be compatible with the uses in the surrounding area or shall be consistent with the purpose for which the building was originally designed. To minimize detrimental effects to neighboring properties, any separately regulated uses in a historical building shall comply with the regulations in SDMC Section 156.0315 (CCPDO Separately Regulated Uses) and SDMC Ch. 14, Art. 1 (Separately Regulated Use Regulations).
- 3. The historical building shall be preserved, restored, rehabilitated, reconstructed, or maintained in its original historic appearance in accordance with SDMC Ch. 14, Art. 3, Div. 2.
- 4. Any facilities that are constructed as part of the new use shall be designed to be similar in scale and style with the historical use, and cause no more than a minor alteration to the historical building in accordance with Historical Resources Regulations unless the development is approved through a Site Development Permit or Neighborhood Development Permit in accordance with SDMC Ch. 11-14.

The decision on the application for a CUP shall be made by the City Hearing Officer in accordance with Process Three. The decision may be appealed to the Planning Commission in accordance with SDMC Section 112.0506.

DISCUSSION

Project Description

The Applicant, JMAN, LLC, proposes to convert the existing eight 260-sf studio residential dwelling units within the detached, single-story buildings designated as HRB No. 1264 at 1525-1537 Union

Street to visitor accommodations. Per Table 156-0310-A, this use is not allowed in the Residential Emphasis land use district; however, uses not otherwise allowed in a district are permitted through SDMC Section 156.0315(i) when located within a designated historical resource. The existing buildings on the site were restored and rehabilitated consistent with the Secretary of Interior Standards for Historical Buildings when the Applicant purchased the property in 2017, so pursuant to the provisions of SDMC Section 156.0315(i), no physical changes or new construction are proposed to the existing historical resource as part of the Project.

Community Plan Analysis

The Project is located within the Little Italy neighborhood of the DCP area. The DCP envisions that redevelopment in Little Italy will underscore the neighborhood's historic and contemporary qualities, with strategic intensification to accomplish population goals and increase neighborhood vitality. Ultimately, Little Italy is projected to contain up to 12,000 residents and 12,000 employees. The following are key DCP Goals and Policies that apply to the Project site:

- 3.1-G-2 Provide overall balance of uses--employment, residential, cultural, government destination with full compendium of amenities and services.
- 3.5-G-2 Foster a rich mix of uses in all neighborhoods, while allowing differences in emphasis on uses to distinguish between them.
- 6.7-G-1 Facilitate Little Italy's continued evolution as a cohesive, mixed-use waterfront neighborhood.
- 9.1-G-1 Protect historical resources to communicate Downtown's heritage.
- 9.1-G-2 Encourage the rehabilitation and reuse of historical resources.
- 9.2-P-3 Promote the adaptive re-use of intact buildings (designated or not) and/or significant elements, as a cultural and sustainability goal.

There are several existing visitor accommodations establishments within the vicinity of the Project, including the Doubletree by Hilton on the block to the north, the Four Points by Sheraton and Motel 6 about two blocks to the east, and the Carte Hotel about two blocks to the southwest. While the Doubletree, Four Points, and Carte are located within different land use districts where visitor accommodations are allowed by right, the Motel 6 is within the same land use district as the Project—the Residential Emphasis district, where visitor accommodations are not permitted; however, this Motel 6 is a previously conforming use that has operated prior to 2006, when the current regulations on visitor accommodations in the Residential Emphasis district was adopted.

<u>Conclusion</u>

Staff has reviewed the Applicant's proposal and considered the potential impacts resulting from the proposed use. Based on the draft findings (Attachment 4), Staff recommends approval of the CUP, subject to the conditions as outlined in the draft permit (Attachment 5). The recommended conditions ensure that the use is compatible with, and does not become a nuisance to, the surrounding neighborhood.

Staff recommends that the City Hearing Officer approve CUP No. PMT-3137953 to allow visitor accommodations in the existing historical resource located at 1525-1537 Union Street, subject to conditions in the draft permit (Attachment 5).

<u>ALTERNATIVES</u>

- 1. Approve CUP No. PMT-3137953, with modifications.
- 2. Deny CUP No. PMT-3137953, if the findings required to approve the project cannot be affirmed.

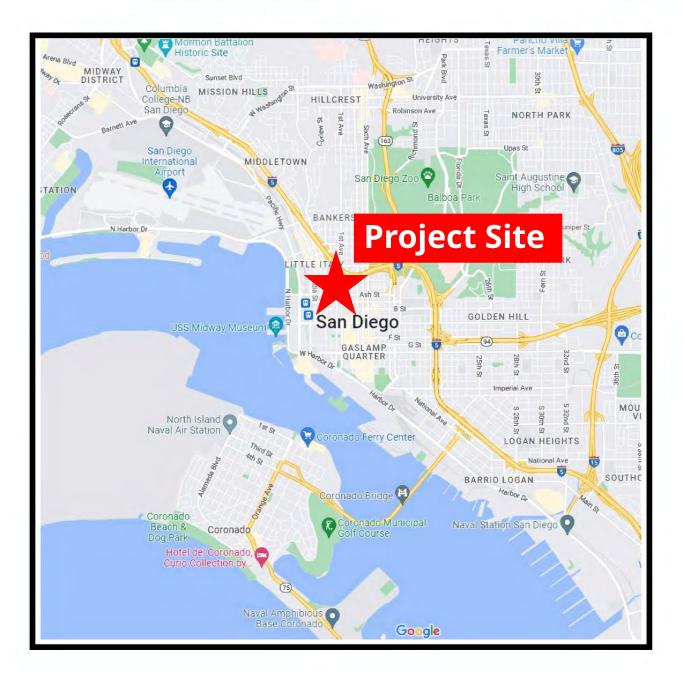
Respectfully submitted,

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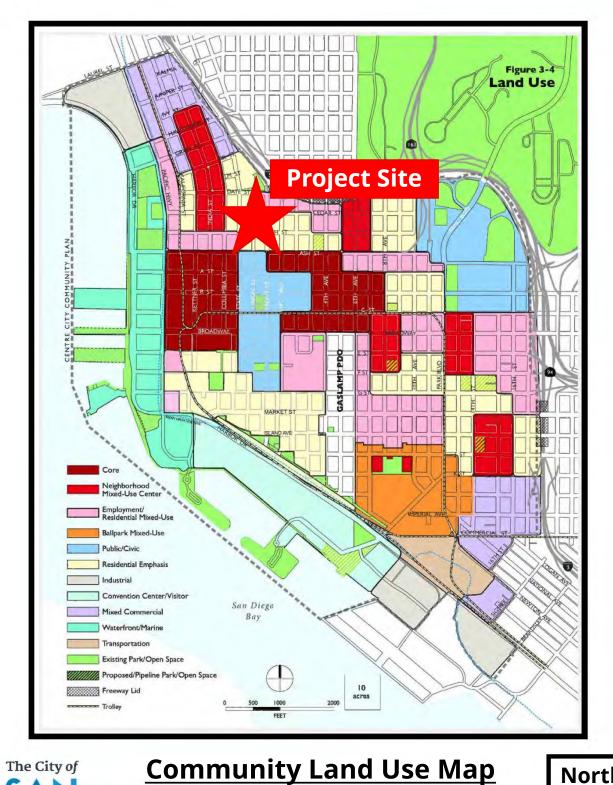
James Alexander Senior Planner, Urban Division Development Services Department

Attachments:

- 1. Project Location Map
- 2. Community Plan Land Use Map
- 3. Aerial Photo
- 4. Draft Resolution with Findings
- 5. Draft Permit with Conditions
- 6. Community Planning Group Recommendation
- 7. Ownership Disclosure Statement
- 8. Project Plans



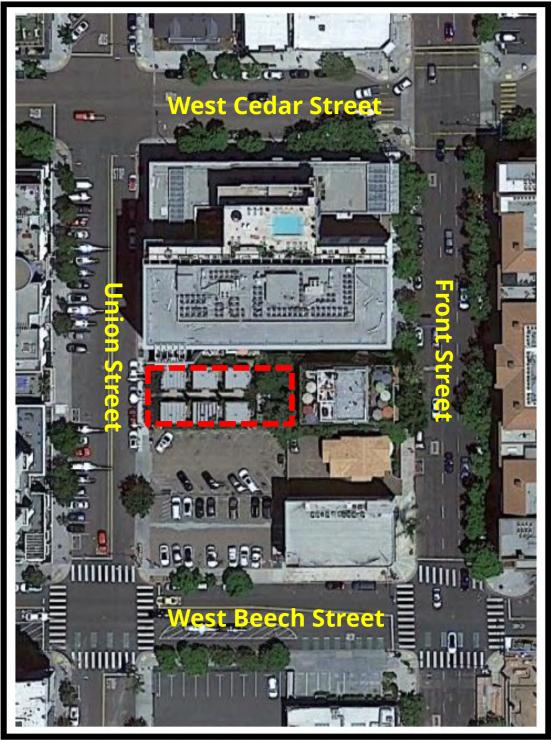




The City of SAN DIEGO

Union Street Bungalows, Project No. PRJ-1050177 1525-1537 Union Street







Aerial Photo

Union Street Bungalows, Project No. PRJ-1050177 1525-1537 Union Street



HEARING OFFICER RESOLUTION NO. ______ CONDITIONAL USE PERMIT NO. PMT-3137953 UNION STREET BUNGALOWS - PROJECT NO. PRJ-1050177

WHEREAS, JMAN, LLC, Owner/Permittee, filed an application with the City of San Diego for a permit to allow visitor accommodations in the existing bungalow buildings ("Project") designated as Historical Resource Board (HRB) No. 1264, the Gordon B. Wells/Allen H. Hilton Bungalow Court Apartments, on a 5,005 square-foot site (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. PMT-3137953);

WHEREAS, the Project site is located at 1525-1537 Union Street in the Residential Emphasis district of the Centre City Planned District and within the Downtown Community Plan (DCP) area;

WHEREAS, the Project site is legally described as Lot 4 in Block 23 of Middletown, in the City of San Diego, County of San Diego, State of California, according to partition map thereof made by J.E. Jackson, on file in the Office of the County Clerk of said San Diego County;

WHEREAS, on August 3, 2022, the City of San Diego determined that the Project is consistent with the previously certified City of San Diego Downtown Environmental Impact Report (SCH# 2003041001);

WHEREAS, development within the Downtown Community Planning area is covered under the following documents, referred to collectively as the "Downtown FEIR": (1) Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and 10th Amendment to the Centre City Redevelopment Plan, certified by the former Redevelopment Agency ("Former Agency") and the City Council on March 14, 2006 (Resolutions R-04001 and R-301265, respectively); (2) subsequent addenda to the FEIR certified by the Former Agency and City Council on: August 3, 2007 (Resolution R-04193 and R-302932, respectively); April 13, 2010 (Council Resolution R-305759); April 21, 2010 (Former Agency Resolutions R-04509 and R-

04510); August 3, 2010 (Former Agency Resolution R-04544 and Council Resolutions R-30614), February 12, 2014 (City Council Resolution R-308724); July 14, 2014 (City Council Resolution R-309115); and (3) Final Supplemental Environmental Impact Report for the Downtown San Diego Mobility Plan certified by the City Council on June 21, 2016 (Resolution R-310561);

WHEREAS, development within the DCP area is also covered under the following documents, referred to collectively as the "CAP FEIR": FEIR for the City of San Diego Climate Action Plan (CAP), certified by the City Council on December 15, 2015 (City Council Resolution R-310176), and the Addendum to the CAP, certified by the City Council on July 12, 2016 (City Council Resolution R- 310595);

WHEREAS, the Downtown FEIR and CAP FEIR are "Program EIRs" prepared in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15168; the information contained in the Downtown FEIR and CAP FEIR reflects the independent judgment of the City of San Diego as the Lead Agency; the environmental impacts of the Project were adequately addressed in the Downtown FEIR and CAP FEIR; the Project is within the scope of the development program described in the Downtown FEIR and CAP FEIR and is adequately described within each document for the purposes of CEQA; and none of the conditions listed in CEQA Guidelines Section 15162 exist;

WHEREAS, based on the foregoing, no further environmental documentation or review is required under CEQA.

WHEREAS, on September 21, 2022, the Hearing Officer of the City of San Diego considered Conditional Use Permit (CUP) No. PMT-3137953 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 CUP No. PMT-3137953:

A. <u>CONDITIONAL USE PERMIT [SDMC Section 126.0305]</u>

1. <u>Findings for all Conditional Use Permits:</u>

a. The proposed development will not adversely affect the applicable land use plan.

The proposed use, visitor accommodations, within the existing eight detached, single-story bungalow buildings designated as HRB No. 1264, the Gordon B. Wells/Allen H. Hilton Bungalow Court Apartments and within the Residential Emphasis land use district of the Centre City Planned District, will not adversely affect the applicable land use plan as San Diego Municipal Code (SDMC) Section 156.0315(i) (the Centre City Planned District Ordinance, or CCPDO) allows for the approval of land uses not otherwise allowed in a district if located within a designated historical resource through approval of a CUP in accordance with Process 3. Visitor accommodations is not a permitted use in the Residential Emphasis district; however, uses not otherwise permitted in the base zone may be allowed, subject to the following provisions, per Section 156.0315(i):

- 1. The building must be designated as a historical resource by the City of San Diego HRB before approval of the CUP.
- 2. The use of the historical building shall be compatible with the uses in the surrounding area or shall be consistent with the purpose for which the building was originally designed. To minimize detrimental effects to neighboring properties, any separately regulated uses in a historical building shall comply with the regulations in SDMC Section 156.0315 (CCPDO Separately Regulated Uses) and SDMC Ch. 14, Art. 1 (Separately Regulated Use Regulations).
- 3. The historical building shall be preserved, restored, rehabilitated, reconstructed, or maintained in its original historic appearance in accordance with SDMC Ch. 14, Art. 3, Div. 2.
- 4. Any facilities that are constructed as part of the new use shall be designed to be similar in scale and style with the historical use, and cause no more than a minor alteration to the historical building in accordance with Historical Resources Regulations unless the development is approved through a Site Development Permit or Neighborhood Development Permit in accordance with SDMC Ch. 11-14.

The existing buildings within which the visitor accommodations are proposed is known as the Gordon B. Wells/Allen H. Hilton Bungalow Court Apartments and was locally designated as a historical resource by the City of San Diego Historical Resources Board (HRB) on August 24, 2017. As such, the Project compliance with provision No. 1 above.

Although the proposed land use is not permitted in the Residential Emphasis land use district, there are several existing visitor accommodations establishments within the vicinity of the Project site. The Doubletree by Hilton is located on the block to the north, the Four Points by Sheraton and Motel 6 are located about two blocks to the east, and the Carte Hotel about two blocks to the southwest. While the Four Points, Doubletree, and Carte are within different land use districts where visitor accommodations are allowed by right, the Motel 6 is within the same land use district as the Project—the Residential Emphasis district, where visitor accommodations are not permitted; however, this Motel 6 is a previously conforming use that has operated prior to 2006, when the current regulations on visitor accommodations in the Residential Emphasis district was adopted. Further, the Little Italy neighborhood is envisioned in the DCP to continue to evolve as a cohesive, mixed-use waterfront neighborhood (DCP, 6.7-G-1). Therefore, the addition of visitor accommodations at this location is compatible with the uses in the surrounding area.

As part of the Project to convert the existing buildings to visitor accommodates, no physical changes or new construction is proposed on the site. The existing buildings were restored and rehabilitated, consistent with the Secretary of Interior Standards for Historic Buildings, when the existing owner purchased the property in 2017. The restoration is also consistent with the DCP goals to encourage the rehabilitation and reuse of historical resources (DCP, 9.1-G-2) and protect historical resources to communicate Downtown's heritage (DCP, 9.1-G-1). As a condition of approval, the historical resource will be required to be preserved and maintained in its original historic appearance.

As mentioned, the Project does not include any physical changes or new construction, so no new facilities will be constructed as part of the new use. As a condition of approval, any new construction must be designed to be similar in scale and style with the historical use.

The Project complies with the provisions of the CCPDO for uses in historical buildings not otherwise allowed in the land use district and aligns with and advances the DCP's goals for diversifying the mix of uses in neighborhoods, preserving historical resources, and facilitating Little Italy's continued evolution as a cohesive, mixed-use waterfront neighborhood. Therefore, the proposed use will not adversely affect the applicable land use plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed use, visitor accommodations within an existing designated historical resource (HRB No. 1264) within the Residential Emphasis land use district of the Centre City Planned District, will not be detrimental to the public health, safety and welfare of the community because it is a low-density use (only eight units) that is consistent with other, more dense visitor accommodations uses within two blocks of the site, and would therefore have no impact on surrounding uses. The restoration, rehabilitation, and maintenance of the historical resource contributes to a clean, safe, and desirable neighborhood, which improves the welfare of its residents. Further, the proposed use provides opportunities for tourists and other visitors to enjoy Little Italy, adding activity to the neighborhood. Increased activity and people

improve neighborhood safety. The addition of more accommodations for visitors also creates more opportunities to improve the economic vitality of the neighborhood, which improves the welfare of both residents and business owners in Little Italy. When operated in compliance with the conditions of approval and the CCPDO regulations, the proposed use will not be detrimental to the public health, safety, and welfare.

c. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

The proposed use, visitor accommodations, is located within existing buildings designated as HRB No. 1264, within the Residential Emphasis land use district of the Centre City Planned District, complies with all applicable land use regulations, including those of the CCPDO for uses in historic buildings otherwise not permitted in a land use district. As required in SDMC Section 156.0315(i), the existing buildings were designated in 2017, five years prior to the submittal of the CUP application, the proposed use is compatible with surrounding uses, as described in Finding 1 because there are other visitor accommodations uses within close proximity of the Project site, the historical building was previously restored and rehabilitated, and no new construction or physical changes are proposed. No deviations to these code provisions are proposed as part of the Project. Conditions of approval are in place to ensure compliance with these provisions, including maintaining the existing buildings in their original historic appearance in accordance with the Historical Resources Regulations (Chapter 14, Article 3, Division 2 of the SDMC). The Project will comply with the regulations of the CCPDO for uses in historic buildings otherwise not permitted in a land use district, per SDMC Section 156.0315(i) and the conditions of approval. Any proposed changes would be required to be reviewed by the City of San Diego and obtain all necessary governmental approvals. Therefore, the proposed visitor accommodations complies with the regulations of the Land Development Code.

d. The proposed use is appropriate at the proposed location.

The proposed use, visitor accommodations, is located within <u>8</u> existing buildings designated as HRB No. 1264, within the Residential Emphasis land use district of the Centre City Planned District, and within the Little Italy neighborhood of the DCP area. The DCP area ("Downtown") is a mixed-use community where a variety of uses co-exist within close proximity of each other. The DCP encourages an overall balance of uses in Downtown (DCP, 3 .1-G-2) and aims to foster a rich mix of uses in all neighborhoods, while allowing differences in emphasis on uses to distinguish between them (DCP, 3.5-G-2). Although the land use district of the Project site (Residential Emphasis) does not permit visitor accommodations by right, SDMC Section 156.0315(i) allows for uses otherwise not allowed to be located within historically designated buildings with approval of a CUP. The blocks surrounding the proposed location contain several other existing visitor accommodations, including the Doubletree by Hilton on the block to the north, the Four Points by Sheraton

and Motel 6 about two blocks to the east, and the Carte Hotel about two blocks to the southwest. While the Doubletree, Four Points, and Carte are located within different land use districts where visitor accommodations are allowed by right, the Motel 6 is within the same land use district as the Project—the Residential Emphasis district, where visitor accommodations are not permitted; however, this Motel 6 is a previously conforming use that has operated prior to 2006, when the current regulations on visitor accommodations in the Residential Emphasis district was adopted. The proposed location within the Little Italy neighborhood also advances the DCP goal to continue to facilitate Little Italy's continued evolution into a cohesive, mixed-use waterfront neighborhood (DCP, 6.7-G-1). With similar uses surrounding the proposed location, compliance with the CCPDO, and advancement of the goals of the DCP, the proposed visitor accommodations use is appropriate at the proposed location.

The above findings are supported by the minutes, maps and exhibits, all of which are

incorporated herein by this reference.

BE IT FURTHER RESOLVED that, based on these findings adopted by the Hearing Officer, CUP

No. PMT-3137953 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. PMT-3137953, a copy of which is

attached hereto and made a part hereof.

James Alexander Senior Planner, Urban Division Development Services Department

Adopted on: September 21, 2022

IO#: 24009126

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

PROJECT MANAGEMENT PERMIT CLERK MAIL STATION 501

INTERNAL ORDER NUMBER: 24009126

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. PMT-3137953 UNION STREET BUNGALOWS - PROJECT NO. PRJ-1050177 HEARING OFFICER

This Conditional Use Permit (CUP) No. PMT-3137953 is granted by the Hearing Officer of the City of San Diego to JMAN, LLC, Owner/Permittee, pursuant to San Diego Municipal Code (SDMC) Section 126.0301 to allow visitor accommodations in the existing bungalow buildings ("Project") designated as Historical Resource Board (HRB) No. 1264, the Gordon B. Wells/Allen H. Hilton Bungalow Court Apartments, located at the 5,005-square-foot site at 1525-1537 Union Street in the Residential Emphasis district of the Centre City Planned District and within the Downtown Community Plan area. The Project site is legally described as Lot 4 in Block 23 of Middletown, in the City of San Diego, County of San Diego, State of California, according to partition map thereof made by J.E. Jackson, on file in the Office of the County Clerk of said San Diego County.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to allow visitor accommodations in the existing bungalow buildings designated as HRB No. 1264 and subject to the City's land use regulations described and identified by size, dimension, quantity, type, and location on the approved exhibits (Exhibit "A") dated September 21, 2022, on file in the Development Services Department (DSD).

The Project shall include:

- **a.** Visitor accommodations within the existing eight detached, single-story bungalow buildings designated as HRB No. 1264 (the Gordon B. Wells/Allen H. Hilton Bungalow Court Apartments), located at 1525-1537 Union Street in the Residential Emphasis district of the Centre City Planned District;
- **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:

- 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 **October 5, 2025**.
- 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.
- 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. 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.

- 9. 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 Owner/Permittee.

PLANNING/DESIGN REQUIREMENTS:

- 11. Visitor accommodations shall be permitted in the existing buildings designed as HRB No. 1264 within the Residential Emphasis district. The intended uses must be in conformance with this CUP or the permitted uses outlined in the CCPDO and all other relevant regulations in the SDMC. Any proposed change in use shall be reviewed and approved by the City of San Diego.
- 12. The historical building shall be maintained in its original historic appearance in accordance with the Historical Resources Regulations (Chapter 14, Article 3, Division 2 of the SDMC).
- 13. Any changes or alterations to the existing buildings shall be reviewed by the City of San Diego and shall be designed to be similar in scale and style with the historical use, and cause no more than a minor alteration to the historical building in accordance with Historical Resources Regulations unless approved through a Site Development Permit or Neighborhood Development Permit in accordance with SDMC Chapters 11 through 14.
- 14. The Permittee shall respond to complaints pertaining to this Permit by members of the community within 24 hours of receiving the complaint. A current point of contact shall be

maintained with the City of San Diego for the premises to ensure full compliance with this condition.

15. This Permit may be revoked by the City of San Diego if there is a material breach or default in any of the conditions of this permit. If the business creates a nuisance to the surrounding neighborhood, based on a determination of the City of San Diego, this permit may be revoked after the holding of a public hearing.

ENGINEERING REQUIREMENT:

16. Within 60 days of recordation of the CUP, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for the private mailbox, landscaping, and decorative rocks within the Union Street right-of-way, satisfactory to the City Engineer.

PUBLIC UTILITIES REQUIREMENTS:

- 17. Prior to the issuance of any building permits, if it is determined during the building permit review process, the existing water and sewer will not be adequate to serve the proposed Project, the Owner/Permittee shall, assure by permit and bond, the design and construction of new water and sewer service(s) outside of any driveway or drive aisle and the abandonment of any existing unused water and sewer services within the right-of-way adjacent to the Project site, in a manner satisfactory to the Public Utilities Director and the City Engineer.
- 18. The Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private backflow prevention device(s) on each water service (domestic, fire, and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.
- 19. All proposed private water and sewer facilities are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.
- 20. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and five feet of any water facilities.

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 September 21, 2022 and Resolution No. _____.

Permit Type/PTS Approval No.: PMT-3137953 Date of Approval: September 21, 2022

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

James Alexander Senior Planner, Urban Division Development Services Department

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.

JMAN, LLC Owner/Permittee

Ву _____

(Signature)

PRINT NAME: TITLE:

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

Page 3	City of S	an Diego · Infoi	rmation Bulletin	620	August 2018	
SD	City of San I Developme 1222 First Av San Diego, C	nt Services ve., MS-302			ity Planning Distribution Form	
Project Name: MILLS ACT - HOTE			Project Numbe 1050177	r:		
Community:			1050177			
Down	lown					
	log into Op	enDSD at <u>https:</u>	nation (project ma //aca.accela.com e Project Number	<u>/SANDIE</u>	••	
Vote to Approv	/e				Date of Vote:	
D Vote to Approv	ve with Conditi	ons Listed Belov			April 20, 2022	
 Vote to Approv Vote to Deny 	ve with Non-Bi	nding Recomme	ndations Listed E	selow		
# of Members Yes		# of Members I	No	# of M	l embers Abstain	
14					0	
Conditions or Recommendations: No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)						
NAME: ROBERT E	3. LINK					
TITLE: DCPC CHA	AIR			DATE:	April 28, 2022	
Attach additional pages if necessary (maximum 3 attachments).						

Visit our web site at <u>www.sandiego.gov/development-services</u>. Upon request, this information is available in alternative formats for persons with disabilities. DS-5620 (08-18) ONLINE FORM

ATTACH	IMENT 7
	FORM

SD

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

Ownership Disclosure Statement

October 2017

Approval Type: Check appropriate box for type of □ Neighborhood Development Permit □ Site De □ Tentative Map □ Vesting Tentative Map □ M	evelopment Permit 🛯 Planned Developn	nent Permit 🛛	Conditional Use P			
Project Title: Bungalows		_ Project No	. For City Use Only	:		
Project Address: 1525-1537 Union Street, San d	iego, CA 92101					
Specify Form of Ownership/Legal Status (plea	ase check):					
□ Corporation 🛛 Limited Liability -or- □ Gener	al – What State?Corporate	eldentificatio	ו No			
🗖 Partnership 🗖 Individual						
By signing the Ownership Disclosure Statement with the City of San Diego on the subject prop owner(s), applicant(s), and other financially inte- individual, firm, co-partnership, joint venture, a with a financial interest in the application. If the individuals owning more than 10% of the share officers. (A separate page may be attached if ne ANY person serving as an officer or director of A signature is required of at least one of the p notifying the Project Manager of any changes i ownership are to be given to the Project Manage accurate and current ownership information cou	perty with the intent to record an encur rested persons of the above referenced ssociation, social club, fraternal organiza- te applicant includes a corporation or pa- s. If a publicly-owned corporation, inclu- ecessary.) If any person is a nonprofit or of the nonprofit organization or as tru- property owners. Attach additional page n ownership during the time the applic ger at least thirty days prior to any public	nbrance agai property. A ation, corpora artnership, in de the name ganization or stee or bene es if needed. ation is being c hearing on	nst the property. P financially interester tion, estate, trust, r clude the names, tit s, titles, and addres: a trust, list the nam ficiary of the nonp Note: The applicar g processed or cons	Please list below the d party includes any eceiver or syndicate eles, addresses of all ses of the corporate es and addresses of orofit organization. th is responsible for sidered. Changes in		
Property Owner						
Name of Individual: <u>JMAN LLC</u>		🛛 🛛 Owner	Tenant/Lessee	Successor Agency		
Street Address: <u>3000 Upas Street Suite 101, San</u>	Diego, CA 92104					
City: San Diego			State: <u>CA</u>	Zip: <u>92101</u>		
Phone No.: 619-993-6269	Fax No.:	Email: mrr	natthewsegal@gmai	l.com		
Signature:			Date: Jan 10th 2022			
Additional pages Attached:	🛛 No	<u></u>				
Applicant						
Name of Individual: JMAN LLC - Jonathan Segal		🛛 Owner	Tenant/Lessee	Successor Agency		
Street Address: <u>3000 Upas Street Suite 101, San</u>	Diego, CA 92104					
City: San Diego			State: CA	Zip: 92101		
Phone No.: 619-993-6269	Fax No.:	Email: mrr	natthewsegal@gmai	il.com		
Signature:			<u> </u>			
Additional pages Attached:	🛛 No					
Other Financially Interested Persons						
Name of Individual:		Owner	Tenant/Lessee	Successor Agency		
Street Address:						
City:			State:	Zip:		
Phone No.:						
Signature:						
Additional pages Attached:						

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



THIS PROJECT PROPOSES NO DEVELOPMENT IMPROVEMENTS OUTSIDE THE EXISTING BUILDING FOOTPRINT FOR THIS DISCRETIONARY REVIEW AND THEREFORE DOES NOT REQUIRE ANY PERMANENT STORM WATER BEST MANAGEMENT PRACTICES.

PROJECT DESCRIPTION

-CONDITIONAL USE PERMIT FOR HOTEL -1525 UNION STREET WAS ORIGINALLY CONSTRUCTED IN 1926 -FULLY RESTORED IN 2017 -8 EXISTING SEPERATE STRUCTURES -NO PROPOSED DEVELOPMENT -EXISTING MILLS ACT AGREEMENT PROPERTY -ADA COMPLIANCE NOT REQUIRED

PROJECT TEAM

ARCHITECT: JONATHAN SEGAL, FAIA 3000 UPAS STREET, STE. 101 SAN DIEGO, CA 92104 PHONE: (619) 993-6269 FAX: (619) 955-5398 CONTACT: MATTHEW SEGAL

PROJECT DATA

PROJECT NAME	Ξ:	Gordon B. Wel Bungalow Cou
PROJECT ADDF	RESS:	1525-1537 UN SAN DIEGO,
SUBMITTAL DAT A.P.N.: 533-342-		JANUARY 7, 2
		TY PLANNING I AL EMPHASIS
APPLICANT: PROPERTY OW	NER:	JONATHAN S 3000 UPAS S SAN DIEGO ((619) 993 626 JMAN LLC 3000 UPAS S SAN DIEGO ((619) 993 626
SITE AREA:	5,005 S .11 ACF	

FLOOR AREA PER UNIT **BEDROOMS PER UNIT:** OVERALL GROSS FLOOR AREA: TOTAL NUMBER OF UNITS PER UNIT TYPE: 8 STUDIOS INCOME LEVEL OF EACH UNIT:

LANDSCAPE AREA: 2,915

FLOOR AREA: 2,090 FAR: Min. 5 Max. 8

HRB NUMBER: 1264

GEOLOGICAL HAZARD CATEGORY: Designation: 13 Category: Fault Zones

RESIDENTIAL UNIT COUNT: 8

UNITS PROPOSED FOR DEMO OR ALTERATION: 0

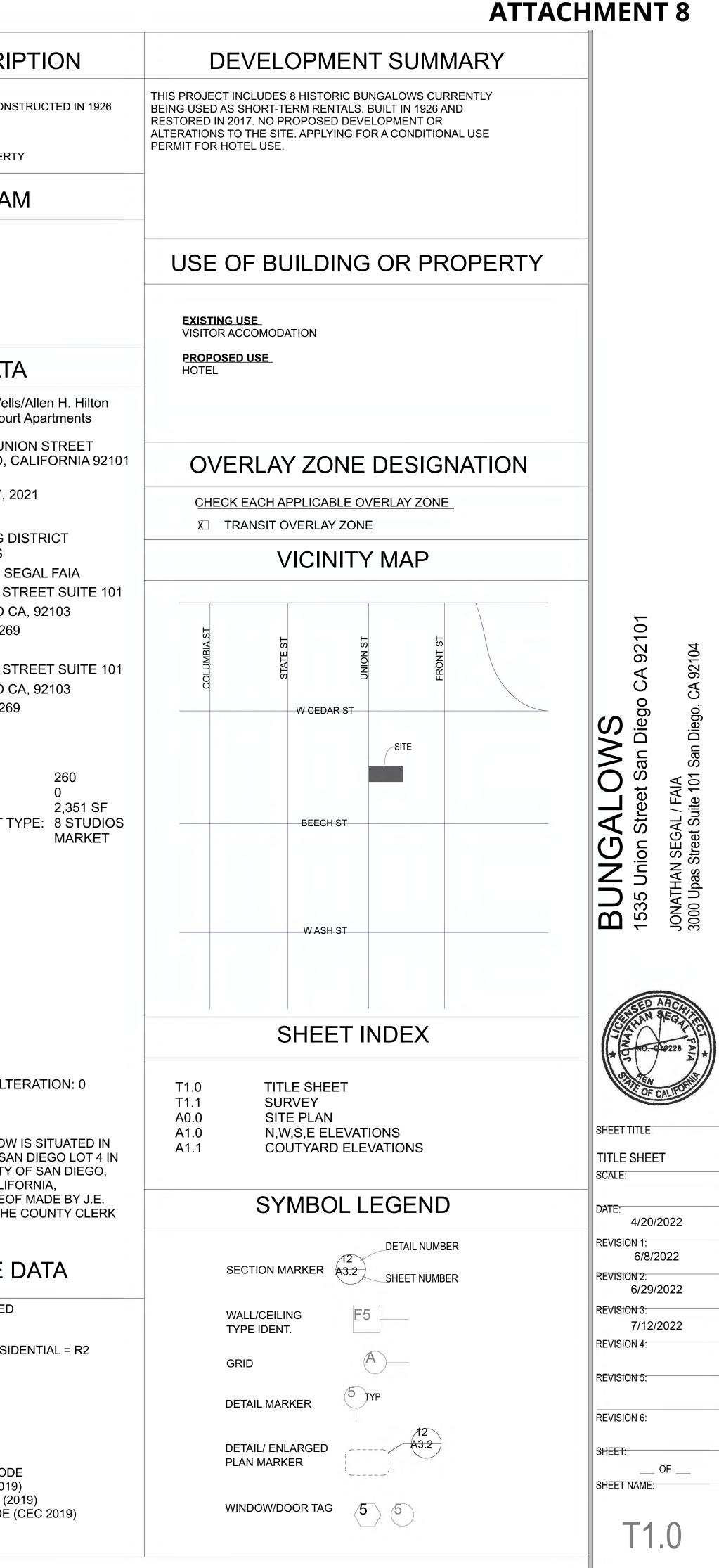
LEGAL DESCRIPTION:

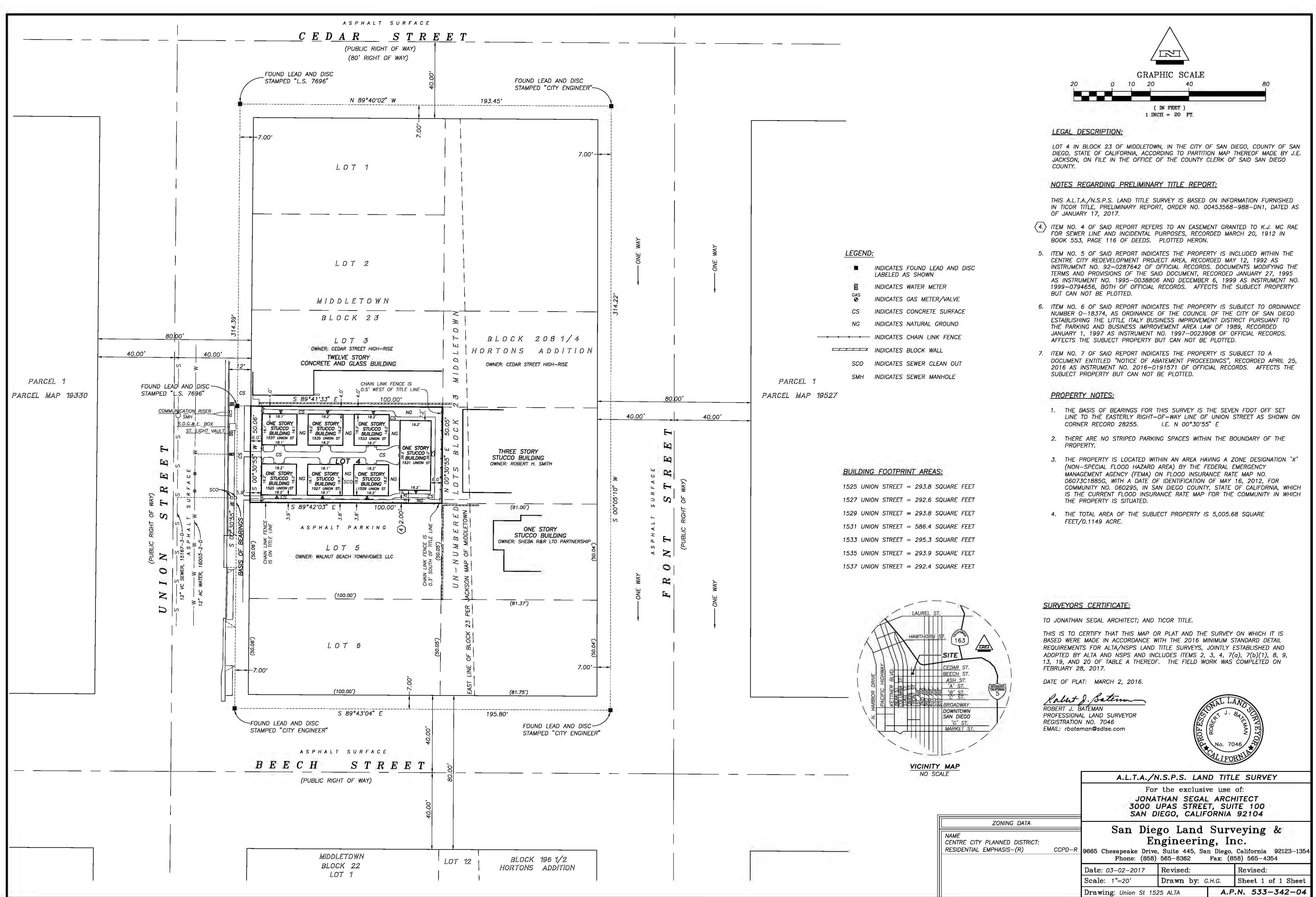
THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO LOT 4 IN BLOCK 23 OF MIDDLETOWN, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARTITION MAP THEREOF MADE BY J.E. JACKSON ON FILE IN THE OFFICE OF THE COUNTY CLERK OF SAID SAN DIEGO COUNTY

BUILDING CODE DATA

TYPE OF CONSTRUCTION: V, NON RATED 160' HT. LIMIT OCCUPANCY CLASSIFICATION(S): RESIDENTIAL = R2 NUMBER OF STORIES: 1 BUILDING HEIGHT: 11'-9" NFPA 13 SPRINKLERED: YES NO NO GOVERNING CODES:

2019 CALIFORNIA BUILDING CODE UNIFORM PLUMBING CODE (2019) UNIFORM MECHANICAL CODE (2019) CALIFORNIA ELECTRICAL CODE (CEC 2019)





		JAN DIEGO, CALIFORNIA 92104			
NG DATA		San Diego Land Surveying &			
D DISTRICT: S-(R)	CCPD-R	En 9665 Chesapeake Drive,	ngineerin	g, In n Diego,	C. California 92123–1354
		, , ,	Revised:	\	Revised:
		Scale: 1"=20'	Drawn by: G	.H.G.	Sheet 1 of 1 Sheet
		Drawing: Union St 152	25 ALTA	A.P	.N. 533-342-04

Ŭ 0 õ S Die MO an Ś AL BUNG 1535 Union Union

0

92

101 BAL et Su JONATHAN SEC 3000 Upas Stree



SHEET TITLE

SURVEY SCALE: DATE: 4/20/2022 **REVISION 1:**

6/8/2022 REVISION 2: 6/29/2022

REVISION 3: 7/12/2022 REVISION 4:

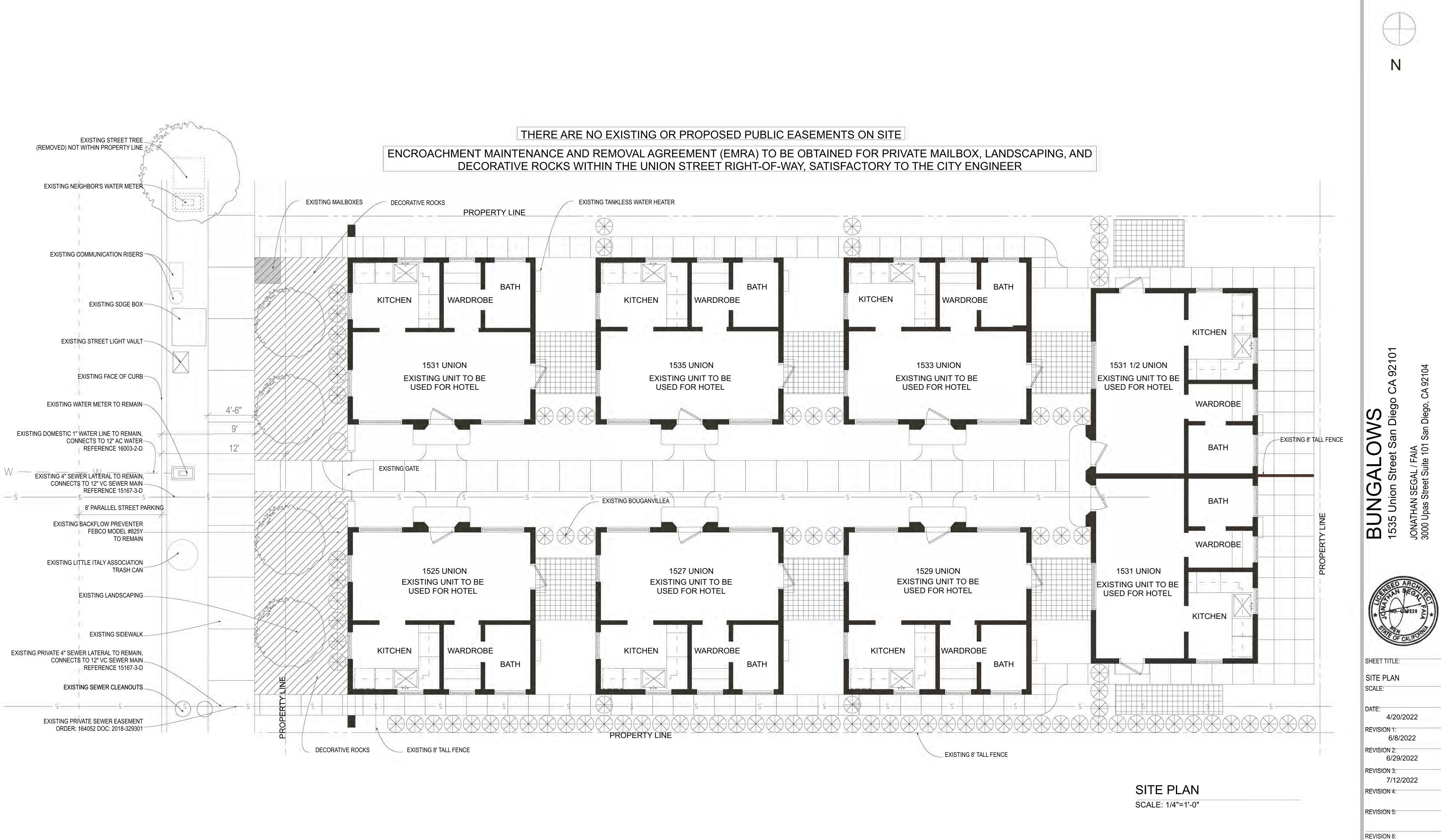
REVISION 5:

REVISION 6

SHEET:

SHEET NAME:

_ OF ___

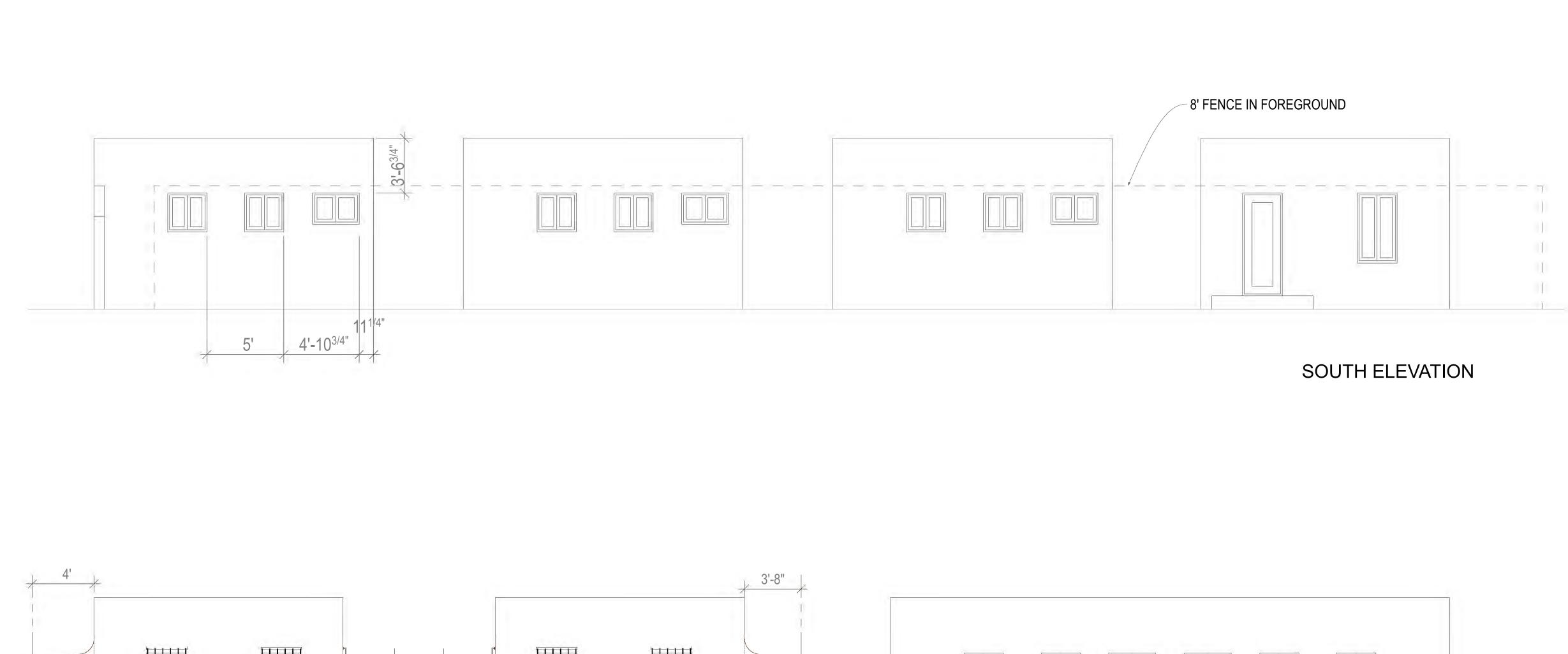


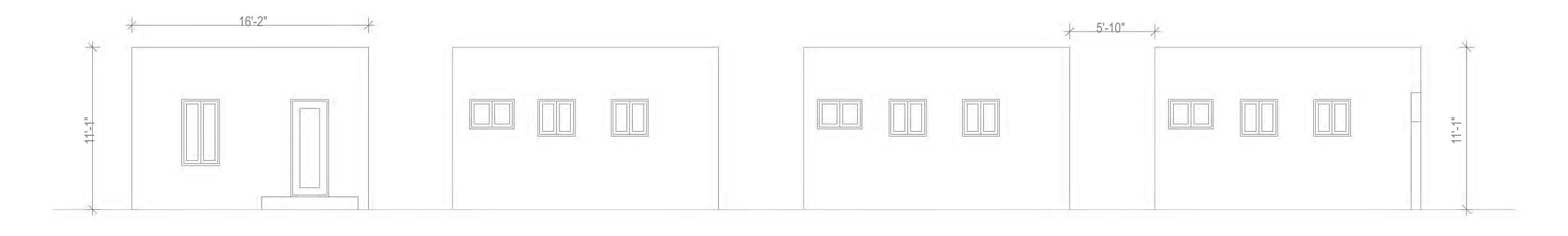
SHEET: ____ OF ____

SHEET NAME:

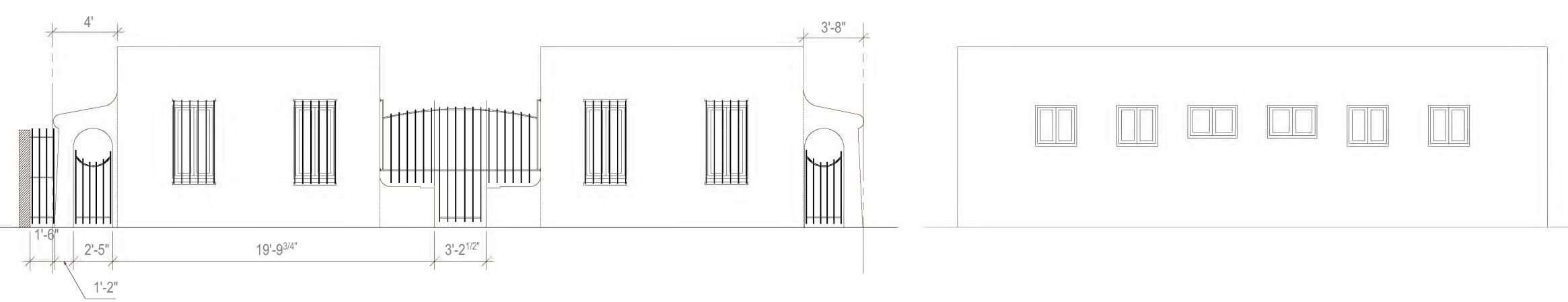
A0.0

ATTACHMENT 8









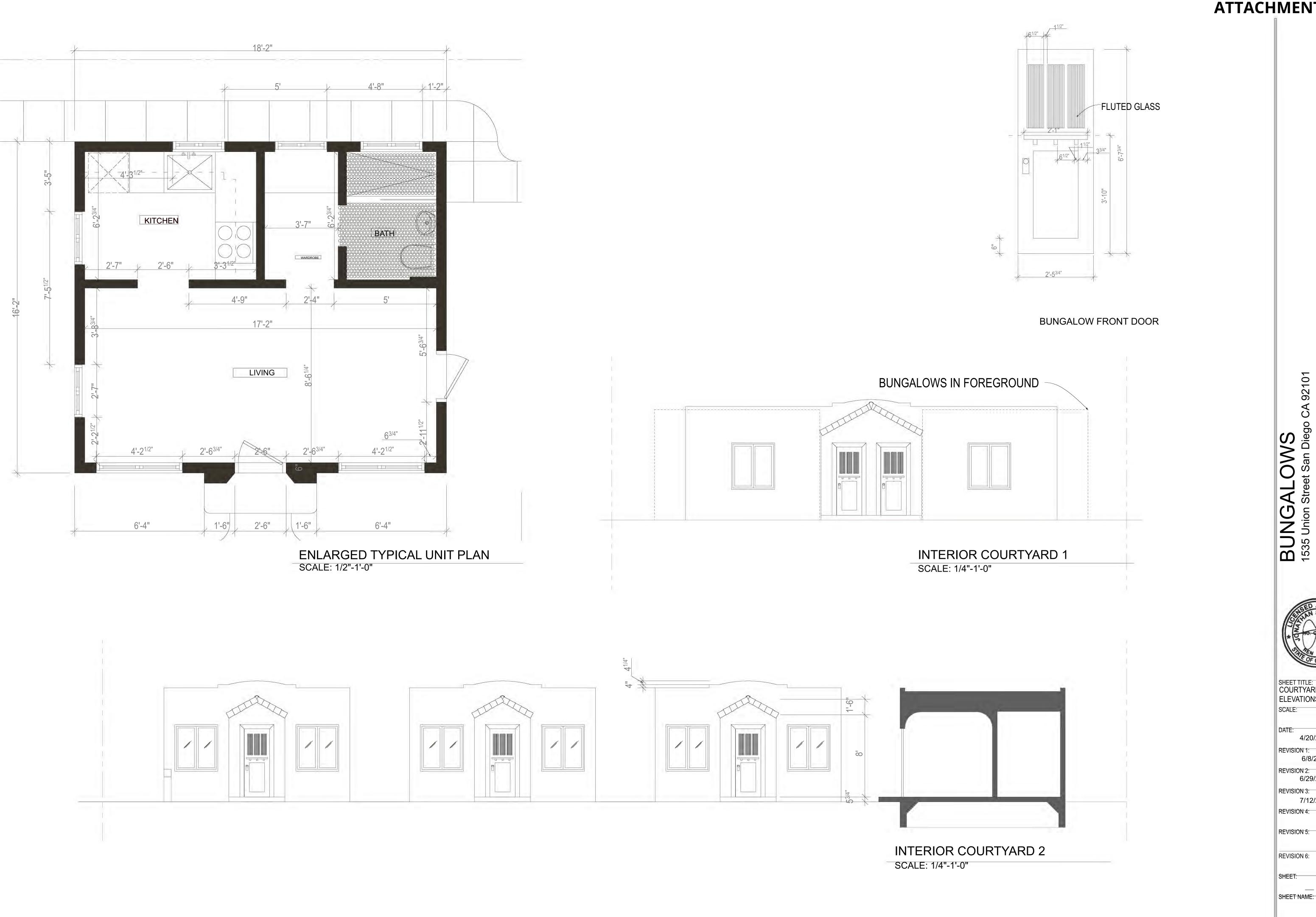
WEST ELEVATION

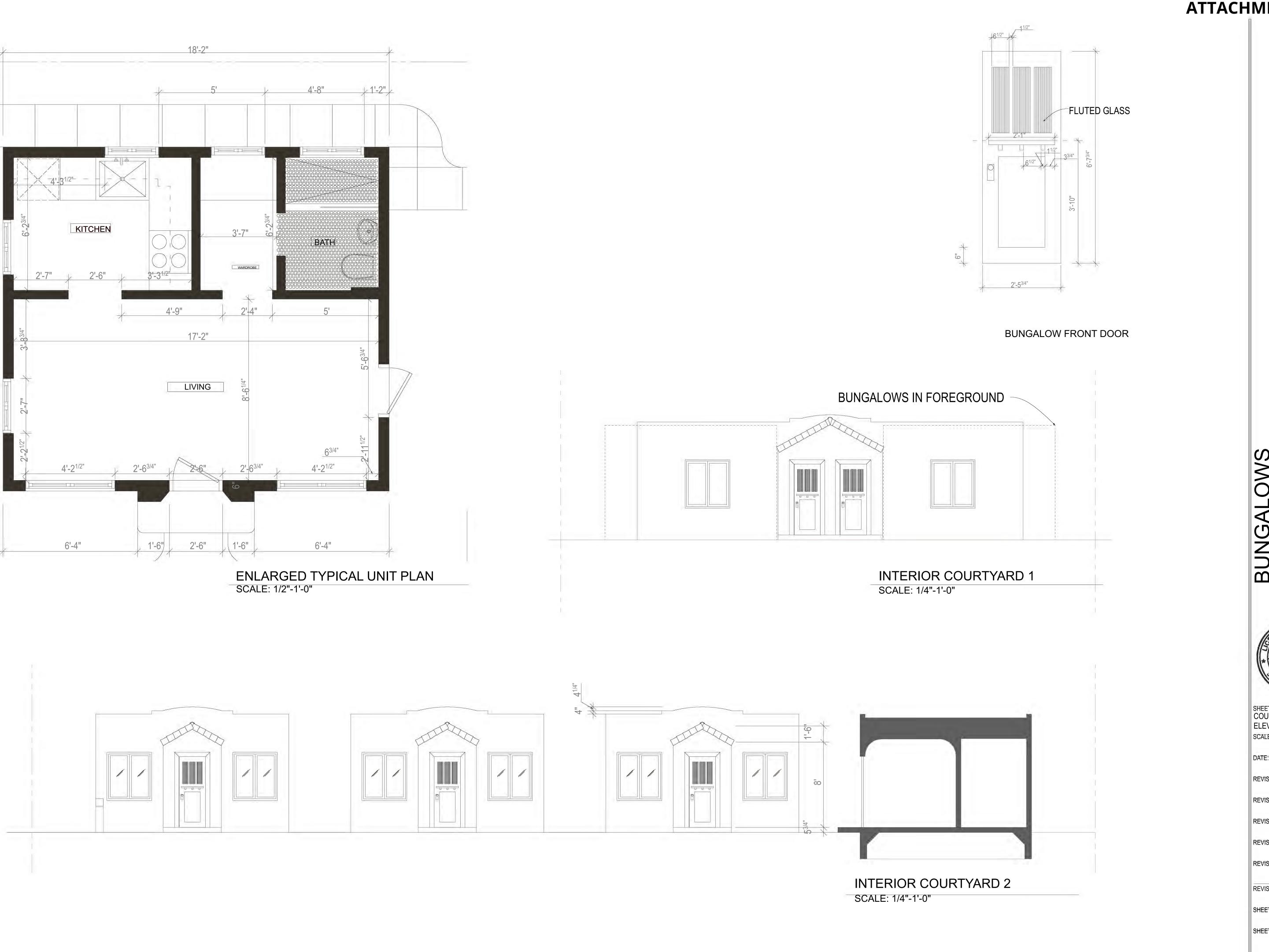


NORTH ELEVATION

EAST ELEVATION

BUNGALOWS 1535 Union Street San Diego CA 92101 JONATHAN SEGAL / FAIA 3000 Upas Street Suite 101 San Diego, CA 92104 SHEET TITLE: N,S,E,W ELEVATIONS scale: 1/4"=1'0" DATE: 4/20/2022 REVISION 1: 6/8/2022 REVISION 2: 6/29/2022 REVISION 3: 7/12/2022 **REVISION 4: REVISION 5: REVISION 6:** SHEET: ___ OF ___ SHEET NAME: A1.0





BUNGALOW 1535 Union Street San D JONATHAN SEGAL / FAIA 3000 Upas Street Suite 101 San D SHEET TITLE: COURTYARD ELEVATIONS SCALE: 4/20/2022 REVISION 1: 6/8/2022 REVISION 2: 6/29/2022 **REVISION 3:** 7/12/2022 **REVISION 4:** REVISION 5: **REVISION 6:** SHEET: ___ OF ___ SHEET NAME: A1.1

CA 92101

CA 92104

Diego,