



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: November 14, 2019 REPORT NO. PC-19-102

HEARING DATE: November 21, 2019

SUBJECT: WHITING COURT CONDO CONVERSION, Process Three Decision Appeal

PROJECT NUMBER: [602075](#)

REFERENCE: [Report to the Hearing Officer HO-19-080](#)

OWNER/APPLICANT: JB JB, LLC, Owner/ Robert Bateman, Applicant/Surveyor

SUMMARY

Issue: Should the Planning Commission approve an appeal of the Hearing Officer's decision to approve a Tentative Map Waiver to consolidate two lots into one lot, the conversion of two attached residential dwelling units into condominium units and the waiver of the requirement to underground utilities on a 0.067-acre site within the Mission Beach Community Plan area?

Staff Recommendation: DENY the appeal and affirm the Hearing Officer's decision to approve Tentative Map Waiver No. 2132597 and approve a requested waiver of the requirement to underground overhead utilities.

Community Planning Group Recommendation: On June 18, 2019, the Mission Beach Community Planning Board voted 9-1-0 to recommend denial of the proposed project without conditions. However, the group recommended that the applicant revise the landscape plan to include more in-ground plantings within the required yard area.

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities) and 150305 (Minor Alterations in Land Use Limitations). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on December 17, 2018, and the opportunity to appeal that determination ended January 2, 2019.

Fiscal Impact Statement: None with this action. All cost associated with the processing of the project are paid from a flat fee paid by the applicant.

Code Enforcement Impact: None.

Housing Impact Statement: The project site is in the Mission Beach Community Plan and Local Coastal Program Land Use Plan (MBCP/LCLUP) and implemented through the RN Zone of the Mission Beach Planned District. The community plan land use designation is Medium Density Residential (10-14 du/acre). The 0.067-acre site could accommodate the 2 dwelling units within the Medium Density Residential land use designation. The proposed project would maintain the existing duplex, changing the form of ownership from rental housing to for sale market rate housing consistent with the General Plan Housing Element and the Mission Beach Community Plan planned density. There will be no net gain or loss to the available housing stock

BACKGROUND

The 0.067-acre two-lot project site is currently developed with two attached dwelling units. The front unit (Lot F) was constructed in 1938, and the rear unit (Lot E) was constructed in 1924. Both units have been extensively remodeled since then, with the most recent remodel be approved on March 24, 2016. The proposal would consolidate the two lots into one lot and convert the two attached dwelling units into residential condominiums. The project site is located at 702 and 708 Whiting Court in the R-N Zone of the Mission Beach Planned District, Coastal Overlay Zone (Coastal Commission Jurisdiction), Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zone (Beach Impact Area), Residential Tandem Parking Overlay Zone, First Public Roadway and within the Mission Beach Community Plan area. The project site consists of two lots and is designated Low-Medium Density Residential (10-14 Dwelling Units per Acre) by the Mission Beach Community Plan (Attachment 2). The surrounding area is developed with multi-family and single-family development.

Per San Diego Municipal Code (SDMC) section 143.0212, all projects impacting a parcel that contains a structure older than 45 years must be reviewed to determine whether a potentially significant historical resource exists on site prior to issuance of a permit. City of San Diego Staff evaluated the project site and concluded it is not significant, nor eligible for historic designation under local, state or federal criteria.

The proposed subdivision qualifies for a Tentative Map Waiver for the proposed subdivision of the property into two residential condominium dwelling units per SDMC Section 125.0120(b) (2) (A).

This project site is located within the California Coastal Commission's jurisdictional boundary of the Coastal Zone. On October 26, 2017, this proposal to convert the existing duplex into condominium ownership received a Coastal Development Permit De Minimis Waiver (Attachment No. 12).

DISCUSSION

Project Description:

The project site contains one, three-bedroom dwelling unit and one, four-bedroom unit. The front unit is located on Whiting Court and the second is located towards the rear of the property and total

4,746 square feet in floor area. The project provides four (4) off-street parking spaces, where a minimum of four (4) is required. Both units have vehicular access off the adjacent public alley with a four-car garage. City Staff determined that the structure is in conformance with all development regulations.

On June 18, 2019, the Mission Beach Community Planning Board voted 9-1-0 to recommend denial of the proposed project. The Board's main concern is that the proposed project does not meet the landscape requirements, stating that a combination of planter boxes over 36 inches atop a raised deck covering the front yard landscape area is not permitted.

A recent building permit, Project No. 462095, approved the installation of the existing deck on March 24, 2016. Development Services Department's Landscape Section was not a reviewing discipline for that building permit review. The above grade potted plantings or planter boxes are not typically accepted towards meeting the Mission Beach Planned District Ordinance landscape area, however, above grade planting is the alternative since the permitted deck covers a significant portion of the site's required yard planting area. Development Services Department's Landscape Section has determined that the project's proposed landscape plan is in compliance with the minimum landscape requirements of the Mission Beach Planned District Ordinance.

In accordance with the current condominium conversion regulations, the applicant provided a Building Conditions Report. The project has been conditioned to require conformance with the San Diego Municipal Code provisions for building and landscape improvements prior to recordation of the Parcel Map (Condition Nos. 14 and 15, Attachment 5).

The project is requesting a waiver of the requirement to underground existing offsite overhead utility facilities located in the alley right-of-way at the rear of the site. The project qualifies for a waiver because the conversion involves a short span of overhead facility (less than a full block in length) and would not represent a logical extension to an underground facility. The City's Undergrounding Program identifies this area as the Residential Project Block 2S4 with an allocated construction date in 2017.

The project complies with the applicable development regulations, such as the required minimum off-street parking, the building conditions report for condominium conversion and landscape requirements. The project site is fully developed and does not contain any form of Environmentally Sensitive Lands.

Project Appeal of the Hearing Officer Approval:

On September 4, 2019, the Hearing Officer approved the project after reviewing the project documents hearing public testimony. An appeal of that decision was filed on September 19, 2019 by Debbie Watkins, Chair of the Mission Beach Precise Planning Board (Attachment 7). The following discussion includes the appeal issues as stated by the appellant, followed by staff/applicant consultant responses.

Appeal Issue No. 1: "Factual Error and Findings Not Supported in Hearing Officer's Decision. The evidence and statements relied upon by the City's Hearing Officer in its Findings are contrary to the intent of SDMC 1513.0402(a)(1).

The City's hearing Officer's Finding fails to take into consideration that the Landscaping requirements in the PDO at SDMC Sec. 1513.0402(a)(1) apply to all "Discretionary" projects in Mission Beach, including Tentative Map Waivers resulting from a remodel, which requires the property owner to bring the project up to current standards and requirements of the PDO.

The intent of the PDO Sec. 1513.0402(a) (1) "Landscaping" requirements – added to the Mission Beach PDO on March 7, 2012 by the California Coastal Commissioners – is to require uniform landscaping requirements as a scenic amenity to protect view corridors but also to protect pervious areas, especially in an area prone to flooding, to help absorb water directly into the land to avoid flooding from rains and high surfs from the Pacific Ocean to the West and Mission Bay to the East. This project is located along Ocean Front Walk (Boardwalk) where high surfs are prone to occur along the Pacific Ocean."

Staff Response: The proposed project includes a combination of in-ground landscaped areas and boxed planters or raised planters to provide the required landscape area. Per SDMC 1513.0402(a)(1) "All proposed landscaping in the required yard area for Courts, Places, or Walks shall be maintained at a height of three feet or lower (including raised planters) to preserve public views (Attachment 8)." The proposed boxed planters are a form of raised planter and this section of the code does allow for the use of raised planters to meet the landscape area requirement.

Appeal Issue No. 2: "Moreover, the MBPPB specifies the following errors and misinterpretations in the City's review of this project that ignore the intent of PDO Sec. 1513.0402(a) (1) contained in the San Diego Municipal Code:

The City building permit review process erred in approving the installation of the existing deck on March 24, 2016;

Development Services Department ("DSD") claims in its Report to the Hearing Officer dated August 28, 2019, that it (LDR-Landscape) "was not a reviewing discipline for that building permit review" process.

However, DSD (LDR-Landscape) was a reviewing discipline in the Map Waiver process and should have called out the landscape violation pursuant to SDMC Sec. 1513.0402(a) (1).

The City admits in its report to the hearing Officer dated August 28, 2019, at page 2, that "above grade potted plants are not typically accepted towards meeting the Mission Beach Planned District Ordinance landscape area, however, above grade planting is an allowed alternative since the permitted deck covers a significant portion of the site's required yard planting area."

Staff Response: It is true that the City of San Diego's Development Services Department issued a permit under Project No. 462095 for the existing deck and LDR-Landscape was not a reviewing discipline. However, as discussed in the Staff Response to Appeal Issue No. 1, the proposed boxed planters are a form of raised planter and Code Section 1513.0402(a) (1) allows for the use of raised planters to meet the landscape area requirement.

Appeal Issue No. 3: *"Landscaping requirements in the PDO at SD MC Sec. 1513.0402(a) (1) apply to all "Discretionary" projects in Mission Beach, including Tentative Map Waiver resulting from a remodel, which requires the property owner to bring the project up to the current standards and requirements of the PDO.*

At the September 4, 2019, hearing, the Hearing Officer asked the City's Landscape Review representative whether other projects in Mission Beach have been approved with potted plants on decks, and he responded there were other projects approved but failed to name any projects.

Contrary to the City's contention that other projects were approved that did not meet the required Landscaping requirements, it is important to note that in the seven (7) years since this Landscaping requirement was added to the PDO, every "Discretionary" project reviewed and approved by the MBPPB has meet the requirements of PDO Sec. 1513.0402 (a) (1)."

Staff Response: Staff agrees that the required Landscaping requirements apply to this Tentative Map Waiver. However, as discussed in the Staff Response to Appeal Issue No. 1, the proposed boxed planters are a form of raised planter and Code Section 1513.0402(a) (1) allows for the use of raised planters to meet the landscape area requirement.

Appeal Issue No. 4: *New Information – The MBPPB has obtained a copy of the landscape plan submitted by the Applicant Andrea Benko for the original demolition and remodel building permit that was "approved with conditions" by the California Coastal Commission on November 4, 2015 (Application No. 6-15-0972). That Landscape plan is not what currently present at the subject site.*

In fact, the building plans that were "approved with conditions" by the California Coastal Commission for the demolition and remodel of an existing one-story single-family residence on adjacent lots to create a 3-story, 30-ft tall, 3,930 sq. ft. duplex with attached 4-car garage across both lots totaling 2,880 sq. ft. never included a deck of the size and scale as it is currently.

Staff Response: On October 26, 2017, this proposal to convert the existing duplex into condominium ownership received a Coastal Development Permit De Minimis Waiver. The As of this date, the California Coastal Commission has not indicated that there is a violation of their approval of this project.

Conclusion:

City staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. The design of the proposed project complies with all development regulations

project. Staff has provided draft findings (Attachment 4) to deny the appeal and grant the proposed Tentative Map Waiver with draft conditions of approval (Attachment 5).

Staff recommends that the Planning Commission deny the appeal, affirm the Hearing Officer's decision to approve Tentative Map Waiver No. 2132597 and approve a requested waiver of the requirement to underground overhead utilities, as the project meets all applicable development regulations and policies.

ALTERNATIVES

1. Deny the appeal and affirm the Hearing Officer's decision to approve Tentative Map Waiver No. 2132597 and approve a requested waiver of the requirement to underground overhead utilities, with modifications.
2. Approve the appeal and Deny Tentative Map Waiver No. 2132597 and deny a requested waiver of the requirement to underground overhead utilities, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



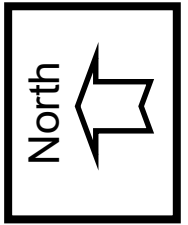
PJ FitzGerald
Assistant Deputy Director
Development Services Department



Glenn R. Gargas
Development Project Manager
Development Services Department

Attachments:

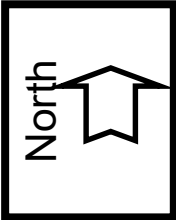
1. Aerial Photographs
2. Community Plan Land Use Map
3. Project Location Map
4. Draft Tentative Map Waiver Resolution with Findings
5. Draft Tentative Map Wavier Conditions
6. Environmental Exemption
7. Copy of Appeal
8. Copy of Municipal Code Section 1513.0402 Landscape
9. Map Exhibit-Tentative Map Waiver
10. Community Planning Group Recommendation
11. Ownership Disclosure Statement
12. California Coastal Commission De Minimis Waiver



Aerial Photo

WHITING COURT MW 702 & 708 WHITING COURT
PROJECT NO. 602075

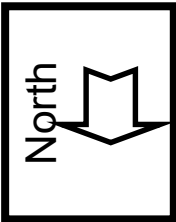




Aerial Photo

WHITING COURT MW 702 & 708 WHITING COURT
PROJECT NO. 602075

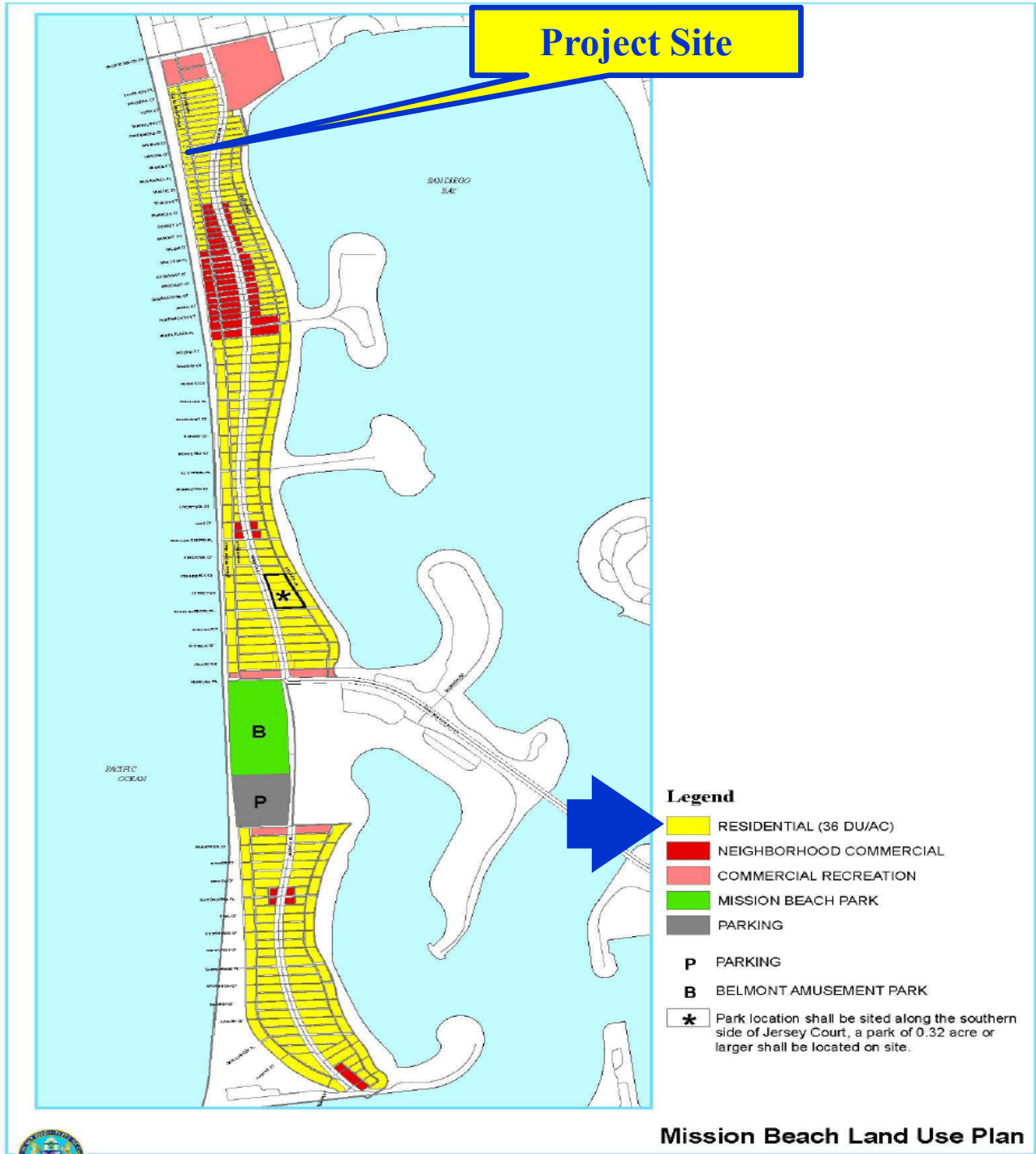




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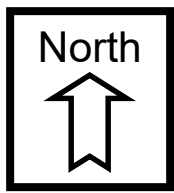
**WHITING COURT MW 702 & 708 WHITING COURT
PROJECT NO. 602075**

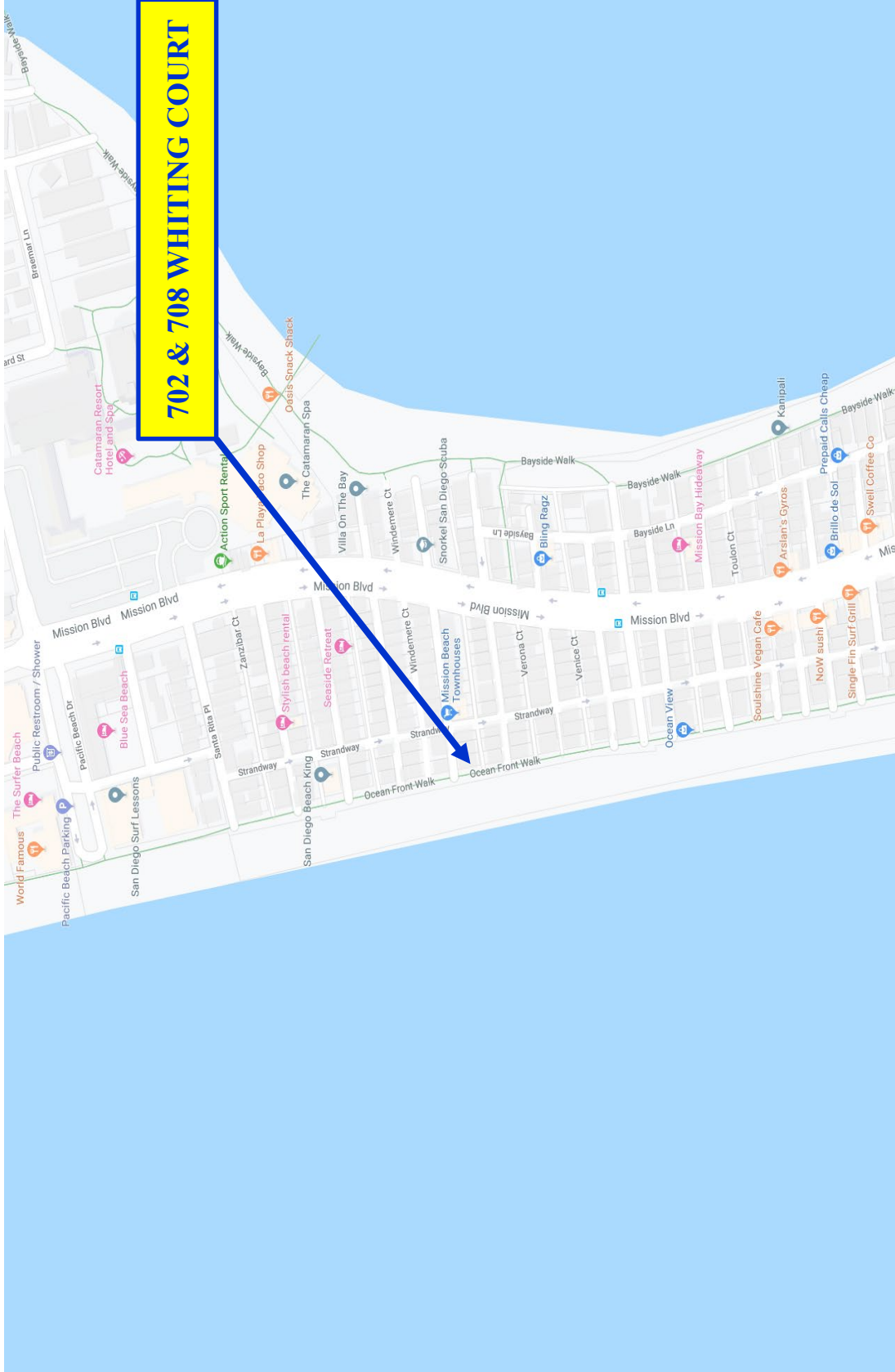
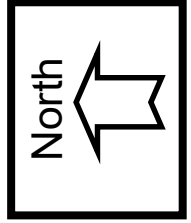




Land Use Map

WHITING COURT MW 702 & 708 WHITING COURT
PROJECT NO. 602075





Project Location Map

WHITING COURT MW - 702 & 708 WHITING COURT
PROJECT NO. 602075



RESOLUTION NO. _____
DATE OF FINAL PASSAGE NOVEMBER 21, 2019

A RESOLUTION OF THE PLANNING COMMISSION ADOPTING THE
FINDINGS AND APPROVING TENTATIVE MAP WAIVER NO. 2132597
FOR WHITING COURT MW – PROJECT NO. 602075

WHEREAS, JB JB, LLC, a NEVADA LIMITED LIABILITY COMPANY, Subdivider, and ROBERT J. BATEMAN, Surveyor, submitted an application with the City of San Diego for Tentative Map Waiver No. 2132597, to waive the requirement for a Tentative Map for lot consolidation, the condominium conversion of two existing attached residential dwellings units, and to waive the requirement to underground existing offsite overhead utilities. The project site is located at 702 and 708 Whiting Court, north of Verona Court, west of Mission Boulevard, south of Windemere Court and east of Ocean Front Walk, in the R-N Zone of the Mission Beach Precise Planned District, Coastal (appealable) Overlay Zone, Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zone (Beach Impact Area), Residential Tandem Parking Overlay Zone, First Public Roadway Area, and with the Mission Beach Community Plan area. The property is legally described as Lots E and F, Block 237 of Mission Beach, in the City of San Diego, County of San Diego, State of California, According to Map Thereof No. 1651, Filed in the office of the County Recorder of San Diego County, December 14, 1914; and

WHEREAS, the map proposes the subdivision of a 0.067-acre site into a 2-unit residential condominium conversion and consolidation of two lots into one lot; and

WHEREAS, on December 17, 2018, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 *et. seq.*) under CEQA Guidelines Section 15301, Existing Facilities and Section 150305,

Minor Alterations in Land Use Limitations; and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code section 112.0520;

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

WHEREAS, the subdivision is a condominium project as defined in California Civil Code section 4125 and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is two; and

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

WHEREAS, on September 4, 2019, the Hearing Officer approved the Tentative Map Waiver No. 2132597, and the request to waive the undergrounding of existing overhead utilities.

WHEREAS, Debbie Watkins, Chair of the Mission Beach Precise Planning Board appealed the Hearing Officer's September 4, 2019, decision to the Planning Commission of the City of San Diego; and

WHEREAS, on November 21, 2019, the Planning Commission of the City of San Diego considered the appeal of the Hearing Officer's decision, and Tentative Map Waiver No. 2132597, including the waiver of the requirement to underground existing offsite overhead utilities, and

pursuant to sections 125.0122 (map waiver), 125.0444 (condo conversion), and 144.0240 (underground) of the San Diego Municipal Code and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Planning Commission having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Map Waiver No. 2132597:

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

The project proposes a Map Waiver to consolidate two lots into one lot, create two condominium units and waive the requirements to underground overhead utilities. The 0.067-acre project site is located in the R-N Zone of the Mission Beach Planned District and is designated Residential (36 DU/AC) land use by the Mission Beach Community Plan. The Mission Beach Community Plan encourages a wide variety of housing types for all age, income and social groups. The proposed creation of two condominium dwelling units would add to and continue to provide for a balanced community and equitable development within the community through the provision of housing that provides varying levels of architectural styles, size and affordability through residential development. The project site is designated Residential Use in the General Plan and is consistent with existing General Plan designations. In addition, the proposed subdivision will provide another opportunity for home ownership which is consistent with the General Plan, Housing Element, Goal No. 4: "to provide affordable housing opportunities consistent with a land use pattern which promotes infill development and socioeconomic equity; and facilitate compliance with all applicable federal, state, and local laws and regulations". The project is surrounded by both multi-family and single-family residential development.

As proposed, the subdivision would be consistent with the Mission Beach Community Plan and overall policies for development related to the Land Use and Urban Design elements contained in the General Plan.

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

The proposed one-lot, two dwelling unit consolidation and condominium conversion subdivision complies with the development regulations of the R-N Zone of the Mission Beach Planned District Ordinance. The current duplex building is existing and there is no additional development proposed within the scope of this Map Wavier. The proposed project, will

convert a two-dwelling-duplex into condominium ownership, which complies with the applicable zoning and development regulations of the Land Development Code (San Diego Municipal Code § 1513.0304. There are no proposed deviations with this project.

The project includes a request to waive the requirement to underground the existing offsite overhead utilities. The requested waiver of the requirement to underground the existing overhead utility facilities in the public right-of-way qualifies under the guidelines of Municipal Code Section 144.0242, Waiver of the Requirements to Underground Privately Owned Utility Systems and Service Facilities, in that the project involves a short (less than a full block) span of overhead facility and would not represent a logical extension to an underground facility. The project has been conditioned to underground any new service run to any new or proposed structures within the subdivision.

The proposed project includes a combination of in-ground landscaped areas and boxed planters or raised planters to provide the required landscape area. Per SDMC 1513.0402(a)(1) "All proposed landscaping in the required yard area for Courts, Places, or Walks shall be maintained at a height of three feet or lower (including raised planters) to preserve public views." The proposed boxed planters are a form of raised planter and this section of the code does allow for the use of raised planters to meet the landscape area requirement.

The project complies with the Municipal Code and the Subdivision Map Act and includes conditions to ensure adequate parking, public improvements and compliance with the Land Development Code. Therefore, the proposed project complies with the applicable zoning and development regulations of the Land Development Code.

3. The site is physically suitable for the type and density of development.

The project site is located in the R-N Zone of the Mission Beach Planned District and is designated Residential (36 DU/AC) land use by the Mission Beach Community Plan. The proposed Map Waiver to create two condominium units, is for a site that is flat and previously graded within an urbanized area of the City. This map waiver does not propose any additional physical development on the property. The proposed subdivision changes the form of ownership of this duplex into condominiums. The proposed development does not involve any physical change to the existing duplex building. The conversion from apartments to condominiums were found physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)). Therefore, this project will not affect the existing and future surrounding land uses and the site is physically suitable for the type and density under the proposed tentative map project.

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 project proposes to create two residential condominium units within an existing duplex structure, totaling 3,160-square-feet on a 0.067-acre site. The developed project site is located in an urban in-fill area and does not contain, nor is it adjacent to, any sensitive resources, Multiple Habitat Planning Area lands, Environmentally Sensitive Lands or existing

fish or wildlife habitats. The site is surrounded by multi-story residential development, except the Pacific Ocean is to the west. This project is exempt from California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15301, (Existing Facilities) and 15305, (Minor Alterations in Land Use Limitations). Therefore, 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.

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

The project proposes to create two residential condominium units within an existing duplex structure, totaling 3,160-square-feet, on a 0.067-acre site. The project includes a request to waive the requirement to underground the existing offsite overhead utilities. The project will conform to all Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and other regulations governing construction, continued operation and health/life/safety requirements. The project complies with the Municipal Code and the Subdivision Map Act and includes conditions and exhibits to ensure the provision of adequate parking, public improvements and compliance with the Land Development Code. The subdivision is categorically exempt from review under the California Environmental Quality Act. The project has been conditioned to construct public improvements, including new City Standard curbs, gutters, new water meters, new water lateral, new back flow preventers and new sidewalk. These new improvements will aid public health a safety. As such, the design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare.

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

The project proposes to create two residential condominium units within an existing duplex structure, totaling 3,160-square-feet, on a 0.067-acre site. There are no existing access easements located within the project boundaries, as shown on Map Waiver No. 2132597. As such, no conflict would occur with the recording of the subdivision, and there would be no conflicts with any easements acquired by the public at large for access through or use of the property within the proposed subdivision.

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

The project proposes to create two residential condominium units within an existing duplex structure, totaling 3,160-square-feet, on a 0.067-acre site. The proposed subdivision will not impede or inhibit any future passive or natural heating and cooling opportunities. Each unit is exposed on two sides (north and south) to ensure passive cooling through cross-ventilation of the interior spaces. The existing duplex structure has the

opportunity through the site orientation, architectural design, placement and selection of plant materials to provide 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 proposes to create two residential condominium units within an existing duplex structure, totaling 3,160-square-feet, on a 0.067-acre site. The project site is surrounded by multi-story residential development, except westerly, where the site is adjacent to the boardwalk and the Pacific Ocean. The Mission Beach Community Plan encourages a wide variety of housing types for all age, income and social groups. The project would maintain one three-bedroom unit and one four-bedroom unit. The project site is within a fully urbanized area of the City, surrounded by multi-family residential development. Commercial uses are two blocks to the south, the community's main commercial district located approximately four blocks to the north and Mission Bay Park is located approximately three blocks to the east. The decision maker has reviewed the administrative record including the project plans, technical studies, environmental exemption and hear public testimony to determine the effects of the proposed subdivision on the housing needs of the region. Those needs were found to be balanced against the needs for public services and the available fiscal and environmental resources and found that the addition of one consolidated residential lot for two condominiums is consistent with the housing needs anticipated for the Mission Beach Community Planning area.

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

The project proposes to convert two existing residential units into condominiums on a 0.067-acre site located at 702 & 708 Whiting Court within the R-N Zone of the Mission Beach Planned District.

The project is currently owner occupied. All applicable notices required by San Diego Municipal Code section 125.0431 have been given in the manner required.

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

The project proposes to convert two existing residential units into condominiums on a 0.067-acre site located at 702 & 708 Whiting Court within the R-N Zone of the Mission Beach Planned District. All costs associated with the processing of this Map Waiver were paid by the applicant. There, the project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low-income housing.

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

The project proposes to convert two existing residential units into condominiums on a 0.067-acre site located at 702 & 708 Whiting Court within the R-N Zone of the Mission Beach Planned District. The Map Waiver was not processed to provide housing for the elderly, disabled or to provide low income housing.

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

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Planning Commission, the appeal is denied, the Hearing Officer's decision affirmed, and Tentative Map Waiver No. 2132597, including the waiver of the requirement to underground existing offsite overhead utilities is hereby granted to JBB, LLC, a NEVADA LIMITED LIABILITY COMPANY, subject to the attached conditions which are made a part of this resolution by this reference.

By _____
Glenn R. Gargas
Development Project Manager
Development Services Department

ATTACHMENT: Tentative Map Waiver Conditions
Internal Order No. 12002110

ATTACHMENT 5

PLANNING COMMISSION
CONDITIONS FOR TENTATIVE MAP WAIVER NO. 2132597
WHITING COURT MW - PROJECT NO. 602075
ADOPTED BY RESOLUTION NO. _____ ON NOVEMBER 21, 2019

GENERAL

1. This Map Waiver will expire November 21, 2022.
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 0.067-acre properties into 2 residential condominium units shall be recorded in the office of the County Recorder of San Diego County.
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. If a tax bond is required as indicated in the tax certificate, ensure that it is paid or posted at the County Clerk of the Board of Supervisors Office and supply proof prior to the recordation of the Parcel Map.
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 be required to pay or perform any settlement unless such settlement is approved by the Subdivider.

CONDOMINIUM CONVERSION

6. The Subdivider shall provide a Notice of Tenants Rights and Notices for Condominium Conversion, consistent with the Land Development Manual to be provided as follows:
 - a. For existing tenants, within 10 days of the project application for the condominium conversion being deemed complete; or
 - b. For prospective tenants, upon application for the rental of a unit in the proposed condominium conversion.

ATTACHMENT 5

7. 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.
8. 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.
9. 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).
10. 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)).
11. 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)).
12. 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)).
13. Prior to the recordation of the Parcel Map, the Subdivider shall demonstrate conformance with the San Diego Municipal Code provisions for building and landscape improvements (San Diego Municipal Code § 144.0507), to the satisfaction of the City Engineer.

AFFORDABLE HOUSING

14. Prior to recordation of the Parcel Map, the Subdivider shall enter into a written agreement with the San Diego Housing Commission to pay the condominium conversion inclusionary housing fee pursuant to the Inclusionary Affordable Housing Regulations (San Diego Municipal Code § 142.1301 *et seq.*).
15. Prior to the recordation of the Parcel Map, the Subdivider shall demonstrate conformance with the San Diego Municipal Code provisions for Coastal Overlay Zone Affordable Housing Replacement Regulations (San Diego Municipal Code § 143.0810 *et seq.*), to the satisfaction of the Development Services Department and the San Diego Housing Commission.

ATTACHMENT 5

16. Prior to the recordation of the Parcel Map, the Subdivider shall demonstrate conformance with the San Diego Municipal Code provisions for Tenant Relocation Benefits (San Diego Municipal Code § 144.0505), to the satisfaction of the Development Services Department and the Housing Commission.
17. Prior to the approval of the Condominium Conversion the applicant shall demonstrate compliance with the provisions of the Condominium Conversion Regulations of Chapter 14, Article 4, Division 5 of the San Diego Municipal Code.
18. 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.
19. The Owner/Permittee shall comply with the provisions of Chapter 14, Article 2, Division 13 of the San Diego Municipal Code (Inclusionary Affordable Housing Regulations) by paying the Condominium Conversion Inclusionary Affordable Housing Fee in one of the following, manners:
 - a. Deferring payment of the Condominium Conversion Inclusionary Affordable Housing Fee until the close of escrow of the first condominium sold at the development by entering into a written agreement with the San Diego Housing Commission securing payment of the Condominium Conversion Inclusionary Affordable Housing Fee, which shall be recorded against the development and secured by a recorded deed of trust in favor of the San Diego Housing Commission. If Owner/Permittee elects future payment of the Condominium Conversion Inclusionary Affordable Housing, the fee shall be calculated using the rate in effect at the close of escrow of the first condominium unit sold at the development; or
 - b. Pre-paying the Condominium Conversion Inclusionary Affordable Housing Fee to the City based upon the aggregate square footage of all residential units in the project. If Owner/Permittee pre-pays the Condominium Conversion Inclusionary Affordable Housing, the fee shall be calculated using the rate in effect on the date of pre-payment.

ENGINEERING

20. The Subdivider shall reconstruct the sidewalk, maintaining the existing sidewalk scoring pattern and preserving any contractor's stamp, adjacent to the site on Whiting Court.
21. Prior to the issuance of any building permits, the Subdivider shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the private wall on the Ocean Front Walk and Whiting Court Right-of-Way.
22. The Subdivider shall remove the brick within the public R/W, adjacent to the site on Whiting Court.
23. The Subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.

ATTACHMENT 5

24. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
25. The Subdivider shall comply with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980. Only those exceptions to the General Conditions which are shown on the Map Waiver and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

26. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
27. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
28. Every 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 conversion of grid-to-ground shall be shown on the map.
29. 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 Codes 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 Codes.

ATTACHMENT 5

30. All subdivision maps in the City of San Diego are required to be tied to the California Coordinate System of 1983 (CCS83), Zone 6 pursuant to section 8801 through 8819 of the California Public Resources Code.

LANDSCAPE/BRUSH MANAGEMENT

31. Prior to the recordation of the Parcel Map, the Subdivider shall submit complete landscape and irrigation construction documents to the Development Services Department for approval. The construction documents shall be consistent with approved Exhibit "A," the Mission Beach Planned District Ordinance, the Mission Beach Community Plan, and the Land Development Manual - Landscape Standards.
32. The Subdivider shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.
33. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage.
34. The Subdivider shall install and maintain all landscaping proposed in public view corridors to not obstruct public views of the ocean as specified in §132.0403(e) of the Land Development Code, Coastal Overlay Zone Regulations. Landscaping materials shall not encroach or overhang into the Courts and Places right-of-way below a height of 8-ft. above the finish surface or finish grade, as measured at the trunk [§1513.0402(a)(2)].

TRANSPORTATION

35. The owner/permittee shall provide and maintain 4 parking spaces on site. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing authorized by the appropriate City decision maker in accordance with the SDMC.

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

ATTACHMENT 5

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 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. 12002110

NOTICE OF EXEMPTION

(Check one or both)

TO: X Recorder/County Clerk
 P.O. Box 1750, MS A-33
 1600 Pacific Hwy, Room 260
 San Diego, CA 92101-2400

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

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

Project Name/Number: Whiting Court Condo Conv MW / 602075

SCH No.: N/A

Project Location-Specific: 702 and 708 Whiting Ct., San Diego CA, 92109

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

Description of nature and purpose of the Project: Map Waiver and lot consolidation for the condominium conversion of two existing attached residential dwellings units within a 3,160 square foot three-story structure at 702 and 708 Whiting Ct. The 0.7-acre site is located within the MBPD-R-N Zone, the Coastal Height Limit Overlay Zone, the Coastal Overlay Zone (Coastal Commission's Jurisdiction), the Parking Impact Overlay Zone (Beach Impact Area), Residential Tandem Parking Overlay Zone, First Public Roadway Area, and Mission Beach Community Plan Area, Council District 2. The proposed project conforms to the parking, setbacks, and other zoning regulations for MBPD-R-N Zone. No new construction is proposed with this action.

Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: William Benko, 864 Grand Ave., Ste. 461, San Diego, CA 92109; 702-326-4491

Exempt Status: (CHECK ONE)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269 (b)(c))
- ☒ Categorical Exemption: Section 15301, Existing Facilities and 15305, Minor Alterations in Land Use Limitations
- ☐ Statutory Exemptions:

Reasons why project is exempt: The City of San Diego determined that the project would qualify to be categorically exempt from CEQA pursuant to Sections 15301, Existing Facilities and Section 15305, Minor Alterations in Land Use Limitations. The exemptions are appropriate because Section 15301 allows for division of existing multiple family or single-family residences into common interest ownership where no physical changes occur which are not otherwise exempt. Additionally, Section 15305 allows for minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density. There is no physical development in conjunction with this map waiver and therefore, would not cause any impacts on the environment under this action.

Lead Agency Contact Person: C. Holowach

Telephone: 619-446-5187

If filed by applicant:

1. Attach certified document of exemption finding.

ATTACHMENT 6

2. Has a notice of exemption been filed by the public agency approving the project? ☐ Yes ☐ No

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


Signature/Title

Senior Planner

8/21/19

Date

Check One:

(X) Signed By Lead Agency

☐ Signed by Applicant

Date Received for Filing with County Clerk or OPR:



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

Development Permit/ Environmental Determination Appeal Application

**FORM
DS-3031**

November 2017

**In order to assure your appeal application is successfully accepted and processed, you must read and understand
Information Bulletin 505, "Development Permits/Environmental Determination Appeal Procedure."**

1. Type of Appeal: ☒ Appeal of the Project
☐ Appeal of the Environmental Determination

2. Appellant: Please check one ☐ Applicant ☒ Officially recognized Planning Committee ☐ "Interested Person"
(Per M.C. Sec. 113.0103)

Name: Mission Beach Precise Planning Board E-mail: dkwatkins@aol.com

Address: c/o 713 Isthmus Court City: San Diego State: CA Zip Code: 92109 Telephone: 858-344-1684

3. Project Name:

WHITING COURT CONDO CONVERSION

4. Project Information

Permit/Environmental Determination & Permit/Document No.: PROJECT NO. 602075 Date of Decision/Determination: SEPTEMBER 4, 2019 City Project Manager: HEARING OFFICER HEARING

Decision(Describe the permit/approval decision):

APPROVE TENTATIVE MAP WAIVER NO. 2132597 AND LOT CONSOLIDATION FOR THE CONDOMINIUM CONVERSION OF TWO (2) EXISTING ATTACHED RESIDENTIAL DWELLING UNITS WITHIN A 3,160 SQ. FT., THREE-STORY STRUCTURE AT 702 AND 708 WHITING COURT IN MISSION BEACH.

5. Ground for Appeal(Please check all that apply):

- ☒ Factual Error ☒ New Information
☐ Conflict with other matters ☐ City-wide Significance (Process Four decisions only)
☒ Findings Not Supported

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

See: "Attachment" for Description of Grounds for Appeal, which is attached hereto and incorporated herewith.

RECEIVED

SEP 19 2019

DEVELOPMENT SERVICES

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature: Debbie Watkins

Date: September 18, 2019

Debbie Watkins, Chair
Mission Beach Precise Planning Board

Note: Faxed appeals are not accepted.

“Attachment” to Appeal Application to the Planning Commission***Description of Grounds for Appeal*****Re: Project No. 602075 – Whiting Court Condo Conversion and Tentative Waiver**

The Mission Beach Precise Planning Board (“MBPPB”), the City of San Diego’s recognized advisory community planning group, is filing this *Appeal Application* to appeal the City’s Development Services Department Hearing Officer’s decision of September 4, 2019, to approve the Tentative Map Waiver No. 2132597, regarding the above-referenced project. MBPPB’s Plan Reviewer Brandon Soule attended the hearing on behalf of the MBPPB and filed a speaker’s slip.

For context, on June 18, 2019, the MBPPB voted 9-1-0 to DENY the proposed Whiting Court Conversion Map Waiver and lot consolidation for the condominium conversion of (2) existing attached residential dwelling units within a 3,160 sq. ft., three-story structure at 702 and 708 Whiting Court.

- MBPPB’s Plan Reviewer Brandon Soule pointed out the “Landscaping” requirements in the Mission Beach Planned District Ordinance (“PDO”) were not met, which requires 100% of all required yards except interior yards and rear yards shall be landscaped with a minimum of at least 50% and shall be a combination of trees, shrubs and ground cover.
- Project Review Soule noted that a combination of planter boxes over 36” atop a raised deck covering nearly the complete front yard landscape area is not permitted.
- Mr. Soule noted the deck in its current condition should never have been approved for this property during the ministerial remodel (PTS #462095) as landscape standards.
- The property owners questioned where in the PDO the landscape requirements were discussed because the City “approved” it already.
- MBPPB’s Chair read the PDO’s “Landscaping” requirements found in the San Diego Municipal Code at §1513.0402(a) (1) in its entirety to the public in attendance.
- Mr. Soule suggested a simple remedy to reduce the deck coverage to 50% of the front yard as permitted and landscape the remaining 50% with a combination of trees, shrubs and ground cover.
- Property Owners and Applicant were given the opportunity to correct the PDO “Landscaping” violation and return to the MBPPB for a second review. [They declined.]

[See: Copy of *Excerpt of MBPPB Minutes of Meeting of Tuesday, June 18, 2019*, at pages 2-3, which is attached hereto and incorporated herewith as **Exhibit 1.**]

“Factual Error” and “Findings Not Supported” in Hearing Officer’s Decision

- The evidence and statements relied upon by the City’s Hearing Officer in its Findings are contrary to the intent of SDMC §1513.0402(a) (1).

- The City's Hearing Officer's Finding fails to take into consideration that the Landscaping requirements in the PDO at SDMC §1513.0402(a) (1) apply to all "Discretionary" projects in Mission Beach, including Tentative Map Waivers resulting from a remodel, which requires the property owner to bring the project up to the current standards and requirements of the PDO.

The intent of PDO §1513.0402(a) (1) "Landscaping" requirements – added to the Mission Beach PDO on March 7, 2012 by the California Coastal Commissioners – is to require uniform landscaping requirements as a scenic amenity to protect view corridors but also to protect pervious areas, especially in an area prone to flooding, to help absorb water directly into the land to avoid flooding from rains and high surfs from the Pacific Ocean to the West and Mission Bay to the East. This project is located along Ocean Front Walk (Boardwalk) where high surfs are prone to occur along the Pacific Ocean.

SDMC §1513.0402(a) (1) "Landscaping" in "Residential Subdistricts" requires that:

"One hundred percent of all required yards except interior yards and rear yards shall be landscaped with a minimum of at least 50 percent and shall be any combination of trees, shrubs and ground cover All proposed landscaping in the required yard areas for Courts, Place, or Walks shall be maintained at a height of three feet or lower (including raised planters) to preserve public views."

This important Landscaping requirement was not shown in the proposed Tentative Map and landscape plan for this project. Nearly 100% of the front yard landscape area is covered by a deck where only 50% is permitted.

Further, pursuant to SDMC §1513.0402(a) (1),

"The remaining 50 percent may include, but is not restricted to, fountains, reflecting pools, art objects, decorative walkways, screens, walls, fences, benches, and decks not exceeding 3 feet in height."

No trees, shrubs and/or ground cover were provided in the proposed drawings in locations not already covered by the deck. A combination of planter boxes atop a raised deck covering nearly the complete front yard landscape is not permitted according to the express development regulations of Chapter 15 of the SDMC, Article 13: Mission Beach Planned District, Division 4: General and Supplemental Regulations.

Moreover, the MBPPB specifies the following errors and misinterpretations in the City's review of this project that ignore the intent of PDO §1513.0402(a) (1) contained in the San Diego Municipal Code:

- The City's building permit review process erred in approving the installation of the existing deck on March 24, 2016;

- Development Services Department (“DSD”) claims in its *Report to the Hearing Officer* dated August 28, 2019, that it “was not a reviewing discipline for that building permit review” process.

However, DSD was a reviewing discipline in the Map Waiver process and should have called out the landscaping violations pursuant to SDMC §1513.0402(a) (1).

- The City admits in its *Report to the Hearing Officer* dated August 28, 2019, at page 2, that “above-grade potted plants are not typically accepted towards meeting the Mission Beach Planned District Ordinance landscape area, however, above grade planting is an allowed alternative since the permitted deck covers a significant portion of the site’s required yard planting area.”

This statement is a clear misinterpretation of the landscaping provision that requires 100% of all required yards except interior yards and rear yards shall be landscaped with a minimum of at least 50% and shall be any combination of trees, shrubs and ground cover.

- Moreover, the City goes on to claim that there is an “allowed alternative” since the deck covers a significant portion of the site’s required yard planting area, and the proposed landscape plan is in compliance with the “minimum landscape requirement of the PDO.

PDO §1513.0402(a) (1) is clear in black and white that there is not an “allowed alternative” or a “minimum landscape requirement.”

Finally, Landscaping requirements in the PDO at SDMC §1513.0402(a) (1) apply to all “Discretionary” projects in Mission Beach, including Tentative Map Waivers resulting from a remodel, which requires the property owner to bring the project up to the current standards and requirements of the PDO.

At the September 4, 2019 hearing, the Hearing Officer asked the City’s Landscape Review representative whether other projects in Mission Beach have been approved with potted plants on decks, and he responded there were other projects approved but failed to name any projects.

Contrary to the City’s contention that other projects were approved that did not meet the required Landscaping requirements, it is important to note that in the seven (7) years since this Landscaping requirement was added to the PDO, every “Discretionary” project reviewed and approved by the MBPPB has meet the requirements of PDO §1513.0402(a) (1).

“New Information”

The MBPPB has obtained a copy of the landscape plan submitted by the Applicant Andrea Benko for the original demolition and remodel building permit that was “approved with conditions” by the California Coastal Commission on November 4, 2015 (Application No. 6-15-0972). That landscape plan is not what is currently present at the subject site.

In fact, the building plans that were “approved with conditions” by the California Coastal Commission for the demolition and remodel of an existing one-story single family residence on adjacent lots to create a 3-story, 30-ft. tall, 3,930 sq. ft. duplex with attached 4-car garage across both lots totaling 2,880 sq. ft. never included a deck of the size and scale as it is currently.

Therefore, the front yard must be reverted to this plan as originally approved by the California Coastal Commission – 50% raised deck and 50% grass and other landscape.

We would also like to mention here that MBPPB’s Project Reviewer Brandon Soule attempted to view the original, wet-stamped and perforated building plans at the City Records Office. In doing so, it was discovered there was no landscape plan in this set of approved plans; however, a landscape plan was shown on the title sheet and appears to have been removed. Mr. Soule requested to view the owners’ set of perforated plans and was not given permission to do so.

Conclusion

To reiterate, the approved building plans for the demolition and remodel never included a deck of the size and scale as it is currently. Therefore, the front yard must be reverted to meet the plans as originally approved by the California Coastal Commission – 50% raised deck and 50% grass and other landscape in order to meet the provisions of PDO §1513.0402(a) (1).

The MBPPB respectfully requests that the Planning Commission DENY the proposed Project No. 602075 – Whiting Court Condo Conversion and Tentative Waiver and require the property owners to correct the landscaping violations to bring up to the current standards and requirements of the PDO that 100% of all required yards except interior yards and rear yards shall be landscaped with a minimum of at least 50% and shall be any combination of trees, shrubs and ground cover.

Date: September 18, 2019

Respectfully submitted,

Debbie Watkins

Debbie Watkins, Chair

Mission Beach Precise Planning Board

(858) 344-1684 • dkwatkins@aol.com

EXHIBIT 1

Excerpt of MBPPB Minutes of Meeting of Tuesday, June 18, 2019
Pertinent to Whiting Court Condo Conversion Map Waiver
Prepared by Debbie Watkins, Secretary

MISSION BEACH PRECISE PLANNING BOARD (“MBPPB”)
Tuesday, June 18, 2019 @ 7 PM
Belmont Park Coaster Terrace – Community Room
Minutes of Meeting

Board Members Present:

Rebecca Abbott	Michelle Baron	Josh Geller	Dennis Lynch
Brian McCarthy	Mike Meyer	John Ready	Brandon Soule
Gernot Trolf	Debbie Watkins	Jenine Whittecar	

Absent: Scott Morrison

OPENING FUNCTIONS

Meeting was called to order by Chair Debbie Watkins at approximately 7:09 PM.

BUILDING PLAN REVIEW

Action Item:

- **Whiting Court Condo Conversion Map Waiver;** Project No. 602075; (Process 3) Map Waiver and lot consolidation for the condominium conversion of two (2) existing attached residential dwelling units within a 3,160 sq. ft., three-story structure at 702 and 708 Whiting Court. (Proposed Project Plans dated March 15, 2019; Proposed Landscape Plans dated March 21, 2019); Presenter: Robert Bateman, San Diego Land Surveying & Engineering, Inc.

Property Owners Andrea and Bill Benko were present.

Applicant Robert Bateman of San Diego Land Surveying & Engineering distributed copies of the proposed project plans for consideration and presented the plans. In addition, the Applicant's responses to the requirements of the San Diego Municipal Code §125.0440, *Findings for a Tentative Map* were distributed and reviewed.

Project Reviewers Mike Meyer and Brandon Soule reviewed the proposed project plans for the MBPPB. Brandon Soule pointed out the *Landscape* requirements in the PDO were not met, which requires 100% of all required yards except interior yards and rear yards shall be landscaped with minimum of at least 50% and shall be a combination of trees, shrubs and ground cover. It was pointed out that all proposed landscaping in the required yards for Court, Places, or Walks shall be maintained at a height of three (3) feet or lower (including raised planters) to preserve public views. Project Reviewer Soule noted a combination of planter boxes over 36" atop a raised deck covering nearly the complete front yard landscape is not permitted. The property owner questioned where in the PDO was that requirement discussed because the City "approved" it already. Chair Watkins read SDMC Section 1513.0402(a) (1) in its entirety. Mr. Soule suggested

a remedy to reduce deck coverage to 50% of the front yard and as permitted, landscape the remaining 50% with a combination of trees, shrubs and ground cover. He noted the deck in its current condition should have never been approved during the ministerial remodel. Property owners were given the opportunity to correct the PDO violation and return to the MBPPB for a second review.

After further discussion, the following motion was duly made:

MOTION #1 was made by Brandon Soule and seconded by Mike Meyer TO DENY the proposed Whiting Court Condo Conversion Map Waiver project plans as presented at 702 and 708 Whiting Court for the reasons discussed above.

VOTE: For: 9 Against: 1 Abstain: 0

MOTION PASSED. [For: R. Abbott; M. Baron; J. Geller; D. Lynch; B. McCarthy; M. Meyer; J. Ready; B. Soule; J. Whittecar] [Against: G. Trolf]

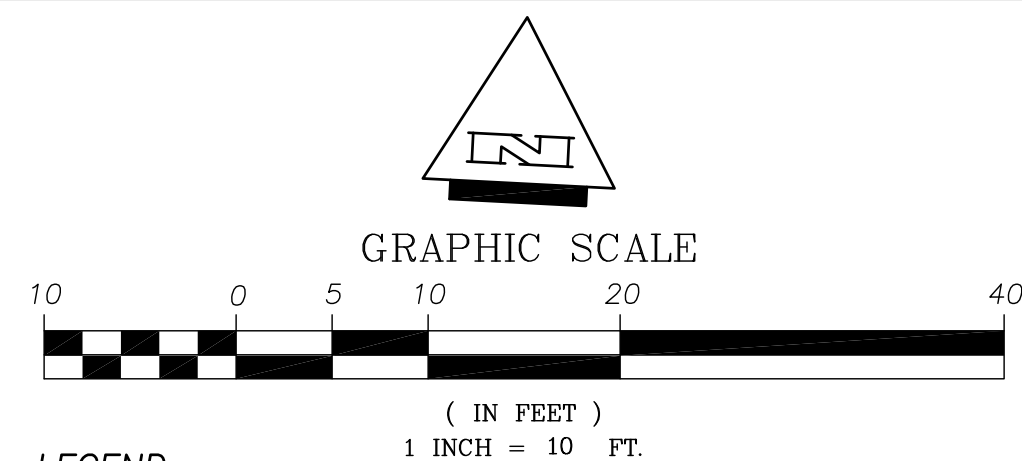
§1513.0402 Landscaping**(a) Residential Subdistricts**

(1) One hundred percent of all required yards except interior yards and rear yards shall be landscaped with a minimum of at least 50 percent and shall be any combination of trees, shrubs and ground cover; except that the use of trees to meet this requirement shall be optional. All proposed landscaping in the required yard areas for Courts, Places, or Walks shall be maintained at a height of three feet or lower (including raised planters) to preserve public views. All landscaping shall be drought-tolerant and native or non-invasive plant species. The remaining 50 percent may include, but is not restricted to, fountains, reflecting pools, art objects, decorative walkways, screens, walls, fences, benches, and decks not exceeding 3 feet in height.

(2) Landscaping located within the required yards for Courts and Places shall protect pedestrian view corridors by emphasizing canopy trees that reach a height of 24 feet at maturity and ground cover. Landscaping materials shall not encroach or overhang into the Courts and Places rights-of-way and view corridors. Mature trees shall be maintained so that branches do not encroach below a height of 8 feet above the finish surface or finished grade, as measured at the trunk. Any trees proposed in the required yard areas along Courts, Places, or Walks shall be limited to no more than two trees which shall be planted within 4 and 5 feet of the primary structure. All landscaping and irrigation within the public-right-of-way shall be developed in accordance with the Landscape Standards of the Land Development Manual.

702 & 708 WHITING COURT RESIDENCES

Tentative Map Waiver No. 2132597, Project No. 602075



LEGEND:

■	INDICATES FOUND LEAD & DISC STAMPED "L.S. 7046" UNLESS OTHERWISE NOTED
⊕	INDICATES GAS METER
⊖	INDICATES ELECTRIC METER
⊙	INDICATES WATER METER
⊕	INDICATES BACK FLOW PREVENTION DEVICE
←	INDICATES DIRECTION OF DRAINAGE
⊕	INDICATES STREET LIGHT
⊕	INDICATES PLASTIC FENCE
①	INDICATES PARKING SPACE
⑤	INDICATES SEWER LATERAL
⑥	INDICATES WATER SERVICE
⊕	INDICATES BRICK SURFACE
—	INDICATES PROPERTY LINE/TENTATIVE MAP WAIVER BOUNDARY

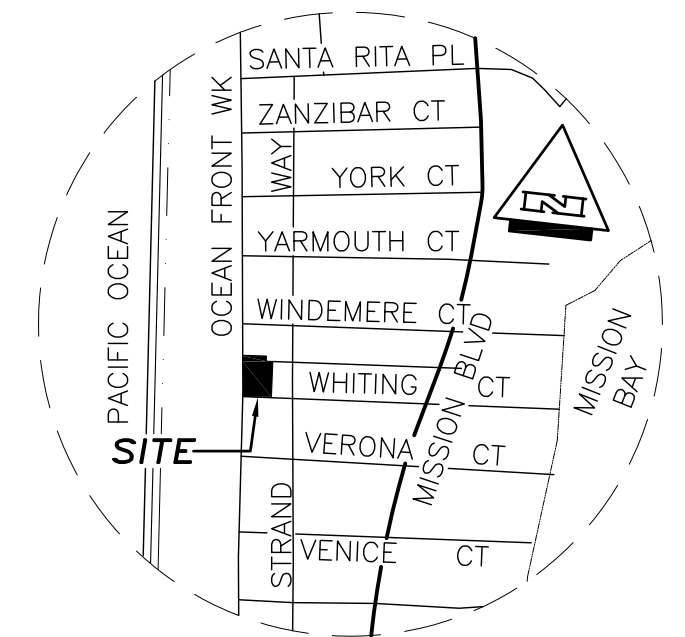
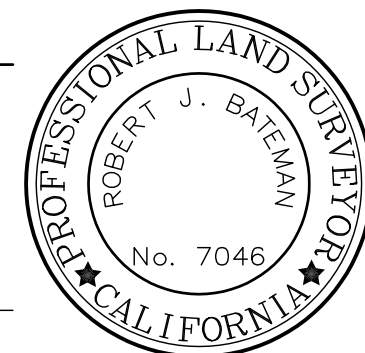
UTILITY TABLE:

UTILITY	OVERHEAD	UNDERGROUND
CATV	X	
ELECTRIC	X	
GAS		X
TELEPHONE	X	

PROFESSIONAL LAND SURVEYOR:

SAN DIEGO LAND SURVEYING & ENGINEERING, INC.
9665 CHESAPEAKE DRIVE, SUITE 445
SAN DIEGO, CALIFORNIA 92123 (858) 565-8362
DRAWING NO. MW 708 Whiting Ct.dwg

Robert J. Bateman 03/15/2019
ROBERT J. BATEMAN, P.L.S. 7046 DATE



VICINITY MAP
NO SCALE

Prepared By:

SAN DIEGO LAND SURVEYING AND ENGINEERING, INC
9665 CHESAPEAKE DRIVE, SUITE 445
SAN DIEGO, CA 92123-1354
PHONE: 858-565-8362
FAX: 858-565-4354 EMAIL: rbateaman@sdlse.com

Consultants:

Basis of Bearings:

THE CENTERLINE OF WHITING COURT AS SHOWN ON CORNER RECORD NO. 39062. I.E. S 81°54'05" W

Benchmark:

SURVEY MONUMENT "M-10" AT THE EASTERLY 4' LINE MISSION BOULEVARD AND WHITING COURT ELEVATION= 4.774 M.S.L.

Project Legal Description:

PARCEL "A":

LOT "E" IN BLOCK 237 OF MISSION BEACH, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1651, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 14, 1914. EXCEPTING THEREFROM THE NORTH 11 FEET OF THE WEST 3 FEET. ALSO EXCEPTING ANY PORTION THEREOF LYING BELOW THE ORDINARY HIGH TIDE LINE OF THE PACIFIC OCEAN.

PARCEL "B":

LOT "F" AND THE NORTH 11 FEET OF THE WEST 3 FEET OF LOT "E" IN BLOCK 237 OF MISSION BEACH, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1651, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 14, 1914. EXCEPTING ANY PORTION THEREOF LYING BELOW THE ORDINARY HIGH TIDE LINE OF THE PACIFIC OCEAN.

LAMBERT COORDINATES:

NAD 27 = 226-1691 NAD 83 = 1866-6251

A.P.N. 423-551-21 & 423-551-22

Project Name:

WHITING COURT RESIDENCES

Sheet Title:

TM WAIVER No. 2132597
Project No. 602075

Project Address:

702 & 708 Whiting Court
San Diego, CA 92109

Project Owner:

JBB, LLC
864 Grand Avenue, Suite 461
San Diego, California 92109

Scale:

1" = 10'
Original Date: March 20, 2018
Revised: July 23, 2018
Revised: November 28, 2018

Revised:

March 15, 2019
Sheet 1 of 1

CITY OF SAN DIEGO DEVELOPMENT SUMMARY

- SUMMARY OF REQUEST:
CONVERT 2 RESIDENTIAL DWELLING UNITS TO CONDOMINIUMS & FILE A LOT CONSOLIDATION PARCEL MAP
- STREET ADDRESS: 702 & 708 WHITING COURT
SIDE
OCEAN FRONT WALK AND STRAND WAY
- SITE AREA:
TOTAL SITE AREA (GROSS): (2,923 SF) (0.067 AC.)
NET SITE AREA: (2,923 SF) (0.067 AC.)
- DENSITY: (RESIDENTIAL)
MAXIMUM NO. DWELLING UNITS ALLOWED PER ZONE: 2
NUMBER OF EXISTING UNITS TO REMAIN ON SITE: 2
NUMBER OF PROPOSED DWELLING UNITS ON SITE: 0
TOTAL NUMBER OF UNITS PROVIDED ON THE SITE: 2
- YARD/SETBACK:
OCEAN FRONT WALK: 10'
STRANDWAY: 0'
- PARKING: PARKING CRITERIA:
RESIDENTIAL ☐ COMMERCIAL ☐ INDUSTRIAL
MIXED USE ☐ OTHER

TYPE OF UNIT	NUMBER OF TYPE	PARKING REQUIRED PER UNIT	TOTAL PER TYPE
2 BR UNIT	2	1.5	3
TOTAL REQUIRED BY ZONE			3
TOTAL PROVIDED ON-SITE			4

UNIT AREAS

TYPE OF UNIT	NUMBER OF TYPE	SQUARE FOOTAGE PER UNIT	TOTAL PER TYPE
4 BR UNIT	1	1,657	1,657
3 BR UNIT	1	1,503	1,503

ZONING INFORMATION

EXISTING AND PROPOSED ZONE: MBPD-R-N
COMMUNITY PLAN NAME: MISSION BEACH
OVERLAY ZONES: COASTAL HEIGHT LIMIT
COASTAL STATE
PARKING IMPACT
RESIDENTIAL TANDEM PARKING
TRANSIT AREA
AIRPORT INFLUENCE AREA
SDIA AND FIRST PUBLIC ROADWAY

MONUMENTATION & MAPPING

ALL MONUMENTS HAVE BEEN FOUND PER CORNER RECORD NO. 39062. A LOT CONSOLIDATION PARCEL MAP WILL BE FILED AFTER MAP WAIVER APPROVAL.

EXISTING IMPROVEMENTS

SEWER DRAWING NO. 25159-18-D
WATER DRAWING NO. 11293-7-D

EXISTING & PROPOSED EASEMENTS:

NONE

EXISTING APPROVALS:

- BACK-UP DISTANCE OF 19.0 WAS APPROVED PER PTS 462095, PERMIT NO. 16 16486
- BUILDING CONDITION REPORT WAS NOT PROVIDED UNDER THIS LOT CONSOLIDATION SINCE THE DWELLING UNITS ARE NEW OR UNDER CONSTRUCTION AND MEET THE CURRENT BUILDING CODE REQUIREMENTS. REFER TO PERMITTED PLANS UNDER PTS NO. 462095.

E.M.R.A.

- EXISTING ENCROACHMENT MAINTENANCE AND REMOVAL AGREEMENT, RECORDED SEPTEMBER 6, 1985 AS INSTRUMENT NO. 1985-327135 AND MARCH 29, 2002 AS INSTRUMENT NO. 2002-0267409, BOTH OF OFFICIAL RECORDS.
- PRIOR TO THE RECORDATION OF THE MAP, THE OWNER/PERMITTEE SHALL OBTAIN AN ENCROACHMENT MAINTENANCE REMOVAL AGREEMENT, FROM THE CITY ENGINEER, FOR THE PRIVATE WALL IN THE OCEAN FRONT WALK RIGHT OF WAY & THE WHITING COURT RIGHT OF WAY.

DEVELOPMENT NOTES:

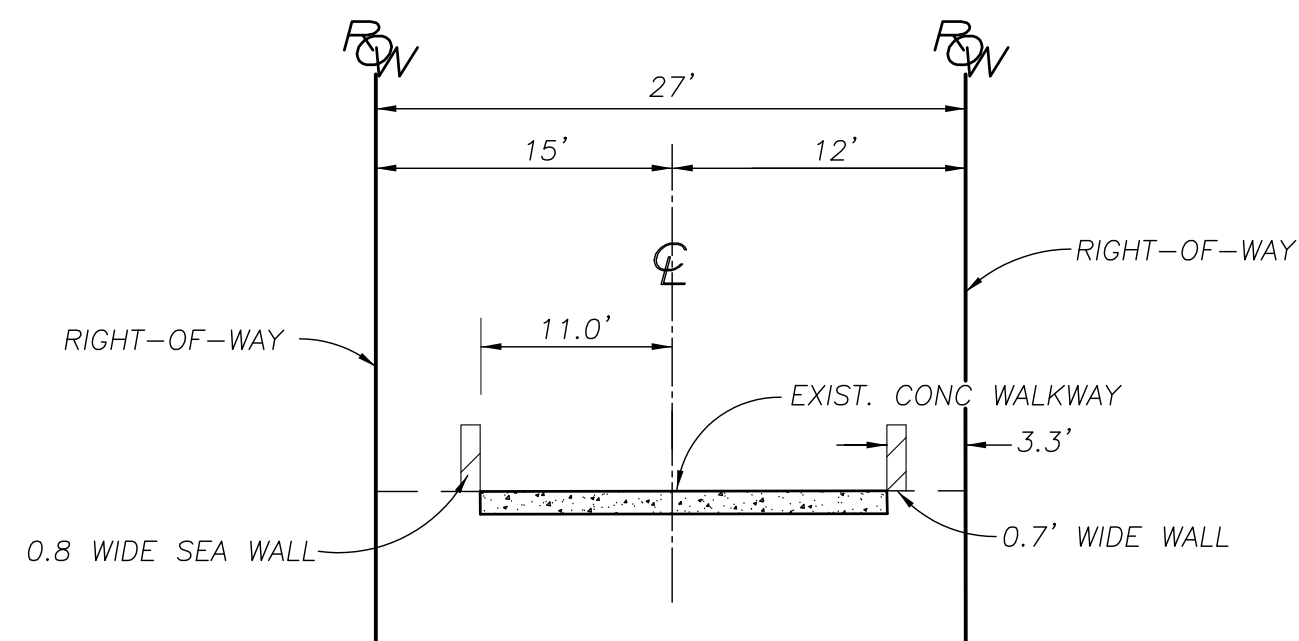
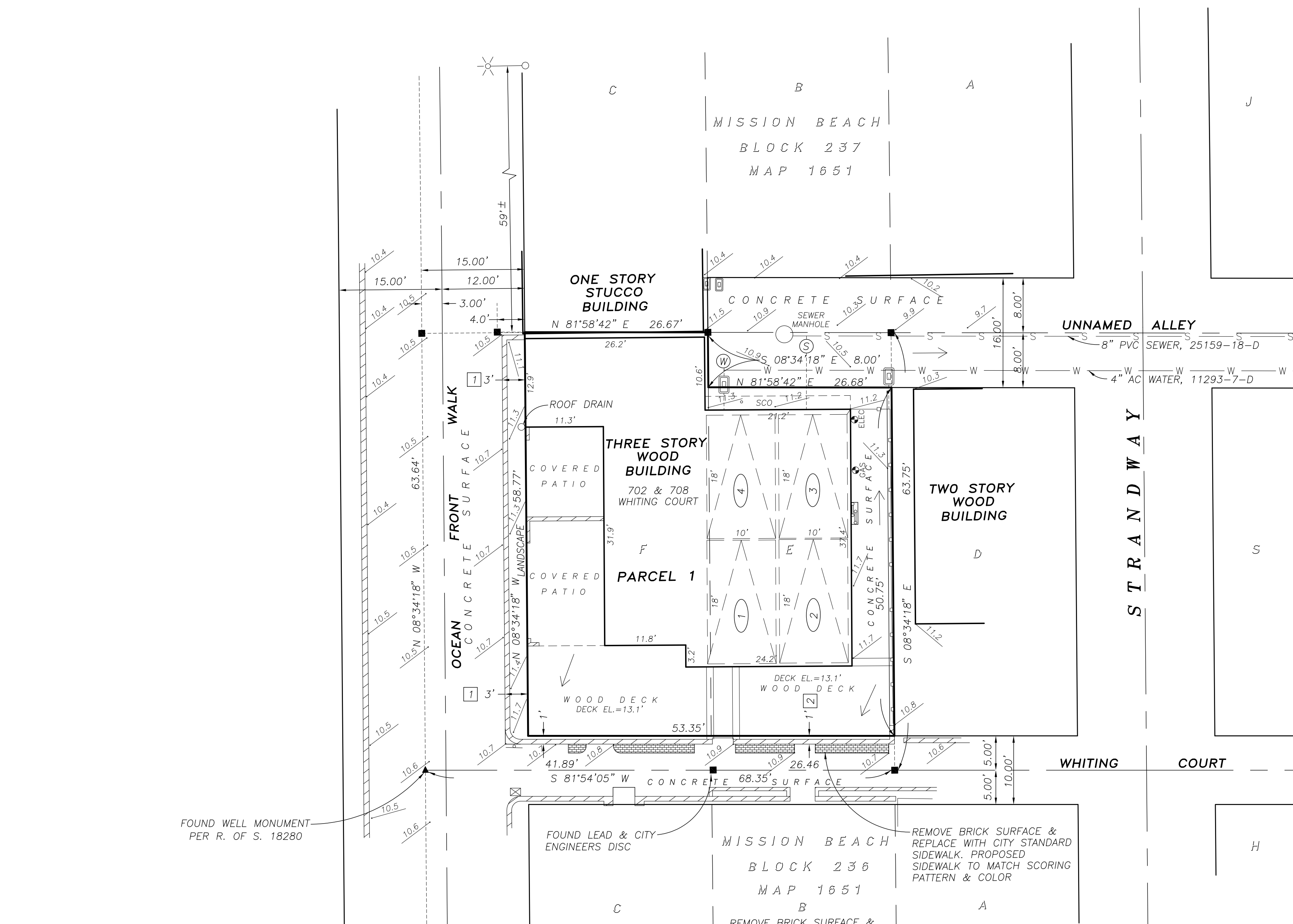
- THIS IS A MAP OF A CONDOMINIUM PROJECT AS DEFINED IN SECTION 4125 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT. TOTAL NUMBER OF CONDOMINIUM DWELLING UNITS IS 2.

NUMBER OF EXISTING LOTS = 2
NUMBER OF PROPOSED LOTS = 1

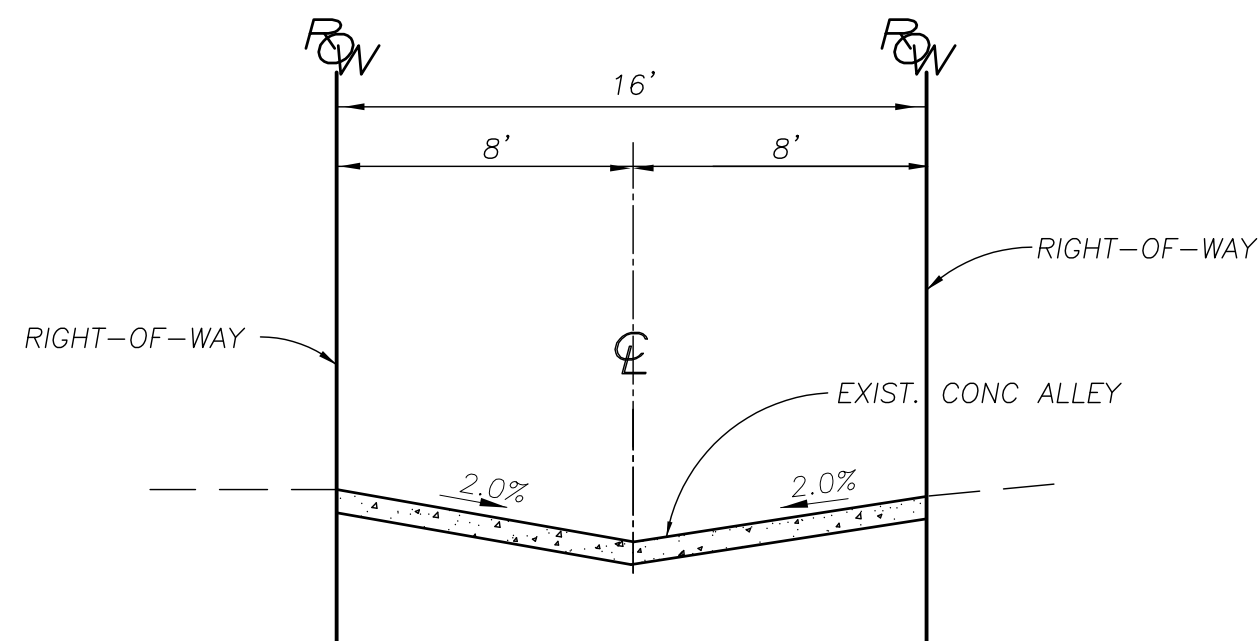
OWNER/DEVELOPER:

JBB, LLC, A NEVADA LIMITED LIABILITY COMPANY
864 GRAND AVENUE, SUITE 461
SAN DIEGO, CALIFORNIA 92109

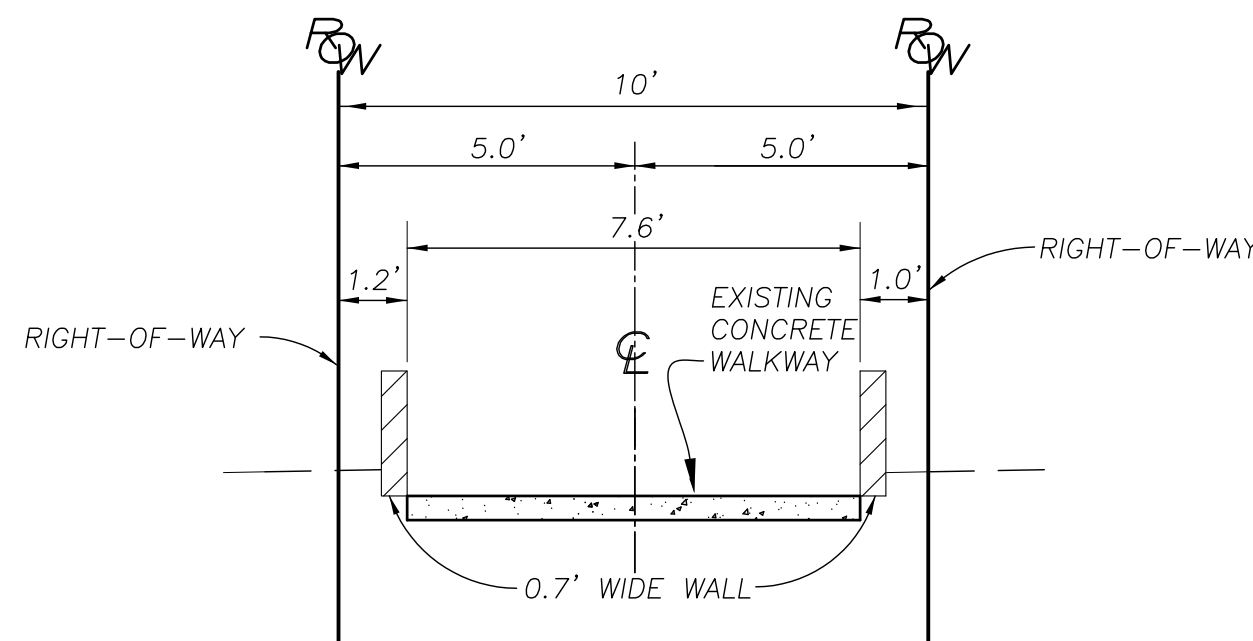
WILLIAM BENKO, MANAGING MEMBER



TYPICAL STREET SECTION OF
OCEAN FRONT WALK
(EXISTING STREET)
NO SCALE



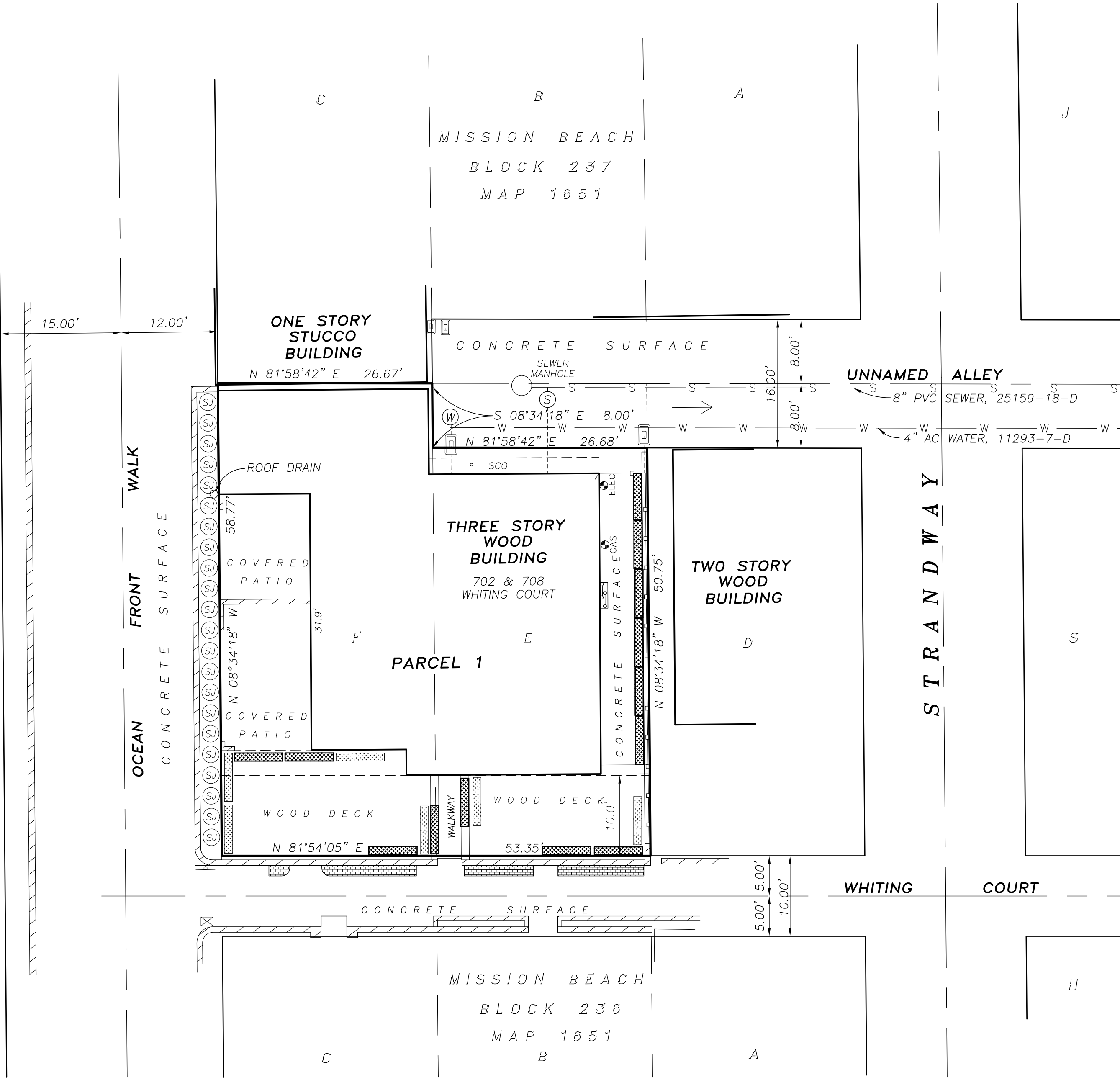
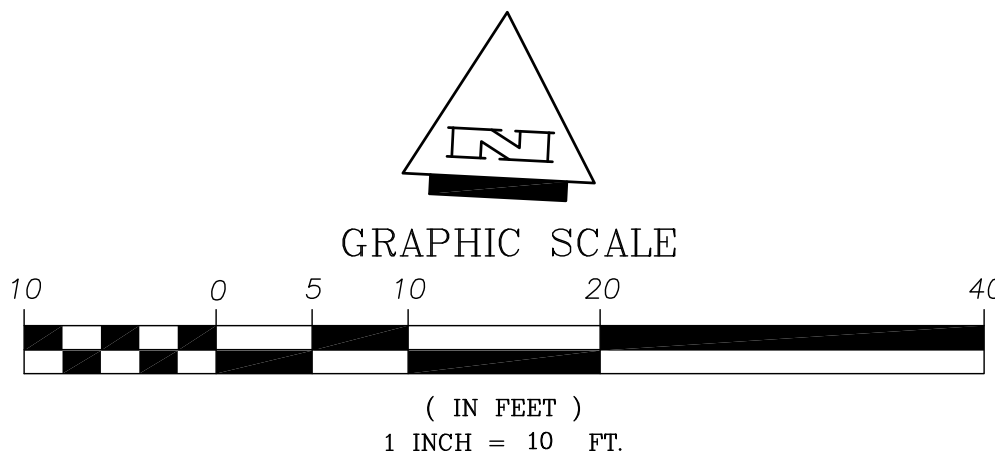
TYPICAL STREET SECTION OF
UNNAMED ALLEY
(EXISTING STREET)
NO SCALE



TYPICAL STREET SECTION OF
WHITING COURT
(EXISTING STREET)
NO SCALE

702 & 708 WHITING COURT RESIDENCES

Landscape Plan, Project No. 602075



APPLICABLE REGULATIONS

MBPDO 1513.0402(A)(1)

LANDSCAPE CALCULATIONS [142.0404-142.0406]

STREET YARD TOTAL AREA	PLANTING AREA PROVIDED	EXCESS AREA PROVIDED
534 SF X 50% = 267	267 SQUARE FEET	3
PLANTING POINTS REQUIRED	PLANTING POINTS PROVIDED	EXCESS POINTS PROVIDED
534 SF X 0.05 = 27 POINTS	128 POINTS	121 POINTS

PLANT SCHEDULE

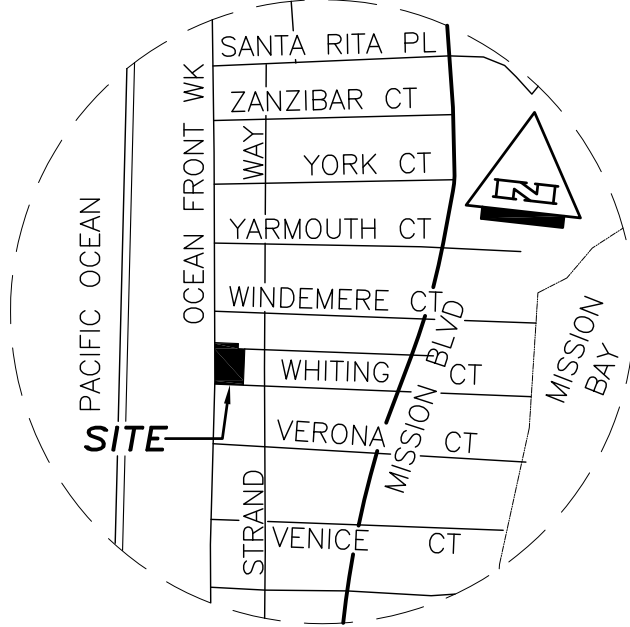
SHRUBS	BOTANICAL NAME	CONT	HXS	QTY	
	Trachelospermum jasminoides	Existing	12"-24"	22	= 153 SF
	Succulents	Existing	6"	36	= 36 SF
	Succulents	Proposed	6"	78	= 78 SF
				TOTAL PROVIDED	= 267 SF

LANDSCAPE NOTES:

- ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE STANDARDS OF THE CITY-WIDE LANDSCAPE REGULATIONS AND THE CITY OF SAN DIEGO LAND DEVELOPMENT MANUAL LANDSCAPE STANDARDS AND ALL OTHER LANDSCAPE RELATED CITY AND REGIONAL STANDARDS.
- MINIMUM TREE SEPARATION DISTANCE:
 - TRAFFIC SIGNALS / STOP SIGNS 20 FEET
 - UNDERGROUND UTILITY LINES 5 FEET (10' FOR SEWER)
 - ABOVE GROUND UTILITY STRUCTURES 10 FEET
 - DRIVEWAY (ENTRIES) 10 FEET
 - INTERSECTIONS (INTERSECTION CURB LINES OF TWO STREETS) - 25 FEET
- IRRIGATION: AN AUTOMATIC, ELECTRICALLY CONTROLLED IRRIGATION SYSTEM SHALL BE PROVIDED AS REQUIRED BY LDC 142.0403(C) FOR PROPER IRRIGATION, DEVELOPMENT, AND MAINTENANCE OF THE VEGETATION IN A HEALTHY, DISEASE-RESISTANT CONDITION. THE DESIGN OF THE SYSTEM SHALL PROVIDE ADEQUATE SUPPORT FOR THE VEGETATION SELECTED. ALL PLANTING AREA AREAS IRRIGATED WITH DRIP IRRIGATION SYSTEM.
- MAINTENANCE: ALL REQUIRED LANDSCAPE AREA SHALL BE MAINTAINED BY OWNER. LANDSCAPE AND IRRIGATION AREAS IN THE PUBLIC RIGHT-OF-WAY SHALL BE MAINTAINED BY THE OWNER. THE LANDSCAPE AREAS SHALL BE MAINTAINED FREE OF DEBRIS AND LITTER, AND ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTH GROWING CONDITION. DISEASED OR DEAD PLANT MATERIAL SHALL BE SATISFACTORILY TREATED OR REPLACED PER THE CONDITIONS OF THE PERMIT.

LEGEND:

- INDICATES GAS METER
- INDICATES ELECTRIC METER
- INDICATES WATER METER
- INDICATES BACK FLOW PREVENTION DEVICE
- INDICATES STREET LIGHT
- INDICATES PLASTIC FENCE
- INDICATES SEWER LATERAL
- INDICATES WATER SERVICE
- INDICATES BRICK SURFACE



VICINITY MAP
NO SCALE

LAMBERT COORDINATES: NAD 27 = 226-1691 NAD 83 = 1866-6251 A.P.N. 423-551-21 & 423-551-22	
Project Name: WHITING COURT RESIDENCES	
Sheet Title: Landscape Plan Project No. 602075	

Project Address: 702 & 708 Whiting Court San Diego, CA 92109	Project Owner: JBJB, LLC 864 Grand Avenue, Suite 461 San Diego, California 92109
Scale: 1" = 10' Original Date: November 28, 2018 Revised: March 21, 2019 Revised: April 18, 2019	Sheet 1 of 1



THE CITY OF SAN DIEGO

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

Community Planning Committee Distribution Form Part 1

Project Name: Whiting Court Condo Conv MW		Project Number: 602075		Distribution Date: 04/30/2019	
Project Scope/Location: (To be completed by Community Planning Committee for initial review): MISSION BEACH (Process 3) Map Waiver and lot consolidation for the condominium conversion of two existing attached residential dwellings units within a 3,160 sq ft., three-story structure at 702 and 708 Whiting Ct. The 0.7-acre site is in the MBPD-R-N, State Coastal overlay zone the Mission Beach Community Plan area. Council District 2.					
Applicant Name: Robert Bateman			Applicant Phone Number: (858) 565-8362		
Project Manager: Glenn Gargas	Phone Number: (619) 446-5142	Fax Number: (619) 446-5245	E-mail Address: GGargas@sandiego.gov		
<p>On June 18, 2019, the Mission Beach Precise Planning Board voted 9-1-0 to deny the proposed Map Waiver because the "Landscape" requirements pursuant to SDMC 1513.0402(a)(1) were not met by the Applicant and owners. A combination of planter boxes over 36" atop a raised deck covering nearly the complete front yard landscape area is not permitted. See photo attached hereto as reference to the current condition.</p> <p>Per SDMC §1513.0402(a)(1) "Landscaping" in "Residential Subdistricts" requires that "One hundred percent of all required yards except interior yards and rear yards shall be landscaped with a minimum of at least 50 percent and shall be any combination of trees, shrubs and ground cover . . . All proposed landscaping in the required yard areas for Courts, Places, or Walks shall be maintained at a height of three feet or lower (including raised planters) to preserve public views." This requirement was not shown in the proposed tentative map and landscape plan. Nearly 100% of the front yard landscape area is covered by a deck where only 50% is permitted.</p> <p>Further, per SDMC §1513.0402(a)(1) "The remaining 50 percent may include, but is not restricted to, fountains, reflecting pools, art objects, decorative walkways, screens, walls, fences, benches, and decks not exceeding 3 feet in height." A combination of planter boxes atop a raised deck covering nearly the complete front yard landscape area is not permitted according to the express development regulations of Chapter 15 of the San Diego Municipal Code, Article 13: Mission Beach Planned District, Division 4: General and Supplemental Regulations. No trees, shrubs and or ground cover were provided in the proposed drawings in locations not already covered by a deck.</p> <p>Suggestion to remedy: Reduce deck coverage to 50% of the front yard and as permitted, landscape the remaining 50% with a combination of trees, shrubs and ground cover. This is a simple remedy. The deck in its current condition should have never been approved during the ministerial remodel PTS #462095 as landscape standards per SDMC §1513.0402(a)(1).</p>					
<i>Attach Additional Pages If Necessary.</i>			Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101		
Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services . Upon request, this information is available in alternative formats for persons with disabilities.					



THE CITY OF SAN DIEGO

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

Community Planning Committee Distribution Form Part 2

Project Name: Whiting Court Condo Conv MW		Project Number: 602075	Distribution Date: 04/30/2019
Project Scope/Location: MISSION BEACH (Process 3) Map Waiver and lot consolidation for the condominium conversion of two existing attached residential dwellings units within a 3,160 sq ft., three-story structure at 702 and 708 Whiting Ct. The 0.7-acre site is in the MBPD-R-N, State Coastal overlay zone the Mission Beach Community Plan area. Council District 2.			
Applicant Name: Robert Bateman		Applicant Phone Number: (858) 565-8362	
Project Manager: Glenn Gargas	Phone Number: (619) 446-5142	Fax Number: (619) 446-5245	E-mail Address: GGargas@sandiego.gov
Committee Recommendations (To be completed for Initial Review):			
<input type="checkbox"/> Vote to Approve	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Approve With Conditions Listed Below	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below	Members Yes	Members No	Members Abstain
<input checked="" type="checkbox"/> Vote to Deny	Members Yes 9	Members No 1	Members Abstain 0
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			<input type="checkbox"/> Continued
CONDITIONS:			
NAME: Brandon Soule		TITLE: Board Member	
SIGNATURE:		DATE: 6/20/2019	
<i>Attach Additional Pages If Necessary.</i>		Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101	
Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services . Upon request, this information is available in alternative formats for persons with disabilities.			

	City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	<h1 style="margin: 0;">Ownership Disclosure Statement</h1>	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: Whiting Court Condominium Conversion **Project No. For City Use Only:** 602075
Project Address: 702 & 708 Whiting Court

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

☐ Corporation ☒ Limited Liability -or- ☐ General - What State? NV Corporate Identification No. E0278772015-6
☐ 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: JBIB, LLC ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency
 Street Address: 864 Grand Ave., Suite 461
 City: San Diego State: CA Zip: 92109
 Phone No.: 702-326-4491 Fax No.: _____ Email: wsbenko@gmail.com
 Signature: [Signature] Date: 3/19/18
 Additional pages Attached: ☐ Yes ☐ No

Applicant

Name of Individual: William Benko ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency
 Street Address: 864 Grand Ave., Suite 461
 City: San Diego State: CA Zip: 92109
 Phone No.: 702-326-4491 Fax No.: _____ Email: wsbenko@gmail.com
 Signature: [Signature] Date: 3/19/18
 Additional pages Attached: ☐ Yes ☒ No

Other Financially Interested Persons

Name of Individual: Andrea Benko ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency
 Street Address: 864 Grand Ave., Suite 461
 City: San Diego State: CA Zip: 92109
 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.

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



October 26, 2017

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 6-17-0840-W

Applicant: William & Andrea Benko

Location: 702-708 Whiting Ct, Mission Beach, San Diego (San Diego County) (APN(s): 423-551-22; 423-551-21)

Proposed Development: Convert existing duplex into condominium ownership.

Rationale: The proposed development will only change the ownership status of an existing duplex that has already been approved and constructed pursuant a previous coastal development permit. The proposed development will not result in any physical changes to the structure or adversely impact coastal resources, and can be found in conformance with Chapter 3 of the Coastal Act.

This waiver will not become effective until reported to the Commission at its November 2017 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Executive Director

A handwritten signature in black ink, appearing to read "Alex Llerandi".

Alexander Llerandi
Coastal Program Analyst