

THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: February 28, 2018

REPORT NO. HO-18-018

HEARING DATE: March 7, 2018

SUBJECT: ORMOND COURT DUPLEX - PROCESS THREE DECISION

PROJECT NUMBER: <u>560454</u>

OWNER/APPLICANT: SDDP 2016 LTD, Owner and Golba Architecture, Inc., Architect/Applicant

<u>SUMMARY</u>

<u>Issue</u>: Should the Hearing Officer approve the demolition of an existing single dwelling unit and construction of a three-story, two-unit residential condominium at 805 Ormond Court within the Mission Beach Planned District of the Mission Beach Precise Plan and Local Coastal Program?

<u>Staff Recommendation:</u> Approve Coastal Development Permit No. 1972321 and Tentative Map Waiver No. 1972331.

<u>Community Planning Group Recommendation</u>: On October 17, 2017, the Mission Beach Precise Planning Board voted 10-0-0 to recommend approval of the proposed project with the condition to install two (2) nine-foot garage doors to resolve the issue of 21-foot vehicle turning radius.

<u>Environmental Review</u>: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Sections15301 (Existing Facilities) and 15303 (New Construction). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on January 10, 2018 and the opportunity to appeal that determination ended January 25, 2018.

BACKGROUND

The 0.06-acre project site is located at 805 Ormond Court, within the MBPD-R-S zone of the Mission Beach Planned District, Coastal Overlay Zone (Appealable), Coastal Height Limit, Parking

Impact, Residential Tandem Parking, and Transit Area overlay zones within the Mission Beach Precise Plan and Local Coastal Program.

The project site is currently developed with a single dwelling unit, on the relatively flat lot, with frontage along Ormond Court and alley access from the rear (south) of the property. The site is located approximately 410 feet east of the Pacific Ocean and approximately 390 feet west of Mission Bay. The project is located within a fully developed residential neighborhood and is between the nearest public roadway and the shoreline of a body of water located with the Coastal Overlay Zone. Specifically, the project is located between Bayside Land and Mission Bay.

DISCUSSION

The project proposes the demolition of an existing single residential dwelling unit and the construction a new, three-story, two-unit residential condominium totaling 3,483 square feet, including garage, plus decks. New hardscape and landscape is also proposed. The project complies with all development regulations, including lot size, setbacks, parking, and height on a site developed with all public utilities in place to serve the residence. The project is not requesting, nor does it require, any deviations or variances from the applicable regulations.

The applicant is requesting a Process 3 Coastal Development Permit for development within the Coastal Overlay Zone (Appealable area) pursuant to SDMC Section 126.0702 and a Tentative Map Waiver per SDMC Section 125.0410. The Map Waiver would allow for the creation of two residential condominium units on one existing parcel, and allow for the waiver of the requirement to underground existing, off-site overhead utilities. The subdivision qualifies for the Waiver of Requirements to Underground Existing Offsite Utilities in that the conversion involves a short span of overhead facility (less than a full block in length) and the conversion would not represent a logical extension to an underground facility.

The Mission Beach Precise Plan land use designation for the site is Residential (36 dwelling units per acre), and the existing and proposed two dwelling units on the 0.06-acre site is within the allowable density and consistent with the land use designation.

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. Staff has provided draft findings and conditions to support approval of the project (Attachments 4 and 5). Staff recommends the Hearing Officer approve the project as proposed.

ALTERNATIVES

- 1. Approve Tentative Map Waiver No. 1972331 and Coastal Development Permit No. 1972321, with modifications.
- 2. Deny Tentative Map Waiver No. 1972331 and Coastal Development Permit No. 1972321 if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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Martha Blake, Development Project Manager

Attachments:

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





Aerial Photo Ormond Court Duplex/805 Ormond Court PROJECT NO. 560454







Project Location Map

Ormond Court Duplex/805 Ormond Court PROJECT NO. 560454





legend

- residental (36 units per acre)
- neighborhood commercial
- **commercial** recreation

public facilities

- P parking
- **B** belmont amusement park
- S school

Mission Beach Land Use Plan

Mission Beach Precise Plan



Community Plan Land Use Map Ormond Court Duplex/805 Ormond Court

PROJECT NO. 560454

HEARING OFFICER RESOLUTION NO. XXXX-XX COASTAL DEVELOPMENT PERMIT NO. 1972321 ORMOND COURT DUPLEX - PROJECT NO. 560454

WHEREAS, SDDP 2016, LTD., a California Limited Partnership, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish an existing single-family residence and construct a three-story, two-unit condominium (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1972321), on portions of a 0.06-acre site; and

WHEREAS, the project site is located at 805 Ormond Court, in the Mission Beach Planned District (MBPD)-R-S, Coastal Overlay (Appealable), Coastal Height Limit, Parking Impact (Beach Impact Area), Residential Tandem Parking, and Transit Overlay zone(s) of the Mission Beach Precise Plan; and

WHEREAS, the project site is legally described as Lot "G", Block 163, Mission Beach, in the City of San Diego, County of San Diego, State of California, According to Map Thereof No. 1809 (1651) – Mission Beach Altered Map, filed in the Office of the County Recorder of San Diego County December 14, 1914; and

WHEREAS, on January 10, 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 Guideline Sections 15301 (Existing Facilities) and 15303 (New Construction) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; and

WHEREAS, on March 7, 2018, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 1972321 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 as follows:

That the Hearing Officer adopts the following written Findings, dated March 7, 2018.

Findings for Coastal Development Permits San Diego Municipal Code Section 126.0708

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

The 0.06-acre project site, located at 805 Ormond Court, contains one existing single dwelling unit. The project includes the demolition of the existing unit and construction of a new three-story, two-unit condominium totaling 3,483 square feet.

The new units will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a local coastal program land use plan. The proposed development will enhance and protect public views by keeping all development within the 30-foot coastal height limit. The proposed residence meets the applicable development regulations required by the Land Development Code.

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

The 0.06-acre project site, located at 805 Ormond Court, contains one existing single dwelling unit. The project includes the demolition of the existing unit and construction of a new three-story, two-unit condominium totaling 3,483 square feet.

The subject site does not contain nor is it adjacent to any environmentally sensitive lands. Furthermore, both the subject and adjacent sites are all previously developed with single family residential homes.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

The 0.06-acre project site, located at 805 Ormond Court, contains one existing single dwelling unit. The project includes the demolition of the existing unit and construction of a new three-story, two-unit condominium totaling 3,483 square feet.

The proposed residence will not encroach upon, negatively alter or reduce the existing physical access corridor or public view corridor and is contained within the legal lot area. The project is consistent with the goal of the continuation of the existing medium-density character of Mission Beach of low profile and random mix of housing types and styles, and is consistent with the height limits and parking requirements. The project is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 1972321 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. 1972321, a copy of which is attached hereto and made a part hereof.

Martha Blake Development Project Manager Development Services

Adopted on: March 7, 2018

IO#: 24007365

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

WHEN RECORDED MAIL TO

PROJECT MANAGEMENT PERMIT CLERK MAIL STATION 501

INTERNAL ORDER NUMBER: 2407365

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 1972321 ORMOND COURT DUPLEX - PROJECT NO. 560454 HEARING OFFICER

This Coastal Development Permit No. 1972321 is granted by the Hearing Officer of the City of San Diego to SDDP 2016, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0702. The 0.06-acre site is located at 805 Ormond Court in the Mission Beach Planned District (MBPD)-R-S, Coastal Overlay (Appealable), Coastal Height Limit, Parking Impact (Beach Impact Area), Residential Tandem Parking, and Transit Overlay zone(s) of the Mission Beach Precise Plan. The project site is legally described as: Lot "G", Block 163, Mission Beach, in the City of San Diego, County of San Diego, State of California, According to Map Thereof No. 1809 (1651) – Mission Beach Altered Map, filed in the Office of the County Recorder of San Diego County December 14, 1914.

Subject to the terms and conditions set forth in this Permit, permission is granted to SDDP 2016 LTD, a California Limited Partnership, Owner/Permittee to demolish and existing single dwelling unit and construct a three-story, two-unit residential condominium development.

The project shall include:

- a. A three-story, two-unit residential condominium totaling 3,482 square feet;
- b. Off-street parking; and
- c. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1

of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by March 22, 2021.

2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.

3. 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.

4. 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.

5. 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.

6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

7. 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.).

8. 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.

9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required

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

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

The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, 11. 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.

CLIMATE ACTION PLAN REQUIREMENTS:

12. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

AFFORDABLE HOUSING REQUIREMENTS:

13. Prior to the issuance of any building permits, the Owner/Permittee shall comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.).

ENGINEERING REQUIREMENTS:

14. The project proposes to export 50 cubic yards of material from the project site. All excavated material listed to be exported shall be exported to a legal disposal site in accordance with the Standard Specification for Public Works Construction (the "Green Book"), 2015 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

15. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC into the construction plans or specifications.

16. Prior to the issuance of any construction permits, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards, Chapter 4, of the City's Storm Water Standards.

GEOLOGY CONDITIONS:

17. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.

LANDSCAPE REQUIREMENTS:

18. Prior to issuance of any construction permits for structures, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department.

19. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, unless long-term maintenance of said landscaping shall be the responsibility of a Landscape Maintenance District or other approved entity. All required landscape shall be maintained in a disease, weed and litter free condition at all times consistent with the City of San Diego Landscape Regulations and Standards.

20. 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, the Owner/Permittee shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Final Inspection.

PLANNING/DESIGN REQUIREMENTS:

21. Owner/Permittee shall maintain a minimum of four (4) off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking

spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

22. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

23. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

TRANSPORTATION REQUIREMENTS

24. The automobile, motorcycle, and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. 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.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

25. All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Plumbing Code and will be reviewed as part of the building permit plan check.

26. All proposed water and sewer facilities must be designed and constructed in accordance with established criteria in the most current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices pertaining thereto.

27. All on-site water and sewer facilities shall be private.

28. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer 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 March 7, 2018 and Resolution No. HO-XX-XXXX.

Permit Type/PTS Approval No.: XX Date of Approval: XX

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

NAME **Development Project Manager**

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

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

[NAME OF COMPANY] Owner/Permittee

By _____

NAME TITLE

[NAME OF COMPANY]

Owner/Permittee

Ву _____

NAME TITLE

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

RESOLUTION NO. _____ DATE OF FINAL PASSAGE ______

A RESOLUTION OF THE HEARING OFFICER ADOPTING THE FINDINGS AND APPROVING TENTATIVE MAP WAIVER NO. 1972331 FOR ORMOND COURT DUPLEX - PROJECT NO. 560454

WHEREAS, SDDP 2016, LTD., a California Limited Partnership, Subdivider, and Antony K. Christensen, Licensed Land Surveyor, submitted an application with the City of San Diego for Tentative Map Waiver No. 1972331, to waive the requirement for a tentative map for the demolition of an existing single-family residence and construction of a three-story, two-unit condominium, and to waive the requirement to underground existing offsite overhead utilities. The project site is located at 805 Ormond Court, in the Mission Beach Planned District (MBPD)-R-S and Coastal Overlay (Appealable) zones of the Mission Beach Community Plan area. The property is legally described as: Lot "G", Block 163, Mission Beach, in the City of San Diego, County of San Diego, State of California, According to Map Thereof No. 1809 (1651) – Mission Beach Altered Map, filed in the Office of the County Recorder of San Diego County December 14, 1914; and

WHEREAS, the Map proposes the subdivision of a 0.06-acre site into one (1) lot for a two-unit residential condominium; and

WHEREAS, on January 10, 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 Sections 15301 (Existing Facilities) and 15303 (New Construction), and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code section 112.0520; and

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

WHEREAS, the 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)(1)(B); as the conversion would involve 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 March 7, 2018, the Hearing Officer of the City of San Diego considered Map Waiver No. 1972331, including the waiver of the requirement to underground existing offsite overhead utilities, and pursuant to sections 125.0122 (map waiver), 125.0440, 125.0444, and 144.0240 of the San Diego Municipal Code and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Hearing Officer having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Map Waiver No.1972331:

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

The 0.06-acre project site, located at 805 Ormond Court, contains one existing single dwelling unit. The project includes the demolition of the existing unit and construction of a new three-story, two-unit condominium totaling 3,483 square feet.

The Mission Beach Precise Plan designates the site for small scale and low profile residential development, maximum density of 36 dwelling units per net acre (one dwelling unit per 1210 square feet of lot area), and this proposed project is consistent with the Mission Beach Precise Plan's density range.

The proposed condominium development will meet the land use regulations of the City of San Diego General Plan's Implementation Program including compliance with the San Diego Municipal Code development regulations governing height, setbacks, parking, landscape, and floor area ratio. Therefore, the proposed development is in conformity with the adopted Mission Beach Precise Plan and complies with the regulations of the Land Development Code. The proposed subdivision and its design or improvements are consistent with the policies, goals, and objectives of the applicable land use plan.

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

The 0.06-acre project site, located at 805 Ormond Court, contains one existing single dwelling unit. The project includes the demolition of the existing unit and construction of a new three-story, two-unit condominium totaling 3,483 square feet.

The project does not propose any deviations from the regulations. Therefore, the proposed subdivision complies with the Mission Beach Planned District (MBPD) R-S zone and development regulations of the Land Development Code.

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

The 0.06-acre project site, located at 805 Ormond Court, contains one existing single dwelling unit. The project includes the demolition of the existing unit and construction of a new three-story, two-unit condominium totaling 3,483 square feet.

The Mission Beach Precise Plan designates the site for small scale and low profile residential development, maximum density of 36 dwelling units per net acre (one dwelling unit per 1210 square feet of lot area), and this proposed project is consistent with the Mission Beach Precise Plan's density range. The project site is flat; it has been previously graded. The site fronts Ormond Court with access to Ormond Court. The project site is surrounded by multifamily development. Therefore, the site is physically suitable for the type and density of development.

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The 0.06-acre project site, located at 805 Ormond Court, contains one existing single dwelling unit. The project includes the demolition of the existing unit and construction of a new three-story, two-unit condominium totaling 3,483 square feet.

The project is located within an urbanized environment where there are no watercourses or environmentally sensitive lands harboring fish or wildlife on or adjacent to the site. The project is required to submit a Water Pollution Control Plan (WPCP) in accordance with the City's Storm Water Standards to ensure compliance with storm water runoff regulations during and after construction. Therefore, the project will not cause substantial environmental damage or substantially 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 0.06-acre project site, located at 805 Ormond Court, contains one existing single dwelling unit. The project includes the demolition of the existing unit and construction of a new three-story, two-unit condominium totaling 3,483 square feet.

No land modifications are proposed with this Map Waiver and the project has been reviewed and determined to be in compliance with the San Diego Municipal Code and Subdivision Map Act. The project includes conditions of approval requiring adequate parking, public improvements, and paying applicable taxes and/or fees in order to achieve compliance with the regulations of the San Diego Municipal Code. This project was deemed exempt from CEQA under CEQA Guidelines Sections 15301 (Existing Facilities) and 15303 (New Construction). Therefore, the design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare.

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

The 0.06-acre project site, located at 805 Ormond Court, contains one existing single dwelling unit. The project includes the demolition of the existing unit and construction of a new three-story, two-unit condominium totaling 3,483 square feet.

There are no public easements located within the project boundaries. Therefore, the project will not conflict with any public easements for access through or use of property within the proposed subdivision.

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

The 0.06-acre project site, located at 805 Ormond Court, contains one existing single dwelling unit. The project includes the demolition of the existing unit and construction of a new three-story, two-unit condominium totaling 3,483 square feet.

The proposed subdivision and construction of the residential development is designed to provide multiple architectural offsets and additionally provides multiple decks per unit, thus providing for 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 0.06-acre project site, located at 805 Ormond Court, contains one existing single dwelling unit. The project includes the demolition of the existing unit and construction of a new three-story, two-unit condominium totaling 3,483 square feet.

The subject subdivision is within the allowed residential density for the area, and would result in an increase of one residential unit on the property, thereby increasing the City's housing supply. Currently, there are commercial services, public transportation, and retail sales within a few blocks from the development, which can offer assistance to the new owners and support to the businesses. Therefore, 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 above Findings are supported by the minutes, maps, and exhibits, all of which are herein

incorporated by reference.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Hearing

Officer, Tentative Map Waiver No. 1972331, including the waiver of the requirement to underground

existing offsite overhead utilities, is hereby granted to SDDP 2016, LTD. subject to the attached

conditions which are made a part of this resolution by this reference.

Ву

Martha Blake Development Project Manager Development Services Department

ATTACHMENT: Tentative Map Waiver Conditions Internal Order No. 24007365

HEARING OFFICER CONDITIONS FOR TENTATIVE MAP WAIVER NO. 1972331 **ORMOND COURT DUPLEX - PROJECT** NO. 560454 ADOPTED BY RESOLUTION NO. XXXX-XX ON MARCH 7, 2018

<u>GENERAL</u>

- 1. This Map Waiver will expire March 22, 2021.
- 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 Certificate of Compliance unless otherwise noted.
- 3. A Certificate of Compliance shall be recorded with the County Recorder prior to the expiration date of the Tentative Map Waiver.
- 4. Prior to the recordation of the Certificate of Compliance, 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.
- 5. The Tentative Map shall conform to the provisions of Coastal Development Permit (CDP) No. 1972321.
- 6. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify the Subdivider of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not be required to pay or perform any settlement unless such settlement is approved by the Subdivider.

AFFORDABLE HOUSING

7. Prior to the recordation of the Certificate of Compliance, 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.

ENGINEERING

8. The Subdivider shall ensure that all onsite utilities serving the subdivision shall be

undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place or provide other means to assure the undergrounding, satisfactory to the City Engineer.

- 9. The Subdivider shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire, and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.
- 10. 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

- 11. All conditions in the Tentative Map Waiver Conditions of Approval must be satisfied prior to the recordation of the Certificate of Compliance with the County Recorder.
- 12. Prior to issuance of a Certificate of Compliance, City staff will perform a field monument inspection to verify that all property corners are being marked with survey monuments. If any of the survey monument was missing, it must be replaced with a new monument, and a Corner Record or Record of Survey (whichever is applicable) shall be filed with the County Recorder pursuant to the Professional Land Surveyors Act. A copy of the filed Corner Record or Record of Survey must be submitted to satisfy this requirement prior to the approval and recordation of the Certificate of Compliance.

PUBLIC UTILITIES

13. Prior to the issuance of any Certificate of Compliance or recordation of the Map, the Owner/Permittee shall provide CC&Rs for the operation and maintenance of all private water and sewer facilities, in a manner satisfactory to the Public Utilities Director and the City Engineer.

INFORMATION:

- The approval of this Map Waiver by the Hearing Officer of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 *et seq.*).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and

practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.

- Subsequent applications related to this Map Waiver will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Map Waiver, may protest the imposition within 90 days of the approval of this Map Waiver by filing a written protest with the San Diego City Clerk pursuant to Government Code Sections 66020 and/or 66021.
- Where in the course of 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. 24007365

NOTICE OF EXEMPTION

(Check one or both)

TO:

X _____RECORDER/COUNTY CLERK P.O. BOX 1750, MS A-33 1600 PACIFIC HWY, ROOM 260 SAN DIEGO, CA 92101-2422 FROM: CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT 1222 FIRST AVENUE, MS 501 SAN DIEGO, CA 92101

_____OFFICE OF PLANNING AND RESEARCH 1400 TENTH STREET, ROOM 121 SACRAMENTO, CA 95814

Project No.: 560454

Project Title: Ormand Court Duplex

<u>PROJECT LOCATION-SPECIFIC:</u> The project is located at 805 Ormand Court, San Diego CA 92109 within the Mission Valley Planning Area.

PROJECT LOCATION-CITY/COUNTY: San Diego/San Diego

<u>Description of nature and Purpose of the Project</u>: Coastal Development Permit and Tentative Map Waiver to demolish a single dwelling unit and to construct a 2,801, three story condominium duplex with attached garages. The proposed project complies with all height and bulk regulations and is located on a site that is currently developed with public utilities in place to serve the duplex. The 2,559 square foot site is located within the Coastal Overlay Zone (Appealable Area), Coastal Height Limit, Parking Impact (Beach Impact Area), Residential Tandem Parking and Transit Area Overlay.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

<u>NAME OF PERSON OR AGENCY CARRYING OUT PROJECT</u>: Golba Architecture Inc, 1940 Garnet Avenue, Suite 100, San Diego California 92109. Phone Number: (885) 231-9905

EXEMPT STATUS: (CHECK ONE)

- () MINISTERIAL (SEC. 21080(b)(1); 15268);
- () DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a));
- () EMERGENCY PROJECT (SEC. 21080(b)(4); 15269 (b)(c)...
- (X) CATEGORICAL EXEMPTION: 15301(Existing Facilities) and 15303 (New Construction)
- () STATUTORY EXEMPTION:

<u>REASONS WHY PROJECT IS EXEMPT</u>: The City of San Diego conducted an environmental review and determined that the project would qualify to be categorically exempt from CEQA pursuant to Sections 15301 (Existing Facilities) and 15303 (New Construction). Since 15301 allows for the demolition of a limited number of structures and 15303 allows for the construction of new residences the exemptions were deemed to be appropriate. Additionally, the site is located on a site where public services exist and is devoid of sensitive resources and the exceptions listed in CEQA Section 15300.2 would not apply.

LEAD AGENCY CONTACT PERSON: JEFFREY SZYMANSKI

TELEPHONE: 619 446-5324

IF FILED BY APPLICANT:

- 1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.
- 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

SENIOR PLANNUR SIGNATURE/TITLE

CHECK ONE: (X) SIGNED BY LEAD AGENCY DATE

2/27/2018

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

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THE CITY OF SAN DIES

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

Community Planning Committee Distribution Form Part 1

Project Name:	Project Number:	Distribution Date:
Ormond Court Duplex	560454	4
Project Scope/Location:		

A Coastal Development Permit and Tentative Map Waiver to demolish an existing residence for the creation of a residential three-story, two-unit condominium totaling 3,483 square feet. The 0.06 acre site is located at 805 Ormond Court in the Mission Beach Planned District (MBPD)-R-S Zone and the coastal Overlay Zone (Appealable) within the Mission Beach Community Plan Area.

Applicant Name:		Applicant Phone Number:			
Rebecca Marquez		(619) 231-9	905		
Project Manager:	Phone Number:	Fax Number:	E-mail Address:		
Sarah Hatinen	(619) 446-5394	(619) 321-3200	shatinen@sandiego.gov		

Project Issues (To be completed by Community Planning Committee for initial review):

AT OUR OCTOBER 11, 2017 MEETING THIS PROJECT WAS FROSENTED AND DISCUSSED BY TEM GOLBA, ARCHETORT. THE DISCUSSION PRESENTED ONE UNRESOLVED ISSUE IN REGARD TO THE 21 FOOP AUEM TO GRANGE JONECHLAR THANKS RADIUS \$1513,0403(a)(1) TIM GOLBA AGREED TO RECOLVE THE ESSUE BY EXSTALLING 9 FOOT

BOORS ON THE TWO SIDE BY-SIDE GARAGES. BASES ON THIS ACTION THE BOARD BITABUES THE PROTECT.

Attach Additional Pages If Necessary.

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 <u>www.sandiego.gov/development-services</u>. Upon request, this information is available in alternative formats for persons with disabilities.

(01-13)



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

Community Planning Committee Distribution Form Part 2

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Project Name:			Project Number:			Distribution Date:
Ormond Court Duplex			560454			
Project Scope/Location:						
A Coastal Development Permit and Tentative Map Waiver to demolish an existing residence for the creation of a residential three-story, two-unit condominium totaling 3,483 square feet. The 0.06 acre site is located at 805 Ormond Court in the Mission Beach Planned District (MBPD)-R-S Zone and the coastal Overlay Zone (Appealable) within the Mission Beach Community Plan Area.						
Applicant Name:		*.	. •	Applicant Phone Number:		
Rebecca Marquez			(619) 231-9905			
Project Manager:	Pho	ne Numbe	er: Fax Number:			E-mail Address:
Sarah Hatinen	(619	9) 446-5	394	(619) 321-3200	shatinen@sandiego.gov
Committee Recommendations (To be completed for Initial Review):						
Vote to Approve		Member	s Yes	M	lembers No	Members Abstain
Vote to Approve		Members Yes		M	lembers No	Members Abstain
With Conditions Listed Below		10	10		Ø	0
Vote to Approve With Non-Binding Recommendations Listed Belo	ow _.	Member	s Yes	M	lembers No	Members Abstain
Vote to Deny		Member	s Yes	M	lembers No	Members Abstain
No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)				Continued		
CONDITIONS: TIM GOLBA ACRETE TO INSTALL 2 NINE FOOT GARAGE BOORS TO RESOLVE THE ISSUE OF THE INSUFFICIENT 21 FOOT JEMIELE TURNING RADIUS						
NAME: DENNIS LYNCH				TITLE: PLAN REVIEWER		PLAN REVIEWER
SIGNATURE: Oermas Synch	****				DATE: (Detober 31,2017
Attach Additional Pages If Necessary. 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 <u>www.sandiego.gov/development-services</u> . Upon request, this information is available in alternative formats for persons with disabilities.						

(01-13)

Ov	wnership Disclosure Statemen
) requested: Neighborhood Use Pe t Permit Planned Development Pe Map Waiver Land Use Plan Amer	ermit 🔀 Coastal Development Permit ermit 🔽 Conditional Use Permit ndment • 🔽 Other
	Project No. For City Use Only
ividual(s)	
t least one of the property owners. Att lopment Agency shall be required for a d by the City Council. Note: The appl cation is being processed or considere	e., tenants who will benefit from the permit, all tach additional pages if needed. A signature all project parcels for which a Disposition and licant is responsible for notifying the Project ed. Changes in ownership are to be given to be to provide accurate and current ownership be or print):
y Owner Tenan	nt/Lessee Redevelopment Agency
Street Address:	
City/State/Zip:	
_ Phone No:	Fax No:
Signature :	Date:
Name of Individual (typ	e or print):
Owner Tenant/I	Lessee Redevelopment Agency
Street Address:	n an ann an an an ann an ann an ann ann
City/State/Zip:	
Phone No:	Fax No:
Signature :	Date:

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.

Project Title:	Project No. (For City Use Only)		
Part II - To be completed when property is held by a corporati	on or partnership		
Legal Status (please check):			
Corporation Limited Liability -or- General) What State? Corporate Identification No			
By signing the Ownership Disclosure Statement, the owner(s) ack as identified above, will be filed with the City of San Diego on the s the property. Please list below the names, titles and addresses of otherwise, and state the type of property interest (e.g., tenants whi in a partnership who own the property). A signature is required of property. Attach additional pages if needed. Note: The applicant is ownership during the time the application is being processed or co Manager at least thirty days prior to any public hearing on the subj information could result in a delay in the hearing process. Addit	subject property with the intent to record an encumbrance against all persons who have an interest in the property, recorded or o will benefit from the permit, all corporate officers, and all partners f at least one of the corporate officers or partners who own the s responsible for notifying the Project Manager of any changes in insidered. Changes in ownership are to be given to the Project ect property. Failure to provide accurate and current ownership		
Corporate/Partnership Name (type or print): SDDP 2016 LTD., LIMITER PARTNERCHIP	Corporate/Partnership Name (type or print):		
Cowner Tenant/Lessee	Owner Tenant/Lessee		
Street Address: 1106 SECONO STREET # 265	Street Address:		
City/state/Zip: ENCINITAS CA 92024	City/State/Zip:		
Phone No: Fax No: (219.231.9905	Phone No: Fax No:		
Name of Corporate Officer/Partner (type or print):	Name of Corporate Officer/Partner (type or print):		
TED MONTAG	Title (type or print):		
Signature : 11 Date: 4/14/17	Signature : Date:		
Corporate/Partnership Name (t/pe or print):	Corporate/Partnership Name (type or print):		
Owner Tenant/Lessee	Owner Tenant/Lessee		
Street Address:	Street Address:		
City/State/Zip:	City/State/Zip:		
Phone No: Fax No:	Phone No: Fax No:		
Name of Corporate Officer/Partner (type or print):	Name of Corporate Officer/Partner (type or print):		
Title (type or print):	Title (type or print):		
Signature : Date:	Signature : Date:		
Corporate/Partnership Name (type or print):	Corporate/Partnership Name (type or print):		
Owner Tenant/Lessee	Owner Tenant/Lessee		
Street Address:	Street Address:		
City/State/Zip:	City/State/Zip:		
Phone No: Fax No:	Phone No: Fax No:		
Name of Corporate Officer/Partner (type or print):	Name of Corporate Officer/Partner (type or print):		
Title (type or print):	Title (type or print):		
Signature : Date:	Signature : Date:		



