



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: April 23, 2014 REPORT NO. HO 14-023

ATTENTION: Hearing Officer

SUBJECT: **AVENIDA DE PORTUGAL MAP WAIVER**
PTS PROJECT NUMBER: 337536

LOCATION: 3102-3104 Avenida de Portugal and 1120-1122 Locust Street

APPLICANT: Hossein Zomorodi

SUMMARY

Issue(s): Should the Hearing Officer approve a Map Waiver to create four residential condominiums and waive the requirement to underground existing overhead utilities within the Peninsula Community Plan area?

Staff Recommendation(s) – APPROVE Map Waiver No. 1192156.

Community Planning Group Recommendation - On January 16, 2014, a motion to recommend approval of the Map Waiver failed by a vote of 5-6-2 (See Discussion Section below).

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15304. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on March 21, 2014 and the opportunity to appeal that determination ended April 7, 2014.

BACKGROUND

The project proposes a Map Waiver to create four residential condominiums, currently under construction on a 0.11-acre site located at 3102-3104 Avenida de Portugal and 1120-1122 Locust Street in the RM-3-7 zone of the Peninsula Community Plan area.

Construction plans were reviewed and a construction permit was issued by the Development Services Department on April 24, 2013 under Approval Nos. 980989 and 980990, permitting the construction of the four residential units. The development includes the construction of two, 2,023 square-foot two bed-room condominiums and a 1,771 and 1,969 square-foot, two-

bedroom, two-story residential condominium for a total of four condominiums. The units each feature an attached garage on the south and east side of the property and landscaped areas in the front yard and along the perimeter of the building. The site abuts multi-family residential dwellings with a density and church across the street.

A Map Waiver is required for the creation of four residential condominiums as a single lot defined in San Diego Municipal Code section 125.0120.

DISCUSSION

The project proposes a Map Waiver to create four residential condominiums located at 3102-3104 Avenida de Portugal and 1120-1122 Locust Street. Proposed Land modifications/improvements with this Map Waiver include the reconstruction of a portion of curb, gutter, driveways, and sidewalks along Avenida De Portugal and Locust Street. The project has been reviewed and determined to be in compliance with the Municipal Code and Subdivision Map Act. An affordable housing fee was paid prior to the issuance of the building permit to comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, and Division 13, of the Land Development Code).

Project Related Issues

Undergrounding Waiver Request

San Diego Municipal Code Section 144.0240 allows the subdivider to apply for a waiver from the requirement to underground existing overhead utilities within the boundary of the subdivision or within the abutting public rights of way. City staff has determined the undergrounding waiver request qualifies under the guidelines of Council Policy 600-25, *Underground Conversion of Utility Lines at the Developer's Expense*, in that the conversion involves a short span of overhead facility (less than a full block in length) and it has been determined that such conversion is not a part of a continuing effort to accomplish a total undergrounding within a specific street or area.

The applicant is required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 10 of the draft Map Waiver conditions (Attachment 7).

Community Planning Group

On January 16, 2014 the Peninsula Community Planning Board reviewed the project. The group voted twice. An initial vote of 12-1 to deny the construction of the development on the basis that the building is out of character with the neighborhood due to excessive height. A second motion was made to recommend approval of a Map Waiver for the creation of four residential condominiums, however the motion failed by a vote of 5-6-2. The failed Map Waiver vote was based on the previous vote to deny the construction of the four residential units.

Staff's response to the Peninsula Community Planning Board's recommendation of denial is that the proposed condominiums are currently in construction under Building Permits No. 980989 and 980990 issued on April 24, 2013. The new structures were determined to be consistent with the development regulations of the RM-3-7 zone to include height, setbacks, floor area ratio, landscaping and architectural design. The project does not include deviations from the regulations. The project is in conformity and consistent with the Peninsula Community Plan which designates the site for multi-family residential development with an allowed density range of 30-44 dwelling units per acre. The Map Waiver would meet the goals of the Peninsula Community Plan by maintaining residential development and not interfering with public access or public views to the beaches and bays. The City's Undergrounding Master Plan designates the site within Block 2L1, and the date for undergrounding has been established for the year 2045 (Attachment 12).

Conclusion

Staff has determined that the project complies with the development regulations of all applicable sections of the Land Development Code, City Council Policies, and the State Map Act as it regulates the creation of condominiums through a Map Waiver process. Staff recommends approval of the project as proposed.

ALTERNATIVES

1. **Approve** Map Waiver No. 1192156 with modifications; or
2. **Deny** Map Waiver No. 1192156 if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



William Zounes
Development Project Manager

Attachments:

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft Map Waiver Resolution
6. Draft Map Waiver Conditions

7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Chronology
10. Notice of Exemption
11. Utility Undergrounding Schedule
12. Project Plans



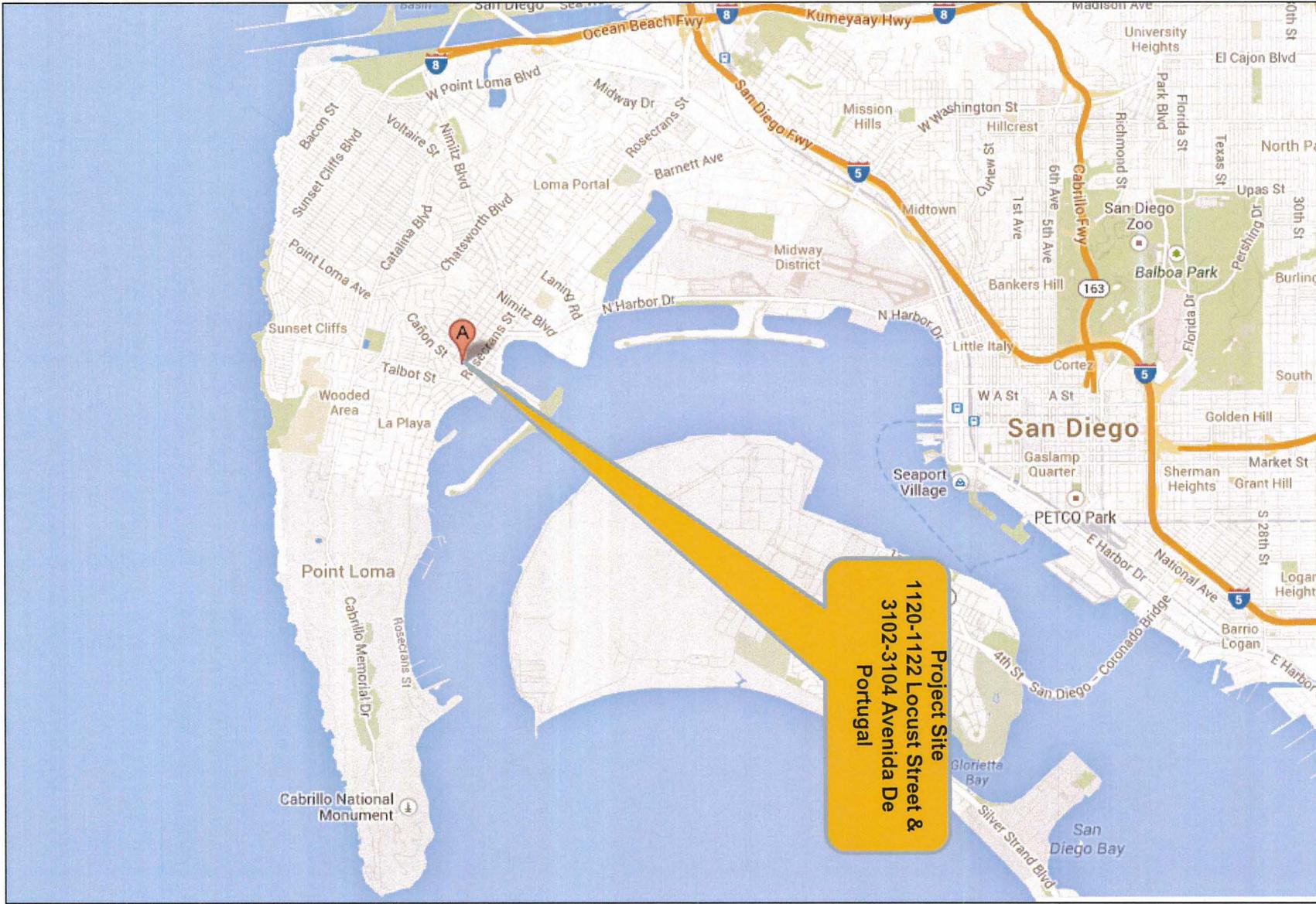
Project Site
1120-1122 Locust Street &
3102-3104 Avenida De
Portland



Aerial Photograph (Birds Eye)

Avenida De Portugal Map Waiver Project No. 337536
1120-1122 Locust Street & 3102-3104 Avenida De

Attachment 1
Aerial Photograph of Site



Land Use Plan
Avenida De Portugal Map Waiver Project No. 337536
1120-1122 Locust Street & 3102-3104 Avenida De Portugal

PROJECT DATA SHEET

PROJECT NAME:	Avenida De Portugal Map Waiver	
PROJECT DESCRIPTION:	Map Waiver to create four residential condominiums	
COMMUNITY PLAN AREA:	Peninsula Community Plan	
DISCRETIONARY ACTIONS:	Map Waiver	
COMMUNITY PLAN LAND USE DESIGNATION:	Multi-Family Residential	
<u>ZONING INFORMATION:</u> ZONE: RM-3-7; (Residential Multiple Unit) HEIGHT LIMIT: 30-Foot max. height limit LOT SIZE: 5,000 square-foot minimum lot size. FLOOR AREA RATIO: 1.8 maximum FRONT SETBACK: 10/20- feet SIDE SETBACK: 5-feet min STREETSIDE SETBACK: 10-feet REAR SETBACK: 5-feet. PARKING: 8 parking spaces provided		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Multi-Family Residential /RM-3-7	Residential
SOUTH:	Multi-Family Residential; /RM-3-7	Residential/Dentist
EAST:	Multi-Family Residential /RM-3-7	Residential
WEST:	Multi-Family Residential /RM-3-7	Church
DEVIATIONS OR VARIANCES REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On January 16, 2014, a motion to recommend approval of the Map Waiver failed by a vote of 5-6-2	

RESOLUTION NO. _____
DATE OF FINAL PASSAGE APRIL 23, 2014

A RESOLUTION OF THE HEARING OFFICER
ADOPTING THE FINDINGS AND APPROVING MAP
WAIVER NO. 1192156 FOR AVENIDA DE PORTUGAL
MAP WAIVER – PROJECT NO. 337536

WHEREAS, AMERICAN COASTAL PROPERTIES, LLC, Subdivider, and
HOSSEIN ZOMORRODI, engineer, submitted an application with the City of San Diego
for Map Waiver No. 1192156, to waive the requirement for a Tentative Map for the
creation of four residential condominiums and to waive the requirement to underground
existing offsite overhead utilities. The project site is located at 3102-3104 Avenida de
Portugal and 1120-1122 Locust Street in the RM-3-7 zone of the Peninsula Community
Plan area. The property is legally described as Lot 6, Block 14 of Roseville of Map No.
165; and

WHEREAS, Whereas the map proposes the subdivision of a 0.11 acre site into
one (1) lot for a 4 units residential condominium conversion, currently under
construction; and

WHEREAS, on March 21, 2014, 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 15304 (Minor
Alterations) and whereas, there was no appeal of the Environmental Determination filed
within the time period provided by San Diego Municipal Code section 112.0520; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to Subdivision Map Act sections 66490 and 66491(b)-(f) and San Diego Municipal Code section 144.0220; and

WHEREAS, Whereas the map proposes the subdivision of a 0.11 acre site into one (1) lot for a 4 units residential condominium conversion, currently under construction and

WHEREAS, the subdivision is a condominium project as defined in California Civil Code section 1351(f) and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is four; and

WHEREAS, the request to waive the requirement to underground existing offsite overhead utility facilities qualifies under the guidelines of Council Policy No. 600-25, *Underground Conversion of Utility Lines at Developers Expense* in that the conversion involves a short span of overhead facility (less than a full block in length) and would not represent a logical extension to an underground facility; and

WHEREAS, on April 23, 2014, the Hearing Officer of the City of San Diego considered Map Waiver No. 1192156, including the waiver of the requirement to underground existing offsite overhead utilities, and pursuant to sections 125.0122 (map waiver) 125.0123 (findings for map waiver), 125.0440and 144.0240 (underground) of the San Diego Municipal Code and Subdivision Map Act sections 66428 and 66474, 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. 1192156:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Act §§ 66473.5, 66474(a), and 66474(b)).

The project proposes to create four residential condominiums from four residential units under construction on a 0.11-acre site located at 3102-3104 Avenida de Portugal and 1120-1122 Locust Street in the RM-3-7 zone of the Peninsula Community Plan area. Construction plans were reviewed and issued construction permits by the Development Services Department on April 24, 2013 under Approval Nos. 980989 and 980990, permitting the construction of the four residential units and associated site improvements.

The project is in conformity and is consistent with the Peninsula Community Plan which designates the site for multi-family residential development with an allowed density range of 30-44 dwelling units per acre. The subdivision would meet the goals of the Peninsula Community Plan by maintaining residential development and not interfering with public access or public views to the beaches and bays. The proposed creation of four residential units to condominiums will meet the land use regulations of the San Diego Municipal Code development regulations which include setbacks, parking, and public improvements. Therefore, the proposed subdivision and its design or improvement 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.

The project proposes to create four residential condominiums from four residential units under construction on a 0.11-acre site located at 3102-3104 Avenida de Portugal and 1120-1122 Locust Street in the RM-3-7 zone of the Peninsula Community Plan area.

The proposed condominiums are currently under construction through Building Permit Nos. 980989 and 980990 issued on April 24, 2013. The development includes the construction of two, 2,023 square-foot each, two bed-room condominiums and a 1,771 and 1,969 square-foot, two-bedroom, two-story residential condominium for a total of four condominiums. The construction was determined to be consistent with the development regulations of the RM-3-7 zone to include height, setbacks, floor area ratio,

landscaping and architectural design. The project does not include deviations from the regulations. Therefore, the proposed subdivision 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 (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)).

The project proposes to create four residential condominiums from four residential units under construction on a 0.11-acre site located at 3102-3104 Avenida de Portugal and 1120-1122 Locust Street in the RM-3-7 zone of the Peninsula Community Plan area.

The site is relatively flat and has been previously graded. The four residential units were issued construction permits on April 24, 2013 and are currently under construction. The site fronts Avenida De Portugal and Lotus Street. The RM-3-7 zone allows one dwelling unit for every 1,000 square feet of site area. The existing site is 5,000 square feet which will accommodate five dwelling units. The Peninsula Community Plan designates the site as multi-family residential. The creation of four residential condominiums is consistent with the community plan's land use designation and within the RM-3-7 zone density range. Therefore, the site is physically suitable for the type and density of the development.

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)).

The project proposes to create four residential condominiums from four residential units under construction on a 0.11-acre site located at 3102-3104 Avenida de Portugal and 1120-1122 Locust Street in the RM-3-7 zone of the Peninsula Community Plan area.

The project is located within an urbanized and built-out environment where there are no watercourses or environmentally sensitive lands harboring fish or wildlife on or adjacent to the site. Therefore, the subdivision or the proposed improvements will not cause substantial environmental damage or substantially injure fish or wildlife or their habitat (Land Development Code Section 125.0440.d and State Map Act Section 66474(e)).

5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)).

The project proposes to create four residential condominiums from four residential units under construction on a 0.11-acre site located at 3102-3104 Avenida de Portugal and 1120-1122 Locust Street in the RM-3-7 zone of the Peninsula Community Plan area.

Land modifications/improvements are proposed with this Map Waiver to include the reconstruction of a portion of curb, gutter, driveways, and sidewalks along Avenida De Portugal and Locust Street. The project has been reviewed and determined to be in compliance with the Municipal Code and Subdivision Map Act. The Map Waiver includes conditions and corresponding exhibits relevant to obtaining permits for the work within the public right-of-way and paying applicable taxes in order to achieve compliance with the regulations of the San Diego Municipal Code. The proposed sidewalk improvements should further improve safety conditions by providing an easier path of travel for pedestrians through these areas. Therefore, the design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)).

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 four residential condominiums from four residential units under construction on a 0.11-acre site located at 3102-3104 Avenida de Portugal and 1120-1122 Locust Street in the RM-3-7 zone of the Peninsula Community Plan area.

The proposed subdivision will not conflict with existing public easements as there are none on the site. The site has frontage on Avenida de Portugal and Locust Street which are dedicated public rights-of-way. Additionally, general utilities run along the public rights-of-ways and not through the existing project site. The subdivision proposes public improvements to include the reconstruction of a portion of curb, gutter, driveways, and sidewalks along Avenida De Portugal and Locust Street. Therefore, the design of the subdivision and proposed improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

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

The project proposes to create four residential condominiums from four residential units under construction on a 0.11-acre site located at 3102-3104 Avenida de Portugal and 1120-1122 Locust Street in the RM-3-7 zone of the Peninsula Community Plan area.

The potential and opportunity exists to implement sustainable building techniques that utilize photovoltaic systems (solar panels) to generate a certain percentage of the project's energy needs. The four units incorporate roofs which may facilitate solar panels in the future and the units face the southwest, conducive to effective solar utilization. Additionally, new dual-glazed windows having Low E Glazing will be installed which will help reduce solar heat gain within the units. Therefore, the design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

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

The project proposes to create four residential condominiums from four residential units under construction on a 0.11-acre site located at 3102-3104 Avenida de Portugal and 1120-1122 Locust Street in the RM-3-7 zone of the Peninsula Community Plan area.

The decision maker has reviewed the administrative record including the project plans and environmental documentation to determine the effects of the proposed subdivision on the housing needs of the region. With the proposed creation of four residential condominiums, there would be a loss of four rental units and a gain of four for-sale units. The four residential units are within a built out urbanized community with adequate infrastructure. The decision maker has determined that the available fiscal and environmental resources are balanced by adequate public transit in the immediate area, the proximity of shopping, and essential services and recreation in the nearby developed urban area. The project is within a block from public transit and retail services and sales. In addition, Cabrillo Recreation Center is located within blocks from the site. Therefore, the housing needs of the region are balanced against the needs for public services and the available fiscal and environmental resources.

9. The proposed subdivision of land complies with requirements of the Subdivision Map Act and the Land Development Code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act or the Land Development Code enacted pursuant thereto.

The project proposes to create four residential condominiums from four residential units under construction on a 0.11-acre site located at 3102-3104 Avenida de Portugal and 1120-1122 Locust St. in the RM-3-7 zone of the Peninsula Community Plan area.

The proposed subdivision would comply with all of the applicable requirements of the Subdivision Map Act and the Land Development Code. The development complies with the requirements that regulate the size and location of the structure, including setbacks, coverage, height, and floor area. The proposed subdivision is within a developed urban residential neighborhood and located on existing improved and dedicated rights-of-way. The development would not be subject to floodwater inundation. Drainage is directed off the site into the City's stormwater collection system. The property is within the jurisdiction of the City of San Diego, and therefore all normal residential waste generated from the subdivision would be collected and disposed of in the City landfill. Therefore, the proposed subdivision of land complies with requirements of the Subdivision Map Act and the Land Development Code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision

Attachment 5
Draft Map Waiver Resolution

Map Act or the Land Development Code enacted pursuant thereto (San Diego Municipal Code § 125.0122 and Subdivision Map Act § 66428(b))

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

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Hearing Officer, Map Waiver No. 1192156; is hereby granted to AMERICAN COASTAL PROPERTIES, LLC subject to the attached conditions which are made a part of this resolution by this reference.

By

William Zounes
Development Project Manager
Development Services Department

ATTACHMENT: Map Waiver Conditions
Internal Order No. 24004046

HEARING OFFICER
CONDITIONS FOR MAP WAIVER NO. 1192156
AVENIDA DE PORTUGAL MAP WAIVER- **PROJECT NO. 337756**
ADOPTED BY RESOLUTION NO. _____ ON APRIL 23, 2014

GENERAL

1. This Map Waiver will expire May 7, 2017.
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 in the Office of the San Diego County Recorder, prior to the Map Waiver expiration date.
4. Prior to the recordation of the Certificate of Compliance, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
5. The 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.

ENGINEERING

6. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Certificate of Compliance, unless otherwise noted.
7. Prior to the recordation of a Certificate of Compliance, the Subdivider shall replace the existing curb with City standard curb and gutter, along the project

frontages on Avenida De Portugal and Locust Street, per Standard Drawing SDG-151.

8. Prior to the recordation of a Certificate of Compliance, the Subdivider shall repair and/or replace the existing curb ramp with City standard curb ramp with truncated domes, located at the northwest corner of Avenida de Portugal and Locust Street, per Standard Drawing SDG-132.
9. Prior to the recordation of a Certificate of Compliance, the subdivider shall obtain an Encroachment Maintenance and Removal Agreement for the free standing wall located within the City's right-of-way.
10. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
11. 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.
12. 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.

WASTEWATER/WATER REQUIREMENTS:

13. Prior to the recordation of a Certificate of Compliance, the Subdivider shall assure, by permit and bond, the design and construction of new water and sewer service outside of any driveway, and the removal of all existing unused services, within the right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Director and the City Engineer.
14. Prior to the recordation of a Certificate of Compliance, 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.

15. Prior to the recordation of a Certificate of Compliance, the subdivider shall provide a letter, agreeing to prepare CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.
16. Prior to the recordation of any certificates of occupancy, all public water and sewer facilities, if required shall be complete and operational in a manner satisfactory to the Public Utilities Director and the City Engineer.
17. The Owner/Permittee shall design and construct all proposed public water and sewer facilities, if required in accordance with established criteria in the current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices.

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

Attachment 6
Draft Map Waiver Conditions

replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Internal Order No. 24004046

Peninsula Community Planning Board
January 16, 2014
Meeting Minutes

Meeting Called to order by Julia Quinn at 6:32

2. Avenida De Portugal – Jay comments on finished grade and concerned with height limit. Project review voted 4-1 to bring project to board. Applicant, Marengo Morton discusses project. Addresses height, elevation of building is 28 feet, with differential it is at 36 feet. Paul discusses technical bulletin allowed planters to be built up. Gentlemen from audience spoke against project. Gale Barlough – local resident concerned with height and waiver, there is not a need for more condos, but a need for apartments. Nora Varner – went to Development services and expected to have plans reviewed and is does not conform with community and concerned with traffic and parking. Audience member concerned with this becoming a parking problem and height variance that future projects will follow this way. Bruce Coons questions what PCPB can do about it. Jay recommends that we should look into a Community Plan update. Jarvis comments that we can vote in opposition, but project will still probably go through. Bruce Coons discusses how height should be measured by lowest point on the lot not the highest. Applicant discusses answers to questions. Paul Webb discusses city is looking to appeal 30 foot height regulation. Pete Nystrom motion that board is not supportive of Avenida De Portugal/Locust Street project based on out of character with the neighborhood and excessive height. Jarvis seconded motion. All in favor: Norm, Pete, Shannon, Mike, Paul, Dominic, Bruce Coons, Mark, Julia, Nicole, Patricia, Jarvis, and Jay. Opposed; Mark Krencik. Dominic made a motion to approve map waiver. Mark seconded motion. All in favor; Norm, Dominic, Mark, Jay, and Nicole. Opposed; Mike, Peter, Jarvis, Bruce, Shannon. Abstained Paul and Patricia – Paul is not supportive of project and Patricia is not clear what the community wants and cannot make decision. Julia breaks tie to oppose the motion. Motion does not pass.

Project Title:
Avenida de Portugal - Tentative Map Waiver

Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

Corporation Limited Liability -or- General) What State? _____ Corporate Identification No. 80-0939385
 Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, 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 names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. 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. **Additional pages attached** Yes No

Corporate/Partnership Name (type or print):
American Coastal Properties, LLC

Owner Tenant/Lessee

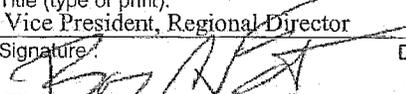
Street Address:
18881 Von Karman, Ste 800

City/State/Zip:
Irvine, CA 92612

Phone No: 949-625-6100 Fax No: (949-625-6102)

Name of Corporate Officer/Partner (type or print):
Barry A Fast

Title (type or print):
Vice President, Regional Director

Signature:  Date: 8/21/2013

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

**Project Chronology
Avenida De Portugal Map Waiver
PROJECT NO. 337467**

Date	Action	Description	City Review Time	Applicant Response
10/9/13	First Submittal	Project Deemed Complete and distributed		
11/6/13	First Submittal Assessment Letter out		28 days	
12/12/13	Second submittal In	Normal Submittal		36 days from First Assessment Letter
1/14/14	Second Submittal Assessment Letter out		33 days	
2/26/14	Third submittal In	Normal Submittal		43 days from First Assessment Letter
3/19/14	Third Submittal Assessment Letter out		21 days	
4/23/14	Hearing Officer Hearing		35 days	
TOTAL STAFF TIME**			3 month 27 days	
TOTAL APPLICANT TIME**				2 months 19 days
TOTAL PROJECT RUNNING TIME**		From Deemed Complete to HO Hearing	6 months 16 days	

**Based on 30 days equals to one month.

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 SERVICE
1222 FIRST AVENUE, MS
SAN DIEGO, CA 92101

Notice of Exemption

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

PROJECT NO.: 337536

PROJECT TITLE: Avenida De Portugal Map Waiver

PROJECT LOCATION-SPECIFIC: The project is located at the following addresses: 3104 Avenida De Portugal, 3102 Avenida De Portugal, 1120 Locust Street, and 1122 Locust Street within the Peninsula Community Plan.

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

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: Map Waiver to convert four residential dwelling units into condominiums on a 0.11-acre site. The four residential units are currently under construction and each building would have three stories and garages. Other improvements would consist of sidewalks, curb and gutter, and driveway. The project site is in an urbanized area lacks sensitive resources.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: American Coastal Properties LLC, 18881 Von Karman # 800, Irvine California 92612. (949) 625-6100.

EXEMPT STATUS: (CHECK ONE)

- () MINISTERIAL (SEC. 21080(b)(1); 15268);
() DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a));
() EMERGENCY PROJECT (SEC. 21080(b)(4); 15269 (b)(c))
(X) CATEGORICAL EXEMPTION: SECTION 15304 (MINOR ALTERATIONS)
() STATUTORY EXEMPTION:

REASONS WHY PROJECT IS EXEMPT: The City of San Diego conducted an environmental review and determined that the project would qualify to be exempt from CEQA pursuant to Section 15304(Minor Alterations). 15304 allows for the alteration to land that would not involve the removal of healthy, mature or scenic trees and where the Exceptions (15300.2) are not triggered. Since the project site is currently under construction there are no mature or scenic trees or any other sensitive resources and the exemption does 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

Signature/Title: Jeff E. ... / Signatory Planner

3/19/14 DATE

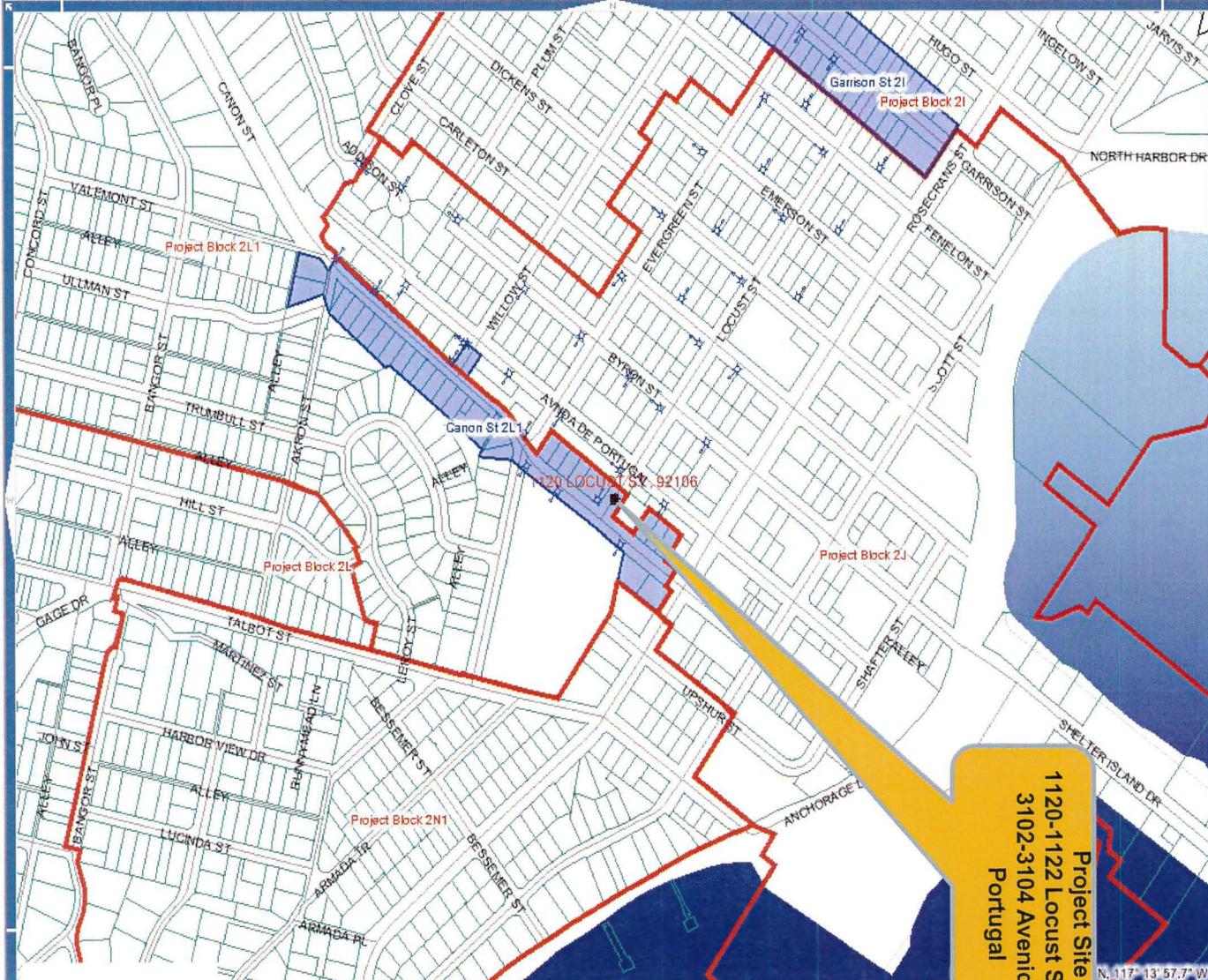
CHECK ONE:

- (X) SIGNED BY LEAD AGENCY
() SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

Utilities Undergrounding Mapping Application

Layers Legend Council Priorities Find Location Refresh Map Help



Project Site
 1120-1122 Locust Street &
 3102-3104 Avenida De
 Portugal

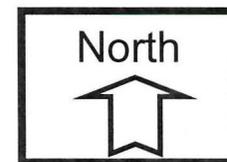
Identify Results

Council Districts	
Council District:	2
Member Name:	Kevin Faulconer
Office Phone:	(619) 236-6622
Utilities Undergrounding Projects	
Project Name:	Canon St 2L1
Year Allocated:	2003
Project Start:	May 20, 2010
Project End:	Apr 14, 2015
Contact Person:	UNDERGROUND UTIL
Phone #:	(619) 533-3841
Email:	undergrounding@sa
Website:	www.sandiego.gov,
Council District:	2
Phase:	Construction
JOB:	0
Project Name:	Project Block 2L1
Year Allocated:	2045
Project Start:	May 31, 2049
Project End:	May 31, 2051
Contact Person:	UNDERGROUND UTIL
Phone #:	(619) 533-3841
Email:	undergrounding@sa
Website:	www.sandiego.gov,
Council District:	2
Phase:	unallocated
JOB:	0



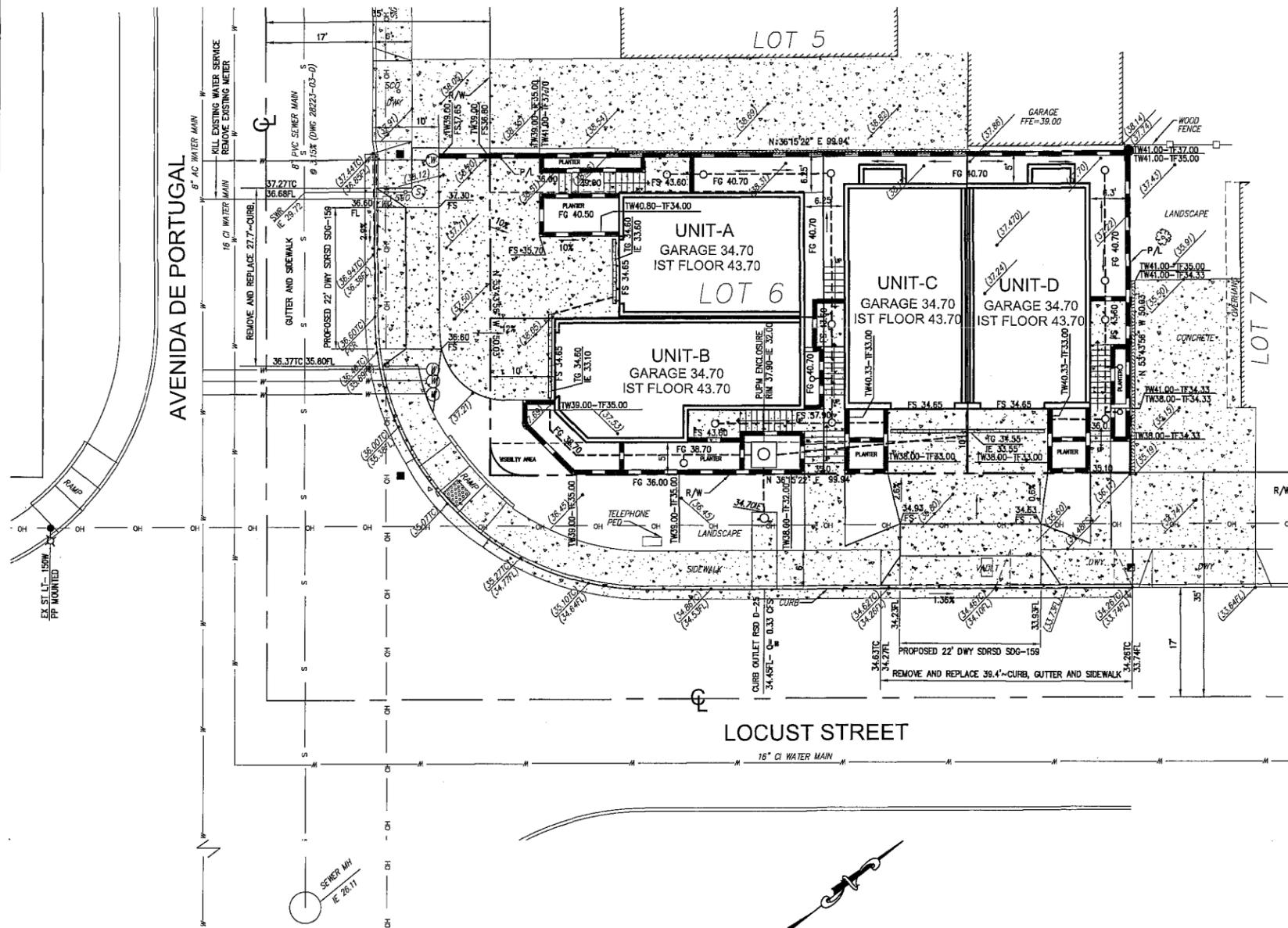
Underground Master Plan

Avenida De Portugal Map Waiver Project No. 337536
 1120-1122 Locust Street & 3102-3104 Avenida De Portugal



Attachment 11
 City's Undergrounding Master Plan

AVENIDA DE PORTUGAL MAP WAIVER NO. 1192156



LEGEND

DESCRIPTION	ITEM	SYMBOL
EXISTING		
INDICATES PROPERTY BOUNDARY	- - - - -	
SEWER MAIN	- - - - -	
WATER MAIN	- - - - -	
SEWER LATERAL	- - - - -	
WATER SERVICE (TO BE ABANDONED)	- - - - -	
CONCRETE SURFACE	[Pattern]	
CURB, GUTTER	[Pattern]	
SPOT ELEVATIONS	(ELEVATION)	
DIRECTION OF FLOW	[Arrow]	
OVERHEAD ELECTRIC LINE	[Symbol]	

PROPOSED

ALL IMPROVEMENTS IN PUBLIC RIGHT OF WAY PER PERMIT NO. 279252

DRIVEWAY PER SDRSD SDG-159	[Symbol]
SIDEWALK PER SDRSD C-7	[Symbol]
CURB AND OUTLET PER SDRSD C-2	[Symbol]
CURB OUTLET PER SDRSD D-25	[Symbol]
DRAIN SUMP PUMP (HP SUBMERSIBLE)	[Symbol]
6" TRENCH DRAIN (BROOKS OR EQUAL)	[Symbol]
4" ROUND STORM DRAIN GRATE	[Symbol]
4" PVC STORM DRAIN PIPE	[Symbol]
FOUND SURVEY MONUMENT LEAD AND DISC STAMPED LS 3706 PER COR REC 31961	[Symbol]
FOUND SURVEY MONUMENT LEAD AND DISC STAMPED LS 2976 PER COR REC 31961	[Symbol]
FOUND SURVEY MONUMENT 3/4" IRON PIPE WITH DISC STAMPED LS 2976 PER COR REC 31961	[Symbol]

OWNER / APPLICANT
AMERICAN COASTAL PROPERTIES, LLC
18881 VON KARMAN AVENUE, SUITE 800
IRVINE, CA 92612
(949) 244-3069

BY: _____ DATE _____
TITLE _____

SITE ADDRESS:
3104 AVENIDA DE PORTUGAL—UNIT "A"
3102 AVENIDA DE PORTUGAL—UNIT "B"
1120 LOCUST STREET—UNIT "C"
1122 LOCUST STREET—UNIT "D"
SAN DIEGO, CA 92106

TOPOGRAPHY:
K&S ENGINEERING INC.
7801 MISSION CENTER CT., SUITE 100
SAN DIEGO, CA 92108
(619) 296-5565
SURVEY DATE: MAY 8, 2012

BENCH MARK
DESCRIPTION: BRASS PLUG
LOCATION: NORTH OF CANON STREET AND LOCUST STREET
RECORD FROM: CITY OF SAN DIEGO
ELEVATION: 36.717
DATUM: M.S.L. DATUM

ABBREVIATION:

DWY	DRIVEWAY
IE	INVERT ELEVATION
FL	FLOW LINE
FTE	FINISH FLOOR ELEVATION
FG	FINISH GRADE
FS	FINISH SURFACE
TC	TOP OF CURB
TO	TOP OF GRATE
PED	PEDESTAL
P/L	PROPERTY LINE
R/W	RIGHT OF WAY
TF	TOP OF FOOTING
TW	TOP OF WALL

- GENERAL NOTES:**
- THIS IS TO CREATE 4 RESIDENTIAL CONDOMINIUM UNITS.
 - ALL OFF SITE IMPROVEMENTS SHALL BE CONSTRUCTED PER RIGHT OF WAY PERMIT#1049217.
 - NEW ELECTRICAL UTILITY SERVICES SHALL BE UNDERGROUND.
 - THERE ARE NO OVERHEAD ELECTRIC UTILITIES
 - DEVELOPER SHALL REMOVE EXISTING CURB ALONG AVENIDA DE PORTUGAL AND LOCUST STREET AND REPLACE WITH CITY STANDARD FULL HEIGHT CURB AND GUTTER
 - DEVELOPER SHALL RECORD AN ENCROACHMENT REMOVAL AND MAINTENANCE AGREEMENT FOR THE PORTION OF THE RETAINING WALL WITHIN THE PUBLIC RIGHT OF WAY ON AVENIDA DE PORTUGAL.
 - DEVELOPER SHALL REPAIR ANY DAMAGE TO THE EXISTING CURB RAMP OR REPLACE THE RAMP PER CITY STANDARD TO THE SATISFACTION OF THE RESIDENT ENGINEER.
 - DEVELOPER SHALL KILL EXISTING WATER SERVICE AND REMOVE WATER METER FROM THE DRIVEWAY ON AVENIDA DE PORTUGAL.

MAPPING & MONUMENTATION NOTE:
PROPERTY CORNER WILL BE SET, AND A CORNER RECORD SHALL BE FILED WITH THE COUNTY OF SAN DIEGO PRIOR TO RECORDATION OF THE CERTIFICATE OF COMPLIANCE.

CONDOMINIUM NOTE:
THIS IS A MAP OF A CONDOMINIUM PROJECT AS DEFINED IN SECTION 1350 ET. SEQ. OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT. THE TOTAL NUMBER OF CONDOMINIUM DWELLING UNITS IS 4.

TOTAL GROSS AREA:
5,000 SQ FT
0.11 AC

PROPOSED GROSS CONSTRUCTION AREA:
LOT = 5,000 SF

SITE DESIGN DATA:
EXISTING NUMBER OF LOTS IS: 1
PROPOSED NUMBER OF LOTS IS: 1
TOTAL NUMBER OF BUILDINGS: 4 (3 STORIES WITH BASEMENT)
TOTAL NUMBER OF UNITS: 4

UNIT	NO. BEDROOMS	UNIT S.F.	GARAGE S.F.
1	TWO	1,771	396
2	TWO	1,899	459
3	TWO	2,023	485
4	TWO	2,023	485

YEAR BUILT: 2013 PLAN FILE NO.279252 (UNDER CONSTRUCTION)

COORDINATES:
LAMBERT COORDINATES: 202-1697
NAD 83 COORDINATES: 1842-6257

EXISTING & PROPOSED USE:
RESIDENTIAL MIX

EXISTING & PROPOSED ZONING:
RM 3-7

EASEMENT NOTE:
NONE

UTILITIES:

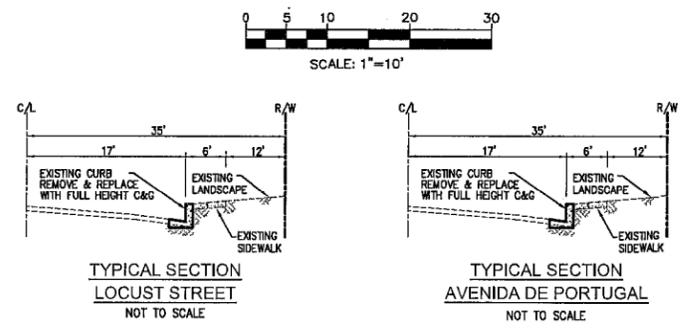
WATER:	CITY OF SAN DIEGO	UNDERGROUND
SEWER:	CITY OF SAN DIEGO	UNDERGROUND
ELECTRIC:	SAN DIEGO GAS & ELECTRIC	OVERHEAD
GAS:	SAN DIEGO GAS & ELECTRIC	UNDERGROUND
TELEPHONE:	PACIFIC BELL	UNDERGROUND
CABLE:	COX CABLE CO.	UNDERGROUND

LEGAL DESCRIPTION:
LOT 6, BLOCK 14 OF ROSEVILLE OF MAP NO. 165

ASSESSOR'S PARCEL NUMBER:
531-316-08-00

PRIOR PERMITS:
BUILDING PERMIT NO. 980989
BUILDING PERMIT NO. 980990
RIGHT OF WAY PERMIT NO. 1049217

PARKING:
8 PARKING SPACES (GARAGE)



K&S ENGINEERING, INC.
Planning . Engineering . Surveying
7801 Mission Center Court, Suite 100 San Diego, CA 92108
(619) 296-5565 Fax (619) 296-5564

Prepared By:	K & S ENGINEERING, INC.	Revision 14	
Name:	7801 MISSION CENTER CT. SUITE 100	Revision 13	
Address:	SAN DIEGO, CA 92108	Revision 12	
Phone:	(619) 296-5565	Revision 11	
Project Address:	3104 AVENIDA DE PORTUGAL—UNIT "A"	Revision 10	
	3102 AVENIDA DE PORTUGAL—UNIT "B"	Revision 9	
	1120 LOCUST STREET—UNIT "C"	Revision 8	
	1122 LOCUST STREET—UNIT "D"	Revision 7	
Project Name:	AVENIDA DE PORTUGAL ROWHOMES	Revision 6	
Sheet Title:	TENTATIVE MAP WAIVER	Revision 5	
		Revision 4	
		Revision 3	2 nd Review Jan 15, 2014
		Revision 2	1st Review Dec 10, 2013
		Revision 1	Full Submittal Oct 08, 2013
Original Date:	August 27, 2013		
Sheet	1 of 1		
PROJ. NO	337536		

HOSSEIN ZOMORODI, RCE 43235 DATE _____