



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: March 18, 2015 REPORT NO. HO 15-018

ATTENTION: Hearing Officer

SUBJECT: NIAGARA RESIDENCES
PTS PROJECT NUMBER: 383755

LOCATION: 4677 Niagara Avenue

APPLICANT: MARK MALONE and JAMES H. SCOTT (Attachment 13)

SUMMARY

Issue(s): Should the Hearing Officer approve the demolition of an existing single-family home and construction of two (2) detached residential condominium units within the Ocean Beach Precise Plan area?

Staff Recommendation(s) – **APPROVE** Coastal Development Permit No. 1340177 and Tentative Map No.1346398.

Community Planning Group Recommendation – On February 4, 2015, the Ocean Beach Planning Board voted 8-2-1 to recommend denial of the proposed project (Attachment 12).

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301(1) (Existing Facilities) and Section 15303(b) (New Construction). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on February 3, 2015, and the opportunity to appeal that determination ended on February 18, 2015 (Attachment 11).

BACKGROUND

The project site is located at 4677 Niagara Avenue in the RM-1-1 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limitation Overlay Zone and Ocean Beach Cottage Emerging Historical District, within the Ocean Beach community (Attachment 1). The project site is legally described as Lots 43 and 44, Block 23, Map No. 279, filed in the Office of the County

Recorder of San Diego County. The property is zoned RM-1-1 (Residential-Multiple Unit), a zone intended to allow for multiple dwelling unit development at varying densities by consolidating common development regulations, accommodating specific dwelling types and responding to locational issues regarding adjacent land uses. The Ocean Beach Precise Plan designates the site and surrounding areas to the north, south and east for Low-Medium density multi-family residential land use, with a density of 8-14 dwelling unit per acre (Attachment 2). Surrounding development includes a mix of single-family homes and multi-family housing. The site is currently developed with a one-story single-family home built in 1912, and was expanded in size in 1971. The project site is located on private property approximately four (4) blocks east of the Pacific Ocean (Attachment 3).

The proposed demolition, construction and subdivision requires a Coastal Development Permit pursuant to San Diego Municipal Code (SDMC) Section 126.0702, and a Tentative Map in accordance with San Diego Municipal Code (SDMC) Section 144.0210, with the Hearing Officer as decision maker (Process 3). The decision of the Hearing Officer is appealable to the Planning Commission.

DISCUSSION

Project Description:

The project proposes to demolish an existing single-family residence, construct two (2) detached residential units, and subdivide the property into two (2) condominium interests. Unit 1 will be located on the front portion of the lot and is proposed as a three (3) bedroom, two-story unit of approximately 2,319 square feet gross floor area (GFA) plus a 1,226-square-foot basement level; Unit 2 will be located at the rear portion of the lot and is proposed as a three (3) bedroom, two-story unit of approximately 2,730 square feet gross floor area (GFA), including an attached garage. The proposed project will include a total of five (5) parking spaces (two (2) spaces within an attached garage and three (3) surface parking spaces), with all parking to be accessed from the alley. The street facing elevation of Unit 1 will be articulated through the use of vertical and horizontal offsets, architectural features (trellis structure, covered and uncovered decks) and will step back from Niagara Avenue, all serving to break up the building facade and reduce the bulk and mass at the street level.

Existing conditions along the property's Niagara Avenue frontage are pre-conforming to current development standards and the proposed project will remedy this situation with improvements meeting current development regulations. An existing garage structure with roof deck that lies on the front property line, and a retaining wall measuring up to ten (10) feet in height along the street frontage, will be removed. The frontage will be redesigned to slope down to the street, reducing the overall wall height along the property line to three (3) feet, and a new stairway, retaining walls and site landscaping will be installed. The alley will be reconstructed, and an existing driveway along Niagara Avenue will be closed and reconstructed with curb, gutter and sidewalk to meet current engineering standards, thereby providing space for additional on-street parking. The property frontage will be landscaped with a mixture of trees, shrubs, and ground cover, including the addition of two new trees and retention of an existing street tree within the Niagara Avenue

public right-of-way. The proposed project complies with the RM-1-1 zone and applicable regulations of the Land Development Code, including setbacks, floor area ratio, landscaping, parking and height, and no deviations are required.

Community Plan Analysis:

The Ocean Beach Precise Plan and Local Coastal Program (OBPP/LCP) designates the site for Low-Medium density multi-family residential land use (8-14 dwelling units per acre; allows two units to be built on the 0.16-acre property) and the proposed project is consistent with this residential use designation. The project site is located approximately 4 blocks from the Pacific Ocean and is not identified in the OBPP/LCP as a provider of physical or visual coastal access. The OCPP/LCP recommends that new residential construction be compatible in design with the existing community. Comprised of a mix of older single-family homes and new multi-family developments, existing residential housing in the vicinity of the project site represents a blend of architectural styles and the project will be consistent with existing patterns of development in the surrounding neighborhood. By providing five (5) parking spaces to be accessed from the alley, the project will support the OBPP/LCP goal of providing adequate on-site parking and “that off-street parking have access to alleys rather than streets”. Installation of public improvements along the property’s Niagara Avenue frontage to meet current development regulations will support the OBPP/LCP goal “to upgrade the physical character of the community”.

Underground Waiver Request

The neighborhood currently contains power poles and overhead utility lines which run along the alley adjacent to the project site. The City’s current Undergrounding Master Plan designates the site within Project Block 2R2, and the date for undergrounding has been established for the year 2030 (Attachment 9). San Diego Municipal Code Section 144.0240(b) allows the subdivider to apply for a waiver from the requirement to underground the existing overhead utilities within the boundary of the subdivision or within the abutting public rights of way. City staff supports the undergrounding waiver request under the guidelines of the SDMC (Section 144.0242, “Waiver of the Requirements to Underground Privately Owned Utility Systems and Service Facilities”) 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. The applicant would be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 14 of the draft Tentative Map conditions (Attachment 9).

Community Planning Group Recommendation:

On February 4, 2015, the Ocean Beach Planning Board (OBPB) voted 8-2-1 to recommend denial of the proposed project (Attachment 12). The Board’s primary issue with the project is the proposed demolition of the cottage on site relative to the Ocean Beach Cottage Emerging Historical District; a secondary concern relates to storm water/ site drainage.

Concern - Ocean Beach Cottage Emerging Historical District (OBCEHD):

The Ocean Beach Cottage Emerging Historical District (OBCEHD) covers the entire Ocean Beach Precise Plan area (Attachment 4) and is a voluntary program that allows property owners to apply for local historical designation of beach cottages and bungalows constructed between 1887 and 1931. Currently, there are approximately seventy-two (72) designated resources considered

contributing resources to the Ocean Beach Cottage Emerging Historical District. As a voluntary district, a property owner cannot be compelled to participate in the OBCEHD, however, those properties that do volunteer to participate are afforded tax benefits under the Mills Act. The property owner on this project has opted not to volunteer for inclusion in the OBCEHD.

San Diego Municipal Code (SDMC) Section 143.0212 directs City staff to determine whether a potentially significant historical resource exists on site before the issuance of a development permit for any parcel in the City containing a structure 45 years old or older. Projects are required to submit documentation in accordance with Information Bulletin 580 "Potential Historical Resource Review" including a written description of the property (architectural style, materials, features, setting & related structures), a written description of any alterations including dates and the architect/builder associated with the alterations, a Notice of Completion, a Chain of Title, a City Directory listing of occupants, historic photographs, and copies of Sanborn Maps. Information Bulletin 580 is available online at: <http://www.sandiego.gov/development-services/pdf/industry/infobulletin/ib580.pdf>. As part of their review of the project, staff in the Historical Resources (HR) section of the Planning Department analyzed documentation submitted by the applicant in accordance with Information Bulletin 580 "Potential Historical Resource Review", and determined that on an individual basis the property was not eligible for local listing due to past modifications to the windows, and building additions to the sides of the structure which were constructed in 1971. Because the project site is not an individually designated resource, and the property owner has not volunteered the existing home for inclusion in the OBCEHD, demolition of the structure is permitted with approval of a Coastal Development permit.

Concern - Site Drainage:

The project was determined to not be a Priority Development Project and therefore not subject to a requirement to detain/retain storm water run-off onsite using a Structural Treatment Control Best Management Practice (BMP). The project was determined to be a Standard Development Project and subject to Standard Development Project Storm Water BMP requirements. A Water Quality Study was prepared by a Registered Civil Engineer (Caleb Rios, PE, Toal Engineering, Inc) and approved by DSD Engineering Review staff. In the Water Quality Study, and noted on the project development plans (Attachment 14), storm water run-off for the project site will be directed to the adjacent landscape areas, as identified in the current City of San Diego Storm Water Standards (SWS) Section 3.2 Low-Impact Development Design Practices (LID). Per the SWS the landscape design must reflect a reasonable expectation that an inch of rainfall will soak into the soil and produce no runoff. The landscape planter areas are interspersed among the building and pavement areas and produce the ability to detain and retain runoff throughout the site. Project adheres to the City's Storm Water Standards, which are available online at: <http://www.sandiego.gov/development-services/news/pdf/stormwatermanual.pdf>.

CONCLUSION

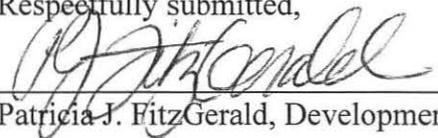
The project will not adversely affect the Ocean Beach Precise Plan and Local Coastal Program, complies with the development regulations of the underlying RM-1-1 Zone, and meets the

applicable San Diego Municipal Code regulations and requirements. Staff recommends approval of the project as proposed.

ALTERNATIVE

1. Approve Coastal Development Permit No. 1340177 and Tentative Map No. 1346398, with modifications.
2. Deny Coastal Development Permit No. 1340177 and Tentative Map No. 1346398, if the findings required to approve the project cannot be affirmed.

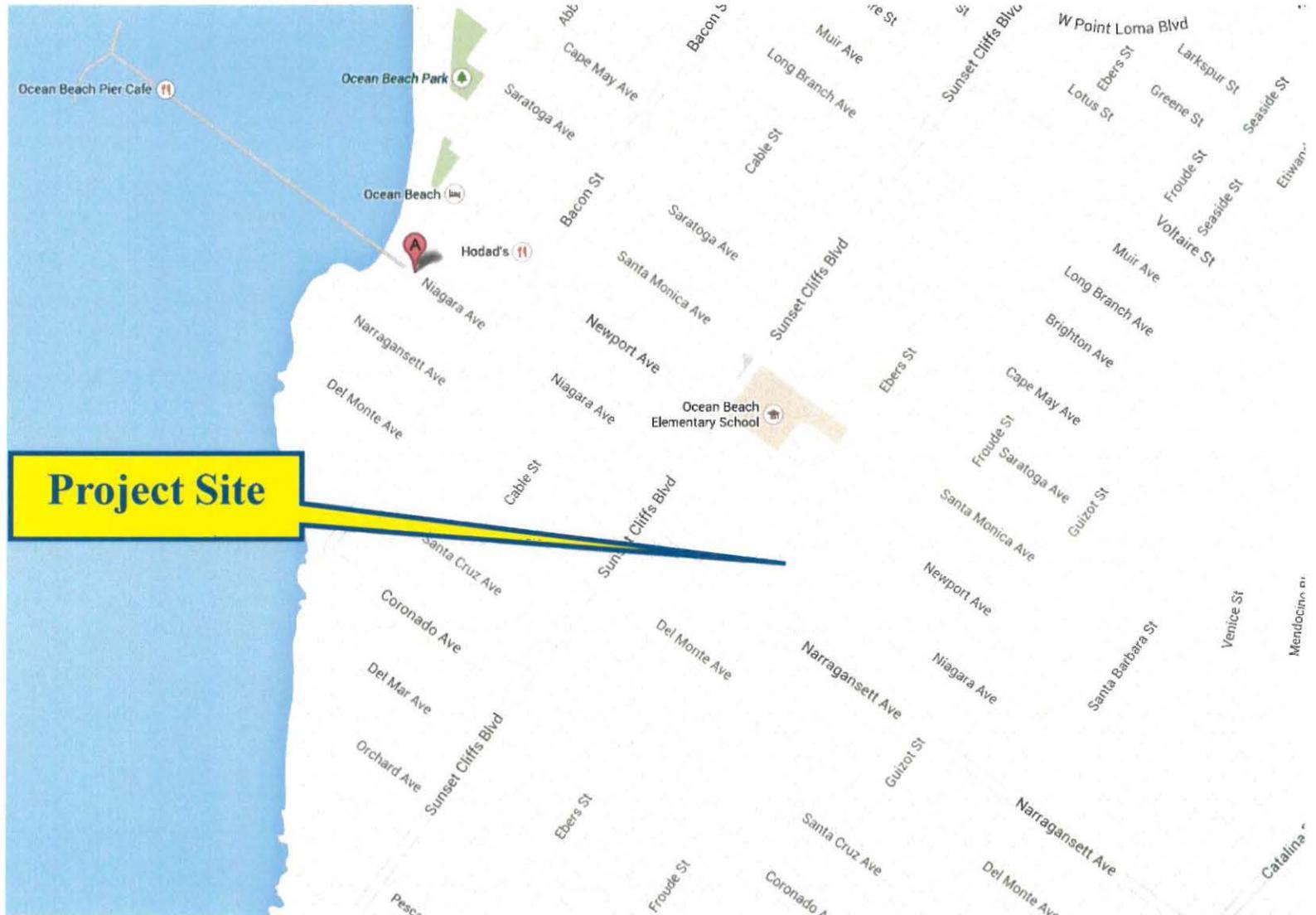
Respectfully submitted,



Patricia J. Fitzgerald, Development Project Manager

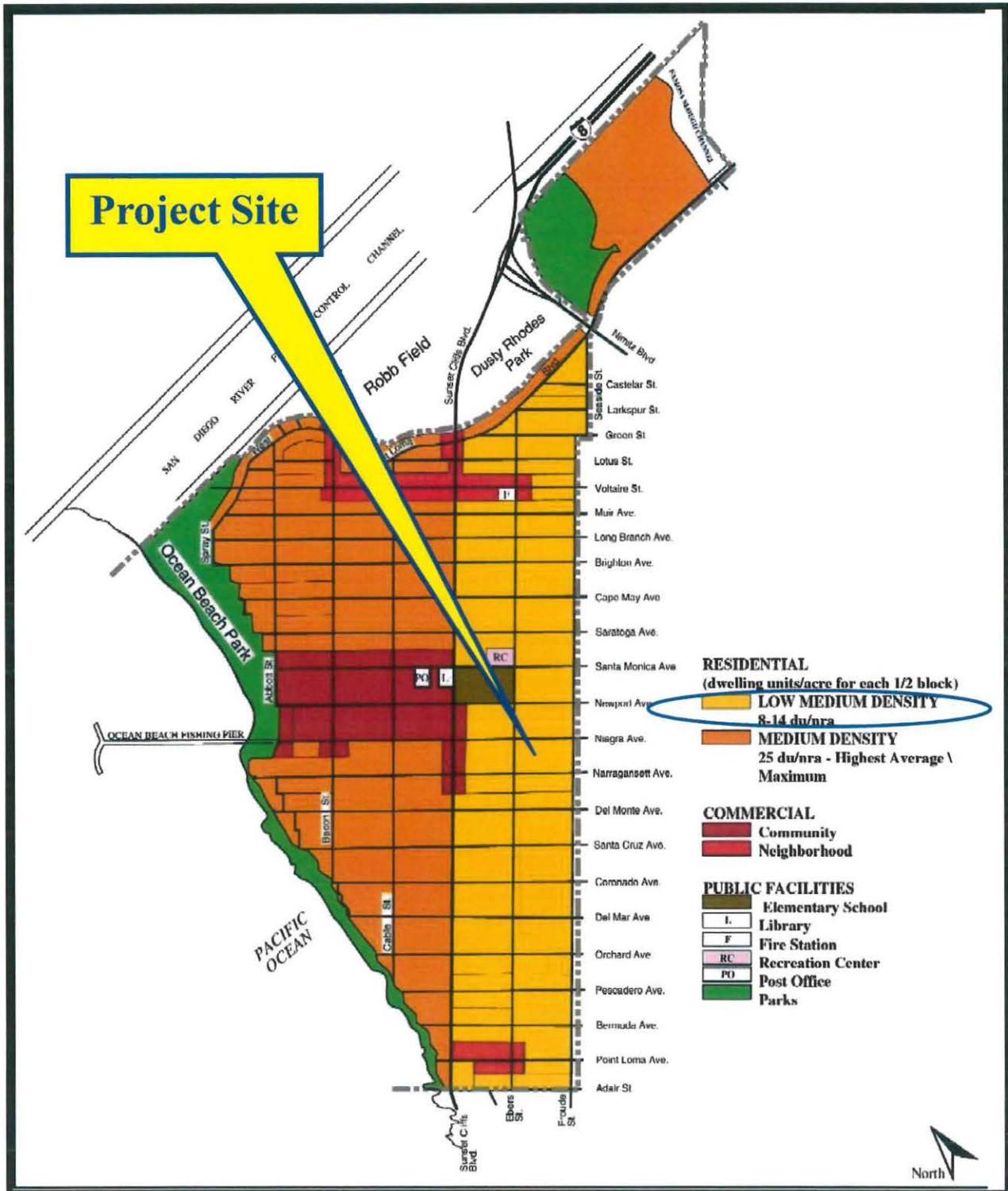
Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Ocean Beach Cottage Emerging Historical District Map
5. Project Data Sheet
6. Draft Coastal Permit Resolution with Findings
7. Draft Coastal Permit with Conditions
8. Draft Map Resolution
9. Draft Map Conditions
10. Underground Master Plan
11. CEQA Determination
12. Community Planning Group Recommendation
13. Ownership Disclosure Statement
14. Project Site Plans - Map Exhibit



Project Location Map 4677 NIAGARA AVENUE
PROJECT NO. 383755 – NIAGARA RESIDENCES





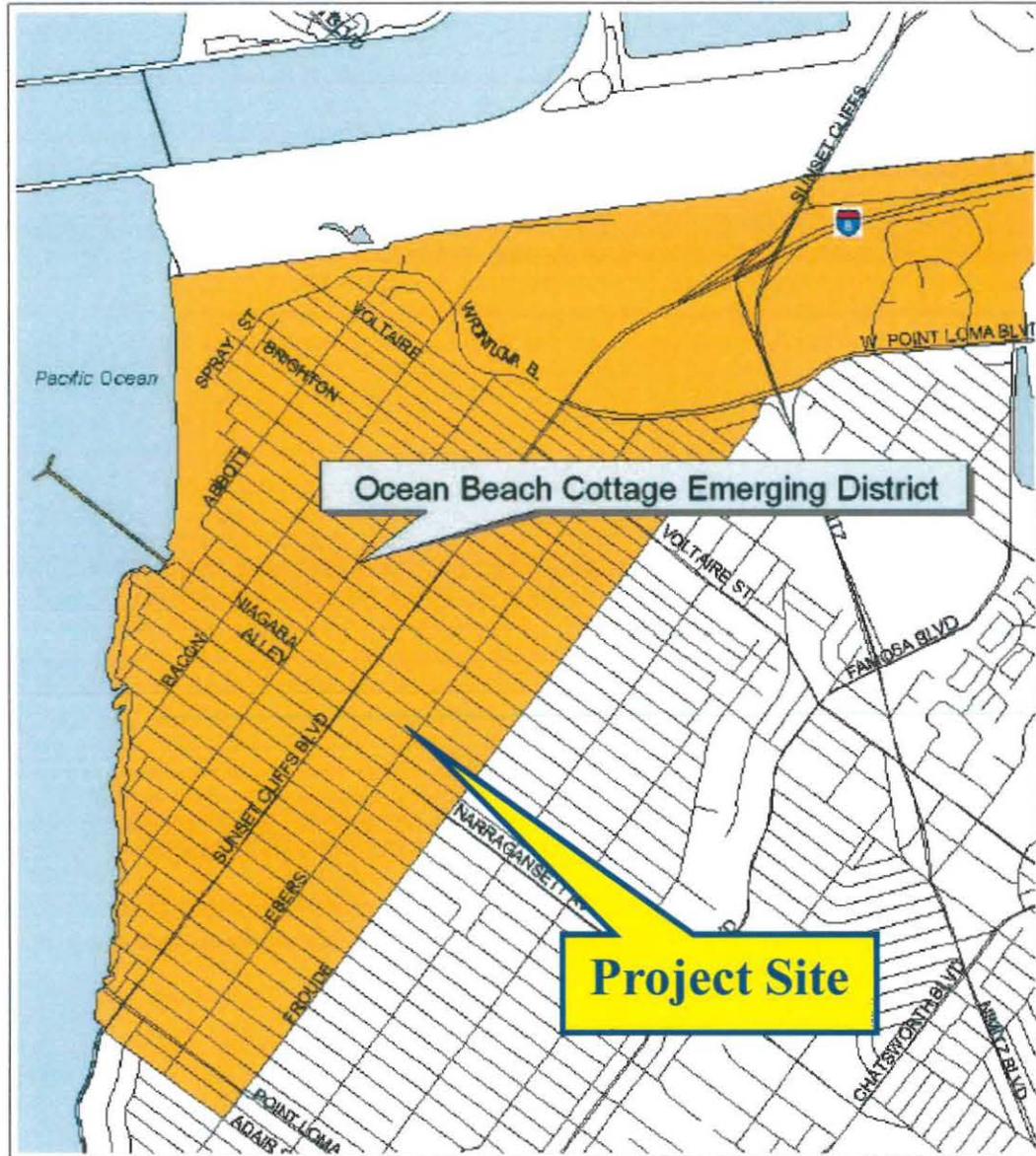
Community Plan Land Use Map – Ocean Beach
PROJECT NO. 383755 – NIAGARA RESIDENCES



Aerial Photo 4677 NIAGARA AVENUE
PROJECT NO. 383755 – NIAGARA RESIDENCES



City of San Diego Historical Districts
Ocean Beach



Ocean Beach Cottage Emerging Historical District
PROJECT NO. 383755 – NIAGARA RESIDENCES

PROJECT DATA SHEET

PROJECT NAME:	Niagara Residences	
PROJECT DESCRIPTION:	Demolition of an existing residence and construction of 2 detached residential condominium units	
COMMUNITY PLAN AREA:	Ocean Beach Precise Plan	
DISCRETIONARY ACTIONS:	Coastal Development Permit and Tentative Map (Process 3)	
COMMUNITY PLAN LAND USE DESIGNATION:	Low-Medium density Multi-Family Residential (allows residential development 8-14 dwelling unit per acre).	
<u>ZONING INFORMATION:</u> ZONE: RM-1-1: (A multi-unit residential zone that permits 1 dwelling unit for each 3,000 square-feet of lot area) HEIGHT LIMIT: 30-Foot maximum height limit LOT SIZE: 6,000 square-foot minimum lot size FLOOR AREA RATIO: 0.75 maximum FRONT SETBACK: 15 ft minimum/20 ft standard SIDE SETBACK: 5 ft minimum/8 ft standard STREETSIDE SETBACK: 10 feet REAR SETBACK: 15 feet PARKING: 4.5 spaces required (5 provided)		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Low-Med Density Multi-Family Residential; RM-1-1	Multi-Family Residential
SOUTH:	Low-Med Density Multi-Family Residential; RM-1-1	Multi-Family Residential
EAST:	Low-Med Density Multi-Family Residential; RM-1-1	Multi-Family Residential
WEST:	Low-Med Density Multi-Family Residential; RM-1-1	Multi-Family Residential
DEVIATIONS OR VARIANCES REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On February 4, 2015, the Ocean Beach Planning Board voted 8-2-1 to recommend denial of the proposed project.	

**HEARING OFFICER RESOLUTION NO. HO-_____
COASTAL DEVELOPMENT PERMIT NO. 1340177
NIAGARA RESIDENCES - PROJECT NO. 383755**

WHEREAS, MARK MALONE, TRUSTEE OF THE MALONE REVOCABLE LIVING TRUST DATED JULY 2, 1991, AS TO AN UNDIVIDED 50% INTEREST AND JAMES H. SCOTT, TRUSTEE OF THE JAMES H. SCOTT TRUST DATED FEBRUARY 3, 1995, AS TO AN UNDIVIDED 50% INTEREST, AS TENANTS IN COMMON, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish an existing single-family residence, construct two (2) residential units, and subdivide the property into two (2) condominium interests, including a waiver to the requirement to underground existing overhead utilities (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1340177), on portions of a 0.16-acre site; and

WHEREAS, the project site is located at 4677 Niagara Avenue in the RM-1-1 zone, Coastal Overlay Zone (Non-Appealable Area 2) and Coastal Height Limitation Overlay Zone, within the Ocean Beach Precise Plan and Local Coastal Program land use plan area; and

WHEREAS, the project site is legally described as Lots 43 and 44, Block 23, Map No. 279, filed in the Office of the County Recorder of San Diego County; and

WHEREAS, on March 18, 2015, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 1340177, pursuant to the Land Development Code of the City of San Diego; and

WHEREAS, on February 3, 2015, 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 Section 15301(1) (Existing Facilities) and Section 15303(b) (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;

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 18, 2015.

FINDINGS:

Coastal Development Permit – SDMC Section 126.0708

- 1. The proposed coastal development will not encroach upon any existing physical access way 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 project proposes to demolish an existing single-family residence, construct two (2) detached residential units, and subdivide the property into two (2) condominium interests. Unit 1 will be located on the front portion of the lot and is proposed as a three (3) bedroom, two-story unit of approximately 2,319 square feet gross floor area (GFA) plus a 1,226-square-foot basement level; Unit 2 will be located at the rear portion of the lot and is proposed as a three (3), two-story unit of approximately 2,730 square feet gross floor area (GFA), including an attached garage. The project site is located on private property approximately four (4) blocks east of the Pacific Ocean and the proposed development will not encroach upon any existing or proposed physical public access to the coast. The project site is not located on or adjacent to an identified visual access corridor, and will enhance and protect public views to and along the ocean and other scenic coastal areas as specified within the Ocean Beach Precise Plan and Local Coastal Program land use plan area.

2. The proposed coastal development will not adversely affect environmentally sensitive lands. The project proposes to demolish an existing single-family residence, construct two (2) detached residential units, and subdivide the property into two (2) condominium interests. San Diego Municipal Code (SDMC) Section 143.0212 directs City staff to determine whether a potentially significant historical resource exists on site before the issuance of a development permit for any parcel in the City containing a structure 45 years old or older. As part of their review of the project, staff in the Historical Resources (HR) section of the Planning Department analyzed documentation submitted by the applicant in accordance with Information Bulletin 580 "Potential Historical Resource Review", and determined that on an individual basis the property was not eligible for local listing as a historic resource due to past modifications to the windows and building additions to the sides of the structure constructed in 1971. The project was determined to be exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301(1) (Existing Facilities) and Section 15303(b) (New Construction). The site does not contain nor is it adjacent to environmentally sensitive lands, and therefore, will not adversely affect environmentally sensitive lands.

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 project proposes to demolish an existing single-family residence, construct two (2) detached residential units (Unit 1 will be located on the front portion of the lot and is proposed as a three (3) bedroom, two-story unit of approximately 2,319 square feet gross floor area (GFA) plus a 1,226-square-foot basement level; Unit 2 will be located at the rear portion of the lot and is proposed as a three (3), two-story unit of approximately 2,730 square feet gross floor area (GFA), including an attached garage), and subdivide the property into two (2) condominium interests. The Ocean Beach Precise Plan and Local Coastal Program designates the site for Low-Medium density multi-family residential land use (between 8-14 dwelling unit per acre) and the project density is consistent with this designation. Comprised of a mix of older single-family homes and new multi-family developments, existing residential housing in the vicinity of the project site represents a blend of architectural styles and the project will be consistent with existing patterns of development in the surrounding neighborhood. The proposed

project complies with the RM-1-1 zone and applicable regulations of the Land Development Code, and conditions of approval require the continued compliance with all relevant regulations of the City of San Diego Municipal Code effective for this site and incorporated into Coastal Development Permit No. 1340177. The proposed coastal development is in conformity with the Ocean Beach Precise Plan and Local Coastal Program land use plan, and complies with all regulations of the certified Implementation Program.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The project proposes to demolish an existing single-family residence, construct two (2) detached residential units (Unit 1 will be located on the front portion of the lot and is proposed as a three (3) bedroom, two-story unit of approximately 2,319 square feet gross floor area (GFA) plus a 1,226-square-foot basement level; Unit 2 will be located at the rear portion of the lot and is proposed as a three (3), two-story unit of approximately 2,730 square feet gross floor area (GFA), including an attached garage), and subdivide the property into two (2) condominium interests. The project site is located on private property approximately four (4) blocks east of the Pacific Ocean and is not located between the nearest public roadway and the sea or the shoreline of any body of water located within the Coastal Overlay Zone. Therefore, the proposed coastal development does not have to comply with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 1340177, 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. 1340177, a copy of which is attached hereto and made a part hereof.

Patricia J. FitzGerald
Development Project Manager
Development Services

Adopted on: March 18, 2015

Job Order No. 24004992

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24004992

COASTAL DEVELOPMENT PERMIT NO. 1340177
NIAGARA RESIDENCES - PROJECT NO. 383755
HEARING OFFICER

This Coastal Development Permit No. 1340177, is granted by the Hearing Officer of the City of San Diego to MARK MALONE, TRUSTEE OF THE MALONE REVOCABLE LIVING TRUST DATED JULY 2, 1991, AS TO AN UNDIVIDED 50% INTEREST AND JAMES H. SCOTT, TRUSTEE OF THE JAMES H. SCOTT TRUST DATED FEBRUARY 3, 1995, AS TO AN UNDIVIDED 50% INTEREST, AS TENANTS IN COMMON, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0708. The 0.16-acre site is located at 4677 Niagara Avenue in the RM-1-1 Zone, Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limitation Overlay Zone, within the Ocean Beach Community Plan area. The project site is legally described as Lots 43 and 44, Block 23, Map No. 279, filed in the Office of the County Recorder of San Diego County.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish an existing residence and construct two (2) residential condominium units, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated March 18, 2015, on file in the Development Services Department.

The project shall include:

- a. Demolition of an existing single-family residence, and construction of two (2) detached residential units:
 - Unit 1: three (3) bedroom, two-story unit of approximately 2,319 square feet gross floor area plus a 1,226-square-foot basement level.
 - Unit 2: three (3) bedroom, two-story unit of approximately 2,730 square feet gross floor area, including an attached garage.
- b. Subdivision of the property into two (2) condominium interests (including a waiver to the requirement to underground existing overhead utilities);

- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking to include a total of five (5) parking spaces [two (2) spaces within an attached garage and three (3) surface parking spaces];
- e. 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 April 3, 2018.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

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

9. All 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" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

AFFORDABLE HOUSING REQUIREMENTS:

11. 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:

12. The Coastal Development Permit shall comply with all Conditions of the Final Map for the Tentative Map No. 1346398.
13. The project proposes to export 470 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 Specifications for Public Works Construction (the "Green Book"), 2009 edition and Regional Supplement Amendments adopted by Regional Standards Committee.
14. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.
15. Prior to foundation inspection, the Owner/Permittee shall submit a building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying that the pad elevation based on USGS datum is consistent with Exhibit 'A', satisfactory to the City Engineer.
16. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to reconstruct the non-City Standard alley with a current City Standards G-21 Concrete Pavement Full Width Alley, in the alley adjacent to the site, satisfactory to the City Engineer.
17. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to close the non-utilized driveway with current City Standard curb, adjacent to the site on Niagara Avenue, satisfactory to the City Engineer.
18. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to close the non-utilized driveway with current City Standard curb, adjacent to the site on Niagara Avenue, satisfactory to the City Engineer.
19. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
20. 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 San Diego Municipal Code, into the construction plans or specifications.
21. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

TRANSPORTATION REQUIREMENTS:

22. A minimum of five (5) automobile spaces are required by the Land Development Code. 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 by the Development Services Director.
23. The "Office" area as shown on the Exhibit "A" shall not be converted to any other use, including a bedroom, at any time.
24. The restriction on the change of use for "Office" area shall be reflected and disclosed on any future lease agreement(s) of the dwelling units on this property.

PLANNING/DESIGN REQUIREMENTS:

25. The Owner/Permittee shall post a copy of each approved discretionary Permit or Tentative Map in its sales office for consideration by each prospective buyer.
26. 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.

LANDSCAPING REQUIREMENTS:

27. Prior to issuance of public improvement plans, landscape construction plans consistent with this development permit shall be submitted for approval. Improvement plans shall take into account a 40 square foot area around each required tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.
28. Prior to building permit issuance, landscape and irrigation plans substantially conforming to Exhibit 'A,' (Landscape Development Plan) shall be submitted to the Development Services Department for approval.
29. Prior to final building inspection all required landscaping shall be installed and inspected.
30. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity
31. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.
32. 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 Certificate of Occupancy.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

33. Any existing sewer lateral to be reused must be inspected by a California Licensed Plumbing Contractor using closed-circuit television (CCTV) to verify that it is in good condition, free of debris, and properly connected to a public sewer main. If the lateral is found to be unsuitable for reuse, it must be made suitable to the satisfaction of the Public Utilities Director and the City Engineer, or abandoned and capped at the property line.

34. The Owner/Permittee shall apply for and obtain 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.

35. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any water and sewer facilities.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use 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 18, 2015, by Resolution No. HO-_____.

Permit Type/PTS Approval No.: CDP No. 1340177

Date of Approval: March 18, 2015

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Patricia J. FitzGerald
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.

MARK MALONE, TRUSTEE OF THE
MALONE REVOCABLE LIVING TRUST
DATED JULY 2, 1991, AS TO AN
UNDIVIDED 50% INTEREST AND
JAMES H. SCOTT, TRUSTEE OF THE
JAMES H. SCOTT TRUST DATED
FEBRUARY 3, 1995, AS TO AN
UNDIVIDED 50% INTEREST, AS
TENANTS IN COMMON

Owner/Permittee

By _____

Title:

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

HEARING OFFICER RESOLUTION NUMBER HO-_____

**TENTATIVE MAP NO. 1346398
NIAGARA RESIDENCES - PROJECT NO. 383755**

WHEREAS, MARK MALONE, TRUSTEE OF THE MALONE REVOCABLE LIVING TRUST DATED JULY 2, 1991, AS TO AN UNDIVIDED 50% INTEREST AND JAMES H. SCOTT, TRUSTEE OF THE JAMES H. SCOTT TRUST DATED FEBRUARY 3, 1995, AS TO AN UNDIVIDED 50% INTEREST, AS TENANTS IN COMMON, Subdivider, and TOAL ENGINEERING, CALEB RIOS, Engineer, submitted an application to the City of San Diego for a tentative map (Map No. 1346398) to construct residential condominiums, and to waive the requirement to underground existing offsite overhead utilities. The project site is located 4677 Niagara Avenue in the RM-1-1 zone of the Ocean Beach Precise Plan. The property is legally described as Lots 43 and 44, Block 23, Map No. 279, filed in the Office of the County Recorder of San Diego County; and

WHEREAS, the Map proposes the Subdivision of a 0.16-acre site into two residential condominiums; and

WHEREAS, on February 3, 2015, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act [CEQA] (Public Resources Code section 21000 et. seq.) under CEQA Guidelines Section 15301(1) (Existing Facilities) and Section 15303(b) (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 subdivision is a condominium project as defined in California Civil Code section 1351 and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is two; and

WHEREAS, the request to waive the requirement to underground existing offsite overhead utilities qualifies under the guidelines of SDMC section 144.0242, *Waiver of the Requirements to Underground Privately Owned Utility Systems and Service Facilities*, in that the conversion involves a short span of overhead facility (less than 600 feet in length) and the conversion would not represent a logical extension to an underground facility; and

WHEREAS, on March 18, 2015, the Hearing Officer of the City of San Diego considered Tentative Map No. 1346398, including the waiver of the requirement to underground existing offsite overhead utilities, and pursuant to San Diego Municipal Code section(s) 125.0440, 144.0240 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 Tentative Map No. 1346398:

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 demolish an existing single-family residence, construct two (2) detached residential units, and subdivide the property into two (2) condominium interests on a site located at 4677 Niagara Avenue in the RM-1-1 zone within the Ocean Beach Precise Plan and Local Coastal Program (OCPP/LCP) land use plan area. The OCPP/LCP designates the site for Low-Medium density multi-family residential land use (between 8-14 dwelling unit per acre) and the project density is consistent with this designation. The OCPP/LCP recommends that new residential construction be compatible in design with the existing community. Comprised of a mix of older single-family homes and new multi-family developments, existing residential housing in the vicinity of the project site represents a blend of architectural styles and the project will be consistent with existing patterns of development in the surrounding neighborhood. The project will provide a total of five parking spaces to be accessed from the alley, which supports the OBPP/LCP goal “that off-street parking have access to alleys rather than streets”. Existing conditions along the property’s Niagara Avenue frontage are pre-conforming to current development standards and the proposed project will remedy this situation with improvements meeting current development regulations, in support of the OBPP/LCP goal “to upgrade the physical character of the community”. An existing garage structure with roof deck that lies on the front property line, and a retaining wall measuring up to 10 feet in height along the street frontage, will be removed. An existing driveway along Niagara Avenue will be closed and reconstructed with curb, gutter and sidewalk to meet current engineering standards, thereby providing space for additional on-street parking. The property frontage will be landscaped with a mixture of trees, shrubs, and ground cover, including the addition of two new trees and retention of an existing street tree within the Niagara Avenue public right-of-way. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the Ocean Beach Precise Plan and Local Coastal Program (San Diego Municipal Code § 125.0440(a) and Subdivision Map Act § 66473.5, 66474(a), and 66474(b)).

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 project proposes to demolish an existing single-family residence, construct two (2) detached residential units, and subdivide the property into two (2) condominium interests. The proposed project meets all land development requirements of the RM-1-1 zone and the Land Development Code, including setbacks, floor area ratio, landscaping, parking, storm water runoff, architectural design, and height. The undergrounding waiver request qualifies under the SDMC Section 144.0242, *Waiver of the Requirements to Underground Privately Owned Utility Systems and Service Facilities*, in that the conversion involves a short span of overhead facility (less than 600 feet in length) and the conversion would not represent a logical extension to an underground facility. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, and requires no deviations.

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 demolish an existing single-family residence, construct two (2) detached residential units, and subdivide the property into two (2) condominium interests. The project site has been previously graded, has adequate frontage onto Niagara Avenue with alley access at the rear, and is served by appropriate public utilities. Surrounding the site are one and two-story single family and multi-family developments. The RM-1-1 zone allows one dwelling unit for

every 3,000 square feet of site area, and the existing 0.16-acre site can accommodate two dwelling units. The OCPP/LCP designates the site for Low-Medium density multi-family residential land use (between 8-14 dwelling unit per acre) and the addition of two units on the site is within the community plan's density range. 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)).

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 demolish an existing single-family residence, construct two (2) detached residential units, and subdivide the property into two (2) condominium interests. Minor land modifications are proposed with this Tentative Map, including the redesign of an existing slope along the Niagara Avenue street frontage to reduce the overall wall height along the property line to three feet, and installation of a new stairway, retaining walls and site landscaping. An existing driveway along Niagara Avenue will be closed and reconstructed with curb, gutter and sidewalk to meet current engineering standards. The Tentative Map was reviewed by the City of San Diego for conformance to the Land Development Regulations, California Building Code and Land Use Policies, and included a review for compliance for storm water runoff requirements during and after construction. The proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(1) (Existing Facilities) and Section 15303(b) (New Construction) of the State CEQA Guidelines. The project is located within an urbanized and built out environment where there are no watercourses on or adjacent to the site. Therefore, the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 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 demolish an existing single-family residence, construct two (2) detached residential units, and subdivide the property into two (2) condominium interests. The project has been reviewed and determined to be in compliance with the Municipal Code and Subdivision Map Act. The Tentative Map and associated development permit includes conditions and corresponding exhibits of approvals including undergrounding new utilities, storm water and construction water runoff, adequate parking, public improvements, and paying applicable taxes in order to achieve compliance with the regulations of the San Diego Municipal Code. The proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301(1) and 15303(b) of the State CEQA Guidelines. 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 (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)). The project proposes to demolish an existing single-family residence, construct two

(2) detached residential units, and subdivide the property into two (2) condominium interests. The proposed subdivision does not contain or propose any new easements for the development. Niagara Avenue fronts the property to the south and an existing alley runs east to west adjacent to the site along its northern boundary. The subdivision proposes public improvements, including the reconstruction of the alley, closure of an existing curb cut along Niagara Avenue adjacent to subject site and replacement with a City standard curb, gutter and sidewalk satisfactory to the City Engineer. Therefore, the design of the subdivision and proposed improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)).

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1). The project proposes to demolish an existing single-family residence, construct two (2) detached residential units, and subdivide the property into two (2) condominium interests. The potential and opportunity to implement sustainable building techniques during building permit review that utilize photovoltaic systems (solar panels) to generate a certain percentage of the project's energy needs exists. The project site is located on Niagara Avenue which runs east and west and will allow for solar orientation for future solar heating. Therefore, the design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1).

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 (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3). The project proposes to demolish an existing single-family residence, construct two (2) detached residential units, and subdivide the property into two (2) condominium interests. The decision maker has reviewed the administrative record including the project plans, environmental documentation and public testimony to determine the effects of the proposed subdivision on the housing needs of the region. The decision maker has determined that the provision of two residential units and the associated increase in the need for public services and 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. Public park facilities and retail services are available within four blocks of the site. 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 (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3).

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Hearing Officer, Tentative Map No. 1346398, hereby granted to MARK MALONE, TRUSTEE OF THE MALONE REVOCABLE LIVING TRUST DATED JULY 2, 1991, AS TO AN

ATTACHMENT 8

UNDIVIDED 50% INTEREST AND JAMES H. SCOTT, TRUSTEE OF THE JAMES H. SCOTT TRUST DATED FEBRUARY 3, 1995, AS TO AN UNDIVIDED 50% INTEREST, AS TENANTS IN COMMON subject to the attached conditions which are made a part of this resolution by this reference.

By _____
Patricia J. FitzGerald
Development Project Manager
Development Services Department

ATTACHMENT: Tentative Map Conditions

Internal Order No. 24004992

HEARING OFFICER
CONDITIONS FOR TENTATIVE MAP NO. 1346398
NIAGARA RESIDENCES - PROJECT NO. 383755
ADOPTED BY RESOLUTION NO. HO-____ ON MARCH 18, 2015

GENERAL

1. This Tentative Map will expire April 3, 2018.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map, unless otherwise noted.
3. Prior to the recordation of the Parcel Map, 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.
4. All subdivision maps in the City of San Diego are required to be tied to the California Coordinate System of 1983 (CCS83), Zone 6. pursuant to Section 8801 through 8819 of the California Public Resources Code.
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 Subdivider of any claim, action, or proceeding, or if 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 both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

Project No. 38375
TM No. 1346398

MAPPING

6. “Basis of Bearings” means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
7. “California Coordinate System” means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is “Zone 6,” and the official datum is the “North American Datum of 1983.”
8. The Tentative Map shall:
 - a. Use the California Coordinate System for its “Basis of Bearing” and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.
9. Prior to the Tentative Map expiration date, a Parcel Map to consolidate the existing lots into one lot shall be recorded in the Office of the San Diego County Recorder.

ENGINEERING

10. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map, unless otherwise noted.
11. The Tentative Map shall comply with the conditions of the Coastal Development Permit No. 1340177.
12. The Subdivider shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service

Project No. 38375
TM No. 1346398

- (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.
13. 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.
 14. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
 15. The Subdivider shall close the non-utilized driveway with City Standard curb and gutter, adjacent to the site on Niagara Avenue.
 16. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Tentative Map 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.

INFORMATION:

- The approval of this Tentative Map 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 USC § 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 Tentative Map 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 Tentative Map, may protest the imposition within ninety days of the approval of this Tentative Map 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.
- This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by Education Code Section 17620, in accordance with procedures established by the Director of Building Inspection.

Internal Order No. 24004358

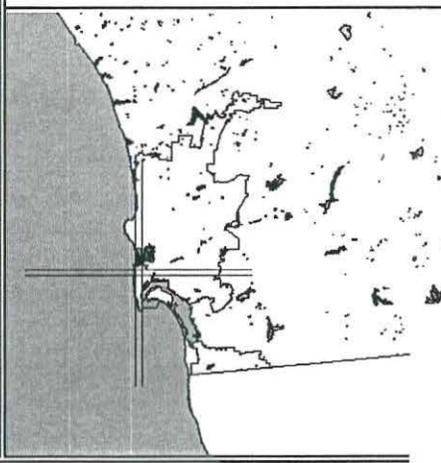
Project No. 38375
TM No. 1346398

Site Map



Legend

- Future Streetlights
- Undergrounding Projects
- all_20_a
- all_blocks
- Freeways
- Minor Roads
- Parcel Ownership
- Bay
- Streams
- Major
- Minor
- Council Districts
- Ocean
- County



THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

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 City of San Diego
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NOTICE OF EXEMPTION

ATTACHMENT 11

(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.: 383755

PROJECT TITLE: Niagara Residence

PROJECT LOCATION-SPECIFIC: The project site is located at 4677 Niagara Avenue, San Diego CA 92107 within the Ocean Beach Community Plan area.

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

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: A Coastal Development Permit (CDP) and Tentative Parcel Map to demolish an existing residence and construct two detached residential condominium units on a 0.16 acre site. The gross floor area of Unit 1 would total 2,319 square feet and Unit 2 would total 2,730 square feet. The proposed units comply with all height and bulk regulations and are located on a project site that is currently developed with existing public utilities to serve the residences.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Mark Malone, 11293 Atchison Way, Valley Center, California, 92082. (760) 749-9281.

EXEMPT STATUS: (CHECK ONE)

- MINISTERIAL (SEC. 21080(b)(1); 15268);
- DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a));
- EMERGENCY PROJECT (SEC. 21080(b)(4); 15269 (b)(c)..
- CATEGORICAL EXEMPTION: SECTION 15301(EXISTING FACILITIES)
- STATUTORY EXEMPTION:

REASONS WHY PROJECT IS EXEMPT: The City of San Diego determined that the project would qualify to be categorically exempt from CEQA pursuant to Sections 15301 (Existing Facilities) and 15303 (New Construction). The exemptions are appropriate because 15301 allows for the demolition of single family residences and 15303 allows for the construction of up to four units. Furthermore the exceptions listed in CEQA Section 15300.2 do not apply because the house to be demolished was determined not to be historically significant and the site itself has been previously developed and is devoid of sensitive resources.

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
J. DeLeon / SENIOR PLANNER
SIGNATURE/TITLE

2/3/2015
DATE

CHECK ONE:

- SIGNED BY LEAD AGENCY
- SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

Fitzgerald, PJ

From: Peter Ruscitti [ruscitti.obpb@sent.com]
Sent: Monday, February 09, 2015 2:50 PM
To: Fitzgerald, PJ
Subject: CPG Vote Update - PTS #383755
Attachments: 383755 - 2nd Issues Report - FINAL (1).pdf

PJ,

Last week the OB Planning Board voted 8-2-1 to recommend disapproval of the attached project located at 4677 Niagara Avenue, for the following reasons:

1. The main reason cited by nearly all members was the proposed demolition of the 100+ year-old cottage on the site. This cottage is included in the proposed list of historic cottages in the OB Cottage Emerging Historical District.

2. A secondary reason cited by some members was the lack of on-site detention/retention of storm water. While this is not a requirement of the LDC, it is an important goal of the OB Community Plan, and is seen as particularly important on this heavily-sloped parcel.

Unfortunately I do not have a copy of the CPG reporting form. If you can send me a PDF version, I will fill it out and send it back to you.

Thanks,
Pete

--

Peter Ruscitti / Chair, Ocean Beach Planning Board
ruscitti.obpb@sent.com / 619-737-2077



Ownership Disclosure Statement

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

Project Title: Niagara Residence Project No. For City Use Only: _____
 Project Address: 4677 Niagara
San Diego, Ca 92107

Part I - To be completed when property is held by individual(s)

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 owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names 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 individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. 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

Name of Individual (type or print): James H. Scott Family Trust
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: P.O. Box 1443
 City/State/Zip: Rancho Santa Fe, Ca 92067
 Phone No: 858-756-2254 Fax No: 858-756-8613
 Signature: [Signature] Date: 3-6-15

Name of Individual (type or print): MAURICE ROBERTSON LIVING TRUST
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: 11293 ATAHISAN WAY
 City/State/Zip: VALLEY CENTER, CA 92082
 Phone No: 760-638-0722 Fax No: 760-749-1744
 Signature: [Signature] Date: 3-6-15

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature: _____ Date: _____

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature: _____ Date: _____



NIAGARA RESIDENCE
 4677 NIAGARA AVENUE
 OCEAN BEACH, CALIFORNIA 92107



VICINITY MAP

OWNER:
 KEN NOLEN
 12755 DANMAN COURT
 SAN DIEGO, CA. 92130

ARCHITECT:
 FRIEHAUF ARCHITECTS
 341 SOUTH CEDROS AVENUE, SUITE F
 SOLANA BEACH, CA 92075
 TEL: 858.792.6116
 FAX: 858.792.2422

LANDSCAPE ARCHITECT:
 GARNER WICHMANN DEAN
 Steve Wichmann
 405 Via Del Norte Ste C
 La Jolla, California 92037
 TEL: 858.459.9220
 FAX: 858.459.9230

CIVIL ENGINEER:
 TOLAL ENGINEERING
 CALIB RIOS
 139 AVENIDA NAVARRO
 SAN CLEMENTE, CA 92672
 TEL: 949.492.8586
 FAX: 949.498.8625

PROJECT DATA:
PROJECT ADDRESS:
 4677 NIAGARA AVENUE
 OCEAN BEACH, CALIFORNIA 92107

LEGAL DESCRIPTION:
 LOTS 438-44, BLOCK 23, MAP 279 IN THE
 CITY OF SAN DIEGO,
 COUNTY OF SAN DIEGO, STATE OF
 CALIFORNIA

A.P.N.:
 448-501-27

ZONE: RM-1-1
OCCUPANCY CLASSIFICATION: R-3/U-1
TYPE OF CONSTRUCTION: V-N
GEOLOGIC HAZARD CATEGORY: S2

OVERLAY ZONES:
 AIRPORT OVERLAY ZONE
 AIRPORT ENVIRONS OVERLAY ZONE
 COASTAL HEIGHT LIMITATION OVERLAY ZONE
 COASTAL OVERLAY ZONE

PROJECT AREA:

UNIT #1	
FIRST FLOOR:	1,225 SF
SECOND FLOOR:	1,084 SF
TOTAL:	2,319 SF
UNIT #2	
FIRST FLOOR:	801 SF
SECOND FLOOR:	1,426 SF
GARAGE:	533 SF
TOTAL:	2,730 SF
GROSS FLOOR AREA:	
UNIT #1:	2,319 SF
UNIT #2:	2,730 SF
TOTAL:	5,049 SF

LOT SIZE 7000 SF
 FAR 0.75
 ALLOWABLE 5,250 SF

BASEMENT SQUARE FOOTAGE EXEMPT PER
 SECTION 113.0234(a)(2)(B)
 DIAGRAM 113-02J
 BASEMENT: 1,226 SF

LANDSCAPE AREA = 1369 SF

NOTE: AREA CALCULATIONS ARE TABULATED BY COMPUTER SOFTWARE "ARCHCAD". COPIED PLANS MAY NOT SCALE ACCURATELY.

SITE INFO / USE:

- EXISTING STRUCTURE IS RESIDENTIAL AND WAS CONSTRUCTED IN 1912 W/ MODIFICATIONS COMPLETED IN 1971
- NEW STRUCTURES TO BE RESIDENTIAL

SCOPE OF WORK:

- OBTAIN A COASTAL DEVELOPMENT PERMIT
- OBTAIN TENTATIVE PARCEL WAIVER TO DEMOLISH EXISTING RESIDENCE
- PERMIT FOR CONSTRUCTION OF 2 NEW SINGLE FAMILY DETACHED RESIDENTIAL CONDOMINIUMS
- NEW RETAINING WALLS FOR RESIDENCE AND LANDSCAPE

PARKING SPACE CALCULATIONS:
 2 UNITS @ 2.25 SPACES EACH = 4.5 PARKING SPACES REQUIRED. 5 SPACES PROVIDED

SHEET INDEX:

SHEET NO.	SHEET NAME
1	SITE PLAN
2	UNIT 1 FLOOR PLANS
3	UNIT 2 FLOOR PLANS
4	UNIT 1 ELEVATIONS
5	UNIT 2 ELEVATIONS
6	PROJECT CROSS SECTIONS
7	ROOF PLANS
8	GRADING PLAN
9	GRADING PLAN DETAILS
10	LANDSCAPE PLAN

DATE:

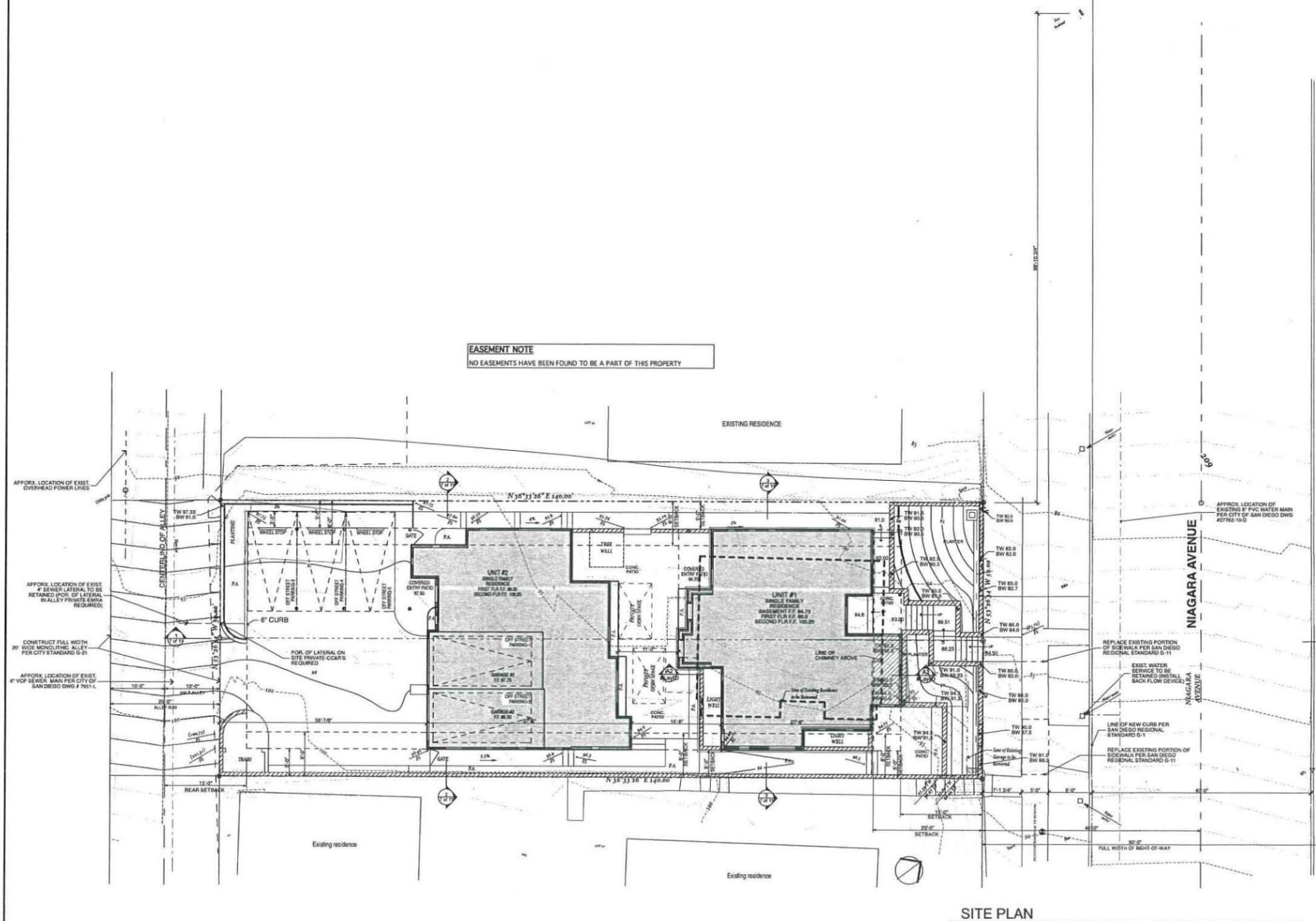
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 AUG 8, 2014
 OCT 15, 2014
 NOV 17, 2014
 JAN 9, 2015

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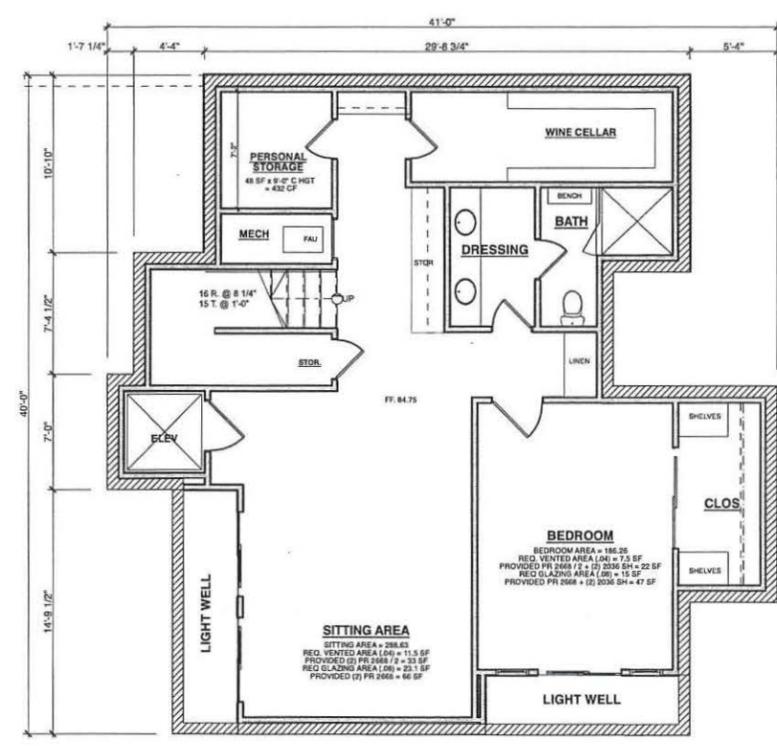
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- NOTES**
- NO BUS STOPS WITHIN AREA OF PROPERTY
 - PROVIDE BUILDING ADDRESS NUMBERS, VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY PER PHPS POLICY P-00-6 9UFC 901.4.4
 - ALL PROPOSED PUBLIC WATER AND SEWER FACILITIES, MUST BE DESIGNED 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 THERTO.
 - 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.
 - PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT AUTHORIZING WORK WITHIN THE ROW OR OTHER PUBLIC EASEMENT, ALL EMRA'S ASSOCIATED WITH THE WORK TO BE DONE MUST BE APPROVED BY THE CITY AND RECORDED BY THE COUNTY.
 - BFPD'S ARE REQUIRED FOR ALL PUBLIC WATER SERVICE LINES (DOMESTIC, IRRIGATION, AND FIRE). THEY ARE TO BE LOCATED ON PRIVATE PROPERTY, IN-LINE WITH THE SERVICE AND (UNLESS APPROVED OTHERWISE) IMMEDIATELY ADJACENT TO THE ROW. THE PUBLIC UTILITIES DEPARTMENT DOES NOT ALLOW BFPD'S TO BE LOCATED BELOW GRADE OR WITHIN A STRUCTURE.
 - NO TREE OR SHRUB EXPECTED TO EXCEED THREE (3) FEET IN HEIGHT AT MATURITY SHALL BE PLANTED OR RETAINED WITHIN FIVE (5) FEET OF ANY PUBLIC WATER FACILITY OR WITHIN TEN (10) FEET OF ANY PUBLIC SEWER FACILITY.
 - ADEQUATE NOISE ATTENUATION WILL BE PROVIDED TO ENSURE AN INTERIOR NOISE LEVEL OF 45 dB CNEL FOR ALL HABITABLE ROOMS

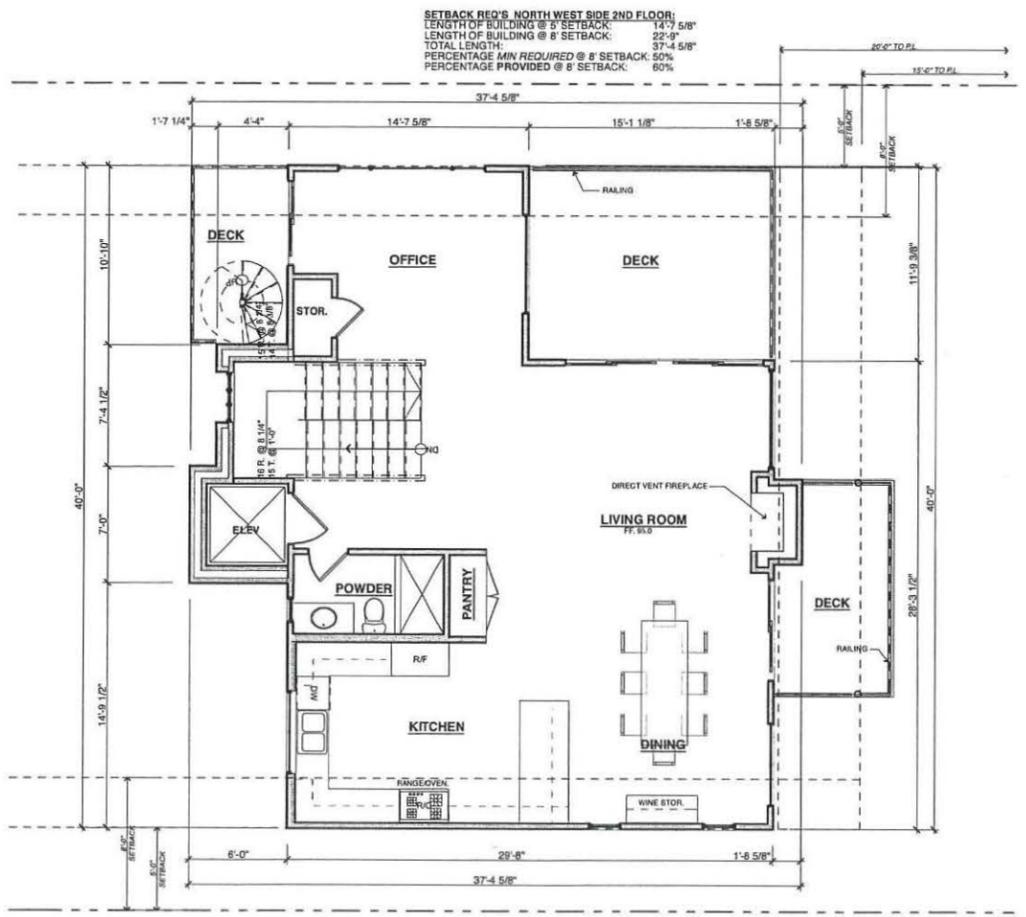
EASEMENT NOTE
 NO EASEMENTS HAVE BEEN FOUND TO BE A PART OF THIS PROPERTY



SITE PLAN
 SCALE: 1/8" = 1'-0"

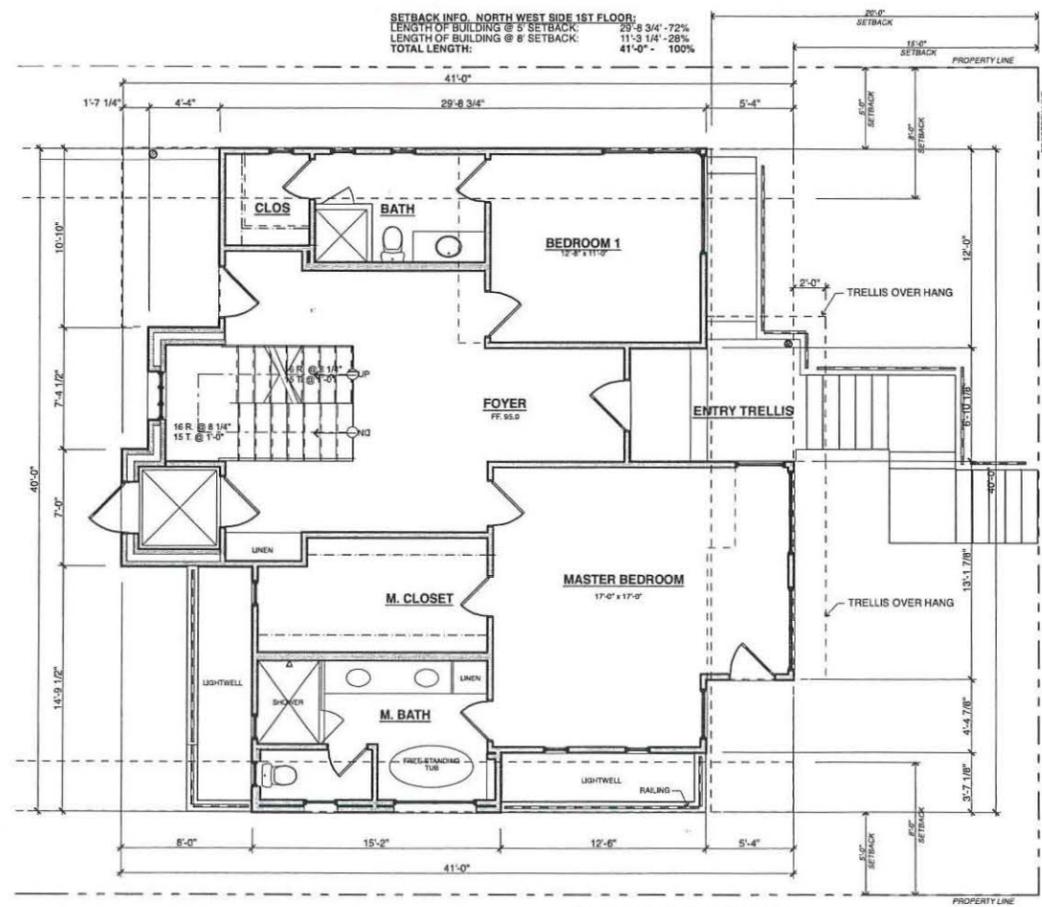


BASEMENT PLAN
SCALE 1/4" = 1'-0"



2nd FLOOR PLAN U1
SCALE 1/4" = 1'-0"

SETBACK INFO SOUTH EAST 2ND FLOOR:
LENGTH OF BUILDING @ 5' SETBACK: 14'-7 5/8"
LENGTH OF BUILDING @ 8' SETBACK: 22'-9"
TOTAL LENGTH: 37'-4 5/8"
PERCENTAGE MIN REQUIRED @ 8' SETBACK: 50%
PERCENTAGE PROVIDED @ 8' SETBACK: 60%



1st FLOOR PLAN U1
SCALE 1/4" = 1'-0"

SETBACK REQ'S SOUTH EAST 1ST FLOOR:
LENGTH OF BUILDING @ 5' SETBACK: 15'-2"
LENGTH OF BUILDING @ 8' SETBACK: 25'-10"
TOTAL LENGTH: 41'-0"
PERCENTAGE MIN REQUIRED @ 8' SETBACK: 50%
PERCENTAGE PROVIDED @ 8' SETBACK: 63%

Unit 1 Floor Plan

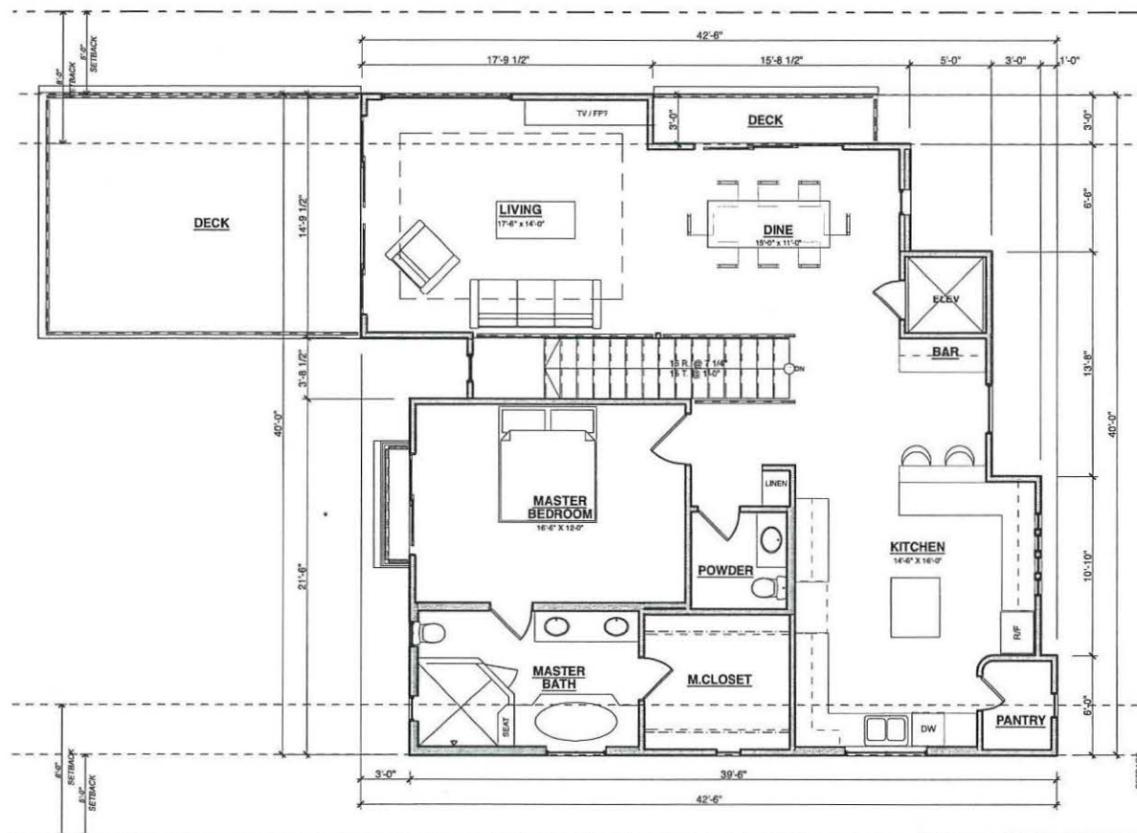
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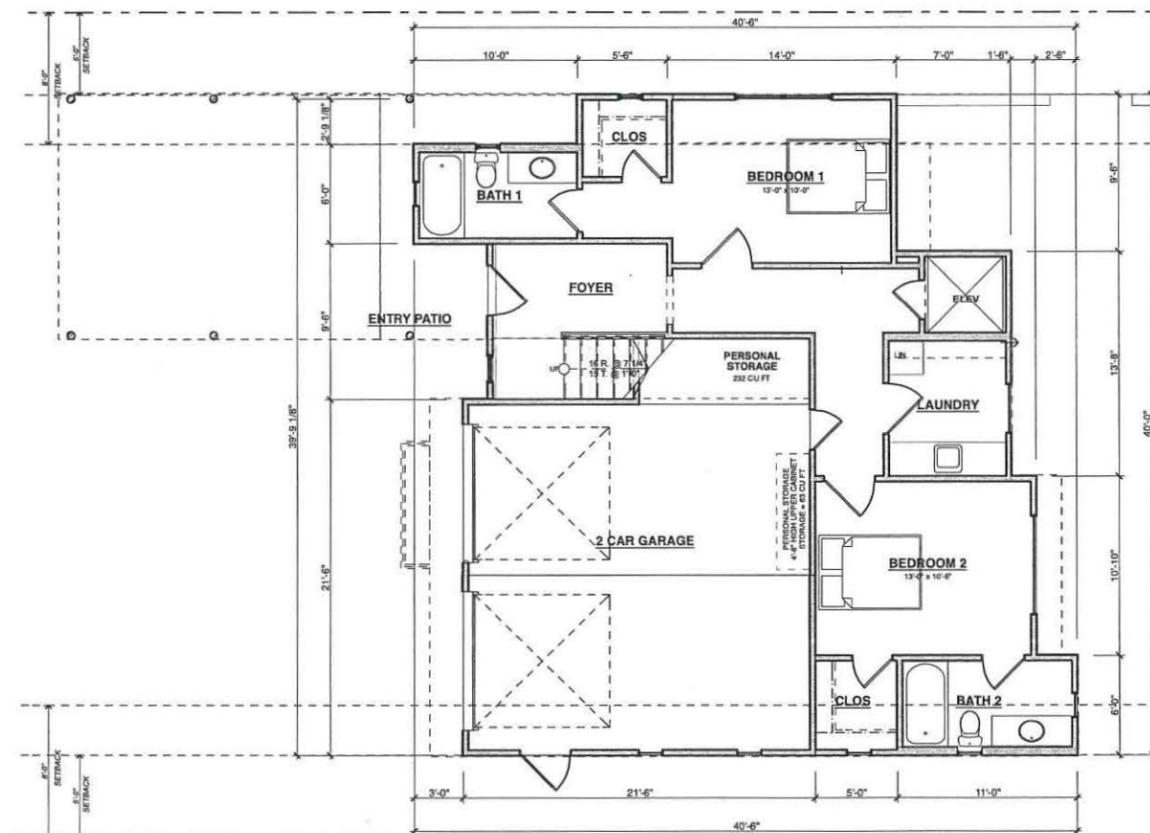
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SETBACK REQ'S NORTH WEST SIDE 2ND FLOOR:
LENGTH OF BUILDING @ 5' SETBACK: 17'-9 1/2"
LENGTH OF BUILDING @ 8' SETBACK: 24'-8 1/2"
TOTAL LENGTH: 42'-0"
PERCENTAGE MIN REQUIRED @ 8' SETBACK: 50%
PERCENTAGE PROVIDED @ 8' SETBACK: 58%

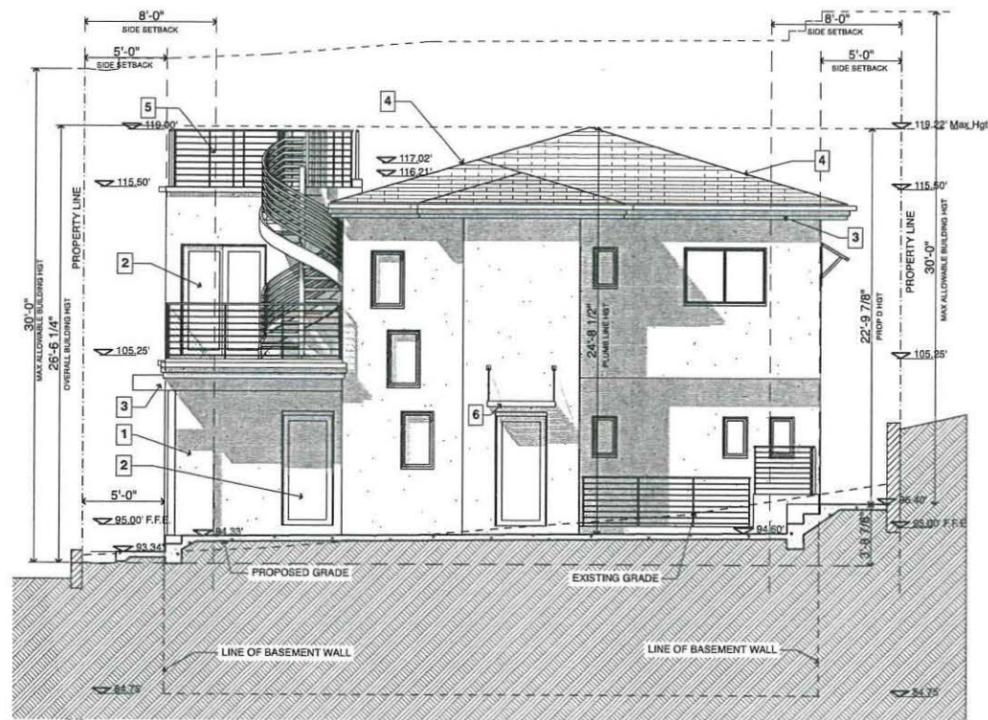


SETBACK INFO SOUTH EAST 2ND FLOOR:
LENGTH OF BUILDING @ 5' SETBACK: 37'-6" - 92.5%
LENGTH OF BUILDING @ 8' SETBACK: 3'-0" - 7.5%
TOTAL LENGTH: 42'-6" - 100%

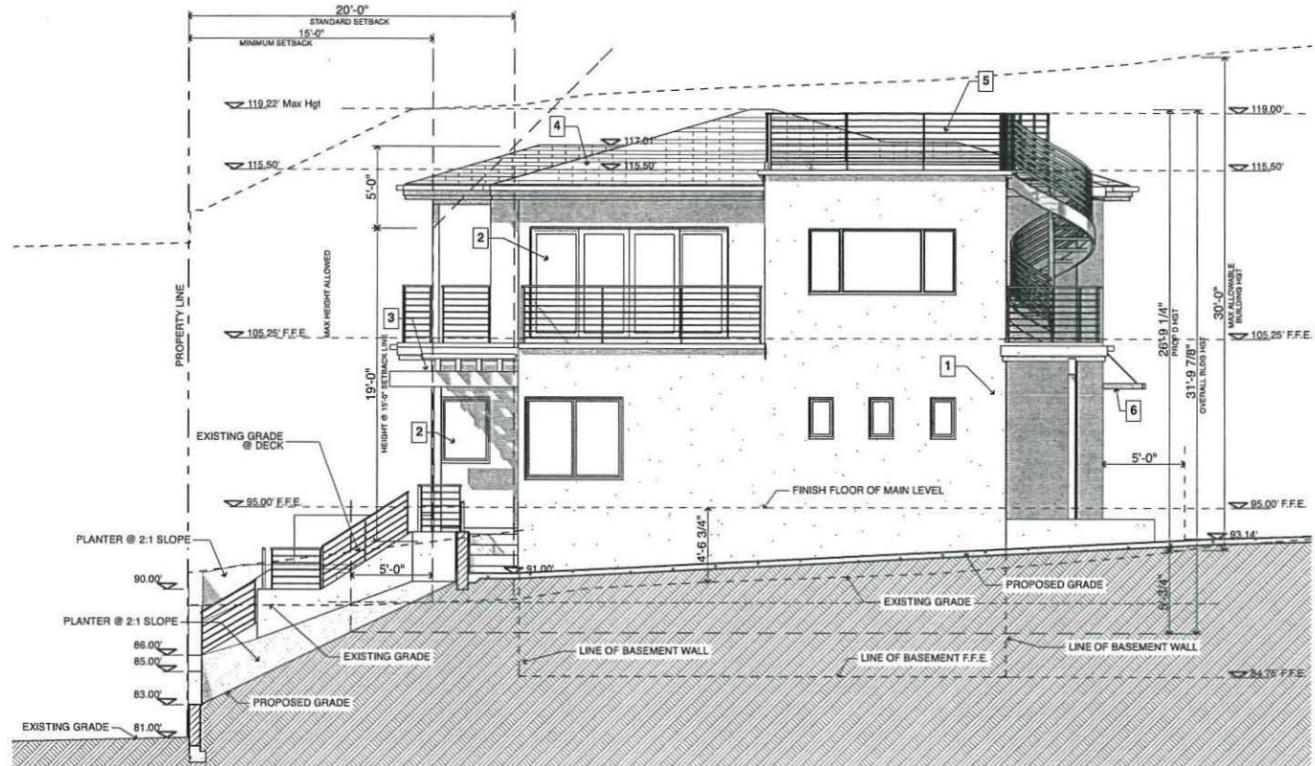
SETBACK REQ'S NORTH WEST SIDE 1ST FLOOR:
LENGTH OF BUILDING @ 5' SETBACK: 21'-0"
LENGTH OF BUILDING @ 8' SETBACK: 19'-6"
TOTAL LENGTH: 40'-6"
PERCENTAGE MIN REQUIRED @ 8' SETBACK: 50%
PERCENTAGE PROVIDED @ 8' SETBACK: 52%



SETBACK INFO SOUTH EAST 1ST FLOOR:
LENGTH OF BUILDING @ 5' SETBACK: 37'-6" - 92.5%
LENGTH OF BUILDING @ 8' SETBACK: 3'-0" - 7.5%
TOTAL LENGTH: 40'-6" - 100%



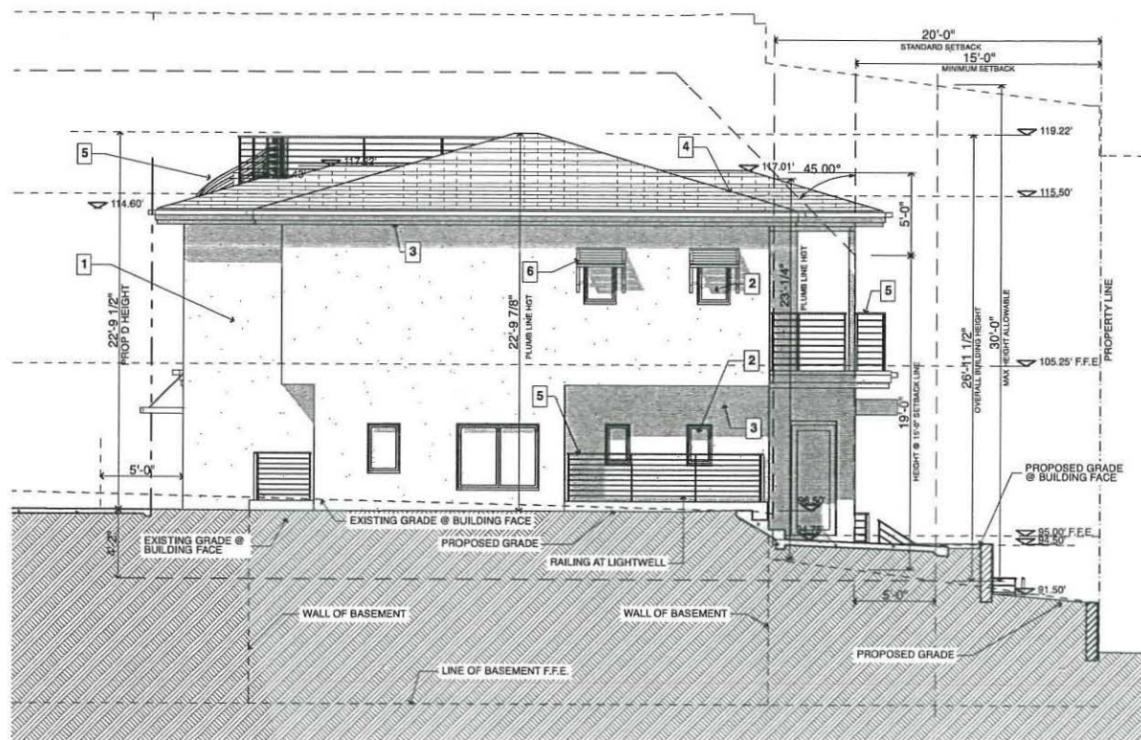
SOUTH WEST ELEVATION
SCALE: 1/4" = 1'-0"



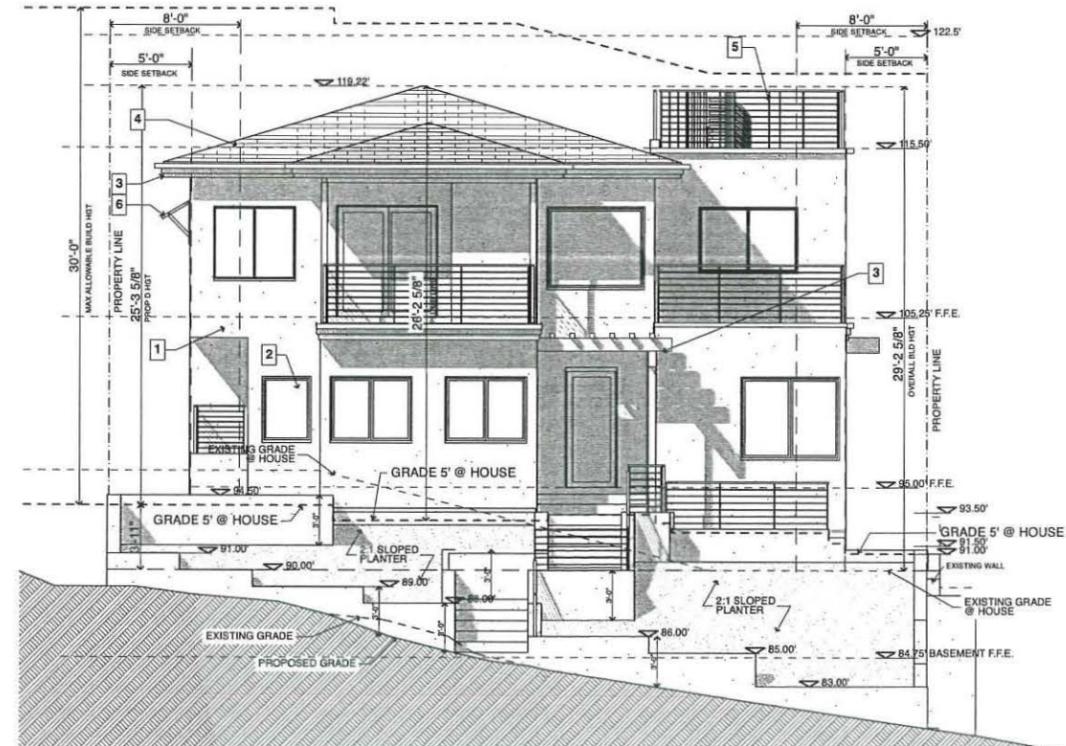
NORTHWEST ELEVATION
SCALE: 1/4" = 1'-0"

MATERIAL LEGEND - UNIT #1

1. SAND STUCCO FINISH
COLOR: SURREY BEIGE #405 BY OMEGA
2. METAL WINDOWS & DOORS
COLOR: CHESTNUT BRONZE BY JELDWEN
3. EXPOSED WOOD @ TRELLIS, EXPOSED
BEAMS & FASCIA COLOR: URBANE BRONZE
#SW7048 BY SHERWIN WILLIAMS
4. ROOFING: TIMBERLINE ASPHALT SHINGLES
BY GAF COLOR: MISSION BROWN
5. PAINTED METAL RAILINGS COLOR:
"PORPOISE" # SW7047 BY SHERWIN
WILLIAMS
6. WINDOW SHADE STRUCTURES COLOR:
"PORPOISE" # SW7047 BY SHERWIN
WILLIAMS



SOUTH EAST ELEVATION
SCALE: 1/4" = 1'-0"



NORTH EAST ELEVATION
SCALE: 1/4" = 1'-0"

Unit 1 Elevations

FRIEHAUF ARCHITECTS
341 South Cedros Avenue, Suite F
Solana Beach, California, 92075
858.792.6116 Tel
858.792.2422 Fax

DATE:

JULY 11 2014
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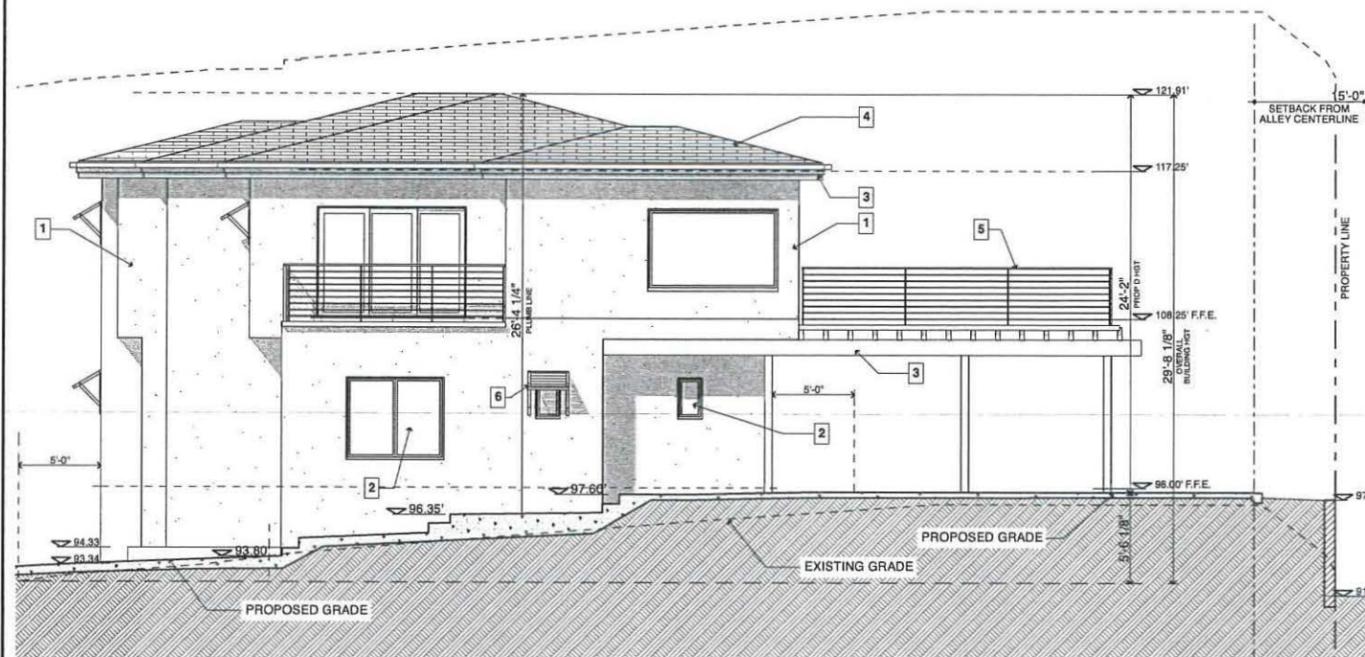
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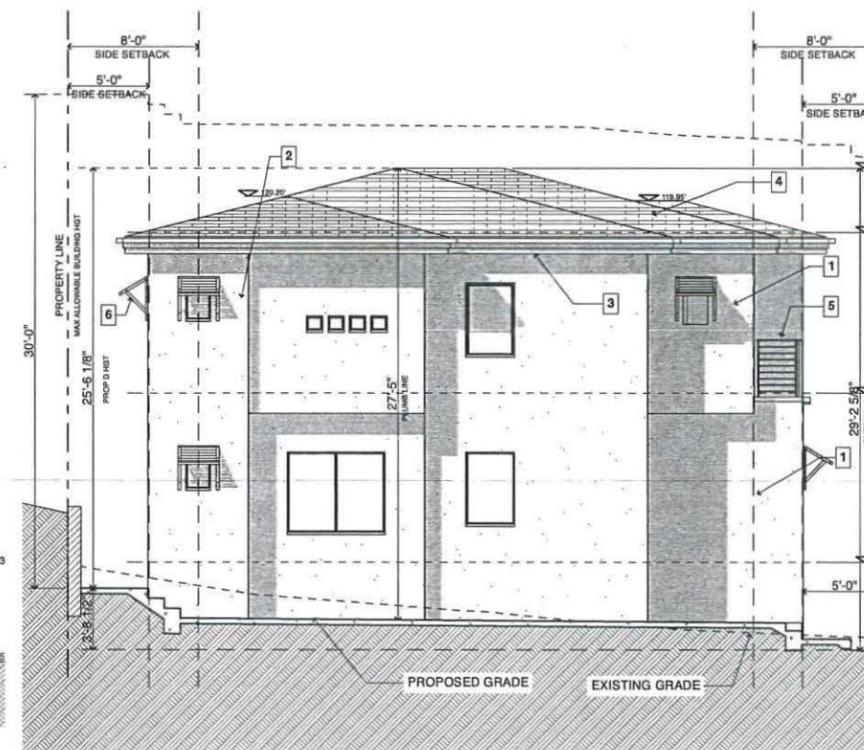
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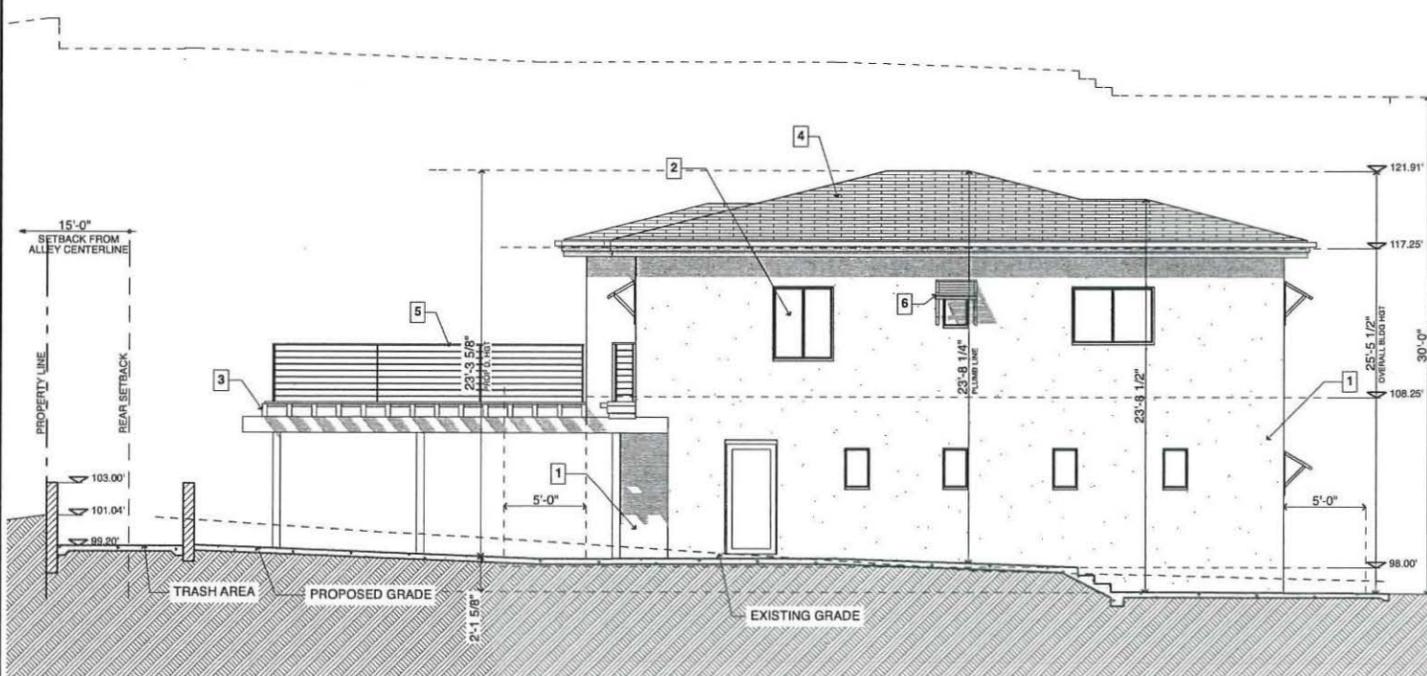
NORTHWEST ELEVATION
SCALE 1/4" = 1'-0"



NORTH EAST ELEVATION
SCALE 1/4" = 1'-0"

MATERIAL LEGEND - UNIT #2

1. SAND STUCCO FINISH
COLOR: BARN SWALLOW #404 BY OMEGA
2. METAL WINDOWS & DOORS
COLOR: CLEAR ANODIZED BY JELDWEN
3. EXPOSED WOOD, BEAMS & FASCIA. COLOR:
"PORPOISE" # SW7047 BY SHERWIN
WILLIAMS
4. ROOFING: TIMBERLINE ASPHALT SHINGLES
BY GAF. COLOR: CHARCOAL
5. PAINTED METAL RAILINGS
COLOR: ANODIZED SILVER BY DRYLAC
6. WINDOW SHADE STRUCTURES COLOR:
"PORPOISE" # SW7047 BY SHERWIN
WILLIAMS

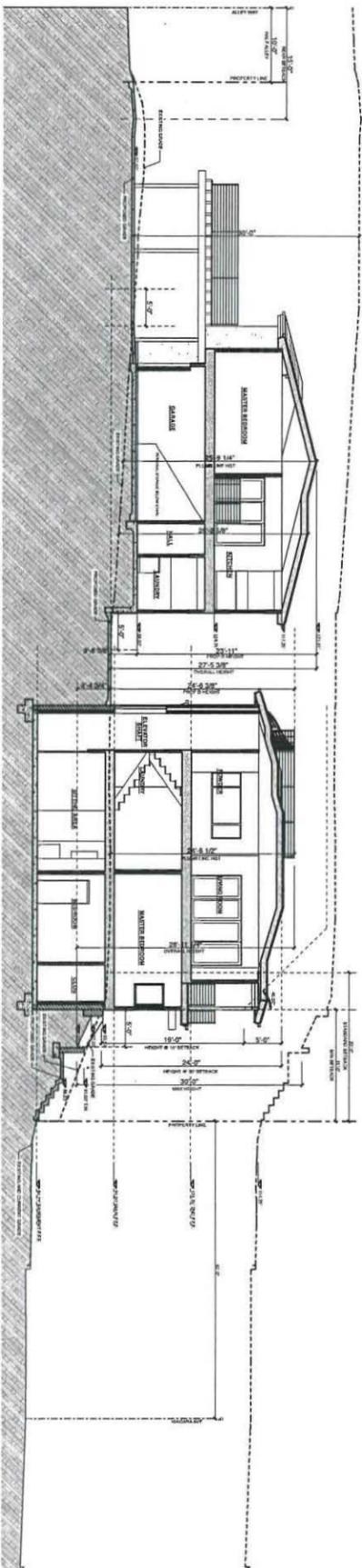


SOUTH EAST ELEVATION
SCALE 1/4" = 1'-0"

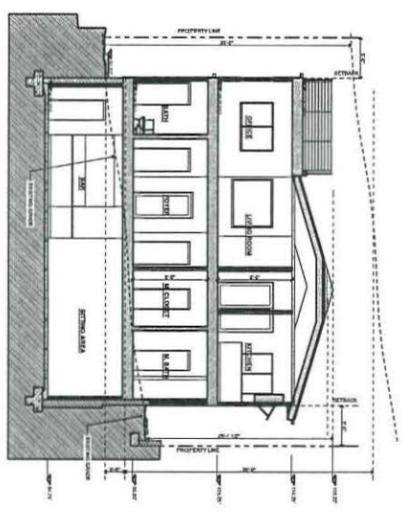


SOUTH WEST ELEVATION
SCALE 1/4" = 1'-0"

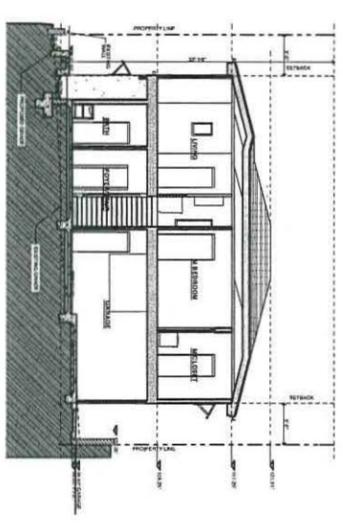
Unit 2 Elevations



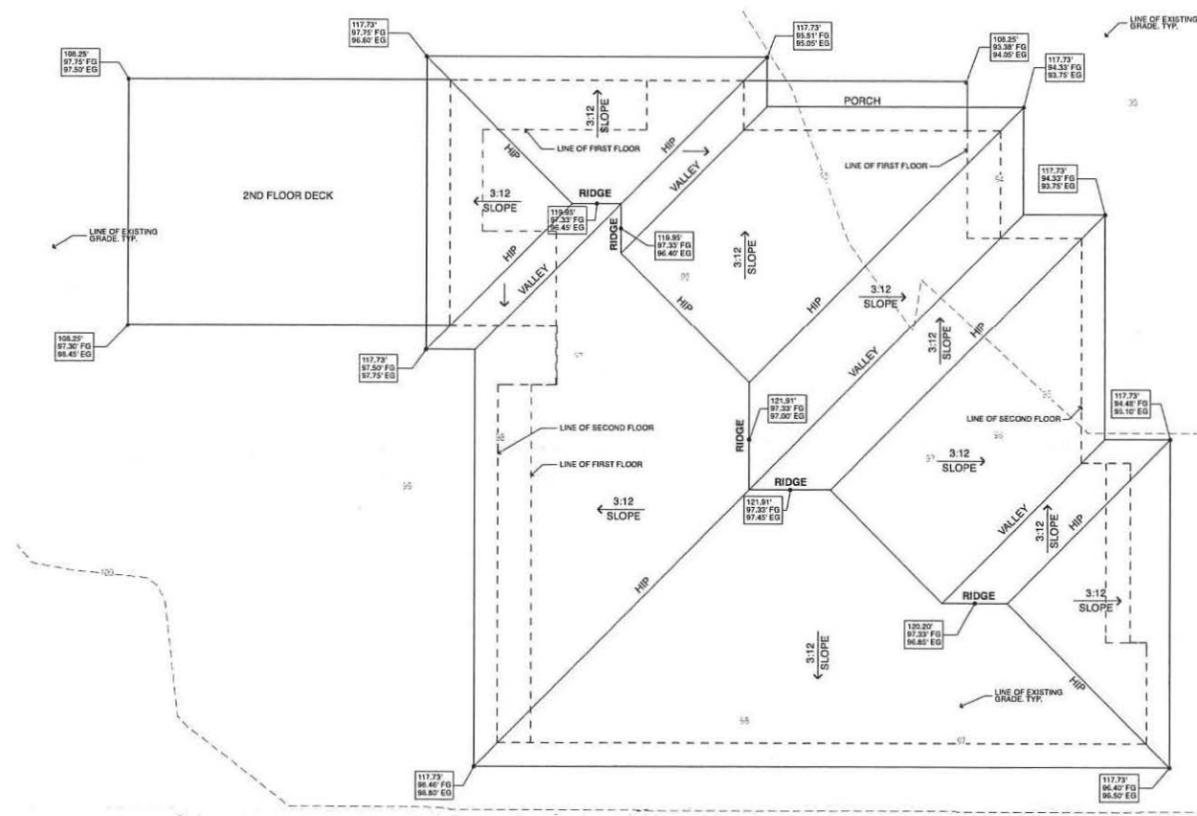
1 SITE SECTION
SCALE: 1/8" = 1'-0"



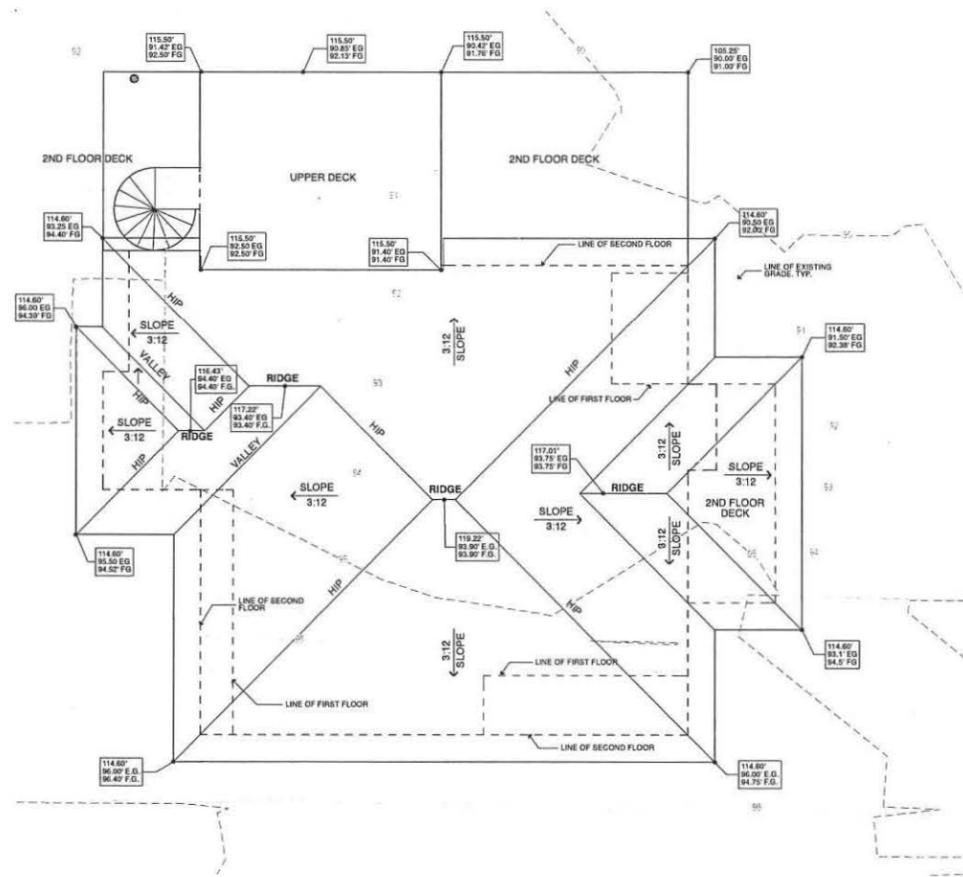
3 SITE SECTION
SCALE: 1/8" = 1'-0"



2 SITE SECTION
SCALE: 1/8" = 1'-0"



Roof Plan Unit 2
SCALE: 1/4" = 1'-0"



Roof Plan Unit 1
SCALE: 1/4" = 1'-0"

NOTE:
THERE ARE NO MECHANICAL
EQUIPMENT ON THE ROOFS.

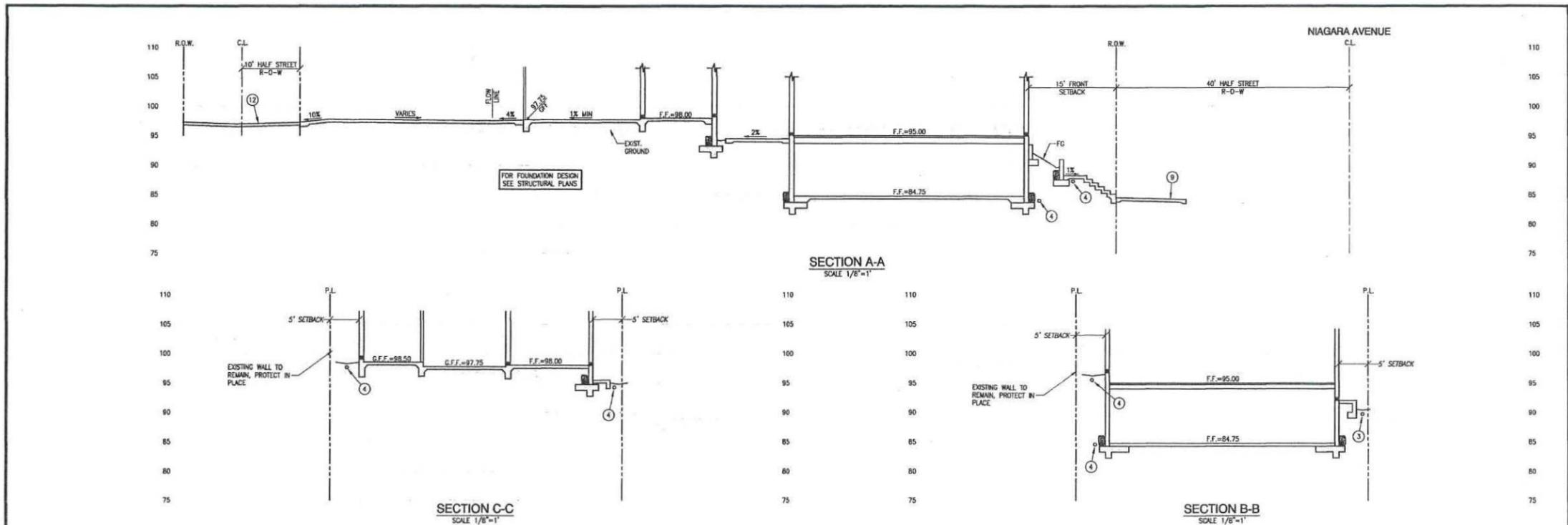
FRIEHAUF ARCHITECTS
341 South Cedros Avenue, Suite F
Solana Beach, California, 92075
858.792.6116 Tel
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DATE:

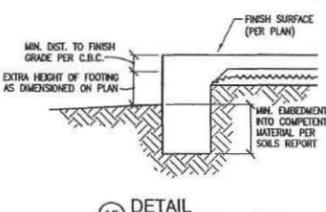
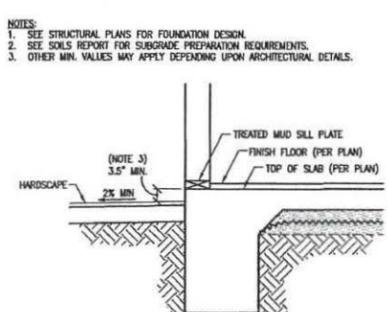
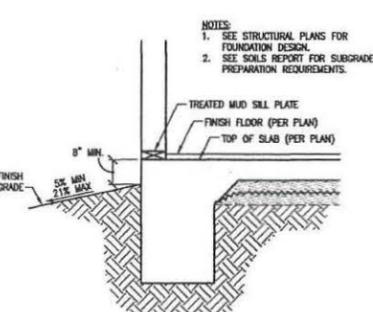
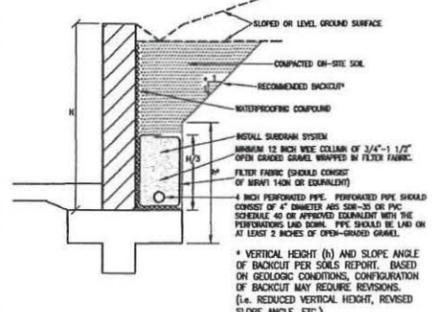
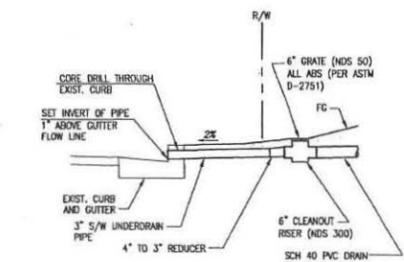
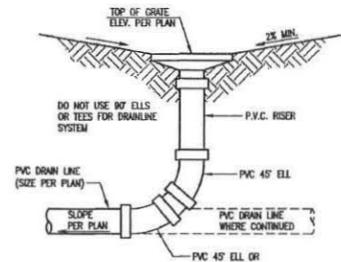
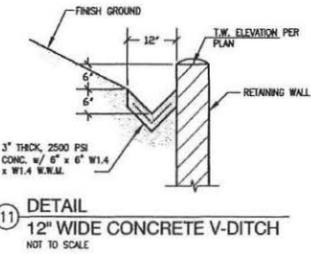
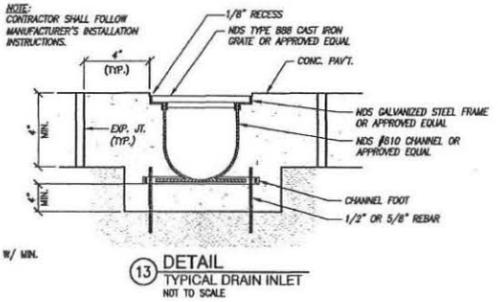
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- CONSTRUCTION NOTES**
- 1- CONSTRUCT CONCRETE DRIVEWAY.
 - 2- CONSTRUCT CONCRETE HARDSCAPE.
 - 3- INSTALL 6" PIPE DRAIN SYSTEM, SCHEDULE 40 PVC OR ABS SDR 35.
 - 4- INSTALL 4" PIPE DRAIN SYSTEM, SCHEDULE 40 PVC OR ABS SDR 35.
 - 5- INSTALL 6" ATRIUM DRAIN NDS TYPE 90 W/ RISER & ADAPTOR OR EQUAL.
 - 6- INSTALL 12" ATRIUM DRAIN NDS TYPE 1280 W/ RISER & ADAPTOR OR EQUAL.
 - 7- CORE DRILL THRU EXIST. CURB PER DETAIL SHEET 2.
 - 8- CONSTRUCT CONCRETE CURB PER SAN DIEGO REGIONAL STD G-1.
 - 9- REPLACE EXISTING PORTION OF SIDEWALK PER SAN DIEGO REGIONAL STD G-11.
 - 10- INSTALL 6" DECK DRAIN NDS TYPE 40 W/ADAPTOR OR EQUAL.
 - 11- CONSTRUCT 12" WIDE CONCRETE V-DITCH PER DETAIL ON SHEET 2.
 - 12- CONSTRUCT FULL WIDTH 20" WIDE MONOLITHIC ALLEY PER CITY STANDARD G-21.
 - 13- INSTALL 8" CHANNEL DRAIN NDS TYPE 810 W/ CAST IRON GRATE NDS 888 OR EQUAL W/ MIN. 3" DIA. OUTLETS EVERY 8' MAX. SPACING.
 - 14- CONSTRUCT 12" CONC. DRAINBOX, BROOKS PRODUCTS CB-1212 OR EQUAL.
 - 15- DEEPEN CONC. FOOTING PER DETAIL ON SHEET 2.



FOAL ENGINEERING, INC.
139 AVENIDA HAVARDO
SAN CLEMENTE, CA 92672
TEL: (949) 498-8386
cfoal@foalengineering.com

REGISTERED PROFESSIONAL ENGINEER
CIVIL
STATE OF CALIFORNIA
No. 57987

DATE: 11-14-14
EXP: 12-31-15

PRIVATE CONTRACT

PRELIMINARY GRADING PLANS FOR:
NIAGARA RESIDENCE
4677 NIAGARA AVENUE
LOTS 43 & 44, BLK 23, MAP 279

CITY OF SAN DIEGO, CALIFORNIA
DEVELOPMENT SERVICES DEPARTMENT
SHEET 2 OF 2 SHEETS

I.O. NO. 24504892
PROJECT NO. 36755

FOR CITY ENGINEER	DATE	V.T.M.	N/A
DESCRIPTION	BY	APPROVED	DATE FILED
AS-BUILT			
CONTRACTOR	DATE STARTED		
INSPECTOR	DATE COMPLETED		

1850 - 6253
NAD83 COORDINATES
710 - 1683
LAMBERT COORDINATES

ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE STANDARDS OF THE CITY-WIDE LANDSCAPE REGULATIONS AND THE CITY OF SAN DIEGO'S LAND DEVELOPMENT MANUAL LANDSCAPE STANDARDS AND ALL OTHER LANDSCAPE RELATED CITY AND REGIONAL STANDARDS.

MINIMUM TREE SEPARATION DISTANCE - IMPROVEMENT/MINIMUM DISTANCE TO STREET TREE: TRAFFIC SIGNALS (TOP SIGN) - 20 FEET, UNDERGROUND UTILITY LINES - 5 FEET, ABOVE GROUND UTILITY STRUCTURES - 10 FEET, DRIVEWAY (ENTRIES) - 10 FEET, & INTERSECTIONS (INTERSECTING CURB LINES OF TWO STREETS) - 25 FEET.

NO TREE OR SHRUB EXPECTED TO EXCEED THREE (3) FEET IN HEIGHT AT MATURITY SHALL BE PLANTED OR RETAINED WITHIN FIVE (5) FEET OF PUBLIC WATER FACILITY OR WITHIN TEN (10) FEET OF PUBLIC SEWER FACILITY.

MAINTENANCE

ALL AREAS OF THE PROPERTY INCLUDING THE RIGHT OF WAY SHALL BE MAINTAINED IN ACCORDANCE WITH THE LAND DEVELOPMENT MANUAL FOR THE CITY OF SAN DIEGO AND ALL OTHER LANDSCAPE RELATED CITY AND REGIONAL STANDARDS, BY THE PROPERTY OWNER. TREES SHALL BE PRUNED DURING SPECIFIC TIMES OF THE YEAR TO PROMOTE HEALTHY GROWTH. SHRUBS SHALL BE MAINTAINED AS NEEDED TO MAINTAIN THE PLANTS HEALTH AND NATURAL SHAPE. PLANT MATERIAL SHALL BE FERTILIZED AS NEEDED TO MAINTAIN THE HEALTH AND VIGOR OF THE PLANT. DISEASED OR DEAD PLANT MATERIAL SHALL BE SATISFACTORILY TREATED OR REPLACED PER THE CONDITIONS OF THE PERMIT. IRRIGATION SYSTEM SHALL BE CHECKED PERIODICALLY AND ADJUSTED OR REPAIRED IMMEDIATELY.

LANDSCAPE AREA CALCULATIONS

Lot Size	7,000 sq. ft.
Structure footprint	2,632 sq. ft.
Hardscape	2,999 sq. ft.
Total Lot Coverage	5,631 sq. ft.
Planting Area	1,369 sq. ft.

STREET YARD

Street Yard Area	1,075 sq. ft.
Planting area required (50%)	537 sq. ft.
Planting area provided	541 sq. ft.
Hardscape (10%)	53 sq. ft.
Total planting area provided	594 sq. ft.
Planting points required	54 pts.
Planting points provided	107 pts.
Plants from tree (50% min.)	50 pts.
Excess plant points	53 pts.

REMAINING YARD

Planting points required	60 pts.
Planting points provided	351 pts.
Plants from trees (50% min.)	90 pts.
Excess plant points	291 pts.

One tree on each side and rear of each structure (3 per structure)

Front structure - East side, tree
West side, bamboo 15ft. (limited planting area)
Rear, tree

Rear structure - East side, (4) 5 gal. vines to maintain east neighbors view corridor
West side, bamboo 15' ht. (limited planting area)
Rear, tree

VEHICLE USE AREA

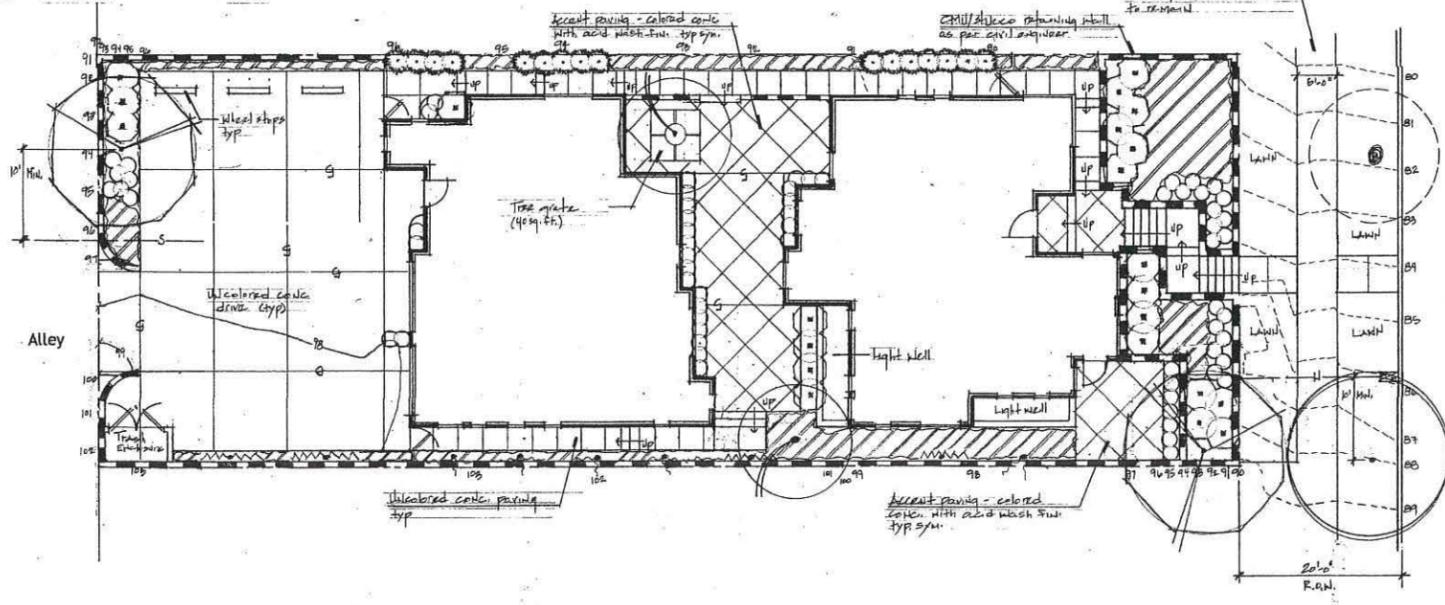
VUA	1313 sq. ft.
Planting points required	66 pts.
Planting points provided	87 pts.
Plant points from tree (50% min.)	50 pts.
Excess plant points	21 pts.

IRRIGATION

THE AUTOMATIC IRRIGATION SYSTEM TO BE INSTALLED SHALL CONSIST OF THE LATEST TECHNOLOGY LOW VOLUME OVERHEAD SPRAY HEADS FOR 100% OF THE PROPERTY. POP-UP SPRAY HEADS SHALL BE USED IN ALL LAWN AREAS AS WELL AS ALL AREAS ADJACENT TO STREETS, WALKWAYS, DRIVES AND ANY AREA WHERE FOOT TRAFFIC MAY BE PRESENT. THE SYSTEM WILL BE DESIGNED FOR THE MAXIMUM EFFICIENT USE OF WATER ADJUSTED FOR MINIMUM RUN-OFF ONTO WALKS, WALLS & NEIGHBORING PROPERTY. DESIGN OF THE SYSTEM SHALL PROVIDE ADEQUATE SUPPORT FOR THE VEGETATION SELECTED. ALL PROPOSED IRRIGATION SYSTEMS WILL USE AN APPROVED RAIN SENSOR SHUTOFF DEVICE.

ALL LANDSCAPING REQUIRED IN THE ADJACENT PUBLIC RIGHT-OF-WAY SHALL HAVE A PERMANENTLY INSTALLED AND MAINTAINED IRRIGATION SYSTEM DESIGNED BY A REGISTERED LANDSCAPE ARCHITECT, OR AS APPROVED BY THE CITY ENGINEER AND PARK AND RECREATION DEPARTMENT.

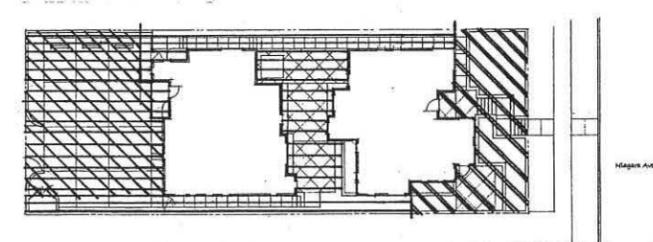
ALL STREET TREES SHALL BE IRRIGATED. THE IRRIGATION WATER SUPPLY SHALL BE METERED THROUGH THE PROPERTY OWNER'S METER. PVC SCHEDULE 40 OR BETTER PIPE SHALL BE INSTALLED TO EACH TREE WELL PRIOR TO POURING PUBLIC SIDEWALK OR PAVING. THE PVC PIPE TO EACH TREE WELL SHALL BE LAID PERPENDICULAR TO THE CURB AND CONNECTED TO THE PROJECT'S IRRIGATION SYSTEM ON PRIVATE PROPERTY. EACH TREE WELL SHALL HAVE A MINIMUM OF ONE ADJUSTABLE BUBBLER TYPE HEAD OR APPROVED EQUAL. ALL IRRIGATION SYSTEMS SHALL HAVE ANTI-SYPHON, BACKFLOW PREVENTION AND SHALL BE OPERATED BY AN APPROVED AUTOMATIC TIMER ON PRIVATE PROPERTY.



CONCEPTUAL PLANT LEGEND

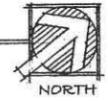
Symbol	Type/Form & Function	Botanical Name	Common Name	Size/Quantity/HT & Spd.	Symbol	Type/Form & Function	Botanical Name	Common Name	Size/Quantity/HT & Spd.
Existing Street Tree	Phoenix canariensis	Canary Island Palm	15' bth	Existing Street Tree	Small/Medium Shrubs	Rosmarinus officinalis	Rosemary	1 Gal - 100%	
Street Tree	Castia leptophylla	Gold Medallion Tree	24' Box - 100%	Color, Texture, form, background	Agapanthus	Lily of the Nile	3' ht. X 3' spd		
Roundheaded Tree	Arbutus unedo	Strawberry Tree	25' ht. X 20' spd		Liriope gigantea	Giant Liriope			
Shade	Metrosideros excelsa	New Zealand Christmas Tree			Hemierocallis hybrida	Day Lily			
	Bauhinia x blakeana	Hong Kong Orchid Tree			NCH	NCH			
	Tabebuia impetiginosa	Trumpet Tree			Philodendron 'Xanadu'	Xanadu Philodendron			
	Castia leptophylla	Gold Medallion Tree	36' Box - 100%		Cuphea	Cuphea			
	Arbutus unedo	Strawberry Tree	25' ht. X 20' spd		Ferns	Ferns			
	Prunus cerasifera	Purpleleaf Plum			Anigozanthos hybrida	Kangaroo Paw			
	Lagerstroemia	Crape Myrtle			Dianella	Flax Lily			
	Cercis	Redbud			Stipa	Mexican Feather Grass			
	Magnolia grandifolia 'Little Gem'	Little Gem Magnolia			Succulents	Succulents			
	Citrus	Citrus			Dietes	Fortnight Lily			
	Archontophoenix cunninghamiana	King Palm	24' Box - 100%		Calliandra haematocephala	Pink Powder Puff	15 Gal. - 100%		
	Syngne ronsardii	Queen Palm	6' - 12' BTH		Grewia occidentalis	Lavender Starflower	8' ht. X 8' spd		
	Trachycarpus fortunei	Windmill Palm	30' ht. X 10' spd		Pyracantha coccinea	Firethorn			
	Pyne calleryana 'Capita'	Capital Pear			Magnolia grandiflora 'Little Gem'	Little Gem Magnolia			
	Betula pendula	Birch			Citrus	Citrus			
	Rambusa oldhamii	Giant Timber Bamboo	15 Gal. - 100%		Bougainvillea	Bougainvillea	5 Gal. - 100%		
	Podocarpus macrophyllus	Yew Pine	10' - 20' ht x 5' spd		Ficus pumila	Creeping Fig	10' ht.		
	Syzygium paniculatum	Brush Cherry			Dioscorea buccinatoria	Blood-Red Trumpet Vine			
	Pittosporum tenuifolium 'Silver Sheen'	Silver Sheen Pittosporum			Cats Claw	Cats Claw			
	Prunus caroliniana	Caroline Laurel Cherry			Trachelospermum jasminoides	Star Jasmine			
	Pittosporum	Pittosporum	5 Gal. - 100%		Lantana	Lantana	Flats - 100%		
	Coprosma	Mirror Plant	3' - 5' ht. & spd.		Pelargonium peltatum 'Balkan'	Balkan Ivy Geranium	12' ht. x 24' spd.		
	Nandina domestica 'Gulf Stream'	Gulf Stream Heavenly Bamboo			Ophiopogon japonica	Mondo Grass			
	Coprosma	Natal Plum			Festuca glauca	Blue Fescue			
	Phormium	Flax			Sedum spectum 'Dragon's Blood'	Dragon's Blood Sedum			
	Raphirolepis	Heavenbom			Solerella soleirolii	Baby's Tears			
	Hydrangea macrophylla	Hydrangea			Dymondia margaritae	NCH			
	Strelitzia reginae	Bird of Paradise			Fragaria chiloensis	Wild Strawberry			
	Westringia fruticosa	Coast Rosemary			Marathon II	Turf	Sod - 100%		
	Grevillea	NCH							
	Acalypha wilkesiana	Copperleaf							
	Pennisetum orientale	Fourtail Grass							
	Rosa	Rose							
	Agave attenuata	Soft-tipped Agave							
	Loropetalum	Loropetalum							

Landscape Area Diagram



LANDSCAPE DEVELOPMENT PLAN

Scale: 1/8" = 1'-0"



NIAGARA AVENUE RESIDENCES
 4677 Niagara Avenue
 San Diego, CA 92106

G.W.D. Landscape Architects
 G.W.D.
 Gwendolyn Wickham, AIA
 408 West North St. G. L. La Jolla, CA 92037-5705
 619-437-2200 ext. 808-497-3500 fax
 www.gwd.com

Date: 7-31-14
 Drawn by: GWD
 Checked by: GWD
 Job #: C1906

Sheet
 of 10

LEGEND

100	EXISTING CONTOUR	F.F.	PROPOSED FINISHED FLOOR
100.00	PROPOSED CONTOUR	FS	PROPOSED FINISHED SURFACE
100.00	SPOT ELEVATION	FG	PROPOSED FINISHED GROUND
[Pattern]	PROPOSED CONCRETE PAVING	TC	TOP OF GRATE
FM	PROP. FORCE MAIN	INV	INVERT OF PIPE
4"	PROPOSED STORM DRAIN	T.C.	TOP OF CURB
SUB	PROP. SUBDRAIN	---	PROPERTY LINE/T.M. BOUNDARY
[Pattern]	PROPOSED BEARING/RETAINING WALL	TW	TOP OF WALL
[Pattern]	PROPOSED RETAINING WALL	TF	TOP OF FOOTING
[Pattern]	EXISTING SCREEN WALL	P.A.	PLANTER AREA
•	DOWNSPOUT	H.P.	HIGH POINT

- ADDITIONAL NOTES:**
- PRIOR TO ISSUANCE OF ANY CONSTRUCTION PERMIT, THE APPLICANT SHALL INCORPORATE ANY CONSTRUCTION BEST MANAGEMENT PRACTICES NECESSARY TO COMPLY WITH CHAPTER 14, ARTICLE 2, DIVISION 1 (GRADING REGULATIONS) OF THE SAN DIEGO MUNICIPAL CODE, INTO THE CONSTRUCTION PLANS OR SPECIFICATIONS.
 - PRIOR TO ISSUANCE OF ANY CONSTRUCTION PERMIT, THE APPLICANT SHALL SUBMIT A WATER POLLUTION CONTROL PLAN (WPCP). THE WPCP SHALL BE PREPARED IN ACCORDANCE WITH THE GUIDELINES IN APPENDIX E OF THE CITY'S STORM WATER STANDARDS.
 - ALL WORK WITHIN RIGHT OF WAY REQUIRES AN ENCROACHMENT MAINTENANCE AND REMOVAL AGREEMENT (EMRA) PRIOR TO CONSTRUCTION.
 - PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER/PERMITEE SHALL ENTER INTO A MAINTENANCE AGREEMENT FOR THE ONGOING PERMANENT BMP MAINTENANCE, SATISFACTORY TO THE CITY ENGINEER.
 - STORM WATER RUNOFF SHALL BE DIRECTED TO LANDSCAPE AREAS.
 - NO ACCESS GATE SHALL SWING OPEN INTO THE PUBLIC RIGHT-OF-WAY.
 - ALL PROPOSED PUBLIC 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.
 - 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.
 - PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT AUTHORIZING WORK WITHIN THE PUBLIC ROW OR OTHER PUBLIC EASEMENT, ALL EMRA'S ASSOCIATED WITH THE WORK TO BE DONE MUST BE APPROVED BY THE CITY AND RECORDED BY THE COUNTY.
 - BFPD'S ARE REQUIRED FOR ALL PUBLIC WATER SERVICE LINES (DOMESTIC, IRRIGATION, AND FIRE). THEY ARE TO BE LOCATED ON PRIVATE PROPERTY, IN-LINE WITH THE SERVICE, AND (UNLESS APPROVED OTHERWISE) IMMEDIATELY ADJACENT TO THE ROW. THE PUBLIC UTILITIES DEPARTMENT DOES NOT ALLOW BFPD'S TO BE LOCATED BELOW GRADE OR WITHIN A STRUCTURE.
 - NO TREE OR SHRUB EXPECTED TO EXCEED THREE (3) FEET IN HEIGHT AT MATURITY SHALL BE PLANTED OR RETAINED WITHIN FIVE (5) FEET OF ANY PUBLIC WATER FACILITY, OR WITHIN TEN (10) FEET OF ANY PUBLIC SEWER FACILITY.

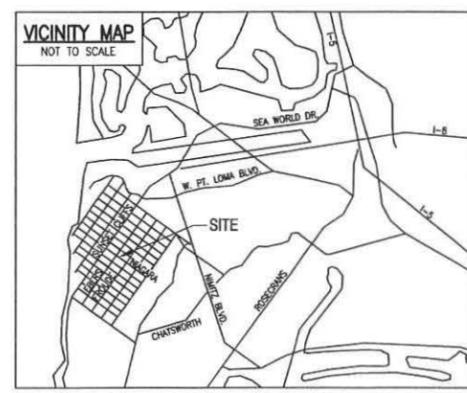
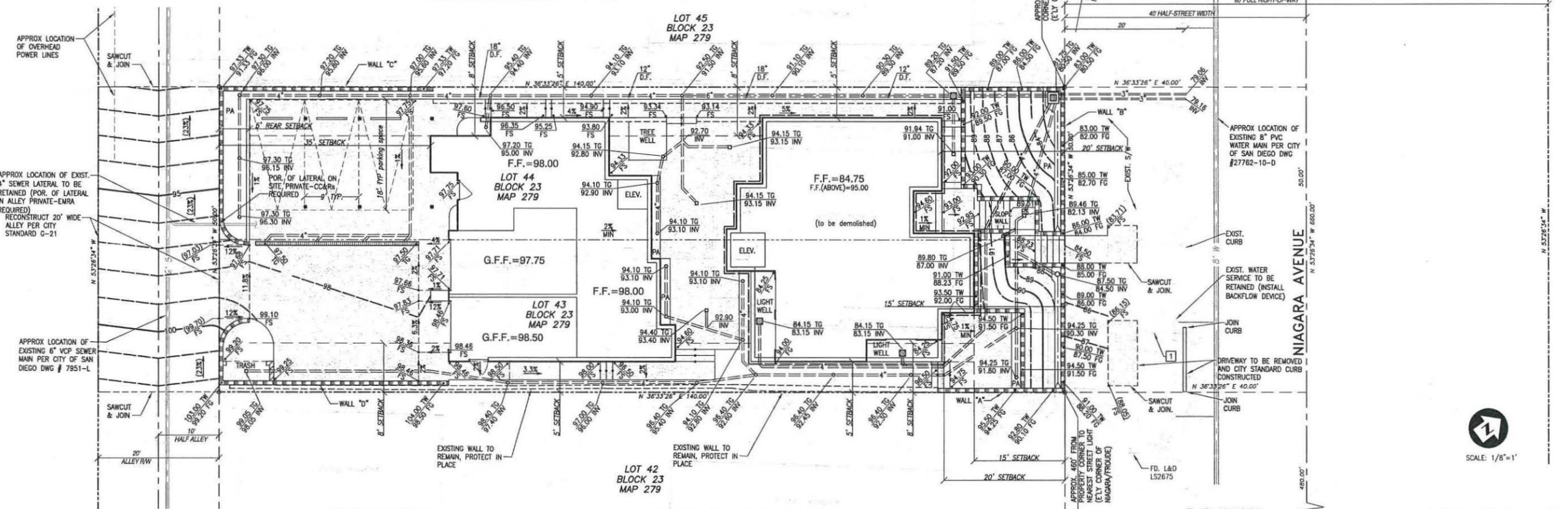
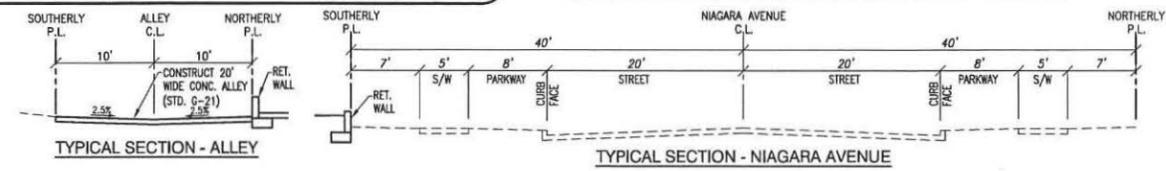
EARTHWORK QUANTITIES:

EXCAVATION:	600 CUBIC YARDS
FILL:	130 CUBIC YARDS
IMPORT:	0 CUBIC YARDS
EXPORT:	470 CUBIC YARDS
TOTAL:	600 CUBIC YARDS
MAX. CUT DEPTH:	9 FEET
MAX. FILL DEPTH:	4 FEET

LEGAL DESCRIPTION:
 IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, BEING LOTS 43 & 44, BLOCK 23 OF TRACT MAP THEREOF NO. 279, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MAY 28, 1957. A.P.N. 448-501-27

STATEMENT OF OWNERSHIP:
 WE, KEN NOLEN AND MARILYN NOLEN, TRUSTEES OF THE NOLEN TRUST DATED 6/24/92, DO HEREBY STATE THAT WE ARE THE OWNERS OF THE SUBJECT PROPERTY COMPRISING THIS TENTATIVE PARCEL MAP AND THAT WE HAVE CONSENTED TO ITS SUBDIVISION.

BY: KEN NOLEN DATE: BY: MARILYN NOLEN DATE:



BASIS OF BEARINGS:
 BEING THE NORTHWESTERLY PROPERTY LINE OF LOT 44, SHOWN HEREON AS N 36°33'26" E.

CONDOMINIUM NOTE:
 THIS IS A CONDOMINIUM PROJECT AS DEFINED IN SECTION 4125 OF THE CIVIL CODE OF THE UNITED STATE OF CALIFORNIA AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT. TOTAL NUMBER OF RESIDENTIAL/COMMERCIAL UNITS IS 2.

MAPPING NOTE:
 A PARCEL MAP SHALL BE FILED AT THE COUNTY RECORDER'S OFFICE PRIOR TO THE EXPIRATION OF THE TENTATIVE MAP. A DETAILED PROCEDURE OF SURVEY WILL BE SHOWN ON THE PARCEL MAP AND ALL PROPERTY CORNERS WILL BE SET ON THE MAP.

BENCHMARK:
 CITY OF SAN DIEGO
 NGVD29, ELEV.=63.35' ADJUSTMENT OF 1970
 EBER ST. AT NIAGARA AVE SOUTH CURB RETURN, BRASS PLUG
 INDEX 2111 16938

DISPOSITION NOTES
 1 - REMOVE EXISTING LANDSCAPE EDGER BLOCK.

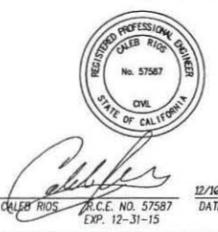
EASEMENT NOTE:
 PER THE PRELIMINARY TITLE REPORT, PREPARED BY FIRST AMERICAN TITLE COMPANY, ORDER NO. DIV-4652187, DATED MAY 23, 2014 THERE ARE NO EASEMENTS ON THE PROPERTY.

SITE DATA

OWNER/SUBDIVIDER:	KEN NOLEN AND MARILYN NOLEN c/o JIM SCOTT AND MARK MALONE P.O. BOX 1443 RANCHO SANTA FE, CA 92067 TEL: 858-756-2254
GENERAL PLAN LAND USE DESIGNATION:	R-3/U-1 (V-N CONST.)
EXISTING LAND USE:	SINGLE APARTMENT
TOTAL AREA:	7,000 SQ. FT. (0.16 AC)
EXISTING ZONING:	RM-1-1
NAD 27 COORDINATES:	210924, 1693899
NAD 83 COORDINATES:	1851367.8, 6255305.1
NUMBER OF PARCELS (EXISTING):	1 PARCEL
NUMBER OF PARCELS (PROPOSED):	1 PARCEL
NUMBER OF UNITS:	2 RESIDENTIAL CONDOMINIUM UNITS

SQUARE FOOTAGE (UNIT 1):	2,319
SQUARE FOOTAGE (UNIT 2):	2,730
NUMBER OF STORIES:	2 STORIES (BOTH UNITS)
NUMBER OF BEDROOMS:	3 (EACH UNIT)
EASEMENTS:	NONE
OVERLAY ZONES:	COASTAL (NON-APPEALABLE) COASTAL HEIGHT LIMIT
ONSITE UTILITIES:	AIRPORT INFLUENCE AREA - SAN DIEGO INTERNATIONAL
GAS SERVICE (UNDERGROUND):	THE GAS COMPANY
ELECTRIC SERVICE (UNDERGROUND):	SDG&E
SEWER (UNDERGROUND):	CITY OF SAN DIEGO
WATER (UNDERGROUND):	CITY OF SAN DIEGO
TELEPHONE SERVICE (UNDERGROUND):	AT&T, COX, VERIZON
TELEVISION SERVICE (UNDERGROUND):	COX COMMUNICATIONS

TOAL ENGINEERING, INC.
 139 AVENIDA NAVARRO
 SAN CLEMENTE, CA 92672
 TEL: (949) 498-8586
 cros@toalengineering.com



TENTATIVE MAP NO. 1346398

PRIVATE CONTRACT

TENTATIVE PARCEL MAP FOR:
NIAGARA RESIDENCE
 4677 NIAGARA AVENUE
 LOTS 43 & 44, BLK 23, MAP 279

CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 1 OF 1 SHEETS		L.O. NO. 24004992 PROJECT NO. 383755
FOR CITY ENGINEER	DATE	V.T.M. N/A
DESCRIPTION	BY	APPROVED
		DATE
		FILED
AS-BUILTS	DATE STARTED	1850 - 6253 NAD83 COORDINATES
CONTRACTOR	DATE COMPLETED	210 - 1693 LAMBERT COORDINATES
INSPECTOR		