



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: April 29, 2015

REPORT NO. HO-15-063

ATTENTION: Hearing Officer

SUBJECT: **871 AGATE MW – PTS#386445**

LOCATION: 871 Agate Street

APPLICANT: Don Ayles, ERB & Associates, LLC

SUMMARY

Issue(s): Should the Hearing Officer approve a tentative map waiver to allow a two unit condominium project?

Staff Recommendation(s) – **Approve** Tentative Map Waiver No. 1360305.

Community Planning Group Recommendation – On December 2, 2014 the Chairperson of the Pacific Beach Community Planning Group provided the recommendation of the Pacific Beach Community Planning Group vote which was 11:2:1 to recommend approval.

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15305 (Minor Alterations). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on March 18, 2015 and the opportunity to appeal that determination ended April 2, 2015.

BACKGROUND

The site is within the Pacific Beach Community Plan area and is designated for Low Density Residential uses at a density range of two to five dwelling units per acre (Attachment 1). The project is located at 871 Agate Street in the RM-1-1 zone and Coastal Height Limitation Overlay Zone (Attachment 2). The site contains two single family dwelling units. A building permit to construct one new single dwelling unit was issued on June 16, 2014. The building passed final inspection March 13, 2015. The other single family structure was constructed in approximately 1956. The site is surrounded by residential development (Attachment 3).

DISCUSSION

The site was legally subdivided in 1904 as Lots 46 and 47, Block 6, Pacific Beach Vista Tract, according to Map thereof No. 916, filed August 4, 1904. The Tentative Map Waiver proposes to allow the consolidation of two lots into one lot to create two residential condominium units and waive the undergrounding of existing overhead utilities on an approximately 0.17 acre lot (Attachment 4). There are existing overhead facilities in the abutting public right-of-way. The tentative map waiver qualifies for a waiver from the requirement to underground these facilities in accordance with San Diego Municipal Code Section 144.0242 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.

Community Plan Analysis

The Pacific Beach Community Plan Land Use Map identifies the site for Low Density Residential uses at a density range of two to five dwelling units per acre. The proposed tentative map waiver to create a two unit condominium is consistent with the applicable policies of the Pacific Beach Community Plan.

Conclusion

Staff has reviewed the proposed project and all issues identified through that review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. Staff has provided draft findings to support approval of the project (Attachment 5) and draft conditions of approval (Attachment 6). Staff recommends the Hearing Officer approve the project as proposed.

ALTERNATIVES

1. **Approve** Tentative Map Waiver No. 1360305, **with modifications.**
2. **Deny** Tentative Map Waiver No. 1360305, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



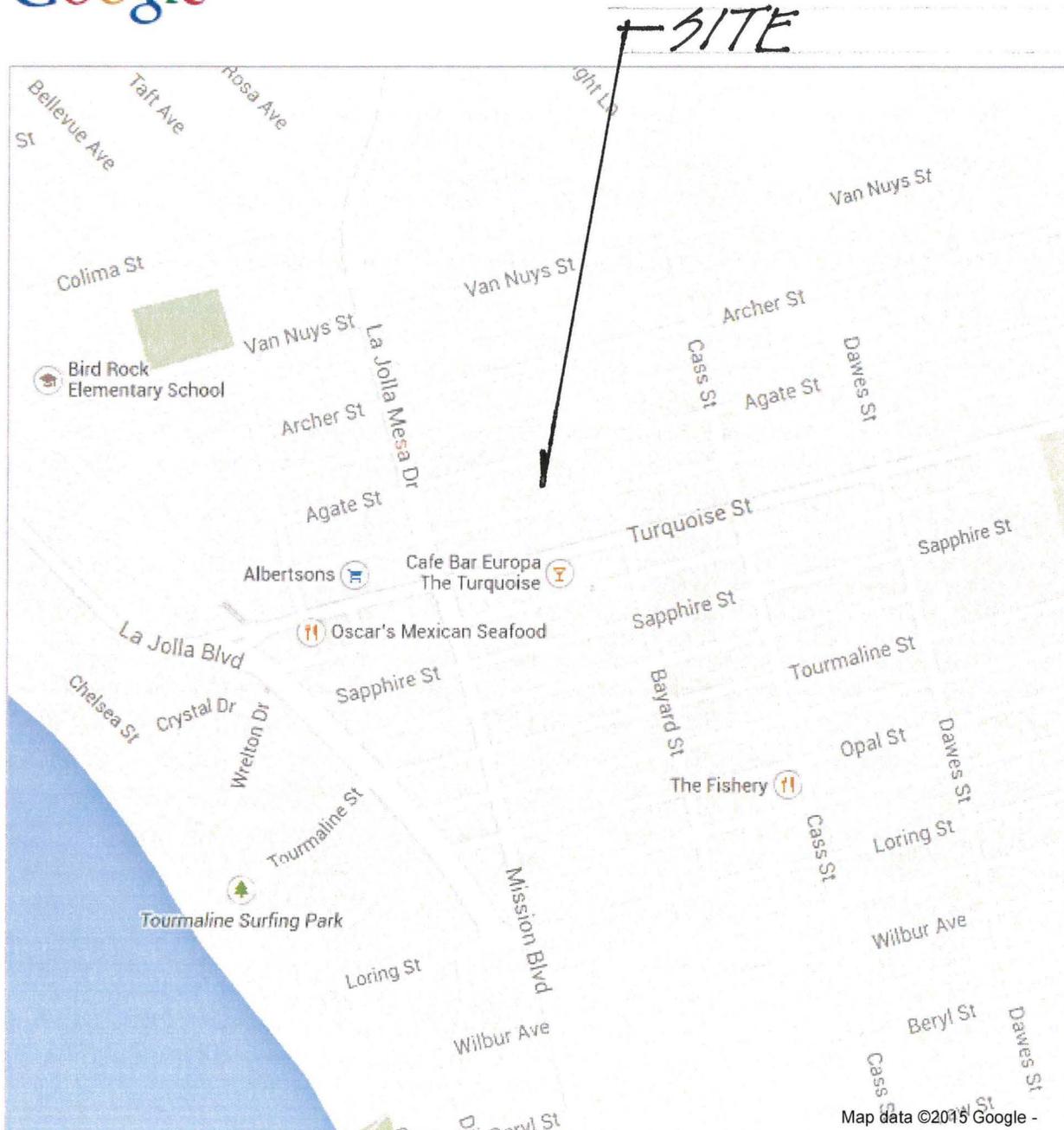
John S. Fisher
Development Project Manager
Development Services Department

Attachments:

1. Pacific Beach Community Plan Land Use Map
2. Project Location Map
3. Aerial Photograph
4. Tentative Map Waiver Exhibit
5. Draft Tentative Map Waiver Resolution
6. Draft Tentative Map Waiver Conditions
7. Environmental Exemption
8. Building Conditions report
9. Community Planning Group Recommendation
10. Ownership Disclosure
11. Landscape Plan



To see all the details that are visible on the screen, use the "Print" link next to the map.





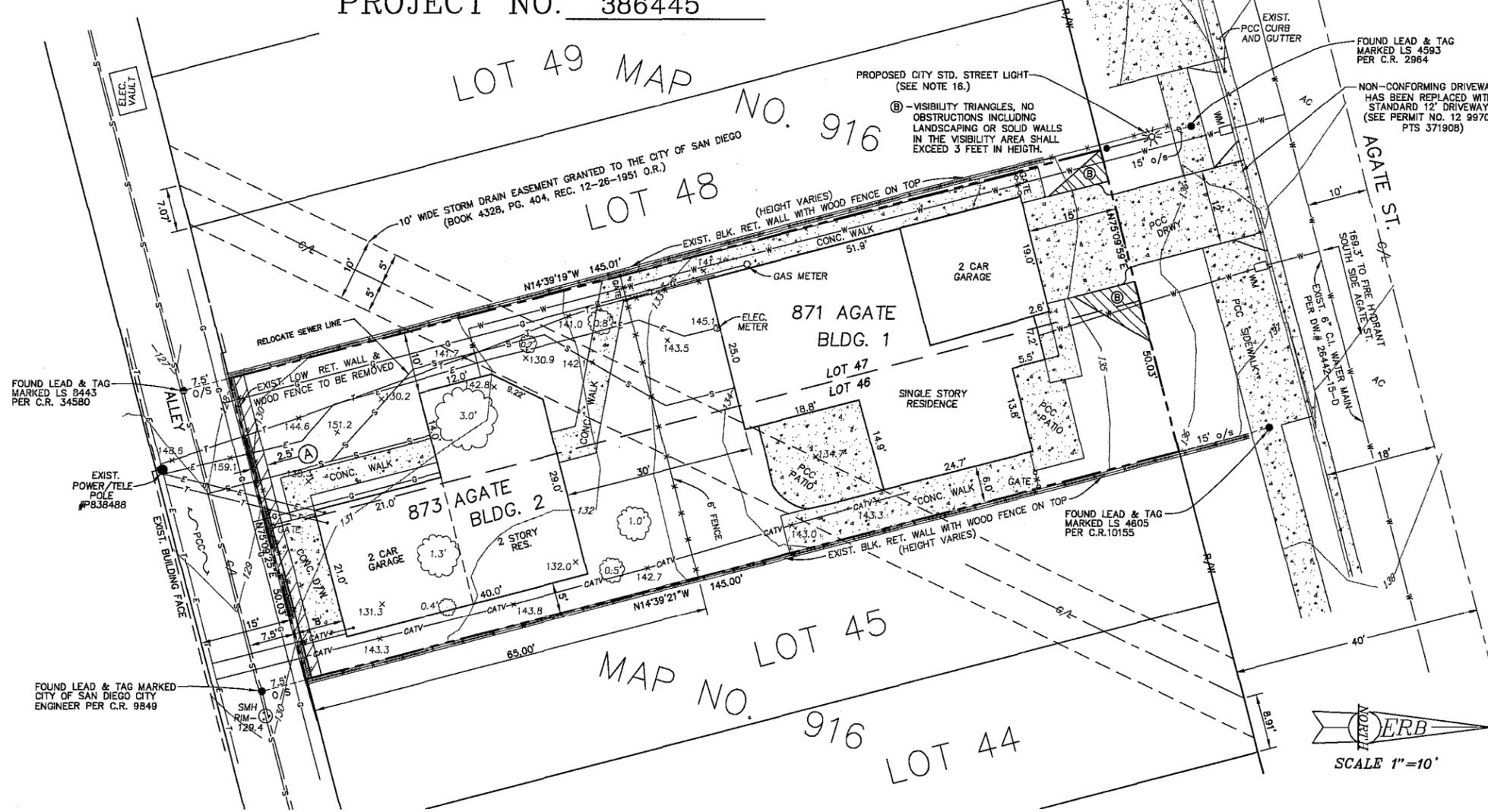
To see all the details that are visible on the screen, use the "Print" link next to the map.

SITE



TENTATIVE MAP WAIVER NO. 1360305
PROJECT NO. 386445

LOT 49 MAP NO. 916
LOT 48
LOT 47
LOT 46
LOT 45
LOT 44



LEGAL DESCRIPTION:
LOTS 46 AND 47, BLOCK 8, OF PACIFIC BEACH VISTA TRACT, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 916, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 4, 1904.

ASSESSOR PARCEL NUMBER:
415-162-09

COORDINATE:
CCS 83 COORDS. = 234-1689
L.C. COORDS. = 1874-8249

GENERAL NOTES:
1. TOPOGRAPHY BY PAUL F. JENNINGS (LS 8443) AND WAS USED IN THE PREPARATION OF THIS MAP AND FIELD SURVEY POINTS OF AUGUST 16, 2013.

PAUL F. JENNINGS - LS 8443
211 CHURCH AVE SUITE A
CHULA VISTA, CA 91910
PHONE: (619) 585-8078

- GROSS ACREAGE IS 0.17 ACRES NET ACREAGE IS 0.17 ACRES
- THE NUMBER OF EXISTING LOTS IS TWO AND THE PROPOSED NUMBER IS ONE.
- ONE PARCEL IS PROPOSED WITH 2 RESIDENTIAL UNITS, EACH WITH 3 BEDROOMS, TOTAL LOT SIZE IS 7250 S.F.
- EXISTING AND PROPOSED ZONING IS RM-1-1
- DOMESTIC WATER: CITY OF SAN DIEGO
- SANITARY SEWER: EACH UNIT WILL BE SERVED BY PUBLIC SEWERS
- ESTIMATED CUT = 0 C.Y., FILL = 0 C.Y., EXPORT = 0 C.Y.
- THIS IS A SOLAR SUBDIVISION. ALL LOTS HAVE AT LEAST 100 SQUARE FEET OF UNOBSTRUCTED ACCESS TO SUNLIGHT ON THE BUILDABLE PORTION OF THE LOT
- REQUEST A WAIVER OF THE TENTATIVE AND FINAL PARCEL MAP PER SECTION 125.0120 (A) OF THE SAN DIEGO MUNICIPAL CODE. THE SUBJECT PROPERTY WAS PREVIOUSLY MONUMENTED BY THE SAN DIEGO MUNICIPAL CODE. THE SUBJECT PROPERTY WAS PREVIOUSLY MONUMENTED BY BLDG. 1 WAS BUILT IN 1956 AND REMODELED IN 2014. BLDG. 2 IS CONSTRUCTED IN 2014.
- TRASH & RECYCLE BINS TO BE STORED IN GARAGE AND WILL MEET THE CITY REQUIREMENTS FOR ALLEY PICKUP.
- ALL PROPERTY CORNERS WILL BE SET AND A CONSOLIDATION PARCEL MAP WILL BE FILED UPON APPROVAL OF THE TENTATIVE MAP WAIVER. A DETAILED PROCEDURE OF SURVEY WILL BE SHOWN ON THE CONSOLIDATION MAP.
- APPLICANT SHALL INSTALL A CURRENT CITY STANDARD STREET LIGHT IN A LOCATION ACCEPTABLE TO THE CITY BUILDING ENGINEER.

LEGEND:

PROPERTY LINE / TMW BOUNDARY	---
RIGHT-OF-WAY	---R/W---
EXISTING CONTOURS	---1.35---
EXISTING SPOT ELEVATIONS	---143.5---
OVERHEAD ELECTRIC	---E---
OVERHEAD TELEPHONE	---T---
WATER MAIN	---W---
SEWER MAIN	---S---
FENCE	---X---
BLOCK RETAINING WALL	--- ---
WATER METER	---WM---
SEWER MAN HOLE	---SMH---
CENTERLINE	---C/L---
ALPHALT SURFACE	---AC---
SUBDIVIDER SHALL DEDICATE & IMPROVE AN ADDITIONAL 2.5' OF REAL PROEYTY ADJACENT TO THE ALLEY PER PTS 347897 & 38121-B (SEE TYPICAL SECTION PCC ALLEY)	---2.5' A---
EXIST. TREE & BOLL SIZE	---1.5'---
CONCRETE SURFACE (PCC)	---PCC---

PROPERTY CORNERS:
INDICATES FOUND LEAD & TAG AS NOTED

PREPARED FOR:
GREG HOUSKA
5018 HELIX TERRACE
SAN DIEGO, CA 92191

PREPARED BY:
ERB & ASSOCIATES, LLC
12320 STOWE DRIVE, STE. E
POWAY, CA 92064
PHONE: (858) 748-2130
FAX: (858) 748-2133

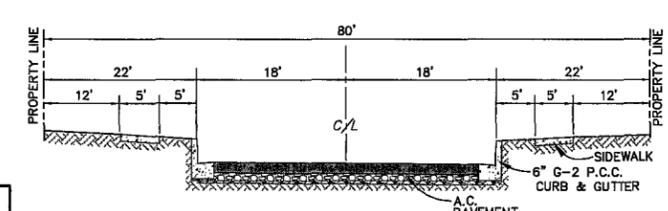
DATE: 1/15/15

PROJECT ADDRESS:
871 & 873 AGATE STREET
SAN DIEGO, CA. 92109

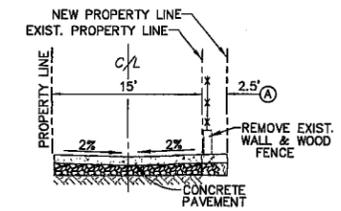
BENCHMARK:
FOUND BRASS PLUG AT THE NW QUAD. INTERSECTION OF AGATE ST. AND LA JOLLA MESA DR. PER SAN DIEGO BENCHMARK BOOK ELEVATION: 119.73 M.S.L. NGVD 29

REVISION 14:	
REVISION 13:	
REVISION 12:	
REVISION 11:	
REVISION 10:	
REVISION 9:	
REVISION 8:	
REVISION 7:	
REVISION 6:	
REVISION 5:	
REVISION 4:	
REVISION 3:	1/7/15
REVISION 2:	10/20/14
REVISION 1:	

ORIGINAL DATE: 8/14/14



TYPICAL SECTION AGATE STREET
NOT TO SCALE



TYPICAL SECTION PCC ALLEY
NOT TO SCALE

A-SUBDIVIDER SHALL DEDICATE & IMPROVE AN ADDITIONAL 2.5' OF REAL PROPERTY ADJACENT TO THE ALLEY PER PTS 374697 & RIGHT-OF-WAY DEDICATION PLAN 38121-B PER CITY STANDARD G-21 FOR CONCRETE ALLEYS.

	GROSS FLOOR AREA (GFA)	
	BLDG. 1	BLDG. 2
LIVING GR. FLOOR	1257 S.F.	644 S.F.
LIVING UPPER	0 S.F.	1085 S.F.
GARAGE	380 S.F.	441 S.F.
TOTAL	1637 S.F.	2170 S.F.

BLDG. 1 FOOTPRINT = 1637 S.F.
BLDG. 2 FOOTPRINT = 1085 S.F.
TOTAL BUILDING FOOTPRINTS = 2722 S.F.

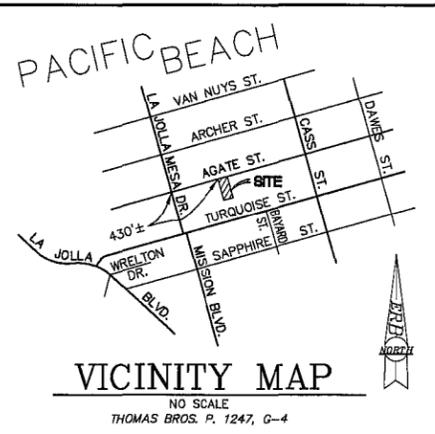
	SETBACKS (FT)	
	RM-1-1	PROPOSED
FRONT	15' / 20'	-
SIDE	5' / 8'	5' / 10'
REAR (ALLEY)	7.5'	8'

UTILITIES	
WATER	UNDERGROUND
SEWER	UNDERGROUND
GAS	UNDERGROUND
ELECTRIC	OVERHEAD
TELEPHONE	OVERHEAD
CATV	OVERHEAD

BUILDING 1	BUILDING 2	REAR UNIT	FRONT UNIT
3 BEDROOMS 2 CAR GARAGE	3 BEDROOMS 2 CAR GARAGE	11-94362	12-25961
ONSITE PARKING IS TWO PARKING SPACES PER GARAGE. OFFSITE PARKING IS ON PUBLIC STREETS.		PTS NO. # 341462	350382
		COASTAL DEVELOPMENT PERMIT NO.	N/A

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

NOTE:
THERE ARE NO TENANTS ON SITE.



RESOLUTION NO. _____
DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE HEARING OFFICER
ADOPTING THE FINDINGS AND APPROVING
TENTATIVE MAP WAIVER NO. 1360305

871 AGATE MW – PROJECT NO. 386445

WHEREAS, Gregory L. Houska, Subdivider, and Matthew J. Miller, Engineer, submitted an application with the City of San Diego for Map Waiver No. 1360305, to waive the requirement for a Tentative Map by a tentative map waiver to allow the consolidation of two lots into one lot to create two residential condominium units and waive the undergrounding of existing overhead utilities. The project site is located at 871 Agate Street in the RM-1-1 Zone of the Pacific Beach Community Plan area. The property is legally described as Lots 46 and 47, Block 6, Pacific Beach Vista Tract, according to Map thereof No. 916, filed August 4, 1904; and

WHEREAS, the map proposes the consolidation of two lots into one lot for a two unit residential condominium conversion on a 0.17 acre site; and

WHEREAS, on March 18, 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 15305; and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code section 112.0520; and

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

WHEREAS, the request to waive the undergrounding of existing overhead utilities has been determined to be appropriate pursuant to San Diego Municipal Code section 144.0242(c) based on The requested underground waiver of the existing overhead facilities qualifies under the guidelines of San Diego Municipal Code Section 144.0242(c) Waiver of the Requirements to Underground Privately Owned Utility Systems and Services 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; and

WHEREAS, on April 29, 2015, the Hearing Officer of the City of San Diego considered Tentative Map Waiver No. 1360305, including the waiver of the requirement to underground existing offsite overhead utilities, and pursuant to sections 125.0122, 125.0444 and 144.0240 of the San Diego Municipal Code and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Hearing Officer having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Tentative Map Waiver No. 1360305:

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

The Pacific Beach Community Plan and Local Coastal Program designate the proposed project site for Low Density Residential at a density range of two to five dwelling units per acre. The proposed project is consistent with this designation and density range. The proposed tentative map is consistent with the policies, goals, and objectives of the Pacific Beach Community Plan.

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

The Agate MW project proposes the consolidation of two lots into one lot for a two unit residential condominium conversion on a 0.17 acre site. No development will result from the subdivision of the site. The site is developed with two single family structures and all improvements have been made to the site. The site is zoned RM-1-1. The proposed tentative map is consistent with all the development regulations of the RM-1-1 zone. No deviations are proposed or required to approve the tentative map waiver.

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

The Agate MW project proposes to subdivide a 0.17 acre site into two parcels. No development will result from the subdivision of the site. The site is developed with two single family structures and all improvements have been made to the site. The site is within an urbanized portion of the city developed since the early 1950's with residential single family uses and no new development is proposed. The tentative map waiver proposes a residential density within the density range designated by the Pacific Beach Community Plan.

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

The Agate MW project proposes to subdivide a 0.17 acre site into two parcels. No development will result from the subdivision of the site. The site is developed with two single family structures and all improvements have been made to the site. The site is within an urbanized portion of the city developed since the early 1950's with residential single family uses and no new development is proposed. The tentative map waiver will have no impact which would cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat as sensitive environmental resources do not exist on the site.

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

The Agate MW project proposes the consolidation of two lots into one lot for a two unit residential condominium conversion on a 0.17 acre site. No development will result from the subdivision of the site. The site is developed with two single family structures and all improvements have been made to the site. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare in that no development will result from the subdivision of the site.

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

The Agate MW project proposes the consolidation of two lots into one lot for a two unit residential condominium conversion on a 0.17 acre site. No development will result from the subdivision of the site. The site is developed with two single family structures and all improvements have been made to the site. The Project site contains no public easements for access or use of the property, therefore the design of the subdivision will not conflict with any easements acquired by the public at large for access through or use of property within the proposed subdivision as none exist.

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

The Agate MW project proposes the consolidation of two lots into one lot for a two unit residential condominium conversion on a 0.17 acre site. No development will result from the subdivision of the site. The site is developed with two single family structures and all improvements have been made to the site. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in that no development will result from the subdivision of the site, yet future improvement to the existing structures could result in additional passive or natural heating and or cooling modalities and technologies.

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

The Agate MW project proposes to subdivide a 0.17 acre site into two parcels. No development will result from the subdivision of the site. The site is developed with two single family structures and all improvements have been made to the site. In that no development will result from the subdivision of the site, the proposed subdivision will have no effect on the housing needs of the region, the needs for public services and the available fiscal and/or environmental resources. All public services necessary for supporting the community are existing, the subdivision will have a positive impact upon the available fiscal resources through the increase in property taxes collected from the owner, and there are no environmental resources present on the site.

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

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Hearing Officer, Tentative Map Waiver No. 1360305, is hereby granted to Gregory L. Houska subject to the attached conditions which are made a part of this resolution by this reference.

By

John S. Fisher
Development Project Manager
Development Services Department

ATTACHMENT: Tentative Map Waiver

Internal Order No. 24005060

**HEARING OFFICER
CONDITIONS FOR MAP WAIVER NO. 1360305
871 AGATE MW - PROJECT NO. 386445
ADOPTED BY RESOLUTION NO. _____ ON APRIL 29, 2015**

GENERAL

1. This Map Waiver will expire April 29, 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 Map Waiver 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.
4. Prior to the recordation of the Parcel Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. A current original tax certificate, recorded in the office of the San Diego County Recorder must be provided to satisfy this condition.
5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify the Subdivider of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not be required to pay or perform any settlement unless such settlement is approved by the Subdivider.

AFFORDABLE HOUSING

6. The Subdivider shall comply with the provisions of Chapter 14, Article 2, Division 13 of the San Diego Municipal Code ("Inclusionary Affordable Housing Regulations") by paying the Condominium Conversion Inclusionary Affordable Housing Fee in one of the following manners:
 - a. Deferring payment of the Condominium Conversion Inclusionary

Affordable Housing Fee until the close of escrow of the first condominium sold at the development by entering into a written agreement with the San Diego Housing Commission securing payment of the Condominium Conversion Inclusionary Affordable Housing Fee, which shall be recorded against the development and secured by a recorded deed of trust in favor of the San Diego Housing Commission. If the Subdivider elects future payment of the Condominium Conversion Inclusionary Affordable Housing, the fee shall be calculated using the rate in effect at the close of escrow of the first condominium unit sold at the development; or

b. Pre-paying the Condominium Conversion Inclusionary Affordable Housing Fee to the City based upon the aggregate square footage of all residential units in the project. If the Subdivider pre-pays the Condominium Conversion Inclusionary Affordable Housing, the fee shall be calculated using the rate in effect on the date of pre-payment.

ENGINEERING

7. The Subdivider shall ensure that all onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
8. The Subdivider shall dedicate and improve an additional 2.5 feet of the adjacent alley per PTS 374697 & Right-of-Way Dedication Plan 38121-B, to the satisfaction of the City Engineer.
9. The Subdivider shall reconstruct the existing driveway per approved Construction Plan per Project Tracking System No. 371908, adjacent to the site on Agate Street, satisfactory to the City Engineer.
10. Per the City of San Diego Street Design Manual-Street Light Standards, and Council Policy 200-18, the Subdivider shall install a current City Standard street light at the west property line extended, adjacent to the site on Agate Street, satisfactory to the City Engineer.
11. The Subdivider shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. Back flow prevention devices shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.

12. The Subdivider shall provide a letter, agreeing to prepare CC&R's for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot, satisfactory to the City Engineer.
13. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
14. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
15. The Subdivider shall comply with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980. Only those exceptions to the General Conditions which are shown on the Map Waiver and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

16. A consolidation Parcel Map is required, to the satisfaction of the City's Land Surveyor.
17. "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).
18. "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."
19. Every Parcel 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 First Order accuracy. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

INFORMATION:

- The approval of this Tentative Map Waiver by the Hearing Officer of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 *et seq.*).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Tentative Map Waiver will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map Waiver, may protest the imposition within 90 days of the approval of this Tentative Map Waiver by filing a written protest with the San Diego City Clerk pursuant to Government Code Sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Internal Order No. 24005060

Project No. 386445
 MW No. 1360305
 April 29, 2015

Page 4 of 4

NOTICE OF EXEMPTION

ATTACHMENT 7

(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.: 386445

PROJECT TITLE: Agate Map Waiver

PROJECT LOCATION-SPECIFIC: The project is located at 871 Agate Street, San Diego CA 92109 within the Pacific Beach Community Plan area.

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

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: The project consists of a Map Waiver for the condominium conversion of one existing residential dwelling unit and the creation of a condominium for an additional unit that is currently under construction. The project would be located on a developed 0.17 acre site and access would be taken from Agate Street and a rear alley. The proposed units comply with all height and bulk regulations and would be served by existing public utilities.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Don Ayles (ERB Engineering) 12320 Stowe Drive Suite E, Poway CA 92064. (858) 748-2130.

EXEMPT STATUS: (CHECK ONE)

- () MINISTERIAL (SEC. 21080(b)(1); 15268);
() DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a));
() EMERGENCY PROJECT (SEC. 21080(b)(4); 15269 (b)(c)..
(X) CATEGORICAL EXEMPTION: 15305 (Minor Alterations in Land Use Limitations)
() STATUTORY EXEMPTION:

REASONS WHY PROJECT IS EXEMPT: The City of San Diego conducted an environmental review and determined that the project would qualify to be Categorically exempt from CEQA pursuant to Section 15305(Minor Alterations). 15305 allows for the minor alterations in land use limitations as long as the area does not contains average slopes greater than 20 percent and would not result in changes in land use density. Since the project would result in the conversion of previously approved units into condominiums on land that does not contain slopes greater than 20 percent and would not increase density the exemption is appropriate. Because the project lacks sensitive resources the exceptions listed in section 15300.2 do not apply.

LEAD AGENCY CONTACT PERSON: JEFFREY SZYMANSKI

TELEPHONE: 619 446-5324

IF FILED BY APPLICANT:

- 1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.
2. HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT?
() YES () NO

IT IS HEREBY CERTIFIED THAT THE CITY OF SAN DIEGO HAS DETERMINED THE ABOVE ACTIVITY TO BE EXEMPT FROM CEQA

SIGNATURE/TITLE: [Handwritten Signature] / SENIOR PLANNER

DATE: 3/18/2015

CHECK ONE:

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

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:



S.R. Bradley & Associates, Inc.

814 Morena Blvd., Suite 209, San Diego, CA 92110-2633 Phone: (619) 295-6102 Fax: (619) 295-4428

November 20, 2014

Mr. Pancho Mendoza, Development Project Manager
City of San Diego Development Services
1222 First Avenue
San Diego, CA 92101

RE: Building Conditions Report PTS #386445
Front Dwelling
871 Agate Street
San Diego, CA 92109

Rear Dwelling
873 Agate Street
San Diego, CA 92109

Site Information:

Lot dimensions (per Tentative Map Waiver prepared by ERB & Associates):

Depth: 145.00' (easterly side) & 145.01' (westerly side)

Street Frontage: 50.03'

Width: 50' (Note: 2 legal lots #46 & #47 @ 25' wide, each.)

Other Relevant Conditions:

1. Lot abuts 15'-0" wide concrete paved alley in rear.
2. Lot abuts existing 80'-0" wide improved right-of-way (R.O.W.), with asphalt paved street, concrete curb, gutter and sidewalk at front right-of-way.
3. Existing approximate building area at front detached 1 story dwelling & garage: 1,654.54 sq. ft. (per Tentative Map prepared by ERB & Associates) Existing approximate building area at rear detached dwelling: 1,807 sq. ft. 2 story dwelling plus 441 sq. ft. garage (per construction drawings prepared by ARCE Services, dated 12-10-13, provided by County Assessors Office).
4. Existing concrete driveway apron & approach at front curb, approx. 19'-0" wide.
5. Existing Storm Drain Easement crosses property diagonally southwesterly to northeasterly, 10' wide (per Tentative Map prepared by ERB & Associates).
6. Adjacent City Water Main Access (per Tentative Map prepared by ERB & Associates):
 - a. Main in Agate Street. R.O.W., 1 water meter observed at front.
7. Adjacent City Sewer Main Access (per Tentative Map prepared by ERB & Associates):

- a. Sewer main in Alley R.O.W., 1 lateral indicated to R.O.W., with branch lines to each dwelling (per Tentative Map prepared by ERB & Associates).
8. (1) Gas meter observed on property at sideyard, second gas lateral indicated (per Tentative Map prepared by ERB & Associates).
9. (1) Electric meter observed, (1) 100A Main Panel observed at front dwelling. Second electric meter indicated at rear dwelling, not observed. It should be noted that the rear dwelling and garage are currently under construction at this time. Structure is framed and 'dried-in' with browncoat stucco & finish roofing at exterior.
10. Original construction date: Front dwelling: Circa 1956 (Per County Assessor Building Records). Rear dwelling: Circa 2014 (Observed under construction at this time.)

Zone Designation: RM-1-1

Lot Area: 7,254.60 sq. ft.

Front Dwelling:

Per our site visit of October 27, 2014 and our visual observations, I can state that the following critical building components and items to be in good condition:

Roof finish: Appears new composition asphalt shingles in good condition, with edge flashing and roof jack flashing at plumbing penetrations. No visible signs of water leaks were observed. No gutters were observed..

Exterior walls: Appears new colorcoat stucco overall on wood framed construction, with enclosed stucco eaves to fascia line. Walls appear sound and in good condition with limited hairline cracking. Wood 1x fascia was newly painted.

Foundation: Existing dwelling is a combination of slab on grade and raised wood floors with perimeter concrete stemwalls. All visible foundations and floor framing were observed in good condition with no visible flaws. Footings show no signs of distress and/or settlement.

Electrical: New 100A electrical main panel observed at rear wall. Panel is not energized at this time. New interior light fixtures observed at all areas, with new switch plates and outlets. GFIC outlets are present at kitchen and bathrooms. All electrical was untested, however, when energized, it can be expected to be in good condition.

Plumbing: New plumbing fixtures and faucets were observed in all locations. Water was tested and all sinks, toilets and bath/shower valves drain. DWV was observed as new ABS and in one location ABS drain line was exposed and observed underfloor. All plumbing observed was in good condition.

Mechanical: A new forced air unit was observed in the attic area, with new insulated flex ducting. It was unclear if this was a cooling air conditioner as well, as the thermostat indicated cooling as well. When energized, (See Electrical) this unit will be in good condition.

Interior Cabinetry: All kitchen, bathroom and closet cabinetry was observed in new condition.

Insulation: Attic insulation only was observed with new R-30 batt and blown-in insulation. Insulation was in good condition. No insulation was observed in underfloor spaces.

Exterior walkways/Patios: Concrete entry and rear patio decks, & sideyard walkway was observed as new concrete slabs in good condition.

Lateral resisting construction: Due to the age of the primary structure, the lateral resisting system most likely involves stucco shear walls over wood framing. As previously stated, little cracking was observed in the stucco. Exterior walls have small openings and long wall areas that offer good lateral resistance in both orthogonal directions.

Finally, the entire dwelling & garage interior walls and ceilings have new paint, and all floors have new wood floor finish and tile at bathrooms, giving the dwelling a 'like-new' finish.

The building and its critical components are in good, service-able condition with no apparent flaws or problems. Therefore, the building and its critical components have an apparent useful life of at least 10 years.

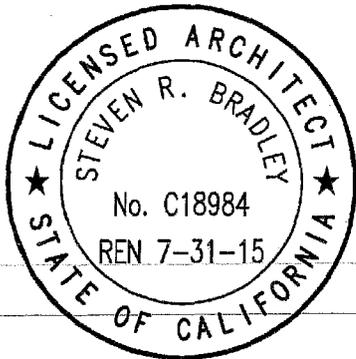
Rear Dwelling:

Per our site visit of October 27, 2014 and our visual observations, it is apparent that the rear dwelling is under construction, built to current Building Codes. Since ongoing City inspections are taking place on this structure, I would refer to the City of San Diego Inspection Card for approvals. However, it can be expected, upon Final Inspection, that the building and its critical components will have a useful life of at least 15 years.

Sincerely,
S.R. BRADLEY & ASSOCIATES, INC.



Steven R. Bradley, AIA





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

Community Planning
 Committee
 Distribution Form Part 2

Project Name: 871 Agate MW	Project Number: 386445	Distribution Date: 10/31/2014
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Project Scope/Location:
 PACIFIC BEACH Map Waiver (Process 3) for the condominium conversion of one existing residential dwelling unit and one under construction residential dwelling unit for a total of 2 residential condominium units located at 871 Agate St. The 0.17 acre lot is located in the RM-1-1 zone of the Pacific Beach Community Plan Area. Council District 2.

Applicant Name: Don Ayles	Applicant Phone Number: (858) 748-2130
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Project Manager: Sandra Teasley	Phone Number: (619) 446-5271	Fax Number: (619) 446-5245	E-mail Address: STeasley@sandiego.gov
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Committee Recommendations (To be completed for Initial Review):

<input checked="" type="checkbox"/> Vote to Approve	Members Yes 11	Members No 2	Members Abstain 1
<input type="checkbox"/> Vote to Approve With Conditions Listed Below	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Deny	Members Yes	Members No	Members Abstain
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			<input type="checkbox"/> Continued

CONDITIONS:

NAME: Brian Curry	TITLE: Chair
SIGNATURE:	DATE: 12/2/14

Attach Additional Pages If Necessary.

Please return to:
 Project Management Division
 City of San Diego
 Development Services Department
 1222 First Avenue, MS 302
 San Diego, CA 92101

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



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

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 **Project No. For City Use Only**
386445
 Condo Conversion

Project Address:
 871 Agate St., San Diego, CA. 92109

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):
 Gregory L. Houska
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 5018 Helix Terrace
 City/State/Zip:
 La Mesa, CA. 91941
 Phone No: (619) 933-4775 Fax No:
 Signature: *[Signature]* Date: 8/14/14

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:

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

Project Title:	Project No. (For City Use Only)
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Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

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

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property.. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. **Additional pages attached** Yes No

Corporate/Partnership Name (type or print): _____

Owner Tenant/Lessee

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

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

Title (type or print): _____

Signature : _____ Date: _____

Corporate/Partnership Name (type or print): _____

Owner Tenant/Lessee

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

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

Title (type or print): _____

Signature : _____ Date: _____

Corporate/Partnership Name (type or print): _____

Owner Tenant/Lessee

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

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

Title (type or print): _____

Signature : _____ Date: _____

Corporate/Partnership Name (type or print): _____

Owner Tenant/Lessee

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

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

Title (type or print): _____

Signature : _____ Date: _____

Corporate/Partnership Name (type or print): _____

Owner Tenant/Lessee

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

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

Title (type or print): _____

Signature : _____ Date: _____

Corporate/Partnership Name (type or print): _____

Owner Tenant/Lessee

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

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

Title (type or print): _____

Signature : _____ Date: _____

