



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: December 16, 2015 REPORT NO. HO 15- 144

ATTENTION: Hearing Officer

SUBJECT: KEATS TOWNHOMES MAP WAIVER  
PTS PROJECT NUMBER: 434210

LOCATION: 3125-3131 Keats Street

APPLICANT: 3125 Keats LLC, Property Owner (Attachment 9);  
Justin Brennan, Applicant/Managing member

### SUMMARY

Issue(s): Should the Hearing Officer approve creation of a four-unit residential condominium within the Peninsula Community Planning area?

Staff Recommendation - **APPROVE** Map Waiver No. 1527680.

Community Planning Group Recommendation - On September 17, 2015, the Peninsula Community Planning Board voted 11-0-0 to recommend approval of the project without conditions (Attachment 8).

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15315 – Minor Land Divisions. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on November 19, 2015, and the opportunity to appeal that determination ended December 4, 2015 (Attachment 7).

### BACKGROUND

The subject site is located at 3125-3131 Keats Street in the RM-3-7 and Coastal Height Limit Overlay zones of the Peninsula Community Plan and Local Coastal Program (Plan) (Attachment 1). The RM-3-7 zone allows multi-family residential development at a density of one dwelling unit per 1000 square feet of lot area. The site is designated by the Plan for Residential uses at a density range of 30 - 45 dwelling units per acre (du/ac), allowing for four units to be built on the

0.115-acre property, or 35 du/ac (Attachment 2). The surrounding area is primarily developed with one and two-story single and multi-family residential development along Keats Street (Attachment 3).

The 4-unit residential building under construction was approved by Development Services on October 5, 2015, under Project No. 392788 (Building and Construction Permits). Public Improvements including new driveway, sidewalks, and landscaping were required as part of the building permit approval and are under construction.

The proposed subdivision qualifies for a Map Waiver (to waive the requirement for a Tentative Map and Parcel Map) pursuant to San Diego Municipal Code (SDMC) Section 125.0121 for the creation of four residential condominium interests on a single, previously mapped and monumented parcel.

### DISCUSSION

The project proposes to subdivide the property into four (4) condominium interests, including a waiver to the requirement to underground existing overhead utilities. The project will include a total of eight (8) parking spaces within below-grade garages, with all parking to be accessed from Keats Street.

Residential development within the vicinity is predominantly multi-unit (2-4 units), two-story, residential development. The project complies with the RM-3-7 zone and applicable regulations of the Land Development Code, including setbacks, floor area ratio, landscaping, parking and height.

City staff has determined the undergrounding waiver request qualifies 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 draft Map Waiver conditions (Attachment 6).

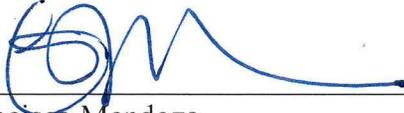
### CONCLUSION

Staff has determined that the project complies with the development regulations of all applicable sections of the Land Development Code. Staff has determined that the required findings can be made as the project meets the applicable San Diego Municipal Code regulations and requirements. Staff recommends approval of the project as proposed.

ALTERNATIVE

1. Approve Map Waiver No. 1527680, with modifications.
2. Deny Map Waiver No. 1527680, if the findings required to approve the project cannot be affirmed.

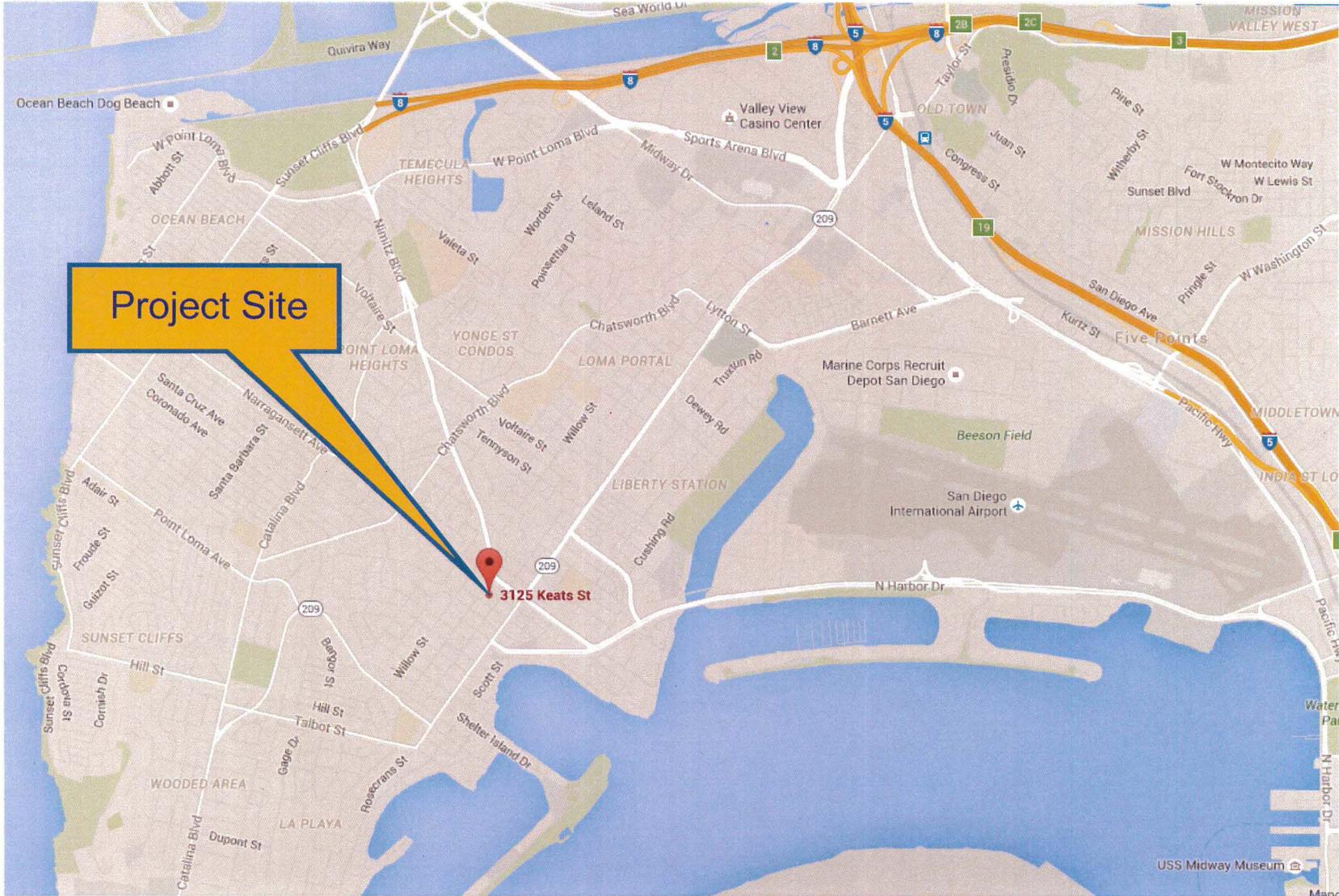
Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'FM', written over a horizontal line.

Francisco Mendoza,  
Development Project Manager

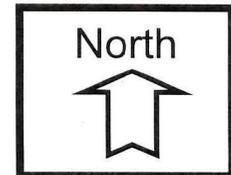
Attachments:

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

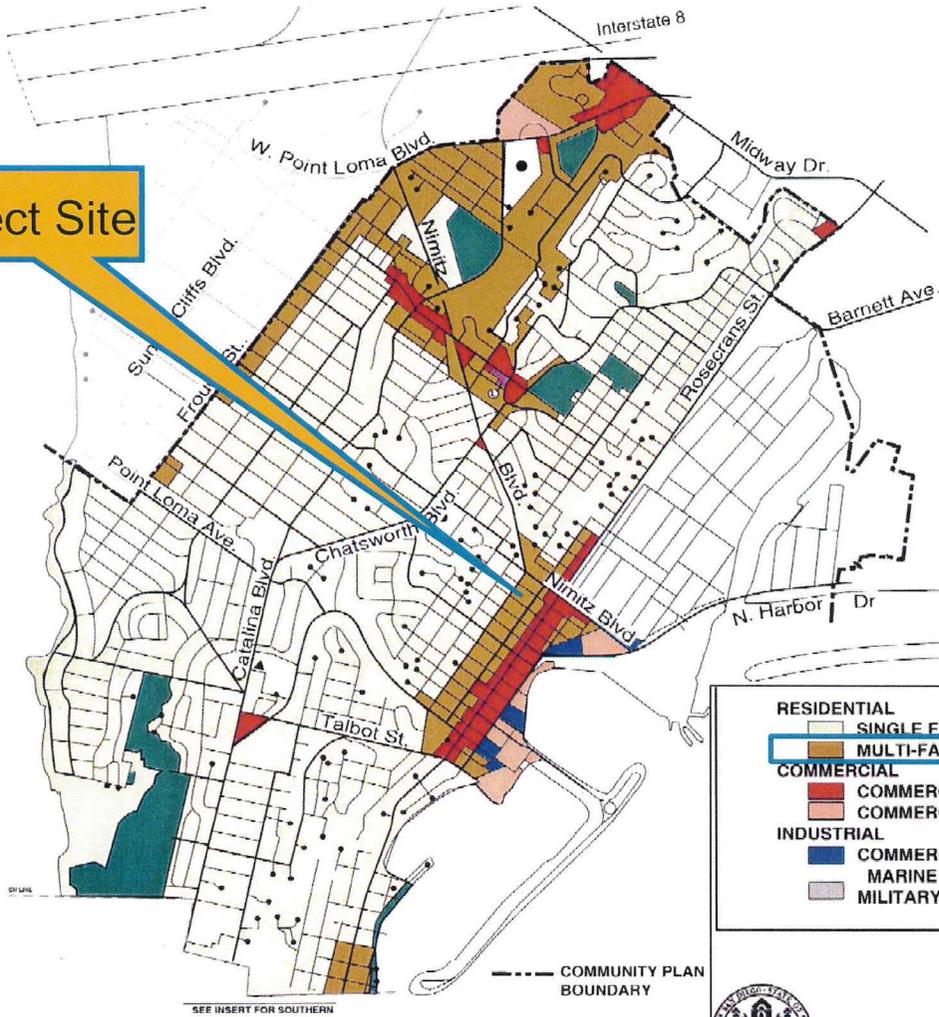


# Project Location Map

Keats Townhomes Map Waiver / 3125 Keats Street  
**PROJECT NO. 434210**



**Project Site**



SEE INSERT FOR SOUTHERN PENINSULA AREA

<b>RESIDENTIAL</b>	<b>SEE INSERT FOR SOUTHERN PENINSULA AREA</b>	<b>PUBLIC / SEMI-PUBLIC</b>
<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: yellow; border: 1px solid black; margin-right: 5px;"></span> SINGLE FAMILY</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: orange; border: 1px solid black; margin-right: 5px;"></span> MULTI-FAMILY</li> </ul>		<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: lightgreen; border: 1px solid black; margin-right: 5px;"></span> PARK</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: darkgreen; border: 1px solid black; margin-right: 5px;"></span> SCHOOL</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; border-style: dashed; margin-right: 5px;"></span> NATIONAL CEMETARY</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; border-style: dotted; margin-right: 5px;"></span> PUBLIC LIBRARY</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; border-style: dashed; margin-right: 5px;"></span> HISTORIC SITE</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; border-style: dotted; margin-right: 5px;"></span> FIRE STATION</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; border-style: dotted; margin-right: 5px;"></span> SPECIAL STUDY AREA</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; border-style: dotted; margin-right: 5px;"></span> FUTURE SCHOOL SITE (EXACT LOCATION TO BE DETERMINED)</li> </ul>
<b>COMMERCIAL</b>		
<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: red; border: 1px solid black; margin-right: 5px;"></span> COMMERCIAL</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: lightcoral; border: 1px solid black; margin-right: 5px;"></span> COMMERCIAL / RECREATION</li> </ul>		
<b>INDUSTRIAL</b>		
<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: blue; border: 1px solid black; margin-right: 5px;"></span> COMMERCIAL FISHING</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: grey; border: 1px solid black; margin-right: 5px;"></span> MARINE RELATED INDUSTRY</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: grey; border: 1px solid black; margin-right: 5px;"></span> MILITARY RELATED INDUSTRY</li> </ul>		

--- COMMUNITY PLAN BOUNDARY

SEE INSERT FOR SOUTHERN

 **Peninsula Community Plan**  
CITY OF SAN DIEGO • PLANNING DEPARTMENT



# Land Use Map

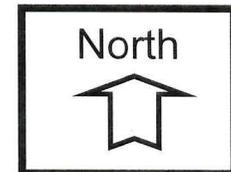
**Keats Townhomes Map Waiver / 3125 Keats Street**  
**PROJECT NO. 434210**





## Location Aerial Photo

Keats Townhomes Map Waiver / 3125 Keats Street  
PROJECT NO. 434210



## PROJECT DATA SHEET

<b>PROJECT NAME:</b>	Keats Townhomes MW	
<b>PROJECT DESCRIPTION:</b>	Creation of 4 unit condominium residences under construction (approved under PTS 392788).	
<b>COMMUNITY PLAN AREA:</b>	Peninsula	
<b>DISCRETIONARY ACTIONS:</b>	Map Waiver (Process 3)	
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	Multi-Family Residential (Allows residential development density of 30-45 dwelling units per acre).	
<b><u>ZONING INFORMATION:</u></b> <b>ZONE:</b> RM-3-7: (A multi-unit residential zone that permits 1 dwelling unit for each 1,000 square-feet of lot area) <b>HEIGHT LIMIT:</b> 30-Foot maximum height limit (Limited by Coastal Height Limit Overlay Zone). <b>LOT SIZE:</b> 7,000 square-foot minimum lot size. <b>FLOOR AREA RATIO:</b> 1.80 maximum. <b>FRONT SETBACK:</b> 10/20 feet (min/std). <b>SIDE SETBACK:</b> 5 feet. <b>STREETSIDE SETBACK:</b> 10 feet. <b>REAR SETBACK:</b> 5 feet. <b>PARKING:</b> 8 parking spaces required.		
<b><u>ADJACENT PROPERTIES:</u></b>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	Multi-Family Residential; RM-3-7.	Multi-Unit MultiFamily Residential
<b>SOUTH:</b>	Multi-Family Residential; RM-3-7..	Single and Multifamily Residential
<b>EAST:</b>	Multi-Family Residential; RM-3-7.	Single Family Residential
<b>WEST:</b>	Multi-Family Residential; RM-3-7.	Single Family Residential
<b>DEVIATIONS OR VARIANCES REQUESTED:</b>	N/A	
<b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b>	On September 17, 2015, the Peninsula Community Planning Board voted unanimously (11-0) to approve this project, with no conditions.	

RESOLUTION NO. \_\_\_\_\_  
DATE OF FINAL PASSAGE \_\_\_\_\_

A RESOLUTION OF THE HEARING OFFICER  
ADOPTING THE FINDINGS AND APPROVING MAP  
WAIVER NO. 1527680 FOR KEATS TOWNHOMES  
MW – PROJECT NO. 434210

WHEREAS, 3125 KEATS LLC, Subdivider, and ANDREW E. LAMBERT, Engineer, submitted an application with the City of San Diego for Map Waiver No. 1527680, to waive the requirement for a Tentative Map for the creation of a 4-unit residential condominium development under construction and to waive the requirement to underground existing offsite overhead utilities. The project site is located at 3125-3131 Keats Street, between Evergreen and Locust Street, in the RM-3-7 zone of the Peninsula Community Planning Area and Local Coastal Program. The property is legally described as Lot 10 in Block 90 of Roseville, Map No. 165; and

WHEREAS, the Map proposes the subdivision of a 0.115-acre site into one (1) lot for a four (4) unit residential condominium development; and

WHEREAS, on November 19, 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 15315, Minor Land Divisions; and there was no appeal of the Environmental

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 project consists of four (4) units under construction for which Certificates of Occupancy have not been issued; and

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

WHEREAS, the request to waive the undergrounding of existing overhead utilities has been determined to be appropriate pursuant to San Diego Municipal Code section 144.0242(c) based on 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 December 16, 2015, the Hearing Officer of the City of San Diego considered Map Waiver No. 1527680, including the waiver of the requirement to underground existing offsite overhead utilities, and pursuant to sections 125.0122 (map waiver) and 144.0240 (underground) of the San Diego Municipal Code and Subdivision

Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Hearing Officer having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Map Waiver No. 1527680:

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

The project proposes to create four, two-bedroom condominiums located at 3125-3131 Keats Street in the RM-3-7 zone of the Peninsula Community Plan. The proposed project is consistent with the residential land use designations of the Peninsula Community Plan by continuing to maintain a density range of 30-45 dwelling units per acre (du/ac). The 0.115-acre property has 4 residential units under construction, or 35 du/ac. The proposed residential condominiums would meet the goals of the Peninsula Community Plan by providing the appropriate residential density. The under-construction 4-unit residential development will meet the land use regulations of the certified Implementation Program including compliance to the San Diego Municipal Code development regulations to include but not limited to height, setbacks, landscape, and, floor area ratio. Therefore, the proposed subdivision and its design or improvement is consistent with the policies, goals, and objectives of the applicable land use plan

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

No new development will result from the subdivision of the site. The site is under construction with 4 residential units and all public and private improvements are existing or under construction. The proposed project meets all land development requirements of 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 guidelines 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 and the conversion would not represent a logical extension to an underground facility. No deviations are proposed or

required to approve the map waiver. Therefore, the project complies with the applicable zoning and development regulations of the Land Development Code.

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

The project site is flat and has been previously graded. The site has frontage along, and access to below-grade parking from Keats Street. Adjacent to the site are one and two-story single family and multi-family developments. The RM-3-7 zone allows one dwelling unit for every 1,000 square feet of site area, and the existing 0.115-acre site can accommodate four dwelling units. The Peninsula Community Plan designates the site as residential at a range of 30-45 dwelling units per acre. The creation of four condominium units for the site is within the community plan's density range at 35 du/ac. Therefore, the site is physically suitable for the type and density of the development.

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

The project is located within an urbanized and built 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.**

The project has been reviewed and determined to be in compliance with the Municipal Code and Subdivision Map Act. The Map Waiver includes conditions and corresponding exhibits 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 15305 of the State CEQA Guidelines. Therefore the project will not be detrimental to the public health, safety, and welfare.

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

The proposed subdivision does not contain or propose any new easements for the development. Keats Street fronts the property to the northeast and residential uses surround the property. The subdivision does not require additional public improvements

and all onsite utilities must be undergrounded. Therefore, the design of the subdivision and proposed improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision

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

The proposed subdivision will not impede or inhibit any future passive or natural heating and cooling opportunities. The design of the subdivision has taken into account the best use of the land to minimize grading and provide natural heating and cooling for each dwelling unit. Each unit is exposed on two sides (west and east) allowing for passive heating through daylight openings. Those openings also provide for passive cooling through cross-ventilation of the interior spaces. Therefore, the design of the proposed subdivisions provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

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

The project site currently contains four under-construction dwelling units. The applicant has chosen the option of paying an in-lieu fee to the City to meet their affordable housing requirement rather than provide affordable dwelling units. 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 four 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. Retail shopping, including grocery markets, exist approximately one-and-a-half blocks southeast of the site along Rosecrans Street. Major streets, Rosecrans Street and Nimitz Boulevard, provide for vehicular and public transportation options. Shelter Island Shoreline Park and America's Cup Harbor are recreational areas within walking distance. Therefore, the housing needs of the region are balanced against the needs for public services and the available fiscal and environmental resources.

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

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Hearing Officer, Map Waiver No. 1527680, including the waiver of the requirement to underground existing offsite overhead utilities, is hereby granted to 3125 KEATS LLC, subject to the attached conditions which are made a part of this resolution by this reference.

By

\_\_\_\_\_  
Francisco Mendoza  
Development Project Manager  
Development Services Department

ATTACHMENT: Map Waiver Conditions  
Internal Order No. 24006056

HEARING OFFICER  
CONDITIONS FOR MAP WAIVER NO. 1527680  
**KEATS TOWNHOMES MW - PROJECT NO. 434210**

ADOPTED BY RESOLUTION NO. \_\_\_\_\_ ON DECEMBER 16, 2015

**GENERAL**

1. This Map Waiver will expire December 31, 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 Certificate of Compliance unless otherwise noted.
3. Prior to the Map Waiver expiration date, a Certificate of Compliance shall be recorded in the office of the County Recorder.
4. Prior to the recordation of the Certificate of Compliance, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify the Subdivider of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not be required to pay or perform any settlement unless such settlement is approved by the Subdivider.

**ENGINEERING**

6. 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.

7. The Subdivider shall construct the required Public Improvements per approved Right-of-Way Permit No.1471835 and No.1479003 including driveway and sidewalk, satisfactory to the City Engineer.
8. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
9. The Subdivider shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.
10. The Subdivider shall 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.
11. 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**

12. A Certificate of Compliance shall be requested once all resolution items of the approved Map Waiver have been satisfied and prior to the Map Waiver expiration date.
13. Prior to the issuance of a Certificate of Compliance, City staff will perform a field site visit to verify that all property corners, or property corner offsets have been set. If any property corners are missing, they must be set and a Corner Record or Record of Survey (whichever is applicable) shall be filed with the County Recorder pursuant to the Professional Land Surveyors Act. A copy of the Record of Survey or Corner Record shall be provided to the City.
14. “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).

15. "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."
16. Every Certificate of Compliance 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 Map Waiver by the Hearing Officer of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 *et seq.*).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Map Waiver will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Map Waiver, may

protest the imposition within 90 days of the approval of this Map Waiver by filing a written protest with the San Diego City Clerk pursuant to Government Code Sections 66020 and/or 66021.

- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Internal Order No. 24006056

NOTICE OF EXEMPTION

(Check one or both)

TO:  X  Recorder/County Clerk  
P.O. Box 1750, MS A-33  
1600 Pacific Hwy, Room 260  
San Diego, CA 92101-2422

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

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

Project No.: 434210

Project Title: Keats Townhomes MW

Project Location-Specific: 3125-3131 Keats Street, San Diego, CA 92106

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

Description of nature and purpose of the Project: TENTATIVE MAP WAIVER to waive the requirements for a Tentative Map for the creation of four residential condominium units (under construction) totaling 5,761 square feet and to waive the requirements to underground existing utilities at 3125-3131 Keats St. The 0.115 acre site is in the RM-3-7 zone and the Coastal Height Limitation Overlay Zone within the Peninsula Community Plan Area.

Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: Justin Brennan  
Brenson Co  
PO Box 132  
La Jolla, CA 92037  
(619) 823-2120

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: Class 15, Section 15315, Minor Land Divisions.
- Statutory Exemptions:

Reasons why project is exempt: The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA Guidelines Section 15315 that allow minor divisions of land into four or fewer parcels in conformance with the General Plan and zoning. Furthermore, the exceptions listed in CEQA Section 15300.2 would not apply.

Lead Agency Contact Person: Travis Cleveland

Telephone: (619) 446-5407

If filed by applicant:

- 1. Attach certified document of exemption finding.
- 2. Has a notice of exemption been filed by the public agency approving the project?  Yes  No

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

Senior Planner Jeff Lyman

Date 12/4/2015

Check One:  
 Signed By Lead Agency  
 Signed by Applicant

Date Received for Filing with County Clerk or OPR:



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

**Community Planning  
 Committee  
 Distribution Form Part 2**

Project Name: <b>KEATS TOWNHOMES MAP WAIVER</b>	Project Number: <b>434210</b>	Distribution Date: <b>09/21/15</b>
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Project Scope/Location:  
**3125-3131 KEATS ST. MAP WAIVER (PROCESS 3)  
 TO WAIVE REQUIREMENTS FOR A TENTATIVE MAP  
 TO CREATE FOUR RESIDENTIAL CONDOS (UNDER  
 CONSTRUCTION)**

Applicant Name:	Applicant Phone Number:
-----------------	-------------------------

Project Manager:	Phone Number:	Fax Number: (619) 321-3200	E-mail Address:
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Committee Recommendations (To be completed for Initial Review):

<input type="checkbox"/> Vote to Approve	Members Yes	Members No	Members Abstain
<input checked="" type="checkbox"/> Vote to Approve With Conditions Listed Below	11	0	
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below			
<input type="checkbox"/> Vote to Deny			
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			<input type="checkbox"/> Continued

CONDITIONS: **WAVE UNDERGROUND UTILITIES  
 UNTIL AREA IS READY**

NAME: <b>DON SEVRENS</b>	TITLE: <b>PCPB SECRETARY</b>
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SIGNATURE: <i>Donald E. Sevrens</i>	DATE: <b>09/21/15</b>
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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
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 Upon request, this information is available in alternative formats for persons with disabilities.

# PENINSULA COMMUNITY PLANNING BOARD MINUTES

3701 Voltaire St., Point Loma Library

Sept. 17, 2015

## TO BE VOTED ON OCT. 15

**Present:** Amanda Behnke, Patricia Clark, Bruce Coons, David Dick, Robert Goldyn, James Hare, Mark Krencik, Jon Linney, Peter Nystrom, Julia Quinn, Jarvis Ross, Don Sevrens, Jay Shumaker and Paul Webb.

**Absent:** Nicole Burgess.

Called to order at 6:32 p.m.

## PARLIAMENTARY ITEMS

PI 1. Approval of agenda. By consent.

PI 2. Approval of July 2015 minutes. Motion by Jarvis, second by Clark. Approved 12-0-1. Webb abstaining (absent), Burgess not present.

## ACTION ITEMS

**Citygate Report on Fire Station Funding.** Approve letter to conceptually support Citygate Report for new fire stations and conceptually support public bond financing, subject to voter approval, to design, construct, and equip new fire stations throughout San Diego. Presentation: City Council President Pro Tem Mart Emerald, Assistant San Diego Fire Chief Ken Barnes and Chris Olson, independent budget analyst.

Presenters said San Diego needs 19 more fire stations because of growth and traffic congestion in order to avoid potentially fatal lags in response times. A general obligation bond issue on the November 2016 ballot is the intended financing vehicle. That bond issue would require a two-thirds favorable vote to pass.

Fire stations would be cookie-cutter style when practical to save money and issuance of bonds would be done in stages to help control interest expense.

**Shumaker:** Is this a good time to borrow?

**A:** (Olson) Yes.

**Shumaker:** I was against at Project Review. Parking spaces seem tight and half the cars may wind up on the street. Twenty-four cars on a steep drive is a concern as is getting trash to the street. "Just because they are legal does not make them good projects."

**Dick:** The modern architecture near older homes is not the right look for the neighborhood.

**Linney:** This project is too big. It doesn't feel like it fits.

**Coons:** Way too dense.

**Goldyn:** Moving a curb cut closer to an intersection is not prudent.

**Applicant Ted Tchang, president and CEO of Techbilt:** We won't compromise on the unit count.

Motion by Shumaker, second by Coons to deny. Motion recommending that project be denied passed 8-4, Burgess absent, Linney no longer present. Voting in favor of denying: Behnke, Clark, Coons, Dick, Goldyn, Krencik, Sevrens, Shumaker. Voting against motion: Hare, Nystrom, Ross, Webb

**Jarvis & Scott CDP/SDP**, Project No. 429363, 2902-2912 Jarvis St., Zone RM-3-7, CDP and SDP (process 3) to demolish eight apartment units and construct twelve 3-story units totaling 22,564 sf on 0.361 acre site. Coastal (non-appealable) Overlay Zone. Applicant: Joseph Holasek.

Krencik said project in compliance with density regulations as well as the architecture and all other aspects. The project needs to move before storm water changes take effect Dec. 24.

Motion by Sevrens, second by Shumaker to approve. Motion approved 11-0, Burgess absent, Dick and Linney no longer present.

**Keats Townhomes Map Waiver**, Project No. 434210, 3125-3131 Keats St., Zone RM-3-7. Map Waiver (Process 3) to waive requirement for a Tentative Map to create four residential condominium units (under construction) totaling 5761 sf and waive requirement to underground existing utilities until the area is ready. Applicant: Justin Brennan.

Motion by Webb, second by Nystrom to approve. Motion approved 11-0, Burgess absent, Dick and Linney no longer present.

**PM Invest TM**, Project No. 416775, 4592 Santa Monica Ave., RM-1-1. Tentative Map and CDP for conversion of two existing residential units to condominiums. Coastal (non-appealable) overlay zone. Applicant: Eric Myrmel.



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**  
 Keats Town Homes 434210

**Project Address:**  
 3125 Keats Street, San Diego CA 92106

**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): \_\_\_\_\_  
 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: \_\_\_\_\_

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

Project Title: <u>Keats Town Homes</u>	Project No. (For City Use Only) <u>434210</u>
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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):  
3125 Keats LLC

Owner     Tenant/Lessee

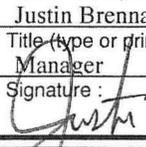
Street Address:  
p.o. box 132

City/State/Zip:  
La Jolla CA 92038

Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_  
619-823-2120

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

Title (type or print):  
Manager

Signature:  Date: 7/2/15

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: \_\_\_\_\_

**MAP WAIVER NO. 1527680**  
**KEATS STREET CONDOMINIUMS P.T.S. 434210**  
**CITY OF SAN DIEGO PROJECT NO. 1527680**

A REQUEST TO WAIVE THE TENTATIVE AND FINAL MAP FOR THIS SUBDIVISION, THIS IS A CONDOMINIUM PROJECT AS DEFINED IN SECTION 4125 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT.

THE TOTAL NUMBER OF CONDOMINIUM DWELLING UNITS IS 4. Residential

**SITE ADDRESS:**  
 3125, 3127, 3129, AND 3131 KEATS STREET  
 SAN DIEGO, CA

**LEGAL DESCRIPTION:**  
 LOT 10 IN BLOCK 90 OF ROSEVILLE, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 185, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 1874

**ASSESSOR'S PARCEL NUMBER:** 530-367-10-00

**CALIFORNIA COORDINATE INDEX:** I.O. 24006056  
 NAD 27 LAMBERT COORDINATES: 204-1699  
 CCS NAD 83 ZONE 6: 1844-6259

**EXISTING AND PROPOSED ZONING:** RM-3-7  
 OVERLAY ZONES: COASTAL HEIGHT LIMIT, PARKING IMPACT, AIRPORT APPROACH

**SETBACKS:** SEE APPROVED PLANS  
 FRONT YARD: 20' STANDARD, 10' APPROVED WITH ENCROACHMENT.  
 SIDE YARD: 5 FEET WITH UP TO 50% OF BUILDING LENGTH ALLOWED TO ENCROACH UP TO THE PROPERTY LINE IN MAXIMUM SEGMENTS OF 30' WITH MINIMUM 6' BETWEEN ENCROACHMENTS.  
 REAR YARD: 5 FEET

**LOT AREA:** 5,008 SQUARE FEET = 0.115 ACRE GROSS AND NET

**BASIS OF BEARINGS:** South westerly line of KEATS STREET AS SHOWN ON CORNER RECORD BY MICHAEL CURREN DATED 10-08-08, IE: N 53° DEGREES 55' 24" W.

**EASEMENTS:** NO EASEMENTS OF RECORD ARE LISTED IN THE PROJECT TITLE REPORT BY TICOR TITLE COMPANY OF CALIFORNIA, ORDER NO. 00333790-995-ND DATED JUNE 17, 2015.

**BENCH MARK:** BRASS PLUG IN TOP CURB, S'LY CORNER EVERGREEN STREET AND NIMITZ BLVD., ELEV 31.788 MSL DATUM

**PROPOSED USE:**

- PROPOSED AND EXISTING NUMBER OF LOTS = 1  
 Two stories over basement  
 U-1: 2 BEDROOMS, 2 1/2 BATHROOMS - 1,333 SQUARE FEET  
 U-2: 2 BEDROOMS, 2 1/2 BATHROOMS - 1,518 SQUARE FEET  
 U-3: 2 BEDROOMS, 2 1/2 BATHROOMS - 1,528 SQUARE FEET  
 U-4: 2 BEDROOMS, 2 1/2 BATHROOMS - 1,382 SQUARE FEET

ALL LIVING UNITS HAVE A BASEMENT LEVEL 2-CAR GARAGE

**FORMER USE:** TWO DETACHED HOMES DEMOLISHED UNDER PERMIT NOS. 1461372 AND 1461369. THERE ARE NO TENANTS ON SITE AT THE TIME OF PREPARATION OF THIS MAP WAIVER.

**OWNER/APPLICANT:**

3125 KEATS LLC, A CALIFORNIA LIMITED LIABILITY COMPANY  
 7938 IVANHOE AVENUE  
 LA JOLLA, CA 92037

*Justin Brennan* 7/9/15  
 JUSTIN BRENNAN, AUTHORIZED SIGNER DATE

**PREPARED BY:**

ANDREW E. LAMBERT  
 2014 HORNBLEND STREET, #1  
 SAN DIEGO, CA 92109  
 (858) 735-0092

*Andrew E. Lambert* 7/9/15  
 ANDREW E. LAMBERT DATE  
 RCE 34949 EXPIRES 09/30/17



I.O. 24006056  
 P.T.S. No. 434210  
 CCS 83 COORDS: 1844-6259  
 L.C. COORDS: 204-1699

**GENERAL NOTES:**

- 1) TOPOGRAPHY USED FOR PREPARATION OF THIS MAP WAIVER BY MICHAEL CURREN, LS 3168, DATED 10-07-08 (PRIOR TO CONSTRUCTION). SITE PLAN USED FOR PREPARATION OF THIS MAP WAIVER BY DANIEL LINN, ARCHITECT, DATED 03-04-15. AT THE TIME OF PREPARATION OF THIS MAP WAIVER, THE PROJECT IS UNDER CONSTRUCTION AS APPROVED FOR BUILDING PERMIT ON 05-27-15. GRADING AND FOUNDATION EXCAVATION IS IN ACCORDANCE WITH THE APPROVED BUILDING PLANS. CONSTRUCTION OF IMPROVEMENTS IN THE RIGHT-OF-WAY INCLUDING DRIVEWAY, SIDEWALK, WALLS, UNDERDRAINS, AND UTILITY LATERALS ARE APPROVED WITH RIGHT-OF-WAY CONSTRUCTION PLAN NO. 420628, AND ENCROACHMENT MAINTENANCE AND REMOVAL AGREEMENT 1479003.
- 2) ALL WALLS AND THEIR FOOTINGS SHALL BE LOCATED ON THE APPLICANT'S PRIVATE PROPERTY.
- 3) THE APPLICANT HAS REQUESTED A WAIVER OF UNDERGROUNDING OF OVERHEAD UTILITIES.
- 4) ANY COMMON OR JOINT OPERATION OR MAINTENANCE OF PRIVATE WATER OR SEWER FACILITIES WITHIN THE PROJECT WILL REQUIRE CC&RS FOR SAID OPERATION AND MAINTENANCE. EACH UNIT HAS A PUBLIC WATER METER AND ALL UNITS SHARE A PRIVATE SEWER LATERAL.
- 5) TRASH RECEPTACLES FOR EACH UNIT WILL BE PROVIDED AND STORED WITHIN EACH OF THE APPURTENANT GARAGES OR OTHER DESIGNATED LOCATION. IT WILL BE THE RESPONSIBILITY OF EACH INDIVIDUAL UNIT OWNER TO PLACE THEIR TRASH RECEPTACLE OUT AND ONTO THE CURBSIDE FOR SCHEDULED PUBLIC COLLECTION.
- 6) PRIOR TO RECORDATION OF THE CERTIFICATE OF COMPLIANCE, THE SUBDIVIDER SHALL HAVE A LICENSED LAND SURVEYOR CERTIFY THAT ALL PROPERTY CORNERS ARE MONUMENTED AND FILE A CORNER RECORD OR RECORD OF SURVEY IN THE OFFICE OF THE COUNTY RECORDER FOR ANY NEW MONUMENTS SET.

**ADDITIONAL NOTES:**

**UTILITY STATUS:**

ELECTRICAL - OVERHEAD  
 CABLE TV - OVERHEAD  
 PHONE - OVERHEAD  
 CURRENT CONSTRUCTION INCLUDES UNDERGROUNDING ALL SERVICES.

THIS PROJECT IS CURRENTLY UNDER CONSTRUCTION AS PER GENERAL NOTE #1. THE BUILDING PLAN FILE NUMBER IS 392788 AS INDICATED IN THE TITLE.

