

**CITY OF SAN DIEGO
M E M O R A N D U M**

DATE: March 20, 2013

TO: Planning Commissioners

FROM: William Zounes, Project Manager, Development Services Department

SUBJECT: 2975 OCEAN FRONT WALK MAP WAIVER – PROJECT NO. 271240.
Appeal of the Hearing Officer's Decision to Approve a Map Waiver.

On February 28, 2013, the Planning Commission voted to continue this item after considerable public testimony and Commission discussion regarding a number of issues associated with unpermitted construction and encroachments into the City's Right-of-Way. Provided below is staff's response to those issues identified during that hearing:

1. Exterior stairs on the northwest side of the building encroach into the City's Right-of-Way and front yard setback along Ocean Front Walk.

Staff Response: The applicant has agreed to remove the entire stairway from the northwest side of the building. In addition, the applicant has agreed to remove all encroachments along the Ocean Front Walk frontage, including all stairs, planters, and walls. Staff has added condition number 17 to the Map Waiver requiring the removal of all encroachments from the City's Right-of-Way prior to issuance of the Certificate of Compliance. Additionally, condition number 18 requires the removal of the unpermitted block wall within the Ensenada Court Public Right-of-Way. The Map Waiver exhibit has been revised to show the removal of all encroachments (Attachment 1).

2. Unpermitted work on the second-story deck and front façade of the structure.

Staff Response: The applicant is currently in the process of obtaining building permits for all of this work. Staff has added condition number 19 to the Map Waiver requiring the issuance and final inspection of these building permits prior to issuance of the Certificate of Compliance.

3. Exterior stairs on the south side of the building fronting Ensenada Court encroach into the side yard setback.

Staff Response: These stairs were permitted with the original structure in 1986, and were constructed and have been utilized by the tenants for over 25 years without complaint. The current Map Waiver application does not affect or exacerbate the fact that these stairs encroach into the side yard setback. Staff is not recommending the removal and/or redesign of these stairs.

Community Planning Group Recommendation: On March 19, 2013, the Mission Beach Precise Planning Board voted 10-1-0 to deny the project due to the nonconformance of stairs on the south side of the building along Ensenada Court.

CONCLUSION:

Staff believes the issues associated with unpermitted construction and encroachments into the City's right-of-way and setbacks have been satisfactorily resolved, and therefore continue to recommend that the Planning Commission deny the appeal and approve the Map Waiver application.

A handwritten signature in black ink, appearing to read 'William Zounes', written in a cursive style.

William Zounes
Development Project Manager

Attachments:

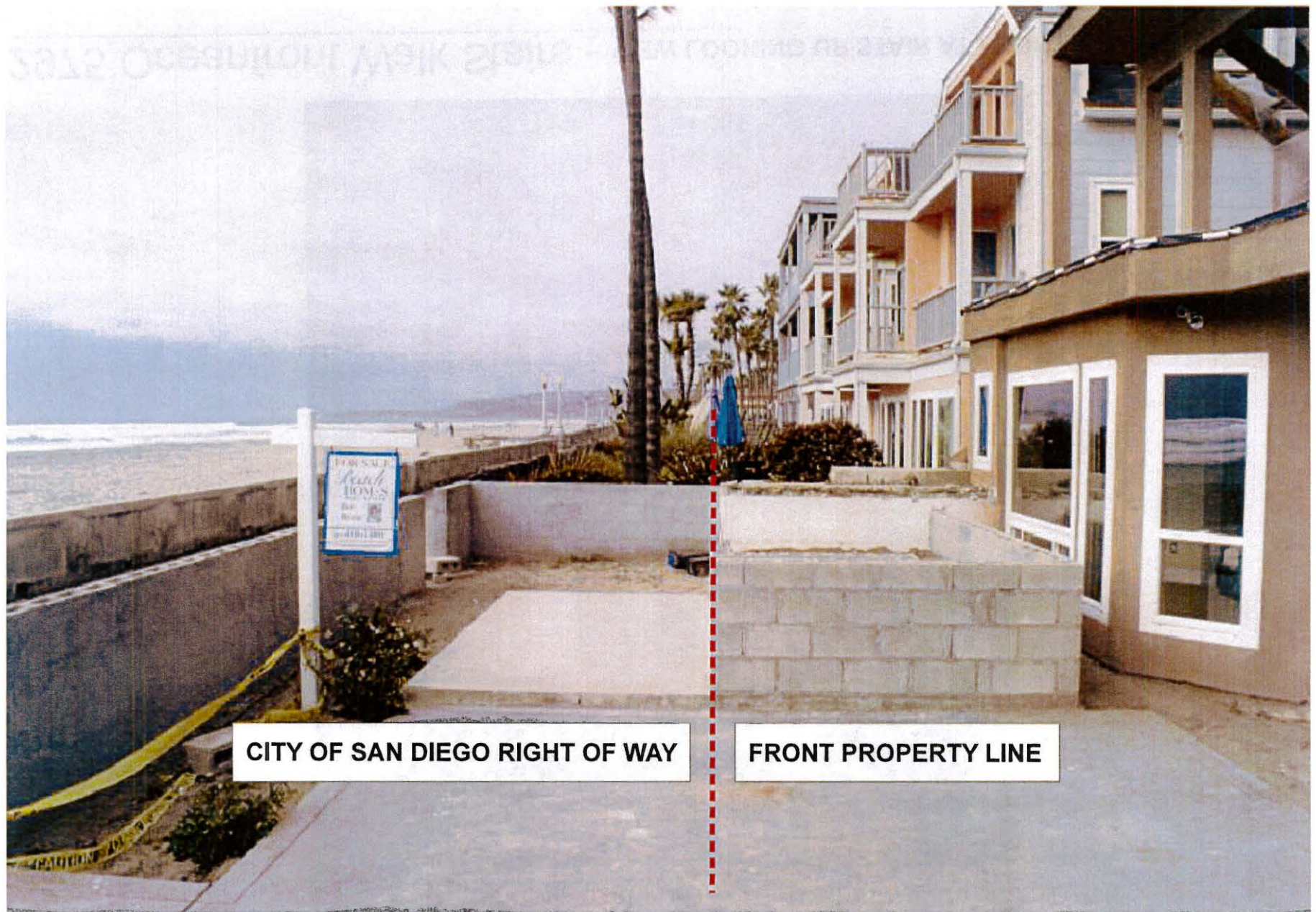
1. Site photographs and drawings provided by the applicant.
2. Map Waiver Exhibit (Revised 3/28/13)
3. Community Planning Group Recommendation
4. Map Waiver Conditions (Revised 3/20/13)

OCEANFRONT WALK STAIR - PROPOSED SOLUTION

2975 Oceanfront Walk Stairs



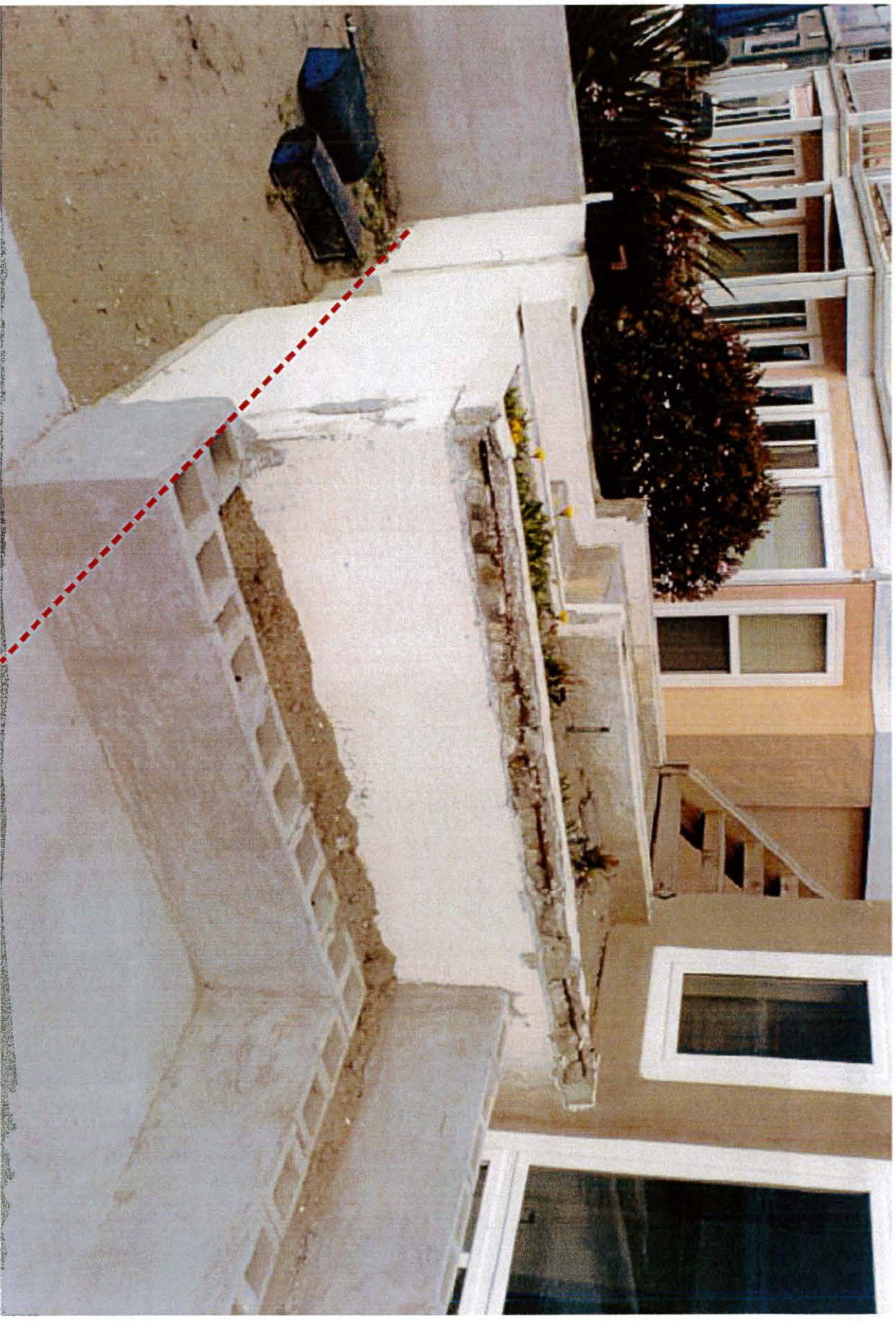
2975 Oceanfront Walk Stairs - ORIGINAL PERMITTED STAIRWAY AT OCEANSIDE



2975 Oceanfront Walk Stairs - VIEW LOOKING NORTH AT FRONT YARD STAIR / PLANTER



2975 Oceanfront Walk Stairs - VIEW LOOKING UP STAIR AT FRONT YARD



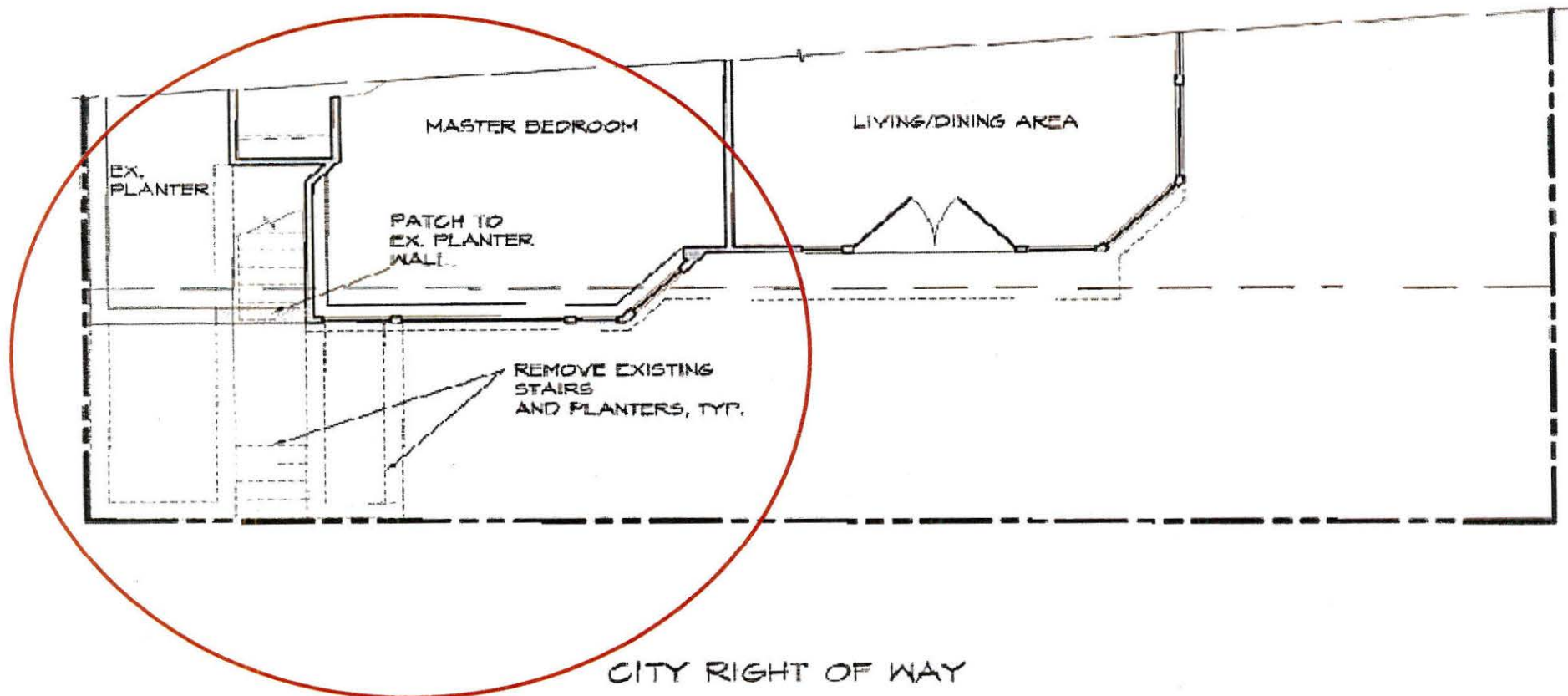
2975 Oceanfront Walk Stairs - CLOSE UP OF ORIGINAL PLANTER AND STAIR LANDING



2975 Oceanfront Walk Stairs - CLOSE UP OF ORIGINAL STAIR LANDING AND PLANTERS



2975 Oceanfront Walk Stairs - SIDE VIEW OF EXISTING ORIGINAL STAIR AT NORTHWEST CORNER

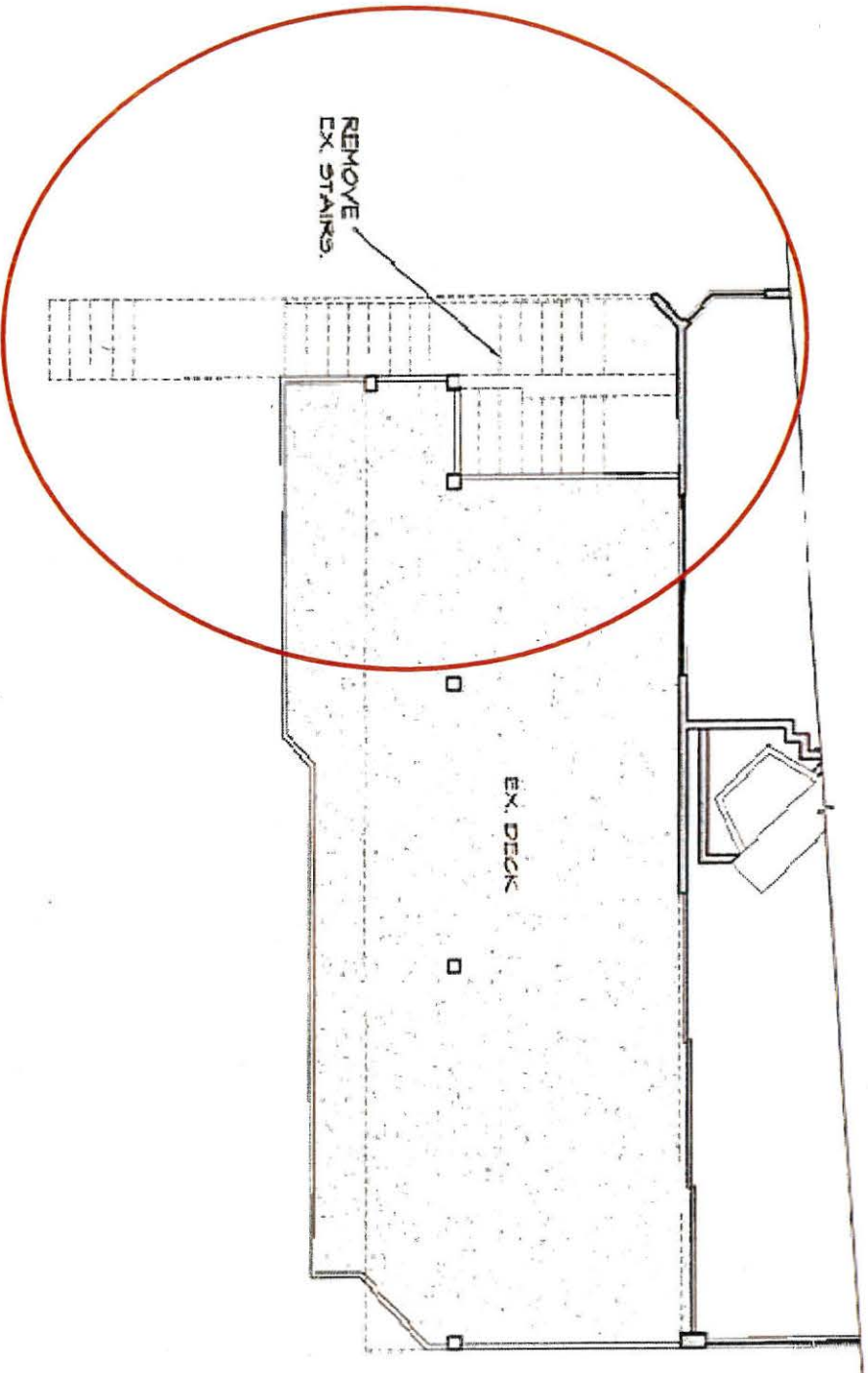


2975 OCEANFRONT WALK

PARTIAL FIRST FLOOR PLAN



2975 Oceanfront Walk Stairs



2975 OCEANFRONT WALK

PARTIAL SECOND FLOOR PLAN

(3RD FLOOR SIMILAR)



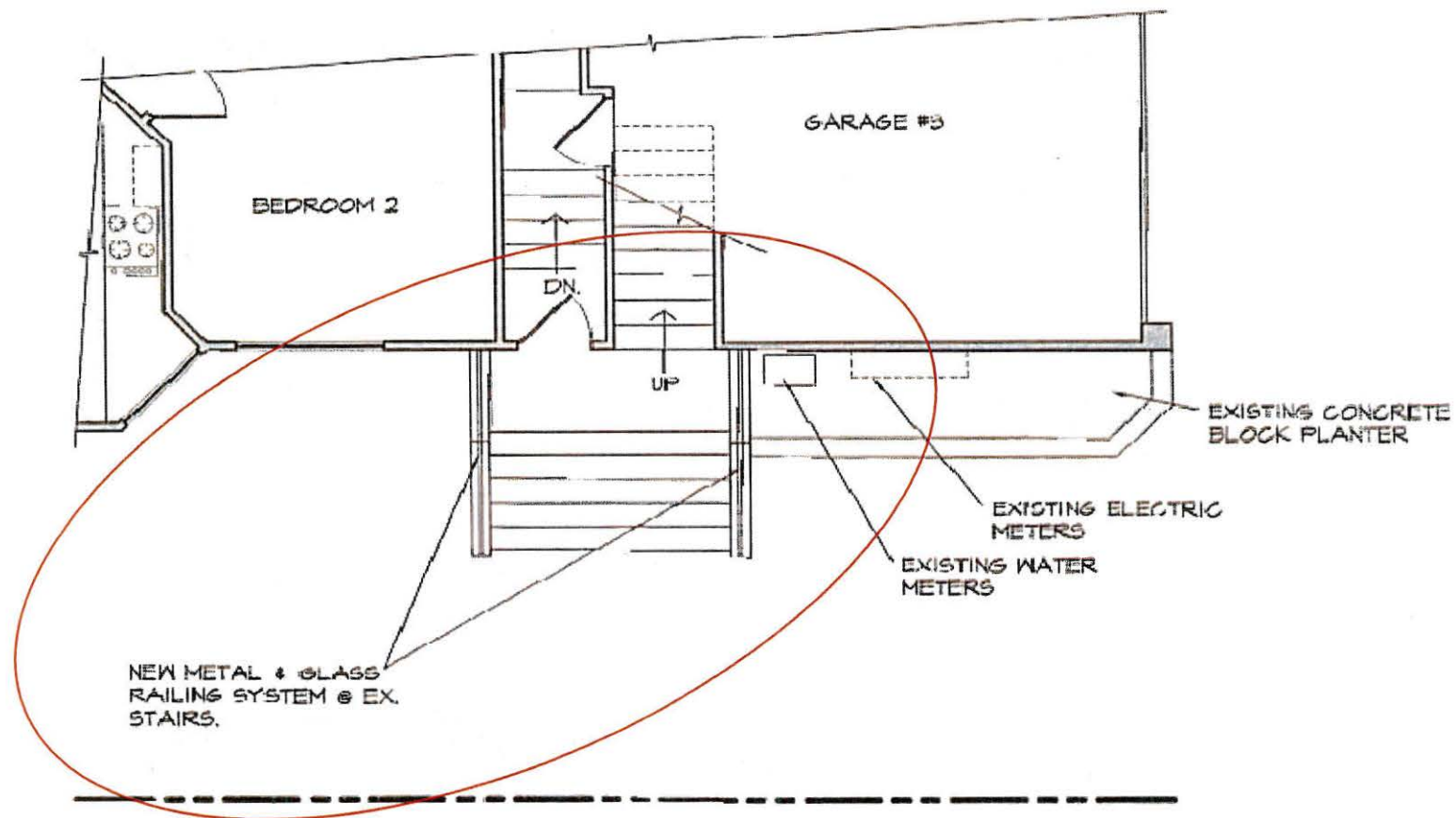
2975 Oceanfront Walk Stairs

ENSENADA COURT STAIR - PROPOSED SOLUTION

2975 Oceanfront Walk Stairs



Ensenada Court stairs constructed in 1986



2975 OCEANFRONT WALK

PARTIAL FIRST FLOOR PLAN



2975 Oceanfront Walk Stairs - PROPOSED SOLUTION OF GLASS RAILINGS

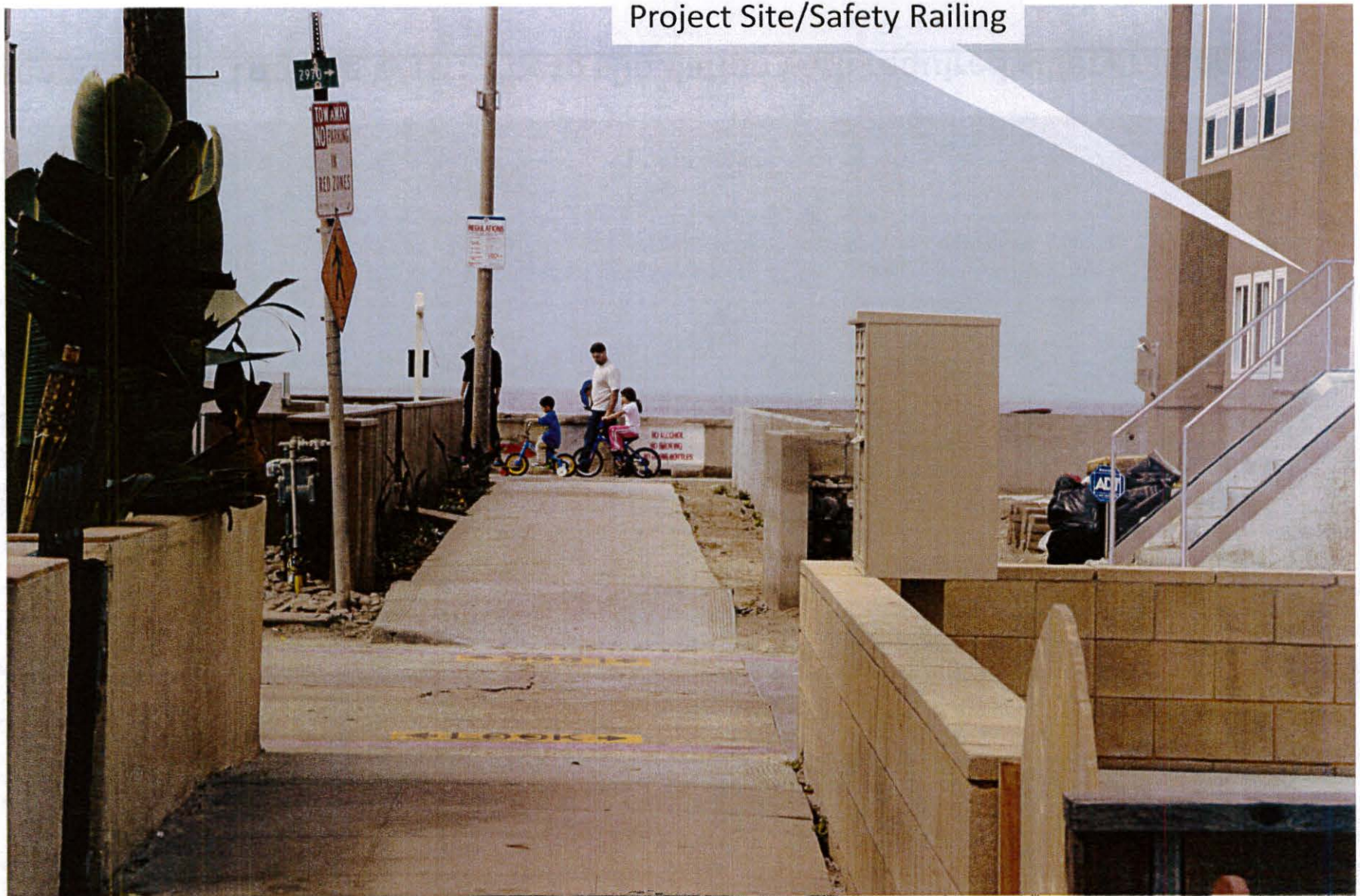


Ensenada Court Looking West

Project Site/Safety Railing



Ensenada Court Looking West: Photo simulation with required safety railing

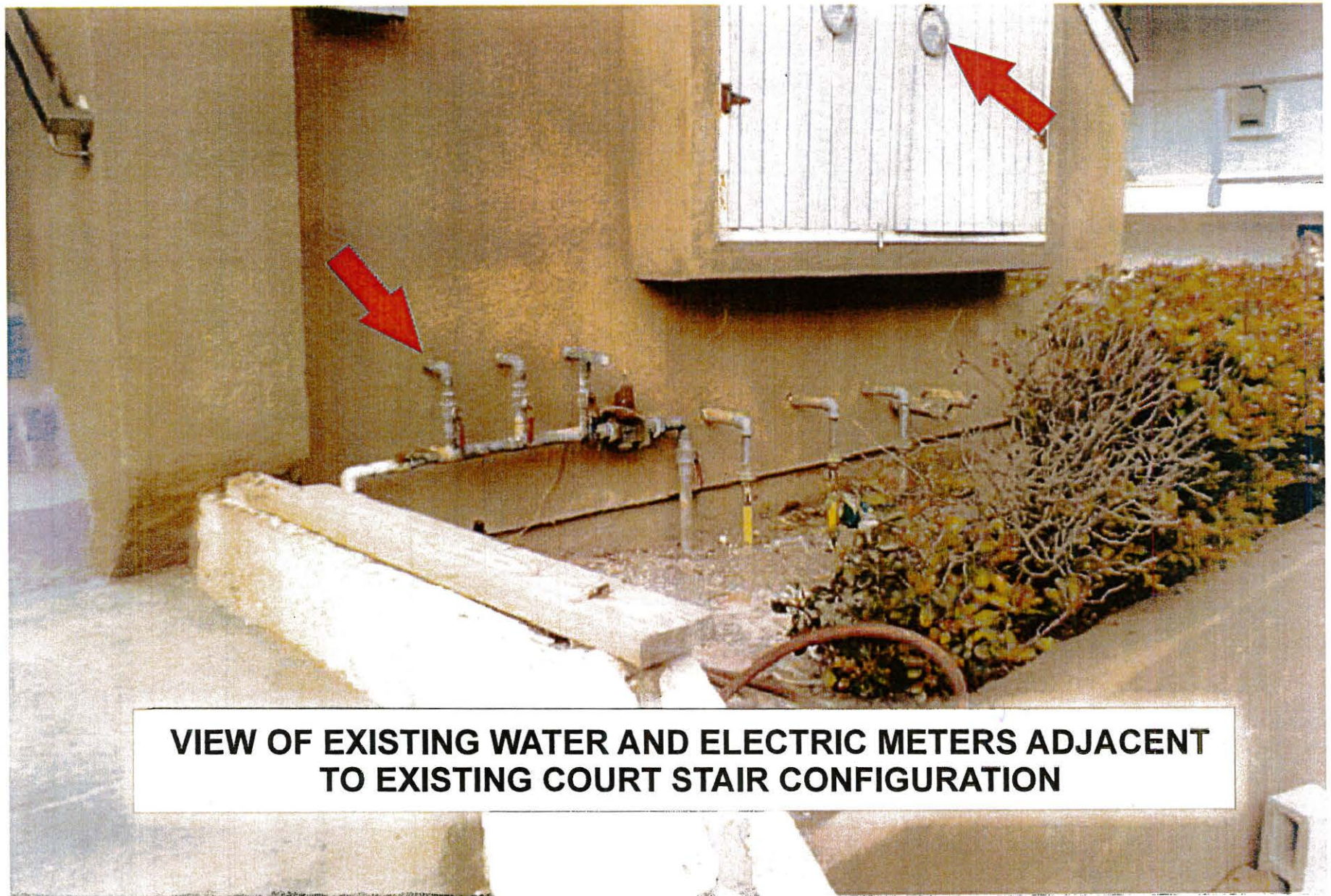


Project Site/Safety Railing

Ensenada Court Looking West: Photo simulation with required safety railing



Ensenada Court Looking West: Photo simulation with required safety railing

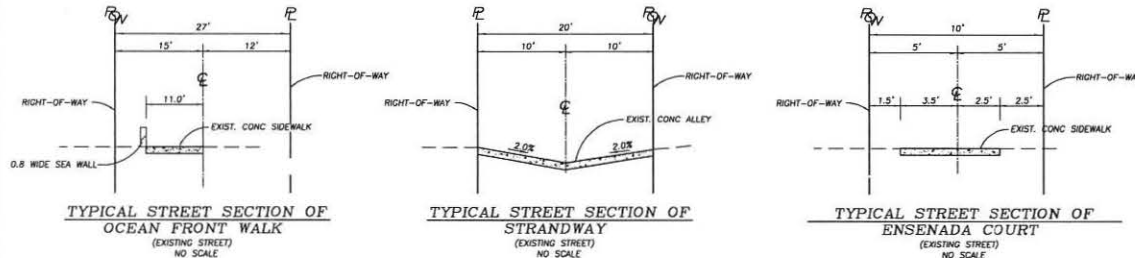
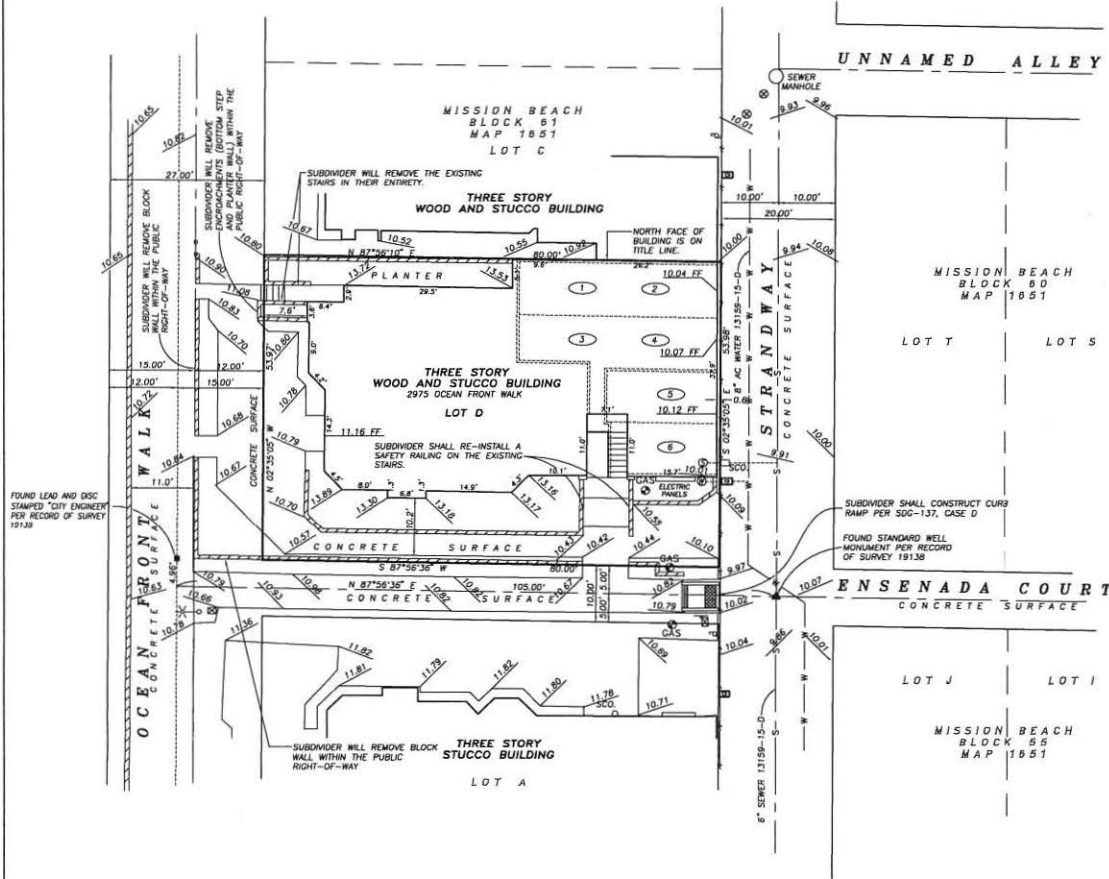


**VIEW OF EXISTING WATER AND ELECTRIC METERS ADJACENT
TO EXISTING COURT STAIR CONFIGURATION**

2975 Oceanfront Walk Stairs - EXISTING UTILITIES AND PLANTER

2975 OCEAN FRONT WALK

Map Waiver No.953238, Project No. 271240



CITY OF SAN DIEGO

DEVELOPMENT SUMMARY

- SUMMARY OF REQUEST:
CREATE 3 RESIDENTIAL CONDOMINIUM UNITS
CERTIFICATE OF COMPLIANCE
- STREET ADDRESS: 2985 OCEAN FRONT WALK
(N 135 BE CW SIDE
BETWEEN ENSENADA COURT AND DOVER COURT)
- SITE AREA:
TOTAL SITE AREA (GROSS): (4,318 SF) (0.099 AC.)
NET SITE AREA: (4,318 SF) (0.099 AC.)
- DENSITY: (RESIDENTIAL)
MAXIMUM NO. DWELLING UNITS ALLOWED PER ZONE: 3
NUMBER OF EXISTING UNITS TO REMAIN ON SITE: 3
NUMBER OF PROPOSED DWELLING UNITS ON SITE: 3
TOTAL NUMBER OF UNITS PROVIDED ON THE SITE: 6

YARD/SETBACK:

OCEAN FRONT WALK: 10'
ENSENADA COURT: 15'
STRANDWAY: 0'
INTERIOR PL: 5.4'

PARKING:

PARKING CRITERIA:
RESIDENTIAL: 1.0 COMMERCIAL: 1.0 INDUSTRIAL: 1.0
MIXED USE: 1.0 OTHER: 1.0

TYPE OF UNIT	NUMBER OF UNIT	PARKING REQUIRED PER UNIT	TOTAL REQUIRED PER UNIT
3 BR UNIT	3	1.75	5.25
3 BR UNIT	1	1.75	1.75
TOTAL PROVIDED ON-SITE			6

UNIT AREAS

TYPE OF UNIT	NUMBER OF UNIT	SQUARE FOOTAGE PER UNIT	TOTAL PER UNIT
3 BR UNIT	1	1,395	1,395
3 BR UNIT	2	1,588	3,176

ZONING INFORMATION

EXISTING AND PROPOSED ZONE: MBDP-R-S
COMMUNITY PLAN NAME: MISSION BEACH
OVERLAY ZONES: COASTAL PLANT
COASTAL STATE
PARKING: IMPACT
RESIDENTIAL, TANDEM PARKING
TRANSIT AREA

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS MAP WAIVER IS THE CENTERLINE OF ENSENADA COURT PER RECORD OF SURVEY 19138 I.E. N 87°56'35" E

MONUMENTATION & MAPPING

ALL MONUMENTS HAVE BEEN FOUND PER RECORD OF SURVEY 19138, CORNER RECORD 5982 AND CORNER RECORD 7449. ANY MONUMENTS DESTROYED DURING CONSTRUCTION WILL BE RESET AND A CORNER RECORD FILED.

EXISTING IMPROVEMENTS

SEWER DRAWING NO. 13159-15-D
WATER DRAWING NO. 13159-15-D

EXISTING & PROPOSED EASEMENTS:

NONE

STREET LIGHT NOTE:

ENGINEERING REVIEW HAS DETERMINED THAT THIS SUBDIVISION WILL NOT BE REQUIRED TO INSTALL STREET LIGHTS BECAUSE THE CITY ONLY REQUIRES ALLEY STREET LIGHTS IN HIGH CRIME CONUS TRACTS AT THE REQUEST OF THE POLICE DEPARTMENT AND THE STREET LIGHTS COULD ONLY BE INSTALLED ON SDG&S POWER POLES WHICH ARE TO BE REMOVED EVENTUALLY AS PART OF THE CITYWIDE UNDERGROUNDING PROGRAM.

PUBLIC IMPROVEMENT NOTES

- INSTALL PEDESTRIAN RAMP AT ENSENADA COURT ALLEY ENTRANCE PER SDG-137, CASE D.

DEVELOPMENT NOTES:

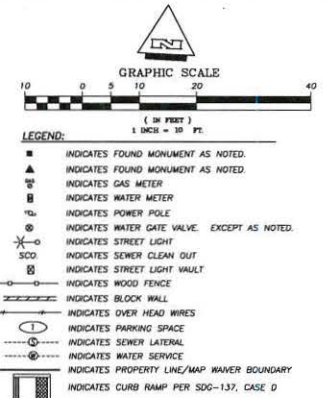
- THIS IS A MAP OF A CONDOMINIUM PROJECT AS DEFINED IN SECTION 1330 ET. SEQ. OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT. TOTAL NUMBER OF RESIDENTIAL UNITS IS 3.

NUMBER OF EXISTING LOTS = 1
NUMBER OF PROPOSED LOTS = 1

OWNER/DEVELOPER:

JOREW LLC
1900 WESTERN AVENUE
LAS VEGAS, NV 89102

DAVID LESSNICK, MANAGER



UTILITY TABLE:

UTILITY	OVERHEAD	UNDERGROUND
GAS	X	
ELECTRIC	X	
GAS		X
TELEPHONE	X	

PROFESSIONAL LAND SURVEYOR:

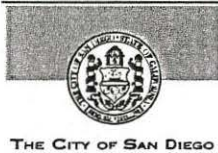
SAN DIEGO LAND SURVEYING & ENGINEERING, INC.
9885 CHESTNUT DRIVE, SUITE 443
SAN DIEGO, CA 92123-1104
PHONE: 858-565-8362
FAX: 858-565-4354 EMAIL: slaterman@sdslae.com

03/20/2013

ROBERT J. BATEMAN, P.L.S. 7046

<p>Prepared By: SAN DIEGO LAND SURVEYING & ENGINEERING, INC. 9885 CHESTNUT DRIVE, SUITE 443 SAN DIEGO, CA 92123-1104 PHONE: 858-565-8362 FAX: 858-565-4354 EMAIL: slaterman@sdslae.com</p>	<p>Consultant: SAN DIEGO LAND SURVEYING & ENGINEERING, INC. 9885 CHESTNUT DRIVE, SUITE 443 SAN DIEGO, CA 92123-1104 PHONE: 858-565-8362 FAX: 858-565-4354 EMAIL: slaterman@sdslae.com</p>
<p>Benchmarks: CENTERLINE MONUMENT STRANDWAY AND DOVER COURT ELEVATION 9.543 M.S.L.</p>	<p>Project Soil Condition: Existing developed site.</p>
<p>Source of Topography: Field survey by San Diego Land Surveying on 1-11-2012</p>	<p>Project Permits Required: Certificate of Compliance Map Waiver</p>
<p>Project Legal Description: LOT 10 IN BLOCK 81 OF MISSION BEACH, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1651, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 14, 1914.</p>	<p>Project Data: Number of Stories: 3 Proposed use: Residential Existing use: Residential Zone Designation: MBDP-R-S Year of Construction (year, structure): 1988</p>
<p>EXCEPTING THEREFROM THAT PORTION IF ANY HERETOFORE LYING BELOW THE MEAN HIGH TIDE LINE OF THE PACIFIC OCEAN.</p>	<p>LAMBERT COORDINATES: NAD 27 = 218-1691 NAD 83 = 1868-8252 A.P.N. 423491424</p>
<p>Project Name: 2975 OCEAN FRONT WALK</p>	<p>Project Owner: JOREW LLC 1900 Western Avenue Las Vegas, NV 89102</p>
<p>Sheet Title: MAP WAIVER No. 953238 Project No. 271240</p>	<p>Scale: 1" = 30' Original Date: February 2, 2012 Revised: March 20, 2013 Revised: March 20, 2012 Revised: May 16, 2012</p>

Sheet 1 of 1



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

**Community Planning
Committee
Distribution Form Part 1**

Project Name: 2975 Ocean Front Walk Map Waiver		Project Number: 271240	Distribution Date: 3/20/2013
Project Scope/Location: Map Waiver application to waive the requirements of a Tentative Map to convert 3 existing residential units to condominiums on a 0.09 acre site at 2975 Ocean Front Wk in the R-S Zone of Mission Beach Planned District within the Mission Beach Community Plan, State Coastal, Coastal Ht Limit, Airport Influence Area, FAA Part 77, First Public Roadway, Parking Impact, Residential Tandem Parking. Council District 2.			
Applicant Name: Robert Bateman		Applicant Phone Number: 858.565.8362	
Project Manager: William Zounes	Phone Number: (619) 687-5942	Fax Number: (619) 321-3200	E-mail Address: wzounes@sandiego.gov
Project Issues (To be completed by Community Planning Committee for initial review): <p>The owner/developer David Lessnick was not present at the meeting. Matthew Peterson represented owner/developer.</p> <p>Mr. Peterson presented revised plans for the Ocean Front Walk encroachments that eliminate the staircase and underlying structure encroaching into the required front yard setback as well as the concrete planters. The Board is in agreement with this revised plan.</p> <p>With regard to the concrete entry stairs and railing along Ensenada Court, no change in plans was submitted.</p> <p>It is important to note that prior to the March 19, 2013 Board Meeting, Plan Reviewers Dennis Lynch and Mike Meyer, and I met with Mr. Peterson to discuss ways to alleviate the stairs and railing along Ensenada Court. At that time, we came up with a viable solution to the problem and presented it to Mr. Peterson. Apparently, the owner/developer does not want to make any changes regarding the concrete stairs along Ensenada Court.</p> <p>The Board voted (10-1-0) to deny the Map Waiver because the concrete entry stairs along Ensenada Court need to be resolved.</p>			
<i>Attach Additional Pages If Necessary.</i>		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

Community Planning Committee Distribution Form Part 2

Project Name: 2975 Ocean Front Walk Map Waiver		Project Number: 271240	Distribution Date: 3/20/2013
Project Scope/Location: Map Waiver application to waive the requirements of a Tentative Map to convert 3 existing residential units to condominiums on a 0.09 acre site at 2975 Ocean Front Wk in the R-S Zone of Mission Beach Planned District within the Mission Beach Community Plan, State Coastal, Coastal Ht Limit, Airport Influence Area, FAA Part 77, First Public Roadway, Parking Impact, Residential Tandem Parking. Council District 2.			
Applicant Name: Robert Bateman		Applicant Phone Number: 858.565.8362	
Project Manager: William Zounes	Phone Number: (619) 687-5942	Fax Number: (619) 321-3200	E-mail Address: wzounes@sandiego.gov
Committee Recommendations (To be completed for Initial Review):			
<input type="checkbox"/> Vote to Approve	Members Yes	Members No	Members Abstain
<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 checked="" 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:		TITLE:	
SIGNATURE:		DATE:	
<i>Attach Additional Pages If Necessary.</i>		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.			

Attachment 4
Draft Map Waiver Conditions (Revised 3/20/13)

HEARING OFFICER
CONDITIONS FOR MAP WAIVER NO. 953238
2975 OCEAN FRONT MAP WAIVER - PROJECT NO. 271240
ADOPTED BY RESOLUTION NO. _____ ON FEBRUARY 28, 2013

GENERAL

1. This Map Waiver will expire February 28, 2016.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Certificate of Compliance unless otherwise noted.
3. A Certificate of Compliance shall be recorded in the Office of the San Diego County Recorder, prior to the Map Waiver expiration date.
4. Prior to the recordation of the Certificate of Compliance, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify the Subdivider of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not be required to pay or perform any settlement unless such settlement is approved by the Subdivider.

CONDOMINIUM CONVERSION

6. The Subdivider shall provide a Notice of Tenants Rights and Notices for Condominium Conversion, consistent with the Land Development Manual to be provided as follows:
 - a. For existing tenants, within 10 days of the project application for the condominium conversion being deemed complete; or

Attachment 4
Draft Map Waiver Conditions (Revised 3/20/13)

- b. For prospective tenants, upon application for the rental of a unit in the proposed condominium conversion.
7. The Subdivider shall provide each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the Subdivision Map Act.
8. The Subdivider shall provide each of the tenants of the proposed condominiums written notice of intention to convert at least 180 days prior to termination of tenancy due to the conversion or proposed conversion in conformance with Subdivision Map Act section 66427.1(a)(2)(E). The provisions of this condition shall neither alter nor abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Civil Code sections 1941, 1941.1 and 1941.2.
9. The Subdivider shall provide the tenants of the proposed condominiums with written notification within 10 days after approval of a **Certificate of Compliance** for the proposed conversion, in conformance with Subdivision Map Act section 66427.1(a)(2)(D).
10. The Subdivider shall give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (San Diego Municipal Code § 125.0431(a)(4)).
11. The Subdivider shall provide each of the tenants of the proposed condominiums notification of their exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, in conformance with Subdivision Map Act section 66427.1(a)(2)(F) and San Diego Municipal Code section 125.0431(a)(5). The right shall commence on the date the subdivision public report is issued, as provided in section 11018.2 of the Business and Professions Code, and shall run for a period of not less than 90 days, unless the tenant gives prior written notice of his or her intention not to exercise the right. (San Diego Municipal Code § 125.0431(a)(5)).
12. The Subdivider shall provide a copy of the Building Conditions Report to a prospective purchaser prior to the opening of an escrow account. (San Diego Municipal Code § 144.0504(c)).
13. Prior to the recordation of the Certificate of Compliance, the Subdivider shall demonstrate conformance with the San Diego Municipal Code provisions for building and landscape improvements (San Diego Municipal Code § 144.0507), to the satisfaction of the City Engineer.

AFFORDABLE HOUSING

14. Prior to recordation of the Certificate of Compliance, the Subdivider shall enter into a written agreement with the San Diego Housing Commission to pay the condominium conversion inclusionary housing fee pursuant to the Inclusionary Affordable Housing Regulations (San Diego Municipal Code § 142.1301 *et seq.*).
15. Prior to the recordation of the Certificate of Compliance, the Subdivider shall demonstrate conformance with the San Diego Municipal Code provisions for Tenant Relocation Benefits (San Diego Municipal Code § 144.0505), to the satisfaction of the Development Services Department and the Housing Commission.

ENGINEERING

16. Prior to the issuance of a Certificate of Compliance the Subdivider shall reconstruct the existing curb ramp adjacent to the site on Ensenada Court at the alley entrance, with current City Standard Drawing SDG-137 with truncated domes, to the satisfaction of the City Engineer
17. Prior to the issuance of a Certificate of Compliance the Subdivider shall remove all private encroachments including the planter, stairs, and concrete wall in the Ocean Front Walk Public Right-of-Way, to the satisfaction of the City Engineer. This removal shall require that the Subdivider obtain a public right-of-way permit. The work may not begin, until authorized under the terms and conditions of the public right-of-way permit.
18. Prior to the issuance of a Certificate of Compliance the Subdivider shall remove all private encroachments including the concrete wall in the Ensenada Court Public Right-of-Way, to the satisfaction of the City Engineer. This removal shall require that the Subdivider obtain a public right-of-way permit. The work may not begin, until authorized under the terms and conditions of the public right-of-way permit.
19. Prior to the issuance of the a Certificate of Compliance the Subdivider shall obtain all required Construction Permit(s) and all final inspections for all existing improvements and remodel occurring during and subsequent to the processing of the associated Map Waiver on the premises.
20. Prior to the issuance of a Certificate of Compliance the Subdivider shall remove the wood post wall from the Ensenada Court Right-of-Way. This removal shall require that the Subdivider obtain a public right-of-way permit. The work may not begin, until authorized under the terms and conditions of the public right-of-way permit.

Attachment 4
Draft Map Waiver Conditions (Revised 3/20/13)

21. Prior to the issuance of a Certificate of Compliance the Subdivider shall obtain an Encroachment Maintenance Removal Agreement for the minimum number of bollards required to protect the existing meter in the Ensenada Court Right-of-Way, to the satisfaction of the City Engineer.
22. Prior to the issuance of a Certificate of Compliance the Subdivider shall provide a letter, agreeing to prepare CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.
23. Prior to the issuance of a Certificate of Compliance the Subdivider, the Subdivider shall install appropriate private back flow prevention devices on all existing and proposed water services (domestic, irrigation, and fire) adjacent to the project site in a manner satisfactory to the Water Department Director.
24. Prior to the issuance of a Certificate of Compliance the Subdivider shall provide a letter, agreeing to prepare CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.
25. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
26. 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.

LANDSCAPING REQUIREMENTS

27. Complete landscape and irrigation construction documents consistent with the Land Development Manual: Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department.
28. In the event that the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to be consistent with the Landscape Plan such that landscape areas are consistent with the Exhibit 'A' Landscape Development Plan.

Attachment 4
Draft Map Waiver Conditions (Revised 3/20/13)

29. All required landscape shall be maintained in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.
30. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual, Landscape Standards. All landscape proposed within Public View Corridors shall be no taller than 36 inches at maturity without pruning. Any trees proposed within view corridors shall be maintained by thinning and pruning of the tree canopy to a height of eight feet or greater and shall not significantly obstruct the view corridor.
31. Prior to Final Inspection, it shall be the responsibility of the Owner/Permittee to install all required landscape. A "No Fee " Street Tree Permit, and/or Encroachment Maintenance Removal Agreement, EMRA, if applicable, shall be obtained for the installation, establishment, and on-going maintenance of all street trees.
32. No fence shall exceed 3 feet in height in that triangular area created by measuring 10 feet along each property line from the point of intersection where any combination of streets and/or alleys intersect.
33. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or a Final Landscape Inspection.
34. Required shrubs or trees that die 3 years or more after installation shall be replaced with 15-gallon size or 60-inch box size /15 foot BTH material, respectively. Development Services may authorize adjustment of the size and quantity of replacement material where material replacement would occur in inaccessible areas or where the existing plant being replaced is larger than a 15-gallon shrub or 60-inch box.

MAPPING

35. 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

Attachment 4
Draft Map Waiver Conditions (Revised 3/20/13)

Recorder pursuant to the Professional Land Surveyors Act. A copy of the Record of Survey or Corner Record shall be provided to the City.

36. Prior to the issuance of a Certificate of Compliance, applicant must provide a recorded tax certificate from the county which states that there are no liens against the property or any part thereof for unpaid state, county, municipal, or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable.
37. Prior to the issuance of a Certificate of Compliance the applicant must obtain a Coastal Development Permit or exemption from a Coastal Development Permit from the California Coastal Commission.

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. 24002479

Draft

