

#### THE CITY OF SAN DIEGO

### **REPORT TO THE PLANNING COMMISSION**

DATE ISSUED	March 12, 2015	REPORT NO. PC-15-025
ATTENTION:	Planning Commission, Agenda of March	19, 2015
SUBJECT:	APPEAL OF THE CARLETON 4 PROJECT PROCESS THREE	CT - PROJECT NO. 373548,
<b>REFERENCE</b> :	Hearing Officer Report No. HO-15-004	
OWNER/ APPLICANT:	Acropolis Capital, LLC David Parot	

#### SUMMARY

**Issue(s):** Should the Planning Commission grant or deny an appeal of the Hearing Officer's decision to approve a Map Waiver to allow the creation of four residential condominiums currently under construction in the Peninsula Community Planning area?

<u>Staff Recommendation</u>: Deny the appeal and uphold the Hearing Officer decision to Approve Map Waiver No. 1325314.

<u>Community Planning Group Recommendation</u>: On November 20, 2014, the Peninsula Community Planning Board voted 12-0-0 to recommend denial of the project (Reference the Hearing Officer Report, Attachment 7).

**Environmental Review:** The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15305 (Minor Alterations and Land Use Alterations) which allows for the alteration of land where there is no change in land use or density. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on December 12, 2014 and the opportunity to appeal that determination ended December 29, 2014.

**Fiscal Impact Statement:** None. All staff costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Code Enforcement Impact: None with this action.

#### Housing Impact Statement: None with this action.

#### BACKGROUND

This item is an appeal of the Hearing Officer's January 21, 2015 decision to approve a Map Waiver to create four residential condominiums currently under construction on a 0.12-acre site located at 3015-3021 Carleton Street in the RM-3-7 zone of the Peninsula Community Planning area. The site is adjacent to commercial establishments to the south and east and multi-family and single family residential dwellings to the north and west.

Prior to the submittal of the Map Waiver application, construction plans were reviewed and a building permit was issued by the Development Services Department on January 13, 2014 under Approval No. 1137752, permitting the construction of four residential townhomes. The development included the construction of four two-bedroom dwelling units ranging in size from 1,644 square feet to 1,689 square feet of habitable area. The four residential units each feature 3.5 bathrooms, subterranean parking, and decks.

The project scope before the Hearing Officer was a Map Waiver for the creation of four residential condominium units on a single lot as defined in San Diego Municipal Code section 125.0120

#### DISCUSSION

The Hearing Officer considered the project on January 21, 2015. Public testimony was presented in favor and in opposition to the project. Ms. Julia Quinn, chair of the Peninsula Community Planning Board, raised concerns of non-compliance to the Municipal Code related to building height, parking and number of bedrooms. After deliberation and upon close of public testimony, the Hearing Officer approved the project as presented by staff.

#### Peninsula Community Planning Board Appeal:

On February 3, 2015, the chair of the Peninsula Community Planning Board submitted an appeal application (Attachment 1). Several items were listed as the basis for the appeal. The following summarizes the appeal issues and responses by staff.

<u>Appeal Issue 1</u>: The appeal indicates that the Hearing Officer Report stated that each unit would contain 2.5 bathrooms, when in fact each unit will contain 3.5 bathrooms.

<u>Staff Response</u>: Each unit will contain 3.5 bathrooms, pursuant to the previously approved building permit for this project. Within the Hearing Officer Report staff erroneously indicated each unit would contain 2.5 bathrooms. Staff acknowledges this mistake, and the Planning Commission documents have been corrected. The fact that the report understated the number of bathrooms by one would not have affected the Hearing Officer's decision on the Map Waiver. Map Waivers authorize only the conversion of rental units to ownership, and do not affect the development of the site approved pursuant to the building permit.

<u>Appeal Issue 2</u>: The appeal indicates that during the Hearing Officer hearing staff verbally indicated that each unit would contain three bedrooms, when in fact each unit will contain only

two bedrooms. The appellant is concerned because three bedroom units trigger the need for additional parking. The appellant also claims the developer's public relations campaign has advertised this project as containing three bedroom units.

<u>Staff Response</u>: Each unit will contain a maximum of two bedrooms. Although staff acknowledges erroneously mentioning three bedrooms, the Hearing Officer Report and Exhibits clearly indicate a maximum of two bedrooms.

Part of the confusion and/or concern may be the fact that each unit contains a maximum of two bedrooms and a den. The Municipal Code defines a bedroom as noted below.

Bedroom means an enclosed space within a dwelling unit that is designed or could be used for sleeping and has a permanent door permitting complete closure and separation from all kitchen, living room, and hallway areas. A room or other enclosed space is not considered a bedroom if it is the sole access to another bedroom.

The building permits previously approved for this project and the Map Waiver exhibits illustrate the proposed den does not contain a permanent door permitting complete closure, therefore, it does not constitute a bedroom. The building permits approved for this project does not allow the den to be converted to a bedroom. Conversion of these dens to bedrooms would constitute a code violation.

<u>Appeal Issue 3:</u> The appeal indicates that the project violates the Municipal Code with respect to parking, building height and grading requirements.

<u>Staff Response</u>: The development was approved through a ministerial building permit on January 13, 2014 under Approval No. 1137752, which permitted the construction of four residential townhomes. The parking requirement for the two bedroom units is two parking spaces for each of the four units. The development meets the parking requirement. Motorcycle parking is not required for the development. Bicycle parking is not required because garages are accessible by the residents of the dwelling unit.

The site is located with the Coastal Height Limitation Overlay Zone ("Proposition D" height limit) which limits the height of buildings and structures to 30 feet. The underlying RM-3-7 zone limits building height to 40 feet. The development was reviewed pursuant to both requirements and complies with these regulations. In response to a code compliance complaint regarding building height, Development Services staff conducted an inspection and verified that the structure height is in compliance with the approved building plans. Additionally the development received a Height Certification verifying the structure complies with the Proposition D height limitations of 30 feet (Attachment 6).

Concerning the grading permit issue, the development did not require a grading permit as the maximum cut and fill is below the City's threshold of requiring a grading permit (less than five feet of cut and fill).

#### **CONCLUSION**:

Staff has determined that the proposed project, a Map Waiver to create four condominiums from an approved development currently under construction, complies with San Diego Municipal Code requirements regulating Map Waivers. Staff has also determined all 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(S)

- 1. **Deny** the appeal and **Approve** Map Waiver No. 1325314 with modifications;
- 2. Approve the appeal and Deny Map Waiver No. 1325314, if the findings to approve the project cannot be affirmed.

Respectfully submitted,

Mike Westlake Assistant Deputy Director Development Services Department

William Zounes Development Project Manager Development Services Department

Attachments:

- 1. Appeal Application
- 2. Hearing Officer Report No. HO-13-060
- 3. Map Waiver Findings
- 4. Map Waiver Exhibit
- 5. Floor Plans and Elevations
- 6. Height Certification

#### Attachment 1 Appeal Application

	City of San Diego Development Services 1222 First Ave. 3rd Floor San Diego, CA 92101	Development	ination DS-3031
THE CITY OF SAN DIEGO		Appeal Appl	ICation October 2012
	Bulletin 505, "Development Permits App	eal Procedure," for information on	the appeal procedure.
Process Three I	cision - Appeal to Planning Commission Decision - Appeal to Planning Commission ecision - Appeal to City Council	<ul> <li>Environmental Determina</li> <li>Appeal of a Hearing Office</li> </ul>	tion - Appeal to City Council er Decision to revoke a permit
2. Appellant Pleas	e check one 🔲 Applicant 🗹 Officially rec	ognized Planning Committee 🛛 "In	terested Person" (Per M.C. Sec.
Name: Peninsula Commun	nity Planning Board (PCPB)- Julia Quinn, Ch	E-mail Address:	
Address:		air pcpbem@gmail.cor Sity: State: Zip Code:	
PO Box 7994 3. Applicant Name	San A (As shown on the Permit/Approval being ap	Diego CA 92167	(619) 820-6043
David Parot	, i i i i i i i i i i i i i i i i i i i	pealed). Complete il different nom ap	penan.
4. Project Informa	tion al Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
Carleton 4 Map Wa	aiver, Project No. 373548	1/21/15	William Zounes
Decision (describe	the permit/approval decision): ar approved map waiver to create 4 residenti		
	to deny the project on 11/20/14.	ar condominium units (under construc	ction) at 3015-3021 Carleton St.
5. Grounds for Ap 2 Factual Error 2 Conflict with a 5 Findings Not	other matters	<ul> <li>New Information</li> <li>City-wide Significance (P</li> </ul>	rocess Four decisions only)
Description of Gro Chapter 11, Articla -Map waiver applic	unds for Appeal (Please relate your descrip 2. Division 5 of the San Diego Municipal Cor ation and hearing officer staff report stated e	tion to the allowable reasons for appe . Attach additional sheets if necess ach residential unit will contain two (2	eal as more fully described in ary.) ) bedrooms and 2.5 bathrooms
-Advertisement for	the development refutes the claim of a 2 bec	Iroom unit and shows three (3) bedro	oms and 3.5 bathrooms per unit.
	ger stated each unit would be recorded as 3		
-San Diego Munici	oal Code Ch 14, Art 2, Div 5 requires 2.25 pa	rking spaces for 3 bedroom unit; only	2 parking spaces/unit provided.
-San Diego Munici	bal Code Ch 14, Art 2, Div 5 requires 0.1 mo	orcycle and 0.6 bicycle parking space	es per unit; none provided.
Per inspection by C	ity building inspector, building height exceed	ls 30-feet, but was approved by the o	riginal building permit.
-SDMC 142.0525(d	e) requires common area parking of 20% of the	ne total required parking spaces provi	ded; none provided.
- Hearing officer sta	aff report HO-15-004, dated 1/21/15, states p	roject was reviewed and determined	to comply with Municipal Code.
Deficient parking is	not consistent with Municipal Code. Buildin	gs height in excess of 30-feet not in c	ompliance with Municipal Code
and voter approved	Proposition D in the Coastal Zone (i.e. Peni	nsula Community).	
	tion higher than original grade per photo on l		
- No record of grad	ing permit per Brian Bishop, City of San Diec	o Structural Building Inspector (new i	nformation).
6. Appellant's Sign	ature: I certify under penalty of perjury that t	he foregoing, including all names and	addresses, is true and correct.
Signature:	Julia Quinn	Date: <u>o February 3</u>	,2015
Note: Faxed appe	als are not accepted. Appeal fees are non	-refundable.	
		site at <u>www.sandlego.gov/development-se</u>	
	Upon request, this information is available i		bilities.
	DS-30	031 (10-12)	



Attachment 2 Hearing Officer Report No. HO-13-060

THE CITY OF SAN DIEGO

#### **REPORT TO THE HEARING OFFICER**

HEARING DATE: January 21, 2015

REPORT NO. HO 15-004

ATTENTION: Hearing Officer

SUBJECT: CARLETON 4 PTS PROJECT NUMBER: 373548

LOCATION: 3015-3021 Carleton Street

APPLICANT: David Parot

**SUMMARY** 

<u>Issue(s)</u>: Should the Hearing Officer approve a Map Waiver to create four residential condominiums within the Peninsula Community Plan area?

Staff Recommendation(s) - APPROVE Map Waiver No. 1325314.

<u>Community Planning Group Recommendation</u> - On November 20, 2014, the Peninsula Community Planning Board voted 15-0-0 to recommend denial of the project (See Discussion Section below and Attachment 7).

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15304 (Minor Alterations and Land Use Alterations). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on December 12, 2014 and the opportunity to appeal that determination ended December 29, 2014.

#### BACKGROUND

The project proposes a Map Waiver to create four residential condominiums currently under construction on a 0.11-acre site located at 3015-3021 Carleton Street in the RM-3-7 zone of the Peninsula Community Planning area. The site is adjacent to commercial establishments to the south and east and multi-family and single family residential dwellings to the north and west.

Prior to the submittal of the Map Waiver application, construction plans were reviewed and a building permit was issued by the Development Services Department on January 13, 2014 under Approval No. 1137752, permitting the construction of four residential townhomes. The

development included the construction of four two-bedroom dwelling units ranging in size from 1,644 square feet to 1,689 square feet. The four residential units each feature 2.5 bathrooms, subterranean parking, and decks.

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

#### DISCUSSION

The project proposes a Map Waiver to create four residential condominium units on a site located at 3015-3021 Carleton Street. Proposed land modifications/improvements with this Map Waiver include the reconstruction of a portion of curb, gutter, driveway, and sidewalk along Carleton Street. The project has been reviewed and determined to be in compliance with the Municipal Code and Subdivision Map Act. An affordable housing fee was paid prior to the issuance of the building permit to comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, and Division 13, of the Land Development Code).

#### Community Planning Group

On November 20, 2014, the Peninsula Community Planning Board (PCPB) voted 15-0-0 to recommend denial of the project (Attachment 7). The PCPB believes the project was falsely advertized, is in noncompliance with the municipal code in particular to parking requirements, community character, and the planning process.

Staff's response to the Peninsula Community Planning Board's recommendation of denial is that the proposed condominiums are currently under construction through Building Permit No. 1137752 issued on January 14, 2014. The new structure was determined to be in conformance with the development regulations of the RM-3-7 zone to include height, parking, setbacks, floor area ratio, landscaping and architectural design. The project does not include deviations from the regulations. The project is in conformity and consistent with the Peninsula Community Plan which designates the site for multi-family residential development with an allowed density range of 30-44 dwelling units per acre, which would allow up to five units on the site. The Map Waiver meets the objective of the Peninsula Community Plan by providing multifamily housing development and redevelopment in areas in proximity to transit lines, provides housing opportunities within Peninsula for the elderly and empty nesters who desire to remain in the Peninsula community but no longer desire to maintain a single-family dwelling, and provides housing opportunities for persons of all income levels, including both rental and ownership units, through new construction and rehabilitation of deteriorating structures.

New residential developments which meet all San Diego Municipal Code requirements are a Process 1 (ministerial/administrative) decision process and these types of projects are not required to be reviewed by a designated community planning committee and are allowed by right. The subject Map Waiver application is a Process 3 development permit. Council Policy 600-24 allows community planning groups the opportunity to provide a recommendation of development permits to staff and a decision maker. As specified in Council Policy 600-24 the recommendation from the community planning group reviewing a development permit are to base their recommendation on conformance with the Land Development Code, adopted Community Plan and/or General Plan.

#### Conclusion

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

#### ALTERNATIVES

- 1. Approve Map Waiver No. 1325314 with modifications; or
- 2. **Deny** Map Waiver No. 1325314 if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

William Zounes, Development Project Manager

Attachments:

Attachments:

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





Aerial Photograph (Birds Eye) Carleton 4 Map Waiver Project No. 373548

3015 - 3021 Carleton Street

Attachment 1 Aerial Photograph of Site



Attachment 2 Community Plan Land Use Map



### Peninsula Land Use Plan

<u>Carleton 4 Map Waiver Project No. 373548</u> 3015 – 3021 Carleton Street



Attachment 3 Project Location Map

3015 - 3021 Carleton Street

#### Attachment 4 Project Data Sheet

PROJ	ECT DATA SH	ЕЕТ		
PROJECT NAME:	Carleton 4			
PROJECT DESCRIPTION:	Map Waiver to create four	residential condominiums		
COMMUNITY PLAN AREA:	Peninsula Community Plan			
DISCRETIONARY ACTIONS:	Map Waiver			
COMMUNITY PLAN LAND USE DESIGNATION:	Multi-Family Residential			
HEIGHT LIMIT: 30-F LOT SIZE: 5,000 FLOOR AREA RATIO: 1.8 m FRONT SETBACK: 10/20- SIDE SETBACK: 5-feet STREETSIDE SETBACK: 10-feet REAR SETBACK: 5-feet	) square-foot minimum lot size. aximum - feet min et			
ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE		
NORTH:	Commercial /CC-4-2	Commercial		
SOUTH:	Commercial; /CC-4-2	Commercial		
EAST:	Commercial /CC-4-2	Commercial		
WEST:	Multi-Family Residential /RM-3-7	Residential		
DEVIATIONS OR VARIANCES REQUESTED:	None			
COMMUNITY PLANNING GROUP RECOMMENDATION:	On November 20, 2014, the Peninsula Community Planning Board voted 15-0-0 to recommend denial of the project.			

#### RESOLUTION NO. \_\_\_\_: DATE OF FINAL PASSAGE JANUARY 21, 2015

A RESOLUTION OF THE HEARING OFFICER ADOPTING THE FINDINGS AND APPROVING MAP WAIVER NO. 1325314 FOR CARLETON 4 – PROJECT NO. 373548

WHEREAS, ACROPOLIS CAPITAL, LLC, Subdivider, and ROBERTO S. DOMINGO, engineer, submitted an application with the City of San Diego for Map Waiver No. 1325314, to waive the requirement for a Tentative Map for the creation of four residential condominiums. The project site is located at 3015-3021 Carleton Street in the RM-3-7 zone of the Peninsula Community Planning area. The property is legally described as Lot 9 in block 24 of Roseville, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 165, filed in the office of the County Recorder of San Diego County ; and

WHEREAS, the Map proposes the subdivision of a 0.12-acre site into one (1) lot for a 4 unit residential condominium creation, currently under construction; and

WHEREAS, on December 12, 2014, the City of San Diego, as Lead Agency through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 *et. seq.*) under CEQA Guidelines Section 15305 and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code section 112.0520;

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

WHEREAS, the project consists of four 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, on January 21, 2015, the Hearing Officer of the City of San Diego considered Map Waiver No. 1325314 and pursuant to sections 125.0122 (map waiver) 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. 1325314:

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

The project proposes to create four residential condominiums from four residential units that are currently under construction on a 0.12-acre site located at 3015-3021 Carleton

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Street in the RM-3-7 zone of the Peninsula Community Planning area. Construction plans were reviewed and issued permits by the Development Services Department on January 13, 2014 under Approval No. 1137752, permitting the construction of the four residential units and associated site improvements.

The project is in conformity and consistent with the Peninsula Community Plan which designates the site for multi-family residential development with an allowed density range of 30-44 dwelling units per acre, which would allow up to eight units on the site. The Map Waiver meets the objective of the Peninsula Community Plan by providing multifamily housing development and redevelopment in areas proximate to transit lines; provides housing opportunities within Peninsula for the elderly and empty nesters who desire to remain in the Peninsula community but no longer desire to maintain a single-family dwelling, and provides housing opportunities for persons of all income levels, including both rental and ownership units, through new construction and rehabilitation of deteriorating structures. Therefore, the proposed subdivision and its design or improvements are consistent with the policies, goals, and objectives of the applicable land use plan.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (San Diego Municipal Code § 125.0440(b).

The project proposes to create four residential condominiums from four residential units that are currently under construction on a 0.12-acre site located at 3015-3021 Carleton Street in the RM-3-7 zone of the Peninsula Community Planning area. Construction plans were reviewed and issued permits by the Development Services Department on January 13, 2014 under Approval No. 1137752, permitting the construction of the four residential units and associated site improvements.

The proposed condominiums are currently under construction through Building Permit No. 1137752 issued on January 13, 2014. The development includes the construction of two, 2,023 square-foot and a 1,771 and 1,969 square-foot residential units for a total of four attached condominium units.

Each unit is three-stories and includes two bedrooms, 2 1/2 bathrooms, den and decks. The construction was determined to be consistent with the development regulations of the RM-3-7 zone to include height, setbacks, floor area ratio, landscaping and architectural design. The project does not include deviations from the regulations. Therefore, the proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code.

3. The site is physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)).

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The project proposes to create four residential condominiums from four residential units that are currently under construction on a 0.12-acre site located at 3015-3021 Carleton Street in the RM-3-7 zone of the Peninsula Community Planning area. Construction plans were reviewed and issued permits by the Development Services Department on January 13, 2014 under Approval No. 1137752, permitting the construction of the four residential units and associated site improvements.

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

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

The project proposes to create four residential condominiums from four residential units that are currently under construction on a 0.12-acre site located at 3015-3021 Carleton Street in the RM-3-7 zone of the Peninsula Community Planning area. Construction plans were reviewed and issued permits by the Development Services Department on January 13, 2014 under Approval No. 1137752, permitting the construction of the four residential units and associated site improvements.

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

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

The project proposes to create four residential condominiums from four residential units that are currently under construction on a 0.12-acre site located at 3015-3021 Carleton Street in the RM-3-7 zone of the Peninsula Community Planning area. Construction plans were reviewed and issued permits by the Development Services Department on January 13, 2014 under Approval No. 1137752, permitting the construction of the four residential units and associated site improvements.

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Land modifications/improvements are proposed with this Map Waiver to include new sidewalk, driveway, water services and sewer lateral. The project has been reviewed and determined to be in compliance with the Municipal Code and Subdivision Map Act. The Map Waiver includes conditions and corresponding exhibits relevant to obtaining permits for the work within the public right-of-way and paying applicable taxes in order to achieve compliance with the regulations of the San Diego Municipal Code. The proposed sidewalk improvements should further improve safety conditions by providing an easier path of travel for pedestrians through these areas. Therefore, the design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare.

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)).

The project proposes to create four residential condominiums from four residential units that are currently under construction on a 0.12-acre site located at 3015-3021 Carleton Street in the RM-3-7 zone of the Peninsula Community Planning area. Construction plans were reviewed and issued permits by the Development Services Department on January 13, 2014 under Approval No. 1137752, permitting the construction of the four residential units and associated site improvements.

The proposed subdivision will not conflict with existing public easements as there are none on the site. The site has frontage on Carleton Street which are dedicated public rights-of-way. Additionally, general utilities run along the public rights-of-ways and not through the existing project site. The subdivision proposes public improvements to include a new sidewalk, driveway, water services and sewer lateral. 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 (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1).

The project proposes to create four residential condominiums from four residential units that are currently under construction on a 0.12-acre site located at 3015-3021 Carleton Street in the RM-3-7 zone of the Peninsula Community Planning area. Construction plans were reviewed and issued permits by the Development Services Department on January 13, 2014 under Approval No. 1137752, permitting the construction of the four residential units and associated site improvements.

The potential and opportunity exists to implement sustainable building techniques that utilize photovoltaic systems (solar panels) to generate a certain percentage of the project's energy needs. The four units incorporate roofs which may facilitate solar panels

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in the future and the units face the southwest, conducive to effective solar utilization. Additionally, thermally broken dual glazed windows will be installed which will help reduce solar heat gain within the units. Therefore, the design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3).

The project proposes to create four residential condominiums from four residential units that are currently under construction on a 0.12-acre site located at 3015-3021 Carleton Street in the RM-3-7 zone of the Peninsula Community Planning area. Construction plans were reviewed and issued permits by the Development Services Department on January 13, 2014 under Approval No. 1137752, permitting the construction of the four residential units and associated site improvements.

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

9. The proposed subdivision of land complies with requirements of the Subdivision Map Act and the Land Development Code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act or the Land Development Code enacted pursuant thereto (San Diego Municipal Code § 125.0123 and Subdivision Map Act § 66428(b)).

The project proposes to create four residential condominiums from four residential units that are currently under construction on a 0.12-acre site located at 3015-3021 Carleton Street in the RM-3-7 zone of the Peninsula Community Planning area. Construction plans were reviewed and issued permits by the Development Services Department on

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January 13, 2014 under Approval No. 1137752, permitting the construction of the four residential units and associated site improvements.

The proposed subdivision complies with all of the applicable requirements of the Subdivision Map Act and the Land Development Code. The development complies with the requirements that regulate the size and location of the structure, including setbacks, coverage, height, and floor area. The proposed subdivision is within a developed urban residential neighborhood and located on existing improved and dedicated rights-of-way. The development would not be subject to floodwater inundation. Drainage is directed off the site into the City's stormwater collection system. The property is within the jurisdiction of the City of San Diego, and therefore all normal residential waste generated from the subdivision would be collected and disposed of in the City landfill. Therefore, the proposed subdivision of land complies with requirements of the Subdivision Map Act and the Land Development Code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act or the Land Development Code enacted pursuant thereto (San Diego Municipal Code § 125.0122 and Subdivision Map Act § 66428(b)).

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted

by the Hearing Officer, Map Waiver No. 1325314 is hereby granted to ACROPOLIS

CAPITAL, LLC subject to the attached conditions which are made a part of this

resolution by this reference.

By

William Zounes Development Project Manager Development Services Department

ATTACHMENT: Map Waiver Conditions Internal Order No. 24004832

Project No. 373548 MW No. 1325314 January 21, 2015

Page 7 of 7

#### Attachment 6 Draft Map Waiver Conditions

#### HEARING OFFICER CONDITIONS FOR MAP WAIVER NO. 1325314 CARLETON 4 PROJECT NO. 373548 ADOPTED BY RESOLUTION NO. XXXXXX ON JANUARY 21, 2015

#### GENERAL

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

#### ENGINEERING

6. The Subdivider shall construct the required Public Improvements, as shown on the approved construction plan with approval number 1201275, which included new sidewalk, driveway, water services and sewer lateral.

Project No. 373548 MW No. 1325314 January 21, 2014 Page 1 of 3

#### Attachment 6 Draft Map Waiver Conditions

- 7. The Subdivider shall apply for a plumbing permit for the installation of appropriate above ground 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. BFPD's are typically located on private property, in line with the service and immediately adjacent to the right-of-way. The Public Utilities Department will not permit the required BFPDs to be located below grade or within the structure.
- 8. The Subdivider shall sign and provide to the City a letter acknowledging their obligation and intent to create, via CC&Rs on each Unit's title, provisions for the continuous future operation and maintenance of the development's private sewer main in a manner satisfactory to the Public Utilities Director and the City Engineer.
- 9. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
- 10. 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.
- 11. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Certificate of Compliance, unless otherwise noted.

#### MAPPING

12. 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.

#### **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.*).

Project No. 373548 MW No. 1325314 January 21, 2014 Page 2 of 3

#### Attachment 6 Draft Map Waiver Conditions

- 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. 24004832

Project No. 373548 MW No. 1325314 January 21, 2014 Page 3 of 3

Attachment 7 **Community Planning Group** Recommendation Community Planning City of San Diego **Development Services** 1222 First Ave., MS-302 Committee San Diego, CA 92101 THE CITY OF SAN DIEGO **Distribution Form Part 1** CARLETON STREET WAIVER 373548 Project Scope/Location: **Distribution Date:** Project Scope/Location: MAR WAIVER TO CONSTRUCT FOUR CONDUL NIPS ON BUILDING UNDER CONSTRUCTION 3015 - 3021 CARLETON ST. **Applicant Name: Applicant Phone Number:** DAVID PAROT **Project Manager: Phone Number: Fax Number: E-mail Address:** WILL ZOUNES (619) 321-3200 Project Issues (To be completed by Community Planning Committee for initial review): # OF BEDROOMS FOR EACH UNIT 3) WHAT CONSTITUTES A BEDROOM? 3) APPLICANT ADVERTISING UNITS AS THREE UNITS ) NUMBER OF PARKING SPACES 5) DOES PROJECT VIOLATE MUNICIPAL CODE? BUHY CONSTRUCTION PLANS NEVER REVIEWED BY BOARD OR RUBLIC? IN KEEPING WITH COMMUNITY CHARACTER 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.

(01 - 13)

City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101			Cor	Attachment 7 ommunity Planning Group Recommendation Page 2 of 3 nmunity Planning Committee
			DISTRID	ution Form Part 2
Project Name: CARLETON STREET MAP WAIVER		37	et Number: 3548	Distribution Date:
MAP WAIVER TO CONS ON BUILDING UNG			FOUR NSTRI	CONDO UNITS UCTION
3015-3021 CARLETON	$\sim > 0$			
Applicant Name: DAVID PAROT			Applicant	Phone Number:
	ne Number:	: F	ax Number:	E-mail Address:
WILL ZOUNES		((	519) 321-3200	
Committee Recommendations (To be completed for Initi	Members		Members No	Members Abstain
Vote to Approve With Conditions Listed Below	Members '	Yes	Members No	Members Abstain
Vote to Approve With Non-Binding Recommendations Listed Below	Members	Yes	Members No	Members Abstain
Vote to Deny M-CARNEVALE 5-RUSS	Members V	Yes	Members No 1 Z	Members Abstain
No Action (Please specify, e.g., Need further informat quorum, etc.)	ion, Split vo	ote, La	ck of	Continued
CONDITIONS: PRUJECT VIOLA- FALSELY AOVERTISED. LAC VIOLATES COMMUNITY CHAR	KS R ACTOR.	MI	NICIP NIRED ANNIN	AL COPE. PARKINC. & PRUCESS VIOLATED
NAME DON SEVRENS			TITLE: <	SECRETARY
SIGNATURE: E. Serens	_		DATE: (	1/24/14
ATTACHER	Please return Project Mana City of San D Development 1222 First Av San Diego, C	igemen liego Servic enue, N	es Department MS 302	
Printed on recycled paper. Visit our web Upon request, this information is available	site at <u>www.s</u> in alternative	andiego format	o.gov/developme s for persons with	nt-services. h disabilities.

(01 - 13)

#### Carleton Street Map Waiver, Project No. 373548, 3015-3021 Carleton St.

Map waiver to construct four residential condominiums at building currently under construction. Applicant: David Parot

Discussion pointed out that the project received ministerial approval, escaping board and public review. It was pointed out that the third floor "lofts" or "dens" contain closets and bathrooms and are really third bedrooms and violate Municipal Code parking requirements. Also, testimony pointed out there has been extensive advertising of three-bedroom units although the applicant denied responsibility for the advertising. The applicant said it was identical to other 30-foot condos in Roseville which generated discussion from board and the public of unhappiness with loopholes leading to substandard buildings and destruction of comunity character.

Sevrens: Complained of obfuscation and seemingly misleading statements by the project manager and the applicant as to perceived violations of the Municipal Code. Ross: A den with a closet is a third bedroom and this does not meet the parking requirements.

Coons: There are two levels of subterfuge here.

Quinn: Similar three-story condos in Roseville have created many problems.

Webb: We never get to see the plans before they are built.

Carnevale: We are not going to stand for this (broken) process any more.

Dick: If we are serious (on opposing projects which use this methodology) we should send an emissary to any future hearing.

Motion by Carnevale, second by Ross to deny map waiver. Unanimous vote to deny (12-0).

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210	ect	111	ie:	

#### CARLETON STREET CONDOMINIUMS

Attachment 8 Ownership Disclosure Statement

-0----

Part II - To be completed when property is held by a corporation	on or partnership
Legal Status (please check):	
Corporation K Limited Liability -or- General) What State Partnership	Corporate Identification No
By signing the Ownership Disclosure Statement, the owner(s) ackr as identified above, will be filed with the City of San Diego on the s the property. Please list below the names, titles and addresses of otherwise, and state the type of property interest (e.g., tenants who in a partnership who own the property). A signature is required of property. Attach additional pages if needed. Note: The applicant is ownership during the time the application is being processed or con Manager at least thirty days prior to any public hearing on the subje information could result in a delay in the hearing process. Additi	ubject property with the intent to record an encumbrance against all persons who have an interest in the property, recorded or o will benefit from the permit, all corporate officers, and all partners at least one of the corporate officers or partners who own the responsible for notifying the Project Manager of any changes in nsidered. Changes in ownership are to be given to the Project ect property. Failure to provide accurate and current ownership onal pages attached Yes No
Corporate/Partnership Name (type or print): ACROPOLIS CAPITAL, LLC	Corporate/Partnership Name (type or print):
X Owner Tenant/Lessee	Owner Tenant/Lessee
Street Address: 3160 CAMINO DEL RIO SOUTH, STE. 202	Street Address:
City/State/Zip: SAN DIEGO, CALIFORNIA 92108	City/State/Zip:
Phone No: Fax No: ( 619)788-7470 ( 619 )330-2772	Phone No: Fax No:
Name of Corporate Officer/Partner (type or print): ALLADDINE GUEDDAR	Name of Corporate Officer/Partner (type or print):
Title (type or print): MANAGING MEMBER //	Title (type or print):
Signature: Date:	Signature : Date:
1/11/1 1-3.2019	
Corporate/Partnership Name (type or print):	Corporate/Partnership Name (type or print):
Owner Tenant/Lessee	Owner Tenant/Lessee
Street Address:	Street Address:
City/State/Zip:	City/State/Zip:
Phone No: Fax No:	Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):	Name of Corporate Officer/Partner (type or print):
Title (type or print):	Title (type or print):
Signature : Date:	Signature : Date:
Corporate/Partnership Name (type or print):	Corporate/Partnership Name (type or print):
Owner Tenant/Lessee	Owner Tenant/Lessee
Street Address:	Street Address:
City/State/Zip:	City/State/Zip:
Phone No: Fax No:	Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):	Name of Corporate Officer/Partner (type or print):
Title (type or print):	Title (type or print):
Signature : Date:	Signature : Date:

#### ATTACHMENT 9 Project Chronology

#### Project Chronology Carleton 4 Map Waiver PROJECT NO. 373548

Date	Action	Description	City Review Time	Applicant Response
6/24/14	First Submittal	Project Deemed Complete and distributed		
7/23/14	First Submittal Assessment Letter out		29 days	
10/23/14	Second submittal In	Normal Submittal		92 days from First Assessment Letter
11/7/14	Second Submittal Assessment Letter out		15 days	
11/21/14	Third submittal In	Normal Submittal		14 days from First Assessment Letter
12/8/14	Third Submittal Assessment Letter out		17 days	
1/21/15	Hearing Officer Hearing		44 days	
U TOTAL STAFF TIME**			3 month 15 days	
TOTAL APPLICANT TIME**				3 months 15 days
TOTAL PROJECT RUNNING TIME**		From Deemed Complete to HO Hearing	7 months 0 day	ys

\*\*Based on 30 days equals to one month.



#### Attachment 3 Draft Map Waiver Findings

#### RESOLUTION NO. \_\_\_\_: DATE OF FINAL PASSAGE JANUARY 21, 2015

A RESOLUTION OF THE HEARING OFFICER ADOPTING THE FINDINGS AND APPROVING MAP WAIVER NO. 1325314 FOR CARLETON 4 – PROJECT NO. 373548

WHEREAS, ACROPOLIS CAPITAL, LLC, Subdivider, and ROBERTO S. DOMINGO, engineer, submitted an application with the City of San Diego for Map Waiver No. 1325314, to waive the requirement for a Tentative Map for the creation of four residential condominiums. The project site is located at 3015-3021 Carleton Street in the RM-3-7 zone of the Peninsula Community Planning area. The property is legally described as Lot 9 in block 24 of Roseville, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 165, filed in the office of the County Recorder of San Diego County ; and

WHEREAS, the Map proposes the subdivision of a 0.12-acre site into one (1) lot for a 4 unit residential condominium creation, currently under construction; and

WHEREAS, on December 12, 2014, the City of San Diego, as Lead Agency through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 *et. seq.*) under CEQA Guidelines Section 15305 and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code section 112.0520;

Project No. 373548 MW No. 1325314 January 21, 2015 Page 1 of 7

#### Attachment 3 Draft Map Waiver Findings

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

WHEREAS, the project consists of four 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, on January 21, 2015, the Hearing Officer of the City of San Diego considered Map Waiver No. 1325314 and pursuant to sections 125.0122 (map waiver) 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. 1325314:

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

The project proposes to create four residential condominiums from four residential units that are currently under construction on a 0.12-acre site located at 3015-3021 Carleton

Project No. 373548 MW No. 1325314 January 21, 2015 Page 2 of 7

Street in the RM-3-7 zone of the Peninsula Community Planning area. Construction plans were reviewed and issued permits by the Development Services Department on January 13, 2014 under Approval No. 1137752, permitting the construction of the four residential units and associated site improvements.

The project is in conformity and consistent with the Peninsula Community Plan which designates the site for multi-family residential development with an allowed density range of 30-44 dwelling units per acre, which would allow up to eight units on the site. The Map Waiver meets the objective of the Peninsula Community Plan by providing multifamily housing development and redevelopment in areas proximate to transit lines; provides housing opportunities within Peninsula for the elderly and empty nesters who desire to remain in the Peninsula community but no longer desire to maintain a single-family dwelling, and provides housing opportunities for persons of all income levels, including both rental and ownership units, through new construction and rehabilitation of deteriorating structures. Therefore, the proposed subdivision and its design or improvements are consistent with the policies, goals, and objectives of the applicable land use plan.

## 2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (San Diego Municipal Code § 125.0440(b).

The project proposes to create four residential condominiums from four residential units that are currently under construction on a 0.12-acre site located at 3015-3021 Carleton Street in the RM-3-7 zone of the Peninsula Community Planning area. Construction plans were reviewed and issued permits by the Development Services Department on January 13, 2014 under Approval No. 1137752, permitting the construction of the four residential units and associated site improvements.

The proposed condominiums are currently under construction through Building Permit No. 1137752 issued on January 13, 2014. The development includes the construction of two, 1,689 square-foot and a 1,965 and 1,944 square-foot residential units for a total of four attached condominium units.

Each unit is three-stories and includes two bedrooms, 3 1/2 bathrooms, den and deck. The construction was determined to be consistent with the development regulations of the RM-3-7 zone to include height, setbacks, floor area ratio, landscaping and architectural design. The project does not include deviations from the regulations. Therefore, the proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code.

3. The site is physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)).

Page 3 of 7

#### Attachment 3 Draft Map Waiver Findings

The project proposes to create four residential condominiums from four residential units that are currently under construction on a 0.12-acre site located at 3015-3021 Carleton Street in the RM-3-7 zone of the Peninsula Community Planning area. Construction plans were reviewed and issued permits by the Development Services Department on January 13, 2014 under Approval No. 1137752, permitting the construction of the four residential units and associated site improvements.

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

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

The project proposes to create four residential condominiums from four residential units that are currently under construction on a 0.12-acre site located at 3015-3021 Carleton Street in the RM-3-7 zone of the Peninsula Community Planning area. Construction plans were reviewed and issued permits by the Development Services Department on January 13, 2014 under Approval No. 1137752, permitting the construction of the four residential units and associated site improvements.

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

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

The project proposes to create four residential condominiums from four residential units that are currently under construction on a 0.12-acre site located at 3015-3021 Carleton Street in the RM-3-7 zone of the Peninsula Community Planning area. Construction plans were reviewed and issued permits by the Development Services Department on January 13, 2014 under Approval No. 1137752, permitting the construction of the four residential units and associated site improvements.

Page 4 of 7

#### Attachment 3 Draft Map Waiver Findings

Land modifications/improvements are proposed with this Map Waiver to include new sidewalk, driveway, water services and sewer lateral. The project has been reviewed and determined to be in compliance with the Municipal Code and Subdivision Map Act. The Map Waiver includes conditions and corresponding exhibits relevant to obtaining permits for the work within the public right-of-way and paying applicable taxes in order to achieve compliance with the regulations of the San Diego Municipal Code. The proposed sidewalk improvements should further improve safety conditions by providing an easier path of travel for pedestrians through these areas. Therefore, the design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare.

# 6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)).

The project proposes to create four residential condominiums from four residential units that are currently under construction on a 0.12-acre site located at 3015-3021 Carleton Street in the RM-3-7 zone of the Peninsula Community Planning area. Construction plans were reviewed and issued permits by the Development Services Department on January 13, 2014 under Approval No. 1137752, permitting the construction of the four residential units and associated site improvements.

The proposed subdivision will not conflict with existing public easements as there are none on the site. The site has frontage on Carleton Street which are dedicated public rights-of-way. Additionally, general utilities run along the public rights-of-ways and not through the existing project site. The subdivision proposes public improvements to include a new sidewalk, driveway, water services and sewer lateral. 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 (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1).

The project proposes to create four residential condominiums from four residential units that are currently under construction on a 0.12-acre site located at 3015-3021 Carleton Street in the RM-3-7 zone of the Peninsula Community Planning area. Construction plans were reviewed and issued permits by the Development Services Department on January 13, 2014 under Approval No. 1137752, permitting the construction of the four residential units and associated site improvements.

The potential and opportunity exists to implement sustainable building techniques that utilize photovoltaic systems (solar panels) to generate a certain percentage of the project's energy needs. The four units incorporate roofs which may facilitate solar panels

Project No. 373548 MW No. 1325314 January 21, 2015 Page 5 of 7

January 13, 2014 under Approval No. 1137752, permitting the construction of the four residential units and associated site improvements.

The proposed subdivision complies with all of the applicable requirements of the Subdivision Map Act and the Land Development Code. The development complies with the requirements that regulate the size and location of the structure, including setbacks, coverage, height, and floor area. The proposed subdivision is within a developed urban residential neighborhood and located on existing improved and dedicated rights-of-way. The development would not be subject to floodwater inundation. Drainage is directed off the site into the City's stormwater collection system. The property is within the jurisdiction of the City of San Diego, and therefore all normal residential waste generated from the subdivision would be collected and disposed of in the City landfill. Therefore, the proposed subdivision of land complies with requirements of the Subdivision Map Act and the Land Development Code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act or the Land Development Code enacted pursuant thereto (San Diego Municipal Code § 125.0122 and Subdivision Map Act § 66428(b)).

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted

by the Hearing Officer, Map Waiver No. 1325314 is hereby granted to ACROPOLIS

CAPITAL, LLC subject to the attached conditions which are made a part of this

resolution by this reference.

By

William Zounes Development Project Manager Development Services Department

ATTACHMENT: Map Waiver Conditions Internal Order No. 24004832

#### Attachment 3 Draft Map Waiver Findings

in the future and the units face the southwest, conducive to effective solar utilization. Additionally, thermally broken dual glazed windows will be installed which will help reduce solar heat gain within the units. Therefore, the design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3).

The project proposes to create four residential condominiums from four residential units that are currently under construction on a 0.12-acre site located at 3015-3021 Carleton Street in the RM-3-7 zone of the Peninsula Community Planning area. Construction plans were reviewed and issued permits by the Development Services Department on January 13, 2014 under Approval No. 1137752, permitting the construction of the four residential units and associated site improvements.

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

9. The proposed subdivision of land complies with requirements of the Subdivision Map Act and the Land Development Code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act or the Land Development Code enacted pursuant thereto (San Diego Municipal Code § 125.0123 and Subdivision Map Act § 66428(b)).

The project proposes to create four residential condominiums from four residential units that are currently under construction on a 0.12-acre site located at 3015-3021 Carleton Street in the RM-3-7 zone of the Peninsula Community Planning area. Construction plans were reviewed and issued permits by the Development Services Department on

Project No. 373548 MW No. 1325314 January 21, 2015

Page 6 of 7





#### SHEET 1 OF 1 SHEET

LEGAL DESCRIPTION:

LOT 9 IN BLOCK 24 OF ROSEVILLE, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 165, FILED IN THE THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY. GENERAL NOTES:

- 1) BUILDING ADDRESS: 3015, 3017, 3019 & 3021 CARLETON STREET
- 2) ASSESSOR'S PARCEL NO .: 531-322-08
- EXISTING AND PROPOSED ZONING: RM-3-7 3)
- SETBACKS WERE DETERMINED PURSUANT TO SAN DIEGO MUNICIPAL CODE 4) 131.0443 PER THE ABOVE ZONE AND ARE AS FOLLOWS:

A) FRONT YARD: 10 FT. FROM PL., 20 FT MIN. STD.

- SIDE YARD: 5 FT.
- C) REAR: 5 FT.
- 5) CALIFORNIA COORDINATE INDEX: A) NAD 27 INDEX: 202-1697

B) NAD 83 ZONE 6 INDEX: N 1842 E 6257

- TOTAL GROSS/ NET AREA: 0.115 AC./ 5,000.00 SQ. FT.
- 7) EXISTING TOTAL NO. OF LOTS: 1

6)

- 8) PROPOSED TOTAL NO. OF LOTS: 1
- 9) EXISTING USE DESIGNATION: MULTI FAMILY RESIDENTIAL
- TOTAL NUMBER OF PROPOSED RESIDENTIAL CONDOMINIUM UNITS: (4) 10)
  - a) UNIT 1 TWO BEDROOM, WITH OFFICE/DEN AND 3.5 BATHS b) UNIT 2 TWO BEDROOM, WITH OFFICE/DEN AND 3.5 BATHS c) UNIT 3 TWO BEDROOM, WITH OFFICE/DEN AND 3.5 BATHS d) UNIT 4 TWO BEDROOM, WITH OFFICE/DEN AND 3.5 BATHS
- a) ALL LIVING UNITS HAVE A BASEMENT LEVEL GARAGE, THREE (3) STORIES OF LIVING SPACE WITH ROOF PATIO DECKS.
- "NEW" BUILDING CONSTRUCTION IS CURRENTLY ONGOING WITH THE PROCESSING OF THIS TENTATIVE MAP WAIVER APPLICATION.
- 12) THE TOTAL NUMBER OF PARKING SPACES AS REQUIRED PER TABLE 142-05C OF THE MUNICIPAL CODES SECTION 142.0525 IS 2.00 SPACES PER EACH ONE (1) BEDROOM UNIT. THERE WILL BE (4) GARAGE SPACES PROVIDED ON SITE TO ACCOMMODATE A TOTAL OF (8) EIGHT PARKING SPACES.
- 13) OVERLAY ZONES:

a) AIRPORT INFLUENANCE AREA - SAN DIEGO INTERNATIONAL
 b) COASTAL HEIGHT LIMIT

- 14) THERE ARE NO EXIST. OR PROPOSED BUS STOPS LOCATED ON CARLETON STREET.
- 15) THE INDICATED BUILDING LINES SHOWN HEREON IS OF THE BUILDING FOOTPRINT.
- THE SOURCE OF A PORTION OF THE TOPOGRAPHY UTILIZED FOR THIS MAP WAS OBTAINED FROM A TOPOGRAPHIC SURVEY PREPARED BY J & B SURVEYING, INC. DATED APRIL 8, 2013. 16)
- 17) DATE PREPARED: 12-23-13, 1ST UPDATE 10-21-14, 2ND UPDATE 11-13-14

BASIS OF ELEVATION:

THE BASIS OF ELEVATION FOR THIS TENTATIVE MAP WAIVER IS THE WESTERLY BRASS PLUG LOCATED AT THE INTERSECTION OF CARLETON STREET AND ROSECRANS STREET PER CITY OF SAN DIEGO VERTICAL CONTROL BOOK. ELEVATION: 20.839 M.S.L. (N.G.V.D. 29)

OWNER / APPLICANT:

ACROPOLIS CAPITAL LLC. A CALIFORNIA LIMITED LIABILITY COMPANY
C/O TJRF ASSOCIATES
3160 CAMINO DEL RIO SOUTH, SUITE 202 SAN DIEGO, CALIFORNIA 92108
TELEPHONE: (619) 501–8011
TELEPHONE: (619) 501-8011 FACSIMILE NO.: (619) 330-2772
ALLADDINE GUEDDAR, MANAGING
MEMBER
OWNER AUTHORIZED AGENT:
DAVID B. PAROT

C/O TJRF ASSOCIATES 3160 CAMINO DEL RIO SOUTH, SUIT SAN DIEGO, CALIFORNIA 92108 TELEPHONE: (619) 501-8011 FACSIMILE NO.: (619) 330-2772	E 202
	THE R PLACE OWNER AUTIONIZE

DAVID B- PAROT, OWNER AUTHORIZED AGENT (619) 884-1765

#### ENGINEER'S CERTIFICATION:

I HEREBY CERTIFY THAT THIS REPRESENTS A TENTATIVE MAP WAIVER PREPARED UNDER MY DIRECTION DURING THE MONTH OF JANUARY 2014, AND IT CONFORMS TO PROFESSIONAL ACCEPTED STANDARDS AND WAS ALSO PREPARED COMPLANCE WITH THE CITY OF SAN DIEGO MAP WAIVER REQUIREMENTS (SECTION 125.0120).

* C29118 S	ROBERTO S. DOMINGO, RCE 20118 REGISTRATION EXPIRES: 03-31-201 T & R ENGINEERS & ASSOCIATES 5030 PLAYA CATALINA SAN DIEGO, CALIFORNIA 92124 TELEPHONE: (858) 268-4179 FACSIMILE NO.: (858) 496-0840	 5
CALIFORNI	,,,	

DP 11.13.2014

Attachment 5 Floor Plans and Elevation Sheet 1 of 8



GARAGE FLOOR PLAN



REVISIONS DATE CCO house architecture Hadward Lag house SADED ARCH CARLETON STREET RESIDENCES and Diago. California 92705 san Diago. California 92705 Copyright ( 2013 Al loss designs, not anaparent lobated on design and a prohability of the source of whith a specific source of whith a specific source of the proper. These and is no drawp and all the view cooperating and and GARAGE FLOOR PLAN Sheet: A-1.1

Attachment 5 Floor Plans and Elevation Sheet 2 of 8



FIRST FLOOR PLAN



Attachment 5 Floor Plans and Elevation Sheet 3 of 8



SECOND FLOOR PLAN



Attachment 5 Floor Plans and Elevation Sheet 4of 8



THIRD FLOOR / ROOF DECK PLAN





Attachment 5 Floor Plans and Elevation Sheet 5 of 8





Attachment 5 Floor Plans and Elevation Sheet 6 of 8

car .



NORTH ELEVATION





Attachment 5 Floor Plans and Elevation Sheet 7 of 8



SOUTH ELEVATION

3



EAST ELEVATION

DATE ECO architecture 2140 Principle Court, Suite D San Diego, C.A.12117 P. 417.203 9231 Bolfecohousegreen.com UNED ARCHI UNED ARCHI CAMENA CAMENA B PA PA PA CAMENA C 31130 PA PA C CALLO CARLETON STREET RESIDENCES 3015-3021 Cartiona Street San Diego, California 22105 Copyright () 2013 Al loss output () 2013 Printed in the contract of the property of COMuse Contract () 2 and the this contract of the distribution of the distr distribution of the distribution of the distr 
 Date:
 10.28 2013

 Job:
 Carbon Street 1333

 Tide:
 SOUTH AND EAST EXTERIOR ELEVATIONS Sheet: A-3.2

Attachment 5 Floor Plans and Elevation Sheet 8 of 8



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BUILDING SECTION



BUILDING SECTION



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Attachment 6 Height Certification



#### SPEAR & ASSOCIATES, IN(

**CIVIL ENGINEERING & LAND SURVEYING** 

475 PRODUCTION STREET SAN MARCOS, CA 92078 (760) 736-2040 • FAX (760) 736-4866

OCTOBER 20, 2014

CITY OF SAN DIEGO ENGINEERING DEPARTMENT INSPECTION DIVISION 9485 AERO DRIVE SAN DIEGO, CA 92123

RE: HEIGHT CERTIFICATION **3015 – 3021 CARLETON STREET, SAN DIEGO, CA 92106** LOT 9, BLOCK 24 OF ROSEVILLE, MAP NO. 305 APN 531-322-08

THIS IS TO CERTIFY THE BUILDING HEIGHT FOR THE ABOVE REFERENCED PROJECT. PER FIELD SURVEY ON 17 OCTOBER 2014, THE HIGHEST ELEVATION OF THE STRUCTURE OF THE ABOVE REFERENCED BUILDING IS 57.38. THE ELEVATION OF THE LOWEST FINISHED SURFACE ADJACENT TO THE BUILDING IN ACCORDANCE WITH CITY OF SAN DIEGO TECHNICAL BULLETIN "BLDG-5-4" IS 27.54. THE DIFFERENCE IN ELEVATION FROM SAID HIGHEST ELEVATION TO SAID ADJACENT FINISHED SURFACE IS 29.84 FEET.

RESPECTFULLY SUBMITTED,

TRAY SPEAR √ PLS 6404

