



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: May 25, 2017 REPORT NO. PC-17-42

HEARING DATE: June 1, 2017

SUBJECT: TRUAX TENTATIVE MAP. Process Four Decision

PROJECT NUMBER: [509894](#)

REFERENCE: [City Council Resolution No. 310659](#) – The Sale of Excess City Property Located at 2513-2515 Union Street and 540 West Laurel Street.

OWNER/APPLICANT: City of San Diego/ Nakhshab Development and Design, Inc.

SUMMARY:

Issue: Should the Planning Commission adopt Negative Declaration No. 809905 and approve a Site Development Permit and Tentative Map to subdivide a 0.68-acre parcel into three lots located at 2513-2515 Union Street and 540 West Laurel Street in the Uptown Community Plan area?

Staff Recommendation:

1. ADOPT Negative Declaration No. 509894;
2. APPROVE Site Development Permit No. 1914071; and
3. APPROVE Tentative Map No. 1791107.

Community Planning Group Recommendation: On November 2, 2016 the Uptown Planners voted 11-0-2 to recommend approval of the project with no conditions.

Environmental Review: [Negative Declaration No. 509894](#) was prepared for the project in accordance with the California Environmental Quality Act. The City of San Diego conducted an Initial Study and determined that the proposed project will not have a significant environmental effect and the preparation of an Environmental Impact Report will not be required.

Fiscal Impact Statement: None associated with this action. All costs associated with the processing for this project are paid by the applicant.

Code Enforcement Impact: None.

Housing Impact Statement: The project is proposing the subdivision of the 0.68-acres site into three lots with public improvements, and no new construction and/or residential units are proposed with this development.

BACKGROUND

The project is located at 2513-2515 Union Street and 540 West Laurel Street in the MR-1000 and RS-1-1 zones of the previous Mid-City Communities Planned District within the Park West Neighborhood of the Uptown Community Plan. In addition, the site is within the Airport Land Use Compatibility Plan Noise Contours (CNEL) Overlay Zone (San Diego International Airport 65-70 CNEL), the Airport Approach Overlay Zone, the Airport Influence Areas Overlay Zone, the Federal Aviation Administration (FAA) Part 77 Noticing Area Overlay Zone, the Airport Safety Zone Overlay Zone, the Residential Tandem Parking Overlay Zone, and the Transit Area Overlay Zone. The project site is designated for multi-family residential development (29-44 dwelling units per acre) per the Uptown Community Plan.

In 1966, the City of San Diego purchased the site using Gas Tax Proceeds, with plans for connecting Interstate-5 to State Highway 163 through Maple Canyon. The site originally contained five parcels, which the City consolidated into one parcel. However, the freeway connection was determined not necessary, and the property has remained as City owned land.

The site currently contains three dwelling units, a historically designated two-story Craftsman style building constructed in 1912 located at 2513-2515 Union Street (duplex, proposed Parcel 1); and a one-story Spanish Eclectic style building constructed in 1939 located at 540 West Laurel Street (proposed Parcel 2). A third residential unit once existed on the northern portion of the site but was removed between 1980 and 1985 (proposed Parcel 3). Currently the Truax House (2513-2515 Union St.) is vacant, and the 540 West Laurel St. single family dwelling unit is occupied.

On April 12, 2016, the City Council recommended to market the property for sale as excess property, and requested the item to be returned to City Council with the proposed sale of the Truax House property for review and approval. On July 11, 2016, Resolution No. [R-310659](#) passed by the City Council of the City of San Diego authorized the City to sell the property. The City received an offer to purchase the property for \$2,500,000 from Nakhshab Development and Design, Inc., a California corporation ("Nakhshab"). Due to its age and significance, as a condition of the sale and prior to closing escrow, the City required the buyer to prepare and submit a historic report evaluating the property and its eligibility for historic designation. Therefore, Nakhshab submitted the report with a request for historic designation of the site.

On July 28 2016, the residential duplex located at 2513-2515 Union Street (called the Truax House) was considered by the Historic Resource Board (HRB) for historic designation. The requested designation was as a historical resource under HRB Criterion A, *"Exemplifies or reflects special elements of the City's, a community's or a neighborhood's historical, archaeological, cultural, social, economic, political, aesthetic, engineering, landscaping or architectural development (REPORT NO. HRB-16-047)."* In the 1980's, the home located at 2513-2515 Union Street was converted into a hospice for patients with AIDS. The dwelling unit provided a secure, homelike setting for victims of AIDS and ARC (AIDS-related complex) and named the Truax House after its founder Dr. Brad Truax. Truax House provided a sanctuary and needed care to terminally ill individuals with limited resources suffering from AIDS, at a time when the AIDS epidemic was relatively new, poorly understood by the

general public, and highly stigmatized. The AIDS Assistance Fund began working with the San Diego Housing Commission in the late 1980s and secured a lease to the City-owned building at 2513-2515 Union Street. The six-bedroom Truax House became the first residential living facility for people with AIDS in San Diego, accommodating up to 10 residents at a time. The AIDS Assistance Fund used the location to produce the City's first AIDS Walk for Life. The building operates as an AIDS hospice through August 29, 2013, until the final operator, Father Joe's Villages, ended their lease.

The HRB designation of the Truax House excludes the property located at 540 West Laurel Street, which is not eligible for designation under any Criteria. Additionally, a requirement of the historic designation requires the owner to maintain, rehabilitate and preserve the Truax House in accordance with the U.S. Secretary of Interior's Standards for the Treatment of Historic Properties, and in accordance with the City of San Diego's Land Development Code, and all other applicable laws and regulations.

Development of the site requires a Site Development Permit Process 4 in accordance with San Diego Municipal Code (SDMC) section 143.0920 (Deviations Required for Affordable Housing/In-Fill Housing and Sustainable Housing) for deviations to lot widths for Parcels 1 and 2, and lot area to Parcel 1, a Site Development Permit for any encroachment or object which is erected, placed, constructed, established or maintained in the Public Right-of-Way when the applicant is not the record owner of the property in accordance with SDMC section 126.0502, and a Tentative Map for the subdivision of one lot into three parcels in accordance with SDMC section 144.0220. This permit process does not affect the historic designation of the Truax House.

DISCUSSION

Community Plan and Zone Updates:

On December 16, 2016, the City Council adopted an updated Uptown Community Plan pursuant to [Ordinance No. O-20770](#), and a rezone of the properties within the community planning area to citywide zones pursuant to [Ordinance No. O-20771](#). However, this project application was deemed complete on September 14, 2016, and the applicant is utilizing the Uptown Community Plan and the MCCPD regulations that were in effect at the time of the project submittal.

Project Description:

The project -proposes the subdivision of a 0.68-acre site into three lots with adjacent public right-of way (ROW) improvements. The site is sloped with an elevation differential of approximately 40 feet from north to south with a 2:1 manufactured slope at the central portion of the property which gradually flattens out to the padded portions of the property.

The ROW improvements include the re-paving and expansion of a portion of Union Street fronting the site, new sidewalk along Laurel Street cross over Union Street, a new pedestrian ramp on the northwest corner of Union Street and Laurel Street, retaining walls, the modification to a private sewer facility, new driveway transition for 2526 Union Street, street trees, Stop Sign, and a new hammer head turnaround at the terminus of Union Street. Along West Laurel Street, public ROW improvements include the replacement of curb and gutter adjacent to the site and the relocation of water and sewer facilities. No construction is proposed to the existing dwelling units with this application.

As a component of the proposed project, the existing Truax House will utilize renewable energy technology, self-generating at least 50-percent of the projected total energy consumption on site through photovoltaic technology (solar panels), thus in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program. The photovoltaic system will be located on a portion of the roof. The site is not within or adjacent to the Multiple Species Conservation Program (MSCP), or the Multiple Habitat Planning Area (MHPA), and does not contain any other type of Environmentally Sensitive Lands (ESL) as defined in the San Diego Municipal Code (SDMC) section 113.0103.

Project-Related Issues:

An applicant may request deviations from the applicable development regulations pursuant to a Site Development Permit 143.0920 (Deviations Required for Affordable Housing/In-Fill Housing and Sustainable Housing) provided the development qualifies with the Sustainable Housing requirements through the Affordable/in-Fill Housing & Sustainable Buildings Expedite program and that findings can be made. The applicant requests three deviations.

The project includes a deviation from [San Diego Municipal Code \(SDMC\) Section 1512.0303](#) to lot widths on Parcels 1 and 2 and lot area to Parcel 1. The following Table 1 is a matrix of the proposed deviations, which is followed by the section of the code and justifications for the deviations:

Table 1 Requested Deviations		
	MR-1000 Zone	Proposed
Lot Width (Interior lot)	60 feet	53 feet (Parcel 2)
Lot Width (corner lot)	65 feet	50 feet (Parcel 1)
Lot Area	6,000 square feet	5,662 square feet (Parcel 1)

1. Lot Width: A deviation from [SDMC section 1512.0303](#) to reduce the lot width to 50 feet on Parcel 1 and 53 feet on Parcel 2, where the regulations requires 65 feet for Parcel 1 (corner lot) and 60 feet for Parcel 2 (interior lot).
2. Lot Area: A deviation from [SDMC section 1512.0303](#) to reduce the lot area to 5,662 square feet on Parcel 1 where the regulations require 6,000 square feet.

Justification: Due to the preservation of the driveway to the historic home located at Parcel 2, further movement of the Parcel 2 south lot line would disrupt this existing driveway condition. Allowing the deviation will preserve the historic home with required setbacks and the use around the structure. Although the Parcel 2 lot width is slightly under the minimum width, the lot exceeds the required lot area of 6,000 square feet. Both Parcel 1 and Parcel 2 would establish the same or greater lot width and lot patterns of other parcels in the area and maintain the lot pattern uniformity.

Each of the requested deviations have been reviewed as they relate to the property configuration, the surrounding development and the proposed ROW improvements. The deviations are appropriate and will result in a more desirable project that efficiently utilizes the site and achieves

the revitalization of the existing parcel for the creation of residential lots, while meeting the purpose and intent of the development regulations. Other than the requested deviations, the project meets all applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the SDMC.

Community Plan Analysis:

The Uptown Land Use framework recommends the preservation of existing single-family dwelling units as a distinct housing choice as well as for their contribution to the historic character of the community. In 2016, the HRB designated the Truax House as a historical resource under Criterion "A." Because the dwelling unit will maintain its historical integrity, it will be preserved and consistent with the community plan.

The site's location is within blocks of transit stops and public facilities. The proposed improvements include the partial repaving and expansion of Union Street, new sidewalk, turnaround at the end of Union Street, designated street parking, and an upgraded drainage system. This supports the Community Plan goal of a livable neighborhood and supports the recommendation of preserving historic homes.

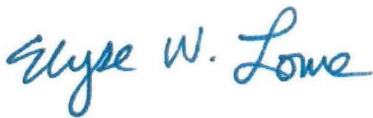
Conclusion:

With the approval of the requested deviations, the proposed project meets all applicable regulations and policy documents, and staff finds the project consistent with the recommended land use, design guidelines, and development standards in effect for this site per the adopted Uptown Community Plan, Mid-City Communities Planned District regulations, the SDMC, and the General Plan.

ALTERNATIVES

1. ADOPT Negative Declaration No. 509894, and Approve Site Development Permit No. 1914071 and Tentative Map No. 1791107 with modifications; or
2. DO NOT ADOPT Negative Declaration No. 509894, and DENY Site Development Permit No. 1914071 and Tentative Map No. 1791107, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



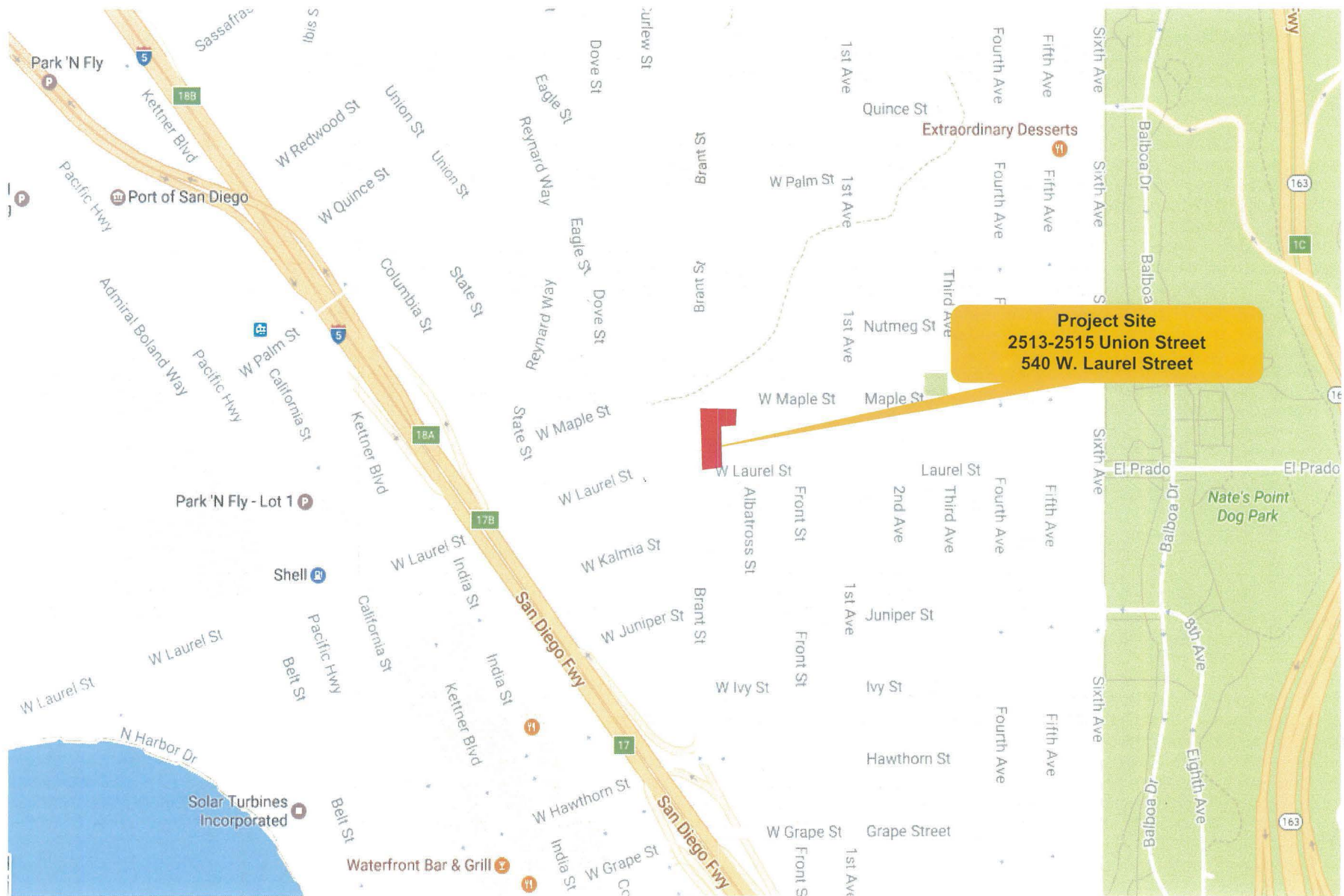
Elyse W. Lowe
Deputy Director
Development Services Department



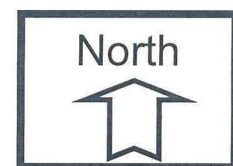
William Zoumes
Development Project Manager
Development Services Department

Attachments:

1. Location Map
2. Aerial Photograph
3. Zoning Map
4. Community Plan Land Use Map
5. Project Data Sheet
6. Existing Site Photographs
7. Draft Permit Resolution with Findings
8. Draft Permit with Conditions
9. Draft Map Resolution
10. Draft Map Conditions
11. Environmental Resolution
12. Community Planning Group Recommendation
13. Ownership Disclosure Statement
14. Project Plans



Attachment 1 Project Location Map



Project Location Map
Truax Tentative Map Project No. 509894
2513-2515 Union Street & 540 W. Laurel Street

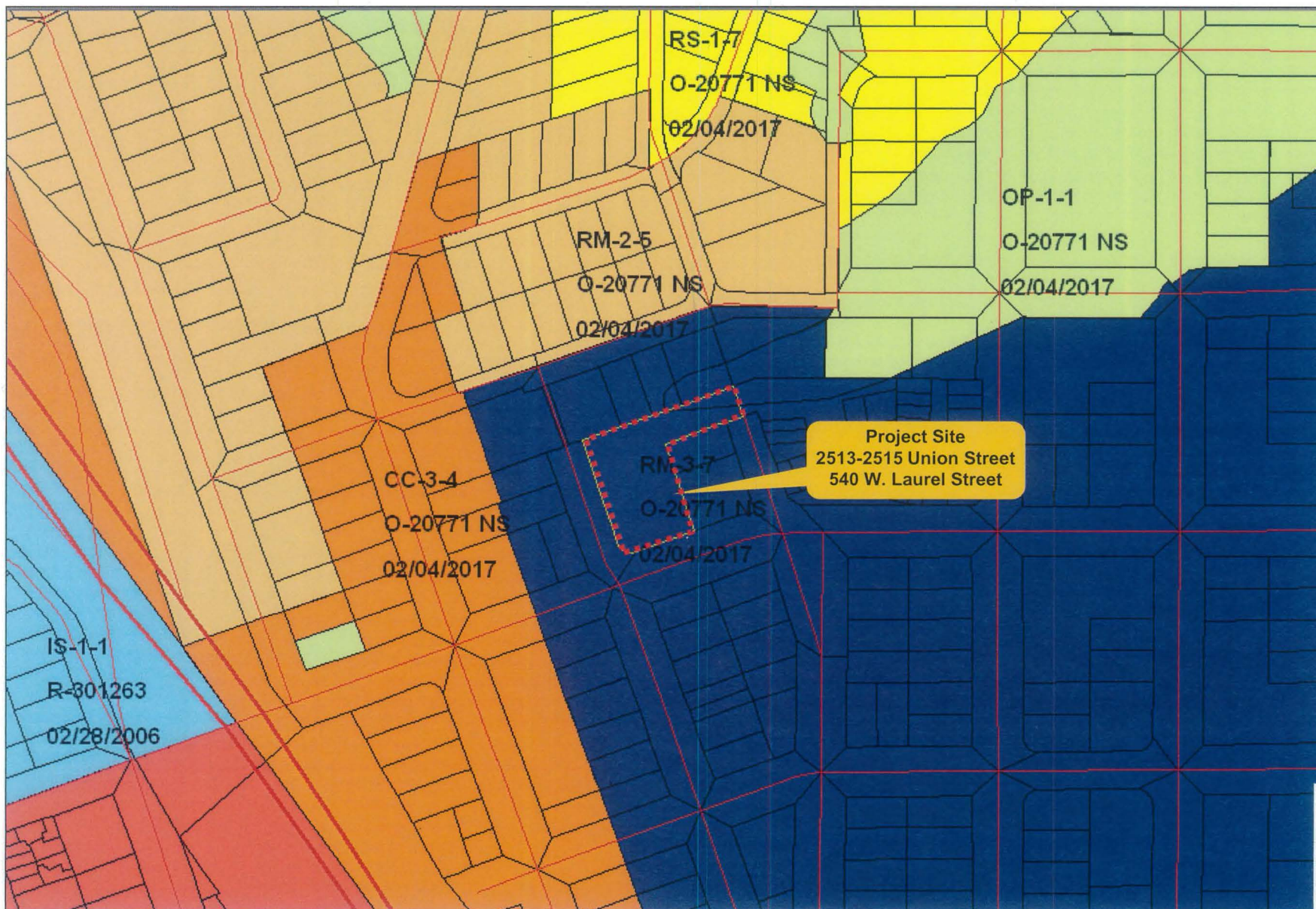


Attachment 2
Aerial Photograph of Site



Aerial Photograph
Truax Tentative Map Project No. 509894
2513-2515 Union Street & 540 W. Laurel Street





Attachment 3
Zoning Map



Zoning Map

Truax Tentative Map Project No. 509894
2513-2515 Union Street & 540 W. Laurel Street



UPTOWN COMMUNITY PLAN

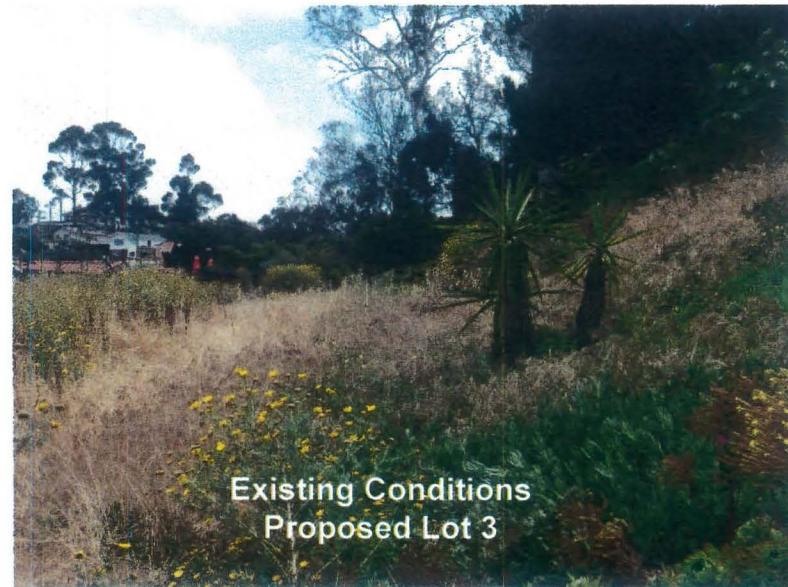
FIGURE 2-2-1: COMMUNITY PLAN LAND USE MAP



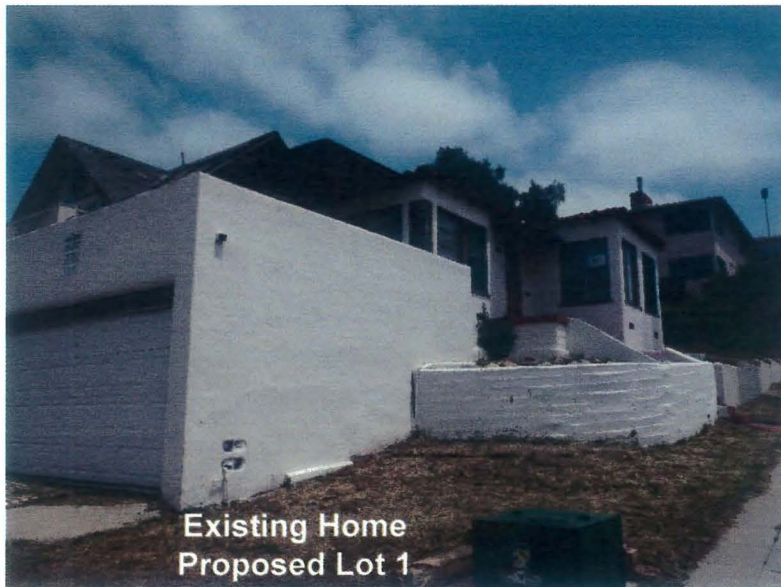
PROJECT DATA SHEET		
PROJECT NAME:	Truax Tentative map	
PROJECT DESCRIPTION:	The project -proposes the subdivision of a 0.68-acre site into three lots with adjacent public right-of way improvements	
COMMUNITY PLAN AREA:	Uptown	
DISCRETIONARY ACTIONS:	Tentative Map/Site Development Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Residential	
<p style="text-align: center;"><u>ZONING INFORMATION:</u></p> <p>ZONE: MR-1000</p> <p>HEIGHT LIMIT: 40/50 feet</p> <p>LOT SIZE: 0.68-acres</p> <p>FLOOR AREA RATIO: 0.75</p> <p>FRONT SETBACK: 10 feet</p> <p>SIDE SETBACK: 6 feet</p> <p>STREETSIDE SETBACK: 6 feet</p> <p>REAR SETBACK: 15 feet</p> <p>PARKING: N/A (Dependent on future development)</p>		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Residential/Open Space, RM-3-7	Single and Multi-family residential units developments.
SOUTH:	Residential, RM-3-7	Single and Multi-family residential units developments.
EAST:	Residential, RM-3-7	Single and Multi-family residential units developments.
WEST:	Residential, RM-3-7	Single and Multi-family residential units developments.
DEVIATIONS OR VARIANCES REQUESTED:	Yes, lot width to proposed Parcels 1 & 2 and lot area to proposed Parcel 1.	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On November 2, 2016 the Uptown Planners voted 11-0-2 to recommend approval of the project with no conditions.	



Existing Home (Truax House)
Proposed Lot 2



Existing Conditions
Proposed Lot 3



Existing Home
Proposed Lot 1



Existing Union Street



Existing Site Photos

Truax Tentative Map Project No. 509894

2513-2515 Union Street & 540 W. Laurel Street

Draft Permit Resolution with Findings

PLANNING COMMISSION
RESOLUTION NO. _____
SITE DEVELOPMENT PERMIT NO. 1914071
TRUAX TENTATIVE MAP PROJECT NO. 509894

WHEREAS, the CITY OF SAN DIEGO, a Public Body Corporate and Politic, Owner, and NAKHSHAB DEVELOPMENT AND DESIGN, INC., a California Corporation, Permittee, filed an application with the City of San Diego for a Tentative Map to subdivide one existing parcel into three parcels (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Site Development Permit No. 1914071), on portions of a 0.68-acre site; and

WHEREAS, the project site is located at 2515 Union Street and 540 west Laurel Street in the MR-1000 and RS-1-1 zones of the previous Mid-City Communities Planned District within the Park West Neighborhood of the Uptown Community Plan. In addition, the site is within the Airport Land Use Compatibility Plan Noise Contours (CNEL) Overlay Zone (San Diego International Airport 65-70 CNEL), the Airport Approach Overlay Zone, the Airport Influence Areas Overlay Zone, the Federal Aviation Administration (FAA) Part 77 Noticing Area Overlay Zone, the Airport Safety Zone Overlay Zone, the Residential Tandem Parking Overlay Zone, and the Transit Area Overlay Zone; and

WHEREAS, the project site is legally described as Parcel 1, in the City of San Diego, County of San Diego, State of California, according to Map Thereof No. 13590, filed in the Office of the County recorder of San Diego County, December 13, 1984; and

WHEREAS, on June 1, 2017, the Planning Commission of the City of San Diego considered Site Development Permit No. 1914071 pursuant to the Land Development Code of the City of San Diego; and

WHEREAS, after the approval of the above referenced project by the Planning Commission, City of San Diego intends to transfer the property to Nakhshab Development and Design, Inc., thereby making Nakhshab Development and Design, Inc. the new owner of the Truax Tentative Map project NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated June 1, 2017.

FINDINGS:

I. Site Development Permit - Section 126.0504

A. Findings for all Site Development Permits

- 1. The proposed development will not adversely affect the applicable land use plan.**

Attachment 7

Draft Permit Resolution with Findings

The project is located at 2513-2515 Union Street and 540 West Laurel Street in the MR-1000 and RS-1-1 zones of the Mid-City Communities Planned District within the Park West Neighborhood of the Uptown Community Plan. In addition, the site is within the Airport Land Use Compatibility Plan Noise Contours (CNEL) Overlay Zone (San Diego International Airport 65-70 CNEL), the Airport Approach Overlay Zone, the Airport Influence Areas Overlay Zone, the Federal Aviation Administration (FAA) Part 77 Noticing Area Overlay Zone, the Airport Safety Zone Overlay Zone, the Residential Tandem Parking Overlay Zone, and the Transit Area Overlay Zone,. The project site is designated for multi-family residential development (29-44 dwelling units per acre) per the Uptown Community Plan.

The Uptown Land Use framework recommends the preservation of existing single-family dwelling units as a distinct housing choice as well as for their contribution to the historic character of the community. In 2016, the HRB designated the Truax House as a historical resource under Criterion "A." Because the dwelling unit will maintain its historical integrity, it will be preserved and consistent with the community plan.

The site's location is within blocks of transit stops and public facilities. The proposed improvements include the partial repaving and expansion of Union Street, new sidewalk, turnaround at the end of Union Street, designated street parking, and an upgraded drainage system. This supports the Community Plan goal of a livable neighborhood and supports the recommendation of preserving historic homes.

Therefore, the proposed development will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The project will be required to obtain construction permits for public improvements prior to the recordation of the Parcel Map. The public improvement plans shall be reviewed, permitted, and inspected by the City for compliance with all applicable building, mechanical, electrical, fire code, and development regulations. The permit for the project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the San Diego Municipal Code in effect for this project. Land modifications/improvements are proposed with this Site Development Permit to include new sidewalk crossing Union Street, a new retaining wall, curb and gutter, vegetated swales, and new and relocated water and sewer services. Such conditions are necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. The project shall comply with the development conditions in effect for the subject property as described in Site Development Permit No. 1914071 and Tentative Map No. 1791107, and other regulations and guidelines pertaining to the subject property per the SDMC. [Negative Declaration No. 509894](#) was prepared for the project in accordance with the California Environmental Quality Act. The City of

Draft Permit Resolution with Findings

San Diego conducted an Initial Study and determined that the proposed project will not have a significant environmental effect and the preparation of an Environmental Impact Report will not be required. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

The proposed development complies with the applicable zoning and development regulations of the Land Development Code including land development requirements regulating residential development. The proposed project was reviewed for compliance with the MR-1000 land development requirements which include but are not limited to setbacks, density, landscape, parking, and floor area ratio.

The project proposes three deviations as follows:

Table 1 Requested Deviations		
	MR-1000 Zone	Proposed
Lot Width (Interior lot)	60 feet	53 feet (Parcel 2)
Lot Width (corner lot)	65 feet	50 feet (Parcel 1)
Lot Area	6,000 square feet	5,662 square feet (Parcel 1)

Lot Width: A deviation from [San Diego Municipal Code \(SDMC\) Section 1512.0303](#) to reduce the lot width to 50 feet on Parcel 1 and 53 feet on Parcel 2, where the regulations requires 65 feet for Parcel 1 (corner lot) and 60 feet for Parcel 2 (interior lot).

Lot Area: A deviation from [SDMC Section 1512.0303](#) to reduce the lot area to 5,662 square feet on Parcel 1 where the regulations requires 6,000 square feet.

Due to the preservation of the driveway to the historic home located at Parcel 2, further movement of the Parcel 2 south lot line would disrupt this existing driveway condition and may require a redesign. Additionally, allowing the deviation will preserve the historic home with required setbacks and the use around the structure. Although the Parcel 2 lot width is slightly under the minimum width, the lot exceeds the lot area. Both Parcel 1 and Parcel 2 would establish the same or greater lot width and lot patterns of other parcels in the area.

Each of the requested deviations have been reviewed as they relate to the property configuration, the surrounding development and the proposed ROW improvements. The deviations are appropriate and will result in a more desirable project that efficiently utilizes the site and achieves the revitalization of the existing

Attachment 7
Draft Permit Resolution with Findings

parcel for the creation of residential lots, while meeting the purpose and intent of the development regulations. Other than the requested deviations, the project meets all applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the SDMC.

As a component of the proposed project, the buildings will utilize renewable energy technology, self-generating at least 50 percent of the projected total energy consumption on site through photovoltaic technology (solar panels), thus meeting the requirements of Affordable/In-fill housing and Sustainable Buildings Expedite program. The photovoltaic system will be located on the roof of the homes. Therefore, the proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

M. Supplemental Findings - Deviations for Affordable/In-Fill Housing Projects and Sustainable Buildings:

- 1. The proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City, and/or the proposed development will materially assist in reducing impacts associated with fossil fuel energy use by utilizing alternative energy resources, selfgeneration and other renewable technologies (e.g. photovoltaic, wind, and/or fuel cells) to generate electricity needed by the building and its occupants.**

The proposed project will be providing a photovoltaic system which will generate at least 50-percent of the project's total energy used by each homes. Additionally other sustainable technology used for the project includes cool reflective roof, low-flow plumbing fixtures, and Electric Vehicle Charging stations. Therefore, the proposed development will materially assist in reducing impacts associated with fossil fuel energy use by utilizing alternative energy resources, self-generation and other renewable technologies (e.g. photovoltaic, wind, and/or fuel cells) to generate electricity needed by the building and its occupants.

- 2. The development will not be inconsistent with the purpose of the underlying zone.**

The project is located within the MR-1000 and RS-1-1 zones of the previous Mid-City Communities Planned District. The purpose of the MR zones is to provide for multiple dwelling unit development at varying densities. The MR zones individually accommodate developments with similar densities and characteristics. It is also intended that the residential zones reflect desired development patterns in existing neighborhoods while accommodating the need for future growth. The project proposes the subdivision of a 0.68-acre parcel into three lots with lot areas of 0.41, 0.14, and 0.13-acres respectively of which two are developed with single family dwelling units constructed in 1912 and 1939. The home located in Parcel 2

Draft Permit Resolution with Findings

is designated as a historic resource. The subdivision would establish the same or like lots of other parcels in the area and continue to preserve the historic integrity of other historic homes in the area. Therefore, the development will not be inconsistent with the purpose of the underlying zone.

3. Any proposed deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

The permit prepared for this project includes various conditions and corresponding exhibits of approval relevant to achieving compliance with the regulations of the Land Development Code and California Building Codes for grading and construction. The project was reviewed in accordance with the MR-1000 zone and San Diego Municipal Code Section [143.0920](#), Deviation Requirements for Affordable/In-Fill and Sustainable Buildings. Conditions required for the project include but are not limited to storm water and general runoff requirements, public improvements, private drainage system, and relocation of water and sewer facilities.

Deviations are allowed by a Site Development Permit for projects utilizing the Affordable/In-Fill Housing and Sustainable Buildings Regulations from SDMC section [143.0915](#). The project proposes three deviations. The following Table 1 is a matrix of the proposed deviations:

Table 1 Requested Deviations		
	MR-1000 Zone	Proposed
Lot Width (Interior lot)	60 feet	53 feet (Parcel 2)
Lot Width (corner lot)	65 feet	50 feet (Parcel 1)
Lot Area	6,000 square feet	5,662 square feet (Parcel 1)

Lot Width: A deviation from San Diego Municipal Code (SDMC) Section 1512.0303 to reduce the lot width to 50 feet on Parcel 1 and 53 feet on Parcel 2, where the regulations requires 65 feet for Parcel 1 (corner lot) and 60 feet for Parcel 2 (interior lot).

Lot Area: A deviation from SDMC Section 1512.0303 to reduce the lot area to 5,662 square feet on Parcel 1 where the regulations requires 6,000 square feet.

Due to the preservation of the driveway to the historic home located at Parcel 2, further movement of the Parcel 2 south lot line would disrupt this existing driveway condition and may require a redesign. Additionally, allowing the deviation will preserve the historic home with required setbacks and the use around the structure. Although the Parcel 2 lot width is slightly under the minimum width, the lot exceeds the lot area. Both Parcel 1 and Parcel 2 would

Attachment 7
Draft Permit Resolution with Findings

establish the same or greater lot width and lot patterns of other parcels in the area.

Each of the requested deviations have been reviewed as they relate to the property configuration, the surrounding development and the proposed ROW improvements. The deviations are appropriate and will result in a more desirable project that efficiently utilizes the site and achieves the revitalization of the existing parcel for the creation of residential lots, while meeting the purpose and intent of the development regulations. Other than the requested deviations, the project meets all applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the SDMC.

Therefore, the proposed deviation is appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Site Development Permit No. 1914071 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1914071, a copy of which is attached hereto and made a part hereof.

William Zounes
Development Project Manager
Development Services

Adopted on: June 1, 2017

IO#: 24006950

Attachment 8
Draft Permit with Conditions

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION
501

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

INTERNAL ORDER NUMBER: 24006950

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SITE DEVELOPMENT PERMIT NO. 1914071
TRAUX TENTATIVE MAP PROJECT NO. 509894
PLANNING COMMISSION

This Site Development Permit No. 1914071 is granted by the Planning Commission of the City of San Diego to the CITY OF SAN DIEGO, a Public Body Corporate and Politic, Owner, and NAKHSHAB DEVELOPMENT AND DESIGN, INC., a California Corporation, Permittee, pursuant to San Diego Municipal Code [SDMC] Sections 143.0920 and 126.0502. The 0.68-acre site is located at 2513-2515 Union Street and 540 west Laurel Street in the MR-1000 and RS-1-1 zones of the previous Mid-City Communities Planned District within the Park West Neighborhood of the Uptown Community Plan. In addition, the site is within the Airport Land Use Compatibility Plan Noise Contours (CNEL) Overlay Zone (San Diego International Airport 65-70 CNEL), the Airport Approach Overlay Zone, the Airport Influence Areas Overlay Zone, the Federal Aviation Administration (FAA) Part 77 Noticing Area Overlay Zone, the Airport Safety Zone Overlay Zone, the Residential Tandem Parking Overlay Zone, and the Transit Area Overlay Zone. The project site is legally described as: Parcel 1, in the City of San Diego, County of San Diego, State of California, according to Map Thereof No. 13590, filed in the Office of the County recorder of San Diego County, December 13, 1984;

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to subdivide one existing parcel into three parcels where two of the lots contain two existing residences and the third lot is vacant described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 1, 2017, on file in the Development Services Department.

The project shall include:

- a. The subdivision of an existing lot into three parcels where one lot contains a single family home, one lot contains a duple, and the third lot is vacant;
- b. Deviations:
 - i. Lot area deviation of 5,662 square feet to Parcel 1 where 6,000 square feet is required in accordance with San Diego Municipal Code Section 1512.0303;

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- ii. Lot width deviation of 50 feet to Parcel 1 where 65 feet is required in accordance with San Diego Municipal Code (SDMC) Section 1512.0303; and
- iii. Lot width deviation of 53 feet to Parcel 2 where 60 feet is required in accordance with San Diego Municipal Code Section 1512.0303;
- c. Off-street parking;
- d. Retaining walls;
- e. A roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption in accordance in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program; and
- f. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by June 15, 2020.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

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4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
9. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in

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defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

CLIMATE ACTION PLAN REQUIREMENTS:

11. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

ENGINEERING REQUIREMENTS:

12. The Site Development Permit shall comply with all Conditions of Tentative Map No. 1791107.

13. The project proposes to export 90 cubic yards of material from the project site. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2015 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

14. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

15. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.

16. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

PLANNING/DESIGN REQUIREMENTS:

17. Prior to the issuance of building permits, construction documents shall fully illustrate the incorporation of a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.

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PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

18. All proposed private water and sewer facilities located within a single lot are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.
19. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and five feet of any water facilities.
20. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, to cap (abandon) at the property line any existing unused sewer laterals.
21. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, to remove (kill) at the main any existing unused water services.
22. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, all water services shall be 5-feet away from the pedestrian ramp.
23. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, that all public water and sewer facilities be completed and operational in a manner satisfactory to the Public Utilities Director and the City Engineer.
24. Prior to issuance of any construction permits, the Owner/Permittee shall obtain Encroachment and Maintenance Removal Agreement (EMRA) for proposed improvements of any kind, including utilities, medians, landscaping, enriched paving, curb, gutter and sidewalk, and electrical conduits to be installed within the public right-of-way.
25. Prior to issuance of any construction permits, the Owner/Permittee shall process an Encroachment, Maintenance and Removal Agreement (EMRA), for the private sewer main encroaching into Laurel Street.
26. Prior to the issuance of any grading permit, the Owner/Permittee shall provide Conditions, Covenants and Restrictions for the maintenance of the proposed private utilities in private property.

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the

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approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.

- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on June 1, 2017.

Draft

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Draft Permit with Conditions

Permit Type/PTS Approval No.: Site Development Permit No. 1914071
Date of Approval: June 1, 2017

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

William Zounes
Development Project Manager

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

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

City of San Diego
Owner

By _____
Mary Caralson
Asset Manager,
Real Estates Assets Department

Nakhshab Development and Design, Inc.,
Permittee

By _____
Soheil Nakhshab
President of Nakhshab Development
and Design, Inc.

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

PLANNING COMMISSION RESOLUTION NUMBER R-_____

TENTATIVE MAP NO. 1791107, TRUAX TENTATIVE MAP-
PROJECT NO. 509894

WHEREAS, the CITY OF SAN DIEGO, a Public Body Corporate and Politic, Owner, NAKHSHAB DEVELOPMENT AND DESIGN, INC., a California Corporation, Subdivider, and JOHN S. COFFEY, Surveyor, submitted an application to the City of San Diego for a tentative map to subdivide one parcel into three parcels, where two of the lots contain existing residential dwelling units and the third lot is vacant. The project site is located at 2513-2515 Union Street and 540 West Laurel Street in the MR-1000 and RS-1-1 zones of the the previous Mid-City Communities Planned District within the Park West Neighborhood of the Uptown Community Plan. In addition, the site is within the Airport Land Use Compatibility Plan Noise Contours (CNEL) Overlay Zone (San Diego International Airport 65-70 CNEL), the Airport Approach Overlay Zone, the Airport Influence Areas Overlay Zone, the Federal Aviation Administration (FAA) Part 77 Noticing Area Overlay Zone, the Airport Safety Zone Overlay Zone, the Residential Tandem Parking Overlay Zone, and the Transit Area Overlay Zone. The property is legally described as Parcel 1, in the City of San Diego, County of San Diego, State of California, according to Map Thereof No. 13590, filed in the Office of the County recorder of San Diego County, December 13, 1984; and

WHEREAS, the Map proposes the Subdivision of a 0.68-site into three lots; and

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

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Draft Map Resolution

WHEREAS, on June 1, 2017, the Planning Commission of the City of San Diego considered Tentative Map No. 1791107 and pursuant to San Diego Municipal Code Section(s) 125.0440 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 Planning Commission having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 1791107:

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

The project is located at 2513-2515 Union Street and 540 West Laurel Street in the MR-1000 and RS-1-1 zones of the Mid-City Communities Planned District within the Park West Neighborhood of the Uptown Community Plan. In addition, the site is within the Airport Land Use Compatibility Plan Noise Contours (CNEL) Overlay Zone (San Diego International Airport 65-70 CNEL), the Airport Approach Overlay Zone, the Airport Influence Areas Overlay Zone, the Federal Aviation Administration (FAA) Part 77 Noticing Area Overlay Zone, the Airport Safety Zone Overlay Zone, the Residential Tandem Parking Overlay Zone, and the Transit Area Overlay Zone,. The project site is designated for multi-family residential development (29-44 dwelling units per acre) per the Uptown Community Plan.

The Uptown Land Use framework recommends the preservation of existing single-family dwelling units as a distinct housing choice as well as for their contribution to the historic character of the community. In 2016, the HRB designated the Truax House as a historical resource under Criterion "A." Because the dwelling unit will maintain its historical integrity, it will be preserved and consistent with the community plan.

The site's location is within blocks of transit stops and public facilities. The proposed improvements include the partial repaving and expansion of Union Street, new sidewalk, turnaround at the end of Union Street, designated street parking, and an upgraded drainage system. This supports the Community Plan goal of a livable neighborhood and supports the recommendation of preserving historic homes.

Therefore, the proposed subdivision and its design or improvement 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, including any allowable deviations pursuant to the land development code.

The proposed development complies with the applicable zoning and development regulations of the Land Development Code including land development requirements regulating residential development. The proposed project was reviewed for compliance with the MR-1000 land development requirements which include but are not limited to setbacks, density, landscape, parking, and floor area ratio.

The project proposes three deviations. The following Table 1 is a matrix of the proposed deviations:

Table 1 Requested Deviations		
	MR-1000 Zone	Proposed
Lot Width (Interior lot)	60 feet	53 feet (Parcel 2)
Lot Width (corner lot)	65 feet	50 feet (Parcel 1)
Lot Area	6,000 square feet	5,662 square feet (Parcel 1)

Lot Width: A deviation from [SDMC section 1512.0303](#) to reduce the lot width to 50 feet on Parcel 1 and 53 feet on Parcel 2, where the regulations requires 65 feet for Parcel 1 (corner lot) and 60 feet for Parcel 2 (interior lot).

Lot Area: A deviation from [SDMC section 1512.0303](#) to reduce the lot area to 5,662 square feet on Parcel 1 where the regulations requires 6,000 square feet.

Due to the preservation of the driveway to the historic home located at Parcel 2, further movement of the Parcel 2 south lot line would disrupt this existing driveway condition and may require a redesign. Additionally, allowing the deviation will preserve the historic home with required setbacks and the use around the structure. Although the Parcel 2 lot width is slightly under the minimum width, the lot exceeds the lot area. Both Parcel 1 and Parcel 2 would establish the same or greater lot width and lot patterns of other parcels in the area.

Each of the requested deviations have been reviewed as they relate to the property configuration, the surrounding development and the proposed ROW improvements. The deviations are appropriate and will result in a more desirable project that efficiently utilizes the site and achieves the revitalization of the existing parcel for the creation of residential lots, while meeting the purpose and intent of the development regulations. Other than the requested deviations, the project meets all applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the SDMC.

As a component of the proposed project, the buildings will utilize renewable energy technology, self-generating at least 50% of the projected total energy consumption on site through photovoltaic technology (solar panels), thus meeting the requirements of Affordable/In-fill housing and Sustainable Buildings Expedite program. The photovoltaic system will be located on the roof of the duplex located at 2513-2515 Union Street . Therefore, the project complies with the applicable zoning and development regulations of the Land Development Code.

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

The site has been previously graded and developed with three homes. The site is sloped with an elevation differential of approximately 40 feet from north to south with a 2:1 manufactured slope at the central portion of the property which gradually flattens out to the three padded portions of the property. Except for the proposed Parcel 3 lot, the site currently contains two of the originally developed single family dwelling units with the remnants of the third home identified only as a vacant padded area. The site does not contain environmentally sensitive lands. The existing 29,620 square-foot site can accommodate up to 30 dwelling units in accordance with the MR-1000 zone. The Uptown Community Plan designates the site as multi-family residential. The creation of three residential parcels is consistent with the community plan's land use designation and within the MR-1000 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.

The City of San Diego conducted an California Environmental Quality Act Initial Study and determined that the proposed project will not have a significant environmental effect and the preparation of an Environmental Impact Report will not be required. Negative Declaration No. 509894 was prepared for the project and determined that a mitigation, monitoring, and reporting program was not required. The project is located within an urbanized and built-out environment where there are no watercourses, environmentally sensitive lands or Multiple Species Conservation Program/Multiple-Habitat Planning Area 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.

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

The project will be required to obtain construction permits for public improvements prior to the recordation of the Parcel Map. The public improvement plans shall be reviewed, permitted, and inspected by the City for compliance with all applicable building, mechanical, electrical, fire code, and development regulations. The permit for the project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the San Diego Municipal Code in effect for this project. Land modifications/improvements are proposed with this Site Development Permit to include new sidewalk crossing Union Street, a new retaining

wall, curb and gutter, vegetated swales, and new and relocated water and sewer services. Such conditions are necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. The project shall comply with the development conditions in effect for the subject property as described in Site Development Permit No. 1914071 and Tentative Map No. 1791107, and other regulations and guidelines pertaining to the subject property per the SDMC.

[Negative Declaration No. 509894](#) was prepared for the project in accordance with the California Environmental Quality Act. The City of San Diego conducted an Initial Study and determined that the proposed project will not have a significant environmental effect and the preparation of an Environmental Impact Report will not be required. 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.

The proposed subdivision will not conflict with existing public easements as there are none on the site. The site has frontage on West Laurel Street and Union Street which is a dedicated public rights-of-way. Additionally, general utilities run along the public rights-of-way and not through the existing project site. The subdivision proposes public improvements to include new sidewalk crossing Union Street, a new retaining wall, curb and gutter, vegetated swales, and new and relocated water and sewer services. 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.

As a component of the proposed project, the existing homes will utilize renewable energy technology, self-generating at least 50-percent of the projected total energy consumption on site through photovoltaic technology (solar panels), in accordance in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program. The photovoltaic system will be located on a portion of the roofs. The photovoltaic system will have the capacity to generate energy to run the heating and cooling system proposed for each home. 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.

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Draft Map Resolution

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. The proposed subdivision and existing 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 four blocks from public transit and half mile from retail services and sales. In addition, Balboa Park 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.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Planning Commission, Tentative Map No. 1791107 , hereby granted to The City of San Diego subject to the attached conditions which are made a part of this resolution by this reference.

BE IT FURTHER RESOLVED, that the decision of the Planning Commission is sustained, and Tentative Map No. 1791107 is granted to The City of San Diego, subject to the attached conditions which are made a part of this resolution by this reference.

NOTE: after the approval of the above referenced project by the Planning Commission, City of San Diego intends to transfer the property to Nakhshab Development and Design, Inc., thereby making Nakhshab Development and Design, Inc. the new owner of the Truax Tentative Map project.

By _____
William Zounes
Development Project Manager
Development Services Department

ATTACHMENT: Tentative Map Conditions

Internal Order No. 24006950

PLANNING COMMISSION
CONDITIONS FOR TENTATIVE MAP NO. 1791107,
TRUAX TENTATIVE MAP- PROJECT NO. 509894
ADOPTED BY RESOLUTION NO. R-_____ ON _____

GENERAL

1. This Tentative Map will expire on June 15, 2020.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map unless otherwise noted.
3. Prior to the recordation of the Parcel Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
4. The Tentative Map shall conform to the provisions of Site Development Permit No. 1914071.
5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

ENGINEERING

6. The Subdivider shall assure, by permit and bond, the closure and reconstruction of the north leg of Union Street with City Standard curb, gutter, sidewalk, curb ramps, and 25-foot wide driveway adjacent to the site, satisfactory to the City Engineer.
7. The Subdivider shall assure, by permit and bond the reconstruction of the existing curb with current City Standard curb and gutter, adjacent to the site on W. Laurel Street, satisfactory to the City Engineer.
8. The Subdivider shall remove existing steps and retaining walls from the W. Laurel Street right-of-way.

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9. The Subdivider shall execute and record an Encroachment Maintenance Removal Agreement, to the satisfaction of the City Engineer, for the private improvements as shown on the Approved Exhibit "A", in the Union Street right-of-way.
10. The Subdivider shall obtain a plumbing permit for the installation of appropriate private back flow prevention device(s) [BFPDs], on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.
11. 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.
12. 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.
13. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Tentative Map and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

14. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
15. All subdivision maps in the City of San Diego are required to be tied to the California Coordinate System of 1983 (CCS'83), Zone 6, pursuant to section 8801 through 8819 of the California Public Resources Code.
16. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
17. The Parcel Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.

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Draft Map Conditions

- b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of First Order accuracy. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

PUBLIC UTILITIES DEPARTMENT

18. Prior to the issuance of any construction permits, the Subdivider shall obtain a plumbing permit for the installation of appropriate private back flow prevention device(s)(BFPD), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way. The Public Utilities Department will not permit the required BFPDs to be located below grade or within the structure.
19. Prior to the issuance of any construction permits, the Subdivider shall assure, by permit and bond, the design and construction of all public water and sewer facilities are to be in accordance with established criteria in the most current City of San Diego Water and Sewer Design Guides.
20. All public water and sewer facilities are to be in accordance with the established criteria in the most current City of San Diego Water and Sewer Design Guides.
21. Prior to issuance of any construction permits, the Subdivider shall record an Encroachment, Maintenance and Removal Agreement (EMRA), for the private sewer main encroaching into Laurel Street.
22. Prior to the issuance of any construction permits, the Subdivider shall record a private access and sewer easement in Parcel 1, in favor of Parcel 2.
23. Prior to the issuance of any construction permits, the Subdivider shall inform the owner of 2526 Union Street and disclose the scope of work entailing the new connection point of the existing private sewer force main. The disclosure of the scope of work shall be provided to the Development Services Department for verification.
24. The Subdivider shall provide to the owner of 2526 Union Street, a two week notice prior to the commencement of the work to the private sewer force main.
25. Prior to the issuance of any construction permits, the Subdivider shall inform the affected surrounding homeowners that their water service and/or sewer lateral will be relocated and may experience disruption in service.

LANDSCAPE REQUIREMENTS

26. Prior to issuance of any grading permit, the Owner/Permittee shall submit complete construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the City of San Diego Landscape Standards, the Stormwater Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit 'A,' on file in the Development Services Department.
27. Prior to issuance of any public improvement permit, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-sq.ft. area around each tree which is unencumbered by utilities unless otherwise approved per 142.0403(b)(5). Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.
28. The Subdivider shall be responsible for the maintenance of all landscape improvements shown on the approved plans within the Laurel street and Union Street rights-of-way, unless long-term maintenance of said landscaping is transferred to another entity approved by the Development Services Department. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.

INFORMATION:

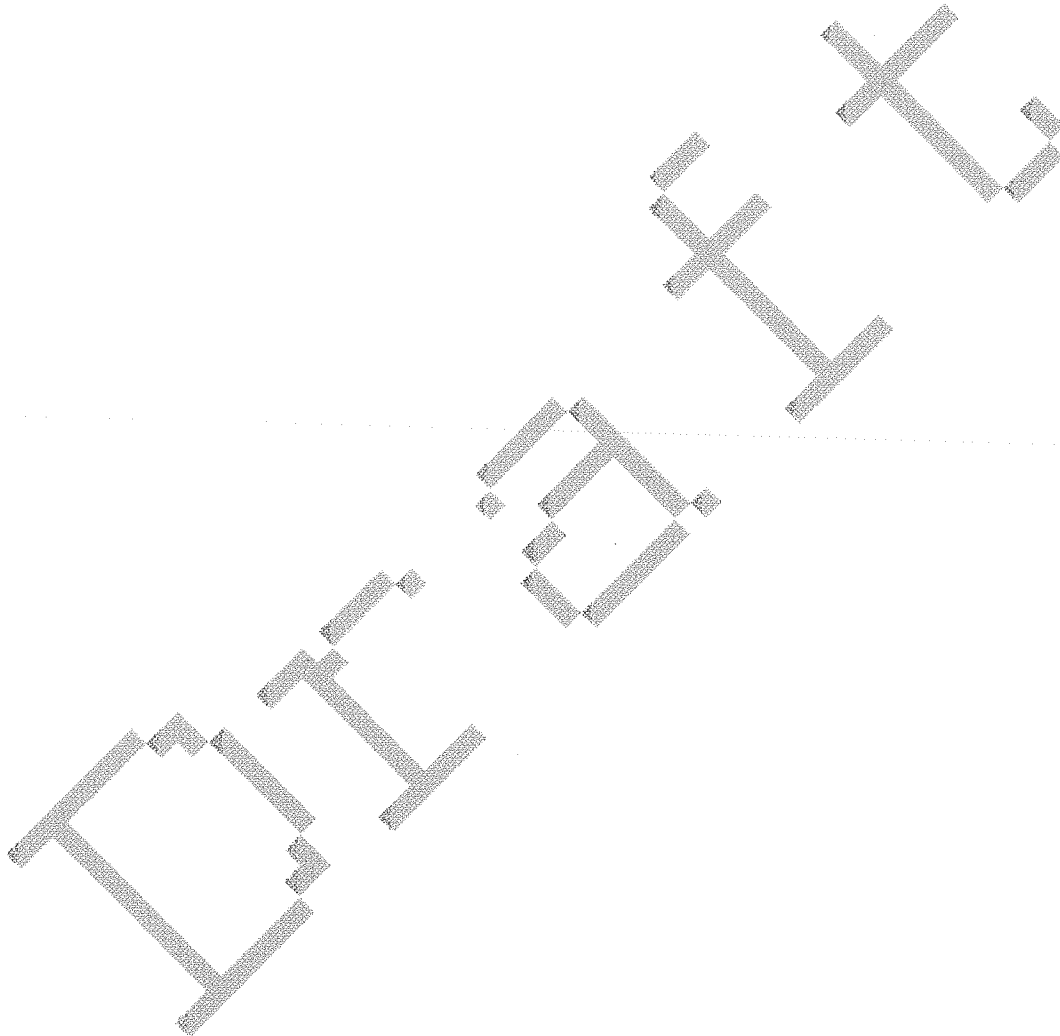
- The approval of this Tentative Map by the Planning Commission of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto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

Attachment 10
Draft Map Conditions

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. 24006950



Attachment 11
Environmental Resolution

RESOLUTION NUMBER R- _____

ADOPTED ON _____

WHEREAS, on September 14, 2016, Soheil Nakhshab submitted an application to Development Services Department for a Tentative Map and Site Development Permit for the Truax Tentative Map (Project); and

WHEREAS, the matter was set for a public hearing to be conducted by the Planning Commission of the City of San Diego; and

WHEREAS, the issue was heard by the Planning Commission on June 1, 2017; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing is required by law implicating due process rights of individuals affected by the decision, and the Council is required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the Planning Commission considered the issues discussed in Negative Declaration No. 509894 (Declaration) prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the Planning Commission that it is certified that the Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Declaration, together with any comments received during the public review process, has been reviewed and considered by the Planning Commission in connection with the approval of the Project.

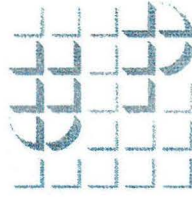
BE IT FURTHER RESOLVED, that the Planning Commission finds on the basis of the entire record, including the Initial Study and any comments received, that there is no substantial evidence that the Project will have a significant effect on the environment, and therefore, that said Declaration is hereby adopted.

BE IT FURTHER RESOLVED, that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the DEVELOPMENT SERVICES DEPARTMENT, 1222 FIRST AVENUE, SAN DIEGO, CA 92101.

BE IT FURTHER RESOLVED, that Development Services Staff is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

APPROVED: DEVELOPMENT PROJECT MANAGER

By: _____
William Zounes, Development Project Manager



UPTOWN PLANNERS

MEMORANDUM OF MOTION

MOTION APPROVED ON NOVEMBER 1, 2016

BY THE BOARD OF UPTOWN PLANNERS

Motion Approved By Uptown Planners on November 1, 2016:

The board of Uptown Planners passed the following motion regarding the 2513 Union Street/ 540 West Laurel ("Truax House Property") Tentative Map at its November 1, 2016 meeting; the project was noticed on the agenda as indicated below:

1. **2513 UNION STREET/ 540 WEST LAUREL ("TRUAX HOUSE PROPERTY") TENTATIVE MAP – Process Three – Bankers Hill/Park West – Sustainable Expedite Program --.** The project proposes a Tentative Map for the subdivision of one existing parcel into three parcels and Public Right-o-Way a portion of Union Street between W. Laurel Street and W. Maple Street. The site is located at 2517 1/3 Union Street and contains two single family homes. The 0.68-acre site is in the MR-1000 zone of the Mid-City Communities Planned District and RS1-1 zones within the Mid-City Community Plan Area, Council District 3. The project incorporates a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.

After the applicant made a presentation, and public and board comment, the board passed a motion approving the project as presented.

Voting YES 11
Recusal 1

Voting NO 0 Abstain 1 (non-voting chair)

Leo Wilson
Chair, Uptown Planners



Ownership Disclosure Statement

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

Project Title

TRUAX

Project No. For City Use Only

Project Address:

2513 - 2515 UNION ST. & 540 W. LAUREL

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

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☐ Yes ☐ No

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Project Title: _____

Project No. (For City Use Only)
Page 2 of 2**Part II - To be completed when property is held by a corporation or partnership****Legal Status (please check):**

☒ Corporation ☐ Limited Liability -or- ☐ General) What State? _____ Corporate Identification No. 95-6000776
☐ Partnership

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

Corporate/Partnership Name (type or print):

City of San Diego

☒ Owner ☐ Tenant/Lessee

Street Address:

202 C Street

City/State/Zip:

San Diego CA 92101

Phone No:

Fax No:

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

Mary Carlson, Real Estate Assets

Title (type or print):

Signature :

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

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

Title (type or print):

Signature :

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

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

Title (type or print):

Signature :

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

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

Title (type or print):

Signature :

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

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

Title (type or print):

Signature :

Date:

Corporate/Partnership Name (type or print):

☐ Owner ☐ Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:

Fax No:

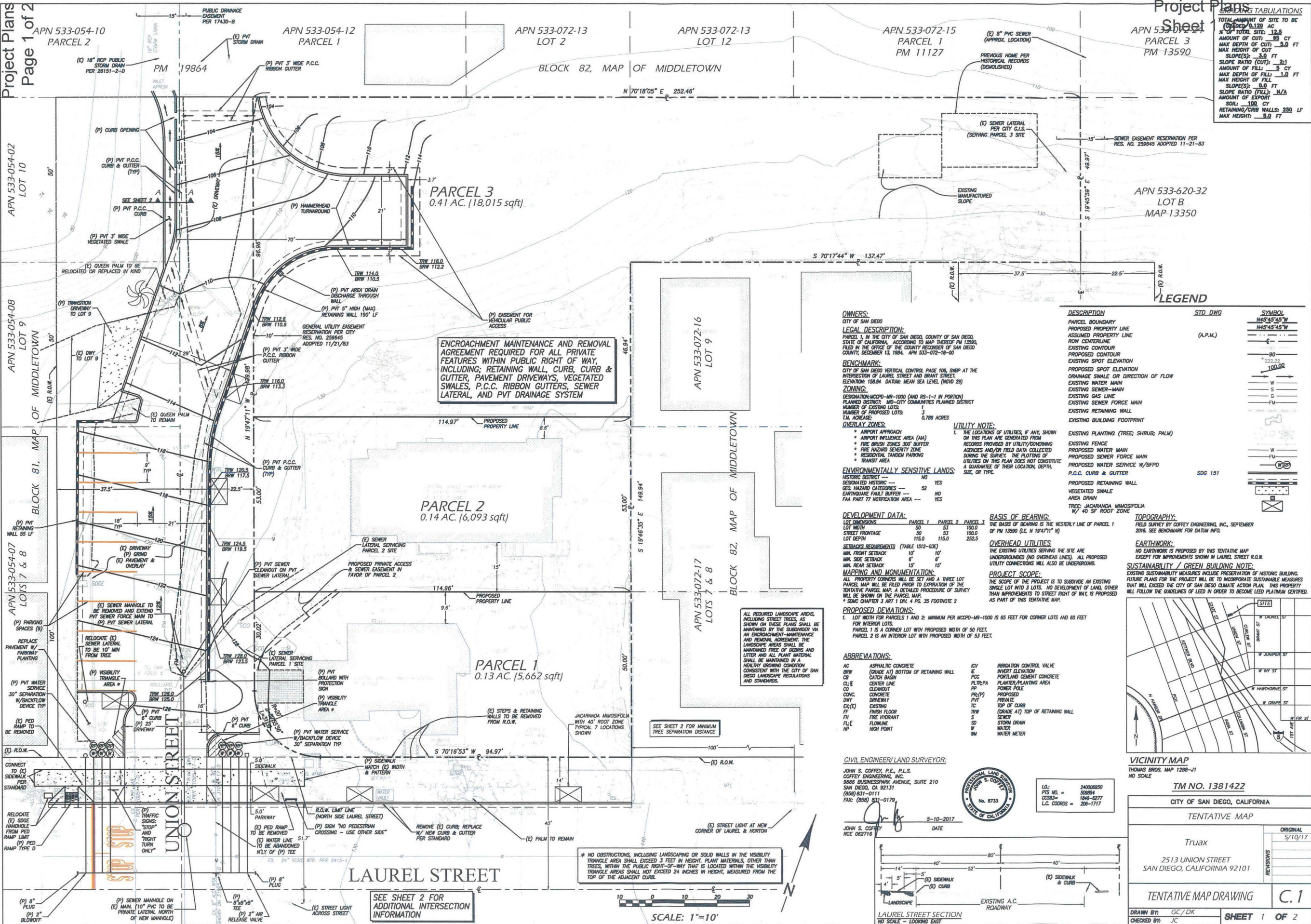
Name of Corporate Officer/Partner (type or print):

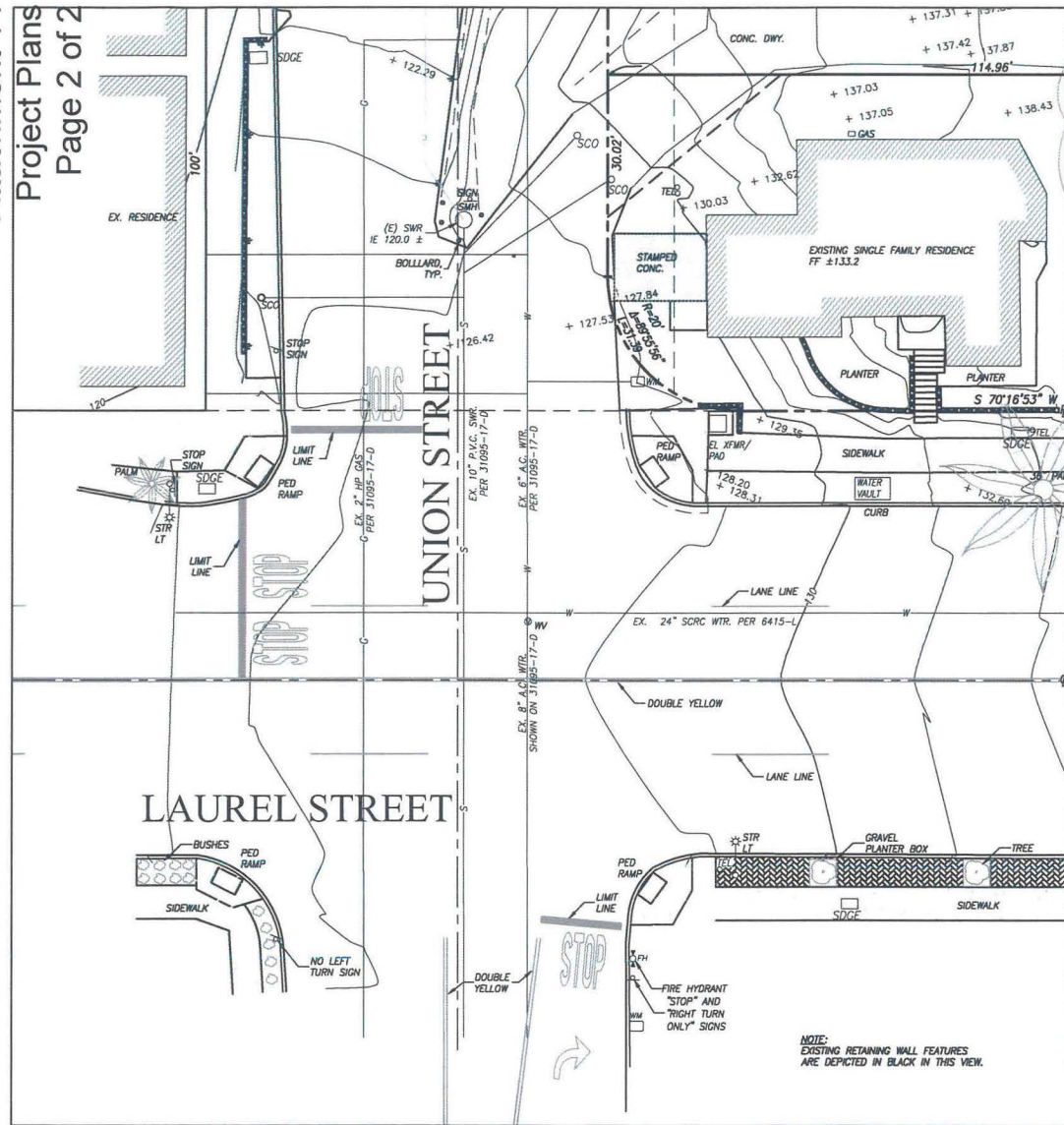
Title (type or print):

Signature :

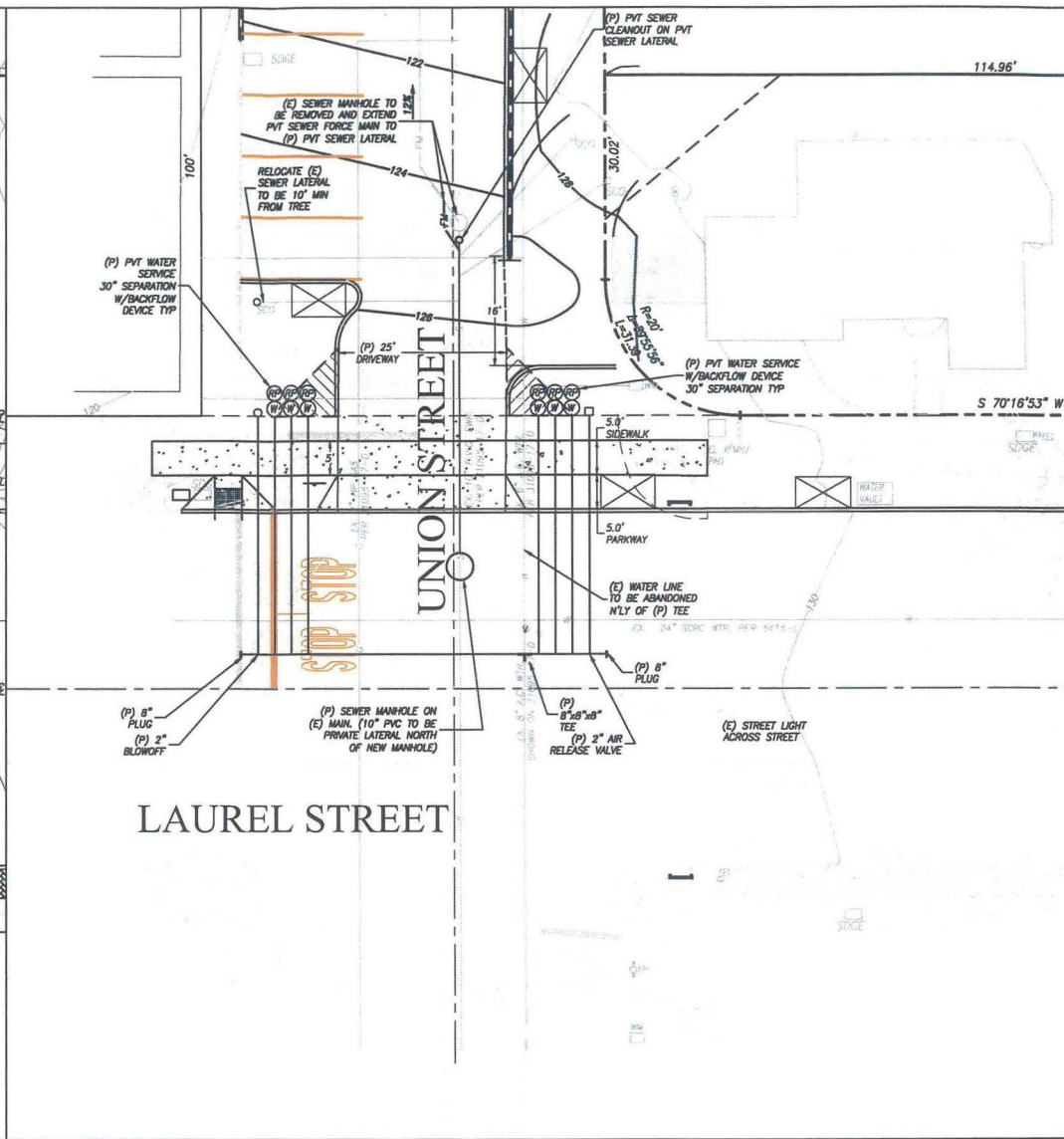
Date:

GRADING TABULATIONS	
TOTAL AMOUNT OF SITE TO BE GRADED	0.128 AC
AMOUNT OF CUT	12.5 CY
MAX DEPTH OF CUT	5.0 FT
MAX HEIGHT OF CUT	5.0 FT
SLOPE(S)	3:1
SLOPE RATIO (CUT)	3:1
AMOUNT OF FILL	5 CY
MAX DEPTH OF FILL	1.0 FT
MAX HEIGHT OF FILL	1.0 FT
SLOPE(S)	3:1
SLOPE RATIO (FILL)	N/A
AMOUNT OF EXPORT SOIL	100 CY
RETAINING/CORB WALLS	250 LF
MAX HEIGHT	5.0 FT



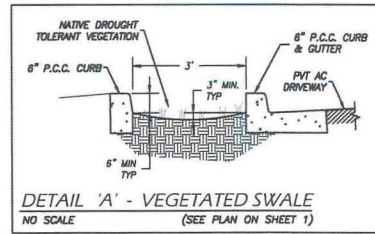


INTERSECTION - EXISTING CONDITION
SCALE: 1"=10'



INTERSECTION - PROPOSED CONDITION
SCALE: 1"=10'

DESCRIPTION	SYMBOL
PARCEL BOUNDARY	---
PROPOSED PROPERTY LINE	---
ASSUMED PROPERTY LINE	---
ROW CENTERLINE	---
EXISTING CONTOUR	---
PROPOSED CONTOUR	---
EXISTING SPOT ELEVATION	---
PROPOSED SPOT ELEVATION	---
DRAINAGE SWALE OR DIRECTION OF FLOW	---
EXISTING WATER MAIN	---
EXISTING SEWER MAIN	---
EXISTING GAS LINE	---
EXISTING SEWER FORCE MAIN	---
EXISTING RETAINING WALL	---
EXISTING BUILDING FOOTPRINT	---
EXISTING PLANTING (TREE; SHRUB; PALM)	---
EXISTING FENCE	---
PROPOSED WATER MAIN	---
PROPOSED SEWER FORCE MAIN	---
PROPOSED WATER SERVICE W/BFFD	---
P.C.C. CURB & GUTTER	---
PROPOSED RETAINING WALL	---
AREA DRAIN	---



MINIMUM TREE SEPARATION DISTANCE	MIN. DISTANCE TO TREE
IMPROVEMENT	20 FEET
TRAFFIC SIGNALS (STOP SIGN)	20 FEET
U.S. UTILITY (EXCEPT SEWER)	5 FEET
SEWER LINES	10 FEET
ABOVE-GRADE UTILITY STRUCT.	10 FEET
DRIVEWAY (ENTRIES)	10 FEET
INTERSECTIONS (INTERSECTING CURB LINES OF 2 STREETS)	25 FEET

* NOTE: EXISTING SEWER CLEAN-OUT AND FORCE MAIN TO THE NORTH AND SOUTH OF THE PROPOSED PARKING BAY ALONG UNION STREET TO BE RELOCATED SO AS TO PROVIDE PROPER CLEARANCE FROM PROPOSED TREES.

CIVIL ENGINEER/LAND SURVEYOR:

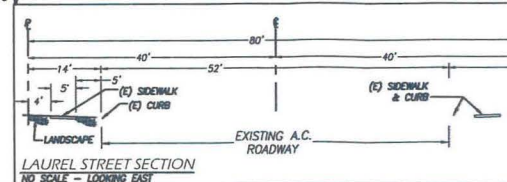
JOHN S. COFFEY, P.E., P.L.S.
COFFEY ENGINEERING, INC.
3666 BUSINESSPARK AVENUE, SUITE 210
SAN DIEGO, CA 92131
(619) 831-0111
FAX: (619) 831-0179



LO: 240008850
PIS NO.: 509894
CDSID: 1046-8277
L.C. COORDS: 226-1717

JOHN S. COFFEY
RCE 062716

5-10-2017
DATE



LAUREL STREET SECTION
NO SCALE - LOOKING EAST

TM NO. 1381422

CITY OF SAN DIEGO, CALIFORNIA

TENTATIVE MAP

Truax

2513 UNION STREET
SAN DIEGO, CALIFORNIA 92101

TENTATIVE MAP DRAWING

ORIGINAL
5/10/17

REVISIONS

C.2

DRAWN BY: GC/DK
CHECKED BY: JC

SHEET 2 OF 2