



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: February 17, 2016

REPORT NO. HO 16-014

ATTENTION: Hearing Officer

SUBJECT: SARATOGA CDP/TM  
PTS PROJECT NUMBER: 408075

LOCATION: 4550 and 4552 Saratoga Avenue

APPLICANT: Joseph Scarlatti, Westone Management

### SUMMARY

Issue: Should the Hearing Officer approve the conversion of two residential dwelling units to residential condominium units at 4550 and 4552 Saratoga Avenue within the Peninsula Community Plan area?

#### Staff Recommendation:

APPROVE Coastal Development Permit No. 1432845 and Tentative Map No. 1432846.

Community Planning Group Recommendation – On May 21, 2015, the Peninsula Community Planning Board voted 9-1 to recommend approval of the project with no suggested conditions.

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 (k) (Existing Facilities). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on March 10, 2015 and the opportunity to appeal that determination ended on March 24, 2015.

### BACKGROUND

The project proposes a Tentative Map and Coastal Development Permit to convert two existing residential units to condominiums on a 0.16-acre site at 4550 and 4552 Saratoga Avenue in the RM-1-1 Zone within the Peninsula Community Plan area and within the Coastal Overlay Zone (non-appealable).

The two detached residential structures have been vacant for a little over two months. All notices required of occupied units were provided to those tenants as appropriate.

The unit fronting Saratoga Avenue is a one story, two-bedroom dwelling unit, while the rear unit is a three-bedroom dwelling unit accessed from the alley. Landscaped areas exist along the front yard and along the perimeter of the buildings. The site is surrounded by one-and two-story residential dwellings units with a mix of architectural styles.

A Coastal Development Permit is required for proposed coastal development as referenced within San Diego Municipal Code (SDMC) sections 126.0702 and 113.0103 (definition of a Coastal Development).

A Tentative Map is required for the conversion of two residential units into condominiums as defined in San Diego Municipal Code section 125.0410.

## DISCUSSION

The project proposes a Tentative Map to convert two residential dwelling units into condominiums located at 4550 and 4552 Saratoga Avenue. The existing development will remain in compliance with the RM-1-1 zone. The landscape plan meets the requirements of the zone and all other requirements regulating condominium conversions as required with San Diego Municipal Code section 144.0501. The Tentative Map application does not include any new construction and is entirely processed to convert two residential dwelling units into condominiums. However, the subdivider is required to install a new street light adjacent to the project site at the east property line extended. This is required for the project to be in compliance with current street light standards according to the City of San Diego Street Design Manual and Council Policy 200-18.

Section 125.0410 of the San Diego Municipal Code (SDMC) allows a Tentative Map to be processed for the subdivision of land. According to SDMC Section 125.0440, Findings for Tentative Maps, the decision maker may approve a Tentative Map if the decision maker finds that the proposed conversion complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Since the subject development meets these requirements, the project is eligible for a Process Three Tentative Map.

SDMC Section 126.0702 indicates a Coastal Development Permit is required for all coastal development of a premises within the Coastal Overlay Zone described in Chapter 13, Article 2, Division 4, unless exempted by Section 126.0704, or if the proposed project site lies completely within the Coastal Commission Permit Jurisdiction or the Deferred Certification Area.

The proposed project is consistent with the land use designations of the Peninsula Community Plan by continuing to maintain a density range of 10-14 dwelling units per acre. The project proposes the conversion of two (2) units to condominiums on a 0.16-acre site. This translates to a 12.5-unit-per-acre density, and falls between the 10-14-unit-per-acre range as required. The Peninsula Community Plan on page 40 also recommends that multi-family developments be

encouraged in areas proximate to transit lines. The project site is located three (3) blocks east of the Metropolitan Transit System Route 35 on Cable Street. Therefore, the project is near transit as recommended by the Plan. Therefore, the proposed residential condominiums would meet the goals of the Peninsula Community Plan by providing the appropriate residential density and proximity to transit.

### Project Related Issues

#### *Undergrounding Waiver Request*

San Diego Municipal Code Section 144.0240 allows the subdivider to apply for a waiver from the requirement to underground the existing overhead utilities within the boundary of the subdivision or within the abutting public rights of way. City staff has determined the undergrounding waiver request qualifies under Section 144.02042 (c)(B) of the San Diego Municipal Code, in that the conversion involves a short span of overhead facility (less than a full block in length) and would not represent a logical extension to an underground facility.

The subdivider will be required to underground all existing service to the site from off-site per draft Tentative Map Condition No. 24 (Attachment 8). The applicant would also be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 23 of the draft Tentative Map conditions (Attachment 8). The neighborhood currently contains power poles and overhead utilities lines within the alley and along Saratoga Avenue. The utility lines to these poles extend to other properties as well. As indicated above, all utilities serving this property will be required to be undergrounded. The waiver is being requested for the requirement to underground adjacent utilities serving the surrounding properties.

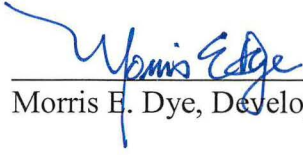
### Conclusion

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

### ALTERNATIVES

1. Approve Coastal Development Permit No. 1432845 and Tentative Map No. 1432846, with modifications; or
2. Deny Coastal Development Permit No. 1432845 and Tentative Map No. 1432846, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



*Morris E. Dye*

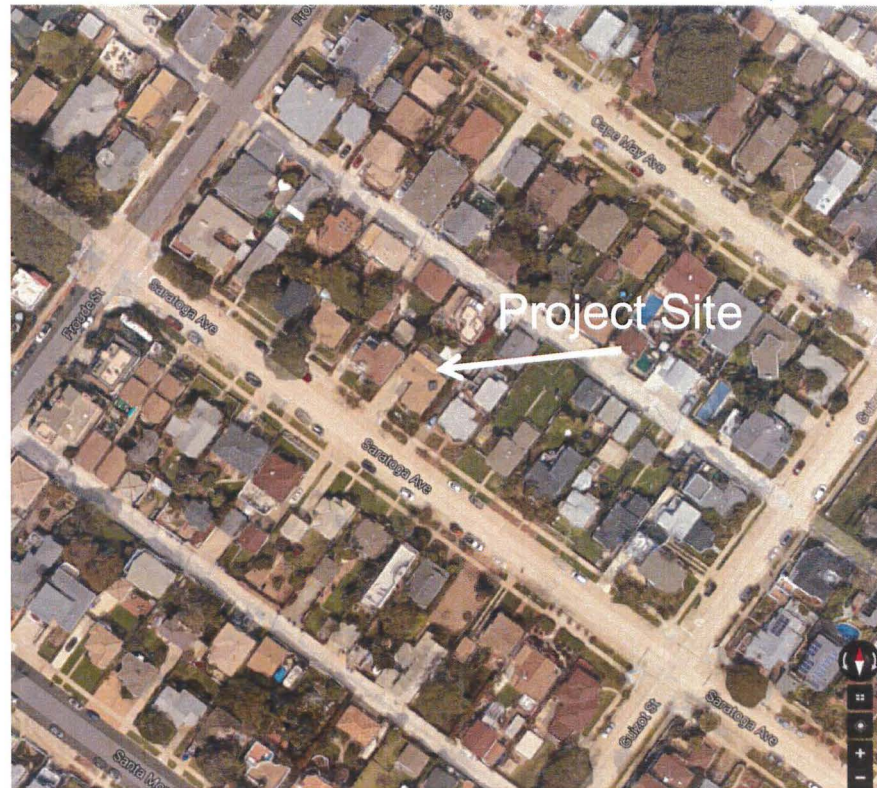
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Morris E. Dye, Development Project Manager

Attachments:

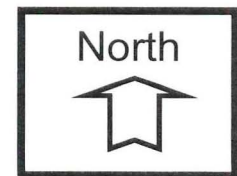
1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Tentative Map
5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions
7. Draft Map Resolution
8. Draft Map Conditions
9. Environmental Exemption
10. Community Planning Group Recommendation
11. Ownership Disclosure Statement

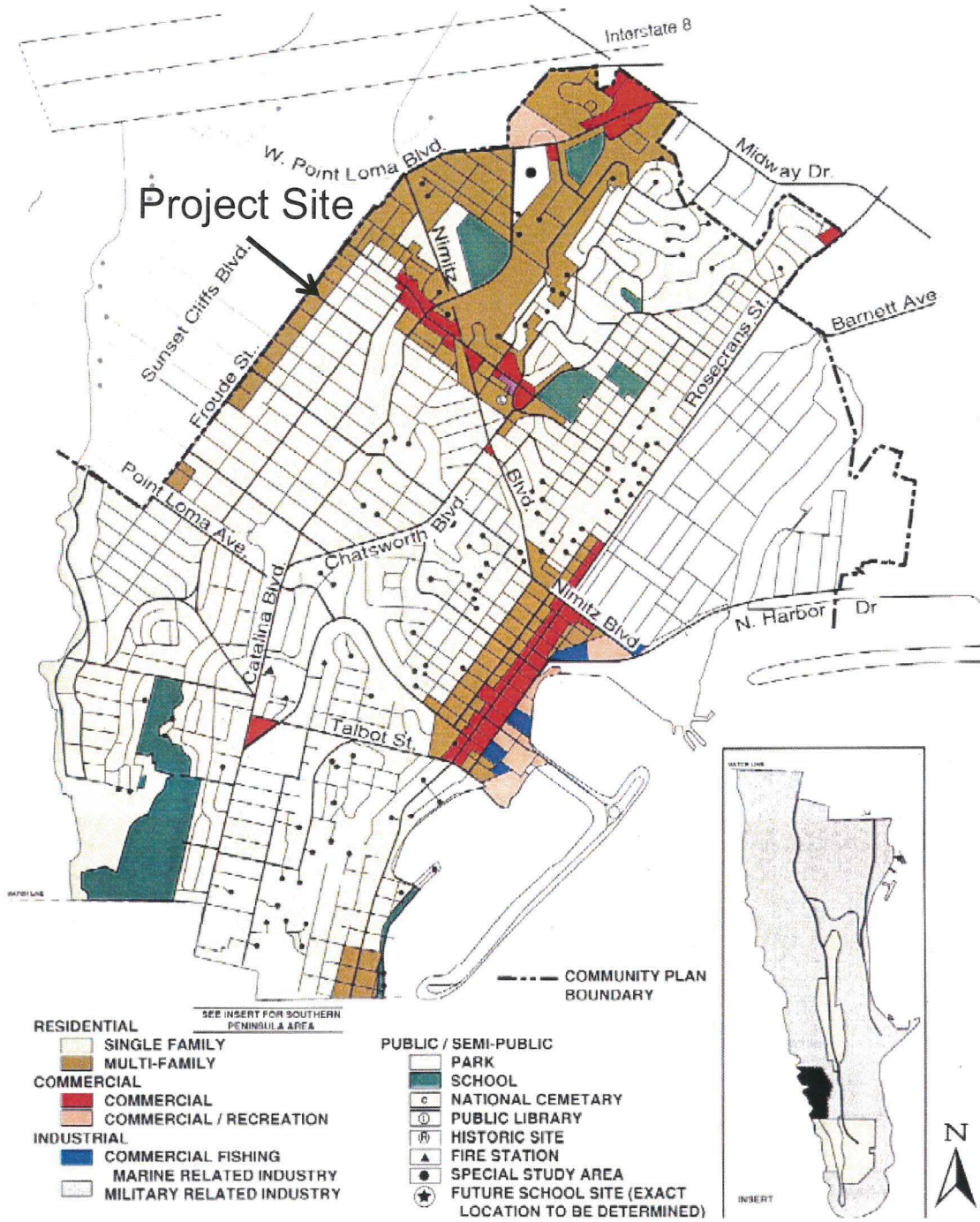
Rev 7/15/15pjf



## Location Aerial Photo

**Saratoga CDP/TM**– 4550 and 4552 Saratoga Avenue  
**PROJECT NO. 408075**

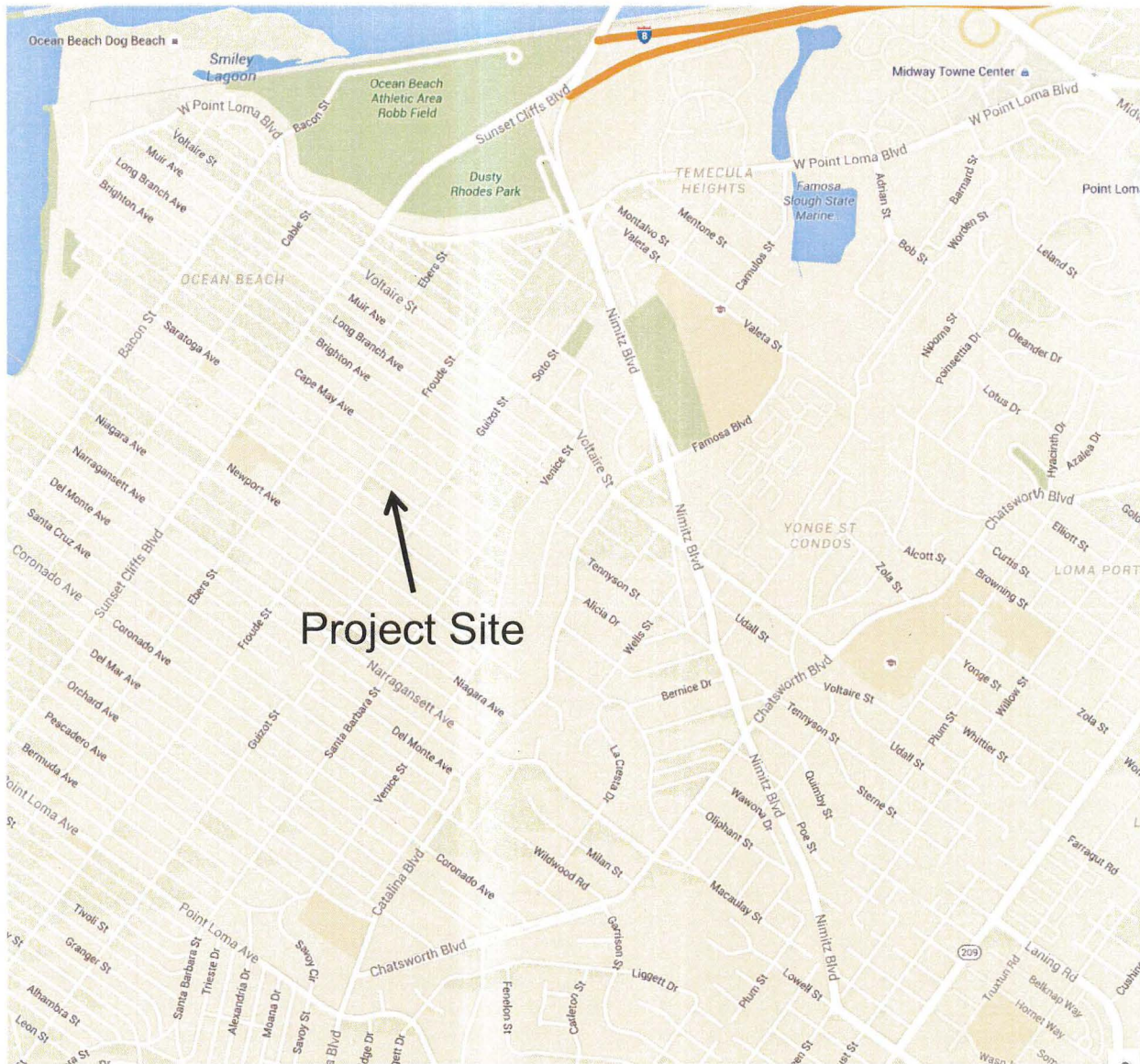




# Land Use Map

Saratoga CDP/TM- 4550 and 4552 Saratoga Avenue  
 PROJECT NO. 408075



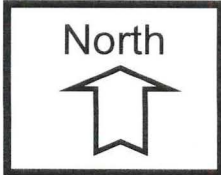


Project Site



## Project Location Map

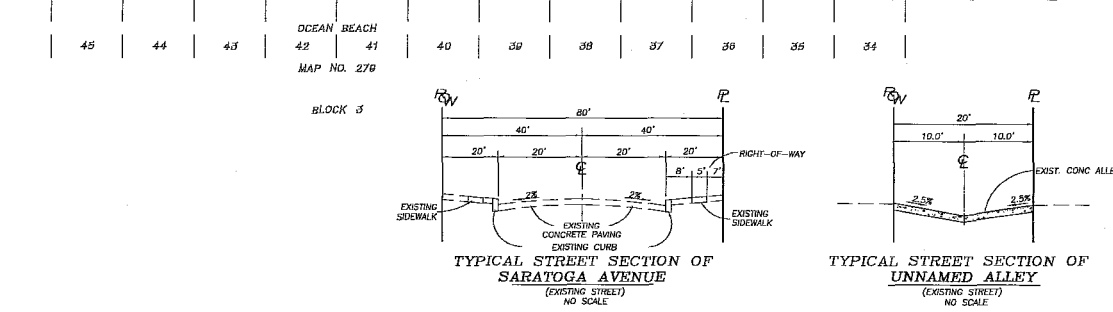
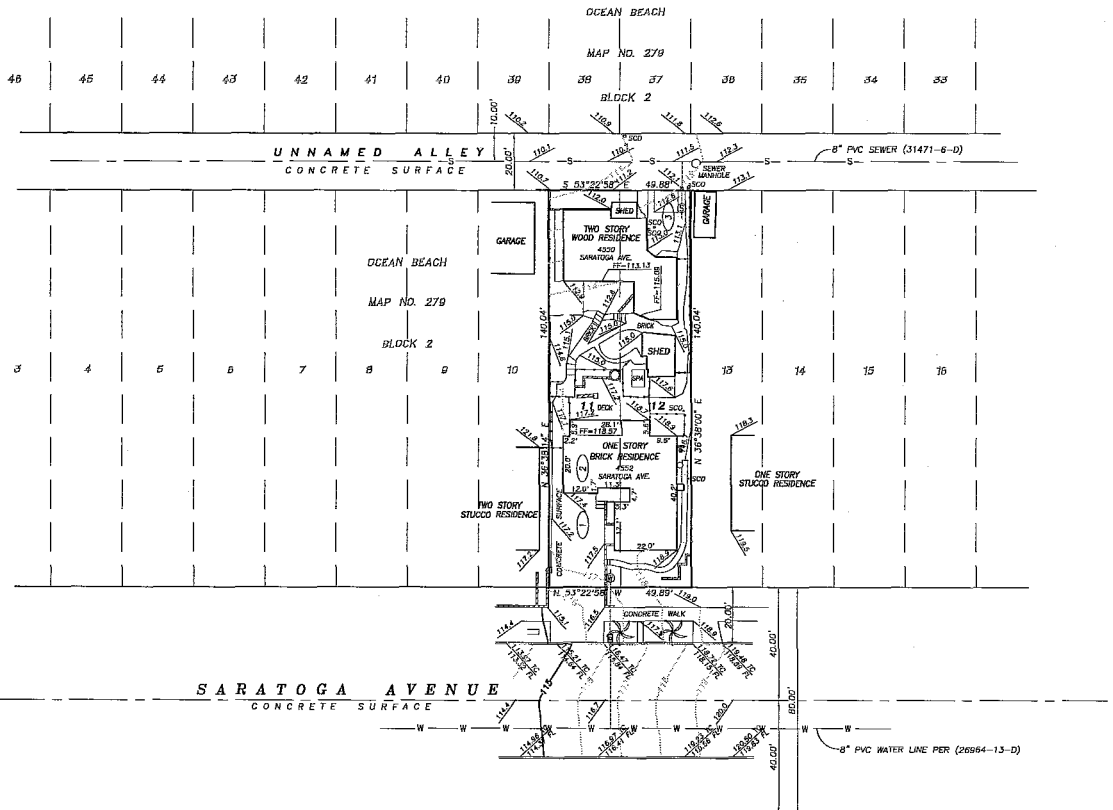
**Saratoga CDP/TM– 4550 and 4552 Saratoga Avenue**  
**PROJECT NO. 408075**



# 4550 SARATOGA AVENUE

Tentative Map No. \_\_\_\_\_

Project No. \_\_\_\_\_



### UTILITY TABLE:

UTILITY	OVERHEAD	UNDERGROUND
CATV	X	
ELECTRIC	X	
GAS		X
TELEPHONE	X	

### ZONING INFORMATION

EXISTING AND PROPOSED ZONE: RM-2-4  
 COMMUNITY PLAN NAME: OCEAN BEACH  
 OVERLAY ZONES: AIRPORT ENVIRONMENT, AIRPORT APPROACH  
 COASTAL HEIGHT LIMIT, COASTAL (CITY)  
 PARKING IMPACT

### CITY OF SAN DIEGO DEVELOPMENT SUMMARY

- SUMMARY OF REQUEST:**  
 TENTATIVE MAP TO CREATE 2 RESIDENTIAL CONDOMINIUM DWELLING UNITS AND FILE A LOT CONSOLIDATION PARCEL MAP
- STREET ADDRESS:** 4550 SARATOGA AVENUE  
 BETWEEN FROUDE STREET AND GUYOT AVENUE
- SITE AREA:**  
 TOTAL SITE AREA (GROSS): (6,986 SF) 0.16 AC.  
 NET SITE AREA: (6,986 SF) 0.16 AC.
- DENSITY (RESIDENTIAL):**  
 MAXIMUM NO. DWELLING UNITS ALLOWED PER ZONE: 2  
 NUMBER OF EXISTING UNITS TO REMAIN ON SITE: 2  
 NUMBER OF PROPOSED DWELLING UNITS ON SITE: 0  
 TOTAL NUMBER OF UNITS PROVIDED ON THE SITE: 2
- YARD/SETBACK STANDARD MINIMUM:**  
 STREET YARD: 20' 15'  
 STREET SIDE YARD: 12' 10'  
 INTERIOR YARD(S): 8' 3'  
 REAR YARD: 15' 15'
- PARKING:**  
 PARKING CRITERIA:  
 RESIDENTIAL  COMMERCIAL  INDUSTRIAL  
 MIXED USE  OTHER

TYPE OF UNIT	NUMBER OF TYPE	PARKING REQUIRED PER UNIT	TOTAL PER UNIT TYPE
2 BR UNIT	1	1.30	1.50
3 BR UNIT	1	1.75	1.75
<b>TOTAL REQUIRED BY ZONE</b>			<b>3.25</b>
<b>TOTAL PROVIDED ON-SITE</b>			<b>3</b>

### UNIT AREAS

BUILDING	TOTAL
4550 SARATOGA AVE.	1,813 SQ. FT.
4552 SARATOGA AVE.	300 SQ. FT.
<b>TOTAL</b>	<b>2,113 SQ. FT.</b>

### MONUMENTATION & MAPPING

ALL PROPERTY CORNERS WILL BE SET AND A PARCEL MAP WILL BE FILED. A DETAILED PROCEDURE OF SURVEY WILL BE SHOWN ON SAID MAP.

### EXISTING IMPROVEMENTS

WATER DRAWING NO. 26984-13-D  
 SEWER DRAWING NO. 31471-6-D

### EXISTING & PROPOSED EASEMENTS:

- THERE ARE NO EXISTING EASEMENTS ON SITE
- THERE ARE NO PROPOSED EASEMENTS.

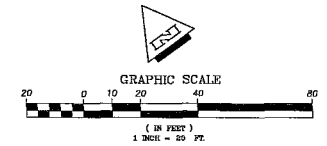
### DEVELOPMENT NOTES:

- THIS IS A MAP OF A CONDOMINIUM PROJECT AS DEFINED IN SECTION 4122 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT. THE TOTAL NUMBER OF RESIDENTIAL CONDOMINIUM DWELLING UNITS IS 2.
- NUMBER OF EXISTING LOTS = 2  
 NUMBER OF PROPOSED LOTS = 1
- THERE IS NO BUS STOP ON SITE.

### OWNER/DEVELOPER:

DRH HOLDINGS, LLC  
 45231 8TH STREET WEST, SUITE 204  
 LANCASTER, CA 93534

YOSSEI RAB, MANAGING MEMBER



### LEGEND:

- INDICATES WATER METER
- INDICATES POWER POLE
- INDICATES STREET LIGHT
- INDICATES SEWER CLEAN OUT
- INDICATES TOP OF CURB
- INDICATES FLOW LINE
- INDICATES DRAIN INLET
- INDICATES WOOD FENCE
- INDICATES CHAIN LINK FENCE
- INDICATES WALL
- INDICATES SEWER LATERAL
- INDICATES WATER SERVICE
- INDICATES PARKING SPACE
- INDICATES PROPERTY LINE/TENTATIVE MAP BOUNDARY

### PROFESSIONAL LAND SURVEYOR:

SAN DIEGO LAND SURVEYING AND ENGINEERING, INC.  
 8865 CHESEAPEAKE DRIVE, SUITE 445  
 SAN DIEGO, CALIFORNIA 92123 (858) 545-5362

ROBERT J. BATEMAN, P.L.S. 7046  
 01-20-2015  
 DATE



Prepared by: SAN DIEGO LAND SURVEYING AND ENGINEERING, INC. 8865 CHESEAPEAKE DRIVE, SUITE 445 SAN DIEGO, CA 92123-1364 PHONE: 858-565-5362 FAX: 858-565-4354 EMAIL: rbateman@sdle.com	 <b>VICINITY MAP</b> NO SCALE
Consultant:	
Basis of Bearings: THE NORTHERLY RIGHT-OF-WAY LINE OF SARATOGA AVENUE AS SHOWN ON PARCEL MAP 2018R, I.E. N 63°22'30" W	Project Soil Condition: Existing developed rha.
Boundaries: SOUTH BRASS FLUORAT AT THE INTERSECTION OF SARATOGA AVENUE AND FROUDE STREET, ELEVATION = 86.01 M.S.L.	Source of Topography: Field survey by San Diego Land Surveying on 10-23-2014
Project Legal Description: LOTS 11 AND 12, IN BLOCK 2 OF OCEAN BEACH, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 279, FILED BY THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MAY 28, 1987.	Project Permits Required: Titleblock Map
	Project Date: Number of Stories: 2 Proposed use: Residential Existing use: Residential Zone Designation: RM-2-4 Year of Construction (exist. structure): 1950
LAMBERT COORDINATES: NAD 27 = 210-1885 NAD 83 = 1,860-8,350 A.P.N. = 448-071-07	Project Owner: DRH Holdings, LLC 42331 6th Street West, Ste. 204 Lancaster, CA 93534
Project Name: 4550 SARATOGA AVENUE	Sheet Title: Tentative Map No. _____ PTS No. _____
	Scale: 1" = 20' Original Date: January 20, 2014 Revised: Revised: Sheet 1 of 1

ATTACHMENT 4



HEARING OFFICER  
RESOLUTION NO.  
COASTAL DEVELOPMENT PERMIT NO.1432845  
**SARATOGA CDP/TM PROJECT NO. 408075**

WHEREAS, DRI Holdings, LLC, Owner/Permittee, filed an application with the City of San Diego for a permit to convert two residential dwelling units into two residential condominium units (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Coastal Development Permit No. 1432845, on portions of a 0.16-acre site;

WHEREAS, the project site is located at 4550 and 4552 Saratoga Avenue in the RM-1-1 zone of the Peninsula Community Plan;

WHEREAS, the project site is legally described as Lots 11 and 12 in Block 2 of Ocean Beach, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 279, filed in the Office of the County Recorder of San Diego, May 28, 1887;

WHEREAS, on February 17, 2016, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 1432845 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on March 10, 2015, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) under CEQA Guideline Section 15301 (k) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated February 17, 2016:

FINDINGS:

**Coastal Development Permit - Section 126.0708**

- 1. The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.**

The project proposes to convert two residential units into condominiums on a 0.16-acre site located at 4550 and 4552 Saratoga Avenue within the Coast Overlay Zone and in the RM-1-1 zone of the Peninsula Community Plan.

The project is located in a built residential neighborhood, six blocks from the Pacific Ocean and there are no identified physical accessways or public views to or along the ocean on or adjacent to the project site. The project would convert two units on the site to condominiums, the built project meets all required setbacks and is constructed entirely on private property. As the project would not block any identified physical accessway, and would not block any public view of the ocean, the proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

**2. The proposed coastal development will not adversely affect environmentally sensitive lands.**

The project proposes to convert two residential units into condominiums on a 0.16-acre site located at 4550 and 4552 Saratoga Avenue within the Coast Overlay Zone and in the RM-1-1 zone of the Peninsula Community Plan.

The site is within a developed urbanized community with no environmentally sensitive lands. There are no environmentally sensitive lands on or adjacent to the project site and as such, no environmentally sensitive resources would be impacted by the project. Therefore, the proposed coastal development will not adversely affect environmentally sensitive lands.

**3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.**

The project proposes to convert two residential units into condominiums on a 0.16-acre site located at 4550 and 4552 Saratoga Avenue within the Coast Overlay Zone and in the RM-1-1 zone of the Peninsula Community Plan.

The proposed project is consistent with the Residential land use designation of the Peninsula Community Plan by continuing to maintain an existing multi-family development without increasing the density range as identified within the Peninsula Community Plan. The residential condominium conversion will meet the land use regulations of the certified Implementation Program including compliance with the San Diego Municipal Code development regulations including height, setbacks, lighting, and landscape. Therefore, the proposed development is in conformity with the Peninsula Community Plan and Local Coastal Program and complies with the regulations of the certified Land Development Code.

**4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.**

The project proposes to convert two residential units into condominiums on a 0.16-acre site located at 4550 and 4552 Saratoga Avenue within the Coast Overlay Zone and in the RM-1-1 zone of the Peninsula Community Plan.

The site is not located between the nearest public road and the sea or the shoreline of the Pacific Ocean located within the Coastal Overlay Zone or on or adjacent to a public access or public recreational area. This site is approximately six blocks east of the shoreline of the Pacific Ocean. Therefore, the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 1432845 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Coastal Development Permit No. 1432845, a copy of which is attached hereto and made a part hereof.

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Morris E. Dye  
Development Project Manager  
Development Services

Adopted on: February 17, 2016

SAP Number: 24005566

Modified HMD 1-26-15

**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**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24005566

**COASTAL DEVELOPMENT PERMIT NO. 1432845**  
**SARATOGA CDP/TM PROJECT NO. 408075**  
**HEARING OFFICER**

This Coastal Development Permit No. 1432845 is granted by the Hearing Officer of the City of San Diego to DRI HOLDINGS, LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0702. The 0.16-acre site is located at 4550 and 4552 Saratoga Avenue in the RM-1-1 zone of the Peninsula Community Plan area. The project site is legally described as: Lots 11 and 12 in Block 2 of Ocean Beach, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 279, filed in the Office of the County Recorder of San Diego, May 28, 1887.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to convert two residential dwelling units into two residential condominium units as described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated February 17, 2016 on file in the Development Services Department.

The project shall include:

- a. Convert two existing residential dwelling units to residential condominium units;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;
- d. 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 March 2, 2019.
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.
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 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.

**AFFORDABLE HOUSING REQUIREMENTS:**

11. Prior to the issuance of any building permits, the Owner/Permittee shall comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.).

**PLANNING/DESIGN REQUIREMENTS:**

12. Owner/Permittee shall maintain a minimum of three (3) off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

13. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under

construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

14. The Owner/Permittee shall post a copy of each approved discretionary Permit or Tentative Map in its sales office for consideration by each prospective buyer.

15. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

**INFORMATION ONLY:**

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use 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 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 Hearing Officer of the City of San Diego on February 17, 2016, and [Approved Resolution Number].

Coastal Development Permit No. 1432845  
February 17, 2016

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

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Morris E. Dye  
Development Project Manager

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

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**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.

**DRI Holdings, LLC**  
Owner/Permittee

By \_\_\_\_\_  
Yossi Ram  
Manager

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



HEARING OFFICER  
RESOLUTION NUMBER R-\_\_\_\_\_

TENTATIVE MAP NO. 1432846  
SARATOGA CDP/TM- PROJECT NO. 408075

WHEREAS, DRI HOLDINGS, LLC, Subdivider, and San Diego Land Surveying and Engineering, Surveyor submitted an application to the City of San Diego for a Tentative Map No. 1432845 to convert two residential dwelling units into two residential condominium units and to waive the requirement to underground existing offsite overhead utilities. The project site is located at 4550 and 4552 Saratoga Avenue in the RM-1-1 zone of the Peninsula Community Plan. The property is legally described as Lots 11 and 12 in Block 2 of Ocean Beach, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 279, filed in the Office of the County Recorder of San Diego, May 28, 1887; and

WHEREAS, the Map proposes the Subdivision of a 0.16-acre-site into one lot for a two-unit residential condominium project; and

WHEREAS, on March 10, 2015 the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act [CEQA] (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15301(k) (Existing Facilities) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; and

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

WHEREAS, the subdivision is a condominium project as defined in California Civil Code section 1351 and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is two (2); and

WHEREAS, the request to waive the undergrounding of existing overhead utilities has been determined to be appropriate pursuant to San Diego Municipal Code section 144.0242(c) based on the fact that the conversion involves a short span of overhead facility (less than a full block in length) and would not represent a logical extension to an underground facility.

NOW THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 1432846:

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

The project proposes to convert two residential units into condominiums on a 0.16-acre site located at 4550 and 4552 Saratoga Avenue within the Coast Overlay Zone and in the RM-1-1 zone of the Peninsula Community Plan.

The proposed project is consistent with the land use designations of the Peninsula Community Plan by continuing to maintain a density range of 10-14 dwelling units per acre. The project proposes the conversion of two (2) units to condominiums on a 0.16-acre site. This translates to a 12.5-unit-per-acre density, and falls between the 10-14-unit-per-acre range as required. The Peninsula Community Plan on Page 40 also recommends that multi-family developments be encouraged in areas proximate to transit lines. The project site is located three (3) blocks east of the MTS Route 35 on Cable Street. Therefore, the project is near transit as recommended by the Plan. Therefore, the proposed residential condominiums would meet the goals of the Peninsula Community Plan/Local Coastal Program by providing the appropriate residential density and proximity to transit. Therefore, the proposed development is in conformity with the Peninsula Community Plan. 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 project proposes to convert two residential units into condominiums on a 0.16-acre site

located at 4550 and 4552 Saratoga Avenue within the Coast Overlay Zone and in the RM-1-1 zone of the Peninsula Community Plan.

The structure proposed for this condominium conversion has been reviewed and found to address the remaining life of all integral building components. Integral building components include, but are not limited to, exterior roofs, wall and floor coverings needed to protect the occupants and the building from weather exposure damage, vertical and horizontal structural components needed for the building to resist imposed vertical and lateral loads, all heating and ventilation systems, and utilities distribution systems per San Diego Municipal Code Sec.144.0507. The project would subdivide the property for condominium purposes and the two units on the site would remain. With existing two units remaining, the project would be consistent with the Residential-Multi-family RM-1-1 zoning for the site. Therefore, the proposed subdivision complies and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan per San Diego Municipal Code Section 125.0440(a) and Subdivision Map Act Sections 66473.5, 66474(a), and 66474(b)).

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

The project proposes to convert two residential units into condominiums on a 0.16-acre site located at 4550 and 4552 Saratoga Avenue within the Coast Overlay Zone and in the RM-1-1 zone of the Peninsula Community Plan.

The project site is flat, has been previously graded, and contains two existing residential units. The site has frontage on Saratoga Avenue with alley access at the rear. Surrounding the site are one-and two-story single family and multi-family developments. The RM-1-1 zone allows one dwelling unit for every 3,000 square feet of site area. The existing site is 6,986 square feet and will, therefore, accommodate two dwelling units. Therefore, the site is physically suitable for the type and density of the development.

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

The project proposes to convert two residential units into condominiums on a 0.16-acre site located at 4550 and 4552 Saratoga Avenue within the Coast Overlay Zone and in the RM-1-1 zone of the Peninsula Community Plan.

The Tentative Map was reviewed by the City of San Diego for conformance to the Land Development Regulations, Californian Building Code, and Land Use Policies. The proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(Existing Facilities) of the State CEQA Guidelines. The project is located within an urbanized and built out environment where there are no watercourses on or adjacent to the site. Therefore, the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)).

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

The project proposes to convert two residential units into condominiums on a 0.16-acre site located at 4550 and 4552 Saratoga Avenue within the Coast Overlay Zone and in the RM-1-1 zone of the Peninsula Community Plan.

The project has been reviewed and determined to be in compliance with the Municipal Code and Subdivision Map Act. The Tentative Map and associated development permit includes conditions and corresponding exhibits of approval relevant to undergrounding new utilities, adequate parking, public rights-of-way, and paying applicable taxes to achieve compliance with the regulations of the San Diego Municipal Code. The proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (k) (Existing Facilities) of the State CEQA Guidelines. Therefore the project will not be detrimental to the public health, safety, and welfare.

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

The project proposes to convert two residential units into condominiums on a 0.16-acre site located at 4550 and 4552 Saratoga Avenue within the Coast Overlay Zone and in the RM-1-1 zone of the Peninsula Community Plan.

The proposed subdivision does not contain or propose any new easements for the development. Saratoga Avenue fronts the property and there is an alley on the north side of the property. The project has been conditioned to obtain an Encroachment Maintenance Removal Agreement for the private concrete planter walls that encroach into the Saratoga Avenue Right-of-Way. The planter does not impede pedestrian access as the five-foot sidewalk in this area is maintained. The agreement will allow for the removal of this encroachment from the public right-of-way as needed by the City of San Diego for maintenance purposes. Therefore, the design of the subdivision and proposed improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

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

The project proposes to convert two residential units into condominiums on a 0.16-acre site located at 4550 and 4552 Saratoga Avenue within the Coast Overlay Zone and in the RM-1-1 zone of the Peninsula Community Plan.

The potential and opportunity to implement sustainable building techniques utilizing photovoltaic systems (solar panels) to generate a certain percentage of the project's energy needs exists. The project site is located midblock on the north side of Saratoga Avenue allowing for solar orientation for future solar heating. 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.**

The project proposes to convert two residential units into condominiums on a 0.16-acre site located at 4550 and 4552 Saratoga Avenue within the Coast Overlay Zone and in the RM-1-1 zone of the Peninsula Community Plan.

The RM-1-1 zone is a multiple family residential zone and the two existing dwelling units currently conform to the 10-14 dwelling unit per acre land use maximum allowed. The development complies with land use, setbacks, height, floor area ratio, off-street parking, and landscape regulation requirements of this zone and current Tentative Map regulations in accordance with San Diego Municipal Code (SDMC). The Tentative Map will create two for sale units for the community. The current zoning and land use designation allow for up to two (2) units for the site. The subject subdivision is within the allowed residential density for the area. Currently there are commercial services, public transportation, and retail sales within a few blocks from the development on Sunset Cliffs Boulevard which can offer assistance to the new owners. Therefore, 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.

**9. The notices required by San Diego Municipal Code section 125.0431 have been given in the manner required.**

The project proposes to convert two residential units into condominiums on a 0.16-acre site located at 4550 and 4552 Saratoga Avenue within the Coast Overlay Zone and in the RM-1-1 zone of the Peninsula Community Plan.

A 60-Day Notice of Intent to Convert to Condominium and Notice of Tenants Rights have been provided to all tenants. Therefore, all applicable notices required by San Diego Municipal Code section 125.0431 have been given in the manner required.

**10. The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing.**

The project proposes to convert two residential units into condominiums on a 0.16-acre site located at 4550 and 4552 Saratoga Avenue within the Coast Overlay Zone and in the RM-1-1 zone of the Peninsula Community Plan.

All costs associated with the processing of this Tentative Map were paid by the applicant and no governmental agency funds were provided for elderly, disabled or low income housing. Therefore, the project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing.

**11. For any project that was developed to provide housing for the elderly, disabled or to provide low income housing, provisions have been made to perpetuate the use for which the project was developed.**

The project proposes to convert two residential units into condominiums on a 0.16-acre site located at 4550 and 4552 Saratoga Avenue within the Coast Overlay Zone and in the RM-1-1 zone of the Peninsula Community Plan.

The Tentative Map was not processed to provide housing for the elderly, disabled or to provide low income housing.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Hearing Officer, Tentative Map No. 1432846, including the waiver of the requirement to underground existing offsite overhead utilities, is hereby granted to DRI HOLDINGS, LLC, subject to the attached conditions which are made a part of this resolution by this reference.

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

By \_\_\_\_\_  
Morris E. Dye  
Development Project Manager  
Development Services Department

ATTACHMENT: Tentative Map Conditions

Internal Order No. 24005566

HEARING OFFICER  
CONDITIONS FOR TENTATIVE MAP NO. 1432846  
SARATOGA CDP/TM PROJECT NO. 408075  
ADOPTED BY RESOLUTION NO. R-\_\_\_\_\_ ON February 17, 2016

**GENERAL**

1. This Tentative Map will expire March 2, 2019.
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 Tentative Map expiration date, a Parcel Map to consolidate the existing lots into one lot shall be recorded in the Office of the San Diego County Recorder.
4. Prior to the recordation of the Parcel Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. 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 Parcel Map shall conform to the provisions of Coastal Development Permit No. 1432845.
6. 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.

Project No. 408075  
TM No. 1432846

**CONDOMINIUM CONVERSION**

7. The Subdivider shall provide each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the Subdivision Map Act.
8. The Subdivider shall provide the tenants a Notice of Application for a Public Report at least ten days prior to the submittal to the Department of Real Estate [DRB], pursuant to Subdivision Map Act section 66427.1(a).
9. The Subdivider shall provide each of the tenants of the proposed condominiums written notice of intention to convert at least 180 days prior to termination of tenancy due to the conversion or proposed conversion in conformance with Subdivision Map Act section 66427.1(a)(2)(E). The provisions of this subdivision shall not alter nor abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by California Civil Code sections 1941, 1941.1 and 1941.2.
10. The Subdivider shall provide the tenants of the proposed condominiums with written notification within ten days or approval of a Parcel Map for the proposed conversion, in conformance with Subdivision Map Act section 66427.1(a)(2)(D).
11. The Subdivider shall give each tenant a notice of termination of tenancy sixty days prior to being required to vacate the property. (San Diego Municipal Code § 125.0431(a)(4)).
12. The Subdivider shall provide each of the tenants of the proposed condominiums notification of their exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, in conformance with Subdivision Map Act section 66427.1(a)(2)(F) and San Diego Municipal Code section 125.0431(a)(5). The right shall commence on the date the subdivision public report is issued, as provided in section 11018.2 of the Business and Professions Code, and shall run for a period of not less than 90 days, unless the tenant gives prior written notice of his or her intention not to exercise the right. (San Diego Municipal Code § 125.0431(a)(5)).
13. The Subdivider shall provide a copy of the Building Conditions Report to a prospective purchaser prior to the opening of an escrow account. (San Diego Municipal Code section 144.0504(c)).



14. Prior to the recordation of the Parcel Map, the Subdivider shall demonstrate conformance with the San Diego Municipal Code provisions for building and landscape improvements (San Diego Municipal Code § 144.0507), to the satisfaction of the City Engineer.

**AFFORDABLE HOUSING**

15. Prior to the recordation of the Parcel Map, the Subdivider shall enter into a written agreement with the San Diego Housing Commission to pay the condominium conversion inclusionary affordable housing fee pursuant to the City's Inclusionary Affordable Housing Regulations (San Diego Municipal Code §§ 142.1301 et seq.).
16. Prior to the recordation of the Parcel Map, the Subdivider shall demonstrate conformance with the San Diego Municipal Code provisions for Coastal Overlay Zone Affordable Housing Replacement Regulations (San Diego Municipal Code §§ 143.0810 et seq.), to the satisfaction of the Development Services Department and the San Diego Housing Commission.
17. Prior to the recordation of the Parcel Map, the Subdivider shall demonstrate conformance with the San Diego Municipal Code provisions for Tenant Relocation Benefits (San Diego Municipal Code § 143.0505), to the satisfaction of the Development Services Department and the San Diego Housing Commission.

**ENGINEERING**

18. Per the City of San Diego Street Design Manual-Street Light Standards, and Council Policy 200-18, the Subdivider will be required to install a new street light adjacent to the site on Saratoga Avenue at the east property line extended.
19. The Subdivider shall obtain an Encroachment Maintenance Removal Agreement from the City Engineer for the private concrete planter walls encroaching into the Saratoga Avenue Right-of-Way.
20. The Subdivider shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.

21. 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.
22. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
23. 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.
24. 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**

25. "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].
26. "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."
27. A Parcel Map is required to consolidate the existing lots into one lot and to subdivide the ownership interest as a condition of the tentative map.
28. All subdivision maps in the City of San Diego are required to be tied to the California Coordinate System of 1983 (CCS83), Zone 6 pursuant to section 8801 through 8819 of the California Public Resources Code.
29. The Parcel Map shall:

Project No. 408075  
TM No. 1432846

- a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
- b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of First Order accuracy. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

**INFORMATION:**

- The approval of this Tentative Map 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 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 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. 2445566

Project No. 408075  
TM No. 1432846

## NOTICE OF EXEMPTION

(Check one or both)

TO:  RECORDER/COUNTY CLERK  
 P.O. Box 1750, MS A-33  
 1600 PACIFIC HWY, ROOM 260  
 SAN DIEGO, CA 92101-2422

FROM: CITY OF SAN DIEGO  
 DEVELOPMENT SERVICES DEPARTMENT  
 1222 FIRST AVENUE, MS 501  
 SAN DIEGO, CA 92101

OFFICE OF PLANNING AND RESEARCH  
 1400 TENTH STREET, ROOM 121  
 SACRAMENTO, CA 95814

PROJECT No.: 408075

PROJECT TITLE: SARATOGA CDP/TM

PROJECT LOCATION-SPECIFIC: This project is located at 4550 and 4552 Saratoga Avenue, San Diego, CA 92107 in the RM-1-1 zone of the Peninsula Community Planning Area.

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

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: Tentative Map and Coastal Development Permit to convert two existing residential dwelling units into two residential condominiums on a 6,986 square foot (sq ft) site.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego, Development Services Department

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Joseph Scarlatti, Westone Management, 152 W Park Avenue #252, El Cajon, CA 92020. 1(619) 334-3670.

## EXEMPT STATUS: (CHECK ONE)

- MINISTERIAL (SEC. 21080(b)(1); 15268);  
 DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a));  
 EMERGENCY PROJECT (SEC. 21080(b)(4); 15269 (b)(c))  
 CATEGORICAL EXEMPTION: Section 15301 (k) (Existing Facilities)  
 STATUTORY EXEMPTIONS:

REASONS WHY PROJECT IS EXEMPT: The City of San Diego conducted an environmental review and determined that the project would qualify to be Categorically exempt from CEQA pursuant to Section 15301(k) – Existing Facilities. 15301(k) allows for the division of existing single-family residences into common-interest ownership where no physical changes occur which are not otherwise exempt. Since the project is a tentative map waiver to convert two existing residential dwelling units to condominiums the exemption is appropriate. Because the project lacks sensitive resources the exceptions listed in section 15300.2 do not apply.

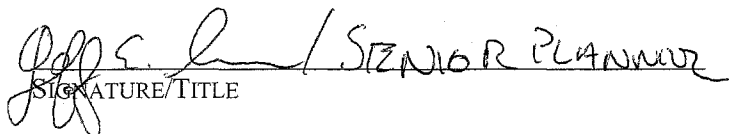
LEAD AGENCY CONTACT PERSON: de Freitas

TELEPHONE: (619) 446-5187

IF FILED BY APPLICANT:

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

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

  
 SIGNATURE/TITLE SENIOR PLANNER

3/10/2019  
 DATE

CHECK ONE:

 SIGNED BY LEAD AGENCY

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

 SIGNED BY APPLICANT

# PENINSULA COMMUNITY PLANNING BOARD MINUTES

3701 Voltaire St., Point Loma Library

May 21, 2015

## APPROVED MINUTES

**(Voted on June 17)**

**Present:** Amanda Behnke, Nicole Burgess, Patricia Clark, David Dick, Robert Goldyn, Mark Krencik, Jon Linney, Julia Quinn, Jarvis Ross, Don Sevens and Jay Shumaker

**Absent:** Bruce Coons, James Hare, Peter Nystrom, Paul Webb

Called to order at 6:35 p.m.

## PARLIAMENTARY ITEMS

1. Approval of agenda. By acclamation.
2. Approval of March 2015 minutes. Don Sevens moved that they be approved with condensation of David Dick remarks. Seconded by David Dick. Approved 8-0-2 with Burgess. Clark, Dick, Krencik, Linney, Ross, Sevens and Shumaker voting yes. Behnke and Goldyn both abstained, not being on the board then.
3. Approval of April 2015 minutes. Jon Linney moved that they be approved as posted by the secretary. Motion failed for lack of a second. David Dick moved to table approval, seconded by Patricia Clark. During discussion, previous secretary Nicole Burgess pointed out that the content of the minutes needs to be resolved between meetings, not at a meeting. She suggested sending comments privately to the secretary soon after the minutes become available. Motion to table carried 9-1. In favor: Behnke, Burgess, Clark, Dick, Goldyn, Krencik, Linney, Ross, Shumaker. Against: Sevens.
4. Secretary's Report – Don Sevens. Asked who our rep was to the Community Planners Council and was told Chair Julia Quinn. Asked whether preparation of annual report on accomplishments and statement of goals, as outlined in the bylaws, was still an exercise being practiced. Valerie Paz, from the Ocean Beach group, said she could not recall if other groups do so.
5. Treasurer's Report – Patricia Clark. Said current balance is \$401.88 with deposits and invoices in process soon to result in a new balance of \$266.65.

6. Chair Report – Julia Quinn. Pointed out subcommittee meetings need to be in a publically accessible place. She does not like draft minutes being posted. Urged caution in being quoted by the media so as not to give the appearance of speaking for the entire board, that bylaws say the chair is the primary spokesperson.

7. Election of officers (continued from April).

First Vice Chair – David Dick was nominated and elected.

Second Vice Chair – Jon Linney was nominated and elected.

8. PCPB subcommittee memberships.

The secretary asked that subcommittee rosters and meeting places be sent to him in writing so as to avoid miscommunication. The Form Base/Long Range subcommittee roster was announced during subcommittee reports.

The idea of a code compliance subcommittee was raised but no action taken.

## NON-AGENDA PUBLIC COMMENTS

**JARVIS ROSS.** Board member gave an update on One Paseo, proposed for Carmel Valley. In a compromise, the City Council earlier that day rescinded its previous approval vote and sent the project back to the community planning level with principals for advocates and opponents still fine-tuning a smaller-scale project.

**KATHY MATEER.** Speaking speaking for [info@SaveSanDiegoNeighborhoods.org](mailto:info@SaveSanDiegoNeighborhoods.org), called attention to resumption May 29 of vacation rentals hearing at Golden Hall.

**VALERIE PAZ.** Representing Ocean Beach planning group, called attention to a program to help planners become more effective.

**NICOLE BURGESS.** Reported the postponement of Bike to Work Day and that the delayed event would include a mass biking to Dana Middle School.

## GOVERNMENT REPORTS

**Council District 2** – Substituting for Conrad Wear was new intern James McGuirk, a graduating senior at UCSD. He reported the new \$3.2 billion budget being finalized includes 22 civilian positions for Police Department, 1,000 miles of major street repairs over five years and \$4 million for Fire Station 22 (built on Catalina in 1942 at a cost of \$7,800) with the work to be completed by 2019. He also said the budget includes \$1.1 million for design work on Sunset Cliffs Natural Park.

**City Planning** – Associate city planner Tony Kempton was absent.

## NEW/OLD BUSINESS

1. **Update on 1676 Plum Street Project** – Jon Linney. Even though the applicant has had seven years to complete, a plea agreement means that a judge is directing the construction pace now with Sept. 28 being the last of a series of deadlines.

Resident Matt DeVol brought up an unfinished house off Canon that has been uncompleted for a quarter-century. Linney asked him to submit an email and mentioned that other residents have complained about the same unfinished structure.

## INFORMATION ITEMS

1. **Ocean Beach Planning Board update** – Valerie Paz reported that her group only has four subcommittees and prefers to have such panels acting more as liaisons than as regular meeting bodies.
2. **Voltaire Bridge Retrofit Project Ad Hoc Subcommittee** – David Dick. Reported that the Traffic subcommittee favored an ad hoc body to pursue a dialogue with the city, reasoning that it would give the effort more clout than a one-person liaison approach. He said the goal is to develop a point of contact and sharing of information. No action was taken on naming individuals to the ad hoc committee.
3. **Catalina/Canon Intersection Changes** – City of San Diego representatives Phil Rust ([prust@sanidiego.gov](mailto:prust@sanidiego.gov)) and Kharman Tawfiq. They mentioned a push button signal for pedestrians will go forward, changes are planned in vegetation and utility box locations to create better visibility and striping changes are coming on Catalina and Canon. New markings on Catalina would lock motorists into a right-turn-only mode and eliminate a current second lane along Fresh & Easy. Striping would narrow, at least visually, the right turn lane. Other features were not readily clear to the audience including start and completion dates – possibly two months? – what the City is proposing as a long-term solution, and why a 50-foot separation is planned between limit line and new signal.
  - Burgess** – She asked City to evaluate putting Catalina between Talbot and the base gate on a road diet and eliminating a lane in both directions.
  - Goldyn** – Eliminating a lane along Fresh & Easy with striping is ugly.
  - Linney** – Taking a lane away will make military rush hour incredibly difficult.

The presenters were asked to return before the changes are implemented but no action was taken.



4. **San Diego Climate Action Plan** -- Ryan Elliott, Climate Action Campaign, reported that a three-person team is advising the city on transportation usage shifts such as walking, biking and bus riding that can cut emissions. He said the current mayor is committed to 100 percent clean energy usage by utility by 2035 but other factors may limit SDG&E to 32 percent. The Clean Action Campaign is seeking a City Council vote by January 2016.

## ACTION ITEMS

1. **4753 Adair Street CDP**, Project No. 412253, Zone RS-1-7. Coastal Development Permit for consolidation of two parcels (one vacant) into one parcel Coastal (non-appealable) Overlay Zone. Applicant: Nancy Vaughn

She owns two separate parcels that once were one until 1962. She wants to rejoin them, even though she is not planning any development.

Motion to recommend approval by Jay Shumaker, second by Jarvis Ross. Unanimous 10-0 vote in favor.

2. **Lawrence Street CDP/VTM**, Project No. 405862, 3007, 3011, 3015, and 3019 Lawrence Street, Zone RM-3-9, CDP and VTM to create four (4) residential condominium units under construction and waive utility undergrounding. Coastal (non-appealable) Overlay Zone, CDP No. 369722. Applicant: Valerie Serriff

Applicant's representative, the general contractor, said the utilities are undergrounded except for one pole. Applicant wanted fewer units than city was actually pushing for under density goals. Project is under construction but condo conversion is contemplated later.

Motion to recommend approval by Mark Krencik, second by Jay Shumaker. Unanimous 10-0 vote in favor.

3. **Saratoga CDP/TM**, Project No. 408075, 4550 & 4552 Saratoga Avenue, Zone RM-1-1. CDP and TM to convert two (2) existing residences into two (2) residential condominiums. Coastal (non-appealable) overlay zone. Applicant: Joseph Carlatti

Two houses were built on a narrow lot allowable under the code at the time. They are rentals and the owner wishes to convert to condos. Project Review subcommittee had concerns about parking but the city's current formula rounds down fractional parking spaces. Hence the conversion meets requirements.

Motion to recommend approval by David Dick, second by Jay Shumaker. Motion carried 9-1. In favor: Behnke, Burgess, Clark, Dick, Goldyn, Krencik, Linney, Ross, Shumaker. Opposed: Sevens.

4. **Soto Street Residence CDP**, Project No. 402528, 2270 Soto Street, Zone RM-1-1. CDP to construct 2655 sf residence on vacant 3001 sf site. Coastal (non-appealable) overlay zone. Applicant: Scott Frontis.

Applicant was not present and matter was continued for a month.

5. **City of San Diego Solar Energy Systems Ordinance** – approval of comment letter to the City. Presentation: Robert Goldyn

Goldyn reviewed a proposed city solar ordinance and suggested three changes on behalf of the board. There should be a structural review (of whether the roof will support solar panels), there should be a review of hot water heaters for commercial systems, and there should be a requirement for periodic spray-downs of commercial systems.

Motion by Jay Shumaker to approve sending of letter, second by Jarvis Ross. Motion carried 9-1. In favor: Behnke, Clark, Dick, Goldyn, Krencik, Linney, Ross, Sevens, Shumaker  
Opposed: Burgess.

## SUBCOMMITTEES

(The secretary has requested that subcommittee chairs send an email of current members and typical meeting date and location – or whether the panel is in liaison mode. The secretary will update as they arrive. The Form Base/Long Range subcommittee is being revised.)

No reports for most of the subcommittees.

**Form Base/Long Range Planning** -- Announced as Jay Shumaker, chair, and members Amanda Behnke, Robert Goldyn, James Hare and Jarvis Ross. Announced a meeting time of 5:30 p.m. the second Tuesday of the month in the Point Loma Library. This subcommittee last met in August 2011.

**Adjourned at 9:27 p.m. to Thursday June 17.**



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

# Ownership Disclosure Statement

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

Project Title \_\_\_\_\_ Project No. For City Use Only \_\_\_\_\_

Project Address:

4550 & 4552 Saratoga St. San Diego CA 92107

**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) **408075**

**Part II - To be completed when property is held by a corporation or partnership**

Legal Status (please check):

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

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

Corporate/Partnership Name (type or print):  
 DRI Holdings, LLC  
 Owner  Tenant/Lessee  
 Street Address:  
 42231 6th St., Suite 204  
 City/State/Zip:  
 Lancaster CA 93534  
 Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_  
 (661) 547-7794  
 Name of Corporate Officer/Partner (type or print):  
 Yossi Ram  
 Title (type or print):  
 Signature: *[Signature]* Date: *11/29/14*

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:  
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 Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_  
 Name of Corporate Officer/Partner (type or print):  
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 Title (type or print):  
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 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Corporate/Partnership Name (type or print):  
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 Name of Corporate Officer/Partner (type or print):  
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 Title (type or print):  
 \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

X