



THE CITY OF SAN DIEGO

Report to the Hearing Officer

HEARING DATE: April 27, 2016 REPORT NO. HO 16-028

SUBJECT: 247 Kolmar Map Waiver. Process Three Decision

PROJECT NUMBER: [449128](#)

OWNER/APPLICANT: Brian and Ruth Sorokin/Brian Rowe, Civil Engineer

SUMMARY:

Issue: Should the Hearing Officer approve a Coastal Development Permit and Tentative Map Waiver to convert an existing residential duplex into condominium units on a 0.115-acre property within the La Jolla Community Plan area?

Staff Recommendations:

1. APPROVE Coastal Development Permit No. 1570924, an amendment to Coastal Development Permit No. 672261.
2. APPROVE Tentative Map Waiver No. 1570925 with a requested waiver of the requirement to underground overhead utilities.

Community Planning Group Recommendation: On March 3, 2016, the La Jolla Community Planning Association voted 14-0-1 to recommend approval of the proposed project without conditions/recommendations.

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 1503 (Existing Facilities). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on March 21, 2016, the Notice of Right to Appeal the Determination was circulated and the opportunity to appeal that determination ended April 5, 2016.

BACKGROUND

The 0.115-acre site is developed with an existing residential duplex constructed in 2011 under Coastal Development Permit No. 672261. This permit was approved by the Planning Commission on July 15, 2010, known as the "Sorokin Duplex", which approved a 3,698-square-foot two-story duplex with four off-street parking spaces. The project site is located at 247-249 Kolmar Street in the RM-1-

1 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Overlay Zone, Parking Impact Overlay zone (Coastal and Beach), Residential Tandem Parking Overlay Zone and Transit Area Overlay Zone. The development is located on two lots and designated Multi-Family Residential by the La Jolla Community Plan (Attachment 2). The surrounding area is developed with multi-family and single family development. The proposed subdivision of land by this Tentative Map Waiver constitutes, by definition, Coastal Development, which requires an amendment to the previous Coastal Development Permit No. 672261. The proposed subdivision qualifies for a Tentative Map Waiver for the proposed division of the property into two residential condominium dwelling units per SDMC Sec. 125.0120(b)(2)(A).

DISCUSSION

The duplex building includes one, one-bedroom unit, and one, four-bedroom unit, with a total square footage of 3,698-square-feet. The existing development has vehicular access off of the adjacent public alley at the rear of the project site. City Staff determined that the structure is in conformance with all development codes.

In accordance with the current condominium conversion regulations, the applicant provided a Building Conditions Report. The report was been reviewed to confirm conformance with the applicable regulations of the San Diego Municipal Code Section, and the project has been conditioned to require conformance with the San Diego Municipal Code provisions for building and landscape improvements prior to recordation of the Certificate of Compliance (Condition Nos. 15 and 28, Attachment 8).

The project is requesting a waiver of the requirement to underground existing offsite overhead utility facilities located in the alley right-of-way at the rear of the site. The project qualifies for a waiver because 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 City's Undergrounding Program identifies this area as the Residential Project Block 1C with construction expected in 2044.

Conclusion:

Staff has reviewed the request for a Coastal Development Permit and Tentative Map Waiver and has found the project to be in conformance with the applicable sections of the San Diego Municipal Code and believes the required findings can be approved. Therefore, staff recommends the Hearing Officer approve Coastal Development Permit No. 1570924 and Tentative Map Waiver No. 1570925.

ALTERNATIVES

1. Approve Coastal Development Permit No. 1570924, an amendment to Coastal Development Permit No. 672261 and Tentative Map Waiver No. 1570925, with modifications.
2. Deny Coastal Development Permit No. 1570924, an amendment to Coastal Development Permit No. 672261 and Tentative Map Waiver No. 1570925, if the findings required to approve the project cannot be affirmed.

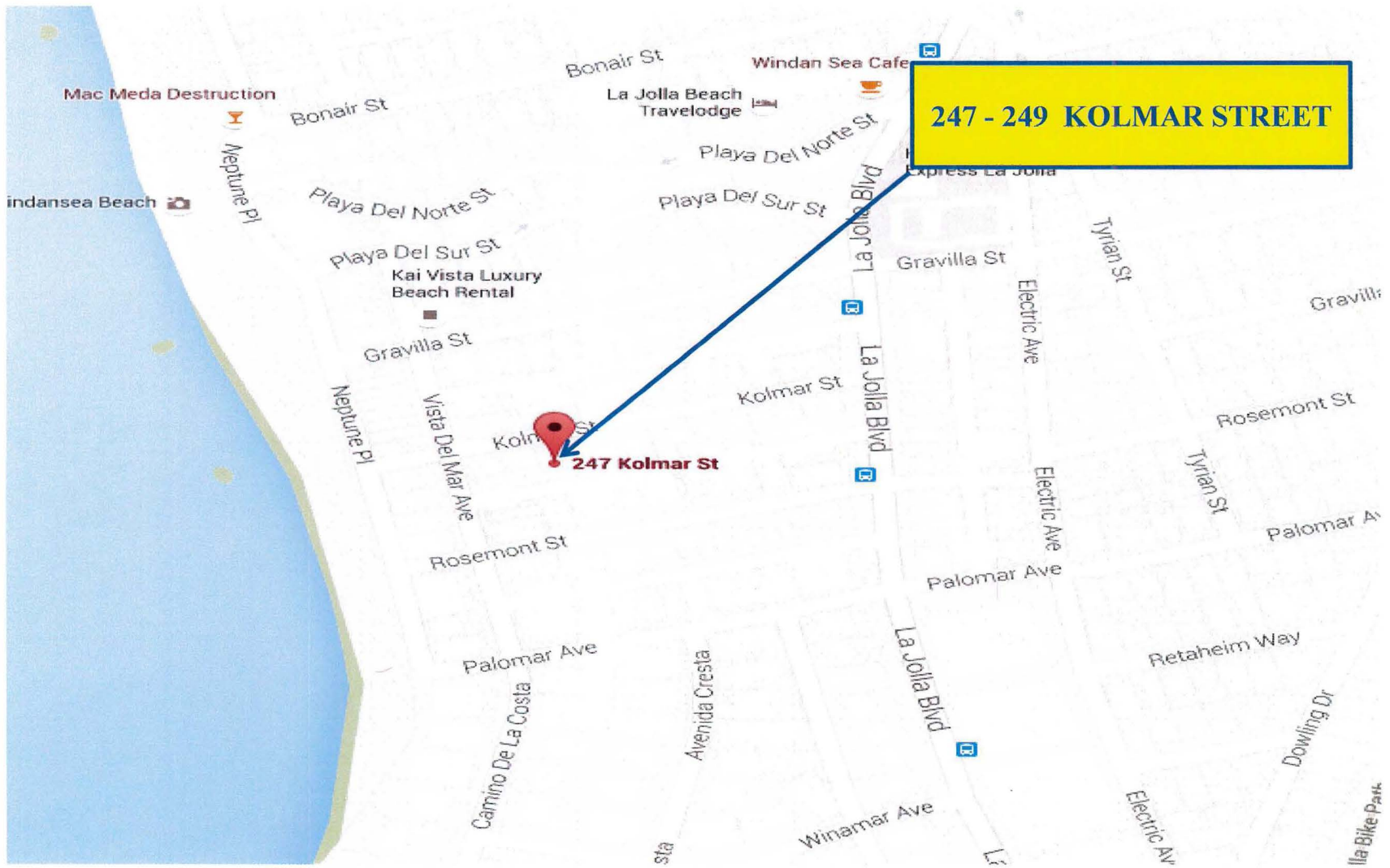
Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Glenn R. Gargas", is written over a horizontal line.

Glenn R. Gargas, Development Project Manager

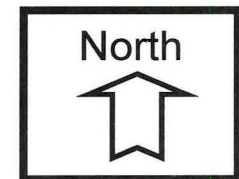
Attachments:

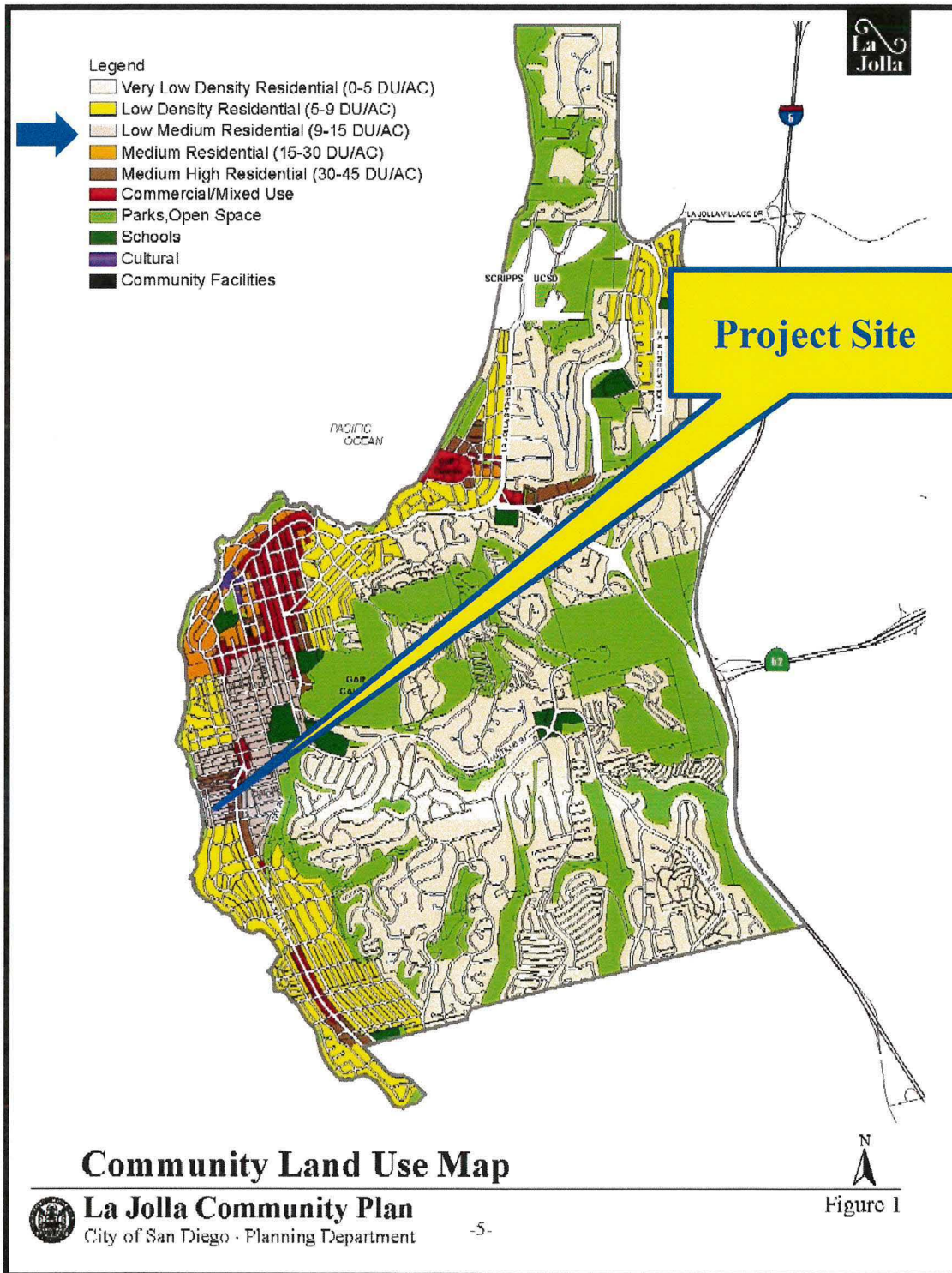
1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Project Data Sheet
5. Draft Resolution with Findings
6. Draft Permit with Conditions
7. Draft Map Waiver Resolution
8. Draft Map Waiver Conditions
9. Environmental Exemption
10. Copy of Recorded CDP Permit No. 672261
11. Community Planning Group Recommendation
12. Ownership Disclosure Statement
13. Map Exhibit-Map Waiver



Project Location Map

247 KOLMAR MAP WAIVER - 247 - 249 KOLMAR STREET
PROJECT NO. 449128

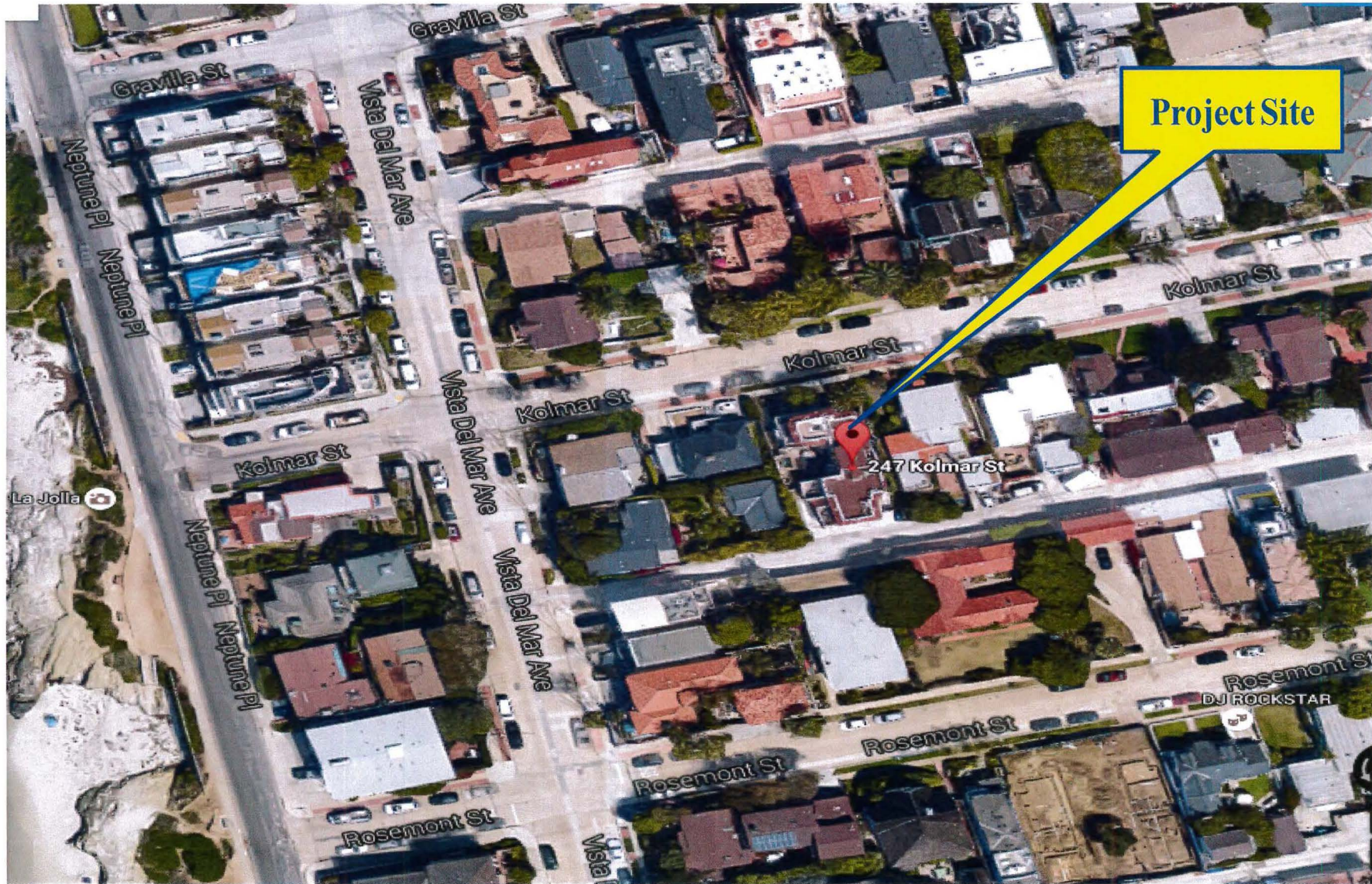




Land Use Map

247 KOLMAR MAP WAIVER - 247-249 KOLMAR STREET
PROJECT NO. 449128 La Jolla





Aerial Photo

247 KOLMAR MAP WAIVER - 247-249 KOLMAR STREET
PROJECT NO. 449128



PROJECT DATA SHEET

PROJECT NAME:	247 Kolmar Map Waiver – Project No. 449128	
PROJECT DESCRIPTION:	CDP & TMW to convert an existing duplex, totaling 3,698-square-feet of floor area, into condominium ownership on a 0.115-acre property.	
COMMUNITY PLAN AREA:	La Jolla	
DISCRETIONARY ACTIONS:	Coastal Development Permit & Tentative Map Waiver	
COMMUNITY PLAN LAND USE DESIGNATION:	Low Medium Residential (9-15 DUs per acre)	
<u>ZONING INFORMATION:</u>		
ZONE: RM-1-1 Zone		
HEIGHT LIMIT: 30/24-Foot maximum height limit.		
LOT SIZE: 6,000 square-foot minimum lot size – existing two lots 5,000 sq. ft.		
FLOOR AREA RATIO: 0.75 maximum – 0.739 existing		
FRONT SETBACK: 15/20 feet required – 15 ft. existing		
SIDE SETBACK: 4 feet required – 4 ft. existing		
STREETSIDE SETBACK: NA		
REAR SETBACK: 15 feet required – 5 ft. min. with alley – 7.5 ft. existing		
PARKING: 4 parking spaces required – 4 existing.		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Low Medium Residential; RM-1-1 Zone	Multi-Family Residential
SOUTH:	Low Medium Residential; RM-1-1 Zone	Multi-Family Residential
EAST:	Low Medium Residential; RM-1-1 Zone	Multi-Family Residential

ATTACHMENT 4

WEST:	Low Medium Residential; RM-1-1 Zone	Multi-Family Residential
DEVIATIONS OR VARIANCES REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On March 3, 2016, the La Jolla Community Planning Association voted 14-0-1 to recommended approval the project.	

HEARING OFFICER RESOLUTION NO. _____
 COASTAL DEVELOPMENT PERMIT NO. 1570924
 AMENDMENT TO COASTAL DEVELOPMENT PERMIT NO. 672261
247 KOLMAR MAP WAIVER - PROJECT NO. 449128

WHEREAS, Brian and Ruth Sorokin, Owner/Permittee, filed an application with the City of San Diego for a permit to convert an existing residential duplex into condominium ownership (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1570924), on portions of a 0.115-acre property;

WHEREAS, the project site is located at 247–249 Kolmar Street, in the RM-1-1 Zone, Coastal Overlay Zone, Coastal Height Limitation Overlay Zone, Parking Impact Overlay zone (Coastal and Beach), Residential Tandem Parking Overlay Zone and Transit Area Overlay Zone within the La Jolla Community Plan;

WHEREAS, the project site is legally described as Lots 9 and 10, Block 11 of La Jolla Strand, according to Map No. 1216, filed in the office of the County Recorder of San Diego County, October 18, 1909;

WHEREAS, on April 27, 2016, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 1570924, pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on March 21, 2016, 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 (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; 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 April 27, 2016.

FINDINGS:

Coastal Development Permit - Section 126.0708

- 1. The proposed coastal development will not encroach upon any existing physical access way 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; and**

The 0.115-acre project site is currently developed with a two unit apartment (duplex) building constructed in 2011. The proposal would convert the two dwelling units into residential condominiums. The site is located approximately two blocks from the coastline.

The proposed development does not involve any physical change to the existing building. Other than the subdivision to allow condominium ownership, no additional development or intensification of use is requested. The duplex is developed within the existing private lot area and will not encroach upon any existing or proposed physical access to the coast. The project site is located adjacent to an identified visual access corridor, a public view through Kolmar Street, as identified within the La Jolla Community Plan and Local Coastal Land Use Plan. The existing duplex approved per Coastal Development Permit No. 672261 was designed to enhance and protect the identified public views. The existing duplex meets the development setbacks and height limit required at the time of building permit issuance. Therefore, the existing duplex will protect and enhance the identified public views to and along the ocean.

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

The 0.115-acre project site is currently developed with a two unit apartment (duplex) building on a site that does not contain environmentally sensitive lands. The environmental review determined that the project would not have a significant environmental effect on environmentally sensitive lands and was found to be exempt from environmental review under CEQA Guidelines. The proposed project would subdivide an existing duplex into condominium ownership. Other than the subdivision to allow condominium ownership, no additional development or intensification of use is requested. There is no proposed grading or physical change on any portion of the property and therefore the project 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; and

The proposed duplex subdivision into condominium units is located on a site designated Low Medium Density Residential (9 to 15 DUs per acre). With two units on 0.115-acre site the development results in a density of 15 DUs per acre. This proposal only subdivides the property into condominium ownership. There is no physical change to the existing structure with this proposal. The project design was determined to be in compliance with all of the applicable development regulations at the time building permits were obtained. Due to these factors the proposed condominium conversion was found to be in compliance with the City of San Diego adopted La Jolla Community Plan and Local Coastal Land Use Plan.

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 0.115-acre site is currently developed with a duplex apartment building is located within a developed multi-family and single family residential neighborhood. The project site is located approximately one block east of Vista Del Mar Avenue, the First Public Roadway, and,

therefore, not between the first public road and the sea or coastline. There is no identified public access or public recreation area on or adjacent to the project site. This previously approved residential duplex building is contained within the private lot area and neither public access or recreation areas will be impaired by the subdivision of this property. The proposed condominium conversion project as designed takes access to four off-street parking spaces from the existing public alley. The existing character and pedestrian design of the street will remain unaltered. Therefore, the project conforms 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. 1570924, amending Coastal Development Permit No. 672261 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1570924, a copy of which is attached hereto and made a part hereof.

Glenn R. Gargas
Development Project Manager
Development Services

Adopted on: April 27, 2016

IO#: 24006246

3-3-16

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: 24006246

COASTAL DEVELOPMENT PERMIT NO. 1570924
247 KOLMAR MAP WAIVER - PROJECT NO. 449128
AMENDMENT TO COASTAL DEVELOPMENT PERMIT NO. 672261
HEARING OFFICER

This Coastal Development Permit No. 1570924, amending Coastal Development Permit No. 672261, is granted by the Hearing Officer of the City of San Diego to Brian and Ruth Sorokin, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0702. The 0.115-acre site is located at 247-249 Kolmar Street, in the RM-1-1 Zone, Coastal Overlay Zone, Coastal Height Limitation Overlay Zone, Parking Impact Overlay zone (Coastal and Beach), Residential Tandem Parking Overlay Zone and Transit Area Overlay Zone within the La Jolla Community Plan area. The project site is legally described as: Lots 9 and 10, Block 11 of La Jolla Strand, according to Map No. 1216, filed in the office of the County Recorder of San Diego County, October 18, 1909.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to subdivide an existing residential duplex site into condominium ownership described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated April 27, 2016, on file in the Development Services Department.

The project shall include:

- a. Conversion of an existing 3,698-square-foot, residential duplex into two condominium units on a 0.115-acre property;
- b. Maintain Existing Landscaping (planting, irrigation and landscape related improvements);
- c. Maintain Existing 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 May 12, 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.

ENGINEERING REQUIREMENTS:

11. This Coastal Development Permit shall comply with all conditions of the Tentative Map Waiver No. 1570925.

LANDSCAPE REQUIREMENTS:

12. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

13. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace it in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage.

PLANNING/DESIGN REQUIREMENTS:

14. Owner/Permittee shall maintain a minimum of four (4) 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.

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 April 27, 2016, by Resolution No. ____

Permit Type/PTS Approval No.: CDP 1570924
Date of Approval: April 27, 2016

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Glenn R. Gargas
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.

Owner/Permittee

By _____
Brian Sorokin

Owner/Permittee

By _____
Ruth Sorokin

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

RESOLUTION NO. _____
DATE OF FINAL PASSAGE APRIL 27, 2016

A RESOLUTION OF THE HEARING OFFICER ADOPTING THE FINDINGS
AND APPROVING MAP WAIVER NO. 1570925 FOR 247 KOLMAR MAP
WAIVER – PROJECT NO. 449128

WHEREAS, Brian and Ruth Sorokin, Subdividers, and John D. Leppert, Engineer, submitted an application with the City of San Diego for Tentative Map Waiver No. 1570925, to waive the requirement for a Tentative Map for the conversion of an existing residential duplex into condominium ownership and to waive the requirement to underground existing offsite overhead utilities. The project site is located 247-249 Kolmar Street, on the south side of Kolmar Street, east of Vista Del Mar Avenue and west of La Jolla Boulevard. The property is legally described as Lots 9 and 10, Block 11 of La Jolla Strand, according to Map No. 1216, filed in the office of the County Recorder of San Diego County, October 18, 1909; and

WHEREAS, the Tentative Map Waiver proposes the subdivision of a 0.115-acre site to one (1) lot for a 2 unit residential condominium conversion (SDMC Sec. 125.0120 (b)(2)(A)); and

WHEREAS, on March 21, 2016, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 *et. seq.*) under CEQA Guidelines Section 15301 (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(f) and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is two; 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) because the conversion involves a short span of overhead facility (less than a full block in length) and would not represent a logical extension to an underground facility.; and

WHEREAS, on April 27, 2016, the Hearing Officer of the City of San Diego considered Tentative Map Waiver No. 1570925, including the waiver of the requirement to underground existing offsite overhead utilities, and pursuant to sections 125.0122 (map waiver), 125.0440 (tentative map), 125.0444 (condo conversion), and 144.0242 of the San Diego Municipal Code and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Hearing Officer having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Tentative Map Waiver No. 1570925 (SDMC Sec. 125.0123):

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (SDMC Sec. 125.0440 (a)).

The proposed duplex subdivision into condominium units is located on a site designated Low Medium Density Residential (9 to 15 DUs per acre). With two units on 0.115-acres site the development results in a density of 15 DUs per acre. This proposal only subdivides the property into condominium ownership. The proposed development does not involve any further physical change to the buildings and is contained within the existing legal lot area. The proposed creation of two condominium dwelling units would add to and continue to provide for a balanced community and equitable development within the community through the

provision of housing that provides varying levels of architectural styles, size and affordability through residential development. The proposed subdivision is consistent with the recommended residential land use and density prescribed in the La Jolla Community Plan. Therefore, the proposed subdivision and its design or improvement would be 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 (SDMC Sec. 125.0440 (b)).

The proposed subdivision to create two condominium dwelling units would comply with the development regulations of the underlying RM-1-1 zone, the Coastal Development Regulations and all of the applicable development regulations of the Land Development Code. The proposed development does not involve any physical change to the existing building and is developed within the existing private lot area. There are no proposed deviations with this project. This project design was reviewed and found to be consistent with approved Coastal Development Permit No. 672261 and the development regulations of the underlying RM-1-1 zone, including building setbacks, building height, floor area ratio and off street parking. The requested underground waiver of the existing overhead facilities qualifies under the guidelines of San Diego Municipal Code Section 144.0242(c) Waiver of the Requirements to Underground Privately Owned Utility Systems and Services Facilities in that the conversion involves a short span of overhead facility (less than a full block in length) and would not represent a logical extension to an underground facility. Thus, the proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code.

3. The site is physically suitable for the type and density of development (125.0440 (c)).

The project proposes to convert two existing residential units to condominiums. The 0.115-acre site is located at 247 & 249 Kolmar Street in the RM-1-1 Zone, which allows for multi-family development. This is a mid-block site located in an urban, developed multi-family neighborhood and is surrounded on all sides by similar development. Other than the subdivision to allow condominium ownership, no additional development or intensification of use is requested.

The graded developed site is relatively level and is served by existing overhead and underground utilities. The project fronts on Kolmar Street and also has alley access at the rear of the site, as do the adjoining properties to the east and west. The frontage is developed with existing curb, gutter and sidewalk which would remain. Therefore, the site is physically suitable for the type and density of 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 (SDMC Sec. 125.0440 (d)).

The proposed condominium conversion is to an existing, two-story, two dwelling unit building on a 0.115-acre property. This tentative map waiver does not include any physical development or changes to the environment that are likely to cause environmental damage of any kind. The

project site has been fully developed within a fully urbanized area of La Jolla and does not contain any form of Environmentally Sensitive Lands or body of water on-site or adjacent to the site. This project was determined to be categorically exempt under the California Environmental Quality Act. Therefore, since there is no further change to the property with this proposal, 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.

5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (SDMC Sec. 125.0440 (e)).

The proposed subdivision to create two condominium dwelling units complies with the development regulations of the underlying RM-1-1 zone, the Coastal Development Regulations and all of the applicable development regulations of the Land Development Code. The proposed development does not involve any physical change to the existing duplex building and is contained within the existing private lot area. The proposed subdivision and improvements have been designed to comply with all applicable Federal, State and local land use policies including the California Subdivision Map Act and the City of San Diego Land Development Code. Therefore, the design of the subdivision for condominium ownership for two dwelling units would 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 (SDMC Sec. 125.0440 (f)).

The proposed condominium conversion is to an existing, two-story, two dwelling unit building on a 0.115-acre property. This tentative map waiver does not include any additional development of the property. The proposed subdivision is located fully within the private property and would not modify the existing public rights-of-ways, Kolmar Street, adjacent alley and general utility easements. There are no other access easements required with this proposal. Therefore, the design of the subdivision and the associated 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 (SDMC Sec. 125.0440 (g)).

The proposed subdivision of a 0.115-acre property with a two unit apartment building into condominium ownership does not include any physical change or development of the property. The existing duplex as designed will not impede or inhibit any future passive or natural heating and cooling opportunities. The existing structure as designed includes building materials, architectural treatments, placement and selection of plant materials to provide to the extent feasible, for future passive or natural heating and cooling opportunities. The existing duplex as designed has the opportunity to facilitate solar panels in the future. The cross ventilation air flow will provide natural cooling of all units. Therefore, 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 (SDMC Sec. 125.0440 (h)).

The proposed condominium conversion is to an existing, two-story, two dwelling unit building on a 0.115-acre property. This tentative map waiver does not include any development of the property. The decision maker has reviewed the administrative record including the project plans, environmental documentation and public testimony to determine the effects of the proposed subdivision on the housing needs of the region. Those regional needs were balanced against the needs for public services and the available fiscal and environmental resources and found that the proposed tentative map would not impact the housing needs of the La Jolla Community Plan area.

9. The notices required by San Diego Municipal Code section 125.0431 have been given in the manner required (SDMC Sec. 125.0444 (a)).

A 60-Day Notice of Intent to Convert to Condominiums and Notice of Tenants Rights has been provided to all tenants. Therefore, all applicable notices required by San Diego Municipal Code section 125.0431 have been provided 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 (SDMC Sec. 125.0444 (b)).

The proposed condominium conversion is to an existing, two-story, two dwelling unit building on a 0.115-acre property. This project is privately financed and no funds obtained from governmental agency to provide for elderly, disabled, or low income housing would be used in this development.

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 (SDMC Sec. 125.0444 (c)).

The proposed condominium conversion is to an existing, two-story, two dwelling unit building on a 0.115-acre property. This project is market-rate housing and was not developed to provide housing for the elderly, disabled, or to provide low income housing.

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

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Hearing Officer, Map Waiver No. 1570925 including the waiver of the requirement to underground

existing offsite overhead utilities is hereby granted to Brian and Ruth Sorokin subject to the attached conditions which are made a part of this resolution by this reference.

By

Glenn Gargas
Development Project Manager
Development Services Department

ATTACHMENT: Map Waiver Conditions
Internal Order No. 24006246

HEARING OFFICER
CONDITIONS FOR MAP WAIVER NO. 1570925
247 KOLMAR MAP WAIVER - PROJECT NO. 449128
ADOPTED BY RESOLUTION NO. _____ ON APRIL 27, 2016

GENERAL

1. This Map Waiver will expire May 12, 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 Certificate of Compliance unless otherwise noted.
3. Prior to the Map Waiver 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. A Certificate of Compliance shall be recorded in the Office of the San Diego County Recorder, prior to the Map Waiver expiration date.
5. Prior to the recordation of the Certificate of Compliance, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
6. The Certificate of Compliance shall conform to the provisions of Coastal Development Permit No. 1570924.
7. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify the Subdivider of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not be required to pay or perform any settlement unless such settlement is approved by the Subdivider.

CONDOMINIUM CONVERSION

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

- b. For prospective tenants, upon application for the rental of a unit in the proposed condominium conversion.
9. 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.
 10. The Subdivider shall provide each of the tenants of the proposed condominiums written notice of intention to convert at least 180 days prior to termination of tenancy due to the conversion or proposed conversion in conformance with Subdivision Map Act section 66427.1(a)(2)(E). The provisions of this condition shall neither alter nor abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Civil Code sections 1941, 1941.1 and 1941.2.
 11. The Subdivider shall provide the tenants of the proposed condominiums with written notification within 10 days after approval of a Certificate of Com for the proposed conversion, in conformance with Subdivision Map Act section 66427.1(a)(2)(D).
 12. The Subdivider shall give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (San Diego Municipal Code § 125.0431(a)(4)).
 13. 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)).
 14. The Subdivider shall provide a copy of the Building Conditions Report to a prospective purchaser prior to the opening of an escrow account. (San Diego Municipal Code § 144.0504(c)).
 15. Prior to the recordation of the Certificate of Compliance, the Subdivider shall demonstrate conformance with the San Diego Municipal Code provisions for building and landscape improvements (San Diego Municipal Code § 144.0507), to the satisfaction of the City Engineer.

AFFORDABLE HOUSING

16. Prior to recordation of the Certificate of Compliance, the Subdivider shall comply with the provisions of Chapter 14, Article 2, Division 13 of the San Diego Municipal Code ("Inclusionary Affordable Housing Regulations") by paying the Condominium Conversion Inclusionary Affordable Housing Fee in one of the following, manners:

- a. Deferring payment of the Condominium Conversion Inclusionary Affordable Housing Fee until the close of escrow of the first condominium sold at the development by entering into a written agreement with the San Diego Housing Commission securing payment of the Condominium Conversion Inclusionary Affordable Housing Fee, which shall be recorded against the development and secured by a recorded deed of trust in favor of the San Diego Housing Commission. If Subdivider elects future payment of the Condominium Conversion Inclusionary Affordable Housing, the fee shall be calculated using the rate in effect at the close of escrow of the first condominium unit sold at the development; or
 - b. Pre-paying the Condominium Conversion Inclusionary Affordable Housing Fee to the City based upon the aggregate square footage of all residential units in the project. If Subdivider pre-pays the Condominium Conversion Inclusionary Affordable Housing, the fee shall be calculated using the rate in effect on the date of pre-payment.
17. Prior to recordation of the Certificate of Compliance, the Subdivider shall demonstrate conformance with the San Diego Municipal Code provisions for Tenant Relocation Benefits (San Diego Municipal Code § 144.0505), to the satisfaction of the Development Services Department and the Housing Commission.

ENGINEERING

18. 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.
19. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
20. 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.
21. The Subdivider shall comply with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980. Only those exceptions to the General Conditions which are shown on the Map Waiver and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

22. "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).

23. "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."
24. Every Certificate of Compliance shall:
- a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of First Order accuracy. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.
25. Prior to the recording of the Parcel Map, City staff will perform a field site visit to verify that all property corners, or property corner offsets have been set.
26. Prior to the recordation of the Parcel Map taxes must be paid or bonded for this property pursuant to section 66492 of the Subdivision Map Act. A current original tax certificate, recorded in the office of the San Diego County Recorder must be provided to satisfy this condition.
27. Prior to the Tentative Map Waiver expiration date, a Parcel Map to consolidate and subdivide the existing two lots to one lot and ownership interests is required as a condition of the Tentative Map Waiver shall be recorded in the office of the County Recorder.

LANDSCAPE/BRUSH MANAGEMENT

28. Prior to the recordation of the Parcel Map, the Owner/Subdivider shall submit documentation of required, existing landscape to remain consistent with previous Building Permits issued under PTS 220198.

INFORMATION:

- The approval of this Map Waiver by the Hearing Officer of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 *et seq.*).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and

practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.

- Subsequent applications related to this Map Waiver will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Map Waiver, may protest the imposition within 90 days of the approval of this Map Waiver by filing a written protest with the San Diego City Clerk pursuant to Government Code Sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Internal Order No. 24006246

NOTICE OF EXEMPTION

(Check one or both)

TO: X Recorder/County Clerk
P.O. Box 1750, MS A-33
1600 Pacific Hwy, Room 260
San Diego, CA 92101-2400

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.: 449128

Project Title: Kolmar Map Waiver

Project Location-Specific: 247 – 249 Kolmar Street, San Diego, California 92037

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

Description of nature and purpose of the Project: A MAP WAIVER and COASTAL DEVELOPMENT PERMIT to convert two existing residential units into two condominium units. The 0.115-acre project site is located at 247 – 249 Kolmar Street. The land use designation is Low Medium Residential (9 - 15 dwelling units per acre). Additionally, the project site is located in the RM-1-1 zone (Residential – Multiple Unit, permits a maximum density of 1 dwelling unit for each 3,000 square feet of lot area) and within the Coast Zone Boundary, Coastal Height Limitation Overlay Zone (Non-Appealable Area 2), Parking Impact Overlay Zone (Coastal and Beach), Residential Tandem Parking Overlay Zone, Transit Area Overlay Zone, and La Jolla Community Plan and Local Coastal Program. (LEGAL DESCRIPTION: Lot 9 and 10 in Block 11 of La Jolla Strand, Map No. 1216.)

Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: Brian Sorokin
247 Kolmar Street
San Diego, California 92037
(858) 692-1524

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))
- (X) Categorical Exemption: 15301 (Existing Facilities)

Reasons why project is exempt: The City of San Diego conducted an environmental review, which determined the project would not have the potential for causing a significant effect on the environment in that the project is consistent with the community plan and the applicable zone. The project would not result in any significant environmental impacts. The project meets the criteria set forth in CEQA Section 15301 that consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Furthermore, the exceptions listed in CEQA Section 15300.2 would not apply.


Lead Agency Contact Person: Lindsey H. Sebastian

Telephone: (619) 236-5993

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

 Sr. Planner

Signature/Title

March 21, 2016

Date

Check One:

- (X) Signed By Lead Agency
() Signed by Applicant

Date Received for Filing with County Clerk or OPR:

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

THE ORIGINAL OF THIS DOCUMENT
 WAS RECORDED ON NOV 19, 2010
 DOCUMENT NUMBER 2010-0639478
 DAVID L. BUTLER, COUNTY RECORDER
 SAN DIEGO COUNTY RECORDER'S OFFICE
 TIME: 10:17 AM

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INT. ORDER NUMBER: 24000062

COASTAL DEVELOPMENT PERMIT NO. 672261
SOROKIN RESIDENCE PROJECT NO. 190364
 Planning Commission

This Coastal Development Permit No. 672261 is granted by the Planning Commission of the City of San Diego to BRIAN SOROKIN and RUTH SOROKIN, Owners and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0701. The 0.11-acre site is located at 247 Kolmar Street in the RM-1-1, Coastal Overlay (non-appealable), Coastal Height Limit, Residential Tandem Parking, and Transit Overlay Area Zones of the La Jolla Community Plan. The project site is legally described as Lots 9 and 10, Block 11, La Jolla Strand, Map No. 1216, City of San Diego, County of San Diego, State of California, filed in the Office of County Recorder of San Diego County, October 18, 1909.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owners and Permittees to demolish the existing residential unit and construct a two-story, 3,698 square-foot multiple dwelling unit, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated July 22, 2010, on file in the Development Services Department.

The project shall include:

- a. Demolish the existing residential unit;
- b. Construct a 3,698 square-foot, two-story, multiple dwelling unit with two units, attached two car garage, and two off-street surface parking spaces; and
- c. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect at the time the extension is considered by the appropriate decision maker.
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.
3. 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.
4. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.
5. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. 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.).
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

9. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that 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.

11. 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.

ENGINEERING REQUIREMENTS:

12. Prior to the issuance of a construction permit, the Owner/Permittee shall assure by permit and bond the closure of the existing driveway with City standard curb, gutter and non-standard sidewalk, on Kolmar Street, satisfactory to the City Engineer..

13. Prior to the final inspection, the Owner/Permittee shall replace the portion of damaged sidewalk with the same scoring pattern City standard sidewalk, adjacent to the existing driveway on Kolmar Street, per Standard Drawing G-7 and G-9, satisfactory to the City Engineer.
14. Prior to the final inspection, the Owner/Permittee shall grant to the City a 2.5-foot wide Irrevocable Offer of Dedication (IOD) for the adjacent alley, satisfactory to 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 San Diego Municipal Code, into the construction plans or specifications.
16. Prior to the issuance of any construction permits, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.
17. Prior to foundation inspection, the Owner/Permittee shall submit an building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying the pad elevation based on USGS datum is consistent with Exhibit 'A,' satisfactory to the City Engineer.

AFFORDABLE HOUSING REQUIREMENTS:

18. 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.) by paying an in-lieu fee.

PLANNING/DESIGN REQUIREMENTS:

19. Upon the completion of the project's development, no fewer than four off-street parking spaces shall be maintained 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 Development Services Department.
20. 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.
21. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this Permit. Where there is a conflict between a condition (including exhibits) of this Permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this Permit

establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

22. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

23. The height(s) of the buildings(s) or structures shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this Permit.

24. All fences and retaining walls shall comply with the San Diego Municipal Code Section 142.0301.

25. 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.

26. The use of textured or enhanced paving shall meet applicable City standards as to location, noise, and friction values.

27. Prior to issuance of any construction permit for a building structure, the Owner/Permittee shall indicate on plans and provide a minimum of 6-foot setback along Bedroom No. 3's east elevation exterior wall.

LANDSCAPE REQUIREMENTS:

28. Prior to issuance of any construction permits for structures, complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department. Construction plans shall take into account a 40 square-foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)5.

29. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

30. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

31. The Owner/Permittee and/or subsequent shall be responsible for the installation and maintenance of all landscape improvements consistent with the Land Development Code's Landscape Regulations and the Land Development Manual, Landscape Standards.
32. The Owner/Permittee and/or subsequent shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.
33. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Final Inspection.

WATER AND WASTEWATER REQUIREMENTS:

34. The Owner/Permittee shall design and construct all proposed sewer facilities to the most current City of San Diego Sewer Design Guide. Proposed facilities that do not meet the current standards shall be private or redesigned.
35. The proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Plumbing Code and shall be reviewed as part of the building permit plan check.
36. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond, the design and construction of new water service(s) outside of any driveway, and the removal of all existing unused services, within the right-of-way adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.
37. Prior to the issuance of any Final Inspection, all public water facilities shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.
38. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities, and associated easements, as shown on approved Exhibit "A" shall be modified at final engineering to comply with standards.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development 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 §66020.

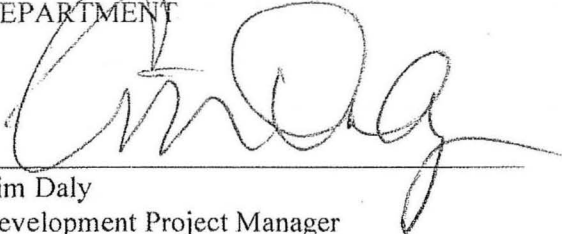
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on July 22, 2010, resolution No. 4608-PC

Permit Type/Approval No.: CDP No. 672261

Date of Approval: July 22, 2010

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

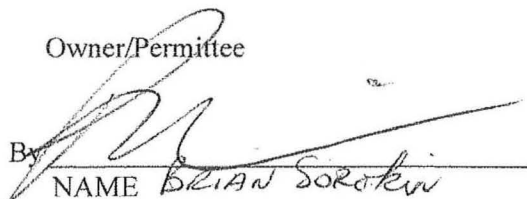


Tim Daly
Development Project Manager


**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.

Owner/Permittee

By 
NAME BRIAN SOROKIN
TITLE owner

Owner/Permittee

By 
NAME RUTH SOROKIN
TITLE OWNER

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



La Jolla Community Planning Association

Regular Meetings: 1st Thursday of the Month | La Jolla Recreation Center, 615 Prospect Street

Contact Us

Mail: PO Box 889, La Jolla, CA 92038

Web: <http://www.LaJollaCPA.org>

Voicemail: 858.456.7900

Email: info@LaJollaCPA.org

President: Cindy Greatrex

Vice President: Bob Steck

2nd Vice President: Joe LaCava

Secretary: Helen Boyden

Treasurer: Jim Fitzgerald

Ending Balance of 2/29/16

\$ 466.30

DRAFT MINUTES

Regular Meeting | Thursday 3 March 2016

Trustees present: Patrick Ahern, Helen Boyden, Tom Brady, Bob Collins, Mike Costello, Dolores Donovan, Janie Emerson, Cindy Greatrex, Joe LaCava, David Little, Alex Outwater, Jim Ragsdale, Bob Steck, Ray Weiss, Brian Will, Fran Zimmerman

Trustee absent: Jim Fitzgerald

1.0 Welcome and Call To Order at 6:15 pm by Cindy Greatrex, President who announced that the polls would close at 7:00 pm.

2.0 Adopt the Agenda

Approved Motion: To adopt the agenda as posted (Costello, Collins: 14-0-1)

In favor: Ahern, Boyden, Brady, Collins, Costello, Donovan, LaCava, Little, Outwater, Ragsdale, Steck, Weiss, Will, Zimmerman

Abstaining: Greatrex (Chair)

3.0 Meeting Minutes Review and Approval: 4 February 2016

Approved Motion: To adopt the minutes of February 4, 2016 as distributed (Steck, Outwater: 14-0-1)

In favor: Ahern, Boyden, Brady, Collins, Costello, Donovan, LaCava, Little, Outwater, Ragsdale, Steck, Weiss, Will, Zimmerman

4.0 Abstaining: Greatrex (Chair) **Elected Officials** – Information Only

4.1 Council District 1 – Council President Sherri Lightner

Rep: **Justin Garver**, 619-236-6611, JGarver@sandiego.gov reported that the City has adopted an ordinance allowing the creation of an Urban Agriculture Incentive Zone. If later passed by the County this will allow contracted owners of undeveloped parcels to establish a site and receive property tax credit. The City Council agreed with the Lifeguard Union to extend presumptive illness coverage to lifeguards. The office is still looking to fill vacancies on the Parking Advisory Board, the La Jolla Shores Planned District Advisory Board, the Board of Library Commissioners and the Park and Recreation Board. Attention was called to the City resource website: www.sandiego.gov/el-nino. In response to a query by **Trustee Weiss**, **Mr. Garver** stated that the analysis of the January storm drain washout on Avenida de la Playa was ongoing under contract and being monitored by the City. Repair will likely require more excavation.

4.2 Mayor's Office – Mayor Kevin Faulconer

Rep: **Francis Barraza**, 619-533-6397, FBarraza@sandiego.gov was not present

4.3 39th Senate District – State Senator Marty Block

Rep: **Sarah Fields**, 619-645-3133, Sarah.Fields@sen.ca.gov stated that February 19 had been the legislative deadline to introduce new bills this session. Senator Block's bills under consideration include SB 821, clarifying the definition of criminal threats, and is supported by DA Bonnie Dumanis and SB 823

If a Sign Language Interpreter, aids for the visually impaired, or Assisted Listening Devices (ALDs) are required, please contact the City's Disability Services Coordinator at 619-321-3208 at least (5) five work days prior to the meeting date to insure availability.

DPR RECOMMENDATION: Findings **CAN** be made that the proposed project conforms to the La Jolla Community Plan to demolish existing 3235 square-foot single dwelling unit, existing 701 square-foot detached garage, existing pool house, existing swimming pool and existing shed, at 1525 Buckingham Way. 5-2-1

9.3 LA JOLLA SCENIC RESIDENCE 6083 La Jolla Scenic Drive South CDP, SDP

(Process 3) Coastal Development Permit and Site Development Permit for environmentally-sensitive lands for the construction of a new residence with a garage for 4 parking spaces totaling 10,380 square feet. The 1.37-acre (59,853 sf) site is located at 6083 La Jolla Scenic Drive South in the RS-1-1 zone, Coastal Overlay Zone (Non-appealable), Geologic Hazard Area 53, within the La Jolla Community Plan area.

DPR RECOMMENDATION: Findings **CAN** be made that the proposed project conforms to the La Jolla Community Plan for a Coastal Development Permit and Site Development Permit for environmentally-sensitive lands for the construction of a new residence with a garage located at 6083 La Jolla Scenic Drive South. 6-0-2

9.4 247 KOLMAR TENTATIVE MAP WAIVER 247-249 Kolmar Street MW and CDP

(Process 3) Map Waiver and Coastal Development Permit for the conversion of an existing 3,698 sf residential duplex into condominium ownership on a 0.115 acre property at 247-249 Kolmar Street. The project site is in the RM-1-1 zone, Coastal (non-appealable) overlay zone.

DPR RECOMMENDATION: Findings **CAN** be made that the proposed project conforms to the La Jolla Community Plan for the conversion of an existing duplex comprising 3,698 sf into condominium ownership on a 0.115 acre property at 247-249 Kolmar Street. 7-0-2

9.5 5656 LA JOLLA BOULEVARD MIXED-USE 5656 La Jolla Boulevard CDP, SDP **Pulled by Trustee Little**

(Process 2) Coastal Development Permit and Site Development Permit for the demolition of two existing commercial buildings and the construction of a 2-story, 11,433 sq. ft. mixed use building with four residential units and two ground floor retail spaces at 5652-5656 La Jolla Blvd. The 0.194-acre site is in Zone 4 of the La Jolla Planned District, Coastal (Non-appealable) overlay zone.

DPR RECOMMENDATION: Findings **CAN** be made that the proposed project conforms to the La Jolla Community Plan for a Coastal Development Permit and Site Development Permit for the demolition of two existing commercial buildings and the construction of a 2-story, 11,433 sq. ft. mixed use building with four residential units and two ground floor retail spaces at 5652-5656 La Jolla Boulevard. 6-0-1

9.6 8438 PASEO DEL OCASO 8430 Paseo Del Ocaso CDP, SDP *Re-Review*

(Process 3) Coastal Development Permit/Site Development Permit to demolish an existing single dwelling unit and construct a new 3,816 square foot two story single dwelling unit with attached garage and partial basement. The 5,556 sf site is located within the Coastal Overlay Zone (Appealable Area) in the LJSPD-SF zone of the La Jolla Shores Planned District within the La Jolla Community Plan area and Council District 1.

PREVIOUS PRC RECOMMENDATION: Findings **CAN** be made for an SDP and CDP for demolition of the existing single family residence at 8438 Paseo del Ocaso and construction of a new 3,816 SF two-story single dwelling unit with attached garage and partial basement on a 5,556 sf Lot is located within the Coastal Overlay Zone (Appealable Area) in the LJSPD-SF zone of the La Jolla Shores Planned District with the La Jolla Community Plan area and Council District 1. 4-0-0

FEBRUARY 2016 PRC RECOMMENDATION RE-REVIEW: Findings **CAN** be made for an SDP and CDP for demolition of the existing single family residence at 8438 Paseo del Ocaso and construction of a new 3,816 SF two-story single dwelling unit with attached garage and partial basement. The 5,556 sf Lot is located within the Coastal Overlay Zone (Appealable Area) in the LJSPD-SF zone of the La Jolla Shores Planned District with the La Jolla Community Plan area and Council District 1. 5-0-0

9.7 ROBBINS RESIDENCE 2340 Calle del Oro CDP, SDP

LA JOLLA (Process 3) To obtain a Coastal Development Permit and Site Development Permit to demolish existing 1-story single-family residence currently 1552 SF and attached garage and construct a new 2-story single-family residence with attached garage. Scope includes a new 1-story pool cabana as well as site and landscape improvements. Lot size: 19,597 sf. Proposed Square Footages: 4,797 SF living, 1,017 SF garage, 295 SF pool cabana.

PRC RECOMMENDATION: Findings **CAN** be made for an SDP and CDP to demolish an existing one-story single-family residence and attached garage and construct a new 4,797 SF two-story single-family residence with



attached 1,017 SF garage, a new 295 SF one-story pool cabana and site and landscape improvements on a 19,597 SF lot size within the Coastal Overlay Zone (Appealable Area) in the LJSPD-SF zone of the La Jolla Shores Planned District with the La Jolla Community Plan area and Council District 1. 5-0-0

9.8 SWINDLE RESIDENCE 2488 Hidden Valley Rd -Reconsideration

Architect Tim Martin seeks the Committee's views on whether applicant should construct a sidewalk along the edge of the property, which is on the east side of Hidden Valley Road.

PRC RECOMMENDATION 1 of 2: If there is going to be a sidewalk in that section of Hidden Valley Road, it should be constructed on the west side of the road. 5-0-0

PRC RECOMMENDATION 2 of 2: The proposed requirement of a sidewalk on the east side of Hidden Valley Road in front of the subject property is out of character with the neighborhood and not supportable by the Committee. 5-0-0

NOTE: Item 9.5 -- 5656 LA JOLLA BOULEVARD MIXED-USE 5656 La Jolla Boulevard CDP, SDP was pulled by Trustee Little and will be heard at a de novo hearing at the April LJCPA meeting.

Approved motion: To accept the recommendations of the DPR committee that for 9.1 AC WATER GROUP 1008 PPA- Muirlands PW the findings CAN be made that the proposed project conforms to the La Jolla Community Plan for 8,936 feet of pipe replacement and 2,300 feet of new pipe within the public right of way at multiple locations on various streets in the Muirlands area; that for 9.2 BUCKINGHAM DEMOLITION 1525 Buckingham Way CD that the findings CAN be made that the proposed project conforms to the La Jolla Community Plan to demolish existing 3235 square-foot single dwelling unit, existing 701 square-foot detached garage, existing pool house, existing swimming pool and existing shed, at 1525 Buckingham Way; that for 9.3 LA JOLLA SCENIC RESIDENCE 6083 La Jolla Scenic Drive South CDP, SDP that the findings CAN be made that the proposed project conforms to the La Jolla Community Plan for a Coastal Development Permit and Site Development Permit for environmentally-sensitive lands for the construction of a new residence with a garage located at 6083 La Jolla Scenic Drive; that for 9.4 247 KOLMAR TENTATIVE MAP WAIVER 247-249 Kolmar Street MW and CDP that the findings CAN be made that the proposed project conforms to the La Jolla Community Plan for the conversion of an existing duplex comprising 3,698 sf into condominium ownership on a 0.115 acre property at 247-249 Kolmar Street; and to accept the recommendations of the LJSPRC that for 9.6 8438 PASEO DEL OCASO 8430 Paseo Del Ocaso CDP, SDP that the findings CAN be made for an SDP and CDP for demolition of the existing single family residence at 8438 Paseo del Ocaso and construction of a new 3,816 SF two-story single dwelling unit with attached garage and partial basement on a 5,556 Lot; for 9.7 ROBBINS RESIDENCE 2340 Calle del Oro CDP, SDP that the findings CAN be made for an SDP and CDP to demolish an existing one-story single-family residence and attached garage and construct a new 4,797 SF two-story single-family residence with attached 1,017 SF garage, a new 295 SF one-story pool cabana and site and landscape improvements on a 19,597 SF lot and that for 9.8 SWINDLE RESIDENCE 2488 Hidden Valley Rd the LJSPRC recommends 1. If there is going to be a sidewalk in that section of Hidden Valley Road, it should be constructed on the west side of the road and 2. The proposed requirement of a sidewalk on the east side of Hidden Valley Road in front of the subject property is out of character with the neighborhood and not supportable by the Committee and forward the recommendations to the city. (LaCava, Donovan: 14-0-1)

In favor: Ahern, Boyden, Brady, Collins, Costello, Donovan, LaCava, Little, Outwater, Ragsdale, Steck, Weiss, Will, Zimmerman

Abstaining: Greatrex (Chair)

10.0 ACTION ITEM: INCREASE SPEED LIMIT ON SOLEDAD MOUNTAIN ROAD City Staff Proposal to increase speed limit between Pacifica Drive and Soledad Road from 35 mph to 40 mph.

This is regarding the posted speed limit on Soledad Mountain Road between Pacifica Drive and Soledad Road in the community La Jolla. Local governments must follow the procedures set by the State of California when setting speed limits on public streets, the so-called Speed Trap Law. City has recently surveyed the above segment of Soledad Mountain Road and the results of the study indicate that the existing posted speed limit of 35 miles per hour for both the southbound and northbound directions of traffic must be raised to 40 miles per hour in order to





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**

247 Kolmar Map Waiver

Project Address:

247 Kolmar Street, La Jolla CA, 92037

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):
 Brian Sorokin
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 247 Kolmar Street
 City/State/Zip:
 La Jolla, CA 92037
 Phone No: 858-692-1524 Fax No:
 Signature: Date: 9/22/15

Name of Individual (type or print):
 Ruth Sorokin
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 247 Kolmar Street
 City/State/Zip:
 La Jolla, CA 92037
 Phone No: 858-692-1524 Fax No:
 Signature: Date: 9/22/15

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:

