



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: August 21, 2013

REPORT NO. HO 13-067

ATTENTION: Hearing Officer

SUBJECT: SCHUETZ MAP - PROJECT NUMBER: 295117

LOCATION: 4704 Winona Avenue

APPLICANT: Dan Schuetz

SUMMARY

Issue(s): Should the Hearing Officer approve a Tentative Map to convert two existing residential dwelling units into condominiums and a Neighborhood Development Permit to allow for the minor expansion of one of the units?

Staff Recommendation(s) -

1. APPROVE Map Waiver No. 1070041
2. APPROVE Neighborhood Development Permit No. 1168911

Community Planning Group Recommendation – The Kensington & Talmadge Community Planning Group has not provided an official recommendation regarding the proposed project. On July 24, 2013, a motion to approve the project (with a 20-foot street yard setback where 15-feet was proposed) garnered a 7-5-0 vote tally but was insufficient to prevail as it lacked a simple majority of the elected 15 member panel. The planning group does not have a regular meeting in August therefore; the matter was trailed to September 2013. In the interim, the applicant has determined to provide the requested setback and move forward with the Hearing Officer public hearing without further recommendation from the planning group.

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines 15301 (e)-(Existing Facilities). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on August 7, 2013 and the opportunity to appeal that determination ended August 21, 2013 (Attachment 9).

BACKGROUND

The subject property is a 0.17-acre site located on the northwest corner of Adams Avenue and Winona Avenue (Attachment 1). The site is within the Kensington/Talmadge neighborhood of the Mid-City Communities plan which designates the property for low density development ranging between 6 to 10 dwelling units per acre (Attachment 2). The surrounding residential neighborhood was generally developed between the 1950's and 1970s and is dominated by older, single-family homes (Attachment 3).

DISCUSSION

The project is requesting a Tentative Map to convert the existing residential units into condominiums and a Neighborhood Development Permit that would allow the expansion of a previously conforming density.

The property includes two existing detached residential units in the single-family RS-1-7 Zone. The corner unit, addressed as 4707 Winona, was constructed in 1947. The second unit addressed as 2649 Adams Avenue was constructed in 1959 pursuant to Variance Case No. C-2315. The variance permitted the second unit in the single-family zone and included an agreement no additional subdivision of the property would occur. The rationale for approving the second unit was that the premises consisted of two 25-foot wide by 150-foot deep lots and the units were permitted to be constructed across the parcel lines. The property is now considered to accommodate a previously conforming density therefore a Neighborhood Development Permit is required for any proposed expansion of the units.

The Tentative Map would subdivide the air space of the existing units and create two condominium units and common area on the remainder of the property. The creation of condominiums would not be considered a violation of the previous agreement to not allow further subdivision in that it was intended to retain the lot in its current configuration and no additional density would result from this action.

The project proposes a Tentative Map for the subdivision of the property to create 2 condominium ownership interests on a 0.17-acre site comprised of two lots. Section 125.0410 of the San Diego Municipal Code (SDMC) requires that a Tentative Map be processed for the subdivision of land. The Tentative Map request is a Process Three decision because there are less than four units as outlined in the SDMC Section 125.0430. 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 subdivision of land complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed subdivision and determined that it complies with both the Subdivision Map Act and the San Diego Municipal Code.

The Neighborhood Development Permit would allow an expansion of the previously conforming density as required by the Land development Code. Staff reviewed the proposed expansion and determined the expansion complies with all of the applicable regulations of the RS-1-7 zone. The

applicant has the right to provide a 15-foot street yard setback but has voluntarily elected to provide a 20-foot setback in order to maintain the development pattern of the homes along Winona Avenue.

The concession to provide the reduced street yard setback was initiated by the Kensington/Talmadge planning group and was included in a motion to approve the project. As previously stated, that motion carried a 7-5-0 vote count and was later determined to be invalid because it did not attain a majority of the 15 elected board members. Since that July meeting the applicant determined to redesign the expansion to increase the setback. The decision to accept the desired setback was made because the planning group will not have a regular monthly meeting in August and the applicant insists on scheduling the matter for a public hearing prior to then and is hopeful that by acquiescing, the planning group will not appeal the project.


CONCLUSION:

Development Services completed the review of the requested Tentative Map and Neighborhood Development Permit application and determined the proposed project would be consistent with the Mid-City Communities Plan and would comply with all relevant sections of the City of San Diego Land development Code and the State Subdivision Map Act. The density on the site would not increase with this application and the proposed expansion of one of the existing units has been determined not to be significant. Staff concludes that all of the necessary findings to approve the project can be affirmed (Attachments 5 and 7) and that the conditions applied to the Map Waiver and Neighborhood Development Permit (Attachments 6 and 8) are sufficient to insure the project would be in harmony with the surrounding community.

ALTERNATIVES:

1. Approve Tentative Map No. 1070041 and Neighborhood Development Permit No. 1168911, with modifications, or
2. Deny Tentative Map No. 1070041 and Neighborhood Development Permit No. 1168911, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

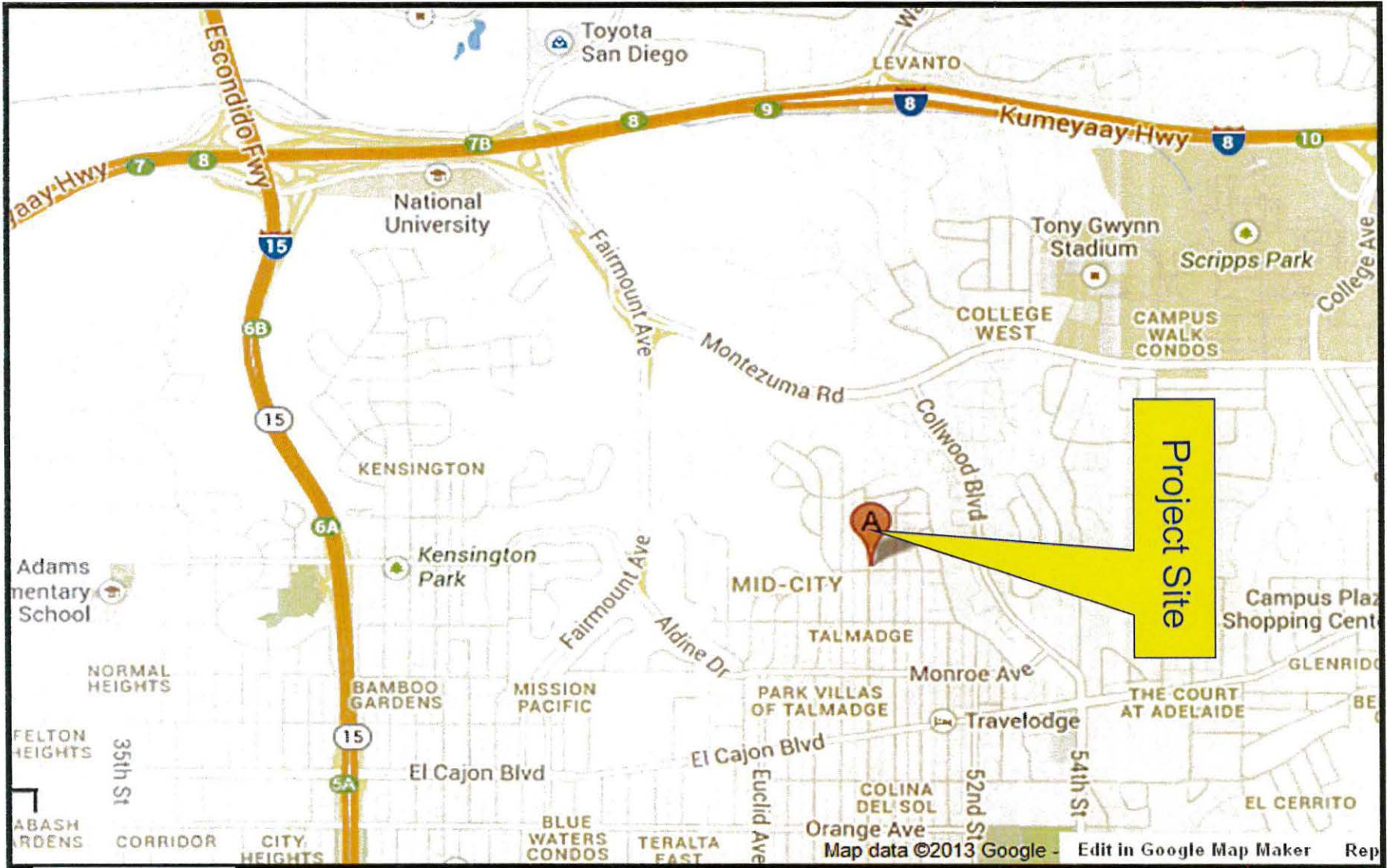


John P. Hooper, Development Project Manager

Attachments:

1. Project Location Map
2. Community Plan Land Use Map

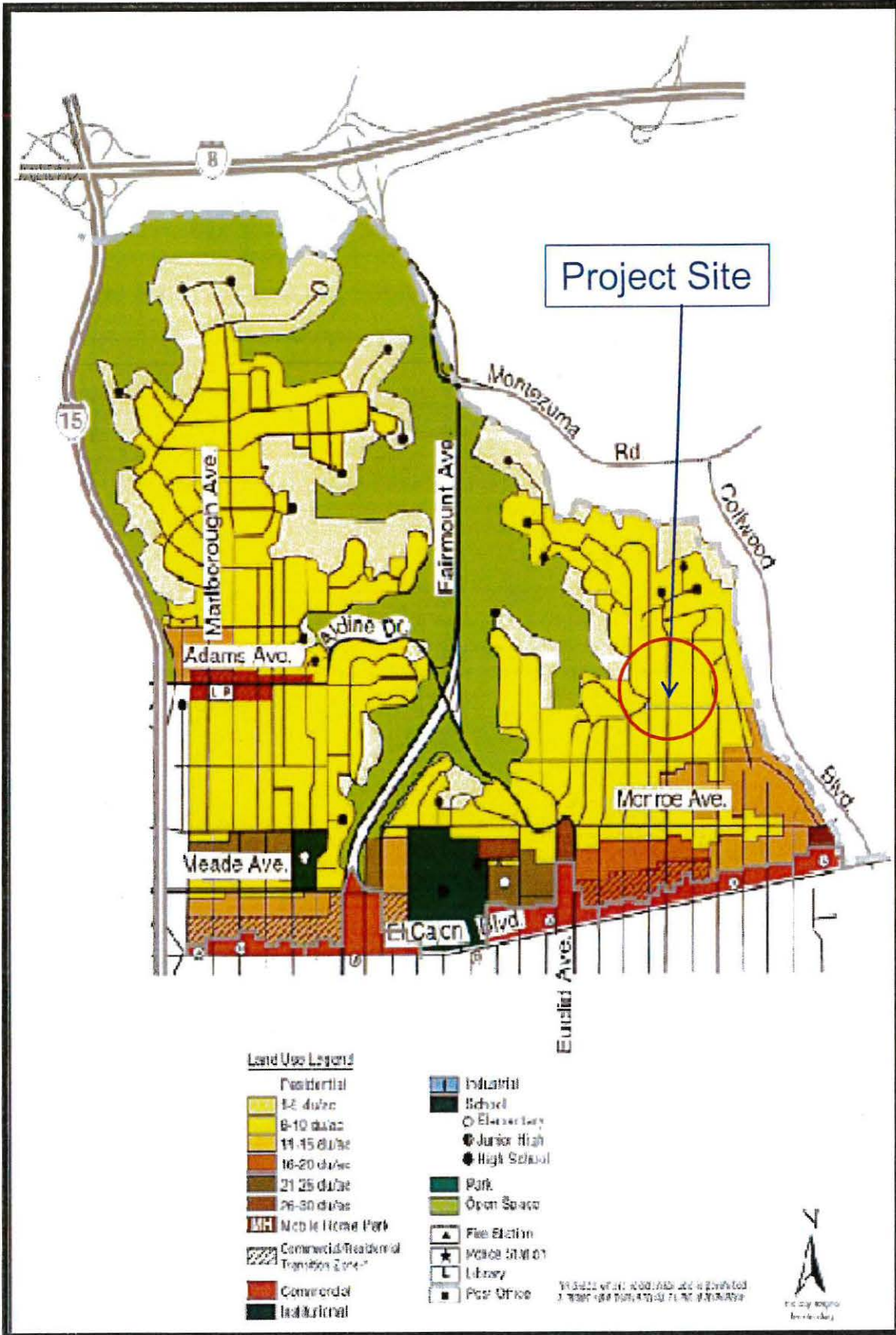
3. Aerial Photograph
4. Project Data Sheet
5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions
7. Draft Map Resolution
8. Draft Map Conditions
9. Environmental Exemption
10. Community Planning Group Recommendation
11. Project Plans (Plans have been forwarded to the Hearing Officer)
12. Map Exhibit (TM Exhibit has been forwarded to the Hearing Officer)
13. Ownership Disclosure Statement



Project Location Map

SCHUETZ MAP – 4704 WINONA AVE.
PROJECT NO. 295117





Land Use Legend

- | | |
|---|----------------|
| Residential
1-2 du/acre | Industrial |
| Residential
3-10 du/acre | School |
| Residential
11-15 du/acre | Elementary |
| Residential
16-20 du/acre | Junior High |
| Residential
21-25 du/acre | High School |
| Residential
26-30 du/acre | Park |
| Mobile Home Park | Open Space |
| Commercial/Residential
Transition Zone | Fire Station |
| Commercial | Police Station |
| Institutional | Library |
| | Post Office |

THIS MAP IS NOT A CONTRACT AND IS SUBJECT TO CHANGE WITHOUT NOTICE.



Land Use Map

SCHUETZ MAP - 4704 WINONA AVE.

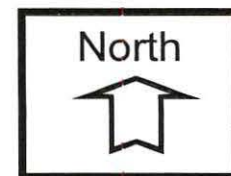
PROJECT NO. 295117





Location Aerial Photo

SCHUETZ MAP - 4704 WINONA AVE.
PROJECT NO. 295117



PROJECT DATA SHEET

FOR CONDOMINIUM CONVERSIONS

PROJECT NAME:	Schuetz Map	
PROJECT DESCRIPTION:	Conversion of 2 existing residential units into condominium.	
COMMUNITY PLAN AREA:	Mid-City Communities – Ken/Tal Neighborhood	
DISCRETIONARY ACTIONS:	Tentative Map/NDP	
COMMUNITY PLAN LAND USE DESIGNATION:	Low density residential development at 10-29 dwelling units per acre	
<u>CURRENT ZONING INFORMATION:</u> ZONE: RS-1-7: A single-unit residential zone DENSITY: one unit per lot HEIGHT LIMIT: 30 feet LOT SIZE: 5,000 s.f. minimum FRONT SETBACK: 15 SIDE SETBACK: 4 STREETSIDE SETBACK: 10 REAR SETBACK: 1, if alley; 15 if no alley PARKING: 3	<u>CONSTRUCTED:</u> R1-5000 2 units (per variance) 12'-9" single story 7,000 s.f. 20 4 10 15 3	
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Single-Family Residential: RS-1-7	Single-family
SOUTH:	Single-Family Residential: RS-1-7	Single -Family
EAST:	Single-Family Residential: RS-1-7	Single -Family
WEST:	Single-Family Residential: RS-1-7	Single -Family
DEVIATIONS OR VARIANCES REQUESTED:	none	
COMMUNITY PLANNING GROUP RECOMMENDATION:	No official recommendation.	

HEARING OFFICER RESOLUTION NO. (DRAFT)
 NEIGHBORHOOD DEVELOPMENT PERMIT NO. 1168911
SCHUETZ MAP - PROJECT NO. 295117

WHEREAS, DANN SCHUETZ, Owner/Permittee, filed an application with the City of San Diego for a permit to increase the structural envelope of a previously conforming density (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Neighborhood Development Permit No. 1168911, on portions of a 0.17-acre site; and

WHEREAS, the project site is located at 4704 Winona Avenue in the RS-1-7 zone of the Mid-City Communities Plan area; and

WHEREAS, the project site is legally described as Lots 28 and 29, Block "A"; Montecello Subdivision, Map No. 1154; and

WHEREAS, on August 21, 2013 the Hearing Officer of the City of San Diego considered Neighborhood Development Permit No. 1168911 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on August 7, 2013, 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 (e) (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 August 21, 2013.

Findings Neighborhood Development Permit - Section 126.0404:

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

The project proposes to increase the structural envelope of a previously conforming density by adding a maximum of 700 square feet of new floor area to one of two units existing on a single-family zoned lot. The previously conforming density was approved by the City of San Diego with a variance in 1959 and the two units have become an integral part of the neighborhood character over the last half century. The project is within the Kensington/Talmadge Neighborhood Element of the Mid-City Communities Plan. The plan designates the project site for low density residential development in a range of 6 to 10 dwelling units per acre. The proposed development would maintain the residential land use. The units have been in existence on the lot for 53 years and the proposed expansion would comply with all development regulations of the underlying RS-1-7 Zone. The bulk and scale of the two units combined would remain consistent with the bulk and scale that could be developed with a single unit. Therefore, the proposed development would not adversely affect the applicable land use plan.

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

and welfare:

The proposed development is located within a fully developed and urbanized community. There are no environmentally sensitive resources including habitat or biology on or in the vicinity of the project site. The expansion of the existing unit would be designed, permitted, constructed and inspected pursuant to the uniform building code and all applicable zoning criteria. The units have existed on the property for 53 years and therefore, the continued use of the property as two detached residential units would not be detrimental to the public health, safety or welfare.

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

No deviation is requested with this application. The proposed development would comply with all of the applicable development regulations of the Land Development Code including the minor expansion of a previously conforming density with an approved Neighborhood Development Permit.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by Hearing Officer, Neighborhood Development Permit No. 1168911 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Neighborhood Development Permit No. 1168911, a copy of which is attached hereto and made a part hereof.

John P. Hooper
Development Project Manager
Development Services

Adopted on: August 21, 2013

Internal Order No. 24003234

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

INTERNAL ORDER NUMBER: 24003234

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NEIGHBORHOOD DEVELOPMENT PERMIT NO. 1168911
SCHUETZ MAP - PROJECT NO. 295117
HEARING OFFICER

This Neighborhood Development Permit No. 1168911 is granted by the Hearing Officer of the City of San Diego to DANN SCHUETZ, Owner, and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0404. The 0.17-acre site is located at 4704 Winona Avenue in the RS-1-7 zone of the Mid-City Communities Plan Area. The project site is legally described as: Lots 28 and 29 of Block "A" of the Montecello Subdivision, Map No. 1154

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to increase the structural envelope of a previously conforming density as described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated August 21, 2013, on file in the Development Services Department.

The project shall include:

- a. Two residential condominium units
- b. Existing 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 September 5, 2016.
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 Neighborhood Development will conform and comply with all conditions of Tentative Map No. 1070041.
5. 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.
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 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.
9. 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.

10. 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.

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.

AFFORDABLE HOUSING REQUIREMENTS:

12. 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:

13. 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.

14. 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.

15. 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.

16. 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 August 21, 2013 pursuant to Hearing Officer Resolution Number No. (DRAFT)

Permit Type/PTS Approval No.:
Date of Approval:

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

NAME
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.**

[NAME OF COMPANY]
Owner/Permittee

By _____
NAME
TITLE

[NAME OF COMPANY]
Owner/Permittee

By _____
NAME
TITLE

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

HEARING OFFICER
RESOLUTION NUMBER R-**(DRAFT)**

TENTATIVE WAIVER NO. 1070041
SCHUETZ MAP WAIVER- PROJECT NO. 295117
DRAFT

WHEREAS, DANN SCHUETZ, Subdivider, and THE VON REITER GROUP, Engineer, submitted an application to the City of San Diego for Tentative Map No. 1070041 to convert two existing residential units into condominium ownership interests. The project site is located at 4704 Winona Avenue in the RS-1-7 zone of the City of San Diego Land Development Code and within the Kensington/Talmadge Neighborhood Element of the Mid-City Communities Plan. The property is legally described as Lots 28 and 29, Block "A" of the Montecello Subdivision Map No. 1154; and

WHEREAS, the map proposes the subdivision of a 0.17-acre site two existing residential units into condominiums; and

WHEREAS, the subdivision is a condominium project as defined in California Civil Code section 1350 and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is two (2); and

WHEREAS, on August 7, 2013, 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 15303 (e) (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, Government Code section 66491(a) and San Diego Municipal Code sections 144.0220(a) and 144.0220(b); and

WHEREAS, on August 24, 2013, the Hearing Officer of the City of San Diego considered Tentative Map No. 1070041 pursuant to San Diego Municipal Code sections 125.0440, 125.0444, and 144.0240 and Subdivision Map Act, Government Code 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 No. 1070041:

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

The proposed project is a subdivision of the property to create two condominium ownership interests, and complies with the development regulations of the land Development Code including the RS-1-7 zone and the Subdivision Map Act. The two existing units were developed on the site with an approved variance allowing the two units in the single-family zone. The proposed subdivision would maintain the character of the neighborhood, including the historical street yard setback and would be consistent with the policies, goals, and objectives of the applicable land use plan to preserve the existing neighborhood.

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

The project would convert two existing detached residential units onto condominiums. The second unit was constructed in 1959 pursuant to an approved variance that permitted the existing density within a single-family zone. The units have been located on the site

for 53 years and are considered a part of the neighborhood fabric and character. The units provide ample parking and comply with the development regulations of the RS-1-7 zone including coverage, floor area and setbacks. There is minimal physical change with this application therefore, the site is physically suitable for the type and density of development.

3. 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 complies with all applicable development regulations of the land development code and there are no deviations requested as a part of this application.

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

The project is located in a fully developed urban area and there are no environmentally sensitive resources, including any habitat or biological species on or within the vicinity of the project site.

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

The project proposes to convert two existing residential units into condominiums. The project has been reviewed and determined to be in compliance with the Municipal Code and Subdivision Map Act. The project includes conditions and corresponding exhibits of approvals relevant to adequate parking, public improvements, and paying applicable taxes in order to achieve compliance with the regulations of the San Diego Municipal Code.

The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15303 (e) (Existing Facilities). This project is not pending an appeal of the environmental determination. All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and City regulations governing the construction and continued operation of the development apply to this project to prevent adverse affects to those persons or proerties in the vicinity of the projects. Therefore, the proposed 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 (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act, Government Code § 66474(g)).

There is no current public access on or through the project site and no existing easements are located within the project boundaries as shown on Tentative Map No. 1070041. Therefore, the proposed subdivision would not conflict or affect the public at large.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1).

The project proposes to convert two existing units into condominiums. The existing landscape including shade trees would remain. No other improvements would have a negative effect on the natural heating and cooling opportunities for the subdivision.

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

The proposed project is a subdivision of the property to convert two existing residential units to condominium ownership interests, and the Tentative Map, in of itself would not impact the housing within the region, public services and the available fiscal and environmental resources.

The above 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, Tentative Map No. 1070041, is hereby granted to Dann Schuetz, subject to the attached conditions which are made a part of this resolution by reference.

By

Patrick Hooper
Development Project Manager
Development Services Department

ATTACHMENT: Tentative Map Conditions

HEARING OFFICER CONDITIONS FOR TENTATIVE MAP NO. 1070041
SCHUETZ MAP - PROJECT NO. 295117
ADOPTED BY RESOLUTION NO. R-(DRAFT) ON August 24, 2013

GENERAL

1. This Tentative Map will expire on September 5, 2016.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map, unless otherwise noted.
3. Prior to the recordation of the Parcel Map taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
4. The Tentative Map shall conform to the provisions of Neighborhood Development Permit No. 1168911.
5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

CONDOMINIUM CONVERSION

6. The Subdivider shall provide a Notice of Tenants Rights and Notices for Condominium Conversion, consistent with the Land Development Manual to be provided as follows:

Project No. 295117

TM No. 1070041 [INSERT Project No.]

- a. For existing tenants, within ten 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.
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 Final 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)).

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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 Final 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.
15. Prior to 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 Tenant Relocation Benefits (San Diego Municipal Code § 143.0505), to the satisfaction of the Development Services Department and the San Diego Housing Commission.

ENGINEERING

17. The Subdivider shall ensure that all 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.
18. The Subdivider shall reconstruct the portions of the alley in disrepair with current City Standards Concrete Alley, in the alley adjacent to the site.
19. The Subdivider shall obtain an Encroachment Maintenance Removal Agreement from the City Engineer for the existing fence in the Adams Avenue and Winona Avenue Right-of-Way.
20. The Subdivider shall install appropriate private back flow prevention devices on all existing and proposed water services (domestic, irrigation, and fire) adjacent to the project site in a manner satisfactory to the Water Department Director.
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.

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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. The subdivider 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 Third Order accuracy or better. 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

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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. 24003234

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TM No. 1070041 [INSERT Project No.]

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THE CITY OF SAN DIEGO

Date of Notice: August 7, 2013

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24003234

PROJECT NAME/NUMBER: Schuetz Map Waiver/295117

COMMUNITY PLAN AREA: Kensington-Talmadge Neighborhoods of the Mid-City
Communities Plan

COUNCIL DISTRICT: 9

LOCATION: 4704 Winona Avenue and 4926 Adams Avenue, San Diego, California 92115

PROJECT DESCRIPTION: Tentative Map (TM) and Neighborhood Development Permit (NDP) to allow for conversion of an existing duplex into two condominium units with additional floor area added to one unit on a 0.16 acre site.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Hearing Officer

ENVIRONMENTAL DETERMINATION: CEQA Exemption 15301 (e)-(Existing Facilities)

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15301 which allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing facilities (public or private) involving negligible or no expansion of use beyond that existing at the time of the determination. A TM and NDP to allow for conversion of an existing duplex with additional floor area added to one unit is a negligible expansion of use. In addition; the exceptions listed in CEQA Section 15300.2 would not apply.

DEVELOPMENT PROJECT MANAGER: Patrick Hooper
MAILING ADDRESS: 1222 First Avenue, MS 501
 San Diego, CA 92101
PHONE NUMBER: (619) 557-7992

On August 1, 2013, the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to

the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk within 10 business days from the date of the posting of this Notice (August 20, 2013). The appeal application can be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

This information will be made available in alternative formats upon request.



P.O. Box 16391, San Diego CA 92176

July 26, 2013

Mr. Patrick Hooper
Development Services Department
City of San Diego
1010 Second Avenue
San Diego, CA 92101

RE: Schuetz Map Waiver and Neighborhood Development Permit, #295117

Dear Mr. Hooper:

After the applicant failed to appear at our March, May, and July regular meetings, on July 24th, 2013 the Kensington-Talmadge Planning Group held a Special Meeting called specifically to address the issue of the tentative map waiver and neighborhood development permit (#295117) for the project at 4704 Winona Avenue. The planning group, by a vote of 7-5, approved a motion. However, after the conclusion of the meeting, I re-read the City Attorney's memo, MS 59, of April 8, 2013 and determined that this vote was a "failed vote" of the planning group and therefore no action was taken. Fortunately, since this was a Special Meeting of the planning group, other than the expenditure of time, the applicant is no worse than if the Special Meeting had not occurred.

We will re-docket the item for our regularly scheduled monthly meeting on September 11, 2013 as was our intent at the conclusion of the July meeting.

Sincerely,

A handwritten signature in black ink that reads "David K. Moty". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

David K. Moty
Chair, Kensington-Talmadge Planning Group
kentalpc@yahoo.com

cc: Beth Reiter, Dann Schuetz

Attachment: CAO Memo MS 59, dated April 8, 2013



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

THE CITY OF SAN DIEGO

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

4704 Winona Ave Map Waiver

Project No. For City Use Only

295117

Project Address:

Same

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) <i>295117</i>
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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):
Liquid Sky Divers, LLC

Owner Tenant/Lessee


Street Address: *3211 Trumbull St*

City/State/Zip: *San Diego, CA 92106*

Phone No: _____ Fax No: _____

Name: *Natalie Bagdasarjan*

Title (type or print): *owner*

S.  Date: *8/15/12*

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: _____ Fax No: _____

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

Title (type or print):

Signature : _____ Date: _____

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: _____ Fax No: _____

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

Title (type or print):

Signature : _____ Date: _____

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: _____ Fax No: _____

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

Title (type or print):

Signature : _____ Date: _____

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: _____ Fax No: _____

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

Title (type or print):

Signature : _____ Date: _____

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: _____ Fax No: _____

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

Title (type or print):

Signature : _____ Date: _____