

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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SAN DIEGO, CA 92108-4421
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Tue 10a

Filed: 4/19/06
49th Day: Waived
180th Day: 10/16/06
Staff: Laurinda Owens-SD
Staff Report: 5/24/06
Hearing Date: 6/13-16/06

STAFF REPORT AND RECOMMENDATION ON APPEAL

LOCAL GOVERNMENT: City of San Diego

DECISION: Approved with Conditions

APPEAL NO.: A-6-PCB-06-45

APPLICANT: Michael Turk

PROJECT DESCRIPTION: Demolition of four existing multi-family residential dwelling units (4,012 sq.ft. total) and construction of a new two-story, 9,514 sq.ft., seven-unit residential structure over a 16-space subterranean parking garage on a 10,008 sq.ft. site.

PROJECT LOCATION: 1353 La Palma Street, Pacific Beach, San Diego, San Diego County. APN 423-38-08 & -09

APPELLANTS: Richard Pearson; Deborah Anderson

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, determine that no substantial issue exists with respect to the grounds on which the appeal has been filed. Based on review of the City's file and information provided by the appellant and applicant, staff has concluded that the development, as approved by the City, is consistent with all applicable LCP provisions as it will not result in any adverse impacts on public access or parking and is consistent with the public access and recreational policies of the Coastal Act.

SUBSTANTIVE FILE DOCUMENTS: Certified Pacific Beach Community Plan; Appeal Forms; Report to the Planning Commission dated 2/23/06.

I. Appellants Contend That: The proposed development is inconsistent with the policies of the certified LCP which pertain to the provision of on-site parking and residential density.

II. Local Government Action. The coastal development permit was approved by the Planning Commission on 3/2/06. The conditions of approval address, in part, the following: landscaping, parking, drainage, building height, and lighting.

III. Appeal Procedures/Substantial Issue Analysis: After certification of a Local Coastal Program (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Projects within cities and counties may be appealed if they are located within mapped appealable areas.

Section 30604(b)(1) of the Coastal Act states:

The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.

Coastal Act Section 30625(b) states that the Commission shall hear an appeal unless it determines:

With respect to appeals to the commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.

If the staff recommends "substantial issue" and no Commissioner objects, the Commission will proceed directly to a de novo hearing on the merits of the project. If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have 3 minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project. If the Commission conducts a de novo hearing on the permit application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified Local Coastal Program.

In addition, for projects located between the sea and the first public road paralleling the sea, Section 30604(c) of the Act requires that a finding must be made by the approving agency, whether the local government or the Coastal Commission on appeal, that the development is in conformity with the public access and public recreation policies of Chapter 3. In other words, in regard to public access questions, the Commission is

required to consider not only the certified LCP, but also Chapter 3 policies when reviewing a project on appeal.

The only persons qualified to testify before the Commission at the "substantial issue" stage of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. At the time of the de novo hearing, any person may testify.

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question" (Cal. Code Regs. titl. 14 section 13155(b)). In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to the Code of Civil Procedure, section 1094.5.

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development approved by the City does not raise a substantial issue with regard to the appellants' contentions regarding coastal resources.

IV. Staff Recommendation On Substantial Issue.

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission determine that Appeal No. A-6-PCB-06-45 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

STAFF RECOMMENDATION OF NO SUBSTANTIAL ISSUE:

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:

The Commission finds that Appeal No. *A-6-PCB-06-45* does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

V. Findings and Declarations.

1. **Project Description.** Proposed is the demolition of four existing residential dwelling units housed in two detached structures consisting of a 1,126 sq.ft. single-family residence with a 440 sq.ft. garage and a 2,886 sq.ft. triplex with a 652 sq.ft. garage (for a total of 4,012 sq.ft.) on a 10,008 sq.ft. site. Also proposed is the construction of a new, two-story, 9,514 sq.ft., 30-ft. high, seven-unit residential structure over a 16-space subterranean parking garage. A total of 2,200 cubic yards of grading is proposed for excavation associated with the proposed subterranean garage. The site is located between the first coastal road and the sea on the south side of La Palma Street, east of Fanuel Street, approximately one-and-a-half blocks away from Mission Bay in the community of Pacific Beach in the City of San Diego. The surrounding community includes a mixture in development types ranging from several apartment and condominium buildings interspersed with older, single-family residences. There are no public views to the bay from the subject site.

2. **Public Access/Parking.** Coastal Act sections 30210, 30211 and 30212(a) are applicable to the project and state the following:

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212(a)

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
- (2) adequate access exists nearby, or, [...]

In addition, Section 30252 of the Act is also applicable to the proposed development and states the following:

The location and amount of new development should maintain and enhance public access to the coast by . . . (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation

The subject site is located between the sea and the first coastal road, which in this case, is the street the subject site is located on (La Palma). The certified LCP contains numerous policies that call for the protection and enhancement of public access in the Pacific Beach area. Some of these policies include the following:

- Enhance existing public access to the beach, bay and park areas along the shoreline to benefit community residents and visitors. [p. 6]
- Provide adequate on-site parking and minimize the number and size of curb cuts to minimize traffic conflicts. Utilize landscaping to screen surface parking areas. [p.46]

The pattern of gaining access in this area to the bay is through the various streetends. In this particular community, the nearest accessway to the bay is at the southern terminus of Faniel Street, approximately one-and-a-half blocks southwest of the project site.

A total of 16 on-site parking spaces are proposed for the new seven-unit residential project, which will be provided in a subterranean parking garage. Access for the seven-unit residential building will be gained directly from La Palma Street as there is no alley adjacent to the site. However, one existing curb cut will be closed on the project site.

The appellants contend that the proposed project will impact the adequacy of parking in this neighborhood. Specifically, the appellants contend that the project, as originally designed, included four, three-bedroom units and three, two-bedroom units which requires a total of 17 on-site parking spaces pursuant to the certified LCP. The subject site is located within the City's Beach Impact Area which generally includes that area within 3-4 blocks of the beach or bay as these are the areas that are most impacted by parking for both beach visitors and surrounding residents. The City's zoning ordinance (Land Development Code) for the parking beach impact area specifically requires 2.25

spaces for each two-bedroom unit and 2.5 spaces for units containing 3-4 bedrooms. As such, the required parking for the new development as it was originally designed would have required the following:

3 two-bedroom units @ 2.25 parking spaces each = 6.75 spaces (which is rounded up to 7 parking spaces)

4 three-bedroom units @ 2.50 parking spaces each = 10 spaces

Thus, the required parking for the originally designed project is 17 parking spaces. Because only 16 parking spaces are proposed, to address this issue, the applicant modified the project to reduce the three bedroom units to two bedrooms and a den (this was accomplished by removing the door). The parking for 7 two-bedroom units @ 2.25 parking spaces each = 15.75 spaces which is rounded up to 16 on-site parking spaces required. This is the project that was approved by the City and is the subject of this appeal. As such, adequate on-site parking is being provided.

However, the appellants contend that the proposed “den” will just be converted back to a bedroom after the project is constructed and as such, the development will be deficient in parking and thus, the project is inconsistent with the parking provisions of the certified LCP. In response to the appellants’ concerns, the Commission notes that such a conversion could occur in any project and is not grounds to find substantial issue in this particular case. In addition, the units, as approved by the City, are all two bedroom units and require a total of 16 parking spaces, which are provided. As such, the proposed project meets the LCP requirements for on-site parking.

In addition, as noted above, an existing curb cut will be removed from La Palma Street (which presently serves an existing single-family residence). The removal of the curb cut from the La Palma Street frontage will actually result in the provision of one more on-street parking space for both beach visitors as well as residents in the area, consistent with the above-cited certified LCP land use plan provisions.

One of the two appellants also contends that the width of the proposed parking spaces is less than the minimum required by the zoning code, which in turn, adversely affects parking for beach visitors. The appellant also contends that the slopes of the proposed ramps to the proposed underground parking garage are not consistent with the City’s standards. However, these latter two issues are not coastal-related and are design and zoning requirements which are regulated by the City. In any case, the City has indicated that the dimensions of the proposed parking spaces meet City requirements. In addition, it has also been determined that the design of the underground garage also meets City requirements in terms of turnaround (maneuvering) space within the garage and is adequate to meet the slope requirements of the ramp from the street to the garage. In either case, neither of these two issues would affect the number of on-site parking spaces being provided or render the site deficient in on-site parking. As such, these design measures will not result in adverse impacts to public access.

In summary, adequate on-site parking will be provided for the new development and the proposed development will not result in impacts to public access. Therefore, the Commission finds that the appeal does not raise a substantial issue regarding conformity of the proposed development with the public access policies of the Coastal Act and the certified LCP.

3. Community Character/Land Use/Density of Development. The certified LCP contains policies that call for the protection of the community character of Pacific Beach. Some of these policies include the following:

- Maintain the residential scale of Pacific Beach and encourage development of residential units within transit corridors, especially along Garnet Avenue.

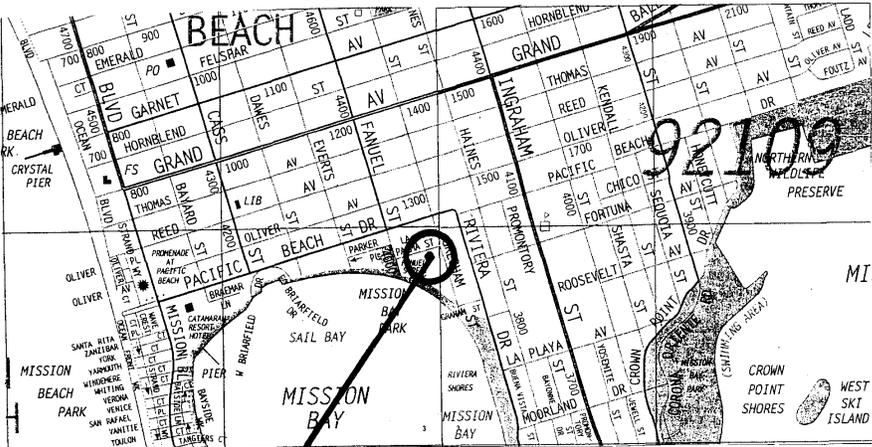
The surrounding community consists of a variety of development types including multi-family residential development intermixed with a few older single-family residential structures along Sail Bay, Grand Avenue and some of the other surrounding streets. One of the two appellants contend that the proposed development does not conform to the density requirements of the community plan. The concern raised by the appellant is that the proposed density exceeds the density requirements of the certified LCP for the subject development. In this particular case, the subject site is designated for Medium-Density Residential use at a density of 15-29 (less than 30) dwelling units per acre (dua) in the certified Pacific Beach Land Use Plan. However, the site is zoned RM-2-5, which would allow a maximum density of 30.5 dua on the subject site. The RM-2-5 zone permits a maximum density of one dwelling unit per each 1,500 sq.ft. of lot area. Thus, the 10,008 sq.ft. lot divided by 1,500 sq.ft. = 6.672 dwelling units permitted on the site. Pursuant to Section 113.0222 of the City's certified Implementation Plan (Land Development Code or LDC), rounding up the density is permitted. Specifically, the LDC allows that when the density calculation exceeds a whole number by more than 0.50, the maximum number of permitted dwelling units may be rounded up. Thus, in this particular case, because the 6.67 dua figure derived above is not a whole number and it exceeds 0.50, it may be rounded up to 7 dwelling units permitted on the subject site (which calculates to 30.5 dua). Although the certified LUP does not include specific provisions regarding rounding up of density, the LDC does. As such, there is a discrepancy between the community plan land use density and the density allowed by the underlying zone. The Commission finds that in this particular case, the proposed density of approximately 30.5 dua, or seven units on the subject site, "technically" exceeds the requirements of the certified Land Use Plan. However, the proposed density is just *slightly* above density allowed in the LUP and is consistent with the certified Implementation Plan provisions (LDC). In addition, in this particular case, the slight discrepancy will not result in adverse impacts on coastal resources. The subject site is also near a transit corridor (Grand Avenue). As such, the proposed development is consistent with the policies of the certified LCP that encourage residential development in transit corridors.

Furthermore, the proposed development is compatible in design and scale with the surrounding neighborhood which includes several other large-scale and medium-scale apartment and condominium structures. Therefore, the Commission finds that the appeal

does not raise a substantial issue regarding conformity of the proposed development with the above-cited provisions of the certified LCP.

3. Conclusion. In summary, the development as approved by the City, is substantially consistent with all applicable LCP land use policies and provisions/development standards of the certified LCP Implementation Plan. The project, as approved by the City, will not result in adverse impacts to public access or density/community character. Therefore, the Commission finds that the appeal does not raise a substantial issue with regard to the project's consistency with the certified LCP or the public access policies of the Coastal Act.

4. Substantial Issue Factors. As discussed above, there is strong factual and legal support for the City's determination that the proposed development is consistent with the certified LCP. The other factors that the Commission normally considers when evaluating whether a local government's action raises a substantial issue also support a finding of no substantial issue. The proposed project is for seven residential units that are consistent in size and scale of other projects in the vicinity and is not of unusual extent or scope. In addition, the City, in its approval of the development, granted no "exceptions" or variances such that a precedent would be made regarding future interpretations of the LCP. The objections to the project suggested by the appellants do not raise any substantial issues of regional or statewide significance.



SITE

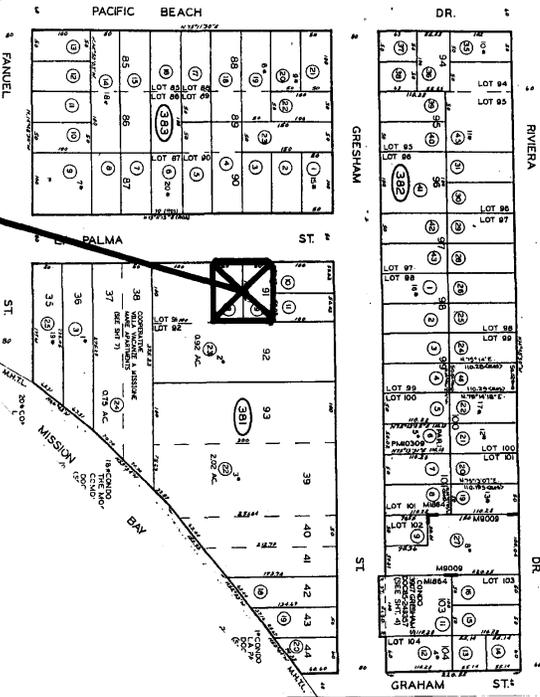
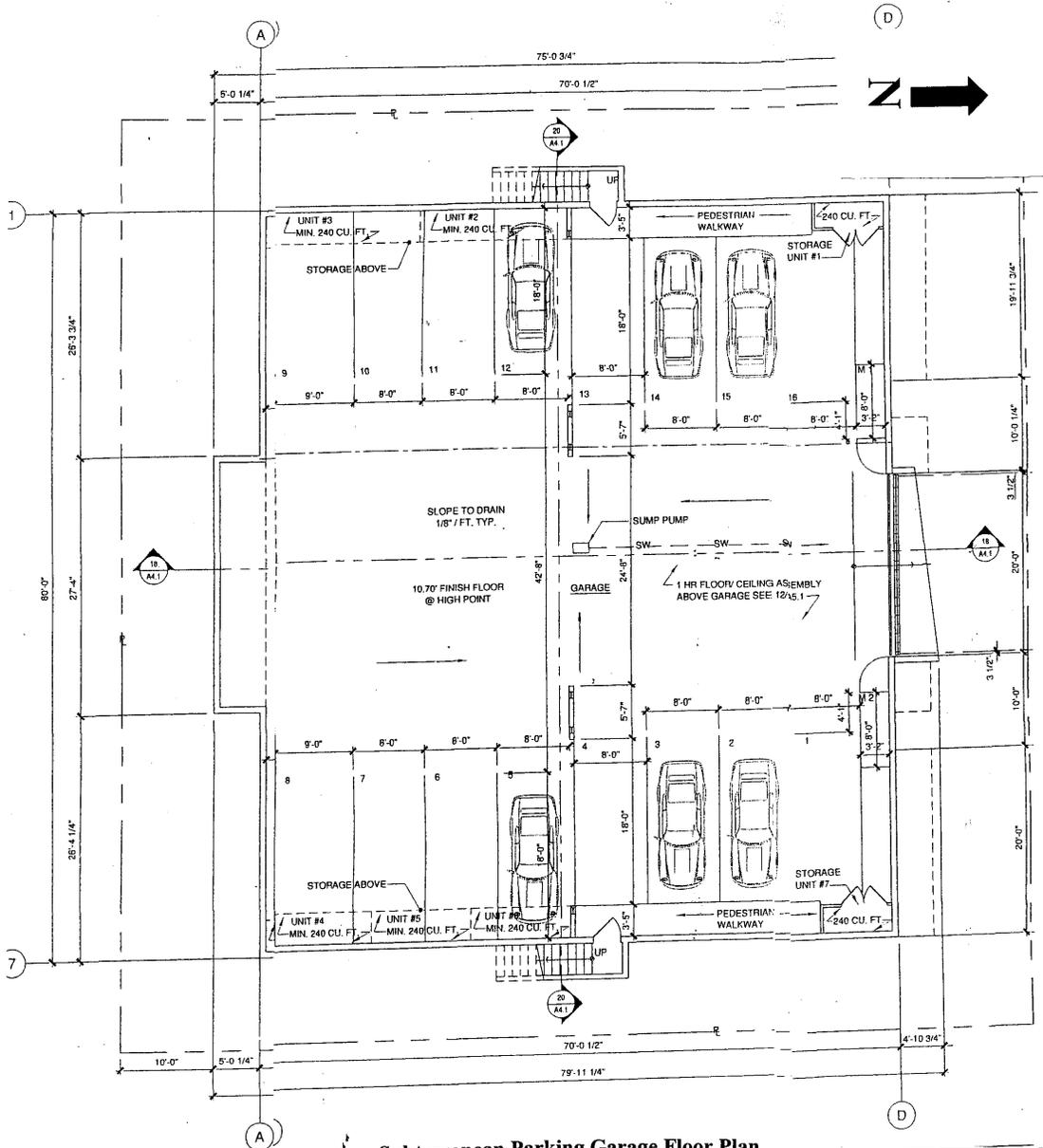


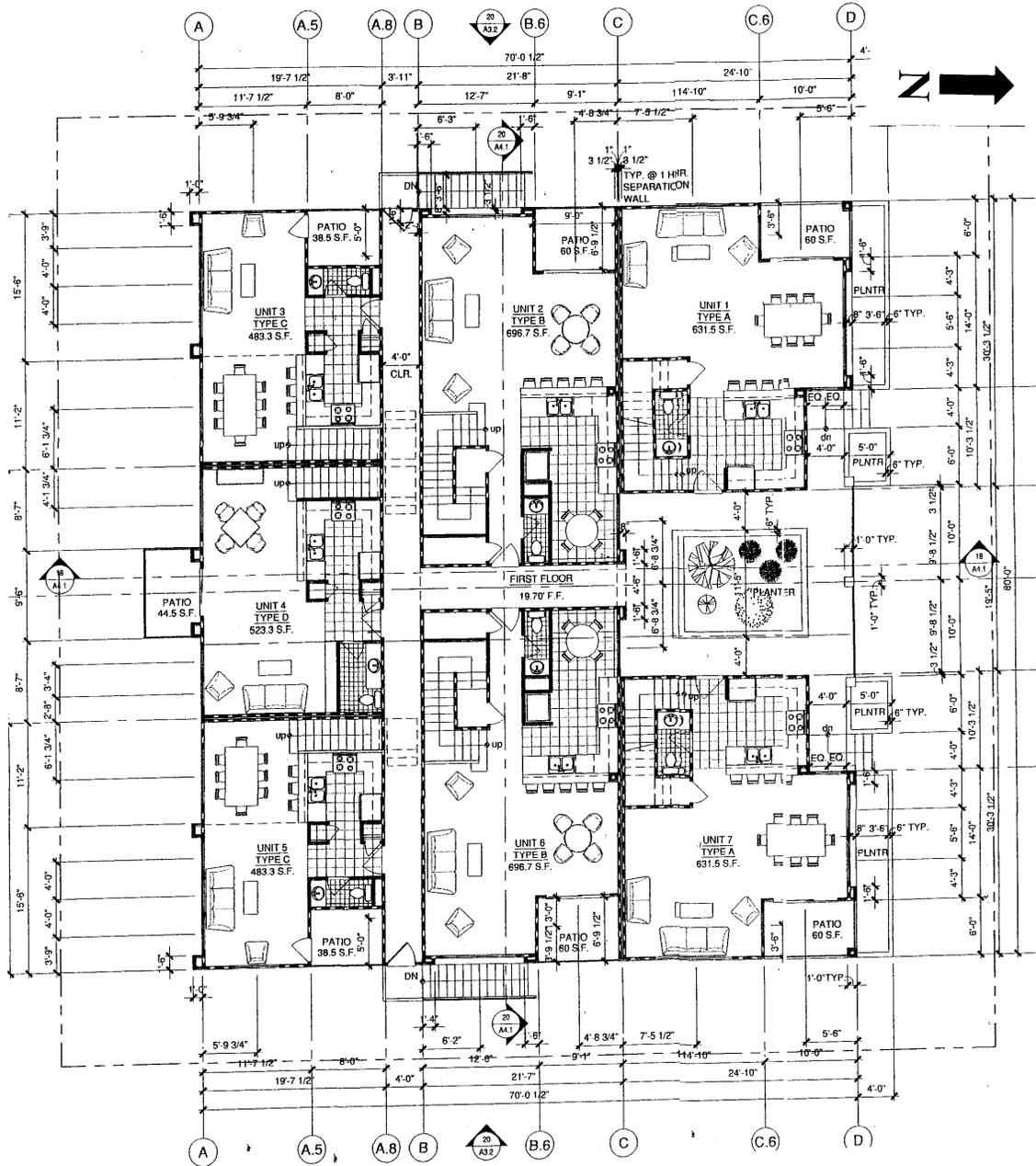
EXHIBIT NO. 1
 APPLICATION NO.
A-6-PCB-06-45
 Location Map





Subterranean Parking Garage Floor Plan

EXHIBIT NO. 3
APPLICATION NO.
A-6-PCB-06-45
Floor Plans
California Coastal Commission



First Floor Plan



THE CITY OF SAN DIEGO

RECEIVED
APR 0 8 2006
CITY OF SAN DIEGO
3400 LA JOLLA VILLAGE CENTER
SAN DIEGO, CALIFORNIA 92161

COASTAL DEVELOPMENT PERMIT
NOTICE OF FINAL ACTION

J.O. 42-1552

DATE: March 2, 2006

The following project is located within the City of San Diego Coastal Zone. A Coastal Permit application for the project has been acted upon as follows:

PROJECT NAME - NUMBER: La Palma 7 – PTS 7822

PROJECT DESCRIPTION: A Coastal development Permit, Tentative Map and Waiver of Undergrounding to demolish three existing multi-family residential dwelling units and construct a new two-story, seven-unit residential structure over a subterranean parking garage, on a 10,008 square-foot site located at 1353-1359 La Palma Street in the RM-2-5 Zone of the Pacific Beach Community Plan, Coastal Overlay Zone (appealable area), Coastal Height Limit, and Beach Parking Impact Overlay Zone.

LOCATION: 1353 La Palma Street, Pacific Beach Community

APPLICANT'S NAME Mr. Michael Turk
1949 Grand Avenue, Suite 'B'
San Diego, California 92109
Phone: (858) 274-5995

FINAL ACTION: APPROVED WITH CONDITIONS

ACTION BY: Planning Commission

ACTION DATE: March 2, 2006

CONDITIONS OF APPROVAL: See attached Permit.

FINDINGS: See attached Resolution.

Appealable to the Coastal Commission pursuant to Coastal Act Section 30603. An aggrieved person may appeal this decision to the Coastal Commission only after a decision by the City Council (or Planning Commission for Process 3 Coastal Development) and within ten (10) working days following Coastal Commission receipt of the application and within ten (10) working days following Coastal Commission receipt of the date the Commission's appeal period will conclude.

EXHIBIT NO. 4
APPLICATION NO.
A-6-PCB-06-45
Notice of Final Action

A-6-45

Appeals must be in writing to:

California Coastal Commission
San Diego Area Office
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402
Phone (619) 767-2370

cc: California Coastal Commission

Robert Korch, Development Project Manager
Development Services Department
1222 First Avenue, MS 501, San Diego, CA 92101-4153
Phone: (619) 446-5229

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

WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

THE ORIGINAL OF THIS DOCUMENT
WAS RECORDED ON APR 04, 2006
DOCUMENT NUMBER 2006-0230348
GREGORY J. SMITH, COUNTY RECORDER
SAN DIEGO COUNTY RECORDER'S OFFICE
TIME: 12:30 PM

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-1552

COASTAL DEVELOPMENT PERMIT NO. 13845
LA PALMA 7 – PROJECT NO. 7822 (MMRP)
PLANNING COMMISSION

This Coastal Development Permit No. 13845, is granted by the Planning Commission of the City of San Diego to MICHAEL E. AND KAREN TURK, Individuals, Owners/Permittees, pursuant to San Diego Municipal Code [SDMC] Section 126.0701. The 10,008 square-foot site is located at 1353-1359 La Palma Street in the RM-2-5 Zone of the Pacific Beach Community Plan, Coastal Overlay Zone (appealable area), Coastal Height Limit, and Beach Parking Impact Overlay Zone. The project site is legally described as a Portion of Lot 91, Southern Title Guaranty Company's Subdivision of Pueblo Lot 1801, Map No. 1864.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owners/Permittees to demolish three existing multi-family residential dwelling units and construct a new two-story, seven-unit residential structure over a subterranean parking garage, described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated March 2, 2006, on file in the Development Services Department.

The project or facility shall include:

- a. Demolition of three existing multi-family dwelling units and improvements on the site; and
- b. Construction of a new two-story, 9,514 square-feet of Gross Floor Area, seven residential unit condominium over a subterranean parking garage; and
- c. Landscaping (planting, irrigation and landscape related improvements); and
- d. Sixteen (16) off-street parking spaces within the subterranean garage facility; and

- e. Accessory improvements determined by the City Manager 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. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
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 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. 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 City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the 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.
5. The utilization and 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 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 applicant 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.

8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," on file in the Development Services Department. No changes, modifications or alterations shall be made 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 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.

10. 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 following all appeals.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project.

12. As conditions of Coastal Development Permit No. 13845, the mitigation measures specified in the MMRP, and outlined in the Mitigated Negative Declaration No. 7822 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in the Mitigated Negative Declaration No. 7822 satisfactory to the City Manager and City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue area:

Paleontological Resources

14. Prior to issuance of any construction permit, the applicant shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

AFFORDABLE HOUSING REQUIREMENTS:

15. Prior to the issuance of any building permits, the developer shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

ENGINEERING REQUIREMENTS:

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

17. This project proposes to export 2100 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the processing and sale of the export material. All such activities require a separate Conditional Use Permit.

18. Prior to building occupancy, the applicant shall conform to Section 62.0203 of the Municipal Code, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

19. Prior to the issuance of any building permits, the applicant shall obtain an Engineering Permit for all proposed work in the public right-of-way in a manner satisfactory to the City Engineer.

20. Prior to the issuance of any construction permit, the Subdivider 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.

21. Prior to the issuance of any construction permit the Subdivider 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.

22. Prior to the issuance of any construction permit the Subdivider shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, consistent with the approved Water Quality Technical Report.

23. Prior to the issuance of any construction permit, the Subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

24. Applicant shall replace all abandoned driveways with full curb, gutter and sidewalk satisfactory to the City Engineer.
25. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.

LANDSCAPE REQUIREMENTS:

26. In the event the Landscape Development Plan and the Site Plan conflict, the Site Plan shall be revised to be consistent with the Landscape Development Plan.
27. No change, modification or alteration shall be made to the project unless appropriate application or amendment of this Permit shall have been granted by the City.
28. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards (including planting and irrigation plans, details and specifications) shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with the Exhibit 'A', Landscape Development Plan, on file in the Office of Development Services.
29. Prior to issuance of any construction permit for parking structures, the Permittee shall submit on the planting and irrigation plans a signed statement by a Registered Structural Engineer indicating that supporting structures are designed to accommodate the necessary structural loads and associated planting and irrigation.
30. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40 square feet area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.
31. Prior to issuance of any engineering permits for grading, construction documents for revegetation including hydroseeding and irrigation shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance with the Exhibit 'A' Landscape Development Plan on file in the Office of Development Services.
32. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or subsequent Owner 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.

33. 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. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

34. Prior to any grading (building permit) the Permittee or subsequent Owner shall enter into a Landscape Maintenance Agreement (LMA) for all landscape improvements. The Landscape Maintenance Agreement shall be approved by the Landscape Section of Development Services and the City Manager. The LMA shall remain in place until another approved entity (such as an HOA) is in place to assume landscape (including irrigation) maintenance responsibilities.

35. 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 City Manager within 30 days of damage or Certificate of Occupancy.

36. The Permittee or subsequent Owner(s) shall be responsible for the installation and maintenance of all landscape improvements consistent with the Landscape Regulation and Landscape Standards. Invasive species are prohibited from being planted adjacent to any canyon, water course, wet land or native habitats within the city limits of San Diego. Invasive plants are those which rapidly self propagate by air born seeds or trailing as noted in section 1.3 of the Landscape Standards.

PLANNING/DESIGN REQUIREMENTS:

37. No fewer than 16 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," on file in the Development Services Department. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

38. 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.

39. The height(s) of the building(s) or structure(s) 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.

40. 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 Permittee.

41. 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.
42. No building additions, including patio covers, shall be permitted unless approved by the homeowners association and the City Manager. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.
43. The applicant shall post a copy of the approved discretionary permit or Tentative Map in the sales office for consideration by each prospective buyer
44. 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.
45. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.
46. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
47. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (SDMC) to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A," on file in the Development Services Department.

WASTEWATER REQUIREMENTS:

48. Prior to the issuance of any engineering or building permits, the developer shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each unit will have its own sewer lateral or provide CC&R's for the operation and maintenance of on site private sewer mains that serve more than one ownership.
49. The developer shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
50. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

PLANNING COMMISSION:

51. Prior to the issuance of any grading permits, landscape construction documents shall be submitted to the Landscape Section of Development Services for review and approval. At the request of the Planning Commission, five off-site trees are required to be monitored prior to and during construction. A Tree Protection Plan (TPP) detailing the protection and stabilization of the 5 existing off-site Eucalyptus trees, whose locations are clearly identified on the approved Exhibit 'A' Landscape Development Plan, shall be prepared by a consulting Arborist who has been certified by the International Society of Arboriculture (ISA). The TPP shall include a summary table and graphic indicating the caliper, location, height, trunk diameter, complete drip line, botanical and common name for all trees which will be impacted by the proposed project. The TPP shall include a program and methodology for scheduled root cutting and shall determine the limit of root exploration with an air spade or similar method.

Prior to issuance of any grading permits, the proposed trees for replacement shall be indicated on the landscape construction documents in conformance with the Landscape Standards and Submittal Requirements for construction documents. It shall be clearly noted that the proposed trees are for replacement purposes should the existing trees fail to survive or be found unsafe.

Prior to beginning any work on site, it shall be the responsibility of the Permittee or subsequent Owner to arrange for a pre-construction conference between the contractor(s) and City Staff. This may include but is not limited to the Resident Engineer, MMC Coordinator, grading and landscape contractor, private consultants, a certified arborist and the landscape architect of record.

Prior to the issuance of a Certificate of Occupancy, the Permittee or subsequent Owner(s) shall provide written documentation prepared by a consulting Arborist, certified by the International Society of Arboriculture (ISA), that clearly states that existing trees impacted by the proposed development do not pose a hazard to public health and safety.

If any existing trees which are shown on the approved Exhibit 'A' Landscape Development Plan, on file with the Development Services Department, are damaged or destroyed by the proposed scope of work they shall be replaced with a minimum 24-inch box size tree within 30 days. All tree removal and replacement work, occurring offsite, shall not commence until a letter of permission has been received from the adjacent property owner(s). The replacement tree species shall be of like form and achieve the equivalent height and spread of the existing trees shown on the Exhibit 'A' Landscape Development Plan. These replacement trees shall be maintained in a healthy and disease-free growing condition at all times.

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 section 66020.

APPROVED by the Planning Commission of the City of San Diego on March 2, 2006,
Resolution No. 3965-1-PC.

ALL-PURPOSE CERTIFICATE

Coastal Development Permit No. 13845
Date of Approval: March 2, 2006

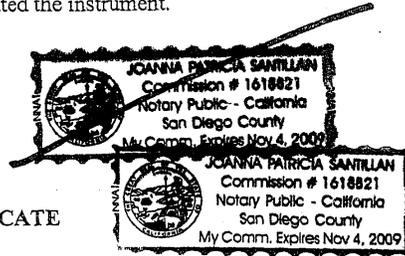
STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

Robert Korch
Robert Korch, Development Project Manager

On March 24, 2006, before me, Joanna Patricia Santillan, (Notary Public), personally appeared Robert Korch, Development Project Manager of the Development Services Department of the City of San Diego, personally known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature Joanna Patricia Santillan
Joanna Patricia Santillan



ALL-PURPOSE CERTIFICATE

OWNER(S)/PERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED OWNER(S)/PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF OWNER(S)/PERMITTEE(S) THEREUNDER.

Signed Michael E. Turk
Typed Name Michael E. Turk

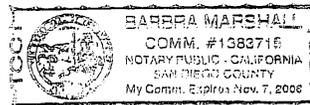
Signed Karen Turk
Typed Name Karen Turk

STATE OF California
COUNTY OF San Diego

On 3/27/06 before me, Barbra Marshall (Name of Notary Public) personally appeared Michael E. & Karen Turk, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature Barbra Marshall



PLANNING COMMISSION
RESOLUTION NO. 3965-1-PC
COASTAL DEVELOPMENT PERMIT NO. 13845
LA PALMA 7 – PROJECT NO. 7822

WHEREAS, MICHAEL E. AND KAREN TURK, Individuals, Owners/Permittees, filed an application with the City of San Diego for a permit to demolish three existing multi-family residential dwelling units and construct a new two-story, seven-unit residential structure over a subterranean parking garage (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 13845, on portions of a 10,008 square-foot site;

WHEREAS, the project site is located at 1353-1359 La Palma Street in the RM-2-5 Zone of the Pacific Beach Community Plan, Coastal Overlay Zone (appealable area), Coastal Height Limit, and Beach Parking Impact Overlay Zone;

WHEREAS, the project site is legally described as a Portion of Lot 91, Southern Title Guaranty Company's Subdivision of Pueblo Lot 1801, Map No. 1864;

WHEREAS, on January 11, 2006, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 13845 pursuant to the Land Development Code of the City of San Diego; and

WHEREAS, the Hearing Officer's approval on January 11, 2006, was appealed to the Planning Commission on January 23, 2006; and

WHEREAS, the Planning Commission heard the appeal on March 2, 2006; NOW, THEREFORE,

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

That the Planning Commission adopts the following written Findings, dated March 2, 2006.

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.**

The 10,008 square-foot, RM-2-5 zoned property is located at 1353-1359 La Palma Street on the south side between Fanuel and Gresham Streets. The site is improved currently with three residential dwellings that are to be demolished and the site redeveloped with seven condominium residential units in a two-story structure over a subterranean garage for sixteen vehicles. The surrounding neighborhood is fully developed and residential sites adjoin the subject site to the west, south and east. The public right-of-way is fully improved with paved streets, curb, gutter and a concrete sidewalk that provides access to the neighborhood and the coastal resources of the

Pacific Ocean and shoreline seven blocks to the west and to the waters and recreational facilities of Mission Bay one block to the west and south. The proposed coastal development will not encroach upon any existing or proposed public access way that is, or may be, legally used by the public as identified in the Local Coastal Program land use plan. Additionally, the development is not identified as being subject to a public view corridor and as designed, would have no impacts on public views of the views to or along the ocean and other scenic coastal resources of the area as specified in the Local Coastal Program land use plan.

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

The site at 1353-1359 La Palma Street within the Pacific Beach Community Plan area has not been identified as containing steep hillsides or biologically sensitive habitats and a Mitigated Negative Declaration has been prepared that mitigates for Paleontological Resources for the disturbed site areas. The required demolition and construction of seven new residential condominiums will be contained within the setbacks and height limit required for the development of this 10,008 square-foot, RM-2-5 zoned site and not adversely affect any environmentally lands.

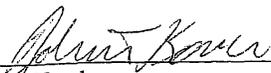
3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

The project site is a 10,008 square-foot, RM-2-5 zoned property located at 1353-1359 La Palma Street on the south side between Fanuel and Gresham Streets within the boundary of the Pacific Beach Community Plan area. The site is also within the appealable area of the Coastal Overlay Zone and subject to the local Coastal Program. The site is currently developed with residential use to be demolished and replaced with seven new dwelling units. The land use plans of the City of San Diego and the certified Local Coastal Program land use plan designates this site for residential use while public access and recreational areas devoted to the coastal resources are existing and lying to the west and southwest of this site so that this development complies with all regulations of the certified Implementation Program.

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

The project site at 1353-1359 La Palma Street is not between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone and the demolition of existing development and construction of seven new residential dwelling units, is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. Beach and shoreline areas of Mission Bay and Mission Bay Park lie to the west and southwest which are developed with a public park and restroom, children's playground and public parking. The subject site is not identified for any current or proposed public use.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, the appeal of the Hearing Officer's decision approving Coastal Development Permit No. 13845 is hereby denied and the Coastal development permit No. 13845 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 13845, a copy of which is attached hereto and made a part hereof.



Robert Korch
Development Project Manager
Development Services

Adopted on: March 2, 2006

Job Order No. 42-1552

cc: Legislative Recorder, Planning Department

March 2, 2006

PLANNING COMMISSION
RESOLUTION NO. 3965-2-PC
TENTATIVE MAP NO. 13846
LA PALMA - PROJECT NO. 7822

WHEREAS, MICHAEL E. AND KAREN TURK, Individuals, Applicant/Subdivider, and DBG SURVEYING AND MAPPING, Surveyor, submitted an application with the City of San Diego for a Tentative Map, No. 13846, for the development of seven residential condominium dwelling units and to waive the requirement to underground existing overhead utilities. The project site is located at 1353-1359 La Palma Street on the south side between Fanuel and Gresham Streets in the RM-2-5 Zone of the Pacific Beach Community Plan, Coastal Overlay Zone (appealable area), Coastal Height Limit, and Beach Parking Impact Overlay Zone and is legally described as a Portion of Lot 91, Southern Title Guaranty Company's Subdivision of Pueblo Lot 1801, Map No. 1864; and

WHEREAS, the Map proposes the subdivision of a 10,008 square-foot into one lot for condominium purposes; and

WHEREAS, a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program (MMRP), LDR No. 7822, has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines and has been Certified and Adopted by the Planning Commission; and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineering pursuant to the Subdivision Map Act and Section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, the subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is 7; and

WHEREAS, on January 11, 2006, the Hearing Officer of the City of San Diego considered Tentative Map No. 13846, including the waiver of the requirement to underground existing overhead utilities, and pursuant to Sections 125.0440 (Tentative Map), and 144.0240 (underground), of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the Hearing Officer having fully considered the matter and being fully advised concerning the same, APPROVED the Tentative Map; and

WHEREAS, the Hearing Officer's decision was appealed to the Planning Commission and on March 2, 2006, the Planning Commission of the City of San Diego considered Tentative Map No. 13846, including the waiver of the requirement to underground existing overhead utilities, and pursuant to Sections 125.0440 (Tentative Map), and 144.0240 (underground), of the Municipal Code of the City of San Diego and

Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the Planning Commission having fully considered the matter and being fully advised concerning the same, NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 13846:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code Section 125.0440.a and State Map Action Sections 66473.5, 66474(a), and 66474(b)).
2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).
3. The site is physically suitable for the type and density of development (Land Development Code Section 125.0440.c and State Map Act Sections 66474(c) and 66474(d)).
4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (Land Development Code Section 125.0440.d and State Map Act Section 66474(e)).
5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (Land Development Code Section 125.0440.e and State Map Act Section 66474(f)).
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 (Land Development Code Section 125.0440.f and State Map Act Section 66474(g)).
7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (Land Development Code Section 125.0440.g and State Map Act Section 66473.1).
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 (Land Development Code Section 125.0440.n and State Map Act Section 66412.3).

9. The requested underground waiver of the existing overhead facilities, qualifies under the guidelines of Council Policy No. 600-25 *Underground Conversion of Utility Lines at Developers Expense* in that:

The conversion involves a short span of overhead facility (less than 600 feet in length) and it has been determined that such conversion is not a part of a continuing effort to accomplish a total undergrounding within a specific street or area.

10. 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 Planning Commission, Tentative Map No. 13846, including the waiver of the requirement to underground existing overhead utilities, is hereby granted to MICHAEL E. AND KAREN TURK, Applicant/Subdivider, subject to the following conditions:

GENERAL

1. This Tentative Map will expire March 2, 2009.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. A Final Map shall be recorded in the Office of the County Recorder, prior to the Tentative Map expiration date.
4. The Final Map shall conform to the provisions of Coastal Development Permit No. 13845.

AFFORDABLE HOUSING

5. Prior to the issuance of any building permits, the developer shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

ENGINEERING

6. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
7. Prior to recordation of the Final Map, all existing on-site utilities serving the subdivision shall be undergrounded with appropriate permits. The applicant 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.

8. 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. 769830.

MAPPING

9. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
10. "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."
11. Every Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - 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 as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.
12. The design of the subdivision shall include private easements, if any, serving parcels of land outside the subdivision boundary or such easements must be removed from the title of the subdivided lands prior to filing any parcel or final map encumbered by these easements.

SEWER AND WATER

13. Water and Sewer Requirements:

- a. The developer shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
 - b. Prior to the issuance of any engineering or building permits, the developer shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each unit will have its own sewer lateral or provide CC&R's for the operation and maintenance of on site private sewer mains that serve more than one ownership.
14. Prior to issuance of any construction permits in the public right-of-way, the applicant shall conform to Municipal Code provisions for "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the City Engineer.

INFORMATION:

- o 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 Section 1531 et seq.).
- o If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then 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.
- o This development may be subject to payment of a park fee prior to the filing of the Final Map in accordance with San Diego Municipal Code.
- o 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.
- o 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 90 days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SAN DIEGO, CALIFORNIA, ON MARCH 2, 2006.

By 
Robert Korch
Development Project Manager
Development Services Department

Job Order No. 42-1552

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
VOICE (619) 767-2370 FAX (619) 767-2384



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Deborah Anderson
Mailing Address: 1335 La Palma HI
City: San Diego Zip Code: 92109 Phone: 858-274-7352

SECTION II. Decision Being Appealed

- 1. Name of local/port government:
City of San Diego
- 2. Brief description of development being appealed:
7 condimiums over uderground parking
- 3. Development's location (street address, assessor's parcel no., cross street, etc.):
1539-1539 La Palma Street, San Diego, 92109
- 4. Description of decision being appealed (check one.):
 - Approval; no special conditions
 - Approval with special conditions:
 - Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:	
APPEAL NO:	<u>A-6-PCB-06-045</u>
DATE FILED:	<u>4/14/06</u>
DISTRICT:	<u>San Diego</u>

EXHIBIT NO. 5
APPLICATION NO.
A-6-PCB-06-45
Appeals
California Coastal Commission

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
 City Council/Board of Supervisors
 Planning Commission
 Other

6. Date of local government's decision: 3/2/06

7. Local government's file number (if any): Project Number = 7822; cdp = 13845

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Michael Turk
 1949 Grand avenue, suite B
 San Diego, CA 92109

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) Dorothy Smith
 1335 La Palma J3
 San Diego, CA 92109
- (2) Merle Gentes
 1335 La Palma F2
 San Diego, CA 92109
- (3) Felicia Brodien
 1335 La Palma G3
 San Diego, CA 92109
- (4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a **summary** description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

1. Four of the seven condominium units have three potential bedrooms. On the plans they name them as two bedrooms and a study. This study could be turned into a bedroom and therefor there is not adequate parking.

2. Density does not conform to the community plan.

3. There is no handicap parking provided.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or Authorized Agent

Date: 4/18/06

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
VOICE (619) 767-2370 FAX (619) 767-2384



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Richard S. Pearson
Mailing Address: 817 Oliver Avenue
City: San Diego Zip Code: 92109 Phone: 858-274-7111

SECTION II. Decision Being Appealed

1. Name of local/port government:
City of San Diego
2. Brief description of development being appealed:
7 condominiums over 16 underground sub-standard parking spaces.

3. Development's location (street address, assessor's parcel no., cross street, etc.):
1539-1539 La Palma Street, San Diego, 92109

4. Description of decision being appealed (check one.):

- Approval; no special conditions
- Approval with special conditions:
- Denial

APR 13 2006
SAN DIEGO

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

<u>TO BE COMPLETED BY COMMISSION:</u>	
APPEAL NO:	<u>A-6-PCB-06-045</u>
DATE FILED:	<u>4/19/06</u>
DISTRICT:	<u>San Diego</u>

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: 3/2/06

7. Local government's file number (if any): Project Number = 7822; cdp = 13845

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Michael Turk, 1949 Grand avenue, suite B, 2109

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1)

(2)

(3)

(4)

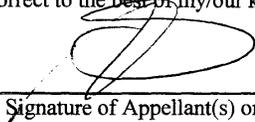
APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)**SECTION IV. Reasons Supporting This Appeal****PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
 - State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
 - This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.
1. The application originally shown 4 - 3 br rm. and 3 2 br rm units requiring a total of 17 spaces (see attached). Rather re-designing the project or the parking the applicant removed the doors from the entry and closet from the plan on four of the units. The bedroom potential (demand) is the same and therefore the parking requirement should be not less than 17 parking spaces.
 2. The width of 4 of the parking spaces is significantly less than the minimum required by the code and the standard. Pacific Beach and especially this neighborhood has major deficiencies in their parking supply. Projects like these further erode the available parking for the tourists and visitors to enjoy the area around the bay and the ocean.
 3. The plans do show the actual slopes of the ramps and the plans are not-to-scale in that regard, and therefore the ramp will result with a substandard (too steep) ramp to the parking, further discouraging the use in the underground parking structure.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or Authorized Agent

Date: 4/18/06

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

ISSUES

THE CITY OF SAN DIEGO
Development Services
1222 First Avenue, San Diego, CA 92101-4184

10/7/2006 08:42:08 AM

Page 3 of 3

Cleared? Issue Number and Description

Transp. Div. and Rev.

#1 →

- 17 Project is in the beach impact overlay zone. It is not in the transit overlay zone.

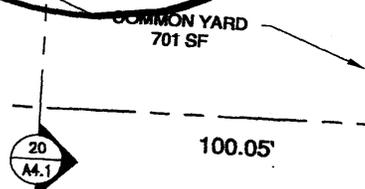
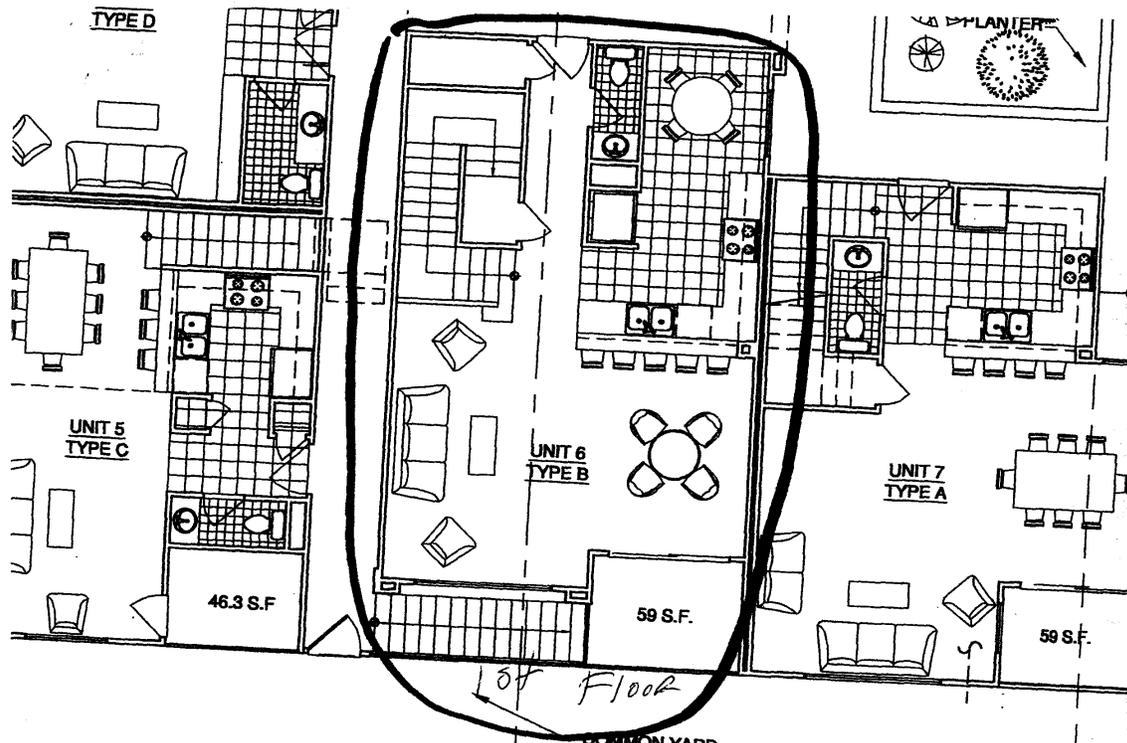
- 18 This project according to Table on Tentative Map consists of three 2-bedroom units and four 3-bedroom units. The parking requirement for this project is $(3 \times 2.25 + 4 \times 2.5 =)$ 17 vehicular parking spaces, and 1 motorcycle space. If the garage is open, then 4 bicycle spaces will be required. Plans only show 16 vehicular parking spaces. The Title Sheet/Site Plan states that there are 7 2-bedroom units with a parking requirement of $(7 \times 2.25 =)$ 16 spaces. Please explain and correct this discrepancy.

- 19 City of San Diego Accessible Parking Requirements (Information Bulletin 305) requires that 1 of the required parking spaces be van accessible. which means it must be 9' wide with an 8' wide right adjacent passenger loading zone.

- 21 Condition: Applicant will be conditioned to replace all abandoned driveways with full curb, gutter and sidewalk satisfactory to the City Engineer.

- 22 Condition: This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 28, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.

- 23 Information: Street Lighting requirements are determined at the time that building permit is requested.



1st Floor

EASTERLY 100' OF LOT 91
 SOUTHERN TITLE
 GUARANTY COS SUBDIVISION
 MAP NO. 1864

Handwritten scribbles and illegible text.

EASTERLY

