

RESOLUTION NUMBER R-301703

DATE OF FINAL PASSAGE JULY 25, 2006

WHEREAS, Glenn L. Goldman, Trustee, Owner/Permittee, filed an application with the City of San Diego for a coastal development permit to convert eight existing residential units to condominiums on portions of a 0.16-acre site to be known as the 4960 Coronado project, located at 4960 Coronado Avenue, and legally described as Lots 9 and 10 in Block 65 of Ocean Beach, according to Map thereof No. 279, in the RM-2-4 zone, Coastal Overlay Zone (non appealable), Coastal Height Limit Overlay Zone, Parking Impact Overlay Zone, Airport Approach Overlay Zone and Airport Environs Overlay Zone, within the Ocean Beach Precise Plan and Local Coastal Program Land Use Plan; and

WHEREAS, on May 11, 2006, the Planning Commission of the City of San Diego considered Coastal Development Permit [CDP] No. 223152, and pursuant to Resolution No. 4085-PC voted to deny the Permit; and

WHEREAS, D. Scott Peters appealed the Planning Commission decision to the Council of the City of San Diego; and

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

WHEREAS, the matter was set for public hearing on July 25, 2006, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Coastal Development Permit No. 223152:

**A. COASTAL DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE
[SDMC] 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 proposed project is for the conversion of eight existing residential units into eight condominium ownership interests. No construction or grading is permitted by Coastal Development Permit No. 223152. The proposed project will not encroach upon the adjacent existing physical access way used by the public adjacent to the site along Coronado Avenue, nor will it adversely affect any proposed physical public accessway identified in the Local Coastal Program Land Use Plan. Four off-street parking spaces are provided. As no new development is proposed, the proposed project will not impact any public views to or along the ocean or other scenic coastal areas as specified in the Local Coastal Program land use plan.

2. The proposed coastal development will not adversely affect environmentally sensitive lands. The project proposes the conversion of eight existing residential units into eight condominium units. The 0.16-acre site has been previously developed and there will be no new construction proposed as part of this action. The City staff has reviewed this project and determined it is exempt from the California Environmental Quality Act [CEQA] pursuant to State CEQA Guidelines. The project site, located within an urbanized area of the Ocean Beach Community, does not contain Environmentally Sensitive Lands [ESL]; therefore the proposed project would not adversely affect these resources.

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 proposed project is for the subdivision of eight existing residential units into eight condominium ownership interests. City staff has reviewed the proposed project for conformity with the certified Local Coastal Program and has determined it is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the adopted Ocean Beach Precise Plan and Local Coastal Program Land Use Plan which identifies the site for multi-family residential use. The project was built in 1958 at a density of eight units on 0.16 acres (50 du/ac). The Ocean Beach Precise Plan and Local

Coastal Program, adopted July 3, 1975, recommend future development with a density of 25 du/ac but recognize that some existing development exceeds the recommended density.

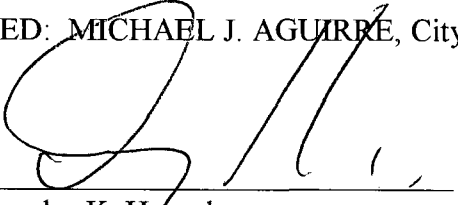
4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed project site lies approximately 150 feet to the east of the coastal bluff on the landward side of Ocean Boulevard, which is designated as the "first public roadway." Residential uses exist to the east and west, and a public alley is located to the north. The proposed project will not encroach upon the existing physical access way used by the public along Coronado Avenue. No deviations or variances from the development regulations of the RM-2-4 zone are required to implement the proposed project. Existing off-street parking spaces will remain on-site, thereby, eliminating any impacts to public beach parking. The proposed coastal development will conform to the public access and public recreation policies of Chapter 3 of the California Coastal Act.

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

BE IT FURTHER RESOLVED, that the appeal of D. Scott Peters is granted; the decision of the Planning Commission is overruled; and Coastal Development Permit No. 223152 is granted to Glenn L. Goldman, Trustee, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Douglas K. Humphreys
Deputy City Attorney

DKH:pev

08/16/06

Or.Dept:Clerk

R-2007-116

MMS #3533

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER 42-4508

COASTAL DEVELOPMENT PERMIT NO. 223152
4960 CORONADO TENTATIVE MAP – PROJECT 71968
CITY COUNCIL

This Coastal Development Permit No. 223152 is granted by the City Council of the City of San Diego to Glenn L. Goldman, Trustee, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0708(a). The 0.16-acre site is located at 4960 Coronado Avenue, between Bacon Street, and Cable Street within the South Ocean Beach neighborhood of the Ocean Beach Precise Plan and Local Coastal Program, in the RM-2-4 zone and is within the Coastal Overlay Zone (non appealable), Coastal Height Limit Overlay Zone, Parking Impact Overlay Zone, Airport Approach Overlay Zone, Airport Environs Overlay Zone, of the Ocean Beach Emerging Historic District and District 2. The project site is legally described as Lots 9 and 10 in Block 65 of Ocean Beach, according to Map thereof No. 279.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to convert eight existing residential units to condominiums, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated July 25, 2006, on file in the Development Services Department.

The project or facility shall include:

- a. Subdivision of a 0.16-acre site into an 8-unit residential condominium conversion;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Four off-street parking facilities; and
- d. 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. Subdivision to condominiums through a Final Map 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.
 - c. The conditions of Tentative Map No. 219581 have been completed and approved.
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. 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.

9. This Permit shall become effective with recordation of the corresponding final subdivision map for the project site.

AFFORDABLE HOUSING REQUIREMENTS:

10. Prior to filing a final subdivision map, the applicant 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) and the Municipal Code provisions for Coastal Overlay Zone Affordable Housing Replacement Regulations (Chapter 14, Article 3, Division 8).

ENGINEERING REQUIREMENTS:

11. This Coastal Development Permit shall comply with the conditions of Tentative Map No. 219581.

LANDSCAPE REQUIREMENTS:

12. No change, modification, or alteration shall be made to this project unless appropriate application or amendment of this Permit has been granted by the City.

13. 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.

14. The Permittee or subsequent owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

PLANNING/DESIGN REQUIREMENTS:

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

16. 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.

17. 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.

18. 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.

19. 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.

20. The applicant shall post a copy of the approved discretionary permit or Tentative Map in the sales office for consideration by each prospective buyer.

21. 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.

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

23. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

INFORMATION ONLY:

- 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.

- 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 City Council of the City of San Diego on July 25, 2006 by Resolution No. R-301703.

AUTHENTICATED BY THE CITY MANAGER

By _____

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

GLENN L. GOLDMAN, Trustee
Owner/Permittee

By _____

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

PERMIT/OTHER – Permit Shell 11-01-04

Passed by the Council of The City of San Diego on JUL 25 2006, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

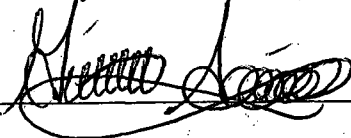
Date of final passage JUL 25 2006

AUTHENTICATED BY:

(Seal)

JERRY SANDERS
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 301703