



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER -

HEARING DATE: May 18, 2005 REPORT NO. HO 05-073

ATTENTION: Hearing Officer

SUBJECT: 3541 OCEAN FRONT MAP WAIVER - PROJECT NUMBER: 60057

LOCATION: 3541 Ocean Front Walk

APPLICANT: Aspen 12, LLC; Attention Mark A. Saliterman

SUMMARY

Requested Action - Should the Hearing Officer approve a Map Waiver and a Waiver of Undergrounding to convert three residential dwelling units under construction to condominium ownership at 3541 Ocean front Walk within the Mission Beach Planned District?

Staff Recommendation -

1. APPROVE Map Waiver and Waiver of Undergrounding No. 177311

Community Planning Group Recommendation – The Mission Beach Precise Planning Board approved this application by a vote of 9-0 on February 25, 2005, with no conditions.

Environmental Review - This project is categorically exempt from CEQA per Article 19, Section 1530(k), Existing Facilities.

BACKGROUND

The subject property, located at 3541 Ocean Front Walk between Nahant and Monterrey Courts, is a 4,230 square-foot site zoned R-S within the boundaries of the Mission Beach Planned District and Precise Plan area. The site is within the Coastal Overlay Zone (State jurisdiction) and the Coastal Height Limit Overlay Zone. The project site contains a single structure, three stories in height with garage and carport on-site parking spaces accessible from Strandway. Compliance with all applicable

land development regulations were evaluated with the State of California Coastal Development Permit No. 6-03-077 and Building Permits issued by the City of San Diego. The site is currently under construction.

The project application was deemed complete on January 18, 2005, after the adoption of the Amendments of Chapter 14, Article 2, Division 13, Sections 142.1303 and 142.1306 of the San Diego Municipal Code, all relating to Inclusionary Affordable Housing Regulations. The project is subject to the amended regulations and will be subject to in lieu fees. The project is not subject to the City's 'Coastal Overlay Zone Affordable Housing Replacement' regulations.

DISCUSSION

The project site is located in Block 2-S of the City's Undergrounding Master Plan and a schedule for undergrounding has been determined by the City Council for undergrounding in 2008. San Diego Municipal Code Section 144.0240, allows the subdivider to apply for a waiver of the requirement to underground the existing overhead utilities within the boundary of the subdivision, or within the abutting public rights-of-way. City staff has determined the undergrounding waiver request qualifies under the Guidelines of Council Policy 600-25, *Undergrounding Conversion of Utility Lines at the Developers Expense*, in that it involves a short span of under 600-feet, would not represent a logical extension to an undergrounding facility and is a condominium conversion application. The applicant would be required to underground any new service run to any new or proposed structures within the subdivision.

The San Diego Housing Commission and City staffs have determined that the conversion of the three dwelling units is subject to the Inclusionary Housing Ordinance. As such, the applicant is required to pay an in-lieu fee to the Housing Commission prior to the filing of a Certificate of Compliance to satisfy the Inclusionary Housing Ordinance. The condition by the Housing Commission is included in the Map Waiver Resolution.

In conclusion, this approval would enable the property owner to sell the three residential units as condominiums, for the entitlement being a change in ownership only.

ALTERNATIVES

1. Approve Map Waiver and Waiver of Undergrounding No. 177311 with modifications.
2. Deny Map Waiver and Waiver of Undergrounding No. 177311 if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Robert Korch, Development Project Manager

Attachments:

1. Aerial Photographs
2. Project Location Map
3. Project Data Sheet
4. Map Waiver Exhibit (Hearing Officer only)
5. Draft Map Conditions and Subdivision Resolution
6. Community Planning Group Recommendation
7. Ownership Disclosure Statement