



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: April 21, 2021 REPORT NO. HO-21-016

HEARING DATE: April 28, 2021

SUBJECT: LUPO MAP WAIVER, PROCESS THREE

PROJECT NUMBER: [672037](#)

OWNER/APPLICANT: Domenic Lupo

SUMMARY

Issue: Should the Hearing Officer approve the conversion of two dwelling units currently under construction to condominiums and a waiver to the requirement to underground existing utilities, located at 3680 Mission Boulevard in the Mission Beach Community Planning Area?

Staff Recommendation: APPROVE Tentative Map Waiver No. 2474727.

Community Planning Group Recommendation: On January 19, 2021, the Mission Beach Precise Planning Board approved the project 12-0-0, with a condition that cannot be applied to the project (Attachment 7).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305, Minor Alterations in Land Use. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on February 5, 2021, and the opportunity to appeal that determination ended February 19, 2021.

BACKGROUND

The 0.076-acre site is located at 3680 Mission Boulevard (Attachment 1), in the RS zone of the Mission Beach Planned District and the Residential (36 du/ac) land use designation within the Mission Beach Precise Plan (MBPP, Attachment 2). The project site is located within State Coastal Development Permit jurisdiction. The units were approved ministerially via Project No. [650328](#) and are currently under construction. Adjacent properties to the east, west, and south are located within the same zone and land use designation and are developed with similar uses. Property to the north is zoned Neighborhood Commercial NC-S within the Mission Beach Planned District and is designated Neighborhood Commercial. It is currently occupied by a health center.

DISCUSSION

The proposed project proposes a waiver of the requirement to file a tentative map for the creation of two new residential condominiums per SDMC [125.0120\(b\)\(2\)](#), and a request to waive the requirement to underground existing overhead utilities. The project requires a Process Three Hearing Officer decision, which is appealable to the Planning Commission.

The existing residential units were approved in June 2020 and are still being built. The project before the Hearing Officer is the Map Waiver and waiver of the requirement to underground existing utilities only. The project complies with all applicable sections of the Municipal Code. No deviations are requested with this Map Waiver. The request to waive the requirement to underground existing utilities is appropriate pursuant to [SDMC 144.0242\(c\)\(1\)\(B\)](#) because the conversion involves a short span of overhead facility (less than a full block in length) and would not represent a logical extension to an underground facility. There are no existing tenants.

According to SDMC Section 125.0123, Findings for a Tentative Map Waiver, the decision maker may approve a Tentative Map Waiver if the decision maker finds that the proposed subdivision complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed subdivision and determined that this is the case.

COMMUNITY PLANNING GROUP VOTE

On January 19, 2021, the Mission Beach Precise Planning Board (MBPPB) approved the project on the condition that it not set a precedent for future projects. The MBPPB's concern was that the project does not meet the density requirements of the MBPP. Although detailed minutes of this meeting were not available at the time this report went to print, discussion appears to have centered around the approved Accessory Dwelling Unit (ADU) and whether it should be counted in density calculations, resulting in a project that exceeds allowable MBPP density.

However, the proposed condition does not have a nexus to the project, for two reasons:

1. The discretionary action before the MBPPB was a Map Waiver only, not the approval of the Building Permit or Coastal Development Permit for the residential units. The units have already been approved under a valid building permit and are currently under construction. The allowable density on the site is not part of this discretionary action and is not under the MBPPB's jurisdiction at this time.
2. A project cannot legally be conditioned to not set a precedent for future projects. This is a policy and/or legislative action that has nothing to do with development of the proposed project.

Accordingly, the MBPPB's condition has not been added to the project.

CONCLUSION

Staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. The project conforms to both the Mission Beach Precise Plan and the General Plan. Staff has provided draft findings and conditions (Attachment 4) and recommends the Hearing Officer approve the project as proposed.

ALTERNATIVES

1. Approve Tentative Map Waiver No. 2474727 with modifications.
2. Deny Tentative Map Waiver No. 2474727, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



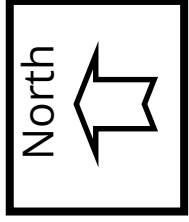
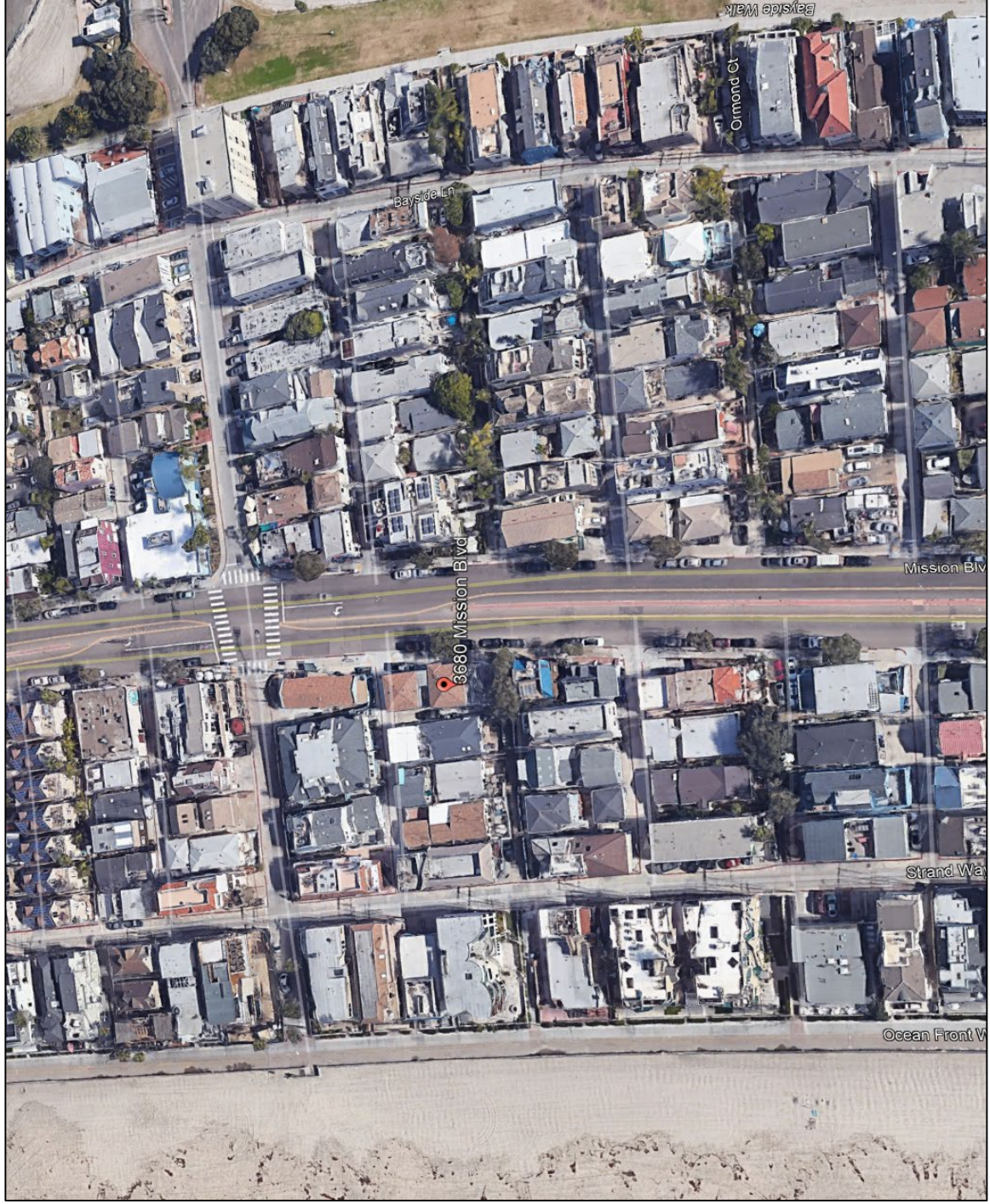
Travis Cleveland
Development Project Manager

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location
4. Draft Map Resolution with Findings and Conditions
5. Tentative Map Waiver Exhibit
6. Environmental Exemption
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement



Aerial Photo



**Project No. 672037, Lupo Map Waiver
3680 Mission Boulevard**



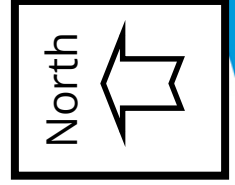
Community Plan

Project Site



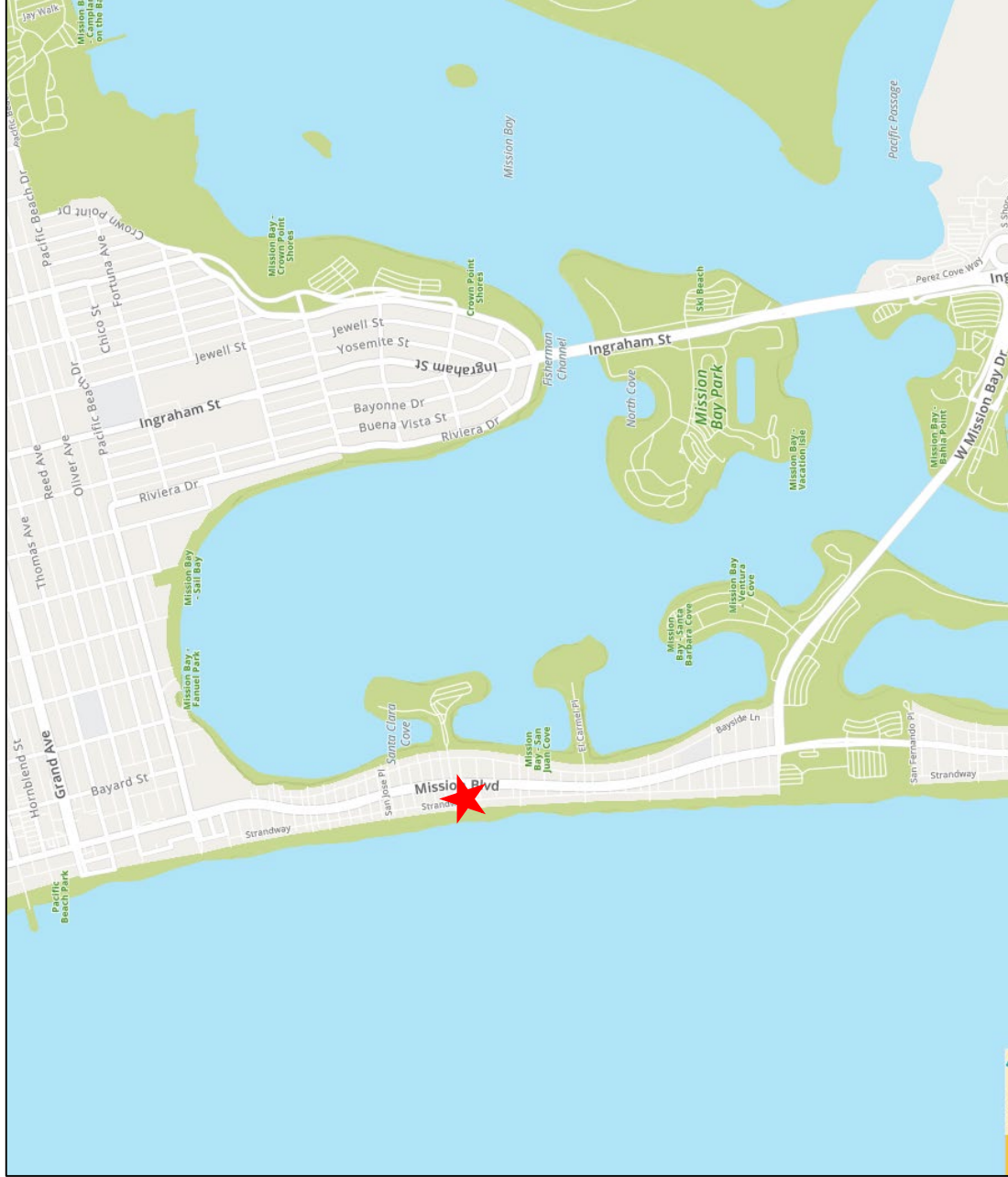
Legend

- RESIDENTIAL (36 DU/AC)
- NEIGHBORHOOD COMMERCIAL
- COMMERCIAL RECREATION
- MISSION BEACH PARK
- PARKING



Project No. 672037, Lupo Map Waiver
3680 Mission Boulevard

Project Location Map



North



Project No. 672037, Lupo Map Waiver
3680 Mission Boulevard

HEARING OFFICER RESOLUTION NUMBER HO-_____
TENTATIVE MAP WAIVER 2474727
LUPO MAP WAIVER – PROJECT NO 672037

WHEREAS, Domenic Lupo, Subdivider, and Alta Land Surveying, Engineer, submitted an application to the City of San Diego for Map Waiver 2474727 to waive the requirement for a Tentative Map to create two new residential condominium units (under construction approved under PTS No. 650328), and to waive the requirement to underground existing offsite overhead utilities. The 0.076-acre site is located at 3681 Mission Boulevard in the Mission Beach Community Planning Area, within the RS zone of the Mission Beach Planned District and the Residential (36 du/ac) land use designation within the Mission Beach Precise Plan. The property is legally described as LOT "F" IN BLOCK 172 OF MISSION BEACH, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1651 (1809), FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 14, 1914; and

WHEREAS, the Map proposes the subdivision of a 0.076-acre site into one (1) lot for a two (2) unit condominium development; and

WHEREAS, on February 5, 2021, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act [CEQA] (Public Resources Code section 21000 et. seq.) under CEQA Guidelines Section 15305, and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer pursuant to Subdivision Map Act section 66491(a) and San Diego Municipal Code sections 144.0220(a) and 144.0220(b); and

WHEREAS, the subdivision is a condominium project as defined in California Civil Code section 4125 and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is two; and

WHEREAS, the request to waive the undergrounding of existing overhead utilities has been determined to be appropriate pursuant to San Diego Municipal Code section 144.0242(c) because the conversion involves a short span of overhead facility (less than a full block in length) and would not represent a logical extension to an underground facility; and

WHEREAS, on April 28, 2021, the Hearing Officer of the City of San Diego considered Map Waiver No. 2474727 including the waiver of the requirement to underground existing offsite overhead utilities, and pursuant to sections 125.0122 and 125.0444 , and 144.0240 and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Hearing Officer having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Tentative Map Waiver No. 2474727:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.

The project proposes the creation of two new residential condominiums. The 0.076-acre site is located at 3681 Mission Boulevard (Attachment 1), in the RS zone of the Mission Beach Planned District and the Residential (36 du/ac) land use designation within the Mission Beach Precise Plan.

The project is consistent with Mission Beach Precise Plan goals and policies, including Overall Goal 3: The promotion of a community balanced by housing types, dwelling unit sizes, a variety of individuals and family sizes, housing price, and racial and ethnic composition, and Housing Goal 1: The continuation of a variety of housing types including single-family, multifamily, townhouses, garden apartments, and condominiums.

Therefore, the proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code.

The project is a subdivision only and does not facilitate any additional development. The residential units were previously approved in compliance with all applicable development regulations.

Future purchasers of the units will be required to observe the zoning requirements in effect at the time of development. The request to waive the requirement to underground existing utilities is appropriate pursuant to [SDMC 144.0242\(c\)\(1\)\(B\)](#) because the conversion involves a short span of overhead facility (less than a full block in length) and would not represent a logical extension to an underground facility. Therefore, the proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code.

3. The site is physically suitable for the type and density of development.

The project is a subdivision only and does not facilitate any additional development. The infill project site is located in a developed area. The project would continue to front on and take access from existing public rights of way. No additional development is proposed with this map waiver. Future operations at the site would be required to comply with Land Development Code Regulations and construction permit requirements. The site is in a developed, urban neighborhood with no watercourses, Environmentally Sensitive Lands (ESL) or Multi-Habitat Planning Area (MHPA) lands located on or adjacent to the site. Therefore, the subdivision to create two condominium units is physically suitable for the type and density of development.

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The project is a subdivision only and does not facilitate any additional development. There are no watercourses, Environmentally Sensitive Lands (ESL) or Multi-Habitat Planning Area (MHPA) lands located on or adjacent to the site, which is surrounded by existing development. The project was determined to be exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Existing Facilities). Therefore, the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife on their habitat.

5. The design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare.

This project is in a developed, urban neighborhood and does not propose or facilitate any additional development. The Tentative Map Waiver was reviewed and determined to comply with the Municipal Code and Subdivision Map Act. The Tentative Map Waiver includes conditions and corresponding exhibits of approval, including installation of public improvements, and payment of applicable taxes in order to achieve compliance with the regulations of the San Diego Municipal Code.

The developed project site is served by existing utilities and access to the site is provided via an existing alley. The frontage is developed with existing curb, gutter, and sidewalk that would remain. Future development would be required to comply with Land Development Code Regulations and Building Permit requirements.

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.

The site will continue to be accessed from the existing public street which is developed with curb, gutter, and sidewalk. Future development would be required to comply with Land Development Code Regulations and Building Permit requirements and there are no existing access easements through the property. Therefore, the design of the subdivision and proposed improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

The proposed condominium subdivision will not impede or inhibit any future passive or natural heating and cooling opportunities. The project proposes no additional development, and future development would be required to comply with Land Development Code Regulations and Building Permit requirements, which includes setback and height limitations to ensure adequate natural light and air movement between the future structures. Therefore, the design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources.

The subdivision does not propose additional development; therefore, it is not anticipated to have employment or housing impacts beyond those which have already occurred. Future development on the property would be subject to the underlying zone regulations at the time of the application. The site is served by existing public infrastructure, including developed rights-of-way and utility lines. Impacts to environmental resources would be avoided because the site is in a developed, urban neighborhood and does not contain nor is adjacent to such resources. Therefore,

there would be no additional demand for public services or available fiscal and environmental resources associated with the creation of two new condominium units.

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

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Hearing Officer, Map Waiver No. 2474727 is hereby granted to Domenic Lupo, subject to the attached conditions which are made a part of this resolution by this reference.

By _____
Travis Cleveland
Development Project Manager
Development Services Department

ATTACHMENT: Map Waiver Conditions

Internal Order No. 11004543

HEARING OFFICER
CONDITIONS FOR TENTATIVE MAP WAIVER NO. 2474727
LUPO MAP WAIVER - PROJECT NO. 672037
ADOPTED BY RESOLUTION NO. R-_____ ON _____

GENERAL

1. This Tentative Map Waiver will expire on April 28, 2024.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Certificate of Compliance, unless otherwise noted.
3. Prior to the recordation of the Certificate of Compliance, taxes must be paid or bonded for this property pursuant to Section 66492 of the Subdivision Map Act. A current original tax certificate, recorded in the office of the San Diego County Recorder, must be provided to satisfy this condition.

If a tax bond is required as indicated in the tax certificate, ensure that it is paid or posted at the County Clerk of the Board of Supervisors Office and supply proof prior to the recordation of the Certificate of Compliance.

4. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

ENGINEERING

5. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
6. The Subdivider shall obtain an Encroachment Maintenance Removal Agreement for the walkway, landscape and irrigation located within the City's right-of-way, satisfactory to the City Engineer.
7. The Subdivider shall assure by permit and bond removal of the existing curb and replacement with City standard curb & gutter, along the property frontage on Mission Boulevard, satisfactory to the City Engineer.

8. The Subdivider shall assure by permit and bond the replacement of the uneven sidewalk panels with current City Standard sidewalk, adjacent to the site on Mission Boulevard, satisfactory to the City Engineer.
9. The Subdivider shall assure by permit and bond the reconstruction of the damaged concrete surface, per current City Standards, adjacent to the site (at the entrance) on Ostend Court, satisfactory to the City Engineer.
10. The Subdivider shall obtain a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.
11. The Subdivider shall prepare CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.
12. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
13. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
14. 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 Waiver and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

15. A Certificate of Compliance shall be recorded with the County Recorder prior to the expiration date of the Tentative Map Waiver.
16. Prior to the issuance of a Certificate of Compliance, City staff will perform a field monument inspection to verify that all property corners are being marked with survey monuments. If any of the survey monument was missing, it must be replaced with a new monument, and a Corner Record or Record of Survey (whichever is applicable) shall be filed with the County Recorder pursuant to the Professional Land Surveyors Act. A copy of the filed Corner Record or Record of Survey must be submitted to satisfy this requirement prior to the approval and recordation of the Certificate of Compliance.

INFORMATION:

- The approval of this Tentative Map Waiver by the Hearing Officer of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Tentative Map Waiver will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map Waiver, may protest the imposition within ninety days of the approval of this Tentative Map Waiver by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Internal Order No. 11004543

MAP WAIVER #2474727
PROJECT #672037

BOUNDARY NOTES

THE BOUNDARY SHOWN HEREON IS BASED ON A RETRACEMENT OF BLOCK 172 PER MAP 1809 AS PREVIOUSLY RE-ESTABLISHED PER RECORD OF SURVEY 17196 AND CORNER RECORD 42176.

THE BOUNDARY RETRACED HEREON IS FOR DESIGN PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR BOUNDARY LINE STAKE-OUT OR CERTIFICATION PURPOSES. ANY CORNERS FOR WHICH MONUMENTS WERE NOT FOUND OR SET RAISES THE PROBABILITY OF UNCERTAINTIES IN BOUNDARY LINE LOCATIONS.

MONUMENT NOTES

- EXISTING SURVEY MONUMENTS TO REMAIN. CONTRACTOR SHALL PROTECT IN PLACE EXISTING SURVEY MONUMENTS DURING CONSTRUCTION. IF EXISTING SURVEY MONUMENTS ARE DESTROYED, CONTRACTOR SHALL REPLACE THE EXISTING SURVEY MONUMENT.
- A PARCEL MAP SHALL BE FILED WITH THE COUNTY RECORDER'S OFFICE PRIOR TO THE EXPIRATION OF THE TENTATIVE MAP. IF APPROVED, A DETAILED PROCEDURE OF SURVEY SHALL BE SHOWN ON THE PARCEL MAP. TRUE PROPERTY CORNERS OR OFFSETS TO SAID CORNERS SHALL BE SET WHERE MISSING (BEFORE CONSTRUCTION) WITH DURABLE SURVEY MONUMENTS AS DEEMED NECESSARY.

CALIFORNIA COORDINATE INDEX

NAD 83
1864-6251

NAD 27
224-1689

OVERHEAD UTILITY NOTE

THE PROJECT IS EXEMPT FROM THE REQUIREMENT TO UNDERGROUND THE OVERHEAD UTILITY FACILITIES IN THE UNNAMED ALLEY PER SAN DIEGO MUNICIPAL CODE SECTION 144.0242(C)(1)(B), WHICH STATES "THE CONVERSION INVOLVES A SHORT SPAN OF OVERHEAD FACILITY (LESS THAN A FULL BLOCK IN LENGTH) AND WOULD NOT REPRESENT A LOGICAL EXTENSION TO AN UNDERGROUND FACILITY."

ACCESS EASEMENT NOTE

THE SUBDIVIDER SHALL RECORD A DECLARATION OF COVENANTS AND RESERVATION OF EASEMENTS FOR THE SHARED ACCESS EASEMENT FOR THE TWO PROJECT RESIDENCES CURRENTLY HELD BY THE SAME OWNER. THE DECLARATION OF COVENANTS AND RESERVATION OF EASEMENTS SHALL STATE, SINCE THE MUTUAL ACCESS EASEMENT AGREEMENT IS A PRIVATE AND NOT A PUBLIC ISSUE, THE CITY OF SAN DIEGO IS NOT RESPONSIBLE FOR ANY DISPUTE THAT MIGHT ARISE IN THE FUTURE BETWEEN THE PRIVATE PARTIES.

IMPERVIOUS AREA SUMMARY

SEE "SITE INFORMATION TABLE" ON SHEET 2

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 6, EPOCH 1981.35 ADJUSTED, GRID BEARING BETWEEN SECOND ORDER STATIONS '906' AND '909' AS SHOWN ON RECORD OF SURVEY 14492.
I.E. NORTH 08°38'08" EAST

MAPPING NOTE

THIS IS A MAP OF A CONDOMINIUM PROJECT AS DEFINED IN SECTION 4125 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT. THE TOTAL NUMBER OF RESIDENTIAL CONDOMINIUM DWELLING UNITS IS 2.

UTILITIES

UTILITY	COMPANY	LOCATION
GAS	SDG&E	UNDERGROUND IN ALLEY
ELECTRIC	SDG&E	OVERHEAD IN ALLEY
TELEPHONE	AT&T	OVERHEAD IN ALLEY
CABLE	COX	OVERHEAD IN ALLEY

LEGEND

---	INDICATES PROPERTY LINE
- - -	INDICATES STREET/ALLEY CENTERLINE
---	INDICATES SETBACK LINE
---	INDICATES ABOVE BUILDING LINE
-----	INDICATES SURVEY MONUMENT OFFSET LINE
	NEW SINGLE FAMILY RESIDENCE
	SPOT ELEVATION
	FINISH FLOOR
	FINISH SURFACE
	TOP OF CONCRETE
	ROOF DISCHARGE
	EXISTING SURVEY MONUMENT AS NOTED

SITE ADDRESS

3680 MISSION BOULEVARD
SAN DIEGO, CA 92109

OWNER/APPLICANT

LUPJO, DOMENIC J. & ANN L.
2881 WILLOW DRIVE
EL CAJON, CA 92019
(619) 339-1956

LEGAL DESCRIPTION

LOT 7" IN BLOCK 172 OF MISSION BEACH, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1651 (1809), FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 14, 1914.

ASSESSOR'S PARCEL NUMBER

423-595-10-00

LOT AREA

GROSS AREA: 3,293.4 SF (0.076 AC MORE OR LESS)

SOURCE OF TOPOGRAPHY

FIELD SURVEY PERFORMED BY ALTA LAND SURVEYING, INC. ON NOVEMBER 02, 2018

VERTICAL BENCHMARK

DESCRIPTION: BRASS PLUG IN TOP OF CURB
ELEVATION: 25' SOUTH OF THE SE CURB RETURN AT THE INTERSECTION OF MISSION BLVD AND SANTA CLARA PLACE
ELEVATION: 5.004' MEAN SEA LEVEL DATUM
SOURCE: CITY OF SAN DIEGO VERTICAL CONTROL BENCHMARK (DATUM IS MEAN SEA LEVEL)

TITLE INFORMATION

TITLE INFORMATION FOR THIS SURVEY BASED ON A PRELIMINARY REPORT PREPARED BY FNTG BUILDERS SERVICES (CHICAGO TITLE) AS ORDER NUMBER: 00138999-996-301-R14 DATED OCTOBER 12, 2020.

EASEMENT NOTES

THERE ARE NO EASEMENT EXCEPTIONS TO COVERAGE LISTED IN THE ABOVE REFERENCED PRELIMINARY TITLE REPORT PREPARED BY FNTG BUILDERS SERVICES (CHICAGO TITLE) AS ORDER NUMBER: 00138999-996-301-R14 DATED OCTOBER 12, 2020.

PROPOSED DEVELOPMENT

TWO (2) CONDOMINIUMS ARE PROPOSED ON ONE (1) EXISTING LOT.

NUMBER OF STORIES:
EXISTING: TWO LEVELS
PROPOSED: THREE LEVELS

BUILDING HEIGHT:
EXISTING: 25'-1"
PROPOSED: 29'-11.5"

ZONING AND COMMUNITY PLAN

EXISTING LOT ZONING: MRPD
LOT USE: EXISTING MULTIFAMILY RESIDENTIAL DUPLEX
PROPOSED DUPLEX (CONDOMINIUMS)
OVERLAY ZONE DESIGNATION: COASTAL, COASTAL HEIGHT LIMIT

LOT COVERAGE:
ALLOWABLE: 65%
PROPOSED: 48.7%

OCCUPANCY: R-S
ALLOWABLE F.A.R.: 1.7 X 3281 S.F. = 3609 S.F. ALLOWED

SETBACKS

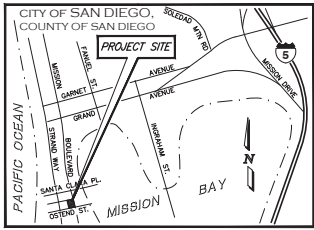
SETBACKS	REQUIRED
FRONT YARD	15'
SIDE YARD	5'
STREET SIDE	3.5' (MISSION BOULEVARD)
REAR	0' (ALLEY)

HEIGHT RESTRICTIONS

THIS PROJECT MUST COMPLY WITH THE MUNICIPAL CODE REQUIREMENTS FOR MAXIMUM HEIGHT OF THE STRUCTURE NOT TO EXCEED 30 FEET (SOMC, SEC. 132.0605). HIGHEST POINT OF THE ROOF EQUIPMENT, PIPE, VENT, ANTENNA OR OTHER PROJECTION SHALL NOT EXCEED 30 FEET ABOVE GRADE.

SITE PLAN NOTES:

- NEW CONCRETE PATIO UP TO PROPERTY LINE. EXPOSED AGGREGATE, COLORED CONCRETE.
- NEW FENCE 3'-0".
- NEW GREY STANDARD CONCRETE TO BE INSTALLED TO MATCH ADJACENT EXISTING SIDEWALK. APPLICANT TO OBTAIN RIGHT OF WAY PERMIT AND EMBA DURING BUILDING PERMIT PROCESSING. ROW PERMIT PTS # 456922
- EXISTING FENCE TO REMAIN
- EXISTING 4" SEWER LATERAL TO REMAIN
- EXISTING WATER LATERAL AND 3/4" WATER METER TO REMAIN FOR 132 OSTEND CT
- NEW WATER LATERAL AND 3/4" WATER METER TO BE INSTALLED PER TIER 3 HOLD ON SEPARATE ROW PERMIT PTS # 456922 FOR 3680 MISSION BLVD
- NEW REFUSE AND RECYCLING FENCED AREA. SEE SHEET A1.0 FOR DETAILS



VICINITY MAP:
NO SCALE

SPECIAL PLAN NOTES:

- THE HIGHEST POINT OF THE ROOF, EQUIPMENT, OR ANY VENT, PIPE, ANTENNA, OR OTHER PROJECTION SHALL NOT EXCEED 30'-0" ABOVE GRADE (SOMC SEC. 131.0444 & 132.0605).
- THE SCOPE OF WORK DOES NOT INCLUDE ANY PROPOSED REPLACEMENT OR REMOVAL OF ANY PART OF THE EXISTING SIDEWALK.
- PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE APPLICANT SHALL INCORPORATE ANY CONSTRUCTION BEST MANAGEMENT PRACTICES NECESSARY TO COMPLY WITH CHAPTER 14, ARTICLE 2, DIVISION 1 (GRADING REGULATIONS) OF THE MUNICIPAL CODE, INTO THE CONSTRUCTION PLANS OR SPECIFICATIONS.
- THERE ARE NO EXISTING OR PROPOSED BUS/TRANSIT STOPS.
- WATER METERS FOR COMBINED DOMESTIC WATER AND FIRE SPRINKLER SYSTEMS SHALL NOT BE INSTALLED UNTIL THE FIRE SPRINKLER SYSTEM HAS BEEN SUBMITTED AND APPROVED BY THE BUILDING OFFICIAL.

GENERAL NOTES:

- NO BUS STOPS EXIST OR ARE PROPOSED FOR THE SITE.
- PROVIDE BUILDING ADDRESS NUMBERS, VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY PER FHPS POLICY P-00-B (UPC 901.4.4).
- 3'-0" MAX. HEIGHT SOLID FENCING
- THE SITE IS CURRENTLY UNDER CONSTRUCTION PER BUILDING PERMIT NUMBER 2356740

SPECIAL NOTE #1:

THE PROJECT WILL NOT DISCHARGE ANY INCREASE IN STORM WATER RUN-OFF ONTO THE ADJACENT PROPERTIES.
ALL STORM WATER RUNOFF FROM PROPOSED AND/OR REPLACED IMPERVIOUS AREAS SHALL BE ROUTED TO PERVIOUS SURFACES OR LANDSCAPING PRIOR TO REACHING THE PUBLIC DRAIN SYSTEM.

SITE INFORMATION

TOTAL DISTURBANCE AREA	3281 S.F.
PROPOSED IMPERVIOUS HOUSE AREA	1677 S.F.
PROPOSED IMPERVIOUS SITE AREA	548.2 S.F.
TOTAL PROPOSED IMPERVIOUS AREA	2526.2 S.F.
AMOUNT OF CUT	40 CU.YD.
MAXIMUM CUT	2'-0"
AMOUNT OF FILL	40 CU.YD.
MAXIMUM FILL	2'-0"
IMPORT/EXPORT	EXPORT 0 CU.YD.

BMP LEGEND

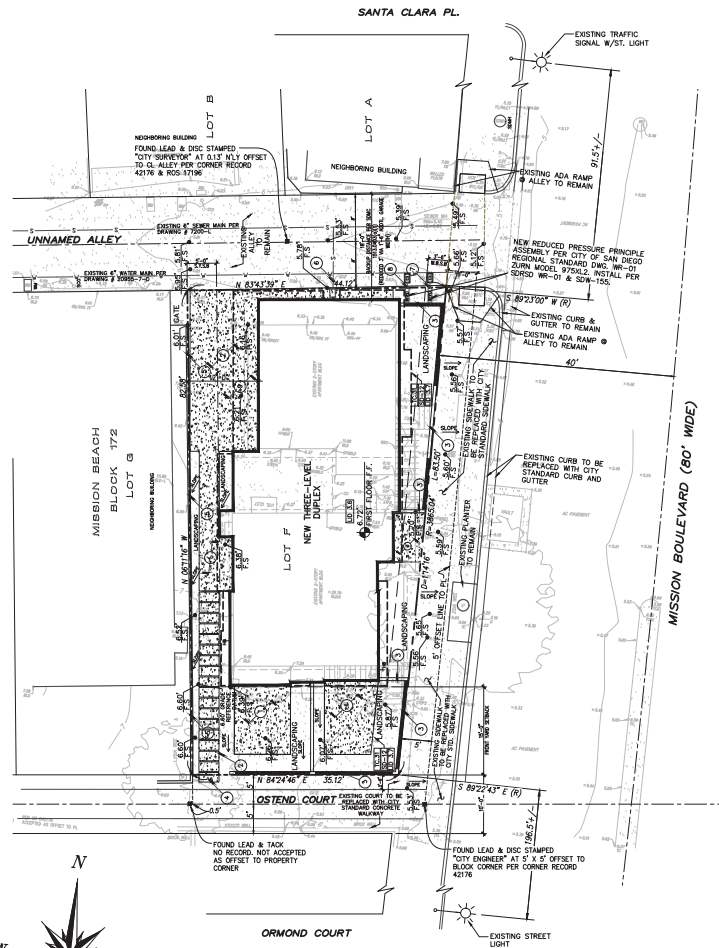
- PERMANENT BMP'S:
- SD-12 IMPLEMENTATION OF EFFICIENT IRRIGATION SYSTEMS.
 - TC-31 TREATMENT CONTROL - VEGETATED BUFFER STRIP.
- LOW IMPACT DEVELOPMENT BMP'S:
- LID 3.5 L.I.D. DRIVEWAY DESIGN
 - LID 3.6 L.I.D. BUILDING DESIGN
 - LID 3.7 L.I.D. LANDSCAPING DESIGN

LID & SITE DESIGN NOTES:

SITE DESIGN AND SOURCE CONTROL BMP'S HAVE BEEN SHOWN ON THIS SITE PLAN. ADDITIONAL BMP'S ARE AS FOLLOWS:

SITE DESIGN BMP'S ARE DESIGNED TO MAINTAIN PRE-DEVELOPED RUNOFF CHARACTERISTICS. THE LISTED CONCEPTS WERE APPLIED TO THIS PROJECT IN THE FOLLOWING MANNER:

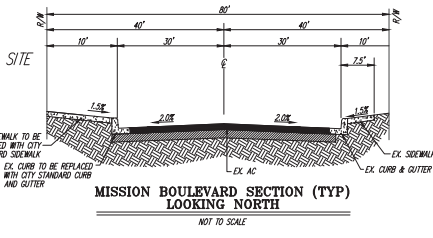
- MINIMIZE IMPERVIOUS FOOTPRINT BY DESIGNING NEW STRUCTURES IN MULTIPLE STORIES. LANDSCAPE AREAS HAVE BEEN ADDED TO MAXIMIZE INFILTRATION.
- MINIMIZE DIRECTLY CONNECTED IMPERVIOUS AREA BY ALLOWING THE ROOF RUNOFF TO FLOW OVER PERVIOUS SURFACES. ROOF DRAINS WILL DRAIN TO LANDSCAPED AREAS.



ALTA LAND SURVEYING, INC.
9517 Grossmont Summit Dr.
La Mesa, CA 91941
Phone/fax: (619) 713-2582
altaandsurveying.com

MIGUEL A. MARTINEZ
LIC. EXP. 6/30/22

12/12/20
DATE:



NOTICE OF EXEMPTION**ATTACHMENT 6***(Check one or both)*

TO: ☒ RECORDER/COUNTY CLERK
P.O. BOX 1750, MS A-33
1600 PACIFIC HWY, ROOM 260
SAN DIEGO, CA 92101-2422

FROM: CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
1222 FIRST AVENUE, MS 501
SAN DIEGO, CA 92101

☐ OFFICE OF PLANNING AND RESEARCH
1400 TENTH STREET, ROOM 121
SACRAMENTO, CA 95814

Project No.: 672037

Project Title: Lupo Map Waiver

PROJECT LOCATION-SPECIFIC: The project is located at 3680 Mission Boulevard, San Diego, CA.

PROJECT LOCATION-CITY/COUNTY: San Diego/San Diego

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: Map Waiver for two condominiums units that are currently under construction and would be located on one lot at 3680 Mission Boulevard. The .076 acre lot is in the R-S Zone of the Mission Beach Planned District within the Mission Beach Community Plan area. The construction of the project was approved under City Project Number 650328 and the proposed project is meeting all current zoning requirements which were approved under 650328.

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Domenic Lupo, 2881 Wildwind Drive, 2881 Wildwind Drive, El Cajon CA 92019. (619) 339-1956.

EXEMPT STATUS: (CHECK ONE)

- ☐ MINISTERIAL (SEC. 21080(b)(1); 15268);
- ☐ DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a));
- ☐ EMERGENCY PROJECT (SEC. 21080(b)(4); 15269(b)(c)).
- ☒ CATEGORICAL EXEMPTION: 15305 (Minor Alterations)
- ☐ STATUTORY EXEMPTION:

REASONS WHY PROJECT IS EXEMPT: The City of San Diego conducted an environmental review and determined that this project meets the criteria set forth in CEQA Section 15305, which allows for minor alterations to land as long as the average slope on site is less than 20% and would not result in any changes in land use or density. Since the project site does not contain slopes greater than 20%, due in part to the fact that it has been flattened for development and would not change land use or increase density the exemption does apply. The site is currently under development and would not trigger any of the exceptions to categorical exemptions found in State CEQA Guidelines, Section 15304.2.

ATTACHMENT 6


LEAD AGENCY CONTACT PERSON: Jeffrey Szymanski

TELEPHONE: 619 446-5324

IF FILED BY APPLICANT:

1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.
2. HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT?
() YES () NO

IT IS HEREBY CERTIFIED THAT THE CITY OF SAN DIEGO HAS DETERMINED THE ABOVE ACTIVITY TO BE EXEMPT FROM CEQA

 / SENIOR PLANNER
SIGNATURE/TITLE

4/15/2021
DATE

CHECK ONE:

(X) SIGNED BY LEAD AGENCY

DATE RECEIVED FOR FILING WITH COUNTY

CLERK OR OPR:



THE CITY OF SAN DIEGO

City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101

Community Planning Committee Distribution Form Part 1

Project Name: Lupo Map Waiver		Project Number: 672037		Distribution Date:	
Project Scope/Location: Process Three, Tentative Map Waiver to create two residential condominiums under construction on a single lot located 3680 Mission Boulevard. The 0.076-acre lot is in the R-S Zone of the Mission Beach Planned District, and the Coastal (State), Coastal Height Limit, Parking Impact (Beach and Coastal), Residential Tandem Parking, Transit Area, and Transit Priority Area Overlay Zones within the Mission Beach Community Plan. This project consists of two (2) residential condominiums - Unit A with 3 bedrooms and Unit B with 3 bedrooms & a Jr. ADU (companion unit) at 496 sq. ft. - and 4 parking spaces with 1 parking stall that can be used by the companion unit for a total of 5 parking spaces.					
Applicant Name:			Applicant Phone Number:		
Project Manager: Firouzeh Tirandazi		Phone Number: (619)446-5325		Fax Number: (619) 321-3200 E-mail Address: ftirandazi@sandiego.gov	
Project Issues (To be completed by Community Planning Committee for initial review): Approval Discussion: The subject property violates the regulations within the Mission Beach Planned District Ordinance ("PDO"). Still, we APPROVED this project on the CONDITION it shall not set a precedent for similar issue projects. The Board appreciates the following characteristics of this project: (1)The total structure conforms to all other regulations in our PDO including that it does not exceed our 1.1 Floor Area Ratio and the structure does not encroach into any required setbacks; (2)It is a "Junior" ADU with less than 500 sq. ft.; (3)A parking place is provided for the one bedroom ADU dwelling; (4)Leastly, there were originally 3 units on this parcel prior to construction of the current project. See: ATTACHMENT for Community Discussion, Density Exception Discussion; and California ADU Law Discussion.					
Attach Additional Pages If Necessary.			Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101		
Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services . Upon request, this information is available in alternative formats for persons with disabilities.					



THE CITY OF SAN DIEGO

City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101

Community Planning Committee Distribution Form Part 2

Project Name: Lupo Map Waiver		Project Number: Project No. 672037	Distribution Date:
Project Scope/Location: Process Three, Tentative Map Waiver to create two residential condominiums under construction on a single lot located 3680 Mission Boulevard. The 0.076-acre lot is in the R-S Zone of the Mission Beach Planned District, and the Coastal (State), Coastal Height Limit, Parking Impact (Beach and Coastal), Residential Tandem Parking, Transit Area, and Transit Priority Area Overlay Zones within the Mission Beach Community Plan. This project consists of two (2) residential condominiums - Unit A with 3 bedrooms and Unit B with 3 bedrooms & a Jr. ADU (companion unit) at 496 sq. ft. - and 4 parking spaces with 1 parking stall that can be used by the companion unit for a total of 5 parking spaces.			
Applicant Name:		Applicant Phone Number:	
Project Manager: Firouzeh Tirandazi	Phone Number: (619) 446-5325	Fax Number: (619) 321-3200	E-mail Address: ftirandazi@sandiego.gov
Committee Recommendations (To be completed for Initial Review):			
<input type="checkbox"/> Vote to Approve	Members Yes	Members No	Members Abstain
<input checked="" type="checkbox"/> Vote to Approve With Conditions Listed Below	12	0	0
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Deny	Members Yes	Members No	Members Abstain
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			<input type="checkbox"/> Continued
CONDITIONS: PDO density requirements not met; APPROVAL based on: 1) Jr.ADU (under 500sq.ft); 2) Original structure had 3 units; 3) Jr.ADU provides parking space; 4) Conforms to all other PDO regulations inc. 1.1 FAR & does not encroach into required setbacks			
NAME: Dennis Lynch/Deborah Watkins		TITLE: Project Reviewer/Chair	
SIGNATURE:		DATE: January 27, 2021	
<i>Attach Additional Pages If Necessary.</i>		Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101	
Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services . Upon request, this information is available in alternative formats for persons with disabilities.			

ATTACHMENT**Community Discussion:**

The Coastal Commission staff report for this project states the following at Page 11:

"Mission Beach is not only the most densely developed community in San Diego, with a maximum permitted density of thirty-six dwelling units per acre, but also has lot sizes among the smallest in the City of San Diego. Currently, inland Mission Beach predominately consists of single family residences and duplexes"

Further, the staff report states at Page 11:

"The Mission Beach Precise Plan, which serves as the certified Land Use Plan (LUP) for Mission Beach and was first adopted by the San Diego City Council in 1974, explicitly states that the threat of overbuilding and past allowances of high densities directly contribute to the environmental degradation of Mission Beach.

The staff report goes on to state at Page 12 that the subject lot is 3,281 sq. ft. and measures approximately 35 feet wide on its southern boundary, 44 feet wide on its northern boundary, 84 feet deep on its eastern boundary, and 83 feet deep on its western boundary. The site does fall under the standard density determination of one dwelling unit per 1,200 square feet because it is both in the R-S zone and is a lot larger than 2,000 square feet. While the actual lot size is indeed larger than the 2,000 to 2,400 square feet, the lot shall still only be entitled to a maximum of two dwelling units because fractions of a dwelling unit (i.e. excess square footage) shall not be rounded up when determining the total units permitted on the lot. Therefore, a maximum of two units can be found consistent with the maximum density allowed under the LCP.

Density Exception Discussion:

The Coastal Commission in its staff report relies on a "citywide base zone" RM-2-6, which allows a dwelling unit per 1,250 sq. ft. of parcel size. In this case, the City, it appears, is allowing a Junior ADU. No additional facts were given to support this action. The Commission relies on SDMC Section 151.0401(c) in their staff report to show that "Junior units are allowed as a use if the use is allowed in a like citywide base zone."

There are two problems with this analysis.

First, Section 151.0401(c) only applies to "uses." It does not apply to "Density" and thus is inapplicable to the density issue in the subject project.

Second, the staff report's reference to "citywide base zones" does not apply to Mission Beach as its R-S and R-N Zones are specific to Mission Beach and are not considered "citywide."

Accordingly, the addition of a third unit on the subject property violates Section 1513.0304(a) of our PDO requiring 1,200 square feet of parcel size per unit. It also violates the PDO Section 1513.0103, which excludes the City's density rounding-up provisions.

California ADU Law Discussion:

Section 65852.2 (a) (1) (A) specifically provides that certain communities may be excluded from ADU's based on the adequacy of certain factors including traffic flow and public safety.

Mission Beach can be likened to a ship in a bottle with an opening at each end. The community is surrounded by water with the ability to enter and leave by only two points – West Mission Bay Drive, which bisects South and North Mission Beach and Mission Boulevard on the North at the intersection of Pacific Beach Drive. Any need to quickly evacuate the community in an emergency is impossible and creates traffic and safety issues.

Parking has always been at a premium in Mission Beach. While new construction requires parking spaces, it is not always sufficient for the number of occupants that inhabit it. Parking alternatives often become adjacent property dedicated spaces or parking illegally in alleys or red zones on Mission Boulevard. Alley parking interferes with emergency vehicles, sanitation trucks, and access by the surrounding neighbors to their garages and onsite parking spaces.

Public transportation is non-existent for the Southern one-third of the community. The remainder of Mission Beach has inadequate bus service, the frequency of which does not meet minimum state standards.

Traffic through Mission Beach has always been challenging. As redevelopment has occurred, traffic flow has continued to decline.

The fact that Mission Beach is used as a premier playground for day use by the City has exacerbated the problems of existing community overcrowding. Mission Beach is incredibly unique not only geographically but as to its attributes and problems in comparison to any other community or zones in San Diego.

//

	City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	<h1>Ownership Disclosure Statement</h1>	FORM DS-318
			October 2017

Approval Type: Check appropriate box for type of approval(s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit
☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☐ Conditional Use Permit ☐ Variance
☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment • ☐ Other _____

Project Title: _____ **Project No. For City Use Only:** _____

Project Address: _____

Specify Form of Ownership/Legal Status (please check):

☐ Corporation ☐ Limited Liability -or- ☐ General – What State? _____ Corporate Identification No. _____

☐ Partnership ☐ Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the owner(s), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of **ANY** person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Property Owner

Name of Individual: _____ ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: _____

City: _____ State: _____ Zip: _____

Phone No.: _____ Fax No.: _____ Email: _____

Signature: _____ Date: _____

Additional pages Attached: ☐ Yes ☐ No

Applicant

Name of Individual: _____ ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: _____

City: _____ State: _____ Zip: _____

Phone No.: _____ Fax No.: _____ Email: _____

Signature: _____ Date: _____

Additional pages Attached: ☐ Yes ☐ No

Other Financially Interested Persons

Name of Individual: _____ ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: _____

City: _____ State: _____ Zip: _____

Phone No.: _____ Fax No.: _____ Email: _____

Signature: _____ Date: _____

Additional pages Attached: ☐ Yes ☐ No