



THE CITY OF SAN DIEGO

## Report to the Hearing Officer

DATE ISSUED: September 14, 2022 REPORT NO. HO-22-045

HEARING DATE: September 21, 2022

SUBJECT: 5153 – 5155 MUIR AVENUE – Process Three Decision

PROJECT NUMBER: [681647](#)

OWNER/APPLICANT: Thad W. & Karrie H. Schoesler, Owner and Robert Batemen, Applicant

### SUMMARY

Issue(s): Should the Hearing Officer approve an application to convert one existing one-story residential unit and one existing three-story residential unit into two condominiums and approve Tentative Map Waiver No. 2515077 to file a Lot Consolidation Parcel Map, in the Ocean Beach Community Plan area?

#### Staff Recommendation(s):

1. Approve Coastal Development Permit No. 2515076.
2. Approve Tentative Map Waiver 2515077.

Community Planning Group Recommendation: On November 5<sup>th</sup>, 2021, the Ocean Beach Planning Group voted 9-0 to approve the project without conditions.

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Section 15301 (k) (Existing Facilities). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on July 18, 2022, and the opportunity to appeal that determination ended on August 1, 2022.

### BACKGROUND

The project site is located at 5153 Muir Avenue and 5155 Muir Avenue in the RM-2-4 Zone and the Coastal Overlay (Non-Appealable) Zone, the Coastal Height Limit, the Parking Impact (Beach Impact Area), the Transit Priority Area, and the Ocean Beach Cottage Emerging District within the Ocean Beach Community Plan area. The designated RM-2-4 Zone provides for multiple dwelling unit developments at varying densities. The proposed project, currently developed with one existing one-

story residential unit and one existing three-story residential unit on a 0.148-acre (6,446 square feet) lot, conforms to the zone regulations in both the San Diego Municipal Code (SDMC (131.0406(2)) which permits a maximum density of one dwelling unit for every 1,750 square feet of lot area and the Ocean Beach Community Plan and Local Coastal Program's Residential - Medium land use designation, which provides for both single and multifamily housing within a medium density range of 15 - 29 du/ac (0.148-acre = 2 du/ac). The property is surrounded by both single-family and multi-family residential development. The site is located approximately 850 feet east of the Pacific Ocean. The site is not within, or adjacent to, the Multiple Species Conservation Program/Multi-Habitat Planning Area (MSCP) and does not contain other types of environmentally sensitive lands as defined in the San Diego Municipal Code (SDMC) [113.0103](#).

According to SDMC [125.0120\(b\)\(2\)\(A\)](#), the project requires approval of a Tentative Map Waiver for a condominium conversion project creating four or fewer condominium units. In addition, in accordance with SDMC [126.0707\(f\)](#) approval of a Coastal Development Permit is also required for the division of land within the Coastal Overlay Zone.

The project proposes to convert two residential units into condominiums. The proposed Coastal Development Permit is a map action only, creating condominiums entitlement as the units are existing and no construction of any new units is proposed.

## DISCUSSION

The project proposes to convert one existing one-story residential unit and one existing three-story residential unit into condominiums and request a Tentative Map Waiver to file a Lot Consolidation Parcel Map. The mapping action of this site, which is surrounded by existing residential development, is consistent with the residential policies of the Ocean Beach Community Plan and furthers the goal to maintain the low-medium density residential nature of neighborhoods in Ocean Beach and provide housing for all economic levels. Consistent with Objective A, of the General Plan Housing Element, to which the City encourages the production of a diversity of new housing to ensure that an adequate supply is available to meet the existing and future needs of all residents. The condominium conversion and corresponding Tentative Map Waiver allow for additional homeownership opportunities.

The proposed project is a subdivision of the property to create two condominium ownership interests that comply with the development regulations of the Land Development Code. The proposed project is located within an urbanized and fully developed residential neighborhood in the Ocean Beach Community Plan and the Local Coastal Program. The Map Waiver for the project was reviewed and determined to be in compliance with the Municipal Code and Subdivision Map Act. The Tentative Map Waiver includes conditions to ensure that all onsite utilities are placed underground with the appropriate and corresponding exhibits of approvals, and payment of applicable taxes to achieve compliance with the regulations of the San Diego Municipal Code. In addition to the Tentative Map Waiver, the Coastal Overlay Zoning regulations require a Coastal Development Permit (CDP) to ensure consistency with the Local Coastal Program, the California Coastal Act of 1976 (Public Resources Code section 30000, et seq.), and the California Code of Regulations, Title 14, Division 5.5., Chapter 8, Subchapter 2, Article 17. Conditions placed by the CDP will ensure the existing driveway meets current City standards, the existing fence will be 3 feet within the driveways visibility triangle, and an Encroachment Maintenance Removal Agreement

(EMRA) is in place for private landscaping/hardscaping in the Muir Avenue Public Right-of-Way (PROW).

### CONCLUSION

The project complies with the requirements of all applicable sections of the Land Development Code, the State Map Act, and the Ocean Beach Community Plan, with no deviations requested. Staff has prepared draft findings in the affirmative to approve the project and recommends approval of Coastal Development Permit No. 2515076 and Tentative Map Waiver No. 2515077.

### ALTERNATIVES

1. Approve Coastal Development Permit No. 2515076, Tentative Map Waiver 2515077, with modifications.
2. Deny Coastal Development Permit No. 2515076, Tentative Map Waiver 2515077, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



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Robin MacCartee  
Development Project Manager

### Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Draft Resolution with Findings
5. Draft Permit with Conditions
6. Draft Map Resolution
7. Draft Map Conditions
8. Notice of Right to Appeal (NORA) - Exemption
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. Map Exhibit-Map Waiver





Project Site:  
5153 - 5155 Muir Ave.



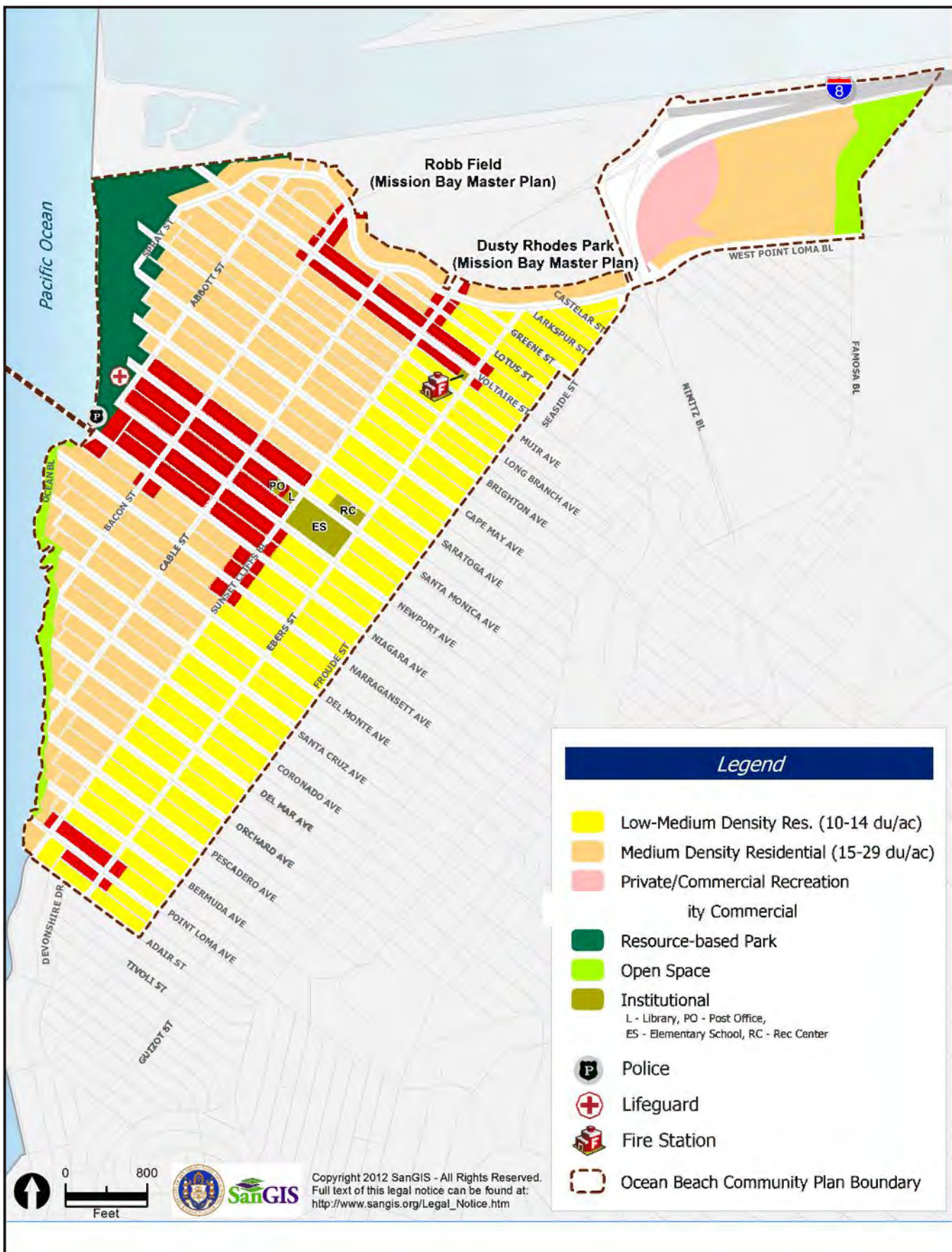


Figure 2.1 Proposed Land Use Plan





Project Site:  
5153 - 5155 Muir Ave.

W. POINT LOMA BLVD.

LOTUS ST.

VOLTAIRE ST.

ABBOTT ST.

ALLEY

MUIR AVE.

LONG BRANCH AVE.



DEVELOPMENT SERVICES DEPARTMENT  
RESOLUTION NO. \_\_\_\_\_  
COASTAL DEVELOPMENT PERMIT NO. 2515076  
**5153 – 5155 MUIR AVENUE CDP/MW PROJECT NO. 681647**

WHEREAS, Thad W. Schoesler and Karrie H. Schoesler, Trustees of The Schoesler Living Trust dated January 21, 2019, filed an application with the City of San Diego for a permit to convert a one-story residential unit and a three-story residential unit into condominiums and for Tentative Map Waiver No. 2515077 to file a Lot Consolidation Parcel Map (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Map Waiver No. 2515077), on portions of a 0.148-acre site;

WHEREAS, the project site is located at 5153 Muir Avenue and 5155 Muir Avenue in the RM-2-4 Zone and the Coastal Overlay (Non-Appealable) Zone, Coastal Height Limit, Parking Impact (Beach Impact Area), Transit Priority Area, Airport Approach Overlay Zone (AAOZ), Airport Land Use Compatibility Overlay Zone (ALUCOZ), and Ocean Beach Cottage Emerging District within the Ocean Beach Community Plan area;

WHEREAS, the 0.148-acre site is legally described as Parcel 1: Lots 9 and 10 in Block 91 of Ocean Bay Beach, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1189, filed in the Office of the County Recorder of San Diego county, June 22, 1909.

Parcel 2: An easement for ingress and egress for road purposes over, along, and across the northwesterly 24 feet of lot 11 in Block 91 of Ocean Bay Beach, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1189, filed in the office of the County Recorder of San Diego County, June 22, 1909. Said easement is hereby declared to be appurtenant to the present and future owners of Lots 9 and 10 in Block 91 of said Map No. 1189;

WHEREAS, July 18, 2022, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is

categorically exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) pursuant to CEQA State Guidelines, Section 15301 (k) (Existing Facilities).

There was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on September 21, 2022, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 2515076, pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Coastal Development Permit No. 2515076:

**Coastal Development Permit - Section 126.0708**

**1. The proposed coastal development will not encroach upon any existing physical accessway 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 project proposes to convert a one-story residential unit and a three-story residential unit to condominiums through the filing of a Lot Consolidation Parcel Map. No new development is proposed. The proposed project is located within an urbanized and fully developed residential neighborhood in the Ocean Beach Community Plan area and in the Local Coastal Program. The site does not include any existing physical accessway or proposed accessway to the coast. Due to the location and scope of the project, the project would not alter nor impede any public views of the ocean or other scenic coastal areas as specified in the Ocean Beach Community Plan.

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

The project proposes to convert a one-story residential unit and a three-story residential unit to condominiums through the filing of a Lot Consolidation Parcel Map. No new development is proposed. The project was determined to be exempt from CEQA State Guidelines, Section 15301 (k) (Existing Facilities), and will not have a significant effect on the environment. The site is surrounded by development and there are no environmentally sensitive lands mapped on the project site, nor on the adjacent properties; therefore, the proposed project would not have an adverse effect on environmentally sensitive 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 subject property is designated within the RM-2-4 Residential Multiple Unit Zone, providing for multiple dwelling unit developments at varying densities. The proposed 0.148-acre (6,446 square feet) lot, conforms to the zone regulations in both the San Diego Municipal Code (SDMC (131.0406(2)) which permits a maximum density of one dwelling unit for every 1,750 square feet of lot area and the Ocean Beach Community Plan and Local Coastal Program's Residential - Medium land use designation, which provides for both single and multifamily housing within a medium density range of 15 - 29 du/ac (0.148-acre = 2 du/ac). The project does not propose any further development beyond the Tentative Map Waiver.

**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 is located approximately 850 feet from the Pacific Ocean and the Ocean Beach Community Plan and Local Coastal Program do not identify the site as containing a public physical accessway nor as having a proposed accessway or a public view corridor. Therefore, the coastal development is in conformity with 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, based on the findings hereinbefore adopted by the Coastal Development Permit No. 2515076, is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms, and conditions as set forth in Permit No. 2515076, a copy of which is attached hereto and made a part hereof.

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Robin MacCartee  
Development Project Manager  
Development Services

Adopted on September 21, 2022

IO#: 11004543



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

**WHEN RECORDED MAIL TO**  
**PROJECT MANAGEMENT**  
**PERMIT CLERK**  
**MAIL STATION 501**

INTERNAL ORDER NUMBER: 11004543

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 2515076  
**5153 - 5155 MUIR AVENUE CDP/MW PROJECT NO. 681647**  
HEARING OFFICER

This Coastal Development Permit No. 2515076 is granted by the Hearing Officer of the City of San Diego to Thad W. Schoesler and Karrie H. Schoesler, Trustees of The Schoesler Living Trust dated January 21, 2019, Owners/Permittees, pursuant to San Diego Municipal Code [SDMC] section 126.0707(f). The 0.148-acre site is located at 5153 and 5155 Muir Avenue in the RM-2-4 Zone, Coastal Overlay (Non-Appealable) Zone, Coastal Height Limit, Parking Impact (Beach Impact Area), Transit Priority Area, Airport Approach Overlay Zone (AAOZ), Airport Land Use Compatibility Overlay Zone (ALUCOZ), and Ocean Beach Cottage Emerging District within the Ocean Beach Community Plan area. The project site is legally described as: Parcel 1: Lots 9 and 10 in Block 91 of Ocean Bay Beach, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1189, filed in the Office of the County Recorder of San Diego County, June 22, 1909. Parcel 2: An easement for ingress and egress for road purposes over, along and across the northwesterly 24 feet of lot 11 in block 91 of Ocean Bay Beach, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1189, filed in the Office of the County Recorder of San Diego County, June 22, 1909. Said easement is hereby declared to be appurtenant to the present and future owners of Lots 9 and 10 in Block 91 of said Map No. 1189.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owners/Permittees for a residential condominium conversion of two units within two existing buildings. No new construction is proposed, described, or identified on the approved exhibit [Exhibit "A"] dated September 21, 2022, on file in the Development Services Department.

The project shall include:

- a. Residential condominium conversion of two units within two existing buildings. No new construction is proposed;
- b. Off-street parking; and
- c. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in



accordance with the adopted community plan, the California Environmental Quality Act (CEQA), and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by October 5, 2025.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The 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 Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.



9. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation-related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

**CLIMATE ACTION PLAN REQUIREMENTS:**

11. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

**AFFORDABLE HOUSING REQUIREMENTS:**



12. Prior to issuance of any residential building permit associated with this Project, the Owner/Permittee shall demonstrate compliance with the provisions of the Inclusionary Affordable Housing Regulations of San Diego Municipal Code Chapter 14, Article 2, Division 13 and the Inclusionary Housing Procedures Manual by payment of the applicable Inclusionary Affordable Housing In-Lieu Fee.

**ENGINEERING REQUIREMENTS:**

13. The Coastal Development Permit shall comply with all Conditions of the Tentative Map Waiver No. 2515077.

14. The Owner/Permittee shall assure, by permit and bond the reconstruction of the existing driveway per current City Standards, adjacent to the site on Muir Avenue.

15. The Owner/Permittee shall lower the existing fence to three feet maximum within the driveway's visibility triangle.

16. The Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for private landscaping/ hardscaping in the Muir Avenue Public Right-of-Way (PROW).

**PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**

17. Prior to any construction permit being issued, any private improvement within the PROW fronting the development or within a public easement inside the development which could inhibit the City's right to access, maintain, repair, or replace its public water or sewer facilities (e.g. landscaping, enhanced paving, storage, non-irrigation pipelines, or structures of any kind) must be removed unless the Owner/Permittee has a recorded Encroachment and Maintenance Removal Agreement (EMRA) which authorizes that specific private improvement in that specific location.

18. Prior to any construction permit being issued, the Owner/Permittee shall ensure that no trees or shrubs exceeding three feet in height at maturity have been installed or remain within ten feet of any public sewer facilities or within five feet of any public water facilities.

**TRANSPORTATION REQUIREMENTS:**

19. All on-site parking stalls shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose unless otherwise authorized in writing authorized by the appropriate City decision-maker in accordance with the SDMC.

**INFORMATION ONLY:**

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit

are fully completed and all required ministerial permits have been issued and received final inspection.

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on September 21, 2022, and Resolution No. XXXX.

DRAFT



Coastal Development Permit No. 2515076  
September 21, 2022

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

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Robin MacCartee  
Development Project Manager

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

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

Thad W. & Karrie H. Schoesler  
Owners/Permittees

By \_\_\_\_\_  
Thad W. Schoesler, Trustees of The Schoesler  
Living Trust dated January 21, 2019.  
Owner/Permittee

By \_\_\_\_\_  
Karrie H. Schoesler, Trustees of The Schoesler  
Living Trust dated January 21, 2019.  
Owner/Permittee

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

RESOLUTION NO. \_\_\_\_\_  
September 21, 2022

A RESOLUTION OF THE HEARING OFFICER ADOPTING THE FINDINGS  
AND APPROVING TENTATIVE MAP WAIVER NO. 2515077 FOR 5153 &  
5155 MUIR CDP/MW - PROJECT NO. 681647

WHEREAS, Thad W. Schoesler and Karrie H. Schoesler, Trustees of The Schoesler Living Trust dated January 21, 2019, and Robert J. Bateman, Surveyor, submitted an application with the City of San Diego for Tentative Map Waiver No. 2515077 to file a Lot Consolidation Parcel Map on portions of a 0.148-acre site. The project site is located at 5153 Muir Avenue and at 5155 Muir Avenue in the RM-2-4 Zone, Coastal Overlay (Non-Appealable) Zone, Coastal Height Limit, Parking Impact (Beach Impact Area), Transit Priority Area, Airport Approach Overlay Zone (AAOZ), Airport Land Use Compatibility Overlay Zone (ALUCOZ), and Ocean Beach Cottage Emerging District within the Ocean Beach Community Plan area. The property is legally described as Parcel 1: Lots 9 and 10 in Block 91 of Ocean Bay Beach, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1189, filed in the Office of the County Recorder of San Diego county, June 22, 1909. Parcel 2: An easement for ingress and egress for road purposes over, along, and across the northwesterly 24 feet of lot 11 in Block 91 of Ocean Bay Beach, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1189, filed in the office of the County Recorder of San Diego County, June 22, 1909. Said easement is hereby declared to be appurtenant to the present and future owners of Lots 9 and 10 in Block 91 of said Map No. 1189; and

WHEREAS, the Map proposes the subdivision-of a 0.148- acre site to convert one existing one-story residential unit and one existing three-story residential unit into condominiums for a total of two condominiums and to file a Lot Consolidation Parcel Map; and



WHEREAS, on July 18, 2022, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) pursuant to CEQA State Guidelines, Section 15301 (k) (Existing Facilities) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code section 112.0520; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to Subdivision Map Act sections 66490 and 66491(b)-(f) and San Diego Municipal Code section 144.0220; and

WHEREAS, on September 21, 2022, the Hearing Officer of the City of San Diego considered Map Waiver No. 2515077, pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE, BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Map Waiver No. 2515077:

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

The proposed project is a Tentative Map Waiver to convert one existing one-story residential unit and one existing three-story residential unit into condominiums. The project does not propose any further development beyond the conversion of units into condominiums. The 0.148-acre site is located at 5153 Muir Avenue and 5155 Muir Avenue in the RM-2-4 Zone and the Coastal Overlay (Non-Appealable) Zone, within the Ocean Beach Community Plan area. The designated RM-2-4 Zone provides for multiple dwelling unit developments at varying densities. The proposed project, currently developed with two dwelling units on a 0.148-acre (6,446 square feet) lot, conforms to the zone regulations in both the San Diego Municipal Code (SDMC (131.0406(2)) which permits a maximum density of one dwelling unit for every 1,750 square feet of lot area and the Ocean Beach Community Plan and Local Coastal Program's Residential - Medium land use designation, which provides for both single and multifamily housing within a medium density range of 15 - 29 du/ac (0.148-acre = 2 du/ac).

The proposed development is consistent with the Ocean Beach Community Plan goals to maintain the low-medium density residential nature of neighborhoods in Ocean

Beach and provide housing for all economic levels. Therefore, the proposed Tentative Map Waiver is 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 0.148-acre site is at 5153 Muir Avenue and at 5155 Muir Avenue in the RM-2-4 Zone and the Coastal Overlay (Non-Appealable) Zone, Coastal Height Limit Overlay Zone, Airport Approach Overlay Zone, Airport Land Use Compatibility Overlay Zone, and within the Transit Priority Area in the Ocean Beach Community Plan area. No deviations to the underlying zone are requested.

San Diego Municipal Code section 126.0702 (a) requires a Coastal Development Permit for all coastal development of a premises within the Coastal Overlay Zone. The proposed project includes Coastal Development Permit (CDP) No. 2515076 and conditioned the Tentative Map Waiver through the corresponding Conditions For Tentative Map Waiver No. 2515077 to conform with the conditions of the CDP.

The proposed project complies with the development regulations of the applicable guidelines for a Tentative Map Waiver request as defined in SDMC 125.0120 (b)(2)(A) which allows for a subdivider to request a waiver of the requirement to file a tentative map and parcel map for a condominium conversion project that creates four or fewer condominium units and no deviations are requested. The proposed project is the conversion of two existing residential units with no deviations requested and complies with all regulations of the Land Development Code, Therefore, the proposed subdivision complies with all development regulations of the Land Development Code.

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

The project site is located at 5153 Muir Avenue and at 5155 Muir Avenue in the Ocean Beach Community Plan area. The proposed Tentative Map Waiver does not include any further development than the conversion of two existing residential units into condominium ownership. The project site is within a fully developed urban residential area within the Ocean Beach Community Plan (OBCP) area designated for multiple dwelling unit developments at varying densities within a medium density range of 15 - 29 du/ac. The proposed subdivision is consistent with the OBCP.

The site topography is level. The site is located 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. The project establishes a land use that is compliant with the Land Development Code. Therefore, the site 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 site is located in a developed urban neighborhood and does not contain, nor is it adjacent to, sensitive biological resources, Multi-Habitat Planning Areas, Environmentally Sensitive lands, or fish or wildlife habitats. The proposed project is for a Tentative Map Waiver and does not include additional development of the subject property and no other modifications to the site or structures are requested with this subdivision. The proposed subdivision will not result or have the potential to result in direct or indirect destruction, ground disturbance, modification of any habitat, harm, harassment or take of any fish and/or wildlife species. Therefore, the design of the subdivision and the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

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

The proposed Tentative Map Waiver does not include any further development than the conversion of two existing residential units into condominium ownership. The current property complies with the development regulations of the RM-2-4 Zone designated for multiple dwelling unit developments at varying densities within a medium density range of 15 - 29 du/ac. Conditions within Coastal Development Permit No. 2515076 and the Tentative Map Waiver No. 2515077 will ensure the existing driveway meets current City standards, the existing fence within the visibility triangle will be lowered to three feet to meet City Standards and an Encroachment Maintenance Removal Agreement (EMRA) is in place for private landscaping/hardscaping in the Muir Avenue Right-of-Way. Prior to the issuance of any building permits for the proposed development, the plans will be reviewed for compliance with all Building, Electrical, Mechanical, Plumbing, and Fire Code requirements. Therefore, the Map Waiver will not be detrimental to public health, safety, and welfare.

**6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.**

The proposed Tentative Map Waiver does not include any further development than the conversion of two existing residential units into condominium ownership. The proposed project does not include any new easements with this application. The existing Avigation Easement and Ingress and Egress Easement, shall remain. Therefore, 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.

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

The proposed Tentative Map Waiver does not include any further development than the conversion of two existing residential units into condominium ownership. The proposed

Tentative Map Waiver will not impede or inhibit any future passive or natural heating and cooling opportunities. The existing structures are exposed on three sides (north, east and south) to ensure passive cooling through cross-ventilation of the interior spaces. The site orientation, architectural design, and proximity to the Pacific Ocean provide, 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 proposed Tentative Map Waiver does not include any further development than the conversion of two existing residential units into condominium ownership.

All appropriate public services (including fire, police, schools, public parks, libraries, and medical services) as well as necessary utilities such as electricity, water, and sewer exist within the built-out urbanized community and provide adequate services for the proposed subdivision. The project does not include additional development of the property and no other modifications to the site or structures are requested with this subdivision.

The project is consistent with the Ocean Beach Community Plan goals to maintain the low-medium density residential nature of neighborhoods in Ocean Beach and provide housing for all economic levels. There are no significant impacts related to traffic, parking, noise, or other environmental impacts. Therefore, the decision maker has reviewed the administrative record including the project plans, and environmental documentation, and heard public testimony to determine the effects of the proposed subdivision on the housing needs of the region and whether those needs were balanced against the needs of the public services and the available fiscal and environmental resources.

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. 2515077 is hereby granted to Thad W. Schoesler and Karrie H. Schoesler, Trustees of The Schoesler Living Trust dated January 21, 2019 subject to the attached conditions which are made a part of this resolution by this reference.

By \_\_\_\_\_  
Robin MacCartee



Development Project Manager  
Development Services Department

ATTACHMENT: Tentative Map Waiver Conditions  
Internal Order No. 11004543

## ATTACHMENT 7

CONDITIONS FOR TENTATIVE MAP WAIVER NO. 2515077  
**5153-5155 MUIR CDP/MW - PROJECT NO. 681647**  
ADOPTED BY RESOLUTION NO. \_\_\_\_\_ ON SEPTEMBER 21, 2022

### **GENERAL**

1. This Tentative Map Waiver will expire on September 21, 2025.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map unless otherwise noted.
3. Prior to the Tentative Map Waiver expiration date, a Parcel Map to consolidate the existing lots into one lot shall be recorded in the Office of the San Diego County Recorder.
4. Prior to the recordation of the Parcel Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
5. The Parcel Map shall conform to the provisions of Coastal Development Permit No. 2515076.
6. 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 the Subdivider of any claim, action, or proceeding, or if the 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 bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

### **CONDOMINIUM CONVERSION**

7. The Subdivider shall provide a Notice of Tenants Rights and Notices for Condominium Conversion, consistent with the Land Development Manual to be provided as follows:
  - a. For existing tenants, within 10 days of the project application for the condominium conversion being deemed complete; or
  - b. For prospective tenants, upon application for the rental of a unit in the proposed condominium conversion.

## ATTACHMENT 7

8. The Subdivider shall provide each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the Subdivision Map Act.
9. The Subdivider shall provide each of the tenants of the proposed condominiums written notice of intention to convert at least 180 days prior to termination of tenancy due to the conversion or proposed conversion in conformance with Subdivision Map Act section 66427.1(a)(2)(E). The provisions of this condition shall neither alter nor abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Civil Code sections 1941, 1941.1 and 1941.2.
10. The Subdivider shall provide the tenants of the proposed condominiums with written notification within 10 days after approval of a Parcel Map for the proposed conversion, in conformance with Subdivision Map Act section 66427.1(a)(2)(D).
11. The Subdivider shall give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (San Diego Municipal Code § 125.0431(a)(4)).
12. The Subdivider shall provide each of the tenants of the proposed condominiums notification of their exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, in conformance with Subdivision Map Act section 66427.1(a)(2)(F) and San Diego Municipal Code section 125.0431(a)(5). The right shall commence on the date the subdivision public report is issued, as provided in section 11018.2 of the Business and Professions Code, and shall run for a period of not less than 90 days, unless the tenant gives prior written notice of his or her intention not to exercise the right. (San Diego Municipal Code § 125.0431(a)(5)).
13. The Subdivider shall provide a copy of the Building Conditions Report to a prospective purchaser prior to the opening of an escrow account. (San Diego Municipal Code § 144.0504(c)).
14. Prior to the recordation of the Parcel Map, the Subdivider shall demonstrate conformance with the San Diego Municipal Code provisions for building and landscape improvements (San Diego Municipal Code § 144.0507), to the satisfaction of the City Engineer.

### **AFFORDABLE HOUSING**

15. Prior to the recordation of the Parcel Map, the Subdivider shall enter into a written agreement with the San Diego Housing Commission to pay the condominium conversion inclusionary housing fee pursuant to the Inclusionary Affordable Housing Regulations (San Diego Municipal Code § 142.1301 *et seq.*).
16. Prior to the recordation of the Parcel Map, the Subdivider shall demonstrate conformance with the San Diego Municipal Code provisions for Coastal Overlay Zone Affordable Housing Replacement Regulations (San Diego Municipal Code § 143.0810 *et seq.*), to the satisfaction of the Development Services Department and the San Diego Housing Commission.



## ATTACHMENT 7

17. Prior to the recordation of the Parcel Map, the Subdivider shall demonstrate conformance with the San Diego Municipal Code provisions for Tenant Relocation Benefits (San Diego Municipal Code § 144.0505), to the satisfaction of the Development Services Department and the Housing Commission.

### **ENGINEERING**

18. The Tentative Map Waiver shall comply with all conditions of Coastal Development Permit No. 2515076.
19. The Subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.
20. 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.
21. The Subdivider shall comply with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980. Only those exceptions to the General Conditions which are shown on the 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**

22. Prior to the expiration of the Tentative Map Waiver (TMW), a Parcel Map to consolidate and subdivide the 0.148-acre properties into 2 residential condominium units shall be recorded in the office of the County Recorder of San Diego County.
23. Prior to the recordation of the Parcel Map, 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 Parcel Map.

24. Prior to the recordation of the Parcel Map, all conditions in the (TMW) Resolution of Approval must be satisfied.
25. The Parcel Map shall be based on field survey and all lot corners must be marked with durable survey monuments pursuant to Section 144.0311(d) of the City of San Diego Land Development Codes and Subdivision Map Act Section 66495.

All survey monuments shall be set prior to the recordation of the Parcel Map unless the setting of monuments is deemed impractical due to the proposed improvements and/or

## ATTACHMENT 7

grading associated with the project, in which case, delayed monumentation may be applied on the Parcel Map in accordance with Section 144.0130 of the City of San Diego Land Development Codes.

26. All subdivision maps in the City of San Diego are required to be tied to the California Coordinate System of 1983 (CCS83), Zone 6 pursuant to section 8801 through 8819 of the California Public Resources Code.
27. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
28. "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."
29. The Parcel 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 First Order accuracy. 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.

### **INFORMATION:**

- The approval of this 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 U.S.C. § 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 Map Waiver will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.

## ATTACHMENT 7

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Map Waiver, may protest the imposition within 90 days of the approval of this 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 the development of the 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

DRAFT



NOTICE OF EXEMPTION

ATTACHMENT 8

(Check one or both)

TO:  Recorder/County Clerk  
P.O. Box 1750, MS A-33  
1600 Pacific Hwy, Room 260  
San Diego, CA 92101-2400

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 Name/Number: Digital 5153-5155 Muir CDP/MW/ 681647

SCH No.: Not Applicable

Project Location-Specific: 5153 and 5155 Muir Avenue, San Diego, CA 92107

Project Location-City/County: San Diego/San Diego

Description of nature and purpose of the Project: The project proposes a Coastal Development Permit (CDP) and Map Waiver (MW) to convert a one-story residential unit and a three-story residential unit to condominiums and to file a lot consolidation parcel map. The 0.148-acre project site is located in the RM-2-4 (Residential-Multiple Unit) zone of the Ocean Beach Community Plan, Coastal Overlay Zone (Non-Appealable 2), Coastal Height Limit Overlay Zone, Ocean Beach Emerging District, Parking Impact Overlay Zone (Coastal Impact/Beach Impact), Residential Tandem Parking Overlay Zone, Transit Priority Area, 60-65 dB Airport Noise Contours (CNEL) (San Diego International Airport (SDIA), Airport Approach Overlay Zone, Airport Influence Area (SDIA, Review Area 1), and the Federal Aviation Administration (FAA) Part 77 Notification Area. The community plan designates the site as Medium Density Residential (15-29 dwelling units per acre).

Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: Robert Bateman, 7028 Convoy Court, San Diego, CA 92111, (858) 244-0420.

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: Categorically exempt from CEQA pursuant to CEQA State Guidelines, Section 15301 (k) (Existing Facilities).

Reasons why project is exempt: The City of San Diego conducted an environmental review that determined the project would not have the potential to cause a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15301 (k) which allows the division of existing multiple family or single-family residences into common interest ownership, where no physical changes occur which are not otherwise exempt. In addition, the exceptions listed in CEQA Section 15300.2 would not apply.

Lead Agency Contact Person: Rhonda Benally

Telephone: (619) 446-5468

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

September 1, 2022  
Date

**Check One:**

- Signed By Lead Agency
- Signed by Applicant

Date Received for Filing with County Clerk or OPR:

Page 3		City of San Diego · Information Bulletin 620		May 2020	
		<b>City of San Diego Development Services</b>		<b>Community Planning Committee Distribution Form</b>	
Project Name: 5153-55 Muir CDP/MW			Project Number: 681647		
Community: Ocean Beach					
<p>For project scope and contact information (project manager and applicant), log into OpenDSD at <a href="https://aca.accela.com/SANDIEGO">https://aca.accela.com/SANDIEGO</a>.</p> <p>Select "Search for Project Status" and input the Project Number to access project information.</p>					
<input checked="" type="radio"/> Vote to Approve <input type="radio"/> Vote to Approve with Conditions Listed Below <input type="radio"/> Vote to Approve with Non-Binding Recommendations Listed Below <input type="radio"/> Vote to Deny					
# of Members Yes 9		# of Members No 0		# of Members Abstain 0	
Conditions or Recommendations:					
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)					
NAME: Andrea Schlageter					
TITLE: Chair, Ocean Beach Planning Board				DATE: November 05, 2021	
<i>Attach additional pages if necessary (maximum 3 attachments).</i>					

Visit our web site at [www.sandiego.gov/development-services](http://www.sandiego.gov/development-services).

Upon request, this information is available in alternative formats for persons with disabilities.

DS-5620 (08-18) ONLINE FORM



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

**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:** Muir Avenue Residences **Project No. For City Use Only:** 681647

**Project Address:** 5153 & 5155 Muir Avenue

**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: Thad W. & Karrie H. Schoesler  Owner  Tenant/Lessee  Successor Agency

Street Address: P.O. Box 6437

City: Spokane State: WA Zip: 99217

Phone No.: 509-844-8060 Fax No.: \_\_\_\_\_ Email: alpinepatio@gmail.com

Signature: *Thad Schoesler* Date: 12-15-2020

Additional pages Attached:  Yes  No

**Applicant**

Name of Individual: Thad W. & Karrie H. Schoesler  Owner  Tenant/Lessee  Successor Agency

Street Address: P.O. Box 6437

City: Spokane State: WA Zip: 99217

Phone No.: 509-844-8060 Fax No.: \_\_\_\_\_ Email: alpinepatio@gmail.com

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: \_\_\_\_\_

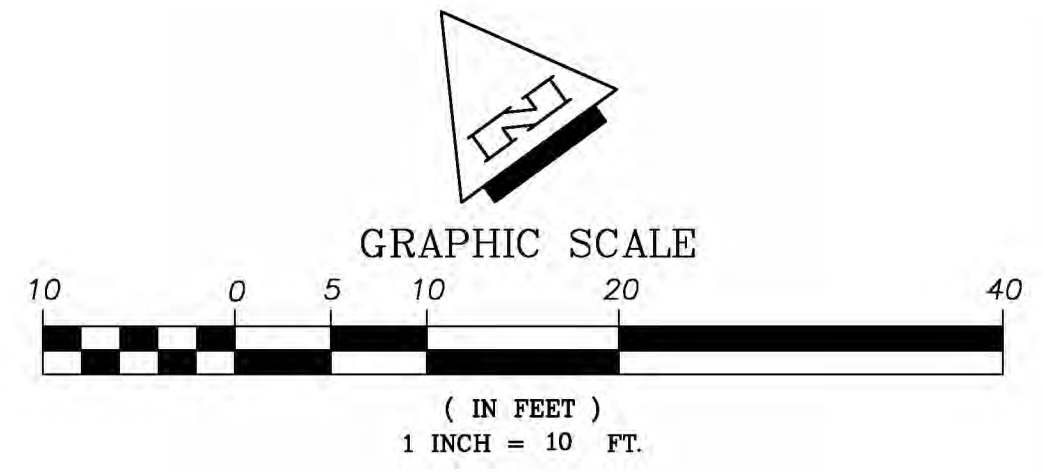
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Additional pages Attached:  Yes  No



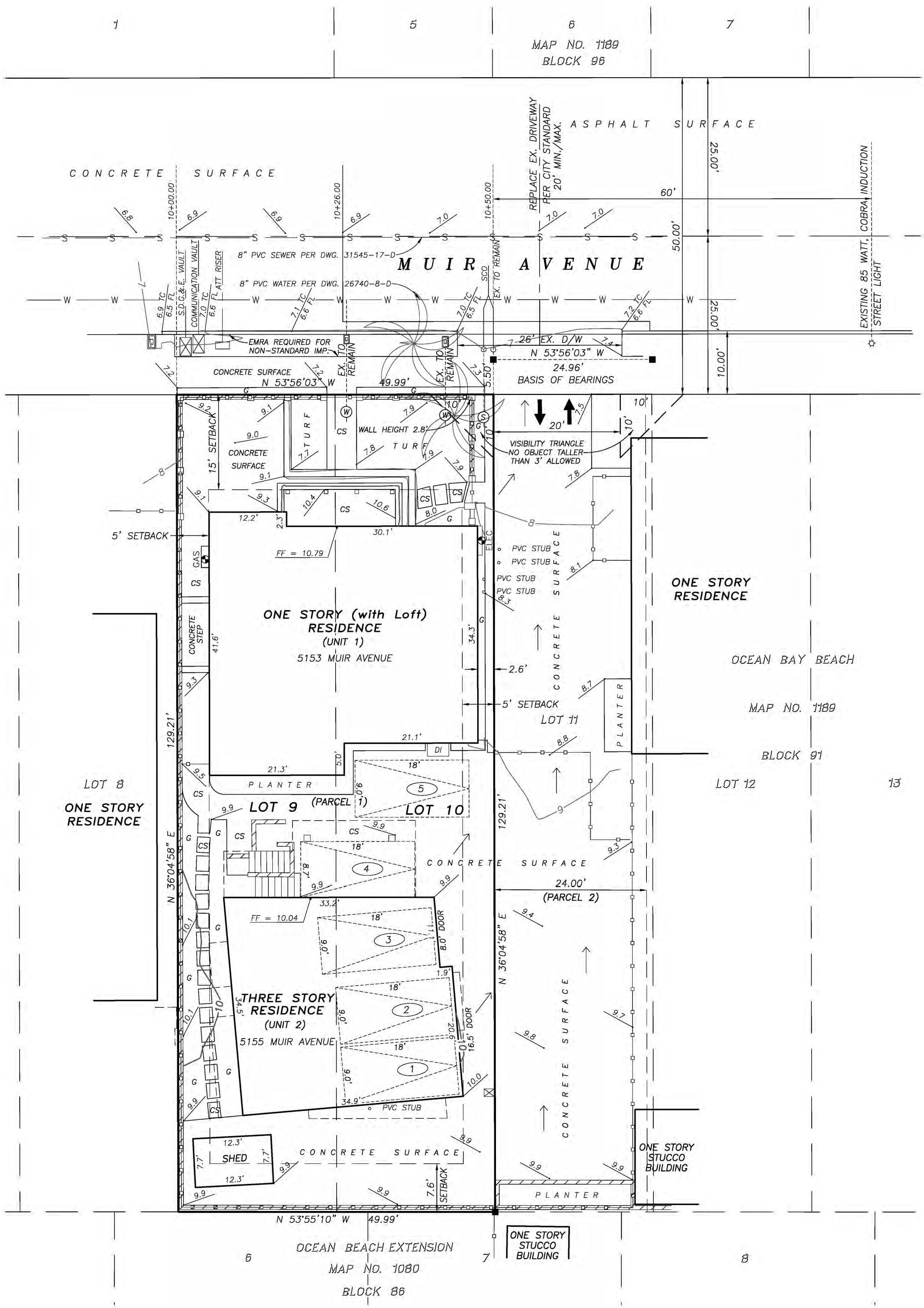
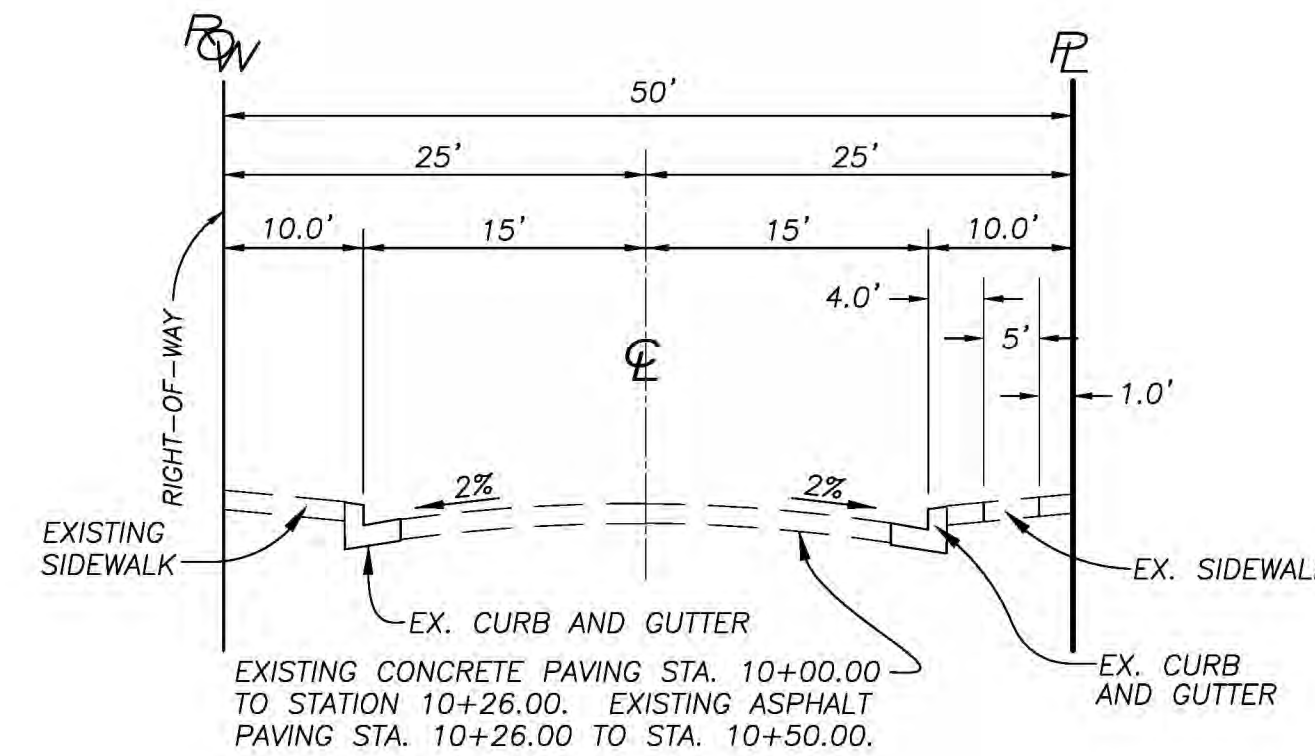
# Map Waiver No. 2515077

## Coastal Development No. 2515076 5153 & 5155 Muir Avenue, Project No. 681647



**LEGEND:**

- INDICATES FOUND MONUMENT PER CR 25558
- ⊕ INDICATES GAS METER
- ⊖ INDICATES ELECTRIC METER
- ⊗ INDICATES WATER METER
- ⊙ INDICATES FIRE HYDRANT
- ⊕ INDICATES WATER GATE VALVE
- ⊗ INDICATES ELECTRICAL VAULT
- ⊙ INDICATES UTILITY POLE
- CS INDICATES CONCRETE SURFACE
- TC INDICATES TOP OF CURB
- FL INDICATES FLOWLINE
- P INDICATES FINISHED FLOOR
- G INDICATES GRAVEL
- INDICATES WOOD/PLASTIC FENCE
- ① INDICATES PARKING SPACE
- INDICATES DIRECTION OF DRAINAGE
- INDICATES SEWER LATERAL
- INDICATES WATER SERVICE
- S --- INDICATES SEWER LINE
- W --- INDICATES WATER LINE
- INDICATES WALL
- INDICATES PROPERTY LINE/TENTATIVE MAP WAIVER BOUNDARY



**CITY OF SAN DIEGO  
DEVELOPMENT SUMMARY**

- SUMMARY OF REQUEST:**  
CONVERT TWO RESIDENTIAL DWELLING UNITS TO CONDOMINIUMS AND FILE A LOT CONSOLIDATION PARCEL MAP.
- STREET ADDRESS:** 5133 & 5155 MUIR AVENUE  
N SWLY DE W SIDE BETWEEN THE ABBOTT STREET AND WEST POINT LOMA BOULEVARD
- SITE AREA:**  
TOTAL SITE AREA (GROSS): (6,446 SF) (0.1480 AC.)  
NET SITE AREA: (6,446 SF) (0.1480 AC.)
- DENSITY: (RESIDENTIAL)**  
MAXIMUM NO. DWELLING UNITS ALLOWED PER ZONE: 2  
NUMBER OF EXISTING UNITS TO REMAIN ON SITE: 2  
NUMBER OF PROPOSED DWELLING UNITS ON SITE: 0  
TOTAL NUMBER OF UNITS PROVIDED ON THE SITE: 2
- YARD/SETBACK MINIMUM**  
FRONT: 15'  
STREET SIDE YARD: 10'  
INTERIOR SIDE YARD: 5'  
REAR YARD: 7.6'
- PARKING:**  
PARKING CRITERIA:  
 RESIDENTIAL  COMMERCIAL  INDUSTRIAL  
 MIXED USE  OTHER

TYPE OF UNIT	NUMBER OF TYPE	PARKING REQUIRED PER UNIT	TOTAL PER TYPE
2 BR UNIT	2	1.5	3
<b>TOTAL REQUIRED BY ZONE</b>			<b>3</b>
<b>TOTAL PROVIDED ON-SITE</b>			<b>5</b>

TYPE OF UNIT	NUMBER OF TYPE	SQUARE FOOTAGE PER UNIT
2 BR UNIT (UNIT 1)	1	1,468
2 BR UNIT (UNIT 2)	1	1,772
<b>TOTAL</b>	<b>2</b>	<b>3,240</b>

**ZONING INFORMATION**

EXISTING AND PROPOSED ZONE: RM-2-4  
COMMUNITY PLAN NAME: OCEAN BEACH  
OVERLAY ZONES:  
CITY COASTAL  
AIRPORT ENVIRONS/AIRPORT APPROACH  
ENVIRONMENTALLY SENSITIVE LANDS

PROPERTY IS LOCATED IN SPECIAL FLOOD HAZARD AREA

**UTILITY TABLE:**

UTILITY	OVERHEAD	UNDERGROUND
CATV		X
ELECTRIC		X
GAS		X
TELEPHONE		X

**MAPPING NOTE:**

A LOT CONSOLIDATION PARCEL MAP SHALL BE FILED AT THE COUNTY RECORDER'S OFFICE PRIOR TO THE EXPIRATION OF THE MAP WAIVER, IF APPROVED. A DETAILED PROCEDURE OF SURVEY SHALL BE SHOWN ON THE PARCEL MAP AND ALL PROPERTY CORNERS SHALL BE MARKED WITH DURABLE SURVEY MONUMENTS.

**EXISTING IMPROVEMENTS**

SEWER DRAWING NO. 31545-17-D  
WATER DRAWING NO. 26740-8-D

**EXISTING EASEMENT:**

- A PERPETUAL AIR, FLIGHT OR NOISE EASEMENT AND INCIDENTAL PURPOSES GRANTED TO SAN DIEGO UNIFIED PORT DISTRICT, RECORDED DECEMBER 6, 2002 AS FILE NO. 2002-1107215 OF OFFICIAL RECORDS.

**DEVELOPMENT NOTES:**

- 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. TOTAL NUMBER OF CONDOMINIUM DWELLING UNITS IS 2.
- NUMBER OF EXISTING LOTS = 2  
NUMBER OF PROPOSED LOTS = 1
- THE SUBDIVIDER SHALL PREPARE CC&R'S FOR THE OPERATION AND MAINTENANCE OF ALL PRIVATE WATER AND SEWER FACILITIES THAT SERVE OR TRAVERSE MORE THAN A SINGLE CONDOMINIUM UNIT OR LOT.
- THE NEAREST BUS STOP IS LOCATED AT CABLE ST. AND VOLTAIRE ST., 0.4 MILES FROM SITE (2,112 FEET).

**OWNER/DEVELOPER:**

THAD W. SCHOESLER AND KARRIE H. SCHOESLER,  
TRUSTEES OF THE SCHOESLER LIVING TRUST  
DATED JANUARY 21, 2019

THAD SCHOESLER, TRUSTEE

KARRIE H. SCHOESLER, TRUSTEE

**PROFESSIONAL LAND SURVEYOR:**

SAN DIEGO LAND SURVEYING & ENGINEERING, INC.  
7028 CONVOY COURT  
SAN DIEGO, CALIFORNIA 92111 (858) 565-8362  
DRAWING NO. Muir Ave 5153 TM.dwg

*Robert J. Bateman* 5/6/2022  
ROBERT J. BATEMAN, P.L.S. 7046 DATE



Prepared By:  
SAN DIEGO LAND SURVEYING AND ENGINEERING, INC.  
7028 CONVOY COURT  
SAN DIEGO, CA 92111-1017  
PHONE: 858-565-8362  
FAX: 858-565-4354 EMAIL: rbateman@sdlse.com

Consultants:  
Basis of Bearings:  
THE BASIS OF BEARINGS FOR THIS SURVEY IS THE SOUTHWESTERLY RIGHT OF WAY OF MUIR AVENUE ON CORNER RECORD NO. 25558.  
I.E. N 53°56'03" W

Benchmark:  
EAST BRASS PLUG  
WEST POINT LOMA BOULEVARD & MUIR AVENUE  
ELEVATION= 6.731 M.S.L.

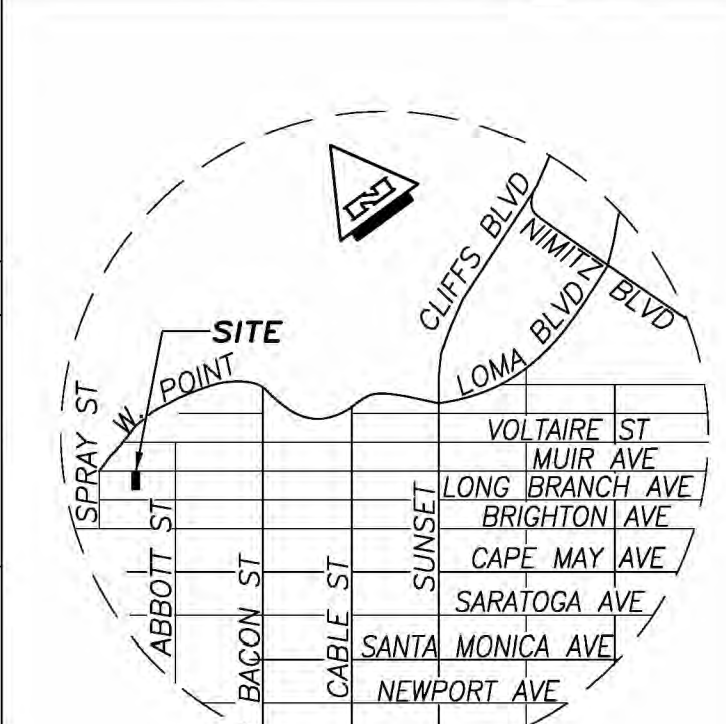
Project Legal Description:  
PARCEL 1:  
LOTS 9 AND 10 IN BLOCK 91 OF OCEAN BAY BEACH, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1189, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JUNE 22, 1909.

PARCEL 2:  
AN EASEMENT FOR INGRESS AND EGRESS FOR ROAD PURPOSES OVER, ALONG AND ACROSS THE NORTHWESTERLY 24 FEET OF LOT 11 IN BLOCK 91 OF OCEAN BAY BEACH, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1189, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JUNE 22, 1909.

SAID EASEMENT IS HEREBY DECLARED TO BE APPURTENANT TO THE PRESENT AND FUTURE OWNERS OF LOTS 9 AND 10 IN BLOCK 91 OF SAID MAP 1189.  
LAMBERT COORDINATES:  
NAD 27 = 214-1691 NAD 83 = 1,854-6,251  
A.P.N. 448-043-09

Project Name:  
**5153 & 5155 MUIR AVENUE**

Project Address:  
5153 & 5155 Muir Ave.  
San Diego, CA 92107



**VICINITY MAP**  
NO SCALE

Project Soil Condition: Existing developed site.

Source of Topography:  
Field survey by San Diego Land Surveying on 9-03-2020

Project Permits Required:  
Map Waiver  
Lot Consolidation Parcel Map

Project Data:  
Number of Stories: 2  
Proposed use: Residential  
Existing use: Residential  
Zone Designation: RM-1-1  
La Jolla Planned District,  
Year of Construction:

Project Owner:  
The Schoesler Living Trust  
P.O. Box 6437  
Spokane, WA 99217