



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER -

HEARING DATE: April 13, 2005      REPORT NO. HO 05-064

ATTENTION:      Hearing Officer

SUBJECT:      OCEAN FRONT WALK DUPLEX 2,  
PTS PROJECT NUMBER: 4231

LOCATION:      353 Ocean Front Walk

OWNER:      Pacific Beach Investment Trust, Michael Turk, Trustee

### **SUMMARY**

**Requested Action** - Should the Hearing Officer approve a request to waive the requirements for a tentative map to convert two (2) residential units (under construction) to condominium ownership and a request to waive the requirement to underground existing overhead utilities?

### **Staff Recommendation** -

1.      **APPROVE** Map Waiver No. 123653, and
2.      **APPROVE** Waiver of the requirement to underground existing utilities.

**Community Planning Group Recommendation** – On January 20, 2005, the Mission Beach Precise Planning Board voted to approve the Map Waiver. The motion passed 9-0-1, without conditions.

**Environmental Review** - This project is exempt from environmental review pursuant to Article 19, Section 15301(k), Existing Facilities, of the California Environmental Quality Act (CEQA).

## **BACKGROUND**

The subject property located at 353 Ocean Front Walk is a 2,724 square foot site zoned R-S within the boundaries of the Mission Beach Planned District and the Mission Beach Precise Plan area. The site is within the State Coastal Jurisdiction, Coastal Height Overlay, Parking Impact, and Transit Area Overlay zones. Current construction is permitted by Coastal Development Permit No. 6-03-060 (Attachment 8).

## **DISCUSSION**

The project application was deemed complete on July 8, 2004. The subdivider has chosen to pay an “in lieu” fee to comply with the Inclusionary Housing Ordinance.

The three (3) story, two unit building with four garages on the ground floor is being constructed under Coastal Development Permit No. 6-03-060, which allowed the demolition of four previously existing residential units in two separate buildings and construction of two new three story buildings each housing two duplex units and four sets of tandem parking spaces. The 2<sup>nd</sup> three story building is located at 3533 Ocean Front Walk. The newly constructed units have not yet received a “certificate of occupancy”.

Section 125.0410 of the San Diego Municipal Code (SDMC) states that a Tentative Map is required for the subdivision of land. According to SDMC Section 125.0120, *When a Map Waiver May Be Requested*, the subdivider may request and receive a Map Waiver for the purposes of the conversion of residential property into a condominium project if the decisionmaker finds that the proposed creation of condominium units complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed Map Waiver and determined that it complies with both the Subdivision Map Act and the San Diego Municipal Code.

San Diego Municipal Code Section 144.0240 allows the subdivider to apply for a waiver from the requirement to underground the existing overhead utilities within the boundary of the subdivision or within the abutting public rights of way. City staff has determined the undergrounding waiver request qualifies under the guidelines of Council Policy 600-25, *Underground Conversion of Utility Lines at the Developer's Expense*, in that the conversion is a requirement of a condominium conversion of an existing development and the conversion involves a short span of overhead facilities less than a full block in length and the conversion would not represent a logical extension to an under-grounding facility. The applicant would be required to underground any new service run to any new or proposed structures within the subdivision.

The utilities for the project currently under-construction have been undergrounded, however the site is adjacent to an alley (Strandway) which has existing power poles currently servicing the nearby properties.

The City's Under-grounding Master Plan for Fiscal Year 2004 designates Strandway (alley) scheduled for undergrounding in 2008.

### **CONCLUSION**

Staff has reviewed the application for the Map Waiver and the request to waive the requirement to underground the existing overhead utilities and believes that the required findings can be made to support the proposed project. Additionally, the project was reviewed and exempted from the California Environmental Quality Act and Categorically Exempt from further environmental review. Therefore, staff recommends that the Hearing Officer approve both the proposed map waiver and the waiver to underground existing overhead utilities

### **ALTERNATIVE**

1. APPROVE Map Waiver No. 123653 with modifications.
2. DENY Map Waiver No. 123653 if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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John Cruz, Development Project Manager

#### Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Plans (Hearing Officer Only)
6. Draft Resolution with Findings
7. Project Chronology
8. Coastal Development Permit
9. Community Planning Group Recommendation