



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: July 17, 2013                      REPORT NO. HO 13-065

ATTENTION:                      Hearing Officer

SUBJECT:                      SAN JUAN TRIPLEX - PROJECT NUMBER 314837

LOCATION:                      3591 Ocean Front Walk

APPLICANT:                      Heritage on Ivanhoe, LLC

### SUMMARY

Requested Action - Should the Hearing Officer approve a Map Waiver to create three condominium units currently under construction on a 0.92-acre site within the Mission Beach Community Plan Area?

Staff Recommendation - APPROVE an application for Map Waiver No. 1104085.

Community Planning Group Recommendation: On March 15, 2013, the Mission Beach Community Planning Group voted 7-0-0 to recommend denial of the project. Reference the Discussion section of this report (Attachment 7).

Environmental Review – On April 23, 2013, the Environmental Analysis Section of the Development Services Department determined that the Map Waiver project was exempt pursuant to CEQA Section 15305 (Minor Alternations in Land Use Limitations ) and the opportunity to appeal that determination ends on July 11, 2013.

### BACKGROUND

The project site is located at 3591 Ocean Front Walk, in the RS Zone of the Mission Beach Planned District within the Mission Beach Community Plan Area. The site is bordered by residential developments. The proposed project would create three condominiums that are currently under construction on the 0.9-acre site. The units would be located within one three-level building with enclosed parking at the rear accessed from Strandway. The enclosed parking consists of a garage containing two tandem parking spaces and a double car garage. One three bedroom unit and two four bedroom units are proposed for condominiums. The development was permitted through the issuance of Coastal Development Permit No. 6-12-069 by the State

Coastal Commission in 2012 and a subsequent building permit issued by the City of San Diego (Project No. 302272) in February 2013.

### Undergrounding Waiver Request

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 Land Development Code Section 144.0240 in that the conversion involves a short span of overhead facility (less than a full block in length) and it has been determined that such conversion is not a part of a continuing effort to accomplish a total undergrounding within a specific street or area.

The applicant will be required to underground all existing service to the site and to underground any new service run to any new or proposed structures within the subdivision as conditioned by the Map Waiver conditions. The neighborhood currently contains power poles and overhead utilities lines within Strandway. The utility lines to these poles extend to other properties as well. As indicated above, all utilities serving this property will be required to be undergrounded. The waiver is being requested for the requirement to underground off-site adjacent utilities serving the surrounding properties. The City's Undergrounding Master Plan designates the site within Block 253, and the date for undergrounding has been established for the year 2017.

### Community Planning Group Recommendation (Attachment 6)

The Mission Beach Planning Group voted to recommend denial of the project, 7-0-0. The community raised three concerns regarding the dimension of the tandem spaces and an apparent fireplace vent and deck encroachment within the required 45 degree angle. Staff and applicant response is that the revised plans have been submitted that correct the parking space dimension and this will not affect field conditions; the fire place vent encroachment will be removed and, there are no deck encroachments within the 45 degree angle. This information has been submitted to the community planning group.

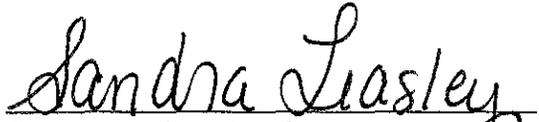
### Conclusion

Staff has determined that the project complies with the development regulations of all applicable sections of the Land Development Code. Staff has determined that the required findings can be made as the project meets the applicable San Diego Municipal Code regulations and requirements. Staff recommends approval of the project as proposed.

### ALTERNATIVES

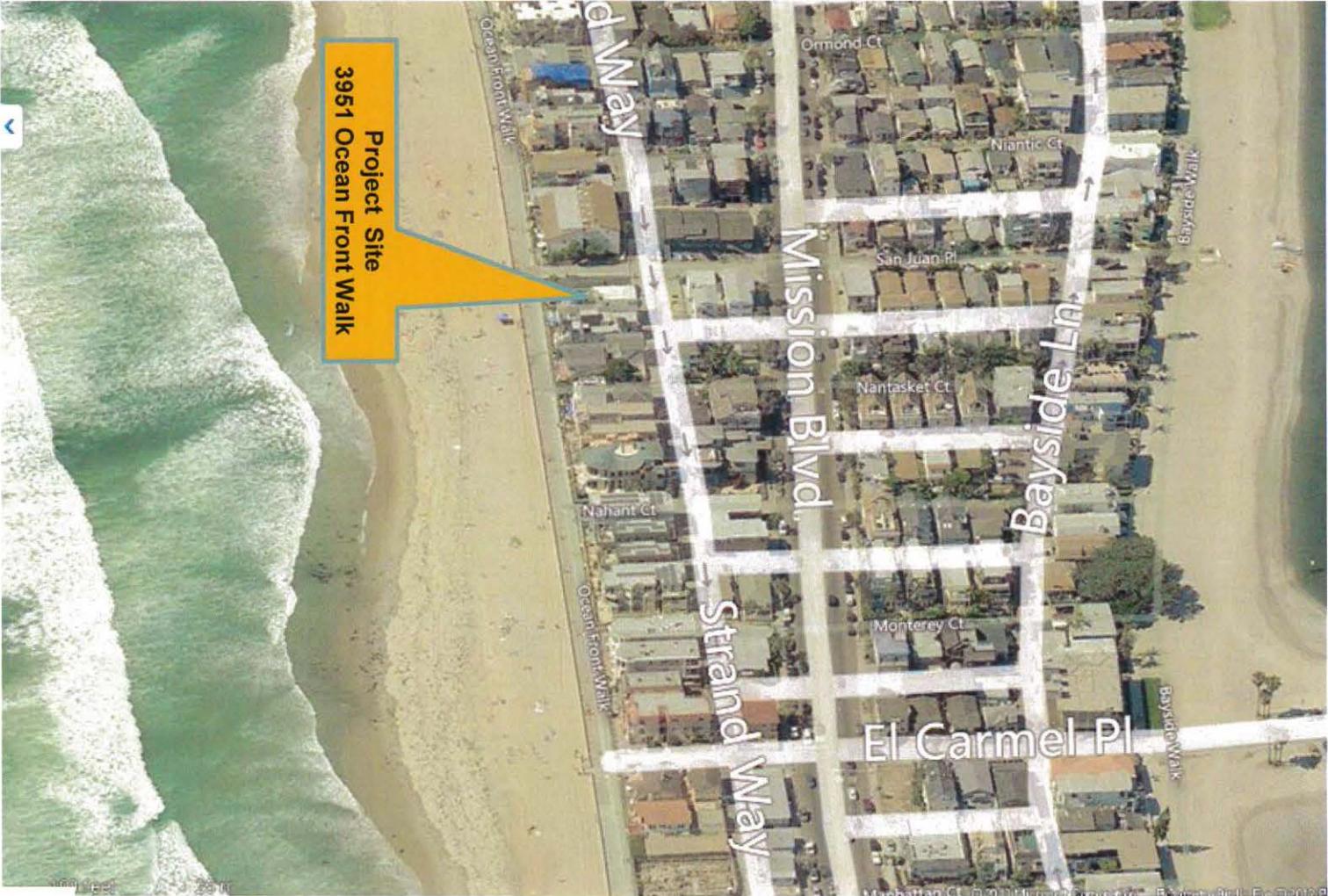
1. Approve Map Waiver No. 1104085 with modifications; or
2. Deny Map Waiver No. 1104085, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

  
Sandra Teasley, Development Project Manager

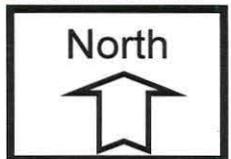
Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Location Map Draft
4. Map Waiver Resolution
5. Project Data Sheet
6. Community Planning Group Recommendation
7. Ownership Disclosure Statement
8. Environmental Exemption
9. Project Plans

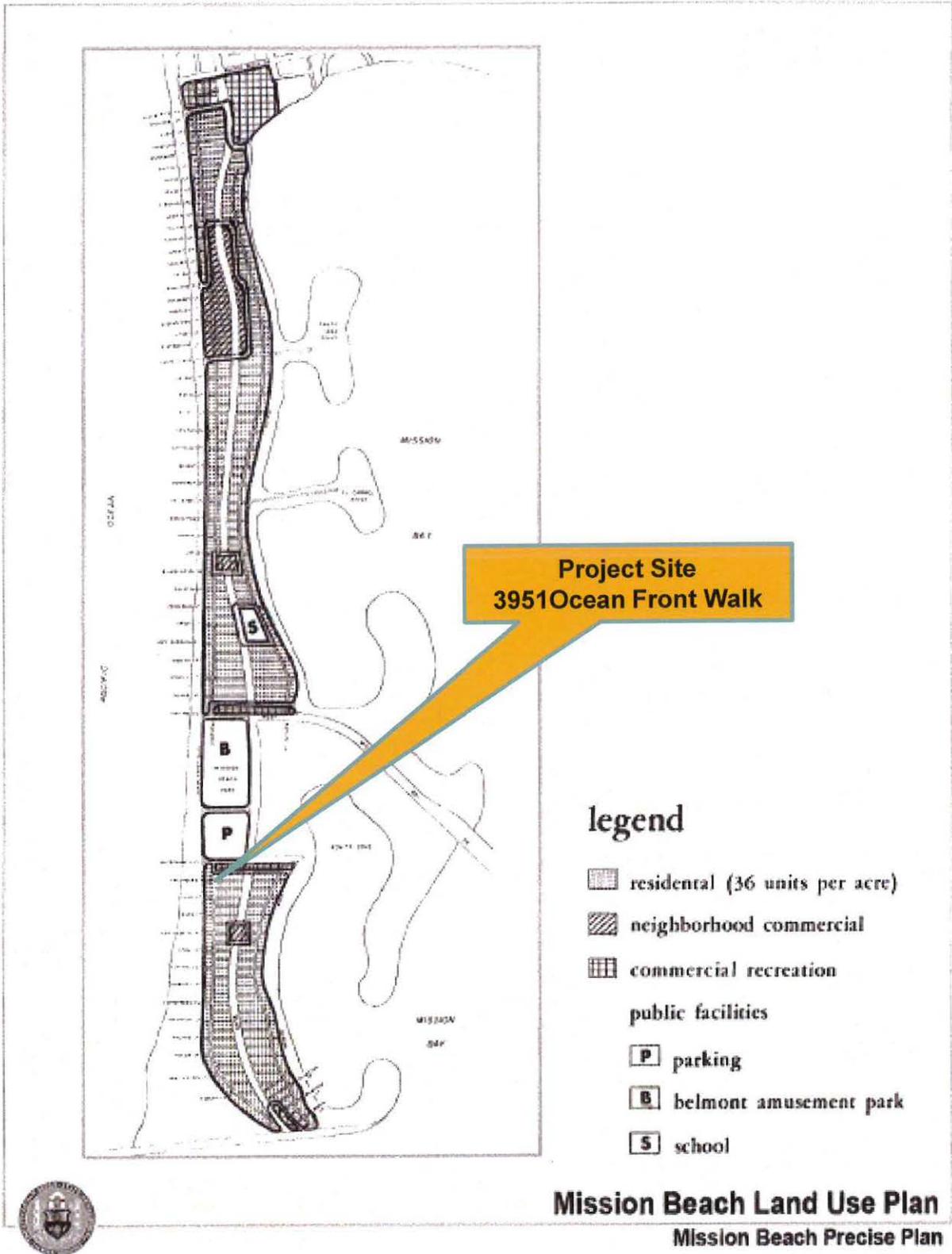


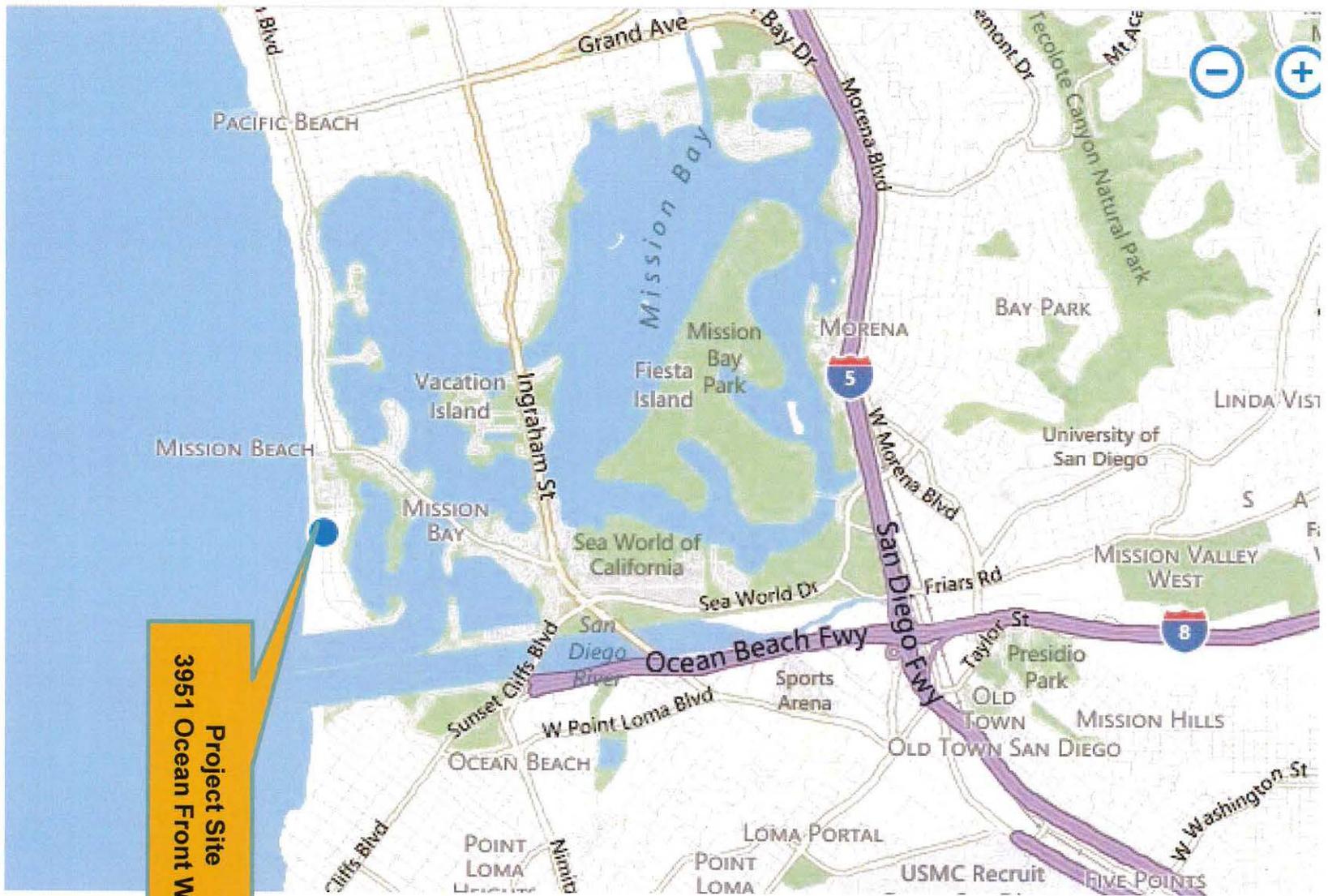
## Aerial Photograph

3951 Ocean Front Walk- Project No. 314837



Attachment 2





**Project Site**  
**3951 Ocean Front Walk**

RESOLUTION NO. \_\_\_\_\_  
DATE OF FINAL PASSAGE \_\_\_\_\_

A RESOLUTION OF THE HEARING OFFICER  
ADOPTING THE FINDINGS AND APPROVING MAP  
WAIVER NO. 1104085 FOR PROJECT NO. 314837,  
SAN JUAN TRIPLEX MAP WAIVER

WHEREAS, HERITAGE ON IVANHOE, LLC Subdivider, and SAN DIEGO LAND SURVEYING & ENGINEERING, Engineer, submitted an application with the City of San Diego for Map Waiver No. 1104085, to waive the requirement for a Tentative Map for the creation of three residential units currently under construction, into condominiums and to waive the requirement to underground existing offsite overhead utilities. The project site is located at 3951 Ocean Front Walk within the R-S Zone of the Mission Beach Planned District, the Coastal Height Limitation Overlay Zone (Prop D), Coastal Overlay Zone (California Coastal Commission permit jurisdiction), Parking Impact (Coastal) Overlay Zone, Transit Area Overlay Zone and the Residential Tandem Overlay Zone. Prior to recording of the Certificate of Compliance, the project must comply with the Inclusionary Housing Regulations as outlined in Chapter 14, Article 2, Division 13 of the LDC. within the Mission Beach Community Planning area. The property is legally described as Lot A, Block 157 of Mission Beach Map No. 165; and

WHEREAS, the Map proposes the subdivision of a 0.9-acre into one (1) lot for the creation of a 3-unit residential condominium development currently under construction; and

WHEREAS, on April 23, 2013, 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 15301 (Minor Alterations in Land Use Limitations); 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 project consists of three units under construction for which Certificates of Occupancy have not been issued; and

WHEREAS, the subdivision is a condominium project as defined in California Civil Code section 1351(f) and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is three; and

WHEREAS, the Owner/Permittee will continue to be required to underground any new service run to the proposed structures within the subdivision; and

WHEREAS, the requested undergrounding waiver of existing overhead facilities in the abutting public right-of-way, qualifies under the Municipal Code §144.0242-Waiver of the Requirements to Underground Privately Owned Utility Systems and Service Facilities; and

WHEREAS, the design of the proposed, privately-owned underground utilities that will be constructed within the subdivision are consistent with accepted engineering practices and meet the requirements of Municipal Code §144.0240- Utilities Requirements for Tentative Maps and 144.0242 -Waiver of the Requirements to Underground Privately Owned Utility System and Service Facilities; and

WHEREAS, the request to waive the requirement to underground existing offsite overhead utility facilities qualifies under the Land Development Code Section 114.0420, in that the conversion involves undergrounding of utilities that are already scheduled to occur in the near term as a utility company financed undergrounding project or as part of the City's utility underground program; and 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 July 17, 2013, the Hearing Officer of the City of San Diego considered Map Waiver No. 1104085 including the waiver of the requirement to underground existing offsite overhead utilities, and pursuant to sections 125.0122 (map waiver) and 144.0240 (underground) of the San Diego Municipal Code 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 Map Waiver No. 1104085:

- 1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Act §§ 66473.5, 66474(a), and 66474(b)).**

The project proposes to create three residential units currently under construction, into condominiums through the Map Waiver process, on a 0.9-acre site located at 3591 Ocean Front Walk within the RS Zone of the Mission Beach Planned District.

No new development is proposed with this subdivision. All development was previously approved by construction permits issued pursuant to Project No. 302272. The proposed project is a subdivision of the property to create three condominium ownership interests which comply with the development regulations of the Land Development Code. The residential development is consistent with the residential land use designation within the Mission Beach Community Plan. 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 (San Diego Municipal Code § 125.0440(b)).**

The project proposes to create three residential units currently under construction, into condominiums through the Map Waiver process, on a 0.9-acre site located at 3591 Ocean Front Walk within the RS Zone of the Mission Beach Planned District.

The three residential units are currently under construction and no new development is proposed with this subdivision. All development was previously approved by construction permits issued pursuant to Project No. 302272. The proposed subdivision was determined to be consistent with the development regulations of the RS Zone of the Mission Beach Planned District including height, setbacks, floor area ratio, landscaping, parking and architectural design. 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 (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)).**

The project proposes to create three residential units currently under construction, into condominiums through the Map Waiver process, on a 0.9-acre site located at 3591 Ocean Front Walk within the RS Zone of the Mission Beach Planned District.

No new development is proposed with this subdivision. All development was previously approved by construction permits issued pursuant to Project No. 302272. The proposed project is a subdivision of the property to create three condominium ownership interests which comply with the development regulations of the Land Development Code. The proposed subdivision was determined to be consistent with the development regulations of the RS Zone of the Mission Beach Planned District including height, setbacks, floor area ratio, landscaping, parking and architectural design. The proposed subdivision would be consistent with the land use residential density range of the Mission Beach Community Plan and compatible with the surrounding area. The immediate area consists of residential developments in a variety of architectural styles and densities. 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 (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)).**

The project proposes to create three residential units currently under construction, into condominiums through the Map Waiver process, on a 0.9-acre site located at 3591 Ocean Front Walk within the RS Zone of the Mission Beach Planned District.

All development was previously approved by construction permits issued pursuant to Project No. 302272. The proposed project is a subdivision of the property to create three condominium ownership interests, and complies with the development regulations of the Land Development Code. The site is a level, previously graded site developed with three units. Surrounding the property are other residential developments. The proposed development was determined to be exempt from the California Environmental Quality Act pursuant to Section 15301, Existing Facilities. The project is located within an urbanized and built out environment where there are no watercourses on or adjacent to the site.

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 or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)).

- 5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)).**

The project proposes to create three residential units currently under construction, into condominiums through the Map Waiver process, on a 0.9-acre site located at 3591 Ocean Front Walk within the RS Zone of the Mission Beach Planned District.

The project has been reviewed and determined to be in compliance with the Land Development Code and Subdivision Map Act. The Map Waiver includes conditions and corresponding exhibits of approval relevant to undergrounding new utilities, provision for public improvements and paying applicable taxes in order to achieve compliance with the regulations of the Land Development Code. The project was determined to not create a significant environmental impact as evidenced by the issuance of a categorical exemption pursuant to the California Environmental Quality Act Section 15301, Existing Facilities. Therefore, the design of the subdivision or the type of improvements will not be detrimental to the 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 (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)).**

The project proposes to create three residential units currently under construction, into condominiums through the Map Waiver process, on a 0.9-acre site located at 3591 Ocean Front Walk within the RS Zone of the Mission Beach Planned District. The proposed subdivision does not contain or propose any new easements for the development. The property has frontage on Ocean Front Walk, San Juan Place and Strand Way. No new easements for access by the public at large are proposed within the project boundaries as shown on Map Waiver No. 1104085 and all existing easements for public right-of-way will remain in their existing condition. As such, 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 (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1).**

The project proposes to create three residential units currently under construction, into condominiums through the Map Waiver process, on a 0.9-acre site located at 3591 Ocean Front Walk within the RS Zone of the Mission Beach Planned District. No construction or grading is permitted by this Map Waiver. All development was previously approved by construction permits issued pursuant to Project No. 302272. The proposed subdivision to create three residential condominium units would not impact future passive or natural heating and cooling opportunities as the Map Waiver project does not preclude current or future owners from installing such improvements with appropriate permits as required.

- 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 (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3).**

The project proposes to create three residential units currently under construction, into condominiums through the Map Waiver process, on a 0.9-acre site located at 3591 Ocean Front Walk within the RS Zone of the Mission Beach Planned District.

The Map Waiver will create three for sale units for the community. The current zoning and land use designation allow up to three units on the site. Currently, there are commercial services, public transportation, and retail sales within the immediate area to service the residents. The decision maker has reviewed the administrative record including the project plans, environmental documentation and public testimony to determine the effects of the proposed subdivision. The subdivision to create three condominium units at this location, would create additional housing within the region and would not adversely impact public services and the available fiscal and environmental resources.

- 9. The proposed subdivision of land complies with requirements of the Subdivision Map Act and the Land Development Code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act or the Land Development Code enacted pursuant thereto (San Diego Municipal Code § 125.0123 and Subdivision Map Act § 66428(b)).**

The project proposes to create three residential units currently under construction, into condominiums through the Map Waiver process, on a 0.9-acre site located at 3591 Ocean Front Walk within the RS Zone of the Mission Beach Planned District.

No new development is proposed with this subdivision. All development was previously approved by construction permits issued pursuant to Project No. 302272. The proposed project is a subdivision of the property to create three condominium ownership interests which comply with the development regulations of the Land Development Code. The residential development is consistent with the residential land use designation within the Mission Beach Community Plan. The proposed subdivision is within a developed urban neighborhood and located adjacent to fully improved dedicated rights-of-way. The project would not be subject to floodwater inundation. Drainage would be directed off the site into the City's storm water collection system. The property is within the City of San Diego and therefore, residential waste generated from the subdivision would be collected at curbside and disposed of in the city landfill. It has been determined through the ministerial building permit issuance that the units will have the required water supply as required with any new development. The site does not contain environmentally sensitive lands therefore, specific environmental protections are not required with this Map Waiver project.

As such, the proposed subdivision of land complies with requirements of the Subdivision Map Act and the Land Development Code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act or the Land Development Code enacted pursuant thereto.

**10. The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing (San Diego Municipal Code § 125.0444(b)).**

The project proposes to create three residential units currently under construction, into condominiums through the Map Waiver process, on a 0.9-acre site located at 3591 Ocean Front Walk within the RS Zone of the Mission Beach Planned District. All costs associated with this subdivision are paid for by a deposit account maintained by the applicant. The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing.

**11. For any project that was developed to provide housing for the elderly, disabled or to provide low income housing, provisions have been made to perpetuate the use for which the project was developed (San Diego Municipal Code § 125.0444(c)).**

The project proposes to create three residential units currently under construction, into condominiums through the Map Waiver process, on a 0.9-acre site located at 3591 Ocean Front Walk within the RS Zone of the Mission Beach Planned District. All costs associated with this subdivision are paid for by a deposit

account maintained by the applicant. The project has not been developed to provide housing for the elderly, disabled or to provide low income housing.

**12. The notices required by San Diego Municipal Code section 125.0431 have been given in the manner required (San Diego Municipal Code § 125.0444(a), and Subdivision Map Act §§ 66452.17 and 66427.1).**

The project is currently under construction and a Certificate of Occupancy has not been issued for the condominium units. There are no existing tenants and therefore, no requirement to provide notices as outlined in the Land Development Code and the Subdivision Map Act. This development has been conditioned to comply with any noticing requirement by the Land Development Code section 125.0431 for any future tenant after the approval of this subdivision, prior to the sale of any unit.

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. 114085; is hereby granted to HERITAGE ON IVANHOE, LLC subject to the attached conditions which are made a part of this resolution by this reference.

By

\_\_\_\_\_  
Sandra Teasley  
Development Project Manager  
Development Services Department

ATTACHMENT: Map Waiver Conditions

Internal Order No. 24003597

HEARING OFFICER  
CONDITIONS FOR MAP WAIVER NO. 110408  
SAN JUAN TRIPLEX - PROJECT NO. 314837

ADOPTED BY RESOLUTION NO. \_\_\_\_\_ ON JULY 17, 2013

**GENERAL**

1. This Map Waiver will expire July 31, 2016.
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. A Certificate of Compliance shall be recorded in the Office of the San Diego County Recorder, prior to the Map Waiver expiration date.
4. Prior to the recordation of the Certificate of Compliance, 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 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 be required to pay or perform any settlement unless such settlement is approved by the Subdivider.

**ENGINEERING**

6. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.

7. 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.
8. 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

9. "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).
10. "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."
11. Every Certificate of Compliance 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 Third Order accuracy or better. 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.
- 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 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. 24003507

HEARING OFFICER  
CONDITIONS FOR MAP WAIVER NO. 110408  
SAN JUAN TRIPLEX - PROJECT NO. 314837

ADOPTED BY RESOLUTION NO. \_\_\_\_\_ ON JULY 17, 2013

**GENERAL**

1. This Map Waiver will expire July 31, 2016.
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. A Certificate of Compliance shall be recorded in the Office of the San Diego County Recorder, prior to the Map Waiver expiration date.
4. Prior to the recordation of the Certificate of Compliance, 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 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 be required to pay or perform any settlement unless such settlement is approved by the Subdivider.

**ENGINEERING**

6. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.

7. 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.
8. 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.

### **PLANNING REQUIREMENTS**

9. Prior to issuance of Certificate of Occupancy, the fireplace vent encroachment within the required 45 degree angle shall be modified to comply with the regulations.

### **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.
- 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 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. 24003507

## PROJECT DATA SHEET

<b>PROJECT NAME:</b>	San Juan Triplex Map Wavier – PTS#314837
<b>PROJECT DESCRIPTION:</b>	A map wavier to waive the requirements of a Tentative Map to create three residential units on a 0.9 acre site located at 3591 Ocean Front Walk
<b>COMMUNITY PLAN AREA:</b>	Mission Beach
<b>DISCRETIONARY ACTIONS:</b>	Map Wavier
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	Residential (36 units per acre)

### ZONING INFORMATION:

**ZONE:** R-S Subdistrict

**HEIGHT LIMIT:** 30 foot maximum height limit.

**LOT SIZE:** 2,400 square-foot minimum lot size.

**FLOOR AREA RATIO:** 1.1

**FRONT SETBACK:** 10 feet (Ocean Front Walk)

**SIDE SETBACK:** 5 feet

**STREETSIDE SETBACK:** 15 feet (San Juan Place)

**REAR SETBACK:** 0 feet (Alley)

**PARKING:**

<u>ADJACENT PROPERTIES:</u>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	Multi-Family Residential/ R-S Subdistrict	Multi-Family Residential
<b>SOUTH:</b>	Multi-Family Residential/ R-S Subdistrict	Multi-Family Residential
<b>EAST:</b>	Multi-Family Residential/ R-S Subdistrict	Multi-Family Residential
<b>WEST:</b>	Multi-Family Residential/ R-S Subdistrict	Beach - Active



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

## Community Planning Committee Distribution Form Part 2

<b>Project Name:</b> San Juan Triplex Map Waiver		<b>Project Number:</b> 314837	<b>Distribution Date:</b> 3/15/2013
<b>Project Scope/Location:</b> MISSION BEACH Map Waiver (Process 3) to waive the requirements of a Tentative Map to create three residential units currently under construction on a 0.9-acre site located at 3591 Ocean Front Walk. The site is in the MBPD-R-S, Coastal (State), Parking Impact Overlay zones in the Mission Beach Community Plan. Council District 2. Notice Card#1.			
<b>Applicant Name:</b> Bateman, Robert J		<b>Applicant Phone Number:</b> (858) 565-8362	
<b>Project Manager:</b> Teasley, Sandra	<b>Phone Number:</b> (619) 446-5271	<b>Fax Number:</b> (619) 446-5245	<b>E-mail Address:</b> STeasley@sandiego.gov
<b>Committee Recommendations (To be completed for Initial Review):</b>			
<input type="checkbox"/> Vote to Approve	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Approve With Conditions Listed Below	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below	Members Yes	Members No	Members Abstain
<input checked="" type="checkbox"/> Vote to Deny	Members Yes 7	Members No 0	Members Abstain -
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			<input type="checkbox"/> Continued
<b>CONDITIONS:</b>			
<b>NAME:</b> MIKE MEYER		<b>TITLE:</b>	
<b>SIGNATURE:</b> <i>Mike Meyer</i>		<b>DATE:</b> 5-29-13	
Attach Additional Pages If Necessary. <i>0</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 <a href="http://www.sandiego.gov/development-services">www.sandiego.gov/development-services</a> . Upon request, this information is available in alternative formats for persons with disabilities.			



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

THE CITY OF SAN DIEGO

## Community Planning Committee Distribution Form Part 1

<b>Project Name:</b> San Juan Triplex Map Waiver		<b>Project Number:</b> 314837	<b>Distribution Date:</b> 3/15/2013	
<b>Project Scope/Location:</b> MISSION BEACH Map Waiver (Process 3) to waive the requirements of a Tentative Map to create three residential units currently under construction on a 0.9-acre site located at 3591 Ocean Front Walk. The site is in the MBPD-R-S, Coastal (State), Parking Impact Overlay zones in the Mission Beach Community Plan. Council District 2. Notice Card=1.				
<b>Applicant Name:</b> Bateman, Robert J			<b>Applicant Phone Number:</b> (858) 565-8362	
<b>Project Manager:</b> Teasley, Sandra	<b>Phone Number:</b> (619) 446-5271	<b>Fax Number:</b> (619) 446-5245	<b>E-mail Address:</b> STeasley@sandiego.gov	
<b>Project Issues (To be completed by Community Planning Committee for initial review):</b>				
<p>① Parking - our PDO tandem 36 feet - also parking space are 8 1/2 wide when next to wall</p> <p>② On San Juan Place - the building should observe 45° angle after <u>20</u> feet. Nothing in that area to be built. There is a fireplace vent that need to be removed</p> <p>③ On the ocean front. There are two decks on the third floor. This concern the south deck, there is a <del>25</del> 45° setback after <u>25</u>. We cannot tell if the applicant complied. Please check</p>				
<i>Attach Additional Pages If Necessary.</i>		<b>Please return to:</b> 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 <a href="http://www.sandiego.gov/development-services">www.sandiego.gov/development-services</a> . Upon request, this information is available in alternative formats for persons with disabilities.				

Project Title: San Juan Triplex Map Waiver Project No. (For City Use Only) 314837

**Part II - To be completed when property is held by a corporation or partnership**

**Legal Status (please check):**

Corporation  Limited Liability -or-  General) What State? CA Corporate Identification No. \_\_\_\_\_  
 Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, 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 names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. 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. **Additional pages attached**  Yes  No

Corporate/Partnership Name (type or print):  
Heritage on Ivanhoe, LLC

Owner  Tenant/Lessee

Street Address:  
4641 Ingraham Street

City/State/Zip:  
San Diego, CA 92109

Phone No: 858-274-5995 Fax No: 858-274-0964

Name of Corporate Officer/Partner (type or print):  
Michael E. Turk

Title (type or print):  
President

Signature :  Date: 2/26/13

Corporate/Partnership Name (type or print):

Owner  Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner  Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner  Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner  Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner  Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

## NOTICE OF EXEMPTION

(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.: 314837

PROJECT TITLE: San Juan Map Waiver

PROJECT LOCATION-SPECIFIC: The project is located at 3591 San Juan Place.

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

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: The project consists of an application for a Map Waiver application to waive the requirements of a Tentative Map to create three residential condominium units currently under construction on a 0.9-acre site.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Robert Batemen, San Diego Land Surveying and Engineering, Chesapeake Drive Suite 445, CA 92121. (858) 565-4354.

## 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 EXEMPTIONS: 15305 Minor Alterations in Land Use Limitations  
 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.

LEAD AGENCY CONTACT PERSON: JEFF 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

*Jeff Szymanski* / SENIOR PLANNER  
 SIGNATURE/TITLE

April 23, 2013  
 DATE

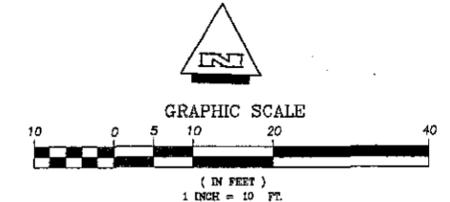
## CHECK ONE:

- SIGNED BY LEAD AGENCY  
 SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

# 3591 OCEAN FRONT WALK

## Map Waiver No. 1104085, Project No. 314837



**CITY OF SAN DIEGO**  
**DEVELOPMENT SUMMARY**

- SUMMARY OF REQUEST:**  
CREATE 3 RESIDENTIAL CONDOMINIUM DWELLING UNITS  
CERTIFICATE OF COMPLIANCE
- STREET ADDRESS:** 3591 OCEAN FRONT WALK  
BETWEEN SAN JUAN PLACE AND NANTASKET COURT
- SITE AREA:**  
TOTAL SITE AREA: 4,315.8 SQUARE FEET = 0.099 ACRE
- DENSITY: (RESIDENTIAL)**  
MAXIMUM NO. DWELLING UNITS ALLOWED PER ZONE: 3  
NUMBER OF EXISTING UNITS TO REMAIN ON SITE: 0  
NUMBER OF PROPOSED DWELLING UNITS ON SITE: 3  
TOTAL NUMBER OF UNITS PROVIDED ON THE SITE: 3
- YARD/SETBACK:**  
MINIMUM FRONT SETBACK: 10'  
MINIMUM SIDE SETBACK: 15'  
OPTIONAL SIDE SETBACK: 5'  
MINIMUM STREET SIDE SETBACK: 5'  
MAXIMUM STRUCTURE HEIGHT: 30'
- PARKING:**  
PARKING CRITERIA:  
 RESIDENTIAL  COMMERCIAL  INDUSTRIAL  
 MIXED USE  OTHER

- LEGEND:**
- INDICATES FOUND MONUMENT AS NOTED.
  - ⊗ INDICATES STREET LIGHT
  - ⊕ INDICATES WATER METER
  - ⊞ INDICATES STREET LIGHT VAULT
  - ▬ INDICATES BLOCK WALL
  - ⊙ INDICATES GAS METER/VALVE
  - ⊕ INDICATES PARKING SPACE
  - ⊞ INDICATES SEWER LATERAL
  - ⊕ INDICATES WATER SERVICE
  - ⊕ INDICATES FIRE SERVICE
  - ⊞ INDICATES OVERHEAD WIRES
  - ⊞ INDICATES PROPERTY LINE/MAP WAIVER BOUNDARY

TYPE OF UNIT	NUMBER OF TYPE	PARKING REQUIRED PER UNIT	TOTAL PER TYPE
3 BR UNIT	1	2	2
4 BR UNIT	2	2	4
<b>TOTAL REQUIRED BY ZONE</b>			<b>6</b>
<b>TOTAL PROVIDED ON-SITE</b>			<b>6</b>

**UNIT AREAS**

TYPE OF UNIT	NUMBER OF TYPE	SQUARE FOOTAGE PER UNIT	TOTAL PER TYPE
3 BR UNIT	1	1,201	1,201
4 BR UNIT	1	1,833	1,833
4 BR UNIT	1	1,651	1,651
<b>TOTAL</b>	<b>3</b>		<b>4,685</b>

**BASIS OF BEARINGS**  
THE BASIS OF BEARINGS FOR THIS MAP WAIVER IS THE CENTERLINE OF SAN JUAN PLACE PER MAP 15720. I.E. N 88°20'28" E

**ZONING INFORMATION**  
EXISTING AND PROPOSED ZONE: MISSION BEACH PLANNED DISTRICT: MBPD-R-3  
COMMUNITY PLAN NAME: MISSION BEACH  
OVERLAY ZONES: COASTAL HEIGHT LIMIT, COASTAL STATE PARKING IMPACT, TRANSIT AREA RESIDENTIAL TANDEM PARKING

**MONUMENTATION & MAPPING**  
ALL MONUMENTS HAVE BEEN FOUND PER CORNER RECORD ANY MONUMENTS DESTROYED DURING CONSTRUCTION WILL BE RESET AND A CORNER RECORD FILED.

**EXISTING IMPROVEMENTS**  
SEWER DRAWING NO. 19580-14-D  
WATER DRAWING NO. 37338-2-D

**DEVELOPMENT NOTES:**  
THIS IS A MAP OF A CONDOMINIUM PROJECT AS DEFINED IN SECTION 1350 ET. SEQ. 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 3.

NUMBER OF EXISTING LOTS = 1  
NUMBER OF PROPOSED LOTS = 1

**OWNER/DEVELOPER:**  
HERITAGE ON IVANHOE, LLC  
4541 INGRAM STREET  
SAN DIEGO, CA 92109

MICHAEL E. TURK, MANAGING MEMBER

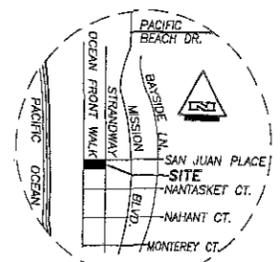
**PROFESSIONAL LAND SURVEYOR:**  
SAN DIEGO LAND SURVEYING & ENGINEERING, INC.  
9685 CHESAPEAKE DRIVE, SUITE 445  
SAN DIEGO, CALIFORNIA 92123 (858) 565-8362  
DRAWING NO. Ocean Front Wk 3591-MW.dwg



ROBERT J. BATEMAN, P.L.S. 7046  
DATE: 06-18-2013

Prepared By:  
SAN DIEGO LAND SURVEYING AND ENGINEERING, INC.  
9685 CHESAPEAKE DRIVE, SUITE 445  
SAN DIEGO, CA 92123-1354  
PHONE: 858-565-8362  
FAX: 858-565-4354 EMAIL: rbateman@sdlse.com

Consultants:



**VICINITY MAP**  
NO SCALE

Benchmark:  
CITY OF SAN DIEGO BENCH MARK, WESTERLY BRASS PLUG ON TOP OF WALL AT SAN JUAN PLACE AND OCEAN FRONT WALK.  
ELEVATION = 13.190 M.S.L.

Project Soil Condition: Existing developed site.

Project Legal Description:  
LOT A IN BLOCK 157 OF MISSION BEACH, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1951, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY DECEMBER 14, 1914.

Source of Topography:  
Field survey by San Diego Land Surveying on 08-08-2012

Project Permits Required:  
Map Waiver

Project Date:  
Number of Stories: 3  
Proposed use: Residential  
Existing use: Residential  
Zone Designation: Mission Beach Planned District MBPD-R-3  
Year of Construction (est. structure): 2013 (under const.)

LAMBERT COORDINATES:  
NAD 27 = 224-1891 NAD 83 = 1864-6251  
A.P.N. 423-608-01

Project Name:  
3591 OCEAN FRONT WALK

Project Address:  
3591 Ocean Front Walk  
San Diego, CA 92109

Project Owner:  
Heritage on Ivanhoe LLC  
4641 Ingraham Street  
San Diego, CA 92109

Sheet Title:  
MAP WAIVER No. 1104085  
Project No. 314837

Scale: 1" = 10'  
Original Date: February 27, 2013  
Revised: May 10, 2013  
Revised: June 18, 2013  
Sheet 1 of 1

