



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: July 27, 2005 REPORT NO. HO 05-120

ATTENTION: Hearing Officer

SUBJECT: SAN GABRIEL MAP WAIVER,  
PROJECT NUMBER: 59142

LOCATION: 817 San Gabriel Place

OWNER: San Gabriel Place, L.L.C.

### SUMMARY

**Requested Action** - Should the Hearing Officer approve a request for a Map Waiver and Coastal Development Permit to waive the requirements for a Tentative Map to convert two (2) existing residential units to condominium ownership and a request to waive the requirement to underground existing overhead utilities?

### **Staff Recommendation** -

1. **APPROVE** Map Waiver No. 179395 and Coastal Development Permit No. 179396 and
2. **APPROVE** Waiver of the requirement to underground existing utilities.

**Community Planning Group Recommendation** – On February 15, 2005, the Mission Beach Precise Planning Board voted to approve the Coastal Development Permit and Map Waiver. The motion passed 9-0, 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 817 San Gabriel Place is a 3,337 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 Coastal Overlay (appealable), Coastal Height Limit, Airport Environs, and Beach Parking Impact zones. The two unit building was permitted by California Coastal Commission Coastal Development Permit No. 6-87-541 (Attachment 10). It was built in 1988.

## **DISCUSSION**

The project application was deemed complete on January 13, 2016. The subdivider has chosen to pay an “in lieu” fee to comply with the Inclusionary Housing Ordinance.

The two story, two unit building with a basement was permitted by California Coastal Commission Coastal Development Permit No. 6-87-541 which allowed the demolition of five previously existing residential units and construction of six residential units in two new two-story buildings over 12 parking spaces. It was built in 1988 under City Plan File No. A000752-88.

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.

There are two existing power poles currently servicing the project (and nearby properties). One on the southwest corner of San Gabriel Place and Bayside Lane, and the other on the southwest corner Bayside Lane meets the alley just south of San Gabriel Place.

The City's Under-grounding Master Plan for Fiscal Year 2004 designates San Gabriel Place scheduled for undergrounding in 2008.

### **CONCLUSION**

Staff has reviewed the application for the Map Waiver, Coastal Development Permit 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. 179395 and Coastal Development Permit No. 179396 with modifications.
2. DENY Map Waiver No. 179395 and Coastal Development Permit No. 179396 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 Map Waiver Resolution
7. Draft Coastal Development Permit Resolution with Findings
8. Draft Coastal Development Permit
9. Project Chronology
10. Coastal Development Permit
11. Community Planning Group Recommendation