



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: January 16, 2013

REPORT NO. HO 13-002

ATTENTION: Hearing Officer

SUBJECT: 2231 EBERS STREET MAP WAIVER
PROJECT NUMBER: 239196

LOCATION: 2231 and 2233 Ebers Street

APPLICANT: Michael Mazzotta, Sebastian Mazzotta, and Anne Mazzotta,

SUMMARY

Issue(s): Should the Hearing Officer approve a Coastal Development Permit and Map Waiver to convert two residential dwelling units into condominiums and waive the requirement to underground existing overhead utilities within the Ocean Beach Community Planning area?

Staff Recommendations - APPROVE Coastal Development Permit No. 858434 and Map Waiver No. 858433.

Community Planning Group Recommendation - On March 7, 2012, the Ocean Beach Community Planning Group voted 10-0-0 to recommend approval of the project with no conditions (Attachment 9).

Environmental Review - This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15301(k)(Existing Facility). The environmental exemption determination for this project was made on September 6, 2011 and the opportunity to appeal that determination ended September 21, 2012.

BACKGROUND

The project proposes a Map Waiver and Coastal Development Permit to convert two existing residential units to condominiums on a 0.12-acre site at 2231 and 2233 Ebers Street in the RM-1-1 Zone within the Ocean Beach Community Plan, Coastal Overlay Zone, non-appealable to the California Coastal Commission.

The two detached residential structures are occupied and each unit consists of two bedrooms and one bathroom with a living room and kitchen. Unit No. 1 features an attached ground level two-car garage on the east side of the property. Unit No. 2 features a three-car garage at ground level accessed by the alley on the south side of the property. Landscaped areas exist along the front yard and along the perimeter of the buildings. The site is surrounded by multi-unit residential dwellings and an auto service use to the south.

This Map Waiver project is subject to the condominium conversion regulations effective June 13, 2006, based on the City Council's specific adoption language for the "new" condominium conversion regulations. At the June 13, 2006 hearing, the City Council adopted regulations for additional requirements for landscaping, a building conditions report, on-site inclusionary housing, noticing, and parking. Based on the adopted language and project timing, all of these new regulations apply to this project. Accordingly, this project has been reviewed against the new regulations.

A Coastal Development Permit is required for proposed coastal development as referenced within San Diego Municipal Code (SDMC) sections 126.0702 and 113.0103 (definition of a Coastal Development).

A Map Waiver is required for the conversion of two residential units into condominiums as defined in San Diego Municipal Code section 125.0120.

DISCUSSION

The project proposes a Map Waiver to waive the requirements of a Tentative Map to convert two residential dwelling units into condominiums located at 2231 and 2233 Ebers Street. The existing development will remain in compliance with the RM-1-1 zone. The landscape plan meets the requirements of the zone and all other requirements regulating condominium conversions as required with San Diego Municipal Code section 144.0501. The Map Waiver application does not include any new construction and is entirely processed to convert two residential dwelling units into condominiums. However, the subdivider is required to construct public improvements including the replacement of the existing curb cut, new curb ramps, and the replacement of damaged curbs prior to the recordation of the parcel map.

Section 125.0120 of the San Diego Municipal Code (SDMC) allows a Tentative Parcel Map Waiver to be processed for the subdivision of land. The Subdivider may request a waiver of the requirement to file a tentative parcel map or parcel map including those imposed by the Subdivision Map Act, Section 66426. According to SDMC Section 125.0123, *Findings for Map Waivers*, the decision maker may approve a Map Waiver if the decision maker finds that the proposed conversion complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Since the subject development meets these requirements, the project is eligible for a Process Three Map Waiver.

SDMC Section 126.0702 indicates a Coastal Development Permit is required for all coastal developments of premises within the Coastal Overlay Zone described in Chapter 13, Article 2, Division 4, unless exempted by Section 126.0704, or if the proposed project site lies completely

within the Coastal Commission Permit Jurisdiction or the Deferred Certification Area. According to SDMC section 113.0103, Definitions, a Coastal Development means, "...subdivision pursuant to the Subdivision Map Act (SMA) (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use...". Because the condominium conversion is considered a subdivision pursuant to SMA section 66410, a Coastal Development Permit is required in accordance with SDMC section 126.0702.

Project Related Issues

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 guidelines of Council Policy 600-25, *Underground Conversion of Utility Lines at the Developer's Expense*, 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 per Condition No. 28 of the draft Map Waiver conditions (Attachment 8). The applicant would also be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 26 of the draft Map Waiver conditions (Attachment 12). The neighborhood currently contains power poles and overhead utilities lines within the alley and along Ebers Street. 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 adjacent utilities serving the surrounding properties. The City's Undergrounding Master Plan designates the site within Block 20, and the date for undergrounding has been established for the year 2061 (Attachment 14).

Conclusion

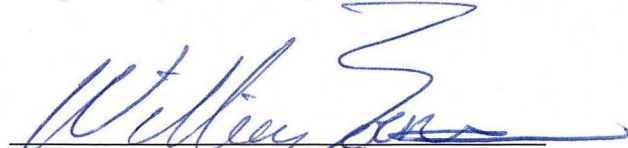
Staff has determined that the project complies with the development regulations of all applicable sections of the Land Development Code. Staff has determined that the required findings can be made as the project meets the applicable San Diego Municipal Code regulations and requirements. Staff recommends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

ALTERNATIVES

1. Approve Coastal Development Permit No. 858434 and Map Waiver No. 858433 with modifications or;

2. Deny Coastal Development Permit No. 858434 and Map Waiver No. 858433 if the findings required to approve the project cannot be affirmed.

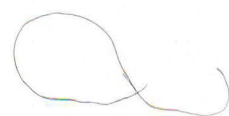
Respectfully submitted,



William Zounes,
Development Project Manager

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft Coastal Development Permit with Conditions
6. Draft Coastal Development Permit Resolution with Findings
7. Draft Map Waiver Resolution
8. Draft Map Waiver Conditions
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. Project Chronology
12. Utility Undergrounding Schedule
13. Notice of Exemption
14. Project Plans





ATTACHMENT 1- AERIAL PHOTOGRAPH



Aerial Photo

2231 Ebers Street Map Waiver– PROJECT NUMBER 239196

2231 and 2233 Ebers Street



Project Site
2231 and 2233 Ebers Street



Map ONE

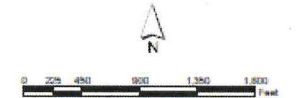
Ocean Beach

Existing Conditions

Land Use

- Legend**
- LAND USE**
- Single Family Residential
 - Multi-Family Residential
 - Group Quarters
 - Commercial
 - Industrial, Warehouse/Storage
 - Communication Utilities, Parking
 - Institutional
 - Schools
 - Parks and Open Spaces
 - Undeveloped
 - Joint Use Park
 - Police Mobile Command Unit

Single Family - single family detached housing units, or lots smaller than 1 acre.
Multi-Family - attached housing units, town or apartment type structures - includes duplexes, triplexes, quadruplexes, condominium apartments, and SFRs in County City Group Quarters - includes townhomes, conventional or off-street townhomes and associated with or within a health care facility, senior housing, or half-way houses.
Commercial - includes, commonly, neighborhood, neighborhood shopping centers, office buildings, hotels, motels, auto dealerships, vehicle trade, and store front retail, which may include restaurants, residential on top of commercial, or residential units adjacent to commercial retail lots.
Industrial - heavy industry, light industry, which includes industrial parks - office/industrial uses clustered into a center. Light industry - usually along major streets or clustered in certain areas, which includes manufacturing uses such as furniture, florists, paper, rubber, shoes, clay, and glass, as well as light industrial uses such as repair services and recycling centers. Warehousing/public storage - usually large buildings located near freeways, industrial or city commercial areas.
Communication and Utilities/Parking - TV and radio broadcasting stations, radio towers, electrical power generating plants, water and sewage treatment facilities and water parking lots.
Institutional - hospitals, churches, libraries, post offices, police and fire stations, and other public services, such as cultural facilities, museums, art galleries, social service agencies, human services, and historic sites.
Schools - includes public and private schools, colleges, and universities.
Park - Community parks with recreation areas and centers containing one or more of the following activities: tennis or handball courts, basketball courts, soccer fields, or swings. Some neighborhood parks with a high level of use are also included as active parks.
Open Space - includes wildlife and nature preserves, lands set aside for open space, and parks with limited development and access.
Undeveloped - vacant land that is either graded or not graded or may not have development potential.



City of San Diego
 Planning Department
 August 6, 2003

Project Site
 2231 and 2233 Ebers Street

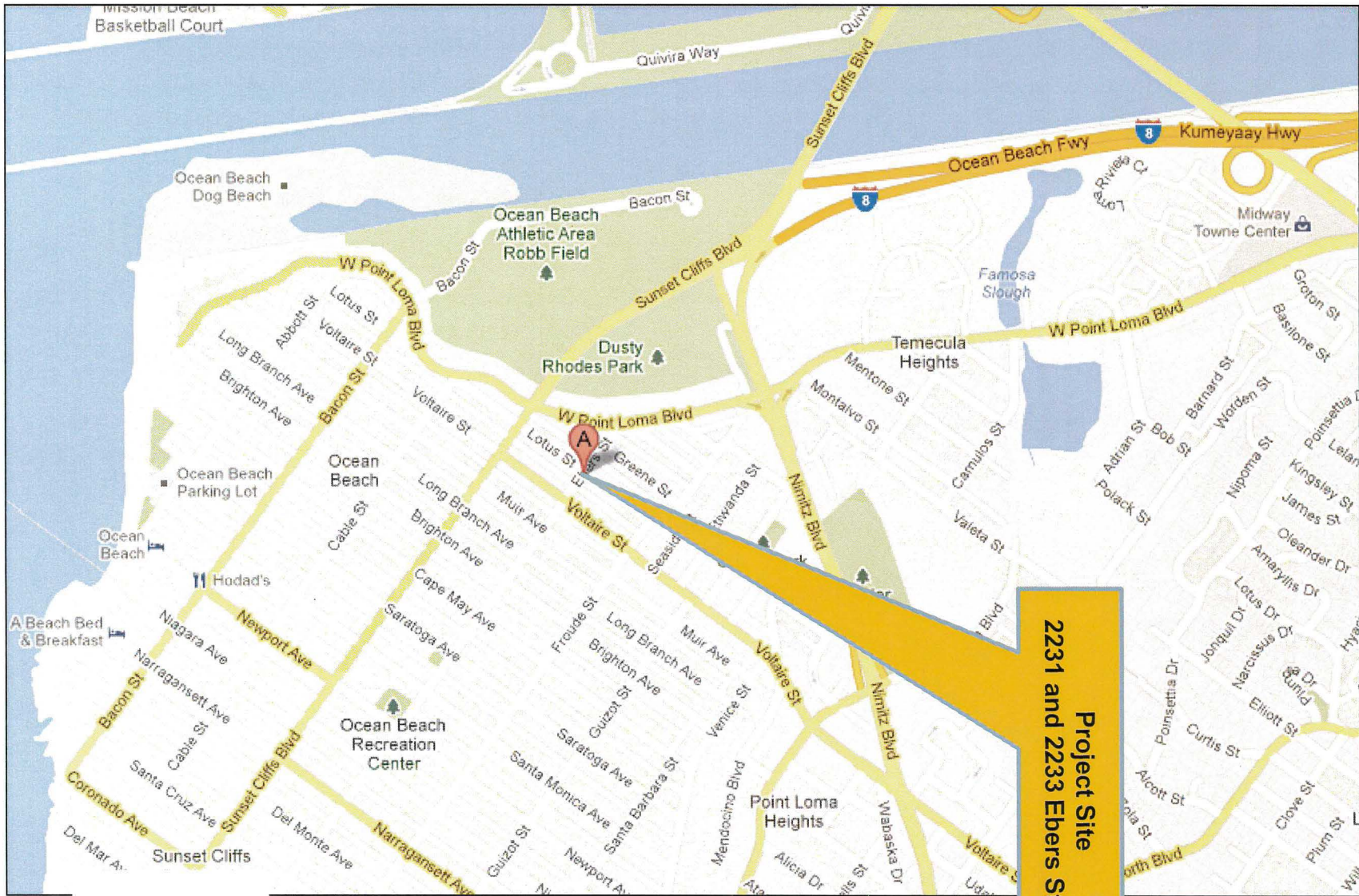
ATTACHMENT 2 - Community Plan
 Land Use Map



Community Land Use Map

2231 Ebers Street Map Waiver- PROJECT NUMBER 239196
 2231 and 2233 Ebers Street





Project Location Map

2231 Ebers Street Map Waiver– PROJECT NUMBER 239196

2231 and 2233 Ebers Street



PROJECT DATA SHEET

PROJECT NAME:	2231 Ebers Street Map Waiver	
PROJECT DESCRIPTION:	Coastal Development and Map Waiver to convert two residential dwellings into condominiums	
COMMUNITY PLAN AREA:	Ocean Beach Community Plan	
DISCRETIONARY ACTIONS:	Map Waiver/Coastal Development Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Multi-Family Residential	
<u>ZONING INFORMATION:</u>		
ZONE: RM-1-1; (Residential Multiple Unit) HEIGHT LIMIT: 30-Foot max. height limit LOT SIZE: 6,000 square-foot minimum lot size. FLOOR AREA RATIO: .75 maximum FRONT SETBACK: 15/20- feet SIDE SETBACK: 10-feet STREETSIDE SETBACK: 10-feet REAR SETBACK: 15-feet. PARKING: 4 parking spaces provided		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Single-Family Residential RM-1-1	Residential
SOUTH:	Commercial; CC-4-2	Vehicular Repair
EAST:	Single-Family Residential RM-1-1	Residential
WEST:	Single-Family Residential RM-1-1	Residential
DEVIATIONS OR VARIANCES REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On March 7, 2012 the Ocean Beach Community Planning Group voted 10-0-0 to recommend approval of the project with no conditions.	

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24001773

COASTAL DEVELOPMENT PERMIT NO. 858434
2231 EBERS ST MAP WAIVER PROJECT NO. 239196
HEARING OFFICER

This Coastal Development Permit No. 858434 is granted by the Hearing Officer of the City of San Diego to MICHAEL MAZZOTTA, SEBASTIAN MAZZOTTA, and ANNE MAZZOTTA, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0701. The 0.12-acre site is located at 2231 and 2233 Ebers Street within the RM-1-1 zone of the Ocean Beach Community Plan area. The project site is legally described as: Lots 47 and 48 of Block 17, according to Ocean Beach Park Map 1167, in the City of San Diego, County of San Diego, State of California, filed in the office of the County Recorder;

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to convert two existing residential dwelling units into two condominiums described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated January 16, 2013, on file in the Development Services Department.

The project shall include:

- a. Conversion of an existing two unit residential building into two condominium units;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;
- d. 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 January 31, 2016.
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.

ENGINEERING REQUIREMENTS:

11. This Permit shall comply with all Conditions of the Map Waiver No. 858433.

LANDSCAPE REQUIREMENTS:

12. This Permit shall comply with all Conditions of the Map Waiver No. 858433.

PLANNING/DESIGN REQUIREMENTS:

13. Owner/Permittee shall maintain a minimum of four (4) off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use

unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use 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 January 16, 2013.

Permit Type/PTS Approval No.:858434
Date of Approval: January 16, 2013

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

William Zounes
Development Project Manager

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

**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.**

By _____
Michael Mazzotta

By _____
Sebastian Mazzotta

By _____
Anne Mazzotta

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

Draft Coastal Development Permit Resolution with Findings

HEARING OFFICER

RESOLUTION NO. XXXXXX

COASTAL DEVELOPMENT PERMIT NO. 858434

2231 EBERS STREET MAP WAIVER PROJECT NO. 239196

WHEREAS, MICHAEL MAZZOTTA, SEBASTIAN MAZZOTTA, and ANNE MAZZOTTA, Owner/Permittee, filed an application with the City of San Diego for a permit to convert two existing residential dwelling units into two condominiums (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 858434), on portions of a 0.12-acre site;

WHEREAS, the project site is located at 2231 and 2233 Ebers Street within the RM-1-1 zone of the Ocean Beach Community Plan area;

WHEREAS, the project site is legally described as Lots 47 and 48 of Block 17, according to Ocean Beach Park Map 1167, in the City of San Diego, County of San Diego, State of California, filed in the office of the County Recorder;

WHEREAS, on January 16, 2013, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 858434 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on September 6, 2011 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 Guideline Section 15301(k)(Existing Facility). and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated January 16, 2013:

FINDINGS:

Coastal Development Permit - Section 126.0708

- 1. The proposed coastal development will not encroach upon any existing physical access way 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 two existing residential units into condominiums on a 0.12-acre site located at 2231 and 2233 Ebers Street within the RM-1-1 zone of the Ocean Beach Community Plan area and Coastal Overlay Zone. The site is currently developed with two residential units.

Draft Coastal Development Permit Resolution with Findings

The proposed project is a request to create the condominium development through the issuance of a Map Waiver. No new development is proposed with this application. The existing development was reviewed in accordance with Land Development Code and was determined to not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan. The project is not located within or adjacent to a public view corridor or a defined vista look out as defined within the Ocean Beach Community Plan. Therefore, the proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan and will not affect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan as the project is not located within a view corridor.

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

The project proposes to convert two existing residential units into condominiums on a 0.12-acre site located at 2231 and 2233 Ebers Street within the RM-1-1 zone of the Ocean Beach Community Plan area and Coastal Overlay Zone. The site is currently developed with two residential units.

This project was exempt from the California Environmental Quality Act (CEQA) under section 15301(k), existing facility. The site is within a developed urbanized community with no environmentally sensitive lands. Therefore, the proposed coastal development will not adversely affect 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 project proposes to convert two existing residential units into condominiums on a 0.12-acre site located at 2231 and 2233 Ebers Street within the RM-1-1 zone of the Ocean Beach Community Plan area and Coastal Overlay Zone. The site is currently developed with two residential units.

The proposed project is consistent with the land use designation of the Community Plan by continuing to maintain an existing multi family development without increasing the density range as identified within the Ocean Beach Community Plan. The residential condominium conversion will meet the land use regulations of the certified Implementation Program including compliance to the San Diego Municipal Code development regulations including height, setbacks, lighting, and landscape. Therefore, the proposed development is in conformity with the Ocean Beach Community Plan and Local Coastal Program and complies with the regulations of the certified Land Development Code.

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 proposes to convert two existing residential units into condominiums on a 0.12-acre site located at 2231 and 2233 Ebers Street within the RM-1-1 zone of the Ocean Beach Community Plan area and Coastal Overlay Zone. The site is currently developed with two residential units.

The site is not located between the nearest public road and the sea or the shoreline of the Pacific Ocean located within the Coastal Overlay Zone or on or adjacent to a public access or public recreational area. This site is approximately four blocks east of the shoreline of the Pacific Ocean.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 858434 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. 858434, a copy of which is attached hereto and made a part hereof.

William Zounes
Development Project Manager
Development Services

Adopted on: January 16, 2013

Job Order No. 24001773

RESOLUTION NO. XXXXXX
DATE OF FINAL PASSAGE JANUARY 16, 2013

A RESOLUTION OF THE HEARING OFFICER
ADOPTING THE FINDINGS AND APPROVING MAP
WAIVER NO. 858433 FOR 2231 EBERS STREET MAP
WAIVER PROJECT NO. 239196

WHEREAS, MICHAEL MAZZOTTA, SEBASTIAN MAZZOTTA, and ANNE MAZZOTTA, Subdivider, and RICHARD MATTER, engineer, submitted an application with the City of San Diego for Map Waiver No. 858433, to waive the requirement for a Tentative Map for the conversion of two residential units into condominiums and to waive the requirements to underground existing offsite overhead utilities. The project site is located at 2231 and 2233 Ebers Street within the RM-1-1 zone of the Ocean Beach Community Plan area. The property is legally described as Lots 47 and 48 of Block 17, according to Ocean Beach Park Map 1167, in the City of San Diego, County of San Diego, State of California, filed in the office of the County Recorder; and

WHEREAS, the Map proposes the subdivision of a 0.12-acre site into one (1) lot for a 2 unit residential condominium conversion; and

WHEREAS, on September 6, 2011, 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(k); 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 request to waive the requirement to underground existing offsite overhead utility facilities qualifies under the guidelines of Council Policy No. 600-25, *Underground Conversion of Utility Lines at Developers Expense* 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; and

WHEREAS, on January 16, 2013, the Hearing Officer of the City of San Diego considered Map Waiver No. 858433, including the waiver of the requirement to underground existing offsite overhead utilities, and pursuant to sections 125.0122 (map waiver), 125.0440 (tentative map), 125.0444/144.0501 (condo conversion), 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. 858433:

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 convert two existing residential units into condominiums on a 0.16-acre site located at 2231-2233 Ebers Street in the RM-1-1 Zone within the Ocean Beach Community Plan, Coastal Overlay Zones.

The proposed project is consistent with the land use designations of the Ocean Beach Community Plan by continuing to maintain a density range of 14 dwelling units per acre. The plan recommends that new multi-family residential developments provide at least 20-percent of the lot be landscaped including the entire front yard and that two off-street parking spaces be provided for every residential unit with access through the alley. The proposed residential condominiums would meet the goals of the Ocean Beach Community Plan/Local Coastal Program by providing the appropriate residential density and parking recommendation. Additionally, the proposed landscape area is approximately 30-percent which exceeds the plan recommendation of 20-percent and the front yard will be landscaped 100-percent meeting the recommendation of the plan. Therefore, the proposed development is in conformity with the Ocean 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 (San Diego Municipal Code § 125.0440(a) and Subdivision Map Act §§ 66473.5, 66474(a), and 66474(b)).

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 convert two existing residential units into condominiums on a 0.16-acre site located at 2231-2233 Ebers Street in the RM-1-1 Zone within the Ocean Beach Community Plan, Coastal Overlay Zones.

City staff has reviewed this project and have determined that the proposed development complies with the applicable zoning and development regulations of the Land Development Code. The existing structures are in compliance with the RM-1-1 zone land development requirements which include but are not limited to setbacks, density, and Floor Area Ratio. 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 convert two existing residential units into condominiums on a 0.16-acre site located at 2231-2233 Ebers Street in the RM-1-1 Zone within the Ocean Beach Community Plan, Coastal Overlay Zones.

The project site is flat, has been previously graded, and contains two existing residential units. The site has frontage on Lotus Street and Ebers Street with alley access at the rear. Surrounding the site are one and two-story single family and multi-family developments. The RM-1-1 zone allows one dwelling unit for every 3,000 square feet of site area. The existing site is 5,000 square feet which will accommodate two dwelling units. San Diego Municipal Code section 113.0222 indicates when measuring residential density if the quotient resulting from the calculation exceeds a whole number by 0.50 or more, the number of dwelling units may be increased to the next whole number. The number of units allowed on the site in accordance with the RM-1-1 zone is 1.6 which if rounded up to the next whole number is two units. Therefore, the site is physically suitable for the type and density of the 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 convert two existing residential units into condominiums on a 0.16-acre site located at 2231-2233 Ebers Street in the RM-1-1 Zone within the Ocean Beach Community Plan, Coastal Overlay Zones.

Minor land modifications are proposed with this Map Waiver to include the replacement of substandard and damaged sidewalks, and the replacement of curb ramps and curb cut along Ebers Street. The Map Waiver was reviewed by the City of San Diego for conformance to the Land Development Regulations, Californian Building Code, and Land Use Policies. The proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(Existing Facility) of the State CEQA Guidelines. 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 is 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 convert two existing residential units into condominiums on a 0.16-acre site located at 2231-2233 Ebers Street in the RM-1-1 Zone within the Ocean Beach Community Plan, Coastal Overlay Zones.

The project has been reviewed and determined to be in compliance with the Municipal Code and Subdivision Map Act. The Map Waiver and associated development permit includes conditions and corresponding exhibits of approvals relevant to undergrounding new utilities, adequate parking, public improvements, and paying applicable taxes in order to achieve compliance with the regulations of the San Diego Municipal Code. The proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 (infill development project) of the State CEQA Guidelines. Therefore the project 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 convert two existing residential units into condominiums on a 0.16-acre site located at 2231-2233 Ebers Street in the RM-1-1 Zone within the Ocean Beach Community Plan, Coastal Overlay Zones.

The proposed subdivision does not contain or propose any new easements for the development. Lotus Street and Ebers Street front the property and on the south side of the site there's an existing alley which runs east and west. The subdivision proposes public improvements to include the replacement of damaged sidewalks and the replacement of a substandard curb cut along Ebers Street along with a new curb ramp at the southeast corner of Ebers Street and Lotus Street thereby creating a safe path of travel for pedestrians within the public right-of-way. Therefore, the design of the subdivision and proposed improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1).

The project proposes to convert two existing residential units into condominiums on a 0.16-acre site located at 2231-2233 Ebers Street in the RM-1-1 Zone within the Ocean Beach Community Plan, Coastal Overlay Zones.

The potential and opportunity to implement sustainable building techniques utilizing photovoltaic systems (solar panels) to generate a certain percentage of the project's

energy needs exists. The project site is located on the southeast corner of Ebers Street and Lotus Street allowing for maximum solar orientation for future solar hearing. Therefore, the design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3).

The project proposes to convert two existing residential units into condominiums on a 0.16-acre site located at 2231-2233 Ebers Street in the RM-1-1 Zone within the Ocean Beach Community Plan, Coastal Overlay Zones.

The RM-1-1 zone is a multiple family residential zone and the two existing dwelling units currently conform to the 14 dwelling unit per acre land use maximum allowed. The development complies with land use, setbacks, height, floor area ratio, off-street parking, and landscape regulation requirements of this zone and current Map Waiver regulations in accordance with San Diego Municipal Code (SDMC) section 144.0501. The Map Waiver will create two for sale units for the community. The current zoning and land use designation allow up to two units for the site. The subject subdivision is within the allowed residential density for the area. Currently there are commercial services, public transportation, and retail sales within a few blocks from the development which can offer assistance to the new owners and support to the business. Therefore, 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.

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 convert two existing residential units into condominiums on a 0.16-acre site located at 2231-2233 Ebers Street in the RM-1-1 Zone within the Ocean Beach Community Plan, Coastal Overlay Zones.

The proposed subdivision would comply with all of the applicable requirements of the Subdivision Map Act and the Land Development Code. The development complies with the requirements that regulate the size and location of the structure, including setbacks, coverage, height, and floor area. The proposed subdivision is within a developed urban

residential neighborhood and located on existing improved and dedicated rights-of-way. The development would not be subject to floodwater inundation. Drainage is directed off the site into the City's stormwater collection system. The property is within the jurisdiction of the City of San Diego, and therefore all residential waste generated from the subdivision would be collected and disposed of in the City landfill. 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 convert two existing residential units into condominiums on a 0.16-acre site located at 2231-2233 Ebers Street in the RM-1-1 Zone within the Ocean Beach Community Plan, Coastal Overlay Zones. All costs associated with the processing of this Map Waiver were paid by the applicant. Therefore, 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 convert two existing residential units into condominiums on a 0.16-acre site located at 2231-2233 Ebers Street in the RM-1-1 Zone within the Ocean Beach Community Plan, Coastal Overlay Zones.

The Map Waiver was not processed 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 proposes to convert two existing residential units into condominiums on a 0.16-acre site located at 2231-2233 Ebers Street in the RM-1-1 Zone within the Ocean Beach Community Plan, Coastal Overlay Zones.

A 60-Day Notice of Intent to Convert to Condominium and Notice of Tenants Rights have been provided to all tenants. Therefore, all applicable notices required by San Diego Municipal Code section 125.0431 have been given in the manner required.

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. 858433 is hereby granted MICHAEL MAZZOTTA, SEBASTIAN MAZZOTTA, and ANNE MAZZOTTA subject to the attached conditions which are made a part of this resolution by this reference.

By

William Zounes
Development Project Manager
Development Services Department

ATTACHMENT: Map Waiver Conditions
Internal Order No. 24001773

**HEARING OFFICER
CONDITIONS FOR MAP WAIVER NO. 258433
2231 EBERS STREET MAP WAIVER- PROJECT NO. 239196
ADOPTED BY RESOLUTION NO. XXXXXX ON JANUARY 16, 2013**

GENERAL

1. This Map Waiver will expire January 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 Parcel Map unless otherwise noted.
3. Prior to the 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. 858434.
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 be required to pay or perform any settlement unless such settlement is approved by the Subdivider.

CONDOMINIUM CONVERSION 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.
 7. 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.
 8. 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.
 9. 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).
 10. 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)).
 11. 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)).
 12. 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)).
 13. 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

14. Prior to 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.*).
15. 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.
16. 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

17. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map, unless otherwise noted.
18. The Subdivider shall dedicate additional right-of-way, adjacent to the project site at the intersection of Ebers Street and Lotus Street, to provide a minimum of 10 feet measured from the edge of the curb return and the proposed right-of-way line. In addition, a portion of the existing fence shall be relocate outside of the future City's right-of-way.
19. The Subdivider shall replace the existing curb ramp with a new City standard curb ramp with truncated domes, adjacent to the project site at the intersection of Ebers Street and Lotus Street.
20. The Subdivider shall reconstruct the existing driveway, on Ebers Street, with a City standard 12-foot wide driveway, per Standard Drawing G-14B, G-16 and SDG-100.
21. The Subdivider shall replace the non-standard and damaged curb with full-height City standard curb, along the project on Ebers Street and Lotus Street.
22. The Subdivider shall dedicate the 2.5 foot alley dedication along the project boundary to provide a minimum of 10 feet centerline to property line distance.

23. The subdivider shall remove and reconstruct a City standard curb ramp with truncated domes, adjacent to the project site at the alley entrance, per Standard Drawing SDG-136.
24. The Subdivider shall construction a City standard alley apron, at the alley entrance on Ebers street, per Standard Drawing G-17.
25. The Subdivider shall replace the damaged and non-standard sidewalk with the same scoring pattern City standard sidewalk, along the project frontage on Ebers Street and Lotus Street, per Standard Drawing G-7 and G-9.
26. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
27. The Subdivider shall provide a letter, agreeing to prepare CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.
28. 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.
29. 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

30. "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).
31. "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."
32. Every 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 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.

WATER

33. The Subdivider shall install appropriate private back flow prevention devices on all existing and proposed water services (domestic, irrigation, and fire) adjacent to the project site in a manner satisfactory to the Water Department Director.

SEWER

34. If the Subdivider makes any request for new sewer facilities (including services and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego 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.

LANDSCAPE

35. Complete landscape and irrigation construction documents consistent with the Land Development Manual: Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department.
36. Construction plans shall take into account a 40 square-foot area around each tree that is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)5.
37. Prior to issuance of construction permits for public right-of-way improvements, the Owner/Permittee shall submit complete landscape construction documents for

right-of-way improvements to the Development Services Department for approval. Improvement plans shall take into account a 40 square-foot area around each tree, which is unencumbered by utilities, driveways, drains, water and sewer laterals and shall be designed so as not to conflict with the current placement of existing Street Trees.

38. All required landscape shall be maintained in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.
39. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual, Landscape Standards.
40. Prior to Final Inspection, it shall be the responsibility of the Owner/Permittee to install all required landscape. A "No Fee " Street Tree Permit, and/or Encroachment Maintenance Removal Agreement, EMRA if applicable, shall be obtained for the existing and on-going maintenance of all street trees. .
41. Tree root barriers shall be installed where trees are placed within 5 feet of public improvements including walks, curbs, or street pavement or where new public improvements are placed adjacent to existing trees. Root barriers shall be installed for existing Street Trees.
42. Any existing Street Trees that dies within 3 years of approval of map waiver or damaged by public improvements shall be replaced with a minimum 24-inch box tree and an automatic, electronically controlled irrigation system shall be installed for the tree.

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. 24001773

From: Jane Gawronski [mailto:jgawronski@att.net]
Sent: Wednesday, January 02, 2013 3:25 PM
To: Zounes, WilliamJ.; Giovanni Ingolia
Cc: Landry Watson
Subject: Re: 2231 Ebers Street Map Waiver Project No. 239196 - Planning Board minutes

Hi Will, In my summary notes I have the vote on Project #23916 as 10 - 0 - 0 and noted as "map waiver to permit division of parcel to 2 existing residential units to be sold as condos". So your applicant is correct on the vote.

Jane Gawronski, Chair
OBPB



City of San Diego
 Development Services
 1222 First Ave., MS-302
 San Diego, CA 92101
 (619) 446-5000

Attachment 10
Ownership Disclosure Statement

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 Ebers St Condos Project No. For City Use Only 239194

Project Address:
2231 + 2233 Ebers St

Part I - To be completed when property is held by individual(s)

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 owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names 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 individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. 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

Name of Individual (type or print): Michael Mazzotta
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: 3535 Monroe Ave #16
 City/State/Zip: San Diego CA 92116
 Phone No: 858-525-3022 Fax No: _____
 Signature: [Signature] Date: 5/19/11

Name of Individual (type or print): Sebastian Mazzotta
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: 41 East Main St
 City/State/Zip: Canton NY 13617
 Phone No: 858-525-3022 Fax No: _____
 Signature: _____ Date: _____

Name of Individual (type or print): Anne Mazzotta
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: 41 East Main St
 City/State/Zip: Canton NY 13617
 Phone No: 858-525-3022 Fax No: _____
 Signature: _____ Date: _____

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature: _____ Date: _____

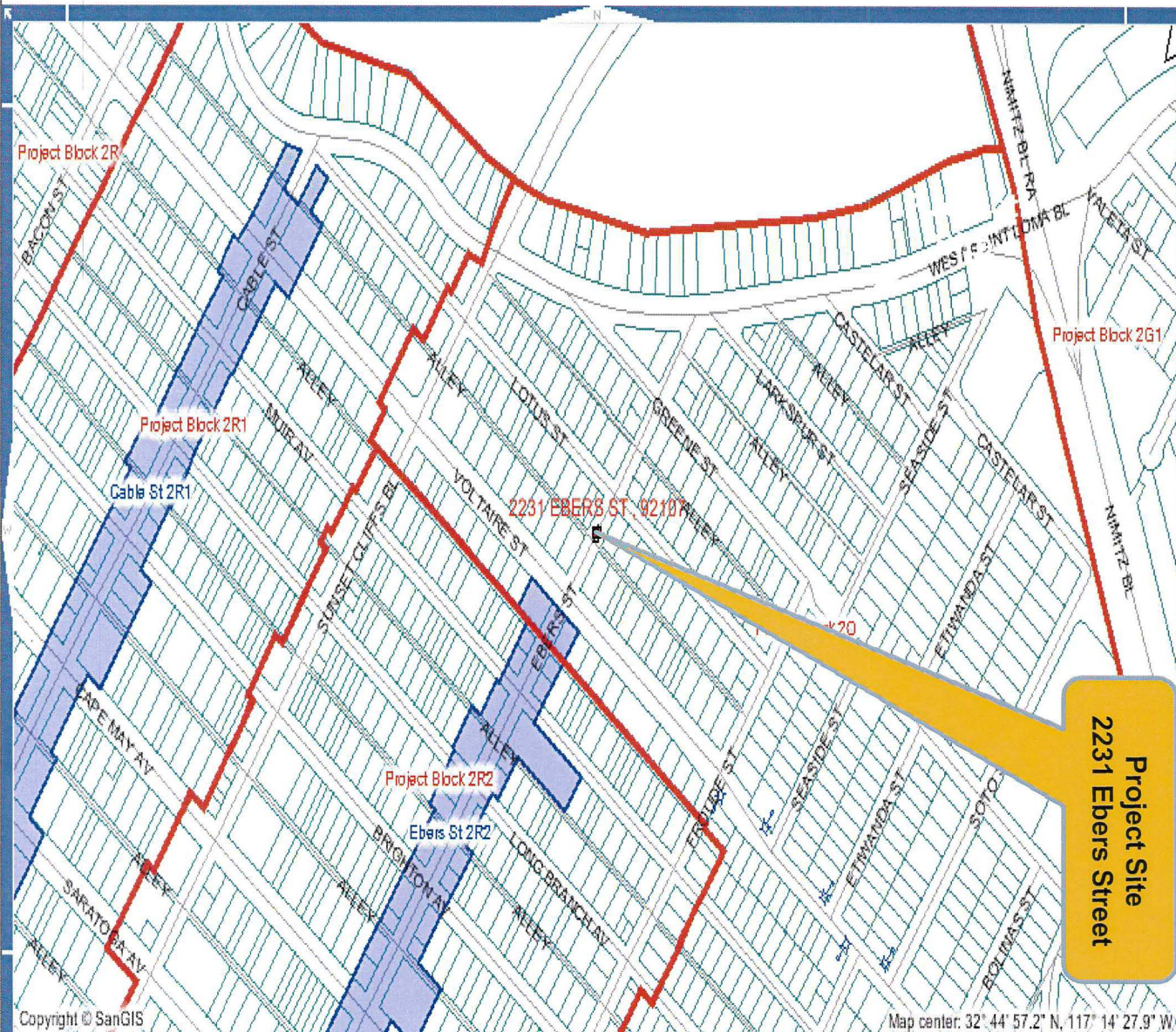
**Project Chronology
2231 Ebers Street Map Waiver
PROJECT NO. 239196**

Date	Action	Description	City Review Time	Applicant Response
8/16/11	First Submittal	Project Deemed Complete and distributed		
9/21/11	First Submittal Assessment Letter out		36 days	
12/14/11	Second submittal In	Normal Submittal		84 days from First Assessment Letter
1/25/12	Second Submittal Assessment Letter out		42 days	
2/17/12	Third submittal In	Normal Submittal		23 days from second Assessment Letter
3/13/12	Third Submittal Assessment Letter out		25 days	
10/31/12	Fourth submittal In	Normal Submittal		232 days from second Assessment Letter
11/14/12	Fourth Submittal Assessment Letter out		15 days	
1/16/13	Hearing Officer Hearing		63 days	
TOTAL STAFF TIME**			6 month days	
TOTAL APPLICANT TIME**				11 months 9 days
TOTAL PROJECT RUNNING TIME**		From Deemed Complete to HO Hearing	17months 9 days	

**Based on 30 days equals to one month.



Layers Legend Council Priorities Find Location Refresh Map Help



Identify Results

Council Districts
Council District: 2
Member Name: Kevin Faulconer
Office Phone: (619) 236-6622

Utilities Undergrounding Projects
Project Name: Project Block 20
Year Allocated: 2061
Project Start: May 31, 2064
Project End: May 31, 2066
Contact Person: UNDERGROUND UTIL
Phone #: (619) 533-3841
Email: undergrounding@sa
Website: www.sandiego.gov/
Council District: 2
Phase: unallocated

Project Site
2231 Ebers Street

Attachment 12
City's Undergrounding Master Plan

NOTICE OF EXEMPTION

(Check one or both)

TO: X 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.: 239196

PROJECT TITLE: 2231 Ebers Street Map Waiver

PROJECT LOCATION-SPECIFIC: 2231 & 2233 Ebers Street, San Diego, CA 92107 (Lots 47 and 48, Block 17, Map 1167)

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

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: Coastal Development Permit and Map Waiver application to waive the requirements of a Tentative Map to convert 2 existing residential units to condominiums on a 0.11 acre site at 2231 and 2233 Ebers Street in the RM-1-1 Zone within the Coastal Overlay (non-appealable), Coastal Height Limit, Airport Influence Area, within the Ocean Beach Community Planning Area of the City and County of San Diego.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Michael Mazzotta
3535 Monroe Avenue #16
San Diego, CA 92131
858-525-3022

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: 15301 (k) existing facilities, division of existing multiple family into common interest ownership.
- STATUTORY EXEMPTIONS:

REASONS WHY PROJECT IS EXEMPT: The proposed Map Waiver proposes no construction. No construction would occur with this Map Waiver, and therefore, no environmental affects would occur. Therefore the activity meets the criteria set forth in sections 15301 (k) existing facilities division of existing multiple family into common interest ownership; and the exceptions listed in CEQA section 15300.2 would not apply. In addition, this site is not included on any government code listings of hazardous waste sites.

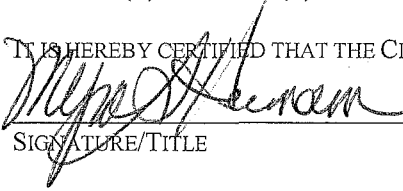
LEAD AGENCY CONTACT PERSON: Lizzi

TELEPHONE: (619) 619-446-5159

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

9/6/11
DATE

CHECK ONE:

- SIGNED BY LEAD AGENCY
- SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

TENTATIVE MAP WAIVER NO.858433

TRANSPORTATION:

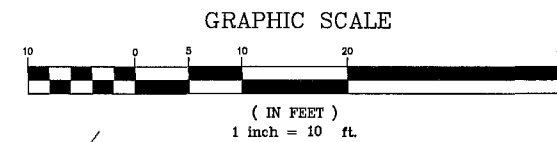
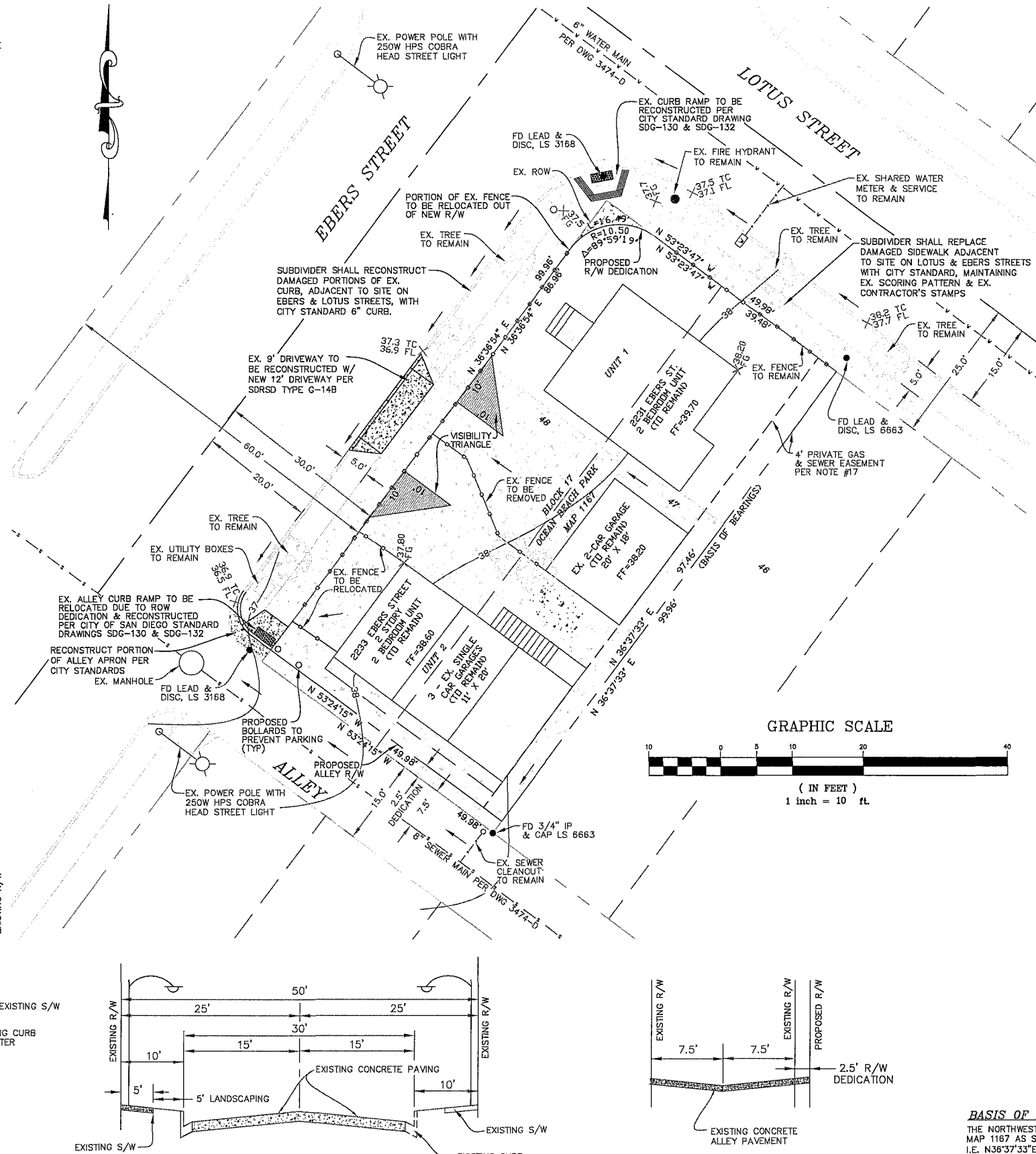
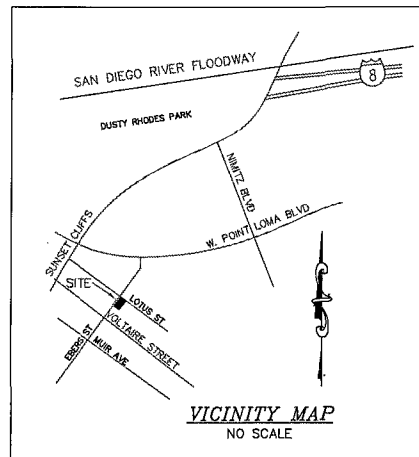
PER TABLE 142-05C OF THE SAN DIEGO MUNICIPAL CODE, THE RECOMMENDED PARKING REQUIREMENT FOR THIS PROJECT IS 2.0 PARKING SPACES PER 2 BEDROOM UNIT, FOR A TOTAL PARKING REQUIREMENT OF 4.0 PARKING SPACES. THE PROJECT PROPOSES 3 COVERED GARAGE PARKING SPACES AND 1 UNCOVERED PARKING SPACE FOR A TOTAL OF 4 PARKING SPACES PROVIDED.

LEGAL DESCRIPTION:

LOT 47 & 48 OF BLOCK 17, ACCORDING TO OCEAN BEACH PARK MAP 1167, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER.

PARKING REQUIREMENTS PER SDMC TABLE 142.05C			
UNIT NUMBER	NUMBER OF BEDROOMS	REQUIRED PARKING SPACES	PROVIDED PARKING SPACES
UNIT 1	2	2.0	2.0
UNIT 2	2	2.0	2.0
		TOTAL = 4.0	TOTAL = 4.0

ON-SITE UTILITY TABLE		
UTILITY	EXISTING LOCATION	PROPOSED LOCATION
ELECTRICAL	ABOVE GROUND	ABOVE GROUND
GAS	UNDERGROUND	UNDERGROUND
WATER/SEWER	UNDERGROUND	UNDERGROUND
TELEPHONE	UNDERGROUND	UNDERGROUND
CABLE	UNDERGROUND	UNDERGROUND



- GENERAL NOTES:**
- EXISTING ZONING : RM-1-1, AIRPORT APPROACH, ALLUC NOISE CONTOUR, AIRPORT ENVIRONS, AIRPORT INFLUENCE AREA, FAA PART 77, COASTAL HEIGHT LIMIT, COASTAL OVERLAY ZONE, OCEAN BEACH COTTAGE EMERGING HISTORIC DISTRICT AND PARKING IMPACT OVERLAY ZONE.
 - COMMUNITY PLAN: OCEAN BEACH
 - PROPOSED ZONING : SAME AS EXISTING
 - NUMBER OF EXISTING LOTS: 2, NUMBER OF PROPOSED LOTS: 1
 - ASSESSOR'S PARCEL NUMBER: 448-541-01
 - TOPOGRAPHY PER MICHAEL J. CURREN, LS (SURVEYED MAY, 2011)
 - SEWER SERVICE: CITY OF SAN DIEGO
 - WATER SERVICE: CITY OF SAN DIEGO
 - FIRE PROTECTION: CITY OF SAN DIEGO
 - GAS AND ELECTRIC: SAN DIEGO GAS & ELECTRIC COMPANY
 - TELEPHONE SERVICE: PACIFIC BELL
 - TOTAL SITE AREA: 5,000 S.F. (0.115 AC)
 - SQUARE FEET PER DWELLING UNIT:
UNIT 1 = 650 SF (2-BEDROOM)
UNIT 2 = 1825 SF (2 BEDROOM)
 - DATE OF ORIGINAL BUILDING CONSTRUCTION:
UNIT 1 - 1961
UNIT 2 - 1978 (GARAGE CONVERSION 2012)
 - NAD 27 (LAMBERT) COORDINATE INDEX: 213-1695
CCSNAD 83 COORDINATE INDEX: 1854-6257
 - ON-SITE EASEMENTS:
A) THE EAST FOUR (4) FEET OF LOT 47, BLOCK 17 OF OCEAN BEACH PARK, MAP 1167, FOR THE PURPOSE OF SEWER & PIPE LINES, GRANTED TO THE CITY OF SAN DIEGO ON JULY 26, 1928, AS BOOK 1505, PAGE 185 OF DEEDS.
B) THE SOUTHEASTERLY FOUR (4) FEET OF LOT 47, BLOCK 17 OF OCEAN BEACH PARK, MAP 1167, FOR THE PURPOSE OF PUBLIC UTILITIES AND INGRESS AND EGRESS, GRANTED TO SAN DIEGO GAS & ELECTRIC COMPANY ON JULY 20, 1928, AS BOOK 1501, PAGE 398 OF DEEDS.
 - ELECTRICAL NOTES: SMOKE DETECTORS AND CARBON MONOXIDE DETECTORS SHALL BE INSTALLED IN THE NEWLY CONVERTED GARAGE SPACE IN UNIT #2. A BATTERY OPERATED CARBON MONOXIDE DETECTOR SHALL BE INSTALLED IN THE MAIN LIVING AREA OF UNIT #2.

CONDOMINIUM STATEMENT:
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. THE TOTAL NUMBER OF CONDOMINIUM DWELLING UNITS IS 2.
PURSUANT TO SECTION 125.0431 OF THE SAN DIEGO MUNICIPAL CODE, THE FOLLOWING NOTICE:
A) EACH TENANT OF, AND EACH PERSON APPLYING FOR THE RENTAL OF, A UNIT OF THE PROPOSED PROJECT SHALL RECEIVE ALL NOTICES REQUIRED IN CHAPTER 11, ARTICLE 2, DIVISION 3;
B) EACH TENANT OF THE PROPOSED PROJECT SHALL BE GIVEN THE NOTICES REQUIRED IN THE SUBDIVISION MAP ACT, SECTION 66427.1;
C) THE NOTICES REQUIRED IN SECTIONS 125.0431 (A) AND (B) SHALL INCLUDE A STATEMENT ADVISING THE TENANTS THAT SHOULD THE CONDOMINIUM PROJECT BE APPROVED, TENANTS MAY BE REQUIRED TO VACATE THE PREMISES.

DECLARATION OF RESPONSIBLE CHARGE:
I HEREBY DECLARE THAT I AM THE ENGINEER OF WORK FOR THIS PROJECT, THAT I HAVE EXERCISED RESPONSIBLE CHARGE OVER THE DESIGN OF THE PROJECT AS DEFINED IN SECTION 6703 OF THE BUSINESS AND PROFESSIONS CODE, AND THAT THE DESIGN IS CONSISTENT WITH CURRENT STANDARDS.
I UNDERSTAND THAT THE CHECK OF PROJECT DRAWINGS AND SPECIFICATIONS BY THE CITY OF SAN DIEGO IS CONFINED TO A REVIEW ONLY AND DOES NOT RELIEVE ME, AS ENGINEER OF WORK, OF MY RESPONSIBILITIES FOR PROJECT DESIGN.

RICHARD E. MATTER, JR. R.C.E. NO. 68281 EXP. 09-30-11 DATE

PROPERTY OWNERS:
MICHAEL MAZZOTTA
3535 MONROE AVENUE #16
SAN DIEGO, CA 92116
PHONE: 858-525-3022

PROJECT ADDRESS:
2231 & 2233 EBERS ST
SAN DIEGO, CA 92107

PROJECT NAME:
EBERS STREET CONDOS

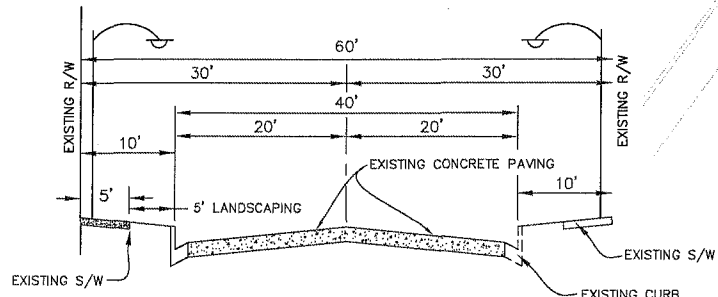
MICHAEL MAZZOTTA DATE

REFERENCE DRAWINGS:
MAP NO. 1167

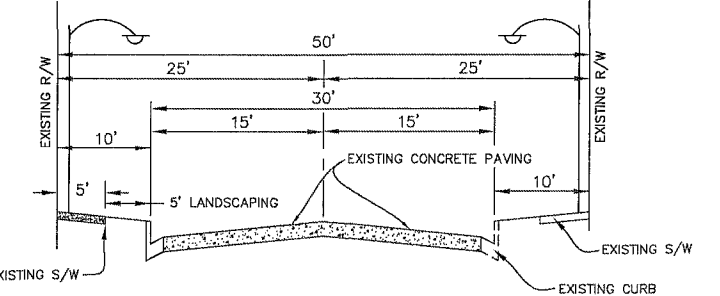
Revision 3: _____
Revision 2: 02/07/2012
Revision 1: 09/26/2011
PREPARED 07/14/2011

BASIS OF BEARINGS:
THE NORTHWESTERLY PROPERTY LINE OF LOT 48, BLOCK 17, MAP 1167 AS SHOWN ON CORNER RECORD 23979, I.E. N36°37'33"E.

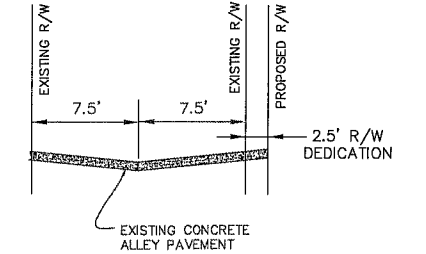
BENCH MARK:
LOCATION: BRASS PLUG @ TOP OF CURB, WESTERLY CORNER OF EBERS ST & VOLTAIR ST
ELEVATION: 35.898 DATUM: CITY OF SAN DIEGO NSL



TYPICAL STREET SECTION - EBERS STREET NOT TO SCALE



TYPICAL STREET SECTION - LOTUS STREET NOT TO SCALE



TYPICAL ALLEY SECTION NOT TO SCALE

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fax (619) 568-3770

TENTATIVE MAP WAIVER
COASTAL DEVELOPMENT PERMIT
2 UNITS
SHEET 1 OF 1
PTS #239196