

RESOLUTION NUMBER R- 314691DATE OF FINAL PASSAGE MAR 21 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING TENTATIVE MAP NO. 2449004  
FOR HAINES STREET – PROJECT NO. 669397.

WHEREAS, 3903 Haines, LLC, Owner/Subdivider, and Leppert Engineering, Engineer/Permittee, submitted an application to the City of San Diego for a Tentative Map No. 2449004 to subdivide one lot into three lots, to waive the requirement to underground existing offsite overhead utilities, at a 0.186-acre site located at 3903 Haines Street. The property is legally described as Lots Twenty-Four, Block Twelve, Second, Fortuna Park Addition, according to Map thereof No. 895, in the City of San Diego, County of San Diego, the State of California, filed in the Office of the County Recorder of San Diego County April 30, 1903, thereof, in the Pacific Beach Community Plan area, in the RM-1-1 zone; and

WHEREAS, the Map proposes the Subdivision of a 0.186-acre site into three lots for the creation of a three-story, 2,016 square-foot residence; a two-story, 2,016 square-foot residence; and a two-story, 2,030 square-foot residence (Project); and

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

WHEREAS, the requested underground waiver of the existing overhead facilities qualifies under the guidelines of San Diego Municipal Code section 144.0242(c) Waiver of the Requirements to Underground Privately Owned Utility Systems and Services Facilities in that

the conversion involves a short span of the overhead facility (less than a full block in length) and would not represent a logical extension to an underground facility; and

WHEREAS, the Office of the City Attorney has drafted this Resolution based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; and

WHEREAS, under Charter section 280(a)(2) this Resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, on March 21, 2023, the City Council of the City of San Diego considered Tentative Map No. 2449004, including the waiver of the requirement to underground existing offsite overhead utilities, and pursuant to San Diego Municipal Code (SDMC) section(s) 125.0430, 125.0440, 125.0941, 125.1040, 144.0240, 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 City Council having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 2167006:

**Findings for Tentative Map - San Diego Municipal Code Section 125.0440:**

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

The proposed Tentative Map shows the subdivision of one existing lot into three legal lots which would allow the construction of a three-story, 2,016 square-foot residence; a two-story, 2,016 square-foot residence; and a two-story, 2,030 square-foot residence; a Companion Unit and Junior Unit on each lot, and to waive the requirements to underground existing utilities. The 0.186-acre project site is located at 3903 Haines Street and is developed with one single-dwelling unit that would be demolished. The proposed project will maintain the existing landscaping along the frontages will remain the same. The project site is located in a developed neighborhood served by existing public services and utilities and is surrounded by existing development on all sides, including residential uses.

The project would implement the land use designation and goals of the Pacific Beach Community Plan and Local Coastal Program by providing a residential development that is compatible with the surrounding residential uses. The Pacific Beach Community Plan and Local Coastal Program designate the site for Low-Medium Density Residential at the rate of 9-14 dwelling units per acre (du/ac). The proposed project lot area is 7,500 square feet prior to the Public Right of Way Vacation, with a base density of 3,000 square feet per unit within the RM-1-1 zone. This results in a base density of 2.5 units, which is rounded up to 3 units per SDMC section 113.0222(a)(1). Utilizing the Small Lot Subdivision Regulations in SDMC section 143.0365(c) Table 143-03C the project meets the pre-subdivided lot area per the RM-1-1 base zone (7,500 square feet where 6,000 square feet is required). Post subdivision lot areas will increase slightly to 2,732 square feet per lot due to the Haines Street Right of Way Vacation being completed concurrently with 42619-B. This increased lot area will not result in any change to either the base density or per lot unit density available to the site.

The site is currently zoned RM-1-1, which allows only one dwelling unit for each 3,000 square feet of lot area, which allows a maximum of two units for this project site which is consistent with the land use density. One goal of the community plan is to maintain the low-medium density residential nature of the neighborhoods in the Pacific Beach Community Plan and Local Coastal Program. This proposal follows this goal and complies with the remaining policies, goals, and objectives of the applicable land use plan accordingly.

- 2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code.**

The 0.186-acre site is located at 3903 Haines Street on a corner lot with one existing single-dwelling unit. The project will demolish the existing dwelling unit, subdivide one lot into three legal lots, construct a three-story, 2,016 square-foot residence; a two-story, 2,016 square-foot residence; and a two-story, 2,030 square-foot residence, a Companion

Unit and Junior Unit on each lot, and a Public Right of Way Vacation of 7.5 feet of a portion of the frontage of Haines Street. This project complies with the requirements of the RM-1-1 zone as modified by the Supplemental Site Development Permit Regulations for Small-lot Subdivisions (SDMC section 143.0365), which allow the subdivision of multi-family zoned land, consistent with the density of the zone, for the construction of single dwelling units. All lots would take access from the rear of the property through a new shared access agreement.

The project would implement the land use designation and goals of the Pacific Beach Community Plan and Local Coastal Program by providing a residential development that is compatible with the surrounding residential uses. The Pacific Beach Community Plan and Local Coastal Program designate the site for Low-Medium Density Residential at the rate of 9-14 du/ac. The proposed project lot area is 7,500 square feet prior to the Public Right of Way Vacation, with a base density of 3,000 square feet per unit within the RM-1-1 zone. This results in a base density of 2.5 units, which is rounded up to 3 units per SDMC section 113.0222(a)(1). Utilizing the Small Lot Subdivision Regulations in SDMC section 143.0365(c) Table 143-03C the project meets the pre-subdivided lot area per the RM-1-1 base zone (7,500 square feet where 6,000 square feet is required). Post subdivision lot areas will increase slightly to 2,732 square feet per lot due to the Haines Street Right of Way Vacation being completed concurrently with 42619-B. This increased lot area will not result in any change to either the base density or per lot unit density available to the site.

The project qualifies for a waiver from the requirement to underground these facilities in accordance with San Diego Municipal Code section 144.0242(c)(1)(B) in that the conversion involves a short span of overhead facility (less than one full block in length) and would not represent a logical extension to an underground facility. The subdivision complies with all development regulations and no deviations are proposed. 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.**

The 0.186-acre site is located at 3903 Haines Street on a corner lot and is developed with one existing residential unit. The project site is surrounded on all sides by existing single-family and multi-family residential uses and other three-story and two-story structures along Haines Street. Site elevations vary from approximately 42 feet to 48 feet. In addition, the project site is located in a developed area currently served by existing public services and utilities.

The proposed subdivision will include the closure of an existing driveway and will require new curb, gutter and sidewalk per City Standards, adjacent to Haines Street. The removal and replacement of damaged Standard Alley panels as well. Vehicular access from the alleyway will be provided for all structures via a shared parking agreement.

The site is bordered by existing (single-family residential and multi-family residential) development on all sides. It is not located within or adjacent to a floodplain or floodway area, Multi-Habitat Planning Area (MHPA) lands, Environmentally Sensitive Lands (ESL), riparian habitat, or wetlands, and no sensitive species were observed on-site. The project would not expose the public to undue geologic hazards as no known active faults traverse the project site as confirmed by the Geotechnical Investigation that was prepared for the project.

There are existing overhead facilities in the abutting rear alley in the public right-of-way. The project qualifies for a waiver from the requirement to underground these facilities in accordance with San Diego Municipal Code section 144.0242(c)(1)(B) because 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. Therefore, the site is physically suitable for the type and density of the proposed development.

- 4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

The proposed Tentative Map shows the subdivision of an existing lot into three lots, which would allow the construction of a three-story, 2,016 square-foot residence; a two-story, 2,016 square-foot residence; and a two-story, 2,030 square-foot residence; a Companion Unit and Junior Unit on each lot, and a Public Right of Way Vacation of 7.5 feet of a portion of the frontage of Haines Street. The 0.186-acre project site is located at 3903 Haines Street is developed with one single-dwelling unit that would be demolished. The proposed project will maintain the existing landscaping along the frontages will remain the same. The project site is located in a developed neighborhood served by existing public services and utilities and is surrounded by existing development on all sides, including residential uses.

A Mitigated Negative Declaration has been prepared for this project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. Therefore, the design of the subdivision or and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

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

The permit controlling the development and continued use of the site contains specific conditions addressing compliance with the City's codes, policies, and regulations, as well as other regional, state, and federal regulations to prevent detrimental impacts to the health, safety and general welfare of persons residing and/or working in the area. Prior to issuance of any building permit for the proposed development, the plans will be reviewed for compliance with all Building, Electrical, Mechanical, Plumbing, and Fire Code requirements in addition to all associated conditions of approval.

The proposed subdivision will include the closure of the existing driveway with the current City Standard curb, gutter, and sidewalk adjacent to Haines Street. A Shared Parking Agreement will be required for vehicular access from the alleyway to Haines Street.

The project would not result in risk from fire hazards because it is surrounded by existing development and is not located within a fire hazard severity zone. The project would not expose the public to undue geologic hazards because no known active faults traverse the project site, as confirmed by the Geotechnical Investigation that was prepared for the project. The project has been reviewed pursuant to the California Environmental Quality Act (CEQA) and has been determined by Development Services Department that the project qualifies for Mitigated Negative Declaration due to Tribal Cultural Resources.

Therefore, the proposed development will not be detrimental to the public health, safety and welfare.

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

The proposed Tentative Map shows the subdivision of one existing lot into three legal lots which would allow the construction of a three-story, 2,016 square-foot residence; a two-story, 2,016 square-foot residence; and a two-story, 2,030 square-foot residence. This project will not impede or inhibit any future passive or natural heating and cooling opportunities. The design of the subdivision has taken into account the best use of the land to minimize grading and would be developed in accordance with the SDMC requirements for setbacks and height to allow natural ventilation and light between structures. With the independent design of the proposed subdivision each structure will have the opportunity through building materials, site orientation, architectural treatments, placement, and selection of plant materials to provide to the extent feasible, for future passive or natural heating and cooling opportunities.


**7. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources.**

The proposed Tentative Map shows the subdivision of one existing lot into three legal lots which would allow the construction of a three-story, 2,016 square-foot residence; a two-story, 2,016 square-foot residence; and a two-story, 2,030 square-foot residence with a Companion Unit and Junior Unit on each lot for a small-lot subdivision consistent with the Pacific Beach Community Plan and Local Coastal Program land use designation.

All necessary public services (including fire, police, medical, schools, public parks, and libraries) as well as necessary utilities such as electricity, water, and sewer, will be available to and adequate for the proposed project.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the City Council, Tentative Map No. 2449004, is hereby granted to 3903 Haines, LLC, Owner/Subdivider, and Leppert Engineering, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Shannon C. Eckmeyer  
Deputy City Attorney

SCE:sc  
02/28/2023  
Or.Dept: DSD  
Doc. No. 3236598

Attachment: Tentative Map Conditions  
Internal Order No. 24008664

CITY COUNCIL  
ADOPTED BY RESOLUTION NO. **314691** ON **MAR 21 2023**  
CONDITIONS FOR TENTATIVE MAP NO. 2449004  
**3903 HAINES STREET - PROJECT NO. 669397**

**GENERAL**

1. This Tentative Map will expire March 21, 2026.
2. Compliance with all 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 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.
4. The Parcel Map shall conform to the provisions of Tentative Map No. 2449004, Site Development Permit No. 2449005, and Coastal Development Permit No. 2449003.
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 Subdivider of any claim, action, or proceeding, or if 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 both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

**ENGINEERING**

6. The Tentative Map shall comply with the conditions of Coastal Development Permit No. 2449003 and Site Development Permit No. 2449005.
7. The following will be conditions of the Tentative Map Resolution that the Subdivider will need to satisfy/assure before the Parcel Map is recorded.
8. 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.
9. The Subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.



10. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Tentative Map 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**

11. "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].
12. Prior to the expiration of the Tentative Map, if approved, a Parcel Map to subdivide the properties into three parcels shall be recorded with the County Recorder's office.
13. Prior to the recordation of the Parcel Map, taxes must be paid or bonded for this property pursuant to section 66492 of the Subdivision Map Act. A current original tax certificate, recorded in the office of the San Diego County Recorder, must be provided to satisfy this condition.

If a tax bond is required as indicated in the tax certificate, ensure that it is paid or posted at the County Clerk of the Board of Supervisors Office and supply proof prior to the recordation of the Parcel Map.

14. "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."
15. All subdivision maps in the City of San Diego are required to be tied to the California Coordinate System of 1983 (CCS83), Zone 6 pursuant to sections 8801 through 8819 of the California Public Resources Code.
16. The Parcel Map shall:
  - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
  - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of First Order accuracy. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for the conversion of grid-to-ground distances shall be shown on the map.

**INFORMATION:**

- The approval of this Tentative Map by the City Council 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 USC § 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 Tentative Map 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 Tentative Map, may protest the imposition within ninety days of the approval of this Tentative Map 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. 24008664

Passed by the Council of The City of San Diego on MAR 21 2023, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 21 2023.

**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

AUTHENTICATED BY:

(Seal)

TODD GLORIA  
Mayor of The City of San Diego, California.

DIANA J.S. FUENTES  
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- **314691**