

829 VERONA CT. PROJECT #697489

PRECISE PLAN RELEVANT SECTIONS

GOALS

The permanent control of height and building bulk so that structures in Mission Beach will not have adverse affects on surrounding property, the beaches, and the community in general.

The insurance of necessary health and safety conditions such as the provision of adequate light and air, and storage of trash and garbage.

RECOMMENDATIONS

That yards be large enough to ensure the provision of light and air to surrounding properties, and that these yard requirements be increased where necessary for buildings over two stories in height.

PLANNED DISTRICT ORDINANCE RELEVANT SECTIONS

§151.0103 Applicable Regulations

(a) The applicable zoning regulations in a planned district are those included in the planned district and any Land Development Code zoning regulations expressly incorporated into that planned district. Planned district regulations shall supersede any zoning regulations in the Land Development Code that are inconsistent or not expressly incorporated into the planned district regulations, except as follows:

(1) Within the Coastal Overlay Zone, exceptions to the standards in a planned district shall not be granted except as specifically provided for in the planned district.

Where there is a conflict between the Land Development Code and the Mission Beach Planned District Ordinance, the Planned District Ordinance applies.

§1513.0201 Mission Beach Planned District Permit

The City Manager shall not issue any permit for the installation of fixtures or equipment, or for the erection, construction, conversion, establishment, alteration, or enlargement of any building, structure or improvement, or for the occupancy of any building or structure in any portion of the Mission Beach Planned District until a Mission Beach Planned District Permit has been obtained from the City Manager by the applicant or owner.

1513.0304(c) Yards

(1) Minimum Yards for Bayside and Ocean Front Walks

(A) R-N Subdistrict, Bayside Walk – 5 foot standard setback.

(D) Exceptions

(i) In the R-N Subdistrict, buildings abutting Bayside Walk shall observe an additional setback beginning at 15 feet above existing grade or proposed grade, whichever is lower, at the standard setback and sloping back at a 45 degree angle. The angle is measured in a horizontal plane perpendicular to and away from the building wall in either direction.

(2) Minimum Yards for Courts and Places

(A) R-N Subdistrict - 10 foot standard setback

(C) Exceptions:

(i) Buildings on the south side of a Court or Place shall observe an additional setback beginning at 20 feet above existing grade or proposed grade, whichever is lower, at the standard setback and sloping back at a 45 degree angle on the north facing facade. The angle is measured in a horizontal plane perpendicular to and away from the building wall in either direction as shown in Diagram 1513-03A.

(3) Minimum Interior Yards

(A) Five foot standard setback.

(B) Exceptions:

(i) A three-foot setback may be applied to a structure that is 20 feet or less above existing or proposed grade, whichever is lower, provided that any portion of the structure's facade that exceeds 20 feet in height above existing grade or proposed grade, whichever is lower, shall observe an additional setback for the remainder of the structure height by sloping away from the vertical plane of the facade at an angle not to exceed 45 degrees.

(6) Minimum Rear Yards.

No rear yard is required except where the rear yard abuts an interior or rear yard of an adjacent lot; then, the regulations in Section 1513.0304(c)(3) shall apply.

CHAPTER 12 ARTICLE 7 DIVISION 1 RELEVANT SECTIONS

(e) Development involving previously conforming premises and uses is subject to all other regulations and any development permits that may otherwise be required by the Land Development Code

General Review Procedures for Previously Conforming Premises and Uses
127.0106(a)(1) W h e r e a l l n e w c o n s t r u c t i o n conforms with current development regulations for setbacks, floor area ratio, and structure height and does not increase the non- conformity regarding structural envelope or density;

§127.0106(c) For structures located on a premises that contains or abuts a coastal beach or a coastal bluff edge, new additions or improvements to existing structures may be permitted subject to a Coastal Development Permit, in accordance with Section 126.0707, provided that all such new additions or improvements themselves do not increase the degree of non-conformity and comply with all of the following:

(1) The proposed coastal development is in conformity with the certified Local Coastal Program land use plan;

RECOMMENDATION

The P.D.O. applies to all construction including additions(1513.0201). There are no exceptions to the PDO are allowed(151.0103(a)(1). In the event of any conflicts the PDO governs(151.0103). The PDO implements the goals of the Precise Plan dealing with bulk, light and air through setbacks, height and F.A.R. regulation. The existing structure sets the parameters (setbacks,height, FAR) for applying the PDO regulations to determine conformity of existing and proposed development.

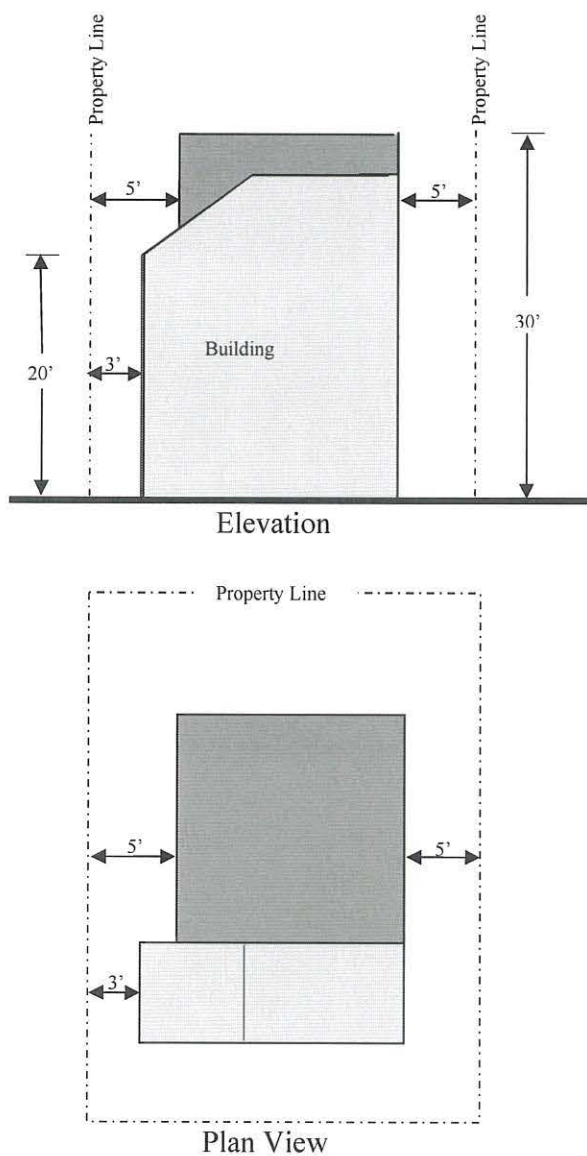
A portion of the proposed 3rd floor (west side interior yard and south rear yard) is over existing 1st and or 2nd floor setbacks of 3' or less, requiring the application of (Sec.1513.0304(c)(3)(B)(i)). Diagram1513-03C(pg.4) requires all floors be setback 5' to use the 5' setback for the proposed development. Existing setbacks cannot be ignored in application of the PDO any more than existing floor area can be ignored for application of the PDO F.A.R.. The Cycle Issue with 1513.0304(c)(3)(B)(i) was not checked until the last cycle with no reason being given, even after requested. The 3rd floor as designed violates 1513.0304(c)(3)(B)(i) of the PDO and increases the degree of non-conformity (see pages 5,6,7,8)

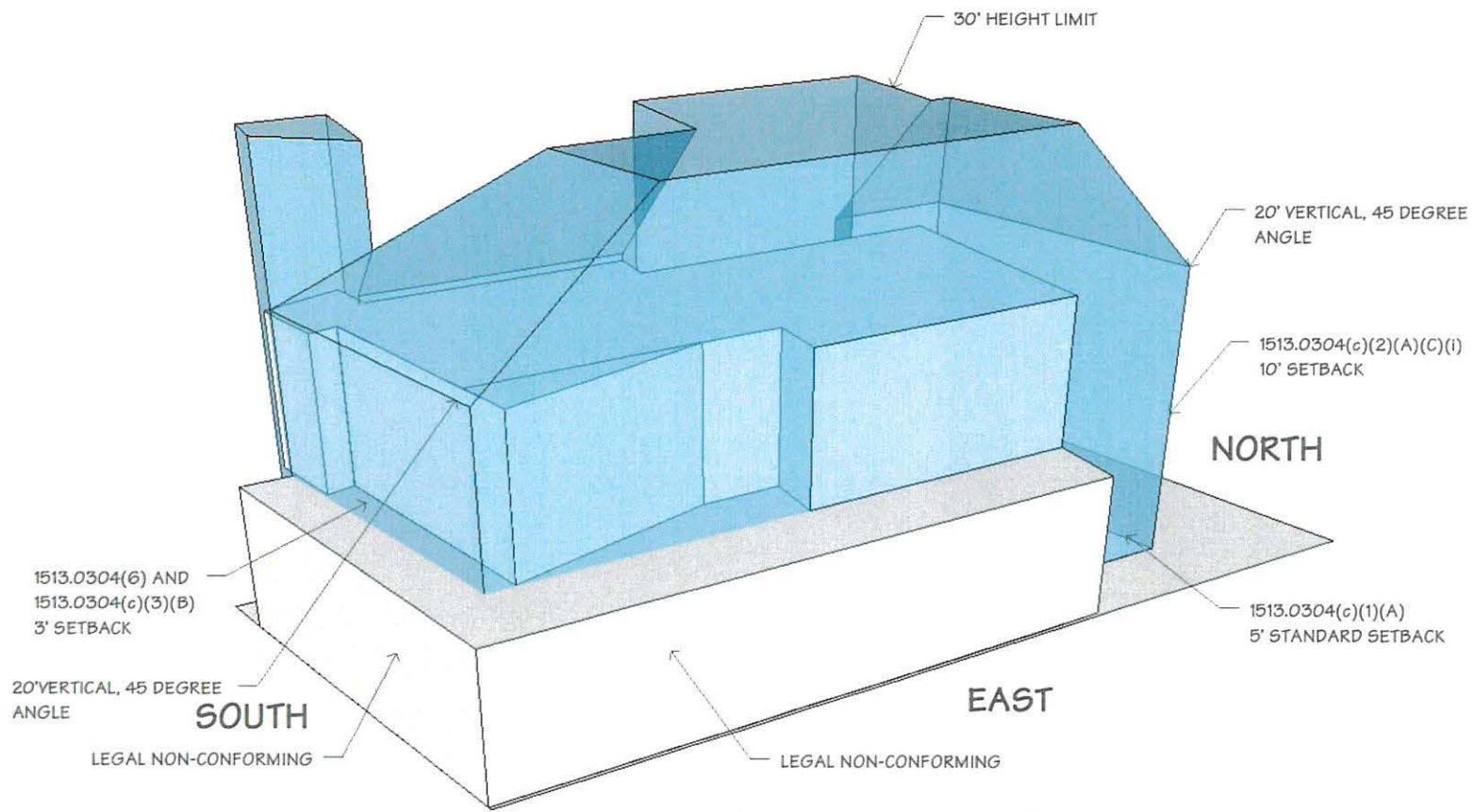
The Precise Planning Group should recommend the City deny the project.

(6) Minimum Rear Yards.

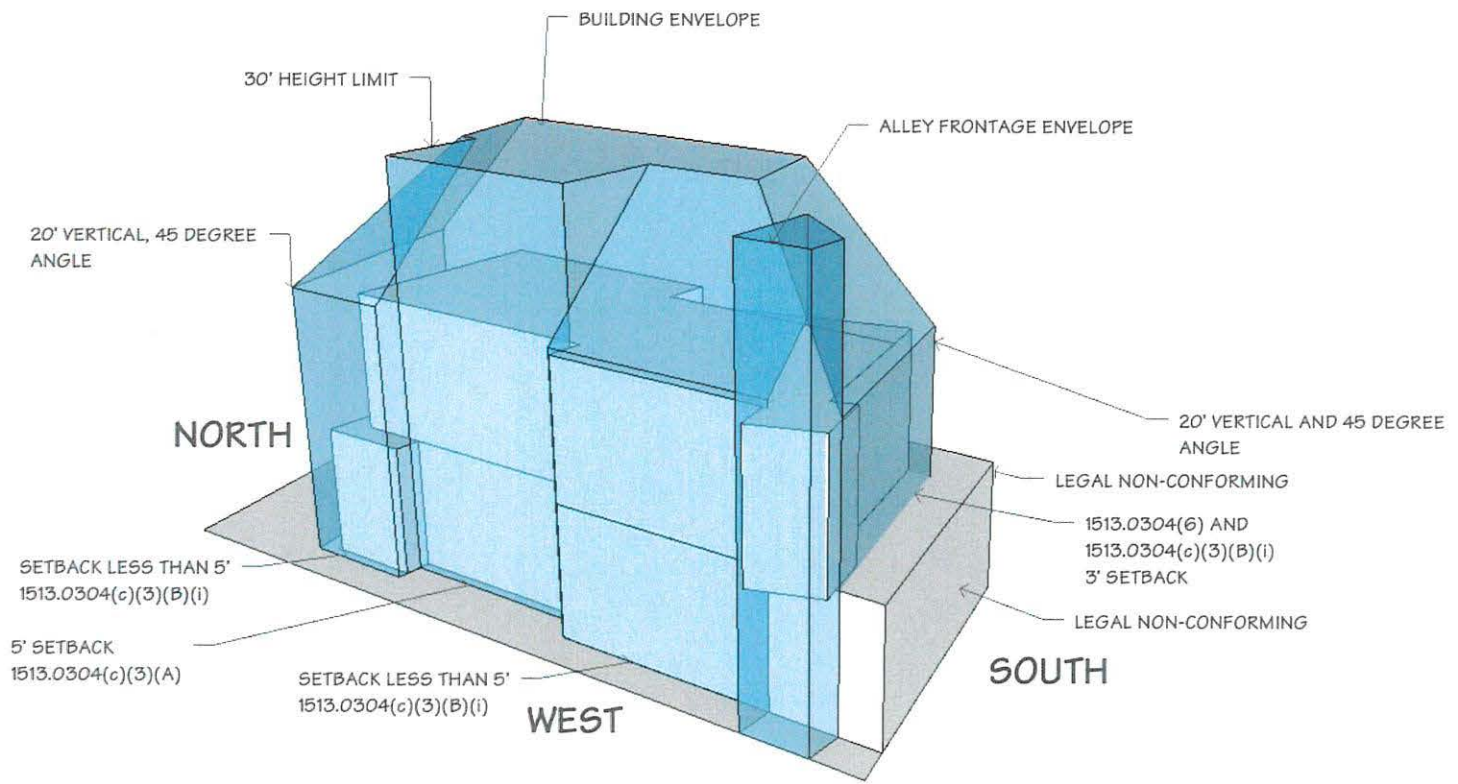
No rear yard is required except where the rear yard abuts an interior or rear yard of an adjacent lot; then, the regulations in Section 1513.0304(c)(3) shall apply.

Diagram 1513-03C
Interior Yards and Building Height

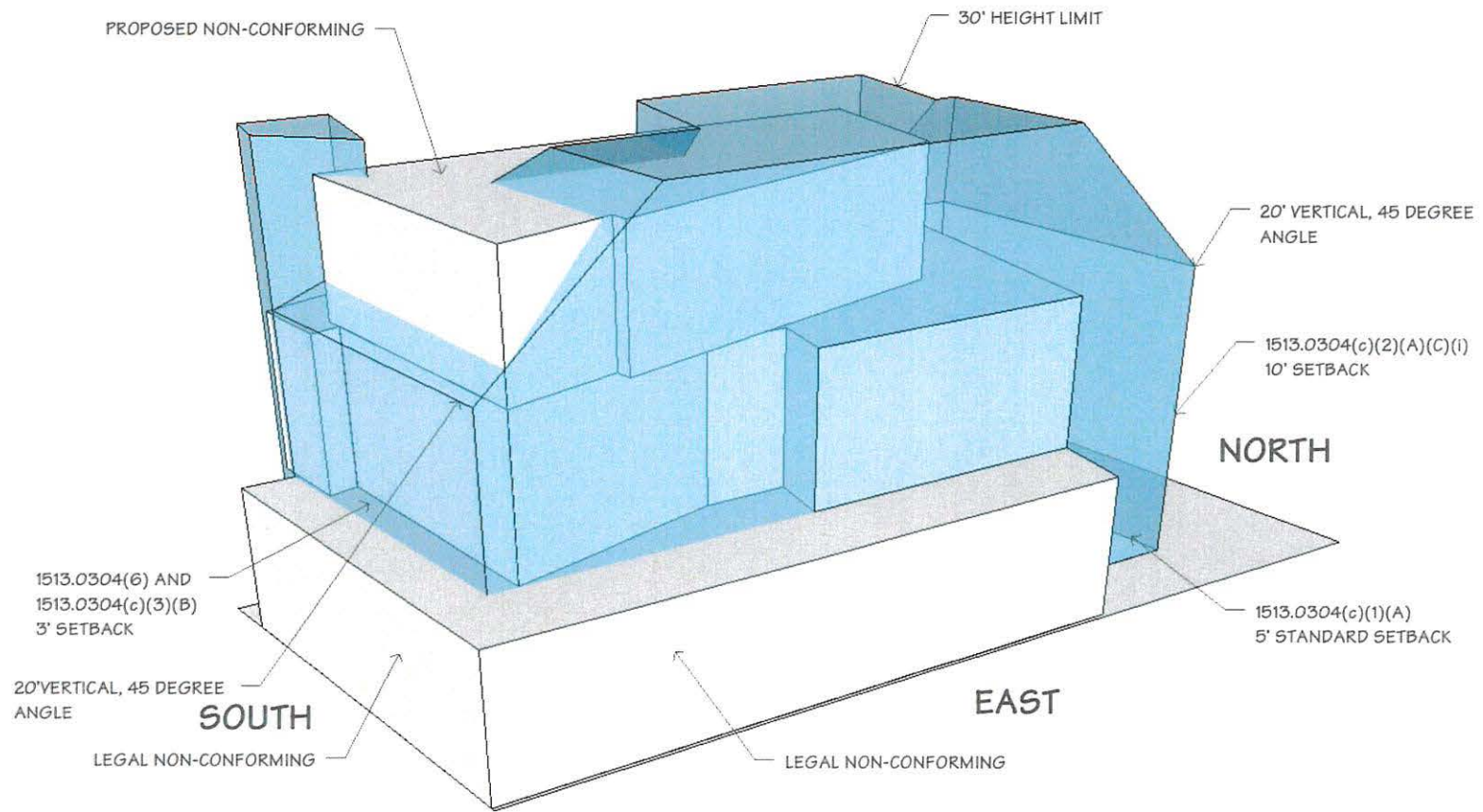




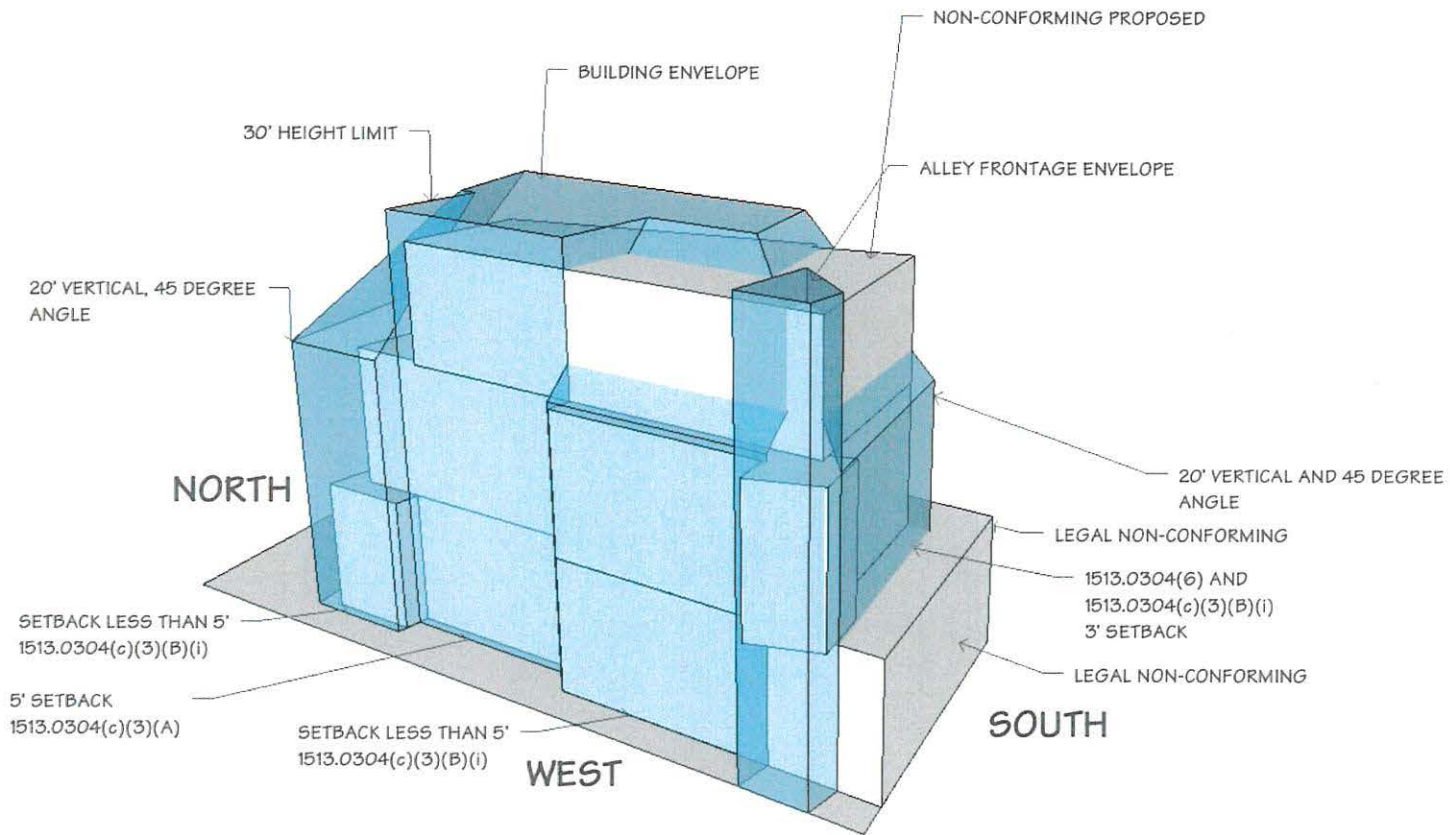
EXISTING STRUCTURE CONFORMANCE ENVELOPE



EXISTING STRUCTURE CONFORMANCE ENVELOPE



EXISTING STRUCTURE CONFORMANCE ENVELOPE
WITH 3RD FLOOR



EXISTING STRUCTURE CONFORMANCE ENVELOPE WITH 3RD STORY

November 8, 2023
RE: 829 Verona Court
Project no. 697489

To the Hearing Officer:

We are both the owners and the architects on this remodel/addition project. As architects, we have spent the last forty years designing projects for clients throughout San Diego. We now have the opportunity to create a beautiful home for ourselves.

The following points highlight some of the positive aspects of this project:

- The project adds only 434 sf to the existing home.
- The project does not build to the maximum amount allowed by the FAR.
- The ground level footprint remains unaltered.
- The project is below the limit for lot coverage.
- The project observes front yard setbacks from 2 ft. to 10 f.t greater than the minimum 10 ft. required. This increases the View Corridor along Verona Ct.
- The project does not build out to the edges of the allowable building envelope.
- During the review process, this project has been reviewed by 6 City of San Diego planners and 2 Coastal Commission planners.
- We enjoy the encouragement and support of our neighbors.

Our response to the objection raised by the Mission Beach Precise Planning Board concerning the use of a 5 foot standard setback for new construction over the previously conforming structure is as follows:

1. The San Diego municipal code (ch12, 127.0106) has a section specific to the expansion of "previously conforming structures" that abut a coastal beach. The MBPDO has NO language regarding "previously conforming structures" written anywhere within its text. As such, there is no conflict between the PDO and the municipal code on this regulation.
2. This project complies with the requirements of 127.0106
The requirement to conform to the setback observed by the existing structure is **ONLY** when the project does not meet the criteria in accordance with 127.0106 (c) items 1-7. Project is in accordance with these criteria, so the new construction can use a 5 foot standard setback, regardless of the setbacks of the existing structure.
3. Additionally, as applied to our project, the new addition does not increase the degree of nonconformity. This can be demonstrated mathematically. The cubic feet of open space is greater when using a 5 foot standard set back versus, using the exception, a 3 foot set back with a 10 foot dormer. See attached analysis and illustrations.
4. We have designed the project with a 5 foot standard setback to create a contemporary style with a flat roof, both for aesthetics and for providing a continuous surface for solar panels. Additionally, a 5 foot setback helps to keep the 3rd floor volume pushed back away from the Verona Court view corridor. Using a 3 ft setback with a 45 degree slope would create a negative impact because the building envelope would be pushed several feet towards the court and towards the beach in order to achieve headroom on the 3rd floor.

It has been over 2-1/2 years since we submitted for our preliminary review. We believe this project will be an enhancement to our neighborhood and look forward to seeing it built!

Sincerely,
Ann Whitman
John Oleinik

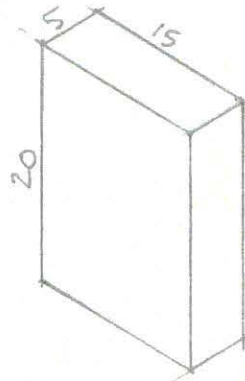
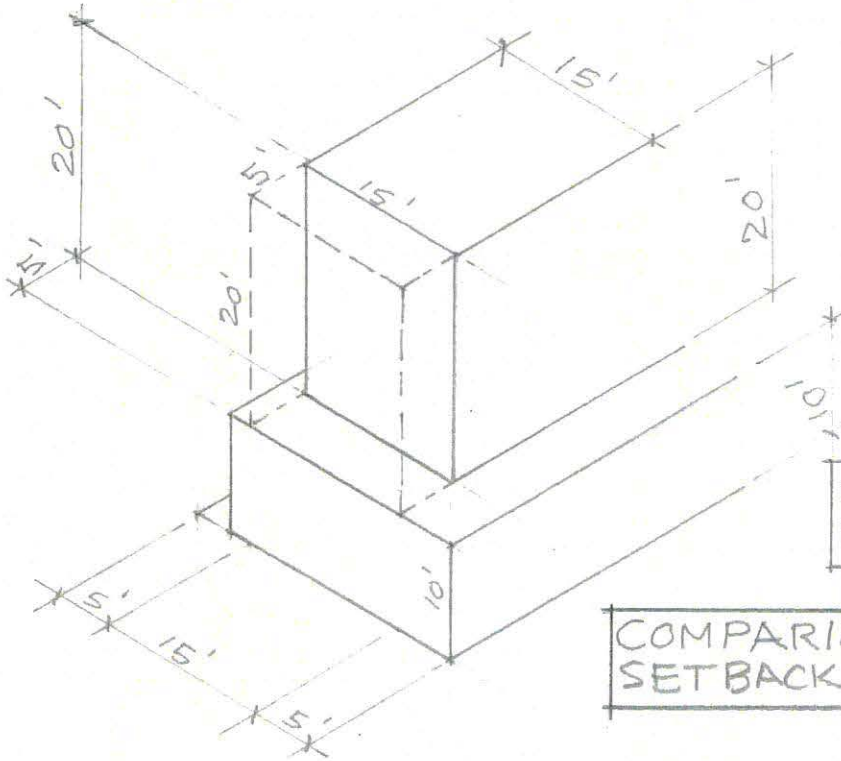
JOHN OLEINIK ARCHITECT

829 VERONA COURT, SAN DIEGO, CA. 92109

PHONE: 858 945 3251

EMAIL: oleinikarchitect@gmail.com

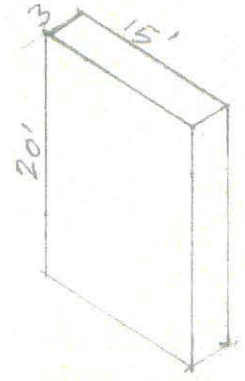
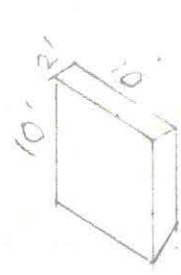
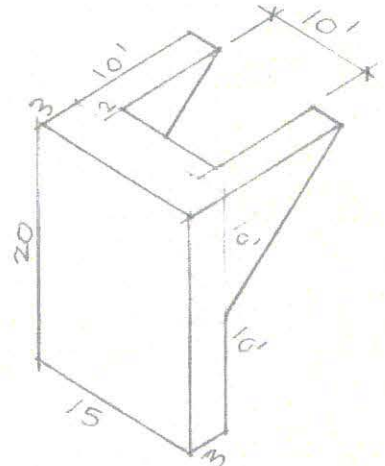
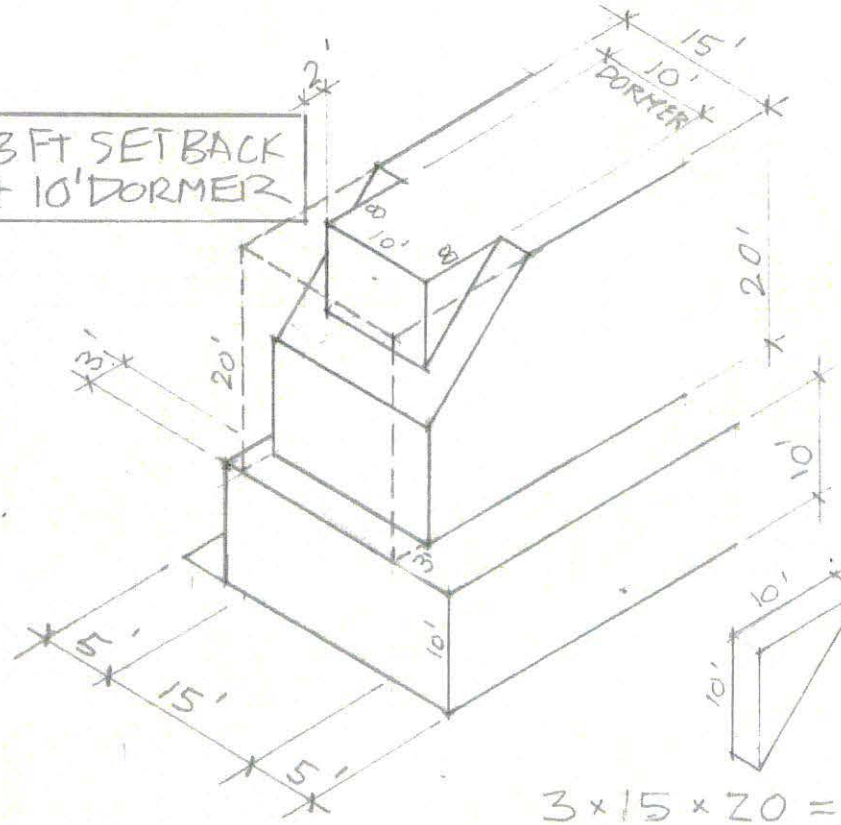
WEBSITE: oleinikarchitect.com



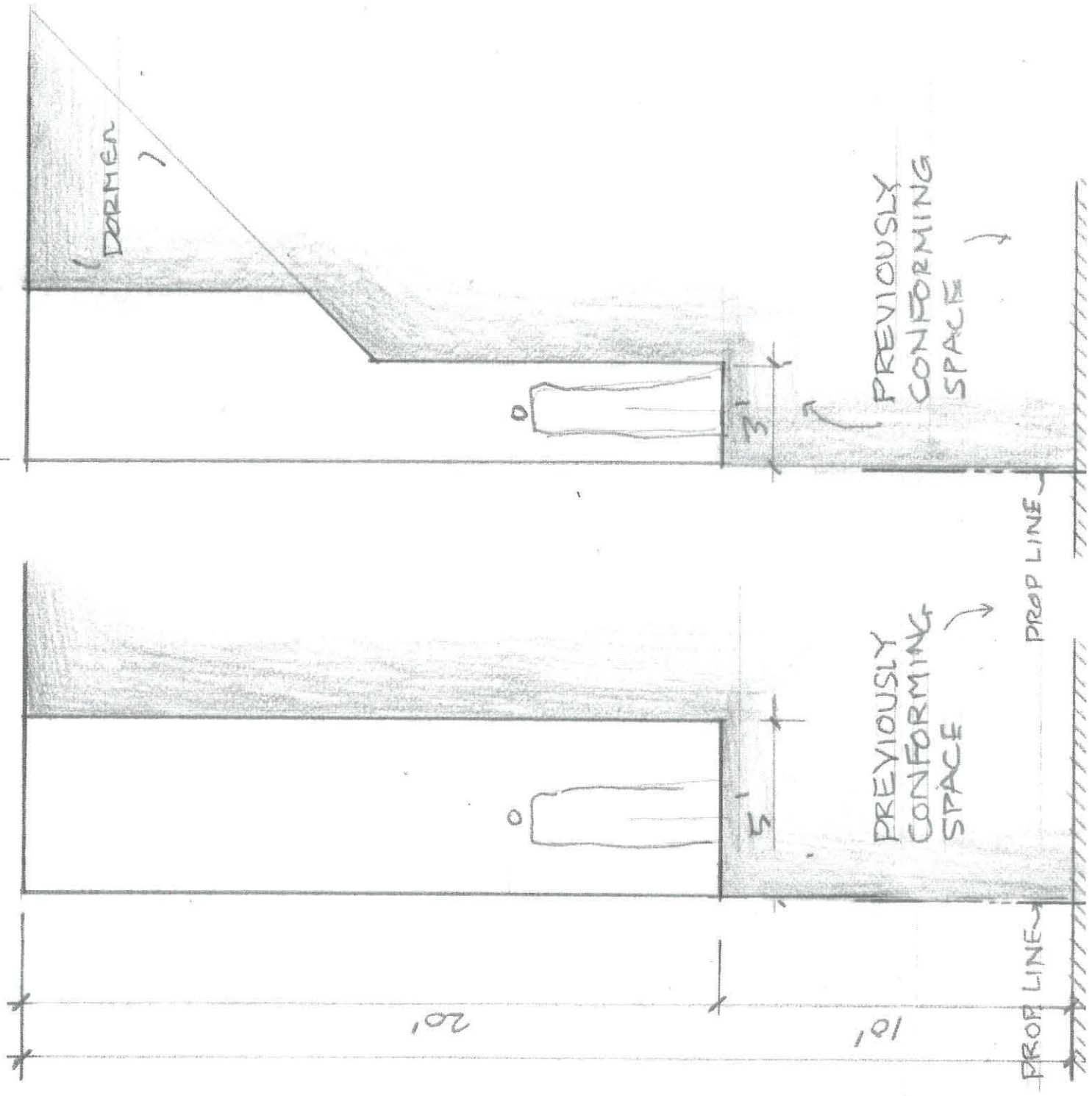
5' STANDARD SETBACK
 $5 \times 15 \times 20 = 1500 \text{ CU. FT.}$

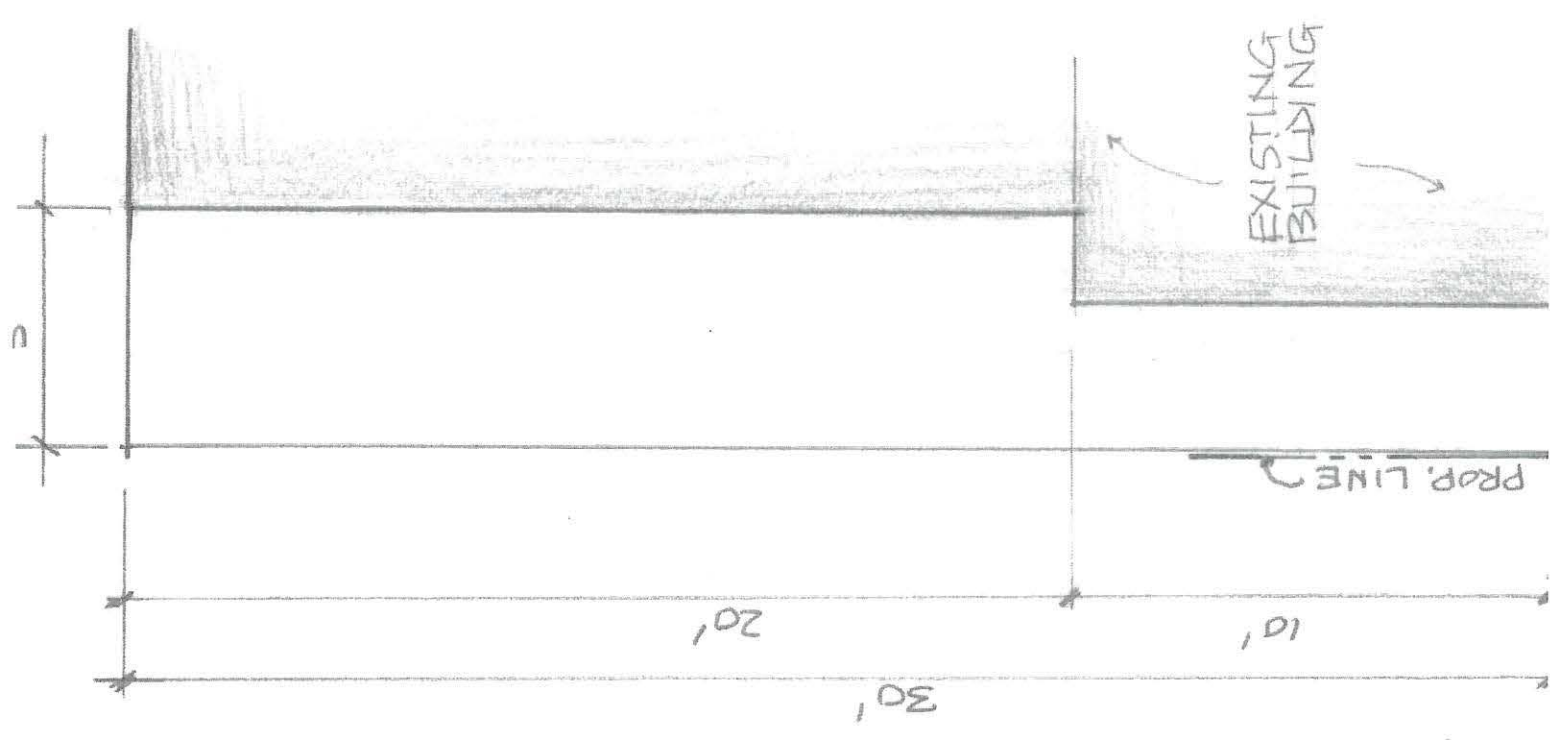
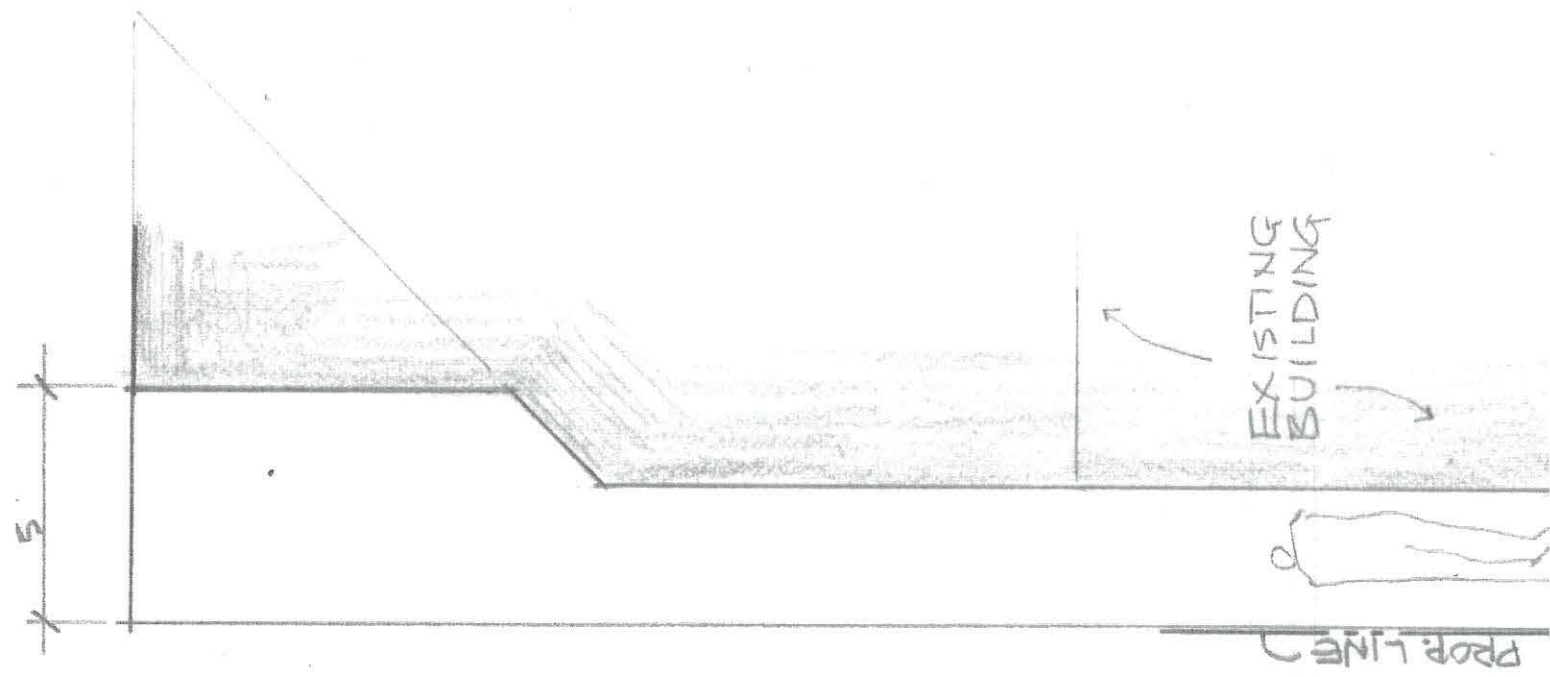
COMPARISON OF 5 FT. STANDARD SETBACK TO 3 FT. EXCEPTION

3 FT SETBACK
 + 10' DORMER



$3 \times 15 \times 20 = 900 \text{ CU. FT.}$
 $2 \times 10 \times 10 = 200 \text{ CU. FT.}$
 $\frac{1}{2} \times 10 \times 10 \times 2.5 \times 2 = 250 \text{ CU. FT.}$
 TOTAL 1350 CU. FT.





Maxwell, Stacie

From: Michael Louis <michael.louis1121@gmail.com>
Sent: Saturday, November 11, 2023 12:13 PM
To: DSD HearingOfficer; Hafertepe, Benjamin
Subject: [EXTERNAL] Support of 829 Verona Court project

****This email came from an external source. Be cautious about clicking on any links in this email or opening attachments.****

Dear Hearing Officer,

I am neighbor of John Oleinik (Olenik) and Ann Whitman, who reside at 829 Verona Court in Mission Beach.

Their property is less than 10 feet from my home, and they have been my neighbors for about 15 years.

I am writing in strong support of their addition/remodel project.

I've seen the proposed model, and it will be a great improvement to the neighborhood!

Sincerely,
Michael Louis
3932 Bayside Walk



Sender notified by
[Mailtrack](#)

Maxwell, Stacie

From: Carlos Gutierrez <carlosgsellssandiego@gmail.com>
Sent: Friday, November 10, 2023 10:53 AM
To: Hafertepe, Benjamin; DSD HearingOfficer
Cc: Carlos Gutierrez
Subject: [EXTERNAL] Dunmovin Coastal Development Permit

****This email came from an external source. Be cautious about clicking on any links in this email or opening attachments.****

Good morning Benjamin & Hearing Officer,

I live at 738 Verona Court and I am writing to you to support the project at 829 Verona Court.

I am a real estate agent at eXp Realty and have successfully closed over 425 properties, collectively valued at \$360 million, I am very knowledgeable about the San Diego Housing market.

John Olenik and Ann Whitman have shown me models of what they are designing and I know their home will be a showpiece when it is built. Most importantly, John and Ann were the architects of my own home and I can attest firsthand that they are terrific architects!

Sincerely,



CARLOS GUTIERREZ
Luxury Real Estate
858.864.8741 | CA DRE #01507102 | www.carlosgsellssandiego.com
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Maxwell, Stacie

From: Hafertepe, Benjamin
Sent: Tuesday, November 14, 2023 6:40 AM
To: DSD HearingOfficer
Cc: Bob Semonsen; 'dkwatks@aol.com'
Subject: FW: [EXTERNAL] Fw: Project No. 697489; Dunmovin Coastal Development Permit
Attachments: 829 analysis.pdf

Hearing Officer,

Please see the previous message and attachment from Debbie Watkins – Chair of the Mission Beach Precise Planning Board.

Benjamin Hafertepe

Development Project Manager
City of San Diego
Development Services Department
📞: 619-446-5086

SanDiego.gov/DSD

Want a second opinion on my interpretation, or need to contact my supervisor for further assistance?

Martha Blake, Supervising Development Project Manager
Phone: 619-446-5375
Email: MBlake@sandiego.gov

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From: dkwatks@aol.com <dkwatks@aol.com>
Sent: Thursday, November 9, 2023 4:05 PM
To: Hafertepe, Benjamin <BHafertepe@sandiego.gov>
Cc: Bob Semonsen <gerdsem@twc.com>
Subject: [EXTERNAL] Fw: Project No. 697489; Dunmovin Coastal Development Permit

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Re: Mission Beach Precise Planning Board

Ben,

As a reminder, we will not be able to attend the Hearing Officer's Hearing on Wednesday, November 15, 2023, regarding the above-referenced matter.

We are submitting the attached Analysis for distribution to the appropriate individuals for consideration.

If you have any questions, please do not hesitate to contact me. Thank you.

Best regards,

Debbie Watkins, Chair
Mission Beach Precise Planning Board

Maxwell, Stacie

From: Hafertepe, Benjamin
Sent: Tuesday, November 14, 2023 8:07 AM
To: DSD HearingOfficer
Cc: 'dkwatks@aol.com'; Bob Semonsen
Subject: FW: [EXTERNAL] Fw: Project No. 697489; Dunmovin CDP; 829 Verona Court

Hearing Officer,

Per Debbie Watkin's request, please see the previous messages between Alexander Llerandi and Debbie.

Benjamin Hafertepe

Development Project Manager
City of San Diego
Development Services Department
📞: 619-446-5086

SanDiego.gov/DSD

Want a second opinion on my interpretation, or need to contact my supervisor for further assistance?

Martha Blake, Supervising Development Project Manager
Phone: 619-446-5375
Email: MBlake@sandiego.gov

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From: dkwatks@aol.com <dkwatks@aol.com>
Sent: Monday, November 13, 2023 5:14 PM
To: Hafertepe, Benjamin <BHafertepe@sandiego.gov>
Cc: Bob Semonsen <gerdsem@twc.com>
Subject: [EXTERNAL] Fw: Project No. 697489; Dunmovin CDP; 829 Verona Court

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Ben,

Please make sure the Hearing Officer assigned to this project (Duke Fernandez) receives a copy of the email below from Alex Llerandi, Coastal Commission, regarding his comments on the above-referenced proposed project before the hearing date. This is very important information that needs to be relayed to Mr. Fernandez. Mr. Fernandez's email address is not available to us. Thank you.

----- Forwarded Message -----

From: Llerandi, Alexander@Coastal <alexander.llerandi@coastal.ca.gov>

To: dkwatks@aol.com <dkwatks@aol.com>

Cc: Bob Semonsen <gerdsem@twc.com>

Sent: Monday, November 13, 2023 at 03:30:28 PM PST

Subject: RE: Project No. 697489; Dunmovin CDP; 829 Verona Court

Hi Deb,

If my review of your e-mail and plans is correct, you are saying that this is an existing residence that is applying for a remodel and third-story addition, and that the existing walls are set back three feet from the property line, but the new additions above those walls are set back 5 feet.

You are correct that Section 1513.0304(6) of the Mission Beach PDO requires that walls along interior yards that are set back less than 5 feet from the property line must observe a 45 degree setback for all portions above 20 feet in height. Diagram 1513-03C clearly shows an example of a structure with walls 3 feet and 5 feet from the property line, with the former observing the required 45 degree setback and the latter not required to. Neither the language or diagram permit a wall observing a 3-foot setback for 20 feet and then a 5-foot setback above that: it is either one or the other.

Thus, if the proposed addition is increasing in height, then the portions above walls with a 3-foot setback must, according to the language of the PDO, observe the 45-degree setback above 20 feet. Merely building the new addition 5 feet back from the property line is not in conformance.

You can forward my comments to the appropriate staff at the City. Let me know if you have any questions.