REPORT TO THE HEARING OFFICER

HEARING DATE: March 6, 2013
ATTENTION: Hearing Officer
SUBJECT: WASSON GUEST QUARTERS
PROJECT NUMBER: 282690
LOCATION: 869 Sunset Cliffs Boulevard
APPLICANT: Sue Skala

SUMMARY

Issue: Should the Hearing Officer approve the construction of a guest quarters above an existing, detached, double-car garage within the Peninsula Community Planning area?

Staff Recommendation(s) – APPROVE Coastal Development Permit No. 992729 with conditions.

Community Planning Group Recommendation – The Peninsula Community Planning Group voted 8-0-0 to recommend approval of the project on January 15, 2013 (Attachment 8).

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 (e), Existing Facilities – Additions. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on December 18, 2012 and the opportunity to appeal that determination ended January 9, 2013.

BACKGROUND/DISCUSSION

The proposed project is the construction of a 674-square-foot guest quarters above an existing, detached double-car garage within the rear portion of the site located at 869 Sunset Cliffs Boulevard in the RS-1-7 zone of the Peninsula Community Planning area. The site is developed with a two-story residence, the detached garage and other accessory improvement. The property has a paved alley at the rear. Surrounding developments are single-family homes and across Sunset Cliffs Boulevard are Sunset Cliffs Park and the Pacific Ocean.
The guest quarters complies with all of the underlying zone regulations including setbacks, building height and floor area ratio and is consistent with the separately regulated uses for guest quarters. The separately regulated use regulations include restrictions on the size of the guest quarters (25 percent of the premises), that it be used solely by occupant/guests/employees of the primary dwelling and, that no kitchen facilities be installed. These regulations will ensure that the guest quarters will not be utilized as a second unit and that it will be a subordinate use to the primary dwelling. No deviations have been requested for the development. The development is consistent with the recommendations of the Peninsula Community Plan which designates the site for residential development. The community plan does not designate the site as having a public physical accessway nor is it designated as having a proposed accessway or a public view corridor.

ALTERNATIVES

1. Approve Coastal Development Permit No. 992729, with modifications.

2. Approve Coastal Development Permit No. 992729, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Sandra Teasley, Development Project Manager

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Draft Permit Resolution with Findings
5. Draft Permit with Conditions
6. Environmental Exemption
7. Community Planning Group Recommendation
8. Project Plans
Land Use Map
WASSON GUEST QUARTERS CDP- 869 Sunset Cliffs Bl.
PROJECT NO. 282690
Project Location Map

WASSON GUEST QUARTERS - 869 SUNSET CLIFFS BL.
PROJECT NO. 282690
This Coastal Development Permit No. 992729 is granted by the Hearing Officer of the City of San Diego to WES WASSON AND HEIDI WASSON, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0701. The 0.31-acre site is located at 869 Sunset Cliffs Boulevard in the RS-1-7 zone, the Coastal Height Limitation Overlay Zone (Proposition D Coastal Height Limit Overlay zone, Coastal Overlay Zone (Appealable to the Coastal Commission), Parking Impact Overlay Zone, and the Residential Tandem Parking Overlay Zone of the Peninsula Community Planning area. The project site is legally described as Lot 20 Azure Vista Map No. 1981.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to construct a guest quarters above an existing detached garage on a lot with a single-family residence described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated March 6, 2013, on file in the Development Services Department.

The project shall include:

a. Construction of a 674-square-foot guest quarters above an existing, detached double-car garage on a lot with an existing 3,608-square-foot two story residence;

b. Off-street parking;

c. 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 [ENTER DATE including the appeal time].

2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.

3. 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.

4. 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.

5. 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.

6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

7. 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.).

8. The Owner/Permittee shall secure all necessary construction 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.
9. 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.

10. 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" conditions(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.

11. 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:

12. Prior to the issuance of any construction permits, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix G of the City’s Storm Water Standards, satisfactory to the City Engineer.

13. Owner/Permittee shall maintain a minimum of two 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.

14. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

15. The guest quarters shall not be rented, leased, or sold as a separate dwelling unit.

16. The guest quarters shall be used solely by the occupants of the primary dwelling unit, their guests, or their employees.

17. The guest quarters shall not contain a kitchen or facilities for the storage and preparation of food. A bar sink and miniature refrigerator may be permitted.

18. Prior to the issuance of the construction permit, the record owner shall submit a signed agreement with the City that specifies that the guest quarters or habitable accessory building shall not be used as, or converted to, a companion unit or any other dwelling unit. The agreement shall include a stipulation that neither the primary dwelling unit nor the guest quarters or habitable accessory building shall be sold or conveyed separately nor rented, leased or sold as a separate unit. The City will provide the agreement to the County Recorder for recordation.

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 March 6, 2013 and [Approved Resolution Number].
Permit Type/PTS Approval No.: CDP No. 992729
Date of Approval: March 6, 2013

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

SANDRA TEASLEY
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.

Owner/Permittee

By ____________________________

WES WASSON AND HEIDI WASSON
TITLE

NOTE: Notary acknowledgments must be attached per Civil Code section 1189 et seq.
HEARING OFFICER
RESOLUTION NO.
COASTAL DEVELOPMENT PERMIT NO. 992729
WASSON GUEST QUARTERS - PROJECT NO. 282690

WHEREAS, WES WASSON AND HEIDI WASSON, Owner/Permittee, filed an application with the City of San Diego for a permit to construct a guest quarters above an existing detached double-car garage (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 992729) on portions of a 0.31 acre site;

WHEREAS, the project site is located at 869 Sunset Cliffs Boulevard in the RS-1-7 zone of the Peninsula Community Planning area;

WHEREAS, the project site is legally described as Lot 20, Azure Vista Map No. 1981;

WHEREAS, on March 6, 2013, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 992729 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on December 18, 2012, 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 (e) (Existing Facilities-Additions) 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 March 6, 2013.

FINDINGS:

Coastal Development Permit - Section 126.0708

1. THE PROPOSED COASTAL DEVELOPMENT WILL NOT ENCROACH UPON ANY EXISTING PHYSICAL ACCESSWAY 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 proposed project is the construction of a 674-square-foot guest quarters above an existing, detached double car garage on a lot with an existing residence located at 869 Sunset Cliffs Boulevard across the street from Sunset Cliffs Park and the Pacific Ocean. The site does not contain a public physical accessway nor is it designated as having a proposed accessway or a
public view corridor within the Peninsula Community Plan and Local Coastal Program. The proposed coastal development will not encroach upon any existing physical accessway 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.

2. **THE PROPOSED COASTAL DEVELOPMENT WILL NOT ADVERSELY AFFECT ENVIRONMENTALLY SENSITIVE LANDS.**

The proposed project is the construction of a 674-square-foot guest quarters above an existing, detached double car garage on a lot with an existing residence located at 869 Sunset Cliffs Boulevard across the street from Sunset Cliffs Park and the Pacific Ocean. The property does not contain nor is it adjacent to 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 proposed project is the construction of a 674-square-foot guest quarters above a detached double car garage on a lot with an existing residence located at 869 Sunset Cliffs Boulevard across the street from Sunset Cliffs Park and the Pacific Ocean. The site is designated for residential development within the Peninsula Community Plan. The proposed guest quarters is an accessory use to the existing single-family dwelling and complies with all of the development regulations of the underlying RS-1-7 zone, and the separately regulated uses for guest quarters. The separately regulated uses include restrictions on the size of the guest quarters, that it be used solely for members of the primary dwelling, guests and employees, and, that no kitchen facilities be installed. These regulations will ensure that the guest quarters will not be utilized as a second unit and will be a subordinate use to the primary dwelling. No deviations have been requested for the development. The Peninsula Community Plan and Local Coastal Program do not identify the site as containing a public physical accessway nor as having a proposed accessway or a public view corridor. Therefore, 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.

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 proposed project is the construction of a 674-square-foot guest quarters above an existing, detached double car garage on a lot with an existing residence located at 869 Sunset Cliffs Boulevard across the street from Sunset Cliffs Park and the Pacific Ocean.
ATTACHMENT 5

For private developments, Chapter 3 of the California Coastal Act addresses the requirement for new developments to not impede public access to Coastal amenities. The site is not located on or adjacent to any existing physical accessway. The guest quarters would be constructed within the rear portion of the lot entirely within private property and would observe all required setbacks, building height requirements, and floor area ratio. Therefore, the project would not impede public access to the nearby Coastal amenity. The Peninsula Community Plan and Local Coastal Program do not identify the site as containing a public physical accessway nor as having a proposed accessway or a public view corridor. Therefore, the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 992729 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. 992729, a copy of which is attached hereto and made a part hereof.

SANDRA TEASLEY
Development Project Manager
Development Services

Adopted on: March 6, 2013

Job Order No. 24002714
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 301
     San Diego, CA 92101

PROJECT No.: 282690  PROJECT TITLE: Wasson Residence


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

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: Coastal Development Permit for a 665 square-foot second story guest quarters addition to an existing detached garage on a 0.31 acre site with an existing single dwelling unit located at 869 Sunset Cliffs Boulevard in the RS-1-7 Zone within the Coastal Overlay (appealable) zone, the Coastal Height Limit, the Federal Aviation Administration (FAA) Part 77 noticing, and Parking Impact areas.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Sue Skala
     864 Tarento Drive
     San Diego, CA, 92106
     619-221-0959

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))
( X) Categorical Exemption: This project is exempt pursuant to the California Environmental Quality Act Section 15301(e) – existing facilities – additions
( ) Statutory Exemptions:

REASONS WHY PROJECT IS EXEMPT: This project is exempt because no sensitive biological resources are located adjacent to the site, no grading is proposed, the structure is not historic and this project would not cause any other health or human safety impacts. In addition the project is exempt because it meets the criteria set forth in CEQA section 15301(e) – existing facilities – additions and where the exceptions listed in CEQA section 15300.2 would not apply. Therefore, no adverse impacts would occur.

LEAD AGENCY CONTACT PERSON: Lizzi
     Telephone: (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

Signature: [Signature]

DATE: 12/30/16

CHECK ONE:

( X) Signed by Lead Agency
( ) Signed by Applicant

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:
Community Planning Committee
Distribution Form Part 2

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<td>WASSON GUEST QUARTERS</td>
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**Project Scope/Location:**
Construct a guest quarters above a detached garage on a lot with a single family residence.

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<th>Applicant Name:</th>
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<td>Sue Skala</td>
<td>(619) 221-0959</td>
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<tr>
<td>Sandra Teasley</td>
<td>(619) 446-5271</td>
<td>(619) 446-5245</td>
<td><a href="mailto:steasley@sandiego.gov">steasley@sandiego.gov</a></td>
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Committee Recommendations (To be completed for Initial Review):

- **Vote to Approve**
  - Members Yes: 8
  - Members No: 0
  - Members Abstain: 0
- **Vote to Approve With Conditions Listed Below**
  - Members Yes: Members No: Members Abstain: 0
- **Vote to Approve With Non-Binding Recommendations Listed Below**
  - Members Yes: Members No: Members Abstain: 0
- **Vote to Deny**
  - Members Yes: Members No: Members Abstain: 0
- **Vote to Deny With Non-Binding Conditions Listed Below**
  - Members Yes: Members No: Members Abstain: 0
- **No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)**
  - Members: 0
  - Continued: 0

**CONDITIONS:**

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<td>Julia Quinn</td>
<td>Chair, PCPB</td>
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Please return to:
Project Management Division
City of San Diego
Development Services Department
1222 First Avenue, MS 302
San Diego, CA 92101

Upon request, this information is available in alternative formats for persons with disabilities.

(01-12)
FLAT ROOF
3,520 SQ FT

ALL NEW TILE ROOF

EXISTING ROOF DECK

INDICATES NEW HIP ROOF

EXISTING MAIN HOUSE ROOF PLAN

2023 MAIN HOUSE ROOF PLAN
LEGAL DESCRIPTION:
LOT 20 IN BLOCK A BY ADDITION IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, CALIFORNIA.

LOT DESCRIPTION:
LOT 20 IN BLOCK A BY ADDITION IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, CALIFORNIA,

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