REPORT TO THE HEARING OFFICER

HEARING DATE: April 24, 2013

REPORT NO. HO 13-035

ATTENTION: HEARING OFFICER

SUBJECT: CADENA RESIDENCE; PROJECT NO. 296187 PROCESS 3

LOCATION: 3610 Bayside Walk

OWNER/APPLICANT: Raul Cadena and Kristen L. Churchill

SUMMARY

Requested Action: Should the Hearing Officer approve the demolition of an existing single-family dwelling unit and construction of a new three story, 2,762 square-foot single-family dwelling unit, a 399 square-foot garage, and accessory improvements on a 0.06-acre site located at 3610 Bayside Walk in the Mission Beach Precise Plan and Local Coastal Program Area?

Staff Recommendation: APPROVE Coastal Development Permit No. 1037918.

Community Planning Group Recommendation: On March 19, 2013, revised plans were presented to the Mission Beach Precise Planning Board voted 11-0-0 to recommend approval of the project (Attachment 10).

Environmental Review: This project is exempt from environmental review pursuant to Article 19, Section 15302 (Replacement or Reconstruction) and Section 15303 (New Construction or Conversion of Small Structures), of the California Environmental Quality Act (CEQA). The project proposes the demolition of an existing single-family dwelling unit and subsequent construction of a replacement single-family dwelling unit. The environmental exemption determination for this project was made on March 8, 2013, and the opportunity to appeal that determination ended March 29, 2013 (Attachment 11).

BACKGROUND

The project site is located at 3610 Bayside Walk (Attachment 1), east of Mission Boulevard and north of San Juan Place (Attachment 2). The property is in the R-S Zone in the Mission Beach Planned District (Attachment 3) within the Mission Beach Precise Plan and Local Coastal Program Area (Attachment 4), Coastal Overlay Zone (Appealable Area), Coastal Height...
Limitation Overlay Zone, Parking Impact Overlay Zone (Beach Impact Area), Residential Tandem Parking Overlay Zone, and the Transit Area Overlay Zone. The zoning designation allows for one residential dwelling unit per 1,200 square feet of lot area and the Mission Beach Precise Plan (MBPP) designates the proposed project site for residential land use at a maximum 36 dwelling units per acre (DU/AC). The project site, occupying 0.06-acres, could accommodate two dwelling units based on the underlying zone, and two dwelling units based on the community plan.

The project site is a rectangular shaped lot with frontage along Bayside Walk with vehicular access from Bayside Lane. The parcel has been previously graded and developed with a single-family dwelling unit, which was constructed in 1931. A historical assessment was performed and City staff determined that the property and associated structure would not be considered historically or architecturally significant under the State of California Environmental Quality Act (CEQA) in terms of architectural style, appearance, design, or construction associated with important persons or events in history.

DISCUSSION

Project Description:

The project proposes the demolition of the single-family dwelling unit and construction of a three-story, 2,762 square-foot single-family dwelling unit with a 399 square-foot attached garage and accessory improvements. The project site is located approximately 238-feet from the Pacific Ocean and 98-feet from the shoreline of Mission Bay. The property is located between the bay and Bayside Lane, which is identified as the first public roadway paralleling the bay. The project proposes a maximum building height of 28-feet 11-inches; therefore, the building and any projections will not exceed the maximum 30 foot height limit allowed by the Coastal Height Limitation Overlay Zone. The project proposes no deviations or variances from the applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in effect for this site.

Development of the proposed project requires the approval of a Process 3 Coastal Development Permit (CDP) for the demolition of an existing single-family dwelling unit and construction of a single-family dwelling unit within the Coastal Overlay Zone. As a component of the proposed project, the building will utilize renewable energy technology, self-generating at least 50-percent or more of the projected total energy consumption on site through photovoltaic technology (solar panels). Because the project utilizes renewable technologies and qualifies as a Sustainable Building, the land use approvals have been processed through the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.

Community Plan Analysis:

The project site is located at 3610 Bayside Walk, east of Mission Boulevard and north of San Juan Place. The MBPP designates the proposed project site for residential land use at a maximum 36 DU/AC. The project proposes one dwelling unit on a 2,782 square-foot lot for a density of 15.66 DU/AC; therefore, the project is consistent with the designated use and density in the community plan. The MBPP contains goals and policies for design and development,
including criteria for yards and setbacks, height, FAR and density. These design criteria have been incorporated in the Mission Beach Planned District Ordinance (MBPDO) regulations that govern the site.

The property is located between the bay and Bayside Lane, which is identified as the first public roadway paralleling the bay. Bayside Walk at this location is not designated as a physical accessway. Although no specific views are identified through the project site in the MBPP, the plan states that views to, and along the shoreline from public areas shall be protected from blockage by development and or vegetation. In addition, Land Development Code (LDC) Section 132.0403(b) requires the preservation of a visual corridor of not less than the side yard setbacks or more than 10-feet in width, and running the full depth of the premises whenever there is a potential view to the water.

Views to Mission Bay looking east from Bayside Lane and through the property are currently obstructed by existing landscape, fences and structures, and will be removed with the demolition of the existing single-family dwelling unit. The project proposes a 3-foot fence and gates along Bayside Walk and along the north and south side setbacks. To preserve the views, a 3-foot wide coastal view corridor easement along the north property line and a 5-foot wide coastal view corridor easement along the south property line, running the full length of the property from east to west, has been shown on the plans and made a condition of the permit. The coastal view corridor easements would be required to be recorded prior to the issuance of any construction permit.

With the coastal view corridor easements, the project meets all applicable regulations and policy documents, and is consistent with the recommended land use designation, design guidelines, and development standards in effect for this site. Therefore, the development would not affect any physical accessway and/or public views to the Pacific Ocean and Mission Bay or other scenic coastal areas as specified in the Local Coastal Program.

Community Group:

On November 20, 2012, the Mission Beach Precise Planning Board voted 8-0-0 to deny the project (Attachment 9) for the following reason: 1) The open tandem parking space must be 8½-feet wide LDC Section 1513.0403(b)(4)(A). 2) The roof eave on the third floor (and garage) cannot encroach into interior side yards more than 6 inches. Exact measurements of eaves were not noted on the plans. 3) The railings have a curved portion that encroaches in the front yard and side yard setbacks. 4) No landscape plans were submitted. The group discussed 50-percent softscape and 50-percent hardscape, and a Tree within 4-5 feet of building.

Staff's Response: 1) The width of the tandem parking space is 10-feet 5-inches, which is in conformance with and in fact exceeds the minimum requirements of the LDC. 2) The roof eave on the third floor and garage encroach into interior side yards a maximum of 6-inches, as illustrated on the elevation plans. 3) The proposed railings on the second and third floor are in compliance with the setback requirement of LDC Section 1513.0304(c)(2) and 1513.0304(e)(3). The regulations require any portion of the structure’s façade exceeding 20-feet in height observe an additional setback for the remainder of the structure by sloping away from the plane of the façade at an angle of 45 degrees, as illustrated on the elevation.
plans. 4) The landscape areas are shown on the site plan and comply with LDC Section 1513.0402 (landscape requirements of the MBPDO). The code allows for any combination of trees, shrubs, and ground cover, except that the use of trees to meet the requirements is optional. The project proposes 172-square feet of landscape planting areas and 171-square feet of hardscape areas.

On February 21, 2013, at the request of the applicant, staff routed a set of the revised plans to the group for reconsideration. On March 19, 2013, the Mission Beach Precise Planning Board reconsidered the project and voted 11-0-0 to recommend approval (Attachment 10).

Conclusion:

The project meets all applicable regulations and policy documents, and staff finds the project consistent with the recommended land use, design guidelines, and development standards in effect for this site per the adopted MBPP, Local Coastal Program, LDC, and the General Plan. As a component of the proposed project, the buildings will utilize renewable energy technology, self-generating at least 50 percent of the projected total energy consumption on site through photovoltaic technology (solar panels).

ALTERNATIVES

1. **APPROVE** Coastal Development Permit No. 1037918, **with modifications**.

2. **DENY** Coastal Development Permit No. 1037918, **if the findings required to approve the project cannot be affirmed**.

Respectfully submitted,

Jeffrey A. Peterson
Development Project Manager
Development Services Department

WESTLAKE/JAP

Attachments:

1. Location Map
2. Aerial Photograph
3. Zoning Map
4. Community Plan Land Use Map
5. Project Data Sheet
6. Project Plans
7. Draft Permit with Conditions
8. Draft Resolution with Findings
9. Community Group Recommendation
10. Second Community Group Recommendation
11. Environmental Exemption
12. Ownership Disclosure Statement
13. Project Chronology
14. Copy of Public Notice (forwarded to HO)
15. Copy of Project Plans (full size-forwarded to HO)

Internal Order No. 24003263
Location Map
Cadena Residence; Project No. 296187
3610 Bayside Walk

Project Site
Aerial Photograph
Cadena Residence; Project No. 296187
3610 Bayside Walk

Project Site
Zoning Map (R-S Zone MBPD)
Cadena Residence; Project No. 296187
3610 Bayside Walk
Mission Beach Community Land Use Map
Cadena Residence; Project No. 296187
3610 Bayside Walk
# PROJECT DATA SHEET

<table>
<thead>
<tr>
<th>PROJECT NAME:</th>
<th>Cadena Residence; Project No. 296187</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROJECT DESCRIPTION:</td>
<td>Demolition of an existing single-family dwelling unit and construction of a three-story, 2,762 square-foot single-family dwelling unit.</td>
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<tr>
<td>COMMUNITY PLAN AREA:</td>
<td>Mission Beach</td>
</tr>
<tr>
<td>DISCRETIONARY ACTIONS:</td>
<td>Coastal Development Permit</td>
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<tr>
<td>COMMUNITY PLAN LAND USE DESIGNATION:</td>
<td>Residential land use at a maximum 36 dwelling units per acre (DU/AC).</td>
</tr>
</tbody>
</table>

## ZONING INFORMATION:

**ZONE:** R-S  
**HEIGHT LIMIT:** 30-foot maximum height limit/Coastal Height Limitation Overlay Zone  
**LOT SIZE:** 2,400 square feet  
**FLOOR AREA RATIO:** 1.1  
**LOT COVERAGE:** 65 percent  
**FRONT SETBACK:** 10-foot  
**SIDE SETBACK:** 3-foot (min.) and 5-foot (Heights greater than 20-feet)  
**STREETSIDE SETBACK:** NA  
**REAR SETBACK:** 0-foot (min.)  
**PARKING:** 2 on-site spaces

## ADJACENT PROPERTIES:

<table>
<thead>
<tr>
<th>ADJACENT PROPERTIES:</th>
<th>LAND USE DESIGNATION &amp; ZONE</th>
<th>EXISTING LAND USE</th>
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<tbody>
<tr>
<td>NORTH:</td>
<td>Residential; R-S</td>
<td>Single-Family Residential</td>
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<tr>
<td>SOUTH:</td>
<td>Residential; R-S</td>
<td>Multi-Family Residential</td>
</tr>
<tr>
<td>EAST:</td>
<td>Residential; CC-3-5</td>
<td>Multi-Family Residential</td>
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<tr>
<td>WEST:</td>
<td>Outside Community Boundary; RM-4-10</td>
<td>Mission Bay Beach area</td>
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</tbody>
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## DEVIATIONS OR VARIANCES REQUESTED:

None.

## COMMUNITY PLANNING GROUP RECOMMENDATION:

On November 20, 2012, the Mission Beach Precise Planning Board voted 8-0-0 to deny the project. On March 19, 2013, revised plans were presented to the Mission Beach Precise Planning Board and they voted 11-0-0 to recommend approval of the project.
CADENA RESIDENCE
3610 BAYSIDE WALK, SAN DIEGO, CA 92109

COASTAL PERMIT RE-SUBMITTAL
FEBRUARY 21, 2013
Site Plan

Cadena Residence

Sheet 4 of 4

Prepared by:

Golba Architecture

2140 Garnet Ave., Suite 110
San Diego, CA 92109
Phone: (619) 224-7000
Fax: (619) 224-7001

Cadena Residence

ATTACHMENT 6
PROPOSED Jl'lEST ELEVATION PORTIO~

PROPOSED SOUTH ELEVATION

PROPOSED WEST ELEVATION

Sheets: 5
Project Name: Cadena Residence
Project Address: 2612 Regal Park, San Diego, CA 92109
Original Date: 10-04-12

Contact: Rebecca Hanquez
Phone: (619) 450-9411
Fax: (619) 450-9458

GOLBA ARCHITECTURE
3820 Kearny Ave. Suite 200
San Diego, CA 92104
Phone: (619) 299-5000
Fax: (619) 702-3471
This Coastal Development Permit No. 1037918 is granted by the Hearing Officer of the City of San Diego to RAUL CADENA and KRISTEN L. CHURCHILL, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0708. The 0.06-acre site is located at 3610 Bayside Walk, east of Mission Boulevard and north of San Juan Place, in the R-S Zone within the Mission Beach Planned District, Mission Beach Precise Plan and Local Coastal Program Area, Coastal Overlay Zone (Appealable Area), Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zone (Beach Impact Area), Residential Tandem Parking Overlay Zone, and the Transit Area Overlay Zone. The project site is legally described as: Lot C, Block 161 of Mission Beach, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1651, filed in the Office of the County Recorder of San Diego County, December 14, 1914.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for the demolition of an existing single-family dwelling unit and to construct a new single-family dwelling unit, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated April 24, 2013, on file in the Development Services Department.

The project shall include:

a. Demolition of a single-family dwelling unit and construction of a three-story, 2,762 square-foot single-family dwelling unit with a 399 square-foot attached garage;

b. Landscaping (planting, irrigation and landscape related improvements);

c. Off-street parking;
d. Construction of associated site improvements (i.e. hardscape, fences and site walls);

e. A roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project’s projected energy consumption; and

f. 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 May 8, 2016.

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 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.

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 permit, the Owner/Permittee shall incorporate any construction Best Management Practices (BMPs) necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

13. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

14. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate and show the type and location of all post-construction Best Management Practices (BMP’s) on the final construction drawings, consistent with the approved Water Quality Technical Report.

15. Prior to the foundation inspection, the Owner/Permittee shall submit an building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying the pad elevation based on USGS datum is consistent with Exhibit “A,” satisfactory to the City Engineer.

GEOLOGY REQUIREMENTS:

16. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.

PLANNING/DESIGN REQUIREMENTS:

17. Owner/Permittee shall maintain a minimum of two (2) off-street parking spaces (the project provides 2-standard and 1-tandem) 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.

18. Prior to the issuance of any construction permit, the Owner/Permittee shall record a 3-foot wide View Corridor Easement along the north property line and a 5-foot wide View Corridor Easement along the south property line, running the full length of the property from east to west as shown on Exhibit “A,” in accordance with SDMC section 132.0403.

19. 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.
20. Prior to the issuance of building permits, construction documents shall fully illustrate the incorporation of a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project’s projected energy consumption.

21. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in 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 April 24, 2013, pursuant to Resolution No. CM-XXXX.
Permit Type/PTS Approval No.: CDP No. 1037918
Date of Approval: April 24, 2013

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Jeffrey A. Peterson
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.

RAUL CADENA
Owner/Permittee

By __________________________
Raul Cadena

KRISTEN L. CHURCHILL
Owner/Permittee

By __________________________
Kristen L. Churchill

NOTE: Notary acknowledgments must be attached per Civil Code section 1189 et seq.
WHEREAS, Raul Cadena and Kristen L. Churchill, Owner and Permittee, filed an application with the City of San Diego for a permit to demolish an existing single-family dwelling unit and to construct a three-story, 2,762-square foot single-family dwelling unit with an attached garage (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1037918), on portions of a 0.06-acre site;

WHEREAS, the project site is located at 3610 Bayside Walk, east of Mission Boulevard and north of San Juan Place, in the R-S Zone within the Mission Beach Planned District, Mission Beach Precise Plan and Local Coastal Program Area, Coastal Overlay Zone (Appealable Area), Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zone (Beach Impact Area), Residential Tandem Parking Overlay Zone, and the Transit Area Overlay Zone;

WHEREAS, the project site is legally described as Lot C, Block 161 of Mission Beach, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1651, filed in the Office of the County Recorder of San Diego County, December 14, 1914;

WHEREAS, on April 24, 2013, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 1037918 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on March 8, 2013, 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 15302 (Replacement or Reconstruction) and Section 15303 (New Construction or Conversion of Small Structures), and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

NOW, THEREFORE,

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 April 24, 2013.

FINDINGS:

I. Coastal Development Permit - Section 126.0708(a)

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 0.06-acre site is located at 3610 Bayside Walk, east of Mission Boulevard and north of San Juan Place. The property is an interior lot, and is located approximately 238-feet from the Pacific Ocean and 98-feet from the shoreline of Mission Bay shoreline. The property is located between the bay and Bayside Lane, which is identified as the first public roadway paralleling the bay. Bayside Walk at this location is not designated as a physical accessway. Although no specific views are identified through the project site in the Mission Beach Precise Plan (MBPP), the plan states that views to, and along the shoreline from public areas shall be protected from blockage by development and or vegetation. In addition, Land Development Code (LDC) Section 132.0403(b) requires the preservation of a visual corridor of not less than the side yard setbacks or more than 10-feet in width, and running the full depth of the premises whenever there is a potential view to the water.

Views to Mission Bay looking east from Bayside Lane and through the property are currently obstructed by existing landscape, fences and structures, and will be removed with the demolition of the existing single-family dwelling unit. To preserve the views, a 3-foot wide coastal view corridor easement along the north property line and a 5-foot wide coastal view corridor easement along the south property line, running the full length of the property from east to west, has been shown on the plans and made a condition of the permit. The coastal view corridor easements would be required to be recorded prior to the issuance of any construction permit.

With the coastal view corridor easements, the project meets all applicable regulations and policy documents, and is consistent with the recommended land use designation, design guidelines, and development standards in effect for this site. Therefore, the development has been designed to protect and enhance the public views, and would not affect any existing or proposed physical accessway and/or public views to the Pacific Ocean and Mission Bay or other scenic coastal areas as specified in the Local Coastal Program.

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

The project proposes the demolition of a single-family dwelling unit and to construct a three-story, 2,762 square-foot single-family dwelling unit with an attached garage on a 0.06-acre site. The property is an interior lot, and is located approximately 238-feet from the Pacific Ocean and 98-feet from the shoreline of Mission Bay shoreline. The property is located between the bay and Bayside Lane, which is identified as the first public roadway paralleling the bay. The site is approximately 5-feet above Mean Sea Level (MSL) and is located above the 100-year floodplain. The site is not within or adjacent to the Multiple Species Conservation Program (MSCP) Multiple Habitat Planning Area (MHPA) and does not contain any other type of Environmental Sensitive Lands (ESL) as defined in LDC 113.0103.

The City of San Diego conducted an environmental review of this site in accordance with State of California Environmental Quality Act (CEQA) guidelines. The project was determined to be categorically exempt from CEQA pursuant to Section 15302 (Replacement or Reconstruction) and Section 15303 (New Construction or Conversion of Small Structures). Therefore, it has been determined that the subdivision does not contain environmentally sensitive lands and would not adversely affect these resources.
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; and

The 0.06-acre site is located at 3610 Bayside Walk, east of Mission Boulevard and north of San Juan Place. The property is an interior lot, and is located approximately 238-feet from the Pacific Ocean and 98-feet from the shoreline of Mission Bay shoreline. The property is located between the bay and Bayside Lane, which is identified as the first public roadway paralleling the bay. Bayside Walk at this location is not designated as a physical accessway. Although no specific views are identified through the project site in the MBPP, the plan states that views to, and along the shoreline from public areas shall be protected from blockage by development and or vegetation. In addition, LDC Section 132.0403(b) requires the preservation of a visual corridor of not less than the side yard setbacks or more than 10-feet in width, and running the full depth of the premises whenever there is a potential view to the water.

Views to Mission Bay looking east from Bayside Lane and through the property are currently obstructed by existing landscape, fences and structures, and will be removed with the demolition of the existing single-family dwelling unit. To preserve the views, a 3-foot wide coastal view corridor easement along the north property line and a 5-foot wide coastal view corridor easement along the south property line, running the full length of the property from east to west, has been shown on the plans and made a condition of the permit. The coastal view corridor easements would be required to be recorded prior to the issuance of any construction permit.

With the coastal view corridor easements, the project meets all applicable regulations and policy documents, and is consistent with the recommended land use designation, design guidelines, and development standards in effect for this site. Therefore, the 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 0.06-acre site is located at 3610 Bayside Walk, east of Mission Boulevard and north of San Juan Place. The property is an interior lot, and is located approximately 238-feet from the Pacific Ocean and 98-feet from the shoreline of Mission Bay shoreline. The property is located between the bay and Bayside Lane, which is identified as the first public roadway paralleling the bay. Bayside Walk at this location is not designated as a physical accessway and the proposed development would be on private property.

The project meets all applicable regulations and policy documents, and is consistent with the recommended land use designation, design guidelines, and development standards in effect for this site and public access to the water, public recreation facilities, or public parking facilities would not be adversely affected by the approval of this development. Therefore, the proposed
development has demonstrated conformance with the public access and recreation policies of
the California Coastal Act as required by this finding.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Development
Services Department, Coastal Development Permit No. 1037918 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. 1037918 a copy of which is attached hereto and made a part hereof.

Jeffrey A. Peterson
Development Project Manager
Development Services Department

Adopted on: April 24, 2013

Internal Order No. 24003263
### Community Planning Committee

**Distribution Form Part 1**

<table>
<thead>
<tr>
<th>Project Name:</th>
<th>Cadena Residence CDP</th>
<th>Project Number:</th>
<th>296187</th>
<th>Distribution Date:</th>
<th>10/09/2012</th>
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**Project Scope/Location:**

MISSION BEACH 10#24003263 **SUSTAINABLE BUILDING EXPEDITE PROGRAM** (PROCESS 3) CDP to demo SFR and construct a 2762 sq ft SFR with an attached 399 sq ft garage on a 0.06 acre site at 3610 Bayside Wk in the R-S Zone in the MBPD, Mission Beach Community Plan, Coastal Overlay (Appealable), Coastal Ht Limit, Residential Tandem Parking, Parking Impact, Transit Area, & Council District 2. Notice Cards=2

---

**Applicant Name:** Rebecca Marquez

** Applicant Phone Number:** (619) 231-9905

**Project Manager:** Jeff Peterson

**Phone Number:** (619) 446-5237

**Fax Number:** (619) 446-5245

**E-mail Address:** JAPeterson@sandiego.gov

**Project Issues (To be completed by Community Planning Committee for Initial review):**

> **THIS PROJECT WAS REVIEWED AND DISCUSSED AT OUR BOARD'S NOVEMBER 20, 2012 MEETING. THE ARCHITECT WAS PRESENT. THE PROJECT WAS DENIED FOR THE FOLLOWING REASONS:**

1. **The open tandem parking space must be 26'6" feet long and 20'2" feet wide (sheet A0).**
2. **The eave on the third floor roof can not encroach more than 6" inches into the exterior setback on the north and south elevations (sheet A 3.0 + 2.1). This also applies to the main floor garage and on the north exterior side yard (sheet A 2.0) (sheet A 1.1).**
3. **The railings have a curved portion that encroach into the front yard second story setback on the east and into the side yard setbacks on the north third floor and on the second and third floors on the south. (sheets A 2.0 & 2.1).**
4. **No Landscape Plans were submitted. We discussed SDR borrows on 50' easements. Trees within 10.5 feet from Bldg. Noting over 26' minimum.**

---

**Attach Additional Pages If Necessary.**

**Please return to:**
Project Management Division
City of San Diego
Development Services Department
1222 First Avenue, MS 302
San Diego, CA 92101

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Upon request, this information is available in alternative formats for persons with disabilities.
**Community Planning Committee**

**Distribution Form Part 2**

**Project Name:** Cadena Residence CDP  
**Project Number:** 296187  
**Distribution Date:** 10/09/2012

**Project Scope/Location:**
MISSION BEACH 10#24003263 **SUSTAINABLE BUILDING EXPEDITE PROGRAM** *(PROCESS 3) CDP to demo SFR and construct a 2762 sq ft SFR with an attached 399 sq ft garage on a 0.06 acre site at 3610 Bayside Wk in the R-S zone in the MBPD, Mission Beach Community Plan, Coastal Overlay (Appealable), Coastal Ht Limit, Residential Tandem Parking, Parking Impact, Transit Area, & Council District 2. Notice Cards=2

**Applicant Name:**  
Rebecca Marquez  
**Applicant Phone Number:** (619) 231-9905

**Project Manager:** Jeff Peterson  
**Phone Number:** (619) 446-5237  
**Fax Number:** (619) 446-5245  
**E-mail Address:** JAPeterson@sandiego.gov

**Committee Recommendations (To be completed for Initial Review):**

- [ ] Vote to Approve  
  - Members Yes  
  - Members No  
  - Members Abstain

- [ ] Vote to Approve With Conditions Listed Below  
  - Members Yes  
  - Members No  
  - Members Abstain

- [ ] Vote to Approve With Non-Binding Recommendations Listed Below  
  - Members Yes  
  - Members No  
  - Members Abstain

- [ ] Vote to Deny  
  - Members Yes  
  - Members No  
  - Members Abstain

- [ ] No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)  
  - Continued

**CONDITIONS:**

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<tr>
<th>NAME</th>
<th>DENNIS LYNCH 358-488-1638</th>
<th>TITLE</th>
<th>PLAN REVIEWER</th>
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<td>[Signature]</td>
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</table>

**Attach Additional Pages If Necessary.**

Please return to:  
Project Management Division  
City of San Diego  
Development Services Department  
1222 First Avenue, MS 302  
San Diego, CA 92101

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Hi Jeffrey:

Architect Chad Beaver of Golba Architecture represented owner.

Architect Beaver presented revised plans for the above-referenced project.

The Board voted (11-0-0) to APPROVE the project at 3610 Bayside because the plans now meet the requirements set forth in the Mission Beach Planned District Ordinance (PDO) and all concerns have been resolved.

Let me know whether you need anything else.

Thank you.

Debbie Watkins, Chair
Mission Beach Precise Planning Board
(868) 344-1684
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
      
      ___OFFICE OF PLANNING AND RESEARCH
      1400 TENTH STREET, ROOM 121
      SACRAMENTO, CA  95814

FROM:  CITY OF SAN DIEGO
       DEVELOPMENT SERVICES DEPARTMENT
       1222 FIRST AVENUE, MS 501
       SAN DIEGO, CA 92101

PROJECT TITLE/NO.:  CADENA RESIDENCE CDP / 296187

PROJECT LOCATION-SPECIFIC:  3610 Bayside Walk, San Diego, CA 92109

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

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT:  Applicant is requesting a COASTAL DEVELOPMENT PERMIT to demolish an existing, two-story, single dwelling unit and garage, and the subsequent construction of a three-story, 2,762-square-foot, single dwelling unit with attached 399-square-foot garage with proposes a roof-top photovoltaic system. Also proposed are a second level 340-square-foot deck area and a third level 160-square-foot deck area. The project would also construct various site improvements which includes associated hardscape and landscaping. The 2,782-square-foot project site is located at 3610 Bayside Walk. Project site is designated for Residential Development (with a maximum density of 36 du/acre). MBPD-R-S zone of the Mission Beach Planned District, the Coastal Height Limitation Overlay Zone, the Coastal Overlay Zone (Appealable Area), the First Public Roadway, the Parking Impact Overlay Zone (Beach Impact Area), the Residential Tandem Parking Overlay Zone, the Transit Area Overlay Zone, and the Mission Beach Precise Plan and Local Coastal Program area. (LEGAL DESCRIPTION: Block 161, Lot C, Map 1809).

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT:  Rebecca Marquez, Golba Architecture Inc., 1940 Garnet Avenue, Suite 100, San Diego, CA 92109, (619) 231-9905.

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: 15302 (Replacement or Reconstruction) and 15303 (New Construction or Conversion of Small Structures)
( ) STATUTORY EXEMPTIONS:

REASONS WHY PROJECT IS EXEMPT:  The City of San Diego conducted an environmental review that determined that the project would not have the potential for causing a significant effect on the environment in that the project is proposing the demolition of an existing single-dwelling unit and subsequent construction of a replacement single-dwelling unit. The project is consistent with the General Plan, Community Plan, and zoning requirements. The project meets the criteria set forth in CEQA Section 15302 which allows for the replacement or reconstruction of existing structures where the new structure will be located on the same site and have substantially the same purpose and capacity as the structure being replaced. The project also meets
the criteria set forth in CEQA Section 15303 that allows for new construction, one single-family residence in a residential zone. Furthermore, the exceptions listed in CEQA Section 15300.2 would not apply in that no cumulative impacts were identified; no significant effect on the environmental were identified; the project is not adjacent to a scenic highway; the project was not identified on a list of hazardous waste sites pursuant to Section 65962.5 of the Government Code.

LEAD AGENCY CONTACT PERSON: E. Shearer-Nguyen

TELEPHONE: (619) 446-5369

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.

SIGNED BY LEAD AGENCY

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

( ) SIGNED BY APPLICANT

DATE OF PROJECT APPROVAL

CHECK ONE:

(X) SIGNED BY LEAD AGENCY

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:
NOTICE OF RIGHT TO APPEAL
ENVIRONMENTAL DETERMINATION

PROJECT NAME/NUMBER: CADENA RESIDENCE CDP / 296187

COMMUNITY PLAN AREA: Mission Beach

COUNCIL DISTRICT: 2

LOCATION: 3610 Bayside Walk, San Diego, CA 92109

PROJECT DESCRIPTION: Applicant is requesting a COASTAL DEVELOPMENT PERMIT to demolish an existing, two-story, single dwelling unit and garage, and the subsequent construction of a three-story, 2,762-square-foot, single dwelling unit with attached 399-square-foot garage with proposes a roof-top photovoltaic system. Also proposed are a second level 340-square-foot deck area and a third level 160-square-foot deck area. The project would also construct various site improvements which includes associated hardscape and landscaping. The 2,782-square-foot project site is located at 3610 Bayside Walk. Project site is designated for Residential Development (with a maximum density of 36 du/acre), MBPD-R-S zone of the Mission Beach Planned District, the Coastal Height Limitation Overlay Zone, the Coastal Overlay Zone (Appealable Area), the First Public Roadway, the Parking Impact Overlay Zone (Beach Impact Area), the Residential Tandem Parking Overlay Zone, the Transit Area Overlay Zone, and the Mission Beach Precise Plan and Local Coastal Program area. (LEGAL DESCRIPTION: Block 161, Lot C, Map 1809).

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Hearing Officer

ENVIRONMENTAL DETERMINATION: Categorically exempt from CEQA pursuant to CEQA State Guidelines, Sections 15302 (Replacement or Reconstruction) and 15303 (New Construction or Conversion of Small Structures).

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The City of San Diego conducted an environmental review that determined that the project would not have the potential for causing a significant effect on the environment in that the project is proposing the...
demolition of an existing single-dwelling unit and subsequent construction of a replacement single-dwelling unit. The project is consistent with the General Plan, Community Plan, and zoning requirements. The project meets the criteria set forth in CEQA Section 15302 which allows for the replacement or reconstruction of existing structures where the new structure will be located on the same site and have substantially the same purpose and capacity as the structure being replaced. The project also meets the criteria set forth in CEQA Section 15303 that allows for new construction, one single-family residence in a residential zone. Furthermore, the exceptions listed in CEQA Section 15300.2 would not apply in that no cumulative impacts were identified; no significant effect on the environmental were identified; the project is not adjacent to a scenic highway; the project was not identified on a list of hazardous waste sites pursuant to Section 65962.5 of the Government Code.

DEVELOPMENT PROJECT MANAGER: Jeffery A. Peterson
MAILING ADDRESS: 1222 First Avenue, MS501, San Diego CA 92101
PHONE NUMBER: (619) 446-5237

On March 8, 2013 the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk within 15 business days from the date of the posting of this Notice. The appeal application can be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

This information will be made available in alternative formats upon request.
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: CADENA RESIDENCE
Project Address: 3610 BAYSIDE WALK, SAN DIEGO, CA 92109

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 or Individual (type or print):

[ ] Owner [ ] Tenant/Lessee [ ] Redevelopment Agency

Street Address:
3610 BAYSIDE WALK
City/State/Zip: SAN DIEGO, CA 92109
Phone No.: (619) 252-8866
Signature: [ ]
Date: 9-11-12

Name of Individual (type or print):

[ ] Owner [ ] Tenant/Lessee [ ] Redevelopment Agency

Street Address:
3610 BAYSIDE WALK
City/State/Zip: SAN DIEGO, CA 92109
Phone No.: (619) 252-8866
Signature: [ ]
Date: 9-11-12

Name of Individual (type or print):

[ ] Owner [ ] Tenant/Lessee [ ] Redevelopment Agency

Street Address:

City/State/Zip:
Phone No.: 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:

Printed on recycled paper. Visit our web site at www.sandiego.gov/development.services
Upon request, this information is available in alternative formats for persons with disabilities.

DS-318 (5-05)
## DEVELOPMENT SERVICES DEPARTMENT

### PROJECT CHRONOLOGY

#### CADENA RESIDENCE - PROJECT NO. 296187

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<th>Action</th>
<th>Description</th>
<th>City Review Time (Working Days)</th>
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**TOTAL STAFF TIME** (Does not include City Holidays or City Furlough) 69 days

**TOTAL APPLICANT TIME** (Does not include City Holidays or City Furlough) 66 days

**TOTAL PROJECT RUNNING TIME** From Deemed Complete to Hearing 135 working days (197 calendar days)