REPORT TO THE HEARING OFFICER

HEARING DATE: December 4, 2013	 REPORT NO. HO 13-103

ATTENTION: Hearing Officer

SUBJECT: KARVELIS ADDITION
PROJECT NUMBER 321414

LOCATION: 540 Tarento Drive
APPLICANT: Bruce Peeling, on behalf of Peter Karvelis

SUMMARY

Issue: Should the Hearing Officer approve the construction of additions to a single-family residence located at 540 Tarento Drive within the Peninsula Community Plan Area?

Staff Recommendation: APPROVE Coastal Development Permit No. 1122800.

Community Planning Group Recommendation: On July 18, 2013, the Peninsula Community Planning Board voted 12-0-0 to recommend approval of the proposed project with no conditions (Attachment 7).

Environmental Review: The proposed activity is exempt from California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing facilities) of the State CEQA Guidelines. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on June 13, 2013 and the opportunity to appeal that determination ended on June 27, 2013.

BACKGROUND/DISCUSION

The project site is located at 540 Tarento Drive within the Peninsula Community Planning area. The site is zoned RS-1-7, and located within the Coastal Overlay Zone (appealable area) and within the First Public Roadway of the Coastal Overlay Zone. The 0.16-acre site is designated for low density residential development. The proposed project is to construct a two-story, 1,970 square-foot addition to a one-story residence and expand a 392 square-foot garage, resulting in a 3,582 square-foot, two-story residence and 507 square-foot two-car garage. Staff has determined that the residence to be demolished is not a designated resource nor is it located in any existing historic district. The project does not meet the local
designation criteria as an individually significant resource under any adopted Historical Resources Board Criteria.

The property is located within an urbanized, built-out neighborhood developed with a variety of multi-level single family homes of varying architecture and a private college (Point Loma Nazarene University). Tarento Drive is designated as a First Public Roadway to the Pacific Ocean, however, the site is separated from the Pacific Ocean by the college and private developments, and located approximately one half mile from the Pacific Ocean.

The project requires a Coastal Development Permit pursuant to Land Development Code section 126.0704 (a) (2), for improvements to an existing structure where the improvement results in an increase of 10 percent or more of interior floor area and where the structure is located between the sea and First Public Roadway paralleling the sea.

The project complies with all of the underlying zone regulations including building height, setbacks, floor area ratio and parking and is consistent with the Peninsula Community Plan’s land use designation for single-family development.

Conclusion:

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

ALTERNATIVES

1. Approve Coastal Development Permit No. 1122800, with modifications.

2. Deny Coastal Development Permit No. 1122800, 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. Notice of Exemption
5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions
7. Community Planning Group Recommendation
8. Project Plans
Peninsula Community Plan
CITY OF SAN DIEGO • PLANNING DEPARTMENT

Land Use Map
KARVELIS ADDITION— 540 TARENTO DRIVE
PROJECT NO. 321414

North
NOTICE OF EXEMPTION

TO: Recorder/County Clerk
P.O. Box 1750, MS A-33
1600 Pacific Hwy, Room 260
San Diego, CA 92101-2422

FROM: City of San Diego
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

OFFICE OF PLANNING AND RESEARCH
1400 Tenth Street, Room 121
Sacramento, CA 95814

PROJECT NO.: 321414

PROJECT TITLE: Karvelis Addition

PROJECT LOCATION-SPECIFIC: The project is located at 540 Tarento Drive, San Diego, CA 92107 (Lot 110, Woodland Terrace Unit No.2 in the City of San Diego, County of San Diego, State of California according to the Map thereof No. 2718, filed in the office of the San Diego County Recorder)

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

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: A Coastal Development Permit (CDP) to add 2,085 square feet, which includes a 1st and 2nd story addition to an existing 1,497 square foot single family residence on a 0.16 acre lot. The project site is in the RS-1-7 zone of the Peninsula Community Plan area.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Bruce Peeling, Architect, 3538 Inez Street, San Diego, CA 91206 (619-224-8575).

EXEMPT STATUS: (CHECK ONE)

( ) MINISTERIAL (SEC. 21080(b)(1); 15268);
( ) DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a));
( ) EMERGENCY PROJECT (SEC. 21080(b)(4); 15269(b)(c))
( ) CATEGORICAL EXEMPTION: Section 15301(e) (Existing Facilities)
( ) STATUTORY EXEMPTIONS:

REASONS WHY PROJECT IS EXEMPT: The City of San Diego has determined the project meets the categorical exemption criteria set forth in CEQA State Guidelines, Section 15301(e) (Existing Facilities), which allows for the addition to existing structures not resulting in an increase of more than 2,500 square feet on project sites which do not contain environmentally sensitive resources. Since the project site is currently developed and lacks sensitive resources and would not result in an addition exceeding 2,500 square feet the exemption is appropriate and the exceptions listed in CEQA Section 15300.2 would not apply.

LEAD AGENCY CONTACT PERSON: de Freitas

TELEPHONE: (619) 446-5187

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/TITLE

DATE

CHECK ONE:
(X) SIGNED BY LEAD AGENCY

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

( ) SIGNED BY APPLICANT
WHEREAS, PETER KARVELIS, Owner/Permittee, filed an application with the City of San Diego for a permit to construct additions to a residence (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Coastal Development Permit No. 1122800) on portions of a 0.16-acre lot.

WHEREAS, the project site is located at 540 Tarento Street in the RS-1-7 zone, Coastal Overlay Zone (appealable), First Public Roadway, Parking Impact Overlay Zone and Coastal Height Limit Overlay Zone within the Peninsula Community Planning area;

WHEREAS, the project site is legally described as Lot 110, Woodland Terrace Map No. 2718;

WHEREAS, on December 4, 2013, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 1122800 pursuant to the Land Development Code of the City of San Diego;

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 December 4, 2013.

FINDINGS:

Coastal Development Permit Findings - 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 two-story, 1,970 square-foot addition to a one story residence and expansion of a 392 square-foot garage, resulting in a 3,582 square-foot, two-story residence and 507 square-foot 2-car garage. The site is within the Sunset Cliffs neighborhood of the community plan. The plan goal states that the character of existing stable single-family neighborhoods throughout Peninsula including the very low-density character of certain neighborhoods should be conserved. The remodel and addition to the residence is consistent with this goal.

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

   The project proposes the construction of a two-story, 1,970 square-foot addition to a one story residence and expansion of an existing 392 square-foot garage, resulting in a 3,582 square-foot, two-story residence and 507 square-foot 2-car garage. 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 project proposes the construction of a two-story, 1,970 square-foot addition to a one story residence and expansion of an existing 392 square-foot garage, resulting in a 3,582 square-foot, two-story residence and 507 square-foot 2-car garage. The site is designated for residential development within the Peninsula Community Plan. The project complies with all of the development regulations of the RS-1-7 zone. The Peninsula Community Plan and Local Coastal Program do not identify the site as containing a public physical accessway or as having a proposed accessway or 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 project proposes the construction of a two-story, 1,970 square-foot addition to a one story residence and expansion of an existing 392 square-foot garage, resulting in a 3,582 square-foot, two-story residence and 507 square-foot 2-car garage. The project is located in a built-out neighborhood developed with single-family dwellings and a private college (Point Loma Nazarene College). Tarento Drive is designated as a first public roadway to the Pacific Ocean however, the site is separated from the Pacific Ocean by the college and private developments.

   The subject property is located approximately one half mile from the Pacific Ocean.

   All development would occur on private property; therefore, the proposed project will not encroach upon any existing physical accessway used by the public. The proposed coastal development will conform to 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. 1122800 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Coastal Development Permit No. 1122800, a copy of which is attached hereto and made a part hereof.
Sandra Teasley
Development Project Manager
Development Services

Adopted on: December 4, 2013

Job Order No. 24003726
COASTAL DEVELOPMENT PERMIT NO. 1122800

KARVELIS ADDITION - PROJECT NO. 321414

HEARING OFFICER

This Coastal Development Permit No. 1122800 is granted by the Hearing Officer of the City of San Diego to PETER KARVELIS, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0708. The 0.16-acre site is located at 540 Tarento Drive, zoned RS-1-7, Coastal Overlay Zone (appealable), First Public Roadway and Coastal Height Limit Overlay Zone, within the Peninsula Community Plan Area. The project site is legally described as Lot 110, Woodland Terrace Unit No. 2 Map No. 2718.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owners/Permittee to construct first and second story additions to an existing residence (as described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated December 4, 2013) on file in the Development Services Department.

The project shall include:

a. Construction of a two-story, 1,970 square-foot addition to a one story residence and expansion of a 392 square-foot garage, resulting in a 3,582 square-foot, two-story residence and 507 square-foot 2-car garage;

b. Off-street parking; and

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

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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 **INSERT COASTAL COMMISSION APPEAL ENDING DATE – UNKNOWN AT THIS 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 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 enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
13. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.

14. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

PLANNING/DESIGN REQUIREMENTS:

15. Owner/Permittee shall maintain a minimum of two (2) 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.

16. 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.

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 December 4, 2013 and Coastal Development Permit No. 1122800 and Resolution No. ___.

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Coastal Development Permit No. 1122800
Approval Date: December 4, 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.

PETER KARVELIS
Owner/Permittee

By ___________________________
Peter Karvelis

NOTE: Notary acknowledgments must be attached per Civil Code section 1189 et seq.
Project Name: Karvelis Addition - CDP  
Project Number: 321414  
Distribution Date: 4/30/2013

Project Scope/Location:  
PENINSULA Coastal Development Permit (Process 3) to add 2,085 square feet, 1st and 2nd story additions to an existing 1,487 square foot single family residence on a 0.16-acre lot located at 540 Taranto Drive. The site is in the RS-1-7 zone, 1st Public Roadway, Coastal (appealable), Coastal Height, and Parking Impact Overlay Zones in the Peninsula Community Plan. Council District 2. Notice Card=1.

Applicant Name: Peeling, Bruce  
Applicant Phone Number: (619) 224-8575

Project Manager: Teasley, Sandra  
Phone Number: (619) 446-5271  
Fax Number: (619) 446-5245  
E-mail Address: STeasley@sandiego.gov

Committee Recommendations (To be completed for Initial Review):

- [x] Vote to Approve  
  Members Yes: 10  
  Members No: 0  
  Members Abstain: 0

- [ ] Vote to Approve  
  With Conditions Listed Below

- [ ] Vote to Approve  
  With Non-Binding Recommendations Listed Below

- [ ] Vote to Deny

- [ ] No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)  
  Continued: 0

Conditions:

- NAME: Julia Quinn  
- TITLE:  
- SIGNATURE: Julia Quinn  
- DATE:  

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)