REPORT TO THE HEARING OFFICER

HEARING DATE: June 11, 2014
REPORT NO. HO 14-033

ATTENTION: HEARING OFFICER

SUBJECT: GARBCAZEWESKI RESIDENCE; PROJECT NO. 352168
PROCESS 3

LOCATION: 3826 Bayside Walk

OWNER/APPLICANT: John and Colleen Garbczewsik

SUMMARY

Requested Action: Should the Hearing Officer approve the demolition of an existing single-family dwelling unit and construction of a new single-family dwelling unit on a 0.037-acre site located at 3826 Bayside Walk in the Mission Beach Precise Plan and Local Coastal Program Area?

Staff Recommendation: APPROVE Coastal Development Permit No. 1235369 and Variance No. 1264938.

Community Planning Group Recommendation: On April 17, 2014, the Mission Beach Precise Planning Board voted 8-0-0 to recommend approval of the project (Attachment 9).

Environmental Review: This project is exempt from environmental review pursuant to Article 19, Section 15302 (Replacement or Reconstruction) and Section 15303 (New Construction), 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 April 22, 2014. The Notice of Right to Appeal (NORA) was posted on April 23, 2014 and the opportunity to appeal that determination ended May 7, 2014 (Attachment 10).

BACKGROUND

The project site is located at 3826 Bayside Walk (Attachment 1), on the southwestern corner of Seagirt Court and Bayside Walk, east of Mission Boulevard (Attachment 2). The property is in
the R-N 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, the First Public Roadway, 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 0.037-acres (or 1,620-square feet), could accommodate one dwelling units based on the underlying zone, and one dwelling unit for a density of approximately 27 DU/AC based on the designated use and density in the community plan.

The project site is a rectangular shaped lot with frontage along Bayside Walk with vehicular access from Bayside Lane. On November 9, 1984, Parcel Map No. 13539 was recorded for lot adjustments for the interior property lines for this site and the two western lots. This adjustment was made to correctly reflect the location of the existing structures and to met the minimum required side setbacks. The parcel has been previously graded and developed with a single-family dwelling unit, which was constructed in 1935. 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 two-story, 1,178-square foot single-family dwelling unit, a 253-square foot garage, a roof deck, and accessory improvements. The project site is located approximately 238-feet from the Pacific Ocean and 55-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 26-feet 9-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 site is a rectangular shaped lot that is located on the southwestern corner of Seagirt Court and Bayside Walk. The portion of the property fronting on Seagirt Court is classified as the front setback, Bayside Walk is classified as a street side setback, and the southern property line is classified as the rear setback. Land Development Code (LDC) Section 1513.0304(c)(6) requires a minimum rear yard that abuts an interior of rear yard of an adjacent lot to comply with LDC Section 1513.0304(c)(3), which is a minimum six (6) foot setback within the R-N Zone.

The project includes a variance request to allow for a zero (0) foot rear yard setback where six (6) feet is required by the zone to allow the construction of a one-car garage on the ground floor and a portion of the second floor. The property fronts on approximate eight (8) feet of an existing dead-end utility alley, and the access to the garage would be from this alley. This condition,
referred to here-in as “virtual land-locked parcels” (VLP) was a mapping situation that was created 1809 when the original mapping was developed for Mission Beach, specifically in north Mission Beach, where dead-end finger utility alleys were designed to reach the last bay or ocean front lots at the end of these 16-foot wide alleys. The MBPP identifies these alleys as strictly utilitarian (Page 18).

In many cases, lots have been developed utilizing an accumulation of these lots to create larger parcels. However, there are still approximately 20 of these originally mapped parcels in Mission Beach that created this condition of a rear yard that contains a common property line with an adjacent parcel. In addition, the Mission Beach Planned District Ordinance (MBPDO) acknowledges and addresses the complication of these VLP lots being developed independently, such as allowing one parking space per dwelling unit for lots abutting Ocean Front Walk or Bayside Walk with less than 10 feet of vehicular access on a street or alley (LDC Section 1513.0403(b)(A)(ii)). Staff has reviewed the circumstances and conditions of the property and the proposed development, and has determined that the finding in support of the variance request can be made.

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, and a Process 3 Variance for the rear yard setback. 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 3826 Bayside Walk, on the southwestern corner of Seagirt Court and Bayside Walk, east of Mission Boulevard. The Mission Beach Precise Plan (MBPP) designates the proposed project site for residential land use at a maximum 36 DU/AC. The project proposes one dwelling unit on a 1,620 square-foot lot for a density of 27 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, floor area ratio (FAR) and density. These design criteria have been incorporated in the 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.

Views to Mission Bay looking east along Seagirt Court and through the property are currently obstructed by existing landscape and fences. The project proposes a 3-foot fence and gates along
Seagirt Court and Bayside Walk, and the proposed landscaping in these areas will enhance the views from and along the public right-of-way.

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.

**Conclusion:**

With the approval to of the variance request, 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. 1235369 and Variance No. 1264938, **with modifications.**

2. **DENY** Coastal Development Permit No. 1235369 and Variance No. 1264938, **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. Environmental Exemption
11. Ownership Disclosure Statement
12. Project Chronology
13. Copy of Public Notice (forwarded to HO)
14. Copy of Project Plans (full size-forwarded to HO)

Internal Order No. 24004289
Zoning Map (R-N Zone MBPD)

Garbaczewski Residence - Project No. 352168
3826 Bayside Walk

Project Site

MBPD-R-N
R-301263
02/28/2006

RM-4-10
R-301263
02/28/2006
Mission Beach Community Land Use Map

Garbaczewski Residence - Project No. 352168
3826 Bayside Walk

Legend
- Residential (36 Units Per Acre)
- Neighborhood Recreation
- Neighborhood Commercial
- Mission Beach Park (Edmunson Park)
- Parking
- Schools
- Community Boundary
- Body of Water

Project Site

North
## PROJECT DATA SHEET

<table>
<thead>
<tr>
<th><strong>PROJECT NAME:</strong></th>
<th>Garbaczewski Residence - Project No. 352168</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PROJECT DESCRIPTION:</strong></td>
<td>Demolition of a single-family dwelling unit and construction of a two-story, 1,178-square foot single-family dwelling unit, a 253-square foot garage, a roof deck, and accessory improvements.</td>
</tr>
<tr>
<td><strong>COMMUNITY PLAN AREA:</strong></td>
<td>Mission Beach</td>
</tr>
<tr>
<td><strong>DISCRETIONARY ACTIONS:</strong></td>
<td>Coastal Development Permit and Variance</td>
</tr>
<tr>
<td><strong>COMMUNITY PLAN LAND USE DESIGNATION:</strong></td>
<td>Residential land use at a maximum 36 dwelling units per acre (DU/AC).</td>
</tr>
</tbody>
</table>

### ZONING INFORMATION:

- **ZONE:** R-N
- **HEIGHT LIMIT:** 30-foot maximum height limit/Coastal Height Limitation Overlay Zone
- **LOT SIZE:** 1,250 square feet
- **FLOOR AREA RATIO:** 1.1
- **LOT COVERAGE:** 65 percent
- **FRONT SETBACK:** 10-foot
- **SIDE SETBACK:** 5-foot (min.) Bayside Walk with a 45° starting at 15' above grade
- **STREETSIDE SETBACK:** NA
- **REAR SETBACK:** 6-foot min. per LDC Section 1513.0304(c)(6)
- **PARKING:** 1 on-site space per LDC Section 1513.0403(b)(A)(ii)

### ADJACENT PROPERTIES:

<table>
<thead>
<tr>
<th><strong>ADJACENT PROPERTIES</strong></th>
<th><strong>LAND USE DESIGNATION &amp; ZONE</strong></th>
<th><strong>EXISTING LAND USE</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>NORTH</td>
<td>Residential; R-N</td>
<td>Single-Family Residential</td>
</tr>
<tr>
<td>SOUTH</td>
<td>Residential; R-N</td>
<td>Single-Family Residential</td>
</tr>
<tr>
<td>EAST</td>
<td>Residential; R-N</td>
<td>Single-Family Residential</td>
</tr>
<tr>
<td>WEST</td>
<td>Outside Community Boundary; RM-4-10</td>
<td>Mission Bay Beach area</td>
</tr>
</tbody>
</table>

### DEVIATIONS OR VARIANCES REQUESTED:

- Variance request to allow for a zero (0) foot rear yard setback where six (6) feet is required by the zone to allow the construction of a one-car garage on the ground floor and a portion of the second floor.

### COMMUNITY PLANNING GROUP RECOMMENDATION:

- On April 17, 2014, the Mission Beach Precise Planning Board voted 8-0-0 to recommend approval of the project.
A SUSTAINABLE EXPEDITE PROJECT

GARBACZEWSKI RESIDENCE

3826 BAYSIDE WALK

COASTAL DEVELOPMENT & VARIANCE REQUEST PERMIT SET

COVER SHEET
LOT SPLIT PARCEL MAP

PERMITTED GRADE

AVERAGE GRADE

拟建住宅平面图

PLAN NOTES:
1. DRAINAGE SYSTEM TO BE CONNECTED TO MAIN SYSTEM PRIOR TO FINAL SUBDIVISION.
2. MASONARY TO BE ONCE CONCRETE FLOORS.
3. EXISTING MASONARYewater lines & 6" METER TO
4. ELECTRICAL TO BE 6" METER TO
5. BUILDINGS OF SAME LATERAL TO REMAIN.
6. ADEQUATE MASONARY STEPS ALONG STAIRWAY.
7. BATHTUBS HAVING A MIRROR HANGING.
8. STAIR TO AN INCLINE.

BENCHMARK:
The benchmark for the plan is the city of any existing compliance points to be determined.

SITE NOTES:
1. THERE IS NO EXISTING OR PROPOSED SEWER.
2. THERE IS NO EXISTING OR PROPOSED ROAD.
3. THERE IS NO EXISTING OR PROPOSED ELECTRIC METER.
4. THERE IS NO EXISTING OR PROPOSED RECLAIMED.
5. THERE IS NO EXISTING OR PROPOSED WATER 6" METER.
6. THERE IS NO EXISTING OR PROPOSED 6" METER TO.

BENCHMARK:
THE BENCHMARK FOR THE PLAN IS THE CITY OF ANY EXISTING COMPLIANCE POINTS TO BE DETERMINED.

SITE NOTES:
1. THERE IS NO EXISTING OR PROPOSED SEWER.
2. THERE IS NO EXISTING OR PROPOSED ROAD.
3. THERE IS NO EXISTING OR PROPOSED ELECTRIC METER.
4. THERE IS NO EXISTING OR PROPOSED RECLAIMED.
5. THERE IS NO EXISTING OR PROPOSED WATER 6" METER.
6. THERE IS NO EXISTING OR PROPOSED 6" METER TO.

SITE KEY

AREA OF PROPOSED RESIDENCE
EXISTING PROPERTY LINE
EXISTING MASONARY LINE
ELECTRIC METER
WATER METER
ELEVATION SPOT
P.H. FROM SURFACE
MUTUAL WATER

SITE PLAN

Sheet Title: 6A$ACZEYi5KI
Orign Date: 03-24-14

Prepared By:
GOLBA ARCHITECTURE
San Diego, CA 92101
Phone: (619) 239-4511
Fax: (619) 239-4511

Project Address:
6000 HARBOR ISLAND
SAN DIEGO, CA 92101

Project Name:
GARBAZEWKIS RES.

Sheet 8 of 10
ATTACHMENT 6
PLAN NOTES:

1. ALL CORNER PILLARS CENTERLINE DUMP LUMP,
   DECK SCONCES, DOOR S, READERS
2. 1/2" OF INSULATION IN CADOX, DECK TILES, BAY WINDOW, BALCONY
3. HANDRE MAJOR COMPOSITE TREAD PAVEMENT, DECK, WALK
4. INTERIOR MAJOR COMPOSITE TREAD PAVEMENT, DECK, WALK
5. EPOXY TAR MIXED WITH 5 SPOOLS PER TYPICAL SPECIFICATION
6. BATHROOM MOLD, MIRROR, GLASS, ALUMINUM 3/8" X 3/4" TYPICAL SPECIFICATION
7. EPOXY TAR MIXED WITH 5 SPOOLS PER TYPICAL SPECIFICATION
8. EPOXY TAR MIXED WITH 5 SPOOLS PER TYPICAL SPECIFICATION
9. EPOXY TAR MIXED WITH 5 SPOOLS PER TYPICAL SPECIFICATION
10. EPOXY TAR MIXED WITH 5 SPOOLS PER TYPICAL SPECIFICATION

LOCATION OF ROOM SOLAR PANELS:

1. LOCATION OF ROOM SOLAR PANELS
2. LOCATION OF ROOM SOLAR PANELS
3. LOCATION OF ROOM SOLAR PANELS
4. LOCATION OF ROOM SOLAR PANELS

BUILDING SECTIONS A

PLAN:

- Location of stairs
- Location of doors
- Location of windows
- Location of walls

EPILOGUES:

1. DRUMMER B hoodie shall not exceed 15" H in height for 5 sleeping doors.
2. DRUMMER B hoodie shall not exceed 50" H in height for 5 sleeping doors.
3. DRUMMER B hoodie shall not exceed 50" H in height for 5 sleeping doors.
4. DRUMMER B hoodie shall not exceed 50" H in height for 5 sleeping doors.
5. DRUMMER B hoodie shall not exceed 50" H in height for 5 sleeping doors.

Prepared By:

Ruggiero Tavella

1240 East Ave., Suite 500
San Diego, CA 92120

Phone: (619) 250-1468
Fax: (619) 250-1469

Project Address:

1240 East Ave., Suite 500
San Diego, CA 92120

Project Name:

TBA RESIDENCE

Sheet Title:

BUILDING SECTIONS

Sheet 6 of 10
LANDSCAPE REQUIREMENTS

LANDSCAPE AREA:
SANDY SHADE: 70% TOTAL
SANDY SHADE: 30% TOTAL

LANDSCAPE MATERIAL:

LANDSCAPE DESIGN STATEMENT:

LANDSCAPE CALCULATIONS:

NOTES:
1. All equipment & irrigation shall conform to the code of the San Diego Fire Protection Code.
2. All equipment & irrigation shall conform to the San Diego Fire Protection Code.
3. Locations shown in this plan are subject to change at any time.
4. All equipment & irrigation shall conform to the San Diego Fire Protection Code.
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26. All equipment & irrigation shall conform to the San Diego Fire Protection Code.
27. All equipment & irrigation shall conform to the San Diego Fire Protection Code.
28. All equipment & irrigation shall conform to the San Diego Fire Protection Code.
29. All equipment & irrigation shall conform to the San Diego Fire Protection Code.
This Coastal Development Permit No. 1235369 and Variance No. 1264938 are granted by the Hearing Officer of the City of San Diego to the GARBACZEWSKI FAMILY TRUST, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] Sections 126.0708 and 126.0805. The 0.037-acre site located at 3826 Bayside Walk, east of Mission Boulevard and on the southwestern corner of Seagirt Court and Bayside Walk, in the R-N 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, the First Public Roadway, 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: Parcel 3 of Parcel Map No. 13539, in the City of San Diego, County of San Diego, State of California, as per Map filed in the Office of the County Recorder of San Diego County, November 9, 1984.

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 June 11, 2014, on file in the Development Services Department.

The project shall include:

a. Demolition of a single-family dwelling unit and construction of a two-story, 1,178-square foot single-family dwelling unit, a 253-square foot garage, a roof deck, and accessory improvements;
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 __________, 2017.

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.

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 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.

15. Prior to the issuance of any 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.

16. Prior to the issuance of any building permit, the Owner/Permittee shall remove all existing private improvements from Seagirt Court and Bayside Walk rights-of-way, satisfactory to the City Engineer.

GEOLOGY REQUIREMENTS:

17. 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.

LANDSCAPE REQUIREMENTS:

18. Prior to the issuance of any construction permit, the Owner/Permittee shall submit complete construction documents consistent with the Land Development Manual to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit “A,” Landscape Development Plan, on file in the Office of the Development Services Department.

19. In the event that the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to be consistent with the Landscape Plan such that landscape areas are consistent with the Exhibit “A,” Landscape Development Plan.
20. Prior to Final Inspection, the Owner/Permittee shall install all required landscape and obtain all required landscape inspections.

21. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or a Final Landscape Inspection, whichever occurs earlier.

22. The Owner/Permittee shall replace any required planting that dies within 3 years of installation, within 30 calendar days of plant death with the same size and species of plant material shown on the approved plan.

**PLANNING/DESIGN REQUIREMENTS:**

23. Owner/Permittee shall maintain a minimum of one (1) off-street parking space 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.

24. 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.

25. 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.

26. 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.

**PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**

27. Prior to the issuance of any construction permit the Owner/Permittee shall assure, by permit and bond, the installation of an appropriate above ground private backflow prevention device for each water service (domestic, fire, and irrigation) serving the property.

28. Prior to the issuance of any building permit, the Owner/Permittee shall ensure that the sewer lateral proposed for reuse has been located, internally inspected, and recorded via CCTV by a California (CA) Licensed Plumbing Contractor for the purpose of verifying to the satisfaction of the Director of Public Utilities and the City Engineer that the sewer lateral does not cross any property lines, that it is not being utilized by any other property, and that it is properly connected to the sewer main.
29. All proposed private sewer and water facilities must be designed and installed in accordance with the current California Plumbing Code and will be reviewed as part of the building permit plan check process.

30. No trees or shrubs exceeding three (3) feet in height at maturity shall exist within five (5) feet of any public water facilities, or within ten (10) feet of any public sewer facilities.

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 June 11, 2014, pursuant to Resolution No. HO-______.
Permit Type/PTS Approval No.: CDP No. 1235369/VAR No. 1264938
Date of Approval: June 11, 2014

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.

GARBACZEWSKI FAMILY TRUST
Owner/Permittee

By __________________________
John Garbaczewski, Trustee

GARBACZEWSKI FAMILY TRUST
Owner/Permittee

By __________________________
Colleen Garbaczewski, Trustee

NOTE: Notary acknowledgments must be attached per Civil Code section 1189 et seq.
WHEREAS, GARBACZEWSKI FAMILY TRUST, Owner and Permittee, filed an application with the City of San Diego for a permit for the demolition of a single-family dwelling unit and construction of a two-story single-family dwelling unit, and accessory improvements (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permits No. 1235369 and 1264938), on a 0.037-acre site;

WHEREAS, the project site is located at 3826 Bayside Walk, east of Mission Boulevard and on the southwestern corner of Seagirt Court and Bayside Walk, in the R-N 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, the First Public Roadway, 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 Parcel 3 of Parcel Map No. 13539, in the City of San Diego, County of San Diego, State of California, as per Map filed in the Office of the County Recorder of San Diego County, November 9, 1984;

WHEREAS, on June 11, 2014, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 1235369 and Variance No. 1264938 a pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on April 22, 2014, 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), 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 June 11, 2014.

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 0.037-acre site is located at 3826 Bayside Walk, on the southwestern corner of Seagirt Court and Bayside Walk, east of Mission Boulevard. The project proposes the demolition of the single-family dwelling unit and construction of a two-story, 1,178-square foot single-family dwelling unit, a 253-square foot garage, a roof deck, and accessory improvements. The property is located approximately 238-feet from the Pacific Ocean and 55-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. 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) and Local Coastal Program (LCP), the plan states that views to, and along the shoreline from public areas shall be protected from blockage by development and or vegetation.

Views to Mission Bay are from Seagirt Court and through the property, which are currently obstructed by existing landscape and fences. The project proposes a 3-foot fence and gates along Seagirt Court and Bayside Walk, and the proposed landscaping will enhance the views from and along the public right-of-way. In addition, the project proposes a maximum building height of 26-feet 9-inches; therefore, the building and any projections will not exceed the maximum 30 foot height limit allowed by the Coastal Height Limitation Overlay Zone (CHLOZ).

The project includes a variance request to allow for a zero (0) foot rear yard setback where six (6) feet is required by the zone to allow the construction of a one-car garage on the ground floor and a portion of the second floor. The property fronts on approximate eight (8) feet of an existing dead-end utility alley, and the access to the garage would be from this alley. This condition, referred to here-in as “virtual land-locked parcels” (VLP) was a mapping situation that was created 1809 when the original mapping was developed for Mission Beach, specifically in north Mission Beach, where dead-end finger utility alleys were designed to reach the last bay or ocean front lots at the end of these 16-foot wide alleys. The MBPP identifies these alleys as strictly utilitarian (Page 18).

In many cases, lots have been developed utilizing an accumulations of these lots to create larger parcels. However, there are still approximately 20 of these originally mapped parcels in Mission Beach that created this condition of a rear yard that contains a common property line with an adjacent parcel. In addition, the Mission Beach Planned District Ordinance (MBPDO) acknowledges and addresses the complication of these VLP lots being developed independently, such as allowing one parking space per dwelling unit for lots abutting Ocean Front Walk or Bayside Walk with less than 10 feet of vehicular access on a street or alley (LDC Section 1513.0403(b)(A)(ii)).

Other than the requested variance, 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 encroach upon any existing or proposed physical accessway, and it will protect and enhance the 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 the single-family dwelling unit and construction of a two-story, 1,178-square foot single-family dwelling unit, a 253-square foot garage, a roof deck, and accessory improvements. The property is located approximately 238-feet from the Pacific Ocean and 55-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 site is approximately 7-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). Therefore, it has been determined that the development 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 0.037-acre site is located at 3826 Bayside Walk, on the southwestern corner of Seagirt Court and Bayside Walk, east of Mission Boulevard. The project proposes the demolition of the single-family dwelling unit and construction of a two-story, 1,178-square foot single-family dwelling unit, a 253-square foot garage, a roof deck, and accessory improvements. The property is located approximately 238-feet from the Pacific Ocean and 55-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. 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 and LCP, the plan states that views to, and along the shoreline from public areas shall be protected from blockage by development and/or vegetation. The MBPP identifies the alleys as strictly utilitarian (Page 18); therefore, is not considered as an area for views to and along the shoreline.

Views to Mission Bay are from Seagirt Court and through the property, which are currently obstructed by existing landscape and fences. The project proposes a 3-foot fence and gates along Seagirt Court and Bayside Walk, and the proposed landscaping will enhance the views from and along the public right-of-way. In addition, the project proposes a maximum building height of 26-feet 9-inches; therefore, the building and any projections will not exceed the maximum 30 foot height limit allowed by the CHLOZ. 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 0.037-acre site is located at 3826 Bayside Walk, on the southwestern corner of Seagirt Court and Bayside Walk, east of Mission Boulevard. The project proposes the demolition of the single-family dwelling unit and construction of a two-story, 1,178-square foot single-family dwelling unit, a 253-square foot garage, a roof deck, and accessory improvements. The property is located approximately 238-feet from the Pacific Ocean and 55-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 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 regarding public access to the water, public recreation facilities, or public parking facilities, and 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.

II. Variance - Section 126.0805

1. There are special circumstances or conditions applying to the land or premises for which the variance is sought that are peculiar to the land or premises and do not apply generally to the land or premises in the neighborhood, and these conditions have not resulted from any act of the applicant after the adoption of the applicable zone regulations;

The 0.037-acre site is a rectangular shaped lot that is located at 3826 Bayside Walk, on the southwestern corner of Seagirt Court and Bayside Walk, east of Mission Boulevard. The portion of the property fronting on Seagirt Court is classified as the front setback, Bayside Walk is classified as a street side setback, and the southern property line is classified as the rear setback. LDC Section 1513.0304(c)(6) requires a minimum rear yard that abuts an interior of rear yard of an adjacent lot to comply with LDC Section 1513.0304(c)(3), which is a minimum six (6) foot setback within the R-N Zone.

The project proposes the demolition of the single-family dwelling unit and construction of a two-story, 1,178-square foot single-family dwelling unit, a 253-square foot garage, a roof deck, and accessory improvements. The project includes a variance request to allow for a zero (0) foot rear yard setback where six (6) feet is required by the zone to allow the construction of a one-car garage on the ground floor and a portion of the second floor. The property fronts on approximate eight (8) feet of an existing dead-end utility alley, and the access to the garage would be from this alley. This VLP condition was a mapping situation that was created 1809 when the original mapping was developed for Mission Beach, specifically in north Mission Beach, where dead-end finger utility alleys were designed to reach the last bay or ocean front lots at the end of these 16-foot wide alleys. In many cases, lots have been developed utilizing
an accumulations of these lots to create larger parcels. However, there are still approximately 20 of these originally mapped parcels in Mission Beach that created this condition of a rear yard that contains a common property line with an adjacent parcel. In addition, the MBPDO acknowledges and addresses the complication of these VLP lots being developed independently, such as allowing the one parking space per dwelling unit for lots abutting Ocean Front Walk or Bayside Walk with less than 10 feet of vehicular access on a street or alley (LDC Section 1513.0403(b)(A)(iii)). Therefore, this special circumstance and/or condition applying to the land or premise have not resulted from any act of the applicant after the adoption of the applicable zone regulations.

2. The circumstances or conditions are such that the strict application of the regulations of the Land Development Code would deprive the applicant of reasonable use of the land or premises and the variance granted by the City is the minimum variance that will permit the reasonable use of the land or premises;

The project proposes the demolition of the single-family dwelling unit and construction of a two-story, 1,178-square foot single-family dwelling unit, a 253-square foot garage, a roof deck, and accessory improvements. The project includes a variance request to allow for a zero (0) foot rear yard setback where six (6) feet is required by the zone to allow the construction of a one-car garage on the ground floor and a portion of the second floor. The property fronts on approximate eight (8) feet of an existing dead-end utility alley, and the access to the garage would be from this alley. The MBPP identifies these alleys as strictly utilitarian (Page 18).

This VLP condition was a mapping situation that was created 1809 when the original mapping was developed for Mission Beach. The MBPDO acknowledges and addresses the complication of these VLP lots being developed independently. The strict application of the regulations would deprive the applicant the ability to replace the existing garage and would deprive the applicant of reasonable use of the land or premises as allowed by other VLPs within the surrounding community. The variance to allow for a zero (0) foot rear yard setback is the minimum variance that will permit the reasonable use of the land or premises.

3. The granting of the variance will be in harmony with the general purpose and intent of the regulations and will not be detrimental to the public health, safety, or welfare; and

The 0.037-acre site is a rectangular shaped lot that is located at 3826 Bayside Walk, on the southwestern corner of Seagirt Court and Bayside Walk, east of Mission Boulevard. The portion of the property fronting on Seagirt Court is classified as the front setback, Bayside Walk is classified as a street side setback, and the southern property line is classified as the rear setback. LDC Section 1513.0304(c)(6) requires a minimum rear yard that abuts an interior of rear yard of an adjacent lot to comply with LDC Section 1513.0304(c)(3), which is a minimum six (6) foot setback within the R-N Zone.

The project proposes the demolition of the single-family dwelling unit and construction of a two-story, 1,178-square foot single-family dwelling unit, a 253-square foot garage, a roof deck, and accessory improvements. The project includes a variance request to allow for a zero (0) foot rear yard setback where six (6) feet is required by the zone to allow the construction of
a one-car garage on the ground floor and a portion of the second floor. The property fronts on approximate eight (8) feet of an existing dead-end utility alley, and the access to the garage would be from this alley. This VLP condition was a mapping situation that was created in 1809 when the original mapping was developed for Mission Beach, specifically in north Mission Beach, where dead-end finger utility alleys were designed to reach the last bay or ocean front lots at the end of these 16-foot wide alleys. The MBPP identifies the alleys as strictly utilitarian (Page 18).

The MBPDO acknowledges and addresses the complication of these VLP lots being developed independently, and the general purpose and intent of the six (6) foot setback regulation was not intended for adjacent VLP lots. The VLP lot was designed to have a common wall or zero (0) foot setback with the adjacent VLP lot, which this common wall would be required to comply with the California Building Code. In addition, 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). Therefore, the granting of the variance will be in harmony with the general purpose and intent of the regulations and will not be detrimental to the public health, safety, or welfare.

4. The granting of the variance will not adversely affect the applicable land use plan. If the variance is being sought in conjunction with any proposed coastal development, the required finding shall specify that granting of the variance conforms with, and is adequate to carry out, the provisions of the certified land use plan.

The 0.037-acre site is located at 3826 Bayside Walk, on the southwestern corner of Seagirt Court and Bayside Walk, east of Mission Boulevard. The property is in the R-N Zone in the Mission Beach Planned District (MBPD) within the MBPP and LCP, Coastal Overlay Zone (Appealable Area), CHLOZ, and the First Public Roadway. The zoning designation allows for one residential dwelling unit per 1,200 square feet of lot area and the MBPP designates the proposed project site for residential land use at a maximum 36 dwelling units per acre (DU/AC). The project site, occupying 0.037-acres (or 1,620-square feet), could accommodate one dwelling units based on the underlying zone, and one dwelling unit for a density of approximately 27 DU/AC based on the designated use and density in the community plan.

The project proposes the demolition of the single-family dwelling unit and construction of a two-story, 1,178-square foot single-family dwelling unit, a 253-square foot garage, a roof deck, and accessory improvements. The project includes a variance request to allow for a zero (0) foot rear yard setback where six (6) feet is required by the zone to allow the construction of a one-car garage on the ground floor and a portion of the second floor. In addition, the project proposes a maximum building height of 26-feet 9-inches; therefore, the building and any projections will not exceed the maximum 30 foot height limit allowed by the CHLOZ.

With the approval of the variance request in conjunction with the proposed coastal development, the project would meet all applicable regulations and policy documents, and is consistent with the recommended land use, design guidelines, and development standards in
effect for this site per the LDC, the provisions of the certified land use plan, and the General Plan.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Development Services Department, Coastal Development Permit No. 1235369 and Variance No. 1264938 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. 1235369 and No. 1264938 a copy of which is attached hereto and made a part hereof.

Jeffrey A. Peterson
Development Project Manager
Development Services Department

Adopted on: June 11, 2014

Internal Order No. 24004289
## Community Planning Committee Distribution Form Part 2

<table>
<thead>
<tr>
<th>Project Name:</th>
<th>Garbaczewski Residence CDP</th>
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<td>Project Number:</td>
<td>352168</td>
</tr>
<tr>
<td>Distribution Date:</td>
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### Project Scope/Location:

MISSION BEACH 10#24004289  SUSTAINABLE BLDG EXPEDITE PROGRAM Coastal Development Permit (Process 3) to demolish a residence and construct a 1,440 sq ft single family residence located at 3826 Bayside Walk. The 1,620 sq ft site is in the Mission Beach Planned District R-N zone of the Mission Beach Community Plan area and Coastal (appealable area). Council District 2. Notice Cards=1.

### Applicant Name:

Ricardo Torres

### 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:

**NAME:** Dennis Lynch  
**TITLE:** Plan Reviewer  
**DATE:** April 19, 2014

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.
ATTACHMENT 10

NOTICE OF EXEMPTION

(Check one or both)

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 TITLE/No.: Garbaczewski Residence CDP / 352168

PROJECT LOCATION-SPECIFIC: 3826 Bayside Walk, San Diego, California 92109

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

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: COASTAL DEVELOPMENT PERMIT to demolish an existing single-story, single-dwelling residence and construct a 1,431-square-foot, two-story, single-dwelling residence and various associated site improvements (e.g., hardscape, landscaping, and decks). A setback deviation is being requested for a zero setback only at the ground floor where the Mission Beach Planned District R-N zone requires a minimum of 6'-0" at the rear and interior yard. The site is located at 3826 Bayside Walk. The land use designation for the project site is Residential per the community plan. Furthermore, the project site is located within the R-N zone, the Coastal Height Limit 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: Parcel 3 of Parcel Map No. 13539).

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: John & Colleen Garbaczewski, 334 Old Stage Coach Run, Alpine, California 91901, (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) / 15303 (New Construction)
( ) 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 consistent with the community plan and the applicable zone. The project would not result in any significant environmental impacts. The project meets the criteria set forth in CEQA Sections 15302 and 15303. Section 15302 allows for the replacement or reconstruction of existing structures where the new structure will have substantially the same purpose and capacity as the structure replaced. Section 15303 allows for the construction of one single-family residence in a residential zone. Furthermore, the exceptions listed in 15300.2 would not apply.

LEAD AGENCY CONTACT PERSON: Scott Cooper

TELEPHONE: 619.446.5378

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]
Sr. Planner

[Date]
April 22, 2014

Check one:
(X) Signed by Lead Agency
( ) Signed by Applicant

Date received for filing with County Clerk or OPR:
NOTICE OF RIGHT TO APPEAL
ENVIRONMENTAL DETERMINATION

PROJECT NAME/NUMBER: Garbaczewski Residence CDP / 352168
COMMUNITY PLAN AREA: Mission Beach
COUNCIL DISTRICT: 2
LOCATION: 3826 Bayside Walk, San Diego, California 92109

PROJECT DESCRIPTION: COASTAL DEVELOPMENT PERMIT to demolish an existing single-story, single-dwelling residence and construct a 1,431-square-foot, two-story, single-dwelling residence and various associated site improvements (e.g. hardscape, landscaping, and decks). A setback deviation is being requested for a zero setback only at the ground floor where the Mission Beach Planned District R-N zone requires a minimum of 6'-0" at the rear and interior yard. The site is located at 3826 Bayside Walk. The land use designation for the project site is Residential per the community plan. Furthermore, the project site is located within the R-N zone, the Coastal Height Limit 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: Parcel 3 of Parcel Map No. 13539).

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).

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 consistent with the community plan and the applicable zone. The project would not result in any significant environmental impacts. The project meets the criteria set forth in CEQA Sections 15302 and 15303. Section 15302 allows for the replacement or reconstruction of existing structures where the new structure will have substantially the same purpose and capacity as the structure replaced. Section 15303 allows for the construction of one single-family residence in a residential zone. Furthermore,
the exceptions listed in 15300.2 would not apply.

DEVELOPMENT PROJECT MANAGER: Jeff Peterson
MAILING ADDRESS: 1222 First Avenue, MS501, San Diego, CA 92101
PHONE NUMBER: 619.446.5237

On April 21, 2014 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 10 business days from the date of the posting of this Notice (May 7, 2014). 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
Garbaczewski Residence

#### Project Address:
3826 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, 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

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<th>Owner</th>
<th>Tenant/Lessee</th>
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<tr>
<td>(619) 231-9905</td>
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<td>Alpine, CA 91901</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phone No:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(619) 231-9905</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Signature:</td>
<td></td>
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<td>12/03/2013</td>
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<table>
<thead>
<tr>
<th>Name of Individual (type or print):</th>
<th>Owner</th>
<th>Tenant/Lessee</th>
<th>Redevelopment Agency</th>
</tr>
</thead>
<tbody>
<tr>
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<tr>
<td>Street Address:</td>
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<tr>
<td>City/State/Zip:</td>
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<td>Phone No:</td>
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<td>Signature:</td>
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</tbody>
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## DEVELOPMENT SERVICES DEPARTMENT
### PROJECT CHRONOLOGY
#### GARBACZEWSKI RESIDENCE - PROJECT NO. 352168

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Description</th>
<th>City Review Time (Working Days)</th>
<th>Applicant Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/17/2014</td>
<td>First Submittal</td>
<td>Project Deemed Complete</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>2/12/2014</td>
<td>First Assessment Letter</td>
<td></td>
<td>17 days</td>
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</tr>
<tr>
<td>3/25/2014</td>
<td>Second Submittal</td>
<td></td>
<td></td>
<td>28 days</td>
</tr>
<tr>
<td>4/8/2014</td>
<td>Second Assessment Letter</td>
<td></td>
<td></td>
<td>9 days</td>
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<tr>
<td>4/17/2014</td>
<td>Third Submittal</td>
<td></td>
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<td>6 days</td>
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<tr>
<td>4/23/2014</td>
<td>Third Review Completed</td>
<td>All issues resolved.</td>
<td>4 days</td>
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<td>4/23/2014</td>
<td>NORA Posted</td>
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<tr>
<td>5/7/2014</td>
<td>NORA</td>
<td>Appeal period end</td>
<td>10 days</td>
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<tr>
<td>6/11/2014</td>
<td>Public Hearing</td>
<td>First available date.</td>
<td>24 days</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL STAFF TIME**
(Does not include City Holidays or City Furlough)

- **54 days**

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

- **42 days**

**TOTAL PROJECT RUNNING TIME**
From Deemed Complete to Hearing

- **96 working days**
  (145 calendar days)