REPORT TO THE HEARING OFFICER

HEARING DATE: March 25, 2015

ATTENTION: Hearing Officer

SUBJECT: ANDERSON CDP
PROJECT NUMBER: 368632

LOCATION: 379 San Antonio Avenue

APPLICANT: Mark Lyon

SUMMARY

Issue(s): Should the Hearing Officer approve a Coastal Development Permit and Neighborhood Development Permit to construct a 1,134 square-foot second floor addition to an existing single family dwelling within the Peninsula Community Plan area?

Staff Recommendation - APPROVE Coastal Development Permit No. 1303271 and Neighborhood Development Permit No. 1432369.

Community Planning Group Recommendation - On November 24, 2014, the Peninsula Community Planning Group voted 12-0-0 to recommend approval of the project with no conditions.

Environmental Review - The proposed activity is exempt from CEQA pursuant to Section 15302 (Replacement and Reconstruction) 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 September 22, 2014, and the opportunity to appeal that determination ended October 6, 2015.

BACKGROUND

The project proposes a Coastal Development Permit/Neighborhood Development Permit for a 1,134 square-foot second story addition with 460 square-foot balcony and first floor interior modifications to an existing single family home. The proposed second floor construction includes a new master and guest bedroom, with bathrooms, elevator, and balcony. Work to the first floor includes the addition of an elevator and stair case. The project is located at 379 San Antonio Avenue in the RM-3-9 zone of the Peninsula Community Plan.
The site currently contains a two bedroom, 2.5 bathroom single family home constructed in 1961 which was in conformance with the land development regulations at that time. The project requires a Coastal Development Permit Process Three, appealable to the California Coastal Commission, for a coastal development pursuant to San Diego Municipal Code (SDMC) section 126.0707 and a Neighborhood Development Permit Process 2 for new development encroaching into previously conforming setbacks pursuant to SDMC section 127.0123. The project is bounded by multi and single family development to the north, south, and west and San Diego Harbor to the east.

**DISCUSSION**

The project proposes a second floor addition along with interior modifications to an existing single family residence.

The proposed project design meets development requirements of the Land Development Code to include floor area ratio, landscaping, parking, and height. The proposed project will be two stories to include 3,149 square feet of living area; 585 square feet of garage area and 460 square feet of balcony area. The remodeled two-story home will consist of four bedrooms, 4.5 bathrooms, one garage, a living room, dining room, and kitchen. A Neighborhood Development Permit is requested for an 8-percent reduction in the required (south) side yard setback where a 5'-0" side yard setback is required and a 4'-7" side yard setback is proposed. The request would allow the proposed second story addition to align with the existing first story.

The Peninsula Community Plan provides several urban design recommendations, including avoiding differences in scale with the surrounding development. Specifically, the plan states that buildings should be sympathetic to the scale, form, and texture of the surrounding development. The plan also states that where new buildings are larger than existing structures, large surfaces should be articulated and textured to reduce their apparent size and to reflect the pattern of the surrounding development. Abrupt differences in scale (building height) between new development and neighboring development should be avoided where gradual transitions in scale are preferred. The immediate neighbors to the north live in one-story structures. All other structures are two and three stories. No specific architectural style prevails in the general vicinity, however, most buildings are of a contemporary style. The proposed project continues the modern architecture of the existing home, while adding articulation and façade variations to break up the bulk and scale. The proposed addition compliments the surrounding neighborhood in terms of scale, form and texture, therefore implementing the policies in the community plan.

**Conclusion**

Staff has determined that the project complies with the development regulations of the RM-3-9 zone and all other applicable sections of the San Diego Municipal 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. 1303271 and Neighborhood Development Permit No. 1432369 with modifications or;

2. Deny Coastal Development Permit No. 1303271 and Neighborhood Development Permit No. 1432369, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

[Signature]

William Zounes,
Development Project Manager

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft Permit with Conditions
6. Draft Resolution with Findings
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Chronology
10. Project Plans
Aerial Photograph (Birds Eye)

Anderson CDP Project No. 368632
379 San Antonio Avenue
Project Location Map

Anderson CDP Project No. 368632
379 San Antonio Avenue
### PROJECT DATA SHEET

<table>
<thead>
<tr>
<th><strong>PROJECT NAME:</strong></th>
<th>Anderson CDP – Project 368632</th>
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<tbody>
<tr>
<td><strong>PROJECT DESCRIPTION:</strong></td>
<td>Coastal Development Permit/Neighborhood Development Permit for a 1,134 square-foot second story addition with 460 square-foot balcony and first floor interior modifications to an existing single family home.</td>
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<td><strong>COMMUNITY PLAN AREA:</strong></td>
<td>Peninsula</td>
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<td><strong>DISCRETIONARY ACTIONS:</strong></td>
<td>Coastal Development Permit/Neighborhood Development Permit</td>
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<td><strong>COMMUNITY PLAN LAND USE DESIGNATION:</strong></td>
<td>Multi-Family Residential (45-73 du/ac)</td>
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<td>Multi Family/RM-3-9</td>
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<tr>
<td><strong>WEST:</strong></td>
<td>Multi Family/RM-3-9</td>
<td>Multi Family Homes</td>
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**DEVIATIONS OR VARIANCES REQUESTED:** None

**COMMUNITY PLANNING GROUP RECOMMENDATION:** On November 24, 2014, the Peninsula Community Planning Group voted 12-0-0 to recommend approval of the project with no conditions.
INTERNAL ORDER NUMBER: 24004669

COASTAL DEVELOPMENT PERMIT NO. 1303271
NEIGHBORHOOD DEVELOPMENT PERMIT NO. 1432369
ANDERSON CDP PROJECT NO. 368632
DEVELOPMENT SERVICES DEPARTMENT

This Coastal Development Permit No. 1303271 is granted by the Development Services Department of the City of San Diego to THOMAS ANDERSON and DONNA ANDERSON, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0702 and 127.0101. The 0.12-acre site is located at 379 San Antonio Avenue in the RM-3-9 zone of the Peninsula Community Plan. The project site is legally described as: the south 40.00 feet of Lots 3 and 6 in Block 19 of Beach Lots of San Diego, according to the City of San Diego, County of San Diego, State of California, according to map thereof made by Cave J. Couts in 1849, a copy of which said map was filed December 12, 1921 and known as miscellaneous Map No. 37, said block 19 also being shown on the map of Pueblo Lands of San Diego made by Chas N. Peele, in 1856 as block 123 of La Playa, also that portion of the easterly 25.00 feet of San Antonio Avenue lying westerly of and adjoining the southerly 40.00 feet of said Lot 3, as vacated and closed to public use on May 25, 1914 by Resolution No. 17359 of the common Council of the City of San Diego;

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for a second story addition to an existing single story single family home described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A" of Coastal Development Permit No. 1268063/Neighborhood Development Permit No’s. 1432369] dated March 25, 2015, on file in the Development Services Department.

The project shall include:

a. The addition of a 1,134 square-foot second story addition with a master bedroom, guest bedroom, and 460 square-foot deck;
b. South side yard setback deviation where 5'-0" is required and the project is proposing 4'-7" to the second floor;

c. Off-street parking; and

d. 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 April 27, 2018.

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. The project proposes to export 2 cubic yards of material from the project site. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2009 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

13. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

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

15. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the non-City Standard brick driveway in the San Antonio Avenue Right-of-Way.

16. 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.

17. 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 San Diego Municipal Code, into the construction plans or specifications.

18. 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:

19. Owner/Permittee shall maintain a minimum of two off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

20. 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 March 25, 2015.
Attachment 5
Draft Permit with Conditions

Permit Type/PTS Approval No.: CDP No. 1303271/NDP No. 1432369
Date of Approval: March 25, 2015

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

William Zounes
Development Project Manager

NOTE: Notary acknowledgment must be attached per Civil Code section 1189 et seq.

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

Owner/Permittee

By ______________________________
Thomas Anderson

Owner/Permittee

By ______________________________
Donna Anderson

NOTE: Notary acknowledgments must be attached per Civil Code section 1189 et seq.
WHEREAS, THOMAS ANDERSON and DONNA ANDERSON, Owner/Permittee, filed an application with the City of San Diego for a permit to construct a second story addition with encroachments into the side yard setback and interior first floor modifications to an existing single story single family home (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No's. 1303271 and 1432369 on portions of a 0.12-acre site;

WHEREAS, the project site is located at 379 San Antonio Avenue in the RM-3-9 zone of the Peninsula Community Plan;

WHEREAS, the project site is legally described as the south 40.00 feet of lots 3 and 6 in Block 19 of Beach lots of San Diego, according to the City of San Diego, County of San Diego, State of California, according to map thereof made by Cave J. Couts in 1849, a copy of which said map was filed December 12, 1921 and known as miscellaneous Map No. 37, said block 19 also being shown on the map of Pueblo Lands of San Diego made by Chas N. Peele, in 1856 as block 123 of La Playa, also that portion of the easterly 25.00 feet of San Antonio Avenue lying westerly of and adjoining the southerly 40.00 feet of said Lot 3, as vacated and closed to public use on May 25, 1914 by Resolution No. 17359 of the common Council of the City of San Diego;

WHEREAS, on March 25, 2015, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 1303271 and Neighborhood Development Permit No. 1432369 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on September 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 and Reconstruction) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated March 19, 2015:

FINDINGS:

Coastal Development Permit - Section 126.0708

1. The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development
Draft Resolution with Findings

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 5,050 square-foot site is located at 379 San Antonio Avenue, between San Antonio Avenue and the San Diego Bay. The project is located within the RM-3-9 zone of the Peninsula Community Plan area within the Coastal Overlay Zone (appealable area), the Coastal Height Limit Overlay Zone, and the First Public Roadway Overlay Zone. The project proposes to construct a 1,134 square-foot second story addition and remodel an interior portion of the first floor with previously conforming side yard setbacks to an existing single-family residence.

The nearby San Antonio Avenue neighborhood, adjacent to, and across from, the proposed project, is fully developed. The property is not identified in the City's adopted Local Coastal Program ("LCP") Land Use Plan as a public access way. There is no physical access way used by the public on this property or any proposed public access way as identified in the LCP Land Use Plan. There is a pedestrian and emergency vehicle access way via Lawrence Street to the north of the site and via Kellogg Street to the south of the site. The proposed development will not encroach upon any existing physical access way that is legally used by the public or any proposed public access way identified in the Peninsula Local Coastal Program Land Use Plan.

The proposed home will not obstruct coastal or scenic views from any public vantage point. There will not be any increase in the footprint of the existing structure that would, from a public vantage point, result in public views blockage to, and/or along the ocean. The proposed home will be consistent with the height of many existing structures within this particular neighborhood. The project is completely contained within the private property, and as such, the project would not encroach upon any existing physical access way. The nearest public access to San Diego Bay is from the end of Lawrence Street approximately a half block to the east. The implementation of the various improvement features from the propose project will not obstruct public views to, or along the ocean, but rather preserve the resources at their current location as identified in the Local Coastal Program. Therefore, the proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan, and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

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

The 5,050 square-foot site is located at 379 San Antonio Avenue, between San Antonio Avenue and the San Diego Bay. The project is located within the RM-3-9 zone of the Peninsula Community Plan area within the Coastal Overlay Zone (appealable area), the Coastal Height Limit Overlay Zone, and the First Public Roadway Overlay Zone. The project proposes to construct a 1,134 square-foot second story addition and remodel an interior portion of the first floor with previously conforming side yard setbacks to an existing single-family residence.

The site does not contain environmentally sensitive lands. The site is located in a built, urban environment. The site is also not adjacent to any sensitive resources, and not within, or adjacent to, the Multi-Habitat Planning Area (MHPA). The project was determined to be exempt from the need for environmental review pursuant to CEQA Section 15302. 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 5,050 square-foot site is located at 379 San Antonio Avenue, between San Antonio Avenue and the San Diego Bay. The project is located within the RM-3-9 zone of the Peninsula Community Plan area within the Coastal Overlay Zone (appealable area), the Coastal Height Limit Overlay Zone, and the First Public Roadway Overlay Zone. The project proposes to construct a 1,134 square-foot second story addition and remodel an interior portion of the first floor with previously conforming side yard setbacks to an existing single-family residence.

The proposed project is consistent with the land use designations of the Community Plan by continuing to maintain an existing single family home without increasing the density range of nine dwelling units per acre as identified within the Peninsula Community Plan. The addition would meet the goals of the Peninsula Community Plan/Local Coastal Program by maintaining residential development and not interfering with public access or public views to the beaches and bays. The proposed addition will meet the land use regulations of the certified Implementation Program including compliance to the San Diego Municipal Code development regulations to include but not limited to height, parking, landscape and floor area ratio. A Neighborhood Development Permit is requested for an 8-percent reduction in the required (south) side yard setback where a 5'-'0" side yard setback is required and a 4'-7" side yard setback is proposed. The request is based on allowing the proposed second story addition to align with the existing first story. The proposed project would adhere to community goals and it has been designed in a manner so as not to intrude into any of the identified public view corridors.

Therefore, the proposed development is in conformity with the Peninsula Community Plan and Local Coastal Program and complies with the regulations of the certified Land Development Code.

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 5,050 square-foot site is located at 379 San Antonio Avenue, between San Antonio Avenue and the San Diego Bay. The project is located within the RM-3-9 zone of the Peninsula Community Plan area within the Coastal Overlay Zone (appealable area), the Coastal Height Limit Overlay Zone, and the First Public Roadway Overlay Zone. The project proposes to construct a 1,134 square-foot second story addition and remodel an interior portion of the first floor with previously conforming side yard setbacks to an existing single-family residence.

The project site is located between the First Public Roadway and the San Diego Bay. The property is a flat lot located east of San Antonio Avenue and west of the San Diego Bay. Dedicated public access points are located to the north via Lawrence Street and to the south via Kellogg Street. There will be no impact to public beach parking since the proposed residence will have 2 off-street parking spaces and all existing street parking would be maintained. The proposed site improvement would not encroach on adjacent residential lots. The project would
conform to the public access and public recreation policies of Chapter 3 of the California Coastal Act. Therefore, the coastal development is in conformity with the public access and public recreation policies of Chapter 3 and the California Coastal Act.

**Neighborhood Development Permit - Section 126.0404**

1. **The proposed development will not adversely affect the applicable land use plan;**

The 5,050 square-foot site is located at 379 San Antonio Avenue, between San Antonio Avenue and the San Diego Bay. The project is located within the RM-3-9 zone of the Peninsula Community Plan area within the Coastal Overlay Zone (appealable area), the Coastal Height Limit Overlay Zone, and the First Public Roadway Overlay Zone. The project proposes to construct a 1,134 square-foot second story addition and remodel an interior portion of the first floor with previously conforming side yard setbacks to an existing single-family residence.

The proposed project is consistent with the land use designations of the Community Plan by continuing to maintain an existing single family home without increasing the density range of nine dwelling units per acre as identified within the Peninsula Community Plan. The addition would meet the goals of the Peninsula Community Plan/Local Coastal Program by maintaining residential development and not interfering with public access or public views to the beaches and bays. The proposed addition will meet the land use regulations of the certified Implementation Program including compliance to the San Diego Municipal Code development regulations to include but not limited to height, parking, landscape and floor Area Ratio. A Neighborhood Development Permit is requested to encroach 8-percent into the required (south) Side Yard Setback where a 5'-0" Side Yard Setback is required and a 4'-7" Side Yard Setback is proposed. The request is based on allowing the proposed second story addition to align with the existing first story. The proposed would adhere to community goals and it has been designed in a manner so as not to intrude into any of the identified public view corridors.

Therefore, the proposed development will not adversely affect the applicable land use plan.

2. **The proposed development will not be detrimental to the public health, safety, and welfare.**

The 5,050 square-foot site is located at 379 San Antonio Avenue, between San Antonio Avenue and the San Diego Bay. The project is located within the RM-3-9 zone of the Peninsula Community Plan area within the Coastal Overlay Zone (appealable area), the Coastal Height Limit Overlay Zone, and the First Public Roadway Overlay Zone. The project proposes to construct a 1,134 square-foot second story addition and remodel an interior portion of the first floor with previously conforming side yard setbacks to an existing single-family residence.

A California Environmental Quality Act (CEQA) Exemption was determined for the project indicating there is no substantial evidence that the project will have a significant effect on the environment. The permit controlling this development contains conditions addressing compliance with the City's regulations and other regional, State and Federal regulations to prevent detrimental impacts to the health, safety, and welfare of persons residing in the area. These conditions address requirements relating to storm water runoff, runoff during construction, public improvement repairs, and landscaping. All Uniform Building, Fire, and Mechanical Codes
governing the construction and continued operation of the development will apply to this site to prevent adverse affects to those persons or other properties in the vicinity. Therefore, the proposed project conforms to the development regulations and will not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

The 5,050 square-foot site is located at 379 San Antonio Avenue, between San Antonio Avenue and the San Diego Bay. The project is located within the RM-3-9 zone of the Peninsula Community Plan area within the Coastal Overlay Zone (appealable area), the Coastal Height Limit Overlay Zone, and the First Public Roadway Overlay Zone. The project proposes to construct a 1,134 square-foot second story addition and remodel an interior portion of the first floor with previously conforming side yard setbacks to an existing single-family residence.

The project is consistent with the development regulations of the RM-3-9 zone and all other pertinent regulations of the Land Development Code (LDC) which includes coverage, general conformity to existing siting of building, height, grading, landscaping and architectural design. The project presents a basic bulk, mass, scale, and lot coverage that is proportionate to the surrounding neighborhood. The project was designed in conformance with the underlying zone and land use plan. A Neighborhood Development Permit is requested in accordance with San Diego Municipal Code section 127.0103, Review Process for Previous Conforming Premises and Uses, as the proposed second floor addition is expanding slightly into the side yard setback by less than 8 percent. The second story will create a side yard setback of 4'-7" where a 5'-0" side yard setback is required. The request is based on allowing the proposed second story addition align with the existing first story to continue the conformity of the existing home. Therefore, the proposed development will comply with the applicable regulations of the Land Development Code.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 1303271 and Neighborhood Development Permit No. 1432369 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. Coastal Development Permit No. 1303271 Neighborhood Development Permit No. 1432369 a copy of which is attached hereto and made a part hereof.

William Zounes
Development Project Manager
Development Services

Adopted on: March 19, 2015

SAP Number: 24004669
### Project Name: Anderson Residence CDR 368632

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<thead>
<tr>
<th>Project Name: Anderson Residence CDR</th>
<th>Project Number: 368632</th>
<th>Distribution Date: 11/24/14</th>
</tr>
</thead>
</table>

**Project Scope/Location:**
Construct 1,180 SF second floor addition to remodel portion of first floor at 379 San Antonio Place.

**Applicant Name:** Mark Lyon

**Applicant Phone Number:**

**Project Manager:**

**Phone Number:**

**Fax Number:**

**E-mail Address:**

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

- **Vote to Approve:**
  - Members Yes: 12
  - Members No: 0
  - Members Abstain: 0

- **Vote to Approve With Conditions Listed Below:**
  - Members Yes: Members No: Members Abstain: 0

- **Vote to Approve With Non-Binding Recommendations Listed Below:**
  - Members Yes: Members No: Members Abstain: 0

- **Vote to Deny:**
  - Members Yes: Members No: Members Abstain: 0

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

**CONDITIONS:**

**NAME:** Don Sevrens

**SIGNATURE:** Don Sevrens

**TITLE:** Secretary

**DATE:** 11/24/14

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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*(01-13)*
## Ownership Disclosure Statement

**Approval Type:**
- 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
- **Anderson Residence**

### Project Address:
- 379 San Antonio Ave, San Diego 92106

### 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 of Individual (type or print):
- **Thomas R. Anderson**
  - Owner
  - Tenant/Lessee
  - Redevelopment Agency
  - Address: 379 San Antonio Ave
  - City/State/Zip: San Diego CA, 92106
  - Phone No: Fax No:
  - Signature: Date:

#### Name of Individual (type or print):
- **Donna C. Anderson**
  - Owner
  - Tenant/Lessee
  - Redevelopment Agency
  - Address: 379 San Antonio Ave
  - City/State/Zip: San Diego CA, 92106
  - Phone No: Fax No:
  - Signature: Date:

#### Name of Individual (type or print):
- **_**
  - Owner
  - Tenant/Lessee
  - Redevelopment Agency
  - Address:
  - City/State/Zip:
  - Phone No: Fax No:
  - Signature: Date:

#### Name of Individual (type or print):
- **_**
  - Owner
  - Tenant/Lessee
  - Redevelopment Agency
  - Address:
  - City/State/Zip:
  - Phone No: Fax No:
  - Signature: Date:

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DS-318 (5-05)
### Project Chronology

**Anderson CDP**  
**PROJECT NO. 368632**

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Description</th>
<th>City Review Time</th>
<th>Applicant Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>6/4/14</td>
<td>First Submittal</td>
<td>Normal Submittal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7/15/14</td>
<td>First Submittal Assessment Letter Out</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12/22/14</td>
<td>Second submittal In</td>
<td>Normal Submittal</td>
<td>41 days</td>
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</tr>
<tr>
<td>2/9/15</td>
<td>Second Submittal Assessment Letter Out</td>
<td></td>
<td></td>
<td>160 days from First Assessment Letter</td>
</tr>
<tr>
<td></td>
<td>Hearing Officer hearing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3/25/15</td>
<td></td>
<td></td>
<td></td>
<td>44 days</td>
</tr>
</tbody>
</table>

**TOTAL STAFF TIME**  
4 month  
14 days

**TOTAL APPLICANT TIME**  
5 months  
10 days

**TOTAL PROJECT RUNNING TIME**  
9 months  
24 days

**Based on 30 days equals to one month.**