

THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

REPORT NO. HO-15-027

HEARING DATE: March 25, 2015
ATTENTION: Hearing Officer
SUBJECT: ANDERSON CDP PROJECT NUMBER: 368632
LOCATION: 379 San Antonio Avenue
APPLICANT: Mark Lyon

SUMMARY

<u>Issue(s)</u>: 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?

<u>Staff Recommendation</u> - APPROVE Coastal Development Permit No. 1303271 and Neighborhood Development Permit No. 1432369.

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

<u>Environmental Review</u> - 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,

William Junes

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



Attachment 1 Aerial Photograph of Site





Land Use Plan Anderson CDP Project No. 368632 379 San Antonio Avenue



Attachment 3 Project Location Map

| | PROJECT DATA SHEE | Г | | |
|--|--|---------------------|--|--|
| PROJECT NAME: | Anderson CDP – Project 368632 | | | |
| PROJECT DESCRIPTION: | 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. | | | |
| COMMUNITY PLAN AREA: | Peninsula | | | |
| DISCRETIONARY ACTIONS: | Coastal Development Permit/Neighborhood Development Permit | | | |
| COMMUNITY PLAN LAND USE DESIGNATION: | Multi-Family Residential (45-73 du/ac) | | | |
| HEIGHT LIMIT: 30 LOT SIZE: 5,0 FLOOR AREA RATIO: 2.7 FRONT SETBACK: 10/ SIDE SETBACK: 5 fo STREETSIDE SETBACK: 10 REAR SETBACK: 5 fo PARKING: 2 s | 50 square feet 0 20 feet eet feet eet | | | |
| ADJACENT PROPERTIES: | LAND USE DESIGNATION & ZONE | EXISTING LAND USE | | |
| NORTH: | Multi Family/RM-3-9 | Single Family Homes | | |
| SOUTH: | Multi Family/RM-3-9 | Multi Family Homes | | |
| EAST: | San Diego Bay | San Diego Bay | | |
| WEST: | Multi Family/RM-3-9 | Multi Family Homes | | |
| 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. | | | |

RECORDING REQUESTED BY CITY OF SAN DIEGO DEVELOPMENT SERVICES PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO PROJECT MANAGEMENT PERMIT CLERK MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24004669

COASTAL DEVELOPMENT PERMIT NO. 1303271 NEIGHBORHOOD DEVELOPMENT PERMIT NO. 1432369 ANDERSON CDP PROJECT NO. 368632 DEVELOPMENT SERVICVES 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 determinednecessary 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.

HEARING OFFICER RESOLUTION NO. COASTAL DEVELOPMENT PERMIT NO. 1303271 NEIGHBORHOOD DEVELOPMENT PERMIT NO. 1432369 ANDERSON CDP PROJECT NO. 368632

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

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

Attachment 6 Draft Resolution with Findings

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 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

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THE CITY OF SAN DIEGO

City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101

Community Planning Committee Distribution Form Part 2

| Project Name: | | | ject Number: | Distribution Date: | | | |
|---|---|-------------|--------------|--------------------|--|--|--|
| ANDERSON RESIDENCE CDR | | | 68632 | 11/24/14 | | | |
| Project Scope/Location: | | | | | | | |
| CONSTRUCT 1180 SF SECOND FLOUR MUNINUN | | | | | | | |
| Project Scope/Location: CONSTRUCT 1180 SF SECOND FLOOR ADDITION & REMODEL PORTION OF FIRST FLOOR | | | | | | | |
| 379 SAN ANTONIO PLACE | | | | | | | |
| Applicant Name: | Applicant Name: Applicant Phone Number: | | | | | | |
| MARK LYON | | | | | | | |
| Project Manager: | Pho | ne Number: | Fax Number: | E-mail Address: | | | |
| | (619) 321-3200 | | | | | | |
| Committee Recommendations (To be completed for | Initi | al Review): | | | | | |
| | | | | | | | |
| Vote to Approve M- WEBB 3-NYSTROM | | 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 | | | |
| | | Members Yes | Members No | Members Abstain | | | |
| No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.) | | | | | | | |
| CONDITIONS: | | | | | | | |
| | | | | | | | |
| NAME: DON SEVRE | SECRETARY | | | | | | |
| SIGNATURE: 2. Seress | | | | DATE: 11/24/14 | | | |
| Attach Additional Pages If Necessary. Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101 | | | | | | | |
| Printed on recycled paper. Visit our web site at <u>www.sandiego.gov/development-services</u> . Upon request, this information is available in alternative formats for persons with disabilities. | | | | | | | |

| Develo 1222 F San Die | San Diego pment Services irst Ave., MS-302 ego, CA 92101 46-5000 | | (| Attachment : Ownership Disclosure Statemen |
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| The second s | | | | rmit XCoastal Development Permit rmit Conditional Use Permit dment • Other |
| Project Title | | | | Project No. For City Use Only |
| ANDERSON | RESIDENCE | | | |
| Project Address: | | | | |
| 379 SAN | INTONIO A | VE SAN | DIEGO 9 | 2106 |
| above, will be filed with the City below the owner(s) and tenant(who have an interest in the propen irom the Assistant Executive Dir Development Agreement (DDA) Manager of any changes in own the Project Manager at least the nformation could result in a dela Additional pages attached Name of Individual (type or THOMAS R. VOWNER Tenant/Less Street Address: 379 SAH Ap City/State/Zip: | sure Statement, the owner of San Diego on the sub s) (if applicable) of the ab- erty, recorded or otherwis sy). A signature is required rector of the San Diego Ru- has been approved / ex- tership during the time the irty days prior to any pub- ity days prior to any pub- ity days prior to any pub- ity in the hearing process. Yes No print): A + D = R + S + O + I see Redevelopment A + T + O + I + O + A + E CA, 92 + I + O + E Fax No: Date: A + A + O + I + O + O | r(s) acknowledge that an oject property, with the impove referenced property, e, and state the type of p d of at least one of the predevelopment Agency she ecuted by the City Counce application is being procedule hearing on the subject of the arring on the subject of the predevelopment Agency Name Agency X Agency X City/S Phone Street City/S | tent to record an en The list must includ roperty interest (e.g. roperty owners. Att all be required for al cil. Note: The appli pessed or considered t property. Failure e of Individual (typ $20 \times 14 \times 10^{-1}$ C . Dwner Tenan t Address: 379×10^{-1} C . State/Zip: 54×10^{-1} D 154 e No: | ANDERSON t/Lessee Redevelopment Agency AN ANTONIO ANE GO CA, 92106 Fax No: Date: CAMMAM 3-241 |
| Owner Tenant/Lesse | ee Redevelopment A | gency C | wner Tenant/ | Lessee Redevelopment Agency |
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Project Chronology Anderson CDP PROJECT NO. 368632

| Date | Action | Description | City Review Time | Applicant Response |
|-------------------------------|---|---------------------------------------|---------------------|--|
| 6/4/14 | First Submittal | Normal Submittal | | |
| 7/15/14 | First Submittal Assessment Letter out | | 41 days | |
| 12/22/14 | Second submittal In | Normal Submittal | | 160 days from First Assessment Letter |
| 2/9/15 | Second Submittal Assessment Letter out | | 49 days | |
| Hearing Officer hearing | 3/25/15 | | 44 days | |
| TOTAL STA | VFF TIME** | | 4 month 14 days | |
| TOTAL APPLICANT TIME** | | | | 5 months 10 days |
| TOTAL PROJECT RUNNING TIME** | | From Deemed Complete to HO Hearing | 9 months 24 c | lays |

**Based on 30 days equals to one month.

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Attachment 1 Project Plan: Sheet 4 of 1(



Attachment J. Project Plans 01 10 2 Juard



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Attachment I. Project Plans Sheet 7 of 10



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