



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: May 21, 2009 **REPORT NO. PC-09-044**

ATTENTION: Planning Commission, Agenda of May 28, 2009

SUBJECT: MITCHELL/BUSCH RESIDENCE- PROJECT NO. 165335 PROCESS 3

OWNER/ Ben Mitchell and Karen Busch, Owners

APPLICANT: Bruce Peeling, Architect

SUMMARY

Issue(s): Should the Planning Commission grant an appeal of the Hearing Officer's approval demolish an existing residence and construct a new 3,245 square-foot single-family residence and garage on a 0.12-acre site located at 2930 Owen Street in the RS-1-7 Zone within the Peninsula Community Plan Area?

Staff Recommendation: Deny the appeal and approve Coastal Development Permit No. 592731.

Community Planning Group Recommendation: On November 20, 2008 the Peninsula Community Planning Board voted 9-3-1 to recommended approval of the project with no other recommendations.

Environmental Review:

The project is exempt under CEQA Section 15303, New Construction or Conversion of Small Structures.

Fiscal Impact Statement: The applicant is paying all costs associated with processing the project.

Code Enforcement Impact: No Code Enforcement Action.

Housing Impact Statement:

The project is consistent with the density identified in the Peninsula Community Plan. This is a single family residence replacing a single family residence. Therefore, there is

no net effect on housing in the region.

BACKGROUND

The project site is located at 2930 Owen Street, in the Residential RS-1-7 Zone and in the La Playa Neighborhood of the Peninsula Community Plan Area (Attachments 1, 2 & 12). The Peninsula Community Plan designates the 0.12-acre property for Residential use. The project is within the Coastal Overlay (appealable), Coastal Height Limit and FAA Part 77 zones. The site is bordered by residential development.

A single-story, single family residence currently occupies the site. The structure has an attached two-car garage and two off-street parking spaces.

On March 18, 2009 the Hearing Officer approved Coastal Development Permit No. 592731. On March 26, 2009, Mr. John Church appealed the Hearing Officer's decision. The appeal issues are discussed below.

DISCUSSION

Project Description:

The project proposes to demolish a single-family residence and construct a 3,245 square-foot, two-level, single-family residence and garage on the 0.12-acre site. The project would meet the required front, side and rear yard setbacks. The project would not require any variances or deviations. The maximum height allowed is 30 feet and the project would not exceed 24 feet, 4 inches. In addition, only the center portion of the project would be two story (Attachment 5). The maximum floor area ratio (FAR) allowed is 0.59 and the project proposes 0.59 FAR. The regulations require two parking spaces and two parking spaces are proposed. The proposed project design may be found elsewhere in the eclectic, mixed architecture of the La Playa Neighborhood.

The proposal is consistent with the land use designation and the zoning for the area, provides the required parking spaces and is consistent with the Peninsula Community Plan. No public view to the water would be adversely affected by approval of this project. The project would not interfere with any public access.

Community Plan Analysis:

The project is located within the La Playa neighborhood of the Peninsula Community Plan Area. La Playa is located generally south of Talbot, between Gage Road and the bay (Attachment 12). The Peninsula Community Plan states "La Playa is characterized by large single-family homes of various ages and architectural styles, including colonial, Spanish and contemporary designs." The project is proposing a contemporary design and is, therefore, consistent with the Peninsula Community Plan.

Project-Related Issues:

APPEAL ISSUES

Issue 1

The project stresses the limits of the zoning setback and height requirements for this area and will engulf the entire lot.

Response 1

The project would not exceed any setback or height requirements and is not asking for any deviations or variances. The project proposes a maximum height of 24 feet 4 inches where 30 feet is allowed. In addition, only the center portion of the project is proposed at two stories.

Issue 2

The project rear deck and windows are just feet from my balcony, living room and bedroom. These elements are invasive, impolite, anti-social and promise a diminished bay view, privacy, enjoyment and property value.

Response 2

The rear roof deck observes the rear yard setback at 13 feet, and the side yard setback most adjacent to the appellant is 15 feet 9 inches. The rear upper elevation windows are an additional 40 feet from the rear property line. The windows in question face north across the appellant's backyard (Attachment 13). Regarding bay views, it should be noted that the City does not protect private views. In addition, the project proposes a single story elevation at the rear of the project nearest to the appellant.

Issue 3

At the March 18, 2009 Hearing Officer hearing, the Hearing Officer, instructed the project architect to address my concerns about the invasive wall of windows with his clients.

Response 3

Given there is no requirement to reduce the number of windows on the rear elevation, the Hearing Officer asked the applicant if he would consider a suggestion to provide some type of screening. The applicant responded at hearing that given other site constraints, the proposal represents the only plausible location for the two story portion of the home and the associated windows. In addition, it should be noted that this portion of the project would not be located at the rear of the property, but instead is proposed at the center of the project and would, therefore, place the windows an 53 feet from appellant's property line. The proposed windows would face across the

neighbor's backyard.

Issue 4

A deck at the rear of the project was found to be non-compliant (above 3' limit). I am requesting that the entire plan be reviewed and/or re-submitted.

Response 4

During project review staff informed the applicant that the Land Development Code allows the deck to encroach into the rear and side yard setbacks, but only if it would not exceed three feet in height. At that stage of the review process the deck was proposed at four feet in height. The project was subsequently revised and staff cleared the review issue. The rear deck in question would not exceed three feet above grade. At hearing, the Hearing Officer added a permit condition that would limit all decks proposing to encroach into setback areas to no more than three feet above grade and an open railing could not exceed 42 inches in height. This condition has been added to the draft Coastal Development Permit (Attachment 6). Therefore, there is no need to resubmit the entire plan for review.

Issue 5

This two-story project is incompatible with this block in La Playa in its current design and does not agree with the community plan.

Response 5

The project is located within the La Playa neighborhood of the Peninsula Community Plan Area. La Playa is located generally south of Talbot, between Gage Road and the bay (Attachment 12). The Peninsula Community Plan states "La Playa is characterized by large single-family homes of various ages and architectural styles, including colonial, Spanish and contemporary designs." The project is proposing a contemporary design and is, therefore, consistent with the Peninsula Community Plan.

Issue 6

The appellant requests that the Planning Commission recommend project modification to correct design deficiencies to meet minimal neighborhood compatibility standards.

Response 6

The project as proposed meets all City requirements and is requesting no deviations or variances.

Conclusion:

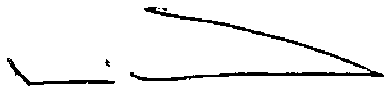
The project would meet or exceed all City land development code requirements and is not seeking any deviations or variances. The project could be constructed up to 30 feet in height, but is proposing a maximum height of 24 feet, 4 inches and only in the center portion of the site. The

project has no environmental impacts and is exempt from CEQA. The second story windows would be located 53 feet from the rear property line and would face across the neighbor's backyard, not at his windows. The project design would be consistent with the eclectic mix in the area and would, therefore, be consistent with the Peninsula Community Plan. All decks would be compliant with the Land Development Code. A permit condition has been added to the draft permit ensuring compliance with railing height and the above-grade measurement requirements for all decks proposed by the project. In addition, the Peninsula Community Planning Board vote 9-3-1 to recommend approval of the project. Therefore, staff is recommending the Planning Commission deny the appeal and approve the project.

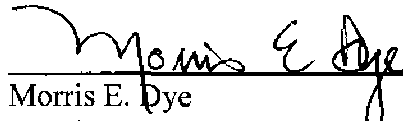
ALTERNATIVES

1. **Deny the appeal, with modifications.**
2. **Uphold the appeal and deny Coastal Development Permit No. 592731, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



Morris E. Dye
Development Project Manager
Development Services Department

BROUGHTON/MED

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Site Plans
6. Draft Permit with Conditions
7. Draft Resolution with Findings
8. Copy of Appeal
9. Community Planning Group Recommendation
10. Ownership Disclosure
11. Project Chronology
12. Peninsula Neighborhoods
13. Neighbor's Home

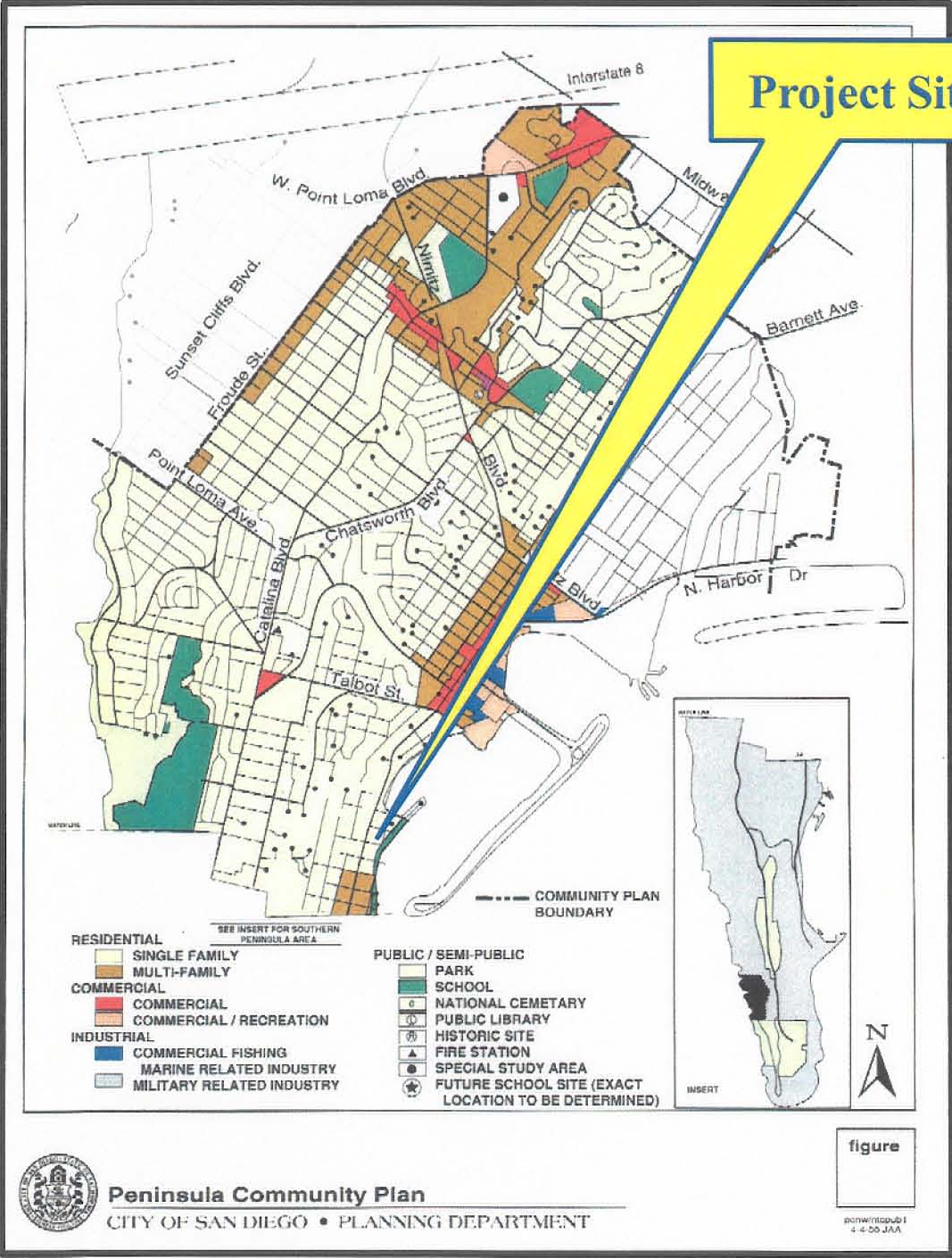


Aerial Photo

MITCHELL / BUSCH RESIDENCE - 2930 OWEN STREET

PROJECT NO. 165335





Community Plan Land Use Map

MITCHELL / BUSCH RESIDENCE – 2930 OWEN STREET

PROJECT NO. 165335 – Peninsula





Project Location Map

MITCHELL / BUSCH RESIDENCE – 2930 OWEN STREET
PROJECT NO. 165335



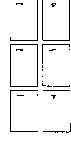
PROJECT DATA SHEET

PROJECT NAME:	Mitchell/Busch Residence	
PROJECT DESCRIPTION:	Demolish residence/garage and construct a 3,245 sq ft single family residence and garage, and accessory improvements on a 0.126 acre site.	
COMMUNITY PLAN AREA:	Peninsula	
DISCRETIONARY ACTIONS:	Coastal Development Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Single-Family Residential (9 du/ac)	
<u>CURRENT ZONING INFORMATION:</u> <u>EXISTING/PROPOSED:</u>		
	ZONE: RS-1-7	RS-1-7
	HEIGHT LIMIT: 30' (Zoning and Prop D)	24'
	LOT SIZE: 5,000 sf min	5,500 sf existing
	FLOOR AREA RATIO: 0.59	0.59
	FRONT SETBACK: 15'	15'
	SIDE SETBACK: 4'	4'
	STREETSIDE SETBACK: N/A	N/A
	REAR SETBACK: 13'	13'
	PARKING: 2 parking spaces	2 parking spaces
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Single-Family (9 du/ac); RS-1-7	Single-Family
SOUTH:	Single-Family (9 du/ac); RS-1-7	Single-Family
EAST:	Single-Family (9 du/ac); RS-1-7	Single-Family
WEST:	Single-Family (9 du/ac); RS-1-7	Single-Family
DEVIATIONS OR VARIANCES REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On November 20, 2008 the Peninsula Community Planning Board voted 9-3-1 to recommended approval of the project with no other recommendations.	



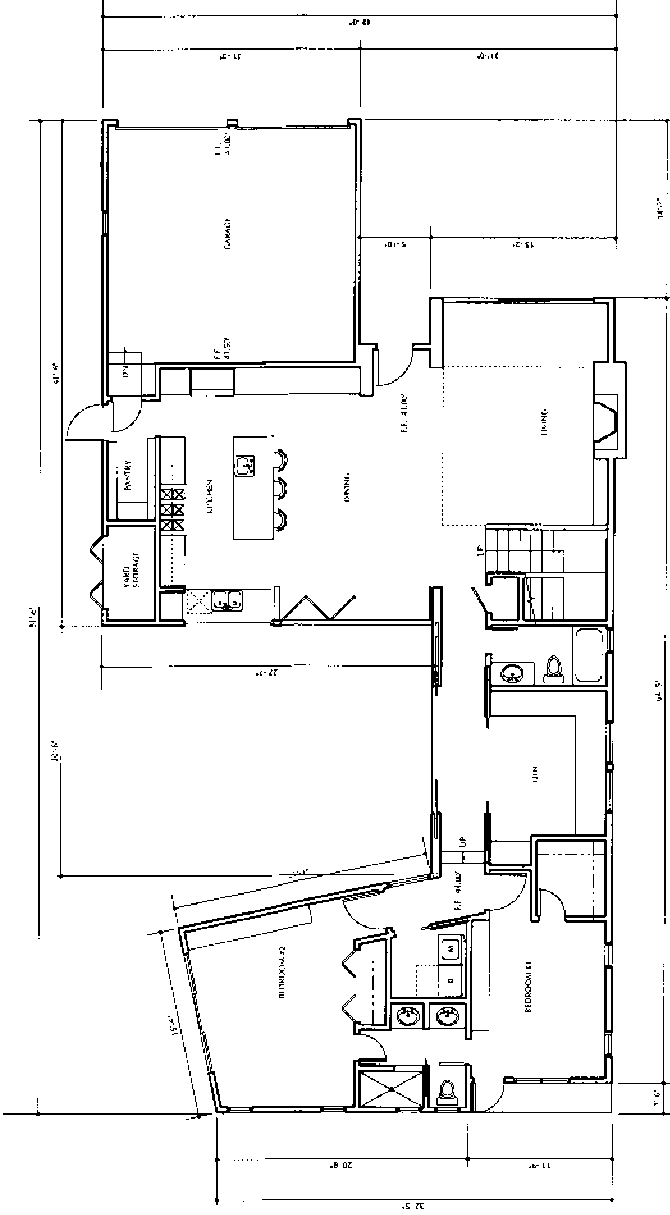
**BUSCHMITCHELL
RESIDENCE**

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1" = 1'-0"

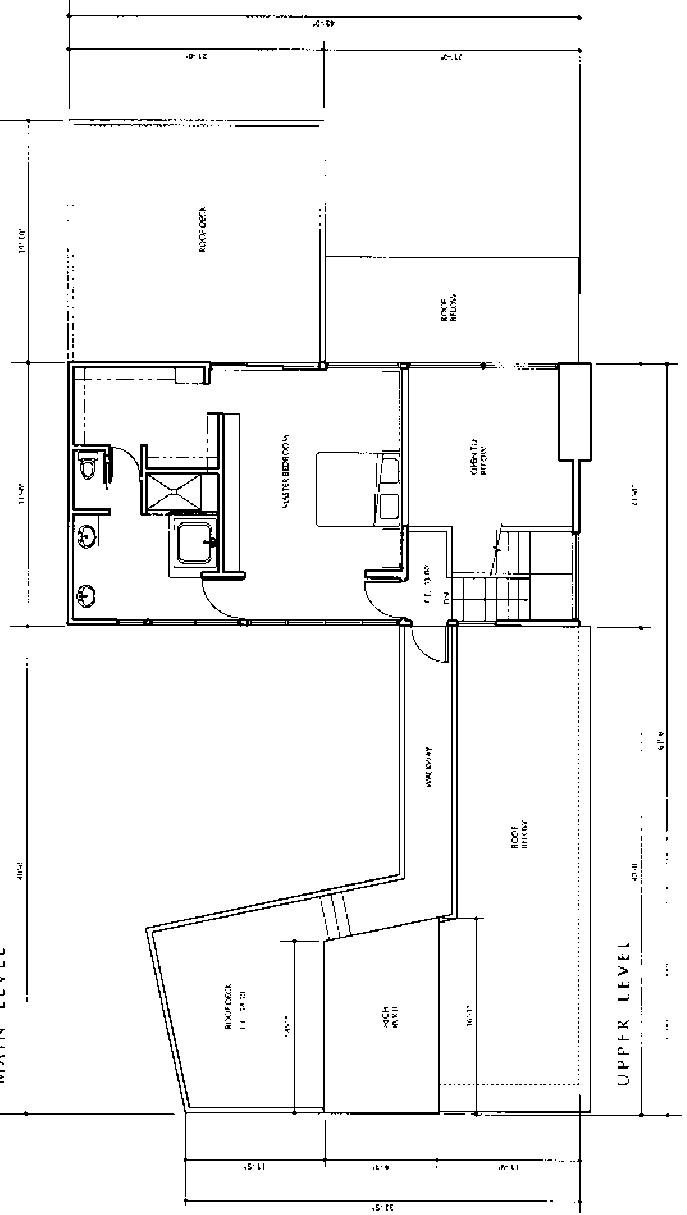


Agency: **BRUCE MITCHELL ARCHITECT, P.A.**
Name: **1508 WOODBRIDGE**
Address: **1508 WOODBRIDGE DRIVE**
Phone #: **919-771-1177**
Fax #: **919-771-1177**
Email: **bruce@brucearchitect.com**

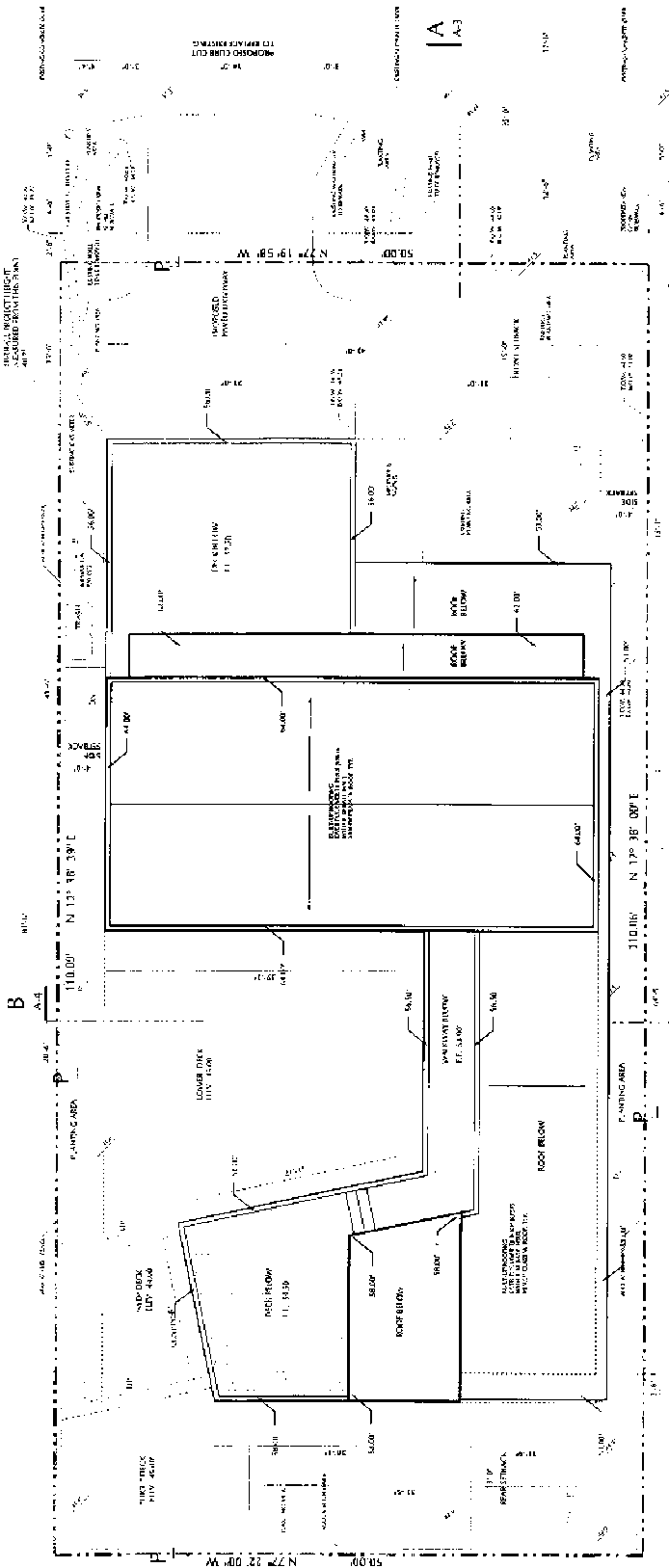
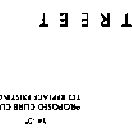
Project Address: **1508 WOODBRIDGE DRIVE**
City: **WAKE FOREST, NC**
County: **WAKE COUNTY, NC**
Original Date: **08/10/10**
Date: **10/05/10**
Sheet No.: **1001**
Project Name: **FLOOR PLANS**



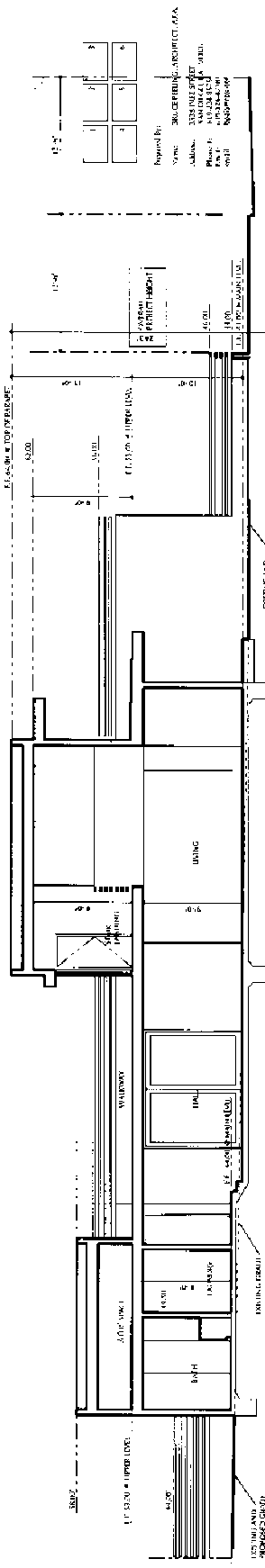
MAIN LEVEL



UPPER LEVEL



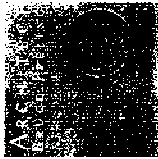
ROOF PLAN



SITE SECTION A - A

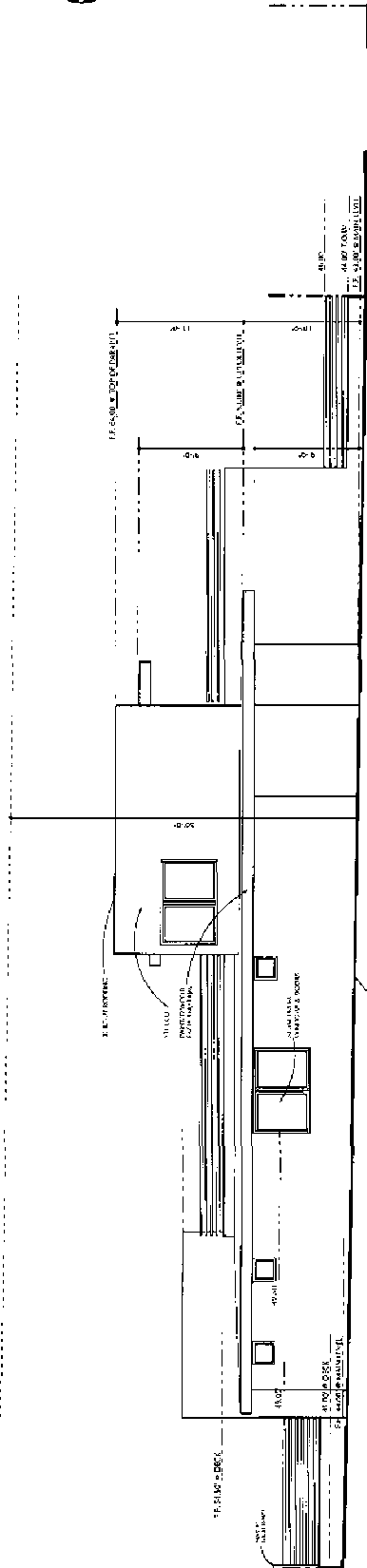
NOT TO SCALE
FOR INFORMATION ONLY
DO NOT CONSIDER THIS A CONTRACT DOCUMENT

Project No.	10527
Site No.	10527
Sheet No.	10527
Scale	1/8" = 1'-0"
Drawn By	BRUCE PETERSON
Checked By	BRUCE PETERSON
Date	10/10/07
Project Name	BUSCHMITCHELL RESIDENCE
Project Address	10527
City	LOS ANGELES, CA
State	CA
Country	USA

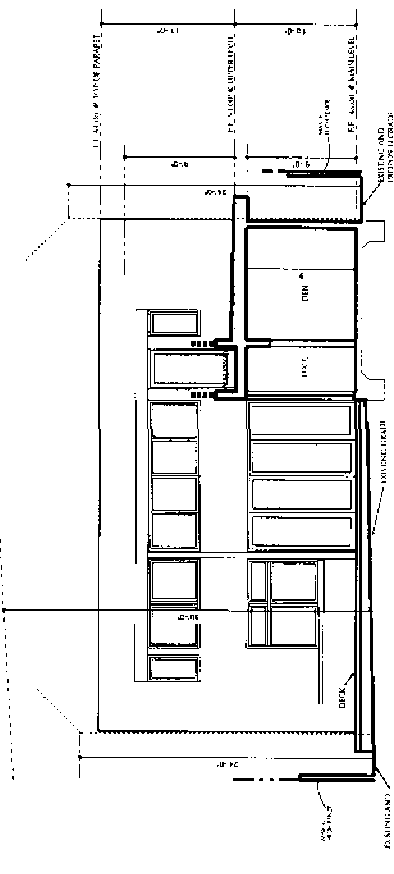


BUSCHMITCHELL
RESIDENCE

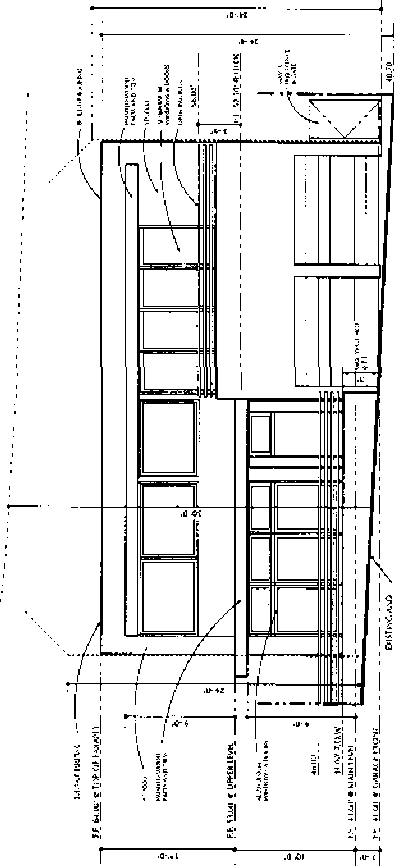
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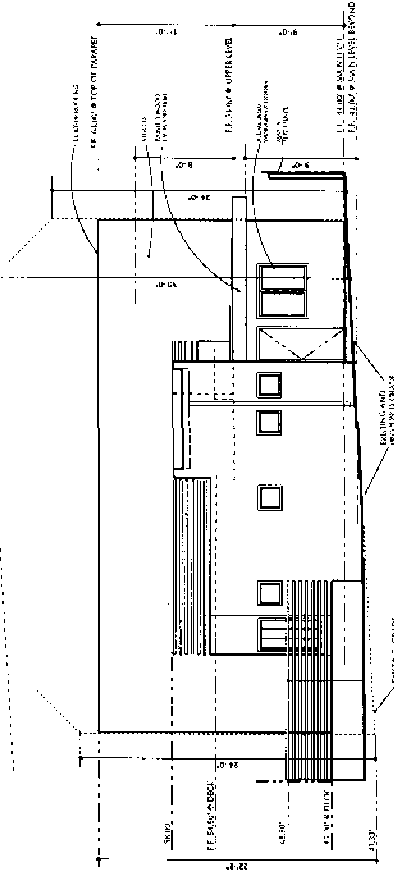
WEST ELEVATION



SITE SECTION B-B



SOUTH ELEVATION



NORTH ELEVATION

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5	6

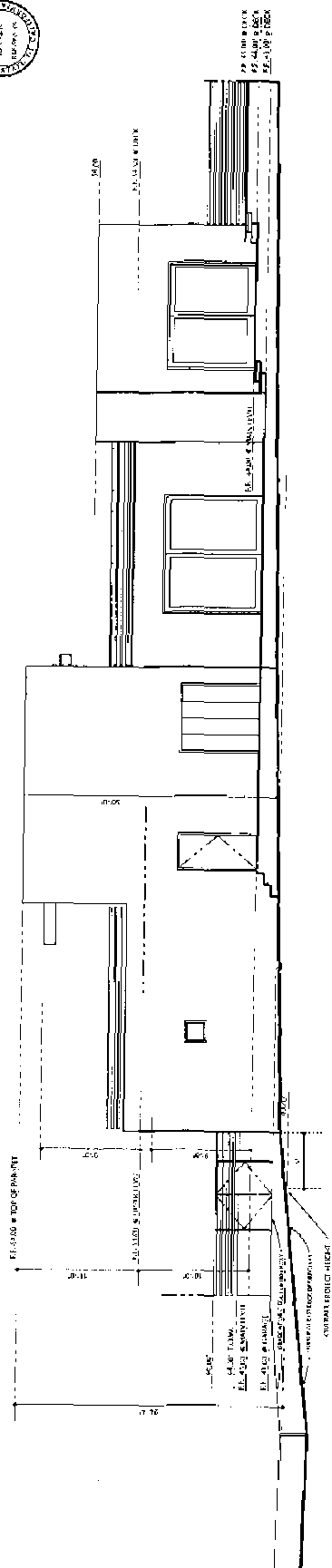
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 Date: 10/10/10
 Architect: BUSCHMITCHELL
 Project: 1000000000
 Location: 1000000000
 Scale: 1/4" = 1'-0"



BUSCH MITCHELL
RESIDENCE



1/8" = 1'-0"



EAST ELEVATION

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Revisions:
 Revision 2: _____
 Revision 6: _____
 Revision 5: _____
 Revision 4: _____
 Revision 3: _____
 Revision 2: _____
 Revision 1: _____
 Date of Issue: 01/03/2008
 User: J. G. G.

Response:
 Name: HANS JOHNSON ARCHITECT, P.C.
 Address: 4500 WEST 120TH
 Suite 100
 Overland Park, MO 66211

2101 S. STREET
 SUITE 100
 OVERLAND PARK, MO 66211
 EAST ELEVATION



2930 OWEN STREET

TOPOGRAPHIC SURVEY

DATE	07-18-05
PROJECT	G.M.DYE
CLIENT	A.FLORES
DRAWN BY	S.CARROLL



G. HOWARD DYE
07-21-06

1	2	3	4	5	6
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Prepared by:
NAME: BRUCE TILLY, ARCHITECT, AIA.
ADDRESS: 3450 ARLING STREET
SAN DIEGO, CA 92106
PHONE: (619) 581-1110
FAX: (619) 581-1110
MAIL: BRUCE@BTILLY.COM

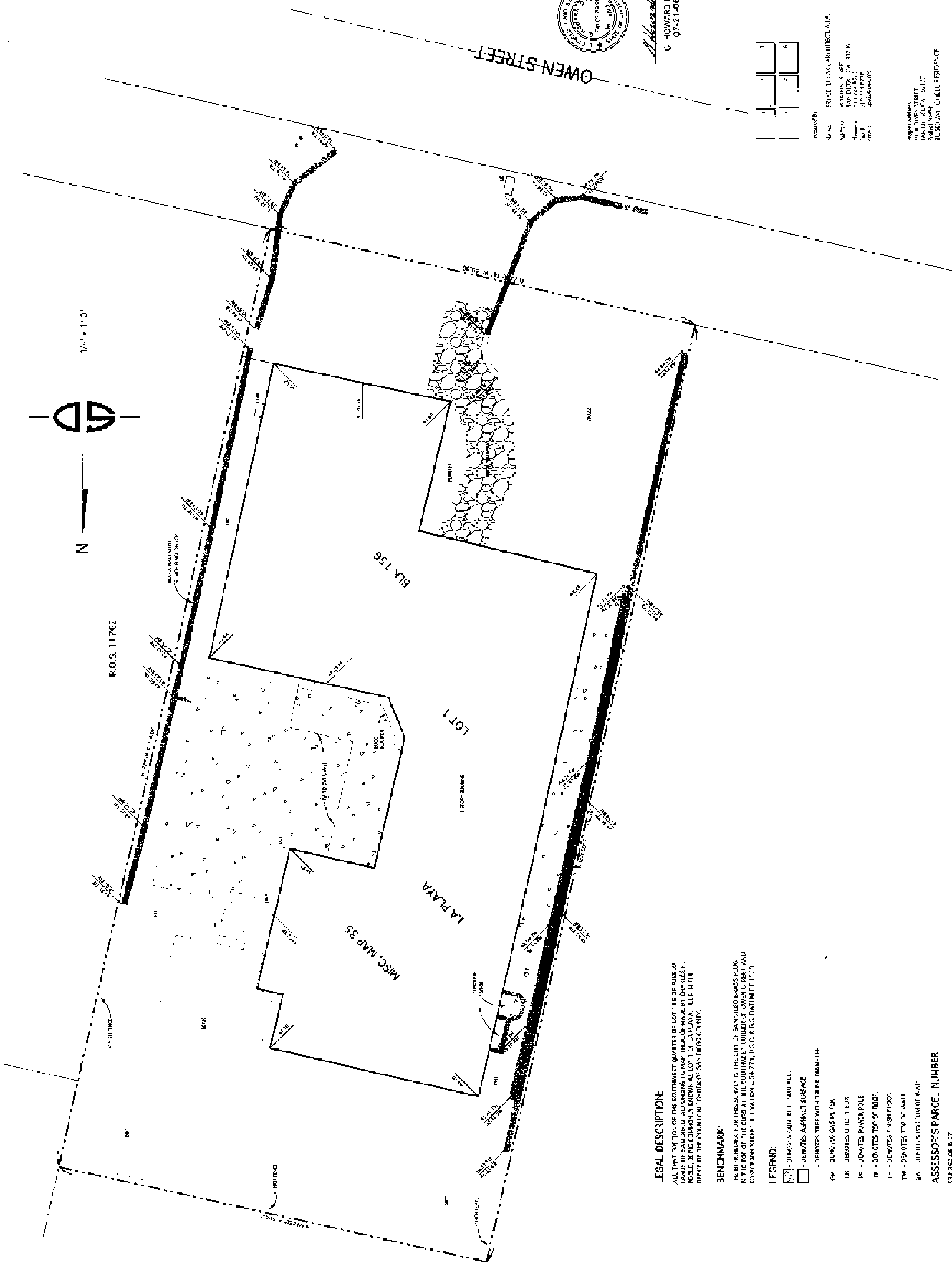
Project Address:
2930 OWEN STREET
SAN DIEGO, CA 92106
Project Name:
BURBANK TO FULL RESURFACE
Project No.:
1000100000

Date of Issue:
8/04
Drawing No.:
TOPOGRAPHIC SURVEY

1/4" = 1'-0"



R.O.S. 11762



LEGAL DESCRIPTION:

All that portion of the 651 TRACT, QUARTER OF LOT 1, E & W. 1/4 & 1/2 of SAN DIEGO, ACCORDING TO THE PLAN AND BEING CHARGED IN FAVOR OF THE COUNTY OF SAN DIEGO, AS SHOWN ON THE PLAN BEING CHARGED IN FAVOR OF THE COUNTY OF SAN DIEGO, FILED IN THE OFFICE OF THE COUNTY CLERK OF SAN DIEGO COUNTY.

BENCHMARK:

THE BENCHMARK FOR THIS SURVEY IS THE CITY OF SAN DIEGO BENCH MARK IN THE FORM OF A BRASS PLATE WITH THE SURFACE BEING FLAT AND IN THE FORM OF A BENCH MARK, SANITARY, I.C.C. 8, C.S. 14, SANITARY 1937.

LEGEND:

- OWNER'S EASEMENT SURFACE
- UTILITY EASEMENT SURFACE
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ASSESSOR'S PARCEL NUMBER:

57-35-068-02

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

JOB ORDER NUMBER: 431611

COASTAL DEVELOPMENT PERMIT NO. 592731
MITCHELL/BUSCH RESIDENCE 165335
PLANNING COMMISSION

This Coastal Development Permit is granted by the Planning Commission of the City of San Diego to Ben Mitchell and Karen Busch, Owners/Permittees, pursuant to San Diego Municipal Code [SDMC] sections 126.0708(a). The 0.12-acre site is located at 2930 Owen Street, in the Coastal Overlay Zone (appealable), Coastal Height Limit, Federal Aviation Administration Part 77 area zones and in the RS-1-7 Zone of the Peninsula Community Planning Area. The project site is legally described as Lot 156, Map No. 35, Lot 1, Pueblo Lands, La Playa.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish an existing residence and construct a 3245square-foot single-family residence on a 0.12-acre site. The development is described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated May 28, 2009, on file in the Development Services Department.

The project shall include:

- a. Demolish existing residence and garage;
- b. Construct a 3,245 square-foot single family residence and garage;
- b. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect at the time the extension is considered by the appropriate decision maker.
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. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.
5. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
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 modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
9. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made 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 have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that 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" condition(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 applicant 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, including, but not limited to, any 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 applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant 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, applicant 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 applicant 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 applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

PLANNING/DESIGN REQUIREMENTS:

12. No fewer than two off-street parking spaces shall be maintained 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 Development Services Department.

13. 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.

14. 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.

15. No portion of the deck located within the rear or side yards shall be greater than three feet above finished grade with an open safety railing not exceeding 42 inches in height.

ENGINEERING REQUIREMENTS:

16. Prior to the issuance of any building permit, the applicant shall assure by permit and bond the replacement of the existing driveway with a City standard 14-foot wide driveway, on Owen Street, per Standard Drawing G-14A, G-16 and SDG-100, satisfactory to the City Engineer.

17. Prior to the issuance of any building permit, the applicant shall assure by permit and bond the installation of City standard sidewalk, along the project frontage on Owen Street, per Standard Drawing G-7 and G-9, satisfactory to the City Engineer.

18. Prior to the issuance of any construction permit, the applicant shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.

19. Prior to the issuance of any construction permit the applicant 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.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development 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 §66020.
- This development may be subject to impact fees at the time of construction permit issuance

APPROVED by the Planning Commission of the City of San Diego on May 28, 2009.

COASTAL DEVELOPMENT PERMIT NO. 592731

Date of Approval: May 28, 2009

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

Morris E. Dye
TITLE: 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.

Ben Mitchell
Owner/Permittee

By _____
Ben Mitchell

Karen Busch
Owner/Permittee

By _____
Karen Busch

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

PLANNING COMMISSION
RESOLUTION NO.
COASTAL DEVELOPMENT PERMIT NO. 592731
MITCHELL/BUSCH RESIDENCE

WHEREAS, Ben Mitchell and Karen Judith Busch, Owners/Permittees, filed an application with the City of San Diego for a permit to demolish an existing residence and construct a 3,245 square-foot single-family residence (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Coastal Development Permit No. 592731), on portions of a 0.12-acre site;

WHEREAS, the project site is located at 2930 Owen Street in the RS-1-7 Zone within the Peninsula Community Plan;

WHEREAS, the project site is legally described as Lot 156, Map No. 35, Lot 1, Pueblo Lands, La Playa;

WHEREAS, on March 18, 2009, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 592731 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on March 26, 2009 the Hearing Officer's decision was appealed;

WHEREAS, on May 28, 2009, the Planning Commission of the City of San Diego considered Coastal Development Permit No. 592731 pursuant to the Land Development Code of the City of San Diego;
NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated May 28, 2009.

FINDINGS:

COASTAL DEVELOPMENT PERMIT

1. **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; and**

The project would demolish an existing residence and construct a 3,245 square-foot single-family residence at 2930 Owen Street in the RS-1-7 zone within the Peninsula Community Plan Area and the Coastal Overlay (appealable), Coastal Height Limit, and FAA Part 77 zones. The Local Coastal Program recommends that physical access be improved. While the project would not improve physical access, the building would observe all required site setbacks and would, therefore not encroach into any physical access way. While Owen Street is not identified as a view corridor, the project would not encroach into any public views of the bay through Owen Street. In addition, the project would comply with the

Proposition D 30-foot Coastal Height Limit. 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 access way identified in the 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 areas as specified in the Local Coastal Program land use plan.

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

The project would demolish an existing residence and construct a 3,245 square-foot single-family residence at 2930 Owen Street in the RS-1-7 zone within the Peninsula Community Plan Area and the Coastal Overlay (appealable), Coastal Height Limit, and FAA Part 77 zones. The site is not within or adjacent to the Multiple Species Conservation Program – Multiple Habitat Planning Area, and is not within or adjacent to any Environmental Sensitive Lands. City staff has determined that the project is Exempt under the California Environmental Quality Act (CEQA). 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; and

The project would demolish an existing residence and construct a 3,245 square-foot single-family residence at 2930 Owen Street in the RS-1-7 zone within the Peninsula Community Plan Area and the Coastal Overlay (appealable), Coastal Height Limit, and FAA Part 77 zones. Parking would not conflict with pedestrian access at the front of the project. The project conforms to the development regulations and the land use designations of the certified Local Coastal Plan land use plan. No public view to the water would be adversely affected by approval of this project. The project would not interfere with any public access. In addition, the project meets the intent of the guidelines for the Coastal Overlay and Coastal Height Limitation Overlay Zones, and the certified Local Coastal Plan land use plan. Therefore, the proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The project would demolish an existing residence and construct a 3,245 square-foot single-family residence at 2930 Owen Street in the RS-1-7 zone within the Peninsula Community Plan Area and the Coastal Overlay (appealable), Coastal Height Limit, and FAA Part 77 zones. The identified nearest public roadway is Rosecrans Street. The project would observe all required setbacks, and would not encroach into Owen Street. In addition, the project would comply with the Proposition D 30-foot Coastal Height Limit. Therefore, the

coastal development is in conformity with the public access and public access and public recreation policies of Chapter 3 of the California Coastal Act.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Coastal Development Permit No. 592731 is hereby GRANTED by the Planning Commission to the referenced Owners/Permittees, in the form, exhibits, terms and conditions as set forth in Permit No. 592731 a copy of which is attached hereto and made a part hereof.

Morris E. Dye
Development Project Manager
Development Services

Adopted on: May 28, 2009

Job Order No. 431611

cc: Legislative Recorder, Planning Department

 THE CITY OF SAN DIEGO	City of San Diego Development Services 1222 First Ave. 3rd Floor San Diego, CA 92101 (619) 446-5210	<h2 style="margin:0;">Development Permit/ Environmental Determination Appeal Application</h2>	FORM <h1 style="margin:0;">DS-3031</h1> MARCH 2007
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See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

<input type="checkbox"/> Process Two Decision - Appeal to Planning Commission	<input type="checkbox"/> Environmental Determination - Appeal to City Council
<input checked="" type="checkbox"/> Process Three Decision - Appeal to Planning Commission	<input type="checkbox"/> Appeal of a Hearing Officer Decision to revoke a permit
<input type="checkbox"/> Process Four Decision - Appeal to City Council	

2. Appellant Please check one Applicant Officially recognized Planning Committee "Interested Person" (Per M.C. Sec. 113.0103)

Name: JOHN CHURCH

Address: 2225 GLENNEYRE #K, LAGUNA BEACH CA 92651 949 295-0870

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.
BEN MITCHELL & KAREN BUSCH

4. Project Information Permit/Environmental Determination & Permit/Document No.: <u>PROJECT NO. 165335</u>	Date of Decision/Determination: <u>3/18/09</u>	City Project Manager: <u>MARRISE DYE</u> <u>619 446-5201</u>
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Decision (describe the permit/approval decision):
CONDITIONAL APPROVAL BY CHRIS LARSON (THE HEARING OFFICER)

5. Grounds for Appeal (Please check all that apply)

<input type="checkbox"/> Factual Error (Process Three and Four decisions only)	<input checked="" type="checkbox"/> New Information (Process Three and Four decisions only)
<input checked="" type="checkbox"/> Conflict with other matters (Process Three and Four decisions only)	<input type="checkbox"/> City-wide Significance (Process Four decisions only)
<input type="checkbox"/> Findings Not Supported (Process Three and Four decisions only)	

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

SEE ATTACHED

<h1 style="margin:0;">RECEIVED</h1>	RECEIVED
MAR 26 2009	MAR 26 2009
DEVELOPMENT SERVICES	DEVELOPMENT SERVICES

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature: John Church Date: 3/25/09

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.

I am a property owner whose home is adjacent to the Project 165335 property. The address of my home is 567 Rosecrans Street. My home is a historic property that was built in 1930 and was designed by noted architect Richard Requa who was popular for designing several public buildings in Balboa Park as well as many Spanish style homes throughout San Diego. This home has been in my family for over 70 years.

This Project 165335 (demolish and rebuild) shows a construction which stresses the limits of zoning setback and height requirements for this area and will essentially engulf the entire lot. It seems as though the way this plan was made, the architect forgot that my house was there. To the rear of the project, the high deck design and the windowed wall of the project are just feet away from and angled toward my balcony, living room and bedroom. These elements of the project are invasive, impolite, anti-social, and promise a diminishment of bay view, privacy, enjoyment and value to my property. At the public hearing on March 18th, the hearing officer, Chris Larson, instructed the architect, Mr. Peeling to address my concerns about the invasive wall of windows with his clients. I would like to receive a response which would include options other than the wall of windows facing my balcony, living room and bedroom. Also at the hearing, a deck at the rear of the project was found to be non-compliant (above 3' limit). I am requesting that the entire plan be reviewed and/or re-submitted.

As a separate issue, this two story project is incompatible with this block in La Playa in its current design and does not agree with the community plan. The architecture does not blend with the character of the neighborhood. I request that the planning commission recommend modification of this project to correct the deficiencies in the current design and to meet minimal compatibility standards for the neighborhood. I also request that story poles be put up and ask that the development project manager come and view the story poles from my property.

Peninsula Community Planning Board Minutes
Nov 20- 2008
Meeting Room Pt. Loma Library

I. Parliamentary items:

Meeting called to order by C. Mellor approx. 6:35pm

A. Non Agenda Public Comment: speaker- topics

J. Gilhooly – methane gas management plan concerns

K. Lippitt – prevent youth drug abuse -opposes head shops in our community (www.saysandiego.org)

T. Delahanty – Airport Authority: concerns of our peninsula

C. Conger – PCPB Airport meeting Rep concerns

A. Jones – Ries Residence info request

J. Ross- Airport relocation planning needed

B. Agenda – approved

C. Approval of Minutes: after a discussion on recuse intent/definition draft of 16 Oct minutes as presented were approved as presented

D. Treasurer report: C. Shinn reported no change to balance = \$296.91

E. Attendance: Board members D. Wylie, D. Davis, S. Brown, C. Shinn, J. Lester, D. Kaup, C. Jones, S. Kilbourn-McGee, G. Halbert C. Mellor, D. Cohen, S. Khalil, H. Kinnaird Excused Absent: M. Hoppe, J. Shumaker,

Community Attendance: see sign in sheet attached

F. Chair Report: C. Mellor announced 24th November City meeting to review/interpret indemnification policy for planning board representatives

II. Action Items: (note: reminder Board Chair does not vote on action items unless to break a tie typical)

A. Election Committee: those present were reminded that five board member seats DW, CS, HK, CJ, DC are up for 2009 March election, after discussion that first Vice Chair H. Kinnaird is considering to run for re-election the Chair C. Mellor nominated S. Brown (as election subcommittee chair) and S. Khalil, S. Kilbourn- McGee, J. Lester, C. Mellor sub-comm. members which was approved MSC (11 DD, SB, CS, DK, CJ, SKM, JL, DC, SK, HK GH) – (1 DW)– 0

B. Mitchell/Busch Residence (2930 Owen St.): after discussion a motion by G. Halbert to approve project as shown is was approved MSC (9 DD, SB, CS, CJ, SKM, JL, DC, SK, GH) – (2 DW, DK) – (1 HK) note: there was no motion seconded therefore board did not support applicants request not to provide sloped pedestrian sidewalk per City's current requirement.

C. Zybelman Residence (4487 Long Branch Ave.): after discussion a motion by S. Khalil to approve project as presented was approved MSC (12 DD, SB, CS, CJ, SKM, JL, DC, SK, GH, DW, DK, HK)– 0

D. Point Loma Market Place (955 Catalina Blvd.): after discussion a motion to deny: The requested planned development permit would allow for deviations to provide for a quality project that can be an increased community benefit that is achieved through the use of deviations from the zoning code. The proposed project is an auto oriented development within a walkable residential neighborhood which includes a college university within a short walking distance. A deviation from parking regulations to support such an auto oriented commercial center in a area that could easily suffer from parking overflow is inappropriate by G. Halbert was approved MSC (8 DD, SB, DW, DK, DC, SK, JL, GH) – (2 SKM, CJ) – (2 CS, HK)

E. Lener Residence (3424 Jennings St.): applicant rep was not present –therefore no action was taken, item to be continued possibly at next regular meeting

F. Gruber Residence (3434 Jennings St.): applicant rep was not present –therefore no action was taken item to be continued possibly at next regular meeting

III New/Old Business:

A. Eng. And Capital Production: potable water improvements Group job #3013 replace water main lines on (see map exhibit) phase one construction to start approx. 2010 duration approx 180 days. Those present reminded city staff of settled trench hazard at Froude approx. Saratoga.

IV. Sub-Committee Reports:

A. Project Review: S. Kilbourn McGee- reported next project review subcommittee meeting is Dec 8th 1PM- note G. Halbert announced that his new employment schedule will not allow meeting on Monday afternoons therefore will have to resign from PR subcommittee - those present accepted his resignation. (G. Halbert had to leave)

B. Airport Authority, ANAC (Airport Noise Advisory Comm.), ATAG (Airport ("land use compatibility") Technical Advisory Group) and NTAG(Noise Tech. Advisory Group) : S. Khalil reported PCPB sub-committee met November 14th and made recommendations for that PCPB take a position on proposed "Inter-modal Center" being considered with additional gates on Pacific Coast Hwy. PCPB Airport Sub-committee was dark in October due to recent Town Hall meeting conducted September 23rd. Another town hall meeting is being planned for High Speed Rail/transportation theme topic first quarter 2009. ANAC and ATAG (Noise Mitigation and Land Use Planning Updates) reports posted on the PCPB website. NTAG – Part 150 Study update to Noise Exposure Maps on hold 2-3 month delay due to FAA approval of SDIA data and calibration of noise monitoring systems. SDCRAA Ad Hoc Committee (Destination Lindbergh) recommendations to be presented SDCR Airport Authority on regarding ultimate build-out of Lindbergh Field (SDIA) by February 2009. Four versions of concept "A" are being considered by Ad

Hoc and are now posted under "Destination Lindbergh" at the PCPB Airport Committee webpage site. See committees link at PCPB.net website for Air Port Authority sub-committee page or < <http://www.pcpb.net/airport.html> >

- C. Bylaws (Ad Hoc): D. Wylie/ J. Lester: D. Wylie reported still working on typing proposed revisions- need more time.
- D. BU Digester Gas (Ad Hoc): D. Davis reported City Rep Tom A. accepted Dec 18th 2008 PCPB meeting- to brief those present on routes and schedules of proposed methane transport trucks
- E. Traffic and Transportation: G. Halbert (no report)
- F. North Bay Planning/Dev: J. Lester reported he was approved as rep
- G. Midway Planning: D. Kaup reported on 84 unit apartment project along Hancock St, problems still occurring with RV parking near Walter Anderson Nursery, some tenant changes occurring along Sports Arena Blvd (a 7-11 to replace Christian Bookstore when its lease is up end 2009) also new tanning salon same building.
- H. Environment: D. Cohen reported he met with Navy and was briefed on clean up progress (Navy trying to maximize efficiency of clean up method)-
- I. Parks Rec: H. Kinnaird -reported that Bernard site will be next focus of next meeting.
- J. P3: D Wylie-

V. Government Reports/Public Communication:

- A. Council District II. M. Awbrey- reported that Councilman K. Faulconer is voting against cuts to our local services.
- B. City Planning: T. Kempton no report

VI. Adjournment: approx: 9:30PM

Next PCPB regular meeting 3701 Voltaire St.: scheduled for December 18th, 2008 at 6:30PM

WWW.PCPB.NET

**Airport noise complaint phone 619 400-2799
Neighborhood Code compliance 619 236-5500**



City of San Diego
 Development Services
 1222 First Ave., MS-302
 San Diego, CA 92101
 (619) 446-5000

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: BUSCH/MITCHELL RESIDENCE Project No. For City Use Only: 165335

Project Address:
2930 OWEN STREET
SAN DIEGO, CA. 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): BEN MITCHELL
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: 2930 OWEN ST
 City/State/Zip: SAN DIEGO CA 92106
 Phone No: 619-224-9506 Fax No: 619-224-9504
 Signature: [Signature] Date: SEP 15, 2008

Name of Individual (type or print): KAREN BUSCH
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: 2930 OWEN ST
 City/State/Zip: SAN DIEGO, CA 92106
 Phone No: 619-224-9506 Fax No: 619-224-9504
 Signature: [Signature] Date: 9/15/08

Name of individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature: _____ Date: _____

Name of individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature: _____ Date: _____

Mitchell/Busch Residence
PROJECT CHRONOLOGY
 PTS #165335 JO# 431611

Date	Action	Description	City Review	Applicant Response
September 18, 2008	Project Deemed Complete	Applicant Submits Project		
November 3, 2008	City Issues Assessment Letter		1.5 months	
November 18, 2008		Applicant resubmits		0.5 month
December 11, 2008	City Issues Assessment Letter		1.0 month	
March 18, 2009	Project to Hearing		2.5 months	
March 25, 2009	Appeal Filed			
May 28, 2009	Planning commission Appeal Hearing		2.0 months	

<i>Total Staff Time (Average at 30 days per month):</i>	7.0 months
<i>Total Applicant Time (Average at 30 days per month):</i>	0.5 months
<i>Total Project Running Time (Years/Months/Days):</i>	7.5 months



Peninsula Neighbors
Peninsula Community Plan

CITY OF SAN DIEGO PLANNING DEPARTMENT

FIGURE 3

