



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: November 23, 2023 REPORT NO. PC-23-045
HEARING DATE: November 30, 2023
SUBJECT: 821 San Antonio Place, Appeal Process Three Decision
PROJECT NUMBER: [1057682](#)
REFERENCE: PTS 625263, Resolution No. [HO-7519](#)
OWNER/APPLICANT: Misenum, LLC/Patrick Mcinerney

SUMMARY

Issue: Should the Planning Commission grant or deny the appeal of the Hearing Officer's decision (Resolution No. HO-7519) to approve a Coastal Development Permit for a new 6,115-square foot, two-story, single dwelling unit with a two-car garage, new swimming pool, and a new detached, 796-square-foot, two-story accessory dwelling unit (ADU) with attached two-car carport at 821 San Antonio Place in the RS-1-7 Zone within the Peninsula Community Planning Area?

Proposed Actions:

1. Deny the appeal and affirm the Hearing Officer's decision to approve Coastal Development Permit (CDP) No. 3172962.
2. Grant the appeal and reverse the Hearing Officer's decision to approve Coastal Development Permit (CDP) No. 3172962.

Fiscal Considerations: All costs associated with the processing of the application are recovered through a fee paid for by the applicant.

Community Planning Group Recommendation: On June 17, 2023, the Peninsula Community Planning Board voted 9 – 3, with no abstentions, in favor of the project (Attachment 6).

Environmental Impact: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities), Section 15302 (Replacement or Reconstruction), and Section 15303 (New Construction). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this

project was made on July 17, 2023, and the opportunity to appeal that determination ended on August 1, 2023.

BACKGROUND:

The 0.29-acre project site is located at 821 San Antonio Place, also known as Assessor's Parcel Number 532-322-05-00, in the RS-1-7 Zone, Coastal (Appealable) Overlay Zone (COZ), Coastal Height Limit Overlay Zone (CHLOZ), Parking Impact Overlay Zone (Beach Impact), Airport Land Use Compatibility Overlay Zone (ALUCOZ), Transit Priority Area (TPA) and the FAA Part 77 Noticing Area within the Peninsula Community Plan area. The project site is approximately 50 feet west of San Diego Bay in a developed, single-dwelling residential neighborhood. Surrounding development includes one and two, and three-story single-dwelling units to the north, south, and west.

On March 19, 2019, the City of San Diego issued a Combination Building Permit for the project site under Project No. 625263 to remodel the first and second floors, add a new carport and gym/mechanical room, and replace the roof. Subsequently, on May 14, 2021, the City of San Diego issued a Stop Work Order (SWO) stating that construction on the property was out of compliance with the scope of work identified in the approved Combination Building Permit and construction changes to the permit. The applicant filed an administrative appeal of the City's determination (AR 285-297), which was denied by the City on August 4, 2021 (AR 298-300). The applicant filed a legal challenge to the City's denial of the appeal via a Petition for Writ of Mandate filed in the Superior Court of California on August 23, 2021, Case No 37-2021-00035989-CU-MC-CTL. The legal challenge has since been withdrawn. The current project was submitted on April 14, 2022, and approved by the Hearing Officer on September 6, 2023.

The current site conditions include the previously developed project that was stopped via the City issued SWO. The current application for a Coastal Development Permit seeks to partially demolish the previous structure and re-develop the proposed structure per the plans outlined in Attachment 12.

On September 6, 2023, CDP No. 3172962 was presented to the Hearing Officer pursuant to [San Diego Municipal Code \(SDMC\) Section 112.0501](#), for a Process Three decision. The Hearing Officer approved the project as presented with the conditions outlined in the permit.

DISCUSSION

Project Description:

The project proposes to partially demolish an existing 6,380-square-foot, two-story single dwelling unit to be replaced with a new 6,115-square-foot, two-story, single dwelling unit (Residence) with a two-car garage and a new, detached, 796-square-foot, two-story Accessory Dwelling Unit (ADU) with attached two-car carport. The proposed new residence and new ADU will be completely within the existing, previously developed site footprint. Additional improvements include the removal and replacement of existing retaining/site walls, a new swimming pool, landscaping, irrigation, and landscape-related improvements.

The project has been conditioned to provide visual corridors through recorded easements on both the north and south sides of the development. It will also require the removal of encroachments on San Diego Unified Port District public trust land on the east side of the property.

Permits Required:

A Process Three Coastal Development Permit (CDP), in accordance with [SDMC Section 126.0702\(a\)](#) for all coastal development of premises within the Coastal Overlay Zone.

Community Plan and Local Coastal Program Analysis:

Land Use

The Peninsula Community Plan and Local Coastal Program Land Use Plan (LCP) designates the site as Low-Density Residential use (0-9 dwelling units per acre). Figure 7 of the LCP identifies the area as a protected single-dwelling neighborhood. The proposed project is consistent with the residential density identified in the land use plan because it proposes to demolish an existing single dwelling unit and replace it with a new single dwelling unit. The density remains the same at one unit on site because [SDMC Section 141.0302\(b\)\(2\)\(B\)](#) states that ADUs and JADUs are not subject to the density limitations for the premises, consistent with state law.

Public Views

The Local Coastal Program (LCP) defines Coastal Vistas within the vicinity of the proposed project as those that “occur primarily from existing roadways,” (pg. 100) identified in Figure 27 (pg. 102) of the LCP as Rosecrans Street. The proposed development will not obstruct any of the identified vistas along Rosecrans Street. The LCP also provides Residential Guidelines which concentrate primarily on view corridors and the protection of natural scenic amenities such as San Diego Bay. The project has been conditioned to provide view corridors on both the north and south sides of the development. The project has also been conditioned to require the removal of encroachments on San Diego Unified Port District land on the east side of the property. To the west of the property, the inclining topography, conformity to established height limits, secure views, and sightlines for both neighboring properties as well as views available along Rosecrans Street also ensure compliance. Therefore, public views, both current and proposed, will not be affected by the proposed development.

Bulk and Scale

The LCP Residential Guidelines for Building Scale recommend “consistency” and “harmony” with surrounding areas. A site analysis (Attachment 8) revealed that adjacent, neighboring, and neighborhood properties of the proposed development provide little commonality in terms of design, visual relationships, form, texture, materials, or articulations. However, the LCP does provide direction in conforming to scale, specifically as it pertains to differences in building height and bulk between new development and neighboring development. The proposed property adheres to this

recommendation through the following:

To the west of the proposed development, neighboring properties are naturally elevated due to the sloping nature of the topography. This elevation provides a tiered effect from west to east, securing views and providing harmony in the visual relationship between the buildings. To the immediate north and south of the proposed development, neighboring properties vary in height. The neighboring property to the north is a single-story dwelling unit. To address the transition in scale from the single-story neighbor and the proposed two-story development, the residence structure will increase the north setback from the current 8'-7" to 11'-2" for both the first and second stories. The increased setback will be recorded as a view corridor condition of the CDP (Attachment 5). To the south of the proposed development, the residence structure will maintain the existing 5'-2" setback so the proposed property aligns with the neighboring two-story property, keeping the height uniform and avoiding abrupt differences in scale. The setback on the south will also be recorded as a view corridor condition of the CDP (Attachment 5).

The LCP Residential Guidelines for Building Scale recommend that bulk be controlled through vertical and horizontal offsets that break up the building façade. The proposed development's design incorporates these recommendations on all four elevations. The western-facing portion of the proposed residence contains several distinct features that serve to break up the façade, provide articulation, and create visually engaging features (Attachment 11). By positioning the main residence behind the proposed ADU and attached carport, the horizontal depth reduces the bulk of the residence. The front wall, driveway entrance, ADU, and carport terrace all differ in height, providing vertical scaling and reducing bulk. Tall vertical windows on the residence break up bulk. The ADU combines differences in horizontal and vertical features to reduce bulk and scale. The wall in front of the ADU uses horizontal lines in the stonework, while the ADU structure incorporates tall vertical slats. The two features work to break up the façade and reduce bulk. Features on the north of the proposed residence include a 4-foot inset upper-level terrace along the façade, breaking up the bulk and scale. At the south elevation, vertical stepping in the facade is incorporated with a 3'-6" foot offset (skylight) from the lower floor to the upper floor. To the east, facing San Diego Bay, the use of balconies, terraces, and façade setbacks break up the horizontal scale and reduce bulk. Finally, the Local Coastal Program Residential Guidelines for Street Scape provide directions on how landscaping can also reduce bulk and scale. The landscaping for the proposed project will provide additional texture, vertical and horizontal scale, and soften the straight lines of the modern design. Landscape lighting will provide depth and ease straight edges. Trees and shrubs will soften the color palette and provide continuity with the surrounding vegetation. View easements and reduced landscaping on the north and south of the property will enhance view corridors and promote visual interest.

Using the natural topography, setbacks, and design features that allow it to transition between adjacent structures and mimic the bulk of surrounding properties, the proposed development meets the guidelines of the LCP.

Project Appeal:

On September 20, 2023, Julie M. Hamilton on behalf of Keith Behner, filed an appeal of the Hearing Officer's decision to approve CDP No. 3172962, pursuant to [SDMC Section 112.0505\(b\)](#) for a Process Three Decision on the grounds of Findings Not Supported (see Attachment 7).

Pursuant to [SDMC Section 112.0506\(c\)](#), an appeal of a Process Three decision may be appealed on any of the following grounds:

1. Factual Error: The statements or evidence relied upon by the decision maker when approving, conditionally approving, or denying a permit, map, or other matter were inaccurate; or
2. New Information: New information is available to the applicant or the interested person that was not available through that person's reasonable efforts or due diligence at the time of the decision; or
3. Findings Not Supported: The decision maker's stated findings to approve, conditionally approve, or deny the permit, map, or other matter are not supported by the information provided to the decision maker; or
4. Conflicts: The decision to approve, conditionally approve, or deny the permit, map, or other matter is in conflict with a land use plan, a City Council policy, or the Municipal Code.

The Planning Commission can only deny the appeal and affirm approval of the project if none of the above-mentioned findings are supported by sufficient evidence or grant the appeal and reverse approval of the project if the Planning Commission finds that one of the above-referenced findings is supported by sufficient evidence.

Appeal issues and Staff responses are below:

1. Appeal Issue:

The proposed development will not enhance public views from San Diego Bay. The project exceeds the scale of existing development and is not consistent with the character of the surrounding area.

Appellant Support for Appeal Issue 1:

- a) **The proposed project does not promote harmony in the visual relationships and transitions between new and old buildings. The building stands out in relationship to the surrounding development resulting in a significant negative impact on views from the bay.**

Staff Response to 1(a):

The [Peninsula Community Plan \(PCP\)](#) divides the Peninsula Community Plan Area into eleven distinct neighborhoods (pg. 6), identifying the project at 821 San Antonio Place within the La Playa neighborhood. The PCP describes the La Playa neighborhood as characterized by large single dwelling homes of various ages and architectural styles, including colonial, Spanish, and contemporary designs (pg. 6). A site analysis, as seen in Attachment 8, supports the PCP description of the variety within the La Playa neighborhood in both age and architectural styles. Taken in relationship to the neighborhood, the proposed project fits well into the PCP intent.

The PCP section for Urban Design lists an “Existing Condition” as well-defined neighborhoods with a variety of well-preserved architectural styles and housing types (pg. 100). This again highlights the variety within the La Playa neighborhood, as verified by the site analysis (Attachment 8). The appellant refers to the specific language as identified in the “Building Scale” section of the Urban Design Guidelines (pg. 104). Specifically:

- Harmony should be promoted in the visual relationships and transitions between new and older buildings. New buildings should be sympathetic to the scale, form, and texture of surrounding development. 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. In order to achieve this, multifamily buildings should be designed and evaluated in the context of surrounding development. Plans and elevations should consider adjacent development.
- Abrupt differences in scale (building height) between new development and neighboring development should be avoided. Gradual transitions in scale are preferred.

Taken within the context of the La Playa neighborhood, the proposed development is harmonious with the many architectural styles and scale (building height) of the surrounding developments. The new building is smaller and slightly taller than the original structure but includes articulations and textures designed to reduce the structure's size. In terms of specific scale to the site location, the project is located directly north of a two-story residence, directly east of a two, and a three-story residence, and directly south of a one-story residence. The proposed project is within the 30-foot height limit of the underlying base zone and the Coastal Height limit and harmonious to all but the single-story residence to the north. To avoid creating an abrupt difference between the single-story residence, as outlined in the Urban Design Guidelines, the project incorporates an increased setback and terrace, guaranteed through a view corridor easement, and added articulations and texture specifically detailed as such:

- **Northern property setback.** The project design consists of a two-story ADU separated east to west from the two-story residence. The two-story ADU is situated to provide a visual transition in scale between the project and the neighboring one-story structure to the north. The ADU, which is located to the front of the residence, sits approximately forty feet to the south of the neighboring one-story structure. Meanwhile, the residence is pushed back from the front setback at approximately twenty-five feet from the private drive and at an elevation

4'-6" below the private drive grade. To further accentuate the gradual transition from the neighboring one-story structure and the ADU, in conjunction with the large setback from the street to the residence, the project incorporates a low wall directly adjacent to the neighboring structure at approximately four feet in height ([conforming to SDMC Section 142.0310 – 142.0380](#)), which gradually transitions to a sliding gate at six feet in height. The six-foot height visually matches the neighboring one-story structure and is carried on through the use of differing textures, across the entirety of the west elevation, creating harmony between the two. The ADU, in turn, has a large articulation at the second story, pushing back the façade and offering a large opening to break up the form and texture of the development and continue the visual relationship of the gradual transition in scale from the one-story structure.

At the residence, the minimum setback requirement for the property is eight feet, two inches, pursuant to SDMC Table 131-04D. The project design intentionally increased the setback to eleven feet, two inches. To make the enlarged setback permanent, the project conditions the setback as a view corridor easement pursuant to Condition 15 of CDP No. 3172962, even though the minimum view corridor easement requirement is set at four feet.

- **Articulations and Texture.** As mentioned, the ADU has incorporated a large articulation on the north side of the development to reduce the appearance in size, continue the transition in scale, and add texture and form to the structure. Meanwhile, the residence also incorporates a large terrace along the northern façade to add additional setbacks above the previously mentioned eleven-foot, two-inch conditioned easement corridor. The second-story terrace also uses large vertical glass to further give the visual impression of additional setback space. In addition, the northern façade uses two differing textures between the first and second stories, breaking up the bulk of the northern façade and reducing the appearance of scale.

Lastly, the project uses landscaping to great effect to ease the transition in scale, add form, texture and break up bulk, pursuant to the PCP Urban Design Landscape recommendation (pg. 108):

- Landscaping should be used to add texture to blank walls, soften edges, and provide a sense of pedestrian scale.

The appellant contends that "The building stands out in relationship to the surrounding development resulting in a significant negative impact on views from the bay." The PCP Urban Design Guidelines for the Natural Environment (pg. 101), including Figure 27 (pg. 102), only depict views as looking out to the bay, not from the bay, specifically:

- Structures should be designed to protect views of Peninsula's natural scenic amenities, especially the ocean shoreline, and San Diego Bay.
- View corridors, by utilizing side yard setbacks, should be encouraged along the ocean and bay shoreline and bluff-top areas in order to avoid a continuous walled effect along the

shoreline. Narrow corridors create visual interest and allow for sea breezes.

- Where existing streets serve as public access and view corridors of the ocean and bay, development on corner lots requires special design considerations. In order to maximize public views, new development should be set back from the corner or terraced away from the street.

The existing 2020 [San Diego Port Master Plan](#) also depicts “vistas” in the Figure 4 Precise Plan for Shelter Island/ La Playa (pg. 47). In the plan, the vistas at Talbot Street, and Shelter Island Drive are all oriented towards the southeast, looking out towards the bay, not from the bay. Lastly, the California Coastal Act (2023), Section 30251 for Scenic and visual qualities (pg. 46, see below), also describes views as “to and along” the ocean and scenic coastal areas. It recommends that development be “visually compatible with the character of surrounding areas,” which, as described above, is discretionary considering the multitude of varying characters, designs, and styles of the surrounding La Playa neighborhood.

- The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department 47 of Parks and Recreation and by local government shall be subordinate to the character of its setting.

In reviewing Coastal Development Permit No. 3172962, staff believed the project to be in compliance with the varying designs and styles of the surrounding La Playa neighborhood. The Hearing Officer, as the decision-maker, determined the project to meet all required findings and granted the permit. The Hearing Officer reviewed the site analysis of adjacent homes and determined that the development was equal in scale to all but one home and that the applicant implemented design features that provided additional setbacks, articulations, and textures to meet the gradual transition in scale as depicted in the PCP. Staff reviewed the local PCP, the Regional San Diego Port Master Plan, and the California Coastal Act for guidance on negative impacts on views from the bay and found no language or recommendations to support the statement.

Appellant Support for Appeal Issue 1:

- b) The building is blocky in nature and does not provide adequate vertical and horizontal offsets to control building bulk.**

Staff Response to 1(b):

The appeal item is assumed to reference the PCP Residential Urban Design Guidelines for Building Scale (pg. 102) which states:

- Building bulk should be controlled through the use of vertical and horizontal offsets and other architectural features (balconies, porches, bay windows) which serve to break up building facades. A reduction in the front yard setback for a portion of the structure would serve as an incentive for vertical offsets.

As previously mentioned, the project proposes several architectural features designed specifically to control bulk and break up the building facades. A description of such features at each elevation reads as follows:

- **East Elevation** – Facing San Diego Bay, the east elevation is broken up through terraces, windows, form and texture. The second floor incorporates approximately 950 square feet (sf) of total terrace space, with 530 square feet of this total extending out over the lower floor to provide increased articulation. The east elevation is additionally broken up with twenty windows and columns going from floor to ceiling, creating a vertical scale that breaks up the length of the façade. The vertical features are further juxtaposed against several horizontal features including frosted glass fronting the terraces, lattice roofing above the second floor, and changes in texture between the two floors that create the image of two distinct structures, all designed to control bulk.
- **West Elevation** – Fronting San Antonio Place, the west elevation incorporates textures, spacing, and landscaping elements to break up bulk. Extending north to south, a clean horizontal line extends the entire elevation, mimicking the height of the neighbor to the north. This long horizontal line is broken up by tall vertical trellises on the ADU which open up the mirroring terrace spaces on each side. As previously mentioned, the ADU sits in front of the residence and serves to provide visual spacing between the two structures. Finally, as recommended by the PCP Landscape guidelines, trees are used to add texture to blank walls.
- **North Elevation** – The north elevation uses vertical windows, terraces, texture, and spacing to break up bulk. The ADU sits approximately forty feet back from the residence on the north elevation. This difference creates a visual definition between the two structures. The residence uses a terrace and window in the middle of the north elevation to break up the bulk and create two distinct vertical features. The first floor uses different textures and materials on the north façade, making the two floors distinctly different and creating a visual imbalance, serving to break up bulk.
- **South Elevation** – The south elevation uses the same spacing between the ADU and the residence as the north side. The south elevation includes the terrace facing San Diego Bay. In addition to the texture and material differences already mentioned, the south elevation uses lattices and windows to control bulk.

The design goes to great lengths to meet the PCP recommendations for controlling bulk, including several different features of vertical and horizontal offsets, form, texture, and landscaping. The proposed project adequately meets the PCP design guidelines for bulk.

Appellant Support for Appeal Issue 1:

- c) The clash of shape and scale caused by this project invokes chaos and restlessness.**

Staff Response to 1(c):

In reviewing the PCP, the appellant quotes Figure 28 (pg. 105).



As demonstrated through the previous responses for items 1(a) and 1(b), the project design meets the PCP recommendations for shape and scale. The project intentionally incorporates articulations in the form of horizontal and vertical offsets; provides texture and form to control bulk; and utilizes landscaping to break up blank walls, soften edges, and provide a sense of pedestrian scale. In addition, the figure provided in the PCP depicts a flat topography, whereas the topography for the project site is sloped, further diminishing any potential clash of shape and scale. The project is within the 30-foot height limit of the underlying base zone and the Coastal Height limit and similar in scale to all but the one-story residence to the north. The project goes to great lengths to ease the transition between the one-story structure to the north and create harmony between the two structures. The proposed project adequately meets the PCP design guidelines for bulk and scale and will not invoke chaos or restlessness.

Appellant Support for Appeal Issue 1:

- d) The roof form of the proposed residences is so different from adjoining structures as to be disruptive to the surrounding development.**

Staff Response to 1(d):

The PCP cites instances where roof structures, particularly flat roof structures, are mentioned. Specifically stated as such:

PCP Residential Guidelines (Architectural Detailing) (pg. 106)

- A building with a roof form or profile similar to surrounding buildings strengthens the visual identity of the structures and contributes to a street's visual harmony. A building that does not share roof form or profile with adjoining structures is particularly disruptive to a neighborhood street.

As previously mentioned, the surrounding La Playa neighborhood consists of a variety of architectural designs, styles, and forms. The roof structure of each development varies, including flat roofs within the surrounding residences. The previous structure (before recent developments) for the site was built in the 1950s and had a mansard roof (see Figure 1), which was flat. As such, the flat roof form has been a part of the neighborhood and the immediate surrounding residences for decades, making it part of the variety of the existing neighborhood as defined in the characterization of the La Playa neighborhood.



Figure 1

Finally, the PCP Urban Design Objectives (pg. 101), recommend:

- Protect and enhance those natural and man-made features of the Peninsula community which make this area unique to the San Diego region.
- Preserve and enhance significant views of the bay and ocean.

The benefit of a flat roof at the specific site location is that it mimics the horizon of the natural environment, specifically the San Diego Bay and Pacific Ocean. The design emphasizes and enhances the views, unlike the pitched roof structures also found within the La Playa neighborhood. The roof design is more conducive to the Urban Design objectives than other varieties in the neighborhood.

Through a site analysis (Attachment 8) of the surrounding neighborhood, staff found there was variety in the roof structures. Staff found other buildings with flat roofs, including one directly adjacent to the project site, that indicated the roof design was an acceptable feature of the La Playa neighborhood. In reviewing the previous structure on the proposed site, staff confirmed a flat mansard-style roof form (Figure 1). With the structure being part of the neighborhood and within the visual identity of adjacent buildings for close to seventy years, the proposed roof style would conform with what has previously existed and not create any new disruption. Finally, the roof design

meets the objectives of the PCP Urban Design by enhancing the visual relationship with the horizon, San Diego Bay, and the Pacific Ocean. Therefore, staff does not agree with the appellant's claim that the flat roof form of the proposed residences is so different from adjoining structures as to be disruptive to the surrounding development.

2. Appeal Issue:

The proposed development is not in conformity with the certified Local Coastal Program land use plan and does not comply with the implementing regulations of the certified Implementation Program.

Appellant Support for Appeal Issue 2:

- a) **The new development is not completely encompassed within the footprint of the previous structure on the site. The ADU is well outside the bounds of previous development. The development does not conform to the urban design policies of the Peninsula Community Plan and Local Coastal Program Land Use Plan.**

Staff Response to 2(a):

According to [SDMC Section 131.0422](#), *Use Regulations Table for Residential Zones*, [Table 131-04B](#): Accessory Dwelling Units use is permitted with limitations, which may include location limitations or the requirement for a use or development permit. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).

The only limiting regulation applicable to the project site would be pursuant to [SDMC Section 141.0302 \(b\)\(2\)\(E\)](#): ADU and JADU structures must comply with the front yard and street side yard setbacks of the base zone. The proposed ADU for the project complies with the setback requirements, thus, the residential base zone allows by right the limited use of an accessory dwelling unit.

In regard to conforming to the PCP, please reference the responses to Appeal Item 1(a-d) above.

Appellant Support for Appeal Issue 2

- b) **The proposed project exceeds the allowable floor area ratio by 352 square feet. The project is described as the demolition of the existing residence and construction of a new residence; therefore, the project, including the ADU must conform to the floor area ratio requirements of San Diego Municipal Code section 141.0302(b)(2)(C).**

Staff Response to 2(b):

[SDMC, Section 141.0302 \(c\)\(2\)\(D\)](#) states:

- “An ADU with a gross floor area of 800 square feet shall be permitted on a premises with an existing or proposed dwelling unit regardless of maximum lot coverage, maximum floor area ratio, and minimum open space requirements. The development shall comply with the floor area ratio of the underlying base zone unless the development incorporates an existing structure that exceeds the allowable floor area ratio or is under the allowable floor area ratio by less than 800 square feet, in which case an ADU that does not exceed 800 square feet shall be permitted.”

Through the revised language* found in SDMC, Section 141.0302(c)(2)(D), the project ADU, at 796 square feet, is under the gross floor area of 800 square feet, and by right is compliant with the Development Regulation of the SDMC and state law.

Appellant Support for Appeal Issue 2

- c) **The development exceeds the allowable driveway width of 12 feet for both proposed driveways as required by San Diego Municipal Code section 142.0560(j)(1).**

Staff Response 2(c):

The site is located on a private road approximately 200 feet south from the public right of way at San Antonio Place. Access to the site is through an existing private access easement (see attachment 13)

* The City of San Diego overhauled the ADU/JDU regulations found in [SDMC, Section 141.0302](#) via [Ordinance-21254](#) (see below). The City regulations were subsequently amended by the Coastal Commission through [Ordinance-21477](#), which were adopted on July 21, 2022 (see below). After adoption of O-21477, the City of San Diego Planning department felt a reconciliation memo was in order to clarify the changes, which was provided by the City Attorney in [Memorandum MS-59](#), with the timeline of the changes listed as such:

- October 30, 2020: ADU and JADU regulations were comprehensively overhauled as part of the Housing Legislation Code Update under 0-21254.
- March 11, 2022: ADU and JADU regulations were amended as part of the Housing Action Package 1.0 under 0-21439.
- July 21, 2022: City Council adopted California Coastal Commission (CCC) modifications to the Housing Legislation Code Update under a new ordinance, 0-21477. The CCC modifications could not include the ADU/JADU regulations as amended by the Housing Action Package 1.0 (0-21439) because the Coastal Commission had not yet begun review of that amendment (and as of this writing have still not begun review of HAP 1.0.)

When reconciling the three ordinances above, the City Planning Department had to re-number several of the code items found within SDMC, Section 141.0302.

that provides ingress and egress from the public right of way. In addition, the site has no public parking due to Condition 13 of CDP No. 3172962, requiring the project to install red curbs on both sides of the street as well as a red stripe along the retaining wall and asphalt for fire safety purposes. This will eliminate all parking along the entirety of either side of the private easement. SDMC, Section 142.0560(j)(1), Table 142-05M restricts driveway widths to 12 feet maximum only if the site is within the Parking Impact Overlay Zone. Due to the project site being within a private easement, and not permitted to provide public parking due to fire safety, staff determined the Parking Impact Overlay Zone requirement of SDMC Section 142.0560(j)(1) was not applicable to the project site.

Appellant Support for Appeal Issue 2

- d) The proposed development does not meet the parking standards of San Diego Municipal Code section 142.0521(f).**

Staff Response to 2(d):

See response to 2(c) above. Since the private access easement is conditioned with red stripping on both sides, there is no parking available, and no parking standards would be applicable. In addition, there are no sidewalks within the private access easement, thus eliminating any possible minimum distance between an off-street parking space and a sidewalk as depicted in Diagram 142-05A.

Staff Recommendation:

Staff has reviewed the proposed project, analyzed the appeal issues, and determined that the project is in conformance with the policies and regulations of the Land Development Code, the Community Plan, and the certified Local Coastal Program. There was no evidence presented to the City Staff which indicates the findings were not supported when granted by the Hearing Officer. Staff believe the Coastal Development Permit findings for the project can be made on the evidence provided. The appellant has not provided sufficient evidence to support any of the four findings that are grounds for appeal. Therefore, City staff recommend that the Planning Commission deny the appeal and affirm the Hearing Officer's decision to approve the project.

ALTERNATIVES

1. Deny the appeal and affirm the Hearing Officer's decision to approve Coastal Development Permit (CDP) No. 3172962.
2. Grant the appeal and deny the Hearing Officer's decision to approve Coastal Development Permit (CDP) No. 3172962.

Respectfully submitted,



Renee Mezo
Assistant Deputy Director
Development Services Department
Attachments:



Robin MacCartee
Development Project Manager
Development Services Department

Attachments

1. Project Location Map
2. Aerial Photographs
3. Community Plan Land Use Map
4. Draft Resolution with Findings
5. Draft Permit with Conditions
6. Community Planning Group Recommendation
7. Appeal dated September 20, 2023, Julie M. Hamilton on behalf of Keith Behner
8. Site Analysis
9. Environmental Exemption
10. Ownership Disclosure
11. Project Renderings
12. Project Plans
13. Private Easement for Right of Way and Ingress and Egress

Narragansett Ave.

Chatsworth Blvd.

Rosecrans St.

FLEETRIDGE

San Diego
Int'l N Harbor
Dr West

Canon St.

Rosecrans St.

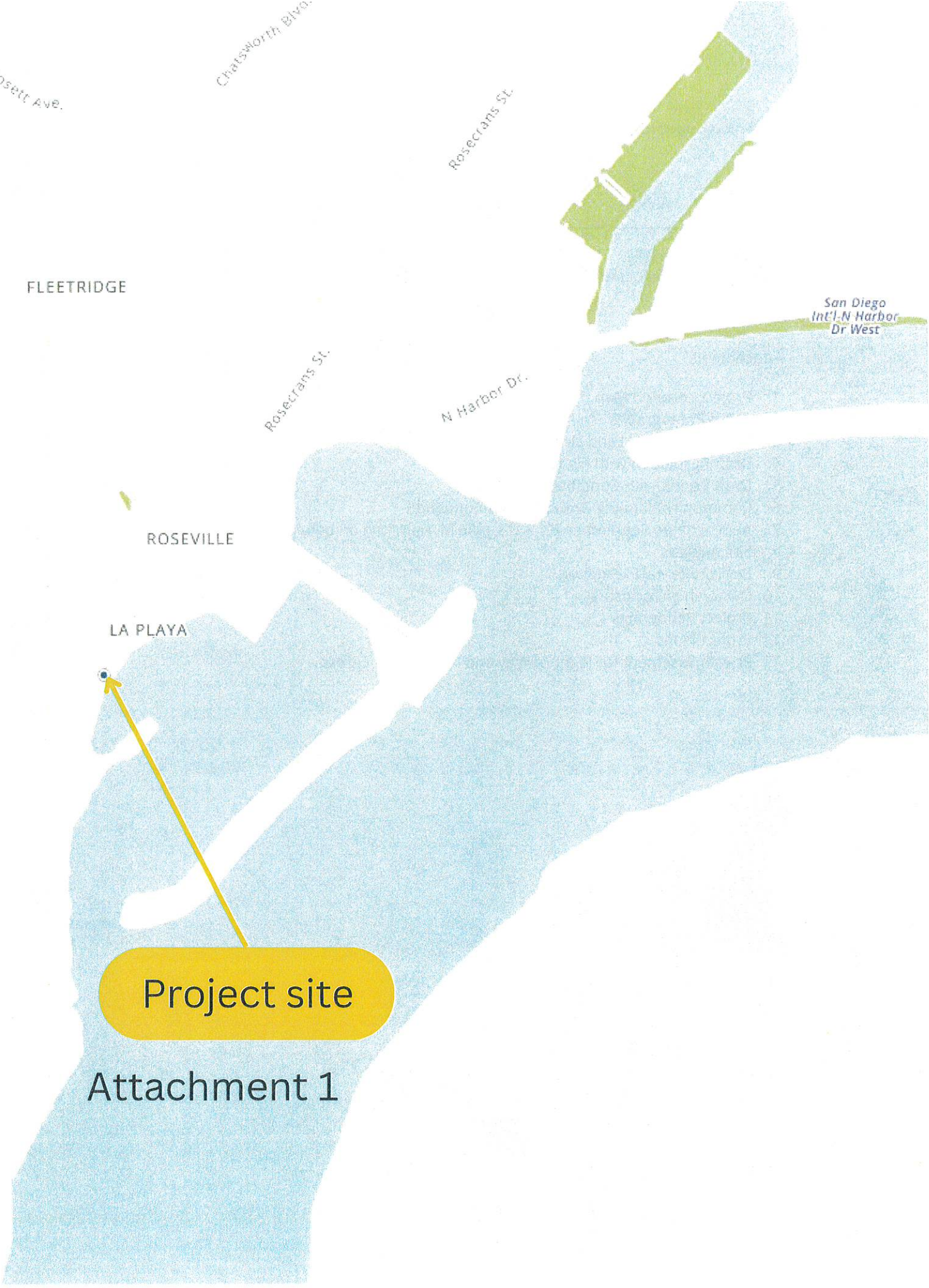
N Harbor Dr.

ROSEVILLE

LA PLAYA

Project site

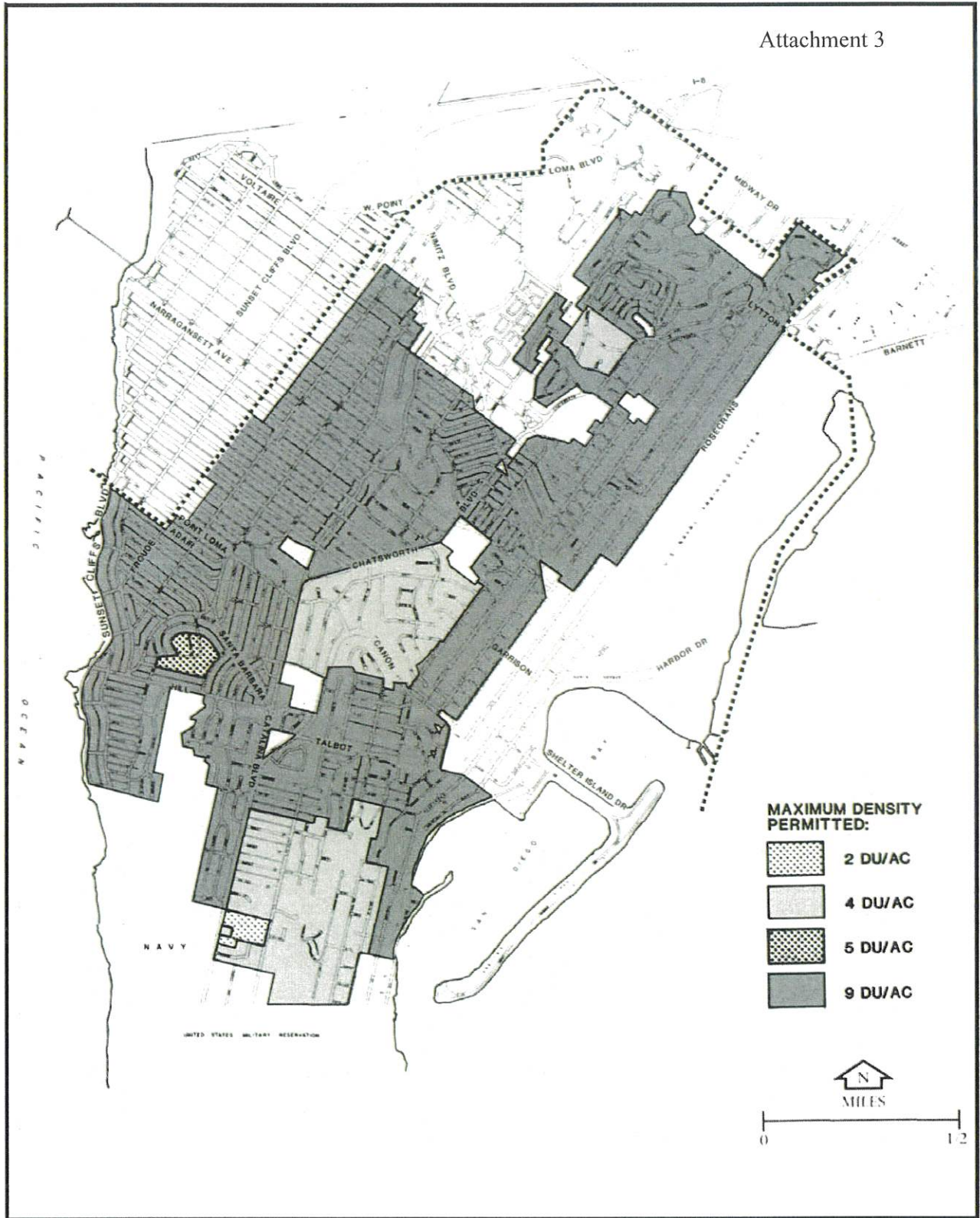
Attachment 1





Project site

Attachment 2



Single-Family Residential Designations

Peninsula Community Plan

CITY OF SAN DIEGO PLANNING DEPARTMENT

FIGURE 7

PLANNING COMMISSION RESOLUTION NO. XXXXXX
COASTAL DEVELOPMENT PERMIT NO. 3172962
821 SAN ANTONIO PLACE - PROJECT NO. 1057682

WHEREAS, Misenum, LLC, a California Limited Liability Company, Owner/Permittee, filed an application with the City of San Diego for a permit to partially demolish an existing 6,380-square-foot, two-story single dwelling unit to be replaced with a new 6,115-square-foot, two-story, single dwelling unit with a two-car garage, new swimming pool and a new, detached, 796-square-foot, two-story Accessory Dwelling Unit (ADU) with attached two-car carport, and removal and replacement of existing retaining/site walls and the removal of encroachments on San Diego Unified Port District ("Port") public trust property (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 3172962), on portions of a 0.29-acre site;

WHEREAS, the 0.29-acre site is located at 821 San Antonio Place in the RS-1-7 Zone, Airport Land Use Compatibility Overlay Zone (NAS North Island and San Diego International Airport), Coastal Height Limit Overlay Zone, Coastal Overlay Zone (Appealable), Coastal Overlay Zone First Public Roadway, Parking Impact Overlay Zone (Beach Impact), Parking Standards Transit Priority Area, Transit Priority Area, and the FAA Part 77 Noticing Area within the Peninsula Community Plan area.;

WHEREAS, the project site is legally described as: THE NORTHERLY 100.00 FEET OF THE SOUTHERLY 200.00 FEET OF LOT 177 OF THE PUEBLO LANDS OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF MADE BY JAMES PASCOE IN 1870, A COPY OF WHICH MAP IS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, NOVEMBER 14, 1921, AND IS KNOWN AS MISCELLANEOUS MAPS NO. 36, THE NORTHERLY AND SOUTHERLY LINES OF THE ABOVE DESCRIBED PROPERTY BEING DRAWN PARALLEL

WITH A DISTANT RESPECTIVELY 200.00 FEET AND 100.00 FEET AT RIGHT ANGLES NORTHERLY FROM THE SOUTHERLY LINE OF SAID LOT.

EXCEPTING THEREFROM THAT PORTION THEREOF LYING WESTERLY OF LINE DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF SAID PUEBLO LOT 177; THENCE ALONG THE WESTERLY LINE OF SAID PUEBLO LOT NORTH 12° 44' EAST TO AN INTERSECTION WITH THE NORTHERLY LINE OF THE SOUTHERLY 100.00 FEET OF SAID PUEBLO LOT; THENCE 77° 13' 20" EAST ALONG THE NORTHERLY LINE OF SAID 100.00 FEET A DISTANCE OF 117.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 22° 56' 14" EAST, 101.61 FEET TO THE NORTHERLY LINE OF THE SOUTHERLY 200.00 FEET OF SAID PUEBLO LOT.

ALSO EXCEPTING FROM SAID PROPERTY ALL THAT PORTION LYING BELOW THE MEAN HIGH TIDE LINE OF THE BAY OF SAN DIEGO.

WHEREAS, on July 17, 2023, 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 Guidelines Section 15301 (Existing Facilities), Section 15302 (Replacement or Reconstruction) and Section 15303 (New Construction), and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on September 6, 2023, the Hearing Officer of the City of San Diego approved Coastal Development Permit No. 3172962 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on September 20, 2023, Julie Hamilton, on behalf of Keith Behner, appealed the Hearing Officer's decision to approve Coastal Development Permit No. 3172962 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on November 30, 2023, the Planning Commission of the City of San Diego considered Coastal Development Permit No. 3172962 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, that it adopts the following findings with respect to Coastal Development Permit No. 3172962:

A. COASTAL DEVELOPMENT PERMIT [San Diego Municipal Code (SDMC) Section 126.0708]

1) Findings for all Coastal Development Permits:

- a. 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 project proposes the partial demolition of an existing 6,380-square-foot, two-story single dwelling unit to be replaced with a new 6,115-square-foot, two-story, single dwelling unit with a two-car garage and a new, detached, 796-square-foot, two-story accessory dwelling unit (ADU) with attached two-car carport. Additional site improvements include the removal and replacement of existing retaining/site walls, a new swimming pool, the removal of encroachments on Port of San Diego property, landscaping, irrigation, and landscape-related improvements.

The proposed project is located on the eastern side of San Antonio Place, a private driveway that is accessed via the public road of the same name. The site is located approximately 100 feet east of the first public roadway, Rosecrans Street, between Rosecrans and San Diego Bay to the east.

The proposed project will not encroach upon any physical accessway identified in the Peninsula Community Plan and Local Coastal Program Land Use Plan (LCP) that is legally used by the public. The LCP identifies Public Access, Shoreline Access and Proposed Accessways within the vicinity of the proposed development, specifically:

- Public Access – The LCP identifies a public access point within the vicinity of the proposed development at Kellogg Beach/La Playa, approximately 1000 feet south

of the proposed development. The project, located entirely within a privately owned parcel, will not affect this access.

- Shoreline Access – Figure 19 of the LCP identifies Public Shoreline Access to the east of the proposed development via Bessemer Path, which is accessed from the south via San Antonio Avenue and from the north via Bessemer Street and Talbot Street. The entirety of Bessemer Path has no visual impairments to the San Diego Bay and the proposed home, set back 80 feet from Bessemer Path, will not encroach upon or conflict with the physical accessways that are used legally by the public to the site.
- Proposed Accessway - Figure 19 of the LCP also identifies proposed new and/or improved physical accessways at Talbot Street and Bessemer Street. Both locations are over 800 feet north of the proposed development and the development will not encroach upon or conflict with the proposed physical accessways that are used legally by the public to the site.

Figure 27 of the LCP identifies Coastal Vistas that “occur primarily from existing roadways.” There are three vistas within the vicinity of the proposed development, with two vistas, oriented west-to-east from Rosecrans Street to San Diego Bay. One vista at Bessemer Street and Rosecrans (approximately 730 feet northeast of the proposed development) and the other via a private drive access easement at 765 Rosecrans (approximately 190 feet south of the proposed development). The proposed project will not obstruct either vista due to the distances separating the views from the proposed development. A third vista at Talbot Street is oriented north-to-south overlooking San Diego Bay. Coastal views from Talbot Street cannot be obstructed due to its orientation to San Diego Bay. The proposed development will not obstruct or encroach on any of the specified views in the Local Coastal Program, thus protecting the public views to and along the scenic coastal areas.

The LCP provides Residential Guidelines for Urban Design related to views, which include the following:

- Structures should be designed to protect views of Peninsula's natural scenic amenities, especially the ocean shoreline, and San Diego Bay.
- View corridors, by utilizing side yard setbacks, should be encouraged along the ocean and bay shoreline and bluff-top areas in order to avoid a continuous walled effect along the shoreline. Narrow corridors create visual interest and allow for sea breezes.
- Setbacks and view corridors should be kept clear of obstacles which may interfere with visual access.

With the exception of the south side yard setback, the proposed project implements the Residential Guidelines by providing setbacks greater than the required RS-1-7 zone

setback, with minimums of 15 feet for the front yard, 8'-2" for the side yards, and 13 feet for the rear yard. Landscaping improvements and a recorded view easement within the setbacks will reduce interference and enhance visual access through the following:

- The proposed project implements the Residential Guidelines by providing a side yard setback of 11'-2" which exceeds the base zone requirements of 8'-2".
- The existing building to the north property line setback is 8'-7". The proposed ground floor residence structure increases the north setback to 11'-2", adding over 2.5 feet of visual access through the site.
- The proposed residence structure on the south side provides a 5'-2" side yard setback that is less than the minimum side yard setback of 8'-2". The San Diego Municipal Code (SDMC) allows the reallocation in accordance with Footnote 2 of Table 131-04D, which states: For lots greater than 50 feet in width, the required side setbacks may be reallocated where the combined dimension of each side setback would meet or exceed the combined total required in Table 131-04D, in which case side setbacks shall not be reduced to less than 4 feet. With a lot width of approximately 99 feet, the combined total under the base zone regulation is 16'-4" (8'-2" + 8'-2"), which equals the proposed combined total of 16'-4" (11'-2" + 5'-2").
- There is no visual access or public views on the project site, as shown in the LCP. Reducing the minimum south-side setback will not adversely affect the policies in the Peninsula Community Plan since there is no existing visual access or public views through the property.
- The proposed project maintains an existing 5'-2" Side yard setback along the south property line.
- Setbacks on both the north and south sides will be restricted with recorded view easements, limiting landscape bulk and height to enhance visual access through the view corridor.

The Port of San Diego holds public trust lands between the project site and San Diego Bay. These include the public accessway, Bessemer Path, as well as land abutting the eastern edge of the proposed project. The Port Master Plan (2020) Figure 2a identifies this land as Open Space with a specified "vista area" oriented west to east immediately south of Talbot Street. The proposed project will support the open space designation by removing landscape encroachments that currently exist on Port Open Space.

The removal of existing encroachments will support the LCP's goal to "protect views of Peninsula's natural scenic amenities, especially the ocean shoreline, and San Diego Bay." The removal of the encroachments on Port property will enhance the existing physical accessway that is legally used by the public, enhance, and protect public views to and along the ocean and other scenic coastal areas as defined in the LCP and Port Master Plan.

The LCP also contains guidelines for Building Scale:

- Abrupt differences in scale (building height) between new development and neighboring development should be avoided. Gradual transitions in scale are preferred.

The proposed development sits between two existing structures, a single-story dwelling unit to the north and a two-story dwelling unit to the south. In addition, there is a vacant lot on Rosecrans Street to the northwest, which is elevated due to the hillside topography. The proposed project will enhance the visual corridor from the vacant lot on Rosecrans Street by increasing the current setback on the north side of the proposed property from 8'-7" to 11'-2" for both the first and second stories of the residence structure. The increase in the setback is purposely intended to also improve the transition in scale from the single-story property to the north and enhance the visual effects of the view corridor. By maintaining the existing 5'-2" setback on the south, the proposed project will align with the two-story neighboring property, keeping the scale uniform and avoiding abrupt differences in scale. By restricting both setbacks to the north and south with view easements, the project will also conform with the LCP Natural Environment (views) in the Urban Design Guidelines to keep setbacks and view corridors clear of obstacles and provide narrow corridors so as to "create visual interest and allow for sea breezes."

The proposed new development and new ADU will be completely encompassed within the bounds of the existing, previously developed site footprint. It will not encroach upon or obstruct the Public Access, Shoreline Access, or Proposed Access outlined in the LCP. The proposed project will not encroach upon or obstruct any of the identified Coastal vistas detailed in the Land Use Plan and Port Master Plan. It will enhance and protect view corridors via increased setbacks, improved landscaping, and restricted view easements. As such, 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.

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

The proposed project does not meet the criteria for Environmentally Sensitive Lands as regulated within San Diego Municipal Code (SDMC) 143.0110 for premises where environmentally sensitive lands are present. There are no sensitive biological resources, steep hillsides, Coastal beaches (including V zones), sensitive coastal bluffs, or Special Flood Hazard Areas (except V zones) as specified in SDMC 143.0110(a). Furthermore, the Port Master Plan (2010) does not recognize any of the portions abutting or surrounding the property from the mean high tide line to San Diego Bay as areas of conservation as detailed in Master Plan Figure 2a. Conversely, the proposed project seeks to increase conservation in the natural environment by removing current encroachments on Port of

San Diego public trust land, through conditions placed in Coastal Development Permit No. 3172962, which will further the LCP's Environmental Guideline to "protect views of Peninsula's natural scenic amenities, especially the ocean shoreline, and San Diego Bay". Finally, LCP Figure 21 identifies no sensitive lands on or around the proposed project site.

The proposed project is located in the La Playa neighborhood, as outlined in LCP Figure 3. The La Playa neighborhood is a built-out environment. The proposed project will be developed on in-fill on previously graded building pads. As such, the proposed coastal development will not adversely affect environmentally sensitive lands.

c. 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 RS-1-7 Zone contains quantifiable development standards including minimum setbacks, height limitations, and maximum FAR. The proposed project meets or exceeds these standards by providing setbacks as described in Finding A.1.a. incorporated here by reference, a height of 26 feet from grade for the residence, a height of 24' 11" from grade for the ADU, which are both under the 30-foot height limit and a 0.49 FAR for the proposed home within the .52 FAR maximum.

SDMC Section 131.0403 defines the RS zones as Residential-Single Unit, and "it is intended that these zones provide for flexibility in development regulations that allow reasonable use of property while minimizing adverse impacts to adjacent properties."

The LCP identifies the project site as located within the La Playa neighborhood, "characterized by large single-family homes of various ages and architectural styles, including colonial, Spanish, and contemporary designs." LCP Figure 7 designates the area for 0-9 dwelling units per acre and as a protected single-family zone per Figure 7. The proposed property at 821 San Antonio Place conforms to the density and use designations of both the SDMC and the Local Land Use Plan. In addition, the detached Accessory Dwelling Unit (ADU) meets all the criteria set forth in SDMC Section 141.0302(b) for use regulations. By meeting all applicable regulations for zoning, density and use, the proposed development is in conformity with the certified Local Coastal Program Land Use Plan and complies with all regulations of the certified Implementation Program.

The SDMC and the LCP identify a number of design policies providing flexibility in architectural style. Code regulations and plan policies also concurrently highlight the importance of community character and limiting adverse impacts on the neighborhood and adjacent properties. Examples include:

- SDMC Section 131.0403:

- It is intended that these [residential] zones provide for flexibility in development regulations that allow reasonable use of property while minimizing adverse impacts to adjacent properties.
- The LCP describes the La Playa Neighborhood as:
 - Characterized by large single-family homes of various ages and architectural styles, including colonial, Spanish, and contemporary designs.
- The LCP's Existing Condition Objective seeks to:
 - Encourage design compatible with existing residential development in all new infill housing.

The project is consistent with these policies and objectives by providing new infill housing with a contemporary design allowing reasonable use of the project site. A site analysis revealed that adjacent, neighboring, and neighborhood properties consist of large single-family homes that provide diverse and varied architectural styles with little commonality in terms of design, visual relationships, form, texture, materials, or articulations. As such, the project is consistent with the existing architecturally varied residential development.

The project also conforms to the LCP Guidelines concerning building scale as demonstrated by the following:

- The LCP Residential Guidelines for Building Scale provide:
 - New development should be consistent with the scale and character of the existing development of the surrounding areas. The fitting in of new development is, in a broad sense a matter of scale. It requires a careful assessment of each building site in terms of the size and texture of its surroundings, and a very conscious attempt to achieve balance and compatibility in design between old and new buildings.
 - Harmony should be promoted in the visual relationships and transitions between new and older buildings. New buildings should be sympathetic to the scale, form and texture of surrounding development. 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.

The proposed project achieves balance in scale using the natural topography, setbacks, and design features that allow it to transition between adjacent structures and mimic the bulk of surrounding properties.

Neighboring properties to the west of the private driveway access easement, San Antonio Place, are naturally elevated due to the sloping nature of the topography. This elevation provides a tiered effect from west to east, securing views and providing harmony in the visual relationship between the buildings. The proposed project is consistent with this existing visual relationship within the La Playa neighborhood.

The site analysis demonstrates that properties to the immediate north and south of the proposed development vary in scale. The project conforms with the following LCP Residential guideline for Building Scale through the use of setbacks to avoid abrupt differences in building scale:

- Abrupt differences in scale (building height) between new development and neighboring development should be avoided. Gradual transitions in scale are preferred.

The proposed development sits between two existing structures, a single-story dwelling unit to the north and a two-story dwelling unit to the south. The proposed project will increase the current setback on the north side of the proposed residence from 8'-7" to 11'-2" for both the first and second stories. The increase in the setback is purposely intended to provide a gradual transition in scale from the single-story property to the north and enhance the visual effects of the view corridor. By keeping the existing 5'-2" setback on the south, the proposed residence will align with the two-story neighboring property, keeping the scale uniform and avoiding abrupt differences.

The LCP Residential Guidelines for Building Scale also note the following:

- Building bulk should be controlled through the use of vertical and horizontal offsets and other architectural features (balconies, porches, bay windows) which serve to break up building facades. A reduction in the front yard setback for a portion of the structure would serve as an incentive for vertical offsets.

The proposed project uses vertical and horizontal offsets to break up the residence building façade and control bulk and scale. The western-facing portion of the proposed property abutting the private driveway access easement, San Antonio Place, is considered the front of the property. The residence is set back further than the proposed ADU and attached carport. The horizontal depth serves to reduce the bulk and scale of the residence. The front wall, driveway entrance, ADU, carport terrace, and landscaping all differ in height, providing vertical scaling against the residence. Tall vertical windows reduce bulk. The ADU combines differences in horizontal and vertical features to reduce bulk and scale. The wall in front of the ADU uses horizontal lines in the stonework, while the ADU structure incorporates tall vertical slats. The two features work to break up the façade and reduce bulk. In addition, tall landscaping adds depth and irregularity against the straight lines of the modern design, also reducing bulk. Features on the north of the proposed building include a four-foot inset upper-level terrace along the façade, breaking up the bulk and scale. At the south elevation, vertical stepping in the facade is incorporated with a four-foot offset (sky light) from the lower

floor to the upper floor. To the east, facing San Diego Bay, the use of balconies, terraces, and façade setbacks break up the horizontal scale and reduce bulk.

Finally, the LCP Residential Guidelines for Street Scape provide direction on how landscaping can also reduce bulk and scale:

- Landscaping should be used to add texture to blank walls, soften edges and provide a sense of pedestrian scale.

The landscaping for the proposed project in the form of trees and short shrubs will provide additional texture and irregularity against the vertical and horizontal scale and help to soften the straight lines of the modern design of the residence and ADU. Landscape lighting will provide depth and ease straight edges. The trees and shrubs will soften the color palette and provide continuity with the surrounding vegetation. View easements and reduced landscaping on the north and south of the property will enhance view corridors and promote visual interest.

Through the adherence to zoning, density, and use regulations, as well as design features intended to reduce scale, bulk, and maintain neighborhood character, the proposed Coastal Development conforms to the certified Local Coastal Program Land Use Plan and complies with all regulations of the certified Implementation Program.

d. 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 proposed project is located on the eastern side of the private driveway access easement, San Antonio Place, which is accessed via the public road of the same name, San Antonio Place. The proposed development is located approximately 100 feet to the west of the first public road, Rosecrans Street, which connects to San Antonio Place via Bessemer Street approximately 800 feet to the north. To the east, is San Diego Bay with no public roads between it and the proposed development. As such, the proposed property is located between the nearest public road and the shoreline of San Diego Bay.

The proposed project is in conformity with Article 2, Public Access, under Chapter 3 of the California Coastal Act. The public can access the shoreline via the public accessway, Bessemer Path. As detailed in Finding A.1.a., incorporated here by reference, the proposed development does not interfere, encroach, or obstruct in any way the ability of the public to access the path, as outlined in Figure 19 of the LCP, identifying Public Shoreline Access to Bessemer Path from the south via San Antonio Avenue and to the north via Bessemer Street and Talbot Street. This existing Public Access satisfies Public Resources Code Section 30212(2) (Adequate access exists nearby) for new development within the California Coastal Act.

The proposed project is in conformity with Article 3, Recreation, under Chapter 3 of the California Coastal Act. Figure 11 of the LCP identifies La Playa Beach as the only water-oriented recreational activity area near the proposed development. The location of La Playa Beach is approximately 2400 feet south of the proposed project and the proposed development will not interfere with the protection of the beach as outlined in Section 30220 of Article 3, Chapter 3 of the California Coastal Act. As such, the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The above findings are supported by the minutes, maps, and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED that, based on these findings adopted by the Planning Commission, Coastal Development Permit No. 3172962 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 3172962, a copy of which is attached hereto and made a part hereof.

Robin MacCartee
Development Project Manager
Development Services

Adopted on: November 30, 2023

IO#: 24009223

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

INTERNAL ORDER NUMBER: 24009223

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 3172962
821 SAN ANTONIO PLACE – PROJECT NO. 1057682
PLANNING COMMISSION

This Coastal Development Permit No. 3172962 is granted by the Planning Commission of the City of San Diego to Misenum, LLC, a California Limited Liability Company, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0702. The 0.29-acre site is located at 821 San Antonio Place in the RS-1-7 Zone, Airport Land Use Compatibility Overlay Zone (NAS North Island and San Diego International Airport), Coastal Height Limit Overlay Zone, Coastal Overlay Zone (Appealable), Coastal Overlay Zone First Public Roadway, Parking Impact Overlay Zone (Beach Impact), Parking Standards Transit Priority Area, Transit Priority Area, and the FAA Part 77 Noticing Area within the Peninsula Community Plan area. The project site is legally described as:

Parcel 1:

THE NORTHERLY 100.00 FEET OF THE SOUTHERLY 200.00 FEET OF LOT 177 OF THE PUEBLO LANDS OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF MADE BY JAMES PASCOE IN 1870, A COPY OF WHICH MAP IS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, NOVEMBER 14, 1921, AND IS KNOWN AS MISCELLANEOUS MAPS NO. 36, THE NORTHERLY AND SOUTHERLY LINES OF THE ABOVE DESCRIBED PROPERTY BEING DRAWN PARALLEL WITH A DISTANT RESPECTIVELY 200.00 FEET AND 100.00 FEET AT RIGHT ANGLES NORTHERLY FROM THE SOUTHERLY LINE OF SAID LOT.

EXCEPTING THEREFROM THAT PORTION THEREOF LYING WESTERLY OF LINE DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF SAID PUEBLO LOT 177; THENCE ALONG THE WESTERLY LINE OF SAID PUEBLO LOT NORTH 12° 44' EAST TO AN INTERSECTION WITH THE NORTHERLY LINE OF THE SOUTHERLY 100.00 FEET OF SAID PUEBLO LOT; THENCE 77° 13' 20" EAST ALONG THE NORTHERLY LINE OF SAID 100.00 FEET A DISTANCE OF 117.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 22° 56' 14" EAST, 101.61 FEET TO THE NORTHERLY LINE OF THE SOUTHERLY 200.00 FEET OF SAID PUEBLO LOT.

ALSO EXCEPTING FROM SAID PROPERTY ALL THAT PORTION LYING BELOW THE MEAN HIGH TIDE LINE OF THE BAY OF SAN DIEGO.

Subject to the terms and conditions set forth in this Permit, permission is granted to, Misenum, LLC, a California Limited Liability Company, Owner/Permittee to partially demolish an existing 6,380-square-foot, two-story single dwelling unit to be replaced with a new 6,115-square-foot, two-story, single dwelling unit (Residence) with a two-car garage, new swimming pool and a new, detached, 796-square-foot, two-story Accessory Dwelling Unit (ADU) with attached two-car carport, and removal and replacement of existing retaining/site walls and the removal of encroachments on San Diego Unified Port District ("Port") public trust property described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated September 6, 2023, on file in the Development Services Department.

The project shall include:

- a. Partial demolition of an existing 6,380-square-foot, two-story single dwelling unit;
- b. Construction of a new 6,115-square-foot, two-story, single-dwelling unit with a two-car garage;
- c. Construction of a new, detached 796-square-foot, two-story Accessory Dwelling Unit (ADU) with attached two-car carport;
- d. The removal and replacement of existing retaining/site walls and the removal of encroachments on Port property;
- e. Landscaping (planting, irrigation and landscape related improvements);
- f. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision-maker. This permit must be utilized by December 15, 2026.
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.

ATTACHMENT 5

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" 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 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.

CLIMATE ACTION PLAN REQUIREMENTS:

12. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

FIRE PLANNING REQUIREMENTS:

13. Due to the lack of width and distance of San Antonio Place, curbs on both sides of the street shall be painted red. A red stripe along the retaining wall located on the West side of the street shall be added and a red stripe shall be painted on the asphalt below the retaining wall.

ENGINEERING REQUIREMENTS:

14. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

PLANNING/DESIGN REQUIREMENTS:

15. The automobile, motorcycle, and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized

for any other purpose unless otherwise authorized in writing by the appropriate City decision-maker in accordance with the SDMC.

16. Prior to the issuance of construction permits, the Owners/Permittees shall record easements against the property to preserve a visual corridor of not less than the five feet, two-inch setback running the entire depth of the premises parallel to the southern property line, and not less than eleven feet, two inches wide running the entire depth of the premises parallel to the northern property line, as shown on the approved Exhibit "A" drawings.

17. Open fencing and landscaping may be permitted within these visual corridors, provided such improvements do not significantly obstruct public views of the ocean. Open fencing within these visual corridors shall not exceed three feet in height and must maintain at least 75 percent of the vertical surface open to light and air in order to preserve public views.

18. Prior to the issuance of construction permits, the Owners/Permittees shall record an acknowledgment agreement for future sea level rise per SDMC Section 132.0404.

19. Prior to the issuance of construction permits, the following permits and approvals, if required (which will be determined by the San Diego Unified Port District (SDUPD)), shall be obtained from the SDUPD's Real Estate Department and/or Development Services Department for the portion of the project located within the District's Coastal Development Permitting authority: Right of Entry Permit, CEQA determination, Coastal determination, District Conditional Project Approval letter.

20. 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.

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary 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 Planning Commission of the City of San Diego on November 30, 2023, and Resolution No. XXXXXX.

ATTACHMENT 5

Coastal Development Permit No. 3172962
Date of Approval: November 30, 2023

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Robin MacCartee
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.

By _____
NAME
Misenum, LLC, a California Limited
Liability

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

Page 3		City of San Diego · Information Bulletin 620		August 2018	
		City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101		Community Planning Committee Distribution Form	
Project Name: 821 San Antonio Place			Project Number: PRJ-1057682		
Community: Peninsula					
For project scope and contact information (project manager and applicant), log into OpenDSD at https://aca.accela.com/SANDIEGO . Select "Search for Project Status" and input the Project Number to access project information.					
<input checked="" type="radio"/> Vote to Approve <input type="checkbox"/> Vote to Approve with Conditions Listed Below <input type="checkbox"/> Vote to Approve with Non-Binding Recommendations Listed Below <input type="checkbox"/> Vote to Deny				Date of Vote: June 15, 2023	
# of Members Yes 9		# of Members No 3		# of Members Abstain 0	
Conditions or Recommendations:					
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)					
NAME: Joe Holasek					
TITLE: Project Review Chair				DATE: June 17, 2023	
<i>Attach additional pages if necessary (maximum 3 attachments).</i>					



FORM
DS-3031
November 2022

Development Permit/ Environmental Determination Appeal Application

In order to ensure your appeal application is successfully accepted and processed, you must read and understand Information Bulletin [\(IB\) 505, "Development Permits/Environmental](#)

[Determination Appeal Procedure."](#)

1. Type of Appeal: Appeal of the Project
 Appeal of the Environmental Determination
2. Appellant: Please check one Applicant Officially recognized Planning Committee
 "Interested Person"
(Per San Diego Municipal Code (SDMC) § 113.0103)

Name: Julie M. Hamilton on behalf of Keith Behner E-mail: julie@jmhamiltonlaw.com

Address: 501 W. Broadway City: San Diego, CA 92101 State: Zip Code: Telephone: (619) 278-0701

3. Project Name:
821 San Antonio Place

4. Project Information:
Process 3 coastal development permit to demo existing sfd and construct new sfd and ADU.
Permit/Environmental Information Determination and Permit/Document No:
Project # 1057682, PTS 625623

Date of Decision/Determination: September 6, 2023 City Project Manager: Robin MacCartee

Decision (Describe the permit/approval decision):

5. Ground for Appeal (Please check all that apply):
- Factual Error New Information
 Conflict with other Matters City-wide Significance (Process four decisions only)
 Findings Not Supported

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in the [SDMC § 112.0501](#). Attach additional sheets if necessary.) See Attachment A

ATTACHMENT 7

City of San Diego • Form DS-3031 • November 2022

THE CITY OF SAN DIEGO

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

Signature: Keith Behner Date: 9-20-23

Note: Faxed appeals are not accepted.

Reference Table

- [San Diego Municipal Code \(SDMC\)](#)
- [Development Permits/Environmental Determination Appeal Procedure \(IB-505\)](#)

Visit our website: sandiego.gov/DSD.

Upon request, this information is available in alternative formats for persons with disabilities. DS-3031 (11-22)

ATTACHMENT A TO APPEAL OF COASTAL DEVELOPMENT PERMIT FOR 821 SAN ANTONIO PLACE, PROJECT NO. 1057682

GROUNDINGS FOR APPEAL:

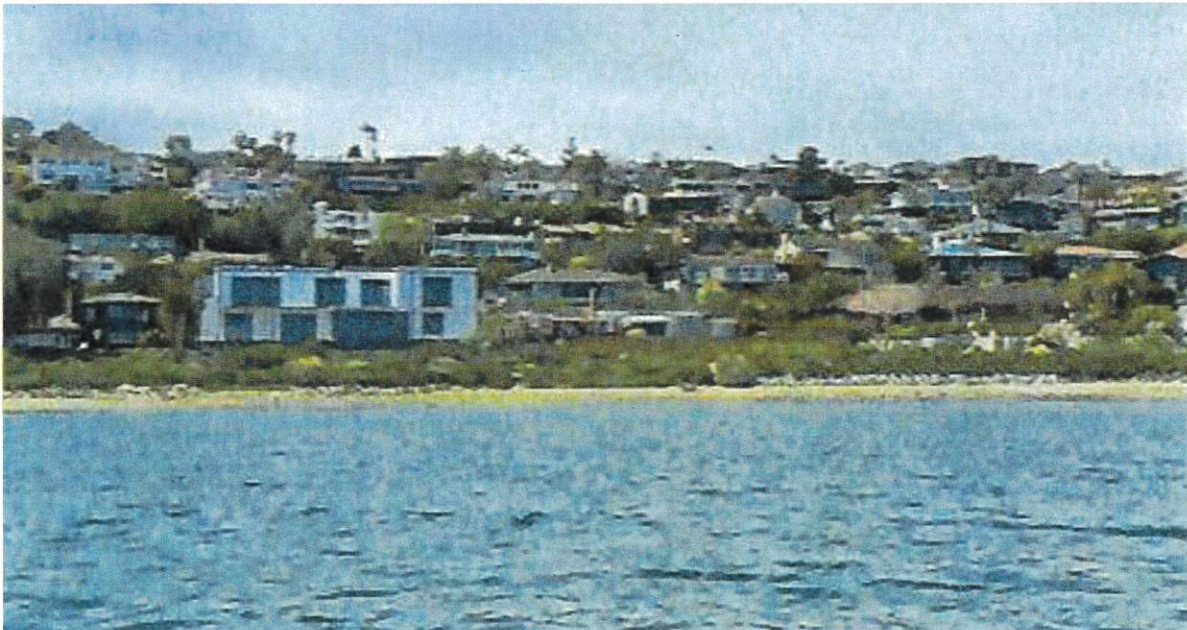
The findings are not supported by substantial evidence.

- *The proposed development will not enhance public views from San Diego Bay. The project exceeds the scale of existing development and is not consistent with the character of the surrounding area.*



- The proposed project does not promote harmony in the visual relationships and transitions between new and old buildings. The building stands out in relationship to the surrounding development resulting in a significant negative impact on views from the bay.

- The building is blocky in nature and does not provide adequate vertical and horizontal offsets to control building bulk.
 - The clash of shape and scale caused by this project invokes chaos and restlessness.
 - The roof form of the proposed residences is so different from adjoining structures as to be disruptive to the surrounding development.
- *The proposed development is not in conformity with the certified Local Coastal Program land use plan and does not comply with the implementing regulations of the certified Implementation Program.*
 - The new development is not completely encompassed within the footprint of the previous structure on the site. The ADU is well outside the bounds of previous development. The development does not conform to the urban design policies of the Peninsula Community Plan and Local Coastal Program Land Use Plan.



- The proposed project exceeds the allowable floor area ratio by 352 square feet. The project is described as the demolition of the existing residence and construction of a new residence; therefore, the project, including the ADU must conform to the floor area ratio requirements of San Diego Municipal Code section 141.0302(b)(2)(C).

ATTACHMENT 7

- The development exceeds the allowable driveway width of 12 feet for both proposed driveways as required by San Diego Municipal Code section 142.0560(j)(1).
- The proposed development does not meet the parking standards of San Diego Municipal Code section 142.0521(f).

Houghton - Berry Remodel / Replacement Home

Peninsula Community Planning
Board
15 June 2023
6:00 PM
Point Loma Library

MCINERNEY + ASSOCIATES
Peninsula Presentations



15 June 2023

ATTACHMENT 8

The Site Location

The site is located 17' below Rosecrans Street and slopes from an elevation of 21'4" down to the bay.

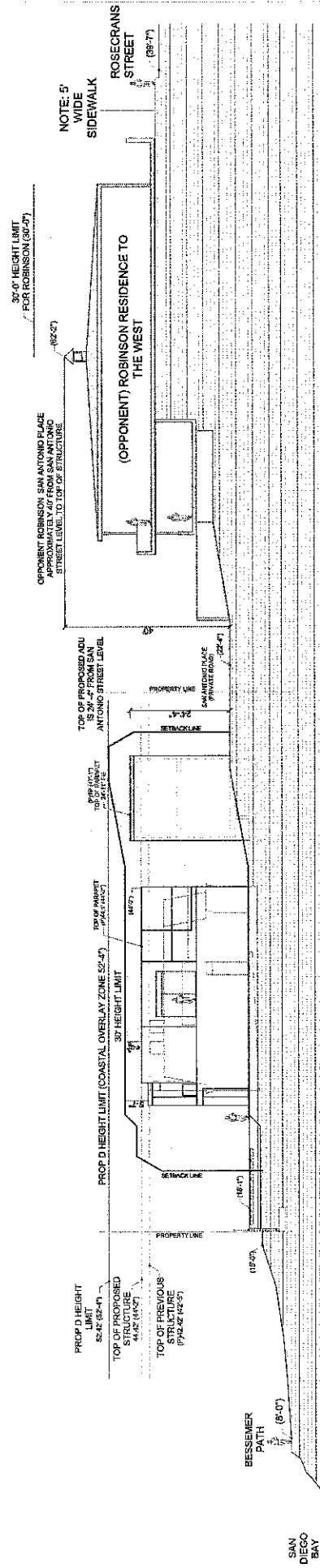
Pink- Private Road (San Antonio Place)
821 San Antonio Place
Yellow Dot- opponents



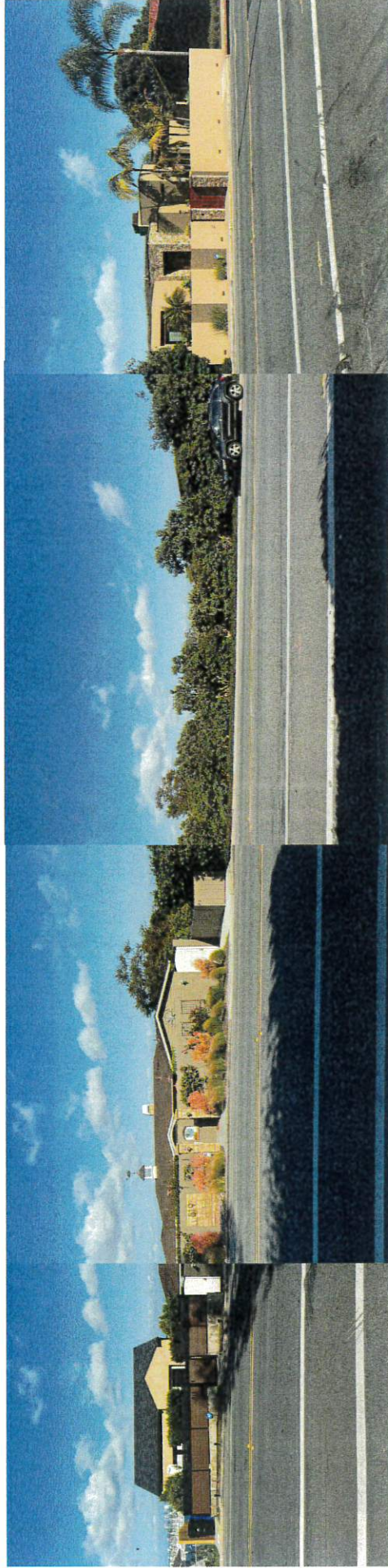
ATTACHMENT 8

Cross Section through
Rosecrans Street to
Bessemer Path / San Diego
Bay

The light green shows the 30' height
limit and allowable development area.



ATTACHMENT 8
Neighborhood Character



812 San Antonio
House

Robinson House

Behner House
(Below)

Dillon House

View along Rosecrans Street looking east towards San Diego Bay showing properties directly west of 821 San Antonio

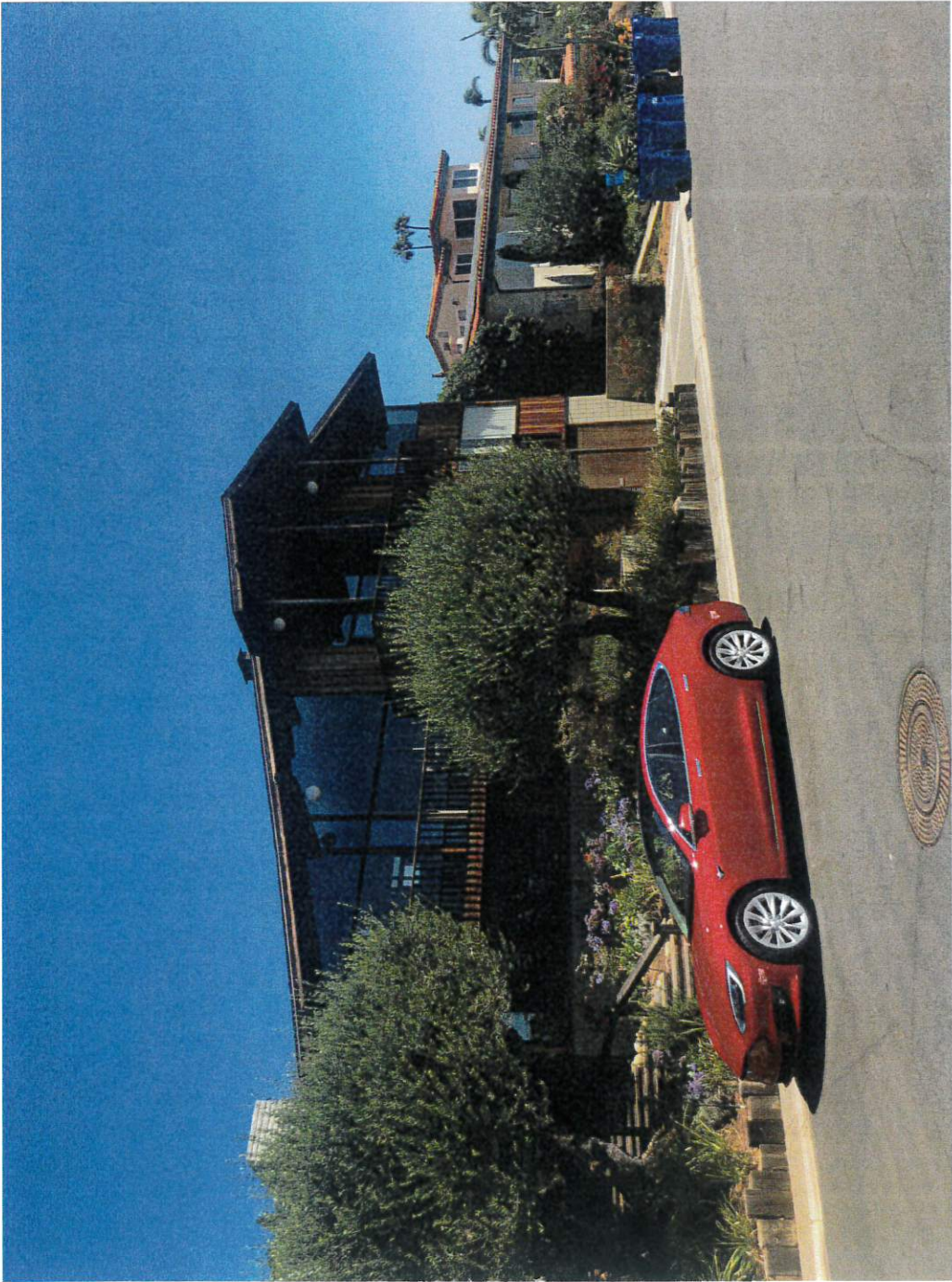
ATTACHMENT 8
Neighborhood Character

The Houghton Berry Home is proposed to be set amongst an eclectic and varied group of existing residential two and three story structures.



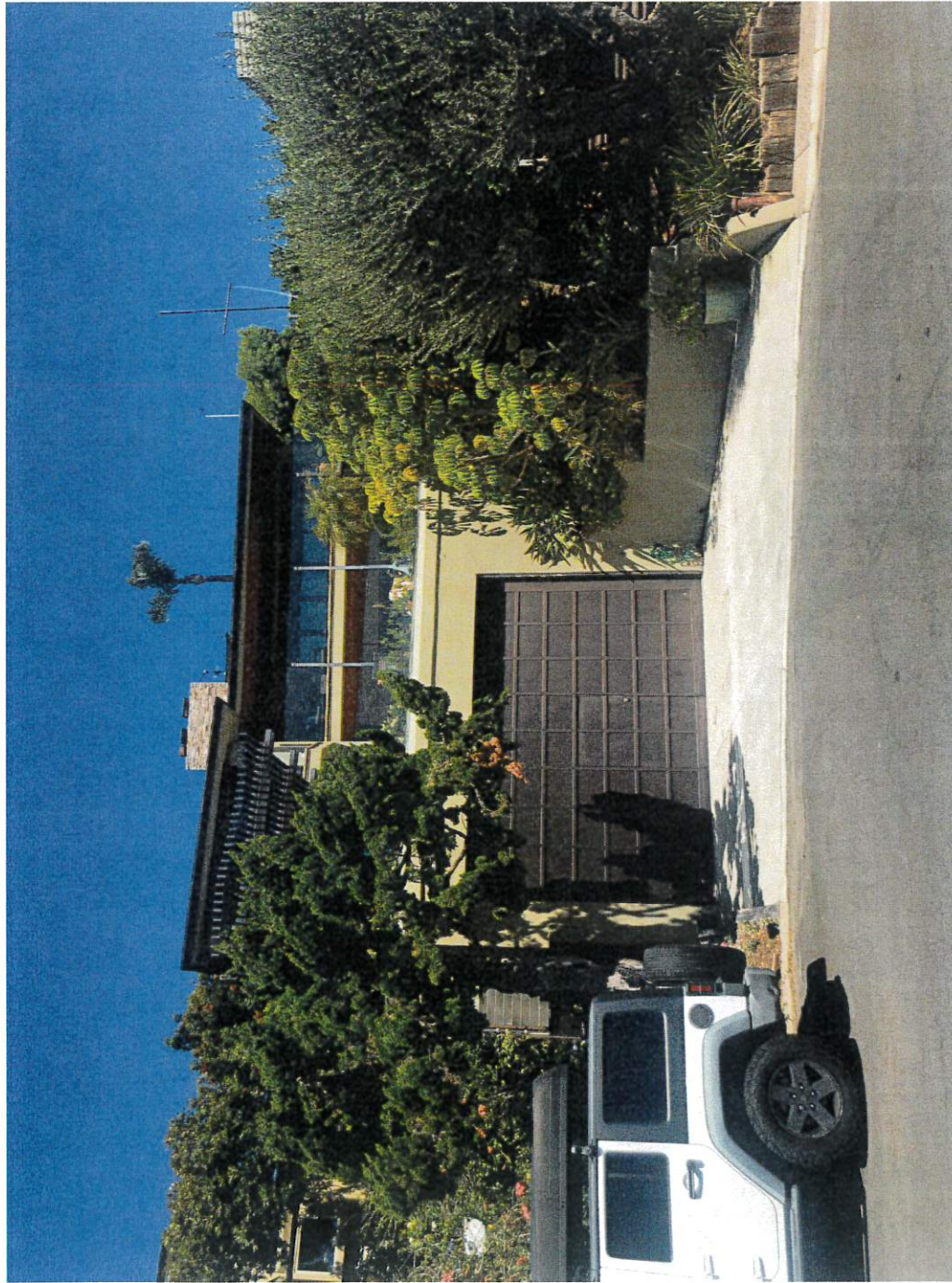
Houses Along San Antonio Place (Public Road)

ATTACHMENT 8
Neighborhood Character



Houses Along San Antonio Place (Public Road) 3 Levels

ATTACHMENT 8
Neighborhood Character



Houses Along San Antonio Place (Public Road) 3 Levels

ATTACHMENT 8
Neighborhood Character



Houses Along San Antonio Place (Public Road)

ATTACHMENT 8
Neighborhood Character



Houses Along San Antonio Place (Private Road)

ATTACHMENT 8
Neighborhood Character



Houses Along San Antonio Place (Private Road)

ATTACHMENT 8
Neighborhood Character



Houses Along San Antonio Place - (Private Road) - 3 Levels

ATTACHMENT 8
Neighborhood Character



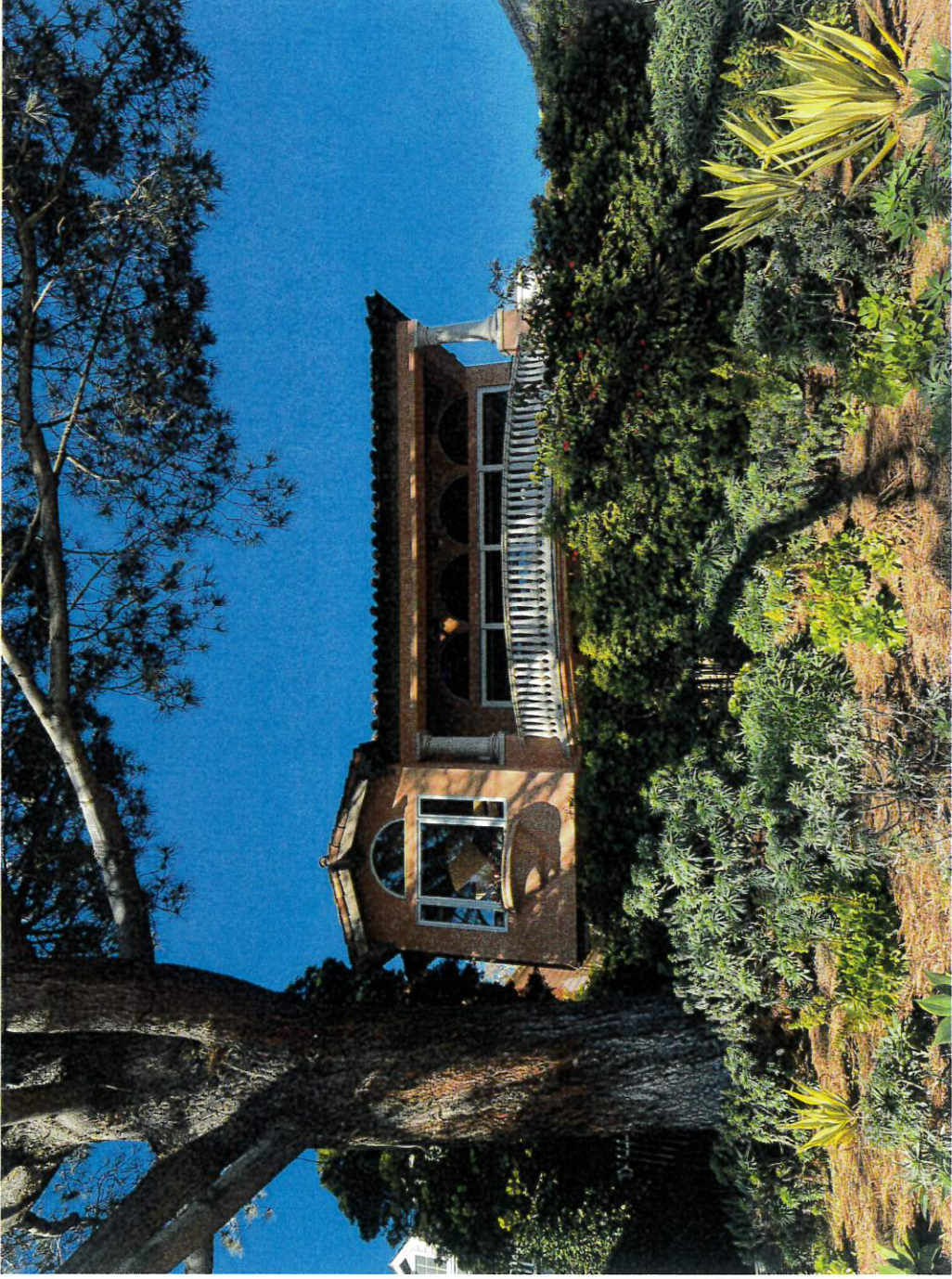
Houses Along San Antonio Place - Robinson House - (Private Road) - 2-1/2 Levels



Dillon House on Rosecrans Street

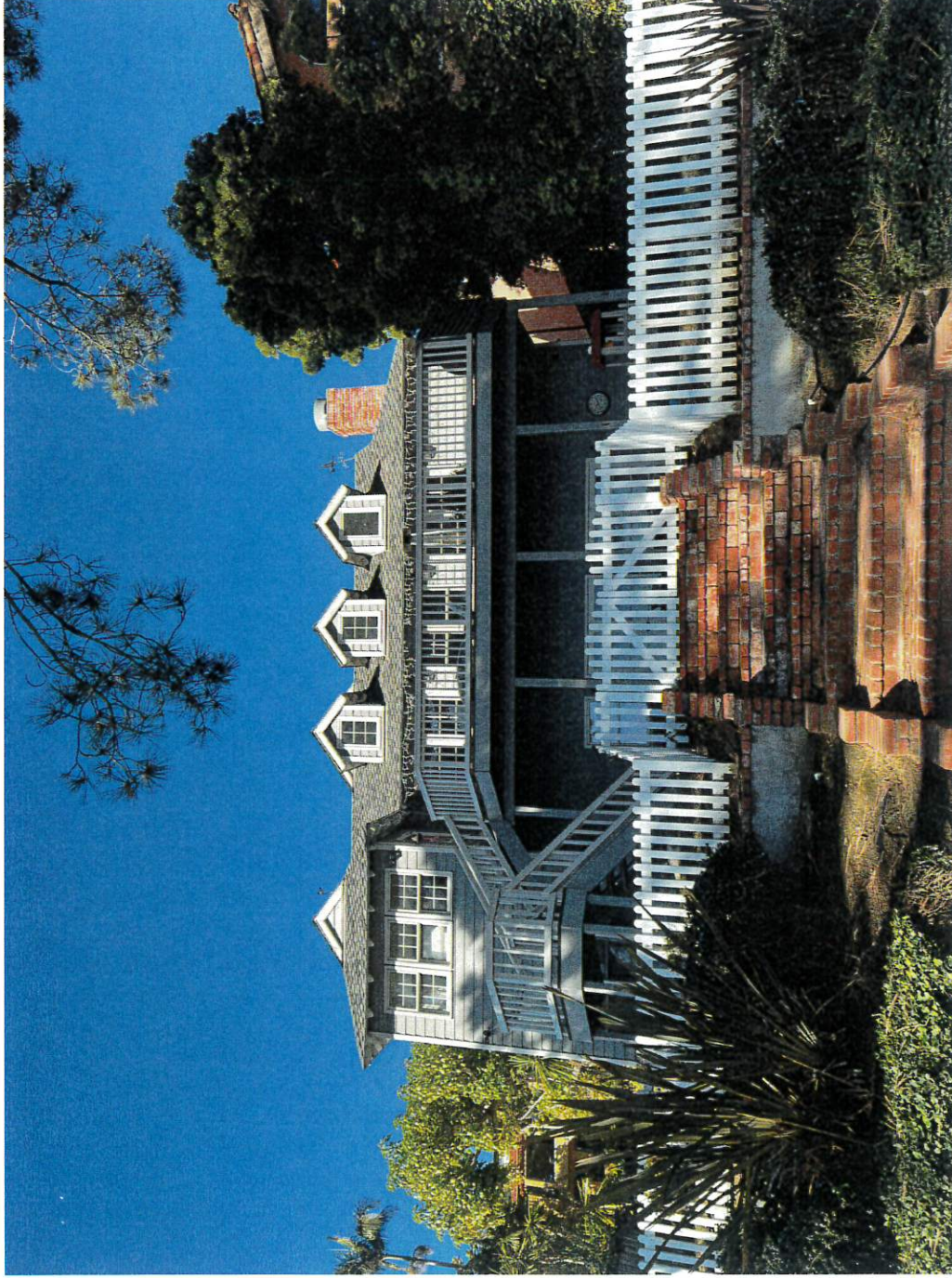
View From the Bessemer Path looking west- 3 Level House- 30' tall

ATTACHMENT 8
Neighborhood Character



Bayfront Houses adjacent to Bessemer Path and San Diego Bay

ATTACHMENT 8
Neighborhood Character



Bayfront Houses adjacent to Bessemer Path and San Diego Bay

ATTACHMENT 8
Neighborhood Character



Bayfront Houses adjacent to Bessemer Path and San Diego Bay



Bayfront Houses adjacent to Bessemer Path and San Diego Bay

ATTACHMENT 8
Neighborhood Character



Bayfront Houses adjacent to Bessemer Path and San Diego Bay



Bayfront Houses adjacent to Bessemer Path and San Diego Bay

ATTACHMENT 8
Neighborhood Character



Bayfront Houses adjacent to Bessemer Path and San Diego Bay

ATTACHMENT 8
Neighborhood Character



Bayfront Houses adjacent to Bessemer Path and San Diego Bay

ATTACHMENT 8
Neighborhood Character



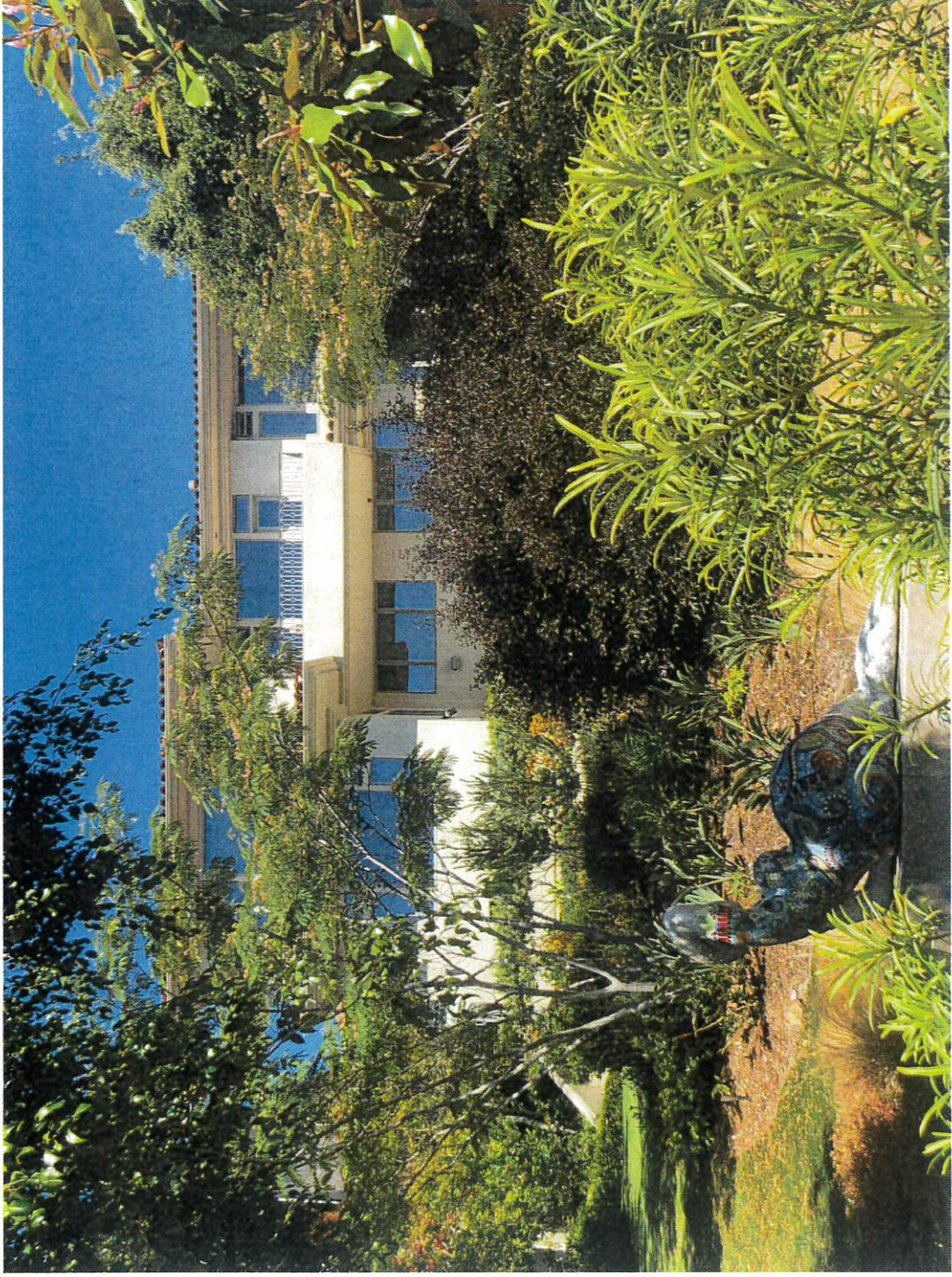
Bayfront Houses adjacent to Bessemer Path and San Diego Bay

ATTACHMENT 8
Neighborhood Character



Bayfront Houses adjacent to Bessemer Path and San Diego Bay

ATTACHMENT 8
Neighborhood Character



Bayfront Houses adjacent to Bessemer Path and San Diego Bay

ATTACHMENT 8
Neighborhood Character

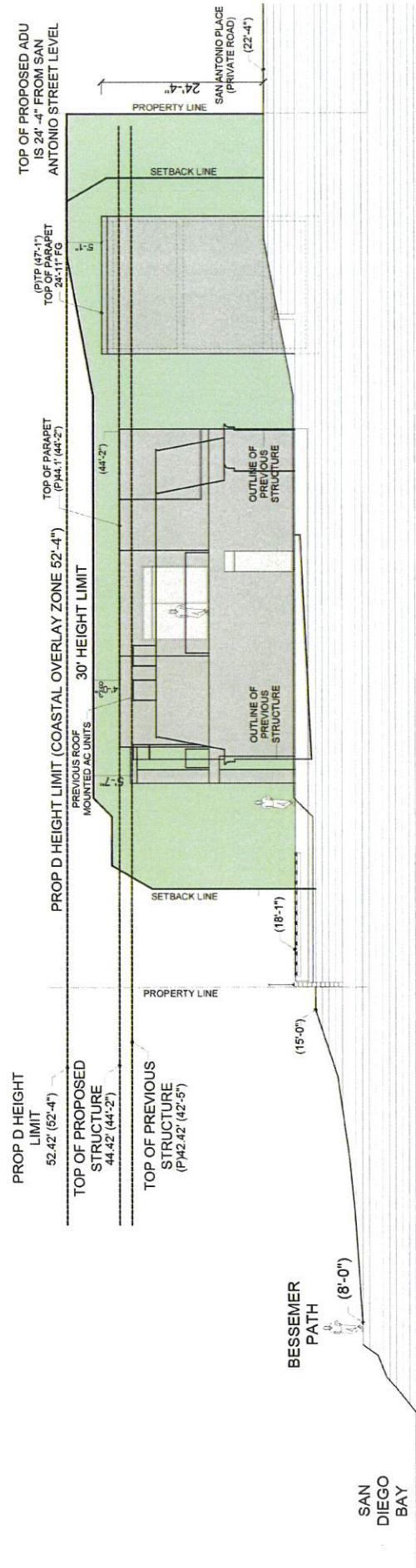


Bayfront Houses adjacent to Bessemer Path and San Diego Bay

ATTACHMENT 8

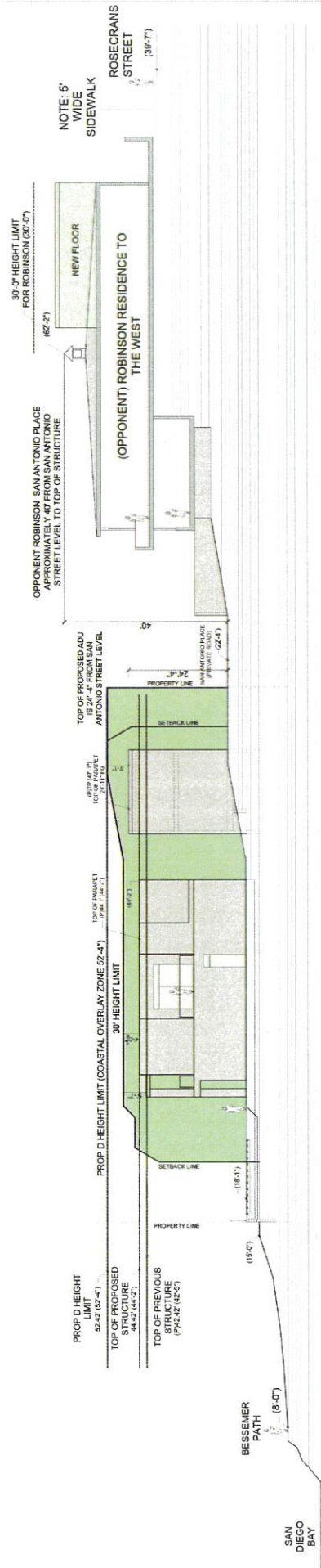
Cross Section through 821 San Antonio

The grey tone identifies the existing / proposed structures. The light green shows the 30' height limit / allowable development envelope



ATTACHMENT 8

Cross Section through Rosecrans Street to Bessemer Path



ATTACHMENT 8

Survey of Structures that Identifies Number of Floors

A survey of the properties that immediately surround 821 San Antonio Place reveals that most residences are arranged over two - three levels

Purple Dot- mostly 1 Level
Green Dot- mostly 2 levels
White Dot- mostly 3 Levels

Summary
43 of 48 of the depicted properties are 2-3 levels



Aerial view of the Neighboring houses along San Antonio Place
(Public and Private)

ATTACHMENT 8
 Neighborhood Vicinity FAR /
 Bulk and Scale

300' Foot Radius Property Assessment

Address	Gross Lot Area	Sq Feet	GLA/FAR	Year Built	Opponents
855 San Antonio	10,424	5,333	51%	1956	
851 San Antonio	5,950	3,136	53%	1948	House Larger than .49 FAR
845 San Antonio	14,802	3,096	21%	1951	House Larger than .49 FAR
812 San Antonio	3,215	2,982	93%	2012	House Larger than .49 FAR
809 San Antonio	18,800	4,065	22%	1949	
808 San Antonio	5,397	3,411	63%	1980	Behner / Stiefel House
850 San Antonio	5,439	3,198	59%	1964	Robinson House
821 San Antonio	12,455	6,115	49%	1950	
827 Rosecrans	9,309	3,529	38%	1951	Subject Property
829 Rosecrans	8,258	3,573	43%	1973	
833 Rosecrans	7,214	3,527	49%	1938	
845 Rosecrans	6,164	3,716	60%	1959	House Larger than .49 FAR
849 Rosecrans	5,184	3,000	58%	1950	House Larger than .49 FAR
3004 Kona Way	17,031	6,395	38%	2005	
3015 Kona Way	10,367	4,434	43%	1977	
820 Rosecrans	13,599	2,608	19%	1954	
804 Rosecrans	10,646	3,252	31%	1950	
826 Rosecrans	22,651	5,500	24%	1956	
776 Rosecrans	11,700	3,021	26%	1952	
766 Rosecrans	17,197	3,296	19%	1953	
744 Rosecrans	13,804	4,721	34%	1951	
767 Rosecrans	8,342	4,990	60%	2004	House Larger than .49 FAR
751 Rosecrans	5,178	3,290	64%	1938	House Larger than .49 FAR
747 Rosecrans	5,454	3,916	72%	1938	House Larger than .49 FAR
755 Rosecrans	7,677	2,452	32%	1957	
741 Rosecrans	9,283	4,173	45%	1998	

Noted properties are within 300' radius of project site.

Light Green- Homes over 43% FAR
 Light Blue- Adjacent Homes

15 out of 26 houses have a FAR higher than .43

The FAR calculations do not include the ADU

ATTACHMENT 8

Allegation that the proposed Home is too close to Bessemer Path

The following are approximate distances between the Bessemer Path and the rear facade of the existing structures.

- 741 - 50'-3"
- 755 - 49'-10"
- 765 - 67'-4"
- 809 - 61'-2"
- 821 - 80'-0"** (Houghton-Berry Home)
- 845 - 80'-0"
- 851 - 80'-0"
- 855 - 70'-3"
- 865 - 74'-4"
- 869 - 80'-1"
- 871 - 75'-8"
- 873 - 83'-6"

The range is between 50'-0" to 83'-6" The proposed home is 80'-0" from Bessemer Path

Green Dots indicate existing houses that are the same as or are closer to the Bessemer Path than the proposed remodel / replacement home at 821 San Antonio Place



Bayfront Houses adjacent to Bessemer Path and San Diego Bay

ATTACHMENT 8
Aerial image of previous
home at 821 San Antonio
Place

Note adjacent large 3-story homes
immediately to the west

Note stepping of taller structures
beyond which ascend the topographic
slope up to Rosecrans Street.



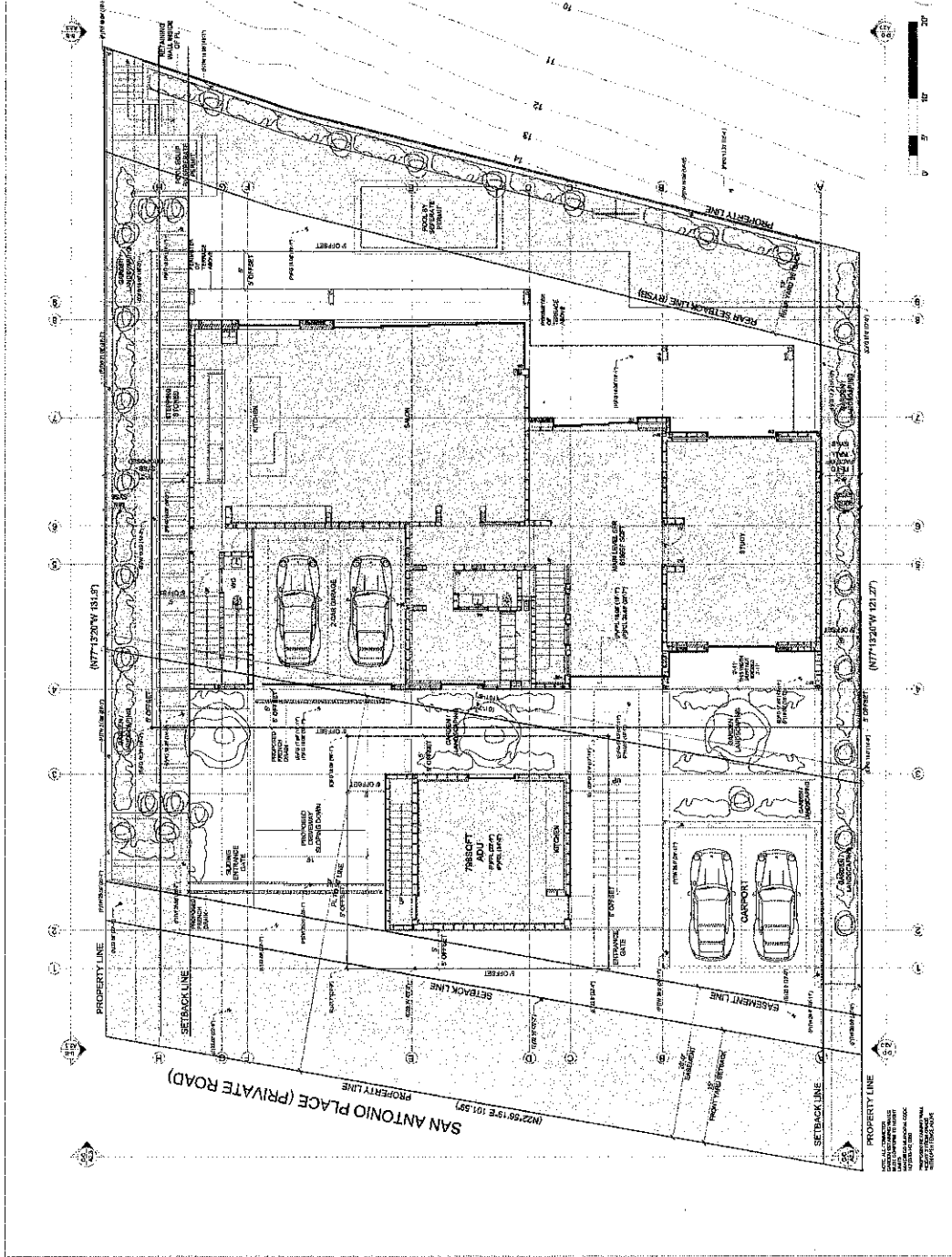
ATTACHMENT 8

Previous home as viewed from San Antonio Place (Private Road)



ATTACHMENT 8 Setback Areas (Lower Level)

The pink tone identifies the required setbacks - front / side and rear
The grey tone identifies the proposed enclosed structures at ground level

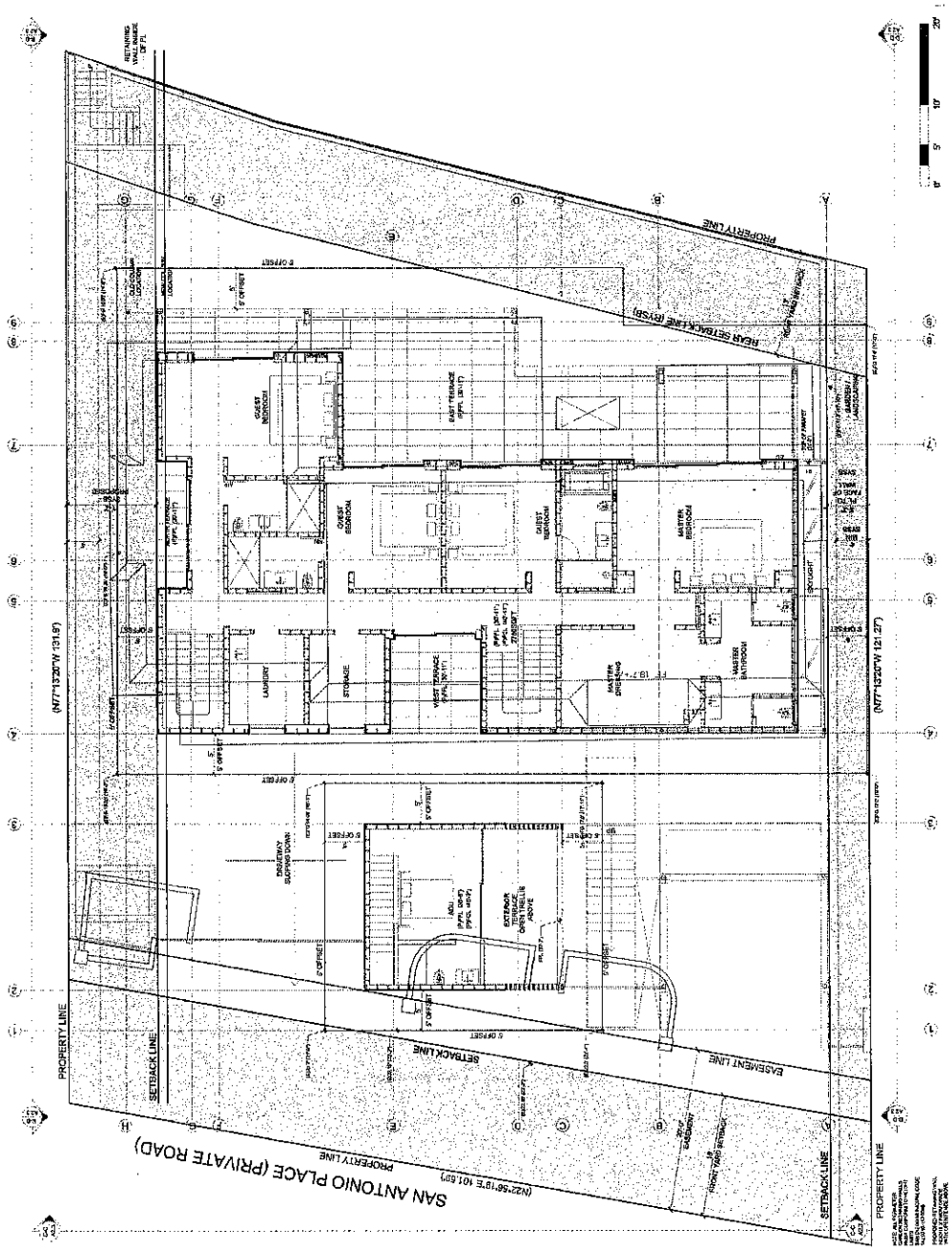


Site Plan showing Lower Level and Setbacks

ATTACHMENT 8
Setback Areas (Upper Level)

The pink tone identifies the required setbacks - front / side and rear

The grey tone identifies the proposed enclosed structures at ground level



Site Plan showing Upper Level and Setbacks

ATTACHMENT 8

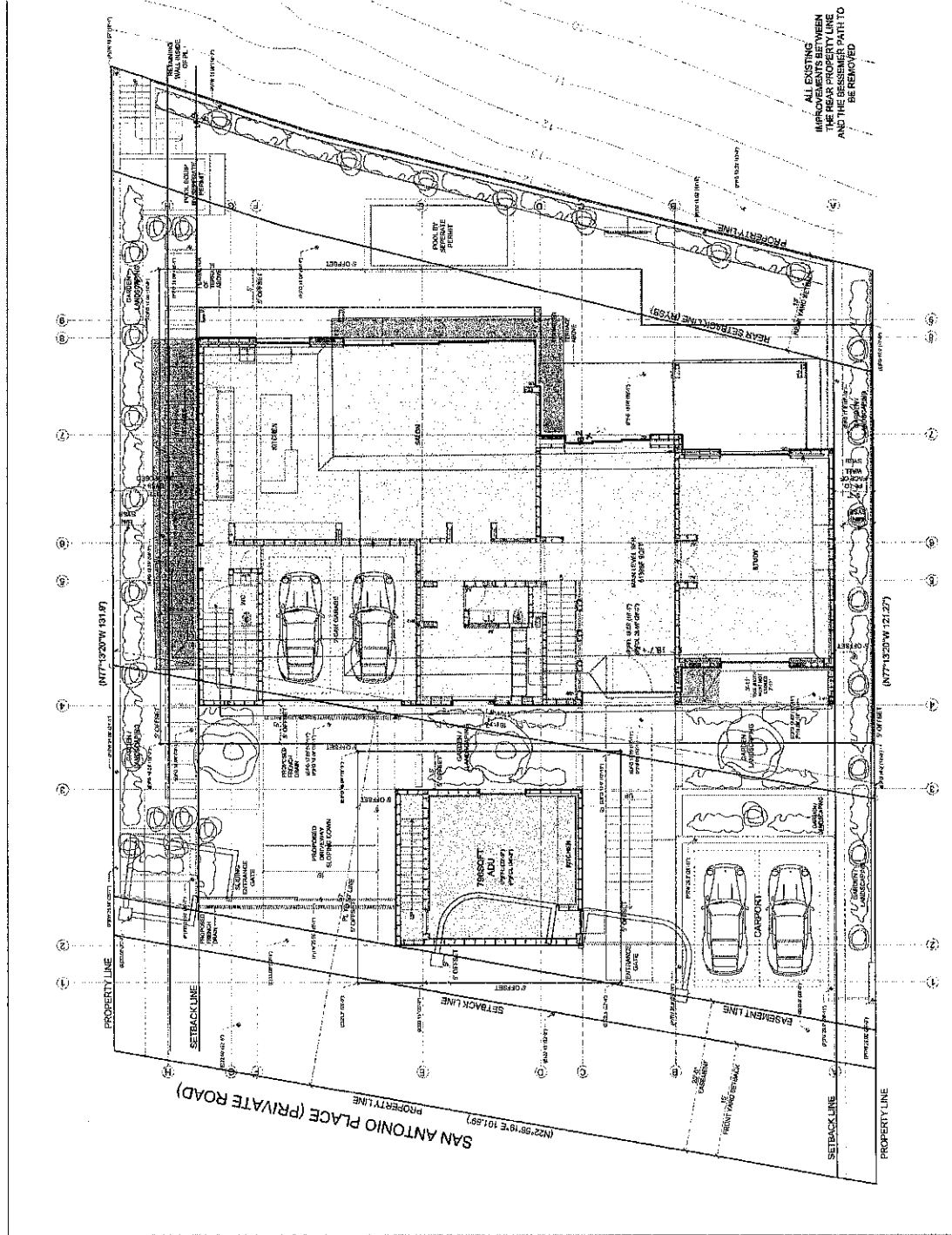
Proposed Home

This is the lower level plan showing the existing structure overlaid with the proposed home.

Pink- existing / proposed structural envelope to be retained

Blue- proposed structural envelope to be added

Green- existing envelope to be removed



Lower Level Plan

ATTACHMENT 8

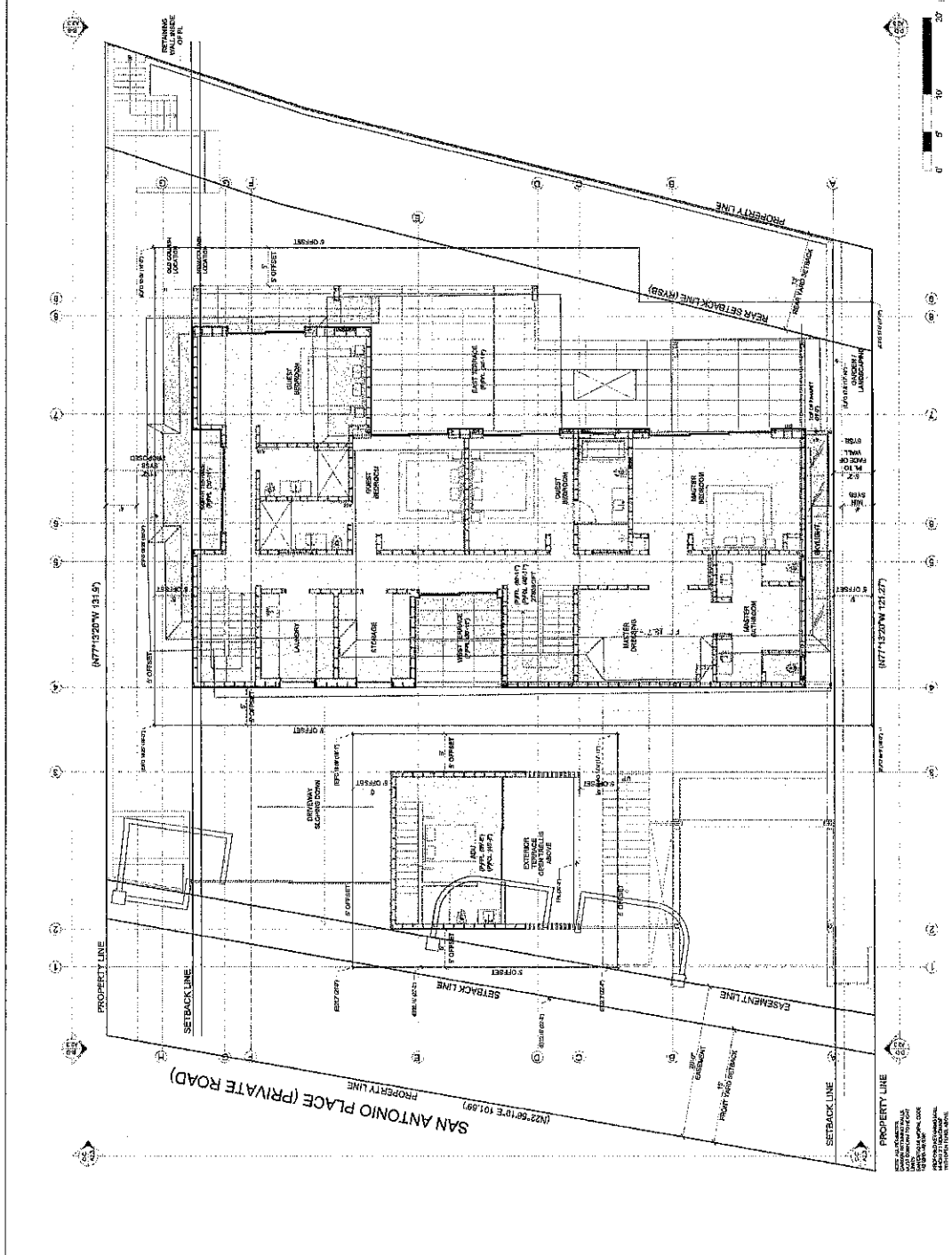
Proposed Structure

This is the upper plan showing the existing structure overlaid with the proposed home.

Pink- existing / proposed structural envelope to be retained

Blue- proposed structural envelope to be added

Green- existing envelope to be removed

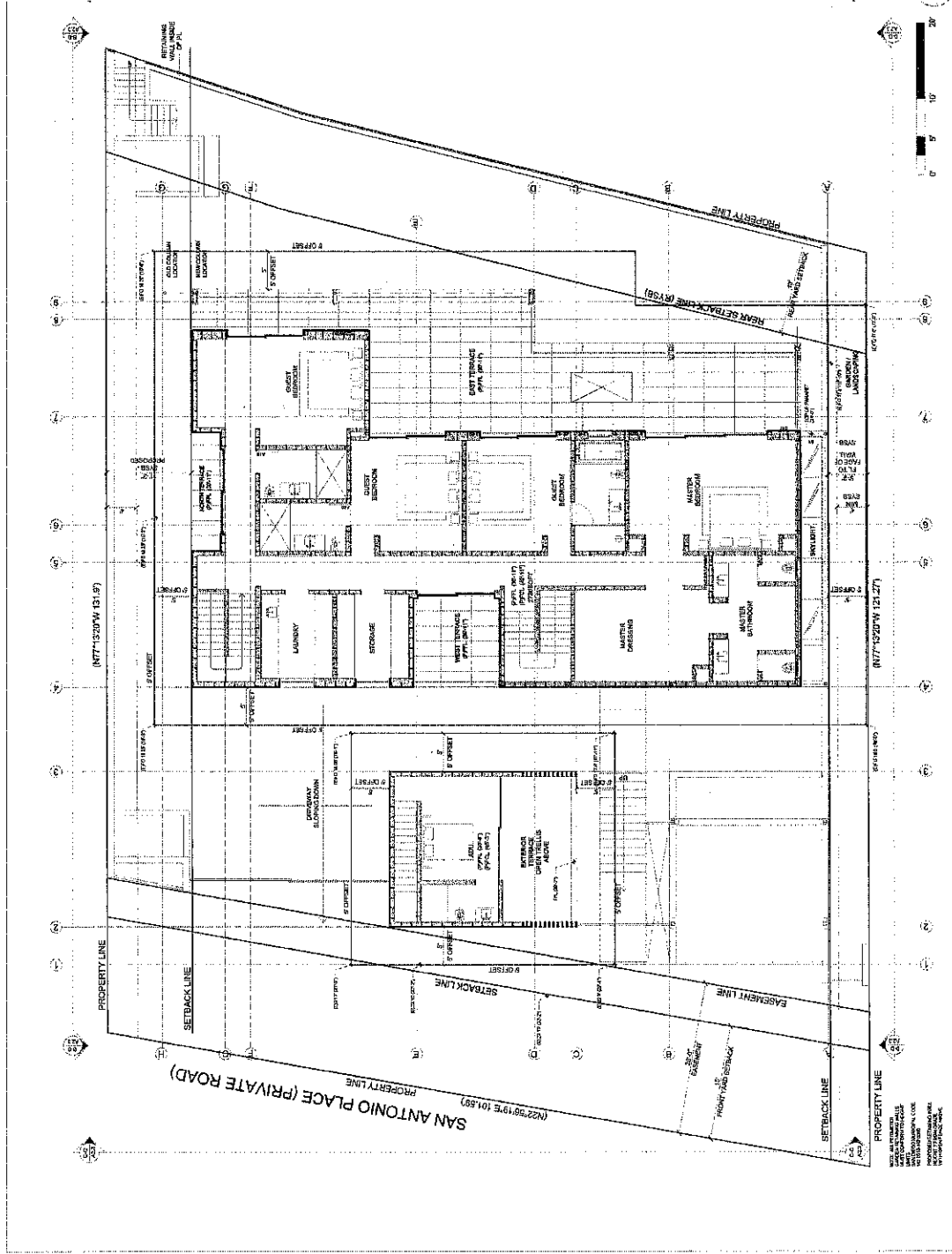


Upper Level Plan

ATTACHMENT 8 Replacement Home

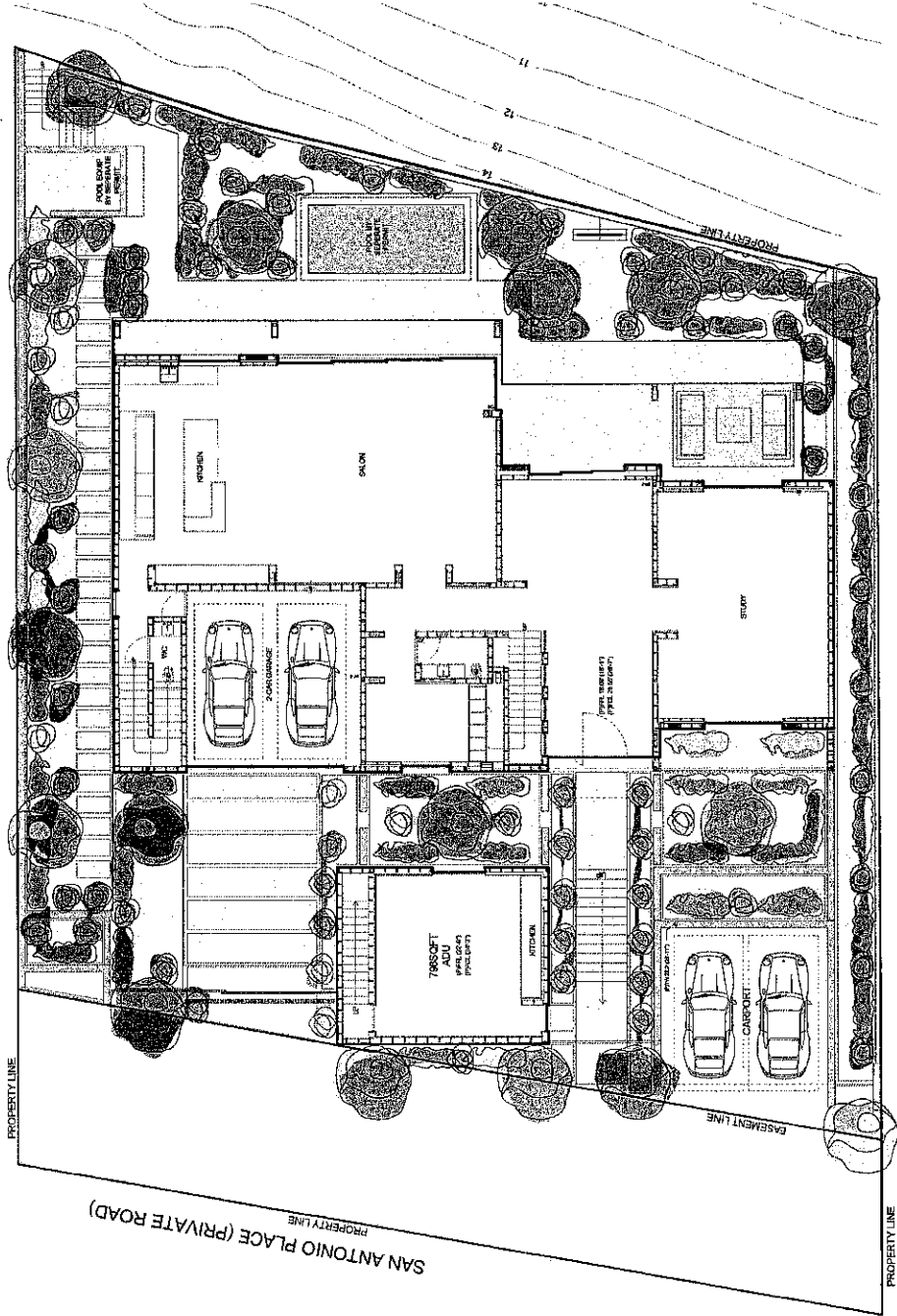
Upper Level Plan

The Upper level plan shows the surrounding terraces and balconies. The home articulates the facade with deep set windows and deep terraces set back into the structure.



Upper Level Plan

ATTACHMENT 8
Landscape Plan



Lower Level Garden Plan

ATTACHMENT 8 Replacement Home (Rendering)

View of Proposed Home from San Diego Bay looking south-west

Note: The full height custom bronze windows at both lower and upper levels, the stone facade base with smooth plaster facade at the upper floor and the vertical and horizontal articulation with deep balconies and offset planes.

This east facing facade with its offset planes will utilize the direct sunlight to create a greater visual depth at the facade. The design is intentionally sensitive to each of the four elevations with deep terraced balconies to the east and north, offsetting elevations at the south and articulated volumes to the west.



ATTACHMENT 8
Replacement Home
(Rendering)

View of Proposed Home from San
Diego Bay looking south-west

Note stepping of taller structures
beyond which ascend the topographic
slope up to Rosecrans Street.



ATTACHMENT 8
Replacement Home



View of Proposed Home from San Diego Bay looking north-west.

Note stepping of taller structures beyond which ascend the topographic slope up to Rosecrans Street.

ATTACHMENT 8
Replacement Home

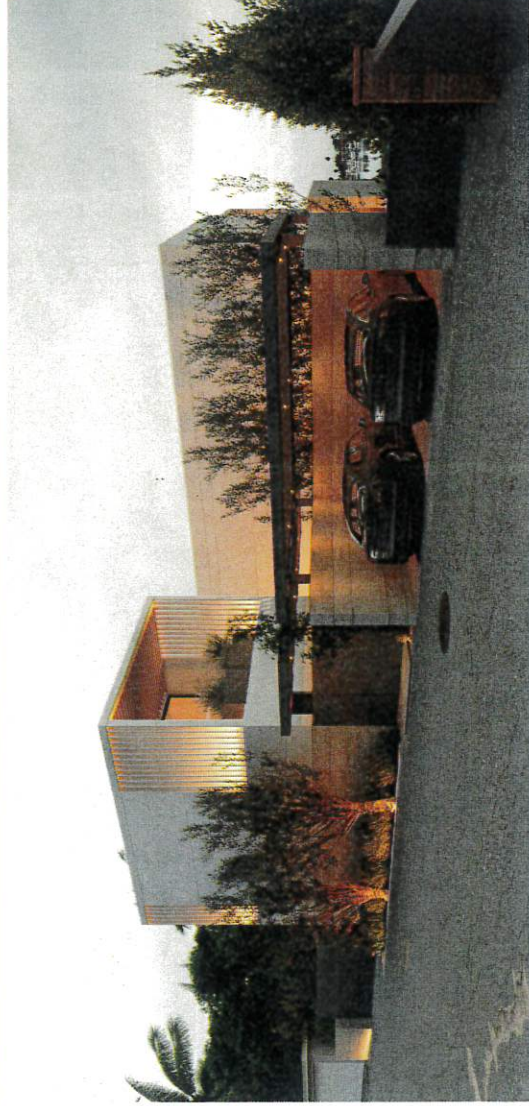
View of Proposed Home and ADU
from San Antonio Place (Private
Road) looking south



ATTACHMENT 8
Replacement Home



View of Proposed Home from San Antonio Place (Private Road) looking north-east-



View of Previous Home from San Antonio Place (Private Road) looking north-east-

Compliance with Peninsula Community Plan and RS1-7 Zone

Rule / Regulation	Allowed / Required	Proposed Home	Conclusion
FAR	Max Allowed FAR 0.52	0.49*	Complies
HEIGHT	30'-0"	22'-0" to 27'-0"	Complies
Front Setback	15'-0"	47'-5 to 62'-3*	Complies
Rear Setback	13'-0"	20'-6" to 24'-9"	Complies
South Side Setback	4'-0"	5'-2" Lower Level 8'-9" Upper Level	Complies
North Side Setback	11'-2"	11'-2"	Complies
Offstreet Parking	2 Car Parking Spaces Required	4 (2 Garage + 2 Carport)	Complies
	Existing SFR sqft before Remodel 6380sqft		
	Proposed SFR sqft after Remodel 6115sqft * Does not include 800sqft ADU* Net reduction of 265sqft		

ATTACHMENT 8

Conclusion

This remodel / replacement home complies with the Peninsula Community Plan and Municipal Code.

The replacement home is compatible with the eclectic mix of one, two and three story homes in the neighborhood.

We respectfully request that you ratify the DPR unanimous recommendation of approval. (One abstention)

Thank you for your consideration



NOTICE OF EXEMPTION

(Check one or both)

TO: Recorder/County Clerk
 P.O. Box 1750, MS A-33
 1600 Pacific Hwy, Room 260
 San Diego, CA 92101-2400

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

Office of Planning and Research
 1400 Tenth Street, Room 121
 Sacramento, CA 95814

Project Name/Number: 821 San Antonio Place / 1057682

SCH No.: Not Applicable

Project Location-Specific: 821 San Antonio Place, San Diego, CA 92106

Project Location-City/County: San Diego/San Diego

Description of nature and purpose of the Project: Coastal Development Permit to partially demolish and remodel an existing 6,380-square-foot two-story residence. The project will result in a two-story 6,115-square-foot residence including the removal of existing retaining/site walls, the construction of new retaining/site walls, a new swimming pool, removal of encroachments within Port of San Diego property, a new detached two-story approximately 800 -square-foot accessory dwelling unit, and a new detached two car carport located at 821 San Antonio Place. The 0.29-acre site is in the RS-1-7 Zone and Coastal Overlay (Appealable) Zone within the Peninsula Community Plan area

Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: Patrick McInerney, 5711 La Jolla Blvd., San Diego, CA 619-994-7991

Exempt Status: (CHECK ONE)

- Ministerial (Sec. 21080(b)(1); 15268)
 Declared Emergency (Sec. 21080(b)(3); 15269(a))
 Emergency Project (Sec. 21080(b)(4); 15269 (b)(c))
 Categorical Exemption: Section 15301 (Existing Facilities), Section 15302 (Replacement or Reconstruction), and Section 15303 (New Construction)
 Statutory Exemptions:
 Other:

Reasons why project is exempt: The City of San Diego determined that the project would qualify to be categorically exempt from CEQA pursuant to Section 15301 (Existing Facilities) which allows for the demolition of existing facilities; Section 15302 (Replacement or Reconstruction) which allows for replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced; and Section 15303 (New Construction) which allows for the construction of one single-family residence, or a second dwelling unit in a residential zone; in urbanized areas, up to three single-family residences may be constructed or converted under this exemption; and where the exceptions listed in Section 15300.2 would not apply. Since the proposed project 1) is the partial demolition and remodel of an existing residence where the new structure is on the same site at the same location and will be still a similar sized singled family residence used for residential purposes

with detached ADU and 2) the construction/remodel of a single family residence and 2) the construction of a detached ADU in a residential zone of an urbanized community, the exemptions are appropriate

Lead Agency Contact Person: Courtney Holowach

Telephone: 619-446-5187

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? Yes No

It is hereby certified that the City of San Diego has determined the above activity to be exempt from CEQA

Courtney Holowach Senior Planner
Signature/Title

8/1/23
Date

Check One:

- Signed By Lead Agency
 Signed by Applicant

Date Received for Filing with County Clerk or OPR:



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

Ownership Disclosure Statement

Attachment 9

**FORM
DS-318**
October 2017

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: 821 SAN ANTONIO PLACE **Project No. For City Use Only:** 8

Project Address: 821 SAN ANTONIO PLACE
SANDIEGO, CA 92106

Specify Form of Ownership/Legal Status (please check):

Corporation Limited Liability -or- General - What State? California Corporate Identification No. SOS#210809910394
 Partnership Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter 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), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of **ANY** person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. Attach additional pages if needed. 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.

Property Owner

Name of Individual: MISENUM LLC Owner Tenant/Lessee Successor Agency
 Street Address: 821 SAN ANTONIO PLACE
 City: SAN DIEGO State: CA Zip: 92106
 Phone No.: 415-697-2344 Fax No.: _____ Email: MEGANNEHB@YAHOO.COM
 Signature: Meganne Houghton Date: 4/11/2022
 Additional pages Attached: Yes No

Applicant

Name of Individual: MISENUM LLC Owner Tenant/Lessee Successor Agency
 Street Address: 821 SAN ANTONIO PLACE
 City: SAN DIEGO State: CA Zip: 92106
 Phone No.: 415-697-2344 Fax No.: _____ Email: MEGANNEHB@YAHOO.COM
 Signature: Meganne Houghton Date: 4/11/2022
 Additional pages Attached: Yes No

Other Financially Interested Persons

Name of Individual: _____ Owner Tenant/Lessee Successor Agency
 Street Address: _____
 City: _____ State: _____ Zip: _____
 Phone No.: _____ Fax No.: _____ Email: _____
 Signature: _____ Date: _____
 Additional pages Attached: Yes No

ATTACHMENT 11

Replacement Home
(Rendering)

View of Proposed Home from San Diego Bay looking south-west

Note: The full height custom bronze windows at both lower and upper levels, the stone facade base with smooth plaster facade at the upper floor and the vertical and horizontal articulation with deep balconies and offset planes.

This east facing facade with its offset planes will utilize the direct sunlight to create a greater visual depth at the facade. The design is intentionally sensitive to each of the four elevations with deep terraced balconies to the east and north, offsetting elevations at the south and articulated volumes to the west.



ATTACHMENT 11

Replacement Home
(Rendering)

View of Proposed Home from San
Diego Bay looking south-west

Note stepping of taller structures
beyond which ascend the topographic
slope up to Rosecrans Street.

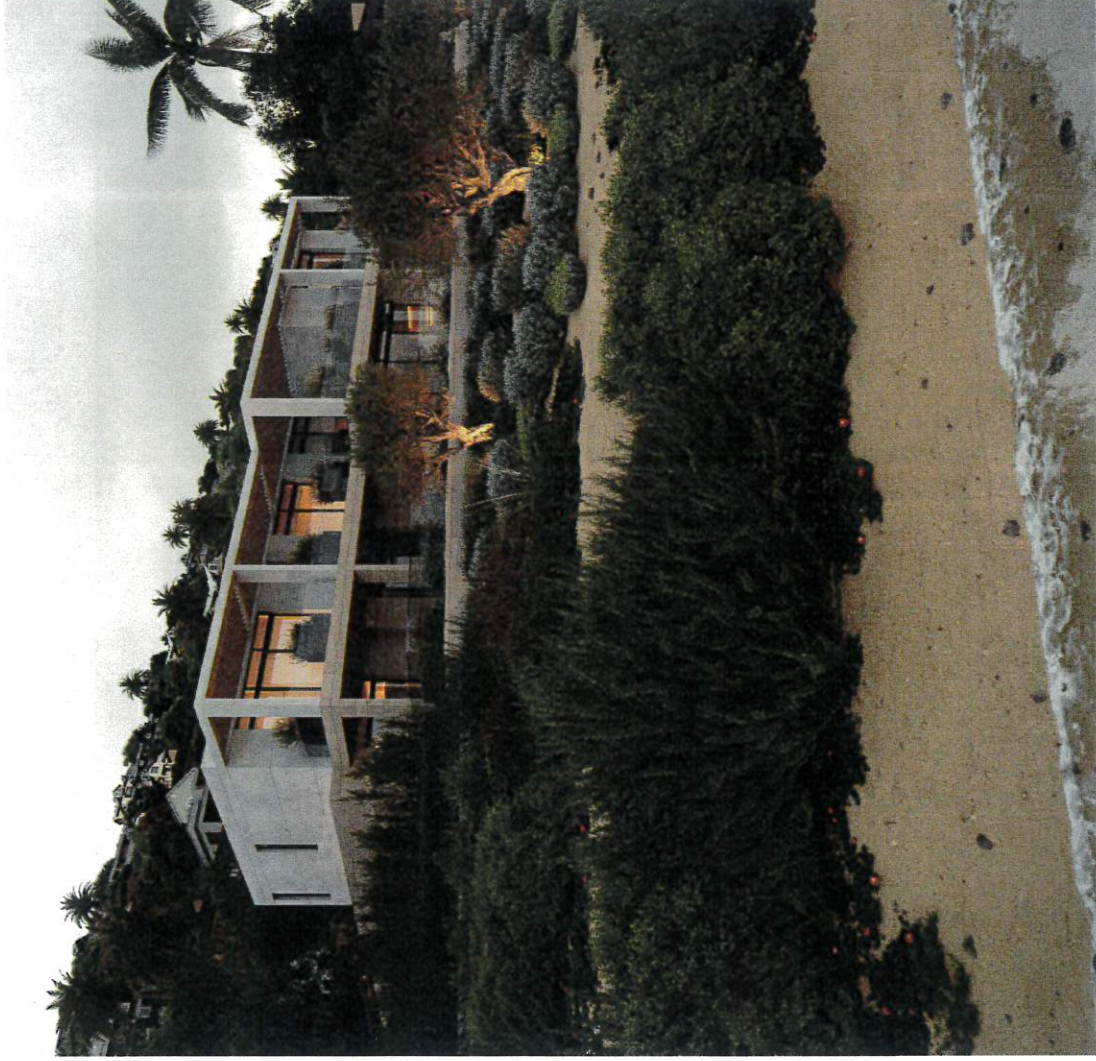


ATTACHMENT 11

Replacement Home

View of Proposed Home from San Diego Bay looking north-west.

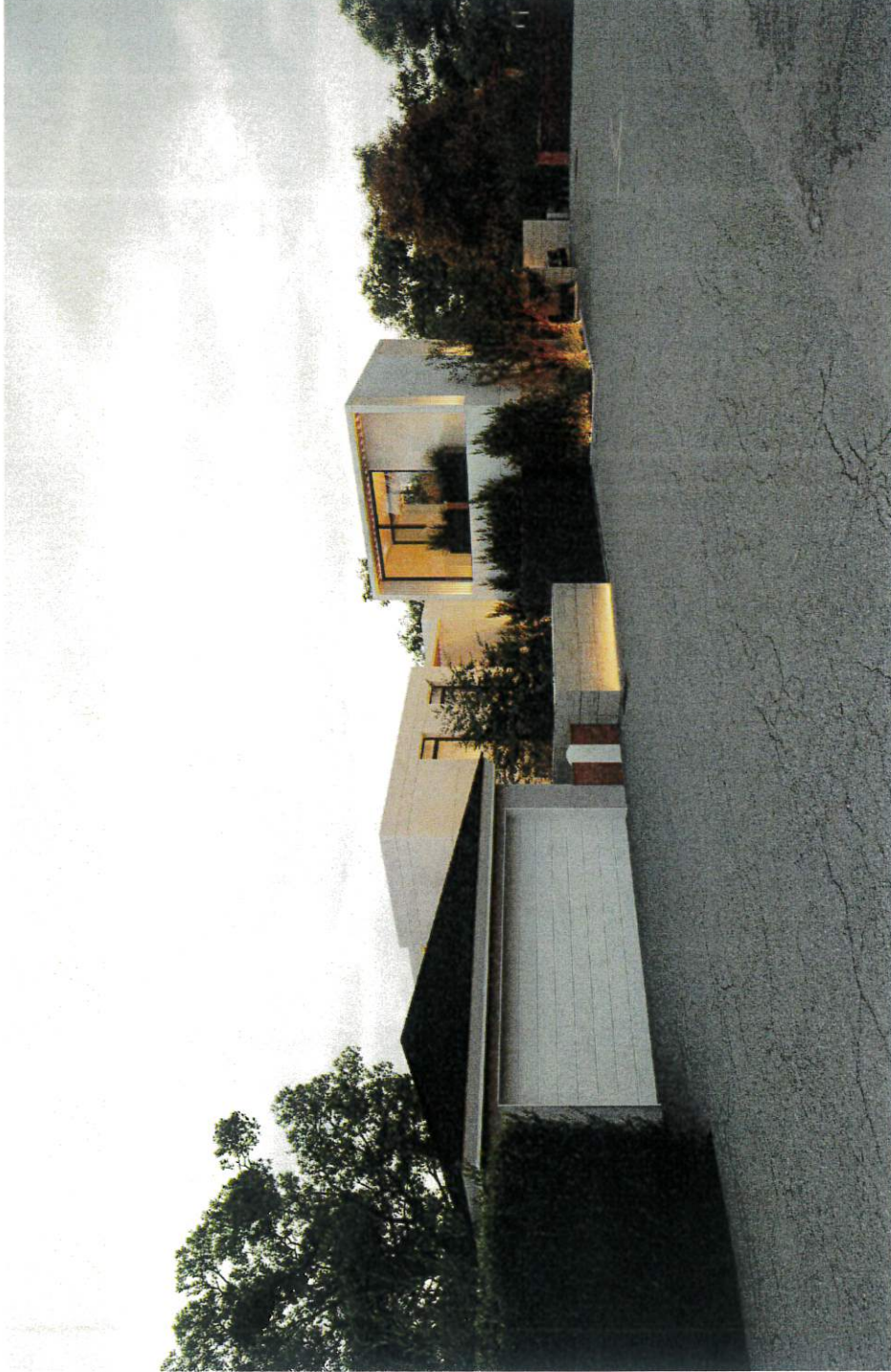
Note stepping of taller structures beyond which ascend the topographic slope up to Rosecrans Street.



ATTACHMENT 11

Replacement Home

View of Proposed Home and ADU
from San Antonio Place (Private
Road) looking south



ATTACHMENT 11

Replacement Home



View of Proposed Home from San Antonio Place (Private Road) looking north-east-



View of Previous Home from San Antonio Place (Private Road) looking north-east-

SAN ANTONIO RESIDENCE

821 SAN ANTONIO PLACE
SAN DIEGO, CA 92106
REV 1 MAY 2023

PATRICK MCINERNEY ASSOCIATES
RIBA, AIA, AIA, AIA
INTER ASSOC AIA
T: 619 994 7991
E: pdm@mcinerney.com

TITLE SHEET	11.0
LAND SURVEYOR	SP1.0
PROPOSED SITE PLAN	A1.0
PROPOSED FOUNDATION PLAN	A2.0
PROPOSED UTILITY LAYOUT PLAN	A3.1
PROPOSED ELEVATIONS (EAST/WEST)	A3.2
PROPOSED ELEVATIONS (SOUTH/NORTH)	A3.3
CROSS SECTION A-A AND B-B	A3.4
	A3.5

MONEYNEY + ASSOCIATES
1834 N. MISSION AVE., SUITE 100
SAN ANTONIO, TX 78207
TEL: 619 994 7881
E: pdm@moneyney.com

SAN ANTONIO RESIDENCE
821 SAN ANTONIO PLACE,
SAN DIEGO, CA 92108

Scale: CIP Application
Date: 12 July 2023
Sheet Title: Title Page

T 1.0

SEPARATE PERMITS REQUIRED	1. NONE AT THIS TIME
DEFERRED PERMITS REQUIRED	1. NONE AT THIS TIME
HAZARDS	GEOLOGIC HAZARD CATEGORY 5Z
ZONING DESIGNATION	RS-47 COASTAL OVERLAY ZONE (NONAPPEALABLE?) AREA WITH HIGH OVERLAY ZONE PARKING IMPACT ZONE COASTAL IMPACT AREA OF THE PARKING IMPACT OVERLAY ZONE LOCAL COASTAL PROGRAM
SCOPE OF WORK	PROPOSED RE-ALIGNMENT OF 6,477 SQ FT (76% OF SINGLE FAMILY RESIDENCE) (GROUND FLOOR / HANGAR) ROOF WITH NEW 6,118 SQ FT TWO-STORY SINGLE FAMILY RESIDENCE WITH TO LEVEL APPROX 980 SQ FT ADU UNIT AND NON DETACHED TWO-CAR GARAGE SCOPE OF WORK TO INCLUDE: 1. EXTENSIVE LANDSCAPE AREAS TO REDUCE THE EXISTING IMPERVIOUS SURFACE AREAS AND DRAMATICALLY INCREASE THE PERVIOUS SURFACE COLLECTION SYSTEM TO 2. REDUCE STORMWATER RUNOFF 3. ATTACHED TWO CAR GARAGE WITH A SEPARATE INCORPORATE SOLAR PHOTOVOLTAIC ARRAY AT THE ROOF LEVEL BELOW THE LEVEL OF THE PROPOSED PARAPET 4. INTEGRATION OF ALL HVAC MECHANICAL AND DUCTWORK TO THE EXISTING MECHANICAL ROOMS 5. NEW WHITE TPO COOL ROOF TO MITIGATE PETROLEUM BASED MATERIAL POLLUTANTS IN STORMWATER RUNOFF 6. REMOVAL OF EXISTING RETAINING / SITE WALLS THE CONSTRUCTION OF NEW SWIMMING POOL 7. REMOVAL OF EXISTING ENCROACHMENTS WITHIN THE FOOT OF SAN DIEGO PROPERTY
EARTHWORK QUANTITIES	CUT QUANTITIES: NONE FILL QUANTITIES: NONE EXPORT: NONE IMPORT: NONE MAX FILL DEPTH: NONE
IMPERVIOUS AREA	A. TOTAL LOT SIZE: 12,485 SQ FT PRIVATE ROAD (PR) B. TOTAL DISTURBANCE AREA: 880 SQ FT PRIVATE ROAD (PR) C. EXISTING AMOUNT OF IMPERVIOUS AREA: 1,184 SQ FT D. EXISTING AMOUNT OF IMPERVIOUS AREA: 10,522 SQ FT (EXCL. PR) E. PROPOSED AMOUNT OF IMPERVIOUS AREA: 5,996 SQ FT F. MAX FLOOR AREA ALLOWED: 6,477 SQ FT G. TOTAL IMPERVIOUS AREA: 5,520 SQ FT (EXCL. PR) H. IMPERVIOUS AREA REDUCED (%): 50.3% I. CREATED AND/OR REPLACED IMPERVIOUS AREA: 4,822 SQ FT CREATED J. TOTAL IMPERVIOUS AREA: 5,520 SQ FT
SUSTAINABLE DEVELOPMENT	GOALS: 1. TO REDUCE THE CITY'S OVERALL CARBON DIOXIDE FOOTPRINT BY IMPROVING ENERGY EFFICIENT MATERIALS. 2. TO BE PREPARED FOR, AND ABLE TO ADAPT TO ADVERSE CLIMATE CHANGE THROUGH THE USE OF SUSTAINABLE MATERIALS. 3. TO BECOME A CITY THAT IS AN INTERNATIONAL MODEL OF SUSTAINABLE DEVELOPMENT AND CONSERVATION.

LIST OF DRAWINGS

TITLE SHEET	11.0
LAND SURVEYOR	SP1.0
PROPOSED SITE PLAN	A1.0
PROPOSED FOUNDATION PLAN	A2.0
PROPOSED UTILITY LAYOUT PLAN	A3.1
PROPOSED ELEVATIONS (EAST/WEST)	A3.2
PROPOSED ELEVATIONS (SOUTH/NORTH)	A3.3
CROSS SECTION A-A AND B-B	A3.4
	A3.5

PROJECT INFORMATION

OWNER
MISERUM LLC
821 SAN ANTONIO PLACE,
SAN DIEGO, CA 92108

SITE ADDRESS
821 SAN ANTONIO PLACE,
SAN DIEGO, CA 92108

CONSTRUCTION
TYPE: V - NON RATED

APN
APN: 925-322-06-06

PROPOSED BUILDING INFORMATION
BUILDING IS TO BE SPRINKLERED IN COMPLIANCE WITH
MPCA 102.

ZONING INFORMATION

ZONE RS-47
GROSS LOT AREA 12,485 SQ FT
FRONT SETBACK 15 FT MIN (SECTION 191.0442(A)
SIDE YARD SETBACK 28' (10' x 3" x .68) = 8'-2"
MIN. SIDE SETBACK 4 FT
MIN. REAR SETBACK 13 FT
MIN. REAR SETBACK HEIGHT 13 FT
MAX ALLOWABLE FAR 6.477 SOFT FAR MAXIMUM
0.4U 12,485 G.L.A. X (82%)

LEGAL DESCRIPTION
LOT DESCRIPTION:
MEMPHIS LOT 177 00094-839887 IN
A PORTION OF THE NORTHERLY 100.00 FEET OF THE SOUTHERLY 210.00 FEET OF LOT 177 OF THE PUEBLO LANDS OF THE SAN DIEGO COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS SHOWN ON A MAP OF SAN ANTONIO PLACE, JAMES PASCOE IN 1970, A COPY OF WHICH MAP IS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 14, 1957 AND IS KNOWN AS MISCELLANEOUS MAP NO. 26.

LOT AREA
12,485 SQ FT

FAR
FLOOR AREA, G.A.U.
MAX FLOOR AREA ALLOWED = 6,477 SQ FT
12,485 G.L.A. X (.52) = 6,477 SQ FT ALLOWABLE FAR
PROPOSED FLOOR AREA = 6,118 SQ FT
LOWER LEVEL: 2,769 SQ FT
UPPER LEVEL: 3,332 SQ FT
TOTAL: 6,118 SQ FT
DETACHED ADU 786 SQ FT

PROJECT SITE MAP

PROJECT TEAM

DESIGNER
NAME: MONEYNEY + ASSOCIATES
ADDRESS: 6711 LA JOLLA BLVD
CITY, STATE, ZIP: SAN DIEGO, CA, 92037
PHONE: 619 994 7881
EMAIL: PM@MONEYNEY.COM
CONTACT: PATRICK MONEYNEY

TITLE 24
NAME: MONEYNEY + ASSOCIATES
ADDRESS: 6711 LA JOLLA BLVD
CITY, STATE, ZIP: SAN DIEGO, CA, 92037
PHONE: 619 994 7881
EMAIL: PM@MONEYNEY.COM
CONTACT: PATRICK MONEYNEY

STRUCTURAL ENGINEER
NAME: PATTERSON ENGINEERING
ADDRESS: 528 FORT STOCKTON DRIVE, STE 201
CITY, STATE, ZIP: SAN DIEGO, CA, 92108
PHONE: 619 594 2800
CONTACT: CURTIS VALEMI PATTERSON

SOILS ENGINEER
NAME: CHRISTIAN WHEELER ENGINEERING
ADDRESS: 3880 HOME AVENUE
CITY, STATE, ZIP: SAN DIEGO, CA, 92106
PHONE: 619 594 2800
CONTACT: DANIEL S. ADLER

NOTES
1. A CERTIFICATE OF SATISFACTORY COMPLETION OF THE CONSTRUCTION SHALL BE OBTAINED FROM THE INSPECTION SERVICES DIVISION.
2. PROPERLY QUALIFIED AND SIGNED COPIES OF THE PROPERTY OWNER / CONTRACTOR AGREEMENT FORM FOR SPECIAL INSPECTION AND CONSTRUCTION MATERIAL TESTING MUST BE SUBMITTED TO THE INSPECTION SERVICES DIVISION PRIOR TO ISSUANCE OF THE PERMIT (TWO SETS).
3. THE DRAWINGS SHOW DESIGN INTENT ONLY. ALL CONSTRUCTION OR PRODUCTION, CONSTRUCTION DETAILS TO BE CONFIRMED BY CONTRACTOR/ MANUFACTURER BY SUBMITTING SHOP DRAWINGS FOR DESIGNER APPROVAL.
4. THE DRAWINGS ARE NOT TO BE SCALED FOR PRODUCTION AND CONSTRUCTION PURPOSES.
5. ALL DISCREPANCIES ON SITE MUST BE REPORTED TO THE DESIGNER FOR COMMENT AND / OR APPROVAL PRIOR TO COMMENCEMENT OF WORK.

OCCUPANCY CLASS
CALIFORNIA BUILDING CODE R-3

GENERAL NOTES
MONEYNEY AND ASSOCIATES EXPRESSLY RESERVES COMMON LAW COPYRIGHT AND OTHER PROPERTY RIGHTS IN THESE PLANS. THESE PLANS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER, NOR ARE THEY TO BE ASSIGNED TO A THIRD PARTY WITHOUT THE WRITTEN CONSENT OF MONEYNEY AND ASSOCIATES LTD.
IN THE EVENT OF UNAUTHORIZED USE OF THESE PLANS BY A THIRD PARTY, THE THIRD PARTY WILL HOLD MONEYNEY AND ASSOCIATES HARMLESS.
ALL DIMENSIONS ARE TO BE CHECKED ON SITE
ANY DISCREPANCIES FOUND WITHIN THESE DRAWINGS ARE TO BE REPORTED TO THE MONEYNEY AND ASSOCIATES PRIOR TO CONSTRUCTION.

GENERAL NOTES
MONEYNEY AND ASSOCIATES EXPRESSLY RESERVES COMMON LAW COPYRIGHT AND OTHER PROPERTY RIGHTS IN THESE PLANS. THESE PLANS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER, NOR ARE THEY TO BE ASSIGNED TO A THIRD PARTY WITHOUT THE WRITTEN CONSENT OF MONEYNEY AND ASSOCIATES LTD.
IN THE EVENT OF UNAUTHORIZED USE OF THESE PLANS BY A THIRD PARTY, THE THIRD PARTY WILL HOLD MONEYNEY AND ASSOCIATES HARMLESS.
ALL DIMENSIONS ARE TO BE CHECKED ON SITE
ANY DISCREPANCIES FOUND WITHIN THESE DRAWINGS ARE TO BE REPORTED TO THE MONEYNEY AND ASSOCIATES PRIOR TO CONSTRUCTION.

TITLE NOTES

- TITLE INFORMATION FOR THIS SURVEY IS FROM LAWRENCE'S TITLE COMPANY PRELIMINARY TITLE REPORT, FILE NO. 31730000, DATED MARCH 22, 2018.
- ① AN EASEMENT FOR PUBLIC BENCH AND RIGHTS INCIDENTAL THEREBY GRANTED TO THE CITY OF SAN DIEGO, A MUNICIPAL CORPORATION, RECORDED APRIL 27, 1967 IN BOOK 608, PAGE 60 OF OFFICIAL RECORDS.
 - ② AN EASEMENT FOR PUBLIC UTILITIES, HIGHWAYS AND EGRESS, RIGHTS AND APPURTENANCES GRANTED TO SAN DIEGO ELECTRIC COMPANY, RECORDED MAY 19, 1939 IN BOOK 811, PAGE 40 OF OFFICIAL RECORDS.
 - ③ AN EASEMENT FOR PUBLIC UTILITIES, HIGHWAYS AND EGRESS, RIGHTS AND APPURTENANCES GRANTED TO SAN DIEGO CONSOLIDATED GAS AND ELECTRIC COMPANY, RECORDED MAY 19, 1939 IN BOOK 811, PAGE 60 OF OFFICIAL RECORDS.
 - ④ AN EASEMENT FOR ROAD AND PUBLIC UTILITY AND RIGHTS INCIDENTAL THEREBY GRANTED TO MILWAUKEE L. CORP., RECORDED MAY 6, 1967 IN BOOK 654, PAGE 872 OF OFFICIAL RECORDS.

LEGAL DESCRIPTION

PARCEL 1:
 A PORTION OF LOT 177 OF THE RABELO LANDS OF SAN DIEGO, IN THE COUNTY OF SAN DIEGO, CALIFORNIA, AND A PORTION OF LOT 178 OF SAID COUNTY, WHICH IS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, NORTHERLY CORNER OF THE INTERSECTION OF SAN ANTONIO PLACE AND SAN ANTONIO PLACE, AND IS KNOWN AS MISCELLANEOUS MAP NO. 36. SEE GRANT DEED FOR FULL LEGAL DESCRIPTION.

PARCELS 2-6 ARE EASEMENTS FOR RIGHT OF WAY, ROAD PURPOSES AND ADDRESS AND EGRESS. SEE GRANT DEED FOR FULL LEGAL DESCRIPTION.

NOTES

1. EASEMENTS, AGREEMENTS, COVENANTS AND OTHER MATTERS WHICH AFFECT THIS PROPERTY MAY EXIST, BUT CANNOT BE PLOTTED. SEE TITLE REPORT.
2. THE PRECISE LOCATION OF UNDERGROUND UTILITIES CANNOT BE DETERMINED IN THIS SURVEY. THE LOCATION OF UNDERGROUND UTILITY COMPANIES WILL NEED TO BE MARKED OUT AT THE UTILITY LOCATIONS.
3. THE ADDRESS FOR THE SUBJECT PROPERTY IS 821 SAN ANTONIO PLACE, SAN DIEGO, CALIFORNIA.
4. THE SUBJECT PARCELS MARKED FOR THE SUBJECT PROPERTY IS 502-1028-05.
5. THE TOTAL AREA OF THE SUBJECT PARCELS IS 0.28 ACRES.

BENCHMARK

CITY OF SAN DIEGO BENCHMARK LOCATED AT THE NORTHEASTERN CORNER OF REEDS HAVEN STREET AND KORN WAY. ELEVATION 28.55' FROM SEA LEVEL (NAD 83).



PATRICK F. CHRISTENSEN
 PATRICK F. CHRISTENSEN, P.L.S., 7208
 11-16-19
 DATE

MCNERNEY + ASSOCIATES
 BREKKA RAY ANDERSON
 INTER ASSOCIATES
 T. 619 994 7991
 E. pdm@mcnerney.com

SAN ANTONIO RESIDENCE
 821 SAN ANTONIO PLACE
 SAN DIEGO, CA 92106

Prepared By:
 CHRISTENSEN ENGINEERING & SURVEYING
 7888 SILVERTON AVENUE, SUITE J, J
 SAN DIEGO, CA 92160
 PHONE (619) 271-9991 EMAIL: CE@SANDSAIL.COM

Project Address:
 821 SAN ANTONIO PLACE
 SAN DIEGO, CA 92106

Project Name:
 MISSOURI LLC

Revision 6:
 Revision 4:
 Revision 3:
 Revision 1:

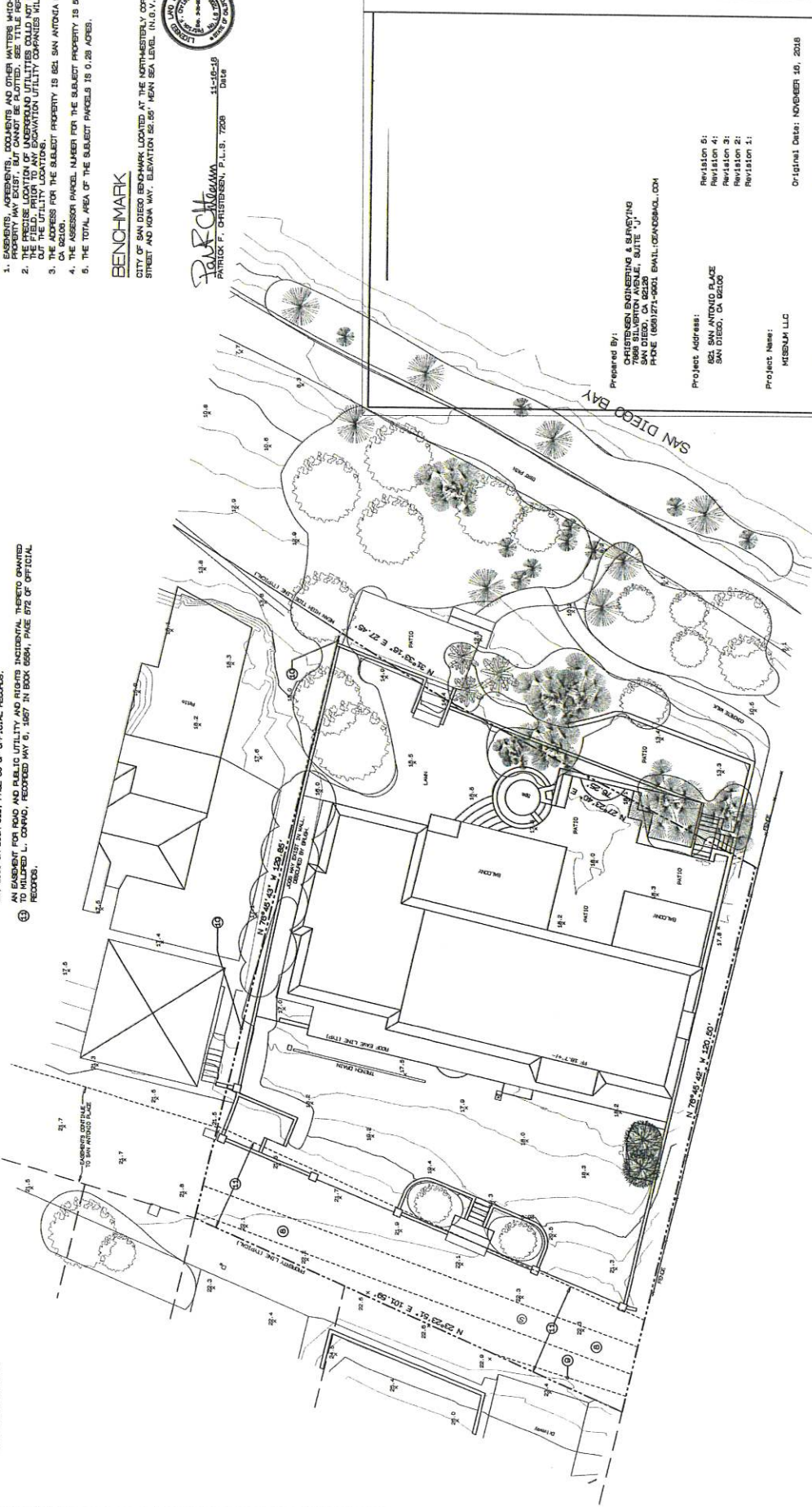
Original Date: NOVEMBER 16, 2018
 Sheet 1 of 1
 0004

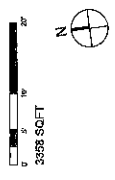
TOPOGRAPHIC MAP

SP 1.0

CE & S
 CHRISTENSEN ENGINEERING & SURVEYING
 7888 SILVERTON AVENUE, SUITE J, J
 SAN DIEGO, CALIFORNIA 92160
 TELEPHONE: (619) 271-9991
 EMAIL: CE@SANDSAIL.COM

SCALE: 1" = 10'
 CONTOUR INTERVAL: 1'

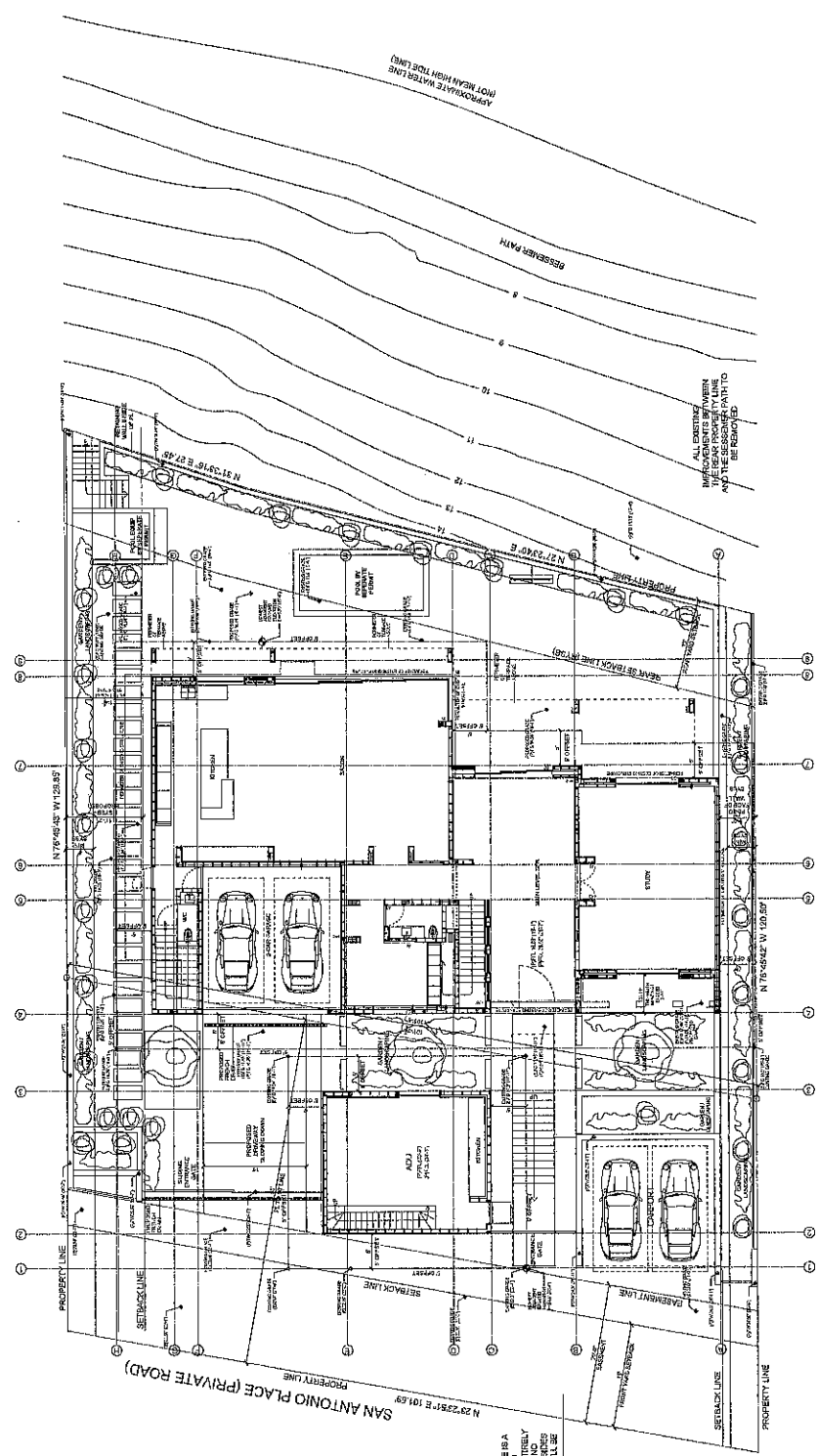




SAN ANTONIO RESIDENCE

821 SAN ANTONIO PLACE
SAN DIEGO, CA 92108

MCINERNEY + ASSOCIATES
 RISA ARA, AIA/PL
 INTER ASSOC AIA
 T: 619 984 7291
 E: pmc@mcinerney.com



SAN ANTONIO PLACE IS A
 PRIVATE ROAD AND
 IT IS CURRENTLY ENTIRELY
 UNIMPROVED AND IS
 BEING PROPOSED AS A
 PRIVATE ROAD. ALL
 RED PAVED AREAS
 SHOWN ARE
 TO BE ADDED.

ATTACHMENT 12

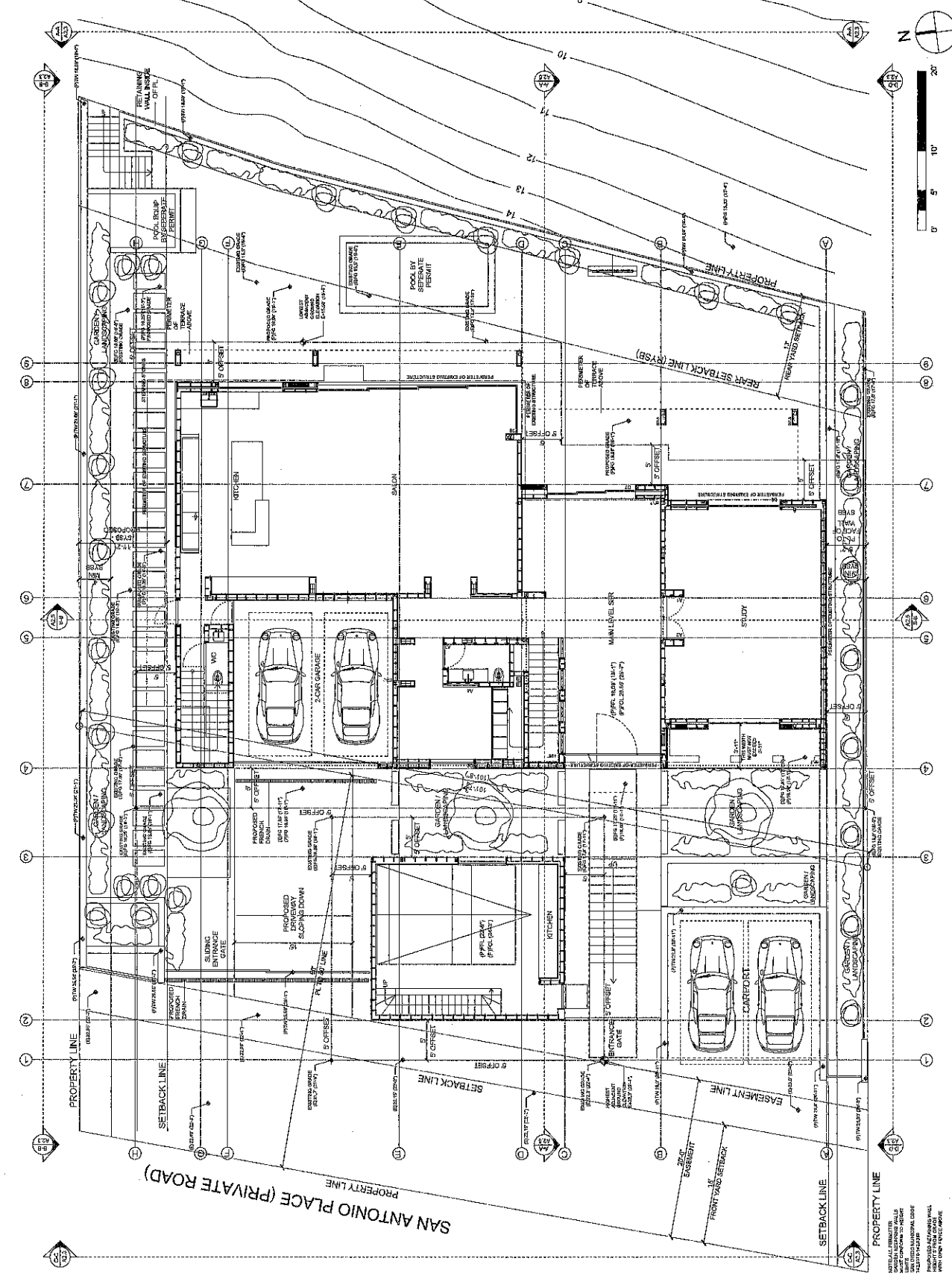
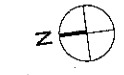
A
2.0

SAN ANTONIO RESIDENCE
821 SAN ANTONIO PLACE
SAN DIEGO, CA 92108

MCJERNNEY + ASSOCIATES
RICK AEB AND PL
T. 619 584 7991
E. pdmcjernney@mac.com

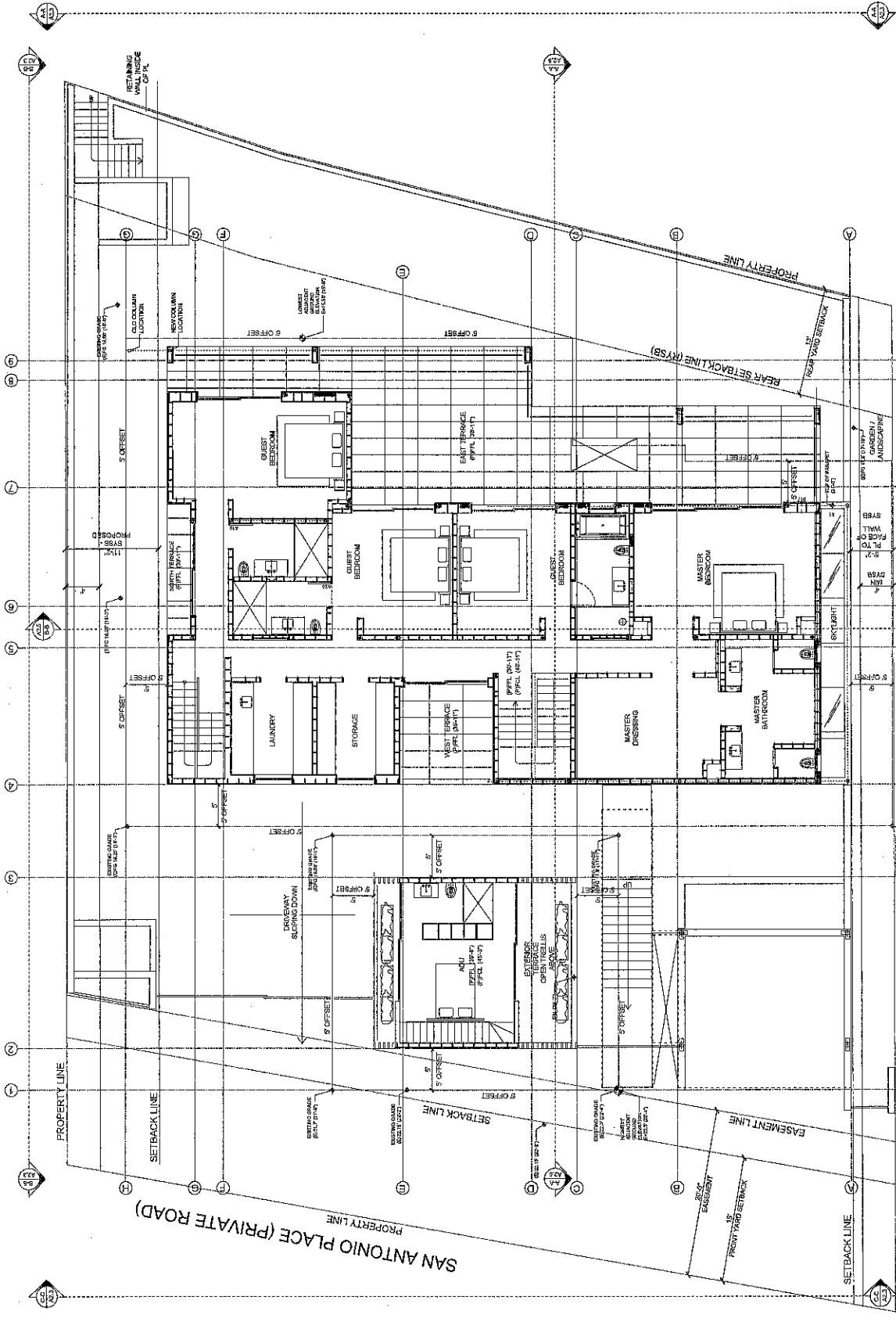
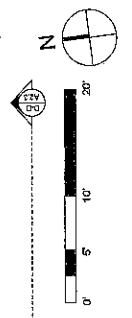
SHOWN: CDR APPLICATION
DATE: 12 JAN 2023
PROPOSED LOWER
PLAN

ATTACHMENT 12

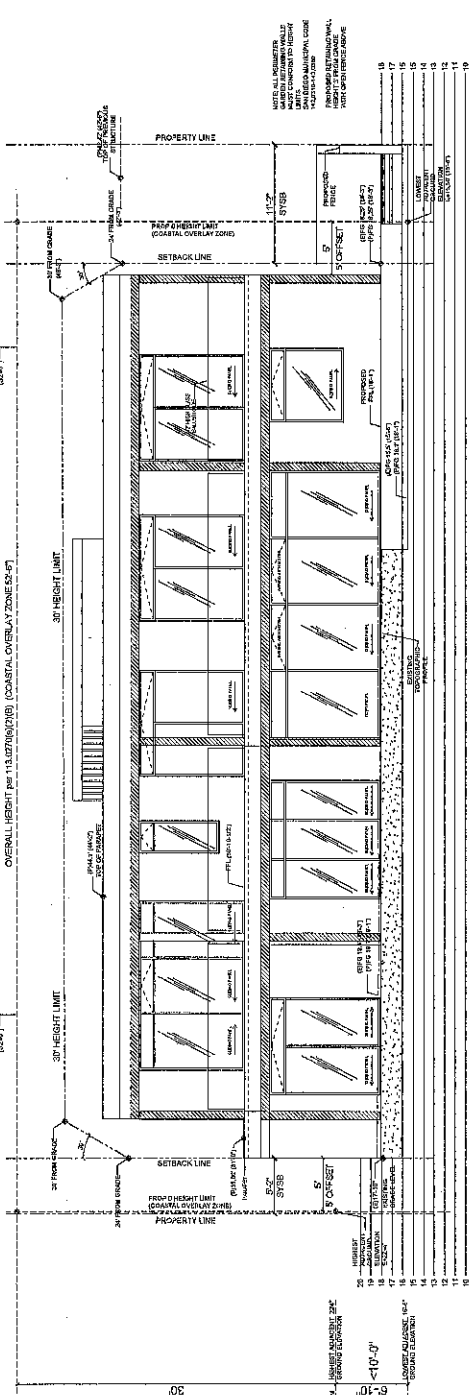


PROPERTY LINE
SETBACK LINE
EASEMENT LINE
FRONT YARD SETBACK
PROPERTY LINE

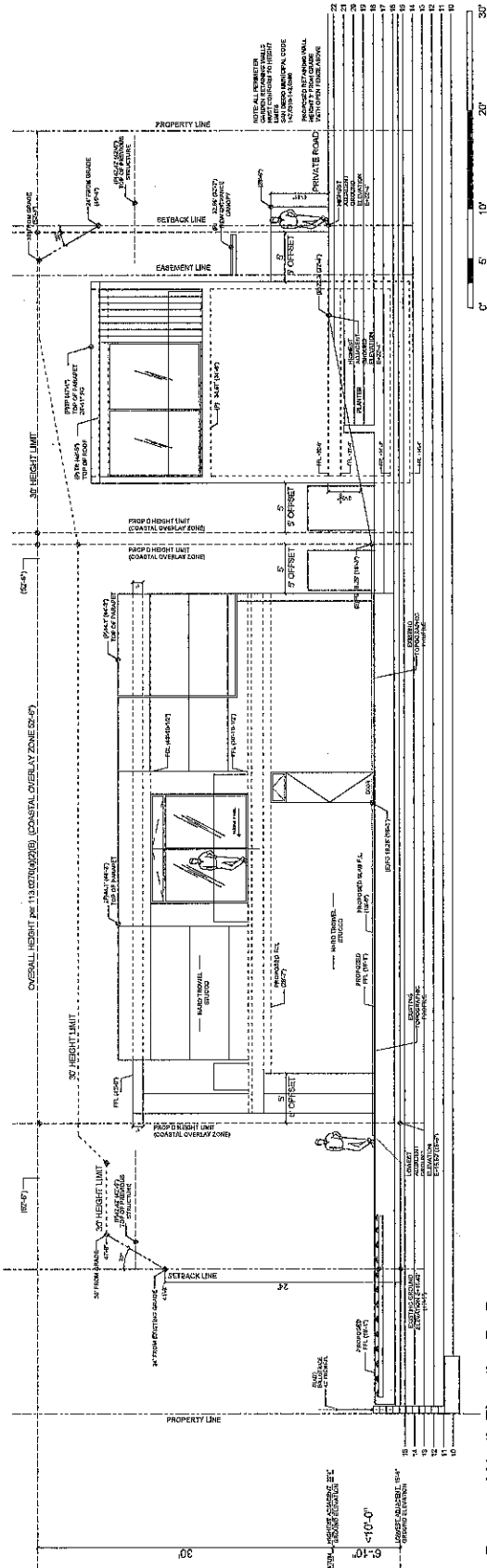
NOT TO SCALE
ALL DIMENSIONS ARE APPROXIMATE
AND SUBJECT TO FIELD VERIFICATION
PROPOSED SETBACKS AND EASEMENTS
ARE SHOWN FOR INFORMATION ONLY
AND DO NOT CONSTITUTE A GUARANTEE



ALL DIMENSIONS SHOWN ARE APPROXIMATE AND SUBJECT TO FIELD VERIFICATION.
ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.



Proposed East Elevation A - A
 $\frac{3}{8}'' = 1'-0''$

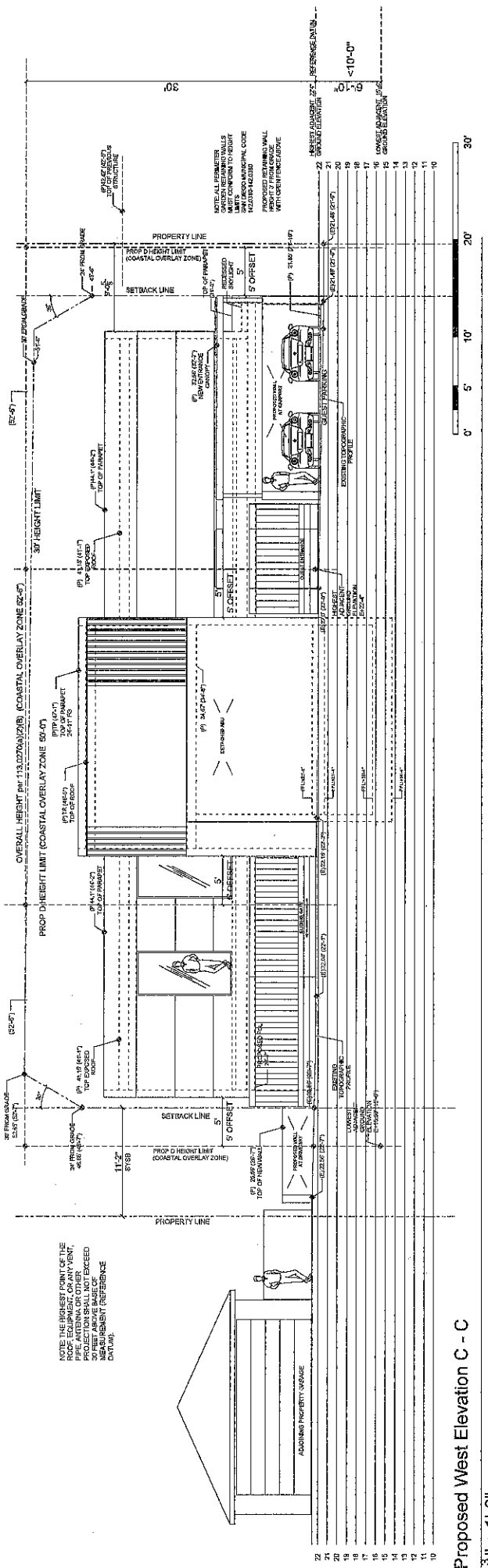


Proposed North Elevation B - B
 $\frac{3}{8}'' = 1'-0''$

MCMINERNEY + ASSOCIATES
 RIBA, ARA, AADIP
 INTER ASSOC MA
 T. 619.554.7951
 F. pml@mny@mac.com

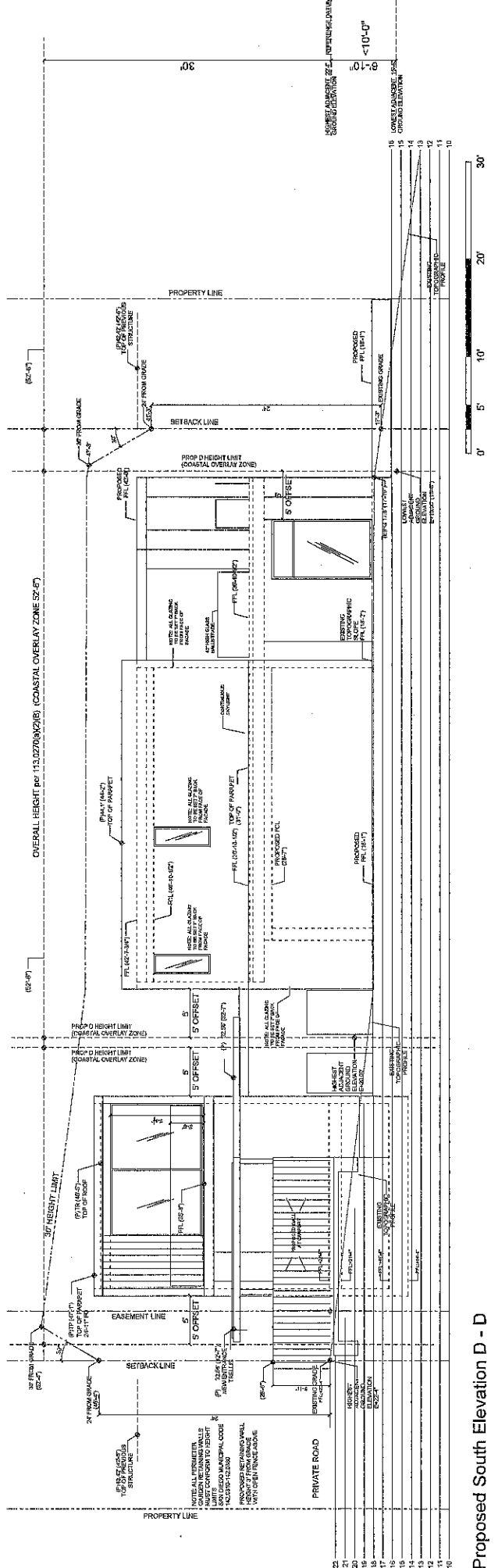
SAN ANTONIO RESIDENCE
 821 SAN ANTONIO PLACE
 SAN DIEGO, CA 92106

Scale: CDP Application
 Date: 25 July 2024
 Sheet No.: Proposed Elevation B



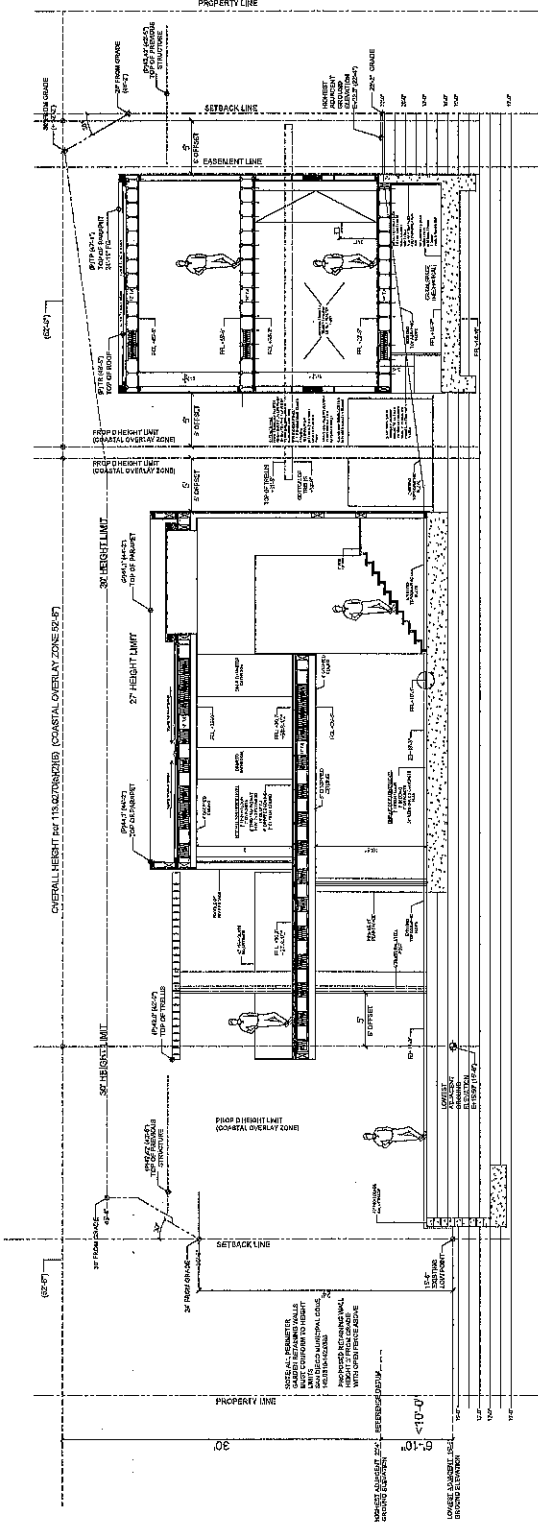
Proposed West Elevation C - C

3" = 1'-0"



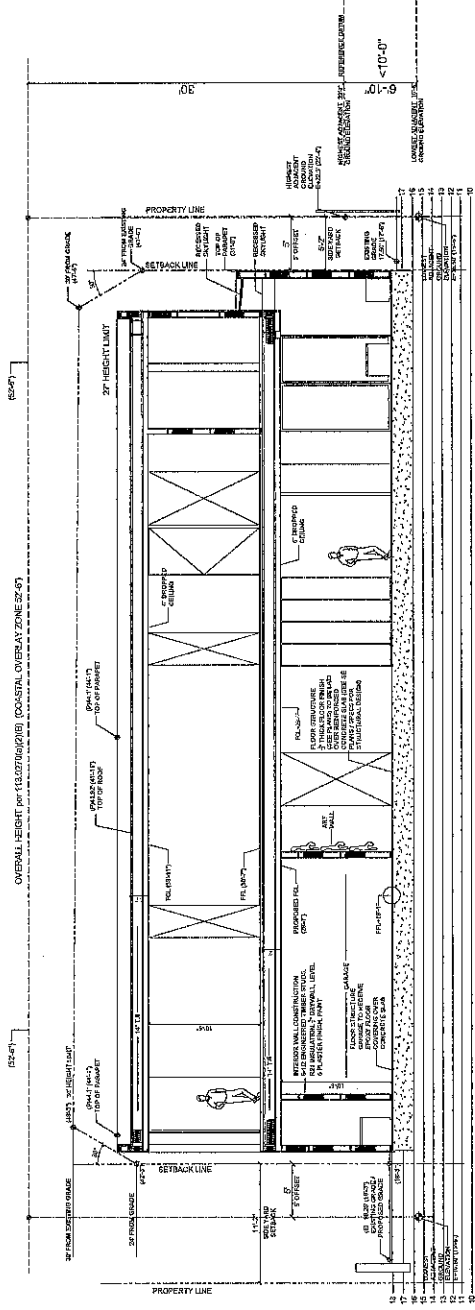
Proposed South Elevation D - D

3" = 1'-0"



Proposed Cross Section A - A

$\frac{3}{16}'' = 1'-0''$



Proposed Cross Section B - B

$\frac{3}{16}'' = 1'-0''$

ATTACHMENT 13
DOC# 2018-0154503



RECORDING REQUESTED BY:
Lawyers Title Company

Apr 19, 2018 08:00 AM
OFFICIAL RECORDS
Ernest J. Dronenburg, Jr.,
SAN DIEGO COUNTY RECORDER
FEES: \$6,642.00 (SB2 Atkins: \$0.00)
PCOR: YES
PAGES: 7

When Recorded Mail Document
and Tax Statement To:
Misenum, LLC, a California
Limited Liability Company
P.O. Box 766
Tahoma, CA 96142

Title No.: 317380860

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Escrow Order No.: 73718003013

~~Exempt from fee per CC 27388.4 (a)(2), recorded in connection with a transfer subject to
the imposition of documentary transfer tax.~~

APN/Parcel ID(s): 532-322-05-00

GRANT DEED

The undersigned grantor(s) declare(s)

- This transfer is exempt from the documentary transfer tax.
 - The documentary transfer tax is \$6,600.00 and is computed on:
 - the full value of the interest or property conveyed.
 - the full value less the liens or encumbrances remaining thereon at the time of sale.
- The property is located in the City of San Diego.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Jerold D. Hall and Jill G. Hall, Trustees of The Jerold D. and Jill G. Hall Family Trust dated May 3, 2001

hereby GRANT(S) to Misenum, LLC, a California Limited Liability Company

the following described real property in the City of San Diego, County of San Diego, State of California:

For APN/Parcel ID(s): 532-322-05-00

COMPLETE LEGAL DESCRIPTION ATTACHED HERETO & MADE A PART HEREOF.

MORE COMMONLY KNOWN AS 821 SAN ANTONIO PL, SAN DIEGO, CA 92106

GRANT DEED
(continued)

APN/Parcel ID(s): 532-322-05-00

Dated: March 28, 2018

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

The Jerold D. and Jill G. Hall Family Trust dated May 3, 2001

BY: [Signature]
Jerold D. Hall
Trustee

BY: [Signature]
Jill G. Hall
Trustee

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of Ca
County of San Diego

On 3/30/2018 before me, Tina M. Sibley Vanderware, Notary Public,
(here insert name and title of the officer)

personally appeared Jerold D. Hall
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]
Signature

(Seal)



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San Diego

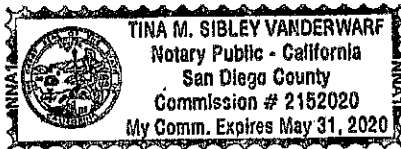
On 4/2/2018 before me, Tina M. Sibley Vanderwarf, Notary Public

personally appeared Jill G. Hall Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature] Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Grant Deed Document Date: Number of Pages: Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

- Signer's Name: Corporate Officer - Title(s): Partner - Limited General Individual Attorney In Fact Trustee Guardian or Conservator Other: Signer is Representing:

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EXHIBIT "A"

All that certain real property situated in the County of San Diego, State of California, described as follows:

Parcel 1:

The Northerly 100.00 Feet of the Southerly 200.00 Feet of Lot 177 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Map Thereof made by James Pascoe in 1870, a copy of which Map is filed in the Office of the County Recorder of said County, November 14, 1921, and is known as Miscellaneous Maps No. 36, the Northerly and Southerly lines of the above described property being drawn parallel with a distant respectively 200.00 Feet and 100.00 Feet at right angles Northerly from the Southerly line of said Lot.

Excepting therefrom that portion thereof lying Westerly of line described as follows:

Beginning at the most Westerly corner of said Pueblo Lot 177; thence along the Westerly line of said Pueblo Lot North $12^{\circ} 44'$ East to an intersection with the Northerly line of the Southerly 100.00 Feet of said Pueblo Lot; thence $77^{\circ} 13' 20''$ East along the Northerly line of said 100.00 Feet a distance of 117.00 Feet to the True Point of Beginning; thence North $22^{\circ} 56' 14''$ East, 101.61 Feet to the Northerly line of the Southerly 200.00 Feet of said Pueblo Lot.

Also excepting from said Property all that portion lying below the mean high tide line of the Bay of San Diego.

Parcel 2:

An Easement for Right of Way and Road Purposes through, over, along and across and strip of land 20.00 Feet in width, situated in Pueblo Lot 177 of the Pueblo Lands of San Diego, in the County of San Diego, State of California, according to Map thereof by James Pascoe in 1870, the centerline of said 20.00 Foot strip of land being described as follows:

Beginning at the most Westerly corner of said Pueblo Lot 177; thence along the Northwesterly line of said Lot 177, being the centerline of Rosecrans Street, as same now exists, North $12^{\circ} 44'$ East, 200.00 Feet; thence South $77^{\circ} 13' 20''$ East, 145.01 Feet to the True Point of Beginning; thence North $14^{\circ} 55' 45''$ East, 100.12 Feet to the most Southerly corner of Lot 28 of Yacht Club Terrace, according to Map Thereof No. 2224, filed in the Office of the County Recorder of San Diego County, February 2, 1938.

ATTACHMENT 13

File No: 317380860

Said Easement and Right of Way as limited to the sole use and benefit of the owners herein and their heirs and assigns as such owners of the Southerly 300.00 Feet of said Pueblo Lot 177, and also limited to the sole and exclusive use of said Real Property.

Parcel 3:

An Easement and Right of Way for Ingress and Egress across a strip of land 30.00 Feet in width, the centerline of said 30.00 Foot strip of land being described as follows:

Beginning at the most Southerly corner of Lot 28 of Yacht Club Terrace as per Map No. 2224, filed in the Office of the County Recorder of San Diego County, February 2, 1938, said Point of Beginning being also the most Westerly corner of Lot 8 of said Yacht Club Terrace; thence North $24^{\circ} 32' 10''$ East along the line Common to Lot(s) 8, 27 and 28 of said Yacht Club Terrace to an intersection with the Southerly line of San Antonio Place.

Said Easement and Right of Way is limited to the sole use and benefit of the owners herein and their heirs and assigns as such owners of said Southerly 300.00 Feet of said Pueblo Lot 177 and also limited to the sole and exclusive use of said Real Property.

Said Easement has been limited by judgment filed April 20, 2007 in the action of Crippen vs. Monroe to Superior Court of the State of California, County of San Diego, Case No. GIC 848288, recorded May 18, 2007, as Instrument/Document No. 2007-0339835 of Official Records, San Diego County, California.

Parcel 4:

An easement for Ingress and egress over all that portion(s) of Lot(s) 8, 27 and 28 of Yacht Club Terrace in the City of San Diego, County of San Diego, State of California, according to the Map Thereof No. 2224, filed in the Office of the County Recorder of said San Diego County, November 29, 1937, more particularly described as follows:

Beginning at the boundary corner common to said Lot(s) 8 and 27, being also a point on the right of way of San Antonio Place as dedicated to public use on said Map 2224; thence Easterly along the Northerly line of said Lot 8, being also the right of way of said Antonio Place, along an arc, concave Northerly, having a radius of 35.00 feet, through a central angle of $15^{\circ} 25' 38''$, a distance of 9.42 feet, to a point on said right of way, a radial line through which bears South $9^{\circ} 06' 24''$ West and hereon referred to as Point "A"; thence leaving said Northerly line and right of way, South $27^{\circ} 21' 24''$ West, a distance of 50.81 feet to a point on the Westerly face of the concrete curb, as it currently exists and as depicted on the attached drawing entitled "Roadway Exhibit", and hereon referred to as Point "B"; thence Southerly along the face of said curb, South $21^{\circ} 54' 25''$ West, a distance of 37.28 feet to the beginning of a curve in said curb, concave Easterly

and having a radius of approximately one foot; thence Southerly, leaving said curb line, South $13^{\circ}24'44''$ West, a distance of 6.68 feet to a point on the Southerly line of said Lot 8, said point being also the Northerly terminus of the Easterly line of an easement for right of way and road purposes, 20 feet in width, lying Southerly of said Lot 8 and described in various deeds of record; thence Westerly along the Southerly line of said Lot 8 North $77^{\circ}13'38''$ West, a distance of 10.01 feet to the Southwest corner thereof, being also the Southeast corner of said Lot 28; thence Westerly along the Southerly line of said Lot 28, North $77^{\circ}13'38''$ West a distance of 10.00 feet to the face of an existing block retaining wall as it currently exists and as depicted on said attached drawing; thence leaving said Southerly line, Northerly along the face of said block retaining wall, North $20^{\circ}17'49''$ East, a distance of 11.39 feet; thence South $71^{\circ}53'46''$ East a distance of 1.09 feet to an intersection with a line 18.00 feet Westerly of, measured at right angles, and parallel to, the aforementioned existing concrete curb line; thence Northerly along said parallel line, North $21^{\circ}54'25''$ East, a distance of 39.28 feet; thence leaving said parallel line, North $25^{\circ}19'09''$ East, a distance of 48.33 to a point on the Southerly right of way of San Antonio Place, 20.00 feet Westerly of Point "A", measured along the chord, said line also passing through the intersection of the property line common to said Lot(s) 27 and 28 with a line 19.00 feet Westerly, measured at right angles, of the line between Point(s) "A" and "B" as described above; thence Easterly along the line of said Lot 27, being the right of way of said San Antonio Place, along an arc, concave Northerly, having a radius of 35.00 feet, through a central angle of $17^{\circ}46'37''$, a distance of 10.86 feet, to the Point of Beginning.

Said Easement has been limited by judgment filed September 26, 2006 in the action of Crippen, et al. vs. Jope, et al., to Superior Court of the State of California, County of San Diego, Case No. 37-2008-00092549-Credit Union-OR-CTL, recorded October 19, 2010, as Instrument/Document No. 2010-0561931 of Official Records, San Diego County, California.

Parcel 5:

An easement for ingress and egress over that portion of the right of way of San Antonio Place as dedicated to Public Use on said Map 2224, lying Southerly of the existing curb line and its prolongation, and more particularly described as follows:

A strip of land 20.00 feet in width, lying 10.00 feet each side, measured at right angles, of the following described line:

Commencing at the Northerly boundary corner common to said Lot(s) 8 and 37, being also a point on the right of way of said San Antonio Place; thence Westerly along said right of way, and boundary of said Lot 27, being an arc concave Northerly having a radius of 35.00 feet, through a central angle of $1^{\circ}10'43''$, a distance of 0.72 feet to the True Point of Beginning; thence radial to said curve, North $25^{\circ}42'45''$ East, a distance of 6 (six) feet, to the Point of Terminus.

ATTACHMENT 13

File No: 317380860

The sidelines of said strip of land to be lengthened or shortened to intersect the Southerly right of way of San Antonio Place on the South, and the Southerly edge of the existing curb line on the North.

Said Easement has been limited by judgment filed September 26, 2006 in the action of Crippen, et al. vs. Jope, et al., to Superior Court of the State of California, County of San Diego, Case No. 37-2008-00092549-Credit Union-OR-CTL, recorded October 19, 2010, as Instrument/Document No. 2010-0561931 of Official Records, San Diego County, California.

Assessor's Parcel Number: 532-322-05-00

