

**From:** [Hoppe, Christian](#)  
**To:** [DSD HearingOfficer](#)  
**Cc:** [MacKinnon, Jeanne](#); [Osborn, Sara](#)  
**Subject:** FW: 825 Rockaway Appeal PRJ 1067750 CED 0515104  
**Date:** Tuesday, May 6, 2025 3:40:09 PM  
**Attachments:** [image001.png](#)  
[Rockaway front gate.pdf](#)  
[Rockaway demo 2.pdf](#)  
[Rockaway gate 2.pdf](#)  
[Rockaway gate demo.pdf](#)  
[Rockaway gate construction.pdf](#)  
[819 ROCKAWAY CT McNEILL RECORD OF SURVEY.pdf](#)  
[McNEILL PLAT MAP.pdf](#)

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Good afternoon,

This was sent over regarding tomorrow's hearing.

**Christian Hoppe**

Development Project Manager  
City of San Diego  
Project Management Division  
Development Services Department  
619-446-5293  
[SanDiego.gov/DSD](http://SanDiego.gov/DSD)

**Need help?** Book a [free virtual appointment](#) to schedule assistance from DSD staff.

**Need to contact my supervisor for a second opinion?**

If you disagree with a staff member's code interpretation, you can request a second opinion from the supervisor. Contact Development Project Manager Sara Osborn at 619-446-5381 and [SOsborn@sandiego.gov](mailto:SOsborn@sandiego.gov).

**How long do permits take?**

See [permit processing timelines](#) on our website. These are real time averages for Intake, Review and Submittal.

**Stay Connected**

Visit [sandiego.gov/dsd-email](http://sandiego.gov/dsd-email) to sign up for the latest news and updates.  
Listen to [City in Motion](#), our dedicated podcast for DSD services, staff and resources.

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**From:** Mike McNeill <mike.mcneill@prudential.com>  
**Sent:** Tuesday, May 6, 2025 2:04 PM  
**To:** Hoppe, Christian <CHoppe@sandiego.gov>; CLK Hearings <HEARINGS1@sandiego.gov>  
**Cc:** Mike <mcneillsd@gmail.com>

**Subject:** [EXTERNAL] FW: 825 Rockaway Appeal PRJ 1067750 CED 0515104

**\*\*This email came from an external source. Be cautious about clicking on any links in this email or opening attachments.\*\***

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Christian, can you please make sure the photos of the construction as well as the PLAT MAP are included in the hearing documents. I will be bringing hard copies but it would be easier if accessible electronically for explanation purposes. I am sure this will be explained tomorrow, but it certainly seems to me that THEY are asking for a rubber stamp for non-permitted construction done by an unlicensed contractor so they can put this code compliance violation behind them. It would seem they have no intention of demolishing the existing structure that is non compliant and their roof deck is already built? Please confirm these items will be in the record prior to the hearing. Thanks!



**Mike McNeill CLU®, ChFC® | Financial Advisor | Prudential Advisors**

CA Insurance License Number 0813447

AR Insurance License Number 2547778

4538 Cass Street, San Diego, CA 92109

T 858-272-7997 | C 858-688-3345 | F 858-272-7930 |

[mike.mcneill@prudential.com](mailto:mike.mcneill@prudential.com)

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R. OF S. MAP NO.

SHEET 1 OF 1 SHEET

RECORD OF SURVEY OF

LOT "D" IN BLOCK 192 OF MISSION BEACH IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1651, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 14, 1914, AS DESCRIBED IN GRANT DEED RECORDED OCTOBER 17, 2001 AS DOCUMENT NO. 2001-0752119 O.R.

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CENTERLINE OF ROCKAWAY COURT BETWEEN MISSION BOULEVARD AND BAYSIDE WALK AS SHOWN ON RECORD OF SURVEY MAP NO. 9833, I.E. N 81°15'28" E

LEGEND

- ( ) INDICATES RECORD DATA PER MISSION BEACH, MAP NO. 1651  
([ ]) INDICATES RECORD CALCULATED DATA PER MISSION BEACH, MAP NO. 1651  
[ ] INDICATES RECORD DATA PER RECORD OF SURVEY MAP NO. 9833  
[[ ]] INDICATES RECORD DATA PER R.O.S. NO. 25040  
{ } INDICATES RECORD DATA PER 7214-L MISSION BEACH RESOLUTION 92505 DATED JANUARY 25, 1949 AND/OR CTPS (CITY TIE POINT SHEET) 1250  
◀ ▶ INDICATES RECORD DATA PER RECORD OF SURVEY MAP NO. 17371  
■ INDICATES FOUND LEAD AND DISC STAMPED "SD CITY SURVEYOR" PER CR 39841 AND R.O.S. 25040 UNLESS OTHERWISE NOTED  
● INDICATES FOUND LEAD AND DISC STAMPED "LS 4324" PER R.O.S. 17371 OR R.O.S. 25040 AS NOTED  
◆ INDICATES FOUND LEAD AND DISC STAMPED "LS 3168" PER CR 18548, CR 19458 AND R.O.S. 20540  
● INDICATES FOUND LEAD AND DISC STAMPED "SAN DIEGO CITY ENGR" PER R.O.S. 17585  
▲ INDICATES FOUND STREET MONUMENT W/ 2½" BRASS DISC + PUNCH MARK / CHSLD CROSS PER R.O.S. 17371 AND R.O.S. 25040  
◎ INDICATES FOUND 2" BRASS DISC STAMPED "LS 4324" PER R.O.S. 17371 AND R.O.S. 25040  
▲ INDICATES FOUND LEAD AND DISC STAMPED "CITY ENGINEER" AS NOTED  
◎ INDICATES FOUND LEAD AND TACK HOLE PER R.O.S. 25040 OR R.O.S. 17371 - SEE CR 5671  
△ INDICATES FOUND LEAD AND DISC STAMPED "LS 5717" PER R.O.S. 25040  
□ INDICATES SET LEAD AND DISC STAMPED "LS 8259" ON CONCRETE  
□ INDICATES SET 3/4" x 48" IRON PIPE AND DISC STAMPED "LS 8259"

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYOR'S ACT AT THE REQUEST OF MICHAEL McNEILL IN JANUARY OF 2024

MICHAEL K. CLYBURN L.S. NO. 8259 DATE

COUNTY SURVEYOR'S STATEMENT

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8766 OF THE PROFESSIONAL LAND SURVEYOR'S ACT THIS DAY OF , 2024

BRYAN A. BRADWAY P.L.S. 8384 FOR THE COUNTY SURVEYOR

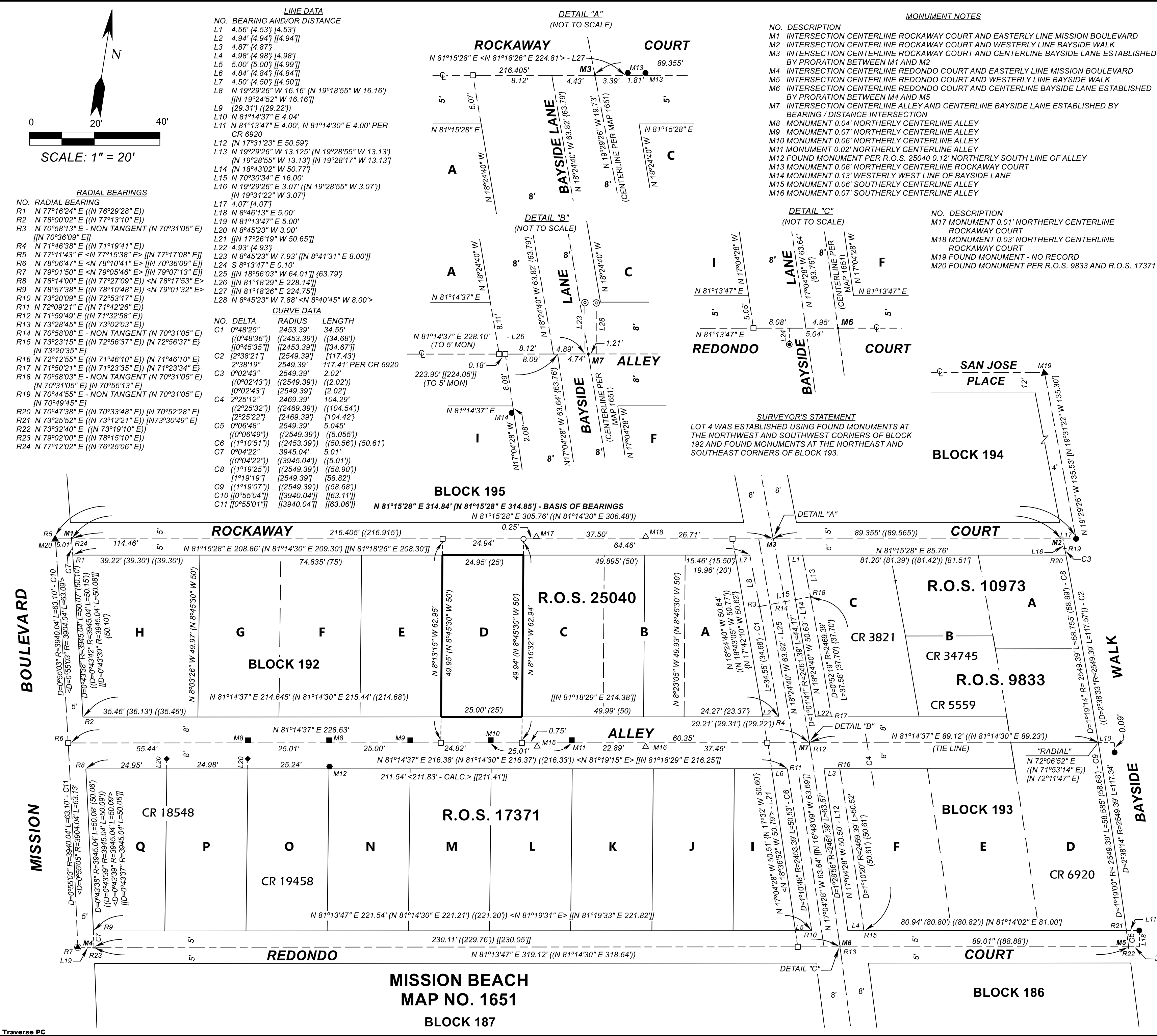
RECORDER'S STATEMENT

FILE NO. FILED THIS DAY OF , 2024, AT O'CLOCK IN BOOK OF RECORD OF SURVEY MAPS AT PAGE , AT THE REQUEST OF MICHAEL K. CLYBURN.

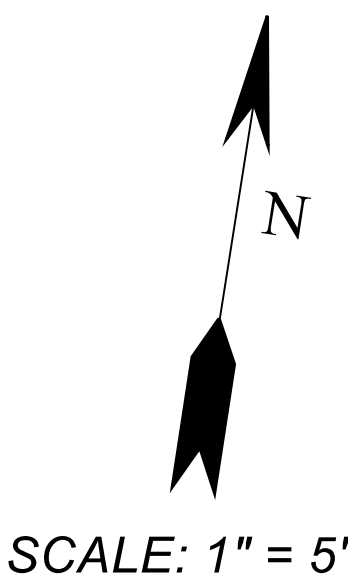
JORDAN Z. MARKS COUNTY RECORDER BY: DEPUTY COUNTY RECORDER

FEE \$54.00

CALIFORNIA COORDINATE INDEX: 222-1689 ASSESSOR PARCEL NO. 423-584-04



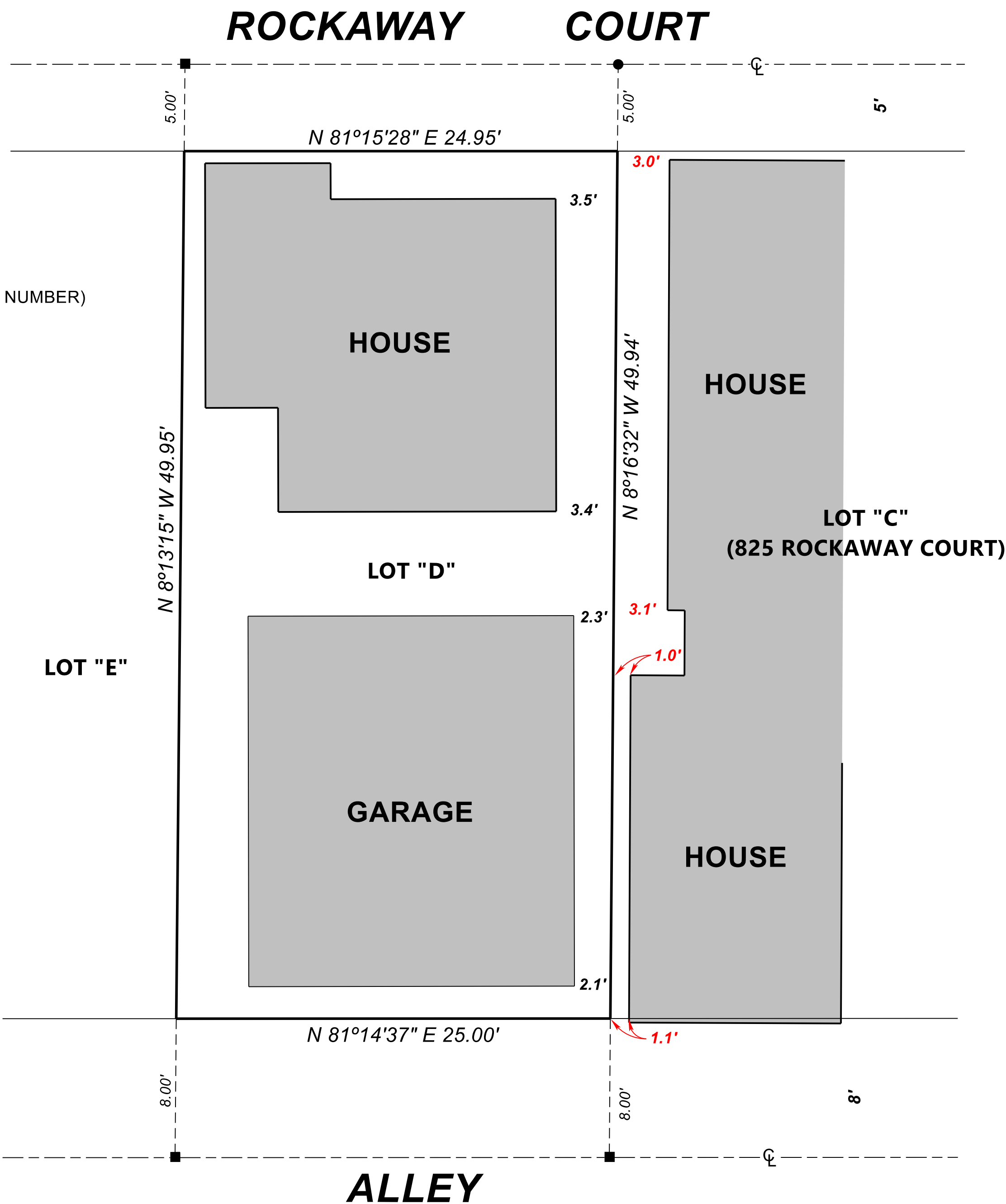
# 819 ROCKAWAY COURT SITE PLAT



SURVEY INFORMATION  
OWNER: MIKE McNEILL  
ADDRESS: 819 ROCKAWAY COURT  
SAN DIEGO, CALIFORNIA 92109  
DESCRIPTION: LOT "D" IN BLOCK 192 OF MISSION  
BEACH, MAP NO. 1651  
A.P.N. 423-584-04  
AREA: 1247 SqFt  
DATE: MARCH 8, 2024

- SURVEYOR'S NOTE
- INDICATES LEAD AND DISC STAMPED "LS 8259" AT CENTERLINE OF ROCKAWAY COURT AND ALLEY ON EXTENSION OF LOT "D" LOT LINES
  - INDICATES 3/4" x 48" IRON PIPE AND DISC STAMPED "LS 8259" AT CENTERLINE ROCKAWAY COURT ON EXTENSION OF LOT "C" / LOT "D" LOT LINE
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LEGEND  
A.P.N. (ASSESSOR PARCEL NUMBER)  
NO. (NUMBER)  
SqFt (SQUARE FEET)



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SHEET 1 OF 1 SHEET

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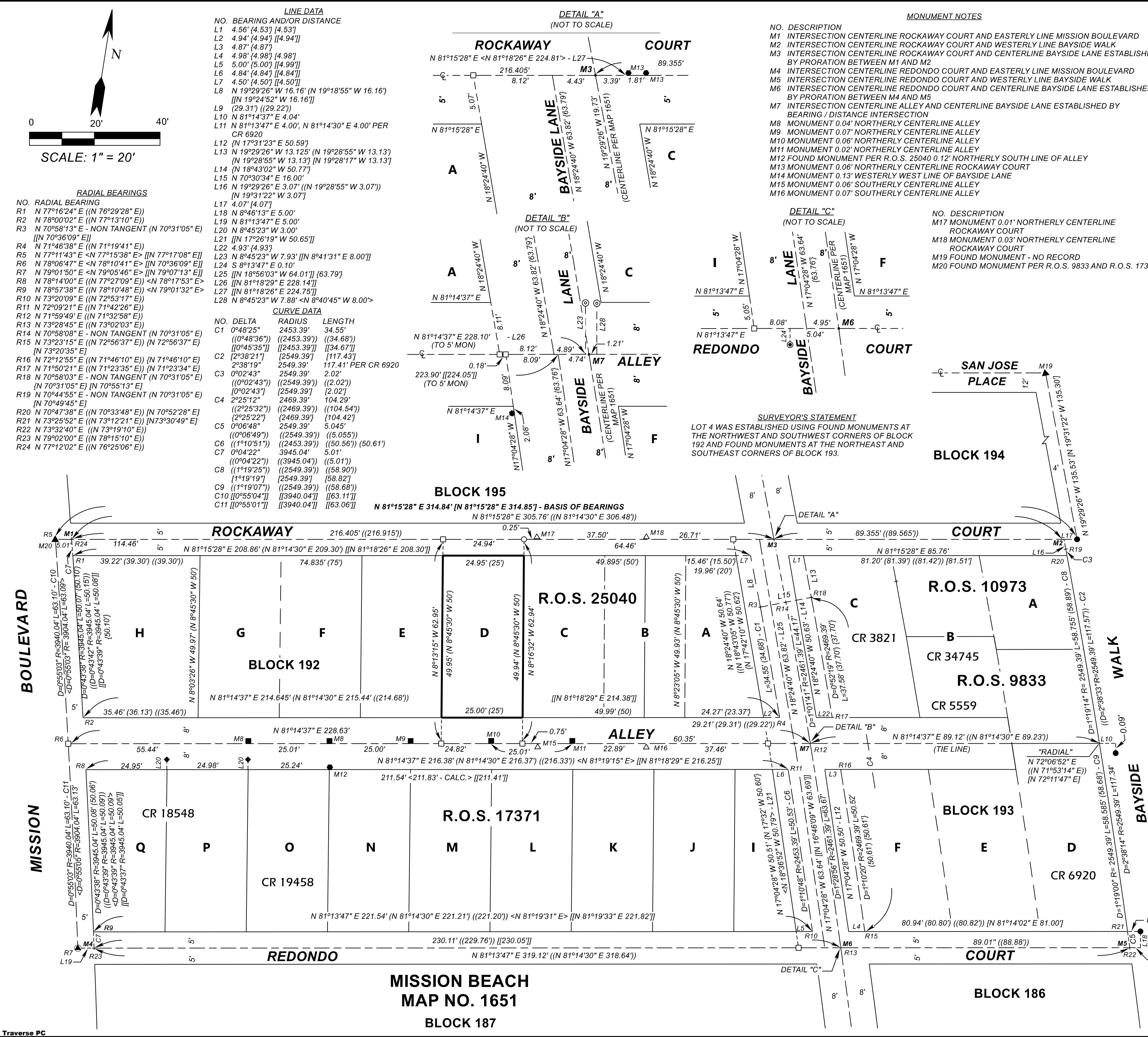
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JORDAN Z. MARKS BY: \_\_\_\_\_  
COUNTY RECORDER DEPUTY COUNTY RECORDER

FEE \$54.00

CALIFORNIA COORDINATE INDEX: 222-1689  
ASSESSOR PARCEL NO. 423-584-04





Mission Beach Precise Planning Board's ("MBPPB") Response  
Subject: Reynolds Residence  
Project Number: PRJ-1067750  
Hearing Officer's Hearing Date: May 7, 2025

In the Staff Report dated April 30, 2025, Report No. HO-25-019 under "Community Planning Group Recommendation," the City writes that "The applicant requested to present to the Mission Beach Precise Planning Board, however, the Board declined a presentation and did not provide a recommendation."

This statement is deceiving and needs further explanation. Debbie Watkins, Chair of the MBPPB at that time, had numerous email contacts with the City's Project Manager (Christian Hoppe) requesting assessment letters, cycle issues, code violations, updated plans, among other requests. Mr. Hoppe did not address the MBPPB's concerns and questions, and the plans and assessment letter he sent did not provide sufficient information for the MBPPB to review this project. In addition, he did respond to the MBPPB's request for clarification regarding using the low income dwelling unit section for this project.

On February 8, 2024 and February 12, 2024, Mr. Hoppe was informed that the Mission Beach Precise Planning Board would not be reviewing this project for a formal recommendation because of our concerns expressed in the February 8, 2024 email regarding this project, and the lack of sufficient information requested and not received.

Below is the email Chain expressing the MBPPB's concerns and requests for further information and documents.

#### **Email Chain – 1**

**From:** "dkwatksn" <[dkwatksn@aol.com](mailto:dkwatksn@aol.com)>  
**To:** "Christian Hoppe" <[choppe@sandiego.gov](mailto:choppe@sandiego.gov)>  
**Cc:** "Lesley Henegar" <[lhenegar@sandiego.gov](mailto:lhenegar@sandiego.gov)>, "jbsarch @dslextreame.com" <[jbsarch@dslextreame.com](mailto:jbsarch@dslextreame.com)>  
**Sent:** Thursday, February 8, 2024 12:13:00 PM  
**Subject:** PRJ-1067750 825 Rockaway Court

Christian,

In your May 25, 2023 email to me, you wrote the scope of the work as follows:

Scope of Work: The demolition of an existing detached garage and the conversion and remodel of two dwelling units into one dwelling unit along with the construction of a new garage located at 825 Rockaway Court.

You also state an assessment letter was attached - no assessment letter was attached.

Mission Beach Precise Planning Board's ("MBPPB") Response  
Subject: Reynolds Residence  
Project Number: PRJ-1067750  
Hearing Officer's Hearing Date: May 7, 2025

In your February 7th email to tell me, you state the the City signed off on the proposed project plans in September 2023. We have received no assessment letters or cycle issues to that effect, let alone a proper scope of work for this project.

The current building plans you sent to me dated 12/21 from the architect describe a different scope of work with a Unit A and Unit B and are not really clear. These plans seem to be the original plans submitted to the City. Have these plans ever been revised?

What is the scope of the project? The Mission Beach PDO does not allow 2 dwelling units on a 1,875 sq. ft lot. Below is the PDO regulation.

Ch. Art. Div.  
15 13 3 3  
San Diego Municipal Code Chapter 15: Planned Districts  
(5-2023)  
§1513.0304 Property Development Regulations – Residential Subdistricts  
(a) Density Regulations  
One dwelling unit shall be allowed per 1,200 square feet of lot area, except as follows:  
(1) A single R-S lot of 2,000 to 2,400 square feet shall be entitled to a maximum of 2 dwelling units;  
(2) Two contiguous R-S lots developed concurrently with common wall construction shall be entitled to a maximum of 4 dwelling units; and  
(3) Fractions of a dwelling unit shall not be rounded up when determining the total units permitted on a lot or lots

We need more information about this project, Assessment letters, cycles issues and just what the City signed off on this project since the scope of the work for this project from the documents you sent to us are not clear.

Thank you,

Debbie Watkins, Chair

Mission Beach Precise Planning Board

(858) 344-1684

## Email Chain – 2

On Thursday, February 8, 2024 at 02:57:54 PM PST, Hoppe, Christian  
<[choppe@sandiego.gov](mailto:choppe@sandiego.gov)> wrote:

Good afternoon Debie,

Mission Beach Precise Planning Board's ("MBPPB") Response  
Subject: Reynolds Residence  
Project Number: PRJ-1067750  
Hearing Officer's Hearing Date: May 7, 2025

The project is proposing an interior remodel along with rebuilding the garage in like kind with a new roof deck. The structure is an existing duplex that was previously conforming. The project is subject to the dwelling unit protection ordinance per SDMC Chapter 14, Article 3, Article 12. Per SDMC 143.1210 Development shall include at least as many dwelling units as the most recent permitted development on the premises.

**Christian Hoppe**

Development Project Manager  
City of San Diego  
Development Services Department

619-446-5293

**Email Chain - 3**

**From:** dkwatks@aol.com <dkwatks@aol.com>  
**Sent:** Thursday, February 8, 2024 5:14 PM  
**To:** JBS Architect <jbsarch@dslexreme.com>; Hoppe, Christian <CHoppe@sandiego.gov>  
**Cc:** Henegar, Lesley <LHenegar@sandiego.gov>; Osborn, Sara <SOsborn@sandiego.gov>  
**Subject:** [EXTERNAL] Re: PRJ-1067750 825 Rockaway Court

Mr. Hoppe,

Thank you for getting back to me regarding how the City approved this proposed project. A closer review of the section of the SDMC you sent below that the City used to approve this proposed project does not conform with our PDO. That section deals with low-income dwelling units as follows:

Protected dwelling unit means any of the following:

- (1) Dwelling units that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to very low income or low income households during the five -year period preceding the application.
- (2) Dwelling units that are or were occupied by very low income or low income households during the five -year period preceding the application.

Did the City check to ensure this property was occupied by very low income or low income households during the five-year period? We do not know and cannot determine from the information you sent when these two units were built to even determine whether they are previously conforming.

We will not be going through a process to find out the answers to these questions. The documentation from the City has been lacking i.e., Assessment Letters and Cycle

Mission Beach Precise Planning Board's ("MBPPB") Response  
Subject: Reynolds Residence  
Project Number: PRJ-1067750  
Hearing Officer's Hearing Date: May 7, 2025

Issues for this proposed project. According to Mr. Hoppe, the City has already approved this project without our input back in September 2023.

This Mission Beach Precise Planning Board is not going to proceed with a review of this project.

Thank you,

Debbie Watkins, Chair

Mission Beach Precise Planning Board

(858) 344-1684

#### Email Chain - 4

On Monday, February 12, 2024 at 08:15:19 AM PST, Hoppe, Christian <choppe@sandiego.gov> wrote:

Good morning Debbie,

Just to clarify the city has not approved this project yet. Nor has a hearing date been set. However, the city's assigned planning reviewer has confirmed that the proposed project complies with all existing regulations and has been copied into the email. The following project is still subject to code section 143.1210 which regulates the number of dwelling units on the premises. I have also included the applicant in the email to help facilitate a time when they can present the project to the community planning group for a formal recommendation.

Best regards,

**Christian Hoppe**  
Development Project Manager  
City of San Diego  
Development Services Department

619-446-5293

#### Email Chain - 4

**From:** dkwatks@aol.com <dkwatks@aol.com>  
**To:** JBS Architect <jbsarch@dslexreme.com>; Hoppe, Christian <choppe@sandiego.gov>  
**Cc:** Henegar, Lesley <lhenegar@sandiego.gov>; Osborn, Sara <sosborn@sandiego.gov>; Goossens, Kyle <kgoossens@sandiego.gov>; jacquir1539@gmail.com <jacquir1539@gmail.com>  
**Sent:** Monday, February 12, 2024 at 02:28:50 PM PST  
**Subject:** Re: [EXTERNAL] Re: PRJ-1067750 825 Rockaway Court

Mission Beach Precise Planning Board's ("MBPPB") Response  
Subject: Reynolds Residence  
Project Number: PRJ-1067750  
Hearing Officer's Hearing Date: May 7, 2025

Pursuant to my February 8th email and concerns expressed therein regarding this project and the lack of sufficient information requested and not received, we will not be reviewing this project for a formal recommendation.

Thank you,

Debbie Watkins, Chair  
Mission Beach Precise Planning Board

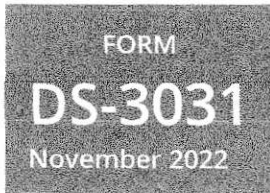
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Thank you for your consideration.

Respectfully submitted,

Laurel Powell, Chair  
Mission Beach Precise Planning Board  
(619) 252-2013  
laurenj.powell@gmail.com





## 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:

MICHAEL MCNEILL

E-mail:

mcneillsd@gmail.com

Address:

4538 Cass St

City:

San Diego, CA 92109

State:

Zip Code:

Telephone:

8586883345

3. Project Name:

825 Rockaway/ PRJ 1067750

4. Project Information:

825 Rockaway Ct

Permit/Environmental Information Determination and Permit/Document No:

825 Rockaway/ PRJ 1067750

Date of Decision/Determination:

2/7/25

City Project Manager:

CHRISTIAN HOPPE

Decision (Describe the permit/approval decision):

Applicants & SD DevSvc still have not completed CED 0515104 mainly garage built in setback

5. Ground for Appeal (Please check all that apply):



Factual Error



New Information



Conflict with other Matters



City-wide Significance (Process four decisions only)



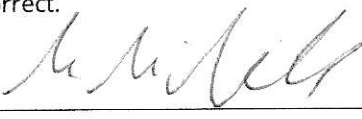
Findings Not Supported

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.)

Visit our website: [sandiego.gov/DSD](http://sandiego.gov/DSD).

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

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

Signature: 

Date: 2.13.25

Note: Faxed appeals are not accepted.

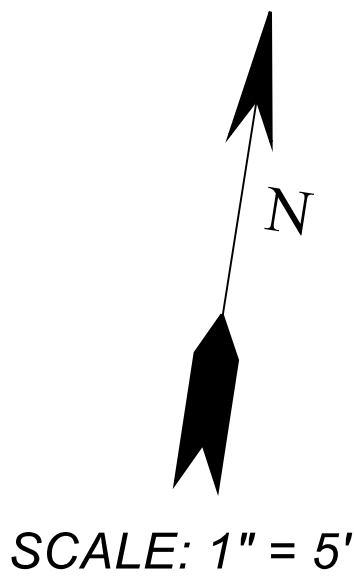
#### Reference Table

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

Visit our website: [sandiego.gov/DSD](http://sandiego.gov/DSD).

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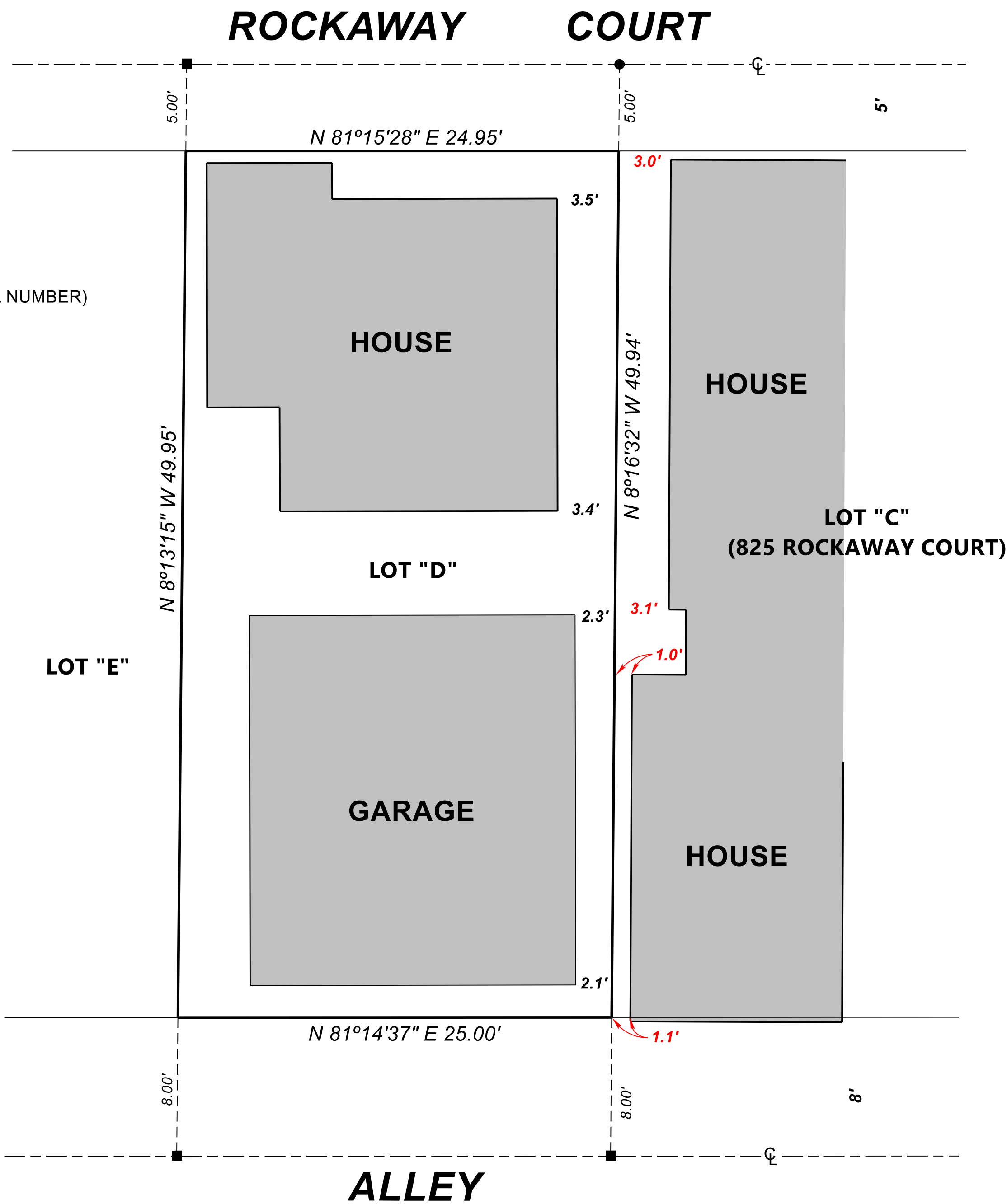
# 819 ROCKAWAY COURT SITE PLAT



SURVEY INFORMATION  
OWNER: MIKE McNEILL  
ADDRESS: 819 ROCKAWAY COURT  
SAN DIEGO, CALIFORNIA 92109  
DESCRIPTION: LOT "D" IN BLOCK 192 OF MISSION  
BEACH, MAP NO. 1651  
A.P.N. 423-584-04  
AREA: 1247 SqFt  
DATE: MARCH 8, 2024

- SURVEYOR'S NOTE
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LEGEND  
A.P.N. (ASSESSOR PARCEL NUMBER)  
NO. (NUMBER)  
SqFt (SQUARE FEET)





THE CITY OF SAN DIEGO

DATE OF NOTICE: February 7, 2025

# NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

IO No. 24009354

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**PROJECT NAME / NUMBER:** 825 Rockaway/ PRJ 1067750  
**COMMUNITY PLAN AREA:** Mission Beach Community Plan  
**COUNCIL DISTRICT:** 2  
**LOCATION:** 825 Rockaway Court, San Diego, CA 92109

**PROJECT DESCRIPTION:** Coastal Development Permit (CDP) and a Neighborhood Development Permit (NDP) for demolishing an existing garage for a new garage and remodeling the existing duplex. The interior remodel will be 1,076 square feet (SF), the new garage will be 322 SF, and the roof deck will be 377 SF, all on a 0.04-acre site. The site is zoned MBPD-R-N in the Mission Beach Community Plan, Coastal Height Limit Overlay Zone, Coastal Overlay Zones (Appealable), Parking Impact Overlay Zone (Beach Impact), Transit Area Overlay Zone and the Transit Priority Area. **LEGAL DESCRIPTION:** Lot C and a portion of Lot B in Block 192 of Mission Beach altered map in the City of San Diego, State of California, According to Map Thereof no. 1809, APN 423-584-05-00. The community plan identifies the land use as residential (36 dwelling units per acre (du/ac)).

**ENTITY CONSIDERING PROJECT APPROVAL:** City of San Diego Hearing Officer

**ENVIRONMENTAL DETERMINATION:** Categorically exempt from CEQA pursuant to CEQA State Guidelines, Sections 15302, Replacement or Reconstruction, and 15303 (b), New Construction or Conversion of Small Structures.

**ENTITY MAKING ENVIRONMENTAL DETERMINATION:** City of San Diego

**STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION:** The City of San Diego conducted an environmental review that determined the project would not have the potential to cause a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15302. Class 2 of CEQA Section 15302 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as structure replaced and will have substantially the same purpose and capacity as the structure replaced. Since the project would replace and reconstruction of the garage, this exemption was deemed

appropriate. Class 3 of CEQA Section 15303 consists of construction and location of limited numbers of new, small facilities or structures. Since CEQA Section 15303 allows for the construction of a new garage and remodel, this exemption was deemed appropriate. Further, CEQA Section 15303 (b) includes but is not limited to: a duplex or similar multi-family residential structure, totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes, and similar structures designed for not more than six dwelling units. In addition, the exceptions listed in CEQA Section 15300.2 would not apply. **The site is not included on any list compiled pursuant to Government Code Section 65962.5 for hazardous waste sites.**

<b>DEVELOPMENT PROJECT MANAGER:</b>	<b>Christian Hoppe</b>
<b>MAILING ADDRESS:</b>	1222 First Avenue, MS 501, San Diego, CA 92101-4153
<b>PHONE NUMBER / EMAIL:</b>	(619) 446-5293, <a href="mailto:CHoppe@sandiego.gov">CHoppe@sandiego.gov</a>

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On February 7, 2025, the City of San Diego (City), as Lead Agency, has made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk by 5:00pm within ten (10) business days from the date of the posting of this Notice (February 24, 2025). Appeals to the City Clerk must be filed by email or in-person as follows:

- 1) Appeals filed via E-mail: The Environmental Determination Appeal Application Form [DS-3031](#) can be obtained at <https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/forms/ds3031>. Send the completed appeal form (including grounds for appeal and supporting documentation in pdf format) by email to [Hearings1@sandiego.gov](mailto:Hearings1@sandiego.gov) by 5:00p.m. on the last day of the appeal period; your email appeal will be acknowledged within 24 business hours. You must separately mail the appeal fee by check payable to the City Treasurer to: City Clerk/Appeal, MS 2A, 202 C Street, San Diego, CA 92101. The appeal filing fee must be United States Postal Service (USPS) postmarked) before or on the final date of the appeal. Please include the project number on the memo line of the check.
- 2) Appeals filed in person: Environmental Determination Appeal Application Form [DS-3031](#) can be obtained at <https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/forms/ds3031.pdf>. Bring the fully completed appeal application [DS-3031](#) (including grounds for appeal and supporting documentation) to the City Administration Building-Public Information Counter (Open 8:00am to 5:00pm Monday through Friday excluding City-approved holidays), 1st Floor Lobby, located at 202 C Street, San Diego, CA 92101, by 5:00pm on the last day of the appeal period. The completed appeal form shall include the required appeal fee, with a check payable to: City Treasurer.

This information will be made available in alternative formats upon request.



MAILED  
AUG 26 2021  
CODE ENFORCEMENT  
DIVISION

August 26, 2021

# REVISED CIVIL PENALTY NOTICE AND ORDER

**Location:** 825 Rockaway Court, Units A & B, San Diego, CA

**APN No.:** 423-584-05-00

**Owner/Responsible Person:** Reynolds Family Trust Dated June 21, 2001 RM-USE LLC  
**Agent for Service:** Ronald Lee Reynolds  
**Address:** 576 Mountain View Road  
El Cajon, CA 92021

**Owner:** Reynolds Family Trust Dated June 21, 2001 RM-USE LLC  
**Address:** P.O. Box 997  
Alpine, CA 91903

**Agent/Attorney:** Dennis Stryker  
**Address:** 3555 Fifth Avenue, Suite 205  
San Diego, CA 92103

**Zoning Designation:** MBPD-R-N

You are hereby notified that the property identified above is in violation of the San Diego Municipal Code (SDMC). Per the San Diego County Assessor records, the property was originally developed in 1924 as a 1-story double dwelling with detached garage. The property is zoned MBPD-R-N, and currently the property is configured as a 2-level single dwelling with 3 bedrooms, 2 bathrooms, 1 kitchen and 2-car garage. On **June 17, 2021, August 2, 2021, and August 20, 2021**, violations were observed at the property and must be corrected including remodeling an existing dwelling and garage without first obtaining the required permits and inspection approvals. Unpermitted work includes the following:

**Structure:**

- A garage roof framing assembly and associated load bearing walls have been altered, removed, and replaced with new building materials to create a rooftop deck to carry a live load without obtaining the required permits and inspection approvals.

- A skylight which penetrates the rooftop and measures approximately 25 square feet in size has been installed within the ceiling/attic area located over the living room without obtaining the required permits and inspection approvals.

Note: The structural integrity of the garage, rooftop deck, skylight and staircase are unknown as lumber sizing, hardware, fasteners, fire rating, and egress paths of travel are now obstructed and unable to be properly inspected by a City Building Official.

**Electrical:**

- Removing and modifying the existing dwelling's electrical system without obtaining the required permits and inspection approvals. Unpermitted work includes replacing the existing wiring with new nonmetallic Romex wiring, and installing a new electrical main breaker panel, new subpanel, and circuitry modifications and additions.

Note: Wire sizing, and installation practices could not be verified as code compliant due to all rough-in work now covered by wall and ceiling finishes throughout.

**Plumbing:**

- Making modifications and additions to the existing plumbed gas piping system, without obtaining the required permits and inspection approvals.
- Installing a plumbed tankless water heater attached to the westerly exterior west wall, without obtaining the required permits and inspection approvals.
- Installing a new gas plumbed heating furnace located in the attic, without obtaining the required permits and inspection approvals.
- Installing new shower enclosures without obtaining the required permits and inspection approvals, which includes shower pan testing.

Note: Plumbed piping, and installation practices could not be verified to be code compliant as all rough-in work has been covered by wall and ceiling finishes throughout.

**Exterior:**

- Removing the exterior siding finishes from an existing dwelling over 45 years in age, and reinstalling new exterior siding after making unpermitted exterior load bearing wall modifications without obtaining the required permits and inspection approvals.
- Installing an exterior staircase, which connects dwelling and garage structures and also provides access to the unpermitted rooftop deck, without obtaining the required permits and inspection approvals.
- Installing new windows and doors throughout the existing dwelling without obtaining the required permits and inspection approvals.

Note: Weather barrier, window and door flashings, and other installation practices could not be verified to be code compliant as conditions are now covered by siding finishes and millwork trimming. Safety glass in required locations could not be verified at the time of inspections.



This is a violation of the following code section(s):

<u>Code Section</u>	<u>Violation Description</u>
• SDMC §§129.0108	- Issuance of a Construction Permit
• SDMC §§129.0202	- When a Building Permit is Required
• SDMC §§129.0111	- General Rules for Construction Permit Inspections
• SDMC §129.0402	- When a Plumbing/Mechanical Permit Is Required
• SDMC §129.0302	- When an Electrical Permit is Required
• Health and Safety Code §17920.3(c)	- Any Nuisance
• Health and Safety Code §17920.3(b)(3)	- Flooring or floor supports of insufficient size to carry imposed loads with safety.
• Health and Safety Code §17920.3(b)(5)	- Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety.
• Health and Safety Code §17920.3(b)(7)	- Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
• Health and Safety Code §17920.3(d)	- All wiring, except that which conformed with all applicable laws in effect at the time of installation if it is currently in good and safe condition and working properly.
• SDMC §§121.0202-121.0203	provides the authority regarding enforcement of the Land Development Code.
• SDMC §121.0302	requires compliance with the Land Development Code, specifies these violations are not permitted, and provides authority for the abatement of public nuisances.

**If you correct the above violations as identified below, you will not be subject to any administrative civil penalties.**

The Code Enforcement Division is hereby notifying you that all residents, tenants, or occupants of the structures and premises located at **825 Rockaway Court should be vacated immediately.** You should not rent, lease or allow anyone to occupy or frequent any portion of this property until all unpermitted and substandard conditions are corrected, the dwelling units are made habitable and brought into compliance with all state and local regulations, and CED grants final approval after inspection. Note, the utility service at the property may be shut off due to the nature of the violations. Prior to occupancy, you shall restore all utility service to the property.

Additionally, in order to avoid administrative civil penalties and prior to occupancy, you must correct the violations by **January 15, 2022**, as follows:

- Submit plans and obtain required permit(s) to remove or keep unpermitted work; complete all required inspections.
- Obtain required Plumbing/Mechanical Permit(s) and successfully complete all required inspections.
- Obtain required Electrical Permit(s) and successfully complete all required inspections.
- Successfully complete all required inspections in a timely manner.

All applications for permits must be submitted online. Please go to



<https://www.sandiego.gov/development-services> and click on apply for a permit online. Be advised that CED will be reviewing the submitted plans for enforcement compliance.

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**Reinspection fees** are assessed for each inspection after the issuance of a violation notice in accordance with the SDMC §13.0103. An invoice will be sent following each inspection until compliance is achieved. Current reinspection fees range between \$264 and \$295.

Please refer to the San Diego Municipal Code sections cited for additional information via <https://www.sandiego.gov/city-clerk/>.

Additional forms and documents to assist in your compliance efforts are available at: <https://www.sandiego.gov/ced/forms>.

#### **Failure to Comply with Notice and Order**

If you fail to comply with this Notice and Order in the time and manner set forth above, you are subject to civil administrative penalties pursuant to SDMC §§12.0801-12.0810.

The penalty rate for the above listed violation(s) has been established in accordance with SDMC §§12.0801-12.0810 at **\$500.00** per violation per day and shall be an ongoing assessment of penalties at the daily rate until the violations are corrected. Administrative civil penalty amounts are established by the Development Services Director.

The following factors were used in determining the amount:

- the nature and seriousness of the violation
- the history of the violation
- the willfulness of Responsible Person's misconduct
- the Responsible Person's conduct after issuance of the Notice and Order
- the good faith effort by the Responsible Person to comply
- the impact of the violation upon the community

Pursuant to SDMC §12.0805(a), in determining the date on which civil penalties shall begin to accrue, the Development Services Director considers the date when the Code Enforcement Division first discovered the violations as evidenced by the issuance of a Notice of Violation or any other written correspondence. The date on which the civil penalties began to accrue is **August 26, 2021**, and shall end on the date that the violation(s) has been corrected to the satisfaction of the Development Services Director or the Enforcement Hearing Officer.

#### **Civil Penalties Hearing**

If you fail to comply with the Notice and Order, written notice of the time and place of an administrative enforcement hearing will be served on you at least 10 calendar days prior to the date of the hearing in accordance with SDMC §12.0403. At the hearing, you may present evidence concerning the existence of the violation(s) and whether the amount of administrative civil penalties assessed was reasonable in accordance with SDMC §12.0808.

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Revised Civil Penalty Notice and Order  
825 Rockaway Court  
August 26, 2021

Failure to attend an administrative enforcement hearing will constitute a waiver of your rights to an administrative hearing and administrative adjudication of the violation(s) set forth above.

### **Administrative Costs**

The Development Services Director or Enforcement Hearing Officer is authorized to assess administrative costs. Administrative costs may include, but are not limited to: staff time to investigate and document violations; laboratory, photographic, and other expenses incurred to document or establish the existence of a violation; and scheduling and processing of the administrative hearing and all actions.

### **Failure to Comply with Administrative Enforcement Order**

If you fail, neglect, or refuse to obey an order to correct the violations, administrative civil penalties will continue to accrue on a daily basis until the violation is corrected. The unpaid amount of administrative civil penalties will be referred to the City Treasurer for collection, recorded as a code enforcement lien against the property in accordance with SDMC §§13.0201-13.0204, and may be referred to the City Attorney to file a court action to recover the unpaid amount. Failure to correct the violations may also result in referral to the City Attorney for further enforcement action.

If you have any questions concerning this Notice and Order, or to schedule a compliance inspection, please contact Robert Cervantes, Senior Combination Inspector, at (619) 533-6143, or Travis Espinosa, Combination Inspector, at (619) 533-3957.

RMC/jef

cc: File

CED# 0515104

This information will be made available in alternative formats upon request.

CED# 0515104\_825 Rockaway Ct\_ced105\_rmc









