San Diego Planning Commission Meeting

PRJ-1111697, 991 Scott Street

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Development Services Department

991 Scott Street
Project Appeal
Project No. PRJ-1111697

Planning Commission

October 15, 2026

The City of SAN DIEGO

Project Scope

Site Features

Location: 991 Scott Street

Parcel Size: 0.12-acre

Project Features

Project Description: Remodel of an existing 4,005-square-foot (sf) two-story single-dwelling unit with a detached garage; Addition of a 798-sf third-floor accessory dwelling unit (ADU) and associated site improvements

Approvals:

- Coastal Development Permit

Process 3

Regulatory Framework

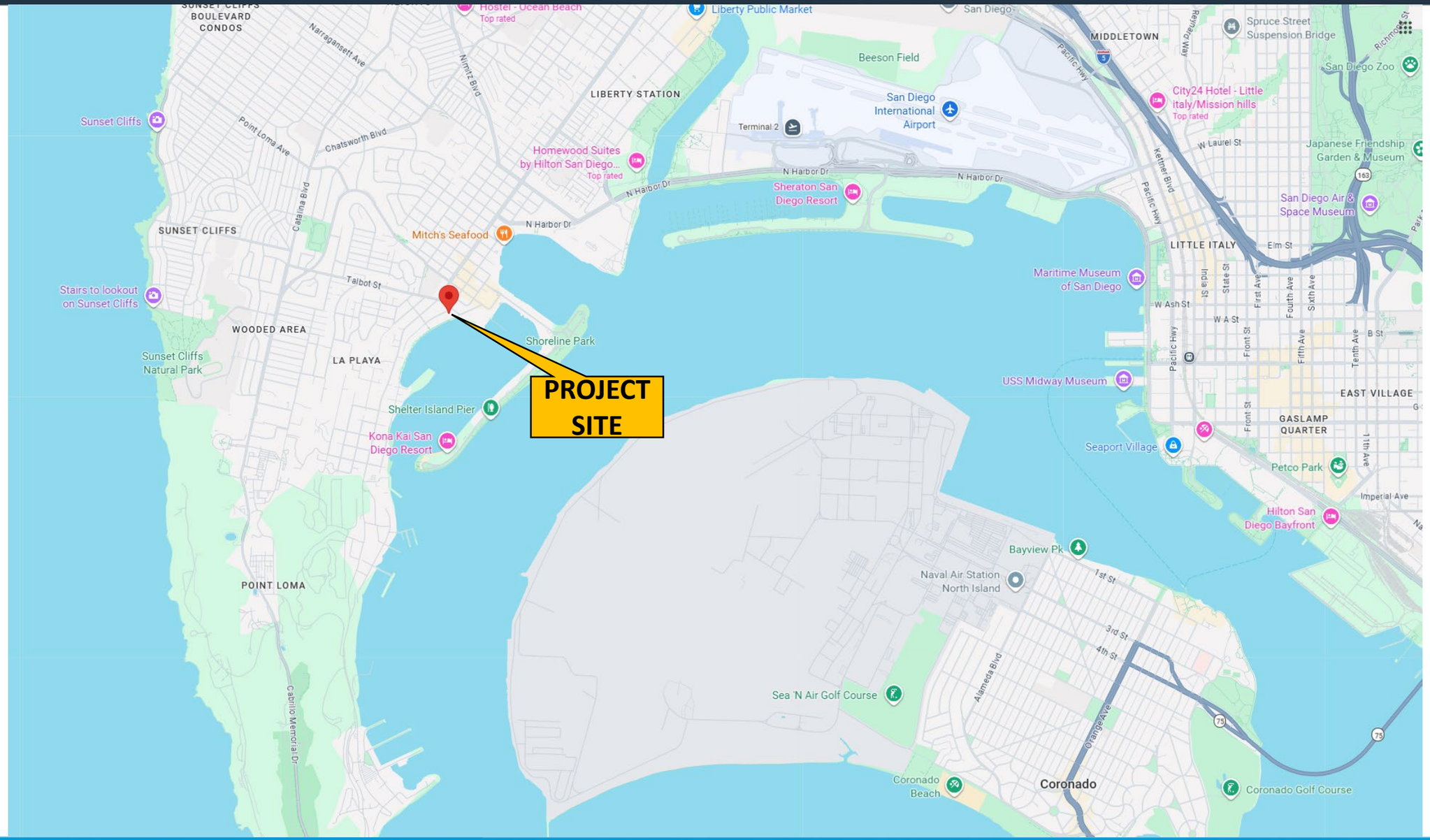
Community: Peninsula Community Plan and Local Coastal Program Land Use Plan

Zoning: RS-1-7 (Residential – Single Unit) zone

Key Areas: Coastal Overlay Zone (Appealable – First Public Roadway), Coastal Height Limit Overlay Zone, Transit Priority Area, Airport Land Use Compatibility Overlay Zone (Review Area 2) for Naval Air Station (NAS) North Island and San Diego International Airport (SDIA),FAA Part 77 Noticing Area for NAS North Island and SDIA

Existing Use: Two-Story Single-Dwelling Unit

Location Map

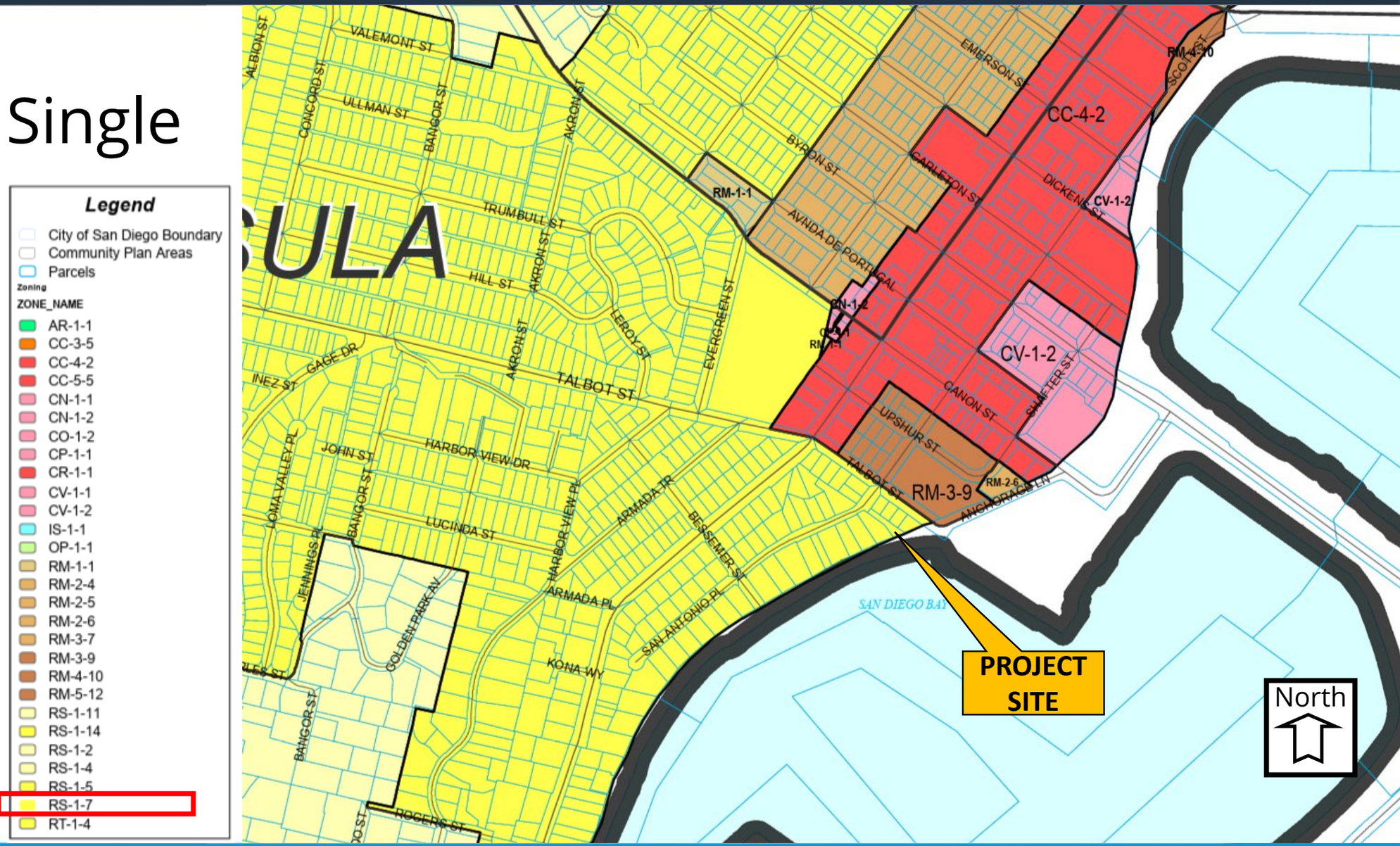


Aerial Photograph



Zoning Map

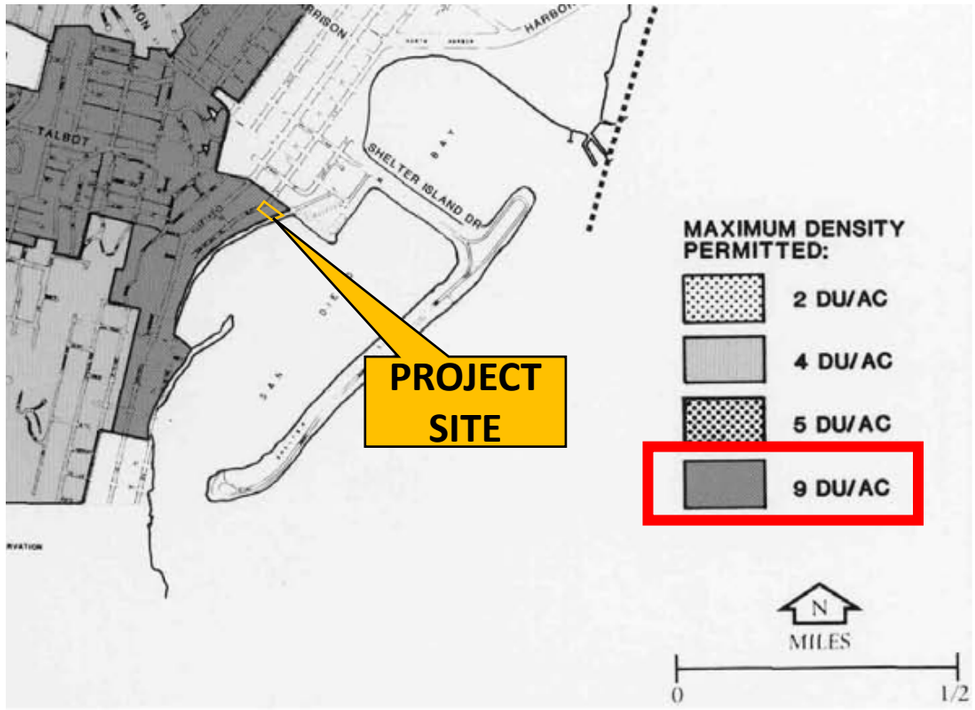
RS-1-7
(Residential – Single Unit)



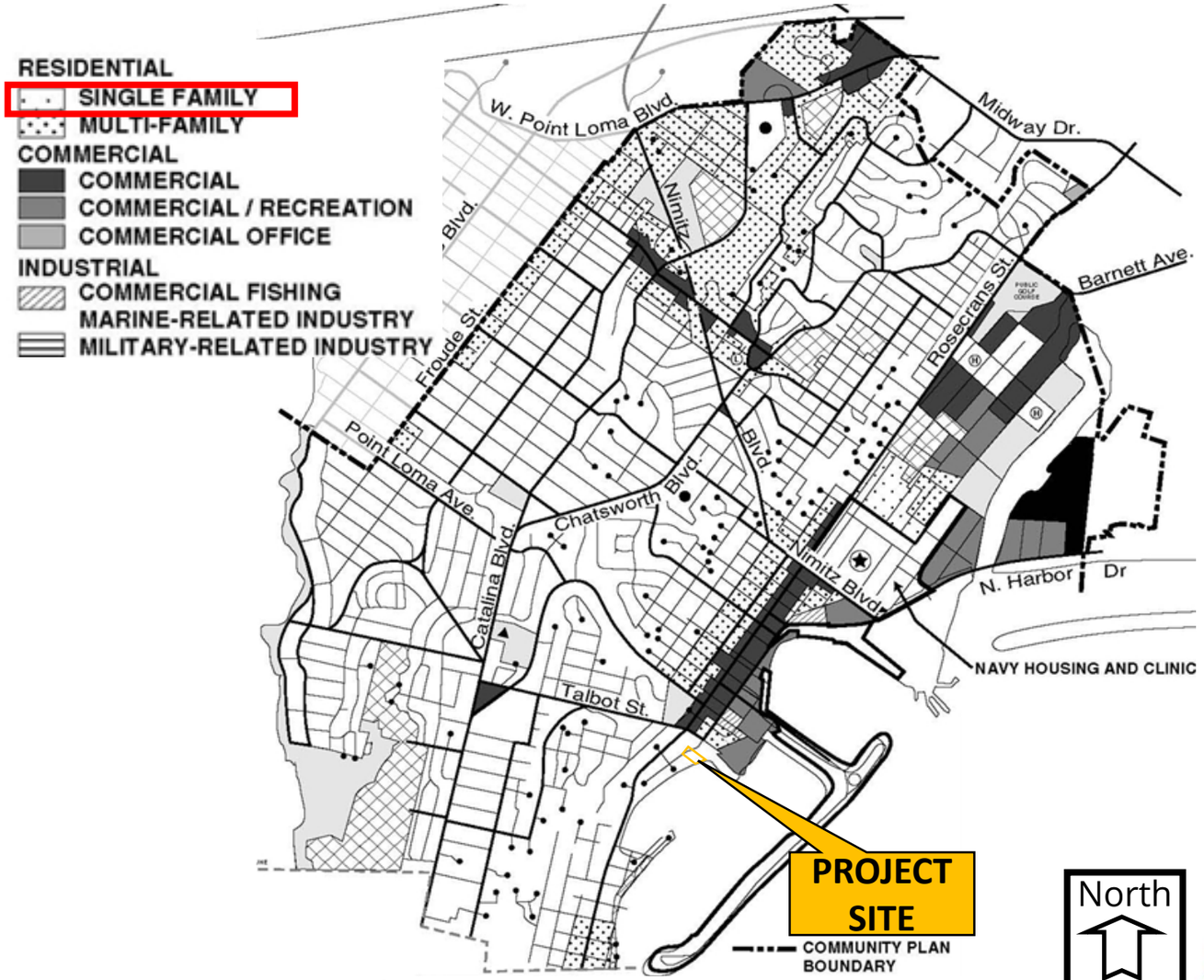
Community Plan Land Use

Land Use Designation:

- Single-Family Residential

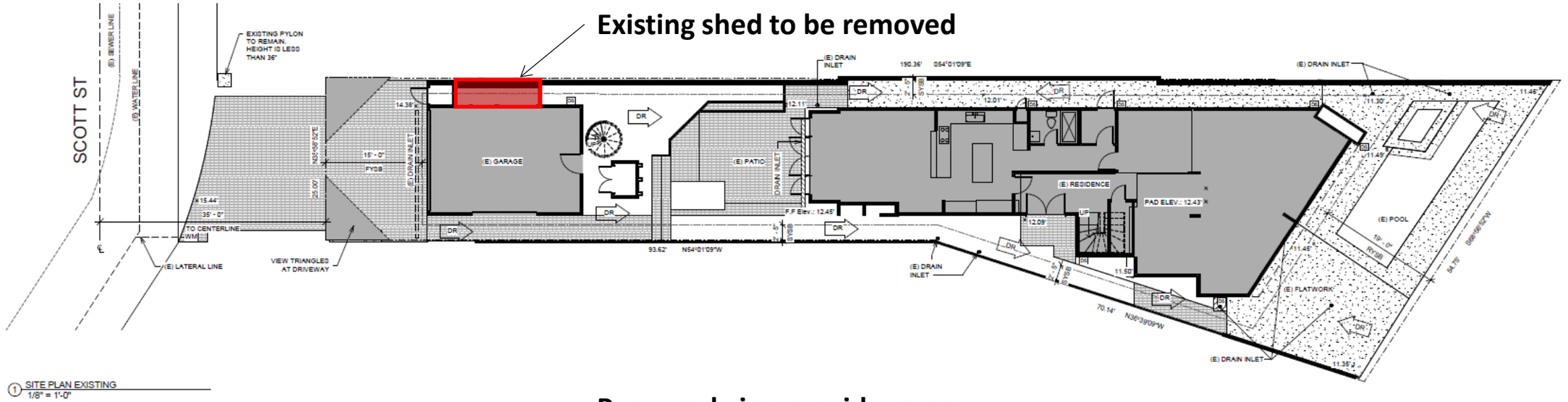


Enlarged portion of Peninsula Community Plan - Figure 7 Single-Family Residential Designations

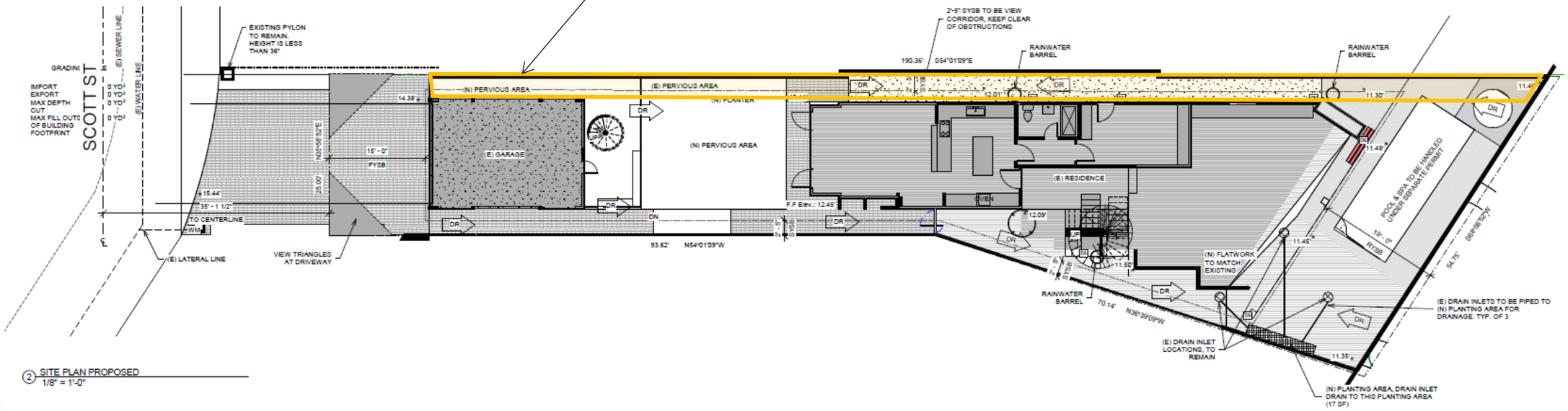


Enlarged portion of Peninsula Community Plan - Figure 5

Site Plans

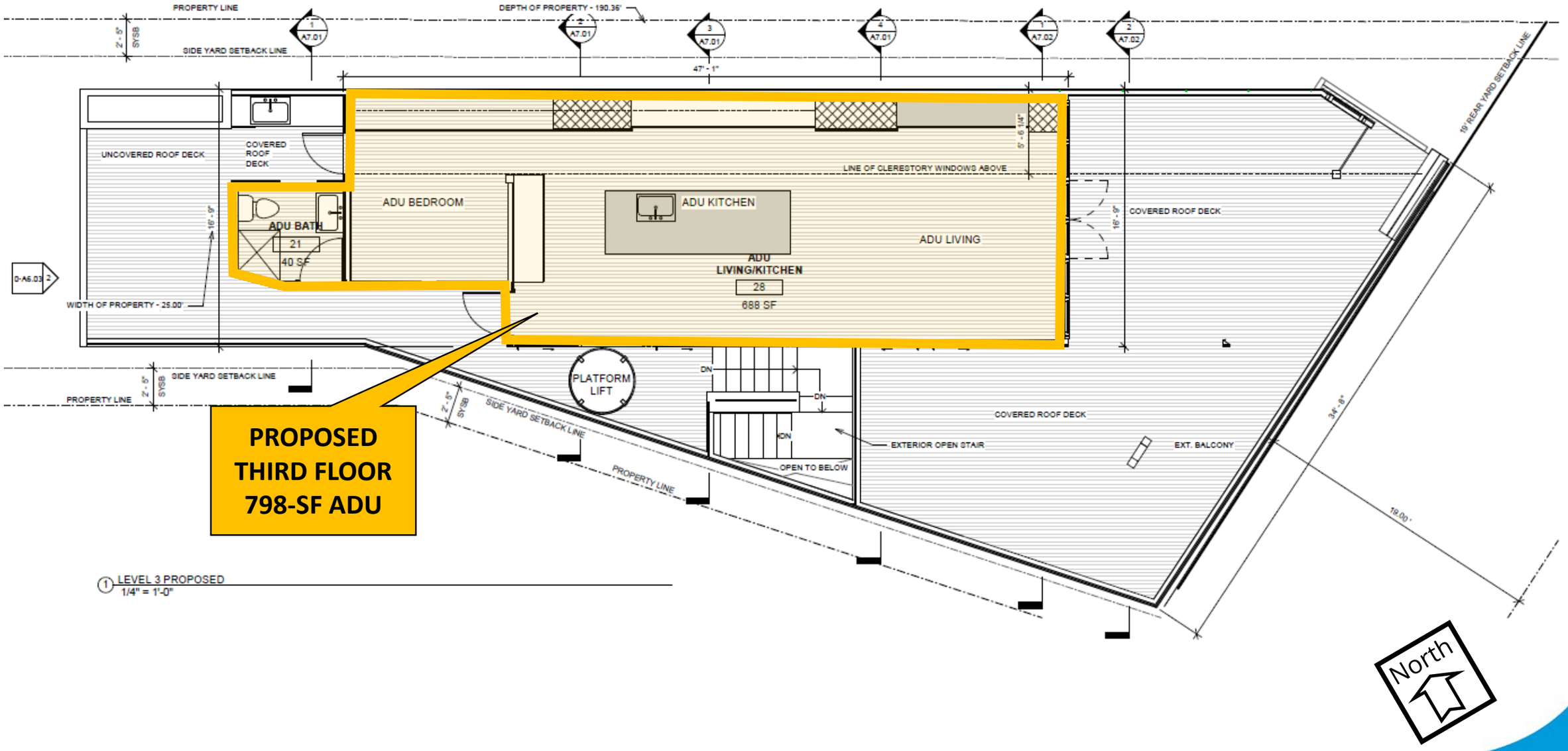


1 SITE PLAN EXISTING
1/8" = 1'-0"

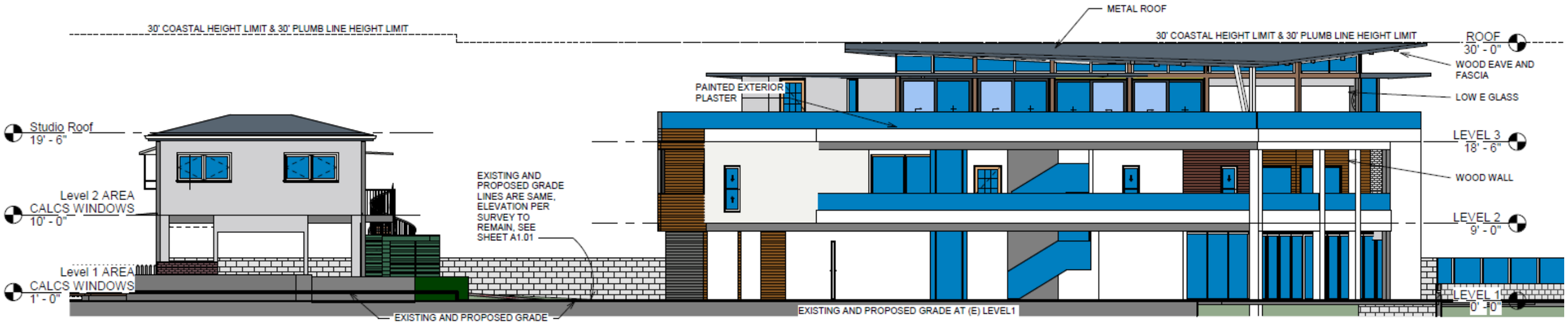


2 SITE PLAN PROPOSED
1/8" = 1'-0"

Proposed 3rd Floor



Rendering – South View



4. SOUTH PROPOSED
1/8" = 1'-0"

PENINSULA COMMUNITY PLANNING GROUP

July 18, 2024: The Peninsula CPG voted 9-0-0 to recommend **APPROVAL** of the project without conditions or recommendations

PREVIOUS PUBLIC HEARING

May 6, 2026: The Hearing Officer **APPROVED** all actions necessary for the project.

PROJECT APPEAL

May 19, 2026:

Felix Tinkov, on behalf of Susan Anne McGrath, filed an application to APPEAL the Hearing Officer's decision of the project on the following grounds:

1. Factual Error
2. New Information
3. Findings Not Supported
4. Conflict with Other Matters

Legal Standard for Appeal

In accordance with **SDMC Section 112.0506**, an appeal of a Process Three decision may only be granted with supporting evidence on one of the following findings:

1. Factual Error
2. New Information
3. Findings Not Supported
4. Conflicts

APPEAL ISSUE No. 1

Previously Conforming Premise:

The Hearing Officer held, in error, that the subject property is a previously conforming use to authorize the development of the proposed ADU.

The subject property has been developed well in excess of the limits authorized under the original CDP issued by the California Coastal Commission (CCC), CDP Permit No. F5878 and building permits.

Because of these exceedances beyond established zoning and land development regulations, the subject property is not a previously conforming premises.

APPEAL ISSUE No. 1

Staff Response:

Permitting Jurisdiction Review Requirements:

- CCC jurisdiction for Coastal Development from 1977 to 1983.
- City of San Diego (City) jurisdiction for local zoning regulations. City did not have authority to review for compliance with the Coastal Act and CCC issued permits.

Documented permits are proof of legal development:

- Permit records establish that all improvements were legally performed with permits issued by the City at each phase of development.

APPEAL ISSUE No. 1

Staff Response (continued):

SDMC Section 127.0102(a):

- Previously conforming premises or uses must have been established in compliance with all permit requirements and must have been lawful until a change in the applicable zoning regulations made the premises or uses previously conforming.

APPEAL ISSUE No. 2

The City has the Authority and Duty to take Corrective Action:

The proposed development of an ADU is not permissible through the CDP process, because the existing development was never in compliance with its original permit limitations.

The City's authority under its local coastal program does not authorize waiver of state's restrictions made under the Coastal Act.

APPEAL ISSUE No. 2

Staff Response:

Per **SDMC Section 126.0702:**

"A CDP issued by the City is required for all coastal development of a premises within the Coastal Overlay Zone described in Chapter 13, Article 2, Division 4, unless exempted by Section 126.0704, or if the proposed project site lies completed within the Coastal Commission Permit Jurisdiction of the Deferred Certification Area as described in Section 126.0702(b)."

APPEAL ISSUE No. 2

Staff Response (continued):

Currently, the City has the authority to regulate coastal development, in compliance with the following regulations:

- Certified Local Coastal Program (LCP);
- Policies of the Coastal Act;
- The City's General Plan;
- Peninsula Community Plan; and
- San Diego Municipal Code (SDMC)

APPEAL ISSUE No. 2

Staff Response (continued):

Development that occurred between 1977 and 1983 conformed to the applicable regulations of the SDMC; therefore, the existing residential development retains previously conforming rights and is regulated as such under the Certified LCP.

APPEAL ISSUE No. 3

The Project is not proposing an ADU:

What is sought through the project is not an ADU in the sense that its intended use is for rental or sale to a low-income family to relieve the City's housing shortage; rather it is little more than a facetious effort to cram a third story addition onto an already grossly overbuilt single-family residence.

APPEAL ISSUE No. 3

Staff Response:

The proposed scope of work meets the definition of an ADU.

Consistent with the definition found in SDMC 113.0103, the proposed ADU is an attached residential dwelling unit that provides complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation, and is located on the same premises as the existing single dwelling unit.

APPEAL ISSUE No. 4

Violation of the California Coastal Act by obstructing public views of, and access to, the Pacific Ocean, from neighboring Public Street by evading zoning requirements:

The addition is not only going to violate current development regulation, without the benefit of a previously conforming use, and obstruct neighboring property owners' enjoyment of their homes, it will blot out public views and access to the Pacific Ocean, from neighboring public streets in violation of the California Coastal Act by evading all manner of zoning requirements including FAR, setbacks, and building envelope limitations.

APPEAL ISSUE No. 4

Staff Response:

- The proposal complies with all applicable development standards, and the Coastal Act.

- The Peninsula Community Plan states the following in the Recommendations for the Urban Design guidelines:

  1) Structures should be designed to protect views of Peninsula's natural scenic amenities, especially the ocean shoreline, and San Diego Bay;

APPEAL ISSUE No. 4

Staff Response (continued):

2) 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, and

3) Setbacks and view corridors should be kept clear of obstacles which may interfere with visual access.

APPEAL ISSUE No. 4

Staff Response (continued):

- The current proposal adheres to all these recommendations as there are no proposed encroachments into required side yard setbacks.

- The proposed development was designed to provide a greater setback from side property lines of 2’-5”, increasing privacy between the subject property and neighboring properties.

APPEAL ISSUE No. 4

Staff Response (continued):

- The project proposes to remove an existing 43-sf storage area attached to the northern side of the existing garage, adjacent to the northern property line to preserve a visual corridor easement of 2’-5” in width along the northerly property line and side setback in compliance with SDMC Section 132.0403(b), and consistent with the policies of the Peninsula Community Plan and LCP.

- The property retains previously conforming rights with respect to the gross floor area and floor area ratio of the existing development.

Staff Recommendation

DENY the Project Appeal and **AFFIRM** the Hearing Officer's decision to **APPROVE:**

- Coastal Development Permit No. PMT-3290032

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