

#### THE CITY OF SAN DIEGO

## **Report to the Hearing Officer**

HEARING DATE: February 24, 2016

ATTENTION: Hearing Officer

SUBJECT: MCKENNA ADDITION PROJECT NUMBER: 412621

LOCATION: 1053 Sunset Cliffs Boulevard

APPLICANT: Susan Skala, Architect

**SUMMARY** 

<u>Issue(s)</u>: Should the Hearing Officer approve construction of guest quarters, porch and arbor structures for an existing single-family development, within the Peninsula Community Plan area?

<u>Staff Recommendation</u> – APPROVE Coastal Development Permit No. 1639149 (Amendment to Coastal Development Permit No. 141786).

<u>Community Planning Group Recommendation</u> – On July 16, 2015, the Peninsula Community Planning Board voted 12-1-0 to recommend approval of the proposed project with no conditions.

<u>Environmental Review</u>: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) and Section 15303 (New Construction). This project is not pending an appeal of the environmental determination. This project was determined to be categorically exempt from the CEQA on December 17, 2015 and the opportunity to appeal that determination ended January 4, 2016.

#### BACKGROUND

The 13,447-square-foot project site is located at 1053 Sunset Cliffs Boulevard within the RS-1-7 zone and Coastal Overlay Zone (Appealable), Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zone (Beach Impact Area) and Residential Tandem Parking Overlay Zone, within the Peninsula Community Plan and Local Coastal Program Land Use Plan area (Attachment 1). The project site is legally described as Lot 14 of Block 24 of Sunset Cliffs, Map No. 1889. The project site is designated for single-family residential land use in the Peninsula Community Plan and Local Coastal Program (Attachment 2). Adjacent land uses consist of single-family residential to the north, east and south, and Sunset Cliffs Natural Park and the Pacific Ocean is located across the street to the west (Attachment 3).

REPORT NO. HO 16-013

The existing home was remodeled into its current configuration in 2008 under Coastal Development Permit (CDP) No. 141786 (Sasaran Residence, PTS No. 49507), approved by the Hearing Officer on June 29, 2005 (Attachment 7) and through Building Permit No. 577851 (Sasaran SFU, PTS 85174). The proposed project requires an amendment to CDP No. 141786 to allow the new construction associated with the guest quarters per San Diego Municipal Code (SDMC) Section 126.0702. The proposal is not eligible for an exemption from a Coastal Development Permit under SDMC Section 126.0704 because the proposed improvements will result in an increase of 10 percent or more of interior floor area and an increase in building height by more than 10 percent on a structure located within 300 feet of the inland extent of the beach and mean high tide line (MHTL). The decision of the Hearing Officer is appealable to the Planning Commission and the California Coastal Commission.

#### DISCUSSION

The project proposes construction of a covered porch, an arbor and a BBQ area to an existing 3,724square-foot, two-story, single-family home, and construction of a 530-square-foot addition to an existing one-story, 410-square-foot structure to accommodate a guest quarters. A new stairway entry and a covered porch approximately 600-square-feet in size is proposed to wrap around the front of the home facing Sunset Cliffs Boulevard, and will continue along the Guizot Street frontage. The new porch structure is not considered an increase in interior floor area and does not represent an increase in height to the existing two-story single-family home. The remodeled guest quarters structure will be located in the rear of the property at a distance of approximately 105 feet inland from the beach/MHTL. The structure will increase in height by approximately 10'-6" (from 13'-0" to approximately 22'-6") equating to an approximate 77 percent increase in height, and will increase in floor area by approximately 129 percent (from 410-square-feet to 940-square-feet). Vehicular access to the driveway is both from Guizot Street and from a 20 foot wide paved alley. An existing detached garage accommodates two parking spaces and an additional surface parking space for the guest quarters will be provided. In order to upgrade the adjacent public right-of-way to current standards, the project will include reconstruction of the existing curb ramp at the northeast corner of Sunset Cliff Boulevard and Guizot Street with a current City Standard curb ramp.

The Peninsula Community Plan and Local Coastal Program (PCP/LCP) designates the project site for single-family residential development (9 DU/AC) and the proposed development is consistent with this land use designation. No impacts to public coastal access or public views will result from the proposed project, as the PCP/LCP does not identify the site having an existing or proposed public physical accessway, nor is it designated to have public view corridors. The proposed development is reflective of the architectural design and scale characteristic of the project vicinity, and is consistent with the General Plan and PCP/LCP goals encouraging neighborhood "compatibility and continuity". Staff concurs with the determination by the applicant's geotechnical consultant that the project site is stable and can support the proposed project, as detailed in the geology report "Proposed Building Addition, 1053 Sunset Cliffs Boulevard, San Diego, California" prepared by Hetherington Engineering, Inc., dated July 27, 2015. The proposed project complies with all of the underlying zone regulations including setbacks, building height and floor area ratio and no deviations are required. The development permit includes conditions to ensure design and operation of the proposed guest quarters complies with SDMC Section 141.0306, "Guest Quarters or Habitable Accessory Buildings" (Attachment 6).

#### **CONCLUSION**

Staff has reviewed the application for the Coastal Development Permit and has determined that the project complies with all applicable regulations and policy documents. The project is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the adopted PCP/LCP land use plan, SDMC, and the General Plan. Therefore, staff recommends the Hearing Officer approve the CDP as proposed.

#### **ALTERNATIVE**

1. Approve Coastal Development Permit No. 1639149 (Amendment to Coastal Development Permit No. 141786), with modifications.

2. Deny Coastal Development Permit No. 1639149 (Amendment to Coastal Development Permit No. 141786), if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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Patricia J. FitzGerald, Development Project Manager

Attachments:

- 1. Aerial Photograph
- 2. Community Plan Land Use Map
- 3. Project Location Map
- 4. Project Data Sheet
- 5. Draft Permit Resolution with Findings
- 6. Draft Permit with Conditions
- 7. CDP No. 141786
- 8. Community Group Recommendation
- 9. Ownership Disclosure Statement
- 10. Project Site Plans

## ATTACHMENT 1



**Aerial Photo** 





Land Use Map

ATTACHMENT 2



Project Location Map - 1053 Sunset Cliffs Boulevard

## **ATTACHMENT 4**

	PROJECT DATA SHEET				
PROJECT NAME:	McKenna Residence				
PROJECT DESCRIPTION:	Amendment to CDP No. 141786 to add covered porch, arbor and a BBQ area to an existing 3,724 sq. ft. single-family residence, and a 530-square-foot addition to an existing one-story accessory structure for a guest quarters.				
COMMUNITY PLAN AREA:	Peninsula				
DISCRETIONARY ACTIONS:	Coastal Development Permit (Process 3)				
COMMUNITY PLAN LAND USE DESIGNATION:	Single-Family Residential				
	ZONING INFORMATION:				
FLOOR AREA RATIO: 0.54 FRONT SETBACK: 15 ft mi SIDE SETBACK: 5 ft minim STREETSIDE SETBACK: 10 REAR SETBACK: 13 feet PARKING: 2 spaces requir	nimum um feet				
ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE			
NORTH:	Single-Family Residential; RS-1-7	Single-Family Residential			
SOUTH:	Single-Family Residential; RS-1-7	Single -Family Residential			
EAST:	Single-Family Residential; RS-1-7	Single -Family Residential			
WEST:	Open Space/Park	Sunset Cliffs Natural Park			
DEVIATIONS OR VARIANCES REQUESTED:	None				
COMMUNITY PLANNING GROUP RECOMMENDATION:	On July 16, 2015, the Peninsula Community Planning Board voted 12- I-0 to recommend approval of the proposed project with no conditions.				

#### **ATTACHMENT 5**

#### HEARING OFFICER RESOLUTION NO. \_\_\_ COASTAL DEVELOPMENT PERMIT NO. 1639149 (AMENDMENT TO COASTAL DEVELOPMENT PERMIT NO. 141786) MCKENNA RESIDENCE - PROJECT NO. 412621

WHEREAS, DENNIS MCKENNA and MARY PAT MCKENNA, Owners/Permittees, filed an application with the City of San Diego for a permit to construct additions to an existing single-family residence and accessory structure (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1639149), on portions of a 13,447-square-foot site; and

WHEREAS, the project site is located at 1053 Sunset Cliffs Boulevard within the RS-1-7 zone and Coastal Overlay Zone (Appealable), the Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zone (Beach Impact Area) & Residential Tandem Parking Overlay Zone, within the Peninsula Community Plan and Local Coastal Program Land Use Plan area; and

WHEREAS, the project site is legally described as Lot 14 of Block 24 of Sunset Cliffs, Map No. 1889; and

WHEREAS, on December 17, 2015, 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) 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; and

WHEREAS, on February 24, 2016, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 1639149, pursuant to the Land Development Code of the City of San Diego; and

NOW THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated February 24, 2016.

FINDINGS:

#### **Coastal Development Permit – SDMC Section 126.0708**

1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed

## coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

The project proposes construction of a covered porch, an arbor and a BBQ area to an existing 3,724-square-foot, two-story, single-family home, and construction of a 530-squarefoot addition to an existing one-story, 410-square-foot accessory structure to accommodate a guest quarters on private property across the street from Sunset Cliffs Natural Park and the Pacific Ocean. The project site does not contain any existing physical access way utilized by the general public. The Sunset Cliffs Boulevard and Guizot Street public right-of-way lies adjacent to the site and includes facilities for vehicular, bicycle and pedestrian access. To upgrade the adjacent public right-of-way to current City standards the project includes reconstruction of an existing curb ramp at the corner of Sunset Cliff Boulevard and Guizot Street with a current City Standard curb ramp, and this improvement will enhance coastal public access in the area. All private development will occur on private property and 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. The project site is not located on or adjacent to an identified coastal vista as specified within the Peninsula Community Plan and Local Coastal Program (PCP/LCP); nonetheless, the project has been designed to enhance and protect public views to and along the ocean and other scenic coastal areas.

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

The project proposes construction of a covered porch, an arbor and a BBQ area to an existing 3,724-square-foot, two-story, single-family home, and construction of a 530-square-foot addition to an existing one-story, 410-square-foot structure located at the rear of the parcel to accommodate a guest quarters, on private property across the street from Sunset Cliffs Natural Park and the Pacific Ocean. Environmentally sensitive lands are not present on the project site, and the project will have no effect on an existing coastal bluff edge lying off-site and west of Sunset Cliffs Boulevard, as analyzed in the geology report prepared for the project. The proposed development will not adversely affect environmentally sensitive lands.

#### 3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

The project proposes construction of a covered porch, an arbor and a BBQ area to an existing 3,724-square-foot, two-story, single-family home, and construction of a 530-square-foot addition to an existing one-story, 410-square-foot structure to accommodate a guest quarters. The Peninsula Community Plan and Local Coastal Program (PCP/LCP) designates the project site for single-family residential land use and the project density is consistent with this designation. The proposed development is reflective of the architectural design and scale characteristic of the project vicinity, and is consistent with the General Plan and PCP/LCP goals encouraging neighborhood "compatibility and continuity". The proposed project complies with the RS-1-7 zone and applicable regulations of the Land Development

Code and no deviations are required. Conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site, including the design and operation of the proposed guest quarters, and are incorporated into Coastal Development Permit No. 1639149. The proposed coastal development is in conformity with the PCP/LCP and complies with all regulations of the certified Implementation Program.

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

The proposed project will be constructed on private property fronting the easterly side of Sunset Cliffs Boulevard, across the street from Sunset Cliffs Natural Park and the Pacific Ocean. The project site is not located between the nearest public roadway and the sea or the shoreline of any body of water located within the Coastal Overlay Zone. Therefore, the proposed coastal development does not have to comply with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 1639149, is hereby GRANTED by the Hearing Officer to the referenced Owners/Permittees, in the form, exhibits, terms and conditions as set forth in Permit No. 1639149, a copy of which is attached hereto and made a part hereof.

Patricia J. FitzGerald Development Project Manager Development Services

Adopted on: February 24, 2016

Job Order No. 24005669

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

WHEN RECORDED MAIL TO PROJECT MANAGEMENT PERMIT CLERK MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24005669

#### COASTAL DEVELOPMENT PERMIT NO. 1639149 (AMENDMENT TO COASTAL DEVELOPMENT PERMIT NO. 141786) MCKENNA RESIDENCE - PROJECT NO. 412621 HEARING OFFICER

This Coastal Development Permit No. 1639149 is granted by the Hearing Officer of the City of San Diego to DENNIS MCKENNA and MARY PAT MCKENNA, Owners/Permittees, pursuant to San Diego Municipal Code [SDMC] Section 126.0708 and Section 126.0504. The 13,447-square-foot project site is located at 1053 Sunset Cliffs Boulevard within the RS-1-7 zone and Coastal Overlay Zone (Appealable), the Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zone (Beach Impact Area) & Residential Tandem Parking Overlay Zone, within the Peninsula Community Plan and Local Coastal Program Land Use Plan area. The project site is legally described as Lot 14 of Block 24 of Sunset Cliffs, Map No. 1889.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owners/Permittees to construct additions to an existing single-family residence and accessory structure, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated February 24, 2016, on file in the Development Services Department.

The project shall include:

- a. Construction of a covered porch, an arbor and a BBQ area to an existing 3,724-square-foot, two-story, single-family home;
- b. Construction of a 530-square-foot addition to an existing one-story 410-square-foot structure for guest quarters use;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking;
- e. 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 \_\_\_\_\_, 2019.

2. 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 Owners/Permittees sign and return the Permit to the Development Services Department; and
- b. The Permit is recorded in the Office of the San Diego County Recorder.

3. 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.

4. 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 Owners/Permittees and any successor(s) in interest.

5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

6. Issuance of this Permit by the City of San Diego does not authorize the Owners/Permittees 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.).

7. The Owners/Permittees shall secure all necessary building permits. The Owners/Permittees 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.

8. 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.

9. All of the conditions contained in this Permit have been considered and were determinednecessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owners/Permittees 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 Owners/Permittees shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" conditions(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. The Owners/Permittees 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 Owners/Permittees of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owners/Permittees 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, Owners/Permittees 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 Owners/Permittees 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 Owners/Permittees shall not be required to pay or perform any settlement unless such settlement is approved by Owners/Permittees.

#### **ENGINEERING REQUIREMENTS:**

11. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices (BMP) maintenance, satisfactory to the City Engineer.

12. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction BMPs necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

13. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

14. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to reconstruct the existing curb ramp at the northeast corner of Sunset Cliff Boulevard and Guizot Street, with current City Standard curb ramp, per Standard Drawing SDG-132 with truncated domes, adjacent to the site , satisfactory to the City Engineer.

#### **GEOLOGY REQUIREMENTS:**

15. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.

#### LANDSCAPING REQUIREMENTS:

16. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

17. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace it in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage.

#### PLANNING/DESIGN REQUIREMENTS:

18. The Owners/Permittees shall maintain a minimum of three off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

19. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owners/Permittees.

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.

21. <u>Guest Quarters</u>: In accordance with SDMC Section 141.0306, occupancy of a premises containing guest quarters or habitable accessory buildings shall comply with SDMC Section 141.0306(a) through (i).

22. <u>Guest Quarters</u>: Before a Building Permit is issued for a guest quarters or habitable accessory building, the record owner shall submit a signed agreement with the City that specifies that the guest quarters or habitable accessory building shall not be used as, or converted to, a companion unit or any other dwelling unit. The agreement shall include a stipulation that neither the primary dwelling unit nor the guest quarters or habitable accessory building shall be sold or conveyed separately. The City will provide the agreement to the County Recorder for recordation.

#### **INFORMATION ONLY:**

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on February 24, 2016, and Resolution No. HO-\_\_\_\_\_.

### **ATTACHMENT 6**

Coastal Development Permit No. 1639149 Date of Approval: February 24, 2016

#### AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Patricia J. FitzGerald Development Project Manager

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

**The undersigned Owners/Permittees**, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owners/Permittees hereunder.

Ву \_\_\_\_

DENNIS MCKENNA Owner/Permittee

Ву \_\_\_\_

MARY PAT MCKENNA Owner/Permittee

NOTE: Notary acknowledgments must be attached per Civil Code section 1189 et seq. CITY OF SAN DIEGO DEVELOPMENT SERVICES PERMIT INTAKE, MAIL STATION 501 THE ORIGINAL OF THIS DOCUMENT WAS RECORDED ON OCT 04, 2005 DOCUMENT NUMBER 2005-0859651 GREGORY J. SMITH, COUNTY RECORDER SAN DIEGO COUNTY RECORDER'S OFFICE TIME: 4:28 PM

WHEN RECORDED MAIL TO PERMIT INTAKE MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-3359

#### COASTAL DEVELOPMENT PERMIT NO. 141786 SASARAN RESIDENCE – PROJECT NO. 49507 HEARING OFFICER

This Coastal Development Permit No. 141786, is granted by the Hearing Officer of the City of San Diego to LEWIS SASARAN and JEANNE ROSE SASARAN, TRUSTEES of the SASARAN FAMILY TRUST, Owner/ Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0708. The 13,399-square-foot site is located at 1053 Sunset Cliffs Boulevard in the RS-1-7 Zone, Coastal Overlay Zone (appealable-area), Coastal Height Limit Overlay Zone, Beach Parking Impact Overlay Zone, and the Residential Tandem Parking Overlay Zone within the Peninsula Community Plan and Local Coastal Program Area. The project site is legally described as Lot 14, Block 24 of Sunset Cliffs Map No. 1889.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner /Permittee to construct a 2,758 square-foot addition to an existing single family residence, described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated June 29, 2005, on file in the Development Services Department.

The project or facility shall include:

- a. The construction of 2,758 square-foot addition to an existing 1,667 square-foot single family residence;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking facilities;
- d. A new fence not to exceed three-foot high in visibility areas; and
- e. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement

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requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

#### **STANDARD REQUIREMENTS:**

1. Construction, must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

2. No permit for the construction 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 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

3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.

4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.

5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

6. Issuance of this Permit by the City of San Diego does not authorize the 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.).

7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. Before issuance of any building permits, complete working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," on file in the Development Services Department. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

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9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" conditions(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. 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 following all appeals.

#### **ENGINEERING REQUIREMENTS:**

11. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the closure of the driveway on Guizot Street with restoration to full-height curb and gutter, and the reconstruction of the curb ramp at the corner of Guizot Street and Sunset Cliffs Boulevard to current standards, all satisfactory to the City Engineer.

12. Prior to building occupancy, the applicant shall conform to Section 62.0203 of the Municipal Code, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

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

#### PLANNING/DESIGN REQUIREMENTS:

14. No fewer than two off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," on file in the Development Services Department. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

15. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this

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ORIGINAL

Permit. Where there is a conflict between a condition (including exhibits) of this Permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this Permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

16. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this Permit.

17. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Permittee.

18. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

19. 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.

20. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

21. The subject property site shall be maintained in a neat and orderly fashion at all times.

22. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, mechanical ventilator, or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed, architecturally integrated structure whose top and sides may include grillwork, louvers, and latticework.

23. The structure in the northeast portion of the project site shall not be used for living or sleeping purposes at any time.

#### **STORMWATER REQUIREMENTS:**

24. Prior to the issuance of any construction permit the applicant shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

#### **INFORMATION ONLY:**

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days

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of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the Hearing Officer of the City of San Diego on June 29, 2005 by Resolution No. HO-5053

NOTE: Notary acknowledgments must be attached per Civil Code section 1180 et seq.



## PENINSULA COMMUNITY PLANNING BOARD MINUTES

3701 Voltaire St., Point Loma Library

July 16, 2015

## **APPROVED ON SEPT. 17**

**Present:** Amanda Behnke, Nicole Burgess, Patricia Clark, Bruce Coons, David Dick, Robert Goldyn, James Hare, Mark Krencik, Jon Linney, Peter Nystrom, Julia Quinn, Jarvis Ross, Don Sevrens and Jay Shumaker.

Absent: Paul Webb.

Called to order at 6:34 p.m.

#### **PARLIAMENTARY ITEMS**

- 1. Approval of agenda. By consent.
- Approval of June 2015 minutes. Motion by Shumaker, second by Ross. Approved 10-0 (Quinn was absent but does not vote, Behnke and Burgess abstaining absent). (Dick late in arriving.)
- 3. Secretary's Report Don Sevrens. No report.
- 4. Treasurer's Report Patricia Clark. Treasury has \$266.55. New fiscal year has started, beginning new round of annual \$500 capped reimbursement.
- Chair Report Julia Quinn. Reported on recent city training for planning group chairs. Main takeaway was the importance of accurate minutes and including the reasons behind approval or denial.

#### NON-AGENDA PUBLIC COMMENTS

**JOE HOLASEK.** Representative of Nogle Onufer Associates gave briefing on project at Jarvis and Scott although application has not been submitted yet. It will be a 12-plex, three buildings of four units each.

**JIM GILHOOLY.** Asked whether Navy ever did an EIR on its fuel line replacement and when City gave the go-ahead.

**GOVERNMENT REPORTS Council District 2** – Conrad Wear. Described acquiring budget authorization for a ranger at Sunset Cliffs Natural Park and a senior ranger for the ocean strip of the peninsula and part of Pacific Beach. Rangers will not carry guns but can write tickets, Motion by Shumaker, second by Coons to approve. Motion approved 12-0, Webb absent and Burgess out of room.

**McKenna Addition CDP**, Project No. 412621, 1053 Sunset Cliffs Blvd. Zone RS-1-7. CDP to construct 530 sf addition to existing guest quarters. Coastal (appealable) overlay zone. Applicant: Susan Skala, AIA

Krencik: Subcommittee voted 5-0 to approve. Back unit would be 22 feet tall with 530 sf added.

Sevrens: Is this a vacation rental? A: Main house 10-12 weeks, small unit never rented and intended to be a residence eventually for a handicapped relative.

Clark: Paying Transient Occupancy Tax? A: Yes, 11.05%.

**Dick:** Will this be a cooking facility? A: It will have microwave, refrigerator and sink.

Motion to approve by Shumaker, second by Clark. Yes (12) Behnke, Burgess, Clark, Coons, Dick, Goldyn, Hare, Krencik, Linney, Nystrom, Ross, Shumaker No (1) Sevrens

**Olson residence CDP**, Project No. 375221, 829 Rosecrans St., Zone RS-1-7 CDP to demolish existing SFR to construct 4,960 SF three-story residence and 3,000 SF subterranean garage. Coastal (appealable), Coastal height limitation. Coastal Parking Impact Overlay Zone. Applicant: Larry Pappas

Note: Chair Quinn stepped out for the start of the item and David Dick stepped in as acting chair. Dick exercised chair's prerogative to have audience speak first, followed by board.

**Rodney Eales:** Due process never occurred here. No one knew of meeting except for one neighbor who found a phone message 30 minutes before. Neighbors have never seen the plans. The planning board is failing to follow its mission statement. Twenty neighbors have registered protests.

**Hal Sadler:** No plans are available to anyone--ridiculous. An architect cannot take away the plans after showing them to the subcommittee. There are concerns about violating the 30-foot height limit. The Coastal Commission can reject this in a minute.

**David Tiran:** The Yacht Club Terrace CC&R's committee by deed requirement is supposed to review all projects. The applicant has failed to meet that requirement.

**Catherine Stiefel:** No way to know if issues have been addressed in plans as no one has been able to see them.

Brad Harin: No one has seen revised plans. Please table the item.

City of San Diego Development S 1222 First Ave San Diego, CA (619) 446-5000	<b>Šervices</b> , MS-302 92101	Owner	rship Disclosure Statement		
Approval Type: Check appropriate box Neighborhood Development Permit Variance Tentative Map Ves Project Title Mc Kenna Project Address: 1053 Sousa	Site Development Permit sting Tentative Map Map Wait Addli Hion	t: Neighborhood Use Permit Planned Development Permit rer Land Use Plan Amendment •	Conditional Use Permit		
Part I - To be completed when property is held by Individual(s)					
By signing the Ownership Disclosure Stat above, will be filed with the City of San below the owner(s) and tenant(s) (if app who have an interest in the property, reco individuals who own the property). A sig from the Assistant Executive Director of f Development Agreement (DDA) has bee Manager of any changes in ownership do the Project Manager at least thirty days information could result in a delay in the h	Diego on the subject property, w licable) of the above referenced orded or otherwise, and state the nature is required of at least one the San Diego Redevelopment A en approved / executed by the C uring the time the application is b prior to any public hearing on t	ith the intent to record an encumbrar property. The list must include the n type of property interest (e.g., tenants of the property owners. Attach add gency shall be required for all project ity Council. Note: The applicant is eing processed or considered. Char	nce against the property. Please list ames and addresses of <b>all</b> persons s who will benefit from the permit, all itional pages if needed. A signature t parcels for which a Disposition and responsible for notifying the Project ages in ownership are to be given to		
Additional pages attached TYe	es No				
Name of Individual (type or print); DENNIS //// Owner Tenant/Lessee T Street Address: 1953 SUNSET	KENNA Redevelopment Agency	Name of Individual (type or pr When Tenant/Lessee Street Address: 5.3 Subsect	DEFENDA		
City/State/Zip: SAN DEC CA , 92107 Phone No: 468-2949 Fax No: Signature: Date:		City/State/Zip: SAN DAESO, CA. 92107 Phone No: 925-876-2493 Signature : Date:			
milenna	2/9/15	M McKerna 2/9/15			
Name of Individual (type or print): Name of Individual (type or print):					
Owner Tenant/Lessee Redevelopment Agency		Owner Tenant/Lessee Redevelopment Agency			
Street Address:		Street Address:			
City/State/Zip:	v	City/State/Zip:			
Phone No:	Fax No:	Phone No:	Fax No:		
Signature :	Date:	Signature :	Date:		

Printed on recycled paper. Visit our web site at <u>www.sandiego.gov/development-services</u> Upon request, this information is available in alternative formats for persons with disabilities. DS-318 (5-05)



\*ENGINEEDING DEVIEW DETERMINED THAT THE

## L, SUSAN SKALA DO HEREBY CERTIFY THAT THE STRUTURES OR MODIFICATION TO EXISTING SRUCTURES SHOWN ON THESE PLANS DO NOT REQUIRE FEDERAL AVIATION ADMINISTRATION NOTIFICATION BECAUSE PER SECTION 77.15 (A) OF TITLE 14 OF THE CODE OF FERERAL REGULATIONS CFR

PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER/PERMITEE SHALL INCORPORATE ANY CONSTRUCTION BEST MANAGEMENT PRACTICES NECESSARY TO COMPLY WITH CHAPTER 14, ARTICLE 2, DIVISION 1 (GRADING REGULATIONS) OF THE SAN DIEGO MUNICIPAL CODE, INTO THE CONSTRUCTION PLANS AND SPECIFICATIOSN

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 GUIDLELINES IN APPENDIX E OF THE CITY'S STORM WATER STANDARDS.

NOTE; AS PER FHPS POLICY P-100-6 (UFC 901.4.4) PROVIDE BUILDING ADDRESS NEMBERS, VISIBLE AND LEGIBLE FROM THE STREET FRONTING THE PROPERTY.

NO GRADING IS PROPOSED. TRENCHES FOR NEW FOUNDATIONS SHALL BE LESS THAN 100 CUBIC YARDS, TRENCHES SHALL BE A DEPTH OF 2'-0" BY 1'-3" ALONG THE PERIMETERS OF NEW CONSTRUCTION APPROX. 180' TO 200' IN LENGTH. ZERO GRADING PROPOSED.

THE HEIGTH OF THE PROPOSED DEVELOPMENT SHALL CONFORM WITH THE 30' MAXIMUM STRUCTURE HEIGHT AND THE OVERALL STRUCTURE HEIGHT MEASUREMENTS IN ACCORDANCE

THE HEIGHT OF THE PROPOSED DEVELOPMENT SHALL CONFORM WITH THE 30' MAXIMUM STRUCTURE HEIGHT AND THE OVERALL STRUCTURE HEIGHT MEASUREMENTS IN ACCORDANCE

THE EXISITING WATER AND SEWER SERVICES WILL REMAIN. LATERALS EXIST TO PROPOSED

BENCH MARK FOUND - BRASS PLUG IN TOP OF CURB AT SOUTHEAST CORNER OF GUIZOT STREET AND SUNSET CLIFFS BLVD, PER CITY OF SAN DIEGO BENCH MARK





ATE: 2-27-15

DATE: 2-27-15 7-20-15 DELTA 1: 2-2-5 DELTA 2: 10-29-15 11-25-15

1 OF 7

**A1** 

















SKALA ARCHITECTURE 864 TARENTO DRIVE, SAN DIEGO, CA 92106 .95 \_ ┶╎┶╎┝┤╒┱┑ 85 \_ **7**0' ┊╆┽┊┾╫┇╋╋╎ -58' SECTION THRU SITE  $\frac{A}{A7}$ 92107 95' S MCKENNA ADDITION 1053 SUNSET CLIFFS BLVD., SAN DIEGO, 90' 85' 80' DATE: 2-27-15 7-20-15 DELTA 1: 2-2-5 DELTA 2: 10-29-\_6<u>0'</u> \_ \_ \_ SIDEWALK LEVEL - 58' -- -7 OF 7 B A7 SITE SECTION LOOKING EAST A7

SIDEWALK (on\_ PL)