



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: June 12, 2019 REPORT NO. HO-19-059

HEARING DATE: June 19, 2019

SUBJECT: METZ/LEWIS NDP/CDP - Process Three Decision

PROJECT NUMBER: [620277](#)

OWNER/APPLICANT: Mikki Metz and Bill Lewis

SUMMARY

Issue: Should the Hearing Officer approve a permit to allow portions of an existing residential fence within the public right-of-way to remain and to replace portions of an existing solid fence and picket fence with a hogwire mesh fence within the Garden Lane right-of-way?

Staff Recommendation(s):

1. Approve Coastal Development Permit No. 2213487; and
2. Approve Neighborhood Development Permit No. 2213488;

Community Planning Group Recommendation: On February 14, 2019, the Peninsula Community Planning Group voted unanimously to recommend approval of the proposed project without conditions.

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Sections 15301 (Existing Facilities) and 15303(e) (New Construction or Conversion of Small Structures). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on May 6, 2019, and the opportunity to appeal that determination ended May 20, 2019.

BACKGROUND

The 0.18 -acre site is located at 3848 Garden Lane in the RS-1-7 Zone, the First Public Roadway, Coastal Overlay Zone (Appealable Area), the Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zone (Coastal), FAA Part 77 Notification Overlay Zone, Airport Influence Area, and

the Peninsula Community Plan Area (Attachment 1). The site is improved with a single family residence. The proposed project is in an area identified for single dwelling units with a density of 9 dwelling units per acre in the Peninsula Community Plan, and the existing single family residence is consistent with that land use designation (Attachment 2). The project is surrounded by single-family residences and Point Loma Nazarene University (Attachment 3). The existing single family is consistent with the existing General Plan designation because the existing single-family residence is within the low density range in a coastal urbanized core of the City. The project complies with all required San Diego Municipal Code (SDMC) regulations.

DISCUSSION

The applicant is requesting the approval of a Coastal Development Permit (CDP) and a Neighborhood Development Permit per SDMC Sections 126.0702(a), 126.0404, and 142.0305 to permit portions of an existing residential fence within the public right-of-way and to replace portions of an existing solid fence and picket fence with a hogwire mesh fence. The existing dwelling unit will remain and provide housing within a low-density range in a coastal urbanized core of the City.

Single-family residential development is the primary existing land use of the immediate neighborhood. The project site is located between the nearest public road and the shoreline of a body of water, which requires Coastal Commission approval of the Coastal Development Permit. The site does not contain a physical public access way to, and is not within or adjacent to, any public recreation area. The project does not propose to encroach into any public access way to the ocean which is approximately one mile westerly of the site. The project is a private development on privately owned land. The existing single family residence will remain and is compatible with the existing land uses in the immediate neighborhood and will not constitute a disruptive element to the neighborhood and community. The permitting of the fence will not conflict with the relevant land use plans as the existing single family residence will remain and is consistent with the Peninsula Community Plan and the San Diego Municipal Code.

The permits for the project include conditions of approval and exhibits to achieve project compliance with the applicable SDMC regulations. Compliance with the permit conditions would protect the health, safety and general welfare of persons residing or working in the surrounding area. The fencing renovations will be subject to Ministerial building permits requiring compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code, seismic requirements and all adopted referenced standards, which also establish standards to safeguard public health, safety, and welfare.

In addition, the project has been conditioned to submit an Encroachment Maintenance and Removal Agreement, and with respect to any liability, including but not limited to claims asserted, demands, causes of action, costs, expenses, losses, attorney fees, damages, expenses or payments that the City may sustain or incur in any manner for damages or injuries, including those to any person (including disability, dismemberment, illness damages, or death) or property, arising from, related to, or resulting from the construction, maintenance, state of use, repair, or presence of the Encroachment, the Property Owner agrees to defend, indemnify, protect and hold harmless the City, its agents, officers, and employees from and against any and all liability. due to the fence being located within the Gardena Lane Public Right of Way.

All necessary public improvements are included as project conditions, and all public utilities required to service the site are available. The project was determined to be exempt from CEQA pursuant to CEQA Guidelines Sections 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures), and there was no appeal of the environmental determination filed within the time period provided by San Diego Municipal Code Section [112.0520](#). The proposed Coastal Development permit includes conditions of approval and exhibits to achieve compliance with the SDMC regulations applicable to this project. Compliance with the permit conditions would protect the health, safety and general welfare of persons residing or working in the surrounding area (Attachment 6).

Community Planning Group Recommendation

On February 14, 2019, the Peninsula Community Planning Board voted unanimously to recommend approval of the proposed project, without conditions.

CONCLUSION

City staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted policies and regulations of the San Diego Municipal Code and the Certified Local Coastal Program. Staff has provided draft findings to support approval of the project (Attachments 5) and draft conditions of approval (Attachment 6). Staff recommends that the Hearing Officer approve Coastal Development Permit No. 2213487 and Neighborhood Development Permit No. 2213488.

ALTERNATIVES

1. Approve Coastal Development Permit No. 2213487, and Neighborhood Development Permit No. 2213488, with modifications.
2. Deny Coastal Development Permit No. 2213487, and Neighborhood Development Permit No. 2213488, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Derrick Johnson (D.J.), Development Project Manager

Attachments:

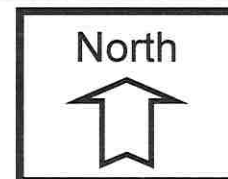
1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Draft Resolution with Findings
5. Draft Permit with Conditions
6. Environmental Exemption
7. Community Planning Group Recommendation

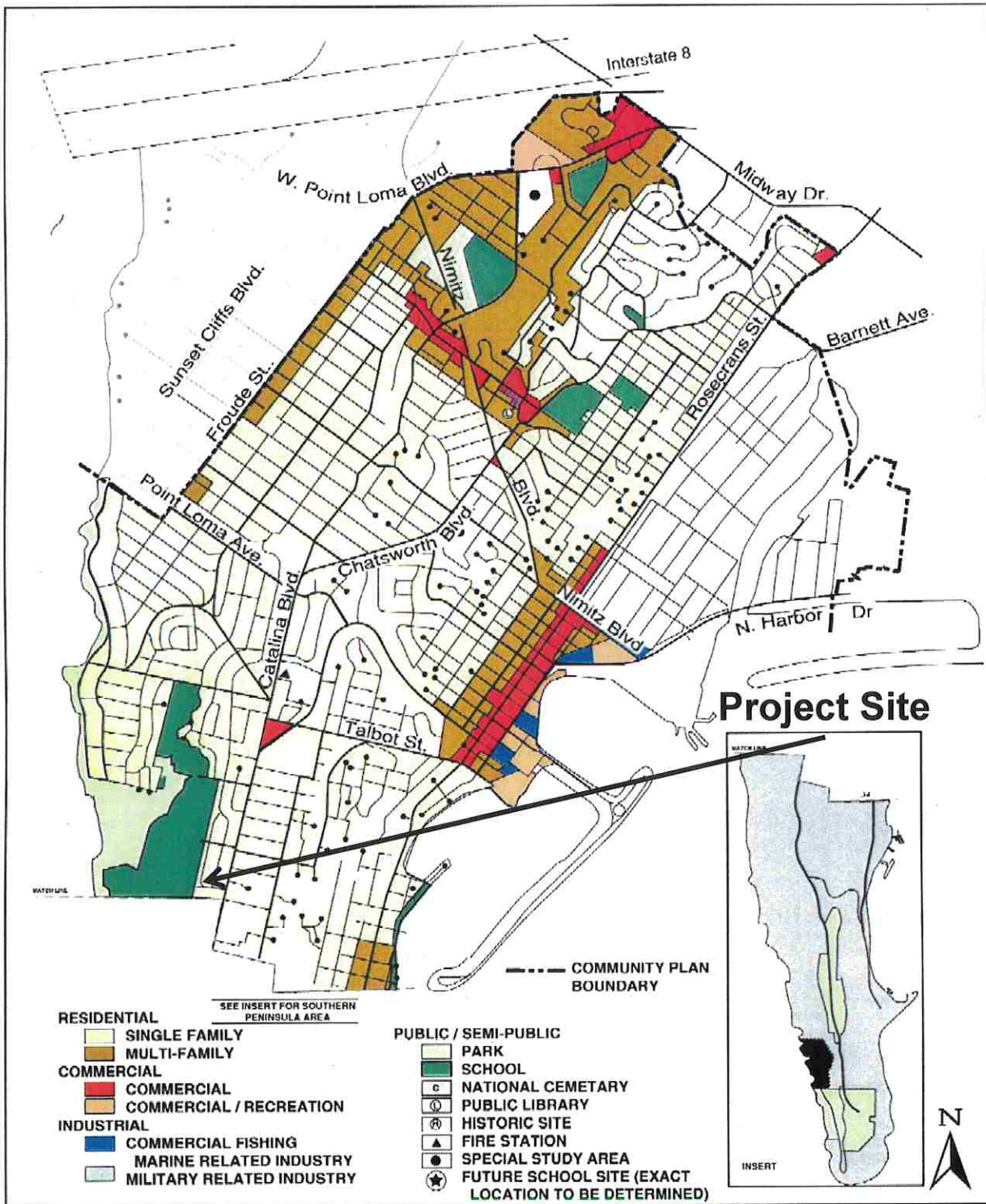
8. Ownership Disclosure Statement
9. Project Plans
10. Letters in support of the project



Project Location Map

Metz/Lewis NDP/CDP / 3848 Garden Lane
PROJECT NO. 620277





Land Use Map

Metz/Lewis NDP CDP/ 3848 Garden Lane

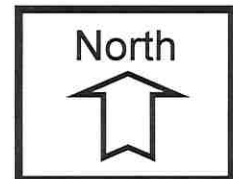
PROJECT NO. 620277





Aerial Photo

Metz/Lewis NDP/CDP/ 3848 Garden Lane
PROJECT NO. 620277



HEARING OFFICER
RESOLUTION NO. _____
COASTAL DEVELOPMENT PERMIT NO. 2213487
NEIGHBORHOOD DEVELOPMENT PERMIT NO. 2213488
METZ/LEWIS NDP/CDP- PROJECT NO. 620277

WHEREAS, MIKKI METZ AND BILL LEWIS, Owner/Permittee, filed an application with the City of San Diego to permit portions of an existing residential fence within the public right-of-way and replace portions of an existing solid fence and picket fence with a hogwire mesh fence, (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Coastal Development Permit No. 2213487 and Neighborhood Development Permit No. 2213488), on portions of a 0.18-acre site;

WHEREAS, the project site is located at is located at 3848 Garden Lane in the RS-1-7 Zone, the First Public Roadway, Coastal Overlay Zone (Appealable Area), the Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zone (Coastal), Point Loma Theosophical Inst Designated Historic District, FAA Part 77 Notification Overlay Zone Airport Influence Area, and the Peninsula Community Plan Area;

WHEREAS, the project site is legally described as Lot 116 of Woodland Terrace Unit No. 2, County of San Diego, Map No. 2718, Recorded on November 6, 1950;

WHEREAS, on May 6, 2019, 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 Guideline Section 15301 (Existing Facilities) and Section 15303(e) (New Construction or Conversion of Small Structures); and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on June 19, 2019, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 2213487 and Neighborhood Development Permit No. 2213488, pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Coastal Development Permit No. 2213487 and Neighborhood Development Permit No. 2213488:

COASTAL DEVELOPMENT PERMIT FINDINGS – San Diego Municipal Code (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 to permit portions of an existing residential fence within the public right-of-way and replace portions of an existing solid fence and picket fence with a hogwire mesh fence. The Peninsula Community Plan does not identify any existing or proposed physical access way from this site to any coastal resource and there are no public access easements recorded on the title of the property. No physical access routes are identified through the property in the Peninsula Community Plan or Local Coastal Program Land Use Plan. Therefore, the proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public access way identified in a Local Coastal Program land use plan.

Furthermore, the Peninsula Community Plan, the adopted Local Coastal Program land use plan, does not identify any public views from this private property to and along the ocean which is approximately several miles westerly of the site or other scenic coastal areas of which there are none. The existing single family residence will remain in place and the alterations to the fences will not degrade and will not remove, eliminate, or detract any protected public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan from this site.

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

The subject site does not contain nor is it adjacent to any environmentally sensitive lands. The project is within an urbanized area and is not located in or adjacent to the Multi Habitat Planning Area. Single-family residential development is the primary existing land use of the immediate neighborhood and the existing single family residence will remain in place and the alterations to the fences will maintain the development patterns in neighborhood. The existing single family residence was development and designed to ensure all drainage from unimproved areas will have been appropriately collected and discharged in order to reduce, control, or mitigate erosion of the

coastal bluff. The proposed coastal development will not adversely affect environmentally sensitive lands, as no such resources exist on the project site.

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 Peninsula Community Plan designates the site for single-family residential development. The General Plan, Peninsula Community Plan and Local Coastal Program designate the site for low density residential with regulations for minimum lot size and dimensional criteria. The project is only to permit portions of an existing residential fence within the public right-of-way to remain and replace portions of the existing solid fence and picket fence with a hogwire mesh fence. Single-family residential development is the primary existing land use of the immediate neighborhood. The project will not conflict with the relevant land use plans including the Peninsula Community Plan. The existing single family residence will remain in place and the alterations to the fences does not conflict with the relevant land use plans. Therefore, the proposed development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

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 existing single family residence is located between the nearest public road and the shoreline of a body of water. The site does not contain a physical public access way and is not within or adjacent to any public recreation area. The project does not propose to encroach into any public access way to the ocean which is approximately several miles westerly of the site. The project is a private development on privately owned land. The Peninsula Community Plan and Local Coastal Program do not designate any coastal access to the beach. Therefore, the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

NEIGHBORHOOD DEVELOPMENT PERMIT FINDINGS - SDMC SECTION 126.0404

1. The proposed development will not adversely affect the applicable land use plan.

The project proposes to permit portions of an existing residential fence within the public right-of-way and replace portions of an existing solid fence and picket fence with a hogwire mesh fence. The Peninsula Community Plan designates the site for single-family residential development. The City of San Diego Progress Guide and General Plan, Peninsula Community Plan and Local Coastal Program designate the site for low density residential. The existing single family residence will remain. Single-family residential development is the primary existing land use of the immediate neighborhood. The permitting of the existing fence will not conflict with the relevant land use plans and will be developed in accordance with the policies of the Peninsula Community Plan. Therefore, the proposed development will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

An Exemption was prepared for this project in accordance with the State of California Environmentally Quality Act (CEQA) Guidelines. No mitigation for potential significant impacts is required. The fencing renovations will be subject to Ministerial building permits requiring compliance with the California Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code, seismic requirements and all adopted referenced standards, which also establish standards to safeguard public health, safety, and welfare. Therefore, the proposed development would not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

The project proposes to permit portions of an existing residential fence within the public right-of-way to remain and replace portions of the existing solid fence and picket fence with a hogwire mesh fence. The project is a private development on privately owned land. The existing single family residence will remain and is compatible with the existing land uses in the immediate neighborhood and will not constitute a disruptive element to the neighborhood and community. The permitting of the fence will not conflict with the relevant land use plans as the existing single family residence will remain and is consistent with the Peninsula Community Plan and the San Diego Municipal Code. No deviations have been requested. Therefore, the proposed development will comply with the regulations of the Land Development Code

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

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 2213487, and Neighborhood Development Permit No. 2213488, is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Coastal Development Permit No. 2213487, and Neighborhood Development Permit No. 2213488, a copy of which is attached hereto and made a part hereof.

A handwritten signature in black ink, appearing to read 'Derrick Johnson', with a long horizontal flourish extending to the right.

Derrick Johnson (D.J.)
Development Project Manager
Development Services

Adopted on: June 19, 2019

IO#: 24008072

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

INTERNAL ORDER NUMBER: 24008072

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT No. 2213487
NEIGHBORHOOD DEVELOPMENT PERMIT No. 2213488
METZ/LEWIS NDP/CDP - PROJECT No. 620277
HEARING OFFICER

This Coastal Development Permit No. 2213487 and Neighborhood Development Permit No. 2213488, is granted by the Hearing Officer of the City of San Diego to Mikki Metz and Bill Lewis, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0701, 126.0401 and 142.0305. The 0.18 -acre site is located at 3848 Garden Lane in the RS-1-7 Zone, the First Public Roadway, Coastal Overlay Zone (Appealable Area), the Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zone (Coastal), Point Loma Theosophical Inst Designated Historic District, FAA Part 77 Notification Overlay Zone Airport Influence Area, and the Peninsula Community Plan Area. The project site is legally described as: Lot 116 of Woodland Terrace Unit No. 2, County of San Diego, Map No. 2718, Recorded on November 6, 1950.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to permit portions of an existing residential fence within the public right-of-way to remain and replace portions of the existing solid fence and picket fence with a hogwire mesh fence within the Garden Lane right-of-way, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 19, 2019, on file in the Development Services Department.

The project shall include:

- a. Permit portions of an existing residential fence within the public right-of-way and replace portions of an existing solid fence and picket fence with a hogwire mesh fence within the Garden Lane right-of-way;
- b. Off-street parking; and
- c. 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 July 3, 2022.
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action or following all appeals.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

9. Construction plans shall be in substantial conformity to Exhibit "A". Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

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

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

11. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

ENGINEERING REQUIREMENTS:

12. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Encroachment Maintenance and Removal Agreement for the existing picket fence and landscaping in the Garden Lane Right-of-Way, satisfactory to the City Engineer.

13. Prior to the issuance of any construction permit, the Owner/Permittee shall obtain a Public Right-of-Way permit for lowering the existing fence/install hogwire mesh framed in the Garden Lane Right-of-Way, satisfactory to the City Engineer.

PLANNING/DESIGN REQUIREMENTS:

14. Owner/Permittee shall maintain a minimum of two-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.

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

16. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

INFORMATION ONLY:

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

APPROVED by the Hearing Officer of the City of San Diego on June 19, 2019, and Coastal Development Permit No. 2213487 and Neighborhood Development Permit No. 2213488.

ATTACHMENT 5

Coastal Development Permit No. 2213487
Neighborhood Development Permit No. 620277
June 19, 2019

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Derrick Johnson (D.J.)
Development Project Manager

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

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

Miki Metz
Owner/Permittee

By _____
Miki Metz
Owner/Permittee

Bill Lewis
Owner/Permittee

By _____
Bill Lewis
Owner/Permittee

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

NOTICE OF EXEMPTION

ATTACHMENT 6

TO: X RECORDER/COUNTY CLERK
P.O. BOX 1750, MS A-33
1600 PACIFIC HWY, ROOM 260
SAN DIEGO, CA 92101-2422

FROM: CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
1222 FIRST AVENUE, MS 501
SAN DIEGO, CA 92101

 OFFICE OF PLANNING AND RESEARCH
1400 TENTH STREET, ROOM 121
SACRAMENTO, CA 95814

PROJECT NO.: 620277

PROJECT TITLE: Metz Lewis NDP CDP

PROJECT LOCATION-SPECIFIC: 3848 Garden Lane, San Diego, CA 92106

PROJECT LOCATION-CITY/COUNTY: San Diego/San Diego

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: A Neighborhood Development Permit and Coastal Development Permit to permit an existing fence and to erect a new fence, both portions of which are greater than 3 feet in height within the Garden Lane public right-of-way. The 0.18-acre site is located within the RS-1-7 base zone and the Coastal Overlay Zone (Appealable), within the Peninsula Community Plan and Council District 2.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Miki Metz, 3848 Garden Lane, San Diego, CA
92106; 619-546-5352.

EXEMPT STATUS: (CHECK ONE)

- () MINISTERIAL
() DECLARED EMERGENCY
() EMERGENCY PROJECT
(☒) CATEGORICAL EXEMPTION: SECTIONS 15301: EXISTING FACILITIES AND 15303(E): NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES

REASONS WHY PROJECT IS EXEMPT: The project has been determined to be exempt from CEQA pursuant to Section 15301 and Section 15303(e) of CEQA Guidelines. Section 15301 applies to the permitting of existing private structures and Section 15303(e) applies to the construction of small accessory structures such as fences. None of the exceptions listed in CEQA Guidelines Section 15003.2 apply, therefore this exemption is applicable to the proposed project.

LEAD AGENCY CONTACT PERSON: M. Brunette

TELEPHONE: (619) 446-5379

IF FILED BY APPLICANT:

1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.
2. HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT?
() YES () NO

IT IS HEREBY CERTIFIED THAT THE CITY OF SAN DIEGO HAS DETERMINED THE ABOVE ACTIVITY TO BE EXEMPT FROM CEQA


MARK BRUNETTE, SENIOR PLANNER

MAY 21, 2019

DATE

CHECK ONE:

- (X) SIGNED BY LEAD AGENCY
() SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101

Community Planning Committee Distribution Form Part 1


| | | | | | |
|---|--|--------------------------------------|---|---------------------------------------|--|
| Project Name: Metz/Lewis NDP/CDP | | Project Number: 620277 | | Distribution Date: 11/13/18 | |
| Project Scope/Location: PENINSULA (Process 3)- Neighborhood Development Permit and Coastal Development Permit to permit an existing fence and to erect a new fence both portions of which are greater than 3 feet in height within the Garden Lane right-of-way at 3848 Garden Lane. The 0.18 acre site is located in the RS-1-7 zone and the Appealable area of the Coastal Overlay Zone in the Peninsula Community Plan area. Council District 2. | | | | | |
| Applicant Name: Michelle Wills | | | Applicant Phone Number: (858) 245-3664 | | |
| Project Manager: Derrick Johnson | Phone Number: (619) 446-5477 | Fax Number: (619) 446-5245 | E-mail Address: DNJohnson@sandiego.gov | | |
| Project Issues (To be completed by Community Planning Committee for initial review): <div style="text-align: center; font-family: cursive; font-size: 1.2em; margin-top: 20px;"> 2.14.19 PROJECT REVIEW APPROVAL 4-0. </div> | | | | | |
| <i>Attach Additional Pages If Necessary.</i> | | | Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101 | | |
| Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services . Upon request, this information is available in alternative formats for persons with disabilities. | | | | | |



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101

Community Planning Committee Distribution Form Part 2

| | | | | | |
|---|--|--|--|--|--|
| Project Name: Metz/Lewis NDP/CDP | | Project Number: 620277 | | Distribution Date: 11/13/18 | |
| Project Scope/Location: PENINSULA (Process 3)- Neighborhood Development Permit and Coastal Development Permit to permit an existing fence and to erect a new fence both portions of which are greater than 3 feet in height within the Garden Lane right-of-way at 3848 Garden Lane. The 0.18 acre site is located in the RS-1-7 zone and the Appealable area of the Coastal Overlay Zone in the Peninsula Community Plan area. Council District 2. | | | | | |
| Applicant Name: Michelle Wills | | | Applicant Phone Number: (858) 245-3664 | | |
| Project Manager: Derrick Johnson | | Phone Number: (619) 446-5477 | Fax Number: (619) 446-5245 | E-mail Address: DNJohnson@sandiego.gov | |
| Committee Recommendations (To be completed for Initial Review): <i>APPROVAL 2.21.19</i> | | | | | |
| <input checked="" type="checkbox"/> Vote to Approve | | Members Yes 9 | Members No 0 | Members Abstain 0 | |
| <input type="checkbox"/> Vote to Approve With Conditions Listed Below | | Members Yes | Members No | Members Abstain | |
| <input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below | | Members Yes | Members No | Members Abstain | |
| <input type="checkbox"/> Vote to Deny | | Members Yes | Members No | Members Abstain | |
| <input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.) | | | | <input type="checkbox"/> Continued | |
| CONDITIONS: <i>NONE</i> | | | | | |
| NAME: <i>MARK KRENCIV</i> | | | TITLE: <i>PROJECT REVIEW CHAIR</i> | | |
| SIGNATURE: <i>[Signature]</i> | | | DATE: <i>5/2/19</i> | | |
| <i>Attach Additional Pages If Necessary.</i> | | | Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101 | | |
| Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services . Upon request, this information is available in alternative formats for persons with disabilities. | | | | | |

| | | | |
|---|---|--|--|
|  | City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000 | <h1 style="margin: 0;">Ownership Disclosure Statement</h1> | FORM DS-318 October 2017 |
|---|---|--|--|

Approval Type: Check appropriate box for type of approval(s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit
☒ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☐ Conditional Use Permit ☐ Variance
☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment • ☐ Other _____

Project Title: METZ LEWIS NDP **Project No. For City Use Only:** 620277

Project Address: 3848 GARDEN LANE

SAN DIEGO, CA 92106

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

☐ Corporation ☐ Limited Liability -or- ☐ General - What State? _____ Corporate Identification No. _____

☐ Partnership ☒ Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the owner(s), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of **ANY** person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Property Owner

Name of Individual: MIKI METZ & BILL LEWIS ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: 3848 GARDEN LANE

City: SAN DIEGO State: CA Zip: 92106

Phone No.: _____ Fax No.: _____ Email: metz_m@sbcglobal.net; lewis-rodney@sbcglobal.net

Signature:  Date: 7/26/18

Additional pages Attached: ☐ Yes ☒ No

Applicant

Name of Individual: MIKI METZ ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: 3848 GARDEN LANE

City: SAN DIEGO State: CA Zip: 92106

Phone No.: _____ Fax No.: _____ Email: metz_m@sbcglobal.net

Signature:  Date: 7/26/18

Additional pages Attached: ☐ Yes ☒ No

Other Financially Interested Persons

Name of Individual: _____ ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: _____

City: _____ State: _____ Zip: _____

Phone No.: _____ Fax No.: _____ Email: _____

Signature: _____ Date: _____

Additional pages Attached: ☐ Yes ☐ No

PROJECT DATA

ADDRESS:
3848 GARDEN LANE
SAN DIEGO, CA 92106

APN:
532-061-05-00

LEGAL DESCRIPTION:
002718 LOT 116*

APPROX SITE AREA:
7702 SF OR .18 ACRES

YEAR BUILDING CONSTRUCTED:
1951

CURRENT USE/PROPOSED USE:
SINGLE FAMILY RESIDENTIAL

ZONE:
RS-1-7

GEO HAZARD CATEGORY:
53

OVERLAY DISTRICTS:
VERY HIGH FIRE HAZARD SEVERITY
SD UNIFIED (SDUSD)
PARKING IMPACT OVERLY (PIOZ)
COUNCIL DISTRICT 2
PENINSULA COMMUNITY PLAN
COASTAL HT LIMITATION (CHLOZ)
COASTAL - FIRST PUBLIC ROADWAY
CITY COASTAL (COZ) - CST-APP
SDIA AIRPORT INFLUENCE AREA (AIA)
FAA HEIGHT NOTIFICATION

OWNER

MIKI METZ & BILL LEWIS
3848 GARDEN LANE
SAN DIEGO, CA 92106

PROJECT TEAM

ARCHITECT:
SOUTHERN CROSS PROPERTY
CONSULTANTS
814 MORENA BLVD, SUITE 210
SAN DIEGO, CA 92110

LICENSED LAND SURVEYOR:
STEVEN M HOWELL
9760 MESA SPRINGS WAY, UNIT 33
SAN DIEGO, CA 92126

SOUTHERN CROSS PROPERTY CONSULTANTS
814 MORENA BLVD., SUITE 210, SAN DIEGO, CA 92110
PHONE: 858-995-8657 FAX: 619-291-4010



METZ-LEWIS
NDP FENCELINE
3848 GARDEN LANE, SAN DIEGO, CA 92106

| REVISIONS | |
|-----------|---------------|
| Δ | COMPLETENESS |
| REVIEW | 11/1/2018 |
| Δ | DSD 1/16/2019 |
| CPG | 2/14/2019 |

DATE
MARCH 8, 2019
CHECKED/DRAWN
MCB/MMW

SCALE
0 30' 60'

SHEET 1 OF 4
A-0.1
NEIGHBORHOOD
SITE PLAN

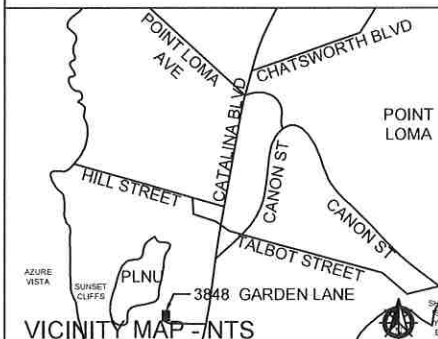


FAA CERTIFICATION

I, MATTHEW BOOMHOWER, DO HEREBY CERTIFY THAT THE STRUCTURE(S) OR MODIFICATION TO EXISTING STRUCTURE(S) SHOWN ON THESE PLANS DO NOT REQUIRE FEDERAL AVIATION ADMINISTRATION NOTIFICATION BECAUSE PER SECTION 77.15(a) OF TITLE 14 OF THE CODE OF FEDERAL REGULATIONS CFR PART 77, NOTIFICATION IS NOT REQUIRED.

NEIGHBORHOOD SITE PLAN

SCALE
1" = 60'



PROJECT DATA

ADDRESS:
3848 GARDEN LANE
SAN DIEGO, CA 92106

APN:
532-061-05-00

LEGAL DESCRIPTION:
002718 LOT 116*

APPROX SITE AREA:
7702 SF OR .18 ACRES

YEAR BUILDING CONSTRUCTED:
1951

CURRENT USE/PROPOSED USE:
SINGLE FAMILY RESIDENTIAL

ZONE:
RS-1-7

GEO HAZARD CATEGORY:
53

OVERLAY DISTRICTS:
VERY HIGH FIRE HAZARD SEVERITY
SD UNIFIED (SDUSD)
PARKING IMPACT OVERLY (PIOZ)
COUNCIL DISTRICT 2
PENINSULA COMMUNITY PLAN
COASTAL HT LIMITATION (CHLOZ)
COASTAL - FIRST PUBLIC ROADWAY
CITY COASTAL (COZ) - CST-APP
SDIA AIRPORT INFLUENCE AREA (AIA)
FAA HEIGHT NOTIFICATION

SCOPE OF WORK

EXISTING FENCE LOCATION TO
REMAIN

FENCE HEIGHT AND OPACITY TO BE
CHANGED PER SHEET A-0.3

ALL APPLICABLE SDMC HEIGHT AND
OPACITY REGULATIONS TO APPLY
EXCEPT FOR DEVIATION ON PANELS
CLOSEST TO PLNU, SEE SHEET A-0.3

CONTRACTOR RESPONSIBLE FOR
MAINTAINING BMP'S FOR
PREVENTION OF RUNOFF INTO
STORM WATER SYSTEMS

LEGEND

ENCROACHING FENCE IN ROW

PROPERTY LINE (PL)

CENTER LINE (CL)

SOUTHERN CROSS PROPERTY CONSULTANTS
814 MORENA BLVD., SUITE 210, SAN DIEGO, CA 92110
PHONE: 858-365-8657 FAX: 619-291-4010



METZ-LEWIS
NDP FENCELINE
3848 GARDEN LANE, SAN DIEGO, CA 92106

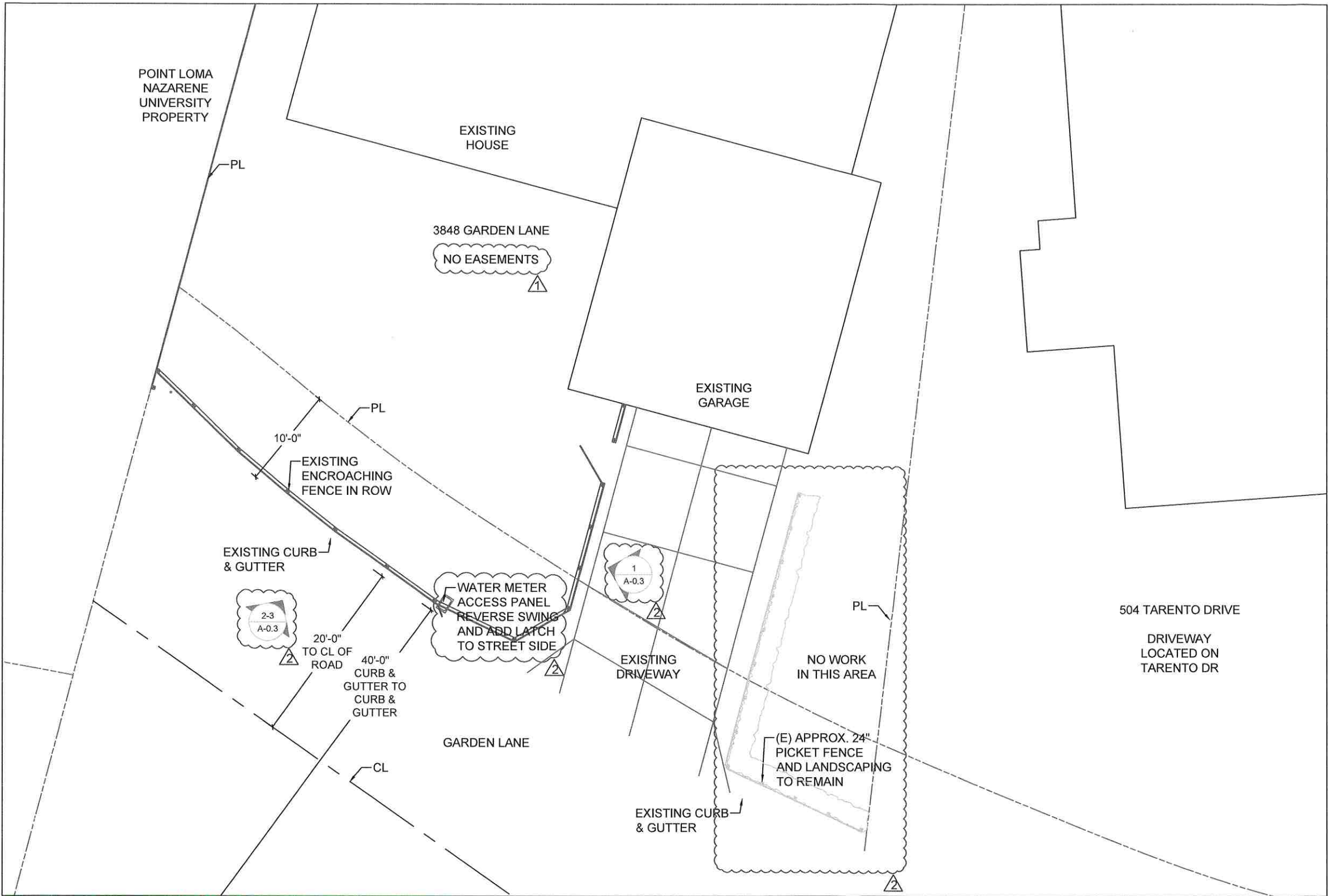
| REVISIONS |
|---------------------------------|
| 1 COMPLETENESS REVIEW 11/1/2018 |
| 2 DSD 1/16/2019 |
| 3 CPG 2/14/2019 |

DATE:
MARCH 8, 2019
CHECKED/DRAWN:
MCB/MW

SCALE:
0 5' 10'

SHEET 2 OF 4

A-0.2
SITE PLAN



FAA CERTIFICATION

I, MATTHEW BOOMHOWER, DO HEREBY CERTIFY THAT THE STRUCTURE(S) OR MODIFICATION TO EXISTING STRUCTURE(S) SHOWN ON THESE PLANS DO NOT REQUIRE FEDERAL AVIATION ADMINISTRATION NOTIFICATION BECAUSE PER SECTION 77.15(a) OF TITLE 14 OF THE CODE OF FEDERAL REGULATIONS CFR PART 77, NOTIFICATION IS NOT REQUIRED.

SITE PLAN

SCALE 1" = 10' 0 5' 10'



PROJECT DATA

ADDRESS:
3848 GARDEN LANE
SAN DIEGO, CA 92106

APN:
532-061-05-00

LEGAL DESCRIPTION:
002718 LOT 116*

APPROX SITE AREA:
7702 SF OR .18 ACRES

YEAR BUILDING CONSTRUCTED:
1951

CURRENT USE/PROPOSED USE:
SINGLE FAMILY RESIDENTIAL

ZONE:
RS-1-7

GEO HAZARD CATEGORY:
53

OVERLAY DISTRICTS:
VERY HIGH FIRE HAZARD SEVERITY
SD UNIFIED (SDUSD)
PARKING IMPACT OVERLY (PIOZ)
COUNCIL DISTRICT 2
PENINSULA COMMUNITY PLAN
COASTAL HT LIMITATION (CHLOZ)
COASTAL - FIRST PUBLIC ROADWAY
CITY COASTAL (COZ) - CST-APP
SDIA AIRPORT INFLUENCE AREA (AIA)
FAA HEIGHT NOTIFICATION

SCOPE OF WORK

EXISTING FENCE LOCATION TO
REMAIN

FENCE HEIGHT AND OPACITY TO BE
CHANGED PER SHEET A-0.3

ALL APPLICABLE SDMC HEIGHT AND
OPACITY REGULATIONS TO APPLY
EXCEPT FOR DEVIATION ON PANELS
CLOSEST TO PLNU, SEE SHEET A-0.3

CONTRACTOR RESPONSIBLE FOR
MAINTAINING BMP'S FOR
PREVENTION OF RUNOFF INTO
STORM WATER SYSTEMS

LEGEND

PROPERTY LINE (PL)



METZ-LEWIS
NDP FENCELINE
3848 GARDEN LANE, SAN DIEGO, CA 92106

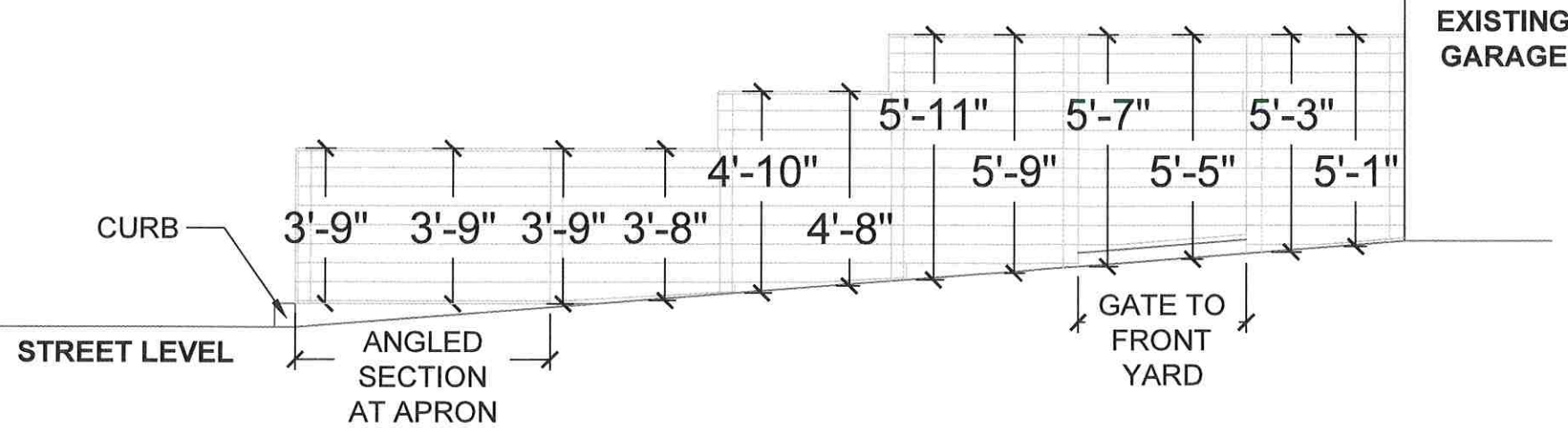
| REVISIONS | DATE |
|------------------|---------------|
| COMPLETENESS | MARCH 8, 2019 |
| REVIEW 11/1/2018 | |
| DSD 1/16/2019 | |
| CPG 2/14/2019 | |

CHECKED/DRAWN
MGB/MW

SCALE
0 4' 8'

SHEET 3 OF 4

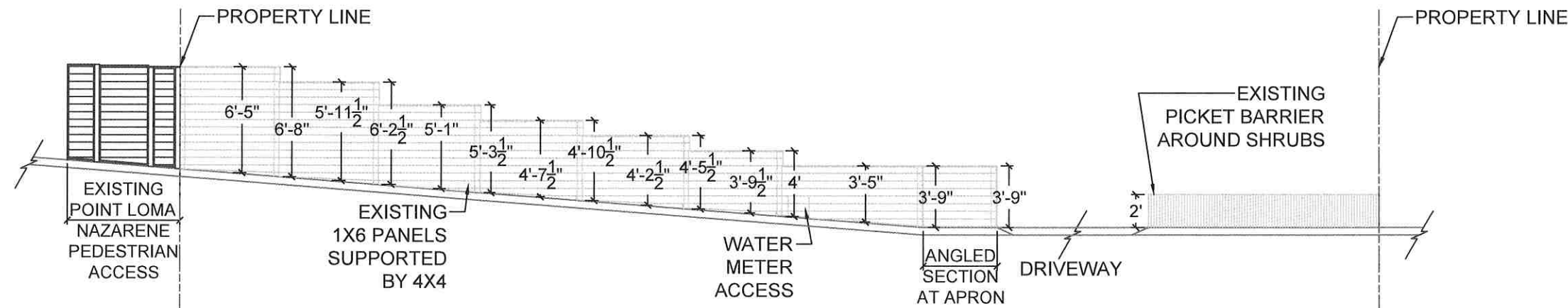
A-0.3
FENCE
ELEVATION



① EXISTING DRIVEWAY ELEVATION (WEST SIDE)

SCALE 1" = 8'

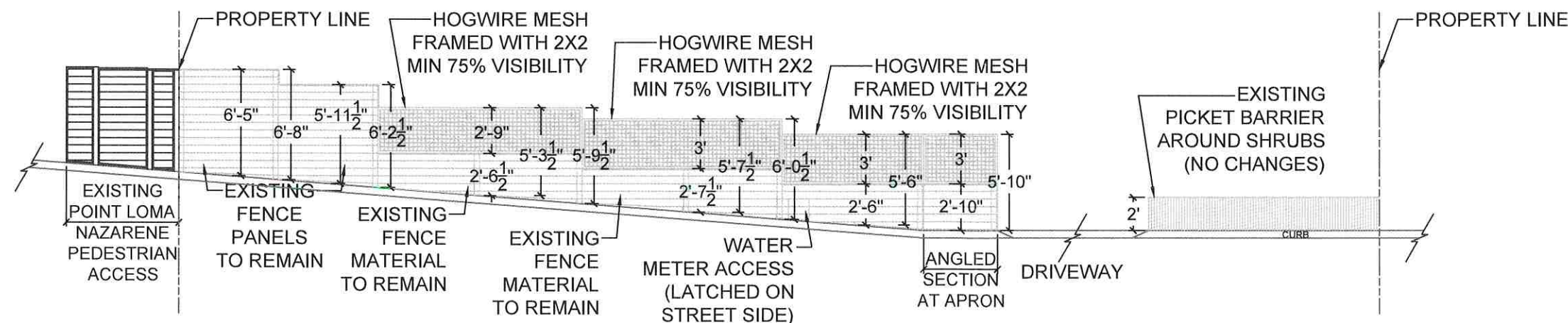
0 4' 8'



② EXISTING FRONT ELEVATION

SCALE 1" = 8'

0 4' 8'



③ PROPOSED FRONT ELEVATION

SCALE 1" = 8'

0 4' 8'

SOUTHERN CROSS PROPERTY CONSULTANTS
814 MORENA BLVD., SUITE 210, SAN DIEGO, CA 92110
PHONE: 858-395-8657 FAX: 619-291-4010



METZ-LEWIS
NDP FENCELINE
3848 GARDEN LANE, SAN DIEGO, CA 92106

| |
|------------------|
| REVISIONS |
| COMPLETENESS |
| REVIEW 11/1/2018 |
| DSD 1/16/2019 |
| CPG 2/14/2019 |

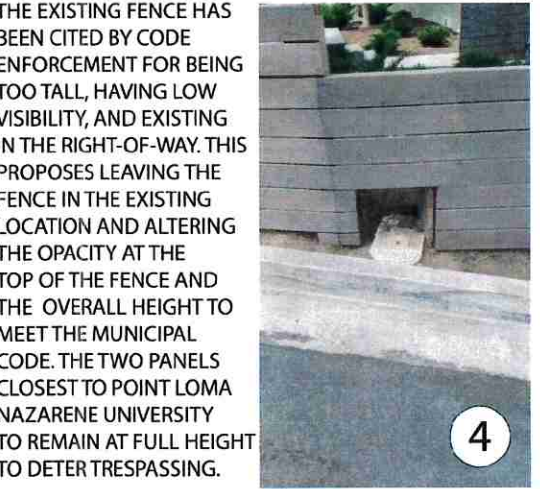
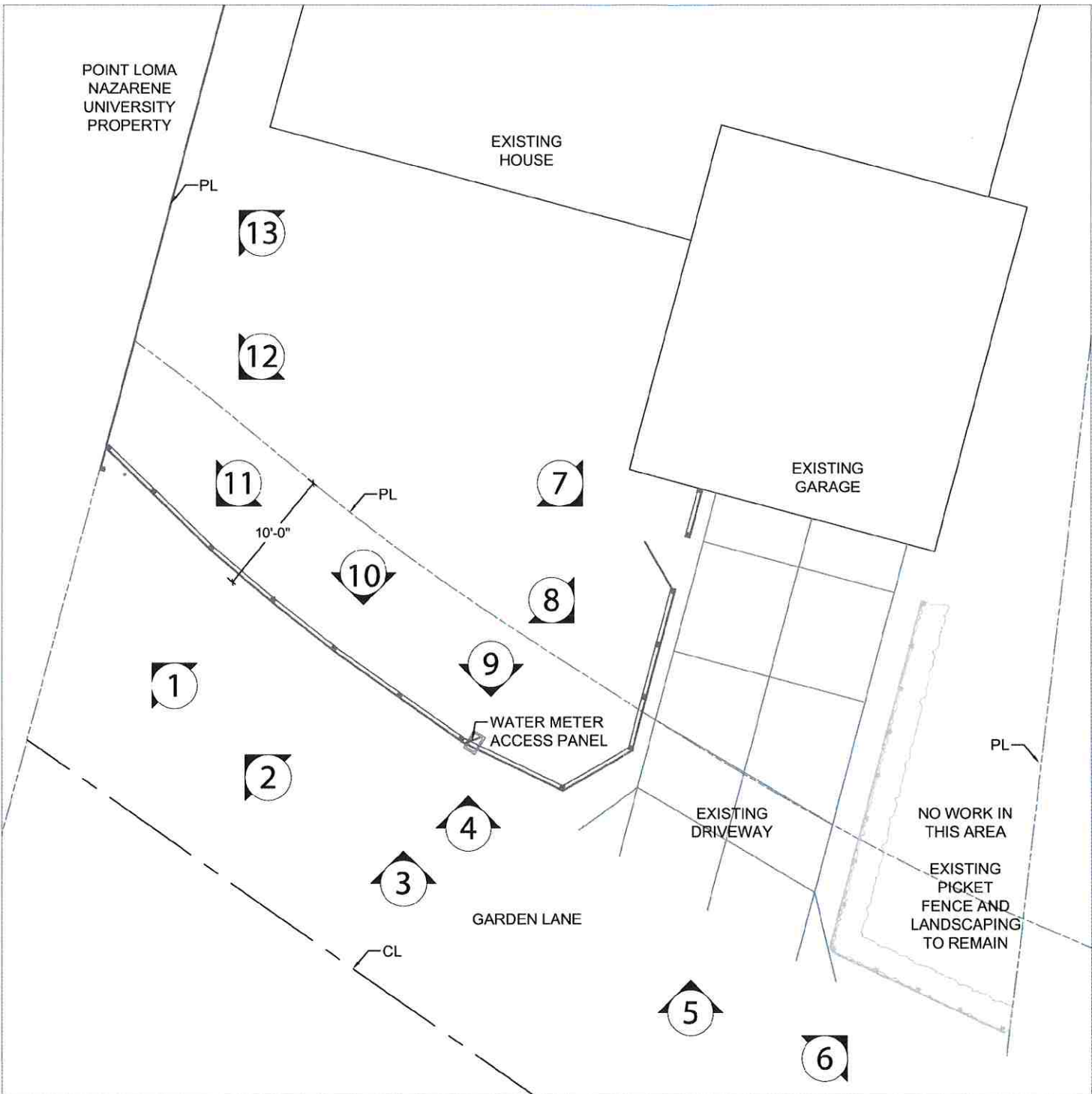
DATE
MARCH 8, 2019
CHECKED/DRAWN
MCB/MW

SCALE
NO SCALE

SHEET 4 OF 4
A-0.4
PHOTO
SURVEY



METZ-LEWIS RESIDENCE
3848 GARDEN LANE



THE EXISTING FENCE HAS BEEN CITED BY CODE ENFORCEMENT FOR BEING TOO TALL, HAVING LOW VISIBILITY, AND EXISTING IN THE RIGHT-OF-WAY. THIS PROPOSES LEAVING THE FENCE IN THE EXISTING LOCATION AND ALTERING THE OPACITY AT THE TOP OF THE FENCE AND THE OVERALL HEIGHT TO MEET THE MUNICIPAL CODE. THE TWO PANELS CLOSEST TO POINT LOMA NAZARENE UNIVERSITY TO REMAIN AT FULL HEIGHT TO DETER TRESPASSING.



February 6, 2019

Derrick Johnson (D.J.)
Development Project Manager
City of San Diego

Re: Project #620277

Dear Mr. Johnson –

On behalf of Point Loma Nazarene University (PLNU), I am writing to express our support for the Metz/Lewis application for a Process 3 - Neighborhood Development Permit, Coastal Development Permit located at 3848 Garden Lane in Council District 2.

As the Director of Public Affairs for PLNU, I have the opportunity to work with neighbors to address issues and facilitate communication between the university and the broader community. The university values positive and constructive relationships with our neighbors and seeks to partner with the community whenever possible in order to resolve issues.

I have had the pleasure of working with the Metz and Lewis family since their purchase of the property in 2016 and am pleased to support their application. Previous owners had allowed the property to go into disrepair, the fence in particular. The property in question abuts directly up to university property and the university's Garden Lane gate which is open for pedestrian traffic, during daylight hours, for use by PLNU students and our Point Loma neighbors.

Due to disrepair and disproportionate fence heights, the issue of late-night fence jumping, by students and strangers alike, has been a concern for university officials and our neighbors. Upon their purchase of the property the Metz and Lewis family immediately began to work with us to repair their portions of the fence line as we continued to look for opportunities to address the issue from our property.

The construction of the fence in question has greatly reduced illegal trespassing and further demonstrates the care and pride that the Metz and Lewis family have in their new home. It is a pleasure to have them as our neighbors and we appreciate their proactive collaboration throughout the process. Should you have any questions, please feel free to contact me via email at JillMonroe@pointloma.edu or by phone at (619) 849-2298.

Best,

Jill Monroe
Director of Public Affairs
Point Loma Nazarene University

From: [Lan Lan](#)
To: [Johnson, Derrick](#)
Subject: In support of project #620277 (Metz/Lewis)
Date: Monday, December 03, 2018 10:05:31 PM

Dear Mr Johnson,

We are the Chen/Wu family at 3841 Garden Lane. We are in the lot adjacent to the Metz/Lewis property. We are in full support of their fence project (#620277). It's a tastefully constructed modern fence, in a very attractive color. We are fairly new to the neighborhood, and have observed Miki and Bill continually improving their property over the past year. It's a great pleasure knowing that they're making an effort to enhance the charm of our little corner of Point Loma.

Take care,

Lan Lan Chen & Michael Wu

Sent with [ProtonMail](#) Secure Email.

From: [Steven Blake](#)
To: [Johnson, Derrick](#)
Subject: Project #620277 Metz/Lewis
Date: Sunday, December 02, 2018 2:53:52 PM

Steven Blake
618 Tarento Dr
San Diego, CA 92106

Derrick Johnson
Development Project Manager
DNJohnson@sandiego.gov
Re: Project #620277 Metz/Lewis

Dear Mr. Johnson,

My wife and I are neighbors of the Metz/Lewis family. We live a block and a half from them and we walk our dogs past their home frequently as we access the university campus through the gate next to their property.

I am writing to you because of the Posted Notice of Application. I understand the city may require Metz/Lewis to modify the existing fence to meet regulations. We believe the fence in it's current configuration is not only tasteful and fitting, but is also functional. The way the fence steps up in height toward the campus gate provides a level of security that deters people from easily using a lower fence to boost themselves over the six foot university fence.

As I grew up in this neighborhood since 1954 and returned to live here twelve years ago, I have seen many home improvement projects transform the residences here. Some are very nice and others are rather dreadful. The Metz/Lewis home and front yard is one of the nicest looking and professional upgrades in the area.

We support the fence design as it exists today. We are asking you to do whatever it takes to prevent the city from forcing Metz/Lewis to modify or remove the fence. Sometimes exceptions to rules and regulations should

prevail for reasons of form, function, and simple common sense.

Thank you for taking the time to consider this request.

Steven Blake
858 722 7562