



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: February 13, 2020 REPORT NO. PC-20-004

HEARING DATE: February 20, 2020

SUBJECT: Parzen Addition and Renovation Coastal Development Permit No. 2280456,
Process Three Appeal

PROJECT NUMBER: [633944](#)

REFERENCE: [Report to the Hearing Officer No. HO-19-095](#)

OWNER/APPLICANT: Parzen-Riles Revocable Trust

SUMMARY

Issue: Should the Planning Commission deny or grant an appeal of the Hearing Officer's decision to approve a Coastal Development Permit for first and second story additions to an existing, two-story, single family home located at 584 San Antonio Avenue, within the Peninsula Community Plan and Local Coastal Program Land Use Plan area?

Staff Recommendation: Deny the appeal and affirm the Hearing Officer's decision to approve Coastal Development Permit No. 2280456.

Community Planning Group Recommendation: On July 18, 2019, the Peninsula Community Planning Board voted 14-0-1 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 Section 15301(e)(1) (Existing Facilities). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on September 18, 2019, and the opportunity to appeal that determination ended October 2, 2019.

Fiscal Impact Statement: None with this action. All costs associated with the processing of the project are paid from a deposit account maintained by the applicant.

Code Enforcement Impact: None.

Housing Impact Statement: The project site is in the Peninsula Community Plan and Local Coastal Program Land Use Plan (Community Plan) and is implemented through the Residential (RS-1-7) Zone. The community plan land use designation is Single Dwelling Unit Residential (6-9 dwelling unit per acre). The 0.28-acre site could accommodate 1 dwelling unit within the Low Density Residential land use designation. The proposed project would construct an addition/remodel to an existing single dwelling unit consistent with the General Plan Housing Element and the Community Plan land use density. There would be no net gain or loss to the available housing stock.

BACKGROUND

The 0.28-acre site is located at 584 San Antonio Avenue in the Residential (RS-1-7) Zone, Coastal (Appealable), First Public Roadway, and Coastal Height Limitation Overlay Zones within the Peninsula Community Plan and Local Coastal Program Land Use Plan area. The site is currently developed with an existing two-story, 2,292 square-foot single-family dwelling unit.

DISCUSSION

Project Description: The project proposes to construct first and second story additions totaling 494 square-feet and remodeling to the existing 2,292 square foot, two-story, single-family residence. The first-floor addition is 11 square feet and a second story addition is 483 square feet, located over the existing first floor footprint.

The site is located 247 feet from San Diego Bay, within the first public roadway parallel to the sea, but is not within the floodplain. The project site is a sloping lot with an elevation of approximately 18 feet mean sea level (MSL) at the eastern front of the lot rising to approximately 37 feet MSL at the northwestern corner of the lot. The property is not within or adjacent to the Multiple Species Conservation Program's Multiple Habitat Planning Area and the slope does not meet the definition for Environmentally Sensitive Lands as defined in SDMC Section 113.0103

The Community Plan's Residential Objectives call to maintain and complement the existing scale and character of the residential areas of Peninsula. The surrounding vicinity is marked by large two-story dwelling units of various architectural styles. The proposed additions and remodel of the existing single-family residence will retain the existing architectural style fitting in with the eclectic mix of single family homes in the vicinity. The new second story will be two feet below the existing roof ridge height of 28.08 feet, in conformance with the Coastal Height Limitation Overlay Zone maximum of thirty-feet.

The Community Plan's Urban Design Guidelines call for structures to be designed to protect views of natural scenic amenities, especially the ocean shoreline, and San Diego Bay. Further the Community Plan Figure 27, Coastal Views indicate vista opportunities to San Diego Bay, the downtown, Coronado, Mission Bay and Pacific Beach. These vistas occur primarily from existing roadways which include: Catalina Boulevard (within the Point Loma Naval Complex), Shelter Island Drive, Rosecrans, Talbot, Canon, Garrison, Chatsworth, West Point Loma Boulevard, Famosa Boulevard, Santa Barbara, Point Loma Avenue and Sunset Cliffs Boulevard. Some views are partially blocked by

existing development. Rosecrans Boulevard is identified in the Community Plan as a Coastal Vista eastward towards the San Diego Bay. Unimproved public view opportunities to the San Diego Bay may be intermittently available at the residential side setbacks of the properties along the east side of Rosecrans Street and are available at public right-of-way at east west oriented streets such as Owen's Street approximately 180 feet south of the project site.

The residence at San Antonio Avenue has views eastward, over a row of single family homes downslope at the San Diego Bay edge. The proposed additions will be below the existing roof ridgeline and in conformance with the Coastal Height Limitation Overlay Zone. Further, the dwelling unit will observe a 50-foot front setback, a 78.5 feet rear setback, an east side setback of 11.1 feet and a west side setback of 7.5 feet, exceeding the setbacks required of the implementing zoning.

The Environmental Analysis Section conducted an environmental review of this site, in accordance with CEQA guidelines. The project was determined to be categorically exempt from CEQA pursuant to Sections 15301(e)(1) (Existing Facilities). Therefore, the proposed development would not adversely affect the environment.

Appeal of the Hearing Officer Approval: On November 20, 2019, the Hearing Officer approved the project after reviewing the staff report, permit conditions, findings and other exhibits, including the Community Planning Group's recommendation, and public testimony. An appeal of that decision was filed on December 4, 2019 by appellant Mr. John Church (Attachment 1).

The issue before the Planning Commission is the appeal of the Hearing Officer's approval of the Parzen Addition and Renovation Coastal Development Permit No. 2280456. The appeal focuses on Community Plan neighborhood character and scale as well as preservation of views to the bay.

The following is a brief summary of the appellant issues, followed by the City staff response. The full appeal summary is in Attachment 1.

Appeal Issue One: Coastal view guidelines have not been applied correctly per City of San Diego Planning Department Peninsula Community Plan. Maintain and complement the existing scale and character of the residential areas of the Peninsula.

Staff Response: The surrounding vicinity is marked by large two-story residential single-family homes of various architectural styles. The proposed renovation and addition to the existing two-story residence retains the existing eclectic architectural style and size of the surrounding neighborhood. In accordance with Peninsula Community Plan and Local Coastal Program Land Use Plan Residential Goals, the proposal maintains and complements the existing scale and character of the residential areas of the Peninsula. On July 18, 2019, the Peninsula Community Planning Board unanimously recommend approval of the proposed project without conditions

Appeal Issue Two: The Peninsula Community Plan calls for the preservation and enhancement of significant views of the bay and ocean.

Staff Response: The proposed first and second story additions meet all development regulations, including height and setback. Public views identified in the Community Plan looking toward San Diego Bay from Rosecrans Street are from the public right-of-way, the proposed additions contained within the project site will not impact designated views. The obstructed view from Mr. Church's property is a private view that is not protected by the Municipal Code, Community Plan, or Coastal Act. The Community Plan's Urban Design Guidelines call for structures to be designed to protect views of natural scenic amenities, especially the ocean shoreline, and San Diego Bay. Further the Community Plan Figure 27, Coastal Views indicate vista opportunities to San Diego Bay, the downtown, Coronado, Mission Bay and Pacific Beach. These vistas occur primarily from existing roadways which include: Catalina Boulevard (within the Point Loma Naval Complex), Shelter Island Drive, Rosecrans, Talbot, Canon, Garrison, Chatsworth, West Point Loma Boulevard, Famosa Boulevard, Santa Barbara, Point Loma Avenue and Sunset Cliffs Boulevard. Some views are partially blocked by existing development. Rosecrans Boulevard is identified in the Community Plan as a Coastal Vista eastward towards the San Diego Bay. Unimproved public view opportunities to the San Diego Bay may be intermittently available at the residential side setbacks of the properties along the east side of Rosecrans Street and are available at public right-of-way at east west oriented streets such as Owen's Street approximately 180 feet south of the project site.

Additionally, the Parzen's have submitted a response letter (Attachment 2) to the appeal. The owners assert that the project as designed will restore the Monterey Colonial style of the residence by removal of an inconsistent roof line and an addition that is in keeping with the architectural style. The proposed ridgeline height of the addition is approximately 23.17 feet, below the adjoining roof ridgeline of 25.08 feet, and consistent with the Coastal Height limit of 30 feet.

Conclusion: Staff recommends that the Planning Commission deny the appeal and affirm the Hearing Officer's decision to approve Coastal Development Permit No. 2280456 as the project meets all applicable development regulations and policies.

ALTERNATIVES

Deny the appeal and uphold the Hearing Officer's decision to approve Coastal Development Permit No. 2280456, with modifications.

Grant the appeal, reversing the Hearing Officer's decision, and deny Coastal Development Permit No. 2280456, with modifications, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



PJ FitzGerald
Assistant Deputy Director
Development Services Department



Karen Bucey
Development Project Manager
Development Services Department

Attachments:

1. John Church Appeal
2. Owner Response to Appeal
3. Draft Resolution
4. Draft Permit

Development Permit/ Environmental Determination Appeal Application

**FORM
DS-3031**

November 2017

1. Type of Appeal: ☒ Appeal of the Project
☐ Appeal of the Environmental Determination

Name: John Church E-mail: john.church1952@gmail.com

Address:	City:	State:	Zip Code:	Telephone:
2225 Glenneyre Street, Apt. K	Laguna Beach	CA	92651	9492950870

4. Project Information		
Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination	City Project Manager:
2280456	11/20/2019	Karen Bucey

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

☒ Factual Error

☒ Conflict with other matters

☒ Findings Not Supported

☐ New Information

☐ City-wide Significance (Process Four decisions only)

SEE ATTACHED (3 SHEETS)

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DEC 04 2019
DEVELOPMENT SERVICES

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

Signature: _____

Date:

Note: Faxed appeals are not accepted.

12/3/2019

Coastal view guidelines have not been applied correctly per City of San Diego Planning Department Peninsula Community Plan. (See page 105 of Peninsula Community Plan and Local Coastal Program Land Use Plan dated July 14, 1987 prepared by the City of San Diego Planning Department and the Peninsula Community Planning Board):

Under Objectives (page 105)

Maintain and complement the existing scale and character of the residential areas of the Peninsula.

Preserve and enhance significant views of the bay and ocean.

Under Residential Guidelines

1. Natural Environment (views)

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

The second floor master bedroom addition of 483 square feet will obstruct my master bedroom, living room and balcony blue water San Diego Bay view, the one feature and purpose of the Richard Requa designed Spanish style home at 567 Rosecrans that my grandmother built in 1931. (See photo displayed at November 20, 2019 hearing at Council Chambers, City Administration Building.) (Also see copy of Main Floor Plan, Requa & Jackson Architects, Sept. 9, 1931, submitted at the November 20, 2019 hearing).

As approved, the addition takes away, and fails to preserve an existing San Diego Bay view of adjacent property. This runs counter to the Peninsula Community Plan and the Local Coastal Program Land Use Plan. The requested addition can be accommodated on the Applicant's property without taking away the existing view of the property uphill and adjacent to the Applicant's property.

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DEC 04 2019

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VIEW FROM 567 ROSEBANK'S MASTER BEDROOM

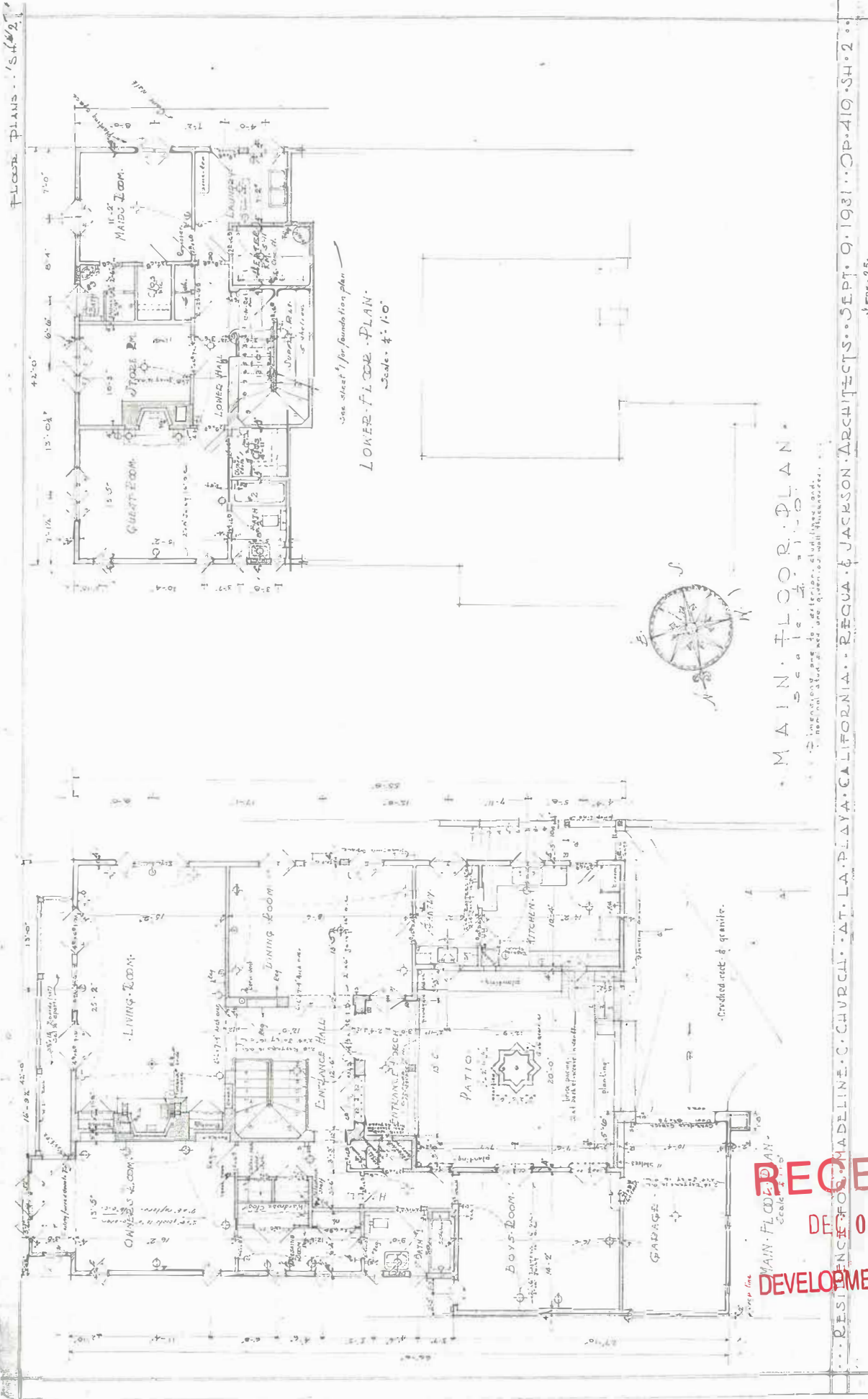
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DEC 04 2019

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Attachment 2



S67 ROSECRANS PLAN

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Dr. Micah Parzen & Mrs. Marguerite Parzen
584 San Antonio Avenue
San Diego, CA 92106

January 27, 2020

Dear CDC Appeal Review Committee:

At the request of Sarah Hatinen (Associate Planner, Land Development Review), this letter provides a written response to the appeal filed on the recently approved "Parzen CDP Project 633944." This project proposes a long overdue remodel of our residence at 584 San Antonio Avenue, a beautiful and stately, but dilapidated Monterey Colonial residence, built in 1935, and located in the La Playa neighborhood of Point Loma. Thank you for the opportunity to submit this response.

In his appeal, Appellant claims "coastal guidelines have not been applied correctly" by the Hearing Officer. As the sole support of his claim, he cites page 105 of the Peninsula Community Plan and Local Program Coastal Land Use Plan dated July 14, 1987 ("Plan").

Specifically, under the "Objectives" section of the Plan, Appellant cites the following language:

"Maintain and complement the existing scale and character of the residential areas of Peninsula."
"Preserve and enhance significant views of the bay and ocean."

In addition, under the "Natural Environment (Views)" section of the Plan, Appellant cites the following language:

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

At the crux of the appeal, however, is Appellant's claim that the project will "obstruct my master bedroom, living room, and balcony blue water San Diego Bay view." (Emphasis added.)

As a threshold matter, the Plan does not apply to private views. This was confirmed by both the City of San Diego's project manager, Karen Bucey, and the City of San Diego's Hearing Officer (Duke Fernandez) at the 11/20/2019 hearing on the project. During that hearing, the Hearing Officer explicitly stated, "There are no private view rights from the property." Were the Plan's language to apply to private views such as Appellant's, the vast majority of construction in Point Loma, in general, and La Playa, in particular, would be prohibited. Clearly, that is not the case. Thus, the Hearing Officer could not have incorrectly applied the "coastal guidelines" on this basis.

In addition, even if the Plan did provide for the protection of private view rights, which it does not, the impact of our project on the view from Appellant's home is nominal. (Please see the attached Photograph A1/A2.) In fact, under existing regulations, although we could have significantly infringed upon Appellant's view without triggering a coastal permit process, we elected for a design that did not do so. Instead, both the existing ridge and approved ridge are significantly lower than the actual 30 foot height limit. (Please see the attached Photograph B.) It does not make sense to punish us for preserving much of Appellant's view based on the thoughtful design of this project.

Finally, in direct contrast to Appellant's claims, this project does much to "maintain and complement the existing scale and character of the residential areas of Peninsula." Page 106 of the Plan clearly states,

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

Similarly, that same page of the Plan also states:

"Building facades range from the very flat with no expression of interior volumes to the highly articulated. Any new facade should support and enhance a block and design unity and sense of character."

A major goal of this project is to address an unfortunate historical addition to the house in the 1950s, which created a roofline that is incongruous, and, as a result, disruptive to the visual harmony of the neighborhood. The proposed new addition extends the existing roofline while dropping the peak ridge height by approximately 2 feet. The existing balcony that extends across the east face of the building—a trademark element of the Monterey Colonial style—is extended across the new addition, creating an addition that is harmonious with the original home. (Please see attached Photograph C1/C2.)

Located directly on San Antonio Avenue, which serves as a connector from the historic La Playa Trail to the family-friendly Kellogg's Beach, countless dog-walkers, runners, and bikers, among others, pass by our home every day. Contrary to Appellant's claims, the design of our project will result in a new roof and façade that will significantly strengthen the visual identity of the residence. Thus, consistent with the Plan, the project will positively contribute to the street's visual harmony as well as support and enhance the design unity and sense of character of the home and, as a result, the neighborhood itself. Clearly, the architectural benefits to the neighborhood outweigh any minor private view infringement for Appellant in this case.

In sum, Appellant—who does not even live in the neighborhood and has rented his property out for many years—is clearly acting out of self-interest, and not in the interest of La Playa, and this particularly picturesque block of the neighborhood, which so many from the public regularly use. Yet this is precisely what the Plan was largely designed to protect, not the private views of any one individual.

Based on the above, we respectfully request that Appellant's appeal be denied.

Sincerely,



Micah D. Parzen

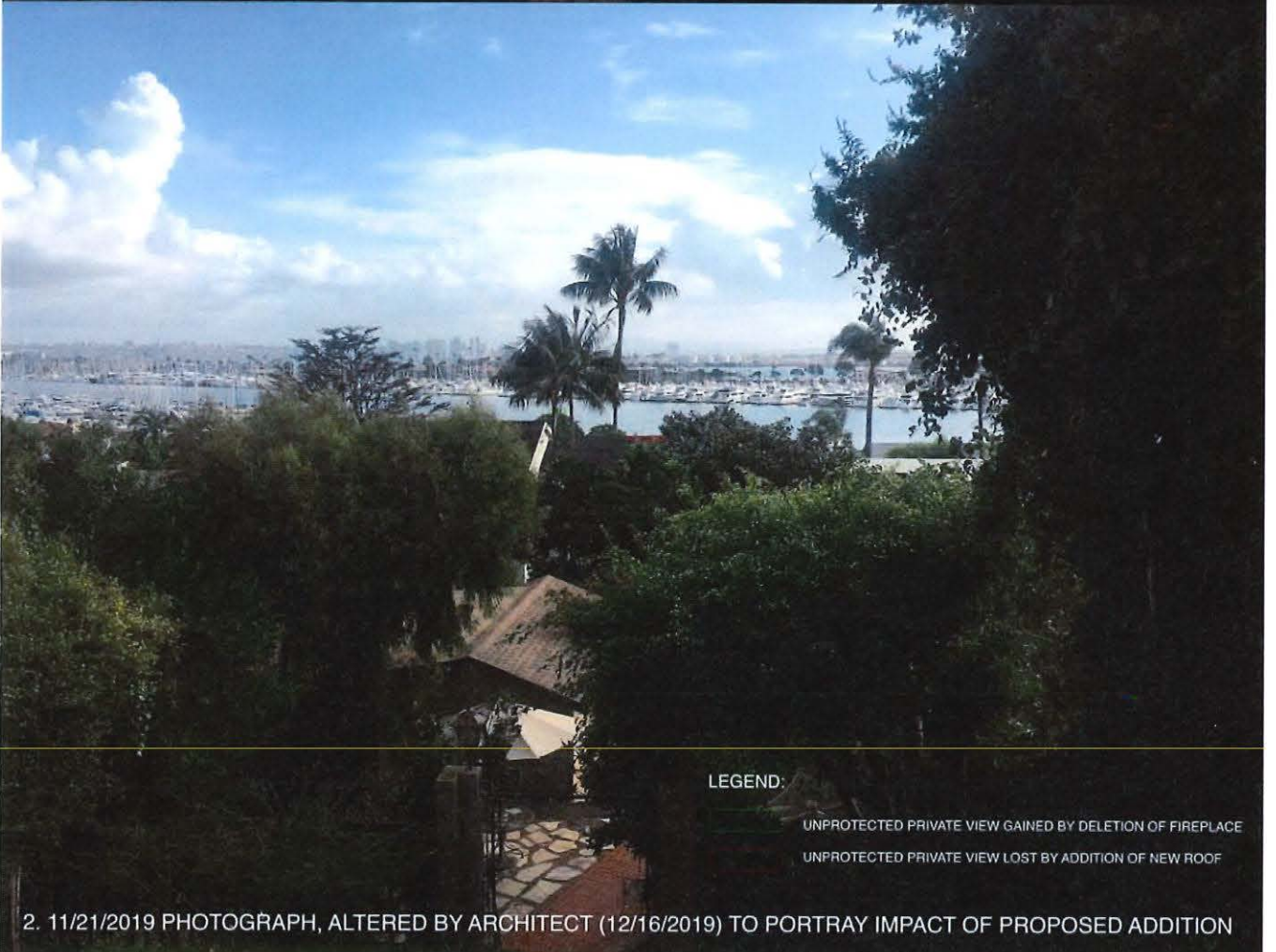
Owner/Inhabitant, 584 San Antonio Avenue, San Diego, CA 92106

Cc: Sarah Hatinen (Associate Planner), Karen Bucey (Development Project Manager II), Paul Burgin (Project Architect), Marguerite Parzen (Owner/Inhabitant)

PHOTOGRAPHS A1/A2:



1. UNRETOUCHED PHOTOGRAPH TAKEN 11/21/2019 BY P. BURGIN AT REAR BALCONY, 567 ROSECRANS STREET



LEGEND:

UNPROTECTED PRIVATE VIEW GAINED BY DELETION OF FIREPLACE

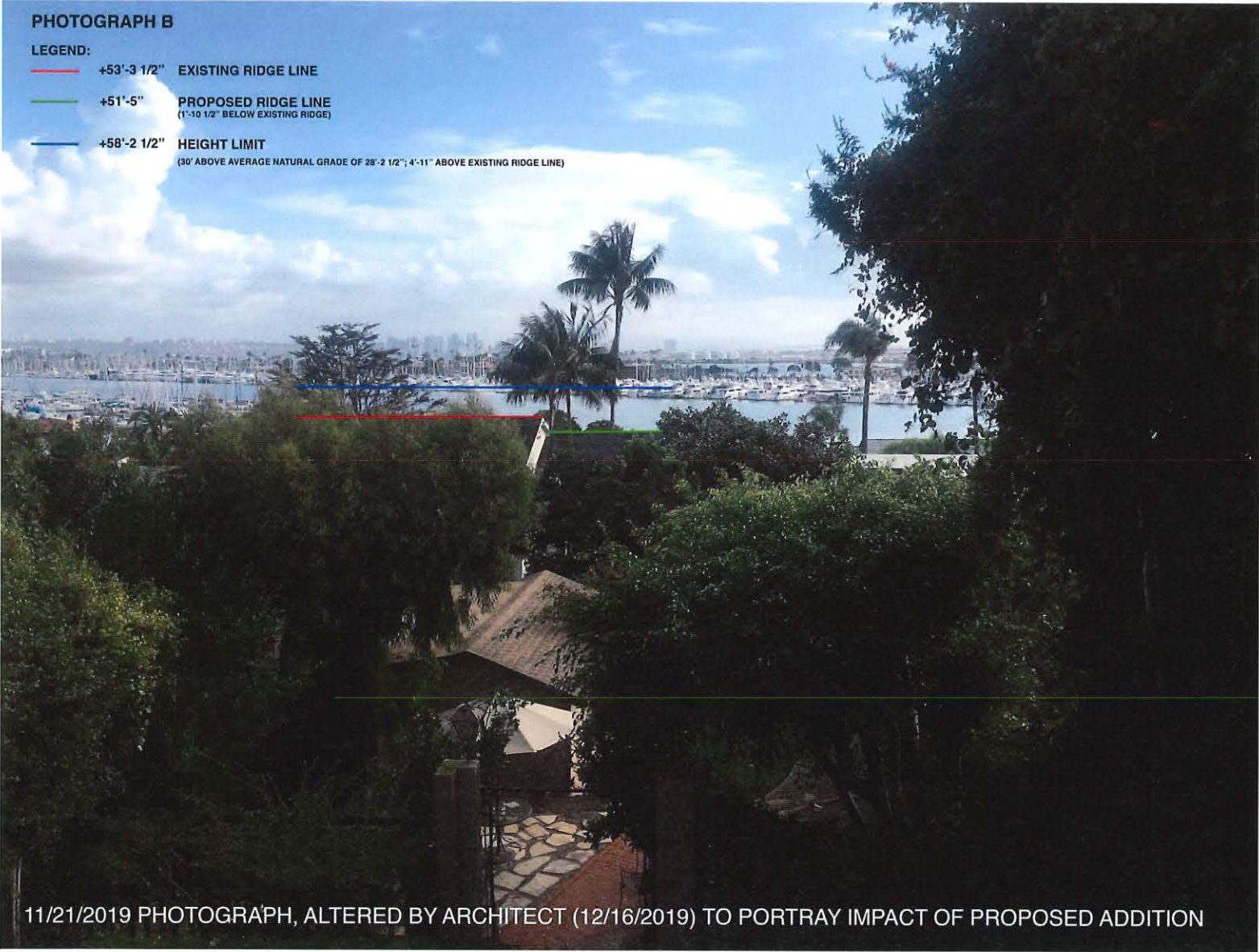
UNPROTECTED PRIVATE VIEW LOST BY ADDITION OF NEW ROOF

2. 11/21/2019 PHOTOGRAPH, ALTERED BY ARCHITECT (12/16/2019) TO PORTRAY IMPACT OF PROPOSED ADDITION

PHOTOGRAPH B

LEGEND:

- +53'-3 1/2" EXISTING RIDGE LINE
- +51'-5" PROPOSED RIDGE LINE
(1'-10 1/2" BELOW EXISTING RIDGE)
- +58'-2 1/2" HEIGHT LIMIT
(30" ABOVE AVERAGE NATURAL GRADE OF 28'-2 1/2"; 4'-11" ABOVE EXISTING RIDGE LINE)



11/21/2019 PHOTOGRAPH, ALTERED BY ARCHITECT (12/16/2019) TO PORTRAY IMPACT OF PROPOSED ADDITION

PHOTOGRAPHS C1/C2:



C1: EXISTING EAST ELEVATION



C2: PROPOSED EAST ELEVATION

PLANNING COMMISSION RESOLUTION NO. _____
COASTAL DEVELOPMENT PERMIT NO. 2280456
PARZEN ADDITION AND RENOVATION PROJECT NO. 633944

WHEREAS, PARZEN-RILES REVOCABLE TRUST, Owner/Permittee, filed an application with the City of San Diego for a permit to construct a 494 square-foot addition and the remodel of an existing 2,292 square foot, two-story, single dwelling unit for a total of 2,786 square feet (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2280456);

WHEREAS, the 0.28-acre site is located at 584 San Antonio Avenue in the Residential (RS-1-7) Zone, Coastal Appealable, Coastal Height Limitation, First Public Roadway, Airport Influence Areas, FAA Part 77 Noticing Area, and Parking Impact Overlay Zones within the Peninsula Community Plan and Local Coastal Program;

WHEREAS, the project site is legally described as described as:

Parcel 1A:

The southerly 50 feet of the northeast quarter of lot 156 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Map thereof made by Charles H. Poole, in 1856 and being generally known and called the south 50 feet of lot 3 of block 156 of La Playa.

Also, all that portion, of the westerly 25 feet of San Antonio Avenue adjoining the aforesaid premises on the east that was closed to public use May 23, 1914, by Resolution No. 17359 of the Common Council of the City of San Diego.

Parcel 1B:

The northerly 20 feet of the southeast quarter of lot 156 of the Pueblo Lands of San Diego, according to Map thereof by Charles H. Poole in 1856, a copy of which said Map was filed in the Recorder's Office November 14, 1921 and is known as miscellaneous Map No. 35 (said southeast quarter being generally known as Lot 4 in Block 156 of La Playa).

Also, all that portion of the westerly 25 feet of San Antonio Avenue lying easterly of and adjoining said northerly 20 feet, as vacated and closed to public use on May 25, 1914, by Resolution No. 17359 of the Common Council of the City of San Diego;

WHEREAS, on September 18, 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 there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on February 20, 2020, the Planning Commission of the City of San Diego considered Coastal Development Permit No. 2280456 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following written Findings with respect to Coastal Development Permit No. 2280456:

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

1. The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

The 0.28-acre site is located at 584 San Antonio Avenue. The project proposes to construct first and second story additions totaling 494 square-feet and the remodel of an existing 2,292 square foot, two-story, single dwelling unit. The site is located in the Residential (RS-1-7) Zone, Coastal Appealable, Coastal Height Limitation, First Public Roadway, Airport Influence Areas, FAA Part 77 Noticing Area, and Parking Impact Overlay Zones within the Peninsula Community Plan and Local Coastal Program.

The site is approximately 247 feet from San Diego Bay, within the first public roadway parallel to the sea, but is not within the floodplain. San Antonio Avenue in this location has views eastward, over a row of dwellings downslope at the San Diego Bay edge. The area is identified in the Peninsula Community Plan and Local Coastal Program Land Use Plan (Community Plan) as a Coastal Vista View area.

The Community Plan's Urban Design Guidelines call for structures to be designed to protect views of natural scenic amenities, especially the ocean shoreline, and San Diego Bay. Further the Community Plan Figure 27, Coastal Views indicate vista opportunities to San Diego Bay,

the downtown, Coronado, Mission Bay and Pacific Beach. These vistas occur primarily from existing roadways which include: Catalina Boulevard (within the Point Loma Naval Complex), Shelter Island Drive, Rosecrans, Talbot, Canon, Garrison, Chatsworth, West Point Loma Boulevard, Famosa Boulevard, Santa Barbara, Point Loma Avenue and Sunset Cliffs Boulevard. Some views are partially blocked by existing development. Rosecrans Boulevard is identified in the Community Plan as a Coastal Vista eastward towards the San Diego Bay. Unimproved public view opportunities to the San Diego Bay may be intermittently available at the residential side setbacks of the properties along the east side of Rosecrans Street and are available at public right-of-way at east west oriented streets such as Owen's Street approximately 180 feet south of the project site.

The existing dwelling unit will continue to observe the following setbacks: a 50-foot front setback where 15 feet is required, a 78.5 feet rear setback where 17.5 feet is required, an east side setback of 11.1 feet where 5.7 feet is required and a west side setback of 7.5 feet where 5.7 feet is required. In addition to the dwelling unit, the site includes an existing single-story garage and boathouse accessory structure that were legally permitted within the setback. The proposed project does not include any modifications to the existing accessory structures.

The additions to the dwelling unit are within the existing building footprint and the expanded second-story is over the first-floor footprint. The height of the new second story will be two feet below the existing roof ridge height of 28.08 feet. The proposed structure height is in conformance with the Coastal Height Limitation Overlay Zone maximum of thirty-feet. The development is entirely within private property and will not impact designated public views as specified in the Community Plan.

The project is not requesting, nor does it require any deviations or variances from the applicable regulations and policy documents, and is consistent with the recommended 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 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.

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

The 0.28-acre site is located at 584 San Antonio Avenue. The project proposes to construct first and second story additions totaling 494 square-feet and the remodel of an existing 2,292 square foot, two-story, dwelling unit.

The site is 247 feet from San Diego Bay, within the first public roadway parallel to the sea, but is not within the floodplain. The project site is a sloping lot with an elevation of approximately 18 feet mean sea level (MSL) at the eastern front of the lot rising to approximately 37 feet MSL at the northwestern corner of the lot. The property is not within or adjacent to the Multiple Species Conservation Program's Multiple Habitat Planning Area, does not contain sensitive vegetation, and the slope does not meet the definition for

Environmentally Sensitive Lands as defined in San Diego Municipal Code (SDMC) Section 113.0103.

The Environmental Analysis Section conducted an environmental review of this site, in accordance with CEQA guidelines. The project was determined to be categorically exempt from CEQA pursuant to Section 15301(e)(1) of CEQA Guidelines (Existing Facilities). Therefore, the proposed coastal development would not adversely affect any environmentally sensitive lands as no such lands exist on or adjacent to 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 0.28-acre site is located at 584 San Antonio Avenue. The project proposes to construct first and second story additions totaling 494 square-feet and the remodel of an existing 2,292 square foot, two-story, dwelling unit.

The Community Plan's land use designation for the site is Single Dwelling Unit Residential (6-9 dwelling unit per acre); implemented through the Residential Single Dwelling Unit (RS-1-7) Zone. The single dwelling unit is consistent with the land use and implementing zoning.

The Community Plan's Residential Objectives calls to maintain and complement the existing scale and character of the residential areas of Peninsula. The surrounding vicinity is marked by large two-story residential dwelling units of various architectural styles. The proposed additions and remodel of the existing dwelling will retain the existing architectural style fitting in with the eclectic mix of dwellings in the vicinity.

The Community Plan's Urban Design Guidelines calls for structures to be designed to protect views of natural scenic amenities, especially the ocean shoreline, and San Diego Bay. The existing dwelling unit will continue to observe the following setbacks: a 50-foot front setback where 15 feet is required, a 78.5 feet rear setback where 17.5 feet is required, an east side setback of 11.1 feet where 5.7 feet is required and a west side setback of 7.5 feet where 5.7 feet is required. In addition to the dwelling unit, the site includes an existing single-story garage and boathouse accessory structure that were permitted within the setback. The proposed project does not include any modifications to the existing accessory structures. The proposed structure height of 28.08 feet is in conformance with the Coastal Height Limitation Overlay Zone maximum of thirty-feet. Therefore, the development is in conformity with the Certified Local Coastal Program land use plan and 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 0.28-acre site is located at 584 San Antonio Avenue. The project proposes to construct first and second story additions totaling 494 square-feet and the remodel of an existing 2,292 square foot, two-story, dwelling unit.

The site is 247 feet from San Diego Bay and within the first public roadway parallel to the sea. The project site does not contain public access way or recreational resources and would not encroach upon beaches or the coastline access way or recreational areas. Therefore, the project is in conformance with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

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

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Coastal Development Permit No. 2280456 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 2280456, a copy of which is attached hereto and made a part hereof.



Karen Bucey
Development Project Manager
Development Services

Adopted on: February 20, 2020

IO#: 12002110

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: 12002110

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 2280456
PARZEN ADDITION AND RENOVATION PROJECT NO. 633944
PLANNING COMMISSION

This Coastal Development Permit No. 2280456 is granted by the Planning Commission of the City of San Diego to PARZEN-RILES REVOCABLE TRUST, Owner and Permittee, pursuant to San Diego Municipal Code (SDMC) section 126.0702(a) and 126.0707(b). The 0.28-acre site is located at 584 San Antonio Avenue in the Residential (RS-1-7) Zone, Coastal Appealable, Coastal Height Limitation, First Public Roadway, Airport Influence Areas, FAA Part 77 Noticing Area, and Parking Impact Overlay Zones within the Peninsula Community Plan and Local Coastal Program. The project site is legally described as:

Parcel 1A:

The southerly 50 feet of the northeast quarter of lot 156 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Map thereof made by Charles H. Poole, in 1856 and being generally known and called the south 50 feet of lot 3 of block 156 of La Playa.

Also, all that portion, of the westerly 25 feet of San Antonio Avenue adjoining the aforesaid premises on the east that was closed to public use May 23, 1914, by Resolution No. 17359 of the Common Council of the City of San Diego.

Parcel 1B:

The northerly 20 feet of the southeast quarter of lot 156 of the Pueblo Lands of San Diego, according to Map thereof by Charles H. Poole in 1856, a copy of which said Map was filed in the Recorder's Office November 14, 1921 and is known as miscellaneous Map No. 35 (said southeast quarter being generally known as Lot 4 in Block 156 of La Playa).

Also, all that portion of the westerly 25 feet of San Antonio Avenue lying easterly of and adjoining said northerly 20 feet, as vacated and closed to public use on May 25, 1914, by Resolution No. 17359 of the Common Council of the City of San Diego.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a 494 square-foot addition and the remodel of an existing two-story

dwelling unit described and identified by size, dimension, quantity, type, and location on the approved exhibits (Exhibit "A") dated February 20, 2020, on file in the Development Services Department.

The project shall include:

- a. The addition of 11 square feet to the first floor, 483 square feet on the second floor and interior renovations to the existing two-story 2,292 square-foot dwelling unit;
- b. Off-street parking spaces;
- 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 March 4, 2023.
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 construction permits. The Owner/Permittee is informed that to secure these permits, substantial construction modifications and site improvements may be required to comply with applicable construction, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

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

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

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

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

Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

CLIMATE ACTION PLAN REQUIREMENTS:

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

ENGINEERING REQUIREMENTS:

13. The drainage system proposed for this development, as shown on the site plan, is subject to approval by the City Engineer.

14. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for all private improvements in the San Antonio Avenue Right-of-Way including non-standard brick pavers, driveway, planters and stairs, satisfactory to the City Engineer.

15. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.

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

PLANNING/DESIGN REQUIREMENTS:

17. Owner/Permittee shall maintain 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.

18. 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.

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit

are fully completed and all required ministerial permits have been issued and received final inspection.

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on February 20, 2020 and Resolution No. _____

Permit Type/PTS Approval No.: Coastal Development Permit No. 2280456
Date of Approval: February 20, 2020

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Karen Bucey
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.

PARZEN-RILES REVOCABLE TRUST
Owner/Permittee

By _____
Micah David Parzen
Trustee

PARZEN-RILES REVOCABLE TRUST
Owner/Permittee

By _____
Elizabeth M. Riles Parzen
Trustee

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