

### **REPORT TO THE HEARING OFFICER**

HEARING DATE: October 15, 2013

REPORT NO. HO 14-062

ATTENTION: Hearing Officer

SUBJECT: TURBES RESIDENCES PTS PROJECT NUMBER: 356024

LOCATION: 753 Island Court

APPLICANT: Dennis and Darlene Turbes

#### **SUMMARY**

<u>Issue(s)</u>: Should the Hearing Officer approve a Coastal Development Permit to demolish the existing structures and construct a two-unit, 2,606 square-foot residential building on a 2,400 square-foot lot at 753 Island Court, within the R-S zone of the Mission Beach Community Planning Area?

Staff Recommendation - APPROVE Coastal Development Permit No. 1269260.

<u>Community Planning Group Recommendation</u> – On September 16, 2014, the Mission Beach Precise Planning Board voted 9-0-0 to recommend approval of Coastal Development Permit No. 1269260, with the condition that front yard trees be 4-5 feet from the building (Attachment 6).

<u>Environmental Review</u>: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15303 (New Construction). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on August 29, 2014, and the opportunity to appeal that determination ended September 15, 2014 (Attachment 8).

#### BACKGROUND/DISCUSSION

The project is an application for a Coastal Development Permit to demolish the existing structures on site and construct a two-unit, 2,606 square-foot residential building. The project site is in the R-S zone, is designated for residential development in the Mission Beach Precise Plan and is allowed to construct two (2) dwelling units on the 0.055-acre site. The project site is located at 753 Island Court, is one block from the Pacific Ocean and northwest of the intersection of Mission Boulevard and West Mission Bay Drive (Attachment 1). The site is

currently developed with two small residential structures. The project proposes to demolish these units and construct a two-story, two-unit building.

Staff has reviewed the proposal and determined that it complies with all development regulations and requires no deviations. The project would observe all required setbacks and would, therefore, not obstruct any public coastal access or any public coastal views along Island Court. The project site is located in a built urban environment and would not impact any coastal beaches or any other environmentally sensitive resources. The Mission Beach Precise Plan designates the site for 36 dwelling units per acre. The project is proposing two units on the 0.055-acre site and therefore, would comply with the Precise Plan. In addition, the plans reflect that the front yard trees are 5 feet from the proposed building as requested by the Mission Beach Precise Planning Board.

#### Conclusion

Staff has reviewed the proposed residential building and found it would comply with all development regulations. The project would have no impacts on sensitive resources and would not obstruct any public views or public coastal access. The project has been determined to be exempt for requirements of the California Environmental Quality Act (CEQA), and would require no environmental mitigation. In addition, the project would comply with all state and federal laws without any new conditions of approval. Staff recommends the Hearing Officer approve the proposed Coastal Development Permit (Attachment 5).

#### **ALTERNATIVES**

- 1. Approve Coastal Development Permit No. 1269260 with modifications.
- 2. Deny Coastal Development Permit No. 1269260, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

opment Project Manager Morris E

Attachments:

- 1. Aerial Photograph
- 2. Community Plan Land Use
- 3. Project Location Map

- Draft Resolution with Findings Draft Permit 4.
- 5.
- 6.
- 7.
- Community Planning Group Recommendation Ownership Disclosure Statement Environmental Exemption/Notice of Right to Appeal Project Plans 8.
- 9.





Location Aerial Photo <u>Turbes Residences-753 Island Court</u> PROJECT NO. 356024





ATTACHMENT 1

### ATTACHMENT 2





Land Use Map <u>Turbes Residences- 753 Island Court</u> PROJECT NO. 356024







Project Location Map <u>Turbes Residences – 753 Island Court</u> PROJECT NO. 356024



#### HEARING OFFICER RESOLUTION NO. HO-COASTAL DEVELOPMENT PERMIT NO. 1269260 **TURBES RESIDENCES - PROJECT NO. 356024**

WHEREAS, DENNIS F. TURBES and DARLENE E. TURBES, Owners/Permittees, filed an application with the City of San Diego for a permit to demolish the existing structures and construct a two-unit, 2,606 square-foot residential building on a 2,400 square-foot lot as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Coastal Development Permit No. 1269260.

WHEREAS, the project site is located at 753 Island Court in the RS zone of the Mission Beach Precise Plan Area.

WHEREAS, the project site is legally described as Lot B, in Block 96 of Mission Beach, in the City of San Diego, County of San Diego, State of California, according to Map thereof No.1651, filed in the Office of the County Recorder of San Diego County, December 14, 1914.

WHEREAS, on October 15, 2014, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 1269260 pursuant to the Land Development Code of the City of San Diego.

WHEREAS, on August 29, 2014, 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 15303 (New Construction) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520.

NOW, THEREFORE,

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

That the Hearing Officer adopts the following written Findings, dated October 15, 2014.

#### FINDINGS:

#### Coastal Development Permit - 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 project proposes to demolish the existing structures and construct a two-unit, 2,606 square-foot residential building on a 2,400 square-foot lot.

The project site is located at 753 Island Court and is in a built out urban environment, one block from the Pacific Ocean. Island Court and the alley to the rear of the project site provide physical access to the Pacific Ocean to the west. While there are no identified public views through Island Court to the ocean, the Mission Beach Precise Plan identifies maintenance of public views as a key issue. There are no identified public views through the property. However, the project would observe all building setback requirements and all development would be constructed on private property.

As there are no identified public accessways or public views through the property and the project would not obstruct any public view or accessway along Island Court, 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 project proposes to demolish the existing structures and construct a two-unit, 2,606 square-foot residential building on a 2,400 square-foot lot.

The project site is located at 753 Island Court, and is in a built out urban environment, one block from the Pacific Ocean. There are no environmentally sensitive lands on or adjacent to the project site. The site contains no steep hillsides, coastal bluffs or beaches and contains no sensitive biological resources. Therefore, the proposed coastal development will not adversely affect environmentally sensitive lands.

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

The project proposes to demolish the existing structures and construct a two-unit, 2,606 square-foot residential building on a 2,400 square-foot lot.

The Mission Beach Precise Plan/Local Coastal Program designates the project site for residential development at 36 dwelling units per acre. The project site is 2,400 square feet or 0.055 acres, allowing 2 dwelling units. As the project is proposing two residential units, or the project is consistent with the Mission Beach Precise Plan. The development complies with all of the regulations of the zone.

As the project would be consistent with the Mission Beach Precise PlanP, the proposed coastal development is in conformity with the Local Coastal Program land use plan and complies with 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 project proposes to demolish the existing structures and construct a two-unit, 2,606 square-foot residential building on a 2,400 square-foot lot.

The project site is not located between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone. The project site is three blocks away from the nearest public roadway at Strand Way. Therefore, the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 1269260 is hereby GRANTED by the Hearing Officer to the referenced Owners/Permittees, in the form, exhibits, terms and conditions as set forth in Coastal Development Permit No. 1269260, a copy of which is attached hereto and made a part hereof.

Morris E. Dye Development Project Manager Development Services

Adopted on: October 15, 2014 Job Order No. 24004393 RECORDING REQUESTED BY CITY OF SAN DIEGO DEVELOPMENT SERVICES PERMIT INTAKE, MAIL STATION 501

#### WHEN RECORDED MAIL TO PROJECT MANAGEMENT PERMIT CLERK MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

#### INTERNAL ORDER NUMBER: 24004393

#### COASTAL DEVELOPMENT PERMIT NO. 1269260 TURBES RESIDENCES PROJECT NO. 356024 Hearing Officer

This Coastal Development Permit is granted by the Hearing Officer of the City of San Diego to Dennis Turbes, Owners/Permittees, pursuant to San Diego Municipal Code [SDMC] section 126.0702. The 2,400 square-foot lot is located at 753 Island Court in the RS zone of the Mission Beach Community Plan Area. The project site is legally described as Lot B, in Block 96 of Mission Beach, in the City of San Diego, County of San Diego, State of California, according to Map thereof No.1651, filed in the Office of the County Recorder of San Diego County, December 14, 1914.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owners/Permittees to demolish the existing structures and construct a two-unit, 2,606 square-foot residential building as described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated October 15, 2014, on file in the Development Services Department.

The project shall include:

- a. Demolishing two existing structures;
- b. Construct a two-unit, 2,606 square-foot residential building;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;
- d. 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 October 30, 2017.

2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

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

3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owners/Permittees and any successor(s) in interest.

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

6. Issuance of this Permit by the City of San Diego does not authorize the Owners/Permittees for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. The Owners/Permittees shall secure all necessary building permits. The Owners/Permittees is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

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

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

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

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

#### **ENGINEERING REQUIREMENTS:**

11. Prior to the issuance of any construction permit, the Owners/Permittees shall enter into a Maintenance Agreement for the ongoing, permanent BMP maintenance, satisfactory to the City Engineer.

12. Prior to the issuance of any construction permit, the Owners/Permittees shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2,

Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.

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

14. Prior to the issuance of any foundation inspection, the Owners/Permittees shall submit an building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying the pad elevation based on USGS datum is consistent with Exhibit "A," satisfactory to the City Engineer.

#### PLANNING/DESIGN REQUIREMENTS:

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.

17. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations.

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

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

20. All fences and retaining walls shall comply with the Mission Beach Precise Plan and the San Diego Municipal Code Section 142.0301 when not mentioned in the MBPP.

#### AFFORDABLE HOUSING REQUIREMENTS:

21. Prior to receiving the first residential building permit, Owners/Permittees shall comply with the provisions of Chapter 14, Article 2, Division 13 of the San Diego Municipal Code ("Inclusionary Affordable Housing Regulations") by paying to the City of San Diego the full

Inclusionary Affordable Housing Fee based upon the aggregate square footage of all residential units in the project, on terms set forth within the Inclusionary Affordable Housing Regulations.

#### **LANDSCAPING REQUIREMENTS:**

22. Prior to issuance of construction permits for structures, the Owners/Permittees shall submit complete landscape and irrigation construction documents consistent with the Mission Beach Planned District Ordinance [LDC 1513.0402] and the Land Development Manual, Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department.

23. The Owners/Permittees shall install and maintain all landscaping proposed in public view corridors to not obstruct public views of the ocean as specified in Section 132.0403(e) of the Land Development Code [LDC], Coastal Overlay Zone Regulations. Landscaping materials shall not encroach or overhang into the Courts and Places rights-of-way below a height of 8 feet above the finish surface or finish grade, as measured at the trunk [LDC 1513.0402(a)(2)].

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

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

#### **PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**

26. All proposed public water and sewer facilities, must be designed and constructed in accordance with established criteria in the most current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices pertaining thereto

27. All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Plumbing Code and will be reviewed as part of the building permit plan check.

28. Utilization of existing sewer laterals is at the sole risk and responsibility of the developer to ensure the laterals are functional and connected to a public sewer facility. Prior to connecting to any existing sewer lateral, the lateral shall be inspected using a closed-circuit television

(CCTV) by a California Licensed Plumbing Contractor to verify the lateral is in good working condition and free of all debris.

29. The Owners/Permittees shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the of Public Utilities Department Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.

30. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer and five feet of any water facilities.

#### **TRANSPORTATION REQUIREMENTS:**

31. A minimum of 4 automobile spaces are required by the Land Development Code. All onsite parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Director.

#### **INFORMATION ONLY:**

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

APPROVED by the Hearing Officer of the City of San Diego on October 15, 2014 and Resolution No.\_\_\_\_\_.

Coastal Development Permit No. 1269260 October 15, 2014

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

Morris E. Dye 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 Owners/Permittees hereunder.

Dennis F. Turbes Owners/Permittees

By\_\_\_

Dennis F. Turbes

Darlene E. Turbes Owners/Permittees

By

Darlene E. Turbes

NOTE: Notary acknowledgments must be attached per Civil Code section 1189 et seq. (Check one or both)

TO: <u>X</u> 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 TITLE/ NO.: Turbes CDP / 356024

PROJECT LOCATION-SPECIFIC: 753 Island Court, San Diego, California 92109

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

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: COASTAL DEVELOPMENT PERMIT to demolish two residential structures and construct a 2,622-square-foot, three-story, duplex. The project would also construct various associated site improvements (e.g. hardscape and landscaping). In addition, the project would construct a 210-square-foot, third floor covered patio, a 99-square-foot, third floor terrace, and a 460-square-foot, roof top deck. The .055-acre (2,400-square-foot) project site is located at 753 Island Court. The land use designation for the project site is Residential per the community plan. Furthermore, the project site is located within the RS zone of the Mission Beach Planned District, the Coastal Overlay Zone (appealable area), the Coastal Height Limitation Overlay Zone, the Parking Impact Overlay Zone of the Mission Beach Precise Plan and Local Coastal Program Addendum area. (LEGAL DESCRIPTION: Lot B in Block 96 Mission Beach of Map No. 1651).

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Dennis Turbes, 753 Island Court, San Diego, California 92109, (858) 205-0322

EXEMPT STATUS: (CHECK ONE)

- () MINISTERIAL (SEC. 21080(b)(1); 15268)
- () DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a))
- () EMERGENCY PROJECT (SEC. 21080(b)(4); 15269 (b)(c))
- (X) CATEGORICAL EXEMPTION: 15303 (New Construction)
- () STATUTORY EXEMPTIONS:

REASONS WHY PROJECT IS EXEMPT: The City of San Diego conducted an environmental review that determined that the project would not have the potential for causing a significant effect on the environment in that the project is consistent with the community plan and the applicable zone. The project would not result in any significant environmental impacts. The project meets the criteria set forth in CEQA Section 15303 which allows for a multi-family residential structure totaling no more than four dwelling units. Furthermore, the exceptions listed in 15300.2 would not apply.

LEAD AGENCY CONTACT PERSON: Scott Cooper

Telephone: 619.446.5378

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.

SIGNATURE/TITLE

SR. PLANNER

August 29, 2014 DATE

CHECK ONE: (X) SIGNED BY LEAD AGENCY () SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:



THE CITY OF SAN DIEGO

Date of Notice: August 29, 2014

## NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24004393

#### PROJECT NAME/NUMBER: Turbes CDP / 356024

COMMUNITY PLAN AREA: Mission Beach

**COUNCIL DISTRICT:** 2

**LOCATION:** 

753 Island Court, San Diego, California 92109

**PROJECT DESCRIPTION:** COASTAL DEVELOPMENT PERMIT to demolish two residential structures and construct a 2,622-square-foot, three-story, duplex. The project would also construct various associated site improvements (e.g. hardscape and landscaping). In addition, the project would construct a 210-square-foot, third floor covered patio, a 99-square-foot, third floor terrace, and a 460-square-foot, roof top deck. The .055-acre (2,400-square-foot) project site is located at 753 Island Court. The land use designation for the project site is Residential per the community plan. Furthermore, the project site is located within the RS zone of the Mission Beach Planned District, the Coastal Overlay Zone (appealable area), the Coastal Height Limitation Overlay Zone, the Parking Impact Overlay Zone (Coastal and Beach Impact Areas), the Transit Overlay Zone, and the Residential Tandem Parking Overlay Zone of the Mission Beach Plan and Local Coastal Program Addendum area. (LEGAL DESCRIPTION: Lot B in Block 96 Mission Beach of Map No. 1651).

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Hearing Officer

**ENVIRONMENTAL DETERMINATION:** Categorically exempt from CEQA pursuant to CEQA State Guidelines, Sections 15303 (New Construction).

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

#### STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The

City of San Diego conducted an environmental review that determined that the project would not have the potential for causing a significant effect on the environment in that the project is consistent with the community plan and the applicable zone. The project would not result in any significant environmental impacts. The project meets the criteria set forth in CEQA Section 15303 which allows for a multi-family residential structure totaling no more than four dwelling units.

Furthermore, the exceptions listed in 15300.2 would not apply.

DEVELOPMENT PROJECT	MANAGER:
MAILING ADDRESS:	
PHONE NUMBER:	

Morris Dye 1222 First Avenue, MS501, San Diego, CA 92101 619.446.5201

On August 29, 2013 the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk within 10 business days from the date of the posting of this Notice (September 15, 2014). The appeal application can be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

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

POSTED IN	THE	OF G	FI	CE OF 7 2014	DSD
Posted					m
Removed_	SEP	1	6	2014	
Posted by	My	ab	el	/	

#### Dye, Morris

From: Sent: To: Cc: Subject: dkwatkns@aol.com Friday, September 19, 2014 10:11 AM Dye, Morris dkwatkns@aol.com Re: Turbes Residences PTS 356024

Good Morning Morris,

After a third review of the above-captioned project on September 16, 2014, the Mission Beach Precise Planning Board voted **9-0-0 to approve the project with the condition that the trees in the front yard are required to be 4-5 feet from the building**.

Thanks,

Debbie

-----Original Message-----From: Dye, Morris <<u>MDye@sandiego.gov</u>> To: 'Dkwatkns@aol.com' <<u>Dkwatkns@aol.com</u>> Cc: 'Efrain Sanchez' <<u>icddesign@yahoo.com</u>>; dennis turbes <<u>dturbes@excite.com</u>> Sent: Fri, Sep 19, 2014 8:30 am Subject: Turbes Residences PTS 356024

Hi Debbie:

# Could you please send me an email with the MBPPB vote on this project from the 16 Sept?

Thank you very much.

City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101	Ownership Disclosure Statement	
The City of Ban Diego (619) 446-5000		
Approval Type: Check appropriate box for type of approval (s) reques Neighborhood Development Permit Site Development Permit Variance Tentative Map Wap N	t Planned Development Permit Conditional Use Permit	
Project Title	Project No. For City Use, Only	
TURBES FAMILY RESIDENCE	356024	
Project Address:		
753 ISLAND CT.		
art I - To be completed when property is held by Individual		
elow the owner(s) and tenant(s) (if applicable) of the above reference ho have an interest in the property, recorded or otherwise, and state the dividuals who own the property). <u>A signature is required of at least or</u> from the Assistant Executive Director of the San Diego Redevelopment evelopment Agreement (DDA) has been approved / executed by the anager of any changes in ownership during the time the application is	with the intent to record an encumbrance against the property. Please list ed property. The list must include the names and addresses of all persons the type of property interest (e.g., tenants who will benefit from the permit, all <u>one of the property owners</u> . Attach additional pages if needed. A signature t Agency shall be required for all project parcels for which a Disposition and e City Council. Note: The applicant is responsible for notifying the Project s being processed or considered. Changes in ownership are to be given to n the subject property. Failure to provide accurate and current ownership	
Name of Individual (type or print):	Name of Individual (type or print):	
DENNIS TURBES	DARLENE E.	
X Owner Tenant/Lessee Redevelopment Agency	X Owner Tenant/Lessee Redevelopment Agency	
Street Address: 753 ISLAND CT.	Street Address: 753 ISLAND CT.	
City/State/Zip:	City/State/Zip:	
SAN DIEGO CA 92109 Phone No: Fax No:	SAN DIEGO CA 92109 Phone No: Fax No:	
858 )205-0322	i da ito.	
Signature : Date: 01-17-2014	Signature : Date:	
Venis lurbes	Darlene E. 1-17-14	
Name of Individual (type or print):	Name of Individual (type or print):	
Owner Tenant/Lessee Redevelopment Agency	Owner Tenant/Lessee Redevelopment Agency	
Street Address:	Street Address:	
Sity/State/Zip:	City/State/Zip:	
Phone No: Fax No:	Phone No: Fax No:	
Signature : Date:	Signature : Date:	

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ATTACHMENT 9



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