REPORT TO THE HEARING OFFICER

HEARING DATE: February 18, 2015

ATTENTION: Hearing Officer

SUBJECT: BRILLIANT RESIDENCE

PTS PROJECT NUMBER: 379603

LOCATION: 815 Dover Court

APPLICANT: Ricardo Torres, Golba Architecture Inc.

OWNER: Irwin J. Brilliant and Elizabeth J. Brilliant (Attachment 10)

SUMMARY

Issue: Should the Hearing Officer approve a Coastal Development Permit to demolish the existing single story duplex and construct a three-story, 3,003 square foot single family residence located at 815 Dover Court in the Mission Beach Precise Plan area?

Staff Recommendation:

APPROVE Coastal Development Permit No. 1328680

Community Planning Group Recommendation: On September 16, 2014, the Mission Beach Precise Planning Board voted 9-0-0 to recommend approval of the project with no conditions (Attachment 9).

Environmental Review:

The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15303 (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 December 24, 2014, the Notice of Right to Appeal (NORA) was prepared and the opportunity to appeal the determination ended January 9, 2015 (Attachment 7).

BACKGROUND

The 2,402 square foot project site is currently developed with a one-story residential building containing 2 units. The residential building was constructed in 1951 and is proposed to be demolished as part of the proposed development.
The property is located at 815 Dover Court, on the south side of Dover Court, north of Devon Court, east of Mission Boulevard and west of Bayside Lane, within the Mission Beach Precise Plan. The Mission Beach Precise Plan designates the site for residential development, with a maximum density of 36 dwelling unit per acre (du/acre). The proposed project is consistent with the designated use and density within the Mission Beach Precise Plan.

The site is located within the MBPD-R-S Zone, Coastal Height Limitation Overlay Zone, Coastal Overlay Zone (Appealable Area), Parking Impact Overlay Zone (Coastal Impact and Beach Impact Areas), Residential Tandem Parking Overlay Zone, 60-65 decibel (dB) Community Noise Equivalent Level (CNEL) as depicted in the 2014 Airport Land Use Compatibility Plan (ALUCP), Airport Influence Area (SDIA Review Area 1), FAA Part 77 Noticing Area, the Mission Beach Precise Plan and Local Coastal Program Area (Attachments 1-3). The site is bordered by existing residential development on all sides. A Coastal Development Permit is required for the proposed demolition of the existing structure and construction of the new three-story, single family residence, with improvements.

A historic review of the existing site was conducted by staff during the review of the project. Staff determined that the property located at 815 Dover Court, is not an individually designated resource. The property is not located within a Historical District. The property does not meet local designation criteria as an individually significant resource under any adopted Historical Resources Board (HRB) Criteria.

DISCUSSION

A Coastal Development Permit (CDP) is required to demolish the existing single story duplex and construct a new three-story, 3,003 square foot single family residence located on a 2,402 square foot site. The site is east of the Pacific Ocean, on south side of Dover Court, north of Devon Court, east of Mission Boulevard and west of Bayside Lane.

The proposed single family residence would consist of the following: the first floor would contain the tandem garage, storage area within the garage, one bedroom, two bathrooms, and an exterior patio; the second floor would contain the Dining/Family area, kitchen, one bedroom, two bathrooms and two exterior deck area; and the third floor would contain two rooms identified as “office”, one bedroom, 2 bathrooms, a den, and one exterior deck. The residence contains an elevator accessible to each floor of the proposed residence. The solar panels are proposed within a flat area of the proposed roof.

The proposed residence indicates the use of light green colored siding, mint green colored shingles, white colored window frames and accents, a roll up garage door, and a metal roof identified as the color “oceantide”. The proposed project would be consistent with the bulk and scale of the surrounding developed residential community. The three-story building would have a height not greater than 30'-0" as defined, which would comply with the Coastal Height Limitation Overlay Zone’s maximum allowable height of 30 feet (Attachments 5 and 6). Landscaping would conform to the Mission Beach Planned District minimum percentage and the City’s Landscape Technical Manual.
The project site is located within the Airport Influence Area (AIA) for the San Diego International Airport (SDIA) Airport Land Use Compatibility Plan (ALUCP). Due to the project site location within the 60-65 dB CNEL noise contour, the project information was submitted to the San Diego County Regional Airport Authority (SDCRAA) for a determination of consistency. The SDCRAA, acting in its capacity as the San Diego County Airport Land Use Commission (ALUC), has determined that the proposed project is conditionally consistent with the SDIA ALUCP. Conditions 12 and 13 of the Coastal Development Permit are consistent with conditions presented in Resolution 2015-0002 ALUC, approved on January 15, 2015, by the ALUC (Attachment 11).

CONCLUSION

Staff has reviewed the application for the Coastal Development Permit and determined the project is consistent with the applicable Coastal Development Regulations, the Mission Beach Precise Plan and the City of San Diego Land Development Code. Staff recommends that the Hearing Officer approve the requested permit.

ALTERNATIVES

1. Approve Coastal Development Permit No. 1328680, with modifications.

2. Deny Coastal Development Permit No. 1328680, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Laura C. Black, AICP, Development Project Manager

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions
7. Environmental Exemption
8. Project Plans
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. San Diego County Regional Airport Authority Review and Resolution No. 2015-002 ALUC
12. Project Chronology
Project Location Map

BRILLIANT RESIDENCE – 815 Dover Court
PROJECT NO. 379603
# PROJECT DATA SHEET

<table>
<thead>
<tr>
<th>PROJECT NAME:</th>
<th>Brilliant Residence</th>
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<tbody>
<tr>
<td>PROJECT DESCRIPTION:</td>
<td>Demolish the existing single story duplex and construct a three-story, 3,003 square foot single family residence located at 815 Dover Court</td>
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<td>COMMUNITY PLAN AREA:</td>
<td>Mission Beach Precise Plan</td>
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<td>DISCRETIONARY ACTIONS:</td>
<td>Coastal Development Permit</td>
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<tr>
<td>COMMUNITY PLAN LAND USE DESIGNATION:</td>
<td>Residential (Allows residential development of 36 dwelling units per acre)</td>
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## ZONING INFORMATION:

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<thead>
<tr>
<th>ZONE:</th>
<th>MBPD-R-N zone of the Mission Beach Planned District (A residential zone allowing 1 dwelling unit per 1,200 square feet of lot area)</th>
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<tr>
<td>LOT SIZE:</td>
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<td>FLOOR AREA RATIO:</td>
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<td>FRONT SETBACK:</td>
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<th>DEVIATIONS OR VARIANCES REQUESTED:</th>
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| COMMUNITY PLANNING GROUP RECOMMENDATION: | On September 16, 2014, the Mission Beach Precise Planning Board voted 9-0-0 to recommend approval of the project with no conditions. |
WHEREAS, Irwin J. Brilliant and Elizabeth J. Brilliant, Owners/Permittees, filed an application with the City of San Diego for a permit to demolish an existing single story duplex and construct a three-story, single family residence (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1328680), on portions of a 2,402 square foot site;

WHEREAS, the project site is located at 815 Dover Court within the MBPD-R-S Zone, Coastal Height Limitation Overlay Zone, Coastal Overlay Zone (Appealable Area), Parking Impact Overlay Zone (Coastal Impact and Beach Impact Areas), Residential Tandem Parking Overlay Zone, 60-65 decibel (dB) Community Noise Equivalent Level (CNEL) as depicted in the 2014 Airport Land Use Compatibility Plan (ALUCP), Airport Influence Area (SDIA Review Area 1), FAA Part 77 Noticing Area, the Mission Beach Precise Plan and Local Coastal Program Area;

WHEREAS, the project site is legally described as Lot C of Block 51 of Mission Beach, According to Map thereof No. 1651, dated December 14, 1914.

WHEREAS, on February 18, 2015, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 1328680 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on December 24, 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.

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

That the Hearing Officer adopts the following written Findings, dated February 18, 2015.

FINDINGS:

Coastal Development Permit - Section 126.0708

A. Findings for all Coastal Development Permits

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 proposed project is located at 815 Dover Court, approximately 200 feet from Mission Bay and approximately 450 feet from the Pacific Ocean, within an urbanized and fully developed...
residential neighborhood in the Mission Beach Precise Plan and the Local Coastal Program. The site is not located on the ocean and does not include any existing physical access way or proposed access way to the coast. The project site is not located within any identified view corridor, public vantage point or physical access route in the Mission Beach Precise Plan. Furthermore, no see-through or public views to the ocean exist through the site and the proposed development is provided consistent setbacks within this infill area to allow for possible views adjacent to the site. Additionally, the project is not requesting any deviations to the San Diego Municipal Code. Therefore, the proposed project would not encroach upon any existing physical accessway and would not impact the Mission Beach Precise Plan or Local Coastal Program.

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

The proposed project is located at 815 Dover Court, approximately 212 feet from Mission Bay and approximately 700 feet from the Pacific Ocean, within an urbanized and fully developed residential neighborhood in the Mission Beach Precise Plan and the Local Coastal Program. The existing developed site is relatively flat with an overall grade differential of approximately 2.0 feet. The site is surrounded by development and there are no environmentally sensitive lands located on the project site, nor on the adjacent properties; therefore, the proposed project would not have an adverse affect on 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 proposed project is located at 815 Dover Court, approximately 212 feet from Mission Bay and approximately 700 feet from the Pacific Ocean, within an urbanized and fully developed residential neighborhood in the Mission Beach Precise Plan and the Local Coastal Program. The proposed development is designated for residential development, with a maximum density of 36 dwelling units per acre (du/acre) as identified in the Mission Beach Precise Plan. The project proposes one dwelling unit on a 2,402 square foot lot for a density of approximately 18 dwelling units per acre. The project is consistent with the designated use and density in the plan. Therefore, the proposed residential project conforms to the identified land use in the Mission Beach Precise Plan, the Local Coastal Program and the certified Implementation Program.

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

The proposed project is located at 815 Dover Court, approximately 212 feet from Mission Bay and approximately 700 feet from the Pacific Ocean, within an urbanized and fully developed residential neighborhood in the Mission Beach Precise Plan and the Local Coastal Program. The project is not located between the nearest public road and the sea or shoreline.
BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 1328680 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1328680, a copy of which is attached hereto and made a part hereof.

Laura C. Black, AICP
Development Project Manager
Development Services

 Adopted on: February 18, 2015

Job Order No. 24004886
Coastal Development Permit No. 1328680
BRILLIANT RESIDENCE - PROJECT NO. 379603
HEARING OFFICER

This Coastal Development Permit No. 1328680 is granted by the Hearing Officer of the City of San Diego to Irwin J. Brilliant and Elizabeth J. Brilliant, Owners/Permittees, pursuant to San Diego Municipal Code [SDMC] section 126.0708. The 2,402 square foot site is located at 815 Dover Court. The project site is located within the MBPD-R-S Zone, Coastal Height Limitation Overlay Zone, Coastal Overlay Zone (Appealable Area), Parking Impact Overlay Zone (Coastal Impact and Beach Impact Areas), Residential Tandem Parking Overlay Zone, 60-65 decibel (dB) Community Noise Equivalent Level (CNEL) as depicted in the 2014 Airport Land Use Compatibility Plan (ALUCP), Airport Influence Area (SDIA Review Area 1), FAA Part 77 Noticing Area, the Mission Beach Precise Plan and Local Coastal Program Area. The project site is legally described as: Lot C of Block 51 of Mission Beach, According to Map thereof No. 1651, dated December 14, 1914.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owners/Permittees to demolish an existing single story duplex and construct a three-story, single family residence, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated February 18, 2015, on file in the Development Services Department.

The project shall include:

a. Demolition of an existing single story duplex;

b. Construction of a three-story, 3,003 square foot single family residence, including attached tandem garage and 163 square feet of exterior decks;

c. Landscaping (planting, irrigation and landscape related improvements);
d. Off-street parking;

e. A roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption in accordance with Council Policy 900-14; and

f. 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, 2018.

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 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.

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 Owners/Permittees 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 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.).

8. 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.

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 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.

11. 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. 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.

The City will promptly notify Owners/Permittees of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owners/Permittees shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owners/Permittees shall pay all of the costs related thereto, including without limitation reasonable attorney’s fees and costs. In the event of a disagreement between the City and Owners/Permittees regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owners/Permittees shall not be
required to pay or perform any settlement unless such settlement is approved by Owners/Permittees.

**AIRPORT REQUIREMENT:**

12. Prior to the issuance of any building permits, Owners/Permittees shall provide a copy of the signed agreement [DS-503] and show certification on the building plans verifying that the structures do not require Federal Aviation Administration [FAA] notice for Determination of No Hazard to Air Navigation, or provide an FAA Determination of No Hazard to Air Navigation as specified in Information Bulletin 520.

13. Prior to the issuance of any building permits, Owner/Permittee shall place a note on all building plans that the residence will be sound attenuated to 45 db CNEL interior noise level.

**ENGINEERING REQUIREMENTS:**

14. The project proposes to export 63 cubic yards of material from the project site. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2009 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

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

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

17. Prior to the issuance of any building permits, Owners/Permittees shall remove all portions of the existing Concrete Masonry Unit (CMU) low wall & wood gate encroaching into the Dover Court Right-of-Way, satisfactory to the City Engineer.

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

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

20. Prior to the issuance of any construction permit, 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.
LANDSCAPE REQUIREMENTS:

21. Prior to issuance of construction permits for grading or building, the Owners/Permittees shall submit a landscape plan consistent with Approved Exhibit “A” [Landscape Development Plan]. The planting plan shall show the required 50% front yard landscaped area in a crosshatch pattern and labeled “Landscape Plan” as well as any trees proposed to be located in the required yards for Courts and Places [LDC 1513.0402].

22. 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)].

23. 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.

24. 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.

PLANNING/DESIGN REQUIREMENTS:

25. Owners/Permittees 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.

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

27. Prior to the issuance of building permits, construction documents shall fully illustrate the incorporation of a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project’s projected energy consumption, in accordance with Council Policy 900-14.
28. 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 use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.

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

• This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on February 18, 2015, and Resolution No. XXXX-HO.
Coastal Development Permit No. 1328680
Date of Approval: February 18, 2015

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Laura C. Black, AICP
Development Project Manager

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

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

By
Irwin J. Brilliant
Owner/Permittee

By
Elizabeth J. Brilliant
Owner/Permittee

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

Page 7 of 7
NOTICE OF RIGHT TO APPEAL
ENVIRONMENTAL DETERMINATION
DEVELOPMENT SERVICES DEPARTMENT
SAP No. 24004886

PROJECT NAME/NUMBER: BRILLIANT RESIDENCE/379603
COMMUNITY PLAN AREA: Mission Beach
COUNCIL DISTRICT: 2
LOCATION: 815 Dover Court, San Diego, CA 92109

PROJECT DESCRIPTION: COASTAL DEVELOPMENT PERMIT to demolish an existing single-story duplex and subsequent construction of a three-story, 3,003-square-foot, single-dwelling residence with attached tandem garage and 163 square feet of deck area. Various site improvements would also be constructed, which include associated hardscape and landscaping. The project would incorporate a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project’s projected energy consumption, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program. The 2,402-square-foot project site is located at 815 Dover Court. The project site is designated residential development (with a maximum density of 36 swelling units per acre) and within the MBPD-R-S zone; in addition, the project is within the Coastal Height Limitation Overlay Zone, Coastal Overlay Zone (Non-Appealable Area), Parking Impact Overlay Zone (Coastal Impact and Beach Impact Areas), Residential Tandem Parking Overlay Zone, 60-65 decibel (dB) Community Noise Equivalent Level (CNEL) as depicted in the 2014 Airport Land Use Compatibility Plan (ALUCP), Airport Influence Area (San Diego International Airport Review Area 1), Federal Aviation Administration (FAA) Part 77 Noticing Area within the Mission Beach Precise Plan and Local Coastal Program area. (LEGAL DESCRIPTION: (Lot C of Block 51, Map No. 1651).

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Hearing Officer.

ENVIRONMENTAL DETERMINATION: Categorically exempt from CEQA pursuant to CEQA State Guidelines, Section 15303 (New Construction or Conversion of Small Structures).

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 the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15303 that allows for new construction, one single-family residence in a residential zone. Furthermore, the exceptions listed in CEQA Section 15300.2 would not apply in that no cumulative impacts were identified; no significant
effect on the environmental were identified; the project is not adjacent to a scenic highway; nor is the project identified on a list of hazardous waste sites pursuant to Section 65962.5 of the Government Code.

DEVELOPMENT PROJECT MANAGER: Laura Black  
MAILING ADDRESS: 1222 First Avenue, MS501, San Diego CA 92101  
PHONE NUMBER: (619) 236-6327

On December 24, 2015 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 (January 9, 2015). 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.
A SUSTAINABLE EXPEDITED PROJECT

BRILLIANT RESIDENCE

815 DOVER COURT

COASTAL DEVELOPMENT
SUBMITTAL SET
Community Planning Committee
Distribution Form Part 1

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<tbody>
<tr>
<td>Brilliant Residence</td>
<td>379603</td>
<td>8/1/2014</td>
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**Project Scope/Location:**
MISSION BEACH "SUSTAINABLE EXPEDITE PROGRAM" Coastal Development Permit (PROCESS 3) to demolish an existing structure and construct a 3-story, 2,603 square foot single family residence at 815 Dover Court. The 2,402 square foot site is located in the Mission Beach Planned District R-S Zone and Coastal (appeasable) Overlay Zone. Council District 2.

<table>
<thead>
<tr>
<th>Applicant Name:</th>
<th>Applicant Phone Number:</th>
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<tbody>
<tr>
<td>Ricardo Torres, Golba Architecture</td>
<td>619.231.6905</td>
</tr>
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<table>
<thead>
<tr>
<th>Project Manager:</th>
<th>Phone Number:</th>
<th>Fax Number:</th>
<th>E-mail Address:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Laura C. Stieck, AICP</td>
<td>(619) 236-6327</td>
<td>(619) 321-3200</td>
<td><a href="mailto:lblack@sandiego.gov">lblack@sandiego.gov</a></td>
</tr>
</tbody>
</table>

**Project Issues (To be completed by Community Planning Committee for initial review):**

**THIS PROJECT WAS REVISED AT OUR SEPTEMBER 16, 2019 MEETING. TIM GOLBA, ARCHITECT, REPRESENTED THE OWNERS. THIS PROJECT HAS BEEN COMPLETED IN ACCORDANCE WITH OUR PRO. THE BOARD VOTED UNANIMOUSLY TO APPROVE THE PROPOSAL.**
Project Name: Brilliant Residence

Project Number: 379603

Distribution Date: 8/1/2014

Project Scope/Location:
MISSION BEACH "SUSTAINABLE EXPEDITE PROGRAM" Coastal Development Permit (PROCESS 3) to demolish an existing structure and construct a 3-story, 2,803 square foot single family residence at 815 Dover Court. The 2,402 square foot site is located in the Mission Beach Planned District R-S Zone and Coastal (appealable) Overlay Zone. Council District 2.

Applicant Name: Ricardo Torres, Gotta Architecture

Applicant Phone Number: 619.231.9905

Project Manager: Laura C. Black, AICP

Phone Number: (619) 236-6327

Fax Number: (619) 321-3200

E-mail Address: lblack@sandiego.gov

Project Issues (To be completed by Community Planning Committee for initial review):

This project was reviewed at our September 18, 2014 meeting. Tim Golen, architect, represented the owners. This project has been constructed in accordance with our PDR. The Board voted unanimously to approve the project.
MISSION BEACH "SUSTAINABLE EXPEDITE PROGRAM" Coastal Development Permit (PROCESS 3) to demolish an existing structure and construct a 3-story, 2,603 square foot single family residence at 815 Dover Court. The 2,402 square foot site is located in the Mission Beach Planned District R-S Zone and Coastal (appealable) Overlay Zone. Council District 2.

 Applicants Name: Ricardo Torres, Golba Architecture
 Applicant Phone Number: 619.231.9905

 Project Manager: Laura C. Black, AICP
 Phone Number: (619) 236-6327
 Fax Number: (619) 321-3200
 E-mail Address: lblack@sandiego.gov

 Vote to Approve
 Members Yes □ Members No □ Members Abstain □

 Vote to Approve
 With Conditions Listed Below
 Members Yes □ Members No □ Members Abstain □

 Vote to Approve
 With Non-Binding Recommendations Listed Below
 Members Yes □ Members No □ Members Abstain □

 Vote to Deny
 Members Yes □ Members No □ Members Abstain □

 No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.) □ Continued

 CONDITIONS:

 NAME: DENNIS LYNCH
 SIGNATURE: 
 DATE: SEPTEMBER 21, 2014

 Attach Additional Pages If Necessary.
Ownership Disclosure Statement

<table>
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<th>Approval Type:</th>
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<tr>
<td>Neighborhood Use Permit</td>
<td>Coastal Development Permit</td>
<td>Neighborhood Development Permit</td>
<td>Site Development Permit</td>
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<td>Planned Development Permit</td>
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<td>Variance</td>
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<td>Vesting Tentative Map</td>
<td>Map Waiver</td>
<td>Land Use Plan Amendment</td>
<td>Other</td>
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**Project Title:**
Brilliant Residence

**Project Address:**
815 Dover Court

**Part I - To be completed when property is held by Individual(s):**

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter as identified above, 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) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. 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.

**Additional pages attached:**
- **Yes**
- **No**

<table>
<thead>
<tr>
<th>Name of Individual (type or print):</th>
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<tbody>
<tr>
<td>Irwin J. Brilliant</td>
<td>Owner</td>
<td>Tenant/Lessee</td>
<td>Redevelopment Agency</td>
</tr>
<tr>
<td>Street Address:</td>
<td>6920 Elaine Way</td>
<td>City/State/Zip:</td>
<td>San Diego, CA 92120</td>
</tr>
<tr>
<td>Phone No:</td>
<td></td>
<td>Fax No:</td>
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<tr>
<td>Signature:</td>
<td>Date:</td>
<td>07/01/2014</td>
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<tbody>
<tr>
<td>Elizabeth J. Brilliant</td>
<td>Owner</td>
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<td>Redevelopment Agency</td>
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<td>City/State/Zip:</td>
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<td>Signature:</td>
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**Upon request, this information is available in alternative formats for persons with disabilities.**

DS-318 (5-05)
February 2, 2015

Ms. Laura Black
City of San Diego
Department of Development Services
1222 First Avenue
San Diego, CA 92101

Re: Airport Land Use Commission Consistency Determination – 815 Dover Court, City of San Diego; Construction of Detached Residential Unit; APN 423-704-04; San Diego International Airport - Airport Land Use Compatibility Plan – LIN-15-003; Resolution No. 2015-0002 ALUC

Dear Ms. Black:

This letter is to notify the City of San Diego of the January 15, 2015, consistency determination that was made by the San Diego County Regional Airport Authority ("Authority" or "SDCRAA"), acting in its capacity as the San Diego County Airport Land Use Commission ("ALUC"), for the referenced project. The ALUC has determined that the proposed project is conditionally consistent with the San Diego International Airport ("SDIA") Airport Land Use Compatibility Plan ("ALUCP"). A copy of Resolution 2015-0002 ALUC, approved by the ALUC on January 15, 2015, and memorializing the consistency determination, is enclosed for your information.

The ALUC’s determination that the 815 Dover Court project is conditionally consistent with the SDIA ALUCP was made consistent with the ALUC Policies and the State Aeronautics Act provisions (Cal. Pub. Util. Code §21670-21679.5), and was based on numerous facts and findings, including those summarized below:

(1) The proposed project involves the construction of a detached residential unit.

(2) The proposed project is located within the 60-65 dB CNEL noise contour. The ALUCP identifies residential uses located within the 60-65 dB CNEL noise contour as compatible with airport uses, provided that the residences are sound attenuated to 45 dB CNEL interior noise level. Therefore, as a condition of project approval, the residence must be sound attenuated to 45 dB CNEL interior noise level.

(3) The proposed project is located outside the TSS. The proposed project is in compliance with the ALUCP airspace protection surfaces because the project sponsor has certified that notice of construction is not required to the FAA because the project is located within an urbanized area, is substantially shielded by existing structures or natural terrain, and cannot reasonably have an adverse effect on air navigation.
(4) The proposed project is located outside all Safety Zones.

(5) The proposed project is located within the overflight notification area. The ALUCP requires recordation of an overflight notification with the County Recorder for new residential land uses or other alternative method as approved by the ALUC. Therefore, as a condition of project approval, an overflight notification shall be recorded with the County Recorder or other alternative method as approved by the ALUC.

(6) Therefore, if the proposed project contains the above-required conditions, the proposed project would be consistent with the SDIA ALUCP.

(7) This ALUC action is not a “project” as defined by the California Environmental Quality Act (CEQA) Pub. Res. Code Section 21065; and is not a “development” as defined by the California Coastal Act Pub. Res. Code Section 30106.

Please contact Mr. Ed Gowens at (619) 400-2244 if you have any questions regarding the issues addressed in this letter.

Very truly yours,

Thella F. Bowens
President/CEO

TFB/EG

Enclosures: Resolution 2015-0002 ALUC

cc: Amy Gonzalez, SDCRAA, General Counsel
    Ron Bolyard, Caltrans, Division of Aeronautics
    Chris Schmidt, Caltrans, District 11
    Tait Galloway, City of San Diego
RESOLUTION NO. 2015-0002 ALUC

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR SAN DIEGO COUNTY MAKING A DETERMINATION THAT THE PROPOSED PROJECT: CONSTRUCTION OF DETACHED RESIDENTIAL UNIT AT 815 DOVER COURT, CITY OF SAN DIEGO, IS CONDITIONALLY CONSISTENT WITH THE SAN DIEGO INTERNATIONAL AIRPORT - AIRPORT LAND USE COMPATIBILITY PLAN.

WHEREAS, the Board of the San Diego County Regional Airport Authority, acting in its capacity as the Airport Land Use Commission (ALUC) for San Diego County, pursuant to §21670.3 of the California Public Utilities Code, was requested by the City of San Diego to determine the consistency of a proposed project: Construction of Detached Residential Unit at 815 Dover Court, City of San Diego, which is located within the Airport Influence Area (AlA) for the San Diego International Airport (SDIA) Airport Land Use Compatibility Plan (ALUCP), adopted and amended in 2014; and

WHEREAS, the plans submitted to the ALUC for the proposed project indicate that it would involve the construction of a detached residential unit; and

WHEREAS, the proposed project would be located within the 60-65 decibel (dB) Community Noise Equivalent Level (CNEL) noise contour, and the ALUCP identifies residential uses located within the 60-65 dB CNEL noise contour as compatible with airport uses, provided that the residences are sound attenuated to 45 dB CNEL interior noise level; and

WHEREAS, the proposed project is located outside the SDIA Threshold Siting Surface (TSS) height restrictions and is in compliance with the ALUCP airspace protection surfaces because the project sponsor has certified that notice of construction is not required to the Federal Aviation Administration (FAA); and

WHEREAS, the proposed project is located outside all Safety Zones; and

WHEREAS, the proposed project is located within the overflight notification area, and the ALUCP requires recordation of an overflight notification with the County Recorder for new residential land uses or other alternative methods as approved by the ALUC; and

WHEREAS, the ALUC has considered the information provided by staff, including information in the staff report and other relevant material regarding the project; and
WHEREAS, the ALUC has provided an opportunity for the City of San Diego and interested members of the public to present information regarding this matter;

NOW, THEREFORE, BE IT RESOLVED that the ALUC hereby determines that the proposed project: Construction of Detached Residential Unit at 815 Dover Court, City of San Diego, is conditionally consistent with the SDIA ALUCP, which was adopted and amended in 2014, based upon the following facts and findings:

(1) The proposed project involves the construction of a detached residential unit.

(2) The proposed project is located within the 60-65 dB CNEI1 noise contour. The ALUCP identifies residential uses located within the 60-65 dB CNEI1 noise contour as compatible with airport uses, provided that the residences are sound attenuated to 45 dB CNEI1 interior noise level. Therefore, as a condition of project approval, the residence must be sound attenuated to 45 dB CNEI1 interior noise level.

(3) The proposed project is located outside the TSS. The proposed project is in compliance with the ALUCP airspace protection surfaces because the project sponsor has certified that notice of construction is not required to the FAA because the project is located within an urbanized area, is substantially shielded by existing structures or natural terrain, and cannot reasonably have an adverse effect on air navigation.

(4) The proposed project is located outside all Safety Zones.

(5) The proposed project is located within the overflight notification area. The ALUCP requires recordation of an overflight notification with the County Recorder for new residential land uses or other alternative method as approved by the ALUC. Therefore, as a condition of project approval, an overflight notification shall be recorded with the County Recorder or other alternative method as approved by the ALUC.

(6) Therefore, if the proposed project contains the above-required conditions, the proposed project would be consistent with the SDIA ALUCP.

BE IT FURTHER RESOLVED that the ALUC finds this determination is not a "project" as defined by the California Environmental Quality Act (CEQA), Cal. Pub. Res. Code §21065, and is not a "development" as defined by the California Coastal Act, Cal. Pub. Res. Code §30106.
PASSED, ADOPTED AND APPROVED by the ALUC for San Diego County at a regular meeting this 15th day of January, 2015, by the following vote:

AYES: Commissioners: Alvarez, Boling, Cox, Gleason, Hubbs, Robinson, Sessom, Smisek

NOES: Commissioners: None

ABSENT: Commissioners: Desmond

ATTEST:

TONY R. RUSSELL
DIRECTOR, CORPORATE & INFORMATION GOVERNANCE /
AUTHORITY CLERK

APPROVED AS TO FORM:

BRETON K. LOBNER
GENERAL COUNSEL
# Project Chronology
## Brilliant Residence – Project No. 379603

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Description</th>
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<th>Applicant Response (Working Days)</th>
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<td>08/01/2014</td>
<td>First Submittal</td>
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<td>09/02/2014</td>
<td>First Assessment Letter</td>
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**TOTAL STAFF TIME**

(Does not include City Holidays or City Furlough) 78 days

**TOTAL APPLICANT TIME**

(Does not include City Holidays or City Furlough) 53 days

**TOTAL PROJECT RUNNING TIME**

131 days = 4.4 months