



THE CITY OF SAN DIEGO

## REPORT TO THE PLANNING COMMISSION

**DATE ISSUED:** June 11, 2009 **REPORT NO. PC-09-043**

**ATTENTION:** Planning Commission, Agenda of June 18, 2009

**SUBJECT:** CASA DEL MAR - PROJECT NO. 140076  
PROCESS THREE APPEAL

**OWNER:** Joseph & Teresa Urbon

**APPLICANT:** Lim Design Group; Paw Lim

### SUMMARY

**Issue(s):** Should the Planning Commission approve or deny an appeal of the Hearing Officer's approval to increase the maximum number of residents from six to eight for an existing Residential Care Facility for the Elderly (RCFE) within the Torrey Pines Community Plan area?

**Staff Recommendation:** DENY the appeal and APPROVE Conditional Use Permit No. 488973 and Coastal Development Permit No. 497949.

**Community Planning Group Recommendation:** On December 11, 2008, the Torrey Pines Community Planning Group voted to 6-3-1 to recommend denial of the project (Attachment 10).

**Environmental Review:** The proposed activity is exempt from CEQA pursuant to Section 15301 (Existing facilities) of the State CEQA Guidelines. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on June 10, 2008, and the opportunity to appeal that determination ended June 24, 2008.

**Fiscal Impact Statement:** All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

**Code Enforcement Impact:** There are no zoning or building code violations on the property.

**Housing Impact Statement:** None. The existing residence would remain with no additions or modifications.

## **BACKGROUND**

The 0.22-acre site is located at 13731 Nob Avenue in the RS-1-6 Zone, Coastal Overlay (non-appealable) and Coastal Height Limit Overlay Zones within the Torrey Pines Community Plan area. The Torrey Pines Community Plan designates this site for low, single family residential density, at 5-9 dwelling units per acre. The site has an existing, 4,595 square-foot, two-story single family residence which is consistent with the designation. Since March 1999, the residence has had a state-licensed, six-person, Residential Care Facility for the Elderly (RCFE), (Facility No. 374600761), named Casa Del Mar. RCFEs provide care, supervision and assistance with activities of daily living, such as bathing and grooming. They may also provide incidental medical services under special care plans. The facilities provide services to persons 60 years of age and over, and persons under 60 with compatible needs. RCFEs may also be known as assisted living facilities, retirement homes and board and care homes. The facilities can range in size from six beds or less to over 100 beds. The residents in these facilities require varying levels of personal care and protective supervision.

RCFEs for six or fewer persons are permitted by right in the RS-1-6 zone; however, facilities for seven or more persons require a Conditional Use Permit.

On April 8, 2009, the Hearing Officer considered the Conditional Use Permit No. 488973 and Coastal Development Permit No. 497949 along with public testimony and approved the project with the condition that any additional development that increases the square footage would require an amendment to the permit (See attached permit and conditions 8 & 20).

## **DISCUSSION**

### **Project Description:**

The proposed project is a request to increase the capacity of the RCFE from six to eight residents. The first floor of the single family residence is used for Casa del Mar, which consists of six bedrooms with six beds. The second floor consists of three bedrooms and two bathrooms used only by the primary residents. There are no additions or modifications proposed to the residence. The only change would be the increase of two beds on the first floor of the residence.

A Coastal Development Permit is required due to the site's location within the Coastal Overlay Zone and for the increased parking requirement. A Conditional Use Permit is required for residential care facilities providing care for 7 to 12 persons. The Land Development Code allows Residential Care Facilities to include treatment for drug and alcohol programs, however, the owner has voluntarily agreed to limit this project to provide senior care only (See attached permit and condition 17).

The residence meets the required square footage needed to accommodate eight residents and the required five off-street parking spaces.

### **Community Plan Analysis:**

The Torrey Pines Community Plan designates the project site for single family residential use at a low density (5-9 dwelling units per acre). The proposed increase in capacity to an existing Residential Care Facility for the Elderly (RCFE) is consistent with this designation.

One of the goals of the Residential Element of the Community Plan is to construct new single-family homes that are similar in bulk and scale to existing homes within the immediate neighborhood. The proposed increase in residential care capacity will not affect the bulk and scale of the existing residence since all proposed improvements will occur within the existing structure; no exterior modifications to the residence are being proposed.

A critical issue identified in the Community Plan is the development and expansion of non single-family residential uses within single-family neighborhoods. Examples of these discouraged uses include commercial development, child care centers, and mini-dorms. Residential care facilities are not specifically addressed in the Community Plan and are not discouraged from development or expansion within single-family neighborhoods.

Some of the impacts associated with the encroachment of non-single family residential uses include lack of adequate parking, insufficient landscaping, and unusual design. The proposed increase in capacity to an existing RCFE is considered an expansion of an existing residential use. The project will be providing five required off-street parking spaces to accommodate the expansion, landscaping will be provided in compliance with the regulations of the underlying zone, and the exterior of the existing residence will not be affected.

### **Appeal Issues:**

The appellant, Dennis Ridz, Chair of the Torrey Pines Community Planning Board, filed an appeal on April 15, 2009 (Attachment 9). Issues identified in the written appeal to the Planning Commission are as follows:

#### **1. Appeal Issue-Incorrect lot size/square footage**

The Hearing Officer relied on inaccurate information as to the lot size and square footage of the existing residence. Staff documents state the lot size is 11,900 square feet, and the residence is 6,119 square feet, when in fact the lot is 9,800 square feet and the residence 4,846 square feet.

#### **Staff response:**

During the initial review of the project there was an error made by the applicant as to the size of the lot. The confusion was due to a proposed street vacation which was never approved and would have increased the lot size. Currently, the lot size is 70 feet by 140 feet with a total lot area of 9,800 square feet. Per the Municipal Code the permitted floor area ratio (FAR) for a 9,800 square foot lot in the RS-1-6 zone is (0.55) or 5,390 square feet of

improvements. The existing improvements of 4,595 square feet reflect a FAR of (0.47-rounded). Therefore, the existing single family home and improvements are appropriate for the lot area. Additionally, the Conditional Use Permit for the facility is not dependent on the size of the property. The project plans presented to the Hearing Officer reflected the correct information.

2. Appeal Issue-Front Property Line

The Hearing Officer relied on inaccurate information that De Mayo Road is the front yard, when Nob Avenue is the front yard. Therefore, the two required off-street parking spaces would be in the front yard and not the side yard.

Staff response:

Per San Diego Municipal Code Section, 113.0246 (a), "On corner lots, the front property lines are along the narrowest street frontage." Frontage on De Mayo Road is 70-feet and Nob Avenue is 140-feet, therefore, the front yard is De Mayo Road. The two off-street parking spaces would be within the required side yards.

3. Appeal Issue-Visual and Traffic Impact

The Hearing Officer made findings that were not supported by the information submitted in regards to visual and traffic impacts.

Staff response:

There are no proposed changes or additions to the residence. The increase in two residents to an existing Residential Care Facility does not require a traffic study. However, two-additional parking spaces are required, which would be located within the required side yard as permitted by the Land Development Code. Grass Crete is proposed for the additional parking area to minimize visual impacts.

4. Appeal Issue-Future Plans:

The permit approved by the Hearing Officer does not have a restriction on the building size. Most likely, the applicant plans on building a massive condominium-style complex.

Staff response:

The building size is controlled by the development regulations for the zone. Additionally, there are two conditions within the permit that restrict any future development. Conditions number eight and twenty-five state that any addition or alteration to the property which increases the gross floor area (GFA) requires an amendment to the permit. An amendment to the permit would require a 300 foot radius notice to the adjacent properties and a public hearing. This would ensure the community's opportunity to comment on any proposed development.



5. Appeal Issue-Findings:

The increase in residents is inappropriate for the location and detrimental to the public health, safety, and welfare. The residence will be out of character and would have a commercial use in a single family residential area. The Torrey Pines Community Plan does not allow commercial uses within single family neighborhood. Therefore the findings cannot be made.

Staff response:

The Land Development Code identifies Residential Care Facilities of seven or more persons as a Residential Category Use, permitted with a Conditional Use Permit. Since the use is residential, it is not in conflict with the Torrey Pines Community Plan. Additionally, both the San Diego Municipal Code and the State regulations limit multiple Residential Care Facilities within one quarter mile of another in residential zones. There are no licensed facilities within a quarter of a mile of the Casa Del Mar facility and additional facilities would not be permitted within the quarter mile radius of the existing facility.

Conclusion:

Staff has reviewed the request for a Coastal Development Permit and Conditional Use Permit to increase the capacity of the RCFE from six residents to eight and has determined that the project complies with all the applicable sections of the Municipal Code, and that the required findings can be made to support the project (Attachment 7). Additionally, the increase in residents is exempt from CEQA pursuant to Section 15301 (Existing facilities) of the State CEQA Guidelines. Therefore, staff recommends denial of the appeal and approval of the project.

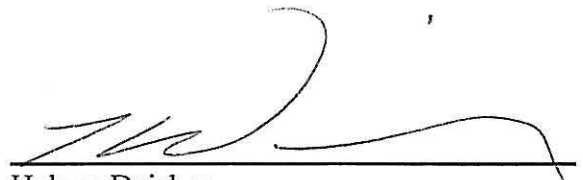
ALTERNATIVES

1. **Deny** the appeal and **Approve** Conditional Use Permit No. 488973 and Coastal Development Permit No. 497949, **with modifications.**
2. **Approve** the appeal, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Mike Westlake  
Program Manager  
Development Services Department



Helene Deisher  
Development Project Manager  
Development Services Department

Attachments:

1. Aerial
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Site Plan
6. Draft Permit with Conditions
7. Draft Resolution with Findings
8. Hearing Officer Report
9. Copy of Appeal
10. Community Planning Group Recommendation
11. Ownership Disclosure Statement
12. Letters of opposition and in favor of the project



## Aerial Photo

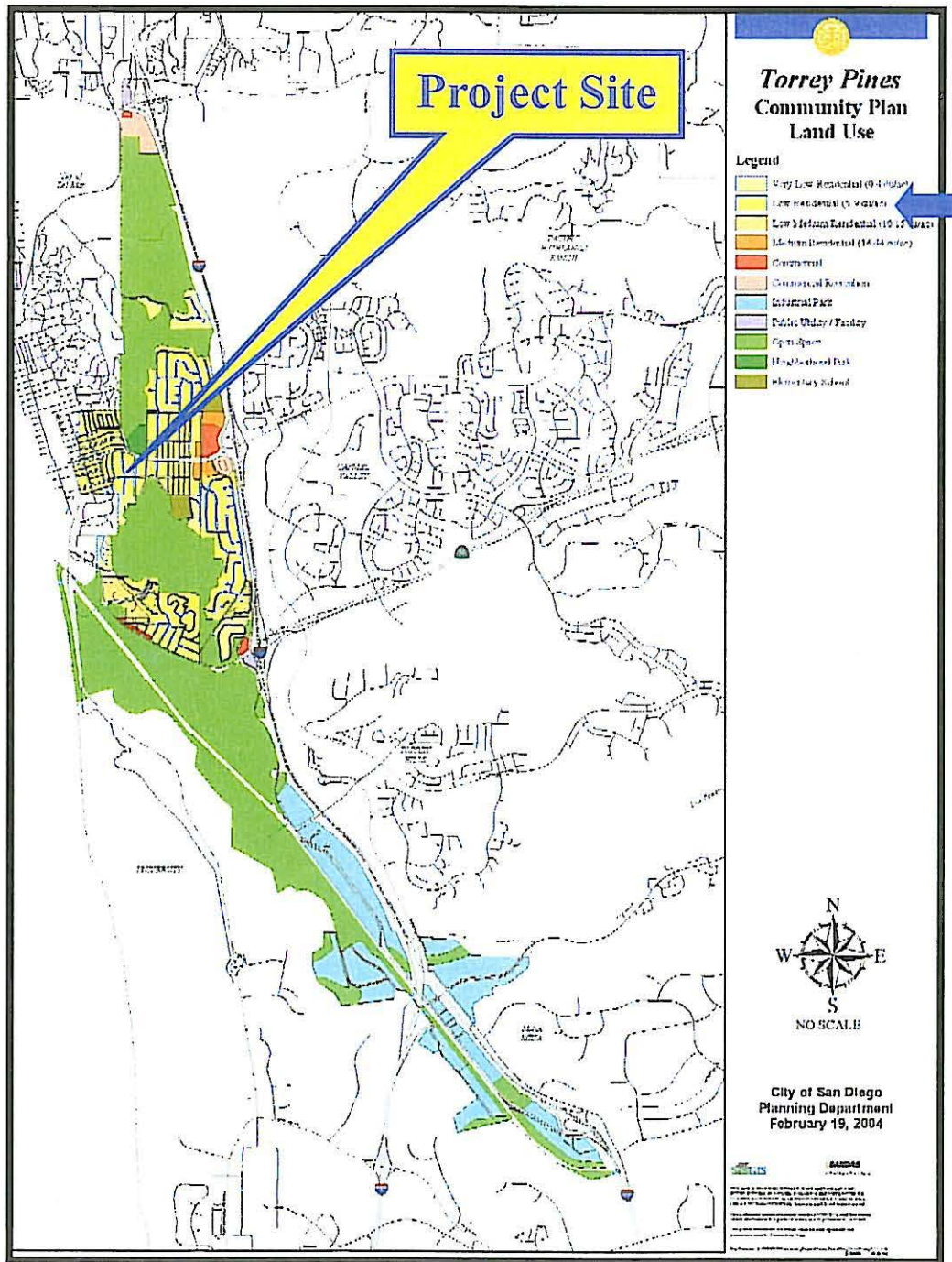
CASA DEL MAR – 13731 NOB AVENUE

PROJECT NO. 140076



ATTACHMENT 1

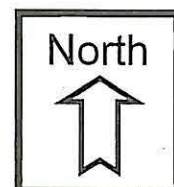




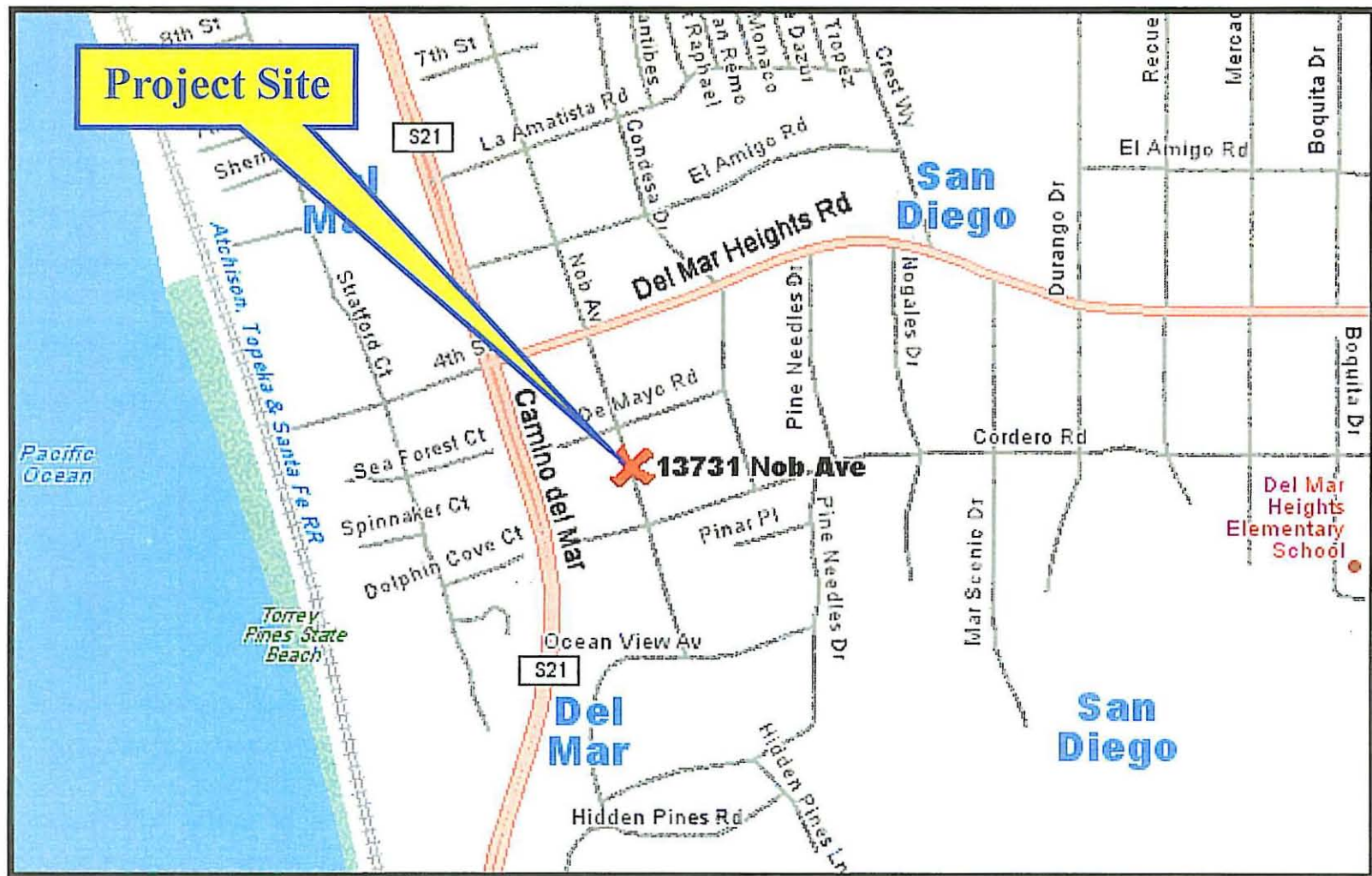
# Community Plan Land Use Map

CASA DEL MAR – 13731 NOB AVENUE

PROJECT NO. 140076 – Torrey Pines







## Project Location Map

CASA DEL MAR – 13731 NOB AVENUE

PROJECT NO. 140076



## PROJECT DATA SHEET

<b>PROJECT NAME:</b>	Project No. 140076 – Casa Del Mar	
<b>PROJECT DESCRIPTION:</b>	To increase the capacity of an existing Residential Care Facility from 6 residents to 8.	
<b>COMMUNITY PLAN AREA:</b>	Torrey Pines	
<b>DISCRETIONARY ACTIONS:</b>	Coastal Development Permit (CDP)/ Conditional Use Permit (CUP); Process Three	
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	Low Density Residential (5-9 du/ac)	
<b><u>ZONING INFORMATION:</u></b> <b>ZONE:</b> RS-1-6 <b>HEIGHT LIMIT:</b> 30-feet/ no changes proposed <b>LOT SIZE:</b> 6,000 s.f. min/ 9,800 s.f. existing <b>FLOOR AREA RATIO:</b> 0.55 max/ 0.47 existing, no changes proposed <b>FRONT SETBACK:</b> 15' min/ 0' existing, previously conforming <b>SIDE SETBACK:</b> 7' min/ 11.5' existing, no changes proposed <b>STREETSIDE SETBACK:</b> 10' min/ 20' existing, no changes proposed <b>REAR SETBACK:</b> 5' min/ 27' existing, no changes proposed <b>PARKING:</b> 5 spaces required		
<b><u>ADJACENT PROPERTIES:</u></b>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	Residential (5-9 du/ac); RS-1-6	Single-Family Residential
<b>SOUTH:</b>	Residential (5-9 du/ac); RS-1-6	Single-Family Residential
<b>EAST:</b>	Residential (5-9 du/ac); RS-1-6	Single-Family Residential
	Residential (5-9 du/ac);	

## ATTACHMENT 4

<b>WEST:</b>	RS-1-6	Single-Family Residential
<b>DEVIATIONS OR VARIANCES REQUESTED:</b>	None	
<b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b>	On December 11, 2008, the Torrey Pines Community Planning Group voted to 6-3-1 to recommend denial of the project	

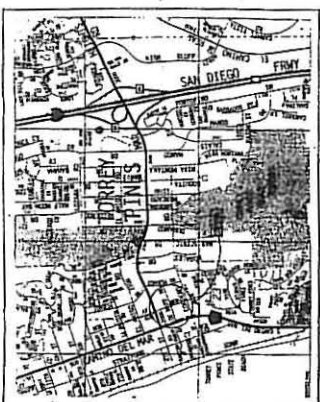
UPPER FLOOR PLAN

!sallop

1. The first thing I noticed when I stepped out of the plane was the humidity. It was a warm blanket, wrapping around me in a way that felt both comforting and overwhelming. The air was thick with the scent of tropical flowers and the distant call of birds.

Particle Calculations:

- [illegible]



VICINITY MAP (M.T.S.)

NOTATION SUMMARY: CONDITIONAL LIFE PERMIT\*/CONST. DEVELOPMENT PERMIT.

currently a two-story house with single family on upper level consisting of 3 bedrooms, 3 bathrooms. Lower level is a state-of-the-art Residential Care Facility the Elderly named Casa Del Mar. It is currently licensed for 6 residents on the lower level. The lower level consists of 6 bedrooms, 4 bathrooms.

reported increased capacity from 6 to 8 residents in the residential care facility, with no construction changes.

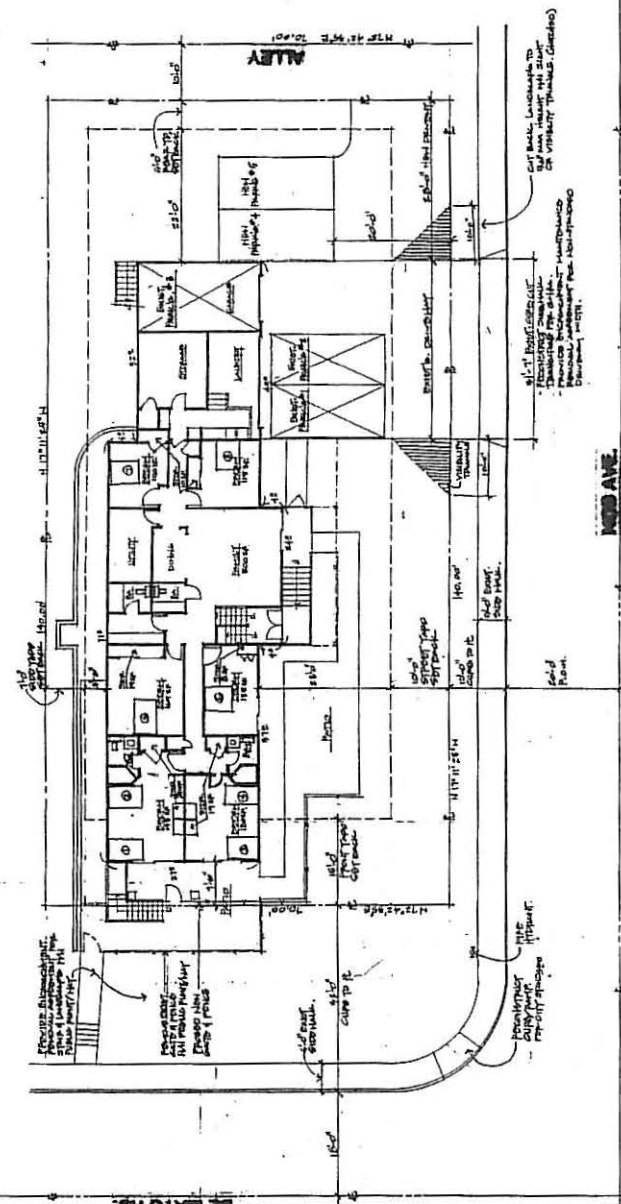
ADDRESS:	12721 N.W. Ave.
OWNER:	Jensen and Jeffrey Olson
	12721, NW Ave.
	Dell Mar, California 92024
CONTACT:	Pete Lin, Lin Design Group, Inc. 6848 Lake Arroyo Place San Diego, Ca. 92121
SUBJECT DESCRIPTION:	Block 32, Lot-7 of Map No. L57
PIN:	200-344-01
CONSTRUCTION TYPE:	V-HR
STORYSHIP TYPE:	R-2 SECOND FLOOR R-2.1 FIRST FLOOR RS-1-6
FHAAG TYPE:	
MATERIAL ORIENTATION:	CITY COASTAL OVERLAY ZONE
AREA:	32.6 ACROSS UNIT
AREA:	1803 S.F. - FIRST FLOOR
AREA:	2345 S.F. - SECOND FLOOR
AREA:	3274 S.F. - THIRD FLOOR

[illegible]

Year	Number of cases
1990	10
1991	15
1992	20
1993	25
1994	30
1995	35
1996	40
1997	45
1998	50
1999	55
2000	60
2001	65
2002	70
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2017	145
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2019	155
2020	160
2021	165
2022	170
2023	175
2024	180
2025	185
2026	190
2027	195
2028	200
2029	205
2030	210

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 01-25-2001 BY 60322 UCBAW

Sheet Title: Site Plan, Floor Plans  
Issue Date: 9-10-07  
Revision Date: 9/27/08  
1/24/09



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

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-8605

**CONDITIONAL USE PERMIT NO. 488973**  
**COASTAL DEVELOPMENT PERMIT NO. 497949**  
**CASA DEL MAR - PROJECT NO. 140076**  
**PLANNING COMMISSION**

**Areas in Yellow have been revised per the HO meeting.**

Conditional Use Permit No. 488973 and Coastal Development Permit No. 497949 are hereby granted by the Planning Commission of the City of San Diego to JOSEPH URBON and TERESA URBON, Owners/Permittees, pursuant to San Diego Municipal Code [SDMC] sections 126.0708 and 126.0305. The 0.22-acre site is located at 13731 Nob Avenue in the RS-1-6 Zone, Coastal Overlay (non-appealable), and Coastal Height Limit Overlay Zones within the Torrey Pines Community Plan area. The project site is legally described as Lot 7, Block 33, Del Mar Heights, Map No. 157.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owners/Permittees, for a residential care facility with a maximum of eight care residents, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 18, 2009, on file in the Development Services Department.

The project shall include:

- a. Maintaining an existing 4,595 square-foot, two-story single family residence. The first floor shall be used for Casa del Mar, a state licensed Residential Care Facility for the Elderly (RCFE), consisting of four one-bed rooms and two, two-bed rooms for a total of eight beds. The second floor shall consist of three bedrooms and two bathrooms used as the primary residence;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Five off-street parking spaces;

- d. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

#### **STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect at the time the extension is considered by the appropriate decision maker.
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 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.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owners/Permittees and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The continued use of this Permit shall be subject to the regulations and conditions of this permit and any other applicable governmental agency.
6. 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.).
7. The Owners/Permittees shall secure all necessary building permits. The Owners/Permittees are informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made 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 have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the 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" 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.

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

#### **ENGINEERING REQUIREMENTS:**

11. Within ninety (90) days of the recordation of the Conditional Use Permit, the Owners/Permittees shall reconstruct the existing curb ramp to current City Standards, at the Nob Avenue and De Mayo Road intersection, adjacent to the site, satisfactory to the City Engineer.

12. Within ninety (90) days of the recordation of the Conditional Use Permit, the Owners/Permittees shall reconstruct the existing driveway, providing sidewalk transitions, per G-14A, and maintaining the existing driveway width, adjacent to the site on Nob Avenue.
13. Within ninety (90) days of the recordation of the Conditional Use Permit, the Owners/Permittees shall obtain an Encroachment Maintenance and Removal Agreement, for the nonstandard driveway (width in excess of 30'), stairs, and handrails within the Nob Avenue right-of-way.
14. The Owners/Permittees shall maintain all private landscaping, within the sight visibility triangular areas, to a maximum of 36" in height, along the existing driveway, adjacent to the site on Nob Avenue.
15. Prior to recordation of the Conditional Use Permit, the Owners/Permittees shall remove the chain link fence from the De Mayo Road right-of-way, satisfactory to the City Engineer.

**PLANNING/DESIGN REQUIREMENTS:**

16. The first floor of the single family residence will be used for Residential Care Facility which shall provide care for the Elderly, 60 years of age and over, and persons under 60 with compatible needs.
17. The Owner/Permittee shall not operate drug and alcohol rehabilitation and recovery programs at this location.
18. The Residential Care Facility shall maintain an active State of California Residential Care Facility for the Elderly license in compliance with all state regulations.
19. The Residential Care Facility shall provide at least 70 square feet of sleeping space for each resident, not including closet or storage space, multipurpose rooms, bathrooms, dining rooms, and halls.
20. Sleeping areas for the Residential Care Facility shall not be used as a public or general passageway to another room, bath, or toilet.
21. The Residential Care Facility shall provide at least five square feet of living area per bed, not including sleeping space, dining, and kitchen areas.
22. The Residential Care Facility shall provide at least eight square feet of storage area (closet or drawers) per bed.
23. The Residential Care Facility shall provide two full bathrooms including sink, toilet, and shower or bathtub.
24. All signs associated with this development shall be consistent with sign criteria established by City-wide sign regulations.



25. Any building additions to the property which increases the gross floor area of the structure shall require an amendment to this Conditional Use Permit.
26. The property shall be maintained free of weeds, debris and litter at all times.
27. 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.

**TRANSPORTATION REQUIREMENTS**

28. No fewer than five off-street parking spaces shall be maintained 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 Development Services Department.
29. No more than three employees shall be permitted on-site at any time.
30. The Residential Care Facility shall have no more than eight care beds at any time.
31. The Owners/Permittees shall provide and maintain adequate visibility area along the front setback on both sides of the driveway. No obstacles higher than 36" shall be located within this area (e.g. walls, landscaping, shrubs, etc).

**INFORMATION ONLY:**

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §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 June 18, 2009.

Conditional Use Permit No. 488973  
Coastal Development Permit No. 497949  
Date of Approval: June 18, 2009

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

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Helene Deisher  
Development Project Manager

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

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**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.

JOSEPH URBON  
Owner/Permittee

By \_\_\_\_\_

TERESA URBON  
Owner/Permittee

By \_\_\_\_\_

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

PLANNING COMMISSION RESOLUTION NO.  
CONDITIONAL USE PERMIT NO. 488973  
COASTAL DEVELOPMENT PERMIT NO. 497949  
**CASA DEL MAR - PROJECT NO. 140076**  
DRAFT

WHEREAS, JOSEPH URBON and TERESA URBON, Owner/Permittee, filed an application with the City of San Diego to increase the number of residents from six to eight, to an existing residential care facility (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 488973 and 497949), on portions of a 0.22-acre site;

WHEREAS, the project site is located at 13731 Nob Avenue in the RS-1-6 Zone, Coastal Overlay (non-appealable), and Coastal Height Limit Overlay Zones within the Torrey Pines Community Plan;

WHEREAS, the project site is legally described as Lot 7, Block 33, Del Mar Heights, Map No. 157;

WHEREAS, on April 8, 2009, the Hearing Officer of the City of San Diego considered and approved Conditional Use Permit No. 488973 and Coastal Development Permit No. 497949 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on April 15, 2009, Dennis Redz, Chair of the Torrey Pines Community Planning Board appealed the project. NOW,

THEREFORE, BE IT RESOLVED by the Planning Commission of the City of San Diego adopts the following written Findings, dated June 18, 2009 as follows:

FINDINGS:

**Conditional Use Permit - Section 126.0305**

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

The proposed project is to increase the number of residents from six to eight in an existing 4,595 square-foot, two-story single family residence with a state-licensed Residential Care Facility for the Elderly. The project site is located within the Torrey Pines Community Planning Area, and has a Low Residential Density land use designation (5-9 dwelling units per acre). The existing single family residence with the existing state-licensed Residential Care Facility for the Elderly is consistent with this designation. Therefore, the proposed development will not adversely affect the applicable land use plan.

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

The proposed project is to increase the number of residents from six to eight in an existing 4,595 square-foot, two-story single family residence with a state-licensed Residential Care Facility for the Elderly (RCFE). No additions or modifications to the residence are proposed. The existing RCFE has been operating within the existing single family residence since March 1999. The

proposed increase of two residents has been reviewed to achieve compliance with the regulations of the Land Development Code and State Regulations. Additionally, the project was determined to not have a significant impact on the environment and therefore, exempted from the California Environmental Quality Act.

**3. The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code.**

The proposed project is to increase the number of residents from six to eight in an existing 4,595 square-foot, two-story single family residence with a state-licensed Residential Care Facility for the Elderly (RCFE). The existing residence conforms to all RS-1-6 zoning regulations, including height, floor area ratio, parking and has previously conforming rights to the front yard setback. The proposed increase of two residents would comply with the Land Development Regulations and all state RCFE regulations. The existing residence would be maintained in its current condition and no construction permits would be required. Therefore, the proposed project will comply to the maximum extent feasible with the regulations of the Land Development Code.

**4. The proposed use is appropriate at the proposed location.**

The proposed project is to increase the number of residents from six to eight in an existing 4,595 square-foot, two-story single family residence with a state-licensed Residential Care Facility for the Elderly (RCFE). The existing RCFE has been operating within the existing single family residence since March of 1999. The first floor of the single family residence is used for the RCFE, which consists of six bedrooms with six beds. The second floor consists of three bedrooms and two bathrooms used only by the primary residents. There are no additions or modifications proposed to the residence. The only change would be the increase of two beds on the first floor of the residence and the required off-street parking would increase from two spaces to five spaces. The RCFE would be limited to eight residents and three employees. The RCFE, as conditioned, would therefore be an appropriate use for the location.

**Coastal Development Permit - Section 126.0708**

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

The 0.22-acre site is located at 13731 Nob Avenue. The site has an existing 4,595 square-foot, two-story single family residence with a state-licensed, six person, Residential Care Facility for the Elderly (RCFE). The project proposes to increase the number of residents from six to eight. There are no proposed changes or modifications to the existing residence. Nob Avenue is fully developed, adjacent to, and across from the project site. The existing residence does not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in the Torrey Pines Local Coastal Program land use plan. Additionally, Nob Avenue is not identified as having a scenic view in the community plan and compliance with all required setbacks will be maintained. Therefore, the proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed



public accessway 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 proposed project is to increase the number of residents from six to eight in an existing 4,595 square-foot, two-story single family residence with a state-licensed Residential Care Facility for the Elderly. The site has been previously developed. There are no sensitive habitats on the site, and it is not located within or adjacent to the City of San Diego's Multi-Habitat Planning Area (MHPA). 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 proposed project is to increase the number of residents from six to eight in an existing 4,595 square-foot, two-story single family residence with a state-licensed, Residential Care Facility for the Elderly. The project is located in an area identified as Low Density Residential (5-9 du/acre), in the Torrey Pines Community Plan. The existing residence is consistent with the land use. The proposed development conforms to all the requirements of the RS-1-6 zone and has previously conforming rights to the front yard setback. The project would adhere to community goals since the residence was originally designed in a manner that did not intrude into any of the physical access ways used by the public and has a harmonious visual relationship between the bulk and scale of the existing structure and the adjacent structures as stated in the adopted Local Coastal Program land use plan. Therefore, 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.

**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 to increase the number of residents from six to eight in an existing 4,595 square-foot, two-story single family residence with a state-licensed Residential Care Facility for the Elderly. The proposed coastal development is less than half a mile from the Pacific Ocean however, there will be no impact to public beach parking since the proposed residence would provide five off-street parking spaces. The proposed development will be contained within the legal lot and therefore, the project conforms to 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 Planning Commission, Conditional Use Permit No. 488973 and Coastal Development Permit No. 497949 are hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 488973 and 497949, a copy of which is attached hereto and made a part hereof.

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Helene Deisher  
Development Project Manager  
Development Services

Adopted on: June 18, 2009

Job Order No. 42-8605

cc: Legislative Recorder, Development Services Department



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: April 8, 2009 REPORT NO. HO 09-038

ATTENTION: Hearing Officer

SUBJECT: CASA DEL MAR  
PROJECT NUMBER 140076

LOCATION: 13731 Nob Avenue

APPLICANT: Lim Design Group; Paw Lim  
OWNER: Joseph & Teresa Urbon

### SUMMARY

Requested Action - Should the Hearing Officer approve a Conditional Use Permit and Coastal Development Permit for an existing Residential Care Facility for the Elderly (RCFE) to increase from six to eight residents?

Staff Recommendation - APPROVE Conditional Use Permit No. 488973 and Coastal Development Permit No. 497949.

Community Planning Group Recommendation - On December 11, 2008, the Torrey Pines Community Planning Group voted to 6-3-1 to recommend denial of the project (Attachment 8).

Environmental Review - The proposed activity is exempt from CEQA pursuant to Section 15301 (Existing facilities) of the State CEQA Guidelines. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on June 10, 2008, and the opportunity to appeal that determination ended June 24, 2008.

Code Enforcement Impact - There are no zoning or building code violations on the property.

## BACKGROUND

The 0.22-acre site is located at 13731 Nob Avenue in the RS-1-6 Zone, Coastal Overlay (non-appealable) and Coastal Height Limit Overlay Zones within the Torrey Pines Community Plan area. The Torrey Pines Community Plan designates this site for low, single family residential density, at 5-9 dwelling units per acre. The site has an existing, 4,959 square-foot, two-story single family residence which is consistent with the designation. Since March 1999, the residence has had a state-licensed, six-person, Residential Care Facility for the Elderly (RCFE), (Facility No. 374600761), named Casa Del Mar. RCFEs provide care, supervision and assistance with activities of daily living, such as bathing and grooming. They may also provide incidental medical services under special care plans. The facilities provide services to persons 60 years of age and over, and persons under 60 with compatible needs. RCFEs may also be known as assisted living facilities, retirement homes and board and care homes. The facilities can range in size from six beds or less to over 100 beds. The residents in these facilities require varying levels of personal care and protective supervision.

RCFEs for six or fewer persons are permitted by right in the RS-1-6 zone, however, facilities for seven or more persons require a Conditional Use Permit.

## DISCUSSION

The proposed project is a request to increase the capacity of the RCFE from six to eight residents. The first floor of the single family residence is used for Casa del Mar, which consists of six bedrooms with six beds. The second floor consists of three bedrooms and two bathrooms used only by the primary residents. There are no additions or modifications proposed to the residence. The only change would be the increase of two beds on the first floor of the residence.

A Coastal Development Permit is required due to the sites location within the Coastal Overlay Zone and for the increased parking requirement. A Conditional Use Permit is required for residential care facilities providing care for 7 to 12 persons. The Land Development Code, allows Residential Care Facilities to include treatment for drug and alcohol programs, however, the owner has voluntarily agreed to limit this project to provide senior care only. The residence meets the required square footage needed to accommodate eight residents and the required five off-street parking spaces.

### Community Planning Group

On December 11, 2008, the Torrey Pines Community Planning Group voted to 6-3-1 to recommend denial of the project. Neighbors expressed concern that the intensification of use would change the nature of the community and that it would set a precedent in the neighborhood.

### Staff response

Residential Care as a "use" is permitted by right in residential zones for up to six persons with the applicable licensing from the state. Additionally, the state requires that RCFEs not be within a quarter mile of any other facility. Casa Del Mar, has been in operation since March 1999, in



compliance with all state regulations. The increase from six to eight residents to the RCFE meets all the municipal requirements and state requirements. Additionally, the residence meets the required parking for the increase in residents.

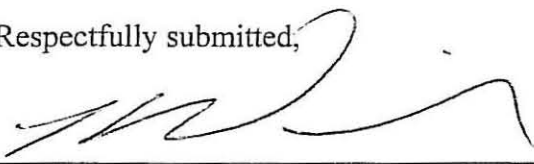
### CONCLUSION

Staff has reviewed the request for a Coastal Development Permit and Conditional Use Permit for the increase in capacity of RCFE from six residents to eight, has determined that the project complies with all the applicable sections of the Municipal Code, and that the required findings can be made to support the project. Therefore, staff recommends approval of the project.

### ALTERNATIVES

1. Approve Conditional Use Permit No. 488973 and Coastal Development Permit 497949, with modifications.
2. Deny Conditional Use Permit No. 488973 and Coastal Development Permit No. 497949, if the findings required to approve the project cannot be affirmed.

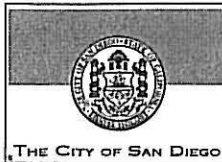
Respectfully submitted,



Helene Deisher, Development Project Manager

### Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft Permit with Conditions
6. Draft Resolution with Findings
7. Casa Del Mar License No. 374600761
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. Project Plans



City of San Diego  
Development Services  
1222 First Ave. 3rd Floor  
San Diego, CA 92101  
(619) 446-5210

# Development Permit/ Environmental Determination Appeal Application

FORM  
DS-3031  
MARCH 2007

See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

## 1. Type of Appeal:

- ☐ Process Two Decision - Appeal to Planning Commission  
☒ Process Three Decision - Appeal to Planning Commission  
☐ Process Four Decision - Appeal to City Council
- ☐ Environmental Determination - Appeal to City Council  
☐ Appeal of a Hearing Officer Decision to revoke a permit

## 2. Appellant Please check one ☐ Applicant ☒ Officially recognized Planning Committee ☐ "Interested Person" (Per M.C. Sec. 113.0103)

Name: Torrey Pines Community Planning Board by Dennis Ridz, Chair  
 Address: 14151 Boquita Dr. City: Del Mar State: CA Zip Code: 92014 Telephone: (858) 755-0947

## 3. Appellant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

Joseph and Teresa Urban

## 4. Project Information

Permit/Environmental Determination & Permit/Document No.:

140076

Date of Decision/Determination:

April 8, 2009

City Project Manager:

Helene Deisher

Decision (describe the permit/approval decision):

Application for Conditional Use Permit - Approved Subject to Permit Conditions.

## 5. Grounds for Appeal (Please check all that apply)

- ☒ Factual Error (Process Three and Four decisions only)  
☒ Conflict with other matters (Process Three and Four decisions only)  
☒ Findings Not Supported (Process Three and Four decisions only)
- ☒ New Information (Process Three and Four decisions only)  
☐ City-wide Significance (Process Four decisions only)

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

Please See Attached  
Documents

RECEIVED

APR 17 2009

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: Dennis E. Ridz, Chair TPCPB Date: 04/15/09

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.

Attachment to DS-3031  
Development Permit Appeal Application

Applicant: Teri Urbon/Casa Del Mar (140076)  
Appellant: Torrey Pines Community Planning Board

Grounds for Appeal:

On October 12, 2007, the City of San Diego- Development Services Department ("DSD") issued a 'Notice of Application' for a Conditional Use Permit ("CUP") at 13731 Nob Avenue, commonly referred to as Casa Del Mar. The CUP would allow Casa Del Mar to operate an eight (8) person residential care facility, when the maximum allowable occupancy in the RS-1-6 Zone is only six (6).

On June 5, 2008, the Torrey Pines Community Planning Board (TPCPB) Project Review Committee (PRC) heard arguments from the Applicant and the Torrey Pines Concerned Neighbors Association (TPCNA), but did not vote on the issue.

On August 14, 2008, the PRC again heard arguments from the Applicant and TPCNA. The PRC voted to deny the CUP and sent their 'no' vote to the full TPCPB.

On December 11, 2008, the full TPCPB heard arguments from the Applicant, TPCNA, the PRC, and several other community members. The full TPCPB voted to deny the CUP with a 6 to 3 vote.

On April 8, 2009, Chris Larson, the assigned Hearing Officer, approved the CUP, against the TPCPB's recommendation.

This Appeal is made on the grounds that Chris Larson, the Hearing Officer ("Larson"), relied on inaccurate information and factual inaccuracies in making his decision to approve the CUP. (SDMC §112.0506(c)(1)). He relied on factual errors in making his decision to approve the CUP because the Applicant's lot size is incorrectly inflated throughout application documents, including the original Notice of Application. The lot size is inflated to an "11,900" square foot lot. In fact, the lot size is actually only approximately 9,800 square feet, according to a Chicago Title property profile. Additionally, the square footage of the residential building is incorrectly inflated throughout application documents, including the original Notice of Application. The building size is inflated to "6,119" square feet. In fact, the building size is actually only approximately 4,846 square feet, according to a Chicago Title property profile. These inflated lot and building sizes were inaccurate and caused detrimental reliance. Staff recommendation and Larson's approval was directly and incorrectly influenced by wrong numbers such that they operated under the impression that the addition of two (2) new and additional residents would be living in a much larger building on a much larger lot. In fact, the two (2) new resident will be inserted into a residential care facility physically not suitable for more residents.

A second factual error was Larson's understanding of the property itself. Larson relied on the factual error that the subject property had a "front yard facing DeMayo Road." He relied on this factual error to determine that two additional parking spaces, which are required by law for the

two-resident expansion, would be placed on the "side yard facing Nob Avenue." In fact, the subject property's front yard faces Nob Avenue. His factual errors misplaced the location of the two (2) new required parking spaces. Had he understood that the subject property was a Nob Ave property, rather than a DeMayo property, Larson would have considered the visual, aesthetic, traffic, and other impacts to the actual location of the two (2) new parking spaces.

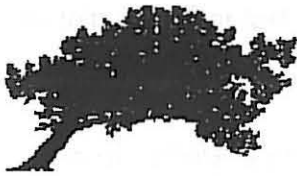
Also, this Appeal is made on further grounds that Larson made findings not supported by the information provided to him (SDMC §112.0506(c)(3)). Larson 'found' that approval of the CUP would not create a visual impact nor a traffic impact even though he did not have sufficient information to make such a finding because neither a visual impact staff report nor a traffic impact staff report was conducted, understood, and/or considered. The amount of information provided to Larson regarding the visual impact and the traffic impact was entirely insufficient. Larson's findings are not sound because the Applicant will be required to place two (2) new parking spaces on her lawn and increased traffic is inevitable. Without some information or exhibits, Larson's findings of "no visual impact" and "no traffic impact" are entirely unsupported.

This Appeal is further made on the grounds that new information, which was not considered by Larson, should be considered by this Planning Commission (SDMC §112.0506(c)(2)). The new information includes the Applicant's future plans and intentions once the CUP is approved. At the planning group stage, TPCNA exposed the intentions of the Applicant by presenting the architectural and design drawings and plans for a massive condominium-style complex intended for the subject property. Strategically, the Applicant withdrew the application for the massive condominium-style complex. However, the CUP never included, and still does not include, a restriction to the current building size. The April 8, 2009 hearing agenda states, "No additions or modifications to the structure are proposed." However, no additional restriction was included in the CUP language. This Planning Commission should consider the new, additional information that the Applicant's intentions are most likely to build a massive condominium-style complex because the CUP does not include restriction preventing her, or any other subsequent property owner/developer, from building such in this RS-1-6 Zone. Larson did not have this information at the time of the hearing, and the information and its context is new information which requires Planning Commission review.

And, this Appeal is made on the grounds that Larson's decision directly conflicts with other matters (SDMC §112.0506(c)(4)). Larson's decision directly conflicts with Council policy, the Municipal Code, and a land use plan. Specifically, Larson's decision conflicts with SDMC §126.0305, Findings for Conditional Use Permit Approval. §126.0305(b) states, "The proposed development will not be detrimental to the public health, safety, and welfare," and §126.0305(d) states, "The proposed use is appropriate at the proposed location." The Applicant's CUP and project plans are completely inappropriate for the location and are detrimental to the character of the community and to the public. Out of character and commercial, the eight (8) person residential care facility will unduly and unnecessarily increase the density of a single family residential area. The Applicant's plans and the CUP conflict with the Torrey Pines Community Plan which identifies as "a critical issue," the development and expansion of non single-family residential uses within single family neighborhoods. The Plan specifically includes commercial development, child care centers and other non-residential uses which are allowed under the conditional use permit process.



On each and every above-stated grounds, TPCPB appeals to the Planning Commission for review of the Hearing Officer's decision to approve the subject CUP.



**Torrey Pines Community Planning Board**  
PO Box 603, Del Mar, CA 92014  
[www.torreypinescommunity.org](http://www.torreypinescommunity.org)

**BOARD MEMBERS:** Morton Printz, Chair, [tpcpb1@hotmail.com](mailto:tpcpb1@hotmail.com); [mprintz@ucsd.edu](mailto:mprintz@ucsd.edu); Cliff Hanna, Vice-Chair, [cshanna@sbcglobal.net](mailto:cshanna@sbcglobal.net); Diana Scheffler, Secretary, [DScheffler@san.rr.com](mailto:DScheffler@san.rr.com); Carole Larson, Treasurer; Faye Detsky-Weil, Past Chair; Michael Belch; Barbara Cerny; Michael Foster, Greg Heinzinger; Kenneth Jenkins; Janie Killermann, DPRC Chair, [jkillermann@gmail.com](mailto:jkillermann@gmail.com); Philip Raphael; Dennis Ridz, Pat Stewart, Pat Whitt.

THURSDAY, DECEMBER 11, 2008

**Meeting minutes**

**Present:** Faye Detsky-Weil, Michael Foster, Kenneth Jenkins, Janie Killermann, Carole Larson, Morton Printz, Philip Raphael, Dennis Ridz, Diana Scheffler, Pat Stewart  
**Absent:** Michael Belch, Barbara Cerny, Cliff Hanna, Greg Heinzinger, Pat Whitt

**CALL TO ORDER / INTRODUCTIONS** – Chair Printz called the meeting to order at 7:05 pm and requested that Board members introduce themselves.

**A. NON-AGENDA PUBLIC COMMENT** – Dennis Ridz suggested that the Board consider a letter of condolence to the University City Community in the aftermath of the military plane crash December 8. This was deferred to Item 10.

**B. GENERAL ANNOUNCEMENTS BY THE CHAIR**

Chair Printz took the opportunity of the full audience to wish everyone the best for the coming holiday season. He reported some of the plans for the 2009 Board calendar:

1. In January or February the US Green Building Council will make a presentation
2. Darren Smith of State Parks will come to discuss restoration of the Penasquitos Lagoon.
3. Morton asked if anyone present knew of any amateur radio tower in the neighborhood as there have been amendments made to the regulations.

*Action item:* Carole Larson will contact Morton with some information.

**C. MODIFICATIONS TO THE AGENDA**

*Motion:* Michael Foster moved and Dennis Ridz seconded that the agenda be adopted as proposed. The vote was unanimous, (9, 0, 0, one member having not yet arrived).

**D. REVIEW AND ACTION TO APPROVE PAST MEETING MINUTES**

Secretary Diana Scheffler indicated she had received 3 corrections to the two sets of minutes under consideration.

*Motion:* She moved and Dennis Ridz seconded that the minutes for November 13, 2008, be adopted as corrected. The motion passed (8, 0, 1, with Philip Raphael abstaining because he was not present at the November 13 meeting).

*Motion:* Diana moved and Carole Larson seconded that the minutes for October 9, 2008, be adopted as corrected. The motion passed (8, 0, 1, with Faye Detsky-Weil abstaining because she was not present at the October 9 meeting).

**E. REPORT BY TREASURER** – Treasurer Carole Larson reported the current balance remains at \$143.77.

**F. CONSENT AGENDA ITEMS**

Janie Killermann reported on the Project Review Committee's recommendation to approve the application for the Kamin Residence at 2969 Racetrack View Drive, JO#42-1676 for a lot line adjustment, Coastal Development Permit and Site Development Permit to allow restoration of environmentally sensitive lands.

*Motion:* Pat Stewart moved and Dennis Ridz seconded acceptance of the consent item. The motion passed unanimously (9, 0, 0).

**G. INFORMATION UPDATES**

**San Diego Police Department** – Officer Gaylon Sells was not present

**City Planning and Community Investment Department** - Lesley Henegar was not present

**City Council District 1, Council Member Sherri Lightner's Office;** Council member Sherri Lightner's representative had not yet arrived.

**Mayor Sanders' Office** Stephen Lew was not present

**County Supervisor Pam Slater-Price's Office** Aaron Byzak was not present

**State Senator Kehoe's 39<sup>th</sup> Senate District Office** Andrew Kennerly was not present

**Congress member Brian Bilbray's District Office** Marc Schaefer was not present

**ITEM #1 Consideration of request by Casa Del Mar for a Conditional Use Permit to expand the elder care center from six to eight residents**

Janie Killerman, Chair of the Development Project Review Committee (DPRC) summarized the issues. The DPRC vote on the issue was split, so it was appropriate that it come before the full Board for discussion.

Terri Urbon, owner of Casa Del Mar presented her arguments in favor of granting the CUP. She emphasized the growing need for elder care in the community, assured us of the continuing availability of parking, and presented a petition of 26 names of community members in support of the expansion. Ms Urbon expressed her willingness to have the Permit be restricted to elder care, thus preventing any future owner of the business from using it for the care of different type of population without seeking a new CUP. She committed not to enlarge the footprint of the structure, and to mitigate the effects of the required additional parking by the use of "grasscrete".

Matthew Zettumer of 13730 Nob Avenue, spokesman for neighbors opposing the project, stated that neighboring residents were primarily concerned that the project would change the nature of the community. The additional parking required by the permit would be in the front yard, commercializing the area. He questioned compliance of the project with Municipal Code Section 126.0305 (b) that proposed development not be detrimental to the public health, safety, and welfare and (d) that it be appropriate at the proposed location. He also questioned whether the 26 signatories to the petition resided within even 500 feet of Casa Del Mar and showed a map of the neighborhood coded to show the neighbors in opposition.

Diana Scheffler, DPRC member, spoke in favor of the project. She expressed her conviction that the added benefit to the community at large of an increased capacity for elder care outweighed the probably slight impact of traffic and parking in the immediate vicinity. She pointed out that any resident can by right, without the need for a CUP or public hearing, provide care for not only the elderly, but for drug and alcohol rehabilitation and transitional housing,