



THE CITY OF SAN DIEGO

## Report to the Planning Commission

DATE ISSUED: July 12, 2018 REPORT NO. PC-18-043

HEARING DATE: July 19, 2018

SUBJECT: HARBOR VIEW LOT LINE ADJUSTMENT, Process Three Decision

PROJECT NUMBER: [511293](#)

REFERENCES:

1. Report to the Hearing Officer, Harbor View Lot Line Adjustment, [Report No. 18-039](#) (Attachment 4).
2. Appeal of the Environmental Determination denied by City Council on April 10, 2018, see [Item No. 330](#) of the Council Agenda.

OWNER/APPLICANT: Mark Peeling, Owner, and Christensen Engineering & Surveying, Applicant

### SUMMARY

Issue: Should the Planning Commission approve or deny an appeal of the Hearing Officer's decision to approve parcel lot line adjustments of three parcel lots and a new single-family dwelling unit located at 3328 and 3340 Harbor View Drive within the Coastal Overlay Zone and the Peninsula Community Planning and Local Coastal Program Land Use Plan area?

Staff Recommendation: **Deny** the appeal and uphold the Hearing Officer's decision to **Approve** Coastal Development Permit No. 1799822, Site Development Permit No. 2150250, and Lot Line Adjustment No. 1838179.

Community Planning Group Recommendation: On September 21, 2017, the Peninsula Community Planning Board (PCPB) voted 9-2-4 to recommend denial of the project due to unstable hillsides, project against community plan (page 109), severe liability to City, intense neighborhood opposition, uncertainty of new owner and plans, lack of retaining wall, and environmentally sensitive lands (see [Report No. 18-039](#)).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303, New Construction. An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on April 10, 2018. The scope of the subject hearing only includes the project, and not the environmental determination.

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

Code Enforcement Impact: None with this action.

Housing Impact Statement: The Peninsula Community Planning and Local Coastal Program Land Use Plan designates the site for single-family residential land use, with a maximum density of nine dwelling units per acre. The project site is comprised of three legal lots, has been previously graded and is developed with two existing single-family dwelling units built in 1948.

The Community Planning chapter of the General Plan, Land Use Element, has a goal for community plans to maintain or increase planned density of residential land uses in appropriate locations. The General Plan relies on community plans for site-specific land use and density designations and recommendations. The subject site is within the La Playa neighborhood in the Peninsula community, a neighborhood which over many years has experienced a gradual transition to a denser neighborhood character through the subdivision of large lots into smaller parcels then developed with single-family homes. The Residential Element of the Community Plan has an objective to provide a balance of residential types, densities and prices, emphasizing new development and redevelopment at higher densities in neighborhoods able to accommodate growth without adverse impacts to the immediate area or to the community as a whole.

The proposed project will implement these General Plan and Community Plan goals by increasing the density on the site with the new dwelling unit to a total of three dwelling units where a maximum of nine dwelling units could be developed. This proposal conforms to the General Plan goal to increase density in appropriate locations, and implements the Community Plan objective to emphasize new development at higher densities in neighborhoods able to accommodate growth without adverse impacts to the immediate area or to the community as a whole.

## BACKGROUND

The proposed Harbor View Lot Line Adjustment project (Project) is a Coastal Development Permit (CDP), Site Development Permit (SDP), and Lot Line Adjustment (LLA) of three existing parcel lots with two existing single dwelling units to create three reconfigured parcels (Parcel A, Parcel B, and Parcel C) and construct a new single-family dwelling unit on Parcel B. The two existing single dwelling units on Parcel A and Parcel C would remain. The 0.97-acre Project site is located at 3340 and 3328 Harbor View Drive, between Bangor Street and Martinez Street and lies within the RS-1-7 zone, the Coastal Overlay (non-appealable), Coastal Height Limit, Airport Approach and FAA Part 77 Overlay zones, within the La Playa neighborhood of the Peninsula Community Planning and Local Coastal Program Land Use Plan (Community Plan) area.

In accordance with SDMC Section 126.0702, a Process Three CDP is required for the existing parcel lot line adjustments and new single-family residential development in the Coastal Overlay Zone. Additionally, the Project requires approval of a Process Three SDP pursuant to SDMC Section

126.0502 due to the presence of ESL (biology), and a Process One LLA pursuant to SDMC Section 125.0310. These approvals are required to be consolidated and considered at a public hearing in accordance with Process Three, Hearing Officer decision.

On June 6, 2018, the Hearing Officer approved the Project and on June 13, 2018, Robert Goldyn, Chair of the Peninsula Community Planning Board (PCPB), filed a Development Permit Appeal Application (Attachment 4).

#### PROJECT APPEAL DISCUSSION

The PCPB's appeal issues are provided below along with City staff responses:

*Appeal Issue No. 1: "This is more than one single-family home, it is a second attempt at a five property project rejected by the City Council and the courts. This house must not be approved without prohibition of houses four and five, resolution of geotechnical and storm water issues and indemnification of the City when future landslides occur. Landslides occurred in 1977, 1981 and 2005."*

**Staff's Response:** The Project proposed is for the lot line adjustment of three existing lots and construction of one single family home. The proposed Project is not a catalyst for a larger project. The fact that a previous project was proposed and denied does not have any bearing on the Project before the City currently. The proposed Project does not change any zoning or development regulations and it would not allow for future development of five homes as the appellant asserts. The reconfigured parcels would not allow an intensity of use. Any future development on the property would require another discretionary action that would trigger further City review. The Project would not allow a larger development by right. Therefore, development of five homes is not a foreseeable consequence of the initial project. Any future expansion would be its own project with its own scope therefore, it is not likely to change the scope of the initial project.

The Project geotechnical consultant GEi, performed slope stability analysis which concluded that the site is adequately stable with respect to slope stability. Detailed design level geotechnical evaluation of future grading and building plans are required as a condition of the development permit. Therefore, there are no outstanding geotechnical or storm water issues, and construction will be in accordance with building codes. The proposed Project is a private development within the confines of three legal parcel lots of private ownership.

*Appeal Issue No. 2: "Applicant has tried to avoid the Planning Board process and described schematics of the proposed house as just a holding pattern for what will be built."*

**Staff's Response:** Consistent with [City Council Policy 600-24](#), the Project applicant has scheduled and presented the Project application for review and consideration by the PCPB. As noted in staff's response to Appeal Issue No.1, The Project proposed is for the lot line adjustment of three existing lots and construction of one single family home. The proposed Project is not a catalyst for a larger project.

*Appeal Issue No. 3      "Development of the site is inadvisable without a retaining wall above Martinez Street."*

**Staff's Response:** Drainage from the new single-family dwelling unit's developable area will be captured within two catch basins from the northern portion of the lot's development footprint and pumped and conveyed to the south within the access and utility easement and discharged to the public storm drain system within Harbor View Drive. The proposed design of the structure does not require a retaining wall and there will be no increase in runoff conveyed to the slope northerly of the site towards Martinez Street.

*Appeal Issue No. 4      "Creation of thousands of feet of impervious space adds to drainage issues and jeopardizes environmentally sensitive land in a process exempted from state environmental laws."*

**Staff Response:** The entire Project site currently has 12,156 square feet of collective impervious surface (roof, sidewalk, walkway, porches, and driveway). Collectively and if the new driveway to Parcel B is constructed as an impervious surface, the new total site will have 16,196 square feet of impervious surface, an increase of 4,040 square feet. If the new driveway to Parcel B is constructed as permeable surface, then the new collective total on the site will be 15,016 square feet of impervious surface, an increase of 2,860 square feet.

Consistent with the San Diego Regional Municipal Separate Storm Sewer System (MS4) Permit, amended November 2015 by California Regional Water Quality Control Board for the San Diego Region (SDRWQCB) Order R9-2015-0100, the Project site has more than 10,000 square feet of impervious surface before construction and is allowed to increase the impervious surface by up to 5,000 square feet. Therefore, the Project is not considered a Priority Development Permit pursuant to the MS4 Permit. Under either method of construction, the new surface runoff shall be pumped and conveyed to Harbor View Drive, as shown on the Exhibit "A" plans, and will reduce current runoff flowing to the north.

Environmentally Sensitive Lands (ESL) in the form of sensitive biological resources are present on site with approximately 0.27 acre of Diegan Coastal Sage Scrub (DCSS) covering the hillside area on the northern portion of the premises. While the slope is steep and in areas exceeding 25 percent grade, the hillside does not have a natural slope gradient of 50 feet of vertical elevation, nor is it part of a larger natural canyon system, as it is surrounded on all four sides by existing residential development and streets. Therefore, the hillside does not qualify for ESL pursuant to the SDMC.

*Appeal Issue No. 5      "The project is opposed unanimously by the Peninsula Community Planning Board, more than 300 neighbors and was soundly rejected by the San Diego City Council. The piece-meal application this time deprives the City Council of a vote."*

**Staff Response:** The City has received the PCPB's recommendation to deny the Project and correspondence in opposition to the Project, other than the Project's CEQA determination, is provided to the City's decision maker in the Report to the Hearing Officer, Harbor View Lot Line Adjustment, [Report No. 18-039](#), and attached to this report. Consistent with the SDMC Section 112.0103, when an applicant applies for more than one permit, map, or other approval for a single development, the applications will be consolidated for processing and shall be reviewed by a single



decision maker at the highest level of authority for that development. Therefore, this Project as proposed requires a Process Three, Hearing Officer decision with appeal rights to Planning Commission.

Conclusion:

City staff has reviewed this Project's application for a CDP, SDP, and LLA and has determined that the Project is consistent with the recommended land use and development standards in effect for the site. Staff has provided draft findings (Attachment 1) and conditions (Attachment 2) to support approval of the Project. Staff recommends that the Planning Commission deny the appeal and uphold the Hearing Officer's decision to approve Coastal Development Permit No. 1799822, Site Development Permit No. 2150250, and Lot Line Adjustment No. 1838179.

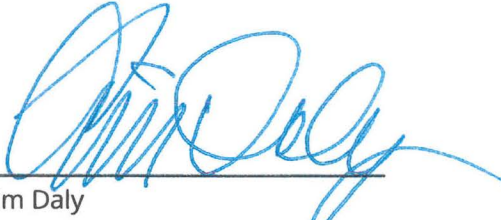
ALTERNATIVES

1. Uphold the Hearing Officer decision to Approve Coastal Development Permit No. 1799822, Site Development Permit No. 2150250, and Lot Line Adjustment No. 1838179, with modifications.
2. Approve the project appeal and Deny Coastal Development Permit No. 1799822, Site Development Permit No. 2150250, and Lot Line Adjustment No. 1838179, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Michelle Sokolowski  
Deputy Director  
Development Services Department



Tim Daly  
Development Project Manager  
Development Services Department

LOWE/TPD

Attachments:

1. Draft Permit Resolution with Findings
2. Draft Permit with Conditions
3. Copy of Appeal(s)
4. Report to the Hearing Officer, Harbor View Lot Line Adjustment, Report No. 18-039

PLANNING COMMISSION RESOLUTION NO. XXXX-PC  
COASTAL DEVELOPMENT PERMIT NO. 1799822  
SITE DEVELOPMENT PERMIT NO. 2150250  
LOT LINE ADJUSTMENT NO. 1838179  
**HARBOR VIEW LOT LINE ADJUSTMENT - PROJECT NO. 511293**

WHEREAS, MARK PEELING, Owner/Permittee, filed an application with the City of San Diego for a lot line adjustment of three existing parcel lots and permits to construct a single-family dwelling unit (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. Coastal Development Permit No. 1799822, Site Development Permit No. 2150250, and Lot Line Adjustment No. 1838179), on portions of a 0.97-acre site; and

WHEREAS, the project site is located at 3328 and 3340 Harbor View Drive within the RS-1-7 zone, the Coastal (Non-appealable), Coastal Height Limit, Airport Approach and FAA Part 77 Overlay zones, within the Peninsula Community Plan and Local Coastal Program Land Use Plan; and

WHEREAS, the project site is legally described as Lots 3, 4 and 5 in Block 5 of Golden Park, Map No. 958, September 12, 1905; and

WHEREAS, on January 8, 2018, 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 the Environmental Determination was appealed to City Council, which heard and denied the appeal on April 10, 2018 pursuant to Resolution No. R-311671; and

WHEREAS, on July 19, 2018, the Planning Commission of the City of San Diego considered Coastal Development Permit No. 1799822, Site Development Permit No. 2150250, and Lot Line Adjustment No. 1838179 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated July 19, 2018.

**COASTAL DEVELOPMENT PERMIT [SDMC Section 126.0708]**

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

The 0.97-acre site is located at 3328 and 3340 Harbor View Drive and proposes a lot line adjustment of three existing parcel lots to create three reconfigured parcels (Parcel A, Parcel

B, and Parcel C) and construct a new single-family dwelling unit on Parcel B (Project). The Project site is located approximately 1 mile from the Pacific Ocean and ½ mile from the shoreline of San Diego Bay. The property is not located between the sea and the first public roadway paralleling the sea and does not contain any existing physical accessway utilized by the general public to and along the ocean and other scenic coastal areas. The proposed site is not identified in the Peninsula Community Planning and Local Coastal Program Land Use Plan (Community Plan) as a proposed accessway to be utilized by the general public for providing access to the ocean or other coastal scenic area, and existing coastal access in the area will not be affected by the project in any way.

The Project meets all applicable regulations and policy documents, and is consistent with the recommended land use designation, design guidelines, and development standards in effect for this site. The project does not contain intermittent or partial vistas, and the property does not contain any view sheds or scenic overlooks. Therefore, the development would not affect any physical accessway and/or the public views to the Pacific Ocean and San Diego Bay or other scenic coastal areas as specified in the Local Coastal Program.

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

Environmentally Sensitive Lands (ESL) in the form of sensitive biological resources are present on site with approximately 0.27 acres of Diegan Coastal Sage Scrub (DCSS) covering the hillside area on the northern portion of the premises. While the slope is steep, and in areas exceeding 25 percent grade, pursuant to and as defined in San Diego Municipal Code (SDMC) Section 113.0103, Definitions, the hillside does not have a natural slope gradient of 50 feet of vertical elevation, nor is it part of a larger natural canyon system, as it is surrounded on all four sides by existing residential development and streets. Therefore, the hillside is not subject to the ESL regulations of the SDMC as a steep hillside.

The City has accepted a Biological Letter Report from Alden Environmental dated June 23, 2017, determining that the impacts to biological resources fall below a CEQA level of significance. As stated in the Report and as described on the Project development plans, the Project would only impact 0.086 acre of Tier II habitat. Per the City's Biology Guidelines, total upland impacts (Tiers 1-IIIB) less than 0.10 acre are not considered significant. Therefore, this impact would not be considered significant and mitigation would not be required. Furthermore, Tier II is not classified by the City as the most sensitive in terms of variety and ecological importance. Therefore, the proposed coastal development will not adversely affect environmentally sensitive lands.

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

The Project proposes a lot line adjustment of three existing parcel lots to create three reconfigured parcels (Parcel A, Parcel B, and Parcel C) and construct a new single-family dwelling unit on Parcel B. The two existing homes on Parcel A and Parcel C would remain. The Project is located approximately 1 mile from the Pacific Ocean and ½ mile from the

shoreline of San Diego Bay. The property is not located between the sea and the first public roadway paralleling the sea and does not contain any existing physical accessway utilized by the general public to and along the ocean and other scenic coastal areas.

The Project site is in the RS-1-7 zone within the La Playa neighborhood of the Community Plan which designates the site for single-family residential land use at with a maximum density of 9 dwelling units per acre. The proposed coastal development will be in conformity with the Community Plan and complies with the regulations of the certified Land Development Code. Therefore, the Project meets all applicable regulations and policy documents, and is consistent with the recommended land use designation, design guidelines, and development standards in effect for this site. Therefore, the 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 Project is located approximately 1 mile from the Pacific Ocean and approximately ½ mile from San Diego Bay. As the proposed site is not between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone, the Project will have no effect upon public access. Therefore, the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

**SITE DEVELOPMENT PERMIT [SDMC Section 126.0505]**

**(a) Findings for all Site Development Permits:**

- (1) The proposed development will not adversely affect the applicable land use plan.**

The 0.97-acre site is located at 3328 and 3340 Harbor View Drive and proposes a lot line adjustment of three existing parcel lots to create three reconfigured parcels (Parcel A, Parcel B, and Parcel C) and construct a new single-family dwelling unit on Parcel B. The two existing homes on Parcel A and Parcel C would remain. The Community Planning chapter of the General Plan's Land Use Element has a goal for community plans to maintain or increase planned density of residential land uses in appropriate locations. The Project site is in the RS-1-7 zone within the La Playa neighborhood of the Community Plan, which designates the site for single-family residential land use at a density of 9 dwelling units per acre. Over many years the La Playa neighborhood has experienced a gradual transition to a denser neighborhood character through the subdivision of large lots into smaller parcels and then developed with single-family homes. The Residential Element of the Community Plan includes the objective to provide a balance of residential types, densities and prices, emphasizing new development and redevelopment at higher densities in neighborhoods able to accommodate growth without adverse impacts to the immediate area or to the community as a whole. The proposed Project will

implement these General Plan and Community Plan goals by increasing the density on the site to 3 dwelling units where a maximum of 9 homes could be developed. The Project is consistent with this land use designation. The proposed development meets the development regulations of the SDMC and will not adversely affect the Community Plan.

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

The 0.97-acre site is located at 3328 and 3340 Harbor View Drive and proposes a lot line adjustment of three existing parcel lots to create three reconfigured parcels (Parcel A, Parcel B, and Parcel C) and construct a new single-family dwelling unit on Parcel B. The two existing homes on Parcel A and Parcel C would remain. The adjusted lots will exceed the minimum lot standards of the RS-1-7 zoning development regulations and the proposed single-family dwelling unit within the upper areas of the existing hillside will minimize landform alteration. Geologic and geotechnical investigations were performed on site by the Project consultant Geotechnical Exploration, Inc., and the property is considered stable for new development.

The permits for the Project include various conditions and referenced exhibits of approval relevant to achieving project compliance with applicable regulations of the SDMC. Such conditions are necessary to avoid adverse impacts to the health, safety and general welfare of persons residing or working in the surrounding area. The Project will comply with the development conditions in effect for the subject property as described in the permits, and other regulations and guidelines pertaining to the subject property per the SDMC. Prior to issuance of any building permits for the proposed development, construction plans will be reviewed for compliance with all Building, Electrical, Mechanical, Plumbing and Fire Code requirements, and the Owner/Permittee will be required to obtain a grading and public improvement permit. Therefore, the proposed development will not be detrimental to the public health, safety and welfare.

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

The 0.97-acre site is located at 3328 and 3340 Harbor View Drive and proposes a lot line adjustment of three existing parcel lots to create three reconfigured parcels (Parcel A, Parcel B, and Parcel C) and construct a new single-family dwelling unit on Parcel B. The two existing homes on Parcel A and Parcel C would remain. The proposed development requires no deviations and complies with the applicable regulations of the Land Development Code.

**(b) Supplemental Findings--Environmentally Sensitive Lands:****(1) The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.**

The 0.97-acre site is located at 3328 and 3340 Harbor View Drive and proposes a lot line adjustment of three existing parcel lots to create three reconfigured parcels (Parcel A, Parcel B, and Parcel C) and construct a new single-family dwelling unit on Parcel B. The two existing homes on Parcel A and Parcel C would remain. The adjusted lots will exceed the minimum lot standards of the RS-1-7 zoning development regulations and the proposed single-family dwelling unit within the upper areas of the existing hillside will minimize landform alteration. Geologic and geotechnical investigations were performed on site by the Project consultant Geotechnical Exploration, Inc., and the property is considered stable for new development.

ESL in the form of sensitive biological resources are present on site with approximately 0.27 acres of DCSS covering the hillside area on the northern portion of the premises. While the slope is steep, and in areas exceeding 25 percent grade, the hillside does not have a natural slope gradient of 50 feet of vertical elevation, nor is it part of a larger natural canyon system, as it is surrounded on all four sides by existing residential development and streets. Therefore, the hillside is not subject to the ESL regulations of the SDMC as a steep hillside.

The City has accepted a Biological Letter Report from Alden Environmental dated June 23, 2017, and impacts to biological resources fall below a CEQA level of significance. As stated in the Report and as described on the Project development plans, the Project would only impact 0.086 acre of Tier II habitat. Per the City's Biology Guidelines, total upland impacts (Tiers 1-III B) less than 0.10 acre are not considered significant. Therefore, this impact would not be considered significant and mitigation would not be required. Furthermore, Tier II is not classified by the City as the most sensitive in terms of variety and ecological importance. Therefore, the proposed coastal development is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

**(2) The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.**

Geologic and geotechnical investigations were performed on site by the Project consultant Geotechnical Exploration, Inc. (GEI), and the property is considered stable for new development. With the lowest point at approximately 165 feet Mean Sea Level (MSL), the Project site is topographically characterized by steep slopes which rise up from Martinez Street to the relatively flat areas (approximately 245-250 MSL) on the southern portion of the property fronting Harbor View Drive, an area

currently developed with two existing single-family dwellings built in 1948, both of which will remain under the proposed development plan. While the slope is steep, and in areas exceeds a 25 percent grade, the hillside does not have a natural slope gradient of 50 feet of vertical elevation, nor is it part of a larger natural canyon system, as it is surrounded on all four sides by existing residential development and streets. Therefore, the hillside is not subject to the ESL regulations of the SDMC as a steep hillside.

The proposed construction of one new single-family dwelling unit within Parcel "B" will be located within the upper areas of the existing hillside, and has been designed to step down from the top of the slope in order to minimize landform alteration. The Project's plan to take access from a new driveway off of Harbor View Drive on the uphill/south side of the project site, in lieu of creating new site access from down slope along Martinez Street, will allow the lower slope areas to remain undeveloped. The Project site is not located within a known flood hazard area, and the Project requires no deviations and complies with the applicable regulations of the Land Development Code.

Prior to issuance of any construction permits for the building structure for the proposed development, construction plans will be reviewed for compliance with all Building, Electrical, Mechanical, Plumbing and Fire Code requirements, and the Owner/Permittee will be required to obtain a grading and public improvement permit. The nearest fire hydrants to the development are located approximately 95 feet west and 215 feet east and meet the spacing requirement of Fire and Life Safety Department Policy FS-0410. In addition, the new dwelling unit is required by California Residential Code Section R313 to be provided with fire sprinkler protection. Therefore, the proposed development will not significantly alter any natural landform and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

**(3) The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.**

ESL in the form of sensitive biological resources are present on site with approximately 0.27 acres of DCSS covering the hillside area on the northern portion of the premises. While the slope is steep and in areas exceeding 25 percent grade, the hillside does not have a natural slope gradient of 50 feet of vertical elevation, nor is it part of a larger natural canyon system, as it is surrounded on all four sides by existing residential development and streets. Therefore, the hillside is not subject to the ESL regulations of the SDMC as a steep hillside.

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and mitigation would not be required. Furthermore, Tier II is not classified by the City as the most sensitive in terms of variety and ecological importance. Therefore, the proposed coastal development will not adversely affect environmentally sensitive lands.

**(4) The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.**

The Project is not located within or nearby the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan's Multi-Habitat Planning Area (MHPA), nor will it affect the MHPA in any way. Therefore, the proposed development will be consistent with the City's MSCP Subarea Plan.

**(5) The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.**

The Project is not located within or nearby to any public beaches or local shoreline sand supply. Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

**(6) The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.**

ESL in the form of sensitive biological resources are present on site with approximately 0.27 acres of DCSS covering the hillside area on the northern portion of the premises. While the slope is steep, and in areas exceeding 25 percent grade, the hillside does not have a natural slope gradient of 50 feet of vertical elevation, nor is it part of a larger natural canyon system, as it is surrounded on all four sides by existing residential development and streets. Therefore, the hillside is not subject to the ESL regulations of the SDMC as a steep hillside.

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**LOT LINE ADJUSTMENT [SDMC Section 125.0340]****1. The proposed adjustment complies with the applicable provisions of the Subdivision Map Act.**

The Project site is comprised of three legal parcel lots, Lots 3, 4 and 5 in Block 5 of Golden Park, Map No. 958, recorded on September 12, 1905, and has been previously graded and is developed with two existing single-family dwelling units built in 1948. The proposed adjustment complies with the applicable provisions of the Subdivision Map Act, Section 66412(d) and the SDMC Chapter 12, Article 5, Division 3.

**2. Before adjustment, all lots or parcels are existing parcels of land created by separate fee conveyance and meeting the criteria for determination of a lot as specified in Section 113.0237.**

The Project site is comprised of three legal parcel lots; Lots 3, 4 and 5 in Block 5 of Golden Park, Map No. 958, recorded on September 12, 1905, and has been previously graded and is developed with two existing single-family dwelling units built in 1948. All lots or parcels are existing parcels of land created by separate fee conveyance and meeting the criteria for determination of a lot as specified in Section 113.0237.

**3. All adjusted lots or parcels comply with the minimum requirements of the Land Development Code and all existing structures comply with established yards, except for property for which a Variance has been granted pursuant to Chapter 12, Article 6, Division 8 (Variances) and for previously conforming lots or structures, for which the Lot Line Adjustment shall not increase the existing noncompliance.**

The Project site is comprised of three legal parcel lots; Lots 3, 4 and 5 in Block 5 of Golden Park, Map No. 958, recorded on September 12, 1905, and has been previously graded and is developed with two existing single-family dwelling units built in 1948. The proposed adjusted parcel lots will exceed the minimum lot standards of the RS-1-7 zoning which requires a minimum area of 5,000 square feet, 50 feet of street frontage, and a lot depth of 100 feet. The following is a summary of proposed lot sizes and existing/proposed development:

Parcel	Lot Area (sf)	SF Home GFA (sf)	Max. FAR Allowed Per SDMC Table 131-04J	Proposed FAR
A	27,573	2,796 (existing)	0.45	0.10
B	7,504	2,747 (proposed)	0.57	0.37
C	7,378	1,541 (existing)	0.57	0.21

All existing and proposed structures will comply with the RS-1-7 Zone yard requirements and the Project does not required any variances or proposed deviations. Therefore, all adjusted

lots or parcels comply with the minimum requirements of the Land Development Code and all existing structures comply with established yards and the Lot Line Adjustment shall not increase the any existing noncompliance.

**4. The Lot Line Adjustment will not result in the creation of any additional parcels.**

The Project site is comprised of three legal parcel lots; Lots 3, 4 and 5 in Block 5 of Golden Park, Map No. 958, recorded on September 12, 1905, and has been previously graded and is developed with two existing single-family dwelling units built in 1948. The proposed Lot Line Adjustment Plat exhibit identifies the specific lot adjustments to the three existing parcel lots and will not result in the creation of any additional parcels.

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

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by Planning Commission, Coastal Development Permit No. 1799822, Site Development Permit No. 2150250, and Lot Line Adjustment No. 1838179 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Coastal Development Permit No. 1799822, and Site Development Permit No. 2150250, a copy of which is attached hereto and made a part hereof, and Lot Line Adjustment No. 1838179, as shown on approved Exhibit "A" dated July 19, 2018, on file in the Development Services Department.

---

Tim Daly  
Development Project Manager  
Development Services

Adopted on: July 19, 2018

IO#: 24006962

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

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

INTERNAL ORDER NUMBER: 24006962

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 1799822  
SITE DEVELOPMENT PERMIT NO. 2150250  
**HARBOR VIEW LOT LINE ADJUSTMENT - PROJECT NO. 511293**  
PLANNING COMMISSION

This Coastal Development Permit No. 1799822 and Site Development Permit No. 2150250 (Permit) is granted by the Planning Commission of the City of San Diego to Mark Peeling, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0702 and 126.0502. The 0.97-acre site is located at 3328 and 3340 Harbor View Drive in the RS-1-7 zone within the Coastal (Non-appealable), Coastal Height Limit, Airport Approach and FAA Part 77 Overlay zones, within the Peninsula Community Planning and Local Coastal Program Land Use Plan area. The property is legally described as Lots 3, 4 and 5 in Block 5 of Golden Park, Map No. 958, September 12, 1905.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for a lot line adjustment of three existing parcel lots and construction of a single-family dwelling unit, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated July 19, 2018, on file in the Development Services Department. The project shall include:

- a. A lot line adjustment of the existing Parcel Lots 3, 4, and 5 in Block 5 of Golden Park, Map No. 958, with the existing single-family dwelling units on adjusted Parcels "A" and "C" to remain, and the new construction of a 2,747 square-foot, two-story, single-family dwelling unit on the adjusted Parcel "B;"
- b. Off-street parking and new 15 feet wide by 136 feet length access and utility easement in favor of Parcel "B;" and
- c. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

**STANDARD REQUIREMENTS:**

1. This Permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this Permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This Permit must be utilized by July 19, 2021.
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. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the 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. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the federal Endangered Species Act [ESA] and by the California Department of Fish and Wildlife [CDFW] pursuant to California Fish and Wildlife Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or

CDFW, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, in accordance with Section 17.1D of the IA.

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

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

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

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

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

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

**CLIMATE ACTION PLAN REQUIREMENTS:**

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

**AIRPORT REQUIREMENTS:**

13. Prior to the issuance of any construction permits for a building, the Owner/Permittee 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.

**ENGINEERING REQUIREMENTS:**

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

15. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

16. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement for the proposed eastern non-standard driveway on Harbor View Drive.

17. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the removal of existing western driveway and replace it with a 12-foot driveway per City Standard, adjacent to the site on Harbor View Drive, satisfactory to the City Engineer.

18. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the construction of a new 12-foot driveway to Parcel "B" per current City Standard, adjacent to the site on Harbor View Drive, satisfactory to the City Engineer.

19. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the removal of existing eastern driveway and replace it with a 12-foot driveway, adjacent to the site on Harbor View Drive, satisfactory to the City Engineer.

20. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, to the reconstruction of the damaged portions of the sidewalk with current City Standard

sidewalk, maintaining the existing sidewalk scoring pattern and preserving the contractor's stamp, adjacent to the site on Harbor View Drive, satisfactory to the City Engineer.

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

22. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

**GEOLOGY REQUIREMENTS:**

23. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.

24. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

**MAP REQUIREMENTS:**

25. Prior to the issuance of any construction permit, a Certificate of Compliance for the Lot Line Adjustment Plat Map to adjust the lot lines between the Parcel Lots 3, 4, and 5 in Block 5 of Golden Park, Map No. 958, shall be recorded in the Office of the San Diego County Recorder.

26. Prior to recordation of a Certificate of Compliance for the Lot line Adjustment Plat Map, the Owner/Permittee shall record a Covenant Agreement for the access and utility easement in favor of Parcel "B."

27. The Certificate of Compliance shall conform to the provisions of this Permit.

**PLANNING/DESIGN REQUIREMENTS:**

28. Owner/Permittee shall maintain the required minimum 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.

29. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under

construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

30. 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.

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

31. Prior to the issuance of any construction permit for a building, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private Back Flow Prevention Device(s) (BFPDs), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way. The Public Utilities Department will not permit the required BFPDs to be located below grade or within the structure.

32. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public water and sewer facilities are to be in accordance with established criteria in the most current City of San Diego Water and Sewer Design Guides.

33. All public water and sewer facilities are to be in accordance with the established criteria in the most current City of San Diego Water and Sewer Design Guides.

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

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

### **INFORMATION ONLY:**

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

APPROVED by the Planning Commission of the City of San Diego on July 19, 2018 and Resolution No. XXXX-PC.



## ATTACHMENT 2

Permit Type/PTS Approval No.: Coastal Development Permit No. 1799822  
Site Development Permit No. 2150250  
Date of Approval: July 19, 2018

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

\_\_\_\_\_  
Tim Daly  
Development Project Manager

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

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

**Mark Peeling**  
Owner/Permittee

By \_\_\_\_\_  
NAME  
TITLE

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

# Development Permit/ Environmental Determination Appeal Application

**FORM  
DS-3031**

November 2017

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

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

ROBERT GOLDYN, CHAIR PENINSULA COMMUNITY RACING BOARD (Per M.C. Sec. 113.0103)

Name: ROBERT GOLDYN, PCPSD @ GMAIL COM E-mail:  
Address: City: State: Zip Code: Telephone:

Address: 1220 ROSECRANS ST. PMB 549, SAN DIEGO, CA 92106

3. Project Name: HARBOR VIEW CDP & SDP PROJECT 511293, 3328/3340 HARBOR VIEW DR

4. Project Information  
 Permit/Environmental Determination & Permit/Document No.: \_\_\_\_\_ Date of Decision/Determination \_\_\_\_\_ City Project Manager: \_\_\_\_\_

HARBOR VIEW LOT LINE ADJUSTMENT / S 11293 JAN. 8, 2018  
JUNE 2018

Decision(Describe the permit/approval decision):

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

☒ Factual Error  
☒ Conflict with other matters  
☒ Findings Not Supported

☐ New Information  
☐ City-wide Significance (Process Four decisions only)

**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.)

SEE ATTACHED

RECEIVED

JUN 13 2018

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: Robert A. Madsen

Date: 06/13/18

**Note: Faxed appeals are not accepted.**

PCPBharborviewprojectappeal

- 1) THIS IS MORE THAN ONE SINGLE-FAMILY HOME, IT IS A SECOND ATTEMPT AT A FIVE PROPERTY PROJECT REJECTED BY THE CITY COUNCIL AND THE COURTS. THIS HOUSE MUST NOT BE APPROVED WITHOUT PROHIBITION OF HOUSES FOUR AND FIVE, RESOLUTION OF GEOTECHNICAL AND STORM WATER ISSUES AND INDEMNIFICATION OF THE CITY WHEN FUTURE LANDSLIDES OCCUR. LANDSLIDES OCCURRED IN 1977, 1981 AND 2005.
- 2) APPLICANT HAS TRIED TO AVOID THE PLANNING BOARD PROCESS AND DESCRIBED SCHEMATICS OF THE PROPOSED HOUSE AS JUST A HOLDING PATTERN FOR WHAT WILL BE BUILT.
- 3) DEVELOPMENT OF THE SITE IS INADVISABLE WITHOUT A RETAINING WALL ABOVE MARTINEZ STREET.
- 4) CREATION OF THOUSANDS OF FEET OF IMPERVIOUS SPACE ADDS TO DRAINAGE ISSUES AND JEOPARDIZES ENVIRONMENTALLY SENSITIVE LAND IN A PROCESS EXEMPTED FROM STATE ENVIRONMENTAL LAWS.
- 5) THE PROJECT IS OPPOSED UNANIMOUSLY BY THE PENINSULA COMMUNITY PLANNING BOARD, MORE THAN 300 NEIGHBORS AND WAS SOUNDLY REJECTED BY THE SAN DIEGO CITY COUNCIL. THE PIECE-MEAL APPLICATION THIS TIME DEPRIVES THE CITY COUNCIL OF A VOTE.



THE CITY OF SAN DIEGO

## Report to the Hearing Officer

DATE ISSUED: May 30, 2018 REPORT NO. HO-18-039

HEARING DATE: June 6, 2018

SUBJECT: Harbor View Lot Line Adjustment, Process Three Decision

PROJECT NUMBER: [511293](#)

OWNER/APPLICANT: Mark Peeling, Owner, and Christensen Engineering & Surveying, Applicant

### SUMMARY

Issue: Should the Hearing Officer approve the parcel lot line adjustments of three parcel lots and a new single-family dwelling unit located at 3328 and 3340 Harbor View Drive within the Coastal Overlay Zone and the Peninsula Community Planning and Local Coastal Program Land Use Plan area?

Staff Recommendation: Approve Coastal Development Permit No. 1799822, Site Development Permit No. 2150250, and Lot Line Adjustment No. 1838179.

Community Planning Group Recommendation: On September 21, 2017, the Peninsula Community Planning Board (PCPB) voted 9-2-4 to recommend denial of the project due to unstable hillsides, project against community plan (page 109), severe liability to City, intense neighborhood opposition, uncertainty of new owner and plans, lack of retaining wall, and environmentally sensitive lands (Attachment 7).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303, New Construction. An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on April 10, 2018 (Attachment 4). The scope of the subject hearing only includes the project, and not the environmental determination.

### BACKGROUND

The 0.97-acre, Harbor View Lot Line Adjustment project site (Project) is located at 3340 and 3328 Harbor View Drive, between Bangor Street and Martinez Street (Attachment 1), and lies within the RS-1-7 zone, the Coastal Overlay (non-appealable), Coastal Height Limit, Airport Approach and FAA Part 77 Overlay zones, within the La Playa neighborhood of the Peninsula Community Planning and Local Coastal Program Land Use Plan (Community Plan) area. The Community Plan designates the



site for single-family residential land use, with a density of nine dwelling units per acre (Attachment 2). Surrounding development includes a mix of large single-family homes of various ages and styles (Attachment 3). The project site is comprised of three legal lots, has been previously graded and is developed with two existing single-family dwelling units built in 1948.

The Project site has dual street frontage, fronting both Martinez Street along the northern (downhill) portion of the site and Harbor View Drive along the southern (uphill) portion of the property. Although dedicated as a public right-of-way in 1953, Martinez Street at this location does not provide vehicular access, only pedestrian access pursuant to [City Council Resolution R-255719](#), dated January 25, 1982. With the lowest point at approximately 165 feet Mean Sea Level (MSL), the project site is topographically characterized by steep slopes which rise up from Martinez Street to the relatively flat areas (approximately 245-250 MSL) on the southern portion of the property fronting Harbor View Drive, an area currently developed with two existing single-family dwelling units and driveway access to Harbor View Drive.

Environmentally Sensitive Lands (ESL) in the form of sensitive biological resources are present on site with approximately 0.27 acres of Diegan Coastal Sage Scrub (DCSS) covering the hillside area on the northern portion of the premises. While the slope is steep and in areas exceeding 25 percent grade, the hillside does not have a natural slope gradient of 50 feet of vertical elevation, nor is it part of a larger natural canyon system, as it is surrounded on all four sides by existing residential development and streets. Therefore, the hillside is not subject to the ESL regulations of the San Diego Municipal Code (SDMC).

## DISCUSSION

### Project Description

The proposed Project is a Coastal Development Permit (CDP), Site Development Permit (SDP), and Lot Line Adjustment (LLA) of three existing parcel lots to create three reconfigured parcels (Parcel A, Parcel B, and Parcel C) and construct a new single-family dwelling unit on Parcel B. The two existing homes on Parcel A and Parcel C would remain. In accordance with SDMC Section [126.0702](#), a Process Three, CDP is required for existing parcel lot line adjustments and new single-family residential development in the Coastal Overlay Zone. Additionally, the Project requires approval of a Process Three, SDP pursuant to SDMC Section [126.0502](#) due to the presence of ESL (biology), and a Process One, LLA pursuant to SDMC Section [125.0310](#). These approvals are required to be consolidated and considered at a public hearing in accordance with Process Three, Hearing Officer decision with appeal right to the City Planning Commission.

The proposed adjusted parcel lots will exceed the minimum lot standards of the RS-1-7 zoning which requires a minimum area of 5,000 square feet, 50 feet of street frontage and a lot depth of 100 feet. The following is a summary of proposed lot sizes and existing/proposed development:

Parcel	Lot Area (sf)	SF Home GFA (sf)	Max. FAR Allowed Per SDMC Table 131-04J	Proposed FAR
A	27,573	2,796 (existing)	0.45	0.10
B	7,504	2,747 (proposed)	0.57	0.37

C	7,378	1,541 (existing)	0.57	0.21
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The proposed new 2,747-square-foot, two-story, single-family dwelling unit on Lot "B" will be located within the upper southern area of the lots' existing hillside and is designed to step down from the top of the slope to minimize landform alterations. City staff has reviewed this project in accordance with the underlying RS-1-7 zone and has determined that the proposed development complies with the applicable zoning and development standards and regulations of the Land Development Code, does not exceed the 30-foot Coastal Height Limit, and the development requires no deviations.

#### Project Analysis

Access: Existing separate driveways will continue to serve the existing single-family dwelling units at 3328 Harbor View Drive and 3340 Harbor View Drive. Consistent with [City Council Resolution R-255719](#) and in lieu of creating new site access from the lots' down slope along Martinez Street, access to the new single-family dwelling unit will be from a 15-foot wide, access driveway and utility easement between Parcels "A" and "C," leading to and from Harbor View Drive on the uphill/south side of the project site. This will allow the lower slope areas of the lot to remain undeveloped. A new 12-foot wide access driveway curb cut will be installed on Harbor View Drive and meet current engineering standards.

Utilities: The Project is located on a site that is currently developed with all public utilities in place to serve both the existing and the new single-family dwelling units. Drainage from the new single-family dwelling unit will be captured within two catch basins from the northern portion of the lot's development footprint and pumped and conveyed to the south within the access and utility easement to the public storm drain system within Harbor View Drive. There will be no increase in runoff conveyed to the slope northerly of the site. In a similar fashion, water and sewer utilities will be provided from Harbor View Drive.

Geologic Stability: The property is characterized by a 60- to 70-foot high, north-facing, 1.77:1 (horizontal to vertical) slope. The Project geotechnical consultant Geotechnical Exploration, Inc. (GEI), performed slope stability analysis which concluded that the site is adequately stable with respect to slope stability. Detailed design level geotechnical evaluation of future grading and building plans are required as a condition of the development permit. The consultants' have opined that the Projects' proposed drainage improvements will enhance slope stability by reducing storm water infiltration and controlling surface runoff.

Geologic and geotechnical investigations performed by GEI concluded that the project will not result in significant geologic hazards. The geotechnical report indicates the nearest active fault (the Rose Canyon Fault) is 5 miles to the east of the project site. The site is partially located in Zone 12 on the City of San Diego Geologic Hazards Maps (the zone implies faults that are "potentially active, inactive, presumed inactive, or have unknown activity"). The site-specific geologic investigation determined that no earthquake faults exist on the property.

Neighborhood Pattern: The project site is located on the north side of Harbor View Drive, and is comprised of the only remaining parcels of land in the immediate vicinity to retain their original lot depth as subdivided in 1905, extending fully across to Martinez Street adjacent to the north (a "double-fronted" lot). There is evidence within the existing pattern of development in the

neighborhood of larger lots being subdivided into smaller parcels and developed with additional homes. Properties east of the project site exhibit this type of infill development. The proposed lot line adjustments of the three parcel lots and construction of a new single-family dwelling unit at the top of the slope would not be out of character with existing neighborhood development.

Land Use: The Community Planning chapter of the General Plan, Land Use Element, has a goal for community plans to maintain or increase planned density of residential land uses in appropriate locations. The General Plan relies on community plans for site-specific land use and density designations and recommendations. The subject site is within the La Playa neighborhood in the Peninsula community, a neighborhood which over many years has experienced a gradual transition to a denser neighborhood character through the subdivision of large lots into smaller parcels then developed with single-family homes. The Residential Element of the Community Plan has an objective to provide a balance of residential types, densities and prices, emphasizing new development and redevelopment at higher densities in neighborhoods able to accommodate growth without adverse impacts to the immediate area or to the community as a whole. The proposed Project will implement these General Plan and Community Plan goals by increasing the density on the site with the new dwelling unit to a total of three dwelling units where a maximum of nine dwelling units could be developed. This proposal conforms to the General Plan goal to increase density in appropriate locations, and implements the Community Plan objective to emphasize new development at higher densities in neighborhoods able to accommodate growth without adverse impacts to the immediate area or to the community as a whole.

Conservation: The General Plan has policies, including ESL regulations, to limit development into steep hillsides. The Conservation and Environmental Quality Element of the Community Plan identifies steep slopes in excess of 25 percent that extend into the Sunset Cliffs and La Playa residential areas and, further, that the steep slopes in residential areas contain some open space which is an important amenity adding character to this largely developed community. Site analyses performed by Christensen Engineering and GEI, reviewed by City staff, determined that the project site, as well as the adjacent easterly and westerly lots, all display evidence of hillside disturbance. Additionally, grade differential between lower and upper disturbed areas across the properties measured less than 50 feet, and these conditions do not characterize the site as part of a steep hillside system extending off-site. The proposed project will not adversely affect either General Plan or Community Plan policies regarding steep slopes. As noted previously in this report, no environmentally steep hillsides exist on-site and therefore, the development will not encroach into ESL steep hillsides.

Environmentally Sensitive Lands: There is a difference between environmentally sensitive lands as defined by the SDMC and impacts to biological resources as defined by CEQA. Per the accepted Biological Letter Report from Alden Environmental dated June 23, 2017, impacts to biological resources fall below a CEQA level of significance. As stated in the accepted biological letter report and as described on the Project development plans, the Project's development footprint would only impact 0.086 acre of Tier II habitat. Per the City's Biology Guidelines, total upland impacts (Tiers 1-III B) less than 0.10 acre are not considered significant; therefore, this impact would not be considered significant and mitigation would not be required. Furthermore, Tier II is not classified by the City as the most sensitive in terms of variety and ecological importance; therefore, the Project would not impact an environmental resource of critical concern.



Community Planning Group Recommendation

As noted earlier, the PCPB voted 9-2-4 to recommend denial of the project. The PCPB meeting minutes indicate concerns expressed by the Board members to recommend denial of lot line adjustment or approval new single-family dwelling unit. The PCPB's identified concerns are provided below along with City staff responses:

- ***"The project is situated on an unstable hillside, an independent geotechnical survey commissioned by neighbors shows it is unstable, is the source of previous landslides..."***  
A geotechnical report has been prepared by GEi on behalf of the applicant dated May 22, 2017. That report, which was reviewed and accepted by the City's Geology staff, determined that the proposed development will not be impacted by slope instability; will not measurably destabilize neighboring properties or induce settlement of adjacent structures; and that the property is safe to occupy and is suitable for habitation. In addition, staff determined that the Project would not expose people or structures to geologic hazards such as an earthquakes, landslides, mudslides, ground failure, or similar hazards; would not result in substantial increase in wind or water erosion of soils, either on or off site; and would not be located on a geologic unit or soil that is unstable or that would become unstable as a result of the Project, and potentially result soil that is unstable or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

The independent geotechnical survey commissioned by the neighbors and prepared by Opterra, Inc., dated September 19, 2017, was provided to the City as part of the appeal of the Project's CEQA determination. On April 10, 2018, City Council denied the appeal and concurred with City staff that based upon analysis of the final geotechnical report prepared by GEi, and review of the new documents provided by Opterra and GEi, qualified City staff have determined the proposed site is suitable for development, that the applicant has adequately addressed the soil and geologic conditions potentially affecting the proposed project and that, based upon proposed project design features and permit conditions, there are no significant geology impacts warranting further environmental analysis.

- ***"...no retaining wall or adequate runoff capture is proposed..."***  
Drainage from the new single-family dwelling unit's developable area will be captured within two catch basins from the northern portion of the lot's development footprint and pumped and conveyed to the south within the access and utility easement and discharged to the public storm drain system within Harbor View Drive. The proposed design of the structure does not require a retaining wall and there will be no increase in runoff conveyed to the slope northerly of the site.
- ***"...involves environmentally sensitive land and offsite remediation is considered unacceptable."***  
As noted earlier, ESL in the form of sensitive biological resources are present on site and the Project's hillside is not subject to the ESL regulations of the SDMC. The project would only impact 0.086 acre of Tier II habitat. Per the City's Biology Guidelines, total upland impacts (Tiers 1-III B) less than 0.10 acre are not considered significant; therefore, this impact would not be considered significant and mitigation would not be required.



- ***“Further the project is not in compliance with the Community Plan (Page 109)...”***  
Page 109 of the Community Plan is identified as Figure 28, Height, Bulk, Scale, and Rhythm with the Plan’s Urban Design Element, recommendations. The proposed new single-family dwelling unit on the hillside does not exceed the Coastal Height Limit of 30 feet and the benched structure, exterior offsets, and low roofline design does not provide a visual impact or bulky scale to the surrounding development. The Community Plan relates rhythm to spacing of the building on the street to create an added element of harmony. The proposed single-family dwelling unit structure is located on a lot that does not front Harbor View Drive and will be practically masked by the existing single-family dwelling unit at 3340 Harbor View Drive. Therefore, the rhythm of the structures along the predominantly utilized Harbor View Drive will not be sacrificed with the development.
- ***“...involves uncertainty as land is currently being marketed for sale to unknown developer...”***  
The owner and developer of the subject properties has applied for the Project. Any subsequent changes to the development by the current or subsequent property owner(s) that are not considered minor pursuant to SDMC Sec. 126.0112 will require an amendment to the development permit.
- ***“...and is opposed by several hundred neighbors.”***  
The City has received correspondence in opposition to the Project and all correspondence received, other than the Project’s CEQA determination as discussed earlier, is provided to the City’s decision maker in this report (Attachment 8).
- ***“Additionally, this presents severe liability to the City and no indemnity bond in case of landslide is being posted.”***  
The proposed Project is a private development within the confines of three legal parcel lots of private ownership and does not represent any liability to the City. The Project geotechnical consultant GEi., performed slope stability analysis which concluded that the site is adequately stable with respect to slope stability. Detailed design level geotechnical evaluation of future grading and building plans are required as a condition of the development permit.

### Conclusion

City staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the SDMC. Staff has provided draft findings (Attachment 5) and conditions (Attachment 6) to support approval of the project. Staff recommends the Hearing Officer approve the project as proposed.

### ALTERNATIVES

1. Approve Coastal Development Permit No. 1799822, Site Development Permit No. 2150250 and Lot Line Adjustment No. 1838179, with modifications.

2. Deny Coastal Development Permit No. 1799822, Site Development Permit No. 2150250, and Lot Line Adjustment No. 1838179, if the findings required to approve the project cannot be affirmed.

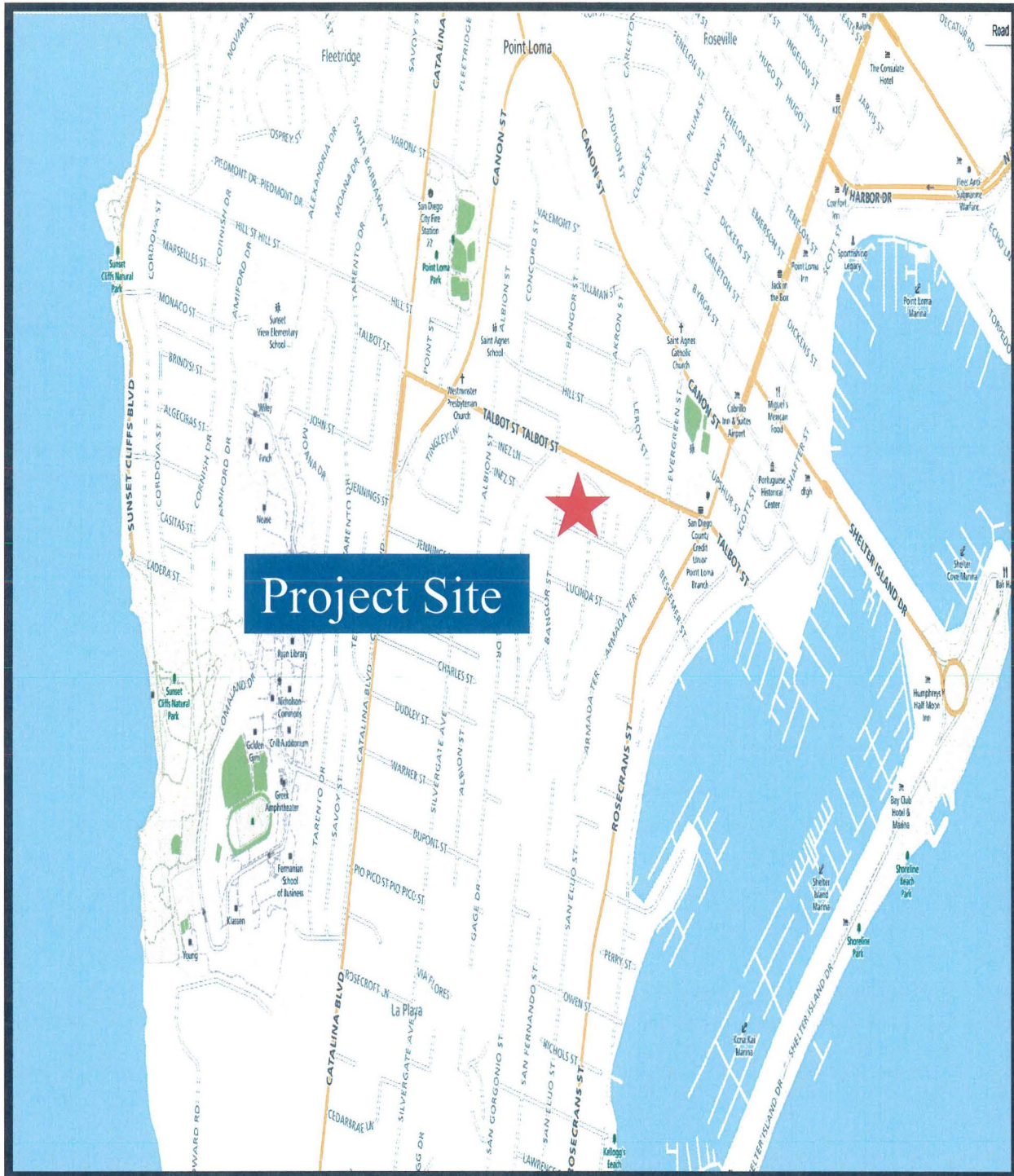
Respectfully submitted,



Tim Daly, Development Project Manager

Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. City Council Resolution R-311671
5. Draft Resolution with Findings
6. Draft Permit with Conditions
7. Community Planning Group Recommendation
8. Opposition Correspondence
9. Ownership Disclosure Statement
10. Project Plans

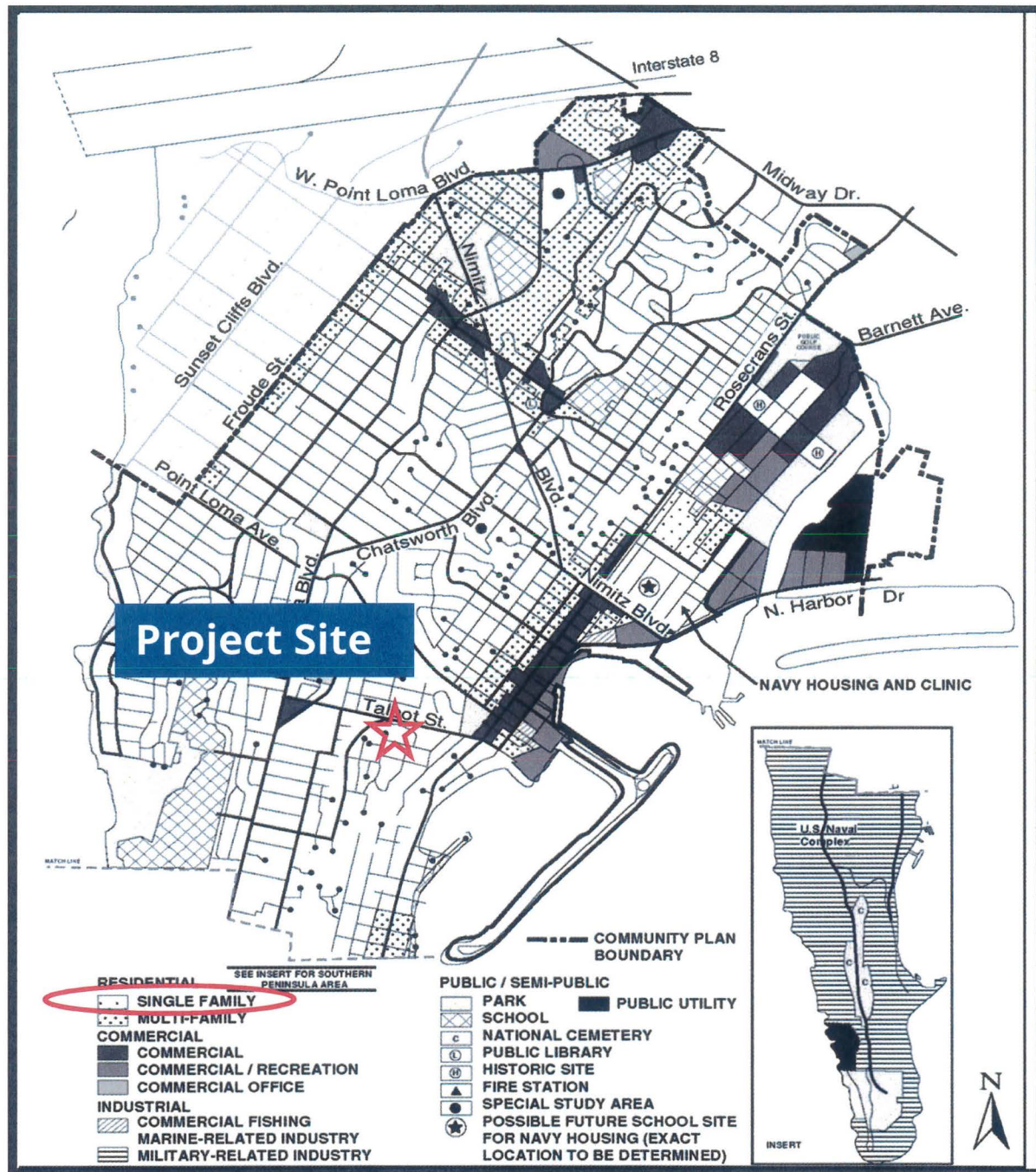


## Project Location

Harbor View Lot Line Adjustment, Project No. 511293  
3328 and 3340 Harbor View Drive, San Diego CA 92106







## Peninsula Land Use Map

Harbor View Lot Line Adjustment, Project No. 511293  
3328 and 3340 Harbor View Drive, San Diego CA 92106







## Aerial Photo

Harbor View Lot Line Adjustment, Project No. 511293  
3328 and 3340 Harbor View Drive, San Diego CA 92106



RESOLUTION NUMBER R-311671

DATE OF FINAL PASSAGE APRIL 10, 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DENYING THE APPEAL AND APPROVING ENVIRONMENTAL EXEMPTION NO. 511293 THAT THE PROJECT IS EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO GUIDELINES SECTION 15303 FOR THE HARBOR VIEW LOT LINE ADJUSTMENT PROJECT – PROJECT NO. 511293.

WHEREAS, on September. 26, 2016, Mark Peeling submitted an application for a Site Development Permit, Coastal Development Permit and a Lot Line Adjustment of three existing lots to create three reconfigured parcels and construct new single-family dwelling unit located at 3328 and 3340 Harbor View Drive (Project); and

WHEREAS, the 0.97 acre site is in the RS-1-7, Coastal Overlay (Non-appealable Areas 1 and 2), Coastal Height Limit Overlay, Airport Approach Overlay, and the FAA Part 77 Noticing Area Zones within the Peninsula Community Plan area; and

WHEREAS, on January 8, 2018, the Environmental Analysis Section of the Development Services Department (DSD) determined the subject project to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA State Guidelines Section 15303 (New Construction) and determined that the exceptions to the exemption do not apply; and

WHEREAS, a Notice of Right to Appeal was prepared and posted pursuant to San Diego Municipal Code Section 112.0310; and

WHEREAS, on January 17, 2018, John Linney, Chair of the Peninsula Community Planning Board, submitted an appeal of the Environmental Determination and on January 22,

2018, a second appeal of the Environmental Determination was submitted by Patrick O' Neal and Susan Mitchell; and

WHEREAS, on March 1, 2018, the City staff prepared a memorandum responding to the issues raised in the appeals for the City Council's consideration; and

WHEREAS, on April 9, 2018, the City staff prepared a supplemental memorandum responding to additional issues raised in new documents submitted by the appellants; and

WHEREAS, the appeal was heard by the City Council on April 10, 2018; and

WHEREAS, under San Diego Charter section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the City Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE;

BE IT RESOLVED, by the City Council of the City of San Diego, that the appeals of the Environmental Determination for the Harbor View Lot Line Adjustment project, located at 3328 and 3340 Harbor View Drive is denied, based upon the substantial evidence provided in the record to support the exemption and the determination that no substantial evidence has been provided to support a fair argument that one of the exceptions to the categorical exemption applies.

BE IT FURTHER RESOLVED, that the Environmental Exemption No. 511293 for the Harbor View Lot Adjustment project, is approve and the Project is exempt from CEQA, pursuant to Guidelines Section 15303.

APPROVED: MARA W. ELLIOTT, City Attorney

By \_\_\_\_\_  
Corrine L. Neuffer  
Deputy City Attorney

CLN:als  
04/11/2018  
Or.Dept:DSD  
Doc. No.: 1725820



HEARING OFFICER RESOLUTION NO. HO-XXXX  
COASTAL DEVELOPMENT PERMIT NO. 1799822  
SITE DEVELOPMENT PERMIT NO. 2150250  
LOT LINE ADJUSTMENT NO. 1838179  
**HARBOR VIEW LOT LINE ADJUSTMENT - PROJECT NO. 511293**

WHEREAS, MARK PEELING, Owner/Permittee, filed an application with the City of San Diego for a lot line adjustment of three existing parcel lots and permit to construct a single-family dwelling unit (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Coastal Development Permit No. 1799822, Site Development Permit No. 2150250, and Lot Line Adjustment No. 1838179, on portions of a 0.97-acre site;

WHEREAS, the project site is located at 3328 and 3340 Harbor View Drive in the RS-1-7 zone within the Coastal (Non-appealable), Coastal Height Limit, Airport Approach and FAA Part 77 overlay zones, within the Peninsula Community Plan and Local Coastal Program Land Use Plan;

WHEREAS, the project site is legally described as Lots 3, 4 and 5 in Block 5 of Golden Park, Map No. 958, September 12, 1905;

WHEREAS, on January 8, 2018, 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 the Environmental Determination was appealed to City Council, which heard and denied the appeal on April 10, 2018 pursuant to Resolution No. R-311671;

WHEREAS, on June 6, 2018, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 1799822, Site Development Permit No. 2150250, and Lot Line Adjustment No. 1838179 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

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

That the Hearing Officer adopts the following written Findings, dated June 6, 2018.

**COASTAL DEVELOPMENT PERMIT [SDMC Section 126.0708]**

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

The 0.97-acre site is located at 3328 and 3340 Harbor View Drive and is located approximately 1 mile from the Pacific Ocean and ½ mile from the shoreline of San Diego Bay. The property is not located between the sea and the first public roadway paralleling the sea and does not contain any existing physical access way utilized by the general public to

and along the ocean and other scenic coastal areas. The proposed site is not identified in the Peninsula Community Planning and Local Coastal Program Land Use Plan (Community Plan) as a proposed access way to be utilized by the general public for providing access to the ocean or other coastal scenic area, and existing coastal access in the area will not be affected by the project in any way.

The Project meets all applicable regulations and policy documents, and is consistent with the recommended land use designation, design guidelines, and development standards in effect for this site. Therefore, the development would not be affect any physical access way and/or the public views to the Pacific Ocean and San Diego Bay or other scenic coastal areas as specified in the Local Costal Program, and does not contain intermittent or partial vistas and the property does not contain any view sheds or scenic overlooks.

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

Environmentally Sensitive Lands (ESL) in the form of sensitive biological resources are present on site with approximately 0.27 acres of Diegan Coastal Sage Scrub (DCSS) covering the hillside area on the northern portion of the premises. While the slope is steep and in areas exceeding 25 percent grade, the hillside does not have a natural slope gradient of 50 feet of vertical elevation, nor is it part of a larger natural canyon system, as it is surrounded on all four sides by existing residential development and streets. Therefore, the hillside is not subject to the ESL regulations of the San Diego Municipal Code (SDMC).

The City has accepted Biological Letter Report from Alden Environmental dated June 23, 2017, and impacts to biological resources fall below a CEQA level of significance. As stated in the Report and as described on the Project development plans, the Project would only impact 0.086 acre of Tier II habitat. Per the City's Biology Guidelines, total upland impacts (Tiers I-III B) less than 0.10 acre are not considered significant; therefore, this impact would not be considered significant and mitigation would not be required. Furthermore, Tier II is not classified by the City as the most sensitive in terms of variety and ecological importance. 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 0.97-acre site is located at 3328 and 3340 Harbor View Drive and proposes a lot line adjustment of three existing parcel lots to create three reconfigured parcels (Parcel A, Parcel B, and Parcel C) and construct a new single-family dwelling unit on Parcel B (Project). The two existing homes on Parcel A and Parcel C would remain. The Project is located approximately 1 mile from the Pacific Ocean and ½ mile from the shoreline of San Diego Bay. The property is not located between the sea and the first public roadway paralleling the sea and does not contain any existing physical access way utilized by the general public to and along the ocean and other scenic coastal areas.

The Project site is in the RS-1-7 zone within the La Playa neighborhood of the Community Plan which designates the site for single-family residential land use at a density of nine dwelling units per acre. The project is consistent with this land use designation and the proposed development meets the development regulations of the SDMC and requires no deviations. The proposed coastal development will be in conformity with the Community Plan and complies with the regulations of the certified Land Development Code. Therefore, the project meets all applicable regulations and policy documents, and is consistent with the recommended land use designation, design guidelines, and development standards in effect for this site. Therefore, the 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 Project is located approximately 1 mile from the Pacific Ocean and approximately ½ mile from San Diego Bay. As the proposed site is not between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone, the Project will have no effect upon public access. Therefore, the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

**SITE DEVELOPMENT PERMIT [SDMC Section 126.0504]**

**(a) Findings for all Site Development Permits:**

- (1) The proposed development will not adversely affect the applicable land use plan.**

The 0.97-acre site is located at 3328 and 3340 Harbor View Drive and proposes a lot line adjustment of three existing parcel lots to create three reconfigured parcels (Parcel A, Parcel B, and Parcel C) and construct a new single-family dwelling unit on Parcel B. The two existing homes on Parcel A and Parcel C would remain. The Community Planning chapter of the General Plan Land Use element has a goal for community plans to maintain or increase planned density of residential land uses in appropriate locations. The Project site is in the RS-1-7 zone within the La Playa neighborhood of the Community Plan, which designates the site for single-family residential land use at a density of nine dwelling units per acre. Over many years the La Playa neighborhood has experienced a gradual transition to a denser neighborhood character through the subdivision of large lots into smaller parcels and then developed with single-family homes. The residential element of the Community Plan includes the objective to provide a balance of residential types, densities and prices, emphasizing new development and redevelopment at higher densities in neighborhoods able to accommodate growth without adverse impacts to the immediate area or to the community as a whole. The proposed Project will implement these General Plan and Community Plan goals by providing the density of three dwelling units on the site where a maximum of nine homes could be

developed. The project proposal is consistent with this land use designation. The proposed development meets the development regulations of the SDMC and will not adversely affect the Community Plan.

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

The 0.97-acre site is located at 3328 and 3340 Harbor View Drive and proposes a lot line adjustment of three existing parcel lots to create three reconfigured parcels (Parcel A, Parcel B, and Parcel C) and construct a new single-family dwelling unit on Parcel B. The two existing homes on Parcel A and Parcel C would remain. The adjusted lots will exceed the minimum lot standards of the RS-1-7 zoning development regulations and the proposed single-family dwelling unit within the upper areas of the existing hillside will minimize landform alteration. Geologic and geotechnical investigations were performed on site by the Project consultant Geotechnical Exploration, Inc. (GEI), and the property is considered stable for new development.

The permit for the Project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with applicable regulations of the SDMC. Such conditions are necessary to avoid adverse impacts to the health, safety and general welfare of persons residing or working in the surrounding area. The project will comply with the development conditions in effect for the subject property as described in the Permits, and other regulations and guidelines pertaining to the subject property per the SDMC. Prior to issuance of any building permits for the proposed development, construction plans will be reviewed for compliance with all Building, Electrical, Mechanical, Plumbing and Fire Code requirements, and the Owner/Permittee will be required to obtain a grading and public improvement permit. Therefore, the proposed development will not be detrimental to the public health, safety and welfare.

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

The 0.97-acre site is located at 3328 and 3340 Harbor View Drive and proposes a lot line adjustment of three existing parcel lots to create three reconfigured parcels (Parcel A, Parcel B, and Parcel C) and construct a new single-family dwelling unit on Parcel B. The two existing homes on Parcel A and Parcel C would remain. The proposed development requires no deviations and complies with the applicable regulations of the Land Development Code.

**(b) Supplemental Findings--Environmentally Sensitive Lands:**

**(1) The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.**

The 0.97-acre site is located at 3328 and 3340 Harbor View Drive and proposes a lot line adjustment of three existing parcel lots to create three reconfigured parcels (Parcel A, Parcel B, and Parcel C) and construct a new single-family dwelling unit on Parcel B. The two existing homes on Parcel A and Parcel C would remain. The adjusted lots will exceed the minimum lot standards of the RS-1-7 zoning development regulations and the proposed single-family dwelling unit within the upper areas of the existing hillside will minimize landform alteration. Geologic and geotechnical investigations were performed on site by the Project consultant Geotechnical Exploration, Inc., and the property is considered stable for new development.

ESL in the form of sensitive biological resources are present on site with approximately 0.27 acres of DCSS covering the hillside area on the northern portion of the premises. While the slope is steep and in areas exceeding 25 percent grade, the hillside does not have a natural slope gradient of 50 feet of vertical elevation, nor is it part of a larger natural canyon system, as it is surrounded on all four sides by existing residential development and streets. Therefore, the hillside is not subject to the ESL regulations of the SDMC.

The City has accepted Biological Letter Report from Alden Environmental dated June 23, 2017, and impacts to biological resources fall below a CEQA level of significance. As stated in the Report and as described on the Project development plans, the Project would only impact 0.086 acre of Tier II habitat. Per the City's Biology Guidelines, total upland impacts (Tiers I-IIIB) less than 0.10 acre are not considered significant; therefore, this impact would not be considered significant and mitigation would not be required. Furthermore, Tier II is not classified by the City as the most sensitive in terms of variety and ecological importance. Therefore, the proposed coastal development is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

**(2) The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.**

Geologic and geotechnical investigations were performed on site by the Project consultant GEI, and the property is considered stable for new development. With the lowest point at approximately 165 feet Mean Sea Level (MSL), the project site is topographically characterized by steep slopes which rise up from Martinez Street to the relatively flat areas (approximately 245-250 MSL) on the southern portion of the property fronting Harbor View Drive, an area currently developed with two existing single-family dwellings built in 1948, both of which will remain under the proposed development plan. While the slope is steep and in areas exceeds a 25 percent grade, the hillside does not have a natural slope gradient of 50 feet of vertical elevation, nor is it part of a larger natural canyon system, as it is surrounded on all four sides by

existing residential development and streets. Therefore, the hillside is not subject to the ESL regulations of the SDMC.

The proposed construction of one new single-family dwelling unit within Parcel "B" will be located within the upper areas of the existing hillside, and has been designed to step down from the top of the slope in order to minimize landform alteration. The project's plan to take access from a new driveway off of Harbor View Drive on the uphill/south side of the project site, in lieu of creating new site access from down slope along Martinez Street, will allow the lower slope areas to remain undeveloped. The project site is not located within a known flood hazard area, and the project requires no deviations and complies with the applicable regulations of the Land Development Code.

Prior to issuance of any construction permits for the building structure for the proposed development, construction plans will be reviewed for compliance with all Building, Electrical, Mechanical, Plumbing and Fire Code requirements, and the Owner/Permittee will be required to obtain a grading and public improvement permit. The nearest fire hydrants to the development are located approximately 95 feet west and 215 feet east and meet the spacing requirement of Fire and Life Safety Department Policy FS-0410. In addition, the new dwelling unit is required by California Residential Code Section R313 to be provided with fire sprinkler protection. Therefore, the proposed development will not significantly alter any natural landform and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

**(3) The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.**

ESL in the form of sensitive biological resources are present on site with approximately 0.27 acres of DCSS covering the hillside area on the northern portion of the premises. While the slope is steep and in areas exceeding 25 percent grade, the hillside does not have a natural slope gradient of 50 feet of vertical elevation, nor is it part of a larger natural canyon system, as it is surrounded on all four sides by existing residential development and streets. Therefore, the hillside is not subject to the ESL regulations of the SDMC.

The City has accepted Biological Letter Report from Alden Environmental dated June 23, 2017, and impacts to biological resources fall below a CEQA level of significance. As stated in the Report and as described on the Project development plans, the Project would only impact 0.086 acre of Tier II habitat. Per the City's Biology Guidelines, total upland impacts (Tiers 1-IIIB) less than 0.10 acre are not considered significant; therefore, this impact would not be considered significant and mitigation would not be required. Furthermore, Tier II is not classified by the City as the most sensitive in terms of variety and ecological importance. Therefore, the proposed coastal development will not adversely affect environmentally sensitive lands.

**(4) The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.**

The project is not located within or nearby the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan's Multi-Habitat Planning Area (MHPA), nor will it affect the MHPA in any way. Therefore, the proposed development will be consistent with the City's MSCP Subarea Plan.

**(5) The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.**

The project is not located within or nearby to any public beaches or local shoreline sand supply. Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

**(6) The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.**

ESL in the form of sensitive biological resources are present on site with approximately 0.27 acres of DCSS covering the hillside area on the northern portion of the premises. While the slope is steep and in areas exceeding 25 percent grade, the hillside does not have a natural slope gradient of 50 feet of vertical elevation, nor is it part of a larger natural canyon system, as it is surrounded on all four sides by existing residential development and streets. Therefore, the hillside is not subject to the ESL regulations of the SDMC.

The City has accepted Biological Letter Report from Alden Environmental dated June 23, 2017, and impacts to biological resources fall below a CEQA level of significance. As stated in the Report and as described on the Project development plans, the Project would only impact 0.086 acre of Tier II habitat. Per the City's Biology Guidelines, total upland impacts (Tiers I-IIIB) less than 0.10 acre are not considered significant; therefore, this impact would not be considered significant and mitigation would not be required. Furthermore, Tier II is not classified by the City as the most sensitive in terms of variety and ecological importance. Therefore, the proposed coastal development will not adversely affect environmentally sensitive lands and no mitigation is required as a condition of the permit and no negative impacts are created by the proposed development.

**LOT LINE ADJUSTMENT [SDMC Section 125.0340]****1. The proposed adjustment complies with the applicable provisions of the Subdivision Map Act.**

The project site is comprised of three legal parcel lots; Lots 3, 4 and 5 in Block 5 of Golden Park, Map No. 958, recorded on September 12, 1905, and has been previously graded and is developed with two existing single-family dwelling units built in 1948. The proposed adjustment complies with the applicable provisions of the Subdivision Map Act, Section 66412(d) and the SDMC Chapter 12, Article 5, Division 3.

**2. Before adjustment, all lots or parcels are existing parcels of land created by separate fee conveyance and meeting the criteria for determination of a lot as specified in Section 113.0237.**

The project site is comprised of three legal parcel lots; Lots 3, 4 and 5 in Block 5 of Golden Park, Map No. 958, recorded on September 12, 1905, and has been previously graded and is developed with two existing single-family dwelling units built in 1948. All lots or parcels are existing parcels of land created by separate fee conveyance and meeting the criteria for determination of a lot as specified in Section 113.0237.

**3. All adjusted lots or parcels comply with the minimum requirements of the Land Development Code and all existing structures comply with established yards, except for property for which a Variance has been granted pursuant to Chapter 12, Article 6, Division 8 (Variances) and for previously conforming lots or structures, for which the Lot Line Adjustment shall not increase the existing noncompliance.**

The project site is comprised of three legal parcel lots; Lots 3, 4 and 5 in Block 5 of Golden Park, Map No. 958, recorded on September 12, 1905, and has been previously graded and is developed with two existing single-family dwelling units built in 1948. The proposed adjusted parcel lots will exceed the minimum lot standards of the RS-1-7 zoning which requires a minimum area of 5,000 square feet, 50 feet of street frontage and a lot depth of 100 feet. The following is a summary of proposed lot sizes and existing/proposed development:

Parcel	Lot Area (sf)	SF Home GFA (sf)	Max. FAR Allowed Per SDMC Table 131-04J	Proposed FAR
A	27,573	2,796 (existing)	0.45	0.10
B	7,504	2,747 (proposed)	0.57	0.37
C	7,378	1,541 (existing)	0.57	0.21

All existing and proposed structures will comply with the RS-1-7 Zone yard requirements and the Project does not required any variances or proposed deviations. Therefore, all adjusted



lots or parcels comply with the minimum requirements of the Land Development Code and all existing structures comply with established yards and the Lot Line Adjustment shall not increase the any existing noncompliance.

**4. The Lot Line Adjustment will not result in the creation of any additional parcels.**

The project site is comprised of three legal parcel lots; Lots 3, 4 and 5 in Block 5 of Golden Park, Map No. 958, recorded on September 12, 1905, and has been previously graded and is developed with two existing single-family dwelling units built in 1948. The proposed Lot Line Adjustment Plat exhibit identifies the specific lot adjustments to the three existing parcel lots and will not result in the creation of any additional parcels.

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

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 1799822, Site Development Permit No. 2150250, and Lot Line Adjustment No. 1838179 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Coastal Development Permit No. 1799822, Site Development Permit No. 2150250, and Lot Line Adjustment No. 1838179, a copy of which is attached hereto and made a part hereof.

---

Tim Daly  
Development Project Manager  
Development Services

Adopted on: June 6, 2018

IO#: 24006962

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

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

INTERNAL ORDER NUMBER: 24006962

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**COASTAL DEVELOPMENT PERMIT NO. 1799822  
SITE DEVELOPMENT PERMIT NO. 2150250  
HARBOR VIEW LOT LINE ADJUSTMENT - PROJECT NO. 511293  
HEARING OFFICER**

This Coastal Development Permit No. 1799822 and Site Development Permit No. 2150250 (Permit) is granted by the Hearing Officer of the City of San Diego to Mark Peeling, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0702 and 126.0502. The 0.97-acre site is located at 3328 and 3340 Harbor View Drive in the RS-1-7 zone within the Coastal (Non-appealable), Coastal Height Limit, Airport Approach and FAA Part 77 overlay zones, within the Peninsula Community Planning and Local Coastal Program Land Use Plan area. The property is legally described as Lots 3, 4 and 5 in Block 5 of Golden Park, Map No. 958, September 12, 1905.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for a lot line adjustment of three existing parcel lots and construction of a single-family dwelling unit, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 6, 2018, on file in the Development Services Department. The project shall include:

- a. A lot line adjustment of the existing Parcel Lots 3, 4, and 5 in Block 5 of Golden Park, Map No. 958, with the existing single-family dwelling units on adjusted Parcel "A" and "C" to remain, and the new construction of a 2,747 square-foot, two-story, single-family dwelling unit on the adjusted Parcel "B;"
- b. Off-street parking and new 15 feet wide by 136 feet length access and utility easement in favor of Parcel "B;" and
- c. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

**STANDARD REQUIREMENTS:**

1. This Permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this Permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This Permit must be utilized by June 19, 2018.
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. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the 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. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the federal Endangered Species Act [ESA] and by the California Department of Fish and Wildlife [CDFW] pursuant to California Fish and Wildlife Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or

CDFW, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, in accordance with Section 17.1D of the IA.

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

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

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

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

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

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

**CLIMATE ACTION PLAN REQUIREMENTS:**

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

**AIRPORT REQUIREMENTS:**

13. Prior to the issuance of any construction permits for a building, the Owner/Permittee 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.

**ENGINEERING REQUIREMENTS:**

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

15. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

16. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement for the proposed eastern non-standard driveway on Harbor View Drive.

17. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the removal of existing western driveway and replace it with a 12-foot driveway per City Standard, adjacent to the site on Harbor View Drive, satisfactory to the City Engineer.

18. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, to construct a new 12-foot driveway per current City Standard, adjacent to the site on Harbor View Drive, satisfactory to the City Engineer.

19. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the removal of existing eastern driveway and replace it with a 12-foot driveway, adjacent to the site on Harbor View Drive, satisfactory to the City Engineer.

20. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, to reconstruct the damaged portions of the sidewalk with current City Standard sidewalk,

maintaining the existing sidewalk scoring pattern and preserving the contractor's stamp, adjacent to the site on Harbor View Drive, satisfactory to the City Engineer.

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

22. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

**GEOLOGY REQUIREMENTS:**

23. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.

24. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

**MAP REQUIREMENTS:**

25. Prior to recordation of a Certificate of Compliance, the Owner/Permittee shall record a Covenant Agreement for the access and utility easement in favor of Parcel "B."

26. Prior to the issuance of any construction permit, a Certificate of Compliance to adjust the lot lines between the Parcel Lots 3, 4, and 5 in Block 5 of Golden Park, Map No. 958, shall be recorded in the Office of the San Diego County Recorder.

27. The Certificate of Compliance shall conform to the provisions of this Permit.

**PLANNING/DESIGN REQUIREMENTS:**

28. Owner/Permittee shall maintain the required minimum 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.

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



30. 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.

**PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**

31. Prior to the issuance of any construction permit for a building, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private Back Flow Prevention Device(s) (BFPDs), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way. The Public Utilities Department will not permit the required BFPDs to be located below grade or within the structure.

32. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public water and sewer facilities are to be in accordance with established criteria in the most current City of San Diego Water and Sewer Design Guides.

33. All public water and sewer facilities are to be in accordance with the established criteria in the most current City of San Diego Water and Sewer Design Guides.

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

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

**INFORMATION ONLY:**

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

APPROVED by the Hearing Officer of the City of San Diego on June 6, 2018 and Resolution No. HO-XXXX.

**ATTACHMENT 6**

Permit Type/PTS Approval No.: Coastal Development Permit No. 1799822  
Site Development Permit No. 2150250  
Date of Approval: June 6, 2018

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

\_\_\_\_\_  
Tim Daly  
Development Project Manager

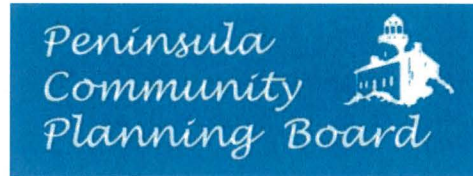
**NOTE: Notary acknowledgment  
must be attached per Civil Code  
section 1189 et seq.**

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

**Mark Peeling**  
Owner/Permittee

By \_\_\_\_\_  
NAME  
TITLE

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



## MEETING MINUTES

September 21, 2017

The regularly scheduled meeting of the Peninsula Community Planning Board was held on Thursday, September 21, 2017 at the Point Loma/Hervey Branch Library, located at 3701 Voltaire Street, San Diego California 92106.

The meeting was called to order by Chair Jon Linney at 6:35 p.m.

PRESENT (11): Robert Goldyn, Jim Hare, Brad Herrin, Joe Holasek, Mark Krencik, Jon Linney, Jerry Lohla, Laura Miller, Julia Quinn, Don Sevens, Margaret Virissimo

ABSENT (0): Patricia Clark, Bruce Coons, David Dick, Fred Kosmo

### Parliamentary Items

#### September Agenda:

Motion made by Margaret Virissimo Second by Jerry Lohla.

Motion: Move to approve **September** Agenda

Yes: Goldyn, Hare, Holasek, Krencik, Lohla, Quinn, Sevens, Virissimo

Abstaining: Linney (chair does not vote)

Absent: Herrin (late), Miller (late), Patricia Clark, Bruce Coons, David Dick, Fred Kosmo

(Approved 8-1-6) Motion Passed

Meeting Minutes: Approval of **July** PCPB meeting minutes.

Motion made by Jim Hare Second by Jerry Lohla

Motion: Move to approve **July** PCPB meeting minutes.

Yes: Goldyn, Hare, Holasek, Krencik, Lohla, Quinn, Sevens, Virissimo

Abstaining: Linney (chair does not vote)

Absent: Herrin (late), Miller (late), Patricia Clark, Bruce Coons, David Dick, Fred Kosmo

(Approved 8-1-6) Motion Passed

Secretary's Report: Margaret Virissimo

No Report

Treasurer's Report: Patricia Clark

On behalf of Patricia, Robery Goldyn reported that our PCPB bank account balance is currently \$672.92

### **Chair's Report:** Jon Linney

Jon Linney spoke briefly about the Canon Street Pocket Park workshop that was held at the Portuguese hall in Point Loma, on July 26 @ 6:30pm. He stated that the meeting went well and there will be another meeting coming soon in November, he asked that Margaret Virissimo speak on behalf of the UPSES Portuguese chapel dedication. Margaret mentioned that the Chapel dedication went extremely well and now the chapel is a National Registered Historical Landmark.

### **Non-Agenda Public Comment**

**Michael Winn** – introduced himself stating he is the main point of contact for the Point Loma Town Council. He went on to state that they are currently recruiting volunteers, sponsors, supporters and donors and to go to [www.pointlomatowncouncil.org](http://www.pointlomatowncouncil.org) for more information on how to get involved with the group.

**Jarvis Ross**- presented a letter that was sent to him signed by the current PCPB Chair in regards to affordable housing. Mr. Ross expressed concerns that the Chair must acquire board approval prior to providing to representing the board publicly on any topic. Jim Hare noted that the letter in question was brought before the PCPB by the Long Range Planning committee and the board had approved signing and distribution of the letter on Affordable Housing. Furthermore PCPB bylaws permit the chair to represent the PCPB as the primary spokesperson for local news media and for press release.

**Korla Eaquina**- spoke on the importance of filing appeals if we deny a project. Expressed concerns for the signage on the new Bellamar condos on Rosecrans. Korla also attended the Canon St Pocket Park meeting and stated the group presented two art concepts. The final concepts will be presented in November so she encouraged guests to attend meeting. Korla noted her attendance at the Long Range Planning committee meeting that provided a presentation and overview on housing and development needs in San Diego. She commended the LRP team for providing a public educational presentation.

**Janet Axtater**- reported briefly on 3424 and 3434 Jennings Street project stating they have over 500 community signatures in opposition of project. The major concerns for neighbors is that the project is not in compliance with the neighborhoods character and they do not want to see two homes on the lot.

**Charles Kleinhans**- lives in the wooded area and spoke on the 3424 and 3434 Jennings Street project stating his concerns are the drainage issues and lots of violations on this lot. Again does not fit with the character of the wooded area community. He went on to state that he hopes we protect our communities more from these aggressive developers. He has lived in his home for 17 years and has experienced many dangerous mud slides in this area and hope the project is stopped by the city.

### **Government Reports**

- Council District 2 –Mr. Andrew Huelga provided updates on the following:
  - October 23 will hear all proposals enforcing current codes. In Point Loma alone we have over 1400 vacation rentals, Lori Zapf knows it needs to stop so that we can focus on getting our normal housing and neighborhoods back instead of rentals. As of today, residents that live on the property can operate short term rentals however they must live on the property.
  - Rosecrans recent daytime delays in the morning is due to repairing and repaving roads. The project is to not exceed past Friday the 29<sup>th</sup> of September and the drilling is being done in the early morning opposed to evening so the workers do not disrupt sleep in the evenings. No updates on the Rosecrans street widening project.
  - PL Summer Concerts series, Lori Zapf donated \$7,000



- San Diego Police Department – Officer David Surwillo stated shifts will be taking place soon in again in the community. Please continue to call the non-emergency number 619 521-2000 to report all issues in the community. He also the Veterans tents are going up soon, lots of major positives and the tents will be for vets only, not open to all homeless individuals. The qualified individuals that do get a spot in the tent are part of a special program to help get them back on their feet. Officer Surwillo stated that they are extremely short staffed right now in the Western Division and currently down by at least 200 officers so please be patient.

**New / Old Business**

No Reports

**Informational Items**

No Reports

**Action Items:**

**1. 3340 / 3328 Harbor View Drive (SDP, CDP, and LLA) – Tony Christensen**

Site Development Permit, Coastal Development Permit and Lot Line Adjustment of three existing lots with two existing residences to three reconfigured parcels on a 0.97 acre site. The site contains 0.27 acre environmentally sensitive lands. Coastal (non-appealable) and Coastal Height Limit overlay zones.

Mark Krencik said Project Review Committee voted to send to the full board with no recommendation.

He explained prior history of a five-lot iteration, denial recommendation by planning board, successful appeals, rejection by City Council because of unstable hillside and litigation involving applicant.

A March meeting discussed history of the slopes and lack of fire department access. A May meeting discussed a proposed two-story, 3,700 square-foot home.

Former City Councilman Byron Wear said the crumbling sandstone site presented the same issues as the Jessop Estate, which the City Council rejected. Frank O'Dwyer said Martinez at the bottom edge of the site was closed to vehicle traffic in 1982 after a landslide and conditions have worsened. Sale to a different owner introduces uncertainty. Former Point Loma chair Robert Tripp Jackson spoke against the project.

Patrick O'Neil, an attorney and spokesman for the neighborhood, said the project should be rejected because it was improperly noticed and the unstable hillside and drainage issues. He said if a lot line reconfiguration is approved, it should be conditioned on submission of finalized plans to the planning board, a retaining wall, indemnification of the City and planning board, prohibition of further development (houses four and five) and resolution of geotechnical and storm water issues.

Board member Sevrens said there is incredible liability for the City, which is still the owner of Martinez, when the hillside collapses. After severe storms, the City supplies portable generators and pumps to Runnymede Lane residents just below the site to the east, a recognition that the City is aware of major drainage issues.

Goldyn said that despite late developments just hours before the meeting, delaying a vote would serve no purpose. Hare said that laymen are not qualified to challenge the City's geotech survey, only experts.

Krencik said he had concerns about the three- in- one lots reconfiguration and the hillside, especially in light of landslides in 1977, 1981 and 2005.

M/Sevrens S/Lohla to recommend denial of lot line adjustment or approval of a third house on the site. It is being opposed in its entirety because it is situated on an unstable hillside, an independent geotechnical survey commissioned by neighbors shows it is unstable, is the source of previous landslides, no retaining wall or adequate runoff capture is proposed, involves environmentally sensitive land and offsite remediation is considered unacceptable. Further the project is not in compliance with the Community Plan (Page 109), involves uncertainty as land is currently being marketed for sale to unknown developer, and is opposed by several hundred neighbors. Additionally this presents severe liability to the City and no indemnity bond in case of landslide is being posted. The board authorizes appeal if necessary.

**Motion Made by Don Sevrens Second by Jerry Lohla**

**Motion: Move to deny Harborview Lot Project on 3340/3328 line revisions and the ability to build new (third) home. Reasons are unstable hillsides, project against community plan (page 109), severe liability to city, intense neighborhood oppositions, uncertainty of new owner and plans, lack of retaining wall, environmentally sensitive land, and lastly the board authorizes future appeal if necessary to deny project.**

**Yes: Goldyn, Hare, Herrin, Holasek, Krencik, Lohla, Miller, Sevrens, Virissimo**

**Abstaining: Quinn (did not have enough info) Linney (chair does not vote)**

**Absent: Patricia Clark, Bruce Coons, David Dick, Fred Kosmo**

**(Approved 9-2-4)**

**Motion Passed to Deny Project**

**2. 3135 Hugo Street (Tentative Map Waiver) – Maggie Roland**

Speaker made a presentation and asked for a Tentative Map Waiver to sell condos to individual consumers with no restrictions except to not exceed the 30foot height limit on project. Mark Krencik confirmed project was reviewed by the PCPB Project Review committee last Thursday and the committee really did not have any issues since the project is already grandfathered through the city pipelines. Mark went on to mention that it does also meet the parking standards for the project.

Motion Made by Margaret Virissimo Second by Joe Holasek

Motion: Move to approve Map Waiver on 3135 Hugo Street with the conditions in CC&R's

Yes: Goldyn, Hare, Herrin, Holasek, Krencik, Virissimo

No: Lohla, Miller, Quinn, Sevrens

Abstaining: Linney (chair does not vote)

Absent: Patricia Clark, Bruce Coons, David Dick, Fred Kosmo

(Approved 6-4-1-4)

Motion Passed to Approve Tentative Map Waiver

**3. Longe Range Planning Subcommittee Membership – Robert Goldyn**

Goldyn presented request from Laura Miller to be removed from the LRP committee, allowing additional board members to join the team if desired. No action was taken.



**Subcommittees / Liaisons**

1. Airport Authority – In Chair Fred Kosmo's absence, Jerry Lohla provided a summary of the August 16, 2017 meeting of the Airport Noise Advisory Committee (ANAC), including an update on the FAA's Quieter Homes Program, and the Airport Authority's year over year statistics on Missed Approaches, Early Turns, Curfew Violations, and Noise Complaints at SAN. Whether the San Diego Regional Airport Authority will continue ANAC as an advisory group after its September 2017 report to the Airport Authority is uncertain.
2. Traffic and Transportation – Next Meeting will be on Wednesday October 11 @ 5:30pm at the Point Loma Hervey Library. Items that will be discussed: Wabaska Sidewalks, Capital Improvement Projects, Catalina Road Diet and Discussion of Dangerous intersections that need attention.
3. Long Range Planning – Robert Goldyn reported that the LRP is scheduled to meet on September 27, 2017 5:45 at the Library downstairs meeting room. All community members are encourage to attend and support the effort. We have been working towards a number of items with intention of bringing before the PCPB in October. These items include policy, recommendations, and support of issues pertaining to Small Parcel Lot Consolidation, Tentative Map Waivers, and Short Term Vacation Rentals.
4. Parks and Recreation – Don Sevens reported that citizens turned out at the second workshop for the Avenida de Portugal pocket park on Sept. 19 and were presented with a choice of two conceptual plans. They liked 90 percent of No. 1 and a couple features from the second. The landscape architect will make those changes and offer a final conceptual plan for a vote on Thursday Nov. 9. That meeting will be at 5:30 Nov. 9 in the Point Loma Recreation Center on organization's about adopting the park for once-a-year special cleanups. Money for the park is in place and approval votes have been unanimous every step of the way. Projected opening is 2020.
5. Project Review – Mark Krencik reported that he only received one project this month (September) for review and he has about 8 overall new projects coming down the pipelines that includes the Famosa Slough.
6. Liberty Station – No Report
7. Midway Community Planning Group – Jim Hare referred to his memo report of 9/20/17 detailing two key items discussed at the Midway CPG meeting: (1) the Midway Pacific Corridor plan update Draft Environmental Impact Report is now scheduled to be released in November for a 60-day public review; and, (2) SPAWAR staff presented a proposed solicitation for a development partner for their 60 acres.
8. Code Compliance - No Report

**Meeting Adjourned at 9:05 p.m.**

Minutes Submitted by Secretary Margaret Virissimo

Via Email

September 17, 2017

Tim Daly  
Development Services Department  
City of San Diego  
1222 First Avenue  
San Diego, CA 92101

Re Project No. 511293, 3340 / 3328 Harbor View Drive (the "Project")

Dear Mr. Daly:

My wife and I live on Harbor View Drive and have been monitoring the proposed Project. I first wanted to thank you and the City for the careful and thoughtful review of the Project as demonstrated in the cycle review comments I have seen.

My wife and I (and many other members of the community) have been interested in the Project since we believe development of the site could pose the risk of significant damage to the surrounding properties both on Martinez Street and Harbor View. We are primarily concerned that any proposed development of the site (i) must properly mitigate the risk of damaging water runoff to adjoining properties and environmentally sensitive lands, and (ii) must not pose a landslide or erosion risk given the site has a known history of instability.

*Reassess Need for a Storm Water Management Plan*

The City has raised a number of cycle issues requiring modifications to the Project since originally submitted. For example, the City has acknowledged the site contains environmentally sensitive lands. In addition, among other things, the City has required the Project to replace the existing eastern and western driveways on the property. I would respectfully submit that the totality of the changes the applicant must make to the Project to address the City's cycle issues should require the applicant to submit a new form DS-560 based on the amended Project. I also respectfully submit that the Project now should require a Storm Water Quality Management Plan. In particular:

- Part E.4 of Form DS-560 asks if the Project creates and/or replaces 5,000 square feet or more of impervious surface over the project site and where the development will grade on any natural slope that is twenty-five percent or greater. The calculations for impervious services submitted by the proponent focused on newly created surfaces but did not take into account the replacements and improvements requested by the City, especially

replacing the existing driveways. As such the proponent should have to resubmit its calculations of impervious services and Form DS-560. The Project specifically contemplates grading into the steep hillside. The first page of the May 17, 2017 updated geotechnical report from GEI indicates that the property has a “steep, northerly descending slope” that “descends to Martinez Street below” and “is 60 to 70 feet high.” As such, I believe the Projects triggers the need for a SWQMP.

- Part E.7 of Form DS-560 asks if the project creates or replaces 2,500 square feet of impervious surface over the project site and discharges directly to an environmentally sensitive area. With the City’s requested replacements and improvements the Project clearly will exceed the 2,500 square feet, and as shown on the drawings has drainage swales discharging directly on to areas marked as environmentally sensitive lands. As such, I believe the Projects triggers the need for a SWQMP.

Even if you believe the proposed Project does not technically trigger a mandatory SWQMP, given the topography of the site, the heightened risk of landslides and erosion, and the environmentally sensitive lands, the City should require the Project put into place a formal SWQMP. Tellingly, page 10 of the May 22, 2017 letter from GEI anticipates the need for enhanced drainage mitigation on the site.

*Geotechnical Concerns Unresolved*

The City has rightfully raised a number of geotechnical concerns regarding the Project. Please consider the following:

- Have proponent expressly acknowledge slopes in Project drawings. In the Project drawings I have seen, the proponent states in the upper left corner that “no steep slopes exist on site or adjacent to the site.” This is absolutely not true, as indicate by their own geotechnical expert’s report (as noted above). Please require applicant to correct this misstatement.
- Please hold firm on your request to have the proponent either vacate the portions of Martinez Street public right-of-way or provide the necessary public improvements for the proposed lot frontage along Martinez Street.

Thank you for your thoughtful consideration of this matter.

Sincerely,

Patrick O’Neil, Esq.



City of San Diego  
Development Services  
1222 First Ave., MS-302  
San Diego, CA 92101  
(619) 446-5000

## Ownership Disclosure Statement

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

Project Title

Harbor View CDP/LLA

Project No. For City Use Only

511293

Project Address:

3328-3340 Harbor View Drive

### 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. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☐ Yes ☒ No

Name of Individual (type or print):

Mark Peeling

☒ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

P.O. Box 80577

City/State/Zip:

San Diego, CA 92138

Phone No:

(619) 227-5017

Signature:

*Mark Peeling*

Fax No:

Date:

09/08/2016

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature:

Date:



DEVELOPMENT SUMMARY

PROJECT DATA INFORMATION SUMMARY:

THIS PROJECT PROPOSES A LOT LINE ADJUSTMENT OF 3 EXISTING LOTS RESULTING IN 3 RECONFIGURED PARCELS.

THE TWO EXISTING HOMES ARE TO REMAIN.

THE PROJECT REQUIRES A LOT LINE ADJUSTMENT AND COASTAL AND SITE DEVELOPMENT PERMIT.

ZONING:

RS-1.7  
SETBACK: 15' FRONT YARD; 13' REAR YARD;  
4' MIN SIDE YARD; 4' MIN INTERIOR SIDE YARD  
(7.32' FOR PARCEL A, 4.77' FOR PARCEL C)

PROPOSED PARCEL	AREA (SF)	FAR	GFA	FAR (EXISTING)
A	27,573	0.45	2796	(0.21)
B	7,504	0.57	2747	0.37
C	7,376	0.57	1541	(0.23)

ZONE OVERLAYS:

AIRPORT APPROACH  
COASTAL HEIGHT LIMIT  
COASTAL (CITY)  
PARKING IMPACT (COASTAL)  
ENVIRONMENTALLY SENSITIVE LAND;  
SENSITIVE BIOLOGICAL RESOURCES

NO STEEP SLOPES EXIST ONSITE OR ADJACENT TO SITE

GEOLOGIC HAZARD CATEGORY: 12.53

FAA PART 77 NOTIFICATION AREA

AREA:

SITE AREA: 0.576 ACRES (42,505.7 SQUARE FEET)

USES:

CURRENT USE:  
SINGLE FAMILY RESIDENTIAL/VACANT SINGLE  
FAMILY RESIDENTIAL  
PROPOSED USE:  
SINGLE FAMILY RESIDENTIAL

FAA PART 77 NOTICING

I, ANTONY K. CHRISTENSEN, RCE 54021, DO HEREBY CERTIFY THAT THE STRUCTURES OR MODIFICATION OF EXISTING STRUCTURES SHOWN ON THESE PLANS DO NOT REQUIRE FEDERAL AVIATION ADMINISTRATION NOTIFICATION BECAUSE, PER SECTION 77.15(a) OF TITLE 14 OF THE CODE OF FEDERAL REGULATIONS CFR PART 77, NOTIFICATION IS NOT REQUIRED.

LEGEND

PROPERTY LINE (PROJECT BOUNDARY)	
EXISTING LOT LINE	
PROPOSED ADJUSTED OWNERSHIP LINE	
SETBACK LINE	
RECORD DATA PER CORNER RECORD 4976	( )
RECORD DATA PER MAP NO. 958	[ ]



AREA OF SENSITIVE HABITAT 6,211 SF (0.188 AC) ON PARCEL "A"  
AREA OF SENSITIVE HABITAT 3,780 SF (0.086 AC) TO BE DISTURBED BY DEVELOPMENT, INCLUDING BME-1 ON PARCEL "B"

OWNER'S CERTIFICATE

I HEREBY CERTIFY THAT I AM THE RECORD OWNER OF THE PROPERTY SHOWN ON THE TENTATIVE MAP AND THAT SAID MAP SHOWS ALL OF MY CONTIGUOUS OWNERSHIP IN WHICH I HAVE ANY DEED OR TRUST INTEREST. I UNDERSTAND THAT OUR PROPERTY IS CONSIDERED CONTIGUOUS EVEN IF IT IS SEPARATED BY ROADS, STREETS, UTILITY EASEMENTS, OR RAILROAD RIGHTS-OF-WAY.

MARK PEELING, OWNER

DATE

SHEET INDEX

LOT LINE ADJUSTMENT PLAT/PRELIMINARY GRADING PLAN	SHEET 1
SLOPE ANALYSIS	SHEET 2
TOPOGRAPHIC SURVEY	SHEET 3
BRUSH MANAGEMENT PLAN/SENSITIVE BIOLOGICAL RESOURCES	SHEET 4
BUILDING PLAN SHEET	SHEET 5



VICINITY MAP  
NOT TO SCALE



SCALE 1" = 20'



**CE & S** CHRISTENSEN ENGINEERING & SURVEYING  
CIVIL ENGINEERS LAND SURVEYORS PLANNERS  
7888 SILVERTON AVENUE, SUITE "J", SAN DIEGO, CALIFORNIA 92126  
TELEPHONE: (658) 271-9901 FAX: (658) 271-8912

COASTAL DEVELOPMENT PERMIT NO. 1799822  
SITE DEVELOPMENT PERMIT NO. 2150250  
LOT LINE ADJUSTMENT PLAT NO. 1838179

LEGAL DESCRIPTION

APN: 531-641-05 (PARCEL 1 OF TITLE REPORT)

LOT 3 AND 4 IN BLOCK 5 OF GOLDEN PARK, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 958, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SEPTEMBER, 12, 1905.

APN: 531-641-06 (PARCEL 3 OF TITLE REPORT)

LOT 5 IN BLOCK 5 OF GOLDEN PARK, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 958, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SEPTEMBER, 12, 1905.

BASIS OF BEARINGS

THE SOUTH LINE OF BLOCK 5 OF GOLDEN PARK (MAP NO. 958) AS SHOWN ON CORNER RECORD 4976, I.E. NORTH 77°38'50" WEST.

APN / ADDRESS

ASSESSOR'S PARCEL NUMBER: 531-641-05-00, 06-00  
ADDRESS: 3328-40 HARBOR VIEW DRIVE  
SAN DIEGO, CA

NOTES

- PRELIMINARY TITLE REPORT HAS BEEN PROVIDED BY CHICAGO TITLE COMPANY, DATED AUGUST 16, 2016, ORDER NO.12201201-696-R14. ITEMS OTHER THAN EASEMENTS EXIST. SEE TITLE REPORT FOR DETAILS.
- THE SOURCE OF THE TOPOGRAPHIC INFORMATION SHOWN HEREON IS FROM SURVEY BY SAN DIEGO LAND SURVEYING, 9665 CHESAPEAKE DRIVE, SUITE 445, SAN DIEGO, CA 92123 DATED 02-10-10 AND REVISED 02-01-11.
- THE USE OF PROPOSED PARCELS IS RESIDENTIAL.
- THE SUBJECT PROPERTY IS SERVED BY CITY OF SAN DIEGO SANITARY SEWER AND WATER MAINS.
- THE EXISTING NUMBER OF PARCELS IS THREE. THE PROPOSED NUMBER OF PARCELS IS 3.
- NAD27 COORDINATES = 202-1695. NAD83 COORDINATES = 1842-6255.
- IMPROVEMENTS CROSSING PROPOSED OWNERSHIP LINES TO BE REMOVED.
- 15' PRIVATE ACCESS/UTILITY EASEMENT IN FAVOR OF PARCEL "B" OVER PARCELS "A" AND "C".
- IMPROVEMENTS CROSSING PROPOSED PARCEL LINE TO BE REMOVED.
- TREATMENT OF RUNOFF WILL BY FLOW OVER VEGETATION/LANDSCAPING BEFORE LEAVING THE SITE. THIS IS A STANDARD DEVELOPMENT PROJECT.

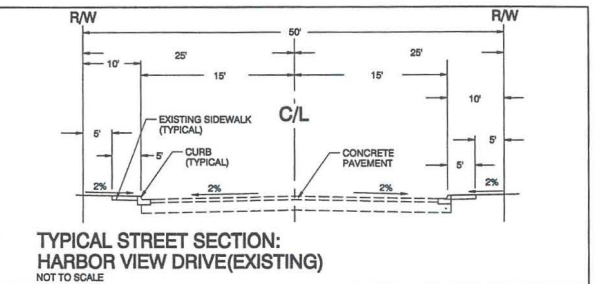
GRADING DATA

AREA OF SITE - 42,507 S.F.  
AREA OF SITE TO BE GRADED - 4,810 SF  
PERCENT OF SITE TO BE GRADED 11.3%  
AMOUNT OF CUT - 190 C.Y.  
AMOUNT OF FILL - 115 C.Y.  
AMOUNT OF EXPORT - 66 C.Y.  
MAXIMUM FILL - 5.0 FEET (VERTICAL WITHIN BUILDING FOOTPRINT)  
MAXIMUM CUT - 7.0 FEET (VERTICAL WITHIN BUILDING FOOTPRINT)  
MAXIMUM HEIGHT OF FILL SLOPE - <1'  
MAXIMUM HEIGHT OF CUT SLOPE - <1'  
RETAINING WALL: 4 FEET MAX, 90 FEET LONG

EARTHWORK CALCULATIONS ARE DETERMINED FROM FINISH SURFACES.

IMPERVIOUS AREA (PARCEL B AND ACCESS EASEMENT):

PRE-CONSTRUCTION - 450 SF  
POST-CONSTRUCTION - 4,480 SF  
(2,880 SF IF DW POROUS PAVEMENT)



TYPICAL STREET SECTION:  
HARBOR VIEW DRIVE (EXISTING)  
NOT TO SCALE

Owners:

MARK PEELING  
221 SECOND AVENUE  
CHULA VISTA, CA

Prepared By:

CHRISTENSEN ENGINEERING & SURVEYING  
7888 SILVERTON AVENUE, SUITE "J"  
SAN DIEGO, CA 92126  
PHONE (658) 271-9901 FAX (658) 271-8912

Project Address:

3328-40 HARBOR VIEW DRIVE  
SAN DIEGO, CA

Project Name:

PEELING CD/P/LA

Sheet Title:

LOT LINE ADJUSTMENT PLAT  
PRELIMINARY GRADING PLAN

- Revision 9: 05-28-16 REVISE PERMIT NUMBERS  
Revision 8: 01-19-16 REVISE DRAIN  
Revision 7: 12-02-17 REMOVE ESL DESIGNATION  
Revision 6: 08-28-17 ADDRESS CITY COMMENTS  
Revision 5: 06-15-17 ADDRESS CITY COMMENTS  
Revision 4: 04-30-17 ADDRESS COMMENTS  
Revision 3: 03-09-17 REVISE NOTATIONS  
Revision 2: 02-14-17 ADD CONCEPT RESIDENCE  
Revision 1: 12-24-16 REVISED OWNERSHIP LINES

Original Date: SEPTEMBER 7, 2016

Sheet 1 of 5 Sheets

ANTONY K. CHRISTENSEN, L.S. 7508  
RCE 54021

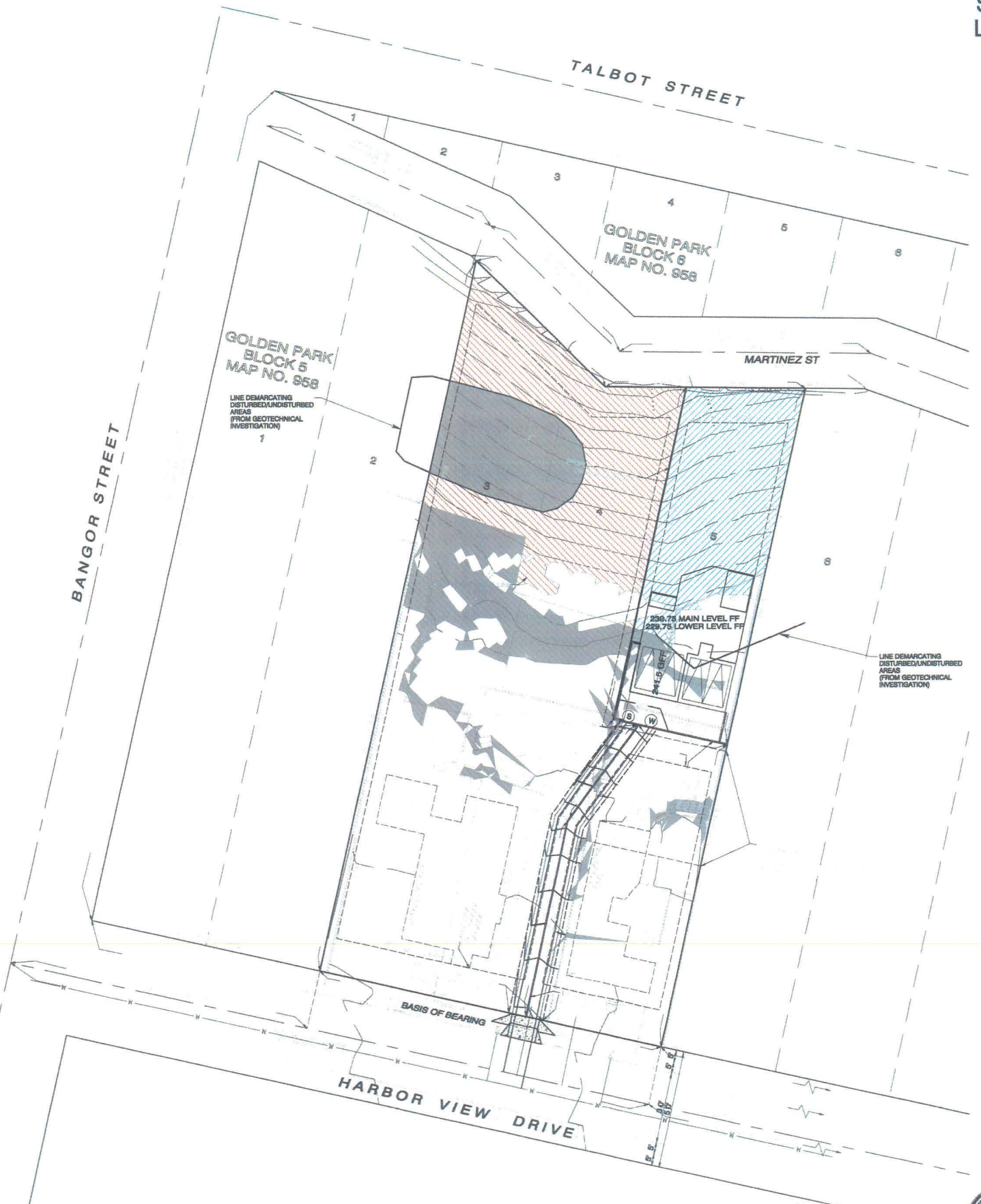
MAY 28, 2018

Date





COASTAL DEVELOPMENT PERMIT NO. 1799822  
SITE DEVELOPMENT PERMIT NO. 2150250  
LOT LINE ADJUSTMENT PLAT NO. 1838179  
SLOPE ANALYSIS



LEGAL DESCRIPTION

APN: 831-641-06  
LOT 3 AND 4 IN BLOCK 6 OF GOLDEN PARK, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 958, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SEPTEMBER, 12, 1908.  
APN: 831-641-08  
LOT 5 IN BLOCK 6 OF GOLDEN PARK, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 958, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SEPTEMBER, 12, 1908.

BASIS OF BEARINGS

THE SOUTH LINE OF BLOCK 161 OF ROSEVILLE (MAP NO. 185) AS SHOWN ON CR 15962.  
I.E. SOUTH 89°49'28" WEST.

APN / ADDRESS

ASSESSOR'S PARCEL NUMBER: 831-641-06-00, 08-00  
ADDRESS: 3328-40 HARBOR VIEW DRIVE  
SAN DIEGO, CA

BENCHMARK

CITY OF SAN DIEGO BRASS PLUG ON TOP OF CURB ON SOUTH-WEST CORNER OF GAGE DRIVE AND TALBOT STREET PER CITY OF SAN DIEGO BENCH MARK BOOK.  
ELEVATION = 163.354 NVGD 1929, M.S.L.

LEGEND:

- PARCEL TOTAL SITE AREA = 42,466 SQ. FT.
- AREA OF SITE WITH SLOPES GREATER THAN 25% = 17,548 SQ. FT. (41.4%)
- AREA OF SITE WITH SLOPES LESS THAN 25% = 24,907 SQ. FT. (58.6%)
- AREA OF SITE WITH SLOPES GREATER THEN 25% AND UNDISTURBED = 11,048 SQ. FT. (26.0%)
- AREA OF SITE WITH SLOPES GREATER THEN 25% AND DISTURBED = 6,862 SQ. FT. (16.3%)

THERE ARE NO UNDISTURBED AREAS, WITHIN THE SITE WITH SLOPES OF 25% OR GREATER WITH AN ELEVATION DIFFERENTIAL OF 80 FEET. ADDITIONALLY, THERE ARE NO CONTIGUOUS AREAS THAT HAVE A SLOPE OF 25% OR GREATER AND ARE LOCATED IN UNDISTURBED SOIL WITH A ELEVATION DIFFERENTIAL OF 80 FEET.

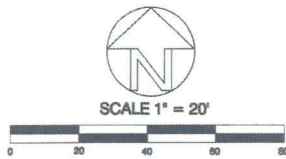
SEE REPORTS BY GES DATED MAY 10, 2010 (R), SEPTEMBER 13, 2010 AND MARCH 16, 2011.

CITY OF SAN DIEGO HAS EXAMINED THESE REPORTS AND HAS DETERMINED THEY PROVIDE EVIDENCE TO CONCLUDE NO ESL STEEP SLOPES EXIST.

SINCE NO ESL STEEP HILLSIDES EXIST ON-SITE THE CONCEPTUAL DEVELOPMENT WILL NOT ENCRACH INTO ESL STEEP HILLSIDES.

PROPOSED PARCEL SUMMARY

PARCEL A 12,217 SF > 25% SLOPE 27,573 SF PARCEL AREA 44.3% > 25%	PARCEL B 6,027 SF > 25% SLOPE 7,504 SF PARCEL AREA 67.4% > 25%	PARCEL C 327 SF > 25% SLOPE 7,578 SF PARCEL AREA 4.4% > 25%	TOTAL OVERALL 17,548 SF > 25% SLOPE 42,466 SF SITE AREA 41.4% > 25%
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**CE & S** CHRISTENSEN ENGINEERING & SURVEYING  
CIVIL ENGINEERS LAND SURVEYORS PLANNERS  
7888 SILVERTON AVENUE, SUITE "J", SAN DIEGO, CALIFORNIA 92126  
TELEPHONE: (858) 271-9901 FAX: (858) 271-9912

*Anthony K. Christensen*  
ANTHONY K. CHRISTENSEN, R.G.E. 54021

MAY 28, 2018  
Date



Owner:  
MARK PEELING  
221 SECOND AVENUE  
CHULA VISTA, CA

Prepared By:  
CHRISTENSEN ENGINEERING & SURVEYING  
7888 SILVERTON AVENUE, SUITE "J"  
SAN DIEGO, CA 92126  
PHONE (858) 271-9901 FAX (858) 271-9912

Project Address:  
3328-40 HARBOR VIEW DRIVE  
SAN DIEGO, CA

Project Name:  
PEELING CD/P/LA

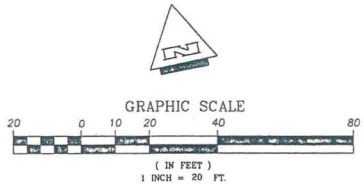
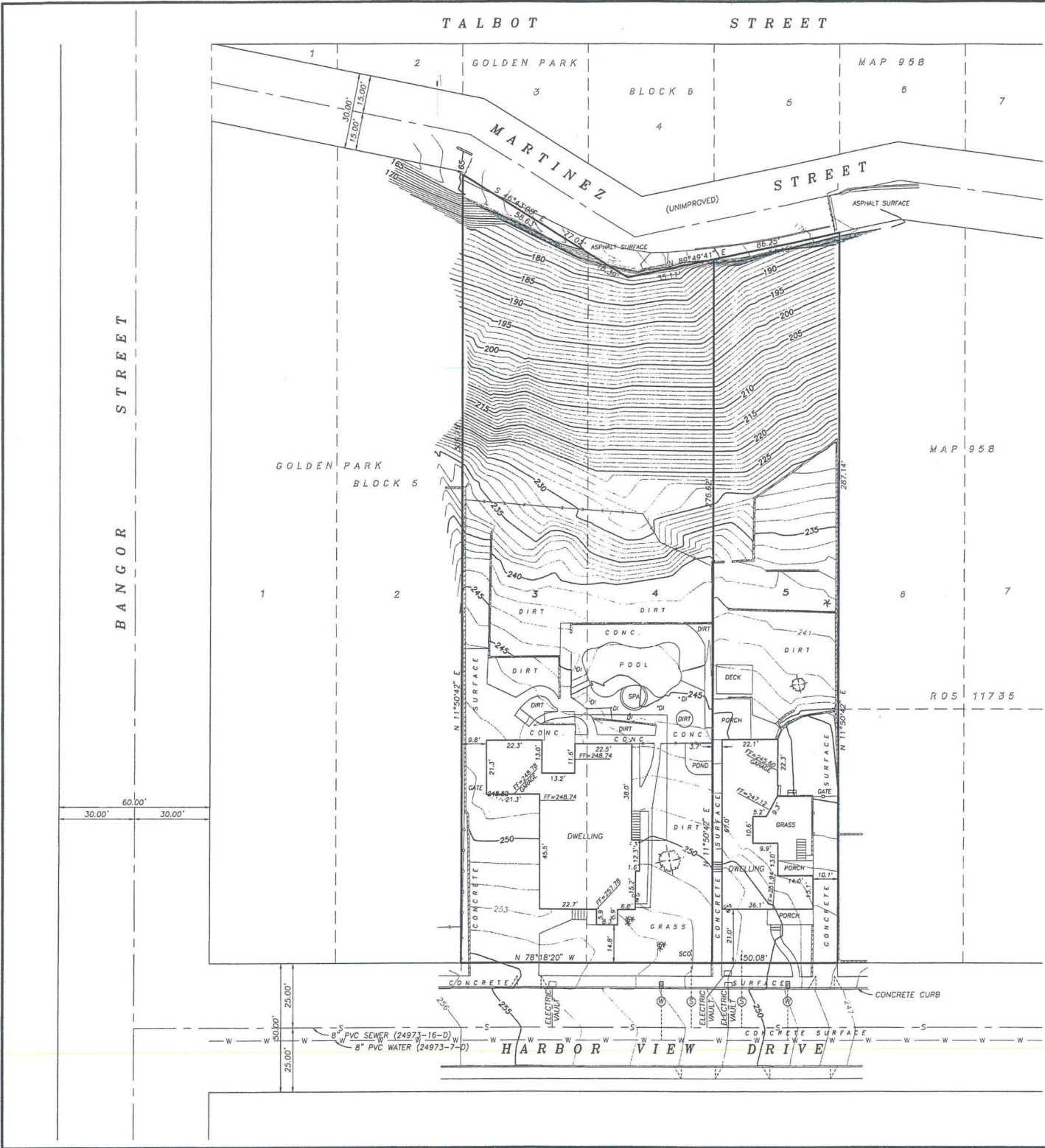
Sheet Title:  
SLOPE ANALYSIS

Revision 6:  
Revision 7:  
Revision 8:  
Revision 9:  
Revision 10:  
Revision 11: REVISE PERMIT NUMBERS  
Revision 12: REVISE SHEET NUMBERS

Original Date: FEBRUARY 18, 2017

Sheet 2 of 5 Sheet





LEGAL DESCRIPTION

APN: 531-641-05

LOT 3 AND 4 IN BLOCK 5 OF GOLDEN PARK, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 958, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SEPTEMBER, 12, 1905.

APN: 531-641-06

LOT 5 IN BLOCK 5 OF GOLDEN PARK, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 958, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SEPTEMBER, 12, 1905.

LEGEND

- INDICATES WATER METER
- INDICATES GAS METER
- INDICATES DRIVEWAY OPENING
- INDICATES BLOCK WALL
- INDICATES PALM TREE
- INDICATES WATER SERVICE
- INDICATES SEWER SERVICE
- INDICATES SEWER CLEANOUT
- INDICATES DRAINAGE INLET
- INDICATES FINISH FLOOR
- CONC INDICATES CONCRETE SURFACE

SITE ADDRESS

APN 531-641-05  
3340 HARBOR VIEW DRIVE  
SAN DIEGO, CA 92106

APN 531-641-06  
3328 HARBOR VIEW DRIVE  
SAN DIEGO, CA 92106

BENCH MARK

BRASS PLUG ON TOP OF CURB ON SOUTHWEST CORNER OF GAGE DRIVE AND TALBOT STREET PER CITY OF SAN DIEGO BENCH MARK BOOK. ELEVATION = 163.354 NAVD 1929, M.S.L.

ZONING DATA	
DISTRICT:	RS-1-7 RESIDENTIAL
MAXIMUM DENSITY:	1
MINIMUM LOT AREA:	5,000'
MINIMUM LOT WIDTH:	50'
MINIMUM STREET FRONT:	50'
MINIMUM LOT DEPTH:	95'
MINIMUM SETBACK YARD REQUIREMENTS	
MINIMUM FRONT:	15'
STANDARD FRONT:	15'
MINIMUM SIDE:	0.08' X LOT WIDTH
STANDARD SIDE:	0.08' X LOT WIDTH
MINIMUM STREET SIDE:	0.10' X LOT WIDTH
MINIMUM REAR:	13'

TOPOGRAPHIC SURVEY

For the exclusive use of:  
MARK PEELING  
221 2ND AVENUE  
CHULA VISTA, CA 91910

San Diego Land Surveying & Engineering, Inc.

9605 Chesapeake Drive, Suite 445, San Diego, California 92123-1354  
Phone: (656) 565-6362 Fax: (656) 565-4354

Date: 02-10-10 Revised: 02/01/2011 Revised:  
Scale: 1"=20' Drawn by: W.P.T. Sheet 1 of 1 Sheet  
Drawing: HarborViewDr3340TS A.P.N.531-641-05,06



Robert J. Bateman  
ROBERT J. BATEMAN, P.L.S. 7046

Project Address:	3328-40 HARBOR VIEW DRIVE SAN DIEGO, CA	Revision 8:	
Project Name:	PEELING COP/LLA PLAT	Revision 7:	
Sheet Title:	TOPOGRAPHIC SURVEY	Revision 6:	
		Revision 5:	
		Revision 4:	
		Revision 3:	
		Revision 2:	
		Revision 1:	04-30-17 REVISED SHEET NUMBERS
		Original Date:	FEBRUARY 14, 2017
		Sheet 3 of 5 Sheets	
		DEP#	




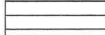
## DEVELOPMENT SUMMARY

## PROJECT DATA INFORMATION SUMMARY:

THIS PROJECT PROPOSES A LOT LINE ADJUSTMENT OF 3 EXISTING LOTS RESULTING IN 3 RECONFIGURED OWNERSHIPS

THE TWO EXISTING HOMES ARE TO REMAIN.

THE PROJECT REQUIRES A LOT LINE ADJUSTMENT AND COASTAL AND SITE DEVELOPMENT PERMIT.

	AREA OF SENSITIVE HABITAT 8,211 SF (0.188 AC) IN PARCEL "A"
	AREA OF SENSITIVE HABITAT 3,760 SF (0.086 AC) TO BE DISTURBED BY DEVELOPMENT, INCLUDING BMZ-1 (PARCEL "B")

## LEGEND

PROPERTY LINE (PROJECT BOUNDARY)	_____
EXISTING LOT LINE	_____
PROPOSED ADJUSTED PARCEL LINE	_____
SETBACK LINE	_____
RECORD DATA PER CORNER RECORD 4976	( )
RECORD DATA PER MAP NO. 958	[ ]

# COASTAL DEVELOPMENT PERMIT NO. 1799822

## SITE DEVELOPMENT PERMIT NO. 2150250

### LOT LINE ADJUSTMENT PLAT NO. 1838179

## APN / ADDRESS

ASSESSOR'S PARCEL NUMBER: 631-641-05-00, 06-00

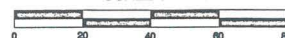
ADDRESS: 3328-40 HARBOR VIEW DRIVE  
SAN DIEGO, CA

## BRUSH MANAGEMENT NOTES

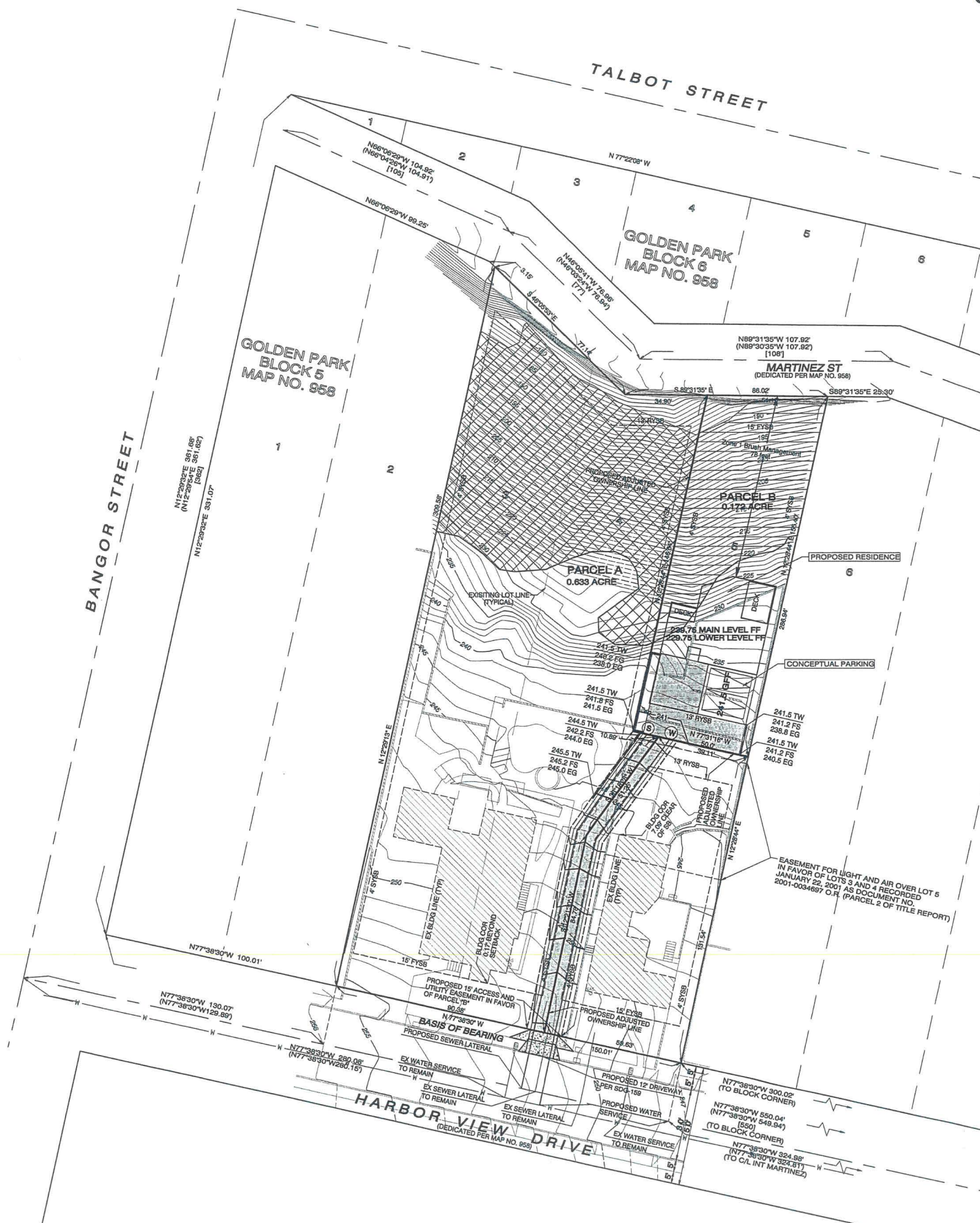
- All plant material in Brush Management Zone 1 shall be irrigated with permanent, below grade irrigation system. The system shall be automatic electrically controlled, and designed to provide water to all plantings to maintain them in a healthy disease resistant state.
- Irrigation systems are to be installed in accordance with the criteria and standards of the City of San Diego Landscape Ordinance section 142.0403 and the City of San Diego Land Development Manual Landscape Standards.
- Plantings shall be maintained on a regular basis by pruning and thinning controlling weeds, and maintaining irrigation systems.

VICINITY MAP  
NOT TO SCALE

SCALE 1" = 20'



**CHRISTENSEN ENGINEERING & SURVEYING**  
CIVIL ENGINEERS LAND SURVEYORS PLANNERS  
7888 SILVERTON AVENUE, SUITE "J", SAN DIEGO, CALIFORNIA 92126  
TELEPHONE: (658) 271-9901 FAX: (658) 271-8912




ANTONY K. CHRISTENSEN, L.S. 7508  
RCE 54021

MAY 28, 2018

Date



## Owners:

MARK PEELING  
221 SECOND AVENUE  
CHULA VISTA, CA

## Prepared By:

CHRISTENSEN ENGINEERING & SURVEYING  
7888 SILVERTON AVENUE, SUITE "J"  
SAN DIEGO, CA 92126  
PHONE (658) 271-9901 FAX (658) 271-8912

## Project Address:

3328-40 HARBOR VIEW DRIVE  
SAN DIEGO, CA

## Project Name:

PEELING CDP/LLA

## Sheet Title:

Brush ManagementPlan

Revision 8:  
Revision 7:  
Revision 6:  
Revision 5:  
Revision 4: 95-28-18 REVISE PERMIT NUMBERS  
Revision 3: 12-02-17 REMOVED MITIGATION  
Revision 2: 06-20-17 REVISE MITIGATION  
Revision 1: 04-30-17 REVISE SHEET NUMBERS

Original Date: FEBRUARY 14, 2017

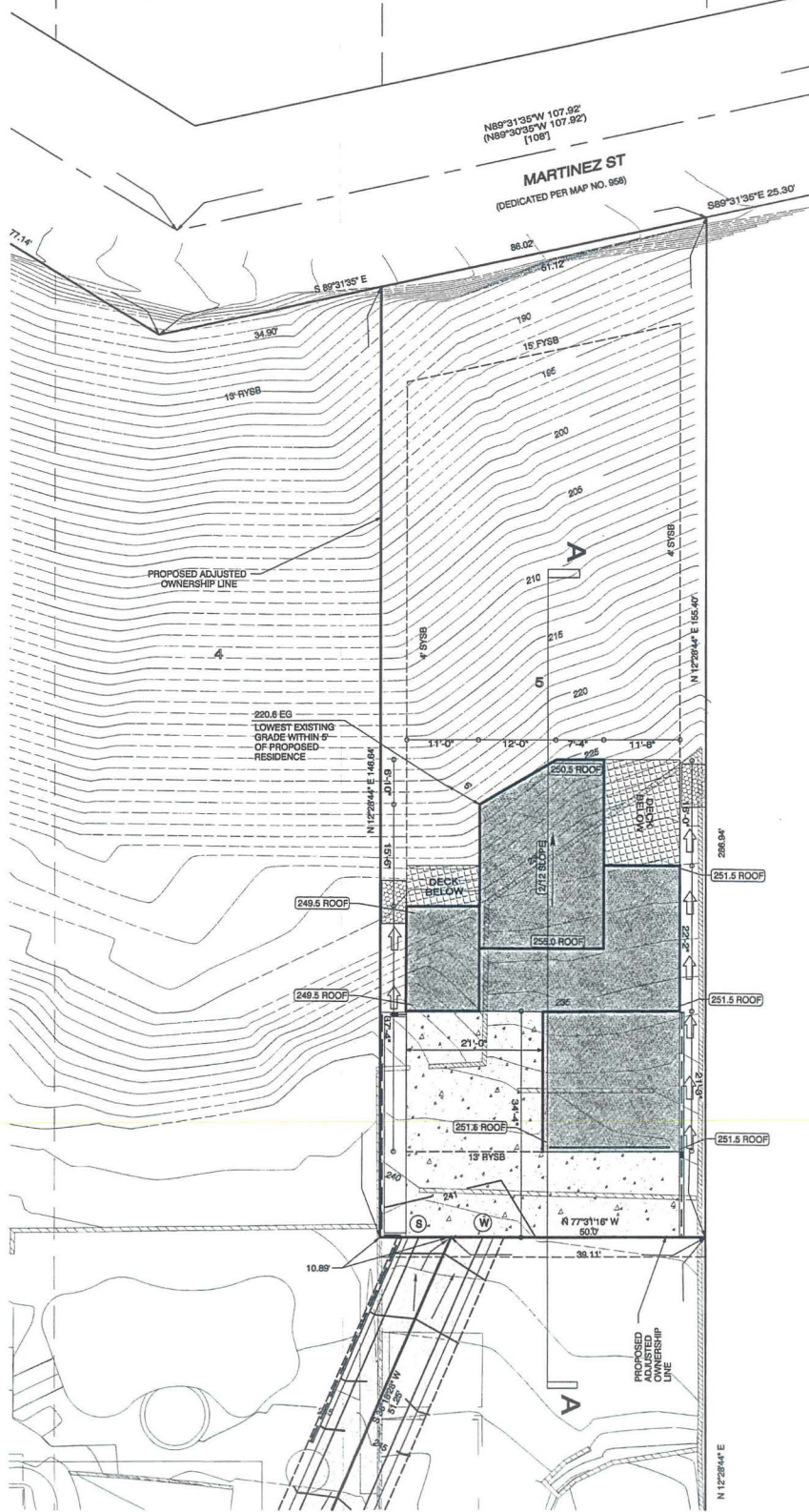
Sheet 4 of 5 Sheet



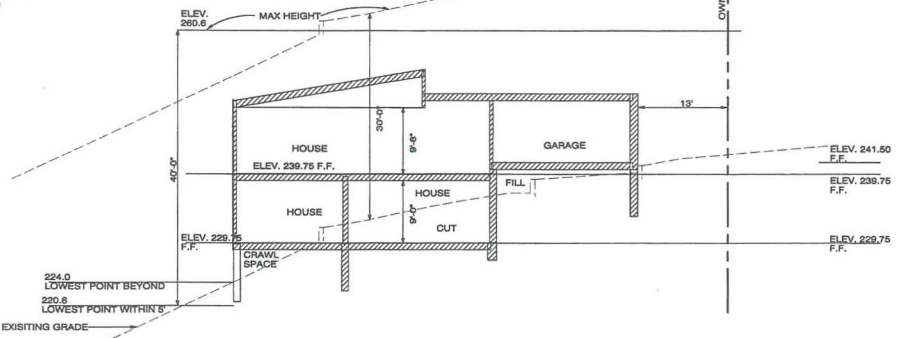
COASTAL DEVELOPMENT PERMIT NO. 1799822  
SITE DEVELOPMENT PERMIT NO. 2150250  
LOT LINE ADJUSTMENT PLAT NO. 1838179

CBC CLASSIFICATION  
TYPE VB R-3, U-1  
GOVERNING CODES  
2016 CALIFORNIA RESIDENTIAL CODE  
(BASED ON 2015 IRC)  
2016 CALIFORNIA BUILDING CODE  
(BASED ON 2015 IBC)  
2016 CALIFORNIA ELECTRICAL CODE  
(BASED ON 2014 NEC)  
2016 CALIFORNIA PLUMBING CODE  
(BASED ON 2015 UPC BY IAPMO)  
2016 CALIFORNIA MECHANICAL CODE  
(BASED ON 2015 UMC BY IAPMO)  
2016 CALIFORNIA FIRE CODE  
(BASED ON 2015 IFC)

GOLDEN PARK  
BLOCK 6  
MAP NO. 958



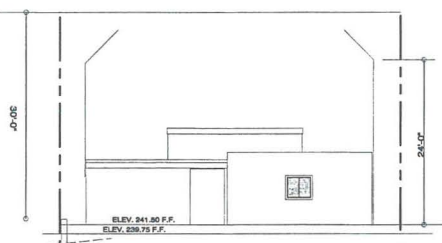
SITE AND ROOF PLAN



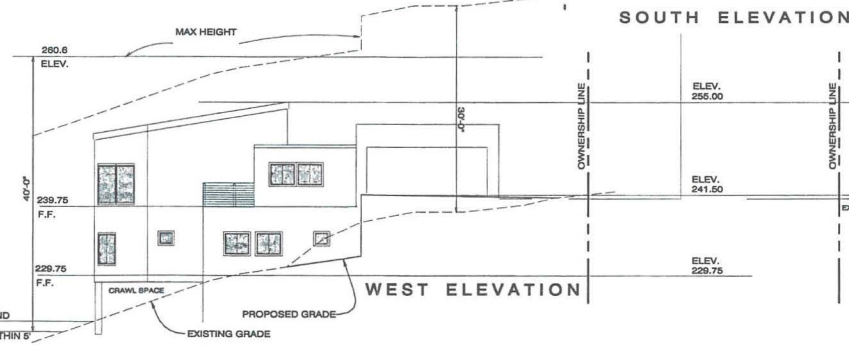
SECTION "A" - "A"

PARCEL B  
444 SF GARAGE  
1,102 SF MAIN LEVEL  
1,201 SF LOWER LEVEL  
2,747 SF TOTAL

SETBACKS  
15' FRONT YARD  
(78' PROVIDED)  
4' SIDE YARD  
13' REAR YARD  
0.37 FAR



NORTH ELEVATION

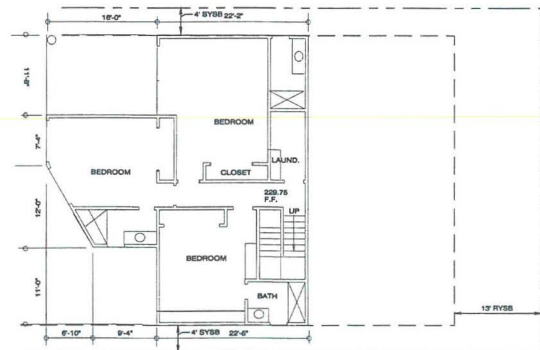


SOUTH ELEVATION



WEST ELEVATION

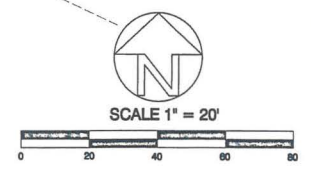
EAST ELEVATION



LOWER LEVEL



MAIN LEVEL



SCALE 1" = 20'

Owners:  
MARK PEELING  
251 SECOND AVENUE  
CHULA VISTA, CA

Prepared By:  
CHRISTENSEN ENGINEERING & SURVEYING  
7888 SILVERTON AVENUE, SUITE "J"  
SAN DIEGO, CA 92126  
PHONE (658) 271-9901 FAX (658) 271-8912

Project Address:  
3328-40 HARBOR VIEW DRIVE  
SAN DIEGO, CA

Project Name:  
PEELING COPILLA

Sheet Title:  
LOT LINE ADJUSTMENT BUILDING  
PLAN SECTION AND ELEVATIONS

Revision 8:  
Revision 7:  
Revision 6:  
Revision 5:  
Revision 4: REVISE PERMIT NUMBERS  
Revision 3: 08-28-17 REVISE GARAGE LOCATION  
Revision 2: 06-15-17 REVISE PLAN  
Revision 1: 04-30-17 REVISE EXHIBIT

Original Date: SEPTEMBER 7, 2016

Sheet 5 of 5 Sheets

ANTONY K. CHRISTENSEN, L.S. 7508  
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MAY 26, 2018  
Date

