



**THE CITY OF SAN DIEGO**

**M E M O R A N D U M**

DATE: February 14, 2018

TO: City of San Diego Planning Commission

FROM: Tim Daly, Development Project Manager/Development Services Department

SUBJECT: Planning Commission Meeting, March 1, 2018; Discussion Item No. 1, Beryl Street Homes – Project No. 532129 and Item No. 2, Wilbur Avenue Homes – Project No. 532189; Project Appeals Withdrawn.

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On January 17, 2017, the City deemed complete two separate applications by the same property owner for a Process Two, Coastal Development Permit (CDP); Project No. 532129, Beryl Street Homes and Project No. 532189, Wilbur Avenue Homes.

The Beryl Street Homes project proposes to demolish an existing single dwelling unit and construct two 2,343 square-foot single dwelling units, one unit on each of the two contiguous lots, located at 835 and 839 Beryl Street in the RM-1-1 and Coastal Overlay Zone (Non-Appealable) Zones within the Pacific Beach Community Plan area (Attachment 1). The Wilbur Avenue Homes project proposes to demolish an existing single dwelling unit and construct two 2,343 square-foot single dwelling units, one unit on each of the two contiguous lots, located at 847 and 851 Wilbur Avenue in the RM-1-1 and Coastal Overlay Zone (Non-Appealable) Zones within the Pacific Beach Community Plan area (Attachment 2).

Both projects have been determined to be categorically exempt from the California Environmental Quality Act (CEQA) and neither project is pending an appeal of the environmental determination. The environmental exemption determination for each of the projects was made on October 3, 2017 and the opportunity to appeal the determinations ended October 17, 2017.

On November 22, 2017, the Development Services Department (DSD) published the Notice of Decision for each of the project applications to approve the CDP's (Attachment 3 and 4) and on December 8, 2017, Mr. David N. Austin filed an appeal of the DSD's Process Two decision on each of the project applications (Attachments 5 and 6). No other appeals have been filed on either project by the end of the appeal period on December 8, 2018. On February 14, 2018, the appellant, Mr. Austin, notified the City in writing that he has withdrawn his appeals on both project applications (Attachment 7).

Pursuant to [San Diego Municipal Code \(SDMC\) Section 112.0504\(4\)](#), the appellant(s) may withdraw an appeal at any time prior to the commencement of the appeal hearing before the Planning Commission. The withdrawal of the appeal must be filed in writing with the City Manager. If all appellants withdraw their appeals, no appeal hearing shall be conducted. However, considering both projects are CDP applications within the City's Coastal Overlay Zone, the recent Land Development Code amendments as adopted by [O-20863 N.S.](#) on October 25, 2017 and include SDMC Section 112.0504(4), will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program (LCP) Amendment. The California Coastal Commission has not acted on this LCP Amendment. Therefore, Planning Commission Discussion Item No. 1, Beryl Street Homes – Project No. 532129 and Item No. 2, Wilbur Avenue Homes – Project No. 532189, will remain on the Planning Commission docket for the public hearing on March 1, 2018.

Should you have any questions, I will be available at the public hearing.

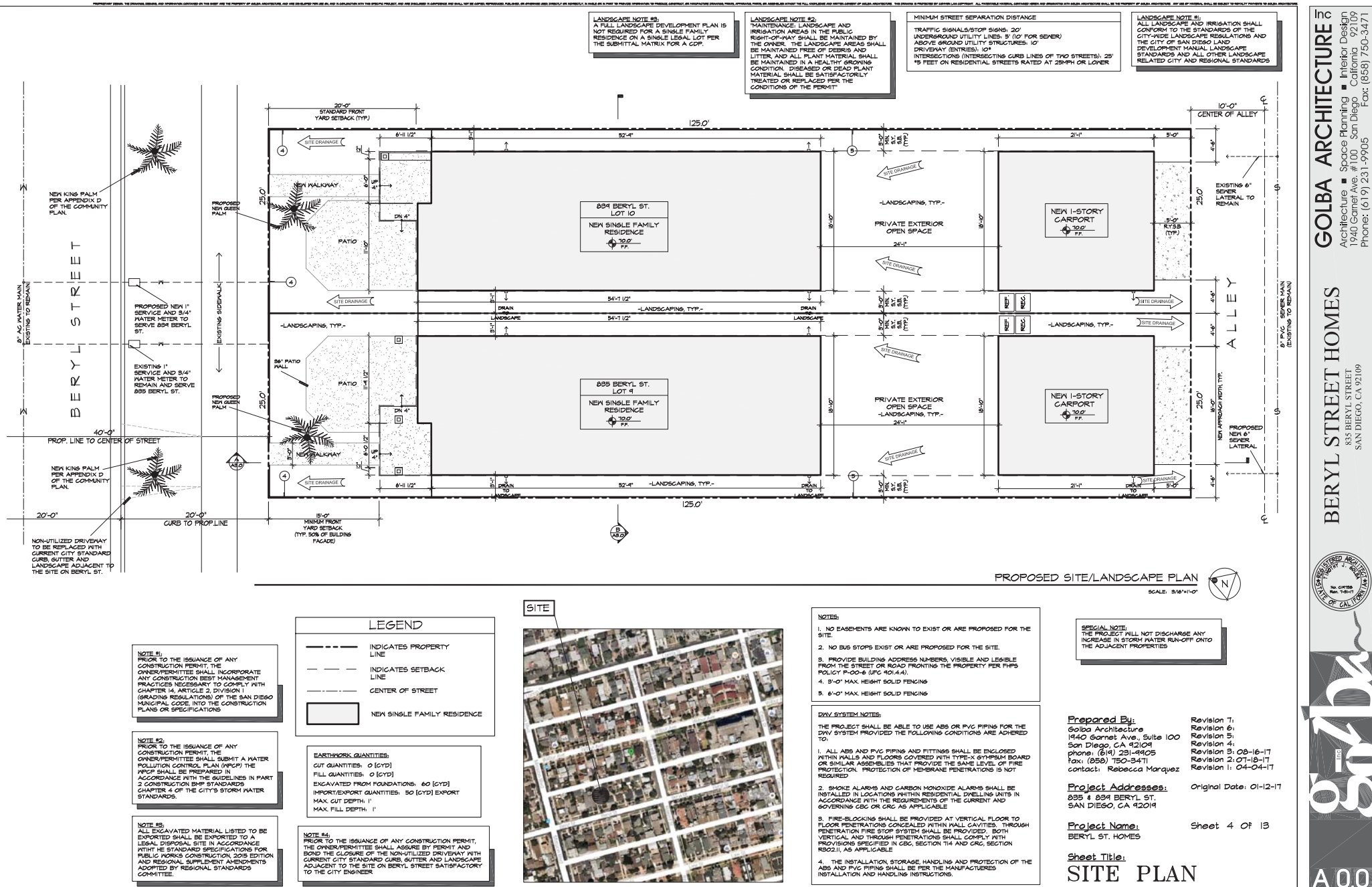


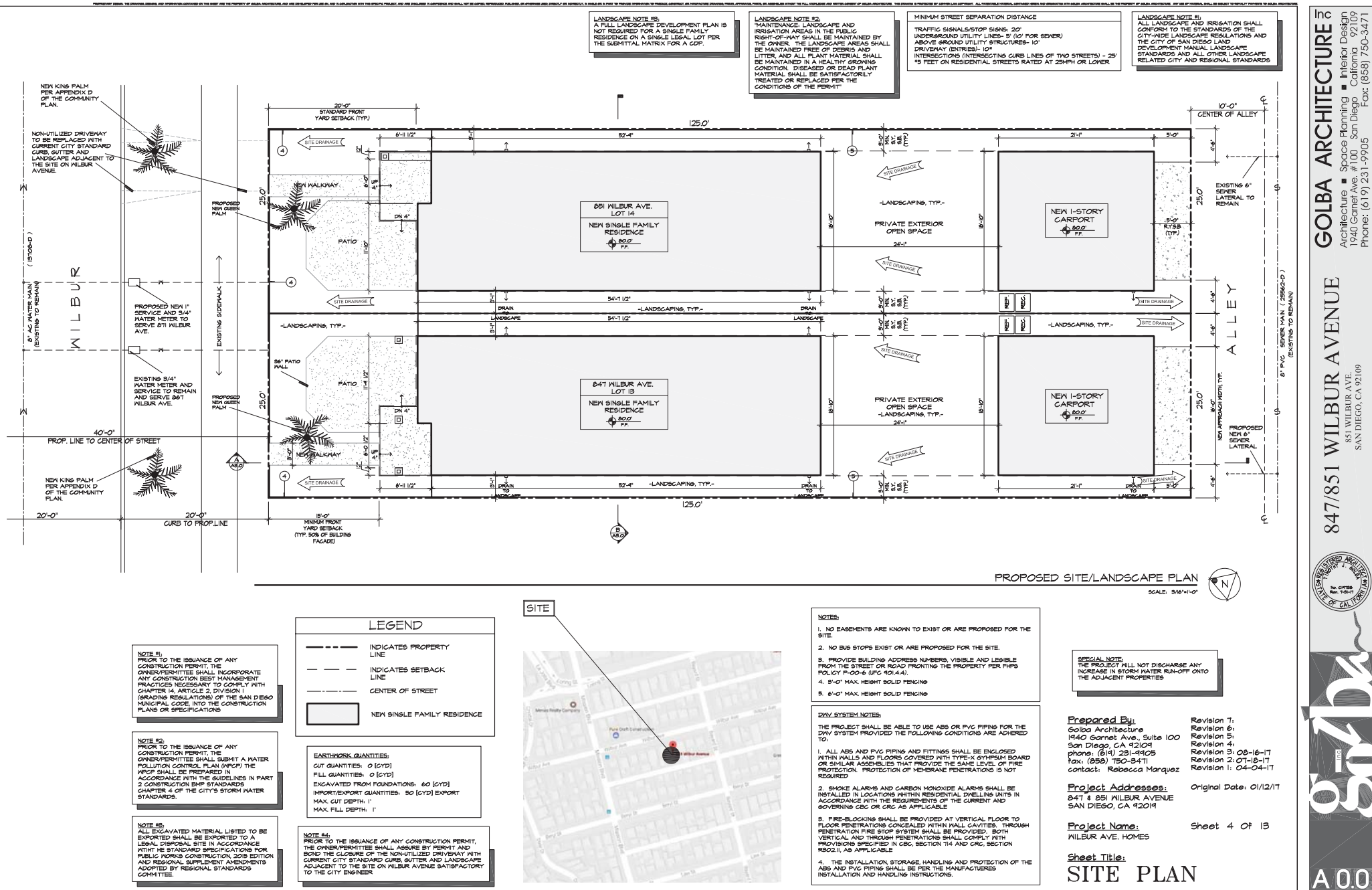
Tim Daly  
Development Project Manager

TD/tpd

- Attachments:
1. Project No. 532129, Site Plan
  2. Project No. 532189, Site Plan
  3. Project No. 532129, Resolution and Permit
  4. Project No. 532189, Resolution and Permit
  5. Appeal Project No. 532129, Beryl Street Homes
  6. Appeal Project No. 532189, Wilbur Avenue Homes
  7. Mr. Austin's Appeals Withdraw Electronic Mail Message, Feb. 14, 2018

cc: Shannon Thomas, Deputy City Attorney, Office of the City Attorney





DEVELOPMENT SERVICES DEPARTMENT RESOLUTION NO. CM-6720  
COASTAL DEVELOPMENT PERMIT NO. 1871054  
**BERYL STREET HOMES - PROJECT NO. 532129**

WHEREAS, TOURMALINE PROPERTIES, Incorporated, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish an existing residential structure and construct two 2,343-square-foot single dwelling units on two contiguous lots (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1871054), on portions of a 0.14-acre site;

WHEREAS, the project site is located at 835 and 839 Beryl Street in the RM-1-1, Coastal (Non-Appealable Area 2), Coastal Height Limit, Residential Tandem Parking, Parking Impact (Beach Impact Area), and Transit Area Overlay Zones of the Pacific Beach Community Plan;

WHEREAS, the project site is legally described as Lots 9 and 10 in Block 80 of Pacific Beach, in the City of San Diego, County of San Diego, State of California, according to Map No. 932, filed in the Office of the County Recorder of San Diego County, November 7, 1904;

WHEREAS, on October 3, 2017, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Section 15301 and 15303; and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on November 22, 2017, the Development Services Department of the City of San Diego considered Coastal Development Permit No. 1871054 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Development Services Department of the City of San Diego as follows:

That the Development Services Department adopts the following written Findings, dated November 22, 2017.

**Findings for Coastal Development Permit San Diego Municipal Code Section 126.0708**

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

The 0.14-acre site is located at 835 and 839 Beryl Street, between Mission Boulevard and Bayard Street and is located approximately 0.25 miles from the Pacific Ocean and 1.0 miles from the shoreline of Mission Bay. The property is not located between the sea and the first public roadway paralleling the sea. Beryl Street at this location is not designed as a physical

access way or view corridor, and does not contain intermittent or partial vistas, view sheds or scenic overlooks within the adopted Pacific Beach Community Plan and Local Coastal Program Land Use Plan.

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 Mission 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.**

The project site has been previously graded and is currently developed. The site is located within a fully developed neighborhood that does not contain nor is adjacent to any environmentally sensitive lands. Therefore, the proposed coastal development will not adversely affect environmentally sensitive lands and no impacts to environmentally sensitive lands would occur with this subdivision.

**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 0.14-acre site is located at 835 and 839 Beryl Street, between Mission Boulevard and Bayard Street and is located approximately 0.25 miles from the Pacific Ocean and 1.0 miles from the shoreline of Mission Bay. The property is not located between the sea and the first public roadway paralleling the sea. Beryl Street at this location is not designed as a physical access way or view corridor, and does not contain intermittent or partial vistas, view sheds or scenic overlooks within the adopted Pacific Beach Community Plan and Local Coastal Program Land Use Plan (Community Plan).

The Community Plan designates the project site as Low-Medium Density Residential (9 - 14 du/ac). The proposed single dwelling units on 3,125 square feet lots will equate to 14 dwelling units per acre. The project therefore implements the prescribed density. A goal of the Residential Element in the Community Plan is to implement design standards for single-family and multi-family development to ensure that redeveloped properties reflect the scale and character of the neighborhood. The plan also contains a policy to maintain the residential scale of Pacific Beach. The existing surrounding development consists of a diverse mix of development (three, two, and one-story single/multi-dwelling units) and the proposed development reflects the scale and character of the neighborhood. In addition, the project conforms to the zoning regulations and Coastal Height Limit which assist to implement the Community Plan's goals and policies regarding scale.

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 0.14-acre site is located at 835 and 839 Beryl Street, between Mission Boulevard and Bayard Street and is located approximately 0.25 miles from the Pacific Ocean and 1.0 miles from the shoreline of Mission Bay. The property is not located between the sea and the first public roadway paralleling the sea. Beryl Street at this location is not designed as a physical access way or view corridor, and does not contain intermittent or partial vistas, view sheds or scenic overlooks within the adopted Pacific Beach Community Plan and Local Coastal Program Land Use Plan. Therefore, the proposed project is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

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

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Development Services Department, Coastal Development Permit No. 1871054 is hereby GRANTED by the Development Services Department to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1871054, a copy of which is attached hereto and made a part hereof.

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Tim Daly  
Development Project Manager  
Development Services

Adopted on: November 22, 2017

IO#: 24007156

**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: 24007156

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 1871054  
**BERYL STREET HOMES PROJECT NO. 532129**  
Development Services Department

This Coastal Development Permit No. 1871054 is granted by the Development Services Department of the City of San Diego to Tourmaline Properties, Incorporated, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0708. The 0.14-acre site is located at 835 and 839 Beryl Street in the RM-1-1, Coastal (Non-Appealable Area 2), Coastal Height Limit, Residential Tandem Parking, Parking Impact (Beach Impact Area), and Transit Area Overlay Zones of the Pacific Beach Community Plan. The project site is legally described as Lots 9 and 10 in Block 80 of Pacific Beach, in the City of San Diego, County of San Diego, State of California, according to Map No. 932, filed in the Office of the County Recorder of San Diego County, November 7, 1904.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish an existing residential structure and construct two 2,343 square-foot single dwelling units on two contiguous lots described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated November 22, 2017, on file in the Development Services Department.

The project shall include:

- a. Demolish an existing residential structure and construct two 2,343-square-foot single dwelling units, one unit each, on two contiguous lots;
- b. Off-street parking; 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 December 9, 2020.
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. 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.
8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
9. All of the conditions contained in this Permit have been considered and were 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.

10. 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.

11. This Permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase per the approved Exhibit "A."

**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.

**AFFORDABLE HOUSING REQUIREMENTS:**

13. Prior to the issuance of any construction permits, the Owner/Permittee shall comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.).

**ENGINEERING REQUIREMENTS:**

14. The project proposes to export 50 cubic yards of material from the project site. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2015 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

15. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the closure of non-utilized driveway with current City Standards, curb, gutter and landscape, adjacent to the site on Beryl Street, satisfactory to the City Engineer.

16. 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.

17. 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.

**LANDSCAPE REQUIREMENTS:**

18. Prior to issuance of any construction permit for public improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

19. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of another entity approved by the Development Services Department. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.

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

**PLANNING/DESIGN REQUIREMENTS:**

21. Owner/Permittee shall maintain a minimum of two off-street parking spaces on each lot on the properties 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.
22. 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.
23. 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:**

24. 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.
25. 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.
26. 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.
27. 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.
28. 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.
29. Prior to the issuance of any construction permit for a building, the Owner/Permittee shall assure, by permit and bond, to cap (abandon) at the property line any existing unused sewer lateral.
30. Prior to the issuance of any construction permit for a building, the Owner/Permittee shall assure, by permit and bond, to remove (kill) at the main any existing unused water service.

**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 Development Services Department of the City of San Diego on November 22, 2017 and Resolution No. CM-6720.

Permit Type/PTS Approval No.: Coastal Development Permit No. 1871054  
Date of Approval: November 22, 2017

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

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Tim Daly  
Development Project Manager

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

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**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.

**Tourmaline Properties, Incorporated**  
Owner/Permittee

By \_\_\_\_\_  
*NAME:*  
*TITLE:*

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

DEVELOPMENT SERVICES DEPARTMENT RESOLUTION NO. CM-6721  
COASTAL DEVELOPMENT PERMIT NO. 1871438  
**WILBUR AVENUE HOMES - PROJECT NO. 532189**

WHEREAS, TOURMALINE PROPERTIES, Incorporated, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish an existing residential structure and construct two 2,343-square-foot single dwelling units on two contiguous lots (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1871438), on portions of a 0.14-acre site;

WHEREAS, the project site is located at 851 Wilbur Avenue in the RM-1-1, Coastal (Non-Appealable Area 2), Coastal Height Limit, Residential Tandem Parking, Parking Impact (Beach Impact Area), and Transit Area Overlay Zones of the Pacific Beach Community Plan;

WHEREAS, the project site is legally described as Lots 13 and 14 in Block 77 of Pacific Beach, in the City of San Diego, County of San Diego, State of California, according to Map No. 932, filed in the Office of the County Recorder of San Diego County, November 7, 1904;

WHEREAS, on October 5, 2017, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Section 15301 and 15303; and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on November 22, 2017, the Development Services Department of the City of San Diego considered Coastal Development Permit No. 1871438 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Development Services Department of the City of San Diego as follows:

That the Development Services Department adopts the following written Findings, dated November 22, 2017.

**Findings for Coastal Development Permit San Diego Municipal Code Section 126.0708**

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

The 0.14-acre site is located at 851 Wilbur Avenue, between Mission Boulevard and Bayard Street and is located approximately 0.25 miles from the Pacific Ocean and 1.0 miles from the shoreline of Mission Bay. The property is not located between the sea and the first public roadway paralleling the sea. Wilbur Avenue at this location is not designed as a physical

access way or view corridor, and does not contain intermittent or partial vistas, view sheds or scenic overlooks within the adopted Pacific Beach Community Plan and Local Coastal Program Land Use Plan.

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 Mission 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.**

The project site has been previously graded and is currently developed. The site is located within a fully developed neighborhood that does not contain nor is adjacent to any environmentally sensitive lands. Therefore, the proposed coastal development will not adversely affect environmentally sensitive lands and no impacts to environmentally sensitive lands would occur with this subdivision.

**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 0.14-acre site is located at 851 Wilbur Avenue, between Mission Boulevard and Bayard Street and is located approximately 0.25 miles from the Pacific Ocean and 1.0 miles from the shoreline of Mission Bay. The property is not located between the sea and the first public roadway paralleling the sea. Wilbur Avenue at this location is not designed as a physical access way or view corridor, and does not contain intermittent or partial vistas, view sheds or scenic overlooks within the adopted Pacific Beach Community Plan and Local Coastal Program Land Use Plan (Community Plan).

The Community Plan designates the project site as Low-Medium Density Residential (9 - 14 du/ac). The proposed single dwelling units on 3,125 square feet lots will equate to 14 dwelling units per acre. The project therefore implements the prescribed density. A goal of the Residential Element in the Community Plan is to implement design standards for single-family and multi-family development to ensure that redeveloped properties reflect the scale and character of the neighborhood. The plan also contains a policy to maintain the residential scale of Pacific Beach. The existing surrounding development consists of a diverse mix of development (three, two, and one-story single/multi-dwelling units) and the proposed development reflects the scale and character of the neighborhood. In addition, the project conforms to the zoning regulations and Coastal Height Limit which assist to implement the Community Plan's goals and policies regarding scale.

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 0.14-acre site is located at 851 Wilbur Avenue, between Mission Boulevard and Bayard Street and is located approximately 0.25 miles from the Pacific Ocean and 1.0 miles from the shoreline of Mission Bay. The property is not located between the sea and the first public roadway paralleling the sea. Wilbur Avenue at this location is not designed as a physical access way or view corridor, and does not contain intermittent or partial vistas, view sheds or scenic overlooks within the adopted Pacific Beach Community Plan and Local Coastal Program Land Use Plan. Therefore, the proposed project is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

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

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Development Services Department, Coastal Development Permit No. 1871438 is hereby GRANTED by the Development Services Department to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1871438, a copy of which is attached hereto and made a part hereof.

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Tim Daly  
Development Project Manager  
Development Services

Adopted on: November 22, 2017

IO#: 24007157

**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: 24007157

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 1871438  
**WILBUR AVENUE HOMES PROJECT NO. 532189**  
Development Services Department

This Coastal Development Permit No. 1871438 is granted by the Development Services Department of the City of San Diego to Tourmaline Properties, Incorporated, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0708. The 0.14-acre site is located at 851 Wilbur Avenue in the RM-1-1, Coastal (Non-Appealable Area 2), Coastal Height Limit, Residential Tandem Parking, Parking Impact (Beach Impact Area), and Transit Area Overlay Zones of the Pacific Beach Community Plan. The project site is legally described as Lots 13 and 14 in Block 77 of Pacific Beach, in the City of San Diego, County of San Diego, State of California, according to Map No. 932, filed in the Office of the County Recorder of San Diego County, November 7, 1904.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish an existing residential structure and construct two 2,343-square-foot single dwelling units on two contiguous lots described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated November 22, 2017, on file in the Development Services Department.

The project shall include:

- a. Demolish an existing residential structure and construct two 2,343-square-foot single dwelling units, one unit each on two contiguous lots;
- b. Off-street parking; 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 December 9, 2020.
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. 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.
8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
9. All of the conditions contained in this Permit have been considered and were 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.

10. 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.

11. This Permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase per the approved Exhibit "A."

**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.

**AFFORDABLE HOUSING REQUIREMENTS:**

13. Prior to the issuance of any construction permits, the Owner/Permittee shall comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.).

**ENGINEERING REQUIREMENTS:**

14. The project proposes to export 50 cubic yards of material from the project site. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2015 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

15. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the closure of non-utilized driveway with current City Standards, curb, gutter and landscape, adjacent to the site on Beryl Street, satisfactory to the City Engineer.

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

17. 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.

**LANDSCAPE REQUIREMENTS:**

18. Prior to issuance of any construction permit for public improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

19. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of another entity approved by the Development Services Department. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.

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

**PLANNING/DESIGN REQUIREMENTS:**

21. Owner/Permittee shall maintain a minimum of two off-street parking spaces on each lot on the properties 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.
22. 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.
23. 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:**

24. 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.
25. 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.
26. 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.
27. 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.
28. 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.
29. Prior to the issuance of any construction permit for a building, the Owner/Permittee shall assure, by permit and bond, to cap (abandon) at the property line any existing unused sewer lateral.
30. Prior to the issuance of any construction permit for a building, the Owner/Permittee shall assure, by permit and bond, to remove (kill) at the main any existing unused water service.

**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 Development Services Department of the City of San Diego on November 22, 2017 and Resolution No. CM-6721.

Permit Type/PTS Approval No.: Coastal Development Permit No. 1871438  
Date of Approval: November 22, 2017

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

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Tim Daly  
Development Project Manager

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

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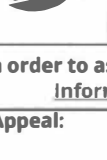
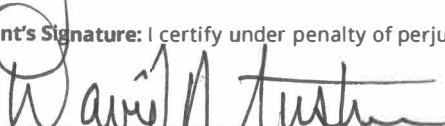
**The undersigned Owner/Permittee**, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

**Tourmaline Properties, Incorporated**  
Owner/Permittee

By \_\_\_\_\_  
*NAME:*  
*TITLE:*

**NOTE: Notary acknowledgments  
must be attached per Civil Code  
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	<b>City of San Diego Development Services</b> 1222 First Ave., MS-302 San Diego, CA 92101	<h2 style="margin: 0;">Development Permit/ Environmental Determination Appeal Application</h2>	<b>FORM DS-3031</b>  November 2017
<small>In order to assure your appeal application is successfully accepted and processed, you must read and understand Information Bulletin 505, "Development Permits/Environmental Determination Appeal Procedure."</small>			
<b>1. Type of Appeal:</b>			
<input checked="" type="checkbox"/> Appeal of the Project <input type="checkbox"/> Appeal of the Environmental Determination			
<b>2. Appellant:</b> Please check one <input type="checkbox"/> Applicant <input type="checkbox"/> Officially recognized Planning Committee <input checked="" type="checkbox"/> "Interested Person" <small>(Per M.C. Sec. 113.0103)</small>			
Name: <b>David N Austin</b>	E-mail: <b>dnaustin47@icloud.com</b>		
Address: <b>884 Wilbur Ave</b>	City: <b>San Diego</b>	State: <b>Ca</b>	Zip Code: <b>92109</b>
		Telephone: <b>858-395-6283</b>	
<b>3. Project Name:</b> <b>Beryl Street</b>			
<b>4. Project Information</b>			
Permit/Environmental Determination & Permit/Document No.: <b>Project # 532129</b>		Date of Decision/Determination	City Project Manager: <b>Tim Daly</b>
Decision(Describe the permit/approval decision): <div style="font-size: 1.5em; font-family: cursive;">APPROVED PENDING APPEAL WINDOW</div>			
<b>5. Ground for Appeal(Please check all that apply):</b>			
<input type="checkbox"/> Factual Error <input type="checkbox"/> Conflict with other matters <input type="checkbox"/> Findings Not Supported <input checked="" type="checkbox"/> New Information <input checked="" type="checkbox"/> City-wide Significance (Process Four decisions only)			
<b>Description of Grounds for Appeal</b> (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.) <div style="font-size: 1.2em; font-family: cursive; margin-top: 20px;">PLEASE SEE ATTACHED:</div> <div style="font-size: 1.5em; font-family: cursive; margin-top: 20px;">OBJECTION TO THE DEVELOPMENT PROJECTS AT 851 + 867 WILBUR AVENUE AND 835 BERYL ST IN PACIFIC BEACH</div>			
<b>6. Appellant's Signature:</b> I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.			
Signature: 		Date: <u>12/07/17</u>	
<small>Note: Faxed appeals are not accepted.</small>			

Objection to the development projects at 851 & 867 Wilbur Ave and 835 Beryl St in Pacific Beach

Residents and neighborhoods all over San Diego are seeing their quality of life being upended by the present wave of development being allowed by the Development Services Department (DSD). Most recently this has been fueled by the debate on the issues of available housing and affordable housing. This debate has resulted in a high level of residential building permits, many of which do nothing to ease the housing crisis but cause increased density and gentrification that only make matters worse. These projects are not good for residents, neighborhoods or anyone except the developers who are selling them for millions of dollars. Also, the city has accommodated this increased density without doing anything to mitigate the impacts on existing communities. Parking, traffic, noise, trash, law enforcement, and public safety have not been addressed.

The city has also overlooked the issue that there are hundreds of residential housing "parcels" in areas like Pacific beach that are built on two 25' lots. Many of these lots have single family houses on them. In my block (800 block of Wilbur Ave), there were two such single family houses and at least one such house in the next block (800 block of Beryl St.). All of these properties have been purchased by a developer who has permits to scrape the lots and construct 2 five bedroom houses on each 25' lot. So, we have 9 bedrooms of housing being replaced by 30 bedrooms of housing. One of these projects is already nearing completion.

Points of contention with these projects:

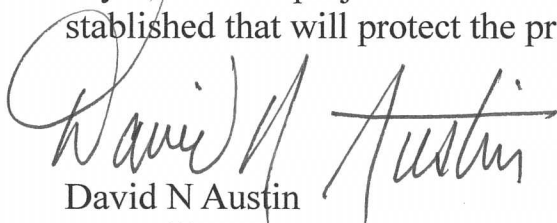
1. Although the area is zoned RM1-1 for multi unit it is good for the area to have some single family units in the mix. This has been the situation and character of the neighborhood since it was first built out. "Infill building" is not welcomed, needed or beneficial in this area. These projects are completely out of character and out of place. The wellbeing of a neighborhood should not be subject to the whims of speculators who have no interest in what happens after they leave.
2. These houses are being sold for \$1.5 million each. That means that they are priced way out of the range of families who would otherwise locate in the area. Although they are not affordable by families, they are attractive to out-of-towners as beach or vacation homes. They also pencil out perfectly for other speculators who want to operate mini dorms and short term rentals (STR).
3. The building industry uses the San Diego housing crisis as leverage to lobby for easier permitting, fewer parking requirements and other concessions. However, the shortfall is being inflated 20% to 25% by the number of units taken out of the housing stock by illegal STR operating in the city. An issue

the city conveniently overlooks since they have elected to ignore the laws that prohibit STR in any zone in the city. That should not be a reason for our neighborhood to suffer increased density. It is bad enough that we have to put up with the STR.

4. Contrary to Coastal Commission mandates for more and better access to beach areas for non-residents, parking is already a problem in the area and these projects will make it worse.
5. Traffic in the area has been growing steadily and has not been addressed for decades. Increasing the number of bedrooms by more than three times with its impact on parking and traffic is not consistent with the city's plan to increase density close to transportation hubs. I seriously doubt traffic congestion in the beach will be addressed anytime soon.
6. It is also a violation of the spirit and intention of the rules that the so called carports are built as garages. They just need a few studs and a door to be completely enclosed. The local residents shouldn't have to be in the position of policing the illegal conversion to garages as soon as zoning turns their back. It is insulting. The ones at 867 Wilbur ought to be torn down and done properly. These projects should not be allowed inflated floor space size with de-facto garages included in the plan. Scale them back to two story instead of three.

Once these houses are built it affects the neighborhood irreversibly and sets the precedent for more and more of these conversions to take place. San Diego ought to get out ahead of these problems instead of always being behind and trying to catch up after the damage is done. I believe the DSD has the discretion to act in the public interest and disallow overdevelopment in our neighborhoods. In particular the building of very high density housing on 25' lots is problematic. It is ruinous not only to the residents but also for those who want to visit the beach area.

My neighbors and I urge you to block these projects and place a moratorium on any more such projects until the issue can be reviewed and development rules established that will protect the present and future residents of the area.



David N Austin  
884 Wilbur Ave  
San Diego, Ca 92109

# Development Permit/ Environmental Determination Appeal Application

November 2017

Printed on recycled paper. Visit our web site at [www.sandiego.gov/development-services](http://www.sandiego.gov/development-services).  
Upon request, this information is available in alternative formats for persons with disabilities.  
DS-3032 (11-17)

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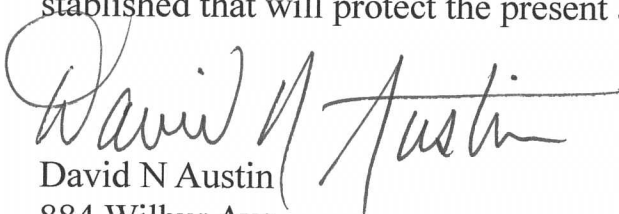
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David N Austin  
884 Wilbur Ave  
San Diego, Ca 92109



**From:** [David Austin](#)  
**To:** [Daly, Tim](#)  
**Subject:** Re: Project No. 532129, Beryl St. and Project No. 532189, Wilbur Ave. - Appeals  
**Date:** Wednesday, February 14, 2018 12:57:42 AM

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Hello Tim,

This is to inform you that I would like to withdraw my appeal to the permits for Project 532129, Beryl Street and Project 532189, Wilbur Avenue. Please let me know that this request has been received and whether there is anything else I should do concerning this matter. I appreciate your help.

David Austin

[dnaustin47@icloud.com](mailto:dnaustin47@icloud.com)

I am changing from Earthlink to iCloud for email. Please use [dnaustin47@icloud.com](mailto:dnaustin47@icloud.com)