



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: FEBRUARY 28, 2024 REPORT NO. HO-24-013

HEARING DATE: MARCH 6, 2024

SUBJECT: NICHOLS STREET PIER. Process Three Decision

PROJECT NUMBER: [1097375](#)

OWNER/APPLICANT: The Peckham House, LLC, a California Limited Liability Company/ Stephen Haase

SUMMARY

Issue: Should the hearing officer approve a Coastal Development Permit to construct a new public access stairway with a 30-square-foot concrete landing to an existing private wooden pier at the unimproved intersection of Nichols Street and San Antonio Avenue, and associated with the adjacent Hildreth R. and Marion M. Peckham House located at 2905 Nichols Street, and the neighboring property at 2900 Nichols Street in the RS-1-7 zone of the Peninsula Community planning area?

Proposed Actions:

1. Approve Coastal Development Permit No. 3231459

Fiscal Considerations: None. All staff costs associated with the processing of this project are recovered from a deposit account funded by the project applicant.

Community Planning Group Recommendation: The applicant attempted to present to the Community Planning Group (CPG) but the CPG elected not to review the proposal.

Environmental Impact: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Section 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on January 23, 2024, and the opportunity to appeal that determination ended February 6, 2024.

BACKGROUND:

The 0.0034-acre site is located at the unimproved intersection of Nichols Street and San Antonio Avenue and associated with the adjacent Hildreth R. and Marion M. Peckham House located at 2905 Nichols Street, also known as Assessor's Parcel Numbers 532-452-10, and 2900 Nichols Street, also known as Assessor's Parcel Number 532-365-05 in the Residential-Single (RS-1-7) zone, the Airport Land Use Compatibility Overlay Zone, the Coastal Height Limit Overlay Zone, the Coastal Overlay (appealable) Zone, the Coastal Overlay Zone First Public Roadway, the Parking Impact Overlay Zone, the ALUCP Airport Influence Area, and the FAA Part 77 Noticing Area of the Peninsula Community Plan.

The proposed project is located on the beach above the mean high tide line (Figure 1), just east of the La Playa Trail. Currently, the existing pier has no access accessible to the public. The proposed new stairway would be approximately 7.4 feet in height, measured from the proposed concrete landing at the base of the stairs, which would be approximately 0.5 feet thick and 6 feet by 5 feet (30 square feet) in area (See Attachment 8). The private pier is associated with the adjacent Hildreth R. and Marion M. Peckham House located at 2905 Nichols Street, listed as a designated historic resource (HRB #453). Historic staff reviewed the improvement plans and determined that the work proposed would be consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties and would not adversely impact or change the structure's eligibility as a historic resource.



Figure 1

DISCUSSION

Project Description:

The project proposes to add a public access stairway and concrete landing to an existing private pier (see Figure 2). The location of the development is on City of San Diego property, which abuts the Port of San Diego tide and submerged lands, which extend up to the mean high tide line (east of the proposed development). The Port requires a Tidelands Use and Occupancy Permit since the pier extends out over the mean high tide line. A Port Master Plan Planning Goal, Goal IX (page 9) is to "Provide access along the waterfront wherever possible with promenades and paths where appropriate, and elimination of unnecessary barricades which extend into the water." By providing a public access point to the currently private pier, the project intends to alleviate the unnecessary barricade. The proposal will require approval from both the Port of San Diego through the issuance of the Tidelands Use and Occupancy Permit, and the California Coastal Commission, which has appealable rights over the Coastal Development Permit, as the project falls within the First Public Roadway Overlay.

Lastly, Coastal Development Permit No. 3231459 has conditioned the project (Condition No. 13) to provide public access to the pier and ensure the pier and proposed stairs are maintained by the property owner. An Encroachment Maintenance and Removal Agreement (EMRA)(Condition 15) will ensure the maintenance of the proposed development.



Figure 2

Permits Required:

- A Process Three Coastal Development Permit (CDP), in accordance with SDMC Section 126.0702(a) for all coastal development of a premises within the Coastal Overlay Zone described in Chapter 13, Article 2, Division 4 .

Community Plan and Local Coastal Program Analysis:

The RS-1-7 Zone contains quantifiable development standards, including minimum setbacks, height limitations, and maximum FAR. The San Diego Municipal Code (SDMC) Section 131.0403 defines the RS zones as Residential-Single Unit, and “it is intended that these zones provide for flexibility in development regulations that allow reasonable use of property while minimizing adverse impacts to adjacent properties.” The proposed project does not include any dwelling units or residential components. The location of the project does not abut any other residential structures (see Figure 1) and is under the Coastal Zone height restrictions. As such, the project meets the regulations and intent of the zone as defined by the SDMC.

The Community Plan identifies Public Access (Page 74), Shoreline Access (page 77), and Proposed Accessways (Page 77) within the vicinity of the proposed development, specifically:

- Public Access – The Community Plan (page 74) identifies a public access point at McCall Street, which provides access to Kellogg Beach/La Playa. The identified accessway is located approximately 350 feet south of the proposed development and will not affect the access due to the distance separating the two.
- Shoreline Access – Figure 19 of the Community Plan (page 77) identifies public Shoreline Access via three streets, McCall Street, Lawrence Street, and Kellogg Street, along the Kellogg Beach/La Playa shoreline. The closest accessway to the project site is via McCall Street, which is located approximately 350 feet south of the proposed site and will not be affected by the proposed development due to the distance separating the site two.
- Proposed Accessway - Figure 19 of the Community Plan also identifies proposed new and/or improved physical accessways at Talbot Street and Bessemer Street. Both locations are over 0.5 miles north of the proposed development, and the development will not encroach upon or conflict with the proposed accessways.

Figure 27 of the Community Plan (page 106) identifies Coastal Vistas that “occur primarily from existing roadways.” The primary vista within the vicinity of the proposed development is from Nichols Street. The proposed project will not obstruct the vista due to the higher elevation separating the view from the pier and will not obstruct or encroach on any of the specified views in the Local Coastal Program, thus protecting the public views to and along the scenic coastal areas.

Finally, an Overall Community Goal, as defined on page 11 of the Community Plan, is to “Enhance and protect physical and visual access to the bay and ocean shoreline.” The project proposes to add a stairway for public access to the private pier. Adding the public access point will serve to provide new views of San Diego Bay and the shoreline to both the north and south of the project site. As such, the proposed coastal development meets the regulations and intent of the Community Plan.

Environmental Impact Statement:

The project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Section 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures). The environmental exemption determination was made on January 23, 2024, and the opportunity to appeal that determination ended on February 6, 2024. There were no appeals to the environmental determination.

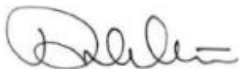
Conclusion:

Staff has reviewed the proposal, including all the issues identified through the review process, and has determined that all project issues have been addressed. The project conforms with the Community Plan and the adopted City Council policies and regulations of the Land Development Code. Staff has provided draft findings (Attachment 4) and conditions of approval (Attachment 5) and recommends the Hearing Officer APPROVE Coastal Development Permit No. 3231459.

ALTERNATIVES

1. Approve Coastal Development Permit No. 3231459, with modifications.
2. Deny Coastal Development Permit No. 3231459, if the findings required to approve the project cannot be affirmed.

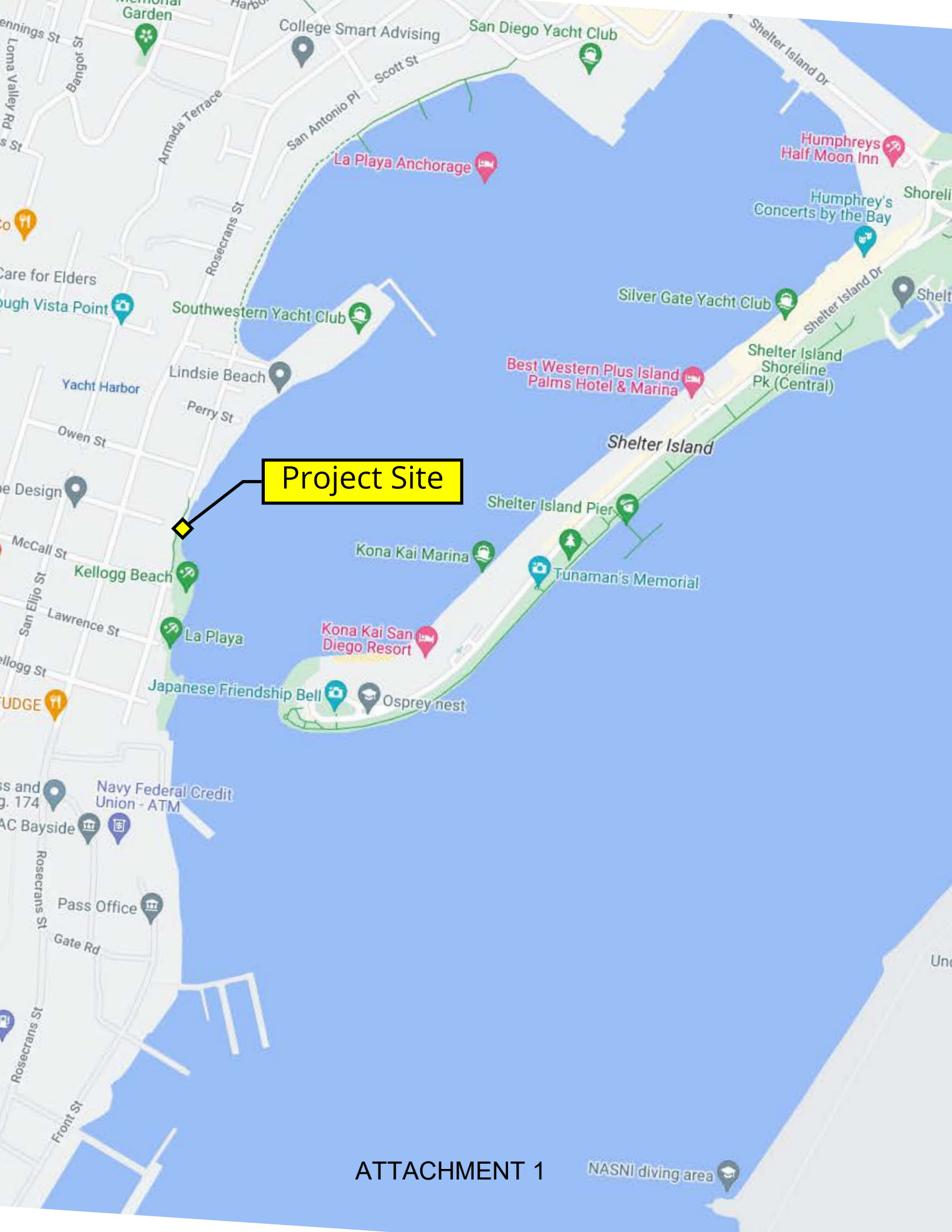
Respectfully submitted,



Robin MacCartee
Development Project Manager
Development Services Department

Attachments:

1. Project Location Map
2. Aerial Photograph
3. Community Plan Land Use Map
4. Draft Resolution with Findings
5. Draft Permit with Conditions
6. Environmental Exemption
7. Ownership Disclosure
8. Project Plans

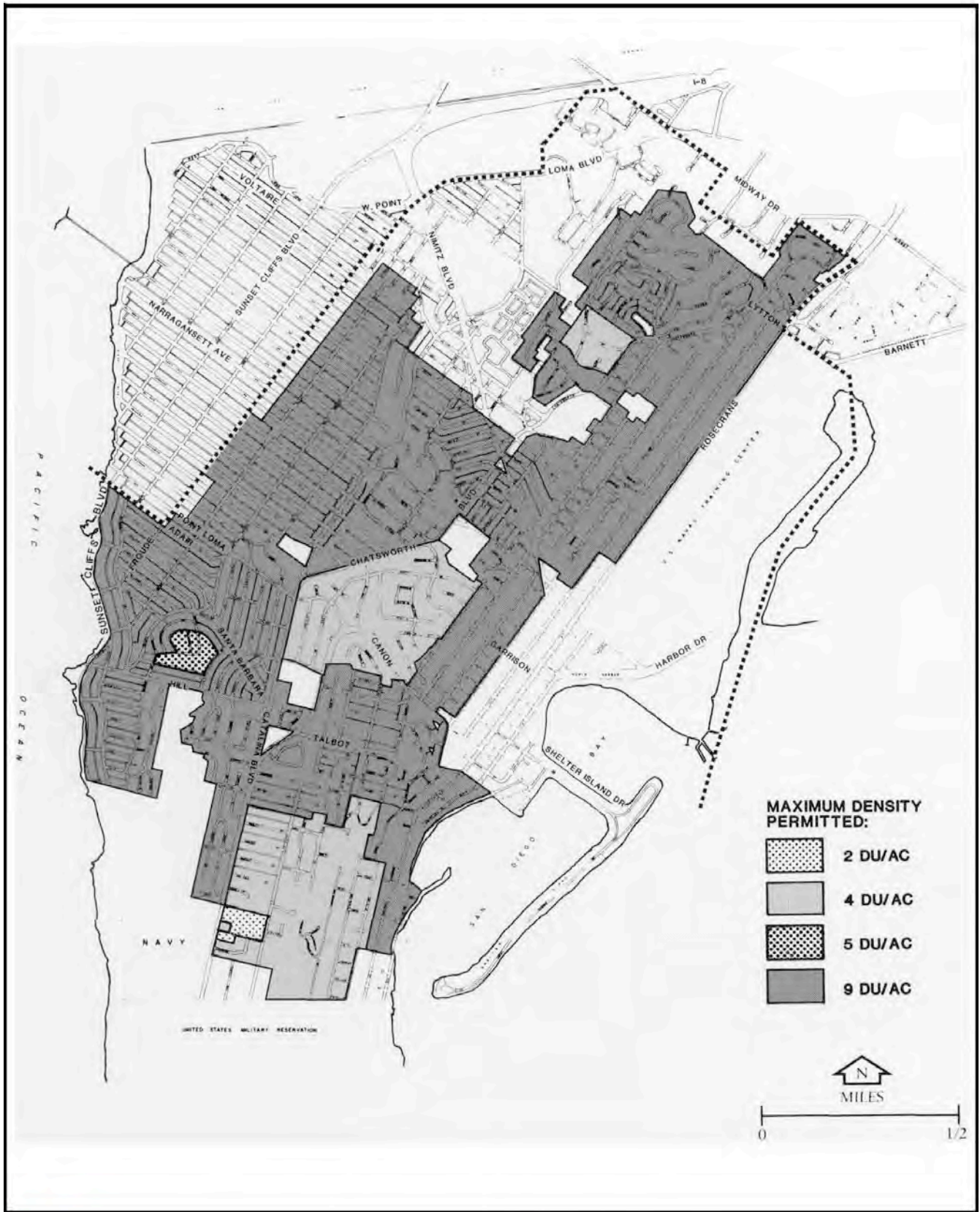


Project Site



Project Site

ATTACHMENT 2



Single-Family Residential Designations

Peninsula Community Plan

CITY OF SAN DIEGO PLANNING DEPARTMENT

FIGURE 7

HEARING OFFICER RESOLUTION NO. [REDACTED]
COASTAL DEVELOPMENT PERMIT NO. 3231459
NICHOLS STREET PIER - PROJECT NO. 1097375

WHEREAS, The Peckham House, LLC, a California Limited Liability Company, Owner/Permittee, filed an application with the City of San Diego for a permit to construct a new public access stairway with a 30 square-foot concrete landing to an existing private wooden pier (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 3231459), on portions of a 0.0034-acre site;

WHEREAS, the project site is located at the unimproved intersection of Nichols Street and San Antonio Avenue and associated with the adjacent Hildreth R. and Marion M. Peckham House located at 2905 Nichols Street, also known as Assessor's Parcel Numbers 532-452-10 and 2900 Nichols Street, also known as Assessor's Parcel Number_532-365-05 in the Residential-Single (RS-1-7) zone, the Airport Land Use Compatibility Overlay Zone, the Coastal Height Limit Overlay Zone, the Coastal Overlay (appealable) Zone, the Coastal Overlay Zone First Public Roadway, the Parking Impact Overlay Zone, the ALUCP Airport Influence Area, and the FAA Part 77 Noticing Area of the Peninsula Community Plan.;

WHEREAS, the project site is legally described as LOT 3 IN BLOCK 137 OF LA PLAYA PER POODLE MAP SURVEYED IN 1856, TOGETHER WITH A PORTION OF THE WESTERLY 25 FEE OF SAN ANTONIO AVENUE ADJOINING SAID LOT 3 ON THE EAST AS CLOSED MAY 25TH, 1914 BY RESOLUTION NO. 17359 OF THE COMMON COUNCIL OF THE CITY OF SAN DIEGO (APN 532-452-10);

WHEREAS, on January 23, 2024, 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 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures), 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 March 6, 2024, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 3231459 pursuant to the Land Development Code of the City of San Diego;

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Coastal Development Permit No. 3231459.

A. COASTAL DEVELOPMENT PERMIT (SDMC) Section §126.0708 (a)

1) Findings for all Coastal Development Permits

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

The project proposes to construct a new public access stairway with a 30 square-foot concrete landing to an existing private wooden pier. The proposed stairway is located on an unimproved section of San Antonio Avenue, approximately 200 feet south of the improved street section of San Antonio Avenue, which ends south of Owen Street.

The proposed project will not encroach upon any physical accessways identified in the Peninsula Community Plan and Local Coastal Program Land Use Plan (Community Plan) that is legally used by the public. The Community Plan identifies Public Access (Page 74), Shoreline Access (page 77) and Proposed Accessways (Page 77) within the vicinity of the proposed development, specifically:

- Public Access – The Community Plan (page 74) identifies a public access point at McCall Street, which provides access to Kellogg Beach/La Playa. The identified accessway is located approximately 350 feet south of the proposed development and will not affect the access due to the distance separating the two.
- Shoreline Access – Figure 19 of the Community Plan (page 77) identifies public Shoreline Access via three streets, McCall Street, Lawrence Street, and Kellogg Street, along the Kellogg Beach/La Playa shoreline. The closest accessway to the project site is via McCall Street, which is located approximately 350 feet south of the proposed site and will not be affected by the proposed development due to the distance separating the site two.
- Proposed Accessway - Figure 19 of the Community Plan also identifies proposed new and/or improved physical accessways at Talbot Street and Bessemer Street.

Both locations are over 0.5 miles north of the proposed development, and the development will not encroach upon or conflict with the proposed accessways.

Figure 27 of the Community Plan (page 106) identifies Coastal Vistas that “occur primarily from existing roadways.” The primary vista within the vicinity of the proposed development is from Nichols Street. The proposed project will not obstruct the vista due to the higher elevation separating the view from the pier and will not obstruct or encroach on any of the specified views in the Local Coastal Program, thus protecting the public views to and along the scenic coastal areas.

Finally, an Overall Community Goal, as defined on page 11 of the Community Plan, is to “Enhance and protect physical and visual access to the bay and ocean shoreline.” The project proposes to add a stairway for public access to the private pier. Adding the public access point will serve to provide new views of San Diego Bay and the shoreline to both the north and south of the project site. As such, 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.

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

The proposed project does not meet the criteria for Environmentally Sensitive Lands as regulated within San Diego Municipal Code (SDMC) 143.0110 for premises where environmentally sensitive lands are present. There are no sensitive biological resources, steep hillsides, coastal beaches, sensitive coastal bluffs, or Special Flood Hazard Areas as specified in (SDMC) 143.0110(a). Finally, Figure 21 (page 89) of the Community Plan identifies no sensitive resource areas on or around the proposed project site. As such, the proposed coastal development will not adversely affect environmentally sensitive lands.

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

The proposed 0.0034-acre site is located at the unimproved intersection of Nichols Street and San Antonio Avenue and is associated with the adjacent Hildreth R. and Marion M. Peckham House located at 2905 Nichols Street, also known as Assessor’s Parcel Numbers 532-452-10 and 532-365-05 in the Residential-Single (RS-1-7) zone, the Coastal (Appealable) Zone, the Coastal Height Overlay Zone, the Special Flood Hazard Area, and the Airport Influence Area for the San Diego International Airport and Naval Air Station North Island overlay zones.

The RS-1-7 zone contains quantifiable development standards, including minimum setbacks, height limitations, and maximum floor area ratio (FAR). The San Diego Municipal Code (SDMC) Section 131.0403 defines the RS zones as Residential--Single Unit, and “it is intended that these zones provide for flexibility in development regulations that allow reasonable use of property while minimizing adverse impacts to

adjacent properties.” The proposed project does not include any dwelling units or residential components. The location of the project does not abut any other residential structures and is under Coastal Zone height restrictions. As such, the project meets the regulations and intent of the zone as defined by the SDMC

The existing private pier is associated with the adjacent Hildreth R. and Marion M. Peckham House located at 2905 Nichols Street, which is listed as a designated historic resource (HRB #453). City historic staff reviewed the improvement plans and determined that the work proposed would be consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties and would not adversely impact or change the structure’s eligibility as a historic resource. In addition, the project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA State Guidelines, Section 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures).

Finally, The Port Master Plan identifies Planning Goals. Goal IX (page 9) is to “Provide access along the waterfront wherever possible with promenades and paths where appropriate, and elimination of unnecessary barricades which extend into the water.” Condition 13 of Coastal Development Permit No. 3231459 requires that public access be granted to the private pier, which will be maintained by the property owner and thus eliminate the unnecessary barricade the public faced when the pier was only privately accessed. In addition to the City of San Diego Coastal Development Permit, the project will also be required to obtain a Tidelands Use and Occupancy Permit from the Port of San Diego, both of which ensure the project is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

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

The proposed project is located on an unimproved section of San Antonio Avenue, approximately 200 feet south of the improved street section of San Antonio Avenue, which is the first public roadway.

The proposed project is in conformity with Article 2, Public Access, under Chapter 3 of the California Coastal Act. Condition 13 of Coastal Development Permit No. 3231459 requires that public access be granted to the private pier, which will be maintained by the property owner. The requirement of public access satisfies Public Resources Code Section 30212(2) (Adequate access exists nearby) for new development within the California Coastal Act.

The proposed project is in conformity with Article 3, Recreation, under Chapter 3 of the California Coastal Act. Figure 11 (page 50) of the Community Plan identifies La Playa Beach as the only water-oriented recreational activity area near the proposed

ATTACHMENT 4

development. The current configuration of the pier provides access to La Playa Beach and the unimproved section of San Antonio Avenue. The addition of the proposed stairs and concrete landing will not interfere with the protection of the beach as outlined in Section 30220 of Article 3, Chapter 3 of the California Coastal Act. As such, the coastal development 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 Hearing Officer, Coastal Development Permit No. 3231459 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 3231459, a copy of which is attached hereto and made a part hereof.

Robin MacCartee
Development Project Manager
Development Services

Adopted on: March 6, 2024

IO#: 24009612

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: 24009612

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 3231459
NICHOLS STREET PIER - PROJECT NO. 1097375
HEARING OFFICER

This Coastal Development Permit No. 3231459 is granted by the Hearing Officer of the City of San Diego to The Peckham House, LLC, a California limited liability company, Owner/ Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0708. The 0.0034-acre site is located at the unimproved intersection of Nichols Street and San Antonio Avenue and associated with the adjacent Hildreth R. and Marion M. Peckham House located at 2905 Nichols Street, also known as Assessor's Parcel Numbers 532-452-10 and 2900 Nichols Street, also known as Assessor's Parcel Number 532-365-05 in the Residential-Single (RS-1-7) zone, the Airport Land Use Compatibility Overlay Zone, the Coastal Height Limit Overlay Zone, the Coastal Overlay (appealable) Zone, the Coastal Overlay Zone First Public Roadway, the Parking Impact Overlay Zone, the ALUCP Airport Influence Area, and the FAA Part 77 Noticing Area of the Peninsula Community Plan. The project site is legally described as:

LOT 3 IN BLOCK 137 OF LA PLAYA PER POODLE MAP SURVEYED IN 1856, TOGETHER WITH A PORTION OF THE WESTERLY 25 FEE OF SAN ANTONIO AVENUE ADJOINING SAID LOT 3 ON THE EAST AS CLOSED MAY 25TH, 1914 BY RESOLUTION NO. 17359 OF THE COMMON COUNCIL OF THE CITY OF SAN DIEGO (APN 532-452-10).

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a new public access stairway with a 30-square-foot concrete landing to an existing private wooden pier, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated, March 6, 2024, on file in the Development Services Department.

The project shall include:

- a. Construction of a new public access stairway to an existing private wooden pier.
- b. Construction of a concrete landing at the base of the stairs, which would be approximately 0.5 feet thick, 6 feet by 5 feet (30 square feet).

- 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 March 20, 2027.
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action or following all appeals.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The 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.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the 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.).
8. The Owner/Permittee shall secure all necessary building 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.

PLANNING REQUIREMENTS:

13. Public access will be granted to the private pier, stairs and concrete landing, which will be maintained by the property owner through the Encroachment Maintenance and Removal Agreement (EMRA).

ENGINEERING REQUIREMENTS:

14. 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.

15. Prior to the issuance of any building permit the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement (EMRA), from the City Engineer, for the stairway and concrete pad in San Antonio Avenue right-of-way.

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 March 6, 2024, and [Approved Resolution Number].

ATTACHMENT 5

Coastal Development Permit No. 3231459
Date of Approval: March 6, 2024

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Robin MacCartee
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.

**Peckham House, LLC,
a California limited liability company
Owner/Permittee**

By _____
NAME
TITLE

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

NOTICE OF EXEMPTION

(Check one or both)

TO: Recorder/County Clerk
 P.O. Box 1750, MS A-33
 1600 Pacific Hwy, Room 260
 San Diego, CA 92101-2400

From: City of San Diego
 Development Services Department
 1222 First Avenue, MS 501
 San Diego, CA 92101

Office of Planning and Research
 1400 Tenth Street, Room 121
 Sacramento, CA 95814

Project Title / Number: Nichols Street Pier Stairway / PRJ-1097375

State Clearinghouse No.: NA

Project Location-Specific: 2905 Nichols Street, San Diego CA 92106

Project Location-City/County: San Diego/San Diego

Description of nature and purpose of the Project: Coastal Development Permit to construct a new public access stairway to an existing private wooden pier at the unimproved intersection of Nichols Street and San Antonio Avenue. The project would be located on the beach above the high tide line, just east of the La Playa Trail. The stairway would be approximately 7.4 feet measured from the proposed concrete landing at the base of the stairs, which would be approximately 0.5 feet thick, 6 feet by 5 feet (30 square feet). The 0.0034-acre site is zoned Residential-Single (RS-1-7) and designated for single-family use within the Peninsula Community Plan. The private pier is associated with the adjacent Hildreth R. and Marion M. Peckham House located at 2905 Nichols Street, which is listed as a designated historic resource (HRB #453). Qualified historic staff has reviewed the improvement plans and determined that the work proposed would be consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties and would not adversely impact or change the structure's eligibility as a historic resource. The site is also located within Coastal (Appealable); Coastal Height; Special Flood Hazard Area (AE, VE); and Airport Influence Area for San Diego International Airport and NAS North Island overlay zone(s), within Council District 2.

LEGAL DESCRIPTION: Lot 3 in Block 137 of La Playa Per Poodle Map Surveyed in 1856, together with a portion of the Westerly 25 fee of San Antonio Avenue Adjoining said Lot 3 on the East as Closed May 25th, 1914 by Resolution No. 17359 of the Common Council of the City of San Diego (APN 532-452-10).

Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: Stephen Haase, 3438 Olive Street, San Diego CA 92104. (619) 818-3550.

Exempt Status: (Check one)

- Ministerial (Sec. 21080(b)(1); 15268)
 Declared Emergency (Sec. 21080(b)(3); 15269(a))

- Emergency Project (Sec. 21080(b)(4); 15269 (b)(c))
- Categorical Exemption: 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures)
- Statutory Exemptions:
- Other:

Reasons why project is exempt: CEQA Section 15301 (Existing Facilities) allows for the permitting or minor alteration of existing public or private structures involving negligible or no expansion of existing or former use and CEQA Section 15303 (New Construction) allows for the construction and location of limited numbers of new, small facilities or structures, such as accessory (appurtenant) structures. The site is not included on any list compiled pursuant to Government Code Section 65962.5 for hazardous waste sites.

Lead Agency Contact Person: Anne B. Jarque

Telephone: (619) 557-7953

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? Yes No

It is hereby certified that the City of San Diego has determined the above activity to be exempt from the California Environmental Quality Act.

_____/Senior Planner
Signature/Title

February 7, 2024
Date

Check One:

- Signed by Lead Agency
- Signed by Applicant

Date Received for Filing with County Clerk or OPR:



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

Ownership Disclosure Statement

**FORM
DS-318**

October 2017

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 EMRA

Project Title: Nichols Street Pier Stairway **Project No. For City Use Only:** _____
Project Address: 2905 Nichols Street San Diego, CA. 92106

Specify Form of Ownership/Legal Status (please check):

Corporation Limited Liability -or- General - What State? California Corporate Identification No. 201824410038
 Partnership Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter 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), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of ANY person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. Attach additional pages if needed. 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.

Property Owner

Name of Individual: The Peckham House, LLC/Jeffrey C. Hamann, Jr. Owner Tenant/Lessee Successor Agency
 Street Address: 1000 Pioneer Way
 City: El Caion State: CA Zip: 92020
 Phone No.: 619 977-6667 Fax No.: _____ Email: jeff@hamannco.com
 Signature: _____ Date: June 16, 2023
 Additional pages Attached: Yes No

Applicant

Name of Individual: J. Whalen Associates, Inc. Owner Tenant/Lessee Successor Agency
 Street Address: 2851 Camino Del Rio South, Suite 200
 City: San Diego State: CA Zip: 92108
 Phone No.: 619 683-5544 Fax No.: _____ Email: james@iwhalen.net
 Signature: _____ Date: June 16, 2023
 Additional pages Attached: Yes No

Other Financially Interested Persons

Name of Individual: _____ Owner Tenant/Lessee Successor Agency
 Street Address: _____
 City: _____ State: _____ Zip: _____
 Phone No.: _____ Fax No.: _____ Email: _____
 Signature: _____ Date: _____
 Additional pages Attached: Yes No

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 Upon request, this information is available in alternative formats for persons with disabilities.

DS-318 (10-17)

