



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: May 15, 2013 REPORT NO. HO 13- 046

ATTENTION: Hearing Officer

SUBJECT: EOT MAYER DUPLEX
PTS PROJECT NUMBER - 295461

LOCATION: 3458 Bayside Walk

APPLICANT: Ms. Susan Mayer, Tamale Partners, Ltd., Owner (ATTACHMENT 10) /
Mr. Ricardo Torres, Golba Architecture, Architect / Consultant

SUMMARY

Issue: Should the Hearing Officer approve an Extension of Time to previously approved Coastal Development Permit No. 560189 to demolish four dwelling units and construct two residential dwelling units within the Mission Beach Community Plan area?

Staff Recommendation – APPROVE Extension of Time No. 1117834.

Community Planning Group Recommendation – On November 20, 2012, the Mission Beach Precise Planning Board voted 7-0-1 to recommend approval of this proposed Extension of Time.

Environmental Review: The Extension of Time would allow the permittee an additional three years in which to act upon the previously approved Coastal Development Permit No. 560189. Pursuant to CEQA Section 15378(c) the term project refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The project does not mean each separate governmental approval; therefore, this action would not constitute a separate project under CEQA. The previous action was the approve the demolition of four dwelling unit complex and construction of a new 3-story, residential duplex which was determined to be categorically exempt from the California Environmental Quality Act CEQA pursuant to Article 19 Section 15302 on August 10, 2009..

BACKGROUND

On September 16, 2009, the Hearing Officer approved Coastal Development Permit No. 560189, Project No. 157136, known as the "Mayer Duplex". The permit was set to expire January 19, 2013. On September 14, 2012, the applicant applied for an Extension of Time. The project site is located 3458 Bayside Walk, in the R-S Zone of the Mission Beach Planned District, Coastal Overlay Zone (appealable), Coastal Height Limitation, Parking Impact, First Public Roadway, Residential Tandem Parking and Transit Area Overlay Zones and within the Mission Beach Community Plan area.

DISCUSSION

The present application is requesting an Extension of Time to the previously approved Mayer Duplex project. The time allowed in the original development permit to construct the Mayer Duplex project has expired. No changes to the originally approved project are proposed.

The project proposes to demolish the existing four unit residential complex and construct a, three-story, 2,929 square foot residential duplex with a carport and a three car garage on a 2,766 square-foot property. The proposed development will consist of two residential units containing three-bedroom units in each. The subject property is an interior lot surrounded by multi-leveled single and multi-family residential developments.

The subject site is developed with a two, two story structures with a garage on one interior lot totaling approximately 2,766 square feet. The new three-story duplex is a permitted use of the RS Zone of the Mission Beach Planned District. The existing structures are being replaced with a new structure designed to be physically suitable with the existing land use with no proposed deviations from the Development Regulations. Bayside Walk is located along the eastern property line, which is a 10-foot wide dedicated right-of-way for the primary use of pedestrians, with no motorized vehicular access, and provides a public access link to the ocean and bay side beaches. The western property line abuts Bayside Lane. The proposed development will take place entirely within private property and will not encroach onto or impact any existing or proposed physical public access ways as identified in the Mission Beach Precise Plan and Local Coastal Program Land Use Plan.

The project proposes the construction of a new three-story residential duplex. This development must conform to the regulations regarding inclusionary housing adopted by the City Council. The project is subject to this regulation and has chosen to pay an In-Lieu Fee which will be paid at the time of Building Permit Issuance. No additional Inclusionary Housing fees are required.

CONCLUSION

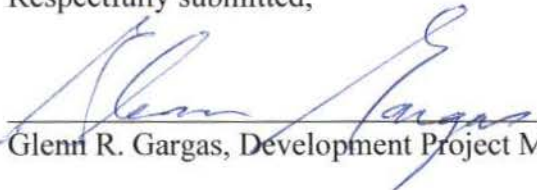
Staff has reviewed the proposed Extension of time and determined the project would not place adjacent residents of the proposed development, or immediate community, in a condition

dangerous to their health or safety. In addition, the project would comply with all state and federal laws without any new conditions being added to the approval. Staff has provided draft findings supporting EOT approval (Attachment 6). Staff recommends the Hearing Officer approve the proposed Extension of Time permit as proposed (Attachment 7).

ALTERNATIVE

1. Approve Extension of Time No. 1117834, with modifications.
2. Deny Extension of Time No. 1117834, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,


Glenn R. Gargas, Development Project Manager

Attachments:

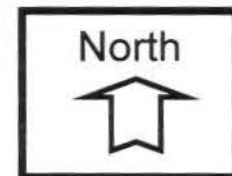
1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Site Plan (Full set of plans to the Hearing Officer)
6. Draft EOT Resolution with Findings
7. Draft EOT Permit with Conditions
8. Copy of Recorded (existing) Permit
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. Copy of Public Notice

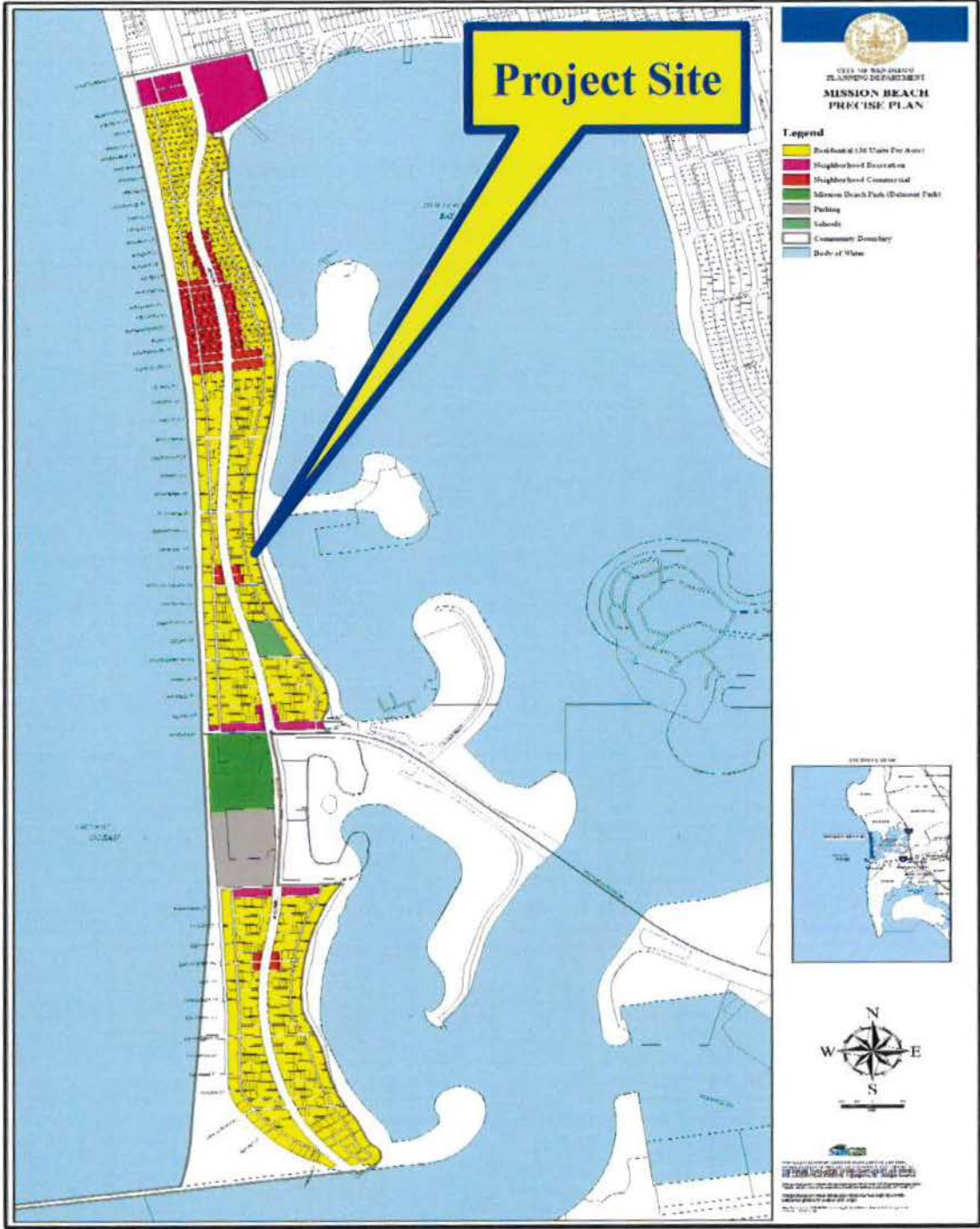


Aerial Photo

EOT MAYER DUPLEX- 3458 BAYSIDE WALK

Project Number - 295461





Land Use Map

EOT MAYER DUPLEX – 3458 BAYSIDE WALK
Project Number - 295461

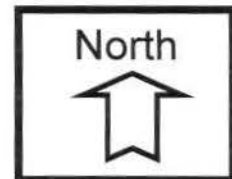




Project Location Map

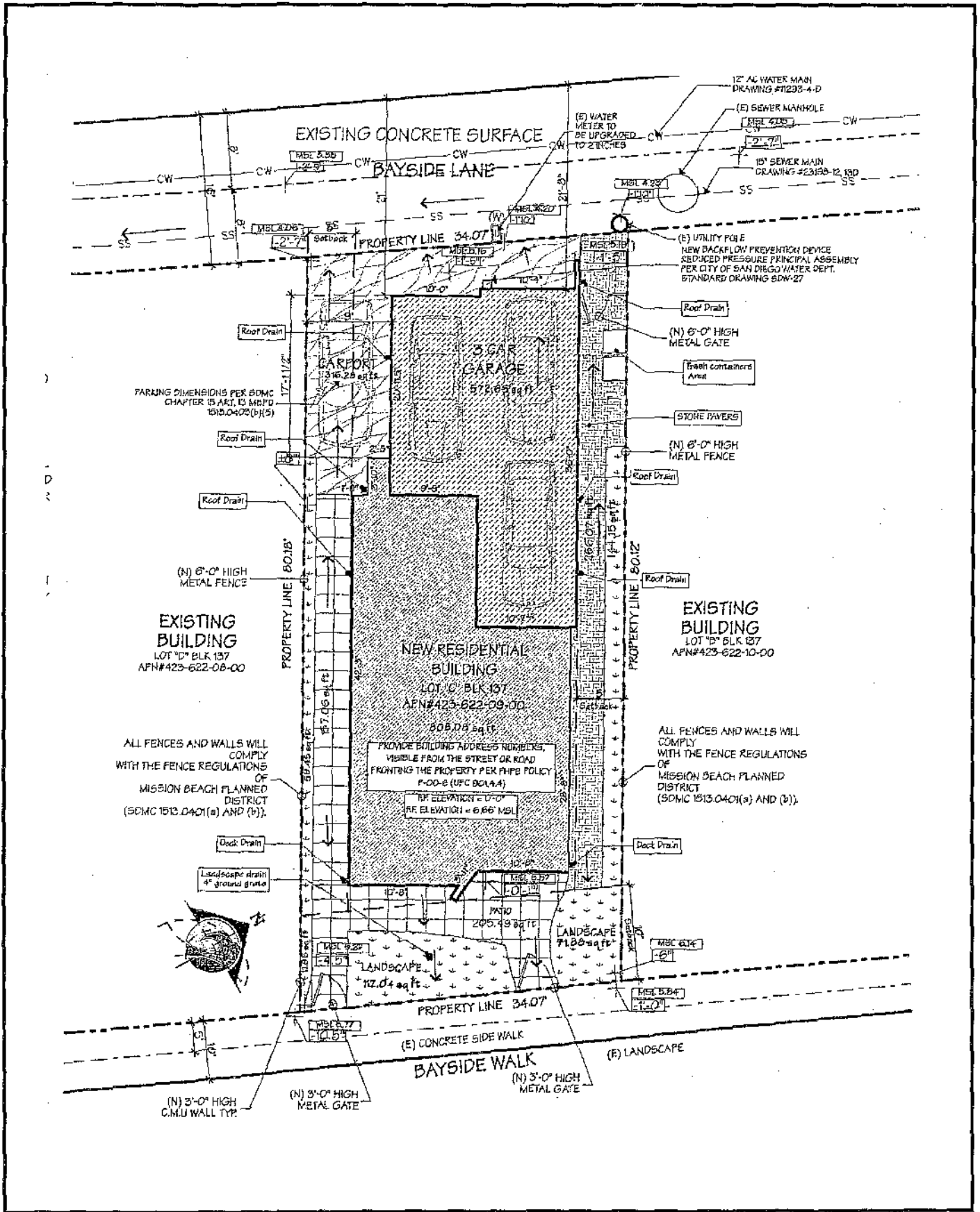
EOT MAYER DUPLEX- 3458 BAYSIDE WALK

Project Number - 295461



PROJECT DATA SHEET

PROJECT NAME:	EOT Mayer Duplex	
PROJECT DESCRIPTION:	EOT to previous CDP for the demolition of four existing apartments and construction of a new three-story for rent duplex on a 2,687-square-foot site.	
COMMUNITY PLAN AREA:	Mission Beach	
DISCRETIONARY ACTIONS:	Extension of Time	
COMMUNITY PLAN LAND USE DESIGNATION:	Residential - Maximum 36 dwelling units per acre.	
<u>CURRENT ZONING INFORMATION:</u>	<u>PROPOSED:</u>	
ZONE: MBPD-R-S	MBPD-R-S	
DENSITY: Two dwelling units in R-S	2 dwelling units	
HEIGHT LIMIT: 30-Foot maximum height limit.	29' 6"	
LOT SIZE: 2,400 square-foot minimum lot size.	2,688 square-feet	
FLOOR AREA RATIO: 1.1 maximum.	1.09	
FRONT SETBACK: 10 feet.	10-Feet	
SIDE SETBACK: 5 feet.	5-feet thru 9 feet	
STREETSIDE SETBACK: NA.	NA	
REAR SETBACK: 0 feet.	2' 6" – 5 feet	
PARKING: 4 spaces required	4 spaces	
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	MBPD-R-S	MBPD-R-S
SOUTH:	MBPD-R-S	MBPD-R-S
EAST:	RM-4-10	Bayside Walk & Mission Bay
WEST:	MBPD-R-S	MBPD-R-S
DEVIATIONS OR VARIANCES REQUESTED:	none	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On November 20, 2012, the Mission Beach Precise Planning Board voted 7-0-1 to recommend approval of the EOT.	



SITE PLAN

CITY OF SAN DIEGO • DEVELOPMENT SERVICES DEPARTMENT

HEARING OFFICER RESOLUTION NO. _____
EXTENSION OF TIME NO. 1117834
EXTENSION OF TIME TO COASTAL DEVELOPMENT PERMIT NO. 560189
EOT MAYER DUPLEX - PROJECT NO. 295461

WHEREAS, Ms. Susan Mayer, Tamale Partners, Ltd., Owner/Permittee, filed an application with the City of San Diego for a three-year Extension of Time to Coastal Development Permit No. 560189, for the demolition of four dwelling units and construct a residential duplex with a three-car garage and carport. The project site is located at 3458 Bayside Walk, in the R-S Zone of the Mission Beach Planned District, Coastal Zone (non-appealable), Coastal Height Limitation Overlay Zone and within the Mission Beach Community Planning area. The property is legally described as Lot C, Block 137, Mission Beach, Map No. 1651; and

WHEREAS, all associated permits shall conform to the previously approved Exhibit "A" and conditions on file with the Development Services Department pursuant to Coastal Development Permit No. 560189, Project No. 157136, with the exception of the expiration date; and

BE IT FURTHER RESOLVED, by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Extension of Time No. 1117834, for Coastal Development Permit No. 560189:

1. The project as originally approved would not place the occupants of the proposed development or the immediate community in a condition dangerous to their health and safety.

The project proposes no changes to the approved Coastal Development Permit for development of this site to demolish four dwelling units and construct two residential dwelling units. The proposed new duplex is to be located within the disturbed portion of the existing development. The Environmental Analysis Section of the City of San Diego, as lead agency, determined that the proposed project was categorically exempt from CEQA pursuant to Section 15302 (Replacement or Reconstruction) of the State CEQA Guidelines. This environmental analysis did consider potential negative impacts to public health, safety and welfare with no negative impacts found or identified. The demolition of the existing four dwelling units and the construction of two residential dwelling units would therefore not place the occupants or the immediate community in a condition dangerous to their health and safety.

2. There are no changed circumstances which would affect the project's consistency with the Local Coastal Program.

The proposed development to demolish four dwelling units and construct two residential dwelling units located on a site which has a Medium Density Residential land use designation, which allows for residential development at a density of up to 36 dwelling units per net acre. The Environmental Analysis Section of the City of San Diego, as lead agency, determined that the proposed project was categorically exempt from CEQA pursuant to Section 15302 (Replacement or Reconstruction) of the State CEQA Guidelines. The project design was also determined to be in compliance with all of the applicable development regulations, primarily those of the R-S Zone of the Mission Beach Planned District and Coastal Overlay Zone. The project site is not located on or adjacent to any public views as identified within the Mission Beach Community Plan and Local Coastal Program Land Use Plan. Due to these factors the proposed re-development

of this site for a residential duplex was found to be consistent and in compliance with the City of San Diego adopted Mission Beach Community Plan and the certified Local Coastal Program Land Use Plan.

3. No new condition is required to comply with state or federal law.

The project proposes no changes to the approved Coastal Development Permit for re-development of this site for a new residential duplex. The project proposes to demolish existing four dwelling units and construction of an approximate 2,929 square foot, three-story, residential duplex with a carport and three car garage on an 2,766 square foot property. No new conditions were required to comply with state or federal law.

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

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Extension of Time No. 1117834 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Extension of Time No. 1117834, a copy of which is attached hereto and made a part hereof.

PASSED AND ADOPTED BY THE HEARING OFFICER OF THE CITY OF SAN DIEGO, CALIFORNIA, ON May 15, 2013.

By

Glenn R. Gargas
Development Project Manager
Development Services Department

24003244

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

JOB ORDER NUMBER: 24003244

SPACE ABOVE THIS LINE FOR RECORDER'S USE

EXTENSION OF TIME NO. 1117834
EXTENSION OF TIME TO COASTAL DEVELOPMENT PERMIT NO. 560189
EOT MAYER DUPLEX – PROJECT NO. 295461
HEARING OFFICER

This Extension of Time No. 1117834 is a three-year Extension of Time to previously approved Coastal Development Permit No. 560189 is hereby granted by the Hearing Officer of the City of San Diego to Susan Mayer, Tamale Partners, Ltd., a California Limited Partnership, Owner/Permittee, pursuant to San Diego Municipal Code Section 126.0111. The 0.061-acre site is located at 3458 Bayside Walk, in the R-S Zone of the Mission Beach Planned District, Coastal Zone (appealable), Coastal Height Limitation, Parking Impact, First Public Roadway, Residential Tandem Parking and Transit Area Overlay Zones and within the Mission Beach Community Planning area. The property is legally described as Lot C, Block 137, Mission Beach, Map No. 1651;

Subject to the terms and conditions set forth in this Permit, and previously approved Coastal Development Permit No. 560189, permission is granted to the Owners/Permittee to demolish four dwelling units and construct a new residential duplex with a car port and a three-car garage, described and identified by size, dimension, quantity, type, and location on the previously approved exhibits [Exhibit "A"] and conditions on file in the Development Services Department. The original project Coastal Development Permit No. 560189 approved by the Hearing Officer on September 16, 2009, (Coastal Commission Appeal period ended on January 19, 2010) is hereby extended as indicated within this permit until January ____, 2016 (final date pending Coastal Commission appeal period).

The project shall include:

- a. A three year extension of time for the previously approved Coastal Development Permit No. 560189, Project No. 157136.

STANDARD REQUIREMENTS:

1. This permit must be utilized prior to January ____, 2016 (final date pending Coastal Commission appeal period), which does not exceed thirty-six (36) months from the expiration date of the original permit. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit.
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. No further Extension of Time may be granted pursuant to SDMC Section 126.0111(a).
5. Construction plans shall be in substantial conformity to Exhibit "A," per the previously approved Exhibits and conditions on file with Development Services for Coastal Development Permit No. 560189, Project No. 157136, Recorded with the County of San Diego Recorder on August 4, 2010, Document No. 2010.0397525, with the exception of the expiration dates. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.
6. 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].

INFORMATION ONLY:

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

APPROVED by the Hearing Officer of the City of San Diego on May 15, 2013, by Resolution No. _____.

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

THE ORIGINAL OF THIS DOCUMENT
WAS RECORDED ON AUG 04, 2010
DOCUMENT NUMBER 2010-0397525
DAVID L. BUTLER, COUNTY RECORDER
SAN DIEGO COUNTY RECORDER'S OFFICE
TIME: 10:51 AM

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 23430970

COASTAL DEVELOPMENT PERMIT NO. 560189
MAYER DUPLEX PROJECT NO. 157136
HEARING OFFICER

This Coastal Development Permit, is granted by the HEARING OFFICER of the City of San Diego to TAMALE PARTNERS, LTD., Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0708. The 0.061-acre site is located at 3458 Bayside Walk in the R-S Zone of Mission Beach Planned District, Coastal Height Limit, Coastal (appealable), Parking Impact, First Public Roadway, Residential Tandem Parking, and Transit Area Overlay Zones within the Mission Beach Community Plan area. The project site is legally described as Lot C, Block 137, Mission Beach, Map No. 1651.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee TAMALE PARTNERS, LTD. to demolish four existing apartments and construct a new three-story for rent duplex containing two three-bedroom units, a carport and a three-car garage, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated September 16, 2009, on file in the Development Services Department.

The project shall include:

- a. Demolition of the existing residential development; and
- b. Construction of one three-story residential duplex totaling 2,929 square-feet, two three-bedroom units; with a carport and a three-car garage and exterior decks;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;
- d. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the

adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
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. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.
5. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
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 modifications to the building and site

improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

9. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the 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 applicant 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, including, but not limited to, any 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 applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant 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, applicant 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 applicant 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 applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

AFFORDABLE HOUSING REQUIREMENT:

12. Prior to the recordation of the Parcel Map, the subdivider shall pay an Inclusionary Affordable Housing In-Lieu Fee pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

ENGINEERING REQUIREMENTS:

13. Prior to issuance of any construction permit, the applicant shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.

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

15. Prior to the issuance of any construction permit the applicant shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

16. Prior to the issuance of any construction permit, the applicant shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report, satisfactory to the City Engineer.

17. The drainage system proposed for this development is private and subject to approval by the City Engineer.

18. Prior to foundation inspection, the applicant shall submit a building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying that the pad elevation based on USGS datum is in accordance with the approved plans.

19. This project proposes to export 123 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per LDC Section 141.0620(i).

PLANNING/DESIGN REQUIREMENTS:

20. 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.

21. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval

of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations.

22. The height(s) of the buildings(s) or structures shall not exceed the Municipal Code Requirements for maximum height of the structure not to exceed 30 feet (SDMC, Sections 131.0444 and 132.0505). Highest point on roof equipment, pipe, vent, antenna or other projection shall not exceed 30 feet above grade.

23. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

24. All fences and retaining walls shall comply with the Fence Regulations of Mission Beach Planned District (SDMC 1513.0401).

TRANSPORTATION REQUIREMENT:

25. No fewer than four off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the Development Services Department.

GEOLOGY REQUIREMENT:

26. The Owner/Permittee shall submit a geotechnical investigation report to Development Services that specifically addresses the proposed construction plans and includes a liquefaction evaluation performed in accordance with prevailing Building Code and Geotechnical Guidelines. The geotechnical investigation report shall be reviewed for adequacy by the Geology Section of Development Services prior to the issuance of any construction permit.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.
- This development may be subject to impact fees at the time of construction permit issuance

APPROVED by the HEARING OFFICER of the City of San Diego on September 16, 2009 by Resolution No. HO-6240.

**Mission Beach Precise Planning Board
Tuesday, November 20, 2012
Belmont Park Community Room
Minutes of Meeting**

Board Members Present:

Nick Cantalupo	Carole Havlat	Dennis Lynch	Carlton Nettleton
Robert Ondeck	John Ready	John Vallas	Mary Willmont
Debbie Watkins			

Absent:

Peggy Bradshaw	Mike Meyer	Mary Saska	Gernot Trolf
----------------	------------	------------	--------------

OPENING FUNCTIONS

Meeting was called to order by Chair Debbie Watkins at 7:05 p.m.

- **Approval of Minutes** for October, 2012
Copies of the draft of the October 16, 2012 Minutes of Meeting were distributed and reviewed. There were no changes. The Minutes were approved by unanimous consent as written.

ADMINISTRATIVE ITEMS

- **Revisions to Agenda**

Copies of the November 20, 2012 Agenda were distributed and reviewed. A motion was duly made to continue the Action Item "Project No. 290417 – Triplex for WIR Holdings, LLC at 2719 Bayside Walk" to Tuesday, January 15, 2013 so architects for the property owners can file appropriate amendments with the City to adhere with the Mission Beach Planned District Ordinance, effective August 9, 2012; and add an Action Item to approve the use of the Mission Boulevard Maintenance Assessment District Funds for FY 2013 to mail postcards to property and business owners of record inviting them to participate in an on-line survey regarding project improvements in the community.

Motion 1 was made by Debbie Watkins and seconded by Carole Havlat TO REVISE the November 20, 2013 Agenda as discussed above.

VOTE For: 9 Against: 0 Abstain: 0

Motion passes.

- **Chair's Report**

(1) **FY 2014 Capital Improvement Program Project Request Forms** – Chair Watkins reminded the Board that seven (7) capital improvements project request forms were submitted and discussed at the October 16, 2012 Meeting. A majority of the Board and community members agreed on five (5) projects to be submitted to the City. Chair referred to the October 16th minutes for the list of these projects. Two (2) projects regarding adding traffic signals at San Jose Place and El Carmel Place did not receive a majority agreement. Chair stated she checked with the City's CIP representatives and was informed that only those projects agreed to by the majority needed to be submitted. Therefore, the two traffic signal projects were not submitted pursuant to community input.

Motion 2 was made by Mary Willmont and seconded by Carlton Nettleton TO APPROVE the MBMAD Proposed Budget for FY 2014 (07-01-13 to 06-30-14) as presented.

VOTE For: 8 Against: 0 Abstain: 0

Motion passes.

BUILDING PLAN REVIEWS

Action Items:



- **3458 Bayside Walk – Project No. 295461 (EOT Mayer Duplex):** Approve 3-year extension of time for Coastal Development Permit to demolish existing four units and construct two residential for-rent units

Architect Chad Beaver of Golba Architecture, Inc. represented Property Owner and presented the project plans for Ricardo Torres; Architect Sara Horton assisted.

Chair Watkins and Architect Beaver pointed out there are three (3) conditions to consider when granting an extension of time pursuant to Section 126.0111 as follows:

1. The project as originally approved would not place the occupants of the proposed development or the immediate community in a condition dangerous to their health and safety;
2. There are no changed circumstances which would affect the project's consistency with the local coastal program; and
3. No new condition is required to comply with state or federal law

Plan Reviewer Dennis Lynch reviewed the plans on behalf of the Board for compliance with the newly revised Planned District Ordinance, effective August 9, 2012. He presented his review and pointed out several areas in the project plans that do not conform to the new PDO as follows:

- (1) Tandem parking space must be 36 feet in length, not 35 feet as shown on project plans [See: PDO, effective August 9, 2012, Section 1513.0403 (b) (4) (A)];
- (2) Roof structure encroaches into interior side yards on North and South sides of building. Construction is too tall to be considered as eaves. Roof drains are allowed if they do not encroach more than 6 inches into the required interior side yards;

Plan Reviewer Lynch stated landscaping appears okay. There are no trees in the front yard that would require placement within 4 to 5 feet from building structure, and no man-made objects in the front yard setback greater than 36 inches in height.

Board Member Cantalupo pointed out the Board is being asked to approve an extension of time and not whether the plans conform to the new PDO. The Board agreed but wants the minutes to reflect the project plans do not adhere to the new PDO requirements. After further discussion, the following motion was duly made:

Motion 3 was made by Dennis Lynch and seconded by Mary Willmont TO APPROVE the three-year extension of time for the Coastal Development Permit to demolish four units and construct two residential for-rent units.

VOTE For: 7 Against: 0 Abstain: 1

Motion passes.

[Abstain: J. Vallas: needed more information regarding the definition of eaves]

- **729 Devon Court – Project No. 296192 (Nelson Duplex):** Sustainable Expedite Program Coastal Development Permit to demo Single Family Residence and construct a 2,646 sq. ft. Duplex with attached 496 sq. ft. garage on a 0.05 acre site

Architect Chad Beaver of Golba Architecture, Inc. represented Property Owner and presented the project plans.

Plan Reviewer Dennis Lynch reviewed the plans on behalf of the Board for compliance with the newly revised Planned District Ordinance, effective August 9, 2012. He presented his review and pointed out several areas in the project plans that do not conform to the new PDO as follows:

- (1) Tandem parking space on the Eastern portion of the lot must be 8 ½ feet wide [See: PDO, effective August 9, 2012, Section 1513.0403 (b) (4) (A)];
- (2) Roof eaves can not encroach into interior side yards more than 6 inches. Exact measurements of eaves are not noted on the plans; and
- (3) The tree located in the front yard setback must be planted within 4 to 5 feet of the primary structure [See: PDO, effective August 9, 2012, Section 1513.0402 (a) (1)]. No man-made objects greater than 36 inches shall be located in the required front yard setback.

Plan Review Lynch pointed out the revised PDO makes trees optional unlike the General City Code. After further discussion, the following motion was duly made to deny the project plans for the above-mentioned reasons:

Motion 4 was made by Dennis Lynch and seconded by Mary Willmont TO DENY the Coastal Development Permit to demo Single Family Residence and construct a 3-story 2,646 sq. ft. Duplex with attached 496 sq. ft. garage at 729 Devon Court for the above-mentioned reasons.

VOTE For: 8 Against: 0 Abstain: 0

Motion passes.

- **3610 Bayside Walk – Project No. 296187 (Cadena Residence):** Sustainable Expedite Program Coastal Development Permit to demo Single Family Residence and construct a 2,762 sq. ft. Single Family Residence with attached 399 sq. ft. garage on a 0.06 acre site

Architect Chad Beaver of Golba Architecture, Inc. represented Property Owner and presented the project plans for Rebecca Marquez.

Plan Reviewer Dennis Lynch reviewed the plans on behalf of the Board for compliance with the newly revised Planned District Ordinance, effective August 9, 2012. He presented his review and pointed out several areas in the project plans that do not conform to the new PDO as follows:



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

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit
 Variance Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment • Other EOT for CDP #560189

Project Title: Mayer Duplex EOT Project No. For City Use Only: 295461
 Project Address: 3458 & 60 Bayside Walk, San Diego, CA 92109

Part I - To be completed when property is held by individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached Yes No

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature: _____ Date: _____

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature: _____ Date: _____

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature: _____ Date: _____

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature: _____ Date: _____



THE CITY OF SAN DIEGO

DATE OF NOTICE: April 30, 2013

NOTICE OF PUBLIC HEARING

HEARING OFFICER

DEVELOPMENT SERVICES DEPARTMENT

DATE OF HEARING:	May 15, 2013
TIME OF HEARING:	8:30 A.M.
LOCATION OF HEARING:	Council Chambers, 12th Floor, City Administration Building, 202 C Street, San Diego, California 92101
PROJECT TYPE:	EXTENSION OF TIME / CEQA EXEMPTION / PROCESS 3
PROJECT NO:	<u>295461</u>
PROJECT NAME:	<u>EOT MAYER DUPLEX</u>
APPLICANT:	RICARDO TORRES
COMMUNITY PLAN AREA:	Mission Beach
COUNCIL DISTRICT:	District One
CITY PROJECT MANAGER:	Glenn Gargas, Development Project Manager
PHONE NUMBER/E-MAIL:	(619) 446-5142 / ggargas@sandiego.gov

As a property owner, tenant, or person who has requested notice, please be advised that the Hearing Officer will hold a public hearing to approve, conditionally approve, or deny an application for an **Extension of Time to a previously approved Coastal Development Permit to demolish existing four units and construct a three-story, two residential dwelling units, totaling approximately 2,929 square feet for rent on a 2,766 square foot property.** The project site is located at 3458 Bayside Walk in the R-S Zone of the Mission Beach Planned District, Coastal Overlay (appealable), Coastal Height Limit, First Public Roadway, Parking Impact, Residential Tandem Parking, Transit Area Overlay Zones and within the Mission Beach Community Plan area.

The decision of the Hearing Officer is final unless appealed to the Planning Commission. In order to appeal the decision you must be present at the public hearing and file a speaker slip concerning the application or have expressed interest by writing to the Hearing Officer before the close of the public hearing. The appeal must be made within 10 working days of the Hearing Officer's decision. Please do not e-mail appeals as they will not be accepted. See Information Bulletin 505 "Appeal Procedure", available at www.sandiego.gov/development-services or in person at the Development Services Department, located at 1222 First Avenue, 3rd Floor, San Diego, CA 92101

The decision made by the Planning Commission is the final decision by the City.

This project was determined to be categorically exempt from the California Environmental Quality Act on August 10, 2009 and the opportunity to appeal that determination ended on August 24, 2009.

Appeals to the Coastal Commission must be filed with the Coastal Commission at 7575 Metropolitan Drive, Suite 103, San Diego, CA 92108. (Phone: 619-767-2370) Appeals must be filed within 10 working days of the Coastal Commission receiving a Notice of Final Action from the City of San Diego, Development Services Department. Please do not e-mail appeals as they will not be accepted. If you want to receive a Notice of Final Action, you must submit a written request to the City Project Manager listed above.

If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing. If you have any questions after reviewing this notice, you can call the City Project Manager listed above.

This information will be made available in alternative formats upon request. To request an agenda in alternative format or to request a sign language or oral interpreter for the meeting, call Support Services at

(619) 321-3208 at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are also available for the meeting upon request.

Internal Order Number: 24003244.