

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



Wed 8b

Filed: 3/15/06
49th Day: 5/3/06
180th Day: 9/11/06
Staff: Laurinda Owens-SD
Staff Report: 3/23/06
Hearing Date: 4/12-14/06

STAFF REPORT AND RECOMMENDATION ON APPEAL

LOCAL GOVERNMENT: City of San Diego

DECISION: Approved with Conditions

APPEAL NO.: A-6-OCB-06-031

APPLICANT: Robert Sheehan

PROJECT DESCRIPTION: Demolition of a single-family residence and detached garage and construction of three, detached three-story, 1,200 sq.ft. residential apartments with seven on-site parking spaces on a 6,938 sq.ft. lot.

PROJECT LOCATION: 4916 Del Mar Avenue, Ocean Beach, San Diego, San Diego County. APN 448-161-19

APPELLANTS: Dan Gallagher

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, determine that no substantial issue exists with respect to the grounds on which the appeal has been filed. Based on review of the City's file and information provided by the appellant and applicant, staff has concluded that the development, as approved by the City, is consistent with all applicable LCP provisions as it is in character with the overall surrounding community, will not result in any adverse impacts on public views and will not result in impacts to historical resources. It is also consistent with the public access and recreational policies of the Coastal Act.

SUBSTANTIVE FILE DOCUMENTS: Certified Ocean Beach Precise Plan; Appeal Forms; City of San Diego Report to the Hearing Officer dated 2/8/06.

I. Appellants Contend That:

The proposed development is inconsistent with the policies of the certified LCP which pertain to preservation of community character. The City incorrectly described the adjacent land use as being predominantly multi-family when the majority of land use is single-family, single-story dwelling units. In addition, the proposed development will impact viewsheds, parking, air, circulation, light, shadows, scale, bulk and privacy of adjacent neighbors.

II. Local Government Action:

The coastal development permit was approved by the Hearing Officer on 2/8/06. The conditions of approval address, in part, the following: parking, replacement of portion of damaged sidewalk, incorporation of Best Management Practices, Encroachment Removal Agreement for landscaping in the Del Mar Avenue right-of-way, building height and shading of outdoor lighting.

III. Appeal Procedures/Substantial Issue Analysis.

After certification of a Local Coastal Program (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Projects within cities and counties may be appealed if they are located within mapped appealable areas.

Section 30604(b)(1) of the Coastal Act states:

The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.

Coastal Act Section 30625(b) states that the Commission shall hear an appeal unless it determines:

With respect to appeals to the commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.

If the staff recommends "substantial issue" and no Commissioner objects, the Commission will proceed directly to a de novo hearing on the merits of the project. If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have 3 minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. If substantial issue is

found, the Commission will proceed to a full public hearing on the merits of the project. If the Commission conducts a de novo hearing on the permit application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified Local Coastal Program.

In addition, for projects located between the sea and the first public road paralleling the sea, Section 30604(c) of the Act requires that a finding must be made by the approving agency, whether the local government or the Coastal Commission on appeal, that the development is in conformity with the public access and public recreation policies of Chapter 3. In other words, in regard to public access questions, the Commission is required to consider not only the certified LCP, but also Chapter 3 policies when reviewing a project on appeal.

The only persons qualified to testify before the Commission at the "substantial issue" stage of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. At the time of the de novo hearing, any person may testify.

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question" (Cal. Code Regs. titl. 14 section 13155(b)). In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to the Code of Civil Procedure, section 1094.5.

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development approved by the City does not raise a

substantial issue with regard to the appellants' contentions regarding consistency with the certified LCP and the public access and recreation policies of the Coastal Act.

Staff Recommendation On Substantial Issue.

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission determine that Appeal No. A-6-OCB-06-031 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

STAFF RECOMMENDATION OF NO SUBSTANTIAL ISSUE:

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:

The Commission finds that Appeal No. **A-6-OCB-06-031** does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

Findings and Declarations.

1. Project Description/History. Proposed is the demolition of a 65-year old single-family residence and detached garage and construction of three detached three-story, 1,200 sq.ft. residential apartments with seven on-site parking spaces. The 6,938 sq. ft. subject site is located on the north side of Del Mar Avenue, approximately 3/4 of a block inland from the ocean in the community of Ocean Beach in the City of San Diego.

According to the City staff report, the proposed project was first presented to the Ocean Beach Planning Board on 7/6/05. The Board at that time recommended denial on a vote of 10-0-0. However, the applicant had not been notified that the project was going to be reviewed at this meeting and he requested that it be rescheduled or re-heard. Subsequently, the project was rescheduled and reviewed by the board at its 12/7/05 meeting. Neither the motion to approve nor the motion to deny carried and the board was split 50/50 on both votes. Subsequently, the coastal development permit application for the proposed development was reviewed by the City of San Diego Hearing Officer. On

2/8/06 the Hearing Officer approved the proposed development finding that it is consistent with the certified Ocean Beach Precise Plan.

The City of San Diego has a certified LCP for the Ocean Beach community, and the subject site is located in an area where the Commission retains appeal jurisdiction. Therefore, the appeal must allege that the proposed development does not conform with the standards of the certified LCP or the public access policies of the Coastal Act.

2. Visual Impacts.

a. Community Character/Density of Development. The appellant contends that the proposed development will be incompatible with the community character of the surrounding area. The appellant also states that the City Hearing Officer incorrectly described the existing neighborhood as being “predominantly multi-family” when the majority of the land use is single-family, single-story dwelling units. Specifically, the appellant contends that the proposed development will be inconsistent with the policy of the certified Ocean Beach Precise Plan which requires that the residential character of the Ocean Beach community be maintained with a mixture of small scale residential building types and styles.

The subject appeal included several letters that raised several concerns with the proposed development pertaining to the issues of community character as well as several other issues. (These letters are attached to the appeal in Exhibit No. 8 to the staff report.) In response to these allegations, Commission staff visited the subject site and the surrounding neighborhood. Based on this visit, staff determined that there is not any *one* predominant type of development in this neighborhood. The block where the subject site is located contains predominately multi-family residential development, including a large three-story 28-unit apartment complex on the site directly adjacent to and west of the project site. However, the block to the east of the subject site contains predominantly small-scale, single-family residential development. Overall, there is a general mixture of both single- and multi-family residential development, both single- and multi-stories in height within a two-block radius of the subject site. In addition, while the development approved by the City will result in an increase in density over that which currently exists, the proposed three-units are will achieve a maximum density of 18.75 dwelling units per acre (dua) which is consistent with zoning which permits a density of 25 dua on the subject site. In addition, in terms of the maximum permitted Floor Area Ratio (F.A.R.), this particular zone (RM 2-4/Residential Medium Density) permits an F.A. R. of 0.70. The proposed development will only result in an F.A.R. of 0.52, well below the permitted maximum.

Regarding the design of the proposed structures, as noted above, the structures approved by the City will consist of three, detached, three-story, 29’4” ft. high, 1,200 sq.ft. residential units. Each unit will have one bedroom and two bathrooms, each with an exterior deck and porch area for a total of 192 sq.ft. in non-habitable space. Parking is proposed to be provided in three enclosed garage spaces and three open carport spaces in a one-story, at-grade building and one open space adjacent to the building. The garage

structure will be situated at the rear of the site next to the alley where access will be received (ref. Exhibit No. 1).

The City's staff report included information about the community's planning board's concerns pertaining to the design and height of the structures. It appears that there are pros and cons to the proposed design. While, individually, the construction of three detached structures which are proposed to be three-stories in height and 29 1/2 ft. tall will appear somewhat tall and narrow, the construction of a larger, three-unit building may appear more bulky in mass and size. The design approved by the City for three detached structures helps to reduce the bulk and scale as compared to one large structure. In addition, the approved design staggers the structures to give a bit more articulation on the lot vs. being constructed in a straight row (ref. Exhibit Nos. 1 & 5). The project also includes extensive open space and landscape elements around the three proposed structures. As the proposed landscaping matures, over time, they will help to visually buffer the proposed development and to soften the appearance of the three structures. The City staff report indicated in their findings that the proposed development, which consisted of a "garden apartment" development had been designed sensitively with useable open space between each unit which was considered to be sensitive to the "small lot" development of the area, consistent with the certified LCP community plan.

The certified Ocean Beach Precise Plan recommends maintaining the existing character of the neighborhood with a mixture of small residential building types and styles. Specifically, some of these policies include the following:

Maintain the existing residential character of Ocean Beach as exemplified by a mixture of small scale residential building types and styles. [p. 15]

That new residential construction be in the form of garden-type units, absent from excessive height and bulk and compatible in design with the existing community. [p. 23]

The Ocean Beach Precise Plan also identifies as a planning issue the removal of old structures worthy of preservation and new construction that would be disruptive to the scale and architecture of the community due to excessive height and bulk, lack of landscaping, and parking in front of buildings.

As cited above, the policies of the certified Ocean Beach Community Plan call for small scale residential building types and styles. While the three structures approved by the City are greater in number than the existing residence to be demolished, individually, each detached unit is a "small scale residential building type" consisting of a 1,200 sq.ft. unit. This is consistent with the goals of the community plan. The structures, even at nearly 30 ft. tall, will not impede public views to the ocean and are in fact in scale with other development in the area. In particular, the site is immediately adjacent to, and east of an existing three-story multi-family residential development.

In addition, although not an explicit concern raised by the appellant(s), but relevant to preservation of community character, it should be noted that the structure proposed for demolition is over 65 years old and thus, pursuant the certified LCP, must be evaluated for historical significance. *If* the existing structure proposed for demolition is considered historically significant, its removal could result in adverse impacts to a community resource and its removal could seriously diminish the community character of the nearshore area. In its review of the development, the City did evaluate the structure for historical significance and determined that the structure to be demolished did not hold historical significance nor considered to be a contributing structure to the Ocean Beach Emerging Historic District.

A last group of concerns raised by the appellant pertain to air, circulation, light, shadows and privacy of neighbors. Although these issues are tied into the community character concerns, they are not coastal issues addressed by the certified LCP and as such, are not grounds for appeal, as they do not relate to the proposed development's consistency with the certified local coastal program or the public access policies of the Coastal Act.

In summary, based upon a review of all of the information, the Commission finds that the proposed new structures can be found compatible in design and scale with the overall character of the surrounding neighborhood. While the structures may appear as a bit narrow or tall, they nevertheless meet all the height, setback floor area ratio and density requirements of the certified LCP. Ample landscaping is also being proposed which will help to visually buffer the new development. Therefore, the Commission finds that the appeal does not raise a substantial issue regarding the proposed development's conformity with the density requirements and preservation of community character policies of the certified LCP.

b. Public View Blockage. The certified Ocean Beach Precise Plan recommends protecting public views to the ocean. Specifically, some of these policies and plan recommendations include the following:

- That views available from elevated areas and those adjacent to the beaches and ocean be preserved and enhanced wherever possible. [p.85]
- That public access to beaches and the shoreline be protected, first by clearly establishing public access and use rights, and second by requiring new developments to provide visual and physical access. [p. 42]

The appellant has also indicated that the proposed project will impact public views in the area. As noted earlier, the subject site located approximately 3/4 of a block from the ocean. However, the proposed development will be situated on a very deep lot that runs the entire length between Del Mar Avenue to the south and the alley to the rear of the site (to the north). As such, the three proposed detached residential structures will be spaced out on the lot in a zig-zag fashion and will not impede public views to the ocean. There are no existing public ocean views available across the subject site due to the large apartment building, but even if the building were not there, no public ocean views would

visible from across the site due to the fact that the ocean is located below the bluff $\frac{3}{4}$ of a block to the west. Furthermore, the street is not designated as public view corridor in the certified LCP. However, it is possible that other residents in the area (for example, those who may live in a two or three-story structure on the east side of Cable Street) may have their personal views to the ocean blocked by the proposed three-story structures. However, the policies of the certified LCP call for the protection of *public* views to the ocean—not *private* views. In this particular case, the proposed development will not result in the blockage of any *public* views to the ocean whatsoever. As such, the Commission finds that the appeal does not raise a substantial issue regarding conformity of the proposed development with the visual resource/public view protection policies of the certified LCP.

2. Public Access/Parking. Coastal Act sections 30210, 30211 and 30212(a) are applicable to the project and state the following:

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212(a)

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
- (2) adequate access exists nearby, or, [...]

In addition, Section 30252 of the Act is also applicable to the proposed development and states the following:

The location and amount of new development should maintain and enhance public access to the coast by . . . (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation

The subject site is located between the ocean and the first coastal road, which in this case, is Cable Street. The certified LCP contains numerous policies that call for the protection and enhancement of public access in the Ocean Beach area. Some of these policies include the following:

- That all beaches be easily accessible to the general public. [p. 42]

- That public access to beaches and the shoreline be protected, first by clearly establishing public access and use rights, and second by requiring new development to provide visual and physical access. [p.42]

The pattern of gaining access in this area to the ocean is through the existing east-west street ends and at existing public walkways at the beach elevation that are situated to the west of the street ends of the residential development in this area. As such, adequate access exists in the area, consistent with Section 30212(a) of the Coastal Act.

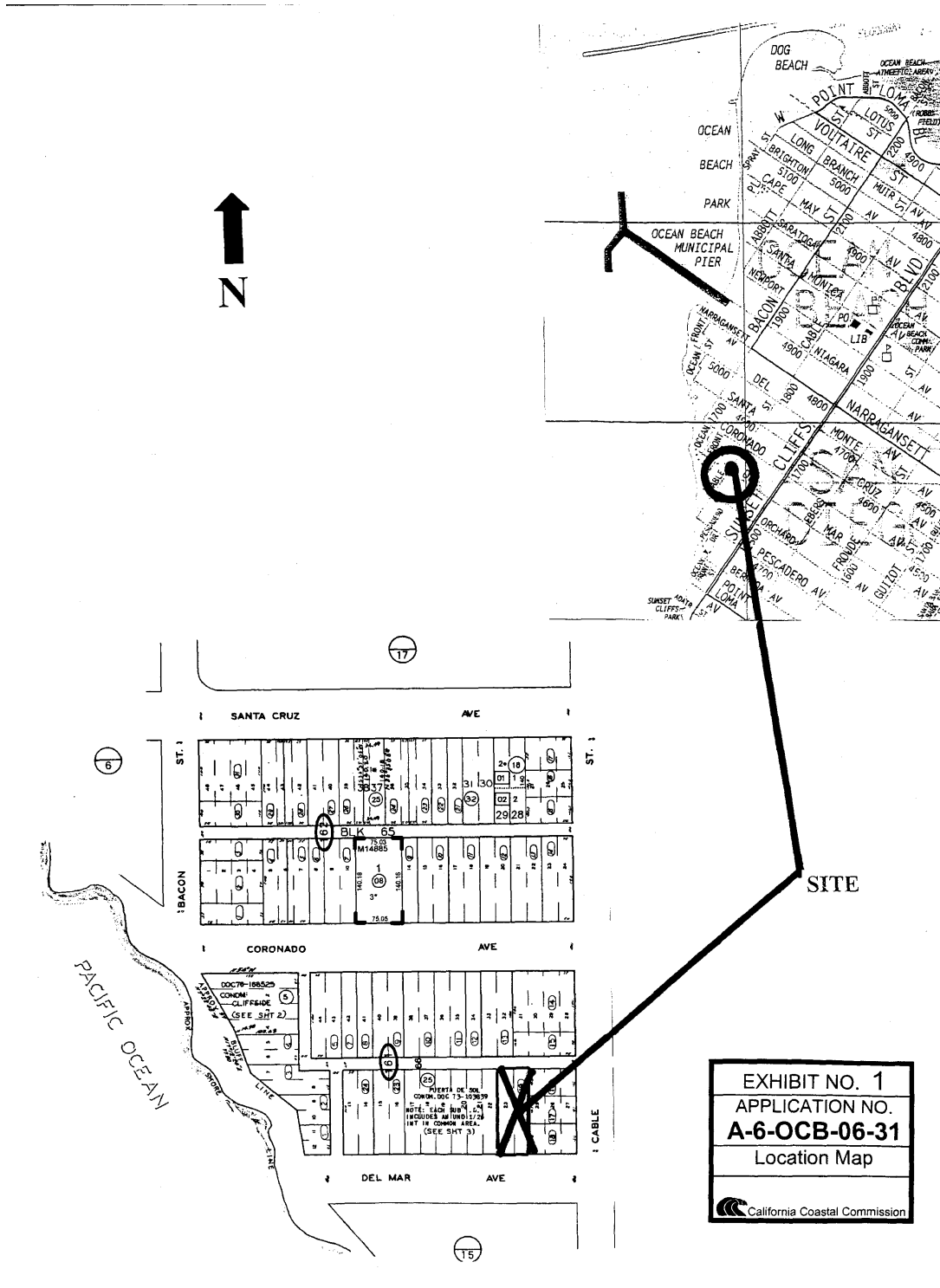
A total of seven on-site parking spaces are proposed for the new three-unit residential project, consisting of three tandem parking spaces housed in a detached parking garage/storage structure (ref. Exhibit Nos. 1, 4 & 5), which is adequate to serve the new development and consistent with LCP parking requirements. As part of the subject proposal, the applicant will also be removing an existing curb cut along the Del Mar Avenue frontage. Access for the three proposed residential apartments will be gained from the alley to the rear (north) of the site, instead. As such, the removal of the curb cut from the Del Mar Avenue street frontage will actually increase the amount of parking for both beach visitors as well as residents in the area.

The appellants contend that the proposed project will impact the adequacy of parking in this neighborhood because tenants often do not use their garages to park their vehicles but instead use the garage for storage purposes and park their vehicles on the street. In response to this latter allegation, zoning requires that adequate on-site parking be provided, as is the case here. Whether or not the applicants actually use their garages to park their cars or for storage purposes is not regulated by zoning. However, such a matter may be best dealt with by City Code Enforcement if it becomes a problem in the nearshore areas or proves to adversely affect public access, etc. To date, this issue has not been addressed by the Commission.

In summary, adequate on-site parking will be provided for the new development and an existing curb cut will be closed which will result in an additional parking space being provided along the Del Mar Street frontage and the proposed development will not result in impacts to public access. Therefore, the Commission finds that the appeal does not raise a substantial issue regarding conformity of the proposed development with the public access policies of the Coastal Act and the certified LCP.

3. Conclusion. In summary, the development as approved by the City, is consistent with all applicable LCP land use policies and provisions/development standards of the certified LCP Implementation Plan. The project, as approved by the City, is in character with the surrounding community, will not result in any adverse impacts on public views and will not result in impacts on public access. Therefore, the Commission finds that the appeal does not raise a substantial issue with regard to the project's consistency with the certified LCP or the public access policies of the Coastal Act.

4. Substantial Issue Factors. As discussed above, there is strong factual and legal support for the City's determination that the proposed development is consistent with the certified LCP. The other factors that the Commission normally considers when evaluating whether a local government's action raises a substantial issue also support a finding of no substantial issue. The proposed project is for three detached apartment units that are consistent in size and scale of other projects in the vicinity and is not of unusual extent or scope. In addition, the City, in its approval of the development, granted no "exceptions" or variances such that a precedent would be made regarding future interpretations of the LCP. The objections to the project suggested by the appellants do not raise any substantial issues of regional or statewide significance.



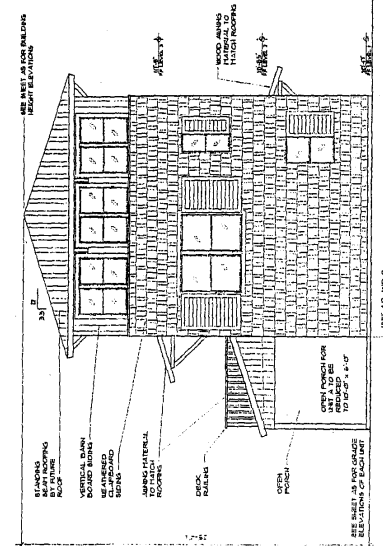
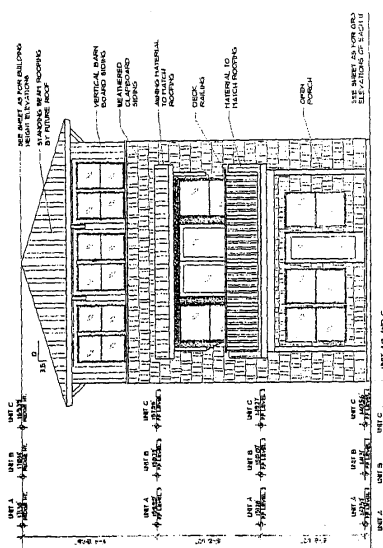
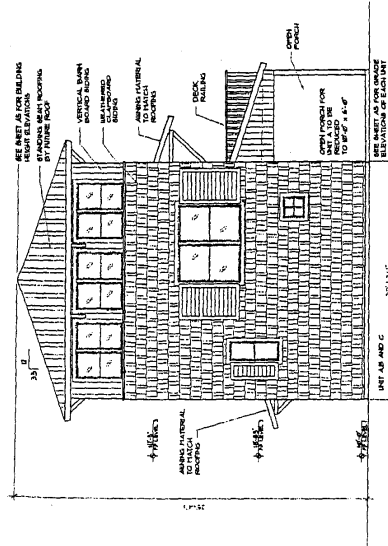
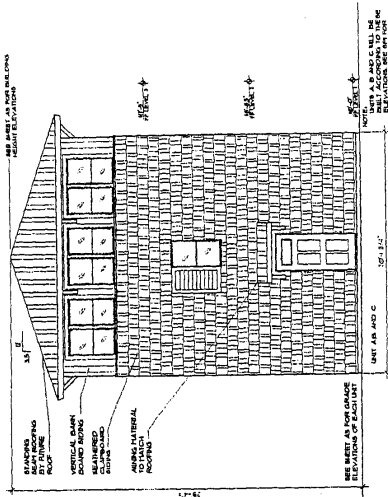
1" = 30'-0"

 California Coastal Commission

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FRONT ENTRANCE ELEVATION

SIDE ELEVATION



REAR PORCH ENTRANCE ELEVATION:

SIDE ELEVATION

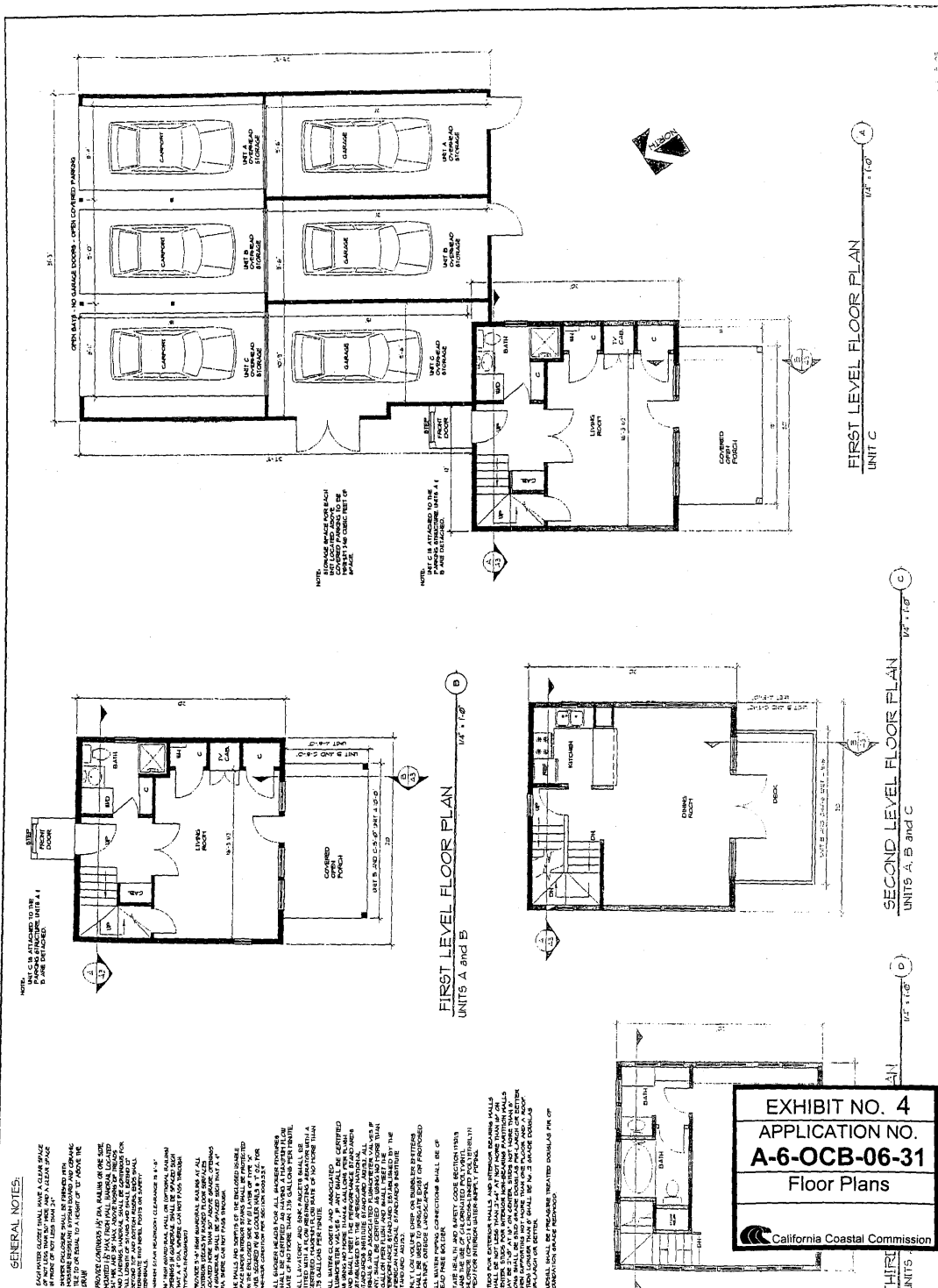
EXHIBIT NO. 3
APPLICATION NO.
A-6-OCB-06-31
Elevations
 California Coastal Commission



2821 A STREET, STE. 4
SAN DIEGO, CA 92103
OFFICE: 619-232-7711
FAX: 619-232-7757
for more information, please call 619-232-7711

NEW 3-STORY UNITS
THE CALEDONIA RESIDENCE
4416 DEL MAR AVENUE
SAN DIEGO, CA 92107

PARKING BAY AND UNIT C ELEVATIONS	PLAN 9/1/4	SECTION 14-121	SECTION 14-121
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GENERAL NOTES:

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EXHIBIT NO. 4
APPLICATION NO.
A-6-OCB-06-31
Floor Plans
 California Coastal Commission

[illegible]

LANDSCAPE DEVELOPMENT PLAN
SCALE = 1/8" = 1'-0"

1. **Additional Notes:** The authors and the reviewers have discussed the COT-5S target's linkage region (12 cM) and the authors have agreed to publish the manuscript with the following changes:
2. **Abstract:** The authors have agreed to publish the abstract with the following changes:
3. **Introduction:** The authors have agreed to publish the introduction with the following changes:
4. **Materials and Methods:** The authors have agreed to publish the materials and methods with the following changes:
5. **Results:** The authors have agreed to publish the results with the following changes:
6. **Discussion:** The authors have agreed to publish the discussion with the following changes:
7. **Conclusion:** The authors have agreed to publish the conclusion with the following changes:
8. **References:** The authors have agreed to publish the references with the following changes:
9. **Tables:** The authors have agreed to publish the tables with the following changes:
10. **Figures:** The authors have agreed to publish the figures with the following changes:
11. **Supplementary Materials:** The authors have agreed to publish the supplementary materials with the following changes:
12. **Other:** The authors have agreed to publish the other information with the following changes:

WATER CONSERVATION STATEMENT

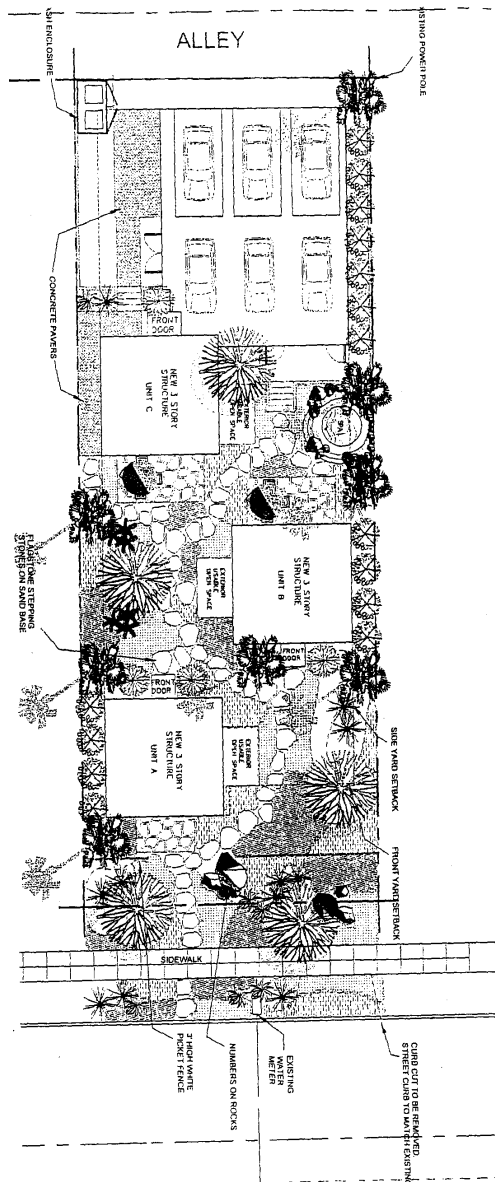
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GENERAL NOTE

MAINTENANCE RESPONSIBILITY

LOT

1476 NUMBER



NOTE: ALL PRINT MATERIALS TO COVER 1 POSITIONING MATERIAL

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EXHIBIT NO. 5
APPLICATION NO.
A-6-OCB-06-31
Landscape Plans

ATTACHMENT 5

4916 Del Mar Avenue

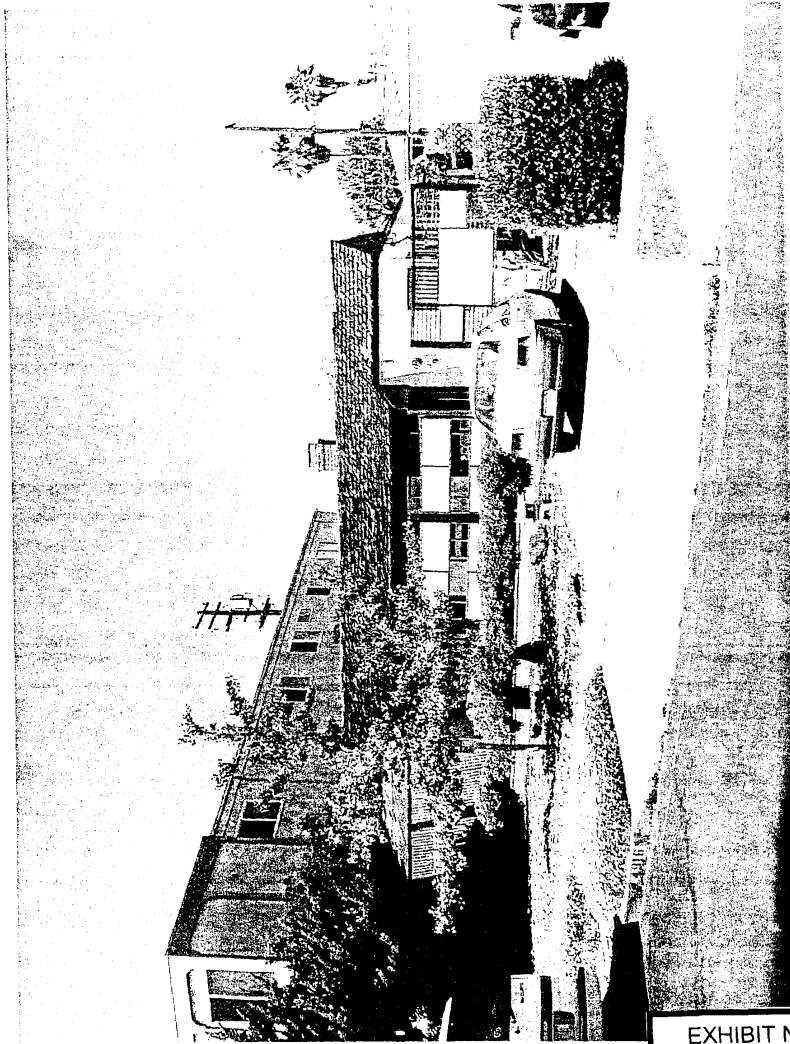



EXHIBIT NO. 6
APPLICATION NO.
A-6-OCB-06-31
Photo of subject site
 California Coastal Commission



THE CITY OF SAN DIEGO

**COASTAL DEVELOPMENT PERMIT
NOTICE OF FINAL ACTION**

42-3953

DATE: February 8, 2006

The following project is located within the City of San Diego Coastal Zone. A Coastal Permit application for the project has been acted upon as follows:

PROJECT NAME - NUMBER: CALEDONIA RESIDENCES Project Tracking System number 61412

PROJECT DESCRIPTION: Coastal Development Permit application to demolish an existing 65-year-old residence and construct three, three-story residential for rent units (one-bedroom, two-bath) with seven parking spaces

LOCATION: 4916 Del Mar Avenue (7,000 square foot site)

APPLICANT'S NAME: Robert Sheehan

FINAL ACTION: X APPROVED WITH CONDITIONS

ACTION BY: Hearing Officer

ACTION DATE: February 8, 2006

CONDITIONS OF APPROVAL: See attached Permit.

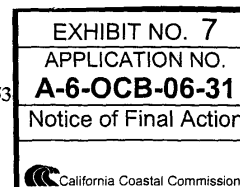
FINDINGS: See attached Resolution.

X Appealable to the Coastal Commission pursuant to Coastal Act Section 30603. An aggrieved person may appeal this decision to the Coastal Commission only after a decision by the City Council (or Planning Commission for Process 3 Coastal Development Permits) and within ten (10) working days following Coastal Commission receipt of this Notice, as to the date the Commission's appeal period will conclude.

Appeals must be in writing to: California Coastal Commission, San Diego Area Office, 7575 Metropolitan Drive, Suite 103, San Diego, CA 92108-4402, Phone (619) 767-2370

cc: California Coastal Commission

Cory Wilkinson, Development Project Manager
Development Services Department
1222 First Avenue, MS 501, San Diego, CA 92101-4153
Phone: (619) 557-7900



RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES

WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-3953

COASTAL DEVELOPMENT PERMIT NO. 185370
CALEDONIA RESIDENCES – 4916 DEL MAR AVENUE
PROJECT NUMBER 61412
HEARING OFFICER

This Coastal Development Permit 185370 is granted by the Hearing Officer of the City of San Diego to DEL MAR TOWERS, LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0707(a) regarding Coastal Development Permits.

The 6,938 square foot (0.16 acre) site is located at 4916 Del Mar Avenue in the RM-2-4 Zone within the Ocean Beach Precise Plan, Ocean Beach Emerging Historic District, Coastal Overlay Zone (appealable), Coastal Height Limit Overlay Zone, Residential Tandem and Parking Impact Overlay Zone, Airport Approach Overlay Zone, Airport Environs Overlay Zone, and First Public Roadway.

The site is legally described as Lots 23 and 24 in Block 66 of Ocean Beach, in the City of San Diego, according to map thereof No. 279, filed in the Office of the County Recorder of San Diego County, May 28, 1887.

Subject to the terms and conditions set forth in this Permit, permission is granted to Permittee to demolish an existing single family residence to construct three new residential units as described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated February 2, 2006, on file in the Development Services Department.

The project or facility shall include:

- a. Demolition of the existing 1,562 square foot, one-story residential unit and the existing 640 square foot garage;
- b. Construction of three, three-story, 1,200 square-foot each, residential rental units (one-bedroom, two-bath);
- c. No fewer than seven on-site parking spaces shall be provided and maintained;

- d. Accessory improvements determined by the City Manager 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. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the 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.
5. The utilization and 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 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 building permits. The applicant 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.
8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," on file in the Development Services Department. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

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

10. 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 following all appeals.

ENGINEERING REQUIREMENTS:

11. Prior to foundation inspection, the applicant shall submit a building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying the pad elevation based on USGS datum is in accordance with the approved plans. The subdivider shall dedicate and improve an additional 2.5 feet of the adjacent alley.

12. Prior to building occupancy, the applicant shall replace the damaged portion of the sidewalk, adjacent to the site on Del Mar Avenue, satisfactory to the City Engineer.

13. Prior to the issuance of any construction permits, the applicant shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices (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 building occupancy, the applicant shall close the existing driveway with restoration to full-height curb, gutter and sidewalk, adjacent to the site on Del Mar Avenue, satisfactory to the City Engineer.

17. Prior to building occupancy, the applicant shall obtain an Encroachment Maintenance and Removal Agreement, for landscaping in Del Mar Avenue, satisfactory to the City Engineer.

18. The project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.

19. If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.

20. 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.

WASTEWATER REQUIREMENTS:

21. The developer shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego Sewer Design Guide. Proposed facilities that do not meet the current standards shall be private or redesigned.

22. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

WATER REQUIREMENTS:

23. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway, and the disconnection at the water main of the existing water service adjacent to the project site, in a manner satisfactory to the Water Department Director and the City Engineer.

24. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service serving the project, in a manner satisfactory to the Water Department Director and the City Engineer.

25. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

26. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities, as shown on approved Exhibit "A", shall be modified at final engineering to comply with standards.

PLANNING/DESIGN REQUIREMENTS:

27. No fewer than seven (7) off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," on file in the Development Services Department. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager. The property deviates from current parking requirements. However, the project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.

28. 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 a 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. Where a condition (including exhibits) of this Permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

29. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this Permit.

30. 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 Permittee.

31. 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.

32. No building additions, including patio covers, shall be permitted unless approved by the City Manager. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.

33. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

34. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, mechanical ventilator, or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed, architecturally integrated structure whose top and sides may include grillwork, louvers, and latticework.

35. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (SDMC) to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A," on file in the Development Services Department.

36. The project site is not within the 65 decibel (dB) Community Noise Equivalent Level (CNEL) of Lindbergh Field Operations as shown in the 1990 Airport Influence Area of the Comprehensive Land Use Plan (CLUP) for February 1992 (as Amended April 1994). In accordance with the San Diego Municipal Code at §132.0309, no aviation easement is required. Interior noise, however, must be demonstrated to be attenuated to at least 45 dB pursuant to Municipal Code at 132.0306 (b) (1).

37. 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 San Diego Municipal Code.

38. The developer shall notify the San Diego Air Pollution Control District (Compliance Division, Asbestos Section) at least 10 days prior to demolition of the existing structure.

INCLUSIONARY HOUSING REQUIREMENTS:

39. Prior to issuance of building permits, the applicant shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance Chapter 14, Article 2, Division 13 of the Land Development Code. The applicant has elected to pay an in-lieu fee to meet these requirements. Prior to receiving a building permit, the applicant must either pay the entire in-lieu fee amount or enter into an agreement with the San Diego Housing Commission to assure the payment of the in-lieu fee.

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 section 66020.

APPROVED by the Hearing Officer of the City of San Diego on February 8, 2006,
Resolution No. HO-5263

ALL-PURPOSE CERTIFICATE

Type/PTS Approval Number of Document 61412
 Date of Approval February 8, 2006

STATE OF CALIFORNIA
 COUNTY OF SAN DIEGO

Cory H. Wilkinson, Development Project Manager

On _____ before me, Stacie L. Maxwell, (Notary Public), personally appeared **Cory H. Wilkinson**, Development Project Manager of the Development Services Department of the City of San Diego, personally known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature _____
 Stacie L. Maxwell

ALL-PURPOSE CERTIFICATE

OWNER(S)/PERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED OWNER(S)/PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF OWNER(S)/PERMITTEE(S) THEREUNDER.

Signed _____
 Typed Name:

STATE OF CALIFORNIA
 COUNTY OF SAN DIEGO

On _____, before me, _____, (Name of Notary Public)

personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

HEARING OFFICER
RESOLUTION NO. HO-5263
COASTAL DEVELOPMENT PERMIT No. 185370
CALEDONIA RESIDENCES – 4916 DEL MAR AVENUE

WHEREAS, DEL MAR TOWERS, LLC, Owner/Permittee, filed an application with the City of San Diego for a Coastal Development Permit to demolish an existing 65-year-old residence and construct three, three-story residential for-rent units (one-bedroom, two-bath) with seven parking spaces; and

WHEREAS, the site is located at 4916 Del Mar Avenue in the RM-2-4 Zone within the Ocean Beach Precise Plan, Ocean Beach Emerging Historic District, Coastal Overlay Zone (appealable), Coastal Height Limit Overlay Zone, Residential Tandem and Parking Impact Overlay Zone, Airport Approach Overlay Zone, Airport Environs Overlay Zone, First Public Roadway; and

WHEREAS, the 6,938 square foot (0.16 acre) project site is legally described as Lots 23 and 24 in Block 66 of Ocean Beach, in the City of San Diego, according to map thereof No. 279, filed in the Office of the County Recorder of San Diego County, May 28, 1887; and

WHEREAS, on May 3, 2005, the project was determined to be exempt from environmental review pursuant to Article 19, Section 15301(k), of the California Environmental Quality Act (CEQA) on the basis that the facilities are existing; and

WHEREAS, on February 8, 2006 the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 185370, pursuant to the Land Development Code of the City of San Diego, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the Hearing Officer having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

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. 185370 pursuant to §126.0708 (a) of the San Diego Municipal Code:

- 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 development proposes the demolition of an existing home with replacement by three units. All development would occur on private property, and would be within the 30-foot coastal height limit. Additionally, the proposed project will not encroach upon the adjacent existing physical access way used by the public nor will it adversely affect any proposed physical public accessway identified in the Local Coastal Program Land Use Plan. The subject property is not located within any designated public view corridors and is adjacent to an existing three-story multi-family

complex to the west. Accordingly, the proposed project will not impact any public views to or along the ocean or other scenic coastal areas as specified in the Local Coastal Program land use plan.

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

The development proposes the demolition of an existing home with replacement by three units. The site is rectangular in shape and is a relatively flat lot located within an urbanized area of the Ocean Beach Precise Plan and Local Coastal Program, surrounded by a fully developed residential neighborhood. The City of San Diego conducted a complete environmental review of this site and determined the project to be exempt from the California Environmental Quality Act (CEQA) in accordance with State CEQA Guidelines. The project does not contain Environmentally Sensitive Lands (ESL); therefore the proposed project would not adversely affect these resources.

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 development proposes the demolition of an existing home with replacement by three units. The proposed project conforms with the certified Ocean Beach Precise Plan and Local Coastal Program which designates the site for residential use at a density of 25 dwelling units per acre (du/ac). The proposed project would create three dwelling units on a 6,938 square foot (0.16 acre) site resulting in a density of 18.75 du/ac. The project is located within the South Ocean Beach neighborhood. Adjacent land use is predominantly multi-family with single-family construction to the east. The Residential element of the Precise Plan recommends to maintain existing character of the neighborhood with a mixture of small-scale residential building types and styles. The Precise Plan identifies as a planning issue the removal of old structures worthy of preservation, and new construction that would be disruptive to the scale and architecture of the community due to excessive height and bulk, lack of landscaping, and parking in front of buildings. The project proposes to remove the existing single-story, single-family residential structure. However, the structure has been determined not to be eligible for inclusion in the Ocean Beach Emerging Historic District and its removal would therefore not adversely impact the character of the neighborhood.

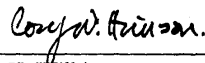
The proposed, at-grade three rental units have been designed sensitive to the bulk and scale and architectural design guidelines of the Precise Plan compatible with small-lot development of garden-type apartments absent from excessive height and bulk. Each unit is separate and off-set from the other, with exterior usable open space in between. The exterior would be covered in weathered, clapboard and vertical barn board siding with standard seam roofing. Allowable Floor Area Ratio (FAR) for the site is 0.70; this project would construct at 0.52 FAR.

The thirty-foot coastal height limit would be maintained as the proposed structures would be at 29'-4". Seven parking spaces would be provided off the alley at the rear of the site in a one-story, three-car garage with three carport spaces; and one open space adjacent. In addition, the project is located at an existing bus line for Metropolitan Transit System Routes 35 and 923. At least 20 percent of the total lot would include landscape in accordance with the Precise Plan. Landscaping includes use of five new Torrey Pines on the site as the evergreen shade trees. The project is consistent with the design guidelines, and development standards in effect for this site per the Coastal Overlay Zone and Coastal Height Overlay Zone. The development is therefore consistent with the Precise Plan and Local Coastal Program plan.

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 development proposes the demolition of an existing home with replacement by three units. The proposed project is within the area between the first public road and the sea or shoreline of any body of water within the Coastal Overlay Zone. All development would occur on private property, therefore, the proposed project will not encroach upon the existing physical access way used by the public. Seven off-street parking spaces will be provided on-site. Existing public access to the Pacific Ocean exists at the westerly end of Del Mar Avenue. This access would not be impacted by the proposed development. The proposed development provides adequate on-site parking. No deviations or variances from the development regulations are required to implement the proposed project. The proposed coastal development will conform to the public access and public recreation policies of Chapter 3 of the California Coastal Act.

PASSED AND ADOPTED BY THE HEARING OFFICER OF THE CITY OF SAN DIEGO,
CALIFORNIA, ON FEBRUARY 8, 2006.



Cory H. Wilkinson
Development Project Manager
Development Services

Job Order No. 42-3953

cc: Legislative Recorder, Planning Department

STATE OF CALIFORNIA - THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
VOICE (619) 767-2370 FAX (619) 767-2384



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

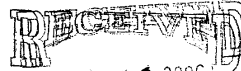
Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Don Gallagher
Mailing Address: 1615 Cable Street
City: San Diego Zip Code: 92107 Phone: 619.523.4229

SECTION II. Decision Being Appealed

1. Name of local/port government: Hearing Officer of the City of San Diego
2. Brief description of development being appealed:
Demolish an existing 65 year old residence and construct three, three-story residential for-rent units (one-bedroom, two bath) with 7 parking spaces
3. Development's location (street address, assessor's parcel no., cross street, etc.):
4916 Del Mar Avenue
4. Description of decision being appealed (check one):
☒ Approval; no special conditions
☐ Approval with special conditions:
☐ Denial



CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

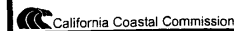
TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-6-OCB-06-31

DATE FILED: 3/15/06

DISTRICT: San Diego

EXHIBIT NO. 8
APPLICATION NO.
A-6-OCB-06-31
Appeal



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
☐ City Council/Board of Supervisors
☐ Planning Commission

☒ Other Hearing Officer of the City of San Diego

6. Date of local government's decision: 2-8-06

7. Local government's file number (if any): Permit # 185370
Project # 61472

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Del Mar Tonkers, LLC, owner/Permittee

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) Gayle M. (Marcy) Bergqvist
1612 Cable Street
San Diego 92107
- (2) Roberto Perez
1616 Cable Street
San Diego 92107
- (3) San Diego 92107

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)**SECTION V. Certification**

The information and facts stated above are correct to the best of my/our knowledge.

Gayle M. Bergquist
Robert S. May

Signature of Appellant(s) or Authorized Agent

Date:

03-14-06

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize

to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date:

RECEIVED
MAR 15 2006
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

- Exhaustion of Local Appeals - \$ 100.⁰⁰ Filing Fee
- Resolution of Hearing Officer of City of San Diego states "Adjacent land use is predominantly multi-family" when in fact the majority of land use is single family single story dwelling units.
- OCB Precise Plan lists as a goal for the residential element, "maintain the existing residential character of Ocean Beach as exemplified by a mix of small scale residential building types & styles"
- other issues include viewsheds, parking, air circulation, light, shadows, scale, bulk, privacy
- There are other community members that have mentioned dissatisfaction with this project besides the three of us who have filed this appeal.
- There are 3 letters attached stating our concerns
- the Ocean Beach Planning Board originally recommended denial of this project. (see attached) partially based upon the units not appearing to be only one-bedroom units as is being claimed.

Yahoo! Mail - danfordean@yahoo.com

Page 1 of 1

YAHOO! MAIL

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Ocean Beach Planning Board, Inc.

P.O. Box 70184

Ocean Beach, California 92167

www.obpb.org

July 7, 2005

City of San Diego

Development Services Department

1222 First Avenue, MS 302

San Diego, CA 92101

Attn: Cory Wilkinson, Project Manager

Subject: Project No. 61412 - 4916 Del Mar Avenue

Dear Cory Wilkinson:

The subject project was presented at the Ocean Beach Planning Board's General Meeting on July 6, 2005 at which a quorum was present. The OBPB denied the project as presented. The motion to deny was passed by a vote of 10-0-0.

Concern was present over the size of the structures, and due to the units not appearing to be only one-bedroom units as is being claimed.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Kim McGinley - Secretary

Ocean Beach Planning Board

kmcginley@ucsd.edu 619-223-2382

RECEIVED

MAR 15 2006

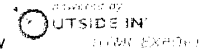
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Yahoo! Mail - danfordean@yahoo.com

Page 1 of 1

YAHOO! MAIL

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Ocean Beach Planning Board, Inc.

P.O. Box 70184

Ocean Beach, California 92167

December 28, 2005

City of San Diego

Development Services Department

1222 First Avenue, MS 302

San Diego, CA 92101

Attn: Cory Wilkinson, Project Manager

Subject: Project No. 61412 4916 Del Mar Avenue

Dear Mr. Wilkinson:

The subject project was presented at the Ocean Beach Planning Board's General Meeting on December 7, 2005 at which a quorum was present. Neither the motion to approve nor the motion to deny carried, as the Board was split 50/50 on both votes.

The positives cited with this project were the staggered layout of the three units in an effort to possibly soften the bulk & scale as opposed to one large structure or three units in a straight row and the angled rooftops as opposed to flat tops at the 30' height limit. The parking requirement being met and located/accessed from the rear/alley-side were positives; and of course, the currently existing curb cuts on the street being closed was a positive. Also the fact that the project was not requesting any variances was another positive.

The negatives cited with this project were the bulk and scale of the project, as each of the three residential units are to be three stories high reaching to 29'6", the concern over increasing the density in that area, and the overall lack of articulation with the project. All neighbors present that spoke on the project were not in favor of the project for the reasons of bulk & scale, increasing the density, parking issues, and the rectangular architecture of the project.

Thank you for recognizing our efforts.

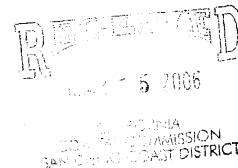
If you have any questions, please do not hesitate to contact me.

Sincerely,

Kim McGinley - Secretary

Ocean Beach Planning Board

kimoceanbeach@aol.com 619-223-2382



To the Hearing Officer and the Planning Commission

My name is Marcy Bergqvist and I've had a home adjacent to this property since 1973. I am opposed to the building of three condos.

There are five homes in this block that have been owned and lived in by the same families for more than 30 years. Homes, not condos. We all know each other and we help each other. Recently the neighbors helped an elderly man to get help from different agencies so that he could remain in his house and be safe. When he fell down in his yard, all the permanent neighbors rushed to call the paramedics and take care of him. This is an example of community. It doesn't exist everywhere, but it exists here, and we don't want to lose it. There are some "newcomers" like Dan Gallagher who have owned their houses for only eight years. They also have become part of the community.

However, the apartment tenants come and go. The condo owners come for 2 years and sell at a profit; then they are gone. This is one reason I don't want condos built behind me: the stable nature of our little community will be even more disrupted.

The mother and son who lived in the house that the condos would replace lived there for more than 15 years, and the mother/grandmother, Barbara Kessler, lived there with them for around 40 years until she died. We in the community want another family group to move in, not 3 different sets of people who have no interest in the community other than wanting to make money.

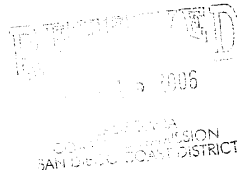
The house itself is charming. It has a sunken den, fireplaces, and a Japanese garden with a pool. Surely it can be repaired as necessary or remodeled as a single dwelling.

There is another reason for opposing the building of 3 condos: density. Even though there are parking spaces planned for the new building, we all know that it won't be enough. Whenever any of the condo owners entertain, where are their guests going to park? Parking on the streets is a nightmare already, and this building is going to make it even worse. I myself have been blocked in and out of my own driveway countless times because people are desperate for a space. Neighbors frequently ask to use my driveway to park in because there is no place to park for several blocks.

Please consider the need for our small community to retain its stability. I realize that in this country property owners can do pretty much with their property what they want, but don't sacrifice our community and our already overcrowded streets just so someone can make money.

Sincerely,

Gayle M. (Marcy) Bergqvist
2-7-06

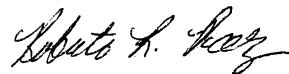


February 7, 2006

San Diego Development Services Department
Hearing Officer

This letter is to voice my concerns about the Coastal Development Permit, Project No. 61412 on 4916 Del Mar Ave. As a resident at 1616 Cable Street for over thirty years I have seen many changes to this community. Some were for the good and some for the bad. Recently there has been an abundance of building around our neighborhood that has not kept the feeling of our community. It has maximized the property but also caused crowding of buildings. This has also led traffic and parking problem. This new addition of three units will also add to this problem as garages are not used for parking but as storage units. Another concern will be the loss of privacy to all of us who live on the Cable Street side of this property. We enjoy where we live, value our homes and value our neighborhood. Please help us keep it that way.

Sincerely



Roberto Paez
1616 Cable St.
San Diego, Ca.
92107

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FEB 15 2006

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

2/8/2006

Mr. Daniel P. Gallagher
1615 Cable Street
Ocean Beach, CA 92107

City of San Diego
Planning Commission

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Project # 61412 4916 Del Mar Avenue

I oppose the construction of three 3-story residential units in my neighborhood. This is primarily a single story residential community of older homes and beach cottages, some containing single story granny flats in the rear. Developments such as this begin to erode the very character of our unique beach community & reduce the quality of life.

Residents & homeowners also begin to lose their sense of private space as second & third story windows now face directly into backyards.

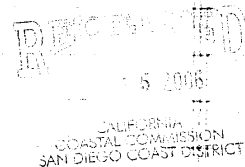
Parking, which already is a huge problem in our community is exacerbated as each unit could bring additional cars which would park on the street. Many current residents own or rent homes that were built in the early 1900's and have no off-street parking & must rely upon finding already scarce on-street parking.

Urge the Planning Commission to deny this permit, as the Ocean Beach Community Planning Board recommends, and ask the applicant to work with the community on a plan that both respects the community's scale, unique character, & unparalleled quality of life.

Thank you for your consideration,



Daniel P. Gallagher
Resident & Homeowner.



2827 A Street, Suite 6 San Diego, CA 92102
Phone (619) 232-7751 Fax (619) 232-7757

Heritage Drafting & Design

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MAR 23 2006

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

To: San Diego Coast District **From:** Robert Sheehan

Fax: **Pages:** 2

Phone: (619) 767-2370 **Date:** 3/23/2006

Re: Del Mar Avenue project


☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Dear Laurinda,

We hope that you will come to the conclusion that the proposed project located at 4916 Del Mar Avenue, Project # 61412 will be a very nice addition to the community for the following reasons.

1. The project is located east of a very large condominium structure and will not obstruct any views that are not already obstructed.
2. The design of the new units adds character to an area that already identifies itself as a beach town community. The design is more of a retro look than the typical stucco exterior.
3. The new development will remove the curb cut in the front of the property creating more parking in the area and will be one of the few properties in the area that has the required off-street parking to accommodate parking for the proposed dwellings
4. The new construction replaces dilapidated old structures. All new energy efficient appliances will be installed.
5. The design of the new units will greatly enhance the neighborhood. The new units have that ocean air appeal to them and these structures will add a much needed screen to the structure immediately west of the proposed project.

We are confident that you will determine that the City of San Diego's approval of this project was justified. Some of the appellant's statements seem to be misleading and make unjust claims about the new development.

EXHIBIT NO. 9
APPLICATION NO.
A-6-OCB-06-31
Letter from Applicant
 California Coastal Commission

March 23, 2006

1. The project was denied by the OBPB when the hearing was scheduled without notifying the owner. When the project went to hearing with representation the board was split. **The OBPB did not vote to deny or approve.**
2. The parking issues in this area seem to be a problem caused mostly by the fact that several existing properties do not allow adequate off-street parking for their dwellings. It appears that the appellants might actually be more responsible for the street parking problems than any new development that provides the required off-street parking. (1615 Cable has no off-street parking while 1612 and 1616 Cable use their off-street parking as storage)
3. One appellant claims that the new dwellings "will erode the very character of this unique beach community and reduce the quality of life". This project has been scrutinized and approved by multiple city departments that impose very strict rules on new development. This review process already protects against the erosion of a community. The project will improve the character of the neighborhood.
4. Appellant's letter claims that the new residents will not care about there community. How can anyone make that kind of a claim?

The community has a right to protect itself from any development that would destroy its character and reduce the quality of life for its residence. This project does not threaten to do any of that. The new development at 4916 Del Mar Avenue complies with all of the current zoning requirements and has been approved by The City of San Diego. The current owner of the property is not asking for any variances. This property will be developed with in the boundaries that protect the community of Ocean Beach.

Sincerely yours

Robert Sheehan