

(R-91-1863)

RESOLUTION NUMBER R-277646

ADOPTED ON APRIL 9, 1991

WHEREAS, Mr. and Mrs. Edward Brantz and Mr. and Mrs. John Whittecar, appealed the decision of the Planning Commission in denying Coastal Development Permit No. 90-0660 submitted by Mr. and Mrs. Edward Brantz and Mr. and Mrs. John Whittecar, Owners/Permittees, for the demolition of an existing one-story, single-family residence and the construction of a three-story, three-unit, approximate 5,605-square-foot building, located at 3326 Bayside Walk and more particularly described as Lot A, Block 113, Mission Beach, Altered Map 1809, in the Mission Beach Community Plan area, in the R-5 zone; and

WHEREAS, the matter was set for public hearing on April 9, 1991, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Coastal Development Permit No. 90-0660:

1. The proposed development will not encroach upon any existing physical accessway legally utilized by the public or any proposed public accessway identified in an adopted Local Coastal Program Land Use Plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points.

2. The proposed development will not adversely affect marine resources, environmentally sensitive areas, or archaeological or paleontological resources.

3. The proposal does not contain biologically nor prehistoric sensitive lands as set forth in the resource protection ordinance, therefore, no adverse impacts to these resources are anticipated.

4. The proposed development will not adversely affect recreational or visitor-serving facilities or coastal scenic resources.

5. The proposal has been sited and designed to prevent adverse impacts to the adjacent park and recreation area, and has provided an adequate buffer between the structure and the park to protect such area.

6. No grading is proposed for the development, therefore, the proposal will not result in undue risks from geologic and erosional forces or flood and fire hazards.

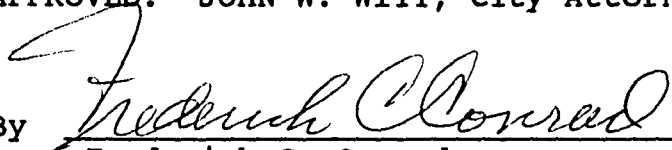
7. The proposal will be visually compatible with the character of the surrounding area. City Council agreed with the community planning group, in that since the project was in compliance with the underlying zone that the project would be visually compatible.

8. The proposal will conform with the general plan, and the Mission Beach Local Coastal Program.

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

BE IT FURTHER RESOLVED, that the appeal of Mr. and Mrs. Edward Brantz and Mr. and Mrs. John Whittecar, is granted; the decision of the Planning Commission is overruled, and Coastal Development Permit No. 90-0660 is hereby granted to Mr. and Mrs. Edward Brantz and Mr. and Mrs. Whittecar, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:lc
05/01/91
Or.Dept:Clerk
R-91-1863
Form=r.permit

COASTAL DEVELOPMENT PERMIT NO. 90-0660
B AND W CONDOS

CITY COUNCIL

This coastal development permit is granted by the Council of The City of San Diego to MR. AND MRS. EDWARD BRANTZ and MR. AND MRS. JOHN WHITTECAR, Owners/Permittees, pursuant to Section 105.0201 of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to Owners/Permittees to demolish an existing structure and construct a coastal development located at 3326 Bayside Walk, described as Lot A, Block 113, Mission Beach, Altered Map 1809, in the R-5 zone.
2. The facility shall consist of the following:
 - a. Three-story, three-unit, approximate 5,605-square-foot building;
 - b. Landscaping;
 - c. Off-street parking; and
 - d. Incidental accessory uses as may be determined incidental and approved by the Planning Director.
3. Not fewer than six off-street parking spaces shall be maintained on the property in the location shown on Exhibit "A," dated April 9, 1991, on file in the office of the Planning Department. Parking spaces shall comply with Chapter X, Article 1, Division 8, of the San Diego Municipal Code and shall be permanently maintained and not converted for any other use. Parking space dimensions shall conform to zoning ordinance standards. Parking areas shall be clearly marked at all times. Landscaping located in any parking area shall be permanently maintained and not converted for any other use.
4. No permit 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 Planning Department; and
 - b. The coastal development permit is recorded in the office of the County Recorder.
5. Before issuance of any building permits, complete grading and working drawings shall be submitted to the Planning Director for approval. Plans shall be in substantial

conformity to Exhibit "A," dated April 9, 1991, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

6. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A," dated April 9, 1991, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended and is to be maintained in a disease, weed and litter free condition at all times.
7. The property included within this coastal development shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Planning Director or the permit has been revoked by the City of San Diego.
8. This coastal development permit may be canceled or revoked if there is a material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by the City of San Diego or Permittee.
9. This coastal development 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.
10. The use of texture or enhanced paving shall be permitted only with the approval of the City Engineer and Planning Director, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.
11. To the extent this condition is consistent with state and local laws, this project shall comply with the standards, policies and requirements in effect at the time of approval of this project, including any successor or new policies, financing mechanisms, phasing schedules, plans and ordinances relating to growth management adopted by the City of San Diego after January 11, 1990. The Owners/Permittees may challenge the legality of the imposition of future requirements pursuant to this condition at the time such future requirements and their impact on the project are defined.
12. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or

construction, it shall be repaired or replaced in kind per the approved plans.

13. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the replacement of the walkway on Jersey Court, adjacent to this site, and the installation of a pedestrian ramp at the intersection of Jersey Court and Bayside Lane, in a manner satisfactory to the City Engineer.
14. Prior to the issuance of any building permits, the applicant shall:
 - a. Ensure that building address numbers are visible and legible from the street (UFC 10.208).
 - b. Show the location of all fire hydrants on the plot plan (UFC 10.301).
 - c. Post indicator valves, Fire Department connections, and alarm bell to be located on address/access side of the structure (UFC 10.301).
 - d. Apartments/condominiums greater than three stories require sprinklers (UFC 10.506).
15. Unless appealed this coastal development permit shall become effective on the eleventh working day following receipt by the Coastal Commission of the Notice of Final Action.
16. This coastal development permit must be utilized within 36 months after the effective date. Failure to utilize the permit within 36 months will automatically void the permit unless an extension of time has been granted as set forth in Section 105.0216 of the Municipal Code.
17. In the event that any condition of this Permit, on a legal challenge by the Owners/Permittees 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 the event that a challenge pertaining to future growth management requirements is found by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, the Planning Director shall have the right, but not the obligation, to review this Permit to confirm that the purpose and intent of the original approval will be maintained.

APPROVED by the Council of The City of San Diego on April 9, 1991.

05/01/91
R-277646

AUTHENTICATED BY:

MAUREEN O'CONNOR, Mayor
The City of San Diego

CHARLES G. ABDELNOUR, City Clerk
The City of San Diego

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

On this _____ day of _____, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared CHARLES G. ABDELNOUR, known to me to be the City Clerk of The City of San Diego, the municipal corporation that executed the within instrument, and known to me to be the person whose name is subscribed to the within instrument, as a witness thereto, who being by me duly sworn, deposes and says that he was present and saw MAUREEN O'CONNOR, known to him to be the Mayor of The City of San Diego, and known to him to be the person who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same, and that said affiant subscribed his name to the within instrument as a witness.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in the County of San Diego, State of California, the day and year in this certificate first above written.

Notary Public in and for the County
of San Diego, State of California

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

Owners/Permittees:

Mr. and Mrs. Edward Brantz

Mr. and Mrs. John Whittecar

By _____

By _____

By _____

By _____

NOTE: Notary acknowledgments
must be attached per Civil
Code Section 1180, et seq.
Form=p.ack

R-277646

APR 09 1991

Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Linda Fagan*, Deputy.

Office of the City Clerk, San Diego, California

Resolution *R-277646* APR 09 1991
Number Adopted.....