

(R-92-1492)

RESOLUTION NUMBER R-279575

ADOPTED ON MARCH 17, 1992

WHEREAS, Don Hawthorne and Jim Siler, Owner/Permittee, by Michel Anderson, appealed the decision of the Planning Commission in denying Coastal Development Permit No. 91-0469 submitted by Don Hawthorne and Jim Siler, Owner/Permittee, to replace a previously existing garage and guest quarters with a new 880 square-foot, three car garage and a 835 square-foot guest quarters, located at 927 Sunset Cliffs Boulevard, described as Lot 14 of Block "1" of Azure Vista according to Map No. 1981, in the Peninsula Community Plan area, in the R1-5000 Zone; and

WHEREAS, the matter was set for public hearing on March 17, 1992, 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. 91-0469:

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 (LCP) Land Use Plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points. The project site is not located at or near an

existing public accessway, nor is the development adjacent to any coastal vantage points identified in the LCP.

2. The proposed development will not adversely affect marine resources, environmentally sensitive areas, or archaeological or paleontological resources. The proposed development would replace an existing garage and guest quarters. The development would not encroach on or adversely affect these resources.

3. The proposed development will comply with the requirements related to biologically sensitive lands and significant prehistoric and historic resources as set forth in the Resource Protection Ordinance, Chapter X, Section 101.0462 of the San Diego Municipal Code, unless by the terms of the Resource Protection Ordinance, it is exempted therefrom.

4. The proposed development will not adversely affect recreational or visitor-serving facilities or coastal scenic resources. The project site is directly across from Sunset Cliffs. The project development would provide three off-street parking spaces which meets the parking requirements and standards of The City of San Diego. Therefore, the project development would not adversely impact park and recreation areas.

5. The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources. Project development would occur on private property. The project development would not adversely impact environmentally sensitive

habitats and scenic resources located in adjacent park and recreation areas.

6. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards. The proposed development is located on a previously graded and developed lot. The proposed development proposes a minimal amount of grading. The site is not located in a geologic, flood or fire hazard area.

7. The proposed development will be visually compatible with the character of surrounding areas, and where feasible, will restore and enhance visual quality in visually degraded areas. The proposed garage and guest quarters will be located on a lot with an existing single-family home. The project is located in an urbanized residential neighborhood with garages and guest quarters similar in size and scale. The proposed structure conforms to The City of San Diego Zoning Ordinance. The proposed development will therefore be visually compatible with the character of the surrounding area.

8. The proposed development will conform with the General Plan, the Local Coastal Program and any other applicable adopted plans and programs. The proposal complies with the General Plan and Local Coastal Program.

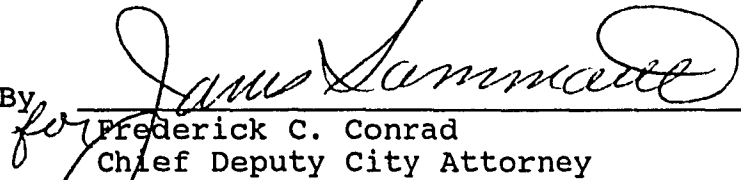
The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the appeal of Down Hawthorne and Jim Siler, by Michel Anderson, is granted; the decision of

the Planning Commission is overruled, and Coastal Development Permit No. 91-0469 is hereby granted to Don Hawthorne and Jim Siler, 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:pev  
03/26/92  
Or Dept:Clerk  
R-92-1492  
Form=r.permit

COASTAL DEVELOPMENT PERMIT NO. 91-0469  
AND CONDITIONAL USE PERMIT NO. 91-0469

CITY COUNCIL

This coastal development and conditional use permit is granted by the Council of The City of San Diego to Don Hawthorne and Jim Siler, Owner/Permittee, pursuant to Section 105.0201 of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to Owner/Permittee for the replacement of a previously existing garage and guest quarters with a new three-car garage and guest quarters coastal development located at 927 Sunset Cliffs, described as Lot 14 of Block "1" of Azure Vista, according to Map No. 1981, as recorded in the City of San Diego, in the Peninsula Community area, in the R1-5000 zone.
2. The facility shall consist of the following:
  - a. A 880 square-foot, three-car garage and a storage area and 835 square-foot guest quarters;
  - 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 three off-street parking spaces shall be maintained on the property in the location shown on Exhibit "A," as presented to the Council on March 17, 1992, dated March 17, 1992, on file in the office of the Planning Department. Parking spaces shall comply with Chapter X, Article 1, Division 8 of the Zoning Regulations of the 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," as presented to the Council, dated March 17, 1992, on file in the office of the Planning Department. No changes, 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 March 17, 1992, 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 cancelled 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 and conditional use 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. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.
12. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the replacement of damaged sidewalk, adjacent to this site, on Sunset Cliffs Boulevard, satisfactory to the City Engineer.

13. Prior to the issuance of any building permits, the applicant shall:
  - a. Ensure that building address numbers are visible and legible from the street (Uniform Fire Code section 10.208).
  - b. Show the location of all fire hydrants on the plot plan (Uniform Fire Code section 10.301).
14. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
15. This property may be subject to a building permit park fee in accordance with San Diego Municipal Code section 96.0401 et seq.
16. Prior to Certificate of Occupancy, the applicant shall enter into an agreement with the City waiving the right to oppose special assessment proceedings initiated for any future alley improvements.
17. The guest quarters will be restricted in use to persons employed on the premises, members of the family living in the primary dwelling unit or for temporary use by guests of the family living on the premises. The guest quarters will have no kitchen; and shall not be rented or leased or otherwise used as a separate dwelling.
18. The applicant shall use opaque glass on the east elevation of the guest quarters and garage structure.
19. Coastal Development Permit No. 91-0469 incorporates Conditional Use Permit (CUP) No. 91-0469. CUP No. 91-0469 shall not be valid until the coastal development permit becomes effective.
20. Unless appealed the coastal development permit shall become effective on the eleventh (11th) day following the decision of the City Council.
21. Unless appealed the coastal development permit shall become effective on the eleventh (11th) working day following receipt by the Coastal Commission of the Notice of Final Action.
22. The coastal development permit must be utilized within thirty-six (36) months after the effective date. Failure to utilize the permit within thirty-six (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.

23. 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.

APPROVED by the Council of The City of San Diego on March 17, 1992, by Resolution Nos. R-279575 and R-279576.



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.

Don Hawthorne  
Owner/Permittee

By \_\_\_\_\_

Jim Siler

By \_\_\_\_\_

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

R- 279575

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

MAR 17 1992

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

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

(Seal)

By *Linda Legano*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-279575 Adopted MAR 17 1992