

(R-98-861)

RESOLUTION NUMBER R-289708

ADOPTED ON FEBRUARY 3, 1998

WHEREAS, August Felando and Dwight Twist appealed the decision of the Planning Commission in approving Coastal Development Permit No. 96-7613 submitted by Stephen and Cynthia Rhoads, Owner/Permittee, to demolish an existing one-story single-family residence and construct a new two-story single family residence, located 877 San Antonio Place, and described as Lot 2 of Yacht Club Terrace, in the Peninsula Community Plan area, in the R1-5000 Zone; and

WHEREAS, the matter was set for public hearing on February 3, 1998, 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. 96-7613:

**A. 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 LCP Land Use Plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points.**

The property line of the subject property is coterminous with the mean high tide line, and the proposed development will not encroach beyond this point. The proposed development will not obstruct views to or along the ocean or other scenic coastal areas in the vicinity from public vantage points.

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

There are no marine resources, environmentally sensitive areas, or archaeological or paleontological resources on the subject property. An environmental exemption has been granted pursuant to CEQA Guidelines.

**C. 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 (San Diego Municipal Code section 101.0462); unless by the terms of the Resource Protection Ordinance, it is exempted therefrom.**

Pursuant to the terms of the Resource Protection Ordinance, this project which is located in the Coastal Zone is exempt from San Diego Municipal Code section 101.0462.

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

The proposed development of the subject property will not adversely affect recreational, visitor-serving facilities or coastal scenic resources.

**E. 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.**

The proposed project will not encroach beyond the project site's property line, and the project will be sited and designed to prevent adverse impacts to San Diego Bay and adjacent pedestrian paths.

**F. 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.**

This site has been developed with an existing single-family residence on a previously graded and subdivided legal lot. There are no natural landforms remaining on the site. No undue risks from geologic or erosional forces and/or flood or fire hazards are anticipated.

**G. 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.**

Surrounding properties within the 300-foot radius consist of one, two and three-story single-family residences in a variety of architectural styles and colors. The proposed home will be visually compatible with the surrounding area.

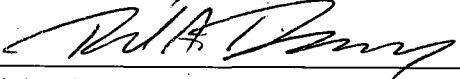
**H. The proposed development will conform with the General Plan, the Local Coastal Program, and any other applicable adopted plans and programs.**

The development as proposed meets all development regulations of the R1-5000 Zone, is consistent with the Local Coastal Program, and conform with the Peninsula Community Plan.

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 August Felando and Dwight Twist is denied; the decision of the Planning Commission is sustained, and Coastal Development Permit No. 96-7613 is hereby granted to Stephen and Cynthia Rhoads, subject to a requirement that the two-story single-family residence be redesigned to be constructed on the existing grade of the present structure which is two feet below street level, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By   
Richard A. Duvernay  
Deputy City Attorney

RAD:lc  
02/11/98  
Or.Dept:Clerk  
R-98-861  
Form=permitr.frm

**RECORDING REQUESTED BY  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES  
DEPARTMENT**

**AND WHEN RECORDED MAIL TO  
PERMIT INTAKE  
MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**COASTAL DEVELOPMENT PERMIT NO. 96-7613  
RHOADS RESIDENCE  
CITY COUNCIL**

This Coastal Development Permit No. 96-7613 is granted by the Council of The City of San Diego to Stephen and Cynthia Rhoads, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 105.0202.

1. Permission is hereby granted to Owner/Permittee for a Coastal Development Permit to construct a single-family home located at 877 San Antonio Place, described as Lot 2 of Yacht Club Terrace, in the R1-5000 Zone.
2. The facility shall consist of the following as shown on Exhibit "A," dated February 3, 1998, on file in the Office of Development Services:
  - a. Demolition of the existing one-story single-family residence and construction of a new two-story single-family residence and site improvements;
  - b. Landscaping;
  - c. Off-street parking; and
  - d. Incidental accessory uses as may be determined incidental and approved by the City Manager.
3. Not fewer than three off-street parking spaces shall be maintained on the property in the location shown on Exhibit "A," dated February 3, 1998, on file in the Office of Development Services. Parking spaces shall comply with SDMC Chapter X, Article 1, Division 8, and shall be permanently maintained and not converted for any other use. Parking space dimensions shall conform to standards established by SDMC Chapter X, Article 1, Division 8.
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 Development Services; 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 Development Services Manager for approval. Plans shall be in substantial conformance to Exhibit "A," dated February 3, 1998, on file in the office of Development Services. No changes, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.
6. All landscape material shall be permanently maintained in a growing and healthy condition including trimming as appropriate to the landscape material.
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 City Manager 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. Unless appealed to the California Coastal Commission, this Coastal Development Permit shall become effective on the eleventh working day following the decision of the City Council.
11. 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 111.1122 of the Municipal Code.
12. 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 discretionary 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 special rights which the holder of the permit is obtaining as a result of this permit. It is the intent of the City that the owner of the property which is the subject of this permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property, or the special and extraordinary rights conveyed by this permit, but only if the Owner complies with all the conditions of this permit.
13. 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 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 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 permit can still be made in the absence of the "invalid" conditions(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.

14. The applicant shall assure that the proposed retaining wall, including the footing, will not cross the property line into the neighboring parcel without that property owner's consent.

15. Prior to the issuance of any building permits, the applicant shall obtain a grading permit from the City Engineer (referred to as an "engineering permit") for the grading proposed for this project. All grading shall conform to requirements in accordance with SDMC sections 62.0401 through 62.0423 in a manner satisfactory to the City Engineer.

16. The drainage system proposed for this development is subject to approval by the City Engineer. Discharge from the proposed drains shall be dissipated before being discharged off site.

17. Prior to the issuance of any building permits, the applicant shall assure by permit and bond the replacement of damaged curb, between the TV box and the water main, satisfactory to the City Engineer.

18. Prior to building occupancy, the applicant shall conform to SDMC section 62.0203, "Public Improvements Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the Owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

19. Prior to the issuance of any building permits, the applicant shall assure by permit and bond the installation of a new driveway, as shown on the site plan, satisfactory to the City Engineer.

20. Prior to the issuance of any building permits, the applicant shall obtain an Encroachment Removal Agreement, from the City Engineer, for landscaping and irrigation in the public right-of-way.

21. The property owner shall enter into an agreement with the City waiving the right to oppose special assessment proceedings initiated for the dedication and improvement of four feet along San Antonio Place as well as the installation of sidewalk.

22. Prior to the issuance of any building permit, the applicant shall ensure that building address numbers are visible and legible from the street (UFC 10.208).

23. There shall be compliance with the regulation of the underlying zone(s) unless a deviation to a specific regulation(s) is approved as a provision of this permit. Where there is a conflict between a provision of this permit (including exhibits) and a regulation of the underlying zone, the regulation shall prevail unless the provision was specifically approved as part of this permit.

24. 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.

25. A topographical survey conforming to the provisions of SDMC section 101.0216 shall be provided.

26. The heights of the buildings shall not exceed those heights indicated in Exhibit "A" (Elevations and Cross Sections), dated February 3, 1998, on file in the office of Development Services, or 25.6 feet at any point as measured from grade, whichever is lower. All building heights shall be measured from grade, pre-existing or finished, whichever is lower, as set forth in SDMC section 101.0101.24. All measurements and approvals of building heights shall be in conformance with SDMC sections 101.0215 and 101.0216.

27. The finished floor elevation of the main floor level will range from elevation 12'-13' above mean sea level. The finished floor elevation of the upper floor level will be at elevation 23' above mean sea level. The result will be a maximum elevation of the structure at 38'6" above mean sea level at the chimney and a maximum elevation of 36'-6" above mean sea level at the upper floor ridge, as shown on the Exhibit "A" drawings, dated February 3, 1998, on file in the office of Development Services.

28. In accordance with the motion adopted by the City Council for this project, the proposed home shall be constructed on the existing grade of the existing home, which is 2-feet below the street level. No fill shall be allowed on the site. As an exception, fill may be allowed for the garage so that the garage floor elevation may be elevated to the street level.

APPROVED by the Council of The City of San Diego on February 3, 1998, by Resolution No. R-289708.

**INFORMATION ONLY ITEMS:**

- This development may be subject to a building permit park fee in accordance with San Diego Municipal Code section 96.0401 et seq.
- This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by California Government Code section 53080(b) (Statutes of 1986, Chapter 887), in accordance with procedures established by the Director of Development Services.
- This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.

2/11/98

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AUTHENTICATED BY THE CITY MANAGER

By \_\_\_\_\_

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**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.

**STEPHEN RHOADS**  
Owner/Permittee

By \_\_\_\_\_

**CYNTHIA RHOADS**  
Owner/Permittee

By \_\_\_\_\_

**NOTE: Notary acknowledgments  
must be attached per Civil Code  
section 1180 et seq.**

2/11/98

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