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RESOLUTION NUMBER R-301896

DATE OF FINAL PASSAGE SEPTEMBER 12, 2006

WHEREAS, Glenn L. Goldman, Owner/Permittee, filed an application with the City of San Diego for a coastal development permit to subdivide a 0.16-acre site into one lot for an 8-unit residential condominiums conversion known as the 4857 Narragansett Avenue project [Project], located at 4857-63 Narragansett Avenue between Sunset Cliffs Boulevard and Cable Street, and legally described as Lots 39 and 40 of Ocean Beach, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 279, filed in the Office of the County Recorder of San Diego County, May 28, 1887, in the Coastal Overlay Zone (Map C-730) permit jurisdiction of the City of San Diego (non-appealable), the Beach Parking Impact Zone (Map C-731), the Residential Tandem Parking Overlay Zone (Map C-903), Airport Approach Overlay Zone [AAOZ], Airport Environs Overlay Zone [AEOZ], Ocean Beach Emerging Historic District, and Council District 2, in the RM-2-4 zone; and

WHEREAS, the Project is 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 June 22, 2006, the Planning Commission of the City of San Diego considered Coastal Development Permit [CDP] No. 219385, and pursuant to Resolution No. 4069-PC voted to deny the Permit; and

WHEREAS, D. Scott Peters appealed the Planning Commission decision to the Council of the City of San Diego; and

WHEREAS, under Charter section 280(a)(2) this resolution/ordinance is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on September 12, 2006, 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 it adopts the following findings with respect to Coastal Development Permit No. 219385:

**A. COASTAL DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE  
[SDMC] SECTION 126.0708(a)**

**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 proposed project will combine two existing lots into eight condominium ownership interests. 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 a 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. Five off-street parking spaces are provided. As no development is proposed, 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 fully developed 0.16 acre site at 4857-63 Narragansett Avenue is fully developed and contains no environmentally sensitive lands. 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 proposed project previously conforms with the certified Ocean Beach Precise Plan and Local Coastal Program which designates the site for multi-family residential use. The project was built in 1957 at a density of eight units on 0.16 acres (50 du/ac). The Ocean Beach Precise Plan and Local Coastal Program, adopted July 3, 1975, recommend future development with a density of 25 du/ac but recognizes that some existing development exceeds the recommended density.

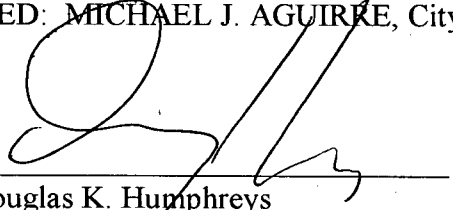
**4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.** The proposed project is not within the area between the first public road and the sea or shoreline of any body of water within the Coastal Overlay Zone. The proposed project will not encroach upon the existing physical access way used by the public. 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. The project is not considered "new development" by the California Coastal Act because it does not change the intensity of use (Public Resources Code section 30212 (b)(3)).

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

BE IT FURTHER RESOLVED, that the appeal of D. Scott Peters is granted; the decision of the Planning Commission is overruled; and Coastal Development Permit No. 219385 is granted to Glenn Goldman, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

  
\_\_\_\_\_  
Douglas K. Humphreys  
Deputy City Attorney

DKH:pev  
10/06/06  
Or.Dept:Clerk  
R-2007-329  
MMS #3817

**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES DEPARTMENT  
PERMIT INTAKE, MAIL STATION 501

**WHEN RECORDED MAIL TO**  
**CITY CLERK**  
**MAIL STATION 2A**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER 42-4463

**COASTAL DEVELOPMENT PERMIT NO. 219385**  
**4857-63 NARAGANSETT AVENUE - PROJECT NO. 71122**  
**CITY COUNCIL**

This Coastal Development Permit [CDP] No. 219385 is granted by the City Council of the City of San Diego to Glenn L. Goldman, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0708(a). The 0.16-acre site is located at 4857-63 Narragansett Avenue between Sunset Cliffs Boulevard and Cable Street within the South Ocean Beach neighborhood of the Ocean Beach Precise Plan and Local Coastal Program in the RM-2-4 zone and is within the Coastal Overlay Zone (Map C-730) permit jurisdiction of the City of San Diego (non-appealable), the Beach Parking Impact Zone (Map C-731), the Residential Tandem Parking Overlay Zone (Map C-903), Airport Approach Overlay Zone [AAOZ], Airport Environs Overlay Zone [AEOZ], Ocean Beach Emerging Historic District and Council District 2. The project site is legally described as Lots 39 and 40 of Ocean Beach, in the City of San Diego, County of San Diego, State of California, 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 Owner/Permittee to convert eight existing residential units to condominiums, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated September 12, 2006, on file in the Development Services Department.

The project or facility shall include:

- a. Subdivision of a 0.16 acre site into one lot for an 8-unit residential condominium conversion;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Five off-street parking facilities; and

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

In the event that any condition of this Permit, on a legal challenge by the Owner/ Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

9. This Permit shall become effective with recordation of the corresponding final subdivision map for and approval of the project site.

**AFFORDABLE HOUSING REQUIREMENTS:**

10. The Housing Commission carried out a tenant income survey pursuant to the City's Coastal Overlay Zone Affordable Housing Replacement Regulations (Municipal Code sections 143.0810 through 143.0860). Prior to filing a final subdivision map, 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. The Inclusionary Housing in-lieu fee would be \$5,110 based on 5,840 square feet of living space at a charge of \$0.875/square foot. However, because the Coastal Affordable Replacement In-Lieu fee of \$30,800 is greater, the project is only subject to the more stringent of the two and not both. Prior to receiving a final map, the applicant must enter into an agreement with the San Diego Housing Commission to assure the payment of the in-lieu fee.

11. Prior to the approval of the Final Map, the subdivider shall enter into a Coastal Affordable Housing Compliance Agreement with the Housing Commission that demonstrates conformance with the Municipal Code provisions for Coastal Overlay Zone Affordable Housing Replacement Regulations (Chapter 14, Article 3, Division 8).

12. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5), to the satisfaction of the City Manager and the Housing Commission.

**ENGINEERING REQUIREMENTS:**

13. This CDP shall comply with the conditions of the Final Map for TM No. 216400.

14. Prior to Certificate of Occupancy, the applicant shall conform to Municipal Code provisions for "Public Improvement 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 City Engineer.

**LANDSCAPE REQUIREMENTS:**

15. No change, modification, or alteration shall be made to the project unless appropriate application or amendment of this Permit shall have been granted by the City.

16. Prior to issuance of engineering permits for right-of-way improvements, complete landscape construction documents for the right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40 sq-ft area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of trees. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

17. All required landscape shall be maintained in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

18. The Permittee or subsequent owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

19. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within thirty days of damage.

**PLANNING/DESIGN REQUIREMENTS:**

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

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

22. 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.

23. 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.

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. All signs associated with this development shall be consistent with sign criteria established by either of the following:

- a. Approved project sign plan (Exhibit "A;" or
- b. Citywide sign regulations.

26. The applicant shall post a copy of the approved discretionary permit or Tentative Map in the sales office for consideration by each prospective buyer.

27. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

28. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

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

30. 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."



**INFORMATION ONLY:**

- 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
- 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 City Council of the City of San Diego on September 12, 2006, by Resolution No. R-301896.

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.

GLENN L. GOLDMAN  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

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

PERMIT/OTHER – Permit Shell 11-01-04

Passed by the Council of The City of San Diego on SEP 12 2006, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 12 2006

AUTHENTICATED BY:

(Seal)

JERRY SANDERS

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By Debbie Swenson-Cruz, Deputy

Office of the City Clerk, San Diego, California

Resolution Number

R-

301896