

RESOLUTION NUMBER R- 316012

DATE OF FINAL PASSAGE JAN 28 2025

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO GRANTING COASTAL DEVELOPMENT
PERMIT NO. PMT-3173079, FOR THE 690 ROSECRANS
STREET PROJECT, PROJECT NO. PRJ-1065372.

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. Kathleen Shanahan, as Trustee of The Kathleen Shanahan Living Trust, dated August 15, 2012, Owner/Permittee, filed an application with the City of San Diego for a Coastal Development Permit to demolish an existing 1,450-square-foot (sf) single dwelling unit including 443 sf of an existing lower level and 406 sf of an existing garage, for a total of 2,299 sf to be removed. New development will include a new, 2-story, 3,160 sf single dwelling unit, new 1,811 sf garage including a new 978 sf accessory dwelling unit above the garage. The project is located at 690 Rosecrans Street, also known as Assessor's Parcel Number 532-341-01, and legally described as: That Portion of the northerly half of the northwest quarter of that certain unnumbered lot of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, lying westerly of Pueblo Lot 165, easterly and Pueblo Lot 166 and northerly of Pueblo Lot 163, as saw lots are shown on the map thereof made by C. H. Poole, in 1856, a copy of which map was filed in the Office of the County Recorder of San Diego County, November 14, 1921 and is known as miscellaneous Map No. 35, that lies westerly of that certain tract of land conveyed by L.A. Blochman and Haidee G. Blochman, his Wife, to The City of San Diego, a Municipal Corporation, by deed-dated January 13, 1913 and recorded April 18, 1913 In Book 607 page 115 of deeds, Records of San Diego County, comprising in a part of Rosecrans Street as now located. Also, all those portions of the easterly half of

San Dionicio Street lying westerly of and adjoining said above-described portion of said unnumbered lots, as vacated and closed to public use by Resolution number 14113, adopted by the Common Council of the City of San Diego on June 9, 1913.

B. The 0.18-acre project site is in the Peninsula Community Plan area, in the Residential Single Unit (RS-1-7) Zone, Airport Land Use Compatibility Overlay Zone (NAS North Island, San Diego International Airport), Airport Influence Area (Review Area 2), Coastal Height Limitation Overlay Zone, Coastal Overlay (Non-Appealable) Zone, Complete Communities Mobility Choices (Mobility Zone 4), and FAA Part 77 Noticing Area.

C. The matter was set for public hearing on January 28, 2025, testimony having been heard, evidence having been submitted, and the Council having fully considered the matter and being fully advised concerning the same.

D. The Office of the City Attorney prepared this Resolution based on the information provided by City staff, including information provided by affected third parties and verified by City staff), with the understanding that this information is complete and accurate.

E. Under San Diego Charter section 280(a)(2), this Resolution is not subject to veto by the Mayor because this matter requires the 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.

ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. The Council adopts the following findings with respect to Coastal Development Permit No. 3173079:

A. COASTAL DEVELOPMENT PERMIT [SDMC Section 126.0708]

1. Findings for all Coastal Development Permits:

- a. **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 project proposes to demolish an existing 1,450-square-foot (sf) single dwelling unit including 443 sf of an existing lower level and 406 sf of an existing garage, for a total of 2,299 sf to be removed. New development will include a new, 2-story, 3,160-square-foot single dwelling unit, new 1,811-square-foot garage including a new 978-square-foot accessory dwelling unit above the garage.

The proposed project is located on the west side of Rosecrans Street. Rosecrans Street is the first public roadway and located approximately 250 feet west of the San Diego Bay, meaning the coastal development is not between the nearest public road and the sea. The proposed project will not encroach upon any physical accessways identified in the Peninsula Community Plan and Local Coastal Program Land Use Plan (Community Plan) that is legally used by the public. Figure 19 of the Community Plan identifies Physical Access, Public Shoreline Access (physical and visual) and Proposed Accessways within the vicinity of the proposed development, specifically:

- Public Access - The Community Plan identifies a public access point within the vicinity of the proposed development at Kellogg Beach/La Playa, which is approximately 1,700 feet southeast of the project site. The project, located entirely within a privately owned parcel, will not affect this access.
- Shoreline Access - The Community Plan identifies Public Shoreline Access to the west of the proposed development via Bessemer Path, which is accessed from the south via San Antonio Avenue and from the north via Bessemer Street and Talbot Street. The entirety of Bessemer Path has no visual impairments to the San Diego Bay to the east. The proposed project is approximately 265 feet west of the Bessemer Path, and will not encroach

upon or conflict with the physical accessways that are used legally by the public to the site.

- Proposed Accessway – The Community Plan identifies proposed new and/or improved physical accessways at Talbot Street, Bessemer Street, and Perry Street. All of the proposed locations will not be encroached by the project, with the closest proposed location at Perry Street, which is approximately 650 feet south of the project site and the development will not encroach upon or conflict with the proposed physical accessways that are used legally by the public to the site.

Figure 27 of the Community Plan identifies Coastal Vistas that "occur primarily from existing roadways." There are three vistas within the vicinity of the proposed development, with two vistas, oriented west-to-east from Rosecrans Street to San Diego Bay; one vista at Bessemer Street and Rosecrans Street (approximately 1600 feet northeast of the project site) and the other via a private drive at 765 Rosecrans (approximately 450 feet north of the project site). The proposed project will not obstruct either vista due to the distances separating the views from the proposed development. The third vista at Talbot Street is oriented north-to-south overlooking San Diego Bay. Coastal views from Talbot Street cannot be obstructed due to its orientation to San Diego Bay. The proposed development will not obstruct or encroach on any of the specified views in the Local Coastal Program, thus protecting the public views to and along the scenic coastal areas.

The Community Plan provides Residential Guidelines for Urban Design (pg. 105) related to views, which include the following:

- Structures should be designed to protect views of Peninsula's natural scenic amenities, especially the ocean shoreline, and San Diego Bay.
- View corridors, by utilizing side yard setbacks, should be encouraged along the ocean and bay shoreline and bluff-top areas in order to avoid a continuous walled effect along the shoreline. Narrow corridors create visual interest and allow for sea breezes.
- Setbacks and view corridors should be kept clear of obstacles which may interfere with visual access.

The proposed development, along with all other developments in the vicinity, is oriented west to east towards the San Diego Bay. All of the identified views in the Local Coastal Program also correspond to the orientation of the Bay. The primary view corridors, and public views, are those with a west to east vantage point. The two primary public locations to access these views are Rogers Street, to the west of the project site and Rosecrans Street, to the east of the project site. The project site has an average slope of a 40% elevation sloping from east to west starting at the front of the site on Rosecrans Street, to the rear of the site on Rogers Street.

As such, the project, located west of Rosecrans Street, will not restrict any views towards the San Diego Bay off of Rogers Street. In addition, the project proposes eight-foot side yard setbacks for both the north and south elevations, which meet the required eight-foot setback regulations for the RS-1-7 zone. These side yard setbacks will be kept clear of obstacles which may interfere with visual access and serve to avoid a continuous walled effect along the shoreline, as suggested in the Residential Guidelines.

The proposed development will be completely encompassed within the bounds of the existing, previously developed property. It will not encroach upon or obstruct the Public Access, Shoreline Access, or Proposed Access outlined in the Community Plan. The proposed project will not encroach upon or obstruct any of the identified Coastal vistas detailed in the Land Use Plan. It will enhance and protect view corridors by complying with the setback regulations. As such, 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.

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

The proposed project does not meet the criteria for Environmentally Sensitive Lands (ESL) as regulated within San Diego Municipal Code (SDMC) section 143.0110 for premises where environmentally sensitive lands are present. There are no sensitive biological resources, steep hillsides, coastal beaches, sensitive coastal bluffs, or Special Flood Hazard Areas as specified in SDMC section 143.0110.

The project site did not qualify under Environmentally Sensitive Land (ESL) regulations for steep hillsides pursuant to SDMC section 143.0110(a) because the site does not contain a vertical elevation of at least 50 feet, pursuant to Diagram 1-2, Off-Site Steep Hillside Criteria of the City of San Diego Steep Hillside Guidelines. The proposed project site has a vertical elevation of 29 feet. An offsite analysis of the adjacent property(s) was made and determined the steep hillsides on the subject site are not part of a steep hillside system that extends off-site and exceeds the 50-foot elevation. In addition, the project site is a previously graded site with manufactured slopes.

In addition, the project has been conditioned (Condition 19) to submit a Water Pollution Control Plan (WPCP), which shall be prepared in accordance with the guidelines in Part 2 of the Construction BMP Standards Chapter 4 of the City's Storm Water Standards. The condition will prevent run-off from the project site that could potentially affect ESL downhill from the project site.

The proposed project is located in the La Playa neighborhood, as outlined in Community Plan Figure 3. The La Playa neighborhood is a built-out environment. The proposed project will be developed on previously manufactured slopes and be conditioned to contain water run-off. As such, the proposed coastal development will not adversely affect environmentally sensitive lands.

c. 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 Peninsula Community Plan and Local Coastal Program Land Use Plan (Community Plan) designates the project site as being within the La Playa neighborhood (pg. 6). The La Playa neighborhood is described as, "characterized by large single-family homes of various ages and architectural styles, including colonial, Spanish and contemporary designs." "Views from the hillside above Rosecrans are provided to San Diego Bay and downtown." Views are important to the surrounding homes as well as the Local Coastal Program, with the surrounding homes all facing west to east to correlate to the views of the bay.

The Community Plan provides Residential Guidelines for Urban Design related to views (pg. 105), which include the following:

- Structures should be designed to protect views of Peninsula's natural scenic amenities, especially the ocean shoreline, and San Diego Bay.
- View corridors, by utilizing side yard setbacks, should be encouraged along the ocean and bay shoreline and bluff-top areas in order to avoid a continuous walled effect along the shoreline. Narrow corridors create visual interest and allow for sea breezes.
- Setbacks and view corridors should be kept clear of obstacles which may interfere with visual access.

All of the identified views in the Local Coastal Program also correspond to the orientation of the Bay. The two primary public locations to access the identified views are Rogers Street, to the west of the project site and Rosecrans Street, to the east of the project site. The project site has a 45% slope on the south side of the property and a 34% slope on the north side, for an average slope of a 40% elevation differential from the front of the site on Rosecrans Street, to the rear of the site on Rogers Street. As such, the project, located west of Rosecrans Street, will not restrict any views towards the San Diego Bay from Rogers Street because of the average 40% declining slope towards the bay. In addition, the project proposes 8-foot side yard setbacks for both the north and south elevations, which meet the required 8-foot setback regulations for the RS-1-7 zone. These side yard setbacks will be kept clear of obstacles which may

interfere with visual access and serve to avoid a continuous walled effect along the shoreline, as suggested in the Residential Guidelines.

Additional Residential Urban Design Guidelines applicable to the project are as follows:

Building Scale (pg. 108):

- The roofline of new structures should complement the dominant rooflines of the neighboring buildings.
 - The project proposes a flat roofline for the proposed single-dwelling unit at the rear of the property which is consistent with neighboring homes.

Architectural Detailing (pg. 110):

- A building with a roof form or profile similar to surrounding buildings strengthens the visual identity of the structures and contributes to a street's visual harmony.
 - See Building Scale above.
- Structures should conform to the pattern and rhythm of spacing of buildings already existing within the block.
 - As described in the Natural Environment above, setbacks are consistent with the surrounding structures.

Hillside Development (pg. 114):

- The treatment of rooftops should be varied. Rooftops should be carefully designed to complement rather than obliterate hillside forms. Large continuous and unbroken roof areas should be avoided since they will result in high visual prominence that detracts from the visual enjoyment of natural forms.
 - The project proposes a steeped roofline for the garage and Accessory Dwelling Unit, with a flat roofline for the single-dwelling unit. The juxtaposition between the rooflines breaks up the two structures and complements the hillside form by detracting the larger structure at the rear of the property.

The Local Coastal Program (Program) found within the Community Plan contains, "a detailed description of the coastal issues affecting the Peninsula with a brief summary of the recommendations contained within this land use plan."

The project site is not applicable to most of the referenced coastal issues due to location, use or zoning, as noted below. The issues, within the vicinity of the project site are:

1. PUBLIC ACCESS – The Program identifies two issues, one on Sunset Cliffs, which is not applicable to the project site due to location. The other issue is the parking and traffic circulation impacting the bay shoreline. With the project site approximately 280 feet west of the shoreline, and the nearest road, Rosecrans Street, having no direct access, there is no opportunity to alleviate shore access circulation as described. As such the second issue is also not applicable.
2. HOUSING – The two issues identified, (1) to provide low-and moderate-cost housing within the Community Plan, and (2) providing incentives which would preserve low-and moderate-income lodging facilities are not applicable to the project site. The Community Plan states that, “Due to the built-up nature of the community, traffic constraints, aircraft noise in much of the community, and the 30-foot height limit, no specific sites are recommended for housing population groups with special housing problems or needs (pg. 14). As such with no identified areas for low-and moderate-cost housing, the project site does not qualify. Lastly, the project site is not within a commercial zone, so lodging would not be applicable.
3. HAZARD AREAS – the issues identified are, (1) Erosion control and cliff stabilization in the Sunset Cliffs area. The project site is not in the Sunset Cliffs area, and (2) Earthquake and liquefaction hazards. Figure 23a (pg. 91), does not identify the proposed project site as being in an area prone to liquefaction or unstable slopes or bluffs and identifies the location as a stable area. Figure 22 (pg. 90) does not identify any faults near the project site. As such, neither issue is applicable to the project site.
4. LOCATING AND PLANNING NEW DEVELOPMENT – The issues identified are, (1) areas of the Peninsula capable of accommodating increased development without significant impacts to adjacent land uses or traffic movement, and (2) Improved transit service necessary to reduce congestion. The Community Plan only identifies one area near the project site capable of meeting the needs of the first issue. Known as a Transitional Areas (Figure 4), the Community Plan identifies - La Playa - a small area adjacent to Point Loma Naval complex gradually undergoing transition to multifamily residential. The proposed site is not applicable to this area due to its location. Issue two is not applicable to the project site for improved transit service.
5. VISUAL RESOURCES AND SPECIAL COMMUNITIES – The issues identified are, (1) Future development in the area should not detract from the special characteristics of the community, and (2) the removal of overhead power lines, billboards, and other visual clutter. The proposed

project meets the criteria of the Residential Guidelines for Urban Design guidelines for Building Scale (pg. 108), Architectural Detailing (pg. 110) and Hillside Development (pg. 113). The proposed project meets several of the identified guidelines and will not detract from the characteristics of the community. Issue number two is not applicable to the project site as there are no overhead power lines, billboards or other visual clutter.

Issues in the Program not applicable to the project site include the following due to location:

RECREATION AND VISITOR SERVING FACILITIES; WATER AND MARINE RESOURCES; ENVIRONMENTALLY SENSITIVE HABITAT AREAS

Issues in the Program not applicable to the project site include the following due to use and zoning conflicts: DIKING, DREDGING, FILLING AND SHORELINE STRUCTURES; COMMERCIAL FISHING AND RECREATIONAL BOATING; AGRICULTURE; FORESTRY AND SOIL RESOURCES; PUBLIC WORKS; INDUSTRIAL AND ENERGY FACILITIES

The Program identifies Implementation Actions (pg. 157), however many are not applicable due to location, use or zoning, as noted below. Some issues, within the vicinity of the project site are:

1. ZONING MODIFICATIONS – The implantation action seeks to identify areas where existing zoning is inconsistent with the land use recommendations in the plan. The Community Plan identifies La Playa, where the project site is located as, “characterized by large single-family homes of various ages and architectural styles (pg. 6).” The Land Use Plan (pg. 12) identifies the area as single family residential, which is consistent with the intent of the La Playa area. As such, the implementation action is not applicable to the proposed project site as the zoning is consistent with the area.
2. URBAN DESIGN AND ENVIRONMENTAL GUIDELINES FOR NEW DEVELOPMENT – The action recommends the guidelines in the plan regarding urban design and sensitive treatment of the environment will be implemented through processing of individual permits for those projects which require discretionary review by the Planning Department. This action is being implemented for the proposed project through the requirement of the California Environmental Quality Act review, Coastal Development Permit and subsequent Ministerial permits required prior to project construction.

Issues in the Program not applicable to the project site include the following due to use and zoning conflicts: APPLICATION OF THE HILLSIDE REVIEW OVERLAY ZONE; APPLICATION OF THE

INSTITUTIONAL OVERLAY ZONE; APPLICATION OF THE OPEN SPACE ZONE; COMMERCIAL DISTRICT REVITALIZATION; ROSEVILLE COMMERCIAL DISTRICT REVITALIZATION; ROSEVILLE PARKING IMPROVEMENTS; PUBLIC IMPROVEMENTS; IMPLEMENTATION BY OTHER AGENCIES; PRECISE PLAN FOR THE NAVAL TRAINING CENTER

Through the adherence to zoning, and use regulations, as well as design features intended to maintain neighborhood character, the proposed Coastal Development conforms to the certified Local Coastal Program Land Use Plan and complies with all regulations of the certified Implementation Program.

- d. **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.**

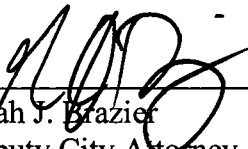
The finding is not applicable to the project site as the development is not located between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone. The nearest public road that qualifies under these guidelines is Rosecrans Street. As the project is located to the west of Rosecrans Street and the nearest body of water is the San Diego Bay, which is located approximately 280 feet east of the project site, it does not qualify as a coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone.

Article 2 of the California Coastal Act is not applicable as the project site does not interfere with any Shoreline Access point as identified on Figure 19 and specified in detail in Item A(1)(a) herein incorporated by reference. Article 3 of the California Coastal Act is also not applicable as the project will not interfere with water-oriented activities, is not oceanfront land, is not suitable for visitor-serving commercial recreational facilities, due to it being in a Residential Zone, and is not in an upland area necessary to support coastal recreation. As such, the project is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

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

3. The Coastal Development Permit No. 3173079 is granted to Kathleen Shanahan, as Trustee of The Kathleen Shanahan Living Trust, dated August 15, 2012, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: HEATHER FERBERT, City Attorney

By  _____
Noah J. Brazier
Deputy City Attorney

NJB:cc
December 19, 2024
Or.Dept: Development Services
Doc. No. 3910288_2

ATTACHMENT: Coastal Development Permit No. PMT-3173079

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on
JAN 28 2025

DIANA J.S. FUENTES
City Clerk

By  _____
Deputy City Clerk

ATTACHMENT

Coastal Development Permit No. PMT-3173079

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

INTERNAL ORDER NUMBER: 24009304

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. PMT-3173079
690 ROSECRANS STREET - PROJECT NO. PRJ-1065372
CITY COUNCIL

This Coastal Development Permit No. PMT-3173079 is granted by the City Council of the City of San Diego to Kathleen Shanahan, as Trustee of The Kathleen Shanahan Living Trust, dated August 15, 2012, Owner/ Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0708. The 0.18-acre site is located at 690 Rosecrans Street, also known as Assessor's Parcel Number 532-341-01 in the Residential Single Unit (RS-1-7) Zone, Airport Land Use Compatibility Overlay Zone (NAS North Island, San Diego International Airport), Airport Influence Area (Review Area 2), Coastal Height Limitation Overlay Zone, Coastal Overlay (Non-Appealable) Zone, Complete Communities Mobility Choices (Mobility Zone 4), and FAA Part 77 Noticing Area of the Peninsula Community Plan. The project site is legally described as:

That Portion of the northerly half of the northwest quarter of that certain unnumbered lot of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, lying westerly of Pueblo Lot 165, easterly and Pueblo Lot 166 and northerly of Pueblo Lot 163, as saw lots are shown on the map thereof made by C. H. Poole, in 1856, a copy of which map was filed in the Office of the County Recorder of San Diego County, November 14, 1921 and is known as miscellaneous Map No. 35, that lies westerly of that certain tract of land conveyed by L.A. Blochman and Haidee G. Blochman, his Wife, to The City of San Diego, a Municipal Corporation, by deed-dated January 13, 1913 and recorded April 18, 1913 In Book 607 page 115 of deeds, Records of San Diego County, comprising in a part of Rosecrans Street as now located.

Also, all those portions of the easterly half of San Dionicio Street lying westerly of and adjoining said above described portion of said unnumbered lots, as vacated and closed to public use by Resolution no. 14113, adopted by the Common Council of the City of San Diego on June 9, 1913.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish an existing single dwelling unit and construct a new single dwelling unit, demolish portions of the existing garage, expand the garage and add a new accessory dwelling unit (ADU) above the new garage, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated January 28, 2025, on file in the Development Services Department.

The project shall include:

- a. Demolish existing 1,450 square foot (sf) single dwelling unit including 443 sf of existing lower level and 406 sf of existing garage, for a total of 2,299 sf to be removed; and
- b. Construct new, 3,160 sf, two-story, single dwelling unit; and
- c. Construct new, 1,811 sf garage; and
- d. Construct new 978 sf accessory dwelling unit (ADU) above the expanded garage; and
- e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by February 12, 2028.
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 Owner/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. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The 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 Owner/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 Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited 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 were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If 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. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

CLIMATE ACTION PLAN REQUIREMENTS:

11. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

AIRPORT REQUIREMENTS:

12. Prior to the issuance of any building permits, the Owner/Permittee shall provide a copy of the signed agreement [DS-503] and show certification on the building plans verifying that the structures do not require Federal Aviation Administration [FAA] notice for Determination of No Hazard to Air Navigation or provide an FAA Determination of No Hazard to Air Navigation as specified in Information Bulletin 520.

ENGINEERING REQUIREMENTS:

13. The Coastal Development Permit shall comply with all Conditions of the Public Right-of-Way Vacation No. PMT- 3173078.

14. Prior to issuance of any building permit, the Owner /Permittee shall provide five feet Irrevocable Offer of Dedication (IOD) along the frontage of Rosecrans Street to satisfaction of the City Engineer.

15. Prior to the issuance of any building permit the Owner/Permittee shall assure, by permit and bond, removal of existing driveway and construction of a new 16-foot driveway per current City Standards, adjacent to the site on Rosecrans Street.

16. Prior to the issuance of any building permit the Owner/Permittee shall assure, by permit and bond, replacement of existing curb with curb/gutter per current City Standards along Rosecrans Street 's frontage satisfactory to City Engineer.

17. Prior to the issuance of any building permit the Owner/Permittee shall assure, by permit and bond, to replace existing sidewalk per current City Standards adjacent to the site on Rosecrans Street to satisfaction of City Engineer.

18. Prior to the issuance of any building permit the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for all private improvements such as retaining walls, access gates and fences within proposed Irrevocable Offer of Dedication (IOD) area along Rosecrans frontage.

19. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

WATER/SEWER REQUIREMENTS:

20. Prior to the issuance of any building permits, if it is determined during the building permit review process the existing water and sewer service will not be adequate to serve the proposed project, the Owner/Permittee shall, assure by permit and bond, the design and construction of new water and sewer service(s) outside of any driveway or drive aisle and the abandonment of any existing unused water and sewer services within the right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Director and the City Engineer.

21. Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.

22. All proposed private water and sewer facilities are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

23. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and five feet of any water facilities.

24. The Owner/Permittee shall grant sewer easement for the remaining portion of the existing public sewer main as shown on the approved Exhibit "A" (Site Development Plan), in a manner satisfactory to the Director of Public Utilities and the City Engineer.

25. The Owner/Permittee shall process encroachment maintenance and removal agreements (EMRA), for all acceptable encroachments into the proposed sewer easement.

TRANSPORTATION REQUIREMENTS:

26. The automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing authorized by the appropriate City decision maker in accordance with the SDMC.

PLANNING/DESIGN REQUIREMENTS:

27. 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 Owner/Permittee.

28. Prior to issuance of a building permit, a Habitable Accessory Structure Agreement (Form DS-203) shall be signed and notarized for the guest quarters.

29. 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.

PUBLIC UTILITY REQUIREMENTS:

30. An easement for Pacific Bell Telephone Company dba AT&T California as it may from time to time require to construct, place, operate, inspect, maintain, repair, replace and remove such underground communication facilities (including ingress thereto and egress therefrom) consisting of wires, cables, conduits, pipes, manholes, handholes, service boxes, aboveground markers, risers, service pedestals, underground and aboveground switches, fuses, terminals, terminal equipment cabinets, transformers with associated concrete pads, associated electrical conductors, necessary fixtures and appurtenances. The above-described easement shall be located on a strip of land 10 feet in width in said property, lying 5 feet on each side of the alignment of facilities installed hereunder.

31. Reserving an easement and right of way for SDG&E to erect, construct, change the size of, improve, reconstruct, relocate, repair, remove, maintain, and use facilities consisting of overhead and underground electric facilities, communication facilities and all appurtenances including necessary anchorage for the transmission and distribution of electricity and for pipelines and appurtenances, together with the right of ingress thereto and egress therefrom over said easement and over other practical routes. No building or other structure shall be permitted within the easement excepting other utility facilities that meet SDG&E's separation requirements. SDG&E's prior written consent shall be required before planting any trees or increasing/decreasing the ground elevation within the easement. Grantee shall have the right but not the duty, to trim or remove trees and brush along or adjacent to this easement and remove roots from within this easement whenever Grantee deems necessary. Said right shall not relieve Grantor of the duty as owner to trim or remove trees and brush to prevent danger or hazard to property or persons. Upon receipt of written request from Grantor, this easement will be quitclaimed by Grantee, provided that the facilities have been removed.

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this 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.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on January 28, 2025, and R-316012

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Robin MacCartee
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

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

**Kathleen Shanahan, Trustee of The
Kathleen Shanahan Living Trust**
Owner/Permittee

By _____
KATHLEEN SHANAHAN
TRUSTEE

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

Passed by the Council of The City of San Diego on JAN 28 2025, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 28 2025.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 316012