



THE CITY OF SAN DIEGO

July 21, 2005

Dr. Bregman
3310 Lucinda Street
San Diego, CA 92106

Dear Dr. Bregman:

Subject: Response to Citizens Assistance Route Slip
Albertson Residence Building Permit
3252 Lucinda Street
PTS No. **58238**

The Development Services Department (DSD) received a Citizens Assistance Route Slip dated July 8, 2005. This letter responds to your questions and concerns regarding the approval of the Building Permit for the construction that is occurring at 3252 Lucinda Street. Your concerns included: the original project submitted, no public notice, no community review, elevations, and lack of a grading permit.

EXECUTIVE SUMMARY

A ministerial combination Building Permit was issued on April 12, 2005, allowing remodeling and building additions to the existing single family dwelling unit located at 3252 Lucinda Street. The Building Plans were found to be exempt from a Coastal Development Permit per Municipal Code Section 126.0704. Therefore, not requiring a discretionary action and allowing the approval of a ministerial Building Permit. A Building Permit is a ministerial action and does not require public noticing or review by the Community Planning Group. The maximum height of the structure does not exceed the thirty foot height limit. The project did not require a grading permit. This building permit is currently under construction and inspection by the City of San Diego.

BACKGROUND

The property is located at 3252 Lucinda Street, within the RS-1-7 Zone (residential), the non-appealable Coastal Overlay Zone, Coastal Height Limit Overlay Zone, and the La Playa neighborhood of the Peninsula Community Plan and Local Coastal Program Land Use Plan. The Peninsula Community Plan designates this area as single family residential, nine dwelling units per acre. The Community Plan's recommended density is consistent with the RS-1-7 Zone's minimum 5,000 square foot lot size. This parcel is 7,000 square feet (0.16 acre), larger than the

minimum for the zone. The project is located approximately one mile from the Pacific Ocean and one quarter mile from San Diego Bay. The site slopes down to the east, from about 215 feet mean sea level in the northwest corner to 200 feet in the southeast corner. This property provides views to the east of Shelter Island, San Diego Bay and downtown San Diego. The property is not located adjacent to or near any protected public access ways or view corridors, and does not contain Environmentally Sensitive Lands.

COASTAL DEVELOPMENT APPLICATION

The property owner originally submitted for a Coastal Development Permit (Process 2) on April 30, 2002. The discretionary Coastal Development Permit application was required to demolish an existing single family dwelling and construct a new residence. Staff approved this Coastal Development Permit on July 22, 2003 acting for the City Manager in accordance with Process 2 procedures. An appeal of the Process 2 City Manager's decision was filed on August 7, 2003 by the Chair of the Peninsula Community Planning Board. The project was appealed to and presented to the Planning Commission on October 30, 2003. The Planning Commission continued the project to December 4, 2003. However, the owner withdrew his Coastal Development Permit application on Nov. 7, 2003 prior to the December 4, 2003 hearing. The Coastal Development Permit application was closed without an approval or denial of the proposed project.

BUILDING PERMIT

A ministerial combination Building Permit, Approval No. 171011, was issued on April 12, 2005 and permitted remodeling and building additions to the existing single family dwelling unit located at 3252 Lucinda Street. The Building Plans were found to be exempt from a Coastal Development Permit per Municipal Code Section 126.0704(5): *The following coastal development is exempt from the requirement to obtain a Coastal Development Permit; The demolition or removal of 50% or more of the exterior walls of the existing structure.* The difference between this Building Permit and the previous Coastal Development Permit applicant is that this Building Permit did not propose to demolish the entire existing residence as originally proposed. Since the Building Permit application maintains greater than fifty percent of the exterior walls of the existing structure, the project is exempt from a Coastal Development Permit requirement. A Building Permit is a ministerial action and does not require public noticing or review by the Community Planning Groups.

Based on the City Municipal Code, a discretionary action was not required, therefore allowing the submittal and approval of a ministerial Building Permit. The Building plans were found to conform to the City Municipal Code and the provisions of the California Building Code. Similar Building permit only approvals, i.e. exemptions from Coastal Development permits, have been processed for several of the adjacent properties. This is a legal and allowed process.

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This building permit is currently under construction and inspection by the City of San Diego. The permit allows the addition of a basement level garage, bedroom, bath, workshop, an entry level bedroom, two baths, office, laundry, foyer, media room, deck, and a upper level solarium, relocated kitchen, master bedroom, two baths, deck, and elevator. City Building Inspectors are required to inspect the Building construction which must conform to the approved plans. The inspector signs an Inspection Record card as the construction is inspected and approved. If it is necessary to change the plans during construction, changes must be approved by the Development Services Department.

OTHER PERMIT CONCERNS

The property is within the Coastal Height Limitation Overlay Zone which requires the maximum height of structures not to exceed 30 feet. The Building permit process reviews, inspects and must approve that the height does not exceed 30 feet. The maximum height of the structure will maximize the height allowed in the zone, but would not exceed the 30 foot height limit. The proposed residence would be within the coastal height limit and would not block publicly accessible views of the Bay or Shelter Island.

The project did not require a grading permit per Municipal Code Section 129.0603: *Exemptions from Requirement for a Grading Permit. A Grading Permit is not required for the work listed below unless section 129.0602 requires otherwise. (a) Excavation below finished grade for the basement or footing of a building, for a retaining wall, or for any other structure authorized by a valid Building Permit provided that the excavated material is disposed of at a legal disposal site in a safe and sanitary manner.*

Please do not hesitate to contact me at (619) 446-5042 if you have any questions.

Sincerely,

Diane Murbach
Development Project Manager
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

DM/dm

cc: Gary Halbert, Director Development Services
Marcela Escobar-Eck, Deputy Director CSI
Ken Albertson, Owner