



City of San Diego
 Development Services
 1222 First Ave., MS-302
 San Diego, CA 92101
 (619) 446-5210

**Community Planning
 Committee
 Distribution Form Part 1**

Project Name : Omohundro Residence		Project Number 170812	Distribution Date 04/27/09
Project Scope: Mission Beach JO#43-1974.(PROCESS 3) SUSTAINABLE EXPEDITE PROGRAM Coastal Development Permit and Variance to demolish existing residence and construct a 2,615 sq ft duplex on a 0.05 acre site at 818 Allerton Court in the R-S Zone of Mission Beach Planned District within the Mission Beach Community Plan, Coastal Overlay (appealable), Coastal Ht Limit. Airport Influence Area, FAA Part 77. Council District 2. Notice Cards=2.			
Project Location 818 Allerton Ct			
Applicant Name: Sarah Horton		Applicant Phone No. 619-231-9905	
Related Projects			
Project Manager John Fisher	Phone Number (619) 446-5231	Fax Number (619) 446-5245	E-mail Address JSFisher@sandiego.gov
Community Plan Mission Beach	Council District	Existing Zone	Proposed Zone
Project Issues (To be completed by Community Planning Committee for initial review):			
SEE ATTACHMENT "A" WHICH IS ATTACHED HERETO AND INCORPORATES HEREBY			
Attach Additional Pages If Necessary.		Return Within 30 Days of Distribution of Project Plans To: Project Management Division City Of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101	



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5210

Community Planning
Committee
Distribution Form Part 2

Project Name : Omohundro Residence		Project Number 170812	Distribution Date 04/27/09	
Project Scope : Mission Beach JO#43-1974.(PROCESS 3) SUSTAINABLE EXPEDITE PROGRAM Coastal Development Permit and Variance to demolish existing residence and construct a 2,615 sq ft duplex on a 0.05 acre site at 818 Allerton Court in the R-S Zone of Mission Beach Planned District within the Mission Beach Community Plan, Coastal Overlay (appealable), Coastal Ht Limit. Airport Influence Area, FAA Part 77. Council District 2. Notice Cards=2.				
Project Location 818 Allerton Ct				
Applicant Name: Sarah Horton			Applicant Phone No. 619-231-9905	
Related Projects				
Project Manager John Fisher		Phone Number 446-5231	Fax Number (619) 446-5245	E-mail Address JSFisher@sandiego.gov
Community Plan Mission Beach		Council District		
Existing Zone	Proposed Zone	Building Height	Number of Stories	FAR
Committee Recommendations (To be completed for Initial Review):				
<input type="checkbox"/> Vote to Approve		Members Yes	Members No	Members Abstain
<input checked="" type="checkbox"/> Vote to Approve 2 votes YANON (1) AS TO 8 FOOT GO LOT FLOOR AND 3 FEET ON 2ND With Conditions Listed Below (2) AS TO 45° SLOPE ON BRD		Members Yes 7	Members No 0	Members Abstain 1
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below SEE ATTACHMENT A		Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Deny		Members Yes	Members No	Members Abstain
Agenda Date:	<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)		<input type="checkbox"/> Continued	
CONDITIONS: ^{SEE} ATTACHMENT "A" AND PHOTOGRAPHS (SHOWN AT BOARD MEETING)				
NAME DENNIS LYNCH		TITLE BOARD MEMBER PLAN REVIEWER		
SIGNATURE <i>Dennis Lynch</i>		DATE JUNE 1, 2009		
<p>Attach Additional Pages If Necessary. Please Return Within 30 Days of Distribution of Project Plans To:</p> <p>Project Management Division City Of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101</p>				

ATTACHMENT "A"

Re: Omohundro Residence; 818 Allerton Court; Project No. 170812

This project variance request was discussed at the Mission Beach Precise Planning Board (hereinafter the "Board") meeting on May 19, 2009. Both the owner and architect were present. The applicant is seeking a setback variance from what is referred to as "Asbury Court" on the land map. It is currently being used as an alley, which has a width of approximately 10 feet. The normal width of alleys perpendicular to Mission Boulevard is 16 feet.

The Board has given its **conditional approval** to the requested setback of eight (8) feet for the first floor, three (3) feet for the second floor, and has requested a 45-degree sloping setback be required beginning at 20 feet above grade for the third floor.

The Board's PDO requires such a setback on all north elevations facing a court or place beginning at 20 feet to allow more direct sunlight to reach the adjacent properties. The Board finds no difference for this project. This setback shall be measured from and begin at the 20-foot elevation, three (3) feet from the property line (i.e., vertically flush with the proposed second story 3-foot setback).

Please note in viewing the attached photographs, there is no commonality among structure setbacks on this Asbury Court alley. Also, please note that the only 3-story structure on this alley observes a 45-degree setback at a 20-foot elevation, as the Board is similarly requesting for this project.

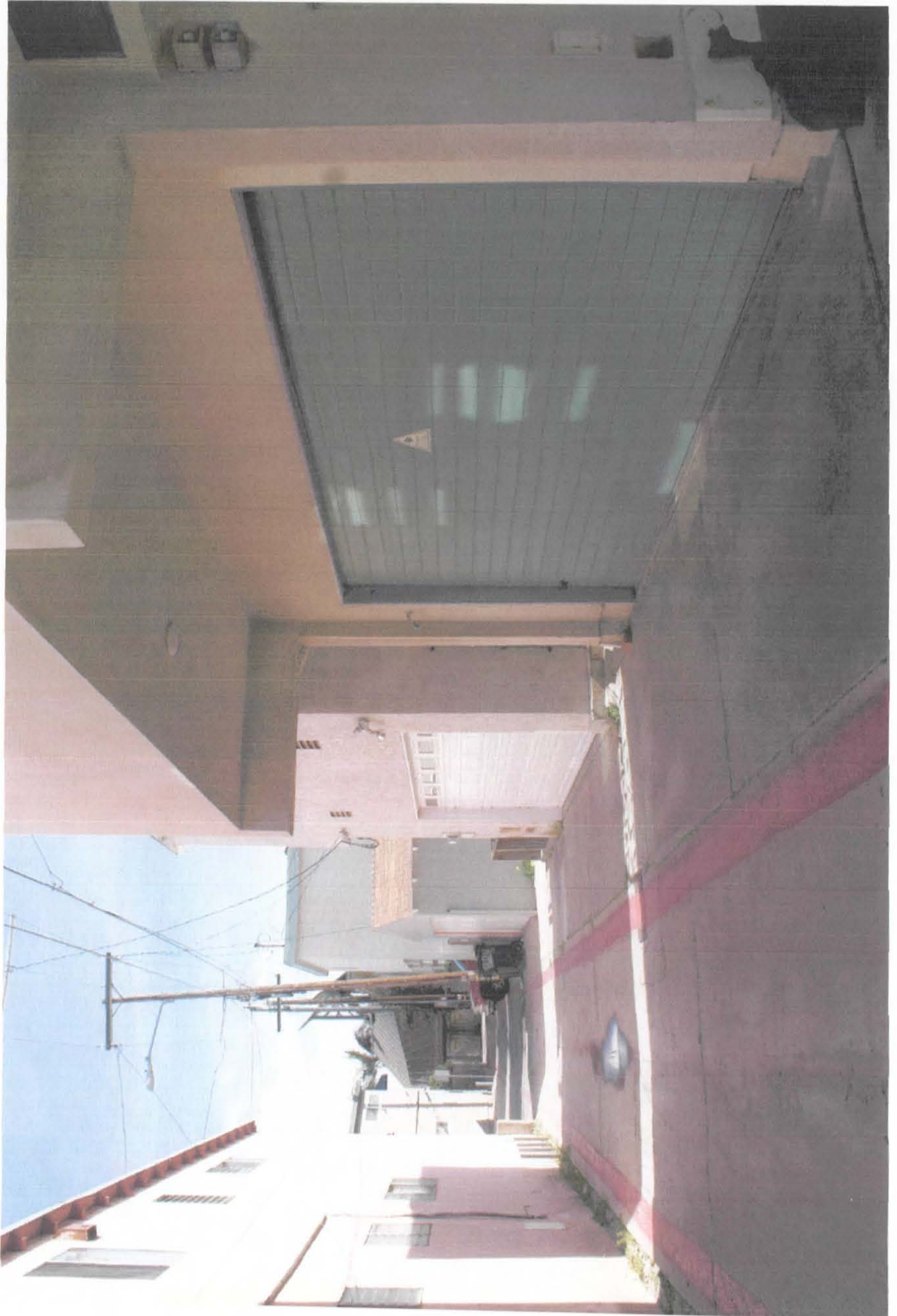
The subject project will at times cut off direct sunlight to the adjacent property to the north – as to its south facing windows and its courtyard patio. Please observe the shadows on the attached pictures – they speak loudly. Structure height without a 45-degree setback will definitely make a difference.

Please imagine, if you will, this Asbury Court – 10-foot alley - being lined with 3-story structures similar to the proposed project. If the subject property is allowed as requested, we are headed in that direction. It's called "precedent". Precedent is very alive and flourishing in crowded Mission Beach.

Please follow our Board's recommendation.

[Note: This report will be attached to the Board's May minutes to summarize its findings.]







PLANNING COMMISSION RESOLUTION NO. X-PC
SITE DEVELOPMENT PERMIT NO. 649743, COASTAL DEVELOPMENT PERMIT NO. 613871
and VARIANCE NO. 613956
OMOHUNDRO RESIDENCE PROJECT NO. 170812

WHEREAS, SCOTT R. and JESSICA M. OMOHUNDRO, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish an existing structure and construct a 2,615 square foot duplex (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Site Development Permit No. 649743, Coastal Development Permit No. 613871 and Variance No. 613956), on portions of a 0.05 acre site;

WHEREAS, the project site is located at 818 Allerton Court in the R-S Zone of Mission Beach Planned District within the Mission Beach Community Plan;

WHEREAS, the project site is legally described as Lot O, Block 10 of Mission Beach, according to Map thereof No. 1651, filed December 14, 1914, in the office of the San Diego County Recorder;

WHEREAS, on V13 - DATE, the Planning Commission of the City of San Diego considered Site Development Permit No. 649743, Coastal Development Permit No. 613871 and Variance No. 613956 pursuant to the Land Development Code of the City of San Diego;

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated V19 - DATE.

FINDINGS:

Site Development Permit - Section 126.0504

A. Findings for all Site Development Permits

1. The proposed development will not adversely affect the applicable land use plan. The Mission Beach Community Plan designates the proposed site for low density residential development. The proposed project is consistent with this designation and all other design recommendations of the Mission Beach Community Plan relevant for residential uses and development. In these ways the proposed project will not adversely affect the Mission Beach community plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The site is located at 818 Allerton Court in the Mission Beach Community in the Mission Beach Planned District area. The Mission Beach Planned District regulations are intended to implement the adopted Mission Beach Precise Plan and the proposed project will not adversely affect public health, safety, and welfare. The proposed development will protect and enhance the area's unique ocean-oriented setting, architectural character, and natural terrain and enable the area to maintain its distinctive identity. The proposed development is in keeping with the objectives and proposals of the General Plan for the City of San Diego, the Mission Beach Community Plan, and the Mission Beach Precise Plan.

The proposed development will include the minor improvement of right-of-way; will incorporate construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 of the San Diego Municipal Code; will prepare and implement a Water Pollution Control Plan in accordance with the guidelines in Appendix E of the City's Storm Water Standards; will enter into a Maintenance Agreement for the ongoing permanent BMP maintenance; and will comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity and will prepare an updated geotechnical report as building plans are developed for the project. All structures constructed will be reviewed by professional staff for compliance with all relevant and applicable building, electrical, plumbing, and mechanical and fire codes to assure the structures will meet or exceed the current regulations. In addition, all construction will be monitored and inspected in the field by certified field inspectors. As such and because of the foregoing, the proposed development will not be detrimental to the public health, safety, and welfare.

The permit controlling the development and continued use of the development proposed for this site contains conditions addressing the project compliance with the City's regulations and other regional, state and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls intended to assure the continued health, safety and general welfare of persons residing or working in the area. All Building, Fire, Plumbing, Electrical, Mechanical Code and the City regulations governing the construction and continued operation of the development apply to this site to prevent adverse affects to those persons or other properties in the vicinity. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code. The project has been determined to comply with the Mission Beach Community Plan, the Mission Beach Precise Plan and the development regulations relevant to the Omohundro property. The Mission Beach Planned District regulations require the project not adversely affect public health, safety, and welfare and requires the proposed design protect other properties in the area from impairment. There are no views to the ocean crossing the site from any public right-of-way or other public vantage point. There are no views to the ocean from within the site. The design of the project will not obscure any public views from public rights-of-way or public places.

All lighting which highlights architectural features of a structure will unobtrusive and shielded to prevent light from falling on adjacent properties. The design has no appurtenances on the roof and therefore no enclosure or other shielding is required for the roof to be attractive. The building will not exceed a height greater than thirty feet. The building will not be cover more than sixty percent of the lot. In these ways the project will be consistent with the requirements and regulations contained in the Mission Beach Planned District, the Mission Beach Precise Plan and the development regulations relevant to the Omohundro property for residential development.

The proposed development complies with all relevant regulations of the Land Development Code, except as allowed through the approval of the requested variance. Specific conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and have been written as such into Coastal Development Permit No. 613871 and

Variance No. 613956. Development of the property will meet all requirements of these regulations. Concept plans for the project identify other development criteria in effect for the site. All relevant regulations shall be complied with at all times for the life of the project. In these ways the proposed development will comply with the applicable and relevant regulations of the Land Development Code.

B. Supplemental Findings--Environmentally Sensitive Lands

- 1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.** The site is identified as within Geologic Hazard Zone 52 which is generally level gently sloping areas to steep terrain with favorable geologic structure and considered to be of low risk. The site is generally level and is located within the flood fringe of a Special Flood Hazard Area (SFHA) for the San Diego River as shown on Flood Insurance Rate Map panel 06073C1613 F. The base flood elevation has been determined to be six feet above the mean sea level. All structures, including basements, built within the SFHA must be constructed with the lowest floor elevated a minimum of two feet above the base flood elevation. The plans for the proposed project indicate the existing and proposed grading contours, finished pad elevation, earthwork quantities, and maximum height of cut/fill slope. The plans also indicate a finish floor elevation of six feet above mean sea level. The project plans indicate no disturbance or change to the SFHA or mean sea level. The site contains no other sensitive lands and is physically suitable for the design and siting of the development.
- 2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.** The plans for the proposed project indicate the existing spot elevations and finished pad elevation which will result in a minimum of disturbance to the site. The site is very gently sloping and no grading other than that necessary for building foundations will be required. The site is identified as within Geologic Hazard Zone 52 which is generally level gently sloping areas to steep terrain with favorable geologic structure and considered to be of low risk. The site is generally level and is located within the flood fringe of a Special Flood Hazard Area (SFHA) for the San Diego River as shown on Flood Insurance Rate Map panel 06073C1613 F. The base flood elevation has been determined to be six feet above the mean sea level. All structures, including basements, built within the SFHA must be constructed with the lowest floor elevated a minimum of two feet above the base flood elevation. The plans also indicate a finish floor elevation of six feet above mean sea level. No risks from wildfires exist on the site as the site is located in an urbanized community and is not adjacent to any undisturbed natural open space lands.
- 3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.** The site is located in an urbanized community and is not adjacent to any undisturbed natural open space lands or other environmentally sensitive lands with the one exception of the flood fringe of a Special Flood Hazard Area (SFHA) for the San Diego River as shown on Flood Insurance Rate Map panel 06073C1613 F. The design of the structures and improvements of the property will not result in any adverse impact to the San Diego River or special flood hazard area. No other environmentally sensitive lands exist on or adjacent to the site.
- 4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.** As the site is not located within the

Multiple Habitat Planning Area or Multiple Species Conservation Program Subarea Plan, the site is located in an urbanized community and is not adjacent to any undisturbed natural open space lands, the proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The site at 818 Allerton Court in the R-S Zone of Mission Beach Planned District within the Mission Beach Community Plan will be graded such that all drainage will be controlled and directed away from sensitive lands. All storm water will be directed to the appropriate storm drain system and away from public beaches and the shoreline. As such the proposed project will not contribute to the erosion of public beaches and will not adversely impact the local shoreline sand supply. The plans for the proposed project indicate the existing spot elevations and finished pad elevation which will result in a minimum of disturbance to the site. The site is very gently sloping and no grading other than that necessary for building foundations will be required. As a result, the proposed project will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. The site is located in an urbanized community and is not adjacent to any undisturbed natural open space lands or other environmentally sensitive lands with the one exception of the flood fringe of a Special Flood Hazard Area (SFHA) for the San Diego River as shown on Flood Insurance Rate Map panel 06073C1613 F. The design of the structures and improvements of the property will not result in any adverse impact to the San Diego River or special flood hazard area. No other environmentally sensitive lands exist on or adjacent to the site. The proposed project will not require any mitigation as the project will not result in any negative impacts.

C. Supplemental Findings--Environmentally Sensitive Lands Deviations

1. There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands. The site is located in an urbanized community and is not adjacent to any undisturbed natural open space lands or other environmentally sensitive lands with the one exception of the flood fringe of a Special Flood Hazard Area (SFHA) for the San Diego River as shown on Flood Insurance Rate Map panel 06073C1613 F. The design of the structures and improvements of the property will not result in any adverse impact to the San Diego River or special flood hazard area. No other environmentally sensitive lands exist on or adjacent to the site. The design of the proposed structure will result in a floor elevation of six feet above mean sea level and be elevated above the flood hazard area. There are no other environmentally sensitive lands on the property. The measures taken will minimize the potential adverse effects of flooding on the property so that structural damage is avoided. There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands.

2. The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land, not of the applicant's making. The site is located in an urbanized community and is not adjacent to any undisturbed natural open space lands or other environmentally sensitive lands with the one exception of the flood fringe of a Special Flood Hazard Area (SFHA) for the San Diego River as shown on Flood Insurance Rate Map panel 06073C1613 F. The land is nearly level terrain of very low elevation to the mean sea level and is

not the result of any action taken by the applicant to modify the site. The design of the proposed structure will result in a floor elevation of six feet above mean sea level and be elevated above the flood hazard area. There are no other environmentally sensitive lands on the property. The measures taken will minimize the potential adverse effects of flooding on the property so that structural damage is avoided. There are no feasible measures that can further minimize the potential of adverse effects on environmentally sensitive lands and none are anticipated to occur as a result of project. The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land and is not a result of any act taken by the applicant.

D. Supplemental Findings--Environmentally Sensitive Lands Deviation from Federal Emergency Management Agency Regulations

1. The City Engineer has determined that the proposed development, within any designated floodway will not result in an increase in flood levels during the base flood discharge. The City Engineer has determined the proposed development will not result in an increase in flood levels during the base flood discharge as the only portion of the proposed development within the floodway will be the garage. All other portions of the structure will be outside of the Special Flood Hazard Area for the San Diego River.

2. The City Engineer has determined that the deviation would not result in additional threats to public safety, extraordinary public expense, or create a public nuisance. The City Engineer has determined the proposed development will not result in an increase in flood levels during the base flood discharge as the only portion of the proposed development within the floodway will be the garage. All other portions of the structure will be outside of the Special Flood Hazard Area for the San Diego River. As such the deviation will not result in additional threats to public safety, extraordinary public expense, or create a public nuisance.

Coastal Development Permit - Section 126.0708

1. The proposed coastal development will not encroach upon any existing physical access way 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 0.05 acre site is located approximately 1,100 feet east from the Pacific Ocean. No physical accessway legally used by the public or proposed public accessway will be compromised or encroached upon with the approval of the project. No existing or proposed physical accessway exists or is designated on or across the site. From the site at 818 Allerton Court no public views to or along the ocean or other scenic coastal areas presently exist and none will be impacted from the approval of the project.

2. The proposed coastal development will not adversely affect environmentally sensitive lands. The proposed development, demolition of an existing single family structure and construction of a 2,615 square foot duplex, will not impact sensitive areas of the site as none exist. The Environmentally Sensitive Lands regulations do not apply to the subject property.

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 certified Local Coastal Program, the Mission Beach

Community Plan and Mission Beach Precise Plan, designates this site for residential development. The proposed development, the demolition of an existing single family structure and construction of a 2,615 square foot duplex, will comply with the certified Local Coastal Program and the regulations of the Implementation Program.

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 site at 818 Allerton Court is not between the nearest public road and the sea or shoreline of any body of water within the Coastal Overlay Zone. The site is located at 818 Allerton Court in the Mission Beach Community. The demolition of an existing single family structure and construction of a 2,615 square foot duplex will have no affect upon the public's access to coastal resources or recreation policies of Chapter 3 of the Coastal Act. The site does not contain any existing or planned access routes to the sea or shoreline of any body of water within the Coastal Overlay Zone and will have no affect upon the recreation policies of Chapter 3 of the Coastal Act in that all necessary parking is provided on the site for residents and visitors. Being determined that the proposed project will have no affect upon the access or recreational policies of the Coastal Act, the proposed project is therefore in conformance with the policies of such act.

Variance - Section 126.0805

1. There are special circumstances or conditions applying to the land or premises for which the variance is sought that are peculiar to the land or premises and do not apply generally to the land or premises in the neighborhood, and these conditions have not resulted from any act of the applicant after the adoption of the applicable zone regulations. The project site is located at 818 Allerton Court in the community of Mission Beach. The site has two front yards along two named courts, Allerton Court and Asbury Court which would require a front yard setback of fifteen feet from each property line rather than a front yard off Allerton and a rear yard off an un-named alley which is the norm in Mission Beach. Asbury Court is used by all properties along the northern side of Allerton Court for vehicular access. Further, all existing developed properties along the northern side of Allerton Court maintain garages or parking space within the fifteen foot front yard setback along Asbury Court and do not observe a fifteen foot setback. The situation of properties on the northern side of Allerton Court is atypical of properties in Mission Beach, is peculiar to these properties and does not apply generally to other properties in the neighborhood. The owner of the property did not create the subdivision of Map No. 1809, which was filed November 13, 1924, in the office of the San Diego County Recorder resulting in the property fronting on two named right-of-ways which would require two front yard setbacks of fifteen feet each. The subdivision which created this situation was filed prior to the adoption of the applicable zoning regulations. Therefore, the special circumstances or conditions applying to the land or premises for which the variance is sought are unique or peculiar to the premises and do not apply generally to the land or premises in the neighborhood and community, and these unique conditions have not resulted from any act of the applicant after the adoption of the applicable zone regulations.

2. The circumstances or conditions are such that the strict application of the regulations of the Land Development Code would deprive the applicant of reasonable use of the land or premises and the variance granted by the City is the minimum variance that will permit the reasonable use of the land or premises. Strict application of the Mission Beach

Planned District would require a fifteen foot front yard setback along both Allerton Court and Asbury Court. If the variance were not granted the result of the regulation would be to deprive the property owner of reasonable use of this area of the lot which is used and enjoyed by other property owners along the northern side of Allerton Court. Other properties on the northern side of Allerton Court enjoy the benefit of a reduced front yard setback measured from Asbury Court. The variance proposes to allow the ground floor of the building to be set back eight feet from the property line and three feet on the subsequent two floors above. The eight foot setback on the ground floor will be consistent with other properties on the northern side of Allerton Court, will still allow an adequate turning movement from Asbury Court into the proposed garage, and will allow the proposed structure to maximize the floor area ratio allowed by the Mission Beach Planned District. Several design studies were prepared and evaluated by the architect and the proposed variance is the minimum variance which will permit a reasonable use of the property for the owners, will achieve the floor area ratio as allowed by the Mission Beach Planned District and will be consistent with other properties developed on the northern side of Allerton Court. The resulting development will observe a seven foot variance at the first floor and twelve foot variance for the subsequent two floors above.

3. The granting of the variance will be in harmony with the general purpose and intent of the regulations and will not be detrimental to the public health, safety, or welfare. The variance proposes to allow the building to be set back eight feet on the ground floor and three feet on the subsequent two floors above from the Asbury Court right-of-way resulting in a seven foot variance for the first floor and twelve foot variance on the subsequent two floors above. The Mission Beach Precise Plan and Mission Beach Planned District designates the development of this property for residential multi-family development. Granting the variance will allow the site to create two residential units on one lot.

The proposed development will protect and enhance the area's unique ocean-oriented setting, architectural character, and terrain and enable the area to maintain its distinctive identity. The proposed development is in keeping with the objectives and proposals of the General Plan for the City of San Diego, the Mission Beach Community Plan, and the Mission Beach Precise Plan. The proposed development will include the minor improvement of right-of-way; will incorporate construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 of the San Diego Municipal Code; will prepare and implement a Water Pollution Control Plan in accordance with the guidelines in Appendix E of the City's Storm Water Standards; will enter into a Maintenance Agreement for the ongoing permanent BMP maintenance; and will comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. The City Engineer has determined the proposed development will not result in an increase in flood levels during the base flood discharge as the only portion of the proposed development within the floodway, or lower than six feet above the mean sea level, will be a portion of the garage. All other portions of the structure and garage will be outside of the Special Flood Hazard Area for the San Diego River. As such the deviation will not result in additional threats to public safety, extraordinary public expense, or create a public nuisance. All structures constructed will be reviewed by professional staff for compliance with all relevant and applicable building, electrical, plumbing, and mechanical and fire codes to assure the structures will meet or exceed the current regulations. In addition, all construction will be monitored and inspected in the field by certified field inspectors. As such and because of the

foregoing and conditions of approval contained in the permit, the proposed development will not be detrimental to the public health, safety, and welfare.

The permit controlling the development and continued use of the development proposed for this site contains conditions addressing the project compliance with the City's regulations and other regional, state and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls intended to assure the continued health, safety and general welfare of persons residing or working in the area. All Building, Fire, Plumbing, Electrical, Mechanical Code and the City regulations governing the construction and continued operation of the development apply to this site to prevent adverse affects to those persons or other properties in the vicinity. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

4. The granting of the variance will not adversely affect the applicable land use plan. If the variance is being sought in conjunction with any proposed coastal development, the required finding shall specify that granting of the variance conforms with, and is adequate to carry out, the provisions of the certified land use plan. The variance proposes to allow the building to be set back eight feet on the ground floor and three feet on the subsequent two floors above from the Asbury Court right-of-way resulting in a seven foot variance for the first floor and twelve foot variance on the subsequent two floors above. The Mission Beach Precise Plan and Mission Beach Planned District designates the development of this property for residential multi-family development. Granting the variance will allow the site to create two residential units on one lot and maintain the unique character of the existing neighborhood and community. Being designated for multi-family residential development in the Mission Beach Community Plan and the Mission Beach Precise Plan, the proposed development will not adversely affect these plans and conforms with and is adequate to carry out the policy direction for this site required by the Mission Beach Community Plan and the Mission Beach Precise Plan.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Site Development Permit No. 649743, Coastal Development Permit No. 613871 and Variance No. 613956 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Site Development Permit No. 649743, Coastal Development Permit No. 613871 and Variance No. 613956, a copy of which is attached hereto and made a part hereof.

John S. Fisher
Development Project Manager
Development Services

Adopted on: V27 - DATE OF APPROVAL

Job Order No. 431974

cc: Legislative Recorder, Planning Department

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 431226

SITE DEVELOPMENT PERMIT NO. 649743, COASTAL DEVELOPMENT PERMIT
NO. 613871 and VARIANCE NO. 613956
OMOHUNDRO RESIDENCE PROJECT NO. 170812 [MMRP]
PLANNING COMMISSION

This Site Development Permit No. 649743, Coastal Development Permit No. 613871 and Variance No. 613956 is granted by the Planning Commission of the City of San Diego to SCOTT R. and JESSICA M. OMOHUNDRO, Husband and Wife as Joint Tenants, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0700 and 126.0800. The 0.05 acre site is located at 818 Allerton Court in the Mission Beach Planned District R-S Zone of the Mission Beach Community Plan. The project site is legally described as Lot O, Block 10 of Mission Beach, according to Map thereof No. 1651, filed December 14, 1914, in the office of the San Diego County Recorder.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish an existing structure and construct a 2,615 square foot duplex on a 0.05 acre site, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated [INSERT Approval Date], on file in the Development Services Department.

The project shall include:

- a. Demolition of an existing structure and construction a 2,615 square foot duplex;
- b. Variance to allow the building to be set back eight feet on the ground floor and three feet on the subsequent two floors above from the Asbury Court right-of-way resulting in a seven foot variance for the first floor and twelve foot variance on the subsequent two floors above.
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking; and

- e. A roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least fifty percent of the proposed project's projected energy consumption, as established by Council Policy 900-14; and
- f. Accessory improvements determined by the Development Services Department 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. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit 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.
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. 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 Development Services Department.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/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 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 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. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made 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 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.

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.

ENGINEERING REQUIREMENTS:

11. Prior to the issuance of any construction permits, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.

12. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
13. Prior to the issuance of any construction permits, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.
14. Prior to foundation inspection, the Owner/Permittee shall submit a building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying that the pad elevation based on USGS datum is in accordance with the approved plans.
15. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the replacement of damaged sidewalk, maintaining the existing sidewalk scoring pattern and preserving any contractor's stamp, adjacent to the site on Allerton Court, satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

16. 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.
17. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual, Landscape Standards.
18. If any required landscape, including existing or new plantings, hardscape, landscape features, 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 Development Services Department within 30 days of damage or Final Inspection.

PLANNING/DESIGN REQUIREMENTS:

19. No fewer than four off-street parking spaces shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A." Further, 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 by the Director of Development Services.
20. 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.

21. Prior to the issuance of building permits, construction documents shall fully illustrate the incorporation of a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least fifty percent of the proposed project's projected energy consumption, as established by Council Policy 900-14.

22. 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.

23. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.

WASTEWATER REQUIREMENTS:

24. All proposed public sewer facilities shall be designed and constructed in accordance with established criteria in the most current City of San Diego sewer design guide.

25. All proposed private sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

26. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.

27. If these units become condominiums, the Owner/Permittee shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot will have its own sewer lateral or provide CC&R's for the operation and maintenance of on-site private sewer facilities that serve more than one lot.

INFORMATION ONLY:

- 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 §66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on
[date and resolution number] .

Permit Type/PTS Approval No.: SDP No. 649743
CDP No. 613871 and Variance No. 613956

Date of Approval:

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

John S. Fisher
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.**

SCOTT R. and JESSICA M. OMOHUNDRO,
Husband and Wife as Joint Tenants
Owner/Permittee

By _____
Scott R. Omohundro
Owner

SCOTT R. and JESSICA M. OMOHUNDRO,
Husband and Wife as Joint Tenants
Owner/Permittee

By _____
Jessica M. Omohundro
Owner

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



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 448-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit
 Variance Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment Other

Project Title: Omohundro Residence
 Project No. For City Use Only: 170812
 Project Address: 818 Allerton Court

Part I - To be completed when property is held by individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached Yes No

Name of Individual (type or print):
 Jessica Omohundro
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: 746 Isthmus Court
 City/State/Zip: San Diego, CA 92109
 Phone No: (658) 488-7024 Fax No:
 Signature: [Signature] Date: 11/24/08

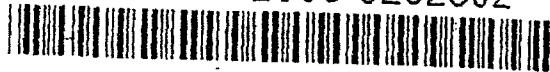
Name of Individual (type or print):
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 City/State/Zip:
 Phone No: Fax No:
 Signature: Date:

Name of Individual (type or print):
 Scott Omohundro
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: 746 Isthmus Court
 City/State/Zip: San Diego, CA 92109
 Phone No: Fax No:
 Signature: [Signature] Date: 11/24/08

Name of Individual (type or print):
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 City/State/Zip:
 Phone No: Fax No:
 Signature: Date:

RECORDING REQUESTED BY
CHICAGO TITLE COMPANY
AND WHEN RECORDED MAIL TO

DOC # 2008-0292902



MAY 30, 2008 4:40 PM

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY J. SMITH, COUNTY RECORDER
FEES: 1150.50
DC: 00

PAGES: 2

SCOTT OMOHUNDRO and
JESSICA OMOHUNDRO
746 ISTHMUS COURT
SAN DIEGO, CA 92109

12668

Escrow No. 880024565 - N54
Order No. 880024565 - P05 423-747-13-00



GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S)
DOCUMENTARY TRANSFER TAX IS \$ 1,138.50

- unincorporated area City of SAN DIEGO
- computed on the full value of the interest or property conveyed, or is
- computed on the full value less the value of liens or encumbrances remaining at time of sale, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

MSP HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY

hereby GRANT(S) to

SCOTT R. OMOHUNDRO AND JESSICA M. OMOHUNDRO, HUSBAND AND WIFE AS JOINT TENANTS

the following described real property in the City of SAN DIEGO
County of SAN DIEGO, State of California:

LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

Dated May 1, 2008

STATE OF California

COUNTY OF Los Angeles

On 5/27/08 before me, MSP HOLDINGS, LLC

PIRATPAL K. HAYNES, Notary Public

personally appeared Michael A. POUTRE, II

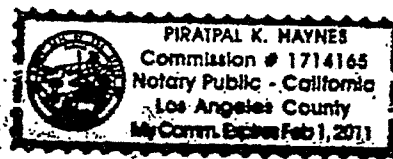
BY: MICHAEL A. POUTRE, II

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s), acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal
Piratpal K. Haynes
Signature of Notary

Feb 1, 2011
Date My Commission Expires



FOR NOTARY SEAL OR STAMP

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE: IF NO PARTY SO SHOWN, MAIL AS DIRECTED ABOVE

Name Street Address City, State & Zip

Page 1

Escrow No. 880024565 - N54

12669

LEGAL DESCRIPTION EXHIBIT

MORE COMMONLY KNOWN AS: 818 ALLERTON COURT
SAN DIEGO, CALIFORNIA 92109

LOT "O" IN BLOCK 10 OF MISSION BEACH, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO,
STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1651, FILED IN THE OFFICE OF THE
COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 14, 1914.

PROJECT DATA SHEET																
PROJECT NAME:	Omohundro Residence – Project 170812															
PROJECT DESCRIPTION:	Demolition of a single dwelling and construction of a Site Development Permit, Coastal Development Permit and Variance to demolish existing residence and construct a 2,615 square foot duplex.															
COMMUNITY PLAN AREA:	Mission Beach															
DISCRETIONARY ACTIONS:	Site Development Permit, Coastal Development Permit and Variance															
COMMUNITY PLAN LAND USE DESIGNATION:	Low Density Residential (5-9 du/ac)															
ZONING INFORMATION ZONE: R-S Zone of Mission Beach Planned District within the Mission Beach Community Plan HEIGHT LIMIT: 30 feet LOT SIZE: Any size legal lot FLOOR AREA RATIO: NA FRONT SETBACK: General conformity SIDE SETBACK: General conformity STREETSIDE SETBACK: General conformity REAR SETBACK: General conformity PARKING: 2 parking spaces required.																
ADJACENT PROPERTIES:	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;"></th> <th style="width: 35%;">LAND USE DESIGNATION & ZONE</th> <th style="width: 35%;">EXISTING LAND USE</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">NORTH:</td> <td>Low Density Residential & SF</td> <td>Single dwelling</td> </tr> <tr> <td style="text-align: center;">SOUTH:</td> <td>Low Density Residential & SF</td> <td>Single dwelling</td> </tr> <tr> <td style="text-align: center;">EAST:</td> <td>Low Density Residential & SF</td> <td>Single dwelling</td> </tr> <tr> <td style="text-align: center;">WEST:</td> <td>Low Density Residential & SF</td> <td>Single dwelling across street</td> </tr> </tbody> </table>		LAND USE DESIGNATION & ZONE	EXISTING LAND USE	NORTH:	Low Density Residential & SF	Single dwelling	SOUTH:	Low Density Residential & SF	Single dwelling	EAST:	Low Density Residential & SF	Single dwelling	WEST:	Low Density Residential & SF	Single dwelling across street
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SOUTH:	Low Density Residential & SF	Single dwelling														
EAST:	Low Density Residential & SF	Single dwelling														
WEST:	Low Density Residential & SF	Single dwelling across street														
DEVIATIONS OR VARIANCES REQUESTED:	Deviate from front yard setback requirements															

COMMUNITY PLANNING GROUP RECOMMENDATION:	The Mission Beach Precise Planning Board voted twice, 7:0:1 and 4:3:0, on May 19, 2009, on the proposed project on two motions and has a mixed recommendation.

DEVELOPMENT SERVICES
Project Chronology
Omohundro Residence - PTS# 170812

Date	Action	Description	City Review Time	Applicant Response
01/12/09	Deemed Complete	Project Deemed Complete		
Not required	Preliminary Review Submittal			
N/A	Preliminary Review Assessment Letter			
01/12/09	First Submittal			
02/09/09	First Review Complete		20 days	
04/23/09	Second Submittal			53 days
05/06/09	Second Review Complete		9 days	
05/06/09	Issues Complete			
06/18/09	Public Hearing		31 days	
TOTAL STAFF TIME			60 days	
TOTAL APPLICANT TIME				53 days
TOTAL PROJECT RUNNING TIME		From Submittal to Planning Commission	3 months and 23 day	