



THE CITY OF SAN DIEGO

## REPORT TO THE PLANNING COMMISSION

**DATE ISSUED:** February 10, 2011 **REPORT NO. PC-11-026**

**ATTENTION:** Planning Commission, Agenda of February 17, 2011

**SUBJECT:** COX RESIDENCE - PROJECT NO. 168660. PROCESS 3

**REFERENCE:** Hearing Officer Report No. HO-11-007

**OWNER/  
APPLICANT:** Alvin Cox  
Scott Fleming, Stonebrook Studio

### SUMMARY

**Issue(s):** Should the Planning Commission approve or deny an appeal of the Hearing Officer decision approving the demolition of an existing duplex and the construction of a new single-family home located at 5164 West Point Loma Avenue in the Ocean Beach community?

### Staff Recommendation:

1. **CERTIFY** Mitigated Negative Declaration LDR No. 168660 and **ADOPT** the Mitigation, Monitoring and Reporting Program; and
2. **DENY** the Appeal and **APPROVE** Coastal Development Permit No. 605823, Neighborhood Development Permit No. 605835 and Variance No. 605836

**Community Planning Group Recommendation:** On August 5, 2009, the Ocean Beach Planning Board voted 10-1-0 to recommend the project be denied (Attachment 10). The recommendation to deny the project was based on the potential historic value of the existing structure and the variance to allow required floor area to not be designated for parking. These issues are discussed further in this report.

**Environmental Review:** MITIGATED NEGATIVE DECLARATION, LDR No. 168660, has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to a

level of insignificance, any potential impacts identified in the environmental review process.

**Fiscal Impact Statement:** There are no fiscal impacts with this application. All of the costs associated with processing this application are paid for by the property owner.

**Code Enforcement Impact:** There are no code enforcement impacts associated with this development.

**Housing Impact Statement:** The 0.057-acre site is presently designated for multi-family residential at 15 to 25 dwelling units per acre in the Ocean Beach Precise Plan which would allow 1 dwelling unit on the project site. The proposal to demolish an existing duplex structure and construct a single dwelling unit structure on the 2,500 square-foot lot is within the density range of 15 to 25 dwelling units per acre identified in the Precise Plan. The proposal would result in a net loss of 1 dwelling unit in the coastal zone. However, this does not trigger any remedial action to replace affordable housing within the community because it does not meet the Coastal Overlay Zone Affordable Housing Replacement Regulations requiring, "Demolition of a residential structure with three or more dwelling units or demolition of at least eleven units when two or more structures are involved."

## **BACKGROUND**

The project is located at 5164 West Point Loma Boulevard (Attachment 1) in the RM 2-4 Zone within the Ocean Beach Precise Plan and Local Coastal Program Land Use Plan (LCP) which designates the property and surrounding neighborhood for multi-family land use at a maximum density of 25 dwelling units per acre (Attachment 2). The property is also subject to the Coastal Overlay Zone (appealable-area), Coastal Height Limit Overlay Zone, Beach Parking Impact Overlay Zone, Airport Approach Overlay Zone, Airport Environs Overlay Zone, and the 100-year Floodplain Overlay Zone. Additionally, the 0.057-acre site is located between the shore and the First Public Roadway.

The existing single-story, 1,250 square-foot duplex was constructed in 1955 along with 14 other identical structures on 25 foot wide parcels. The project site is surrounded by established multi-family residential developments to the west, east, south and the Ocean Beach Dog Park to the northwest. The seaward terminus of the San Diego River is located approximately 650 feet to the north of the proposed development where it flows into the Pacific Ocean to the west (Attachment 3).

## **DISCUSSION**

### **Project Description:**

This application is requesting the demolition of the existing one-story duplex and the construction of a new three-story single family home. The project requires a Coastal

Development Permit, Neighborhood Development Permit and a Variance due to the location, zoning and proposed design (Attachment 6). The proposed development would include a 1,749 square-foot residence on the existing 2,500 square foot lot. The proposed design of the structure would comply with all of the applicable development regulations of the RM-2-4 zone with the exception of a Precise Plan requirement to include 400 square-feet of Gross Floor Area (GFA) as dedicated interior parking. The application is requesting a variance to utilize the total permitted GFA as habitable space.

The style of the proposed structure is modern using a combination of stucco and stone veneer with glass and metal accents. The 1,749 square-foot home would include three bedrooms and two and one-half bathrooms. The floor plans provide for two bedrooms and a full bath on the ground floor, the main living area with the kitchen and living room on the second floor and a 449 square-foot master suite making up the third level. Two parking spaces covered by an attached carport are located in the front of the structure accessed from a driveway at West Point Loma Drive (Attachments 8 & 9).

#### Coastal Development Permit

A Coastal Development Permit (CDP) in accordance with a decision level process 3 is required for the demolition of the existing one-story, duplex and the construction of the new three-story single family residence because the project site is located within the Coastal Overlay Zone. The project is within the appealable-area therefore the final decision by the City may be appealed to the State Coastal Commission.

#### Neighborhood Development Permit

A Neighborhood Development Permit in accordance with a decision level process 2 is required to allow for development within the Special Flood Hazard Area, per the City's Environmentally Sensitive Lands Regulations (SDMC Section 143.0110 Table 143-01A). The Land Development Code requires that the project be constructed two feet above the base flood elevation and the design is consistent with this regulation. The project also complies with FEMA regulations for development in the floodplain. The lower decision process (2) is required to be consolidated with the highest decision process for this application.

#### Variance

A Variance in accordance with a decision level process 3 is required to allow a deviation to the development regulations of the RM-2-4 Zone. The requested variance would allow a reallocation of Gross Floor Area (GFA) from required enclosed parking to habitable area. The reallocation of GFA is predicated on the RM-2-4 zone requirement in Ocean Beach that limits the Floor Area Ratio (FAR) to 0.7 of the total lot area and further stipulates that 25 percent of the GFA be used for parking. In the case of the Cox residence, the proposed carport is an open air design that does not count towards the calculation of either gross floor area or the FAR. Therefore the deviation being requested would allow the habitable area to include all of the gross floor area allowed by the zone with none of the area dedicated to parking.

City staff believes the proposed deviations should be considered reasonable based on the substandard lot size (2,500 square-feet) combined with the limitations of F.A.R. in the RM-2-4 Zone that apply only in the Ocean Beach and Peninsula communities, and are not applied City-wide. As stated these limitations restrict the allowable FAR to 0.7. Similarly zoned RM-2-4 properties outside of these two communities have a minimum lot size of 6,000 square-feet and an allowable maximum FAR of 1.20. Additionally, the RM-2-4 zoning citywide typically includes alley access.

The variance can be considered necessary to provide a reasonable development on the property in that the site is zoned for multi-family development and the project only proposes a single unit. The Variance is reasonable to allow one unit within a zone that encourages higher density development on medium sized lots at nearly twice the floor area and alley access. The variance would provide a superior design than would be rendered with strict compliance of the zone which would likely result in a box-like structure necessary to maximize living area at the expense of articulation, design and aesthetics. It should also be noted that parking for all of the existing duplexes is located within the street yard setbacks which is typical for the beach community, though nonconforming pursuant to the Land Development Code. Additionally, it should be noted that the existing duplex exceeds the RM-2-4 zone density of one unit per 1,750 square feet therefore both the density and the parking currently do not comply with the zoning.

Whereas the new structure may represent a notable change from that of the existing structure, and would be dissimilar to the row of old duplexes, the design of the residence would be consistent with new single-family homes throughout the Ocean Beach community and compatible with adjacent two and three-story structures in the neighborhood including the newly constructed Stebbins Residence adjacent to this property. Likewise, the proposed residential structure would be consistent with the Ocean Beach Precise Plan that envisioned new and revitalized development, and the project would conform to the Land Development Code regulations including the required parking and the prescribed density with the approval of the appropriate development permits.

#### **Community Plan Analysis:**

The project site is designated for multi-family residential in the Ocean Beach Precise Plan with a density yield of 25 dwelling units per net residential acre, and is subject to the Proposition D thirty foot (30') height limit. The goal of the residential designation is to maintain the existing residential character of Ocean Beach as exemplified by a mixture of small-scale residential building types and styles. The project proposes to construct a single family residence with a density of 25 dwelling units per acre and will not have a detrimental impact on the community plan designation.

The project includes the demolition of an existing duplex and construction of a 1,749 square-foot, three-level single family dwelling. The project site is located on a block consisting of identical one-story duplexes, many of which are dilapidated and in need of repair/remodeling. Surrounding uses include single and multi-family residential with some structures reaching two

and three-stories in height. The proposed demolition and construction would meet the plan's residential element objective to "renovate substandard and dilapidated property."

The project design creates the effect of terracing away from the street which reduces the structure's apparent bulk and minimizes structural scale from the pedestrian right-of-way. In addition, the proposed carport incorporates an open/transparent design and pedestrians may look through the structure, further enhancing the pedestrian experience.

The project would implement the Ocean Beach Precise Plan and residential goals to preserve small-scale character. At three stories, the project would appear larger than immediately surrounding development. However, the project would more closely match 2-story and 3-story structures on the block to the immediate north of West Point Loma Boulevard. In addition, the project area is mapped within the 100-year floodplain and the restrictions on development within the floodplain require that the first floor be 2 feet above the base flood elevation, which would effectively render the ground floor uninhabitable for most properties in this area. The project includes a modest increase in square footage from 1,250 to 1,749 and the applicant has submitted a design that is well-articulated with pronounced step backs on both the second and third stories.

The Local Coastal Program element of the Ocean Beach Precise Plan implements California Coastal Act policies for protection, enhancement and expansion of public visual and physical access to the shoreline. Although physical access points were identified in the community plan, no public view corridors were designated for this purpose when the plan was adopted. The plan recommends, "That views available from elevated areas and those adjacent to the beaches and ocean be preserved and enhanced wherever possible." The proposed project would not affect either visual or physical access to the shoreline, whether adjacent to the beach or from elevated areas. There are no physical public access points on the subject property and no designated public view corridors on the subject property. The design observes and protects the required side yard setbacks and deed restrictions will secure visual access through the property. Also, the carport design incorporates open design which allows visual access through the front yard setback.

### **Environmental Analysis:**

The project site is within the 100 year floodplain and is therefore considered environmentally sensitive land. However, the previous site grading and construction of the existing duplex have completely disturbed the site. The property is relatively flat with an elevation of 8 feet above mean sea level and does not include any sensitive topographical or biological resources. The site is neither within nor adjacent to Multi-Habitat Planning Area (MHPA) lands. A Mitigated Negative Declaration dated November 30, 2010, has been prepared for this project in accordance with State CEQA guidelines, and a Mitigation, Monitoring and Reporting Program is required for Archaeological Resources to reduce any potential impacts to below a level of significance.

### **Community Group Recommendation:**

As noted above, the Ocean Beach Planning Board voted 10-1-0 to recommend the project be denied (Attachment 10). The recommendation to deny the project was based on the potential historic value of the existing structure and the variance to allow required floor area to not be designated for parking.

The issue of the structure's potential historic value was resolved subsequent to the August 5, 2009 Planning Board vote when a Historical Resources Technical Report (dated April, 2010) was prepared by Scott Moomjian. The Historic Resources Board planning staff reviewed the document and concluded that the existing structure located at 5164-5164 1/2 West Point Loma Boulevard do not rise to the level of significance necessary to qualify as an individually significant resource under any adopted Historical Resources Board criteria. The issue of the Floor Area Ratio (FAR) is the subject of the appeal and is discussed below

### **Appeal Issue:**

The Ocean Beach Planning Board appealed the Hearing Officer decision to approve the project because they do not agree with the Variance allowing all of the F.A.R. to be habitable area. The Planning Board believes the additional 400 square-foot of floor area is unwarranted and that a 1,349 square-foot home and 400 square-foot garage should suffice (Attachment 11).

As previously stated in the discussion of the Variance, staff believes the variance is reasonable and justified based on several factors affecting this lot. Staff contends that the purpose and intent of the RM-2-4 zone is being met with this development in that it provides adequate off-street parking in the beach area and allows for a modest size single-family dwelling unit. The unit would not exceed the limitation for reduced floor area but would allow the small unit to use all of the floor area as habitable space. Staff believes the RM-2-4 zoning requirements are based on medium-high density multi-family development on larger lots with alley access. The beach community caveat to limit F.A.R. 1.20 to 0.7 was intended to reduce density by minimizing the total build-out of development sites. In the case of the Cox Residence the density is comprised of a small single unit that would be consistent with the community plan and zoning density.

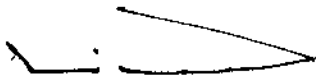
### **Conclusion:**

Staff has reviewed the proposed project and has determined the project is consistent with the purpose and intent of all applicable sections of the San Diego Municipal Code regarding the RM-2-4 Zone, as allowed through the Coastal Development Permit, Neighborhood Development Permit and Variance Process. Staff has concluded that the proposed single-family residence will not adversely affect the General Plan or the Ocean Beach Precise Plan, and the project is appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone (Attachment 5).

**ALTERNATIVES:**

1. **Deny** the appeal and **Approve** Coastal Development Permit No. 605823, Neighborhood Development Permit No. 605835 and Variance No. 605836, with modifications; or
2. **Approve** the appeal and **Deny** Coastal Development Permit No. 605823, Neighborhood Development Permit No. 605835 and Variance No. 605836, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



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Mike Westlake  
Program Manager  
Development Services Department



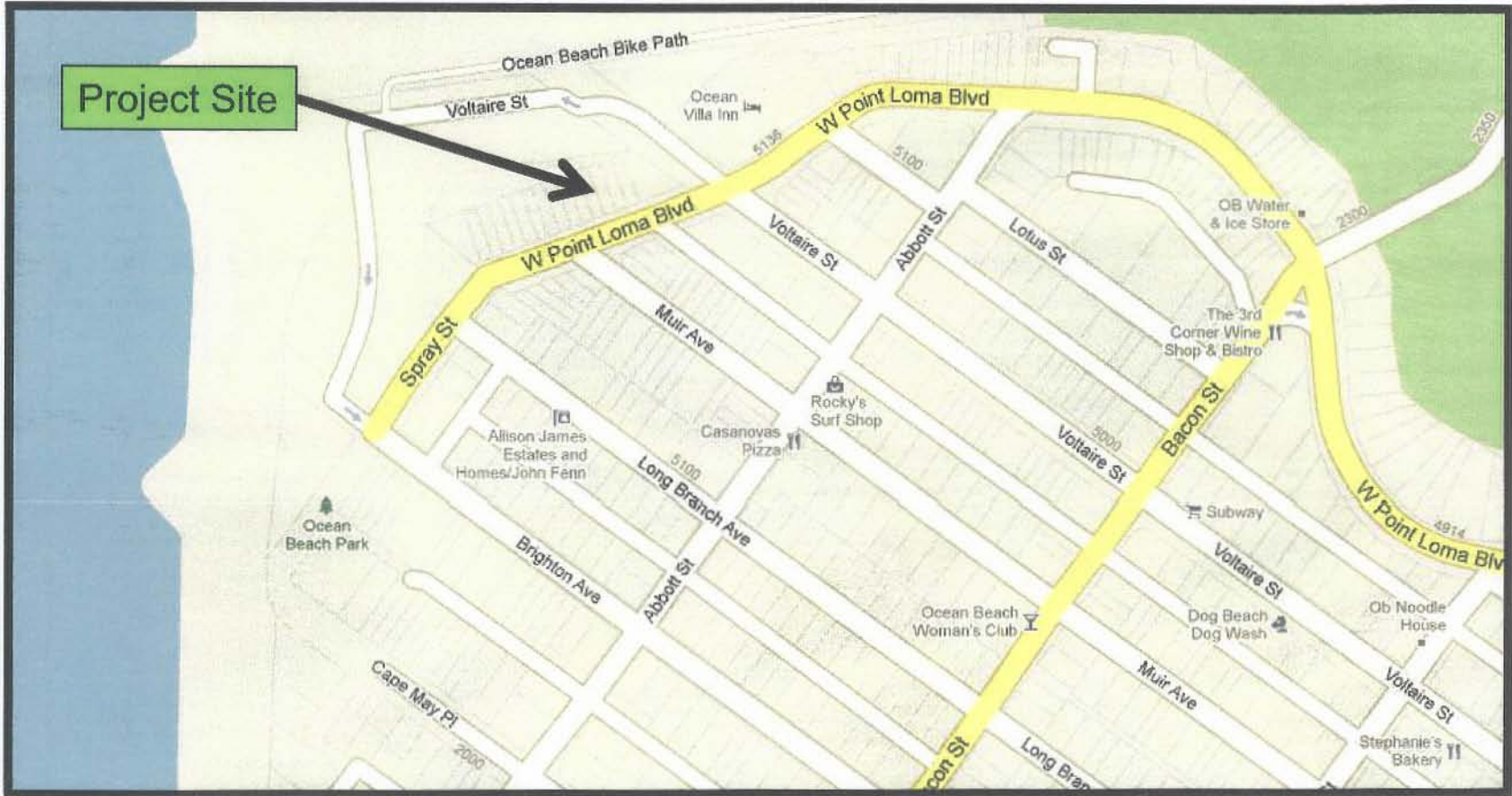
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Patrick Hooper  
Project Manager  
Development Services Department

Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Project Data Sheet
5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions
7. Draft Environmental Resolution with MMRP
8. Project Site Plan
9. Project Plans
10. Community Planning Group Recommendation
11. Ownership Disclosure Statement
12. Appeal Application

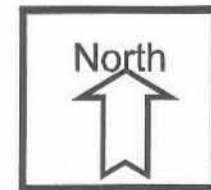




# Project Location Map

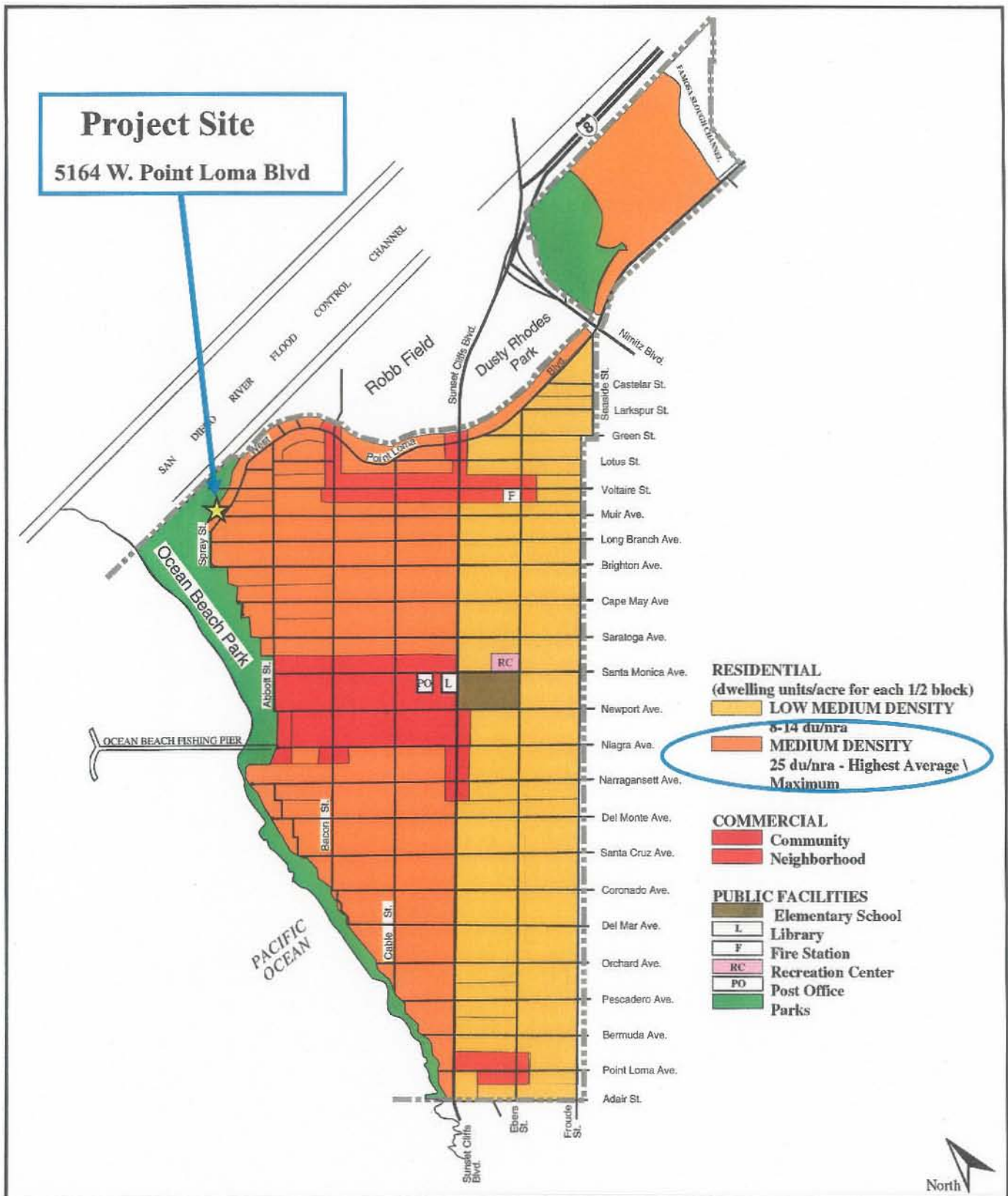
Cox RESIDENCE - PROJECT NO. 168660

5164 West Point Loma Blvd.



ATTACHMENT 1





10-15-02 JA.ob1



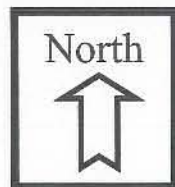
Community Plan Land Use  
Ocean Beach Community Plan Area  
City of San Diego Planning Department



**Aerial Photo**

**COX RESIDENCE - PROJECT NO. 168660**

**5164 West Point Loma Blvd. - Ocean Beach**





PROJECT DATA SHEET		
<b>PROJECT NAME:</b>	COX RESIDENCE	
<b>PROJECT DESCRIPTION:</b>	Demolition of an existing 1,250 sq.ft. duplex and the construction of a new 1,749 sq.ft. single-family home on a 2,500 sq.ft. lot	
<b>COMMUNITY PLAN AREA:</b>	Peninsula	
<b>DISCRETIONARY ACTIONS:</b>	Coastal Development Permit; Neighborhood Development Permit; Variance.	
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	Multi-Family Residential (Allows residential development up to 25 dwelling units per acre).	
<b><u>ZONING INFORMATION:</u></b>		
<b>ZONE:</b> RM-2-4: (A multi-unit residential zone that permits 1 dwelling unit for each 1,750 square-feet of lot area) (complies)		
<b>HEIGHT LIMIT:</b> 30-Foot maximum height limit. (complies)		
<b>LOT SIZE:</b> 6,000 square-foot minimum lot size. (previously conforming)		
<b>FLOOR AREA RATIO:</b> 0.70 maximum. (complies –see variance for parking area)		
<b>FRONT SETBACK:</b> <b>20 feet standard</b> 15 feet. (complies)		
<b>SIDE SETBACK:</b> 5 feet standard – minimum 3 feet for lots less than 40 ft wide. (complies)		
<b>STREETSIDE SETBACK:</b> 10 feet (N/A).		
<b>REAR SETBACK:</b> 15 feet. (complies)		
<b>PARKING:</b> 2 parking spaces required. (complies)		
<b><u>ADJACENT PROPERTIES:</u></b>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	Multi-Family Residential; RM-2-4.	Multi-Family - Duplexes
<b>SOUTH:</b>	Multi-Family Residential; RM-2-4.	Multi-Family - Duplexes
<b>EAST:</b>	Open Space/Recreational	City Parking Lot/Dog Park
<b>WEST:</b>	Multi-Family Residential; RM-2-4.	Multi-Family - Apartments
<b>DEVIATIONS OR VARIANCES REQUESTED:</b>	Variance request to waive the requirement to dedicate 25% of Gross Floor Area to Parking and utilize the entire .07 FAR as habitable space.	
<b>PLANNING GROUP RECOMMENDATION:</b>	The Peninsula Planning Board voted 10-1-0 on August 5, 2009 to recommend the project be denied.	

PLANNING COMMISSION RESOLUTION NO. \_\_\_\_\_  
COASTAL DEVELOPMENT PERMIT NO. 605823  
NEIGHBORHOOD DEVELOPMENT PERMIT NO. 605835  
VARIANCE NO. 605836  
**COXS RESIDENCE - PROJECT NO. 168660**

WHEREAS, ALVIN LLOYD COX, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish an existing single-story duplex and construct a new two-story, 1,748 square-foot single-family home (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Coastal Development Permit No. 605823; Neighborhood Development Permit No.605835 and Variance No. 685036, on portions of a 0.05 acre (2,500 square-feet) site; and

WHEREAS, the project site is located at 5164 West Point Loma Boulevard in the RM-2-4 Zone within the Ocean Beach Precise Plan area; and

WHEREAS, the project site is legally described as Lot 15, Block 90 of Map No. 1189; and

WHEREAS, on January 19, 2011, the Hearing Officer of the City of San Diego, after public testimony approved Coastal Development Permit No. 605823; Neighborhood Development Permit No.605835 and Variance No. 685036 pursuant to the Land Development Code of the City of San Diego; and

WHEREAS, on January 27, 2011 the Ocean Beach Planning Board filed an appeal of the Hearing Officer decision to approve the proposed project; and

WHEREAS, On February 17, 2011, the Planning Commission of the City of San Diego considered the appeal of Coastal Development Permit No. 605823; Neighborhood Development Permit No.605835 and Variance No. 685036 pursuant to the Land Development Code of the City of San Diego; and

NOW, THEREFORE, 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 February 17, 2001.

**A. 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;**

All development would occur on private property, and would be within the 30-foot coastal height limit. Additionally, the proposed project will not encroach upon any adjacent existing physical access way used by the public nor will it adversely affect any proposed physical public accessway identified in the Local Coastal Program Land Use Plan. The subject property is not located within or near any designated public view corridors. Accordingly, the proposed project will not impact any public views to or along the ocean or other scenic coastal areas as specified in the

Local Coastal Program land use plan. A Deed Restriction is a condition of approval to preserve a visual corridor of not less than the side yard setbacks, in accordance with the requirements of San Diego Municipal Code Section 132.0403(b).

**2. The proposed coastal development will not adversely affect environmentally sensitive lands;**

The project proposes the demolition of an existing one-story, duplex and the construction of a new three-story single family residence. The City of San Diego conducted a complete environmental review of this site. A Mitigated Negative Declaration has been prepared for this project in accordance with State of California Environmental Quality Act (CEQA) guidelines, which preclude impact to environmentally sensitive resources. A Mitigation Monitoring and Reporting Program (MMRP) would be implemented to reduce potential historical resources (archaeology) impacts to a level below significance. Mitigation for archaeology was required as the project is located in an area with a high potential for subsurface archaeological resources. The project site is a relatively flat contains an existing structure, which is located approximately 8 feet above mean sea level (AMSL). The project site is not located within or adjacent to the Multi-Habitat Planning Area (MHPA) of the City's Multiple Species Conservation Program. The proposed project is located within a densely populated urbanized environment and was found to not have a significant effect on the surrounding neighborhood. Therefore, the proposed coastal development will not adversely affect environmentally sensitive lands.

**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;**

City staff has reviewed the proposed project for conformity with the Local Coastal Program and has determined it is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the adopted Ocean Beach Precise Plan and Local Coastal Program Land Use Plan which identifies the site for multi-family residential use at 15-25 dwelling units per acre. The project as proposed would be consistent with the density range.

The proposed development is to demolish an existing one-story, duplex and construct a new three-story residence. The new structure will be constructed within the 100 Year Floodplain (*Special Flood Hazard Area*), and has a Base Flood Elevation of 9.6 feet mean sea level. The restrictions on development within the floodplain require that the lowest floor, including basement to be elevated at least 2 feet above the base flood elevation in accordance with San Diego Municipal Code (SDMC) section §143.0146(C)(6), while the Federal Emergency Management Agency (FEMA) requires that the finished floor elevation be at one or more feet above the base flood elevation (BFE). This project has been designed to meet those standards and no deviation is required for the base flood elevation.

The proposed coastal development is requesting a variance to allow a portion of the floor area to habitable space rather than designated for parking. If approved via a process 3 variance process the coastal development would comply with the regulations of the certified Implementation Program.

The proposed development is located in an area designated as being between the first public road and the Pacific Ocean, therefore views to the ocean shall be preserved. A visual corridor of not

less than the side yard setbacks will be preserved to protect views toward Dog Beach and the San Diego River. In addition, this area is not designated as a view corridor or as a scenic resource. Public views to the ocean from this location will be maintained and potential public views from the first public roadway will not be impacted altered by the development. Accordingly, the proposed project will not impact any public views to or along the ocean or other scenic coastal areas. The project meets the intent of the guidelines for the Coastal Overlay and Coastal Height Limitation Overlay zones, and the Ocean Beach Precise Plan and Local Coastal Program Addendum. Therefore, the proposed coastal development would conform with the certified Local Coastal Program land use plan and, with an approved deviation, comply with all regulations of the certified 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 proposed development is to demolish an existing one-story, duplex and construct a new three-story residence. The subject property is designated as being between the first public road and the Pacific Ocean within the Coastal Overlay Zone.

The proposed project site is adjacent to the Ocean Beach Park, designated in the Local Coastal Program as a public park and recreational area. Public access to the park area is available at the end of Voltaire Street and West Point Loma Boulevard. All development would occur on private property; therefore, the proposed project will not encroach upon the existing physical access way used by the public. Adequate off-street parking spaces will be provided on-site, thereby, eliminating any impacts to public parking. The proposed coastal development will conform to the public access and public recreation policies of Chapter 3 of the California Coastal Act.

**B. Neighborhood Development Permit - Section 126.0404**

**1. The proposed development will not adversely affect the applicable land use plan;**

The proposed development is to demolish an existing one-story, duplex and construct a new three-story residence. The project is within the 100-year floodplain, and is therefore within the Environmentally Sensitive Lands, requiring a Neighborhood Development Permit for the Special Flood Hazard Area, per the City's Environmentally Sensitive Lands Regulations (SDMC Section 143.0110 Table 143-01A). The project is located in the appealable Coastal Overlay Zone requiring a Coastal Development Permit. The proposed development is requesting a variance to allow a portion of the floor area to be used as habitable space rather than designated for parking area. The proposed development is located between the shoreline and the first public roadway; therefore views to the ocean shall be preserved. This project is located in the RM-2-4 Zone. The RM-2-4 Zone permits a maximum density of 1 dwelling unit for each 1,750 square feet of lot area. The project is in conformance with the underlying zoning, and conforms to the required floor area ratio, parking and setbacks. The proposed development will adhere to the required yard area setbacks pursuant to the Land Development Code. A Deed Restriction is a condition of approval to preserve a visual corridor of not less than the side yard setbacks, in accordance with the requirements of San Diego Municipal Code Section 132.0403(b). The building will be under the maximum 30-foot Coastal Height Limit allowed by the zone.



The proposed project meets the intent, purpose, and goals of the underlying zone, and the Ocean Beach Precise Plan and Local Coastal Program Addendum. Therefore, the proposed development will not adversely affect the applicable land use plan.

**2. The proposed development will not be detrimental to the public health, safety, and welfare;**

The proposed development would demolish an existing duplex and construct a new single-family home. An Environmental Initial Study determined that the proposed project would not have any significant adverse impacts to the environment with the possible exception of historical resources during grading activities. A Mitigation, Monitoring and Reporting Program that requires on site monitoring during grading by a licensed archeologist was prepared for and made condition of the project. The proposed development would be consistent with the residential land use and density range of the Ocean Beach Precise Plan and comply with the applicable regulations of the Land Development Code. The proposed project would replace an aging structure with a new single-family home improving the appearance of and revitalizing the neighborhood. The project would be designed, reviewed and constructed in compliance with the California Building Code ensuring the structure is safe and habitable. Therefore, the proposed project would 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 proposed development would comply with all applicable regulations of the Land Development code including a Variance to reallocate gross floor area from designated enclosed parking to habitable space. If approved, the project would comply with the Land Development Code.

**Supplemental Findings--Environmentally Sensitive Lands**

**4. 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 project site is immediately south of the San Diego River mouth outfall at the Pacific Ocean and located within the 100 year floodplain and is therefore considered environmentally sensitive land, requiring a Neighborhood Development Permit for development within the Special Flood Hazard Area. The previous site grading and construction of the existing duplex have completely disturbed the site. The property is relatively flat and does not include any sensitive topographical or biological resources. The site is neither within nor adjacent to Multi-Habitat Planning Area (MHPA) lands. A Mitigated Negative Declaration dated November 30, 2010, has been prepared for this project in accordance with State CEQA guidelines, and a Mitigation, Monitoring and Reporting Program is required for Archaeological Resources to reduce any potential impacts to below a level of significance.

A geotechnical analysis was prepared to address the liquefaction issue. This report concluded that the site is considered suitable for the proposed development provided the conditions in the Geotechnical Investigation Report are implemented. Therefore, 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.

**5. 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 proposed project would be sited on a 2,500 square-foot, developed lot. The majority of the site is relatively flat at 8 feet above Mean sea Level (MSL) across an approximately 25 foot x 100 foot lot. The proposed development is surrounded by existing residential development, within a seismically active region of California, and therefore, the potential exists for geologic hazards, such as earthquakes and ground failure. Proper engineering design of the new structures would minimize potential for geologic impacts from regional hazards. On site grading would be minimal as the project has been designed without subterranean parking.

The subject site is no greater danger from flooding than the adjacent, already developed sites and the proposed design mitigates potential flood related damage to the principal residential structure by raising the required living space floor area above the flood line per FEMA requirements, and flood-proof all structures subject to inundation in accordance with Technical Bulletin 3-93 of the Federal Insurance Administration. Therefore, the proposed development will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

**6. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands;**

The project site is within the 100 year floodplain and is therefore considered environmentally sensitive land. However, the previous site grading and construction of the existing duplex have completely disturbed the site. The property is relatively flat with an elevation of 8 feet above mean sea level and does not include any sensitive topographical or biological resources. The site is neither within nor adjacent to Multi-Habitat Planning Area (MHPA) lands. A Mitigated Negative Declaration dated November 30, 2010, has been prepared for this project in accordance with State CEQA guidelines, and a Mitigation, Monitoring and Reporting Program is required for Archaeological Resources to reduce any potential impacts to below a level of significance. Thus, with the implementation of the conditions in the Geotechnical Investigation the proposed project should not adversely affect environmentally sensitive lands.

**7. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.**

The project proposes the demolition of the existing duplex and construction of a three-level single dwelling unit with attached carport. The project site is south of, but not adjacent to, the Multiple Species Conservation Program (MSCP), Multiple Habitat Planning Area (MHPA) of the San Diego River floodway. Therefore, the project does not need to show consistency with Multiple Species Conservation Program Subarea Plan.

**C. 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;**

There are special circumstances associate with the project site that are not the result of the actions of the owner. The lot within the 100 Year Floodplain (*Special Flood Hazard Area*) and zoned RM-2-4 which is intended to encourage multi-family residential development. However, within the Ocean Beach community, the RM-2-4 zone is restricted to a significantly lower floor area ratio (FAR) and higher parking requirements than the identical zone designation in other areas of the City. Additionally, the property is only 2,500 square feet and although it constitutes a legal building lot, the site is substandard by the current RM-2-4 standard which requires a minimum lot size of 6,000 square feet. Further, the project site does not include an alley access as is typical with the RM-2-4 zone designation. Therefore, the project site is regulated by a zone designation that is intended for development of multiple units on larger lots with alley access for parking. Whereas, in the case of the subject property, the applicant is seeking to develop a small lot with a single-family home without alley access and without the design flexibility to locate the parking below grade due to the flood plain. These circumstances conspire to eliminate any reasonable redevelopment of the site and should be considered unique to the area.

**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;**

The proposed development is to demolish an existing one-story, duplex and construct a new 1,749 square-foot, three-story single-family dwelling unit with an attached two-car carport. The existing conditions of the site including the lack of alley access, a substandard lot size and restrictive zoning requirements have caused difficulty in developing the property and improving the existing non-conforming parking situation. Therefore, the project is requesting a deviation from the underlying RM-2-4 Zone requirement SDMC Section 131.0446(e), which requires that a minimum of one-fourth of the permitted floor area ratio (FAR) be reserved for required parking. Since the applicant is proposing only a single unit in a multi-family zone, strict application of the ordinance would deny the applicant reasonable use of the subject property.

The granting of this variance would allow the owner to make a reasonable use of the land by allowing the construction of a 1,749 square-foot dwelling unit with attached two-car carport. Granting the variance would result in a structure that would be compatible with the existing development pattern which has been established in this community and would allow the owner reasonable use of the property by allowing a home of similar size and character to that found in the surrounding area. Without this deviation, the design alternative at the same density would be a "box-like" form, increasing visual bulk and scale. This form would be out of character with the surrounding neighborhood and may be considered inconsistent with the Ocean Beach Precise Plan. The proposed deviation to the development regulations would be the minimum necessary to develop the site with a small single-family dwelling unit that would be sufficiently parked.

**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 proposed project includes the demolition of an existing duplex and construction of a 1,749 square-foot, three-level single family dwelling. The project site is located on a block consisting of identical one-story duplexes, many of which are dilapidated and in need of repair/remodeling. Surrounding uses include single and multi-family residential with some structures reaching two and three-stories in height. The proposed demolition and construction would meet the plan's residential element objective to "renovate substandard and dilapidated property."

The proposed design incorporates the carport into the front facade, creating the effect of terracing away from the street thereby reducing the structure's apparent bulk and minimizes structural scale from the pedestrian right-of-way. In addition, the proposed carport incorporates transparency into the open design such that pedestrians are able to look through the structure, further minimizing the bulk of the structure. The design observes and protects the required side yard setbacks and deed restrictions will secure visual access through the property. In addition, the proposed development would improve previously conforming conditions by providing a minimum of two off-street parking spaces and the replacement of a faulty structure with a flood proofed structure which improves public safety. The proposed project would implement the Ocean Beach Precise Plan and residential goals to preserve small-scale character. At three stories, the project would appear larger than immediately adjacent development. However, the project would more closely match 2-story and 3-story structures on the block to the immediate north of West Point Loma Boulevard. Therefore, the proposed development would be in harmony with the general purpose and intent of the regulations and will not be detrimental to the public health, safety, or 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 project site is designated for multi-family residential land use in the Ocean Beach Precise Plan with a density yield of 25 dwelling units per net residential acre, and is subject to the Proposition D thirty foot (30') height limit. The goal of the residential designation is to maintain the existing residential character of Ocean Beach as exemplified by a mixture of small-scale residential building types and styles. The project proposes to construct a single family residence with a density of 25 dwelling units per acre and will not have a detrimental impact on the community plan designation.

The project includes the demolition of an existing duplex and construction of a 1,749 square-foot, three-level single family dwelling. The project site is located on a block consisting of identical one-story duplexes, many of which are dilapidated and in need of repair/remodeling. Surrounding uses include single and multi-family residential with some structures reaching two and three-stories in height. The proposed demolition and construction would meet the plan's residential element objective to "renovate substandard and dilapidated property."

The proposed design which incorporates the carport into the front facade, would be consistent with the goals of the Ocean Beach Precise Plan. The development creates the effect of terracing away from the street which reduces the structure's apparent bulk and minimizes structural scale

from the pedestrian right-of-way. In addition, the proposed carport incorporates transparency into the open design such that pedestrians are able to look through the structure, further minimizing the bulk of the structure. The design observes and protects the required side yard setbacks and deed restrictions will secure visual access through the property. In addition, the proposed development would improve previously conforming conditions by providing a minimum of two off-street parking spaces where no designated parking currently exists. The proposed project would implement the Ocean Beach Precise Plan and residential goals to preserve small-scale character. At three stories, the project would appear larger than immediately adjacent development. However, the project maintains a lower density appropriate for the small lot and would more closely match 2-story and 3-story structures on the block to the immediate north of West Point Loma Boulevard.

The Local Coastal Program element of the Ocean Beach Precise Plan implements California Coastal Act policies for protection, enhancement and expansion of public visual and physical access to the shoreline. The proposed project would not affect either visual or physical access to the shoreline, whether adjacent to the beach or from elevated areas. There are no physical public access points on the subject property and no designated public view corridors on the subject property. The design observes and protects the required side yard setbacks and deed restrictions will secure visual access through the property. Therefore the granting of the variance will not adversely affect the applicable land use plan and the variance being sought in conjunction with the proposed coastal development, conforms with, and is adequate to carry out, the provisions of the certified land use plan.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Coastal Development Permit No. 605823; Neighborhood Development Permit No. 605835 and Variance No. 685036 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. Coastal Development Permit No. 605823; Neighborhood Development Permit No. 605835 and Variance No. 685036, a copy of which is attached hereto and made a part hereof.

---

Patrick Hooper  
Development Project Manager  
Development Services

Adopted on: February 17, 2011

Internal Order No. 23431831

**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: 23431831

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**COASTAL DEVELOPMENT PERMIT NO. 605823**  
**NEIGHBORHOOD DEVELOPMENT PERMIT NO. 605835**  
**VARIANCE NO. 605836**  
**COX RESIDENCE [MMRP] - PROJECT NO. 168660**  
**PLANNING COMMISSION**

This combination Coastal Development Permit No. 605823; Neighborhood Development Permit No. 605835 and Variance Permit No. 605836 is granted by the Planning Commission of the City of San Diego to ALVIN L. COX, as trustee of the survivors' trust under the Cox Family Trust dated June 24, 2005, as amended, Owner, and Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0404, 126.0708 and 126.0805. The 0.057-acre project site is located at 5164 West Point Loma Boulevard in the RM 2-4 Zone, Coastal Overlay Zone (appealable-area), Coastal Height Limit Overlay Zone, First Public Roadway, Beach Parking Impact Overlay Zone, Airport Approach Overlay Zone, Airport Environs Overlay Zone, and the 100-year Flood-plain Overlay Zone, within the Ocean Beach Precise Plan and Local Coastal Program Land Use Plan (LCP). The project site is legally described as Lot 15, Block 90 of Ocean Bay Beach Map No. 1189.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish an existing one-story duplex, and construct a new, three-story single family residence with attached carport, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated February 17, 2011, on file in the Development Services Department.

The project shall include:

- a. The demolition of an existing one-story 1,250 square-foot duplex;
- b. Construction of a 1,749-square-foot, three-story single family residence with attached carport consisting of:



- 1) 1,749-square-foot of habitable living area.
  - 2) 335-square-foot, carport.
  - 3) 340-square-foot of second and third story decks and 190-square-foot first floor patio.
- b. Landscaping (planting, irrigation and landscape related improvements);
  - c. A Variance to permit the entire 100% of the gross floor area to count as habitable space where normally 25% would be dedicated to enclosed parking.
  - d. Off-street parking; and

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. 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.
2. 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.
3. 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.
4. 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.

5. 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.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. 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.).
8. 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.
9. 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.
10. 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.

11. 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.

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

12. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] No. 168660 shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

13. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No. 168660, shall be noted on the construction plans and specifications under the heading: ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 168660 to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

- Historical (Archeological) Resources

15. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

16. Prior to demolition of the existing duplex, notice shall be given to the San Diego Air Pollution Control District (SDAPCD) regardless of whether any asbestos is present or not.

**ENGINEERING REQUIREMENTS:**

17. The project proposes to export 116 cubic yards of material from the project site. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2003 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

18. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

19. 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 consistent with Exhibit 'A', satisfactory to the City Engineer.

20. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of a current City Standard 12 foot wide driveway, adjacent to the site on W. Point Loma Boulevard.
21. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to reconstruct the curb and gutter on both sides of the proposed driveway, adjacent to the site on W. Point Loma Boulevard.
22. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to kill the water service in the existing driveway and construct a current City Water Service in the location shown on approved Exhibit A, adjacent to the site on W. Point Loma Boulevard.
23. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
24. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
25. Prior to the issuance of the grading permit, the Owner/Permittee shall include a note on the grading plans to state: The applicant shall floodproof all structures subject to inundation. The floodproofed structures must be constructed to meet the requirements of the Federal Insurance Administration's Technical Bulletin 3-93. Additionally, a registered civil engineer or architect must certify prior to occupancy that those requirements have been met.
26. Prior to the issuance of the grading permit, the Owner/Permittee shall process a "Non Conversion Agreement" for the garage area, subject to inundation.
27. Prior to the issuance of the grading permit, the Owner/Permittee shall enter into an agreement with the City waiving the right to oppose a special assessment initiated for the construction of flood control facilities and their perpetual maintenance.
28. Prior to the issuance of the grading permit, the Owner/Permittee shall include a note on the grading plans to state: Fill placed in the Special Flood Hazard Area for the purpose of creating a building pad must be compacted to 95% of the maximum density obtainable with the Standard Proctor Test Fill method issued by the American Society for Testing and Materials (ASTM Standard D-698). Granular fill slopes must have adequate protection for a minimum flood water velocity of five feet per second.
29. Prior to the issuance of the grading permit, the Owner/Permittee shall include a note on the grading plans to state: If the structures will be elevated on fill, such that the lowest adjacent grade is at or above the BFE, the applicant must obtain a Letter of Map Revision based on Fill

(LOMR-F) prior to occupancy of the building. The developer must provide all documentation, engineering calculations, and fees which are required by FEMA to process and approve the LOMR-F

30. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices maintenance, satisfactory to the City Engineer.

31. Prior to the issuance of any construction permit, 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.

32. 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 Appendix E of the City's Storm Water Standards.

#### **GEOLOGY REQUIREMENTS:**

33. Prior to issuance of any construction permits the Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department.

34. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

#### **PLANNING/DESIGN REQUIREMENTS:**

35. Owner/Permittee shall maintain a minimum of two (2) off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

36. 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.

37. 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.

38. Prior to the occupancy of the building the owner shall record a deed restriction to establish visual corridors of not less than the side yard setbacks in width running the full depth of the premises

**AIRPORT REQUIREMENTS:**

39. Prior to the issuance of any building permits, the Owner/Permittee shall grant an aviation easement to the San Diego County Regional Airport Authority as required by the Airport Land Use Compatibility Plan for San Diego International Airport. The Owner/Permittee shall obtain the required aviation easement language from the San Diego County Regional Airport Authority.

40. The residential Structure must be sound attenuated to 45 dB CNEL interior noise level.

**INFORMATION ONLY:**

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use 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 Planning Commission of the City of San Diego on February 17, 2011 pursuant to Planning Commission Resolution No. \_\_\_\_\_.



Permit Type/PTS Approval No.:  
Date of Approval:

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

\_\_\_\_\_  
NAME  
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.**

**[NAME OF COMPANY]**  
Owner/Permittee

By \_\_\_\_\_  
NAME  
TITLE

**[NAME OF COMPANY]**  
Owner/Permittee

By \_\_\_\_\_  
NAME  
TITLE

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

RESOLUTION NUMBER R-\_\_\_\_\_

ADOPTED ON \_\_\_\_\_

WHEREAS, on December 18, 2008, Al Cox submitted an application to the Development Services Department for a Coastal Development Permit, Neighborhood Development Permit, and Variance

WHEREAS, the permit was set for a public hearing to be conducted by the Hearing Officer of the City of San Diego; and

WHEREAS, the issue was heard by the Hearing Officer on January 19, 2011; and


WHEREAS, the Hearing Officer of the City of San Diego considered the issues discussed in Mitigated Negative Declaration No. 168660 NOW THEREFORE,

BE IT RESOLVED, by the Hearing Officer of the City of San Diego, that it is hereby certified that Mitigated Negative Declaration No. 168660 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Administration Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the Hearing Officer, directing CITY CLERK OR STAFF to file a Notice of Determination..

BE IT FURTHER RESOLVED that the Hearing Officer finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Mitigated Negative Declaration, a copy of which is attached hereto and incorporated by reference, is hereby approved.

BE IT FURTHER RESOLVED that pursuant to California Public Resources Code, Section 21081.6, the Hearing Officer hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference.

By:

  
\_\_\_\_\_  
Patrick Hooper, Development Project Manager

ATTACHMENT: Exhibit A, Mitigation Monitoring and Reporting Program

## EXHIBIT A

## MITIGATION MONITORING AND REPORTING PROGRAM

**Coastal Development Permit, Neighborhood Development Permit, and Variance for Cox Residence****PROJECT NO. 168660**

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Mitigated Negative Declaration (Project No. 168660) shall be made conditions of Coastal Development Permit, Neighborhood Development Permit, and Variance as may be further described below.

## V. MITIGATION, MONITORING AND REPORTING PROGRAM:

**MMRP GENERAL CONDITIONS**1. **GENERAL REQUIREMENTS – PART I****Plan Check Phase (prior to permit issuance)**

a. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.

b. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, **"ENVIRONMENTAL/MITIGATION REQUIREMENTS."**

c. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

<http://www.sandiego.gov/development-services/industry/standtemp.shtml>

d. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.

e. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

**2. GENERAL REQUIREMENTS – PART II**

**Post Plan Check (After permit issuance/Prior to start of construction)**

a. **PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants:

*Qualified Archaeologist*  
*Qualified Native American Monitor*

**Note:**

**Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.**

**CONTACT INFORMATION:**

- a) The PRIMARY POINT OF CONTACT is the RE at the **Field Engineering Division – 858-627-3200**
- b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC at 858-627-3360**

b. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) # 168660, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc)

**Note:**

**Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.**

c. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency.

***NONE REQUIRED***

**d. MONITORING EXHIBITS**

All consultants are required to submit , to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline’s work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

**NOTE:**

**Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.**

**e. OTHER SUBMITTALS AND INSPECTIONS:**

The Permit Holder/Owner’s representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

<b><i>Issue Area</i></b>	<b><i>Document submittal</i></b>	<b><i>Assoc Inspection/Approvals INotes</i></b>
General	Consultant Qualification Letters	Prior to Pre-construction Meeting
General	Consultant Const. Monitoring Exhibits	Prior to or at the Pre-Construction meeting
Archaeology	Archaeology Reports	Archaeology/Historic site observation
Bond Release	Request for Bond Release letter	Final MMRP inspections prior to Bond Release Letter

**3. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS**

**HISTORICAL RESOURCES (ARCHAEOLOGY)**

**I. Prior to Permit Issuance**

**A. Entitlements Plan Check**

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.

**B. Letters of Qualification have been submitted to ADD**

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.

**II. Prior to Start of Construction****A. Verification of Records Search**

1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.

**B. PI Shall Attend Precon Meetings**

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.

- a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
  - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
  - b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
  - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
  - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

### III. During Construction

- A. Monitor(s) Shall be Present During Grading/Excavation/Trenching
  1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.**
  2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
  3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.

4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVSR). The CSVSR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.

**B. Discovery Notification Process**

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

**C. Determination of Significance**

1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
  - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
  - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) which has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. **Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.**
  - c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

**IV. Discovery of Human Remains**

If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human



remains; and the following procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery notification process.
2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.
3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains **ARE** determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
  - a. The NAHC is unable to identify the MLD, **OR** the MLD failed to make a recommendation within 48 hours after being notified by the Commission; **OR**;
  - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, **THEN**,
  - c. In order to protect these sites, the Landowner shall do one or more of the following:
    - (1) Record the site with the NAHC;

- (2) Record an open space or conservation easement on the site;
  - (3) Record a document with the County.
  - d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.
- D. If Human Remains are **NOT** Native American
- 1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
  - 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
  - 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

**V. Night and/or Weekend Work**

- A. If night and/or weekend work is included in the contract
- 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
  - 2. The following procedures shall be followed.
    - a. No Discoveries
 

In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSV and submit to MMC via fax by 8AM of the next business day.
    - b. Discoveries
 

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV – Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.
    - c. Potentially Significant Discoveries
 

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV-Discovery of Human Remains shall be followed.
    - d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

- B. If night and/or weekend work becomes necessary during the course of construction
  - 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
  - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

## VI. Post Construction

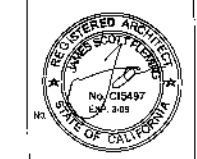
- A. Preparation and Submittal of Draft Monitoring Report
  - 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. **It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.**
    - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
    - b. Recording Sites with State of California Department of Parks and Recreation  
The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
  - 2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
  - 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
  - 4. MMC shall provide written verification to the PI of the approved report.
  - 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Artifacts
  - 1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
  - 2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
  - 3. The cost for curation is the responsibility of the property owner.
- C. Curation of artifacts: Accession Agreement and Acceptance Verification

ATTACHMENT 7

1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
  2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
  3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection 5.
- D. Final Monitoring Report(s)
1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
  2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

NO.	Revision/Issue	Date
1	7-26-08	
2		
3		
4		
5		



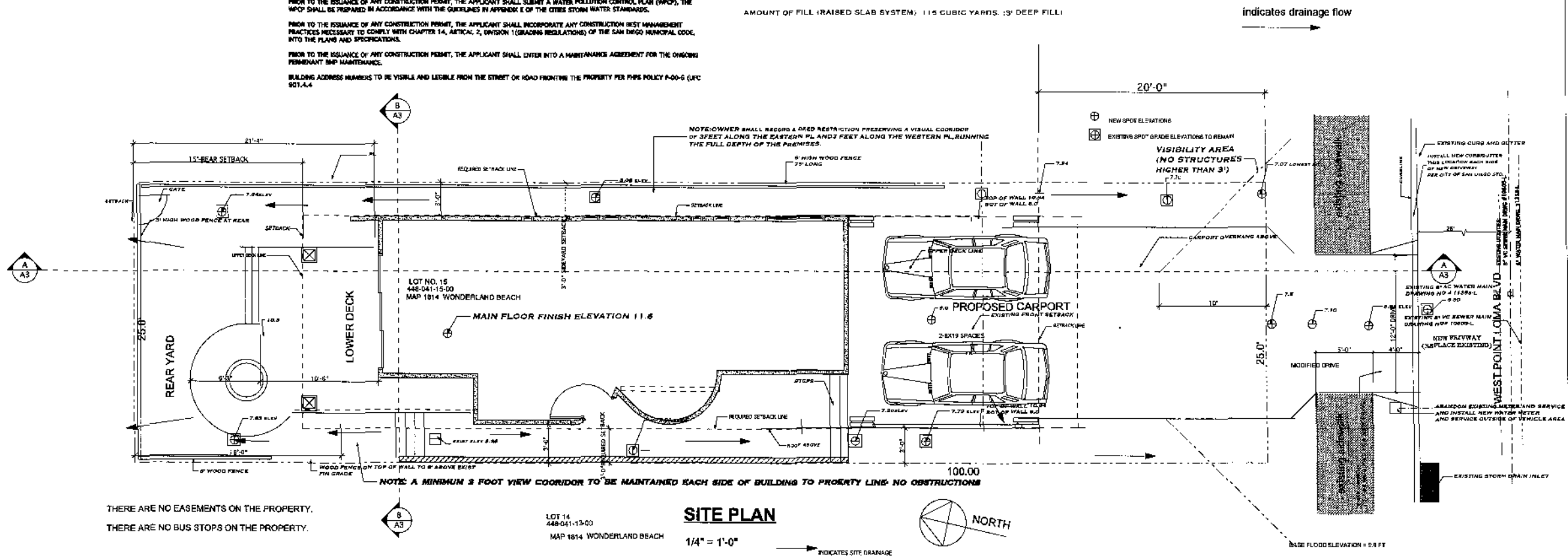
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Architecture and Planning  
2240 SHELTER ISLAND DR., SUITE 208  
San Diego, California 92108  
619-745-5770 FAX (619) 224-8280



**COX RESIDENCE**

**NOTES:**  
THIS PROJECT MUST COMPLY WITH THE MUNICIPAL CODE REQUIREMENTS FOR MAXIMUM HEIGHT OF THE STRUCTURE NOT TO EXCEED 30 FEET ABOVE GRADE. (SDMC SECT 181.0444 AND 182.0305) HIGHEST POINT ON THE ROOF EQUIPMENT, VENT, ANTENNA OR OTHER PROJECTIONS SHALL NOT EXCEED 30' ABOVE GRADE.  
PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE APPLICANT SHALL SUBMIT A WATER POLLUTION CONTROL PLAN (WPCP), THE WPCP SHALL BE PREPARED IN ACCORDANCE WITH THE GUIDELINES BY APPENDIX E OF THE CITY'S STORM WATER STANDARDS.  
PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE APPLICANT 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 PLANS AND SPECIFICATIONS.  
PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE APPLICANT SHALL ENTER INTO A MAINTENANCE AGREEMENT FOR THE ONGOING PERMANENT BMP MAINTENANCE.  
BUILDING ADDRESS NUMBERS TO BE VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY PER PDPS POLICY P-00-5 (LFC 921.4.4)

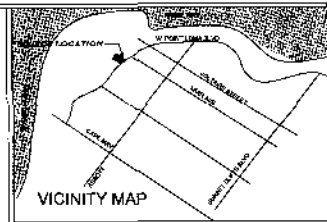
**GRADING TABULATION**  
AMOUNT OF CUT, REPLACEMENT AND RECOMPACTION 12'-6" BELOW EXISTING GRADE: 97 CU. YARDS  
AMOUNT OF FILL (RAISED SLAB SYSTEM): 115 CUBIC YARDS (3' DEEP FILL)



**NOISE NOTES:**  
ADEQUATE NOISE ATTENUATION WILL BE PROVIDED TO ENSURE AN INTERIOR NOISE LEVEL OF 45 DB CNEL FOR ALL HABITABLE ROOMS.  
AN AVIGATION EASEMENT WILL BE REQUIRED FROM THE SAN DIEGO REGIONAL AIRPORT AUTHORITY, AND RECORDED WITH THE COUNTY RECORDER. RECORDING NUMBER OF EASEMENT SHALL BE PLACED ON THE BUILDING PLANS PRIOR TO PERMIT APPROVAL.

**PROJECT SCOPE:**  
REMOVE EXISTING RESIDENCE, (TWO UNIT APARTMENT) AND CONSTRUCT ONE 3 STORY SINGLE FAMILY RESIDENCE WITH OPEN 2 CAR COVERED FRONT CARPORT. OBTAIN PERMISSION FOR REDUCED FRONT SETBACK.

**PROJECT DATA:**  
OWNER: AL COX 4440 MENTONE STREET, SAN DIEGO, CA 92107  
SITE ADDRESS: 5164 W. POINT LOMA AVE, SAN DIEGO 92107  
APN: 448-041-14-00 LOT 15, BLOCK 80 MAP 1189 OCEAN BAY BEACH  
ZONING: RM-2-4 COASTAL HT LIMIT, COASTAL, OCEAN BEACH AIRPORT APPROACH INFLUENCE AREA, FIRST PUBLIC ROADWAY, RESIDENTIAL TANDEM PARKING.  
SETBACKS: FRONT 15' MIN, 20' STANDARD  
SIDES-0'  
REAR 15'  
HEIGHT LIMIT: 30'  
EXISTING HOUSE SF: BUILT 1955) 1280 SF (TO BE REMOVED)  
TOTAL NEW RESIDENCE SF: 1748 SF LIVING AREA  
FIRST FLOOR: 606 SF  
SECOND FLOOR: 668 SF  
THIRD FLOOR: 474 SF  
CARPORT PARKING: 361 SF  
DECKS: 292 SF  
FLOOR AREA RATIO .69 (.70 MAX)  
FLOOR AREA ALLOWED: 1750 SF  
BUILDING TYPE V-B  
OCCUPANCY R-3  
PERMIT REQUIRED: COAST DEVELOPMENT PERMIT, NEIGHBORHOOD DEVELOPMENT PERMIT.  
NO VARIANCES REQUESTED.



**SHEET INDEX**

C-1	COVER/SITE PLAN
A-1	FLOOR PLANS
A-2	ELEVATIONS AND ROOF PLAN
A-3	CROSS SECTIONS/PRELIM GRADING
A-4	SQUARE FT DIAGRAM
A-5	EXISTING TOPO
A-6	STORMWATER PLAN

COX RESIDENCE  
WEST POINT LOMA BLVD.  
SAN DIEGO, CA 92107  
DATE OF ORIGINAL PLANS 12-1-08

**REVISIONS**

1	6-1-08
2	6-4-08
3	3-20-08
4	
5	

Date: 12-1-08  
Scale:  
Sheet:  
**C-1**  
1 of 7

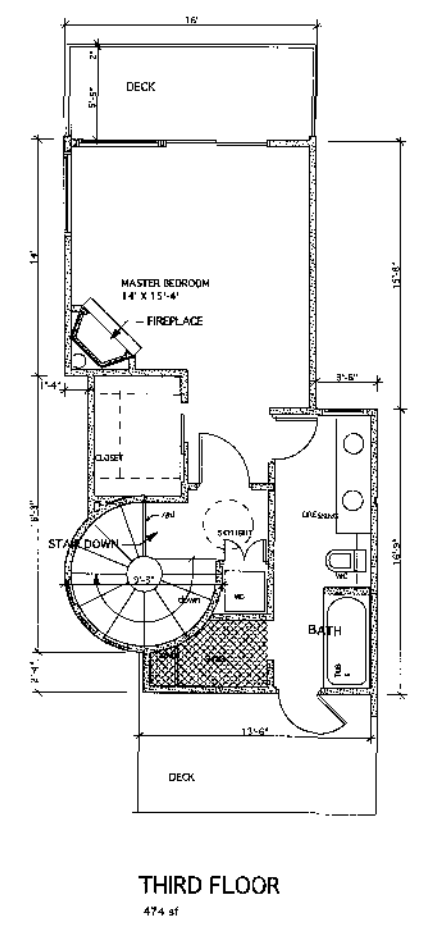
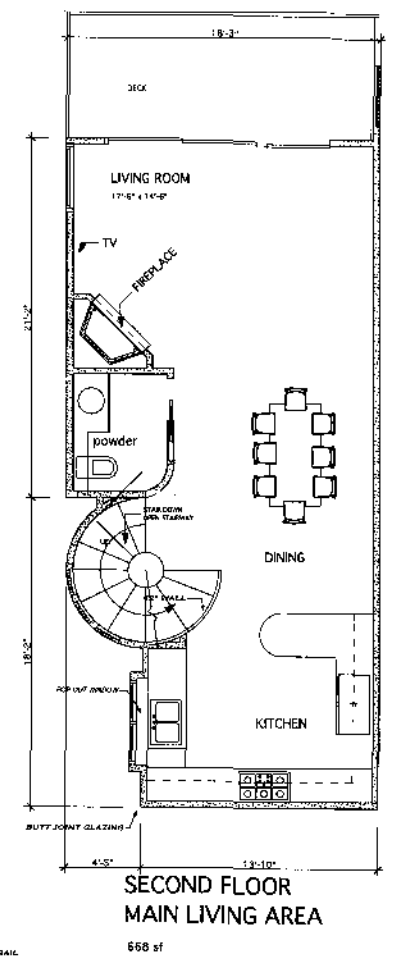
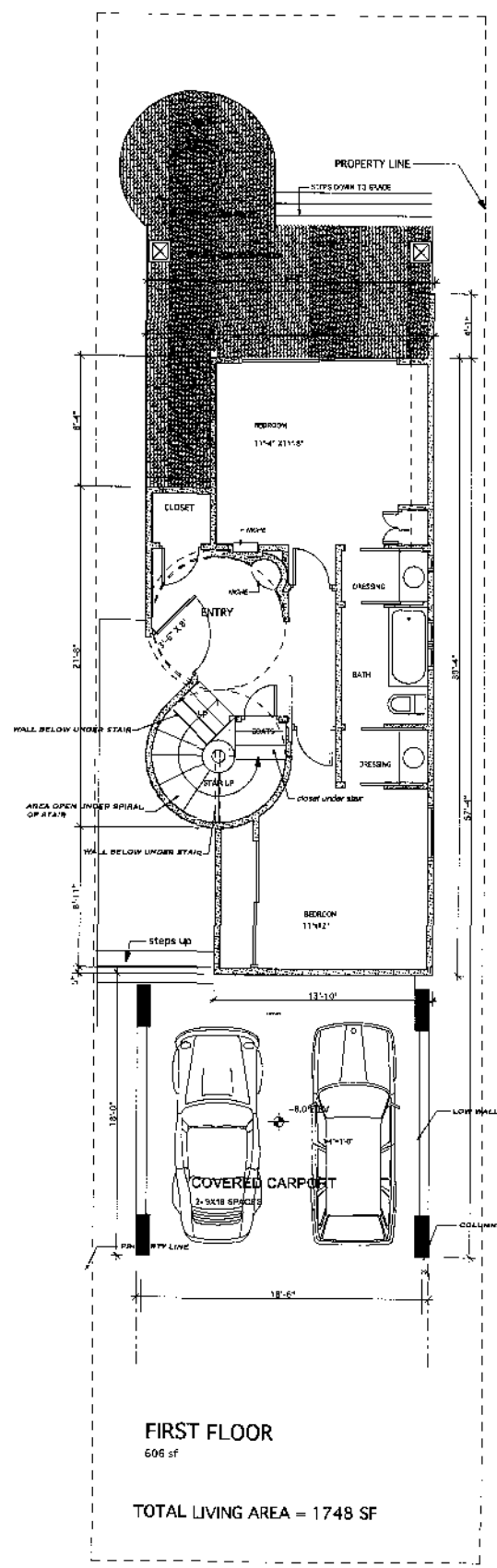
NO	Revision	Date
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	8-08	
	9-06	
	1-09	



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**COX RESIDENCE**  
**OCEAN BEACH**



**COX RESIDENCE**  
**OCEAN BEACH**

COX RESIDENCE  
 WEST POINT LOMA BLVD.  
 SAN DIEGO, CA 92107  
 DATE OF ORIGINAL PLANS \_\_\_\_\_

REVISIONS \_\_\_\_\_

1	4-1-09
2	3-2010
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Date: \_\_\_\_\_  
 Scale: \_\_\_\_\_  
 Sheet  
**A-1**  
 8 of 9

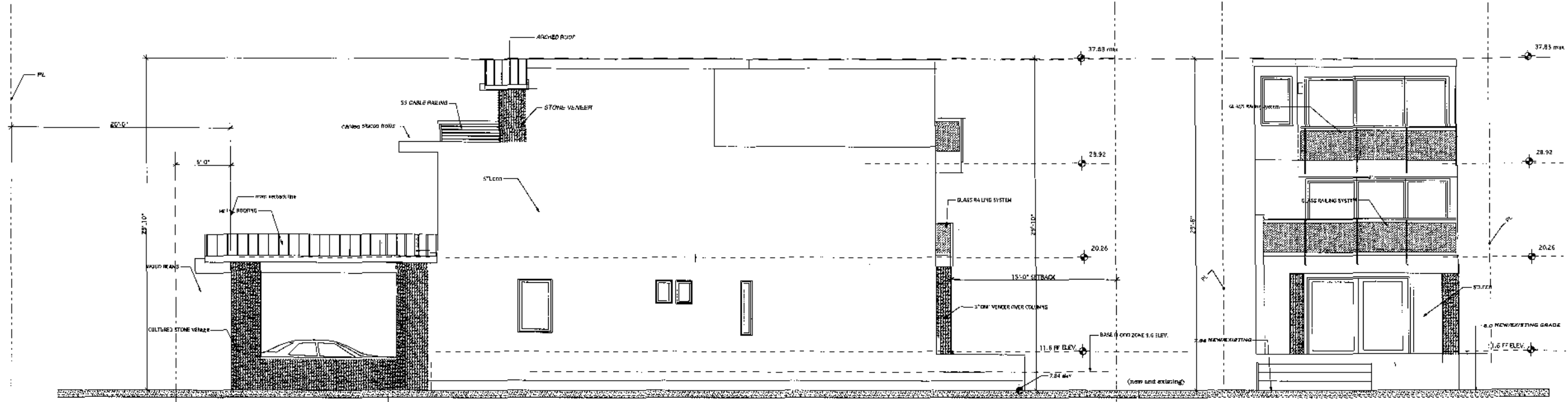
No.	Revision / Issue	Date
1	7-24-08	
2	8-18	
3	3-2010 REV.	



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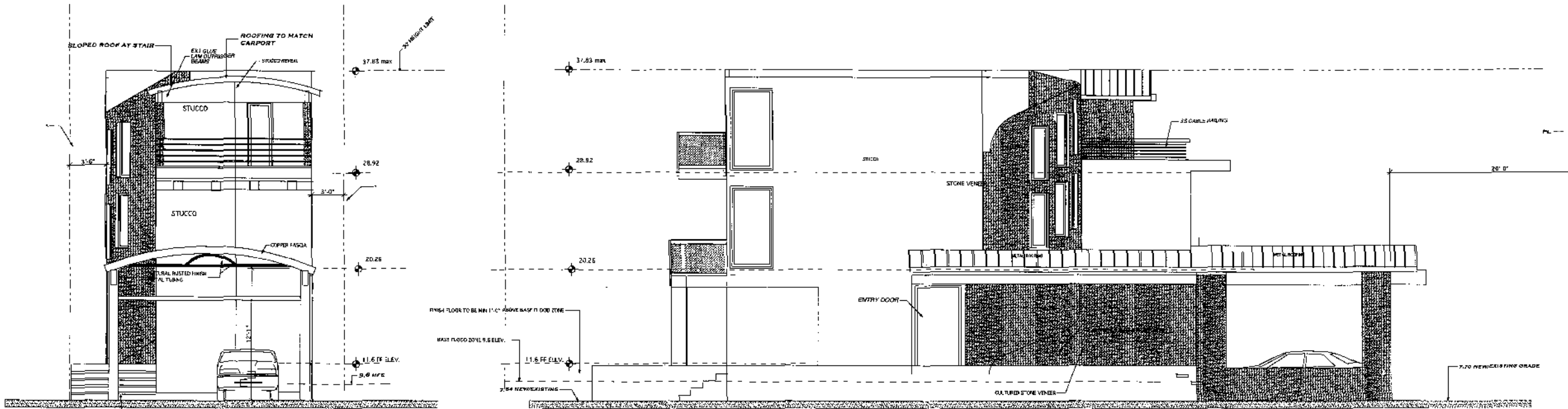


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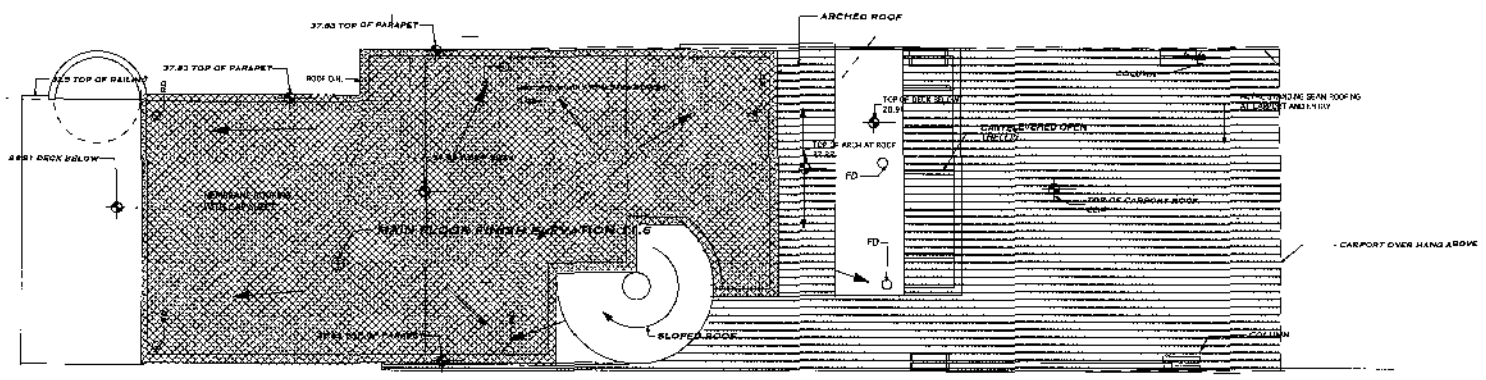
**SIDE EAST ELEVATION**  
 1/4" = 1'-0"

**REAR NORTH ELEVATION**



**FRONT SOUTH ELEVATION**

**SIDE WEST ELEVATION**



**ROOF PLAN**  
 1/4" = 1'-0"

COX RESIDENCE  
 WEST POINT LOMA BLVD.  
 SAN DIEGO, CA 92107  
 DATE OF ORIGINAL PLANS \_\_\_\_\_

**REVISIONS**

1	4.1.08
2	3.28.10
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**A-2**

Sheet 5 of 7







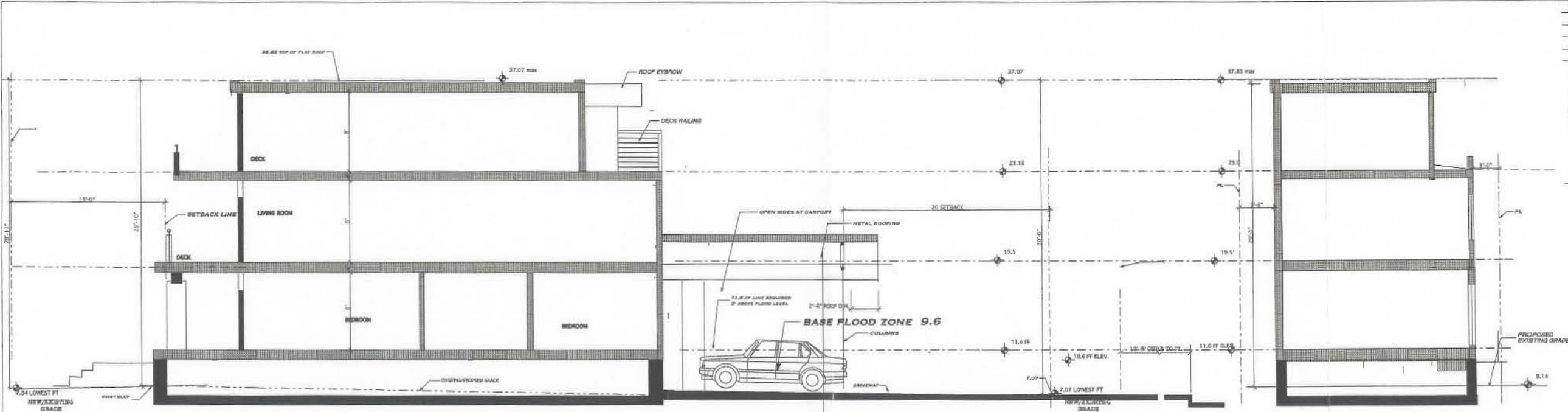
Sheet No.	728-08
Date	8-28



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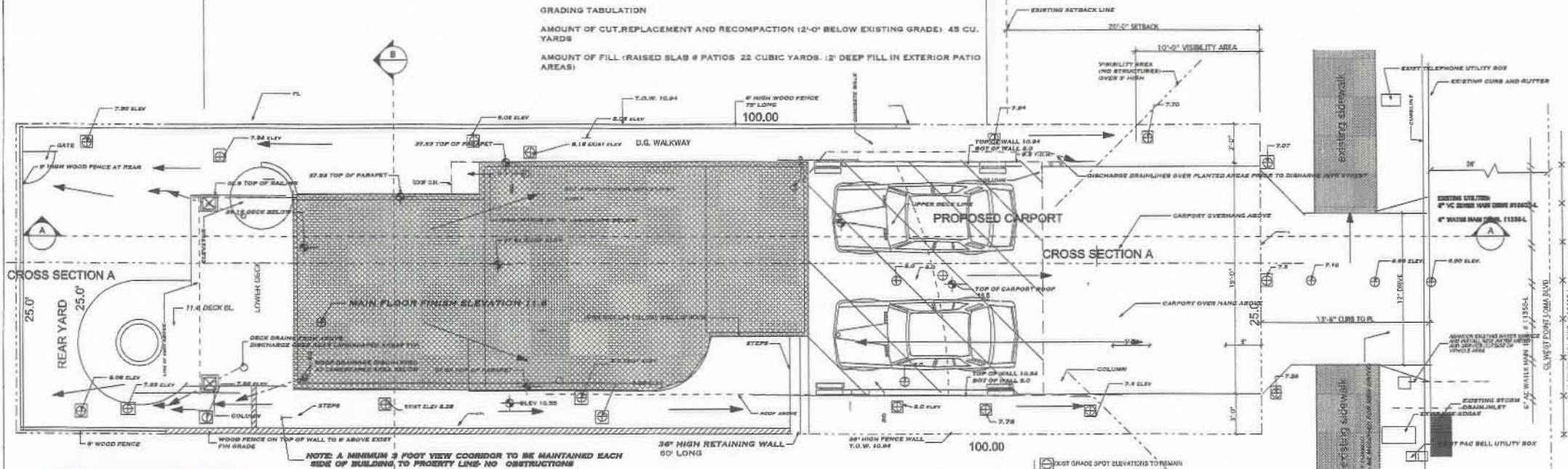
**COX RESIDENCE**



**SITE SECTION/CROSS SECTION A**  
 1/4" = 1'-0"

**SITE SECTION/ CROSS SECTION B**

**SMP NOTES:**  
 ALL ROOF AND DECK DRAINAGE TO BE DRAINED TO GRADE ON SITE, AND FILTERED OVER PERVIOUS PLANTED AREAS BEFORE STREET OR YARD DISCHARGE.  
 RESIDENTIAL DRIVEWAY TO HAVE FLARED SIDES.  
 SOURCE CONTROL BMP'S TO BE IN PLACE DURING AND POST CONSTRUCTION PER CITY OF SAN DIEGO STORMWATER REQUIREMENTS, TO PREVENT DISCHARGE OF SEDIMENTS, TRASH AND DEBRIS, OIL AND GREASE AND CONSTRUCTION DEBRIS.

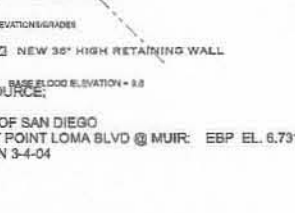
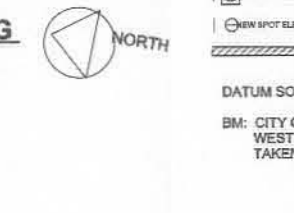
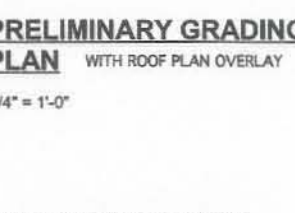
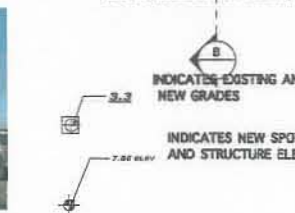


**PRELIMINARY GRADING PLAN**  
 WITH ROOF PLAN OVERLAY

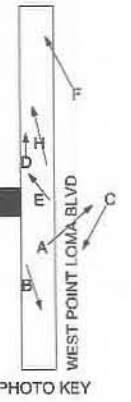
1/4" = 1'-0"

DATUM SOURCE:  
 BASE FLOOD ELEVATION = 8.8  
 BM: CITY OF SAN DIEGO  
 WEST POINT LOMA BLVD @ MUIR: EBP EL. 6.731 MSL  
 TAKEN 3-4-04

"SUBJECT TO INUNDATION" ALL AREAS LOWER THAN ELEVATION 10.6 FT WHICH IS BASE FLOOD PLUS 1 FT.  
 THE APPLICANT SHALL FLOODPROOF ALL STRUCTURES SUBJECT TO INUNDATION. THE STRUCTURES MUST BE CONSTRUCTED TO MEET THE REQUIREMENTS OF THE FEDERAL INSURANCE ADMINISTRATION'S TECHNICAL BULLETIN 3-93. ADDITIONALLY, A REGISTERED CIVIL ENGINEER OR ARCHITECT MUST CERTIFY PRIOR TO OCCUPANCY THAT THOSE REQUIREMENTS HAVE BEEN MET.  
 PRIOR TO OCCUPANCY, THE APPLICANT SHALL PROCESS A "NON CONVERSION AGREEMENT" FOR THE GARAGE AREA, SUBJECT TO INUNDATION.  
 THE APPLICANT SHALL ENTER INTO AN AGREEMENT WITH THE CITY WAIVING THE RIGHT TO OPPOSE A SPECIAL ASSESSMENT INITIATED FOR THE CONSTRUCTION OF FLOOD CONTROL FACILITIES AND THEIR PERPETUAL MAINTENANCE.  
 THE PROPERTY OWNER SHALL ENTER INTO AN AGREEMENT TO INDEMNIFY, PROTECT AND HOLD HARMLESS THE CITY, ITS OFFICIALS AND EMPLOYEES FROM ANY AND ALL CLAIMS, DEMANDS, CAUSES OR ACTION, LIABILITY OR LOSS OF, ARISING OUT OF FLOOD WATERS.  
 FILL PLACED IN THE SPECIAL FLOOD HAZARD AREA FOR THE PURPOSE OF CREATING A BUILDING PAD MUST BE COMPACTED TO 95% OF THE MAXIMUM DENSITY OBTAINABLE WITH THE STANDARD PROCTOR TEST METHOD ISSUED BY THE AMERICAN SOCIETY OF TESTING MATERIALS ASTM STD. D-698. GRANULAR FILL SLOPES MUST HAVE ADEQUATE PROTECTION FOR A MINIMUM FLOOD WATER VELOCITY OF FIVE FEET PER SECOND.  
 IF THE STRUCTURES WILL BE ELEVATED ON FILL, SUCH THAT THE LOWEST ADJACENT GRADE IS AT OR ABOVE THE SFE, THE APPLICANT MUST OBTAIN A LETTER OF MAP REVISION WITH THE STANDARD PROCTOR TEST FILL METHOD (LOWER FT) PRIOR TO OCCUPANCY OF THE BUILDING. THE DEVELOPER MUST PROVIDE ALL DOCUMENTATION, ENGINEERING CALCULATIONS, AND FEES WHICH ARE REQUIRED BY FEMA TO PROCESS AND APPROVE THE LOMR-F.



ADJACENT /SURROUNDING DEVELOPMENT PHOTOS

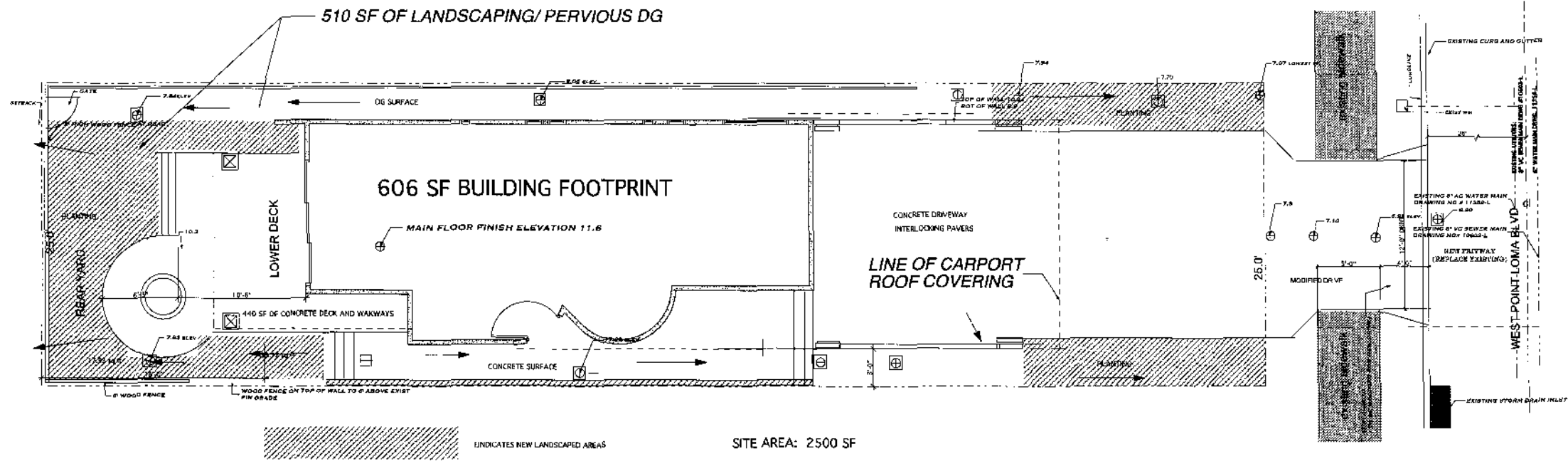


**H**  
 COX RESIDENCE  
 WEST POINT LOMA BLVD.  
 SAN DIEGO, CA 92107  
 DATE OF ORIGINAL PLANS \_\_\_\_\_

REVISIONS

1	1-1-09
2	8-1-09
3	7-20-10
4	
5	

Date	
Scale	
Sheet	
<b>A-3</b>	
4 of 7	



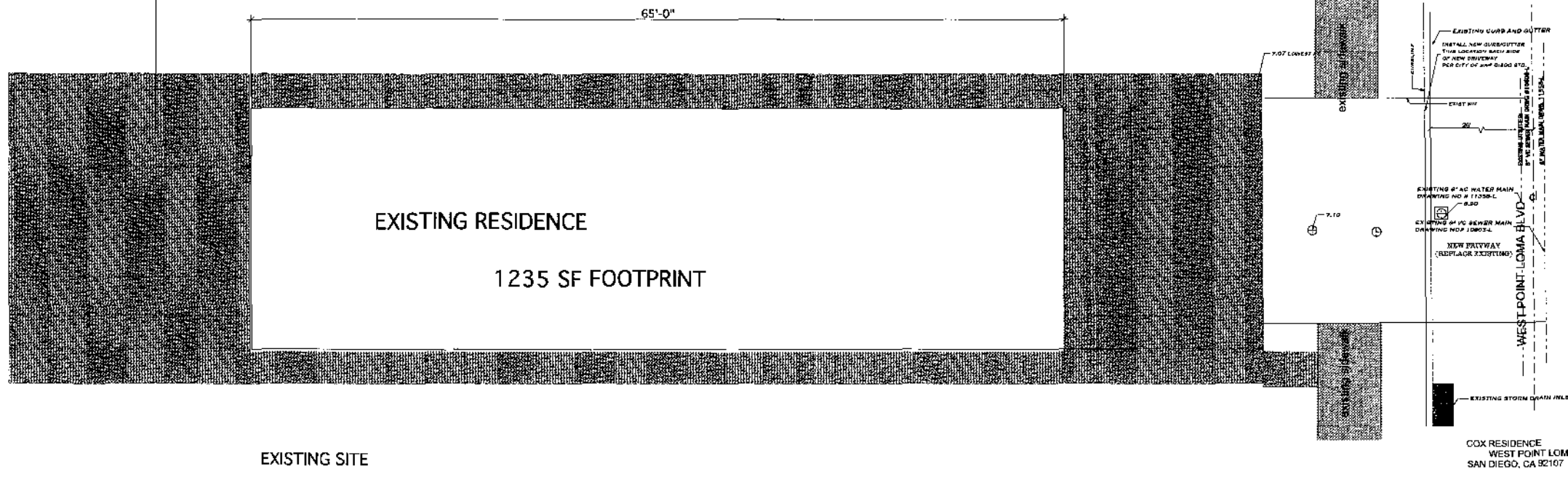
PROPOSED SITE

SITE AREA: 2500 SF

EXISTING IMPERVIOUS AREA:	2500 SF
PROPOSED IMPERVIOUS AREA:	1200 SF
PROPOSED LANDSCAPE AND PERVIOUS DG AREAS:	655 SF
PROPOSED PERVIOUS DRIVEWAY AREA:	645 SF

PROPOSED PERVIOUS/NON PERVIOUS AREA  
 SHADED AREA REPRESENTS EXISTING CONCRETE IMPERVIOUS AREA

EXISTING ROOF AREA:	1235 SF
PROPOSED ROOF AND UPPER DECK AREAS:	1166 SF



EXISTING SITE

COX RESIDENCE  
 WEST POINT LOMA BLVD.  
 SAN DIEGO, CA 92107  
 DATE OF ORIGINAL PLANS \_\_\_\_\_

REVISIONS

1	1-1-08
2	3-20-08
3	
4	
5	

13	14	15	16	17	18
19	20	21	22	23	24

NO.	Revision / Issue	Date
	7-26-08	
	9-08	
<b>STONEBROOK STUDIO</b> Architecture and Planning 2240 SHELTER ISLAND DR SUITE 208 San Diego, California 92106 619-743-5770 FAX 619-224-6290		
<b>COX RESIDENCE</b>		
Date:	12-1-08	
Scale:		
A6		
7 OF 7		



# OCEAN BEACH PLANNING BOARD

GENERAL MEETING MINUTES

Wednesday, August 5th, 2009 - 6:00 p.m.

Ocean Beach Recreation Center - 4726 Santa Monica Ave., Ocean Beach

6:08pm – Meeting called to order by Vice-Chairperson Giovanni Ingolia. Board members Tom Gawronski, Jane Gawronski, Landry Watson, Ronson Shamoun, Seth Connolly, Amanda Lopez and Rob Sullivan are also present.

6:10pm – Motion to approve meeting agenda by Amanda Lopez, seconded by Jane Gawronski. Motion passes 8-0.

Board reviews June 2009 General Meeting minutes. Motion to approve meeting agenda with amended spelling by Amanda Lopez, seconded by Jane Gawronski. Motion passes 8-0.

Board reviews June 2009 Project Review Committee Meeting minutes. Motion to approve meeting agenda with amended spelling by Ronson Shamoun, seconded by Tom Gawronski. Motion passes 8-0.

6:15pm – Chairperson Brittany Taylor, Nancy Taylor and Craig Klein enter.

Board reviews July 2009 General Meeting minutes. Motion to approve meeting agenda by Ronson Shamoun, seconded by Tom Gawronski. Motion passes 11-0.

6:18pm – Non-agenda Public Comments. Joyce Summer from CCDC updates on their activities. Community member Dan Morales provides Board with printed list of questions regarding meeting's action items.

#### **Action Item #001 – Cox Residence**

Ocean Beach JO #43-1831 (Process 3) Coastal Development Permit, Neighborhood Development Permit & Variance to demolish existing multi-family residence and construct a 1,749 square foot single family residence on a .05 acre site at 5164 West Point Loma Blvd in the RM 2-4 Zone within the Ocean Beach Community Plan, Coastal Overlay (appealable), Coastal Height Limit, Airport Approach, Airport Influence Area, FAA Part 77, Residential Tandem Parking OZ, First Public Right of Way.

Board member Landry Watson recuses self out of potential conflict of interest.

6:22pm – Mike Taylor enters.

Architect Scott Fleming presents. States that project will exceed setback requirements and cites neighbor's property as precedent for requested variance. Giovanni Ingolia informs that Project Review Committee voted unanimously against project per concerns over FAR variance. Brittany Taylor clarifies square footage calculations of project and past Board votes on neighbor's project.

Public comments include statements by owner and three neighboring owners speaking in favor of project, citing "blight" of area and challenges of meeting FAR limits on substandard lots.

Board comments include several statements opposed to granting FAR variance. Tom Gawronski states that Ocean Beach Historical Society requests clarification on historical significance of project. Craig Klein states that neighbor's project cited as precedent was a variance intended for underground parking, not habitable space. Mike Taylor states that lot size and potential nonconformance were known upon purchase.

Motion to deny project by Giovanni Ingolia, based upon proposed project being 400 square feet in excess of allowable FAR, and potential historical significance of existing structure. Seconded by Tom Gawronski. Motion passes 10-1-0. Giovanni Ingolia, Tom Gawronski, Jane Gawronski, Ronson Shamoun, Seth Connolly, Amanda Lopez, Brittany Taylor, Nancy Taylor, Mike Taylor and Craig Klein all in favor, with Rob Sullivan opposed.

#### **Action Item #002 – Sunset Plaza**

Ocean Beach JO# 428929 (Process 2) Coastal Development Permit, to construct a 6,755 square foot office building on a vacant 0.35 acre site at 2204 Sunset Cliffs Boulevard in the CC-4-2 Zone within the Ocean Beach Community Plan Area, Coastal Overlay (non-appealable), Coastal Height Limit, Airport Approach, Airport Influence Area, FAA Part 77, Parking Impact, Residential Tandem Parking.

Landry Watson returns. Giovanni Ingolia summarizes Project Review Committee meeting, stating that project has modified design over what was approved by the Board in December 2008 and that this updated proposal was recommended for approval by a 5-4 vote. Architect Leslie Burnside presents. States that changes to design are mostly exterior, by Board request.

In public comments, seven community members speak in opposition to project, citing traffic and parking concerns, excessive bulk and scale, noncompatibility with community character, substandard and inappropriate architectural design and noncompliance with community's Precise Plan.

In Board comments, Mike Taylor notes that owner has met existing regulations, and contrasts with variance granted to nearby structure. Nancy Taylor notes that design is not in keeping with existing community character. Landry Watson asks architect if owner plans to sell property and if they plan on seeking a green building rating designation as requested by the Board in prior recommendation for approval. Architect states that she cannot answer for owner on these questions.

Motion to deny approval by Landry Watson based on lack of attempt at meeting a green building rating designation, inconsistency with neighborhood character and potential noncompliance with Precise Plan goals for compatible bulk, scale and pedestrian orientation in commercial districts. Seconded by Seth Connolly. Motion is denied 7-5-0. Landry Watson, Seth Connolly, Amanda Lopez, Rob Sullivan and Nancy Taylor all in favor, with Mike Taylor, Jane Gawronski, Giovanni Ingolia, Brittany Taylor, Ronson Shamoun, Craig Klein, and Tom Gawronski all opposed.

Motion to approve project by Mike Taylor, contingent on applicant achieving a green building rating system approval. Seconded by Jane Gawronski. Motion passes 11-1-0. Landry Watson, Amanda Lopez, Rob Sullivan, Nancy Taylor, Mike Taylor, Jane Gawronski, Giovanni Ingolia, Brittany Taylor, Ronson Shamoun, Craig Klein, and Tom Gawronski all in favor with Seth Connolly opposed.

#### **Action Item #003 – Bermuda Map Waiver**

Ocean Beach JO#43-2395 (Process 3) Coastal Development and Map Waiver application to waive the requirements of a Tentative Map and under grounding overhead utilities to create 1 residential condo unit (under construction) and convert 1 existing unit to condo on a .16 site at 4684 Bermuda Ave in the RM 1-1 Zone within the Ocean Beach Community Plan, Coastal Overlay (appealable), Coastal Height Limit, FAA Part 77.

Owner Steve Salmon presenting. Giovanni Ingolia states that project was unanimously approved by Project Review Committee. Landry Watson states that project meets regulations and fits local context, and notes that much precedent exists for similar projects.

Motion to approve project as is by Ronson Shamoun, seconded by Ron Sullivan. Motion passes 12-0-0. Landry Watson, Amanda Lopez, Rob Sullivan, Nancy Taylor, Mike Taylor, Jane Gawronski, Giovanni Ingolia, Brittany Taylor, Ronson Shamoun, Craig Klein, Seth Connolly and Tom Gawronski all in favor.

#### **Chair Announcements**

Subcommittee updates are presented by Board liasons.

Matt Awbrey of Councilperson Kevin Faulconer's office updates on activities. Landry Watson asks if money allotted for Ocean Beach's Precise Plan update is still in budget, and Matt Awbrey confirms.

Motion to adjourn by Amanda Lopez, seconded by Craig Klein. Motion passes unanimously.



City of San Diego  
**Development Services**  
 1222 First Ave., MS-302  
 San Diego, CA 92101  
 (619) 446-5000

# 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:** Cox Residence **Project No. For City Use Only:** 168660

**Project Address:**  
5144 WEST POINT LOMA BLVD.

**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):  
Alvin L. Cox  
 Owner  Tenant/Lessee  Redevelopment Agency  
 Street Address:  
4440 MENTONE ST.  
 City/State/Zip:  
SAN DIEGO CA. 92107  
 Phone No: 619 226 7421 Fax No:  
 Signature: [Signature] Date: 8-8-08

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):  
 \_\_\_\_\_  
 Owner  Tenant/Lessee  Redevelopment Agency  
 Street Address:  
 \_\_\_\_\_  
 City/State/Zip:  
 \_\_\_\_\_  
 Phone No: \_\_\_\_\_ Fax No:  
 Signature: \_\_\_\_\_ Date:

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

 THE CITY OF SAN DIEGO	City of San Diego Development Services 1222 First Ave. 3rd Floor San Diego, CA 92101 (619) 446-5210	<h2 style="margin:0;">Development Permit/ Environmental Determination Appeal Application</h2>	FORM <h1 style="margin:0;">DS-3031</h1> MARCH 2007
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See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

**1. Type of Appeal:**

<input type="checkbox"/> Process Two Decision - Appeal to Planning Commission	<input type="checkbox"/> Environmental Determination - Appeal to City Council
<input checked="" type="checkbox"/> Process Three Decision - Appeal to Planning Commission	<input type="checkbox"/> Appeal of a Hearing Officer Decision to revoke a permit
<input type="checkbox"/> Process Four Decision - Appeal to City Council	

**2. Appellant** Please check one  Applicant  Officially recognized Planning Committee  "Interested Person" (Per M.C. Sec. 113.0103)

*Giovanni Ingollis Ocean Beach Planning Board*

Name *PO Box 7090* *San Diego* *CA* *92167* *619-994-8539*

Address City State Zip Code Telephone

**3. Applicant Name** (As shown on the Permit/Approval being appealed). Complete if different from appellant.

*Alvin Cox*

<b>4. Project Information</b> Permit/Environmental Determination & Permit/Document No.: <i>168668</i>	Date of Decision/Determination: <i>1-19-2011</i>	City Project Manager: <i>Patrick Hooper</i>
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Decision (describe the permit/approval decision):

*Hearing Officer approved Variance for F.A.R. to not allow .25 be dedicated towards parking*

**5. Grounds for Appeal** (Please check all that apply)

<input type="checkbox"/> Factual Error (Process Three and Four decisions only)	<input type="checkbox"/> New Information (Process Three and Four decisions only)
<input checked="" type="checkbox"/> Conflict with other matters (Process Three and Four decisions only)	<input type="checkbox"/> City-wide Significance (Process Four decisions only)
<input type="checkbox"/> Findings Not Supported (Process Three and Four decisions only)	

**Description of Grounds for Appeal** (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

*On 9-5-09 Ocean Beach Planning Board voted 10-1-2 to deny Cox Residence located at 5164 W Palms Blvd. This project was denied due to the fact the project would not use 50% in excess of allowable FAR. OB Planning Board was opposed granting the FAR variances under the Land Use Code a habitable structure can be built on the property without the requested variance. This is the reason the O.B. Planning Board is filing the appeal.*

RECEIVED

JAN 27 2011

**6. Appellant's Signature:** I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature: *[Signature]* Date: *1-22-11*

**Note:** Faxed appeals are not accepted. Appeal fees are non-refundable.