

THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED:

June 21, 2012

REPORT NO. PC-12-066

ATTENTION:

Planning Commission, Agenda of June 28, 2012

SUBJECT:

DOUMA RESIDENCE - PROJECT NO. 236671

PROCESS FOUR.

OWNER/

APPLICANT:

John and Cindy Douma/Elizabeth Young

SUMMARY

<u>Issue</u>: Should the Planning Commission approve a Coastal Development Permit, Site Development Permit and a Variance for the demolition of an existing duplex and the construction of a single-family home in the Ocean Beach Community Planning area?

<u>Staff Recommendation</u> - **APPROVE** an application for Coastal Development Permit No. 859246, Site Development Permit No. 997294 and Variance Permit No. 859248.

Community Planning Group Recommendation: On March 7, 2012, the Ocean Beach Planning Board voted 7-1-1 to recommend denial of the project (Attachment 9).

Environmental Review: This project is exempt from the California Environmental Quality Act pursuant to Section 15302, (Replacement or Reconstruction). The exemption is dated May 24, 2012 and the opportunity to appeal that determination ended June 8, 2012. This project is not pending an appeal of the environmental determination (Attachment 8).

<u>Fiscal Impact Statement</u>: None with this action. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: None with this action.

BACKGROUND

The project is located at 5168 W. Point Loma Boulevard 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. 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, Airport Influence Area (San Diego International Airport), Residential Tandem Parking 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 site is not located on or adjacent to a designated public view area.

The existing single-story, 1,250 square-foot duplex was constructed in 1955 along with several other similar structures on 25-foot wide parcels. The project site is surrounded by established multi-family residential developments to the west, east, and south and the Ocean Beach Public Park to the northwest. The San Diego River is located approximately 650 feet to the north of the proposed development and the Pacific Ocean to the west.

DISCUSSION

The Douma Residence project proposes to demolish an existing duplex and construct a 3-story, 3-bedroom, 1,712-square-foot single-family residence with an attached carport. The project requires a Coastal Development Permit (Process 3) for demolition and new construction within the Coastal Overlay Zone. The project includes a Variance (Process 3) for two deviations to the development regulations of the RM-2-4 zone: 1. To allow 100 percent of the allowable floor area ratio to be utilized for habitable areas where 25 percent must be reserved for required parking and, 2. To construct a carport in front of the building façade where carports must be setback (offset) a minimum of 5 feet from the front façade. A Site Development Permit (Process 4) is requested to deviate from the Special Flood Hazard Area (SFHA) regulations to allow the building to be constructed at one foot above the base flood elevation where two feet is required. The final decision by the City may be appealed to the California State Coastal Commission.

Surrounding development includes multi-family residential units to the west, east and south. Abutting the property at the rear is the Ocean Beach Public Park. The Planning Commission approved three similar projects within this block of W. Point Loma Boulevard, all three of which requested the two Variances noted above: The Stebbins Residence Project No. 51076, approved in 2008, located at 5164 W. Point Loma Boulevard, the Cox Residence Project No. 168660, approved in 2011, located at 5166 W. Point Loma Boulevard and the Burks Residence, approved in May 2012, located at 5170 W. Point Loma Boulevard. The Stebbins Residence has been constructed and included the Process 4 Site Development Permit deviation to the Special Flood Hazard Area regulations to allow the structure to be built at 1 foot above base flood elevation where 2 feet is required. The Cox Residence and the Burks Residence did not request the deviation to the base flood elevation (Attachment 5).

Project Related Issues

Variance Request:

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 Variance requests. The RM-2-4 zone allows a floor area ratio of 1.2 percent in all other areas of the city with the exception of the

of the Variance findings for the FAR deviation in Attachment 6.

CONCLUSION

The proposed project complies with the relevant development regulations, standards, and policies in effect for the project site per the Ocean Beach Precise Plan and Local Coastal Program and all other City regulations, policies, guidelines, design standards and adopted land use plans applicable to this site. Staff has determined that the required findings can be supported and recommends that the Planning Commission approve the project.

ALTERNATIVES

- Approve Coastal Development Permit No. 859246, Site Development Permit No. 997294 and Variance no. 859248, with modifications.
- Deny Coastal Development Permit No. 859246, Site Development Permit No. 997294 and Variance Permit No. 859248, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Mike Westlake Program Manager

Development Services Department

Sandra Teasley, Project Manager Development Services Department

Attachments:

- 1. Aerial Photograph
- Community Plan Land Use Map
- 3. Project Location Map
- Project Data
- 5. Aerial/Street View of Discretionary Sites
- Draft Resolution with Findings
- Draft Permit
- 8. Environmental Exemption
- 9. Community Planning Group Vote
- Project Plans



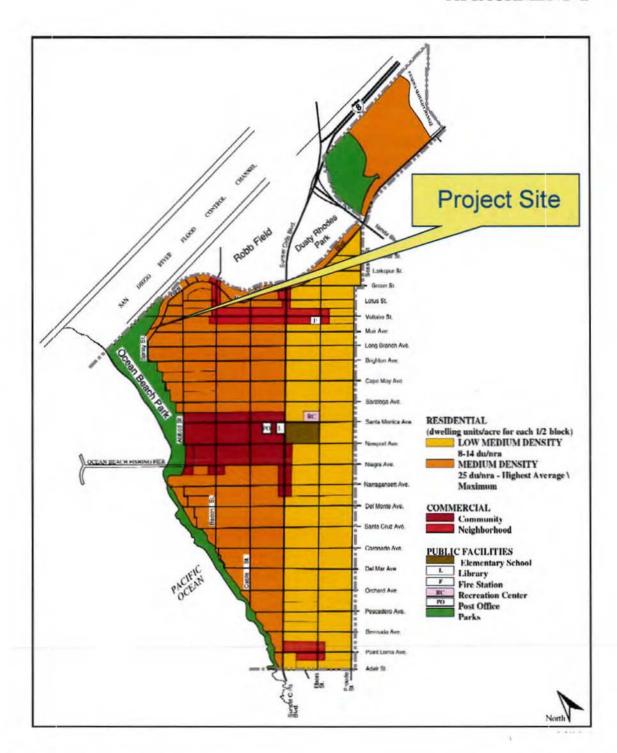






Aerial Photo

DOUMA RESIDENCE-5168 WEST POINT LOMA BOULEVARD PROJECT NO. 236671





Land Use Map

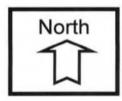
<u>DOUMA RESIDENCE - 5168 WEST POINT LOMA BLVD</u> PROJECT NO. 236671





Project Location Map

DOUMA RESIDENCE-5168 WEST POINT LOMA BOULEVARD PROJECT NO. 2336671



PROJECT DATA SHEET			
PROJECT NAME:	Douma Residence		
PROJECT DESCRIPTION:	Demolition of an existing one-story duplex and the construction of a new 1,712 sq.ft. single dwelling unit on a 2,498 sq.ft. lot		
COMMUNITY PLAN AREA:	Ocean Beach		
DISCRETIONARY ACTIONS:	Coastal Development Permit; Site Development Permit; Variance		
COMMUNITY PLAN LAND USE DESIGNATION:	Multi-Family Residential (Allows residential development up to 25 dwelling units per acre).		

ZONING INFORMATION:

ZONE: RM-2-4: (A multi-unit residential zone that permits 1 dwelling unit for each 1,750 square-feet of lot area)

HEIGHT LIMIT: 30 feet (Coastal Height Limit Overlay Zone) allowed; 29 feet 11

inches proposed.

LOT SIZE: 6,000 square-foot minimum lot size; 2,500 sf existing (previously conforming) FLOOR AREA RATIO: 0.70 maximum. (0.69 proposed –see variance for parking area)

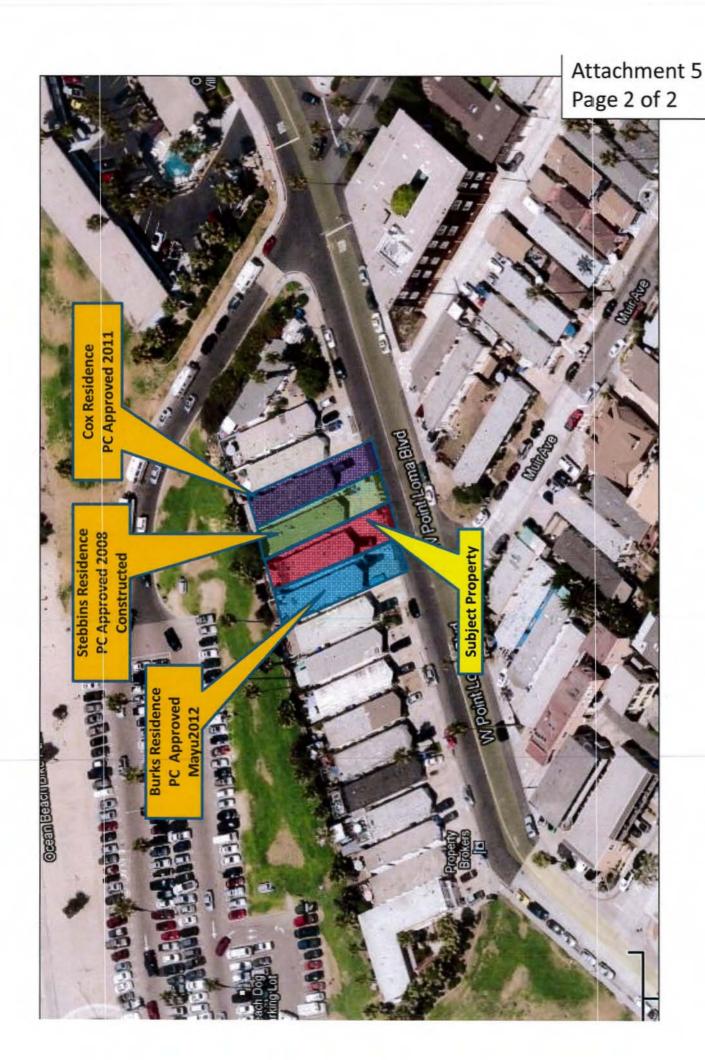
FRONT SETBACK: 15 feet minimum - 20 feet standard; 20 feet proposed

SIDE SETBACK: 3 feet minimum; 3 feet proposed

STREETSIDE SETBACK: N/A

REAR SETBACK: 15 feet minimum; 15 feet proposed PARKING: 2 parking spaces required; 2 proposed

ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Park & Public Ownership; RM-2-4.	Parking Lot and Public Park
SOUTH:	Multi-Family Residential; RM-2-4.	Multi-Family - Duplexes and Muir Ave
EAST:	Multi-Family Residential; RM-2-4.	Multi-Family - Duplexes
WEST:	Multi-Family Residential; RM-2-4.	Multi-Family - Duplexes
DEVIATIONS OR VARIANCES REQUESTED:	Variance request to waive the requirement to reserve 25% of FAR for parking use and utilize the entire 0.70 FAR as habitable space. SDP for deviation from ESL regulations to construct the lowest finished floor at 1 foot above base flood elevation where the SDMC requires 2 feet.	
PLANNING GROUP RECOMMENDATION:	Deny the project - 2012	



PLANNING COMMISSION RESOLUTION NO. XXXX COASTAL DEVELOPMENT PERMIT NO. 859246 SITE DEVELOPMENT PERMIT NO. 997294 VARIANCE NO. 859248 DOUMA RESIDENCE- PROJECT NO. 236771

WHEREAS, JOHN AND CINDY DOUMA, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish an existing one-story duplex, and construct a three-story single family residence and attached carport (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permits Nos. 859246, 997294 and 859248, on portions of a 0.057-acre (2,500-square-foot) site;

WHEREAS, the project site is located at 5168 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, Airport Influence Area (San Diego International Airport, Residential Tandem Parking Overlay Zone, and the 100-year Flood-Plain Overlay Zone, within the Ocean Beach Precise Plan and Local Coastal Program Land Use Plan;

WHEREAS, the project site is legally described as Lot 13, Block 90 of Ocean Bay Beach Map No. 1189;

WHEREAS, on June 28, 2012, the Planning Commission of the City of San Diego considered Coastal Development Permit No. 859246, Site Development Permit No. 997294 and Variance No. 859248, pursuant to the Land Development Code of the City of San Diego; 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 June 28, 2012:

FINDINGS:

Coastal Development Permit Findings:

1. THE PROPOSED COASTAL DEVELOPMENT WILL NOT ENCROACH UPON ANY EXISTING PHYSICAL ACCESSWAY THAT IS LEGALLY USED BY THE PUBLIC OR ANY PROPOSED PUBLIC ACCESSWAY IDENTIFIED IN A LOCAL COASTAL PROGRAM LAND USE PLAN; AND THE PROPOSED COASTAL DEVELOPMENT WILL ENHANCE AND PROTECT PUBLIC VIEWS TO AND ALONG THE OCEAN AND OTHER SCENIC COASTAL AREAS AS SPECIFIED IN THE LOCAL COASTAL PROGRAM LAND USE PLAN.

The 0.057-acre site is bounded by single and multiple story, multi-family developments to the east, west and across W. Point Loma Boulevard to the south. The site is immediately south of the San Diego River outfall at the Pacific Ocean and the Ocean Beach Public Park ("Dog Beach"). The project proposes the demolition of an existing one-story, duplex and construction of a three-story, 1,712-square-foot residence with attached carport. The subject property is located at 5168 W. Point Loma Boulevard, on an interior, level lot on a property located in the RM-2-4 zone within the Ocean Beach community. The site is not identified in the Ocean Beach Precise Plan and the Local Coastal Program Land Use Plan (LCP) as a proposed access way to be utilized by the general public for providing access to the ocean or other coastal scenic area, and existing coastal access in the area. Existing coastal access in the area will not be affected by the project. All development would occur on private property, and comply with all the relevant development regulations of the zone, (with the exception of the gross floor area regulation relating to parking areas and the requirement to setback the carport an additional five feet from the building facade) including the 30-foot height limit. 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 proposed development is located in an area designated as being between the first public road and the Pacific Ocean, therefore potential views to the ocean must be preserved. As such, a visual corridor of not less than the side vard setbacks will be preserved to protect potential views. 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.

2. THE PROPOSED COASTAL DEVELOPMENT WILL NOT ADVERSELY AFFECT ENVIRONMENTALLY SENSITIVE LANDS.

The project proposes the demolition of an existing one-story duplex and construction of a three-story, 1,712-square-foot residence with attached carport. The subject property is located within the Ocean Beach community. The project requires a Site Development Permit due to the presence of Environmentally Sensitive Lands (ESL) in the form of the Special Flood Hazard Area. The proposed structure will be constructed within a 100 Year Floodplain with a base flood elevation of 10.6 feet mean sea level. The restrictions on development within the floodplain require that the lowest floor 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). The project has requested a deviation to this regulation to allow an elevation that is 1 foot above BFE where 2 feet is required.

The development was determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15302 (Replacement or Reconstruction). The project site is not located within or adjacent to the Muli-Habitat Planning Area (MHPA) of the City's Multiple Species Conservation Program. The project site is located within an existing urbanized area. 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.

The project proposes the demolition of an existing one-story duplex and construction of a three-story, 1,712-square-foot residence with attached carport. The lot is zoned RM-2-4, which allows a maximum of one dwelling unit per 1,750 square feet of lot area. Therefore, the zone would allow only one dwelling unit on the 2,500-square-foot lot (2,500/1,750 = 1.43 = 1 dwelling unit). The Ocean Beach Precise Plan's designation is multi-family residential at a maximum density of 25 du/ac). The resulting density for the project is 17.42 dwelling units per acre (43,560/2,500 = 17.42). Although the site is zoned for multi-dwelling unit development, the lot is substandard in terms of lot area and dimension. An additional dwelling unit on this site would exceed the allowable density of the zone and the community plan. The proposed project is therefore consistent with the land use designation as it relates to the allowable density.

The building would have a height of up to 30'-0", which would comply with the zone regulations and the Coastal Height Limitation Overlay Zone's maximum allowable height of 30 feet. The proposed development project meets all applicable regulations (with the exception of the gross floor area ratio and carport setback regulations) and policy documents, and 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 LCP, and the Progress Guide and General Plan.

The community plan states that visual access from the community to the shoreline shall be preserved and enhanced and that the existing residential scale character of Ocean Beach be maintained as exemplified by a mixture of small scale residential building types and styles. The plan calls for the renovation of substandard and dilapidated properties. The plan further states that floor area ratio plays the most important role in regulating building bulk and consideration should be given to the provision of increases or decreases in floor area ratio as incentives where community plan goals can be implemented.

The proposed coastal development includes variances to allow a portion of the floor area to be used as habitable space rather than designated for parking and to allow the construction of the carport to be located in front of the building façade where the regulations require the carport to be set back at least 5 feet from the façade. If approved, 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 potential views toward Ocean Beach Park and the San Diego River. In addition, this area is not designated as a view corridor or as a scenic resource. Existing 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. The building would observe the allowable height limit and setbacks, and provide for terraced articulation within the building façade thereby reducing the appearance of bulk and scale. The surrounding area is composed of buildings of varying heights and designs including one, two and three-story residences, duplexes and larger multi-family buildings. The existing building, according to the applicants, is in a state of disrepair with respect to current building code

standards and provides no on-site parking pursuant to current requirements. 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 the approved Variances, comply with all regulations of the certified Implementation Program.

This area is not designated as a view corridor or as a scenic resource however a visual corridor of not less than the required side yard setbacks will be preserved to protect potential views. Accordingly, the proposed project will not impact any public views to or along the ocean or other scenic coastal areas.

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 single family residence. The subject property is designated as being between the first public road and the Pacific Ocean within the Coastal Overlay Zone.

The site is located adjacent to the Ocean Beach Park which is 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. The proposed coastal development will conform to the public access and public recreation policies of Chapter 3 of the California Coastal Act.

Site Development Permit Findings:

1. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT THE APPLICABLE LAND USE PLAN.

The project proposes the demolition of an existing one-story duplex and construction of a three-story, 1,712-square-foot residence with attached carport. The site is zoned RM-2-4 zone and designated for multi-family residential development with a density range of 15 to 25 dwelling units per net residential acre in the Ocean Beach Precise Plan. The Site Development Permit is required due do the presence of environmentally sensitive lands as the site is within a Special Flood Hazard Area. The proposal to demolish two units and construct a single-family dwelling is within the density range of the Precise Plan.

The lot is zoned RM-2-4, which allows a maximum of one dwelling unit per 1,750 square feet of lot area. Therefore, the zone would allow only one dwelling unit on the 2,500-square-foot lot (2,500/1,750 = 1.43 = 1) dwelling unit). The Ocean Beach Precise Plan's designation is multifamily residential at a maximum density of 25 du/ac). The resulting density for the project is

17.42 dwelling units per acre (43,560/2,500 = 17.42). Although the site is zoned for multi-dwelling unit development, the lot is substandard in terms of lot area and dimensions. An additional dwelling unit on this site would exceed the allowable density of the zone and the community plan. The proposed project is therefore consistent with the land use designation, as it related to the allowable density, and the zoning density regulations. Therefore, the proposed development within a Special Flood Hazard Area, 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 is to demolish an existing one-story, duplex and construct a 1,712-square-foot, three-story single-family dwelling unit with a carport on a 2,500 square-foot site. The subject property is located at 5168 West Point Loma Boulevard on an interior, level lot on a property located in the RM-4-2 zone within the Coastal (appealable) and Coastal Height Limit Overlay zones, within the Ocean Beach Community Planning Area.

The project requires a Site Development Permit due to the presence of Environmentally Sensitive Lands (ESL) in the form of the Special Flood Hazard area. The building will be constructed within the 100 Year Floodplain with a Base Flood Elevation (BFE) of 10.6 feet mean sea level. The restrictions on development within the floodplain require that the lowest floor 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 (BFE). A deviation to this regulation has been incorporated into the design as the project proposes to be 1 foot above the BFE.

The development was determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15302 (Replacement or Reconstruction). The applicant has submitted that the existing unit to be demolished may contain asbestos and lead-based paint, potentially posing a risk to human health and public safety. All demolition activities must be conducted in accordance with the San Diego County Air Pollution Control District (SDAPCD) and the California Code of Regulations Title 8 and 17 regarding the handling and disposal of asbestos-containing materials and lead-based paints. As conditioned by this permit, a notice is to be provided to the Air Pollution Control District prior to demolition.

The conditions of approval for the project will require compliance with several operational constraints and development controls intended to assure the continued public health, safety, and welfare. Other conditions relate to requirements pertaining to landscape standards, noise, lighting restrictions, public view, public right of way improvements, flood-proofing the structure and raising the habitable space above flood line, which provides evidence that the impact is not significant or is otherwise mitigated to below a level of significance. All proposed improvement plans associated with the project will be reviewed prior to issuance of ministerial permit(s) and inspected during construction to assure the project will meet or exceed all relevant and applicable building, electrical, mechanical, plumbing and fire codes. In conclusion and due to these facts,

the proposed development will not be detrimental to the public health, safety, and welfare. Therefore, the proposed development will not be detrimental to the public health, safety and welfare.

3. THE PROPOSED DEVELOPMENT WILL COMPLY WITH THE REGULATIONS OF THE LAND DEVELOPMENT CODE.

The proposed development is to demolish an existing one-story, duplex and construct a 1,712-square-foot, three-story single-family dwelling unit with a carport on a 2,500 square-foot site. The subject property is located at 5168 W. Point Loma Boulevard, on an interior, level lot on a property located in the RM-2-4 zone within the Coastal (appealable) and Coastal Height Limit Overlay zones, within the Ocean Beach Community Planning Area.

The proposed development complies with all of the regulations of the underlying zone with the exception of the requirement to reserve 25 percent (437 square feet) of the total gross floor area for required parking within enclosed parking areas, and to allow the construction of the carport to be located in front of the building façade where the regulations require the carport to be set back at least 5 feet from the façade. The allowable floor area ratio per the zone and for this community will not be exceeded. The development would demolish an older, dilapidated structure currently in disrepair and with no on-site parking. The Ocean Beach Community Plan's residential element states that substandard and dilapidated properties should be renovated. The Variance would facilitate the construction of a project that incorporates a carport into the front façade providing parking for two vehicles and improving the previously conforming condition of the site by replacing the existing faulty structure with a flood proofed structure. The development incorporates required side yard setbacks and a deed restriction to provide a visual corridor through the site to protect potential views.

The project would provide 100 percent of the allowable gross floor area towards habitable areas and, construct a 388-square foot carport for two parking spaces. The applicant has requested the Variances to request relief from these requirements citing the narrow lot frontage of 25 feet, lack of alley access to the site and the additional design constraint which requires that all structures be constructed two feet above base flood elevations. The resulting Variances would allow an additional 437 square feet of livable area for the new unit without exceeding the gross floor area ratio requirement of the zone. Therefore, the proposed development will comply with the relevant regulations of the code.

Site Development Permit, Supplemental Findings, Environmentally Sensitive Lands(b):

1. THE SITE IS PHYSICALLY SUITABLE FOR THE DESIGN AND SITING OF THE PROPOSED DEVELOPMENT AND THE DEVELOPMENT WILL RESULT IN MINIMUM DISTURBANCE TO ENVIRONMENTALLY SENSITIVE LANDS.

The project proposes the demolition of an existing one-story duplex and construction of a three-story, 1,712-square-foot residence with attached carport. The subject property is located at 5168 West Point Loma Boulevard, on an interior, level lot on a property located in the RM-2-4 zone within the Coastal (appealable) and Coastal Height Limit Overlay zones, within the Ocean Beach

community. The project requires a Site Development Permit due to the presence of Environmentally Sensitive Lands (ESL) in the form of the Special Flood Hazard area. The proposed structure will be constructed within the 100 Year Floodplain (*Special Flood Hazard Area*), and has a Base Flood Elevation (BFE) of 10.6 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). A deviation to this regulation has been incorporated into the design as the project proposes to be 1 foot above the BFE.

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. The development was determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15302 (Replacement or Reconstruction). The project site is located within an existing urbanized area. 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.

2. THE PROPOSED DEVELOPMENT WILL MINIMIZE THE ALTERATION OF LAND FORMS AND WILL NOT RESULT IN UNDUE RISK FROM GEOLOGIC AND EROSIONAL FORCES, FLOOD HAZARDS, OR FIRE HAZARDS.

The proposed project will be sited on a 2,500 square-foot disturbed lot. The majority of the site is relatively flat at 8 feet above mean sea level across an approximately 25 foot x 100 foot lot. The proposed development is surrounded by existing residential development and the Ocean Beach Park and is within a seismically active region of California. As the potential exists for geologic hazards such as earthquakes and ground failure. The project required the preparation of a Water Quality Technical Report to ensure that site drainage issues, grading requirements and the requirements of the Special Flood Hazard Areas would be adequately addressed with project implementation. As conditioned by this permit, structures that are subject to inundation must be flood proofed and all fill placed within the Special Flood Hazard Area must be compacted to 95 percent relative compaction. The project site is located within geologic hazard zones 31 and 52 of the City's Seismic Safety Study Geologic Hazards Maps. Zone 31 is characterized by high potential for liquefaction, shallow groundwater, major drainages, and hydraulic fills. Zone 52 is characterized by other level areas, gently sloping to steep terrain with favorable geologic structure, low risk. A Report of Preliminary Geotechnical Investigation was also required to ensure that the soil and geologic conditions of the site could accommodate the proposed development. Proper engineering design of the new structures would minimize potential for geologic impacts from regional hazards. Therefore, the proposed development will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

3. THE PROPOSED DEVELOPMENT WILL BE SITED AND DESIGNED TO PREVENT ADVERSE IMPACTS ON ANY ADJACENT ENVIRONMENTALLY SENSITIVE LANDS.

The proposed development is to demolish an existing one-story duplex and construct a 1,712-square-foot, three-story single-family dwelling unit with a carport on a 2,500 square-foot site. The subject property is located at 5168 W. Point Loma Boulevard, on an interior, level lot on a property located in the RM-2-4 zone within the Coastal (appealable) and Coastal Height Limit Overlay zones, within the Ocean Beach Community Planning Area. The site is within the 100 year floodplain and is therefore considered environmentally sensitive land. The properties adjacent to the site are also located within the Special Flood Hazard Area. The project as designed will have no impact to the floodway and no adverse impacts to the flood levels of these adjacent properties. The site is neither within nor adjacent to Multi-Habitat Planning Area (MHPA) lands. Therefore, the development will not impact adjacent environmentally sensitive lands.

4. THE PROPOSED DEVELOPMENT WILL BE CONSISTENT WITH THE CITY OF SAN DIEGO'S MULTIPLE SPECIES CONSERVATION PROGRAM (MSCP) AND SUBAREA PLAN.

The project proposes the demolition of the existing duplex and construction of a three-level single dwelling unit with a 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.

5. THE PROPOSED DEVELOPMENT WILL NOT CONTRIBUTE TO THE EROSION OF PUBLIC BEACHES OR ADVERSELY IMPACT LOCAL SHORELINE SAND SUPPLY.

The subject property is located approximately 450 feet away from the edge of the public beach, and is separated from the shoreline by a city parking lot. All site drainage from the proposed development would be directed away from the adjacent properties into existing public drainage system located on W. Point Loma Boulevard. Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

6. THE NATURE AND EXTENT OF MITIGATION REQUIRED AS A CONDITION OF THE PERMIT IS REASONABLY RELATED TO, AND CALCULATED TO ALLEVIATE, NEGATIVE IMPACTS CREATED BY THE PROPOSED DEVELOPMENT.

The development was determined to be exempt from the California Environmental Quality Act (CEQA) pursuant Section 15302 (Replacement or Reconstruction). Therefore, this finding is not applicable to this project.

Supplemental Findings, Environmentally Sensitive Lands(b)

1. THE SITE IS PHYSICALLY SUITABLE FOR THE DESIGN AND SITING OF THE PROPOSED DEVELOPMENT AND THE DEVELOPMENT WILL RESULT IN MINIMUM DISTURBANCE TO ENVIRONMENTALLY SENSITIVE LANDS.

The project site is immediately south of the San Diego River mouth outfall at the Pacific Ocean and located within a Special Flood Hazard Area. However, 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. The project was determined to be exempt from environmental review pursuant to the State CEQA guidelines. 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.

2. THE PROPOSED DEVELOPMENT WILL MINIMIZE THE ALTERATION OF LAND FORMS AND WILL NOT RESULT IN UNDUE RISK FROM GEOLOGIC AND EROSIONAL FORCES, FLOOD HAZARDS, OR FIRE HAZARDS.

The proposed project will be sited on a 2,500 square-foot disturbed lot. The majority of the site is relatively flat at 8 feet above mean sea level across an approximately 25 foot x 100 foot lot. The proposed development is surrounded by existing residential development and the Ocean Beach Park and is within a seismically active region of California. As the potential exists for geologic hazards such as earthquakes and ground failure. The project required the preparation of a Water Quality Technical Report to ensure that site drainage issues, grading requirements and the requirements of the Special Flood Hazard Areas would be adequately addressed with project implementation. As conditioned by this permit, structures that are subject to inundation must be flood proofed and all fill placed within the Special Flood Hazard Area must be compacted to 95 percent relative compaction. The project site is located within geologic hazard zones 31 and 52 of the City's Seismic Safety Study Geologic Hazards Maps. Zone 31 is characterized by high potential for liquefaction, shallow groundwater, major drainages, and hydraulic fills. Zone 52 is characterized by other level areas, gently sloping to steep terrain with favorable geologic structure, low risk. A Report of Preliminary Geotechnical Investigation was also required to ensure that the soil and geologic conditions of the site could accommodate the proposed development. Proper engineering design of the new structures would minimize potential for geologic impacts from regional hazards. Therefore, the proposed development will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

3. THE PROPOSED DEVELOPMENT WILL BE SITED AND DESIGNED TO PREVENT ADVERSE IMPACTS ON ANY ADJACENT ENVIRONMENTALLY SENSITIVE LANDS.

The project site is not located adjacent to environmentally sensitive lands.

4. THE PROPOSED DEVELOPMENT WILL BE CONSISTENT WITH THE CITY OF SAN DIEGO'S MULTIPLE SPECIES CONSERVATION PROGRAM (MSCP) AND SUBAREA PLAN.

The project proposes the demolition of the existing duplex and construction of a three-level single dwelling unit with a subterranean parking garage. 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.

5. THE PROPOSED DEVELOPMENT WILL NOT CONTRIBUTE TO THE EROSION OF PUBLIC BEACHES OR ADVERSELY IMPACT LOCAL SHORELINE SAND SUPPL.

The subject property is located approximately 450 feet away from the edge of the public beach, and is separated from the shoreline by a city parking lot. All site drainage from the proposed development would be directed away from the adjacent properties into existing public drainage system located on West Point Loma Boulevard via a sump pump and sidewalk underdrain. Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

6. THE NATURE AND EXTENT OF MITIGATION REQUIRED AS A CONDITION OF THE PERMIT IS REASONABLY RELATED TO, AND CALCULATED TO ALLEVIATE, NEGATIVE IMPACTS CREATED BY THE PROPOSED DEVELOPMENT.

The project proposes the demolition of the existing duplex and construction of a three-level single dwelling unit with an attached carport. The proposed development was determined to be exempt from environmental review pursuant to The development was determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(l) (Existing facilities) and Section 15303 (New construction or conversion of small structures). Therefore, this finding is not applicable to the subject project.

Supplemental Findings, Environmentally Sensitive Lands Deviations(c)

1. THERE ARE NO FEASIBLE MEASURES THAT CAN FURTHER MINIMIZE THE POTENTIAL ADVERSE AFFECTS ON ENVIRONMENTALLY SENSITIVE LANDS.

The project proposes the demolition of an existing duplex and the construction of a three-level single family dwelling unit with an attached carport. The site is located within Zone "A" on the Flood Insurance Rate Map (FIRM), which represents a Special Flood Hazard Area, with a base Flood Elevation of 9.6 feet mean sea level. The City of San Diego's restrictions on development

within the floodplain require that the lowest floor, including basement, be elevated at least two (2) feet above the based flood elevation (BFE). The Federal Emergency Management Agency (FEMA) requires that the finished floor elevation be at one or more feet above the BFE. This project is requesting a development of the residential structure to be at 1 (one) foot above the BFE which is consistent with FEMA. Additionally, as conditioned by this permit, all structures subject to inundation shall be flood-proofed. Building the structure below the BFE or two-feet above, will not present adverse affects to environmentally sensitive lands, therefore there are no feasible measures that can further minimize the potential adverse affects on environmentally sensitive lands. The development was determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15302 (Replacement or Reconstruction).

2. THE PROPOSED DEVIATION IS THE MINIMUM NECESSARY TO AFFORD RELIEF FROM SPECIAL CIRCUMSTANCES OR CONDITIONS OF THE LAND, NOT OF THE APPLICANT'S MAKING.

The project proposes the demolition of an existing duplex and the construction of a three-level single family dwelling unit with an attached carport. The site is located within Zone "A" on the Flood Insurance Rate Map (FIRM), which represents a Special Flood Hazard Area, with a base Flood Elevation of 9.6 feet mean sea level. The City of San Diego's restrictions on development within the floodplain require that the lowest floor, including basement, be elevated at least two (2) feet above the based flood elevation (BFE). The Federal Emergency Management Agency (FEMA) requires that the finished floor elevation be at one or more feet above the BFE. This project is requesting a development of the residential structure to be at 1 (one) foot above the BFE which is consistent with FEMA.

The applicant has noted that the deviation affords relief and accommodates the proposed development. Requiring that the structure be constructed 2 feet above BFE would render the ground floor uninhabitable: The ground floor would need to be constructed approximately 3'9" above the existing grade. Coastal Overlay Zone regulations require that no structures/landscape materials exceed a height of 3'-0" within the side yard view corridors to protect potential views through the site. As such, the construction of a stairs to access the ground floor if constructed 3'-9" above existing grade, would be prohibited. This requirement would also not allow for appropriate floor to ceiling heights consistent with the California Building Code, without requesting deviations to the maximum 30-foot building height regulation. The proposed 1-foot above BFE satisfies all State and Federal flood requirements, is consistent with FEMA guidelines. Therefore, the proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land, not of the applicant's making.

<u>Supplemental Findings, Environmentally Sensitive Lands Deviation from Federal</u> Emergency Management Agency Regulations(d)

1. THE CITY ENGINEER HAS DETERMINED THAT THE PROPOSED DEVELOPMENT, WITHIN ANY DESIGNATED FLOODWAY WILL NOT RESULT IN AN INCREASE FLOOD LEVELS DURING THE BASE FLOOD DISCHARGE.

The proposed development is located within the 100 Year Floodplain and not within the Floodway. Therefore, this finding is not applicable to the subject project.

2. THE CITY ENGINEER HAS DETERMINED THAT THE DEVIATION WOULD NOT RESULT IN ADDITIONAL THREATS TO THE PUBLIC SAFETY, EXTRAORDINARY PUBLIC EXPENSE, OR CREATE A PUBLIC NUISANCE.

The proposed development is to demolish an existing one-story, duplex and construct a new 1,712 square-foot, three-story single-family dwelling unit with an attached carport. The permit as conditioned, shall flood-proof all structures subject to inundation. The owner shall bear all costs of flood-proofing. The City Engineer has determined that the deviation to allow the structure to be built under the BFE rather than 2'-0" above as required by the Land Development Code will not cause an increase in the flood height. The elevation requirement of the Land Development Code is for the protection of the structures and it's contents. Lessening that requirement does not result in additional threats to public safety, extraordinary public expense, or create a public nuisance.

Variance:

1. THERE ARE SPECIAL CIRCUMSTACES OR CONDITIONS APPLYING TO THE LAND OR PREMISES FOR WHICH THE VARIANCES IS SOUGHT THAT ARE PECULIAR TO THE LAND OR PREMISES AND DO NOT APPLY GENERALY TO THE LAND OR PREMISES IN THE NEIGHBORHOOD, AND THESE CONDITIONS HAVE NOT RESULTED FROM ANY ACT OF THE APPLICANT AFTER THE ADOPTION OF THE APPLICABLE ZONE REGULATIONS.

The project proposes the demolition of an existing one-story duplex and construction of a three-story, 1,748-square-foot residence with attached carport. A Variance is required to allow a deviation to the development regulations of the RM-2-4 Zone to allow 100 percent of the allowable floor area ratio (FAR) of 70 percent to be utilized for habitable areas where 25 percent of the floor area ratio must be reserved for required parking. The proposed carport is an open air design that does not count towards the calculation of FAR. The second Variance request is to allow the construction of the carport to be located in front of the building façade where the regulations require the carport to be set back at least 5 feet from the façade.

There are special circumstances associated with the site that are not the result of the actions of the owner. The lot contains environmentally sensitive lands being located within the 100 Year Floodplain (Special Flood Hazard Area). The site is zoned RM-2-4 which is intended to encourage multi-family residential development on lots of larger size. However, within the Ocean Beach Community Planning area, the RM-2-4 zone is restricted to a significantly lower FAR than other communities. The allowable FAR in most communities is 1.2 percent of the lot size. Additionally, the property does not have alley access. The subject property is a substandard lot totaling 2,500 square feet where the underlying zone requires a minimum lot size of 6,000 square feet. The property contains only 25 feet of lot frontage on a dedicated street, where 50 feet is the minimum. These RM-2-4 zone standards are intended for development of multiple

units on larger lots with alley access. These special circumstances and conditions do not generally apply to the land or premises in the neighborhood.

2. THE CIRCUMSTANCES OR CONDITIONS ARE SUCH THAT THE STRICT APPLICATION OF THE REGULATIONS OF THE LAND DEVELOPMENT CODE WOULD DEPRIVE THE APPLIANT OF REASONABLE USE OF THE LAND OR PREMISES AND THE VARIANCE GRANTED BY THE CITY IS THE MIMIMUM VARIANCE THAT WILL PERMIT THE APPLICANT REASONABLE USE OF THE LAND OR PREMISES.

The project proposes the demolition of an existing one-story, duplex and construction of a three-story, 1,712-square-foot residence with attached carport on a 2,500-square-foot lot. A Variance is required to allow a deviation to the development regulations of the RM-2-4 Zone to allow 100 percent of the allowable floor area ratio (0.70 percent) to be utilized for habitable areas where 25 percent of the floor area ratio must be reserved for required parking. The second Variance request is to allow the construction of the carport to be located in front of the building façade where the regulations require the carport to be set back at leave 5 feet from the façade.

The RM-2-4 zone allows a floor area ratio of 1.2 percent in all other areas of the city with the exception of the Ocean Beach and Peninsula community planning areas. Additionally, 25 percent of the allowable floor area ratio must be reserved for enclosed parking. The code further stipulates that if basement parking is provided, the required 25 percent for parking uses may then be utilized for habitable areas.

The proposed carport is an open air design that does not count towards the calculation of gross floor area. Incorporation of the carport into the front façade and within the additional five foot setback required for carports, creates a terracing away effect thus reducing the apparent bulk and scale as viewed from the public right-of-way. The carport would maintain the minimum 15° -0" and 20° -0" standard front yard setback required for the primary structure. The aforementioned circumstances and conditions restrict development options and deprive the applicant reasonable use of the site. The lack of alley access, substandard lot size and street frontage and restrictive floor area ratio allotment create design constraints. The property has further restrictions in that it is located within a flood plain which further limits design flexibility for below grade structures. The development would not exceed the allowable floor area ratio of the underlying zone. These restrictive zoning regulations limit the habitable area for the subject site to an actual floor area ratio of 0.52 percent (0.70 - 0.18 = 0.52). As the applicant proposes to develop a single family residence on a small, multi-family zoned lot, the requested Variances are the minimum necessary to facilitate reasonable use of the site.

3. THE GRANTING OF THE VARINCE 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 project proposes the demolition of an existing one-story, duplex and construction of a three-story, 1,712-square-foot residence with attached carport on a 2,500-square-foot lot. A Variance

is required to allow a deviation to the development regulations of the RM-2-4 Zone to allow 100 percent of the allowable floor area ratio (0.70 percent) to be utilized for habitable areas where 25 percent of the floor area ratio must be reserved for required parking. The second Variance request is to allow the construction of the carport to be located in front of the building façade where the regulations require the carport to be set back at least 5 feet from the façade.

The proposed development complies with all other regulations of the underlying zone. The allowable floor area ratio per the zone and for this community will not be exceeded. The development would demolish an older, dilapidated structure currently in disrepair and with no on-site parking. The Ocean Beach Community Plan's residential element states that substandard and dilapidated properties should be renovated. The Variances would facilitate the construction of a project that incorporates a carport into the front façade providing parking for two vehicles and improving the previously conforming condition of the site by replacing the existing faulty structure with a flood proofed structure. The development incorporates required side yard setbacks and a deed restriction to provide a visual corridor through the site to protect potential views. The Planning Commission has approved three similar projects within this block of W. Point Loma Boulevard deviating from the FAR allotment and carport setback requirement: The Stebbins Residence Project No. 51076, approved in 2008, located at 5164 W. Point Loma Boulevard – this project is constructed; and the Cox Residence Project No. 168660, approved in 2011, located at 5166 W. Point Loma Boulevard and the Burks Residence Project No. 235485. located at 5170 W. Point Loma Boulevard, approved on 5/31/12). Therefore, the granting of the Variances will be in harmony with the general purpose and intent of the gross floor area regulations and will not be detrimental to the public health, safety or welfare.

4. THE GRANTING OF THE VARINCE 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 THE GRANTING OF THE VARIANCE CONFORMS WITH, AND IS ADEQUATE TO CARRY OUT, THE PROVISIONS OF THE CERTIFIED LAND USE PLAN.

The project proposes the demolition of an existing one-story, duplex and construction of a three-story, 1,712-square-foot residence with attached carport on a 2,500-square-foot lot. A Variance is required to allow a deviation to the development regulations of the RM-2-4 Zone to allow 100 percent of the allowable floor area ratio (0.70 percent) to be utilized for habitable areas where 25 percent of the floor area ratio must be reserved for parking. The second Variance request is to allow the construction of the carport to be located in front of the building façade where the regulations require the carport to be set back at leave 5 feet from the façade.

The site is designated for multi-family development within the Ocean Beach Precise Plan. One of the goals of the plan is to maintain the existing residential character of Ocean Beach as exemplified by a mixture of small-scale residential building types and styles. Surrounding uses include single and multi-family residential of varying heights and stories. The project proposes one single family residence in keeping with the density range for the land use designation, maintaining a lower density appropriate for the small lot and in keeping with other two and three

story developments north of W. Point Loma Boulevard. The lot is zoned RM-2-4, which allows a maximum of one dwelling unit per 1,750 square feet of lot area. Therefore, the zone would allow only one dwelling unit on the 2,500-square-foot lot (2,500/1,750 = 1.43 = 1 dwelling unit). The Ocean Beach Precise Plan's designation is multi-family residential at a maximum density of 25 du/ac). The resulting density for the project is 17.42 dwelling units per acre (43,560/2,500 = 17.42). Although the site is zoned for multi-dwelling unit development, the lot is substandard in terms of lot area and dimensions. An additional dwelling unit on this site would exceed the allowable density of the zone and the community plan. The proposed project is therefore consistent with the land use designation, as it related to the allowable density, and the zoning density regulations.

The Local Coastal Program element of the Ocean Beach Precise Plan implements the California Coastal Act policies for protection, enhancement and expansion of public visual and physical access to the shoreline. Approval of the Variances would not impact these policies. There are no physical public access points or designated public view corridors on the site. Therefore, the granting of the Variances will not adversely affect the land use plan and conforms with the certified land use plan.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Coastal Development Permit No. 859246, Site Development Permit No. 997294 and Variance No. 859248, are hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 859246, 997294 and 859248, a copy of which is attached hereto and made a part hereof.

SANDRA TEASLEY
Development Project Manager
Development Services

Adopted on: June 28, 2012

Job Order No. 24001780

cc: Legislative Recorder

RECORDING REQUESTED BY

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

WHEN RECORDED MAIL TO PROJECT MANAGEMENT PERMIT CLERK MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 24001780

COASTAL DEVELOPMENT PERMIT NO. 859246 SITE DEVELOPMENT PERMIT NO. 997294 VARIANCE NO. 859248 DOUMA RESIDENCE- PROJECT NO. 236771

PLANNING COMMISSION

This Coastal Development Permit No. 859246, Site Development Permit No. 997294 and Variance No. 859248 are granted by the Planning Commission of the City of San Diego to JOHN AND CINDY DOUMA, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0708, 126.0504 and 126.0805. The 0.1-acre project site is located at 5168 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 13, 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 three-story single family residence, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 28, 2012, on file in the Development Services Department.

The project shall include:

- a. The demolition of an existing one-story duplex;
- b. Construction of a 1,712-square-foot, three-story single family residence and carport consisting of:
 - 1) 1,712-square-foot of habitable living area.

- 2) 388-square-foot carport (310 square feet of the carport exempt from gross floor area; 72 square feet of the carport counted in gross floor area);
- 3) 505-square-foot decks and a 54-square-foot first floor patio.
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Deviation to the Special Flood Hazard Area regulations to allow development of the structure to be 1-foot above the Base Flood Elevation 2 feet is required.
- e. Variance to the RM-2-4 zoning regulations as follows:
 - To allow 100% of the gross floor area to count as habitable space where the San Diego Municipal Code requires that 25% must be reserved for parking.
 - Allow the construction of the carport to be located in front of the building façade where the regulations require the carport to be set back at least 5 feet from the facade;
- f. Off-street parking;
- g. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

- 1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect 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 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:
 - 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. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.
 - 5. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
 - 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 modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
 - Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.
 - 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.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" conditions(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.

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

ENGINEERING REQUIREMENTS:

- 12. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the closure of the existing shared driveway and the construction of two separate 12-foot wide City standard driveways to serve this project and the adjacent property, per Standard Drawings G-14B, G-16 and SDG-100, satisfactory to the City Engineer.
- 13. Prior to the issuance of any building permits, the Owner/Permittee shall assure by permit and bond the construction of City standard curb and gutter, between the proposed two driveways, adjacent to the site on W. Point Loma Boulevard, satisfactory to the City Engineer.
- 14. The drainage system for this project shall be private and will be subject to approval by the City Engineer.
- 15. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
- 16. Prior to the issuance of any construction permits, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
- 17. 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.

- 18. 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.
- 19. Prior to the issuance of the grading permit, the Owner/Permittee shall include a note on the grading plans to state: "Subject to Inundation" all areas lower than elevation 10.6 ft which is base flood elevation plus 1 foot.
- 20. Prior to the issuance of the grading permit, the Owner/Permittee shall include a note on the grading plans to state: The Owner/Permittee 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.
- 21. Prior to the issuance of the grading permit, the Owner/Permittee shall execute a "Non Conversion Agreement" for the carport area, subject to inundation.
- 22. 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.
- 23. Prior to the issuance of the grading permit, the Owner/Permittee 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 because of, or arising out of flood waters.
- 24. 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.
- 25. 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.

GEOLOGY REQUIREMENTS:

26. 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 submitted for review and approval by the Geology Section of the Development Services Department prior to issuance of any construction permits.

27. 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 submitted for review and approval by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

PLANNING/DESIGN REQUIREMENTS:

- 28. No fewer than two off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the Development Services Department.
- 29. 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.
- 30. Prior to issuance of a construction permit, the Owner/Permittee shall record a deed restriction preserving a visual corridor of 3 feet along the eastern property line and 3 feet along the western property line, running the full depth of the premises. No landscape or structure shall exceed a height of 3 feet within the visual corridor.
- 31. Prior to the issuance of any building permits, the Owner/Permittees shall grant to the San Diego County Regional Airport Authority an avigation easement for the purpose of maintaining all aircraft approach paths to Lindbergh Field, which shall be recorded in the office of the San Diego County Recorder. This easement shall permit the unconditioned right of flight of aircraft in the federally controlled airspace above the subject property. This easement shall identify the easement's elevation above the property and shall include prohibitions regarding use of and activity on the property that would interfere with the intended use of the easement. This easement may require the grantor of the easement to waive any right of action arising out of noise associated with the flight of aircraft within the easement.
- 32. Prior to submitting building plans to the City for review, the Owner/Permittee shall place a note on all building plans indicating that an avigation easement has been granted across the property. The note shall include the County Recorder's recording number for the avigation easement.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed
 as conditions of approval of this development permit, may protest the imposition within
 ninety days of the approval of this development permit by filing a written protest with the
 City Clerk pursuant to California Government Code §66020.
- This development may be subject to impact fees at the time of construction permit issuance.

ATTACHMENT 7

APPROVED by the Planning Commission of the City of San Diego on June 28, 2012 by Resolution No. XXXX.

ATTACHMENT 7

Permit Type/PTS Approval No.: Coastal Development Permit No. 859246, Site Development Permit No. 997294 and Variance No. 859248.

Date of Approval: June 28, 2012

AUTHENTICATED BY THE DEVELOPM	MENT SERVICES DEPARTMENT
Sandra Teasley Development Project Manager	
NOTE: Notary acknowledgment must be attached per Civil Code section 1180 et seq.	
	xecution hereof, agrees to each and every condition of nd every obligation of Owner/Permittee hereunder.
and promises to perform each a	nd every obligation of owner/r elimitee heredikaer.
	Owner/Permittee
	By
	John and Cindy Douma

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

NOTICE OF EXEMPTION

TO:	_X_	RECORDER/COUNTY CLERK	FROM:	CITY OF SAN DIEGO
		P.O. Box 1750, MS A-33		DEVELOPMENT SERVICES DEPARTMENT
		1600 PACIFIC HWY, ROOM 260		1222 FIRST AVENUE, MS 501
		SAN DIEGO, CA 92101-2422		SAN DIEGO, CA 92101
	-	OFFICE OF PLANNING AND RESEARCH		
		1400 TENTH STREET, ROOM 121		
		SACRAMENTO CA 95814		

PROJECT TITLE/ No.: DOUMA RESIDENCE / 236671

PROJECT LOCATION-SPECIFIC: 5168 West Point Loma Boulevard, San Diego 92107

PROJECT LOCATION-CITY/COUNTY: San Diego/San Diego

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: Applicant is requesting a Coastal Development Permit and a Neighborhood Development Permit to allow for the demolition of an existing single-dwelling unit and construction of a new 1,693-square-foot single-dwelling unit. In addition, the project would construct associated site improvements (i.e. hardscape and landscaping). The subject property is located 5168 West Point Loma Boulevard in the RM-2-4 Zone, the Airport Environs Overlay Zone, the Airport Approach Overlay Zone, the Airport Influence Area, the FAA Part 77 Notification Area, the Coastal Height Limit Overlay Zone, the Coastal Overlay Zone (Appealable Area), the First Public Roadway, the Parking Impact Overlay Zone (Beach Impact Area), the Residential Tandem Parking Overlay Zone, and is designated multi-family residential (25 dwelling units per acre) within the Ocean Beach Community Plan and Local Coastal Program Area. (LEGAL DESCRIPTION: Lot 13, Block 90 of Map No. 1189).

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: John Douma, 4218 Cartulina Road, San Diego, CA 92124, (619) 417-6448.

EXEMI	PT STATUS: (CHECK ONE)
()	MINISTERIAL (SEC. 21080(b)(1); 15268)
()	DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a))
()	EMERGENCY PROJECT (SEC. 21080(b)(4); 15269 (b)(c))
(X)	CATEGORICAL EXEMPTION: 15302 (Replacement or Reconstruction)
()	STATUTORY EXEMPTIONS:

REASONS WHY PROJECT IS EXEMPT: The City of San Diego conducted an environmental review that determined that the project would not have the potential for causing a significant effect on the environment in that the project is proposing the demolition of an existing single-dwelling unit and subsequent construction of a replacement single-dwelling unit. The project is consistent with the General Plan, Community Plan, and zoning requirements. The project meets the criteria set forth in CEQA Section 15302 which allows for the replacement or reconstruction of existing structures where the new structure will be located on the same site. Furthermore the project will have substantially the same purpose and capacity as the structure being replaced. The exceptions listed in CEQA Section 15300.2 would not apply.

LEAD AGENCY CONTACT PERSON: E. Shearer-Nguyen	TELEPHONE: (619) 446-5369
IF FILED BY APPLICANT:	
1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDIN	NG.
2. HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUB () YES () NO	LIC AGENCY APPROVING THE PROJECT?
It is hereby certified that the City of San Diego has de CEQA.	TERMINED THE ABOVE ACTIVITY TO BE EXEMPT FROM
Mart Glas Senia Planny SIGNATURE/TITLE	May 24, 2012 DATE OF PROJECT APPROVAL

CHECK ONE:

(X) SIGNED BY LEAD AGENCY
() SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

Teasley, Sandra

To:

Teasley, Sandra

Subject:

FW: Douma Residence: 5168 West Point Loma Blvd. JO236671

From: Giovanni Ingolia [mailto:gingolia@hotmail.com]

Sent: Tuesday, April 17, 2012 1:28 PM

To: Teasley, Sandra

Subject: Douma Residence: 5168 West Point Loma Blvd. J0236671

Here are the minutes for the Douma Residence. When is this going to a hearing officer?

This is the third in a series of projects in the same general location, in which the proposed project requests variances regarding F.A.R. and parking variances. The previous projects have been denied by the Board due to noncompliance with existing F.A.R. requirements under the Development Code. Board Member Landry Watson recuses himself in order to avoid any appearance of impropriety and/or conflict of interest.

Project presented: by Elizabeth Young-Architect.

Public Comment: Elizabeth Shayen, 5050 W. Point Loma Blvd. express opinion that the proposed project is "hideous".

Board Comments and Questions:

Tom Gawronski:

Craig Klein: Points out that the proposed project is on a substandard size lot and provides opinion that the legal requirements for a variance not met.

Nancy Taylor: Repeats prior concerns re: the s substandard size lot, Concurs in the opinion that the legal requirements for a variance are not met.

Seth Connelly; Expresses concerns regarding the requests for the granting of variances. Asserts that the net effect of the repeated granting of F.A.R. variances is to increase the intensity of development. Concurs that the legal requirements of a variance are not met.

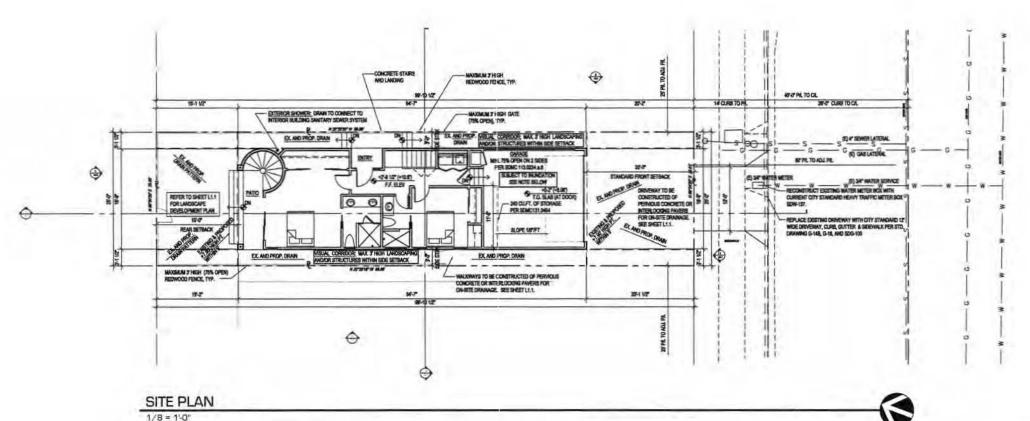
Giovanni Ingolia: Concurs that the legal requirements of a variance are not met.

"Motion by Craig Klein to recommend denial of the project as presented. Seconded by Barbara Schmidtknecht.

Vote held on Motion.

Motion passes: 7-1-1 (Bill Bushe abstaining) (Landry Watson recused)"

Giovanni Ingolia



ENVIRONMENTALLY SENSITIVE LANCS SUPPLEMENTAL FINDINGS AND DEVIATION FINDINGS SITE NOTES CONSERVATION ELEMENT NOTES PROJECT DATA CONSTRUCTION BMP'S STORM WATER COULTY NOTES CONSTRUCTION BIEFS The pright shall comply will all requirements of the other parmit. <u>Collistin Regional White County County Royal, Ser Chays Region, under</u> 45, 1001.05 NOSES NO. COUNTRIES (<u>Indignitives parmits county county from the County County Services</u>). Shall 14 billion regionant by printing many advances for company that ISPN. , Mudanze recycled oekolition wateral from Easting Bullong. IL angolymic with Ean Deco Native Orducht Tolerant, migh Pest Resiliant Plants. Margam Plant Tribbbens IL grans ferocoes). See sheet LLL. IL brans ferocast resolution controll and resolution scheduled per out-porna resolution Management QUESTING DEVATION FROM 149.0110 FROT PLOOR ELEVATION 2 FEET ABOVE SIDE PLOOD ELEVATION. PROJECT INFORMATION DIRECTION OF I SHABAGE, DIRECT TO PLANTING APEAS PER SHEET LL! Stat west Plant LOMA 6E.VC. Son Sings, Ca 92167 445-941-72 VIOLENTALLY SENSITIVE LANCES - SUPPLEMENTAL FINCINGS IS SHANDOMENTALY SERGITHE LANCE - BUPPLEMENTA, FROMES
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SHEET INDEX

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S RESIDENTIAL TANDEM PARKING TRANSIT AREA

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AIRPORT INFLUENCE AREA

FAA PART 77

PROJECT TEAM	TITLE SHEET/SITE PLAN
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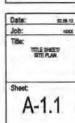
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San Diego, CA 92109 R. 858,488,4164

YOUNG + 0 FRONTIS

RESIDENCE **DOUMA** 5168 WEST POINT LO San Diego Ca 92107

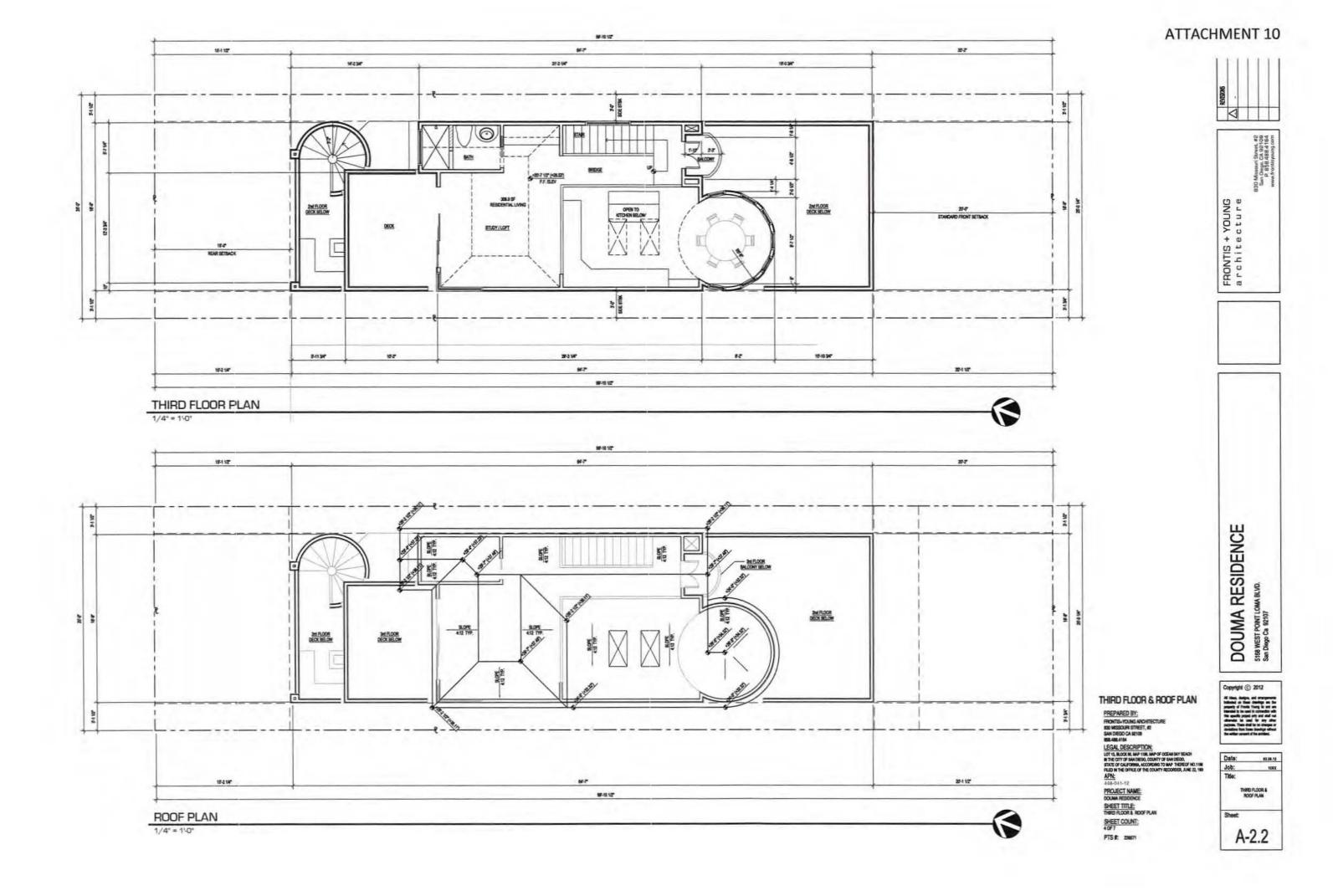
Copyright @ 2012

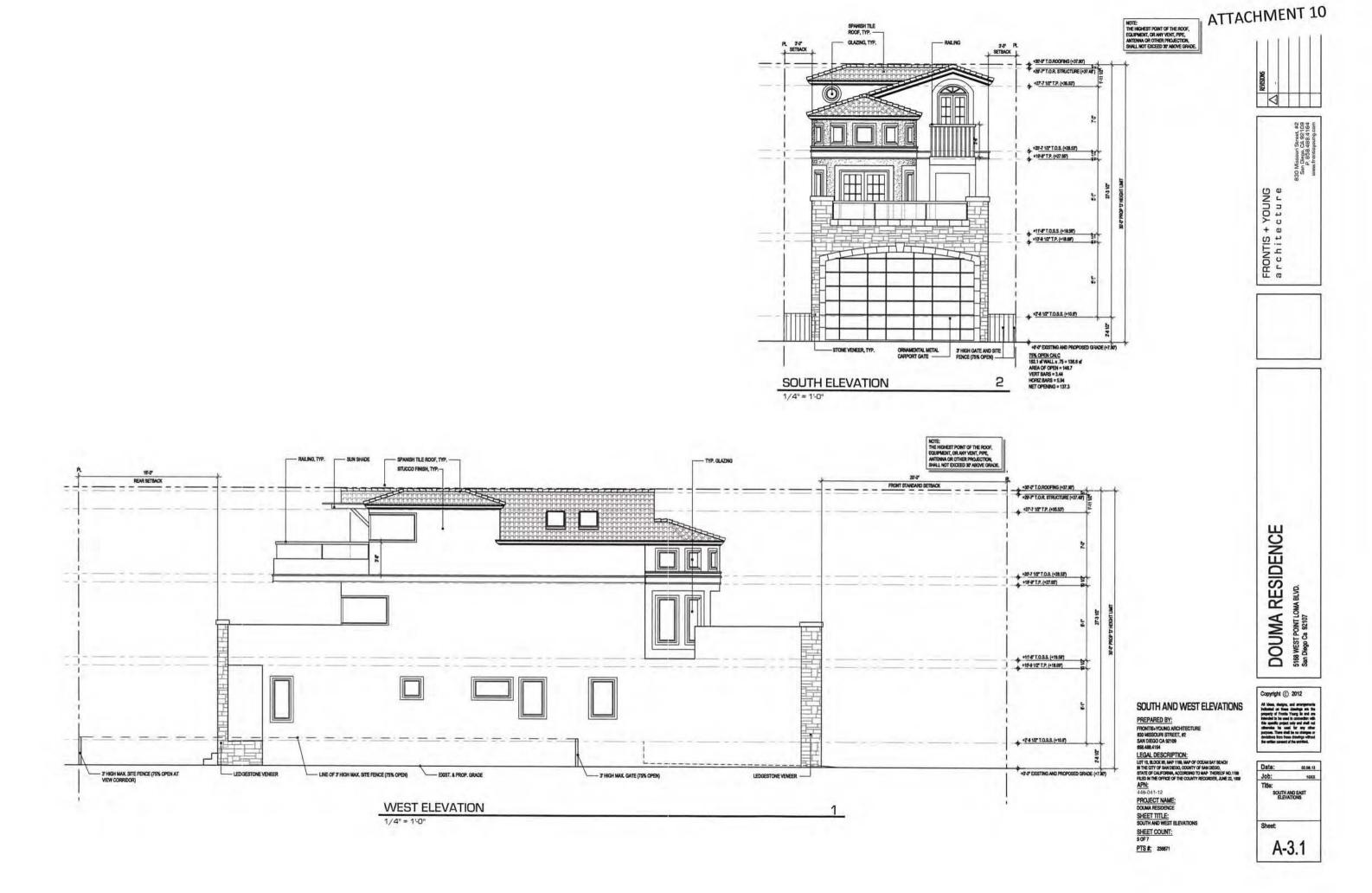


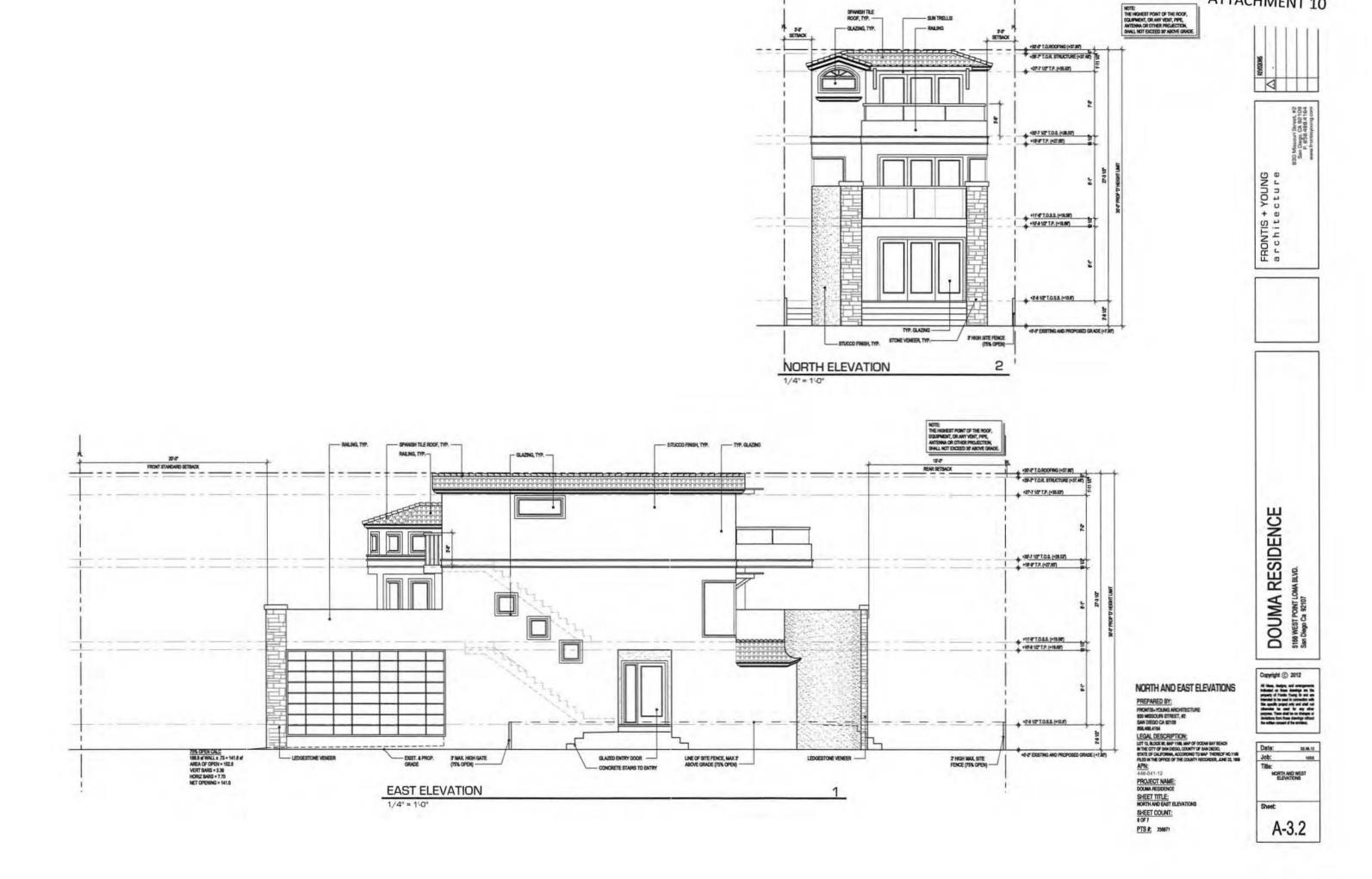
1/4" = 1'0"

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PTS #: 236671







ATTACHMENT 10

