

THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED:	May 19, 2016	REPORT NO. PC-16-043
HEARING DATE:	May 26, 2016	
SUBJECT:	FROUDE RESIDENCE CDP. Process Three Decision	
PROJECT NUMBER:	<u>432731</u>	
OWNER/APPLICANT:	Nvision Capital, LLC/Scot Frontis	

SUMMARY:

<u>Issue</u>: Should the Planning Commission grant or deny an appeal of the Development Services Department decision to approve a Coastal Development Permit to allow the demolition of an existing single family home for the development of two single family homes located at 2257 Froude Street in the Peninsula Community Planning area?

<u>Staff Recommendation</u>: **Deny** the appeal and uphold the Development Services Department decision to **Approve** Costal Development Permit No. 1519392.

<u>Community Planning Group Recommendation</u>: On January 14, 2016 the Peninsula Community Planning Board Project Review Committee voted 2-1-1 to recommend approval of the project (Attachment 7). On January 21, 2016, the Peninsula Community Planning Board voted 9-1-0 to recommend denial of the project (Attachment 8).

<u>Environmental Review</u>: This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on February 17, 2016, and the opportunity to appeal that determination ended March 2, 2016.

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

<u>Housing Impact Statement</u>: The 0.11 acre project site is located at 2257 Froude Street in the RM-1-1 zone of the Peninsula Community Plan (Ocean Beach Highlands Neighborhood) and local Coastal Program Area. The RM-1-1 zoning designation is a multi-family residential zone. The community plan designates the proposed project site for Multi-family Residential allowing up to 15 dwelling units per acre (du/ac). The project site could accommodate two dwelling units based on the underlying zone and up to two dwelling units based on the Peninsula Community Plan. This project is subject to the requirements of the City's

Inclusionary Affordable Housing and the payment of Affordable Housing fees are due at the time of building permit issuance. With the removal of an existing single-family residence within the project's boundaries, the project would result in a net gain of one residential unit within the Peninsula community plan area.

BACKGROUND

This item is an appeal of the Development Services Department's February 17, 2016 decision to approve a Coastal Development Permit to demolish an existing single family home and develop two new 1,814 square-foot, two story single family homes over a1,072 square-foot basement/garage on two legal lots. The existing single story single family residence was constructed in 1922. A review of the existing home/site was conducted by City staff to determine if potential significant historic resources exist on the site. Based on the documentation provided, staff determined that the property does not meet local designation criteria as an individually significant historic resource under any adopted Historic Resource Board Criteria.

Each home will include three bedrooms, 2.5 bathrooms, living room, and kitchen. The homes will contain two car subterranean garages with basement inclusive of a laundry room and additional bathroom. The project proposes a maximum building height of 28 feet consistent with the 30-foot maximum height limit allowed under the Coastal Height Overlay Zone and RM-1-1 zoning requirements. The project is not requesting nor does it require any deviations or variances from the applicable regulations.

As a component of the proposed project, the home will utilize renewable energy technology, self generating at least 50% of the projected total energy consumption on site through photovoltaic technology (solar panels), thus meeting the requirements of Council Policy 900-14, the City Council's Sustainable Building Policy. The photovoltaic system will be located on a portion of the roof. Additional environmental conservation elements for the project include the planting of native drought tolerant landscaping with efficient irrigation technology. Because the project utilizes renewable technologies, it qualifies as a sustainable building, and the land use approvals have been processed through the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.

DISCUSSION

Peninsula Community Planning Board Appeal:

On March 2, 2016, Ms. Julia Quinn, chair of the Peninsula Community Planning Board, submitted an appeal application (Attachment 1). Several items were listed as the basis for the appeal. The following summarizes the appeal issues and responses by staff.

<u>Appeal Issue 1</u>: The appeal indicates that the architectural style, bulk and scale of the proposed structure(s) are not compatible with surrounding development. As proposed, the two, two-story over basement parking structure(s) propose a maximum height of 30-feet and a maximum FAR of 0.75, both metrics not consistent with the predominantly one-story single family residential scale and character of the existing neighborhood.

<u>Staff Response</u>: The project is in conformity and consistent with the Peninsula Community Plan which designates the site for multi-family residential development with an allowed density range of up to 15 dwelling units per acre, and which would allow up to two units on the project site. The Plan indicates that the Ocean Beach Highlands area should continue to provide a mix of single-family and low-density multifamily residential development. Multifamily housing should be encouraged in areas proximate to transit lines, commercial centers and community services. Transit lines, shopping centers and community services are located within two to three blocks from the development. Infilling and densification in higher-density areas should generally be consistent with existing zoning. An objective of the Plan recommends that on-site parking should be underground or located in the rear of buildings and accessed from the rear alley whenever feasible.

The design of this project is contemporary and the context of the neighborhood is eclectic, with no defining style that predominates the area. The project meets the objective of the Peninsula Community Plan by providing housing development and redevelopment in areas proximate to transit lines and provides ownership units, through new construction and rehabilitation of deteriorating structures designed with subterranean parking. The overall building height in the front half from the street is 24'-6" with a roof deck in the back half which is 28'-0" from grade. The front half of the two residences are lower than other two story buildings in the surrounding area. The buildings materials, being primarily stucco and wood siding is similar to other buildings which connects the contextual fabric of the area and reduces a stagnant façade. The main building façade is set back over 26 feet from the property line, which is six feet more than the required front setback. With neighboring residences being set back between 15-20 feet from their property line, as well as being one and two stories in height, this design is an appropriate scale. The roof is also flat in order to reduce the scale. Had the design proposed two level residences with a pitched roof it would have increased the building height to be over 24'-6" in the front half of the building.

Large front decks and openings on the first and second levels allow for a connection and interaction with neighbors and pedestrians walking by. The majority of the structures in the surrounding neighborhood have one car garages above grade. The project proposes garages that are below grade in order to diminish the impact of these large openings which in turn helps to reduce the bulk and mass of the buildings.

<u>Appeal Issue 2:</u> Removal of curb cuts at this location will result in the loss of on-street parking which has been relied on by neighbors for years.

<u>Staff Response</u>: The Peninsula Community Plan cites that the automobile or parking facilities should not be a dominant element of a neighborhood character. On-site parking should be screened or located in areas not highly visible from the street and on-site parking should be underground or located in the rear of buildings and accessed from the rear alley whenever feasible. Currently one curb cut exist for the existing single family home that leads to a single car garage. The project proposes to add off street parking by requiring each of the homes to provide a two car garage for a minimum of four parking spaces which will double the current off street parking quantity. Due to the circumstance of there being no alley to access required off-street parking, access from Froude Street is the only option. The off-street parking access requirement is in compliance with Land Development Code section 142.0560(j)(8)(A), which states, "for properties with no access to an alley there shall be at least one driveway opening permitted per street frontage..."

CONCLUSION:

Staff has determined that the proposed project, a Coastal Development Permit to construct two single family homes, complies with San Diego Municipal Code requirements regulating residential development. Staff has also determined all required findings can be made as the project meets the applicable San Diego Municipal Code regulations and requirements. Staff recommends approval of the project as proposed.

Respectfully submitted,

Elyse Lowe Deputy Director Development Services Department

William Zounes

Development Project Manager Development Services Department

Attachments:

- 1. Appeal Application
- 2. Aerial Photo
- 3. Land Use Plan
- 4. Project Location Map
- 5. Draft Findings
- 6. Draft Permit
- 7. Peninsula Community Planning Board Project Review Committee
- 8. Peninsula Community Planning Board Recommendation
- 9. Notice of Exemption
- 10. Project Plans

		Attachment Appeal Applicatio		
		Page 1 of		
City of San Diego Development Services 1222 First Ave, 3rd Floor	Development Permit/ onmental Determination	FORM DS-3031		
San Diego, CA 92101	Appeal Application			
THE CITY OF SAN DIEGO		August 2015		
In order to assure your appeal application is successfu Information Bulletin 505, "Development Permit	lly accepted and processed, you must read and t s/Environmental Determination Appeal Procedur	understand e".		
1. Type of Appeal: Appeal of the Project Appeal of the Environmental Deter	mination			
2. Appellant: Please check one D Applicant D Officially re-	cognized Planning Committee II "Interested Perso (Per M.C. Sec. 113)			
Name: Peninsula Community Planning Board (PCPB) - Julia Quinn, Ch				
Address: City: PO Box 7994 San Diego	State: Zip Code: Telephone: CA 92167 (619) 820-6043			
3. Project Name:				
Froude Street Residence Coastal Development Permit (CDP) lo 4. Project Information	cated at 2257 Froude Street in RM-1-1 Zone			
Permit/Environmental Determination & Permit/Document No.: 432731	Date of Decision/Determination: City Project M 02/17/16 William Zound	ũ l		
Decision: (Describe the permit/approval decision)	Anno a chuir an an ann an Anna an Anna ann an Anna an A			
DSD staff approved CDP for demolition of existing signle family structure and construction of two new 1,814 sf homes each over a 1,073 sf basement/garage on two legal lots on 0.11 acre site. On 1/21/16, PCPB voted 9/1/0 to recommend project denial because project not consistent with community character, architecturally incompatible, bulk/scale of structures, loss of on-street parking.				
5. Grounds for Appeal: (Please check all that apply)				
 Factual Error Conflict with other matters 	New Information			
Conflict with other matters Findings Not Supported	City-wide Significance (Process Four deci	sions only)		
Description of Grounds for Appeal (Please relate your descrip Chapter 11, Article 2, Division 5 of the San Diego Municipal Code	tion to the allowable reasons for appeal as more fully <u>e</u> . Attach additional sheets if necessary.)	v described in		
The architectural style, buk and scale of the proposed structure(s) are not compatible with surrounding development. As proposed, the two two-story over basement parking structure(s) propose a maximum height of 30-feet and a maximum FAR of 0.75, both metrics not consistent with the predominantly one-story single family residential scale and character of the existing neighborhood.				
The Peninsula Community Plan (1987) addresses building scale	and suggest the following:			
- All new multifamily development should enhance the aesthetic qualtiy and character of the neighborhood in which it is located. Development which is out of scale with the neighborhood in termos of building or site design should be avoided. Design review should be pursued when discretionay review is sought.				
- New development should be consistent with the scale and character of the existing development of the surrounding areas. The fitting in of new development is, in a broad sense a matter of scale. It requires a careful assessment of each building site in terms of the size and texture of its surroundings, and a very conscious attempt to achieve balance and compatibility in design between old and new buildings.				
(See continuation page attached)				
6. Appellant's Signature: I certify under penalty of perjury that the	he foregoing, including all names and addresses, is t	true and correct.		
Signature: Julia Quinn	Date: 2 March 2011	<u> </u>		
Note: Faxed appeals are not accepted. Appeal fees are non-refundable.				
Printed on recycled paper. Visit our web site at <u>www.sandiego.gov/development-services</u> .				

4:

Upon request, this information is available in alternative formats for persons with disabilities. DS-3031 (08-15)

PCPB APPEAL OF FROUDE STREET RESIDENCE COASTAL DEVELOPMENT PERMIT, NO. 432731 Description of Grounds for Appeal: (continuation page)

- Harmony should be promoted in the visual relationships and transitions between new and older buildings. New buildings should be sympathetic to the scale, form and texture of surround development. Where new buildings are larger than existing structures (which is the case for the proposed Froude Street Residence Project), large surfaces should be articulated and textured to reduce their apparent size and to reflect the pattern of the surrounding development. In order to achieve this, multifamily buildings should be designed and evaluated in the context of surrounding development. Plans and elevations should consider adjacent development.
- The roofline of new structures should complement the dominant rooflines of the neighboring buildings. Three-story, "boxlike" in design (flat roofs), should be avoided. An incentive should be offered in the form of a reduced interior yard for three-story structures which observe an additional setback above 20 feet. This would encourage rooflines that would reduce building scale and bulk.
- Taller portions (third stories) of buildings should be set back from the required setbacks. This
 would control building scale by emphasizing one- and two-story facades along street frontages,
 instead of the three-story building proposed.

In these transition zones (existing single family and multi-family zones), lot consolidation, not separation, should be encouraged. Taking an existing 50-foot frontage lot and creating two-25 foot lots is not abiding by this principle.

The centerline of Froude Street delineates the boundary between the Peninsula Community Plan area (east side of Froude Street) and the Ocean Beach Community Plan area (west side of Froude Street). The project is also not compatible with the architectural style, and bulk and scale of development in the adjacent Ocean Beach Planning area. The project was never presented to the Ocean Beach Planning Board for guidance, even though they are directly affected by the development. We understand that the Ocean Beach Community Planning Group never received notification of this project, despite it being adjacent to their planning group boundary. We also understand that surrounding residents who live within 300-feet of the property and within the Ocean Beach Community Plan area also did not receive notification.

At the 1/21/16 PCPB meeting, an Ocean Beach Planning Board representative said their planning board would not have approved the project as currently designed.

Removal of curb cuts at this location will result in loss of on-street parking which has been relied on by neighbors for years.



Attachment 2





Peninsula Land Use Plan

Froude Residence CDP Project No. 432731 2257 Froude Street Attachment 3 Community Plan Land Use Map



Attachment 4 Project Location Map

DEVELOPMENT SERVICES DEPARTMENT RESOLUTION NO. COASTAL DEVELOPMENT PERMIT NO. 1519392 FROUDE RESIDENCE CDP PROJECT NO. 432731

WHEREAS, NVISION CAPITAL, LLC, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish an existing single family home and build two new single family homes (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Coastal Development Permit No. 1519392, on portions of a 0.11-acre site;

WHEREAS, the project site is located at 2257 Froude Street in the RM-1-1 zone of the Peninsula Community Plan;

WHEREAS, the project site is legally described as Lots 4 and 5 on Block 16, Ocean Beach Subdivison in the City of San Diego, County of San Diego, according to Map Thereof No. 1167, filed in the Office of the County Recorder on San Diego County;

WHEREAS, on February 17, 2016, the Development Services Department of the City of San Diego considered Coastal Development Permit No. 1519392 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on February 17, 2016, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) under CEQA Guideline Section 15303 and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

BE IT RESOLVED by the Development Services Department of the City of San Diego as follows:

That the Development Services Department adopts the following written Findings, dated Development Services Department

FINDINGS:

Finding for all Coastal Development Permits (SDMC section 126.0708)

 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 0.11-acre site is located at 2257 Froude Street in the RM-1-1 zone of the Peninsula Community Plan area within the Coastal Overlay Zone (non-appealable area), and the Coastal Height Limit Overlay Zone.

The property is not identified in the City's adopted Local Coastal Program (LCP) Land Use Plan as a public access way. There is no physical access way used by the public on this property or any

Attachment 5 Draft Findings

proposed public access way as identified in the LCP Land Use Plan. The proposed development will not encroach upon any existing physical access way that is legally used by the public or any proposed public access way identified in the Peninsula Local Coastal Program Land Use Plan. The project is completely contained within the private property, and as such, the project would not encroach upon any existing physical access way. The nearest public access to the Pacific Ocean is from the end of Voltaire Street approximately one half mile to the west. 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 by not encroaching into any scenic coastal area or public views as identified in the Local Coastal Program and being within the 30-foot height limit.

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

The subject site does not contain nor is it adjacent to any environmentally sensitive. 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 is in conformity and consistent with the Peninsula Community Plan which designates the site for multi-family residential development with an allowed density range of up to 15 dwelling units per acre, which would allow up to two units on the project site. The Plan indicates that the Ocean Beach Highlands area should continue to provide a mix of single-family and low-density multifamily residential development. Multifamily housing should be encouraged in areas proximate to transit lines, commercial centers and community services. Transit lines, shopping centers and community services are located within blocks from the development. Infilling and densification in higher-density areas should generally be consistent with existing zoning. An objective of the Plan recommends that on-site parking should be underground or located in the rear of buildings and accessed from the rear alley whenever feasible.

The Coastal Development Permit meets the objective of the Peninsula Community Plan by providing housing development and redevelopment in areas proximate to transit lines and provides ownership units, through new construction and rehabilitation of deteriorating structures designed with subterranean parking. The overall building height in the front half from the street is 24'-6" with a roof deck in the back half which is 28'-0" from grade. The front half of the two residences are lower than other two story buildings in the surrounding area. The buildings materials, being primarily stucco and wood siding is similar to other buildings which connects the contextual fabric of the area. Large front decks and openings on the first and second levels allow for a connection and interaction with neighbors and pedestrians walking by. The majority of the structures are typically one car garages in the neighborhood. The garages are below grade in order to diminish the impact of these large openings, this in turn helps to reduce the bulk and mass of the buildings. Further, given the project's location relative to transportation routes and shopping facilities all within a half mile, developments in these areas would increase service convenience and reduce automobile use. Therefore, the proposed development is in conformity with the Peninsula Community Plan and Local Coastal Program and complies with the 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 project site is not located between the First Public Roadway and the Pacific Ocean. The property is located along Froude Avenue and one half mile east of the Pacific Ocean. Therefore, the coastal development is in conformity with the public access and public recreation policies of Chapter 3 and the California Coastal Act.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by Development Services Department, Coastal Development Permit No. 1519392 is hereby GRANTED by the Development Services Department to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Coastal Development Permit No. 1519392, a copy of which is attached hereto and made a part hereof.

William Zounes Development Project Manager Development Services

Adopted on: February 17, 2016

SAP: 24006041

Attachment 6 Draft Permit

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

INTERNAL ORDER NUMBER: 2400731

COASTAL DEVELOPMENT PERMIT NO. 1519392 FROUDE RESIDENCE CDP PROJECT NO. 432731 DEVELOPMENT SERVICES DEPARTMENT

This Coastal Development Permit No. 1519392 is granted by the Development Services Department of the City of San Diego to NVISION CAPITAL, LLC, Owner, and, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0702. The 0.11 -acre site is located at 2257 Froude Street in the RM-1-1 zone of the Peninsula Community Plan. The project site is legally described as: Lots 4 and 5 on block 16, Ocean Beach Subdivison in the City of San Diego, County of San Diego, according to Map Thereof No. 1167, filed in the Office of the County Recorder on San Diego County;

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish an existing single family home and build two new single family homes described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated February 17, 2016, on file in the Development Services Department.

The project shall include:

- a. Demolition of an existing single family structure and the construction of two new 1,814 square-foot homes each over a 1,073 square-foot basement/two car garage on two legal lots .
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;
- d. A roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption in accordance with Council Policy 900-14; and

e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by March 4, 2019.

2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

- a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
- b. The Permit is recorded in the Office of the San Diego County Recorder.

3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and were determinednecessary 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" 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, 10. 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.

AIRPORT REQUIREMENTS:

11. Prior to the issuance of any building permits, the Owner/Permittee shall record an overflight notification with the San Diego County Recorder or alternative method of notification approved by the San Diego County Airport Land Use Commission (ALUC).

12. Prior to the issuance of any building permit, the Owner/Permittee shall provide a copy of the recorded overflight notification, or alternative method of notification satisfactory to the ALUC. A note shall be placed on all building plans indicating that an overflight notification has been recorded

against the property. The note may include the County Recorder's recording number for the overflight notification.

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

ENGINEERING REQUIREMENTS:

14. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the existing curb with City standard curb and gutter, adjacent to the project site, on Froude Street, satisfactory to the City Engineer.

15. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of two City standard driveway, one for each lot on Froude Street, satisfactory to the City Engineer.

16. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the damaged sidewalk with the same scoring pattern City standard sidewalk, satisfactory to the City Engineer.

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

18. 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 Municipal Code, into the construction plans or specifications.

19. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

PLANNING/DESIGN REQUIREMENTS:

20. Owner/Permittee shall maintain a minimum of four off-street parking spaces on the properties 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.

21. 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.

22. Prior to the issuance of building permits, construction documents shall fully illustrate the incorporation of a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption, in accordance with Council Policy 900-14.

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 Development Services Department of the City of San Diego on February 17, 2016.

Attachment 6 Draft Permit

Permit Type/PTS Approval No.: 1519392 Date of Approval: February 17, 2016

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

William Zounes 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.

Owner/Permittee

Ву ____

NVISION CAPITAL, LLC

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

PENINSULA COMMUNITY PLANNING BOARD

Project Review Committee

January 14, 2016 1:30 pm Loma Riviera Clubhouse 3115 Loma Riviera Drive, San Diego

Meeting called to order by chair, Mark Krencik at 1:35pm.

Members present: Paul Webb, Jarvis Ross, Pete Nystrom, Shelly Kilbourn and Mark Krencik.

Parliamentary Items:

- a. **Non Agenda Public Comment:** The chair reported that the applicants for the Action Items #5 & 6 Jones Addition CDP and Grow Second Residence indicated that they would not be present and requested the item be removed from agenda.
- b. Approval of Minutes: No action.

c. New/Old Business:

• Voltaire Apartments SDP, 3626 1/3 Voltaire Street. Presentation of project modifications in response to community board concerns rose when the project came before the board. SDP and NDP (for parking) to construct 11 apartment residential units totaling 22,978 SF on a 0.47 acre site. Presenter: Vesna Mrakovic, Ted Tchang and Terry Strom. The applicant presented a less intense development with fewer units and parking spaces, stepped back building façade along Voltaire Street, richer material palate and indicated private storage spaces located outside the tandem parking space. After a discussion the PRC supported the proposed changes and suggested the applicant review the appearance of the straight line of garage doors.

No action was taken. PRC requested applicant return to PRC upon resubmittal of redesign to DSD. The applicant requested to be added to the next PCPB meeting agenda as informational.

d. Action Items:

1. Clifton CDP/TM, Project No: 419166, 530 Silver Gate Avenue, Zone RS-1-4. Tentative Map and Coastal Development Permit for the subdivision of one existing 2.381 acre (103,739 SF) site into two parcels (68,769SF & 34,970 SF). Coastal (non-appealable) overlay zone. Applicant: Earl Penny & Tim Hoffman. Craig Tilgal an adjacent property owner believed the limited access to the property via Garden Lane required further investigation. The project requires a variance for substandard street frontage. The site is a Designated Historic Resource and without HRB's determination of the scope of the historic components the committee recommended the applicant return to the PRC upon further findings from DSD Historic. No vote was taken.

- 2. La Casita CDP, Project No: 427666, 4245 Del Mar Ave., Zone RS-1-7. Coastal Development Permit for the construction of a 700 SF companion unit to an existing family residence. Coastal (non-appealable) overlay zone. Applicant: Scott Glazebrook. Chair presented project to sub-committee in absence of the applicant. The sub-committee requested the applicant provide updated plans reflecting the response to the city's issues related to parking, setbacks and square footage. No vote was taken.
- **3.** Ferreira CDP, Project No: 430350, 301 San Fernando Street, Zone RS-1-4. Coastal Development Permit to construct 685 SF addition and associated deck to an existing single dwelling unit. Coastal (appealable) overlay zone. Applicant: Derek Berg. The applicant reported the city staff has required the lot consolidation and the issues with required street side yard setbacks have been resolved to the city's satisfaction. The sub-committee expressed concern over the large north facing street mass and suggested adding interest through reveals or offsets. After discussion the PRC recommended approval of the project.

Motion/Second PW/JR to approve. Vote 4-0.

4. Froude Residence CDP, Project No: 432731, 2257 Froude Street, Zone RM-1-1. Coastal Development Permit to demolish an existing single residence and construct two single two-story over basement dwelling units on a 4,618 SF parcel. Coastal (non-appealable) overlay zone. Applicant: Scot Frontis. Several interested neighbors spoke out opposed to increase in density, loss of street parking and overwhelming scale of the proposed project compared to the existing established neighborhood character. After a lengthy discussion the PRC recommended approval of the project.

Motion/Second PN/SK to approve. Vote 2-1-1. Absent PW.

5. Liberty Station Sign Plan NUP, Project No: 451533, Liberty Station, Zone CR-1-1. Neighborhood Use Permit for a comprehensive sign plan for Liberty Station ref. NUP 274911. Coastal (non-appealable) overlay zone. Applicant: Nathan Cadieux. After a brief discussion the PRC recommended approval and support of the LS sign plan.

Motion/Second PN/SK to approve. Vote 3-0-1.

Meeting Adjourned: 3:45

The next Peninsula Community Planning Board meeting will be at 6:30 pm on January 21, 2016, at the Point Loma Hervey Library, 3701 Voltaire Street. Next Project Review Committee meeting will be at 1:30 on Thursday, February 11, 2016. Please visit and use Facebook page: **"Peninsula Community Planning Board"** or contact **Mark Krencik**, chair, at <u>mkrencik@architectmk.com</u> or 619-300-5016.

PENINSULA COMMUNITY PLANNING BOARD MINUTES

3701 Voltaire St., Point Loma Library

Jan. 21, 2015

DRAFT MINUTES

TO BE VOTED ON THURSDAY FEB. 18, 2016

Present: Amanda Behnke, Nicole Burgess, Bruce Coons, David Dick (arrived late), Robert Goldyn, James Hare, Jon Linney, Peter Nystrom, Julia Quinn, Jarvis Ross, Don Sevrens and Paul Webb (departed early).

Absent: Patricia Clark, Mark Krencik, Jay Shumaker

Called to order at 6:32 p.m.

1. Froude Residence CDP, Project 432731, 2257 Froude St., Zone RM-1-1. Coastal Development Permit (CDP) to demolish existing single-family residence and construct a pair of identical two-story over basement dwelling units totaling 3,428 sf on a 4,618 sf parcel. Coastal (non-appealable) overlay zone. Applicant: Scot Frontis.

Note: One side of Froude is within the Peninsula board's district, the other within the Ocean Beach board's district.

Motion to delay Peninsula board vote until after a presentation to Ocean Beach board was made by Sevrens, seconded by Linney. They later withdrew their motion in favor of a motion to recommend denial.

It was reported the Project Review subcommittee voted 2-1-1 in favor of the project after a lengthy debate but members were unsure who voted which way. They said neighbors were opposed to the density and the scale. The lot was described as being on two parcels and being 25 feet wide.

Tom Parry, Froude Street resident: The project is inconsistent with the character of the houses on the street and approaches the height limit. Parking already is a nightmare and proposed curbs would reduce on-street spaces. The neighborhood is against it.

Judy Parry, Froude Street: This will reduce our quality of life. We have about two dozen petition signatures against it just from one block of Froude and an adjoining street.

Attachment 8 Peninsula Community Planning Board Recommendation Page 2 of 2

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Ross: I'm in opposition because it does not conform to the community plan.

Nystrom: Parking in garages and driveways would offset loss of on-street spaces.

Dick: This proposed architecture does not look like O.B.

Goldyn: This proposal maxes out everything including the height and floor area ratio.

Behnke: The design is all hard-scape with two large garages in the front.

Motion to recommend denial by Linney, second by Dick. Motion carried 9-1. Yes: Behnke, Burgess, Coons, Dick, Goldyn, Hare, Linney, Ross, Sevrens. No: Nystrom. Absent: Clark, Krencik, Shumaker Webb (left early).

Dick: He asked Valerie Paz of Ocean Beach Planning Board if this project would have passed an advisory-only vote of her board.

Paz: It would not have passed. It would be like putting a red dot on a wedding dress.

(Check one or both)

TO:

X RECORDER/COUNTY CLERK P.O. BOX 1750, MS A-33 1600 PACIFIC HWY, ROOM 260 SAN DIEGO, CA 92101-2422 FROM: CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT 1222 FIRST AVENUE, MS 501 SAN DIEGO, CA 92101

OFFICE OF PLANNING AND RESEARCH 1400 Tenth Street, Room 121 Sacramento, CA 95814

PROJECT TITLE/ NO.: FROUDE RESIDENCES / 432731

PROJECT LOCATION-SPECIFIC: 2257 Froude Street, San Diego, California 92109

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

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: A COASTAL DEVELOPMENT PERMIT to demolish an existing 1,306-squarefoot single-dwelling residence and shed, and construct two 1,815-square-foot, two-story single-dwelling residences with roof deck, basement, and underground two car garage on separate contiguous lots totaling 4,850-square-feet. Various site improvements would also be constructed that include associated hardscape and landscape. The proposed project would conform to the Council Policy 900-14 criteria by generating 50 percent or more of the projected total energy consumption on site through renewable energy resources (i.e. photovoltaic). The 0.11-acre site project site is located at 2257 Froude Street. The project site is designated Multi-Family Residential (10 - 14 dwelling units per acre) and within the RM-1-1 zone (Residential - Multiple Unit, permits a maximum density of 1 dwelling unit for each 3,000 square feet of lot area). Additionally, the project site is within the Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limitation Overlay Zone, Airport Land Use Compatibility Plan Noise Contours (CNEL) (San Diego International Airport (SDIA), 65 – 70 CNEL), Airport Influence Area (SDIA, Review Area 1), Airport Approach Overlay Zone (SDIA), Federal Aviation Administration (FAA) Part 77 Noticing Area (SDIA – Lindbergh Field, North Island Naval Air Station), Parking Impact Overlay Zone, and Peninsula Community Plan and Local Coastal Program. (LEGAL DESCRIPTION: Lots 4 and 5 in Block 16 of Ocean Beach according to Map No. 1167.)

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Julia Tooma, Nvision Capital LLC, 962 Olive Crest Drive, Encinitas, California 92024, (858) 837-2078

EXEMPT 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: 15303 (NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES)
- () STATUTORY EXEMPTIONS:

REASONS WHY PROJECT IS EXEMPT: The City of San Diego conducted an environmental review which determined the project would not have the potential for causing a significant effect on the environment in that the project is consistent with the community plan and the applicable zone. The project would not result in any significant environmental impacts. The project meets the criteria set forth in CEQA Section 15303 that consists of construction and location of limited numbers of new, small facilities or structures, including the construction of up to three single-family residences in urbanized areas. Furthermore, the exceptions listed in 15300.2 would not apply.

LEAD AGENCY CONTACT PERSON: LINDSEY H. SEBASTIAN

TELEPHONE: 619-236-5993

IF FILED BY APPLICANT:

- 1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.
- 2. HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT? () YES () NO

IT IS HEREBY CERTIFIED THAT THE CITY OF SAN DIEGO HAS DETERMINED THE ABOVE ACTIVITY TO BE EXEMPT FROM CEQA.

SIGNATURE/TITLE

CHECK ONE: (X) SIGNED BY LEAD AGENCY () SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

DATE

February 17, 2016



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Attachment 10 Project Plans Page 2 of 8

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Attachment 10 Project Plans Page 4 of 8

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Attachment 10 Project Plans Page 5 of 8

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