ATTACHMENT - 7

Richard S. Pearson
Appeal Application

City of San Diego
Development Services
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THE CITY OF SAN DIEGO

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Development Permit Appeal Application

See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:
- ☐ Process Two Decision - Appeal to Planning Commission
- ☐ Process Three Decision - Appeal to Planning Commission
- ☐ Process Three Decision - Appeal to Board of Zoning Appeals
- ☐ Appeal of a Hearing Officer Decision to revoke a permit
- ☒ Process Four Decision - Appeal to City Council

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

Richard S. Pearson

Address	City	State	Zip Code	Telephone
817 Oliver Avenue		CA	92109	858-274-7111

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

Pacific Beach Investment Trust

4. Project Information

Permit/Approval Being Appealed & Permit/Approval No.:	Date of Decision:	City Project Manager:
Project # 41256	6/22/06	Jeff Peterson

Decision (describe the permit/approval decision):

CDP; CPD; MND.

5. Reason for Appeal
- ☒ Factual Error
- ☐ Conflict with other matters
- ☒ Findings Not Supported
- ☐ New Information
- ☒ City-wide Significance (Process Four decisions only)

Description of Reasons for Appeal *(Please relate your description to the allowable reasons for appeal noted above. Attach additional sheets if necessary.)*

See Attached

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

Signature _____ Date 6/28/06

Note: Faxed appeals are not accepted.

This information is available in alternative formats for persons with disabilities.
To request this information in alternative format, call (619) 446-5446 or (800) 735-2929 (TT)

4135 Mission Blvd - project information No. 41256
Jeff Peterson 619-446-5237
Marlon Pangilinan 619-235-5293
Gary Geiler 619-446-5366

****DRAFT****

SUMMARY OF SOME OF PROJECT PROBLEMS

1. **INADEQUATE BUFFER on the EAST Property Line**
   - **a.** 5' wide landscape does not have trees on full Length
   - **b.** The tree species specified on the plans are inappropriate
     - i. Create a unlawful encroachment to adjacent property (wide spread)
     - ii. Some of the species attract bees which will cause public safety issues
   - c. The proposed fence/ wall will be ineffective
     - i. Noise- Allow Loud, unnecessary, or unusual noises to emanate beyond the boundaries of the premises
     - ii. Light
     - iii. Vapors
     - **iv.** Crime
   - **d.** The current architectural plans show a wood fence and the older landscape plan show a 6' high masonry wall
2. **PUBLIC SAFETY --** north R.O.W
   - a. 0' SETBACK AND 31' High
   - b. Will create a "mugger alley" with the bike alcove
   - c. Will create a **"Public nuisance"**
3. **FLOODING**
   - a. The structure, the tenant improvements and the vehicles will have recurring flooding events creating damages that the taxpayers will have to pay
   - b. The site floods regularly. Average of 2-3 times a year.
   - c. The alley access will allow flood waters to affect the neighboring properties by increasing flooding.
4. **BULK-SCALE**
   - **a.** Maximum coverage is **60%** and the proposed coverage is approximately **84%**
   - **b.** The structure will be more than 30' high
   - **c.** Does not conform with the Pacific Beach community plan.
5. **LANDSCAPING**
   - a. Does not conform with the Pacific Beach community plan
   - **b.** The required landscape (on the private property) on the site will be potted plants not in the ground
   - c. Above-ground irrigation is planned and is inappropriate
6. **SETBACKS**
   - a. the electrical closet, the trash enclosure and the meter room will encroach with the east setback of 8.7' width
   - b. The 2nd and 3rd levels do not have a 3 foot step back as required the SDMC on the east elevation

c. The Rear yard setback (north) is 0' and 10' is needed

7. **BEACH ACCESS – Oliver avenue**
   a. Will be closed during construction for more than a 6 month?
8. **PARKING**
   a. Allows 65% of area for parking area and the SDMC states 50% max
   b. Substandard parking space width
   c. Substandard aisle width
   d. Inadequate number of parking spaces -72 bedrooms + commercial
   e. Number of Handicap parking spaces
9. **LOADING** - No suitable Loading Area
10. **COMMERCIAL** - Reduced Commercial space
11. **TRANSIT ORIENTED DEVELOPMENT STANDARDS** - Ignored important T.O.D requirements
12. **ENERGY** - Reduced or eliminate **solar access** to adjacent properties.