

PLANNING COMMISSION
RESOLUTION NO. 4227-PC
COASTAL DEVELOPMENT PERMIT NO. 147134
SITE DEVELOPMENT PERMIT NO. 389939
STEBBINS RESIDENCE [MMRP]

WHEREAS, DAVID STEBBINS, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish an existing one-story duplex, and construct a new, three-story single family residence above basement garage (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permits No. 147134 and 389939), on portions of a 0.057-acre site;

WHEREAS, the project site is located at 5166 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;

WHEREAS, the project site is legally described as Lot 14, Block 90 of Ocean Bay Beach Map No. 1189;

WHEREAS, on March 1, 2007, the Planning Commission of the City of San Diego considered Coastal Development Permit No. 147134, and Site Development Permit No. 389939, 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 March 1, 2007.

FINDINGS:

Coastal Development Permit - Section 126.0708

1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

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

impact any public views to or along the ocean or other scenic coastal areas as specified in the Local Coastal Program land use plan.

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

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

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

City staff has reviewed the proposed project for conformity with the Local Coastal Program and has determined it is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the adopted Ocean Beach Precise Plan and Local Coastal Program Land Use Plan which identifies the site for multi-family residential use at 15-25 dwelling units per acre, the project as proposed would be constructed at 17 dwelling units per acre.

The proposed development is to demolish an existing one-story, duplex and construct a new three-story above basement garage. The new structure will be constructed within the 100 Year Floodplain (*Special Flood Hazard Area*), and has a Base Flood Elevation of 9.6 feet mean sea level. The restrictions on development within the floodplain require that the lowest floor, including basement to be elevated at least 2 feet above the base flood elevation in accordance with San Diego Municipal Code (SDMC) section §143.0146(C)(6), while the Federal Emergency Management Agency (FEMA) requires that the finished floor elevation be at one or more feet above the base flood elevation (BFE). This project is requesting a Site Development Permit to allow a deviation to permit development of the residential structure, to be at 7.1 feet below the Base Flood Elevation.

Staff supports the proposed deviation due to the development limitations of the site and the flood-proofing conditions that would be applied to the permit to construct the lower level below

the Base Flood Elevation. The deviation request will not increase the overall structure height, mass, and setbacks.

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

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The proposed development is to demolish an existing one-story, duplex and construct a new three-story above basement garage. The subject property is designated as being between the first public road and the Pacific Ocean within the Coastal Overlay Zone.

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

Site Development Permit - Section 126.0504(a)

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

The proposed development is to demolish an existing one-story, duplex and construct a new three-story above basement garage. The project is within the 100-year floodplain, and is therefore within the Environmentally Sensitive Lands, requiring a Site Development Permit for the deviation to the Special Flood Hazard Area, per the City's Environmentally Sensitive Lands Regulations (SDMC Section 143.0110 Table 143-01A). The project is located in the appealable Coastal Overlay Zone requiring a Coastal Development Permit. The proposed development is located between the shoreline and the first public roadway; therefore views to the ocean shall be preserved. This project is located in the RM-2-4 Zone. The RM-2-4 Zone permits a maximum

density of 1 dwelling unit for each 1,750 square feet of lot area. The project is in conformance with the underlying zoning, and conforms to the required floor area ratio, parking and setbacks. The proposed development will adhere to the required yard area setbacks pursuant to the Land Development Code. A Deed Restriction is a condition of approval to preserve a visual corridor of not less than the side yard setbacks, in accordance with the requirements of San Diego Municipal Code Section 132.0403(b). The building will be under the maximum 30-foot Coastal Height Limit allowed by the zone.

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

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

The proposed development is to demolish an existing one-story, duplex and construct a new 1,749 square-foot, three-story single-family dwelling unit above an 819 square-foot basement garage resulting in a 2,565 square-foot structure, hardscape, landscape on a 2,500 square-foot site. The present units to be demolished may contain asbestos and lead-based paint and it could potentially pose 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. Therefore, special procedures during demolition shall be followed. As a condition of the permit, Notice is to be provided to the Air Pollution Control District prior to demolition. Failure to meet these requirements would result in the issuance of a Notice of Violation.

The permit as conditioned, 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. The permit conditions added, to flood-proof the basement garage to the required height above grade, have been determined necessary to avoid potentially adverse impacts upon the health, safety and general welfare of persons residing in the area. 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 underlain.

Based on the above, human health and public safety impacts due to the demolition of the existing structure on site would be below a level of significant, and a Notice to the SDAPCD is required and would be added as a permit condition. 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 includes the demolition of an existing single-level, 1,250 square-foot duplex residence and construction of a new 1749 square-foot three-level single dwelling unit

with a subterranean parking garage. The project area is mapped within the 100 Year Floodplain (*Special Flood Hazard Area*), and has a Base Flood Elevation of 9.6 feet mean sea level. The restrictions on development within the floodplain require that the lowest floor, including basement to be elevated at least 2 feet above the base flood elevation in accordance with San Diego Municipal Code (SDMC) section §143.0146(C)(6), while the Federal Emergency Management Agency (FEMA) requires that the finished floor elevation be at one or more feet above the base flood elevation (BFE), which would effectively render the ground floor uninhabitable for most properties in this area. In addition, the lot is sub-standard in that it is only 2,500 square feet in area where the minimum lot size allowed by the zone is 6,000 square feet. Additionally, the RM-2-4 zone requires that 25 percent of FAR be utilized for parking, unless the parking is provided underground. Therefore, the project is requesting a deviation to allow development of the residential structure, to be at 7.1 feet below the Base Flood Elevation. All structures subject to inundation shall be flood-proofed, and must be constructed to meet the requirements of the Federal Insurance Administration's Technical Bulletin 3-93.

An approved Site Development Permit would allow the deviation and would be consistent with the Land Development Code. Thus, the proposed project meets the intent, purpose, and goals of the underlying zone, and the Ocean Beach Precise Plan and Local Coastal Program Addendum, and complies to the maximum extent feasible with the regulations of the Land Development Code. Therefore, the proposed development will not adversely affect the applicable land use plan.

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 the 100 year floodplain and is therefore considered environmentally sensitive land, requiring a Site Development Permit for the deviation to the 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. A Mitigated Negative Declaration dated November 2, 2006, has been prepared for this project in accordance with State CEQA guidelines, and a Mitigation, Monitoring and Reporting Program is required for Archaeological Resources to reduce any potential impacts to below a level of significance.

A geotechnical analysis was prepared to address the liquefaction issue. This report concluded that the site is considered suitable for the proposed development provided the conditions in the Geotechnical Investigation Report are implemented. Therefore, the site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

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, developed lot. The majority of the site is relatively flat at 8 feet above MSL across an approximately 25 foot x 100 foot lot. The proposed development surrounded by existing residential development, within a seismically active region of California, and therefore, the potential exists for geologic hazards, such as earthquakes and ground failure. Proper engineering design of the new structures would minimize potential for geologic impacts from regional hazards.

On site grading would occur for excavation of the building foundation and basement. The subterranean garage, which would have a depth of 6 feet below existing grades, would be at least two feet below the high groundwater table. However, the subject site is no greater danger from flooding than the adjacent, already developed sites and the proposed design mitigates potential flood related damage to the principal residential structure by raising the required living space floor area above the flood line per FEMA requirements, and flood-proof all structures subject to inundation in accordance with Technical Bulletin 3-93 of the Federal Insurance Administration. Therefore, the proposed development will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

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

The project site is within the 100 year floodplain and is therefore considered environmentally sensitive land. However, the previous site grading and construction of the existing duplex have completely disturbed the site. The property is relatively flat with an elevation of 8 feet above mean sea level and does not include any sensitive topographical or biological resources. The site is neither within nor adjacent to Multi-Habitat Planning Area (MHPA) lands. A Mitigated Negative Declaration dated November 2, 2006, has been prepared for this project in accordance with State CEQA guidelines, and a Mitigation, Monitoring and Reporting Program is required for Archaeological Resources to reduce any potential impacts to below a level of significance. Thus, with the implementation of the conditions in the Geotechnical Investigation the proposed project should not adversely affect environmentally sensitive lands.

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 supply; and

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 a subterranean parking garage. An environmental analysis was performed and Mitigated Negative Declaration (MND) No. 51076 was prepared, which would mitigate potentially significant archaeological resource impacts to below a level of significance. The MND also discusses the location of the project being within the 100-year floodplain of the San Diego River according to the Federal Emergency Management Agency (FEMA) map. The permit and MMRP prepared for this project include conditions, environmental mitigation measures, and exhibits of approval relevant to achieving compliance with the applicable regulations of the Municipal Code in effect for this project. These conditions have been determined necessary to avoid potentially adverse impacts upon the health, safety and general welfare of persons residing or working in the area. These conditions include 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. Therefore, 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.

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; and

The project area is mapped within the 100-year floodplain and the restrictions on development within the floodplain require that the first floor be 2 feet above the base flood elevation. The sub-standard lot of 2,500 square feet is less than 42% of the minimum area required for a legal lot in the RM-2-4 zone. These conditions and the fact that 25 percent of the 0.70 floor area ratio (FAR) allowed by the zone is required to be used for parking, unless the parking is provided underground, led the applicant to provide an underground garage that will be flood proofed according to the requirements of the Federal Emergency Management Agency (FEMA) in order to avoid having part of the ground floor level devoted to parking, which, in turn, would have drastically reduced habitable space. The project proposal includes a modest increase in square footage from 1,250 to 1,749 and to allow for development to be below the base flood elevation. Raising the finished floor elevation two feet above the BFE will not change the situation with

regard to any adverse effects. The property is protected by a levee from floods that may come from the San Diego River. Any flooding would be of a low velocity and shallow and more likely from run off from the hill above Ocean Beach than from the river or the ocean.

Building the structure below the BFE or two-feet above, will not have implications to environmentally sensitive lands, therefore there are no feasible measures that can further minimize the potential adverse affects on environmentally sensitive lands.

2. The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land, not of the applicant's making

The proposed development is taking place within the 100 Year Floodplain (*Special Flood Hazard Area*), and the proposed new development is not in conformance with SDMC section §143.0146(C)(6) which requires a development within a *Special Flood Hazard Area* to have the lowest floor, including basement, elevated at least 2 feet above the base flood elevation. The Federal Emergency Management Agency (FEMA) requires that the finished floor elevation be at one or more feet above the base flood elevation (BFE). This project is requesting a deviation to allow development of the residential structure, to be at 7.1 feet below the Base Flood Elevation. The subterranean garage, which would have a depth of 6 feet below existing grades, would be at least two feet below the high groundwater table. However, all structures subject to inundation shall be flood-proofed and meet the requirements of the Federal Insurance Administration's Technical Bulletin 3-93. The proposed basement parking area is the minimum necessary to exclude the parking from the FAR, to allow for a reasonably sized residence on this sub-standard lot. In addition, the applicant states that there is hydrological evidence that flooding if any that may occur in a 100 years flood event would be minor and easily handled by the proposed flood proofing. The property is protected by a levee from floods that may come from the San Diego River. Flooding in this area would be due to lack of capacity of the storm water system. Flooding in a 100 year event in this area is very low velocity (ponding only) does not come from the river or the beach as is commonly believed but from run off from the streets on the hill above ocean beach. Additionally, there is evidence that recent and significant storm water repairs in this area should significantly reduce the already low risk. The proposed BFE will not have an adverse effect on environmentally sensitive lands and provide the minimum necessary to afford relief from special circumstances or conditions of the land.

Supplemental Findings, Environmentally Sensitive Lands Deviation from Federal 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;

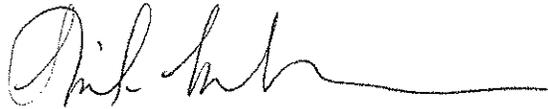
The proposed development including the flood-proofed basement garage is taking place within the 100 Year Floodplain and not within the Floodway. Therefore, this finding is not applicable to the subject project.

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 1,749 square-foot, three-story single-family dwelling unit above an 819 square-foot basement garage. The permit as conditioned, shall flood-proof all structures subject to inundation. The owner shall bear all costs of flood-proofing, and there will be no expense to the city.

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 its contents. Lessening that requirement does not result in additional threats to public safety, extraordinary public expense, or create a public nuisance.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Coastal Development Permit No. 147134 and Site Development Permit No. 389939 are hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 147134/389939, a copy of which is attached hereto and made a part hereof.



LAILA ISKANDAR
Development Project Manager
Development Services

Adopted on: March 1, 2007

Job Order No. 42-3454

cc: Legislative Recorder, Planning Department