

Argument against Anti-Variance Language in OB Community Plan

The placement of language in the Ob Community plan which would place a blanket restriction on variances in the rm2-4 zone is against the community interest should be rejected because this language is targeted at a specific block in Ocean Beach (5100 block of west point Loma). It is contrary to public policy since it would discourage the development of challenging parcels it and is likely illegal since it would unfairly and unequally remove or limit a process that is already established for all other parcels by law.

No findings have been discussed, published or made to justify insertion of such language nor has any rationale been given by any staff member or community member as to why such a provision is needed. The language and effect of the provision is unheard of, inappropriate and seems to have appeared out of thin air.

There is a perfectly valid variance process in place that is well established; it should remain in place unchanged in ocean beach so that its provisions may be applied equally to all. Although the draft language has been in the works for years, until VERY recently, there was no reference to variances at all. This changed when mayor Filner was contacted by one citizen and magically staff was directed to sneak this language in.

HISTORY AND ANALYSIS

The proposed language change to the variance does not apply to all of ocean beach; it was conceived as a last ditch effort to freeze development of one block. Even the language is misleading since no variances have ever been granted for "additional" square footage as the language implies; Rather, the variances that have been granted on the 5100 block of West Point Loma Blvd by removing the parking penalty to FAR since the lots are so small there is no other way to effectively build a single family house.

The proposed language cited above was created only after 3 individuals who claim to represent the community lost their bid to prevent the building of a new house on the 5100 block of West Point Loma.

The city council and the planning commission and the coastal commission have approved these variances for the highly challenged parcels on this block on 4 separate occasions by virtually unanimous votes or directives. Nevertheless, these few disgruntled individuals seek to do an end run around well thought out and vetted planning procedures by placing what amounts to a moratorium on construction on this block by caveat.

There is no evidence of any community interest in such a restriction. In fact, at every hearing on the subject the opponents of construction on the block have been outnumbered between 5 or 6 to one. There have been no demonstrations nor petitions nor ANY indication that anyone in the community objects to development on the block (let alone cares) except a tiny cadre of individuals who purport to have the only legitimate view of the subject. On the contrary, the sentiment from ALL the property owners on this block has been unanimous IN FAVOR of continued development.

Still, through a concerted effort and apparent lobbying of former mayor Filner, we have this last minute change which is both unwise, and which will unquestionably be challenged in court.

It is important to understand that this issue would never have arisen except that the city council had

mixed feelings regarding underground parking on the block. This is because there is a minor flood zone. Even though the original Stebbins residence was approved by an enthusiastic and unanimous vote of the planning commission with underground parking (eliminating the need for a variance),

However, city attorney Mike Aguirre mysteriously chimed in with a dubious legal opinion that flew in the face of the favorable opinion given the underground parking plan by both the city engineer and FEMA; subsequently, the variance solution was proposed by Kevin Falconer and then voted on and accepted by the very people who now oppose it!

Absent a variance process, this block will remain a dilapidated obsolescent group of boxy duplexes that councilwoman Fry thought were " trailer homes"

It should also be noted that the flood zone exists ONLY because the city has not properly engineered the storm drain system and this is what creates a theoretical potential for flooding.

This is ironic since the city now proposes to take away the only remedy available to property owners on this beleaguered block. If the city would correct this problem once again the underground solution would be available.

So, instead of correcting past problems, this language in the plan would single out certain homeowners with very unique parcels and effectively freeze them out of any possibility of meaningful improvement to their properties.

It is an amazing fact and commonly known in the development community and city staff, that the FAR for the area was incorrectly typed into the last code update and should have been 1.0 instead of only .70; If this were corrected the variance issue would be moot, but there does not seem to be any appetite to correct prior mistakes...now the city wants to compound that mistake and effectively freeze development in ocean beach and doom the area to remain an obsolescent hodge-podge of dilapidated beach cottages most of which were constructed in the early 1900's as temporary beach shelters for tourists.

I ask the planning commission and city council to think seriously before endorsing this highly questionable POLITICAL tactic by a tiny minority of self-appointed trouble makers whose true priority is to stop development of any building over two stories.

Respectfully Submitted,

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