

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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W5a

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180th Day: 12/8/2012
Staff: A. Llerandi-SD
Staff Report: 6/20/2012
Hearing Date: 7/11/2012

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-12-031

Applicant: John Micheaels

Agent: Phil Weatherly

Location: 720 Windemere Court, Mission Beach, San Diego, San Diego County (APN # 423-316-22)

Project Description: Demolition of an existing two-story, 1,216 square foot single family home with attached garage and construction of a three-story, 30 foot high, 1,401 square foot single family home with attached 376 square foot two-car garage on an approximately 1,275 square foot lot.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval with conditions. The proposed project is to demolish an existing two-story, 1,216 square foot single family home with attached garage and construct a three-story, 30 foot high, 1,401 square foot single family home with attached 376 square foot two-car garage in its place on 720 Windemere Court. Part of the work would occur between Memorial Day and Labor Day.

The primary issues raised by the proposed development relate to public access and protection of public views. The presence of workers and equipment in such a densely populated, popular beach area could impact public access by occupying public parking

spaces for storage or blocking public right-of-ways to and along the beach. Visual resources could be impacted by blockage of designated view corridors to the ocean by the new home or landscaping.

Recommended conditions to minimize these impacts include requirements to locate storage and staging areas on site and out of the public's right-of-way, to verify and receive written approval that the residence and landscaping are built according to plans that protect view corridors, and having the applicant record appropriate deed restrictions against the property putting these protections in place.

Commission staff recommends **approval** of coastal development permit application 6-12-031 as conditioned.

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EXHIBITS

Exhibit 1 – Project Location

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I. MOTION AND RESOLUTION

The staff recommends the Commission adopt the following resolution:

Motion:

*I move that the Commission **approve** the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

II. STANDARD CONDITIONS.

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. **Final Plans.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval final project plans. Said plans shall first be approved by the City of San Diego and be in substantial conformance with the plans submitted by Phil Weatherly on 6/15/2012.

The applicant shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the

Executive Director. No changes to the plans shall occur without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. **Final Landscape/Yard Area Plans.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval final landscaping and fencing plans approved by the City of San Diego. The plans shall be in substantial conformance with the landscape plans submitted by Phil Weatherly on 6/15/2012, and shall include the following:

- a. A view corridor, 10 feet wide, shall be preserved in the south yard area adjacent to Windemere Court. All proposed landscaping in the south yard area shall be maintained at a height of three feet or lower (including raised planters) to preserve the views from Mission Boulevard toward the ocean.
- b. A written commitment by the applicant that five years from the date of the issuance of the coastal development permit for the residential structure, the applicant will submit for the review and written approval of the Executive Director a landscaping monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies whether the on-site landscaping is in conformance with the landscape plan approved pursuant to this special condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successor in interest, shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

The applicant shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. **Timing of Development.** For any development activity to occur between Memorial Day and Labor Day, the development activity must conform to the storage and staging plans submitted by Phil Weatherly on June 15, 2012.

The applicant shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal

Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. **Deed Restriction.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property subject to the terms and conditions that restrict the use and enjoyment of that property, and (2) imposing the special conditions of this permit as covenants, conditions, and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION.

The proposed project involves demolition of the existing two-story, 1,216 square foot single family residence with attached garage and construction of a three-story, 30 foot high, 1,401 square foot single family home with attached 376 square foot two-car garage on a 1,275 square foot lot at 720 Windemere Court in the Mission Beach neighborhood in the City of San Diego. Part of the work would occur between Memorial Day and Labor Day.

The project site is on the north side of Windemere Court, facing south. In the Mission Beach neighborhood, the public right-of-way of the various courts and places, which are generally east-west running streets, comprise the community's public view corridors. Additionally, the public boardwalk – Ocean Front Walk – which runs north-south along the beach, serves not only as a highly popular public access way, but also serves as a public view corridor along the shoreline. Because the project is located between the first public road and the sea, there is the potential for the project to impact views to the shoreline. The Commission typically reviews projects to ensure that any new development does not encroach into the yard setback areas which could impede public views to and along the ocean.

In this particular project, there is potential for landscaping in the southern front yard area to impede views west towards the ocean. Additionally, demolition and construction activity could impede public access by occupying public parking spaces or blocking public right-of-ways with materials or debris, especially during the period between Memorial Day and Labor Day.

To minimize these potential impacts, Special Condition #2 requires the applicant to submit a landscaping plan requiring all landscape and hardscape in the south front yard area to consist of low-lying materials not exceeding three feet in height. Special Condition #1 requires the applicant to construct the home in substantial conformance with the plans submitted to the Commission and to indicate on the plans where all storage and staging will occur on site.

B. COMMUNITY CHARACTER/VISUAL QUALITY.

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area and will not impact public views, as conditioned. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

C. PUBLIC ACCESS/PARKING.

As conditioned, the proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities. As conditioned, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

D. LOCAL COASTAL PROGRAM.

The subject site is located in an area of original jurisdiction, where the Commission retains permanent permit authority and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the City of San Diego to implement its certified LCP for the Mission Beach community.

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT.

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

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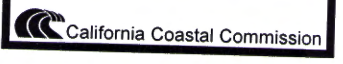
SAN DIEGO CO.



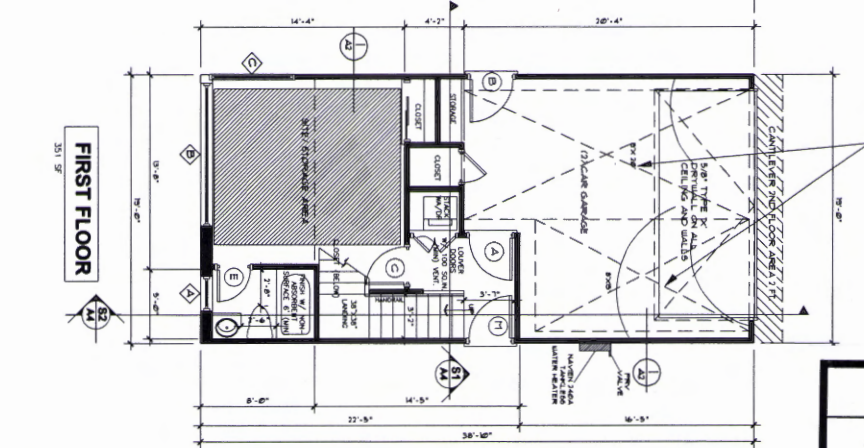
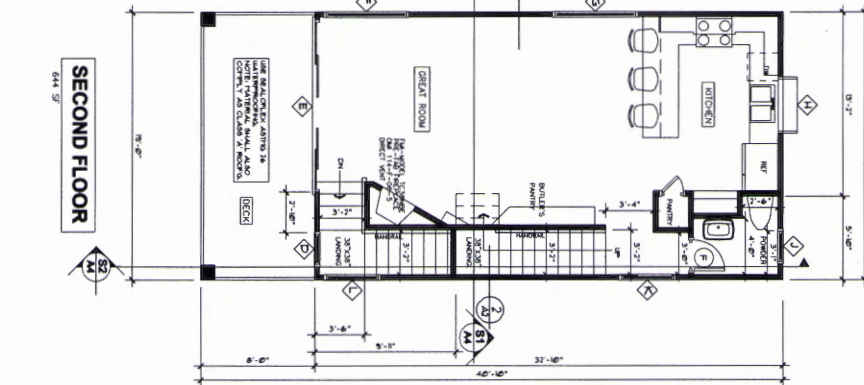
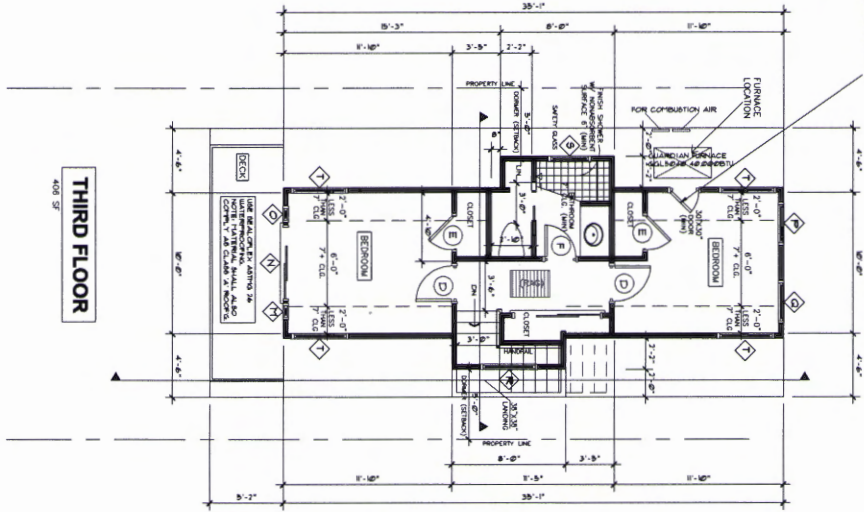
PROJECT SITE

MISSION BEACH

EXHIBIT NO. 1
 APPLICATION NO.
6-12-031
 Location Map



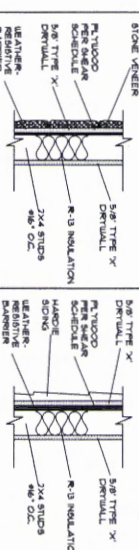
604.1. LOCKING, CENTRAL, MECHANICAL FINISHES AND LOW-PRESSURE... SHALL BE INSTALLED IN ALL ROOMS... SHALL BE INSTALLED IN ALL ROOMS... SHALL BE INSTALLED IN ALL ROOMS... SHALL BE INSTALLED IN ALL ROOMS...



NOTE: CONSTRUCTION DETAILS CONTINGENT UPON... SHALL BE INSTALLED IN ALL ROOMS... SHALL BE INSTALLED IN ALL ROOMS... SHALL BE INSTALLED IN ALL ROOMS...

NOTE: DOORS IN GARAGE AND OTHER... SHALL BE INSTALLED IN ALL ROOMS... SHALL BE INSTALLED IN ALL ROOMS... SHALL BE INSTALLED IN ALL ROOMS...

NOTE: STATE HEALTH AND SAFETY CODE... THE USE OF CALIBRATED... SHALL BE INSTALLED IN ALL ROOMS... SHALL BE INSTALLED IN ALL ROOMS...



NOTE: ALL FIRE-RATED DOORS AND DOOR FRAMES... SHALL BE INSTALLED IN ALL ROOMS... SHALL BE INSTALLED IN ALL ROOMS... SHALL BE INSTALLED IN ALL ROOMS...

PREPARED BY:

SHEET NO.
A2

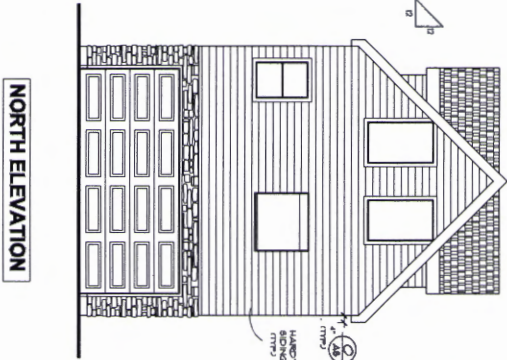


WEATHERLY
760/295-0797

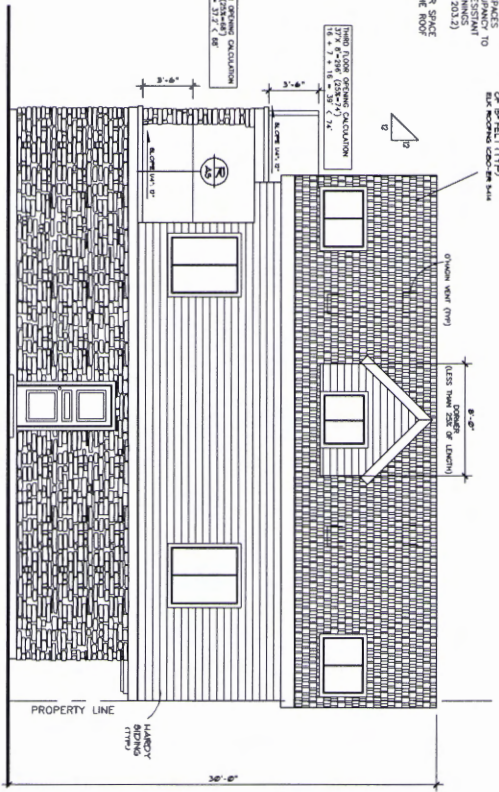
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PROP

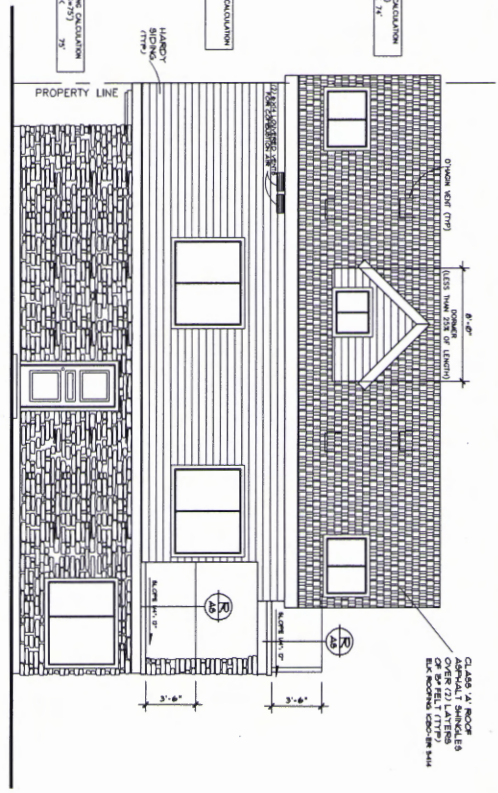
EXHIBIT NO. 3
APPLICATION NO.
6-12-031
Site Plan (2 of 2)



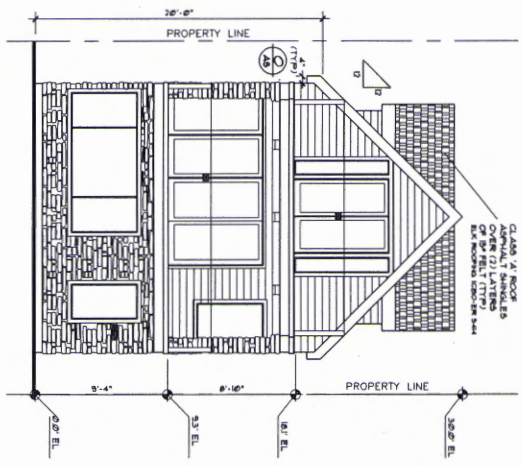
NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION



FRONT ELEVATION

ATTIC VENTILATION

287 S.F. 1/16" x 1/4" x 3/8" S.F.
 5,267 S.F. 1/2" x 1/2" x 1/2" S.F.
 EACH VENT IS 37 1/2" HIGH & 10" WIDE
 SEC. (4) OTHER'S VENT HIGH & LOW

NOTE:
 EXTERIOR GROUNDING INTO ATTIC SPACES TO
 BE COVERED WITH CORROSION-RESISTANT
 MATERIAL HAVING OPENINGS
 SCREENED 1/8" DIA. (SEE 1503.2)
 PROVIDE AT LEAST 1 INCH OF AIR SPACE
 BETWEEN GROUNDING AND THE 1503

CLASS 1 ROOF
 APPROVAL 17 SHAKLES
 OVER 20 LAYERS
 EX. MOISTURE CONTROL SHEET

SECOND FLOOR GROUNDING CALCULATION
 14.4 x 4.17 (24.9) SF
 14.4 x 1.17 (16.8) SF
 41.7 SF

THIRD FLOOR GROUNDING CALCULATION
 14.4 x 4.17 (24.9) SF
 14.4 x 1.17 (16.8) SF
 41.7 SF

FIRST FLOOR GROUNDING CALCULATION
 13.8 x 7.7 (106.2) SF
 13.8 x 2.4 (33.1) SF
 138.7 SF

FIRST FLOOR GROUNDING CALCULATION
 13.8 x 7.7 (106.2) SF
 13.8 x 2.4 (33.1) SF
 138.7 SF

SECOND FLOOR GROUNDING CALCULATION
 14.4 x 4.17 (24.9) SF
 14.4 x 1.17 (16.8) SF
 41.7 SF

THIRD FLOOR GROUNDING CALCULATION
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 APPROVAL 17 SHAKLES
 OVER 20 LAYERS
 EX. MOISTURE CONTROL SHEET

CLASS 1 ROOF
 APPROVAL 17 SHAKLES
 OVER 20 LAYERS
 EX. MOISTURE CONTROL SHEET

PREPARED BY:

SHEET NO.
A3



WEATHERLY
 760/295-0797

1/4" = 1'-0"
SCALE

EL
SF

EXHIBIT NO. 4
APPLICATION NO.
6-12-031
Elevation