

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA  
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Staff: DL-SD  
Staff Report: July 23, 1997  
Hearing Date: August 12-15, 1997

STAFF REPORT: CONSENT CALENDAR

Wed 4d

Application No.: 6-97-76

Applicant: Steve Cairncross

Agent: Dan Linn

Description: Demolition of an existing 6-unit apartment building and construction of 4 condominium units two 3-story buildings approximately 2,986 sq.ft. each with 788 sq.ft. attached garages on a 5,440 sq.ft. lot.

Lot Area	5,440 sq. ft. sq. ft.
Building Coverage	3,124 sq. ft. (58%)
Pavement Coverage	1,966 sq. ft. (36%)
Landscape Coverage	350 sq. ft. (6%)
Parking Spaces	8
Zoning	RS
Plan Designation	Residential (36 du/ac)
Project Density	32 du/ac
Ht abv fin grade	30 feet

Site: 3561-67 Ocean Front Walk, Mission Beach, San Diego, San Diego County. APN 423-611-02.

Substantive File Documents: Certified Mission Beach Precise Plan and Planned District Ordinance; Certified City of San Diego LCP Implementing Ordinances

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STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

The Commission hereby grants a permit for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

## II. Standard Conditions.

See attached page.

## III. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. Proposed is the demolition of an existing 6-unit apartment building and construction of four condominium in two three-story buildings, each approximately 2,986 sq.ft. with attached 788 sq.ft. garages. A total of eight off-street parking spaces will be provided. The 5,440 sq.ft. lot is located east of and adjacent to the boardwalk on Ocean Front Walk in the Mission Beach community of the City of San Diego. No encroachments into the boardwalk right-of-way are proposed with this project.

2. Public Access. Sections 30210 and 30212 of the Coastal Act require that public access to the shoreline and along the coast be maximized and provided in all new development located between the inland extent of any coastal waters and the first coastal roadway. The subject site lies between the ocean and Strandway, the first coastal roadway in this area. However, there is existing improved lateral public access along the oceanfront boardwalk and vertical access at the western ends of Nantasket Court and Nahant Court half a block to the north and south of the subject site.

The side yard of the project is located adjacent to the public boardwalk along Oceanfront Walk. In this location, there is a 12-foot right-of-way easement east of the existing boardwalk. In past projects in Mission Beach which involved the construction of secondary improvements such as planters or privacy walls within the easement, the Commission has been concerned with the potential for the elimination of right-of-way area available for any future expansion of the boardwalk. Therefore, the Commission has approved permits involving encroachment into the right-of-way only if the applicant received an encroachment removal agreement from the City of San Diego (ref. #6-94-155). However, the proposed project does not involve any encroachment of primary or secondary structures within the right-of-way. Thus, no encroachment removal agreement is necessary. The proposed project will not have any impact on the availability of the right-of-way for future expansion of the boardwalk. Therefore, since the proposed duplex will not alter or impede existing public access in the area, the Commission finds the project consistent with all of the pertinent Chapter 3 policies of the Coastal Act regarding public access.

3. Community Character. Section 30251 of the Act calls for the protection of the coastal zone's scenic amenities and requires that new development be visually compatible with the character of the surrounding community. The proposed development is located in a well-established residential neighborhood consisting of apartment units, condominiums and single-family residences of varying heights and architecture. As such, the proposed three-story condominiums will be compatible with the character of the mixed development in this community. Public views will be preserved along the

east-west access corridors, and no view blockages of regional or statewide significance will occur. The Commission therefore finds project approval consistent with Section 30251 of the Act.

4. Local Coastal Planning. Section 30604 (a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The subject site is within an area of original jurisdiction, where the Commission retains permanent permit authority. The site is zoned and designated for residential development at a maximum density of 36 dwelling units per acre. Lots designated as R-S of 2,000 sq.ft. are entitled to a maximum of two dwelling units if such lots are developed separately, as is the case with the proposed project. Therefore, at a density of 32 units per acre, the proposed development is consistent with this designation. The proposal is consistent with the certified Mission Beach Precise Plan and Planned District Ordinance, and all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development will not prejudice the ability of the City of San Diego to implement its certified LCP for the Mission Beach community.

5. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of coastal development permits to be supported by a finding showing the permit to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

As discussed herein, the proposed project will not cause significant adverse impacts to the environment. Specifically, the project has been found consistent with the public access and community character policies of the Coastal Act. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity might have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

#### 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. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. 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.

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**EXHIBIT NO. 3**  
**APPLICATION NO.**  
**6-97-76**  
**Site Plan**  
**Southern Building**  
 **California Coastal Commission**