

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
3111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
(619) 521-8036



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Permit Application No. 6-98-10/DLDate February 18, 1988ADMINISTRATIVE PERMIT

APPLICANT: Luanne Vonderhuhlen

PROJECT DESCRIPTION: Construction of an approximately 204 sq.ft. first-story addition and a new 544 sq.ft. second-story with 202 sq.ft. of decks to an existing approximately 600 sq.ft. one-story single-family residence on a 1,288 sq.ft. lot. The construction has already begun without a coastal development permit.

PROJECT LOCATION: 731 York Court, Mission Beach, San Diego, San Diego County.
APN 423-315-08

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, are discussed on subsequent pages.

NOTE: The Commission's Regulations provide that this permit shall be reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, a permit will not be issued for this permit application. Instead, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

DATE and TIME: March 10, 1998
10:00 a.m., Tuesday

LOCATION: Hyatt Regency - Monterey
One Old Golf Course Road
Monterey, CA

IMPORTANT - Before you may proceed with development, the following must occur:

For this permit to become effective you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgment and evidence of compliance with all special conditions, we will send you an authorization to proceed with development. BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE PERMIT AUTHORIZATION FROM THIS OFFICE.

PETER DOUGLAS
Executive Director

By: Diana Lilly

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.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

Pursuant to Public Resources Code Section 30624, the Executive Director hereby determines that the proposed development, subject to Standard and Special Conditions as attached, is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. Any development located between the nearest public road and the sea is in conformity with the public access and public recreation policies of Chapter 3.

Proposed is the construction of an approximately 204 sq.ft. first-story addition and construction of a new 544 sq.ft. second-story with 202 sq.ft. of decks to an existing approximately 600 sq.ft. one-story single-family residence. The 1,288 sq.ft. lot is located on the south side of York Court in the Mission Beach community of the City of San Diego. The proposed remodel

requires a coastal development permit because it is located within 300 feet of the beach and involves an increase of more than 10% of the existing floor area, and an increase of more than 10% of the existing structure's height. The construction has already begun without a coastal development permit.

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to this violation of the Coastal Act that may have occurred; nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit.

Sections 30210 and 30211 of the Coastal Act require that public access to the shoreline and along the coast be maximized. The subject site lies west of Mission Boulevard, but east of Strandway, the first coastal roadway in this area. There is existing public access along the oceanfront boardwalk approximately 200 feet west of the site, and at east and west court ends near the subject site. The proposed remodel/addition will not block or impede any existing public access.

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 2-story single-family residence will be compatible with the character of the mixed development in this community. Public views will be preserved along existing east-west access corridors, and no public view blockages of regional or statewide significance will occur.

The subject site is within an area of original jurisdiction, where the Commission retains permanent permit authority and the Chapter 3 policies of the Coastal Act are the standard of review, although the certified Mission Beach Planned District Ordinance (PDO) is used as guidance. A member of the public has raised concerns with staff regarding the project's consistency with the PDO due to the absence of a side-yard setback proposed for a portion of the garage. Section 103.0526.6 of the certified PDO requires a 3-foot interior yard setback. However, Section 101.0601 (4) of the City of San Diego Municipal Code allows exceptions to the interior side yard requirements for attached one-story accessory buildings if located within the rear 30% of the lot or back of the front 70 feet of the lot, provided that no portion of such building is used for living or sleeping purposes. Planning staff at the City of San Diego have confirmed that this exception has historically been allowed in Mission Beach, and that the project as proposed is consistent with the certified PDO.

As 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, 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.

SPECIAL CONDITIONS: NONE

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing

(8010R)