

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

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Filed: March 2, 1998  
 49th Day: April 20, 1998  
 180th Day: August 29, 1998  
 Staff: DL-SD  
 Staff Report: April 22, 1998  
 Hearing Date: May 12-15, 1998

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-98-26

Applicant: Fred A. White

Agent: Dan Linn

Description: Demolition of an existing single-family residence and construction of a 3-story, 3,774 sq.ft. duplex with 360 sq.ft. of decks on a 2,720 sq.ft. lot.

Lot Area	2,720 sq. ft.
Building Coverage	1,562 sq. ft. (57%)
Pavement Coverage	983 sq. ft. (36%)
Landscape Coverage	175 sq. ft. ( 7%)
Parking Spaces	4
Zoning	RS
Plan Designation	Residential (36 du/ac)
Project Density	33 du/ac
Ht abv fin grade	30 feet

Site: 2777-2779 Ocean Front Walk, Mission Beach, San Diego, San Diego County. APN 423-723-15.

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

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, 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.

### III. Special Conditions.

The permit is subject to the following conditions:

1. Future Development. The subject permit is only for the development described in coastal development permit #6-98-26. Prior to undertaking any future development in the right-of-way easement, including but not limited to, patios, landscaping, fences, or additions to the approved structure, the permittee shall contact the Executive Director of the Coastal Commission (through the San Diego District office) for a determination as to whether the development requires an amendment to this coastal development permit or is exempt under Coastal Act section 30610 and the implementing regulations. Future development in the right-of-way easement would also require an encroachment removal agreement from the City of San Diego.

### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. Proposed is the demolition of an existing single-family residence and construction of a three-story 3,774 sq.ft. duplex with 360 sq.ft. of attached decks. A total of four off-street parking spaces will be provided. The 2,720 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 Capistrano Place and Brighton Court half a block to the north and south of the subject site.

The western side yard of the project is located adjacent to the public boardwalk which is Ocean Front Walk. In this location, there is a 12-foot right-of-way easement inland of the existing boardwalk on the subject site. 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 ability to remove encroachments within the right-of-way area should the area be required 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). This agreement requires the property owner to remove or relocate the encroachment with 30 days after notice by the City. 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. City of San Diego staff has indicated that encroachments into the boardwalk right-of-way for patios and walls are no longer typically permitted. As proposed, the proposed project will not have any impact on the availability of the right-of-way for future expansion of the boardwalk. Special Condition #1 notifies the applicant that the Coastal Commission should be contacted for any future development proposed within the right-of-way to determine whether a coastal development permit is required in order to ensure that future improvements will not adversely impact public access. Additionally, such development would require an encroachment removal agreement from the City of San Diego. Therefore, since as conditioned, the proposed duplex will not alter or impede existing or future 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 condominium building is consistent with the height limit established in the Planned District Ordinance and 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 (R-S) at a maximum density of 36 dwelling units per acre, or 1 dwelling unit per 1,200 sq.ft. of lot area. The subject site is a 2,720 sq.ft. lot proposed to be developed at a density of 33 units per acre, 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, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the public access policies of the Coastal Act. Mitigation measures, including a condition addressing future development on the site, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may 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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