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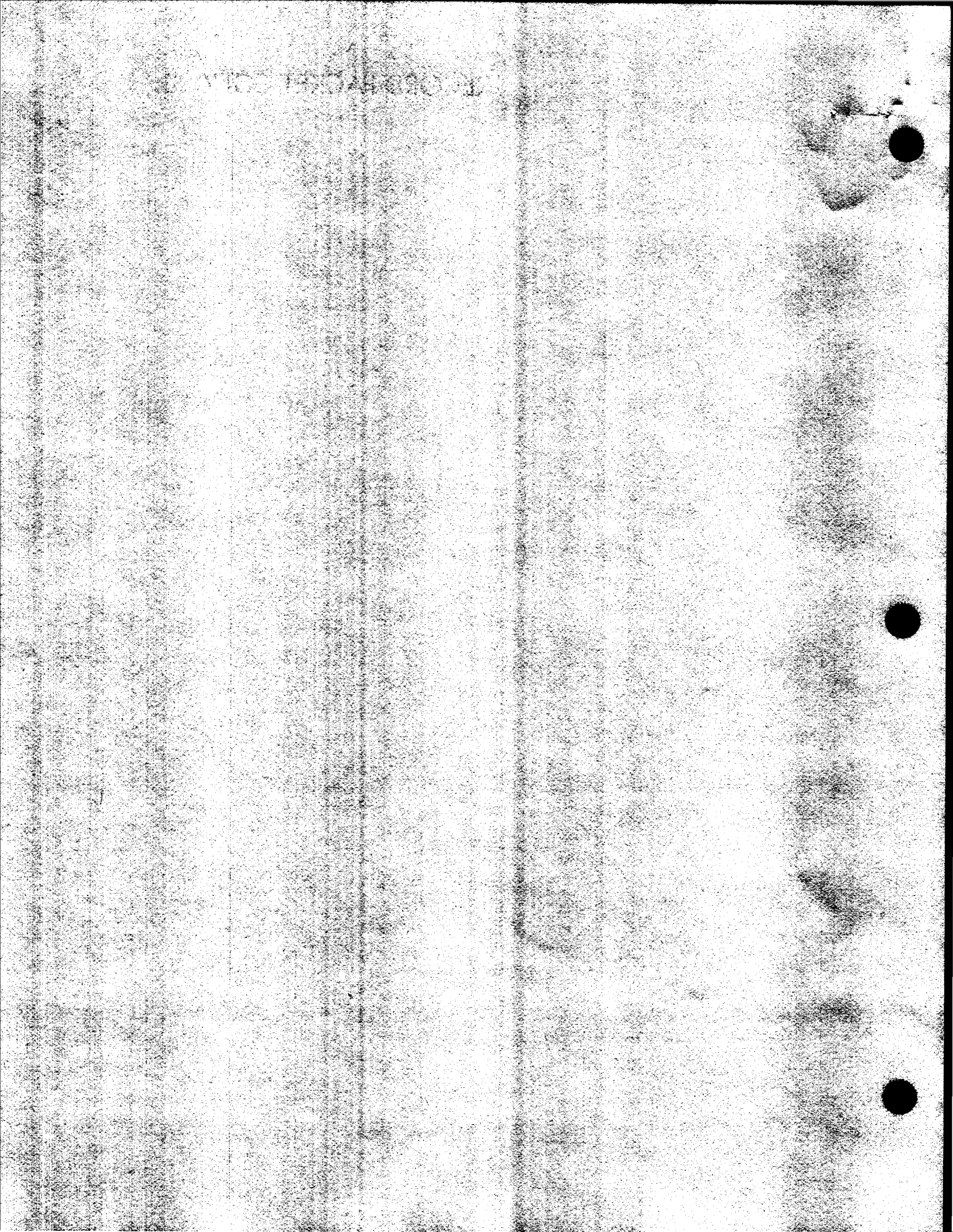
Fri 4a

San Diego Coast District

CONSENT CALENDAR

Friday, October 12, 2001

6-01-097



CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
 7575 METROPOLITAN DRIVE, SUITE 103
 SAN DIEGO, CA 92108-4402
 619-237-2370



Fri 4a

Filed: 6/26/01
 49th Day: 8/14/01
 180th Day: 12/24/01
 Staff: DS-SD
 Staff Report: 9/12/01
 Hearing Date: 10/9-12/01

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-01-097

Applicant: Thomas F. Puckett

Description: Demolish existing duplex and construct new 3,385 sq. ft. single-family residence on a 2,714 sq. ft. lot.

Lot Area	2,714 sq. ft.
Building Coverage	1,484 sq. ft. (55%)
Pavement Coverage	1,060 sq. ft. (39%)
Landscape Coverage	170 sq. ft. (6 %)
Parking Spaces	3
Zoning	RS
Plan Designation	Residential
Ht abv fin grade	30 feet

Site: 2738/2740 Strandway, Mission Beach, San Diego, San Diego County
 APN: 423-724-10

Substantive File Documents: Certified Mission Beach Precise Plan & Planned District Ordinances; certified City of San Diego LCP Implementing ordinances;
 CDP # 6-99-090, 6-99-146.

I. STAFF RECOMMENDATION:

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 RECOMMENDATION TO ADOPT CONSENT CALENDAR:

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.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Encroachment Removal Agreement. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit evidence, for review and written approval of the Executive Director, that an Encroachment Removal Agreement from the City of San Diego for any existing or proposed improvements in the public right-of-way of Ocean Front Walk has been obtained or that no such agreement is necessary.

2. Future Development. The subject permit is only for the development described in coastal development permit #6-01-97. Prior to undertaking any future development in the right-of-way easement, including, but not limited to, patios, landscaping or fences, the permittee shall contact the Executive Director of the Coastal Commission (through the San Diego office) for a determination as to whether the development requires an amendment to this coastal development permit or whether it is exempt under Coastal Act section 30610 and the implementing regulations. Future development in the right-of-way easement would require an encroachment removal agreement from the City of San Diego.

3. Timing of Construction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a final construction schedule, which shall be incorporated into construction bid documents. The schedule and construction documents shall specify that no construction will take place between Memorial Day weekend and Labor Day of any year. Notes on the schedule and documents shall state that Oceanfront walk shall not be used for staging or storage of equipment or supplies and that access corridors shall be located in a manner that has the least impact on public access via the maintenance of existing public parking areas and traffic flow on coastal access routes (no street closures or use of public parking may be used for the storage of equipment or materials).

4. Import Materials. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall identify the location from which the

import material will be obtained. If the site is located within the coastal zone, a separate coastal development permit or permit amendment shall first be obtained from the Coastal Commission or its successors in interest.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The applicant is proposing to demolish an existing duplex and construct a new 30-ft. high, three-story, 2,881 sq. ft single family residence on a 2,714 sq. ft lot. The proposal also includes 1,060 sq. ft of paved area, including three new parking spaces, and 170 sq. ft. of landscaping. As well, the plan entails importing 35 cu. yds of sand to raise the side-yard walkways three feet above the standard grade. Special condition #4 requires that the import site be identified and that if it is within the coastal zone, it will require review by the Commission.

The subject site is located on Ocean Front Walk (the public boardwalk), between Balboa Ct. to the north and Avalon Ct. to the south, and abuts South Mission Beach Park due west, in the City of San Diego. Mission Boulevard, a major coastal access route in the area, is located one block to the east.

2. Public Access/Recreation. 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 is located between the sea and Strandway, the first coastal roadway in this area. Vertical access exists one lot north of the subject site at Balboa Court, and 2 lots to the south at Avalon Court.

Ocean Front Walk is an improved concrete boardwalk that is heavily used by the public (pedestrians, bicyclists, skaters, runners, etc.) and typically runs in a north/south direction along the western limits of oceanfront development in Mission Beach. Starting in the area of the subject development, at Balboa Court, the improved boardwalk narrows to a single lane path that extends south through the remaining sections of South Mission Beach Park. Ocean Front Walk in this location may eventually be widened to accommodate two lanes of recreational traffic.

Many of the existing residential developments abutting the improved public boardwalk contain accessory improvements such as planters, patios, decks, walls or fences, which encroach into the public right-of way adjacent to the boardwalk. When such is the case, the City has typically required the property owner obtain an Encroachment Removal Agreement for such improvements.

In reviewing new development adjacent to the boardwalk, 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 numerous

permits for new development along Ocean Front Walk in the past only with the finding that the development would not impact public access because either: 1) no improvements in the easement were proposed, or 2) an encroachment removal agreement was obtained from the City (#6-99-90; #6-98-26; #6-97-76; #6-94-138; #6-94-115; #6-91-214; #6-91-89; #6-89-343).

The City recently obtained approval for commencing with the removal of encroachments in a portion of the public right-of-way (Ocean Front Walk) for the North Mission Beach area under CDP #6-99-90 which was approved in August 1999. That project affected five blocks north of Ventura Place in the vicinity of Belmont Park, which generally separates North Mission Beach from South Mission Beach. The subject project is located in South Mission Beach. Presently, there are private accessory uses within the public right-of-way adjacent to the boardwalk which consists of a concrete/brick patio that extends in a westerly direction from the existing residential units on the site to an existing concrete "privacy wall" that runs parallel to the inland extent of the boardwalk. There is a similar wall on all of the properties fronting on the boardwalk that function as a privacy wall between the inland extent of the improved boardwalk and the private accessory improvements in the public right-of-way seaward of the residences. However, with the proposed development, all the improvements within the public right-of-way on the subject site will be removed.

Typically, the Commission has been concerned with the potential for elimination of right-of-way area available for any future expansion of the public boardwalk. In the case of the proposed development, the site plan indicates that there would be no private accessory improvements that encroach into the public right-of-way, the 12-foot wide area between the house and boardwalk. This area will be left unimproved.

However, should improvement of Ocean Front Walk be considered appropriate in the future in this location, the Commission wants to be sure any proposed private encroachments are addressed. As such, Special Conditions #1 requires that the applicant submit evidence that no encroachment removal agreement from the City of San Diego is necessary for the proposed development. Special condition #2 puts the applicant on notice that if any accessory improvements are contemplated in the future, a new coastal development permit or permit amendment would be necessary. With these conditions, the proposed development will not alter or impede existing public access in the area, consistent with all of the pertinent Chapter 3 policies of the Coastal Act regarding public access.

In addition, because the site is used so heavily, particularly in the summer months, construction activity that impedes use of the boardwalk would have a significant adverse impact on public access and recreation. Therefore, the Commission typically restricts work on public recreational areas to outside the summer season, to avoiding impacts to the public during the time of highest demand for recreation and public beach access. Therefore, Special Condition #3 requires notes on the construction bid documents notifying the contractor that no work may occur during the summer peak season between

Memorial Weekend and Labor Day. In addition, the condition further requires that access corridors and staging areas shall be located in a manner that has the least impact on public access and public parking spaces (no use of parking, no closure of streets). With these conditions, the proposed development will not alter or impede existing public access in the area, consistent with all of the pertinent Chapter 3 policies of the Coastal Act regarding public access.

3. Visual Resources/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 residential construction 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 view blockages of regional or statewide significance should occur. The Commission therefore finds the proposed project 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.

While the City of San Diego has a certified LCP, 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 density of 36 dwelling units per acre, or 1 dwelling per 1,200 sq.ft. of lot area, in the Mission Beach Planned District Ordinance (PDO). The proposed development, consisting of a single-family residence, is consistent with this designation. The Mission Beach PDO requires 1.5 parking spaces per unit for residences in this zone. The proposed project includes 3 standard parking spaces, as well as a 7.5' x 29' "guest parking space" parallel to Strandway, between the garage and alley. These spaces will sufficiently provide parking for the site.

The project can be found consistent with the certified Mission Beach Precise Plan and Planned District Ordinance, and all applicable Chapter 3 policies of the Coastal Act. Therefore, approval of the proposed development, as conditioned, will not prejudice the ability of the City of San Diego to implement its certified LCP for the Mission Beach community.

5. 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

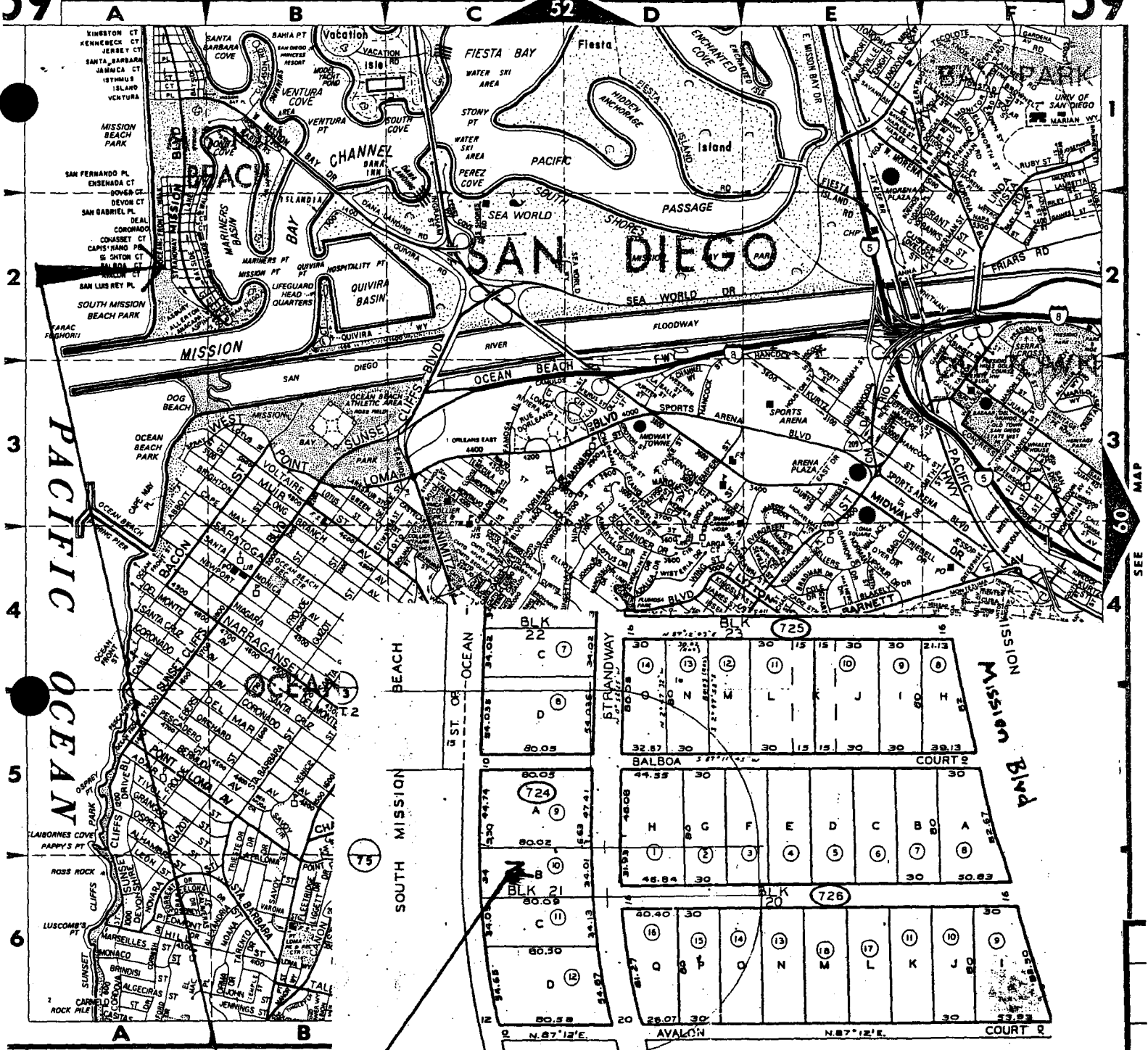
Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the public access policies of the Coastal Act. Mitigation measures, including conditions requiring submittal of an encroachment removal agreement from the City of San Diego prior to issuance of the coastal development permit, siting of accessory improvements in the public right-of-way that are easily removed in the future, and a condition addressing timing of construction 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 that 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.

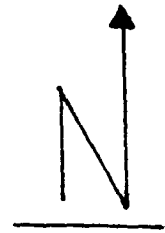
STANDARD CONDITIONS:

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. 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.

SEE MAP 52



Site



74
SHT 1

MAP 1809 (65) - MISS

EXHIBIT NO. 1
APPLICATION NO.
6-01-97
Location Map
California Coastal Commission

