

Mon 3a-c

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San Diego Coast District

ADMINISTRATIVE CALENDAR

Monday, January 7, 2001

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CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



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Permit Application No. 6-01-155
Date 12/19/01

ADMINISTRATIVE PERMIT**Mon 3a**

Applicant: Christine Antonelli & Joseph Crocamo

Agent: Don Veen

Project Description: Demolition of existing 1,043 sq. ft. single-family residence and construction of new 1,932 sq. ft. 2-story plus basement single-family residence with lap pool and spa, on a 4,004 sq. ft. site.

Project Location: 212 N. Sierra Ave, Solana Beach, San Diego County.
APN # 263-332-29.

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:

Monday, January 7, 2002
10:00 AM
Agenda Item 3.a

Location:

Westin Hotel-LAX
5400 West Century Blvd.
Los Angeles, Ca 90045
(310) 216-5858

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: Daniel Stake

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. 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.

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.

The applicants propose to demolish an existing one-level 1,043 sq. ft. single-family residence and construct a new 24 foot high 1,932 sq. ft. 2-level single family home, with a basement, on a 4,004 sq. ft. site. The proposal also involves the construction of a 10' x 50' lap pool and spa. The project entails approximately 425 cubic yards of grade cut. The applicants have identified a site outside of the coastal zone, on Via Alba in Rancho Santa Fe, as the disposal location for the excess graded materials. The project site is located at 212 N. Sierra Avenue, one block west of Pacific Coast Highway, 2 blocks east of the Pacific Ocean, in the City of Solana Beach.

Section 30250(a) of the Coastal Act requires that new residential development be located where adequate public services are available and where it will not have significant adverse impacts on coastal resources. Section 30252 requires that adequate parking for

new development is provided. The site is planned and zoned for Medium Residential use in the City of Solana Beach, which allows five to seven dwelling units per acre. The site is also designated for 5-7 units per acre residential development in the previously certified County of San Diego Local Coastal Program, which is used for guidance in the City of Solana Beach. The proposed demolition and rebuild will have no effect on the overall density of the site. The proposed project is located in an area where all typical urban services such as water and sewer are available, and no extensions of these services are required. The site is located on the west side of Highway 101, two blocks east of the ocean and six blocks from the nearest coastal access point. There are currently two parking spaces on the site, and no change to the number of spaces is proposed; therefore, adequate parking will exist onsite. The proposed project does not in itself raise any coastal access issues, and the project can be found consistent with Sections 30250(a) and 30252 of the Coastal Act.

Section 30251 of the Coastal Act provides for the protection of scenic coastal resources and for the compatibility of new and existing development. The site is located within an established residential neighborhood consisting of medium-scale single-family residences. The proposed structure will be compatible in size and scale with the surrounding development. Special Condition #1 is attached as a condition to ensure the residence is landscaped with non-invasive drought tolerant plant species and requires that a final landscaping plan be submitted for the review and approval of the Coastal Commission.

The subject site is not located within any of the special overlay areas identified in the previously certified County LCP, and is not visible from Highway 101 or any other designated coastal access routes or scenic corridors. Therefore, the project will not have an adverse visual impact on the community and the project can be found consistent with Section 30251 and all other applicable Chapter 3 policies of the Coastal Act. Approval of the project will not prejudice the ability of the City of Solana Beach to prepare a certified local coastal program.

SPECIAL CONDITIONS:

1. Landscaping Plan. PRIOR TO THE AUTHORIZATION TO PROCEED WITH DEVELOPMENT, the applicant shall submit a detailed landscape plan indicating the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features. Drought tolerant native, or non-invasive plant materials shall be utilized to the maximum extent feasible. Said plan shall be submitted to, reviewed and approved in writing by the Executive Director.

The permittee 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 required.

ACKNOWLEDGEMENT 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

(G:\San Diego\Reports\2001\6-01-155 Crocamo stfrpt.doc)

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



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Page 1 of 6
Permit Application No. 6-01-169
Date 12/20/01

ADMINISTRATIVE PERMIT**Mon 3b**

Applicant: University of California, San Diego

Agent: Milton J. Phegley

Project Description: Construction of approximately 480 sq. ft. modular building classroom for aquarium-museum education program at existing 34,00 sq. ft. aquarium facility.

Project Location: Scripps Campus, east of La Jolla Shores Drive, with access road extending northeast to North Torrey Pines Road, La Jolla, San Diego, San Diego County.
APN 344-090-07

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: Monday, January 7th, 2002
10:00 AM
Agenda Item 3.b

LOCATION: Westin Hotel-LAX
5400 West Century Blvd.
Los Angeles, Ca 90045
(310) 216-5858

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: David Stahl

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. 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.

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 an addition to an existing aquarium/educational complex consisting of the installation of a detached modular structure housing a classroom totaling approximately 480 sq. ft. The proposed structure will be one-story and 14 ft. high. The project site is located on an overlook above the Scripps Institution of Oceanography on the southern portion of University of California property that currently houses the Birch Aquarium, at the terminus of Expedition Way off of La Village Drive. The proposed addition will be constructed on the south side of the Education Center building, which is to the south of the main Aquarium building. The proposed structure will be located in an area that presently consists of a concrete patio on the southern edge of the Aquarium complex.

On September 12th, 1989 the Commission approved Coastal Development Permit # 6-89-188 for the demolition of two structures housing a radio station, relocation of two

geodesic marine laboratory domes, and the construction of a 34,000 sq. ft. aquarium complex including a 1,500 ft. long, 34-ft. wide access road and a 250-space parking lot on the site. Ten conditions for the permit included submittal to the Executive Director final project plans, a construction schedule, an access road agreement, a steep slope open space easement, erosion control and landscaping plans, a sign program, and a brush management plan. The project was completed and the aquarium opened to the public in 1992.

The project site is within the Commission's area of permit jurisdiction. Thus, the standard of review is Chapter 3 policies of the Coastal Act.

Section 30251 of the Act states, in part, the following:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas.

UCSD is a very large campus that is located within the geographic area of the community of La Jolla. While some portions of the campus are located nearshore (i.e., the Scripps Institution of Oceanography), other portions are located much further inland. For those areas of the campus that are nearshore, potential impacts on scenic views of the ocean are a concern. In addition, several of the streets that the campus adjoins are major coastal access routes and/or scenic roadways (as designated in the La Jolla-La Jolla Shores LCP Land Use Plan). In this particular case, the proposed modular building is proposed to be located at the southern terminus of Expedition Way (essentially a private drive for the aquarium complex) off of La Jolla Village Drive. As such, the proposed improvements will not be visible from any major coastal access route or public beach.

The proposed development involves the construction of a modular classroom building that will be located on an existing concrete patio area on the southern portion of the aquarium complex. The project will not encroach within the previously required open space steep slope easement, and the proposed development will remain within a perimeter wall currently surrounding the aquarium complex. The proposed one-story classroom building is only 14 feet high and is much lower in height and scale than many of the other surrounding structures that constitute the Birch Aquarium. As the addition is low in scale, it will be visually compatible with the character of the surrounding area. As conditioned, the proposed development is consistent with Section 30251 of the Act.

Section 30252 of the Coastal Act states, in part:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-

automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation...

With respect to projects on UCSD's Main Campus, which is not between the sea and the first coastal roadway, nor within walking distance of shoreline recreational areas, the primary concern is maintaining free-flowing traffic on the major coastal access routes surrounding the campus. These include I-5, Genesee Avenue, North Torrey Pines Road and La Jolla Shores Drive. The Commission has taken the position that on-campus parking problems on the main campus are not a Coastal Act issue unless they result in spill-over effects within the surrounding off-campus area, particularly North Torrey Pines Road and La Jolla Shores Drive, which serve as major coastal access routes. In the case of the subject proposal, the proposed development will not have any such effect.

With regard to parking, the University provides ongoing parking surveys with current information with each coastal development permit application documenting the adequacy of on-site campus parking. Presently, the total parking inventory on the UCSD campus is 15,736 parking spaces (as of July 7, 2001). This figure includes both the Gilman and Pangea parking structures. The latest occupancy numbers for the Spring 2001 quarter revealed that the overall occupancy rate at peak use was at 77%. As such, currently there is adequate parking to meet all existing uses on campus. Although it is difficult to determine an approximate parking ratio for the wide variety of campus uses and facilities, especially when a large percentage of students live on campus, there is no apparent shortage of parking to serve the University's existing and proposed needs.

With respect to the proposal, there is sufficient available parking in the existing 250-space Birch Aquarium parking lot to provide for anticipated needs associated with the proposed addition. As the new modular building will house a classroom for educational programs, and not be open to the general public, an increase in parking for private passenger vehicles is not anticipated. Children involved in school field-trips utilizing the facility generally travel to the complex on a school bus. Bus parking at the Aquarium is currently under capacity, and no impacts to the existing parking lot are anticipated.

Therefore, adequate parking exists for the new addition; the proposed development will not adversely affect public access or traffic circulation in the area, and the Commission finds the proposed development consistent with the Chapter 3 policies of the Coastal Act addressing protection of public access.

Sections 30230 and 30231 address water quality and state the following, in part:

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored....

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff,

The proposed project involves additions to the Birch Aquarium complex consisting of the installation of a modular structure housing a classroom facility totaling approximately 480 sq. ft. The proposal will be constructed on an existing concrete pad and will not result in the creation of any new impervious surface. Although a detailed landscape plan has not been submitted with the subject application, the site plan indicates that landscaping currently exists around the perimeter of the proposed structures. Special Condition # 1 requires that run-off from the new structure be collected and directed toward landscaped areas adjacent to the structures. Directing runoff through landscaping for filtration of on-site runoff in this fashion is a well-established Best Management Practice for treating runoff from development such as the subject proposal. In these ways, potential problems are treated at the source such that most pollutants never enter the storm water system. Directing runoff towards landscaped areas of the site will reduce the potential water quality impacts resulting from the proposed development to the maximum extent feasible. Therefore, the Commission finds the proposed development consistent with the water and marine resource policies of the Coastal Act.

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. The University of California campus is not subject to the City of San Diego's certified Local Coastal program (LCP), although geographically the Scripps Institution of Oceanography (SIO) campus is within the La Jolla Shores segment or the City's LCP. UCSD does, however, have the option of submitting an LRDP for Commission review and certification.

While UCSD has submitted a draft LRDP, its EIR and topographic maps to the Commission staff informally, as an aid in analyzing development proposals, the Coastal Commission has not yet formally reviewed the LRDP, and the University has not indicated any intention of submitting the LRDP for formal Commission review in the future. The proposed structure is consistent with the University's draft LRDP to accommodate campus growth.

As stated previously, Chapter 3 policies of the Coastal Act are the standard of review for UCSD projects, in the absence of a certified LRDP. Since the proposed development, as conditioned, has been found consistent with all applicable Chapter 3 policies, the Commission finds that approval of the proposed project, will not prejudice the ability of UCSD to prepare a certifiable Long-Range Development Plan for its campus.

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 water quality and visual resource policies of the Coastal Act. Mitigation measures, including conditions addressing landscaping inclusive of planting of substantial tree elements to visually buffer the proposed development and installation of buffer strips to filter runoff, 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 is consistent with the requirements of the Coastal Act to conform to CEQA.

SPECIAL CONDITIONS:

1. Final Drainage Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final drainage and runoff control plans, which shall be approved by the County of San Diego. The plans shall document that the runoff from the proposed modular classroom shall be directed into pervious areas on the site (landscaped areas) for infiltration and/or percolation, prior to being conveyed off-site in a non-erosive manner.

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

ACKNOWLEDGEMENT 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

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

7575 METROPOLITAN DRIVE, SUITE 103

DIEGO, CA 92108-4402

767-2370



Page 1 of 6

Permit Application No. 6-01-174

Date 12/19/01

ADMINISTRATIVE PERMIT**Mon 3c**

APPLICANT: Castro Trust 01-05-95

PROJECT DESCRIPTION: Construction of a 3 ft. high, 79-lineal foot concrete block privacy wall along the western and southern property lines of an existing 4,320 sq.ft. oceanfront lot containing an existing three-story, 29 1/2-foot high, four-unit condominium building.

PROJECT LOCATION: 3501 Ocean Front Walk, Mission Beach, San Diego, San Diego County. APN 423-615-03-01

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: January 7, 2002
10:00 a.m., Monday

LOCATION: Westin Hotel-LAX
5400 West Century Blvd.
Los Angeles, CA 90045

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

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PETER DOUGLAS

Executive Director

By: 

STANDARD CONDITIONS:

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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.

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.

The proposed project is the construction of a 3 ft. high, 79-lineal foot concrete block wall along the western and southern property lines of an existing 4,320 sq.ft. oceanfront lot. The existing lot contains an existing three-story, 29 ½-foot high, four-unit condominium building which will remain unaffected by the proposed development. The proposed wall would be located entirely on private property, inland of the right-of-way easement which is located between the existing boardwalk and the private development.

The project site is located on Oceanfront Walk at El Carmel Place and bordered by Strandway to the east in the community of Mission Beach in the City of San Diego. Immediately west of the project site is the public boardwalk and beyond the boardwalk is

the public beach and Pacific Ocean. The surrounding area largely consists of a mix of single- and multi-family residential development. The existing wall that presently encroaches into the public right-of-way is presently being demolished (pursuant to CDP #6-00-123) and the applicant wants to replace it with a privacy wall located on private property.

The Ocean Front Walk boardwalk was originally constructed in 1928, and runs along the western side of Mission Beach from the South Mission Beach Jetty north approximately 2.36 miles to Thomas Avenue in the community of Pacific Beach. The existing concrete walkway east of the project location is approximately 11 feet wide, with a seawall/bulkhead on the seaward side, and the 12-foot wide right-of-way easement inland of the walkway. West of the seawall is sandy beach.

Historically, there have been a variety of privately maintained fences, walls, decks, landscaping, and patio improvements located within the 12-foot wide public easement. However, in August 1999, the Commission approved a permit for the City of San Diego to remove the private encroachments in the right-of-way at the project site from Ventura Place to Santa Barbara Place (#6-99-90) and in October, 2000 a permit to also remove the private encroachments in the right-of-way from Santa Barbara Place north to Santa Rita Place (#6-00-23). In January of 1999, removal of the encroachments pursuant to CDP #6-99-90 began. In February of 1999, the Commission approved a permit for the reconstruction of several private improvements such as walls and patios east of the right-of-way on private property (#6-99-145). In January, 2000 the Commission approved a permit for the widening of the boardwalk between Ventura Place and Santa Barbara Place (#6-00-1). The widening of the boardwalk has since been completed in this location. In February 2001, the Commission also approved a permit for the City of San Diego for expansion of the existing Ocean Front Walk boardwalk between Santa Barbara Place north to Santa Rita Place (#6-01-29). The City proposes to begin construction to expand the public boardwalk in January or February, 2002.

The proposed project requires a coastal development permit because it involves the construction of significant, non-attached structures on property located between the sea and the first public road. The boardwalk is located in an area of the Commission's original jurisdiction, therefore, Chapter 3 of the Coastal Act is the standard of review.

Sections 30210, 30221 and 30222 call for the protection of public access and 30212(a) of the Coastal Act call for the provision of public access from the nearest public roadway to the shoreline along the coast in new development projects unless, among other reasons, adequate access already exists in the area. The proposed wall will be constructed on the east side of the existing Ocean Front Walk boardwalk, east of the public right-of-way easement entirely on private property. The boardwalk is a heavily-used recreational facility frequented by pedestrians, bicyclists, skaters, skateboarders, runners, and persons in wheelchairs. The walkway is accessible from the east/west streets off of Mission Boulevard, and provides access to the sandy beach at stairways located at various points along the seawall. The City has for many years contemplated expansion of the

boardwalk, and thus, has required property owners adjacent to the boardwalk to obtain encroachment removal agreements for the improvements in the easement which state that the property owner must remove or relocate the encroachments within 30 days of notice by the City. The City provided that notice 11/9/01 to the homeowners along the boardwalk from Santa Barbara Place north to Santa Rita Place to remove such encroachments by 12/19/01.

In reviewing new development adjacent to the boardwalk, the Commission has been similarly 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 (#6-98-26; #6-97-76; #6-94-138; #6-94-115; #6-91-214; #6-91-89; #6-89-343).

When the Commission approved removal of the encroachments on the subject site, it was anticipated that the private property owners would apply for a permit to rebuild the walls and fences east of the right-of-way on their private property. The proposed project does not involve any development within the right-of-way, and thus, does not require any encroachment removal agreements. Because any encroachment into the public right-of-way would adversely impact the City's plans to expand the boardwalk in the near future, the proposed improvements are consistent with the Coastal Act only if they do not extend into the right of way for the boardwalk. Therefore, Special Condition #1 requires the submittal of final construction plans that clearly indicate the location of the proposed improvements vis-à-vis the right-of-way easement. Such plans must be reviewed and approved by the City and demonstrate that all improvements will be constructed landward of the right of way easement; no improvement or portion of any improvement shall be located in the right of way easement.

As conditioned, the new walls and patios will be consistent with a future expansion of the boardwalk and are not expected to have any adverse impacts on public recreation or access. However, because the site is used so heavily, particularly in the summer months, construction activity that impeded use of the boardwalk could have a significant adverse impact on public access and recreation.

Given the nature of the proposed improvements (wall) it is not anticipated that a substantial area would be required for construction activities or staging and storage. Nonetheless, Special Condition #1 further prohibits any staging and storage for the development on the existing boardwalk and prohibits any closure of the boardwalk or public area for construction activities. Typically, the Commission 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. However, in the case of the proposed project, since, as conditioned, neither access to the boardwalk

nor any other public area would be impacted by construction of the improvements, there is no need to restrict the timing of the work.

In summary, the proposed development is consistent with a future expansion of the existing boardwalk, a public recreational amenity. As conditioned, no short or long-term impacts to coastal resources are anticipated. Therefore, the proposed project can be found consistent with the public access and recreation policies of the Coastal Act.

Section 30251 of the Coastal Act calls for the protection of the scenic and visual qualities of coastal areas and that new development be sited and designed to protect views to and along the ocean and scenic coastal areas. The existing residences along the boardwalk vary widely in architectural style and appearance, and the proposed walls would be constructed of wood, stone, brick, or other material types varying from property to property. The project site is not adjacent to a lagoon or natural park area of the type where the Commission typically requires development to be of colors or designs compatible with or subordinate to the character of the surrounding natural environment. In addition, the proposed project will not result in the blockage of any public views toward the ocean. Development along the entire length of the boardwalk from Mission Beach to Pacific Beach is highly varied, and the proposed 3-foot high wall is not expected to have an adverse impact on the visual quality of the neighborhood. Therefore, the Commission finds the proposed development is consistent with the visual protection policies of the Coastal Act.

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 R-N in the Mission Beach Planned District Ordinance (PDO). The proposed development consisting of the construction of a 3 ft. high, 79-lineal foot concrete block wall within private property lines is consistent with this designation. The proposed 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 continue to implement its certified LCP for the Mission Beach community.

SPECIAL CONDITIONS:

1. Final Plans/Storage and Staging Areas. PRIOR TO THE AUTHORIZATION TO PROCEED WITH DEVELOPMENT, the applicant shall submit to the Executive Director for review and written approval, final site plans approved by the City of San Diego that clearly indicate that the wall approved herein is located east of the public right-of-way easement on Ocean Front Walk, entirely on private property, and which indicate the distance between the improvements and the public right-of-way easement. In addition, said plans shall include written notes stating the following:

- a. No construction staging or storage shall occur on the existing boardwalk, and

construction activities shall not impede or block access on the existing boardwalk in any way.

The permittee 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 required.

ACKNOWLEDGEMENT 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