

CALIFORNIA COASTAL COMMISSION

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



Thu 4a

Filed: August 22, 2002
 49th Day: October 10, 2002
 180th Day: February 18, 2003
 Staff: DL-SD
 Staff Report: October 16, 2002
 Hearing Date: November 5-8, 2002

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-02-125

RECORD PACKET COPY

Applicant: David & Sheri Jocis

Description: Construction of a new 3-foot high, 58-foot long concrete privacy wall extending into the 3' landscaped buffer area within public right-of-way, adjacent to and east of, the planned widened Ocean Front Walk, on a site containing an existing multi-family residence.

Zoning	R-N
Plan Designation	Residential 36 du/ac

Site: 703-705 Zanzibar Court, Mission Beach, San Diego, San Diego County. APN: 423-314-01

Substantive File Documents: Certified Mission Beach Precise Plan and Planned District Ordinance; Final EIR SCH No. 97011080 – 5/11/98; Encroachment Maintenance and Removal Agreement No. 02-024-7.

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. **Boardwalk Encroachment/Storage and Staging Areas.** As proposed, the wall approved by Coastal Development Permit No. 6-02-125 shall be located no further west than the 3-foot wide landscaped buffer area, and shall not encroach into the planned widened public boardwalk (Ocean Front Walk). 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.

2. **Future Removal of Permitted Encroachment.** If the existing structure along the boardwalk is substantially altered such that 50% or more of the existing walls are demolished or removed, the development authorized by this permit shall be removed in its entirety.

IV. Findings and Declarations.

The Commission finds and declares as follows:

A. **Detailed Project Description/History.** Proposed is the construction of a 3-ft. high, approximately 58 linear-foot long, privacy wall extending into the 3' wide landscaped buffer area of the public right-of-way inland of the Ocean Front public boardwalk and parallel to the entire length of the western property line on a beachfront lot containing an existing single-family residence. The wall is proposed to be constructed within the public right-of-way 3 ft. west of the western property line.

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 a 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.

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). In addition, in February of 1999, the Commission approved a permit for the reconstruction of 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 the companion permit to CDP #6-99-90 for the widening of the boardwalk between Ventura Place north to Santa Barbara Place (#6-00-1). In October 2000, the Commission approved a permit for the removal of the private encroachments between Santa Barbara Place north to Santa Rita Place (#6-00-123) and in April 2001, a subsequent permit for the widening of the boardwalk within this same area (#6-01-29).

The boardwalk widening between Ventura Place and Santa Barbara Place as well as the installation of a landscape buffer strip has already been completed pursuant to CDP #6-00-1. In addition, all of the private encroachments between Santa Barbara Place north to Santa Rita Place have recently been removed. Specifically, the previously approximately 11-foot wide boardwalk is being expanded by approximately 9 feet with an additional 3-foot wide landscape buffer area on the inland side of the improved boardwalk. Thus, the overall improved width of the boardwalk upon completion of the remainder of the widening will be approximately 20 feet. The expanded boardwalk will separate wheeled traffic from pedestrian traffic and will consist of an 8-foot wide walking lane on the west side of the boardwalk, a 12-foot 3-inch wide two-way bicycle/skateboard lane east of that, and a 3-foot wide landscape buffer along the inland side of the expanded boardwalk, thus using the remaining portion of the public easement. The purpose of the 3-foot wide landscape strip is to serve as a buffer between the residential properties and businesses and the public boardwalk. The City is responsible for maintenance of the landscape buffer.

Most recently, the Commission approved CDP No.'s 6-02-9, 6-02-37, 6-02-40, 6-02-47, 6-02-56, 6-02-71 and 6-02-73 for the construction of a 3' high privacy wall within the public right-of-way, similar to the proposed development. Special Condition #1 requires that the wall not encroach any further west than the 3-foot wide landscaped buffer area, and prohibits staging and storage or construction activities within the boardwalk. Similar to the restrictions placed on the project by the City's encroachment removal agreement, Special Condition #2 notifies the applicant that if the existing residence is substantially altered such that 50% or more of the existing walls are demolished or removed, the wall must be removed.

The project requires a coastal development permit because it involves the construction of a significant, non-attached structure on property located between the sea and the first public road. The boardwalk is located in an area designated as an historic mean high tide line and, as such, is in an area of the Commission's permit jurisdiction. Therefore, Chapter 3 of the Coastal Act is the standard of review.

B. Public Access/Parking. As conditioned, the proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities. As conditioned, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

C. Community Character /Visual Quality. The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

D. Local Coastal Planning. The subject site is located in an area of original jurisdiction, where the Commission retains permanent permit authority and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the local government to prejudice the ability of the City of San Diego to implement its certified LCP for the Mission Beach community.

E. California Environmental Quality Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, 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.



SITE

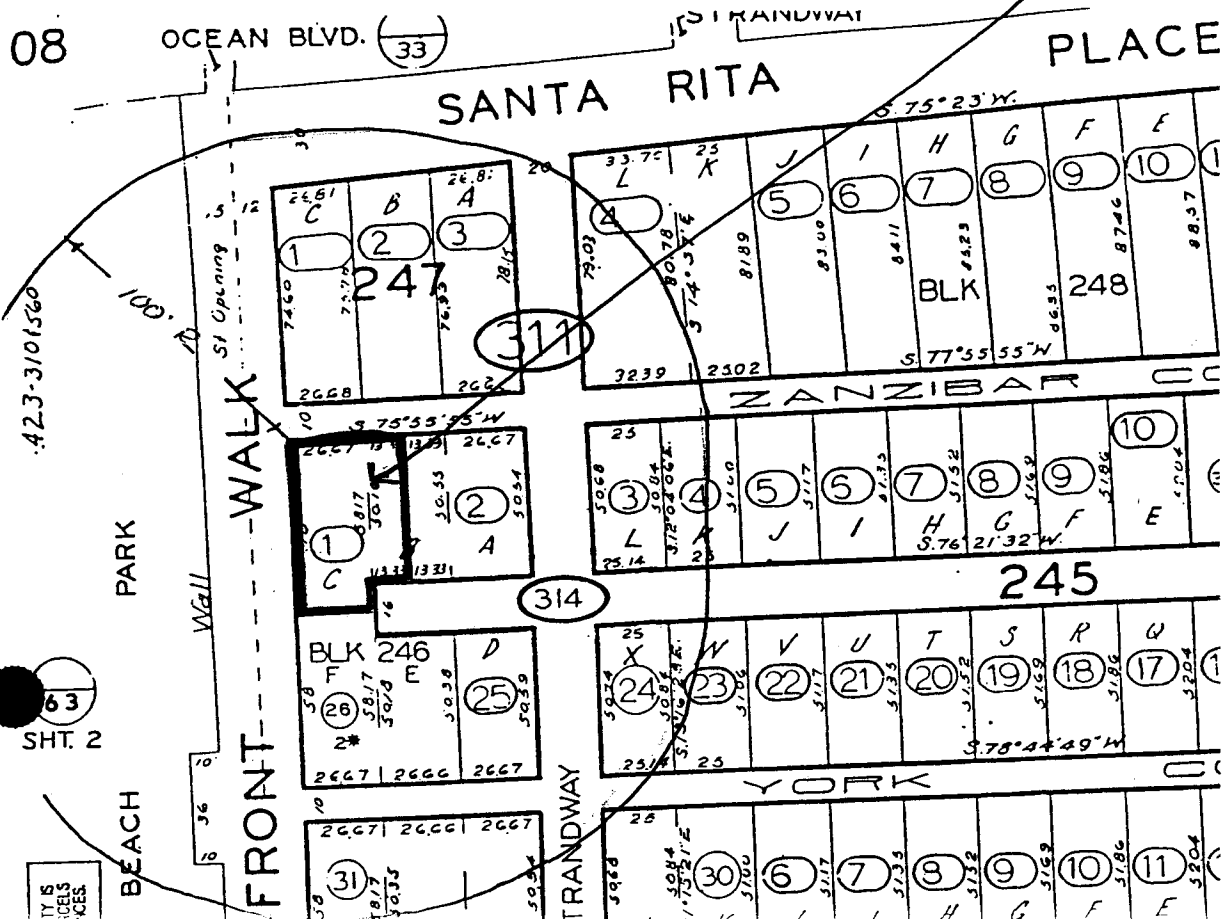
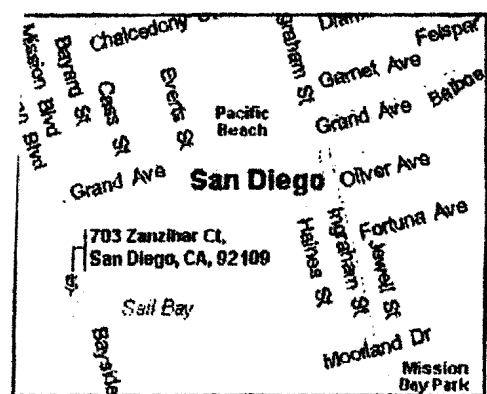


EXHIBIT NO. 1
 APPLICATION NO.
 6-02-125
 Location Map

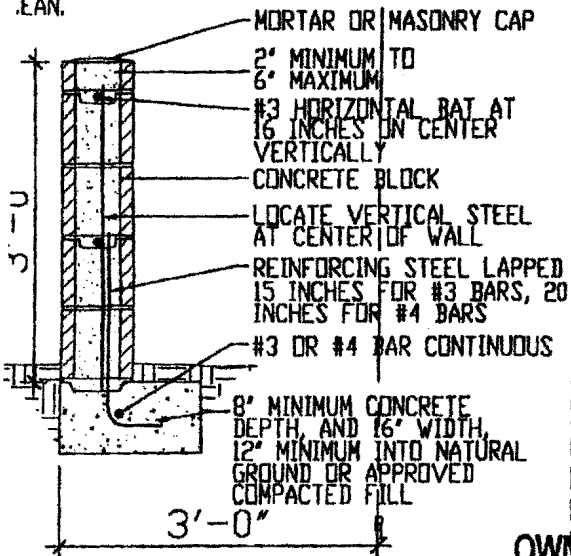
EXHIBIT NO. 2
 APPLICATION NO.
6-02-125
 Site Plan



CITY MAP

LEGAL:

Lot 423-314-01
 E. WESTERLY HALF OF LOT "B" AND ALL OF LOT "C" IN
 BLOCK 246 OF MISSION BEACH, IN THE CITY OF SAN DIEGO
 COUNTY OF SAN DIEGO STATE OF CALIFORNIA, ACCORDING
 TO MAP THERE OF NO. 1651, FILED IN THE OFFICE OF THE
 COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 14, 1914,
 RESERVING THEREFROM THAT PORTION, IF ANY, HERE TO LONE
 LYING BELOW THE MAIN HIGH TIDE LINE OF THE PACIFIC
 OCEAN.

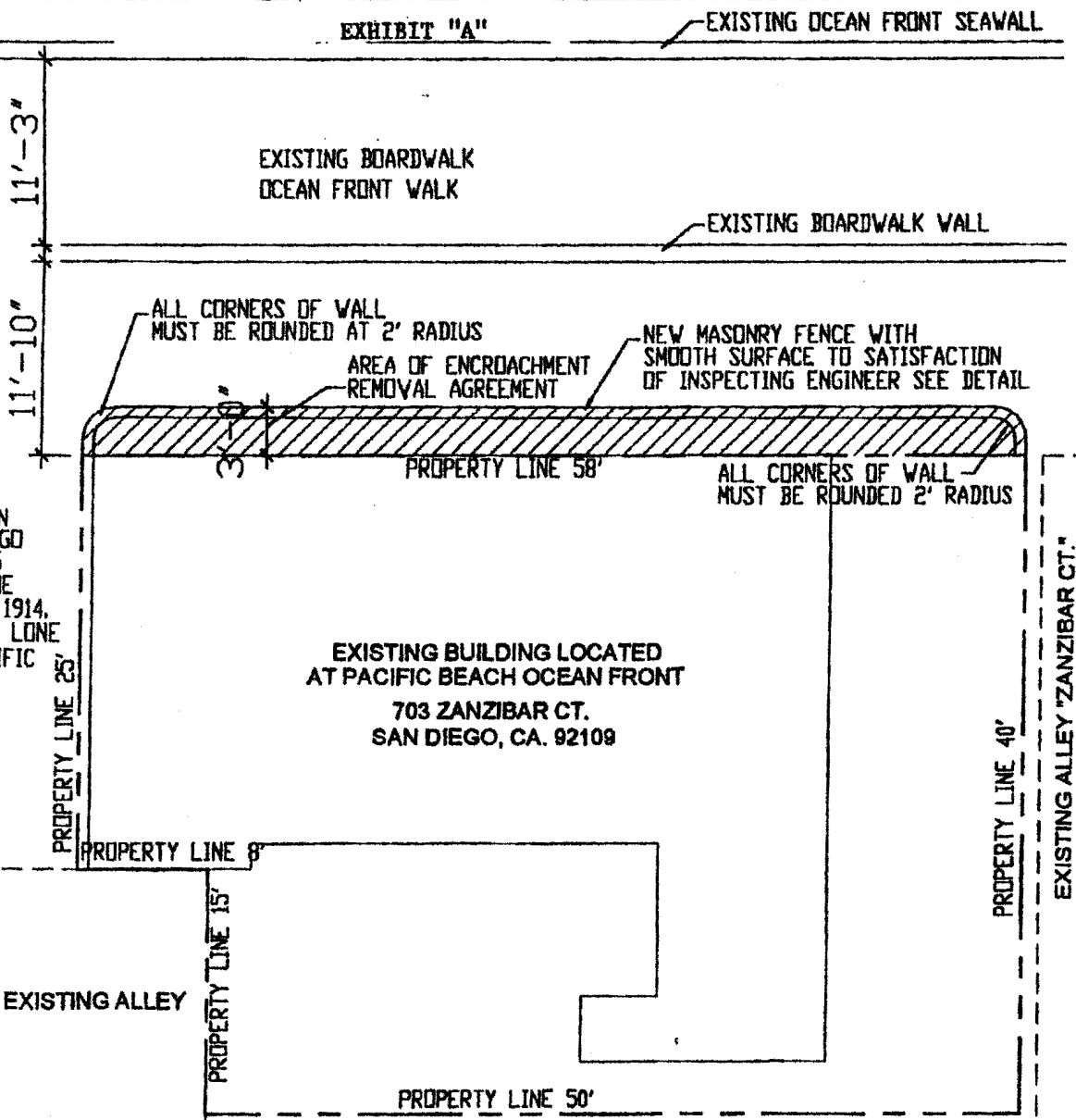


MASONRY FENCE DETAIL

OWNER:

DAVID AND SHERI JOCIS
 703 ZANZIBAR COURT

EXHIBIT "A"



MASONRY FENCE PERMIT PLAN

SCALE: N.T.S.

SITE:

DAVID JOCIS
 703 ZANZIBAR COURT
 SAN DIEGO, CA. 92109