

## CALIFORNIA COASTAL COMMISSION

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

## RECORD PACKET COPY



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Permit Application No. 6-02-79  
Date 6/18/02

ADMINISTRATIVE PERMIT

# Tue 3a

APPLICANT: Beth Molasky

PROJECT DESCRIPTION: Demolish existing 2-story, 2,640 sq. ft. duplex and construct a new 4,251 sq. ft., 2-level, single-family residence located on a 4,320 sq. ft. site.

PROJECT LOCATION: 710 Nahant Court, Mission Beach, San Diego, San Diego County.  
APN: 423-611-0300.

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:

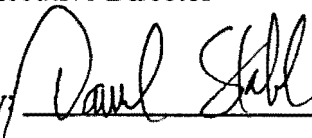
DATE and TIME: July 9, 2002  
9:00 a.m.

LOCATION: Waterfront Hilton Resort  
21100 Pacific Coast Highway  
Huntington Beach, Ca 92648

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: 

**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 the demolition on an existing 2,640 sq. ft. duplex and the construction of a new 2-story, 4,251 sq. ft. single-family residence located on a 4,320 sq. ft. oceanfront site.

The subject site is located on Ocean Front Walk (the public boardwalk), between Nantasket Ct. to the north and Monterey 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.

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 directly south of the project site, at the terminus of Nahant Court, and 3 lots to the north, at Nantasket 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. 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 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).

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 property boundary and boardwalk. This area will be left unimproved.

Because the project site vicinity 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 in 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 #1 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.

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 significance should occur. The Commission therefore finds the proposed project consistent with Section 30251 of the 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. 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 4 standard parking spaces. These spaces will sufficiently provide parking for the site.

The project is 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.

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, is 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, as conditioned, is consistent with the public access policies of the Coastal Act. 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.

**SPECIAL CONDITIONS:**

1. Timing of Construction/Staging/Access Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a final staging and access plan, including a construction schedule, which shall be incorporated into construction bid documents. The schedule and plan 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).

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

