

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
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SAN DIEGO, CA 92108-4421  
(619) 767-2370

## RECORD PACKET COPY



# Thu 4b

Filed: 7/22/04  
49th Day: 9/9/04  
180th Day: 1/18/05  
Staff: LRO-SD  
Staff Report: 9/21/04  
Hearing Date: 10/13-15/04

**STAFF REPORT: CONSENT CALENDAR**

**Application No.:** 6-04-74

**Applicant:** Betz Living Trust

**Agent:** Golba Architecture

**Description:** Demolition of three detached structures consisting of a duplex and two, 4-unit residential structures and removal of an existing 3'0" high privacy wall from the public right-of-way and construction of a new two-story over basement 4,607 sq.ft., 29 1/2 foot high residential duplex with four on-site parking spaces and new 3'0" high privacy wall built on the western property line of a 4,211 oceanfront lot.

Lot Area	4,211 sq. ft.
Building Coverage	1,892 sq. ft. (45 %)
Pavement Coverage	1,072 sq. ft. (25%)
Landscape Coverage	1,247 sq. ft. (30%)
Parking Spaces	4
Zoning	(NC-N)
Plan Designation	Neighborhood Commercial – North (36 dua)
Project Density	20.6 dua
Ht abv fin grade	29 1/2 feet

**Site:** 3735 & 3737 Ocean Front Walk, Mission Beach, San Diego, San Diego County. APN 423-591-01

**Substantive File Documents:** Certified Mission Beach Precise Plan; Certified Mission Beach Planned District Ordinance; CDP #6-02-40

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**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. **Timing of Construction.** No construction shall take place for the project between Memorial Day weekend and Labor Day of any year. Access corridors and staging areas 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 as staging areas).

**IV. Findings and Declarations.**

The Commission finds and declares as follows:

**A. Detailed Project Description/History.** The project involves the demolition of three detached structures consisting of a duplex and two 4-unit residential structures. Also proposed is the demolition of an existing 3'0" high privacy wall located 2'8" in the public right-of-way and construction of a new 3'0" high privacy wall built on the western property line. Also proposed is the construction of a new two-story over basement 4,607 sq.ft., 29 ½ foot high residential duplex with four on-site parking spaces. The new development will observe all of the required yard setbacks, consistent with the Mission Beach Precise Plan. In addition, adequate parking will be provided with covered parking for four cars. The subject site is located adjacent to the public boardwalk (Ocean Front Walk) at the southeast corner of Ocean Front Walk and Pismo Court in the community of Mission Beach in the City of San Diego.

The Commission has approved a number of coastal development permits to remove private encroachments from the public right-of-way and to widen the public boardwalk in an easterly direction. The subject site is located immediately adjacent to the recently widened public boardwalk. There are a number of residences/businesses along the boardwalk that were built at a time when no setback was required. Over time, as these properties are redeveloped, the new development is designed to meet the current building setbacks such as the subject case. The proposed development represents one of these developments as it will result in the removal of all development from the site and replace it with new development that is consistent with current building setbacks. Specifically,

the new development will result in an improvement in setbacks from the public boardwalk through the replacement of an existing non-conforming duplex structure situated adjacent to the public boardwalk, which observes approximately a 0 to ½-foot setback from Ocean Front Walk, with a new structure which will observe a 10-foot setback where a minimum 7-foot setback is required from Ocean Front Walk.

In addition, because the existing development is located on the "Zero-Lot Line", pursuant to CDP #6-02-40 approved in May, 2002, the Commission approved the construction of a privacy wall on the subject site to be located 2'8" in the public right-of-way. A special condition of the permit stipulated the following:

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.

At this time, the applicant is demolishing all structures on the site. As such, the existing privacy wall that is located in the public right-of-way is proposed to be demolished and reconstructed on the western property line, consistent with above-cited condition. No encroachment is proposed within the public right-of-way (public boardwalk). As such, the proposed development will increase public views to and along the ocean as well as reducing the seaward encroachment of structures along the boardwalk, consistent with Coastal Act policies.

In addition, the project site is located on an oceanfront lot where public views in the side yards are also required to be protected and no variances for reductions to the yard area setbacks are permitted. In this particular case, the project site abuts an alley to the south (where no setback is required) and a portion of an adjoining lot (where a min. 3 ft. setback is required for the interior yard). As noted above, a 10-ft. wide setback is proposed at the west frontage where a minimum 7-foot setback is required. The applicant is thus meeting (and exceeding, in some cases) all of the required setbacks, consistent with the certified Mission Beach Planned District Ordinance. In addition, the applicant is proposing a 10-foot setback, as required, along the north frontage adjacent to Pismo Court. Thus, public views will be preserved, consistent with Coastal Act policies.

In addition, to address potential concerns with regard to construction activities on public access on this oceanfront property, the project has been conditioned such that no work shall occur between Memorial Day weekend and Labor Day. As conditioned, no impacts to public access are anticipated.

The subject property is also located within the Neighborhood Commercial-North (NC-N) zone of the Mission Beach Planned District. The purpose of the Neighborhood Commercial zone is to provide adequate commercial services for the residents while the Visitor-Commercial zone accommodates tourists, visitors and vacationers. While the NC-N zone allows for both commercial and mixed uses, the primary use is residential with the exception that residential uses shall not be permitted within the first story of any

building on any lot abutting Mission Boulevard. In this particular case, the subject site does not abut Mission Boulevard and thus, the proposed residential use is consistent with the certified LCP.

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, with the certified LCP used as guidance.

**B. Community Character /Visual Quality.** The development is located within an existing developed area and will be compatible with the character and scale of the surrounding area and will not impact public views. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

**C. 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.

**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 City of San Diego to continue 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 is 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.

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SITE

92109

MISSION BEACH

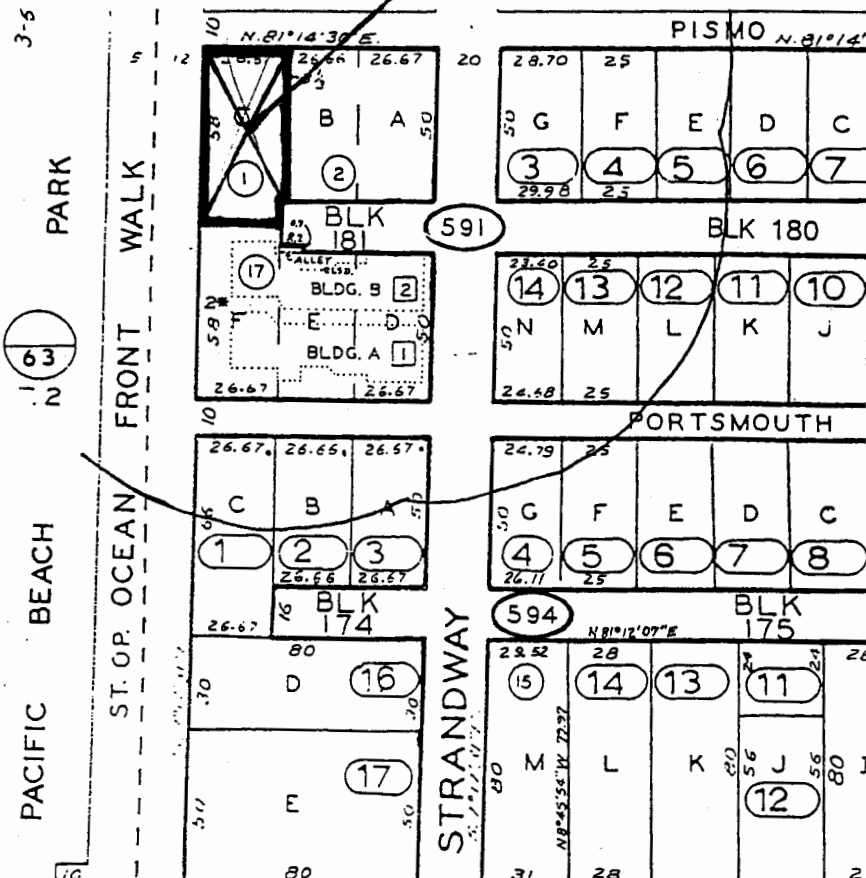


EXHIBIT NO. 1

APPLICATION NO.

**6-04-74**

Location Map

California Coastal Commission



OCEAN FRONT WALK

EXISTING CONCRETE WALK  
23'-0" R.O.M.

N71°18'52" W 57.97'

S81°13'29" W 26.68'

S71°17'32" E 8.00'

S81°13'29" W 53.34'

ALLEY  
EXISTING CONCRETE ALLEY  
16'-0" R.O.M.

PISMO COURT  
EXISTING CONCRETE COURT  
16'-0" R.O.M.

N81°13'00" E 80.02'

N71°18'51" W 49.98'

STRAND WAY

EXISTING CONCRETE ALLEY  
20'-0" R.O.M.

PRELIMINARY - NOT FOR CONSTRUCTION

PROPOSED SITE PLAN & BASEMENT LEVEL FLOOR PLAN



**NOTES**

1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

**LEGEND**

1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

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DATE: 06-16-04

**GOLBA**



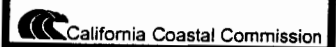
PISMO COURT UNITS

3735 & 3737 OCEAN FRONT WALK  
SAN DIEGO, CA 92109

**GOLBA**

Architecture ■  
656 Ninth Avenue  
Phone: (619) 23

EXHIBIT NO. 2  
APPLICATION NO.  
**6-04-74**  
Site Plan



6-04-74