

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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RECORD PACKET COPY



Wed 17b

Filed: 10/6/04
49th Day: 11/24/04
180th Day: 4/4/05
Staff: BP-SD
Staff Report: 11/17/04
Hearing Date: 12/8-10/04

AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: A-6-OCN-99-133-A1

Applicant: Thomas Ligouri

Original Project

Description: Substantial demolition and construction of 930 sq.ft. of additional floor area to an existing 2,528 sq. ft. single-family home to total 3,458 sq.ft. on a 4,800-sq. ft. oceanfront lot. The additional area includes conversion of two existing first and second story balconies and a basement level patio to create new indoor living space to 27-foot high. The conversions total 432 sq.ft. (156 sq.ft. for each of the two balconies and 120 sq.ft for the patio) and would result in a seaward expansion of the living area of the residence approximately 6'7" for each of the three levels; the corners of the top floor would be "tailed-in" at a 45 degree angle to help reduce the bulk of the structure as viewed from the beach. Also proposed is a 498 sq.ft. second story addition over the proposed 463 sq.ft. garage.

Proposed

Amendment: Request for after the fact approval of a vinyl fence, two gates and a block wall, all 6-feet high; the portion of the fence that extends to the revetment is proposed to be reduced to 3-feet high.

Site: 1731 South Pacific Street, Oceanside, San Diego County. APN 153-091-31

SUBSTANTIVE FILE DOCUMENTS: Certified City of Oceanside Local Coastal Program (LCP), A-6-OCN-99-20/Wilt, Revised Site and Building Plans by Scott Bernet Architects, received August 15, 2004

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No. A-6-OCN-99-133 for the development as proposed by the applicant.*

and the existing revetment. There is approximately 28-feet between the existing buried toe of the revetment and the elevation of the mean high tide line as measured on October 25, 2000 (per the survey by Skelly Engineering). Surrounding development consists of one-and two-story single-family and multi-family residential uses on small lots.

The current amendment requests after the fact approval of the following:

North Property Line (P/L) Masonry Wall-- 6-foot high masonry wall (stepped with topography at 6-foot maximum height) that extends from the street to near the western edge of the home (about 70-lineal feet) and separates the subject property and the property to the north.

North Vinyl Fence and Gate --6-foot high vinyl fence that extends approximately 36 lineal feet near the northwest corner of the home along the property line to the top of the existing revetment. The 12-foot long segment of the fence nearest the home (includes 6-foot high gate) is proposed at the existing 6-feet high; the remaining portion of the fence is proposed at 3 feet high.

South Gate--6-foot high gate near the seaward edge of home near the south property line.

Because the proposed development is located between the first public road and the sea, the standard of review is the certified Oceanside Local Coastal Program and the public access and recreation policies of the Coastal Act.

2. Visual Impacts/Compatibility/Stringline. Policy #8 of the "Visual Resources and Special Communities" Section of the certified Oceanside Land Use Plan (LUP) states:

8. The City shall ensure that all new development is compatible in height, scale, color and form with the surrounding neighborhood.

Additionally, two objectives of the same section provide:

The City shall protect, enhance and maximize public enjoyment of Coastal Zone scenic resources.

The City shall, through its land use and public works decisions, seek to protect, enhance and restore visual quality of urban environment

Additionally, Section 1703 of the certified implementing ordinances (zoning code) states:

Section 1703 (e) (Rear Yard Setbacks)

Notwithstanding any other provisions of this section, buildings or structures located on lots contiguous to the shoreline shall be compatible in scale with existing development and shall not extend further seaward than the line established on the

hedge not more than six (6) feet in height may be located any where on the lot to the rear of the rear line of the required front yard, except that on corner lots and reversed corner lots a six (6) foot fence may be located anywhere on the lot to the rear of the rear line of the required front yard, or as provided, in Section 1719, whichever is greater. [...]

The subject lot is an interior lot. Based on staff measurements, the "stepped" block wall is 6 feet high maximum as measured from finish grade. All existing after the fact improvements are proposed at 6 feet high which is inconsistent with the above 42-inch high height standard. The City amended the certified zoning ordinance in 1988 to allow walls and fences to extend to 6-feet high; however, the amendment was not submitted to the Coastal Commission for certification. Therefore, the standard of review is the above currently certified standard with respect to walls and fences and the proposed walls and fences are not consistent with these provisions. While the standard does not specify that 42-inches is a maximum height or that taller walls cannot be maintained, the Commission interprets the standard as a prohibition of such structures greater than 42-inches high.

The LCP requires that new development is compatible in height and scale with the surrounding neighborhood. While the wall and the remaining improvements do not adversely affect public views like the fence to the revetment, because they are higher than the permitted height for such improvements, they have the effect of making the subject site development appear out of scale with similar development on adjacent lots. One of the objectives of the LUP is that the City shall seek to protect, enhance and restore visual quality of the urban environment. While incongruent development on one site does not adversely affect the character of the area, the cumulative effect of non-conforming development can alter the character of a community. Therefore the improvements are inconsistent with the visual resource policies of the certified Oceanside LCP and cannot be approved.

As discussed above, the proposed gates, fence and wall are inconsistent with the height standard in the LCP and the fence beyond the stringline is not permitted by the certified LCP. While the fence is proposed to be lowered to 3-feet high beyond the stringline, the LCP does not allow encroachment of fences seaward of the stringline. The LCP regulates development this way to protect public and private views along the shoreline. Therefore, the Commission finds that the proposed development is inconsistent with the visual resource policies of the certified Oceanside LCP and must be denied.

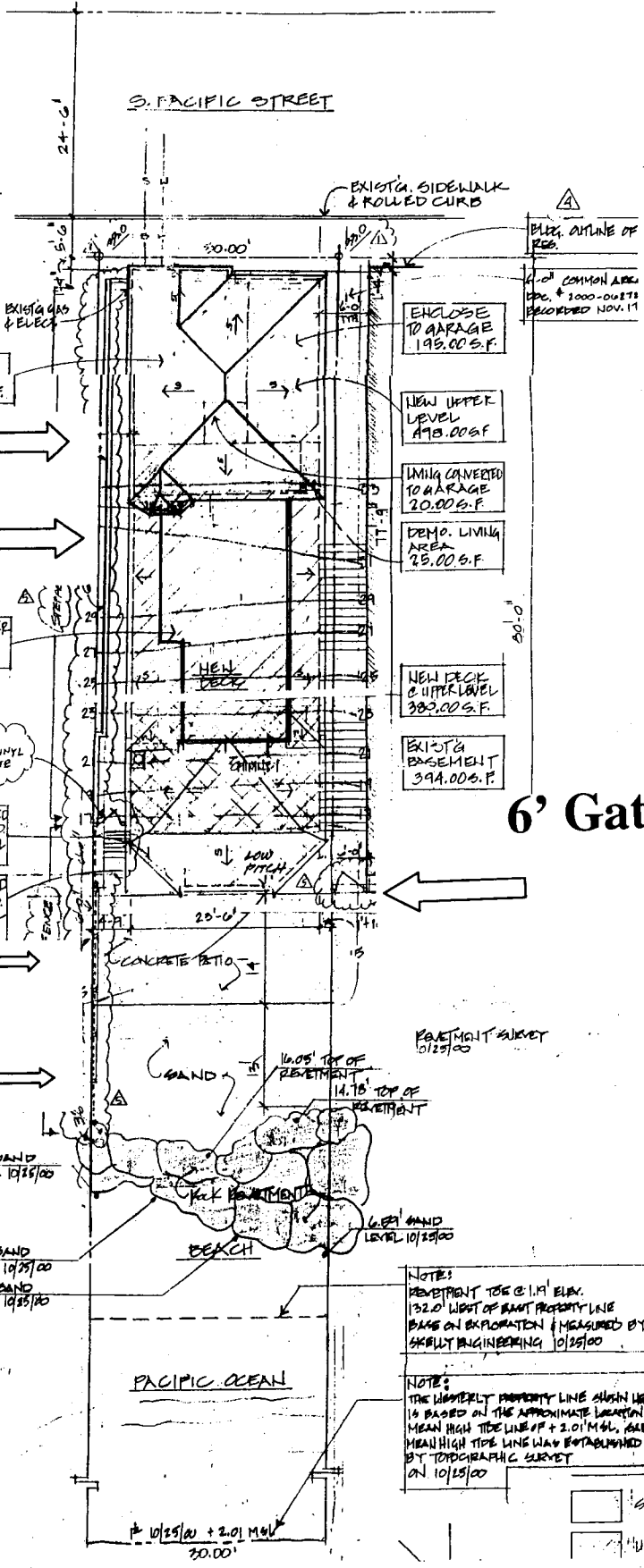
3. Public Access. Section 30604(c) of the Act requires that a specific access finding is made for any development located between the sea and the first public roadway:

Section 30604(c)

(c) Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in

and lowering the other proposed improvements near the house to 42 inches or less. However, even if none of the improvements went forward, the owner would continue to enjoy use of the home. There would be no seaward encroachment of development. The back yard would remain as an developed flat pad and patio and would be consistent with community character. This alternative would result in the least amount of visual effects to the environment and also would not have any adverse effect on the value of the property. Therefore, the Commission finds that the proposed project cannot be found consistent with the requirements of the Coastal Act to conform to CEQA.

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6' Block Wall →

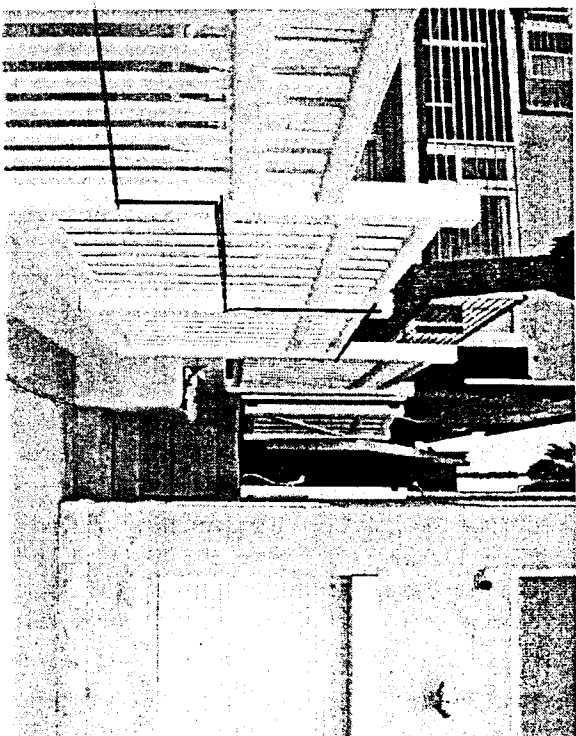
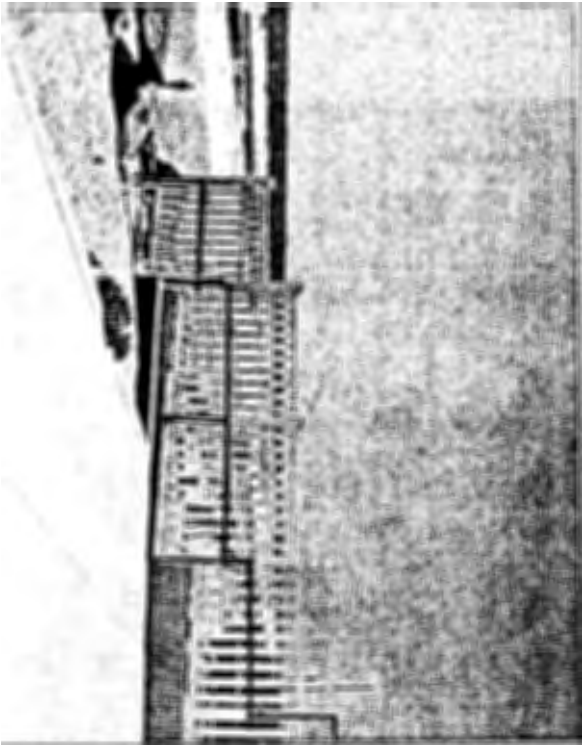
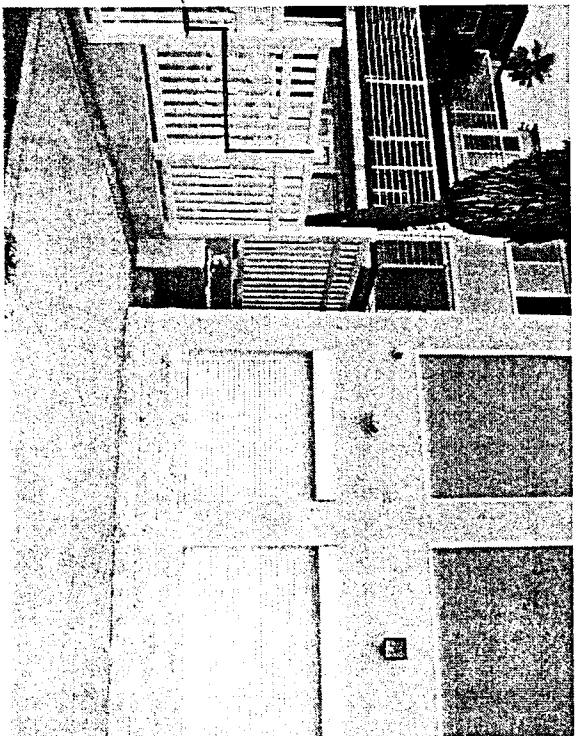
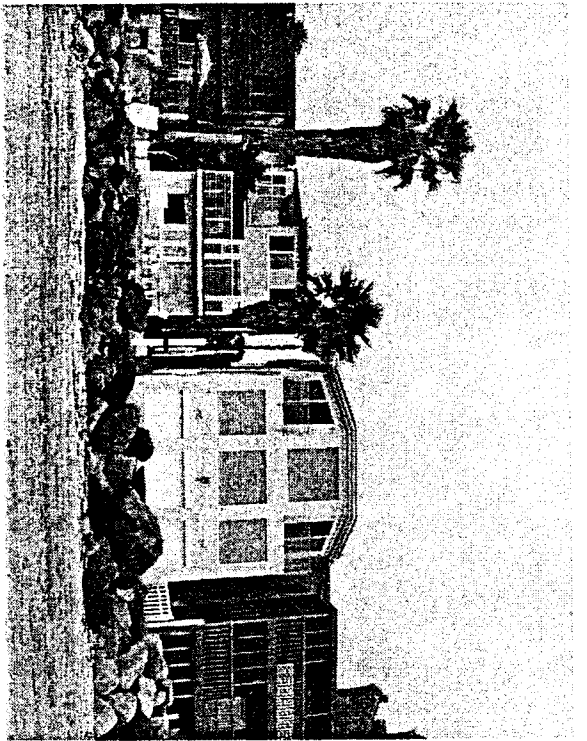
← **6' Gate**

→ **6' Fence to Revetment**

NOTES:
 REVELMENT TO BE @ 1.1' ELEV.
 132.0' WEST OF BAY PROPERTY LINE
 BASED ON EXPLORATION & MEASURED BY
 SHELLY ENGINEERING 10/25/00

NOTE:
 THE HIGHERLY PROPERTY LINE SHOWN HERE
 IS BASED ON THE APPROXIMATE LOCATION OF
 MEAN HIGH TIDE LINE OF +2.01' M.S.L. (S.D.)
 MEAN HIGH TIDE LINE WAS ESTABLISHED
 BY TOPOGRAPHIC SURVEY
 ON 10/25/00

EXHIBIT NO. 2
 APPLICATION NO.
A-6-OCN-99-133-A1
 Site Plan



NORTH SIDERYARD FENCE 1731 S. PACIFIC

PROPOSED CHANGE

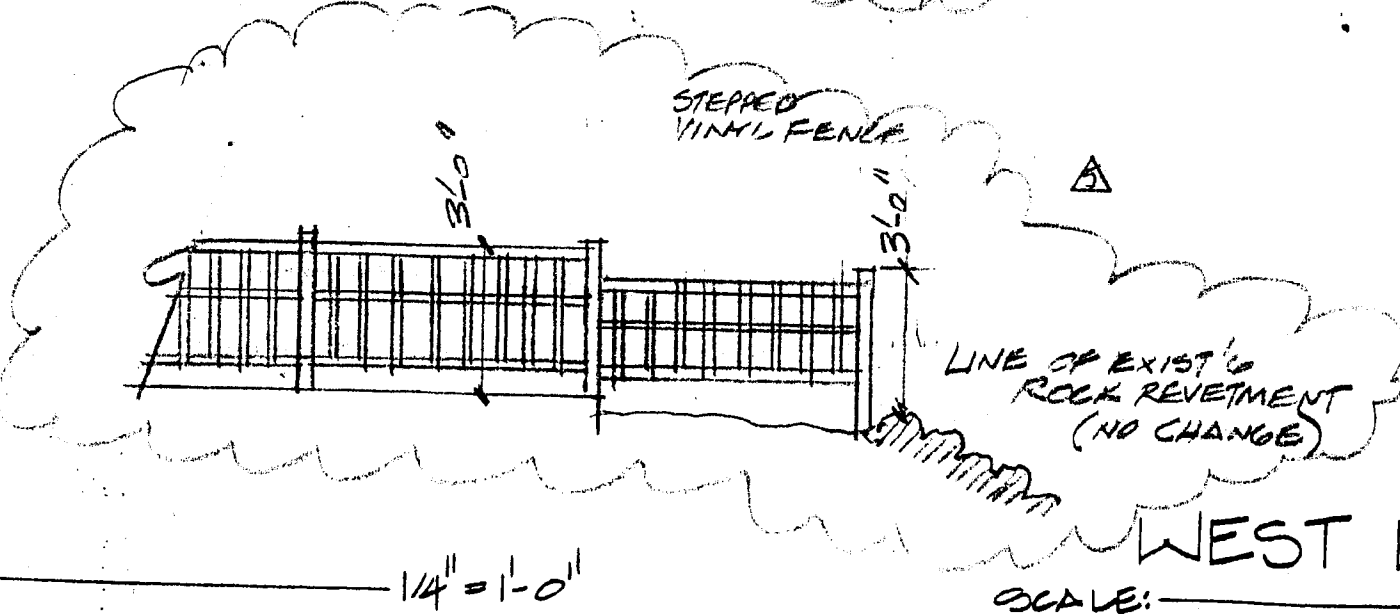
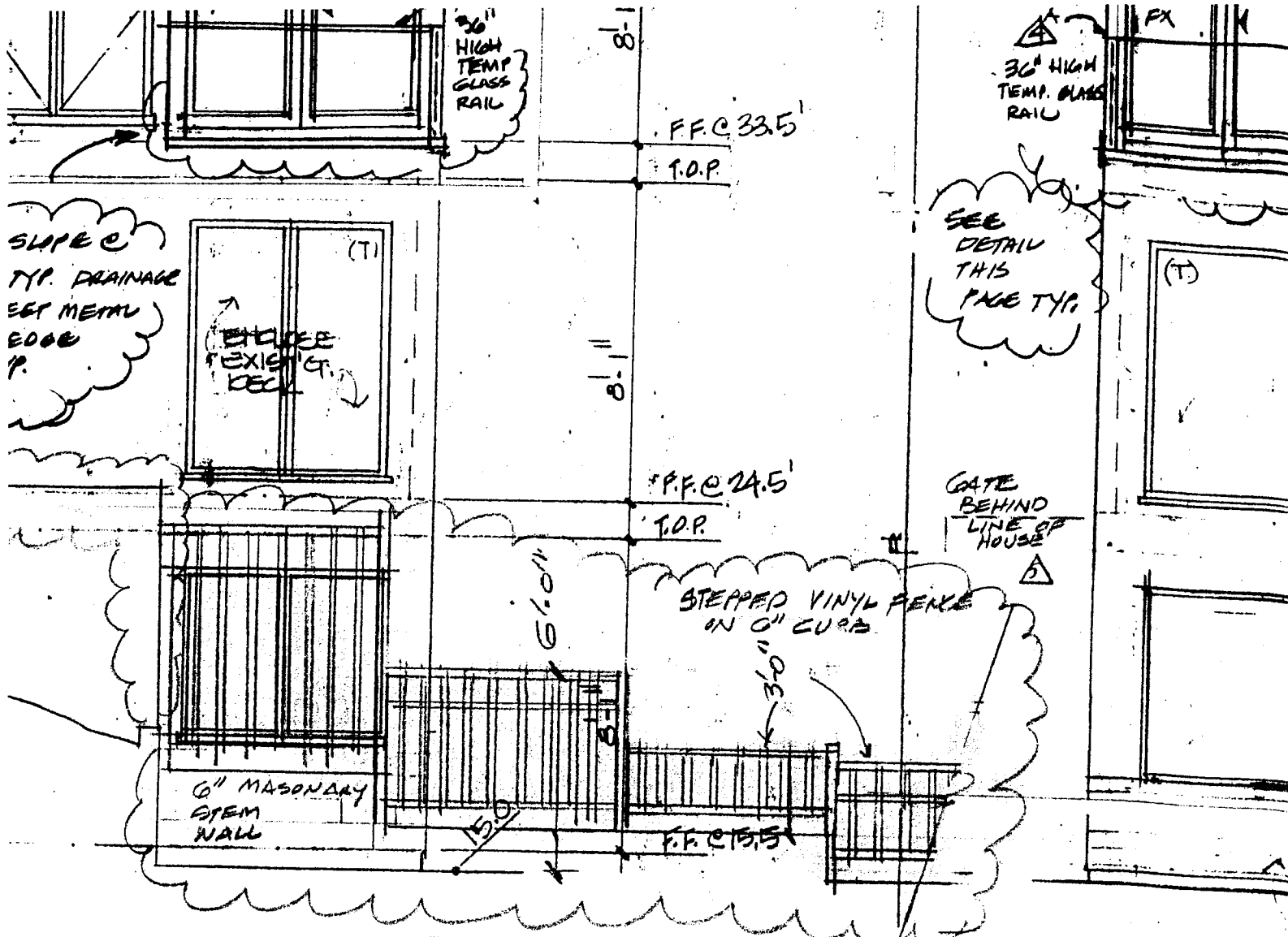


EXHIBIT NO. 4
APPLICATION NO.
A-6-OCN-99-133-A1
Fence to Revetment