

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

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Thu 4b

Filed: 7/6/04
49th Day: 8/24/04
180th Day: 1/2/05
Staff: LRO-SD
Staff Report: 8/17/04
Hearing Date: 9/8-10/04

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-04-68

Applicant: Ocean Pacific Companies **Agent:** Marengo Morton Architects

Description: Demolition of an existing duplex and construction of a two-story, 30-ft. high, 3,180 sq.ft. single family residence with an attached three-car garage on a 2,400 sq.ft. oceanfront lot.

Lot Area	2,400 sq. ft.
Building Coverage	1,605 sq. ft. (67%)
Pavement Coverage	175 sq. ft. (7%)
Landscape Coverage	600 sq. ft. (25%)
Unimproved Area	20 sq. ft. (1%)
Parking Spaces	3
Zoning	NC-S
Plan Designation	Neighborhood Commercial-South (36 dua)
Project Density	36 dua
Ht abv fin grade	30 feet

Site: 3709-11 Ocean Front Walk, Mission Beach, San Diego, San Diego County. APN 423-594-16

Substantive File Documents: Certified Mission Beach Precise Plan; Certified Mission Beach Planned District Ordinance

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 a duplex and construction of a new three-story, 30-ft. high, 3,180 sq.ft. single family residence with an attached three-car garage on a 2,400 sq.ft. lot. 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 three cars. The subject site is located adjacent to the public boardwalk (Ocean Front Walk) one lot north of Santa Clara 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. However, no encroachment is proposed within the public right-of-way (public boardwalk) and all proposed privacy walls will be located entirely on private property. In addition, 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 will result in an improvement in setbacks from the public boardwalk through the replacement of an existing non-conforming duplex structure, which observes an approximately 5-foot setback from Ocean Front Walk, with a new structure which will observe the required 10-foot setback from Ocean Front Walk. 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.

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 north (where no setback is required) and a portion of an adjoining lot (where a min. 3 ft. setback is required for the interior yard). A 10-ft. wide setback, as required, is proposed at the west frontage. The applicant is thus meeting all of the required setbacks, consistent with the certified Mission Beach Planned District Ordinance. In addition, the applicant is proposing a 5-foot setback along the south frontage for purposes of enhancing public views toward the ocean across the side yard where a minimum of a 3-foot setback is required. Thus, public views will be enhanced, 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 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.

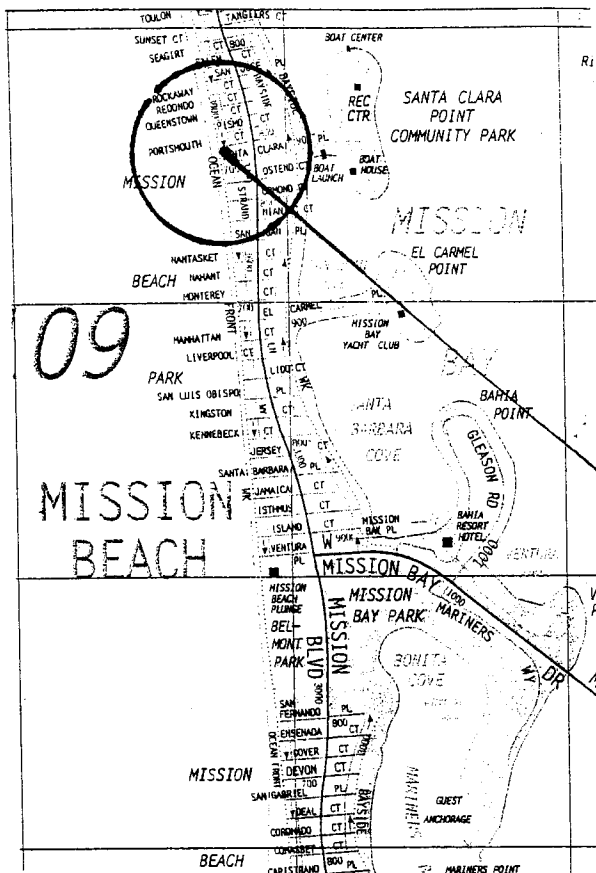
D. Local Coastal Planning. The subject site is located in an area of original jurisdiction, where the Commission retains permanent permit authority and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal 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.



SITE

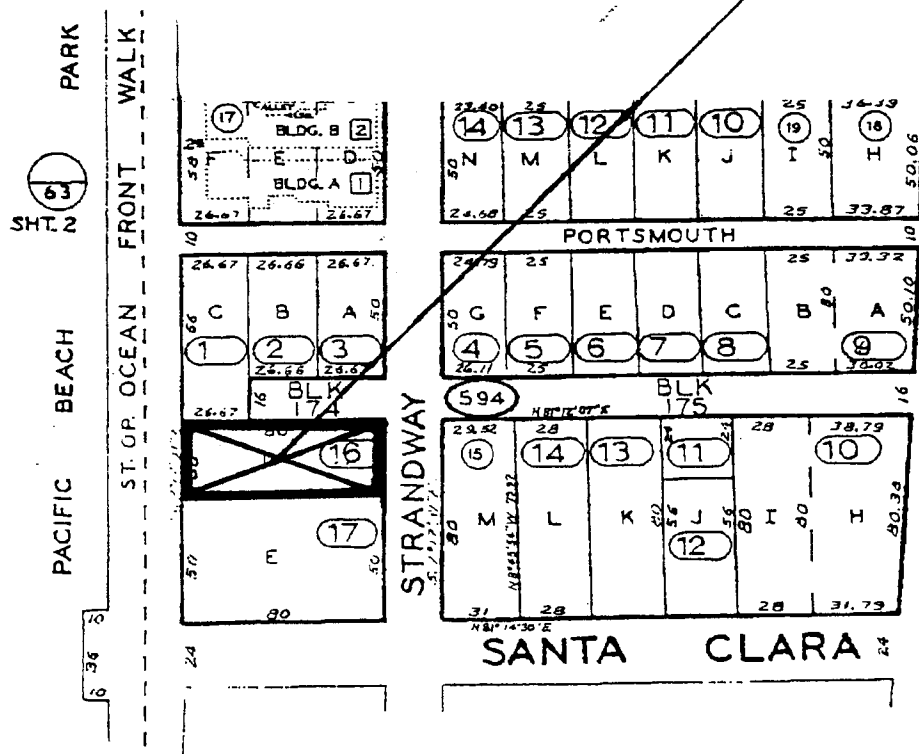


EXHIBIT NO. 1
APPLICATION NO.
6-04-068
Location Map



