

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
 7575 METROPOLITAN DRIVE, SUITE 103
 SAN DIEGO, CA 92108-4421
 (619) 767-2370



Thu 3a

Filed: 8/1/05
 49th Day: 9/19/05
 180th Day: 1/28/06
 Staff: LRO-SD
 Staff Report: 10/27/05
 Hearing Date: 11/16-18/05

RECORD PACKET COPY

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-05-84

Applicant: OP Ostend, LLC

Agent: Ken Cornell/Chad Pequignot/
Fernando Gonzales

Description: Demolition of four dwelling units in two detached structures and construction of a new three-story, approx. 30 ft. high, 4,045 sq.ft. single family residence with attached four-car garage on a 4,320 sq.ft. oceanfront lot.

| | |
|--------------------|----------------------------|
| Lot Area | 4,320 sq. ft. |
| Building Coverage | 2,312 sq. ft. (54%) |
| Pavement Coverage | 1,087 sq. ft. (25%) |
| Landscape Coverage | 523 sq. ft. (12%) |
| Unimproved Area | 398 sq.ft. (9%) |
| Parking Spaces | 4 |
| Zoning | R-N |
| Plan Designation | Residential North (36 dua) |
| Ht abv fin grade | 30 feet (approx.) |

Site: 3672-74 Ocean Front Walk, Mission Beach, San Diego, San Diego County. APN 423-59-04.

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).

2. Landscape/Yard Area Fence Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final landscaping and fence plans approved by the City of San Diego. The plans shall be in substantial conformance with the plans as submitted by Ocean Pacific Designs dated 10/18/05 and include the following:

- a. A view corridor a minimum of 15 ft. wide shall be preserved in the south yard area adjacent to Ostend Court as well as in the front yard area adjacent to the public boardwalk. All proposed landscaping in the south yard area shall be maintained at a height of three feet or lower (including raised planters) to preserve views from the street toward the ocean. Tall trees with thin trunks such as palm trees are permitted, provided they do not block public views toward the ocean.
- b. All landscaping shall be (1) drought-tolerant and native or (2) non-invasive plant species (i.e., no plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property).
- c. Any fencing in the south side yard setback area shall permit public views and have at least 75 percent of its surface area open to light.
- d. A written commitment by the applicant that five years from the date of the

issuance of the coastal development permit for the residential structure, the applicant will submit for the review and written approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies whether the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

The permittee shall undertake the development in accordance with the approved landscape plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is legally required.

3. Deed Restriction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. Findings and Declarations.

The Commission finds and declares as follows:

A. Detailed Project Description/History. Proposed is the demolition of four dwelling units housed in two detached structures and construction of a new three-story, approx. 30 ft. high, 4,045 sq.ft. single family residence on a 4,320 sq.ft. oceanfront lot. In addition, an attached four-car garage is also proposed. The subject site is located adjacent to the public boardwalk, Ocean Front Walk, in the community of Mission Beach in the City of San Diego.

As noted above, the existing development consists of four dwelling units which are existing legal non-conforming structures in that they exceed the permitted density and are presently deficient in on-site parking. Presently, there are only a total of four parking space on site where eight would be required pursuant to the Mission Beach Planned District Ordinance. The project site is also located in the beach impact area of the Parking Impact Overlay Zone, where parking is more critical as there is competition for

parking among beach users and residents alike. In addition, given that the the current development represents a density of 40 dwelling units per acre (dua) where 36 dua is required and only has four on-site parking spaces where eight would be required, the proposed new development will result in an improved project in terms of both density and parking, fully consistent with the Mission Beach Planned District Ordinance. Specifically, two spaces per residential unit is required pursuant to the Mission Beach PDO. In this case, adequate on-site parking will be provided with a total of four spaces, thus, existing impacts to public access will be eliminated and the proposed project is found consistent with all applicable Coastal Act policies addressing public access and recreation. However, to address potential concerns with regard to construction activities on public access on this nearshore property, the project has been conditioned such that no work shall occur between Memorial Day weekend and Labor Day of any year.

With regard to protection of public views, the Coastal Act as well as the City's implementation plan and Mission Beach PDO contain policies and requirements for protection of public views to the ocean in new development projects. The City's implementation plan contains detailed requirements addressing landscaping and open fencing in the side yards of projects located between the sea and the first coastal road. In this particular case, the because the project site is located immediately adjacent to the public boardwalk (Ocean Front Walk) and Ostend Court (to the south), which is between the first public road and the sea, potential impacts to public views must be addressed. In the Mission Beach community, the public rights-of-way of the various courts and places, which are generally east/west running streets, comprise the community's public view corridors.

In order to assure that the proposed landscape elements will not result in obstruction of views from Ostend Court to the ocean, Special Condition No. 2 requires submittal of final landscape plans. The condition requires that all proposed landscaping and improvements (planters, etc) in the south yard area and along Oceanfront Walk shall be maintained at a height of three feet or lower to preserve views from Ostend Court toward the ocean. The condition also allows tall trees with thin trunks such as palm trees, provided they do not block public views toward the ocean. However, to assure that future owners of the subject site are informed of the restriction on the project to preserve public views to the ocean, Special Condition No. 3 requires that a deed restriction be recorded. As conditioned, the proposed development is consistent with the visual resource and public view protection policies of the Coastal Act.

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, as conditioned, 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.

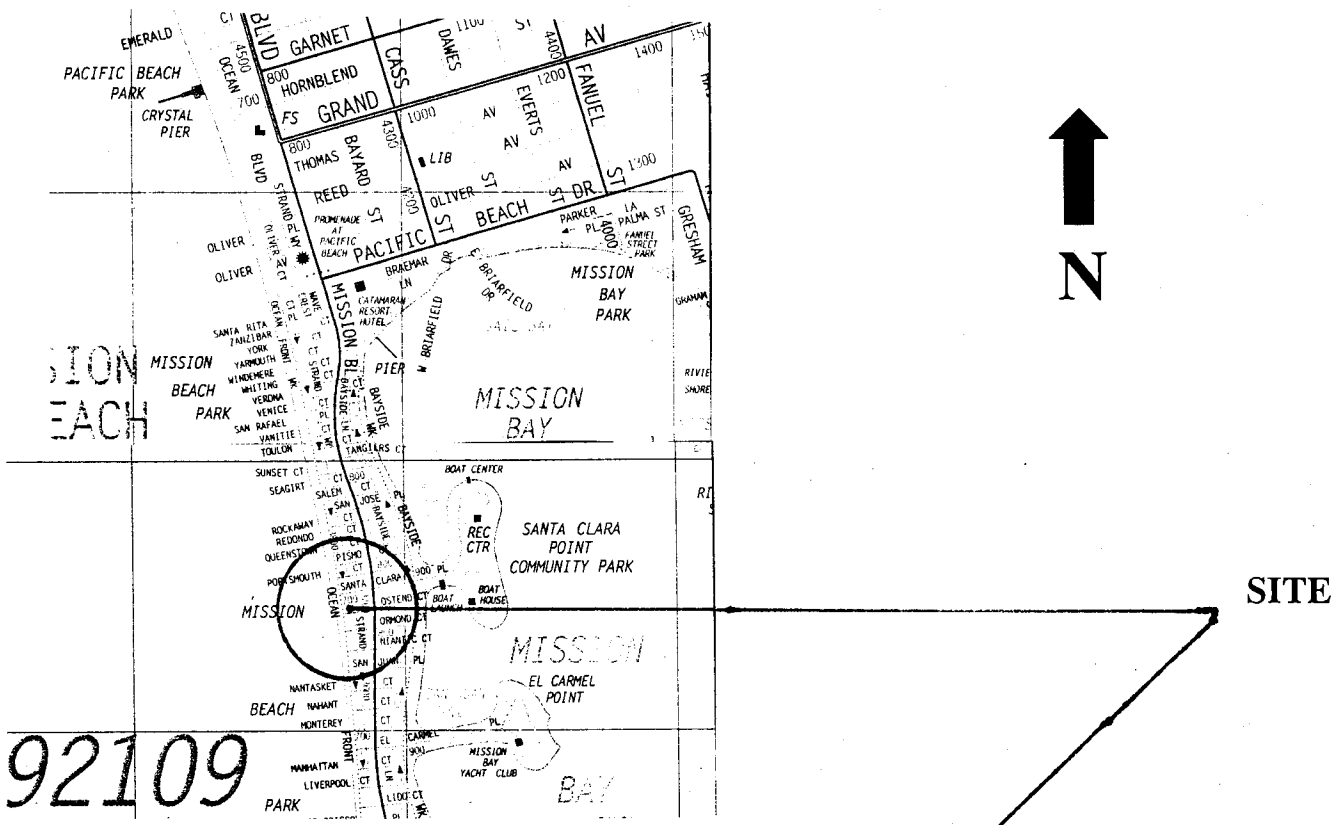
As conditioned, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

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.

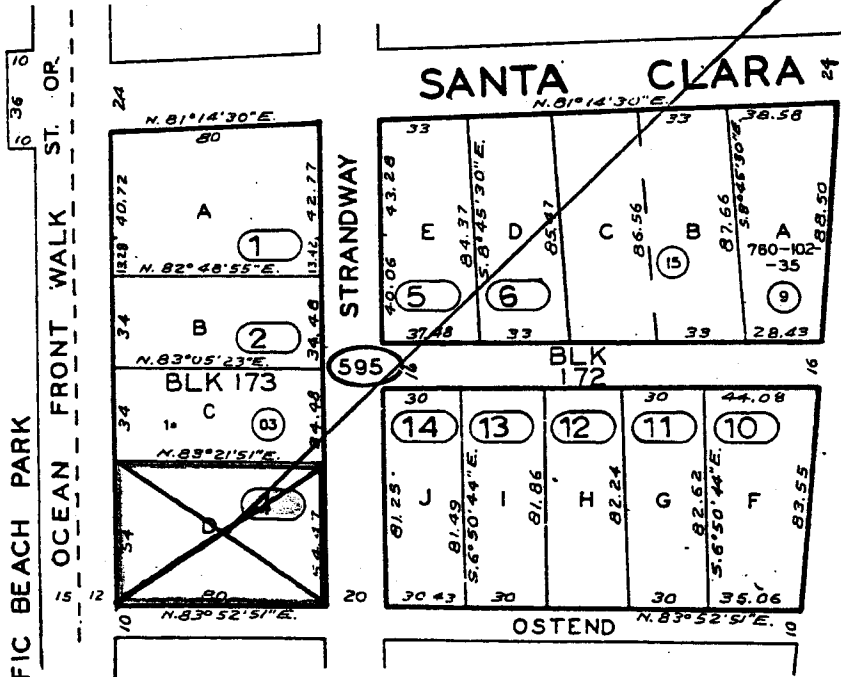
STANDARD CONDITIONS:

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.



92109

SITE



MISSION BLVD.

EXHIBIT NO. 1
APPLICATION NO.
6-05-84
Location Map
 California Coastal Commission



CONCRETE SURFACE
 STRAND WAY

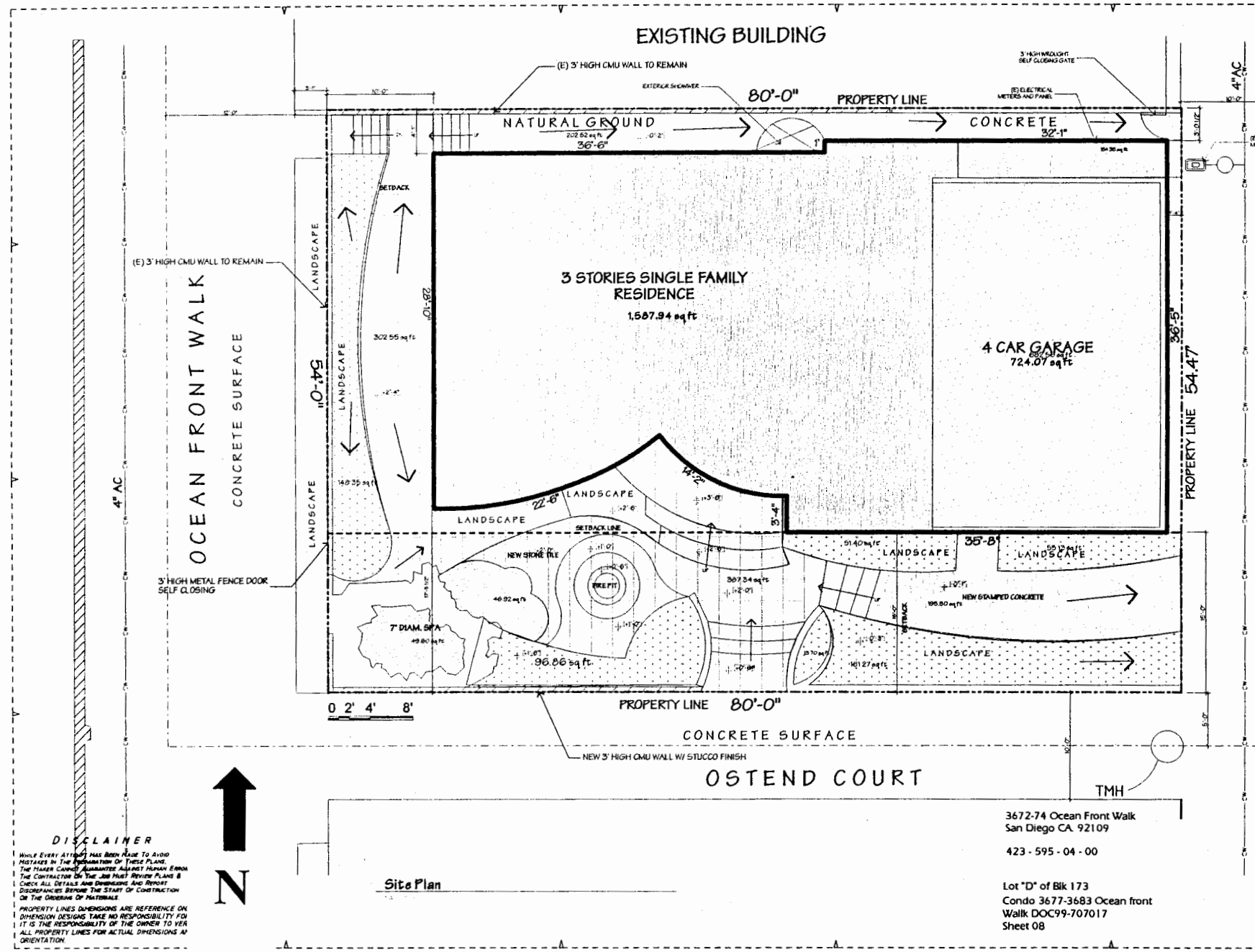
NEW BUILDING
OSTEND COURT
 3672-74 OCEAN FRONT WALK, San Diego, CA. 92109



Site Plan

| | |
|--------------|-----------|
| Date | 08-31-05 |
| Scale | |
| Drawn | CP-PG |
| Check | A-3275-05 |
| Sheet Number | |

A-1



DISCLAIMER
 WHILE EVERY ATTEMPT HAS BEEN MADE TO AVOID MISTAKES IN THE PREPARATION OF THESE PLANS, THE PRAKER CANNOT GUARANTEE AGAINST HUMAN ERROR. THE CONTRACTOR ON THE JOB MUST REVIEW PLANS & CHECK ALL DETAILS AND DIMENSIONS AND REPORT DISCREPANCIES BEFORE THE START OF CONSTRUCTION OR THE ORDERING OF MATERIALS.
 PROPERTY LINES DIMENSIONS ARE REFERENCE ON DIMENSION DESIGNS TAKE NO RESPONSIBILITY FOR IT IS THE RESPONSIBILITY OF THE OWNER TO VERIFY ALL PROPERTY LINES FOR ACTUAL DIMENSIONS AND ORIENTATION.



3672-74 Ocean Front Walk
 San Diego CA. 92109
 423 - 595 - 04 - 00
 Lot "D" of Blk 173
 Condo 3677-3683 Ocean front
 Walk DOC99-707017
 Sheet 08

Site Plan

