

Lastly, because work during the summer in this location can have significant impacts on public access, a special condition is recommended that addresses timing of construction to avoid impacts to public access during the summer season. The proposed triplex, as conditioned, is consistent with all applicable Coastal Act policies.

Standard of Review: Chapter 3 policies of the Coastal Act, with the certified City of San Diego LCP used as guidance.

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

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-05-85 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. 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 north yard area adjacent to Balboa Court as well as in the front yard area adjacent to the Oceanfront Walk public right-of-way. All proposed landscaping in the north 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.

2. No Enclosure of Open Tandem Parking Spaces. No enclosure of the proposed open tandem parking spaces in the south side yard shall be permitted. The south side yard shall be kept free of permanent enclosures for purposes of preserving public views to the ocean and to minimize a 'walled-off' effect.

3. 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).

4. 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:

1. Detailed Project Description. The proposed project involves demolition of a single-family residence and construction of a two-story (over basement), 29 ft. high, 4,599 sq.ft. triplex with two attached two-car garages and carport with two tandem parking spaces and landscaping/hardscaping on a 4,321 sq.ft. oceanfront lot. The subject site is located between at the southeast corner of Ocean Front Walk (the public boardwalk) and Balboa Court, in the community of Mission Beach in the City of San Diego. The subject site is located at the southeast corner of Ocean Front Walk and Balboa Court and is bounded by Ocean Front Walk to the west, Balboa Court to the north and Strandway to the east.

Although the City of San Diego has a certified LCP for the Mission Beach community, the subject site is located in an area where the Commission retains permit jurisdiction.

Therefore, Chapter 3 of the Coastal Act is the standard of review, with the City's LCP used as guidance.

2. Public Views/Visual Quality. Section 30251 of the Coastal Act is applicable to the subject project and states, in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas,...

In addition, Section 103.0526.13 Mission Beach PDO, which the Commission uses for guidance also contains the following requirement:

“Landscaping located within the required yards for Courts and Places shall protect pedestrian view corridors by emphasizing tall trees with canopy areas and ground cover. Landscaping materials shall not encroach or overhang into the Courts and Places rights-of-way below the height of 10 feet above the right-of-way.” (p.10)

The certified Mission Beach Precise Plan and Local Coastal Program Addendum, which the Commission uses for guidance also states:

“Views to and along the shoreline from Public areas shall be protected from blockage by development and or vegetation.” (p.14)

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 addition, the public boardwalk (Ocean Front Walk), which runs north/south along the beach, serves not only as a highly popular public access, but also serves as a view corridor along the shoreline. The project site is located immediately adjacent to the Ocean Front Walk public right of way and Balboa Court (to the north). Thus, there is the potential for the subject development to impact views to and along the shoreline. The Commission typically reviews projects to assure that any new proposed development does not encroach into the side yard setback areas which could impede public views toward the ocean. In this particular case, the proposed development will observe all required setbacks for the north and south side yards and public views to the ocean will not be impacted as a result of the proposed structure. However, there still remains the potential for proposed landscaping in the yard areas to impede views to the ocean (both initially and over time, as plant materials/trees mature). As such, Special Condition #1 requires that the applicant submit landscape plans that require that all proposed landscaping and hardscaping consist of only low level material that do not

impede views to the ocean. In this particular case, the permitted landscape elements include plant materials that do not impede views (limited to a height of about 3 ft.) and a tree with a thin trunk (such as a Palm tree).

Another potential concern is with regard to the open carport in the south side yard of the subject site. Two, two-car garages are proposed and a carport with tandem parking is proposed with the proposed new development to accommodate a total of six vehicles. Given that the LCP calls for protection of potential public views, and in particular, that the side yards remain free of obstructions, this raises a concern in that there is the potential that the "open" parking space could be converted to an enclosed parking structure (i.e., garage) in the future which would result in a walled-off effect, blocking views to the ocean. An advisory condition (Special Condition #2) puts the applicant on notice that no enclosure of the proposed open parking space in the south side yard will be permitted in the future.

Through the above-cited conditions, it can be assured that any improvements proposed in the yard areas will not impede public views toward the ocean. Special Condition #4 requires the permit and findings be recorded to assure future property owners are aware of the permit conditions.

With regard to community character, the existing residences along the boardwalk vary widely in architectural style and appearance. The proposed project will result in a two-story structure (over a basement) next to Ocean Front Walk, the public boardwalk. The proposed structure will be 29 feet high, consistent with current zoning requirements. In addition, the proposed structure will be visually compatible with the character of the surrounding neighborhood and the pattern of redevelopment in the area. In summary, the proposed development, as conditioned, will not result in any public view blockage and will be visually compatible with the character of the surrounding neighborhood, consistent with Section 30251 of the Coastal Act and the certified LCP

3. Public Access. Coastal Act sections 30210, 30211 and 30212(a) are applicable to the project and state the following:

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212(a)

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby, or, [.]

Section 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

In addition, Section 30252 of the Act is also applicable to the proposed development and states the following:

The location and amount of new development should maintain and enhance public access to the coast by . . . (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation

The project site is located immediately adjacent to Ocean Front Walk, the public boardwalk. The boardwalk is a heavily-used recreational facility frequented by pedestrians, bicyclists, skaters, skateboarders, runners, and persons in wheelchairs. The walkway is accessible from the east/west courts and streets off of Mission Boulevard, and provides access to the sandy beach at stairways located at various points along the seawall. Access to the beach can be gained nearest the project site at the end of Balboa Court adjacent to the project site. In addition, adequate on-site parking will be provided consistent with Section 30252 of the Act.

The project site is located in south Mission Beach near the area where the public boardwalk (Ocean Front Walk) begins to curve in a southeasterly direction away from the public beach. The public boardwalk has been widened in north Mission Beach (between Ventura Place north to Santa Rita Place). However, next to the subject site, the public boardwalk (south of San Fernando Place) has not yet been widened by the City. As such, there are several properties that have existing private accessory improvements located in the public right-of-way adjacent to the public boardwalk that consist of concrete/brick patios, walls, landscaping, etc. that are located west of the western property lines of the subject sites. For the subject development, the only existing improvements in this area are a picket fence which is proposed to be removed. As no new development is proposed

in this area, the City did not require an Encroachment Removal Agreement for the proposed development.

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 will be no private accessory improvements that extend beyond the private property or encroach into the public right-of-way, the 12-foot wide area between the subject site property boundary and the public boardwalk. Thus, the proposed development will actually remove private encroachments that exist within the public right-of-way and as such, will not preclude expansion of the boardwalk in this area in the future. In addition, to address potential concerns with regard to construction activities on public access on this oceanfront property, the project has been conditioned (#3) such that no work shall occur between Memorial Day weekend and Labor Day of any year. Therefore, the proposed development, as conditioned, does not interfere with public access opportunities and can be found consistent with the public access and recreation policies of the Coastal Act.

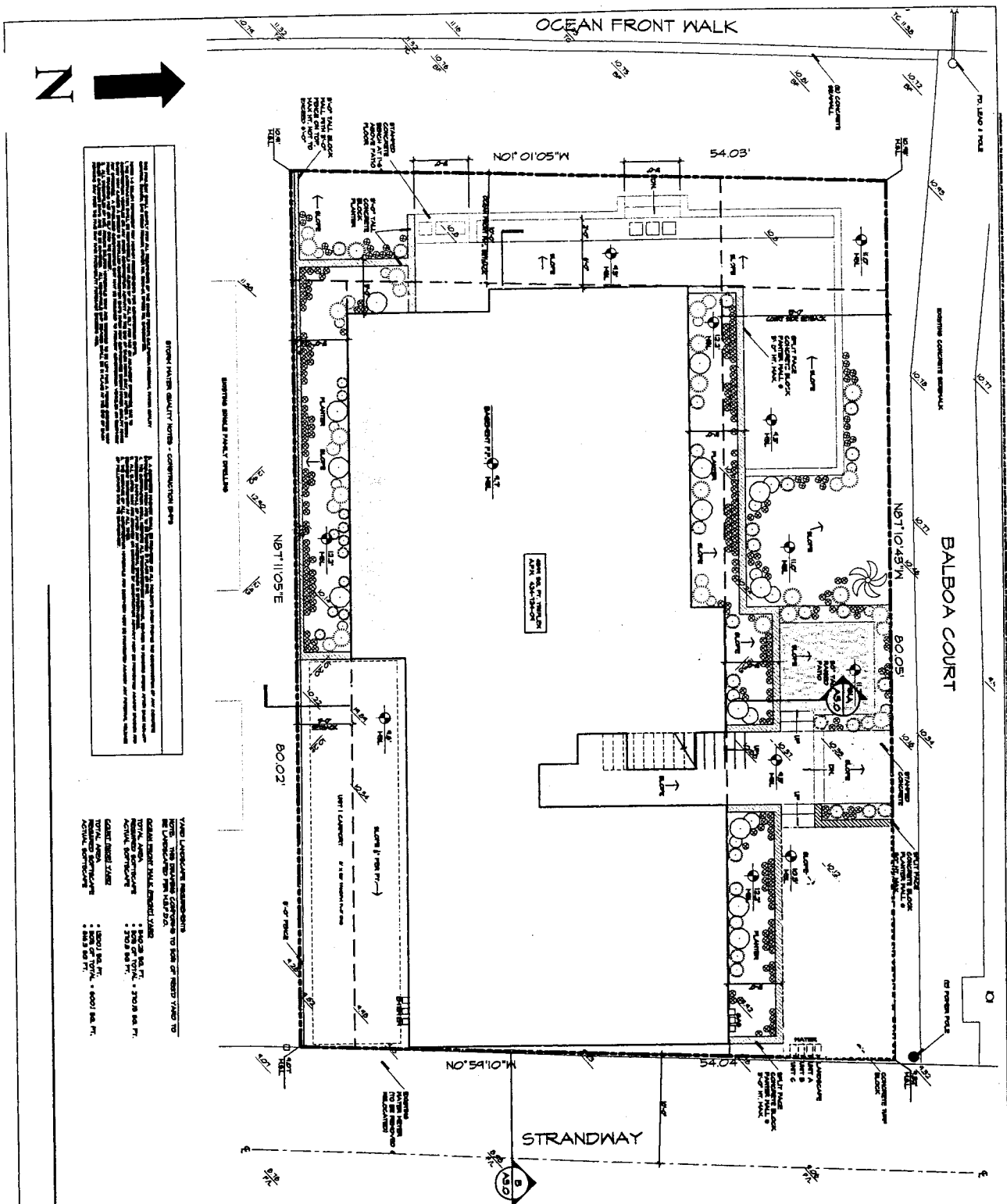
4. Local Coastal Planning. While the City of San Diego has a certified LCP that governs the Mission Beach community, the subject site is located in an area of original jurisdiction, where the Commission retains permanent permit authority. The project is consistent with the certified Mission Beach Precise Plan and all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, 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.

5. Consistency with the California Environmental Quality Act (CEQA). 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, to be 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 which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing protection of public views to the ocean and public access will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project 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.



STORM WATER QUALITY NOTES - CONSTRUCTION PERMITS

1. THE DEVELOPER SHALL OBTAIN A PERMIT FROM THE COUNTY OF SAN DIEGO TO CONDUCT CONSTRUCTION ACTIVITIES THAT MAY DISTURB OR REMOVE VEGETATION OR SOILS. THE PERMIT SHALL REQUIRE THE DEVELOPER TO PREPARE AND IMPLEMENT A STORM WATER QUALITY MANAGEMENT PLAN (SWQMP) THAT SHALL BE APPROVED BY THE COUNTY OF SAN DIEGO. THE SWQMP SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

- A. A DESCRIPTION OF THE CONSTRUCTION ACTIVITIES THAT MAY DISTURB OR REMOVE VEGETATION OR SOILS.
- B. A DESCRIPTION OF THE MEASURES TO BE TAKEN TO PREVENT OR MINIMIZE THE IMPACTS OF THE CONSTRUCTION ACTIVITIES ON STORM WATER QUALITY.
- C. A DESCRIPTION OF THE MEASURES TO BE TAKEN TO RESTORE OR COMPENSATE FOR ANY DISTURBANCE TO VEGETATION OR SOILS.
- D. A DESCRIPTION OF THE MEASURES TO BE TAKEN TO MONITOR AND REPORT ON THE EFFECTS OF THE CONSTRUCTION ACTIVITIES ON STORM WATER QUALITY.

2. THE DEVELOPER SHALL OBTAIN A PERMIT FROM THE COUNTY OF SAN DIEGO TO CONDUCT CONSTRUCTION ACTIVITIES THAT MAY DISTURB OR REMOVE VEGETATION OR SOILS. THE PERMIT SHALL REQUIRE THE DEVELOPER TO PREPARE AND IMPLEMENT A STORM WATER QUALITY MANAGEMENT PLAN (SWQMP) THAT SHALL BE APPROVED BY THE COUNTY OF SAN DIEGO. THE SWQMP SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

- A. A DESCRIPTION OF THE CONSTRUCTION ACTIVITIES THAT MAY DISTURB OR REMOVE VEGETATION OR SOILS.
- B. A DESCRIPTION OF THE MEASURES TO BE TAKEN TO PREVENT OR MINIMIZE THE IMPACTS OF THE CONSTRUCTION ACTIVITIES ON STORM WATER QUALITY.
- C. A DESCRIPTION OF THE MEASURES TO BE TAKEN TO RESTORE OR COMPENSATE FOR ANY DISTURBANCE TO VEGETATION OR SOILS.
- D. A DESCRIPTION OF THE MEASURES TO BE TAKEN TO MONITOR AND REPORT ON THE EFFECTS OF THE CONSTRUCTION ACTIVITIES ON STORM WATER QUALITY.

VEGETATION LANDSCAPE RECOMMENDATIONS

NOTE: THIS VEGETATION CONCEPT PLAN IS TO BE CONSIDERED AS A GENERAL GUIDE ONLY. THE DEVELOPER SHALL CONSULT WITH A LANDSCAPE ARCHITECT TO DEVELOP A DETAILED VEGETATION PLAN THAT SHALL BE APPROVED BY THE COUNTY OF SAN DIEGO. THE VEGETATION PLAN SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

- A. A DESCRIPTION OF THE VEGETATION TO BE PLANTED, INCLUDING THE SPECIES, SIZE, AND PLACEMENT.
- B. A DESCRIPTION OF THE MEASURES TO BE TAKEN TO MAINTAIN AND CARE FOR THE VEGETATION.
- C. A DESCRIPTION OF THE MEASURES TO BE TAKEN TO MONITOR AND REPORT ON THE EFFECTS OF THE VEGETATION.

GENERAL DESIGN DATA (EXCEPT WHERE SHOWN OTHERWISE):

- DATE: 05/20/85
- SCALE: AS SHOWN
- DESIGNER: GOLBA ARCHITECTURE
- PROJECT NO.: 6-05-85
- CLIENT: LEIGHT TRIPLEX
- LOCATION: 2742 STRANDWAY, MISSION BEACH, CA

SITE NOTES:

1. EXISTING CONDITIONS TO BE MAINTAINED.
2. NEW CONSTRUCTION TO BE SHOWN WITH DASHED LINES.
3. EXISTING UTILITIES TO BE SHOWN WITH DOTTED LINES.
4. PROPOSED UTILITIES TO BE SHOWN WITH SOLID LINES.
5. ALL DIMENSIONS ARE IN FEET AND INCHES.

SITE KEY:

	BOUNDARY OF PROPOSED SITE
	BOUNDARY OF ADJACENT PROPERTY
	PROPOSED STRUCTURE
	EXISTING STRUCTURE
	STORM ELEVATION SPOT

LANDSCAPING LEGEND:

TREES:

SHRUBS:

HARDSCAPE:

	IRREGULARLY SHAPED GRAVEL, COBBLE, OR STONE
	CIRCULAR LANDSCAPE GRAVEL LAWN
	CONCRETE
	GRAVEL ON COMPACTED STONE

SITE PLAN
SCALE: UNIFORM

EXHIBIT NO. 2
APPLICATION NO.
6-05-85
Site Plan

