

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
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# Wed 16b

Filed: 8/7/06  
 49th Day: 9/25/06  
 180th Day: 2/3/07  
 Staff: Laurinda Owens-SD  
 Staff Report: 9/20/06  
 Hearing Date: 10/11-13/06

AMENDMENT REQUEST  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-05-35-A1

Applicant: Donald Roberts                      Agent: Morengo Morton Architects

Original Description: Demolition of an existing two-story, 2,105 sq.ft. single-family residence and construction of a new three-story, 30 ft. high, 2,970 sq.ft. single-family residence with patio, balconies and on-site parking for two vehicles on a 2,739 sq.ft. oceanfront lot.

Proposed Amendment: Changes to the architectural design of the proposed residence to include an increase in size from 2,970 sq.ft. to 3,046 sq.ft. and minor change to roof line from arched-shaped to flat to accommodate a new 380 sq.ft. roof deck.

Site: 3637 Ocean Front Walk, Mission Beach, San Diego County.  
 APN 423-604-03.

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

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed project, subject to special conditions. The proposed amendment involves changes to the architectural design and floor plans of a single-family residence resulting in a slight increase in size from 2,970 sq.ft. to 3,046 sq.ft.. and building footprint. Because the development is located along Ocean Front Walk (the public Boardwalk), there is the potential for proposed landscaping in the front yard area to impede views along this view corridor (both initially and over time, as plant materials/trees mature). As such, proposed special conditions require landscape plans to limit any hardscaping and landscaping to a maximum height of three feet which will not have an adverse effect on public views along the shoreline and that any proposed fencing

within the front (west) side yard setback area be at least 75% open so as not to obstruct views. In addition, because work during the summer in this location can have significant impacts on public access, a special condition of the original permit remains in full force and effect which addresses timing of construction to avoid impacts to public access during the summer season. With the special conditions, the proposed amendment is consistent with all applicable provisions of the certified LCP.

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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. 6-05-35 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment 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 A PERMIT AMENDMENT:**

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. Special Conditions.

The permit is subject to the following conditions:

**Special Condition #1 of the original permit remains in full force and effect. The following shall be new conditions added after Special Condition #1.**

2. Final Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit to the Executive Director for review and written approval final site, building and elevation plans for the permitted development. Said plans shall be stamped approved by the City of San Diego and be in substantial conformance with the plans submitted by Marengo Morton Architects dated 8/4/06.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Final 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 landscape plans as submitted by Morengo Morton Architects dated 8/4/06 and shall include the following:

- a. A 10-ft. wide view corridor shall be preserved in the front yard area adjacent to Ocean Front Walk the public boardwalk. All proposed landscaping in the front (west) yard area shall be maintained at a height of three feet or lower (including raised planters) to preserve views to and along the shoreline. A maximum of two (2) tall trees with thin trunks are permitted, provided they are located close to the building and they do not block views along the shoreline or towards the ocean.
- b. All landscaping shall be drought-tolerant and (1) 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 and north 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.

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 amendment 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.

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### III. Findings and Declarations.

The Commission finds and declares as follows:

1. Project History/Amendment Description. The proposed project is an amendment to CDP #6-05-35, approved by the Commission on 6/8/05, which was for the demolition of an existing two-story, 2,105 sq.ft. single-family residence and construction of a new three-level, 30 ft. high, 2,970 sq.ft. single-family residence with patio, balconies and on-site parking for two vehicles on a 2,739 sq.ft. oceanfront lot. The subject site is next to the public boardwalk (Ocean Front Walk) between Ormond and Niantic Courts in the community of Mission Beach in the City of San Diego.

The proposed changes to the development through the subject amendment request consist of changes to the architectural design of the proposed residence from modern to craftsman beach bungalow. In addition, minor changes are proposed to the floor plans which will result in a slight increase in size of the proposed single-family residence from 2,970 sq.ft. to 3,046 sq.ft. and minor changes in the building footprint (rectangular vs. oval or curved shape). First floor changes consist of elimination of a circular stairway and replacement with a standard shaped stairway, elimination of a fish tank and replacement with dining area, elimination of oval-shaped restroom and replacement with rectangular restroom. Also proposed is a new jacuzzi at the south elevation and a pedestal near the stairway. The second and third floor changes consist of the some of the same changes at the ground level (shape of stairway and bathroom). The third floor changes also include elimination of a deck at the north elevation and the addition of a new circular stairway to access a new 360 sq.ft. roof deck. A portion of the roofline will also be slightly changed (curved to flat) to accommodate the proposed deck. Improvement associated with the roof deck include a dining area, BBQ and fire pit.

Aside from those changes described above, the remainder of the proposed residential structure is the same as the originally-proposed residence.

The proposed new residence will observe all of the required yards setbacks, consistent with the Mission Beach Precise Plan and Planed District Ordinance, which is used for guidance in the review of development proposals in this area. The proposed new development will observe the required 10-foot setback from Ocean Front Walk at the ground level of the structure. The second and third levels are not complete stories and are proposed to be situated over the eastern half of the structure which will terrace the development back and results in opening up views along the public boardwalk. The new building will appear as a three-story structure from the east and a two-story structure from the west.

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. 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 yard setback areas which could impede public views toward the ocean. When the original project was approved approximately 1 ½ years ago, only those projects next to a public view corridor streetend were routinely required to limit the landscaping in the yard area setbacks to preserve public views to the ocean. Since that time, due to a number of projects which proposed both landscape and hardscape improvements within front yard area setbacks along Ocean Front Walk, the Commission has found it necessary to limit such improvements in the front yard setback areas to assure public views along the Boardwalk are preserved.

In this particular case, the proposed development is not located adjacent to a streetend. However, because the development is located along the public Boardwalk, there still remains the potential for proposed landscaping in the front yard area to impede views along this view corridor (both initially and over time, as plant materials/trees mature). That is, as one is walking along the boardwalk, if tall canopy-like trees were to be planted in close proximity to the public boardwalk they could obstruct views to and along the shoreline looking north and south as one travels along the public boardwalk. As such, Special Condition #3 is required at this time which specifies 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 and along the shoreline. 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 two trees with a thin trunk (such as a Palm tree). Through the above-cited conditions, it can be assured that any improvements proposed in the front yard area will not impede public views along the Boardwalk. In addition, Special Condition #2 is required to assure that final plans approved by the City of San Diego have been stamped and approved prior to issuance of the coastal development permit. 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, as amended, will result in a three-story structure next to Ocean Front Walk, the public boardwalk. The proposed structure will be 30 feet high, consistent with current zoning requirements. In addition, the proposed structure, as amended, will remain 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/Recreation. Coastal Act sections 30210, 30211, 30212(a) and 30221 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.

### Section 30221

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

The project site is located adjacent to the public beach and 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 Ormond Court and Niantic Court adjacent to the project site. Thus, adequate access exists very nearby, for purposes of Coastal Act Section 30212.

In addition, eight on-site parking spaces are proposed to serve the new development. The Ocean Front Walk boardwalk was originally constructed in 1928, and runs along the western side of Mission Beach from the South Mission Beach Jetty north approximately 2.36 miles to Thomas Avenue in the community of Pacific Beach. The project site is located in an area where the public boardwalk has already been widened. The amended project will result in minor changes to the architectural design and floor plans of the

proposed residence and will result in a slight increase in size of the proposed structure from 2,970 sq.ft. to 3,046 sq.ft.

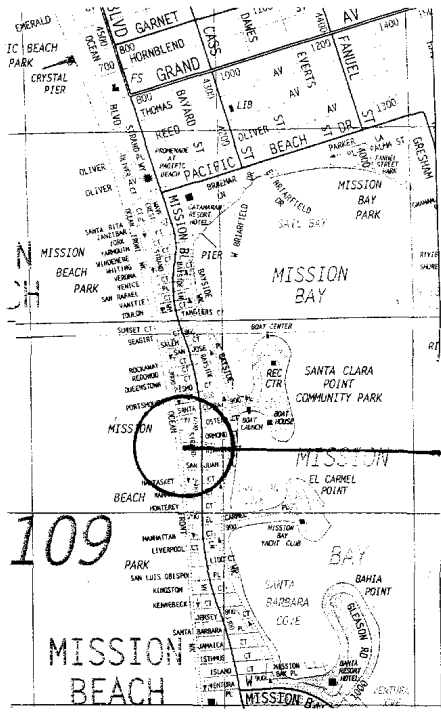
To address potential concerns with regard to construction activities on public access on this oceanfront property and given its proximity to the public boardwalk, a special condition of the original permit (which remains in full force and effect) requires that construction work not occur between Memorial Day weekend and Labor Day. In summary, the proposed project, as amended, will not adversely affect public access opportunities in this area and is consistent with the certified LCP and the public access and recreation policies of the Coastal Act.

4. Local Coastal Planning. As conditioned, the subject proposal complies with the existing LCP provisions cited above pertaining to protection of public views to the ocean. The Commission finds that, as conditioned, for submittal of landscape/yard area plans that require that hardscaping and landscaping not exceed 3 feet in height, the proposal is consistent with all applicable Chapter 3 policies of the Coastal Act and will not to prejudice the ability of the City of San Diego to continue to implement its certified LCP for the Mission Beach area of the City of San Diego.

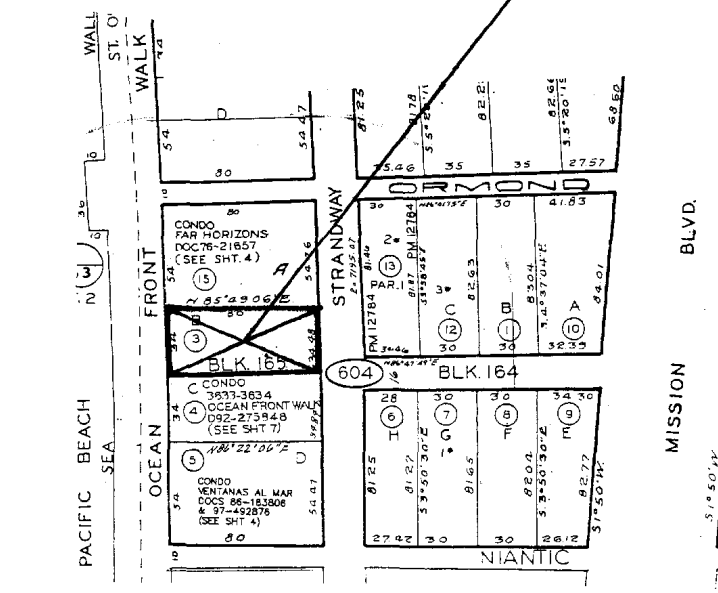
5. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of 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.

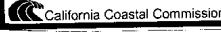
The proposed project has been conditioned in order to be found consistent with Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing preservation of public views to the ocean and public access and will minimize all adverse environmental impacts. As conditioned, there 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 amended project, as conditioned, is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.





SITE



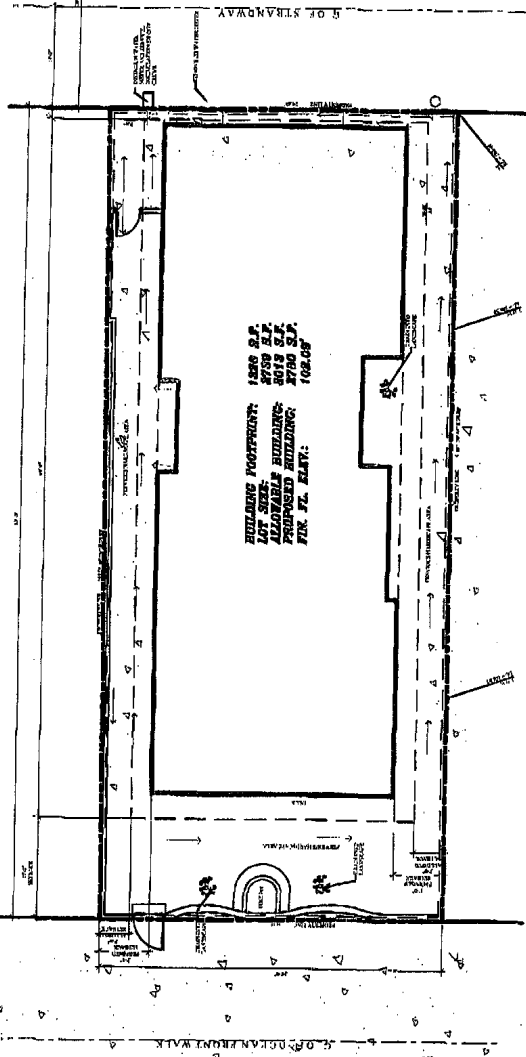
<p>EXHIBIT NO. 1 APPLICATION NO. <b>6-05-035-A1</b> Location Map</p> 
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	<b>Marengo Morton Architects</b>	2635 Bonaventure Ave Suite 110 La Jolla, CA 92037 Tel: (858) 593-7559 Fax: (858) 593-7558 marchitects.com		<b>ROBERTS RESIDENCE</b>	107 OCEAN FRONT WALK SAN DIEGO, CA 92109		<b>STEP PLAN</b>	<b>A1.1</b>
	<p>Prepared by: ALICIA MORTON, LIC. ARCHITECT 12486 Checked by: JAMES CLAYTON, LIC. ARCHITECT 12486 Date: 09/18/2006</p> <p>PROJECT NAME: ROBERTS RESIDENCE SITE ADDRESS: 107 OCEAN FRONT WALK, SAN DIEGO, CA 92109</p> <p>Scale: 1/8" = 1'-0" Drawing No.: 6-05-35-A1.1 Author: JCM Date: 09/18/2006</p>							

**PREPARED BY:**  
ALICIA MORTON, LIC. ARCHITECT 12486  
Checked by: JAMES CLAYTON, LIC. ARCHITECT 12486  
Date: 09/18/2006

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Scale: 1/8" = 1'-0"  
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1 STEP PLAN  
SCALE: 1/8" = 1'-0"

**SITE LEGEND**

	BUILDING FOOTPRINT
	LOT SIZE
	PROPOSED BUILDING
	STREET
	UTILITY

**PERMANENT STORM WATER BMPs**

No new stormwater runoff shall be generated on the site. All stormwater runoff shall be captured and treated on-site. The following BMPs shall be installed and maintained in accordance with the California Stormwater Quality Act (CSWA) and the National Stormwater Management Manual (NSWM):

- 1. Stormwater Management Plan (SWMP)
- 2. Stormwater Quality Control (SWQC)
- 3. Stormwater Detention Basin (SWDB)
- 4. Stormwater Infiltration Basin (SWIB)
- 5. Stormwater Retention Basin (SWRB)
- 6. Stormwater Treatment Basin (SWTB)
- 7. Stormwater Storage Basin (SWSB)
- 8. Stormwater Distribution Basin (SWDB)
- 9. Stormwater Collection Basin (SWCB)
- 10. Stormwater Conveyance Basin (SWCB)
- 11. Stormwater Treatment Basin (SWTB)
- 12. Stormwater Storage Basin (SWSB)
- 13. Stormwater Distribution Basin (SWDB)
- 14. Stormwater Collection Basin (SWCB)
- 15. Stormwater Conveyance Basin (SWCB)

**STORM WATER QUALITY NOTES**

**CONSTRUCTION BMPs**

The proposed site plan shall be implemented in accordance with the following requirements of the Stormwater Quality Act (CSWA) and the National Stormwater Management Manual (NSWM):

- 1. Stormwater Management Plan (SWMP)
- 2. Stormwater Quality Control (SWQC)
- 3. Stormwater Detention Basin (SWDB)
- 4. Stormwater Infiltration Basin (SWIB)
- 5. Stormwater Retention Basin (SWRB)
- 6. Stormwater Treatment Basin (SWTB)
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- 14. Stormwater Collection Basin (SWCB)
- 15. Stormwater Conveyance Basin (SWCB)

**EXHIBIT NO. 2**  
**APPLICATION NO.**  
**6-05-035-A1**  
**Site Plan**