

CALIFORNIA COASTAL COMMISSION

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



Thu 3b

Filed: 11/7/06
 49th Day: 12/26/06
 180th Day: 5/6/07
 Staff: Laurinda Owens-SD
 Staff Report: 12/19/06
 Hearing Date: 1/10-12/07

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-06-136

Applicant: Ocean Pacific San Juan, LLC **Agent:** Ken Cornell

Description: Conversion of existing three-story (over basement), approximately 37 ft. high, 11,692 sq.ft., 10-unit apartment building, with 16 parking spaces in basement garage to condominium ownership and, reduction in overall size of existing building from approximately 16,338 sq.ft. to 16,303 sq.ft. on a 7,040 sq.ft. oceanfront lot.

Lot Area	7,040 sq. ft.
Building Coverage	4,141 sq. ft. (59%)
Pavement Coverage	1,907 sq. ft. (27%)
Landscape Coverage	992 sq. ft. (14%)
Parking Spaces	16
Zoning	R-S
Plan Designation	Residential South (36 dua)
Project Density	61.8 dua
Ht abv fin grade	37'2" feet

Site: 3607 Ocean Front Walk, Mission Beach, San Diego, San Diego County. APN 423-605-03, -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. Future Development Restriction. This permit is only for the development described in coastal development permit No. 6-06-136 (conversion of existing building to condominium ownership and demolition of 35 sq.ft. of the existing structure). Except as provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106, including, but not limited to, a change in the density or intensity of use land, shall require an amendment to Permit No. 6-06-136 from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission or from the applicable certified local government.

2. Final Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit final plans for the construction of the two units. Said plans shall first be reviewed and approved in writing by the City of San Diego. Said plans shall also be in substantial conformance with the plans submitted by Frontis + Young Design dated 9/20/06 with this application and shall be subject to the review and written approval of the Executive Director.

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

IV. Findings and Declarations.

The Commission finds and declares as follows:

A. Detailed Project Description/History. The proposed project involves the conversion of existing three-story (over basement), approximately 37 ft. high, 11,692 sq.ft., 10-unit apartment building over basement garage to condominium ownership and reduction in overall size of existing building from approximately 16,338 sq.ft. to 16,303 sq.ft. on a 7,040 sq.ft. oceanfront lot. A total of 16 on-site parking spaces will be

provided in the basement parking garage. The subject site is located on the northeast corner of Ocean Front Walk (the public boardwalk) and San Juan Court in the community of Mission Beach in the City of San Diego. The proposed project received an exemption dated 11/3/05 from the San Diego District Office for interior remodeling of the existing structure without an increase to the intensity of use of the project. No change in internal floor area or height of the structure was proposed. However, during the construction, approximately 35 sq.ft. of the existing structure was demolished. In addition, the applicant converted the building to condominium ownership without the benefit of a coastal development permit. Thus, the subject permit represents an after-the-fact coastal development permit for the small change in square footage of the building and for the change in ownership.

The subject project is located within the Residential South (R-S) zone of the Mission Beach Planned District. The existing building meets all required building setbacks pursuant to zoning. However, the development does not meet the minimum parking requirement of two parking spaces per residential unit. However, in this particular case, the proposed project is not increasing the intensity of use on the site and, as such, is not required to bring the parking up to current zoning standards.

Likewise, because the project is an older non-conforming structure that is being converted to condominium ownership, it is presently exceeds the maximum height limit and is over density resulting in a density of 61.8 dwelling units per acre where typically a maximum density of 36 dwelling units per acre is permitted. Current zoning requirements would permit a maximum of six dwelling units on the site for new development. In addition, current zoning would also restrict the building height to a maximum of 30 feet. However, the proposed project will not result in an increase to the degree of non-conformity of the existing structure because, as noted previously, it is not resulting in an increase in the size of the existing units, number of units, building height or overall square footage of the building.

Special Condition #1 is required to advise the applicant that the subject permit is only for the proposed condominium conversion and demolition of 35 sq.ft. of the existing structure and that any future changes to the existing structure (such as a change to the intensity or density of use) shall require an amendment to this permit or a separate coastal development permit. 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. In so doing, the City will review and check the proposed development to assure consistency with the Mission Beach PDO.

The subject site is located in an area of original jurisdiction, where the Commission retains permanent permit authority.

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. Unpermitted Development. Unpermitted development has occurred on the subject site without the required coastal development permit in that the proposed conversion of apartments to condominium ownership (and a slight reduction in square footage of the building) has already occurred. Although development has taken place prior to submission of this permit application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

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.



MISSION BEACH

MISSION BAY

SITE

92109

MISSION BEACH

MISSION BAY

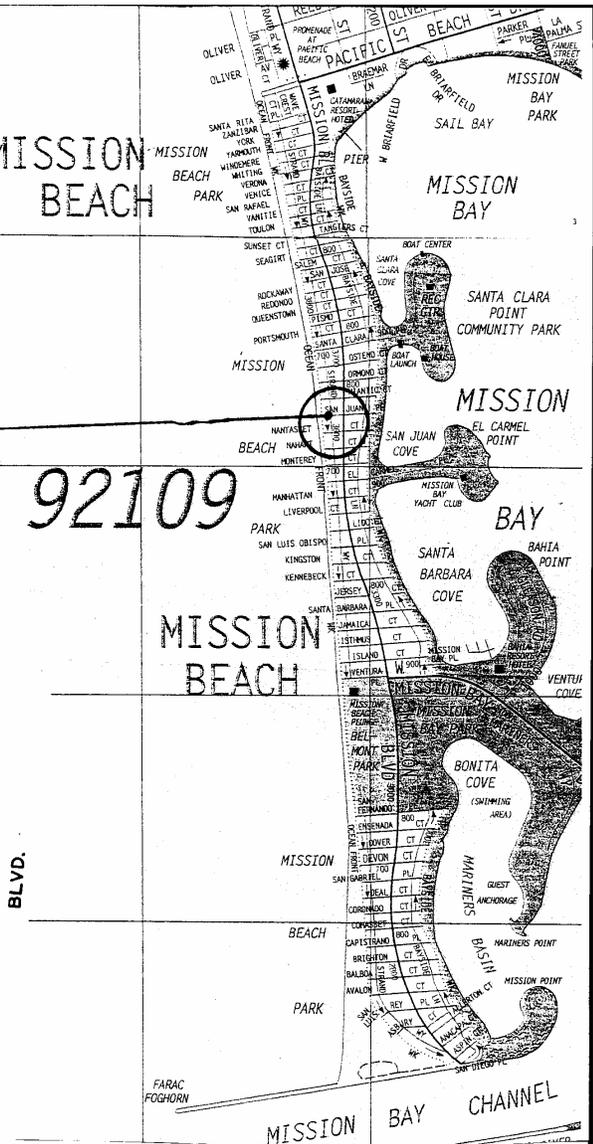
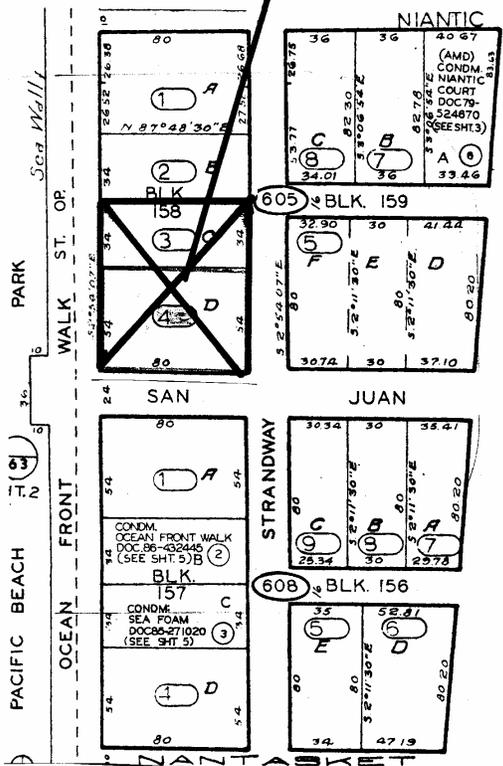


EXHIBIT NO. 1
 APPLICATION NO.
6-06-136
 Location Map



RECORDED
NOV 6 7 2006
6-06-136

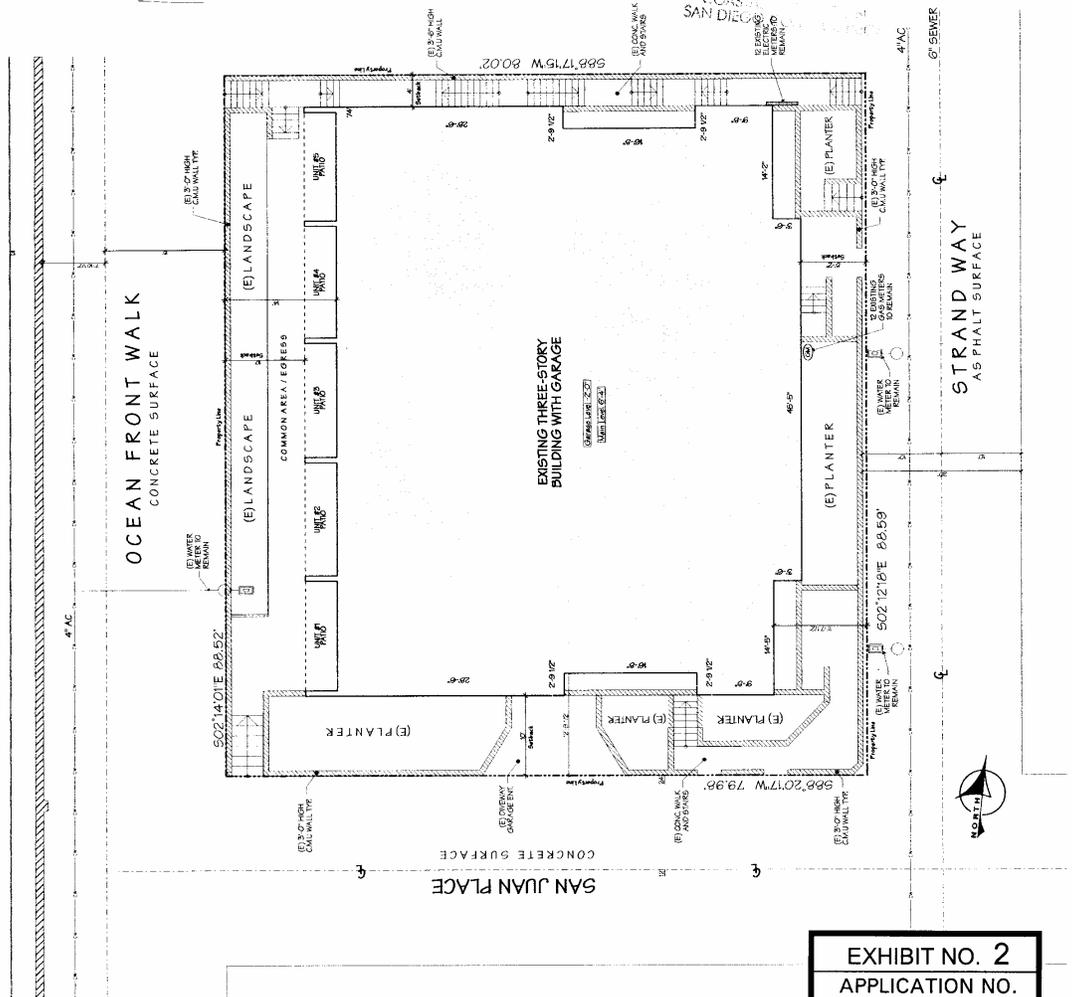


EXHIBIT NO. 2
APPLICATION NO.
6-06-136
Site Plan

