

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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Staff: Laurinda Owens-SD
Staff Report: 9/19/07
Hearing Date: 10/10-12/07

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-07-89

Applicant: Crown Point Investments, Inc. **Agent:** Paul Ross

Description: Construction of a portion of a 3-story, 30 ft. high, 4,102 sq.ft., three-unit residential building (after-the-fact) and conversion of the three units to condominium ownership on 5,000 sq.ft. site.

Lot Area	5,000 sq. ft.
Building Coverage	3,320 sq. ft. (66%)
Pavement Coverage	930 sq. ft. (19%)
Landscape Coverage	750 sq. ft. (15%)
Parking Spaces	8
Zoning	RM-2-5
Plan Designation	Residential Medium Density (14-29 dua)
Project Density	26.1 dua
Ht abv fin grade	30 feet

Site: 3875-79 Riviera Drive, Pacific Beach, San Diego, San Diego County.
APN 423-424-03.

Substantive File Documents: Certified Pacific Beach Community Plan; City of San Diego Amendment to Coastal Development Permit No. 5820; City of San Diego Coastal Development Permit No. 370002

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. Findings and Declarations.

The Commission finds and declares as follows:

A. Detailed Project Description/History. Proposed is the construction of a portion of a 3-story, 30 ft. high, 4,102 sq.ft., three-unit residential building (after-the-fact) and conversion of the three units to condominium ownership on 5,000 sq.ft. site. The existing three-unit residential building was originally approved by the City of San Diego on 6/26/03 and is presently under construction. Recently, the applicant applied for a tentative map waiver and amendment to the City-issued coastal development permit for the conversion of the three units to condominium ownership. At that time, the City advised the applicant that the site was bisected by both the City of San Diego's permit jurisdiction and the Coastal Commission's permit jurisdiction. Commission staff has concurred with the City on the permit jurisdiction boundaries. On 4/11/07 the City approved a coastal development permit to convert the three apartment units to condominium ownership and to waive the requirements to underground existing overhead utilities on the site for the portion of the development in their permit jurisdiction. As such, the subject coastal development permit is for after-the-fact approval for a portion (the western portion of the development that is within the Commission's area of permit jurisdiction) of the construction of the three-unit residential building and for the conversion of said units to condominium ownership. Also proposed are miscellaneous street improvements.

A total of eight parking spaces will be provided on site, consistent with Section 30252 of the Coastal Act. The project site fronts on east side of Riviera Drive in the community of Pacific Beach and is not located between the sea and the first public road. Furthermore, the project site is situated mid-block (as opposed to a streetend) and no impacts to public views looking west to Mission Bay are anticipated to occur. The proposed three-story condominium building will be visually compatible with the character of the surrounding neighborhood and the pattern of redevelopment in the area. In summary, the proposed development will not result in any public view blockage and is found visually compatible with the character of the surrounding neighborhood, consistent with Section 30251 of the Coastal Act.

B. Unpermitted Development. Unpermitted development has been carried out on the subject site without the required coastal development permit. The applicant is

requesting after-the-fact approval for the construction of a portion of the three-unit residential building.

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. Review 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.

C. Community Character /Visual Quality. The development is located within an existing developed area and, as conditioned, 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.

D. 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.

E. Local Coastal Planning. A portion of 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 Pacific Beach community.

F. 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.



