

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
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49th Day: 10/8/07  
180th Day: 2/16/08  
Staff: Laurinda Owens-SD  
Staff Report: 9/19/07  
Hearing Date: 10/10-12/07

## STAFF REPORT: CONSENT CALENDAR

**Application No.:** 6-07-97

**Applicant:** Ken Cornell                      **Agent:** Fernando Gonzalez-Pacheco

**Description:** Demolition of a one-story, 1,044 sq.ft., residential duplex and construction of a three-story, 30 ft. high, approximately 984 sq.ft. single-family residence with attached 389 sq.ft., two-car garage on a 1,568 sq.ft. oceanfront site.

Lot Area	1,568 sq. ft.
Building Coverage	718 sq. ft. (46%)
Pavement Coverage	505 sq. ft. (32%)
Landscape Coverage	345 sq. ft. (22%)
Parking Spaces	2
Zoning	NC-N
Plan Designation	Neighborhood Commercial-North
Ht abv fin grade	30 feet

**Site:** 3801 Ocean Front Walk, Mission Beach, San Diego, San Diego County. APN 423-578-14

**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. 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 revised 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 Ocean Pacific Design, dated 8/15/07, and shall include the following:

- a. A view corridor a minimum of 10 ft. wide shall be preserved in the south yard area adjacent to San Jose Court as well as a 7 ft. wide view corridor in the front yard area adjacent to the Ocean Front Walk public right-of-way. All proposed landscaping in the south and front (west) yard areas shall be maintained at a height of three feet or lower (including raised planters) to preserve views along the public boardwalk and towards the ocean. A maximum of two (2) tall trees with thin trunks are permitted, provided they are located close to the building (i.e., within 3-6 ft. of the building) and outside of the 10 ft. wide view corridor and they do not block views along the shoreline or towards the ocean.
- b. All landscaping shall be drought-tolerant, native or non-invasive plant species. All landscape materials within the identified view corridors shall be species with a growth potential not expected to exceed three feet at maturity, except for authorized trees. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive 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 or west yard setback areas 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.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

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. 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).

3. Final Plans/Historical Resources Determination. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for review and written approval of the Executive Director, final plans for the new single-family residential development. Said plans shall be in substantial conformance with the plans submitted by Ocean Pacific Design, dated 8/15/07, with this application and shall first be reviewed and approved in writing by the City of San Diego. In addition, the plans shall reflect that the City has reviewed the applicant's historical evaluation and concur that the existing structure to be demolished is not historic.

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. If a determination is made that the existing structure is historic, an amendment to the permit shall be required. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no additional 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 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 a one-story, 1,044 sq.ft., residential duplex and the construction of a three-story, 30 ft. high, approximately 984 sq.ft. single-family residence with attached 389 sq.ft. two-car garage on a 1,568 sq.ft. oceanfront site. A total of two on-site parking spaces will be provided in a two-car garage. In addition, the proposed development will result in an improvement to on-site parking as the existing structure is currently deficient in parking. There are only two spaces for the two existing units where four would be required pursuant to current regulations. The proposed development will replace a duplex with a single-family residence and two parking spaces will be provided on-site; thus reducing the demand for parking for the subject property. As such, the proposed project will enhance public access to the coast in this area by providing adequate on-site parking reducing the need for residents and/or visitors to park on the street which may usurp parking for beach visitors, consistent with Section 30252 of the Coastal Act.

The project site fronts on Ocean Front Walk at its northeast corner with San Jose Place in the community of Mission Beach. This area is characterized by a mixture of residential use and retail/commercial/office/restaurant uses. In particular, the business community is located along Mission Boulevard, two blocks to the east. The purpose of the Neighborhood Commercial zone is to provide adequate commercial services for the residents while the Visitor-Commercial zone accommodates tourists, visits and vacationers. While the NC-N zone allows for both commercial and mixed uses, the primary use is residential with the exception that residential uses shall not be permitted within the first story of any building on any lot abutting Mission Boulevard. In this particular case, the subject site does not abut Mission Boulevard and thus, the proposed residential use is consistent with the certified LCP.

With regard to potential impacts to public views, Mission Beach is a small peninsula-shaped sliver of land located on filled tidelands in Mission Bay Park. It is bordered by the Pacific Ocean to the west and Mission Bay Park to the east (ref. Exhibit No. 1). 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 accessway, but also serves as a view corridor along the shoreline. The project site fronts Ocean Front Walk, the public boardwalk, as well as the beach in this area. 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. In this particular case, the proposed development will observe all required setbacks and public views to the ocean will not be impacted as a result of the proposed structure. However, there is the potential for proposed landscaping in the south side yard area to impede views to the ocean (both initially and over time, as plant materials/trees mature). The Commission typically permits the planting of two tall trees with thin trunks provided that they are placed close to the structure (i.e., 3-5 ft.) and outside of the view corridor, so as not to obstruct views to and along the shoreline. As such, Special Condition #1 requires that the applicant submit final landscape plans that require that all proposed landscaping and hardscaping consist of only low level material that does not impede views to the ocean. The permitted landscape elements include plant materials that do not block views (limited to a height of about 3 ft.) and a maximum of two tall trees with thin trunks provided they are located close to the building (3-5 ft.) and outside of the view corridor and they do not impede views toward the ocean. The condition also stipulates that all landscape materials within the identified view corridors shall be species with a growth potential not expected to exceed three feet at maturity, except for authorized trees. As conditioned, it can be assured that any landscape improvements proposed in the south side yard and front yard setback areas will not impede public views toward and along the ocean.

With regard to community character, the existing residences along the boardwalk vary widely in architectural style and appearance. The existing development is being removed and a single-family residence is proposed in its place which will be three-stories high. 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 is found visually compatible with the character of the surrounding neighborhood, consistent with Section 30251 of the Coastal Act.

In addition, to address potential concerns with regard to construction activities on public access on this oceanfront property, the project has been conditioned (#2) 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 is found consistent with the public access and recreation policies of the Coastal Act.

As noted above, in order to make way for the proposed new development, the applicant is proposing to demolish an existing residential duplex on the site. The structure is composed of wood siding and was constructed in 1935. The City's certified Land Development Code contains regulations pertaining to protection of Historical Resources. Because some of the existing older structures may contain some historical significance, Section 143.0212 of the LDC provides that the City shall determine the need for a site-specific survey for the purposes of obtaining a construction permit or development permit for development for any parcel containing a structure that is 45 or more years old. In this particular case, as noted above, the structure is 72 years old and, as such, it must be determined whether or not the structure has any historical significance. To address this, the applicant has submitted a historical evaluation for the existing structure that concludes it has no historical significance. However, the City has not yet reviewed or signed-off on the report. As such, Special Condition #3 requires that evidence of the City's concurrence be provided prior to issuance of the permit. Special Condition #3 also requires that final plans approved by the City of San Diego have been stamped and approved prior to issuance of the coastal development permit. This is to assure that the new development on the site meets the City's zoning requirements (i.e., PDO design requirements). Special Condition #4 requires the permit and findings be recorded to assure future property owners are aware of the permit conditions.

**B. 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.

**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.



SITE

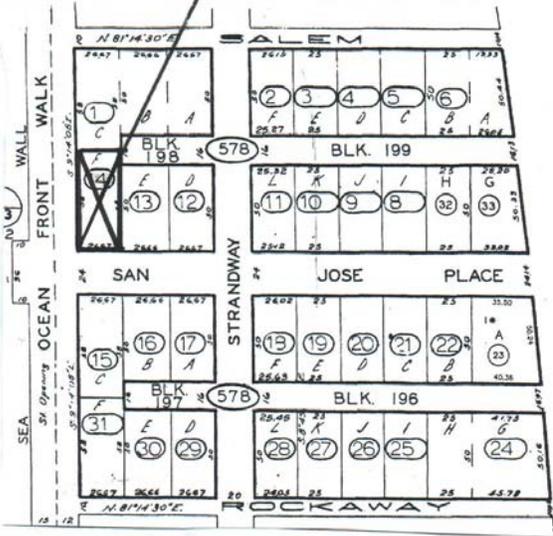
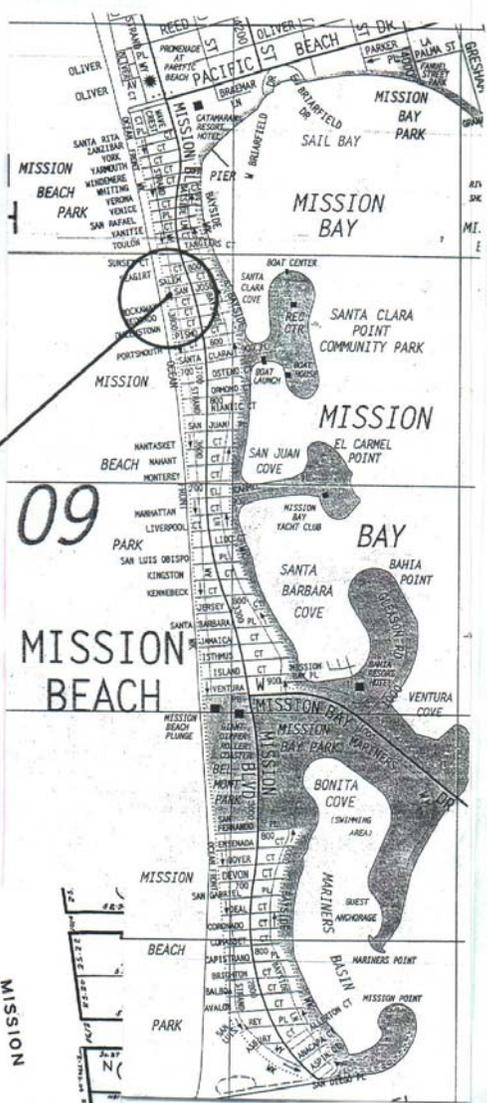


EXHIBIT NO. 1  
APPLICATION NO.  
6-07-97  
Location Map



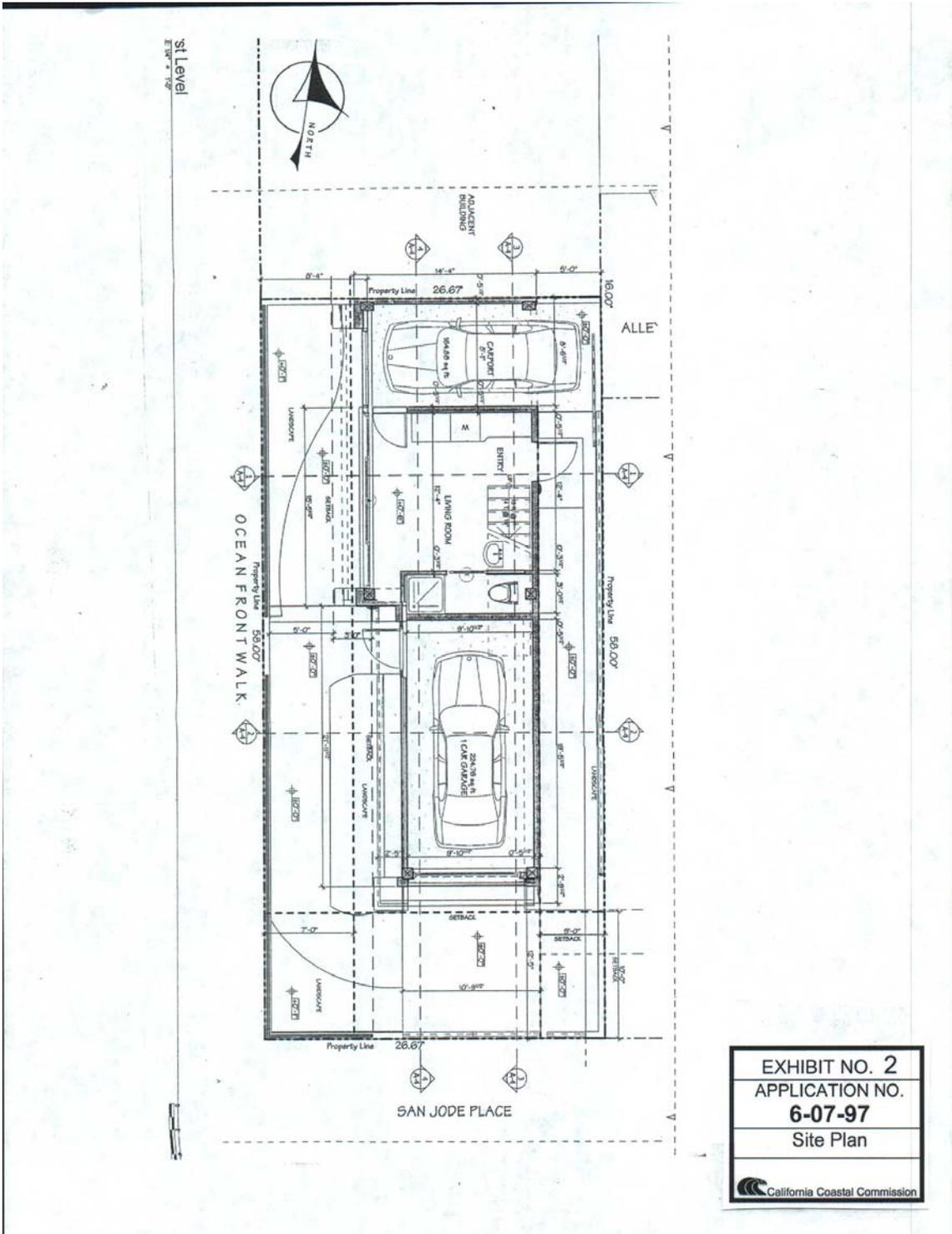


EXHIBIT NO. 2  
APPLICATION NO.  
**6-07-97**  
Site Plan

California Coastal Commission