

## CALIFORNIA COASTAL COMMISSION

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



# T3a

Filed: 3/9/07  
 49th Day: 4/29/07  
 180th Day: 9/5/07  
 Staff: Laurinda Owens-SD  
 Staff Report: 3/22/07  
 Hearing Date: 4/10-13/07

## STAFF REPORT: CONSENT CALENDAR

**Application No.:** 6-06-143

**Applicant:** David Woudenberg

**Agent:** A.K. Smith Architects

**Description:** Demolition of a one and two-story structure that contains office space, vacation rental unit, apartment, loft area and a separate office/studio (totaling approximately 5,280 sq.ft.) and two detached residential apartments and construction of a new three-level, 4,560 sq.ft. mixed-use building with 871 sq.ft. of office use and two residential condominium units, on a 4,000 sq.ft. oceanfront lot.

Lot Area	4,000 sq. ft.
Building Coverage	1,922 sq. ft. (48%)
Pavement Coverage	1,263 sq. ft. (31%)
Landscape Coverage	815 sq. ft. (21%)
Parking Spaces	5
Zoning	NC-S
Plan Designation	Neighborhood Commercial-South (36 dua)
Project Density	21.78 dua
Ht abv fin grade	28 ½ feet

**Site:** 3701-07 Ocean Front Walk, Mission Beach, San Diego (San Diego County). APN 423-594-17

**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. Revised 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 A. Kent Smith, dated 3/8/07 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 Santa Clara Place 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 toward the ocean. 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, 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 north 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. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit final plans for the mixed-use development. 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 A. Kent Smith, dated 3/8/07, 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.

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 and two-story structure that contains an office on the ground floor, a vacation rental unit, an apartment, loft area and a separate office/studio (totaling approximately 5,280 sq.ft.) and two detached residential apartments and the construction of a three-level, 28 ½ ft. high, 4,560 sq.ft. mixed-use building. The structure will consist of an 871 sq. ft. office leasehold on the first level and two residential condominiums totaling 3,686 sq.ft. Unit A will consist of an approximately 1,327 sq.ft., two-bedroom unit which will be situated on the second level. Unit B will consist of an approximately 1,759 sq.ft., 4-bedroom unit which will be situated on a portion of the second level and all of the third level. In addition, a total of 807 sq.ft. is proposed for exterior balconies/decks and roof deck.

The project site is an oceanfront lot located at the northeast corner of Ocean Front Walk and Santa Clara 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, one block to the east. However, Santa Clara Place also has a variety of commercial businesses and restaurants/neighborhood eateries. In addition, the Neighborhood Commercial (NC-S) Zone allows for mixed uses including residential use, business offices and retail/commercial uses.

With regard to potential impacts to parking and public access, as noted above, all existing development is to be removed from the site. Presently, the existing mixed-use building contains a total of 3,510 sq.ft. of office use and two residential units and a total of five parking spaces (three surface parking spaces perpendicular to the western terminus of Santa Clara Place and two single-car garages that receive access from Strandway Court to the east). Mission Beach is a high-density residential community where there is competition for parking for residents and beach visitors alike. Many of the structures are non-conforming, older development that do not presently meet the parking requirements

of the Mission Beach PDO, such as the existing building. This has exacerbated the parking situation and, cumulatively, these types of developments have caused a strain on available parking in this beach community. However, as redevelopment occurs over time, the new structures are required to be brought into conformance with the current parking standards (and other development standards, as well, such as building setbacks, landscaping, etc.). In this particular case, since all development is being demolished, the new development must meet the requirements of the Mission Beach PDO.

As noted above, the proposed mixed-use building will consist of an 871 sq.ft. ground-level office leasehold and two residential units, one each, on the second and third floors. Pursuant to the Mission Beach PDO, two spaces per residential unit are required. In addition, the PDO requires 1 space for each 500 sq.ft. of gross floor area for office use. In this case, the proposed office use leasehold is 871 sq.ft. which would require 1.7 spaces. Four spaces would be required for the residential uses; therefore,  $1.7 + 4 = 5.7$  spaces which is then rounded up to a total of six on-site spaces required. The applicant is proposing a total of six on-site spaces in three separate garages, which is adequate to serve the proposed development. The existing previously-conforming structure (which pre-dates the Coastal Act) would require a total of 11 on-site parking spaces ( $3,510 \text{ sq.ft.} \div 500 = 7.02$  spaces + 4 spaces for the two residential units) pursuant to the parking standards of the Mission Beach PDO. Through the proposed redevelopment of the project site, parking will be improved including reducing the need for occupants of the existing structure to park on the street thus usurping potential parking for beach visitors. As such, parking will be enhanced and public access improved in this nearshore community, consistent with Section 30252 and the Mission Beach PDO.

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 is located immediately adjacent to the Ocean Front Walk public right-of-way and immediately adjacent to and south of Santa Clara Place. 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 side and front yard areas to impede views to the ocean and along the shoreline (both initially and over time, as plant materials/trees mature). The conceptual site plan submitted shows several tree elements proposed on the project site in both the south (side) yard and west (front) yard area setbacks. Such trees may block public views to the ocean. The Commission

typically permits the planting of two tall trees with thin trunks provided that they are placed close to the structure so as not to obstruct views to and along the shoreline. As such, Special Condition #1 requires that the applicant submit revised 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 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 new office/residential building is proposed in its place which will be two-stories over a basement level. 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.

In addition, Special Condition #3 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.

**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.

**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 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.

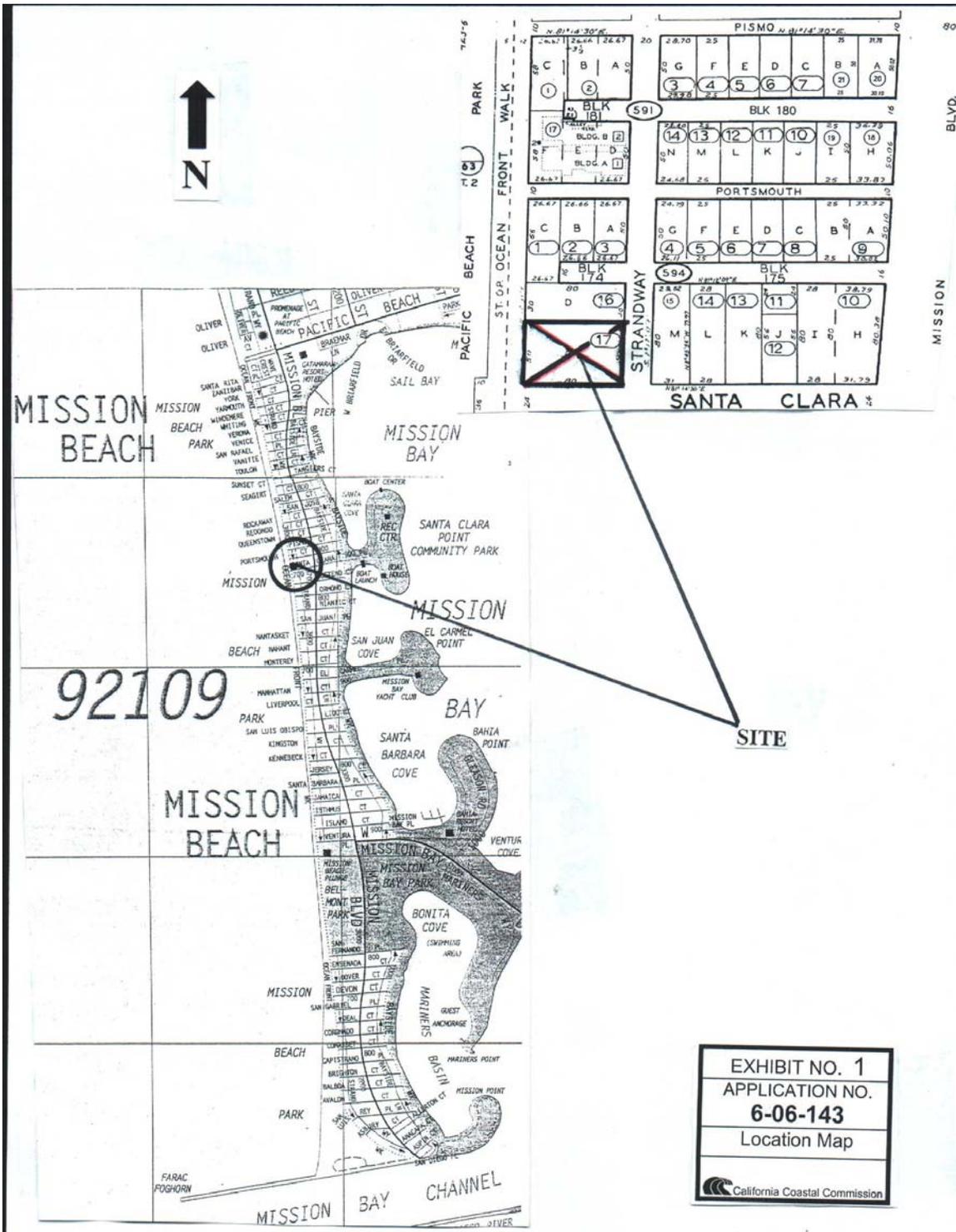


EXHIBIT NO. 1  
APPLICATION NO.  
**6-06-143**  
Location Map

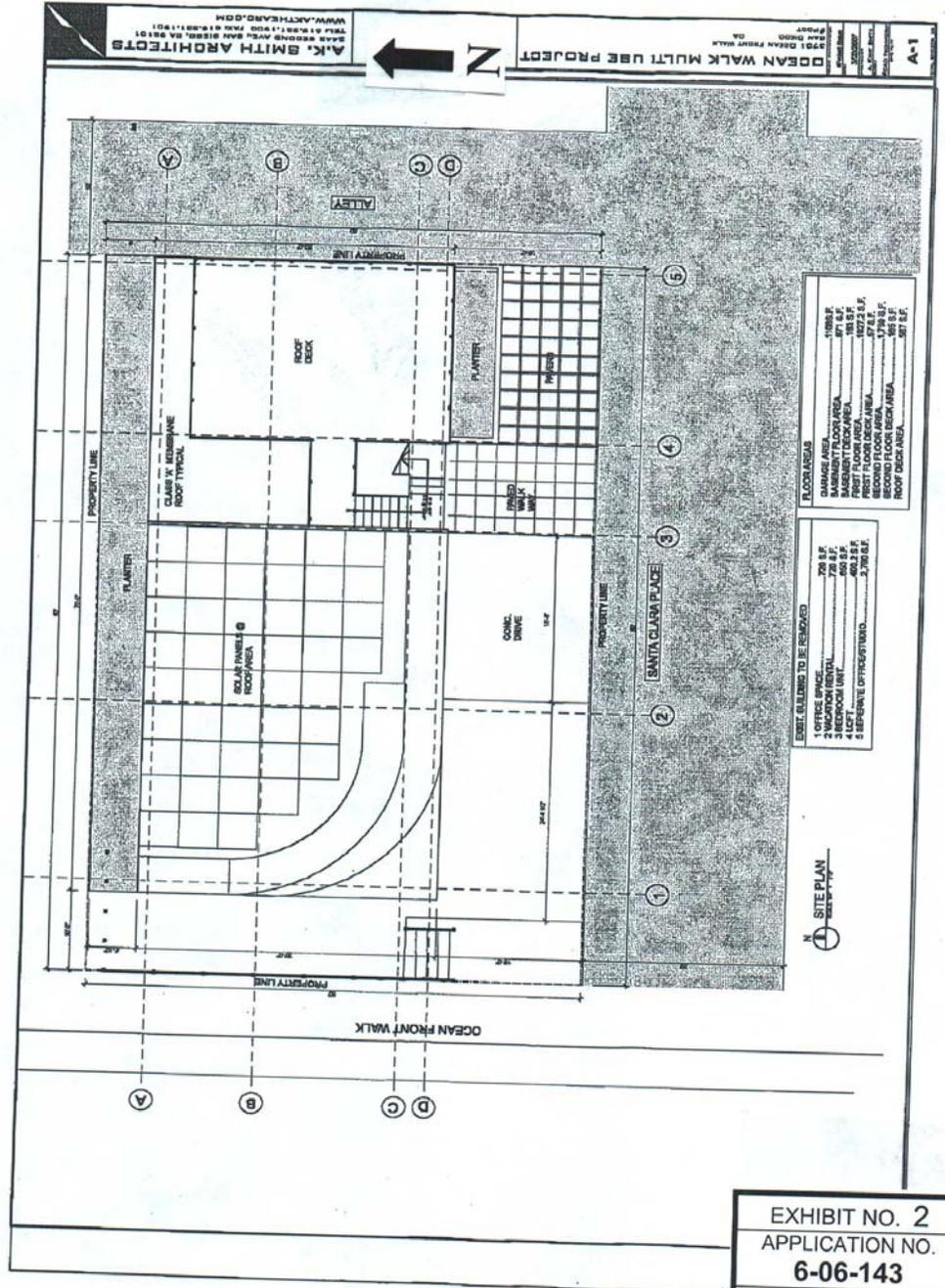
California Coastal Commission

From: a k smith architects

16195311901

03/20/2007 14:27

#117 P.002/002



A.K. SMITH ARCHITECTS  
3446 REDWOOD AVE., SAN DIEGO, CA 92101  
WWW.AKTHREARCH.COM  
16195311901

OCEAN WALK MULTI USE PROJECT  
9201 OCEAN FRONT WALK  
SAN DIEGO, CA  
DATE: 03/20/07  
DRAWN BY: [blank]  
CHECKED BY: [blank]  
SCALE: AS SHOWN  
SHEET NO.: 117  
PROJECT NO.: 16195311901

FLOOR AREAS

CHANGE AREA	11883 S.F.
ROOF AREA	961 S.F.
BASEMENT DECK AREA	961 S.F.
FIRST FLOOR AREA	18722 S.F.
SECOND FLOOR AREA	2748 S.F.
SECOND FLOOR DECK AREA	961 S.F.
ROOF DECK AREA	961 S.F.

EXIST. BUILDING TO BE REMOVED

1 OFFICE SPACE	200 S.F.
2 MECHANICAL	720 S.F.
4 RESTROOM UNIT	400 S.F.
2 REPERMITS DIFFERENTIATION	2,700 S.F.

1 SITE PLAN  
SCALE: 1/4" = 1'-0"

EXHIBIT NO. 2  
APPLICATION NO.  
**6-06-143**  
Site Plan  
California Coastal Commission