

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



Th 5a

Addendum

June 11, 2007

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Th 5a**, Coastal Commission Permit Application
#6-07-33 (Griggs), for the Commission Meeting of 6/14/07

Staff recommends the following minor corrections be made to the above-referenced staff report:

1. On Page 2 of the staff report, a minor correction shall be made to Special Condition No. 1a, as follows:

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 Ocean Pacific Design, dated 2/24/07, and shall include the following:

- a. A view corridor a minimum of 10 ft. wide shall be preserved in the north yard area adjacent to Manhattan 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 north 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 (i.e., within 3-~~6~~-5 ft. of the building and outside of the view corridor) and they do not block views along the shoreline or towards the ocean.

[...]

2. On Page 5 of the staff report, the second full paragraph shall be corrected as follows:

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 Commission typically permits the planting of two tall trees with thin trunks provided that they are placed close to the structure (i.e., 3-~~6~~5 ft. and outside of the view corridor, in this particular case) so as not to obstruct views to and along the shoreline. Although the north side yard is 15 ft. wide, the requirements of the City's certified Land Development Code provide that a visual corridor not less than the side yard setbacks or more than 10 feet in width shall be provided for such view corridors. 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 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 north side yard and front yard setback areas will not impede public views toward and along the ocean.

[...]

Th5a

California Coastal Commission Agenda Number **Th 5a**
Application No. 6-07-33 (Griggs, San Diego)

Gary D. Aronson
OPPOSITION

Request to Remove from Consent Calendar

Thursday, June 14, 2007
Hyatt Vineyard Creek Hotel & Spa
170 Railroad Street
Santa Rosa, CA 95401
(707) 284-1234

RECEIVED

JUN 11 2007

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

By Facsimile Transmission to (619) 767-2384 10 pages total

June 11, 2007

Requester:

Gary D. Aronson
Tel.: 1-858-488-1288
Cellular: 1-775-772-7782
E-mail: Garonson@aol.com

Dear Commissioners:

Please remove this item from the Consent Calendar and reschedule it for public debate and consideration at another meeting.

Building to be demolished is 68 years old and an historic and/or architectural resource.

The house being considered for demolition is at least 68 years old and is of historic and/or architectural importance. Its age is clearly demonstrated by the attached copies of historical photos taken in 1939 and 1945 and copied from the collection of the San Diego Historical Society (Exhibits 1,2). The house in question is directly to the right (south) of the one indicated by arrow/circling. A very recent photo is also included for comparison (Exhibit 3). Moreover, most of the nearby houses in the close-up historical photo (Exhibit 2) are still standing and together create a special and unique neighborhood.

The existing house itself is an excellent example of a front-gabled Craftsman architectural style. It still retains all important aspects of its original architecture, including the same basic shape and numerous architectural details. Notification of its architectural and/or historic importance has been made to Mr. German Murillo, Project Manager for this project with the City of San Diego Development Department. A copy of this notification letter is attached (Exhibit 4).

An historic and architectural report to support its designation as a City Historic Resource has been initiated and will support its designation by the City of San Diego Historic Resources Board upon its completion, which is scheduled within 90 days. The property's historic architectural character has been initially confirmed by Mr. Robert Broms, an experienced historical conservationist and long-time member and past Director, Vice President and President of San Diego's Save Our Heritage Organisation (SOHO). SOHO is the oldest and leading architectural preservationist organization in San Diego. Mr. Broms is preparing the Historical Report for the property. His letter of support opposing demolition and resume are attached hereto as Exhibits 5,6.

LETTER OF CONCERN

3

Under the Coastal Act, the Commission has the right and obligation to consider these issues and what actions might be taken to mitigate damage under CEQA. Under the Coastal Act (CA Public Resources Code) Sec. 30251., "The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance." Buildings of architectural and historic interest qualify as such scenic resources of public importance. Moreover, the house is one of several remaining ones nearby of architectural and historic importance. Under Section 30253: "New development shall:...

(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses."

Applicant's report is apparently deficient and misleading because it nowhere mentions the age, history or architectural character of the existing building. Commission staff thus did not have complete information on which to base its recommendations.

Applicant lacks standing for its application and authority to comply with Commission conditions of approval.

Applicant Scott W. Griggs is not listed in the records of the County of San Diego as a holder of a fee interest in this property, 3467-69 Ocean Front Walk, San Diego CA 92109. The property is listed with the County of San Diego as being owned by the Catherine A. Anawati Trust (Deed: Document Number 1997-0600214). It was acquired by the Trust from Catherine A. Anawati in 1997. According to both the online County records (http://sdpublic.sdcounty.ca.gov/portal/page?_pageid=356,45546&_dad=portal&_schema=PORTAL) and discussions with County staff (619-236-3771), no deed or quitclaim deed has been registered indicating a transfer of ownership in this property to Scott W. Griggs or anyone else. Nor has Scott W. Griggs demonstrated a financial interest or other entitlement to use the property required under CA Public Resources Act Section 30601.5.:

"30601.5. Where the applicant for a coastal development permit is not the owner of a fee interest in the property on which a proposed development is to be located, but can demonstrate a legal right, interest, or other entitlement to use the property for the proposed development, the commission shall not require the holder or owner of any superior interest in the property to join the applicant as coapplicant. All holders or owners of any other interests of record in the affected property shall be notified in writing of the permit application and invited to join as coapplicant. In addition, prior to the issuance of a coastal development permit, the applicant shall demonstrate the authority to comply with all conditions of approval."

Most importantly, Applicant has thus not demonstrated the authority required by law to comply with the conditions of approval recommended by CCC staff.

For these reasons, this application should not be a consent item and should merit full and open public debate before the Commission, with ample opportunity for the public opposing the application to present detailed relevant evidence.

Please remove this item from the consent calendar and reschedule it for public hearing at a future meeting.

Thank you very much.

(Signature on File





EXHIBIT I

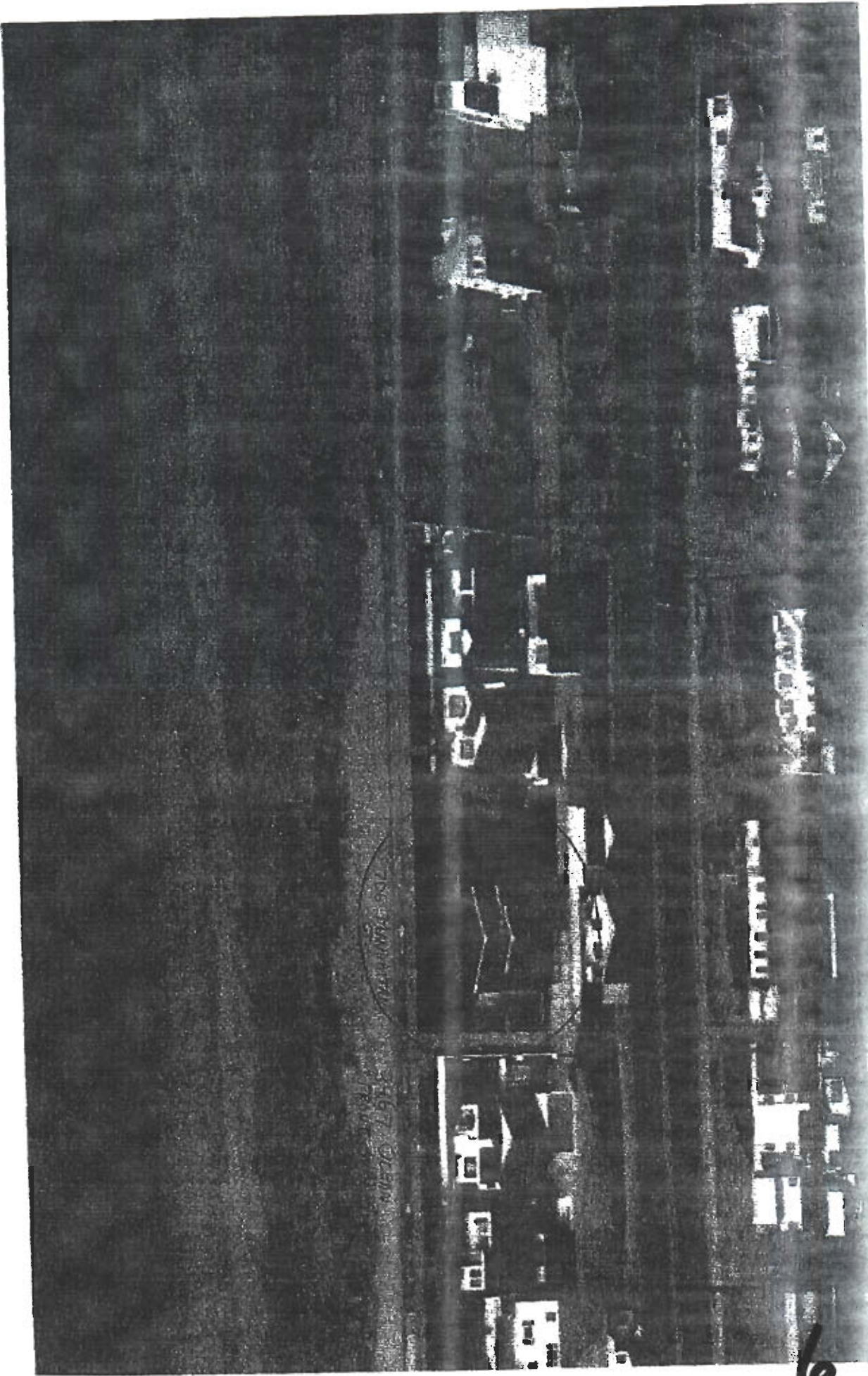
6-07-33

h

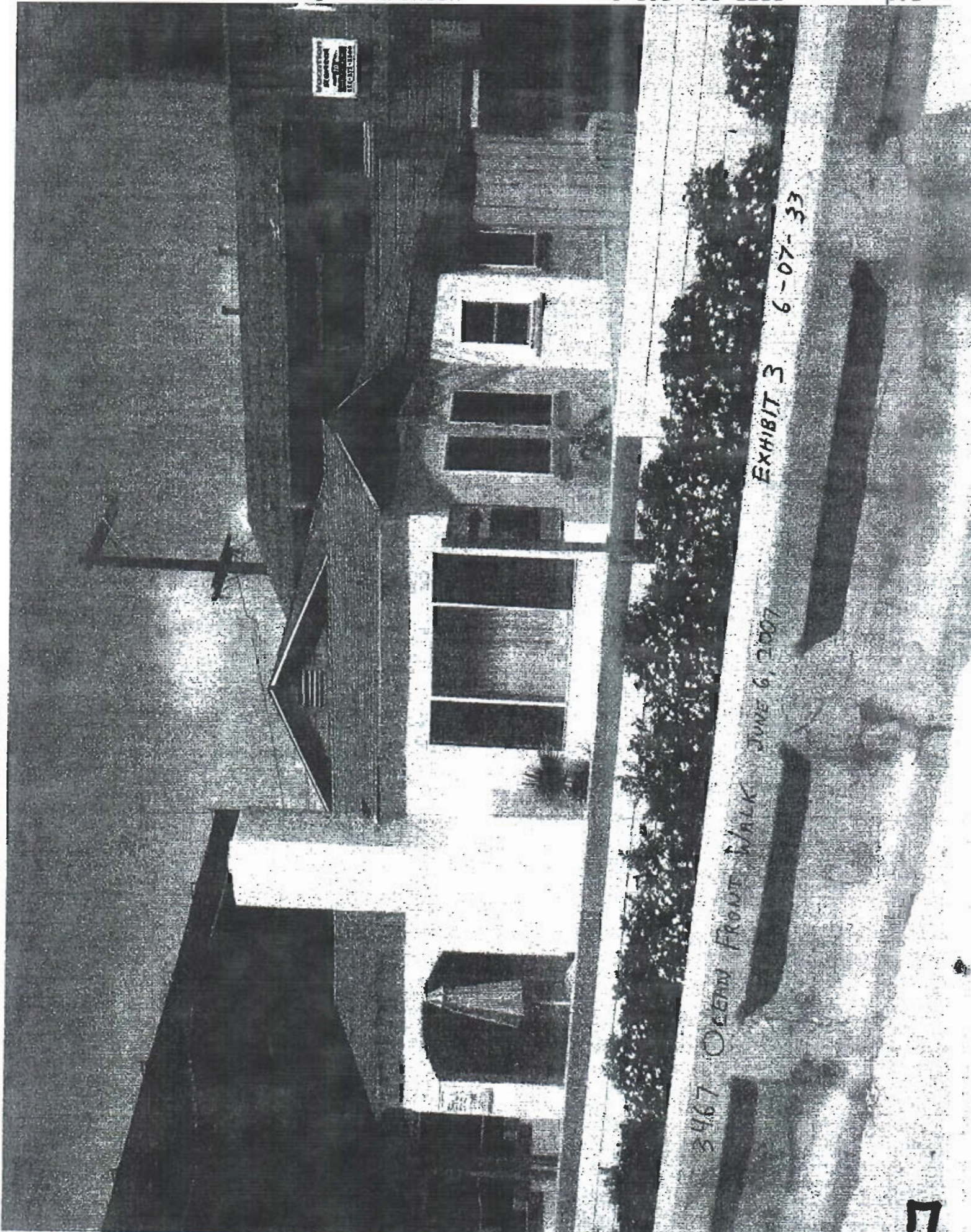
EXHIBIT 2 #6-07-33

07/01/11

1/1/11



6



1-858-488-6288
 Gary D. Aronson
 11000 S. W. 11th St.
 Miami, FL 33155

EXHIBIT 3 6-07-33

JUNE 6, 2007

3467 OLENA FRONT WALK

EXHIBIT 4 6-07-033

Gary D. Aronson
3465 Ocean Front Walk
San Diego CA 92109
Tel.: (858) 488-1288
Fax: (858) 488-6288
E-mail: garonson@aol.com

German Murillo
Project Submittal and Issuance Group III Plan Review Specialist IV
Development Service Department
City of San Diego
Tel.: (619) 446-5106
GMurillo@SanDiego.gov

June 5, 2007

RE:

**Project 124980
Development 98029**

Title: 3467-69 Ocean Front Wk Prelim

Dear Mr. Murillo:

I note that you are the Project Manager for this property. I wanted to notify you that this property is over 50 years old and thus requires an historic report prior to the issuance of a demolition permit. It may also be of architectural and/or historic significance.

According to the Donaldson survey of 1997, the house was built in 1920. Please also find attached some historic photos. The house in question is directly to the right (South) of the one circled or indicated by arrow, which unfortunately has already been demolished. The photos, from the Archives in Balboa Park, show the existence of the house at least as early as 1945.

Please keep me advised of any City actions undertaken or announced for this property. Thank you very much.

Sincerely,

Gary D. Aronson

EXHIBIT 5

6-07-033

RE: Permit Number 6-07-033
Agenda Item: Th 5a
Opposition

Robert Broms
Historic Preservation Consultant
2050 Emerald Street #5
San Diego, CA 92109
858-270-6619
rbroms@san.rr.com

June 11, 2007

California Coastal Commission
San Diego Coast District
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-2384

HEARING DATE AND LOCATION:

- Thursday, June 14, 2007
- Santa Rosa, California

Dear Commissioners:

The permit application referenced above concerns a project proposed for 3467 Ocean Front Walk, San Diego, CA, specifically "demolition of three existing apartment units housed in two detached structures...and construction of a three story, three-unit...condominium building."

After a preliminary architectural inspection of the property in question, I believe this item should be removed from the consent agenda to allow time for further historic evaluation. Aerial photographs of the property dated 1939 and 1945 show that the extant buildings occupy the exact footplates and display the same architectural massing as shown in the historic views, with the exception of a second floor having been added to what was originally a flat-roofed garage.

The site inspection revealed that the buildings retain a high degree of integrity as to both the original building fabric and architectural features. Thus, the one story portions date from at least 1939, being aged at minimum 68 years. The second story addition could date from the immediate post-World War Two period, and thus itself may fall into the 50-year-plus category.

As a specialist in early 20th-Century American domestic architecture, I have been asked to prepare a historic report on the property to support a historic designation nomination in the City of San Diego. Removing the permit from the consent agenda would allow time for completion of the historic report. The historic evaluation would help both the California Coastal Commission and the City of San Diego's Development Services to decide upon the pending permits in an informed manner.

It should be noted that the Staff Report: Consent Calendar, dated 5/23/07, under Section IV, Findings and Declarations, Subsection E, California Environmental Quality Act, makes no mention of the potential loss of historic resources that would be occasioned by the recommended approval of Permit Number 6-07-033, which includes the demolition of the existing buildings dating to the 1930s.

Sincerely,

Signature on File

EXHIBIT 6

6-07-033

ROBERT BROMS

2050 Emerald Street #5
San Diego, California 92109-3585

858-270-6619
rbroms@san.rr.com

Employment:**Historic Preservation Consultant:**

Researcher/Writer for the following resources currently under review by the San Diego Historic Resources Board:

- The Walt Mason House (1912), 1411 Virginia Way, La Jolla, California; April 2007
- The Belle Plumb Lee – Grace Arlington Owen / Alberto Owen Treganza House (1932), 7365 Remley Drive, La Jolla, California; February 2007
- The Eric R. & Mary M. Miller / Thomas L. Shepherd House (1947), 7847 Lookout Drive, La Jolla, California; December 2006
- The Martin Ortlieb Family Property (1924-27), 2875 & 2889 Palm Street, 2844 29th Street, San Diego, California; November 2006
- The Carl E. & Leona L. Nichols House (1904), 937 22nd Street, San Diego, California; November 2006

Media:

Present *KSDS 88.3 FM*—www.Jazz88online.org San Diego, CA
Radio Newscaster: Local Anchor for Public Radio Station

Legal:

1990-2005 *Knox Services, Inc.*—www.knoxservices.com San Diego, CA
In-House Client Representative:

- Allstate Insurance Company, San Diego staff counsel office, 1998-2005
- Civil Litigation Training Supervisor, 1996-2000
- Pillsbury Winthrop Shaw Pittman; fka: Pillsbury Madison & Sutro, San Diego office, 1991-98
- Post Kirby Noonan & Sweat, San Diego, 1990-91

Preservation and Community Organization Experience:

Save Our Heritage Organisation—www.sohosandiego.org (San Diego, CA)
President 1992-94; **Vice President** 1991-92; **Director** 1991-95, 2001-02
Friends of San Diego Architecture—www.fsda-online.org (San Diego, CA)
Steering Committee 1995-present
Balboa Theatre Foundation—www.thebalboa.org (San Diego, CA)
Board of Directors 2000-04; **Advisory Board** 1995-2000, 2004-present
SS Catalina Preservation Association—www.sscatalina.org (Irvine, CA)

B

Founding Chairman 1999; **Advisor** 1999-2001; **Board of Directors** 2001-present
Museo de Las Californias/Centro Cultural Tijuana—www.cecut.gob.mx(Tijuana, BC)
Consejo Consultivo 2000-present

Education:

Degrees and Certificates:

- **Bachelor of Arts in Anthropology, Cum Laude**, University of California, Los Angeles, 1970
- **Professional Certificate in Legal Assistant Training Program, with Honors**, University of California Extension, San Diego, 1989
- **Professional Certificate in Construction & Architecture/Engineering Practices, with Honors**, University of California Extension, San Diego, 1989
- **Associate of Science in Communications - Radio & Television - Video/Film, with Honors**, San Diego City College, San Diego, 2006

Additional Studies:

- **Architecture**, Mesa College, San Diego, 1990-92
- **Video Engineering**, University of California Extension, San Diego, 1999

Languages:

English— native speaker

Russian— first year, UCSD, 1965

Spanish— university proficiency, UCLA, 1968

Awards/Scholarships:

Save Our Heritage Organisation—People in Preservation:

Airwaves Award, 1995

Communicating History Award (jointly with US Navy), 2000

Communicator Awards National Audio Competition:

Award of Distinction for Innovative Use of Music, 2000

San Diego City College Foundation:

Friends of KSDS Scholarship, 2001

Photography/Filmography:

"The Organ Pavilion, Balboa Park, San Diego," (print, 1990)

Architectural Archives, Special Collections, Geisel Library, UCSD

"Vessels of Various Volumes," (print, 1997)

Exhibition: "A Week on the Waterfront," 1998

Collection: San Diego Maritime Museum

"Keeping a Straight Face" (video, 60-min., English, 1999 /

Facial Analysis and a Videographic System of Lie Detection)

"Balboa" (video, 10-min., English, 2000 / Literacy & the Digital Divide)

11

- "Balboa" (video, 10-min., Spanish, 2000 / Literacy & the Digital Divide):
Shown at the Havana Film Festival, December 2000
- "Thanksgiving 2000" (video, 18-min., English, 2000 /
An American Family Gets Its Fifteen Minutes of Fame)
- "BINACOM en Cuba" (video, 17-min., English, 2001 / Havana Film Festival):
Shown at the Havana Film Festival, December 2001
- "Las Piedras de Mexico" (video, 27-min., English, 2002 / Historic Preservation)
- "Las Piedras de Mexico" (video, 27-min., Spanish, 2002 / Historic Preservation):
Shown at the Havana Film Festival, December 2002

Selected Bibliography:

- Broms, Robert S. D., and James R. Moriarty III,
1967 "Stone Spheroids in Southwestern Archaeology."
The Masterkey, Southwest Museum, Los Angeles.
- Moriarty, James R., and Robert Broms
1971 "The Antiquity and Inferred Use of Stone Discoidals in the Southwest."
Anthropological Journal of Canada 9(1):16-36;
Anthropological Association of Canada, Ottawa.
- Broms, Bob
1980 "Davenport Arts Colony" (article), "Davenport Pier" (photograph).
Monterey Life, Carmel.
- Broms, Robert
2005 **New Media for the San Diego Community College District**
108 pp, Self-published, San Diego, October 2005.

Memberships:

- American Association for the Advancement of Science:
Section H: Anthropology;
Section L: History and Philosophy of Science;
Section X: Societal Impacts of Science and Engineering.
- National Trust for Historic Preservation

CALIFORNIA COASTAL COMMISSION

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



Th 5a

Filed: 3/13/07
 49th Day: 5/1/07
 180th Day: 9/9/07
 Staff: Laurinda Owens-SD
 Staff Report: 5/23/07
 Hearing Date: 6/13-15/07

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-07-33

Applicant: Scott Griggs

Agent: Fernando Gonzalez-Pacheco

Description: Demolition of three existing apartment units housed in two detached structures totaling 1,817 sq.ft. and construction of a three story, three-unit, 4,156 sq.ft. condominium building with a six-car garage and a total of 874 sq.ft. for decks/balconies on a 4,321 sq.ft. oceanfront lot.

Lot Area	4,321 sq. ft.
Building Coverage	2,209 sq. ft. (51%)
Pavement Coverage	892 sq. ft. (20%)
Landscape Coverage	1,220 sq. ft. (29%)
Parking Spaces	6
Zoning	NC-S
Plan Designation	Neighborhood Commercial-South
Project Density	30.2 dua
Ht abv fin grade	30 feet

Site: 3467 Ocean Front Walk, Mission Beach, San Diego, San Diego County
 423-621-01-00

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 Ocean Pacific Design, dated 2/24/07, and shall include the following:

- a. A view corridor a minimum of 10 ft. wide shall be preserved in the north yard area adjacent to Manhattan 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 north 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 (i.e., within 3-6 ft. of 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 Ocean Pacific Design, dated 2/24/07, 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 three existing apartment units housed in two detached structures totaling 1,817 sq.ft. that are two- and three-stories high with three on-site parking spaces and the construction of a three-story, 30 ft. high, condominium building with a six-car garage on a 4,321 sq.ft. oceanfront lot. Unit A will have two bedrooms and Units B and C will have three bedrooms each. In addition, a total of 874 sq.ft. is proposed for exterior balconies/decks. The six on-site parking spaces are proposed in two tandem sets of spaces and two standard spaces, all housed in a single parking garage which is adequate to serve the proposed development. In addition, the proposed development will result in an improvement to on-site parking as the existing structure is currently deficient in parking (only three spaces for three units exist where six would be required pursuant to current regulations). 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 is an oceanfront lot located at the southeast corner of Ocean Front Walk and Manhattan Court 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-S 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. In addition, although it appears that the proposed project exceeds the permitted density, in this case, the fraction

is rounded down and three dwelling units are permitted on the site 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 is located immediately adjacent to the Ocean Front Walk public right-of-way and immediately adjacent to and south of Manhattan Court. 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 Commission typically permits the planting of two tall trees with thin trunks provided that they are placed close to the structure (i.e., 3-6 ft.) 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 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 north 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 condominium building 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.

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.

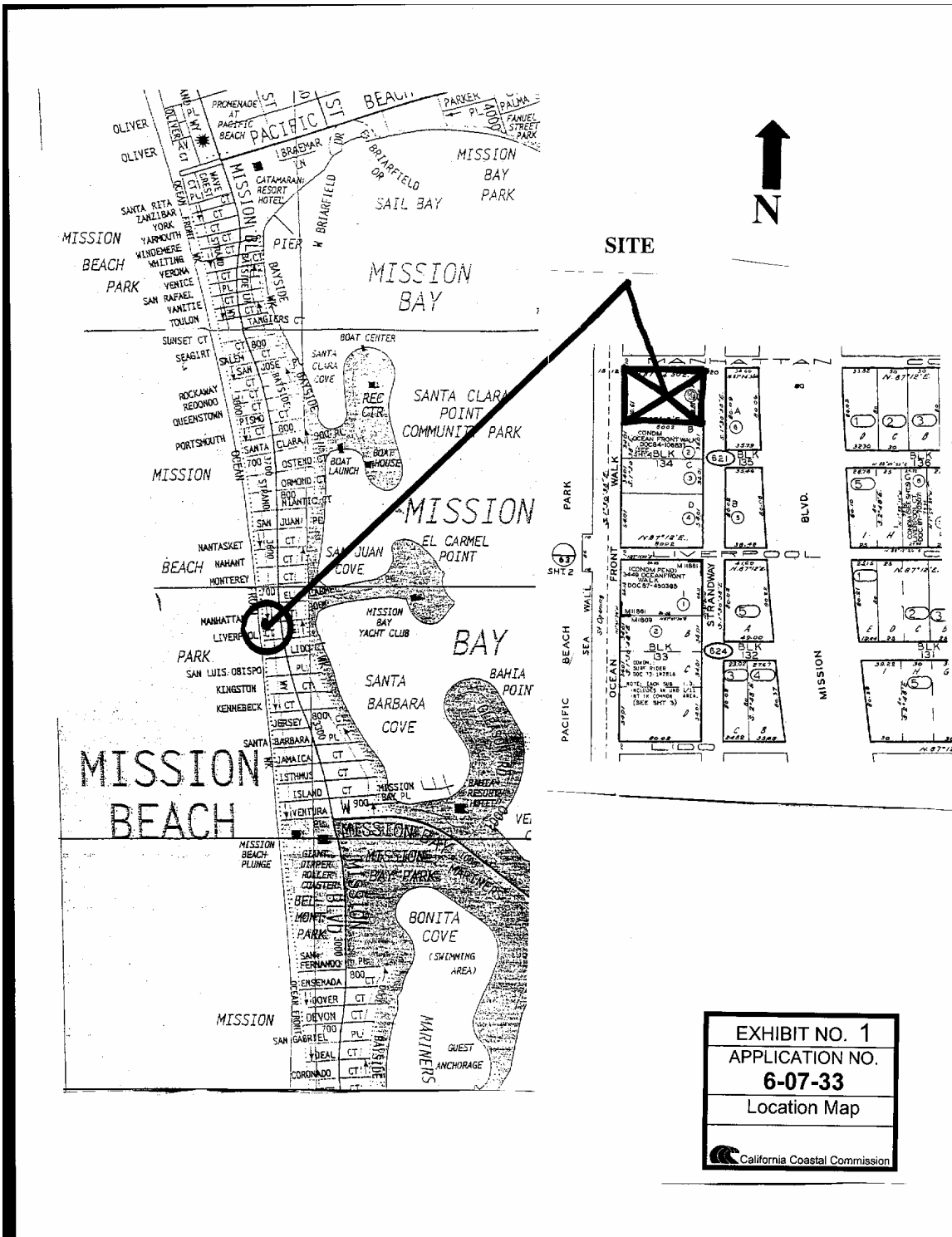
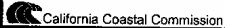


EXHIBIT NO. 1
APPLICATION NO.
6-07-33
Location Map



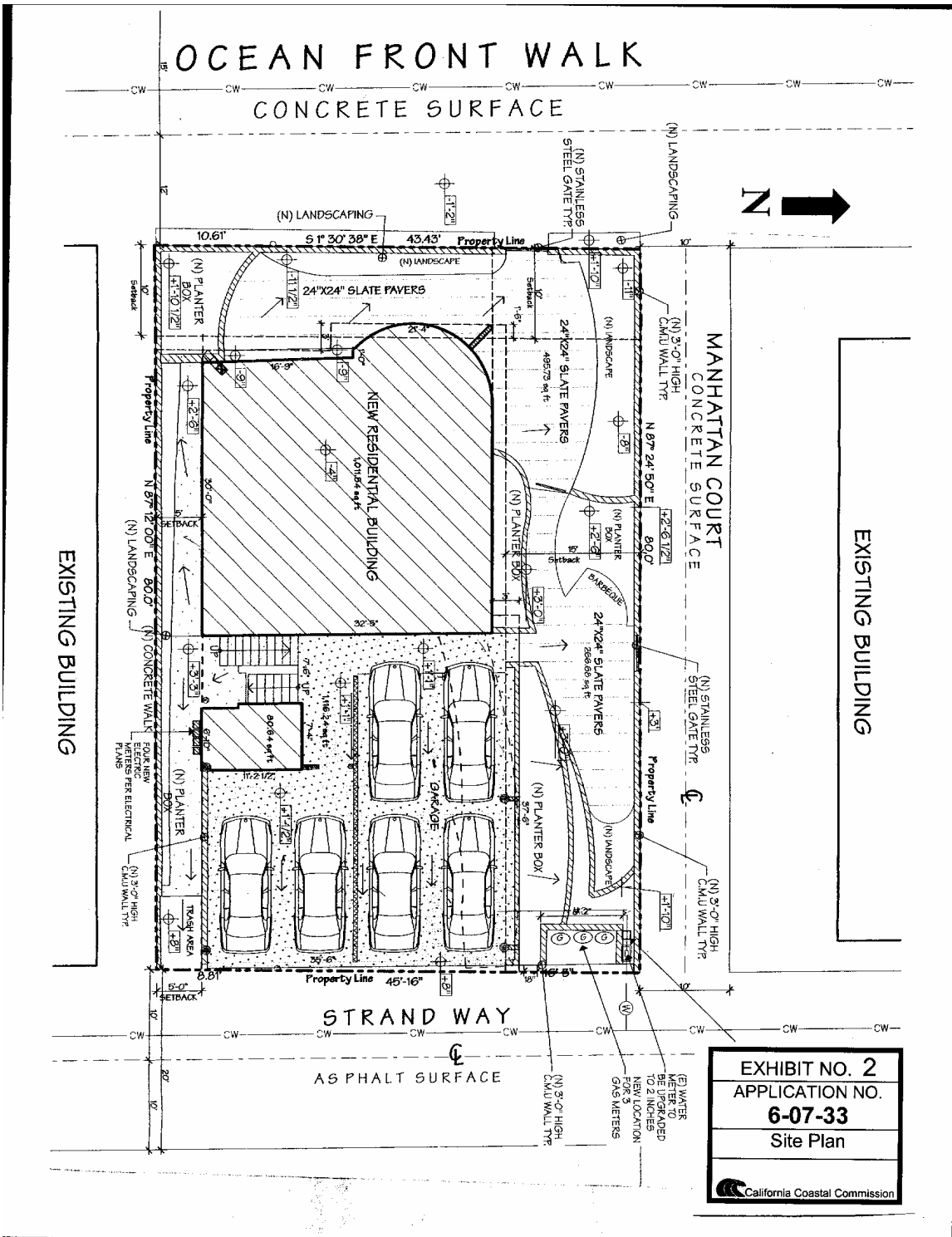


EXHIBIT NO. 2
 APPLICATION NO.
 6-07-33
 Site Plan

California Coastal Commission