

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
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SAN DIEGO, CA 92108-4402  
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# Th 3f

## Addendum

August 2, 2007

To: Commissioners and Interested Persons

From: California Coastal Commission  
San Diego Staff

Subject: Addendum to **Th 3f**, Coastal Commission Permit Application  
**#6-07-68 (Lessnick)**, for the Commission Meeting of 8/9/07

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

1. On Page 3 of the staff report, Special Condition No. 3 shall be revised as follows:

3. Final Plans. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit final plans for the new residential ~~triplex~~ duplex. 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 Golba Architecture, Inc., dated 2/1/07, 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.

2. On Page 4 of the staff report, the second full paragraph shall be revised as follows:

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 (Bayside Walk, in this particular case), which runs north/south along the bay, serves not only as a highly popular public accessway, but also serves as a view corridor along the shoreline. Although the subject

site fronts on Mission Boulevard, it is only five lots ~~east~~ west of Mission Bay and there is the potential for the subject development to impact views to the shoreline.

## CALIFORNIA COASTAL COMMISSION

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# Th 3f

Filed: 6/7/07  
49th Day: 7/26/07  
180th Day: 12/4/07  
Staff: Laurinda Owens-SD  
Staff Report: 7/11/07  
Hearing Date: 8/10-12/07

## STAFF REPORT: CONSENT CALENDAR

**Application No.:** 6-07-68

**Applicant:** David Lessnick **Agent:** Golba Architecture

**Description:** Demolition of two detached single-family residences and construction of a three-level, 2,596 sq.ft. residential duplex on a 2,375 sq.ft. site.

Lot Area	2,375 sq. ft.
Building Coverage	1,208 sq. ft. (51%)
Pavement Coverage	358 sq. ft. (15%)
Landscape Coverage	809 sq. ft. (34%)
Parking Spaces	4
Zoning	R-S
Plan Designation	Residential South (36 dua)
Project Density	36.6 dua
Ht abv fin grade	30 feet

**Site:** 802-804 Nahant Court, Mission Beach, San Diego, San Diego County.  
APN 423-612-05.

**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 Golba Architecture, Inc., dated 7/10/07 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 Nahant Court. All proposed landscaping in the south yard areas shall be maintained at a height of three feet or lower (including raised planters) to preserve views toward the bay. A maximum of two (2) tall trees with thin trunks are permitted, provided they are located close to the building (i.e., within 3-5 ft. of the building and outside of the view corridor) and they do not block views along the shoreline or towards the shoreline.
- b. All landscaping shall be drought-tolerant and 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. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit final plans for the new residential triplex. 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 Golba Architecture, Inc., dated 2/1/07, 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.** Demolition of two single-family residences (SFRs) and a two-car garage and construction of a three-level, 2,596 sq.ft., residential duplex with four on-site parking spaces on a 2,375 sq.ft. lot. Each residence will be approximately 1,298 sq.ft. in size. The two residential structures to be demolished consist of a one-story, 650 sq.ft. SFR and a two-story, 400 sq.ft. SFR (over garage). The four on-site parking spaces are proposed in two, tandem-space garages which is adequate to serve the proposed development. The subject site is at the northeast corner of Mission Boulevard and Nahant Court in the community of Mission Beach in the City of San Diego.

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 (Bayside Walk, in this particular case), which runs north/south along the bay, serves not only as a highly popular public accessway, but also serves as a view corridor along the shoreline. Although the subject site fronts on Mission Boulevard, it is only five lots east of Mission Bay and there is the potential for the subject development to impact views to 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 bay. In this particular case, the proposed development will observe all required setbacks and public views to the bay 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 bay (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 (within 3-5 ft. of the building and outside of the view corridor) so as not to obstruct views to the shoreline. Although the south 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 a final landscape plan that requires that all proposed landscaping and hardscaping consist of only low level material that does not impede views to the bay. 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 placed close to the building, are located outside of the public view corridor and do not impede views toward the bay. The condition also stipulates that all landscape materials within the identified view corridor 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 yard setback area will not impede public views toward the bay.

With regard to community character, the existing residences in this residential community vary widely in architectural style and appearance. The existing development is being removed and a new two-unit residential (apartment) building is proposed in its place which will be three levels (two-stories over a basement level) in 30 feet. 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.

Lastly, the density allowed under the LCP for this site is 36 dwelling units per acre (dua). When calculated, the actual density is 36.6 dua. However, the Mission Beach PDO has a specific provision that addresses allowed density in the R-S Zone. Specifically, Section 101.0526.2 of the certified Mission Beach PDO states the following:

One dwelling unit shall be allowed, including lodging and boarding units, per 1,200 square feet of lot area; except that "R-S" lots of 2,000 square feet shall be entitled to a maximum of two dwelling units if such lots are developed separately. [...]

In this particular case, the site is zoned R-S and the lot is 2,375 sq.ft. in size, and as such, pursuant to the above provisions, two dwelling units are permitted on the site. As such, the number of units proposed is consistent with the zoning requirements for the project site.

**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 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.

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