

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
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# Th 4g

## Addendum

April 3, 2008

To: Commissioners and Interested Persons

From: California Coastal Commission  
San Diego Staff

Subject: Addendum to **Item Th 4g**, Coastal Commission Permit Application  
**#6-08-21 (Mummy)**, for the Commission Meeting of April 10, 2008

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

1. On Page 2 of the Staff Report, Special Condition No. 1 shall be deleted in its entirety.
2. On Page 2 of the Staff Report, the second paragraph under the “**Detailed Project Description/History**” section, shall be revised as follows:

A previous coastal development permit was approved for the subject site (CDP #6-04-115) in January, 2005 which was for additions to an existing one-story single-family residence making it into two units, which including included the removal of an existing garage and roof deck and construction of a new two-car garage, two tandem parking spaces and the addition of two stories.

3. On Page 3 of the Staff Report, the second full paragraph shall be revised as follows:

All of the residences along this area have private encroachments that extend into the public right-of-way of Ocean Front Walk. These improvements typically consist of paved patios and landscaping. For the subject property, the improvements in this area consist of a paved patio, landscaping and a fire pit which are located ten feet beyond the western property line within the public right-of-way. In this particular case, the applicant has received an Encroachment Removal Agreement (ERA) from the City of San Diego for these encroachments (reference Exhibit No. 3). This ERA allows the encroachments to remain until such a time that the City requires them to be removed to improve the Boardwalk in this location. ~~Similar to restrictions placed on the subject property by the City's Encroachment Removal Agreement, Special Condition #2 notifies the applicant that if in the future, the existing residence is substantially altered such that 50% or more of the existing walls are demolished or removed, the wall must be removed.~~



**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. Future Removal of Permitted Encroachment.** If the existing structure along the boardwalk is substantially altered such that 50% or more of the existing walls are demolished or removed, the development authorized by this permit shall be removed in its entirety.

**IV. Findings and Declarations.**

The Commission finds and declares as follows:

**A. Detailed Project Description/History.** Proposed is the conversion of a three-story, 2,622 sq.ft. residential duplex on a 2,445 sq.ft. oceanfront lot to condominium ownership. No other development is proposed. A total of four parking spaces will remain on site which is adequate for the existing structure, consistent with Section 30252 of the Coastal Act.

A previous coastal development permit was approved for the subject site (CDP #6-04-115) in January, 2005 which was for additions to an existing one-story single-family residence including the removal of an existing garage and roof deck and construction of a new two-car garage, two tandem parking spaces and the addition of two stories.

The project site is located on Ocean Front Walk just seven lots from its southern terminus in South Mission Beach. Ocean Front Walk is an improved concrete boardwalk that typically runs in a north/south direction along the western limits of oceanfront development in Mission Beach. However, north of the project site near the vicinity of Balboa Court, the existing improved public boardwalk veers to the west where it ends near the existing South Mission Beach lifeguard station and comfort station. While those properties located south of Balboa Court are situated adjacent to the Ocean Front Walk public right-of-way, it is not improved and there are numerous private encroachments in the public right-of-way. There is also a large area of sandy beach area between the homes and the improved boardwalk that curves to the west. This sandy area is owned by the City of San Diego and is part of south Mission Beach park. A line of thick shrubs borders the south end of this sandy beach next to the roadway that leads to public parking

lot on the north side of the Mission Beach jetty. To the south is the Mission Bay Channel jetty and to the west is a very wide public sandy beach.

The applicant also received two separate variances to allow a second level deck to extend into the public right-of-way seaward of the residential structure and a small encroachment along the northeast corner (rear) of the property to permit a garage to extend about two feet into the sideyard setback area. However the south side yard is conditioned in the original permit such that the proposed open tandem parking spaces in the south side yard not be enclosed and be kept free of permanent enclosures for purposes of minimizing a “walled-off” effect. As noted in the original staff report, although there are no blue-water ocean views looking across the site or adjacent sites in this area, as well as views of the beach itself and well as the Mission Beach jetty toward the south and the Ocean Beach Pier.

All of the residences along this area have private encroachments that extend into the public right-of-way of Ocean Front Walk. These improvements typically consist of paved patios and landscaping. For the subject property, the improvements in this area consist of a paved patio, landscaping and a fire pit which are located ten feet beyond the western property line within the public right-of-way. In this particular case, the applicant has received an Encroachment Removal Agreement from the City of San Diego for these encroachments (reference Exhibit No. 3). Similar to restrictions placed on the subject property by the City’s Encroachment Removal Agreement, Special Condition #2 notifies the applicant that if in the future, the existing residence is substantially altered such that 50% or more of the existing walls are demolished or removed, the wall must be removed.

**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 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.

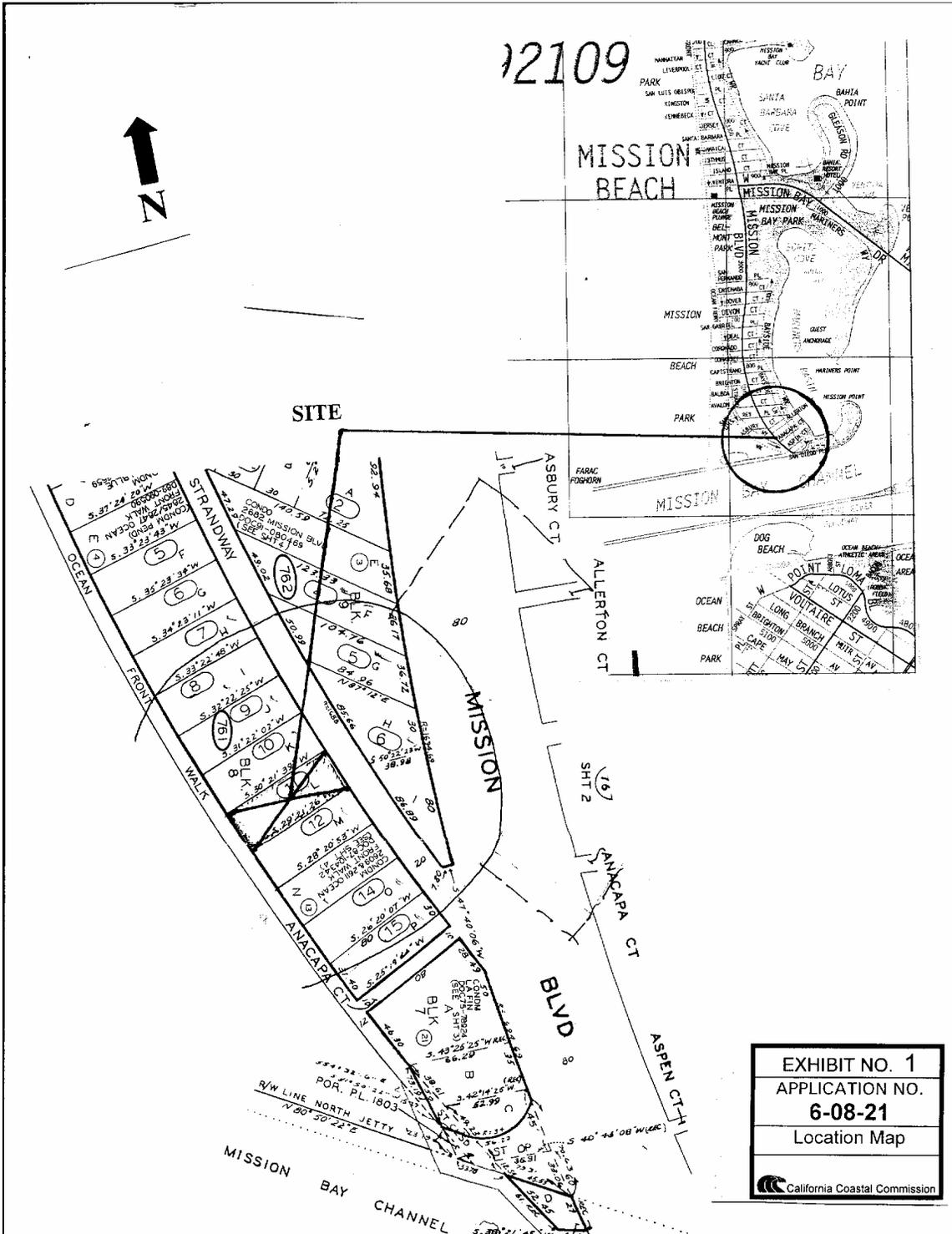


EXHIBIT NO. 1
APPLICATION NO.
6-08-21
Location Map
California Coastal Commission

