

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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Th 13d

Addendum

January 5, 2009

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Th 13d**, Coastal Commission Permit Application
#6-08-100 (Abbott & Saratoga), for the Commission Meeting of January
8, 2009

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

1. On Page 6 of the Staff Report, a new Special Condition shall be added as follows:
 8. Public Use of Vacated Alleys. The 10-ft. wide portion of the two alleys proposed to be vacated to the property owner shall remain available for public use.
3. On Page 11 of the Staff Report, the first full paragraph shall be revised as follows:

In addition, as noted previously, two adjacent 20-foot wide un-named alleys border the project site. One half of each of these alleys is proposed to be vacated with the other half to remain in City ownership. After vacation, these alleys will be landscaped with turf, which will be provided for public use. Presently, the alleys are barricaded. The north/south running alley which is west of the site is completely barricaded at its northern end near Saratoga Avenue. The east/west running alley that borders the south side of the site is only barricaded approximately half-way, and it is used to provide ingress and egress from Abbott Street to the existing 14 on-site parking spaces. The City barricaded the alleys in 1983 to restrict vehicle circulation. At the time it was considered a safety issue, as vehicles were using the alley while looking for parking or as a drop-off area for beach use. At the time there was a restaurant at the southwest corner of the site and the City closed the alleys due to the number of vehicles that were using the alleys as a roadway, which was deemed unsafe given the proximity to existing development (residential and commercial use). Thus, the alleys have been determined by the City to not be necessary for access or circulation and in fact have been determined by the City to be detrimental to access and traffic circulation, which resulted in their closure over 25 years ago. With the proposed alley vacation, the area will be planted with turf grass and made open and available to the public, which will facilitate pedestrian access from Abbott Street as well as provide additional grassy park

area for the public. An advisory condition (Special Condition No. 8) requires that the portion of the two alleys proposed to be vacated to the property owner shall remain available for public use.

CALIFORNIA COASTAL COMMISSION

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Th 13d

Filed: 11/17/08
 49th Day: 1/4/09
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 Staff: Laurinda Owens-SD
 Staff Report: 12/18/08
 Hearing Date: 1/7-9/09

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-08-100

Applicant: Abbott & Saratoga LLC Agent: Steven Lombardi

Description: Demolition of 15 residential apartment units in four detached structures and construction of a two-story, 30 ft. high, 14,157 sq.ft., 12-unit condominium building (over 27-space subterranean parking garage) including installation of new sidewalk along Saratoga Avenue, vacation of portions of two adjacent alleys and re-landscaping with turf for public use, on 21,154 sq.ft. beachfront site.

Lot Area	20,154 sq. ft.
Building Coverage	7,188 sq. ft. (36%)
Pavement Coverage	8,736 sq. ft. (43%)
Landscape Coverage	4,230 sq. ft. (21%)
Parking Spaces	27
Zoning	RM 2-4 (25 dua)
Plan Designation	Multi-family residential (25 dua)
Project Density	25.9 dua
Ht abv fin grade	30 ft.

Site: 5113 Saratoga Avenue and 1984 Abbott Street, Ocean Beach, San Diego, San Diego County. APN 448-010, 16

Substantive File Documents: Certified Ocean Beach Precise Plan; Wave Run-up Report by GeoSoils Inc. dated 11/13/08

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff recommends the Commission approve the proposed development with conditions. The main issue raised by the proposed development relates to assuring that the proposed condominium development on a beachfront lot (proposed to be constructed without a seawall) will be safe from wave run up and flooding, and protection of public views and

public access. Based on information provided in the applicant's wave run-up report, the Commission's coastal engineer has determined that the proposed project will be reasonably safe from risk of flooding concerns. However, since there is still the potential for future changes to storm waves, erosion and sea level that could be larger than what has been used in the siting and design of the proposed condominium development, a special condition requires that the applicant waive rights to construct a future shoreline protection device. In addition, conditions require that the condominium development be constructed consistent with the recommendations contained in the wave run-up study. Other conditions require landscape plans to limit any landscaping in the front yard next to the beach park to a maximum height of three feet (with the exception of four trees if they are placed close to the building and outside the view corridor) which will not have an adverse effect on public views toward the ocean. Also, because work during the summer in this location can have significant impacts on public access, a special condition is recommended that addresses timing of construction to avoid impacts to public access during the summer season. The proposed condominium development, as conditioned, is consistent with all applicable Coastal Act policies.

Standard of Review: Chapter 3 policies of the Coastal Act, with the certified City of San Diego LCP used as guidance.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-08-100 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. No Future Bluff or Shoreline Protective Device

- A(1) By acceptance of this Permit, the applicant agrees, on behalf of itself and all successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 6-08-100 including, but not limited to, the residence, foundation, decks, driveway and basement parking garage in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, or other natural hazards in the future. By acceptance of this Permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.
- A(2) By acceptance of this Permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the landowner shall remove the development authorized by this Permit, if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

2. 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, 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 Steven Lombardi, dated 10/24/08 and shall include the following:

- a. A view corridor a minimum of 5 ft. wide shall be preserved in the south yard area adjacent to an unnamed alley; a 15 ft. wide view corridor in the west yard area adjacent to an un-named alley, and a 15 ft. wide view corridor in the north yard area adjacent to Saratoga Avenue. All proposed landscaping (including raised planters) and hardscaping (patios and decks) in the south, west and north yard areas shall be maintained at a height of three feet or lower to preserve views from the street toward the ocean. A maximum of four (4) tall trees with thin trunks are permitted, provided they are located close to the building and are not located in the view corridor where they would block views toward the ocean.

- b. The vacated alleys shall be landscaped with turf/grass for public use; and shall first be reviewed and approved by the City of San Diego/Fire Department.
- c. All landscaping shall be drought-tolerant and native or non-invasive plant species. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest 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.
- d. Any fencing in the south, west or north side yard setback area shall permit public views and 75 percent of its surface area shall be open or transparent.
- e. 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.

3. Final Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for review and written approval of the Executive Director final plans for the proposed condominium development that have been approved by the City of San Diego. Said plans shall be in substantial conformance with the plans submitted with this application by Steven Lombardi dated 10/24/08 as well as with the recommendations contained in the report by Geosoils, Inc. dated 11/16/08. Specifically, said plans shall include the following:

- a. The proposed sub-grade garage shall be water-proof and designed with a de-watering system;
- b. Any flood waters pumped out of the garage shall be disposed of or discharged in a non-erosive manner;
- c. Best Management Practices shall be incorporated to keep flood waters clean.

The permittee shall undertake of the development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No change 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.

4. 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).

5. Assumption of Risk, Waiver of Liability and Indemnity. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from erosion and wave uprush; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

6. 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.

7. Drainage Plan. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, a drainage and runoff control plan documenting that the runoff from the roof and all impervious surfaces will be collected and directed into pervious areas on the site (landscaped areas) for infiltration and/or percolation prior to being conveyed off-site in a non erosive manner.

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 unless the Executive Director determines that no amendment is legally required.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. Proposed is the demolition of 15 one-bedroom apartment units housed in two, one-story buildings and two, two-story buildings on a 21,154 sq.ft. beachfront property consisting of one square block bounded by Abbott Street to the east, Saratoga Avenue to the north and two contiguous un-named alleys (resembling an “L” shape) to the west and south. The westernmost structure, which contains three units, used to contain a restaurant at the far south portion of the structure. That portion of the building has been vacant for several years now. The new development will consist of a two-story, 30 ft. high, 14,157 sq.ft., 12-unit condominium building (over 27-space basement parking garage). Six of the units fronting on Abbott Street will have an approximately 36 sq.ft. second level exterior deck. The proposed parking is adequate to serve the proposed development. All the proposed new units will contain two bedrooms each and will range in size from 1,147 sq.ft. to 1,221 sq.ft. Each unit will have a roof deck. The basement level will be 16,220 sq.ft. in size and will also include an area to accommodate six bicycles and one motorcycle, storage units for each unit and five recreational (game) rooms ranging in size from 510 sq.ft. to 683 sq.ft. Three elevators are also proposed near existing storage units and stairwells. Access to the parking garage will be received from Saratoga Avenue at the northwest corner of the property. The applicant also proposes to install a new sidewalk along Saratoga Avenue to the north where presently none exists.

Two adjacent 20-foot wide un-named alleys border the project site. One half of each of these alleys is proposed to be vacated with the remaining other half to remain in City ownership. After vacation, these former alleys (including the portion to be vacated to Abbott & Saratoga, LLC) will be re-landscaped to create a turf area that will function as a public park. The applicant will increase the size of its lot through the street vacation, thus resulting in the site being large enough to accommodate two additional dwelling units. Also proposed is on-site landscaping. The subject site is located at the southwest corner of Saratoga Avenue and Abbott Street in the community of Ocean Beach in the

City of San Diego. The project site is located immediately adjacent to Ocean Beach Park and the public beach. A large grassy park with picnic tables and fire rings exists immediately west of the project site, with a public beach parking lot located immediately to the south. To the west of this area is a large sandy beach.

Although the City of San Diego has a certified LCP for the Ocean Beach community, the subject site is located in an area where the Commission retains permit jurisdiction. Therefore, Chapter 3 of the Coastal Act is the standard of review, with the City's LCP used as guidance.

2. Geologic Hazards/Shoreline Protective Devices. Section 30235 of the Coastal Act states, in part:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

In addition, Section 30253 states, in part:

New development shall do all of the following:

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. [...]

To find a proposed beachfront residential development consistent with Section 30253, the Commission must find that the development will not be subject to threat throughout its useful life such that it requires a seawall or other shoreline protective device to protect it. The Commission has traditionally been concerned with the siting of new development directly along the shoreline in terms of both its encroachment onto public sandy beach as well as visual impacts. The Coastal Act Section 30235 acknowledges that seawalls, revetments, cliff retaining walls, groins and other such structural or "hard" solutions alter natural shoreline processes. Thus, such devices are required to be approved only when necessary to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local sand supply.

In the case of the proposed development, the applicant is requesting to demolish 15 apartment units and construct a 12-unit condominium development on a beachfront site. Presently, there is no shoreline protection on the subject site and the applicant is not proposing any in connection with the new development. Immediately west of the site is a

grassy park and picnic area. Beyond this area to the west, is a large and expansive sandy beach and the ocean. The proposed residence will be constructed 2 ½ ft. above grade (+10.5 ft. MSL). Although no fencing is proposed, the applicant is proposing an approx. 2 ½ ft. high raised podium on all elevations; the grades being a little higher on the west side.

In any case, because the project site is adjacent to a beach, it must be assured that the new development will be safe from wave run up and other coastal hazards. As such, the applicant submitted a wave run up analysis which discusses the potential threats to the proposed condominium development from erosion, wave inundation and tsunamis. The report also included an analysis of a range of sea level rise up 2 feet over the next 75 to 100 years. The findings of that study evaluated the potential threat to the site from waves, flooding, and shoreline erosion hazards over the next 75 years, including estimated the potential frequency of occurrence. The report concludes that while there may be a rise in sea level over the next 75 years, this would not result in an increase in erosion or a threat to the proposed development because the shoreline in this area is stabilized by a rocky headland to the south of the pier, the groin separating north and south Ocean Beach, the flood control jetty and the southern Mission Bay jetty on the north end of Ocean Beach and because the site is located over 200 feet (more specifically, 280-300 feet) from the shoreline. The report concludes that there is no significant potential erosion hazard at the site over the next 75 to 100 years.

With regard to potential flooding hazard, the wave run up analysis indicates that allowing for a 2 foot rise in sea level over the next 75 to 100 years, the mean higher high water mark will be at about +4.49 feet Mean Sea Level (MSL) or 7.32 MLLW. The highest observed water elevation in this location was on 11/13/97 at +4.92 MSL. If a sea level rise of 2 feet is added to this elevation, it is about +6.92 MSL. For the proposed project, the lowest proposed habitable finished floor is 2.5 feet above site grade of +11 feet MSL or about elevation +13.5 feet MSL. This is above any potential ocean flood elevation and over 4 feet higher than the highest water added to 54 inches of sea level rise. The finished floor of the underground garage is below this flood elevation. Therefore, it is recommended that the garage be designed to be waterproof and include a dewatering system in the event of flooding. With incorporation of these measures, the site should be safe from flooding over the next 75-100 years.

With regard to wave runup, the report concludes that the site is sufficiently setback from the shoreline to be safe from breaking waves. The potential for wave runup to the site is very small due to the wide beach and grass fronting the site. While large “design waves” can runup and overtop the beach berm, the height of the overtopping wave bore will likely be about 2 feet. The US Army Corp of Engineers Coastal Engineering Manual (2004) states that for every 25 feet a bore travels across a flat beach, the bore height is reduced by about 1 foot. The site is about 300 feet from the shoreline and likely beyond the reach of wave overtopping bores. Although floodwaters from wave runup have reached Abbott Street and Saratoga Avenue in the past, even if they were to reach the site again, they would have little, if any velocity or force and would likely be less than one foot in elevation. It is also noted that the City of San Diego constructs an artificial sand

berm seaward of the subject site along the public beach every winter to further reduce the potential for flooding of adjacent streets. There is no significant flooding hazard from surface gravity waves to the proposed development.

The report therefore concludes that over the last several decades there has been no shoreline retreat in front of the site; it has not been subject to significant flooding, erosion damage or wave runup attack in the past, including the 1982-83 El Nino winter; and the proposed habitable improvements are above any potential coastal hazard. In addition, the report states that flooding, erosion and wave runup will not significantly impact the proposed development over its lifetime (75 years). Recommendations include that the proposed basement garage be water-proofed and designed with a de-watering system. In addition, the garage driveway should consider a low height berm at the entrance. The report also concludes that it is unlikely that a seawall will be necessary in the future to protect the proposed development.

The Commission's staff coastal engineer has reviewed the submitted technical report and has stated that the site has a low risk for flooding or coastal inundating, and although these risks could rise with an increase in sea level, the elevation of the first floor to +13.5 ft. MSL and the setback from the ocean should minimize these risks to an acceptable level. The Commission's staff coastal engineer therefore concurs that the proposed development can be constructed without the need for a seawall and that the site is reasonably safe from the risks of geologic and flooding conditions. However, there is a risk that the anticipated future changes to storm waves, erosion and sea level could be larger than what has been anticipated when siting and designing of the proposed condominium development. As such, Special Condition #1 requires that the applicant agree to waive any rights to construct shoreline protection under 30235 of the Coastal Act. Only with this waiver can the project be found to be consistent with Section 30253 of the Act, which prohibits new development from requiring future shoreline protection. Special Condition #3 requires that final plans be submitted that document that the proposed development be designed consistent with the recommendations contained in the wave runup analysis.

As noted above, the Commission finds that the proposed project can be constructed without the need for a seawall. Although the Commission finds that the proposed development has been designed to minimize the risks associated with its implementation, the Commission also recognizes the inherent risk of shoreline development. The subject site may be subject to wave action. Thus, there is a risk of damage to the principal residential structure as a result of wave action. Given that the applicant has chosen to perform these improvements despite these risks, the applicant must assume the risks. Accordingly, Special Condition #5 requires that the applicant acknowledge the risks and indemnify the Commission against claims for damages that may be brought by third parties against the Commission as a result of its approval of this permit.

In addition, Special Condition #6 requires the applicant to record a deed restriction imposing the conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. Therefore, as conditioned, since the proposed

development can be assured structural stability over its lifetime and not require shoreline protection, the proposed development is consistent with Section 30253 and 30235 of the Coastal Act.

3. Public Access. Coastal Act sections 30210, 30211 and 30212(a) are applicable to the project and state the following:

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212(a)

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
- (2) adequate access exists nearby, or, [...]

Section 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30604(c) of the Act requires that specific access findings be made for any project located between the first public roadway and the sea. The project site is located between the ocean and the first public roadway (Abbott Street). The project site is located immediately adjacent to Ocean Beach Park and the public beach. The beach is a popular area, consisting of a wide sandy beach used by residents and beach-goers alike for many recreational activities. Immediately west of the site is a large grassy picnic area with picnic tables.

The Ocean Beach Pier is located southwest of the site and a groin exists almost directly west of the project site. Access to the beach can be gained nearest the project site at the streetend of Saratoga Avenue immediately adjacent to the subject site and at the unnamed alley to the south.

The certified Ocean Beach Precise Plan recommends protecting public access to the beach. The site is currently developed with 15 apartment units and no access to the beach

across the subject site currently exists. The existing development on the site is presently deficient in parking. There are a total of 14 on-site parking spaces to serve 15 residential units where currently 34 would be required. The subject site is located within the City's Beach Impact Area which generally includes that area within 3-4 blocks of the beach or bay, as these are the areas that are most impacted by parking for both beach visitors and surrounding residents. The City's zoning ordinance (Land Development Code) for the parking beach impact area specifically requires 2.25 spaces for each two-bedroom unit and 2.5 spaces for units containing 3-4 bedrooms. As such, the required parking for the new development which consists of 12 two-bedroom condominium units is: $12 \times 2.25 = 27$ parking spaces, as is proposed. The proposed project will not result in any adverse impacts to public access, and in fact, will enhance public access by providing adequate parking on-site, thus eliminating the current conditions where residents usurp parking from beach users in this nearshore area. Even though the site is next to a public beach parking lot, during the summer months, parking is in high demand and competitively sought by beach users, residents and patrons of local businesses in this community. Thus, adequate on-site parking will be provided with 27 parking spaces (2.25 spaces per unit), consistent with Section 30252 of the Act.

In addition, as noted previously, two adjacent 20-foot wide un-named alleys border the project site. One half of each of these alleys is proposed to be vacated with the other half to remain in City ownership. After vacation, these alleys will be landscaped with turf, which will be provided for public use. Presently, the alleys are barricaded. The north/south running alley which is west of the site is completely barricaded at its northern end near Saratoga Avenue. The east/west running alley that borders the south side of the site is only barricaded approximately half-way, and it is used to provide ingress and egress from Abbott Street to the existing 14 on-site parking spaces. The City barricaded the alleys in 1983 to restrict vehicle circulation. At the time it was considered a safety issue, as vehicles were using the alley while looking for parking or as a drop-off area for beach use. At the time there was a restaurant at the southwest corner of the site and the City closed the alleys due to the number of vehicles that were using the alleys as a roadway, which was deemed unsafe given the proximity to existing development (residential and commercial use). Thus, the alleys have been determined by the City to not be necessary for access or circulation and in fact have been determined by the City to be detrimental to access and traffic circulation, which resulted in their closure over 25 years ago. With the proposed alley vacation, the area will be planted with turf grass and made open and available to the public, which will facilitate pedestrian access from Abbott Street as well as provide additional grassy park area for the public.

In addition, to assure construction impacts do not result in public access impacts during the time of highest demand for recreation and public beach access, the Commission has typically restricted work in and around the beach and other public recreational areas to outside the summer season. As noted above, the area where the proposed work will occur is immediately adjacent to a public beach, and as such, any work occurring during the summer months could potentially interfere with the public's use and enjoyment of this area. Therefore, Special Condition #4 notifies the applicant that no work may occur during the summer peak season between Memorial Weekend and Labor Day of any year.

In addition, the condition further requires that access corridors and staging areas shall be located in a manner that has the least impact on public access and public parking spaces (no use of public parking). As conditioned, no short or long-term impacts to public access are anticipated. Therefore, the proposed development, as conditioned, does not interfere with public access opportunities and can be found consistent with the public access and recreation policies of the Coastal Act.

4. Public Views/Community Character. Section 30251 of the Coastal Act is applicable to the subject project and states, in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas,...

The certified Ocean Beach Precise Plan, which the Commission uses for guidance also states:

- That views available from elevated areas and those adjacent to the beaches and ocean be preserved and enhanced wherever possible. [p.85]
- That public access to beaches and the shoreline be protected, first by clearly establishing public access and use rights, and second by requiring new developments to provide visual and physical access. [p. 42]

The project site is located in Ocean Beach near Ocean Beach Park and the public beach. Immediately west of the site is a large grassy beach park. Beyond this area to the west is a wide sandy beach and the ocean. The Certified Ocean Beach Precise Plan recommends protecting public views to the ocean. In the Ocean Beach community, public views to the ocean exist along the east-west running streets in the community. In this particular case, public views to the ocean exist along Saratoga Avenue north of the subject site as well as along the unnamed alley to the south. Thus, it is important to assure that new development not interfere with public views from these public vantage points, by among other things, assuring adequate building setbacks.

Presently, there are no existing public views across the subject site, as it is currently developed with 15 residential (apartment) units in four detached buildings. The westernmost single-story building does not presently observe the building setbacks, as it is located on the western property line with a zero foot setback and as such, the structure currently obstructs public views to the ocean while looking west. The proposed structure will enhance public views as it will observe a larger building setback in the west and south yard area setback. The new structure will observe the minimum required building setback of 12 ft. from the western property line (it will actually be set back approximately 45 feet); as such, views will be opened up while looking northwest across the site from the un-named alley to the south as well as from the public parking lot south of the project

site. The larger setback provided will greatly open up views along this elevation. In addition, along the north elevation of the subject site, both buildings on the west side of the property are currently set back 10 ft. from the northern property line. The proposed building will be setback a distance of 15-20 ft., thus improving and opening views looking west along Saratoga Avenue towards the ocean. The other two existing buildings that front on Abbott Street are also constructed on the eastern property line with a zero ft. setback. The new development will observe an 8 ½ - 13 ½ ft. setback from this frontage. As far as the southern setbacks are concerned, the existing building observes a 5 ft. setback and the newly proposed structure will be setback 15 ft. from the centerline of the alley. Presently, there are no structures that encroach close to the southern property line other than the portion of the building next to the western alley that used to be a restaurant. This area will be filled in with the proposed development. Nonetheless, given that the new development will observe all of the required setbacks, public views looking across the site from west to east as well as from south to northwest will be greatly enhanced. It should be noted also that the proposed vacated alleys will not result in a reduction in building setbacks. In fact, the area of the proposed alley vacations will remain open and are not proposed to be used to meet building setback requirements.

In this particular case, the proposed development will observe all required setbacks, which will enhance public views to the ocean. However, there is the potential for proposed landscaping in the south and north side yards to impede public views to the ocean (both initially and over time, as plant materials/trees mature). As such, Special Condition #2 requires that the applicant submit final landscape plans that require all proposed landscaping and hardscaping in the south, west and north yard setback areas consist of only low level materials that do not impede views to the ocean. The condition also allows for a maximum of four (4) tall trees with thin trunks, such as palm trees, provided they are not in the view corridor, placed close to the building, and do not block public views toward the ocean. Through the above-cited condition, it can be assured that any improvements proposed in the yard areas will not impede public views toward the ocean. Special Condition #6 requires the permit and findings be recorded to assure future property owners are aware of the permit conditions.

In addition, because the proposed condominium building is located in close proximity to the ocean, it will be highly visible from the public beach. However, the exterior of the structure will be of an earth tone color (as opposed to anything bright which could cause adverse visual impacts in this scenic coastal setting). In addition, the roof will not be visible as it consists of a deck with glass and aluminum (silver) railings and an earth tone siding finish. As proposed, the structure will be compatible with the character of the surrounding area and is designed to protect views to and along the ocean and scenic coastal areas, consistent with Section 30251 of the Act.

With regard to community character, the existing residences along Abbott Street and Saratoga Avenue vary widely in architectural style and appearance. The proposed project will result in a two-story structure (over a basement level) next to the public beach park. Immediately south of the site is a large public beach parking lot and a lifeguard and comfort station. To the north is other multi-family and single-family residential

development and to the east is multi-family residential use and commercial development. The proposed structure will be 30 ft. high, consistent with current zoning requirements. In addition, the proposed structure will be visually compatible in terms of bulk and scale with the character of the surrounding neighborhood and the pattern of redevelopment in the area.

In addition, in order to make way for the proposed new development, the applicant is proposing to demolish all existing development on the site which consists of 15 apartment units in four separate buildings. The structures were constructed in 1952. 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 56 years old and, as such, it must be determined whether or not the structure has any historical significance. To address this, the City's environmental review has been completed and it concluded that based upon the submitted plans, photos and historical records, the buildings proposed for demolition are not historic and that a historical report is not required. The site is located in the emerging Ocean Beach Historic District but in this case, the structures proposed for demolition are not historic. As such, the demolition of the existing structures does not result in any impacts to historical resources. In summary, the proposed development, as conditioned, will not result in any public view blockage and will be visually compatible with the character of the surrounding neighborhood, consistent with Section 30251 of the Coastal Act and the certified LCP

5. Local Coastal Planning. While the City of San Diego has a certified LCP that governs the Ocean Beach community, the subject site is in an area of original jurisdiction, where the Commission retains permanent permit authority. As a result of the portions of the vacated alley that will revert to private ownership, the lot area will increase, thus resulting in the ability for two additional dwelling units to be constructed on the site. However, the project still meets the density requirements of the certified LUP. Specifically, $20,154 \text{ sq.ft.} \div 43,560 \text{ sq.ft.} = .46 \times 25 \text{ du} = 11.56$ (rounded up to 12) dwelling units permitted on the site. Therefore, the project is consistent with the certified Ocean Beach Precise Plan and all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the ability of the City of San Diego to continue to implement its certified LCP for the Ocean Beach community.

6. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible

mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing hazards and protection of public views to the ocean and public access will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project 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

PACIFIC OCEAN

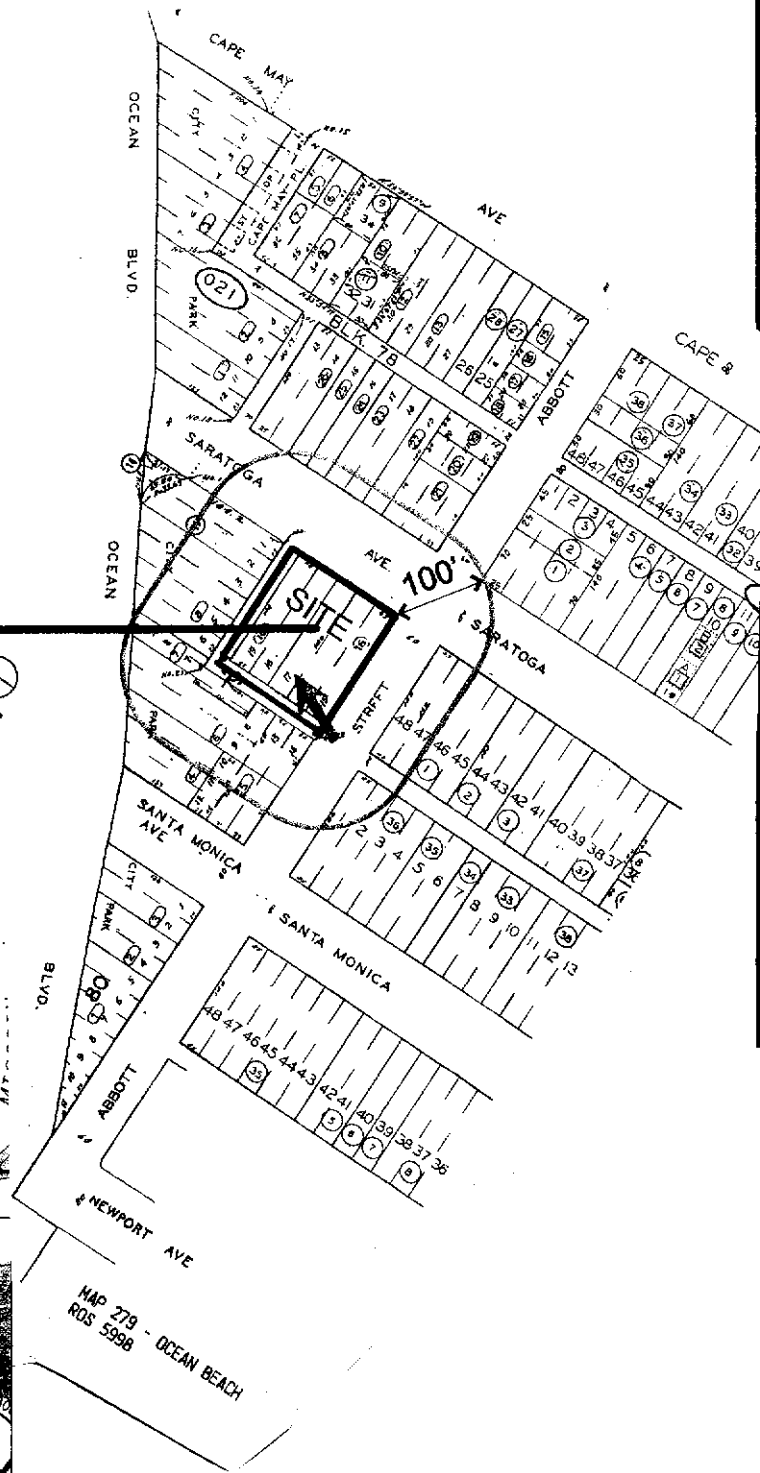
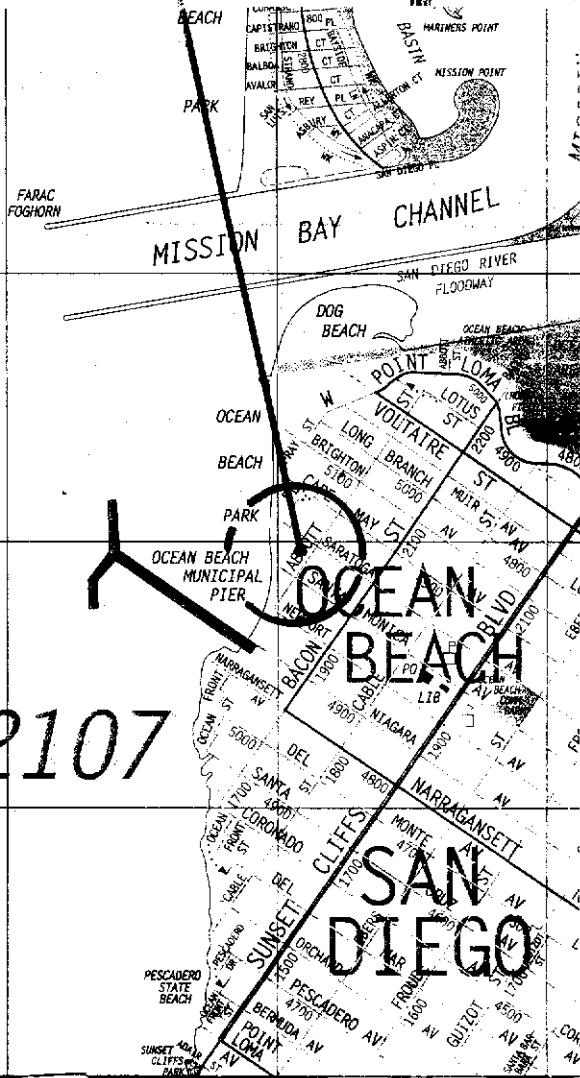
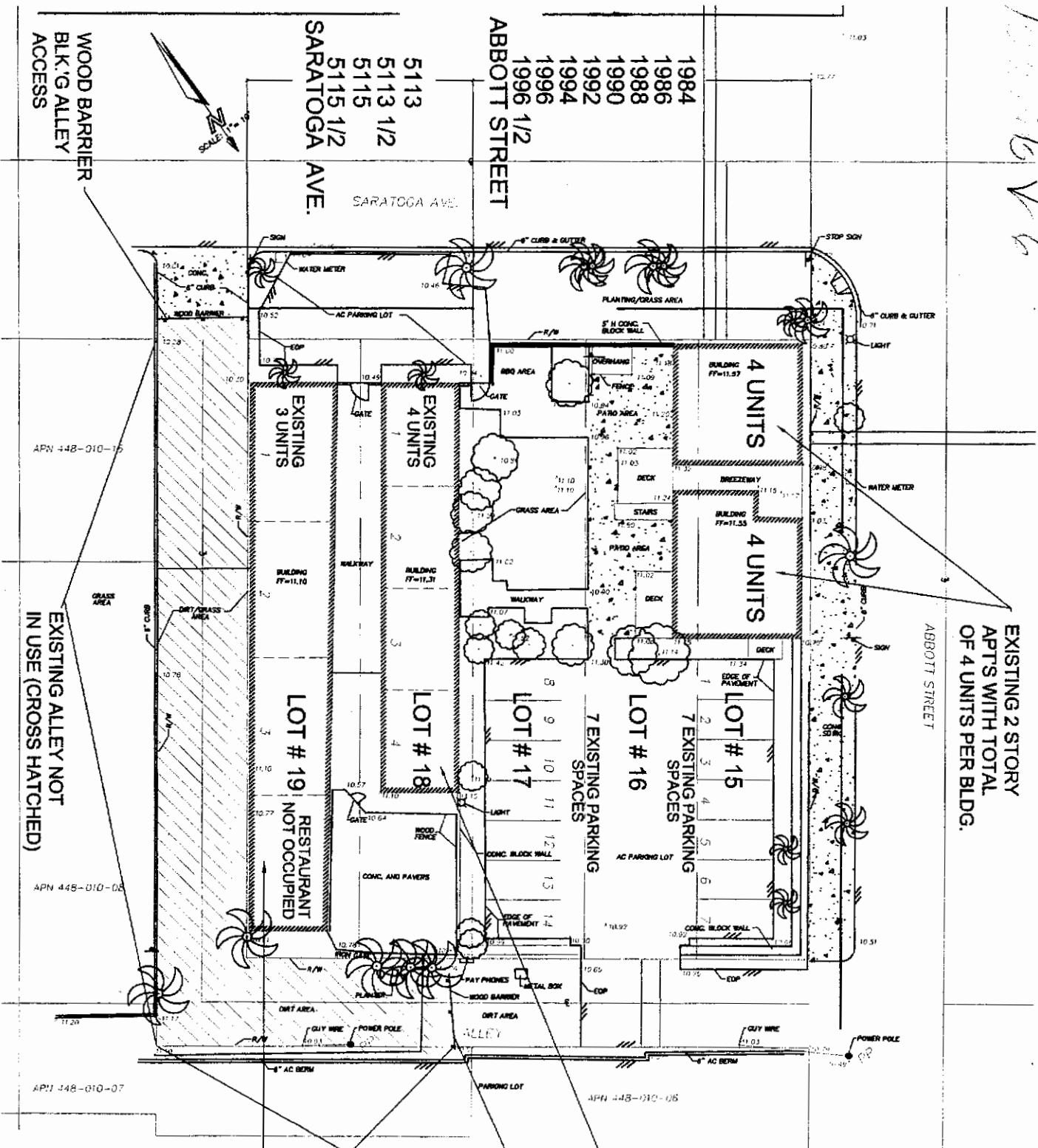


EXHIBIT NO. 1
APPLICATION NO.
6-08-100
Location Map
California Coastal Commission

1500006 V 6

EXISTING CONDITION SITE PLAN



EXISTING 2 STORY
APTS WITH TOTAL
OF 4 UNITS PER BLDG.

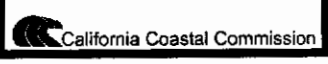
EXISTING ALLEY NOT
IN USE (CROSS HATCHED)

EXISTING ALLEY
NOT IN USE
(CROSS HATCHED)
1 STORY
3 UNITS
PER BLDG.

1 STORY
4 UNITS
PER BLDG.

WOOD BARRIER
BLK'G ALLEY
ACCESS

EXHIBIT NO. 3
APPLICATION NO.
6-08-100
Existing Condition Site Plan



Steven Lombardi Architect
445 Serrano Ave., Suite 100
San Francisco, CA 94118
415.774.1111
ADDRESS: ABBOTT AND SARATOGA

SCALE: 1/32" = 1'-0"
DATE: 3/14/2007
PROJECT TITLE: EXISTING CONDITION SITE PLAN

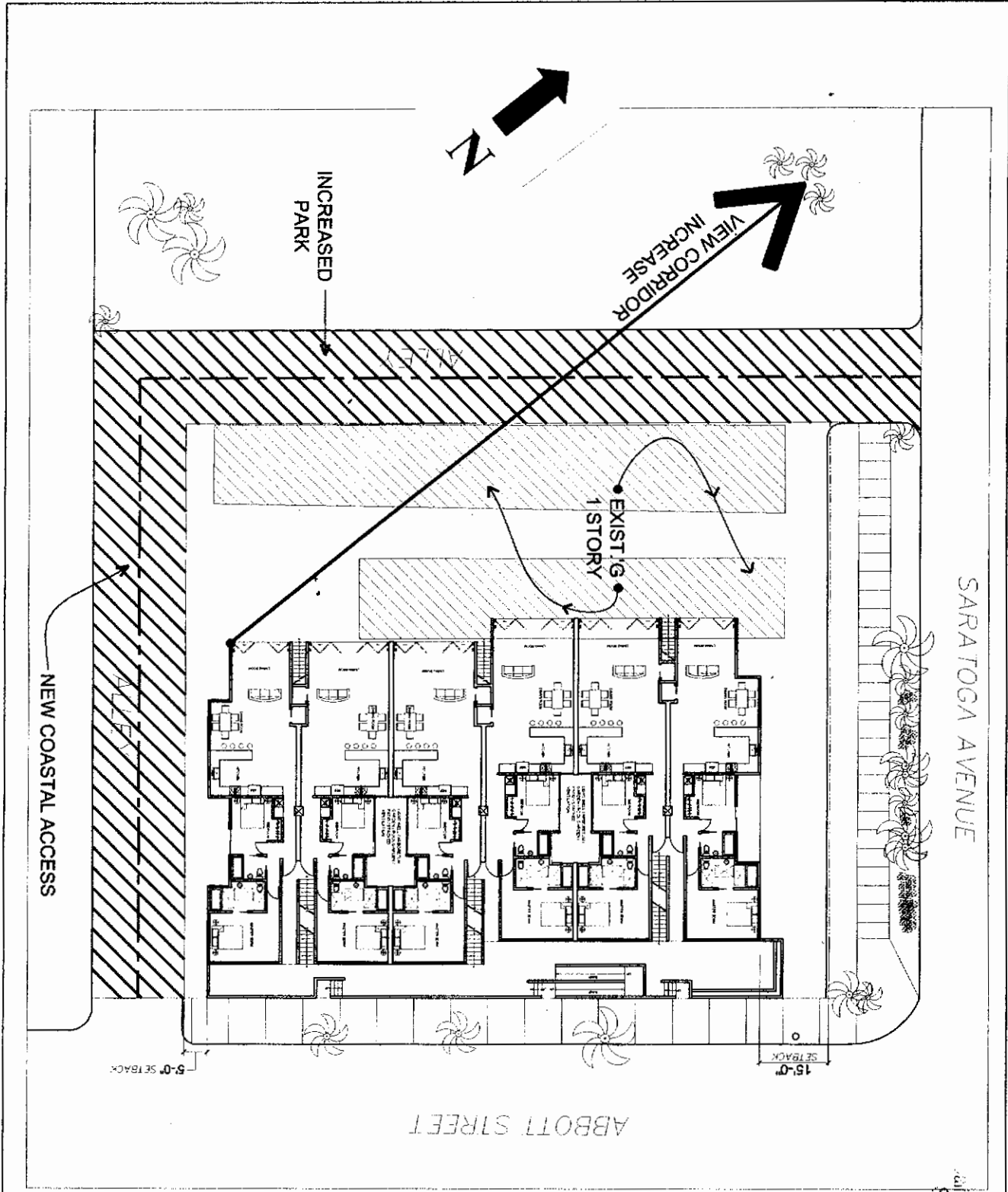
1984
1986
1988
1990
1992
1994
1996
1996 1/2

5113
5113 1/2
5115
5115 1/2

SARATOGA AVE.
ABBOTT STREET

WOOD BARRIER
BLK'G ALLEY
ACCESS

APN 448-010-15
APN 448-010-05
APN 448-010-07
APN 448-010-06



SARATOGA AVENUE

ABBOTT STREET

NEW COASTAL ACCESS

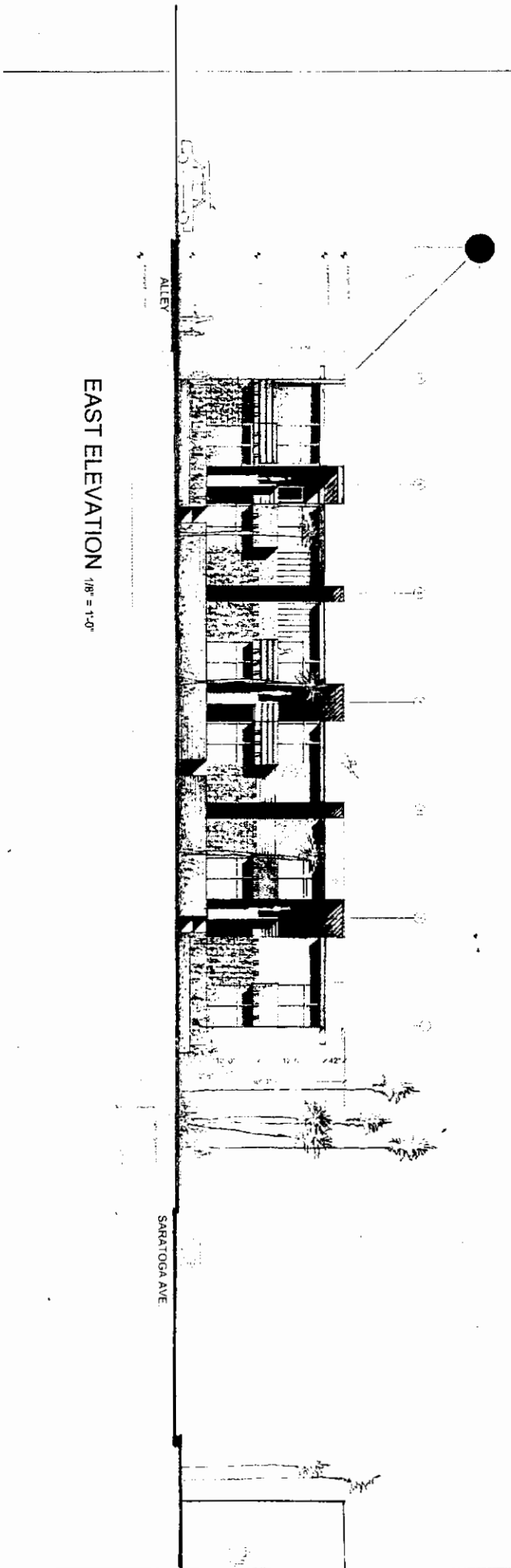
INCREASED PARK

EXISTING 1 STORY

<p>Steven Lombardi Architect 10000 S. BAYVIEW BLVD., SUITE 100 SAN DIEGO, CA 92121 TEL: 619-444-1111</p>	
<p>5115 SARATOGA AVE & 1854 ABBOTT ST OCEAN PARK VILLAGE / COASTAL SUBMISSION</p>	<p>Project: O.C.C. Date: 1/11/11</p>
<p>VIEW CORRIDOR/ACCESS INCREASE</p>	<p>Scale: 1/8" = 1'-0"</p>


EXHIBIT NO. 4
APPLICATION NO.
6-08-100
Improvements to
View Corridor

California Coastal Commission



EAST ELEVATION 1/8" = 1'-0"

STEVEN LOMBARDI ARCHITECT
5035.5 NEWPORT AVE.
SAN DIEGO, CA 92107
WWW.STEVENLOMBARDI.COM

EXHIBIT NO. 6
APPLICATION NO. 6-08-100
East Elevation
 California Coastal Commission