

CALIFORNIA COASTAL COMMISSION

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



W21c

Addendum

October 28, 2010

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item W21c**, Coastal Commission Permit Application **6-10-069 (Moran, San Diego)** for the Commission Meeting of November 17, 2010.

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

1. On Page 9 of the staff report, the first incomplete paragraph and continuing on to the next paragraph shall be revised to read as follows:

along 57 feet of its western, northern, and southern exterior walls, no setback from the northern alley along 24 feet 6 inches of its northern wall, and encroaches into the ~~western~~ alley setback along 3 feet of its ~~western~~ eastern wall, the proposed remodel will not result in the demolition of over 50 percent of the exterior walls and thus would not constitute development requiring conformance with LDC setback requirements. As such, the LDC would allow this residential structure to maintain its non-conforming structural walls along Ocean Front Walk, which encroach into the required 7 foot side yard setback and along the northern and ~~western~~ eastern alleys, which encroach into the required 3 foot setbacks.

Even though the proposed development does not trigger the LDC's requirement that the renovated structure conform to existing setbacks, the suggested remodeling of the existing 1,455 square foot residential structure would entail partial demolition of the structure's exterior walls. Although no more than 50 percent of the exterior walls are expected to be removed through the proposed remodel of the existing building, a significant proportion of exterior walls are still proposed for removal. The applicants propose demolition of approximately 25 percent of the first floor exterior walls, as well as approximately 45 percent of the second floor exterior walls. As explained above, given that the LDC can be used for guidance here and that the proposed project would remove less than 50 percent of the exterior walls, the proposed structure would continue to be regarded as a legal non-conforming structure under the LDC. It will therefore not be conditioned to meet current setback requirements contained in the Mission Beach Planned District Ordinance because the project, as conditioned, will not adversely affect the scenic and visual qualities of the coast to any greater degree than

the existing non-conforming structure and it will ~~remain~~ be consistent with the certified LDC.

2. On Page 8, the following paragraph shall be added to “Public Views/ Visual Quality/Community Character” immediately after the last paragraph, as follows:

As the existing residential structure on the property was constructed in 1927, an evaluation by the City of San Diego Historic Resources staff was required to determine if it has any historic significance. After a comprehensive review, Historic Resources staff concluded that the existing structure located at 702 Verona Court had undergone significant alterations since its initial construction and would not be considered a potentially Historic Resource by their standards.

3. The attached exhibits shall replace Exhibit Nos. 2 & 3 of the staff report.

Site Plan

Adjacent Property

Ocean Front Walk

Adjacent Property

Non-conforming

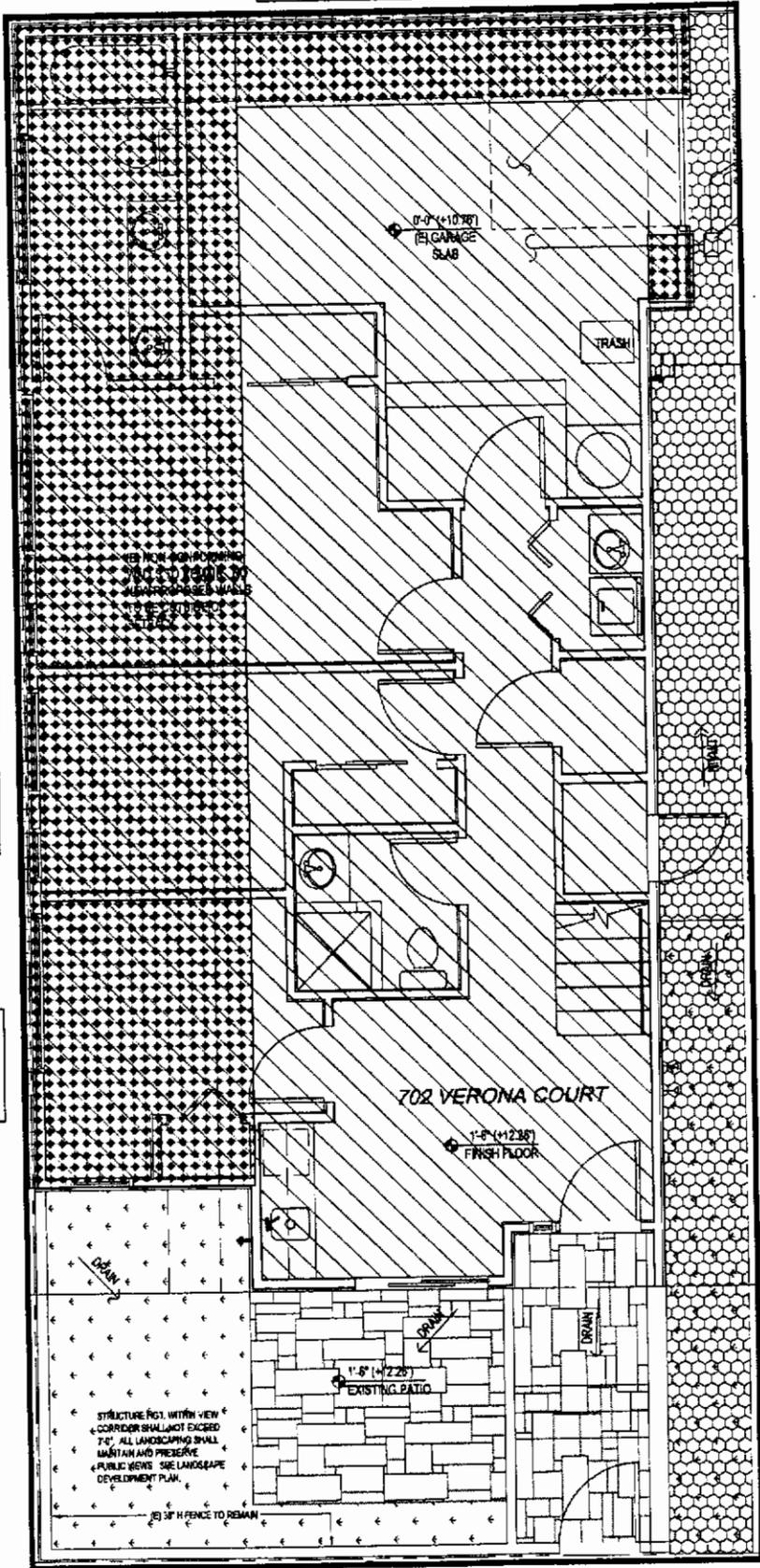


EXHIBIT NO. 2
APPLICATION NO.
6-10-069
Site Plan
California Coastal Commission

Verona Court

35

Adjacent
Property

First Floor Plan

LEGEND

-  EXISTING WALL.
-  EXISTING EXTERIOR WALL TO BE REMOVED (SEE PLAN NOTES FOR SPECIFIC LOCATIONS).
-  EXISTING EXTERIOR WINDOW OR DOOR TO BE INFILLED WITH NEW 2x STUD WALL CONSTRUCTION (SEE PLAN NOTES FOR SPECIFIC LOCATIONS).
-  PROPOSED NEW EXTERIOR AND INTERIOR WALL CONSTRUCTION (SEE PLAN NOTES FOR SPECIFIC LOCATIONS).
-  PROPOSED NEW AREA

Ocean Front
Walk

AREA OF EXISTING = 753 SQ. FT.
AREA OF ADDITION = 111 SQ. FT.
TOTAL PROPOSED BUILDING AREA = 864 SQ. FT.
GARAGE AREA = 254 SQ. FT.

Adjacent
Property



EXHIBIT NO. 3
APPLICATION NO.
6-10-069

First Floor Plan

 California Coastal Commission

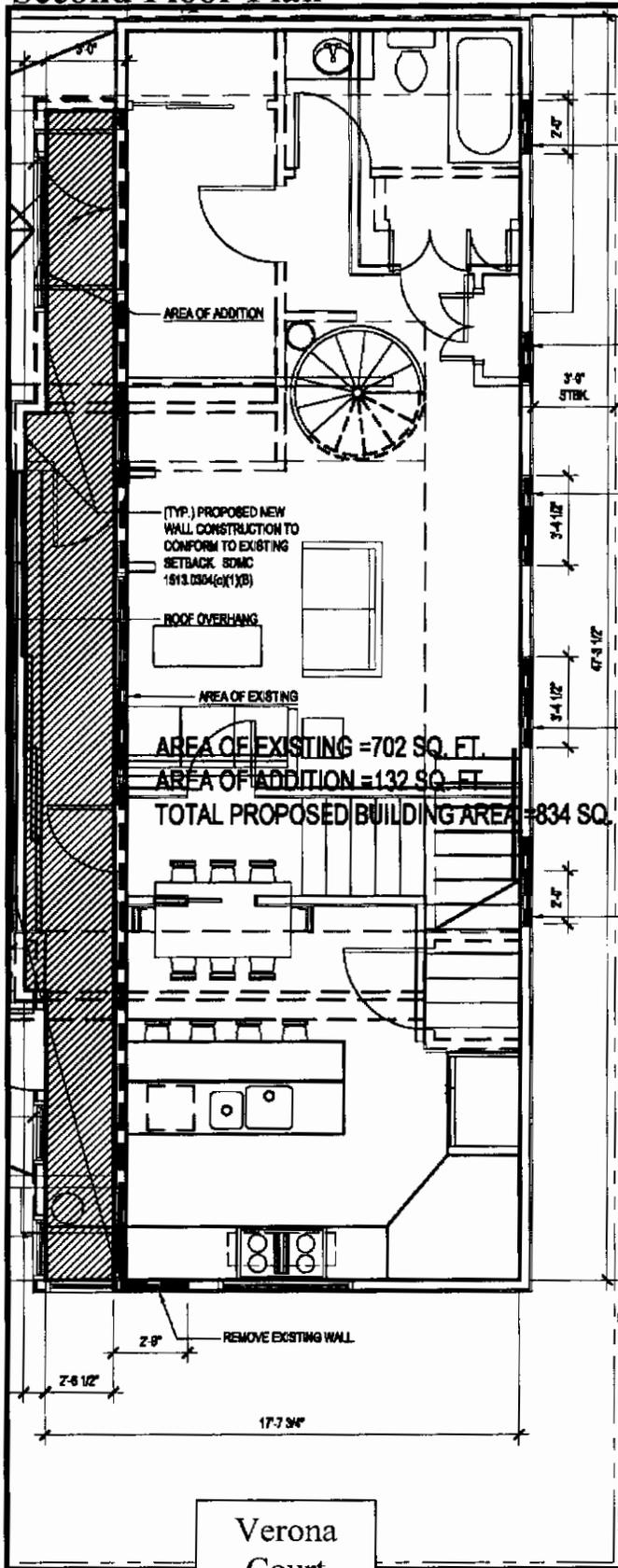
Verona
Court

36

Adjacent
Property

Second Floor Plan

Ocean Front
Walk



AREA OF EXISTING = 702 SQ. FT.
AREA OF ADDITION = 132 SQ. FT.
TOTAL PROPOSED BUILDING AREA = 834 SQ. FT.

LEGEND

- EXISTING WALL
- EXISTING EXTERIOR WALL TO BE REMOVED (SEE PLAN NOTES FOR SPECIFIC LOCATIONS)
- EXISTING EXTERIOR WINDOW OR DOOR TO BE INFILLED WITH NEW 2x STUD WALL CONSTRUCTION (SEE PLAN NOTES FOR SPECIFIC LOCATIONS)
- PROPOSED NEW EXTERIOR AND INTERIOR WALL CONSTRUCTION (SEE PLAN NOTES FOR SPECIFIC LOCATIONS)
- PROPOSED NEW AREA

Adjacent
Property



EXHIBIT NO. 3
APPLICATION NO.
6-10-069
Second Floor Plan
California Coastal Commission

Verona
Court

37

*This page intentionally
blank*

DL

WZIC

RECEIVED

October 28, 2010

OCT 29 2010

California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Re: 6-10-69 702 Verona Ct. Mission Beach

Dear Coastal Commission,

This letter concerns the remodel at 702 Verona Ct. This house is located along the boardwalk. The house has a zero lot line along the oceanfront. Since the house appears to be gutted in the remodel with most of the interior walls removed and re-located. I feel that the house should be moved back three feet of the first floor along the boardwalk.

The reasoning for my request. The boardwalk was widen ten years ago. The adjacent homeowners were allowed to put a three foot landscaped buffer with a wall out onto the public right away. This was done to not have people walking along the zero lot lines. Which as a member of the Mission Beach Planning Group I supported. The intent was when the zero lot lines were remodeled the homeowners would have a chance to set back their building.

It appears in this situation that even though the building is basically being rebuilt the zero lot line will remain. I feel that the homeowners should not be allowed to put a wall out three feet from the zero lot line. (Currently there is no wall only three feet of dirt.)

Lorinda over the past five years has been making the homeowners not be allowed to put up a wall when they remodels on four or five buildings along the oceanfront. Also, the restriction should carry on forever.

I missed 701 Yarmouth 6-10-008 when it came on the agenda. I cannot tell from the drawing if they were required to refrain from putting a wall along the oceanfront three feet into the setback. In this situation, the living space is back 7 feet but the garage is on the zero lot line. We unanimously voted to not allow a garage only on a zero setback be allowed to then have a wall on the three foot right of way. But the city said is was okay.

We will never get back the three foot public right away. It is taking away more beach access when people have a chance to rebuild. Plus these oceanfront lot are bigger than the adjoining lots. Now they are getting another three feet. Please in writing, do not allow any walls in the right of way along the oceanfront walk when a house remodels.

Thank you,

Signature on file

Mike Meyer 714 Coronado Ct. San Diego, CA 92109 858 488-6453(vacation after Tuesday)
mikem488@hotmail.com

Letter of Comment 39

CALIFORNIA COASTAL COMMISSION

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



W21c

Filed: 10/13/10
 49th Day: 12/1/10
 180th Day: 4/11/11
 Staff: E Stevens-SD
 Staff Report: 10/21/10
 Hearing Date: 11/17-19/10

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-10-069

Applicant: Monty and Kathy Moran

Agent: Scot Frontis

Description: Remodel of existing two story 1,455 square foot single family home with attached 254 square foot garage, including interior and exterior changes to both floors as well as an 11 square foot addition to the first floor, a 132 square foot addition to the second floor, and a 27 square foot roof access addition, resulting in a 28 foot 6 inch high, 1,625 square foot single family home with an attached 1 car garage.

Lot Area	1,546 sq. ft.
Building Coverage	1,005 sq. ft. (65 %)
Pavement Coverage	358 sq. ft. (23 %)
Landscape Coverage	183 sq. ft. (12 %)
Parking Spaces	1
Zoning	R-N
Plan Designation	Mission Beach
Project Density	36 dua
Ht abv fin grade	28 foot 6 inches

Site: 702 Verona Court, Mission Beach, San Diego, San Diego County.
 APN 423-551-40.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed project, subject to special conditions. The primary issues raised by the proposed development relate to protection of public views along the shoreline and existing non-conforming walls that encroach into the designated setback areas along the public accessway of Ocean Front Walk and along alleys directly north and east of the structure. To address protection of public ocean view corridors, a special condition is proposed that requires landscape plans to limit any

landscaping and hardscaping within the designated view corridors on the subject site to a maximum height of three feet. To address the existing legal non-conforming structure built on the zero-lot line adjacent to Ocean Front Walk and within the setbacks for the northern and eastern alleys, staff recommends that a special condition be added that puts the applicant and future owners on notice that future expansions, or any demolition, renovation or replacement which would result, cumulatively, in alteration or reconstruction of 50 percent or more of the exterior walls of the existing structure, would constitute redevelopment and the structure will not retain its non-conforming rights and any encroachments into the designated set backs along Ocean Front Walk and the northern and eastern alleys would have to be removed in their entirety.

Standard of review: Chapter 3 policies of the Coastal Act

Substantive File Documents: Certified Mission Beach Precise Plan and Local Coastal Program Addendum; Certified Mission Beach Planned District Ordinance; City of San Diego Land Development Code

I. Preliminary Staff Recommendations:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-10-069 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. 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, final landscaping and fence plans approved by the City of San Diego. The plans shall be in substantial conformance with the landscape plans submitted by FRONTIS + YOUNG Architecture dated 7/10/10 and shall include the following:

- a. A view corridor a minimum of 10 feet wide shall be preserved in the south yard area of the subject site adjacent to Verona Court. All proposed landscaping in this yard area shall be maintained at a height of three feet or lower (including raised planters) to preserve views from the street toward the ocean.
- b. All landscaping shall be drought tolerant and native or non-invasive plant species. All landscape materials within the identified view corridor shall be species with a growth potential not to exceed three feet at maturity. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or 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 a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property.
- c. Any fencing in the 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 applicants that five years from the date of the issuance of the coastal development permit for the residential structure, the applicants will submit for 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 that 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 applicants, or their 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 compliance with the original approved plan.

The applicant 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. Final Plans/ Storage and Staging Areas. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit final site plans to the Executive Director for review and written approval. 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 with this application by FRONTIS + YOUNG Architecture dated 7/10/10. In addition, said plans shall include written notes stating the following:

- a. No construction staging or storage shall occur on the existing boardwalk, and construction activities shall not impede or block access on the existing boardwalk in any way.
- b. If, during construction, it is determined that any of the exterior walls need to be demolished (beyond those permitted herein), due to the deteriorated condition of the walls (termites, wood rot, etc.), the applicant shall immediately contact the Executive Director to determine if a coastal development permit or amendment to this permit is necessary.

The applicant 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.

3. Future Removal of Nonconformities. If the existing residential structure at 702 Verona Court is substantially altered (additions, renovations, remodels, etc.) in a way that would result, cumulatively, in alteration or reconstruction of 50 percent or more of the exterior walls of the structure as they exist prior to the Commission's approval of this permit, the applicants, or their successors in interest, shall be required to remove all non-conforming encroachments into the public right-of-way in their entirety. In addition, any replacement structures shall be subject to the requirement of obtaining a new coastal development permit or an amendment to this permit and shall meet the required building setbacks required by the City of San Diego and first be reviewed and approved in writing by the City of San Diego.

4. Timing of construction. No project construction shall take place between Memorial Day weekend and Labor Day of any year. Construction access corridors and staging areas shall be located in a manner that has the least impact on public access, and, at a minimum, such access corridors and staging areas shall not result in street or public accessway closures or the use of public parking as staging areas.

5. Deed Restriction. PRIOR TO THE 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 (hereinafter referred to as the “Standard and Special Conditions”); and (2) imposing all the Standard and 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 that 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:

1. Detailed Project Description. Proposed is the remodeling of an existing, 19 foot 8 inch high, two story, 1,455 square foot single family residential structure with an attached 254 square foot garage. The remodel will include interior and exterior renovations and an 11 square foot first floor addition, a 132 square foot second floor addition, and a 27 square foot roof access addition, resulting in a 28 foot 6 inch high, 1,625 square foot single family residence with 1 designated on-site parking space.

The 11 square foot addition on the first floor is proposed to occur at the southeast corner of the structure and will result in an enlarged entryway for the home. On the first floor western exterior wall the project proposes to: remove 1 double door, 3 windows, and 1 single door; to add 4 windows; and to replace 4 existing windows. On the first floor southern exterior wall the project proposes to: remove 2 single doors and 1 window and to add 1 door. No changes are proposed to the first floor northern or eastern exterior walls.

The 132 square foot addition on the second floor is proposed to occur along the majority of the western exterior wall and would extend the second floor westward ranging from approximately 0 inches for 3 feet, 2 feet 6 inches for 22 feet, and 3 feet 4 inches for 22 feet (see exhibit 3, site plans). The project also proposes to increase the height of a portion of the second floor roof through the addition of a radiused dormer facing west (sloping east) with a width of approximately 24 feet and a maximum height of 28 feet 6 inches. The radiused dormer is proposed to overhang approximately 2 feet seaward of the proposed second floor expansion. The 2 foot overhang of the radiused dormer allows for a 3 foot setback from the western property line for the length of the 24 foot dormer, the remainder of the second floor is at a 5 foot setback from the western property line (setback code allows additional stories on Ocean Front Walk a 3 foot setback for 50

percent of the lot and a 5 foot setback for 50 percent, so this overhang conforms to this requirement).

The 27 square foot roof access addition will be accessed by an interior spiral staircase from the second floor to the roof and would consist of an approximately 5 foot by 5 foot landing covered by a radiused dormer facing east (sloping west) with a width of approximately 7 feet. The landing would be used to access a 70 square foot open air roof deck. The City's land development code (LDC) mandates that the minimum interior yards setback be "[t]hree feet for structures whose façade is a maximum of 20 feet in height abutting the yard. Any portion of the structure's façade exceeding 20 feet in height shall observe an additional setback for the remainder of the structure by sloping away from the plane of the facade at an angle of 45 degrees... (Section 151.0305 LDC)." The 7 foot wide dormer encroaches into the 45 degree setback, but still conforms to the LDC because it is less than 8 feet wide and has the minimum 5 foot mandated setback.

The interior remodel will consist of the removal of 82 percent of the interior walls, removal of all cabinetry and kitchen appliances, removal of all flooring, removal of all bathroom fixtures and counters, and raising a portion of the floor area on the first level, and various other minor improvements.

The existing residential structure on the subject site is a legal non-conforming building, as its existing structural envelope sits directly on the lot line along Ocean Front Walk (with no setback where 7 feet is currently mandated by the LDC) and sits directly on the lot line along the designated northern alley setback area (with no setback where 3 feet is currently mandated by the LDC) and an approximately 3 foot section of the eastern portion of the house overlaps the designated alley setback area (only a 1 foot 6 inch setback where 3 feet is currently mandated by the LDC).

The original structure was constructed prior to enactment of the Coastal Act, and in 1981 the Commission issued a CDP (6-81-80) to construct a first floor addition and an addition of a second story. At that time, the City did not yet have a certified local coastal program and some of the City's setback rules were different. For example, no setback was required for the northern alley (now 3 foot required), and a 10 foot setback was required for the entire western side of the house. At the time of the permit, the City and the Commission approved a 2 foot variance that allowed the applicant to build the second floor with only an 8 foot setback.

The project site is located along Ocean Front Walk, the public boardwalk that runs along the western side of Mission Beach from the South Mission Beach Jetty north approximately 2.36 miles to Thomas Avenue in the community of Pacific Beach. Ocean Front walk runs north/south along the beach and serves as a highly popular public accessway, as well as a view corridor along the shoreline. The subject site is located on the northeastern corner of Verona Court and Ocean Front Walk in the Mission Beach community.

Although the City of San Diego has a certified LCP for the Mission 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. Public Views/ Visual Quality/Community Character/Retention of Non-Conforming Structures. Section 30251 of the Coastal Act is applicable to the subject property 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 Mission Beach Precise Plan and Local Coastal Program Addendum, which the Commission also uses for guidance, states:

Views to and along the shoreline from public areas shall be protected from blockage by development and or vegetation. (p.14)

In addition, Section 132.0403 of the City's certified Land Development Code, which the Commission uses for guidance, also contains the following requirement:

[...]

(c) If there is an existing or potential public view between the ocean and the first public roadway, but the site is not designated in a *land use plan* as a view to be protected, it is intended that views to the ocean shall be preserved, enhanced or restored by deed restricting required side *yard setback* areas to cumulatively form functional view corridors and preventing a walled effect from authorized development.

[...]

A. Public Views/ Visual Quality/Community Character. In the Mission Beach community, the designated public view corridors consist of public rights-of-way of the various courts and places which are generally east/west running streets. As the subject property is located directly on Ocean Front Walk at the western terminus of Verona Court, there is the potential for the subject development to impact views to and along the shoreline. However, the proposed remodel and addition will not encroach into any existing public ocean view corridors. Additionally, none of the proposed remodeling will increase the degree of non-conformity of the structure nor will any proposed additions be constructed that would increase the height of the existing building such that public views would be diminished or the visual quality of the site would be incompatible with the surrounding area. As such, the proposed structure will not result in any additional public view blockage to the ocean and the public view corridor from Verona Court, and public views will continue to be available in their current state.

Despite the assured preservation of existing public ocean views in the project proposal, there still remains the potential for proposed landscaping (both initially and over time, as plant materials/trees mature) in the yard areas to impede public views (as seen from the public right-of-way of Verona Court while looking west) to the ocean and along Ocean Front Walk. As such, this permit is conditioned to require that all proposed landscaping within the designated view corridors be constrained to include only such plants that in maturity do not exceed three feet in height and, that any related hardscape materials or side yard accessories be restricted to no higher than three feet in height. As conditioned (Special Condition #1 in this document), the Commission can ensure that any landscape improvements proposed in the side yard areas will not impede public views toward the ocean. Additionally, Special Condition #5 requires the permit and findings to be recorded to assure future property owners are aware of the permit conditions.

With regard to community character, the existing residences along the boardwalk vary widely in architectural style and appearance. The proposed project will result in a two story, 1,625 square foot single family residence adjacent to Ocean Front Walk and will be visually compatible with the character of the surrounding neighborhood. The proposed structure will be 28 feet 6 inches high, consistent with current zoning requirements.

B. Retention of Non-Conforming Structures. Section 127.0106 of the City's certified Land Development Code, which the commission uses for guidance, contains the following requirement:

[...]

(d) Within the Coastal Overlay Zone, if the proposal involves the demolition or removal of 50 percent or more of the exterior walls of an existing structure, the previously conforming rights are not retained for the new structure.

[...]

The Commission must find the proposed project consistent with the visual protection policies of the Coastal Act, and it also typically reviews projects in Mission Beach to assure that they comply with the setback requirements in the City of San Diego's LDC. While the LDC is only used for guidance, the setback requirements in the LDC represent location-specific implementation of certified Land Use Plan policies that are consistent with Coastal Act policies. As a result, the Commission has found that by ensuring consistency with the LDC requirements, it can usually also find that a proposed project complies with the Coastal Act's visual protection policies.

In this particular residential zone (R-N) there are a number of homes along Ocean Front Walk, including the subject site, that retain setbacks that do not conform to the City's LDC. In its approval of past projects involving partial demolition and reconstruction of an existing non-conforming structure, the Commission has found that if more than 50 percent of the exterior walls of a structure are being demolished, the proposal constitutes the development of a new structure and therefore, the entire structure must be brought into compliance with the current requirements. While the existing development on the subject site presently has no setback from the public right of way (Ocean Front Walk)

along 57 feet of its western, northern, and southern exterior walls, no setback from the northern alley along 24 feet 6 inches of its northern wall, and encroaches into the western alley setback along 3 feet of its western wall, the proposed remodel will not result in the demolition of over 50 percent of the exterior walls and thus would not constitute development requiring conformance with LDC setback requirements. As such, the LDC would allow this residential structure to maintain its non-conforming structural walls along Ocean Front Walk, which encroach into the required 7 foot side yard setback and along the northern and western alleys, which encroach into the required 3 foot setbacks.

Even though the proposed development does not trigger the LDC's requirement that the renovated structure conform to existing setbacks, the suggested remodeling of the existing 1,455 square foot residential structure would entail partial demolition of the structure's exterior walls. Although no more than 50 percent of the exterior walls are expected to be removed through the proposed remodel of the existing building, a significant proportion of exterior walls are still proposed for removal. The applicants propose demolition of approximately 25 percent of the first floor exterior walls, as well as approximately 45 percent of the second floor exterior walls. As explained above, given that the LDC can be used for guidance here and that the proposed project would remove less than 50 percent of the exterior walls, the proposed structure would continue to be regarded as a legal non-conforming structure under the LDC. It will therefore not be conditioned to meet current setback requirements contained in the Mission Beach Planned District Ordinance because the project, as conditioned, will not adversely affect the scenic and visual qualities of the coast and it will remain consistent with the certified LDC.

If the applicants discover during construction that additional exterior walls must be demolished, however, the project could meet the LDC threshold for new development, requiring removal of the non-conforming aspects of the structure. The permit is therefore conditioned (Special Condition Nos. 2b & 3) to require the applicants to notify the Executive Director if 50 percent or more of the exterior walls are demolished, so that the applicants can apply for an amendment to this permit or for a new coastal development permit to revise the project such that the non-conforming elements of the structure are removed. This special condition also provides notice to the applicants and their successors-in-interest of the requirement that the non-conforming aspects of the development shall be removed if cumulatively, including this project, 50 percent or more of the exterior walls are demolished, renovated, replaced, altered or reconstructed in the future.

While the proposed remodel entails no expansion into existing public accessways, as discussed above, the residential structure currently possesses non-conforming walls which extend into the designated 7 foot setback from Ocean Front Walk, as well as the three foot setbacks along the northern and eastern alleys. Similarly, there are approximately 20 residential structures in the R-N zone that presently have no setback from the public right-of-way easement, such as the existing development on the subject site. Specifically, these property owners legally built the structures on the "zero lot line" such that the structures' western walls, or portions of the western walls, are directly on the property line and abut the three foot landscape buffer portion of the public-right-of-way. The Commission has a potential concern with bringing these structures into

conformity should these properties ever propose to redevelop their existing legally non-conforming structures. Thus, although LDC policies allow this particular project, without requiring the resulting development to conform to current setback requirements, a special condition is required (Special Condition #3) to ensure that should the subject structure ever be altered to the degree that it would trigger the LDC requirement to remove its non-conforming walls, such a future project would be required to be brought into conformity with existing setback requirements.

In summary, the proposed development, as conditioned, will not result in any reduction of public shoreline view corridors and is found visually compatible with the character of the surrounding neighborhood, consistent with section 30251 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 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 30212

(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 [...]

In addition, Section 30252 of the Coastal Act is applicable to the proposed project and states the following, in part:

The location and amount of new development should maintain and enhance public access to the coast by... (4) Providing adequate parking facilities...

The project site is located adjacent to the public beach and Ocean Front Walk. Ocean Front Walk is a heavily-used recreational facility frequented by pedestrians, bicyclists, skaters, skateboarders, runners, and persons in wheelchairs. The walkway is accessible

from the east/west courts and streets off of Mission Boulevard, and provides access to the sandy beach at stairways located at various points along the seawall. Access to the beach can be gained nearest to the project site at the western terminus of Verona Court adjacent to the property site to the south. None of the proposed remodeling will expand the existing building envelope into public accessways leading to Ocean Front Walk and will not impact or impede public access to the shoreline. In addition, adequate on-site parking will be provided consistent with Section 30252 of the Act. Thus, current public access to Mission beach will be maintained, pursuant to Coastal Act Section 30212.

In addition, Special Condition #2 requires the submittal of final construction plans that clearly indicate the location of the proposed improvements in relationship to the right-of-way easement. Such plans must demonstrate that all improvements will be constructed no further west than the 3-foot wide landscape buffer area. In order to prevent construction activity from adversely affecting the public's use of the boardwalk, Special Condition #2 also prohibits any staging and storage for the proposed remodel from occurring on the existing boardwalk and prohibits any closure of Ocean Front Walk or other public areas for construction activities.

To address additional concerns regarding construction activities near public accessways on this oceanfront property, this project has been conditioned (Special Condition #4) such that no work shall occur between Memorial Day Weekend and Labor Day of any year. Therefore, the proposed project, as conditioned, will not interfere with public access opportunities and is found consistent with Sections 30210, 30211, 30212 and Section 30252 of the Coastal Act.

4. Local Coastal Planning. Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The subject site is located in the Residential North (R-N) zone of the Mission Beach Planned District. While the City of San Diego has a certified LCP that governs the Mission Beach community, the subject site is located in an area of original jurisdiction, where the commission retains permanent permit authority. The subject permit will result in the remodeling of an existing two story residential structure. The project is consistent with the certified Mission Beach Precise Plan and all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds the 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 Mission Beach community.

5. 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 protection of public views to the ocean, conditions restricting the timing and extent of construction to avoid impacts on public access, and a condition stating that any future new development on the subject site requires the existing encroachment into required setback areas be removed, 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.

Project Location

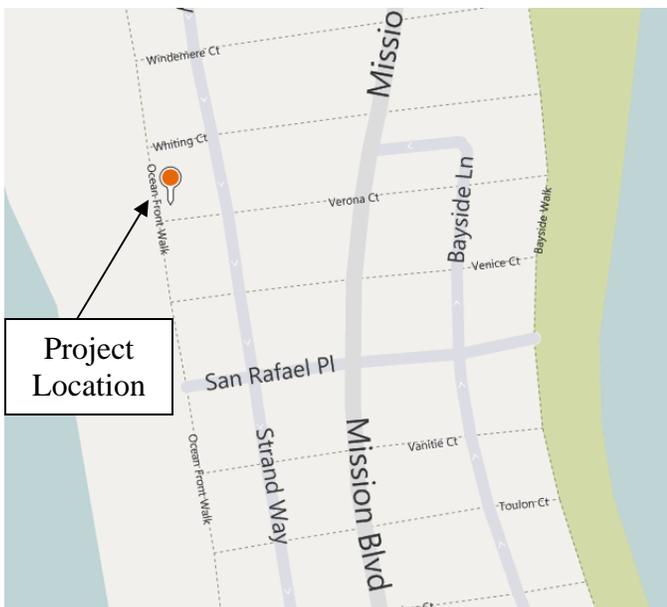
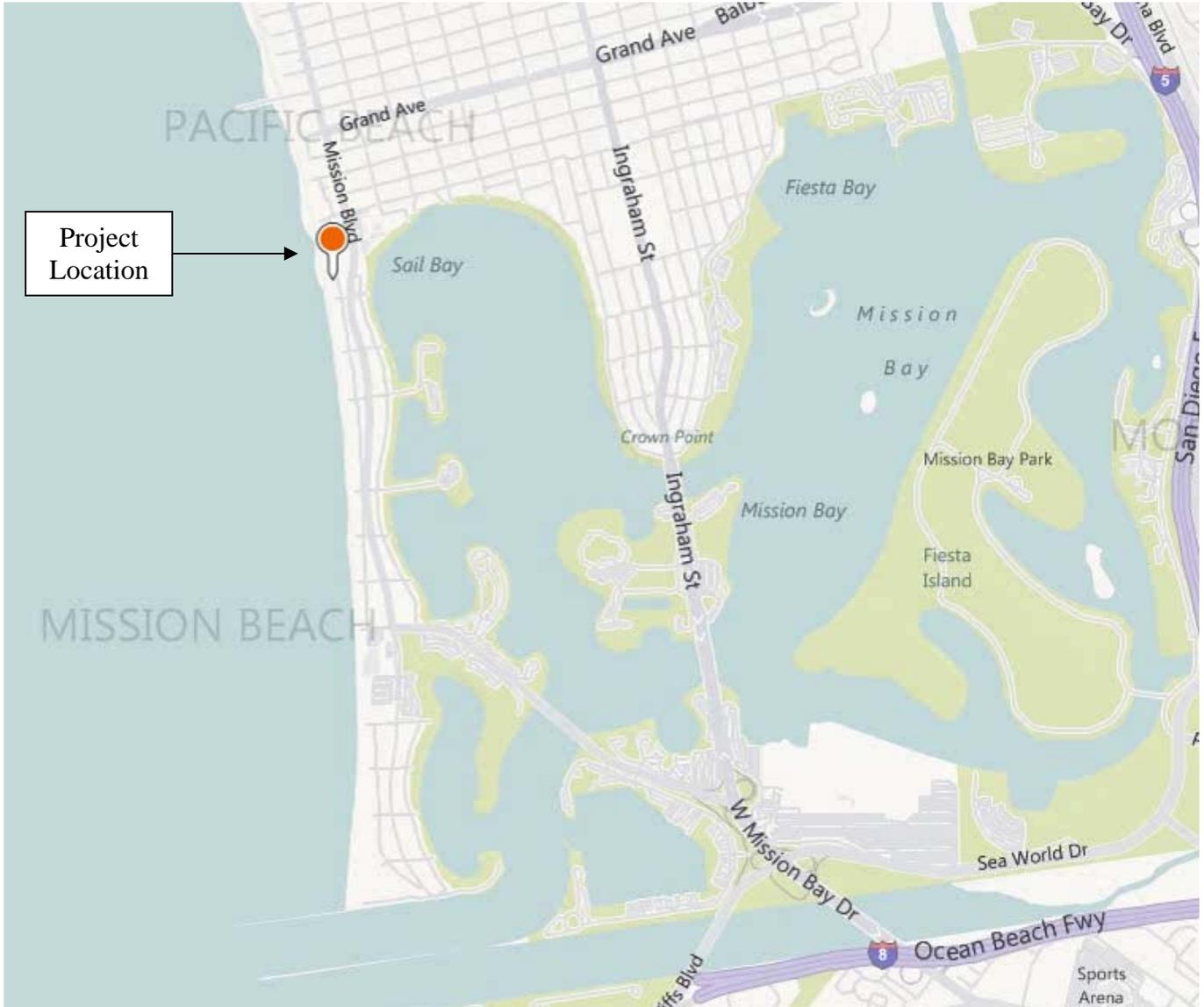


EXHIBIT NO. 1
APPLICATION NO.
6-10-069
Project Location
 California Coastal Commission

Site Plan

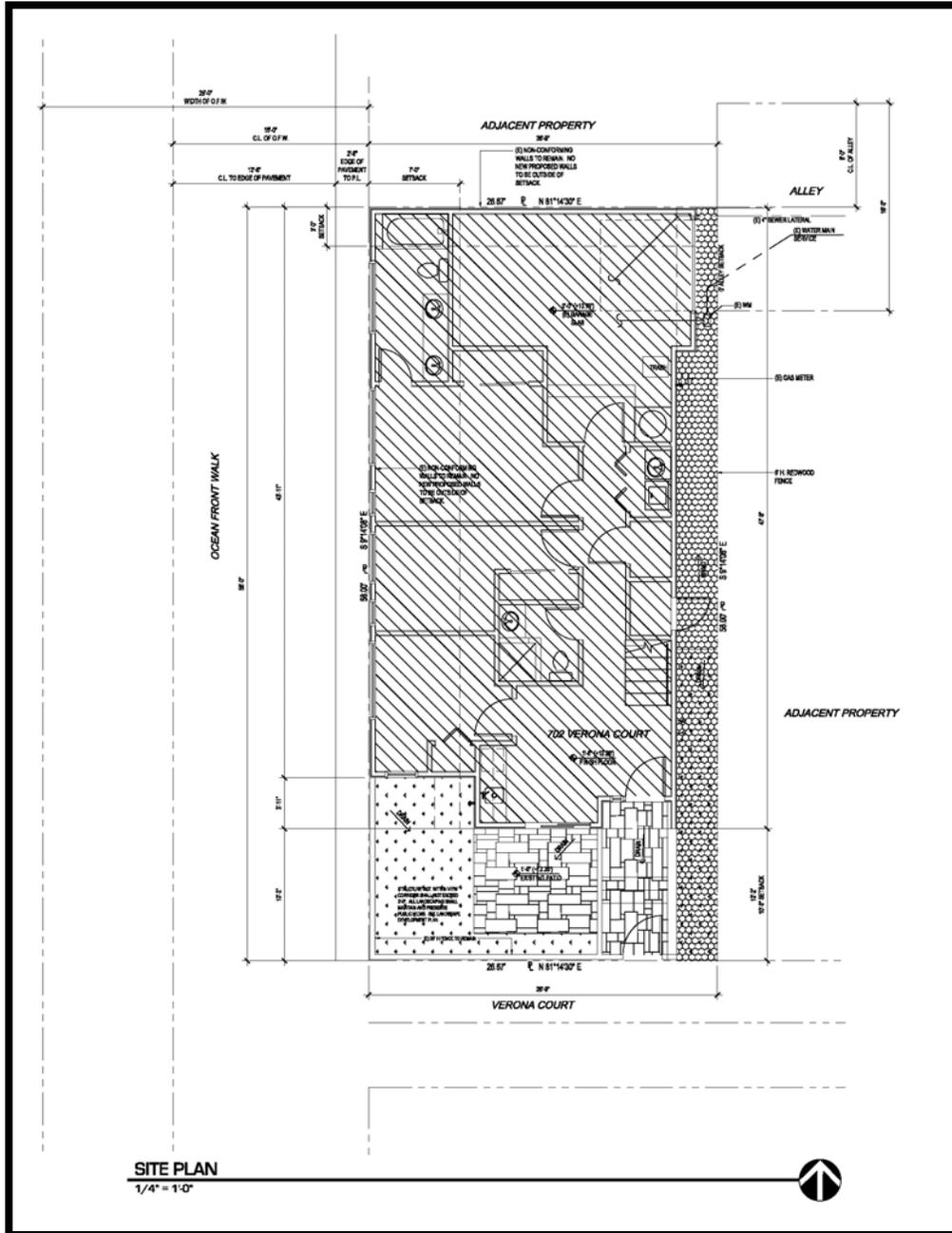


EXHIBIT NO. 2
APPLICATION NO. 6-10-069
Site Plan
 California Coastal Commission

Demolition Notes

Exterior Walls

	Existing (ft)	Remaining (ft)	Removed (ft)
1st floor	154.1	115.7	38.4
2nd floor	126.6	69.6	57
Total (excluding parapet wall)	280.7	185.3	95.4

~34% Demolition of exterior walls

Interior Walls

	Existing (ft)	Remaining (ft)	Removed (ft)
1st floor	90.3	29.4	60.8
2nd floor	75.7	0	75.7
Total	166	29.4	136.5

~82% Demolition of interior wall

