

CALIFORNIA COASTAL COMMISSION

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



# W6a

Filed: 3/16/11  
49th Day: 5/4/2011  
180th Day: 9/12/11  
Staff: MAhrens-SD  
Staff Report: 4/21/11  
Hearing Date: 5/11-13/11

## STAFF REPORT: CONSENT CALENDAR

**Application No.:** 6-11-020

**Applicant:** Bill and Carol Lane                      **Agent:** Phil Weatherly

**Description:** Substantial demolition of an existing 787 sq. ft. pre-coastal single family residence and construction of a new 3 story, 30 ft. high, 1,431 sq. ft. single family residence on a 1,275 sq. ft. lot.

Lot Area	1,275 sq. ft.
Building Coverage	752 sq. ft. (60%)
Pavement Coverage	398 sq. ft. (31%)
Landscape Coverage	125 sq. ft. (9%)
Parking Spaces	2
Zoning	RN
Plan Designation	Residential North (36 dua)
Project Density	36 dua
Ht abv fin grade	30 ft.

**Site:** 748 Windermere Court, Mission Beach, San Diego, San Diego County. APN: 423-316-16-00

**Substantive File Documents:** Certified Mission Beach Precise Plan; Certified Mission Beach Planned District Ordinance; City of San Diego Land Development Code

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### I. STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

**MOTION:**     *I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

**STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

**II. Standard Conditions.**

See attached page.

**III. Special Conditions.**

The permit is subject to the following conditions:

**1. Final Landscape/Yard Area Fence Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit to the Executive Director for review and written approval, final landscaping and fence plans approved by the City of San Diego. The plans shall be in substantial conformance with the plans submitted by Lane's Custom Home and dated 3/16/11 and shall include the following:

- a. A view corridor a minimum of 10 ft wide shall be preserved in the front yard area of the subject site that faces Windemere Ct. All proposed landscaping in this yard area shall be maintained at a height of three feet or lower (including raised planters) to preserve views along Windemere Ct. toward the ocean.
- b. All landscaping shall be (1) drought tolerant and native or (2) non-invasive plant species. All landscape materials within the identified view corridors 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 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property.
- c. Any fencing in the north side yard setback area shall permit public views and have at least 75% of its surface area open to light.
- d. A written commitment by the applicant that five years from the date of the issuance of the coastal development permit for the residential structure, the applicant will submit for 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 compliance with the original approved plan.

The permittee shall undertake the development in accordance with the approved landscape plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Commission approved amendment to the permit unless the Executive Director determines that no such amendment is legally required.

**2. Final Plans/ Storage and Staging Areas. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit final site/storage and staging 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 by with this application by Lane's Custom Home dated 3/7/11. In addition, said plans shall include written notes stating the following:

- a. If construction activities continue through the summer (except on weekends or holidays), all construction and worker parking must be contained within the boundaries of the subject site.

The permittees 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. 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:

**A. Detailed Project Description/History.** The applicants are seeking approval for substantial demolition of an existing 787 sq. ft., one story, single family residence and subsequent construction of a 1,431 sq. ft. three story, 30 ft. high, single family residence located on a 1,275 sq. ft. lot. The proposed development will result in a single family residence with a 367 sq. ft. first floor, a 631 sq. ft. second floor, a 433 sq. ft. third floor as well as an attached 390 sq. ft. 2 car garage. The project is located on Windemere Ct., an east/west running street in the community of Mission Beach, and is a couple blocks east of the public beach area and Ocean Front Walk. The existing 787 sq. ft. residence is a pre-coastal structure that retains the non-conformities established with its initial construction. As the proposed development involves 60% demolition of the existing exterior walls and thus constitutes new development, the proposed new home will conform to all applicable setbacks and zoning requirements as stipulated in the City of San Diego's Land Development Code. Specifically, the proposed 1,431 sq. ft. single family residence will observe the required 10 ft. front yard setback from Windemere Ct., as well as 3 ft. side yard setbacks, and will provide for the required two off-street parking spaces.

Initially, the applicants applied for and received a Commission approved permit waiver (Ref. 6-10-090-W) for the partial demolition of and two-story addition to the existing 787 sq. ft. structure that involved 46% demolition of the subject structures exterior walls. After the waiver was issued for the proposed project and construction was underway Commission staff discovered that 60% of the structures exterior walls had been removed as part of the construction activities. The Commission's Enforcement Officer issued a stop work order and directed the applicants to apply for a Coastal Development permit for new development of the subject site that included the demolition of 60% of the existing structure's exterior walls. This coastal development permit is therefore a request for after the fact approval for substantial demolition of the existing structure and new development of the subject site.

With regard to potential impacts to public views, Mission Beach is a small peninsula-shaped sliver of land located on filled tidelands in Mission Bay Park. It is bordered by the Pacific Ocean to the west and Mission Bay Park to the east. In the Mission Beach community, the public rights-of-way of the various courts and places, which are generally east/west running streets, comprise the community's public view corridors. In addition,

the public boardwalk (Ocean Front Walk), which runs north/south along the beach, serves not only as a highly popular public accessway, but also serves as a view corridor along the shoreline. The project site is located along Windemere Ct., an east/west running street that terminates at Ocean Front Walk. Thus, there is the potential for the subject development to impact views to and along the shoreline.

The Commission typically reviews projects to assure that any new proposed development does not encroach into the yard setback areas which could impede public views toward the ocean. In this particular case, the proposed development will observe all required setbacks and public views to the ocean will not be impacted as a result of the proposed structure. 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 front yard area to impede public views along Windemere Ct. looking west. As such, this permit is conditioned to require that all proposed landscaping within the designated view corridor in the 10ft. front yard setback 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, it can be assured that any landscape improvements proposed in the side yard areas will not impede public views toward the ocean. Additionally, Special Condition #3 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 Windemere Ct. vary widely in architectural style and appearance; however, they are all fairly similar in bulk and scale to the proposed project. The proposed project will result in a three story, 1,431 sq. ft. single family residence and will be visually compatible with the character of Windemere Ct. and the surrounding neighborhood. The proposed structure will be 30 ft. high, consistent with current zoning requirements.

As the existing residential structure on the property was constructed over 45 years ago, 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 would not be considered a potentially Historic Resource by their standards.

The project site is located a couple blocks from the public beach and Ocean Front Walk. Access to the beach can be gained a couple blocks from the project site at the western terminus of Windemere Ct. None of the proposed remodeling will expand the existing building envelope into public accesways 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.

In addition, Special Condition #2 requires the submittal of final construction plans that clearly indicate that the proposed development will observe all required setbacks and will not encroach into and existing public beach accessways or parking areas. The applicant has indicated that all construction activities, as well as parking for construction workers,

will be contained within the boundaries of the subject site and as such, Special Condition #2 allows construction to continue during the summer months, excluding holidays or weekends.

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.

**B. Community Character /Visual Quality.** The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area and will not impact public views. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

**C. Public Access/Parking.** As conditioned, the proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities. As conditioned, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

**D. Local Coastal Planning.** The subject site is located in an area of original jurisdiction, where the Commission retains permanent permit authority and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the City of San Diego to continue to implement its certified LCP for the Mission Beach community.

**E. California Environmental Quality Act.** As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

#### **STANDARD CONDITIONS:**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

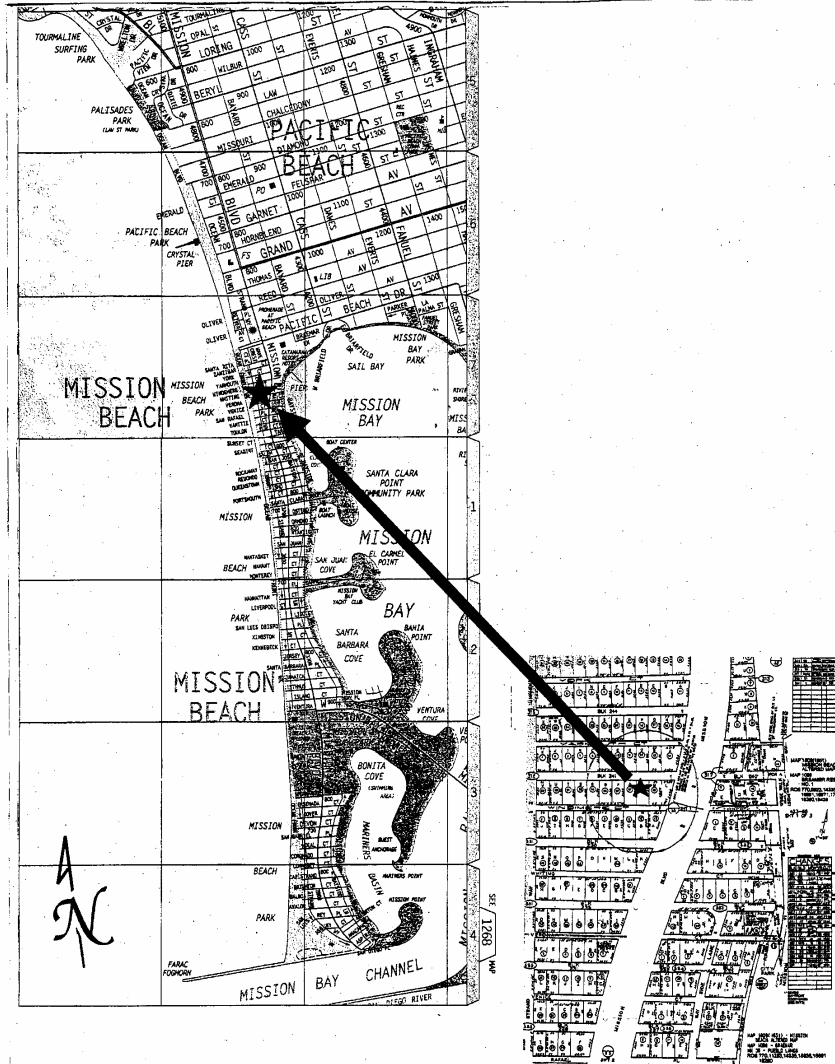

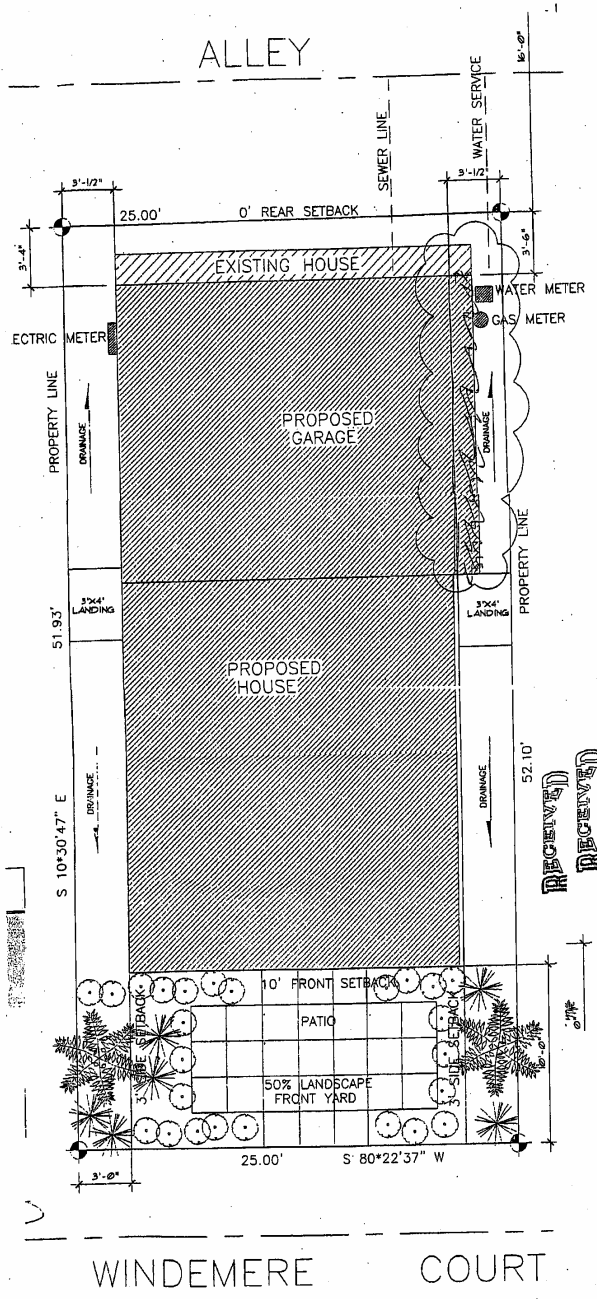


EXHIBIT NO. 1
APPLICATION NO.
6-11-020
Location Map
 California Coastal Commission







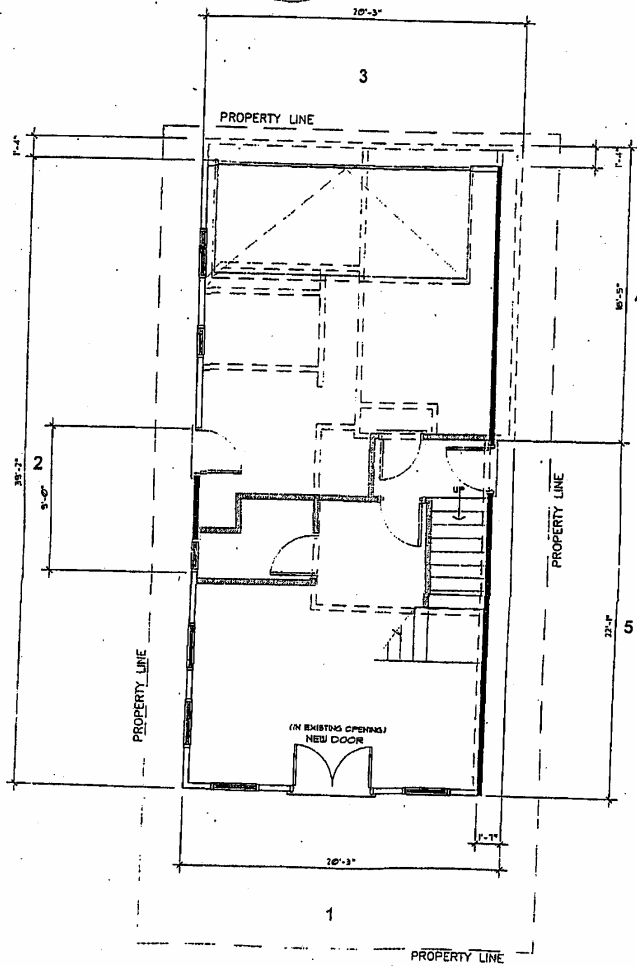


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EXHIBIT NO. 2
APPLICATION NO. 6-11-020
Site Plan
California Coastal Commission

COASTAL WALL SUMMARY			
WALL NUMBER	EXISTING WALL LENGTH	REMOVED WALL LENGTH (or NEW)	REMAINING WALL LENGTH
1	20'-3"	1'-3"	19'-0"
2	40'-6"	10'-4"	30'-2"
3	23'-3"	23'-3"	0
4	18'-5"	18'-5"	0
5	22'-1"	22'-1"	0
TOTAL	124'-6"	75'-4"	49'-2"

WALL LEGEND	
EXISTING WALLS	
PROPOSED WALLS (EXTERIOR)	
PROPOSED WALLS (INTERIOR)	
WALLS TO BE REMOVED	



FIRST FLOOR

EXHIBIT NO. 3  
APPLICATION NO.  
**6-11-020**  
Demolition Plan  
California Coastal Commission