

**CALIFORNIA COASTAL COMMISSION**

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# W9a

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Staff: A. Sackett-SD  
Staff Report: 2/20/14  
Hearing Date: 3/12/14

## STAFF REPORT: CONSENT CALENDAR

**Application No.:** 6-13-1362

**Applicant:** Shawn and Erin Woolf

**Agent:** Phil Weatherly

**Location:** 724 Verona Court, San Diego and (APN # 423-551-35-00)

**Project Description:** Demolition of an existing 427 sq. ft. single-family residence and 215 sq. ft. storage building and construction of a new 1,374 sq. ft. sq. ft. , 3-story, 30-ft high single-family residence with a 361 sq. ft. attached garage on a 1,250 sq. ft. lot.

**Staff Recommendation:** Approval with Conditions

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## SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval with conditions. The subject site is located on the north side of Verona Court in the community of Mission Beach in the City of San Diego. .

Major Coastal Act issues associated with this project include public access and protection of public views. The presence of workers and equipment in such a densely populated, popular beach area could impact public access by occupying public parking spaces for

6-13-1362 (Woolf)

storage or blocking public right-of-ways to and along the beach. Visual resources could be impacted by blockage of designated view corridors to the ocean by the new home or landscaping.

To address these potential adverse impacts the Commission staff is recommending **Special Conditions 1, 2, 3, and 4** that would include requirements to locate storage and staging areas on site and out of the public's right-of-way, to verify and receive written approval that the residence and landscaping are built according to plans that protect view corridors, and having the applicant record appropriate deed restrictions against the property putting these protections in place.

Commission staff recommends **approval** of coastal development permit application 6-13-1362 as conditioned.

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### **EXHIBITS**

Exhibit 1 – Vicinity Map

Exhibit 2 – Aerial Map

Exhibit 3 – Site Plan

Exhibit 4 – Floor Plans

## I. MOTION AND 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 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

This permit is granted subject to the following 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 of 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.

## III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Final Plans.** Prior to the ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final project plans. Said plans shall first be approved by the City

of San Diego and be in substantial conformance with the plans submitted by Phil Weatherly and stamped 1/24/2014.

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.

2. **Final Landscape/Yard Area Plans.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final landscaping and fencing plans approved by the City of San Diego. The plans shall be in substantial conformance with the landscape plans submitted by Phil Weatherly and stamped on 1/24/2014, and shall include the following:
- a. A view corridor, 10 feet wide, shall be preserved in the south yard area adjacent to Verona Court. All proposed landscaping in the south yard area shall be maintained at a height of three feet or lower (including raised planters) to preserve the views from Mission Boulevard toward the ocean.
  - b. All landscaping shall be drought tolerant and native or non-invasive plant species. All landscape materials within the identified view corridors shall be species with a growth potential not to exceed three feet at maturity. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive 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 and walls, including glass walls, trellis walls, and retaining walls, in the south yard setback area shall not exceed a height of 3 feet above the existing grade or proposed grade, whichever is lower.
  - d. A written commitment by the applicant that five years from the date of the issuance of the coastal development permit for the residential structure, the applicant will submit for the review and written approval of the Executive Director a landscaping 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 successor 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 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. **Timing of Development.** No work shall occur on weekends or holidays 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 parking areas and traffic flow on coastal access routes. Deliveries shall be conducted during non-peak hours. Deliveries, staging and parking for construction personnel shall be accommodated on site.
4. **Deed Restriction.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written 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 the 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 or with respect to the subject property.

## **IV. FINDINGS AND DECLARATIONS**

### **A. PROJECT DESCRIPTION**

The proposed project is to demolish an existing one-story 427 sq. ft. single-family residence and 215 sq. ft. storage building and construction of a new three-story, 30-ft high 1,374 sq. ft. single-family residence with a 361 sq. ft. attached garage on a 1,250 sq. ft. lot. The subject site is located on the south side of Verona Court in the community of Mission Beach in the City of San Diego. The project proposes construction between Memorial and Labor Day.

With regard to potential impacts to public views, Mission Beach is a small peninsula-shaped sliver of land located on filled tidelands adjacent to Mission Bay Park. It is bordered by the Pacific Ocean to the west and Mission Bay Park to the east (ref. Exhibit No. 1). In the Mission Beach community, the public rights-of-way of the various courts and places, which are generally east/west running streets, comprise the community's public view corridors. In addition, the public boardwalk (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 subject site is only six lots inland from Ocean Front Walk, the public boardwalk, as well as the beach in this area. 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. **Special Condition 1** requires that final plans that have been stamped and approved by the City of San Diego be submitted prior to issuance of the coastal development permit. This is to assure that the new development on the site meets the City's zoning requirements (i.e., PDO design requirements).

There is the potential for proposed landscaping in the south yard area adjacent to Verona Court to impede views to the ocean (both initially and over time, as plant materials/trees mature). **Special Condition 2** requires that the applicant submit final landscape plans that require that all proposed landscaping and hardscaping consist of only low level material that does not impede views to the ocean. The condition also stipulates that all landscape materials within the identified view corridors shall be species with a growth potential not expected to exceed three feet at maturity, except for authorized trees. As conditioned, it can be assured that any landscape improvements proposed in the north side yard setback area will not impede public views toward and along the ocean.

With regard to community character, the existing residences in the Mission Beach community vary widely in architectural style and appearance. The existing development is being removed and a new residence is proposed in its place which will be 30 ft., three-stories high. The proposed structure will be visually compatible with the character of the surrounding neighborhood and the pattern of redevelopment in the area.

As noted above, in order to make way for the proposed new development, the applicant is proposing to demolish an existing single-family residence on the site. The existing structure was constructed in 1924. The City's certified Land Development Code (LDC) 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 90 years old and, as such, it must be determined whether or not the structure has any historical significance. To address this, the City has issued a review cycle letter dated 10/28/13 which concludes that the environmental review has

been completed and that based upon the submitted plans, photos and historical records that it has been determined that the building proposed for demolition is not historic and that a historical report is not required. As such, the demolition of the existing structure does not result in any impacts to historical resources.

**Special Condition 3** ensures that any construction that takes place between Memorial Day and Labor Day of any year will not impact public access to the coast by containing all activities on site. Finally, **Special Condition 4** ensures that recordation of the permit conditions against the property will assure any future successors to the property are aware of the above mentioned protections and conditions.

## **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 PROGRAM**

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**

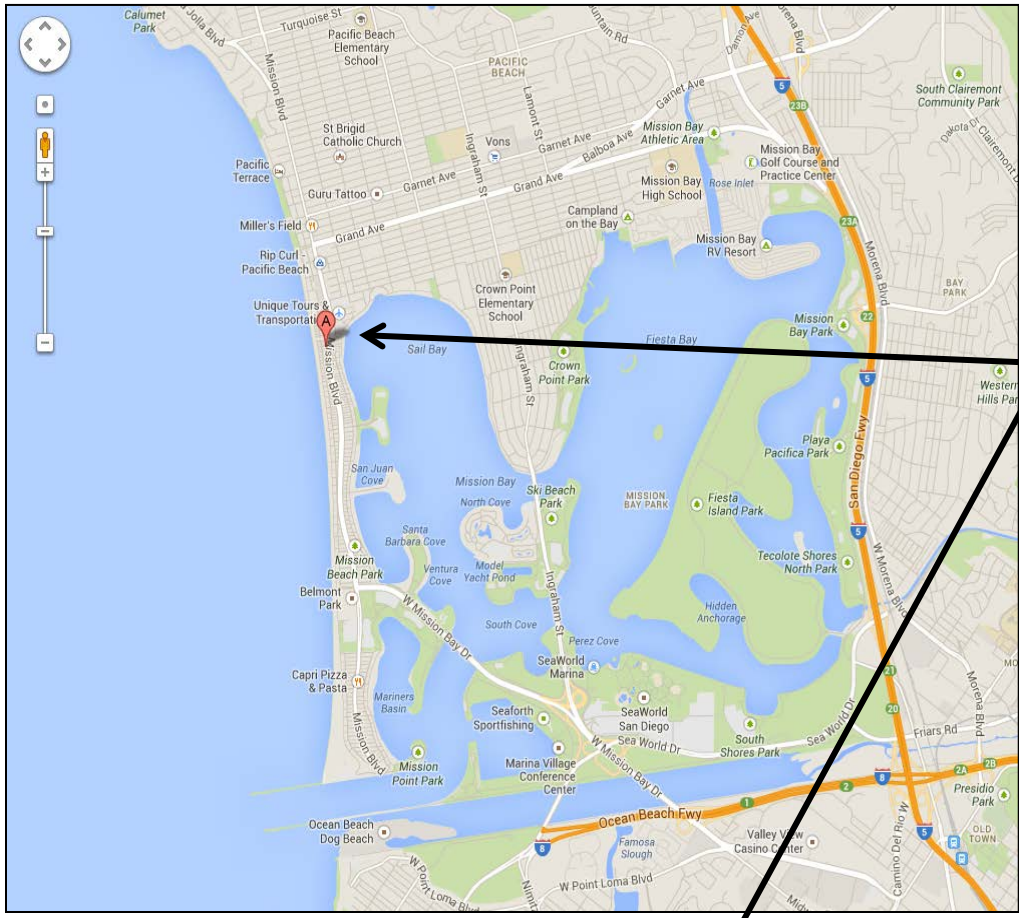
As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified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



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APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

1. Certified Mission Beach Precise Plan
2. Mission Beach Planned District Ordinance
3. City of San Diego Land Development Code



Subject Site



EXHIBIT NO. 1
APPLICATION NO. <b>6-13-1362</b>
Vicinity Map
 California Coastal Commission

724 Verona Ct. Mission Beach, San Diego

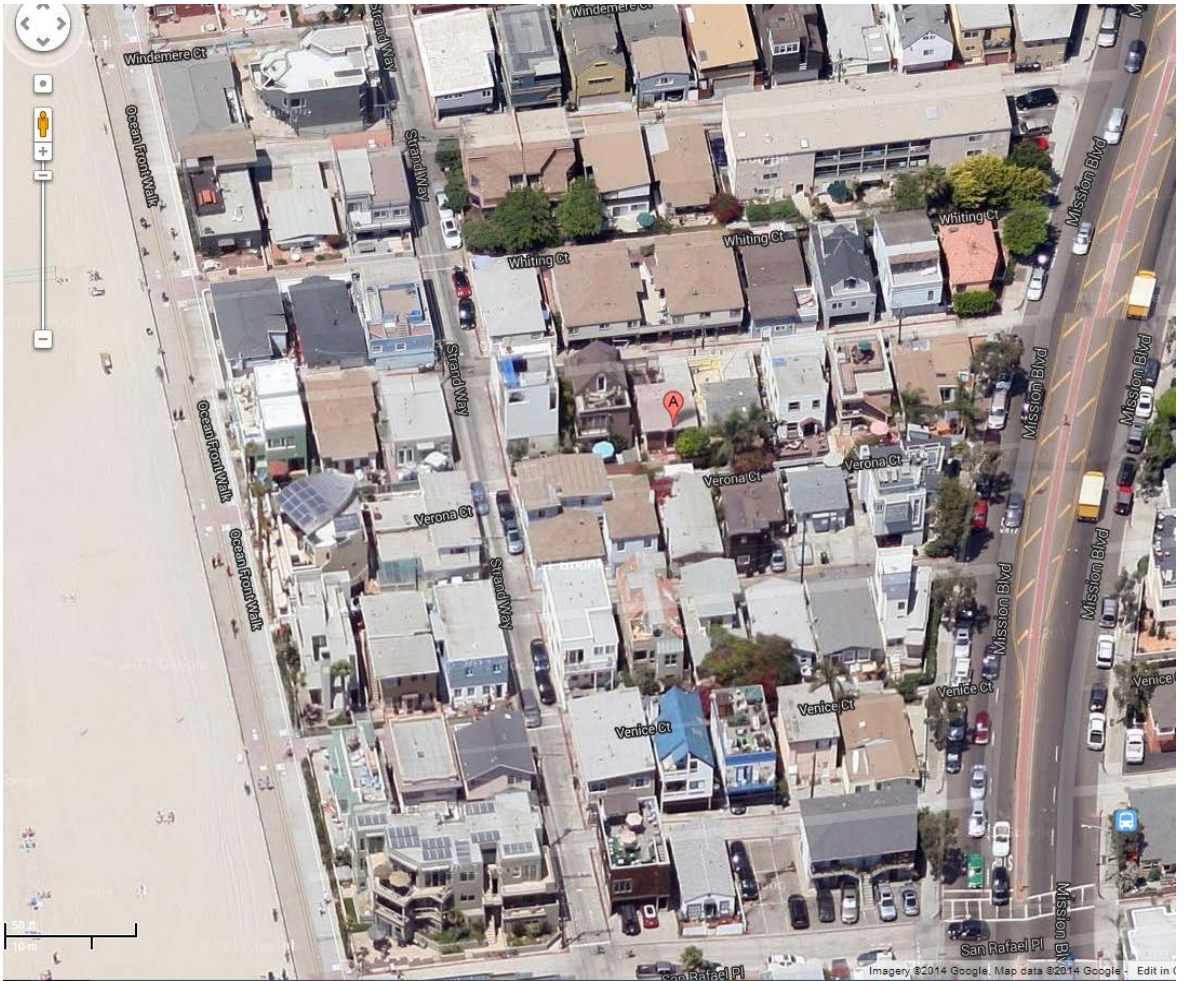
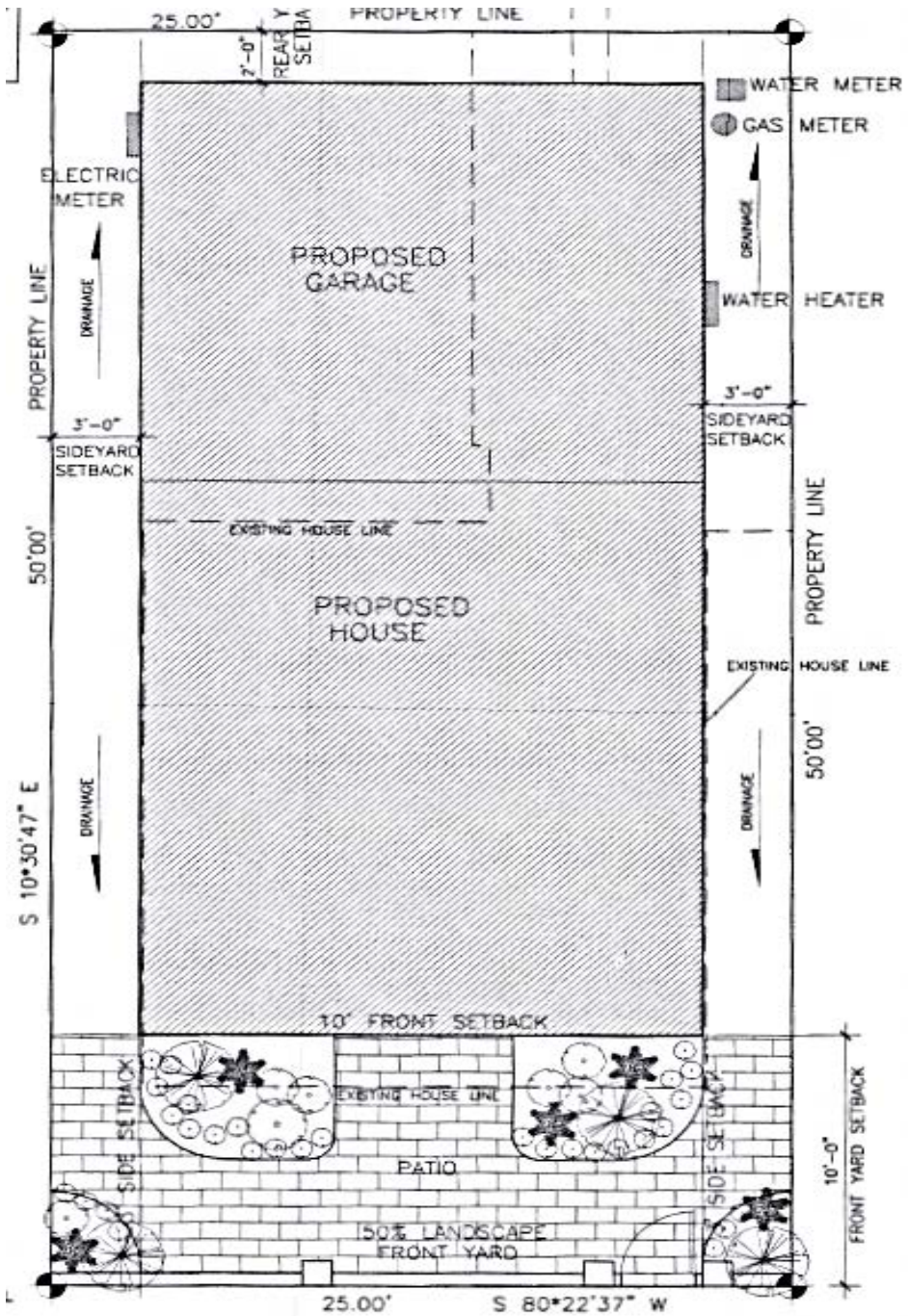


EXHIBIT NO. 2
APPLICATION NO. <b>6-13-1362</b>
Aerial Map
 California Coastal Commission



VERONA COURT

EXHIBIT NO. 3
APPLICATION NO. <b>6-13-1362</b>
Site Plan
 California Coastal Commission

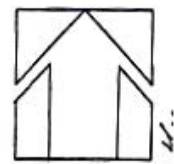
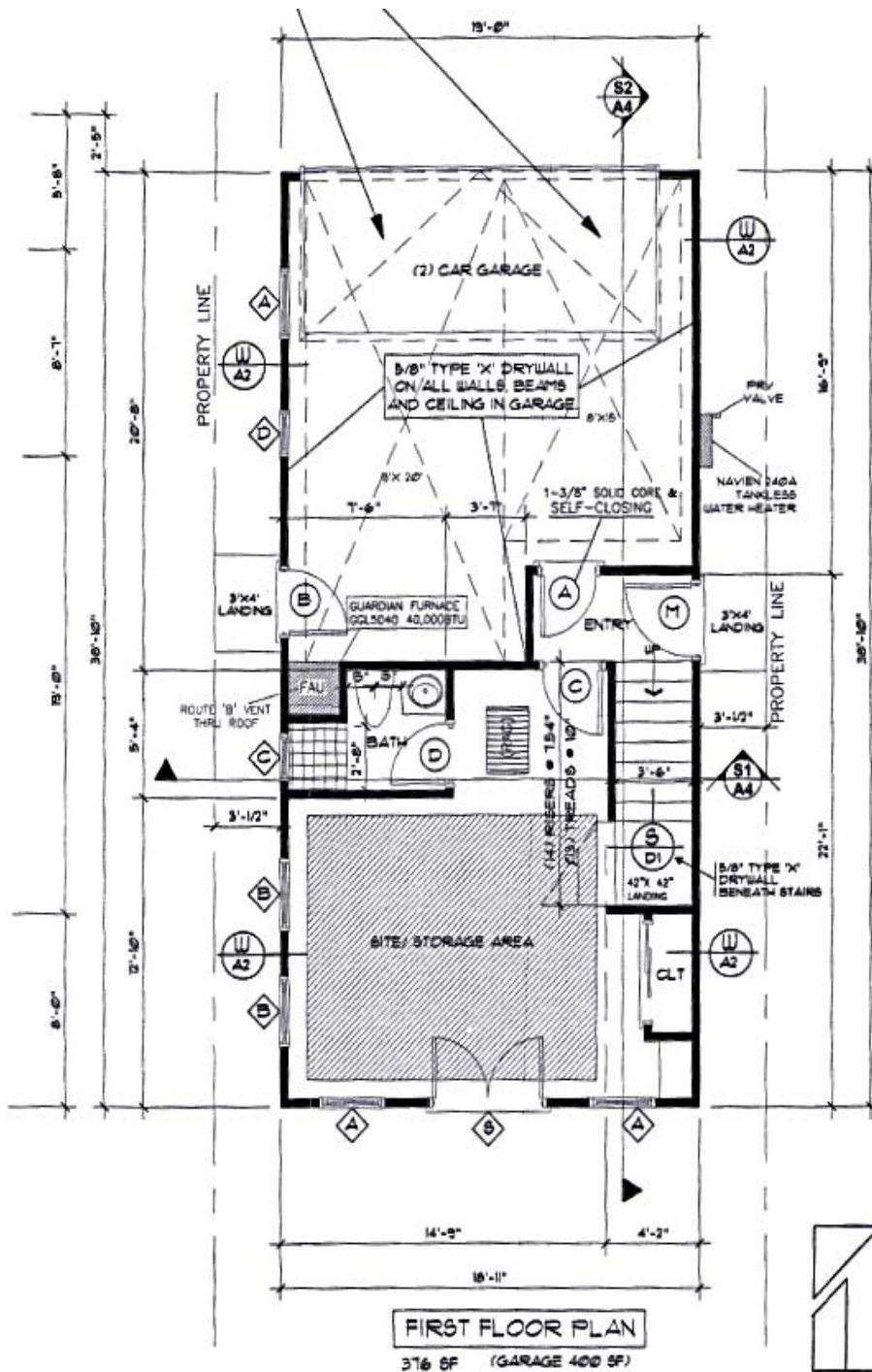


EXHIBIT NO. 4
APPLICATION NO. <b>6-13-1362</b>
Floor Plan
 California Coastal Commission