CALIFORNIA COASTAL COMMISSION

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W29c

Filed: 9/2/14 180th Day: 3/1/14 Staff: A. Llerandi-SD Staff Report: 12/9/14 Hearing Date: 1/7-9/15

STAFF REPORT: REGULAR CALENDAR

Application No.: 6-14-1574

Applicant: JMSM Beachfront Properties, LLC

Agent: Chad Beaver

Location: 715 Nantasket Court, Mission Beach, San Diego, San

Diego County (APN: 423-611-07)

Project Description: Demolition of an existing 2-story, 2-unit, 1,220 sq. ft.

multi-family residence and construction of a new 3-story, 2-unit, 30-foot tall, 3,162 sq. ft. multi-family residence with an attached 3-car garage, carport, and roof deck, on a 2,400

sq. ft. lot.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval with conditions. The proposed project was previously scheduled on the October 2014 consent calendar, but was removed by the Commission to be

heard at a public hearing. The project would demolish an existing 2-story, 2-unit, 1,220 square foot multi-family residence and construct a new 3-story, 2-unit, 30 foot tall, 3,162 square foot multi-family residence with an attached 3-car garage, carport, and roof deck on a 2,400 square foot lot at 715 Nantasket Court in the Mission Beach community of the City of San Diego.

As proposed, the new structure is consistent with the public access and visual resource protection policies of Chapter 3 of the Coastal Act, the standard of review in this area of the Commission's original jurisdiction. The new structure is also consistent with the City of San Diego's Local Coastal Program (LCP) requirements regarding density, height, setbacks, lot coverage, floor area ration, landscaping, and off-street parking, which are used as guidance. The new structure will not block any public views to the beach along the shoreline, or be out of character with existing surrounding development. However, the presence of construction workers and equipment in such a densely populated, popular beach area could impact public access by occupying public parking spaces for storage or blocking public right-of-ways to and along the beach, especially during the summer months when beach use is at its peak. In addition, visual resources could be impacted if the required view corridors were blocked by landscaping as it grows in the future.

To address these potential adverse impacts the Commission staff is recommending **Special Conditions Nos. 1** and 2 to require the applicant to submit and adhere to final construction and landscaping plans that substantially conform to what was approved by the Commission and respect all applicable height and setback limits so as to protect public views. **Special Condition No. 3** prohibits development activity during the busy summer months between Memorial Day Weekend and Labor Day so as to remove the potential of development activity impeding coastal access. **Special Condition No. 4** requires the applicant to record a deed restriction contain these special conditions so as to put all future successors in interest on notice of the coastal protection policies and measures contained in the approved permit. Therefore, as conditioned, no impacts to coastal resources are anticipated.

Commission staff recommends **approval** of coastal development permit application no. 6-14-1574 as conditioned.

TABLE OF CONTENTS

I. N	MOTION AND RESOLUTION	4
II. S	STANDARD CONDITIONS	4
III.S	SPECIAL CONDITIONS	5
	FINDINGS AND DECLARATIONS	
	A. PROJECT DESCRIPTION	
	3. COMMUNITY CHARACTER/VISUAL QUALITY	
C	C. Public Access/Parking	8
Γ	D. LOCAL COASTAL PLANNING	9
Е	CALIFORNIA ENVIRONMENTAL QUALITY ACT	9

APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

Exhibit 1 – Vicinity Map Exhibit 2 – Site & Landscape Plan

Exhibit 3 – Letters of Opposition

I. MOTION AND RESOLUTION

Motion:

I move that the Commission **approve** Coastal Development Permit 6-14-1574 subject to the conditions set forth in the staff recommendation.

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

Resolution:

The Commission hereby approves Coastal Development Permit 6-14-1574 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 and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. 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

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 shall 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 shall 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 drafted by Golba Architecture and submitted by Chad Beaver on 9/02/2014.

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 drafted by Golba Architecture and submitted by Chad Beaver on 9/02/2014, and shall include the following:
 - a. A view corridor, 10 feet wide, shall be preserved in the north yard area adjacent to Nantasket Court. All proposed landscaping in the north 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 plan 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 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. By five years from the date of the issuance of the coastal development permit, the applicant shall 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 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 development activity approved under this permit may occur between Memorial Day weekend and Labor Day of any year.
- 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 2-story, 2-unit, 1,220 square foot multi-family residence and construct a 3-story, 2-unit, 30 foot tall, 3,162 square foot multi-family residence with an attached 3-car garage, carport, and roof deck on a 2,400 square foot lot at 715 Nantasket Court in the Mission Beach community of the City of San Diego.

The 2,400 square foot project site is on the south side of Nantasket Court, facing north. In the Mission Beach neighborhood, the public right-of-way of the various courts and places, which are generally east-west running streets, as well as the yard setbacks of the adjacent properties comprise the community's public view corridors. Additionally, the nearby public boardwalk – Ocean Front Walk – which runs north-south along the beach, serves not only as a highly popular public access way, but also serves as a public view corridor along the shoreline.

This proposed development was originally brought before the Commission at the November, 2014, hearing as a consent item. At the November hearing, various neighbors to the subject property requested that the Commission continue the item to another hearing, alleging that the mailed notices regarding the hearing did not permit them adequate time in which to formulate a response. The Commission decided the items should be continued to a public hearing.

The City of San Diego has a certified LCP and a certified Planned District Ordinance for the Mission Beach community. However, the project site is located in an area of the Commission's original jurisdiction, and thus the standard of review is Chapter 3 of the Coastal Act, with the City of San Diego's certified LCP used as guidance.

B. COMMUNITY CHARACTER/VISUAL QUALITY

Section 30251 of the Coastal Act 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 landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...

The development is located within an existing developed residential area. The existing residence is 2 stories high and approximately 1,200 sq. ft. in size, while the proposed development would be 3 stories high and approximately 3,162 sq. ft. The proposed structure would be of a similar height, bulk, and scale as the surrounding properties, consistent with the character of the community and with the size and character of many residences approved by the Commission over the years. As proposed, the proposed structure and landscaping will adhere to all the setbacks required by the certified Mission Beach PDO, with no encroachment into the public right-of-ways or the public view corridor located on Nantasket Court. The site does not front on the public boardwalk (Ocean Front Walk); thus, the development will not have any impacts to public views along the shoreline. Neighbors of the subject property have communicated to the

Commission staff that their private views of the ocean may be impacted by the proposed development. However, the visual resource protection policies of the Coastal Act and the certified LCP only address impacts to public views, and as stated above, the proposed project conforms to all the visual protection policies of Section 30251 of the Coastal Act.

To assure long-term preservation of the community character and public view corridors, **Special Condition No. 1** requires the applicant to construct the home in substantial conformance with the plans submitted to the Commission. In order to ensure that landscaping in the northern yard area does not impede views west to the ocean, **Special Condition No. 2** requires the applicant to submit a landscaping plan requiring all landscape and hardscape in the north yard areas to consist of low-lying materials not exceeding three feet in height. The Special Condition requires a monitoring report be submitted 5 years following permit approval. Should the monitoring report indicate that the landscaping is not in conformance with the approved plans, the property will be required to be brought back into conformance. Thus, this development, as conditioned, will be compatible with the character and scale of the surrounding area and will not impact public views. **Special Condition No. 4** ensures that recordation of the permit conditions against the property will bind any future successors to the property to the above mentioned protections and conditions. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

C. Public Access/Parking

Section 30210 of the Coastal Act states:

In carrying out the requirements 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 of the Coastal Act states:

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.

The proposed development will have a density of two residential units, the same number that currently exists and which is allowed under the certified San Diego LCP. Under the certified LCP, which is used as guidance, the development requires two off-street parking spaces per unit, for a total of four parking spaces. As proposed, the development will have a three-car garage and one open-air carport, satisfying the requirement for off-street parking. Thus, no impacts to public access from the finished development are anticipated.

Mission Beach is a popular, densely developed coastal community. As such, during the summer tourist season, a high volume of visitors and traffic descend on the community, and parking pressures increase dramatically. **Special Condition No. 3** prohibits any development during the

busy summer peak months to avoid impacts to public access from demolition and construction activity occupying public parking spaces or blocking public right-of-ways with vehicles, materials, or debris.

Thus, as conditioned, the proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities, and 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.

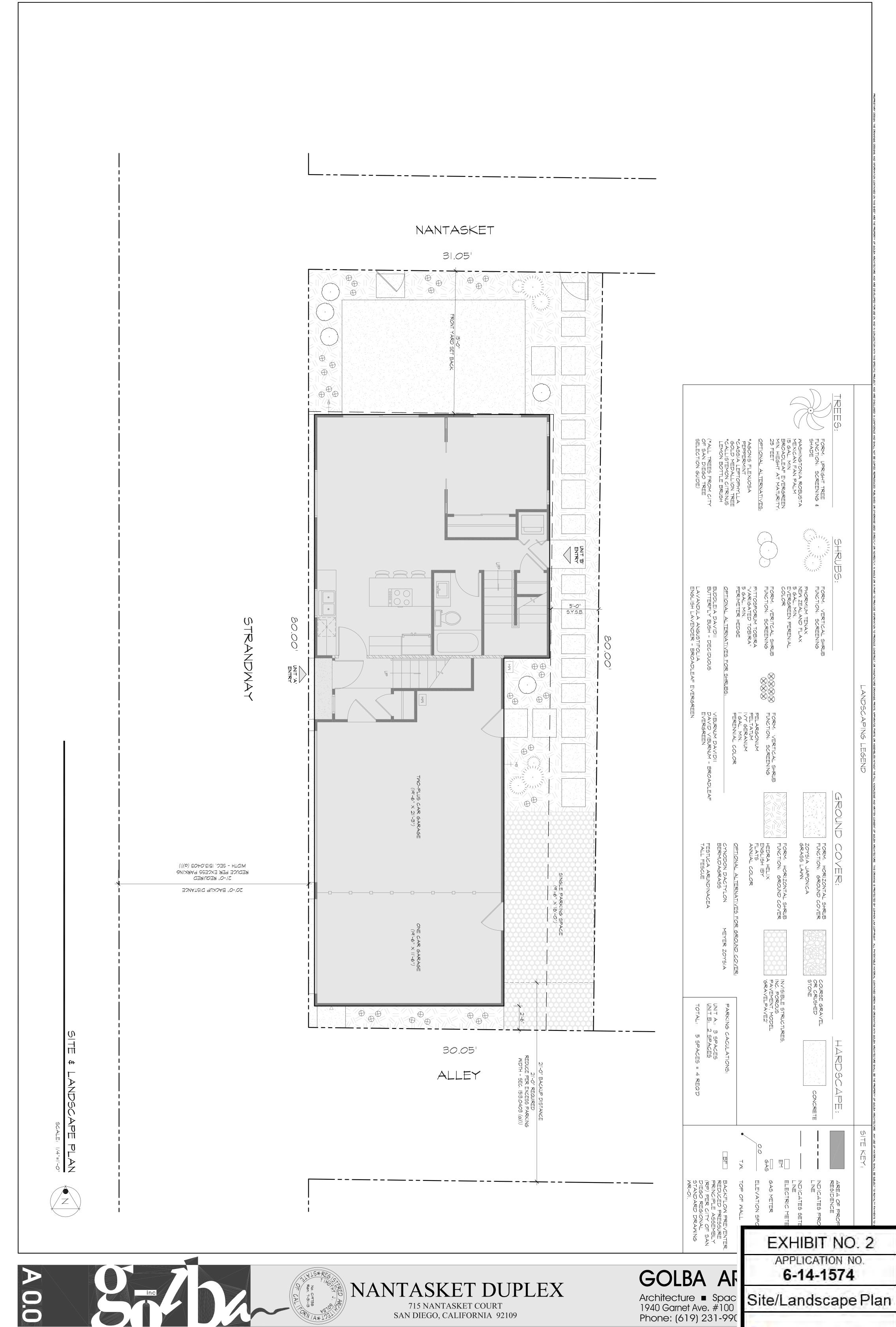
E. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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 final construction and landscape plans, as well as development timing, 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 can be found consistent with the requirements of the Coastal Act to conform to CEOA.

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TIS NANTASKET COURT 1940 Garnef Ave. #100 Phone: (619) 231-990

REV. DATE:
California Coastal Commission

DATE:

F95

November 12, 2014

Dear Coastal Commission,

My name is Elizabeth Schlicher and I am the owner of 719 Nantasket Court in Mission Beach, San Diego. I am concerned about the proposed building project at 715 Nantasket Ct. In speaking with neighbors on this small court, I have found many others share my concerns.

- Neighbors within 100 feet of the project were not properly notified of the initial permit
 application. I first became aware of the project on Saturday, October 25th when I received
 a letter from the coastal commission (dated October, 23) giving notification of the
 November 14th meeting. This is simply not enough time for concerned homeowners in the
 area to adequately research the project.
- 2. More specifically and concerning, the project did not properly adhere to 14 Cal. Code Regs. Section 13054(d). The permit was obtained back in September, yet the posting was not hung up until TODAY November 12, only two days before the meeting. The placement was severely delayed and could only be noticed if you were actively looking for it (like I was, which leads me to believe it only posted at the last hour when they thought there were concerns). This is unacceptable.
- 3. Additionally, I am concerned about the size of the new building's, which is 3 times the size of the existing structure. It is pushing the limits in almost all directions: North, South, East, West, and Vertical to 30+feet. Concerned homeowners and residents think this will detract from the appearance of the Court, which is a pedestrian path to the beach. We believe that it will likely reduce public views from Mission Blvd and Nantasket Court.
- 4. The size of the new structure in proximity to neighboring homes is also of particular concern as the experiences I (and other neighbors) have had with the current owner and his tenants have not been positive. There has been a dramatic increase in: noise, number of guests, and physical fights in the sidewalk. Incidents have increased to the point that we have had to call the police.

I am happy that the building is going to be updated as the current structure is quite old. But, I feel as though there are still a lot of questions and concerns that have not been answered. As such, I request that you postpone the meeting until the coastal commission meets in San Diego so that other concerned homeowners and residents can be present.

Thank you for your consideration,

Elizabeth Schlicher

719 Nantasket Ct San Diego, CA 92109 Cell (443)742-2244 elizabeth.schlicher@gmail.com Submitted Communications

EXHIBIT NO. 3

APPLICATION NO. 6-14-1574

Letters of Opposition



November 12, 2014

Request for postponement of consent for item # F9b (APN 423-611-07/ Permit #6-14-1574)

We the undersigned, call for a postponement on the consent calendar of the proposed project at 715 Nantasket Ct, San Diego and a review of the building permit (# 6-14-1574). We request that it be moved to the agenda for either the January 7-9, 2015 meeting (South Coast-location TBD) or the March 11-13, 2015 meeting in San Diego. The March meeting in San Diego would be more accessible to neighbors who would like to voice concerns but cannot travel far. Below are our concerns:

1. Neighbors within 100 feet of the project were not properly notified of the initial permit application. We first became aware of the project on Saturday, October 25th when we received a letter from the coastal commission (dated October, 23) giving notification of the November 14th meeting. This is simply not enough time for concerned homeowners in the area to adequately research the project.

More specifically and concerning, the project did not properly adhere to 14 Cal. Code Regs. Section 13054(d). The permit was obtained back in September, yet the yellow posting was not hung up until TODAY November 12, only two days before the meeting. This is unacceptable.

- Audensited Comme Lear 3. Additionally, we are concerned about the size of the new building's footprint, which is 3 times the size of the existing structure. It is pushing the limits in almost all directions: North, South, East, West, and Vertical to 30+feet, basically the largest block of a structure possible. Concerned homeowners and residents think this will detract from the appearance of Nantasket Court, which is a pedestrian path to the beach. We believe that it will likely reduce public views from Mission Blvd and Nantasket Court.
 - The size of the new structure in proximity to neighboring homes is also of particular concern as the experiences we have had with the current owner and his tenants have not been positive. There has been a dramatic increase in: noise, number of guests, and physical fights in the sidewalk. Incidents have increased to the point that we have had to call the police.

Thank you for your consideration, Name/Date Daws 11-12-14 11-12-14 11/12/14 in aboth Schlicher 11/12/14

Address 22 NANTASK. 703 NANTASKETCT 717 nantusket Ct. (Residus) 719 Nantasket ct

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Jalmy F. 11/12/14 3575 Strandway 50 92109

D.D. Barbay 11/12/14 703 Nantasket et. 4. 92109

Min Hays 11/12/14 703 Nantasket et. 92109 #13

11/13/14



Dear Coastal Commission,

My name is Paul Williams I own 717 Nantasket Court in the Mission Beach area of San Diego and I am greatly concerned about a proposed project at 715 Nantasket Ct. (F9b-11-2014) as are many homeowners on Nantasket Court. The local home owners cannot attend a meeting on this project in Half-Moon Bay. We believe this is a controversial construction project and would like it REMOVED from the 11/14 consent calendar and moved to the next San Diego Meeting or at least the next So. Cal meeting.

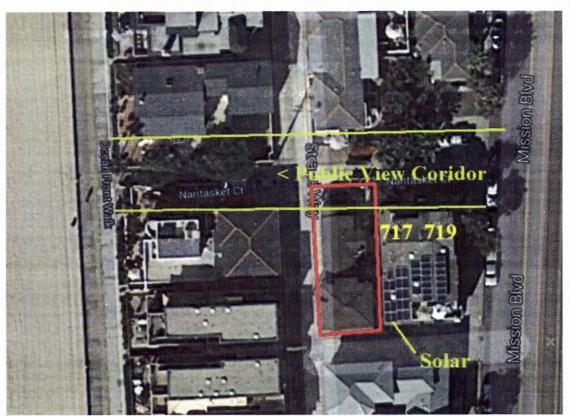
Our Concerns;

- Neighbors within 100 feet of the project were not properly notified of the initial permit application. We first became aware of the project October 27th when we received a letter from the coastal commission (dated October, 23) giving notification of the November 14th meeting. This is simply not enough time for concerned homeowners in the area to adequately research the project.
- Additionally, the project did not adhere to 14 Cal. Code Regs. Section 13054(d). At NO time prior to the
 coastal commission letter was there a posting "at a conspicuous place, easily read by the public and as close
 as possible to the site of the proposed development."
- 3. We are concerned about the size of the new building's footprint, which is 3 TIMES the size of the existing structure. It is pushing the limits in all directions: North, South, East, West, and Vertical to 30feet, the largest block of a structure possible. Concerned residents think this will detract from the appearance of Nantasket Court, which is a pedestrian path to the beach. Also we believe that it will likely reduce public views from Mission Blvd and Nantasket Court (see Pictures below).
- 4. The proposed 1-car space on the alley does not seem to fit. As shown on the plan it would cross the wall on the 717 Nantasket property line. And have the car parked against 717 Nantasket. I don't think that is to code. This retaining wall on the property line should remain untouched. Are 4-car spaces required for this project since it is two 2-bed units? (See Picture Below).

I am not against redeveloping this lot. But it is a very narrow lot on a pedestrian pathway. If the commission can REMOVE this from the 11/14 consent calendar and reschedule this hearing for San Diego. I and other homeowners would be happy to work with the developer to have a workable plan that maintains the character of this public walkway to the beach.

Regards, Paul Williams 717 Nantasket Court San Diego, CA 92109 Cell 619-804-8300 pwilliamssd@gmail.com Juliatité Committeeins





715 Nantasket Court: Public View



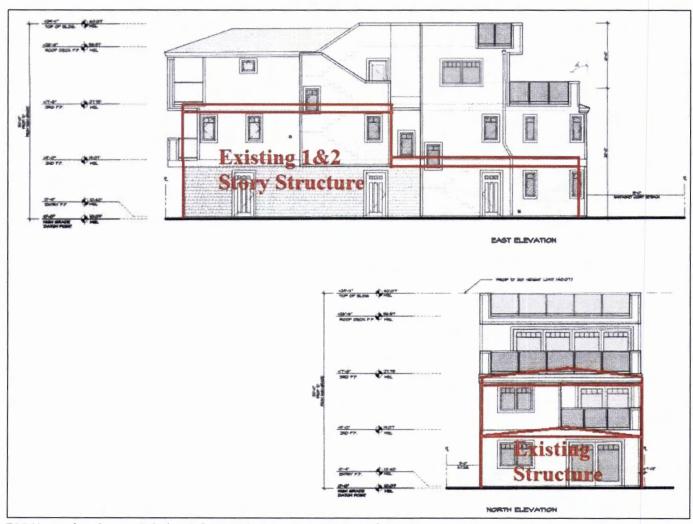
715 Nantasket Court: Public View



715 Nantasket Court: Size of Structure Relative to surrounding 1 to 2 Story Structures



715 Nantasket Court: Very Small Lot.



715 Nantasket Court: Existing 1-2 Story Structure vs. Proposed 3-4 Story Structure.

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1-Car Space would cross 717 Nantasket Property line and be against 717 wall.