

CALIFORNIA COASTAL COMMISSION

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



W10a

Click here to go to
original staff report

Addendum

November 2, 2015

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item W10a**, Coastal Commission Permit Application
#6-14-1928 (SMR Investments 1 LLC), for the Commission Meeting of
November 4, 2015

The purpose of this addendum is to attach two letters from interested parties and make minor corrections to the above-referenced staff report dated October 16, 2015. Underlined text indicates text to be added to the staff report and ~~striketrough~~ text indicates text to be deleted from the staff report pursuant to this addendum, as shown below:

1. On Page 1, the Project Description shall be corrected as follows:

Construction of an approximately 615 sq.ft. third-story addition, approximately 595 sq.ft. third-story deck, ~~approximately 615 sq.ft. roof top deck~~, exterior stairs, and interior remodel to an existing 2- story 2,564 sq.ft. duplex on a 2,456 sq.ft. lot.

2. On Page 7, the first paragraph in the Project Description shall be revised as follows:

The proposed project is construction of an approximately 615 sq.ft. third-story addition, an approximately 595 sq.ft. third-story deck, ~~an approximately 615 sq.ft. roof top deck~~, exterior stairs, and interior remodeling to an existing 2-story 2,564 sq.ft. duplex at 2629-2631 Ocean Front Walk in the Mission Beach community of the City of San Diego (Exhibit #1). The subject site is zoned R-S, which is a zone that regulates residential development in Mission Beach, and is within an existing residential area similar in size and scale to the proposed development.

3. On Page 7, the third paragraph in the Project Description shall be revised as follows:

In this particular project, views from the third story and ~~roof top additions~~ may impede views west towards the ocean and north to south along the Ocean Front Walk corridor (Exhibits #3, #4). [...]

OPPOSED
Permit #6-14-1928
Project Location: 2629-31 Ocean Front Walk, Mission Beach,
San Diego, San Diego County
APN: 423-761-08

Larry Clark
738 Avalon Ct
San Diego, CA 92109

Keri Robinson, Coastal Program Analyst
California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108

Re: Property at 2629-31 Ocean Front Walk, San Diego, CA 92109

Dear Ms. Robinson:

This week I received notification of the public hearing on November 4, 2015, for the above named property. The project description included construction of an approximately 615 sq. ft. third-story addition, approximately 595 sq. ft. third-story deck, and an approximately 615 sq. ft. rooftop deck. It also included exterior stairs and an interior remodel to the existing two-story 2,564 sq. ft. duplex. When I brought this project before our Mission Beach Precise Planning Board, they informed me that they were never given the opportunity to review the plans. I have reviewed the staff report for the consent calendar and note that the staff is recommending approval "with conditions to avoid adverse impacts to public coastal views."

I have several concerns in addition to those brought up by the Coastal Commission staff. Additionally, Consent Calendar Projects are reserved for projects without opposition. Those of us living in South Mission definitely opposed this proposed plan:

1. First and foremost is the height limit here in Mission Beach. It is 30 feet. In reviewing the plans included with your staff recommendations, the proposed height with the new construction will be 40.66 ft. A required roof deck guardrail is a minimum for 3 ft. 6 in. tall. The drawings do not indicate sufficient room under height limit to even install railings.
2. There are also issues with the side yard setback to build straight up. If any part of the building is less than five feet from the side yard, then the building may go up to 20 feet straight up, then at 20 feet it must come in at a 45 degree angle.
3. The plans for the third floor addition do not indicate bedrooms; if the plans were to add bedrooms, then this construction would be considered an intensification of use. Parking would have to be brought to current code. Currently, there are two single car garages set back from the Strand Way fire lane by 4 ft. 5 in. (Strand Way is the alley behind this property and the only access for construction vehicles. The West side of the property is on the beach, with no vehicle access.
4. Your own report states that "the presence of workers and equipment in such a densely populated, popular beach area could impact public access by occupying public parking

OPPOSED

Permit #6-14-1928

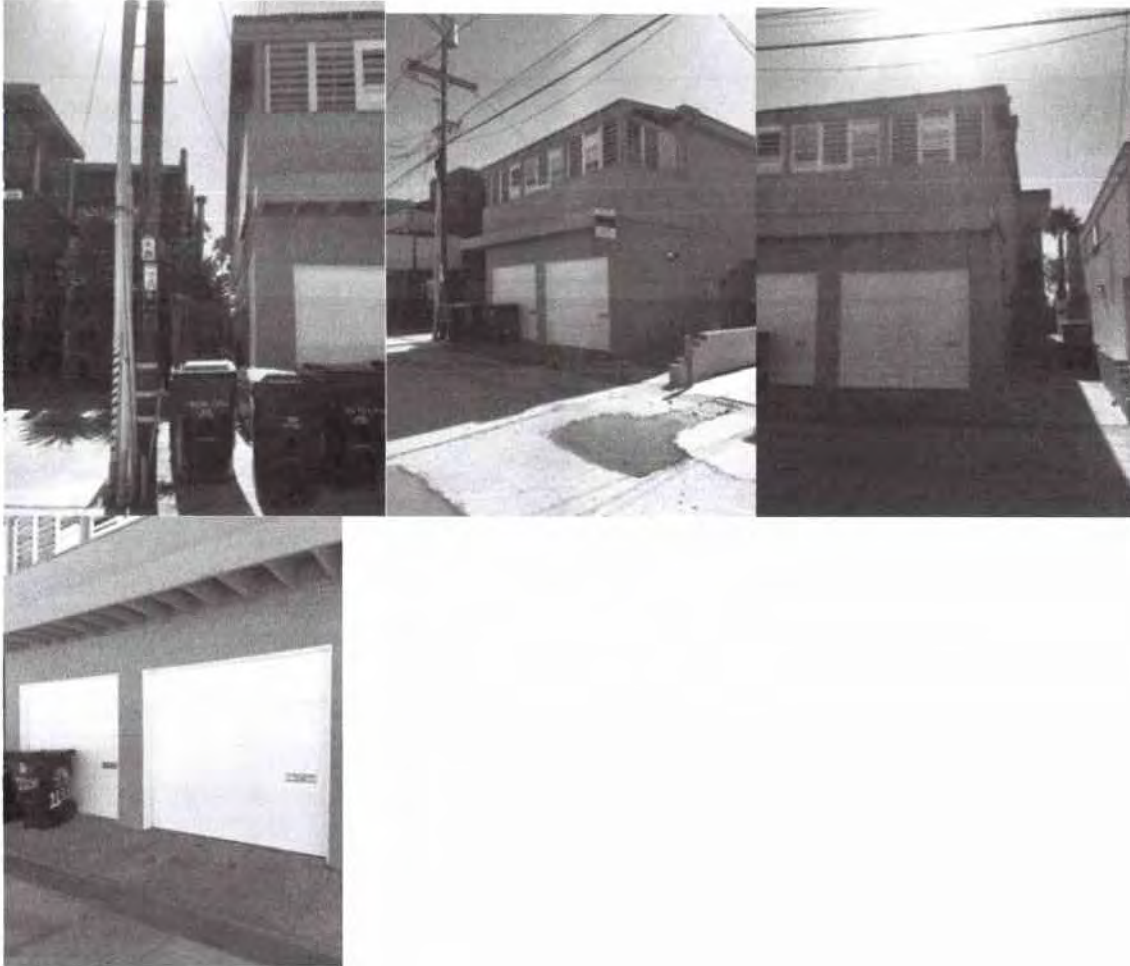
Project Location: 2629-31 Ocean Front Walk, Mission Beach,
San Diego, San Diego County

APN: 423-761-08

spaces for storage or blocking public right-of-ways to and along the beach..." as well as along Strand Way

5. Also a concern by your staff is "[v]isual resources could be impacted by blockage of designated view corridors to or along the ocean by the new home or landscaping."
6. On page four under III. Special Conditions it states that the final plans "shall first be stamped approved by the City of San Diego..." However, in looking at the various exhibits of Application 6-14-1928 by the California Coastal Commission, I am unable to locate that approval stamp by the City of San Diego.

I am attaching photographs of this property. You may notice that it already has an enclosed patio at the rear that is not to code.

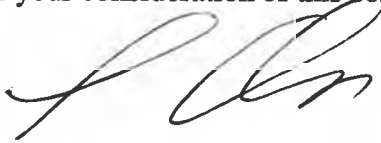


This area of South Mission along Strand Way is already impacted by existing properties. Houses on the East side of Strand Way all have parking spaces for the residents. The houses with an Ocean Front Walk address, such as 2629-31, generally only have garage parking. They do not have street parking on the beach side, other than the parking lot located near the jetty.

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Project Location: 2629-31 Ocean Front Walk, Mission Beach,
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This project (#6-14-1928) should be removed from the consent hearing agenda. There is definitely opposition to its approval, and more time needs to be provided for the residents here in Mission Beach to ensure that the project is consistent with Mission Beach zoning regulations, as well as the objectives of the Mission Beach Precise Planning Group.

Thank you for your consideration of this correspondence,

A handwritten signature in black ink, appearing to read 'Larry Clark', is positioned above the printed name and email address.

Larry Clark
lctravel@san.rr.com

OPPOSED
Permit #6-14-1928
Project Location: 2629-31 Ocean Front Walk, Mission Beach,
San Diego, San Diego County
APN: 423-761-08

Stephanie L Wheeler
2676 Mission Boulevard
San Diego, CA 92109

Keri Robinson, Coastal Program Analyst
California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108

RECEIVED

OCT 26 2015

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Re: Property at 2629-31 Ocean Front Walk, San Diego, CA 92109

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Thank you for your consideration of this correspondence,

Stephanie L. Wheeler
steviewheeler@me.com

cc: Gregory Cox, San Diego Coast Representative

CALIFORNIA COASTAL COMMISSION

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



W10a

Filed: 3/11/15
180th Day: 9/7/15
270th Day: 12/6/15
Staff: K. Robinson-SD
Staff Report: 10/16/15
Hearing Date: 11/4/15

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-14-1928

Applicant: SMR Investments 1 LLC

Agent: Myles Cooper

Location: 2629-2631 Ocean Front Walk, Mission Beach, San Diego, San Diego County (APN 423-761-08)

Project Description: Construction of an approximately 615 sq.ft. third-story addition, approximately 595 sq.ft. third-story deck, approximately 615 sq.ft. roof-top deck, exterior stairs, and interior remodel to an existing 2-story 2,564 sq.ft. duplex on a 2,456 sq.ft. lot.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval with conditions to avoid adverse impacts to public coastal views and public access.

The primary issues raised by the proposed development relate to 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 storage or blocking public right-of-ways to and along the beach, especially during the summer months when beach use is at its peak. Visual resources could be impacted by blockage of designated view corridors to or along the ocean by the new home or landscaping.

To address these potential adverse impacts the Commission staff is recommending several special conditions. **Special Conditions #1 and #2** require submittal of final site and landscape plans to ensure the residence and landscaping are built according to plans that protect view corridors; **Special Condition #3** prohibits any construction activity from occurring during the peak summer months; and **Special Condition #4** requires the applicant to record a deed restriction against the property that imposes the conditions of the permit for the purpose of providing notice to future property owners.

Commission staff recommends **approval** of coastal development permit application 6-14-1928 as conditioned.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION.....	4
II. STANDARD CONDITIONS	4
III. SPECIAL CONDITIONS	4
IV. FINDINGS AND DECLARATIONS.....	7
A. PROJECT DESCRIPTION	7
B. COMMUNITY CHARACTER/VISUAL QUALITY	8
C. PUBLIC ACCESS/PARKING	8
D. LOCAL COASTAL PLANNING.....	8
E. CALIFORNIA ENVIRONMENTAL QUALITY ACT	8

EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Aerial View](#)

[Exhibit 3 – Site Plan](#)

[Exhibit 4 – Proposed Elevations](#)

[Exhibit 5 – Existing Duplex](#)

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. **Revised 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 stamped approved by the City of San Diego and be in substantial conformance with the plans

submitted by CEA Engineering date stamped as received on 8/26/2015, except they shall be revised to reflect the following:

- a. The second-story covered patio fronting Strand Way shall not be enclosed.
- b. Calculations indicating the maximum floor area ratio (FAR) is 1.1.
- c. Interior yard setbacks that are consistent with Mission Beach Planned District Ordinance 1513.0304(c)(3).

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. Said plans shall first be stamped approved by the City of San Diego and be in substantial conformance with the plans submitted by CEA Engineering date stamped as received on 8/26/2015, and shall include the following:

- a. A view corridor, 10 feet wide, shall be preserved in the southwest yard area adjacent to Ocean Front Walk. All proposed landscaping in the southwest 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 southwest 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 Construction.** No construction shall take place for the project between Memorial Day weekend and Labor Day of any year. Access corridors and staging areas shall be located in a manner that has the least impact on public access via the maintenance of existing public parking areas and traffic flow on coastal access routes (e.g. no street closures or use of public parking as staging areas).
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 construction of an approximately 615 sq.ft. third-story addition, an approximately 595 sq.ft. third-story deck, an approximately 615 sq.ft. roof-top deck, exterior stairs, and interior remodeling to an existing 2-story 2,564 sq.ft. duplex at 2629-2631 Ocean Front Walk in the Mission Beach community of the City of San Diego (Exhibit #1). The subject site is zoned R-S, which is a zone that regulates residential development in Mission Beach, and is within an existing residential area similar in size and scale to the proposed development.

The subject site fronts Ocean Front Walk on the west side of Strand Way, approximately 125 feet inland from the Ocean Front Walk public boardwalk (Exhibit #2). 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, Ocean Front Walk, which runs north-south along the beach, serves not only as a highly popular public boardwalk and access way, but also serves as a public view corridor along the shoreline. Because the project is located between the first public road and the sea, there is the potential for the project to impact views to the shoreline from Mission Boulevard. The Commission typically reviews projects to ensure that any new development does not encroach into the yard setback areas which could impede public views to and along the ocean.

In this particular project, views from the third story and roof-top additions may impede views west towards the ocean and north to south along the Ocean Front Walk corridor (Exhibits #3, #4). In addition, there is potential for landscaping in the southwest yard area to impede views along the Ocean Front Walk corridor. However, as proposed, the development would not encroach into the view corridor down Ocean Front Walk. In addition, the second-story covered patio fronting Strand Way is currently enclosed (Exhibit #5), which would push the proposed project's floor area ratio (FAR) calculation over the maximum 1.1 allowed in the Mission Beach PDO; as conditioned, the project would remove this enclosure to be consistent with the Mission Beach PDO and surrounding community character.

The development, which is currently a duplex, has an existing attached two-car garage. The Mission Beach PDO requires two off-street parking spaces per dwelling unit for any residential subdistrict, indicating that a duplex would require four parking spaces. However, the proposed project was constructed prior to passage of the Coastal Act and is a legal non-conforming use. The proposed project will not change the intensity of use or increase the degree of non-conforming, since it is not adding or removing a unit. Thus, the proposed remodel will not have an adverse impact on public access. Any change in the intensity of use or redevelopment of the structure would require the property to conform to the Mission Beach PDO parking requirements.

To ensure potential adverse impacts are avoided, **Special Condition #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 southwestern yard area does not impede views to and along the ocean, **Special Condition #2** requires the applicant to submit a landscaping plan requiring all landscape and hardscape in the southwestern yard areas to consist of low-lying materials not exceeding three feet in height. Additionally, demolition and construction activity could impede public access by occupying public parking spaces or blocking public right-of-ways with materials or debris. With **Special Condition #3** prohibiting any development during the summer peak months, the proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities, and construction activities and staging areas will be contained within the boundaries of the subject site. Finally, **Special Condition #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.

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

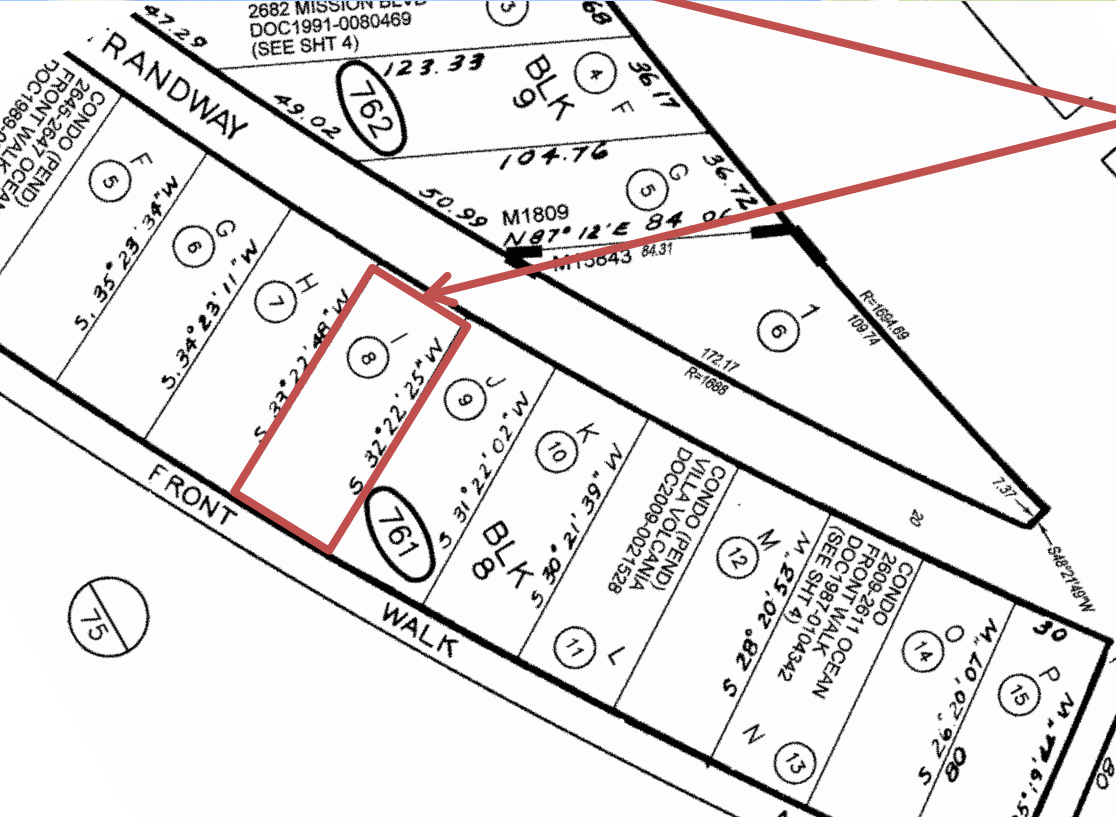
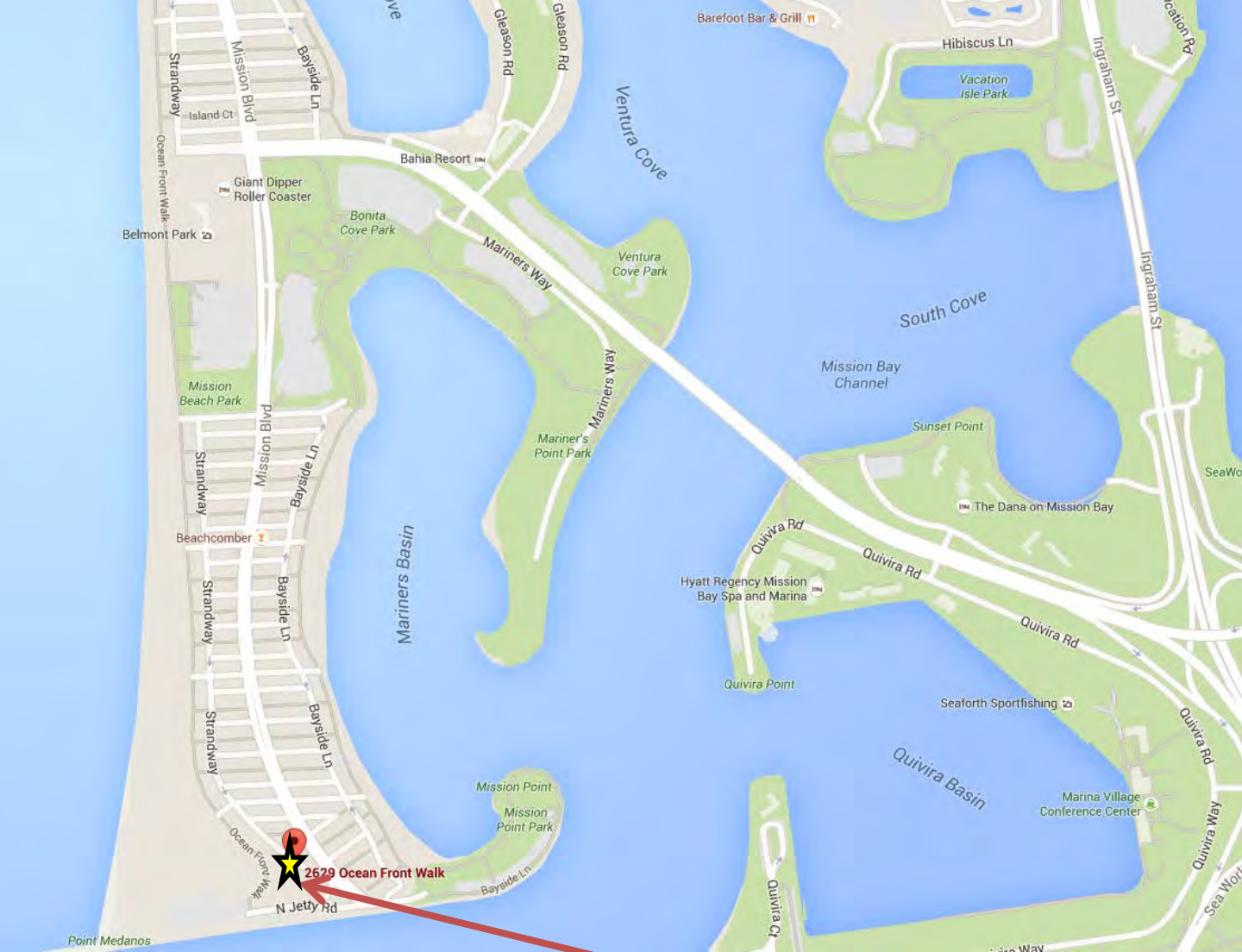
The subject site is located in an area of original jurisdiction, where the Commission retains permanent permit authority and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, 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.

(G:\San Diego\Reports\2014\6-14-1928 SMR Investments 1 LLC stf rpt.docx)



Subject Site



EXHIBIT NO. 1
APPLICATION NO. 6-14-1928
Vicinity Map
 California Coastal Commission



**Subject
Site**



EXHIBIT NO. 2

APPLICATION NO.

6-14-1928

Aerial View



California Coastal Commission

North
Elevation

Mission
Beach

East
Elevation

West
Elevation

Strand
Way

EXHIBIT NO. 4

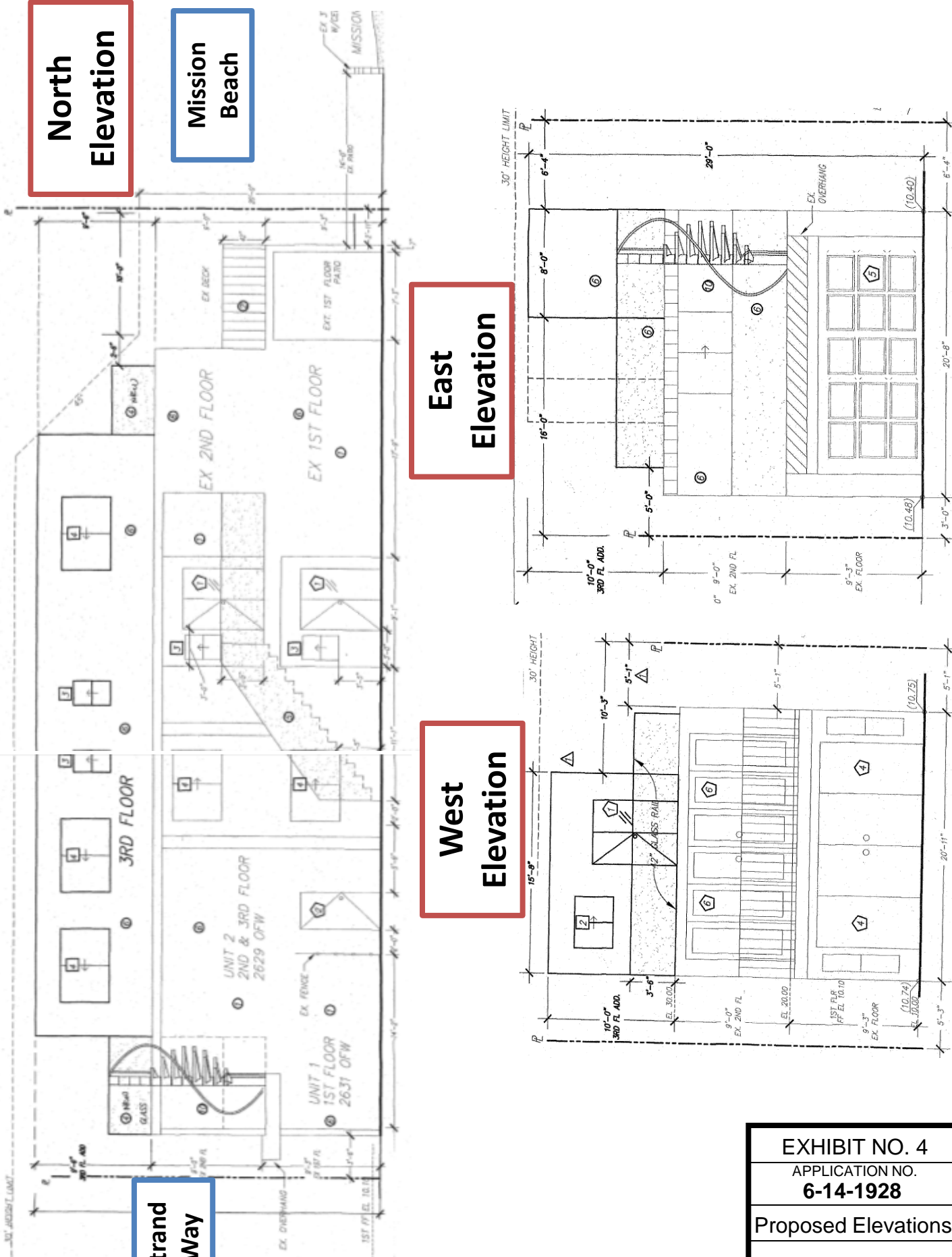
APPLICATION NO.

6-14-1928

Proposed Elevations



California Coastal Commission





Ocean Front Walk



Existing
Enclosed
Patio

Strand Way

EXHIBIT NO. 5

APPLICATION NO.

6-14-1928

Existing Duplex



California Coastal Commission