CALIFORNIA COASTAL COMMISSION

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



W10b

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Addendum

October 29, 2015

To: Commissioners and Interested Persons

From: California Coastal Commission

San Diego Staff

Subject: Addendum to **Item W10b**, Coastal Commission Permit Application

No. 6-15-0972 (Benko), for the Commission Meeting of Wednesday,

November 4, 2015

Staff recommends the following corrections be made to the above-referenced staff report. Deletions shall be marked by a strikethrough and additions shall be underlined:

- 1. On Page 5 of the staff report, Special Condition No. 2 shall be corrected as follows:
 - 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 Scot Frontis and submitted on October 8, 2015, and shall include the following:
 - a. A view corridor, 10 feet wide, shall be preserved in the south yard area adjacent to Whiting 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 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. 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. <u>If using potable water for irrigation, only drip or</u> microspray irrigation systems may be used.
- e. 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.

CALIFORNIA COASTAL COMMISSION

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



W10b

Filed: 7/13/15
180th Day: 1/9/16
Staff: A. Llerandi-SD
Staff Report: 10/12/15
Hearing Date: 11/4/15

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-15-0972

Applicant: Andrea Benko

Agent: Scot Frontis

Location: 702 & 708 Whiting Ct. Mission Beach, San Diego,

San Diego County (APN: 423-551-21 & 423-551-

22)

Project Description: Demolish existing one-story single family residence

and remodel existing single family residence on adjacent lots to create a 3-story, 30-ft. tall, 3,930 sq. ft. duplex with attached 4-car garage across both

lots totaling 2,880 sq. ft.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval with conditions.

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

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home or landscaping, especially as the western single family residence being expanded into a duplex is at the intersection of Whiting Court and Ocean Front Walk, a popular beach boardwalk, and the western single family residence is previously conforming with regards to minimal setbacks from Ocean Front Walk.

Recommended conditions to minimize these impacts include requirements to not conduct any development during the peak summer months, 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 a deed restriction against the property that imposes the conditions of the permit as covenants, conditions, and restrictions on the use and enjoyment of the property for the purpose of providing constructive notice to successors in interest.

Commission staff recommends **approval** of coastal development permit application 6-15-0972 as conditioned.

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EXHIBITS

Exhibit 1 – Vicinity Map

Exhibit 2 – Aerial View

Exhibit 3 – Site Plan

Exhibit 4 – Elevations

Exhibit 5 – Landscape Plan

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 drafted by Scot Frontis and submitted on October 8, 2015.

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 Scot Frontis and submitted on October 8, 2015, and shall include the following:
 - a. A view corridor, 10 feet wide, shall be preserved in the south yard area adjacent to Whiting 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 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. 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 development activity approved under this permit may occur 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).
- **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 single family residence and remodel an existing single family residence on adjacent lots to create a 3-story, 30-foot tall, 3,930 sq. ft. duplex with attached 4-car garage across both lots totaling 2,880 sq. ft. at 702 and 708 Whiting Ct. in the Mission Beach community of San Diego.

The 2,880 square foot project site is on the north side of Whiting Court, at the intersection of Whiting Court and Ocean Front Walk, the popular beach boardwalk. 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 adjacent 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.

As proposed, no new development would encroach into the Whiting Court view corridor. However, the western wall of the western residence proposed to be retained lies on the western property line along Ocean Front Walk, and thus encroaches into the required seven-foot first-floor setback and the twelve-foot upper-floor setbacks from Ocean Front Walk. The northern portion of the western residence to be retained, at the end of the rear alley, also encroaches into the setback required from the northern property line, which would have provided a public ocean view down the alley. As less than fifty percent of the western residence's exterior walls are being demolished to create the new, expanded duplex, and the portion being retained includes the aforementioned encroaching sections, these encroachments will remain associated with the a legal, non-conforming structure.

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 south yard areas to consist of low-lying materials not exceeding three feet in height. **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 materials or debris. Finally, **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.

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

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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.

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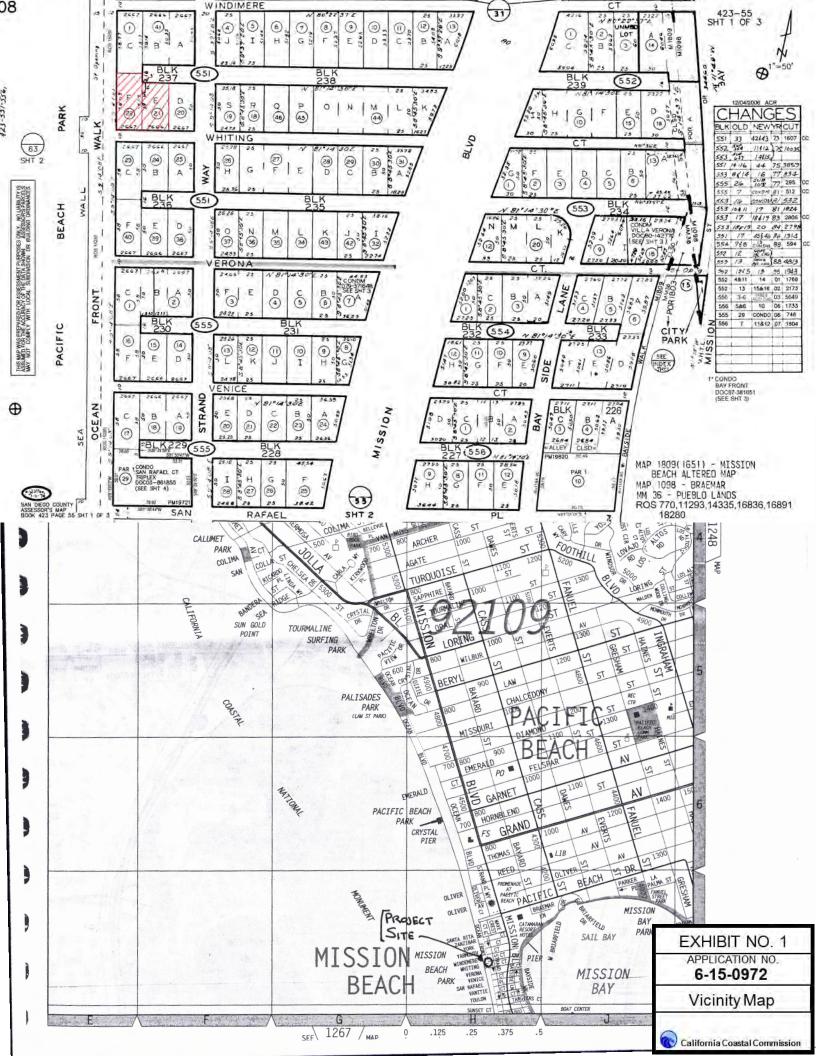


EXHIBIT NO. 2
APPLICATION NO.
6-15-0972

Aerial View

