

**CALIFORNIA COASTAL COMMISSION**

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# W9a

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180th Day: 10/28/15  
Staff: T. Hoang-SD  
Staff Report: 5/20/15  
Hearing Date: 6/10/15

## STAFF REPORT: CONSENT CALENDAR

**Application No.:** 6-15-0503

**Applicant:** Edward and Linda Menvielle

**Agent:** Tim Golba

**Location:** 1011 West Briarfield Drive, Pacific Beach, San Diego, San Diego County (APN No. 423-350-21)

**Project Description:** Addition of approximately 800 sq.ft to the first and second story of an existing two-story 3,616 sq.ft. single family residence and demolition and replacement of attached two-car garage on a 8,081 sq.ft. lot.

**Staff Recommendation:** Approval with Conditions

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### SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of the proposed residential remodel with conditions. The primary issues raised by the project relate to protection of public views towards Mission Bay and public access.

The existing residence is located on the shore of Mission Bay, and there is a public view corridor designated on West Briarfield Drive, adjacent to the front of the property, from Pacific Beach Drive towards Mission Bay. Construction of the existing residence was

6-14-0503 (Edward and Linda Menvielle)

approved by the Commission in June, 1982 (CDP No. 6-82-220). In its review of the subject project, Commission staff determined that the existing residence was constructed approximately 7 feet into the required 15-foot front yard setback from West Briarfield Drive, inconsistent with the previously approved permit. Thus, the existing residence currently encroaches into the public view corridor. However, the proposed project would remove all portions of the structure located within the setback, and all of the proposed new development would be located outside the required setback. Thus, the proposed project will not have any adverse impacts on public views. Public access to the bay is available at the end of West Briarfield Drive, and the proposed addition will not impact this accessway.

Special conditions require the applicant to submit final plans and final landscape/yard area plans limiting development in the front yard setback to ensure that the public view corridor is preserved and enhanced. Special conditions also prohibit construction during the peak summer months to ensure the presence of workers and equipment does not impact public access by occupying public parking spaces for storage or blocking public right-of-ways to and along Mission Bay.

Commission staff recommends **approval** of coastal development permit application 6-14-0503 as conditioned.

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### **EXHIBITS**

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## 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 site and floor plans. Said plans shall first be

stamped approved by the City of San Diego, and be in substantial conformance with the plans by Golba Architecture Inc. dated 4/25/2015.

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 Plans/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 landscape plans approved by the City of San Diego. The plans shall be in substantial conformance with the landscape plans submitted by Golba Architecture Inc. dated 4/25/15 and shall include the following:
  - a. A view corridor, 15 feet wide, shall be provided in the front yard area adjacent to West Briarfield Drive. All proposed landscaping in the front yard area shall be maintained at a height of three feet or lower (including raised planters) to protect the views toward the ocean.
  - b. Any existing landscaping and hardscaping encroaching into the City's right of way shall be removed, and no new development shall be allowed in the City's right of way.
  - c. All landscaping shall be drought tolerant, 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 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.
  - d. Any walls or fencing in the front yard setback shall be limited to a height of three feet or lower.
  - 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.

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 (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 a remodel of and addition to an existing two-story 3,616 sq.ft. single-family residence with an attached two-car garage. The project includes a net addition of approximately 800 sq.ft. of living space on the first and second floors, demolition and replacement of the majority of the existing attached garage, removal of a jacuzzi, and 183 sq.ft. of new second floor deck space ([Exhibit 3](#)). Other development proposed includes new roofing, and new fencing. The project would result in 3,844 sq.ft.

of living space and a 515 sq.ft. attached two-car garage. The front yard landscaping would be modified to remove existing vegetation that will exceed three feet, and minor modifications to the front yard hardscaping are also proposed. The project also includes extension of the curb in front of the property to allow for two on-street parking spaces, which would abut the subject property.

The 8,081 sq.ft. lot is located at Briarfield Cove in the Pacific Beach community of the City of San Diego ([Exhibit 1](#)). Briarfield Cove is a developed residential area with nine single-family residences arranged in a half circle around a sandy cove on Mission Bay. Specifically, the project is located at the western end of West Briarfield Drive, which dead ends at Bayside Walk, a public pedestrian path that follows the Mission Bay shoreline.

Construction of the existing residence was approved by the Commission in June, 1982 (CDP No. 6-82-220). In its review of the subject addition, Commission staff determined that the existing residence was constructed approximately 7 feet into the required 15-foot front yard setback from West Briarfield Drive, inconsistent with the previously approved permit ([Exhibit 2](#)). The non-conforming area includes a portion of the attached garage, portions of the first and second floor on the northwestern frontage and a walled front yard patio. In addition, the landscaping and hardscaping in front of the residence encroaches into the City's right of way. According to staff at the City of San Diego, the City had also approved plans showing the structure behind the setback. However, when the existing structure was constructed, it was not built in conformance with the plans. Nevertheless, it was approved by the City building inspector after it was built.

The property fronts West Briarfield Drive, which is designated as a public view corridor in the Pacific Beach Community Plan. Figure 16 in the community plan indicates that an "intermittent" public view to the water exists along Pacific Beach Drive adjacent to Briarfield Cove. The public views are towards Mission Bay and looking south on West Briarfield Drive from Pacific Beach Drive; the bulk of the water views are down the public street. However, the existing residence encroaches into the front yard setback where there is the potential for public views to be provided. The proposed project would remove all encroaching portions of the structure within the front yard setback, and all new structures would be located behind the required setback. As such, the proposed project would remove the existing violation and enhance public views towards the Mission Bay. Furthermore, any encroachment in the City's right of way will be removed. [Special Conditions No. 1](#) and [No. 2](#) require the applicant to submit final plans and final landscape/yard area plans, respectively, limiting development and the height of vegetation in the front yard setback to ensure that public views to the bay are protected and enhanced. [Special Condition No. 3](#) prohibits construction during the peak summer months to ensure the presence of workers and equipment does not impact public access by occupying public parking spaces for storage or blocking public right-of-ways to and along Mission Bay. [Special Condition No. 4](#) requires recordation of the permit conditions against the property to ensure that future owners are aware of the above mentioned conditions and requirements.

**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 deferred certification, 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 as well as with the certified LCP which the Commission uses as guidance in this area. 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 Pacific Beach community.

**E. UNPERMITTED DEVELOPMENT**

Portions of the existing residence on the site were constructed in non-compliance with the previously approved permit, CDP No. 6-82-220. As described previously, portions of the existing residence were constructed within the required 15-foot front yard setback. The non-conforming areas consist of a portion of the attached garage, portions of the first and second floor on the northwestern frontage and a walled front yard patio. In addition, existing landscaping and hardscaping in front of the residence encroaches into the City's right of way. All non-conforming portions of the structure will be removed, and the existing violation will be resolved. Therefore, no further enforcement action will be necessary.

Although unpermitted development occurred prior to the submission of this permit application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Commission review and action on these permit applications does not constitute a waiver of any legal action with regard to the alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject sites without a coastal permit.

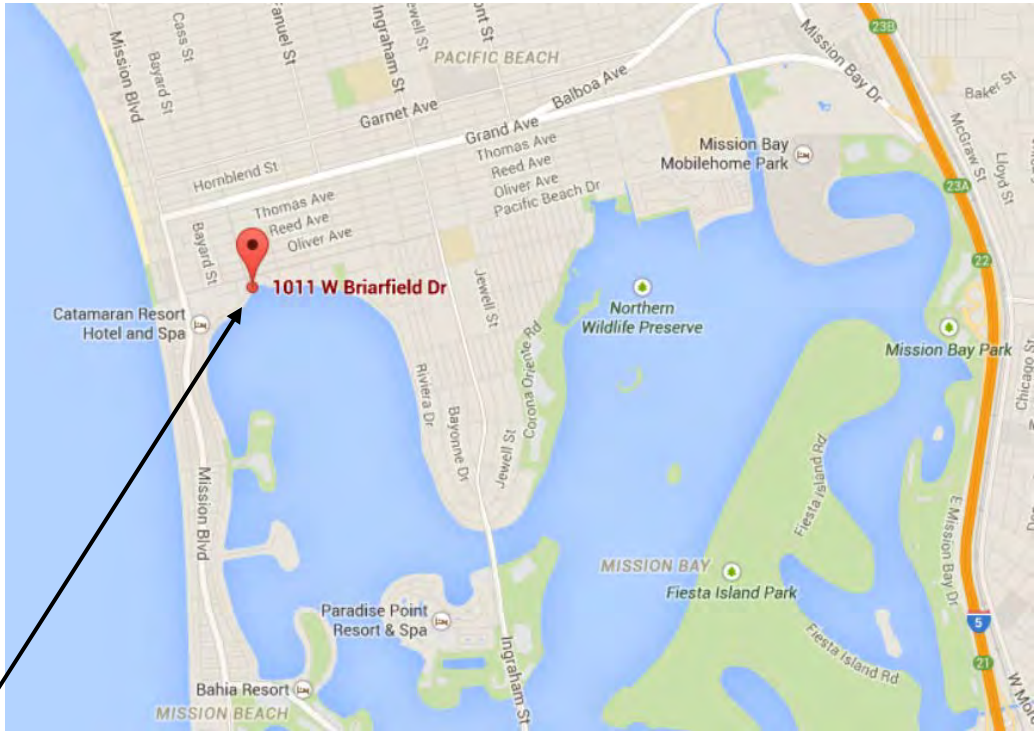


**F. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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.

**Appendix A – Substantive File Documents**

- City of San Diego certified LCP
- Pacific Beach Community Plan
- CDP No. 6-82-220



SITE

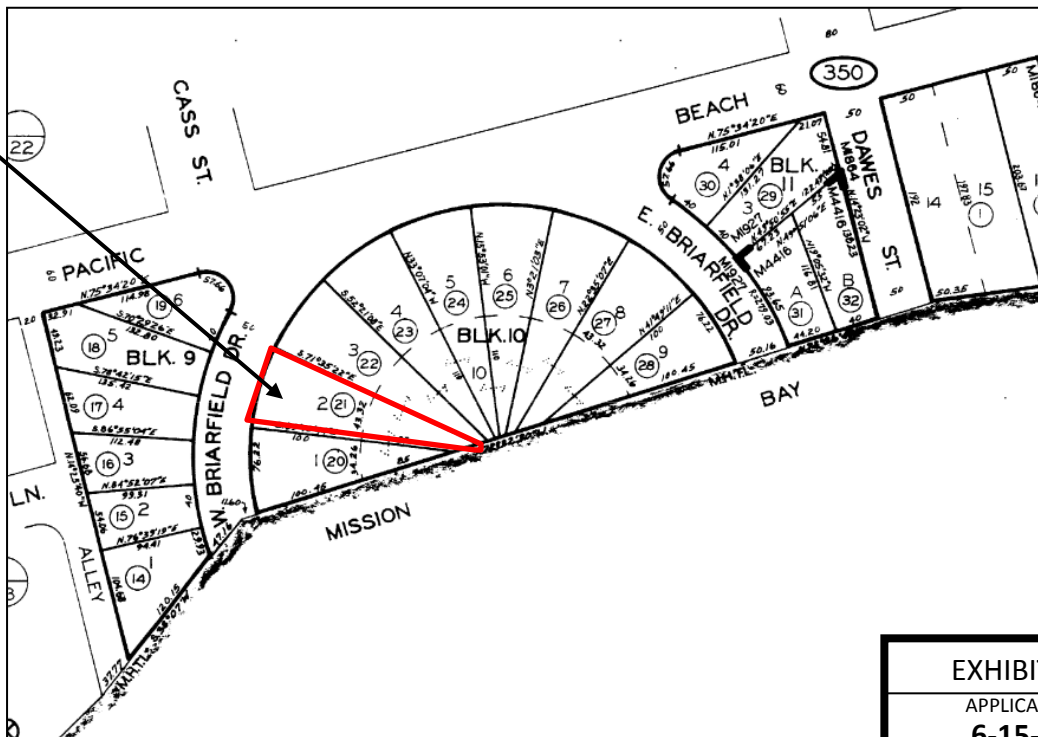


EXHIBIT NO. 1
APPLICATION NO.
<b>6-15-0503</b>
Vicinity Map
 California Coastal Commission

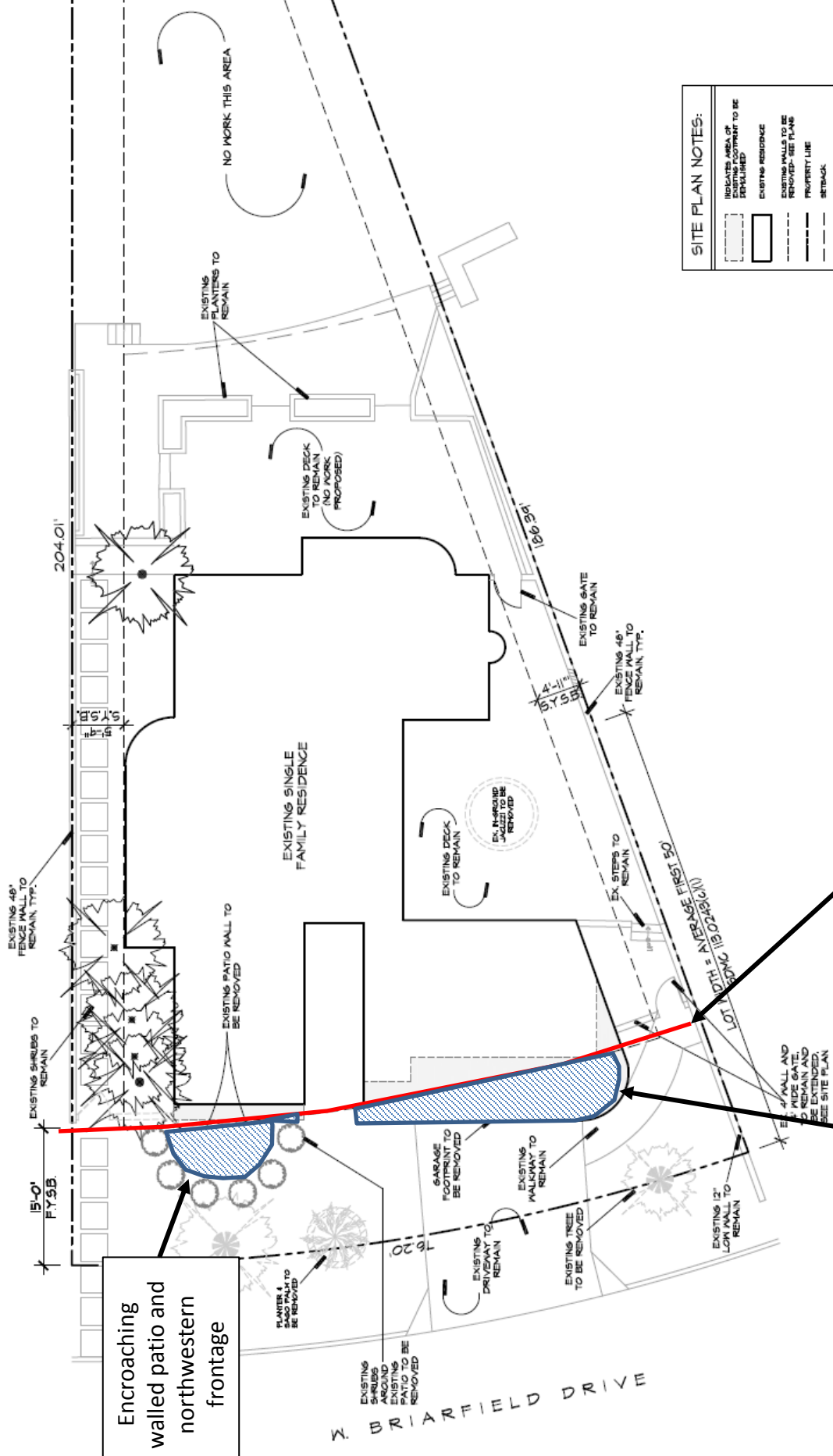


EXISTING/DEMOLITION SITE PLAN  
SCALE: 8/16"=1'-0"

**SITE PLAN NOTES:**

	INDICATES AREA OF EXISTING FOOTPRINT TO BE EXPLAINED
	EXISTING RESIDENCE
	EXISTING WALLS TO BE REMOVED- SEE PLAN
	PROPERTY LINE
	SETBACK

**NOTE:**  
NO LANDSCAPE OR FENCINGS SHALL BE INSTALLED OR MAINTAINED GREATER THAN 360" IN HEIGHT IN THE FRONT YARD SETBACK.



Encroaching walled patio and northwestern frontage

15' front yard setback line

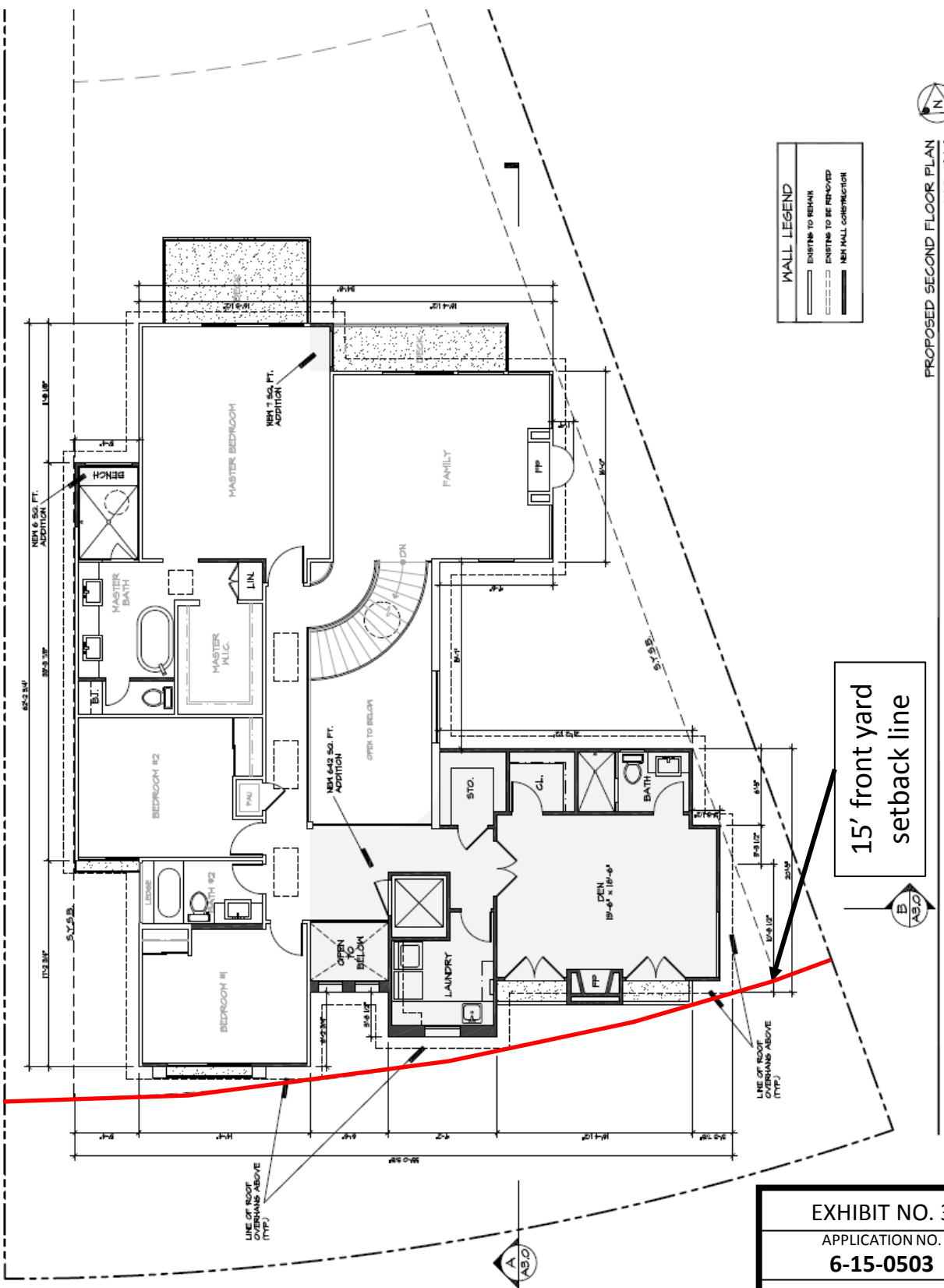
Encroaching garage

EXHIBIT NO. 2
APPLICATION NO. <b>6-15-0503</b>
Existing Site Plan
California Coastal Commission





15'-0"  
F.Y.S.B.



WALL LEGEND	
	EXISTING TO REMAIN
	EXISTING TO BE REMOVED
	NEW WALL CONSTRUCTION

15' front yard  
setback line



PROPOSED SECOND FLOOR PLAN  
SCALE: 1/4"=1'-0"

EXHIBIT NO. 3
APPLICATION NO. <b>6-15-0503</b>
Proposed Plans
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