

CALIFORNIA COASTAL COMMISSION

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

**Th8c**

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Staff:	B. Laver-SD
Staff Report:	7/23/15
Hearing Date:	8/13/15

STAFF REPORT: CONSENT CALENDAR

Application No.:	6-15-0797
Applicant:	Carlos Gutierrez
Agent:	John Oleinik
Location:	738 Verona Court, Mission Beach, San Diego, San Diego County (APN 423-551-32)
Project Description:	Demolition of an existing one-story residence and construction of a new three-story, 1,687 sq. ft. single family residence with attached two car garage and 476 sq. ft. of balconies on a 1,534 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 proposed project is to demolish an existing one-story single family residence and construct a new three-story, 1,687 sq. ft. single family residence with an attached two car

6-15-0797 (Gutierrez)

garage and 476 sq. ft. of balconies at 738 Verona Court in the Mission Beach community of the City of San Diego.

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 6-15-0797 as conditioned.

TABLE OF CONTENTS

I.	MOTION AND RESOLUTION	4
II.	STANDARD CONDITIONS	4
III.	SPECIAL CONDITIONS	4
IV.	FINDINGS AND DECLARATIONS	6
	A. PROJECT DESCRIPTION.....	6
	B. COMMUNITY CHARACTER/VISUAL RESOURCES	7
	C. PUBLIC ACCESS/PARKING	7
	D. LOCAL COASTAL PLANNING	8
	E. CALIFORNIA ENVIRONMENTAL QUALITY ACT	8

EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Aerial Photo](#)

[Exhibit 3 – Proposed Site Plan](#)

[Exhibit 4 – Proposed Elevations](#)

[Exhibit 5 – Proposed Landscaping 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 stamped

approved by the City of San Diego and be in substantial conformance with the plans submitted by John Oleinik dated 2/9/2015.

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. Said plans shall first be stamped approved by the City of San Diego and be in substantial conformance with the landscape plans submitted by John Oleinik dated 2/9/2015, and shall include the following:
 - a. A view corridor, 10 feet wide, shall be preserved in the south yard area adjacent to Verona Court. All proposed landscaping in the south yard area shall be maintained at a height of three feet or lower (including raised planters) to preserve the views from Mission Boulevard toward the ocean. The two existing palm trees in the south yard may remain and shall be maintained so that branches do not encroach below a height of 8 feet above the finished grade.
 - b. All landscaping shall be drought tolerant and native or non-invasive plant species. All landscape materials within the identified view corridors shall be species with a growth potential not to exceed three feet at maturity. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property.
 - c. Any fencing and walls, including glass walls, trellis walls, and retaining walls, in the south yard setback area shall not exceed a height of 3 feet above the existing grade or proposed grade, whichever is lower.
 - d. A written commitment by the applicant that five years from the date of the issuance of the coastal development permit for the residential structure, the applicant will submit for the review and written approval of the Executive Director a landscaping monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies whether the on-site landscaping is in conformance with the landscape plan approved pursuant to this special condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in

the landscaping plan approved pursuant to this permit, the applicant, or successor in interest, shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

The applicant shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. **Timing of 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 to demolish an existing one-story single family residence and construct a new three-story, 1,687 sq. ft. single family residence with an attached two car garage and 476 sq. ft. of balconies at 738 Verona Court in the Mission Beach community of the City of San Diego.

The subject site fronts Verona Court on the west side of Mission Boulevard. 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, there is potential for landscaping in the southern yard area to impede views west towards the ocean. Additionally, demolition and construction activity could impede public access by occupying public parking spaces or blocking public right-of-ways with materials or debris.

However, as proposed, no portion of the proposed development would encroach into the view corridor down Verona Court towards the ocean. There are two existing palm trees located in the 10-foot wide front yard setback on the south side of the parcel that are proposed to remain in place. However, the existing palms are expected to have very little impact on public views to the shoreline as the trees have thin trunks and tall canopies.

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 southern yard area do not impede views to the ocean, **Special Condition No. 2** requires the applicant to submit a landscaping plan requiring all landscape and hardscape in the southern yard areas to consist of low-lying materials not exceeding three feet in height, except for the two existing mature palms. **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 residential 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

The proposed development will have an attached three-car garage, which satisfies the City's requirement for off-street parking. With a condition prohibiting any development

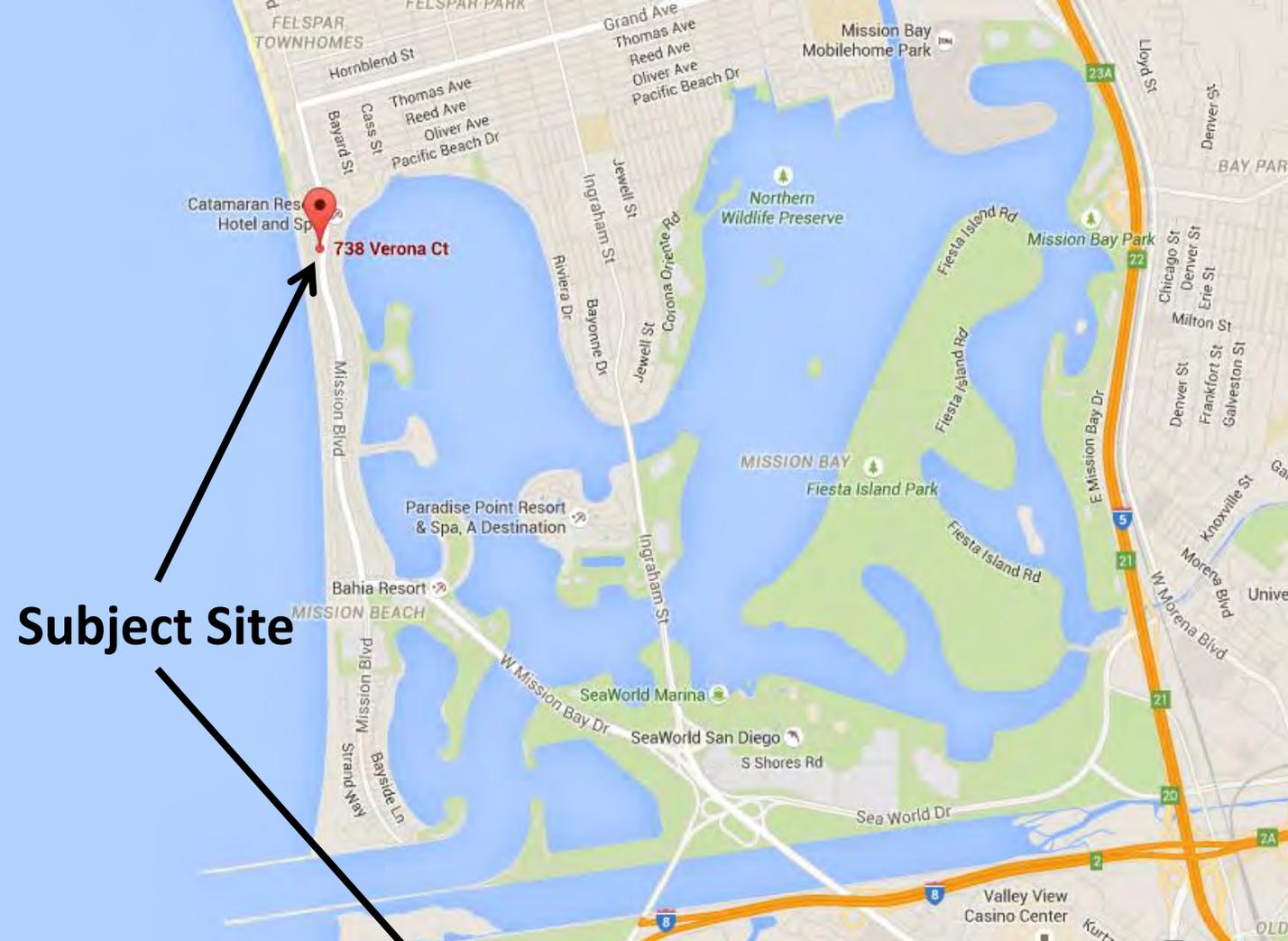
during the summer peak months, the proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities. As conditioned, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

D. LOCAL COASTAL PROGRAM

The subject site is located in an area of original jurisdiction, where the Commission retains permanent permit authority and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the City of San Diego to continue to implement its certified LCP for the Mission Beach community.

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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



Subject Site

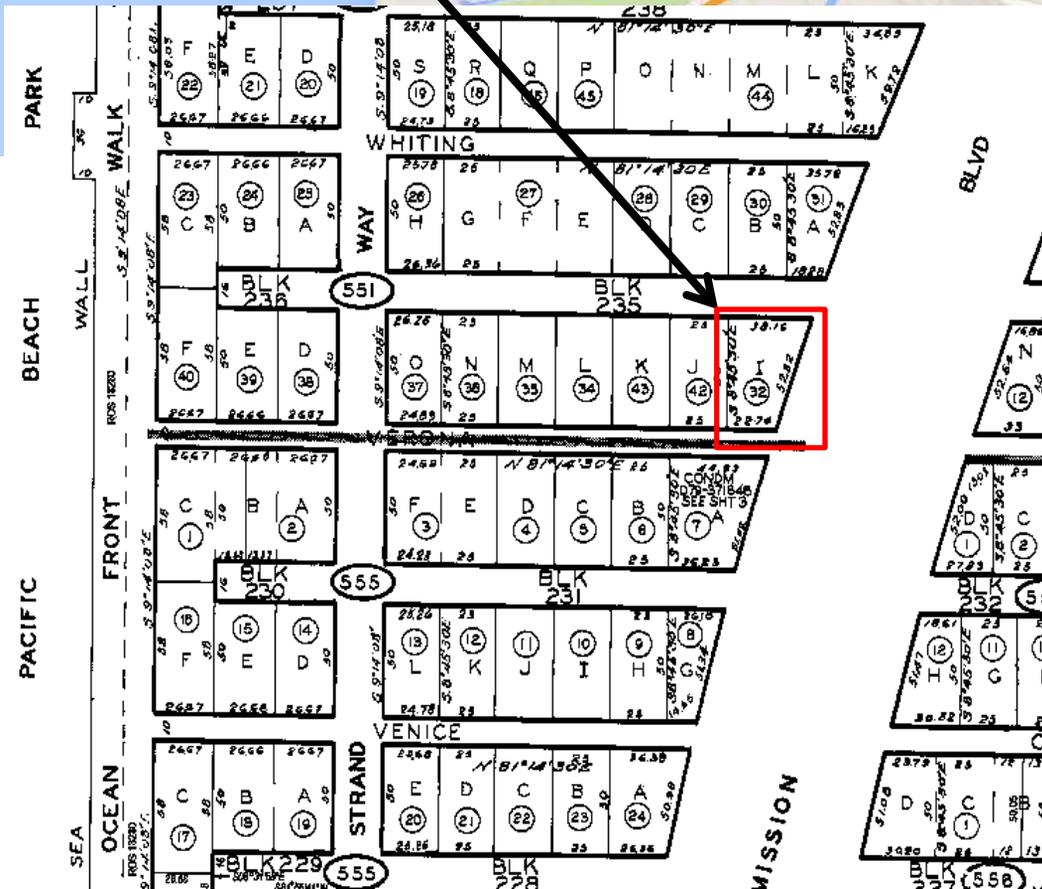


EXHIBIT NO. 1
 APPLICATION NO.
6-15-0797
 Vicinity Map



Subject Site

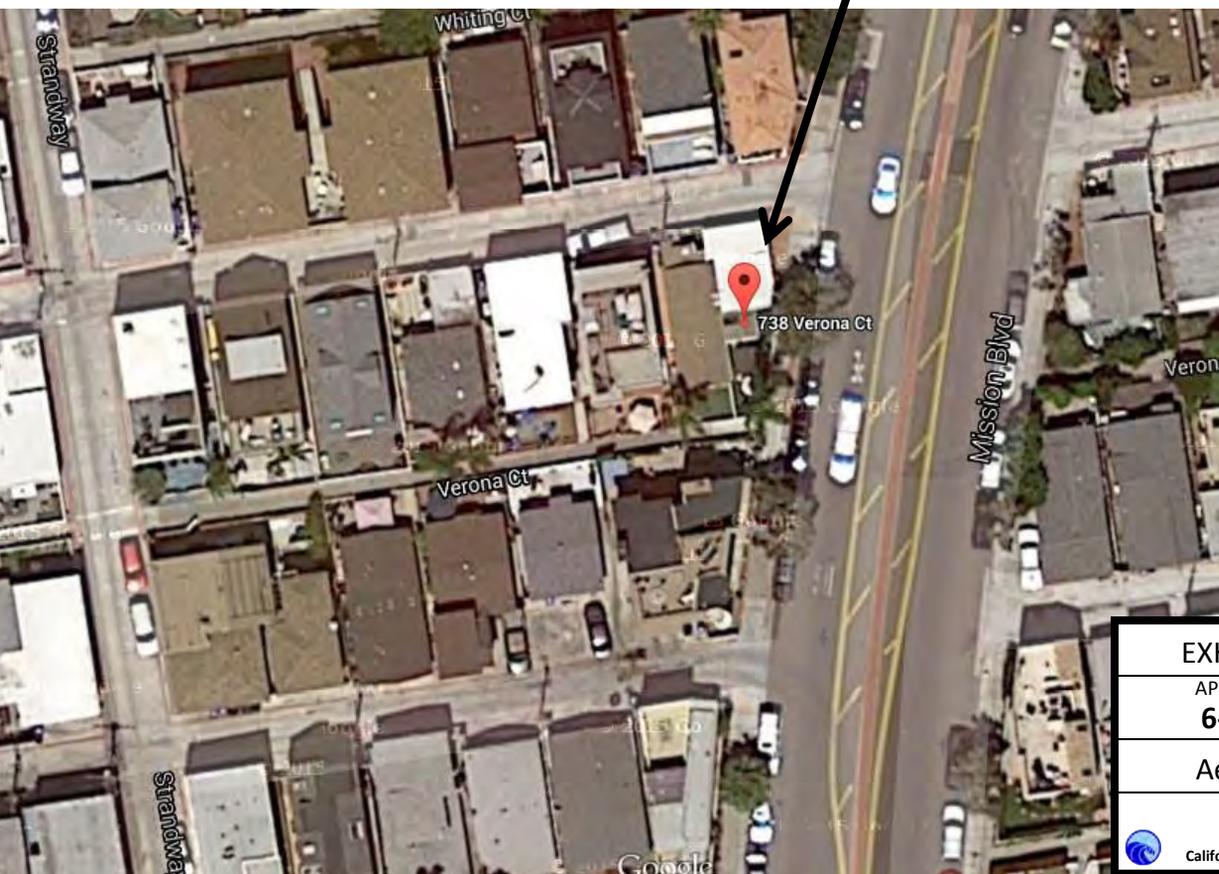


EXHIBIT NO. 2

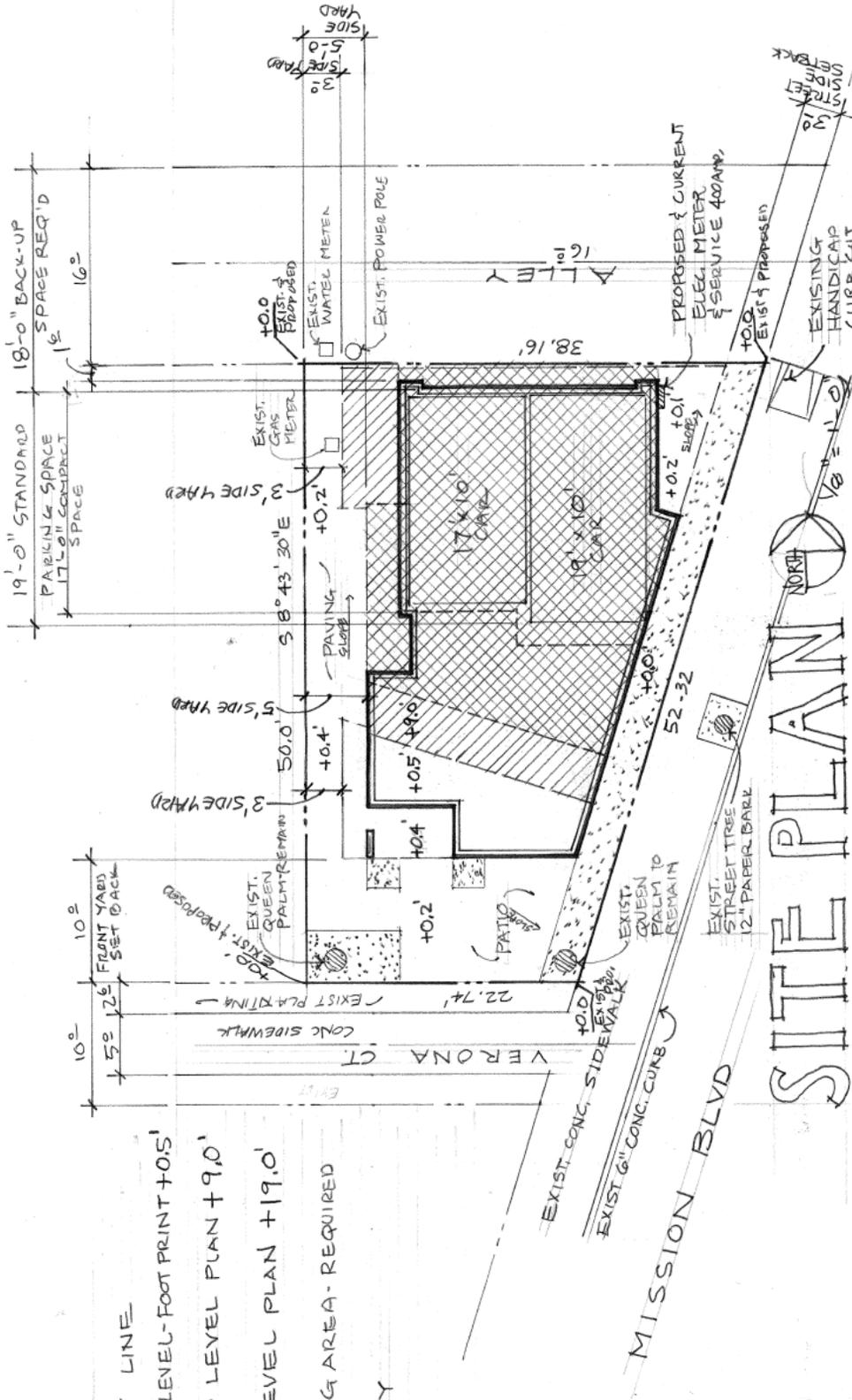
APPLICATION NO.

6-15-0797

Aerial View



California Coastal Commission



SITE PLAN

- LEGEND
- PROPERTY LINE
- GROUND LEVEL- FOOT PRINT +0.5'
- SECOND LEVEL PLAN +9.0'
- THIRD LEVEL PLAN +19.0'
- PLANTING AREA- REQUIRED
- BALCONY

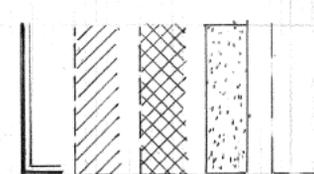


EXHIBIT NO. 3
APPLICATION NO. 6-15-0797
Proposed Site Plan
California Coastal Commission

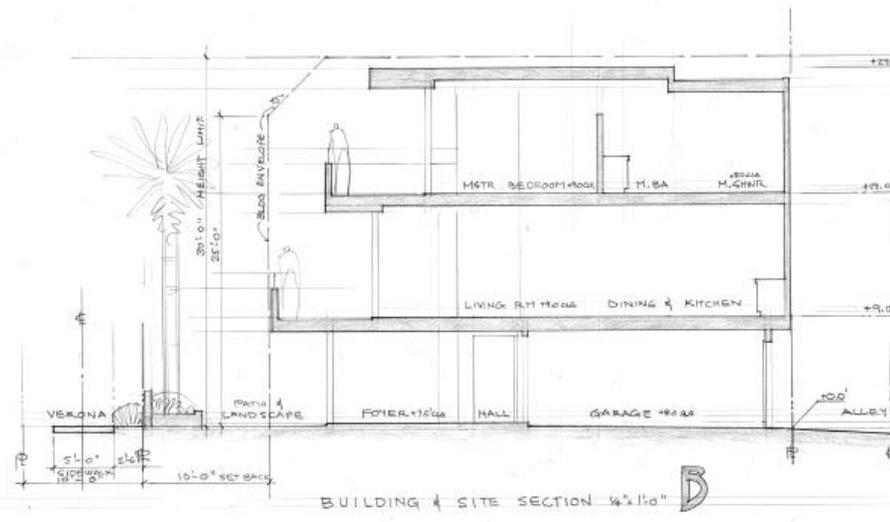
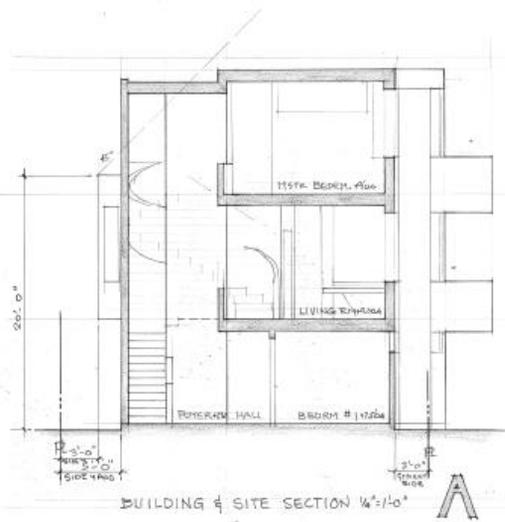
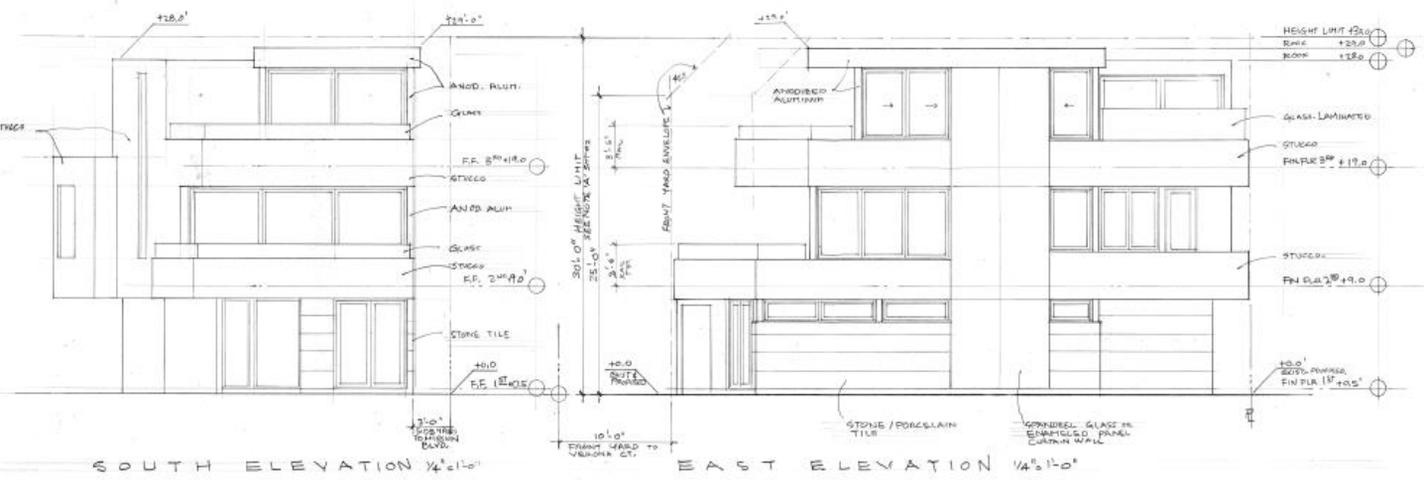
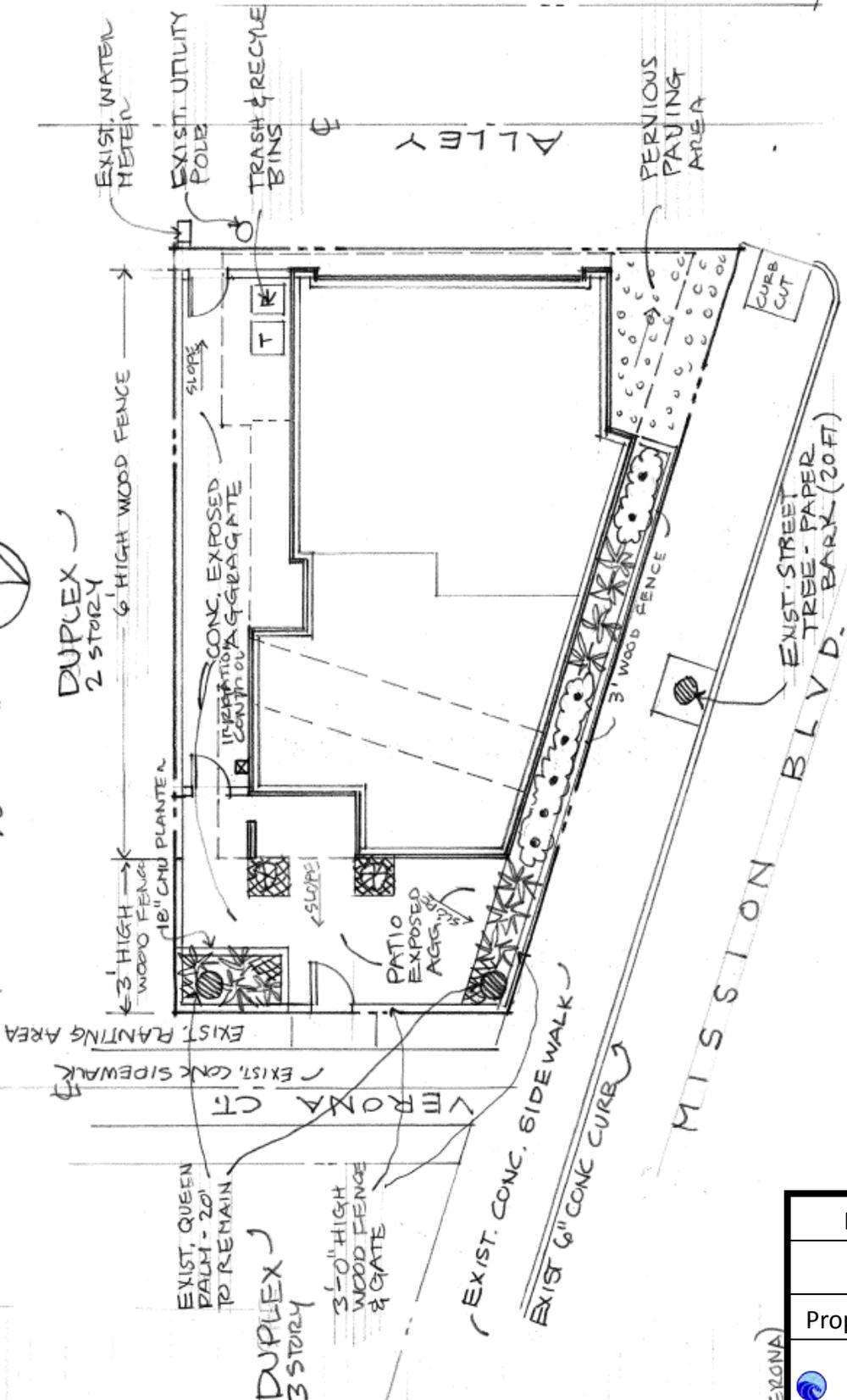


EXHIBIT NO. 4
APPLICATION NO. 6-15-0797
Proposed Elevations
California Coastal Commission



LANDSCAPE PLAN 1/8" = 1'-0"



DUPLIX
3-STOREY

DUPLIX
2 STORY

DUPLIX
3 STORY

EXIST. QUEEN
PALM - 20'
TO REMAIN

3'-0" HIGH
WOOD FENCE
& GATE

EXIST. CONC. SIDEWALK
EXIST. 6" CONC CURB

ERONA



EXHIBIT NO. 5
APPLICATION NO. 6-15-0797
Proposed Landscape
Plan
California Coastal Commission