

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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SAN DIEGO, CA 92108-4421
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W10a

Filed: 10/17/16
180th Day: 4/15/17
Staff: K.Carney-SD
Staff Report: 11/17/16
Hearing Date: 12/7-9/16

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-16-0642

Applicant: Melvin Dalrymple

Agent: Alec Zier

Location: 3828 Mission Boulevard, San Diego County (APN No. 423-575-18)

Project Description: Remove existing 420 sq. ft. 1-story single family residence and construct 3-story, 29 ft. 5 in. high mixed-use building with 439 sq. ft. retail space and 439 sq. ft. 2-car garage on ground floor, 2,036 sq. ft. single-family residence on 2nd and 3rd floor, and roof deck.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The primary issues raised by this project relate to the protection of commercial uses and public access. The subject property is located in the core of the commercial zone, which provides much-needed commercial goods and services to residents and visitors of this dense community. The necessity of commercial uses is specifically emphasized in the Mission Beach Land Use Plan for this area. In addition, 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.

To address these potential adverse impacts, the Commission staff is recommending several special conditions. **Special Condition 1** requires submittal of final site plans to ensure that the commercial space remains sited in a way that promotes the commercial use. **Special Condition 2** 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. Therefore, as conditioned, the project will be consistent with the public access and visual resource protection policies of Chapter 3 of the Coastal Act, and no impacts to coastal resources are anticipated.

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EXHIBITS

[Exhibit 1 – Vicinity Map](#)

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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 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 Plumblin Design and date stamp received on October 31, 2016. These plans shall include:

- a. A retail space located on the ground floor of the proposed project and fronting Mission Boulevard with the garage parking in the rear of the building.

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. **Timing of Development.** No construction shall take place for the project between Memorial Day 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).

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The proposed project is demolition of an existing 420 sq. ft. 1-story single-family residence and construction of a new 3-story, 29 ft. 5 in. high mixed-use building with a 439 sq. ft. retail space and a 439 sq. ft. 2-car garage on the ground floor, a 2,036 sq. ft. single-family residence on the 2nd and 3rd floors, and a roof deck on a 1,469 sq. ft. lot at 3828 Mission Boulevard in the Mission Beach community of the City of San Diego (Exhibit 1). The subject site is within an existing commercial area zoned Neighborhood Commercial North (NC-N) and is bordered by a developed commercial lot to the north, a developed residential lot to the west, an alley to the south, and Mission Boulevard to the east.

The project originally included residential garages on the first floor fronting Mission Boulevard, with the retail space behind the garages. Access to the retail floor area would have been from a 3-foot wide pedestrian walkway from Mission Boulevard. Coastal Act policy 30213 promotes the protection of visitor serving commercial uses. Zoned Neighborhood Commercial and located in the Santa Clara District, the subject property is sited in the core of the Mission Beach commercial district. The City of San Diego's certified Mission Beach Land Use Plan identifies this specific portion of Mission Beach, the Santa Clara District, as the major neighborhood commercial center and designates it to provide "a full range of uses necessary to meet the everyday needs of residents" (p. 38 and 36). In addition, the Mission Beach Planned District Ordinance states that no residential uses are permitted on the ground floor of any lot abutting Mission Boulevard (1513.0306(a)). Staff understands that it would be infeasible to provide the required residential parking on any floor except the ground floor and therefore makes an exception to allow residential parking. However, to meet the requirements for an accessible neighborhood-serving commercial use, staff worked with the applicant to redesign the

proposed project to locate the retail space to the portion of the lot fronting Mission Boulevard, thereby ensuring that the retail space will be visible and functional. To ensure consistency with the policies of the LCP and the Coastal Act **Special Condition 1** requires the submittal of final plans that include retail space fronting Mission Boulevard.

Because the subject site is constrained and has limited access and space to accommodate construction activities and staging, demolition and construction activity could impede public access by occupying public parking spaces or blocking public right-of-ways with materials or debris. Therefore, **Special Condition 2** prohibits any development during the peak summer months when public access could be impacted.

Since the existing structure was built in 1927, it is subject to the City of San Diego's review for historical significance. Section 143.0212 of the City's Land Development Code provides that the City shall determine the need for a site-specific survey for the purposes of obtaining a construction permit or development permit for development for any parcel containing a structure that is 45 or more years old. In this particular case, the structure is approximately 89 years old, but the City's Development Services did not find the structure to be eligible for historical designation and there is no evidence that the structure has historic value.

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.

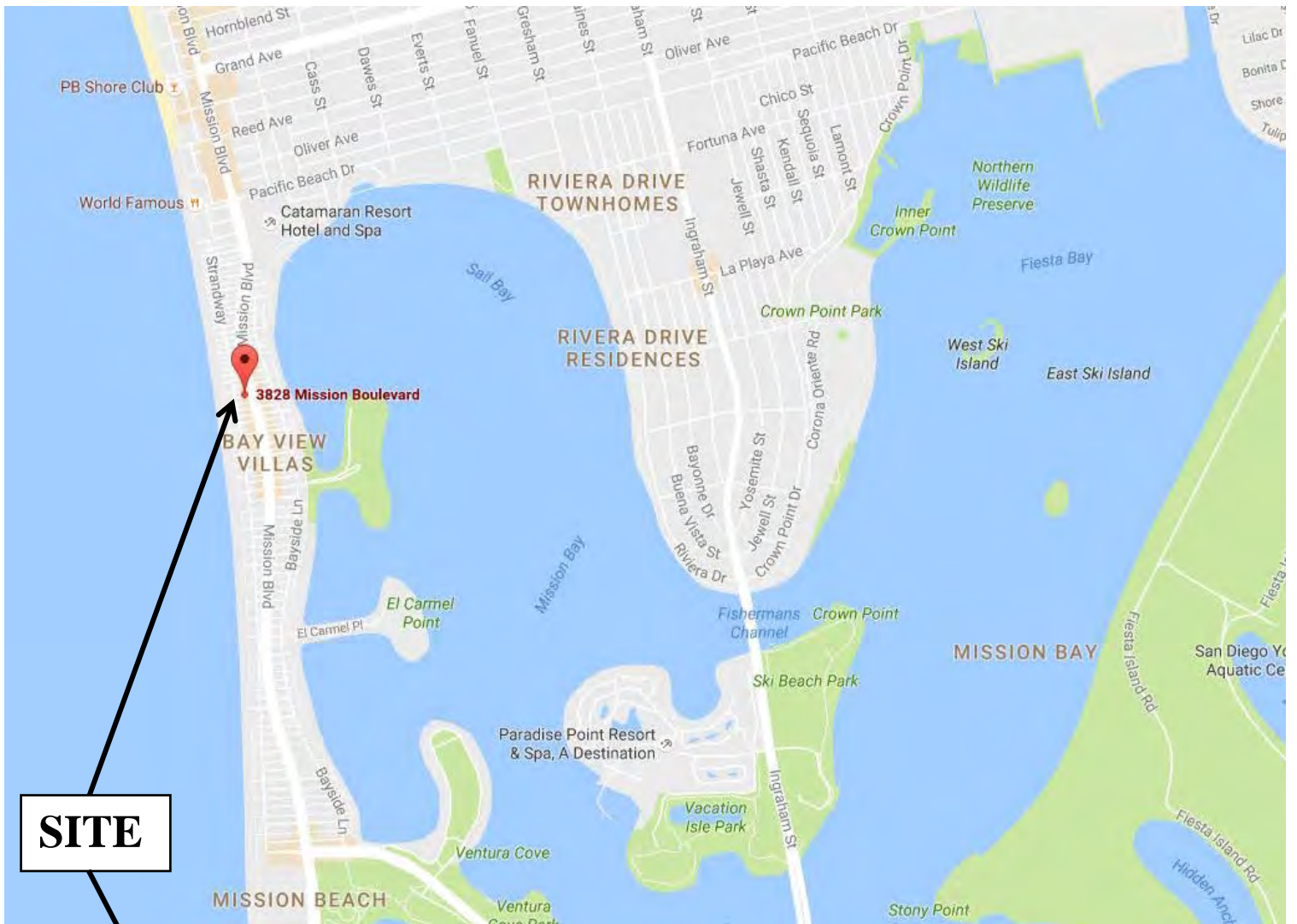
D. LOCAL COASTAL PLANNING

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

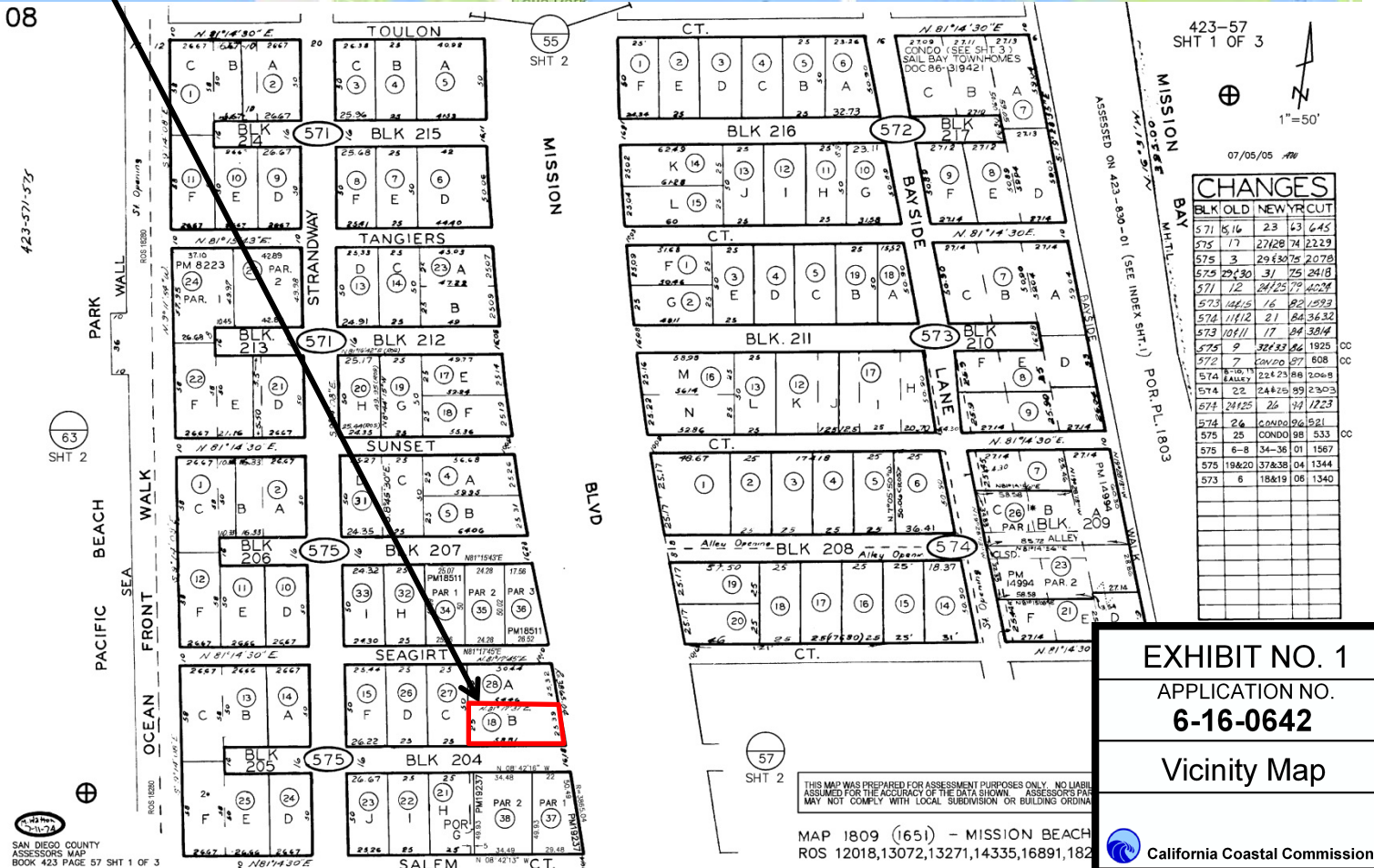
The City of San Diego determined that no CEQA review was required for the proposed project since it does not require a discretionary permit, but only a ministerial construction permit. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially 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.



SITE

08



423-57
SHT 1 OF 3

CHANGES				
BLK	OLD	NEW	YR	CUT
571	516	23	63	645
575	3	29	63	2078
575	29	30	31	2418
571	12	24	25	1624
573	14	15	16	221593
578	11	12	21	843432
573	10	11	17	843814
575	2	28	83	1925
572	7	20	80	608
574	10	11	24	2308
574	22	24	25	2303
574	24	25	26	1723
574	26	26	26	521
575	25	26	26	533
575	6-8	34-36	01	1567
575	19	20	04	1344
573	6	18	19	1340

EXHIBIT NO. 1
APPLICATION NO.
6-16-0642
Vicinity Map

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSORS MAP MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCE.

MAP 1809 (1651) - MISSION BEACH
ROS 12018,13072,13271,14335,16891,182





SITE

EXHIBIT NO. 2

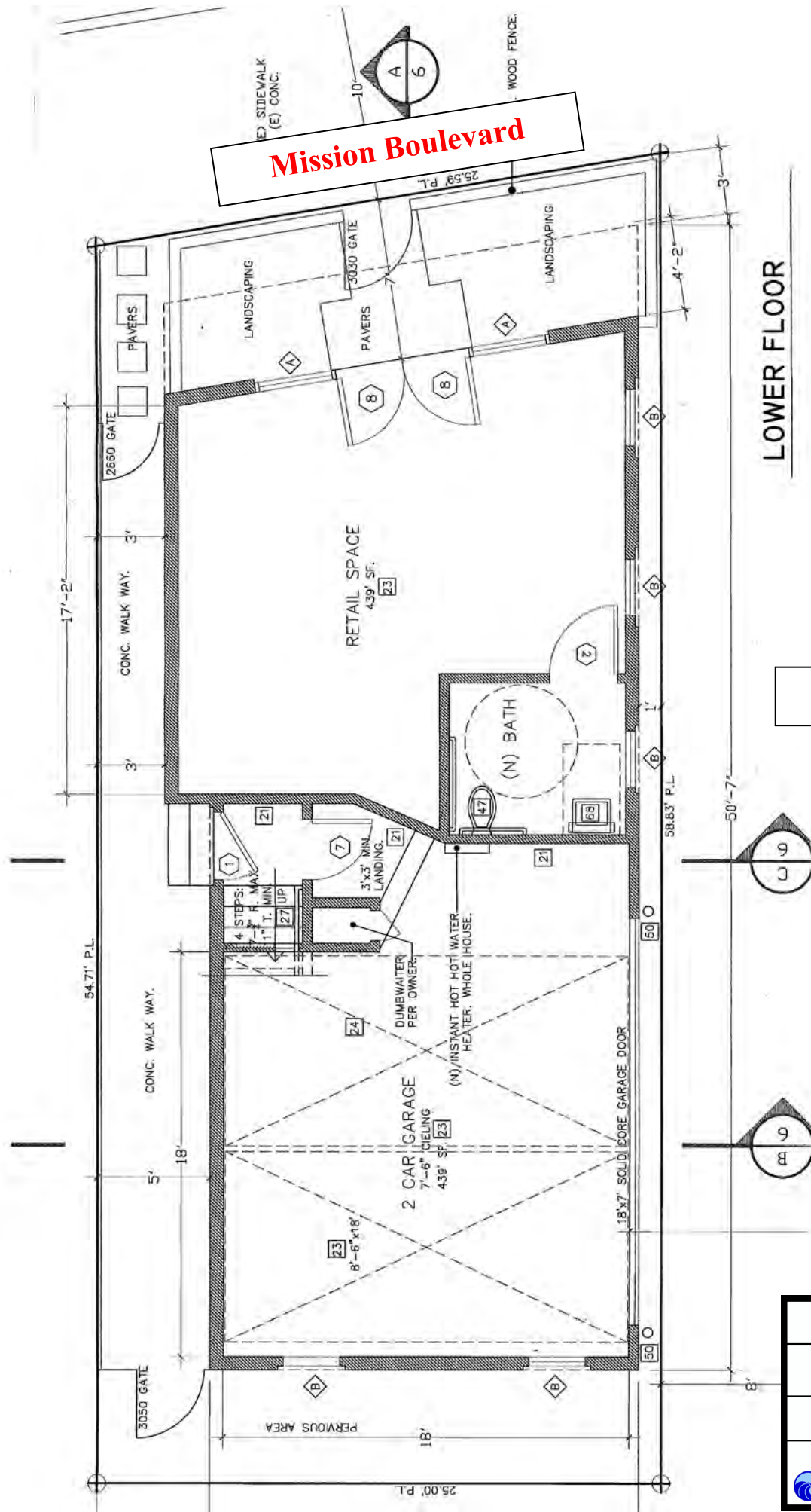
APPLICATION NO.

6-16-0642

Aerial Photo



California Coastal Commission



Mission Boulevard

LOWER FLOOR

Alley

EXHIBIT NO. 3
APPLICATION NO. 6-16-0642
Site Plan
 California Coastal Commission

(N) ROOF COATING PER ER #5007 w/ 30# BUILDING FELT OVER
 $\frac{1}{2}$ " CDX PLYWOOD $\frac{3}{16}$ " SPAN 12" O.C. F. 6" O.C. E. NAILING. CLASS "A" FIRE RATED ROOF.

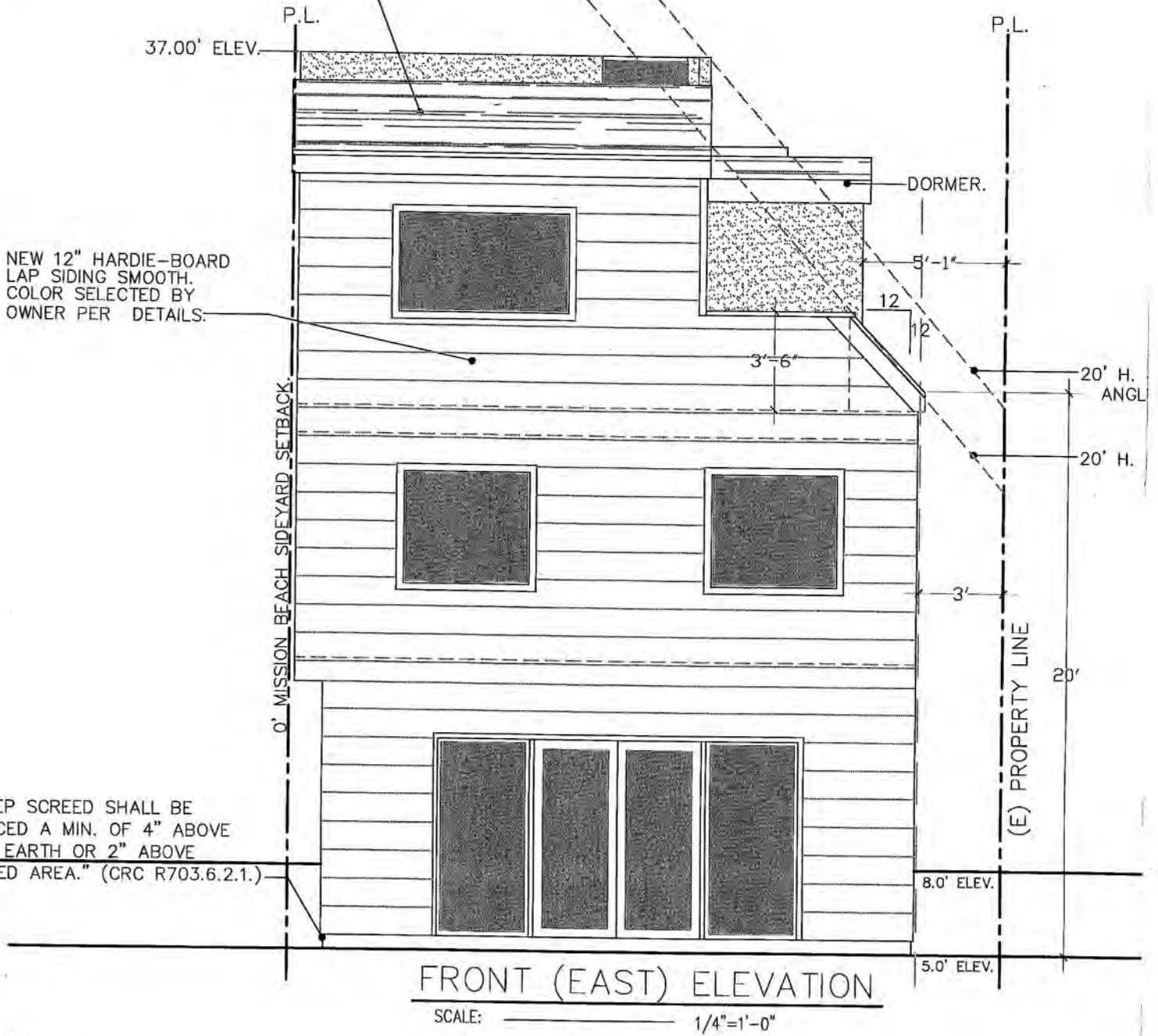


EXHIBIT NO. 4

APPLICATION NO.

6-16-0642

Front Elevation



California Coastal Commission