

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
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 SAN DIEGO, CA 92108-4421  
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**W6b**

Filed:	1/27/16
180th Day:	7/25/16
Staff:	M. Lasiter-SD
Staff Report:	2/8/16
Hearing Date:	3/9/16

**STAFF REPORT: CONSENT CALENDAR**

**Application No.:** 6-15-2098

**Applicant:** Gina Champion-Cain Revocable Trust

**Agent:** Lahaina Architects, Philip Cudaback

**Location:** 3816 Mission Blvd., Mission Beach, San Diego, San Diego County. (APN# 423-578-35)

**Project Description:**  
 Convert existing 373 sq. ft. 1-story retail building to a 3-story, 1,747 sq.ft. mixed use building by adding 82 sq. ft. of retail space and a 323 sq. ft. 2-car residential garage at ground level, and a new 969 sq. ft. 2<sup>nd</sup> and 3<sup>rd</sup> floor residential unit on a 1,163 sq. ft. lot.

**Staff Recommendation:** Approval with Conditions

**SUMMARY OF STAFF RECOMMENDATION**

The proposed development consists of improvements to an existing retail building to add a residential unit on a new second and third story. Staff is recommending approval with conditions to protect public access. 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,

6-15-2098 (Gina Champion-Cain Revocable Trust)

especially during the summer months when beach use is at its peak. In addition, the existing structure includes landscaping that encroaches into the public right-of-way.

To address these potential adverse impacts, the Commission staff is recommending **Special Conditions Nos. 1 and 2** to require the applicant to submit and adhere to final construction and landscaping plans that convert current landscaping in the public view corridors and in the public right-away to a new public sidewalk. **Special Condition No. 3** 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. **Special Condition No. 4** requires the applicant to record a deed restriction containing these special conditions so as to put all future successors in interest on notice of the coastal protection policies and measures contained in the approved permit. 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.

Commission staff recommends **approval** of coastal development permit application 6-15-2098 as conditioned.

## TABLE OF CONTENTS

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

## EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Aerial Photo](#)

[Exhibit 3 – Site 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 Lahaina Architects and date-stamped received January 27, 2016.

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 stamped approved by the City of San Diego. The plans shall be in substantial conformance with the landscape plans submitted by Lahaina Architects and date-stamped received January 27, 2016 and shall include the following:

- a. The removal of existing landscaping on Salem Court and replacement with a new concrete sidewalk per City of San Diego standards. No additional landscaping is allowed along Salem Court in the public right-away and the area shall only be used for the public.
- b. 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 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. If using potable water for irrigation, the project shall use water-conserving emitters (e.g. microspray) and drip irrigation. Use of weather-based irrigation controllers and reclaimed water for irrigation is encouraged.
- 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 may occur between Memorial Day and Labor Day of any year.

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 the conversion of an existing 373 sq. ft. one-story retail building into a 3-story, 1,747 sq.ft. mixed use building consisting of retail uses on the ground floor and a new residential unit on the second and third floors at 3816 Mission Boulevard in the Mission Beach community of the City of San Diego. The project would add 82 sq. ft. of retail space and a 323 sq. ft. two-car residential garage at ground level, and the new 969 sq. ft. residence with attached decks on the second and third floor of the 1,163 sq.ft. lot.

The Mission Beach Planned District Ordinance (PDO) §1513.0306(a)(1) states that residential uses shall not be permitted within the first floor of any building on any lot abutting Mission Boulevard. However, the PDO also requires two parking spaces for each dwelling unit (§1513.0403(b)) and, as such, the two residential parking spaces in the garage are consistent with the ordinance because they are required. The site currently contains three parking spaces in an outdoor lot. One of these spaces will be eliminated

through the proposed construction of a two-car garage; however, the PDO does not require any parking be provided for retail space and, as such, the two parking spaces are adequate to serve the proposed structure.

The project site is located on the west side of Mission Blvd., facing east. In the Mission Beach neighborhood, the public right-of-way of the various courts and places, which are generally east-west running streets, comprise the community's public view corridors. 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 case, the proposed development consists of improvements to an existing previously-conforming structure and the existing building does not all meet the current building setbacks. Specifically, the north side wall is flush with the property line, whereas new development constructed today would be required to observe a 10 ft. setback. However, because the development involves demolition of less than 50% of the exterior walls of the existing structure, the project is not required to remove the non-conforming portions of the structure which encroach into the setback. The project applicant has proposed, however, to take out existing landscaping currently encroaching in the public right-away on Salem Court and convert it into a public sidewalk. In addition, the 2<sup>nd</sup> and 3<sup>rd</sup> floor will observe the 10 ft. setback. To ensure that public views west towards the ocean are protected, Special Conditions Nos. 1 and 2 require the applicant to submit and adhere to final construction and landscaping plans that convert current landscaping in the public view corridors to a new public sidewalk.

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 No. 3 prohibits any development during the peak summer months when public access could be impacted. Finally, Special Condition No. 4 requires recordation of the permit conditions against the property to ensure future property owners are aware of the above mentioned protections and conditions.

Since the existing structure was built in 1932, 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 84 years old, but the City's Development Services did not find the structure to be eligible for historical designation.

## **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 further 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.

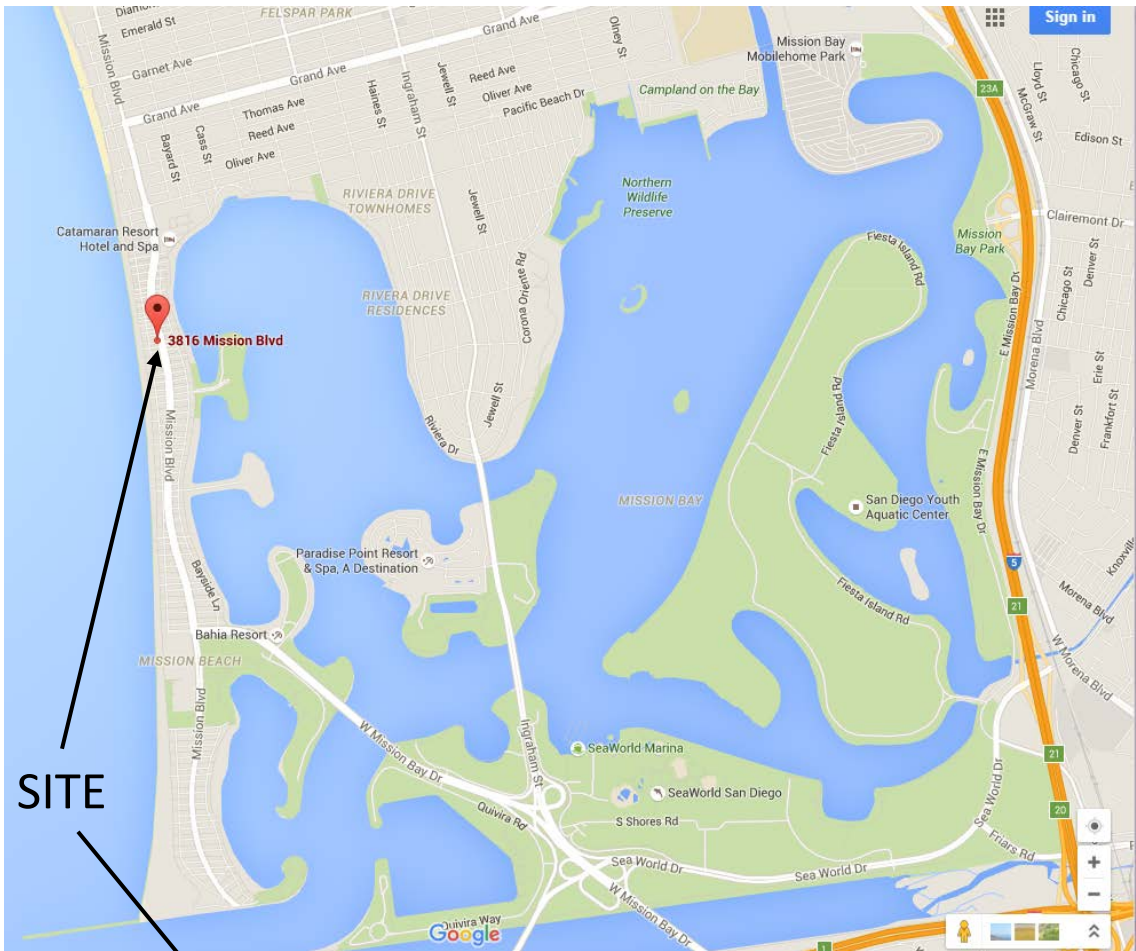
**D. LOCAL COASTAL PROGRAM**

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.



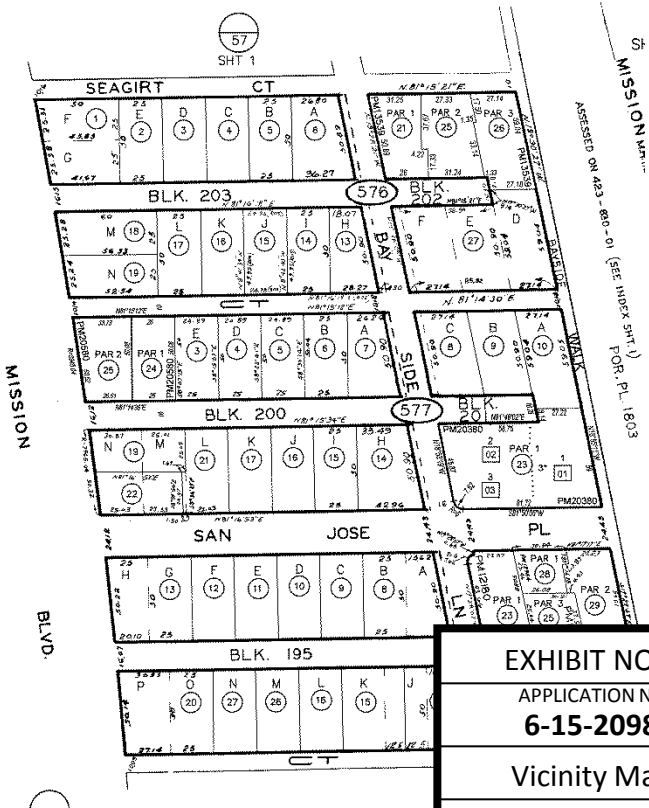
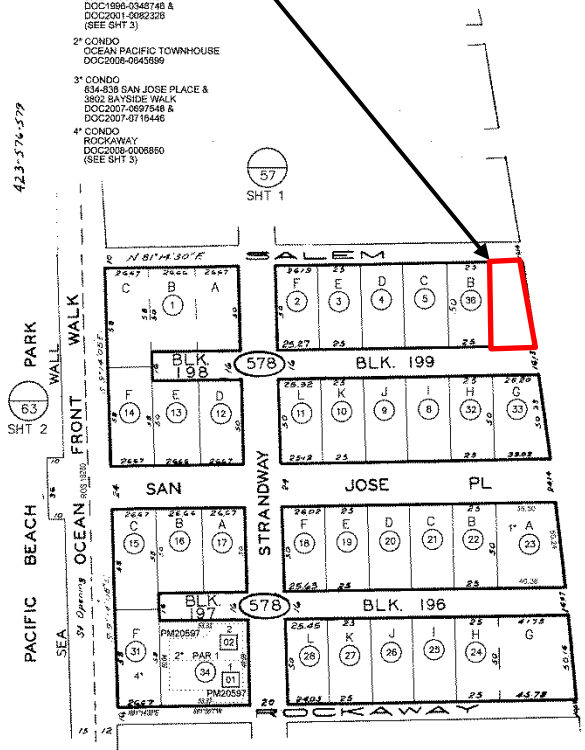


**SITE**

08

- 1<sup>st</sup> CONDO  
3792 MISSION BLVD  
DOC 1988-0348740 &  
DOC 2001-1862228  
(SEE SHT 3)
- 2<sup>nd</sup> CONDO  
OCEAN PACIFIC TOWNHOUSE  
DOC 2008-0645889
- 3<sup>rd</sup> CONDO  
634-838 SAN JOSE PLACE &  
2802 SAN JOSE WALK  
DOC 2007-0697548 &  
DOC 2007-0719446
- 4<sup>th</sup> CONDO  
ROCKAWAY  
DOC 2008-0008880  
(SEE SHT 3)

423-574-577



<b>EXHIBIT NO. 1</b>
APPLICATION NO. <b>6-15-2098</b>
Vicinity Map
California Coastal Commission



SITE



EXHIBIT NO. 2
APPLICATION NO.
<b>6-15-2098</b>
Aerial Photo



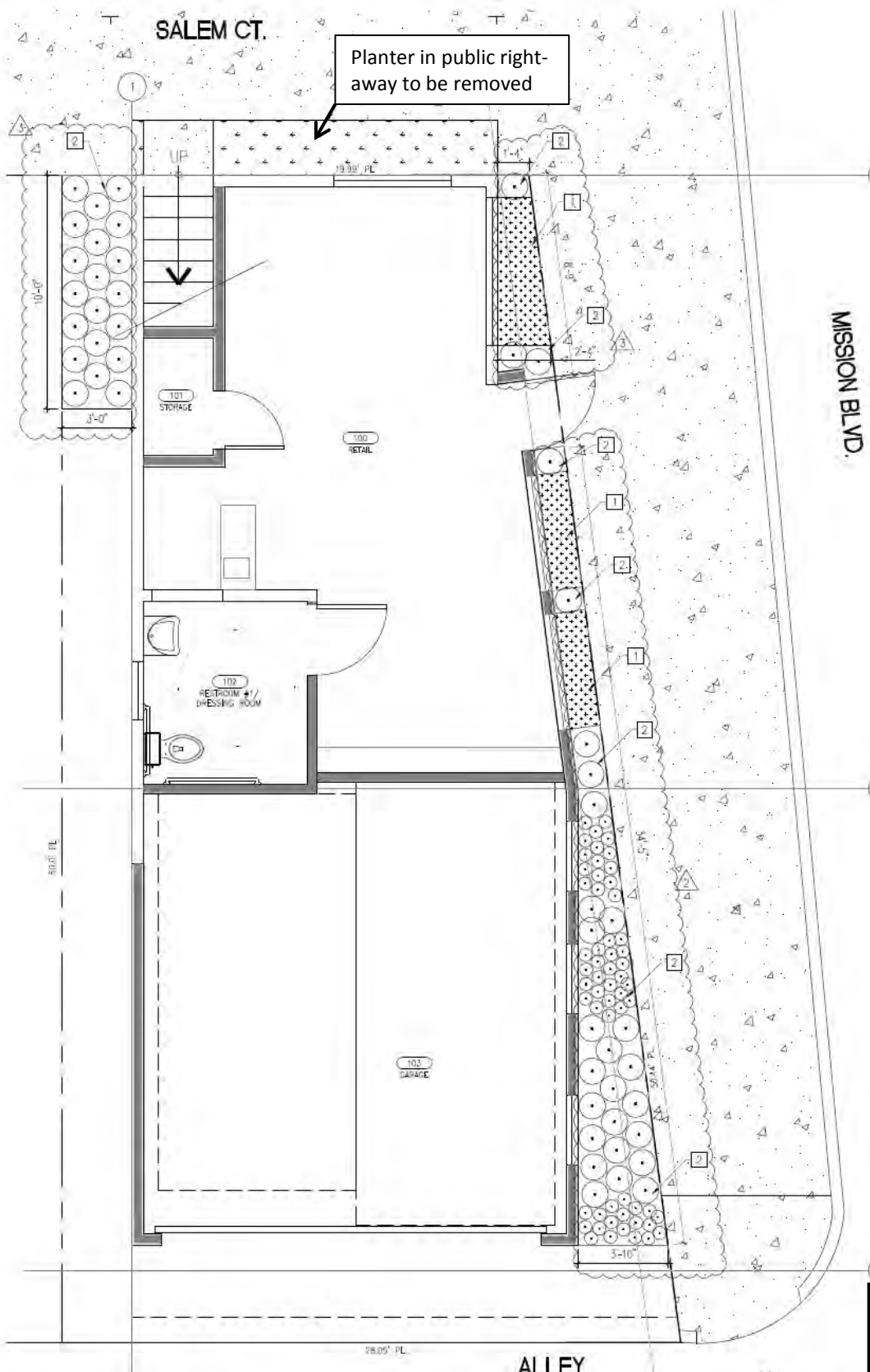


EXHIBIT NO. 3
APPLICATION NO. <b>6-15-2098</b>
Site Plan
 California Coastal Commission