

**CALIFORNIA COASTAL COMMISSION**

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**W11b**

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**STAFF REPORT: CONSENT CALENDAR**

**Application No.:** 6-18-0368

**Applicant:** Erich Haas

**Agent:** Tim Golba

**Location:** 1064 East Briarfield Dr, Pacific Beach, San Diego, San Diego County (APN: 423-350-29)

**Project Description:** Demolition of an existing detached, 1-story, 796 sq. ft. 2-car garage and construction of a new 670 sq. ft. 2-car garage with 2-story, 1,568 sq. ft. addition above, connected to an existing 1-story 1,466 sq. ft. single family residence by 215 sq. ft. connection to create a 3-story, 30-ft. tall, 3,919 sq. ft. single family residence on a 0.16-acre lot.

**Staff Recommendation:** Approval with Conditions

**SUMMARY OF STAFF RECOMMENDATION**

The primary issues raised by the proposed addition relate to protection of public views toward Mission Bay Park. The existing property currently consists of a pre-costal one-story single family residence and a rear detached two-car garage. The subject property is located two parcels north of Mission Bay Park and fronts two streets – East Briardfield Drive on the west and Dawes Street on the east – that grant views and access to Mission Bay Park from Pacific Beach Drive. The existing front residence, which will be minimally altered, partially encroaches into the 15-foot front yard setback area along East Briarfield Drive, while the

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proposed improvements to the rear garage will be set behind the 15-foot setback along Dawes Street. Due to the curvature of East Briarfield Drive, the existing portion of the residence that will remain minimally impacts public views towards the bay, while the proposed rebuilt garage and its second- and third-story additions will be located behind the 15-foot setback. Thus, the proposed project will not introduce new impacts to public views.

However, the existing tall landscaping in the front yard setbacks does currently block public views. Therefore, **Special Condition No. 1** requires the applicant to submit final construction plans demonstrating that all new development will be located outside of the front yard setback areas and final landscape plans that establish view corridors over the two front yard setback areas that require all landscaping and hardscaping therein to be maintained at a height of three feet or lower so as to protect public coastal views toward Mission Bay Park. **Special Condition No. 2** requires the permittee to record the approved coastal development permit against the subject property so that the requirements and protections contained therein run with the land.

Commission staff recommends **approval** of coastal development permit application 6-18-0368 as conditioned.

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Appendix A – Substantive File Documents

**EXHIBITS**

- [Exhibit 1 – Vicinity Map](#)
- [Exhibit 2 – Aerial View](#)
- [Exhibit 3 – Project Plans](#)
- [Exhibit 4 – Site Photos](#)

## I. MOTION

### 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. **Submittal of Final Plans.**
  - A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, a full-size set of the following final plans:

- i. Final construction plans approved by the City of San Diego that conform with the plans submitted to the Commission, titled “Haas Residence Addition” dated February 12, 2018.
- ii. Final landscape plans approved by the City of San Diego. The plans shall include the following:
  - i. A view corridor 15 feet wide shall be provided across both front yard areas along East Briarfield Drive and Dawes Street. All 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.
  - ii. Any existing landscaping or hardscaping encroaching into the City of San Diego’s public right-of-way shall be removed, and no new development shall be allowed in the City of San Diego’s right-of-way.
  - iii. All landscaping shall be drought tolerant, native, and 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 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.
  - iv. Any walls or fencing in the front yard setbacks shall be limited to three feet or lower.
  - v. A written commitment by the applicant that five years from the date of 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 landscape 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.

B. The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviation.

2. **Deed Restriction.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the permittee shall submit to the Executive Director for review and written approval documentation demonstrating that the permittee 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 the 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 covenant, conditions, and restriction 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 demolition of an existing detached one-story, 796 sq. ft. two car garage and construction of a new attached 670 sq. ft. two-car garage with 1,568 sq. ft. two-story addition above, connected by a 215 sq. ft. area to an existing one-story, 1,466 sq. ft. single family residence to create a three-story, 30-ft. tall, 3,919 sq. ft. single family residence ([Exhibit 3](#)).

The 7,000 sq. ft. lot is located in the Briarfield Cove area in the Pacific Beach Community of the city of San Diego (Exhibit 1). The Briarfield Cove area is a developed residential area on the northern end of Sail Bay, the northwest quadrant of Mission Bay Park. The northern end of Sail Bay contains a sandy beach area and public boardwalk used by the public in close proximity to the subject property.

The subject property extends the length between East Briarfield Drive on the west side and Dawes Street on the east side, with the existing residence on the west side and the detached garage on the east side. Under the certified LCP, the property is thus considered to have two front yards, one on either end, each requiring a 15-foot front yard setback. The existing pre-coastal residence partially encroaches into the setback area along East Briarfield Drive. Both East Briarfield Drive and Dawes Street provide public views and access to the beach and boardwalk. The certified Pacific Beach Community Plan indicates “intermittent” public views to the water along Pacific Beach Drive just to the north of the property.

The subject development would occur in the location of the existing detached garage fronting Dawes Street. The proposed development would demolish the existing garage to construct a new garage connected by a short hallway to the existing one-story residence fronting East Briarfield Drive, with a second and third-story addition above just the new garage, leaving the existing one-story residence along East Briarfield Drive minimally altered (Exhibit 3). Although the existing residence does encroach into the East Briarfield Drive setback, due to the curvature of East Briarfield Drive, this portion of the residence, which will remain largely in its existing condition, has little to no impact on public views towards the bay, while the proposed rebuilt garage and its second- and third-story additions will be located behind the 15-foot setback.

All the new development will be located outside of the front yard setback and will not encroach into any the public views. The new addition will contain a kitchenette area, but because the finished development will be a single, unified structure with only one full kitchen, it is considered a single residence and thus conforms to the certified LCP’s density limit and off-street parking requirements. **Special Condition No. 1** requires the permittee to conform to approved final construction plans adhering to all applicable setback and height requirements. However, there is currently a substantial amount of tall landscaping on the Dawes Street frontage that blocks public views of the water from adjacent streets and sidewalks. Therefore, **Special Condition No. 1** further requires a

final landscaping plan that establishes a view corridor over both front yard setbacks wherein all landscaping and hardscaping therein is required to be maintained at a height of three feet or lower so as to protect the public coastal view. This condition requirement is in line with the Pacific Beach Community Plan & Local Coastal Program Land Use Plan's stated goal in its "Residential Land Use" section that "the City shall ensure that new residential structures are designed to maintain public views of the beaches and bay." In order to ensure that the above requirements and protections are properly noticed and applied to future successors in interests, **Special Condition No. 2** requires the permittee to record the permit against the property.

## **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. 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.