

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

(619) 491-8036



Page 1 of 5

Permit Application No. 6-96-101/DLDate October 24, 1996**ADMINISTRATIVE PERMIT**

APPLICANT: Denise Rubino

PROJECT DESCRIPTION: Construction of a concrete drainage swale, storm drain headwall, drain pipe, energy dissipation box &amp; outlet seepage piping to direct drainage away from an existing single-family home located on a 25,000 sq.ft. lot.

PROJECT LOCATION: 470 Holmwood Lane, Solana Beach, San Diego County.  
APN #263-280-61

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, are discussed on subsequent pages.

**NOTE:** The Commission's Regulations provide that this permit shall be reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, a permit will not be issued for this permit application. Instead, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

DATE and TIME: November 12, 1996      LOCATION: Radisson Hotel/Mission Valley  
10:00 a.m.      1433 Camino Del Rio South  
San Diego, CA 92108**IMPORTANT - Before you may proceed with development, the following must occur:**

For this permit to become effective you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgment and evidence of compliance with all special conditions, we will send you an authorization to proceed with development. **BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE PERMIT AUTHORIZATION FROM THIS OFFICE.**

PETER DOUGLAS  
Executive DirectorBy: Diana Lilly

**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. **Compliance.** All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. **Inspections.** The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. **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.
7. **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.

**EXECUTIVE DIRECTOR'S DETERMINATION (continued):**

Pursuant to Public Resources Code Section 30624, the Executive Director hereby determines that the proposed development, subject to Standard and Special Conditions as attached, is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. Any development located between the nearest public road and the sea is in conformity with the public access and public recreation policies of Chapter 3.

Proposed is the construction of a remedial drainage system consisting of a concrete swale, a concrete headwall leading into a 12-inch diameter corrugated pipe, and a concrete dispersion box. The project is located on a 25,000 sq.ft. lot at the eastern terminus of Holmwood Lane overlooking San Elijo Lagoon to the north. In June 1988, the Commission approved construction of a 2-story single-family residence, which is currently located on the site (CDP

#6-88-193). The drainage facilities will be located on the south and west side of the residence. The project requires a coastal development permit because the proposed drainage improvements are of a scope and magnitude beyond drainage facilities normally associated with a single-family residence, and because a portion of the proposed improvements will be located in an area placed under an open space deed restriction through the previously approved permit.

The applicant's engineer has submitted information indicating that since the residence was constructed, an excessive amount of natural runoff flowing over the face of a cut slope on the south side of the residence has drained towards the residence. Runoff in the past two years has been able to penetrate the side of the structure, resulting in moisture related damage.

The proposed project is designed to correct the drainage problem by constructing a concrete headwall at the top of the cut slope to direct runoff into a 12-inch diameter storm drain pipe running east/west along the south side of the house. The storm drain pipe would connect to a 2-foot by 2-foot, 4-foot deep square disbursement box that has holes cut into the sides to allow seepage, and an over spill system consisting of a 6-inch diameter perforated pipe embedded in gravel. The concrete box is intended to both dissipate the energy of the flow from the storm drain pipe and to hold minor amounts of runoff so that water can seep into the subsoils over an extended period of time, rather than runoff directly.

The six-inch perforated pipe would be placed in a gravel bedding that will channelize flow into the driveway drainage bed. The drainage bed will consist of coarse grained based material which will have a small amount of cement added or mixed in to give it some bond strength. Storm water runoff will gradually seep out of the pipe into the surrounding gravel bedding.

The project site is located immediately adjacent to the natural vegetated area of San Elijo County Park, and drains directly into the lagoon. Section 30231 of the Coastal Act requires that the biological productivity and the quality of coastal waters shall be maintained and restored through minimizing runoff and maintaining natural vegetation buffer areas. Section 30240(b) requires that development in areas adjacent to environmentally sensitive habitat be sited to prevent impacts that would significantly degrade such areas. Section 30251 requires that the scenic and visual qualities of natural areas be preserved. These Coastal Act sections were implemented in the certified County of San Diego Local Coastal Program (CRP) overlay zone when the area was under the County's jurisdiction. The CRP zone restricts development of naturally vegetated steep slopes to maintain the natural landforms to avoid sedimentation impacts on the sensitive lagoon resources located downstream.

There are naturally vegetated steep slopes on the southern portion of the project site, beyond the existing residence. This area was placed under an open space deed restriction in the original approval of the existing single-family residence. The restriction prohibits any alteration of landforms, removal of vegetation or the erection of any structures in the restricted area without the written approval of the Commission. The proposed project

involves placement of a small concrete brow ditch and headwall along the edge of the existing cut slope to prevent runoff from flowing over the slope, eroding the slope and ponding at the house. The project would encroach into a steep, naturally vegetated area. The proposed brow ditch would encroach on 300-600 sq. ft. of slope area (depending upon the exact design of the ditch).

Any disturbance of sensitive vegetation is discouraged under the resource protection policies of Chapter 3. The applicants examined a variety of alternative project designs, including exiting a storm drain pipe out a slope on the north side of the property line and allowing direct runoff onto the County park area, before determining that the proposed project would have the least impact on lagoon resources while still halting the ongoing damage to the existing residence. The brow ditch will be located on the portion of the slope closest to the residence and adjacent exotic landscaping, thus its habitat value is somewhat reduced compared to the rest of the slope area. Approximately 18,750 sq. ft. of continuous vegetated slope area will remain undisturbed in the deed restricted area. Because the project will reduce the amount of water currently flowing over a cut slope, and will direct water into an underground system where it can gradually seep out, the project will have a positive impact on the amount of sedimentation entering the lagoon. The remainder of the drainage improvements will be located in the improved area of the site (stairs, hardscape, exotic shrubbery) on the south and west side of house, on the far side of the house from the lagoon, and will not have any impacts on sensitive resources. The improvements will not be visible from any trails around the lagoon or from any scenic roadway. Therefore, in this particular case, because the impact to native vegetation is limited, and the project will reduce the potential that sedimentation from the site will enter the lagoon, the Commission finds the project consistent with the applicable policies of Chapter 3 of the Coastal Act.

Section 30604(c) requires a specific finding that the proposed development is consistent with the public access and public recreation policies of Chapter 3 of the Coastal Act. The site is located between the lagoon and first public roadway; however, the proposed drainage improvements will take place entirely on private property adjacent to an existing single-family residence. There are no public lagoon trails near the site that will be affected by the proposed project, and the project will have no impact on the public's ability to access the lagoon.

The site is planned and zoned for residential development in the City of Solana Beach and in the certified County of San Diego Local Coastal Program (which is used for guidance in the City of Solana Beach). The proposed drainage improvements are consistent with this designation. Because a small portion of the proposed brow ditch would be located on the adjacent property to the subject site, Special Condition #1 requires the applicant to obtain permission from the adjacent property owner prior to the authorization to proceed with construction. Therefore, the Commission finds that approval of the project will not prejudice the ability of the City of Solana Beach to prepare a certified LCP.

**SPECIAL CONDITIONS:** 1. Authorization to Perform Off-Site Work. Prior to authorization to proceed with construction, the applicant shall submit for the review and

written approval of the Executive Director, evidence that the adjacent property owner has given permission to perform the work herein permitted that will occur on the adjacent landowner's property.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date of Signing

(clio\6101R)