

CALIFORNIA COASTAL COMMISSION  
San Diego Coast  
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Filed: April 10, 1996  
49th Day: May 29, 1996  
180th Day: October 7, 1996  
Staff: EL-SD  
Staff Report: April 16, 1996  
Hearing Date: May 7-10, 1996

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-96-19

Applicant: La Atalaya LLC (Ron & Lucille Neeley)      Agent: Bruce Peeling

Description: Boundary adjustment consolidating thirteen existing lots into four legal lots. Also, the proposal includes demolition of an existing 3,633 sq.ft. residence, an existing pool house and outbuildings; and construction of a two-story, 3,750 sq.ft. single-family residence, approximately 800 sq.ft. pool house and 487 sq.ft. shed on the 6.24-acre Lot 3 of the reconfigured legal lots. An existing three-car garage and arboretum on Lot 3 will remain, and no construction on the other three lots is proposed at this time.

Lot Area	271,814 sq. ft. (Lot 3 only)
Building Coverage	5,368 sq. ft. ( 2%)
Pavement Coverage	9,200 sq. ft. ( 3%)
Landscape Coverage & Unimproved Area	257,246 sq. ft. (95%)
Parking Spaces	3
Zoning	R1-40 (Bluff, Slope and Canyon Overlay and Open Space Overlay)
Plan Designation	Very Low Density Residential    O-1 dua
Ht abv fin grade	23 feet

Site: 2100 Gatun Street, Del Mar, San Diego County. APN 299-261-26, 27 & 44, and portions of 299-192-23 & 299-200-55

Substantive File Documents: Certified City of Del Mar LCP Land Use Plan  
Local Approvals: BA 95-1; DRB 95-45; CUP 95-4

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STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed development, with a special condition addressing future projects. Issues addressed herein include the suitability of the consolidated parcels as future development sites and the protection of scenic resources.

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PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Future Development. Prior to the issuance of the coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit authorizes only consolidation of thirteen lots into four lots and redevelopment of resulting Lot 3 through the demolition and reconstruction of a single-family residence, pool house and shed as shown on Exhibit #3. Any future development as defined in Public Resources Code Section 30106, on Lots 1, 2, 3 and 4, including repairs, maintenance, and construction of improvements and accessory structures, shall not occur except pursuant to a separate coastal development permit or an amendment to this permit. All such future development must meet the criteria of the City of Del Mar's Bluff, Slope and Canyon overlay and Open Space overlay, as certified by the California Coastal Commission in the City's LCP Land Use Plan. In addition, coastal development permit applications for said future development shall include a detailed slope analysis and vegetation/biological survey of each proposed development site. The document shall be recorded on each of the four new lots as a covenant running with the land binding all successors and assigns in interest to the subject property.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The applicant is proposing to consolidate thirteen existing legal lots into four new legal lots. The City of Del Mar has approved this action administratively through approval of a boundary adjustment realigning and eliminating lot lines. The thirteen lots, along with others not part of this permit, were originally created through

three subdivisions, recorded in 1910, 1911 and 1913. These actions subdivided an existing estate now known as the Snakewall property, the name referring to an existing concrete wall which borders the original property, and runs along the Del Mar hillsides in a serpentine fashion.

In addition to the lot consolidation, the applicant also proposes demolition of an existing two-story, 3,633 sq.ft. single-family residence and some existing accessory structures, including a pool house, on newly-created Lot 3, which is 6.24 acres in size. The applicant further proposes to construct a new two-story, 3,750 sq.ft. single-family residence, occupying roughly the same building footprint as the original house. Also proposed are a new, approximately 800 sq.ft. pool house and a 487 sq.ft. shed. Two existing structures, a three-car garage and an arboretum, will remain on the site. No development is proposed on the other three new lots at this time.

2. Lot Consolidation/Future Development. The following Coastal Act policies are applicable to the lot consolidation portion of the proposed development, and state, in part:

Section 30250

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels....

Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...

Section 30253

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction

of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs...

The consolidation of thirteen lots into four legal lots is a decrease in the intensity of use of the underlying land. The applicant proposes to consolidate thirteen existing lots, created in the early part of the century, into four new lots. The lots are located in an area that is zoned for residential development. The overall project site is an area of approximately 15.5 acres, situated on steep hillsides and terraces on the south side of the San Dieguito River Valley. Although it appears that at least portions of the hillsides were probably altered in the past, they are currently heavily vegetated with a mixture of ornamental and native plants, and the subject site is visually prominent from I-5 and the western part of the San Dieguito River/Lagoon system. Most of the site remains undeveloped, except for the structures addressed in the project description and a few scattered foundations/walls of other outbuildings from the original estate.

The property ranges from a low elevation of approximately 20 feet along its northeastern boundary to a high of approximately 300 feet at its southwestern boundary. Several of the thirteen existing lots appear to be comprised completely of steep slopes, and cannot be accessed from the existing Del Mar street system. Under today's planning standards, it is highly unlikely that the subdivisions which created the thirteen lots could be approved, due to the site constraints of inaccessibility, steep slopes, visual resources and potential geologic hazards. In addition, some native vegetation is present within the overall site. Although it appears that most, if not all, of the site has been disturbed in the past, it is possible that some of the natively vegetated areas could be considered environmentally sensitive habitat. Under the proposed lot consolidation, however, the four new lots being created appear consistent with current planning practice, in that each parcel includes areas free of the identified constraints, and would thus be developable.

Lots 1 and 2 (which are 1.51 and 2.17 acres respectively, and include portions of four of the original thirteen lots) are situated along San Dieguito Drive, at the lower elevations of the property, and will take access from that street. The land rises from the street, then levels out into a relatively wide terrace, providing area for future development. Lot 3, which is 6.24 acres in size, includes all or portions of six of the original thirteen lots, and is partly comprised of densely vegetated steep slopes; it takes access from existing Gatun Street. This lot is also the site of most of the original estate buildings, and contains a level terrace area where said structures are located. The redevelopment of this lot will be more fully addressed in the following finding. Lot 4 (5.65 acres in size and including all or portions of eight of the thirteen original lots) is located at the property's highest elevations, and is accessed from Serpentine Drive. This lot includes existing foundations from some former estate buildings, existing access driveways, and flatter areas for future development. Thus, the lot consolidation will result in four legal lots, each of which contains an area that is geologically stable and free of environmentally sensitive habitat.

The City of Del Mar certified LCP Land Use Plan has policies addressing development in visually prominent areas and in area within or adjacent to steep slopes and sensitive vegetation. The Bluff, Slope and Canyon overlay and Open Space overlay are existing City ordinances that are currently applied to local approvals. The development criteria of these overlays is included in the certified land use plan as well, and is considered as guidance in the Commission's review of the subject proposal. The overlays establish parameters for the appropriate siting of development in visually or geologically sensitive areas, including provisions for setbacks from steep slopes and the protection of existing viewsheds.

Except for Lot 3, no construction of any kind is proposed at this time for the other newly-created lots. Special Condition #1 puts the applicant, and any future buyers of the individual lots, on notice that development of the new lots will require the approval of the Coastal Commission as well as the City of Del Mar. This applies to any activity that qualifies as "development" under the Coastal Act, including minor grading, the realignment of existing access roads and the installation of utilities in new alignments. This site warrants such review based on the development constraints identified previously, which can be generally summed up as potential impacts on site stability and visual resources. The condition places future landowners on notice that specific development criteria (conformance with the City of Del Mar's Bluff, Slope and Canyon overlay and Open Space overlay as described in the certified LUP) will be considered in review of a coastal development permit application, and that specific application requirements (a detailed slope analysis and vegetation/biological survey) are necessary for the Commission's adequate review and potential approval of new development proposals. The condition requires that the applicant acknowledge these requirements through recordation of deed restrictions against each of the four new lots. As conditioned, the Commission finds that approval of the lot consolidation is consistent with the Chapter 3 policies of the Coastal Act cited herein.

3. Redevelopment of Lot 3. As previously described, the applicant also proposes to demolish the existing single-family residence and some existing accessory structures, all of which are included in new Lot 3 of the subject site. The existing, two-story, 3,633 sq.ft. residence is very old and structurally unsound for continued habitation. The applicant intends to replace this with a new, two-story, 3,750 sq.ft. residence, to be situated essentially within the same building footprint as the existing residence occupies. In addition, the proposed building elevations are very similar to those now existing. Moreover, the newly proposed accessory structures will be sited in the same locations as the accessory structures being removed.

The City of Del Mar's Bluff, Slope and Canyon (BSC) overlay and Open Space (OS) overlay have been certified as part of the LCP Land Use Plan, and are thus looked to for guidance in the Commission's review of permit applications. The proposed structures on Lot 3 observe the setbacks from steep slopes and existing areas of open space on Lot 3 as established in the overlays. The BSC generally limits new development to a single story and a height not exceeding fourteen feet, with an exception allowed where a taller, narrower structure

would be more protective of existing public views. In this particular case, the new residence will be two stories and twenty-three feet in height. However, it replicates the existing home, and is thus consistent with the existing viewshed. The City, in its local discretionary reviews, has found this an appropriate design and scale of development for the subject site.

Section 30251 of the Act (cited previously) provides for the protection of scenic coastal areas and for the compatibility of new and existing development. The property is in a visually prominent and scenic location, being within the public viewsheds from I-5 and the San Dieguito River/Lagoon system. It is an historic property and the existing boundary wall and estate buildings have been identifiable landmarks within the City of Del Mar for years. However, the applicant's proposed development will mimic the size, bulk, style and character of the existing structures, such that the site after redevelopment will appear much as it does now. Therefore, the Commission finds that the redevelopment of Lot 3, as conditioned, is consistent with Section 30251 of the Act.

Section 30253 of the Act (also cited previously) provides that new development not lead to instability of the site. Lot 3 includes areas of very steep slopes, although some of these appear to be manufactured slopes rather than natural ones. However, all site modifications are proposed within the existing, flat building pad where structures now exist. The perimeter/garden walls, some of which extend onto said steep slopes, will not be modified through the subject proposal. Thus, the Commission finds redevelopment of Lot 3, as conditioned, consistent with Section 30253 of the Act.

4. Public Access. Section 30604(c) of the Coastal Act provides that a specific public access finding be made for any development between the sea and first coastal roadway. Although there is an existing public road (San Dieguito Drive) located between the subject property and the San Dieguito Lagoon, this is not a through street (it deadends well east of the subject site) and is thus not considered the first public road under the meaning of same in the Coastal Act. However, San Dieguito Drive does provide access to existing lagoon trails, and will provide access in the future to the City's proposed public trail along the south side of the river, as delineated in the certified LCP Land Use Plan. No public access to the lagoon, river, or ocean beaches (which are half a mile or more to the west) has ever been provided on or across the subject site. Therefore, the Commission finds the proposed development, as conditioned, fully consistent with Section 30604(c) of the Act and with all other public access and recreation policies as well.

5. Local Coastal Planning. Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. As conditioned, such a finding can be made for the subject proposal.

The City of Del Mar has a certified land use plan and is currently developing its implementation component. The site is zoned R1-40 and designated in the

certified City of Del Mar LCP Land Use Plan for Very Low Density Residential development; both designations allow a maximum of one dwelling unit per lot, with a minimum lot size of one acre. The proposed lot consolidation and redevelopment of Lot 3 are consistent with these designations, as each of the four lots exceed an acre in size, and a single residence is proposed on Lot 3. In addition to consistence with these parameters, the subject proposal has been found consistent with all applicable Chapter 3 policies of the Coastal Act.

This property is included within the City's Bluff, Slope and Canyon and Open Space overlays, which are part of the certified land use plan. As conditioned, future development of the site will be reviewed for consistency with the provisions of these overlays, which are guidance documents in the Commission's review of new development. Ultimately, future proposals must be found consistent with Chapter 3 of the Coastal Act, which remains the standard of review until Del Mar completes the LCP process and assumes permitting authority. The Commission finds that approval of the proposed development, as conditioned, will not prejudice the ability of the City of Del Mar to continue developing a fully-certifiable LCP.

6. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of coastal development permits to be supported by a finding showing the permit to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

As discussed herein, the proposed project, as conditioned, will not cause significant adverse impacts to the environment. Specifically, the project, as conditioned, has been found consistent with the visual resource, hazards, public access and community character policies of the Coastal Act. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity might have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. 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.

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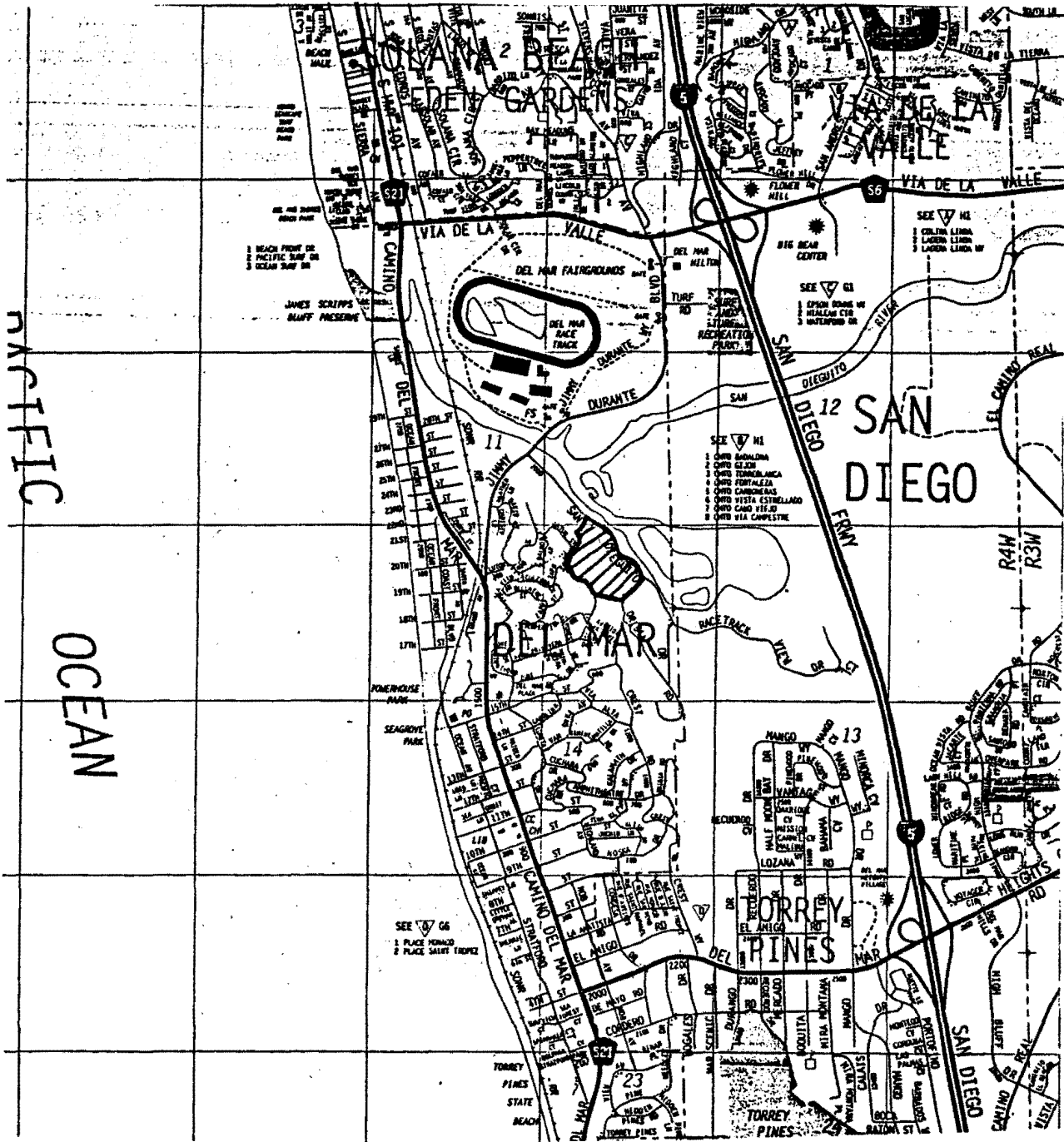


EXHIBIT NO. 1  
APPLICATION NO.  
6-96-19  
Vicinity Map  
California Coastal Commission

6-96-19

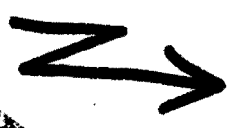
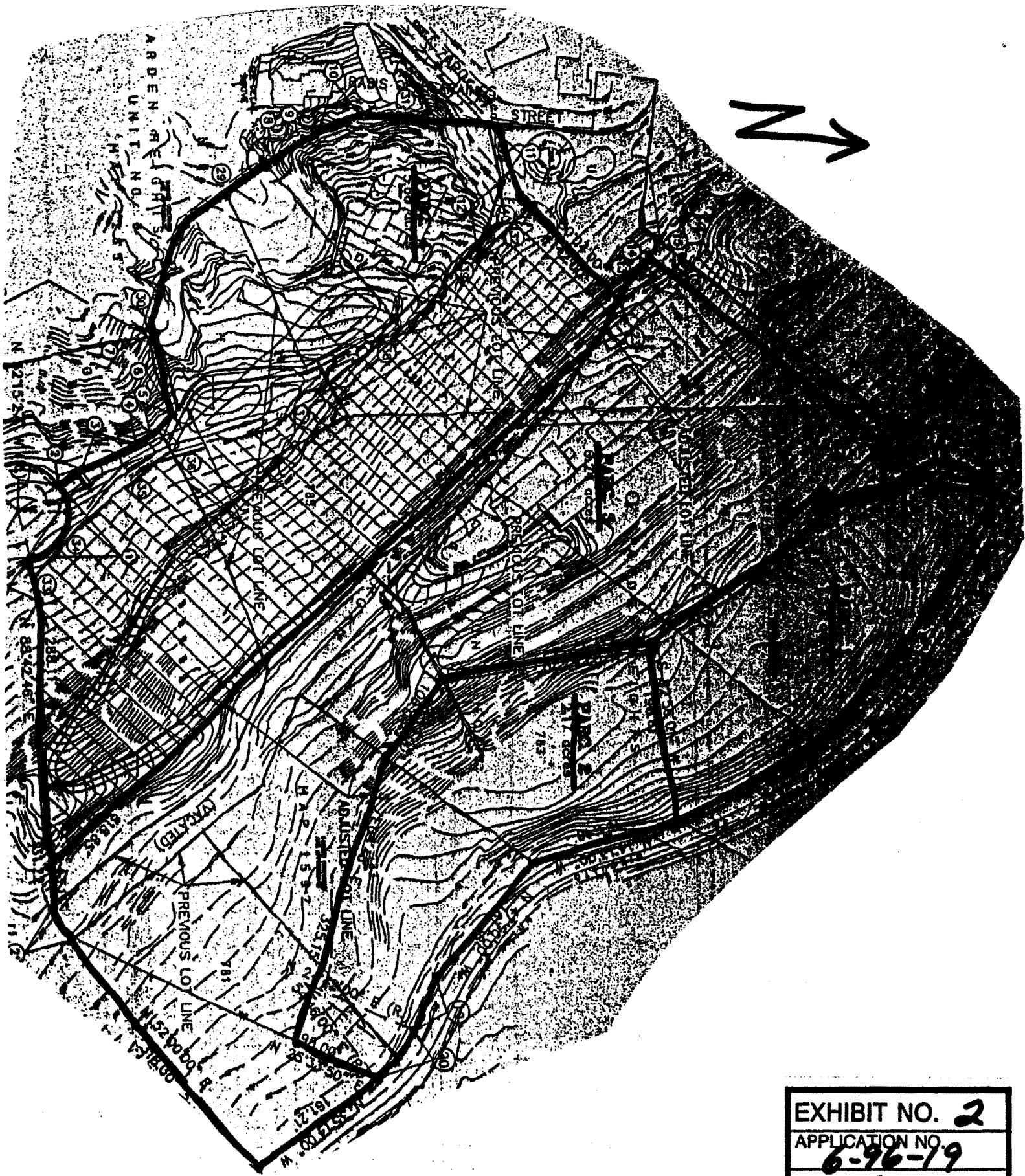
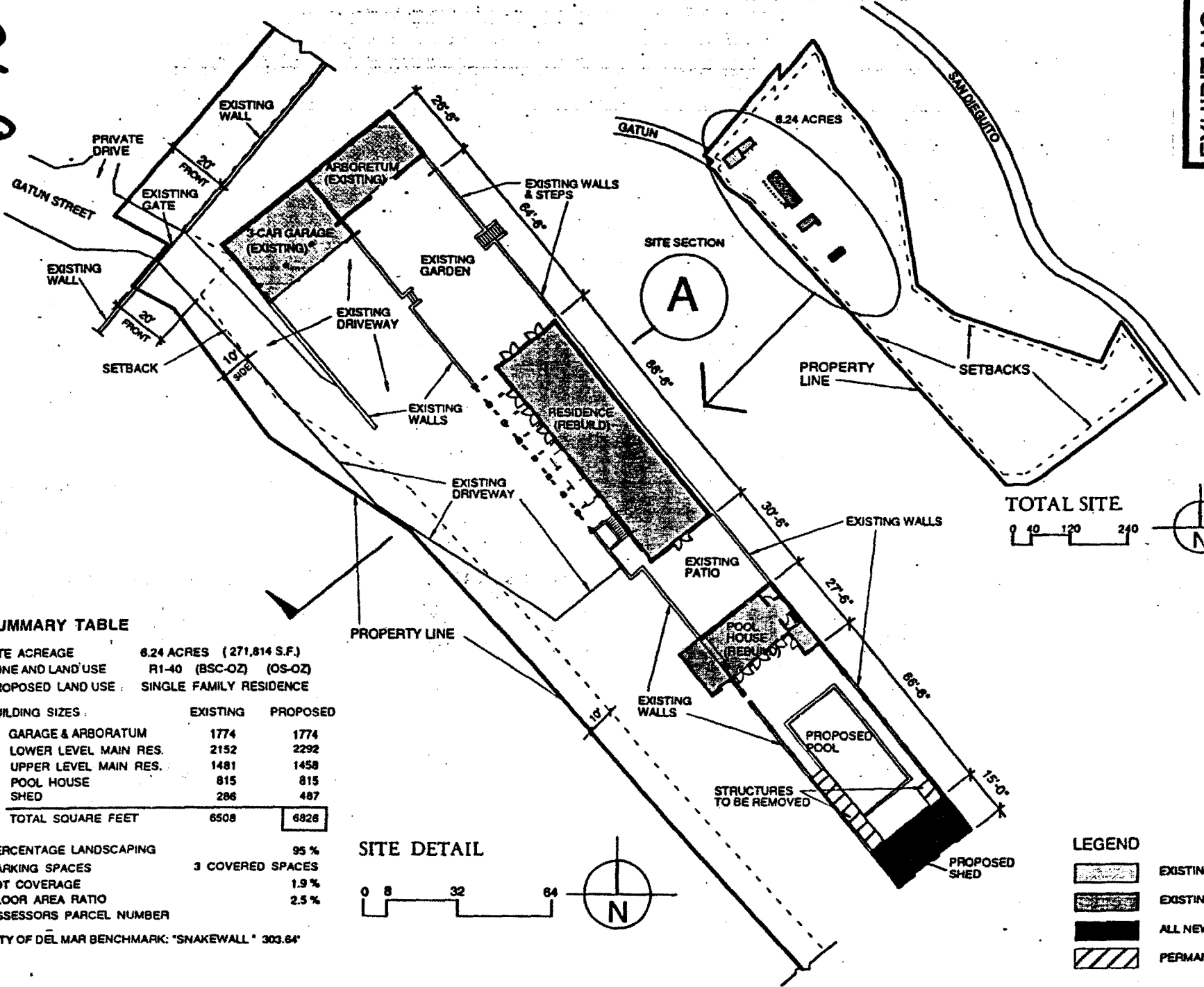


EXHIBIT NO. 2  
 APPLICATION NO.  
 6-96-19  
 Lot Consolidation  
 California Coastal Commission

6-96-19

EXHIBIT NO. 3  
 APPLICATION NO. 6-96-19  
 Lot 3 Site Plan  
 California Coastal Commission

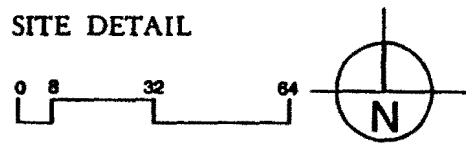


**SUMMARY TABLE**

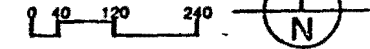
SITE ACREAGE	6.24 ACRES (271,814 S.F.)	
ZONE AND LAND USE	R1-40 (BSC-O2) (OS-O2)	
PROPOSED LAND USE	SINGLE FAMILY RESIDENCE	
BUILDING SIZES	EXISTING	PROPOSED
GARAGE & ARBORATUM	1774	1774
LOWER LEVEL MAIN RES.	2152	2292
UPPER LEVEL MAIN RES.	1481	1458
POOL HOUSE	815	815
SHED	286	487
TOTAL SQUARE FEET	6508	6826

PERCENTAGE LANDSCAPING 95 %  
 PARKING SPACES 3 COVERED SPACES  
 LOT COVERAGE 1.9 %  
 FLOOR AREA RATIO 2.5 %  
 ASSESSORS PARCEL NUMBER  
 CITY OF DEL MAR BENCHMARK: "SNAKEWALL" 303.64'





**SITE DETAIL**



**TOTAL SITE**



**LEGEND**

-  EXISTING TO REMAIN
-  EXISTING TO BE REBUILT
-  ALL NEW STRUCTURE
-  PERMANENTLY REMOVED