

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
3111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
(619) 521-8036

Filed: April 16, 1996
49th Day: June 4, 1996
180th Day: October 13, 1996
Staff: DL-SD
Staff Report: June 20, 1996
Hearing Date: July 9-12, 1996



REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Fr 7f

Application No.: 6-96-60

Applicant: David James Smith

Agent: Mark David Lyon

Description: Construction of a 2,357 sq.ft. first and second story addition to an existing one-story 1,686 sq.ft. single-family residence on a 14,000 sq.ft. lot.

Lot Area	14,000 sq. ft.
Building Coverage	2,684 sq. ft. (19%)
Pavement Coverage	1,565 sq. ft. (11%)
Landscape Coverage	4,357 sq. ft. (31%)
Unimproved Area	5,394 sq. ft. (39%)
Parking Spaces	3
Zoning	Low Residential
Plan Designation	Low Residential (3 du/ac)
Project Density	3.1 du/ac
Ht abv fin grade	25 feet

Site: 538 Canyon Drive, Solana Beach, San Diego County.
APN 263-193-07.

Substantive File Documents: County of San Diego Certified Local Coastal Program (LCP); City of Solana Beach General Plan and Zoning Ordinance; Solana Beach Resolution No. 96-28.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the project subject to special conditions which require the submittal of landscaping plans and the recordation of a deed restriction indicating that vegetation designed to effectively screen views of the residence from the surrounding scenic viewshed will be implemented and maintained.

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. Final Landscape Plans/Deed Restriction

a. Prior to the issuance of the coastal development permit, the applicant shall submit for the review and written approval of the Executive Director, a detailed landscape plan in substantial conformance with the submitted plans dated 1/19/96, indicating the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features. Drought tolerant native or naturalizing plant materials shall be utilized to the maximum extent feasible. The plan shall include the following:

- (1) Placement of at least five (5) specimen size trees (15-inch box minimum) arranged along the north-facing portion of the site to effectively screen the structure from views from San Elijo Lagoon, Highway 101, and Highway 5 to the north.
- (2) A planting schedule that indicates that the landscape plan shall be completed within 60 days of completion of construction.
- (3) A written commitment by the applicant that all required plantings shall be maintained in good growing condition, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape screening requirements.

b. Prior to the issuance of the coastal development permit, the applicant shall record a deed restriction, in a form and content acceptable to the Executive Director. The restriction shall provide that at least five (5) specimen size trees in substantial conformance with those plans approved with CDP #6-96-60 are maintained throughout the life of the permitted development.

The restriction shall be recorded, free of all prior liens and encumbrances, except for tax liens, and binding on the permittee's successors in interest and any subsequent purchasers of any portion of the real property.

IV. Findings and Declarations.

The Commission finds and declares as follows:

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The Commission finds and declares as follows:

1. Detailed Project Description. Proposed is the construction of a 998 sq.ft. first floor addition, a new 1,134 sq.ft. second floor, and a 225 sq.ft. garage addition, to an existing 1,686 sq.ft. single-family residence, including an attached 2-car garage. The proposed residential addition requires a coastal development permit because the site is located between San Elijo Lagoon and the first public roadway, and involves both an addition of more than 10% of the internal floor area of the existing residence and a greater than 10% increase in the height of the existing structure. Other improvements which are proposed but do not require a coastal development permit include a new front yard patio and driveway, installation of a jacuzzi, and landscaping.

The subject site is located on the north side of Canyon Drive overlooking San Elijo Lagoon in the City of Solana Beach. The site is west of Interstate 5 and east of Highway 101. The northern portion of the site slopes down to the north towards Holmwood Canyon above the lagoon. The existing residence is located from 50 to 60 feet from the edge of the slope. The majority of the addition would be located over 40 feet from the slope edge. However, a portion of the proposed first story addition on the northeast corner of the residence will be cantilevered approximately 18 inches above the ground, extending approximately 70 sq.ft. of the structure as close as 17 feet to the edge of the slope. All construction will take place on the previously graded building pad, and no native vegetation will be removed. No grading is proposed except for the foundations.

2. Resource Protection. 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. These Coastal Act sections were implemented in the certified County of San Diego Local Coastal Program through the Coastal Resource Protection (CRP) overlay zone, which restricts development of naturally vegetated steep slopes to maintain the natural landforms to avoid grading and sedimentation impacts on the sensitive lagoon resources located downstream. The certified County LCP is used for guidance in the City of Solana Beach. Although the subject site was not included in the mapped overlay zone, there are naturally vegetated steep slopes on the northern third of the parcel. However, there are residential structures

located between the subject site and the lagoon. In addition, as noted above, all development will take place on the flat, previously graded and disturbed portion of the site. No sensitive resources will be impacted by the proposed addition. As proposed, all runoff from the new construction will drain towards Canyon Drive and the existing public storm drain system; thus the potential for degradation of the slope or erosion and subsequent sedimentation impacts to the lagoon is minimal. Therefore, the Commission finds that the subject proposal is consistent with Sections 30231 and 30240(b) of the Coastal Act.

3. Visual Quality. Section 30251 of the Coastal Act requires that the scenic and visual qualities of coastal areas be considered and protected, and that development be sited and designed to protect views along scenic coastal areas. The subject site is not located within the critical viewshed overlay of the County's certified LCP. It is within the Scenic Area overlay zone of the City of Solana Beach, which requires that new development not degrade the visual features of the site or adjacent scenic, historic, or recreational resources. The existing residence is distantly visible from Interstate 5, Manchester Avenue, Highway 101, and the scenic viewpoint west of Interstate 5. The residence is also visible from some trails around the lagoon. The majority of the houses along the ridgeline in this location are one-story houses with mature landscaping, and thus are not prominently visible against the horizon. The proposed two-story addition has the potential to create an adverse visual impact in an area within the scenic viewshed of a lagoon which currently consists largely of low-scale, unobtrusive development. In addition, a portion of the proposed addition will also extend closer than 25 feet to the inland bluff edge, which is the typical inland bluff setback contained in certified Local Coastal Programs for visual purposes (ref. City of Encinitas LCP). The City of Solana Beach requires that all new construction maintain a slope setback of 25 feet, subject to modification by the City Council provided the structure does not detract from the visual setting of Holmwood Canyon.

The applicant has submitted a landscaping plan indicating that eucalyptus trees will be planted along the eastern side of the residence, and melaleucas along the western side. Two palm trees, three pine trees, one existing tree and assorted shrubbery will be located on the northern side of the structure. Although palm trees do not generally perform a screening function, the proposed sago palms are substantial enough to aid in breaking up the facade of the structure from views from the north, and the other trees will reduce the visual prominence of the second story. Thus, as proposed, the landscaping associated with the residential addition will have the effect of breaking up the appearance of the building facade when viewed by the public from a distance, but will not affect the applicant's views from the residence towards the lagoon and the ocean. Because of the importance of this landscaping in providing a screening function, Special Condition #1 is proposed. The condition requires that a landscaping plan be submitted including the specific plant materials described above. The landscaping plan must be implemented within 60 days of completion of construction, and include a written commitment that all planting be maintained in good growing condition and replaced with new plant materials as necessary to ensure continued compliance with the

screening requirements. The condition is in the form of a deed restriction to ensure that future owners are aware of the condition, and continue to screen the structure from public views in the future.

The City of Solana Beach has placed a condition on the project limiting the height of all vegetation to no higher than the roof line, and requiring view corridors on each of the side yards of the residence where all vegetation will be limited to 42 inches in height. Special Condition #1 will not affect this condition, as it requires that landscaping on the northern side of the residence perform a screening function, and this can be accomplished with vegetation no higher than the roof line.

As conditioned, the proposed addition will not result in a structure substantially more visible than the existing residence. The proposed wood shingle roof, stucco finish and stained wood rafters are compatible with the topography, vegetation and colors of the adjacent Holmwood Canyon. In addition, a stringline analysis submitted by the applicant indicates that the new construction will not result in a structure closure to the slope edge than the adjacent residences to the east and west. The residence will be compatible in size and character to surrounding development. No public views will be blocked. Therefore, as conditioned, the addition will not adversely impact the visual quality of the scenic viewshed or the neighborhood, and the Commission finds the project consistent with Section 30251 of the Coastal Act.

4. Geologic Hazard. Section 30253 requires new development to minimize risks to life and property in areas of high geologic hazard. As previously noted, in this location, the City of Solana Beach requires that all new construction maintain a slope setback of 25 feet, subject to modification by the City Council. The northeast corner of the first story addition is cantilevered 8 feet into the 25 foot setback. A preliminary soils investigation submitted by the applicant reviewed the proposed addition and concluded that the construction of the proposed cantilever addition would have a negligible impact on slope stability. As previously noted, no runoff will be directed over the slope. Therefore, as conditioned, the Commission finds that the subject proposal is consistent with Section 30253 of the Coastal Act.

5. Public Access. 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 subject site is located between San Elijo Lagoon and the first public roadway, which in this case is Canyon Drive. The site is located within a developed single-family residential neighborhood, and contains an existing single-family residence. The site is several hundred feet away from and above the lagoon and there are currently no access opportunities to the lagoon from the project site. The nearest lagoon access trail is located at the northern terminus of Rios Avenue, several blocks west of the subject site, and will not be affected by the project. Therefore, the proposed development will have no direct impacts upon the public's ability to access the lagoon. The site is an inland parcel and no beach access will be affected.

6. 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. In this case, such a finding can be made.

The site is planned and zoned for low density residential uses by the City of Solana Beach and in the previously certified County of San Diego Local Coastal Program. The proposed addition is consistent with these designations. As conditioned, the project is consistent with all applicable Chapter 3 policies of the Coastal Act. The Commission finds that approval of the subject project will not prejudice the ability of the City of Solana Beach to prepare a certifiable Local Coastal Program.

7. 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, as conditioned, 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.

The proposed project has been conditioned in order to be found consistent with the visual resource policies of the Coastal Act. Mitigation measures, including a deed restriction addressing landscape maintenance, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project 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.

(6060R)

SITE

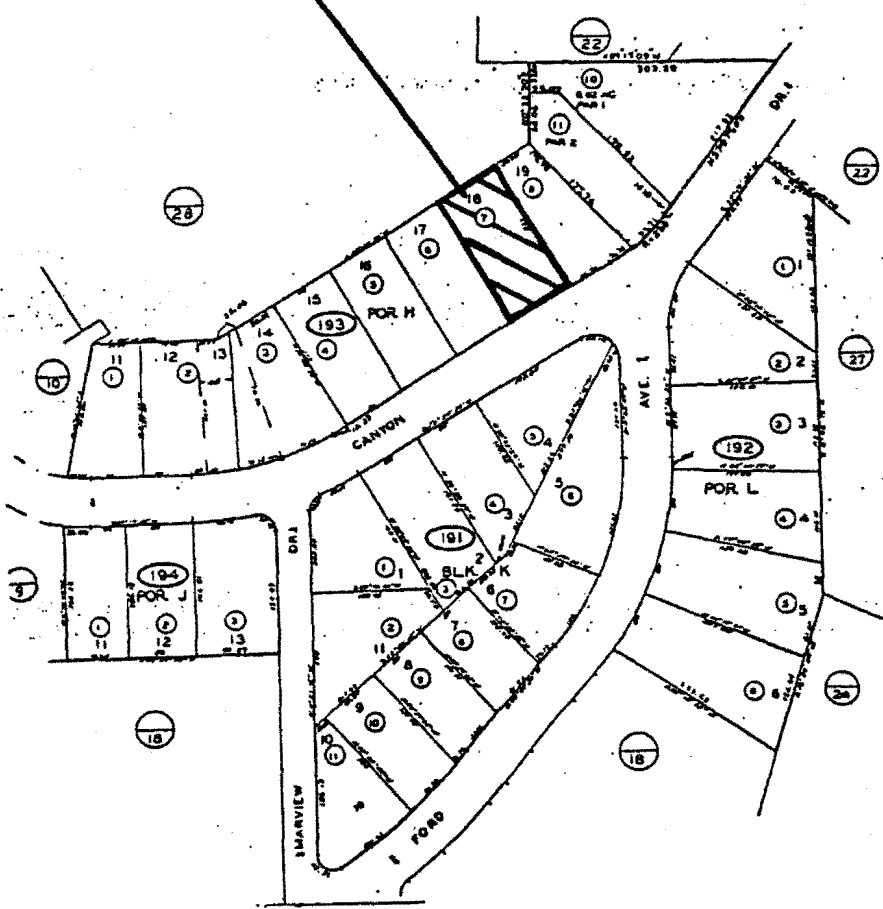
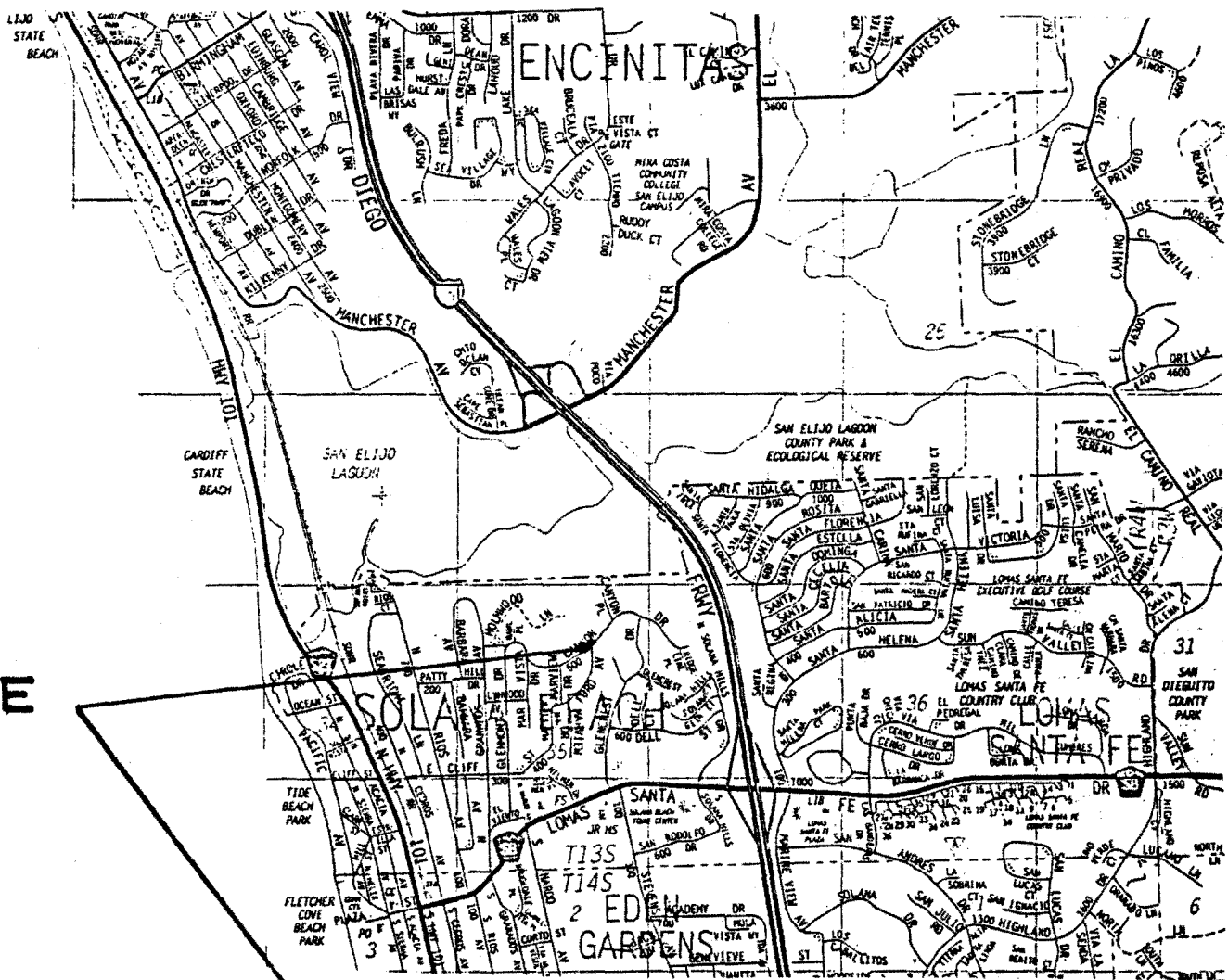
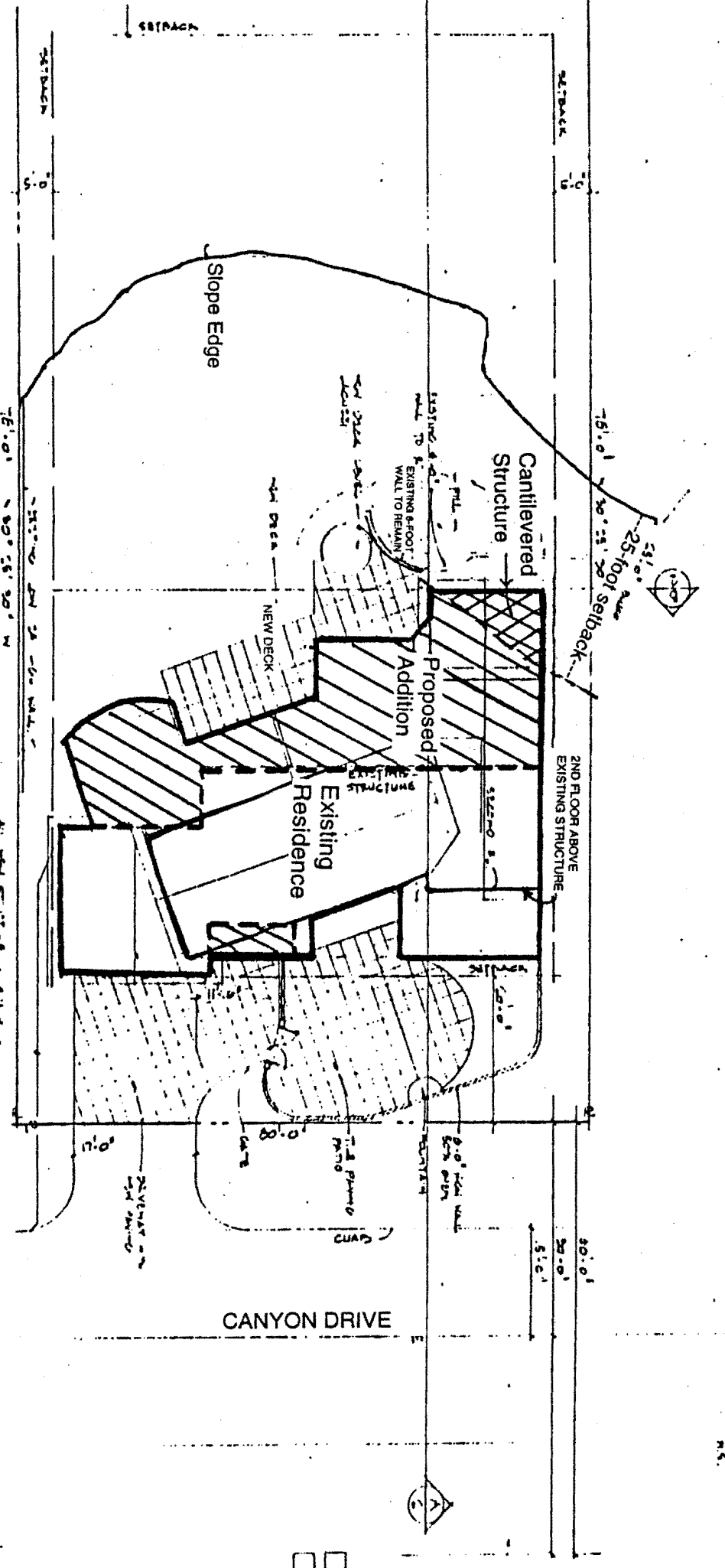


EXHIBIT NO. 1
 APPLICATION NO.
 6-96-60
 Location Maps



Second Floor:		
SUB-TOTAL	1,254 sq. ft.	1,124 sq. ft.
Change	430 sq. ft.	228 sq. ft.
TOTAL	1,684 sq. ft.	1,352 sq. ft.
FOOTPRINT	2,684 sq. ft.	3,811 sq. ft.
NET GSA	Change 3,100 sq. ft.	NET 2,100 sq. ft.
CONSTRUCTION	PRICE 270K (\$60)	457,171

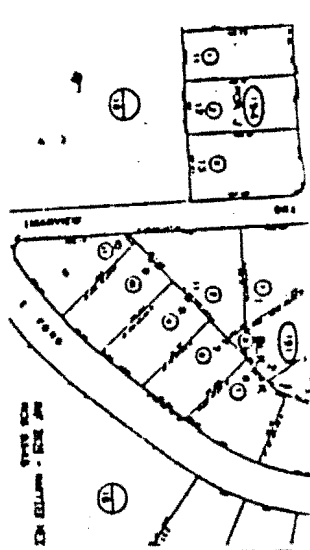


EXHIBIT NO. 2
APPLICATION NO.
6-96-60
Site Plan

California Coastal Commission



- NO EXISTING ERECT
- HAS PROPERTY IN
- BEING PROPOSED IN
- CANYON DRIVE

□ □

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California Coastal Commission
Ms. Diana Lilly
San Diego Division

GENERAL AGREEMENT TO COMPLY WITH COASTAL COMMISSION'S
GUIDELINES - NOT A DEED RESTRICTION

Dear Ms. Lilly,

The property development permit structure is granted provided the builder submits a landscape plan which generally, and to the best of his ability, reflects the type, extent and nature of all planned locations. The owner agrees to maintain natural vegetation on the slope of the block at all times.

The owner hereby agrees to maintain these tentative landscape plans to the best of his ability with reserving the option to modify the plan provided it does not significantly modify accepted landscape plans submitted to Solana Beach City Council and the Coastal Commission upon review. The addition of a pool is exempted from said agreement.

The owner does hereby agree to maintain the plant species at all times and agrees to replace the plant species should they be destroyed or killed.

In addition, the owner hereby agrees to have at least five specimen trees, 15-inch box minimum, planted along the north side of the beach with the contingency that it does not obstruct neighbor's views to the north east or to the north of said property, 538 Canyon, development.

Thank you.

Sincerely,


David James Smith, M.D.

DJS/vlw

Diplomate, American Board of Physical Medicine and Rehabilitation
Associate Member, American Board of Electrodiagnostic Testing
Qualified Medical Examiner, State of California
Agreed Medical Examiner, State of California

6-96-60