

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
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 180th Day: January 14, 1997
 Staff: EL-SD
 Staff Report: July 19, 1996
 Hearing Date: August 13-16, 1996

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-96-94

Applicant: La Atalaya, LLC

Agent: Flores Consulting Group

Description: Construction of various site improvements on four adjacent previously-subdivided parcels, including 2400 cu.yds. of balanced cut and fill grading, paving and the installation of underground water and sewer lines within an existing dirt access road, the construction of retaining walls on Parcel 3, the reconstruction and new installation of erosion and drainage control devices (including storm drains, retaining walls and terraced grading) on Parcels 1, 2 and 3, and landscaping and irrigation improvements throughout the site. The proposal also includes a maximum of 300 sq.ft. of pavement repair/resurfacing on San Dieguito Road.

Lot Area	15.59 acres total
Zoning	R1-40 (Bluff, Slope & Canyon and Open Space overlays)
Plan Designation	R1-40 (Bluff, Slope & Canyon and Open Space overlays)

Site: 2100 Gatun Street, Del Mar, San Diego County. APNs pending

Substantive File Documents: North Hillside Area Drainage Study (12/88)
 Del Mar Resolutions No. PC-96-12 & 96-30
 CCC File #6-96-19

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. Certificates of Compliance. Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, copies of the Certificate of Compliance approvals for Parcels 1, 2, 3 and 4. Submitted documentation shall include the new assessor's parcel numbers for the four parcels, such that correct site identification will appear on the subject permit.

2. Final Plans. Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, final plans for the proposed development. Said final plans shall incorporate all additional grading and drainage features required in the City of Del Mar Conditional Use Permit and Design Review Board approvals, and shall be in substantial conformance with the submitted plans dated January 29, 1996 and April 29, 1996.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/Site History. The applicant is proposing a number of overall site improvements to four parcels created in Coastal Development Permit (CDP) #6-96-19, approved by the Coastal Commission in May, 1996. The four parcels were created through the consolidation of thirteen lots which were originally subdivided in the early part of the century. The recent action also included demolition of an existing residence and some accessory structures on Parcel 3 and construction of a new residence, pool, pool house and storage shed. Other pre-existing accessory structures on Parcel 3 were not affected by that action. Although the Commission has approved the re-subdivision, Certificates of Compliance for the four parcels have not yet been recorded. Special Condition #1 requires that evidence of said recordation be submitted for the file, such that the new assessor's parcel numbers may be correctly shown on the subject permit.

The current proposal is to construct a series of access, utility, drainage and erosion control improvements on the subject site. An existing ten- to twenty-foot-wide dirt road/driveway zigzags across the site, accessing portions of all four parcels. This will be regraded and paved within its existing alignment, and underground water and sewer extensions to serve future residential development on the parcels will be installed within the road.

Next, a series of retaining walls are proposed for Parcel 3, to protect existing slopes, prevent erosion and recreate previously-existing landscaped areas. In addition, some grading will occur on Parcels 1 and 2 to create a terrace system to control erosion. In the past, storm events have caused loose soils to wash off the site and accumulate on the west (lagoon) side of San Dieguito Drive. Also, various drainage control devices will be installed and reconstructed, and are sized to accommodate future development of the site. These include storm drains which will collect site runoff and discharge it into an existing public storm drain system in San Dieguito Drive. The improved storm drain facilities proposed herein are designed to handle expected increased flows once the four parcels are all developed with single-family residences and accessory structures. Other proposed drainage and erosion controls include retaining walls on Parcel 3 and terraced grading on Parcels 1 and 2. Finally, the applicant is required by the City approvals to repair approximately 300 sq.ft. of damaged paving on San Dieguito Road, within the existing paved public roadway alignment.

The overall project includes a total of 2,400 cu.yds. of balanced cut and fill grading. Most of that is associated with recontouring the existing access road, but approximately 100 cu.yds of grading is required for the retaining walls on Parcel 3 and approximately 500 cu.yds. of grading is associated with creating erosion control terraces on Parcels 1 and 2. The local discretionary approvals included several minor changes with respect to notations on the final plans, the details of drainage design, etc. Therefore, Special Condition #2 requires that the applicant submit final plans for the file, reflective of all required minor modifications, yet in substantial conformance with the preliminary plans submitted with the application.

2. Steep Slope Encroachments/Visual Resources. Two policies of the Coastal Act are most pertinent to the proposed development, and state, in part:

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 four recently-created parcels 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 significant portions of the hillsides have been altered in the past, most of the site is 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 existing and permitted structures on Parcel 3, the unpaved access road and a few scattered remnant foundations/walls of other former 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. Parcels 1 and 2 (which are 1.51 and 2.17 acres respectively) 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. Parcel 3, which is 6.24 acres in size, is partly comprised of densely vegetated steep slopes; it takes access from existing Gatun Street. This parcel is also the site of most of the original estate buildings, and contains a level terrace area where said structures are located, and where new development was approved in CDP #6-96-19. Parcel 4 (5.65 acres in size) 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.

In addition to the cited Coastal Act policies, the City of Del Mar certified LCP Land Use Plan has policies addressing development in visually prominent areas and in areas within or adjacent to steep slopes and sensitive vegetation. The Bluff, Slope and Canyon (BSC) overlay and Open Space (OS) overlay are existing City ordinances that are currently applied to local approvals. Moreover, these two overlays with their respective development criteria 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 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. Some of the proposed site improvements are located either on steep slopes directly, or within the setbacks from steep slopes established in the overlays, and virtually all of the site is visible from various public vantage points along I-5 and Camino del Mar and from areas throughout the western part of the San Dieguito River/Lagoon system.

Section 30251 of the Act (cited previously) provides for the protection of scenic coastal areas and for the compatibility of new and existing development. All of the proposed improvements will be either at grade or underground. Thus, visual impacts will be limited to temporary ones during

the construction phase only, and the site will look virtually the same after implementation of the subject project as it does now. Therefore, the Commission finds that the proposed development, 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. All four parcels include areas of very steep slopes, although most of these appear to be manufactured slopes which are no longer natural. All of the proposed improvements are located within previously disturbed portions of the site that do not contain native vegetation. No encroachments onto naturally-vegetated steep slopes will occur with the proposed development. Moreover, it is preferable in this case to allow encroachments onto the manufactured steep slopes and within steep slope setbacks. The potential alternatives of creating a new access road and/or siting the drainage and erosion control devices elsewhere on the property would likely result in impacts to naturally-vegetated, undisturbed areas of the property. The current proposal will instead retain development within the already disturbed areas and existing road alignment. Therefore, the Commission finds the subject proposal, as conditioned, consistent with Section 30253 of the Act.

3. 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.

4. 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 infrastructure improvements on the four parcels are consistent with these designations, as each of the four lots exceed an acre in size, and a single residence will ultimately be built on each parcel. In addition to consistence with these parameters, the

subject proposal, as conditioned, has been found consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, 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.

5. 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, and public access 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.

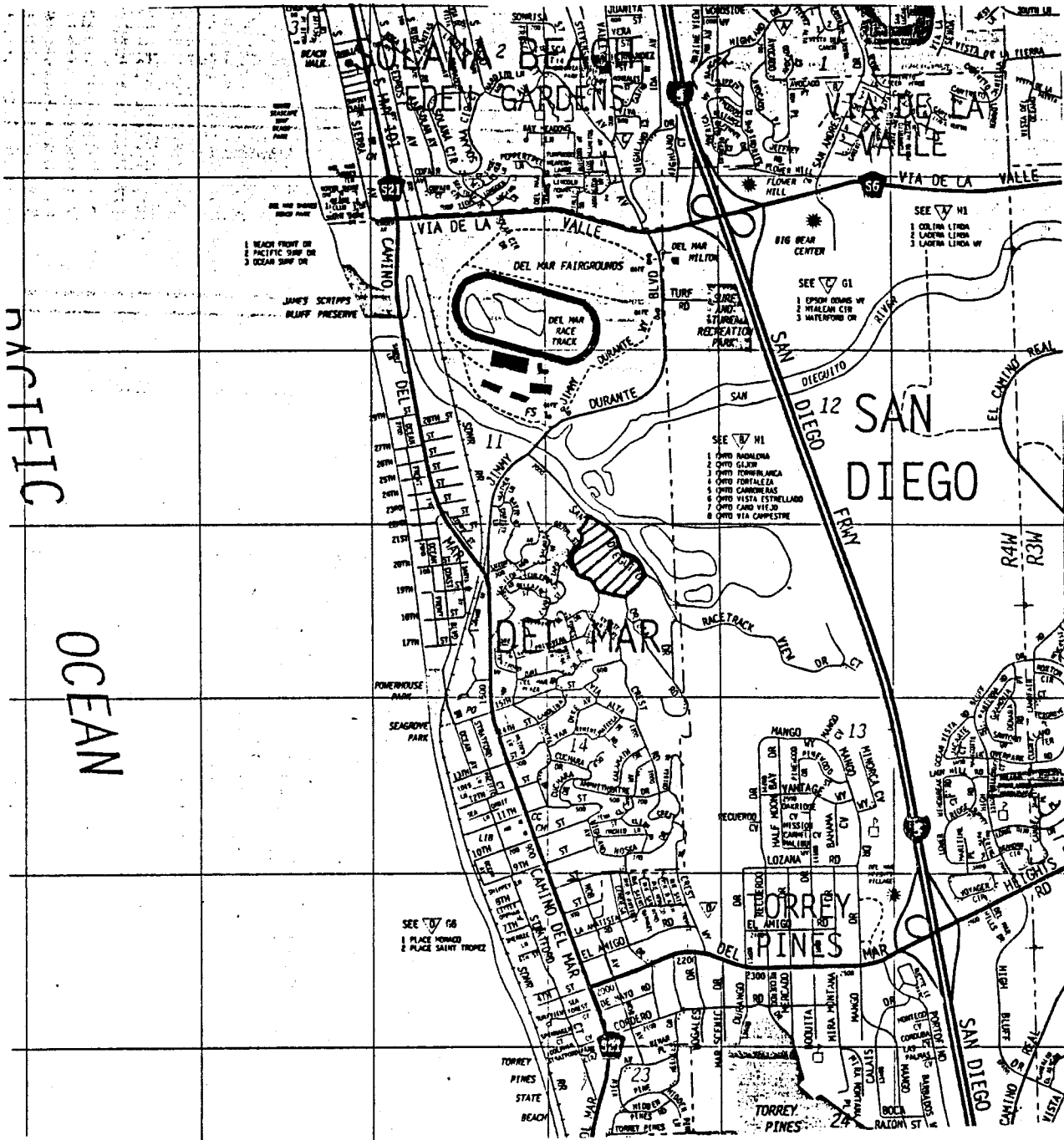
STANDARD CONDITIONS:

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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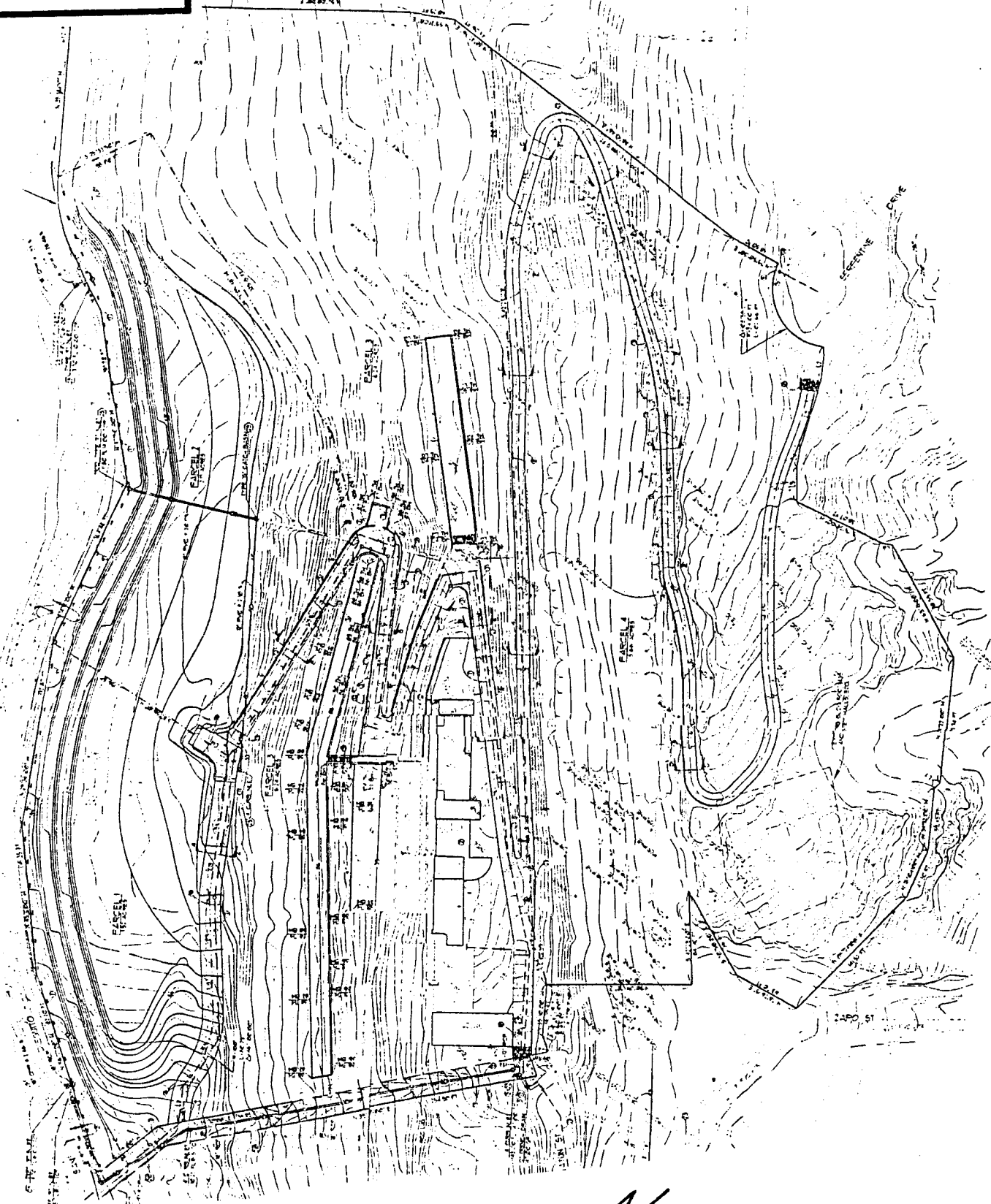
6-96-94



PACIFIC OCEAN

EXHIBIT NO. 1
APPLICATION NO. 6-96-94
Vicinity Map
California Coastal Commission

California Coastal Commission
Plan #
Site/Greening
APPLICATION NO. 6-96-94
EXHIBIT NO. 2



46-96-9