

## CALIFORNIA COASTAL COMMISSION

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

Filed: March 5, 1997  
 49th Day: April 23, 1997  
 180th Day: September 1, 1997  
 Staff: EL-SD  
 Staff Report: April 21, 1997  
 Hearing Date: May 13-16, 1997

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-97-21

Applicant: Helen Woodward M.H. Whittier Corporation Trust      Agent: Bryce W. Rhodes

Description: On-site improvements for seven previously-subdivided legal lots, including grading and construction of a private access road, trenching for utilities, installing storm drains and landscaping; also, construction of public storm drain, sidewalk, curbs and gutters off-site.

Lot Area	5.88 acres total
Pavement Coverage	0.21 acres ( 4%)
Unimproved Area	5.67 acres (96%)
Zoning	R1-40 and R1-14
Plan Designation	Low Density Residential

Site: Southwest corner of Border Avenue and Camino Del Mar, Del Mar, San Diego County. APN 298-241-19 through 25

Substantive File Documents: Certified City of Del Mar LCP Land Use Plan  
 City of Del Mar Resolution No. 95-54  
 CCC Permit No. 6-94-27

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Landscaping Plan. Prior to the issuance of the coastal development permit, the applicant shall submit a detailed landscaping plan for the review and written approval of the Executive Director. The landscaping plan shall incorporate the following elements:

- a) Plants shall be of appropriate type, size, extent and location to screen future residential development from public views along the northern and eastern property boundaries (public viewpoint accessway, Border Avenue and Camino del Mar).
- b) Drought tolerant native or naturalizing plant materials shall be utilized to the maximum extent feasible.
- c) The proposed irrigation system and other landscape features associated with the site improvements permitted herein shall not encroach within forty feet of the top of bluff to maintain an appropriate blufftop setback for geologic stability.
- d) Landscaping shall be initially installed within sixty (60) days of completion of the subdivision improvements approved herein.
- e) Perimeter landscaping, particularly that located along the northern and eastern property boundaries, shall be maintained in good growing condition throughout the life of the development. Landscaping adjacent to the existing public viewpoint accessway shall be regularly trimmed such that it maintains a visual buffer from future homes but does not encroach into the public accessway.
- f) If desired, a monument-style identification sign, not to exceed eight feet in height, may be included on the landscaping plan.
- g) No gating is herein approved.

The applicant shall implement the landscaping in accordance with the approved landscaping plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No change to the plan shall occur without a Commission approved amendment to this permit, unless the Executive Director determines that no such amendment is required.

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, to ensure that the intent of this condition continues to be applicable throughout the life of the project. The restriction shall provide that landscaping shall be implemented in accordance with Special Condition #1 and consistent with those plans approved with CDP #6-97-21. 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:

1. Project Description/Visual Resources. The applicant is proposing a number of site improvements to seven existing legal lots located at the northern border of the City of Del Mar. The 5.88-acre site is situated on an

ocean bluff; there is a pre-Coastal Act condominium project to the north, separated from the project site by a public blufftop view accessway, and estate development to the south. The Pacific Ocean lies to the west and there is existing commercial development and the Del Mar Fairgrounds across Camino del Mar (Highway 101) to the east. The subdivision of the property was addressed in Coastal Development Permit #6-94-27, approved by the Coastal Commission in April, 1994.

The current proposal is to construct a private access road, trench for utilities (water, sewer and storm drain), install drainage facilities and install some landscaping. The access road will begin at the junction of Border and Sierra Avenues, trend south between Parcels 1 and 2, then turn ninety degrees and trend west between Parcels 2 and 5, ending at the eastern edge of Parcels 3 and 4. Future driveways can be constructed from the private access road to Parcels 1 through 6, and, via a future extension, to Parcel 7. Water and sewer facilities will be installed within the alignment of the proposed access road. Drainage improvements will include catch basins and a swale running north-south along the western portion of the site, but more than forty feet landward of the delineated bluff edge. These will connect with an 18" private storm drain running east to Camino del Mar between Parcels 1, 2 and 3 on the north side of the drain and Parcels 4, 5 and 6 on the south; a portion of the storm drain will follow the alignment of the access road.

The project will also include closing four existing curb cuts, and constructing curbs, gutters and sidewalk within public right-of-way along Border Avenue. Finally, a public storm drain line will be extended approximately 760 feet along Camino del Mar, south of the drain's connection with the subject site, to connect with existing City of Del Mar public storm drain facilities. Construction of homes is not proposed at this time.

Section 30251 of the Coastal Act provides for the protection of scenic coastal resources and for the compatibility of new and existing development. The subject site is sensitively located along the blufftop in northern Del Mar and will afford future homeowners panoramic views. Prior to the 1994 subdivision, there was an earlier Coastal Commission action on the site. Coastal Development Permit #6-82-256 authorized construction of a fence to secure the vacant site and also established a public accessway to a blufftop viewpoint at the northwestern end of the site. The accessway was accepted by the City of Del Mar several years ago and, although fenced, has an unlocked gate to allow public entry. There is, however, no direct access to the beach in this location.

Camino del Mar (Highway 101) is the major north-south transportation corridor in Del Mar and is a major coastal access route to both City beaches and to beaches in Solana Beach and Torrey Pines, to the north and south of Del Mar respectively. There are good ocean views available looking south along Camino del Mar while driving or walking by the subject site; however, there are no ocean views available across the site itself, due to the depth of the site and the height of the bluffs. Thus, the proposed subdivision improvements, and the future construction of homes on the site, will not adversely impact ocean views at all, nor will they adversely impact the general scenic qualities of

the area, due to City-required setbacks, height limits and other design criteria. The appearance of the subject site itself will significantly change in the future, although not through the current proposal, which is just for surface and underground improvements.

Because the site is located both along a major coastal access route and adjacent to a public pedestrian viewpoint accessway, it is important that the site maintain a good appearance and enhance public views of the overall scenic area. Although the applicant has stated that landscaping improvements are part of the current proposal, no landscaping plan has been submitted, and based on a telephone conversation with the applicant's agent, such a plan has not yet been finalized. While it is expected that detailed site landscaping will be part of the application(s) for the future homes, the agent indicated that perimeter and entryway landscaping will be installed in conjunction with the subject permit. It is important that any planting done along the perimeter of the property be attractive and appropriate for the site, since the northern and eastern frontages are along public view corridors and access paths.

Therefore, Special Condition #1 is attached, requiring the applicant to submit and implement an appropriate landscaping plan for the site perimeter. The condition provides that plantings be designed to screen future residences from public views of the site from adjacent public streets/walkways and to provide an attractive corridor along the public viewpoint accessway. Since no planting or irrigation is allowed within forty feet of the bluff edge, neither such improvements nor future homes should be prominent within the panorama of the public viewpoint. A location for an identification sign was conceptually shown on the submitted plans, but was listed as "not a part of this application." However, such a sign can be approved at this time to avoid the need for future permit review if the applicant desires. Any proposed identification sign must be consistent with the certified City of Del Mar Land Use Plan and past Commission precedents (i.e., a monument sign not exceeding eight feet in height). The condition also clarifies that the development is not being approved as a gated community at this time. Finally, the terms of the condition must be recorded in a deed restriction to run with the land, and thus assure implementation of landscaping in a timely manner and appropriate maintenance of all approved landscape features for the life of the development. As conditioned, the Commission finds the development consistent with Section 30251 of the Act.

2. Blufftop Setback/Geologic Hazards. Section 30253 of the Coastal Act provides that new development shall minimize risks to life and property, assure stability, not create nor contribute significantly to erosion or require protective devices that alter natural landforms. The subject site is a blufftop property which was previously subdivided into seven legal lots. A condition of that approval (Coastal Development Permit #6-94-27) established, through recordation of a deed restriction against the three blufftop lots (Lots 3, 4 and 7), a building setback of forty feet from the delineated bluff edge, based on the definition of bluff edge found in the certified City of Del Mar LCP Land Use Plan. That condition runs with the land and continues to be in effect at this time. In addition, in its recent approvals for the proposed

site improvements, the City of Del Mar is requiring recordation of a deed restriction against those three lots, identifying and preserving the same forty-foot setback as addressed in the prior Commission approval.

The proposed site improvements, including the access road, allow for development of all seven lots without any encroachment into the delineated forty-foot setback area. Proposed storm drain improvements are more than forty feet from the bluff edge, and both the City's action and Special Condition #1, attached, provide that landscaping and irrigation cannot encroach within the blufftop setback. Only minimal balanced grading (total 500 cu.yds.) is required to trench for utilities and provide for proper site drainage. The proposed storm drain improvements will direct all site runoff away from the bluff and, through the extension of an off-site storm drain line in Camino del Mar, into the existing City of Del Mar public storm drain system, which is designed to accommodate buildout of this site. Therefore, no further restrictions are required at this time to address bluff stability, and the Commission finds the proposed site improvements, as conditioned previously, herein, and by the City of Del Mar, consistent with Section 30253 of the Act.

3. Public Access. Sections 30210 and 30212 of the Coastal Act require that maximum access opportunities be provided to the public and that new access from the nearest public road to the shoreline be provided in new development, with a few exceptions, such as when adequate access exists nearby. In addition, Section 30604(c) requires a specific access finding for every project located between the sea and first coastal roadway.

The subject site is located between the first public road (Camino del Mar/ Highway 101) and the sea, and extends down the vertical bluff face to the mean high tide line. In a previous Commission action (Coastal Development Permit #6-82-256), a vertical blufftop access corridor, running along the northern edge of the property to a blufftop viewing area, was dedicated to the City of Del Mar, and was transferred to the City in fee title several years ago.

No direct vertical beach access exists in the area, since these bluffs are very sheer and rise approximately eighty feet straight up from the narrow beach below. For this reason, the City has not identified this area as a potential location for improved public beach access in its certified land use plan. However, the bluffs end abruptly to the south, and there is public beach access approximately 1,000 feet south of the subject site, off of Camino del Mar (Highway 101). An accessway also exists approximately 600 feet to the north, within the City of Solana Beach. Additionally, no requirement for a lateral access easement along the beach is appropriate at this time, since no development is proposed which would affect the sandy beach area. As proposed and conditioned, the Commission finds the development consistent with all public access and recreation policies of the Coastal Act.

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. Such a finding can be made for the proposed development, as conditioned.

The subject site is zoned R-1-14 (Lots 1-6) and R-1-40 (Lot 7) and designated for low density residential development in the certified City of Del Mar LCP Land Use Plan. In addition, this site is identified as a coastal bluff property, and is included in the Bluff, Slope and Canyon Overlay, which has been incorporated into the land use plan. With the previously-satisfied condition acknowledging the policies of the certified LUP which pertain to the site and address the building areas on the proposed parcels, and the current special condition addressing landscaping, the Commission finds the proposal consistent with the certified local planning document. In addition, the Commission has determined the development, as conditioned, is consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the project, as conditioned, will not prejudice the ability of the City of Del Mar to develop appropriate implementing ordinances and 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 will not cause significant adverse impacts to the environment. Specifically, the project, as conditioned, has been found consistent with the visual resources 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.

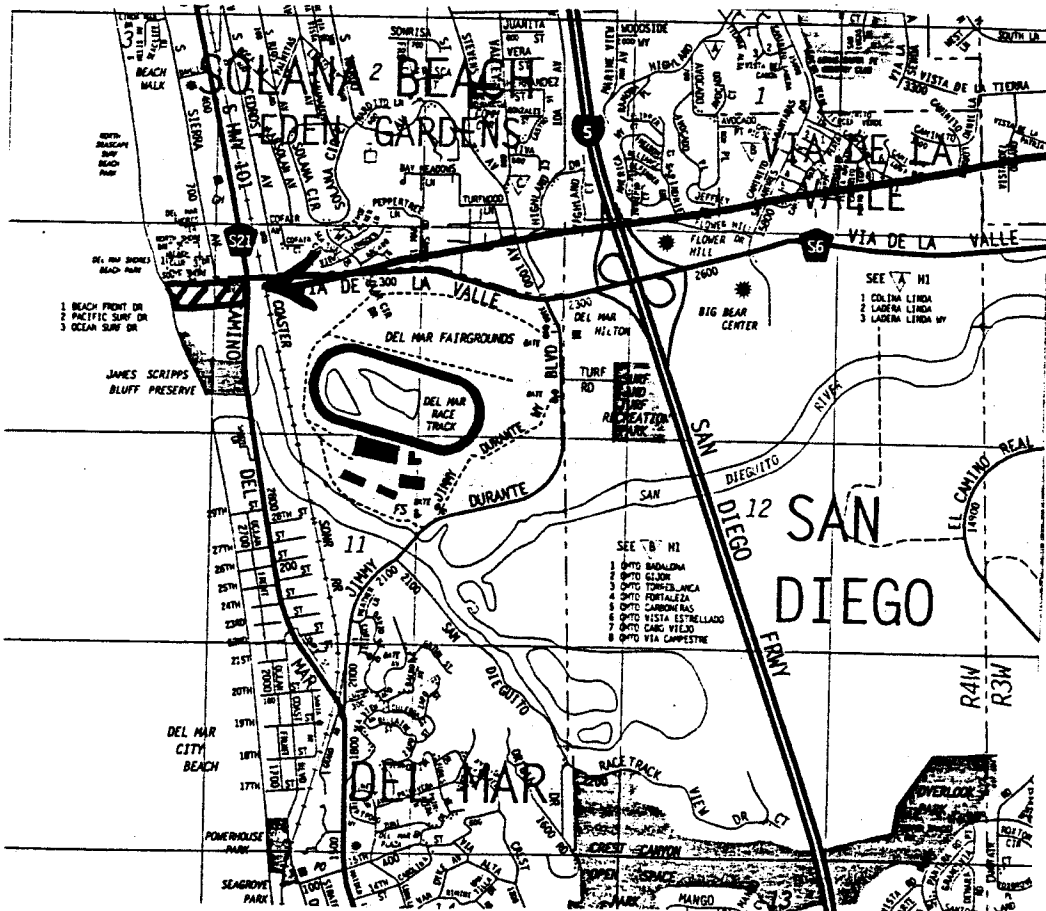
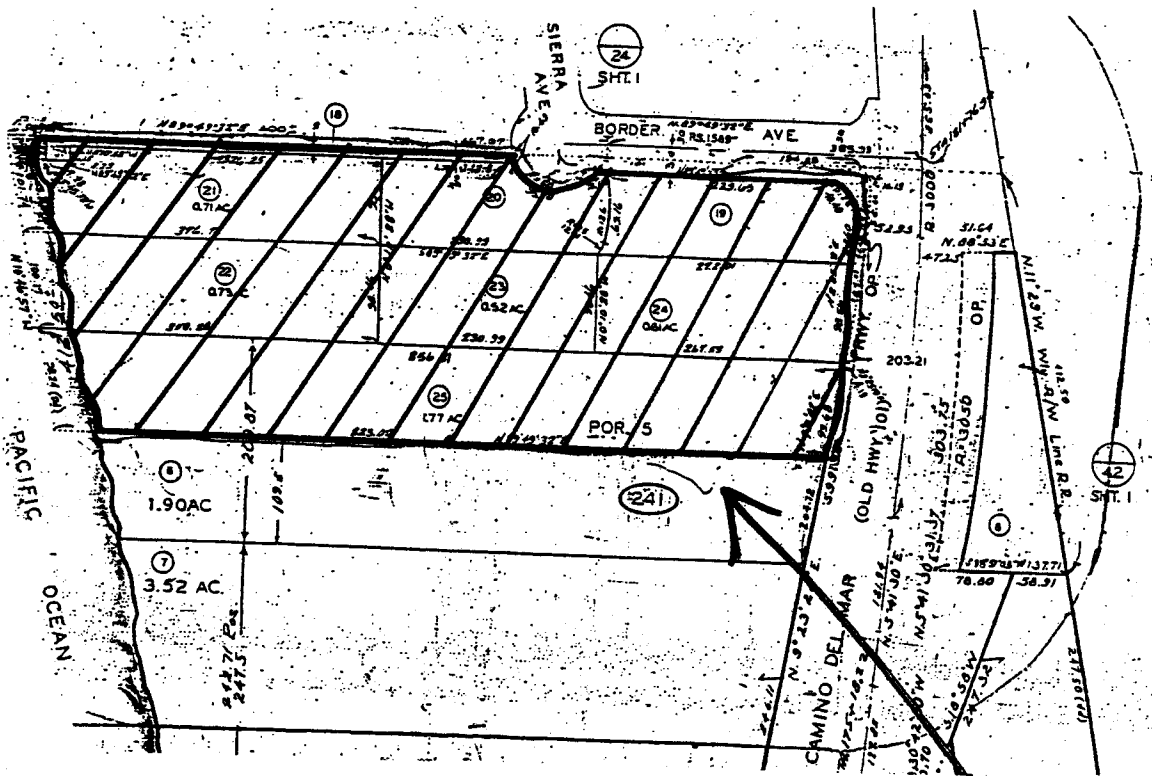
STANDARD CONDITIONS:

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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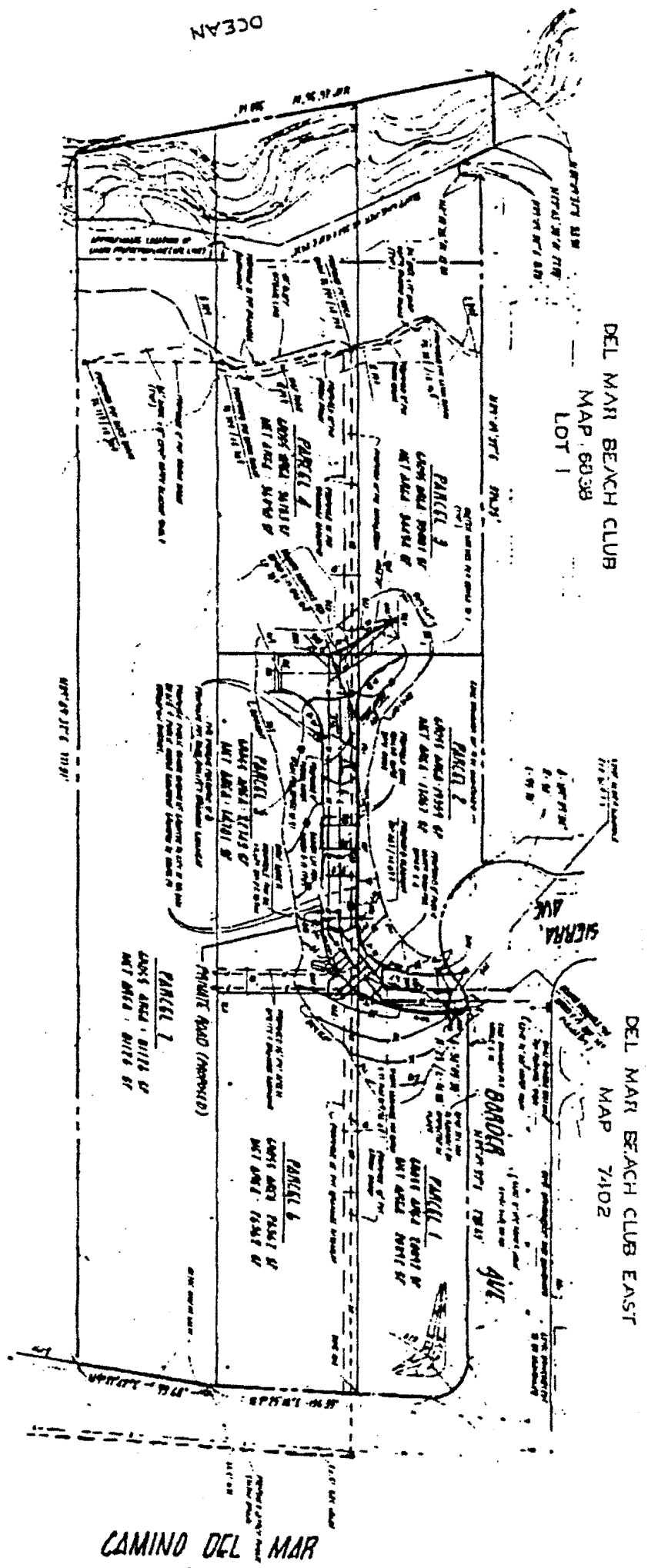


Site

EXHIBIT NO. 1
APPLICATION NO. 6-97-21
Vicinity Maps
California Coastal Commission



6-97-21



DEL MAR BEACH CLUB  
MAP 6038  
LOT 1

DEL MAR BEACH CLUB EAST  
MAP 7102

CAMINO DEL MAR

EXHIBIT NO. 2
APPLICATION NO. 6-97-21
Site Plan
California Coastal Commission