

CALIFORNIA COASTAL COMMISSION

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

Filed: March 20, 1997
 49th Day: May 8, 1997
 180th Day: August 16, 1997
 Staff: DL-SD
 Staff Report: April 22, 1997
 Hearing Date: May 13-16, 1997

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-97-28

Wed 4b

Applicant: May Partners

Agent: Pasco Engineering, Inc.

Description: Subdivision of a 96,670 sq. ft. site into five parcels: Parcels 1, 2, and 3 = 16,840 sq. ft. each; Parcel 4 = 19,400 sq. ft. and Parcel 5 = 26,750 sq. ft. (all gross). Also included is the demolition of two existing single-family dwellings on the site, and construction of an approximately 400 foot long private road. Approximately 1,840 cubic yards of cut and 1,400 cubic yards of export is proposed.

Lot Area	96,670 sq. ft.
Building Coverage	4,356 sq. ft. (5%)
Pavement Coverage	12,632 sq. ft. (13%)
Unimproved Area	79,682 sq. ft. (82%)
Parking Spaces	3
Zoning	R-3/R-4
Plan Designation	Low Residential (3 du/ac)
Project Density	2.25 du/ac

Site: 214 South Nardo Avenue, Solana Beach, San Diego County.
 APN 298-081-36, 37, 38

Substantive File Documents: City of Solana Beach General Plan; certified County of San Diego Local Coastal Program (LCP); City of Solana Beach Resolution No. 89-96; CDP #6-86-548; CDP #6-91-38.

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. Disposal of Graded Spoils. Prior to the issuance of the coastal development permit, the applicant shall identify the location for the disposal of graded spoils. If the site is located within the coastal zone, a separate coastal development permit or permit amendment shall first be obtained from the California Coastal Commission or its successors in interest.

2. Future Development. This permit is for subdivision of a three lot site into five parcels, demolition of two existing single-family residences, construction of an access road and associated grading. All other development proposals for the site including construction of residences on the site, shall require review and approval by the Coastal Commission, (or local government pursuant to a certified local coastal program), under a separate coastal development permit.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. Proposed is the subdivision of an existing 2.22 acre site (consisting of three lots) into five parcels. Lots 1, 2 and 3 will be 16,840 sq. ft., Lot 4 19,400 sq. ft. and Lot 5 26,750 sq. ft. Two existing single-family dwellings on proposed parcels one and three will be demolished. The subject site is located on the east side of South Nardo Avenue, approximately 1/4 mile south of Lomas Santa Fe Drive in the City of Solana Beach. In addition, the project involves the construction of an approximately 400 foot long private road taking access from South Nardo Avenue and ending in a cul-de-sac along the northern portion of the site, and the installation of a sewer line to serve the proposed parcels. No development, other than construction of the road and sewer extension, is proposed at this time. Special Condition #2 notifies the applicant that future development on the site will require additional review and approval.

Construction of the road and sewer improvements will require grading of approximately 1,840 cubic yards of cut and 440 cubic yards of fill, with 1,400 cubic yards of graded material to be exported off-site. As no site has yet been determined for the deposition of this graded material, Special Condition #1 has been attached, which requires the applicant to identify a disposal site prior to issuance of the permit. If the material is to be deposited within the coastal zone, an amendment or separate coastal development permit will be required.

The majority of the site is level, with the portion of the site consisting of proposed parcels four and five sloping downward in an easterly direction. The

site does not contain any steep slopes in excess of 25 percent that are naturally vegetated.

The project site was previously approved for a three lot subdivision by the Commission under CDP #6-86-548. No new development was proposed at that time and the final map was subsequently recorded. The Commission previously approved CDP #6-91-38 for the same development as the proposed project; however, the map was never recorded and the permit expired.

2. New Development. Section 30250 (a) of the Coastal Act states, in part:

(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 a significant adverse effects, either individually or cumulatively, on coastal resources.

Additionally, Section 30251 of the Act states, in part:

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,...

The project site is located in a previously developed area in the City of Solana Beach on the east side of Nardo Avenue, south of Lomas Santa Fe Drive. With the installation of the private road and sewer extension as part of this proposal, all typical urban services will be available to the project site and the surrounding infrastructure of the community will be able to accommodate the increased density of development resulting from approval of this subdivision.

The proposed subdivision will result in five lots that are comparable in size to other parcels in the area. Given that no impacts to any coastal resources will result from the proposed development and that the development will be compatible with the surrounding area, the Commission finds the proposed project consistent with Sections 30250 (a) and 30251 of the Act.

3. 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.

While no residential development is proposed at this time, the proposed development would create the potential for five residential units. The site

is designated Low Residential with a maximum allowable density of 3 dwelling units per acre in the City of Solana Beach General Plan and Zoning Ordinance. The site is under two designations in the certified County of San Diego LCP, which the Commission uses for guidance for development in Solana Beach, with one portion of the site designated Residential 4 and one portion designated Residential 5. The maximum density resulting from the subject proposal will be 2.25 du/a, consistent with the certified County LCP and the City's designation. The site is not subject to any of the special overlays identified in the County LCP and, as conditioned, is consistent with all applicable Chapter 3 policies of the Coastal Act. No adverse impacts to any coastal resources are anticipated as a result of this development. Therefore, as conditioned, the Commission finds the proposed development will not prejudice the ability of the City of Solana Beach to prepare a certifiable local coastal program.

3. 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.

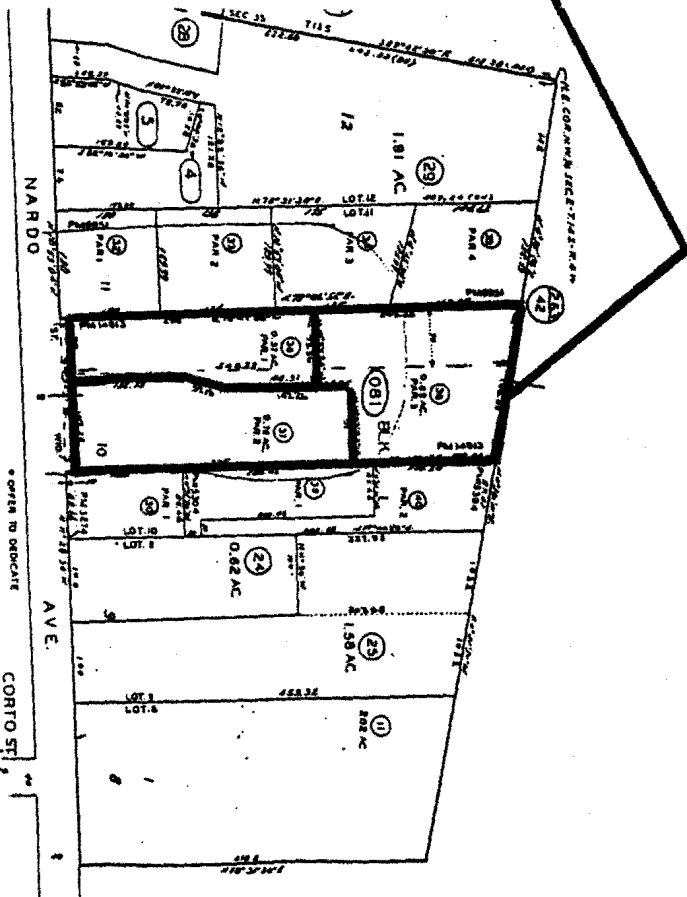
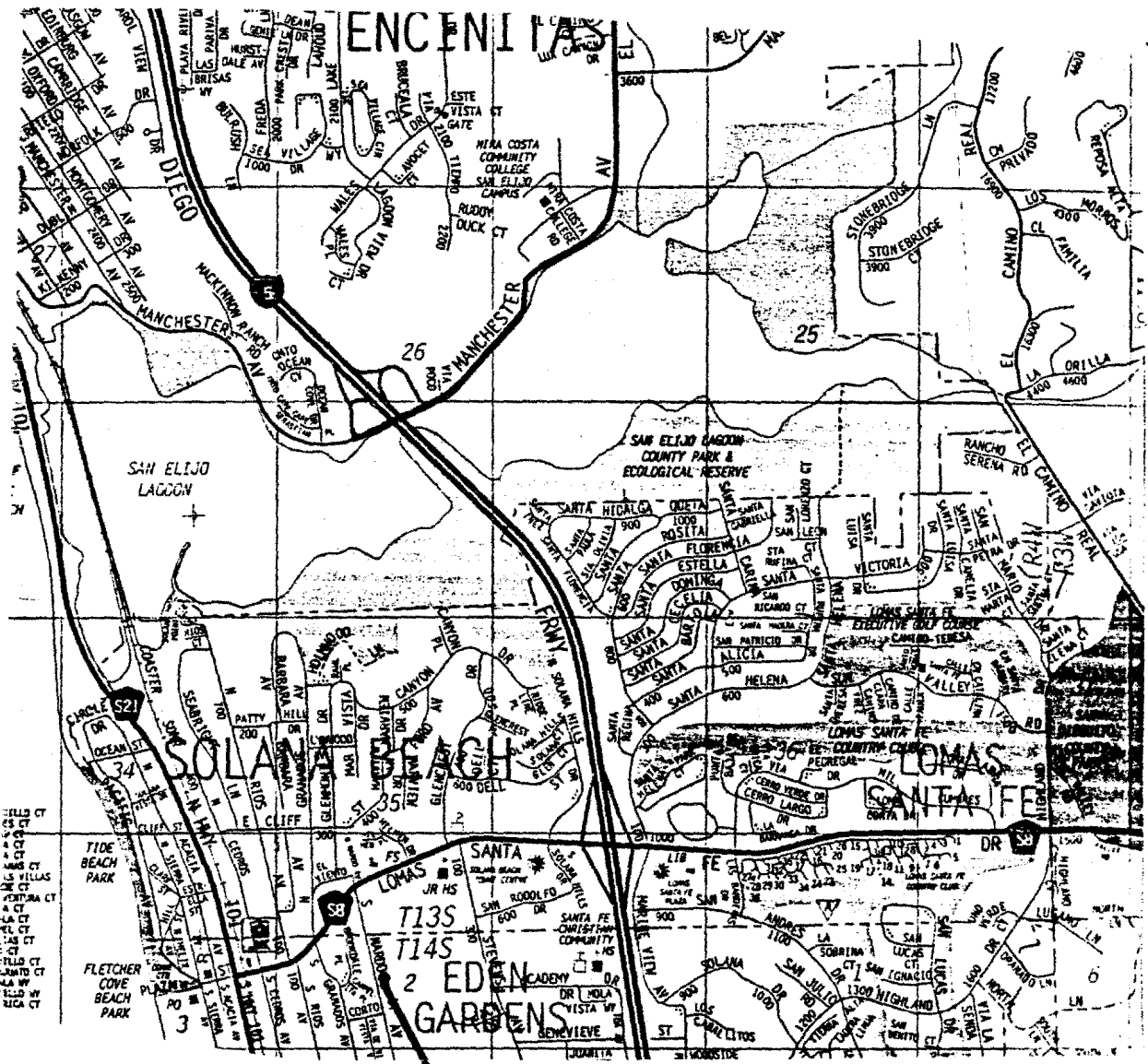
The proposed project has been conditioned in order to be found consistent with the new development policies of the Coastal Act. Mitigation measures, including conditions addressing disposal of graded spoils, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives 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.

(7028R)



SITE

EXHIBIT NO. 1
 APPLICATION NO.
 6-97-28
 Location Maps

California Coastal Commission

820-16-9

SHT. 1 OF 2 SHTS.

CITY OF SOLANA BEACH TENTATIVE MAP AND PLOT PLAN

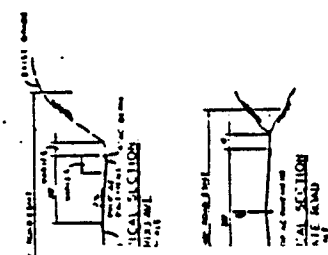
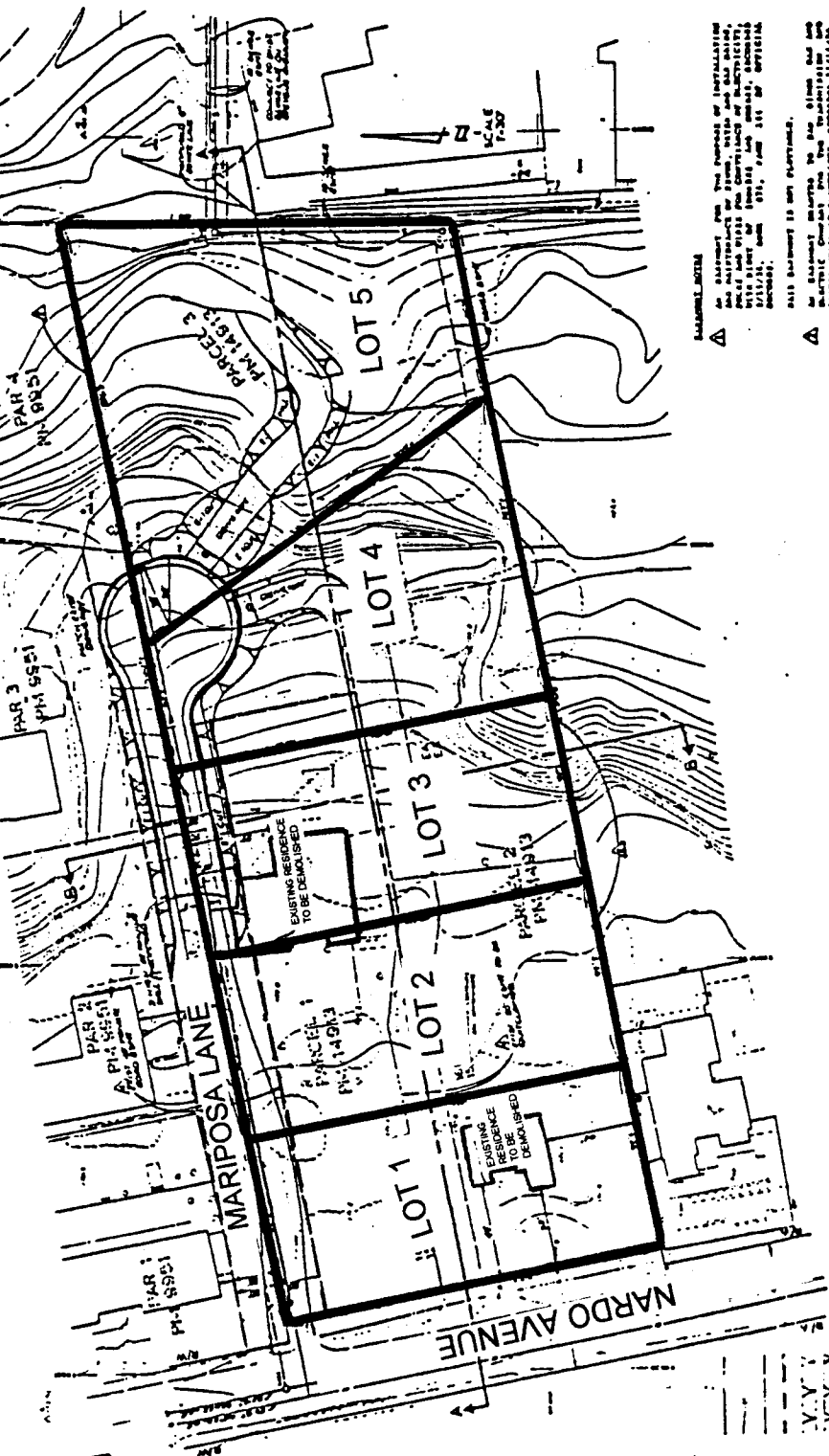


EXHIBIT NO. 2

APPLICATION NO.
6-97-28

Subdivision Map

California Coastal Commission

OWNER'S DECLARATION: I, the undersigned, owner of the above described property, hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief, and that the same is true and correct to the best of my knowledge and belief, and that the same is true and correct to the best of my knowledge and belief.

PREPARED BY: [Name of Surveyor/Engineer]

DATE: [Date]

SCALE: [Scale]

COMMISSIONER'S OFFICE: [Address]

APPROVED: [Signature]

ENGINEER OF WORK: [Signature]

PE: [Professional Engineer Seal]

EXPLANATION:

- ▲ ALL LOTS ARE TO BE PLANNED AS RESIDENTIAL SINGLE-FAMILY UNITS.
- ▲ ALL LOTS ARE TO BE PLANNED AS RESIDENTIAL SINGLE-FAMILY UNITS.
- ▲ ALL LOTS ARE TO BE PLANNED AS RESIDENTIAL SINGLE-FAMILY UNITS.
- ▲ ALL LOTS ARE TO BE PLANNED AS RESIDENTIAL SINGLE-FAMILY UNITS.

REMARKS:

ALL LOTS ARE TO BE PLANNED AS RESIDENTIAL SINGLE-FAMILY UNITS.

ALL LOTS ARE TO BE PLANNED AS RESIDENTIAL SINGLE-FAMILY UNITS.

ALL LOTS ARE TO BE PLANNED AS RESIDENTIAL SINGLE-FAMILY UNITS.