

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, 1997
 49th Day: June 4, 1997
 180th Day: October 13, 1997
 Staff: DL-SD
 Staff Report: May 21, 1997
 Hearing Date: June 10-13, 1997

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-97-47

Applicant: Robert Costello Agent: Robert W. Flock

Description: Demolition of an existing one-story 1,062 sq.ft. single-family residence and construction of a two-story 3,255 sq.ft. single-family residence and a 610 sq.ft. studio/accessory apartment above an existing detached 2-car garage, and enlargement of the garage to a 3-car garage.

Lot Area	23,287 sq. ft.
Building Coverage	3,159 sq. ft. (14%)
Pavement Coverage	3,715 sq. ft. (16%)
Landscape Coverage	6,765 sq. ft. (29%)
Unimproved Area	9,648 sq. ft. (41%)
Parking Spaces	3
Zoning	Low Residential
Plan Designation	Low Residential (3 du/ac)
Ht abv fin grade	25 feet

Site: 622 Canyon Drive, Solana Beach, San Diego County.
 APN 263-221-25.

Substantive File Documents: Certified City of San Diego Local Coastal Program; City of Solana Beach General Plan and Zoning Code; City of Solana Beach Case No. 17-96-27 DRP.

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:

I. 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 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. Special emphasis shall be placed on the placement of at least three (3) specimen size trees (24-inch box minimum) on the east-facing portion of the site to effectively screen the structure from views from San Elijo Lagoon and Interstate 5 to the west. The plan shall include the following:

(1) A planting schedule that indicates that the planting plan shall be implemented within 60 days of completion of construction.

(2) A written commitment by the applicant that all required plantings shall be maintained in good growing conditions, 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, 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 #6-97-47. 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. Detailed Project Description. Proposed is the demolition of an existing one-story 1,062 sq.ft. single-family residence and construction of a two-story, 3,255 sq.ft. single-family residence. Also proposed is the construction of a 610 sq.ft. studio/accessory apartment above an existing detached 2-car garage. The existing garage will be expanded to accommodate three cars. As proposed and required by the City of Solana Beach, occupancy of the proposed studio is limited to a maximum of two persons, at least one of whom must be a member of the primary residence's family, 60 years of age or older, or handicapped.

The project site is one of four lots taking access off a private street north of Canyon Drive, overlooking San Elijo Lagoon in Solana Beach. There are currently three existing residences west of the private roadway on a graded area cut into the hillside below Canyon Place. The east side of the road abuts the San Elijo Lagoon Regional Park, which slopes sharply down to the east above Interstate 5 and the lagoon. All of the proposed development on the subject site will be set back from the slope edge at least 50 feet.

The applicant is proposing to retain portions of the existing structure; however, more than 50% of the total existing exterior walls will be demolished. Thus, given the extent of demolition and reconstruction, the proposed project warrants review as demolition followed by a replacement structure rather than as an addition to existing development.

2. Visual Impacts. 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 existing structure is visible from southbound Interstate 5 and the lagoon trails east of the freeway. The proposed structure will be larger and one story higher than the existing structure, and thus will be more visually prominent. There are no existing trees directly in front of the structure which would help soften the view of the structure from the surrounding area.

The applicant is proposing to place redwood siding on the residence which will blend with the natural environment and minimize the visibility of the proposed structure. However, the residence will still be highly visible due to its location. Therefore, Special Condition #1 requires the applicant to submit a landscape plan planting a minimum of three specimen size trees in the front yard of the site to help screen the residence from Interstate 5 and the eastern portion of San Elijo Lagoon. The condition requires that the landscaping plant be implemented within 60 days of completion of construction, and include a written commitment that all planting be maintained in good growing condition 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. With this condition, the Commission finds the visual impact will be adequately mitigated and the project can be found consistent with Section 30251 of the Coastal Act.

3. Environmentally Sensitive Habitat. Section 30231 of the Coastal Act requires that the biological productivity and the quality of coastal water 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 and parks and recreation areas 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 on naturally vegetated steep slopes to avoid sedimentation impacts on the sensitive lagoon resources located downstream and minimize alteration of natural landforms.

The project site is located above a steep hillside at the southern limits of San Elijo Lagoon. The site is not located within the CRP overlay, but the steep, natively vegetated area immediately adjacent to the site to the east is within the overlay. There are no steep slopes on the site itself which will be affected by the proposed development. Drainage from the site flows predominately south to north. There is a drainage swale at the base of the sandstone bluff on the western portion of the site that directs water past the vacant site north of the subject lot, onto a property containing an existing residence and improved drainage facilities approved by the Commission in June 1989 (CDP #6-89-130). No runoff is directed over the bluff edge on the subject site. In addition, the existing and proposed development on the site is set back from the natural vegetation on the Lagoon Reserve property a minimum of 50 feet, such that no clear-cutting or disturbance of native vegetation would be required for fire protection. Therefore, the project can be found consistent with Sections 30231 and 30240 of the Coastal Act.

4. New Development. Section 30250 (a) of the Coastal Act requires that new residential development be located where adequate public services are available and where it will not have significant adverse impacts, either individually or cumulatively on coastal resources.

As stated, the project involves the replacement of an existing single-family residence and construction of an accessory living unit approved under the provisions of the City of Solana Beach regarding accessory units. This ordinance was developed in compliance with State Law pertaining to second units, (Section 65852.2(a) of the Public Resource Code), which provides that on parcels zoned for single-family residential development, an accessory unit attached to main residence or detached garage is permitted if found to maintain the character of the neighborhood, does not exceed 640 sq.ft, meets all other zoning requirements. The proposed development, at 610 square feet, is consistent with these provisions.

The subject site is planned and zoned for low-density residential development in the City of Solana Beach Zoning Ordinance with a maximum allowable density of 3 dwelling units per acre. In the previously certified County of San Diego Local Coastal Program (LCP), which the Commission uses for guidance in Solana Beach, the subject site is designated for residential development at a maximum allowable density of 2.9 dwelling units per acre. Two units on the site would reach a density of 3.7 dwelling units per acre; however, the proposed single-family residence and accessory unit is consistent with zoning and these land use designations since the accessory unit is allowed by right regardless of the resulting density.

The Commission has approved numerous second units subject to the provisions of State law, and finds that in this case, the proposed accessory unit is consistent with past Commission action and the State laws governing second units. The subject site is located in an area where all typical urban services are available, and the surrounding infrastructure of the community will be able to accommodate the increased density of development resulting from the project. There will be sufficient parking on the site to accommodate the development. The site is located in an area which does not have the

potential to impact beach or public recreation parking. Thus, the proposed density does not in itself raise any coastal access issues, and the project can be found consistent with Section 30250 (a) of the Act.

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

As previously noted, the subject site is zoned and designated for low-density residential uses in the previously certified County of San Diego LCP and in the City of Solana Beach General Plan and Zoning Ordinance. As conditioned, the project will be 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.

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, 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 landscaping on the site, 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.

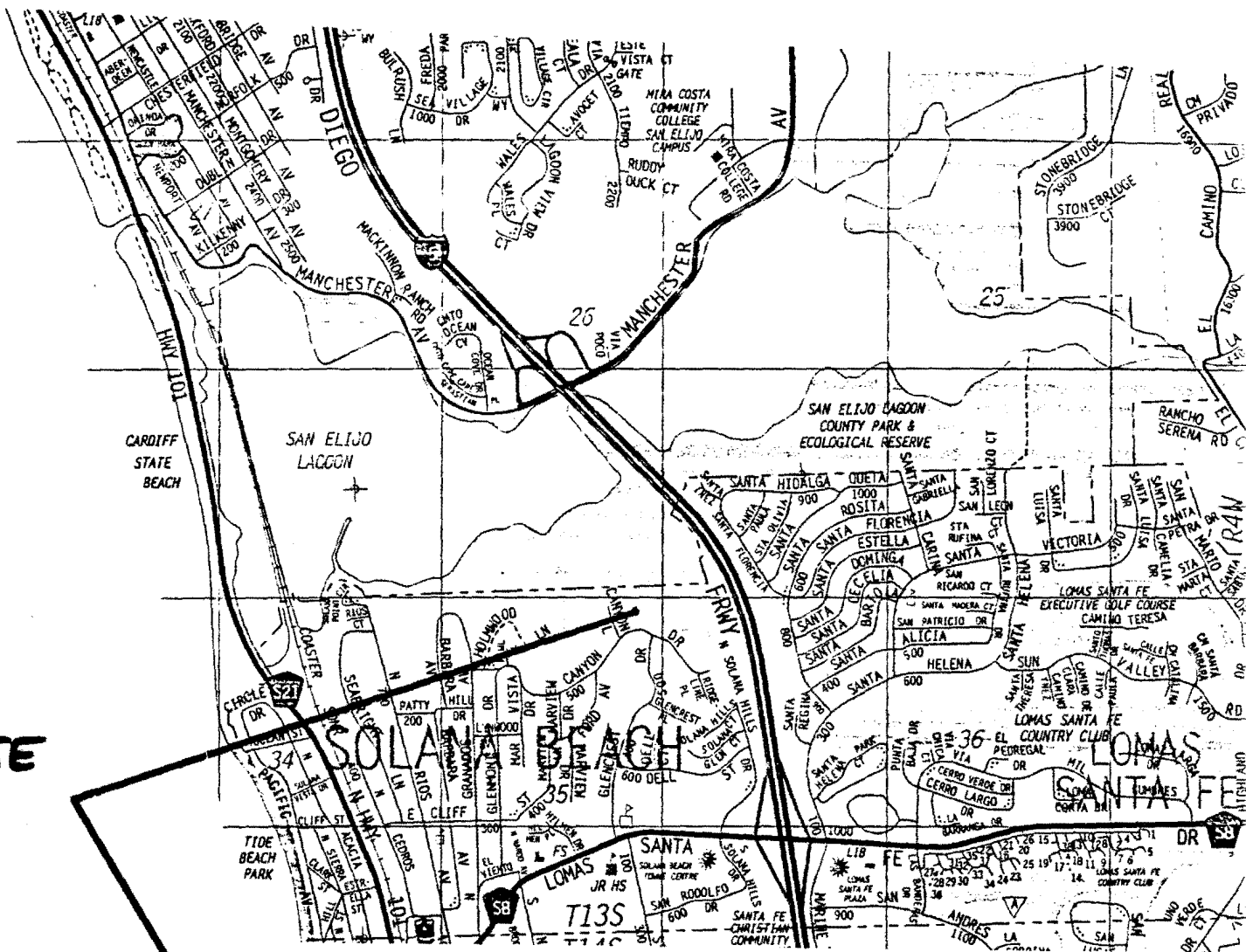
STANDARD CONDITIONS:

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.

(7047R)



SITE

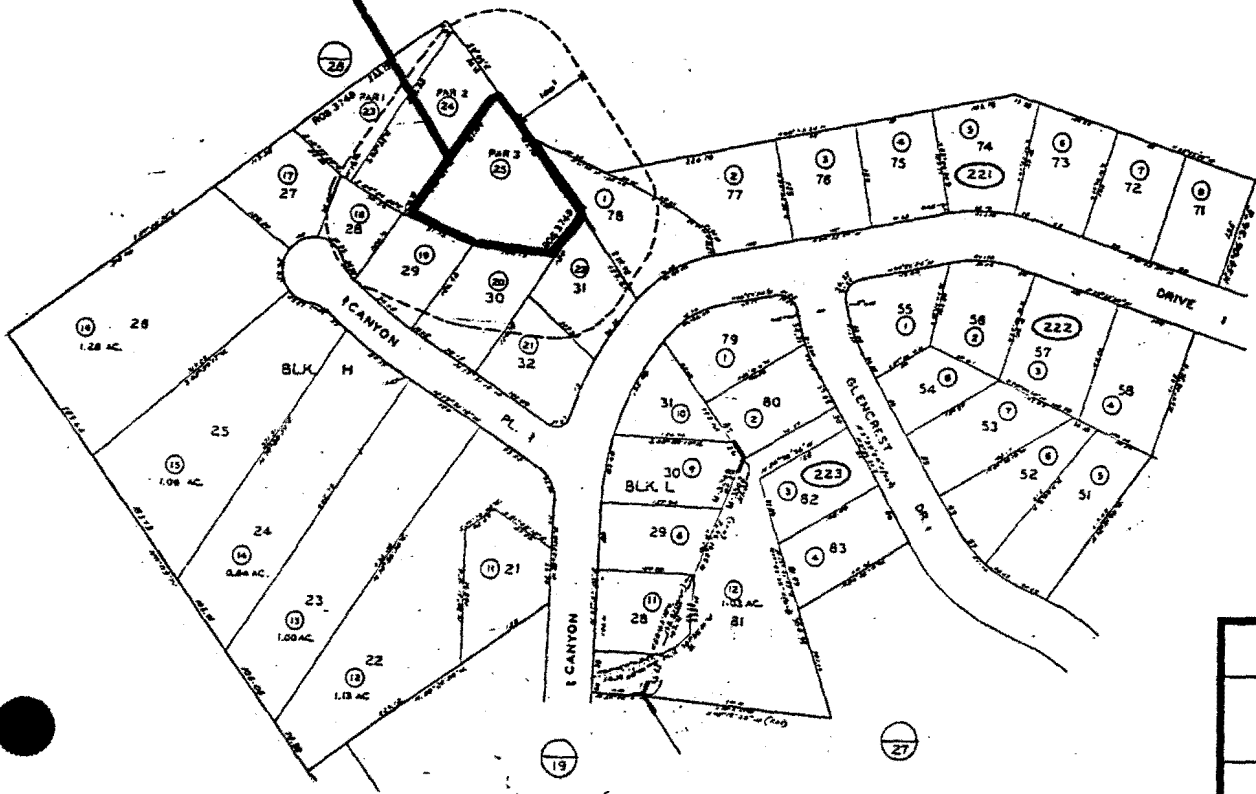


EXHIBIT NO. 1
 APPLICATION NO.
6-97-47
 Location Maps

California Coastal Commission

- LOT SIZE: 23,287 S.F. (0.54 AC)
- MAIN HOUSE EXISTING S.F.: 1062 S.F.
- MAIN HOUSE NEW FIRST FLOOR S.F.: 1142 S.F.
- MAIN HOUSE NEW SECOND FLOOR S.F.: 1051 S.F.
- MAIN HOUSE TOTAL PROPOSED S.F.: 3255 S.F.
- NEW SECOND FLOOR STUDIO S.F.: 610 S.F.
- TOTAL HOUSE & STUDIO S.F.: 3865 S.F.
- TOTAL HOUSE/STUDIO/GARAGE S.F.: 4689 S.F.

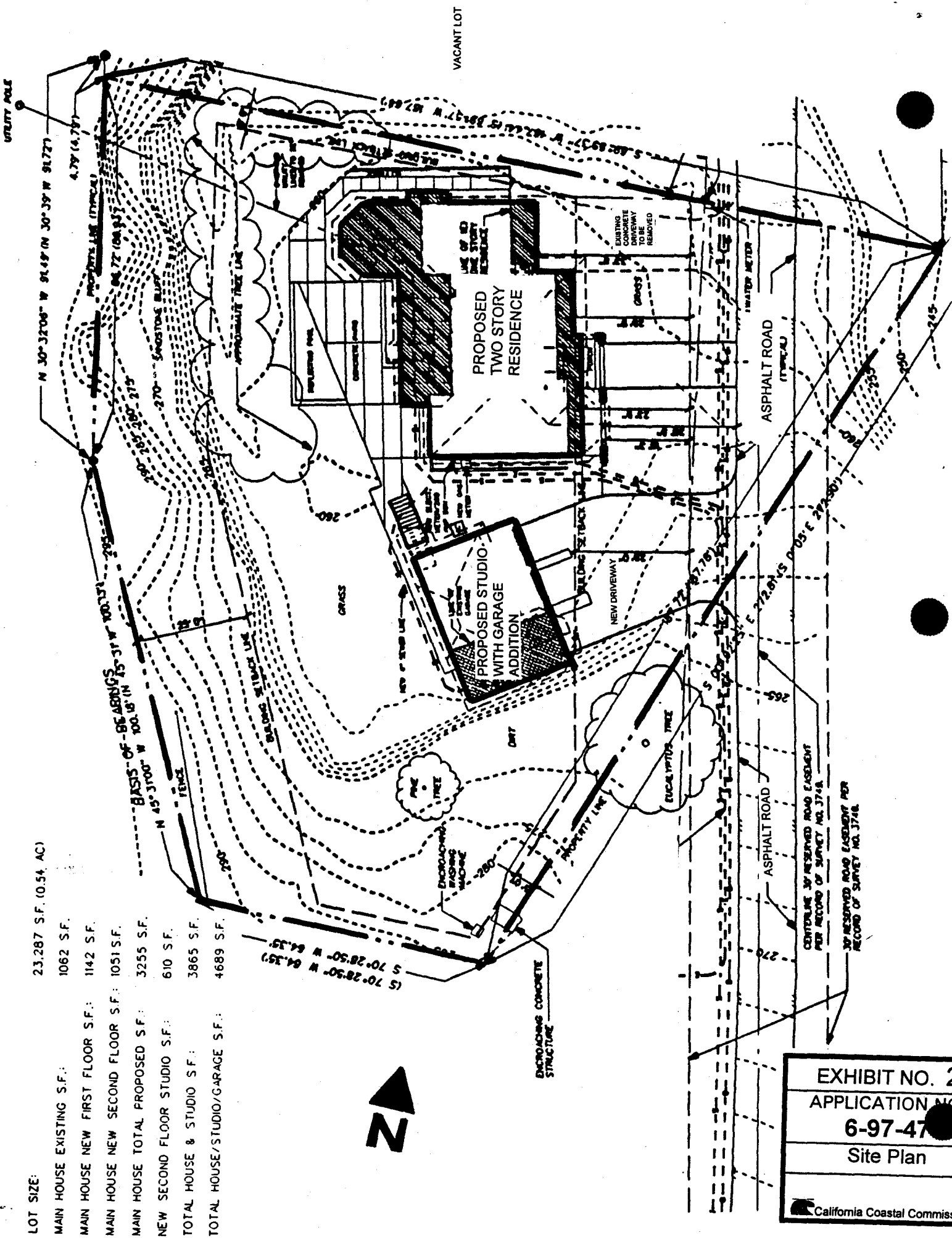


EXHIBIT NO. 2
 APPLICATION NO.
 6-97-47
 Site Plan