

CALIFORNIA COASTAL COMMISSION

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REGULAR CALENDAR
STAFF REPORT: AND PRELIMINARY RECOMMENDATION

Application No.: 6-97-63

Applicant: Tim Reed Agent: J. Michael Winfield

Description: Construction of a one-story, 2,970 sq.ft. single-family residence with an attached 400 sq.ft. garage and 200 cubic yards of balanced grading. The applicant has proposed placement of an open space easement over the southern portion of the site.

Lot Area	23,958 sq.ft.
Building Coverage	2,370 sq.ft. (10%)
Pavement Coverage	3,298 sq.ft. (14%)
Landscape Coverage	6,290 sq.ft. (26%)
Unimproved Area	12,000 sq.ft. (50%)
Parking Spaces	4
Zoning	Estate Residential
Plan Designation	Estate Residential (2 du/ac)
Project Density	1.8 du/ac
Ht abv fin grade	25 feet

Site: 911 Avocado Place, Solana Beach, San Diego County. APN 298-291-41

Substantive File Documents: Certified County of San Diego Local Coastal Program; City of Solana Beach General Plan and Zoning Ordinance.

STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed residential construction with special conditions requiring an open space easement over the southern portion of the site, a landscaping deed restriction designed to screen the development from views from Interstate 5, Via de la Valle, and the San Dieguito River Valley, a restriction on the exterior colors of the residence to earthen tones, and submittal of a drainage and erosion control plan. As

conditioned, the project is consistent with the visual and biological resource policies of the Coastal Act.

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 to the Executive Director for review and written approval, a detailed landscape plan, to be subsequently implemented, 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 specifically include the following:

- 1) Placement of at least five (5) specimen size trees (25-inch box minimum) arranged along the south and southeast facing portion of the residence to effectively screen the structure from views from Highway 5, Via de la Valle, and the San Dieguito River Valley.
- 2) A planting schedule that indicates that the landscape plan shall be implemented within 60 days of completion of construction;
- 3) 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 material 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 as described in Special Condition 1a of CDP #6-97-63 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.

2. Exterior Treatment. Prior to the issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, a color board or other indication of the exterior materials and color scheme to be utilized in the construction of the proposed residence. Said materials shall be consistent with the following which shall be recorded as a deed restriction against the property that states:

Any future modifications to the exterior surfaces of the residence shall be implemented with buildings materials of natural earthen tones, including deep shades of green, brown and gray, with no white or light shades, and no bright tones, except as minor accents, to minimize the residential development's contrast with the surrounding scenic areas, and consistent with those approved under Coastal Development Permit #6-97-63, on file in the San Diego Commission office.

Said restrictions shall be recorded, prior to issuance of the coastal development permit, in a form and content acceptable to the Executive Director. The document shall be recorded against the subject property, 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.

3. Open Space Deed Restriction. Prior to the issuance of the coastal development permit, the applicant shall record a restriction in a form and content acceptable to the Executive Director against the subject property 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. The restriction shall prohibit any alteration of landforms, removal of vegetation or the erection of structures of any type, in the area shown in concept on the attached Exhibit 2, and generally described as the area of steep, naturally vegetated slopes in excess of 25% grade that will not be cleared of vegetation for fire management purposes, and the portion of the site south of a line located 30 feet south of the proposed structure, extending east/west across the property. The recording document shall include legal descriptions of both the applicant's entire parcel and the restricted area, and shall be in a form and content acceptable to the Executive Director.

4. Grading/Erosion Control. Prior to the issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, final site and grading plans that have been approved by the City of Solana Beach, and that specifically incorporate the following requirements:

a. All areas disturbed by grading shall be planted within 60 days of the initial disturbance with temporary or permanent erosion control methods. Said planting shall be accomplished under the supervision of a licensed landscape architect, shall provide adequate coverage within 90 days, and shall utilize vegetation compatible with surrounding native vegetation, subject to Executive Director approval.

5. Drainage. Prior to the issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, a drainage and runoff control plan. This plan shall document that runoff from the roof, driveway and other impervious surfaces will be collected and appropriately discharged into the existing street drainage system and away from the hillside on the southern side of the property in order to protect the scenic resources and habitat values of the slopes from degradation by scouring or concentrated runoff.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description: The proposed project involves construction of a one-story 2,970 sq.ft. single-family residence with an attached 400 sq.ft. garage on a vacant lot. The 23,958 sq.ft. lot is located on the south side of Avocado Place overlooking Via de la Valle and the San Dieguito River Valley in the City of Solana Beach. The site slopes down from Avocado Place to the south, and the entire site is clearly and prominently visible from Interstate 5. Approximately 200 cubic yards of balanced grading is proposed to prepare the site for development.

Currently the site is highly vegetated with a variety of native and non-native grasses and shrubs. There is a ridgeline on the eastern boundary of the site which consists of natively-vegetated steep slopes. The applicant has proposed placing the entire southern portion of the site, and the natively-vegetated steep slopes on the site which would not be impacted by the development, under an open space deed restriction. This site is not located in any special overlay areas identified in the County of San Diego Local Coastal Program, which is used for guidance in the City of Solana Beach.

2. Visual Resources. Section 30251 requires that the scenic and visual qualities of coastal areas be protected, that new development be sited and designed to protect views to and along the ocean and scenic coastal areas, and that development be visually compatible with the character of surrounding areas.

The project site is located at the top of a south-facing slope and is highly visible from northbound Interstate 5, the San Dieguito River Valley and Via de la Valle. Via de la Valle was designated as a view corridor in the previously-certified County of San Diego Local Coastal Program, which is used for guidance in the City of Solana Beach. Therefore, the proposed project has the potential to have an adverse visual impact with regard to views of the site from the freeway, Via de la Valle and the surrounding natural river valley.

As noted above, the site is currently heavily vegetated with a variety of shrubs and grasses. Construction of the residence would involve encroachment on approximately 1,464 sq.ft. of natively-vegetated steep slopes on the site. In addition, because of fire department regulations regarding clearing of brush around structures, an additional 1,035 sq.ft. of steep, natively-vegetated slopes in the open space area adjacent to the site would be impacted.

Construction of a residence and clearing the existing vegetation on the site would result in an extremely prominent development in a highly visible area. The applicant has proposed placing the southern portion of the site, and natively-vegetated steep slopes on the site which would not be impacted by the development, under an open space deed restriction. Although a large amount of naturally vegetated slopes would be impacted by the project, the southern portion of the site is most visible from the surrounding area. Preservation of the natural landform of the slope and the existing vegetation on the southern portion of the site would help reduce the visual impact of the development. Special Condition #3 requires the applicant to submit an open space deed restriction for that portion of the site to ensure the area is maintained in its natural state.

However, the residence itself will be located on the northern, uppermost portion of the site, in an extremely visible location. Therefore, Special Conditions #1 and #2 have been proposed to reduce the visual impact of the proposed structure. Special Condition #1 requires that the applicant implement a landscaping plan providing for at least five specimen size trees along the southern and southeastern side of the residence designed to screen the residence from views from the south. The landscaping shall be designed to break up the facade of the structure from views from the south but need not affect the applicant's views from the residence towards the river valley. The landscaping 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.

Special Condition #2 calls for earthen tone construction materials to be used for the exterior surfaces of the residence. Landscaping, while softening the views of the structure, would not significantly reduce the visual impact of the development if the structure were constructed in bright or white tones. Recent developments in the general vicinity of the project site (ref. CDP #6-93-202/Patrick Henry Development) have similarly been required to implement earth tone colors to reduce its visual impact. The color restriction will ensure that the proposed residence blends in with the hillside and the landscaping to the greatest extent feasible.

Because of the importance of the landscaping and color restriction in providing a screening and softening function, Special Conditions #1 and #2 are in the form of deed restrictions, to ensure that future owners are aware of the conditions, and continue to screen the structure from public views in the future. The Commission has a long history of requiring that visual protection conditions be enforced through a deed restriction on the property to secure a commitment from existing and future property owners. The landscaping restriction applies only to the identified screening elements of the landscaping, (in this case, a minimum of 5 specimen size trees on the south and southeast-facing portion of the property), and does not restrict the landscaping on the rest of the lot.

As conditioned to protect the southern portion of the lot in open space, to provide landscape screening, and to maintain earthtone colors on the exterior of the structure, the views of the proposed development from Interstate 5 will be softened and the project will not have an adverse visual impact. Therefore, as conditioned, the proposed project will not adversely impact the scenic quality of the environment and can be found consistent with Section 30251 of the Coastal Act.

2. Resource Protection/Water Quality. Section 30231 of the Coastal Act states that the biological productivity and the quality of coastal waters appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, controlling runoff and minimizing alteration of natural streams. Section 30240(b) requires that development in areas adjacent to environmentally sensitive habitat be sited to prevent impacts that would significantly degrade such areas.

The project site is not located in the previously certified County of San Diego LCP Coastal Resource Protection overlay zone, which restricts the development of naturally vegetated steep slopes. However, as noted above, there are steep, natively-vegetated slopes on the site, and the site does drain directly into the San Dieguito River Valley. Due to the site's proximity to the river valley's environmentally sensitive habitat, there is a potential for the proposed project to impact the environment through erosion and sedimentation.

Although the project will impact a total of 2,499 sq.ft. of naturally vegetated steep slopes both on and off the project site, the impacted area is isolated and does not connect to a larger natural canyon system. In addition, as discussed above, an area two to three times larger than the impacted area will be preserved in open space on the southern portion of the site. The applicant's proposal to protect the remainder of the site allows the Commission to find that the project will not significantly disrupt environmentally sensitive habitat. To address potential downstream impacts, Special Condition #4 requires that temporary erosion control measures be utilized to ensure grading activities do not increase runoff impacts. In addition, Special Condition #5 requires the submittal of a drainage plan indicating that all runoff from the proposed structures is directed towards the improved street system. These conditions will minimize the potential for degradation of the slopes and subsequent sedimentation impacts to the river valley. Therefore, as conditioned, the proposed development will not

result in adverse impacts to sensitive habitat or the quality of coastal waters, and the project can be found consistent with Section 30231.

3. Local Coastal Planning. Section 30604(a) 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 has been planned and zoned for large-lot estate residential uses in the previously certified County of San Diego Local Coastal Program and the City of Solana Beach. The proposed development is consistent with these designations. As conditioned, the proposed project is consistent with all applicable Chapter 3 policies of the Coastal Act. Thus, the proposed development will not prejudice the ability of the City of Solana Beach to prepare a certifiable local coastal program.

5. 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 and sensitive resource policies of the Coastal Act. Mitigation measures, including submittal of a landscaping plan, a color board, an open space deed restriction, and a drainage plan, 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 Acknowledgment. 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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