

CALIFORNIA COASTAL COMMISSION

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REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-98-1

Applicant: Russel and Ruth Silz Skerrett
 City of Solana Beach

Description: Demolition of existing single-family residence, greenhouses, storage barn and storage sheds; subdivision of an existing 6 acre site into 9 residential lots ranging from 12,200 sq.ft. to 16,700 sq.ft. (net), a 66,700 sq.ft. open space lot and a 32,100 sq.ft. open space lot, and an 18,700 sq.ft. landscaping lot; construction of 9 single-family residences approximately 4,000 sq.ft. each; on and off-site street, sidewalk and drainage improvements in North Rios Avenue; off-site drainage improvements on the northwest side of Barbara Avenue; and the temporary erection of a fence around the project site. The applicant is proposing an offer to dedicate a 66,700 sq.ft. area including wetlands and a buffer area to a resource agency. The demolition and fence construction has occurred without a coastal development permit.

Lot Area	261,360 sq. ft.
Building Coverage	31,500 sq. ft. (12%)
Pavement Coverage	14,168 sq. ft. (5%)
Landscape Coverage	148,992 sq. ft. (57%)
Unimproved Area	66,700 sq. ft. (26%)
Parking Spaces	21
Zoning	Low Residential
Plan Designation	Low Residential (3 du/ac)
Project Density	.5
Ht abv fin grade	25 feet

Site: 830 North Rios Avenue, Solana Beach, San Diego County.
 APN 263-280-20

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed project with special conditions addressing the protection of wetland habitat on the site through an offer to dedicate and open space deed restrictions, a street sweeping program, erosion and grading control measures, and a rainy season grading restriction. Views from San Elijo Lagoon to the project site will be protected by color restrictions and landscaping requirements. The existing trail located on the site will be preserved. As conditioned, the project will not have any adverse impact on the natural, recreational or visual resources of San Elijo Lagoon.

Substantive File Documents: Certified County of San Diego Local Coastal Program; City of Solana Beach Specific Plan No. 17-96-17; RBRiggan & Assoc., "Final Environmental Impact Report for the Skerrett Subdivision", November 20, 1995; U.S. EPA *Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters*.

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

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. Open Space Deed Restriction. No development, as defined in Section 30106 of the Coastal Act, shall occur in the 66,700 sq.ft. area shown as Lot A on the attached Exhibit 2 except for:

Development necessary to maintain the existing trail as authorized by a coastal

development permit unless it is exempt from permit requirements pursuant to section 30610 of the Coastal Act.

In addition, no development, as defined in Section 30106 of the Coastal Act, shall occur in the 32,100 sq.ft. area shown as Lot B on the attached Exhibit 2 except for:

Construction of a brow ditch, and grading as shown on the Tentative Subdivision Map by Sowards and Brown Engineering, Inc. dated May 19, 1997, and periodic thinning of vegetation for fire control as required by the Fire Marshal.

PRIOR TO ISSUANCE OF THE PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, which reflects the restrictions stated above on the proposed development in the designated open space. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

In addition, the applicant shall submit to the Executive Director for review and written approval, a copy of the recorded irrevocable offer to dedicate in fee title Lot A of the approved subdivision to a public agency or private association acceptable to the Executive Director, in accordance with the terms of the Project Description as proposed by the applicant.

2. Lot Development Restrictions. Prior to commencement of construction on Lots 1-9 of the subdivision approved herein, the applicant or homeowner for each lot shall submit for the review and written approval of the Executive Director, final building plans stamped and approved by the City of Solana Beach for each lot. Each plan shall demonstrate compliance with the following requirements:

- a. Roof elevations shall be no greater than 25 feet in height.
- b. The maximum floor area of the second story shall be limited to the greater of 1,500 sq.ft. or 80% of the floor area of the first story, including garages.
- c. Site development guidelines including setbacks shall be consistent with the Table of Lot Dimensions contained in the approved Specific Plan dated 10/20/97 and attached as Exhibit 3.
- d. Building envelopes shall not exceed those shown in the approved Specific Plan dated 10/20/97 and attached as Exhibit 4.

- e. A color board or other indication of the exterior materials and color scheme shall be submitted indicating that building colors and materials are limited to earthen tones compatible within the surrounding environment (white tones shall not be acceptable).

Any building plans submitted for Executive Director review of development on Lots 1-9 which do not meet the above parameters will require an amendment to this permit prior to construction of the residence(s).

3. Landscaping Lot Development Restrictions/Deed Restriction. Prior to commencement of construction on Lots 1-6 of the subdivision herein approved, the applicant or homeowner for each lot shall submit for the review and written approval of the Executive Director, a landscaping plan for each lot. Each plan shall consist of:

- a. a map showing the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features.
- b. a planting schedule, and
- c. A written commitment by the applicant or homeowners association 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.

Each landscaping plan shall demonstrate compliance with the following requirements:

- a. A minimum of one specimen size tree (24-inch box minimum) shall be planted at every 10 feet of property along the north-facing portion of Lots 1-6 and arranged to maximize screening of the structures from views from San Elijo Lagoon and Interstate 5.
- b. Drought tolerant native or naturalizing plant materials shall be utilized to the maximum extent feasible.
- c. the required trees shall be planted within 60 days of completion of residential construction.
- d. no plants from the list of prohibited plants contained in the approved Specific Plan for the project dated 10/20/97, shall be used.

Any landscaping plans submitted for Executive Director review of development on Lots 1-6 which do not meet the above parameters will require an amendment to this permit prior to construction of the residence(s).

PRIOR TO ISSUANCE OF THE PERMIT, the applicant shall record a deed restriction, in a form and content acceptable to the Executive Director, that reflects the above requirements. The restriction shall provide that landscaping shall be implemented in accordance with Special Condition #3 and consistent with those plans approved with CDP #6-98-1. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. Structural Appearance. The color of the residential structures and roofs permitted herein shall be restricted to earthen tones compatible with the surrounding environment (white tones shall not be acceptable).

PRIOR TO ISSUANCE OF THE PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. Grading/Erosion Control. PRIOR TO THE ISSUANCE OF THE PERMIT, the applicant shall submit to the Executive Director for review and written approval, final site and grading plans approved by the City of Solana Beach. The approved plans shall be implemented, and specifically incorporate the following requirements:

- a. All grading activity shall be prohibited between October 1st and April 1st of any year.
- b. All permanent runoff and erosion control devices shall be developed and installed prior to or concurrent with any on-site grading activities. The use of temporary erosion control measures, such as berms, interceptor ditches, sandbagging, filtered inlets, debris basins, and silt traps shall be utilized in conjunction with plantings to minimize soil loss from the construction site.
- c. Any graded pads left undeveloped during the rainy season shall be constructed in a manner (utilizing sandbags and other devices as necessary) that they will act as detention basins. The surface of the pad shall act to store runoff, releasing it to the street drains at a rate less than or equal to the natural runoff rate.

d. Landscaping shall be installed on all cut and fill slopes prior to October 1st with temporary or permanent (in the case of finished slopes) 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 of species compatible with surrounding native vegetation, subject to Executive Director approval. Said vegetation shall not include any plants on the list of prohibited plants contained in the approved Specific Plan for the project dated 10/20/97.

The permittee shall undertake development in accordance with the approved grading and erosion control plans. Any proposed changes to the approved landscaping plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required

6. Street Sweeping. PRIOR TO THE ISSUANCE OF THE PERMIT, the applicant shall submit to the Executive Director for review and written approval, a final street sweeping plan to be subsequently implemented, which includes the following elements:

- a. Street sweeping shall occur at least monthly from April to October of any year.
- b. Sweeping shall include the streets internal to the subdivision as well as the proximate parts of both North Rios Avenue and Patty Hill Drive.
- c. Street sweeping shall be by means of a vacuumized sweeper and at least three passes shall be made along each curb.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The proposed project involves the demolition of all of the existing structures on a 6 acre lot including a single-family residence, several greenhouses, a storage barn and storage sheds, and subdivision of the site into twelve lots. The twelve lots would consist of nine residential lots ranging in size from 12,200 sq.ft. to 16,700 sq.ft. (net), two lots which are proposed to remain in permanent open space, and one lot consisting of common landscaping adjacent to the residential lots. Other improvements proposed include the construction of a street and sidewalks within the subdivision, widening the cul-de-sac at the end of North Rios Avenue for fire truck clearance, and providing curbs, gutters and sidewalks on North Rios Avenue. The existing residence, greenhouse and barns have already been demolished, and a perimeter chainlink fence erected without a coastal development permit.

The site is located at the end of North Rios Avenue, immediately adjacent to San Elijo Lagoon. The southern portion of the site is generally flat, but the northern, approximately

66,700 sq.ft. of the site slopes down to the north adjacent to the lagoon. This area, which contains some wetland vegetation, would be designated Lot A. The applicant is proposing to dedicate Lot A to a resource agency such as the California Department of Fish and Game. A 50-foot wide, 32,100 sq.ft. flat area at the top of the slope south of and adjacent to Lot A would be designated Lot B. This lot is proposed to be graded to direct water away from the slope and planted with native plants. A brow ditch would be located in the middle of Lot B to direct runoff to the street. Both Lot A and Lot B have been designated Open Space by the City of Solana Beach. Lot B would be held and maintained by the homeowners association. A 42-inch high retaining wall would be constructed along the western edge of the site to prevent public access into Lot 1 (a residential lot), and Lots A and B.

The project also includes replacement of an existing 18-inch storm drain located east of the project site which currently runs northwest from the end of Barbara Avenue and discharges directly into the lagoon on the northeastern side of the subject site. The existing pipe has resulted in erosion at this discharge point. Therefore, the proposed project will direct flows from the replaced pipe into the new storm drain within the proposed subdivision, and into an existing 36-inch pipe located in North Rios Avenue which exits into an energy dissipater at the lagoon.

There is a trailhead at the cul-de-sac at North Rios Avenue which leads to trails going east and west around the perimeter of the lagoon. The north-leading trail transverses a portion of the subject site closest to the lagoon, in the proposed Lot A. The trail is proposed to remain open to public use and to be included in the dedicated Lot A.

The site has been used for agriculture in the past but is currently vacant except for the abandoned greenhouses. The soils on the site are not "Prime Agricultural Lands" as defined in the Coastal Act.

2. No Waiver of Violation. Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to this violation of the Coastal Act that may have occurred; nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit.

3. Wetlands/Sensitive Biological Resources. Section 30233 of the Coastal Act states in part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities....

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.
Section 30240 of the Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

In response to the need to preserve wetlands and sensitive habitat, the County of San Diego developed the Coastal Resource Protection (CRP) overlay zone as part of its certified LCP. Because the County LCP was certified prior to the City of Solana Beach's incorporation, the County LCP is used for guidance in the City of Solana Beach. The project site is located within the CRP overlay area. Section 2818 (b) requires that the following specific findings be made for projects within the CRP overlay:

1. The proposed use, activity or construction will not have any significant adverse effects on the habitat or scenic values of the wetlands or on associated rare,

threatened or endangered species...

2. The proposed use, activity or construction will not: Involve wetland fill...increase sedimentation of the wetland...
3. The proposed use, activity or construction is consistent with the applicable goals and policies of the California Coastal Act...

In addition, the slope on the site is designated in the County LCP as Ecological Resource Area (). Policy 122.2 (a) of the Land Use Plan states the ERA designation is intended to be limited to:

...uses and activities related to habitat enhancement; educational and scientific nature study; passive recreation, which will have no significant adverse impact on habitat values....

The project site is located adjacent to the San Elijo Lagoon Ecological Reserve. San Elijo Lagoon is an environmentally sensitive habitat area and Regional Park that is managed jointly by the California Department of Fish and Game and the San Diego County Parks and Recreation Department. The lagoon is one of the 19 priority wetlands listed by the Department of Fish and Game for acquisition. The lagoon provides habitat for at least five State or Federal-listed threatened or endangered birds including the California least tern, the light-footed clapper rail, Belding's savannah sparrow, the brown pelican and the western snowy plover. The California gnatcatcher has also been observed around the lagoon reserve.

The subject site consists of a flat upland area previously used for agriculture, and a steep slope extending north down to San Elijo Lagoon. The EIR for the proposed project found that intense agricultural use of the upland portion of the property has removed all of the native vegetation on this portion of the site and the only existing plant species in this area are non-native. The upper portion of bluff face contains heavily disturbed Diegan Coastal Sage Scrub vegetation and numerous non-native species. The lower portion of the bluff contains approximately 2,300 sq.ft. of wetland vegetation including various species of cattail, bulrush, rush, saltgrass, and arroyo willow. The native wetland plants are heavily intruded by non-native weedy species including the extremely invasive giant cane.

The proposed development involves demolition of the existing structures on the site, subdivision of the site, construction of nine single-family residences, and associated infrastructure improvements. The development would not involve any direct encroachment into the wetland area, or any development on the bluff face. However, although the majority of the development on the site would be located at least 100 feet away from the wetlands, some of the development on the northwestern portion of the site would occur in the area typically reserved as a protective buffer. Specifically, the western portion of the brow ditch in Lot B and the grading on the southern 25 feet of Lot B would

be located between 50 and 100 feet of the wetlands. The northernmost portions of Lots 1 and 2 (yard area only) would be within 50 to 100 feet from the wetlands (see Exhibit 2). The proposed widening of the North Rios cul-de-sac and retaining wall would also be within approximately 50 feet of the wetland vegetation.

The Commission has typically found that development within 100 feet of wetlands (freshwater or saltmarsh) or 50 feet of riparian vegetation areas will adversely impact the wetland. The wetlands on the subject site consist of a variety of riparian and marsh vegetation. The purpose of establishing a buffer area between wetlands and development is to reduce the amount of human and domestic animal intrusion into sensitive vegetation, to reduce the impact of human activity on native wildlife species, to provide an area of land which can filter drainage and runoff from developed areas before it impacts the wetlands, and to provide an upland resting retreat area for some wetland animal species.

Currently, the existing greenhouses on the site are located as close as several feet from the bluff edge, and agriculture cultivation occurs right up to the bluff edge. Thus, the area as close as 20 feet to the wetlands is presently disturbed. In addition, there is a heavily traveled trail immediately adjacent to the wetland. Thus, the buffer is not currently in a pristine state.

The Department of Fish and Game has reviewed the proposed project and indicated that given the low quality of the existing habitat on the site, and the historical disturbance to the area from the agricultural use and the trail, the proposed encroachments in the buffer area associated with the proposed project will not have a significant adverse impact on the quality of the wetlands. Several of the project elements, while within the buffer area, could even have a positive impact on the quality of the wetland habitat. For example, the proposed brow ditch will direct water away from the bluff face reducing the potential for failure of the bluff face and the introduction of sediment into the lagoon (see also Water Quality, below). The proposed retaining wall along the western portion of the site will discourage recreational users (and homeowners) from climbing on the bluff face above the wetlands.

In addition, although there will be development on Lot B in the form of grading and the construction of a brow ditch, the applicant is proposing to revegetate the area with a mix of upland sage scrub species, and to maintain the area as permanent biological open space. No structures, public access, fences or any active uses would be allowed in the lot, with the exception of the brow ditch and some irrigation on the southern 25 feet of the 50-foot wide lot. The fire department has indicated that the native landscaping in Lot B is acceptable for brush management purposes with the proposed irrigation and with periodic thinning of the brush in the northern 25 feet of Lot B. Thus, after completion of construction, Lot B would serve as a 50-foot wide buffer. In addition, there is a significant elevational difference between the wetland area, the majority of which is at or below an elevation of 25 feet, and Lot B, which is located at an elevation of 70 to 80 feet, which improves the effectiveness of the buffer. Thus, consistent with Section 30231, the

wetland will be enhanced through provision of a buffer, protection of the bluff and reduction of drainage runoff. In order to ensure Lot B is maintained as permanent open space, Special Condition #2 requires that an open space deed restriction be recorded over Lot B.

To ensure that the wetlands themselves are preserved, the applicant has offered to dedicate fee title to Lot A, which covers the entire wetland area plus approximately 64,000 feet upland of the wetlands, to a resource agency. At this point, the Department of Fish and Game, which owns the land adjacent to the site, has indicated that it may not accept title to Lot A, as the quality of the wetland habitat is fairly poor, and the lot contains a recreational trail. The San Diego County Department of Parks and Recreation and the San Elijo Lagoon Conservancy have also declined at this time to accept the applicant's offer of dedication. The Department of Fish and Game has preliminarily indicated that it would accept a conservation easement over the lot, which would preserve the area in open space, with an allowance for continued access across the trail.

Although no public resource agency has indicated a willingness to accept fee title to Lot A at this time, the applicant has indicated an interest in pursuing dedication of the site. Dedication of the lot would provide for the permanent protection and management of the resources on the lot. However, since it is not clear that the dedication will be accepted, the Commission finds that it is necessary to require the applicant to record a deed restriction prohibiting development on Lot A. Development must be prohibited on Lot A in order to protect the wetlands and buffer area, consistent with Coastal Act sections 30231 and 30233. The applicant is proposing to create a separate lot consisting of the wetlands and buffer area. If the offer to dedicate were not accepted, the lot could be sold to a private buyer. Therefore, it is important that the deed to the lot reflect the restriction on development. Accordingly, Special Condition #1 requires the applicant to record an open space deed restriction over Lot A to ensure the wetlands and the associated upland area are permanently protected. In order to facilitate the ultimate dedication of Lot A by a resource agency, the condition also requires to the applicant to submit a copy of the proposed offer to dedicate, such that the offer will be ready and available should any resource agency decide to accept it.

To further mitigate the impact the development may have on the adjacent sensitive habitat, the applicant, in consultation with the San Elijo Lagoon Conservancy, has developed a list of exotic, invasive plants which, through the CC&R's, will be prohibited in the subdivision. This list has been included in the approved Specific Plan dated October 20, 1997. As proposed, native plant materials will be used for landscaping whenever feasible. Other restrictions proposed by the applicant and incorporated into the Specific Plan and CC&Rs for the development include a prohibition on feeding cats outdoors and a requirement to keep dogs on a leash. Provisions of the CC&Rs will notify homeowners of the proximity of the lagoon, the biological value of the lagoon, the need to regulate predators, and other educational material.

These measures will reduce the impact domestic pets will have on the lagoon. The EIR for the project recommends that a habitat improvement program involving removal of non-native plants and planting of native material be implemented within the reserve in order to further off-set the impact that pets, and additional human visitors, would have on the lagoon. In consultation with the San Elijo Lagoon Conservancy and the City of Solana Beach, the applicant has proposed paying an in-lieu fee to the Conservancy for appropriate lagoon conservation measures rather than implementing the revegetation plan. This fee, in addition to the measures outlined above, will reduce the impact the proposed project has on sensitive vegetation to a level less than significant.

Thus, although the proposed wetland buffer would be smaller than typically necessary to protect wetlands, and will have some encroachments located in it, as conditioned, the Commission can find that the sensitive biological resources on the site will be adequate preserved and protected. Therefore, as conditioned, the project can be found consistent with Sections 30233 and 30240 of the Coastal Act.

2. Public Access/Recreation. Section 30604(c) requires a specific finding that the proposed development is consistent with the public access and public recreation policies of Chapter 3 of the Coastal Act. Section 30210 of the Coastal Act requires that maximum access and recreational opportunities shall be provided for all people consistent with the rights of private property owners and the need to protect natural resource areas from overuse. In addition, Section 30252 of the Act requires that new development maintain and enhance public access to the coast by such means as providing non-automobile circulation within the development, providing adequate parking facilities, and assuring that the recreational needs of new residents will not overload nearby coastal recreation areas.

The project site is adjacent to San Elijo Lagoon, a regionally significant passive recreation area jointly owned and managed by the Department of Fish and Game and the San Diego County Department of Parks and Recreation. A portion of an existing trail crosses the northwest portion of the subject site. This portion of the trail is just east of the trailhead at the end of North Rios Avenue, which is only the access point for trails around the southern perimeter of the lagoon on the southwest side of the lagoon. If the section of the trail on the subject site were developed or blocked off, there would be no place to readily access the lagoon trails west of Interstate 5. Alternatively, re-creating the trail adjacent to the site would involve direct impacts to wetland vegetation. Thus, preservation of the existing trail is critical to maintain an important public access and recreational resource.

As discussed above, the applicants have proposed an offer to dedicate all of Lot A to a public agency, which, if accepted, would ensure that the trail would remain open to the public. To ensure the development does not interfere with the trail even if the offer to dedicate is not accepted, Special Condition #2 requires an open space deed restriction be placed on Lots A and B which will ensure the site is not developed. Therefore, the

Commission finds the trail will be protected and preserved for public access consistent with the public access and recreation policies of the Coastal Act.

Public parking in the area is limited to street parking along North Rios Avenue. The project may enhance access to the lagoon by providing sidewalks and widening North Rios Avenue, which may allow for increased on-street parking. Adequate off-street parking to serve the new units will be provided through the 3-car garages and driveways associated with each residence. Thus, there should not be an "over-flow" of cars from the development which would impact the availability of street parking for lagoon visitors. San Elijo Lagoon is a regional destination point and the construction of nine new residences is not expected to overload the trail resources.

Therefore, as conditioned, the Commission finds that the project is consistent with Section 30210 and 30252 of the Coastal Act.

3. Water Quality/Resource Protection. Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes 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, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

As discussed above, the project site is located adjacent to the environmentally sensitive habitat area of San Elijo Lagoon Ecological Reserve. The upland portion of the project site was previously used for agricultural purposes and contains no sensitive natural resources, and as discussed above, as conditioned, the wetland vegetation on the site will be protected. However, runoff from the project site during construction could result in increased sedimentation entering the lagoon. After project completion, trash, dirt and oil from the development could be directed into the existing storm drain that discharges into the lagoon. The increase in impervious surfaces resulting from the development could also potentially result in runoff being discharged into the lagoon at an erosive velocity.

The U.S. Environmental Protection Agency has identified a series of Best Management Practices (BMPs) to manage runoff from new development and prevent pollution from entering coastal waters. Some of these measures include:

- restrictions on slope development
- erosion and sediment control plans
- dust controls
- scheduling of projects so that clearing and grading are conducted during the time of

- minimum erosion potential
- management of pet excrement
- storm drain stenciling in appropriate areas
- sweeping, vacuuming and washing of residential/urban streets and parking lots
- water outlet protection (consider flow, discharge rate and velocity in outlet design)
- detention ponds, filtration basins, sand filters and oil/water separators
- preservation of existing vegetation and landscaping plans that include species that will not compete with existing vegetation

The project site is generally flat and none of the steep slopes will be graded. Grading and recompaction of approximately 9,000 cubic yards of material is required to prepare the site for construction. There are primarily two ways in which the proposed development could potentially increase the amount of sediment entering the lagoon. The first is through construction activities when loose soils on the site could be washed into the lagoon during storms. Secondly, the increase in impermeable surfaces after project completion could result in the discharge from the existing storm drain system above the lagoon reaching an erosive velocity.

To address construction impacts, Special Condition #5 requires submittal of a grading/erosion control plan which implements best management practices and the recommendations contained in the EIR for the project, specifically, sandbagging all graded slopes prior to the rainy season, constructing each graded pad left undeveloped during the rainy season in such a way that it will act as a detention basins, and installing landscaping on all cut and fill slopes prior to the rainy season. The applicant has proposed limiting grading to the non-rainy season, defined as April 1 through October 31. However, in this area the Commission has typically found the rainy season runs from October 1 through April 1, and thus Special Condition #5 restricts grading during this period.

With regard to the potential increase in rate of runoff into the lagoon, the project involves replacement of an existing storm drain located east of the project site which currently runs northwest from the end of Barbara Avenue, and discharges directly into the lagoon on the northeastern side of the subject site. The existing pipe has resulted in erosion at this discharge point. Therefore, the proposed project involves redirecting storm flows into a new storm drain in the new street located within the proposed subdivision and into the existing storm drain system to the west at North Rios Avenue. The City of Solana Beach has submitted a drainage study indicating that the storm drain system in North Rios Avenue is adequate to handle the new flows and that the discharge will be at a non-erosive velocity. The Commission had originally required improvements to the storm drain/catch basin outlet at the Rios Avenue street end in May 1983, including extension of the existing culvert and construction of an energy dissipater to alleviate significant erosion problems in the location (CDP #6-83-170). This system was recently upgraded as part of a subdivision approved by the Commission in May 1997 (CDP #6-97-25). Therefore, the proposed project will actually reduce the amount of sedimentation entering

the lagoon by replacing the existing erosive system northeast of the site and directing the runoff to the improved system in North Rios Avenue.

The potential discharge of pollutants into the lagoon is also associated with the proposed development. Continued agricultural use of the site would potentially generate a higher pollutant load than would a residential use. Nevertheless, there are significant pollutants associated with residential uses, such as oils, heavy metals, fertilizers, hydrocarbons, organic debris, etc. However, the EIR indicates that at least 90% of both macroscopic materials (sand, soil particles, leaves, grass clippings) and extremely fine particles (which can contain heavy metals, complex hydrocarbons, phosphorus, etc.) can be removed through street sweeping. In contrast, detention basins typically do not capture fine particles. Thus, the applicant has proposed a street sweeping program where both the internal streets of the subdivision and the proximate parts of North Rios Avenue and Patty Hill Drive will be swept on a monthly basis from April through October. The EIR indicates that street sweeping during the non-rainy season effectively reduces non-point urban pollution to a level less than significant. The sweeping will be done with a vacuumized sweeper and at least three passes will be made along each specified curb. Special Condition #6 requires the applicant to implement the street sweeping program as proposed. The City of Solana Beach may require sweeping to be performed more frequently. In addition, the CC&Rs of the proposed development require homeowners to clean up pet waste, which will reduce the amount of nutrients entering the lagoon.

Thus, as conditioned, the proposed project will implement best-management practices regarding the management and reduction of non-point source urban pollution, and runoff from the development will not adversely impact water quality or have a significant adverse impact on lagoon resources. Therefore, the project can be found consistent with Sections 30231 and 30240 of the Coastal Act.

4. Visual Resources. Section 30251 of the Coastal 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, and, where feasible, to restore and enhance visual quality in visually degraded areas....

In addition, the site is located within the County of San Diego's Coastal Resource Protection (CRP) overlay, which evokes the County's Scenic Area regulations. Section 5210 of these regulations states:

- (a) ...All development shall be compatible with the topography, vegetation and colors of the natural environment...

(b) (2) The placement of buildings and structures shall not detract from the visual setting...and shall be compatible with the topography of the site and adjacent areas.

The site is located on the southern edge of San Elijo Lagoon, a scenic natural area, and will be highly visible from Manchester Avenue, southbound Highway 5, and trails on the northwest side of the lagoon. The applicant has proposed several design features which will reduce the visual impact of the project including limiting roofing materials to earthen colors and non-reflective material, limiting the exteriors of the residences to earthen colors, limiting the height of all structures to 25 feet, setting back all structures a minimum of 65 to 75 feet from the bluff edge and requiring that the maximum floor area of the second story be limited to the greater of 1,500 sq.ft. feet or 80% of the floor area of the first story. Special Condition #2 allows the applicant or future individual homeowner to submit building plans for each residence to the Executive Director for review and approval when plans are developed. No amendment to this permit will be required for construction of the individual residences if building plans are consistent with the proposed parameters regarding height, setback, etc. To ensure the color restrictions remain in place in the future, Special Condition #4 requires that the applicant record a deed restriction limiting roof and exterior colors to earthen tones.

In addition, the applicant has submitted a preliminary landscaping plan which provides for three future trees to be located along each of the north-facing lots along the lagoon (Lots 1-6). Lots 7, 8, and 9 are located on the southern portion of the site and will not be visible from the lagoon when the six northern lots are built-out. Thus, the proposed landscaping plan provides for adequate landscaping for these three lots. With regard to Lots 1-6, specific building plans have not been developed for each lot, and thus, it is difficult to determine how effective three trees on each lot frontage would be in screening the proposed residences from the lagoon area. However, since the six lots range from 80 to 180 feet wide, and, as proposed, the three trees could be clustered on each site, the proposed landscaping would not necessarily reduce the visual prominence of homes on the six lots. In addition, in its approval of the project, the City of Solana Beach required that landscaping on the project site not include vegetation which would grow higher than 25 feet at maturity to protect private views to the lagoon. Although as proposed no structures will be higher than 25 feet, the City's landscaping restriction will encourage small, slow growing plants, making the placement and amount of landscape screening material particularly important. Given the visibility of the subject site, it is important that adequate landscaping be placed on each of the six lots fronting the lagoon to soften views of the development as seen from the freeway and north side of the lagoon. Therefore, in order to find the proposed development consistent with Chapter Three policies of the Coastal Act, the Commission finds that it is necessary to require that trees be planted at 10 foot intervals on portion of each of the six lots that fronts the lagoon. Planting trees at 10 foot intervals will provide enough trees to screen the structure without completely blocking views to the lagoon from the future homes.

Therefore, Special Condition #3 requires that, prior to construction on Lots 1-6, the

applicant submit detailed landscape plans for each lot for the Executive Director's review indicating that at least one tree is provided for every ten feet of frontage on the north-facing side of each lot. In this manner, a minimum number of trees will be provided for each site, but the landscaping can be arranged in such a manner as to soften the views of the structure, while not blocking all views from the residence to the lagoon. Lots 7, 8, and 9 do not need to submit additional landscaping plans to proceed with construction. Any landscape plans submitted for Executive Director review which do not comply with the parameters of the condition will require an amendment to this permit prior to construction of the residence. The condition is required to be recorded as deed restriction to ensure that future owners are aware of the landscape requirement and the landscape screening is maintained in the future.

Therefore, as conditioned, the proposed project will not have a significant adverse impact on the visual quality of the area, and the project can be found consistent with the view protection policies of the Coastal Act.

6. 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.

On September 3, 1996, the City of Solana Beach amended its General Plan and approved the rezone/redesignation of the site from a combination of Agriculture and Open Space/Recreational to a combination of Low Residential (3 du/ac) and Open Space/Recreational, with a Specific Plan. The site was previously zoned and designated for Low Density Residential (2.9 du/ac) and Ecological Resource Area in the previously-certified County of San Diego LCP. As previously noted, the proposed development would preserve the northern portion of the site in open space, and would have a density of .5 du/ac, consistent with these designations. The site is located within the Coastal Resource Protection (CRP) and Unsewered overlay areas established in the County LCP. Although none of the steep slopes on the site will be developed, the project has been conditioned to restrict grading during the rainy season to avoid erosion on the site consistent with the CRP designation and best management practices. All typical urban services, including sewer, will be provided on the site with the existing and proposed street system. As discussed above, as conditioned, the proposed project is consistent with all applicable Chapter 3 policies of the Coastal Act, and no adverse impacts to coastal resources will result. Thus, the proposed development will not prejudice the ability of the City of Solana Beach to prepare a certifiable local coastal program.

7. 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 sensitive resource, public access and recreation and scenic preservation policies of the Coastal Act. Mitigation measures, including implementation of a street sweeping program, recordation of an offer to dedicate/conservation easement over Lot A, recordation of an open space deed restriction on Lot B, submittal of a landscaping plan and erosion control plan, and a rainy season grading restriction, 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.

(8001R)

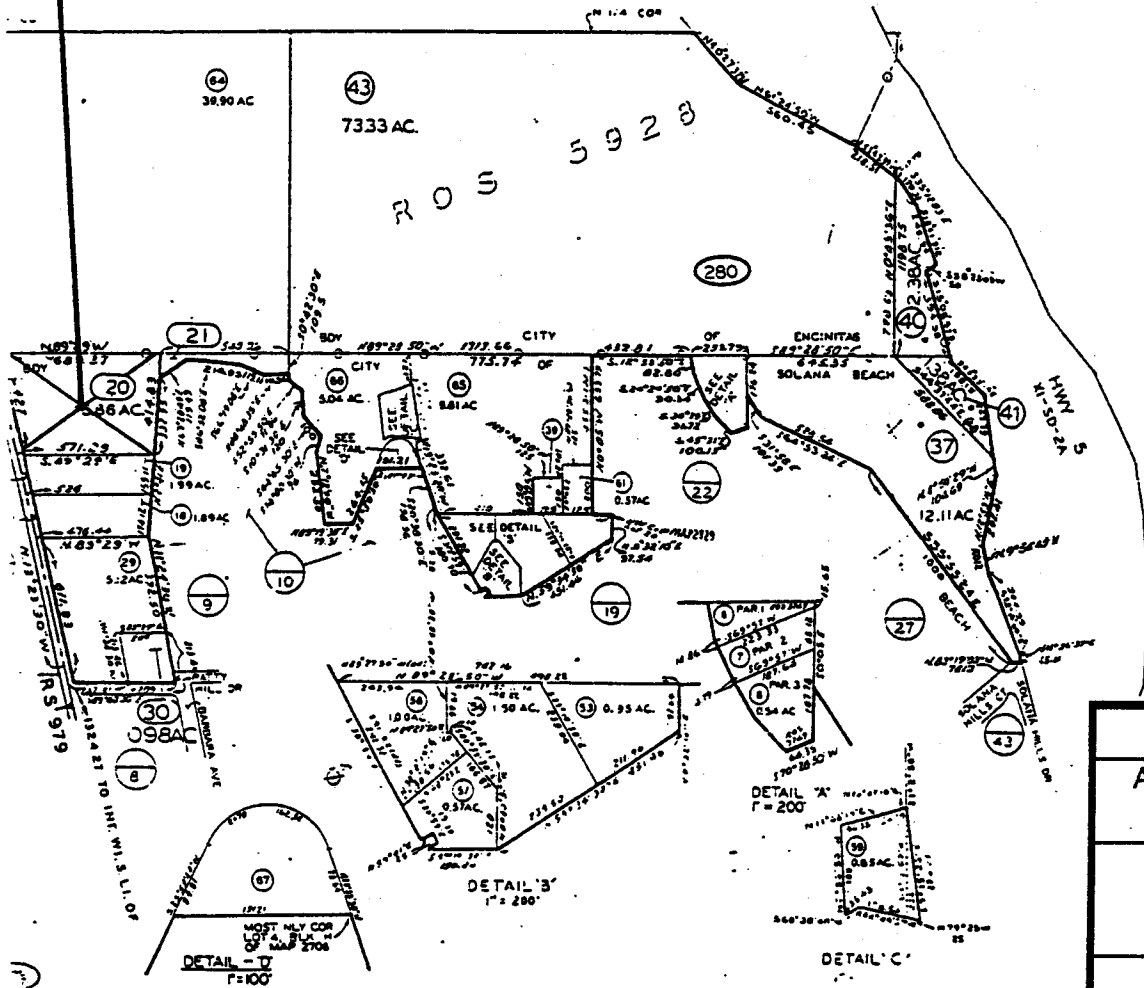
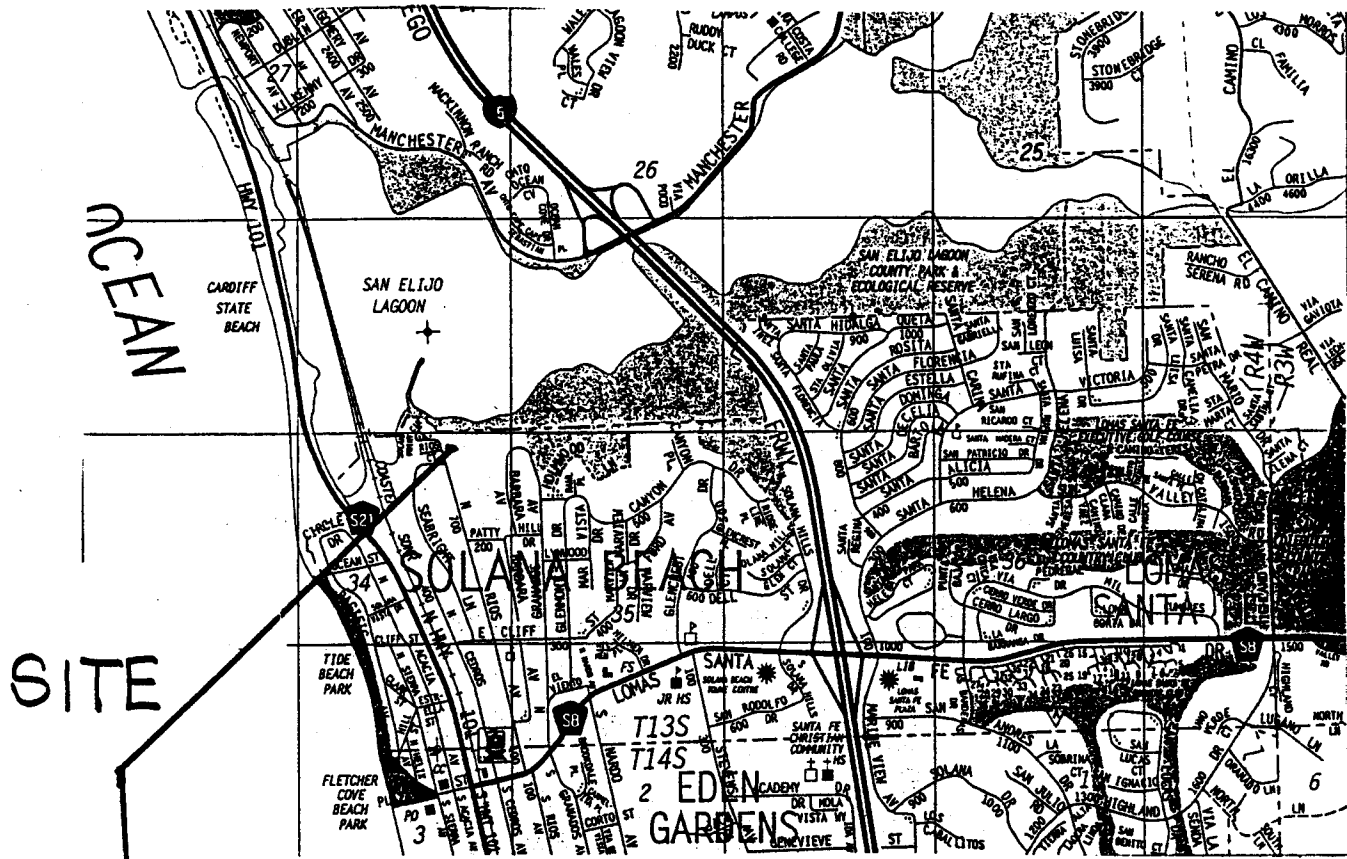


EXHIBIT NO. 1
 APPLICATION NO.
 6-98-1
 Location Map

California Coastal Commission

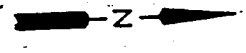
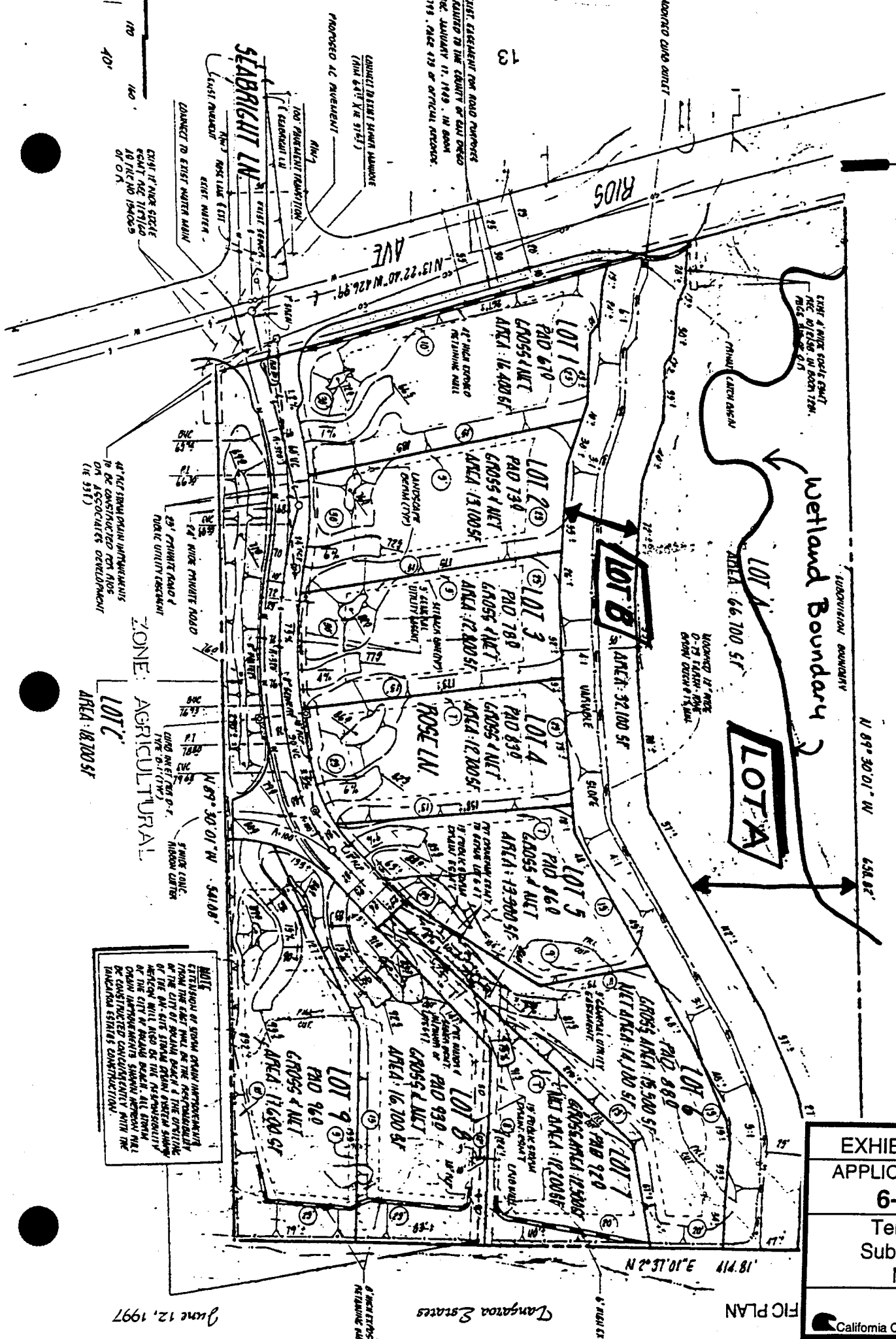


EXHIBIT NO. 2
 APPLICATION NO.
 6-98-1
 Tentative
 Subdivision
 Map



NOTE:
 CITATION OF SOME ORANGE IMPROVEMENTS FROM THE LAST MAP WILL BE THE RESPONSIBILITY OF THE CITY OF ORANGE. EACH OF THE ORANGE 64-616 STORM DRAIN SYSTEM SHOWN HEREON WILL ALSO BE THE RESPONSIBILITY OF THE CITY OF ORANGE. ALL STORM DRAIN IMPROVEMENTS SHOWN HEREON WILL BE CONSTRUCTED CONJUNCTIVELY WITH THE TACANOA STRIPS CONSTRUCTION.

June 12, 1997

Langara & States

FIC PLAN

ZONE: AGRICULTURAL
 LOT 7
 AREA: 18,700 SF

48' NET SIGNAL MAINTAINMENT STRIPS TO BE CONSTRUCTED FOR ADOCS ON ASSOCIATES DEVELOPMENT (16 331)

20' PRIVATE ROAD & PUBLIC UTILITY EASEMENT

5' WIDE CONC. HIDDEN CURB

CONC. AND MET. CURBS 6'-4" TYPE 3 (117)

N 89° 30' 01" W 541.00'

24' WIDE PRIVATE ROAD

20' PRIVATE ROAD & PUBLIC UTILITY EASEMENT

24' WIDE PRIVATE ROAD

CONTRACT TO SELL SHOWN MAPS (16 331)

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SITE DEVELOPMENT GUIDELINES

Table of Lot Dimensions

Lot No.	Portions of Building From 0' to 17' (See Figure 3)				Portions of Building From 17' to 25' (* See Figure 4)				Finished Pad Elevation	Maximum Building Height	Maximum Roof Elevation	Net Lot Size Approx. SF	Gross Lot Size Approx. SF
	Front Setback Rose Lane	Rear Yard Setback (+Bluff)	Side Yard	Side Yard	Front Setback Rose Lane	Rear Yard Setback (+Bluff)	Side Yard	Side Yard					
1	30	25 (+50)	10W	15E	40	25(+50)*	20W	20E*	67	25	92	16,400	16,400
2	30	25 (+50)	5W	15E	40	25(+50)*	10W	20E*	73	25	98	13,100	13,100
3	30	25 (+50)	5W	13E	40	25(+50)*	10W	18E*	78	25	103	12,800	12,800
4	25	25 (+50)	7W	13E	35	25(+50)*	12W	18E*	83	25	108	12,700	12,700
5	25	15 (+50)	7W	9E	25*	15(+50)*	7W*	25E*	86	25	111	13,300	13,300
6 **	100	15 (+50)	11W 20E	13S	170	15(+50)	40W* 20E	13S*	88	25	113	14,100	15,500
7	105	20E	7N	8S	140*	20E	17N	13S	92	25	117	12,200	12,500
8	25	25E	12N	15S	70*	25E	12N	20S	93	25	118	16,700	16,700
9	30	25E	5N	10S	40	25E	10N	15S	96	25	121	17,600	17,600

N = North, E = East, S = South, W = West

** Possible accessory unit required to satisfy Affordable Housing Ordinance

The maximum Floor Area of the Second Story shall be limited to the greater of 1,500 square feet or 80% of the Floor Area of the First Story, including garages.

The FAR is .50 and the Maximum Lot Coverage is 40% for Lots 1 - 9.

California Coastal Commission

Lot Dimensions

6-98-1

APPLICATION NO.

EXHIBIT NO. 3

SUBDIVISION BOUNDARY

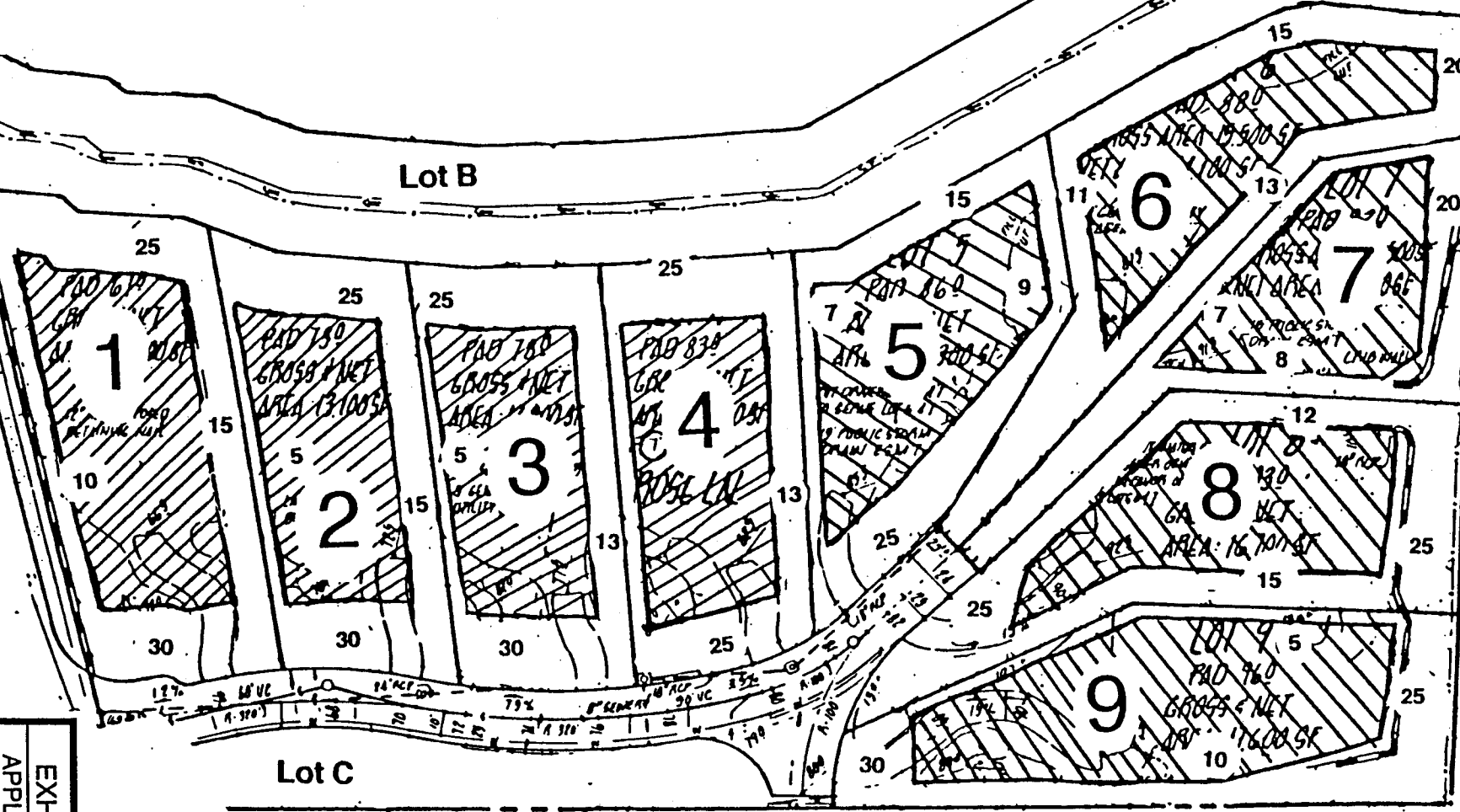
Lot A

Lot B

Lot C

13

Map of Development



<p>California Coastal Commission</p>	EXHIBIT NO. 4
	APPLICATION NO.
	6-98-1
Building Envelopes	

