

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

(619) 521-8036

W36



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Permit Application No. 6-98-62/10

Date June 9, 1998

ADMINISTRATIVE PERMIT

APPLICANT: John Carter and Cynthia Veliquette

PROJECT DESCRIPTION: Demolition of an existing one-story, single family residence and attached two-car garage and construction of a two-story, 4,101 sq.ft. single family residence with attached two-car garage including off-site street improvements (curb and gutter) on a 15,084 sq.ft. lot.

PROJECT LOCATION: 779 Barbara Avenue, Solana Beach, San Diego County.  
APN 263-101-07

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, are discussed on subsequent pages.

NOTE: The Commission's Regulations provide that this permit shall be reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, a permit will not be issued for this permit application. Instead, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

DATE and TIME: Wednesday, July 8, 1998 9:00 a.m. LOCATION: Hyatt Regency  
No. 5 Embarcadero  
San Francisco, CA

IMPORTANT - Before you may proceed with development, the following must occur:

For this permit to become effective you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgment and evidence of compliance with all special conditions, we will send you an authorization to proceed with development. BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE PERMIT AUTHORIZATION FROM THIS OFFICE.

PETER DOUGLAS  
Executive Director

By: Laurinda R. Owens

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.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

Pursuant to Public Resources Code Section 30624, the Executive Director hereby determines that the proposed development, subject to Standard and Special Conditions as attached, is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. Any development located between the nearest public road and the sea is in conformity with the public access and public recreation policies of Chapter 3.

Proposed is the demolition of an existing one-story single family residence, attached deck and attached two-car garage and construction of a new two-story, 4,101 sq. ft. single family residence with attached two-car garage and driveway. The new residence will have two small triangular-shaped cantilevered decks, one at the lower level and one at the upper level. Also proposed are minor street improvements consisting of installation of a curb and gutter

adjacent to the subject site. There is already a curb and gutter along a small portion of the street frontage; the proposed curb and gutter would extend those improvements. In addition, as a condition of approval, the City required the applicant to provide the City a temporary construction easement along the northern property line to reconstruct the existing outdated storm drain facility along the northern property line, and dedicate an additional 2.5 feet to the existing 5-foot drainage easement for maintenance after reconstruction. The condition states that the City intends to reconstruct the storm drain facility concurrent with the construction of the applicant's project; however, the project applicant believes that this work will actually occur later. These improvements are not related to the earlier described curb and gutter improvements. The design of the improvements proposed by the City are not known at this time and are not proposed as part of the subject permit. Since such improvements may require a coastal development permit, Special Condition No. 3 has been attached which indicates that the reconstruction of the storm drain facility by the City may require an amendment to the subject permit or a separate coastal development permit.

The subject site is located on the east side of Barbara Avenue high up on a hillside which overlooks San Elijo Lagoon and the Pacific Ocean. The newly proposed residence will be within the same building footprint as the existing residence and is situated adjacent to the street frontage. The subject site is a gently sloping lot that descends in elevation down towards the lagoon; however, there are other private parcels between the subject site and the lagoon. The western/rear portion of the lot is undeveloped and contains non-native vegetation.

Section 30251 of the 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 residence is visible from the Interstate 5 and a scenic viewpoint west of Interstate 5 just north of the Manchester Avenue exit, portions of Manchester Avenue and some portions of Highway 101. It is not visible from the beach west of Highway 101 due to elevational differences. The residence is also visible from trails around the lagoon which largely consists of low-scale development. The proposed development will replace an existing one-story residence with a two-story residence and has the potential to create an adverse visual impact in an area adjacent to the lagoon. Although the newly proposed residence will be 25-five feet high in two stories and the current residence is one-story, the residence presently appears as a very tall one-story residence from its western elevation and is only two feet lower than the proposed residence (23 ft. high vs. 25 ft. high). Thus, the change to the number of stories will not be significantly noticeable since the new residence will be close in height to the existing residence.

Although the subject site is not designated to be within the critical viewshed overlay of the County's certified LCP or within the Scenic Area overlay zone of the City of Solana Beach, it is visually prominent from the scenic locations near the lagoon and along Highway 101, as previously described, and should require review for its visual impacts. For this reason, the surrounding area is planned to be included in a scenic overlay through future review of a certified LCP for this area.

No landscape plan has been submitted with the project proposal; however, the project is located in an area where landscape screening has typically been required due to the visibility of the project site/area from surrounding scenic resources. Therefore, Special Condition No. 1 has been attached requiring submittal of a landscape plan. The landscaping plan 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 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. In addition, since the site is in a scenic location, there remains the potential for future development to occur on the subject lot west of the proposed residence, such as accessory improvements (swimming pool, decks, etc), that could pose an adverse visual impact. These types of improvements may normally be exempt from coastal development permit requirements; however, in the case of the subject site, such improvements may pose an adverse visual impact and require further review. Special Condition No. 2 has thus been attached that specifies that any future development on the subject site requires further review and approval by the Commission. Through the special condition, future property owners will be notified that installation of any additional structures beyond the proposed residence, will require a permit from the Coastal Commission. As such, it can be assured that any future adverse impacts to visual resources will be addressed since such improvements will be subject to further review.

As conditioned, the proposed residence will not result in a structure substantially more visible than the existing residence. It is important to note that the new residence will remain within the same building footprint and will not encroach further west or north towards the lagoon. The proposed residence will also be compatible in size and character to the surrounding development. No public views will be blocked. Therefore, as conditioned, the addition will not adversely impact the visual quality of the scenic viewshed or the neighborhood, and the Commission finds the project consistent with Section 30251 of the Coastal Act.

Section 30231 of the Coastal Act requires that the biological productivity and the quality of coastal waters shall be maintained and restored through minimizing runoff. There is an existing small storm drain at the street elevation (east) of the subject site and an existing drainage swale on site that runs along the southern and western property lines. The applicant has stated that all drainage from the front of the property will be directed towards the existing storm drain. Drainage from the rear of the property will be directed towards the existing drainage swale. Since drainage from the subject site will be directed into existing drainage facilities which are sized and designed to handle the anticipated amount of runoff from the subject site in its developed state, the project can be found consistent with Coastal Act Section 30231.

The site is planned and zoned for low density residential uses by the City of Solana Beach and in the previously certified County of San Diego Local Coastal Program. The proposed residence is consistent with these designations. As conditioned, the project is consistent with all applicable Chapter 3 policies of the Coastal Act. The Commission finds that approval of

the subject project will not prejudice the ability of the City of Solana Beach to prepare a certifiable Local Coastal Program.

SPECIAL CONDITIONS:

1. Final Landscape Plans/Future Development Deed Restriction. 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 landscaping plan which includes the following:

- a. 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.
- b. Placement of a minimum of one specimen size tree (24-inch box minimum) for every 10 feet of property along the west-facing portion of the lot (4 trees) and arranged to maximize screening of the structure from views from San Elijo Lagoon and Highway 101 to the west and Highway 5 to the north.
- c. The required trees shall be planted within 60 days of completion of residential construction.
- d. A written commitment by the applicant that all required plantings shall be maintained in good growing condition, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape screening requirements.
- e. 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, that reflects the above requirements. The restriction shall provide that landscaping shall be implemented in accordance with plans approved pursuant to Special Condition #1 of CDP #6-98-62. The document shall run with the land for the life of the structure 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.

2. Future Development. The subject permit is only for the development described in coastal development permit No. 6-98-62. Pursuant to Title 14 California Code of Regulations section 13250(b)(6), the exemptions otherwise provided in Public Resources Code section 30610 (a) shall not apply to the area governed by coastal development permit No. 6-98-62. The area that shall be restricted is that area west of the proposed residence. Accordingly, any future improvements to the permitted single family house, including but not limited to repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), which are proposed within the

area governed by coastal development permit No. 6-98-62 shall require an amendment to Permit 6-98-62 from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission or from the certified local government.

PRIOR TO AUTHORIZATION TO PROCEED WITH DEVELOPMENT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development in the restricted area. The deed restriction shall include legal descriptions of both the applicant's entire parcel and the restricted area. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that 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.

3. Storm Drain Improvements by City of Solana Beach. The reconstruction of the existing outdated storm drain facility along the north property line of the subject site by the City of Solana Beach, as described in Condition A.II. of the City's Resolution of approval (No. 98-37) dated 5/5/98, may require an amendment to this permit or a separate coastal development permit.

ACKNOWLEDGEMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

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Applicant's Signature

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Date of Signing

(Echo/8062R)