

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

(619) 521-8036

W22c



Staff: DL-SD  
Staff Report: December 17, 1998  
Hearing Date: January 13-15, 1999

AMENDMENT REQUEST  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-98-1-A1

Applicant: Doug Jensen

Original

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.

Proposed

Amendment: Construction of two 15-foot wide, six-foot high wrought iron swinging privacy entry/exit gates at the entrance to a nine-lot subdivision, increase guest parking area in subdivision from three spaces to six.

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

STAFF NOTES:PRELIMINARY STAFF RECOMMENDATION:

Staff is recommending approval of the proposed amendment to install privacy gates at the entrance to a residential subdivision because staff has determined that, in this particular case, the proposed gates do not have the potential to directly or indirectly impact public access and recreation. The gates will not eliminate an existing reservoir of public parking spaces, as fire department regulations currently prohibit parking along the internal subdivision streets. There is no direct or through access to the lagoon from the subdivision which would be restricted by the gates. The nine-unit subdivision will not itself result in the need for additional parking beyond that which will be accommodated

within the subdivision, and the gates will not result in a visual impact or perceived "walling-off" of public access to the lagoon resources.

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval.

The Commission hereby grants a permit amendment for the proposed development on the grounds that the development, as amended, 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. Findings and Declarations.

The Commission finds and declares as follows:

1. Project History/Amendment Description. On May 14, 1998 the Commission permitted the demolition of several existing structures on a 6-acre site, the subdivision of the site into twelve lots, and the construction of nine single-family residences approximately 4,000 sq.ft. each. The site is located on the eastern side of North Rios Avenue in the City of Solana Beach, south of and adjacent to San Elijo Lagoon. North Rios Avenue is the first coastal roadway in this location.

Other improvements approved in the original application include the construction of a private internal street within the subdivision (known at that time as Rose Lane), sidewalks, 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 project also included an offer to dedicate a 66,700 sq.ft. including the approximately 2,300 sq.ft. of wetland vegetation on the site, an upland buffer area and a portion of a lagoon trail, to a resource agency. The permit was granted with special conditions including an open space deed restriction over the wetland/buffer area, color and landscaping restrictions, and erosion control and street sweeping requirements. Portions of the development are currently under construction.

The applicant is proposing to amend the project to include the construction of two 15-foot wide, six-foot high wrought iron, earth-tone colored swinging privacy gates across the subdivision street entrance (now known as Gibson Point), to restrict access to the subdivision to residents and guests only. The gate would be located approximately 50 feet east of North Rios Avenue (ref. Exhibit #3 attached).

2. Public Access and Recreation. The Coastal Act emphasizes the need to protect public recreational opportunities and to provide public access to and along the coast. The following Coastal Act policies, which address the protection of public access and recreational opportunities, state, in part:

Section 30210

In carrying out the requirements of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
- (2) adequate access exists nearby....

Section 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30604(c) of the Coastal Act requires that a specific access finding be made in conjunction with any development located between the first public roadway and the sea, indicating that the development is in conformity with the public access and public recreation policies of Chapter 3. In this case, such a finding can be made.

The project site is located at the terminus of North Rios Avenue, 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. There is a trailhead located at the end of the North Rios Avenue cul-de-sac which is the main access point for the trails around the southern perimeter of San Elijo

Lagoon. The entrance to the new subdivision street Gibson Point is located approximately 300 feet south of the trailhead. The Commission has historically found that the construction of gated communities in the Coastal Zone, particularly adjacent to recreational or scenic resources, either directly impacts public access, or has a "chilling" effect on the public's perceived ability to access coastal resources.

In the case of the proposed project, there is no direct access or view corridors to the lagoon or trails from within the subdivision; in fact, access to the lagoon from the subdivision is specifically prohibited by an open space deed restriction to protect the sensitive wetland vegetation on the northern portion of the site. As noted, access to the lagoon trail system in this area is via the trailhead at the end of North Rios Avenue. Gibson Point is not a through street and there will be little or no opportunities for views to the lagoon from the approximately 400-foot long street, as the residences will be located between the street and the lagoon.

Because Gibson Point is narrower than required to meet public street standards, the cul-de-sac was approved as a private street with maintenance and street sweeping responsibilities belonging to the homeowners association. Fire department regulations prohibit parking along Gibson Point due to safety concerns with the ability of fire trucks to access the subdivision. Thus, in this particular case, construction of the gates will not remove a reservoir of parking which would otherwise have been available to the public.

As originally approved, each of the nine residences within the subdivision will 3-car garages and driveways. The applicant is proposing to add an additional three guest spaces to the three spaces previously approved. Thus, there should not be an "over-flow" of cars from the development which would impact the availability of street parking on North Rios for lagoon visitors.

The approved subdivision project also included the widening North Rios Avenue and the installation of sidewalks, curbs, and gutters along the previously unimproved east side of North Rios. Approximately 10 improved on-street spaces will be available on North Rios upon completion of the improvements. However, the east side of North Rios has historically been used as informal parking by people using the lagoon trails, and thus the street improvements will not result in significantly more on-street parking than was previously available to the public. Nevertheless, the street widening and the provision of sidewalks will generally improve overall public access to the trail.

North Rios is a fully improved (partially as a result of the subject subdivision) public street, and the trailhead at San Elijo Lagoon is signed for public access. A gate located 50 feet east of North Rios Avenue in front of a small nine-lot subdivision off of North Rios is not expected to adversely impact the public's actual or perceived ability to access the lagoon. If the approved internal cul-de-sac was wide enough to allow public parking, if there was any physical or visual access to the lagoon from the subdivision, if there was access to North Rios through the subdivision, or if the gates would have the visual effect of closing off access to San Elijo Lagoon, the gates could not be found consistent with

the public access and recreation policies of the Coastal Act. However, in this particular case, the gates do not have the potential to impact public access or recreation in any way, and thus, the proposed amendment can be found consistent with the applicable policies of the Coastal Act.

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.

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. The Commission previously found the proposed subdivision and residential construction consistent with these designations. On November 17, 1998, the City of Solana Beach approved an amendment to the Specific Plan governing development on the subject site to permit construction of an entrance gate to develop a gated community.

The Commission remains concerned with the installation of privacy gates as the installation of such gates in the Coastal Zone cannot generally be found consistent with the public access and recreation policies of Chapter 3 of the Coastal Act. However, in this particular case, the proposed privacy gates will not reduce public parking or impact the ability of the public to access the resources of San Elijo Lagoon. Thus, the proposed amendment will not prejudice the ability of the City of Solana Beach to prepare a certifiable local coastal program.

4. 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, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 effect which the activity may have on the environment.

As discussed herein, the proposed amendment will not cause significant adverse impacts to the environment. Specifically, in this particular case, the project, as amended, can be found consistent with the public access and community character policies of the Coastal Act. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity might have on the environment, as the project is not expected to adversely impact the environment in any

way. Therefore, the Commission finds that the proposed amendment is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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Wkd 22c

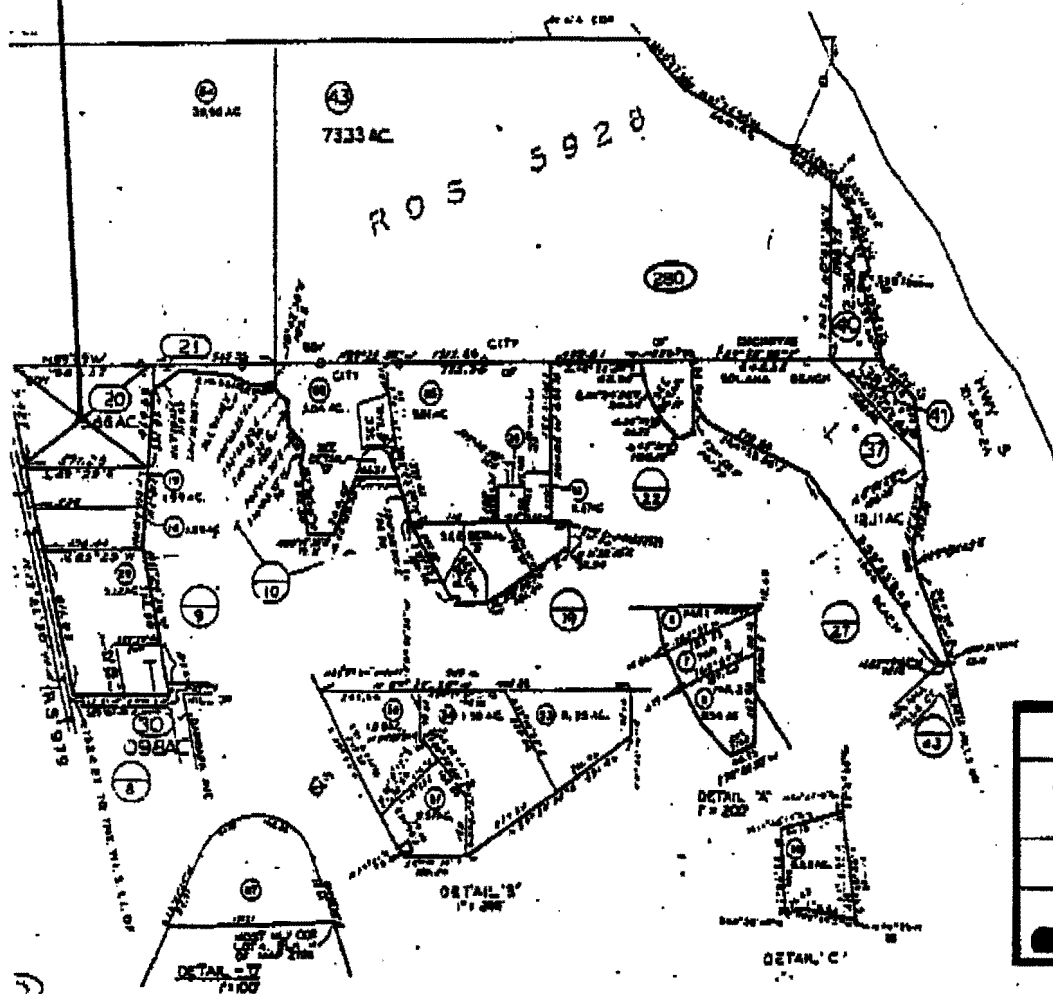
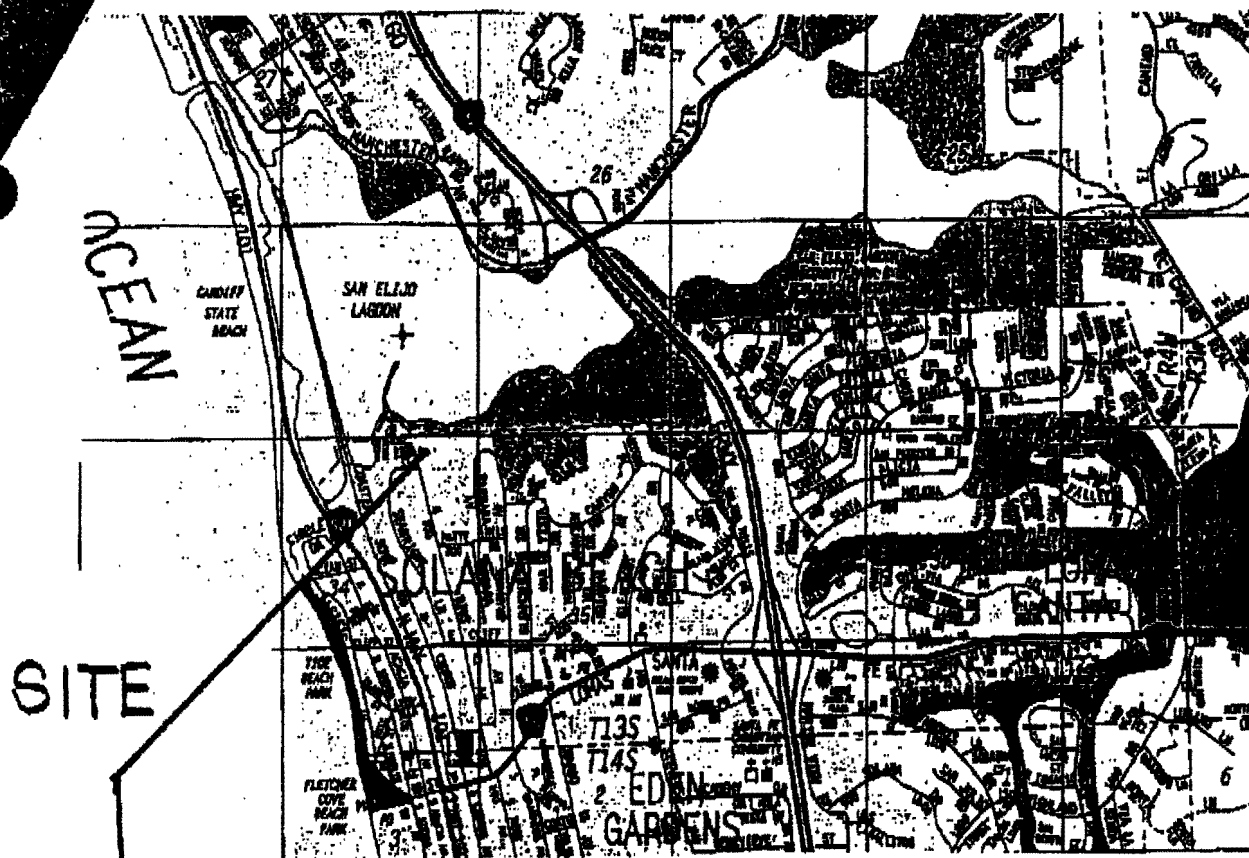


EXHIBIT NO. 1
APPLICATION NO.
6-98-1-A1
Location Map
California Coastal Commission

Ward 22c

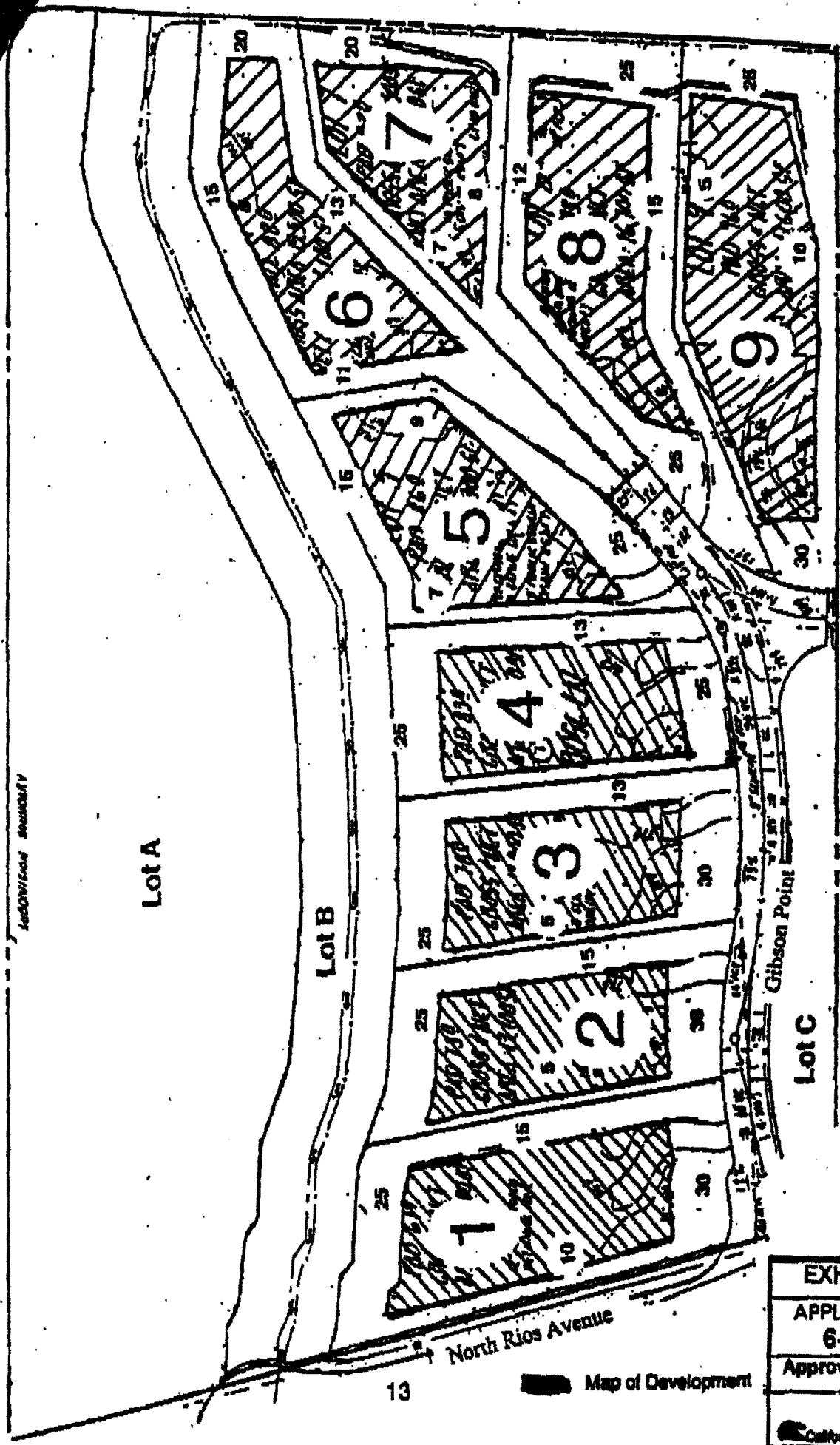


EXHIBIT NO. 2
APPLICATION NO. 6-98-1-A1
Approved Subdivision
California Coastal Commission



Approach  
of Trailhead

Wed 22c

LOT 1

SCALE: 1" = 50'

Rios Avenue

LOT 1

LOT 2

LOT 3

Seabright Ln

ENTRY  
GATE

Gibson Point

**DUDEK**  
ASSOCIATES

A California Corporation

Corporate Office: 10000 Wilshire Blvd.

Suite 1000 Los Angeles, CA 90024

Tel: 310/206-1234

Fax: 310/206-1235

8/24/98 EXHBT-LOWC

STREET WIDENING &amp; NEW ON-STREET PARKING (10)

H.O.A. LANDSCAPE MAINTENANCE

EXHIBIT NO. 3

APPLICATION NO.

6-98-1-A1

Proposed Gates

California Coastal Commission

Wed 22c



## CITY OF SOLANA BEACH

535 SOUTH HIGHWAY 101 • SOLANA BEACH, CALIFORNIA 92075-0215 • (619) 735-2200

California Coastal Commission  
San Diego Area  
San Diego, CA 92108-1725

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DEC 15 1998

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

Re: Coastal Development Permit Application #6-98-1-A1

Dear Ms. Lilly,

The permit application amendment for construction of an entry/exit gate at the entrance to Gibson Point (a cul-de-sac) off North Rios Avenue was discussed and unanimously approved at a recent city council meeting.

There was little public input on this issue with one resident desiring a more open friendly street because it was more neighborly. This area has been recently developed and the street improvements add to the parking along the street with curbs, gutters and sidewalks. There is more convenient parking than there was before when the area was a dirt field for growing flowers. The development planned for Gibson Point currently under construction has long driveways to nine separate homes and does provide on-street parking for the resident visitors in that area. Also, there are several gated entrances to other higher density projects across the street that provide little or no parking along North Rios Street.


This entrance to the San Elijo Lagoon is just one of the several access in Solana Beach. These accesses in Solana Beach are for walking on the trails and bird watching along the edges. The main entrance and other entrances are actually in Cardiff on the other side where parking is provided and the site for an interpretative center in the future.

I hope this is helpful. This project and neighboring projects have provided better street parking on North Rios Avenue than has previously existed. There is no access through this project to the lagoon and the slopes and land that has been donated to open space are all planted in native vegetation.

Very truly yours,

  
Marion H. Dodson  
Mayor

PRINTED ON RECYCLED PAPER

EXHIBIT NO. 4
APPLICATION NO. 6-98-1-A1
Comment Letter
From City
 California Coastal Commission