

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

(619) 521-8036



Filed: November 30, 1998  
 49th Day: January 18, 1999  
 180th Day: May 30, 1999  
 Staff: BP-SD  
 Staff Report: February 7, 1999  
 Hearing Date: March 9-12, 1999

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REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-98-165

Applicant: Steven Neely

Agent: Bruce Peeling

Description: Construction of a two-story, 20-foot high, 6,558 sq.ft. single family residence and 749 sq.ft. garage with no grading on a 1.52 acre site.

Lot Area	1.52 acres total
Zoning	R1-40
Plan Designation	Very Low Density Residential

Site: 1800 San Dieguito Road, Del Mar, San Diego County. APN 299-200-64,65

Substantive File Documents: Certified City of Del Mar Land Use Plan (LUP), Del Mar Resolutions No. PC-98-80; CCC File #s 6-97-155; 6-98-151; 6-98-152 and 6-99-2

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed project with special conditions requiring final landscaping/exterior treatment plans to minimize the project's visual impact and drainage plans to minimize the project's impact on downstream coastal resources. With these conditions, the proposed residential development can be found consistent with Chapter 3 policies of the Coastal Act.

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 Plans. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, final plans for the proposed residence and office/garage. Said final plans shall be in substantial conformance with the plans submitted with this application, dated September 24, 1998, by Bruce Peeling, Architect. The permittee shall undertake development in accordance with the approved plans. Any proposed changes to the approved 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.

2. Drainage Plan. Prior to the issuance of the coastal development permit, the applicant shall submit for the review and written approval of the Executive Director, a drainage and runoff control plan, with supporting calculations. This plan shall document no increase in peak runoff and that runoff from the roof, driveway and other impervious surfaces will be collected and appropriately discharged. Runoff shall be directed away from the hillside, where appropriate, and any runoff directed over the hillside shall be retained and discharged at a non-erosive velocity (less than 6 cfs) and elevation in order to reduce the potential for degradation resulting from scouring or concentrated runoff.

### 3. Revised Landscape Plans/Exterior Treatment/Deed Restriction.

(a) Prior to the issuance of the coastal development permit, the applicant shall submit for the review and written approval of the Executive Director, a detailed landscape plan indicating the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features. The plan shall include the following:

(1) Drought tolerant native or naturalizing plant materials shall be utilized to the maximum extent feasible.

- (2) Special emphasis shall be given to the placement of at least 10 specimen size trees (24-inch box minimum) to be arranged along the north-facing portion of the site to effectively screen the structure from views from San Dieguito Lagoon and Interstate 5. Special emphasis shall also be given to the retention and maintenance of existing landscaping along the site to effectively screen the structures from views from San Dieguito Lagoon and Interstate 5.
  - (3) A planting schedule that indicates the planting plan shall be implemented within 60 days of completion of construction.
  - (4) A written commitment by the applicant that all required plantings shall be maintained in good growing conditions and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape screening requirements.
- (b) Prior to the issuance of the coastal development permit, the applicant shall submit for the 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 and office/garage. Building colors and materials shall be limited to earth tones, including deep shades of green, brown and grey with no white or light shades, and no bright tones, except as minor accents, to minimize the residential development's contrast with the surrounding hillsides.

Prior to the issuance of the coastal development 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 structure approved in this permit, binding all successors and assigns, and shall be recorded, free of all prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction. The 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. Future Development. Prior to the issuance of the coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the coastal development permit No. 6-98-165; and that any future additions or other development as defined in Public Resources Code Section 30106 will require and amendment to permit No. 6-98-165. The document shall be recorded as a covenant running with the land binding all successors and assigns in interest to the subject property.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. **Project Description.** The applicant is proposing to construct a two-story, 20-foot high, 6,558 sq.ft., single family residence and 749 sq.ft. garage with no grading on a 1.52 acre site. The site is located south of the Del Mar Fairgrounds and San Dieguito Lagoon, just off San Dieguito Road and is accessed by a driveway from San Dieguito Road. Surrounding uses include single family development on large hillside lots. While the City of Del Mar has a certified land use plan, no implementing ordinances have been reviewed by the Commission. As such, the standard of review is the Chapter 3 policies of the Coastal Act with the certified LUP used as guidance.

2. **Steep Slope Encroachments/Visual Resources.** Three policies of the Coastal Act are most pertinent to the proposed development, and state, in part:

#### Section 30231

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.

#### Section 30251

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...

#### Section 30253

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs...

The project site is situated on a steep hillside/terrace on the south side of the San Dieguito River Valley in the City of Del Mar. Although significant portions of the hillsides that exist on the site have been altered in the past, most of the site is currently heavily vegetated with a mixture of ornamental and native plants and the subject site is visually prominent from various public vantage points along I-5 and from areas throughout the western part of the San Dieguito River/Lagoon system.

In addition to the cited Coastal Act policies, the City of Del Mar certified LCP Land Use Plan has policies addressing development in visually prominent areas and in areas within or adjacent to steep slopes and sensitive vegetation. To address issues regarding development on or adjacent to steep slopes, the City of Del Mar has developed the Bluff, Slope and Canyon (BSC) Overlay and Open Space (OS) Overlays. Moreover, these two overlays with their respective development criteria have been certified as part of the LCP Land Use Plan, and are thus utilized for guidance in review of permit applications within the City of Del Mar. The overlays establish parameters for the appropriate siting of development in visually or geologically sensitive areas, including provisions for setbacks from steep slopes and the protection of existing viewsheds. The project is sited immediately adjacent to the 20-foot setback required from the top of slope in the BSC overlay; however, no portion of the proposed residence encroaches within the setbacks from steep slopes established in the overlay.

The City found in its review that the steep slopes in the area and the downstream resources would be protected from inappropriate runoff and erosion by imposition of drainage conditions. In that regard, the City conditioned the applicant to provide a drainage plan. The Commission concurs with the City's analysis and finds the required drainage plan must include "Best Management Practices" to minimize the volumes of urban runoff. The plan must minimize the amount of impervious surface area of the development and maximize the on-site dissipation of storm water runoff. To address runoff and drainage impacts, Special Condition #2 requires that runoff be directed away from the hillside, where appropriate, and any runoff directed over the hillside shall be retained and discharged at a non-erosive velocity (less than 6 cfs) and elevation in order to protect the scenic resources and habitat values of the hillsides from degradation by scouring or concentrated runoff. As conditioned, the Commission finds the proposed development consistent with Section 30231 of the Coastal Act.

As stated above, Section 30251 of the Act provides for the protection of scenic coastal areas. In this case, the proposed residence would be visible from public views along I-5, a designated scenic corridor. The residence would also be visible from the lagoon area. The Commission has found that the development of even single-family homes on these prominent hillsides can result in adverse impacts on the visual resources of the area (including the lagoon and river valley). The proposed residence will be constructed on an existing building pad and no new grading is proposed. As such, the Commission finds that the proposed residence is appropriately sited. Special Condition #1 requires final plans for the proposed residence in substantial conformance with the submitted plans.

Approximately 250, 30-year old olive trees were planted on the three terraces along the east property line. According to the applicant, this is in the area that would screen the proposed project from the lagoon, and there is no new area that would support any new planting, nor would it provide any additional screening. However, the project was also approved by the City with additional landscape screening at the north end of the proposed building to soften the view from the approach along San Dieguito Road. While the project was approved with a revised landscape plan, it was not submitted with the present application. Thus, the Commission finds a revised landscaping plan must be submitted which indicates that additional screening will be provided at the north end of the project site to screen the site from I-5 and the lagoon. Additionally, the Commission finds the retention and maintenance of the existing landscaping along the site is required to effectively screen the structures from views from San Dieguito Lagoon and Interstate 5.

Special Condition #3 requires that a revised landscaping plan be submitted which indicates that special emphasis be placed on the installation of at least 10 specimen size trees (24-inch box minimum) to be arranged along the north-facing portion of the site to effectively screen the structure from views from San Dieguito Lagoon and Interstate 5. Additionally, the Commission finds that earth tone colors and materials will minimize the project's contrast with the surrounding hillside. As such, Special Condition #3 also requires that building colors and materials be limited to earth tones, including deep shades of green, brown and grey with no white or light shades, and no bright tones, except as minor accents, to minimize the residential development's contrast with the surrounding hillsides. The condition also requires that these requirements be recorded as restrictions on the title. As conditioned, the Commission finds that the proposed development is consistent with Section 30251 of the Act.

Finally, because the proposed residence is sited immediately adjacent to the steep slope setback identified in the BSC overlay, a future improvements condition is attached which notifies the applicant that this approval is only for the development described herein and that any future additions or other development as defined in Public Resources Code Section 30106 will require an amendment to this permit.

Based on the above, the Commission finds that only as conditioned to provide drainage plans that assures downstream resources, including San Dieguito Lagoon, will be protected from erosion and sedimentation can the project be found consistent with Chapter 3 policies of the Coastal Act. Additionally, the Commission finds that landscaping and building exterior treatment plans must be submitted to minimize the visual impact of the development. Only as conditioned can the Commission find the proposed development consistent with Sections 30231 and 30251 of the Coastal Act.

3. Local Coastal Planning. Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. As conditioned, such a finding can be made for the subject proposal.

The City of Del Mar has a certified land use plan and is currently developing its implementation component. The site is zoned R1-40 and designated in the certified City of Del Mar LCP Land Use Plan for Very Low Density Residential development; both designations allow a maximum of one dwelling unit per lot, with a minimum lot size of one acre. The proposed development is consistent with these designations. As conditioned above, the proposed development is also consistent with the certified Del Mar LUP and all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the ability of the City of Del Mar to continue developing a fully certifiable LCP.

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 project, as conditioned, will not cause significant adverse impacts to the environment. Specifically, the project, as conditioned, has been found consistent with the habitat, visual resource and hazards 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. Therefore, the Commission finds that the proposed project, as conditioned, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

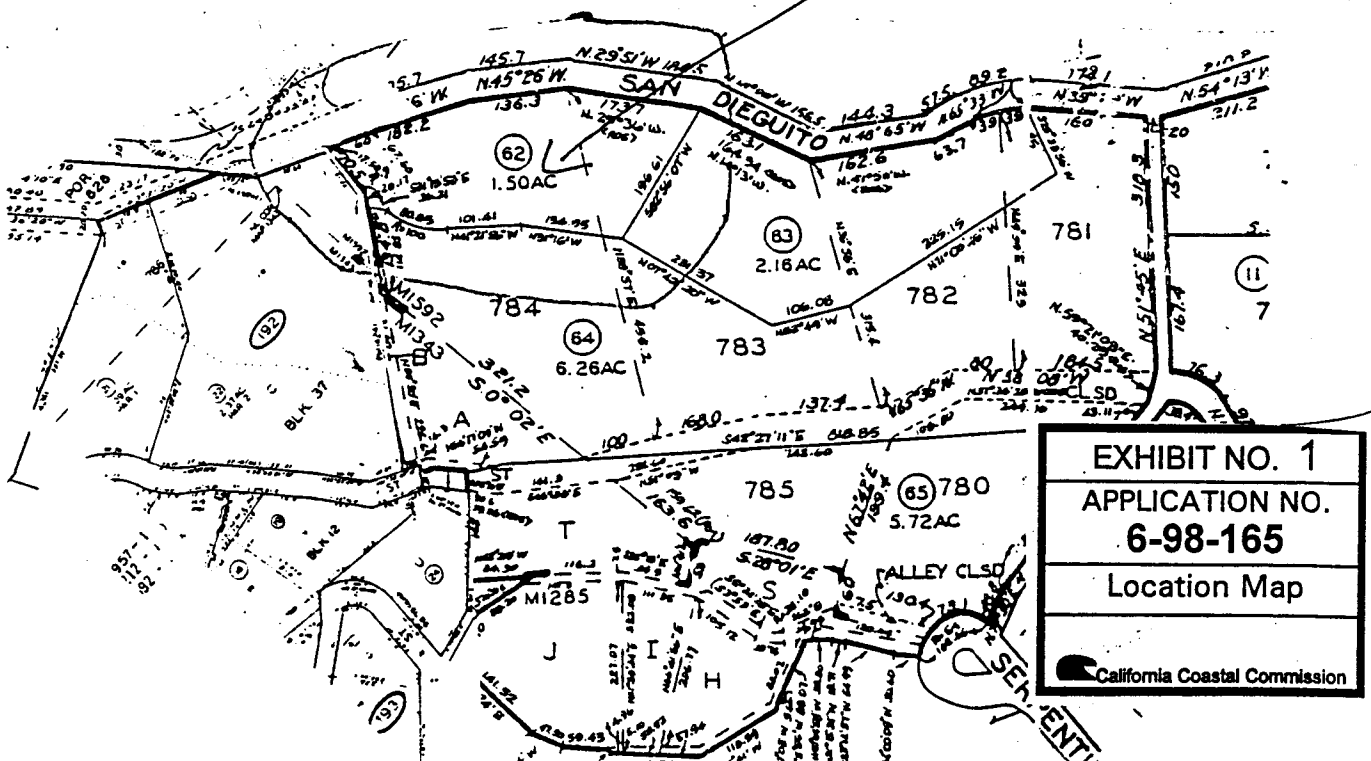
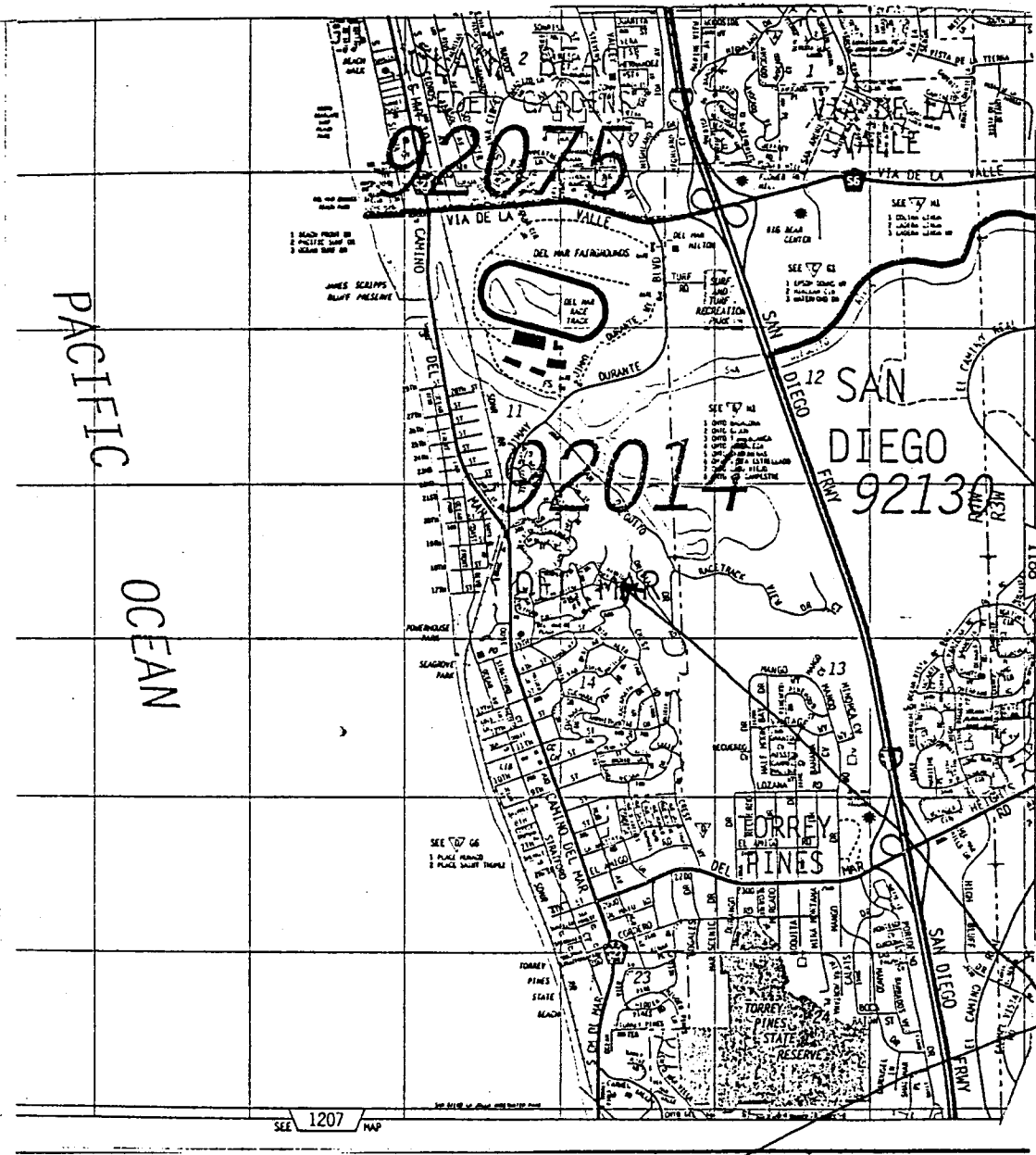
1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

(6-98-165 stfrpt)



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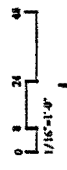


**EXHIBIT NO. 1**  
**APPLICATION NO.**  
**6-98-165**  
**Location Map**

California Coastal Commission

6-98-165-

**BRUCE PEEBING ARCHITECTAIA**  
 1001 1/2 STREET  
 DEL MAR, CALIFORNIA 92028  
 TEL: (619) 391-1111  
**NEELEY RESIDENCE**  
**RESIDENCE**  
**SITE PLAN**



CITY OF DEL MAR  
 BEACHMART "BANKWALL"  
 303.64'

- SHEET INDEX**
1. OVERALL SITE
  2. FLOOR PLANS
  3. ELEVATIONS
  4. ELEVATIONS
  5. SECTIONS
  6. ROOF & STORY POLE
  7. LANDSCAPE PLAN
  8. CIVIL PLAN

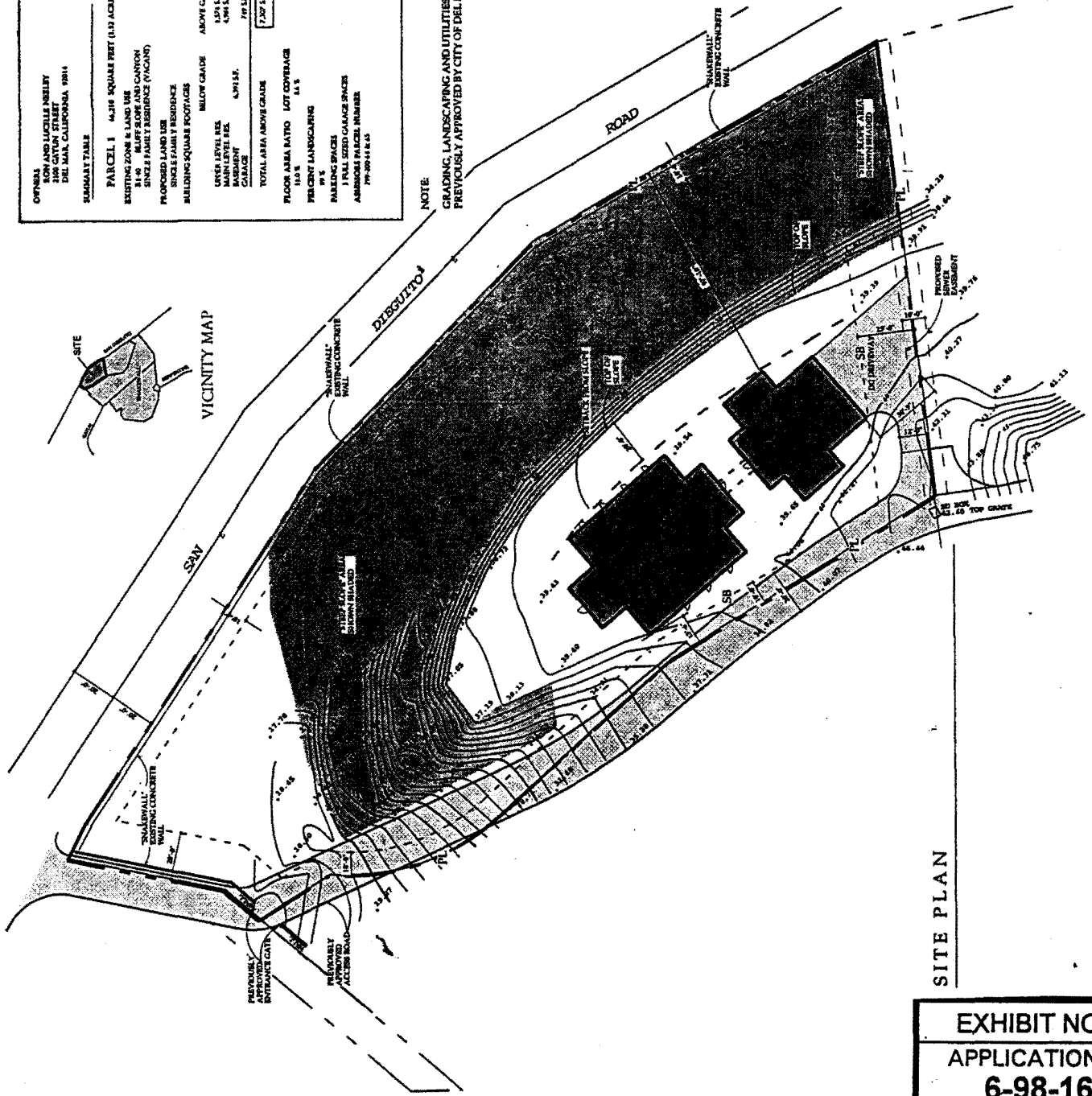
DATE 05-24-98  
 07-24-98

OPUS 9401

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<b>OWNER</b>	MR. AND MRS. NEELEY
<b>ADDRESS</b>	1001 1/2 STREET DEL MAR, CALIFORNIA 92028
<b>SUMMARY TABLE</b>	
<b>PARCEL 1</b>	64,319 SQUARE FEET (1.49 ACRES)
<b>EXISTING ZONE &amp; LAND USE</b>	R1-0 BLUFF SLOPE AND CANYON SINGLE-FAMILY RESIDENCE (VACANT)
<b>PROPOSED LAND USE</b>	SINGLE-FAMILY RESIDENCE
<b>BUILDING SQUARE FOOTAGES</b>	
UPPER LEVEL RES.	1,345 SF
LOWER LEVEL	4,986 SF
MANSION	700 SF
CARAGE	700 SF
<b>TOTAL AREA ABOVE GRADE</b>	<b>7,731 SF</b>
<b>FLOOR AREA RATIO</b>	0.15
<b>LOT COVERAGE</b>	11.5%
<b>PERCENT LANDSCAPING</b>	9%
<b>PARKING SPACES</b>	1 FULL SIZED GARAGE SPACES
<b>ASSUMED PARCEL NUMBER</b>	779-20116.45

**NOTE:**  
 GRADING, LANDSCAPING AND UTILITIES ARE AS  
 PREVIOUSLY APPROVED BY CITY OF DEL MAR.



SITE PLAN

EXHIBIT NO. 2
APPLICATION NO.
<b>6-98-165</b>
Site Plan
California Coastal Commission