

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
 3111 CAMINO DEL RIO NORTH, SUITE 200
 SAN DIEGO, CA 92108-1725
 (619) 521-8036



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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

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-99-2

Applicant: Steven Neely

Agent: Bruce Peeling

Description: Construction of a two-story, 20-foot high, 1,120 sq.ft., single family residence, 980 sq.ft. garage, 1,880 sq.ft. storage structure and grading with 646 cubic yards of export on a 1.28 acre site.

Lot Area	1.28 acres total
Zoning	R1-40
Plan Designation	Low Density Residential

Site: 1810 San Dieguito Road, Del Mar, San Diego County. APN 299-200-13

Substantive File Documents: Certified City of Del Mar Land Use Plan (LUP), Del Mar Resolutions No. PC-98-80; CCC File #6-98-151, #6-98-152, CDP #6-98-165

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 project. Said final plans shall be in substantial conformance with the plans submitted with this application, dated 11/25/98, 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. 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.

Special emphasis shall 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.

- (2) A planting schedule that indicates the planting plan shall be implemented within 60 days of completion of construction.
 - (3) A written commitment by the applicant that all required plantings shall be maintained in good growing conditions and, whenever necessary, shall be replaced with new plant 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, garage and storage structure. 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.

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 1,120 sq.ft., single-family residence which will be utilized as a caretaker's unit, a 13-ft. high, 980 sq.ft. garage, a 14-ft. high, 1,880 sq.ft. storage structure and grading resulting in 646 cubic yards of export on a 1.28 acre hillside site in Del Mar. The site is located south of the Del Mar Fairgrounds and San Dieguito Lagoon, just off San Dieguito Road and is accessed by paved 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 Hillides and Visual Resources. Two 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...

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. However, no portion of the proposed project encroaches within the setbacks from steep slopes established in the overlays.

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. The City found that the steep slopes in the area and the downstream resources would be protected from inappropriate runoff and erosion by imposition of a drainage plan and has required "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.

The subject site is visually prominent from I-5 and 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. The City found in its review that the project did not result in adverse visual impacts to scenic areas. Approximately 650 cubic yards of cut grading is proposed to site the attached structures into and under the hillside. The proposed caretaker's unit would be partially buried into the hillside and the proposed boat barn/storage structure would be fully recessed as a subterranean structure into the hillside. A pasture seed roof is proposed on the boat storage structure. The Commission finds that the proposed project is appropriately sited. Special Condition #1 requires final plans for the proposed project in substantial conformance with the submitted plans.

While the Commission has found that the proposed development is appropriately sited, it has previously found in numerous permit decisions that even accessory structures on prominent hillsides can result in adverse impacts on the visual resources of the area (in this case San Dieguito Lagoon and the river valley). The City of Del Mar found in its review that the project did not have visual impacts because of the siting and design of the project. The applicant had originally proposed to screen the project with landscaping between the project site and properties to the east. The neighbors objected because more landscaping would block more of their private views to the west. The applicant states there is already a large bosk of pine and eucalyptus trees between the proposed project and the lagoon which were demonstrated by story poles to effectively screen any view of the buildings from the lagoon. However, no landscaping plan has been submitted which shows the trees and there is no assurance that the trees will be retained and maintained to screen the project from public views. The public viewshed in this area is important. Thus, as a means of assuring that the proposed project will not result in adverse visual impacts the Commission finds a landscaping plan should be provided which shows the screening of the site and proposes that the existing trees be maintained in perpetuity. For that reason, Special Condition #3 is proposed.

Additionally, the Commission finds that earth tone colors and materials will serve to 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 development's contrast with the surrounding hillsides. The condition also requires that these requirements be recorded as restrictions on the title. These conditions were previously approved on two nearby projects with the same applicant at the Commission's January 1999 hearing (CDP #6-98-151 and CDP #6-98-152). The Commission finds that they are appropriate in this case. As conditioned,

the Commission finds that the proposed development is consistent with Section 30251 of the Act.

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 which indicate the visual impact of the development will be minimized. 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 Low Density Residential development; both designations allow a maximum of one dwelling unit per lot, with a minimum lot size of one acre. The subject proposal, as conditioned, has been found consistent with 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 hazard 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.

(6-99-2Necleystfprt)

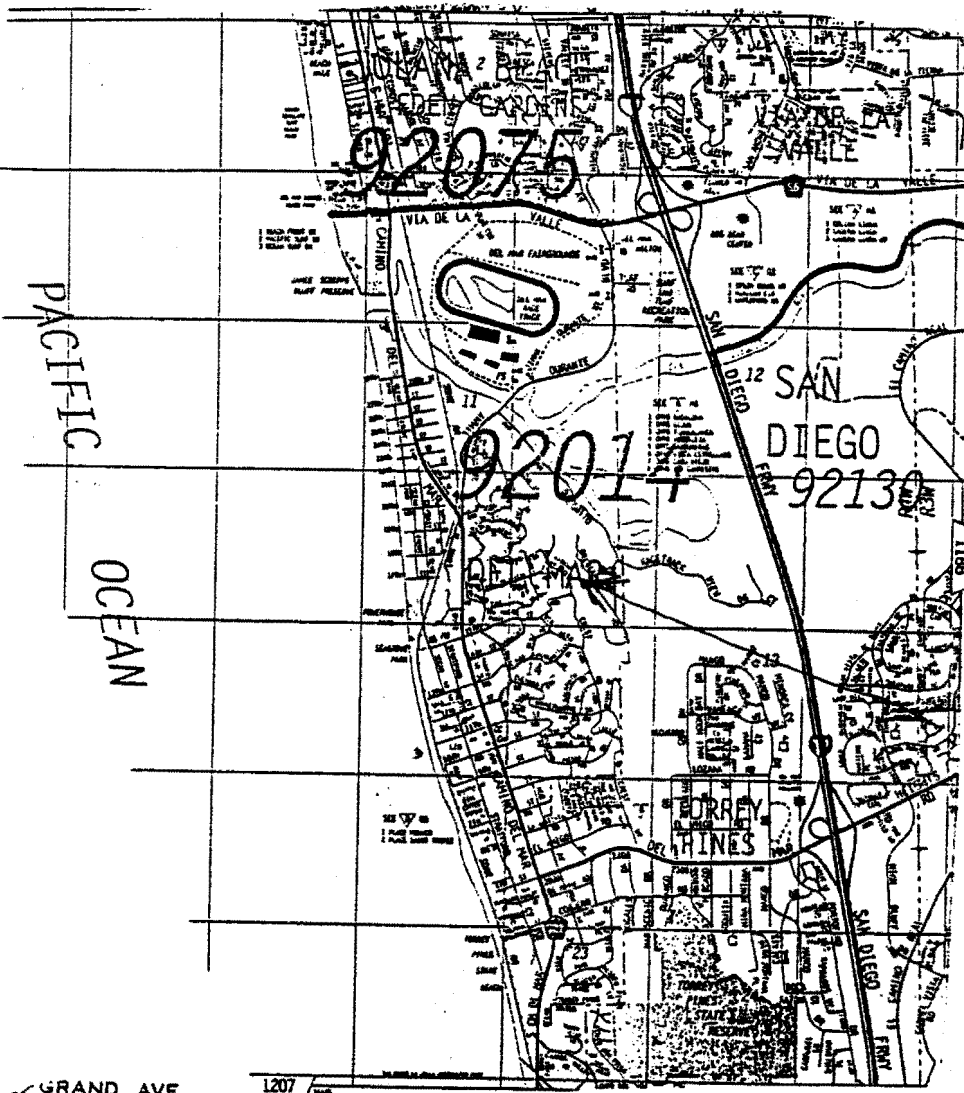
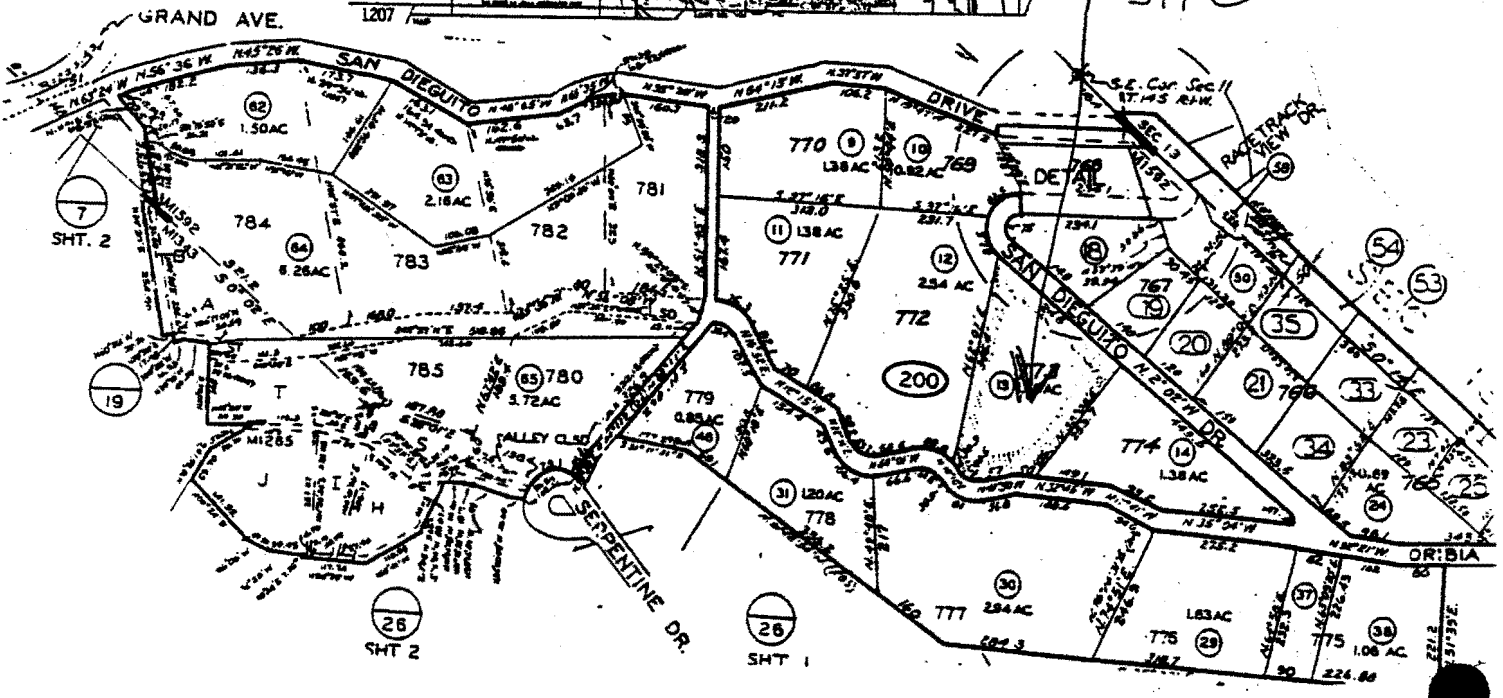


EXHIBIT NO. 1
 APPLICATION NO.
 6-99-2
 Location Map

California Coastal Commission



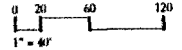
Site

699-2

BREIDENBACH & BERTHA
 ARCHITECTS
 3200 WILLOW STREET
 SAN DIEGO, CALIFORNIA 92106

NEELEY RANCH

RESIDENCE &
 GARAGES
 SITE PLAN



CITY OF DEL MAR
 BENCHMARK 'SHAKEWALL' 303.64'

SHEET INDEX

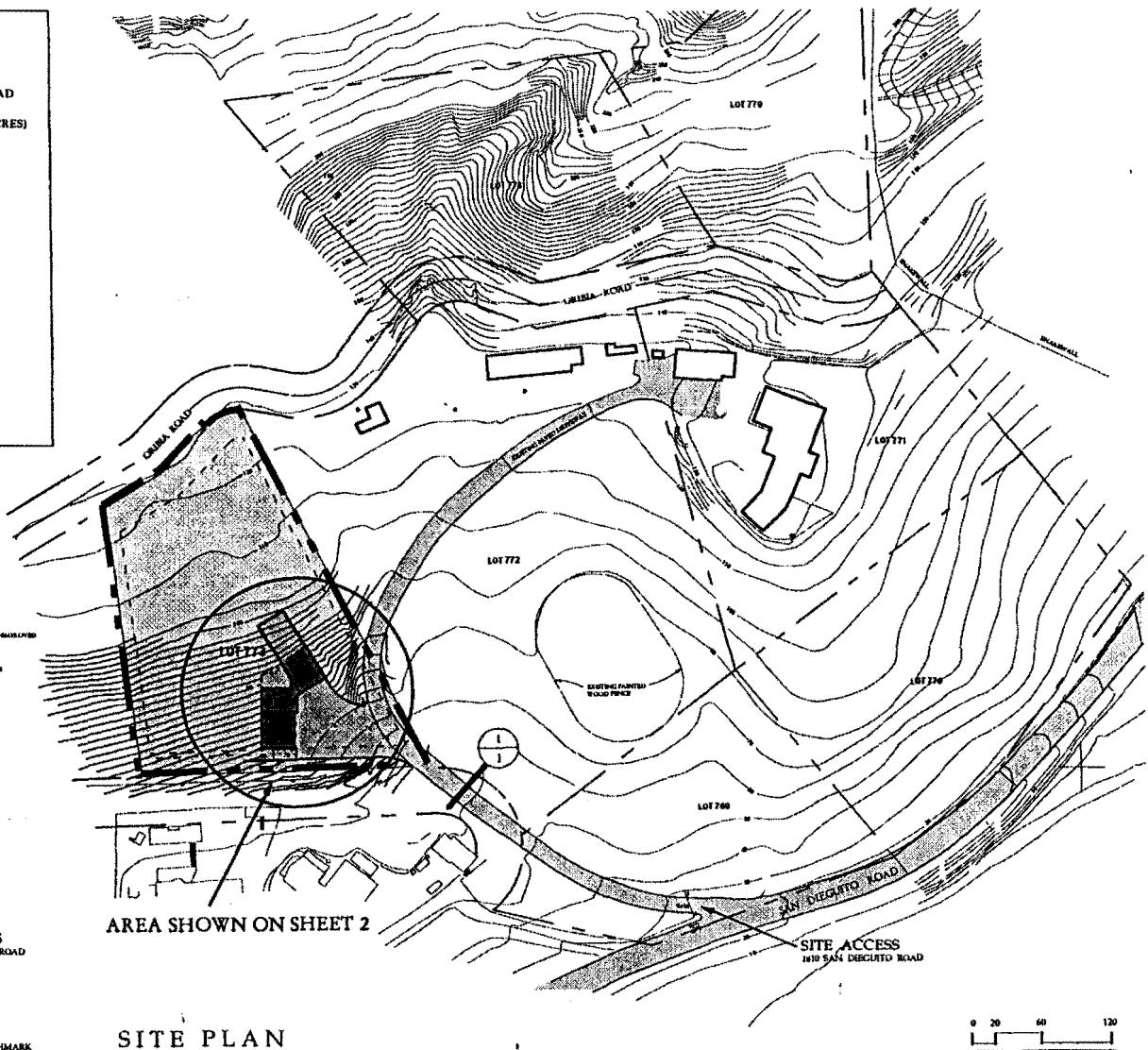
1. OVERALL SITE
2. SITE DETAIL & LOWER PLAN
3. UPPER FLOOR PLAN
4. ELEVATIONS, SECTION
5. ELEVATIONS, SECTION
6. ROOF & STORY POLE PLAN
7. SLOPE ANALYSIS

DATE 07-24-98
 09-07-98
 10-27-98
 11-08-98

OPUS 9711

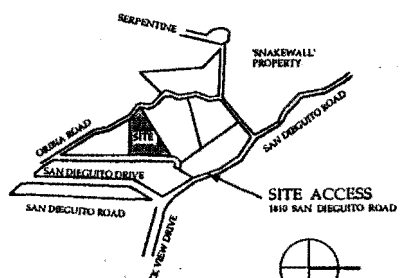
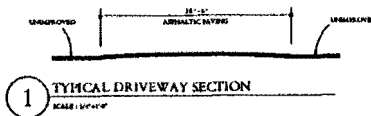
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OWNERS	
STEVEN AND LAURA NEELEY 1810 SAN DIEGUITO ROAD DEL MAR, CALIFORNIA 92014	
SUMMARY TABLE 1810 SAN DIEGUITO ROAD	
LOT 773	55,684 SQUARE FEET (1.28 ACRES)
EXISTING ZONE & LAND USE	
R1-40 BLUFF SLOPE AND CANYON SINGLE FAMILY RESIDENCE	
PROPOSED LAND USE	
SINGLE FAMILY RESIDENCE	
BUILDING SQUARE FOOTAGES	
UPPER LEVEL RES.	404 S.F.
MAIN LEVEL RES.	716 S.F.
GARAGE	980 S.F.
STORAGE	1,880 S.F.
TOTAL AREA	3,980 S.F.
FLOOR AREA RATIO	LOT COVERAGE
7%	6.5%
PERCENT LANDSCAPING	
89%	
PARKING SPACES	
3 FULL SIZED GARAGE SPACES	
ASSESSORS PARCEL NUMBER	
299-200-13	



AREA SHOWN ON SHEET 2

SITE PLAN



California Coastal Commission	EXHIBIT NO. 2
	APPLICATION NO.
	6-99-2
Site Plan	