

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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49th Day: August 6, 1999
180th Day: December 15, 1999
Staff: DL-SD
Staff Report: June 23, 1999
Hearing Date: July 11-16, 1999

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

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Application No.: 6-99-68

Applicant: William Roskowski

Description: Construction of a two-story, 2,872 sq.ft. single-family residence with an attached 476 sq.ft. garage.

Lot Area	16,291 sq. ft.
Building Coverage	3,290 sq. ft. (20%)
Pavement Coverage	3,375 sq. ft. (21%)
Landscape Coverage	4,426 sq. ft. (27%)
Unimproved Area	5,200 sq. ft. (32%)
Parking Spaces	2
Zoning	LR
Plan Designation	Low Residential (3 du/ac)
Ht abv fin grade	22 feet 9 inches

Site: 623 Canyon Drive, Solana Beach, San Diego County. APN 263-221-24.

Substantive File Documents: City of Solana Beach General Plan and Zoning Ordinance;
City of Solana Beach Case No. 17-98-13 DRP.STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed residential construction with Special Conditions requiring the submittal of a revised color board demonstrating that the exterior of the residence will be colored in earthen tones designed to minimize the project's contrast with the surrounding natural landscape. The restriction on the residence's exterior color would be recorded as a deed restriction. Other conditions require submittal of a final landscape plan to be recorded as a deed restriction. As conditioned, visual impacts resulting from the proposed residence will be reduced and the proposed residential development would not have an adverse impact on the visual quality of San Elijo Lagoon.

PRELIMINARY 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. Revised Exterior Treatment/Deed Restriction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval in writing of the Executive Director, a revised a color board or other indication of the exterior materials and color scheme to be utilized in the construction of the proposed residence. The color of the structure and roof permitted hereby shall be restricted to color compatible with the surrounding environment (earth tones) including shades of green, brown, and gray, with no white or light shades and no bright tones except as minor accents. All windows shall be comprised of non-glare glass.

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 structure approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances 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. Landscaping Plan/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 final landscaping plan. Said plan shall be in

substantial conformance with the draft landscape plan submitted June 18, 1999, and shall including the following:

- a. A plan showing the type, size, extent and location of all trees on the site, to consist of, at a minimum, three trees (24-inch box or 10-foot trunk height minimum) planted between the approved residence and the existing paved road on the east side of the road in such a manner as to maximize screening of the structure from views from San Elijo Lagoon and Interstate 5
- b. Fire-resistant, drought tolerant native or naturalizing plant materials shall be utilized to the maximum extent feasible.
- c. A planting schedule that indicates that the planting plan shall be implemented within 60 days of completion residential construction
- d. 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.

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 #2 and consistent with those plans approved with CDP #6-99-68. 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.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The proposed project involves construction of a new two-story, 2,872 sq.ft. single-family residence with an attached 476 sq.ft. garage. The 16,291 sq.ft. vacant lot is one of three lots which take access off a private road north of Canyon Drive overlooking San Elijo Lagoon in the City of Solana Beach. The lots to the north and south of the subject site are currently developed with single-family residences. The eastern portion of the lot, which slopes sharply down to the east above Interstate 5, abuts the San Elijo Lagoon Regional Park. The home is proposed to be a maximum of 22 feet, 9-inches in height.

Because the City of Solana Beach does not have a certified Local Coastal Program, the Chapter 3 policies of the Coastal Act are the standard of review.

2. 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.

The proposed structure will be located approximately three-quarters of the way up a hillside overlooking Interstate 5 and the eastern portion of San Elijo Lagoon. The site is within the Prime Viewshed overlay identified in the previously certified County of San Diego Local Coastal Program, (which is used for guidance in review of development by the Commission in the City of Solana Beach), and is visible looking southwest from Interstate 5, from Manchester Avenue looking south, and from San Elijo Lagoon looking west. The area surrounding the subject lot and the adjacent two lots is heavily vegetated and natural in appearance.

The applicant has submitted a draft landscape plan and color board. As proposed, there would be three trees located between the residence and the access road, which would serve to break up the facade of the structure and soften views of the residence from a distance. Special Condition #2 requires that the applicant submit a final landscape plan consistent with the draft plan, and to record a deed restriction requiring that the landscape be maintained.

The proposed landscaping will reduce the visual prominence of the development. In addition, the house is designed such that the two-story portion of the house is set back against the hillside, which will further reduce its visibility. However, the applicant is proposing to construct the exterior of the residence with off-white stucco with a red tile roof. Given the vegetated nature of the area, which creates a dark green and brown landscape, the proposed colors of the house would contrast significantly with the surrounding natural hillside, causing the house to be visually prominent on the hillside.

The Commission has a long history of requiring landscaping and color restrictions on new development around San Elijo Lagoon (ref. #6-87-618; #6-88-193; #6-89-32; #6-93-176; #6-98-1). The purpose of such these requirements has been to cause new development to blend in with the natural surroundings of the lagoon in order to preserve the scenic quality of the lagoon and surrounding hillsides. As noted previously, there are two other existing residences cut into the hillside on either side of the subject site. Currently, these homes are either designed in dark colors, or are structurally low-profile. The Commission is currently reviewing a permit to redevelop the site immediately south of the subject site with a new two-story residence. Allowing the subject residence to be colored in visually prominent tones would set an adverse precedence which could result in the other homes adjacent to the site redeveloping in white or bright tones. The result of this would be a cumulative adverse impact on visual character of the existing hillside.

Therefore, the Commission finds that in order for the proposed development to be consistent with the visual resource protection policies of the Coastal Act, the color of the house must be restricted to a color that will blend in with the surrounding hillside. Accordingly, Special Condition #1 requires the applicant to submit a revised color board indicating that the exterior colors of the proposed residence will be earthen tones (greens, browns, tans, grays or other dark colors) compatible with the surrounding natural environment. In this way, the proposed home as viewed from surrounding public vantage areas will not stand out prominently, but will blend in with the adjacent natural hillside. Therefore, as conditioned, potential visual impacts from the proposed development will be reduced to the maximum extent feasible, consistent with the visual protection policies of the Coastal Act.

3. Environmentally Sensitive Habitat. Section 30231 of the Act states, in part:

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....

Section 30240 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.

These Coastal Act policies were implemented in the previously certified County of San Diego Local Coastal Program through the Coastal Resource Protection (CRP) overlay zone, which restricts development on natural vegetated steep slopes to avoid sedimentation impacts on the sensitive lagoon resources located downstream and minimize alteration of natural landforms.

The project site is located above a steep hillside at the southern limits of San Elijo Lagoon. The site is not located within the CRP overlay, but the steep, natively vegetated area immediately adjacent to the site to the east is within the overlay. There are no steep slopes on the site itself which will be graded. Drainage in the area flows predominately south to north. Drainage from the site will be directed towards the back (western) portion of the lot on the opposite side of the slope, onto the property to north, which contains an existing residence and improved drainage facilities approved by the Commission in June 1989 (#6-89-130). No runoff will be directed over the bluff edge.

With regard to protection of the steep, natively vegetated slopes on the site and in the Reserve immediately adjacent to the site, the issue of fire safety in areas of "wildland/urban interface" has become increasingly pertinent in recent years. Local governments and fire departments/districts have become increasingly aware of the need to either site new development away from fire-prone vegetation, or to regularly clear vegetation surrounding existing structures (ref. Section 4291 of the Public Resource Code). Since fire department requirements for vegetation thinning and clear-cutting can adversely effect coastal resources, the Commission has in many past actions included a 30-foot brush-management zone around proposed structures when calculating the amount of proposed encroachment on steep, naturally vegetated-slopes, with the idea that vegetation at least 30 feet from any structure may have to be cleared to meet fire safety regulations.

In the case of the proposed project, the proposed residence would be located on the inland side of the private access road, approximately 50 feet away from any native vegetation. The Solana Beach Fire Marshal has indicated that their policy along canyon rims is to require complete clearance of combustibles within 30 feet of a structure, and selected clearance and thinning of only dead plant material for the next 70 feet. As such, the existing native vegetation on the site and in the Reserve will not be adversely impacted by any brush-management. Therefore, the Commission finds that the proposed residential development can be found consistent with Sections 30231 and 30240 of the Coastal Act.

4. 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. In this case, such a finding can be made.

The subject site is zoned and designated for low-density residential uses in City of Solana Beach General Plan and Zoning Ordinance, and in the previously certified County of San Diego LCP, which is used for guidance in review of project in the City of Solana Beach. As conditioned, the project will be consistent with all applicable Chapter 3 policies of the Coastal Act, and no adverse impacts to any coastal resources are anticipated as a result of this development. Therefore, as conditioned, the Commission finds the proposed development will not prejudice the ability of the City of Solana Beach to obtain a fully certified LCP.

5. 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, as conditioned, 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.

The proposed project has been conditioned in order to be found consistent with the visual resource and sensitive habitat policies of the Coastal Act. Mitigation measures, including conditions addressing landscaping and exterior color, 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.

Site

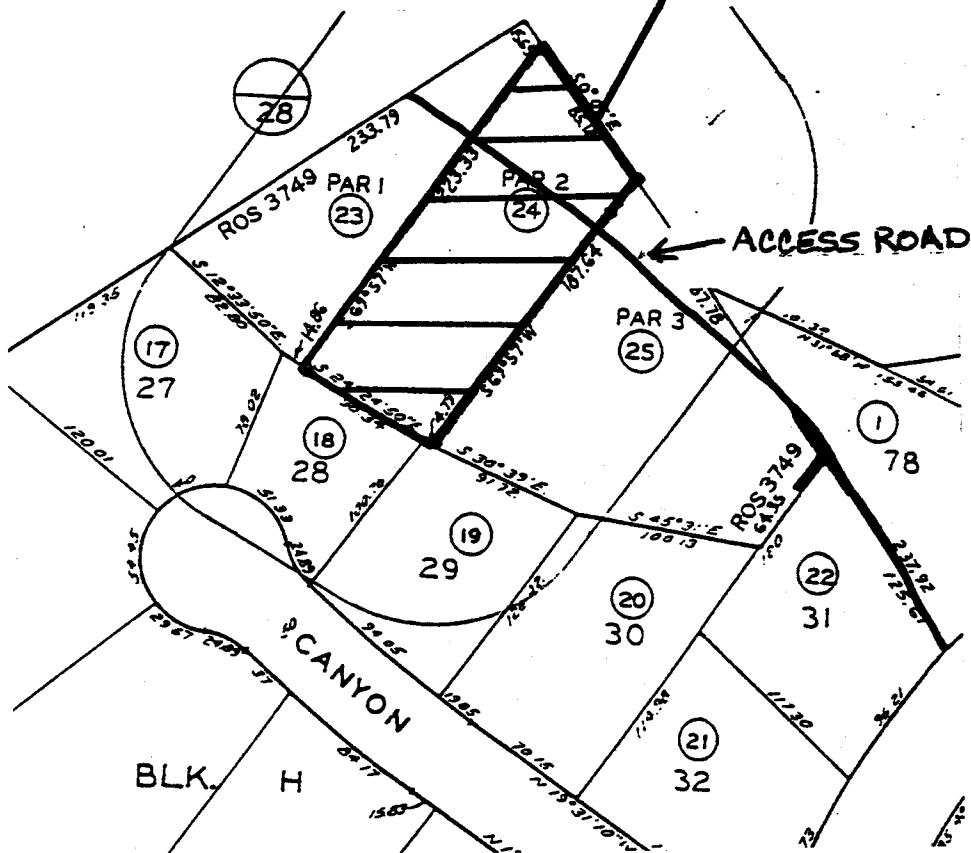
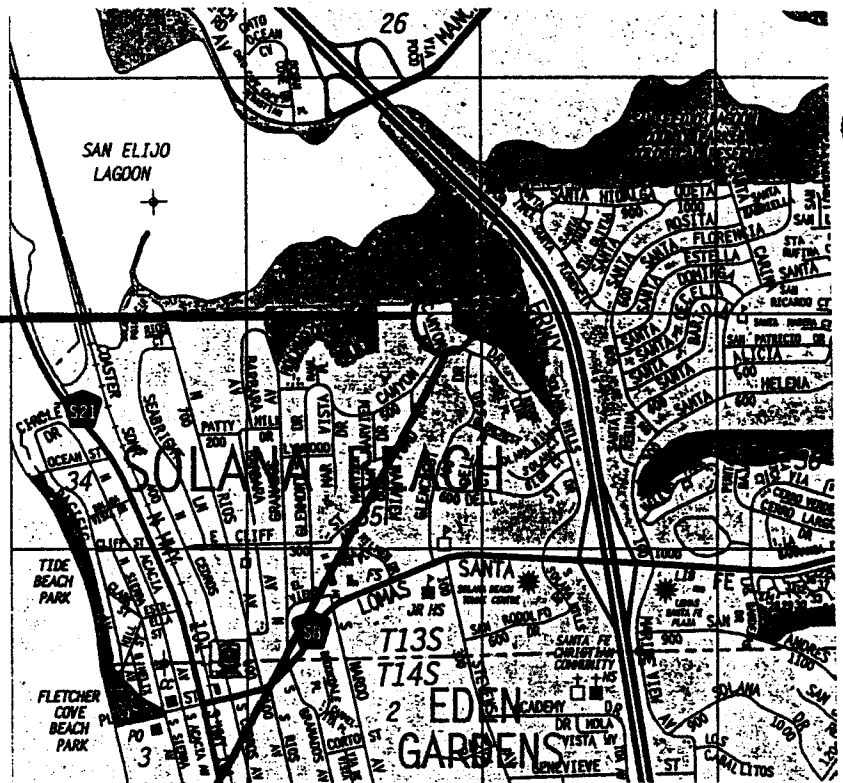


EXHIBIT NO. 1

APPLICATION NO.

6-99-68

Location Map

California Coastal Commission

