CALIFORNIA COASTAL COMMISSION SAN DIEGO AREA 3575 METROPOLITAN DRIVE, SUITE 103

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GRAY DAVIS, Governor

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September 21, 2000 November 9, 2000 March 20, 2001 EL-SD October 23, 2000 : November 13-17, 2000

REGULAR CALENDAR STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-00-61

Applicant: Tom and Kathleen Blake

Agent: Robert Colbourn

Description: Construction of a 4,755 sq.ft., two-story, single-family residence with attached three-car garage; project includes approximately 1,300 cu.yds. of grading, installation of drainage facilities and landscaping improvements.

Lot Area	38,115 sq. ft.	
Building Coverage	4,755 sq. ft. (12%)	
Pavement Coverage	7,824 sq. ft. (21%)	
Landscape Coverage	13,343 sq. ft. (35%)	
Unimproved Area	12,193 sq. ft. (32%)	
Parking Spaces	3	
Zoning	R1-40 1 dua	
Plan Designation	Low Density Residential 1 dua	
Ht abv fin grade	26 feet	

Site:

Vacant site southeast of 1919 Zapo Street, Del Mar, San Diego County. APN 299-261-35

STAFF NOTES:

<u>Summary of Staff's Preliminary Recommendation</u>: Staff is recommending approval of the proposed single-family residence with special conditions. The main issues raised by this proposal are steep slope encroachments, potential impacts to biological and visual resources and adequacy of the proposed drainage facilities. The subject site is very constrained with steep slopes, native habitat and a prominent escarpment, and thus represents a fairly unique circumstance in the City of Del Mar. While the home is proposed on the flattest portion of the site, the required driveway will be long and thus encroach upon steep slopes. Staff finds the encroachments acceptable because the severe

site constraints render it impossible to build anything on the site without some encroachment, and the proposed design has minimized encroachments to the extent possible. The special conditions proposed by staff establish parameters for grading, drainage facilities and landscaping/brush management; they also require identification of the disposal site for the approximately 500 cu.yds. of graded spoils being exported.

Substantive File Documents: Certified City of Del Mar Local Coastal Program Design Review Board Approval (DRB-99-09) Land Conservation Permit (LC-99-05) Conditional Use Permit (CUP-99-02)

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

<u>MOTION</u>: I move that the Commission approve Coastal Development Permit No. 6-00-61 pursuant to the staff recommendation.

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

<u>RESOLUTION TO APPROVE THE PERMIT</u>:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. <u>Grading and Erosion Control</u>. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final grading plans, approved by the City of Del Mar, which shall incorporate the following as notes on the plans:

A. All temporary and permanent runoff and erosion control devices shall be developed and installed prior to or concurrent with any on-site grading activities.

B. All areas disturbed, including graded pads, shall be stabilized in advance of the rainy season. The use of temporary erosion control measures, such as berms, interceptor ditches, sandbagging, filtered inlets, debris basins, and silt traps shall be utilized in conjunction with plantings to minimize soil loss from the construction site.

The permittee shall undertake the 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. <u>Final Drainage and Runoff Control Plans</u>. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final drainage and runoff control plans, including supporting calculations, which have been approved by the City of Del Mar. The plan shall be prepared by a licensed engineer, and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with geologist's recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

A. Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter stormwater from each runoff, up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.

B. Excess runoff shall be conveyed off site in a non-erosive manner. Energy dissipating measures at the terminus of outflow drains shall be constructed.

C. The plan shall include provisions for maintaining the drainage system, including structural BMPs in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no

later than September 30th each year, and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

The permittee shall undertake the 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.

3. <u>Final Landscaping/Brush Management Plans</u>. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a final, detailed landscape plan for the proposed development that has been approved by the City of Del Mar. Said plan shall indicate the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features. Drought tolerant, fire-resistant, native or non-invasive plant materials, and low-flow irrigation systems shall be utilized. All landscaping shall be planted and maintained consistent with the July 20, 2000 letter from the City of Del Mar Fire Department to Robert A. Colbourn, the authorized agent.

The permittee shall install and maintain the landscaping in accordance with the approved landscape plan. 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.

4. <u>Disposal of Graded Spoils</u>. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall identify the location for the disposal of graded spoils. If the site is located within the coastal zone, a separate coastal development permit or permit amendment shall first be obtained from the California Coastal Commission or its successors in interest.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. <u>Detailed Project Description</u>. The applicant proposes construction of a singlefamily residence on an approximately 38,000 sq.ft. vacant lot in the "Snakewall" area of Del Mar. The 4,755 sq.ft. home will be two-stories (26 feet) in height, with a partial second story over the southern portion of the main level. Included in the project are an attached three-car garage, drainage facilities and landscaping improvements.

Approximately 1,300 cu.yds. of grading are required to construct the project, which includes a long, winding, approximately 14-foot wide driveway to access the flatter portion of the site. The application does not identify a disposal site for the approximately 500 cu.yds. of export; this is addressed in Special Condition #4.

The site, despite being nearly an acre in size, is highly constrained with steep slopes, areas of native vegetation and a number of mature Torrey pine trees scattered throughout the property. There is a near-vertical escarpment cutting across the center of the site, with the only significant flat area being located atop that escarpment, more than fifty feet above the elevation of the frontage road (Zapo Street).

Although the City of Del Mar has a fully-certified land use plan, it does not yet have an effectively-certified implementation program. Thus, coastal development permit jurisdiction for the entire city remains with the Coastal Commission at this time, with Chapter 3 of the Coastal Act being the legal standard of review and the certified land use plan used as guidance.

2. <u>Environmentally Sensitive Areas/Steep Slopes</u>. The following Coastal Act policies are most applicable to the proposed development, and state, in part:

Section 30240

(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.

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...

This existing legal lot has a number of natural physical constraints that have resulted in the proposed design being determined, by the City of Del Mar and the Coastal Commission, to be the design most protective of existing resources while still allowing use of the site. 69% of the site is comprised of slopes at, or exceeding, 25% gradient, where development is generally either prohibited altogether or allowed with small encroachments on steep slopes, when justified by the specific site topography. There are also several patches of native upland vegetation communities, occupying both steeper and flatter portions of the site, and approximately 20 Torrey Pine trees scattered over the property (and about that many more immediately adjacent to the site along the property perimeters). Development of this property has required several redesigns at the local level, to arrive at a project that appears to represent the least impact overall to the many resources on the site.

On this particular property, the 31% of the site that is flatter (i.e., less than 25% gradient) does not exist in a single location, but consists of small patches scattered throughout the site. One larger area of flatter land exists on top of a near-vertical escarpment, and the home is proposed to be sited in this general location. As currently proposed, however, the structural footprint of the home will still encroach onto 6% of the slopes exceeding 25% gradient. The language of many certified LCP documents (including the certified City of Del Mar LCP Land Use Plan), along with several years of Commission precedent, would typically allow a site of this slope content up to a maximum 10% discretionary encroachment onto steep slopes, based on total site constraints. Thus, the home itself is within the often-granted encroachment allowance. The Commission has, and does, allow minimal steep slope encroachments in specific cases, and has approved language allowing discretionary encroachments in many certified LCPs, including those for the cities of Carlsbad, Encinitas and San Diego. This flexibility has been needed to address construction on lots which were created before the Coastal Act was passed, lots which probably could not be approved under current law, but which nonetheless exist as legal lots with a minimum development right. The subject site was created in the early 1900's.

However, in this particular case, an 11% to 12% additional steep slope encroachment is proposed to construct the access driveway. The property fronts only on Zapo Street, and must take access from that street. The flatter, buildable area where the residence is proposed is approximately 50 feet higher in elevation than the road and at the other side of this substantial lot. The land continues to rise very steeply above the subject property to the top of the Del Mar hills (Serpentine Drive cul-de-sac). Access from above would require easements across private properties, would still significantly impact Torrey Pines and native upland vegetation, and might not be engineeringly feasible.

Thus, the applicant is proposing a long, winding driveway from Zapo Street in order to skirt the escarpment and reach the flatter area on top of the escarpment, which is a significant and prominent landmark in the neighborhood. The City required that this landform not only be preserved intact, but that it remain visible to the public passing by. The proposed circuitous route (see Exhibit #2) will also minimize the amount of grading necessary to gain access and will avoid nearly all the mature Torrey Pine trees. One existing Torrey Pine will be lost to the driveway and one more to the house; all others will remain. This routing also avoids most of the patches of native vegetation. Although some certified LCPs specifically exempt encroachments for driveways necessary to access the more buildable areas of a site (including those cited above), the Del Mar LUP

includes no such exemption. Nonetheless, the City found the encroachments acceptable by acknowledging the extreme topographical constraints on this property as rendering it impossible to develop the site consistent with the LUP policies if the LUP encroachment requirements were strictly applied.

The property was thoroughly analyzed for potential alternate siting locations for the house and several alternatives were considered in detail both at the local level and by Commission staff. First, placing the house immediately adjacent to Zapo Road (thus eliminating the long driveway) posed several problems. The property begins sloping upwards directly from the street - there is minimal flatter ground in this area. Thus, actual steep slope encroachments would be roughly the same for this siting. Also, the pockets of native vegetation are scattered on the site in such a way that encroachment into those would also be roughly equivalent to the proposed plan. Moreover, the house would present a massive appearance from the street and would block all view of the escarpment, which would then be behind the house. Second, turning the house at an angle to fit more completely on the flatter area would eliminate the required 20 foot setback from the top of the escarpment and result in the house being much more visually prominent than as currently proposed. And, the driveway would still be necessary, and would need to extend further across the site to reach a realigned house, so that the total encroachment on both steep slopes and native vegetation would not differ to any significant degree from that proposed.

Third, keeping the house where it is proposed, but moving the driveway to wrap around the escarpment on the opposite side (veering right instead of left as one enters the site) was also rejected. Although portions of this side of the site are flatter, there would be significantly greater disturbance of native vegetation and the loss of additional Torrey Pines. Most critically, the escarpment is at a steeper angle on this side and it is not considered engineeringly feasible to bring a driveway up over this obstacle. As it is, the proposed driveway is quite steep (16% gradient). Finally, reducing the size of the house was considered, but it was determined that this would not significantly change the amount of steep slope encroachments since the long driveway would still be required. If a smaller house were placed as far forward on the flat area as possible, acknowledging required setbacks for bluff stability and view protection, steep slope encroachments for the house itself would be reduced, or possibly eliminated. However, the driveway would then have to be further extended to reach the house and would wind up impacting the same areas as the proposed house does now.

The Commission also recognizes the severe site constraints and concurs with the conclusions of the alternatives analysis just described. It finds the residence to be proposed in the most suitable location on the property, and also finds, with the attached conditions, that the proposal is consistent with the cited policies of Chapter 3 of the Coastal Act for the following reasons:

1. Impacts on all resources have been reduced to the extent possible to still allow construction of a single-family residence on this existing legal lot. Although the home is large by some standards (4,755 sq.ft.), it is typical for this area of Del Mar,

where large lots averaging an acre in size, and estate-type homes, are the norm. The actual lot coverage for the residence is 12.5% of the site, where most Del Mar properties are built to 25% lot coverage. As addressed above, a smaller home would encompass roughly the same impacts, due to access requirements.

2. Regardless of lot size, this development represents infill within an already developed community. The surrounding properties contain similar biological resources but have all been similarly developed over time. The subject site does not connect with any public park or open space area. The on-site native vegetation does not form part of a larger area of native vegetation on adjacent parcels, but consists only of small disconnected patches within the site perimeters. The proposed encroachments into portions of several of these patches would not result in a significant disruption of habitat values. Moreover, the applicant proposes to revegetate all disturbed areas along the driveway with native species, which will actually result in an increase in native vegetation altogether, as much of the area is currently either bare or covered with non-natives.

3. Significant drainage improvements are both proposed by the applicant and required in local approvals to address the difficult site topography and protect adjacent properties and downstream resources from runoff. The site drains downhill to the west towards the ocean, rather than to the northeast towards the San Dieguito Lagoon, and drains through/between existing development and public streets, not natural, open space areas. As proposed to the Commission, and further supplemented with the special conditions, the drainage improvements are adequate to prevent any adverse runoff-related effects.

In addition, the City of Del Mar Fire Department has stated their position with regard to brush management on this site. They have required the substitution of some more flammable proposed planting materials with less flammable ones and construction of a five-foot masonry wall between the proposed residence and natural vegetation to the east. They have also established parameters for the trimming of existing trees, including Torrey Pine trees. However, they are not requiring the removal of any existing native vegetation or Torrey Pine trees for brush management purposes.

In summary, the Commission finds that the proposed design has sought to minimize impacts to the site's geological and biological resources to the extent possible on this highly constrained lot. The proposal minimizes grading and slope encroachments, avoids most areas of native vegetation and Torrey Pine trees, includes facilities to address site drainage and includes a conceptual landscaping plan which provides for revegetation of disturbed areas along the driveway route with native plants typical of those found in the Torrey Pines State Reserve. Special Conditions #1-3 require submittal of final grading, drainage and landscaping plans, signed by the City of Del Mar, and consistent with Fire Department requirements, giving additional details/commitments with respect to grading, drainage and landscaping to assure that implementation of the project is fully consistent with the Coastal Act. As proposed to the Commission, and further supplemented with the special conditions, geologic risks have been minimized, the stability of steep slopes and the escarpment is assured, and the project will not create or significantly contribute to erosion. Therefore, the Commission finds that the proposed development, as conditioned, is consistent with the cited Chapter 3 policies of the Act.

3. <u>Runoff/Water Quality</u>. Section 30231 of the Coastal Act is applicable to the proposed development and 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...

The project site is currently undeveloped, but is surrounded by existing residential development. The site is not adjacent to, or upstream from, any wetland resources, but stormwater from the site eventually makes its way into the Pacific Ocean. Additionally, the site is considered a "hillside" development, as it involves steeply sloped terrain, which can be susceptible to erosive conditions. The proposed development will encroach directly on steep slopes and will result in an increase in impervious surfaces, which in turn decreases the infiltrative function and capacity of existing permeable land on site. The reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides and pesticides; and bacteria and pathogens from animal waste. Stormwater is conveyed through the storm drain system and will be discharged to ocean waters. Polluted runoff entering the storm drain system can have harmful effects on marine life, and may pose a risk to human health which can result in beach closures, limiting public access and recreational opportunities if not controlled or managed properly.

The proposed development includes site drainage improvements to ensure that all runoff is collected and directed to the existing municipal storm drain in Zapo Street. Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of BMPs designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. Critical to the successful function of postconstruction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e., the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in Special Condition #2, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

In order to reduce the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage, Special Conditions #1-3 have been attached. The applicants have submitted conceptual grading and landscaping plans which appear to broadly address these issues. However, the submitted plans do not include temporary erosion controls for the construction period, and it is not clear that they reflect implementation of the City of Del Mar's extensive drainage requirements for this site. Also, it is not clear that the submitted landscaping plans reflect the Fire Department's approval, as stated in the July 20, 2000 letter from the City of Del Mar Fire Department to Robert Colbourn, the authorized agent for this proposal.

Special Condition #1 requires final grading plans, which shall include both permanent and temporary runoff control measures. Special Condition #2 requires the applicant to implement a drainage and runoff control plan which includes BMPs designed to treat, infiltrate, or filter stormwater from each runoff event up to and including the 85th percentile, 24-hour runoff event and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs. Special Condition #3 requires the installation of drought tolerant, fire-resistant, native or non-invasive landscaping on the site, and ongoing maintenance of all site vegetation, consistent with Fire Department requirements. As conditioned, the proposed development will serve to reduce any impacts to water quality from the project to insignificant levels. Therefore, the Commission finds the proposed project consistent with Section 30231 of the Coastal Act.

4. <u>Visual Resources/Community Character</u>. Section 30251 of the Coastal Act provides for the protection of scenic coastal resources, and 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 site is located in the northeastern portion of the City of Del Mar, south of Via de la Valle and well west of Interstate 5. Because the site is located on the west-facing slopes of the Del Mar hills, it is not visible from Interstate 5, Via de la Valle or the San Dieguito

River Valley. It is possible that the site is visible from Camino del Mar and the public beaches. However, the site is surrounded by other developed sites and would only be visible from these vantage points at too great a distance to identify a specific property. The proposed residence will be similar in general size to the surrounding estate-size homes, and will not significantly change the existing pattern of development in the community with the possible exception of height.

The Bluff, Slope and Canyon Overlay Zone, within which this property lies, establishes a 14 foot height limit for visual purposes, unless it can be shown that a house of greater height is actually more protective of views. It also requires setbacks of 20 feet from the top of steep slopes and 10 feet from the bottom. The existing sandstone escarpment is a prominent landmark of the immediate neighborhood, and its preservation and continued visibility to the public were considered essential during the local review process. The City found it critical to implement the required setbacks in order to maintain the visual and geologic integrity of the landform. Thus, it did not allow any encroachment into the setbacks from the escarpment, but instead allowed the project to attain a height of 26 feet, with a partial second story, which prevented a greater lot coverage overall and minimized the visibility of the proposed structures within the neighborhood. The Coastal Commission concurs with the City's reasoning in this instance. By allowing the proposed home to be sited on top of the escarpment, alteration of landforms has also been minimized, further reducing the potential for visual impacts. Moreover, the proposed landscaping and the existing mature trees on the site will further serve to screen the residence. Therefore, as conditioned to address other concerns, the Commission finds the proposed development consistent with Section 30251 of the Act.

5. <u>Local Coastal Planning</u>. 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, with the attached special conditions, such a finding can be made.

The site is designated for Low Density Residential uses in the certified City of Del Mar Land Use Plan, and is zoned R1-40 within the Bluff, Slope and Canyon Overlay. These designations allow single-family residential development on lots of a minimum 40,000 sq.ft. in size (approximately one acre lots). The proposed lot is slightly undersized (38,115 sq.ft.), but is an existing legal lot created in the early 1900's. Although the Commission has certified an Implementation Plan for the City, the approval included suggested modifications that were not adopted by the City within six months of the Commission's approval. Therefore, the Commission's certification has lapsed and the City's LCP is not effectively certified at this time.

The proposal has received Design Review Board approval (DRB-99-09), a Land Conservation Permit (LC-99-05) and a Conditional Use Permit (CUP-99-02). However, it is not fully consistent with all provisions of the certified City of Del Mar LCP Land Use Plan, in that a steep slope encroachment of greater than 10% on a site with 69% steep slopes has been approved by the City of Del Mar. The local approvals recognized the severe and unique landform and vegetation constraints of the site as requiring an exception to the LUP policies.

The Commission also acknowledges these constraints and has found the project to be appropriately sized and sited to minimize impacts. For the Commission, the standard of review is Chapter 3 of the Coastal Act, since the City's LCP has not been effectively certified to date. As conditioned, the Commission has found the proposal fully consistent with the applicable Chapter 3 policies of the Coastal Act. Because of the uniqueness of the site, and the need to protect existing natural features, the Commission further finds that its decision is not precedential for other developments that may be proposed on the few remaining vacant lots in the City of Del Mar. Therefore, the Commission finds that approval of the proposed development, as conditioned herein, will not prejudice the ability of the City of Del Mar to complete it's LCP certification process.

6. <u>California Environmental Quality Act (CEQA)</u>. 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 will not cause significant adverse impacts to the environment. Specifically, the project, as conditioned, has been found consistent with the water quality, landform alteration, biological and visual resource 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 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. <u>Notice of Receipt and Acknowledgment</u>. 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. <u>Expiration</u>. 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.

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- 3. <u>Interpretation</u>. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. <u>Assignment</u>. 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.
- 5. <u>Terms and Conditions Run with the Land</u>. 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.

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City of Del Mar Fire Department 2200 Jimmy Durante Blvd. • Del Mar, California 92014 TEL. (858) 755-1522 • FAX (858) 259-2749



July 20, 2000

Robert A. Colbourn Colbourn - Currier - Noll Architecture 10675 Treena Street, Suite #101 San Diego, CA 92131

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COADTAL COMMISTICIA SAN DIFOR COAST DISTRICT

Subject: Blake Residence

The Del Mar Fire Department Fire Prevention Bureau has done a preliminary plan check review of the proposed residence on Zapo Street in the City of Del Mar. Your office has requested that we submit a brush management plan for this project.

The Fire Department for the City of Del Mar does not at this time have a brush management plan. We are striving towards the development of a plan for the Crest Canyon corrider. It has not been finalized at this time.

For your plan we are analyzing slopes, topography, plant selection and separation distance for this project.

After review, we find the plant selection to have been improved from a flammability standpoint to our satisfaction. The five foot masonry wall is a must between natural vegetation to the east and the wood siding of the residence <20 feet to the west. We will request that you limb up any trees including Torrey Pines next to the structure a minimum of 10 feet. Tree branches need to be kept 10 feet from chimney outlets and should not be growing over the structure.

Other than the above recommendations, we have no other reservations for this project.

Respectfully,

Thomas Wal

Thomas G. Wolf Captain/fire Prevention Officer Del Mar Fire Department

TGW/cw

