

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

7575 METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4402

767-2370



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 Staff: GDC-SD
 Staff Report: 10/25/01
 Hearing Date: 11/13-17/01

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-01-115

Applicant: Mr. and Mrs. Michael Ostanik

Description: Demolition of an approximately 2,096 sq. ft. one-story single-family residence and construction of an approximately 4,725 sq. ft. two-story single-family residence with approximately 820 sq. ft. attached garage on an approximately 14,810 sq. ft. lot. Also proposed is approximately 226 cu. yds. of grading to prepare the new development site.

Lot Area	14,810 sq. ft.
Building Coverage	4,425 sq. ft. (30%)
Pavement Coverage	1,890 sq. ft. (13%)
Landscape Coverage	8,495 sq. ft. (57%)
Parking Spaces	3
Zoning	LR - Low Residential
Plan Designation	LR - Low Residential
Ht abv fin grade	22 ½ feet

Site: 720 Rawl Place, Solana Beach, San Diego County. APN 263-103-03

Substantive File Documents: County of San Diego Local Coastal Program (LCP); City of Solana Beach General Plan and Zoning Ordinance; City of Solana Beach Development Review Permit and Structural Development Permit #17-00-37.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed residential construction with several special conditions. The main issue raised by the proposed development pertains to protection of scenic resources. The proposed home is visible from Interstate 5, Highway 101 and various areas within the San Elijo Lagoon. To reduce the potential for visual resource impacts, staff is recommending special conditions requiring a landscaping deed restriction designed to

screen the development from views from Interstate 5, Highway 101, and San Elijo Lagoon, and a restriction on the exterior colors of the residence to earthen tones. As conditioned, the project is consistent with the visual and biological resource policies of the Coastal Act.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-01-115 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.

RESOLUTION TO APPROVE THE PERMIT:

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. Drainage Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a drainage and runoff control plan, including supporting calculations, which has been approved by the City of Solana Beach documenting that the runoff from the roof, driveway and other impervious surfaces shall be collected and directed into

pervious areas on the site (landscaped areas) for infiltration and/or percolation in a non-erosive manner, prior to being collected, where necessary, and conveyed off-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. 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 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 on the north and west side of the residence 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.

3. 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 approved by the City of Solana Beach. Said plan shall including the following:

- a. A plan showing the type, size, extent and location of all trees and proposed landscaping on the site, with special emphasis placed on plantings consisting of, at a minimum, three trees (24-inch box or 5-foot trunk height minimum) planted on the north and west sides of the approved residence in such as manner as to maximize screening of the structure from views from Interstate 5, San Elijo Lagoon and Highway 101.
- 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.

e. Five years from the date of issuance of the coastal development permit, the applicant shall submit for the review and written approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

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 #3 and consistent with those plans approved with CDP #6-01-115. 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.

4. Grading/Erosion Control. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final grading and erosion control plans that have been approved in writing by the City of Solana Beach. The approved plans shall incorporate the following requirements into the plans and as written notes on the plans:

a. All runoff and erosion control devices shall be developed and installed prior to or concurrent with any on-site grading activities. All areas disturbed, but not completed, during the construction season, including graded pads, shall be stabilized in advance of the rainy season. The use of temporary erosion control measures, such as fiber rolls, berms, interceptor ditches, sandbagging, filtered inlets, debris basins, and silt traps shall be utilized to minimize soil loss during construction.

The permittee shall undertake development in accordance with the approved grading and erosion control plans. Any proposed changes to the approved grading and erosion control plans or grading schedule 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.

5. 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. 6-01-115; and that any future additions or other development as defined in Public Resources Code Section 30106 will require an amendment to permit No. 6-01-115 or will require an additional coastal development permit from the California Coastal Commission or from its successor agency. The document shall be recorded as a covenant running with the land binding all successors and assigns in interest to the subject property.

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.

6. Export of Grading Materials. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall identify the location of the export site for the proposed exported grading material. If the site is located within the coastal zone, a separate coastal development permit or permit amendment shall be obtained from the California Coastal Commission prior to export.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The proposed development involves the demolition of an existing approximately 2,096 sq. ft. one-story single-family residence and construction of an approximately 4,725 sq. ft. two-story single-family residence with an approximately 820 sq. ft. attached garage and approximately 226 cu. yds. of grading on an approximately 14,810 sq. ft. lot. The proposed project will be sited on a generally downward sloping lot from the street such that overall height of the structure will not be greater than 13 feet above the street. No development is proposed in areas containing steep slopes. Since the application does not indicate the location of the proposed graded material export site, Special Condition #6 has been attached. This condition requires the applicant to identify the export site and to obtain an additional coastal development permit or permit amendment if the export site is located within the Coastal Zone.

The project site is located within an area that was previously covered by the County of San Diego's Local Coastal Program (LCP). However, the County LCP was never effectively certified and therefore is used as guidance with Chapter 3 Policies of the Coastal Act used as 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 on top of a hillside overlooking San Elijo Lagoon Ecological Reserve. Although the property overlooks the lagoon, the property is not located within the City's Hillside Overlay Zone, which restricts development in areas in excess of 25% slopes and seeks to preserve natural topography and scenic qualities of the City. However, the City indicates that portions of the site do contain steep slopes in excess of 25% gradient which will not be affected by the proposed project. The subject site is also located within the City's Scenic Area Overlay Zone and will be visible from Highway 101, Interstate 5 and from San Elijo Lagoon.

The proposed development is located in an established residential neighborhood consisting of both one and two-story residences and the proposed residence will be compatible in size and scale to other homes. Several single-family residences are also located below the site to the north within Holmwood Canyon immediately adjacent to San Elijo Lagoon. In addition, the proposed residence meets all City development standards such as height, setbacks, and floor area ratio requirements. However, the Commission has received a petition from surrounding residents opposing the subject development because their private views will be affected (see Exhibit #3). While private views are not afforded protection under the Coastal Act, the City has responded to the private concerns expressed by the surrounding neighbors by requiring that the height of the proposed structure be limited to no more than 13 ft. above the height of the street and limiting the height of vegetation on some portions of the property.

However, because the subject site is visible from various public areas, the Commission is concerned with its potential to adversely affect views. In order to break up the facade of the structure and soften views of the residence from I-5, Highway 101 and San Elijo Lagoon, Special Condition #3 requires that the applicant submit a final landscape plan indicating that a minimum of three trees will be provided and maintained between the residence and the edge of the hillside. The condition must be recorded as a deed restriction, which will ensure that future owners are aware of the requirement to maintain the three trees such that the residence continues to be partially screened from views from the lagoon, Highway 101 and Interstate 5.

The required landscaping will reduce the visual prominence of the development. However, given the vegetated nature of the area, which creates a dark green and brown landscape, if the exterior of the proposed residence was white or brightly colored, 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; #6-99-68; 6-99-76; 6-00-11). The purpose of 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 tones.

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 #2 requires the applicant to submit a 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.

In order to assure that any future development of the site will not impact existing steep slopes in excess of 25 % gradient, Special Condition #5 has been attached which requires that any future development of the site will require an amendment or new coastal development permit.

Therefore, with special conditions relating to landscaping, colorizing and future development of the site, 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. Runoff/Water Quality. Section 30231 of the Coastal Act states that:

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.

The proposed development will occur on an inland hillside above Holmwood Canyon and San Elijo Lagoon Ecological Reserve. As such, drainage and run-off from the development could potentially affect water quality within San Elijo Lagoon. The City's approval requires that all drainage from the development site be properly conveyed and

not exceed current levels of runoff. However, no specific provisions are included that address treatment of the run-off prior to its being conveyed offsite.

Section 30231 of the Coastal Act, as cited above, requires that the biological productivity of coastal waters, streams, etc., be maintained by, among other means, controlling runoff. In order to reduce the potential for adverse impacts to water quality resulting from drainage runoff from the proposed development, Special Condition Nos. 1 and 3 have been attached. Special Condition #3 requires the installation of drought tolerant landscaping on the site consisting of trees and ground cover. Special Condition #1 requires that runoff from the roof, driveway and other impervious surfaces be directed into the landscaped areas on the site for infiltration and/or percolation, prior to being collected and conveyed off-site in a non-erosive manner. Directing on-site runoff through landscaping for filtration of on-site runoff in this fashion is a well-established Best Management Practice for treating runoff from small developments such as the subject proposal. In addition, since the applicant is proposing approximately 226 cu. yds. of grading, Special Condition #4 has been attached which requires that all permanent and temporary erosion controls be developed and installed prior to or concurrent with on-site grading activities and that all areas that are disturbed by grading shall be stabilized prior to the onset of the rainy season. This condition will assure that if the development of the residence is delayed such that the graded area is left opened for an extended period during the rainy season, sediment from the graded area will be prevented from entering into downstream resources. As conditioned, the proposed landscaping 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. 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 provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The subject site is located in the City of Solana Beach which does not have a certified LCP. The area was previously included within the County of San Diego (LCP). However, the County LCP was never effectively certified and the standard of review for development is Chapter 3 policies of the Coastal Act with County LCP used as guidance. The project site is not located within the Coastal Resource Protection (CRP) Overlay area or other overlay areas of the previously certified San Diego County LCP. The site is zoned and designated for low residential development at a maximum allowable density of 3 dwelling units per acre (dua) in the City of Solana Beach Zoning Ordinance, and is zoned for a maximum density of 2.9 dua in the certified County of San Diego LCP, which the Commission uses for guidance in review of development in Solana Beach. The proposed single-family residence is fully consistent with the zoning designations and density provisions. The subject development, as conditioned, is consistent with all applicable Chapter 3 policies of the Coastal Act and no adverse impacts to coastal resources are anticipated. Therefore, the Commission finds that the proposed

development will not prejudice the ability of the City of Solana Beach to prepare a certifiable Local Coastal Program.

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, 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 and visual resource protection policies of the Coastal Act. There are no feasible alternatives or additional 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 is 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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.
5. 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.

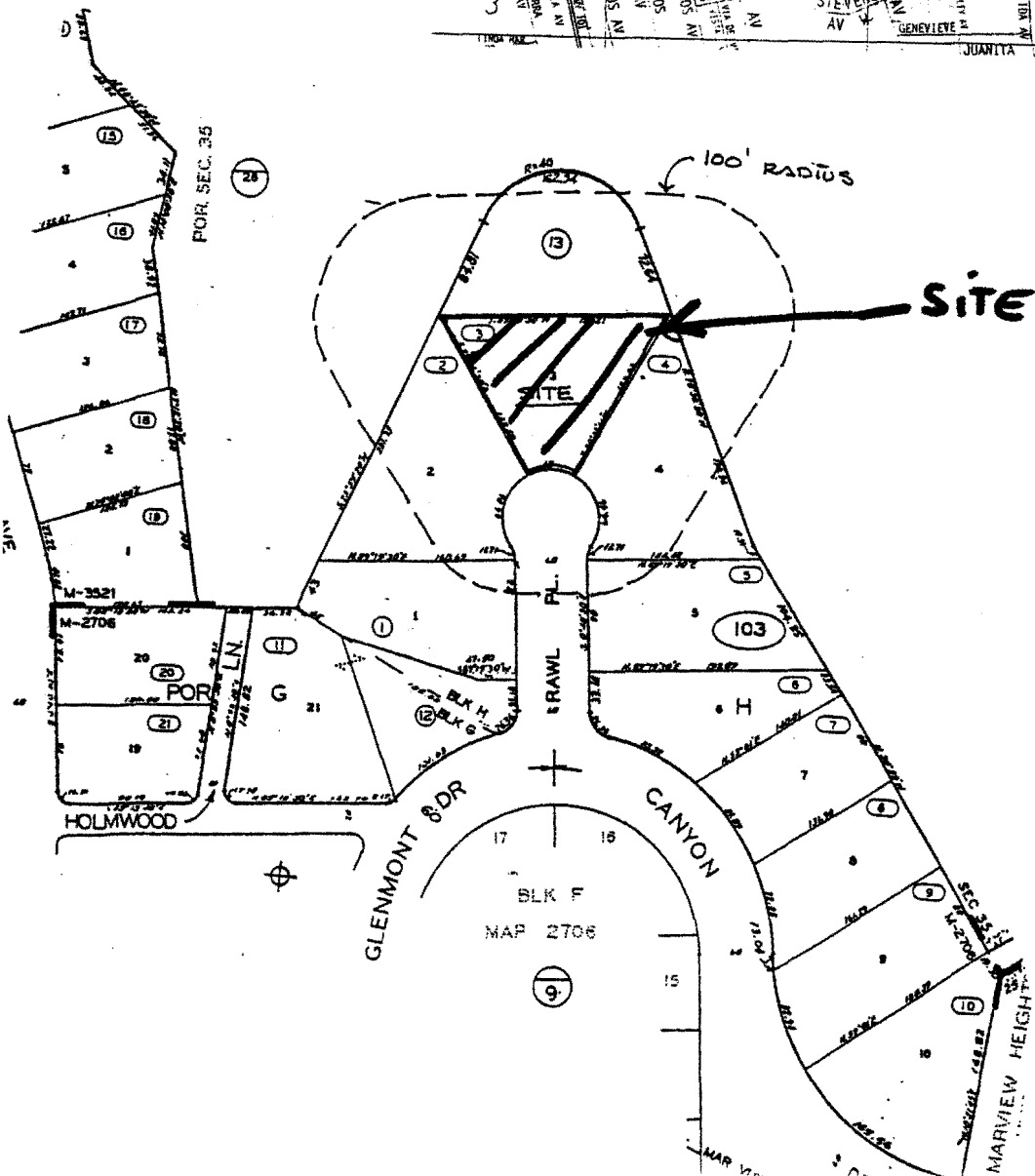
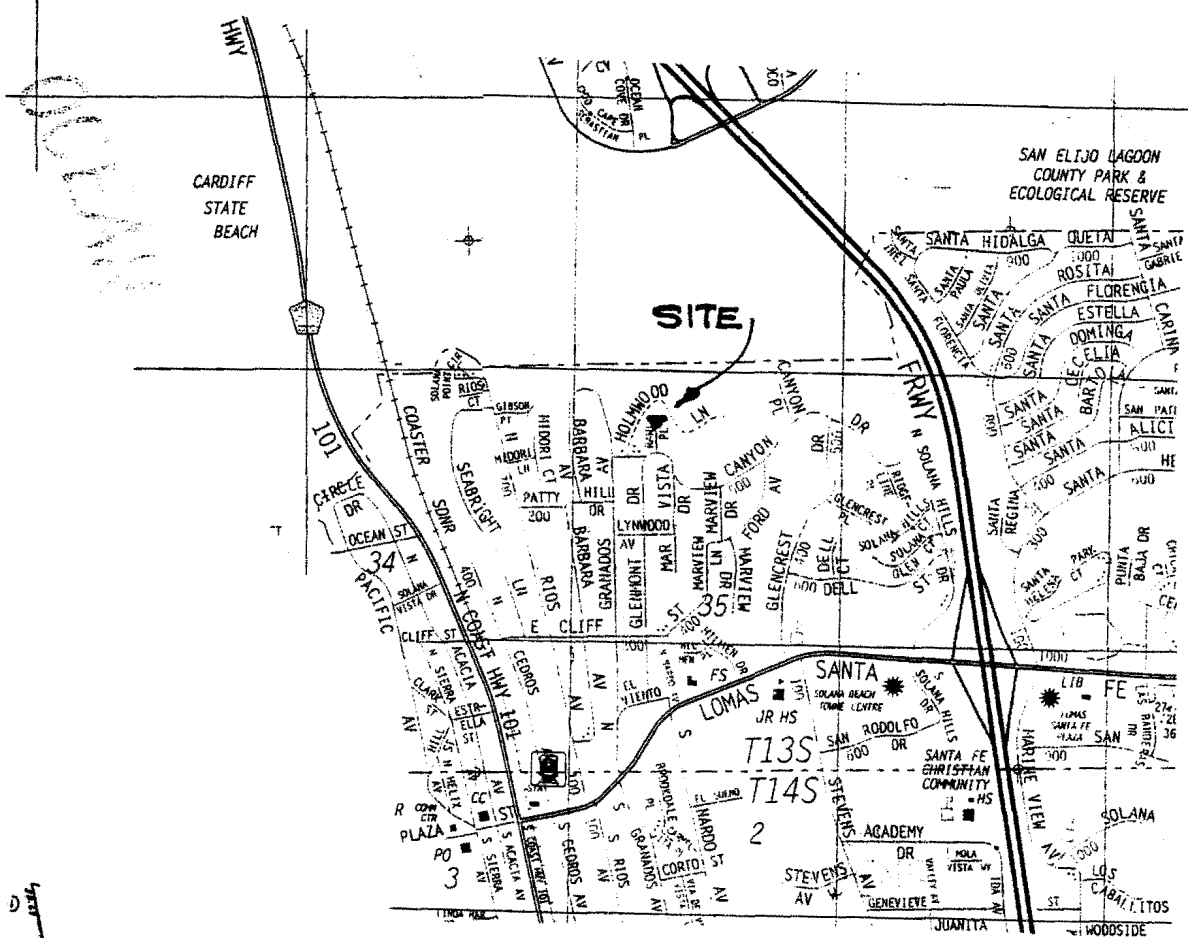

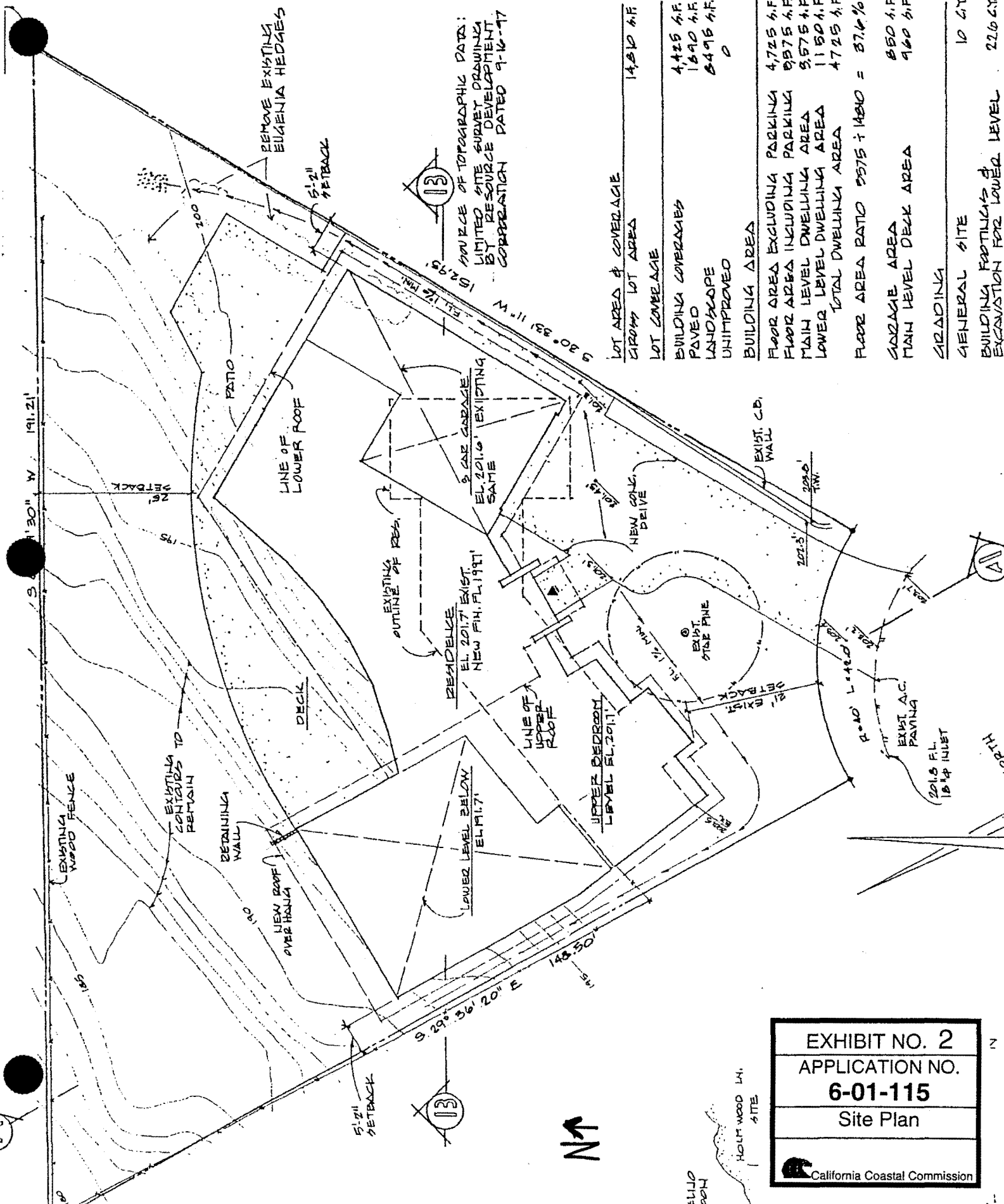


EXHIBIT NO. 1
APPLICATION NO.
6-01-115
Location Map
 California Coastal Commission



SOURCE OF TOPOGRAPHIC DATA:
 LIMITED SITE SURVEY DRAWING
 BY RESOURCE DEVELOPMENT
 CORPORATION DATED 9-16-77

LOT AREA & COVERAGE	14,810 s.f.
GRASSY LOT AREA	4,425 s.f.
LOT COVERAGE	16,900 s.f.
BUILDING COVERAGES	6,496 s.f.
PAVED	0
LANDSCAPE	
UNIMPROVED	
BUILDING AREA	
FLOOR AREA EXCLUDING PARKING	4,725 s.f.
FLOOR AREA INCLUDING PARKING	9,575 s.f.
MAIN LEVEL DWELLING AREA	5,575 s.f.
LOWER LEVEL DWELLING AREA	11,500 s.f.
TOTAL DWELLING AREA	4,725 s.f.
FLOOR AREA RATIO	9,575 ÷ 14,810 = 37.6%
GARAGE AREA	650 s.f.
MAIN LEVEL DECK AREA	960 s.f.
GRADING	
GENERAL SITE	10 c.y.
BUILDING FOOTPRINTS & EXCAVATION FOR LOWER LEVEL	22.0 c.y.

EXHIBIT NO. 2
 APPLICATION NO.
6-01-115
 Site Plan

California Coastal Commission



ELIJO Head

HORN WOOD LN. SITE

NS - SU

AUG 1 7 2001

PROTEST
FOR #6-01-115 OSTANIK

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

We the undersigned, Residents of Rawl Place, Do hereby strongly protest the decision of the Solana Beach City Council regarding the size and height of the construction of the house at 720 Rawl Place, Solana Beach. The Elevation and the height will block most all of our beautiful views, and will also deprive us of our natural scenery. The decision and denying the owner's request without some changes will be greatly appreciated.

Thank you for your endeavor.

NAME	ADDRESS	SIGNATURE
<u>W. Shaw</u>	<u>715 Rawl Place</u>	<u>[Signature]</u>
<u>J. Shaw</u>	<u>715 Rawl Place</u>	<u>[Signature]</u>
<u>Michael A. Mill</u>	<u>716 Rawl Place</u>	<u>Michael A. Mill</u>
<u>Sinda P. Mill</u>	<u>716 Rawl Pl</u>	<u>Sinda P. Mill</u>
<u>Vincent Tran</u>	<u>705 Rawl Place</u>	<u>[Signature]</u>
<u>HEATHER NTRAN</u>	<u>705 Rawl place</u>	<u>[Signature]</u>
<u>Alex Tran</u>	<u>705 Rawl Place</u>	<u>Alex Tran</u>
<u>Sean Paul Tran</u>	<u>705 Rawl Pl</u>	<u>Sean Paul Tran</u>

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EXHIBIT NO. 3
APPLICATION NO.
6-01-115
Petition of Oppostion
Page 1 of 2
California Coastal Commission

NAME

Address

Signature

M.S. Corbett

710 Rawl Pl

MS Corbett

L.W. Corbett

710 Rawl Pl

Lew W Corbett

C.T. Corbett

710 Rawl Pl

Charles T. Corbett

