

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
 705 METROPOLITAN DRIVE, SUITE 103
 SAN DIEGO, CA 92108-4402
 (619) 767-2370

RECORD PACKET COPY



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Filed: February 21, 2001
 49th Day: April 11, 2001
 180th Day: August 20, 2001
 Staff: GDC-SD
 Staff Report: April 19, 2001
 Hearing Date: May 8-11, 2001

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-00-165

Applicant: Robert Vicino

Agent: Mike Lloyd

Description: Construction of a two-story approximately 5,550 sq. ft. single-family residence involving approximately 950 sq. ft. of grading and the installation of a septic system on an approximately 26,411 sq. ft. lot.

Lot Area	26,411 sq. ft.
Building Coverage	4,387 sq. ft. (17%)
Pavement Coverage	4,500 sq. ft. (17%)
Landscape Coverage	8,145 sq. ft. (31%)
Unimproved Area	9,379 sq. ft. (35%)
Parking Spaces	4
Zoning	ER-2 (2 dua)
Plan Designation	Estate Residential
Ht abv fin grade	25 feet

Site: 985 Jeffrey Road, Solana Beach, San Diego County
 APN 298-291-42

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 project site and proposed home are highly visible from Interstate 5, Via De La Valle and various areas within the San Dieguito River Valley. 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, Via de la Valle, and the San Dieguito River Valley, and a restriction on the exterior colors of the residence to earthen tones. To limit adverse impacts on water quality, it requires **submittal** of a drainage and erosion control plan to assure that runoff from the site is effectively treated and sediment controlled before entering the storm water system that

empties into the San Dieguito River Valley. As conditioned, the project is consistent with the visual and biological resource policies of the Coastal Act.

Substantive File Documents: Certified County of San Diego Local Coastal Program (LCP); City of Solana Beach General Plan and Zoning Ordinance; City of Solana Beach Development Review Permit 17-00-21; CDP Nos. 6-88-299/Berg; 6-89-208/Trevino; 6-93-202/Patrick Henry Dev.; 6-96-128 Fairbanks Ranch Racquet Club; 6-97-63/Reed

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-00-165 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. 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. The type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features. Fire-resistant, drought tolerant native and non-invasive plant materials shall be utilized to the maximum extent feasible.
- b. A minimum of five (5) specimen size trees (24-inch box) planted at intervals along the south side of the approved residence. Special emphasis shall be placed on screening views of the residence from the San Diego River Valley, Interstate 5 and Via De La Valle.
- 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 #1 and consistent with those plans approved with CDP #6-00-165. 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.

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 colors 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 south 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. 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 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 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.

4. Grading/Erosion Control. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and written approval of the Executive Director, final site and grading plans that have been approved by the City of Solana Beach, and that specifically incorporate the following requirements:

- a. All areas disturbed by grading shall be planted within 60 days of the initial disturbance with temporary or permanent erosion control methods. Said planting shall be accomplished under the supervision of a licensed landscape architect, shall provide adequate coverage within 90 days, and shall utilize vegetation compatible with surrounding native vegetation, subject to Executive Director approval.

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.

5. Future Development. This permit is only for the development described in coastal development permit No. 6-00-165. Except as provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106, including but not limited to, the construction of swimming pool or other accessory improvement, shall require an amendment to Permit No. 6-00-165 from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission or from the applicable certified local government.

PRIOR TO 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, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the applicant's entire parcel(s). The deed restriction shall run with the land, 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 Commission amendment to this coastal development permit.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. Proposed is the construction of a two-story approximately 5,550 sq. ft. single-family residence with an approximately 877 sq. ft. attached garage on an approximately 26,411 sq. ft. lot. The development will involve approximately 950 cu. yds. of grading and will include a septic system to be located in the southeast corner of the lot. The lot is currently vacant, does not contain any sensitive vegetation and generally slopes down from north to south with an average overall slope of approximately 20 % gradient. A small portion of lot on its southwest corner consists of a grade in excess of 25%. No development is proposed in areas in excess of 25% gradient. The project site is located on Jeffrey Drive on an inland hillside in Solana Beach overlooking the San Dieguito River Valley.

The project site is located within an area that was previously covered by the County of San Diego's Certified 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 the side of a hillside overlooking the San Dieguito River Valley. The proposed project is located in an established residential neighborhood consisting of both one and two-story residences. A large retail commercial center is located at the base of the hillside and lies between the subject site and the San Dieguito River Valley. The southwest portion of the property is 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. A small area in the southwest corner of the property does contain slopes in excess of 25% although it does

not also contain environmentally sensitive habitat. However, because this portion is in excess of 25% grade, the City's approval requires the applicant to record a deed restriction that will prohibit future development or grading on slopes of 25% or greater on the subject property.

The site is not located within the Prime Viewshed overlay area identified in the previously certified County of San Diego Local Coastal Program, however, the site is highly visible from Interstate 5 and Via De La Valle (which are major coastal access corridors for the area) and from the San Dieguito River Valley. In addition, Via De La Valle was designated as a view corridor in the previously certified County of San Diego Local Coastal Program which the Commission used for guidance in the City of Solana Beach. Therefore, the proposed project has the potential to have an adverse visual impact with regard to views of the site from Interstate 5, Via De La Valle and the San Dieguito River Valley.

Not only is the site visible, but the proposed development includes construction of a two-story approximately 5,500 sq. ft. home. Thus, the home will also be visible from the above-cited public areas. The Commission has required visual buffering of prominent structures in highly visible areas by the installation of tree elements. Both the residence to the west of the subject site and the residence to the north were approved by the Commission with requirements that the residences have trees planted on their south sides to break up the facade of the structures and soften views of the residences from the adjacent public areas (ref. CDP Nos. 6-89-208/Trevino and 6-97-63/Reed). Similar to those earlier Commission permits, Special Condition #3 has been attached which requires that the applicant submit a final landscape plan indicating that a minimum of five trees will be provided and maintained on the south side of the proposed residence. The condition must be recorded as a deed restriction, similar to previous Commission actions on development in the area, which will ensure that future owners are aware of the requirement to maintain the five trees such that the residence continues to be partially screened from views from the San Dieguito River Valley, Via De La Valle and Interstate 5.

While the required landscaping will soften the views of the structure, it will not significantly reduce the visual impact of the development if the structure is colored with bright or white 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. A deed restriction is also required so that any future property will be notified of the condition and be subject to its requirements. In this way, the proposed home as viewed from surrounding public vantage areas will not stand out prominently, but will blend in with the natural hillside.

The Commission has a long history of requiring landscaping and color restrictions on new development on the hillsides surrounding the San Dieguito River Valley (ref. CDP #6-88-299/Berg; 6-89-208/Trevino; 6-93-202/Patrick Henry Dev.; 6-96-128 Fairbanks Ranch Racquet Club; 6-97-63/Reed). The purpose of these requirements has been to assure potential visual impacts associated with new development are reduced to the maximum extent feasible by blending in with the natural surroundings of the river valley in order to preserve the scenic quality of the valley and the surrounding hillsides.

Although the attached special conditions will mitigate the potential visual impacts of the proposed development, future development of the site through additions to the residence or other features such as swimming pools and associated structures could result in adverse impacts on the visual resources of the area which may not be subject to the landscaping or coloring conditions of the subject permit. Therefore, Special Condition #5 has been attached which requires that any future development of the site including a swimming pool will require an additional coastal development permit or amendment to the subject permit. The requirement for future permits must also be recorded so that future property owners will be advised and subject to its requirements. In this way, the Commission can be assured that any adverse visual impacts from future development can be addressed through additional Commission review.

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 requires 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 the San Dieguito River Valley. As such, drainage and run-off from the development could potentially affect water quality within the San Dieguito River and subsequently the Pacific Ocean which is located approximately 1-1/2 miles west of the subject site. The City's approval requires that all drainage from the development site, be controlled, however, no provisions are included that address treatment of the runoff prior to its entering the offsite conveyances that empty into the San Dieguito River.

In order to reduce the potential for adverse impacts to water quality resulting from drainage runoff from the proposed development, Special Condition Nos. 1, 3 and 4 have

been attached. Special Condition #1 requires the installation of drought tolerant landscaping on the site consisting of trees and ground cover. The use of drought tolerant plants will assure the area will be landscaped but will not need extensive irrigation and, therefore, will lessen the chance for excess runoff from the site. Special Condition #3 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. 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, Special Condition #4 has been attached which requires that temporary erosion control measures be utilized to ensure that grading activities do not result in sediment runoff from the site. These conditions will minimize the potential for water quality impacts and degradation of the hillside and subsequent sedimentation impacts to the river valley. Therefore, the Commission finds the proposed project, as conditioned, 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 site is zoned and designated for Estate Residential uses in the previously certified County of San Diego LCP and the City of Solana Beach which allows up to two dwelling units per acre. The proposed single-family residence is consistent with these designations. 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.

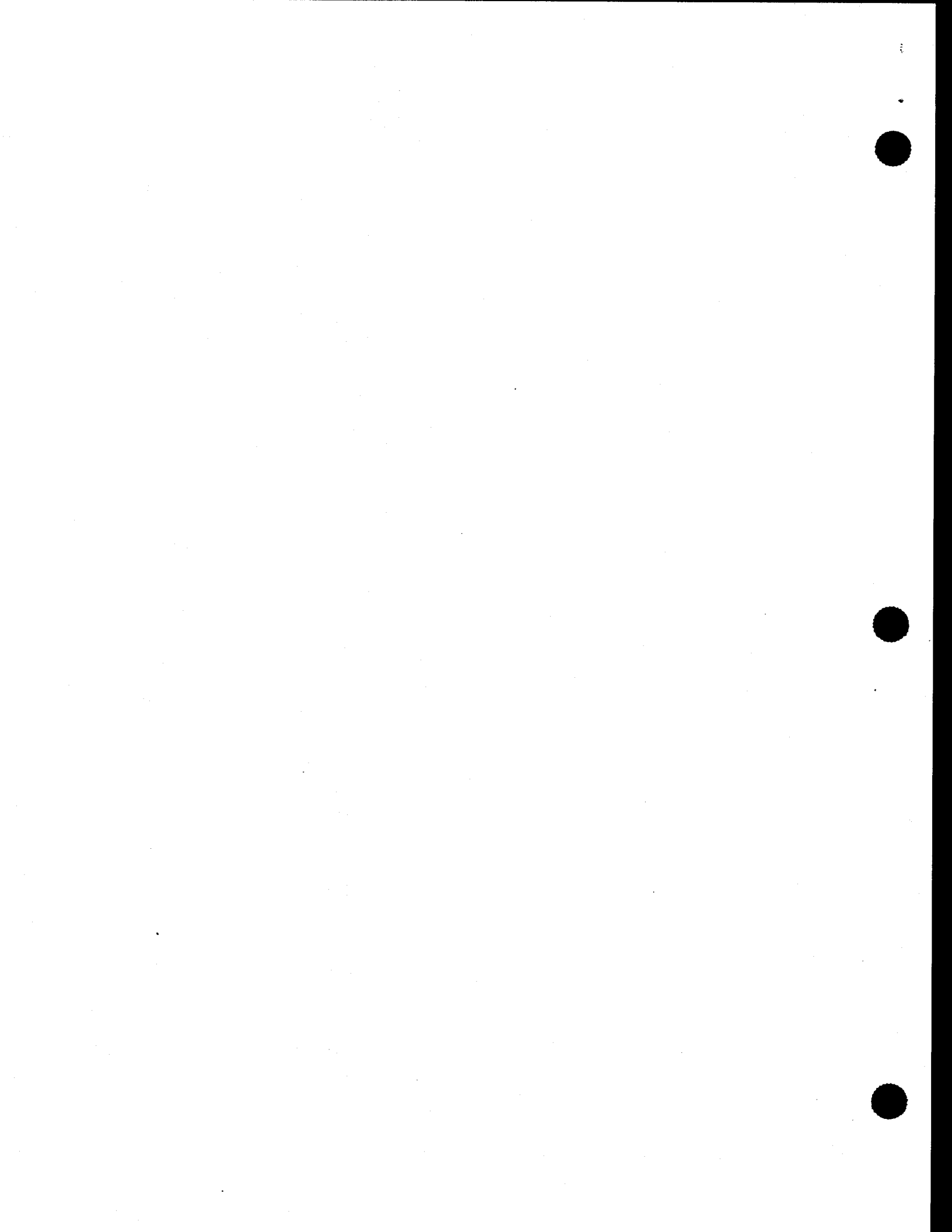
5. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, to be consistent with any applicable requirements of the California Environmental 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.

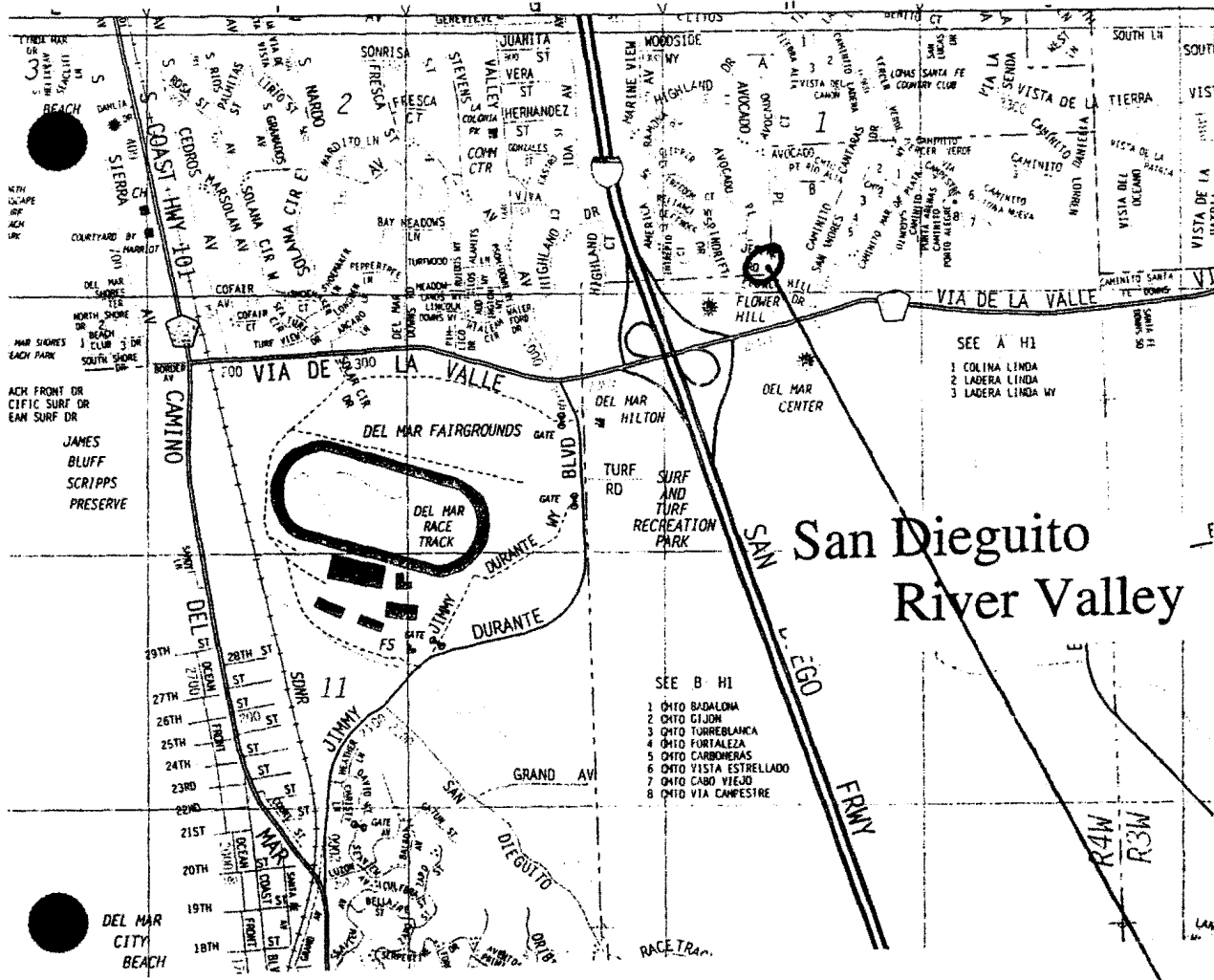
As discussed herein, the proposed project will not cause significant adverse impacts to the environment. Specifically, the project, as conditioned, has been found consistent with the water quality and visual resource protection policies of the Coastal Act. There are no feasible alternatives or additional 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 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. 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.

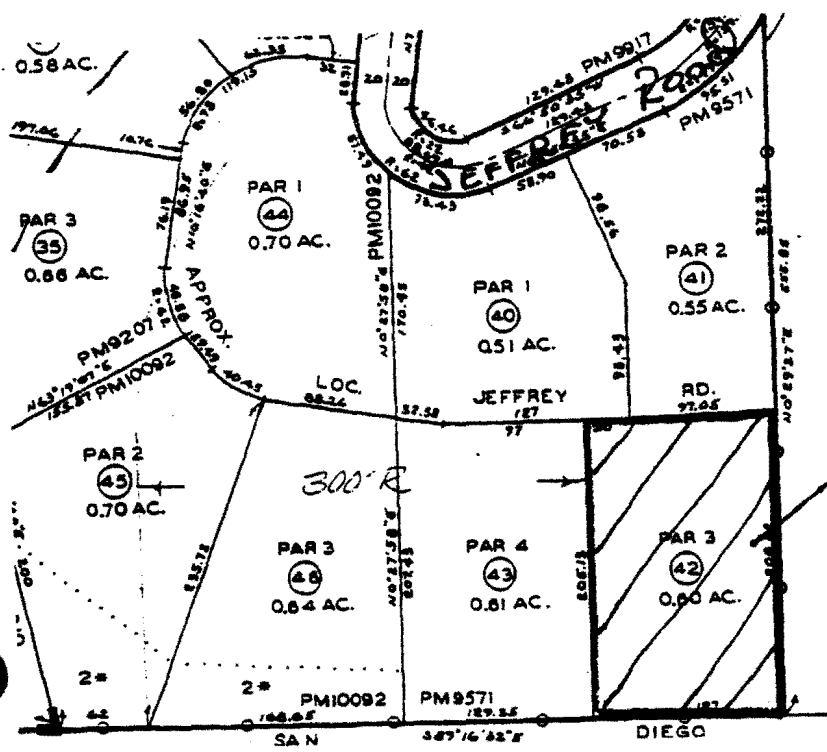




San Dieguito River Valley

- SEE B HI
- 1 OITO BADALONA
 - 2 OITO GIJON
 - 3 OITO TORREBLANCA
 - 4 OITO FORTALEZA
 - 5 OITO CARBONERAS
 - 6 OITO VISTA ESTRELLADO
 - 7 OITO CABO VIEJO
 - 8 OITO VIA CAMPESTRE

- SEE A HI
- 1 COLINA LINDA
 - 2 LADERA LINDA
 - 3 LADERA LINDA W



Site

EXHIBIT NO. 1
APPLICATION NO.
6-00-165
Location Map
California Coastal Commission

PROJECT INFO.

OWNER: MR. ROBERT K. V
 SITE ADDRESS: PARCEL 3
 JEFFREY RD., SOL.
 A.P.N. 298-291-42

LOT SIZE: 26,410.7 SQ. FT.

RESIDENCE SQ. FT.
 FIRST FLOOR 3,910.0 SQ.
 2ND FLOOR 2,040.0 SQ.
 LIVING TOTAL 5,950.0 SQ.

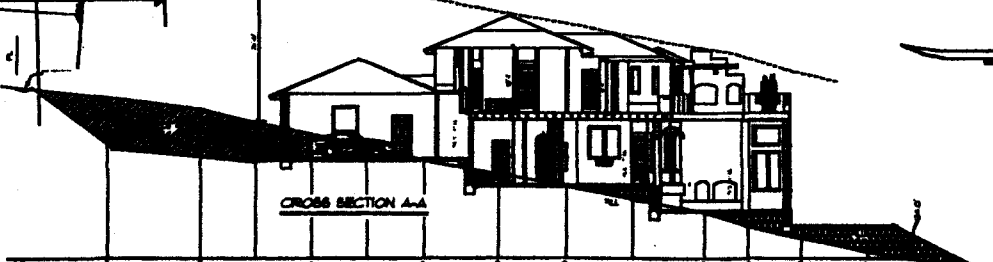
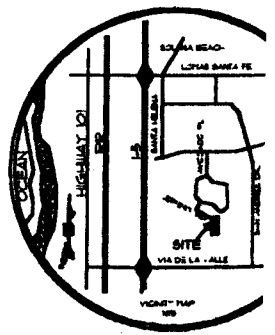
GARAGE 876.7 SQ.
 DECKS 434.0 SQ.

FOOT PRINT 4,386.7 SQ.
 COVERAGE 0.17 %
 F.A.R. 0.21 %

GRADING REQUIRED
 CUT 950 CY
 FILL 950 CY
 IMPORT 0 CY
 EXPORT 0 CY

1% SLOPE FOR DRAINAGE
 MAINTAIN 2% SLOPE AWAY FROM E
 FOR A MIN. OF 5'-0"

A RIGHT-OF-WAY PERMIT IS REQUIRED TO CUT
 THE CITY RIGHT-OF-WAY AND/OR PRIVATE WAY
 TO THE PUBLIC RIGHT-OF-WAY



California Coastal Commission

EXHIBIT NO. 2

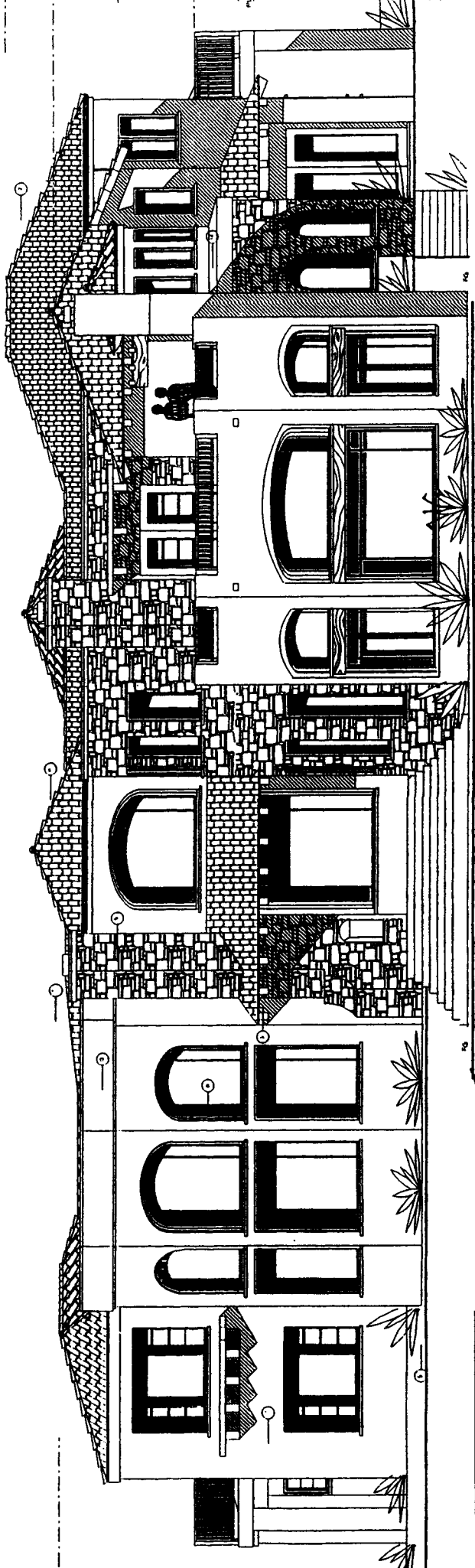
APPLICATION NO.

6-00-165

Site Plan

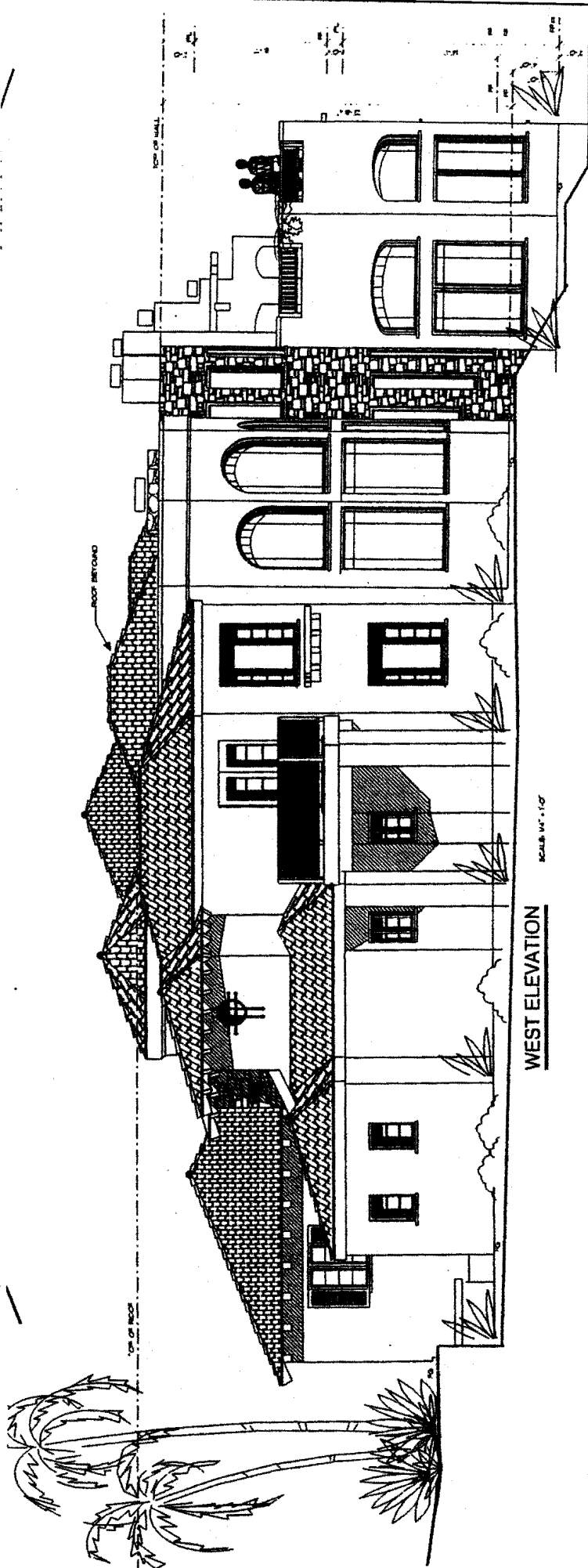
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	By Planning Engineering								
	By Planning Engineering								
	By								

- ELEVATION NOTES:
1. STUCCO FINISH, THROUGH TRUSS (AS NOTED)
 2. 1/2" STUCCO OVER 1/2" GYP. BOARD
 3. 1/2" STUCCO OVER 1/2" GYP. BOARD
 4. BUILT UP STUCCO TRIM & SILL, W/ STUCCO FIN. PER DETAIL
 5. STUCCO OVER 1/2" GYP. BOARD
 6. PROVIDE 1/2" MIN. CLEARANCE FOR A 10" RADIUS ABOUT CANNIST (SEE TABLE 710)
 7. STUCCO OVER 1/2" GYP. BOARD
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SOUTH ELEVATION

EXHIBIT NO. 3
APPLICATION NO.
6-00-165
South Elevation
California Coastal Commission



WEST ELEVATION

EXHIBIT NO. 4
APPLICATION NO.
6-00-165
West Elevation
 California Coastal Commission