

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4402

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Filed: May 21, 2001
 49th Day: July 9, 2001
 180th Day: November 17, 2001
 Staff: EL-SD
 Staff Report: June 18, 2001
 Hearing Date: July 10-13, 2001

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-01-077

Applicant: Wade and Becky Walker

Agent: Michael Wirts

Description: Construction of a 62 sq.ft. closet as an addition to the master bedroom wing of an existing 3,166 sq.ft., multi-level single-family residence, where the residence has already been exempted for additions totaling a 10% increase in floor area; also construction of additional rear yard patio, with minimal grading and retaining walls.

Lot Area	25,835 sq. ft.
Building Coverage	3,228 sq. ft. (13%)
Pavement Coverage	2,118 sq. ft. (08%)
Landscape Coverage	4,179 sq. ft. (16%)
Unimproved Area	16,310 sq. ft. (63%)
Parking Spaces	4
Zoning	R1-40
Plan Designation	Very Low Density Residential
Ht abv fin grade	17 feet

Site: 1440 Oribia Road, Del Mar, San Diego County. APN 300-060-24

Substantive File Documents: Certified City of Del Mar Local Coastal Program; Design Review Board Approval (DRB-99-16); Variance for Front Yard Setback (V-99-4); Conditional Use Permit (CUP-99-4); Land Conservation Permit (LC-99-9)

I. STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Final Drainage Plans. 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, which shall be approved by the City of Del Mar. The plans shall document that the runoff from the roof, driveway and other impervious surfaces shall be directed into pervious areas on the site (landscaped areas) for infiltration and/or percolation, prior to being conveyed off-site in a non-erosive manner.

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.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The subject site is located on the western side of Oribia Road, which is on the northeastern slopes of the Del Mar hills. There is a small flat area adjacent to Oribia Road, then the site trends steeply upward, with nearly all the site in steep slopes exceeding 25% gradient. The applicants are proposing an addition to their existing single-family residence and the construction of new patio improvements. Although only 62 sq.ft. of additional enclosed floor area is currently proposed, the site is between the first public road and the sea and recently had an exemption approved that resulted in a 10% increase in enclosed floor area for the house. This is a multi-level, 3,228 sq.ft. residence built in the bottom, flatter area of a primarily steeply sloping site. The applicants are also proposing to replace the patio improvements lost through construction of the exempt and proposed residential additions by extending the back yard area of the home into the steep slopes, within an area currently disturbed with garden

improvements and exotic vegetation. The patio improvements will require construction of a new, approximately 200 linear foot, approximately four-foot-high retaining wall on the southern side of the new patio, and the extension of an existing approximately four-foot-high retaining wall on the northern side of the new patio for an additional approximately 130 linear feet.

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. Environmentally Sensitive Habitats/Steep Slopes. Section 30240 of the Coastal Act provides for the protection of biological resources, and states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas

The existing home is situated on a site that is predominately (approximately 80%) steep slopes in excess of 25% gradient. The existing home, and proposed site of improvements is in the base of a steep canyon, and only a narrow path on either side of the house separates the house from the canyon walls. The upper portions of the canyon are naturally vegetated with coastal sage and chaparral communities, but the areas closer to the home, which pre-dates the Coastal Act, contain non-native vegetation, and have been utilized for yard and garden improvements, serving the existing residence. The proposed single-family home improvements will result in 50 cu.yds. of grading resulting in encroachment into 40 sq.ft. of the existing slopes to construct the new patio and retaining walls; this encroachment will not encroach beyond the existing non-native vegetation and area of prior disturbance. Moreover, the applicant has submitted a letter from the Del Mar Fire Marshal indicating that brush management within natively vegetated areas on the upper slopes is not necessary to provide adequate fire protection for the enlarged home. Therefore, the Commission finds that the proposed structural addition and patio/retaining wall improvements will not result in impacts on existing sensitive habitats, and finds the proposal, as conditioned for other concerns, consistent with the cited resource policies of the Act.

3. Visual Resources/Community Character/Public Access. 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, west of Crest Canyon and south of the San Dieguito Lagoon. This whole area of Del Mar is between the sea (lagoon) and first coastal road, as none of the access roads on the northeast side of the Del Mar hills are through streets. However, public access is not an issue here, as this is an inland site some distance from any recreational areas, and closer access points are provided in any event. In any case, adequate parking to serve the residents is provided.

The site is already developed and is surrounded by other sites developed with single-family homes; moreover, the addition will be constructed to match the existing home, and is behind and lower in height than portions of the existing home, such that the addition will not itself be visible from any public streets or recreation areas. Likewise, the new patio improvements, although they will result in a minor disturbance to steep slopes, are also not visible from any public vantage point. Thus, the proposed home improvements will not result in impacts to public views. Therefore, as conditioned to address other concerns, the Commission finds the proposed development consistent with Section 30251 of the Act and the public access and recreation policies as well.

4. Runoff/Water Quality. 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 developed, and is surrounded by existing residential development. The site is not adjacent to, but is upstream from, the San Dieguito Lagoon. In order to reduce the potential for adverse impacts to water quality resulting from drainage runoff from the proposed development, Special Condition #1 is attached. The condition 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 conveyed off-site. Directing runoff through landscaping for filtration of on-site runoff in this fashion is a well-established BMP for treating runoff from small developments such as the subject proposal. As conditioned, the proposed development will serve to reduce any impacts to water quality from the project to insignificant levels. Therefore, as conditioned, the Commission finds the proposed project consistent with Section 30231 of the Coastal Act.

5. Local Coastal Planning. Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The site is designated for Very Low Density Residential uses in the certified City of Del Mar Land Use Plan, and is zoned R1-40. The designations allow single-family residential development on lots of a minimum 40,000 sq.ft. in size, or on smaller, pre-existing legal lots such as the subject one, which is approximately half the required size. The prior findings have demonstrated that the proposed single-family additions, as conditioned, are fully consistent with Chapter 3 of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the ability of the City of Del Mar to complete its LCP certification process.

6. 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, as conditioned, the project has been found consistent with the water quality, public access 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.

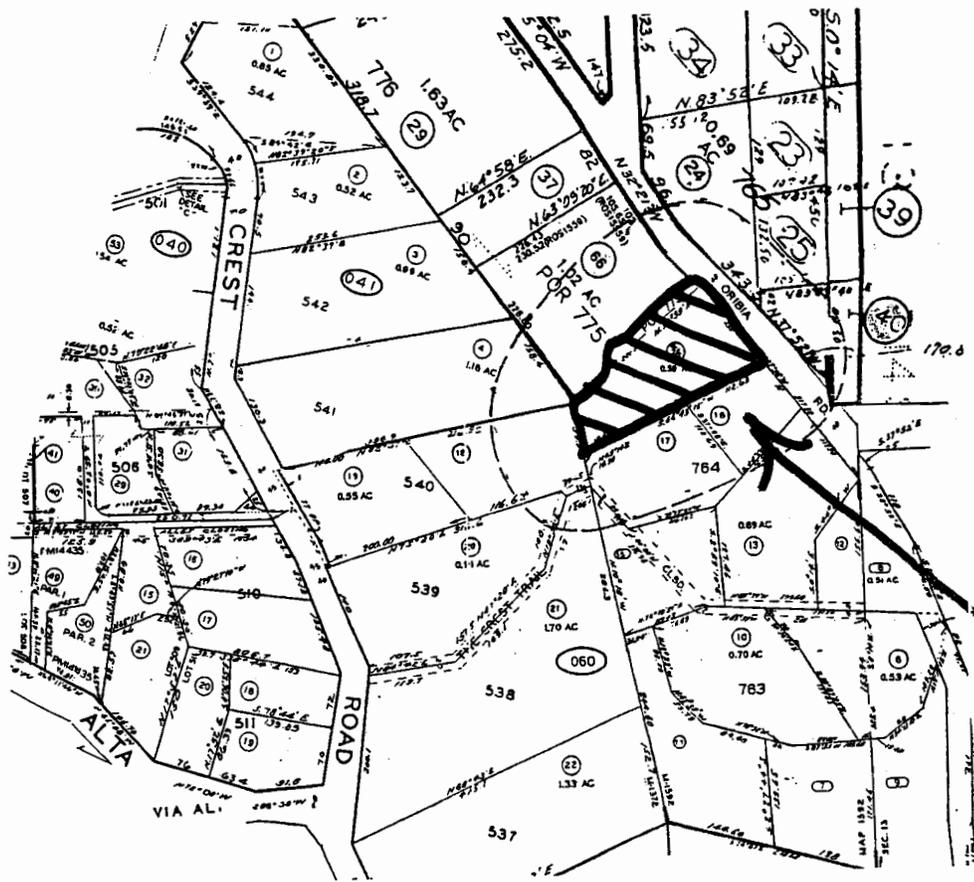
STANDARD CONDITIONS:

1. 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

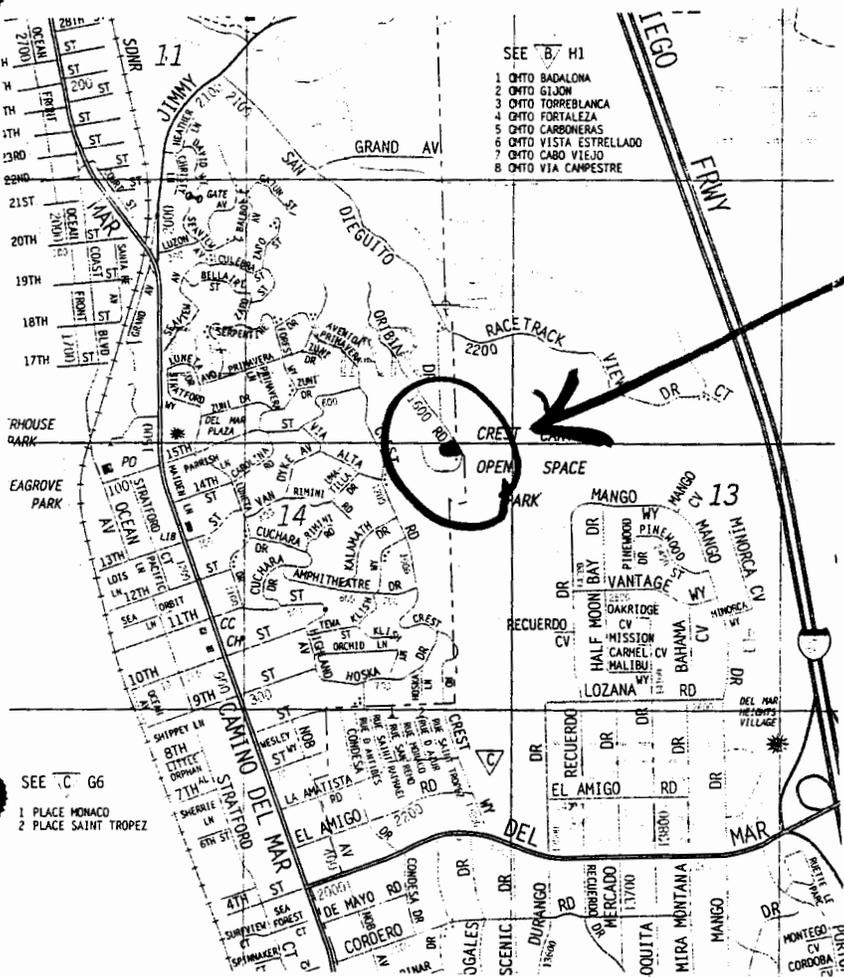
shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

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.

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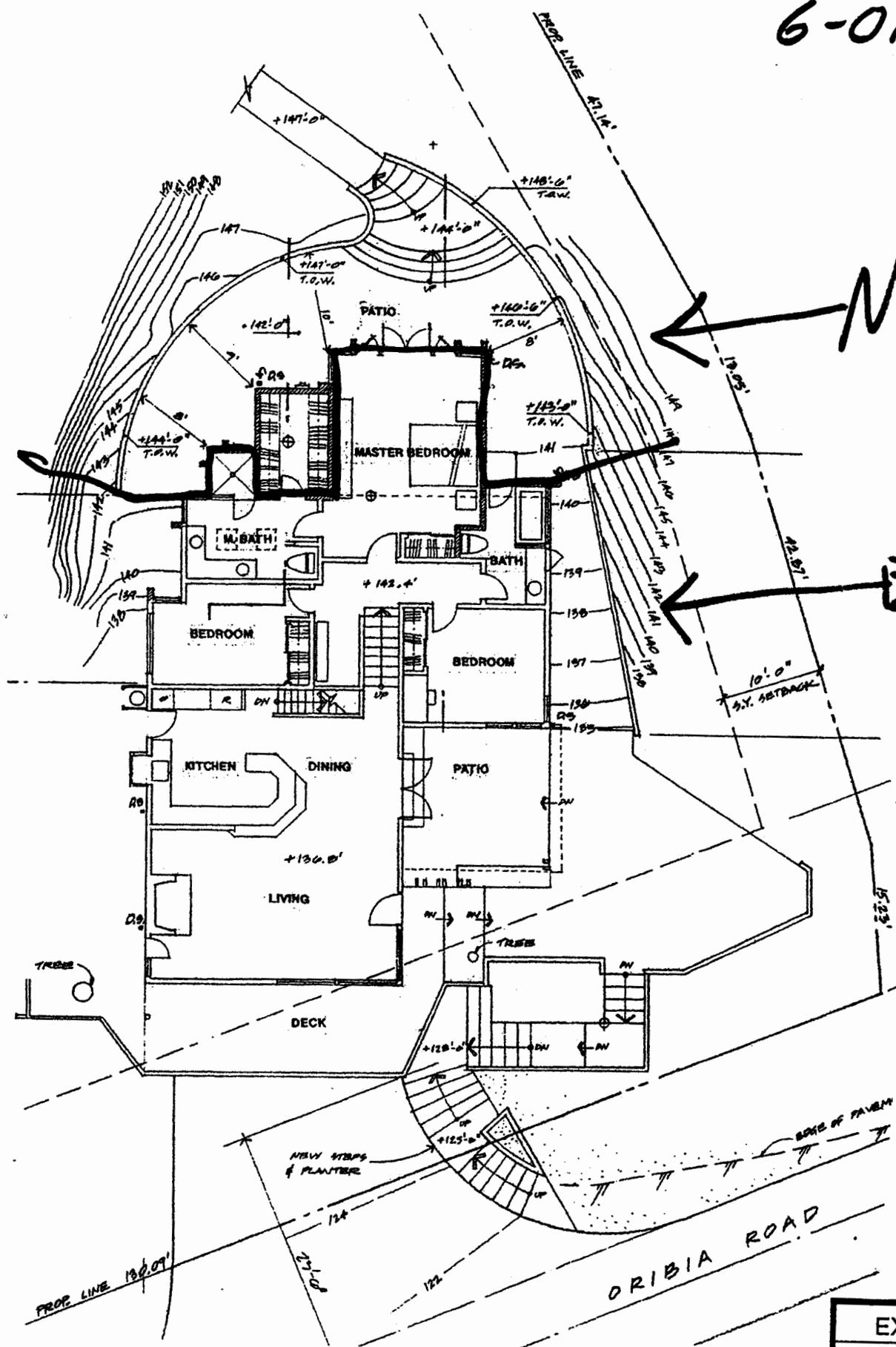
Site



SEE C 66
 1 PLACE MONACO
 2 PLACE SAINT TROPEZ

EXHIBIT NO. 1
APPLICATION NO.
6-01-077
<i>Location Maps</i>
California Coastal Commission

6-01-077



New

Existing

PROP LINE 130.09'

ORIBIA ROAD

EXHIBIT NO. 2
APPLICATION N
6-01-077
Site Plan
California Coastal Commission