

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

7575 METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4402

767-2370



Tue 12b

Staff: DL-SD
Staff Report: September 11, 2002
Hearing Date: October 8-10, 2002

AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-00-165-A1

RECORD PACKET COPY

Applicant: Robert Vicino

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

Proposed Amendment: Construction of a pool in the backyard (southern) portion of the site.

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

Substantive File Documents: Substantive File Documents: Certified County of San Diego Local Coastal Program (LCP); City of Solana Beach General Plan and Zoning Ordinance.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed pool. The pool will not have an adverse visual impact. Special Conditions inform the applicant that this permit is only for construction of the pool, not for additional grading or alterations to the required landscaping that could potentially impact the visual quality of the area.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the proposed amendment to 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 amendment 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 A PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, 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 amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. Special Conditions.

The permit is subject to the following conditions:

1. Future Development Restriction. This permit is only for the development described in coastal development permit amendment #6-00-165-A1. 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, a change in the density or intensity of the use of land, shall require an amendment to Permit #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.

2. Prior Conditions of Approval. All other terms and conditions of the original approval of Coastal Development Permit #6-00-165 not specifically modified herein, shall remain in full force and effect.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Project History/Amendment Description. The original project was construction of a two-story, approximately 5,550 sq. ft. single-family residence with an approximately 877 sq. ft. attached garage on a 26,411 sq. ft. vacant lot. The project site is located on an inland hillside east of Interstate 5, north of Via de la Valle, overlooking the San Dieguito River Valley in the City of Solana Beach. The development is currently under construction.

The proposed project is for construction of a pool in the backyard, or southern portion of the subject site. Because of the visual prominence of the site, a special condition was placed on the original permit that future construction of a pool would require a coastal development permit or amendment.

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 residential structure previously approved and currently under construction on the subject site is located on the side of a hillside overlooking the San Dieguito River Valley. 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 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.

Therefore, in its review of the original permit application, the Commission required that a minimum of five trees be provided and maintained on the south side of the proposed residence in order to soften the views of the structure from the San Dieguito River Valley, Via De La Valle and Interstate 5. In addition, the exterior colors of the proposed residence must be earthen tones compatible with the surrounding natural environment.

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 of the residence required 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 proposed pool would be located on a fairly flat, terraced area of the slope, and no additional grading beyond excavation of the pool itself is required for the project. Installation of the pool will not result in any changes to the hillside or impact the previously required landscaping. Because of the flat nature of a pool, no visual impacts are expected to result from the project. Special Condition #1 advises the applicant that this permit is for installation of a pool only; no additional grading, hillside alteration or detached structures such as a pool house are approved with the application. Any changes to development as approved by this amendment or the original permit, including changes

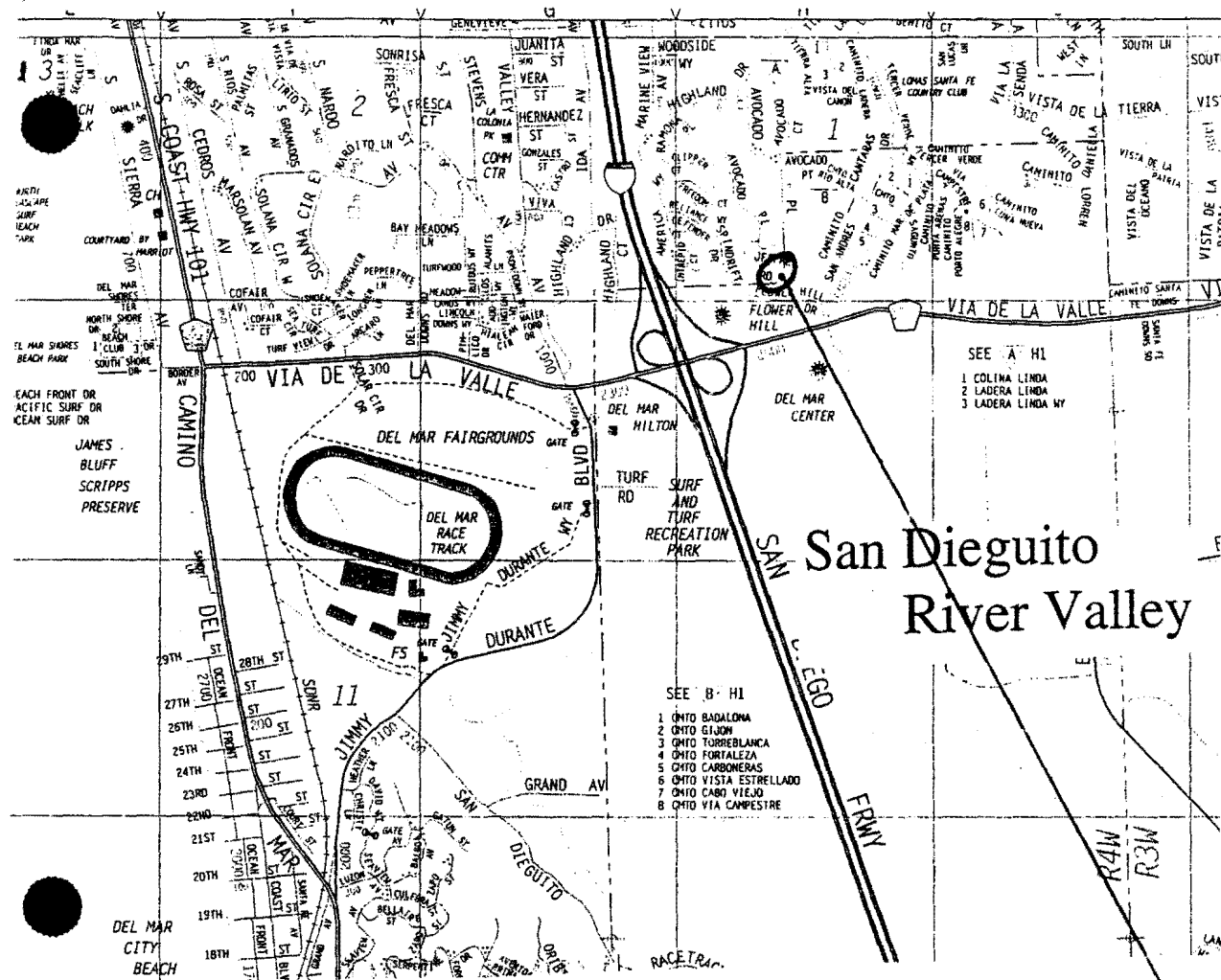
to the required landscaping, would require an amendment to this permit. Any other new development on the site such as grading beyond that required for excavation of the pool, unless exempt pursuant to Coastal Act Section 30610, would require an amendment to this permit or a new coastal development permit. Special Condition #2 indicates that all of the prior permit conditions remain in effect. Therefore, as conditioned, the proposed development will be consistent with the visual protection policies of the Coastal Act.

3. 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.

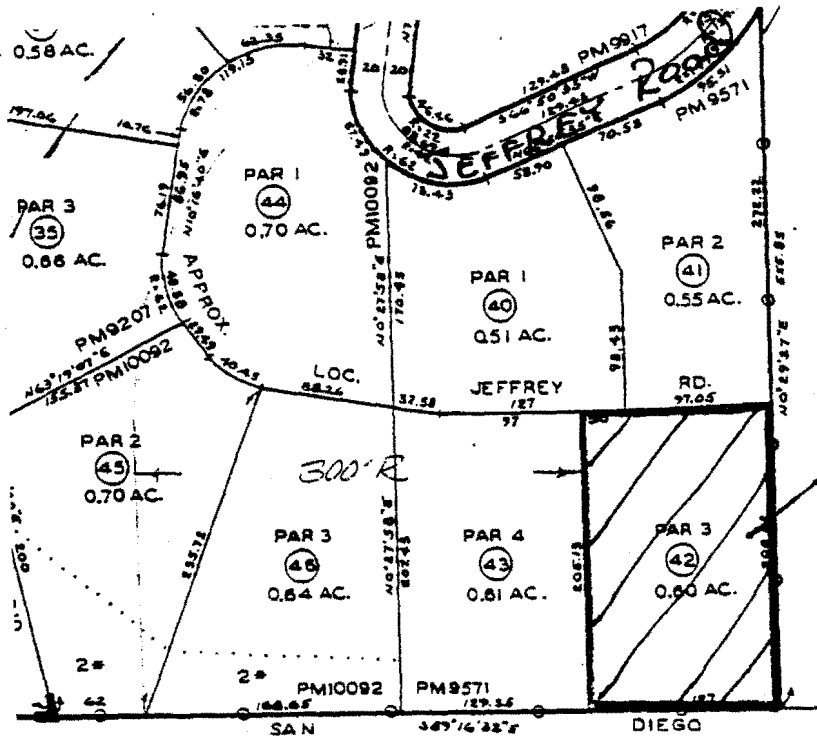
The site is zoned and designated for Estate Residential uses in the previously certified County of San Diego LCP and the City of Solana Beach, which allows up to two dwelling units per acre. The proposed pool residence is consistent with these designations. The subject development, as conditioned, is 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.

4. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing future development on the site, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.



San Dieguito River Valley



Site

EXHIBIT NO. 1
APPLICATION NO.
6-00-165-A1
Location Map
California Coastal Commission



EXHIBIT NO. 2
APPLICATION NO.
6-00-165-A1
Site Plan
California Coastal Co