

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

1575 METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4402

(619) 767-2370



RECORD PACKET COPY

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Filed: July 24, 2002
49th Day: September 11, 2002
180th Day: January 20, 2003
Staff: EL-SD
Staff Report: September 18, 2002
Hearing Date: October 8-11, 2002

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-02-086

Applicant: George T. Kelly/Lori Savoy-Kelly

Description: Construction of four single-family residences and a private driveway on four existing legal lots; approximately 900 cu.yds. of grading is proposed. The houses are all two-stories, and range from 3,348 to 4,197 sq.ft. in size and from 16 to 22 feet in height.

Site: 820, 830, 849 and 850 Highland Drive, Solana Beach, San Diego County.
APNs 298-284-02 and 03; 298-293-14 and 15

Substantive File Documents: CCC File 6-00-098

STAFF NOTES: This is construction of four single-family residences on a subdivision approved pursuant to Coastal Development Permit (CDP) #6-00-098. The houses are sited consistent with the requirements of the subdivision, and the submitted color board is consistent with the restrictions imposed at that time. The landscaping plan includes both native and naturalizing species, whereas the subdivision conditions require the use of natives only. As conditioned for a revised landscaping plan, the project will not result in adverse impacts to any identified coastal resources, nor will it significantly impact views from I-5 and Via de la Valle.

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. **Revised Landscaping plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director, for review and written approval, a revised landscaping plan delineating only non-invasive species native to Southern California, which shall be in substantial conformance, with respect to the siting of plants, to the preliminary plans identified as *Planting Plan Highland Drive*, dated June 11, 2001.

The permittee shall undertake development in accordance with the approved final, revised landscaping plans. Any proposed changes to the approved landscaping plans shall be reported to the Executive Director. No changes to the approved landscaping plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. **Water Quality.** 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 Solana Beach. The plans shall document that the runoff from the roofs, driveways and other impervious surfaces shall be collected and directed into pervious areas on the site (landscaped areas) for infiltration and/or percolation to the maximum extent practicable, 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:

A. Detailed Project Description/History. The applicant is proposing to construct four single-family residences on four existing legal lots. All houses have two levels, with either full or partial second stories. Building heights vary between 16 and 22 feet in height and the square footage ranges from 3,348 to 4,197. The houses are sited within the envelopes identified at the subdivision level, as permitted by the Commission pursuant to CDP #6-00-098, and landscaping is proposed in the appropriate areas to address the specific public view issues raised during review of the subdivision. However, although the proposed trees are all widely distributed in the area, not all named plant species are Southern California natives, as required in the conditions of the subdivision. Special Condition #1 addresses that issue by requiring revised landscaping plans showing only non-invasive native species. Where non-native tree species must be replaced with natives, the native plants should be selected with their height and breadth at maturity the foremost consideration, as their purpose is to provide screening of the development from I-5 and Via de la Valle.

The subdivision reserved the steep escarpment along the Highland Drive frontage of Lots 1-3 in permanent open space pursuant to a recorded deed restriction. Although there is some native vegetation present, there is mostly exotic plants and bare dirt on the nearly-vertical escarpment. The open space restriction was intended primarily to prevent landform alteration of the escarpment and protect views, rather than related to habitat concerns. The site is within a fully built-out urban area and has no connection to any open space or stands of native vegetation. The homes are proposed entirely outside this open space area, although they will not be setback a great deal from the escarpment in all locations. Where specific view concerns have been identified, the proposed setbacks will allow the planting of sufficient screening vegetation.

The applicant has submitted preliminary plans for erosion controls during the construction period and grading plans showing the general directions of runoff and locations of catch basins. Special Condition #2 requires submittal of final drainage and erosion control plans, clearly demonstrating that all runoff from the new structures is collected and directed through landscaping to provide filtration before exiting the site.

B. Biological Resources. The site is located within a developed portion of the City of Solana Beach. Coastal Act policies 30240 and 30251 restrict the alteration of natural landforms and protect sensitive habitats. Section 30231 of the Coastal Act requires that coastal waters are protected and runoff minimized.

The proposed development will not have an adverse impact on any sensitive habitat, and, as conditioned, will not result in erosion or adverse impacts to water quality, as adequate erosion controls (construction BMPs and permanent drainage facilities) will be provided. Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

C. Community Character /Visual Quality. The development is located within an existing developed area and, as conditioned, will be compatible with the character and

scale of the surrounding area. Moreover, views of this elevated property will be significantly minimized by landscaping. Therefore, the Commission finds that the development, as conditioned, conforms to Sections 30250 and 30251 of the Coastal Act.

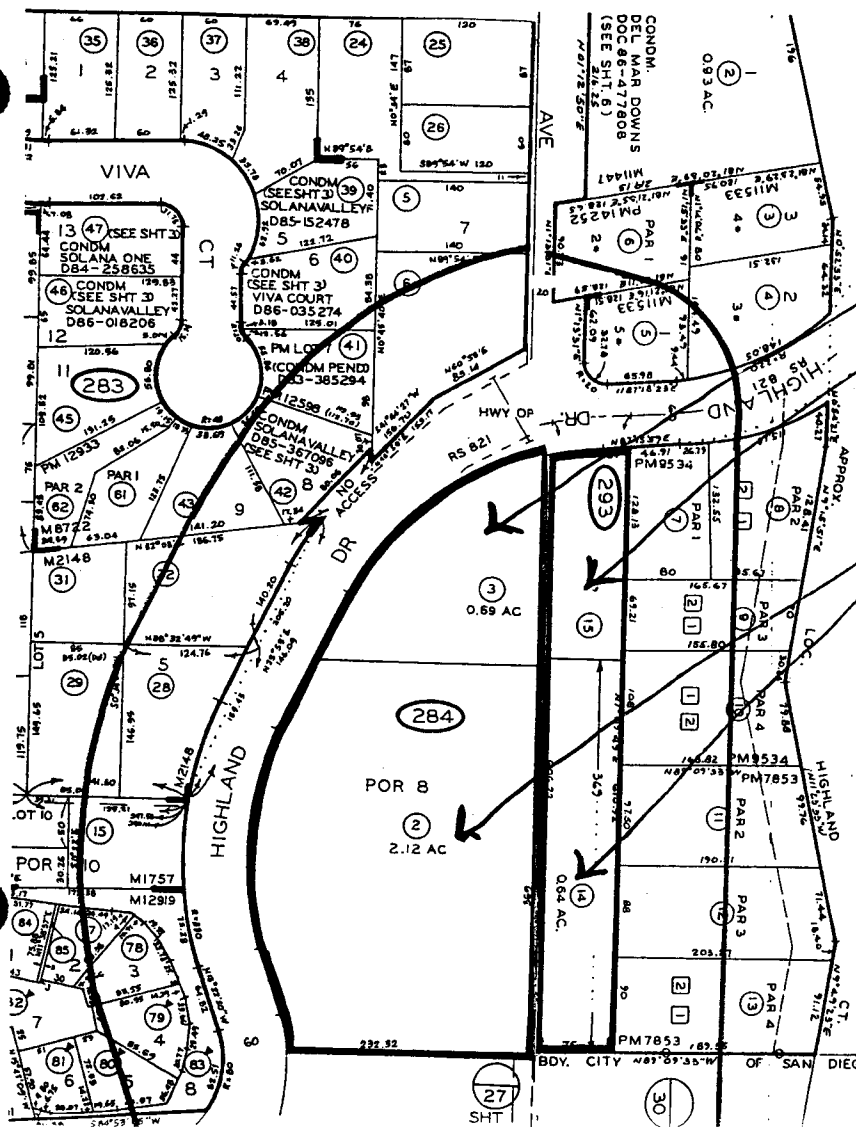
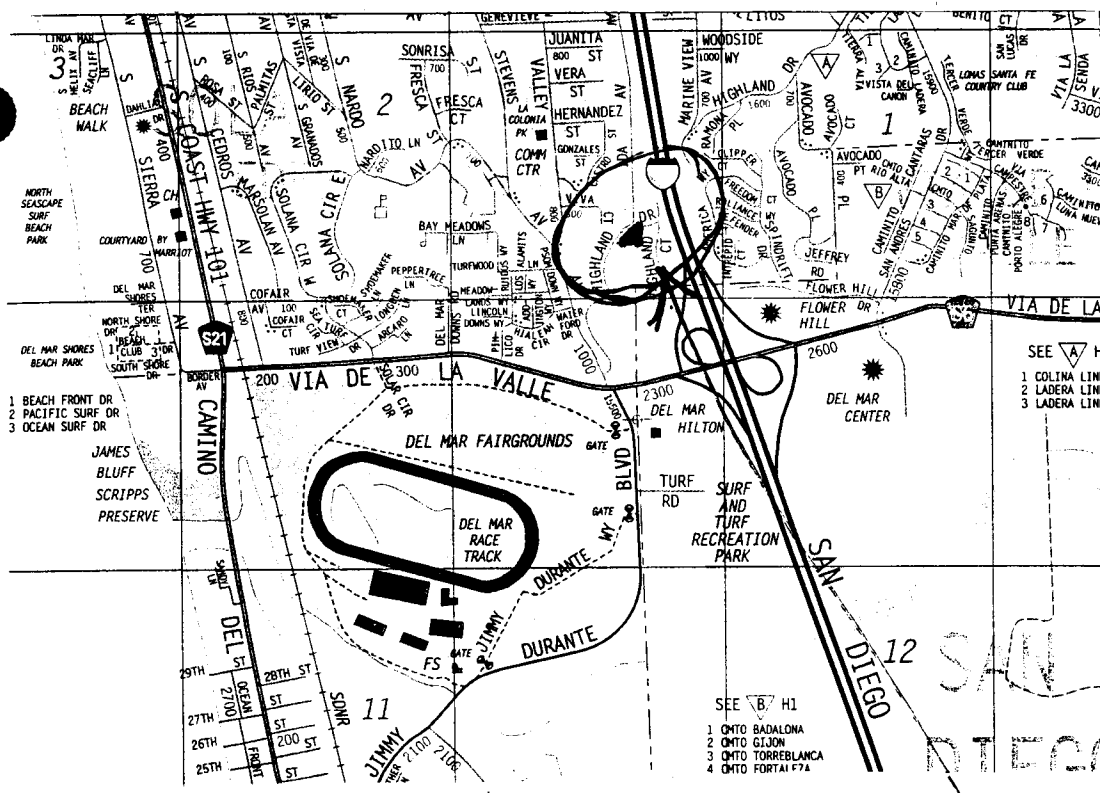
D. Local Coastal Program. The City of Solana Beach does not have a certified LCP at this time. Thus, the Coastal Commission retains permit jurisdiction in this community and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

E. California Environmental Quality Act (CEQA). As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect, which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, 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.

6-02-086



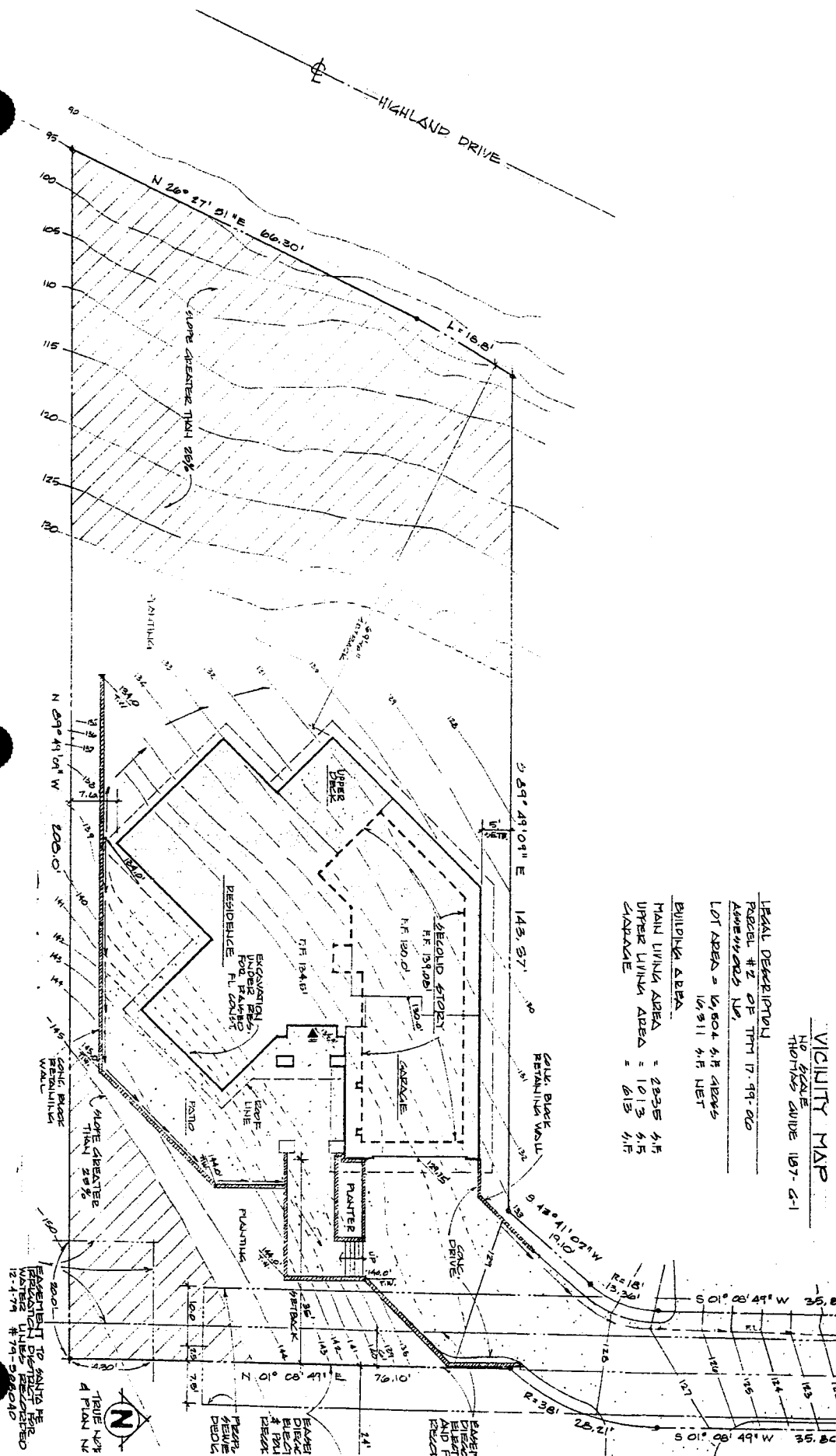
Site

EXHIBIT NO. 1
APPLICATION NO.
6-02-086
Location Map
 California Coastal Commission



California Coastal Commission

6-02-086

VICINITY MAP
HP SCALE

THOMAS GUIDE 187-6-1

LEGAL DESCRIPTION

Assignment No.

16,311 G.F. NET

BUILDING AREA

MAIN LIVING AREA = 2335 4.5
UPPER LIVING AREA = 1013 4.5

SAFARI = 613 1,17

EXHIBIT NO. 3

APPLICATION NO.

6-02-086


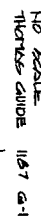
Site Plan

Lot 2



California Coastal Commission

_____ E _____ HIGHLAND DRIVE _____

 California Coastal Commission

LEGAL DESCRIPTION
PLOT #1 OF PARCEL "A"
1954
AREAS: 12.00% 11.00%
LOT AREA = 10,000.00 SQ. FT. NET
=

BUILDING AREAS
LOWER LIVING AREA = 1,205 SQ. FT.
UPPER LIVING AREA = 725 SQ. FT.
GARAGE AREA = 712 SQ. FT.

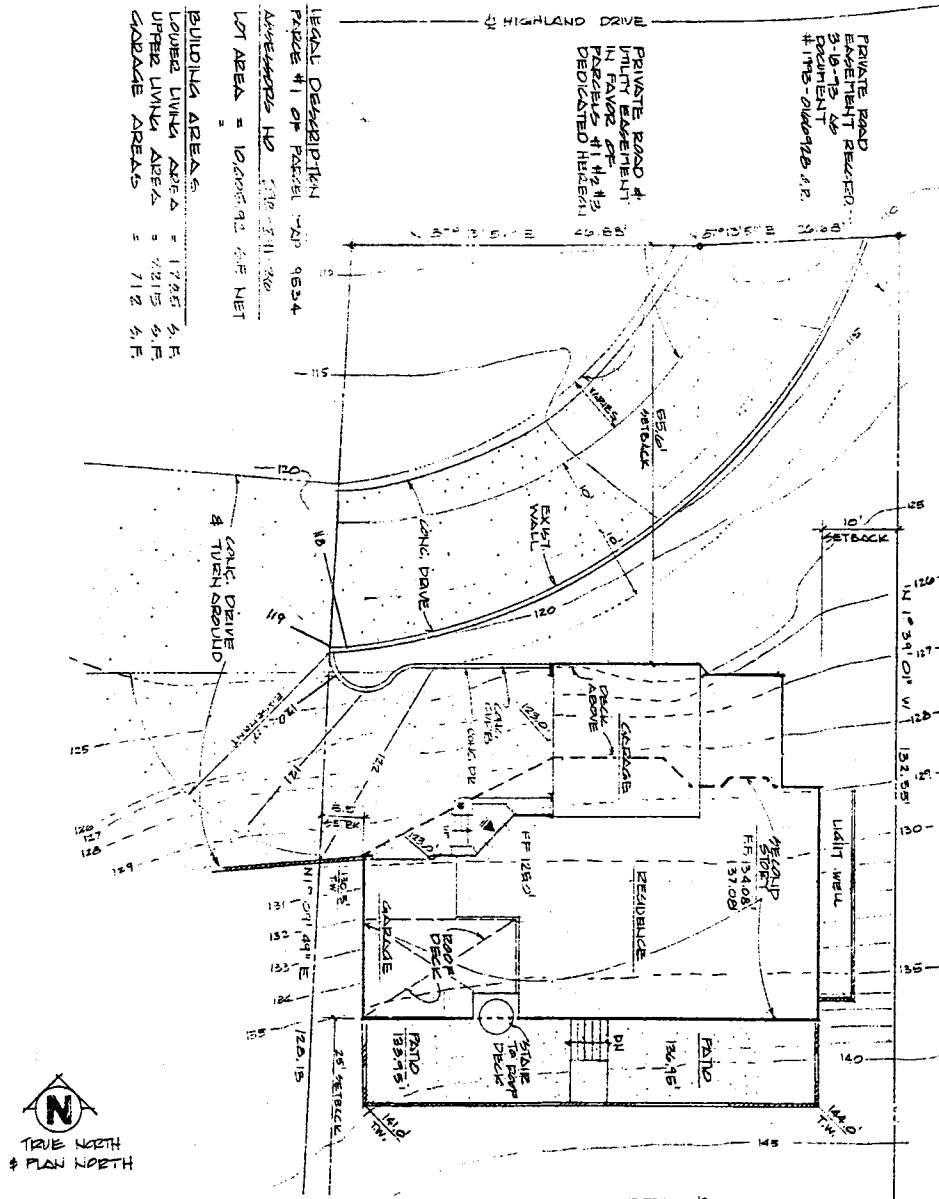



EXHIBIT NO. 5
APPLICATION NO.
6-02-086
Site Plan
Lot 4



California Coastal Commission

