

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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 SAN DIEGO, CA 92108-4402
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REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-02-019

Applicant: Mary Jo Nettles

Agent: Craig Abenilla

Description: Demolition of an existing 2,017 sq. ft. one story single-family residence and the construction of a new approximately 3,713 sq. ft. 2 story single-family residence on an 11,059 sq. ft. site.

Lot Area	11,059 sq. ft.
Building Coverage	3,713 sq. ft. (34%)
Pavement Coverage	2,213 sq. ft. (20%)
Landscape Coverage	2,566 sq. ft. (23%)
Unimproved Area	2,567 sq. ft. (23%)
Parking Spaces	2
Zoning	Low Residential
Plan Designation	Low Residential
Project Density	4 du/ac
Ht abv fin grade	22 feet

Site: 774 North Granados Ave, Solana Beach, San Diego County.
 APN: 263-101-11.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the permit with special conditions. The proposed development is located on a hilltop overlooking the San Elijo Lagoon and will be highly visible from the lagoon and surrounding public areas. The primary issue raised by the development relates to protection of visual resources. With the proposed conditions for landscaping, external treatment, and future development, potential adverse impacts to visual resources resulting from the proposed development are minimized.

Substantive File Documents: Certified County of San Diego Local Coastal Program (LCP); City of Solana Beach General Plan and Zoning Ordinance; Geotechnical Investigation by Terra Pacific Consultants, 6/4/01; Biological/Environmental Survey by REC Consultants Inc., 1/8/01.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-02-019 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 a drainage and runoff control plan to the Executive Director for review and written approval. The plan shall substantially conform with plans submitted by Aedifice Architecture, dated 1/23/02, and document that the runoff from the roof, driveway and other impervious surfaces will be collected and directed into

landscaped areas on the sit for non-erosive infiltration and/or percolation, prior to being collected and conveyed off-site to storm drain(s) within Granados Drive.

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 legally required.

2. Exterior Treatment/Deed Restriction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a color board or other indication of the exterior materials and color scheme to be utilized in the construction of the proposed residence for the review and written approval of the Executive Director,. This document shall comply with the following requirements:

- a. The color of the structure and roof permitted hereby shall be restricted to earth tone colors compatible with the surrounding environment, including shades of green, brown, and gray, with no white or light shades and no bright tones except as minor accents.
- b. All external windows on the north side of the residence visible from Highway 101, Interstate 5, Manchester Avenue, and the San Elijo Lagoon 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 deed restriction shall include legal descriptions of the applicant's entire parcel. The deed restriction 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 Commission amendment to this coastal development permit.

3. Landscaping Plan/Deed Restriction. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a final landscaping plan for the review and written approval of the Executive Director,. The plan shall comply with the following requirements:

- a. Depict the type, size, extent and location of all trees on the site. Trees shall be located to maximize screening of the structure from views from the San Elijo Lagoon, Manchester Avenue, Highway 101, and Interstate 5. The plan shall require placement of at least three specimen-sized trees (24-inch box minimum) on the north side of the residence to break up the façade of the structure and shield the development from views from surrounding public roadways and the San Elijo Lagoon.

- b. Drought-tolerant native or non-invasive plant materials shall be utilized.
- c. A planting schedule that indicates that the planting plan shall be implemented within 60 days of completion of 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 drought-tolerant native or non-invasive 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 or the applicant's successor-in-interest shall submit a landscape monitoring report for review and written approval of the Executive Director., The report shall be prepared by a licensed Landscape Architect or qualified Resource Specialist and shall certify that 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

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. The deed restriction 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 Commission amendment to this coastal development permit.

4. Future Development Deed Restriction.

A. This permit is only for the development described in coastal development permit No. 6-02-019. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the development governed by coastal development permit No. 6-02-019. Accordingly, any future improvements to the single-family residence authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Code section 30610(d) and Title 14 California Code of Regulations section 13252(a)-(b), shall require an amendment to permit No. 6-02-019 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.

B. 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. 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.

5. Disposal of Graded Spoils. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall identify the location for the disposal of graded spoils. If the site is located within the coastal zone, a separate coastal development permit or permit amendment shall first be obtained from the California Coastal Commission or its successors in interest.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/Site History. Proposed is the demolition of an approximately 2,017 sq. ft. single-family residence and the construction of a new 2 story, 3,713 sq. ft. single-family residence on an 11,059 sq. ft. site. The project includes approximately 330 yards of cut grading to prepare the site for construction. Special condition #5 is attached and requires the applicant to identify the location for the disposal site of these materials and, if the site is located within the coastal zone, that a separate coastal development permit or permit amendment shall be obtained.

The project site is located on Granados Avenue on an inland hillside in Solana Beach overlooking the San Elijo Lagoon to the north, west, and east. The northern portion of the lot slopes steeply down to the San Elijo Lagoon below, and contains non-native landscaping features and an unused stairway that stops midway down the slope. The project proposal does not include any improvements to, or the removal of, the existing stairway. The applicant has indicated that the existing house and accessory improvements were constructed in 1960.

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 is used as guidance. The Chapter 3 policies of the Coastal Act provide 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 the San Elijo Lagoon Ecological Reserve. The northern 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. However, the project will remain within the existing line of development along the north section of the site, and no new development will encroach towards steep slopes beyond that of the existing home to be demolished. The site is located within the Prime Viewshed overlay area identified in the County of San Diego Local Coastal Program and is visible from Manchester Avenue, Highway 101, Interstate 5, and from the San Elijo Lagoon. The proposed development is located in an established residential neighborhood consisting of both one and two-story residences.

Because of its visibility from off-site public areas, it is important that the proposed addition be screened and softened. In order to break up the facade of the structure and soften views of the residence from a distance, Special Condition #3 requires that the applicant submit a final landscape plan indicating that at least 3 specimen-sized trees (24 inch box minimum) be 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 trees such that the residence continues to be partially screened from views from the lagoon, Manchester Avenue, the Pacific Coast Highway, and Interstate 5.

The required landscaping will help reduce the visual prominence of the proposed 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.

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. The condition must be recorded as a deed restriction, which will ensure that future owners are aware of the requirement to maintain the color of the residence such that the development continues to blend in with the surrounding hillside, and minimize impacts to views from the lagoon, Manchester Avenue, and other public roadways surrounding the lagoon.

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; #6-01-187). 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.

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 #4 has been attached which provides that any future development of the site will require an additional coastal development permit or amendment to the subject permit. The requirement for future permits should also be recorded to provide notice to future property owners. 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, 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 and specifically, section 30251.

3. Runoff/Water Quality/Environmentally Sensitive Habitat. Sections 30231 and 30240 of the Coastal Act require that the biological productivity of coastal waters be maintained by, among other means, controlling runoff and that environmentally sensitive habitat areas be protected, and state, in part, that:

Section 30231

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 entrapment, controlling runoff,

Section 30240

(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 proposed development will be located at least 25 feet from the edge of an inland hillside above the San Elijo Lagoon Ecological Reserve. As such, drainage and run-off

from the development could potentially affect water quality within San Elijo Lagoon. However the proposed development on the north part of the property will not encroach further towards the slope than the existing home to be demolished, and no encroachment into areas of steep slopes is proposed. The City's approval requires that all drainage from the development site, including run-off from the roof, drain towards Granados Avenue. The proposed development will not create a substantial increase in impervious surface area over what currently exists on the site, and this expansion will mainly occur on the street (south) side of the residence.

In order to reduce the potential for adverse impacts to water quality resulting from drainage runoff from the proposed development, Special Condition #1 and #3 have been attached. Special Condition #3 requires that the applicant submit to the Executive Director a landscaping plan indicating that only native, non-invasive or drought tolerant plant species be used on-site. This will limit the need for irrigation. It will also protect the adjacent ecological reserve from the threat of invasive exotic species. 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 conveyed off-site. Directing on-site runoff through landscaping for filtration of runoff in this fashion is a well-established Best Management Practice for treating runoff from small developments such as the subject proposal. As conditioned, the landscaping plan will serve to reduce any impacts to water quality from the project to insignificant levels. Therefore, the Commission finds the proposed project consistent with Sections 30231 and 30240 of the Coastal Act.

4. Public Access/Parking: Section 30604(c) of the Coastal Act is most pertinent to the proposed development, and states, in part:

(c) Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).

The proposed site is located between the first public road and the sea (San Elijo Lagoon) in the City of Solana Beach. Although the site is visible from the San Elijo Lagoon, there are no nearby public access points to the preserve from the project site, and the development will not affect public access to the lagoon. The nearest access to the preserve is off of Highway 101, approximately one and a half miles northwest of the project site. Furthermore, the project is located in a residential neighborhood that is not used for beach or lagoon parking, and the proposal does not include any changes to the adequate existing parking for the site. Thus, the proposal will not affect existing public access to the coast nor affect public parking, and can be found consistent with all applicable Chapter 3 policies, and specifically Section 30604(c).

5. Local Coastal Planning Section 30604(a) 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 low residential development at a maximum allowable density of 3 dwelling units per acre (dua) in the City of Solana Beach Zoning Ordinance, which the Commission uses for guidance in review of development in Solana Beach. The proposed residential structure will have no effect on the existing density of the site. The project proposal lies within the prime viewshed overlay zone outlined in the County of San Diego LCP. 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.

6. 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.

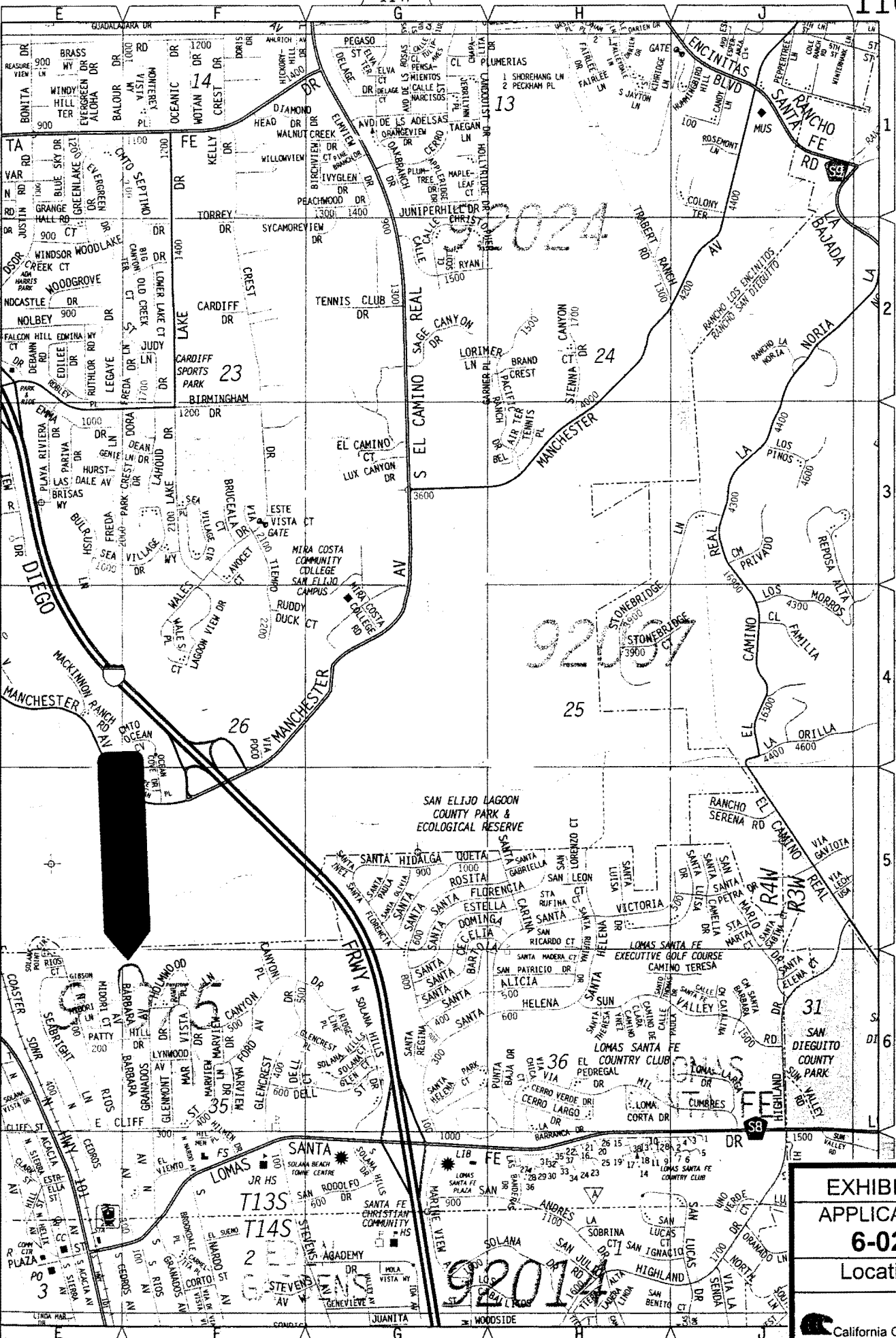
As discussed herein, the proposed project will not cause significant adverse impacts to the environment. Specifically, the project, as conditioned, is consistent with the water quality and visual resource protection policies of the Coastal Act. There are no feasible alternatives or additional mitigation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

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SEE 1168 MAP

EXHIBIT NO. 1
APPLICATION NO.
6-02-019
Location Map

