

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

7575 METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4402

(619) 767-2370

**Thu 9b**

RECORD PACKET COPY

Filed: 6/17/03
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180th Day: 12/14/03
Staff: BP-SD
Staff Report: 8/21/03
Hearing Date: 9/10-12/03

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-03-059

Applicant: Norman Ferber

Agent: Jack Smyer

Description: Demolition of garage and construction of a 23-foot high, 1,134 sq. ft. second story addition to an existing one story 1,842 sq. ft. single family residence on a 14,553 sq. ft site.

Lot Area	14,553 sq. ft.
Building Coverage	2,985sq. ft. (20%)
Pavement Coverage	1,305 sq. ft.(9%)
Unimproved Area	10,263 sq. ft.(71%)
Parking Spaces	6
Zoning	Low Residential
Plan Designation	Low Residential (3 du/ac)
Ht abv fin grade	23 feet

Site: 644 Canyon Drive, Solana Beach, San Diego County. APN: 263-221-08

STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the residential addition with special conditions. The proposed development is located on a hilltop overlooking the San Elijo Lagoon and the primary issue raised by the development relates to protection of visual resources. With the proposed conditions governing landscaping, external treatment, and future development, potential adverse impacts to visual resources and water quality resulting from the proposed development are minimized and the project, as conditioned, is consistent with Chapter 3 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; 6-87-618; #6-88-193; #6-89-32; #6-93-176; #6-98-1; #6-99-68; #6-99-76; #6-00-11

I. STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-03-59 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 to the Executive Director for review and written approval, a drainage and runoff control plan in substantial conformance with submitted plans by Smyer Architecture, dated 7/22/03, documenting that the runoff from the roof, driveway and other impervious surfaces will 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 collected and 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 legally required.

2. Exterior Treatment. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and written approval 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 residential addition. This document shall comply with the following requirements:

- a. The color of the proposed addition and roof 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.

The permittee shall undertake the development in accordance with the approved colors and building materials. Any proposed changes to the approved colors and building materials shall be reported to the Executive Director. No changes to the approved colors or building materials shall occur without a Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Landscaping Plan. 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. Said plan shall including the following:

- a. The type, size, extent and location of all trees on the site. The trees shall maximize screening of the structure from views from San Elijo Lagoon and Manchester Avenue. The two existing trees on the east side of the residence shall remain. In addition, two additional specimen sized trees (minimum 24-inch box) shall be planted in the rear yard to screen the project.
- b. Drought-tolerant native or non-invasive plant materials shall be utilized.
- c. A planting schedule that indicates that the landscaping plan will be implemented within 60 days of completion of residential construction.
- d. A written commitment by the applicant that all required plantings will be maintained in good growing conditions, and, whenever necessary, will 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 shall submit for review and written approval of the Executive Director, photographs indicating the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition.

The permittee shall undertake development in accordance with the approved landscape plans. Any proposed changes to the approved landscape 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.

4. Future Development.

This permit is only for the development described in coastal development permit No. 6-03-59. 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. 6-03-59. Accordingly, any future improvements to the single family house authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), shall require an amendment to Permit No. 6-03-59 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

5. Deed Restriction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval, documentation demonstrating that the applicant has executed and recorded a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the applicant's entire parcel or parcels. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

6. Import Site. Prior to the issuance of the coastal development permit, the applicant shall identify the location for the import of fill materials. 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/History. Proposed is the demolition of a garage and construction of a 23-foot high, 1,134 sq. ft. second story addition to an existing one-story 1,842 sq. ft. single-family residence on a 14,553 sq. ft site. The project site is located on Canyon Drive on an inland hillside in Solana Beach overlooking San Elijo Lagoon County Park and Ecological Reserve to the north and east. The existing footprint of the residence will be expanded within the existing rear yard towards the reserve but will not encroach on steep slopes. Grading is proposed at 18 cubic yards of import; Special Condition #6 requires the location of the import site be identified. The proposal requires a coastal development permit because the project proposes an increase of more than 10% internal square footage to an existing single-family residence located between the sea (San Elijo Lagoon) and the first public roadway.

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 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 top of a hillside overlooking San Elijo Lagoon Ecological Reserve and 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. The site lies along the eastern boundary of the reserve. Although the existing footprint of the structure will expand approximately 8 ft. towards the reserve, according to the fire department, the site is well maintained and presents no additional fire hazards. The area along the easterly property line has ice plant and no significant additional vegetation is located within 30 feet of the property line. The project will not require removal of sensitive vegetation in the reserve for fire safety.

The site is located within the Prime Viewshed overlay area identified in the previous County of San Diego Local Coastal Program and is visible from Manchester Avenue and from the San Elijo Lagoon to the east and north. 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 not be visually prominent from off-site.

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 the existing 2 specimen-sized trees be maintained between the residence and the edge of the hillside and an additional 2 specimen-sized trees are required in the rear yard to further screen the project from public views from the lagoon and Manchester Avenue.

The required landscaping will reduce the visual prominence of the development. However, given the vegetated nature of the area, which creates a dark green and brown landscape, if the exterior of the proposed addition is white or brightly colored, it would contrast significantly with the surrounding natural hillside, causing it to be visually prominent on the hillside.

Therefore, the Commission finds that for the proposed development to be found 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 project's exterior colors 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 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).

Although the attached special conditions will mitigate the potential visual impacts of the proposed development, future development of the site could result in adverse visual impacts which may not be subject to the landscaping or coloring conditions of the subject permit. Special Condition #4 provides that any future development of the site will require an additional coastal development permit or amendment to the subject permit to ensure that any adverse visual impacts from future development can be addressed through additional Commission review.

Special Condition #5 requires a deed restriction providing that authorized development is subject to the Standard and Special Conditions imposed in this permit.

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.

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 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 approximately 28 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. Although no encroachment into areas of steep slopes is proposed, the proposed development will create more impervious surface area over what currently exists on the site and this expansion will occur on the lagoon side of the residence. The site plan indicates drainage would be directed to an on-site retention area and then discharged to Canyon Drive.

To reduce the potential for adverse impacts to water quality resulting from drainage from the proposed development, Special Condition #1 requires that runoff from the roof, driveway and other impervious surfaces be directed into 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 is a well-established Best Management Practice for small developments such as the subject proposal. As conditioned, impacts to water quality resulting from the project will be reduced to insignificant levels. Therefore, the Commission finds the proposed project consistent with Sections 30231 and 30240 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 low residential development at a maximum allowable density of 3 dwelling units per acre (dua) in the City of Solana Beach Zoning Ordinance. The proposed residential addition will have no effect on the existing density of the site. 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).

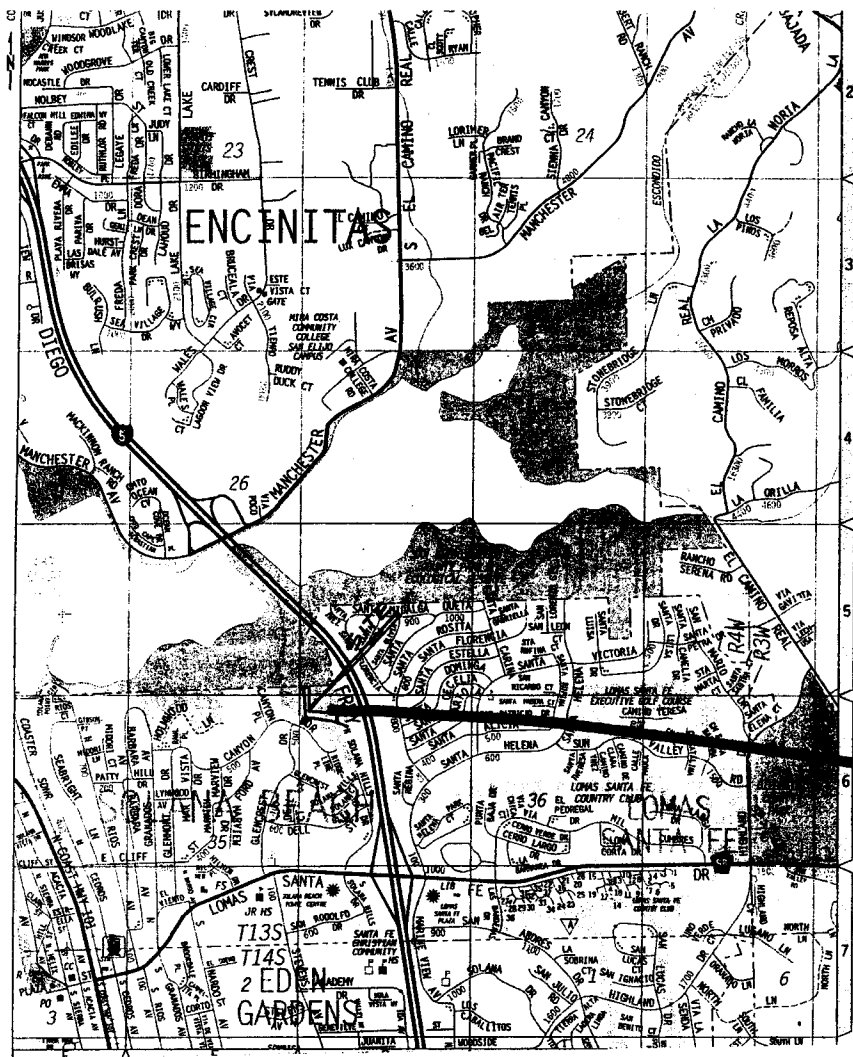
Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits 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 is consistent with the requirements of the Coastal Act to conform to CEQA.

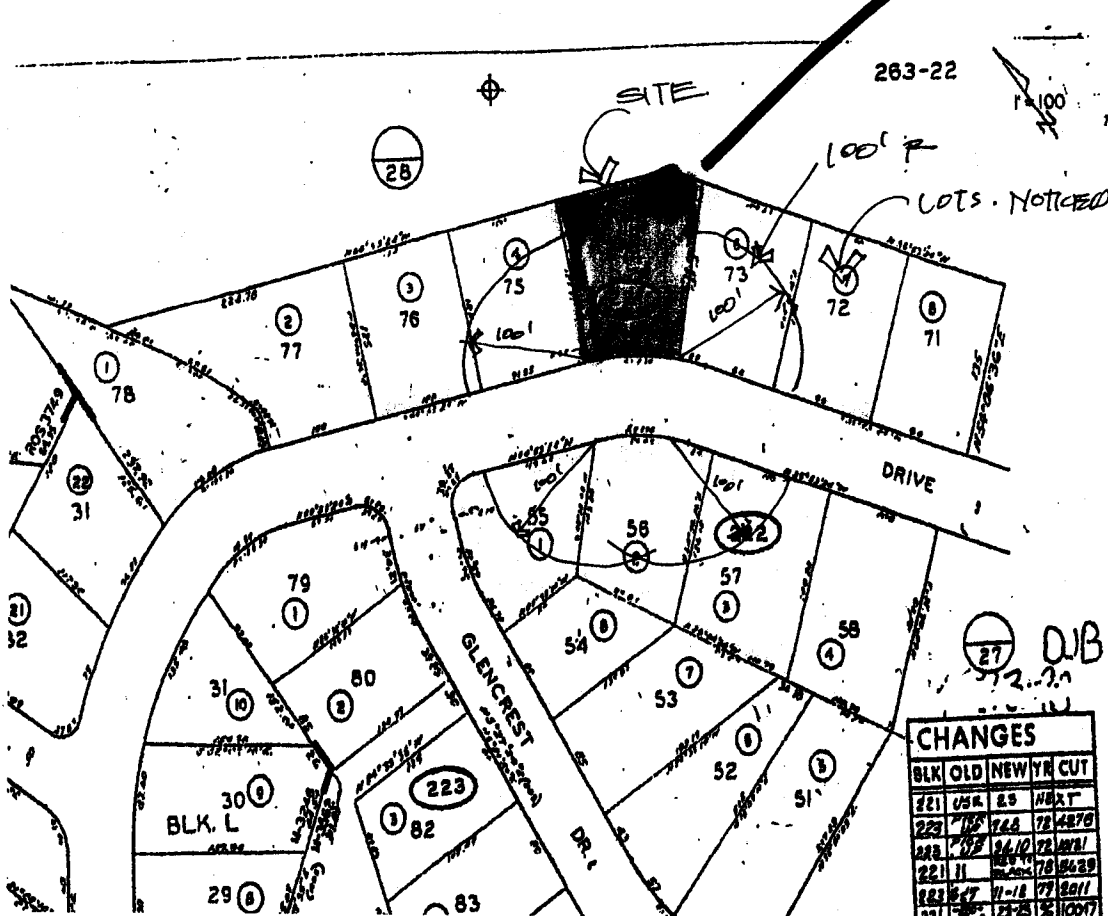
STANDARD CONDITIONS:

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.



SITE



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6-03-05

CHANGES				
BLK	OLD	NEW	YR	CUT
221	104	20	104	104
222	104	104	104	104
223	104	104	104	104
224	104	104	104	104
225	104	104	104	104
226	104	104	104	104
227	104	104	104	104
228	104	104	104	104
229	104	104	104	104
230	104	104	104	104

EXHIBIT NO. 1
APPLICATION NO.
6-03-059
Location Map

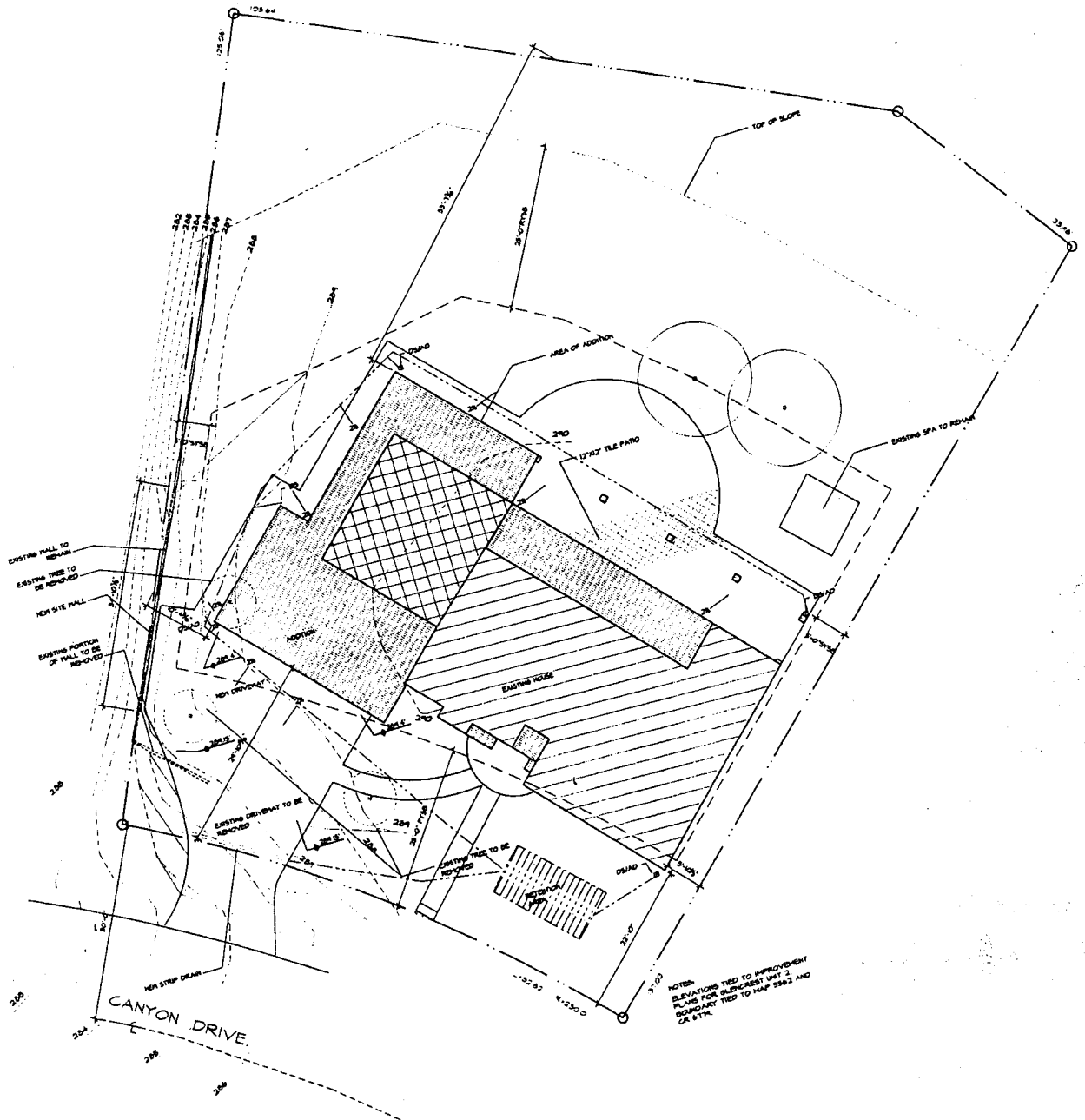


EXHIBIT NO. 2
APPLICATION NO.
6-03-059
Site Plan

