

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

7575 METROPOLITAN DRIVE, SUITE 103

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## RECORD PACKET COPY

**Thu 22a**

Filed: 8/10/04  
49th Day: 9/28/04  
180th Day: 2/6/05  
Staff: BP-SD  
Staff Report: 9/23/04  
Hearing Date: 10/13-15/04

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-04-37

Applicant: Dr. Betty Edwards

Agent: Domestic Architecture/Ian Butcher

Description: Demolition of an existing single-family residence and construction of a one story, 19-foot high, 2,792 sq.ft. single-family residence with an attached 595 sq.ft. garage.

Lot Area	46,107 sq. ft.
Building Coverage	3,451 sq. ft. ( 8%)
Pavement Coverage	1,404 sq. ft. ( 3%)
Landscape Coverage	4,554 sq. ft. ( 9%)
Unimproved Area	36,698 sq. ft. (80%)
Parking Spaces	4
Zoning	Low Residential (3 du/ac)
Plan Designation	Low Residential
Ht abv fin grade	19 feet

Site: 609 Canyon Place, Solana Beach, San Diego County. APN 263-221-13

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed project, subject to several special conditions. The project raises concerns relative to potential impacts to biological resources resulting from required brush management requirements due to its proximity to a steep chaparral covered hillside above San Elijah Lagoon. The Commission's biologist has reviewed the vegetation on the hillside and has determined that while vegetation within the brush management zone is good quality chaparral, it is not considered environmentally sensitive habitat. Thus, the home can be sited as proposed without impacts to sensitive coastal resources protected under Coastal Act section 30240. However, because the hillside is adjacent to a larger canyon area and the San Elijo Lagoon Ecological Reserve that does contain environmentally sensitive habitat areas, several special conditions are recommended

including conditions for a final landscape/brush management plan requiring planting of only native and non-invasive species on the hillside and a final drainage plan indicating runoff will be directed into the street storm drain system. Also planting of screening trees is recommended to mitigate the project's visual impact from public areas.

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Substantive File Documents: City of Solana Beach General Plan and Zoning Ordinance; City of Solana Beach DRP/SDP 17-94-14.

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**I. PRELIMINARY STAFF RECOMMENDATION:**

The staff recommends the Commission adopt the following resolution:

**MOTION:**     *I move that the Commission approve Coastal Development Permit No. 6-04-37 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. Final Drainage Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for

review and written approval, a final drainage and runoff control plan in substantial conformance with submitted plans by Domestic Architecture, dated 4/14/04, documenting that runoff from the roof, driveway and other impervious surfaces will be directed into the street storm drain system.

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 residence. This document shall comply with the following requirements:

- a. The color of the proposed home 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/or 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/Brush Management 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/brush management plan in substantial conformance with the landscaping/brush management plan by Domestic Architecture submitted 8/14/04 and developed in consultation with the California Department of Fish and Game. Said plan shall be stamped approved by the Solana Beach Fire Department and shall contain written notes stating and/or complying with the following requirements:

- a. The installation of plant materials shall consist only of native drought-tolerant plant materials. No invasive plant species are permitted. The plan shall indicate the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features on the site. A minimum of two specimen-sized trees (minimum 24-inch box) shall be planted in the rear yard to screen the project from views from San Elijah Lagoon and Old Highway 101.
- b. The brush management requirements are as follows: 100 ft. brush management area in 2 zones. Zone 1 is 30 ft. clearcut. Zone 2 is selective thinning of up to 50%

of vegetation. Any existing non-natives within the 100 ft. brush management area shall be removed and replaced as necessary with native, non-invasive species. Disturbance to root systems of native plants is prohibited in Zone 2. The brush management shall be performed with the identical criteria and limitations that are proposed for brush management within the adjacent San Elijo Lagoon Ecological Reserve, i.e., protection of specific plant species and topping of vegetation without disturbance to root systems.

- c. A planting schedule that indicates the planting plan shall commence within 60 days of completion of construction.
- d. A written commitment by the applicant that all required plantings will be maintained in good growing condition, and whenever necessary, will be replaced with new plant materials to ensure continued compliance.
- e. A written commitment by the applicant that five years from the date of the receipt of the Certificate of Occupancy for the residence, the applicant will submit for the review and written approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies whether 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.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

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. 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 against the parcel(s) governed by this permit 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; and (2) imposing the 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 entire parcel or parcels governed by this permit. 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.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. Proposed is the demolition of an existing 1,707 sq.ft. single-family dwelling and construction of a 2,792 sq.ft. one-story single-family residence with an attached 595 sq.ft. garage. The 46,107 sq.ft. lot is located in an established residential neighborhood on the north side of Canyon Drive, overlooking San Elijah Lagoon and Highway 101 in the City of Solana Beach. The western portion of the site slopes down to the west towards a natural canyon above San Elijah Lagoon. Approximately 15 cubic yards of balanced cut and fill grading is proposed for new footings.

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 not effectively certified and is only used as guidance with Chapter 3 policies of the Coastal Act used as the standard of review.

2. Resource Protection. The following Coastal Act policy is applicable to the proposed development:

##### 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.

Coastal Act section 30240 was implemented in the previously certified County of San Diego Local Coastal Program (used for guidance in the City of Solana Beach) through the Coastal Resource Protection (CRP) overlay zone. The CRP regulations restrict development of naturally vegetated steep slopes to maintain the visual and habitat values of coastal areas, to maintain natural landforms and to avoid grading and sedimentation impacts on sensitive lagoon resources located downstream. The CRP designator also

triggers the Scenic Area regulations in the County LCP. The subject site is located within both the CRP overlay and the City of Solana Beach's Hillside Area overlay. Section 30240 of the Coastal Act requires that new development on existing lots must avoid impacts to ESHA and significant disruption of habitat values when possible. Also new development should not be located in a hazardous location to reduce risk to property and protect valued open space, natural landforms and critical habitat consistent with the Coastal Act.

Although the existing development pad area is flat, slopes below are steep, more than 25% and mostly covered with mature chaparral. The site plan indicates the residence will be setback at least 25 feet from the canyon edge and that no areas of significant native vegetation will be disturbed by site development. However, the Fire Department has indicated a 100 foot wide brush management zone is required consisting of a 30-foot clearcut zone nearest proposed development and a 70-foot thinning zone beyond that down the hillside. The Commission's biologist has reviewed the vegetation on the hillside and has determined that while vegetation within the brush management zone is good quality native chaparral, it is not considered an Environmentally Sensitive Habitat Area (ESHA) and thus, some removal or thinning for brush management purposes to accommodate the proposed development will not impact ESHA. The Commission agrees. However, the hillside does connect to a larger canyon system and the San Elijo Lagoon Ecological Reserve, which is ESHA. As such, the introduction of non-native or invasive plant species in this area could result in impacts to ESHA. To address this issue, Special Condition #3 requires planting of the project site with native non-invasive species only and that any existing non-native or invasive plant species within the 100 ft. brush management area be removed and replaced as necessary with native, non-invasive species. Additionally, the Commission's Special Condition #3 mandates that any required brush management be performed with the identical criteria and limitations that are proposed for brush management within the adjacent San Elijah Lagoon Ecological Reserve, i.e., protection of specific plant species and topping of vegetation without disturbance to root systems.

Special Condition #4 requires the applicant to record a deed restriction imposing the conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. This restriction will serve to notify future owners of the sensitive nature of the slopes and the permitted brush management requirements.

In summary, as conditioned to perform brush management mindful of site specific and area resources and make these provisions part of the public record, the Commission finds that the subject proposal is consistent with Section 30240(b) of the Coastal Act.

3. Visual Quality. Section 30251 of the Coastal Act addresses protection of visual resources within the Coastal Zone and states, in part:

**Section 30251.**

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 project site is within the critical viewshed overlay of the County's certified LCP and the scenic overlay in the City of Solana Beach (used as guidance). A structure located on the site will be highly visible from southbound Highway 101, which is identified as a scenic corridor in the County LCP as well as from various locations in the lagoon. Therefore, the project has the potential to have an adverse visual impact with regard to views of the site from the highway or from the lagoon. Additionally, the views of the slope above the lagoon are of some importance.

Special Condition #3 requires landscaping of the type which will help shield the proposed residence from views from the lagoon and Highway 101. Visual screening can be provided with a minimum of two native trees located on the upper slope area and/or on the western developed edge of the site. This will have the effect of breaking up the building facade when viewed by the public from a distance, but will not affect private views from the residence toward the ocean. In this particular case, the Commission finds that a significant landscape scheme will be effective in reducing the visual impact of the proposed residence. Special Condition #3 requires a minimum of two specimen-sized trees (minimum 24-inch box) to be planted in the rear yard to screen the project from views from San Elijah Lagoon and Old Highway 101. Additionally, to further minimize the project's visual impact, the Commission is also requiring a natural color scheme for the structure so that it will blend with the surrounding natural environment to the extent feasible. The previously mentioned deed restriction requirement will also notify the public of these requirements. Therefore, as conditioned to color and screen the house from public areas, the project is consistent with Section 30251 of the Coastal Act.

4. Runoff/Water Quality/Hazards. Section 30231 of the Coastal Act is applicable to the proposed development and states:

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, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

In addition, Section 30253 of the Coastal Act states, in part:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs...

Due to the site's proximity to the environmentally sensitive habitat area of San Elijah Lagoon, there is a potential for the proposed project to impact the lagoon. The lagoon has experienced significant increases in sediment load in recent years, leading to dredging projects which are both expensive and disruptive of visitor use of the adjacent beach. The increased sediment load results from, among other things, inadequate runoff control from development adjacent to the lagoon.

A preliminary drainage plan submitted by the applicant indicates that runoff from the project site will be directed east towards Canyon Drive into the public storm drain system. Special Condition #1 requires final drainage plans in substantial conformance with the preliminary plans to ensure 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 regarding the protection of water quality and hazards.

5. Public Access. The subject site is located between San Elijah Lagoon and the first coastal roadway. In accordance with Section 30604(c), the Commission finds the proposed development to be in conformity with all public access and public recreation policies of Chapter 3 of the Act. The project site is well removed from and above the lagoon and there are currently no access opportunities to the lagoon from the project site. Therefore, the proposed development will not affect public use of any existing access routes.

6. 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 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 project 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.

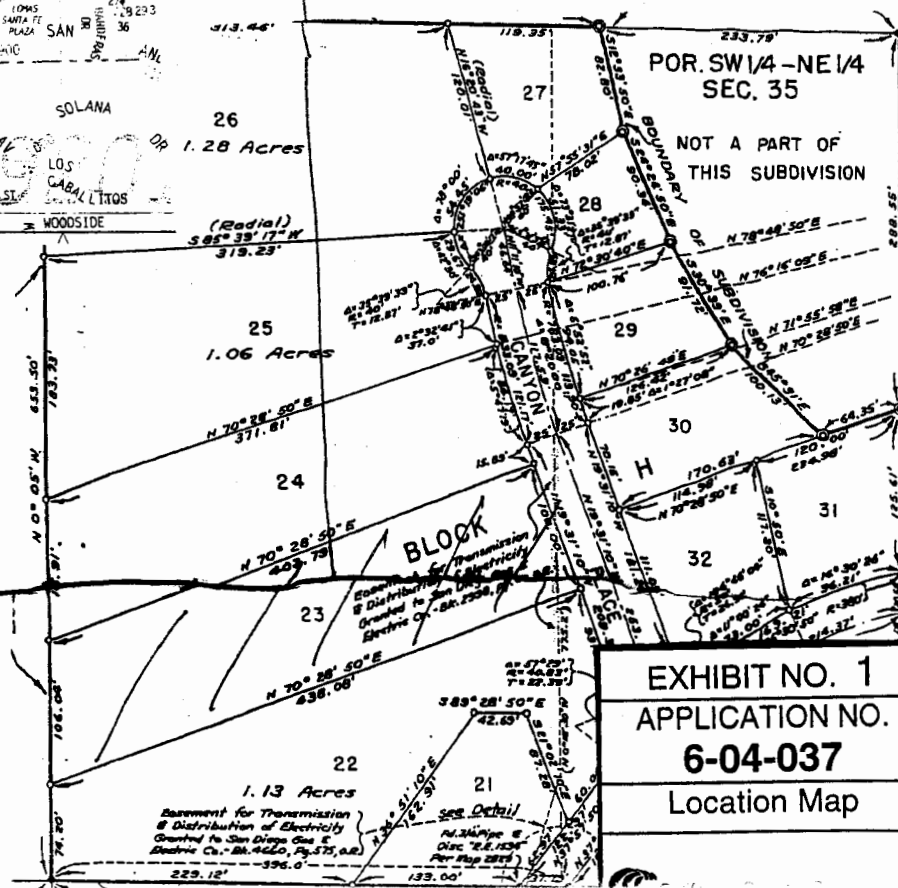
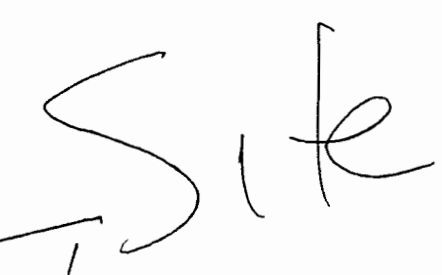
7. Consistency with the California Environmental Quality Act (CEQA).

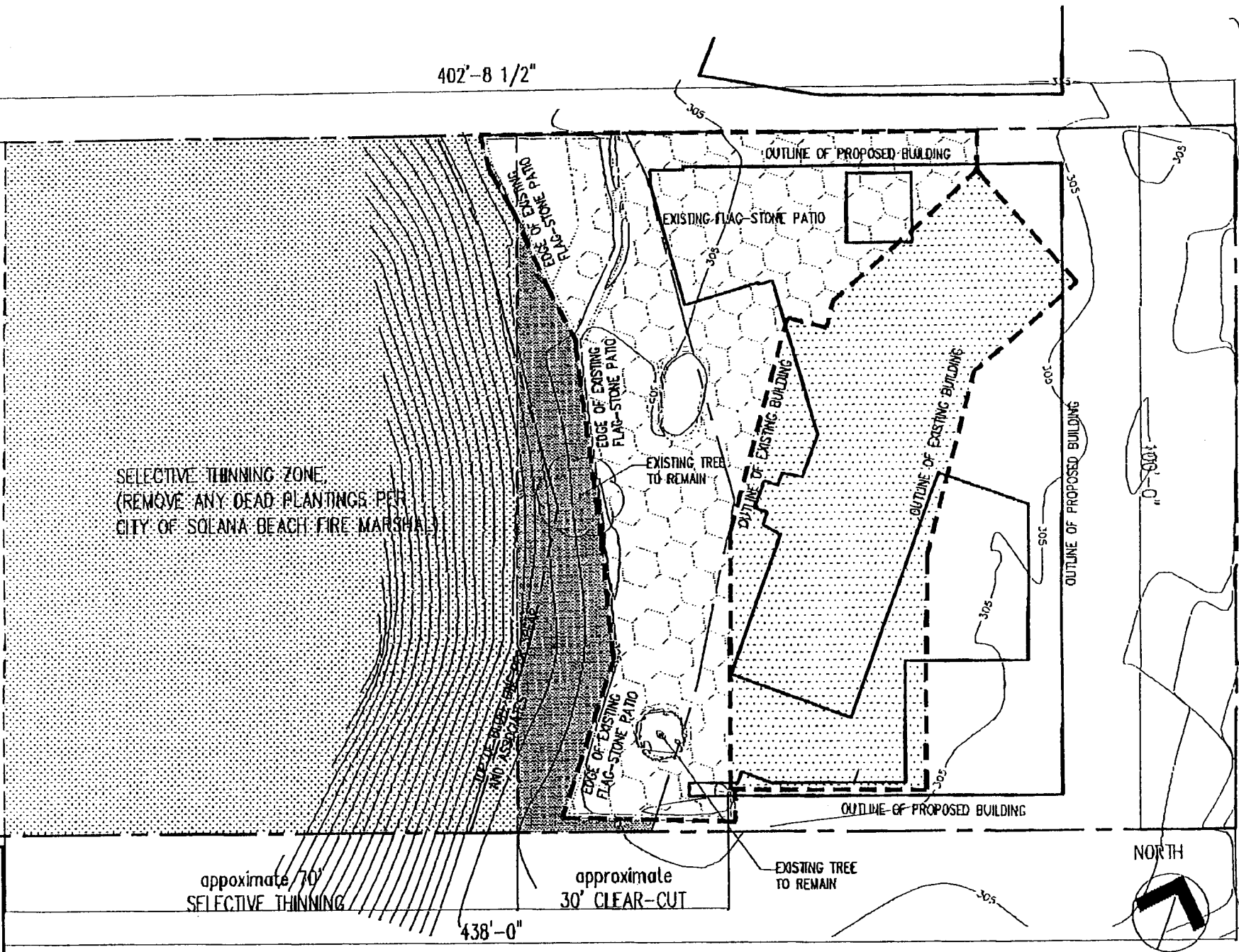
Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 as conditioned is consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including the attached conditions, 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.

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.





# PLOT PLAN

SCALE: 1" = 10'-0"

EXHIBIT NO. 2  
APPLICATION NO.  
**6-04-037**  
Site Plan

