

CALIFORNIA COASTAL COMMISSION

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Thu 16c

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 Hearing Date: February 8-10, 2006

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-05-129

Applicant: Jeff and Nicole Thomas Agent: Adams Design Associates

Description: Demolition of an existing one-story approximately 1,677 sq. ft. single-family residence with detached two-car garage and construction of a two-story, approximately 4,632 sq. ft. single-family residence including attached garage on an approximately 16,605 sq. ft. lot involving approximately 900 cu. yds. of grading.

Lot Area	16,605 sq. ft.
Building Coverage	3,681 sq. ft. (22 %)
Pavement Coverage	3,800 sq. ft. (23 %)
Landscape Coverage	9,124 sq. ft. (55 %)
Parking Spaces	3
Zoning	Low Residential (LR)
Plan Designation	Low Density Residential (3 du/ac)
Project Density	2.6 du/ac
Ht abv fin grade	25 feet

Site: 440 Canyon Drive, Solana Beach, San Diego County
 APN 263-103-10

Substantive File Documents: County of San Diego (non-certified) Local Coastal Program; LCP City of Solana Beach General Plan and Zoning Ordinance; City of Solana Beach Design Review and Structural Development Permit #17-05-14; CDP Nos. 6-87-618/Rimmer; 6-88-193/Morrison, 6-89-32/Pavelko; 6-93-176/Dougherty, 6-98-1/Skerrett, 6-99-68/Roskowski, 6-99-76/ Burger and 6-00-11/MacLeod.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the project with conditions. The proposed home will be located on an inland hillside that

can be seen from within San Elijo Lagoon Ecological Reserve and from Interstate 5. To address the potential visual prominence of the structure as seen from these areas, conditions have been attached to require that trees and landscaping be installed along the north side of the residence to effectively break up the facade of the structure and that the home only be colored with earth tones. A deed restriction identifying all conditions of approval is also required to assure all future property owners are aware of the conditions. In addition, the project is conditioned to assure the use of Best Management Practices so that runoff from the site will not adversely affect the coastal waters of San Elijo Lagoon. With these conditions the project can be found to be consistent with the visual resource and water quality policies of the Coastal Act.

The City of Solana Beach does not yet have a certified Local Coastal Program. As such, the standard of review for the proposed development is Chapter 3 policies of the Coastal act.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-05-129 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. 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 approved by the Fire Department and City of Solana Beach. Said plan shall include the following:

- a. A plan showing the type, size, extent and location of all trees to be removed and planted on site and shall include, at a minimum, 3 trees (24-inch box or 5-foot trunk height minimum) planted on the north side of the approved residence in such as manner as to maximize screening of the structure from views from San Elijo Lagoon and Interstate 5.
- b. All proposed landscaping shall be drought-tolerant and native, non-invasive plant species. (No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized.
- c. A planting schedule that indicates that the planting plan shall be implemented within 60 days of completion 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 plant materials to ensure continued compliance with applicable landscape screening requirements.
- e. The use of rodenticides and pesticides shall be prohibited.
- f. 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, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies 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 written approval

of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or 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 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.

2. Exterior Treatment. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval in writing 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. The color of the structure and roof permitted herein shall be restricted to color 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. All windows on the north side of the residence shall be comprised of non-glare glass.

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.

3. 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 approved by the City of Solana Beach 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 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 required.

4. 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.

5. Deed Restriction. **PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT** (6-05-129), the applicant for this permit 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 one-story approximately 1,677 sq. ft. single-family residence with detached two-car garage and construction of a two-story approximately 4,632 sq. ft. single-family residence including attached garage and a pool with spa on an approximately 16,605 sq. ft. lot. The development will involve approximately 900 cu. yds. of grading with approximately 800 cu. yds. to be exported off-site. Since the applicant has not identified the location of the proposed export location, Special Condition #4 has been attached which requires the applicant identify the location of the export site prior to issuance of the permit and, if within the coastal zone, provide evidence of a coastal permit authorizing its placement. The project site is located on Canyon Drive on an inland hillside in Solana Beach overlooking Holmwood Canyon and San Elijo Lagoon Ecological Reserve to the north and west. In addition, other residential development occurs within Holmwood Canyon between the subject site and San Elijo Lagoon Ecological Reserve.

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 proposed structure will be located on a hillside overlooking San Elijo Lagoon Ecological Reserve. 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 visible from Interstate 5 and from San Elijo Lagoon Ecological Reserve to the north and is located within the City of Solana Beach's Scenic Area Overlay Zone. The proposed development is located in an established residential neighborhood consisting of both one and two-story residences. Several single-family residences are also located below the site to the north within Holmwood Canyon immediately adjacent to San Elijo Lagoon.

In order to break up the facade of the structure and soften views of the residence from a distance, Special Condition #1 requires that the applicant submit a final landscape plan indicating that a minimum of three specimen sized trees will be provided and maintained between the residence and the northern side of the property. 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 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.

The Commission has a long history of requiring landscaping and color restrictions on new development around San Elijo Lagoon (ref. CDP Nos. 6-87-618/Rimmer; 6-88-193/Morrison, 6-89-32/Pavelko; 6-93-176/Dougherty, 6-98-1/Skerrett, 6-99-68/Roskowski, 6-99-76/ Burger and 6-00-11/MacLeod). 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 to be subordinate to the natural setting.

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.

Therefore, with special conditions relating to landscaping, colorizing and future development of the site, 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. Section 30231 states that:

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.

Section 30231 of the Coastal Act requires that the biological productivity of coastal waters, streams, etc., be maintained by, among other means, controlling runoff. The proposed development will occur on an inland hillside above Holmwood Canyon and San Elijo Lagoon Ecological Reserve. As such, drainage and run-off from the development could potentially affect water quality within San Elijo Lagoon.

In order to reduce the potential for adverse impacts to water quality resulting from drainage runoff from the proposed development, Special Condition Nos. 1 and 3 have been attached. Special Condition #3 requires the installation of drought tolerant, native, non-invasive landscaping on the site. 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 on-site 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 proposed landscaping will serve to reduce any impacts to water quality from the project to insignificant levels. Therefore, the Commission finds the proposed project consistent with Section 30231 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 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, 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 visual treatment and the use of Best Management Practices 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 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.