

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



Wed 20c

Filed: June 29, 2006
49th Day: August 17, 2006
180th Day: December 26, 2006
Staff: Gary Cannon-SD
Staff Report: August 24, 2006
Hearing Date: September 13-15, 2006

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-06-74

Applicant: Land Holdings II –Rios, LLC

Agent: Paulette Botti

Description: Demolition of a two-story single-family residence and detached garage and after-the-fact subdivision of an approximately 39,744 sq ft. lot into two parcels (Parcel 1=17,908 sq. ft.; Parcel 2=21,836 sq. ft.).

Lot Area	39,744 sq. ft.
Zoning	Low Residential (3 dua)
Plan Designation	Low Residential

Site: 208 S. Rios Avenue, Solana Beach
APN 298-0720-40 and 41.

Substantive File Documents: City of Solana Beach General Plan and Zoning Ordinance

I. STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

II. Standard Conditions.

See attached page.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The applicant proposes to demolish an existing single-family residence and detached garage and subdivide the existing approximately 39,744 sq ft. lot into two parcels (Parcel 1=17,908 sq. ft.; Parcel 2=21,836 sq. ft.). No landscaping or other development is proposed at this time. Following demolition, the applicant proposes the use of sandbag and silt fencing around the demolition sites as sediment control measures. The requested subdivision has already occurred and the final map was recorded in May of 2002 without first obtaining the required coastal development permit. The request for after-the-fact subdivision will result in two lots comparable to the surrounding lots in the neighborhood and is consistent with the Low Residential zoning designation.

The proposed development is located on east side of South Rios Avenue approximately 350 ft. south of Lomas Santa Fe Drive in the City of Solana Beach. The City of Solana Beach does not yet have a certified Local Coastal Program (LCP) and therefore, Chapter 3 policies of the Coastal Act are the standard of review.

A. Biological Resources. Coastal Act policies 30240 and 30251 restrict the alteration of natural landforms and protect sensitive habitats. Section 30231 of the Coastal Act requires that coastal waters are protected and runoff minimized.

The proposed development will not have an adverse impact on any sensitive habitat, and as designed to incorporate the use of sandbag and silt fencing, will not result in erosion or adverse impacts to water quality. Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

B. Community Character /Visual Quality. The development is located within an existing developed area and will be compatible with the character and scale of the surrounding area and will not impact public views. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

C. Public Access/Parking. The proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities. The proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

D. No Waiver of Violation. Although development, in the form of a subdivision has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to this violation of the Coastal Act that may have occurred; nor does it constitute

admission as to the legality of any development undertaken on the subject site without a coastal development permit.

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

F. California Environmental Quality Act. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project 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.

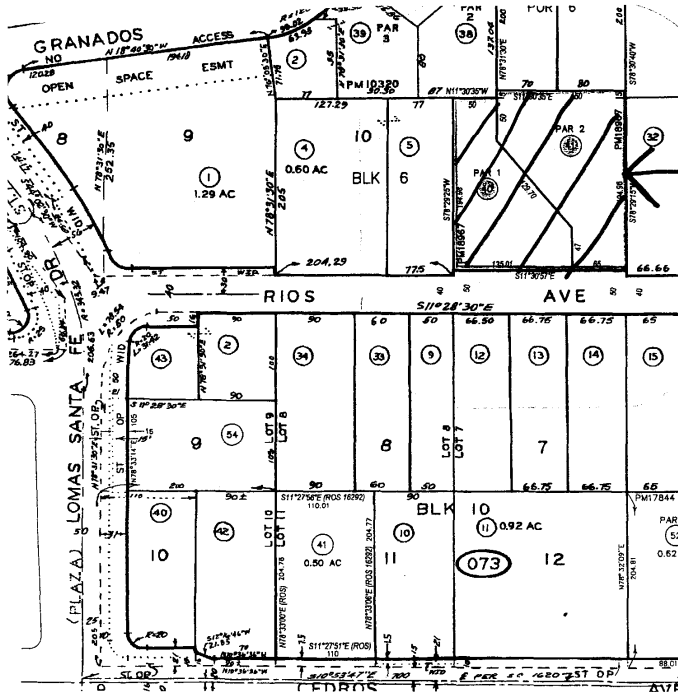
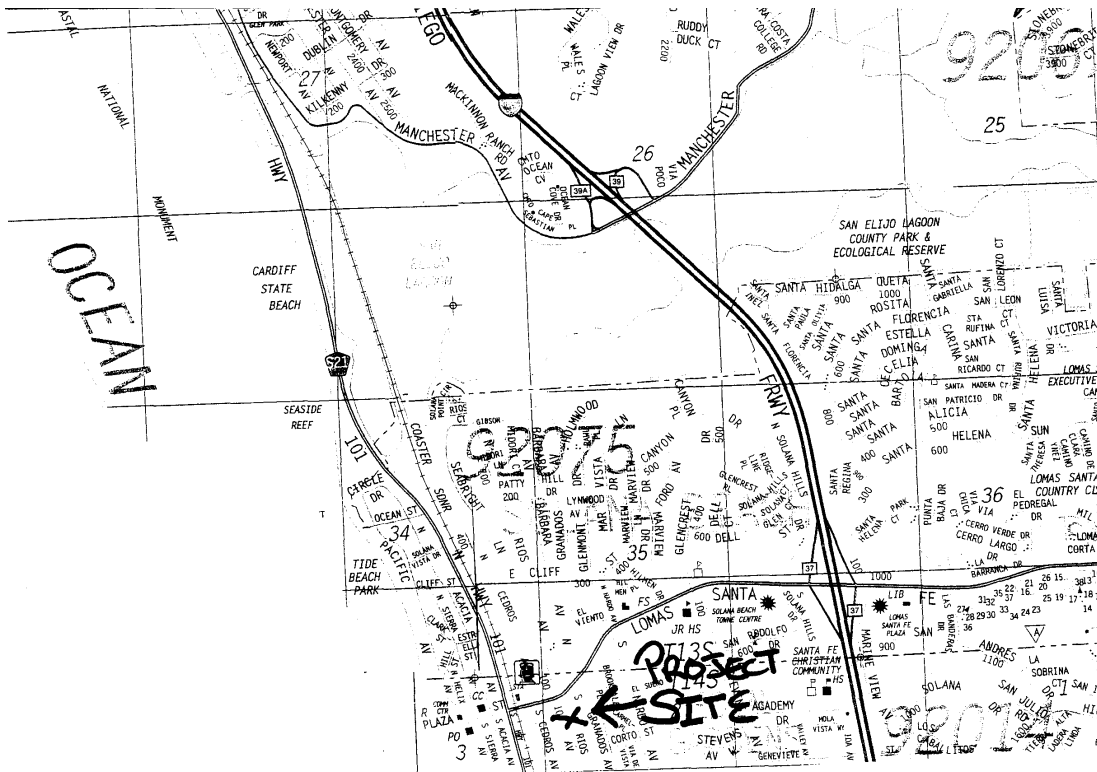
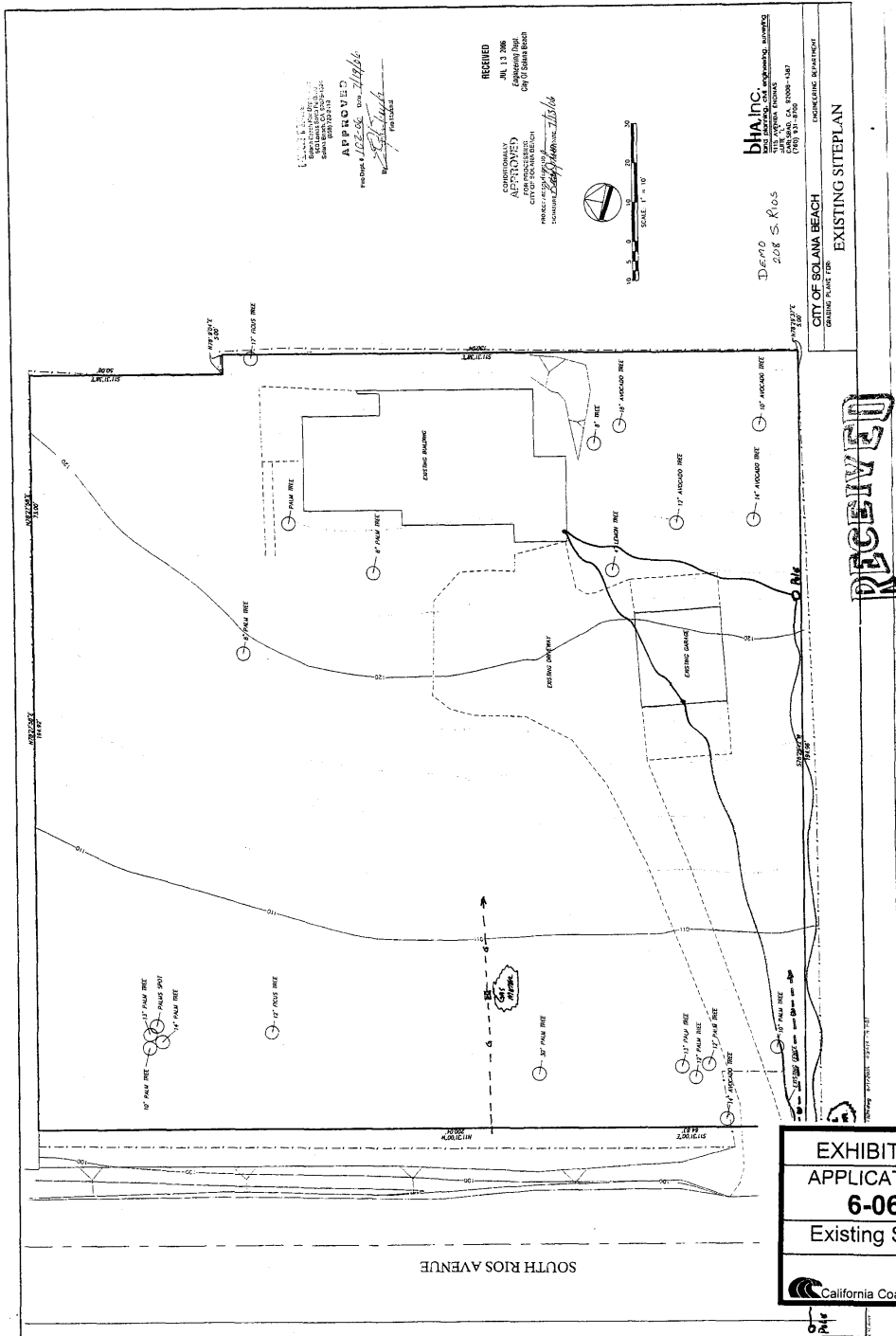


EXHIBIT NO. 1
APPLICATION NO.
6-06-74
Location Map

California Coastal Commission



PARCEL MAP NO. 18967

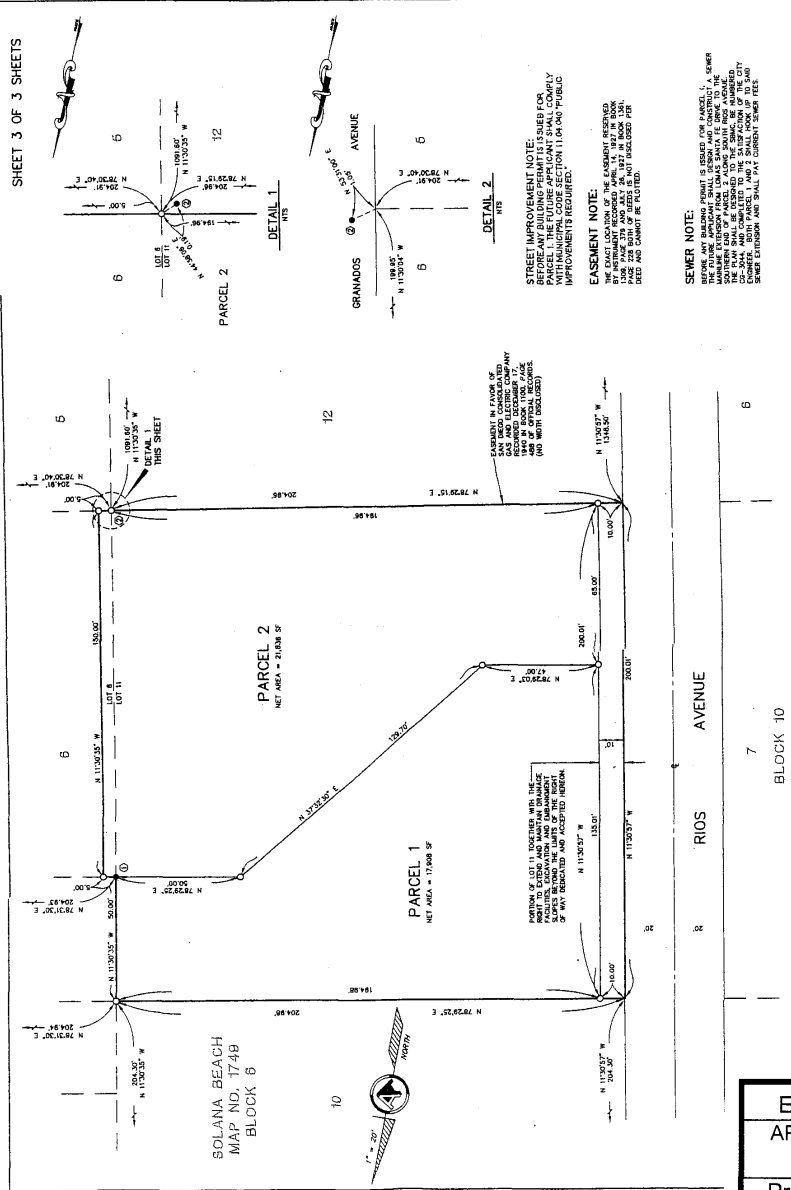


EXHIBIT NO. 3

APPLICATION NO.

6-06-74

Proposed Lot Split

CITY OF SOLANA BEACH CASE NO. 17-98-31 SUB

CITY OF SOLANA BEACH
CITY ENGINEER
CITY ENGINEER

ME (20)