

CALIFORNIA COASTAL COMMISSION

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



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Filed: March 19, 2007
49th Day: May 7, 2007
180th Day: September 15, 2007
Staff: Gary Cannon-SD
Staff Report: April 19, 2007
Hearing Date: May 9-11, 2007

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-07-35

Applicant: Jeffrey Essakow

Agent: Dominy and Associates

Description: Demolition of two duplexes, one single-family residence and detached garage, subdivide existing lot into a common interest lot, grade approximately 1,115 cu. yds. and construct 4 detached condominium units on an existing 21,990 sq. ft. lot.

Lot Area	21,990 sq. ft.
Building Coverage	7,790 sq. ft. (35%)
Pavement Coverage	7,798 sq. ft. (36%)
Landscape Coverage	6,404 sq. ft. (29%)
Parking Spaces	4
Zoning	Medium-High Residential (MHR)
Plan Designation	Medium High Density (8-12 dua)
Project Density	8 dua
Ht abv fin grade	25 feet

Site: 140 N. Rios Avenue, Solana Beach, San Diego County.
APN 263-372-23.

Substantive File Documents: City of Solana Beach General Plan and Zoning Ordinance; City Case No. 17-06-08 SUB/DRP/SDP

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. 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 for the proposed residential development that has been approved by the City of Solana Beach. Said plans shall be in substantial conformance with the submitted plans on March 19, 2007 by Dominy and Associates Architects, documenting that the runoff from the roof, driveway and other impervious surfaces shall 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 legally required.

2. Revised Final Landscape Plans: PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and written approval final landscaping plans for the permitted development that have been approved by the City of Solana Beach. Said plans shall be in substantial conformance with the landscape development plan submitted on March 19, 2007 by Dominy and Associates Architects, except shall be revised to include the following:

a. The landscape palate shall emphasize the use of drought-tolerant native species, but use of drought-tolerant, non-invasive ornamental species and lawn area, is allowed as a small component. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive 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.

- b. A planting schedule that indicates that the planting plan shall be implemented within 60 days of completion residential construction
- c. A written commitment by the applicant that all required plantings shall be maintained in good growing condition, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape screening requirements.
- d. Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.
- 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, 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 legally required.

3. Export of Grading Materials. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall identify the location of the disposal site for the proposed exported grading material. If the site is located within the coastal zone, a separate coastal development permit or permit amendment shall be obtained from the California Coastal Commission prior to export unless the Executive Director determines that no permit or amendment is legally required.

IV. Findings and Declarations.

The Commission finds and declares as follows:

A. Detailed Project Description/History. The applicant is proposing to demolish all existing structures on the property (which includes two duplexes, a single-family residence and a detached garage), subdivide the existing lot into a common interest lot, grade approximately 1,115 cu. yds. with approximately 545 cu. yds. of export and construct 4 detached condominium units on an existing 21,990 sq. ft. lot. The two structures located closest to North Rios Avenue will each be a two-story, 3,470 sq. ft detached condominium and the two structures furthest from North Rios will each be a two-story, 3,395 sq. ft. detached condominium with pools. Although the applicant has proposed approximately 545 cu. yds. of grading material to be exported from the site, the location of the export site has not been identified. Therefore, Special Condition #3 has been attached which requires the applicant to identify the export location and if within the Coastal Zone to show evidence of a coastal development permit for its placement or obtain the necessary permit.

The project site is located at 140 N. Rios Avenue, one block north of Lomas Santa Fe of in the City of Solana Beach. The surrounding area consists of medium and large sized single-family residences as well as several commercial buildings.

The City of Solana Beach does not yet have a certified Local Coastal Program (LCP) and therefore, the Chapter 3 policies of the Coastal Act are the standard of review.

B. Biological Resources/Water Quality. 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. Special Condition #1 has been attached to require that all runoff from new impervious surfaces drain through landscaping or other pervious surfaces prior to being conveyed offsite. 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.

In addition, non-native or invasive landscaping on the subject site has the potential to impact San Elijo Lagoon to the north or San Dieguito Lagoon to the south either through runoff from the site or seeds that could be transported offsite by winds or animals. Therefore, Special Condition #2 has been attached which requires the site be landscaped with drought-tolerant native and non-invasive species and that the landscaping be maintained over the lifetime of the development. The proposed development will not have an adverse impact on any sensitive habitat and, as conditioned, will not result in erosion or adverse impacts to water quality, as adequate drainage controls will be provided. Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

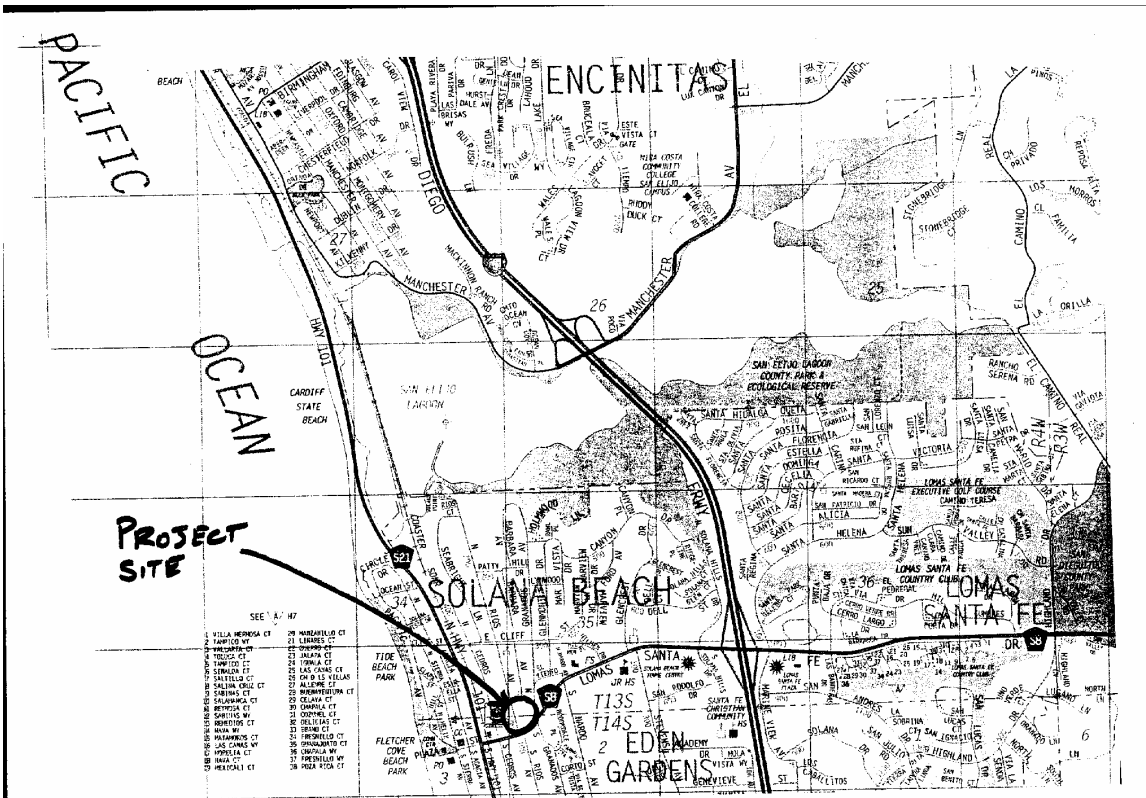
C. Community Character /Visual Quality. The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area and will not impact public views. Therefore, the Commission finds that the development, as conditioned, conforms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

D. 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, as conditioned, will not prejudice the ability of the City of Solana Beach to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

E. California Environmental Quality Act. As conditioned, 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, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

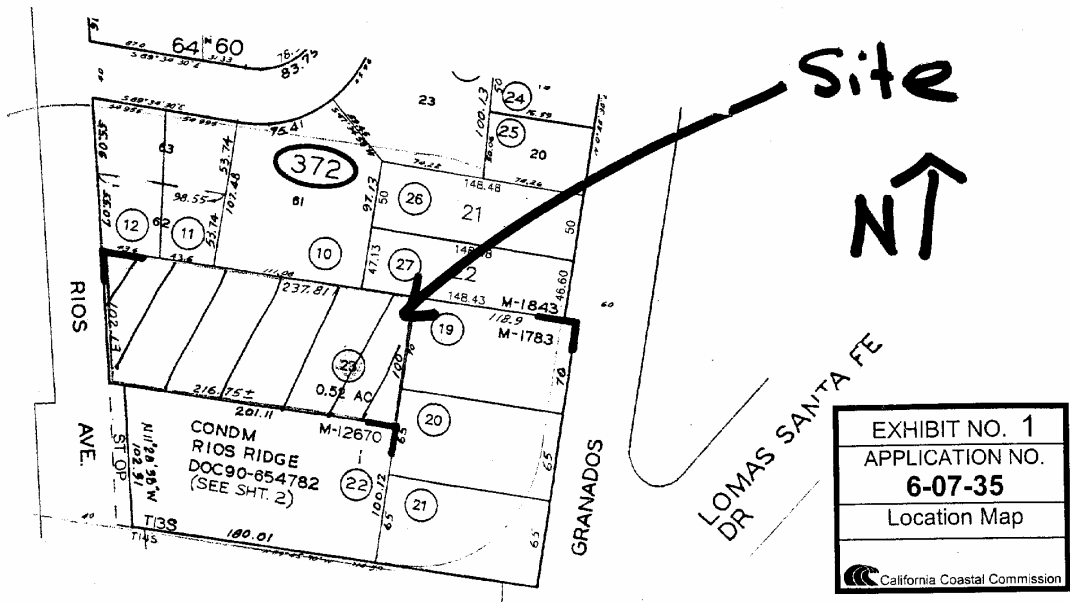
STANDARD CONDITIONS:

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.



PROJECT SITE

- SEE 'A' AT
- 11 VILLA HERCULES CT
 - 12 TAMPOCO CT
 - 13 HERRING CT
 - 14 YOLLOS CT
 - 15 TONYO CT
 - 16 SIMON CT
 - 17 SATELITE CT
 - 18 SALLIN CIRCLE CT
 - 19 SERRANO CT
 - 20 SALAMANCA CT
 - 21 BERTON CT
 - 22 SANITING WY
 - 23 BRENNECK CT
 - 24 ANA BL
 - 25 HAWKWOOD CT
 - 26 SAN JAMES WY
 - 27 WYOMELA CT
 - 28 INNA CT
 - 29 MEXICALI CT
 - 30 WINDMILL CT
 - 31 LARGES CT
 - 32 CORVA CT
 - 33 PALAPA CT
 - 34 TORIA CT
 - 35 LAS CASAS CT
 - 36 SAN VICENTILAN CT
 - 37 ALLEWEE CT
 - 38 BROMFIELD CT
 - 39 CELAYA CT
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EXHIBIT NO. 1
APPLICATION NO.
6-07-35
Location Map



