

CALIFORNIA COASTAL COMMISSION

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



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Permit Application No. 6-12-048
Date 8/7/12

ADMINISTRATIVE PERMIT**W8b**

APPLICANT: Marshall Banker

PROJECT DESCRIPTION: Install an approximately 600 square foot swimming pool and 64 square foot attached spa in the rear yard site of an existing approximately 5,000 square foot single family residence on an approximately 13,000 square foot lot.

PROJECT LOCATION: 204 Gibson Point Solana Beach, San Diego County (APN #: 263-680-02)

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, are discussed on subsequent pages.

NOTE: The Commission's Regulations provide that this permit shall be reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, a permit will not be issued for this permit application. Instead, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

DATE and TIME: September 12, 2012 LOCATION: Caspar Community Center
9:00 a.m., Wednesday 15051 Caspar Road
Phone: (415) 407-3211 Caspar, CA 95420

IMPORTANT - Before you may proceed with development, the following must occur:

For this permit to become effective you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgment and evidence of compliance with all special conditions, we will send you an authorization to proceed with development. BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE PERMIT AUTHORIZATION FROM THIS OFFICE.

CHARLES LESTER
Executive Director

By: _____

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. 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.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

Pursuant to Public Resources Code Section 30624, the Executive Director hereby determines that the proposed development, subject to Standard and Special Conditions as attached, is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. Any development located between the nearest public road and the sea is in conformity with the public access and public recreation policies of Chapter 3.

The proposed project involves the construction of an approximately 600 square foot pool and 64 square foot spa in the rear yard of an existing single family residence of approximately 5,000 square feet on an approximately 13,000 square foot lot. The swimming pool and spa have already been constructed in an apparent violation. The project site is located east of Highway 101 at 204 Gibson Point, on the eastern side of North Rios Avenue in the City of Solana Beach and north of Gibson Point, south of and adjacent to San Elijo Lagoon. The project requires a permit because it involves the construction of a significant non-attached structure (below-grade pool/spa) located between the sea (San Elijo Lagoon) and the first coastal roadway. The existing residence is visible from Highway 101, Interstate 5, and from public areas and walking paths along the shoreline and San Elijo Lagoon.

The Commission previously approved the subdivision containing the subject lot as well as construction of the subject single family residence with conditions requiring landscaping. On May 14, 1998, the Commission approved Coastal Development Permit 6-98-001 (Skerrett), permitting the demolition of several existing structures on a 6-acre site, the subdivision of the site into twelve lots, and the construction of nine single-family residences of about 4,000 square feet each. The landscaping condition associated with CDP No. 6-98-001 required the owners to plant one specimen sized tree every 15 feet along the northern perimeter of the property in an effort to help screen views of the residences from Highway 101 and the adjacent San Elijo Lagoon public walking paths. Typically, the Commission requires landscape screening to be provided at a minimum of one tree every 10 feet of lot frontage visible from a scenic area. In this particular case, however, the Commission previously determined in CDP No. 6-98-001 that as long as the proposed trees are of substantial breadth and with a broad, spreading head of 20-30 feet, one tree planted every 15 feet along the subject northern lot frontage would be sufficient to mitigate the visual impact of the development.

Other improvements approved in 6-98-001 include the construction of a private internal street with the subdivision (Gibson Point), sidewalks, widening of the cul-de-sac at the end of North Rios Avenue for fire truck clearance, and providing curbs, gutters, and sidewalks on North Rios Avenue. The project also included an offer to dedicate a 66,700 square foot upland buffer area and portion of a lagoon trail to a public agency. The permit was granted with special conditions including an open space deed restriction over the wetland/buffer area, color and landscaping restrictions, and erosion control and street sweeping requirements.

On January 13, 1999, the Commission approved amendment 6-98-001-A1, amending the original project to include construction of two 15-foot wide, six-foot high wrought iron, earth-tone colored swinging privacy gates across the subdivision's street entrance (Gibson Point) in order to restrict access to residents and their guests. Additionally, guest parking within the subdivision was increased from three spaces to six.

Construction and installation of the backyard swimming pool and spa that are the subject of this after-the-fact permit occurred sometime in 2004. To date, no CDP authorizing the installation of the pool or spa has been granted by the Coastal Commission.

Coastal Act sections 30210 and 30211 provide for maximum public access to coastal resources and prohibit development from interfering with the public's right of access to said coastal resources. As constructed, the below-grade pool/spa does not encroach into the deed-restricted open space that runs along the north of the development. Furthermore, the entrance to the public trail along San Elijo Lagoon that runs north the aforementioned open space area is further north along North Rios Avenue and not impacted by the pool/spa.

Coastal Act policies 30240 and 30251 restrict the alteration of natural landforms and protect sensitive habitats. Section 30230 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 will not result in 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.

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 conforms to Section 30251 of the Coastal Act.

The project is consistent with all applicable Chapter 3 policies of the Coastal Act. The Executive Director finds that approval of the subject property will not prejudice the ability of the City of Solana Beach to obtain a fully certified local coastal program.

SPECIAL CONDITIONS:

This permit is subject to the following conditions:

1. **Other Permit Conditions.** All prior conditions of prior Coastal Development Permits and Amendments governing this property are still in full effect.

ACKNOWLEDGEMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing

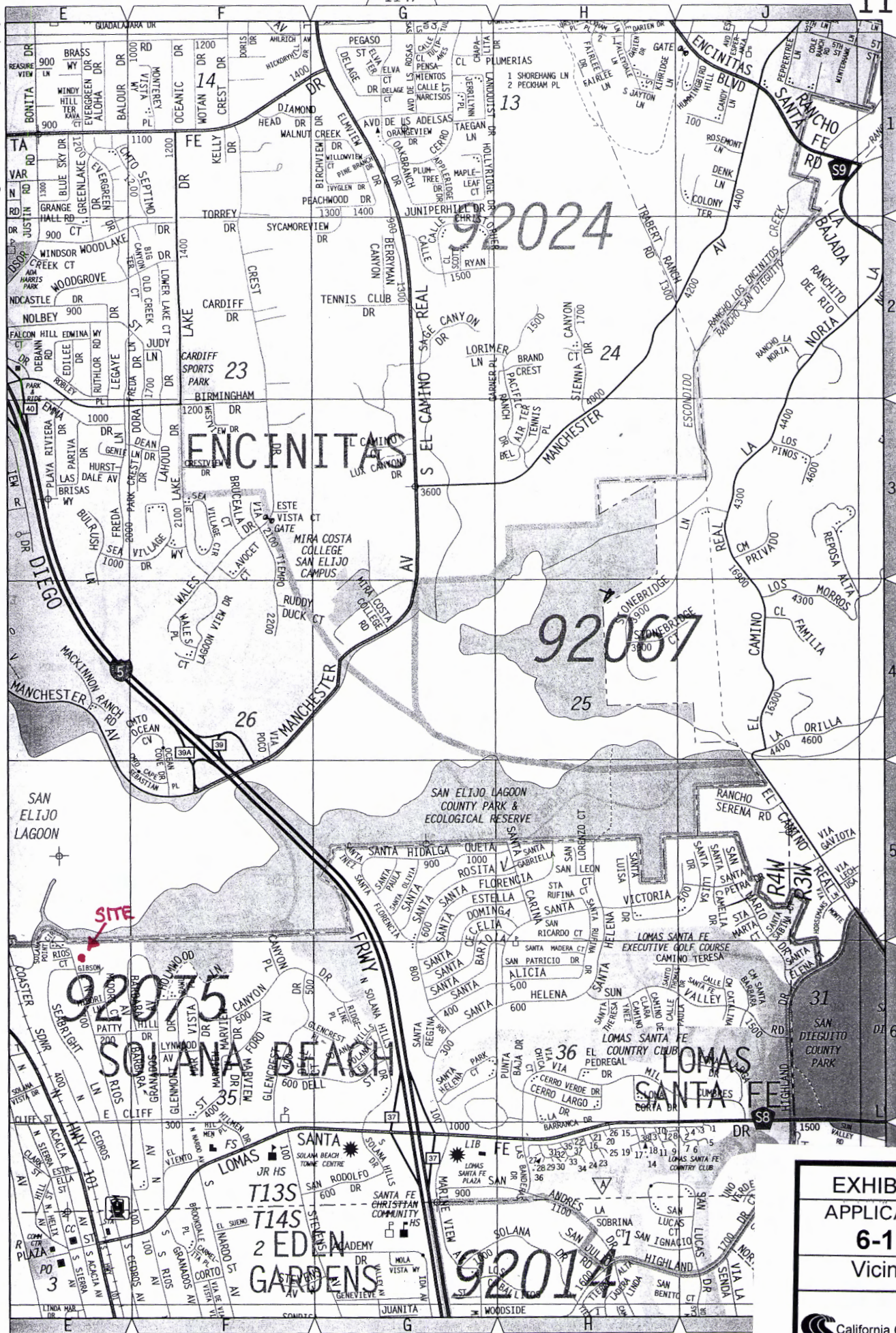
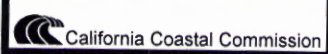
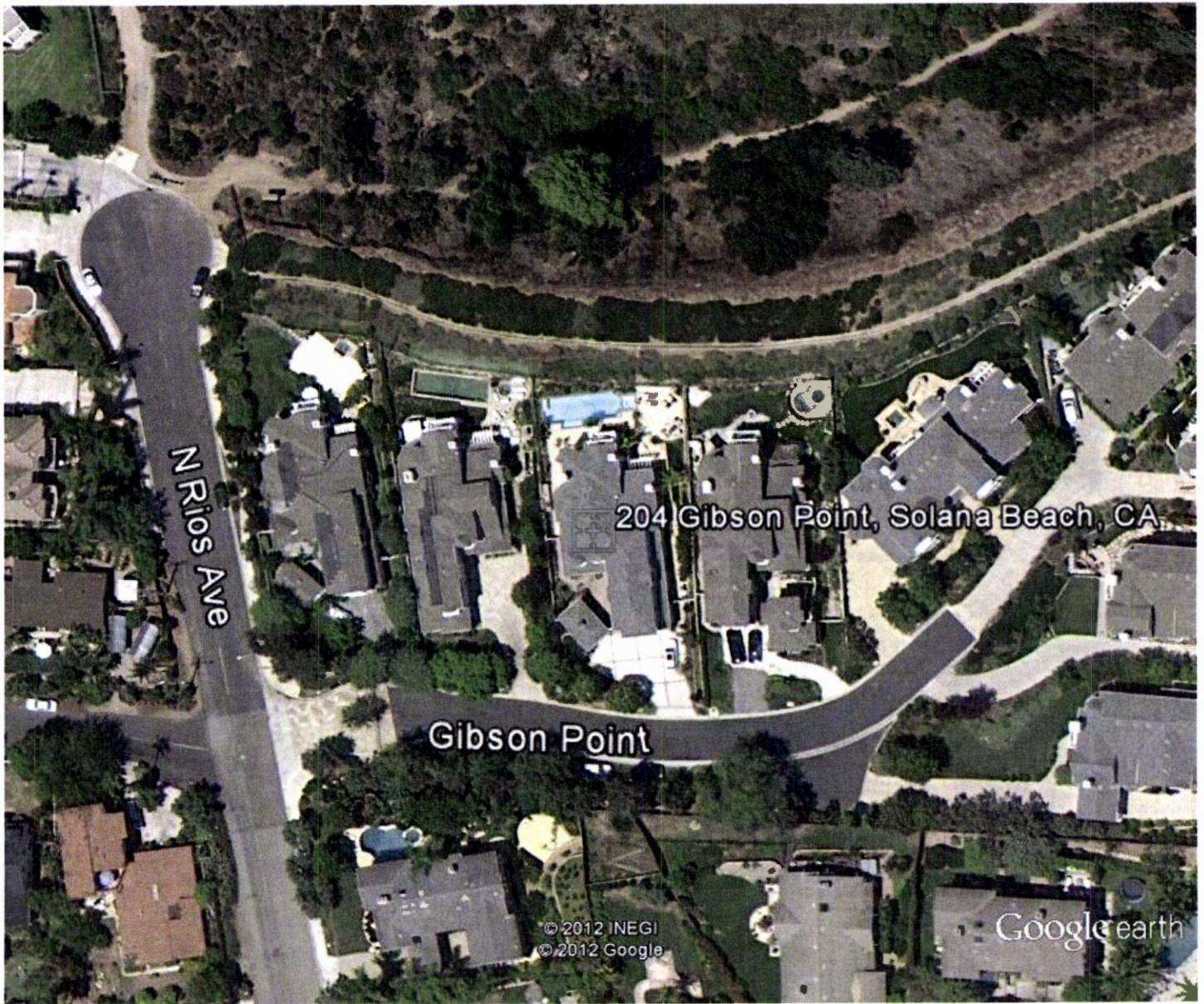


EXHIBIT NO. 1
APPLICATION NO.
6-12-048
Vicinity Map





Google earth

feet
meters



EXHIBIT NO. 2
APPLICATION NO.
6-12-048
Aerial View

