

**CALIFORNIA COASTAL COMMISSION**

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# Th16a

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## STAFF REPORT: REGULAR CALENDAR

**Application No.:** 6-16-0498

**Applicant:** Ted and Victoria Van Arsdale

**Agent:** C. Blair Pruett

**Location:** 980 Avocado Place, Solana Beach, San Diego  
County (APN: 298-292-01)

**Project Description:** Subdivision of an existing 4.06 acre lot with an existing single-family residence into seven residential lots ranging from 21,985 sq. ft. to 32,714 sq. ft.; demolition of an existing greenhouse, wooden nursery structures, animal fences, and temporary structures; and approximately 9,400 cu. yds. of grading.

**Staff Recommendation:** Approval with Conditions

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## SUMMARY OF STAFF RECOMMENDATION

Staff is recommending **approval** of the proposed subdivision, demolition, and grading with special conditions to minimize impacts to sensitive species and water quality. The primary issues raised by this project, as proposed, are related to implementing the conversion of non-prime agricultural land to residential use, potential impacts to water

quality from the proposed grading, and potential impacts to sensitive species from proposed on-site tree removal.

The subject site is a 4.06 acre lot located approximately one-quarter of a mile east of Interstate-5 and one-quarter of a mile north of Via de la Valle. The site has traditionally been used for both residential and light agriculture uses, such as nurseries and animal husbandry, but not row farming or raising of crops. The site does not contain prime agricultural lands, and is designated as Estate-Residential (ER) in the certified LUP; thus, the land use is planned for residential development. Each of the proposed lots meets the requirements of and will retain the ER-2 zoning, and minor agricultural activities will continue to be allowed on the existing parcel and proposed new parcels. The project is infill development, and the area is already served by all utility and sewer connections. No impacts to agricultural productivity will occur.

The site naturally slopes downward from northeast to southwest at less than 25% grade, but also contains approximately 0.1 acre of artificial steep slopes. The applicant is proposing to grade these slopes to create building pads for future single-family residences, which has the potential to impact water quality. In addition, though the subject site is located within a residential neighborhood, there are undeveloped, steep slopes less than 600 feet to the east of the site. As the applicant is proposing the removal of existing, non-native trees, the project has the potential to impact nesting birds.

To address these potential adverse impacts, **Special Conditions 2 and 3** require the applicant to submit grading and erosion control plans to avoid and minimize potential impacts to water quality, and **Special Condition 4** requires a pre-construction survey for active bird nests prior to the commencement of construction activities to avoid potential impacts to sensitive species. As conditioned, no impacts to coastal resources are anticipated.

Commission staff recommends **approval** of coastal development permit application 6-16-0498 as conditioned.

The standard of review for the subject development is the Chapter 3 Policies of the Coastal Act. The Solana Beach LUP is used as guidance.

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## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 6-16-0498 subject to the conditions set forth in the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in conditional approval of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

### Resolution:

*The Commission hereby approves coastal development permit 6-16-0498 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

This permit is granted subject to the following 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 of 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.

### III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Final Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit for review and written approval of the Executive Director, final site plans for the proposed home that have first been approved by the City of Solana Beach. Said plans shall be in substantial conformance with the plans submitted with this application by Pasco Laret Suiter & Associates dated May 26, 2016.

The permittee shall undertake 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. **Construction Grading Runoff Plan. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicants shall submit to the Executive Director for review and written approval, a final Construction Grading Runoff plan that has been approved by the City of Solana Beach. At a minimum, the plan shall demonstrate that the development complies with the following requirements:

- During construction grading, the development shall minimize site runoff and erosion through the use of temporary BMPs, and shall minimize the discharge of sediment and other potential pollutants resulting from construction activities (e.g., chemicals, vehicle fluids, petroleum products, debris, and trash).
- Development shall minimize land disturbance during construction (e.g., clearing, grading, and cut-and-fill) and shall phase grading activities, to avoid increased erosion and sedimentation. Development shall minimize soil compaction due to construction activities, to retain the natural stormwater infiltration capacity of the soil.
- Development shall minimize the damage or removal of non-invasive vegetation (including trees, native vegetation, and root structures) during construction, to achieve water quality benefits such as transpiration, vegetative interception, pollutant uptake, shading of waterways, and erosion control.

- Development shall implement soil stabilization BMPs (such as mulching, soil binders, erosion control blankets, or temporary re-seeding) on graded or disturbed areas as soon as feasible during construction, where there is a potential for soil erosion to lead to discharge of sediment off-site or to coastal waters.
- During construction, development shall avoid the use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, mulch control netting, and silt fences) that incorporate plastic netting (such as polypropylene, nylon, polyethylene, polyester, or other synthetic fibers), in order to minimize wildlife entanglement and plastic debris pollution.
- Conduct fueling and maintenance of construction equipment and vehicles off site if feasible. Any fueling and maintenance of mobile equipment conducted on site shall take place at a designated area located at least 50 feet from coastal waters, drainage courses, and storm drain inlets, if feasible (unless these inlets are blocked to protect against fuel spills). The fueling and maintenance area shall be designed to fully contain any spills of fuel, oil, or other contaminants. Equipment that cannot be feasibly relocated to a designated fueling and maintenance area (such as cranes) may be fueled and maintained in other areas of the site, provided that procedures are implemented to fully contain any potential spills.

The Construction Grading Runoff Plan shall include a construction site map and a narrative description addressing, at a minimum, the following required components:

- A map delineating the construction site, construction phasing boundaries, and the location of all temporary construction-phase BMPs (such as silt fences, inlet protection, and sediment basins).
- BMPs that will be implemented to minimize land disturbance activities, the project footprint, soil compaction, and damage or removal of non-invasive vegetation.
- BMPs that will be implemented to minimize erosion and sedimentation during construction activities, including:
  - (i) BMPs that will be implemented to stabilize soil during construction.
  - (ii) BMPs that will be implemented to control erosion and sedimentation during construction.
  - (iii) A schedule for installation and removal of temporary erosion and sedimentation control BMPs, and identification of temporary BMPs that will be converted to permanent post-development BMPs.

(iv) BMPs that will be implemented to minimize polluted runoff from stockpiling soil and other excavated materials.

(v) A construction phasing schedule, if applicable to the project, with a description and timeline of significant land disturbance activities.

- BMPs that will be implemented to minimize the discharge of other pollutants resulting from construction activities (such as vehicle fluids, asphalt and cement compounds, trash, and debris) into runoff or coastal waters, including:

(i) BMPs that will be implemented to minimize polluted runoff from staging, storage, and disposal of construction chemicals and materials.

(ii) Site management good housekeeping BMPs that will be implemented during construction, such as maintaining an inventory of fuel, lubricants, and chemicals used on site, and having a written plan for the clean-up of spills and leaks.

- BMPs that will be implemented, if needed, to either infiltrate runoff or treat it prior to conveyance off-site during construction.
- A schedule for the inspection and maintenance of construction-phase BMPs, including temporary erosion and sedimentation control BMPs, as needed to ensure that this Coastal Development Permit's water quality requirements are met.

The applicant shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this Coastal Development Permit unless the Executive Director determines that no amendment is legally required.

**3. Post Grading Run-Off Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicants shall submit for the review and written approval of the Executive Director a Post-Grading Runoff Plan which shall address runoff management for individual lot development, giving precedence to onsite runoff infiltration and a Low Impact Development approach to runoff management. The plan shall protect and restore, where feasible, the site hydrology, and preserve or enhance existing vegetation, maintain or enhance onsite infiltration and detention, minimize the introduction of impervious surfaces, and prevent adverse impacts of runoff to off-site areas including adjacent developments, environmentally sensitive habitat areas, and coastal waters. The runoff plan shall address all aspects of runoff that would best be accommodated before individual lot development, while anticipating runoff and water quality best management practices that will be applied on a lot-by-lot basis. The post-grading runoff plan shall demonstrate that the project:

- Minimizes disturbance of coastal waters and natural drainage features; minimizes removal of native vegetation; and avoids, to the extent feasible, covering or compaction of highly permeable soils.
- Preferentially uses Low Impact Development (LID) techniques to retain and disperse runoff on site.
- Uses infiltration to the greatest extent feasible to retain runoff; minimize the addition of impervious surfaces; and disconnect impervious surfaces from the storm drain system by interposing strategically-located pervious areas.
- Directs drainage from all parking areas and driveways, roofs, walkways, patios, and other impervious surfaces to, in order of priority, a) landscaped areas or open spaces capable of infiltration, b) earthen-based infiltration BMPs, c) flow-through biofiltration BMPs.
- Conveys excess runoff off-site in a non-erosive manner.

The Post-Grading Runoff Plan shall include a map, drawn to scale, showing the individual parcel lots and property boundaries, site grading, proposed pad elevations, subdivision and individual lot access routes, runoff flow directions, relevant drainage and water quality features, shared water quality structural best management practices, impervious surfaces, landscape areas, and any other key aspects of the Plan.

**4. Sensitive Species Monitoring. PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES** during bird nesting season (February 1<sup>st</sup> through September 15<sup>th</sup>), a qualified biologist shall conduct a site survey for active nests no more than 72 hours prior to any development. If an active nest of a special-status species or species protected by the federal Migratory Bird Treaty Act (MBTA) or the California Fish and Game Code is located, then a qualified biologist shall monitor the nest daily until project activities are no longer occurring within a distance feet of the nest appropriate to the sensitivity of the species and determined in consultation with the California Department of Fish and Wildlife (typically 300 feet for most species, up to 500 feet for raptors), or until the young have fledged and are independent of the adults or the nest is otherwise abandoned. Limits of construction around active nests shall be established in the field with flagging, fencing, or other appropriate barriers and construction personnel shall be instructed on the sensitivity of nest areas. The monitoring biologist shall halt construction activities if he or she determines that the construction activities may be disturbing or disrupting the nesting activities. The monitoring biologist shall make practicable recommendations to reduce the noise or disturbance in the vicinity of the active nests or birds. This may include recommendations such as (i) turning off vehicle engines and other equipment whenever possible to reduce noise, (ii) working in other areas until the young have fledged, and (iii) utilizing alternative construction methods and technologies to reduce the noise of construction machinery. The monitoring biologist shall review and verify compliance with these avoidance boundaries and shall



verify that the nesting effort has finished in a written report. Unrestricted construction activities may resume when the biologist confirms no active nests are found.

## **IV. FINDINGS AND DECLARATIONS**

### **A. PROJECT DESCRIPTION**

The project consists of subdivision of the lot into a total of seven parcels ranging from 21,985 sq. ft. – 32,714 sq. ft. in size; demolition of an existing greenhouse, wooden nursery structures, animal fences, and temporary structures as well as removal of approximately 27 dead and non-native trees; and approximately 9,400 cubic yards of grading. An existing 1,778 sq. ft. house with a 400 sq. ft. attached garage and two accessory structures totaling 546 sq. ft. will remain on-site at Lot 3 (Exhibit 3). The site naturally slopes downward from northeast to southwest at less than 25% grade, but also contains approximately 0.1 acres of artificial steep slopes. A total of 8,000 cubic yards of cut and 9,400 cubic yards of fill is proposed to create building pads for the new residential lots.

The subject site is a 4.06 acre lot located approximately one-quarter of a mile east of I-5, one-quarter of a mile north of Via De la Valle, just over half of a mile south of Lomas Santa Fe Drive, in the City of Solana Beach, and over a mile from the coast as the crow flies. The site has been previously graded and was recently used for light agricultural uses including an animal and plant nursery. The subject site is surrounded by large-lot residential development; however, there are undeveloped, steep slopes located less than 600 feet to the east of the site. The site is not visible from any surrounding major coastal accessways or recreational areas.

The subject site is currently zoned Estate-Residential 2 (ER-2) and no zoning changes are proposed. Each of the proposed lots will meet all of the City of Solana Beach's setback requirements for front, side, and rear yards.

Construction of new single-family residences is not proposed at this time. Coastal development permit will be required in the future to construct residences and associated improvements.

### **B. CONVERSION OF AGRICULTURAL LANDS/NEW DEVELOPMENT**

Section 30241 of the Coastal Act is applicable and states:

*The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:*

*(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.*

*(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.*

*(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250*

*(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.*

*(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.*

*(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.*

Section 30242 of the Coastal Act states:

*All other [non-prime] lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.*

Section 30250

*(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources....*

The City of Solana Beach's certified Land Use Plan (LUP) also includes applicable policies:

Policy 3.38

*New development shall be sited and designed to minimize impacts to coastal resources by:*

- *Minimizing grading and landform alteration.*

- *Minimizing the removal of natural vegetation, both that required for the building pad or driveway, as well as, the required fuel modification around structures.*
- *Grading for access roads and driveways should be minimized; the standard for new on-site access roads shall be a maximum of 300 feet or one-third the parcel depth, whichever is less. Longer roads may be allowed on approval of the City Council or Commission on appeal, if the determination can be made that adverse environmental impacts will not be incurred. Such approval shall constitute a conditional use to be processed consistent with the LIP provisions...*

Policy 4.7

*New development shall provide adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from increased runoff, erosion, and other hydrologic impacts to streams.*

Policy 4.8

*Land divisions, including lot line adjustments, shall be prohibited unless all proposed parcels can be demonstrated to be safe from flooding, erosion, fire and geologic hazards and will provide a safe, legal, all-weather access road(s), which can be constructed consistent with all policies of the LCP.*

Policy 5.26

*All residential development, including land divisions and lot line adjustments, shall conform to all applicable LCP policies, including maximum density provisions. Allowable densities are stated as maximums. Compliance with the other policies of the LCP may further limit the maximum allowable density of development.*

Policy 5.36

*Land divisions shall be designed to cluster development, including building pads, if any, in order to minimize site disturbance, landform alteration, and removal of native vegetation, to minimize required fuel modification, and to maximize open space.*

Policy 5.37

*The City shall not approve a land division if any parcel being created would not be consistent with the maximum density designated by the LUP map, and the slope density criteria. Land divisions shall not be considered the principal permitted use in any land use category.*

Policy 6.25

*Land divisions, including lot line adjustments, shall be designed to minimize impacts to visual resources by:*

- *Clustering the building sites to minimize site disturbance and maximize open space.*
- *Prohibiting building sites on ridgelines.*

- *Minimizing the length of access roads and driveways.*
- *Reducing the maximum allowable density in steeply sloping and visually sensitive areas.*
- *Minimizing grading and alteration of natural landforms.*
- *Landscaping or revegetating all cut and fill slopes, and other disturbed areas at the completion of grading.*
- *Incorporating interim seeding of graded building pad areas, if any, with native plants unless construction of approved structures commences within 30 days of the completion of grading.*

The subject site does not contain any prime agricultural lands, nor are there agricultural uses on adjoining properties at this time, according to the California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) and Important Farmland Finder. Furthermore, San Diego County's Assessor's Office has confirmed the subject site does not currently and has never been subject to a Williamson Act contract. Although the conversion of the site to non-agricultural uses would not represent a reduction in prime agricultural lands, the loss of any agricultural land represents a cumulative impact on the region's agricultural productivity as a whole.

However, the site is surrounded by residential uses and the proposed project will remain consistent with those uses. The site has traditionally been used for both residential and light agriculture uses such as nurseries and animal husbandry, but not row farming or raising of crops. The site is designated for Estate-Residential (ER) in the certified LUP; thus, the land use is planned for residential use. There is no change of zoning or use being proposed, and minor agricultural activities will continue to be allowed on the existing parcel and future parcels.

Significantly, under Section 30242, implementing the conversion of this site to non-agricultural use is consistent with Section 30250, in that the project consists of infill development. The area is already served by all utility and sewer connections. Further, the subject site is surrounded by existing residential development on lots similar in size. Each lot for the project has been sited and designed to conform to all applicable LUP policies, such as maximum densities, setback requirements, and lot size. Additionally, the layout of the subdivision minimizes grading consistent with LUP Policies 3.38 and 6.25. The project will be compatible with adjacent development and will not affect any adjacent agricultural uses, if any.

In conclusion, the Commission finds that implementing the conversion of this property from agricultural to non-agricultural use is consistent with the cited provisions of the Coastal Act. Concentrating urban development is required under Coastal Act when feasible and as consistent with policies addressing biological resources, water quality, and public access. Therefore, the Commission finds the proposed development, as conditioned, consistent with Sections 30242 and 30250 of the Coastal Act, as well as applicable policies of the LUP.

## C. BIOLOGICAL RESOURCES

Section 30240 of the Coastal Act states:

*(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.*

The City of Solana Beach's certified Land Use Plan (LUP) also includes applicable policies:

*Policy 3.51: New development shall be sited and designed to preserve oak, sycamore, alder, willow, toyon, or other native trees that are not otherwise protected as ESHA. Removal of native trees shall be prohibited except where no other feasible alternative exists. Structures, including roads or driveways, shall be sited to prevent any encroachment into the root zone and to provide an adequate buffer outside of the root zone of individual native trees in order to allow for future growth.*

*Policy 3.52: New development on sites containing native trees shall include a tree protection plan.*

The majority of the subject site has been developed or disturbed as part of the existing residence, farm, and nursery operations that support numerous non-native ornamental trees, shrubs, and herbs as well as structures such as greenhouses, horse stables, and animal pens. The project site is not mapped as Environmentally Sensitive Habitat Areas (ESHA) in the City of Solana Beach's certified LUP, and the Mitigated Negative Declaration (MND) that was prepared for the proposed project confirms that there is no sensitive vegetation on site.

However, the applicant is proposing to remove approximately 27 on-site trees. The majority of the 27 trees have been identified as non-native (primarily eucalyptus); however, there are some dead and dying native trees which will be removed as well. The MND determined that avian nests and eggs may be impacted by the removal of on-site, mature trees. To avoid impacts to avian nests or eggs, the MND requires that the applicant conduct a site survey 72 hours prior to construction activities during the nesting season (February 1<sup>st</sup> – September 15<sup>th</sup>), and if any active nests are detected, the area would be flagged and mapped on the construction plans with a minimum of a 25-foot buffer, a maximum of a 300-foot buffer, and the area will be avoided until the nesting cycle is complete. Likewise, **Special Condition 4** requires a site survey not more than 72 hours prior to construction during nesting season, as well as similar monitoring and mitigation measures if nesting birds are present.

Additionally, there are two native, healthy Torrey Pine trees on-site, which are not proposed to be removed. While the Torrey pine is a California endemic species listed as fairly endangered by the California Native Plant Society (CNPS), it is not a federal or state listed endangered or threatened species. The applicant has submitted a tree protection plan, indicating these Torrey Pines and their root systems will be preserved in compliance with Solana Beach's Policies 3.51 and 3.52. Thus, as proposed by the applicant and as conditioned, no sensitive biological resources will be adversely impacted, consistent with Section 30240.

#### **D. WATER QUALITY**

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.*

Policy 3.38 of the City of Solana Beach's certified Land Use Plan (LUP) states:

*New development shall be sited and designed to minimize impacts to coastal resources by: ...*

- *Limiting earthmoving operations during the rainy season to prevent soil erosion, stream siltation, reduced water percolation, and increased runoff.*
- *Prevent net increases in baseline flows for any receiving waterbody.*
- *Minimizing impacts to water quality.*

The applicant is proposing 8,000 cu. yds. of cut and 9,400 cu. yds. of fill, which has the potential to adversely impact water quality if construction activities result in erosion and uncontrolled runoff. **Special Condition 2** requires the applicant to submit a Construction Grading Runoff Plan, and **Special Condition 3** requires a Post-Grading Runoff Plan for review and written approval of the Executive Director. The Construction Grading Runoff Plan requires the use of temporary BMPs to minimize site runoff and erosion during grading. The Post-Grading Runoff Plan requires the applicant to address runoff with a Low Impact Development (LID) approach that emphasizes the use of natural drainage features and earthen-based infiltration BMPs. As conditioned, the proposed development will serve to reduce any impacts to water quality from the project to less than significant levels. The Commission finds that the project is consistent with Section 30231 of the Coastal Act and the LUP policies that prevent impacts to water quality, as conditioned.

## **E. PUBLIC ACCESS/CIRCULATION**

Section 30210 of the Coastal Act states:

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30211 of the Coastal Act states:

*Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first lone of terrestrial vegetation.*

Section 30253 states, in part:

*The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisitions and development plans with the provision of onsite recreational facilities to serve the new development.*

Policy 5.35 of the City of Solana Beach's certified Land Use Plan (LUP) states:

*Land divisions shall be designed to minimize impacts to coastal resources and public access...*

The proposed project consists of the subdivision of a single, residential lot into a total of seven (7) residential lots ranging in size from 21,985 sq. ft. to 32,714 sq. ft. The site is located east of I-5 and over a mile from the coast. The project site is not within walking distance of the beach and there are no major public recreational facilities in the area that could be impacted by an overflow of vehicles from the development. The Mitigated Negative Declaration prepared by the City of Solana Beach for the project indicates that the average daily trips (ADT) generated by the proposed development will be less than the current ADT, since the site will no longer be operating as a commercial facility.

Thus, the project, as proposed, will not increase traffic, nor will it impact circulation in the area. Therefore, the proposed project will not have an adverse impact on public access consistent with the public access policies of the Coastal Act and Solana Beach's certified LUP.

## **G. 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 location of the proposed residential project is designated for Estate-Residential 2 (ER-2) in the City of Solana Beach certified LUP, for which the principal use is single-family residences (0-2du/ac), with minor animal and nursery activities also permitted. As proposed, the development is consistent with the density limitations, building setbacks, parking requirements, height limits and resource protection provisions of the City's zoning and land designation. As described in the above findings, the proposed development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. Therefore, the Commission finds the proposed development, as conditioned, will not prejudice the ability of the City of Solana Beach to complete a certifiable local coastal program.

## **H. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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 that would substantially lessen any significant adverse effect that the activity may have on the environment.

The City of Solana Beach prepared a Mitigated Negative Declaration (SCH# 2016021014) to evaluate the potential environmental consequences associated with the project and found that a tree protection plan, a biological survey for nesting bird activity, and water quality construction BMP mitigation measures were necessary to minimize potential adverse impacts to biological resources and water quality.

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 erosion, water quality, and potential impacts to sensitive species will avoid and 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.

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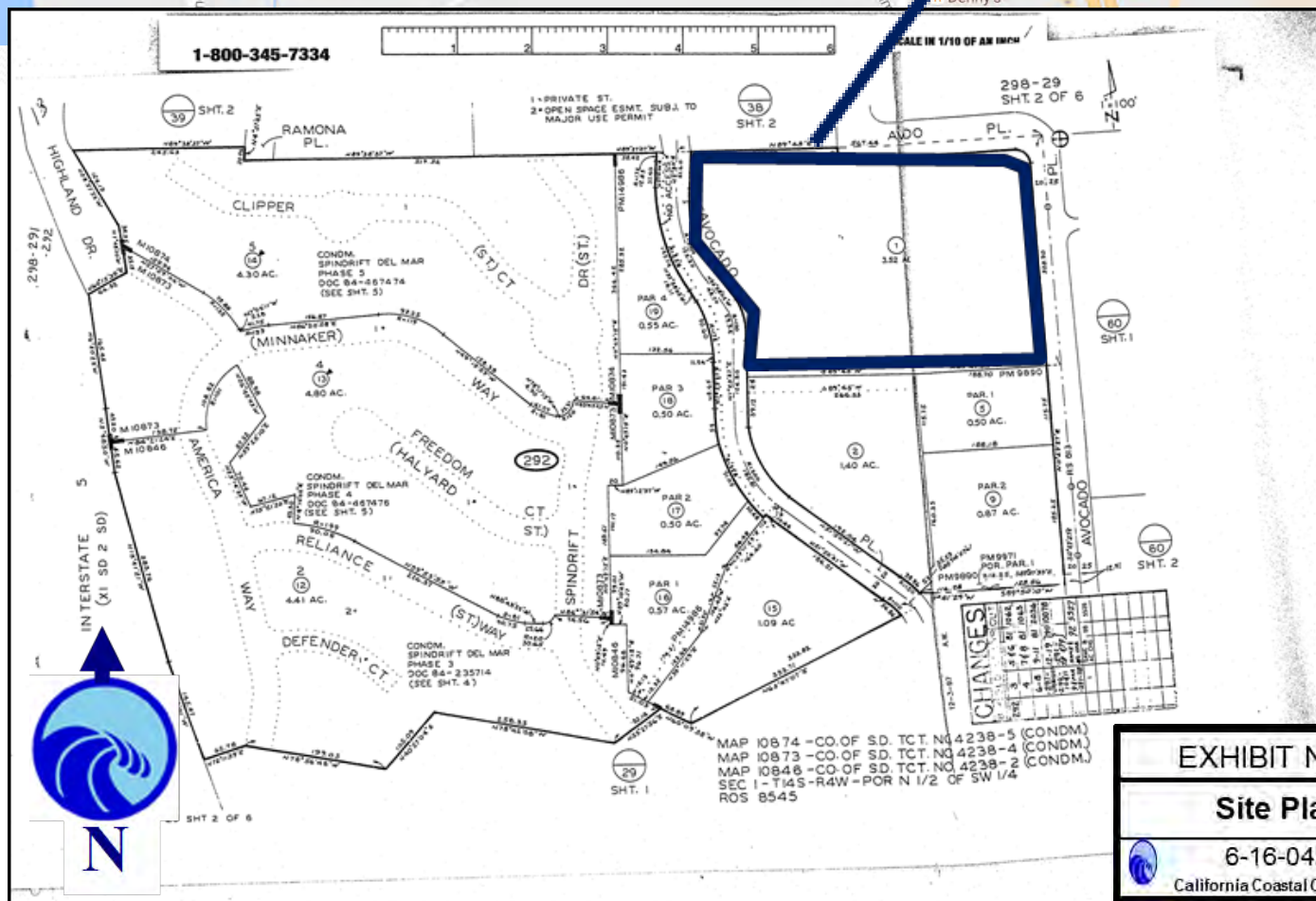
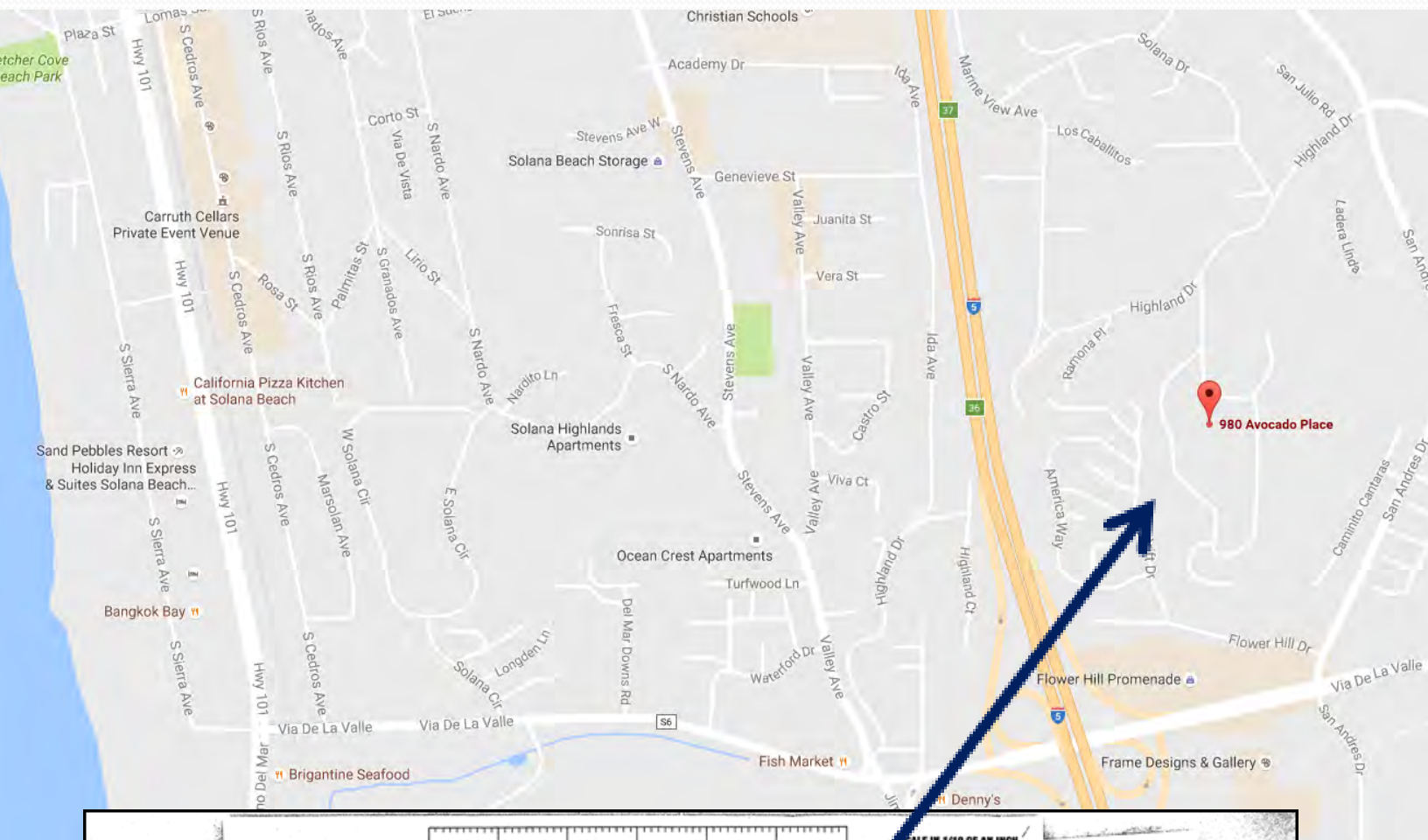
## APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

City of Solana Beach certified Local Coastal Program Land Use Plan

California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program: <http://www.conservation.ca.gov/dlrp/fmmp>. Map: [ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2012/sdg12\\_w.pdf](ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2012/sdg12_w.pdf)  
Accessed August 26, 2016.

California Department of Conservation, Important Farmland Finder:  
<http://maps.conservation.ca.gov/ciff/ciff.html>  
Accessed September 6, 2016.

# SITE MAP





# AERIAL VIEW

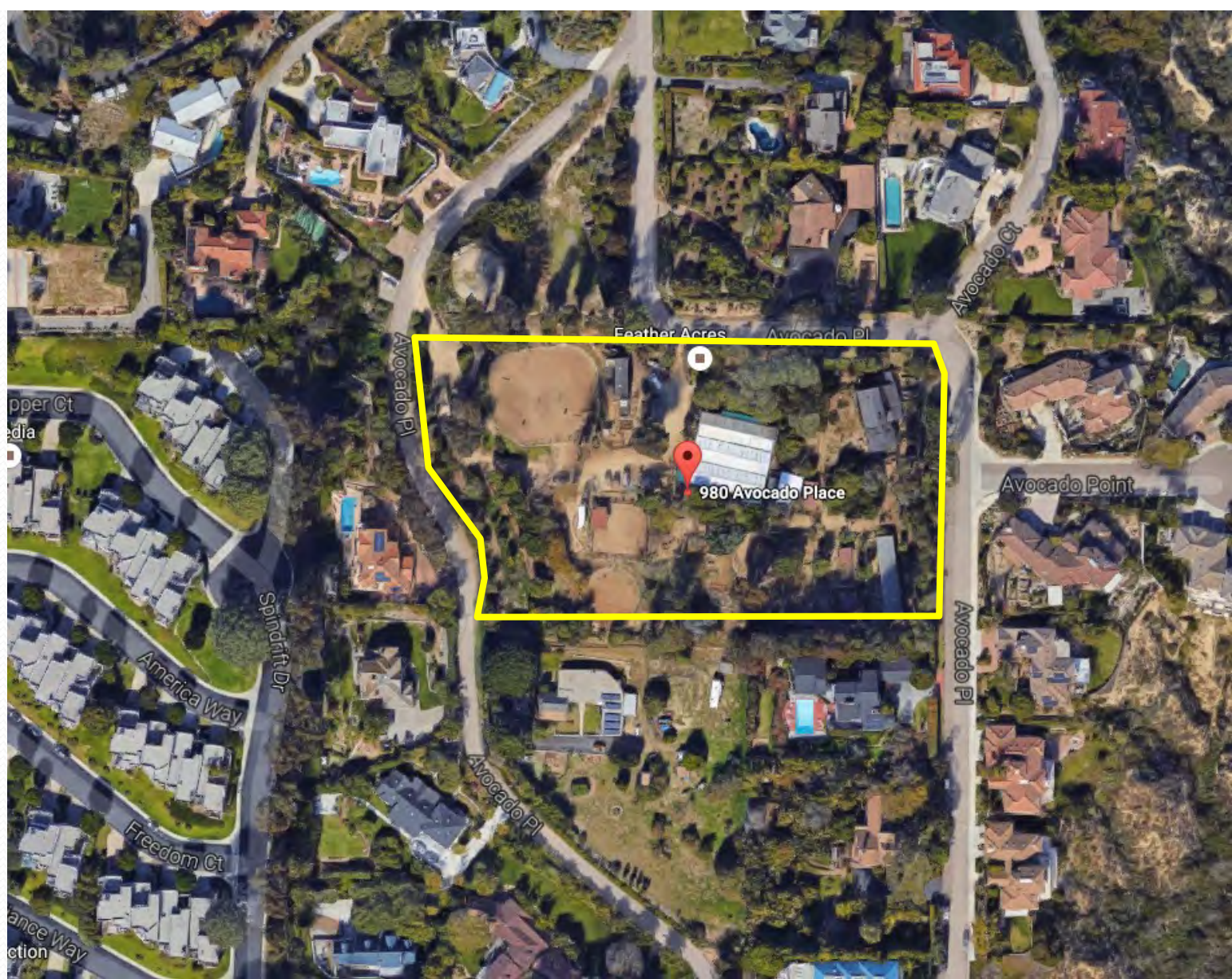


EXHIBIT NO. 2	
Aerial View	
	6-16-0498 California Coastal Commission

# SITE PLAN

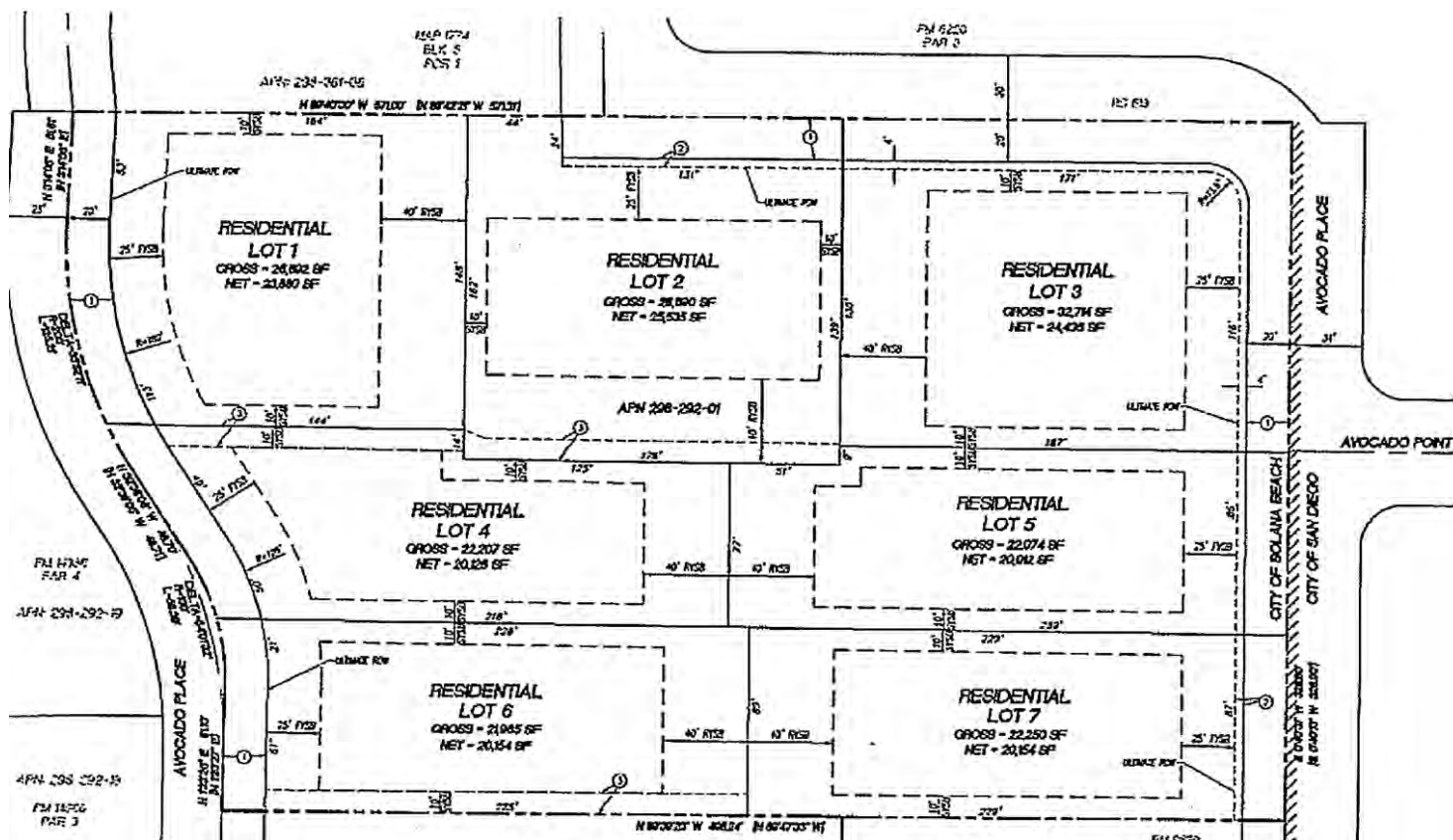


EXHIBIT NO. 3

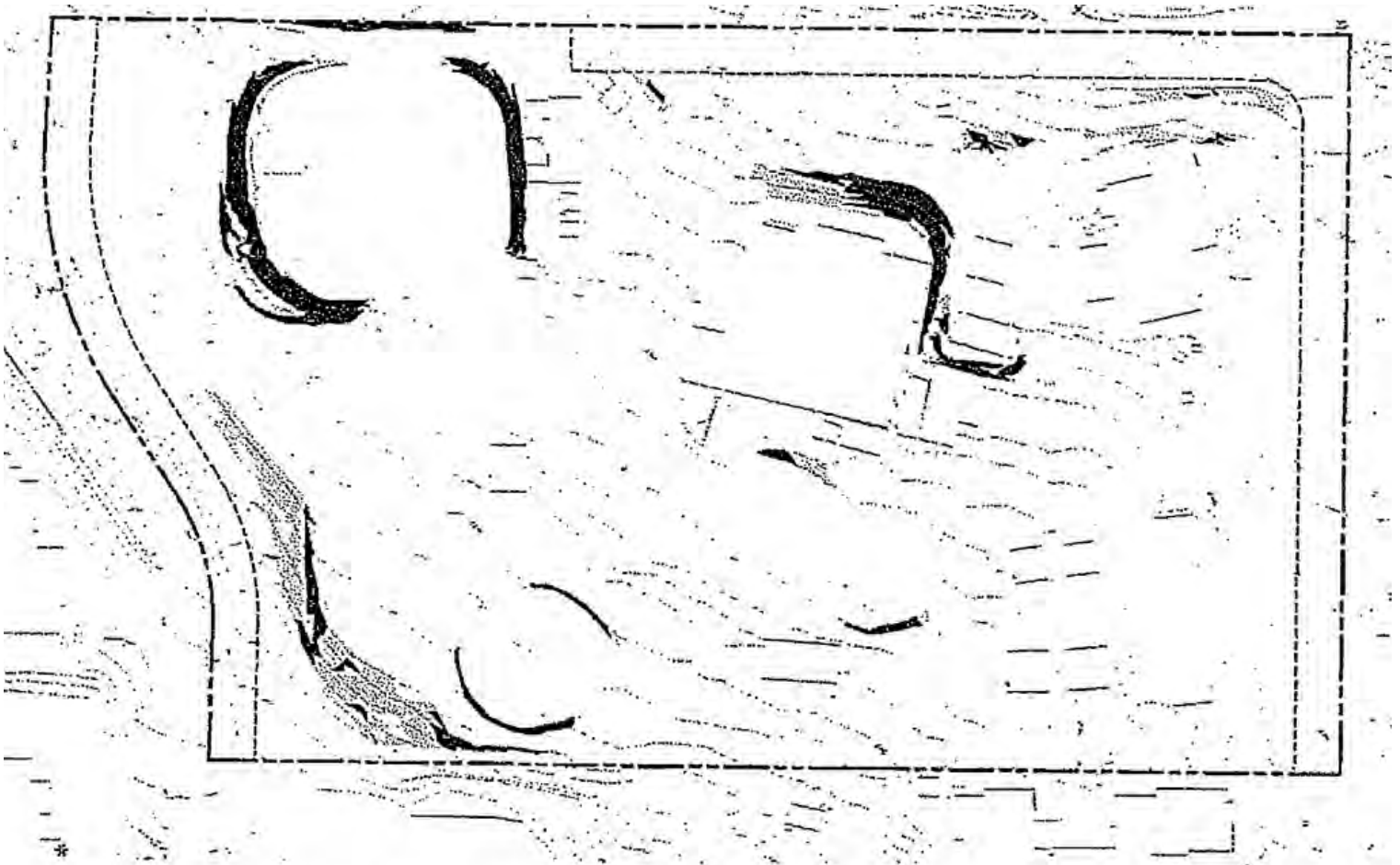
Site Plan

6-16-0498

California Coastal Commission



# SLOPES ANALYSIS



**TOTAL GROSS LOT AREA = 408 ACRES**

**TOPO SOURCE**

AERIAL PHOTOGRAPHY DATED SEPTEMBER 2014



LESS THAN 25% SLOPE  
AREA = 341 AC  
84% OF THE TOTAL AREA

Slopes Less Than 25%



25% TO 40% SLOPE  
AREA = 63 AC  
15% OF THE TOTAL AREA

Slopes Btwn. 25% - 40%



GREATER THAN 40% SLOPE  
AREA = 81 AC  
21% OF THE TOTAL AREA

Slopes Greater than 40%

5  
30



EXHIBIT NO. 4

**Slopes Analysis**



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California Coastal Commission