

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
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# Thu 13d

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49th Day: May 25, 2006  
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Staff: Gary Cannon-SD  
Staff Report: June 22, 2006  
Hearing Date: July 12-14, 2006

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-06-40

Applicant: George and Janet Hoover

Description: Substantial demolition of existing single-family residence and construction of an approximately 4,651 sq. ft. home with approximately 756 sq. ft. attached garage and pool on an approximately 12,236 sq. ft. lot. The project also involves the removal of a spa, concrete patio and fencing improvements and restoration of the area with native vegetation on an adjacent parcel that is within the property boundary of San Elijo Ecological Reserve.

Lot Area	12,236 sq. ft.
Building Coverage	3,696 sq. ft. (30%)
Pavement Coverage	3,924 sq. ft. (32%)
Landscape Coverage	4,616 sq. ft. (38%)
Parking Spaces	2
Zoning	Low Residential (3 du/ac)
Plan Designation	Low Residential
Ht abv fin grade	25 feet

Site: 628 Canyon Place, Solana Beach. APN 263-221-17

STAFF NOTES:

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 of the Coastal Act.

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 tone color. 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.

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Substantive File Documents: City of Solana Beach General Plan; DRP/SDP #17-05-25; 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; 6-00-11/MacLeod; and 6-04-37/Edwards

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I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

**MOTION:**     *I move that the Commission approve Coastal Development Permit No. 6-06-40 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 the City of Solana Beach. Said plan shall be developed in consultation with the California Department of Fish and Game and include the following:

- a. A plan showing the type, size, location of all landscape species to be retained, removed or planted on site and shall include, at a minimum, the planting of 3 trees (24-inch box or 5-foot trunk height minimum) or 3 similarly sized plants (which at maturity will exceed the roofline of the structure) to be located adjacent to the residence in a manner so as to maximize screening and to break up the facade of the structure from views from San Elijo Lagoon and Interstate 5.
- b. A 100 ft. brush management zone shall be established as measured from the proposed residence. All plant species within the outer 70 ft. of the 100 ft. brush management zone and/or any proposed landscaping on the adjacent State property shall be native and non-invasive; no brush management is proposed in this outer 70 ft. area. The landscape palate within the inner 30 ft. of the 100 ft. brush management zone adjacent to the residence shall emphasize the use of drought-tolerant native species, but use of drought-tolerant, non-invasive ornamental species is allowed as a small garden component. The only brush management authorized within this 30 ft. zone is the removal of dead non-native material and the trimming of an orange tree. (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).
- c. A planting schedule that indicates that the planting plan shall be implemented within 60 days of completion of the 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 legally 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 color boards. Any proposed changes to the approved color board shall be reported to the Executive Director. No changes to the color board 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. 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 legally 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. Open Space Restriction. No development, as defined in section 30106 of the Coastal Act shall occur in the area generally described as steep slopes of 25% grade or greater located on the eastern portion of the subject site as depicted in an exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit except for:

- a. The removal of dead plant materials and replacement with fire-resistant, drought-tolerant, non-invasive native plants.

**PRIOR TO ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOI FOR THIS PERMIT**, the applicant shall submit for the review and approval of the Executive Director and, upon such approval, for attachment as an Exhibit to the NOI, a formal legal description and graphic depiction of the portion of the subject property affected by this condition, as generally described above and shown on Exhibit #3 attached to this staff report.

6. Final Removal/Restoration Plans. **PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for review and written approval of the Executive Director, final removal/restoration plans for the proposed work involving the removal of private improvements (spa, fence and hardscape) and the planting of native plant species on the parcel owned by the State of California and managed by the Department of Fish and Game (Ref. parcel #263-280-43) which lies on the north side of the subject property. Said plans shall first be stamped approved by the California Department of Fish and Game and shall include the following:

- a. Identification of all existing improvements to be removed and a description of the manner in which the improvements will be removed so as not to damage the inland bluff. The use of heavy equipment within 10 ft. of the inland bluff edge is prohibited.
- b. The existing improvements to be removed shall be disposed of in an approved landfill.
- c. A detailed landscape plan consistent with the requirements of Special Condition #1 of this permit.
- d. No grading is permitted other than for filling in the spa proposed for removal and for preparing the area for planting.

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.

7. Deed Restriction. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, 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 substantial demolition of an existing one-story approximately 2,018 sq. ft. single-family residence with detached two-car garage and construction of a two-story approximately 4,651 sq. ft. single-family residence including an attached approximately 656 sq. ft. garage and pool on an approximately 12,236 sq. ft. lot. In addition, the applicant proposes to demolish an existing spa, fence and hardscape improvements that were constructed by a previous owner on the adjacent public property to the north, which lies within San Elijo Lagoon Ecological Reserve and is owned by the State of California. After removal of these unpermitted improvements, the applicant is proposing to plant the area with drought-tolerant, native species.

The residential development will involve approximately 70 cu. yds. of grading with approximately 21 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 disposal, if necessary. The project site is located on Canyon Drive on an inland hillside in Solana Beach overlooking San Elijo Lagoon Ecological Reserve to the north and west, and Interstate 5 to the northeast.

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. Resource Protection. The following Coastal Act policy is applicable to the proposed development:

**Section 30240.**

(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 northern and eastern sides of subject site lie between 15 to 45 ft. from steep vertical slopes that slope down into the San Elijo Lagoon Ecological Reserve. San Elijo Lagoon is an environmentally sensitive habitat area and Regional Park that is managed jointly by the California Department of Fish and Game and the San Diego County Parks and Recreation Department. In addition, San Elijo Lagoon is one of the 19 priority wetlands listed by the State Department of Fish and Game for acquisition. The lagoon provides habitat for at least five State or Federal-listed threatened or endangered birds that include the California least tern, the light-footed clapper rail, Belding's savannah sparrow, the brown pelican and the western snowy plover. As such, potential adverse impacts on sensitive resources as a result of activity surrounding the lagoon could be significant.

Coastal Act section 30240 was implemented in the County of San Diego Local Coastal Program (used for guidance in the City of Solana Beach) through the Coastal Resource Protection (CRP) overlay zone. The CRP regulations restrict development of naturally vegetated steep slopes to maintain the visual and habitat values of coastal areas, to maintain natural landforms and to avoid grading and sedimentation impacts on sensitive lagoon resources located downstream. The CRP designator also triggers the Scenic Area regulations in the County LCP. The subject site is located within both the CRP overlay of the County of San Diego LCP and the City of Solana Beach's Hillside Area overlay. Section 30240 of the Coastal Act requires that new development avoid impacts and significant disruption to environmentally sensitive habitat areas (ESHA).

Portions of the proposed residence will be sited approximately 16 ft. closer to San Elijo Lagoon Ecological Reserve than the existing residence. As such, there is concern that any necessary brush management required by the Fire Department for the new development could adversely affect habitat if it involved removal or cutting of significant vegetation. In such cases, the Commission would typically require that the applicant examine alternatives to the design of the development so as to avoid the additional brush management requirements. However, in this case, the fire department has determined no additional brush management will be required. The current site plan indicates the proposed residence will be setback at least 15 feet from the inland bluff edge on its east side (adjacent to another residence located below) and approximately 42 to 48 ft. from

the inland bluff edge on the north side adjacent to San Elijo Lagoon. The Fire Department has indicated that because the north and eastern sides of the proposed residence are faced by near vertical escarpments, the property owner will not be required to perform work within the typical 100 ft. wide brush management zone. The fire department has indicated that any brush fire within the lagoon would be directed up the steep escarpment in a way that does not directly threaten the residence. In addition, the fire department asserts that in this case there will be adequate "defensible space" in the remaining upland area between the residence the inland bluff face to protect the residence. The only brush required to be removed for fire safety purposes for the proposed development involve the removal of a small amount of dead non-native vegetation that lies on the east side of the residence and trimming of an existing orange tree that is adjacent to the residence. Aside from these minor measures, no other form of brush management is requested or approved as part of the subject development. Special Condition #1 identifies that if the landscape plan or brush management plan is revised in the future, the applicant will be required to submit an amendment application for Commission review and approval. Therefore, as conditioned, the proposed development will not result in increased impacts to ESHA due to brush management requirements.

Although the proposed development will not result in impacts to ESHA resulting from brush management requirements, new landscaping that might occur as part of the residential improvements could impact the habitat of San Elijo Lagoon if invasive species were allowed to propagate on the site. On similar projects surrounding San Elijo Lagoon approved by the Commission, the applicants have been prohibited from the use of invasive species and have been required to plant only drought-tolerant, native and non-invasive plant species. Over time these conditions have proven difficult for applicants since a strict interpretation would mean a home owner would be prohibited from planting roses or other garden plants although such plants do not have the potential of adversely affecting the habitat of the San Elijo Lagoon Ecological Reserve. The California Invasive Plant Council advocates the use of drought-tolerant, non-invasive plants on residential properties such as the subject property and does not suggest using only native plants. In this case, the Commission finds that some non-native, non-invasive species can be permitted, at least in the area near the residence. Special Condition #1 has been attached which requires the use of only drought-tolerant, non-invasive species within 30 ft. of the proposed residence. The Executive Director of the San Elijo Lagoon Conservancy supports the proposed allowance of non-invasive ornamental plants within 30 ft. perimeter of the proposed residence. In addition, if the fire department should require the planting of fire resistant plant species in place of the non-native dead material that is required for removal on the east side of the residence, Special Condition #1 requires that the area only be re-planted with native or non-invasive species. Special Condition #1 also requires any area beyond 30 ft. from the residence that is proposed for landscaping shall be restricted to native, drought-tolerant and non-invasive species. Special Condition #1 also prohibits the use of rodenticides and pesticides, and requires that all plantings be maintained.

As previously described, the applicant is also requesting authorization to remove a spa, fence and hardscape improvements that were previously constructed (without permits)



within San Elijo Lagoon Ecological Reserve and re-plant the area with native plants. The work to restore the area to its natural state was a requirement by the City in its permitting of the home. The property is owned by the State of California and managed by the California Department of Fish and Game. The Dept. of Fish and Game's manager of San Elijo Lagoon Ecological Reserve has expressed verbal concurrence with the proposal. Special Condition #1 requires that a final landscape plan for the subject development including this offsite location be reviewed and approved by the Fire Department and the City of Solana Beach and that it be developed in consultation with the Dept. of Fish and Game. In addition, Special Condition #6 requires that prior to issuance of the permit, the applicant submit final plans for all restoration work proposed on the adjacent State land and that the plans be approved by the Dept. of Fish and Game. The condition prohibits grading of the site (except for fill of the spa area) and prohibits the use of heavy equipment within 10 ft. of inland bluff edge. To assure that the inland bluff edge is not compromised or damaged, the plan must identify measures for removal of any fencing or other structures in a way that will not damage the natural bluff. With review and approval by the Dept. of Fish and Game and submission of final plans for review and approval by the District Director, the Commission can be assured that the work done on State property will not adversely affect the resources of the Ecological Reserve.

Finally, Special Condition #7 requires the applicant to record a deed restriction imposing the conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. This restriction will serve to notify future owners of the sensitive nature of the slopes, the permitted brush management requirements, and the other terms and conditions of the permit.

In summary, as conditioned, the proposed project is designed to prevent adverse impacts to the resources within San Elijo Lagoon Ecological Reserve and, therefore, the Commission finds that the subject proposal is consistent with Section 30240 of the Coastal Act.

3. 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 and Interstate 5. The site is located within the Prime Viewshed overlay area identified in the County of San Diego Local Coastal Program, 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. The proposed development is consistent with the surrounding pattern of development.

Because of the visibility of the site and the proposed residence from off-site scenic public areas, there is a need to assure that the measures are incorporated into the project that serve to reduce its visibility. 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 or other comparably sized vegetation will be provided and maintained around the residence. However, given the vegetated nature of the area, which creates a dark green and brown landscape, if the exterior of the proposed residence were to be colored white or other bright colors, the house would contrast significantly with the surrounding natural hillside, causing the house to be visually prominent on the hillside. 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.

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; 6-00-11/MacLeod; and 6-04-37/Edwards). 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, consistent with Section 30251 of the Coastal Act.

In addition, as previously described, the subject development site is surrounded on its northern and eastern sides by steep vertical slopes that remain in their natural vegetated state. These natural landforms represent a significant visual amenity as seen from within public areas of San Elijo Lagoon and along Interstate 5. The Coastal Resource Protection policies of the previously certified County of San Diego LCP that were used as guidance in this area restricted development of naturally vegetated steep slopes to maintain their visual and habitat values. The steep slopes on the north side of the subject development site lie within San Elijo Lagoon on property that is owned by the State of California and managed by the Dept. of Fish and Game which offers protection against encroachment by development. However, on the eastern side of the subject site, there remains a small section of steep slopes that are visible from Interstate 5 which should be protected from future development. As such, special Condition #5 has been attached to require that all steep slopes of 25% grade or greater that lie on the subject property be placed within restricted open space which would prohibit all future development including removal of vegetation except for the necessary brush management that is authorized as part of the subject request or any future approved amendment.

Therefore, with special conditions relating to landscaping and colorizing, 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.

4. 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 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 #1 requires the installation of drought tolerant, non-invasive landscaping on the site. Special Condition #3 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.

5. 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, as

conditioned, will not prejudice the ability of the City of Solana Beach to prepare a certifiable Local Coastal Program.

6. 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 use of native and non-invasive plant species, 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 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.

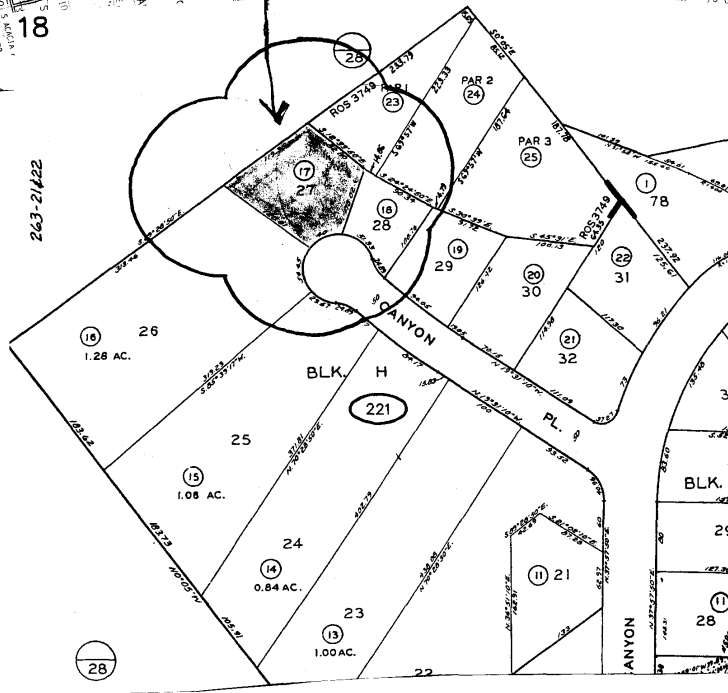
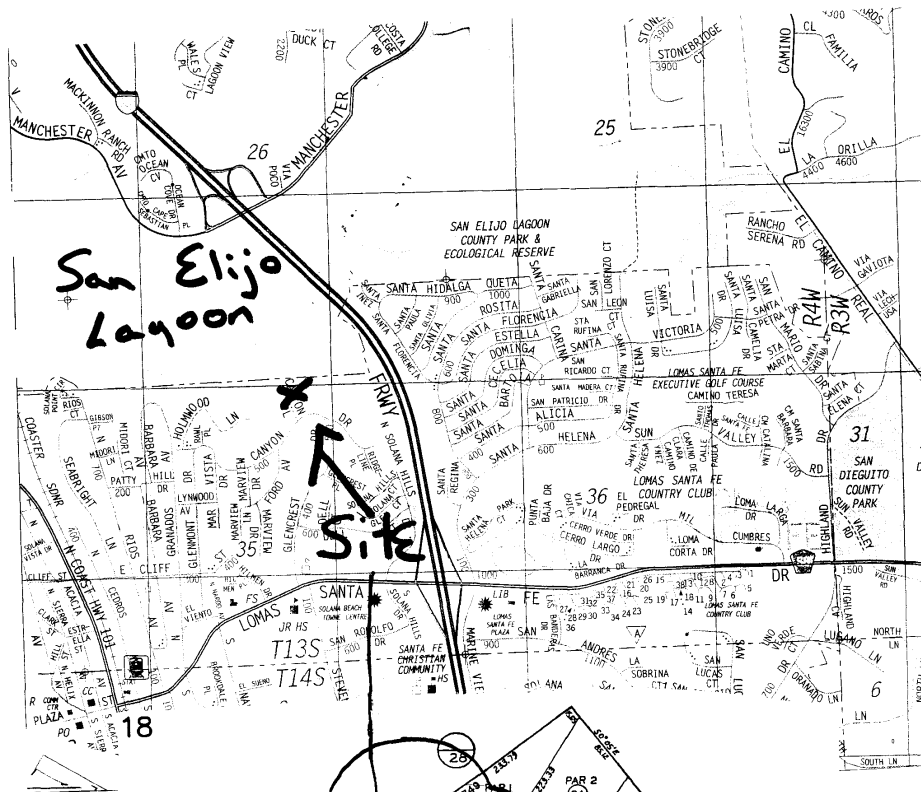


EXHIBIT NO. 1  
APPLICATION NO.  
**6-06-40**  
Location Map  
California Coastal Commission

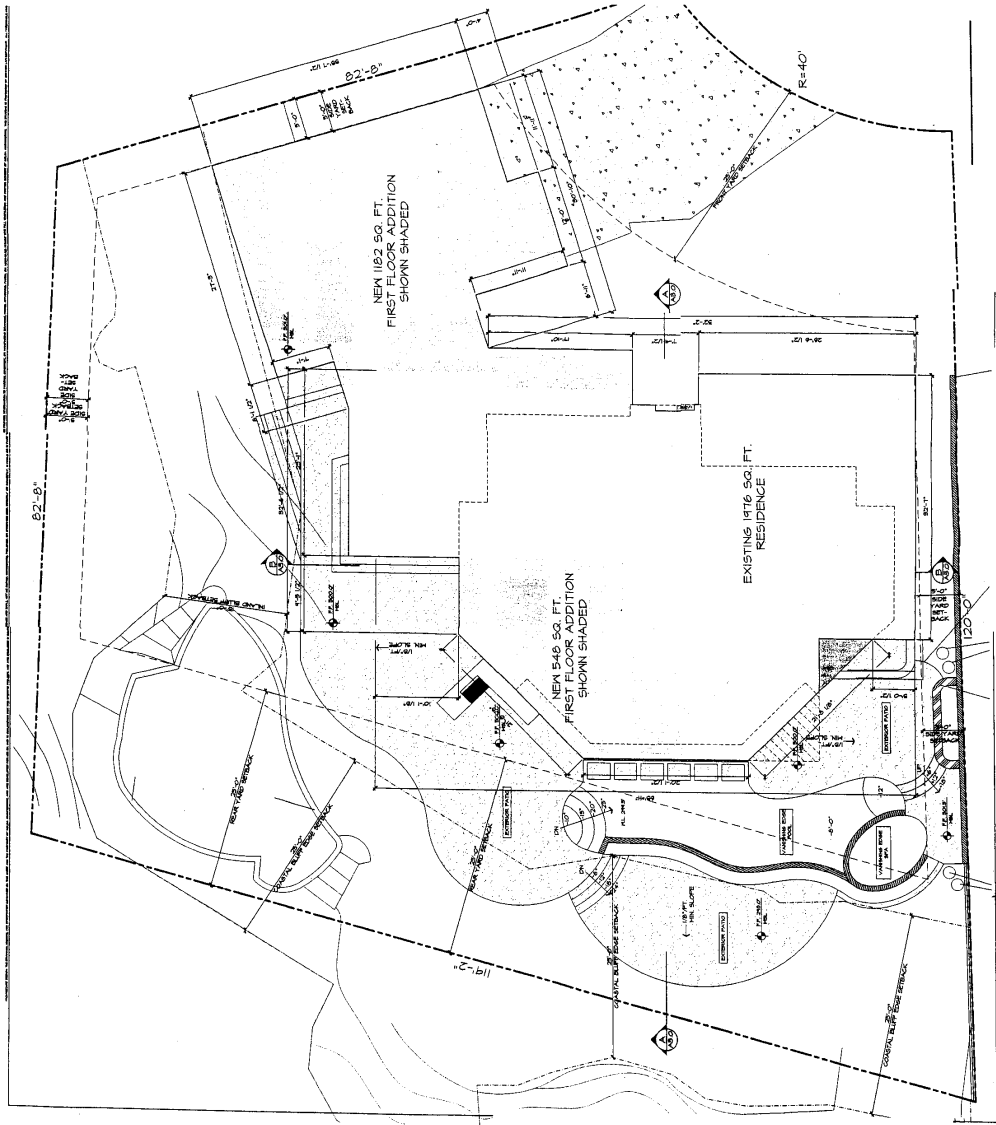
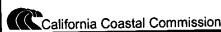
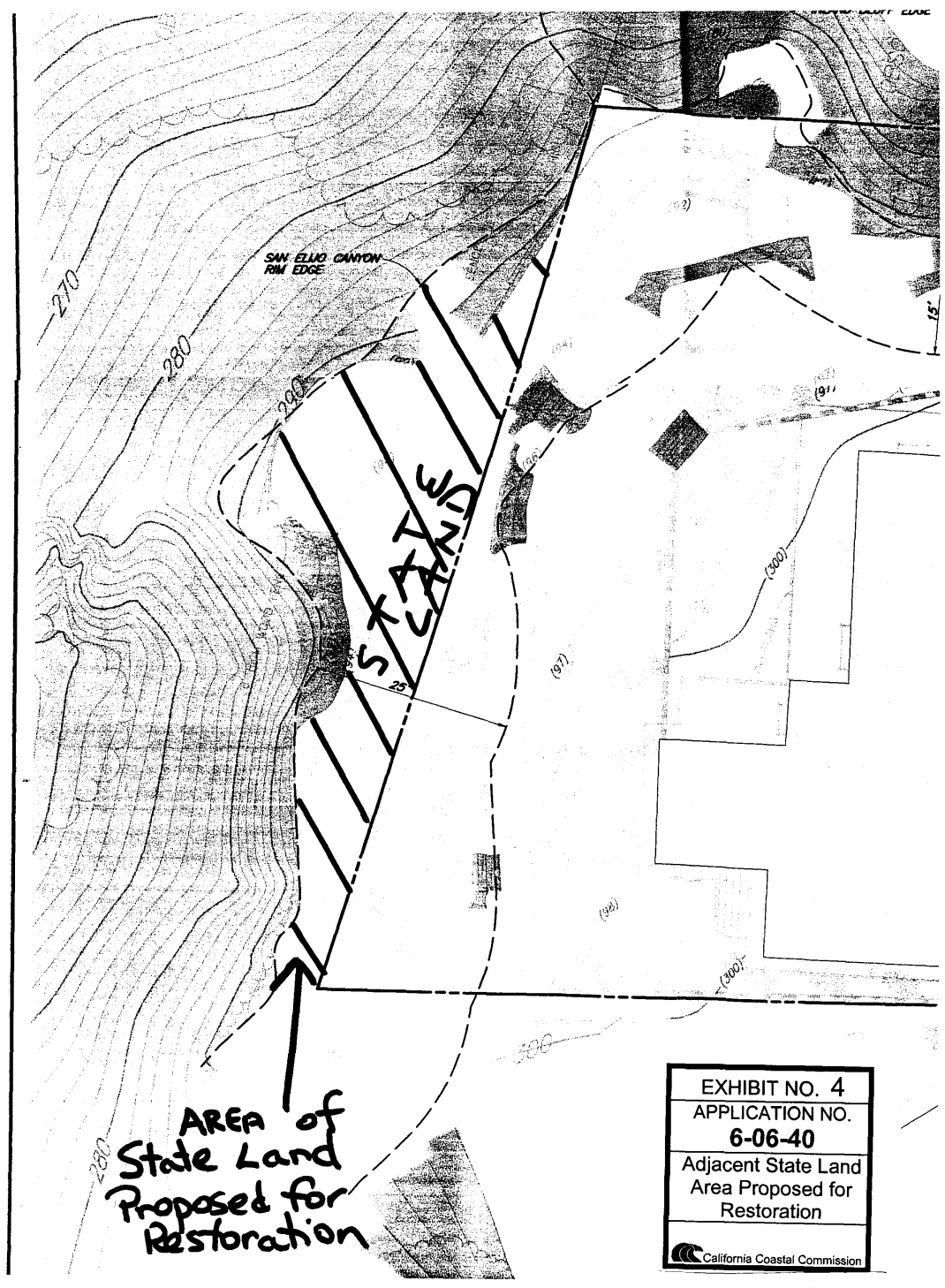


EXHIBIT NO. 2
APPLICATION NO.
<b>6-06-40</b>
Site Plan
 California Coastal Commission





AREA of  
State Land  
Proposed for  
Restoration

EXHIBIT NO. 4
APPLICATION NO. <b>6-06-40</b>
Adjacent State Land Area Proposed for Restoration
 California Coastal Commission