

**CALIFORNIA COASTAL COMMISSION**

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



# Th7b

Filed: December 21, 2007  
 49th Day: February 8, 2008  
 180th Day: June 18, 2008  
 Staff: D. Lilly-SD  
 Staff Report: April 15, 2008  
 Hearing Date: May 7-9, 2008

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-07-112

Applicant: Michael J. Hall                      Agent: Sean Santa Cruz

Description: Construction of a 4,998 sq.ft., 3-level plus subterranean garage/basement, single-family residence.

Lot Area	8,712 sq. ft.
Building Coverage	3,672 sq. ft. (42%)
Pavement Coverage	1,269 sq. ft. (15%)
Landscape Coverage	3,381 sq. ft. (39%)
Unimproved Area	390 sq. ft. ( 4%)
Parking Spaces	5
Zoning	ER -2b
Plan Designation	Estate Residential (0-2 du/ac)
Project Density	1
Ht abv fin grade	25 feet

Site: 1128 Solana Drive, Solana Beach, San Diego County. APN 289-371-27

Substantive File Documents: City of Solana Beach General Plan and Zoning Ordinance; Staff Reports for CDP #6-86-249, #6-87-246, #6-88-514; #6-99-45.

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**STAFF NOTES:**

**Summary of Staff's Preliminary Recommendation:** Staff is recommending approval of the proposed development. The primary issue raised by the proposal is the proposed encroachment into 240 sq.ft. of Southern Maritime Chaparral for a small portion of the house and a proposed new drainage swale around the perimeter of the house. However, the Commission's staff ecologist has determined that the relatively small, isolated area of Southern Maritime Chaparral on the lot that will be impacted by the proposed development is not ESHA. The new drainage swale will help alleviate existing drainage problems that have resulted in sediment overflowing onto Solana Drive and impacting nearby downstream residences and water quality. To offset the loss of native vegetation,

the applicant has proposed revegetating a small portion of disturbed habitat surrounding the existing lot with southern maritime chaparral.

Special Conditions require placement of open space over the revegetated area, and recordation of a deed restriction requiring a permit for all future improvements within the area currently designated as open space by the City of Solana Beach and the homeowners association, to ensure no impacts to this area occur. Final landscaping plans and drainage plans are also required.

Standard of Review: 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.

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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. 6-07-112 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. Final Plans. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for review and written approval by the Executive Director, final site and building 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 ABPA Architects dated 5/29/07.

a. No structures, fencing, grading, clearing of vegetation, brush management, ornamental landscaping or other improvements are permitted in the area generally described as outside of the existing graded pad on Lot 10 of Solana Hills Estate, and in the open space area approved by the City of Solana Beach for APN #289-371-27 on January 12, 1989, with the exception of a brow ditch (see Exhibit #2).

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. Final Drainage Plan. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, a final drainage and runoff control plan documenting, graphically and through notes on the plan, that 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.

3. Future Development Restriction. This permit is only for the development described in coastal development permit No. 6-07-112. Pursuant to Title 14 California Code of Regulations section 13250(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(a) shall not apply to the development governed by coastal development permit No. 6-07-112. Accordingly, any future improvements to the single family house authorized by this permit, shall require an amendment to Permit No. 6-07-112 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

4. Open Space Restriction. No development, as defined in section 30106 of the Coastal Act shall occur in the area generally described as the area outside lot APN #289-371-27-10 proposed for revegetation 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 planting and maintenance of native southern maritime chaparral vegetation.

**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 #6 attached to this staff report.

5. Deed Restriction. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant 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.

6. Landscape Plans: By acceptance of this permit, the applicant agrees to the following:

- a. Native Southern Maritime Chaparral shall be planted in the areas shown on Exhibit #6 of this permit.
- b. Landscaping on the site shall emphasize the use of drought-tolerant native species. 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.
- c. The planting plan shall be implemented within 60 days of completion of construction.

- d. 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.
- e. Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.
- 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.

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. Disposal of Graded Soils. By acceptance of this permit, the applicant agrees to either dispose of the graded soils outside of the coastal zone, or, 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.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. The proposed project is construction of a 4,998 sq.ft., 25 ft.-high, 3-level plus subterranean garage/basement, single-family residence on a 8,712 sq. ft. lot east of Interstate 5 in the City of Solana Beach. The subject parcel is part of 7.85-acre 10-unit planned residential development (PRD) approved by the Commission in December 1988 that created the subject Lot 10 and included grading and site preparation (CDP #6-88-514/Solana Hills Estates). Eight of the residential development pads were sited on the mesa top off of San Julio Road, and two lots, 9 and 10, were sited at the base of the slope taking access off of Solana Drive. Nine of the ten sites have been developed with single-family residences. The subject site is the last remaining vacant lot in the PRD.

The residential development will involve exporting approximately 840 cubic yards of material off-site. Since the applicant has not identified the location of the proposed export location, Special Condition #7 has been attached which requires that if the

disposal site is within the coastal zone, the applicant must obtain or provide evidence of a coastal permit authorizing its disposal, if necessary.

The subject parcel has been the subject of numerous coastal development permits. The Commission approved the following permits prior to 1988: CDP #6-83-652 for the construction of a 15-unit Planned Residential Development and miscellaneous improvements; CDP #6-86-249 for grading and construction of 15 condominium units and tennis court; and CDP #6-87-246 for a 15-unit Planned Residential Development, site preparation and construction of an access road. Each of these permits was allowed to expire without any development occurring.

However, as a condition of approval for CDP #6-87-246, both the City of Solana Beach and the Commission imposed restrictions on the developable area of the project site and required that the steep, naturally-vegetated portions of the site be protected through an open space deed restriction, which was subsequently recorded.

As noted, after each of these three permits expired, development on the site did eventually occur through CDP #6-88-514, which divided the site into 10 residential lots, including the subject Lot 10, although the entire parcel remained in common ownership. As part of the local project approval, the City of Solana Beach required that a revised open space deed restriction be placed on the property that was more protective of the naturally vegetated steep slopes than the one that had previously been approved by the Commission as part of CDP #6-87-246. Thus, the Commission also required that a new open space deed restriction be recorded which would mirror exactly the portions of the property restricted by the City. This second deed restriction was also recorded, superseding the previous one (see Exhibit #3).

Since the 1988 approval of CDP #6-88-514, the Commission has approved the construction of individual residences within the PRD. As these individual permit applications were reviewed, comparisons of the plans approved with CDP #6-88-514 and the as-built plans for individual lots revealed that many portions of the parcel were not graded consistent with CDP #6-88-514, and that revisions were made to the approved open space deed restrictions. The open space originally required by the Commission followed a contour line; a third deed restriction had been recorded applying the open space around a lot line established for each home site (see Exhibit #4). In some cases, this resulted in minor amounts of grading taking place in the required, approved open space area.

During the review and analysis of a previous development application for a property in the subdivision, Commission staff contacted the City of Solana Beach in order to determine the City's records of open space on the site. The City stated that their records show that the open space deed restriction for the subdivision that was recorded pursuant to CDP #6-88-514 was subsequently revised without the Commission's approval, but with the approval of the City.

In the case of the subject lot, the approved project, based on CDP #6-88-514, only permitted grading on portions of the slopes flatter than 25% grade; however, a larger area than that has been graded. However, some non-steep portions of the slopes not included in the Commission-approved open space restriction were included in the revised open space deed restriction approved only by the City. The grading on the site is therefore consistent with the deed restriction approved only by the City but inconsistent with the Commission's previously required deed restriction.

It is unclear why or how the boundaries of the open space area were revised other than the fact that such a revision was never approved by the Commission. The subdivision has been the subject of numerous problems in past years and the property was sold several times due to bankruptcies of previous owners. As a result of a foreclosure, each lot was sold off individually and has been receiving individual coastal development permits.

In the review of these permits, while the inconsistencies have been noted between the approved building pad and open space and the as-built development, the residential development proposed has generally been confined to the building pads as graded. However, in the case of the proposed project, construction of the subject residence as proposed would require grading beyond the existing graded pad and brow ditch located at the edge of the pad.

In 1996, the Commission approved CDP #6-96-20, for a re-subdivision of the entire 7.85-acre parcel to allow conversion of the condominium form of development to fee simple ownership with retention of the open space parcel adjacent to the mesa top lots in common interest ownership, and deletion of common interest ownership of the open space adjacent to the two lower lots 9 and 10. At that time, the Commission required recordation of the revised open space boundary, as originally approved only by the City, as a condition of approval. However, the deed restriction was never recorded, and the permit expired. In September 2000, the Commission approved a new application for the same conversion of ownership over the parcel, and again required recordation of the open space as revised. This permit was also allowed to expire without the deed restriction being re-recorded.

Therefore, at this time, the entire subdivision is still in common ownership, and the two violations of CDP #6-88-514 continue to occur. One is the recordation of an open space deed restriction that supersedes, and conflicts, with the deed restriction required by CDP #6-88-514 and the other is the grading of building pads which has occurred inconsistent with the grading plans approved by CDP #6-88-514.

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 since then, the City of Solana Beach incorporated. 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.

2. Unpermitted Development. Although development in the form of a revised open space deed restriction and grading has taken place without the benefit of a coastal development permit, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred, nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit.

3. Biological & Scenic Resources. Section 30240 of the 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.

Section 30251 of the 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.

Section 30253(1) states:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

The project site is located at the base of a large steep slope facing Interstate 5. The subject site has been rough graded, and a brow ditch constructed around the perimeter of the pad. It appears that the building pad was graded based upon the unapproved open space deed restriction. The graded building pad is not identical to the grading approved by CDP #6-88-514, and encroaches slightly into some of the open space required by that permit. However, the encroachment is minor, and some areas outside of the graded pad that were originally anticipated to be developed have been left undisturbed and included in the (unapproved) open space.

However, as proposed, a portion of the existing brow ditch would be relocated into the steep slopes. A slope and vegetation analysis submitted by the applicant indicates that

the proposed project would encroach 140 sq.ft. into steep slopes, and 240 square feet into Southern Maritime Chaparral native vegetation for construction of the new brow ditch (see Exhibit #5). The applicant has proposed revegetating several areas (totaling approximately 250 sq.ft.) around the proposed residence with southern maritime chaparral vegetation to offset the impacts to existing vegetation.

The Commission has historically limited grading of steep slopes to minimize the visual impacts associated with such grading, to preserve the habitat values of significantly vegetated steep slopes areas, and to avoid the increased likelihood of erosion, runoff and sedimentation which can occur when steep slopes are graded. These concerns can be addressed by eliminating or significantly reducing grading on steep slopes. While minor encroachments into steep slopes have been allowed in some instances, where there is the possibility to develop sites without such encroachments, they should be avoided.

In the case of the proposed project, the proposed encroachment would be from construction of a new brow ditch. The applicant has indicated that the existing brow ditch on the site has not been adequately channeling runoff from the surrounding slopes, resulting in sedimentation overflow onto downstream streets. The proposed brow ditch relocation is intended to help alleviate some of these existing drainage problems and the only way to address this is with the proposed minor encroachment into the slope.

The Commission's ecologist has visited the site and determined that the fairly isolated patch of Southern Maritime Chaparral that would be impacted by the proposed development is not an Environmentally Sensitive Habitat Area (ESHA), as the vegetation is patchy and mostly surrounded by development.

The Commission can accept build out of the existing graded pad, although it is not identical to the open space originally required, because it is generally as protective of coastal resources as the original deed restriction. In addition, impacts to native habitat from the proposed brow ditch would be very minor, would be offset by the proposed new native vegetation planted, and would reduce adverse impacts to water quality and downstream resources from sedimentation. Special Condition #1 requires submittal of final plans showing the only encroachment beyond the graded pad allowed is the proposed brow ditch. Special Condition #4 requires the revegetated areas to be placed under an open space restriction (the proposed revegetation area is already within the open space area required by the City of Solana Beach previously, but the Commission was not a party to that action. Native vegetation is an allowed use under the City's restriction).

The potential for additional encroachment into the surrounding vegetation for brush management was also analyzed. In recent years, the issue of fire safety in areas of "wildland/urban interface" has become increasingly pertinent. Local governments and fire departments/districts have become increasingly aware of the need to either site new development away from fire-prone vegetation, or to regularly clear vegetation surrounding existing structures. Since fire department requirements for vegetation thinning and clear-cutting can adversely effect coastal resources, the Commission has in many past actions included a 30-foot brush-management zone around proposed structures

when calculating the amount of proposed encroachment on steep, naturally vegetated-slopes, with the idea that vegetation at least 30 feet from any structure may have to be cleared to meet fire safety regulations.

However, particular fire districts have allowed, in some cases, little or no clear-cutting except immediately around structures, depending on the topography of the site, the incorporation of appropriate construction materials into the proposed development, etc... The Solana Beach Fire Marshal has reviewed the plans for the proposed project and has indicated that in this particular case, because the hillside nearest the structure slopes upwards, such that fire would travel away from the structure, there is no need to do any clearing of vegetation beyond the graded pad. This is consistent with the direction the Fire Department gave on Lot 9, the lot approximately 200 feet southeast of the subject site and the other lot in the subdivision that takes access off Solana Drive. As such, the native vegetation on the site will not be adversely impacted by any brush-management.

Because the protected open space area on the site is area owned in-common by the homeowners association, the Commission is not requiring that the subject applicant re-record the open space deed restriction that was only approved by the City. Because this is the last lot of the subdivision to develop, there is no need for further Commission enforcement action regarding the deed restriction recorded after the Commission's required deed restriction.

However, in order to maintain the trade-off between the open space that was encroached upon and the area which is preserved under the revised open space deed restriction that was not approved by the Commission, Special Condition #3 requires a restriction which provides that the exemptions to coastal development permits otherwise provided in Public Resources Code section 30610(a) shall not apply to development located outside of the 8,798 sq.ft. graded pad area owned by the applicant and shown on Exhibit #2 of coastal development permit No. 6-07-112. In this manner, normally exempt activities may still occur on the site, as long as they are located within the previously disturbed graded pad. Special Condition #5 requires the permit be recorded as a restriction against the deed of the site to ensure future owners will be aware of the permit conditions and restrictions.

New landscaping that might occur as part of the residential improvements could impact the surrounding native habitat if invasive species were allowed to propagate on the site. Therefore, Special Condition #6 has been attached which prohibits the use of invasive plants. Special Condition #6 also prohibits the use of rodenticides that contain anticoagulant compounds, because of the impact these can have on animals as the poison moves through the food chain, and requires that all plantings be maintained.

The slope above the site is visible from I-5, but the site itself is not visible from any scenic areas. The proposed home will be similar in size and character to other homes in the surrounding area. The open space restriction on the site will protect the natural vegetation and landform around lot. Therefore, the proposed project can be found

consistent with the scenic and natural resource protection policies of Chapter 3 of the Coastal Act.

4. Runoff/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.

In order to reduce the potential for adverse impacts to water quality resulting from drainage runoff from the proposed development, Special Condition #2 is attached. The condition 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 runoff through landscaping is a well-established BMP for treating runoff from developments such as the subject proposal. As conditioned, the proposed development will serve to reduce any impacts to water quality from the project to insignificant levels, and the Commission finds that the project is consistent with Section 30231 of the Coastal Act regarding the protection of water quality.

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 the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The site is designated Residential with a maximum allowable density of 2 dwelling units per acre in the City of Solana Beach General Plan and Zoning Ordinance, and in the previously certified County of San Diego LCP, which the Commission uses for guidance in review of new development in Solana Beach. The proposed single-family residence will be consistent with the certified County LCP and the City's designation. The site is located within the unsewered overlay identified in the County LCP; however, the site will be fully sewerred, and thus, the provisions of this overlay do not apply. As proposed, the project is consistent with all applicable Chapter 3 policies of the Coastal Act. No adverse impacts to any coastal resources are anticipated as a result of this development, as conditioned. Therefore, the Commission finds the development 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, as conditioned, is consistent with the resource and visual protection policies of the Coastal Act as modified herein. The attached mitigation measures 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, as conditioned to mitigate the identified impacts, 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.

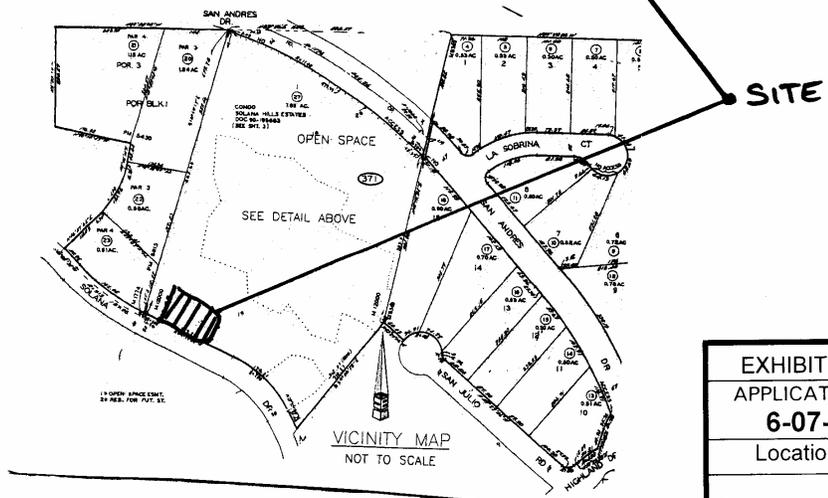
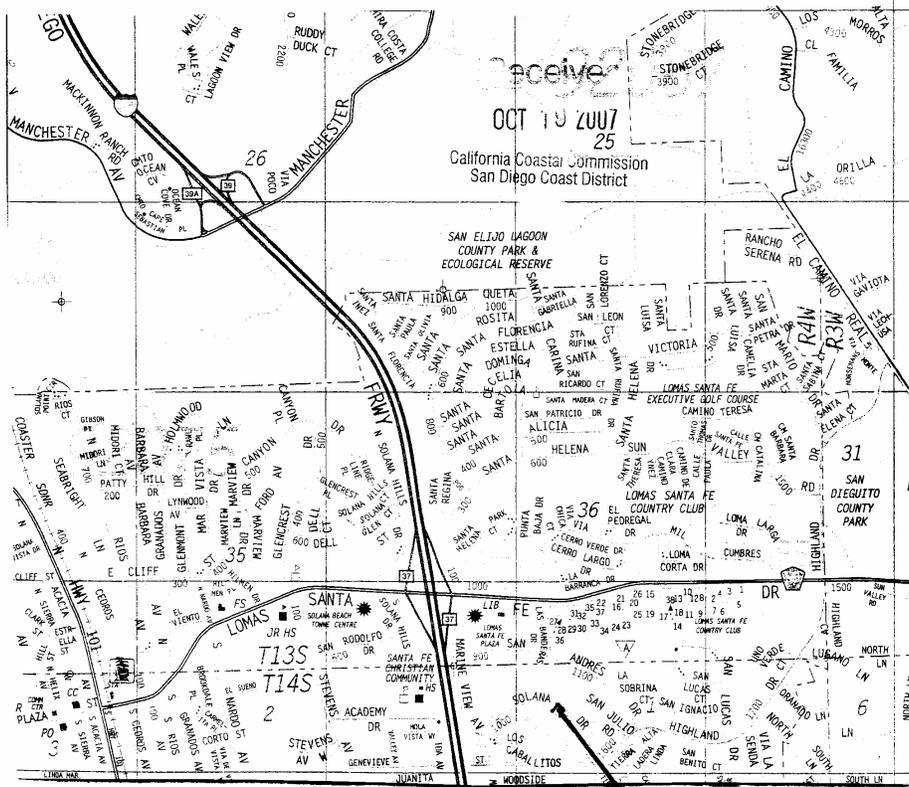


EXHIBIT NO. 1  
APPLICATION NO.  
**6-07-112**  
Location Map



SITE PLAN FOR THE HALL RESIDENCE

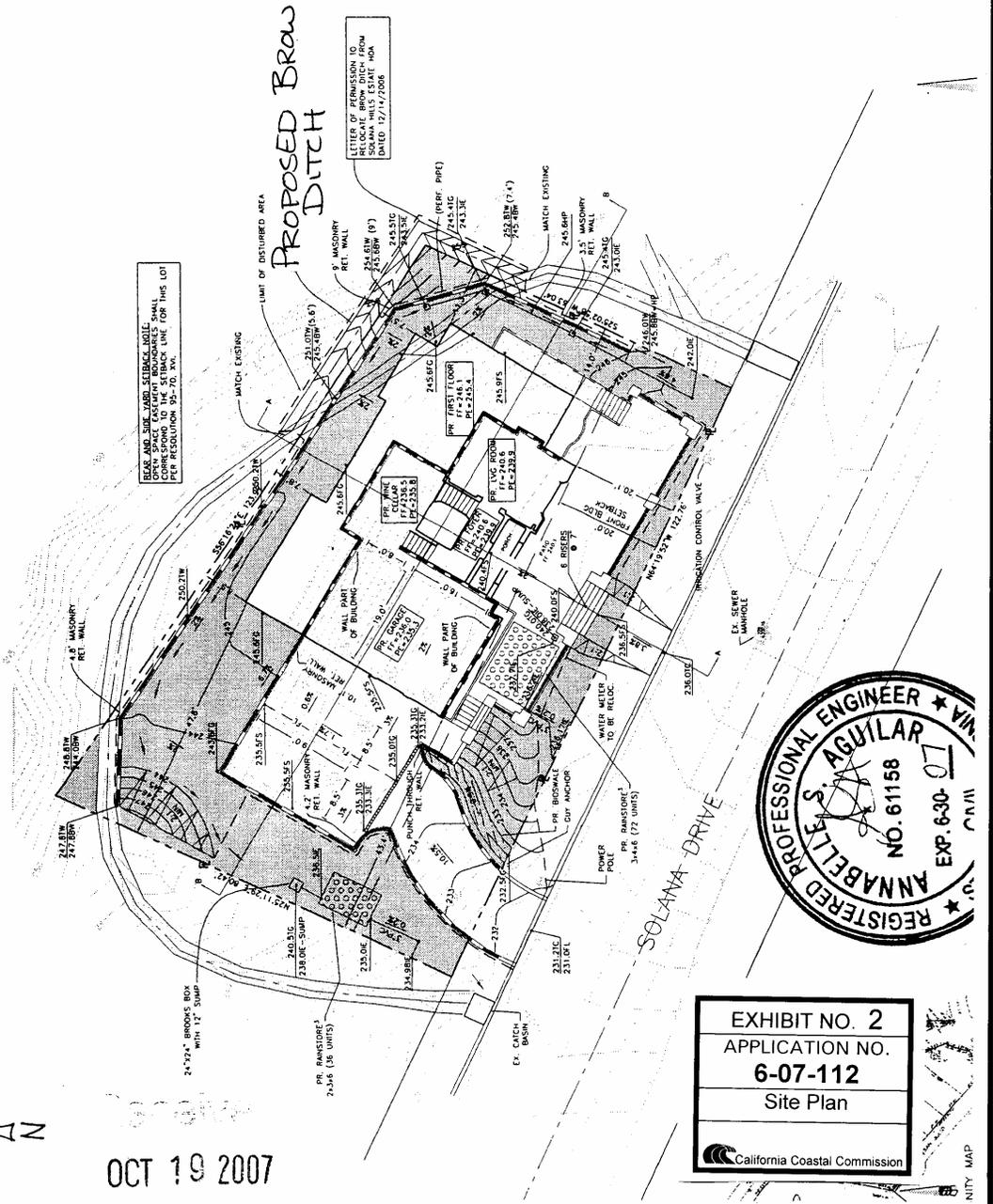
- LEGEND**
- EXIST CONTOUR
  - FINISH CONTOUR
  - FINISH GRADE
  - FINISH FLOOR
  - DRAINAGE SWALE
  - 6" PVC PIPE (UNLESS OTHERWISE N
  - PROPERTY LINE
  - RETAINING WALL (SEPARATE PERMIT)
  - DEFERRED FOOTING
  - SITE PLAN
  - TRENCH DRAIN
  - PROPOSED LANDSCAPE (L381 S)
  - 24"X24" BROOKS BOX WITH 12" SUM
  - 12"X12" BROOKS BOX
  - RAMSTORE<sup>3</sup> UNIT
  - GUEST PARKING SPACES
  - GARAGE PARKING SPACES

1ST FLOOR	251
2ND FLOOR	233
3RD FLOOR	170
TOTAL LIVING SPACE	429
GARAGE	705
2ND FLOOR COVERED PORCH	79 S
3RD FLOOR COVERED PORCH	72 S
2ND FLOOR DECK	120C
3RD FLOOR DECK	209
ROOF DECK	182
NET AND GROSS AREA	0.20

PRELIMINARY ESTIMATED QUANTITIES:  
CUT 900 CY  
FILL 60 CY  
NET 840 CY EXPORT\*  
\*EXHIBIT QUANTITIES ARE ESTIMATE ACTUAL QUANTITIES SHALL BE THE DEC CONTRACTOR.

1128 SOLANA DRIVE  
SOLANA BEACH, CA  
959-511-2710

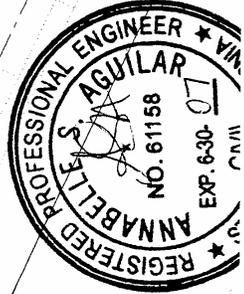
HALLMARK COMMUNITIES  
ATTN: SEAN SANTA CRUZ  
1128 SOLANA DRIVE, SUITE 200  
SOLANA BEACH, CA 92121  
(848) 558-3310



**PROPOSED BRAW DITCH**

LETTER OF PERMISSION TO CONSTRUCTION FROM SOLANA HILLS ESTATE HOME DATED 12/14/2006

BLANK AND SIDE YARD SETBACK WALLS. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SOLANA BEACH PER RESOLUTION 95-70. SW.



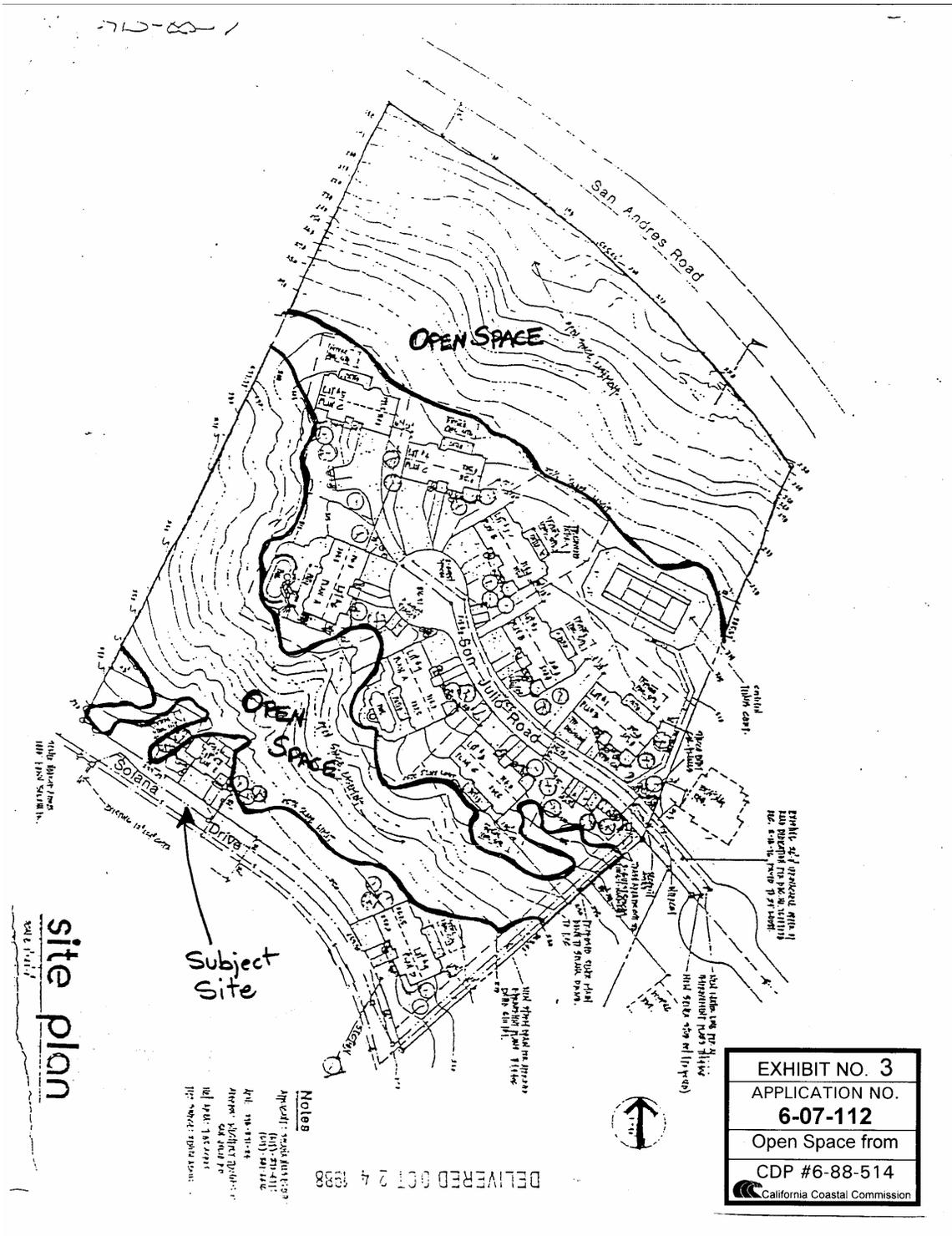
**EXHIBIT NO. 2**  
**APPLICATION NO.**  
**6-07-112**  
**Site Plan**

California Coastal Commission



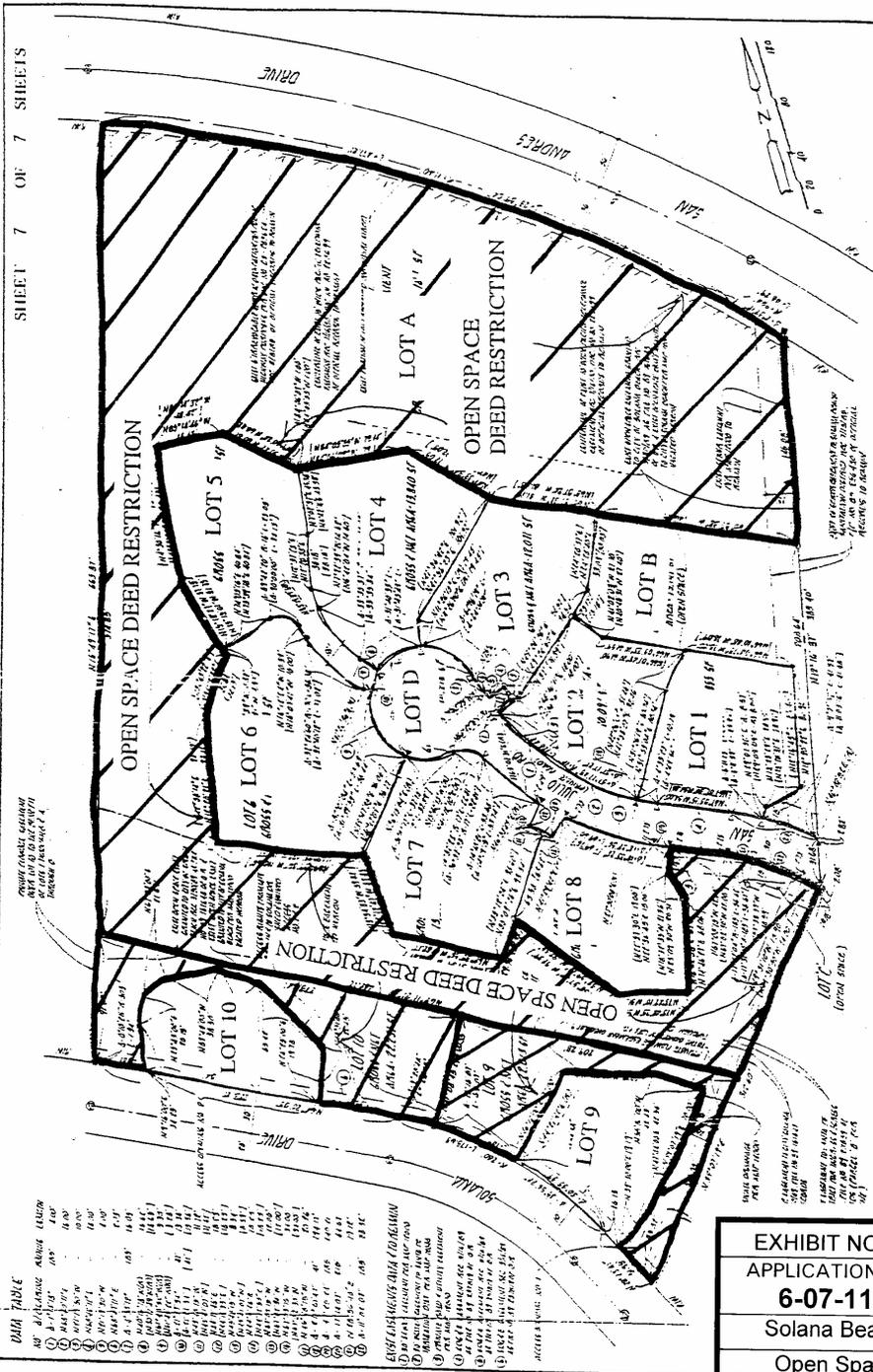
OCT 19 2007

NITY MAP



MAP NO.

SHEET 7 OF 7 SHEETS



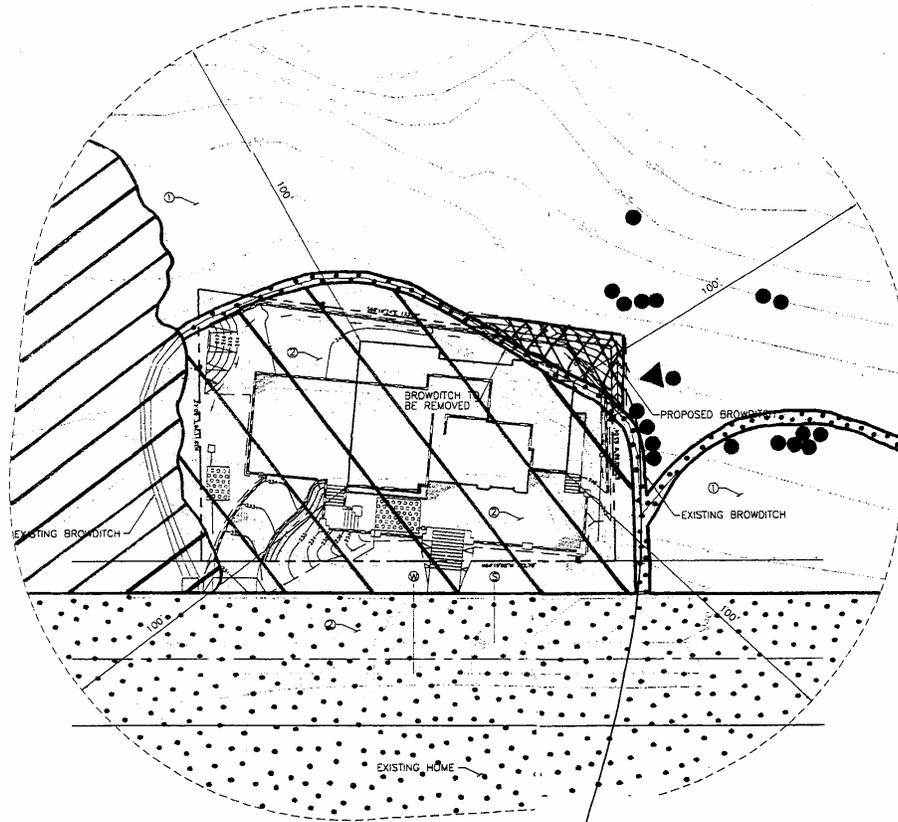
**DATA TABLE**

NO.	ALTERNATE	ANGLE	LENGTH
1	100° 00' 00"	100'	100'
2	100° 00' 00"	100'	100'
3	100° 00' 00"	100'	100'
4	100° 00' 00"	100'	100'
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49	100° 00' 00"	100'	100'
50	100° 00' 00"	100'	100'

**EXHIBIT NO. 4**  
**APPLICATION NO.**  
**6-07-112**  
**Solana Beach**  
**Open Space**  
 California Coastal Commission

FORWARDER THE DESIGN ARCHITECTURE, INC.  
 1000 AVENUE OF THE STARS, SUITE 1000  
 COSTA MESA, CALIFORNIA 92626  
 EXP. 07/11/12 11:59 AM

100 00 74 494



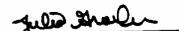
**VEGETATION EXHIBIT**  
Hall Residence Project  
1128 Solana Drive  
APN 298-371-27-10

LEGEND

-  = Southern Maritime Chaparral (Holland Code #37C30)
-  = Non-native Vegetation (Holland Code #11000)
-  = Disturbed Habitat (Holland Code #11300)
-  = Urban/Developed (Holland Code #12000)
-  = White Coast Ceanothus (*Ceanothus verrucosus*)
-  = Torrey Pine (*Pinus torreyana*)

Prepared by:

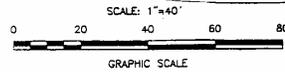
  
VINCENT N. SCHEIDT, MA  
CERTIFIED BIOLOGICAL CONSULTANT

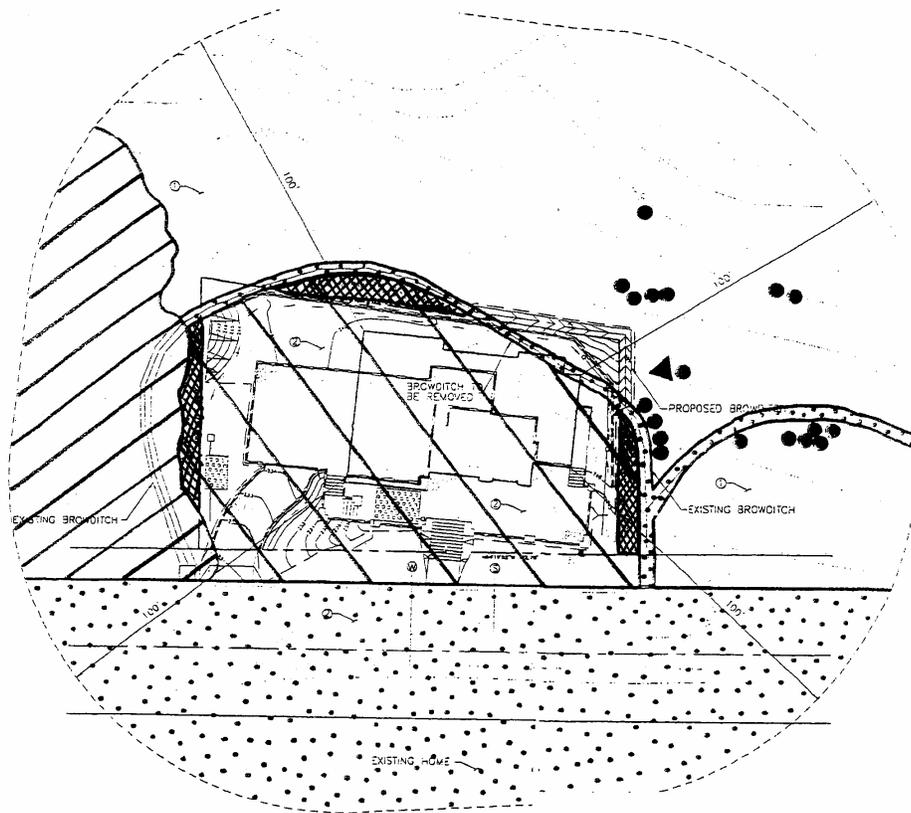
  
JULIA L. GROEBNER, BS  
ASSOCIATE BIOLOGIST

3158 Occidental Street • San Diego, CA 92122 • (858) 457-3873

  
PROPOSED  
ENCROACHMENT

EXHIBIT NO. 5
APPLICATION NO.
6-07-112
Proposed
Encroachment
 California Coastal Commission





**VEGETATION EXHIBIT**

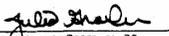
Hall Residence Project  
1128 Solana Drive  
APN 298-371-27-10

LEGEND

-  = Southern Maritime Chaparral (Holland Code #37C30)
-  = Non-native Vegetation (Holland Code #11000)
-  = Disturbed Habitat (Holland Code #11300)
-  = Urban/Developed (Holland Code #12000)
-  = White Coast Ceanothus (Ceanothus verticillatus)
-  = Torrey Pine (Pinus torreyana)

Prepared by:

  
VINCENT N. SCHEIDT, MA  
SENIOR BIOLOGICAL CONSULTANT

  
JULIA L. GRACENER, BS  
ASSOCIATE BIOLOGIST

3158 Deciduous Street • San Diego, CA 92102 • (619) 457-1373



REVEGETATE WITH SOUTHERN MARITIME CHAPARRAL NATIVE MIX PER APPROVAL OF COASTAL COMMISSION & SOLANA HILLS ESTATE HOA. THIS WILL BE INCLUDED AS A GENERAL LANDSCAPE CONDITION ON PERMIT.

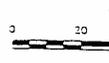


EXHIBIT NO. 6
APPLICATION NO. <b>6-07-112</b>
Revegetation Open Space
 California Coastal Commission