

CALIFORNIA COASTAL COMMISSION

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



W12c

Filed: 3/24/15
180th Day: 9/20/15
Staff: K. Robinson-SD
Staff Report: 4/30/15
Hearing Date: 5/13-15/15

STAFF REPORT: REGULAR CALENDAR

Application No.: 6-15-0077

Applicant: Bruce Mengler and Susan Graham

Agent: Bob Belanger

Location: 684 Via de la Valle, Solana Beach, San Diego County. APN 298-270-35

Project Description: Construction of a 4,131 sq. ft., 1-story single family home, attached 898 sq. ft. garage and attached 450 sq. ft. outdoor room on a 25,551 sq. ft. vacant lot.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending **approval** of the proposed single-family residence with special conditions to minimize visual impacts, limit encroachment into steep slopes, and require drought-tolerant and native or non-invasive landscaping. The primary issues raised by this project, as proposed, are a retaining wall on the western edge of the property that would encroach into naturally-vegetated slopes greater than 40%, and potential visual impacts from the proposed home and retaining wall to the viewshed along the Via de la Valle corridor.

The subject site is located approximately one mile inland of the shoreline, two miles from San Elijo Lagoon to the north and one mile from San Dieguito Lagoon to the south; it is separated from both of these coastal lagoons by extensive residential and commercial development. The Interstate 5 corridor exists approximately 1,000 feet to the east of the site and the site rises from Via de la Valle, a major coastal access corridor which provides access to the shoreline and the Del Mar Fairgrounds. There are steep, naturally vegetated slopes present on the site but it is not part of a contiguous habitat area. Although the project is proposing minor encroachment into sensitive habitat, the Commission's staff ecologist has determined that this isolated native vegetation does not constitute environmentally sensitive habitat (EHSA) as defined in the Coastal Act, as it is too small and fragmented. As conditioned, the proposed encroachments into steep slopes will have minimal impact to this inland hillside and surrounding vegetation. In addition, restricting future development in steep slopes will keep the development consistent with the Coastal Act and City of Solana Beach's certified LUP.

Relative to visual impacts, the site is situated on a prominent hillside above the Via de la Valle corridor overlooking the fairgrounds. The site will be visible for eastbound travelers along the road and potentially from public vantage points in and around the San Dieguito River Valley. The proposed conditions require the use of a color palette and materials for the home and retaining wall that will be earthtone and the use of landscape screening to minimize the visual impact of the improvements.

In summary, to address potential adverse impacts, the Commission staff is recommending **Special Conditions** that would require (1) final plans that shall undertake development in accordance with the approved plans, submitted on January 15, 2015, in order to minimize, to the extent feasible, encroachment into slopes greater than 25%, (2) drainage plans showing that all storm water runoff will be directed to on-site pervious areas to avoid water quality impacts, (3) a final landscape plan that requires the use of plants to visually break up and screen the structure, the use of only drip or micro spray irrigation systems if using potable water for irrigation, and drought-tolerant, fire resistant, native and non-invasive species, (4) exterior treatment provisions to require coloration of the house and retaining wall so that they blend in with the surrounding environment, (5) confirmation that the exported graded materials will not be in the coastal zone, and if so, that a permit will be obtained, (6) a future development restriction that will limit development in areas greater than 25% slope, and (7) recordation of a deed restriction against the subject property to assure all future owners are aware of the restrictions imposed on the subject property.

Commission staff recommends **approval** of Coastal Development Permit Application 6-15-0077 as conditioned.

The standard of review for the subject development is the Chapter 3 Policies of the Coastal Act.

TABLE OF CONTENTS

I.	<u>MOTION AND RESOLUTION</u>	4
II.	<u>STANDARD CONDITIONS</u>	4
III.	<u>SPECIAL CONDITIONS</u>	5
IV.	<u>FINDINGS AND DECLARATIONS</u>	8
	A. <u>PROJECT DESCRIPTION</u>	8
	B. <u>GEOLOGIC CONDITIONS/BIOLOGICAL RESOURCES/WATER QUALITY</u>	8
	C. <u>VISUAL RESOURCES</u>	11
	D. <u>LOCAL COASTAL PLANNING</u>	13
	E. <u>CALIFORNIA ENVIRONMENTAL QUALITY ACT</u>	13

APPENDICES

[Appendix A – Substantive File Documents](#)

EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Aerial View](#)

[Exhibit 3 – Site Plan](#)

[Exhibit 4 – Slope Analysis](#)

[Exhibit 5 – Biological Resources Map](#)

[Exhibit 6 – Solana Beach LUP Habitat Map](#)

[Exhibit 7 – Visual Impacts Map](#)

[Exhibit 8 – Proposed Retaining Wall](#)

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 6-15-0077 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 6-15-0077 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 THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval final site and grading plans. Said plans shall first be approved by the City of Solana Beach and be in substantial conformance with the plans submitted by the applicant on January 15, 2015. 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. **Final 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 City of Solana Beach. Said plan shall include the following:

- a. All proposed landscaping shall be drought-tolerant, native, fire resistant, non-invasive plant species that are obtained from local stock, if available. No plant species listed as problematic or invasive by the California Native Plant Society, the California Exotic Pest 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. Plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government may not be used.

- b. A planting schedule that indicates that the planting plan shall be implemented within 60 days of completion of residential construction.
- c. 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.
- d. The plant palette will also incorporate landscaping and tree species that will break up the mass of the new structure and provide screening.
- e. If using potable water for irrigation, only drip or micro spray irrigation systems may 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 Botany 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 Botany 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.

4. Exterior Treatment. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and written approval 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 and improvements. This documentation shall comply with the following requirements:

- a. The color of the proposed residence and roof permitted herein shall be restricted to colors 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.
- b. The color of the proposed retaining wall adjacent to Highland Drive permitted herein shall be restricted to colors compatible with the surrounding environment (earth tones) including shades of green and brown, with no white or light shades and no bright tones.

The permittee shall undertake the development in accordance with the approved color board. 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.

5. **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, obtain a separate coastal development permit or an amendment to this permit.

6. **Future Development Restriction.** This permit is only for the development described in coastal development permit No. 6-15-0077. 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 # 6-15-0077 on slope areas of 25% or greater on the subject property. Accordingly, any future improvements to the single family house authorized by this permit on slope areas of 25% or greater shall require an amendment to Permit No. 6-15-0077 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

7. **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.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The proposed project consists of a new 4,131 sq. ft., one-story single-family residence, attached 898 sq. ft. garage, attached 450 sq. ft. outdoor room, 8,363 sq. ft. paved area, 4,439 sq. ft. irrigated landscaped area, 7,270 sq. ft. unimproved area, 575 cu. yds. grading export, a new driveway, and retaining walls adjacent to Highland Drive, as well as along the northern and western portions of development, on an approximately 25,551 sq. ft. vacant lot ([Exhibit 3](#)).

The project site is located at 684 Via de la Valle, west of Interstate 5, east of Highland Drive, and north of Via de la Valle in the City of Solana Beach ([Exhibits 1 and 2](#)). The subject site is located approximately one mile inland of the shoreline, two miles from San Elijo Lagoon to the north and one mile from San Dieguito Lagoon to the south; it is separated from both of these coastal lagoons by extensive residential and commercial development, and the property is not part of a contiguous habitat area.

The western and southwestern portions of the vacant lot contain natural slopes exceeding 25% grade. An existing wood retaining wall is present on the southwestern portion of the site, adjacent to Highland Drive. The project proposes a three ft. high, cinder block retaining wall to be placed just north of the existing retaining wall, where the slope exceeds 40% grade. In addition, Diegan Coastal Sage Scrub and disturbed Diegan Coastal Sage Scrub are present on the western and southwestern hillsides of the subject property.

While the City of Solana Beach has a certified LUP, it does not yet have a certified IP, and thus there is no certified LCP. Thus, the subject site is located in an area of Coastal Commission jurisdiction, and as such, the standard of review for the proposed development is Chapter 3 of the Coastal Act, with the City's LUP used as guidance.

B. GEOLOGIC CONDITIONS/BIOLOGICAL RESOURCES/WATER QUALITY

Section 30253 of the Coastal Act is applicable to geological stability and states:

New development shall:

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

(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geological instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Section 30240 is applicable to biological resource protection and 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 30231 of the Coastal Act requires protection and maintenance of the biological productivity of coastal waters 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 entrapment, controlling runoff, [...]

The project site consists of a vacant lot comprising over half an acre; the west side of the subject property is bordered by Highland Drive, while the south side of the property is bordered by a parking lot and commercial development. Within the certified Solana Beach LUP, which is used for guidance in this review, the site is delineated within the Hillside/Coastal Bluff Overlay (HOZ) area. The HOZ Overlay regulates the development of “naturally” vegetated steep slopes, defined as those exceeding 25% grade. The Commission has historically limited grading of steep slopes to minimize the visual impacts associated with such grading, to preserve the habitat values of naturally 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, encroachment should be avoided.

In particular, the western and southwestern portions of the project site contain steep, natural, non-coastal bluff slopes, in excess of 25% grade ([Exhibit 4](#)). The single-family residence, hardscape, and additional development found on the eastern portion of the property are not being proposed in areas greater than 25% and are consistent with the HOZ Overlay and Chapter 3 policies; however, the proposed western retaining wall adjacent to Highland Drive is being developed in an area where the slope is greater than 40%. Policy 3.35 of the certified City of Solana Beach’s LUP, which is used as guidance, states, “[u]tilize the Hillside/Coastal Bluff Overlay (HOZ) requirements to restrict the grading of natural non-coastal bluff slopes with an inclination of 25% or greater in order to preserve the natural topography and scenic qualities of the City...” In addition, Policy 3.37 of the certified City of Solana Beach’s LUP states, “[l]imit development in hillside areas to minimize potential impacts on native plant and animal species and protect remaining native habitats.” As presented by the applicant, the City of Solana Beach’s

Engineer is requiring the extension of an existing retaining wall, found at the southwest portion of the site, to the northern property line creating the proposed retaining wall. The Commission's geologist was consulted and found that the retaining wall assures stability and does not substantially alter the natural cliff in conformance with Section 30253 of the Coastal Act. As a minor encroachment required by the City Engineer to maintain stability along the existing Highland Drive escarpment, the proposed retaining wall extension can be authorized in conformance with the certified LUP criteria and Chapter 3 provisions.

The steep western and southwestern portions of the site are vegetated with Diegan Coastal Sage Scrub, while in the center of the site, a smaller portion of disturbed Diegan Coastal Sage Scrub is found ([Exhibit 5](#)). The applicant submitted a biological assessment of the site which determined that the only sensitive vegetation was 0.17 acres of Diegan Coastal Sage Scrub (DCSS) and 0.03 disturbed Diegan Coastal Sage Scrub (dCSS) between the proposed house and Highland Drive, with the rest of the site consisting of Disturbed Habitat (DH) and Non-native Grassland (NNG) (Ref. "Biological Resources Report for the Mengler Residence, 684 Via De La Valle Road" by David Flietner dated June 16, 2014, revised March 24, 2015). The City of Solana Beach's certified LUP lists Diegan Coastal Sage Scrub and disturbed Diegan Coastal Sage Scrub as biological resources, but on this particular lot, does not categorize these vegetation communities as environmentally sensitive habitat areas (ESHA) ([Exhibit 6](#)). The Commission's ecologist reviewed the Biological Resources Report and conducted a site visit, and found that this isolated native vegetation was too small and fragmented to constitute ESHA. Since the proposed project will only directly impact 0.007 acres of Diegan Coastal Sage Scrub and 0.030 acres of disturbed Diegan Coastal Sage Scrub, the proposed project is a minor encroachment into non-ESHA habitat. The project is therefore compliant with Chapter 3 policies, since the project is a minor encroachment into a fragmented biological resource, surrounding by existing development and is necessary to maintain the existing Highland Drive slope.

The project site is located on an inland hillside adjacent to Highland Drive and just north of commercial development. Section 30231 of the Coastal Act requires reducing the potential for adverse impacts to water quality resulting from uncontrolled drainage and runoff from new development. The western and southwestern areas of the property are comprised of very steep, naturally vegetated slopes that must be supported by retaining walls. Runoff from the site's development must be controlled and intercepted in order to reduce the risk of slope erosion, off-site sedimentation, and denuded vegetation. Runoff from the roof of the proposed residence, driveway, and other impervious surfaces should be directed into the landscaped areas on the site for infiltration and/or percolation, prior to being collected and 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.

In some cases, the Commission has modified the size and siting of proposed development in order to protect on-site or adjacent habitat from future impacts due to brush management requirements. The City of Solana Beach's certified LUP Policy 4.71 states, "[a]ll new development in the WUI or adjacent to ESHA shall be sited and designed to minimize required fuel modification to the maximum extent feasible in order to avoid

environmentally sensitive habitat disturbance or destruction, removal or modification of natural vegetation, while providing for fire safety.” The Solana Beach Fire Department has stated that the proposed site is not within their Wildland Urban Interface (WUI), and the biological resources on site do not constitute ESHA; therefore, as designed, the project does not require a brush management plan and no future fuel modification will be necessary.

Special Condition #1 requires the applicant to submit revised final site, building, and grading plans that confirm the proposed development will be outside steep slopes greater than 25% as identified by the slope survey submitted with the subject application, with the exception of the herein permitted retaining wall extension along Highland Drive. In addition, **Special Condition #2** requires that runoff from the roof of the proposed residence, driveway, and other impervious surfaces be directed into the landscaped areas on the site for infiltration and/or percolation, prior to being collected and conveyed off-site. Relative to the proposed grading, **Special Condition #5** requires that the applicant agrees that if the materials are exported to a site within the Coastal Zone, a separate coastal development permit will be obtained by the applicant. To be sure that future development will not encroach further into or adversely impact sensitive vegetation types or on-site steep slopes, **Special Condition #6** requires that future development in these areas on the property will require additional Commission review. 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 terms and conditions of the permit such as the hillside restrictions and landscaping requirements.

In summary, the proposed development would encroach into steep slopes and native vegetation on the site. However, these encroachments are minor and the on-site resources were not deemed to constitute ESHA. The proposed single family home represents infill development and the site is not part of any contiguous habitat area. Thus, the Commission finds the proposed project consistent with the cited sections of the Coastal Act.

C. VISUAL RESOURCES

Section 30250 of the Coastal Act promotes infill development and the protection of coastal resources; it states, in part:

(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. [...]

Section 30251 of the Coastal Act requires visual resource protection and 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....

As noted above, the project site is located in a developed area in the City of Solana Beach, west of Interstate 5, east of Highland Drive and north of Via de la Valle. Via de la Valle is a major coastal access corridor and provides the primary access to the Del Mar Fairgrounds. The site is located on a steep hillside and visible from eastbound Via de la Valle near Jimmy Durante which accesses the fairgrounds ([Exhibit 7](#)). Closer to the site, along Highland Drive, the residential pad is not directly visible due to the steep slopes present along the western and southwestern sections of the property ([Exhibit 8](#)).

In addition to Section 30251 of the Coastal Act, Policy 6.10 of the City of Solana Beach's certified LUP states, "[n]ew development shall be sited and designed to minimize adverse impacts on scenic resources visible from scenic roads or major public viewing areas...[by] designing structures to blend into the natural hillside setting." Since the retaining wall is visible from the adjacent public roadway, and both the retaining wall and proposed house are visible from the closest coastal access corridor, the colors of the retaining wall and house need to mitigate visual impacts by blending in with the surrounding environment; this should be done by choosing colors and materials that blend in with surrounding buildings and the natural hillside. In addition, the proposed landscaping needs to also mitigate visual impacts through the use of appropriate trees and plant species, since this will break up the building's façade when viewed from the Via de la Valle corridor. Further, to conserve water during California's extreme drought and pursuant to the Governor's Executive Order B-29-15, any proposed landscaping must use drip or micro spray irrigation systems if potable water is being used. Section 30251 of the Coastal Act states that development needs "to minimize the alteration of natural land forms," thus mandating that any proposed retaining wall must be designed to have a minimal impact to the steep hillside. Lastly, the project site is located within an established community and the proposed residence will be consistent with the bulk and scale of the surrounding development in conformance with Section 30250 of the Coastal Act. Given that the development will be compatible with the surrounding area, the Commission finds the proposed project, with the special conditions described below, consistent with Section 30251 of the Act.

Special Condition #3 requires that all landscaping be limited to fire-resistant, drought-tolerant, native and non-invasive species. In addition, if non-potable water is not available, any irrigation must be limited to drip or micro spray irrigation systems. Special Condition #3 also requires that the landscaping break up the proposed structure's visual impact along the Via de la Valle corridor and within the river valley viewshed. **Special Condition #4** requires that the selected colors and materials of the proposed house and western retaining wall blend in with the surrounding environment so that they will not stand out when driving or walking eastbound on Via de la Valle or when viewed from public vantage points in the river valley. With these special conditions applying to

landscaping and building coloration, the Commission finds the proposed project consistent with Section 30251 of the Coastal Act.

D. 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 Commission approved and certified the City's Local Coastal Program Land Use Plan (LUP) in March 2012. The City of Solana Beach was awarded an LCP Assistance Grant of \$120,000 in January 2014 by the Coastal Commission to be used for LCP preparation and certification. However, the City has not yet completed, nor has the Commission reviewed, any implementing ordinances. Thus, the City's LCP is not fully certified. Therefore, Chapter 3 of the Coastal Act is the standard of review.

The location of the proposed residential project is designated for residential uses in the City of Solana Beach certified LUP. 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. 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.

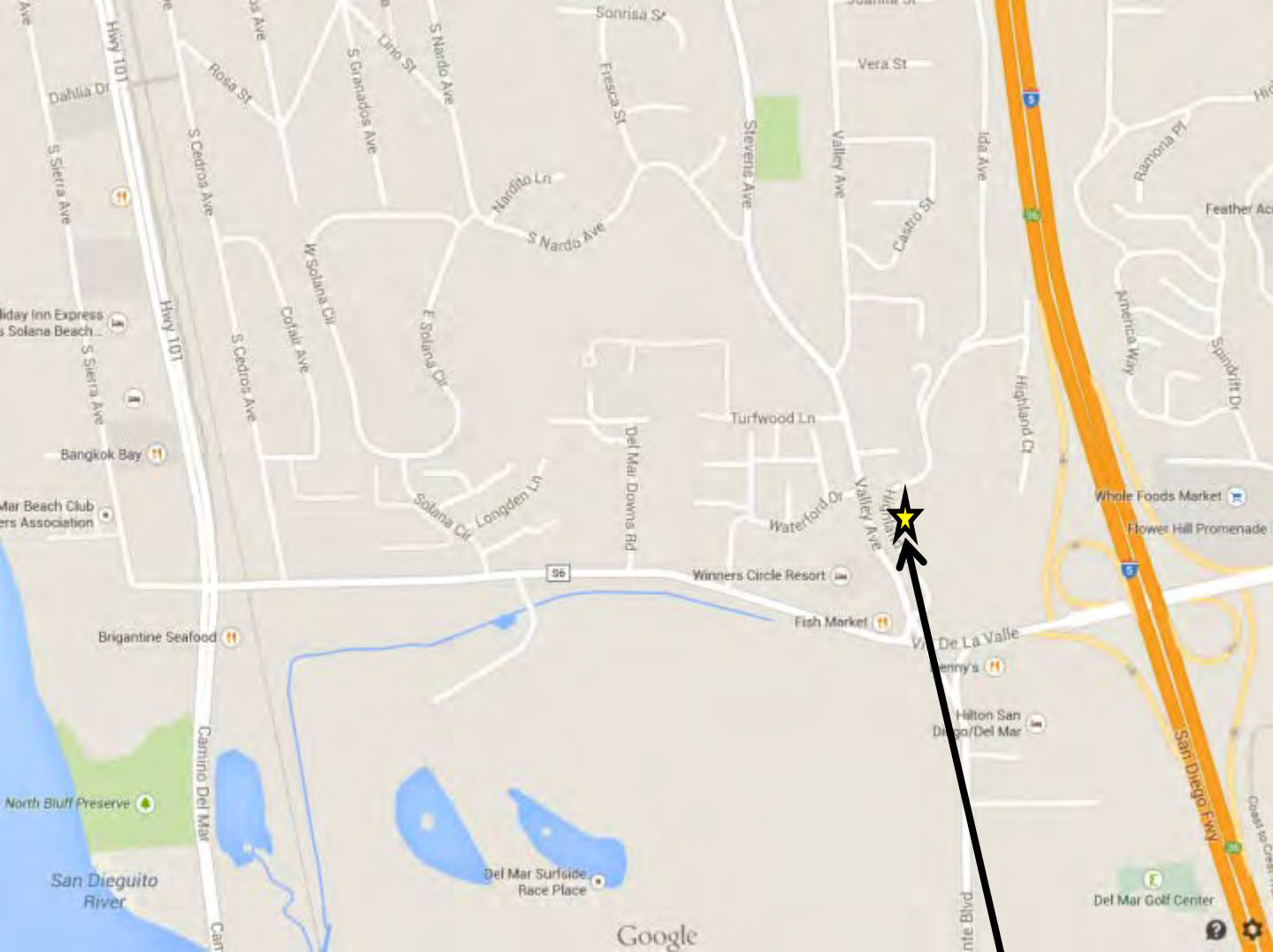
E. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

As proposed, the subject residence represents infill development on a prominent parcel north of the Del Mar Fairgrounds. Limited encroachment into steep, naturally vegetated slopes is necessary to maintain site stability along Highland Drive. 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 landscaping and the review of future development, 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 can be found consistent with the requirements of the Coastal Act to conform to CEQA.

Appendix A – Substantive File Documents

- “Biological Resources Report for the Mengler Residence, 684 Via De La Valle Road” by David Flietner dated June 16, 2014, revised March 24, 2015
- “Geotechnical Investigation at the Subject Property Located at 684 Via de la Valle, Solana Beach, CA 92075” by Joshua E. Devera and Bernard J. Luther dated August 20, 2013



Subject Site

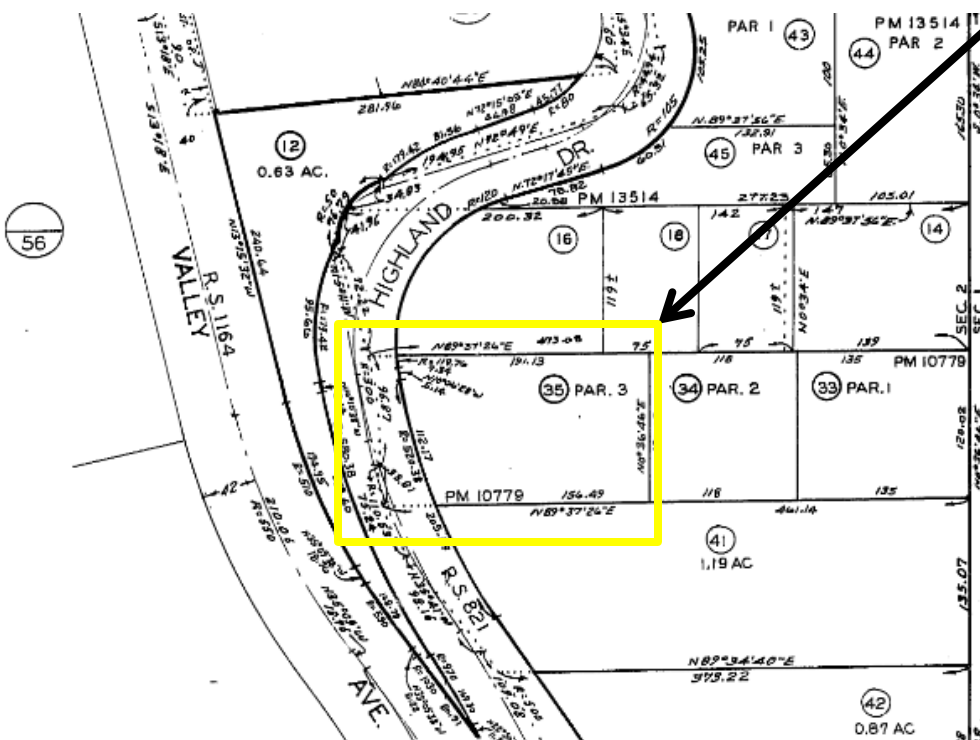


EXHIBIT NO. 1

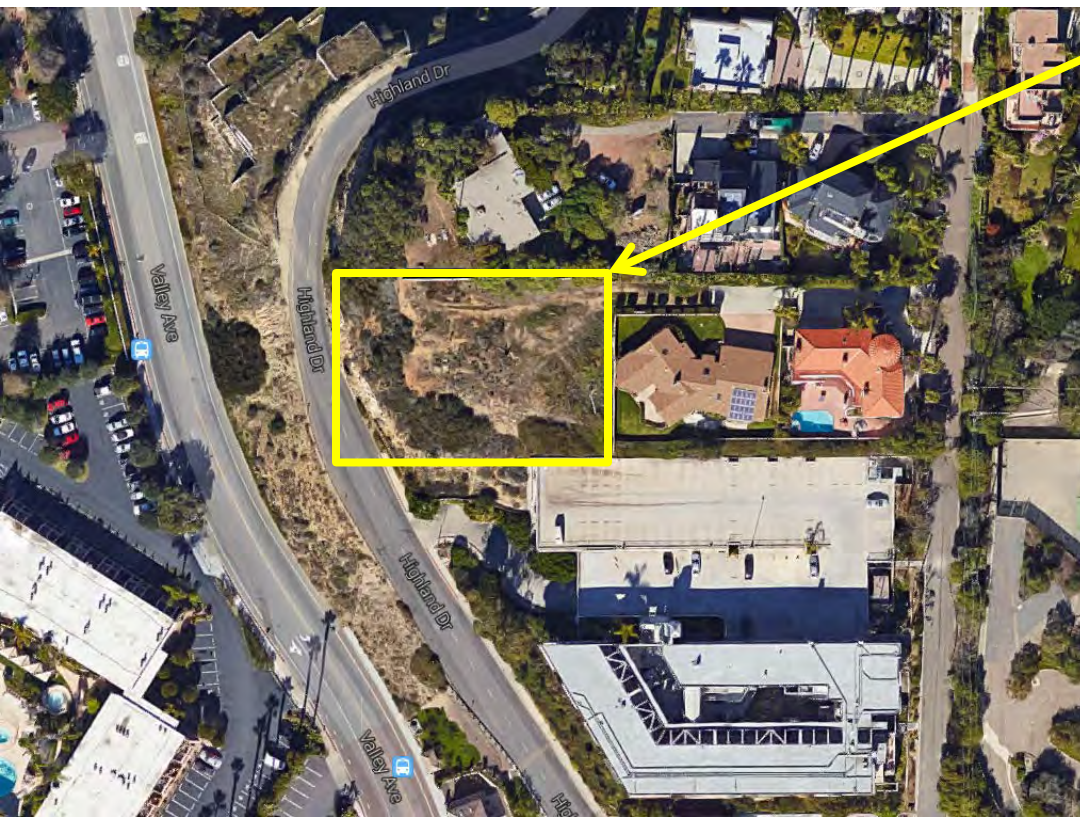
APPLICATION NO.

6-15-0077

Vicinity Map



California Coastal Commission



**Subject
Site**



EXHIBIT NO. 2
APPLICATION NO.
6-15-0077
Aerial View

[illegible]

ITEM	SYMBOL	ITEM	SYMBOL
CUT SLOPE		CUT/FILL LINE	
FILL SLOPE		PROPERTY LINE	
DIRECTION OF DRAINAGE		EASEMENT LINE	
EXISTING CONTOUR		SEWERING WALL	
PROPOSED CONTOUR		PRIVATE CATCH BASIN	

[illegible][illegible][illegible][illegible]

The map shows a central parcel labeled "ERNEST HOUSE PARCEL 2 PM NO. 10779". To its left is a "PROPOSED VACATED SINGLE LOT" measuring "17' x 33.36'". To the right is another lot labeled "EX. CORC.". Below the central parcel is a street labeled "1ST STREET". To the left of the central parcel is a street labeled "2ND STREET". Various other lots are shown with their respective owners or descriptions, such as "LOT 10780", "LOT 10781", "LOT 10782", "LOT 10783", "LOT 10784", "LOT 10785", "LOT 10786", "LOT 10787", "LOT 10788", "LOT 10789", "LOT 10790", "LOT 10791", "LOT 10792", "LOT 10793", "LOT 10794", "LOT 10795", "LOT 10796", "LOT 10797", "LOT 10798", "LOT 10799", "LOT 10800".

A vicinity map showing the project location in the Washington, D.C. area. The map includes major roads such as I-95, I-495, and I-270. Key landmarks like the Potomac River, Washington Monument, and various government buildings are marked. The project location is indicated by a red dot near the intersection of I-95 and I-495.

SITE PLAN

E: 1" = 10'

RAHAM	DATE: 7-16-14
	SHEET T-1 OF 3 SHEETS

CUSTOM HOME for:
BRUCE MENGLER AND SUSAN GRIFFIN
684 VIA DE LA VALLE

REGS ARE NOT
 TO BE
 GIVEN IN THE
 FORM OF
 2 AND PLACING
 THE NAME
 OF THE
 OFFICER.

[illegible]

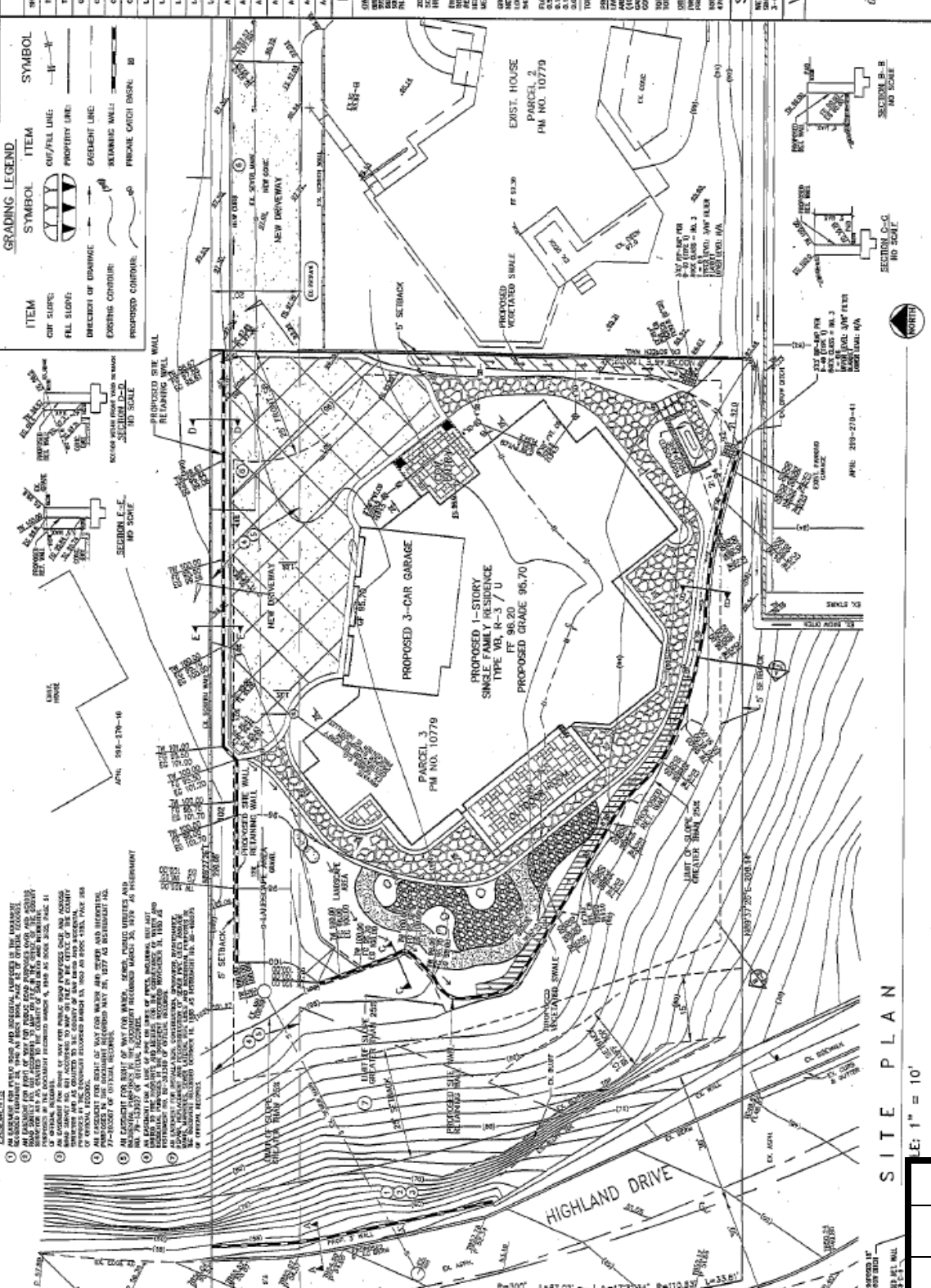
PROJECT NOTES:

1.) PROJECT NAME: DOWNS AVENUE, 10000 AC.

2.) AREA OF PROPOSED CHANGES: 14000 SQ. FT.

EXAMINER: 085.0% ALL 250.0% WERE APPROVED





SLOPE CATEGORIES

0.345 ACRES
 0.024 ACRES
 0.117 ACRES

LESS THAN 25% PERCENT SLOPE
 25 TO 40 PERCENT SLOPE
 GREATER THAN 40 PERCENT SLOPE

AN EASEMENT FOR RIGHT OF WAY FOR WATER AND SEWER AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED MAY 26, 1977 AS INSTRUMENT NO. 77-20385 OF OFFICIAL RECORD.

VICINITY MAP
 NO SCALE

PARCEL 3
 PM NO. 10779
 23,551 SQ.FT. GROSS
 21,172 SQ.FT. NET

EAST HOUSE
 PARCEL 2
 PM NO. 10779

HIGHLAND DRIVE

OWNER/APPLICANT

STANLEY B. MENCLER &
 SUE ANN MENCLER
 684 VIA DE LA VALLE
 SAN DIEGO, CA 92108
 PH (619) 290-8118

SITE ADDRESS

684 VIA DE LA VALLE
 SAN DIEGO, CA 92108
 PH (619) 290-8118

LANDMARK ENGINEERING CORPORATION

3443 Camino Del Rio South
 San Diego, CA 92108
 (619) 290-0420



SCOPE ANALYSIS

ENGINEER OF RECORD
 LEO
 DRAWN BY
 LAWRENCE E. COLE

MENCLER RESIDENCE
 684 VIA DE LA VALLE

Sheet 1 of 1

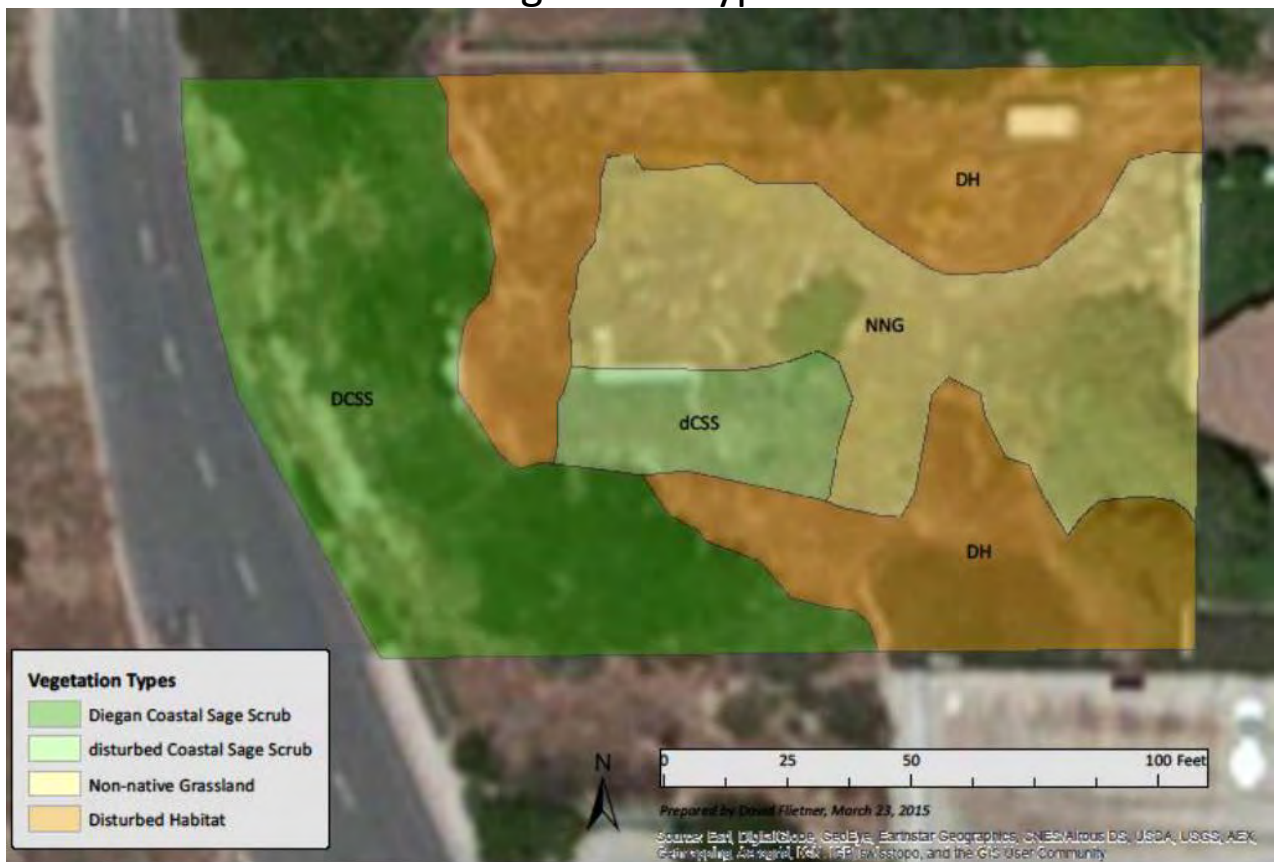


EXHIBIT NO. 4
 APPLICATION NO.
6-15-0077
 Slope Analysis



California Coastal Commission

Vegetation Types



Project Impacts



EXHIBIT NO. 5

APPLICATION NO.

6-15-0077

Biological Resources

Maps



California Coastal Commission

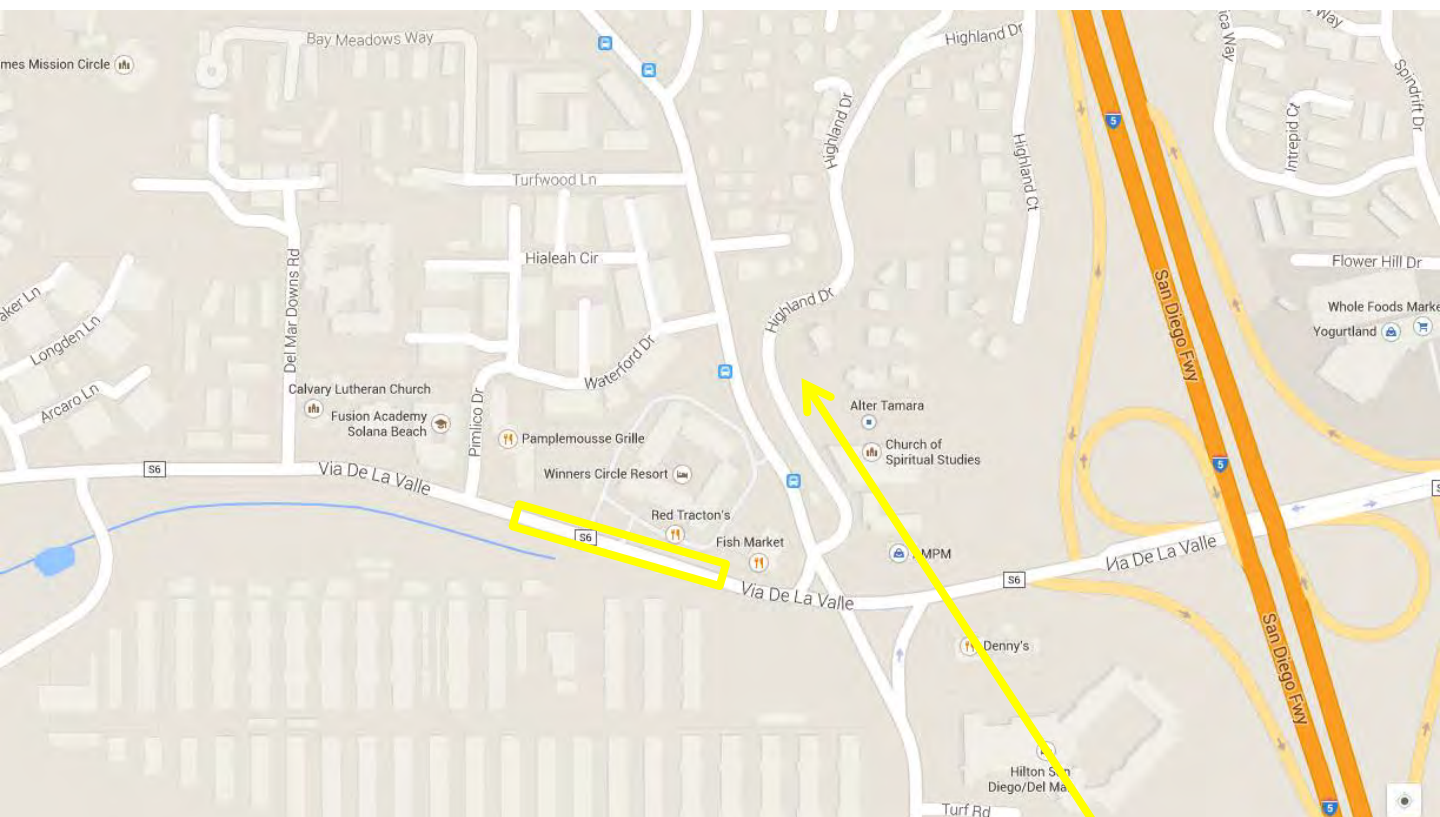


Subject Site



EXHIBIT NO. 6
APPLICATION NO.
6-15-0077
Solana Beach LUP
Habitat Map
 California Coastal Commission

Viewshed of Subject Site from Eastbound Via de la Valle



View from Eastbound Via de la Valle

**Subject
Site**



EXHIBIT NO. 7

APPLICATION NO.

6-15-0077

Visual Impacts

Map



California Coastal Commission



**Proposed
Retaining Wall**

Highland Drive



**Proposed
Retaining Wall**

Highland Drive

EXHIBIT NO. 8

APPLICATION NO.

6-15-0077

**Proposed Retaining
Wall**



California Coastal Commission