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

Th20b

6-16-0500 (SZEKERES)

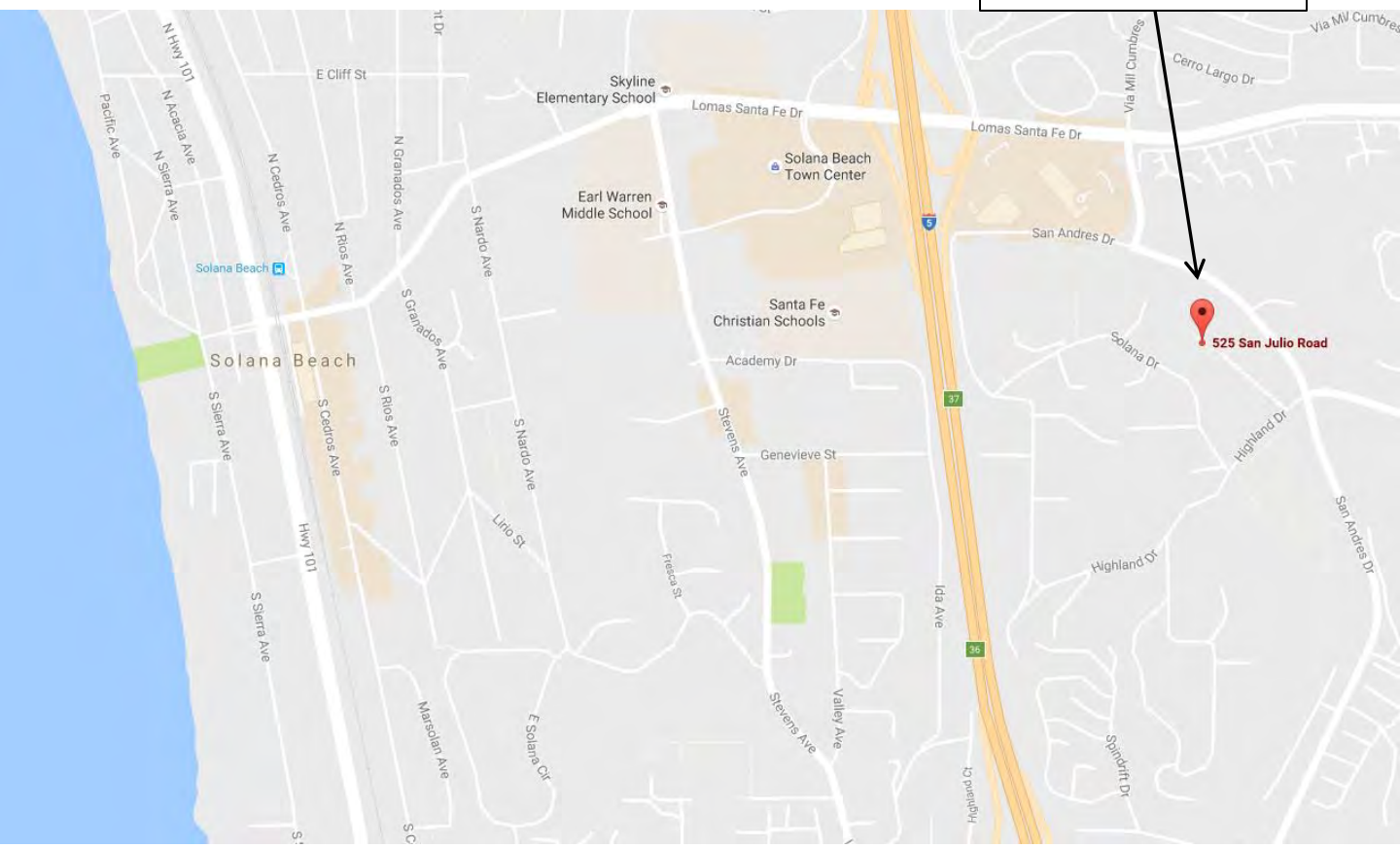
MAY 11, 2017

EXHIBITS

Table of Contents

Project Location

Subject Site



N

EXHIBIT NO. 1

APPLICATION NO.
6-16-0500

Project Location

California Coastal Commission

Aerial Photo

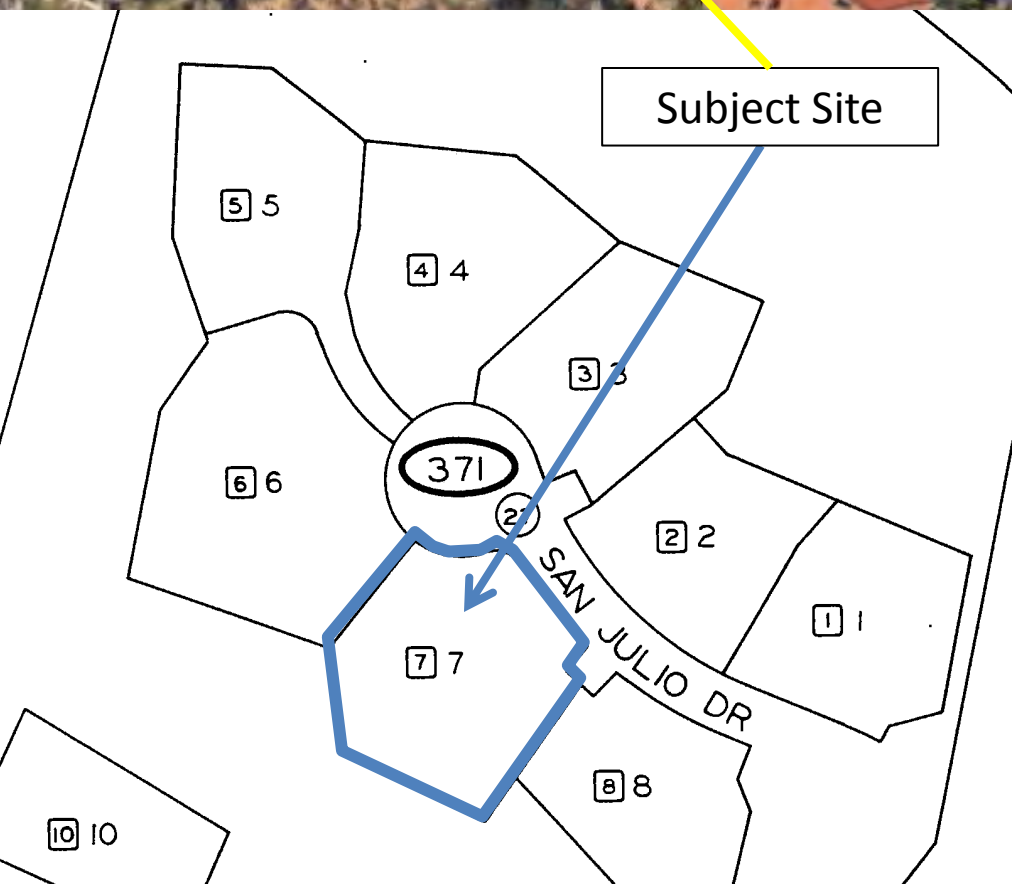
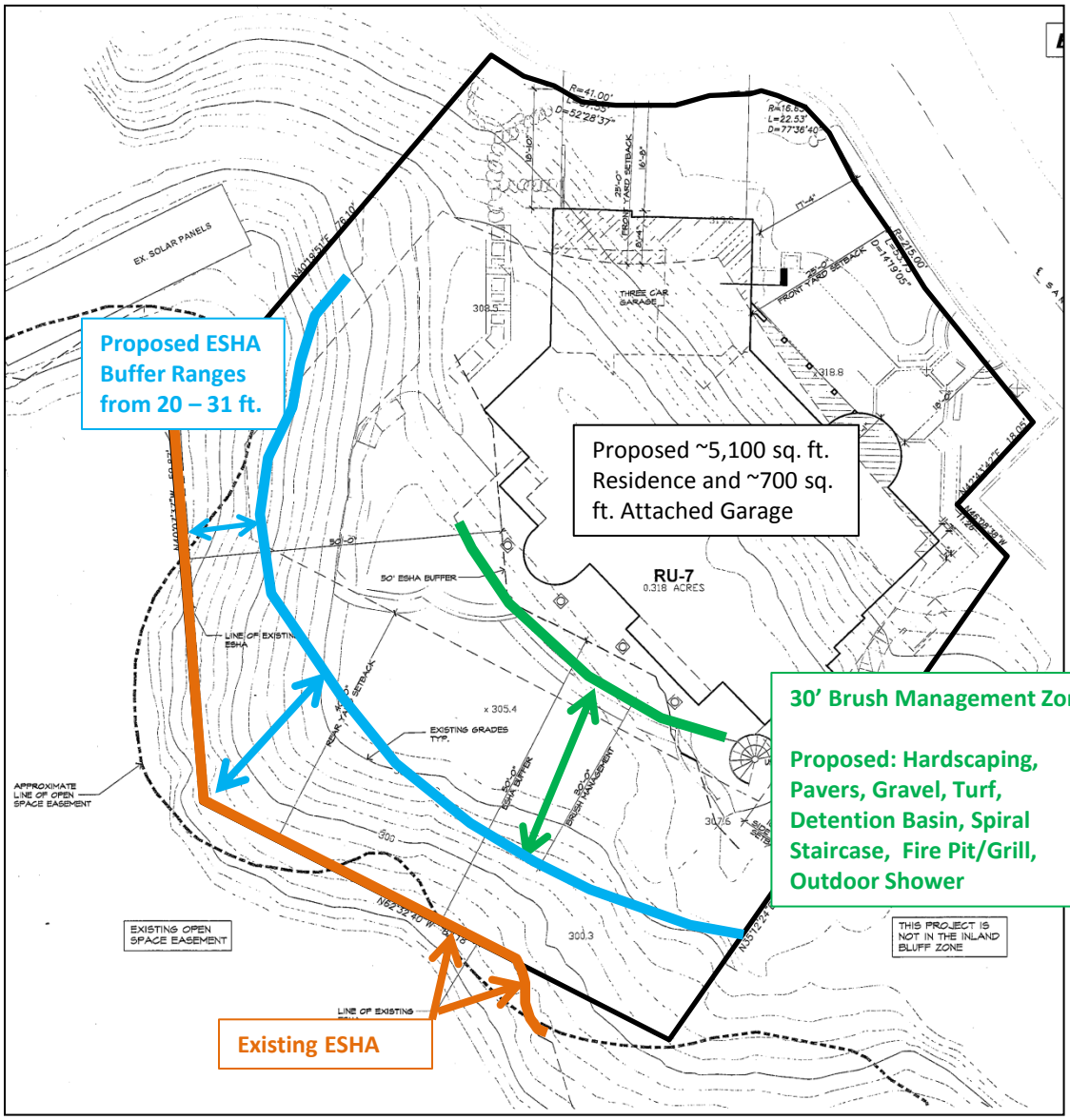


EXHIBIT NO. 2
APPLICATION NO.
6-16-0500
Aerial Photo
California Coastal Commission

Site Plan



N

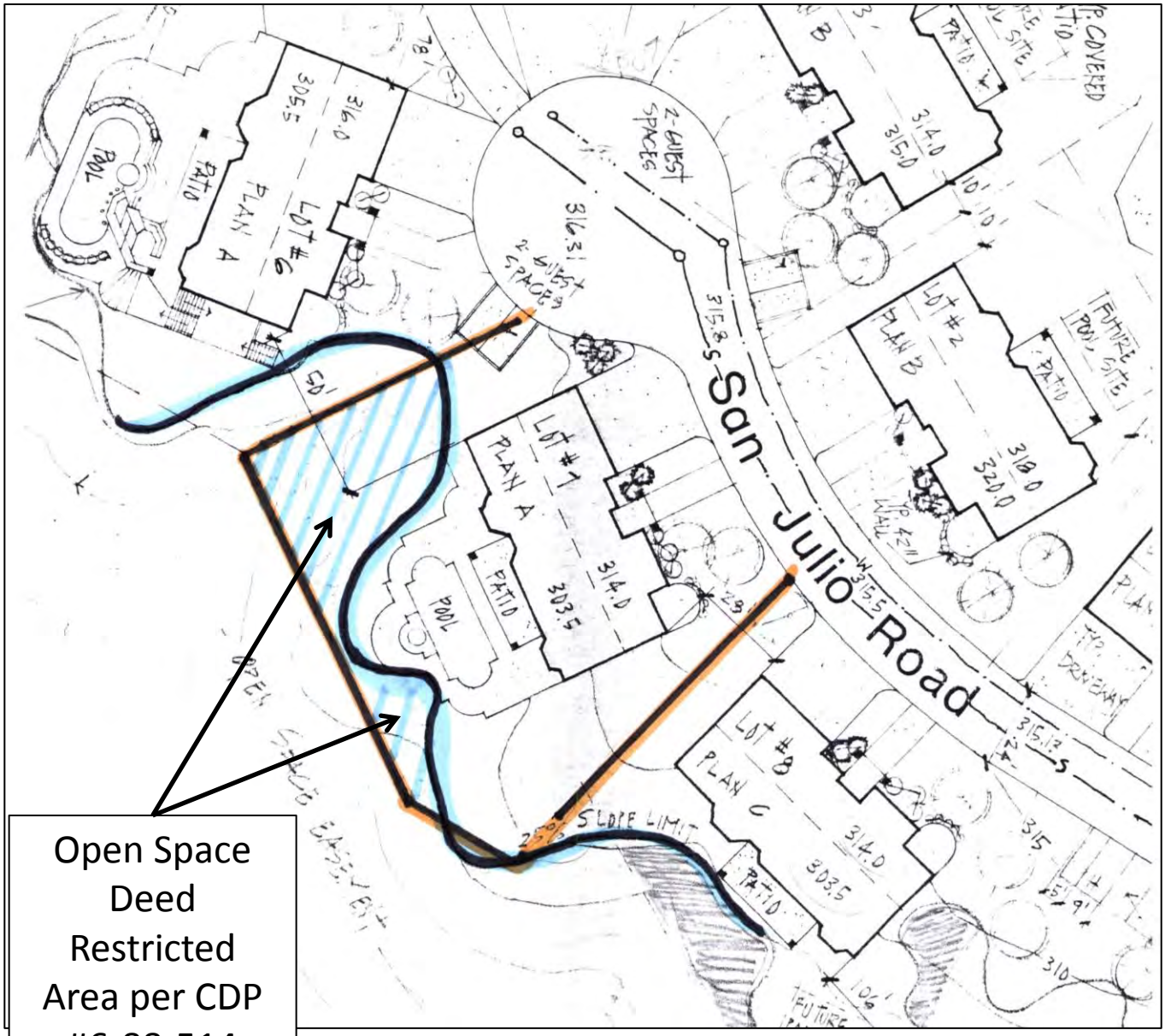
EXHIBIT NO. 3

APPLICATION NO.
6-16-0500

Site Plan

California Coastal Commission

Open Space Deed Restriction as Required by CDP #6-88-514

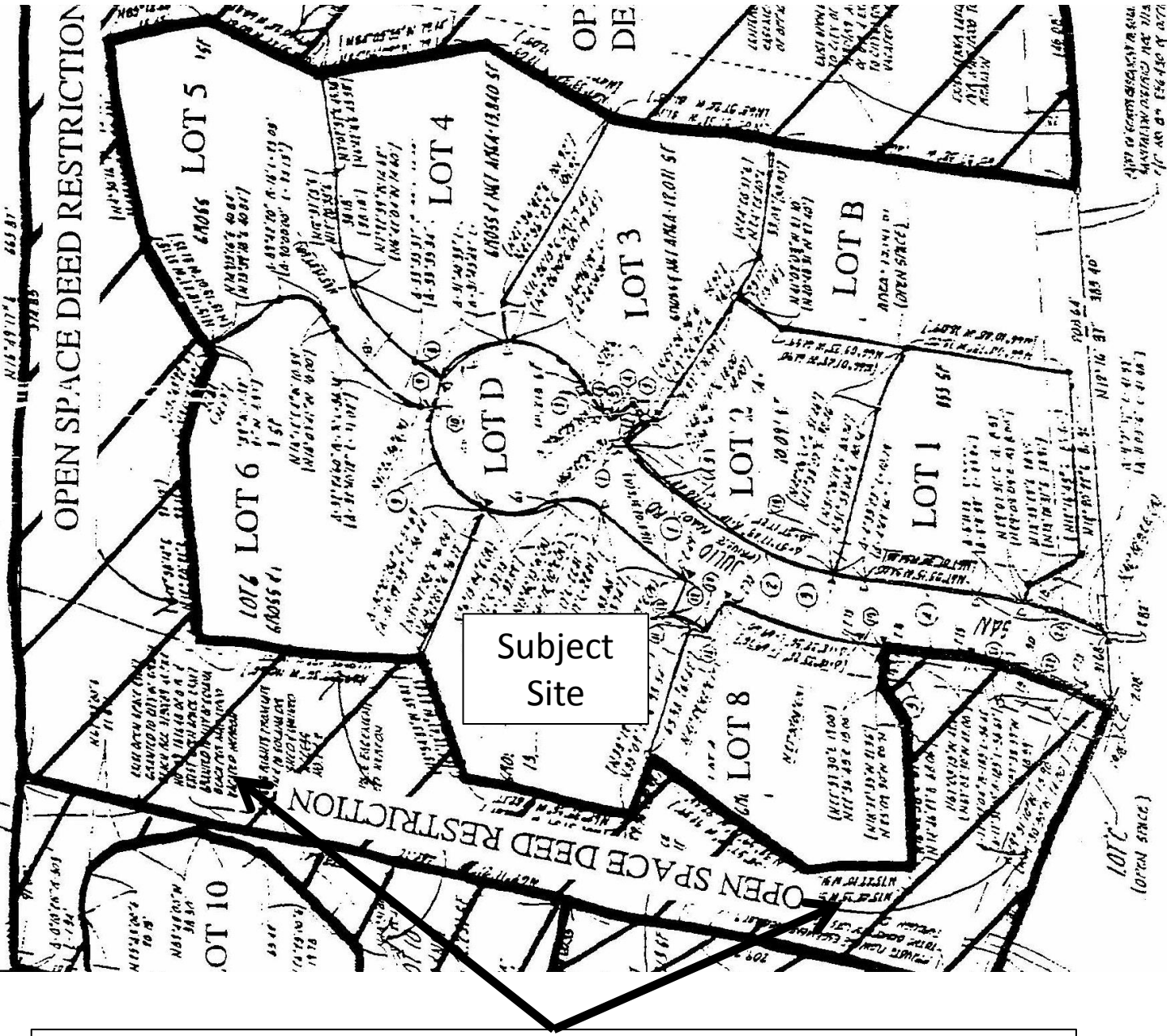


Open Space Deed Restricted Area per CDP #6-88-514

N

EXHIBIT NO. 4
APPLICATION NO. **6-16-0500**
Open Space Deed Restriction as Required by CDP #6-88-514
California Coastal Commission

Open Space Deed Restriction as Approved by the City of Solana Beach



Open Space Deed Restricted Area as Revised by the City of Solana Beach

N

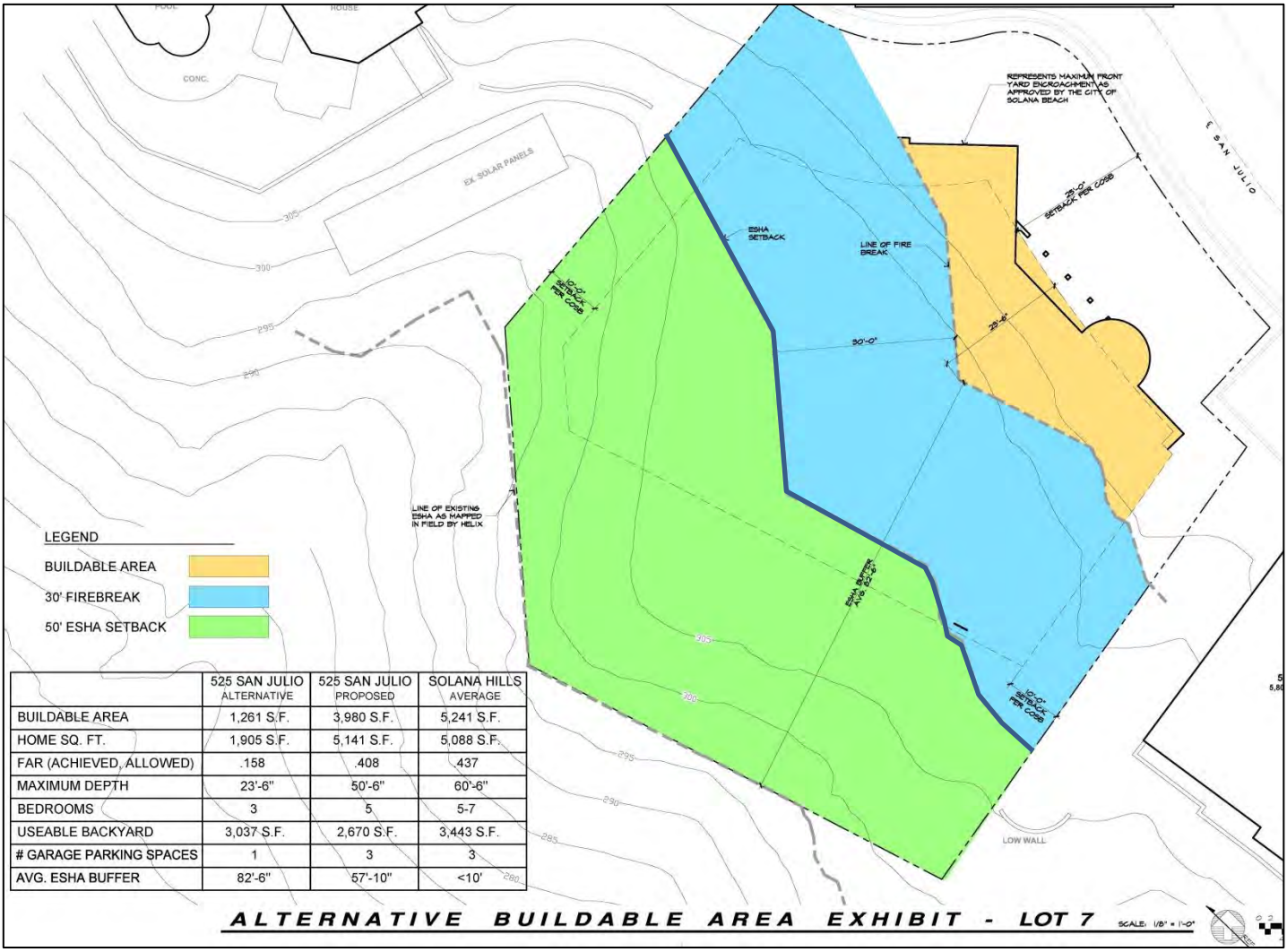
EXHIBIT NO. 5

APPLICATION NO.
6-16-0500

Open Space Deed Restriction as Approved by the City of Solana Beach

California Coastal Commission

Applicant's Alternative Design



	525 SAN JULIO ALTERNATIVE	525 SAN JULIO PROPOSED	SOLANA HILLS AVERAGE
BUILDABLE AREA	1,261 S.F.	3,980 S.F.	5,241 S.F.
HOME SQ. FT.	1,905 S.F.	5,141 S.F.	5,088 S.F.
FAR (ACHIEVED, ALLOWED)	.158	.408	.437
MAXIMUM DEPTH	23'-6"	50'-6"	60'-6"
BEDROOMS	3	5	5-7
USEABLE BACKYARD	3,037 S.F.	2,670 S.F.	3,443 S.F.
# GARAGE PARKING SPACES	1	3	3
AVG. ESHA BUFFER	82'-6"	57'-10"	<10'

This alternative design incorporates a 50 ft. ESHA buffer, a 30 ft. brush management zone, and an approximately 1,905 sq. ft. home.

N

EXHIBIT NO. 6
APPLICATION NO.
6-16-0500
Applicant's Alternative Design
California Coastal Commission

Comments from California Department of Fish and Wildlife

From: Hollenbeck, Eric@Wildlife
To: Schlembach, Lisa@Coastal; Fluharty, Marilyn@Wildlife
Subject: RE: Request for CDFW Consultation - Proposed Development at San Julio Rd.
Date: Thursday, December 01, 2016 9:30:56 AM

Hi Lisa,
A biologically appropriate buffer sufficient to protect ESHA should contain no built or maintainable structures, no ornamental or non-native vegetation, and should contain native vegetation appropriate for the adjacent ESHA habitat. Any brush management zones would have to be outside the 50-foot buffer to be biologically appropriate. As depicted in the diagrams you included, a fifty-foot buffer from the ESHA line as mapped in Exhibit 3-9 of the LCP intrudes well into the proposed footprint of the structure, rendering any buffer proposal included with that proposed footprint insufficient and biologically inappropriate for protection of ESHA.

Eric Hollenbeck

From: Hollenbeck, Eric@Wildlife
To: Schlembach, Lisa@Coastal
Subject: RE: Update from CDFW about ESHA Buffer at 525 San Julio Road
Date: Friday, March 24, 2017 8:01:35 AM

Hi Lisa,
Yes, my assessment that a reduction in the 100-foot to a 50-foot buffer is only biologically appropriate with those conditions remains unchanged. Thanks for the opportunity to visit the site and discuss the project with you.

Eric Hollenbeck
Senior Environmental Scientist (Specialist)
California Department of Fish and Wildlife
South Coast Region 5
3883 Ruffin Road
San Diego, CA 92123
(858) 467-2720

From: Schlembach, Lisa@Coastal [mailto:Lisa.Schlembach@coastal.ca.gov]
Sent: Thursday, March 23, 2017 1:31 PM
To: Hollenbeck, Eric@Wildlife
Subject: Update from CDFW about ESHA Buffer at 525 San Julio Road

Good Afternoon Mr. Hollenbeck,

This email is to follow-up our site visit last month at the property located at 525 San Julio Road, Solana Beach, CA 92075. I appreciate you taking the time to join us at that site visit as I think it was a valuable opportunity to see the site and vegetation first hand.

In our previous correspondence you had indicated that a 50 ft. ESHA buffer was needed on the site, that the ESHA buffer should consist entirely of native vegetation appropriate with the adjacent ESHA habitat, and that the buffer should not contain built or maintainable structures.

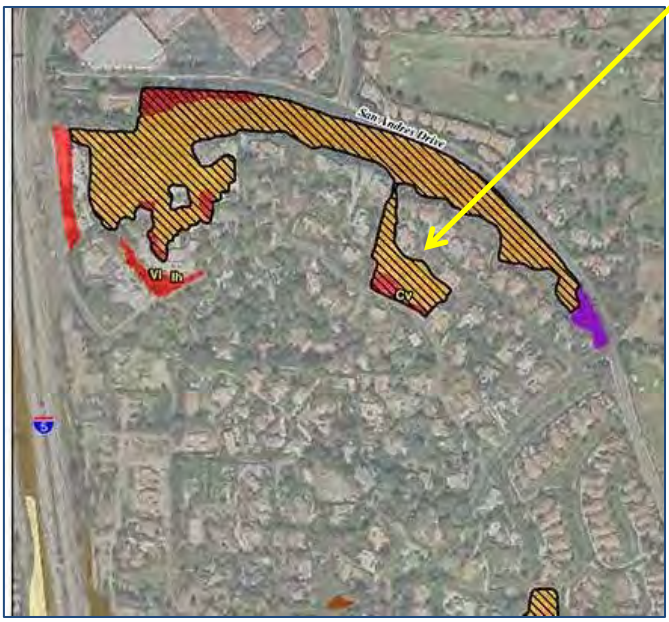
Now that you have had a chance to visit the site, do you still concur with your previous assessment?

Please do not hesitate to contact me if you have any questions or would like clarification or further information.

Thank you!
Lisa Schlembach

Exhibit 3-9 Environmentally Sensitive Habitat Map

Subject Site



Legend

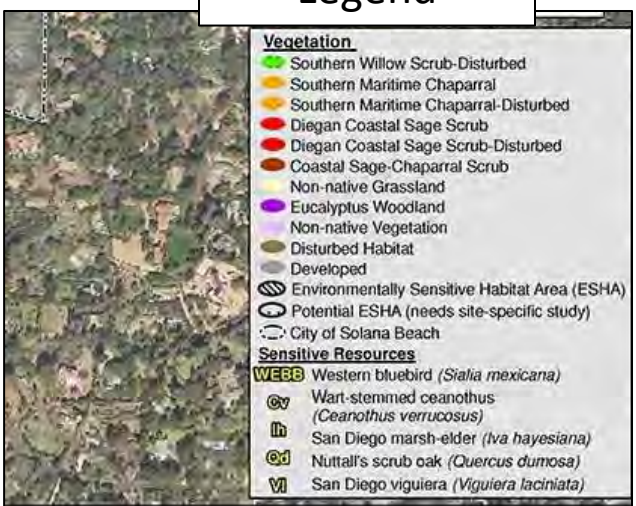


EXHIBIT 3-9 ENVIRONMENTALLY SENSITIVE HABITAT MAP

Adopted Local Coastal Program Land Use Plan
City of Solana Beach, February 2013

N

EXHIBIT NO. 8
APPLICATION NO.
6-16-0500
Environmentally Sensitive Habitat Map
California Coastal Commission

Biology Memo

STATE OF CALIFORNIA—NATURAL RESOURCES AGENCY EDMUND G. BROWN, JR., GOVERNOR

CALIFORNIA COASTAL COMMISSION
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885

MEMORANDUM

TO: Lisa Schlembach, Coastal Analyst

FROM: Laurie Koteen, Ph.D., Ecologist

RE: 525 San Julio Rd, Solana Beach, CA

DATE: April 14, 2017

Documents Reviewed:

Harris, Erica, Helix Environmental Planning Inc., Letter to Russell Brown, re: Biological Resources Report for the San Julio Road Property (PC 15-269), dated August 17, 2015.

Harris, Erica, Helix Environmental Planning Inc., Letter to Russell Brown, re: Biological Resources Report for the San Julio Road Property (PC 15-269), dated November 23, 2015.

Little, Daniel G., Letter to Amy and Jeff Szekeres, re: Waiver request for environmental concerns, dated August 25, 2016.

Busby, Melissa of Busby Biological Services, Letter to Little and Sons Property Management, re: Peer review of the biological resources report for the proposed Szekeres residence within the Solana Hills estates, City of Solana Beach, San Diego County, CA, dated Oct. 4, 2016.

City of Solana Beach, City of Solana Beach Local Coastal Plan, Adopted February 27th 2013 amended June 11, 2014, Chapters 3, "Marine and Land Resources", and Chapter 4, "Hazards and Shoreline/ Bluff Development."

Sproul, Fred & Todd Keeler-Wolf, Patricia Gordon-Reedy, Jonathan Dunn, Anne Klein, Kyle Harper, (2011), prepared by AECOM, California Dept. of Fish and Wildlife, and the Conservation Biology Institute for San Diego Association of Governments (SANDAG), Vegetation Classification Manual of Western San Diego County.

I visited the property at 525 San Julio Rd on February 16th, 2017 along with several Coastal Commission staff members. We were also joined by Dr. Ed Kentner, a local botanist with expertise in botanical surveys, vegetation classification and mapping of California vegetation communities. Due to Dr. Kentner's deep knowledge of the vegetation of western San Diego County, my evaluation and recommendation for the protection of ESHA adjacent to this site relies heavily on Dr. Kentner's observations.

The property on San Julio drive consists of a previously graded lot that slopes to the southwest from street level within a residential area of Solana Beach. Graded pads demarcate the general location where a 5,100 ft^2 home is planned. The more gently sloping region of the property sits adjacent to a steeper incline which abuts and overlaps a vegetated area that fills much of the adjacent lot. The vegetation community on the adjacent lot is composed of Southern maritime chaparral (SMC); a rare and protected vegetation community confined to the bluffs, hillslopes and mesas of coastal San Diego County, with global and state rare plant community rankings of G1 and S1.1[1]. SMC thrives in areas that receive summer fog, and is dominated by an open shrub canopy of chamise and a number of other small shrubs and herbaceous species, such as Mission manzanita, bushrue and Torry pine; all species which occur on site[2,3]. Wildlife species known to forage and dwell in this habitat include Cooper's hawk and western scrub-jay, as well as several species of butterfly and reptiles. In addition to Dr. Kentner's assessment, which he described as "a text book example" of SMC on a south facing slope, this area has been mapped by the city of Solana Beach as an Environmental Sensitive Habitat Area, (ESHA) of Southern maritime chaparral in the certified Land Use Plan, *Figure 1.* The Coastal Act defines any area "in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and development" as an ESHA[4]. The adjacent lot also includes several individuals of the native shrub Wart-stemmed ceanothus, which is endemic only to San Diego County and Baja California, and has a rare plant ranking of 2B.2 by the California Native Plant Society. A rare variant of Torrey pine, *Pinus torreyana, subsp. torreyana* is also present, with a California rare plant ranking of 1B.2[5].

A previous ESHA determination was made in conjunction with CDP #6-07-112, which approved a single-family residence at the toe of the slope that contains the open-space area currently identified as ESHA. The previous ESHA determination found that the area upslope of that subject site was not ESHA due to isolation, fragmentation, and degradation. The current determination that the adjacent parcel is indeed ESHA supersedes this earlier, preliminary determination for the following reasons:

---

[1] http://explorer.natureserve.org/ranking.htm. State and global rankings of 1 represent the most imperiled plant communities.

[2] Holland, Robert F., (1986) Preliminary Descriptions of the Terrestrial Natural Communities of California, pg. 31.

[3] Sproul, Fred *et al.*, (2011) Vegetation Classification Manual of Western San Diego County. (Note: there is an updated version of this manual now in preparation for which Dr. Ed Kentner, the botanist who visited the site, is an author.

[4] California Coastal Act of 1976, Section 30107.5

[5] http://www.cnps.org/cnps/rareplants/ranking.php

1). Although fragmented, the lot is not isolated. The SMCis very near to other large blocks of high quality SMC, andthe proximity to this additional habitat enlarges the habitat area available as a whole, supporting key functions, such as an increased seed and pollen source for plant dispersal and diversity maintenance, and elevated species occupancy.
2). Although non-native species removal is recommended and invasive species are certainly present, in the opinion of Dr. Kentner, the lot in question should not be characterized as degraded. As a specialist in the vegetation communities of San Diego County, Dr. Kentner's opinion should be given higher weight than the earlier determination, which was preliminary. It is for precisely this reason that we sought his input. Further, it is likely that in the intervening time period, (since the first assessment in 2008), the habitat quality has improved. Although the prolonged drought was harmful to many plant communities, communities that thrive under xeric conditions, such as SMC, may have been aided by the drought, which affords them a competitive advantage over invasive species. Invasive species tend to be plant generalists, but can gain a toehold where wetter conditions prevail.
3). Given its imperiled status, and the presence of rare plant species, preservation of SMC should be the goal.

Because of the rarity of this vegetation type and its vulnerability to degradation, an ESHA buffer is required. A buffer is established adjacent to ESHAs in order to protect them from any impacts associated with new development both during the construction phase and over the life of the development. Impacts from noise, shade, domestic animals, excessive irrigation, altered drainage patterns, artificial lighting, etc. can degrade the ESHA over time, and lead to extirpation of the vegetation community, facilitate species invasion, or divert wildlife from using the habitat. Because of its importance, the integrity of the buffer must be maintained. Policy 3.22 of the certified land use policy for Solana Beach states:

> Development adjacent to ESHAs shall minimize impacts to habitat values or sensitive species to the maximum extent feasible. Native vegetation buffer areas shall be provided around ESHAs to serve as transitional habitat and provide distance and physical barriers to human intrusion. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the ESHA they are designed to protect. All buffers around (non-wetland) ESHA shall be a minimum of 100 feet in width, or a lesser width may be approved by the Planning Department and Fire Marshal as addressed in Policy 3.65. However, in no case can the buffer size be reduced to less than 50 feet.

The ESHA buffer should be planted with similar native species to those in the habitat that is being protected, with an emphasis on less-flammable species, and should be at least 50' in width, (100' is recommended and more protective) consistent with the LUP's guidance for compliance with the Chapter 3 policies of the Coastal Act. That said, the ESHA buffer is not a fuel modification zone and should not be conflated with one. For the fuel modification zone, I

recommend a different plant palette be planted. A good species mix would use California sunflower, *Encelia californica* as the dominant shrub species with California sagebrush, *Artemisia californica*, and Purple needlegrass, *Stipa pulchra*, and/or Foothill needlegrass, *Stipa cernua*, for diversity. These species commonly occur at the margins of SMC in the area and would not require irrigation once established. To be particularly valuable as a fuel modification buffer, this species mix can be cut back nearly to the ground level after dormancy, (in mid to late Spring) and will re-grow from the root system into robust shrubs each winter and spring. This type of management is recommended to prevent the buildup of fuels that can increase fire hazard.

It's also important to note that although embedded in a residential area, the SMC of the adjacent lot is especially valuable due to its proximity to other large areas of SMC to the west and north, *Figure 1*. As such, this parcel is of increased value as a part of a large relatively continuous block of high quality SMC. The more fragmented and isolated a habitat becomes, the fewer species it is able to support, and the more vulnerable it becomes to degradation. Therefore, by preserving this parcel, the larger habitat is maintained and enhanced.

The value of the ESHA buffer is also potently illustrated by observations along the property margins where the surrounding residences abut the sloping SMC parcel. Those properties, which were approved before the city's Land Use Plan was certified in 2013, lack ESHA and fuel modification buffers. Directly below these ridgetop properties and near the bottom of the slope where water would be expected to accumulate, are dense patches of invasive acacia species and pampas grass, *Figure 2*. Their invasion was likely facilitated by drainage from the adjacent properties due to summer irrigation in particular, and excessive year-round irrigation more generally. Excess summer water is detrimental to the survival of the native SMC community which persists under xeric conditions. The dominant species in this community, chamise, is particularly intolerant of summer irrigation and would not be expected to remain along the slope if the nature of the site is altered by upslope runoff. If the buffers and plant palettes recommended in this report are adhered to, 525 San Julio Rd should help preserve the integrity of this vegetation community.

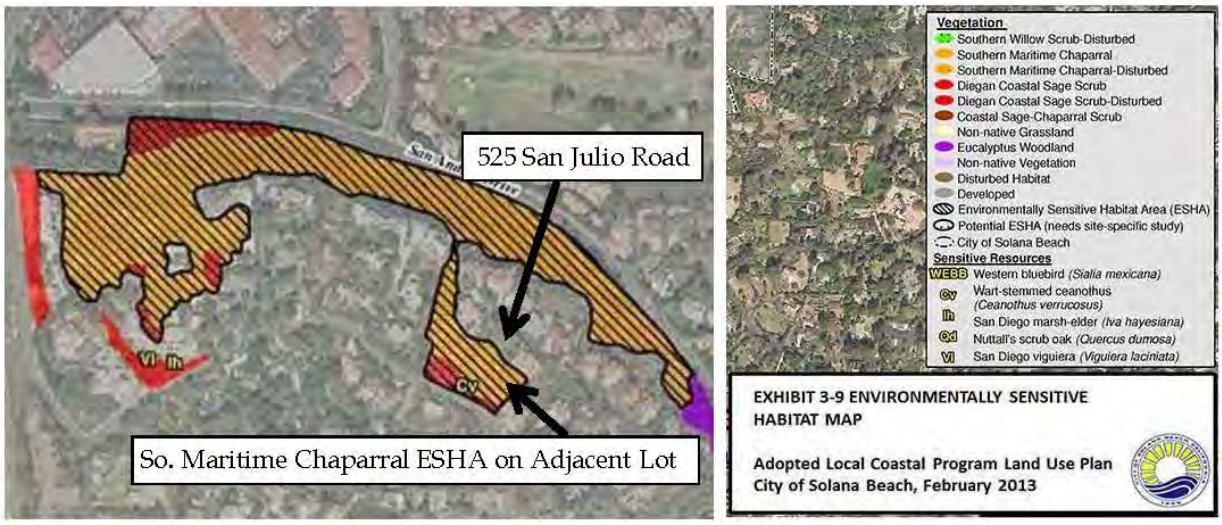


Figure 1: Excerpt from Solana Beach LUP, So. Maritime Chaparral ESHA detail with key provided.

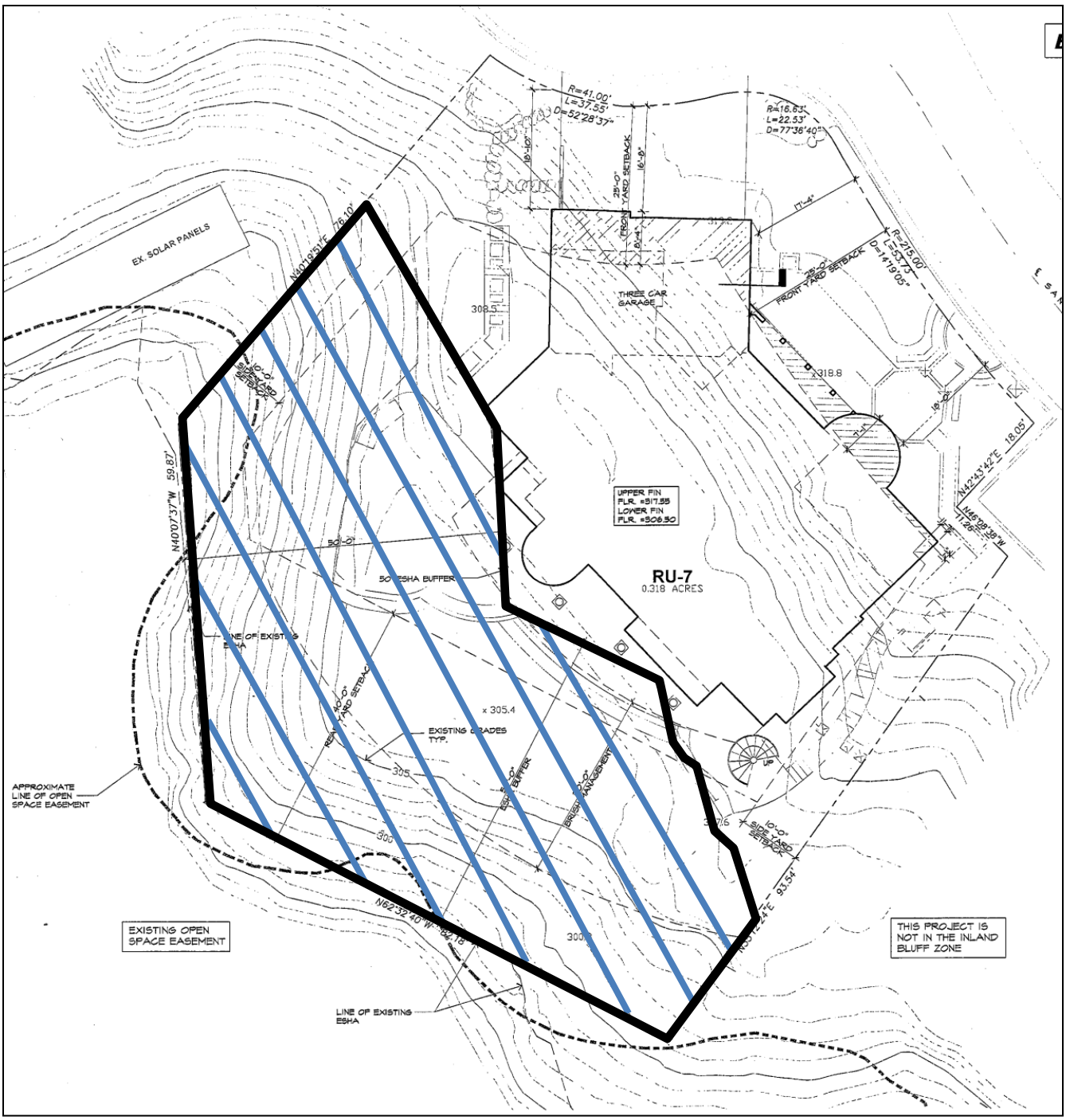
a.

b.

c.

Figure 2: Invasive acacia species next to home lacking ESHA buffer to the southeast of property (a) Pampas grass next to home to the southwest of property (b), Pampas grass at the bottom of the slope below property (c)

Recommended Open Space Area



N

Open Space Area

EXHIBIT NO. 10

APPLICATION NO.
6-16-0500

Recommended Open Space Restriction

California Coastal Commission

Commission Staff Comment Letter

CALIFORNIA -- THE NATURAL RESOURCES AGENCY EDMUND G. BROWN, JR., *Governor*

FORNIA COASTAL COMMISSION
O AREA
ROPOLITAN DRIVE, SUITE 103
GO, CA 92108-4421
-2370

October 26, 2015

Sent via email only on 10/26/2015 -ES

Russell Brown
City of Solana Beach Community Development Dept.
635 South Highway 101
Solana Beach, CA 92075

Re: Coastal Commission Staff Comments – Szekeres/San Julio Road

Dear Mr. Brown:

At the request of City staff and the applicant's representatives, Commission staff have reviewed the current Szekeres/San Julio Road project proposal located on the southeast side of the terminus of the San Julio Road cul-de-sac in Solana Beach. The proposal consists of the construction of an approximately 6,000 sq. ft. 2-story single family home on an existing 13,871 sq. ft. lot with a previously graded building pad. Commission staff have reviewed the Project Plans by Cohn + Associates, dated June 2, 2015, the Grading Plan by Pasco Laret Suiter & Associates, dated June 9, 2015, and the Biological Report by Helix Environmental Planning, dated August 17, 2015.

The subject lot is part of a 10-unit subdivision that was approved by the Commission in December 1988, pursuant to CDP 6-88-514 (attached). Special Condition #1 of CDP 6-88-514 required recordation of an Open Space Deed Restriction, which prohibits any alternation of landforms, removal of vegetation or the erection of structures of any type on slopes in excess of 25% grade. The permit has been issued and the slopes on the southern of the portion of the site are subject to these limitations.

ESHA Buffers:

As part of the application for a Coastal Development Permit (CDP), the applicant will need to provide a site plan depicting all of the following: the location of the adjacent environmentally sensitive habitat area (ESHA) as mapped in Exhibit 3-9 of the certified LUP; the location of the recorded open space area previously required by CDP 6-88-514; the location on the site of 50 ft. and 100 ft. setbacks from the ESHA; and the proposed footprint of the home.

LUP Policy 3.22 requires that buffers from ESHA shall be a minimum of 100 ft., but may be reduced to a minimum of 50 ft. in consultation with the California Department of Fish and Wildlife (CDFW) if development could not be feasibly constructed without a reduced buffer (LUP Policy 3.65). If any reduction in the required setback is proposed, approval from CDFW must be included in the application. If the currently proposed home

encroaches into the minimum ESHA buffer setback, it may be necessary to redesign and/or reduce the footprint of the house.

LUP Policy 3.22 also requires native vegetation be provided within ESHA buffers. In addition, LUP Policy 3.29 requires landscaping adjacent to ESHA be entirely native, non-invasive, drought tolerant, salt-tolerant, and fire resistant species, except for the allowance of ornamental species that are fire-resistant, drought-tolerant, and non-invasive as a small component for single family residences. As proposed, the development within the ESHA buffer does not appear to be consistent with the requirements of LUP polices 3.22 and 3.29. The current plans show significant hardscaping, retaining walls, ornamental species, and turf within the area directly adjacent to the ESHA.

As described in LUP Policies 3.10 and 3.11, if the application of the ESHA polices of the LUP would likely constitute a taking of private property without just compensation, then a use that is not consistent with ESHA provisions of the LUP shall be allowed, provided such use is consistent with all other policies of the LUP, results in the least impacts, and is the minimum amount of development necessary to avoid a takings. The Biological Report asserts that "*... If a 50 ft. [ESHA] buffer were to be implemented, development of the lot would be restricted to a small proportion of the parcel and there would not be adequate area to build a home...*" In order to justify this claim, the applicant should provide a site plan showing the 50 ft. and 100 ft. ESHA buffers and the remaining buildable area on the property.

Changes to mapped ESHA:

The mapped ESHA shown in the Biological Report appears to be smaller than the ESHA shown in Exhibit 3-9 of the certified LUP. As detailed, in LUP policy 3.7, if the applicant choses to pursue a change to the ESHA mapping for the site, a Local Coastal Program Amendment and Land Use Map update must be approved by the Commission prior to the change. Until an LCPA and a Land Use Map update is approved, all setbacks should be measured from the ESHA maps in the certified LUP, with the addition of any additional ESHA identified through the biological survey.

Open Space or Conservation Restriction or Easement over ESHA and ESHA Buffers

As required by LUP Policy 3.28, any area of ESHA or ESHA buffer requires an open space or conservation restrictions or easements in order to protect on-site resources. It would most likely not be necessary to re-dedicate to open space the areas of the site already protected by an open space restriction pursuant to CDP 6-88-514.

Potential for Nesting Birds

The Biological Report finds that the site has the potential to support nesting sensitive birds. LUP Policy 3.32 requires that for development in locations with the potential for nesting sensitive birds, biological surveys must be conducted two weeks prior to start of construction and every two weeks thereafter during construction. LUP Policy 3.32 requires that if nesting sensitive birds are identified, the applicant must coordinate with the California Department of Fish and Wildlife and implement a set-back buffer of no less than 100 ft. until the young-of-the-year are no longer reliant upon the nest. The Biological Report appears to inaccurately state that biological surveys should only be conducted if there is habitat clearing during the nesting season. It is also not clear from the Biological Report what type of habitat clearance is proposed with this application, as the Biological Report also states that the project footprint is restricted to the current graded pad and would not impact adjacent native vegetation.

Defensible Space

LUP Policy 4.79 requires that new development be sited a minimum of 100 ft. from ESHA. However, LUP Policy 4.80 allows a reduced setback if strict application of Policy 4.79 would result in a taking of private property. Commission staff have been copied on email correspondence between City planning staff and the City of Solana Beach Fire Prevention Technician dated September 10, 2015. The City Fire Prevention Technician asserts that no brush management is required for the subject site because the site is not located in the "Very-High Fire Hazard" zone on the CAL FIRE FRAP map. The Commission appreciates the Fire Department's involvement with this development project. However, it has been the experience of the Commission over the past several decades that fire protection and brush management requirements are relaxed in the years between conflagrations, only to increase after a large wildfire. Once a structure is in place, the Fire Department has the ability, through a nuisance order, to order removal of brush around that structure, regardless of what the LUP states or what the property owner might have agreed to at the time the development was approved. Should brush clearance be required in the future, anywhere that development had been approved closer than 100 feet from ESHA would then result in the need to remove, and significantly disrupt habitat values. Thus, it is critically important that new development be sited to avoid the potential need for brush management that would impact ESHA.

The Biological Report states that application of a 100-ft. fuel modification area from ESHA would severely restrict development and use of the property. As explained in the ESHA Buffer section of this letter, additional information is required to determine the maximum ESHA buffer that can be achieved while still allowing some development on the subject site.

Thank you for the opportunity to comment on this project. If you have any questions, please feel free to contact me.

Sincerely,

Eric Stevens
Coastal Program Analyst II

Attachment: Staff Report CDP #6-88-514

CC: Erin McKinley
Gary Cohn

CALIFORNIA COASTAL COMMISSION
SAN DIEGO COAST DISTRICT
1333 CAMINO DEL RIO SOUTH, SUITE 125
SAN DIEGO, CA 92108-3520
(619) 297-9740

Filed:	10/31/88
49th Day:	12/19/88
180th Day:	4/30/88
Staff:	PBW-SD
Staff Report:	11/21/88
Hearing Date:	12/13-16/88

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-88-514

Applicant: Solana Hills Estates

Description: Construct 10-unit planned residential development on a vacant, previously subdivided 7.85 acre site.

Lot Area	7.85 acres
Building Coverage	29,640 sq. ft. (9%)
Pavement Coverage	32,056 sq. ft. (9%)
Landscape Coverage	23,100 sq. ft. (7%)
Unimproved Area	257,149 sq. ft. (75%)
Parking Spaces	25
Zoning	RR-2
Plan Designation	Estate 2 dua
Project Density	1.3 dua
Ht abv fin grade	25 feet

Site: Westerly terminus of San Julio Rd. between San Andres Drive and Solana Drive, Solana Beach, San Diego County. APN 298-371-24.

Substantive File Documents: Certified County of San Diego Local Coastal Program; CDP #6-87-246; CDP #6-83-652; CDP #6-86-249

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Open Space Deed Restriction. Prior to the issuance of the coastal development permit, the applicant shall record a restriction against the subject property, free of all prior liens and encumbrances, except for tax liens, and binding on the permittee's successors in interest and any subsequent purchasers of any portion of the real property. The restriction shall prohibit any alteration of landforms, removal of vegetation or the erection of structures of any type in the area shown on the attached Exhibit "2" and generally described as all areas with slopes in excess of 25% grade as indicated in the Tentative Parcel Map approval of the City of Solana Beach for TM4406, without the written approval of the California Coastal Commission or successor in interest. The recording document shall include legal descriptions of both the applicant's entire parcel(s) and the restricted area, and shall be in a form and content acceptable to the Executive Director. Evidence of recordation of such restriction shall be subject to the review and written approval of the Executive Director.

2. 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.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Development Description and History. Proposed is the construction of a ten-unit planned residential development (PRD) on an approximately 7.85 acre site. The site of the proposed development is a steeply sloping parcel with flatter areas along a ridge-top and below the ridge, parallel with Solana Drive, westerly of the end of San Julio Road and located between that road and Solana Drive. Access to the flatter portions of the site is provided from the cul-de-sac at the end of San Julio Road.

The proposed approximately 4,000 square foot residences will be a maximum of 25 feet in height, and will be three stories maximum. All units will have five bedrooms. A tennis court will be provided for use of the residents.

A 15 unit PRD, site preparation and construction of the access road were previously approved by the Commission as CDP #6-87-246 (Polo Hills Venture). That permit was approved for a 15 unit PRD, and was approved subject to conditions requiring compliance with the tentative map and major use permit approval of the City of Solana Beach, evidence of sewer service at the project

site, and recordation an open space deed restriction over much of the steep slopes at the project site, mirroring the open space required by the City of Solana Beach.

The present proposal departs from that previously approved in several aspects. First, the City of Solana Beach has required that the project be reduced from 15 residential units to 10 residential units. Second, the site plan has been completely altered to both accommodate the reduced density of the project as currently proposed, and to move the proposed tennis court to portion of the site which is less steep that the previously approved location. Finally, the configuration of the open space easement required by the City of Solana Beach was altered to eliminate impacts upon steeply sloping areas. It should be noted that the currently proposed open space easement was recorded along with the final map for the proposed development, prior to the issuance of the previously approved coastal development permit or approval of the proposed development, in apparent violation of the Coastal Act.

The originally approved project involved about 7,000 cubic yards of grading for road improvments and construction of drainage facilities and utilities. An additional 4,465 cubic yards of cut and 2,204 cubic yards of fill are proposed to prepare the site for construction. This grading will result in maximum cut and fill slopes of six and twelve feet, respectively. About 2,148 cubic yards of graded materials are proposed to be exported from the project site.

The site of the proposed project is located in the City of Solana Beach. The subject property is situated in an area characterized in general by relatively new residential development. The site has been both planned and zoned for residential uses similar in density to that proposed in this application. The site is also located within the Unsewered Overlay area in the County of San Diego's LCP for the area, but not in to the Coastal Resource Protection area overlay.

2. Consistency with Chapter 3 Policies. 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 of the Act states, in part:

> New development shall:
>
> (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the

and, if in the coastal zone, a separate permit or permit amendment must be obtained.

Given these special conditions, any potential impacts resulting from the proposed project will be minimized to the greatest extent feasible. Therefore, the Commission finds that the subject development, as conditioned, is consistent with the applicable policies of Chapter 3 of the Coastal Act.

3. 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. As stated above, the project, as conditioned, is consistent with the applicable policies of Chapter 3 of the Coastal Act.

The subject site was previously in the County of San Diego Local Coastal Program (LCP) jurisdiction, but is now within the boundaries of the City of Solana Beach. The City is in the process of preparing for the Commission's review a new or revised LCP for the area.

Because of the incorporation of the City, the certified County Local Coastal Program no longer serves as the valid LCP for the area. However, the issues regarding protection of coastal resources in the area have been addressed by the Commission in its review of the County of San Diego LUP and Implementing Ordinances. As such, the Commission will continue to utilize the County LCP documents for guidance in its review of development proposals in the City of Solana Beach until such time as a new or revised LCP is submitted by the City.

The San Diego County LCP contains special overlay areas where sensitive coastal resources are to be protected. The subject property falls within the unsewered overlay area. The requirement for sewer service was, however, a special condition under CDP #6-87-246, and evidence of sewer service has been provided consistent with the special condition attached to that permit. The Commission finds that, as conditioned, the proposed development conforms to Coastal Act Chapter 3 policies and with the special area regulations contained in the certified County of San Diego LCP. The development's approval, as conditioned, will not prejudice the ability of the City of Solana Beach to complete a certifiable Local Coastal Program.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application.

Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

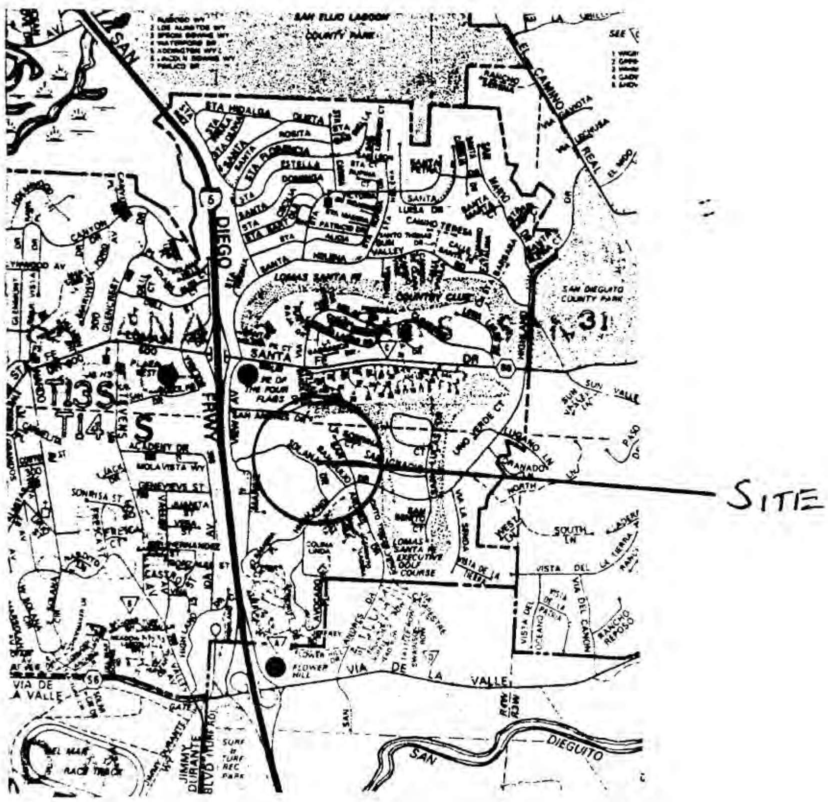
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.

6. 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.

7. 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.

(8514R)


SAN ELIJO LAGOON COUNTY PARK
EL CAMINO REAL
SAN DIEGO FRWY
LOMAS SANTA FE
COUNTRY CLUB
SANTA FE DR
SAN DIEGUITO COUNTY PARK
T13S
T14S
ACADEMY DR
GENEVIEVE ST
SONRISA ST
LOMAS SANTA FE EXECUTIVE GOLF COURSE
FLOWER HILL
VIA DE LA VALLE
DEL MAR RACE TRACK
JIMMY DURANTE BLVD
SURF & TURF REC PARK
SAN DIEGUITO
VISTA DEL CANON
RANCHO REPOSO
SITE

-713-88-1

site plan

DELIVERED OCT 24 1988

Comments from City of Solana Beach

Subject: RE: CCC Question to COSB on Frontyard Variance

From: Bill Chopyk (bchopyk@cosb.org)

To: jpszekeres@stanfordalumni.org;

Date: Tuesday, June 28, 2016 7:49 PM

The project is consistent with the LUP buffer policies because the house has been designed to provide the minimum 50-foot buffer from ESHA, and the 50-foot buffer has been approved by the City Council, Planning Department, and Fire Marshal.

The project would not impact ESHA according to the Biological Resources Report prepared by Helix Environmental Planning.

Additional reductions in the front yard setback will not be considered by the City of Solana Beach. The City Council granted a front yard setback that is consistent with the established setbacks in the Solana Hills Estates Planned Unit Development (PUD). Any additional encroachment in the front yard setback would place the house closer to the street than any other house in the PRD. Thus, the required variance findings could not be made. Variances are extremely rare. The City of Solana Beach is not supportive of any additional variances for this property.

Bill Chopyk, AICP

Director of Community Development

City of Solana Beach

635 S. Highway 101
Solana Beach, CA 92075

Phone: (858) 720-2449

www.cityofsolanabeach.org

EXHIBIT NO. 12
APPLICATION NO. **6-16-0500**
City of Solana Beach
Comments California Coastal Commission

Comments from HOA

Little & Sons Property Management Co.
Serving Greater San Diego Since 1979

October 4, 2016

Amy and Jeff Szekeres
13085 Survey Point
San Diego, CA 92130

Re: Waiver Request for Environmental Concerns Dated August 25th, 2016

Dear Amy and Jeff Szekeres:

The Solona Hills Estates HOA ("HOA") Board of Directors instructed Little & Sons Property Management to respond to a written waiver request you submitted to the HOA President and the HOA Architectural Committee on August 25, 2016. In that request, you asked the Architectural Committee to consider a waiver from its architectural standards and conditions on the basis of potential environmental concerns. Included in your request was a Biological Resources Report from environmental consulting firm, Helix Environmental Planning Inc ("Helix") dated November 23, 2015. In addition, Helix had correspondence on August 19, 2016 with the City of Solana Beach regarding your project, a copy of which was also provided. Finally, you provided online resources containing relevant policies applicable to the project from state and local authorities, including the Coastal Act.

Following your waiver request, the HOA and Architectural Committee instructed Little & Sons to conduct a formal review of your request by hiring another independent environmental consultant, Busby Biological Services ("Busby"), to critically review the Helix report, to conduct a site survey, and to provide their opinion with regards to whether there are environmental concerns with your project. The Busby report is attached as Exhibit I to this letter.

The Busby report concurs with the existing findings in the Helix report which state there are no significant concerns with your project plans. Furthermore, during the past year, your project has already been modified to provide a larger buffer to the local sensitive habitat making the current plans even more environmentally friendly than the original plans reviewed by Helix in 2015. The HOA concludes from both the Helix and Busby reports that your project has no significant degradation to the ESHA. In fact, your project plans improve the existing ESHA by planting a significant amount of native vegetation adjacent to ESHA along your entire steep slope-side on the property. Finally, Helix confirms in the August 19, 2016 that any further changes to the project plans would be pointless in seeking to reduce the insignificant impacts to the sensitive habitat.

Little & Sons regrets to inform you that the HOA and Architectural Committee reject your request for a waiver from its architectural standards and conditions. The HOA has found no basis for any environmental concern which should prevent the completion of your project as is. The HOA has a legal obligation to uphold the standards of the community as outlined in the CCR's and as directed by the Architectural Committee. This is a responsibility the HOA takes very seriously.

It is very important for your new home construction to be comparable to similar, ocean-facing homes on San Julio Road. In the Architectural Committee approval letter dated August 5, 2015, it was made clear to you that the size of your home should not be reduced and the exterior landscaping should not deviate. The owners of the HOA are very concerned about the impact your home will have on the character of the neighborhood and the value of the homes. With only eight homes on San Julio Road, your new home construction has a very material impact on the community.

Please reach out should you have any further questions.

Sincerely,

Daniel G. Little
Association Manager

411 Camino Del Rio South, Suite 201, San Diego, CA 92108-3550
Tel: (619) 298-9973 • Fax: (888) 845-7129 • www.littleandsons.com

EXHIBIT NO. 13
APPLICATION NO.
6-16-0500
HOA Comments
Page 1 of 2
California Coastal Commission

August 5, 2015

David J. Karp
500 San Julio Road
Solana Beach, CA 92075

Dear Jeff and Amy Szekeres,

Thank you for submitting detailed architectural and engineering plans for your new home on lot #7 in San Julio Estates. We appreciated the opportunity to meet your architect Gary Cohn in person to review and discuss your plan specifications in great detail on March 5, 2015.

Since the March meeting, I have also been able to discuss and review with other members of the San Julio Estates Homeowners Association (HOA) who could not attend the March meeting. Furthermore, you have provided satisfactory details regarding drainage / grading plans developed by your civil engineering firm which affect the open space hillside.

As a result of the unanimous HOA vote conducted on July 30th, 2015, you have Homeowners Association approval to proceed for all of your plans subject to the following sets of conditions which are put in place to protect the integrity and value of the other homes in the HOA.

1. The size of the home shall not be reduced from the current plans as a result of comparison to the immediate Westward facing neighbors at 507 San Julio Rd (5,494 sq feet), 541 San Julio Rd (5,808 sq feet) and 500 San Julio Road (5,021 sq feet).
2. The exterior landscaping plans do not materially deviate from the exterior plans shared with the Architectural Committee. Specifically you may not introduce high walls in the landscaping/hardscaping which impede the view of the front of the home

Prior to breaking ground on the lot, please come back to us to enable a conversation with your builder to establish a timeline and basic principles of construction and clean-up operations in our neighborhood.

Best regards,

David Karp,

Architectural Committee of Solana Hills HOA

STATE OF CALIFORNIA -- THE NATURAL RESOURCES AGENCY EDMUND G. BROWN, JR., *Governor*

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

June 24, 2016

Gary Cohn
Cohn + Associates
512 Via de la Valle, Suite 208
Solana Beach, CA 92075

Re: Coastal Development Permit Application #6-16-0500

Dear Mr. Cohn,

Commission staff has reviewed the above cited permit application for the construction of a single-family residence at 535 San Julio, Solana Beach, San Diego, and determined that additional information is necessary in order to properly review this application and schedule it for public hearing. Please submit the following at your earliest convenience:

1. Per Item 4 of Section IV of the permit application: Stamped envelopes addressed to each property owner and occupant of property situated within 100 feet of the property lines of the subject parcel (excluding roads), along with a list containing the names, addresses, and assessor's parcel numbers of same.

   Additionally, a filing fee of $554 was submitted to our office in conjunction with this application. However, the total filing fee for this project is $6,648 per Appendix E: Filing Fee Schedule. The $554 that has already been submitted will be put towards the total, thus, an additional $6,094 fee is required.

2. A copy of the variance issued by the City of Solana Beach for the encroachments into the front yard setback, a copy of the Development Review Permit and Structural Development Permit 17-55-22, and Resolution 2016-060.

3. Per Page 3 of the CDP application, please confirm if the graded material will be disposed of outside the coastal zone, or identify the disposal site, if known. If the disposal site is within the coastal zone, its location must be identified prior to the issuance of the permit, and disposal could require a separate permit or amendment.

4. As you know, according to Exhibit 3-9 of the City of Solana Beach certified Land Use Plan (LUP), the subject site is adjacent to mapped Environmentally Sensitive Habitat Area (ESHA). The LUP requires that, per Policy 3.22:

   Development adjacent to ESHAs shall minimize im
   sensitive species to the maximum extent feasible. N
   shall be provided around ESHAs to serve as transi

distance and physical barriers to human intrusion. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the ESHA they are designed to protect.

All buffers around (non-wetland) ESHA shall be a minimum of 100 feet in width, or a lesser width may be approved by the Planning Department and Fire Marshal as addressed in Policy 3.65. However, in no case can the buffer size be reduced to less than 50 feet.

In previous e-mail correspondence dated September 10, 2015 between Eric Stevens of this office and Russell Brown of the City of Solana Beach, Mr. Brown indicated that compliance with the City's required 50 ft. ESHA buffers would be infeasible because it would preclude development of the lot. However, in order for Commission staff to evaluate the constraints on the site, please provide a site plan that identifies the adjacent ESHA (as mapped in Exhibit 3-9 of the LUP) overlaid on the project site plan, including the location of both a 50 ft. and 100 ft. setbacks from the LUP ESHA.

5. Because the project as proposed is inconsistent with the certified LUP buffer policies and would impact ESHA, an alternatives analysis is required that demonstrates that the proposed project is the least environmentally damaging feasible alternative. Please provide an analysis, including plans, that demonstrates what size house could be accommodated on the lot where all development observes a 50-foot setback from 1) the LUP mapped ESHA, and 2) the ESHA as mapped in the Biology Report (submitted by HELIX and dated November 23, 2015).

   The project has already received a variance for minor reductions in the front yard setback; the alternatives analysis should consider whether additional reductions in the front yard setbacks could allow for less impact to ESHA. If there are additional constraints on the site, such as HOA restrictions, please provide this information; however, these restrictions should not limit your review of alternatives that are not wholly consistent with existing HOA requirements, as HOA requirements can be amended or excepted.

6. Regarding ESHA buffers, Policy 3.65 of the LUP states:

   In some cases, smaller buffers may be appropriate, when conditions of the site as demonstrated in a site specific biological survey, the nature of the proposed development, etc. show that a small buffer would provide adequate protection. In such cases, the CDFW must be consulted and agree that a reduced buffer is appropriate and the City, or Commission on appeal, must find that the development could not be feasibly constructed without a reduced buffer. However, in no case shall the buffer be less than 50 feet.

   Please submit a letter from CDFW that satisfies this requirement.

7. The submitted plans indicate a meandering ESHA buffer is included in this proposal. Policy 3.29 of the LUP requires that landscaping adjacent to ESHA must consist entirely of native, non-invasive, drought tolerant, salt-tolerant and fire resistant species with the exception that ornamental species may be allowed provided they are a small component for single-family residences. However, the landscape concept plan indicates a large amount of "Turf" (Aloha Seashore Paspalum) and hardscaping within the proposed ESHA buffer. Both turf and hardscaping are considered development, and thus, are prohibited in an ESHA buffer. Please provide an alternative landscaping plan that eliminates all development (hardscaping and turf) within the ESHA buffer and meets the requirements of Policy 3.29.

8. The site plans depict a 30 ft. brush management zone around the proposed structure. However, Page 7 of the Biology Report states,

   "No fuel modification activities would be required for this project (email from Russell Brown of the City, dated September 3, 2015); therefore, no off-site direct impacts to native vegetation or ESHA would occur. In addition, Anita Pupping, the Fire Marshal for the City, communicated to the architect of the proposed development on October 21, 2015 that a 30 foot minimum fire break will be needed between the proposed structure of the development and any native vegetation which may be accomplished through the use of turf and hardscaping within the project footprint."

   Please clarify what this means as it appears that the information regarding fuel modification and fire breaks is conflicting.

9. The subject site has been zoned Estate Residential 2 (ER-2). However, the ER-2 zoning requires a minimum lot size of 20,000 square feet, and the application indicates that the applicant's lot is only 13,871 square feet. Please clarify how this project is consistent with City zoning requirements.

10. As you may be aware, this site has previously been the subject of a prior coastal development permit approved when the property was subdivided to create the subject lot. The subdivision permit (CDP #6-88-514, staff report enclosed) required recordation of an "open space easement" over the steep, naturally vegetated slopes where no development is allowed to occur (Exhibit #2). However, the easement that was recorded is not consistent with the Commission's actions. For your reference, I have also enclosed a copy of a staff report for a permit approved by the Commission in May 2008 for a new single-family residence located east of the subject site, which includes a detailed history of the erroneously recorded easement (CDP #6-07-112). In order for staff to evaluate the subject project, please refer to Exhibit #3 of staff report 6-07-112 which indicates a contour line where the open space easement was required, and overlay this line on the proposed site plan.

Please do not limit your submittal to the above mentioned items. You may submit any information which you feel may help Commission staff gain a clear understanding of the scope of your project. When all required information is received, reviewed by staff and found to be adequate to analyze the project, your application will be filed and scheduled on the next available Commission agenda. If you have any questions, please feel free to contact me.

Sincerely,

Lisa Schlembach
Coastal Program Analyst

(G:\San Diego\Digital Permit Files\2016\6-16-0500 Szekers, San Julio\Non-Filing 1\6-16-0500 non-filing letter.docx)

CALIFORNIA COASTAL COMMISSION
SAN DIEGO COAST DISTRICT
1333 CAMINO DEL RIO SOUTH, SUITE 125
SAN DIEGO, CA 92108-3520
(619) 297-9740

Filed:	10/31/88
49th Day:	12/19/88
180th Day:	4/30/88
Staff:	PBW-SD
Staff Report:	11/21/88
Hearing Date:	12/13-16/88

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-88-514

Applicant: Solana Hills Estates

Description: Construct 10-unit planned residential development on a vacant, previously subdivided 7.85 acre site.

Lot Area	7.85 acres
Building Coverage	29,640 sq. ft. (9%)
Pavement Coverage	32,056 sq. ft. (9%)
Landscape Coverage	23,100 sq. ft. (7%)
Unimproved Area	257,149 sq. ft. (75%)
Parking Spaces	25
Zoning	RR-2
Plan Designation	Estate 2 dua
Project Density	1.3 dua
Ht abv fin grade	25 feet

Site: Westerly terminus of San Julio Rd. between San Andres Drive and Solana Drive, Solana Beach, San Diego County. APN 298-371-24.

Substantive File Documents: Certified County of San Diego Local Coastal Program; CDP #6-87-246; CDP #6-83-652; CDP #6-86-249

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Open Space Deed Restriction. Prior to the issuance of the coastal development permit, the applicant shall record a restriction against the subject property, free of all prior liens and encumbrances, except for tax liens, and binding on the permittee's successors in interest and any subsequent purchasers of any portion of the real property. The restriction shall prohibit any alteration of landforms, removal of vegetation or the erection of structures of any type in the area shown on the attached Exhibit "2" and generally described as all areas with slopes in excess of 25% grade as indicated in the Tentative Parcel Map approval of the City of Solana Beach for TM4406, without the written approval of the California Coastal Commission or successor in interest. The recording document shall include legal descriptions of both the applicant's entire parcel(s) and the restricted area, and shall be in a form and content acceptable to the Executive Director. Evidence of recordation of such restriction shall be subject to the review and written approval of the Executive Director.

2. 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.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Development Description and History. Proposed is the construction of a ten-unit planned residential development (PRD) on an approximately 7.85 acre site. The site of the proposed development is a steeply sloping parcel with flatter areas along a ridge-top and below the ridge, parallel with Solana Drive, westerly of the end of San Julio Road and located between that road and Solana Drive. Access to the flatter portions of the site is provided from the cul-de-sac at the end of San Julio Road.

The proposed approximately 4,000 square foot residences will be a maximum of 25 feet in height, and will be three stories maximum. All units will have five bedrooms. A tennis court will be provided for use of the residents.

A 15 unit PRD, site preparation and construction of the access road were previously approved by the Commission as CDP #6-87-246 (Polo Hills Venture). That permit was approved for a 15 unit PRD, and was approved subject to conditions requiring compliance with the tentative map and major use permit approval of the City of Solana Beach, evidence of sewer service at the project

site, and recordation an open space deed restriction over much of the steep slopes at the project site, mirroring the open space required by the City of Solana Beach.

The present proposal departs from that previously approved in several aspects. First, the City of Solana Beach has required that the project be reduced from 15 residential units to 10 residential units. Second, the site plan has been completely altered to both accommodate the reduced density of the project as currently proposed, and to move the proposed tennis court to portion of the site which is less steep that the previously approved location. Finally, the configuration of the open space easement required by the City of Solana Beach was altered to eliminate impacts upon steeply sloping areas. It should be noted that the currently proposed open space easement was recorded along with the final map for the proposed development, prior to the issuance of the previously approved coastal development permit or approval of the proposed development, in apparent violation of the Coastal Act.

The originally approved project involved about 7,000 cubic yards of grading for road improvments and construction of drainage facilities and utilities. An additional 4,465 cubic yards of cut and 2,204 cubic yards of fill are proposed to prepare the site for construction. This grading will result in maximum cut and fill slopes of six and twelve feet, respectively. About 2,148 cubic yards of graded materials are proposed to be exported from the project site.

The site of the proposed project is located in the City of Solana Beach. The subject property is situated in an area characterized in general by relatively new residential development. The site has been both planned and zoned for residential uses similar in density to that proposed in this application. The site is also located within the Unsewered Overlay area in the County of San Diego's LCP for the area, but not in to the Coastal Resource Protection area overlay.

2. Consistency with Chapter 3 Policies. 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 of the Act states, in part:

> New development shall:
>
> (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic 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.

Finally, Section 30240(b) of the Act states, in part:

> (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such 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 such areas, and shall be compatible with the continuance of such habitat areas.

Although the project site is located in an area that had not been proposed for protection under the County of San Diego LCP's Coastal Resource Protection (CRP) Overlay Zone, the project site does contain significant, mature coastal sage scrub vegetation on slopes in excess of 25% grade which is considered environmentally sensitive habitat. For this reason, both the Commission and the City of Solana Beach imposed restrictions on the developable area at the project site, and required that the steep, vegetated portions of the site be protected through either an open space easement or a deed restriction, consistent with Sections 30251 and 30240 of the Act.

Because of the revised open space area required by the City of Solana Beach, Special Condition #1 is attached to this permit. This condition requires that a new open space deed restriction be recorded which would mirror exactly the portions of the property restricted by the City. This would allow the previous open space deed restriction, which conflicts to a certain extent with that currently required by the City, to be rescinded in favor of the current configuration. Since the current configuration of the open space avoids encroachment onto steep slopes and is therefore more protective of naturally vegetated steep slopes than that previously approved under CDP #6-87-264, the currently proposed project should not result in any increase in the level of impacts resulting from the approval of the project.

Typically, when development of steeply sloping parcels is approved by the Commission, additional special conditions are proposed in order to avoid any impacts to sensitive resources located downstream from the development. These conditions typically include restrictions on when the site grading may occur, restrictions requiring the submittal of erosion control and revegetation plans, etc. In the case of the subject proposal, however, all site drainage will be away from the sensitive resources of San Dieguito Lagoon, and into existing storm drain systems which themselves do not discharge into the lagoon. As a result, grading during winter months will not result in any impacts to any sensitive resources, and no such restriction is proposed.

The site design does, however, propose about 2,200 cubic yards of export graded materials. Due to the possibility that inappropriate disposal of these materials could result in impacts to sensitive resources, Special Condition #2 has been proposed. This would require that the disposal site be identified,

and, if in the coastal zone, a separate permit or permit amendment must be obtained.

Given these special conditions, any potential impacts resulting from the proposed project will be minimized to the greatest extent feasible. Therefore, the Commission finds that the subject development, as conditioned, is consistent with the applicable policies of Chapter 3 of the Coastal Act.

3. 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. As stated above, the project, as conditioned, is consistent with the applicable policies of Chapter 3 of the Coastal Act.

The subject site was previously in the County of San Diego Local Coastal Program (LCP) jurisdiction, but is now within the boundaries of the City of Solana Beach. The City is in the process of preparing for the Commission's review a new or revised LCP for the area.

Because of the incorporation of the City, the certified County Local Coastal Program no longer serves as the valid LCP for the area. However, the issues regarding protection of coastal resources in the area have been addressed by the Commission in its review of the County of San Diego LUP and Implementing Ordinances. As such, the Commission will continue to utilize the County LCP documents for guidance in its review of development proposals in the City of Solana Beach until such time as a new or revised LCP is submitted by the City.

The San Diego County LCP contains special overlay areas where sensitive coastal resources are to be protected. The subject property falls within the unsewered overlay area. The requirement for sewer service was, however, a special condition under CDP #6-87-246, and evidence of sewer service has been provided consistent with the special condition attached to that permit. The Commission finds that, as conditioned, the proposed development conforms to Coastal Act Chapter 3 policies and with the special area regulations contained in the certified County of San Diego LCP. The development's approval, as conditioned, will not prejudice the ability of the City of Solana Beach to complete a certifiable Local Coastal Program.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application.

Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.

6. 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.

7. 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.

(8514R)

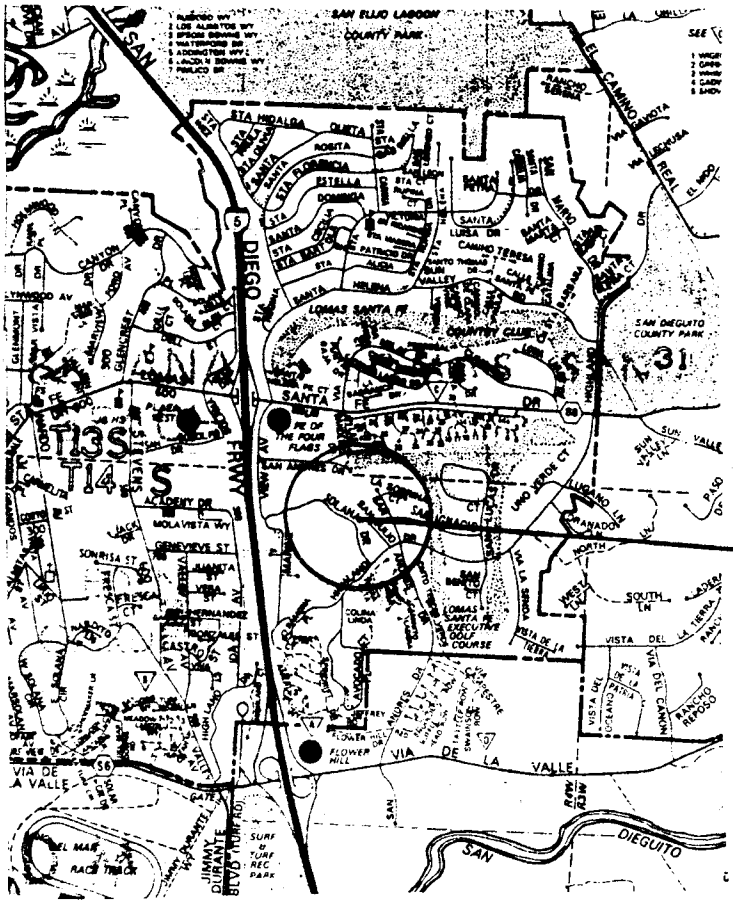


EXHIBIT NO. 1
APPLICATION NO. 6-88-514
LOCATION
California Coastal Commission

6-88-514

site plan

DELIVERED OCT 24 1988

EXHIBIT NO. 2
APPLICATION NO. 6-88-514
SITE PLAN AND OPEN SPACE

California Coastal Commission

AXELSON & CORN
ATTORNEYS AT LAW

160 CHESTERFIELD DRIVE
SUITE 201
ENCINITAS, CALIFORNIA 92007

TEL 760-944-9006
FAX 760-454-1886
www.axelsoncorn.com

July 12, 2016

Lisa Schlembach, Coastal Program Analyst
California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4421

Re: Coastal Development Permit Application #6-16-0500 and
Response to Letter from CCC Dated June 24, 2016

Dear Ms. Schlembach:

I represent Amy and Jeff Szekeres who have asked me to help them obtain the permits needed to build their family home. I write in response to your June 24th letter requesting additional information.

Item 1: **Public Notice Materials and Filing Fee**. The public notice materials and a check in the amount of $6,094 will be delivered in person to your office by the end of this week.

Item 2: **City Variance, DRP/SDP 17-55-22, and City Resolution 2016-060**. All requested items are enclosed in Exhibit A.

Item 3: **Soil Export**. Any graded materials for export will be deposited outside the coastal zone.

Item 4: **Site Plans with ESHA Overlay**. Enclosed as Exhibit D you will find a site plan that depicts the 50 and 100-foot ESHA "setback" lines from both the ESHA as *estimated* in the LUP maps and from the ESHA as actually mapped by the City's environmental consultant, Helix Environmental Planning Inc. ("Helix"), in a recent GPS field survey.

Note #1: The ESHA maps incorporated into the City's ESHA maps were no more than rough approximations, based primarily on satellite or high-altitude aerial imagery, by third-party environmental consultant, Helix. No field surveys were performed for the creation of these crude maps. For Jeff and Amy's home, the City commissioned Helix to perform a field survey using state-of-the-art technology attached as Exhibit H. This field survey confirmed that the actual ESHA area is significantly different than the ESHA boundaries approximated in the LUP.

Note #2: The City of Solana Beach does not have a certified LCP. Pursuant to Public Resources Code (PRC) §30604(a), the law applicable to this CDP application is PRC §30240, not the City's LUP. I understand from previous cases I have handled that Coastal staff likes to reference the LUP for "guidance." However, the law actually applicable to the Commission's review of this application is Chapter 3 of the Coastal Act, not the LUP. And, because the issue here is the

ESHA buffer, the specific section for compliance purposes is PRC §30240(b). The ESHA buffer zone statements in the LUP are not legally binding. That said, Jeff and Amy have used best efforts to feasibly comply with the LUP, as evidenced by the City's approval of this project as designed. The City (and now the Coastal Commission) was required to relax standards on residential uses near ESHA areas and approve the home to avoid a taking under PRC §30010. See, McAllister v. Coastal Commission (2008) 169 Cal.App.4th 912, 939.

PRC §30240(b) provides as follows:

> Development in areas adjacent to environmentally sensitive habitat areas … shall be sited and designed to prevent impacts which would ***significantly*** degrade those areas, and shall be compatible with the continuance of these habitat … areas. (Emphasis added).

As determined by the City (City Resolution 2016-060) and clearly outlined in the Helix report in Exhibit H, and in accord with the Coastal Commission's numerous approvals for the Solana Hills PRD and home approvals within the PRD (including, but not limited to, CDP #s 6-83-652, 6-86-249, 6-87-246, 6-88-514, and 6-07-112), Jeff and Amy's home will not degrade the adjacent ESHA, let alone "significantly." Thus, we believe the Commission could and should approve the project as currently designed.

As you consider this application, please also recognize that the Commission expressly approved the Solana Hills PRD (CDP #6-88-514) to include ten residences at 25-foot heights, 3-stories, and 5 bedrooms – in specific locations within the PRD. In exchange for these limitations and restrictions, the Commission required the original developer to place the majority of his land into a permanent open space easement for the public benefit. In exchange, the Commission approved the PRD showing the Szekeres lot with hardscaping and a swimming pool right up to the boundary of the open space easement, with no ESHA buffer. See Exhibit 2 in the site plan incorporated into CDP #6-88-514, which is also referenced in your letter of June 24th.

Nevertheless, since the publication of the Helix report in Exhibit H, Jeff and Amy have worked with their architect and the City to re-design their home to stay clear of the ESHA (as mapped in the field survey) by at least 50 feet, and only plantings and minimal hardscape are proposed between the home and the ESHA. As discussed below in the alternatives analysis section, the home cannot be any smaller than the one approved by the City and the HOA.

Note 3: Before Coastal staff focuses too much on the technical rules that may *or may not* apply to this project, it pays to consider the practical reality that the ESHA near this project is biologically low quality, isolated, and completely surrounded by other homes and streets. The Szekeres lot is one of the very few remaining undeveloped parcels in all of Solana Beach, a highly urbanized area. This site is east of Interstate 5, more than a mile from the Pacific Ocean, and not proximate to the San Elijo Lagoon or San Dieguito River Valley. No matter what, this modest home, on a 0.34-acre lot, will have negligible adverse impacts, if any, on the environment, included the nearby, low-quality ESHA.

Helix describes this site as "highly disturbed" and in "isolation by surrounding development." Per Helix, the 0.34-acre lot is comprised of 0.29 acres of "disturbed habitat" and 0.05 acres of

"developed land," with no sensitive plant or animal species observed within the property boundaries. Helix found that the Szekeres home would impact 0.2 acres of disturbed habitat and 0.05 acres of developed lands, with no impacts to sensitive plant or wildlife species. Importantly, no EHSA occurs on the property. Helix also found that "the current condition of the property does not provide a native buffer between the existing ESHA and undeveloped areas." Helix also found that the mitigation measures proposed as part of the project design would affirmatively improve the functions and values of ESHA buffer between the development and the ESHA. As noted above in Note #2, the Szekeres have further re-designed their home since the publication of the Helix report to move the home further away from the ESHA and create a 50 foot setback.

Note #4. Public Resources Code §30610.1 provides that single-family homes on vacant lots such as this one can be CDP-exempt if the lot is located in an area specified for this exemption by the Commission. See, PRC §30610.1(b). Please confirm whether or not this area was so specified and please provide me with a copy of the Commission's §30610.1(b) designations for San Diego County.[1]

Item 5: **Alternatives Analysis**. An alternatives analysis is attached as Exhibit E. This analysis shows that only the home approved by the City is feasible[2] and leads to the conclusion that any changes to the design would effectively "take" the property from the Jeff and Amy and lead to inverse condemnation.

As you review the alternatives analysis, please recognize that a single-family home for this lot is constrained by 4 design factors, the first 3 of which are not subject to any further accommodation: (1) HOA Architectural Committee approval requirements (mandatory) which require minimum home and yard sizes; (2) Front yard, rear yard, and side yard setback requirements; (3) Fire Marshall fire break requirements; and, (4) ESHA buffer requirements. The City-approved home complies with all 4 factors to the furthest extent feasible, and cannot be meaningfully changed.

Factor #1: The HOA Architectural Committee determined they will not approve a smaller home than the one designed and approved by the City. See, Exhibit F. The Architectural Committee acts in accordance with standards designed to ensure that new development is in harmony with the existing homes in the HOA. The HOA will not change its rules to achieve the Commission's wishes (especially since CDP #6-88-514 gave the HOA permission to approve ten residences, at 25-foot heights, 3-stories, and 5 bedrooms in exchange for the large open space easement). Thus, while a shallower home might leave more space between the rear of the home and the ESHA, such a home would never receive HOA approval. Additionally, this home would be so shallow (as little as 10 feet deep at some points) that it would be impossible to design a functional floor plan, let alone one with enough bedrooms and space for the Szekeres, or any, family. Moreover, the HOA will not approve a back yard that is in disharmony with the balance of the other homes

[1] The Commission was required to make these designations in 1979. Please consider this a request under the Public Records Act for a list of all Commission designations pursuant to Section 30610.1(b) for San Diego County.

[2] "Feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." PRC §30108.

in the PRD. Note no other homes in the PRD provide a meaningful buffer from the ESHA; their homes, hardscaping, and landscaping are typically up against the open space easement area. It would be unreasonable and a regulatory taking to preclude a home from having a useable backyard, especially when every other home in the PRD (and Solana Beach for that matter) have such a backyard. If the home had no useable backyard it's market value would be significantly less than comparable homes with backyards, and very difficult, if not impossible to sell. Moreover, the HOA would not approve a home without a useable backyard.

Factor #2: The Szekeres obtained a very rare ruling when they convinced the City Council to approval a front yard setback variance. Variances of any kind are seldom granted in the City. The City has stated it will not approve a further reduction of the front yard size. See Exhibit C.

Factor #3: The Fire Marshall requires a 30-foot firebreak. The ESHA buffer vegetation the Commission seeks would not meet the Fire Marshall's requirements. If the Commission required a 50-foot ESHA buffer meeting its definition, the home would be pushed east another 30 feet to accommodate fire safety requirements. This would lead to a small, dysfunctional home that would never be approved by the Architectural Committee. See Exhibit E for the Alternatives Analysis.

Factor #4: See Item #4, Notes 1, 2, and 3.

Item 6: **CDFW Approval**. CDFW approval is not required for this project. LUP Policy 3.65 applies only to wetlands. See the LUP text immediately above Policy 3.59. Jeff and Amy's home is not on or adjacent to any wetlands. This project only requires the approval of the Planning Department and Fire Marshall which were obtained as part of the City Council approval of May 25, 2016 found in Exhibit A.

Item 7: **Plants Allowed In ESHA Buffer**. We do not understand your statement that turf and hardscaping are not allowed in the ESHA buffer because they are "development." Neither PRC §30240 nor the LUP (to the extent it applies) prohibit "development" in the ESHA buffer zone. Moreover, turf is not "development" within the meaning of PRC §30106. Turf (grass) is just a plant. LUP Policy 3.29, which discusses landscaping "adjacent" to ESHA, not ESHA buffer zones, allows ornamental species, such as the Aloha Seashore Paspalum approved by the City, in the area adjacent to the ESHA. If such plants are allowed in the area adjacent to the ESHA, it stands to reason that as you move away from the ESHA, a greater variety of landscaping and hardscaping choices are allowed. Clearly, Jeff and Amy's landscaping plan as designed and approved provides a 50-foot buffer between the home and ESHA. No changes are required, either by the LUP or PRC §30240. This buffer includes a 20-foot native element and a 30-foot, Fire Marshall-required and approved firebreak that is comprised of ornamental Aloha Seashore Paspalum and limited hardscape. This is sufficient for all the reasons stated herein and further endorsed by the Helix biological study as improving the function and values of the buffer as compared to current conditions.

Item 8: **Fire Break Requirement**. See Item 5, Factor #3. Note: As determined by the City, the EHSA buffer and required firebreak can co-exist.

Item 9: **City Zoning Requirements**. The City approved a smaller lot size. See Exhibit B.

Lisa Schlembach, Coastal Analyst
California Coastal Commission

Item 10: **Open Space Easement Location Overlaid on Site Plan**. See Exhibit G.

I trust this letter sufficiently meets your requests for additional information, items and money. Going forward, both Gary Cohn (project architect) and I will serve as the applicants' representatives for this application. Please send all correspondence to both Mr. Cohn and me. Also, we request a meeting to include you and Diana Lilly on July 22 or anytime the week of July 25th, if your schedules allow. Please email me with times and dates available for you and Diana in that timeframe.

Sincerely yours,

AXELSON & CORN, P.C.

Jon Corn

cc: Jeff Szekeres
Amy Szekeres
Gary Cohn

EXHIBIT A

RESOLUTION 2016-060

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, CONDITIONALLY APPROVING A DEVELOPMENT REVIEW PERMIT, AN ADMINISTRATIVE STRUCTURE DEVELOPMENT PERMIT AND A VARIANCE TO CONSTRUCT A 5,988 SQUARE FOOT TWO STORY SINGLE FAMILY RESIDENCE ON A 13,871 SQUARE FOOT VACANT SITE LOCATED AT 525 SAN JULIO ROAD

APPLICANT: JEFF AND AMY SZEKERES
CASE NO.: DRP/SDP/VAR 17-15-22

WHEREAS, Jeff and Amy Szekeres (hereinafter referred to as "Applicant") have submitted an application for a Development Review Permit (DRP) and an administrative Structure Development Permit (SDP) and a Variance (VAR) pursuant to Title 17 (Zoning), of the Solana Beach Municipal Code (SBMC); and

WHEREAS, the Public Hearing was conducted pursuant to the provisions of Solana Beach Municipal Code Section 17.72.030; and

WHEREAS, at the Public Hearing on May 11, 2016, the City Council received and considered evidence concerning the proposed application; and

WHEREAS, the City Council of the City of Solana Beach found the application request exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the State CEQA Guidelines; and

WHEREAS, this decision is based upon the evidence presented at the hearing and any information the City Council gathered by viewing the site and the area as disclosed at the hearing.

NOW THEREFORE, the City Council of the City of Solana Beach, California, does resolve as follows:

1. That the foregoing recitations are true and correct.

2. That the project is exempt from CEQA pursuant to Section 15303 of the State CEQA Guidelines.

3. That the request for a Development Review Permit (DRP), an administrative Structure Development Permit (SDP), and a Variance (VAR) to construct a 5,988 square foot (including garage) two-story single family residence on a 13,871 square foot previously graded and vacant site located at 525 San Julio Road. The VAR request is for a reduced front yard setback to allow for the required 50-foot buffer between the proposed residence and mapped Environmentally Sensitive Habitat Area (ESHA) per the City of Solana Beach Local Coastal

Program (LCP) Land Use Plan (LUP). The property is zoned Estate Residential (ER-2) and is partially within the Hillside Overlay Zone (HOZ) and the Dark Sky Area (DSA). As designed, the proposed project would require 240 cubic yards of cut and 50 cubic yards of fill, resulting in 190 cubic yards of soil to exported from the site.

The project is conditionally approved based upon the following Findings and subject to the following Conditions:

4. DRP FINDINGS

A. In accordance with Section 17.68.040 (Development Review Permit) of the City of Solana Beach Municipal Code (SBMC), the City Council finds the following:

I. The proposed project is consistent with the General Plan and all applicable requirements of SBMC Title 17 (Zoning Ordinance), including special regulations, overlay zones, and specific plans.

General Plan Consistency: The project, as conditioned, is consistent with the City's General Plan designation of Estate Residential, which allows for one to two dwelling units per acre. Further, the proposed development is consistent with the objectives of the General Plan as it encourages the development and maintenance of healthy residential neighborhoods, the stability of transitional neighborhoods, and the rehabilitation of deteriorated neighborhoods.

Zoning Ordinance Consistency: The proposed project is consistent with all applicable requirements of the Zoning Ordinance (Title 17) Permitted Uses and Structures (SBMC 17.20.020), with the exception of the reduced front yard setback variance request, which provides for use of the property as a single-family residence.

The design of the project is consistent with the zoning provisions for maximum floor area ratio (FAR), maximum building height, parking requirements and minimum setbacks, with the exception of the front yard setback which is the subject of the Applicant's requested variance.

II. The proposed development complies with the following development review criteria set forth in Solana Beach Municipal Code Section 17.68.040(F):

a. Relationship with Adjacent Land Uses: The development shall be designed in a manner compatible with and where feasible, complimentary to existing and potential development in the immediate vicinity of the project site. Site planning on the

perimeter of the development shall give consideration to the protection of surrounding areas from potential adverse effects, as well as protection of the property from adverse surrounding influences.

The proposed project is located on Lot 7 of the Solana Hills Estates Planned Residential Development (PRD). The lot is located on the southwest side of San Julio Road, behind a locked gate to the Solana Hills Estates PRD, seven lots north of the intersection of San Julio Road and Highland Drive. The subject property, as well as the neighboring properties, are zoned ER-2b and the surrounding properties are developed with a mix of one and two-story, single-family residences. The majority of the lots range from 0.5 to 1.4 acres and the homes in this subdivision range in size from approximately 3,000 to 6,000 square feet.

The project, as designed, is consistent with permitted uses for the ER-2b Zone and could be found consistent with the General Plan, which designates the property as Estate Residential. The Applicant is requesting a front yard setback variance of 8 ft. 4 in. to build the house within 16 ft. 8 in. of the front property line on San Julio Road. This would allow the house to maintain a minimum 50-foot buffer from EHSA in the rear setback area, for protection of the ESHA at the reap property line.

b. *Building and Structure Placement: Buildings and structures shall be sited and designed in a manner which visually and functionally enhances their intended use.*

The proposed structure is a 5,988 square foot (including garage) two-story single family residence. The proposed structure would encroach into the 25-foot front yard setback by 8.34 feet in order to adhere to the 50-foot ESHA buffer in the rear portion of the site. The side yards comply with the required 10-foot side yard setbacks. The topography of the site slopes downward from San Julio Road from northeast to southwest. The highest elevation is approximately 318.8 above mean sea level (MSL) and slopes downward to the lowest point of the lot at 298.00 MSL.

During the view assessment process, the Applicant placed story poles on the lot outlining the proposed placement and 24' 10" height of the house, measured above the existing grade. No view claims were filed during the 30-day SDP review period.

c. *Landscaping: The removal of significant native vegetation shall be minimized. Replacement vegetation and landscaping shall be compatible with the vegetation of the surrounding area. Trees and*

other large plantings shall not obstruct significant views when installed or at maturity.

New development projects with an aggregate landscape area equal to or greater than 500 square feet are subject to the Water Efficient Landscaping Regulations of SBMC Chapter 17.56 and are required to submit a Landscape Development Package. The Applicant provided a conceptual landscape plan that has been reviewed by the City's on-call landscape architect who has recommended approval of the conceptual landscape plan. The landscape plan calls for native slope shrubs and native groundcover planted adjacent to ESHA at the rear of the lot. Compliance with the City's Water Efficient Landscaping Regulations will be verified again at the time of building permit submittal.

d. *Roads, Pedestrian Walkways, Parking and Storage Areas: Any development involving more than one building or structure shall provide common access roads and pedestrian walkways. Parking and outside storage areas, where permitted, shall be screened from view, to the extent feasible, by existing topography, by the placement of buildings and structures, or by landscaping and plantings.*

SBMC Section 17.52.040 and the Off-Street Parking Design Manual (OSPDM) require two off-street parking spaces for a single-family residence. The proposed floor plan shows a garage that accommodates three parking spaces that are 9' X 19' clear of obstruction. SBMC Section 17.08.030 indicates that required parking up to 200 square feet per parking space provided in a garage is exempt from the calculation of floor area. Therefore, 400 square feet of garage area has been exempted from the calculation of floor area for the project.

e. *Grading: To the extent feasible, natural topography and scenic features of the site shall be retained and incorporated into the proposed development. Any grading or earth-moving operations in connection with the proposed development shall be planned and executed so as to blend with the existing terrain both on and adjacent to the site. Existing exposed or disturbed slopes shall be landscaped with native or naturalized non-native vegetation and existing erosion problems shall be corrected.*

As designed, the proposed project will require 240 cubic yards of cut and 50 cubic yards of fill, resulting in 190 cubic yards of export. Earthmoving during the rainy season (extending from

November 1 to March 1) must comply with LUP policies 3.42 and 3.43.

f. *Lighting: Light fixtures for walkways, parking areas, driveways, and other facilities shall be provided in sufficient number and at proper locations to assure safe and convenient nighttime use. All light fixtures shall be appropriately shielded so that no light or glare is transmitted or reflected in such concentrated quantities or intensities as to be detrimental to the surrounding areas per SBMC 17.60.060 (Exterior Lighting Regulations).*

The conditions of approval require that all new exterior lighting fixtures comply with the Lighting Regulations of the Zoning Ordinance (SBMC Section 17.60.060). Since the property is located within the DSA, it is also subject to SBMC Section 17.60.060(C), Dark Sky Areas. Compliance with all applicable lighting regulations are included as conditions of approval

III. *All required permits and approvals issued by the City, including variances, conditional use permits, comprehensive sign plans, and coastal development permits, have been obtained prior to or concurrently with the development review permit.*

All required permits, including a Variance and an administrative Structure Development Permit, are being processed concurrently with the Development Review Permit. As a condition of project approval, the Applicant will be required to obtain approval from the California Coastal Commission prior to issuance of building permits.

IV. *If the development project also requires a permit or approval to be issued by a state or federal agency, the city council may conditionally approve the development review permit upon the Applicant obtaining the required permit or approval from the other agency.*

As a condition of project approval, the Applicant will be required to obtain approval from the California Coastal Commission (CCC) prior to the issuance of Building Permits.

5. VARIANCE (VAR) FINDINGS

A. In accordance with Section 17.68.020(E) (Variances) of the City of Solana Beach Municipal Code (SBMC), the City Council finds the following:

I. *That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the general plan and intent of this title.*

The strict interpretation and enforcement of the setback requirements and the ESHA buffer requirements would result in the practical difficulty and unnecessary physical hardship of rendering the property unbuildable. Even with a reduced minimum 50-foot ESHA buffer, the house plans approved by the Solana Hills Estates HOA would be practically difficult to build within all required setbacks, maximum building height, and required ESHA buffer. The Solana Hills Estates HOA requires that all homes in the PRD be of similar size and design, with custom homes built in the 4,000-6,000 sq. ft. range.

II. *That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to other properties in the same zone.*

There are exceptional and extraordinary circumstances and conditions applicable to the property. Lot 7 of the PRD has steep slopes, particularly at the rear of the lot, and is adjacent to sensitive lands called "Environmentally Sensitive Habitat Area" or ESHA that was mapped and included in the City's LCP LUP in 2013. The 50-100 foot ESHA buffer separation requirement did not apply generally to the other properties in the same zone and the Solana Hills Estates PRD, prior to 2013. The other homes in the PRD were built prior to adoption of the LCP in 2013 without any ESHA buffers or design to ensure avoidance of impacts to ESHA.

III. *That strict or literal interpretation and enforcement of the specified regulation would deprive the Applicant of privileges enjoyed by the owners of other properties in the same zone.*

The strict or literal interpretation and enforcement of the minimum 25-foot front yard setback would deprive the Applicant of privileges enjoyed by the owners of other properties in the same zone because other houses built on San Julio Road have reduced front yard setbacks similar to that being proposed by the project, as shown below.

522 San Julio Road has a 21 ft. 9 in. front yard setback;
530 San Julio Road has a 18 ft. 8 in. front yard setback;
541 San Julio Road has a 16 ft. 6 in. front yard setback;
550 San Julio Road has a 20 ft. 0 in. front yard setback;
604 San Julio Road has a 21 ft. 6 in. front yard setback; and
525 San Julio Road has a 16 ft. 8 in. front yard setback (proposed).

IV. *That the granting of the variance will not be detrimental to the public health, safety, welfare, or materially injurious to properties or*

improvements in the vicinity.

This finding could be made by the Council because the construction of one single-family residential dwelling on a previously graded Lot 7 of the Solana Hills Estates PRD would not cause any detriment to the public health, safety, welfare, or be materially injurious to properties or improvements in the vicinity because the residential dwelling would be built in compliance with all applicable health and safety codes and regulations. The size and use of the residential structure would be consistent with the residential uses in the vicinity.

6. CONDITIONS

Prior to use or development of the property in reliance on this permit, the Applicant shall provide for and adhere to the following conditions:

A. Community Development Department Conditions:

I. The Applicant shall pay required Public Facilities Fees, as established by SBMC Section 17.72.020 and Resolution 1987-36.

II. Building Permit plans must be in substantial conformance with the plans presented to the City Council on May 11, 2016, and located in the project file with a submittal date of April 14, 2016.

III. Prior to requesting a framing inspection, the Applicant will be required to submit a height certification signed by a licensed land surveyor certifying that the residence will not exceed 25 feet in height or 335.57 feet above MSL.

IV. The Applicant shall obtain required CCC approval of a Coastal Development Permit, Waiver or Exemption as determined necessary by the CCC, prior to the issuance of a Grading or Building Permit.

V. The Applicant shall comply with the current applicable water efficient landscape regulations of the Solana Beach Municipal Code Section 17.56 that are in place that the time of the Building Permit submittal.

VI. Landscaping will be required to be installed according to the approved Landscape Documentation Package and a certificate of completion signed by the professional of record will be required prior to the final inspection of the residence.

VII. Any new exterior lighting fixtures shall be in conformance with the City-Wide Lighting Regulations of SBMC 17.60.060 and 17.60.060 C.

VIII. All light fixtures shall be appropriately shielded so that no light or

glare is transmitted or reflected in such concentrated quantities or intensities that render them detrimental to the surrounding area.

IX. The outside illumination for aesthetic or dramatic purposes of any building and/or surrounding landscape, including environmentally sensitive habitat areas (public or private) shall be prohibited.

X. Earthmoving during the rainy season (extending from November 1 to March 1) shall comply with LUP policies 3.42 and 3.43.

B. Fire Department Conditions: Please note that this list provides detailed Fire Department requirements and is not meant to be an all-inclusive plan check list of the Fire Department comments.

XI. FIRE PITS/FIREPLACES: Fire pit is located near the edge of the canyon and adjacent to proposed vegetation. Location and type of fire pit shall be approved per the Solana Beach Fire Department in compliance with the California Fire Code.

XII. ACCESS ROAD MINIMUM DIMENSIONS: Fire apparatus access roads shall have an unobstructed improved width of not less than 20 feet; curb line to curb line, and an unobstructed vertical clearance of not less than 13 feet 6 inches. Exception: Single-Family residential driveways; serving no more than two single-family dwellings, shall have minimum of 16 feet, curb line to curb line, of unobstructed improved width. Access roads shall be designed and maintained to support the imposed loads of not less than 75,000 pounds and shall be provided with an approved paved surface to provide all-weather driving capabilities.

XIII. ADDRESS NUMBERS: STREET NUMBERS: Approved numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background, and shall meet the following minimum standards as to size: 4" high with a ½" inch stroke width for residential buildings, 8" high with a ½" stroke for commercial and multi-family residential buildings, 12" high with a 1" stroke for industrial buildings. Additional numbers shall be required where deemed necessary by the Fire Marshal, such as rear access doors, building corners, and entrances to commercial centers.

XIV. AUTOMATIC FIRE SPRINKLER SYSTEM-ONE AND TWO FAMILY DWELLINGS: Structures shall be protected by an automatic fire sprinkler system designed and installed to the satisfaction of the Fire Department. Plans for the automatic fire sprinkler system shall be

approved by the Fire Department prior to installation.

XV. FIRE RESISTIVE CONSTRUCTION REQUIREMENTS FOR WILDLAND/URBAN INTERFACE AREAS: Structures shall meet all wildland/urban interface standards to the satisfaction of the Fire Department. Structures shall comply with current California Building Code Chapter 7A.

XVI. FUEL MODIFICATION ZONES/FIRE BREAKS: The Applicant shall provide and maintain fire/fuel breaks to the satisfaction of the Solana Beach Fire Department. Fire/fuel breaks size and composition shall be determined by the Fire Department and shown on the improvement/grading plans and final map and building plans. Landscape plans shall consist of plants on the Solana Beach approved plant list.

XVII. CLASS "A" ROOF: All structures shall be provided with a Class "A" Roof covering to the satisfaction of the Solana Beach Fire Department.

C. Engineering Department Conditions:

GRADING

XVIII. Obtain a Grading Permit in accordance with Chapter 15.40 of the Solana Beach Municipal Code. Conditions prior to the issuance of a grading permit shall include, but not be limited to the following:

i. The Grading Plan shall be prepared by a Registered Engineer and approved by the City Engineer. On-site grading design and construction shall be in accordance with Chapter 15.40 of the Solana Beach Municipal Code. The Grading Plan shall be in accordance with the Preliminary Grading Plan prepared by Pasco, Laret, Suiter, and Associates, dated 04-18-16 and the Preliminary Hydrology Study prepared by Pasco, Laret, Suiter, and Associates dated 4-18-16. All recommendations of the Hydrology Study shall be incorporated into the Grading Plan.

ii. A soils report shall be prepared by a registered soil engineer and approved by the City Engineer. All necessary measures shall be taken and implemented to assure slope stability, erosion control and soil integrity. The Grading Plan shall incorporate all recommendations contained in the soils report.

iii. All retaining walls and drainage structures shall be shown. Retaining walls shown on the Grading Plan shall conform to the San Diego Regional Standards or be designed by a licensed civil

engineer. Engineering calculations for all designed walls with a surcharge and nonstandard walls shall be submitted at grading plan check. Retaining walls may not exceed the allowable height within the property line setback as determined by the City of Solana Beach Municipal Code. Contact the Community Development department for further information.

iv. The Applicant is responsible to protect the adjacent properties during construction. If any grading or other types of construction are anticipated beyond the property lines, the Applicant shall obtain a written permission from the adjoining property owners for incidental grading or construction that may occur and submit the letter to the City Engineer prior to the anticipated work.

v. Pay grading plan check fee in accordance with the current Engineering Fee Schedule at initial grading plan submittal. Inspection fees shall be paid prior to issuance of the grading permit.

vi. Obtain and submit grading security in a form prescribed by the City Engineer.

vii. Obtain haul permit for import / export of soil. The Applicant shall transport all excavated material to a legal disposal site.

viii. An Erosion Prevention and Sediment Control Plan shall be prepared. Best management practices shall be developed and implemented to manage storm water and non-storm water discharges from the site at all times during excavation and grading activities. Erosion prevention shall be emphasized as the most important measure for keeping sediment on site during excavation and grading activities. Sediment controls shall be used as a supplement to erosion prevention for keeping sediment on site.

ix. The Grading Plan shall include detention basin(s). The detention basin(s) shall be as shown in the Preliminary Grading Plan prepared by Pasco, Laret, Suiter, and Associates dated 04-18-16.

x. An Easement shall be recorded over the proposed Detention Basins for maintenance by the property owner in perpetuity.

xi. Post Construction Best Management Practices meeting City and RWQCB Order No. R9-2013-001 requirements shall be implemented in the drainage design.

xii. The Applicant shall prepare a City of Solana Beach Storm Water Checklist for Standard Projects to address potential water quality impacts to ensure that pollutants and runoff from this development

are reduced to the maximum extent practicable.

xiii. No increased cross lot drainage shall be allowed.

xiv. Submit certification from a registered civil engineer and soil engineering that all public or private drainage facilities and finished grades are functioning and are installed in accordance with the approved plans. This shall be accomplished by engineer of record incorporating as-built conditions on the Mylar grading plans and obtaining signatures of the engineer of record and soils engineer certifying the as-built conditions.

SEWER

xv. Sewer permit required for private sewer lateral.

xvi. The Applicant shall pay in full the one-time sewer capacity/connection fees of $4500.00 per Equivalent Dwelling Unit (EDU).

xvii. Pay in full the annual sewer charge for the remainder of the fiscal year.

xviii. The Applicant shall record a document holding the City of Solana Beach harmless in case of sanitary sewer backup into any part of the development due to blockage in main sewer line.

xix. A backflow prevention device shall be installed on private property.

7. ENFORCEMENT: Pursuant to SBMC 17.72.120(B) failure to satisfy any and all of the above-mentioned conditions of approval is subject to the imposition of penalties as set forth in SBMC Chapters 1.16 and 1.18 in addition to any applicable revocation proceedings.

8. EXPIRATION: The DRP, SDP and VAR for the project will expire 24 months from the date of this Resolution, unless the Applicant have obtained building permits and has commenced construction prior to that date, and diligently pursued construction to completion. An extension of the application may be granted by the City Council, subject to SBMC Section 17.72.110.

9. INDEMNIFICATION AGREEMENT: The Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify the Applicant

of any claim, action, or proceeding. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the Applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicant shall not be required to pay or perform any settlement unless such settlement is approved by the Applicant.

NOTICE TO APPLICANT: Pursuant to Government Code Section 66020, you are hereby notified that the 90-day period to protest the imposition of the fees, dedications, reservations or other exactions described in this resolution commences on the effective date of this resolution. To protest the imposition of any fee, dedications, reservations or other exactions described in this resolution you must comply with the provisions of Government Code Section 66020. Generally the resolution is effective upon expiration of the tenth day following the date of adoption of this resolution, unless the resolution is appealed or called for review as provided in the Solana Beach Zoning Ordinance.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Solana Beach, California, held on the 11th day of May 2016, by the following vote:

AYES: Councilmembers – Zito, Zahn, Nichols, Marshall, Heebner
NOES: Councilmembers – None
ABSTAIN: Councilmembers – None
ABSENT: Councilmembers – None

DAVID A. ZITO, Mayor

APPROVED AS TO FORM:

JOHANNA N. CANLAS, City Attorney

ATTEST:

ANGELA IVEY, City Clerk

EXHIBIT A

RESOLUTION CERTIFICATION

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO } §
CITY OF SOLANA BEACH

I, ANGELA IVEY, City Clerk of the City of Solana Beach, California, DO HEREBY CERTIFY that the foregoing is a full, true and correct copy of **Resolution 2016-060** *conditionally approving a Development Review Permit (DRP), Structural Development Permit (SDP), and a Variance (VAR) at 525 San Julio Rd., Case No. 17-15-22, Applicant: Szekeres* as duly passed and adopted at a Regular Solana Beach City Council meeting held on the 11th day of May 2016 and the original is on file in the City Clerk's Office.

ANGELA IVEY, CITY CLERK

CERTIFICATION DATE: May 25, 2016

EXHIBIT B

Subject:	RE: ER-2 Question
From:	Bill Chopyk (bchopyk@cosb.org)
To:	jpszekeres@stanfordalumni.org;
Date:	Tuesday, June 28, 2016 8:03 PM

The proposed project is located in the Solana Hills Estates Planned Residential Development (PRD). The Solana Hills Estates PRD is a 7.85 acre development that was approved on November 7, 1988 when Major Use Permit P88-03 and the associated Site Development Plan were approved. Ten building sites for single-family residences were approved in the PRD with a shared tennis court. It was the intent of the original developer to complete the rough grading for the entire PRD and then construct and sell all ten of the single-family homes. However, after grading the building pads, building the first home, and completing the required infrastructure and recreational facilities, the remaining graded building sites were sold to individual owners.

The City of Solana Beach Zoning Ordinance outlines a process for approving Planned Unit Developments (under SBMC Section 17.68.060) that allow smaller lot sizes and relief from other development standards in exchange for creative site design and common amenities. This PRD was approved by the Solana Beach City Council by Resolution No. 88-94, including Lot #7; and therefore the 13,871 square foot lot size of Lot #7 of the PRD is consistent with the City's zoning requirements.

Bill Chopyk, AICP

Director of Community Development

City of Solana Beach

635 S. Highway 101
Solana Beach, CA 92075

Phone: (858) 720-2449

www.cityofsolanabeach.org

EXHIBIT B

From: jpszekeres@stanfordalumni.org [mailto:jpszekeres@stanfordalumni.org]
Sent: Tuesday, June 28, 2016 4:03 PM
To: Bill Chopyk
Subject: ER-2 Question

Bill,

In another part of the Coastal Commission's 6/24 response to our application, they have written:

"The subject site has been zoned Estate Residential 2 (ER-2). However, the ER-2 zoning requires a minimum lot size of 20,000 square feet, and the application indicates that the applicant's lot is only 13,871 square feet. Please clarify how this project is consistent with City zoning requirements"

Can you please let me know how the COSB would respond to this question?

Regards,

Jeff Szekeres

Attachments

- image001.jpg (4.71KB)

EXHIBIT C

Subject:	RE: CCC Question to COSB on Frontyard Variance
From:	Bill Chopyk (bchopyk@cosb.org)
To:	jpszekeres@stanfordalumni.org;
Date:	Tuesday, June 28, 2016 7:49 PM

The project is consistent with the LUP buffer policies because the house has been designed to provide the minimum 50-foot buffer from ESHA, and the 50-foot buffer has been approved by the City Council, Planning Department, and Fire Marshal.

The project would not impact ESHA according to the Biological Resources Report prepared by Helix Environmental Planning.

Additional reductions in the front yard setback will not be considered by the City of Solana Beach. The City Council granted a front yard setback that is consistent with the established setbacks in the Solana Hills Estates Planned Unit Development (PUD). Any additional encroachment in the front yard setback would place the house closer to the street than any other house in the PRD. Thus, the required variance findings could not be made. Variances are extremely rare. The City of Solana Beach is not supportive of any additional variances for this property.

Bill Chopyk, AICP

Director of Community Development

City of Solana Beach

635 S. Highway 101
Solana Beach, CA 92075

Phone: (858) 720-2449

www.cityofsolanabeach.org

From: jpszekeres@stanfordalumni.org [mailto:jpszekeres@stanfordalumni.org]
Sent: Tuesday, June 28, 2016 3:58 PM
To: Bill Chopyk

Subject: CCC Question to COSB on Frontyard Variance

Bill,

In a part of the Coastal Commission's 6/24 response to our application, they have written:

"Because the project as proposed is inconsistent with the certified LUP buffer policies and would impact ESHA, an alternatives analysis is required that demonstrates that the proposed project is the least environmentally damaging feasible alternative. Please provide an analysis, including plans, that demonstrates what size house could be accommodated on the lot where all development observes a 50-foot setback from 1) the LUP mapped ESHA, and 2) the ESHA as mapped in the Biology Report (submitted by Helix and dated November 23, 2015). The project has already received a variance for minor reductions in the front yard setback; the alternatives analysis should consider whether additional reductions in the front yard setbacks could allow for less impact to ESHA."

I appreciate you and your planning staff were able to secure a front yard variance for my project with the COSB, something that the City Council rarely ever gives to any applicant.

Can you please let me know whether the City Council would consider giving me additional setback variance (e.g. allow me to build even closer to the San Julio street) based on the Coastal Commission's request?

Regards,

Jeff Szekeres

Attachments

- image001.jpg (4.71KB)

EXHIBIT D

507 SAN JULIO ROAD

RU-6

HOUSE

POOL

CONC.

PK. SOLAR PANELS

LINE OF 50' BUFFER FROM ESHA AS MAPPED IN CITY OF SOLANA BEACH LCP EXHIBIT 3-9

LINE OF 100' BUFFER FROM ESHA AS MAPPED IN CITY OF SOLANA BEACH LCP EXHIBIT 3-9

LINE OF ESHA AS MAPPED IN CITY OF SOLANA BEACH LCP EXHIBIT 3-9

TOP OF SIDE YARD SETBACK

25'-0" FRONT YARD SETBACK

LINE OF 100' BUFFER FROM ESHA AS MAPPED BY HELIX IN THE FIELD

E SAN JULIO

LINE OF 50' BUFFER FROM ESHA AS MAPPED BY HELIX IN THE FIELD

BUILDING STRINGLINE SETBACK

RU-7

0.318 ACRES

LINE OF EXISTING ESHA AS MAPPED IN FIELD BY HELIX

40'-0" REAR YARD SETBACK

30' BRUSH MANAGEMENT LINE

UP

10'-0" SIDE YARD SETBACK

541 SAN JULIO ROAD

RU-8

HOUSE

LOW WALL

LINE OF EXISTING ESHA AS MAPPED IN FIELD BY HELIX

305 300 295 290 285 280 275

ESHA EXHIBIT

SETBACK LINES OF LUP (AERIAL MAPPING) VS HELIX (ONSITE GPS MAPPING)

SCALE: 1/8" = 1'-0"

TRUE REF.

0 2 8 16

4

COHN + ASSOCIATES
ARCHITECTURE PLANNING
512 VIA DE LA VALLE SUITE 208
SOLANA BEACH, CALIFORNIA 92075
858/755-7308 F 858/755-9888

LICENSED ARCHITECT
GARY I. COHN
No. C15560
REN. 4/30/17
STATE OF CALIFORNIA

SZEKERES RESIDENCE

SOLANA BEACH, CALIFORNIA

525 SAN JULIO ROAD

SUBMITTAL DATE	PURPOSE
6/8/15	SDP/DR I
7/29/15	SDP/DR II
2/4/16	SDP/DR III
2/24/16	SDP/DR/VAR IV
3/4/16	SDP/DR/VAR V
4/14/16	SDP/DR/VAR VI
5/24/16	COASTAL SUBM.

DATE MODIFIED:	5/20/16
DRAWN BY:	G.C.
JOB NUMBER:	1412
DWG FILE:	SZ_SITE

SHEET

A1.2

Plotted on: Friday, July 01, 2016

EXHIBIT E

507 SAN JULIO ROAD
5,494 GROSS LIVING AREA
RU-6
HOUSE

POOL
CONC.
PV. SOLAR PANELS
305
300
295
290

LINE OF 50' BUFFER FROM ESHA AS MAPPED IN CITY OF SOLANA BEACH LCP EXHIBIT 3-9

LINE OF ESHA AS MAPPED IN CITY OF SOLANA BEACH LCP EXHIBIT 3-9

10'-0" SIDE YARD SETBACK

BUILDING STRINGLINE SETBACK

LINE OF EXISTING ESHA AS MAPPED IN FIELD BY HELIX

40'-0" REAR YARD SETBACK

LINE OF EXISTING ESHA AS MAPPED IN FIELD BY HELIX

305
300
295
290
285
280
275

REPRESENTS MAXIMUM FRONT YARD ENCROACHMENT AS APPROVED BY THE CITY OF SOLANA BEACH

E SAN JULIO

25'-0" FRONT YARD SETBACK

DOTTED AREA REPRESENTS BUILDABLE AREA FROM 50' BUFFER BASED ON LUP MAP. AREA =709 S.F. OR APPROXIMATELY 15% OF TYPICAL ADJACENT HOMES. INSUFFICIENT DEPTH TO CONSTRUCT A HOME.

CROSS HATCHED AREA REPRESENTS BUILDABLE AREA FROM 50' BUFFER BASED ON HELIX MAP. AREA =1264 S.F. OR APPROXIMATELY 26% OF TYPICAL ADJACENT HOMES. INSUFFICIENT DEPTH TO CONSTRUCT A HOME.

30' BRUSH MANAGEMENT LINE

30'-0"

25'-6"

LINE OF 50' BUFFER FROM ESHA AS MAPPED BY HELIX IN THE FIELD

RU-7
0.318 ACRES

10'-0" SIDE YARD SETBACK

LOW WALL

541 SAN JULIO ROAD
5,808 GROSS LIVING AREA S.F.
RU-8
HOUSE

ALTERNATIVE BUILDABLE AREA EXHIBIT

SCALE: 1/8" = 1'-0"

0 2 8 16
4

TRUE NORTH

Plotted on: Friday, July 01, 2016

COHN + ASSOCIATES
ARCHITECTURE PLANNING
512 VIA DE LA VALLE SUITE 308
SOLANA BEACH, CALIFORNIA 92075
858/755-7308 F 858/755-9889

LICENSED ARCHITECT
GARY I. COHN
No. C15560
REN. 4/30/17
STATE OF CALIFORNIA

SZEKERES RESIDENCE
525 SAN JULIO ROAD
SOLANA BEACH, CALIFORNIA

SUBMITTAL DATE	PURPOSE
6/8/15	SDP/DR I
7/29/15	SDP/DR II
2/4/16	SDP/DR III
2/24/16	SDP/DR/VAR IV
3/4/16	SDP/DR/VAR V
4/14/16	SDP/DR/VAR VI
5/24/16	COASTAL SUBM.

DATE MODIFIED:	6/30/16
DRAWN BY:	G.C.
JOB NUMBER:	1412
DWG FILE:	SZ_SITE

SHEET
A1.3

August 5, 2015

David J. Karp
500 San Julio Road
Solana Beach, CA 92075

Dear Jeff and Amy Szekeres,

Thank you for submitting detailed architectural and engineering plans for your new home on lot #7 in San Julio Estates. We appreciated the opportunity to meet your architect Gary Cohn in person to review and discuss your plan specifications in great detail on March 5, 2015.

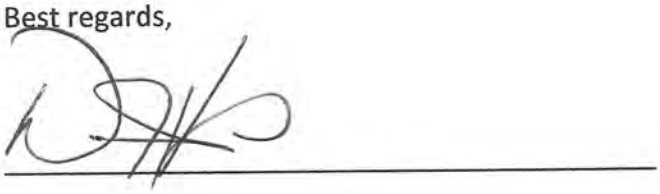
Since the March meeting, I have also been able to discuss and review with other members of the San Julio Estates Homeowners Association (HOA) who could not attend the March meeting. Furthermore, you have provided satisfactory details regarding drainage / grading plans developed by your civil engineering firm which affect the open space hillside.

As a result of the unanimous HOA vote conducted on July 30th, 2015, you have Homeowners Association approval to proceed for all of your plans subject to the following sets of conditions which are put in place to protect the integrity and value of the other homes in the HOA.

1. The size of the home shall not be reduced from the current plans as a result of comparison to the immediate Westward facing neighbors at 507 San Julio Rd (5,494 sq feet), 541 San Julio Rd (5,808 sq feet) and 500 San Julio Road (5,021 sq feet).
2. The exterior landscaping plans do not materially deviate from the exterior plans shared with the Architectural Committee. Specifically you may not introduce high walls in the landscaping/hardscaping which impede the view of the front of the home

Prior to breaking ground on the lot, please come back to us to enable a conversation with your builder to establish a timeline and basic principles of construction and clean-up operations in our neighborhood.

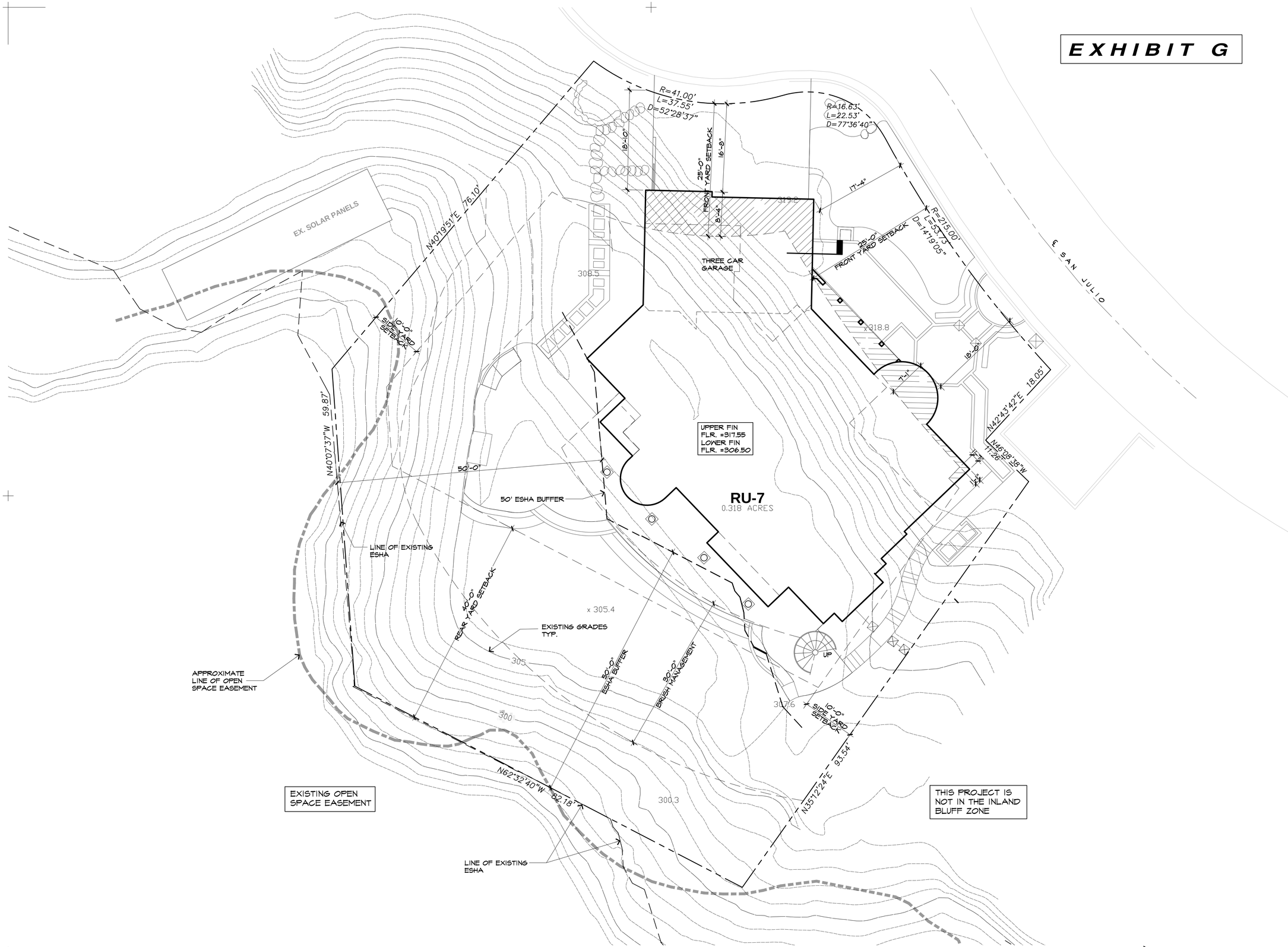
Best regards,



David Karp,

Architectural Committee of Solana Hills HOA

EXHIBIT G



OPEN SPACE EXHIBIT

SCALE: 1/8" = 1'-0"

TRUE

0 2 8 16
4

COHN + ASSOCIATES
ARCHITECTURE PLANNING
512 VIA DE LA VALLE SUITE 208
SOLANA BEACH, CALIFORNIA 92075
858/755-7308 F 858/755-9889

LICENSED ARCHITECT
GARY I. COHN
No. C15560
REN. 4/30/17
STATE OF CALIFORNIA

SZEKERES RESIDENCE

525 SAN JULIO ROAD SOLANA BEACH, CALIFORNIA

SUBMITTAL DATE	PURPOSE
6/8/15	SDP/DR I
7/29/15	SDP/DR II
2/4/16	SDP/DR III
2/24/16	SDP/DR/VAR IV
3/4/16	SDP/DR/VAR V
4/14/16	SDP/DR/VAR VI
5/24/16	COASTAL SUBM.

DATE MODIFIED:	6/30/16
DRAWN BY:	G.C.
JOB NUMBER:	1412
DWG FILE:	SZ_SITE

SHEET **A1.4**

Plotted on: Friday, July 01, 2016

November 23, 2015 SOL-06.01

Mr. Russell Brown
City of Solana Beach
635 S. Highway 101
Solana Beach, CA 92075

Subject: Biological Resources Report for the San Julio Road Property (PC 15-269)

Dear Mr. Brown:

This biological resources report provides the results of the HELIX Environmental Planning, Inc. (HELIX) biological study for the San Julio Road Property, Lot 7 (property). HELIX has acted as a paid contractor for the City of Solana Beach (City) in this review. This report describes the existing biological conditions and resources present within and adjacent to the property and includes a discussion of the potential for sensitive biological resources to be present on the property. Additionally, an evaluation of Environmentally Sensitive Habitat Areas (ESHA) on and/or adjacent to the property and recommendations for avoidance and minimization of potential impacts to sensitive biological resources are provided in order to comply with regulatory requirements and the Land Use Plan (LUP) component of the City's Local Coastal Program (LCP; City 2014).

PROJECT LOCATION AND DESCRIPTION

The approximately 0.34-acre property is located in Solana Hills Estates, a 10-lot planned residential development (PRD) in the City of Solana Beach in the northwestern portion of San Diego County, California (Figure 1) that was approved by the City and Coastal Commission in 1988. More specifically, the property is within the PRD, and is situated south of Lomas Santa Fe Drive, north of Via de La Valle, east of Interstate 5, and west of El Camino Real. The property is located in Section 1, Township 14 South, Range 4 West of the Del Mar U.S. Geological Survey (USGS) 7.5-minute quadrangle maps (Figure 2). Lots 1, 2, 3, 4, 5, 6, 8, and 9 have all been developed with single-family homes. Lot 10 on Solana Drive remains undeveloped but was excised from the PRD by subsequent action.

The property consists of a previously graded and terraced lot that slopes to the south. The property is surrounded by residential development to the northwest, northeast, and southeast, and undeveloped steep slope that includes mostly native vegetation and some non-native vegetation to the southwest (Figure 3). The native vegetation to the south of the property is isolated from other native vegetation by the surrounding residential developments, roadways, and infrastructure. The project proposes construction of a single-family residence on the previously graded and terraced pad (Figure 4). As proposed, a portion of the property along the southwestern boundary would be vegetated with native species and would serve as an adequate buffer between the native vegetation to the southwest and the proposed development.

SURVEY METHODS

HELIX biologist Erica Harris conducted a site visit on July 2, 2015 to assess site conditions and evaluate whether the habitat on site has potential to support sensitive species. Sensitive plant species include those listed as threatened or endangered by the U.S. Fish and Wildlife Service (USFWS) or the California Department of Fish and Wildlife (CDFW) and those with a California Rare Plant Rank (CRPR) 1 through 4 as designated by the California Native Plant Society (CNPS). Sensitive animal species include those listed as threatened or endangered by the USFWS or the CDFW and species identified as a California Species of Special Concern by the CDFW.

The site visit included mapping vegetation and land covers, recording all plant and animal species observed, and taking representative photographs. Prior to conducting field surveys, HELIX conducted a thorough review of relevant maps, databases, and literature pertaining to biological resources known to occur within and adjacent to the property, including the California Natural Diversity Database (CNDDB; CDFW 2015) and the CNPS Electronic Inventory (CNPS 2015). The CNDDB was queried for records from the following USGS 7.5-minute quadrangles: Del Mar, Encinitas, Rancho Santa Fe, and La Jolla.

The pre-survey investigation also included a verification of whether or not the property falls within or adjacent to the City's designated ESHA as identified in the City's LUP. The ESHA habitat adjacent to the site was mapped with a Global Positioning System (GPS) unit with sub-meter accuracy during a second site meeting on September 28, 2015. The LUP defines ESHA as follows:

- Any habitat that is rare or especially valuable from a local, regional, or statewide basis
- Areas that contribute to the viability of plant or animal species designated as rare, threatened, or endangered under state or federal law
- Areas that contribute to the viability of species designated as Fully Protected or Species of Special Concern under state law or regulations
- Areas that contribute to the viability of plant species for which there is compelling evidence of rarity

The City's LUP contains multiple policy measures that are intended to provide protection to City-designated ESHA and other sensitive resources such as, but not limited to, the following:

- Policy 3.8 – The ESHA shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

- Policy 3.10 – If the application of the policies and standards contained in this LCP regarding use of property designated as ESHA or ESHA buffer, including the restriction of ESHA to only resource-dependent use, would likely constitute a taking of private property without just compensation, then a use that is not consistent with the ESHA provisions of the LCP shall be allowed on the property, provided such use is consistent with all other applicable policies of the LCP, the approved project is the alternative that would result in the fewest or least significant impacts, and it is the minimum amount of development necessary to avoid a taking of private property without just compensation. In such a case, the development shall demonstrate the extent of ESHA on the property and include mitigation, or, if on-site mitigation is not feasible, payment of an in-lieu fee, for unavoidable impacts to ESHA or ESHA buffers from the removal, conversion, or modification of natural habitat for new development, including required fuel modification and brush clearance per Policy 3.12. Mitigation shall not substitute for implementation of a feasible project alternative that would avoid adverse impacts to ESHA.

- Policy 3.13 – The ESHA shall be protected and, where feasible, enhanced. Where pedestrian access through ESHA is permitted, well-defined footpaths or other means of directing use and minimizing adverse impacts shall be used. Nesting and roosting areas for sensitive birds such as Western snowy plovers and least terns shall be protected by means, which may include, but are not limited to, fencing, signing, or seasonal access restrictions.

- Policy 3.22 – Development adjacent to ESHAs shall minimize impacts to habitat values or sensitive species to the maximum extent feasible. Native vegetation buffer areas shall be provided around ESHAs to serve as transitional habitat and provide distance and physical barriers to human intrusion. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the ESHA they are designed to protect. All buffers around (non-wetland) ESHA shall be a minimum of 100 feet in width, or a lesser width may be approved by the Planning Department and Fire Marshal as addressed in Policy 3.65. However, in no case can the buffer size be reduced to less than 50 feet.

- Policy 3.65 – In some cases, smaller buffers may be appropriate when conditions of the site as demonstrated in a site-specific biological survey, the nature of the proposed development, etc. show that a smaller buffer would provide adequate protection. In such cases, the CDFW must be consulted and agree that a reduced buffer is appropriate and the City, or Commission on appeal, must find that the development could not be feasibly constructed without a reduced buffer. However, in no case shall the buffer be less than 50 feet.

- Policy 3.29 – Landscaping adjacent to ESHA must consist entirely of native, non-invasive drought-tolerant, salt-tolerant and fire-resistant species; however, the use of ornamental species may be allowed provided they are fire-resistant, drought-tolerant, and non-invasive as a small component for single-family residences.

- Policy 3.42 – Earthmoving during the rainy season (extending from November 1 to March 1) should be restricted for development that (1) is located within or adjacent to ESHA, or (2) includes grading on slopes greater than 4:1 except for grading on coastal bluffs that is required for bluff retention devices. In such cases, approved grading shall not be undertaken unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after March 1, unless the City determines that completion of grading would be more protective of resources.

- Policy 3.43 – Where grading is permitted during the rainy season (extending from November 1 to March 1), erosion control measures such as sediment basins, silt fencing, sandbagging, and installation of geofabrics shall be implemented prior to and concurrent with grading operations. Such measures shall be maintained through final grading and until landscaping and permanent drainage is installed.

- Policy 3.49 – Exterior night lighting shall be minimized, restricted to low-intensity fixtures, shielded, and directed away from ESHA in order to minimize impacts on wildlife. High-intensity perimeter lighting and lighting for sports courts or other private recreational facilities in ESHA, ESHA buffer, or where night lighting would increase illumination in ESHA is prohibited.

In addition, in the event the City's LUP ESHA designation conflicts with a site-specific survey, various policy items (e.g., 3.7, 3.3) provide a process for potential modifications.

Nomenclature used in this report follows Holland (1986) for vegetation communities, Baldwin *et al.* (2012) for plants, Crother (2012) for reptiles, and American Ornithologist Union (2014) for birds. Representative photographs of the site are included in Attachment A.

SURVEY RESULTS

General Site Description

The property consists of a previously graded lot that slopes to the southwest. The southern and western facing slope to the southwest of the property is comprised of native vegetation. No drainages occur within the property. The property is surrounded by moderately dense residential development to the northwest, northeast, and southeast, and roadways and related infrastructure to the southwest.

Vegetation Communities

The site is comprised of 2 vegetation communities/land uses: disturbed habitat and developed land (Figure 4). Disturbed habitat includes land previously cleared of vegetation for future development, land containing a preponderance of non-native plant species such as ornamentals or ruderal exotic species that take advantage of disturbance (e.g., abandoned landscaping or irrigation), or land showing signs of past or present animal usage that removes any capability of providing viable habitat. Disturbed habitat totals approximately 0.29 acre consisting of a previously graded pad and slope dominated by iceplant (*Carpobrotus edulis*).

Developed land is where permanent structures and/or pavement have been placed, which prevents the growth of vegetation, or where landscaping is clearly tended and maintained. Developed land in the property totals approximately 0.05 acre and is comprised of a lawn and ornamental plantings.

The City-wide vegetation mapping that was completed as part of the City's LUP in 2008 and 2009 is depicted on Exhibit 3-9 of the City's LUP. The vegetation mapping was updated and refined as part of the biological study for the property. The boundaries of the vegetation communities were adjusted slightly to fit the current condition of the site; however, the vegetation communities within the vicinity of the property remain the same. Vegetation communities within the surrounding area include southern maritime chaparral, disturbed Diegan coastal sage scrub, and non-native vegetation to the southwest of the property and southern maritime chaparral to the north.

Plant Species Observed

Plant species observed within the property are primarily comprised of annual non-natives and ornamentals. Species observed included ornamental succulents and lawn along the northeastern boundary, hottentot fig (*Carpobrotus edulis*) in the northern portion of the property, and non-native annual grasses such as wild oat (*Avena* sp.) and brome (*Bromus* sp.) within the graded pad. Few native species were observed, most of which occurred at the perimeter of the property such as chamise (*Adenostoma fasciculatum*), laurel sumac (*Malosma laurina*), lemonadeberry (*Rhus integrifolia*), flat-topped buckwheat (*Eriogonum fasciculatum*), and toyon (*Heteromeles arbutifolia*).

No sensitive plant species were observed within property boundary. However, 5 wart-stemmed ceanothus (*Ceanothus verrucosus*) shrubs were documented to the south of the property. Wart-stemmed ceanothus is a sensitive species with a CNPS rare plant ranking of 2B.2.

Animal Species Observed/Detected

Animal species observed and/or detected in habitat adjacent to the property included Nuttall's woodpecker (*Picoides nuttallii*), California towhee (*Melozone crissalis*), Bewick's wren (*Thryomanes bewickii*), northern mockingbird (*Mimus polyglottos*), lesser goldfinch (*Spinus psaltria*), bushtit (*Psaltriparus minimus*), house finch (*Haemorhous mexicanus*), side-blotched

lizard (*Uta stansburiana*), and western fence lizard (*Sceloporus occidentalis*). None of these species are considered sensitive.

Sensitive Species with Potential to Occur

HELIX conducted a search of the CDFW's CNDDB and the CNPS Inventory of Rare and Endangered Plants (CNPS 2015) to provide a comprehensive analysis of sensitive resources for potential to occur within and adjacent to the property. A total of 67 sensitive plant species and 50 sensitive animal species have been documented within approximately 10 miles of the property. Many of the sensitive plant and animal species reported in the databases are those that are tied to vernal pools, estuarine, or wetland habitats, none of which have a potential to occur on this isolated site. The majority of the species reported to the databases are not expected to occur due to the highly disturbed nature of the site, lack of appropriate habitat on-site, and its isolation given surrounding development, roads, and City infrastructure. Plant species with a low potential to occur within the property include perennial shrubs found in coastal sage scrub or southern maritime chaparral habitat, such as summer holly (*Comarostaphylis diversifolia ssp. diversifolia*) and Nuttall's scrub oak (*Quercus dumosa*), that would have been detected if present.

Sensitive animal species with low potential to occur within or adjacent to the property include species found within coastal scrub and chaparral communities such as Bell's sparrow (*Artemisiospiza belli*), coastal whiptail (*Aspidoscelis tigris stejnegeri*), orange-throated whiptail (*Aspidoscelis hyperythra*), and San Diego desert woodrat (*Neotoma lepida intermedia*). A small patch of disturbed Diegan coastal sage scrub occurs to the south of the property (Figure 4). This patch of habitat has limited potential to support the federally listed coastal California gnatcatcher (*Polioptila californica californica*; CAGN) due to the composition and small patch size of the vegetation. The CAGN generally prefers open sage scrub with California sagebrush (*Artemisia californica*) present as a dominant or co-dominant species and nests in areas with less than a 40 percent slope gradient (Mock 2004). Diegan coastal sage scrub to the south of the property is dominated by Menzies' goldenbush (*Isocoma menziesii*). The presence of California sagebrush and other species typically found in CAGN suitable habitat such as California encelia (*Encelia californa*) within the Diegan coastal sage scrub found within the project study area is limited to only a few individuals. Therefore, the CAGN has low potential to occur.

Environmentally Sensitive Habitat Areas

No ESHA occurs on the property, which was verified by use of a sub-meter accuracy GPS unit (Figure 4). The southern maritime chaparral and the disturbed Diegan coastal sage scrub that are mapped adjacent to or within the vicinity of the property are considered ESHA.

IMPACTS

This section describes potential direct and indirect impacts associated with implementation of the proposed project. Direct impacts immediately alter the affected biological resources such that those resources are eliminated temporarily or permanently. Indirect impacts consist of secondary

effects of a project, including indirect impacts to ESHA, water quality, lighting, noise, invasive plant species, and errant construction impacts.

Direct Impacts

Vegetation Communities/Land Uses

The proposed project includes the construction of a single-family residence. The project footprint is restricted to the current graded pad and would not impact adjacent native vegetation (Figure 4; Attachment B). Project direct impacts would total 0.25 acre comprised of 0.2 acre of disturbed habitat and 0.05 acre of developed lands. Neither disturbed habitat nor developed lands are considered sensitive; therefore, no mitigation from project impacts would be required. No fuel modification activities would be required for this project (email from Russell Brown of the City, dated September 3, 2015); therefore, no off-site direct impacts to native vegetation or ESHA would occur. In addition, Anita Pupping, the Fire Marshal for the City, communicated to the architect of the proposed development on October 21, 2015 that a 30 foot minimum fire break will be needed between the proposed structure of the development and any native vegetation which may be accomplished through the use of turf and hardscaping within the project footprint. The project applicant is currently working with the Fire Marshal to respond to recommendations and incorporate design features into the project to reduce the risk of fire and/or alternative fire abatement activities.

Sensitive Plant and Animal Species

No direct impacts to sensitive plant or wildlife species are expected to occur from the development of the property. No sensitive plant or wildlife species were detected within the property or have moderate or high potential to occur. Furthermore, the development area is restricted to the disturbed habitat and developed portions of the parcel which support little to no native vegetative cover.

Environmentally Sensitive Habitat Areas

No ESHA occurs on the property; therefore no direct impacts would occur to ESHA as part of the project construction. No fuel modifications activities are being required for this project as indicated by the City; therefore, no off-site direct impacts to native vegetation and no direct impacts to ESHA would occur from development of the property.

Indirect Impacts

Environmentally Sensitive Habitat Areas / Environmentally Sensitive Habitat Areas Buffer

Development of the property has the potential to indirectly impact the adjacent ESHA that occurs outside of the property boundary. Potential indirect impacts include water quality, night lighting, noise, and invasive plant species (each of which are discussed in more detail in the subsections

below). Indirect impacts also can occur through degradation of the habitat associated with the ESHA and ESHA buffer. Based on HELIX's detailed mapping, the distance between the proposed development and the ESHA (i.e., the existing ESHA buffer) along the majority of the interface ranges from approximately 23 feet to 46 feet (Figure 4). As shown in Figure 4, the setback at the southeastern portion of the proposed development is approximately 11 feet from the ESHA; it is worth noting that the adjacent homeowner directly abuts the ESHA in this same location. The current condition of the property does not provide a native buffer between the existing ESHA and graded pad. The existing buffer consists of disturbed habitat with a few scattered native species that are generally only a few feet in height.

As part of the project design, the applicant and their consultant have proposed the following measures as part of their proposed project design to minimize indirect impacts on the adjacent ESHA (email from Melissa Busby [Busby Biological Services, Inc.], dated September 28, 2015). Implementation of the following measures as part of the project design would improve the functions and values of the existing ESHA buffer between the development and the ESHA. The measures listed below are incorporated into the Mitigation section for this project.

- Scattered native species that are present within the existing buffer will be flagged for avoidance (to the extent feasible).

- Disturbance to root zones of native species within the buffer will be minimized to the extent feasible by avoiding grading in the buffer. If a native species needs to be disturbed, the individuals would either be trimmed to allow access or driven over, but the roots would remain intact to allow the individuals to resprout.

- All non-native species within the buffer would be removed and replaced with native species. Planting and seeding of native species (shrubs and annuals) would occur to enhance the buffer area between the ESHA and development.

To ensure that the project does not result in a significant indirect impact to ESHA and ESHA buffer, mitigation measures are included below under "Mitigation."

Water Quality

Landscaping and irrigation has the potential to result in increased runoff, which could in turn reduce water quality in adjacent areas. The use of petroleum products (i.e., fuels, oils, lubricants) and erosion of land moved during grading could potentially contaminate surface water, adversely affecting vegetation, aquatic animals, and terrestrial wildlife. Proposed earthmoving activities would be limited to disturbed habitat and developed areas. Appropriate erosion control measures and Best Management Practices (BMP's), such as the installation of silt fencing and straw wattles, would be utilized during project construction to ensure compliance with State Stormwater regulations and the City's Policies. The applicant is proposing drip irrigation for the plantings within the proposed ESHA buffer (see ESHA section above), which minimizes runoff potential from irrigation. With implementation of erosion control measures and BMP's during

construction and drip irrigation within the ESHA buffer, impacts to water quality would be considered less than significant.

Night Lighting

Night lighting exposes wildlife species to an unnatural light regime and may alter their behavior patterns, causing them to have lower reproductive success, and thus reducing species diversity. In accordance with City Policy 3.49, all exterior night lighting shall be minimized, restricted to low-intensity fixtures, shielded, and directed away from the ESHA in order to minimize impacts on wildlife. Therefore, impacts due to night lighting would be considered less than significant.

Construction Noise/Nesting Birds

The removal of vegetation and construction noise resulting from construction activities could result in significant indirect impacts to nesting birds if construction were to take place during the avian breeding season (February 1 through August 31). Proposed mitigation measures are provided below under "Mitigation."

Invasive Plant Species

Invasive plants have potential to spread from developed or disturbed areas to adjacent native habitats. Such invasive species can displace native vegetation reducing the diversity of native habitats and potentially increasing flammability, changing ground and surface water levels, and adversely affecting native wildlife. Proposed landscaping within the property would consist of approximately 55 percent of native species and would not include any invasive plant species. Additionally, the property owner proposes planting of native species within the undeveloped portion of the property as part of habitat enhancement within the ESHA buffer (see ESHA section above). Therefore, indirect impacts due to invasive plant species are expected to be less than significant.

Errant Construction Impacts

Unauthorized construction impacts outside the approved limits of work could potentially impact adjacent sensitive habitat, where present. Impacts to off-site sensitive vegetation communities would be considered significant. Errant construction impacts are unlikely to occur, as project construction would be restricted to the previously graded pad and no impacts to native vegetation would occur. However, in order to avoid potential impacts from errant construction, mitigation measures have been developed and are provided below under "Mitigation."

MITIGATION

No significant direct impacts are anticipated to sensitive biological resources as a result of the proposed project construction; therefore, no mitigation measures are required for direct impacts.

The following mitigation measures are proposed to avoid or reduce the indirect impacts discussed above so that they are less than significant.

Indirect Impacts/Compliance with LCP Policies

Environmentally Sensitive Habitat Areas

Indirect impacts to ESHA and the ESHA buffer would be reduced to a level below significance through incorporation of the following proposed mitigation measures:

- Scattered native species that are present within the existing ESHA buffer would be flagged for avoidance (to the extent feasible).

- Disturbance to root zones of native species within the buffer would be minimized to the extent feasible by avoiding grading in the buffer. If a native species needs to be disturbed, the individuals would either be trimmed to allow access or driven over, but the roots would remain intact to allow the individuals to resprout.

- All non-native species within the buffer would be removed and replaced with native species. Planting and seeding of native species (shrubs and annuals) would occur to enhance the buffer area between the ESHA and development.

- The applicant shall submit to the City for review and approval a list of species to be planted and seeded within the ESHA buffer. The species list shall not contain any invasive exotic species.

Incorporation of the native species buffer between the development and the ESHA, which would be an average of approximately 22 feet in width along the southern and western interfaces, would provide an adequate buffer to reduce the potential indirect impacts on ESHA to less than significant. The native species buffer would increase the functions and values of the existing vegetation within the buffer and would provide an adequate setback from the existing ESHA.

Policy 3.22 states that “all buffers around (non-wetland) ESHA shall be a minimum of 100 feet in width, or a lesser width may be approved by the Planning Department and Fire Marshal as addressed in Policy 3.65. However, in no case can the buffer size be reduced to less than 50 feet.” Policy 3.65 also addresses the presence of a buffer around ESHA and the potential to reduce the size of those buffers stating that “in some cases, smaller buffers may be appropriate, when conditions of the site as demonstrated in a site specific biological survey, the nature of the proposed development, etc. show that a smaller buffer would provide adequate protection. In such cases, the CDFW must be consulted and agree that a reduced buffer is appropriate and the City, or Commission on appeal, must find that the development could not be feasibly constructed without a reduced buffer. However, in no case shall the buffer be less than 50 feet.”

A 100-foot buffer would preclude any development of the property as shown in Figure 5. Additionally, if a 50-foot buffer were to be implemented, development of the lot would be restricted to a small proportion of the parcel and there would not be adequate area to build a home (Figure 5). When including a 30-foot fire break in addition to 50-foot or 100-foot ESHA buffers (additional fire break not shown in Figure 5), there is not adequate area to build a home. Figure 5 also depicts the 50-foot buffer from existing ESHA to adjacent existing homes and none of the homes in this area provide a 50-foot setback from ESHA. Policy 3.10 states that "If the application of the policies and standards contained in this LCP regarding use of property designated as ESHA or ESHA buffer would likely constitute a taking of private property without just compensation, then a use that is not consistent with the ESHA provisions of the LCP shall be allowed on the property, provided such use is consistent with all other applicable policies of the LCP, the approved project is the alternative that would result in the fewest or least significant impacts, and it is the minimum amount of development necessary to avoid a taking of private property without just compensation."

A 50-foot native buffer is not considered necessary for this single-family residence for the following reasons. The project consists of 1 single-family home on a previously graded pad that contains no sensitive habitat. The existing conditions on the parcel do not provide a native buffer. The areas adjacent to the ESHA currently support a preponderance of non-native species. Incorporation of native species planting and seeding within the ESHA buffer and the removal of non-native species would increase the functions and values of the existing vegetation on-site by providing a barrier to human intrusion to the ESHA, providing native habitat between the development and the ESHA, and increasing the quality of this area through removal of non-native species. It is also important to note that adjacent properties do not have a 50-foot setback, and some have none. Finally, we also note when the California Coastal Commission originally approved the PRD in 1988 (Coastal Development Permit #6-88-514), Lot 7 was depicted on the approved site plan and previously included a swimming pool and other hardscaping within the mapped ESHA itself. The proposed project does not encroach into the ESHA, and it improves the functions and values of the existing ESHA buffer, as described above.

Construction Noise/Nesting Birds

Initial clearing and grading of the property should be conducted outside the avian breeding season (February 1 through August 31) to comply with the federal, state, and local statutes that protect nesting birds. However, if clearing of habitat, grading, or other ground disturbance activities cannot be conducted outside the avian breeding season, a qualified biologist should conduct a pre-construction survey for sensitive bird species and raptors within the proposed project area and a 500 foot buffer of the project site no more than 2 weeks prior to the start of work in accordance with City Policy 3.32. Sensitive bird species are defined by Policy 3.32 as "those species designated 'threatened' or 'endangered' by state or federal agencies, California Species of Special Concern, California Fully Protected Species, raptors, and large wading birds". Additionally, surveys should be conducted every two weeks for sensitive nesting birds during the breeding season while clearing of habitat, grading, or other ground disturbance activities are occurring. Nesting bird surveys would not need to be conducted during home construction since noise levels generated from general construction activities would not constitute a significant

level of disturbance to potential nesting birds adjacent to the property. If nesting sensitive birds are detected at any time during the breeding season, the CDFW shall be notified and an appropriate disturbance set-back will be determined and imposed until the young-of-the-year are no longer reliant upon the nest. The set-back or buffer shall be no less than 100 feet or may be reduced to an appropriate, lesser buffer based on the species, its tolerance for the construction activities, and approval from the applicable agencies. The results of the pre-construction survey should be provided to the City in the form of a letter report.

Errant Construction Impacts

To help ensure that both direct and indirect impacts to adjacent ESHA do not occur during construction, the limits of work shall be clearly delineated with the use of staking, flagging, or silt fence and verified by a qualified biologist.

CONCLUSION

The proposed project would not result in direct or indirect impacts to sensitive biological resources or adjacent ESHA. No direct impacts are anticipated, and implementation of mitigation measures listed above would reduce all potential indirect impacts to below a level of significance. No native ESHA buffer currently is present on the property. Incorporation of the mitigation measures listed above would result in an improvement to the ESHA buffer between the proposed development and the ESHA through removal of non-native species and planting and seeding with native species. While portions of the ESHA buffer would be less than 50 feet, the buffer that is proposed is considered adequate to ensure the biological integrity and the necessary protections to the existing ESHA consistent with the intent of Policy 3.22.

Please contact me or Shelby Howard (619-462-1515) if you have any questions.

Sincerely,

Erica Harris
Biologist

Enclosures

Figure 1 – Regional Location Map
Figure 2 – Project Vicinity Map (USGS Topography)
Figure 3 – Project Vicinity Map (Aerial Photograph)
Figure 4 – Vegetation Communities/ESHA

Figure 5 – Vegetation Communities/ESHA Buffers
Attachment A – Representative Site Photos
Attachment B – Site Plan

REFERENCES

American Ornithologists' Union (AOU). 2014. AOU Checklist of North and Middle American Birds (online checklist). URL: http://checklist.aou.org/taxa/

Baldwin, B. G., Goldman, D. H., Keil D. J., Patterson R., Rosatti, T. J. and Wilken, D. H. (eds.). 2012. The Jepson Manual: Vascular Plants of California. Second edition. Berkeley, CA: University of California Press. 1568 pp.

California Department of Fish and Wildlife (CDFW). 2015. California Natural Diversity Data Base (CNDDB). RareFind 5.

City of Solana Beach. 2014. City of Solana Beach Local Coastal Program Land Use Plan. Adopted February 27, 2013. Amended June 11.

CNPS, Rare Plant Program. 2015. Inventory of Rare and Endangered Plants (online edition, v8-02). California Native Plant Society, Sacramento, CA. Website http://www.rareplants.cnps.org [accessed 15 July 2015].

Crother, Brian I. 2012. The Scientific and Standard English and French Names of Amphibians and Reptiles of North America North of Mexico, with Comments Regarding Confidence in our Understanding. Seventh Editions. Committee on Standard English and Scientific Names. SSAR Herpetological Circular No. 39.

Holland R.F. 1986. Preliminary Descriptions of the Terrestrial Natural Communities of California. Nongame-Heritage Program, State of California, Department of Fish and Game, Sacramento, 156 pp.

Mock, P. 2004. California Gnatcatcher (*Polioptila californica*). *In* The Coastal Scrub and Chaparral Bird Conservation Plan: a strategy for protecting and managing coastal scrub and chaparral habitats and associated birds in California. California Partners in Flight. http://www.prbo.org/calpif/htmldocs/scrub.html

I:\PROJECTS\Temporary\Stepsense\2015\SOL_XX_SanJulioRD\Map\BLR\Fig1_Regional.mxd SOL-xx 07/16/15 CL

Regional Location Map

SAN JULIO ROAD

HELIX Environmental Planning

N 0 8 Miles

Figure 1

I:\PROJECTS\Temporary\Stapense\2015\SOL_XX_SanJulioRD\Map\BLR\Fig2_Topo.mxd SOL-xx 07/17/15 -CL

Project Vicinity Map (USGS Topography)

SAN JULIO ROAD

HELIX Environmental Planning

N

0 2,000 Feet

Figure 2

I:\PROJECTS\Temporary\Stepense\2015\SOL_XX_SanJulioRD\Map\BLR\Fig3_Aerial.mxd SOL-xx 09/28/2015 - NG

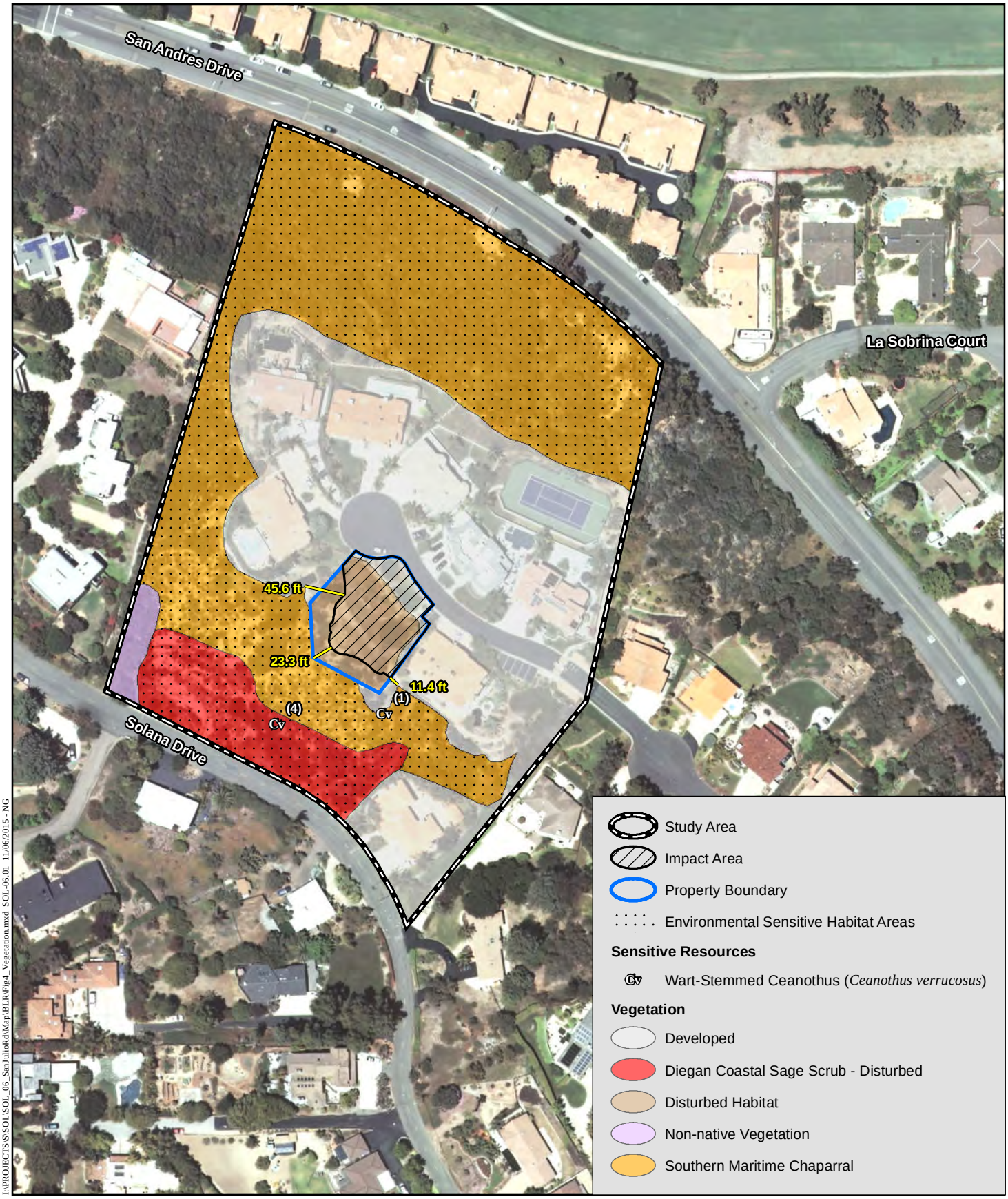
Project Vicinity Map (Aerial Photograph)

SAN JULIO ROAD

HELIX Environmental Planning

N 0 125 Feet

Figure 3



I:\PROJECTS\SOL\SOL_06_SanJulioRd\Map\BLR\Fig4_Vegetation.mxd SOL-06.01 11/06/2015 - NG

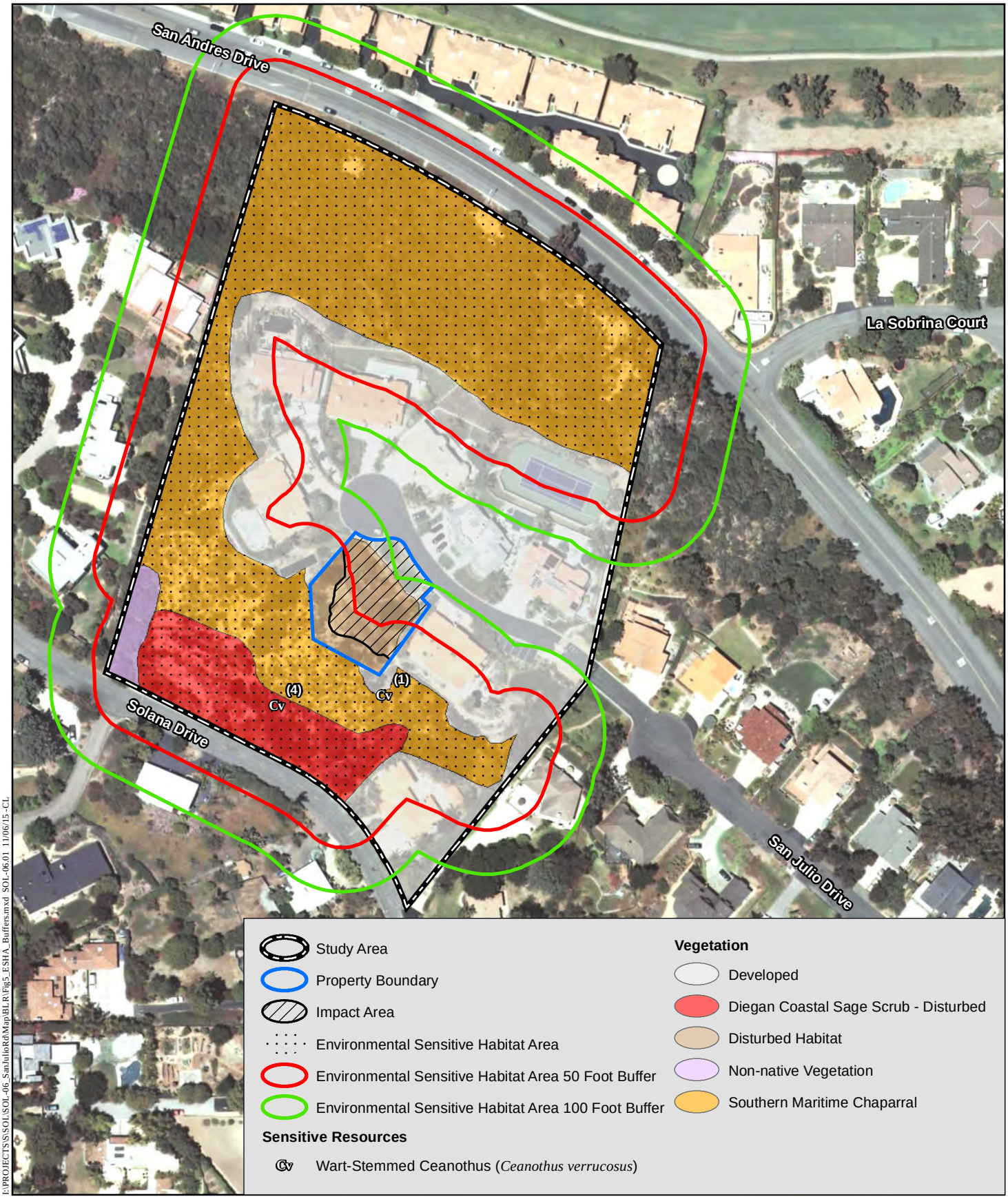
Vegetation Communities/ESHA

SAN JULIO ROAD

HELIX Environmental Planning

N 0 150 Feet

Figure 4



I:\PROJECTS\SOL\SOL-06_SanJulioRdMap\BLR\Fig5_ESHA_Buffers.mxd SOL-06.01 11/06/15 -CL

Vegetation Communities/ESHA Buffers

SAN JULIO ROAD

HELIX Environmental Planning

N 0 150 Feet

Figure 5

Overview of property from northwest facing southeast.

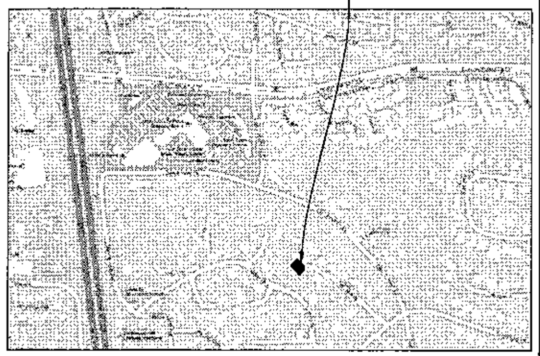
Overview of property facing south

Overview of southern slope facing southwest.

Overview of off-site ESHA to the south of the property facing southwest.

PROJECT SITE
UNIT 7
SAN JULIO RD.

SOLANA BEACH



NO SCALE

VICINITY MAP

NEW BUILDING AREA

TOTAL BUILDING AREA

LOWER LEVEL:	2,685 S.F.
UPPER LEVEL:	2,595 S.F.
GARAGE	706 S.F.
TOTAL	5,986 S.F.
400 SQ FT GARAGE ALLOWANCE	<400> S.F.
TOTAL	5,586 S.F.

ALLOWED F.A.R.

.6 × 5,000 SF =	3,000 SF
.3 × 8,871 SF =	2,661 SF
TOTAL ALLOWED	5,661 SF

DECKS

UPPER LEVEL	390 S.F.

LOT COVERAGE

PROPOSED LOT COVERAGE= 3,381 SF (3,381/13,871)=24%)

SITE AREA BREAKDOWN:

BUILDING FOOTPRINT	3,381 S.F.
PAVED AREA	
IRRIGATED LANDSCAPE AREA	
WATER FEATURE	
TOTAL LOT AREA	13,871 S.F.

AREA CALCULATIONS

SITE ADDRESS

JEFF AND AMY SZEKERES
13085 SURVEY POINT
SAN DIEGO, CA 92130

A.P.N.

298-371-27-07

LEGAL DESCRIPTION:

REAL PROPERTY IN THE CITY OF SOLANA BEACH, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL 1:

AN UNDIVIDED ONE-TENTHS (1/10THS) APPURTENANT FRACTIONAL INTEREST IN AND TO LOT 1 OF THE CITY OF SOLANA BEACH TRACT NO. 4406, IN THE CITY OF SOLANA BEACH, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEROF NO. 12000, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON JANUARY 27, 1988.

EXEMPTING THEREFROM, THE FOLLOWING:

ALL RESIDENTIAL UNITS SHOWN UPON THE AMENDED CONDOMINIUM PLAN OF SOLANA HILLS ESTATES RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, CALIFORNIA APRIL11, 1990 AS FILE NO. 90-195663.

PARCEL 1A:

RESIDENTIAL UNIT R.U.7, AS SHOWN UPON THE CONDOMINIUM PLAN REFERRED TO ABOVE

ZONE: ER2b

LOT SIZE: 13,871 S.F. (GROSS & NET AREA)

PARKING: REQUIRED: 2 PROVIDED: 3

GRADING:

GRADING QUANTITIES	
CUT FOR FOOTINGS	XXX C.Y.
FILL	XXX C.Y.
VOLUME EXPORTED	0 C.Y.

PROJECT DATA

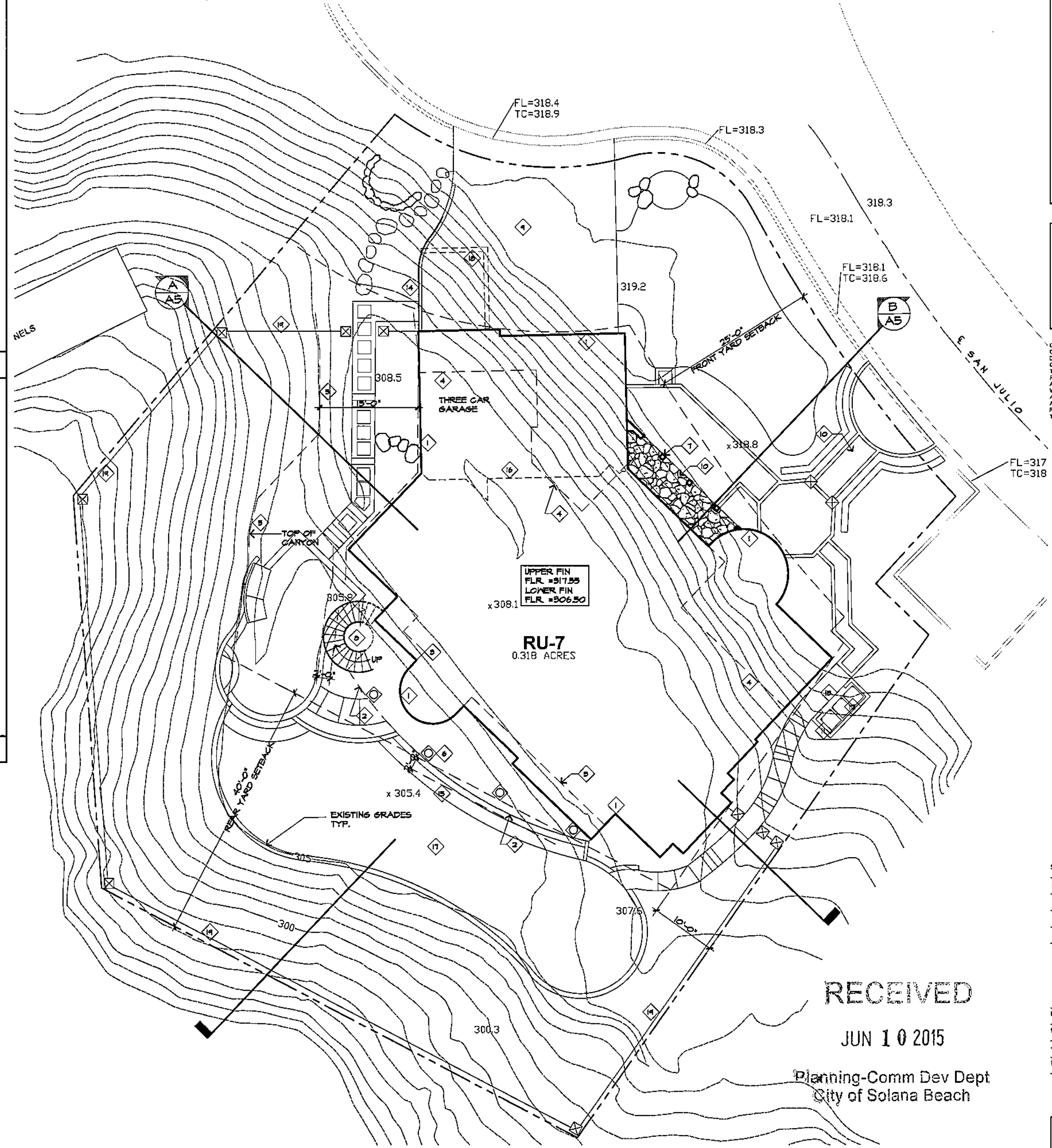
SITE PLAN KEY NOTES

1. LINE OF PROPOSED BUILDING FOOTPRINT
2. LINE OF DECK AT SECOND FLOOR ABOVE
3. LINE OF BUILDING WALL AT SECOND FLOOR ABOVE
4. LINE OF FIRST FLOOR/CRAWL SPACE BELOW
5. TOP OF CANYON / START OF 25% SLOPE
6. DECORATIVE COLUMNS TYP.
7. STUCCO WRAPPED PILASTER TYP.
8. NEW WINDING STAIR TO DECK ABOVE
9. NEW CONCRETE DRIVEWAY
10. NEW CONCRETE / STONE PAVED WALKWAYS
11. +48" LOW STUCCO COVERED WALL
12. TRASH ENCLOSURE
13. WOOD GATES +48" HIGH
14. +42" HIGH GUARDRAIL
15. 24" ENCROACHMENT INTO REAR YARD FOR BALCONIES
16. LINE OF GARAGE
17. RETENTION BASIN, SEE CIVIL PLANS
18. RETAINING WALL BELOW DRIVEWAY, SEE CIVIL
19. 5' HIGH METAL/WROUGHT IRON FENCE

STORM WATER POLLUTION CONTROL BMPs NOTE: STORM WATER POLLUTION BMPs SHALL BE PROVIDED AS SHOWN & SHALL CONFORM TO CITY ENGINEERING STANDARDS. ALL RUN OFF FROM ROOF & HARDSCAPE AREAS SHALL BE ROUTED TO LANDSCAPE AREA FOR BMP TREATMENT PRIOR TO DISCHARGE FROM PROPERTY.

SEE CIVIL PLANS AS PREPARED BY PASCO LARET SUITER & ASSOCIATES FOR ADDITIONAL GRADING AND DRAINAGE INFORMATION

ALL DIMENSIONS ARE MEASURED FROM THE EXTERIOR WALL SURFACES



RECEIVED
JUN 10 2015
Planning-Comm Dev Dept
City of Solana Beach

SITE PLAN

SCALE: 1/8" = 1'-0"

TRUE

0 2 4 8 16

Plotted on: Tuesday, June 09, 2015

COHN + ASSOCIATES
ARCHITECTURE PLANNING
512 VIA DE LA VALLE SUITE 205
SOLANA BEACH, CALIFORNIA 92075
858/755-7208 F 858/755-5888

LICENSED ARCHITECT
GARY I. COHN
No. C15560
REN. 4/30/17
STATE OF CALIFORNIA

SZEKERES RESIDENCE

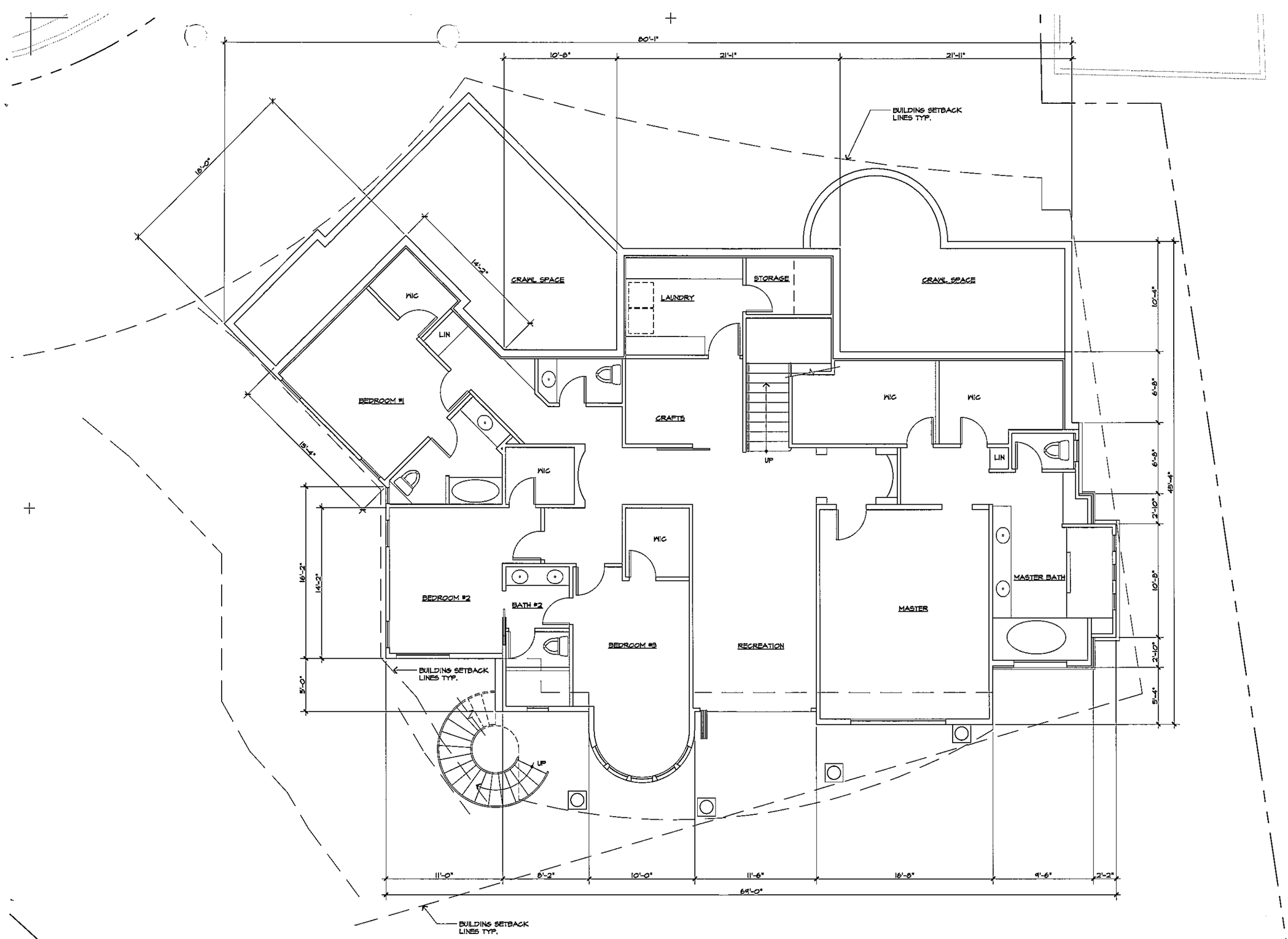
SAN JULIO ROAD SOLANA BEACH, CALIFORNIA

SUBMITTAL DATE	PURPOSE
6.8.15	SDP/DR I

DATE MODIFIED:	6/2/15
DRAWN BY:	G.C.
JOB NUMBER:	1412
DWG FILE:	SZ_SITE

SHEET

A1



LOWER FLOOR PLAN

SCALE: 1/4" = 1'-0"

2,685 S. F.

TRUE NORTH

0 1 4 8
2

Plotted on: Tuesday, June 09, 2015

COHN + ASSOCIATES
ARCHITECTURE PLANNING
515 VIA DE LA VALLE SUITE 201
SOLANA BEACH, CALIFORNIA 92075
T 858/755-7228 F 858/755-3989

LICENSED ARCHITECT
GARY L. COHN
No. C15560
REN. 4/30/17
STATE OF CALIFORNIA

RESIDENCE

SOLANA BEACH, CALIFORNIA

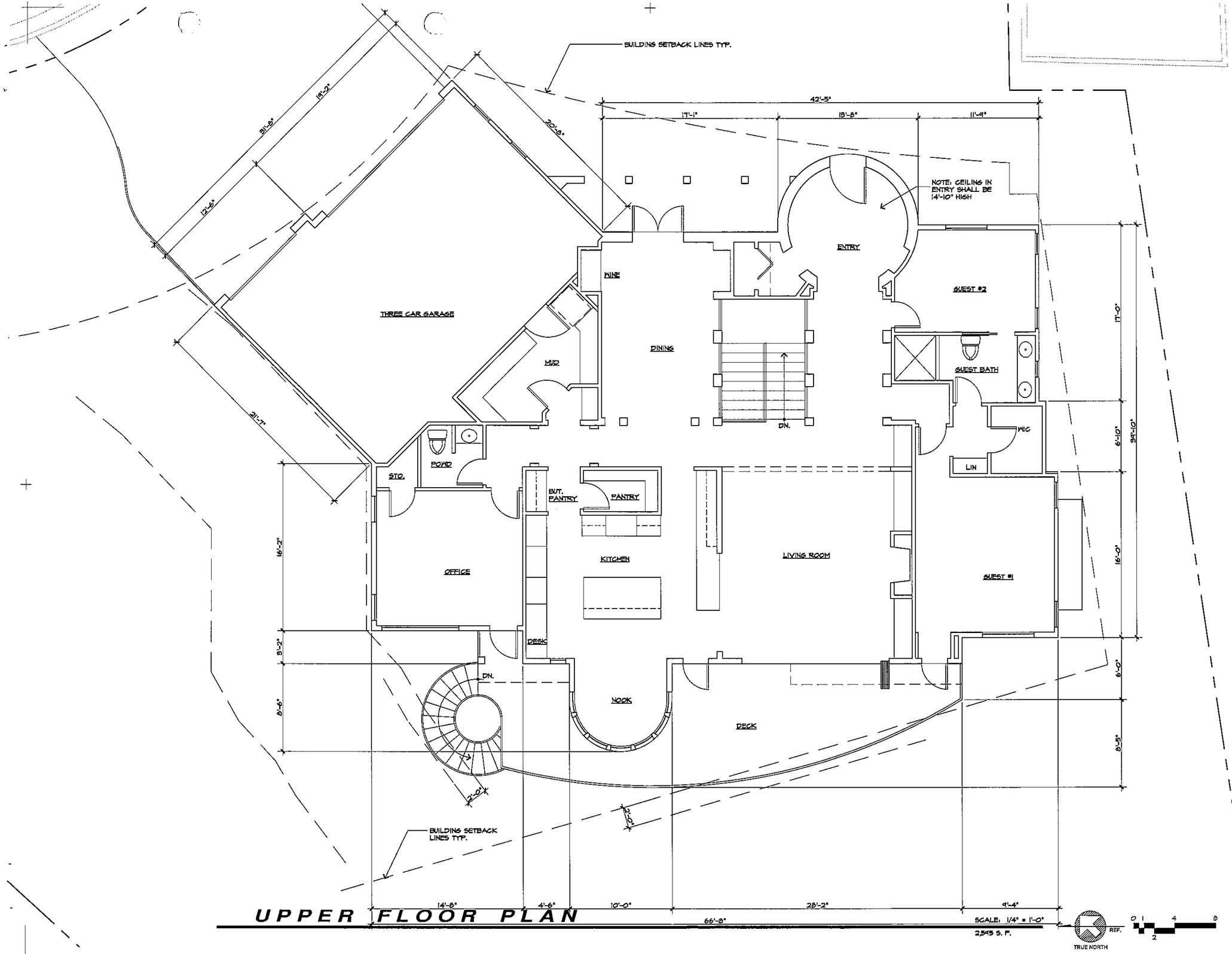
SZEKERES

SAN JULIO ROAD

SUBMITTAL DATE	PURPOSE
6.8.15	SDP/DR 1

DATE MODIFIED:	6/4/15
DRAWN BY:	S.C.
JOB NUMBER:	1412
DWG FILE:	SZ_PLAN

SHEET **A2**



CONN + ASSOCIATES
ARCHITECTURE PLANNING
512 VIA DE LA VALLE SUITE 200
SOLANA BEACH, CALIFORNIA 92075
858/792-7338 F 858/792-7899

LICENSED ARCHITECT
GARY L. CONN
No. C15560
REN. 4/30/17
STATE OF CALIFORNIA

RESIDENCE

SOLANA BEACH, CALIFORNIA

SZEKERES

SAN JULIO ROAD

SUBMITTAL DATE	PURPOSE
6.8.15	SDP/DR 1

DATE MODIFIED:	6/4/15
DRAWN BY:	G.C.
JOB NUMBER:	1412
DWG FILE:	SZ_PLAN

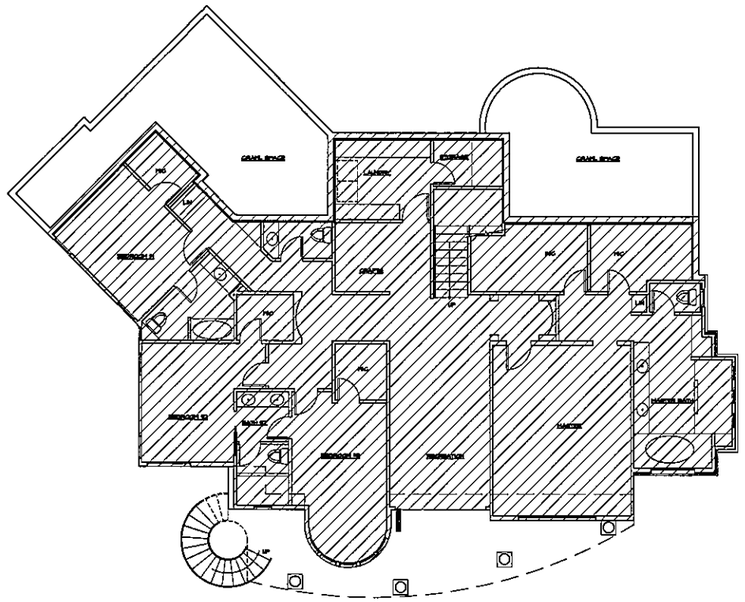
SHEET
A2.1

Plotted on: Tuesday, June 09, 2015

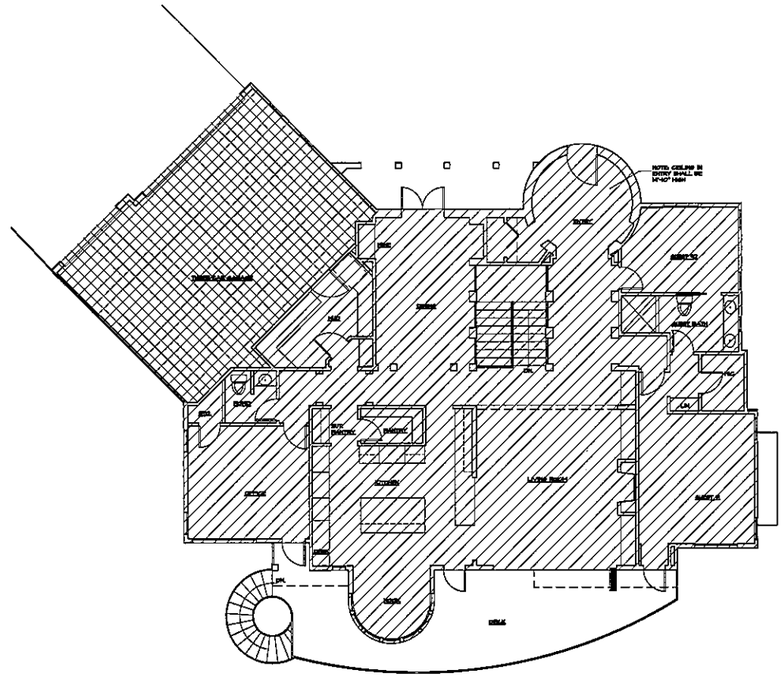
ALL DIMENSIONS ARE MEASURED FROM THE EXTERIOR WALL SURFACES

AREA COUNTED TOWARDS LIVING FLOOR AREA.

AREA COUNTED TOWARDS GARAGE FLOOR AREA.



LOWER LEVEL



UPPER LEVEL

AREA DOCUMENTATION PLAN

SCALE: 1/8" = 1'-0"

TRUE NORTH

0 2 4 8

COHN + ASSOCIATES
ARCHITECTURE PLANNING
512 VIA DE LA VALLE SUITE 208
SOLANA BEACH, CALIFORNIA 92075
858.755-1526 F 858.755-1899

LICENSED ARCHITECT
ROBERT L. COHN
No. C15560
REN. 4/30/17
STATE OF CALIFORNIA

RESIDENCE

SOLANA BEACH, CALIFORNIA

SZEKERES

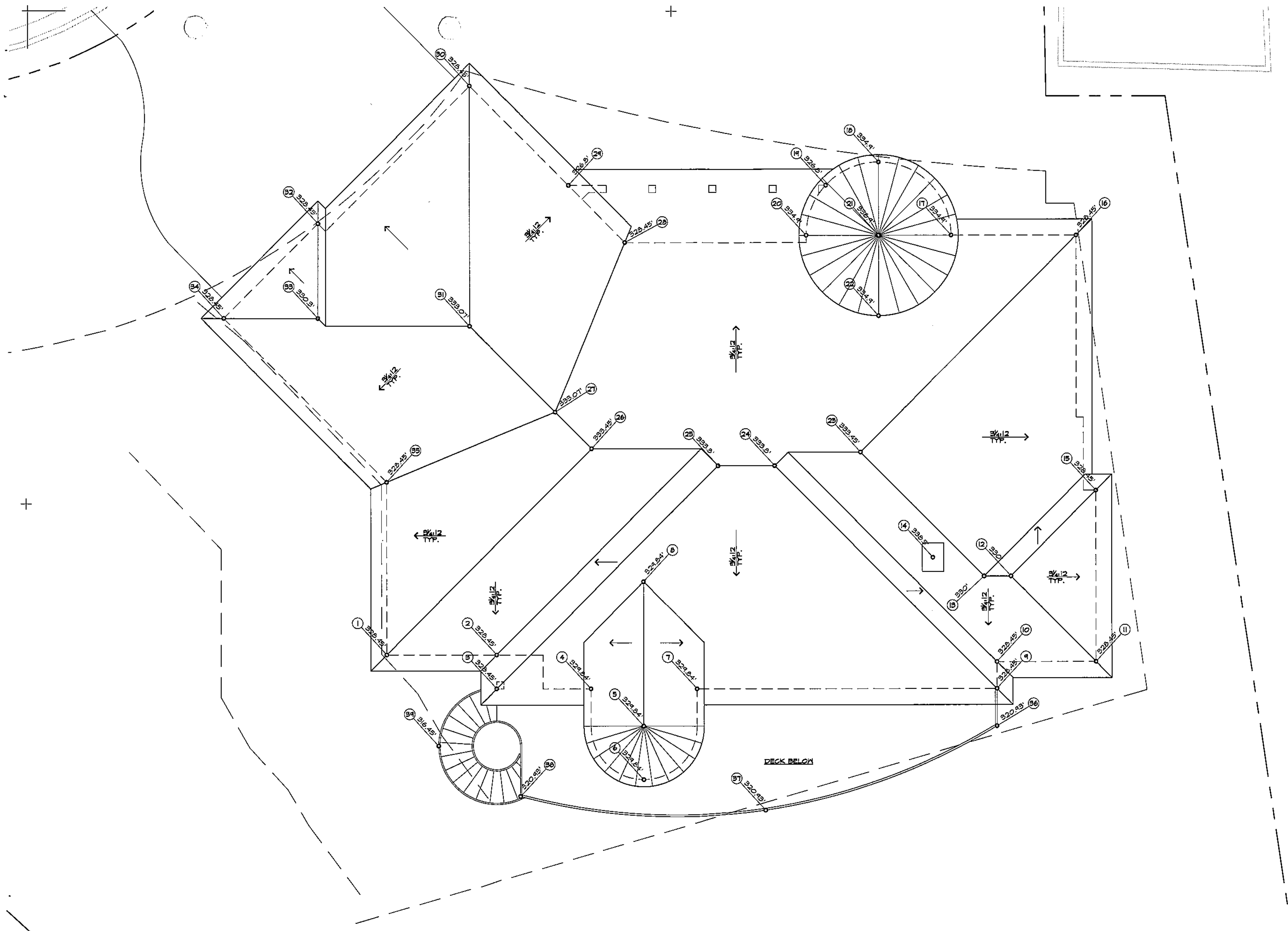
SAN JULIO ROAD

SUBMITTAL DATE	PURPOSE
6.8.15	SDP/DR 1

DATE MODIFIED:	6/5/15
DRAWN BY:	G.C.
JOB NUMBER:	1412
DWG FILE:	SZ_PLAN

SHEET
A2.3

Plotted on: Tuesday, June 09, 2015



ROOF PLAN

SCALE: 1/4" = 1'-0"
2585 S. F.

TRUE NORTH
REF.

COHN + ASSOCIATES
ARCHITECTURE PLANNING

LICENSED ARCHITECT
GARY I. COHN
No. C15560
REN. 4/30/17
STATE OF CALIFORNIA

SZEKERES RESIDENCE

SOLANA BEACH, CALIFORNIA

SAN JULIO ROAD

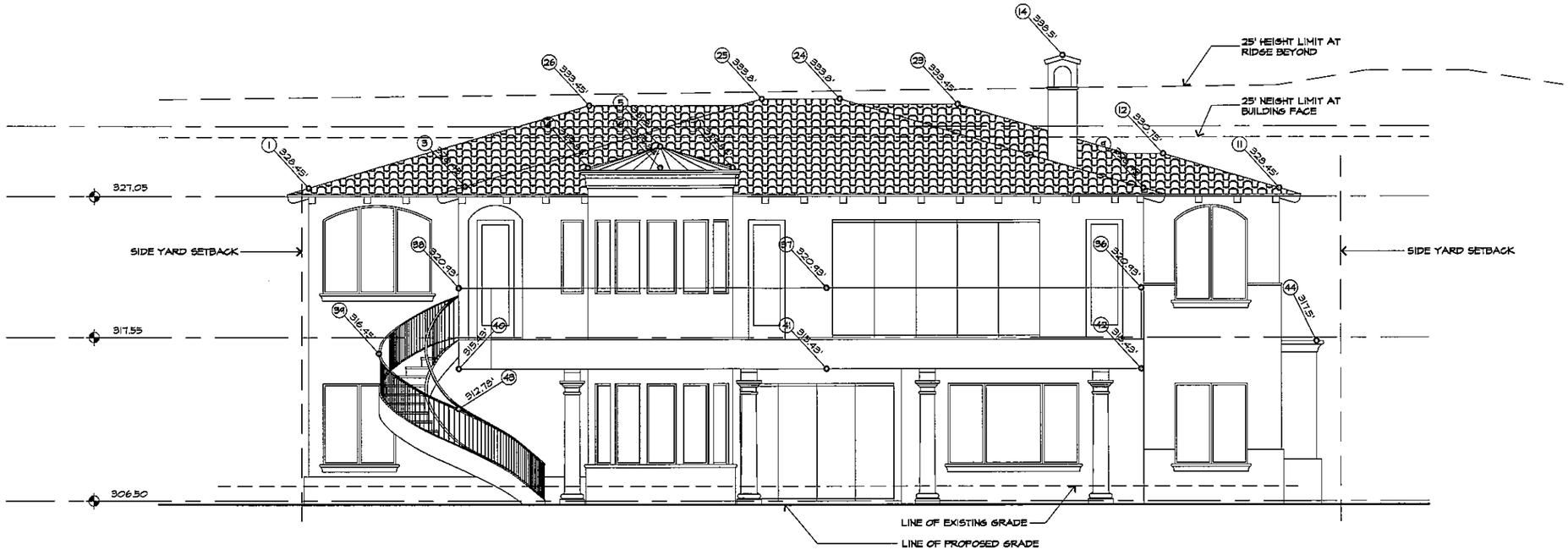
SUBMITTAL DATE	PURPOSE
6.8.15	SDP/DR 1

DATE MODIFIED:	6/5/15
DRAWN BY:	G.C.
JOB NUMBER:	1412
DWG FILE:	SZ_PLAN

SHEET
A3

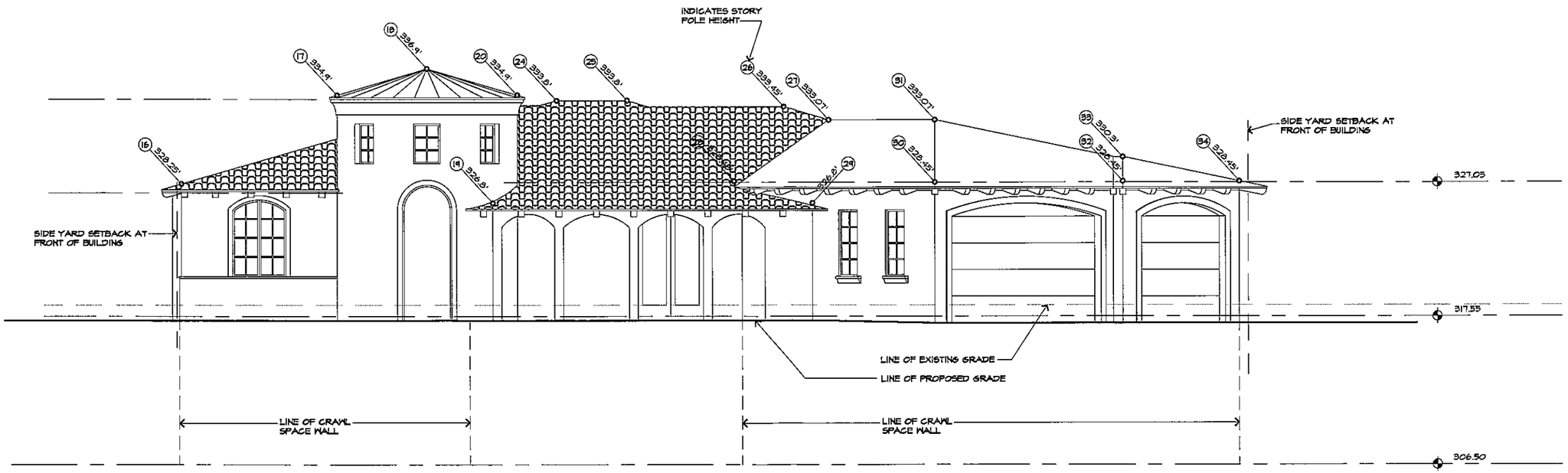
Plotted on: Tuesday, June 09, 2015

51 of 58



WEST ELEVATION

SCALE: 1/4" = 1'-0"



SAN JULIO ELEVATION

SCALE: 1/4" = 1'-0"

COHN + ASSOCIATES
ARCHITECTURE PLANNING
512 VIA DE LA VALLE SUITE 208
SOLANA BEACH, CALIFORNIA 92075
858/755-7228 F 858/755-3199

LICENSED ARCHITECT
GARY L. COHN
No. C15550
REN. 4/30/17
STATE OF CALIFORNIA

SZEKERES RESIDENCE

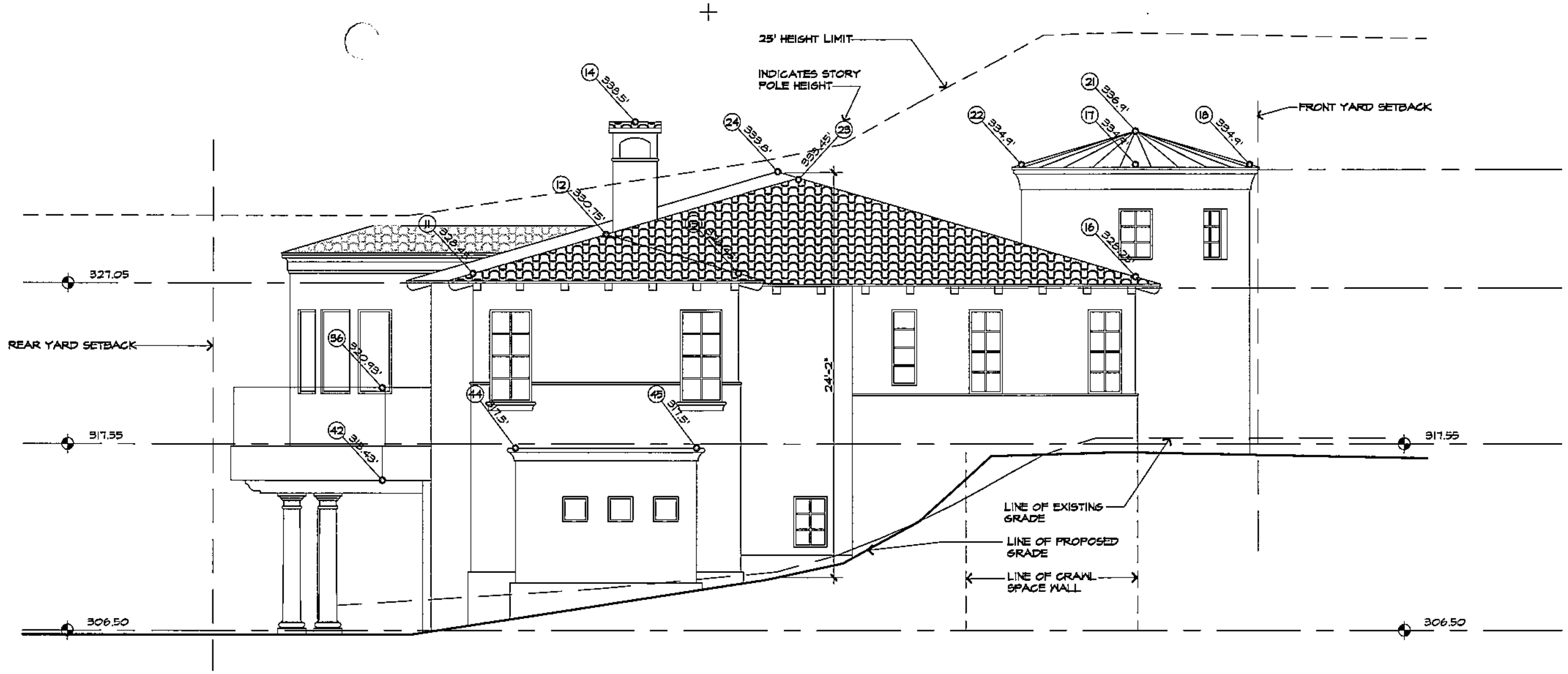
SAN JULIO ROAD
SOLANA BEACH, CALIFORNIA

SUBMITTAL DATE	PURPOSE
6.8.15	SDP/DR 1

DATE MODIFIED:	6/5/15
DRAWN BY:	G.C.
JOB NUMBER:	1412
DWG FILE:	SZ_PLAN

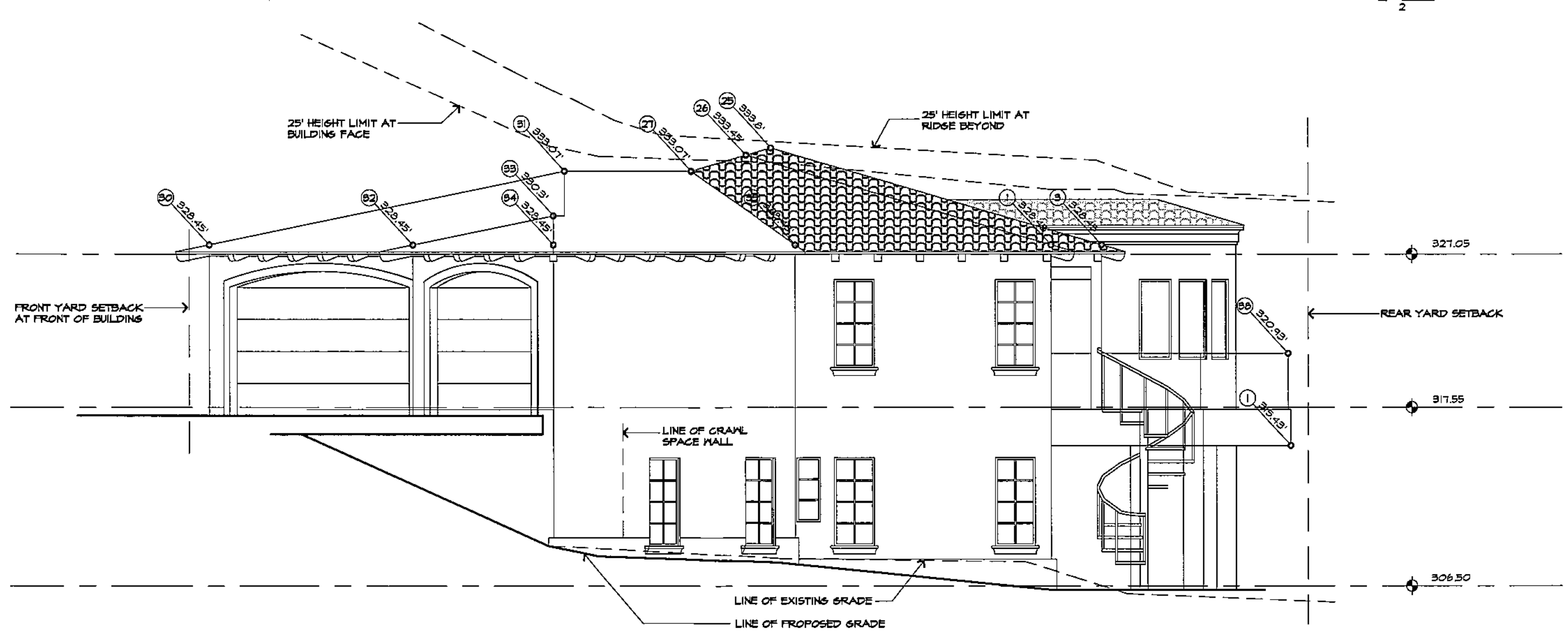
SHEET
A4

Plotted on: Tuesday, June 09, 2015



SOUTH ELEVATION

SCALE: 1/4" = 1'-0"



NORTH ELEVATION

SCALE: 1/4" = 1'-0"

COHN + ASSOCIATES ARCHITECTURE PLANNING

LICENSED ARCHITECT GARY L COHN No. C15560 REN. 4/30/17 STATE OF CALIFORNIA

SZEKERES RESIDENCE

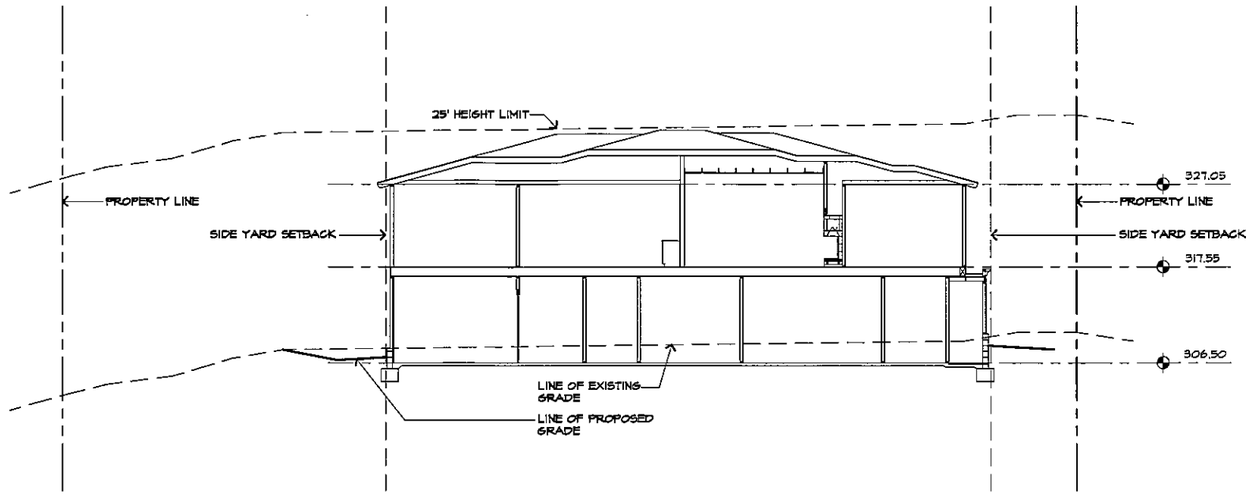
SOLANA BEACH, CALIFORNIA

SAN JULIO ROAD

SUBMITTAL DATE	PURPOSE
6.8.15	SDP/DR I

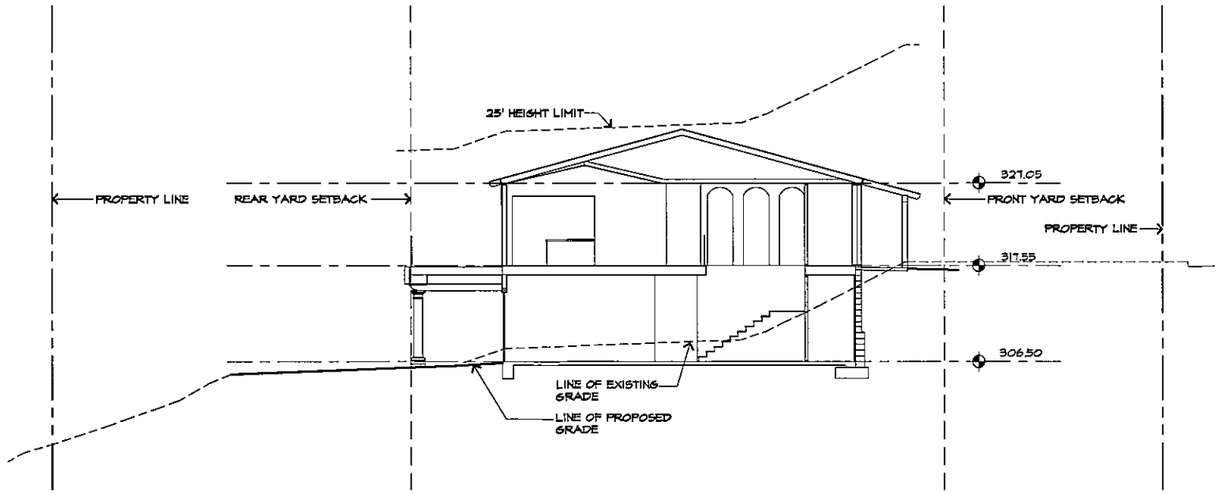
DATE MODIFIED:	6/8/15
DRAWN BY:	G.C.
JOB NUMBER:	1412
DWG FILE:	SZ_PLAN

SHEET A4.1



SECTION A

SCALE: 1/8" = 1'-0"



SECTION B

SCALE: 1/8" = 1'-0"

COHN + ASSOCIATES
ARCHITECTURE PLANNING
512 VIA DE LA VALLE SUITE 209
SOLANA BEACH, CALIFORNIA 92075
858/755-7228 F 858/755-3199

LICENSED ARCHITECT
GARY L. COHN
No. C15560
REN. 4/30/17
STATE OF CALIFORNIA

SZEKERES RESIDENCE

SAN JULIO ROAD
SOLANA BEACH, CALIFORNIA

SUBMITTAL DATE	PURPOSE
6.8.15	SDP/DR 1

DATE MODIFIED:	6/5/15
DRAWN BY:	G.C.
JOB NUMBER:	1412
DWG FILE:	SZ_PLAN

SHEET
A5

Plotted on: Tuesday, June 09, 2015

PRELIMINARY GRADING PLAN

GENERAL NOTES

1. APPROVAL OF THIS GRADING PLAN DOES NOT CONSTITUTE AN APPROVAL OF VERTICAL OR HORIZONTAL ALIGNMENT OF ANY PRIVATE ROAD SHOWN HEREIN FOR PUBLIC ROAD PURPOSES.
2. FINAL APPROVAL OF THESE GRADING PLANS IS SUBJECT TO FINAL APPROVAL OF THE ASSOCIATED IMPROVEMENT PLANS WHERE APPLICABLE. FINAL CURB GRADE ELEVATIONS MAY REQUIRE CHANGES IN THESE PLANS.
3. IMPORT MATERIALS SHALL BE LEGALLY OBTAINED.
4. A SEPARATE PERMIT FROM THE CITY ENGINEER WILL BE REQUIRED FOR ANY WORK IN THE PUBLIC RIGHT-OF-WAY.
5. ALL SLOPES OVER THREE (3) FEET IN HEIGHT SHALL BE LANDSCAPED AND IRRIGATED.
6. THE CONTRACTOR SHALL VERIFY THE EXISTENCE AND LOCATION OF ALL UTILITIES BEFORE COMMENCING WORK. NOTICE OF PROPOSED WORK SHALL BE GIVEN TO THE FOLLOWING AGENCIES:

   UNDERGROUND S.A. (800)-227-2600

7. THE SOILS REPORTS SHALL BE PROVIDED AS REQUIRED BY THE CITY OF SOLANA BEACH PRIOR TO ISSUANCE OF A GRADING PERMIT.
8. APPROVAL OF THESE PLANS BY THE CITY ENGINEER DOES NOT AUTHORIZE ANY WORK OR GRADING TO BE PERFORMED UNTIL THE PROPERTY OWNER'S PERMISSION HAS BEEN OBTAINED AND A VALID GRADING PERMIT HAS BEEN ISSUED.
9. THE CITY ENGINEER'S APPROVAL OF THESE PLANS DOES NOT CONSTITUTE THE BUILDING OFFICIAL'S APPROVAL OF ANY FOUNDATION FOR STRUCTURES TO BE PLACED ON THE AREA COVERED BY THESE PLANS. NO WAIVER OF THE GRADING ORDINANCE REQUIREMENTS CONCERNING MINIMUM COVER OVER EXPANSIVE SOILS IS MADE OR IMPLIED.
10. ALL OPERATIONS CONDUCTED ON THE PREMISES, INCLUDING THE WARMING UP, REPAIR, ARRIVAL, DEPARTURE OR RUNNING OF TRUCKS, EARTHMOVING EQUIPMENT, CONSTRUCTION EQUIPMENT AND ANY OTHER ASSOCIATED GRADING EQUIPMENT SHALL BE LIMITED TO THE PERIOD BETWEEN 7:00 a.m. AND 6:00 p.m. EACH DAY, MONDAY THROUGH FRIDAY, AND NO EARTHMOVING OR GRADING OPERATIONS SHALL BE CONDUCTED ON THE PREMISES ON SATURDAYS, SUNDAYS OR HOLIDAYS WITHOUT THE WRITTEN PERMISSION OF THE CITY ENGINEER.
11. ALL MAJOR SLOPES SHALL BE ROUNDED INTO EXISTING TERRAIN TO PRODUCE A CONTOURED TRANSITION FROM CUT OR FILL FACES TO NATURAL GROUND AND ABUTTING CUT OR FILL FACES.
12. NOTWITHSTANDING THE MINIMUM STANDARDS SET FORTH IN THE GRADING ORDINANCE, AND NOTWITHSTANDING THE APPROVAL OF THESE GRADING PLANS, THE PERMITTEE IS RESPONSIBLE FOR THE PREVENTION OF DAMAGE TO THE ADJACENT PROPERTY. NO PERSON SHALL EXCAVATE ON LAND SO CLOSE TO THE PROPERTY LINE AS TO ENDANGER ANY ADJOINING PUBLIC STREET, SIDEWALK, ALLEY, FUNCTION OF ANY SEWAGE DISPOSAL SYSTEM, OR ANY OTHER PUBLIC OR PRIVATE PROPERTY WITHOUT SUPPORTING AND PROTECTING SUCH PROPERTY FROM SETTLING, CRACKING, EROSION, SILTING SCOUR OR OTHER DAMAGE WHICH MIGHT RESULT FROM THE GRADING DESCRIBED ON THIS PLAN. THE CITY WILL HOLD THE PERMITTEE RESPONSIBLE FOR CORRECTION ON NON-DEDICATED IMPROVEMENTS WHICH DAMAGE ADJACENT PROPERTY.
13. SLOPE RATIOS: CUT 2:1 FILL 2:1
    CUT: 240 CY FILL: 50 CY EXPORT: 190 CY

    (NOTE: A SEPARATE VALID PERMIT MUST EXIST FOR OFFSITE IMPORT OR EXPORT AREAS.)

    ** THE QUANTITIES ESTIMATED ABOVE ARE FOR PERMIT PURPOSES ONLY AND SHOULD NOT BE USED FOR CONSTRUCTION BIDS. CONTRACTORS ARE RESPONSIBLE FOR THEIR OWN EARTHWORK QUANTITIES.
14. SPECIAL CONDITIONS: IF ANY ARCHAEOLOGICAL RESOURCES ARE DISCOVERED ON THE SITE OF THIS GRADING DURING GRADING OPERATIONS, SUCH OPERATIONS WILL CEASE IMMEDIATELY, AND THE PERMITTEE WILL NOTIFY THE CITY ENGINEER OF THE DISCOVERY. GRADING OPERATIONS WILL NOT COMMENCE UNTIL THE PERMITTEE HAS RECEIVED WRITTEN AUTHORITY FROM THE CITY ENGINEER TO DO SO.
15. ALL GRADING SHOWN ON THIS PLAN SHALL BE COMPLETED AS A SINGULAR UNIT WITH NO PROVISION FOR PARTIAL RELEASES. SHOULD IT BE ANTICIPATED THAT A PORTION OF THIS PROJECT BE COMPLETED SEPARATELY, A SEPARATE PLAN AND PERMIT APPLICATION SHALL BE SUBMITTED FOR APPROVAL.
16. THE CONTRACTOR SHALL NOTIFY THE CITY OF SOLANA BEACH 858.720.2470 24 HOURS BEFORE GRADING OPERATIONS BEGIN.
17. FINISHED GRADING AND PLANTING SHALL BE ACCOMPLISHED ON ALL SLOPES PRIOR TO OCTOBER 1, OR IMMEDIATELY UPON COMPLETION OF ANY SLOPES GRADED BETWEEN OCTOBER 1 AND APRIL 1. PRIOR TO ANY PLANTING, ALL LANDSCAPING SHALL BE APPROVED BY THE PLANNING DEPARTMENT AT THE DEVELOPMENT REVIEW STAGE, OR BY SEPARATE LANDSCAPE PLAN.
18. ALL OFF-SITE HAUL ROUTES SHALL BE SUBMITTED BY THE CONTRACTOR TO THE CITY ENGINEER FOR APPROVAL 72 HOURS PRIOR TO THE BEGINNING OF WORK.
19. UPON FINAL COMPLETION OF THE WORK UNDER THE GRADING PERMIT, BUT PRIOR TO FINAL GRADING APPROVAL AND/OR FINAL RELEASE OF SECURITY, AN AS-GRADED CERTIFICATE SHALL BE PROVIDED STATING: "THE GRADING UNDER PERMIT No. SBGR-218 HAS BEEN PERFORMED IN SUBSTANTIAL CONFORMANCE WITH THE APPROVED GRADING PLAN OR AS SHOWN ON THE ATTACHED AS-GRADED PLAN". THIS STATEMENT SHALL BE FOLLOWED BY THE DATE AND SIGNATURE OF THE CIVIL ENGINEER WHO CERTIFIES SUCH A GRADING OPERATION.
20. THE CONTRACTOR SHALL DESIGN, CONSTRUCT, AND MAINTAIN ALL SAFETY DEVICES INCLUDING SHORING, AND SHALL BE RESPONSIBLE FOR CONFORMING TO ALL LOCAL, STATE, AND FEDERAL SAFETY AND HEALTH STANDARDS, LAWS AND REGULATIONS.

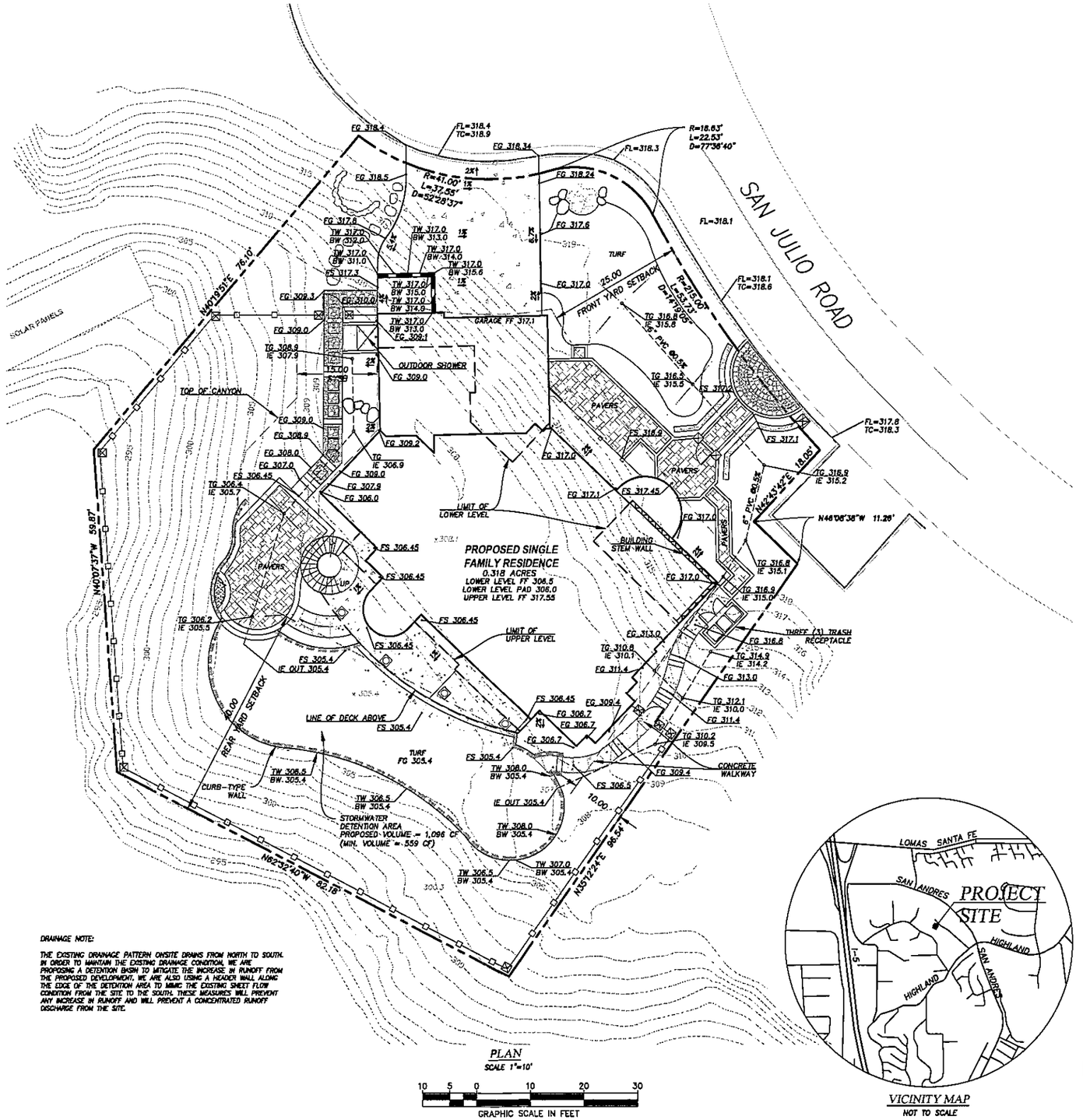
EROSION CONTROL NOTES

1. STORM WATER AND NON-STORM WATER DISCHARGE CONTROL: BEST MANAGEMENT PRACTICES SHALL BE DEVELOPED AND IMPLEMENTED TO MANAGE STORM WATER AND NON-STORM WATER DISCHARGES FROM THE SITE AT ALL TIMES DURING EXCAVATION AND GRADING ACTIVITIES.
2. EROSION AND SEDIMENT CONTROL: EROSION PREVENTION SHALL BE EMPHASIZED AS THE MOST IMPORTANT MEASURE FOR KEEPING SEDIMENT ON SITE DURING EXCAVATION AND GRADING ACTIVITIES. SEDIMENT CONTROLS SHALL BE USED AS A SUPPLEMENT TO EROSION PREVENTION FOR KEEPING SEDIMENT ON SITE.
3. EROSION CONTROL ON SLOPES SHALL BE MITIGATED BY INSTALLING LANDSCAPING AS PER APPROVED LANDSCAPE PLANS AS REQUIRED BY THE DEVELOPMENT REVIEW CONDITIONS, OR BY TEMPORARY EROSION CONTROL CONFORMING TO THE FOLLOWING:

   NON-IRRIGATED HYDROSEED MIX WITH A FIBER MATRIX APPLIED AT 4,000 LB/ACRE:

LBS/ACRE	% PURITY/ACRE	SEED SPECIES
20	70% PLUS	ATRIPLEX GLAUCA
50		PLANTAGE INSULARIS
8		ENCELIS FARINOSA
6	SCARIFIED	LOTUS SCOPARIUS
7	50% PLUS	ESCHSCHOLTZIA CALIF.
91		

4. THE TOPS OF ALL SLOPES TALLER THAN 5' SHALL BE DIKED OR TRENCHED TO PREVENT WATER FLOWING OVER CHESTS OF SLOPES.
5. CATCH BASINS, DESILTING BASINS, AND STORM DRAIN SYSTEMS SHALL BE INSTALLED TO THE SATISFACTION OF THE CITY ENGINEER.
6. SAND BAG CHECK DAMS, SILT FENCES, FIBER ROLLS OR OTHER APPROVED BMP'S SHALL BE PLACED IN UNPAVED AREAS WITH GRADIENTS IN EXCESS OF 2%, AS WELL AS AT OR NEAR EVERY POINT WHERE CONCENTRATED FLOW LEAVE THE SITE.
7. SAND BAGS SHALL BE PLACED ON THE UPSTREAM SIDE OF ALL DRAINAGE INLETS TO MINIMIZE SILT BUILDUP IN THE INLETS AND PIPES.
8. THE CONTRACTOR SHALL REPAIR ANY ERODED SLOPES AS DIRECTED BY THE OFFICE OF THE CITY ENGINEER.
9. THE CONTRACTOR SHALL SWEEP ROADWAYS AND ENTRANCES TO AND FROM THE SITE ON A REGULAR BASIS TO KEEP THEM FREE OF SOIL ACCUMULATION AND AT ALL OTHER TIMES DIRECTED BY THE CITY ENGINEER.
10. THE CONTRACTOR SHALL WATER SITE ON A CONTINUOUS BASIS TO MINIMIZE AIR BORNE DUST CREATED FROM GRADING AND HAULING OPERATIONS OR EXCESSIVE WIND CONDITIONS, AND AT ALL TIMES DIRECTED BY THE CITY ENGINEER.
11. IN THE EVENT SILT DOES ENTER THE EXISTING PUBLIC STORM DRAIN SYSTEM, REMOVAL OF THE SILT FROM THE THE SYSTEM WILL BE DONE AT THE DEVELOPER'S EXPENSE.



PLAN
SCALE 1"=10'

10 5 0 10 20 30
GRAPHIC SCALE IN FEET

DRAINAGE NOTE:

THE EXISTING DRAINAGE PATTERN ONSITE DRAINS FROM NORTH TO SOUTH. IN ORDER TO MAINTAIN THE EXISTING DRAINAGE CONDITION, WE ARE PROPOSING A DETENTION BASIN TO MITIGATE THE INCREASE IN RUNOFF FROM THE PROPOSED DEVELOPMENT. WE ARE ALSO USING A HEADER WALL ALONG THE EDGE OF THE DETENTION AREA TO MIMIC THE EXISTING SHEET FLOW CONDITION FROM THE SITE TO THE SOUTH. THESE MEASURES WILL PREVENT ANY INCREASE IN RUNOFF AND WILL PREVENT A CONCENTRATED RUNOFF DISCHARGE FROM THE SITE.

VICINITY MAP
NOT TO SCALE

LEGAL DESCRIPTION

AN UNDIVIDED ONE-TENTHS (1/10THS) APPURTENANT FRACTIONAL INTEREST IN AND TO LOT 1 OF THE CITY OF SOLANA BEACH TRACT NO. 4408, IN THE CITY OF SOLANA BEACH, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 12000, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON JANUARY 27, 1988.

A.P.N.: 298-371-27-07

SITE ADDRESS: SAN JULIO ROAD
SOLANA BEACH, CA 92075

OWNER/PERMITTEE: JEFF SZEKERES
SAN JULIO ROAD
SOLANA BEACH, CA 92075

TOPOGRAPHIC SURVEY: PASCO LARET SUITER & ASSOCIATES (858)-259-8212

WORK TO BE DONE

THE IMPROVEMENTS CONSIST OF THE FOLLOWING WORK TO BE DONE ACCORDING TO THESE PLANS AND THE LATEST EDITIONS OF:

STANDARD SPECIFICATIONS

(1) STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION INCLUDING THE REGIONAL SUPPLEMENTAL AMENDMENTS.
(2) CALIFORNIA DEPARTMENT OF TRANSPORTATION "MANUAL OF TRAFFIC CONTROLS FOR CONSTRUCTION AND MAINTENANCE WORK ZONES"
(3) STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS

STANDARD DRAWINGS

(1) SAN DIEGO REGIONAL STANDARD DRAWINGS
(2) STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION STANDARD PLANS

LEGEND

ITEM DESCRIPTION	SYMBOL
PROPERTY LINE	
ADJACENT PROPERTY LINE	
PROPOSED SETBACKS	
PROPOSED HARDSCAPE PER LANDSCAPE ARCHITECT PLANS	
PROPOSED CONTOUR LINE	(153)
EXISTING CONTOUR LINE	151
PROPOSED MASONRY RETAINING WALL PER SDRSD D-4	

EARTHWORK QUANTITIES:

CUT: 240 CY *
FILL: 50 CY *
IMPORT/EXPORT: 190 CY

* EARTHWORK QUANTITIES ARE ESTIMATED FOR PERMIT PURPOSES ONLY AND REPRESENT COMPACTED (IN PLACE) VOLUMES ONLY. THESE VALUES ARE CALCULATED ON A THEORETICAL BASIS. ACTUAL QUANTITIES MAY VARY DUE TO OBSERVED SHRINKAGE AND/OR SWELL FACTORS.

OWNER'S CERTIFICATE

I, _____ AS OWNER/DEVELOPER OF THE PROPERTY DESCRIBED HEREIN ACKNOWLEDGE THESE PLANS HAVE BEEN PREPARED AT MY DIRECTION WITH MY FULL CONSENT. I FULLY UNDERSTAND AND ACCEPT THE TERMS AND CONDITIONS CONTAINED HEREIN AND AS ATTACHED BY REFERENCE ON THIS GRADING PLAN.

IT IS AGREED THAT FIELD CONDITIONS MAY REQUIRE CHANGES TO THESE PLANS.

IT IS FURTHER AGREED THAT THE OWNER (DEVELOPER) SHALL HAVE A REGISTERED CIVIL ENGINEER MAKE SUCH CHANGES, ALTERATIONS OR ADDITIONS TO THESE PLANS WHICH THE CITY ENGINEER DETERMINES ARE NECESSARY AND DESIRABLE FOR THE PROPER COMPLETION OF THE IMPROVEMENTS.

I FURTHER AGREE TO COMMENCE WORK ON ANY IMPROVEMENTS SHOWN ON THESE PLANS WITHIN EXISTING CITY RIGHT-OF-WAY WITHIN 60 DAYS OF THE CONSTRUCTION PERMIT AND TO PURSUE SUCH WORK ACTIVELY ON EVERY NORMAL WORKING DAY UNTIL COMPLETED, IRRESPECTIVE AND INDEPENDENT OF ANY OTHER WORK ASSOCIATED WITH THIS PROJECT OR UNDER MY CONTROL.

_____ DATE
JEFF SZEKERES
SAN JULIO ROAD
SOLANA BEACH, CA 92075

DECLARATION OF RESPONSIBLE CHARGE

I, BRIAN M. ARDOLINO, HEREBY DECLARE THAT I AM THE ENGINEER OF WORK FOR THIS PROJECT, THAT I HAVE EXERCISED RESPONSIBLE CHARGE OVER THE DESIGN OF THE PROJECT AS DEFINED IN SECTION 6703 OF THE BUSINESS AND PROFESSIONS CODE, AND THE DESIGN IS CONSISTENT WITH CURRENT STANDARDS AND THE CITY OF SOLANA BEACH RESOLUTION No. 2007-170.

I UNDERSTAND THAT THE CHECK OF PROJECT DRAWINGS AND SPECIFICATIONS BY THE CITY OF SOLANA BEACH IS CONFINED TO A REVIEW ONLY AND DOES NOT RELIEVE ME OF RESPONSIBILITIES FOR PROJECT DESIGN.

BY: _____ 06-09-15
BRIAN ARDOLINO
RCE No. 71651 EXP 12/31/2015
PASCO LARET SUITER & ASSOCIATES

REGISTERED PROFESSIONAL ENGINEER BRIAN MICHAEL ARDOLINO No. 71651 Exp. 12/31/15 CIVIL STATE OF CALIFORNIA

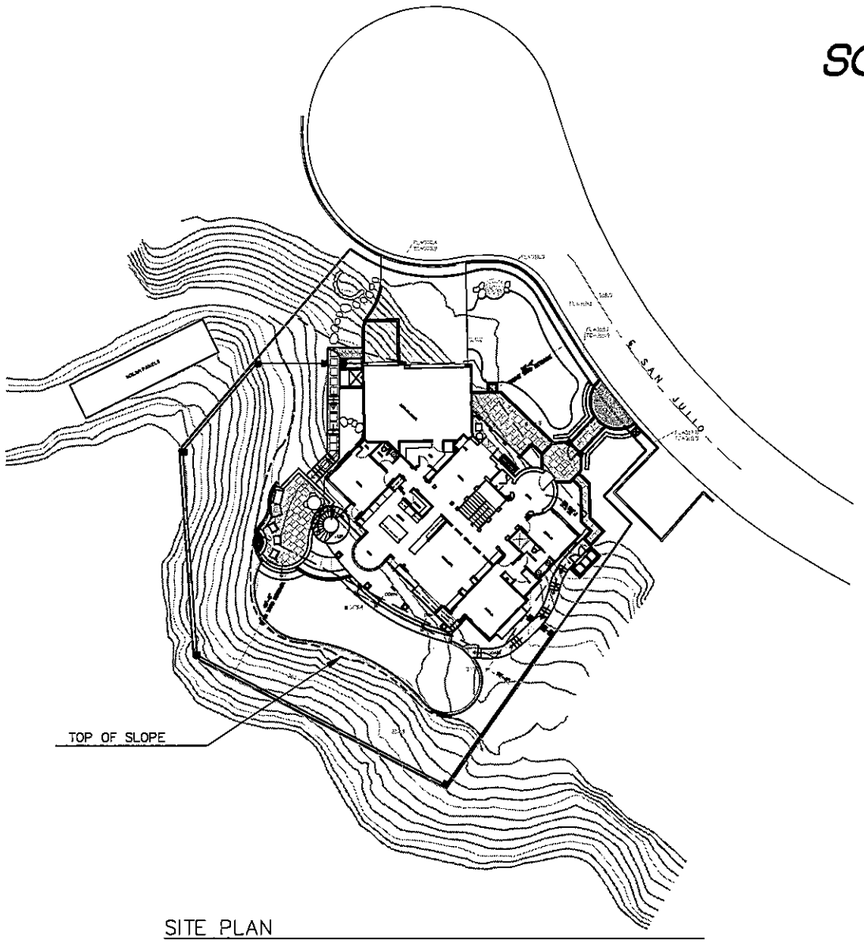
PASCO LARET SUITER & ASSOCIATES
CIVIL ENGINEERING + LAND PLANNING + LAND SURVEYING
535 North Highway 101, Ste A, Solana Beach, CA 92075
ph 858.259.8212 | fx 858.259.4812 | plsengineering.com

COASTAL COMMISSION PERMIT NO. _____

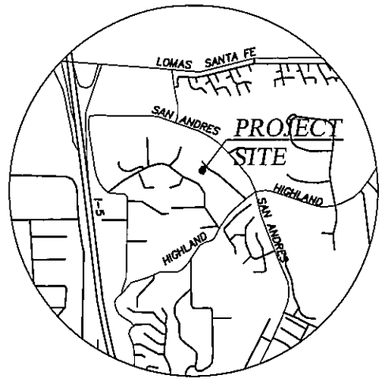
SANTA FE IRRIGATION DISTRICT	ENGINEER OF WORK	CITY APPROVED CHANGES	APP'D	DATE	RECOMMENDED FOR APPROVAL	APPROVED FOR CONSTRUCTION	BENCH MARK	CITY OF SOLANA BEACH	DRAWING NO.
_____ District Representative Date: _____	VEY Drawn By				By: _____ Review Engineer Date: _____	By: _____ City Engineer R.C.E. _____ Date: _____ Exp: _____	SURVEY CONTROL POINT "SOLB-04", BEING A WELL MONUMENT IN THE CENTER OF A CUL-DE-SAC ON SAN JULIO ROAD. ELEV: 312.98' DATUM: NGVD29	PRELIMINARY GRADING PLAN FOR: SAN JULIO ROAD	SHEET 1 OF 1
	By: _____ Date: _____ Name: BRIAN ARDOLINO R.C.E. 71651 Exp: 12/31/15								

SZEKERES RESIDENCE

SAN JULIO ROAD
SOLANA BEACH, CA 92075
APN 298-371-27-07



SITE PLAN



VICINITY MAP

N

NOT TO SCALE

NOTES:
- REFER TO ARCHITECTURAL SITE PLAN IS FOR BUILDING IDENTIFICATION AND INFORMATION ONLY.
- CIVIL ENGINEER TO PROVIDE ALL SETBACKS, PROPERTY BOUNDARY, AND GRADING INFORMATION.
- IN THE EVENT OF A CONFLICT BETWEEN LANDSCAPE PLANS AND ARCHITECTURAL PLANS, LANDSCAPE PLANS SHALL TAKE PRECEDENCE FOR SITE DRAINAGE.

PROJECT

OWNER:
JEFF SZEKERES
SAN JULIO ROAD
SOLANA BEACH, CA 92075

LANDSCAPE ARCHITECT:
JPBLA
4403 MANCHESTER AVE, STE 201
ENCINITAS,CA 92024
760-479-0644

APN:
298-371-27-07

PROJECT APPROVAL NUMBER:
XXX

SHEET INDEX:

CITY OF SOLANA BEACH NOTES

GENERAL NOTES:
1. CONTRACTOR SHALL INSTALL A 19.5" DEEP BIO-BARRIER ROOT BARRIER WHERE A TREE IS PLANTED 5' OR CLOSER TO ANY HARDSCAPE. ROOT BARRIERS ARE NOT TO BE WRAPPED AROUND ROOTBALL. HARDSCAPE SHALL INCLUDE BUT NOT BE LIMITED TO WALKWAYS, STAIRS, POOLS, CURBS, MOW CURBS, FOOTINGS, WALLS AND STRUCTURES. BARRIER SHALL BE INSTALLED AS PER MANUFACTURERS SPECIFICATIONS LINEARLY ALONG THE EDGE OF HARDSCAPE FOR A MIN. TOTAL LENGTH OF 16'.

2. MINIMUM TREE SEPARATION DISTANCE
   DISTANCE IMPROVEMENT/MINIMUM DISTANCE TO STREET TREE
   TRAFFIC SIGNALS (STOP SIGN) – 20 FEET
   UNDERGROUND UTILITY LINES – 5 FEET
   ABOVE GROUND UTILITY STRUCTURES – 10 FEET
   DRIVEWAY (ENTRIES) – 10 FEET
   INTERSECTIONS (INTERSECTING CURB LINES OF TWO STREETS) – 25 FEET
   PLANTINGS WITH IN 15-FEET OF DRIVEWAYS SHALL NOT EXCEED 24-INCHES IN HEIGHT TO AVOID INTERFERING WITH VISIBILITY

IRRIGATION NOTE:
ALL PLANTING AREAS SHALL BE IRRIGATED ACCORDING TO PLANT TYPE AND ENVIRONMENTAL EXPOSURE. ALL IRRIGATED AREAS SHALL RECEIVE UNIFORM COVERAGE BY MEANS OF AN AUTOMATICALLY CONTROLLED, ELECTRICALLY ACTIVATED UNDERGROUND PIPED IRRIGATION SYSTEM FOR WATER CONSERVATION AND TO MINIMIZE EROSION. STATE OF THE ART AUTOMATIC CONTROLLER WITH ET SENSOR, MASTER VALVE AND RAIN SHUTOFF CAPABILITIES. A REDUCED PRESSURE BACKFLOW PREVENTER WILL BE USED IN ACCORDANCE WITH LOCAL AND REGIONAL STANDARDS. REMOTE CONTROL VALVES SHALL BE UTILIZED WITH LOW PRECIPITATION HEADS FOR REDUCED WATER CONSUMPTION. PRESSURE COMPENSATING DRIP AND LOW PRECIPITATION RATE EQUIPMENT SHALL BE USED WHERE APPLICABLE. ALL PRESSURIZED MAINLINE AND LATERAL LINES WILL BE PVC INSTALLED BELOW GRADE PER LOCAL AND REGIONAL STANDARDS. AN AUTOMATIC, WATER EFFICIENT IRRIGATION SYSTEM SHALL BE PROVIDED TO ESTABLISH AND MAINTAIN LANDSCAPING.

MAINTENANCE RESPONSIBILITY NOTE:
THE PROPERTY OWNERS ARE RESPONSIBLE FOR THE CONTINUAL MAINTENANCE OF ALL LANDSCAPED AREAS ON SITE. ALL LANDSCAPED AREAS SHALL BE KEPT FREE OF WEEDS AND DEBRIS. PLANTINGS SHALL BE MAINTAINED IN A HEALTHY, VIGOROUSLY GROWING CONDITION, AND SHALL RECEIVE REGULAR PRUNING, FERTILIZING, MOWING AND TRIMMING. IRRIGATION SYSTEMS SHALL BE REGULARLY INSPECTED AND KEPT IN FULLY OPERATIONAL CONDITION ACCORDING TO MANUFACTURERS' DESIGN STANDARDS AT ALL TIMES.

1- I AM FAMILIAR WITH THE REQUIREMENTS FOR LANDSCAPE AND IRRIGATION PLANS CONTAINED IN THE CITY'S WATER EFFICIENT LANDSCAPE REGULATIONS. I HAVE PREPARED THIS PLAN IN COMPLIANCE WITH THOSE REGULATIONS AND THE LANDSCAPE DESIGN MANUAL. I CERTIFY THAT THE PLAN IMPLEMENTS THOSE REGULATIONS TO PROVIDE EFFICIENT USE OF WATER.

3/29/15

James P. Benedetti
Landscape Architect
4403 MANCHESTER AVE. STE. 201
ENCINITAS, CA 92024 760.479.0644

DATE

DECLARATION OF RESPONSIBLE CHARGE

I HEREBY DECLARE THAT I AM THE LANDSCAPE ARCHITECT OF WORK FOR THIS PROJECT, THAT I HAVE EXERCISED RESPONSIBLE CHARGE OVER THE DESIGN OF THIS PROJECT AS DEFINED IN SECTIONS 5615 THROUCH 5683 OF THE CALIFORNIA BUSINESS AND PROFESSIONS CODE, AND THAT THE DESIGN IS CONSISTENT WITH CURRENT STANDARDS.

I UNDERSTAND THAT THE CHECK OF THE PROJECT PLANS AND SPECIFICATIONS BY THE CITY OF SOLANA BEACH IS CONFINED TO A REVIEW ONLY AND DOES NOT RELIEVE ME, AS LANDSCAPE ARCHITECT OF WORK, OF MY RESPONSIBILITIES FOR PROJECT DESIGN. THE PLAN CHECK IS NOT A DETERMINATION OF THE TECHNICAL ADEQUACY OF THE DESIGN OF THESE IMPROVEMENTS.

THESE PLANS AND SPECIFICATIONS HAVE BEEN PREPARED IN SUBSTANTIAL CONFORMANCE WITH ALL SPECIAL CONDITIONS OF APPROVAL RELATED TO PROJECT LANDSCAPE IMPROVEMENTS, INCLUDING THE APPROVED LANDSCAPE CONCEPT PLAN.

LANDSCAPE ARCHITECT'S NAME: JIM BENEDETTI

ADDRESS: 4403 MANCHESTER AVE. SUITE 201

TELEPHONE NO.: 760-479-0644

ROOT BARRIER NOTE:
ALL TREES PLANTED WITHIN 5' OF ANY CURB, WALL, HARDSCAPE ELEMENT, BUILDING, FIRE HYDRANT, UTILITY VAULT, OR LIGHT FIXTURE SHALL RECEIVE A 10' LENGTH OF 24" DEEP ROOT BARRIER. NO ROOT BARRIER SHALL ENCIRCLE THE ROOT BALL.

Underground Service Alert
Call TOLL FREE
1-800
227-2600
TWO WORKING DAYS BEFORE YOU DIG
"CAUTION: Remember that the USA Center notifies only those utilities belonging to the center. There could be other utilities present at the work site. The center will inform you of when they will notify.

N

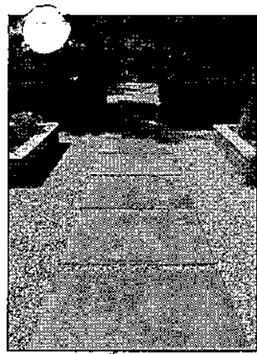
20 10 0 20 40 60
SCALE: 1"=20'-0"

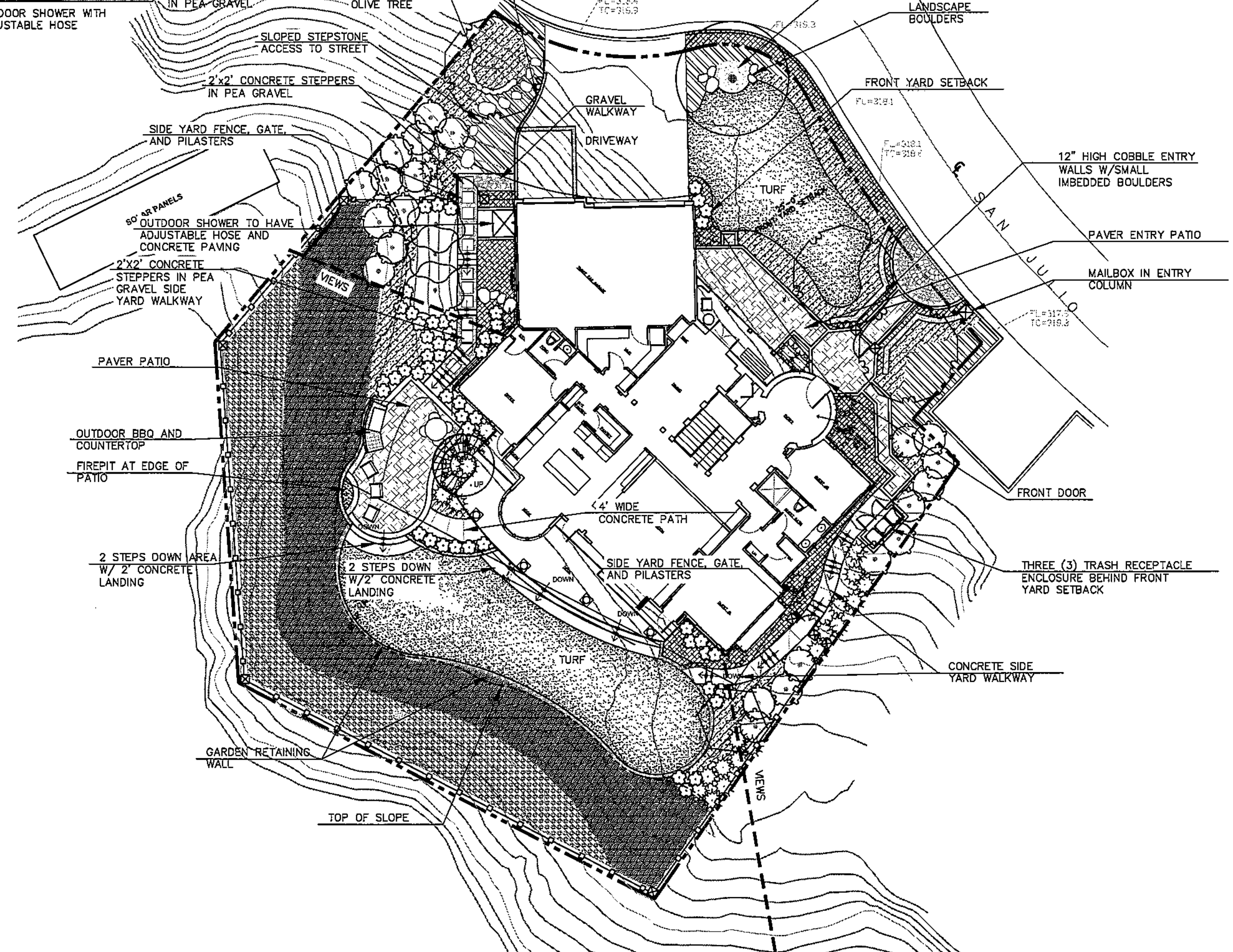
JPBLA
LANDSCAPE ARCHITECT
4403 MANCHESTER AVE, SUITE 201
ENCINITAS, CA 92024
760/479-0644 FAX 760/479-0645

SZEKERES RESIDENCE
SAN JULIO ROAD
SOLANA BEACH, CA 92075
APN 298-371-27-07

REVISIONS
1ST SUBMITTAL XX-XX-XX

Phase:
Date: 6/4/15
Reviewed by: JPB
Drawn: KCK
Job No.: 2015-17
Sheet Name: TITLE SHEET
Sheet: LC-1
Of 3 Sheets





CONCEPT PLANT SCHEDULE

	LARGE EVERGREEN TREE • QUERCUS AGRIFOLIA / COAST LIVE OAK QUERCUS ILEX / HOLLY OAK QUERCUS VIRGINIANA / SOUTHERN LIVE OAK	1
	MEDIUM EVERGREEN TREE OLEA EUROPAEA 'SWAN HILL' TM / SWAN HILL OLIVE	3
	SMALL FLOWERING TREE ALBIZIA JULIBRISSIN / SILK TREE • CERCIS OCCIDENTALIS / WESTERN REDBUD MULTI-TRUNK LAGERSTROEMIA INDICA / CRAPE MYRTLE	1
	FRUIT TREES TO BE SELECTED BY OWNER	3
	SCREENING SHRUBS • HETEROMELES ARBUTIFOLIA / TOYON OLEA EUROPAEA 'LITTLE OLLIE' TM / LITTLE OLLIE OLIVE PRUNUS CAROLINIANA 'BRIGHT 'N TIGHT' TM / BRIGHT 'N TIGHT CAROLINA LAUREL • RHUS INTEGRIFOLIA / LEMONADE BERRY	22
	LARGE ACCENT SHRUBS BESCHORNERIA YUCCOIDES 'FLAMINGO GLOW' / BESCHORNERIA LAVATERA BICOLOR / TREE MALLOW PITTOSPORUM TENUIFOLIUM 'SILVER SHEEN' / SILVER SHEEN	37
	MEDIUM/SMALL ACCENT SHRUBS ANIGOZANTHOS FLAVIDUS / KANGAROO PAW HEMEROCALLIS X 'WHITE' / WHITE DAYLILY SALVIA GREGGII / AUTUMN SAGE SALVIA LEUCANTHA 'SANTA BARBARA' / MEXICAN BUSH SAGE VERBENA X 'RAPUNZEL VIOLET' TM / TRAILING VIOLET VERBENA	48
	VINES CALLIANDRA HAEMATOCEPHALA / PINK POWDER PUFF DISTICTIS BUCCINATORIA / BLOOD RED TRUMPET VINE	
	SLOPE SHRUBS – NATIVES • ENCELIA CALIFORNICA / CALIFORNIA ENCELIA • SALVIA APIANA / WHITE SAGE • SALVIA CLEVELANDII 'ALLEN CHICKERING' / CLEVELAND SAGE	
	FOUNDATION GROUNDCOVERS LAVANDULA ANGUSTIFOLIA / ENGLISH LAVENDER LIRIOPE MUSCARI / LILY TURF SENECIO MANDRALISCAE / BLUE FINGER	
	FLOWERING GROUNDCOVERS ARCTOTIS X 'PINK SUGAR' TM / PINK SUGAR AFRICAN DAISY • CEANOTHUS X 'YANKEE POINT' / WILD LILAC CISTUS CORBARIENSIS 'LITTLE MISS SUNSHINE' / LITTLE MISS SUNSHINE WHITE ROCKROSE • ENCELIA CALIFORNICA / CALIFORNIA ENCELIA	
	ACCENT GROUNDCOVERS CALANDRINIA SPECTABILIS / PINK CALANDRINIA GAURA LINDHEIMERI 'SISKIYOU PINK' / SISKIYOU PINK GAURA ROSMARINUS OFFICINALIS 'PROSTRATUS' / DWARF ROSEMARY TRACHELOSPERMUM JASMINOIDES / CHINESE STAR JASMINE	
	SLOPE GROUNDCOVERS – NATIVES • ARCTOSTAPHYLOS X 'EMERALD CARPET' / EMERALD CARPET MANZANITA • BACCHARIS PILULARIS 'PIGEON POINT' / COYOTE BRUSH • CEANOTHUS GRISEUS HORIZONTALIS 'YANKEE POINT' / CALIFORNIA LILAC	
	TURF ALOHA SEASHORE PASPALUM / SEASONAL SALT GRASS	

• INDICATES SOUTHERN CALIFORNIA NATIVE PLANT SPECIES

ROOT BARRIER NOTE:
ALL TREES PLANTED WITHIN 5' OF ANY CURB, WALL, HARDSCAPE ELEMENT, BUILDING, FIRE HYDRANT, UTILITY VAULT, OR LIGHT FIXTURE SHALL RECEIVE A 10' LENGTH OF 24" DEEP ROOT BARRIER. NO ROOT BARRIER SHALL ENCIRCLE THE ROOT BALL.

Underground Service Alert
Call: TOLL FREE
1-800
227-2600
TWO WORKING DAYS BEFORE YOU DIG

N

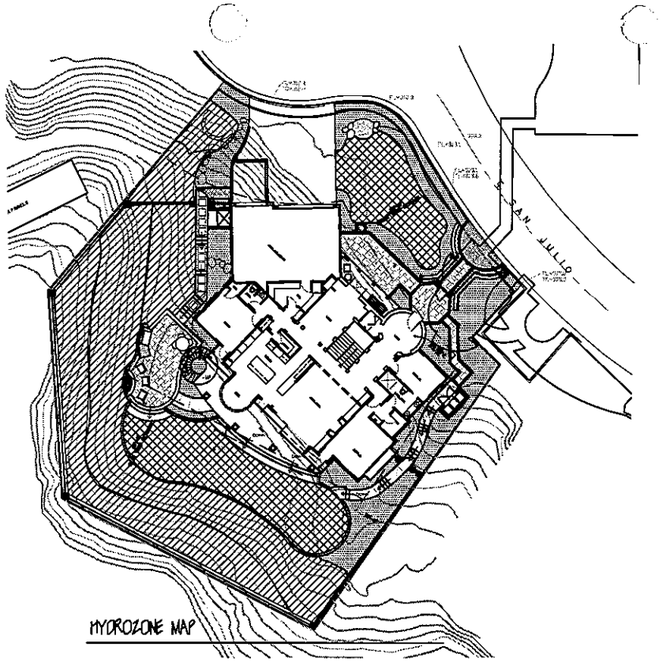
10 5 0 10 20 30
SCALE: 1"=10'-0"

JPBLA
LANDSCAPE ARCHITECT
4403 MANCHESTER AVE. SUITE 201
ENCINITAS, CA 92024
760/479-0644 FAX 760/479-0645

SZEKERES RESIDENCE
SAN JULIO ROAD
SOLANA BEACH, CA 92075
APN 298-371-27-07

REVISIONS
1ST SUBMITTAL XX-XX-XX

Phase:
Date: 6/4/15
Revised by: JPB
Drawn: KCK
Job No.: 2015-17
Sheet Name: LANDSCAPE CONCEPT PLAN
Sheet: LC-2
of 3 Sheets



LEGEND

- HYDROZONE ONE: DRIP (2,100 SF, 29% OF TOTAL LANDSCAPE AREA)
- HYDROZONE TWO: MP ROTATORS (3,500 SF, 47% OF TOTAL LANDSCAPE AREA)
- HYDROZONE THREE: PRECISION SPRAY (1,800 SF, 24% OF TOTAL LANDSCAPE AREA)

THE TOTAL IRRIGATED AREA – 7,400 SQFT

MONTHLY AVERAGE REFERENCE EVAPOTRANSPIRATION

MONTH	INCHES PER MONTH ETo	MONTH	INCHES PER DAY ETo
JANUARY	1.83	JANUARY	0.06
FEBRUARY	2.20	FEBRUARY	0.08
MARCH	3.42	MARCH	0.11
APRIL	4.49	APRIL	0.15
MAY	5.25	MAY	0.17
JUNE	5.67	JUNE	0.19
JULY	5.86	JULY	0.19
AUGUST	5.61	AUGUST	0.18
SEPTEMBER	4.49	SEPTEMBER	0.15
OCTOBER	3.42	OCTOBER	0.11
NOVEMEBER	2.36	NOVEMEBER	0.08
DECEMBER	1.83	DECEMBER	0.06

ANNUAL ETO: 46.43 DATA SOURCE: THE CITY OF SOLANA BEACH AND CALIFORNIA IRRIGATION MANAGEMENT INFORMATION SYSTEMS (CIMIS: TORREY PINES STATION #173, ETO ZONE 1)

WATER USE CALCULATIONS

This calculation assumes that Hydrozone 1 is planted with moderate water use plants with a Plant Factor (PF) of 0.5 and utilizes a drip system with an Irrigation Efficiency (IE) of 0.9 (90%). It assumes that Hydrozon 2 is planted with Aloha seashore salt grass with a PF of 0.5 and utilizes a MP Rotor system with an IE of 0.70 (70%). Hydrozon 3 is planted with moderate use plants with a pf of 0.5 and utilizes a MP rotor system with an IE of 0.70 (70%).There are no Special Landscape Areas (SLA).

HYDROZONE	PLANT WATER USE TYPE	PLANT FACTOR	IRRIGATION METHOD	IRRIGATION EFFICIENCY	SQUARE FEET	PERCENT OF TOTAL LA
1	LOW	0.3	DRIP	0.9	2,100	29%
2	LOW	0.3	MP ROTOR	0.7	3,500	47%
3	MODERATE	0.5	PRECISION SPRAY	0.7	1,800	24%

MAXIMUM APPLIED WATER ALLOWANCE (MAWA)

MAWA = (ETo) (0.62) [0.7 x LA + 0.3 x SLA]
MAWA = (42.9) (0.62) [0.7 x 7,400 + 0.3 x 0]
MAWA = 137,778 gal / yr

ESTIMATED TOTAL WATER USE (ETWU)

ETWU = (Eto) (0.62) [(PF x HA) / IE + SLA]

HYDROZONE	IRRIGATION EFFICIENCY	PLANT FACTOR	AREA	PF X AREA
1	0.90	0.3	2,100	630
2	0.70	0.3	3,500	1,050
3	0.70	0.5	1,800	900

HYDROZONE 1

ETWU = (Eto) (0.62) [(PF x HA) / IE + SLA]
ETWU = (42.9) (0.62) [(630 / 0.9)+ 0]
ETWU = 18,619 gal / yr

HYDROZONE 2

ETWU = (Eto) (0.62) [(PF x HA) / IE + SLA]
ETWU = (42.9) (0.62) [(1,050 / 0.7 + 0]
ETWU = 39,897 gal / yr

HYDROZONE 3

ETWU = (Eto) (0.62) [(PF x HA) / IE + SLA]
ETWU = (42.9) (0.62) [(900 / 0.7) + 0]
ETWU = 34,197 gal / yr

Total project ETWU 92,713
The ETWU (92,713 gal / yr) is less than the MAWA (137,778 gal / yr)

PERCENT = $\frac{\text{MAWA - ETWU}}{\text{MAWA}} \times 100 = \frac{137,778 \text{ gal} - 92,713 \text{ gal}}{137,778 \text{ gal}} \times 100 = 32.7\%$

The annual water savings is 32.7% (45,065 gallons per year)

6 MONTH ESTABLISHMENT IRRIGATION SCHEDULE

DAILY RUN TIMES 3–5 DAYS A WEEK

MONTH	MINUTES DRIP	MINUTES ROTORS	MINUTES BUBBLERS
JANUARY	5	9.5	10
FEBRUARY	7	12.5	11
MARCH	8	15	15
APRIL	8	16.5	16.0
MAY	15	21.5	22
JUNE	15	21.5	22
JULY	15	20.5	21
AUGUST	15	20.5	21
SEPTEMBER	9	19	19
OCTOBER	7	15	15
NOVEMEBER	2	2	5
DECEMBER	2	2	5

MATURE LANDSCAPE IRRIGATION SCHEDULE

DAILY RUN TIMES 3–5 DAYS A WEEK

MONTH	MINUTES DRIP	MINUTES ROTORS	MINUTES BUBBLERS
JANUARY	3	9	8
FEBRUARY	3.5	12	10
MARCH	4.5	14.5	12
APRIL	5	16	13
MAY	6.5	21	14
JUNE	6.5	21	15
JULY	6.5	20	15
AUGUST	6.5	20	15
SEPTEMBER	5.5	18.5	14
OCTOBER	4.5	14.5	13
NOVEMEBER	1	1.5	3
DECEMBER	1	1.5	3

NOTES:
1. AN ET CONTROLLER SHALL BE INSTALLED FOR THIS PROJECT AND THE CONTRACTOR SHALL INSTALL PER MANUFACTURER. THIS INFORMATION IS PROVIDED FOR REFERENCE ONLY.
2. NO OVERHEAD IRRIGATION SHALL BE USED BETWEEN THE HOURS OF 8:00 AM AND 6:00 PM

IRRIGATION NOTE:
ALL PLANTING AREAS SHALL BE IRRIGATED ACCORDING TO PLANT TYPE AND ENVIRONMENTAL EXPOSURE. ALL IRRIGATED AREAS SHALL RECEIVE UNIFORM COVERAGE BY MEANS OF AN AUTOMATICALLY CONTROLLED, ELECTRICALLY ACTIVATED UNDERGROUND PIPED IRRIGATION SYSTEM FOR WATER CONSERVATION AND TO MINIMIZE EROSION. STATE OF THE ART AUTOMATIC CONTROLLER WITH MASTER VALVE AND RAIN SHUTOFF CAPABILITIES. A REDUCED PRESSURE BACKFLOW PREVENTER WILL BE USED IN ACCORDANCE WITH LOCAL AND REGIONAL STANOARDS. REMOTE CONTROL VALVES SHALL BE UTILIZED WITH LOW PRECIPITATION HEADS FOR REDUCED WATER CONSUMPTION. PRESSURE COMPENSATING DRIP AND LOW PRECIPITATION RATE EQUIPMENT SHALL BE USED WHERE APPLICABLE. ALL PRESSURIZED MAINLINE AND LATERAL LINES WILL BE PVC INSTALLED BELOW GRADE PER LOCAL AND REGIONAL STANDARDS.

SOLAR SINK DESCRIPTION
THE SOLAR SYNC ET SENSOR IS AN ADVANCED WEATHER SENSOR THAT CALCULATES EVAPOTRANSPIRATION (ET) AND ADJUSTS HUNTER CONTROLLERS DAILY BASED ON LOCAL WEATHER CONDITIONS. SOLAR SYNC MEASURES SUNLIGHT AND TEMPERATURE, AND USES ET TO DETERMINE THE CORRECT SEASONAL ADJUSTMENT PERCENTAGE VALUE TO SEND TO THE CONTROLLER. THE CONTROLLER THEN USES ITS PROGRAMMED RUN TIME AND ADJUSTS TO SOLAR SYNC'S SEASONAL ADJUSTMENT VALUE TO MODIFY THE ACTUAL IRRIGATION RUN TIME FOR THAT DAY. IN ADDITION, THE SOLAR SYNC ET SENSOR INTEGRATES HUNTER'S POPULAR RAIN–CLIK™ AND FREEZE–CLIK® SENSORS PROVIDING QUICK RESPONSE IN SHUTTING OOWN YOUR IRRIGATION SYSTEM DURING RAIN AND/OR FREEZING CONDITIONS. THE SOLAR SYNC IS COMPATIBLE WITH MOST HUNTER CONTROLLERS AND APPLICABLE TO RESIDENCES, BUSINESSES, AND MUNICIPALITIES ALIKE.

SOURCE: HTTP://WWW.HUNTERINDUSTRIES.COM/

IRRIGATION NOTES:
1. ANY SLOPE OVER 25% WILL BE IRRIGATED WITH A PRECIPITATION RATE OF .75 INCHES PER HOUSE OR LESS TO PREVENT RUNOFF AND EROSION.
2. IRRIGATION PIPING AND IRRIGATION DEVICES SHALL BE INSTALLED BELOW GRADE IF THEY ARE WITHIN 24 INCHES OF AN IMPERMEABLE SURFACE UNLESS THE IMPERMEABLE SURFACE DESIGN CAN BE CONSTRUCTED TO CAUSE WATER TO DRAIN ENTIRELY INTO A LANDSCAPE AREA.

MAINTENANCE RESPONSIBILITY NOTE:
THE PROPERTY OWNERS ARE RESPONSIBLE FOR THE CONTINUAL MAINTENANCE OF ALL LANDSCAPED AREAS ON SITE, AS WELL AS CONTINUOUS PLANTING AREAS WITHIN THE PUBLIC RIGHT–OF–WAY. ALL LANDSCAPED AREAS SHALL BE KEPT FREE OF WEEDS AND DEBRIS. PLANTINGS SHALL BE MAINTAINED IN A HEALTHY, VIGOROUSLY GROWING CONDITION, AND SHALL RECEIVE REGULAR PRUNING, FERTILIZING, MOWING AND TRIMMING. IRRIGATION SYSTEMS SHALL BE REGULARLY INSPECTED AND KEPT IN FULLY OPERATIONAL CONDITION ACCORDING TO MANUFACTURERS' DESIGN STANDARDS AT ALL TIMES.

ROOT BARRIER NOTE:
ALL TREES PLANTED WITHIN 5' OF ANY CURB, WALL, HARDSCAPE ELEMENT, BUILDING, FIRE HYDRANT, UTILITY VAULT, OR LIGHT FIXTURE SHALL RECEIVE A 10' LENGTH OF 24" DEEP ROOT BARRIER. NO ROOT BARRIER SHALL ENCIRCLE THE ROOT BALL.

Underground Service Alert
Call TOLL FREE
1-800
227-2600
TWO WORKING DAYS BEFORE YOU DIG
"CAUTION" Remember that the USA Center notifies only those utilities belonging to the center. There could be other utilities present at the work site. The center will inform you of whom they will notify.

N

20 10 0 20 40 60
SCALE: 1"=20'-0"

LANDSCAPE ARCHITECT
4401 MANCHESTER AVE. SUITE 201
ENCINITAS, CA. 92024
760/479-0644 FAX 760/479-0645

SZEKERES RESIDENCE
SAN JULIO ROAD
SOLANA BEACH, CA 92075
APN 298-371-27-07

REVISIONS
1ST SUBMITTAL XX-XX-XX

Phase:
Date: 6/4/15
Revised by: JPB
Drawn: KCK
Job No.: 2015-17
Sheet Name: CONCEPT WATER USE CALCULATIONS
Sheet: LC-3
Of 3 Sheets

STATE OF CALIFORNIA -- THE NATURAL RESOURCES AGENCY EDMUND G. BROWN, JR., *Governor*

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

July 25, 2016

John Corn
Axelson & Corn
160 Chesterfield Drive, Suite 201
Encinitas, CA 92007

Re: Coastal Development Permit Application #6-16-0500 Szekers

Dear Mr. Corn,

Thank you for your July 13, 2016 response to staff's June 24, 2016 letter requesting additional information for the construction of a single-family residence at 525 San Julio, Solana Beach, San Diego. Upon review of the submitted materials, we have determined that some of the requested information is still missing and some of the recently submitted information requires further clarification.

Before listing the additional information required, in response to your comments regarding the status of the City's LCP, the Commission originally certified the City of Solana Beach Land Use Plan in June 2013. While the standard of review for coastal development permits issued by the Commission in the City of Solana Beach is the Coastal Act, the City's certified LUP is used by the Commission for guidance. In addition, the Commission is required to find that approval of a permit will not prejudice the ability of the local government to prepare a Local Coastal Program in conformity with the provisions of Chapter 3 of the Coastal Act. Thus, in the June 24th letter, Commission staff noted specific provisions of the City's LUP regarding avoidance of impacts to ESHA, which the Commission has determined are consistent with and necessary to carry out the requirements of the Coastal Act. The information previously requested and noted below is required to make a recommendation on the project's consistency with the Coastal Act.

Your July 13th letter also requests a list of all Commission designations pursuant to Section 30610.1(b) for San Diego County. The enclosed letter from Robin Mayer dated July 22, 2016 responds to your request.

As your letter includes several questions and assertions regarding the proposed project's setback from ESHA and the required brush management associated with the residence, I thought it would be helpful to briefly review these requirements.

Section 30240 of the Coastal Act states:

> (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
>
> (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Policy 3.22 of the City's certified LUP requires:

> Development adjacent to ESHAs shall minimize impacts to habitat values or sensitive species to the maximum extent feasible. Native vegetation buffer areas shall be provided around ESHAs to serve as transitional habitat and provide distance and physical barriers to human intrusion. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the ESHA they are designed to protect. All buffers around (non-wetland) ESHA shall be a minimum of 100 feet in width, or a lesser width may be approved by the Planning Department and Fire Marshal as addressed in Policy 3.65. However, in no case can the buffer size be reduced to less than 50 feet.

The above-cited policy references Policy 3.65, which states:

> In some cases, smaller buffers may be appropriate, when conditions of the site as demonstrated in a site specific biological survey, the nature of the proposed development, etc. show that a small buffer would provide adequate protection. In such cases, the CDFW must be consulted and agree that a reduced buffer is appropriate and the City, or Commission on appeal, must find that the development could not be feasibly constructed without a reduced buffer. However, in no case shall the buffer be less than 50 feet.

Policy 3.29 of the LUP further specifies:

> Landscaping adjacent to ESHA must consist entirely of native, non-invasive drought tolerant, salt-tolerant and fire resistant species; however, the use of ornamental species may be allowed provided they are fire-resistant, drought-tolerant, and noninvasive.

Thus, new development should provide a native habitat buffer of 100 feet, but at least 50 feet from ESHA. However, after consultation with the California Department of Fish & Wildlife (CDFW), a reduced buffer of at least 50 feet in width may be acceptable. The plans submitted show the area within 50 feet of the ESHA (as mapped by Helix) to be developed with some native groundcovers, but also includes turf, non-native plants, shrubs, hardscaping including a patio, fire pit, barbeque, and a walkway with paving and

pea gravel. Other than the native plants, these uses and structures, (all of which constitute development under the Coastal Act definition), are not compatible with the continuance of the adjacent habitat uses and values.

Furthermore, the 30 feet of brush management activities that the City Fire Marshall indicates would be required around the residence in its proposed location would encroach into the ESHA buffer that should be set aside for transitional habitat. The material you submitted does not specify exact requirements of this 30 foot "fire break" other than to note that turf and hardscape would be permitted within the zone. However, typically, brush management requires clearing and/or thinning of vegetation, which would not be compatible with an ESHA buffer.

Therefore, in order to evaluate your project for consistency with the Coastal Act and the certified LUP, the following information is required.

1. As previously requested, please submit a letter from California Department of Fish and Wildlife indicating that they agree a 50 foot ESHA buffer is appropriate for this site.

2. Clarification from the Fire Marshal explaining what structures are allowed, and what activities are required in the fire break, including any thinning or clearing of existing vegetation.

3. An alternatives analysis to the proposed project, including plans, is required. Your July 13th response includes a letter from the City stating that the City would not support any additional setback variances and a letter from the Home Owners Association stating its opposition to a smaller house size than the approximately 5,800 sq.ft. being proposed. However, this is not sufficient to determine that there are no feasible alternatives to the proposed project that would reduce or eliminate impacts on sensitive habitat. As noted by the letter from the HOA, there are other residences in this subdivision that are smaller than the proposed structure. No evidence has been submitted that reducing the size of the home would adversely impact the character of the neighborhood, or is inconsistent with the terms and conditions of the HOA.

Therefore, please submit an alternative analysis that includes the option of construction of a smaller home set farther back from the ESHA. Other alternatives that should be considered include reducing the proposed 3-car garage to 2-cars, the minimum required by zoning, and alternative construction methods and/or a backyard fire wall that could potentially reduce the brush management requirements for the residence.

4. An electronic copy of an email from Bill Chopyk, Director of Community Development for the City of Solana Beach, was submitted, which stated, in regards to the Estate Residential (ER-2) zoning on the site, "This PRD was approved by the Solana Beach City Council by Resolution No. 88-94..." Please provide a copy of Resolution 88-94 to our office.

I hope it is clear from this letter that the alternatives analysis is the most significant component of establishing how a development on this site could be designed to avoid or minimize impacts to sensitive resources. Staff recognizes that this is a constrained site, which is why only with a thorough and detailed examination of alternatives will it be possible for staff and the Commission to make a determination of the project's consistency with the Coastal Act. What that in mind, regarding your request for a meeting, staff would be happy to meet with you and your agent(s); however, in the interest of making the meeting both efficient and effective, we would like to have the required alternatives analysis first, and have the opportunity to review it prior to our meeting. That way, we will be able to ensure that staff can provide you with meaningful feedback. Please do not hesitate to contact me if you have specific questions regarding this letter or the process.

Sincerely,

Lisa Schlembach
Coastal Program Analyst

(G:\San Diego\Digital Permit Files\2016\6-16-0500 Szekers, San Julio\Non-Filing 2\6-16-0500 Non-Filing 2.docx)

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

August 23, 2016

Jon Corn
Axelson & Corn
160 Chesterfield Drive, Suite 201
Encinitas, CA 92007

Re: Coastal Development Permit Application #6-16-0500 Szekeres

Dear Mr. Corn:

As you know, on May 26, 2016, coastal development permit application #6-16-0500 was submitted to our office for the construction of a single-family residence on a vacant lot in Solana Beach. On June 24, 2016, we sent a letter acknowledging receipt of the application, but notifying the applicant/agent that the application was incomplete pending submittal of additional information and therefore the application was non-filed. On July 13, 2016, you submitted several documents including a City Variance, DRP/SDP 17-55-22, City Resolution 2016-060, a site plan with an ESHA overlay, a site plan with the open-space easement overlay, a site plan showing an alternative residence than was originally proposed, and a statement that graded materials for export will be deposited outside the coastal zone.

On July 25, 2016, we sent you a letter notifying you that Commission staff had reviewed the information you submitted and determined that it did not include all the previously requested information necessary in order to properly review this application and schedule it for public hearing. In that letter we requested four items, one of which was a copy of the Solana Beach City Council Resolution 88-94. On July 26, 2016 we received a copy of Resolution No. 88-94 via email, but we have not received the other three items, to date. As such, your application remains unfiled at this time. Specifically, the information still needed to file your application includes the following:

1. A letter from California Department of Fish and Wildlife indicating that they agree a 50 foot ESHA buffer is appropriate for this site.

2. Clarification from the Fire Marshal explaining what structures are allowed, and what activities are required in the fire break, including any thinning or clearing of existing vegetation.

3. An alternatives analysis to the proposed project is required. Your July 13th response included a letter from the City stating that the City would not support any additional setback variances, a letter from the Home Owners Association stating its opposition to a smaller house size than the approximately 5,800 sq. ft. being proposed, and a single site-plan showing an alternative residence that complies with the City's front-yard setbacks (per the variance) and incorporated a 50 ft. ESHA buffer and a 30 ft. fire break. However, this is not

sufficient to determine that there are no feasible alternatives to the proposed project that would reduce or eliminate impacts on sensitive habitat. An alternatives analysis should consider whether additional reductions in the size of the house or reductions in the front yard setbacks could allow for fewer impacts to ESHA. As noted in your HOA's CC&Rs, Section 5.15(k), the HOA may grant a variance for any architectural standard, including the size of the house, to account for environmental considerations.

If you have any questions or would like further clarification, please do not hesitate to contact me.

Sincerely,

Lisa Schlembach
Coastal Program Analyst

(G:\San Diego\Digital Permit Files\2016\6-16-0500 Szekers, San Julio\Non-Filing 3\6-16-0500 Non-Filing Letter 3.docx)

AXELSON & CORN
ATTORNEYS AT LAW

160 CHESTERFIELD DRIVE
SUITE 201
ENCINITAS, CALIFORNIA 92007

TEL 760-944-9006
FAX 760-454-1886
www.axelsoncorn.com

October 5, 2016

Lisa Schlembach, Coastal Program Analyst
California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4421

Re: Szekeres Family Home, CDP Application #6-16-0500
Lot 7 – Solana Hills Estates
Response to CCC Letter Dated July 25, 2016

Dear Ms. Schlembach:

We write to respond to your letter dated July 25, 2016 and to provide you with the additional information you requested therein, as clarified in your several telephone conversations with Jeff Szekeres. Upon receipt of this letter and exhibits, we request that you deem CDP Application No. 6-16-0500 filed. More importantly, we also request that you place this matter on the Coastal Commission's agenda for decision on the earliest possible date (the location of the meeting is not important), with a Staff recommendation of approval.

We believe this letter and its attachments are sufficiently detailed and thorough to allow you to bring this matter forward as requested. If you require any clarification or remain unsupportive of this application, we again request to meet with you and Diana Lilly in person as soon as possible.

Thank you for recognizing in your letter that this is a constrained site. Given that Solana Beach is more than 99% built out, the few remaining empty lots, like the graded pads of Lot 7, can offer unique challenges. Ironically, the Szekeres' were attracted to this lot in the first place because of its proximity to ESHA, which they would like to preserve and enhance with their development on their established lot.

Given that every other home on San Julio Drive includes significant development adjacent to the ESHA and that CDP No. 6-88-514 approving the Solana Hills Estates PRD depicts a large home on Lot 7 with hardscaping and swimming pool immediately adjacent to the ESHA, they had no idea that the ESHA would end up being such a complicating factor on the road to Coastal Commission approval. Nevertheless, the Szekeres' have been mindful to design the minimum home allowed by the HOA, while steering clear of the ESHA and providing for a functioning ESHA buffer that ensures no significant degradation of the ESHA as required by Public Resources Code §30240(b) and minimizes impact to habitat values to the maximum extent feasible per LUP 3.22.

The constraints that apply to this site, from applicable law and CCC staff interpretation of LUP guidance, include:

1. No development allowed in the ESHA;
2. Need for a functioning ESHA buffer consisting of native vegetation;
3. Need for a 30-foot firebreak that contains no native vegetation;

4. Need for a City- and state-mandated bio retention basin at the lowest possible elevation on the site per ***Exhibit E***;
5. Build within the front and side yard setbacks mandated by the City;
6. Comply with all other City- and State-mandated requirements (e.g., 2-car garage);
7. Design a home that would be approved by the Solana Hills Estates HOA; and,
8. Design a home that functions for the Szekeres family of five which may grow over time.[1]

According to the City of Solana Beach, including the City's Planning, Engineering and Legal staff, and all 5 elected City officials, the Szekeres' and their design team accomplished the complicated task of putting forth a design that meets all 8 criteria. The home design approved by the City not only meets the above requirements, but will also function to improve upon the existing ESHA buffer according to two biologists (one hired by the City and one hired by the HOA) to evaluate potential ESHA impacts. We respectfully request that Coastal Commission staff now also recognize these accomplishments by moving this application to the Commission's agenda with a recommendation of approval. Doing so would be the correct thing to do under the Coastal Act, and would be in line with the firmly established Coastal Commission precedent discussed later in this letter.

For our part, we now provide the information you requested as described below.

Request No. 1
"Please submit a letter from California Department of Fish and Wildlife indicating that they agree a 50 foot ESHA buffer is appropriate for this site."

Response to Request No. 1
As confirmed by Bill Chopyk, the City's Planning Director, CDFW concurs with the findings of the Helix biology report that the Szekeres home, as approved by the City, will have no impact on the adjacent non-wetlands, non-riparian ESHA. In discussions with Mr. Chopyk, CDFW expressed that it does not have jurisdiction over this project since it is not adjacent to any wetlands, and that the size of the ESHA buffer is up to the City, not CDFW. Therefore, CDFW will not provide the letter you request. ***Exhibit A*** to this letter is an email dated August 23, 2016 from Mr. Chopyk to Mr. Szekeres explaining this in more detail.

Since CDFW will not provide the letter, and because we cannot force them to do so, we ask that you drop your request that this letter must be received before the Szekeres application is deemed filed. Your request for the CDFW letter is ostensibly rooted in LUP Policy 3.65 that CDFW must agree to a buffer less than 100 feet. However, the LUP is not the law applicable to this matter, and Policy 3.65 applies only to wetland buffers. In any event, we also suggest that you look at the Staff Report for CDP 6-14-0734. In that case, the Commission granted an Administrative CDP for a similarly situated Solana Beach property. However, in that case the "required" ESHA buffer was not only reduced from 100 feet to 55 feet, but Special Condition No. 1 expressly allowed development consisting of lawn, ornamentals and hardscaping in the ESHA buffer. In that case, CDFW was willing to weigh in on the adequacy of the buffer, presumably because San Elijo Lagoon is vital wetlands. Despite the sensitivity and importance of San Elijo Lagoon, which we submit is far greater than the isolated swath of disturbed non-wetlands, non-riparian ESHA found downslope from the Szekeres home, CDFW concurred with the reduced and developed buffer and agreed it would not result in any impacts to the sensitive Lagoon ESHA. If CDFW

[1] The Szekeres Family currently lives in a 3,500 square foot home. The primary reason for purchasing Lot 7 and designing a home with 5,100 square feet of living space (not 5,800 square feet as mentioned in your letter) is due to their need for more living space.

concurred with the reduced and developed buffer adjacent to San Elijo Lagoon ESHA, it is reasonable to conclude that it has no problem with the 50-foot ESHA buffer intended for the Szekeres home.

Request No. 2
"Clarification from the Fire Marshal explaining what structures are allowed, and what activities are required in the fire break, including any thinning or clearing of existing vegetation.

Response to Request No. 2
Exhibit B is a letter my clients received from the Solana Beach Fire Marshall in response to your clarification request. We believe this letter adequately addresses the information you requested. Notably, the City's Fire Marshall clarified that a 30-foot firebreak must be provided, that no native vegetation is allowed in the firebreak zone with or without a firewall. Importantly, the Fire Marshall also clarified that no fuel modification, such as thinning, is required beyond 30 feet from the structure. Thus, the planned 20-foot native vegetation area within the 50-foot buffer will be allowed to grow as nature would have it and it will not be disturbed. As you likely know, structures located near the top of steep slopes are especially vulnerable to wildfire risks as such fires move upslope very rapidly. The firebreak must be an essentially fireproof zone that not only prevents an upslope brush fire from reaching a residence, but also provides a safe space from which firefighters and rescue personnel can safely operate in an emergency. The bottom line is that the ESHA buffer ostensibly desired by Commission staff and the firebreak required by Fire Marshall for health and safety reasons are mutually exclusive; they cannot co-exist. Thus, in order to provide a 50-foot, native vegetation ESHA buffer and a 30-foot firebreak, the Szekeres home would have to be located at least 80 feet from the ESHA. As detailed in the Alternatives Analysis, *Exhibit C*, such a requirement would render the Szekeres lot unbuildable and essentially valueless.

Request No. 3
"An alternatives analysis to the proposed project, including plans, is required. * * * Please submit an alternative analysis that includes the option of construction of a smaller home set farther back from the ESHA. Other alternatives that should be considered include reducing the proposed 3-car garage to 2-cars, the minimum required by zoning, and alternative construction methods and/or a backyard fire wall that could potentially reduce the brush management requirements for the residence."

Response to Request No. 3
An Alternatives Analysis is attached as *Exhibit C* to this letter. We believe this alternatives analysis demonstrates that the home already approved by the City is the minimum home that can be achieved on this site, given the above-listed constraints.

In your July 25th letter, you stated that the City's unwillingness to further reduce the front yard setback and the HOA's August 5, 2015 letter denying a smaller home for Lot 7 are "not sufficient to determine that there are no feasible alternatives to the proposed project." We respectfully disagree with this statement.[2] The only alternatives to the proposed project are either (a) no project or (b) a smaller project. Since the "no project" alternative would be a clear taking, the "no project" concept is not a feasible alternative. This leaves us with the "smaller home" alternative. However, since the HOA will not

[2] It should be noted that the Szekeres plans call for 5,100 of living space plus a garage for a total of 5,800 square feet. This is important because the square footages listed for the comparable San Julio homes in the HOA's August 5, 2015 letter refer only to their living space square footage. The living spaces of these comparable homes are 5,494, 5,808, and 5,021 square feet. Each of these homes also has a 3-car garage in addition to the living space. The Szekeres home is about the same size as the smallest of these 3 comparable homes.

approve a smaller home, and we cannot force them to do so,[3] a smaller home is likewise not a feasible alternative. As a reminder the HOA's August 5, 2015 letter included the following conditions of approval:

1. The size of the home shall not be reduced from the current plans as a result of comparison to the immediate Westward facing neighbors at 507 San Julio Rd (5,494 sq feet), 541 San Julio Rd (5,808 sq feet) and 500 San Julio Road (5,021 sq feet).
2. The exterior landscaping plans do not materially deviate from the exterior plans shared with the Architectural Committee. Specifically you may not introduce high walls in the landscaping/hardscaping which impede the view of the front of the home

Thus, we have already provided sufficient information that there are no feasible[4] alternatives to the proposed project. Nevertheless, the Alternatives Analysis is attached as ***Exhibit C***, which provides further detail to meet your request.

This is also a good place to mention that my clients applied to the HOA, as suggested by you, for a variance, under CCRs Paragraph 5.14(k), to allow a smaller home based on "environmental concerns." However, this variance request was rejected. To evaluate the variance application, the HOA not only reviewed the Helix study, but also hired an independent environmental consultant, Busby Consulting (www.busbybiological.com), to conduct a site visit and peer review the Helix study. Since both expert reports concluded that the home would have no impacts on ESHA or degradation to ESHA, the HOA denied the variance request. The letter received from the HOA, attached hereto as ***Exhibit D***, provides in pertinent part as follows:

> The Busby report concurs with the existing findings in the Helix report which state there are no significant concerns with your project plans. Furthermore, during the past year, your project has already been modified to provide a larger buffer to the local sensitive habitat making the current plans even more environmentally friendly than the original plans reviewed by Helix in 2015. Finally, Helix confirms in the August 19, 2016 that any further changes to the project plans would be pointless in seeking to reduce the insignificant impacts to the sensitive habitat.
>
> Little & Sons regrets to inform you that the HOA and Architectural Committee reject your request for a waiver from its architectural standards and conditions. Little & Sons has found no basis for any environmental concern which should prevent the completion of your project as is. The HOA has a legal obligation to uphold the standards of the community as outlined in the CCR's and as directed by the Architectural Committee. This is a responsibility we take very seriously.
>
> It is very important for your new home construction to be comparable to similar, ocean-facing homes on San Julio Road. In the Architectural Committee approval letter dated August 5, 2015, it was made clear to you that the size of your home should not be reduced and the exterior landscaping should not deviate. The owners of the HOA are very concerned about the impact your home will have on the character of the neighborhood and the value of the homes. With only eight homes on San Julio Road, your new home construction has a very material impact on the community.

This HOA letter addresses your statement that "no evidence has been submitted that reducing the size of the home would adversely impact the character of the neighborhood, or is inconsistent with the terms and conditions of the HOA." ***Exhibit D***, along with the CCRs and HOA letter dated August 5, 2015, are substantial evidence that reducing the size of the home *would* both adversely impact the character of the

[3] The CCRs at Paragraph 5.14(b) prohibit the construction of any buildings without the HOA Board's written approval.

[4] "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking in account economic, environmental, social, and technological factors." Public Resources Code §30108.

neighborhood and be inconsistent with the HOA's architectural standards. Accordingly, the HOA was justified in denying a smaller home and the variance based on a lack of environmental concerns.

We would also like to take the opportunity to address some of the other comments in July 25th letter.

Applicable Law

On Page 1, Paragraph 2, you acknowledge that the Coastal Act is the law applicable to the Commission's decision on this application. We agree with you. And, while Commission staff may reference the LUP for "guidance," the LUP is not the law applicable to the Commission's action on this application. The Staff recommendation and the Commission's decision must comply with the Coastal Act regardless of the LUP; and, the LUP buffer width "requirement" cannot be considered a mandatory component for this project. This point was confirmed by one of the Commission's own attorneys in the ESHA Workshop that was presented to the Commission in April 2016.

As also confirmed in the April 2016 ESHA Workshop, Public Resources Code §30240 is the only law directly applicable to the ESHA issues that are driving this application process. It should be noted that the Commission, over its 40-year history, has not promulgated any regulations dealing with ESHA. Importantly, neither Section 30240 nor any language in the Coastal Act requires a non-riparian, non-wetland ESHA buffer, let alone one of a specific size. For development adjacent to ESHA, Section 30240's mandate is only to site and design new development to prevent "significant" degradation of ESHA. Implicitly, Section 30240 allows that development adjacent to ESHA may cause some degradation of ESHA, as long as such impacts are not "significant." As concluded by both Helix and Busby, the Szekeres home will not only *not* significantly degrade the ESHA, but will result in an improvement to the existing ESHA buffer. These improvements to the ESHA buffer will in turn improve and enhance the ESHA. And although not applicable, this enhancement satisfies the mandate of LUP Policy 3.13 to enhance ESHA where feasible.

Despite the law of the Coastal Act and the expert evidence, Staff appears intent on imposing the arbitrary buffer width requirements stated in the LUP, which we all acknowledge is not the law applicable to the Commission's decision. With all due respect, Commission staff should be focused on whether or not the proposed development would significantly degrade any adjacent ESHA, not on the arbitrary width requirement set forth in the not-yet-applicable LUP.

Furthermore, the Commission has established recent precedent in Solana Beach with permit application 6-14-0734 (734 N. Granados Avenue) that should guide its approval of this project. In that case, the Commission granted an Administrative CDP for the construction of a new home on a parcel abutting San Elijo Lagoon ESHA, and allowed the 55-foot backyard – developed with turf and hardscape – to constitute the required ESHA buffer. This Administrative CDP expressly allowed this development in the ESHA buffer even though the San Elijo Lagoon is an ecologically important and sensitive wetlands, and its ESHA is neither isolated nor disturbed. By comparison, for the Szekeres home, Commission staff seems intent on requiring a 100% native vegetation buffer to protect an isolated small swath of ESHA, surrounded by development, that 2 independent biologists classified as low value and disturbed. Both biologists, neither of who was hired by the applicants, also concluded the Szekeres home will not cause any significant degradation of ESHA but will instead improve the existing ESHA buffer.

As a reminder, I paste below the conclusion from the Helix report, attached as Exhibit H to my 7/12/2016 letter. It bears mention that Helix reached this conclusion based on the *original* project plans, prior to the City's decision to reduce the front yard setback which enabled the Szekeres to move the home further away from the ESHA. The current plans call for a larger buffer than the one positively assessed by Helix.

> The proposed project would not result in direct or indirect impacts to sensitive biological resources or adjacent ESHA. No direct impacts are anticipated, and implementation of mitigation measures listed above would reduce all potential indirect impacts to below a level of significance. No native ESHA buffer currently is present on the property. Incorporation of the mitigation measures listed above would result in an improvement to the ESHA buffer between the proposed development and the ESHA through removal of non-native species and planting and seeding with native species. While portions of the ESHA buffer would be less than 50 feet, the buffer that is proposed is considered adequate to ensure the biological integrity and the necessary protections to the existing ESHA consistent with the intent of Policy 3.22. (Emphasis added)

Based on this uncontroverted expert evidence, the Commission could and should conclude that that City-approved design achieves the Coastal Act's objectives as set forth in Section 30240. And although not required, the Commission could and should also conclude that the design achieves the requirement of LUP Policy No. 3.22 to minimize impacts to ESHA and to create a buffer "of a sufficient size to ensure the biological integrity and preservation of the ESHA they are designed to protect." These independent expert reviews should be given great weight not only because they are independent and thorough, but also because they are simply correct.

Prejudice to Preparation of LCP

On Page 1, Paragraph 2 you also restate that the Commission is required to find that approval of the CDP will not prejudice the ability of the City to prepare a LCP in conformity with Chapter 3 of the Coastal Act. The other half of this Section 30604 requirement is that a decision to deny a permit on grounds that it would prejudice the ability of the City to prepare its LCP, "shall be accompanied by a specific finding that sets forth the basis for that conclusion."

It is implausible that a Commission decision to approve the Szekeres would "prejudice" the City's ability to prepare its LCP, particularly given that the City already has a certified LUP, and that it need only prepare its implementation plan to complete the LCP, and because it unanimously found this project conforms to its LUP as designed. Furthermore, when the Commission approved CDP 6-88-514 authorizing the PRD for 10, 5-bedroom, 3-story homes (and no ESHA buffer requirements), it specifically found that the proposed development would not prejudice the ability of the City to complete a certifiable LCP. See CDP 6-88-514, Finding No. 3. Please also see CDP 6-14-0734 where the Commission expressly found that its approval of an ESHA buffer that was developed with turf and hardscaping would not prejudice the City's ability to complete preparation of its LCP.

Furthermore, since denial of the application would constitute a taking, LUP Policies 3.10 and 3.11 would "allow" the Commission to approve the application to avoid this constitutional violation. This point was acknowledged in the "offline letter" dated October 26, 2015 from Eric Stevens. If Staff believes that the Commission's approval of this project could prevent it from making the Section 30604 finding, we would very much like to know what the "specific finding that sets forth the basis for that conclusion" would be, as required by the second portion of Section 30604.

LUP Applicability and Consistency

As stated in your letter, the LUP does not state the law applicable to the Commission's decision on this application. This means that the ESHA buffer width specifications stated in LUP Policy 3.22 are **NOT**

requirements for this project. This also means that the CDFW agreement requirement set forth in LUP Policy 3.29, which we assert only applies to wetlands anyway, is also **NOT** a requirement for this project. The applicable standard for this project, found in Public Resources Code §30240(b), is whether the Szekeres home is "sited and designed to prevent impacts which would significantly degrade" the adjacent ESHA. As determined by Helix and Busby, the Szekeres home will **NOT** significantly degrade, and will improve, the ESHA so this project could and should be approved as set forth in the application.

And, even though the LUP does not apply, it bears mention that this project complies with the intent and letter of the applicable LUP policies. For example, the project proposes no development whatsoever within the ESHA as required by LUP Policy 3.24. Additionally, the project minimizes impacts to habitat values and sensitive species to the maximum extent feasible, as stated in LUP Policy 3.22, as confirmed by Helix and Busby. It also provides a "native vegetation buffer" … "of a sufficient size to ensure the biological integrity and preservation of the ESHA" also as stated in LUP Policy 3.22, also as confirmed by Helix and Busby. It also complies with LUP Policy 3.29 requirement that "landscaping *adjacent*"[5] to ESHA must consist entirely of native, non-invasive drought tolerant, salt-tolerant and fire resistant species. It also complies with the open space requirement of LUP Policy 3.28 as the entirety of the ESHA is protected by an open space easement that prohibits any and all use of this land. It also complies with the intent of LUP Policy 3.26 supporting street setback reductions when possible to protect ESHA.[6]

Most importantly, we submit that the plans do provide a 50-foot buffer area as stated in LUP Policy 3.22. As designed, the Szekeres home would be 50 feet or more from the ESHA. In this 50-foot buffer, the plans call for completely native vegetation in the areas "adjacent" to the EHSA as required by LUP Policy 3.29. In fact, the width of the native vegetation area extends about 20 feet from the ESHA. This is more than adequate and meets the LUP requirement that "native vegetation buffer areas shall be provided *around* ESHAs" (LUP Policy 3.22) and that "landscaping *adjacent* to ESHA must consist" of entirely native species (LUP Policy 3.29). The plans do not call for the use of any ornamental species in the areas adjacent to the ESHA, even though expressly allowed by LUP Policy 3.29. The balance of the buffer area (30 feet or more) will be improved with materials that can also meet the City's firebreak requirement, and are no different than what the Commission approved in CDP 6-14-0734.

Again, neither the Coastal Act nor the LUP states a requirement that (a) only native vegetation is allowed in the ESHA buffer or (b) that no "development" is allowed in the ESHA buffer. The applicable law (the Coastal Act) only requires us to ensure that the Szekeres home will not "significantly degrade" the nearby ESHA and the LUP only requires native vegetation in the area adjacent to the ESHA. See LUP Policy 3.29. The LUP does not require native vegetation throughout the entire buffer. As confirmed by Helix, Busby and the City of Solana Beach, the plans for the Szekeres home will not significantly degrade the ESHA and it will actually serve to improve upon the existing buffer.

---

[5] Merriam Webster defines "adjacent" to mean "immediately preceding or following" or "sharing a border, wall or point". In the LUP, policies use the wording "adjacent to ESHAs" (e.g. 3.15 - 3.17, 3,22, 3.29) where the alternative clause "ESHA buffer" (i.e. 8x in Chapter 3 LUP) could have been used but was not; this is because the LUP intentionally draws a distinction that the two clauses (i.e. "ESHA buffer," "adjacent to ESHA") have different meanings under the LUP. ESHA buffer is intended to cover the entire width of the buffer and "adjacent to ESHAs" would partially cover the buffer where it immediately shares a border with the ESHA.

[6] The City granted a variance to the standard front yard setback so that the home could be sited even further from the ESHA than originally designed. The Szekeres spent approximately $40,000 on the redesign to move to this alternative.

Takings Analysis

Even if the Coastal Commission changes course from its decision on CDP 6-14-0734 and takes the new position that the law *requires* a 50-foot native vegetation zone from non-wetlands, non-riparian, low quality ESHA, then the project could and should be approved anyway. The LUP's anti-taking policies, LUP Policies 3.10 and 3.11, were specifically intended to address such circumstances. As demonstrated in the Alternatives Analysis, since the Fire Marshall's 30-foot firebreak and the Coastal Commission's 50-foot native vegetation zone would result in a regulatory taking, the Szekeres home nevertheless could be approved under LUP Policies 3.10 and 3.11, and established California jurisprudence.

Vested Right

In 1988, the Commission approved Solana Hills Estates as a 10-unit planned residential development. It granted CDP 6-88-514 which authorized the developer to create San Julio Drive, 10 graded building sites, and associated infrastructure. The CDP included a site plan that depicted a future home on Lot 7 (the site of the future Szekeres home) to include a large home with a large backyard, including a swimming pool and associated hardscaping, extending to the edge of the required open space dedication area. The open space area was all the land within the 7.85-acre site with slopes in excess of 25%.

In reliance on this CDP, along with grading and building permits from the City, the developer undertook substantial work and spent substantial sums in furtherance of this approved project. His work included substantial grading on Lot 7, where he created the building pad and rear yard, installed an asphalt driveway/parking area, and also installed turf and an irrigation system throughout the site.

Under the *Avco* rule, these actions created a vested right to construct the home now proposed by my clients. See, Avco Community Developers, Inc. v. South Coast Regional Com., 17 Cal.3d 785, 791 (1976). Under *Avco* and its progeny, once a landowner has secured a vested right the Coastal Commission may not, by virtue of a change in laws or regulations, or in this case policies, prohibit construction authorized by the permits upon which the landowner relied. While we agree that a CDP is required for the home itself, my clients have a vested right to construct a home on the pad created under the Commission's express authorization through CDP 6-88-514. In its decision on Eucalyptus Ranch (CDP 4-13-1397, see page 42), the Commission found that graded pad areas constructed prior to LCP certification were vested and the Commission found it would not be "appropriate to require the applicants to reduce the building pads" even though the pads were greater in size than the Commission normally allowed to minimize adverse ESHA impacts. As a matter of equity alone, the Szekeres home should be approved for the same reason.

The proposed project before you does not seek to undertake any development outside the confines of the graded and vested pad created by the developer pursuant to CDP 6-88-514. In fact, the proposed development will remain well within these confines as the design will leave a 20-foot native vegetation zone between the ESHA and the useable rear yard, and it does not include a swimming pool at the edge of ESHA as contemplated by CDP 6-88-514. For all these reasons, the Commission should approve the Szekeres home as designed and approved by the City.

Commission Precedent Demonstrates Approvability of this Project

In addition, recent Commission precedent, including a new home recently approved in Solana Beach, further support approval of the Szekeres home.

- **CDP 6-14-0734 (Solana Beach)**. As cited above, the Commission granted an Administrative CDP for the home at 734 N. Granados in Solana Beach. In that case, a CDP

was issued after certification of the City's LUP for a home adjacent to the highly sensitive San Elijo Lagoon ESHA. As you know, the San Elijo Lagoon is a large and important wetlands/ESHA ecosystem that supports a biologically vibrant and diverse plant and animal population. Nevertheless, the buffer between the home at 734 N. Granados and this ESHA was allowed by the Commission to be developed with a mix of native vegetation, turf, ornamentals and hardscaping, including a BBQ area and a retaining wall immediately adjacent to the ESHA. This demonstrates that non-native vegetation and development in the buffer is consistent with the Coastal Act. Principals of fairness and equity dictate that my clients' home should also be approved, especially since it provides a far more substantial native vegetation buffer adjacent to an isolated ESHA of lower quality than the San Elijo Lagoon ESHA. *Exhibit G*.

- **CDP 6-02-019 (Solana Beach)**. The Commission approved the construction of a new 3,713 square family residence on an 11,059 square foot site adjacent to San Elijo Lagoon ESHA. The Commission did not require any buffer from the ESHA and it required large trees to be planted along the edge of the ESHA and it allowed unspecified plant materials, as long as non-invasive, in the backyard right up to the ESHA.
- **CDP 4-12-076 (Goleta)**. The Coastal Commission recently approved this industrial project (asphalt recycling) with a 25-foot buffer from riparian habitat. Riparian habitats are far more sensitive and biologically important than the non-wetlands, non-riparian, disturbed ESHA adjacent to the Szekeres home. If this project could be approved with a 25-foot buffer from riparian ESHA, the Szekeres home should be approved with a 50-foot buffer from non-wetlands, non-riparian ESHA that has been classified as disturbed, isolated and low quality.

Additional Relevant Facts and Factors

As you consider this application we ask you that keep in mind the following facts:

- Once constructed, the Szekeres home will be the only home in Solana Hills Estates to provide any meaningful ESHA buffer. Every other home in the PRD – as approved by the Commission in CDP 6-88-514 – includes development immediately adjacent to the ESHA.
- Once constructed, the Szekeres home will be only the second home in Solana Beach to provide any type of ESHA buffer, and the only home to require a native vegetation buffer. The home approved at 734 N. Granados was allowed to have turf and hardscaping throughout its buffer. To our knowledge, no other homes in Solana Beach have been conditioned with a non-wetlands ESHA buffer requirement.
- As designed, the Szekeres home provides a 50-foot buffer from the ESHA on what is now a legally graded and disturbed area. The 50-foot buffer to be provided is comprised of 2,200 square-feet of native vegetation plus 2,800 square-feet of mixed vegetation and hardscape. The 2,800 square foot portion also functions as the firebreak and precludes the need for any brush management in the 2,200 square foot native vegetation area. The overall area of the Solana Hills ESHA is well in excess of 5 acres (230,000 square feet) and the City of Solana Beach has 36.0 acres of southern maritime chapparal. Given that the 2,800 square foot mixed vegetation portion of the buffer zone represents only about 1% of the total ESHA of Solana Hills and less than 0.2% of the Solana Beach southern maritime chaparral, it is implausible that the ESHA adjacent to the Szekeres home would suffer any "significant degradation" simply because its buffer includes some mixed vegetation and hardscaping instead of all native vegetation. As determined by Helix and Busby, the project will create

an improvement over the existing ESHA buffer, and the native vegetation portion of the 50-foot buffer is in the area adjacent to the ESHA as "required" by LUP Policy 3.29.

- By definition (See CDP 6-88-514, Special Condition No. 1), the Solana Hills ESHA is on slopes in excess of 25%. Since the steep slopes provide a natural barrier to human caused impacts, a smaller buffer provides sufficient buffer protection as compared to wider ESHA buffers on flat land. This is firmly established by numerous Commission precedents. *Exhibit F*
- The lay out of the proposed project also naturally lends itself to ESHA protection. Around the end of the flat, graded pad area, the retention basin area raises up 1-2 feet as the southwestern side of the retention basin ends. The retention basin then transitions into a swath of native vegetation (which will be planted per the plans), which will be both dense and fully-grown to prevent humans from entering the slope and into the ESHA. The steep incline of the slope for the ~20 foot between the ESHA and the graded pad serves as a physical deterrent for humans from getting close to the ESHA and "provides distance" as cited in LUP 3.22.
- The Commission's LCP Update Guide states that lesser buffer distances may be warranted in urbanized areas (See, LCP Update Guide, Section 4, Page 9). The Szekeres lot is in an urbanized area and is surrounded by roads, single-family residences, parking areas, landscaping, hardscaping, swimming pools, and ground mounted solar arrays.
- The approved site plan incorporated into CDP 6-88-514 depicts a large home on Lot 7 with a swimming pool and other hardscaping features immediately adjacent to the ESHA . This CDP required no ESHA buffer zone. Nevertheless, the Szekeres home provides a 50-foot buffer, with at least 40% native vegetation in the 20-foot zone adjacent to the ESHA. The remaining 30 feet of the buffer is the required firebreak. The Fire Marshall is satisfied with this firebreak and requires no brush modification in the balance of the buffer. This ensures that the 20-foot native vegetation zone will flourish and protect the ESHA.
- The size of the Szekeres home is and should be substantially the same as the other homes in Solana Hills Estates due to vested rights described above and comparability purposes as established in prior Commission approvals. In CDP 4-13-1397 (Eucalyptus Ranch), the Commission acknowledged the vesting of building pads constructed prior to the adoption of a LCP in Santa Monica and found it inappropriate to change the size of the building pads. Furthermore, in CDP 4-14-0544 (Pepper), the Commission cited the size of the home being consistent with the character of other development in the immediate area as a major factor in their approval recommendation.

For all the reasons stated in this letter and its attachments, we ask that you move this application forward and place it on the Commission's agenda with a positive Staff recommendation. Time is of the essence, so we also request that this matter be expedited. If you have any questions or you would like to discuss this application, including reasonable mitigation, Jeff and I would like to meet with you and Diana Lilly as soon as possible.

Sincerely yours,

AXELSON & CORN, P.C.

Jon Corn

cc: Jeff Szekeres
Amy Szekeres
Gary Cohn

Exhibit A

Subject:	525 San Julio Rd. & CDFW
From:	Bill Chopyk (bchopyk@cosb.org)
To:	jpszekeres@stanfordalumni.org;
Date:	Tuesday, August 23, 2016 5:04 PM

Jeff,

I have discussed your house project at 525 San Julio Road in Solana Beach on numerous occasions with the California Dept. of Fish & Wildlife (CDFW) during the time we processed the City entitlements (Development Review Permit, Structure Development Permit, and front yard setback Variance) that were ultimately approved by the City Council. I have shared your project plans as they evolved and changed to meet the City's LCP LUP Policies, as well as the Helix Biological Resources Report with CDFW. The CDFW concurs with the findings of the Helix bio report that the house plans, as approved, would have no impact to ESHA. CDFW also made it clear that the reduced ESHA buffer from 100 feet to 50 feet is a decision that is ultimately made by the Solana Beach City Council, as the CDFW does not have jurisdiction at 525 San Julio Road on a non-wetland lot.

There is no letter to be provided by CDFW as they defer to the City of Solana Beach. We have already provided you with a copy of City Council Resolution 2016-060 that clearly documents the findings to approve a reduced front yard setback Variance and a 50 foot ESHA buffer. The City Council, Planning Department, and Fire Marshal have given their approval of the reduced 50 foot ESHA buffer consistent with the City of Solana Beach LCP LUP Policies. Furthermore, the house plans that were approved at the May City Council meeting discussed the fact that your house plans respect the environment much more than any of the other houses that were built (with approved Coastal Development Permits) in the subdivision on San Julio Road.

I would be happy to discuss your project and the City Staff analysis with your assigned Coastal Planner at the CCC if they continue to have questions or concerns. Please let me know if there is anything else that is needed from the City of Solana Beach.

Regards,

Bill Chopyk

Bill Chopyk, AICP

Director of Community Development

City of Solana Beach

635 S. Highway 101
Solana Beach, CA 92075

Phone: (858) 720-2449

www.cityofsolanabeach.org

Attachments

- image001.jpg (4.71KB)

CITY OF SOLANA BEACH FIRE DEPARTMENT
500 LOMAS SANTA FE DRIVE • SOLANA BEACH • CALIFORNIA 92075-1324
Phone (858) 720-2410 • Fax (858) 259-7698 • www.ci.solana-beach.ca.us

September 21, 2016

Jeff and Amy Szekeres
525 San Julio Rd.
Solana Beach, CA 92075

RE: 525 San Julio Rd., Solana Beach

Mr. and Mrs. Szekeres,

Thank you for sharing the July 25, 2016 correspondence with California Coastal Commission (CCC) regarding your project. First of all, I understand the CCC has asked for the following clarification:

> "Clarification from the Fire Marshal explaining what structures are allowed, and what activities are required in the fire break, including any thinning or clearing of existing vegetation."

Second, the CCC has also requested from you an alternative project analysis which could include "alternative construction methods and/or a backyard fire wall that could potentially reduce the brush management requirements for the residence."

Per your request for further clarification along these two items, I am writing this detailed letter.

Please note, the Solana Beach Fire Department reviewed your project at 525 San Julio Road, Solana Beach per Case No. DRP/SDP/VAR 17-15-22 and was approved by Resolution 2016-060 on May 25, 2016. The site was carefully assessed and plans were reviewed for type of construction (including alternative methods), location to slope, and location at top of a slope. The type of vegetation, proximity to structures, landscaping and alternative means were considered during the review of the project. The Solana Beach Fire Department determined that a minimum fuel modification zone was to be provided at 30 feet with the following conditions per Resolution 2016-060:

XI. FIRE PITS/FIREPLACES: Fire pit is located near the edge of the canyon and adjacent to proposed vegetation. Location and type of fire pit shall be approved per the Solana Beach Fire Department in compliance with the California Fire Code.

XV. FIRE RESISTIVE CONSTRUCTION REQUIREMENTS FOR WILDLAND/URBAN INTERFACE AREAS: Structures shall meet all wildland/urban interface standards to the satisfaction of the Fire Department. Structures shall comply with current California Building code Chapter 7A.

XVI. FUEL MODIFICATION ZONES/FIRE BREAKS: The applicant shall provide and maintain fire/fuel breaks to the satisfaction of the Solana Beach Fire Department. Fire/fuel breaks size and composition shall be determined by the Fire Department and shown on the improvement /grading plans and final map and building plans. Landscape plans shall consist of plants on the Solana Beach approved plant list.

After carefully assessing your project during the review process and discussion during our meeting on July 25, 2016, the following have been determined:

A. The plans as approved by Resolution 2016-060 were reviewed and conditioned as noted above.
B. Per the California Code of Regulations, Title 19, Division 1, §3.07, a firebreak of not less than 30 feet from the structure shall be provided and maintained.
C. Native vegetation within the 30 foot firebreak is not acceptable with or without mitigation of a firewall.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Anita Pupping
Fire Marshal

COHN + ASSOCIATES
ARCHITECTURE PLANNING

512 VIA DE LA VALLE
SUITE 208
SOLANA BEACH, CALIFORNIA 92075
858/755-7308 FAX 858/755-5669

ALTERNATIVES ANALYSIS
SZEKERES FAMILY HOME
CDP APPLICATION NO. 6-16-0500

This alternatives analysis attempts to examine alternative designs for the Szekeres home that would potentially enable the home to be located farther from the nearby ESHA. The challenge is that the applicants have already designed the minimum home that the Solana Hills Estates HOA will approve, the City will not grant a further front yard setback variance, and the Fire Marshall requires a 30-foot firebreak free of native vegetation. The Szekeres lot is a constrained site, mostly due to new regulations and interpretations that have arisen since the lot was created in approximately 1988 under permits from the Coastal Commission and City of Solana Beach. The design constraints for this lot include:

1. Requirement to avoid development in the ESHA;
2. Conflict between the LUP's ESHA map and the actual ESHA as mapped by a site specific analysis;
3. Need for a functioning ESHA buffer;
4. Requirement for a 30-foot firebreak that contains no native vegetation;
5. Requirement for a City- and state-mandated bio retention basin at the lowest possible elevation on the site;
6. Requirement to construct the home within the front and side yard setbacks mandated by the City;
7. Comply with all other City- and State-mandated requirements (e.g., 2-car garage);
8. Design a home that would be approved by the Solana Hills Estates HOA; and,
9. Design a home that functions for the Szekeres family of five which may grow over time.

As a result of these constraints, and as demonstrated in this alternatives analysis, no home other than the one proposed is feasible because neither a larger home nor a smaller home would be approved. The proposed home is the minimum home that would be approved by the HOA. It has been approved by the City and deemed to be in conformity with the City's LUP. It avoids the ESHA completely and provides a functioning ESHA buffer that two independent biologists have stated will be (a) sufficient to protect the ESHA and (b) an improvement over existing site conditions.

In its June 24, 2016 and July 25, 2016 letters, Coastal Commission staff requested an alternatives analysis as follows:

June 24, 2016 Letter
Provide an analysis, including plans, that demonstrates what size house could be accommodated on the lot where all development observes a 50-foot setback from 1) the LUP mapped ESHA, and 2) the ESHA mapped in the Biology Report (submitted by HELIX and dated November 23, 2015).

July 25, 2016 Letter
Submit an alternatives analysis that includes the option of construction of a smaller home set farther back form the ESHA. Other alternatives that should be considered include reducing the proposed 3-car garage to 2-cars, the minimum required by zoning, and alternative construction methods and/or a backyard fire wall that could potentially reduce the brush management requirements for the residence.

Preliminary Comments

- The Commission's June 24th letter states that the alternatives analysis should consider whether additional reductions in the front yard setback could allow for less impact to ESHA. However, the City of Solana Beach has confirmed that it will not allow any additional front yard setback reduction. **See Exhibit 1.** In addition, the City's biologist, HELIX, concluded as follows:

> **CONCLUSION**
>
> The proposed project would not result in impacts to sensitive biological resources or adjacent ESHA. Implementation of mitigation measures listed above would reduce all potential indirect impacts to below a level of significance. No native ESHA buffer currently is present on the property. Incorporation of the mitigation measures listed above would result in an improvement to the ESHA buffer between the proposed development and the ESHA through removal of non-native species and planting and seeding with native species. While portions of the ESHA buffer would be less than 50 feet, the buffer that is proposed is considered adequate to provide the necessary protections to the existing ESHA.

  Thus, any alternative design that would site the home closer to the San Julio Drive would not be allowed by the City (and likely not allowed by the HOA), and is not necessary according to HELIX. Thus, as further demonstrated in this report, there are no feasible alternatives to the proposed project.

- The Commission's June 24th letter also states: "If there are additional constraints on the site, such as HOA restrictions, please provide this information; however, these restrictions should not limit your review of alternatives that are not wholly consistent with existing HOA requirements, as HOA requirements can be amended or excepted (sic)." The numerous constraints for this site are listed above. Regarding HOA requirements, in my experience, HOA requirements are typically not amended, nor are exceptions granted, to accommodate the desires or needs of one homeowner in a subdivision. HOA board members are fiduciaries who owe a duty to all the members to enforce the HOA rules and CC&Rs evenly. In this case, the HOA has expressly denied a smaller home on 2 occasions, including a variance request based on "environmental concerns."

Exhibit C

- The Solana Hills Estates CC&Rs mandate express HOA approval of any new structures within the PRD. The Commission is already in possession of these CC&Rs. The HOA's approval of the Szekeres home included the following 2 conditions:

> 1. The size of the home shall not be reduced from the current plans as a result of comparison to the immediate Westward facing neighbors at 507 San Julio Rd (5,494 sq feet), 541 San Julio Rd (5,808 sq feet) and 500 San Julio Road (5,021 sq feet).
> 2. The exterior landscaping plans do not materially deviate from the exterior plans shared with the Architectural Committee. Specifically you may not introduce high walls in the landscaping/hardscaping which impede the view of the front of the home

- The Solana Hills Estates CC&Rs include a variance provision that allows for HOA approval of a smaller home based on "environmental concerns." The Szekeres' requested such a variance but the request was rejected. In rejecting the request the HOA hired its own biologist, Busby Consulting, and wrote the following on October 4th:

> The Busby report concurs with the existing findings in the Helix report which state there are no significant concerns with your project plans. Furthermore, during the past year, your project has already been modified to provide a larger buffer to the local sensitive habitat making the current plans even more environmentally friendly than the original plans reviewed by Helix in 2015. The HOA concludes from both the Helix and Busby reports that your project has no significant degradation to the ESHA. In fact, your project plans improve the existing ESHA by planting a significant amount of native vegetation adjacent to ESHA along your entire steep slope-side on the property. Finally, Helix confirms in the August 19, 2016 that any further changes to the project plans would be pointless in seeking to reduce the insignificant impacts to the sensitive habitat.
>
> Little & Sons regrets to inform you that the HOA and Architectural Committee reject your request for a waiver from its architectural standards and conditions. The HOA has found no basis for any environmental concern which should prevent the completion of your project as is. The HOA has a legal obligation to uphold the standards of the community as outlined in the CCR's and as directed by the Architectural Committee. This is a responsibility the HOA takes very seriously.
>
> It is very important for your new home construction to be comparable to similar, ocean-facing homes on San Julio Road. In the Architectural Committee approval letter dated August 5, 2015, it was made clear to you that the size of your home should not be reduced and the exterior landscaping should not deviate. The owners of the HOA are very concerned about the impact your home will have on the character of the neighborhood and the value of the homes. With only eight homes on San Julio Road, your new home construction has a very material impact on the community.

Alternative 1: NO PROJECT

This would be a regulatory taking that would require the State of California to purchase Lot 7 from the applicants. Since we suspect that the Coastal Commission would not entertain a purchase, this is not a feasible alternative.

Alternative 2: 2-CAR GARAGE

Reducing the design from a 3-car garage to a 2-car garage would reduce the size of the home by approximately 200 square feet in the front yard, near the driveway. Doing so would not result in any meaningful increase in the 50-foot ESHA buffer already provided, and would not decrease any direct or indirect impacts to ESHA or the ESHA buffer. Per HELIX, there are no direct impacts and any indirect impacts will be mitigated to less than significant through the mitigation measures already proposed for the project. Moving the home further away from the ESHA will not result in any improvement to habitat or habitat values. Furthermore, all other homes in the HOA on San Julio Road have 3-car garages. The HOA would likely deny a 2-car garage design because it would not be comparable with the other homes of the HOA, which is the criterion in the CC&Rs.

Alternative 3: ALL DEVELOPMENT OBSERVES A 50-FOOT SETBACK

Exhibit 2 to this analysis depicts the remaining building envelope when all "development" observes a 50-foot setback from the HELIX-mapped ESHA. Because the Fire Marshall requires a separate 30-foot firebreak with no native vegetation, the resulting building envelope is small and awkwardly shaped. As shown on **Exhibit 2**, the resulting home would be approximately 1,905 square feet with a 1-car garage. The awkward shape of this building envelope is insufficient to design and construct a single-family residence. It would force a dysfunctional floor plan and an unmarketable and strange home. Moreover, the HOA would never approve it. First, the design as shown does not meet the City of Solana Beach requirement for a 2-car garage. There is no viable area on the site to add the second garage space. In addition, this design does not meet the homeowner's association stated requirements for minimum size to maintain neighborhood compatibility. The odd shape of the building footprint creates inadequate rooms within the house that would not function properly due to their awkward shapes and limited area. Bedroom two, the main living spaces, and the master bedroom are all examples of this problem. In addition, there is no room for a powder room at the main level. Because the buildable area has been pushed to the extreme eastern side of the site, the house is sited on a steep downward slope. The entire slope would have to be excavated out and retaining walls would have to extend outward from the building just to allow the lower rooms to have access to light and ventilation. This would create a poorly designed structure, and it would be extremely expensive. The awkward shape and design along with the poor location on the slope would create an extremely difficult home to build from a construction feasibility standpoint. Finally this home would be completely incompatible with the entire surrounding neighborhood located within a half mile and perhaps farther. The vast majority of these homes are significantly larger in square footage. They all have 2- to 3-car garages, their floor plans and designs contain many bedrooms, with offices, dens, and family rooms as well.

Note 1: I have been working on this project prior to the time that Jeff and Amy Szekeres purchased the lot in August 2014, and helped them with project due diligence. Prior to purchase, I coordinated directly with the City's Planning Department to confirm the ability to build a home that could be approved by the City and the HOA. For his part, Jeff spoke with his future neighbors, the Home Owner's Association, and the property management company prior to buying the lot to confirm their requirements for building a home in conformity with the comparable homes on San Julio Road. The alternative design based on "no development within 50 feet of the ESHA" is incredibly inadequate in size, shape and topography to properly design and construct a single family home, especially considering the expectations you had from your due diligence prior to buying the lot.

Note 2: **Exhibit 3** does not depict the resulting building envelope based on the ESHA as mapped in the LUP. This building envelope would be even smaller and would result in a home that was not approvable and even more dysfunctional.

Alternative 4: SMALLER HOME

While it would be physically possible to build a smaller home on this site, the Solana Hills Estates HOA would not approve such a home. So a requirement to build a smaller home is the same thing as Alternative 1: No Project. Additionally, the HELIX correspondence of August 19, 2016 (**Exhibit 4**) states that a smaller home would have no benefit on the adjacent ESHA.

Alternative 5: ALTERNATIVE CONSTRUCTION METHODS
There are no known alternative construction methods that would increase the distance between the home and the ESHA.

Alternative 6: BACKYARD FIREWALL TO DECREASE BRUSH MANAGEMENT
As confirmed by the Fire Marshall (See **Exhibit 5**), a 30-foot firebreak would be required with or without a firewall. In her clarifying letter, the City Fire Marshall stated as follows: "A firebreak of not less than 30 feet from the structure shall be provided and maintained. Native vegetation within the 30 foot firebreak is not acceptable with or without mitigation of a firewall" (emphasis in the original). Thus, even with the installation of a firewall, the plan depicted in Exhibit 2 would still be the result.

CONCLUSION

There are no feasible alternatives to the home proposed by this application. Furthermore, it is clear that a smaller home would not decrease any impacts on ESHA or ESHA buffer, and is therefore unnecessary. This is a constrained site. In my opinion, the home proposed with this application is the minimum home that can be approved for construction on this constrained site.

Sincerely,

Gary Cohn
Architect

Subject:	RE: CCC Question to COSB on Frontyard Variance
From:	Bill Chopyk (bchopyk@cosb.org)
To:	jpszekeres@stanfordalumni.org;
Date:	Tuesday, June 28, 2016 7:49 PM

The project is consistent with the LUP buffer policies because the house has been designed to provide the minimum 50-foot buffer from ESHA, and the 50-foot buffer has been approved by the City Council, Planning Department, and Fire Marshal.

The project would not impact ESHA according to the Biological Resources Report prepared by Helix Environmental Planning.

Additional reductions in the front yard setback will not be considered by the City of Solana Beach. The City Council granted a front yard setback that is consistent with the established setbacks in the Solana Hills Estates Planned Unit Development (PUD). Any additional encroachment in the front yard setback would place the house closer to the street than any other house in the PRD. Thus, the required variance findings could not be made. Variances are extremely rare. The City of Solana Beach is not supportive of any additional variances for this property.

Bill Chopyk, AICP

Director of Community Development

City of Solana Beach

635 S. Highway 101
Solana Beach, CA 92075

Phone: (858) 720-2449

www.cityofsolanabeach.org

From: jpszekeres@stanfordalumni.org [mailto:jpszekeres@stanfordalumni.org]
Sent: Tuesday, June 28, 2016 3:58 PM
To: Bill Chopyk

Exhibit C

Exhibit I

Subject: CCC Question to COSB on Frontyard Variance

Bill,

In a part of the Coastal Commission's 6/24 response to our application, they have written:

"Because the project as proposed is inconsistent with the certified LUP buffer policies and would impact ESHA, an alternatives analysis is required that demonstrates that the proposed project is the least environmentally damaging feasible alternative. Please provide an analysis, including plans, that demonstrates what size house could be accommodated on the lot where all development observes a 50-foot setback from 1) the LUP mapped ESHA, and 2) the ESHA as mapped in the Biology Report (submitted by Helix and dated November 23, 2015). The project has already received a variance for minor reductions in the front yard setback; the alternatives analysis should consider whether additional reductions in the front yard setbacks could allow for less impact to ESHA."

I appreciate you and your planning staff were able to secure a front yard variance for my project with the COSB, something that the City Council rarely ever gives to any applicant.

Can you please let me know whether the City Council would consider giving me additional setback variance (e.g. allow me to build even closer to the San Julio street) based on the Coastal Commission's request?

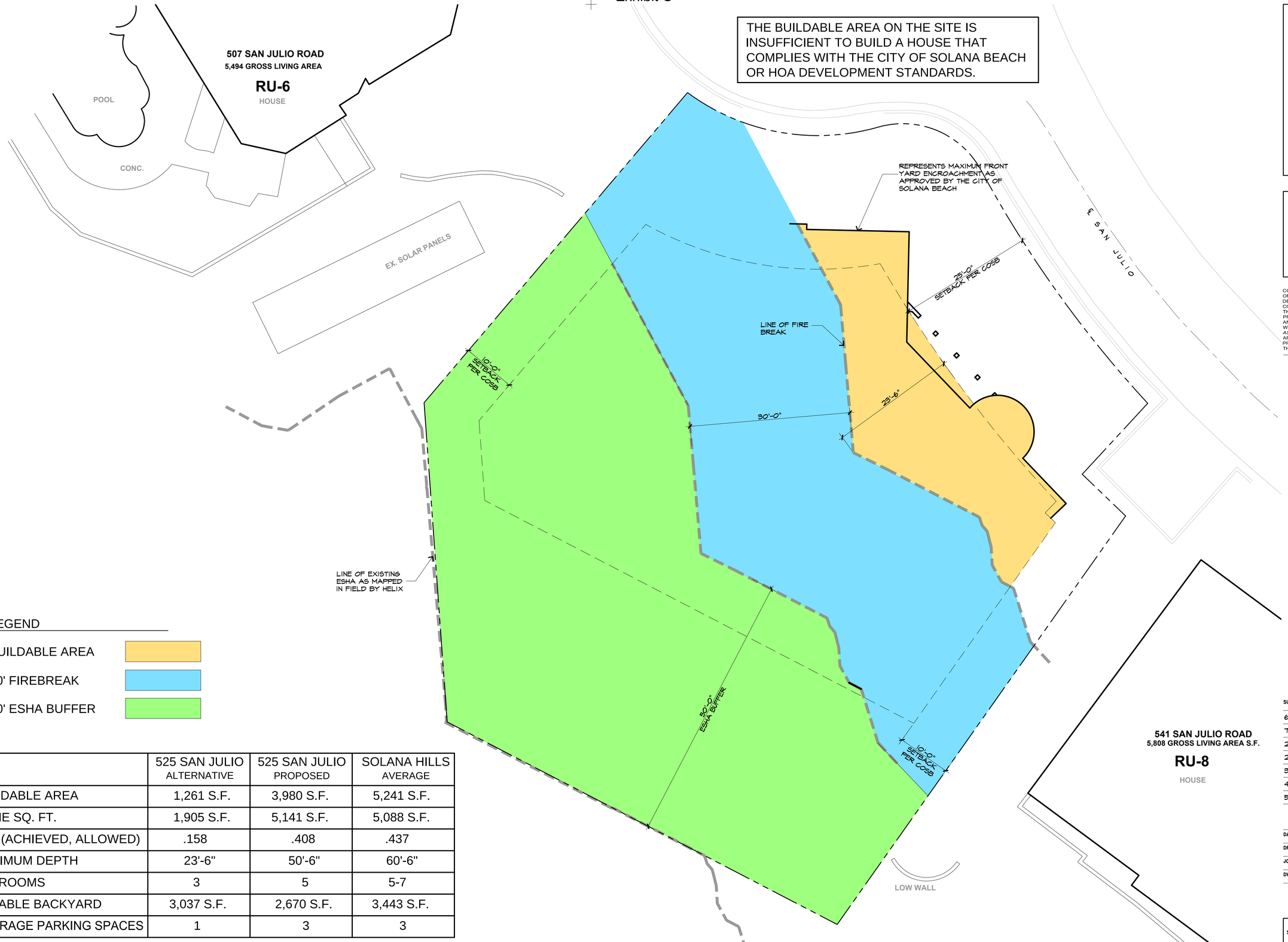
Regards,

Jeff Szekeres

Attachments

- image001.jpg (4.71KB)

THE BUILDABLE AREA ON THE SITE IS INSUFFICIENT TO BUILD A HOUSE THAT COMPLIES WITH THE CITY OF SOLANA BEACH OR HOA DEVELOPMENT STANDARDS.



LEGEND

- BUILDABLE AREA
- 30' FIREBREAK
- 50' ESHA BUFFER

	525 SAN JULIO ALTERNATIVE	525 SAN JULIO PROPOSED	SOLANA HILLS AVERAGE
BUILDABLE AREA	1,261 S.F.	3,980 S.F.	5,241 S.F.
HOME SQ. FT.	1,905 S.F.	5,141 S.F.	5,088 S.F.
FAR (ACHIEVED, ALLOWED)	.158	.408	.437
MAXIMUM DEPTH	23'-6"	50'-6"	60'-6"
BEDROOMS	3	5	5-7
USEABLE BACKYARD	3,037 S.F.	2,670 S.F.	3,443 S.F.
# GARAGE PARKING SPACES	1	3	3

ALTERNATIVE BUILDABLE AREA EXHIBIT - LOT 7

SCALE: 1/8" = 1'-0"

TRUE NORTH

0 2 4 8 16

COHN + ASSOCIATES
ARCHITECTURE PLANNING
512 VIA DE LA VALLE SUITE 208
SOLANA BEACH, CALIFORNIA 92075
858/755-7308 F 858/755-9889

LICENSED ARCHITECT
GARY I. COHN
No. C15560
REN. 4/30/17
STATE OF CALIFORNIA

SZEKERES RESIDENCE

525 SAN JULIO ROAD
SOLANA BEACH, CALIFORNIA

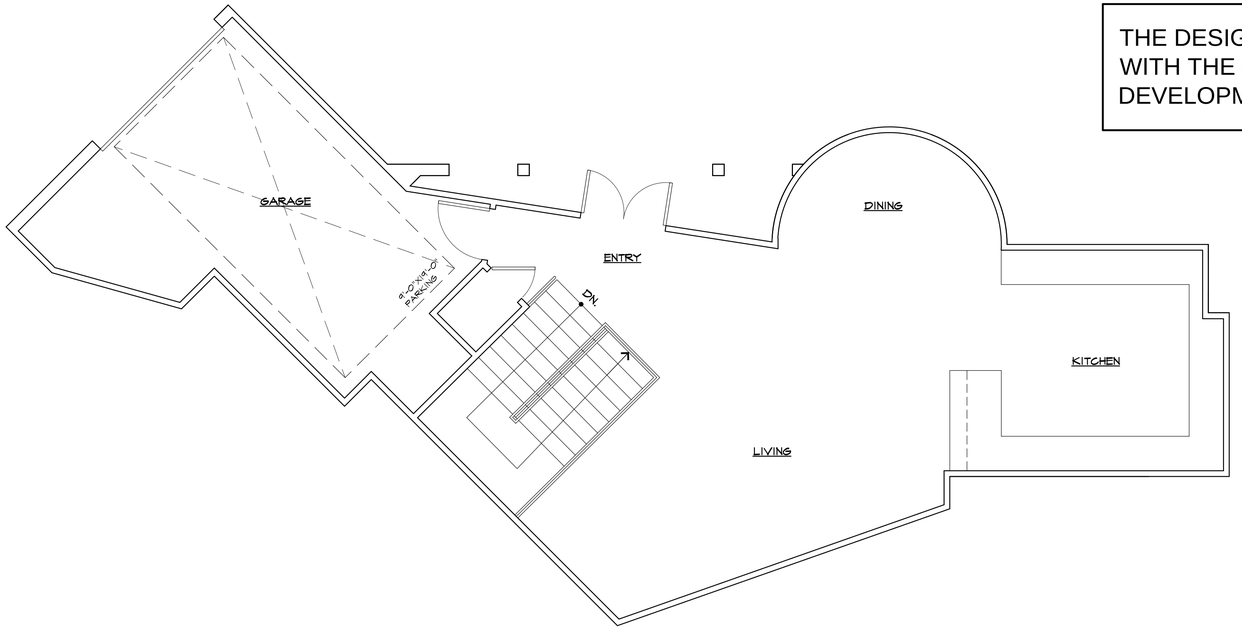
SUBMITTAL DATE	PURPOSE
6/8/15	SDP/DR I
7/29/15	SDP/DR II
2/4/16	SDP/DR III
2/24/16	SDP/DR/VAR IV
3/4/16	SDP/DR/VAR V
4/14/16	SDP/DR/VAR VI
5/24/16	COASTAL SUBM.

DATE MODIFIED:	9/26/16
DRAWN BY:	G.C.
JOB NUMBER:	1412
DWG FILE:	SZ_SITE

SHEET
A1.3

Plotted on: Monday, September 26, 2016

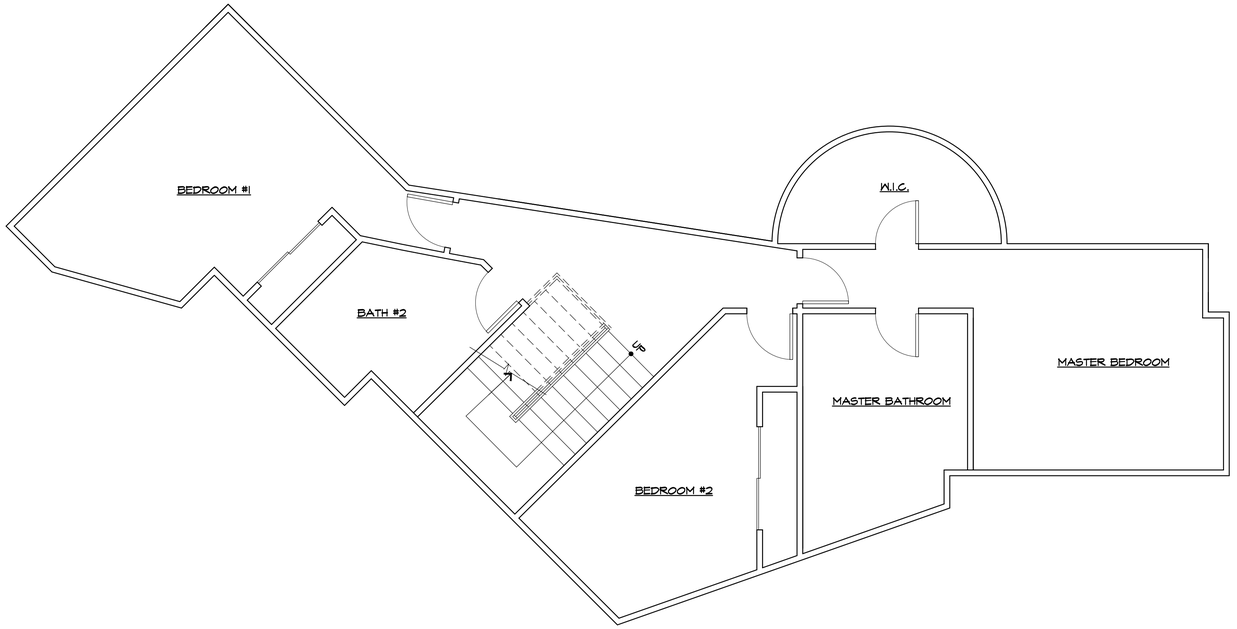
THE DESIGN AS SHOWN DOES NOT COMPLY WITH THE CITY OF SOLANA BEACH OR HOA DEVELOPMENT STANDARDS.



ALTERNATE UPPER FLOOR PLAN

SCALE: 1/4" = 1'-0"

1,073 S.F. LIVABLE AREA



ALTERNATE LOWER FLOOR PLAN

SCALE: 1/4" = 1'-0"

832 S.F. LIVABLE AREA
333 S.F. GARAGE

COHN + ASSOCIATES
ARCHITECTURE PLANNING
512 VIA DE LA VALLE SUITE 308
SOLANA BEACH, CALIFORNIA 92075
(858) 755-7308 F. (858) 755-3899

LICENSED ARCHITECT
GARY I. COHN
No. C15560
REN: 4/30/17
STATE OF CALIFORNIA

SZEKERES RESIDENCE

525 SAN JULIO ROAD

SOLANA BEACH, CALIFORNIA

SUBMITTAL DATE	PURPOSE
6/8/15	SDP/DR I
7/29/15	SDP/DR II
2/4/16	SDP/DR III
2/24/16	SDP/DR/VAR IV
3/4/16	SDP/DR/VAR V
4/14/16	SDP/DR/VAR VI
5/24/16	COASTAL SUBM.

DATE MODIFIED:	9/26/16
DRAWN BY:	G.C.
JOB NUMBER:	1412
DWG FILE:	SZ_PLAN

SHEET

A2.1

Plotted on: Wednesday, September 28, 2016

Exhibit C

Exhibit III

507 SAN JULIO ROAD
5,494 GROSS LIVING AREA
RU-6
HOUSE

POOL

CONC.

TX. SOLAR PANELS

10'-0" SIDE YARD SETBACK

REPRESENTS MAXIMUM FRONT YARD ENCROACHMENT AS APPROVED BY THE CITY OF SOLANA BEACH

E SAN JULIO

25'-0" FRONT YARD SETBACK

7'-2"

LINE OF 50' BUFFER FROM ESHA AS MAPPED IN CITY OF SOLANA BEACH LCP EXHIBIT 3-9

30'-0" FIRE BREAK

LINE OF ESHA AS MAPPED IN CITY OF SOLANA BEACH LCP EXHIBIT 3-9

50'-0" ESHA BUFFER

BUILDING STRINGLINE SETBACK

RU-7
0.318 ACRES

40'-0" REAR YARD SETBACK

10'-0" SIDE YARD SETBACK

541 SAN JULIO ROAD
5,808 GROSS LIVING AREA S.F.
RU-8
HOUSE

LOW WALL

THERE IS NO BUILDABLE AREA ON SITE BASED ON THE LINE OF THE ESHA AS MAPPED IN THE SOLANA BEACH LCP WITH A 50' ESHA BUFFER AND THE 30' REQUIRED FIRE BREAK.

ALTERNATIVE BUILDABLE AREA EXHIBIT

SCALE: 1/8" = 1'-0"

TRUE

0 2 8 16
4

COHN + ASSOCIATES
ARCHITECTURE PLANNING
512 VIA DE LA VALLE SUITE 308
SOLANA BEACH, CALIFORNIA 92075
858/755-7308 F 858/755-9889

LICENSED ARCHITECT
GARY I. COHN
No. C15560
REN. 4/30/17
STATE OF CALIFORNIA

SZEKERES RESIDENCE

525 SAN JULIO ROAD

SOLANA BEACH, CALIFORNIA

SUBMITTAL DATE	PURPOSE
6/8/15	SDP/DR I
7/29/15	SDP/DR II
2/4/16	SDP/DR III
2/24/16	SDP/DR/VAR IV
3/4/16	SDP/DR/VAR V
4/14/16	SDP/DR/VAR VI
5/24/16	COASTAL SUBM.

DATE MODIFIED:	8/30/16
DRAWN BY:	G.C.
JOB NUMBER:	1412
DWG FILE:	SZ_SITE

SHEET
A1.3

Plotted on: Monday, September 26, 2016

August 19, 2016

Bill Chopyk, Director of Planning
City of Solana Beach
635 South Highway 101
Solana Beach, CA 92075

Subject: Coastal Development Permit Application #6-16-0500

Dear Mr. Chopyk:

This letter provides additional feedback on the proposed project at San Julio Road, Lot 7 (Coastal Development Permit Application #6-16-0500), with specific feedback provided regarding the current correspondence with the California Coastal Commission related to the property.

HELIX provided the City of Solana Beach (City) with a Biology Resources Report (dated November 23, 2015) for the property. The conclusions in that report were that the proposed project would not result in direct or indirect impacts to environmentally sensitive habitat areas (ESHA) or adjacent ESHA. The proposed project would not result in any direct impacts to ESHA and the mitigation measures proposed for the project would reduce all potential indirect impacts to below a level of significance.

Most importantly, the applicant's project plans would protect against significant disruption of habitat values as required by the California Coastal Act Section 30240 through the setback of the house and yard. Furthermore, the development in the applicant's project plans has been designed to prevent impacts that would significantly degrade the area adjacent to ESHA and fully enables the continued existence of the habitat.

It is my understanding that since the completion of our November 2015 report, the applicant has made further modifications to the project plans, which would result in the proposed project being located further from the ESHA. Despite the increase in the setback distance between the ESHA and the proposed project, the findings in our report would not change for the following reasons: 1) there still would not be a direct impact to ESHA; and 2) there still would not be a significant indirect impact to ESHA. Indirect impacts are still expected to occur from a variety of sources, even with a further increase in the setback distance, albeit at a less than significant level. In order to fully avoid indirect impacts to ESHA and surrounding areas, development would need to be setback by several hundred feet, which is not feasible for this property.

I would strongly discourage any requirements on the applicant to further redesign the proposed project or develop alternative designs because the nominal increases in the setback would not provide any substantial biological protections of the ESHA. Insignificant indirect impacts would still be expected even with further modifications of the design plans and there would not be a project design that would fully eliminate the indirect impacts on ESHA. The applicant has proposed native plants into the landscaping as an additional project feature to provide a biological buffer between the development and ESHA and to further minimize impacts on ESHA. Elimination of backyard features, such as pavers and pea gravel (as identified by the Coastal Commission), would not result in substantial improvements to the ESHA buffer. It is my professional opinion that the project, as currently proposed, would provide an adequate buffer from the ESHA and additional setback distances would not be biologically based.

Please let me know if you have any further questions or comments.

Sincerely,

Shelby Howard
Biology Division Manager

CITY OF SOLANA BEACH FIRE DEPARTMENT
500 LOMAS SANTA FE DRIVE • SOLANA BEACH • CALIFORNIA 92075-1324
Phone (858) 720-2410 • Fax (858) 259-7698 • www.ci.solana-beach.ca.us

September 21, 2016

Jeff and Amy Szekeres
525 San Julio Rd.
Solana Beach, CA 92075

RE: 525 San Julio Rd., Solana Beach

Mr. and Mrs. Szekeres,

Thank you for sharing the July 25, 2016 correspondence with California Coastal Commission (CCC) regarding your project. First of all, I understand the CCC has asked for the following clarification:

> "Clarification from the Fire Marshal explaining what structures are allowed, and what activities are required in the fire break, including any thinning or clearing of existing vegetation."

Second, the CCC has also requested from you an alternative project analysis which could include "alternative construction methods and/or a backyard fire wall that could potentially reduce the brush management requirements for the residence."

Per your request for further clarification along these two items, I am writing this detailed letter.

Please note, the Solana Beach Fire Department reviewed your project at 525 San Julio Road, Solana Beach per Case No. DRP/SDP/VAR 17-15-22 and was approved by Resolution 2016-060 on May 25, 2016. The site was carefully assessed and plans were reviewed for type of construction (including alternative methods), location to slope, and location at top of a slope. The type of vegetation, proximity to structures, landscaping and alternative means were considered during the review of the project. The Solana Beach Fire Department determined that a minimum fuel modification zone was to be provided at 30 feet with the following conditions per Resolution 2016-060:

XI. FIRE PITS/FIREPLACES: Fire pit is located near the edge of the canyon and adjacent to proposed vegetation. Location and type of fire pit shall be approved per the Solana Beach Fire Department in compliance with the California Fire Code.

XV. FIRE RESISTIVE CONSTRUCTION REQUIREMENTS FOR WILDLAND/URBAN INTERFACE AREAS: Structures shall meet all wildland/urban interface standards to the satisfaction of the Fire Department. Structures shall comply with current California Building code Chapter 7A.

XVI. FUEL MODIFICATION ZONES/FIRE BREAKS: The applicant shall provide and maintain fire/fuel breaks to the satisfaction of the Solana Beach Fire Department. Fire/fuel breaks size and composition shall be determined by the Fire Department and shown on the improvement /grading plans and final map and building plans. Landscape plans shall consist of plants on the Solana Beach approved plant list.

After carefully assessing your project during the review process and discussion during our meeting on July 25, 2016, the following have been determined:

A. The plans as approved by Resolution 2016-060 were reviewed and conditioned as noted above.
B. Per the California Code of Regulations, Title 19, Division 1, §3.07, a firebreak of not less than 30 feet from the structure shall be provided and maintained.
C. Native vegetation within the 30 foot firebreak is not acceptable with or without mitigation of a firewall.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Anita Pupping
Fire Marshal

Exhibit D

Little & Sons Property Management Co.
Serving Greater San Diego Since 1979

October 4, 2016

Amy and Jeff Szekeres
13085 Survey Point
San Diego, CA 92130

Re: Waiver Request for Environmental Concerns Dated August 25th, 2016

Dear Amy and Jeff Szekeres:

The Solona Hills Estates HOA ("HOA") Board of Directors instructed Little & Sons Property Management to respond to a written waiver request you submitted to the HOA President and the HOA Architectural Committee on August 25, 2016. In that request, you asked the Architectural Committee to consider a waiver from its architectural standards and conditions on the basis of potential environmental concerns. Included in your request was a Biological Resources Report from environmental consulting firm, Helix Environmental Planning Inc ("Helix") dated November 23, 2015. In addition, Helix had correspondence on August 19, 2016 with the City of Solana Beach regarding your project, a copy of which was also provided. Finally, you provided online resources containing relevant policies applicable to the project from state and local authorities, including the Coastal Act.

Following your waiver request, the HOA and Architectural Committee instructed Little & Sons to conduct a formal review of your request by hiring another independent environmental consultant, Busby Biological Services ("Busby"), to critically review the Helix report, to conduct a site survey, and to provide their opinion with regards to whether there are environmental concerns with your project. The Busby report is attached as Exhibit I to this letter.

The Busby report concurs with the existing findings in the Helix report which state there are no significant concerns with your project plans. Furthermore, during the past year, your project has already been modified to provide a larger buffer to the local sensitive habitat making the current plans even more environmentally friendly than the original plans reviewed by Helix in 2015. The HOA concludes from both the Helix and Busby reports that your project has no significant degradation to the ESHA. In fact, your project plans improve the existing ESHA by planting a significant amount of native vegetation adjacent to ESHA along your entire steep slope-side on the property. Finally, Helix confirms in the August 19, 2016 that any further changes to the project plans would be pointless in seeking to reduce the insignificant impacts to the sensitive habitat.

Little & Sons regrets to inform you that the HOA and Architectural Committee reject your request for a waiver from its architectural standards and conditions. The HOA has found no basis for any environmental concern which should prevent the completion of your project as is. The HOA has a legal obligation to uphold the standards of the community as outlined in the CCR's and as directed by the Architectural Committee. This is a responsibility the HOA takes very seriously.

It is very important for your new home construction to be comparable to similar, ocean-facing homes on San Julio Road. In the Architectural Committee approval letter dated August 5, 2015, it was made clear to you that the size of your home should not be reduced and the exterior landscaping should not deviate. The owners of the HOA are very concerned about the impact your home will have on the character of the neighborhood and the value of the homes. With only eight homes on San Julio Road, your new home construction has a very material impact on the community.

Please reach out should you have any further questions.

Sincerely,

Daniel G. Little
Association Manager

411 Camino Del Rio South, Suite 201, San Diego, CA 92108-3550
Tel: (619) 298-9973 • Fax: (888) 845-7129 • www.littleandsons.com

Exhibit D

BUSBY
Biological Services

October 4, 2016

Mr. Daniel Little
Little & Sons Property Management
411 Camino Del Rio South, Suite 201
San Diego, California 92108

RE: PEER REVIEW OF THE BIOLOGICAL RESOURCES REPORT FOR THE PROPOSED SZEKERES RESIDENCE WITHIN THE SOLANA HILLS ESTATES, CITY OF SOLANA BEACH, SAN DIEGO COUNTY, CALIFORNIA

Mr. Little:

Busby Biological Services, Inc. (BBS) was contracted by you on behalf of the Solana Hills Estates Homeowners' Association (HOA) to conduct a peer review of the Biological Resources Report that was prepared for the proposed Szekeres residence, which is located on San Julio Drive on Lot 7 in the Solana Hills Estates in the City of Solana Beach, San Diego County, California.

The Biological Resources Report, dated November 23, 2015, was prepared by Helix Environmental Planning, Inc. (Helix) on behalf of the City of Solana Beach. Helix is a reputable environmental consulting firm that has been providing a broad range of environmental and design services in San Diego for the past 25 years. Based on their credibility and past performance, Helix has been contracted by the City of Solana Beach to provide biological studies and associated reporting for residential developments within the City of Solana Beach boundaries. BBS understands that the request for this peer review is not intended to question the credibility of Helix but to verify, through a third party review, if the findings in the report are accurate based on the information provided in the report and current site conditions.

BBS performed the peer review, which included a review of the Biological Resources Report; analysis of the current architectural drawings; and site surveys on September 22, 2016, and September 27, 2016, to note current site conditions and to determine if we concur with the findings outlined in the Biological Resources Report.

BBS concurs that the survey methods used by Helix during the July 2015 and September 2015 site surveys and as described in the Biological Resources Report are consistent with industry standards and adequate to assess the potential impacts and concerns associated with the proposed Szekeres residence.

BBS concurs with the survey results presented in the Biological Resources Report. Based on the conditions observed during our site surveys on September 22, 2016, and September 27, 2016, BBS agrees that (a) there is a low potential for sensitive plant species to occur within the property, (b) there is a low potential for sensitive wildlife species to occur within the property, and (c) no Environmentally Sensitive Habitat Area (ESHA) occurs within the property.

BBS concurs with the impact analysis and proposed mitigation presented in the Biological Resources Report, and we agree that (a) no direct impacts to ESHA are anticipated, (b) no significant direct impacts to sensitive biological resources are anticipated, and (c) potential indirect impacts to sensitive biological resources will be avoided through project design and through implementation of the various mitigation measures identified in the Biological Resources Report.

As discussed in the Biological Resources Report, the adjacent ESHA – which consists of sensitive habitat and steep slopes – is relatively small and isolated. The existing residences (e.g., structures, associated hardscape) located adjacent to the proposed Szekeres residence do not comply with the City of Solana Beach Land Use Plan (LUP) buffer requirements, and these homes provide little or no buffer from the ESHA. The Biological Resources Report documents that the Szekeres residence will provide an adequate buffer to the ESHA.

In addition, since the preparation of the Biological Resources Report, the Szekeres residence has been redesigned to provide an additional 6- to 11-foot buffer between the built structure and the ESHA (Attachment 1: Figure 1). Based on this redesign, the buffer between the built structure and the ESHA now ranges between 50 and 65 feet. These redesigned plans have been approved by the City of Solana Beach. Thus, the impacts as analyzed by Helix have been reduced even further and to the maximum extent feasible. Therefore, with implementation of the mitigation measures that are outlined in the Biological Resources Report, BBS agrees with the findings in the Biological Resources Report, which state that there will be no significant impacts to the adjacent ESHA.

To summarize, it is my professional opinion that Helix's methods, results, and associated analysis as presented in the Biological Resources Report and as approved by the City of Solana Beach not only meet the industry standard for this type of residential project but also provide adequate information to determine that, with the implementation of the mitigation measures included in the report, the impacts to sensitive biological resources associated with this project would be less than significant. As such, I concur that there are no reasons for concern with the current plans, assuming that the project is constructed per the most current architectural drawings and the mitigation measures as outlined in the report are implemented.

If the California Coastal Commission (CCC) is still concerned with the potential for impacts to the ESHA despite the Helix analysis, my analysis, and the attempts of Mr. Szekeres to move his proposed structure to provide the maximum ESHA buffer that is feasible while still meeting all other design constraints on the lot, one additional mitigation measure may be proposed to the CCC – the development of a conceptual habitat enhancement plan for the adjacent ESHA. During my site visits, I noted that there are areas within the ESHA that support highly invasive species, such as Pampas grass (*Cortaderia selloana*) and Brazilian peppertree (*Schinus terebinthifolius*), as well as other non-native, ornamental species that have encroached into the ESHA, including several species of ornamental acacia (*Acacia* spp.), ice plant (species unknown), and other non-native, weedy species (Attachment 2: Site Photographs). Through a conceptual habitat enhancement plan, Mr. Szekeres could provide additional mitigation for the proposed project by documenting how he would improve the ESHA through habitat enhancement. With the successful implementation of appropriate habitat enhancement within the ESHA, the habitat would be improved, and the steep slopes would be protected, thus improving the functions and values of the ESHA.

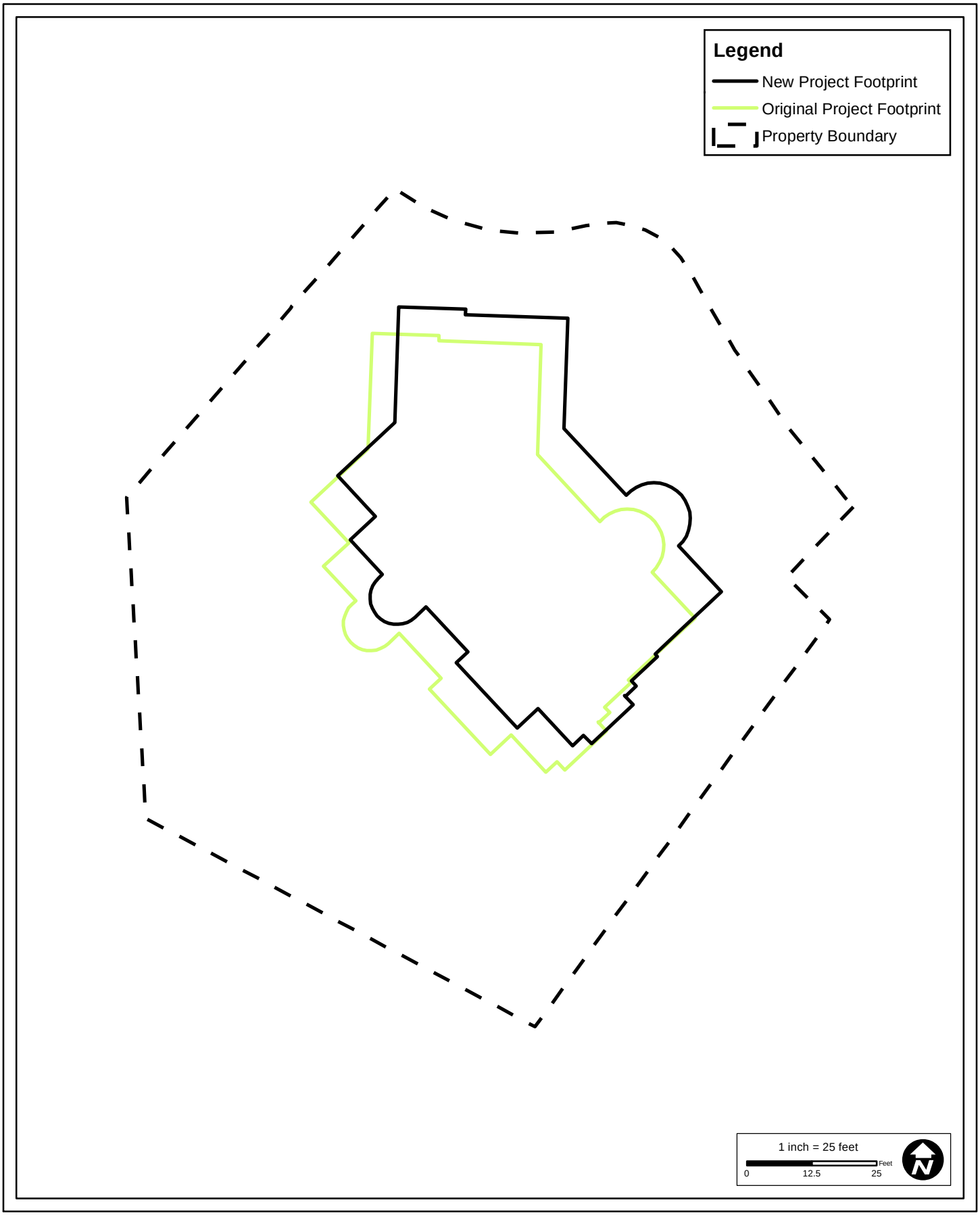
If you have any questions or comments regarding this letter, please do not hesitate to contact me at 858.334.9507 or melissa@busbybiological.com.

Sincerely,

Melissa Busby
Managing Principal

ATTACHMENT 1
FIGURE

Exhibit D



Comparison of Building Footprints
San Julio Road
Solana Beach, California

BUSBY Biological Services

FIGURE
1

ATTACHMENT 2
SITE PHOTOGRAPHS

Exhibit D

Photo 1: Taken from northernmost point of property, looking southwest, showing northwestern boundary an adjacent habitat. Shows Brazilian peppertree, Pampas grass, and acacia that could be target species for habitat enhancement.

Photo 2: Taken from western property boundary, looking west. Shows Pampas grass and acacia (also shown in Figure 1), which could be target species for habitat enhancement. Also shows no ESHA buffer on adjacent property.

Photo 3: Taken from southwestern property boundary, looking southwest. Shows Pampas grass at bottom of steep slope that could be target species for habitat enhancement.

Photo 4: Taken from the southern portion of the property, looking southeast. Shows iceplant and other ornamental species that could be target species for habitat enhancement. Also shows no ESHA buffer on adjacent property.

Exhibit D

Subject:	Request for Waiver for Environmental Concerns
From:	jpszekeres@stanfordalumni.org (jpszekeres@stanfordalumni.org)
To:	gsinkoff@gmail.com; gordon.p.sinkoff@mssb.com;
Cc:	karpdavid79@gmail.com; gbradshaw541@gmail.com; dglittle@littleandsons.com;
Bcc:	jpszekeres@stanfordalumni.org; amyc21@yahoo.com;
Date:	Thursday, August 25, 2016 9:11 PM

Dear Gordon,
I am writing to you in your capacity as President of the Board of the HOA. As you are aware from the permit pending sign on my lot, I am in process with a California Coastal Commission (CCC) Permission permit.

The CCC has been made aware of my approval from the City of Solana Beach as well as the Architectural Committee's approval of my project. I have also shared the Architectural Committee's approval letter inclusive of the conditions of approval.

The CCC has pointed out that the CCRs of our HOA would allow the Architectural Committee to waive architectural standards/conditions for various reasons including any form of "environmental concern." A waiver to those standards would then allow me to develop alternative home designs which are being requested by the CCC to complete my application.

Therefore, I would like to formally request that the Architectural Committee or a designee (Little & Sons) convene to review whether there are or are not environmental concerns related to my project.

Attached is the Biological Resources Report of Helix Environmental Planning that the City of Solana Beach commissioned on my lot in November 2015. This report from Helix was a requirement before the City of Solana Beach could grant its approval on May 25, 2016. In addition, Helix has provided further feedback to the City of Solana Beach (also attached) in the email dated August 19, 2016. Finally, all land use policies referenced in the Helix report are readily available at the City of Solana Beach website. All such documents may be helpful in your review.

I look forward to your prompt review of this matter.

Regards,

Jeff Szekeres
Lot #7 San Julio Rd project

Attachments

- BioRpt_SanJulioRd_11-23-15_FINAL.pdf (4.44MB)
- Helix 8-19-2016 Review.pdf (1.03MB)

Exhibit E

Subject:	RE: San Julio - Retention Basin Follow Up
From:	Brian Ardolino (bardolino@plsaengineering.com)
To:	jpszekeres@stanfordalumni.org;
Date:	Monday, August 22, 2016 8:20 AM

Hi Jeff,

Our storm water design for your project meets the requirements of the City of Solana Beach Drainage Policies and also the State of California Regional Water Quality Control Board, San Diego Region, NPDES Permit. The City of Solana Beach requires us to detain the increase in runoff as a result of the proposed development from a 50-year storm event. The City also requires us to store the detained runoff above ground and they strongly discourage any diversion of storm water flows. These criteria are based on the County of San Diego Hydrology Manual. The Regional Storm Water Permit requires us to treat runoff from the proposed development using bio-filtration, which will require your builders to bring in a significant amount of solid materials, including various soils, mulch, and planting for this filtration.

As it relates to your plan, the City's storm water detention criteria govern the proposed treatment / detention basin. Our firm must consider these criteria in the context of the unique aspects of your site, which include the existing topography and steep slopes on your lot that create a cross lot drainage condition. In our professional opinion, your project and the neighboring lands and properties are best served by a basin with a 1,100 cubic feet of storm water detention volume. This design provides an appropriate factor of engineering safety due to the aforementioned site conditions.

It is also worth mentioning that your detention basin must be located at the lowest, allowable portion of your graded lot, which is in the rear yard adjacent to the existing slope. Locating the basin anywhere else on site could cause local drainage issues, which would affect the proposed structure. In addition, by placing the basin at the lowest, allowable part of the lot, your design results in the least disturbance to the diversion of storm water flows. These flows are important because they naturally irrigate the plants on the descending slope beyond your property line. Finally, the retention basin is designed to detain and collect large amounts of water from across your entire site, and planting is required to achieve the required bio-filtration properties. As you have in your current plans, we would recommend a simple ornamental grass or turf that can handle the moderate water amounts that collect in retention basins.

Please let me know if you have any questions.

Exhibit E

Thanks,

Brian Ardolino, PE, QSD | Associate Principal

PASCO LARET SUITER & ASSOCIATES

ph 858.259.8212| fx 858.259.4812

535 N Highway 101 Ste A Solana Beach, CA 92075 | www.plsaengineering.com

---

From: jpszekeres@stanfordalumni.org [mailto:jpszekeres@stanfordalumni.org]
Sent: Monday, August 01, 2016 5:25 PM
To: Brian Ardolino <bardolino@plsaengineering.com>
Subject: Re: San Julio - Retention Basin Follow Up

Hi Brian,

Would you have an update for me on how to most effectively respond to the two questions below?

Regards,

Jeff Szekeres

From: "jpszekeres@stanfordalumni.org" <jpszekeres@stanfordalumni.org>
To: Brian Ardolino <bardolino@plsaengineering.com>
Sent: Friday, July 29, 2016 9:46 AM
Subject: Fw: San Julio - Retention Basin Follow Up

Exhibit E

I will give you a call because you may be best equipped to help me answer these two questions.

----- Forwarded Message -----
From: "jpszekeres@stanfordalumni.org" <jpszekeres@stanfordalumni.org>
To: "Schlembach, Lisa@Coastal" <Lisa.Schlembach@coastal.ca.gov>; Gary Cohn <gary@cohn-arch.com>
Sent: Friday, July 29, 2016 9:45 AM
Subject: Re: San Julio - Retention Basin Follow Up

Thanks Lisa,

We will work to answer your questions ASAP.

The point I was making yesterday was NOT that grass is required in or on a retention basin. Sorry for the misunderstanding.

The point is that the creation of a retention basin to detain and treat water requires significant grading and bringing in of significant amounts of solid material and different soil types which you have told me are not allowed in an ESHA buffer. This dawned on me after our discussion about pea gravel and dirt that the parties to need to recognize the implications of what it takes to handle the water runoff on the site with these retention basins.

Whether the retention basin has turf, synthetic grass or nothing on top does not matter, but the newly imported solid materials does not matter for the purposes of my question.

Hope that helps

Jeff

From: "Schlembach, Lisa@Coastal" <Lisa.Schlembach@coastal.ca.gov>
To: Gary Cohn <gary@cohn-arch.com>; "jpszekeres@stanfordalumni.org" <jpszekeres@stanfordalumni.org>
Sent: Friday, July 29, 2016 9:34 AM
Subject: RE: San Julio - Retention Basin Follow Up

Good Morning Jeff,

I agree that the plans indicate a proposed retention/detention basin within the 50 ft. ESHA buffer. Based on the conversation we had yesterday, it seemed like you were implying that turf/synthetic grass is required to be planted in the retention basin. I am not aware of any such requirements.

Exhibit E

Though the notes on the plan contain considerable detail, they do not address retention/detention basin requirements. Mr. Cohn, can you please clarify:

1. What state agency or local government is requiring the retention/detention basin?
2. What exactly is required? (Size, planting material, etc.) Please be as specific as possible when citing these requirements.

If you have had any correspondence with state or local governments, I would appreciate it if you could share that with me as well. I am in the process of gathering information about Mr. Szekeres' lot, so any and all information you can share with me will be extremely helpful.

Thank you!

Lisa Schlembach
Coastal Program Analyst
California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108
(619) 767-2370
www.coastal.ca.gov

Every Californian should conserve water. Find out how at:

SaveOurWater.com · Drought.CA.gov

From: jpszekeres@stanfordalumni.org [mailto:jpszekeres@stanfordalumni.org]
Sent: Thursday, July 28, 2016 4:21 PM
To: Schlembach, Lisa@Coastal
Subject: San Julio - Retention Basin Follow Up

Lisa,
Per your request a few minutes ago, Gary Cohn advises me a grading plan was submitted to CCC as part of my initial application. It would have the logo Pasco on it, which is the civil engineering firm. It has considerable details about the retention basin requirements needed on this lot to prevent water running off the graded pad and downward into the ESHA. I have been advised this is a state requirement, not a COSB matter.

Exhibit E

As I said over the phone, the creation of a retention basin requires material movement of earth / grading and bringing in of two types of soils used for purposes of retention basins.

This was all submitted in person several weeks ago, so I don't have an email copy having been sent to you directly. Clearly, I can find a way to get you another copy if needed.

I apologize if I did not communicate this more clearly earlier, but this is just another one of the constraints we have on the lot. The current design's turf area serves as both retention basin (state requirement) and fire break (Fire Marshall) while also sitting within the 50 foot ESHA setback.

I would appreciate talking with you about this when you free up.

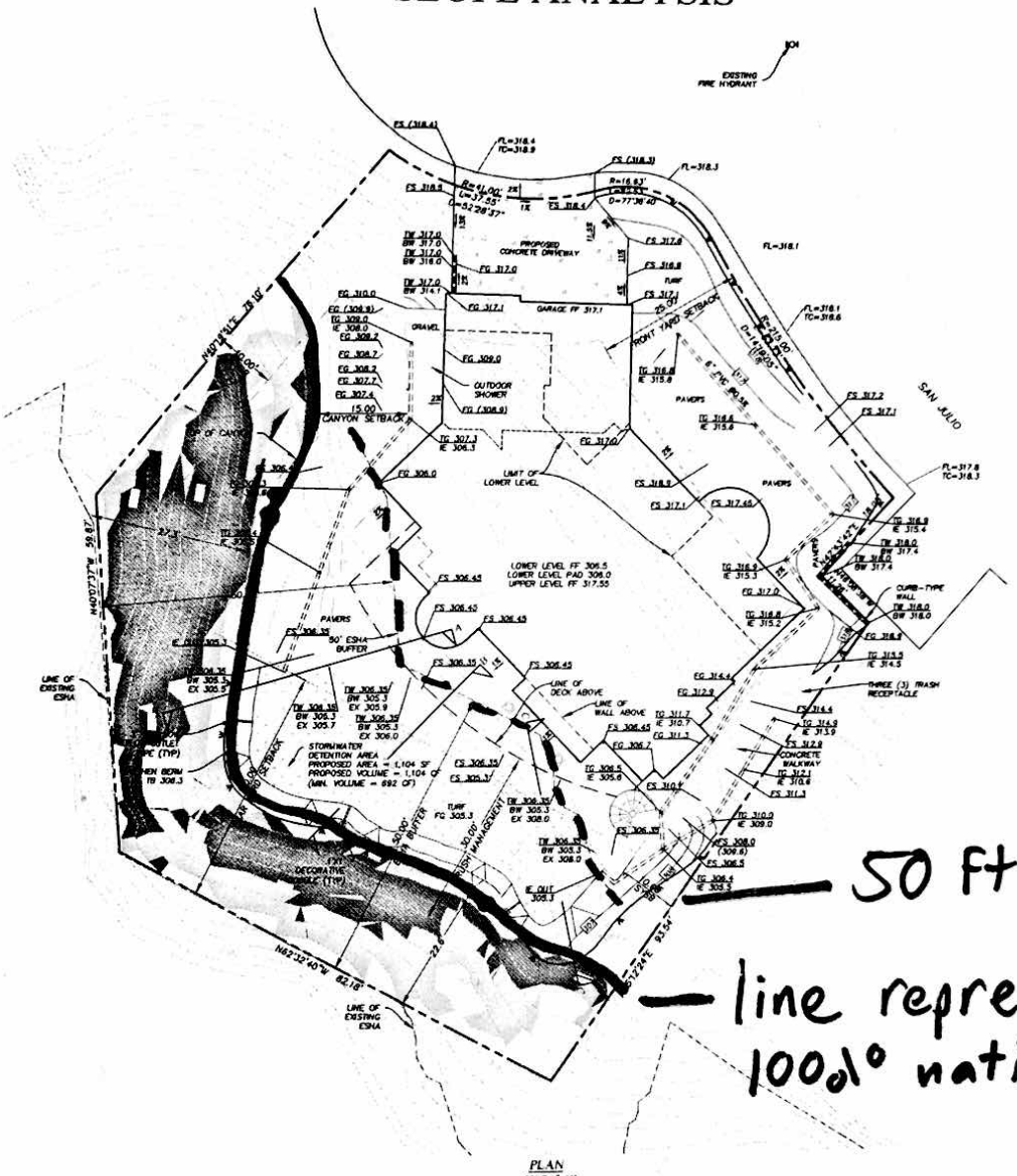
Regards,
Jeff Szekeres

Attachments

- image001.jpg (3.05KB)
- image002.jpg (6.38KB)

SLOPE ANALYSIS

Exhibit F



PLAN
SCALE 1"=10'

10 5 0 10 20 30
GRAPHIC SCALE IN FEET

25-40% ↑

LEGEND

ITEM DESCRIPTION	SYMBOL
PROPERTY LINE	
ADJACENT PROPERTY LINE	
PROPOSED SETBACKS	
EXISTING NATURAL SLOPE BETWEEN 25%-40% (1,087 SF)	
EXISTING NATURAL SLOPE OVER 40% (1,676 SF)	

↓ >40% grade

50 ft from mapped ESHA

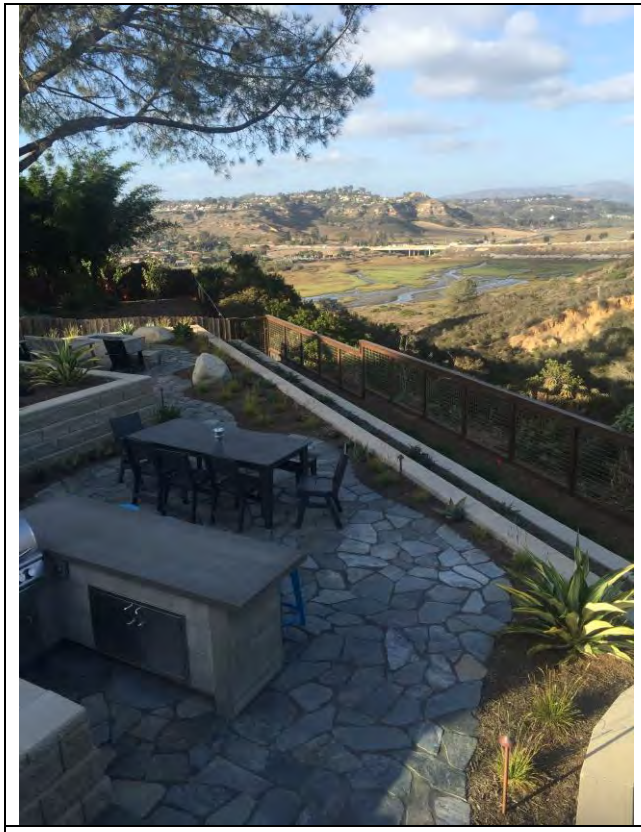
line represents end of 100% native vegetation

REGISTERED PROFESSIONAL ENGINEER — No. 71651 Exp. 12/31/17 — CIVIL — STATE OF CALIFORNIA

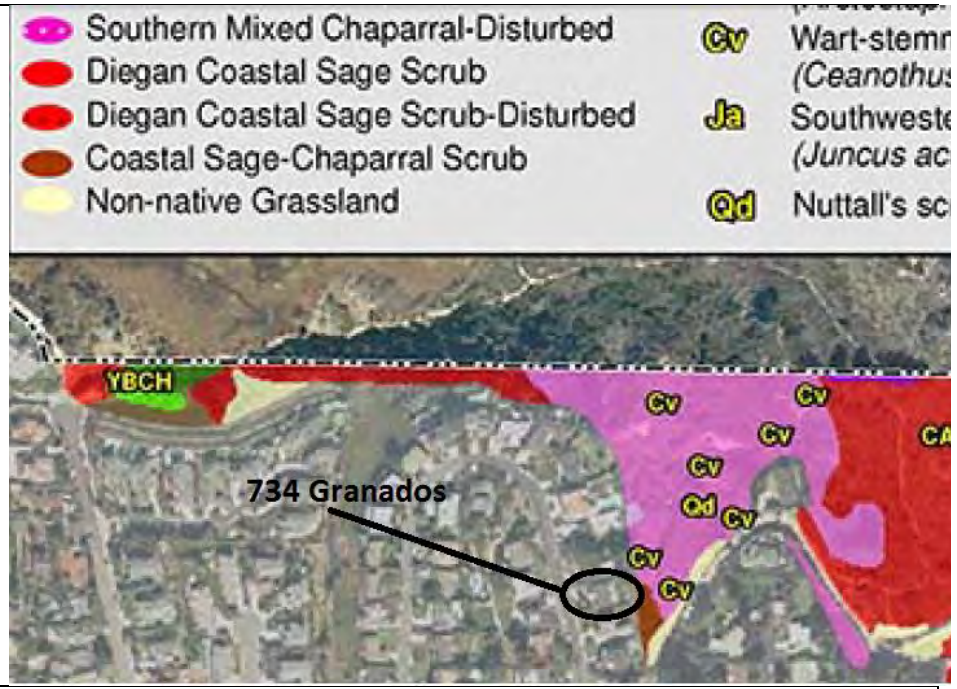
PASCO LARET SUITER & ASSOCIATES
CIVIL ENGINEERING • LAND PLANNING • LAND SURVEYING
250 North Highway 101, Ste A, Solana Beach, CA 92075
ph 858.259.8212 | fx 858.259.4812 | plsengineering.com

COASTAL COMMISSION PERMIT NO.

SANTA FE IRRIGATION DISTRICT	ENGINEER OF WORK	CITY APPROVED CHANGES	APPD	DATE	RECOMMENDED FOR APPROVAL	APPROVED FOR CONSTRUCTION	BENCH MARK	CITY OF SOLANA BEACH	DRAWING NO.
	VEY Drawn By				By	By	SURVEY CONTROL POINT "SOLB-04", BEING A WELL MONUMENT IN THE CENTER OF A OAK-DE-SAC ON SAN JULIO ROAD.	PRELIMINARY GRADING PLAN FOR: SAN JULIO ROAD	SHEET 1 OF 1
District Representative Date	By BRIAN ABOLINO Date				Review Engineer Date	City Engineer R.C.E. Date Exp	ELEV: 312.98' DATUM: NGVD29		PLN 2282
	R.C.E. 71651 Exp 12/31/17								

	
Rearyard consisting of retaining walls, pavers, BBQ, fire pit with no dedicated area for native vegetation only in an ESHA buffer	**Closer to home, rearyard contains synthetic turf and pavers. The entire rearyard contains "development" as defined by the Coastal Act.**

The 734 Granados was approved with multiple elements of "development" as defined by the Coastal Act within feet of the ESHA. No requirement of native vegetation without development was imposed on this site.



The 734 Granados new home construction abuts ESHA as designated in Exhibit 3-1 of the COSB LUP. The ESHA comprises Southern Mixed Chaparral and Diegan Coastal Sage Scrub in Holmwood Canyon. Holmwood Canyon is contiguous to the ESHA of the San Elijo Lagoon, Solana Beach's largest continuous acreage of ESHA and gateway to the Pacific Ocean.

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

November 4, 2016

Jon Corn
Axelson & Corn
160 Chesterfield Drive, Suite 201
Encinitas, CA 92007

Re: Coastal Development Permit Application #6-16-0500 Szekeres

Dear Mr. Corn:

Thank you for your October 6, 2016 submittal in response to the non-filing dated August 23, 2016. We appreciate that the recently submitted information responds to several of the items which staff has been requesting. However, the required input from the California Department of Fish and Wildlife, and the required alternatives analysis, was not included. As this is the fourth request for this information, I would like to briefly re-emphasize why this information is required, and offer to assist you and your client in obtaining the information where possible.

1. A letter from the California Department of Fish and Wildlife indicating approval or opposition to the proposed 50 foot buffer from environmentally sensitive habitat area for the subject project.

This information is required because the project is proposing a setback that is smaller than what is typically required by the Commission to protect and preserve ESHA, and the input from the resource managers at CDFW on the size of the buffer will help ensure the project will prevent impacts which would significantly degrade ESHA. In Exhibit A of your most recent submittal, Mr. Chopyk, Community Development Director at the City of Solana Beach, stated that the California Department of Fish and Wildlife (CDFW) concurs that the project, as proposed, will not impact ESHA. We appreciate Mr. Chopyk's involvement in coordinating communication with CDFW. For the record, however, we need to see whatever documentation, emails, or other correspondence from CDFW indicating their concurrence with the proposed project. If you would provide the name and phone number of your contact at CDFW, staff would be happy to speak with CDFW staff directly as well.

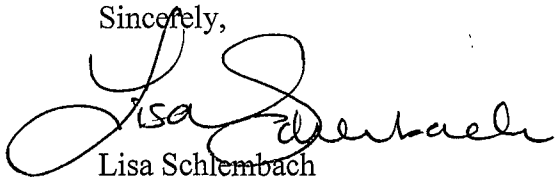
2. An alternatives analysis to the proposed project design including the option of construction of a smaller home set farther back from the ESHA or other ways to protect the habitat.

Commission staff is well aware from the previously submitted correspondence and from discussions with the applicant that the applicant does not wish to revise the project to propose a smaller home and the HOA's lack of support for a smaller home. Staff is not requesting that the applicant revise the project at this time. The required alternatives analysis is necessary for staff and the Commission to be able to evaluate how a revised project design could potentially reduce disruption to ESHA, and to ensure the project is compatible with the continuance of the adjacent habitat areas. This evaluation must be

made independent of the preferred design of the applicant or the HOA. These objections are not sufficient to determine that there are no feasible alternatives to the proposed project that would reduce or eliminate impacts on sensitive habitat. In the absence of an alternatives analysis that looks at revised home designs, staff may be in the position of having to recommend denial of the project due to a lack of information. At this point, staff believes that there probably is a project that can be approved on the site consistent with the resource protection policies of the Coastal Act and the certified LUP, albeit not necessarily identical to the proposed design. Thus, a recommendation of denial would not be the preferred route forward. Therefore, we again request that you provide staff with an alternatives analysis that looks at options including a smaller home size, reduced yard setbacks, or other designs for the project that increase the distance between the proposed development and the sensitive habitat on the site.

If you have any questions or would like further clarification, please do not hesitate to contact me.

Sincerely,



Lisa Schlembach
Coastal Program Analyst

(G:\San Diego\Digital Permit Files\2016\6-16-0500 Szekers, San Julio\Non-Filing 4\6-16-0500 Non-Filing Letter 4.docx)

AXELSON & CORN
ATTORNEYS AT LAW

160 CHESTERFIELD DRIVE
SUITE 201
ENCINITAS, CALIFORNIA 92007

TEL 760-944-9006
FAX 760-454-1886
www.axelsoncorn.com

November 21, 2016

Lisa Schlembach, Coastal Program Analyst
California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4421

Re: Szekeres Family Home, CDP Application #6-16-0500
Lot 7 – Solana Hills Estates
Response to CCC Letter Dated November 4, 2016

Dear Ms. Schlembach:

We write to respond to your letter dated November 4th, 2016 and subsequent emails from Diana Lilly and yourself on November 14, November 15, and November 18. Upon receipt of this letter and exhibits, we request that you deem CDP Application No. 6-16-0500 filed regardless of whether you believe that additional alternatives, beyond the 12 enclosed herein, are possible, which I discussed with Diana Lilly on November 4th. More importantly, we also request that you place this matter on the Coastal Commission's agenda, with a Staff recommendation of approval as proposed, at the soonest possible time. The location of the meeting is not important to the Szekeres.

The project as proposed meets all Coastal Act criteria and is entitled to a recommendation of approval. As concluded by two independent biologists who have physically been to the lot to evaluate the site and adjacent ESHA, one hired by the City and one hired by the HOA, the proposed project will not disrupt or degrade the nearby isolated, non-wetlands, non-riparian ESHA. The City's and the HOA's biologists even concluded that the project would be an improvement over existing conditions on this already developed lot.

We believe this letter and its attachments are sufficiently detailed and thorough to allow you to bring this matter forward as requested. If you require any clarification or remain unsupportive of this application, we again request to meet with you and Diana Lilly in person as soon as possible.

This project is very important to my clients and their family, and they would very much like to obtain a CDP in the shortest possible timeframe. This project is similar to every other home that the Coastal Commission has approved in this neighborhood, and shows sensitivity to the environment far beyond what the Commission approved for the neighboring homes, and other ESHA-adjacent homes in Solana Beach, most notably 734 Granados. The home on Granados recently received an Administrative CDP from the Commission and allowed development immediately adjacent to ESHA (i.e. San Elijo lagoon wetlands), and required no native vegetation buffer.

For our part, we now provide the information you requested as described below.

CCC Request No. 1
A letter from the CDFW indicating approval or opposition to the proposed 50 foot buffer from environmentally sensitive habitat area for the subject project.

Response to Request No. 1
Per your email exchange with Jeff Szekeres today, this will confirm your discussion with Marilyn Fluharty, CDFW Senior Environmental Scientist, Supervisor, wherein she informed you that CDFW does not have jurisdiction or authority to determine or enforce City policy and that buffer size restrictions are ultimately decided by the City.

On November 18, Jeff Szekeres met with Marilyn Fluharty to discuss the CCC's request. At the meeting, Marilyn also made clear that CDFW does not have jurisdiction or authority to enforce City policy and that the City is the agency that decides buffer size and composition for projects such as this. At that meeting, Jeff also learned that you had begun a dialogue with CDFW regarding this project without our advance knowledge or consent. Subsequently, we learned from your November 18 email that you are sending some limited materials to CDFW. By this letter, we request that you provide my office with copies of the documents and emails that you have exchanged with CDFW, and that you copy us going forward with any future exchanges and emails.

CCC Request No. 2
An Alternatives Analysis to the proposed project design including the option of construction of a smaller home set farther back from the ESHA or other ways to protect the habitat.

Response to Request No. 2
Since you deemed the previously submitted alternatives analysis incomplete, please see the attached exhibits which provide 12 project alternatives. For ease of reference we also included a table that summarizes the 12 alternatives (**Exhibit C**). Each alternative has a short description, average distance from the ESHA, estimated gross living square footage, various institutional requirements, a livability perspective from the Szekeres family,[1] and estimated incremental costs to abandon the current proposal for each of the alternative proposals. We did our best to present feasible alternatives, but given the site's physical constraints, setbacks, storm water requirements, height limits, the City's view ordinance that essentially creates view easements across the property, and the HOA's requirements, this is very difficult. As stated in previous correspondence, we believe the proposed home is the minimum home that can meet the criteria of all stakeholders that have a say in this approval. It is far smaller and better positioned than the home that the Coastal Commission envisioned for this site under the 1988 CDP (**Exhibit M**), which led to the development of the existing building pads, irrigation, and other development on the existing lot.

In addition to the 12 alternatives summarized in Exhibit C, we also propose what we termed "Alternative X." Alternative X, which is mostly born from frustration, is a potential home design to be finalized with a southwestern boundary to the building at a certain average distance from the ESHA boundary. The placement of the southwestern face of the building would be based on guidance from Coastal staff, as supported by specific precedents directly comparable to the Szekeres' lot situation and with due regard for the physical constraints of this site and the requirements of the other institutions. To be feasible, this alternative would need to retain the following:

---

[1] In addition to Amy and Jeff Szekeres, the home will also accommodate three children Jackson (7), Grant (5) and Madison (2) and 1 grandparent.

1. Front yard setback variance as approved by COSB in May 2016 and further reinforced in the COSB's email of June 28, 2016 which was provided to you in the October 5, 2016 letter;
2. 30' fire break required by Fire Marshall in her letter dated September 21, 2016;
3. Current side walls must not move further into the ocean view corridor of the four neighbors affected by my project (i.e. COSB View Assessment denial);
4. Bio retention/detention basin must remain in its current location at lowest part of the graded pad per governmental requirements (See August 22, 2016 email from civil engineer Brian Ardolino);
5. No alternative home design can be higher than 17' from existing grade per previous View Assessment restrictions in place (see COSB public hearing online);
6. Per the request of Coastal staff, the HOA requirements would not be a constraint in finishing this alternative analysis.

Since June 2016, the applicant has repeatedly asked Coastal staff what ESHA buffer size it would deem appropriate under the Coastal Act for this site. However, Coastal staff has not provided the requested guidance, it has not directed us to any relevant CCC precedents, and Coastal staff has not explained to us why the precedents that we provided (including 734 Granados and the recent Goleta decision which both allowed development far closer to wetlands and riparian ESHA than this project does for non-wetland, isolated ESHA) are not applicable to the decision at hand.

Since the November 10 meeting between Jeff, Amy, Diana Lilly, and you, my client has asked Coastal staff via emails on November 11, 14, 15, and 18 for the relevant precedents Coastal staff has considered for the basis of their continued lack of support for the current home design. My client's last emails on November 15 and 18 reduced the request to a "yes-or-no" question because my client was willing to delay his letter response to review and discuss specific, relevant precedents from Coastal staff which might narrow down designs from an infinite possibility of designs one could build. As of this writing, we have not received a response to these requests, or this "yes or no" question.

My client has neither the time nor money to pursue an infinite number of alternative designs in the hopes that you will find one that Coastal staff would support. However, my client is prepared to consider an Alternative X once Coastal staff provides the requested guidance supported by specific data and relevant precedents. My client would expect specific, relevant precedents to have comparability in the following respects:

1. Lot was previously graded and developed (i.e. vested rights)
2. Lot is part of a multi-parcel, condo/HOA development with existing CDP approval
3. Lot is subject to the Coastal Act (applicable law) but any other city policies are only "guidelines"
4. Lot has substantial > 25% slopes (i.e. topography affects buffer requirements)
5. Lot has bio retention/detention basin governmental requirements
6. Lot is subject to a "no native vegetation" fire break

734 Granados

As detailed in our October 5th letter, the Szekeres' lot was previously developed and enjoys vested rights. In 1988, as authorized by CDP 6-88-514, along with grading and building permits from the City, the original developer of San Julio Estates undertook substantial work and spent substantial sums in furtherance of the approved PRD. The developer's work included substantial grading on Lot 7, where he created the current three building pads, installed a driveway curb/parking area, and also installed turf and an irrigation system throughout the site including sprinklers directly adjacent to the ESHA boundary.

This work was undertaken to accommodate the future large home (5,494 sq. ft. gross living area) and swimming pool immediately adjacent to the ESHA that was depicted in CDP 6-88-514.

Similarly, 734 Granados held vested rights for many years before a new home was constructed from a dirt lot (**Exhibit N** – April 2015).

A summary comparison of Lot 7 and 734 Granados follows:

Characteristic	734 Granados Avenue	Lot 7 – Szekeres
Distance from Home to ESHA	55'	57'10"
"Development" in Rear yard	Development exists throughout entire rear yard, including directly adjacent to ESHA	Development excluded from 20' adjacent to ESHA
Native Vegetation Buffer	No designated swath of native vegetation adjacent to ESHA	Continuous 20' swath of native vegetation adjacent to ESHA
Grading and Development Prior to Construction	Previous grading and development including home and landscaping/irrigation	Previous grading and development including 3 building pads, irrigation systems, landscaping, parking, driveway curb
Adjacent ESHA	Large, contiguous, wetland ESHA of the San Elijo Lagoon	Isolated, non-wetland, non-riparian, disturbed
Adjacent Homes	Existing homes and streets on 3 sides	Existing homes and streets on 3 sides

HOA

Simultaneous with your receipt of this letter, the Szekeres' have submitted the alternative analysis herein to the HOA for its review.

For all the reasons stated in this letter and its attachments, we respectfully ask that you move this application forward and place it on the Commission's agenda with a positive Staff recommendation. Time is of the essence, so we also request that this matter be expedited. If you have any questions or you would like to discuss this application, including the possibility of reasonable mitigation considering the significant constraints of the site, Jeff and I would like to meet with you and Diana Lilly as soon as possible.

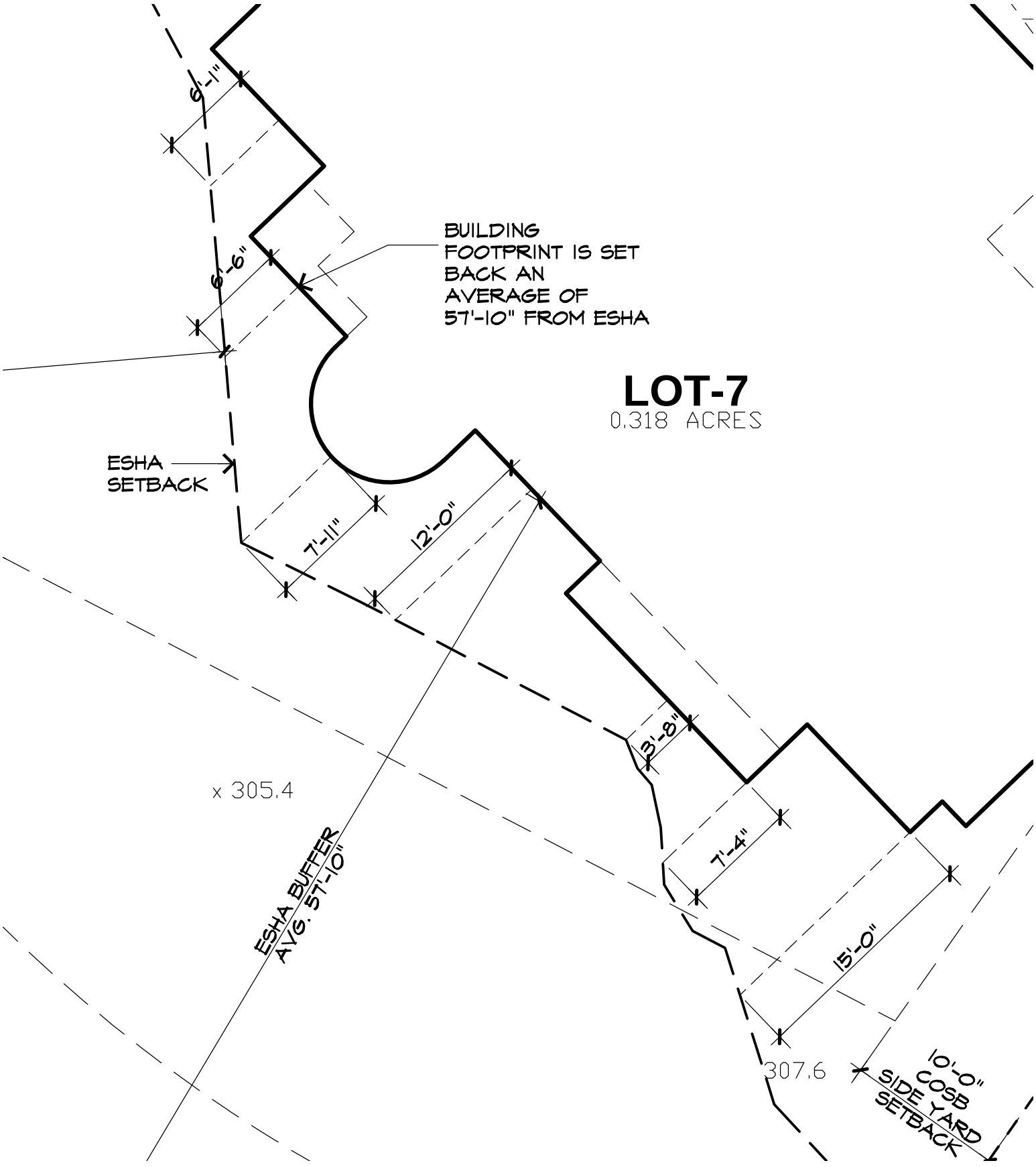
Sincerely yours,

AXELSON & CORN, P.C.

Jon Corn

cc: Jeff Szekeres
Amy Szekeres
Gary Cohn

EXHIBIT B



EXISTING DESIGN - AVERAGE BUFFER SETBACK

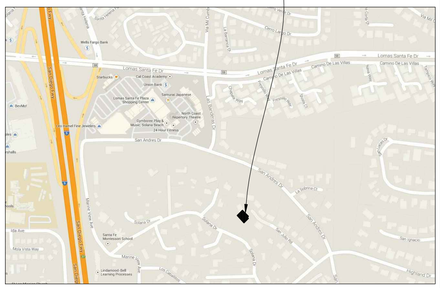
Exhibit C

	Oct 2015 (original) Plan	Current Proposal	Max out Without Breaching Setbacks	3 Story Home	Closer to Street	Meet all Govt Restricitons	Oct 5th Alternative (1 garage)	Encroach Side Setbacks	100% Vegetative Bakcyard	1988 CDP Approved Design	Alternative X	Off-site Mitigation	No Project
Exhibit	D	E	F	G	H	I	J	K	L	M	X	N/A	N/A
Description	Meets HOA standards and used City's 40'+ rear setback	Meets HOA standards and use 50'+ ft rear setback	Reduces home size by 250 ft, and uses N and S unused space	Reduces building footprint by adding third story	Current Proposal moved futher into frontyard	Designed to meet City, Fire, Engineering but not HOA	Alternative submitted on October 5th	Meets HOA size and breaches into side setbacks	Current proposal with 100% native vegetation rearyard	Proposed home design from 1988 CDP Approval (6-88-514)	Exhibit E with SW side established per specific, relevant precedent	Current proposal + ~2,800 sq ft mitigation bank	Payment to Szekeres of fair market value
Avg Distance (ft) from ESHA	47'10"	57'10"	61'3"	65'10"	62'10"	81'6	82'6"	63'10"	57'10"	55'-60'	Unknown	57'10"	N/A
Gross Living Area (sq ft)	5,141	5,141	4,891	~5,100	~5,100	2,176	1,905	~5,100	~5,100	5,494	Unknown	~5,100	N/A
Meet's COSB Requirements	Yes	Yes	Yes	No	No	Yes	No	No	Yes	Not likely	Yes	Yes	Yes
Meets Fire Marshall Requirements	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes
Meets Retention Basin Requirements	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes
Meets HOA Requirements	Yes	Yes	Not likely	Not likely	Not likely	Not likely	Not likely	Not likely	Not likely	Not likely	Unknown	Yes	Yes
Passes COSB View Assessment	Yes	Yes	Not likely	Not likely	Not likely	Yes	Yes	Not likely	Yes	Not likely	Yes	Yes	Yes
Livable for Szekeres Family	Yes	Yes	Yes	Yes	Yes	No	No	Yes	No	Yes	Unknown	Yes	No
Incremental Cost to Current Plan	$5K – story poles; $5K - Property Tax - 6 mo delay; $2.5K - COSB fees	$0	$2.5K – story poles; $5K - Prop Tax - 6 mo delay; $10K – vendor redesign; $2.5K - COSB fees	$2.5K – story poles; $5K - Prop Tax - 6 mo delay; $10K – vendor redesign; $2.5K - COSB fees	$2.5K – story poles; $5K - Prop Tax - 6 mo delay; $10K – vendor redesign; $2.5K - COSB fees	$2.5K – story poles; $5K - Prop Tax - 6 mo delay; $10K – vendor redesign; $2.5K - COSB fees	$2.5K – story poles; $5K - Prop Tax - 6 mo delay; $10K – vendor redesign; $2.5K - COSB fees	$2.5K – story poles; $5K - Prop Tax - 6 mo delay; $10K – vendor redesign; $2.5K - COSB fees	$5,000 – Redesign costs with vendors;	$2.5K – story poles; $5K - Prop Tax - 6 mo delay; $10K – vendor redesign; $2.5K - COSB fees	Depends on variation from Current Proposal – Exhibit E	0.064 acres at $15,500/acre = ~$1K	N/A

Exhibit D

PROJECT SITE
UNIT 7
SAN JULIO RD

SOLANA BEACH



NO SCALE

VICINITY MAP

NEW BUILDING AREA

TOTAL BUILDING AREA

LOWER LEVEL:	2,593 S.F.
UPPER LEVEL:	2,549 S.F.
GARAGE	706 S.F.
TOTAL	5,845 S.F.
400 SQ FT GARAGE ALLOWANCE	<400> S.F.
TOTAL	5,445 S.F.

ALLOWED F.A.R.

.6 x	5,000 SF =	3,000 SF
.3 x	8,871 SF =	2,661 SF
TOTAL ALLOWED		5,661 SF

DECKS

UPPER LEVEL	407 S.F.

LOT COVERAGE

PROPOSED LOT COVERAGE=
3,326 SF (3,326/13,871)=24%)

SITE AREA BREAKDOWN:

BUILDING FOOTPRINT	3,326 S.F.
PAVED AREA	
IRRIGATED LANDSCAPE AREA	
WATER FEATURE	
TOTAL LOT AREA	13,871 S.F.

AREA CALCULATIONS

SITE ADDRESS

JEFF AND AMY SZEKERES
13085 SURVEY POINT
SAN DIEGO, CA 92130

A.P.N.

298-371-27-07

LEGAL DESCRIPTION:

REAL PROPERTY IN THE CITY OF SOLANA BEACH, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL 1:

AN UNDIVIDED ONE-TENTHS (1/10THS) APPURTENANT FRACTIONAL INTEREST IN AND TO LOT 1 OF THE CITY OF SOLANA BEACH TRACT NO. 4406, IN THE CITY OF SOLANA BEACH, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEROF NO. 12000, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON JANUARY 27, 1988.

EXEMPTING THEREFROM, THE FOLLOWING:

ALL RESIDENTIAL UNITS SHOWN UPON THE AMENDED CONDOMINIUM PLAN OF SOLANA HILLS ESTATES RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, CALIFORNIA APRIL11, 1990 AS FILE NO. 90-195663.

PARCEL 1A:

RESIDENTIAL UNIT R.U.7, AS SHOWN UPON THE CONDOMINIUM PLAN REFERRED TO ABOVE

ZONE: ER2b

LOT SIZE: 13,871 S.F. (GROSS & NET AREA)

GRADING:

GRADING QUANTITIES	
CUT FOR FOOTINGS	XXX C.Y.
FILL	XXX C.Y.
VOLUME EXPORTED	0 C.Y.

PROJECT DATA

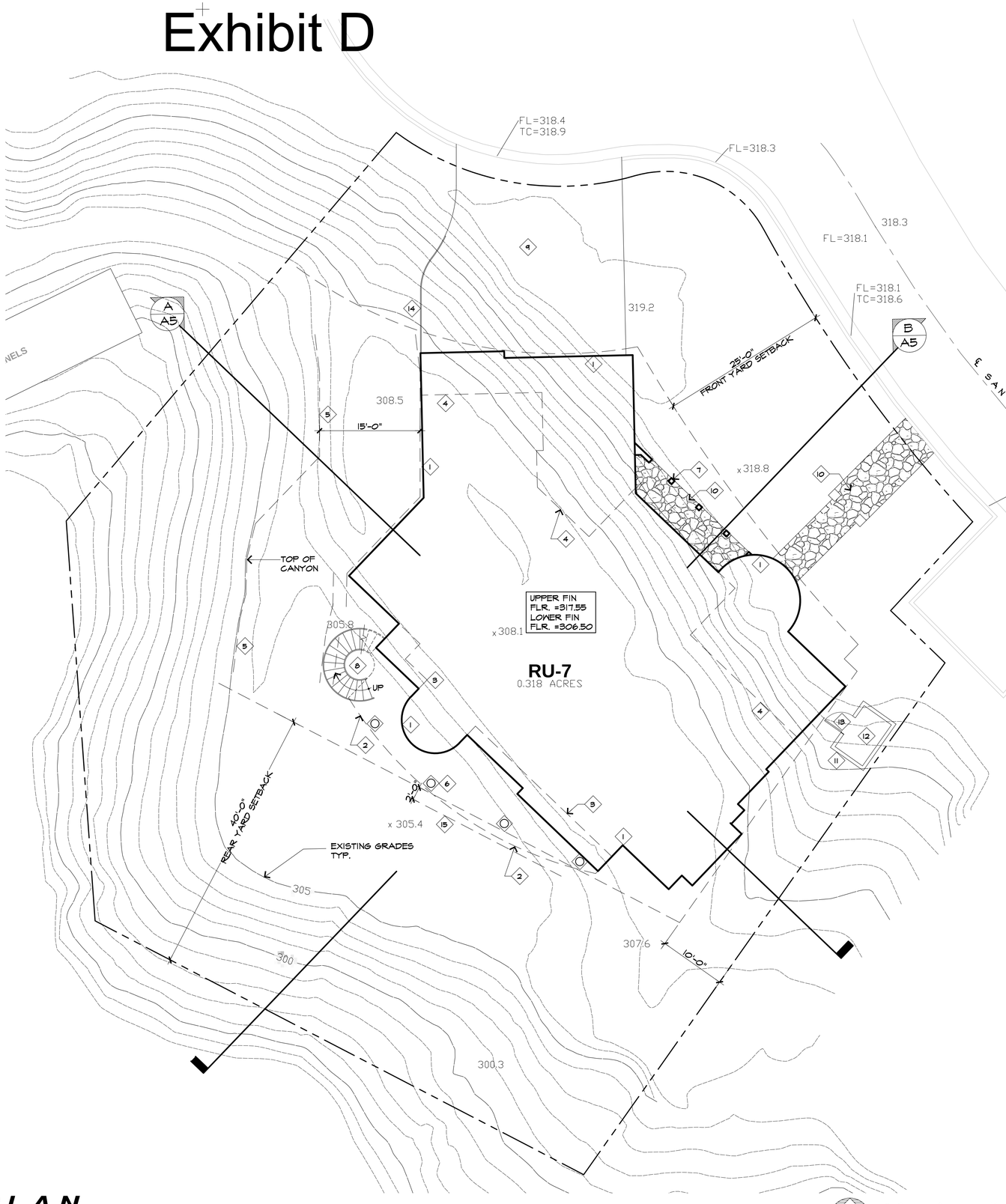
STORM WATER POLLUTION CONTROL BMPs NOTE:
STORM WATER POLLUTION BMPs SHALL BE PROVIDED AS SHOWN & SHALL CONFORM TO CITY ENGINEERING STANDARDS. ALL RUN OFF FROM ROOF & HARDSCAPE AREAS SHALL BE ROUTED TO LANDSCAPE AREA FOR BMP TREATMENT PRIOR TO DISCHARGE FROM PROPERTY.

SEE CIVIL PLANS AS PREPARED BY PASCO LARET SUITER & ASSOCIATES FOR ADDITIONAL GRADING AND DRAINAGE INFORMATION

ALL DIMENSIONS ARE MEASURED FROM THE EXTERIOR WALL SURFACES

SITE PLAN KEY NOTES

1. LINE OF PROPOSED BUILDING FOOTPRINT
2. LINE OF DECK AT SECOND FLOOR ABOVE
3. LINE OF BUILDING WALL AT SECOND FLOOR ABOVE
4. LINE OF FIRST FLOOR/CRAWL SPACE BELOW
5. TOP OF CANYON / START OF 25% SLOPE
6. DECORATIVE COLUMNS TYP.
7. STUCCO WRAPPED PILASTER TYP.
8. NEW WINDING STAIR TO DECK ABOVE
9. NEW CONCRETE DRIVEWAY
10. NEW CONCRETE / STONE PAVED WALKWAYS
11. +48" LOW STUCCO COVERED WALL
12. TRASH ENCLOSURE
13. WOOD GATES +48" HIGH
14. +42" HIGH GUARDRAIL
15. 24" ENCROACHMENT INTO REAR YARD FOR BALCONIES



SITE PLAN

SCALE: 1/8" = 1'-0"

0 2 4 8 16

COHN + ASSOCIATES
ARCHITECTURE PLANNING
512 VIA DE LA VALLE SUITE 208
SOLANA BEACH, CALIFORNIA 92075
858/755-7308 F 858/755-9889

LICENSED ARCHITECT
GARY I. COHN
No. C15560
REN. 4/30/15
STATE OF CALIFORNIA

SZEKERES RESIDENCE

SAN JULIO ROAD SOLANA BEACH, CALIFORNIA

SUBMITTAL DATE	PURPOSE
X.X.15	SDP/DR 1

DATE MODIFIED:	6/2/15
DRAWN BY:	G.C.
JOB NUMBER:	1412
DWG FILE:	SZ_SITE

SHEET A1

Plotted on: Tuesday, June 02, 2015

EXHIBIT E

AVG. DISTANCE FROM ESHA	57'-10" (~20' NATIVE VEGETATION BUFFER)
GROSS LIVING AREA	5,141 SQFT
CITY REQUIREMENTS	YES
FIRE REQUIREMENTS	YES (30' FIRE BREAK WILL HAVE NO NATIVE VEGETATION)
HOA REQUIREMENTS	YES
COSB VIEW ASSESSMENT	YES
ENGINEERING REQUIREMENTS	YES
INCREMENTAL COST	N/A

SITE PLAN

SCALE: 1/8" = 1'-0"

TRUE NORTH

0 2 8 16
4

COHN + ASSOCIATES
ARCHITECTURE PLANNING
512 VIA DE LA VALLE SUITE 208
SOLANA BEACH, CALIFORNIA 92075
858 / 755 - 7308 F 858 / 755 - 9888

LICENSED ARCHITECT
GARY I. COHN
No. C15560
REN. 4/30/17
STATE OF CALIFORNIA

SZEKERES RESIDENCE

525 SAN JULIO ROAD SOLANA BEACH, CALIFORNIA

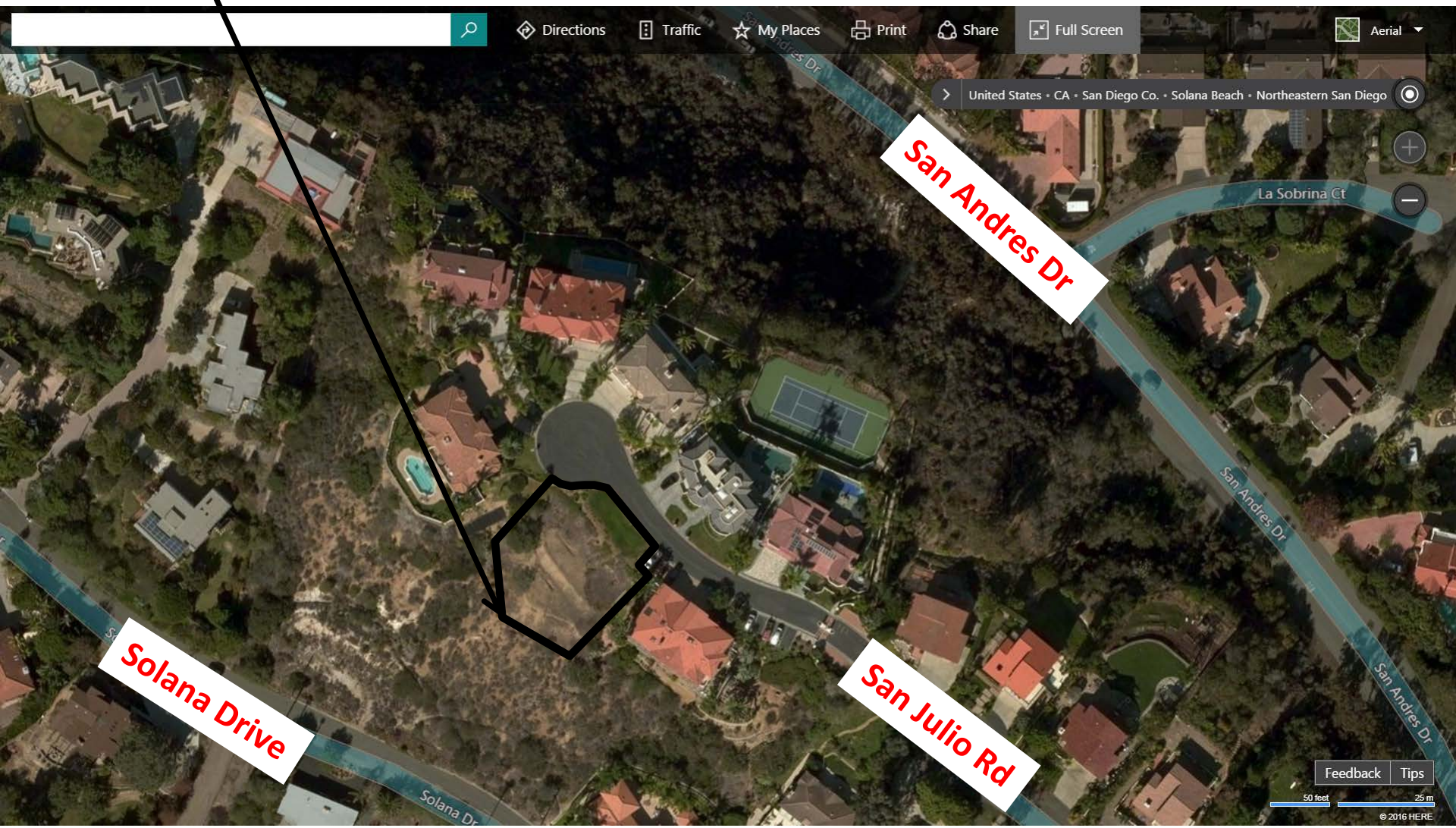
SUBMITTAL DATE	PURPOSE
6/8/15	SDP/DR I
7/29/15	SDP/DR II
2/4/16	SDP/DR III
2/24/16	SDP/DR/VAR IV
3/4/16	SDP/DR/VAR V
4/14/16	SDP/DR/VAR VI
5/24/16	COASTAL SUBM.

DATE MODIFIED:	11/18/16
DRAWN BY:	G.C.
JOB NUMBER:	1412
DWG FILE:	SZ_SITE

SHEET **A1.1**

Plotted on: Friday, November 18, 2016

Exhibit E – Current Lot



Empty, Graded Lot is Last of 8 Lots on San Julio to be Finished with a New Home from a 1988 Multi-parcel Condo Development. Lot Surrounded by Single Family Residences in Urbanized Part of Solana Beach East of Interstate 5 and ~3 Miles from Pacific Ocean

Exhibit E – Current Lot (Zoom)

Hong Kong-based Investor Held Title to Land from 1990's to 2007. Los Angeles- based Investor Held Title from 2007 to August 2014 when the Szekeres Family Purchased the Lot to Build their Dream Home.

Exhibit E – Current Lot (Zoom)

Development Following 1988 CDP:

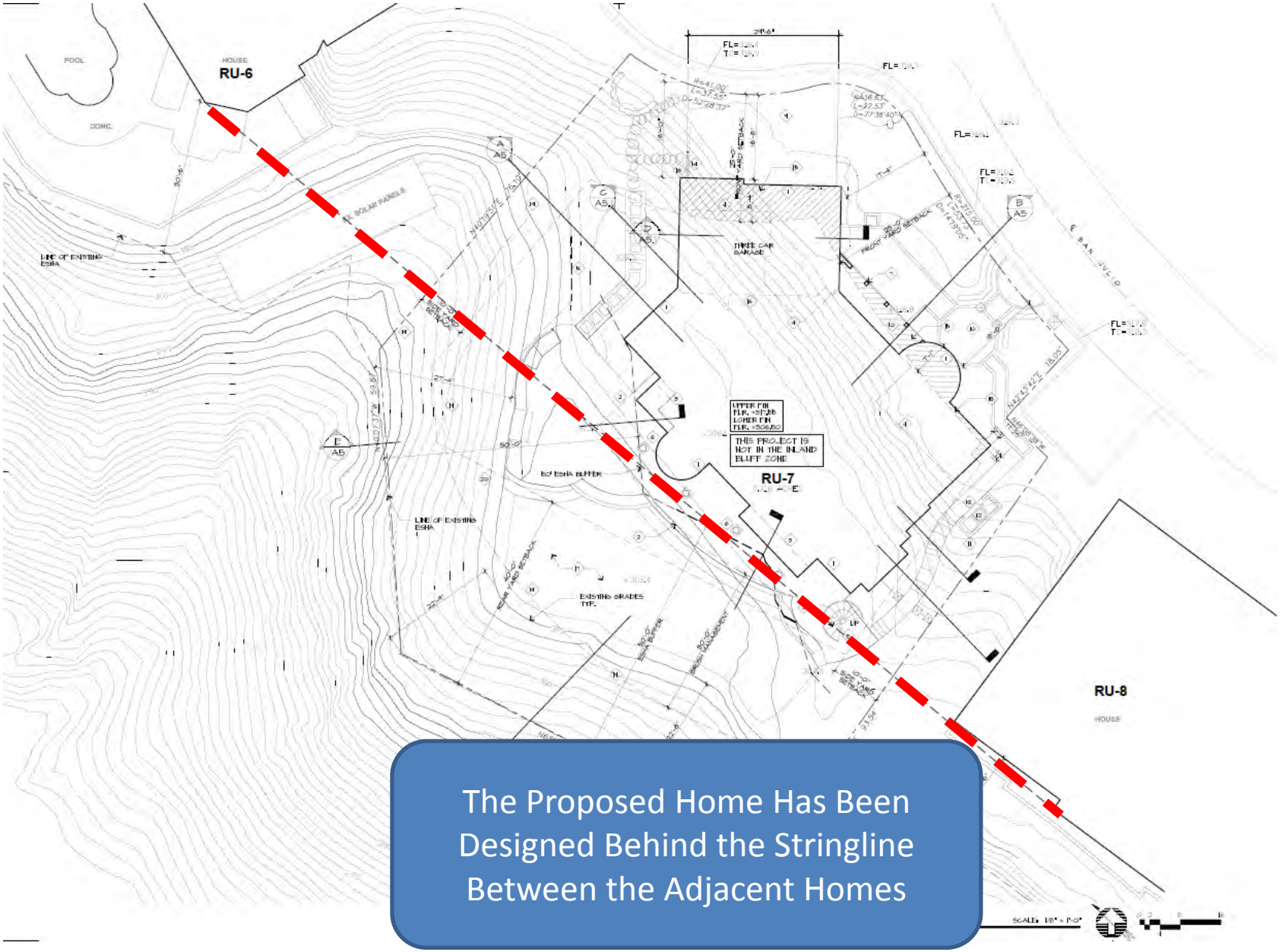
1. Driveway curb / asphalt
2. Turf and ornamentals (includes irrigation)
3. 3 graded, building pads
4. Irrigation system/sprinklers adjacent to ESHA on Barren, Disturbed Habitat
5. Irrigation System Box

Szekeres Lot Was Developed Immediately Subsequent to the 1988 CDP 6-88-514 Approval in Preparation for New Construction. Two Lower Building Pads Have Been Disturbed Habitat with Dirt and Sparse Non-natives for 25+ Years. Water Meter Remains Connected to Enable Irrigation. The Lot Has Vested Rights.

Exhibit E – Key Characteristics of Current Proposal

Following Offline Commentary from the Eric Stevens of the California Coastal Commission dated October 26, 2015, the Szekeres Re-designed the Home to be Further from the ESHA. The Home is now Completely Behind the Stringline and the ESHA is now on Average 57’10” Away from the Building.

Exhibit E - Stringline on Current Proposal's Site Plan



The Proposed Home Has Been Designed Behind the Stringline Between the Adjacent Homes

Exhibit E – Photos

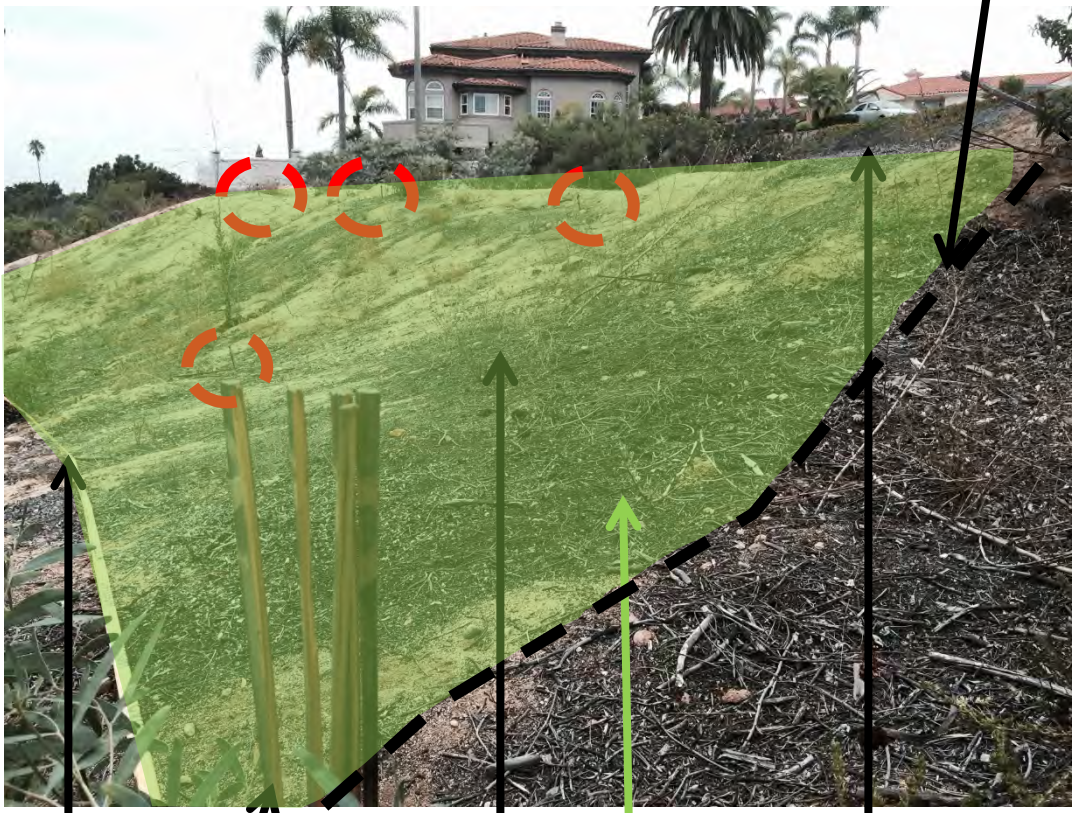
7/2015 Helix Photo of Disturbed Slopeside

Property Boundary on Southwest

Property Line Stake at South Corner

Bare, Disturbed Slopeside on Property

Yellow Tape on Property Boundary Line



Property Boundary on Southeast

Property Line Stake at South Corner

Yellow Tape on Property Boundary Line

Bare, Distrurbed Slopeside on Property

Beginning of Flat Graded Pad

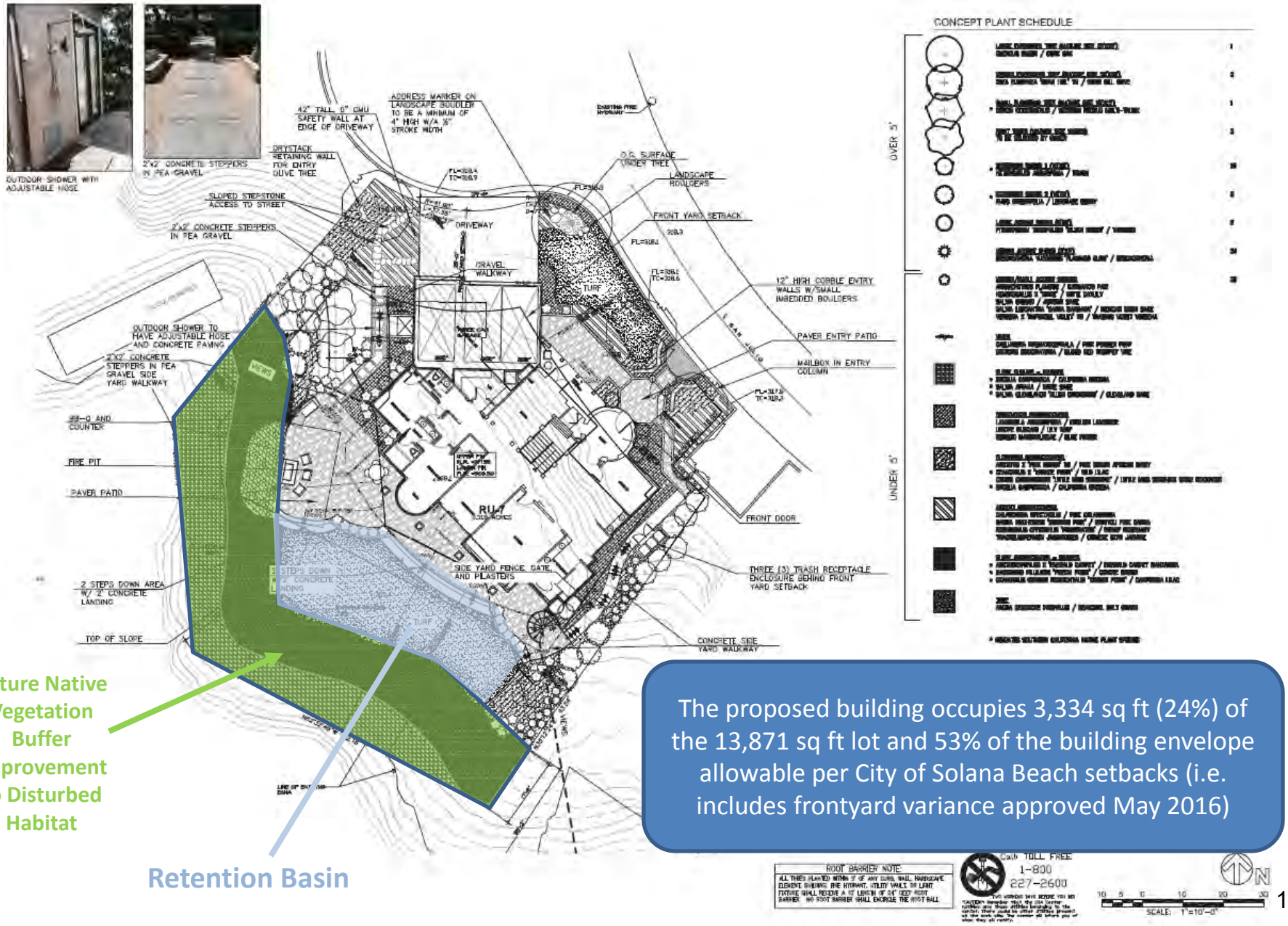
Sprinkler

Current Proposal Will Plant Native Vegetation Throughout Disturbed Habitat Adjacent to ESHA

Exhibit E – Bird's Eye View

Szekeres Project Will Provide Unique Native Vegetation Buffer Not Offered by ANY Other Homes On San Julio Rd or Other Surrounding Residential Development

Exhibit E – Landscaping on Current Proposal

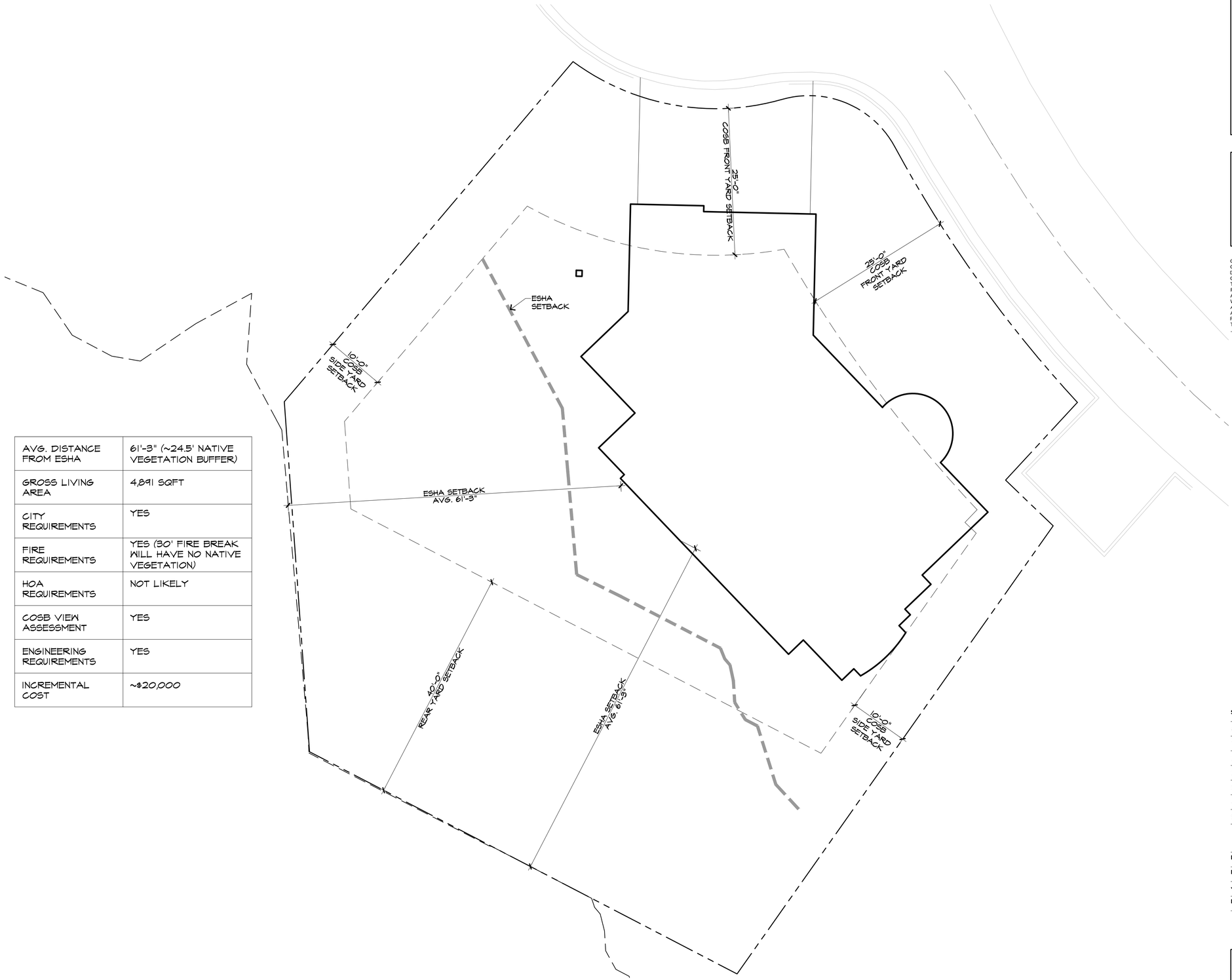


Future Native Vegetation Buffer Improvement to Disturbed Habitat

Retention Basin

The proposed building occupies 3,334 sq ft (24%) of the 13,871 sq ft lot and 53% of the building envelope allowable per City of Solana Beach setbacks (i.e. includes frontyard variance approved May 2016)

EXHIBIT F



AVG. DISTANCE FROM ESHA	61'-3" (~24.5' NATIVE VEGETATION BUFFER)
GROSS LIVING AREA	4,891 SQFT
CITY REQUIREMENTS	YES
FIRE REQUIREMENTS	YES (30' FIRE BREAK WILL HAVE NO NATIVE VEGETATION)
HOA REQUIREMENTS	NOT LIKELY
COSB VIEW ASSESSMENT	YES
ENGINEERING REQUIREMENTS	YES
INCREMENTAL COST	~$20,000

SITE PLAN - REVISED/REDUCED FLOOR PLAN

SCALE: 1/8" = 1'-0"

TRUE NORTH

0 2 4 8 16

COHN + ASSOCIATES
ARCHITECTURE PLANNING
512 VIA DE LA VALLE SUITE 208
SOLANA BEACH, CALIFORNIA 92075
858 / 755 - 7308 F 858 / 755 - 9888

LICENSED ARCHITECT
GARY I. COHN
No. C15560
REN. 4/30/17
STATE OF CALIFORNIA

SZEKERES RESIDENCE

525 SAN JULIO ROAD SOLANA BEACH, CALIFORNIA

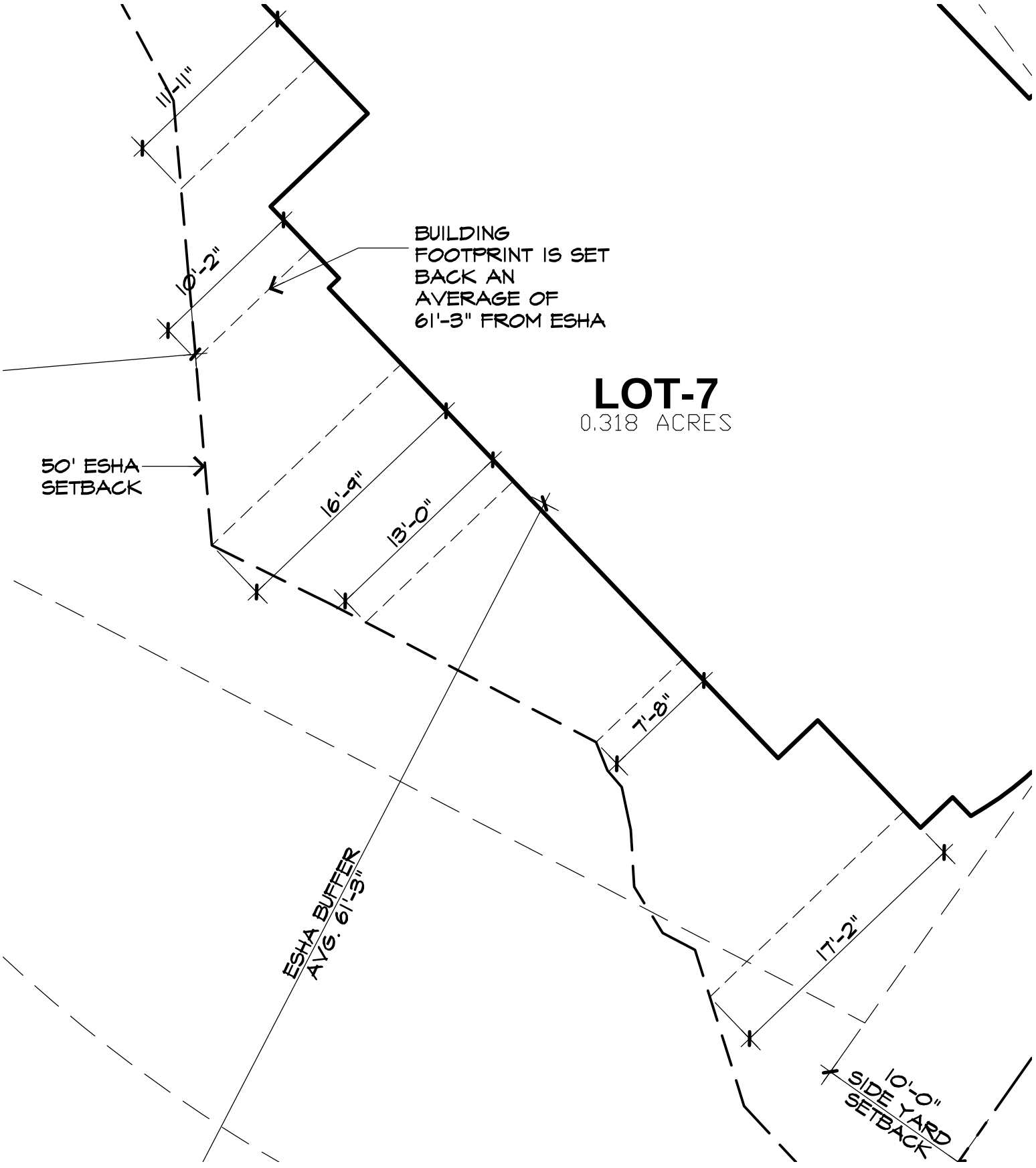
SUBMITTAL DATE	PURPOSE
6/8/15	SDP/DR I
7/29/15	SDP/DR II
2/4/16	SDP/DR III
2/24/16	SDP/DR/VAR IV
3/4/16	SDP/DR/VAR V
4/14/16	SDP/DR/VAR VI
5/24/16	COASTAL SUBM.

DATE MODIFIED:	11/15/16
DRAWN BY:	G.C.
JOB NUMBER:	1412
DWG FILE:	SZ_SITE

SHEET **A1.2**

Plotted on: Friday, November 18, 2016

EXHIBIT F



REVISED DESIGN - AVERAGE BUFFER SETBACK

Exhibit G

3 Story Home

Avg Distance from ESHA	65’10” (~28’ native vegetation buffer)
Gross Living Area	5,100 sq ft
City Requirements	No. Exceeds 25 ft height from grade
Fire Requirements	Yes, 30’ fire break will have no native vegetation
HOA Requirements	No. Blocks ocean views.
COSB View Assessment	No. Blocks ocean views.
Engineering Requirements	Yes
Livable for Szekeres’	Yes
Incremental Costs	$5,000 – story poles $5,000 - Property Tax - 6 mo delay $20,000 – Redesign costs with vendors $2,500 - COSB fees

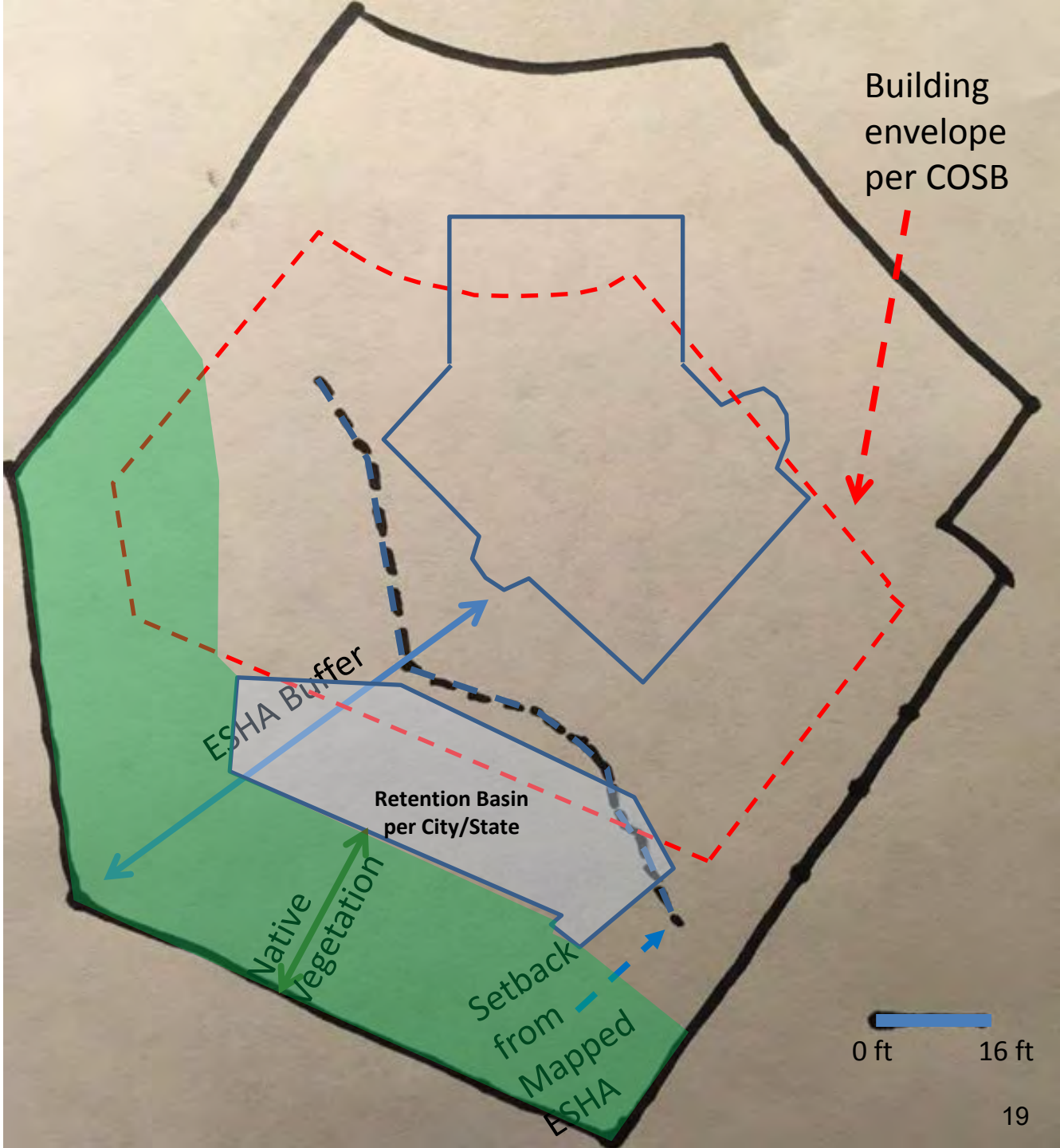


Exhibit H

Closer to Street

Avg Distance from ESHA	62’10” (~25’ native vegetation buffer)
Gross Living Area	5,100 sq ft
City Requirements	No. Increases frontyard setback variance
Fire Requirements	Yes, 30’ fire break will have no native vegetation
HOA Requirements	No. Too close to street
COSB View Assessment	No. Closer to neighbor increases blockage of ocean view
Engineering Requirements	Yes
Livable for Szekeres’	Yes
Incremental Costs	$5,000 – story poles $5,000 - Property Tax - 6 mo delay $20,000 – Redesign costs with vendors $2,500 - COSB fees

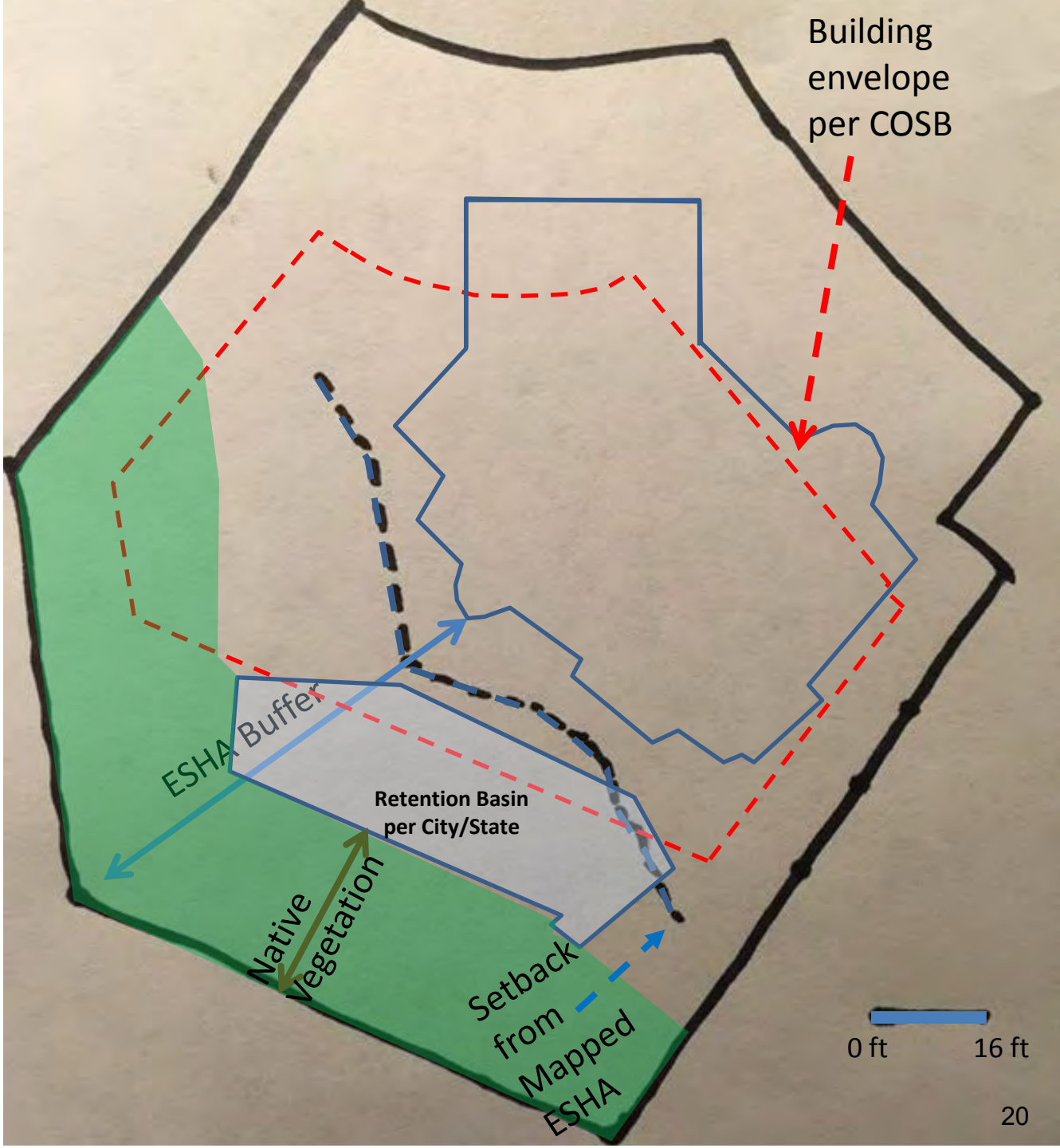
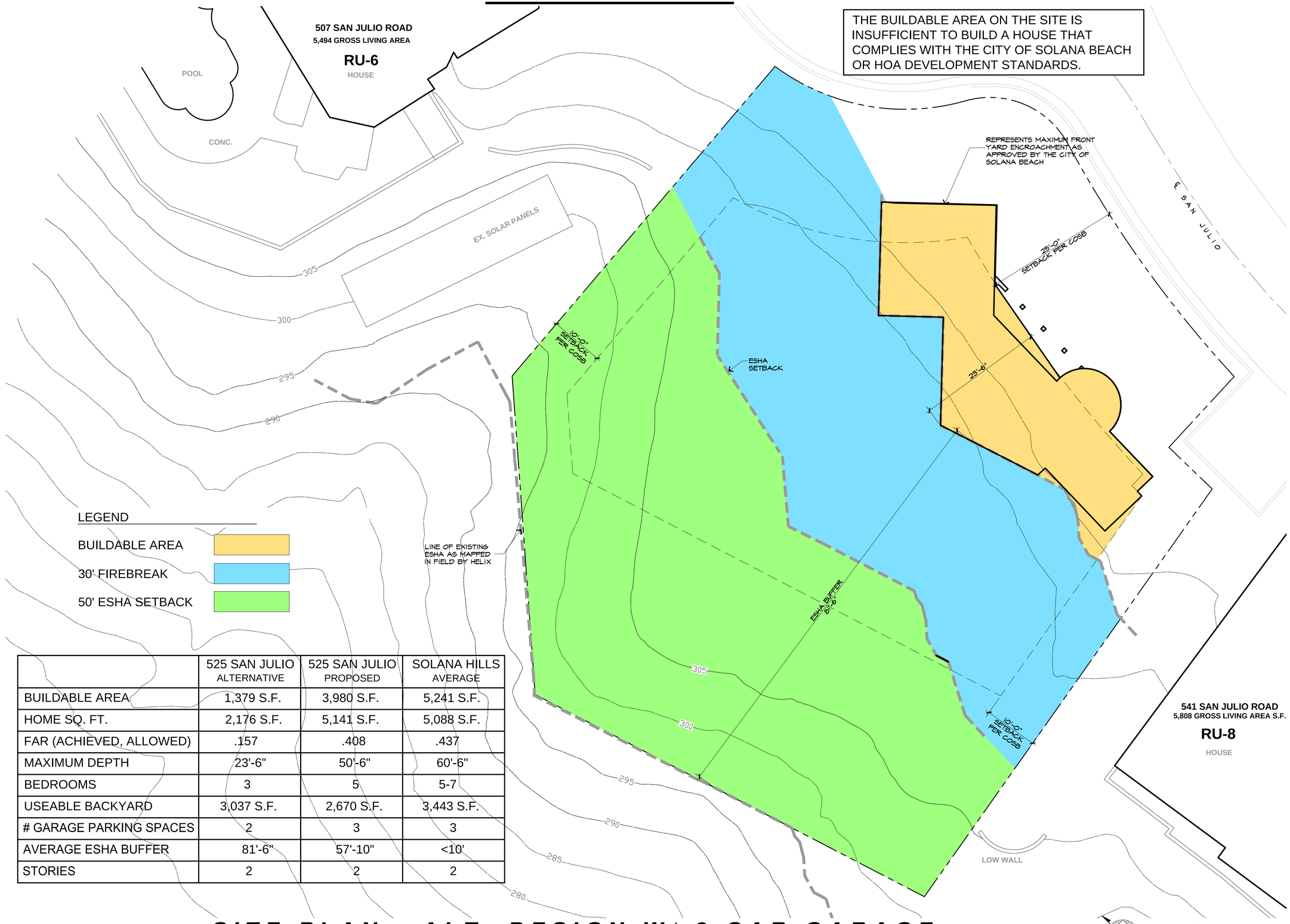


EXHIBIT I

507 SAN JULIO ROAD
5,494 GROSS LIVING AREA
RU-6
HOUSE

THE BUILDABLE AREA ON THE SITE IS INSUFFICIENT TO BUILD A HOUSE THAT COMPLIES WITH THE CITY OF SOLANA BEACH OR HOA DEVELOPMENT STANDARDS.



LEGEND

- BUILDABLE AREA
- 30' FIREBREAK
- 50' ESHA SETBACK

	525 SAN JULIO ALTERNATIVE	525 SAN JULIO PROPOSED	SOLANA HILLS AVERAGE
BUILDABLE AREA	1,379 S.F.	3,980 S.F.	5,241 S.F.
HOME SQ. FT.	2,176 S.F.	5,141 S.F.	5,088 S.F.
FAR (ACHIEVED, ALLOWED)	.157	.408	.437
MAXIMUM DEPTH	23'-6"	50'-6"	60'-6"
BEDROOMS	3	5	5-7
USEABLE BACKYARD	3,037 S.F.	2,670 S.F.	3,443 S.F.
# GARAGE PARKING SPACES	2	3	3
AVERAGE ESHA BUFFER	81'-6"	57'-10"	<10'
STORIES	2	2	2

541 SAN JULIO ROAD
5,808 GROSS LIVING AREA S.F.
RU-8
HOUSE

SITE PLAN - ALT. DESIGN W/ 2 CAR GARAGE

SCALE: 1/8" = 1'-0"

COHN + ASSOCIATES
ARCHITECTURE PLANNING
512 VIA DE LA VALLE SUITE 208
SOLANA BEACH, CALIFORNIA 92075
858 / 755 - 7308 F 858 / 755 - 9988

LICENSED ARCHITECT
GARY I. COHN
No. C15560
REN. 4/30/17
STATE OF CALIFORNIA

SZEKERES RESIDENCE
525 SAN JULIO ROAD
SOLANA BEACH, CALIFORNIA

SUBMITTAL DATE	PURPOSE
6/8/15	SDP/DR I
7/29/15	SDP/DR II
2/4/16	SDP/DR III
2/24/16	SDP/DR/VAR IV
3/4/16	SDP/DR/VAR V
4/14/16	SDP/DR/VAR VI
5/24/16	COASTAL SUBM.

DATE MODIFIED:	11/18/16
DRAWN BY:	G.C.
JOB NUMBER:	1412
DWG FILE:	SZ_SITE

SHEET **A1.3**

Plotted on: Friday, November 18, 2016

EXHIBIT J

THE BUILDABLE AREA ON THE SITE IS INSUFFICIENT TO BUILD A HOUSE THAT COMPLIES WITH THE CITY OF SOLANA BEACH OR HOA DEVELOPMENT STANDARDS.

507 SAN JULIO ROAD
5,494 GROSS LIVING AREA
RU-6
HOUSE

POOL
CONC.
EX. SOLAR PANELS
305
300
295
290
285
280

REPRESENTS MAXIMUM FRONT YARD ENCROACHMENT AS APPROVED BY THE CITY OF SOLANA BEACH

E SAN JULIO

ESHA SETBACK
LINE OF FIRE BREAK
25'-0" SETBACK PER COSB
10'-0" SETBACK PER COSB
30'-0"
29'-8"
ESHA BUFFER AVG. 82'-6"
0'-0" SETBACK PER COSB
LOW WALL

LINE OF EXISTING ESHA AS MAPPED IN FIELD BY HELIX

LEGEND

- BUILDABLE AREA
- 30' FIREBREAK
- 50' ESHA SETBACK

	525 SAN JULIO ALTERNATIVE	525 SAN JULIO PROPOSED	SOLANA HILLS AVERAGE
BUILDABLE AREA	1,261 S.F.	3,980 S.F.	5,241 S.F.
HOME SQ. FT.	1,905 S.F.	5,141 S.F.	5,088 S.F.
FAR (ACHIEVED, ALLOWED)	.158	.408	.437
MAXIMUM DEPTH	23'-6"	50'-6"	60'-6"
BEDROOMS	3	5	5-7
USEABLE BACKYARD	3,037 S.F.	2,670 S.F.	3,443 S.F.
# GARAGE PARKING SPACES	1	3	3
AVG. ESHA BUFFER	82'-6"	57'-10"	<10'

541 SAN JULIO ROAD
5,808 GROSS LIVING AREA S.F.
RU-8
HOUSE

ALTERNATIVE BUILDABLE AREA EXHIBIT - LOT 7

SCALE: 1/8" = 1'-0"

TRUE NORTH

0 2 4 8 16

COHN + ASSOCIATES
ARCHITECTURE PLANNING
512 VIA DE LA VALLE SUITE 208
SOLANA BEACH, CALIFORNIA 92075
858/755-7308 F 858/755-9889

LICENSED ARCHITECT
GARY I. COHN
No. C15560
REN. 4/30/17
STATE OF CALIFORNIA

SZEKERES RESIDENCE
525 SAN JULIO ROAD
SOLANA BEACH, CALIFORNIA

SUBMITTAL DATE	PURPOSE
6/8/15	SDP/DR I
7/29/15	SDP/DR II
2/4/16	SDP/DR III
2/24/16	SDP/DR/VAR IV
3/4/16	SDP/DR/VAR V
4/14/16	SDP/DR/VAR VI
5/24/16	COASTAL SUBM.

DATE MODIFIED: 11/18/16
DRAWN BY: G.C.
JOB NUMBER: 1412
DWG FILE: SZ_SITE

SHEET **A1.3**

Plotted on: Friday, November 18, 2016

Exhibit K

Encroach Side Setbacks

Avg Distance from ESHA	63’10” (~26’ native vegetation buffer)
Gross Living Area	5,100 sq ft
City Requirements	No. Breach south setback by 3’ and expand North by 3’
Fire Requirements	Yes, 30’ fire break will have no native vegetation
HOA Requirements	No. Block ocean view corridors
COSB View Assessment	No. Block ocean view corridors
Engineering Requirements	Yes
Livable for Szekeres’	Yes
Incremental Costs	$5,000 – story poles $5,000 - Property Tax - 6 mo delay $20,000 – Redesign costs with vendors $2,500 - COSB fees

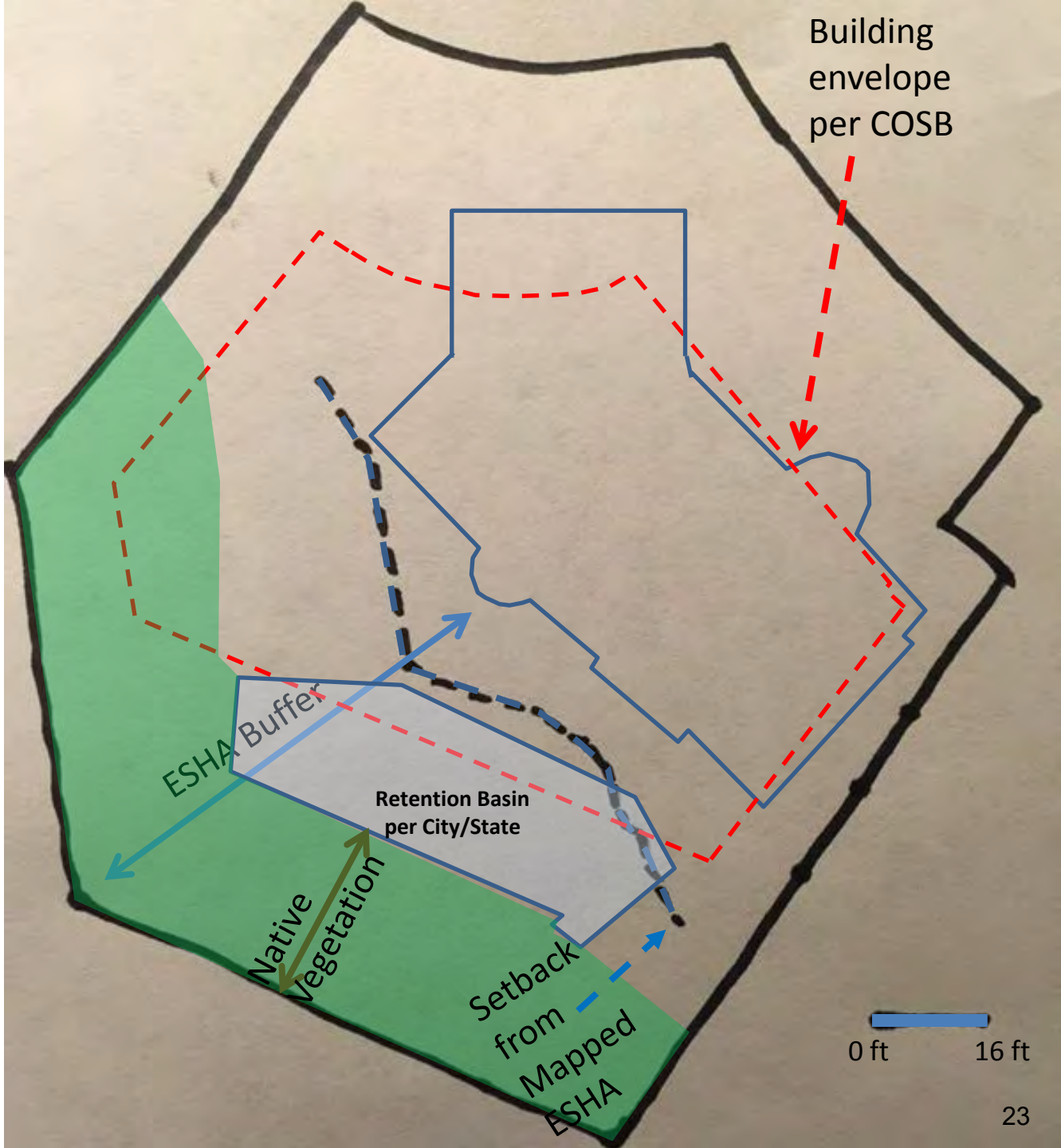


EXHIBIT L

AVG. DISTANCE FROM ESHA	57'-10" (50' NATIVE VEGETATION BUFFER)
GROSS LIVING AREA	5,141 SQFT
CITY REQUIREMENTS	YES
FIRE REQUIREMENTS	NO
HOA REQUIREMENTS	NOT LIKELY
COSB VIEW ASSESSMENT	YES
ENGINEERING REQUIREMENTS	NO
INCREMENTAL COST	$5,000

LEGEND

NATIVE VEGETATION AREA

SITE PLAN

SCALE: 1/8" = 1'-0"

COHN + ASSOCIATES
ARCHITECTURE PLANNING
512 VIA DE LA VALLE SUITE 208
SOLANA BEACH, CALIFORNIA 92075
858/755-7308 F 858/755-9888

LICENSED ARCHITECT
GARY L. COHN
No. C15560
REN. 4/30/17
STATE OF CALIFORNIA

SZEKERES RESIDENCE

525 SAN JULIO ROAD SOLANA BEACH, CALIFORNIA

SUBMITTAL DATE	PURPOSE
6/8/15	SDP/DR I
7/29/15	SDP/DR II
2/4/16	SDP/DR III
2/24/16	SDP/DR/VAR IV
3/4/16	SDP/DR/VAR V
4/14/16	SDP/DR/VAR VI
5/24/16	COASTAL SUBM.

DATE MODIFIED:	11/18/16
DRAWN BY:	G.C.
JOB NUMBER:	1412
DWG FILE:	SZ_SITE

SHEET A1.6

Plotted on: Friday, November 18, 2016

Exhibit M

1988 CDP Approval

Avg Distance from ESHA	~55'-60' (~20' native vegetation buffer)
Gross Living Area	5,494 sq ft (Plan A in exhibit of CDP 6-88-514)
City Requirements	Not likely
Fire Requirements	Yes, 30' fire break will have no native vegetation
HOA Requirements	Yes
COSB View Assessment	Not likely, increases blockage of ocean views due to greater width
Engineering Requirements	No, pool overlaps with retention basin in low point of graded pad
Livable for Szekeres'	Yes
Incremental Costs	$5,000 – story poles $5,000 - Property Tax - 6 mo delay $20,000 – Redesign costs with vendors $2,500 - COSB fees

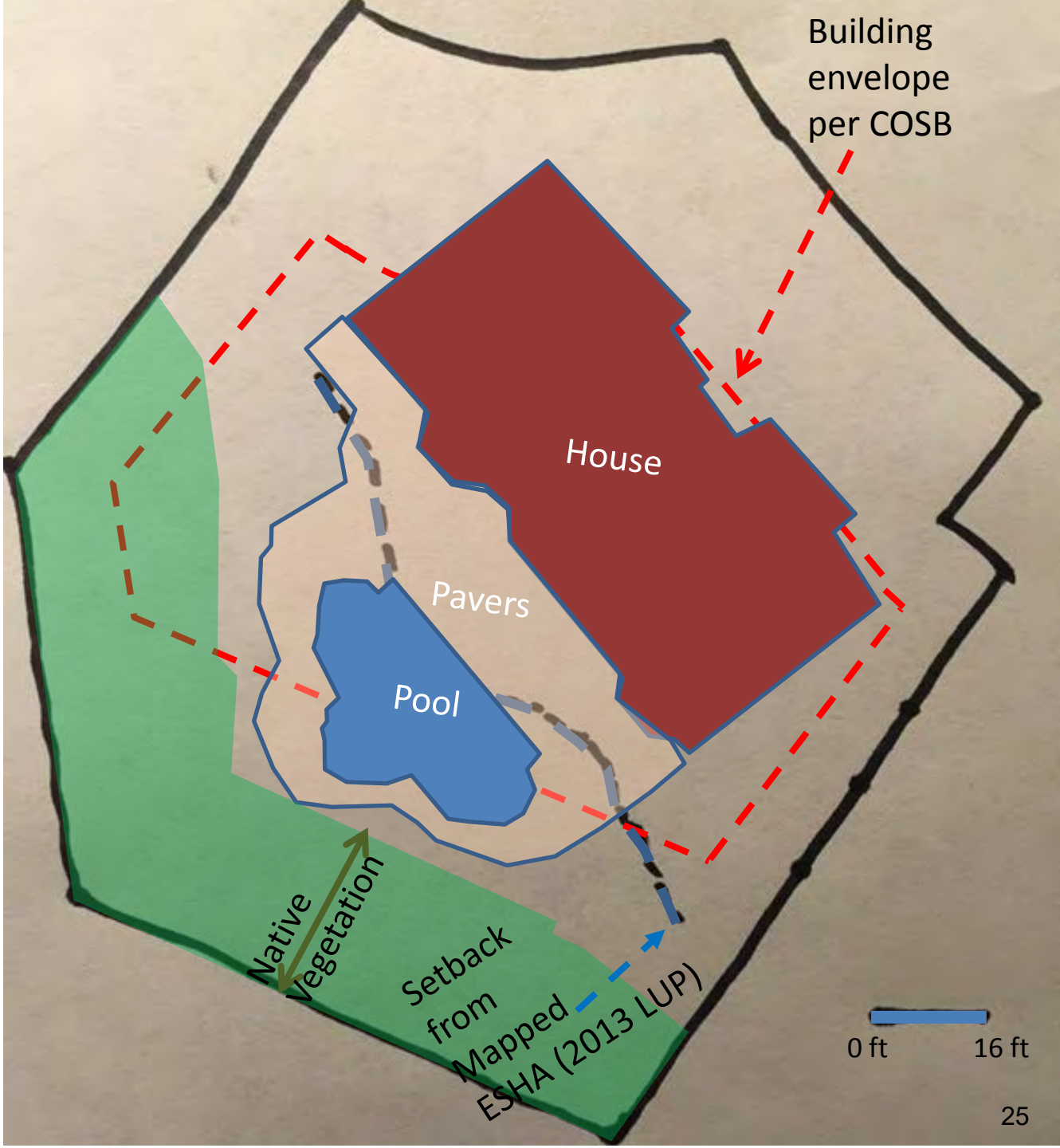


Exhibit N – 734 Granados new home construction site

No native vegetation buffer required by CCC to secure coastal permit or CDFW to secure buffer reduction

Sloping, rearyard 100% demolished

~10,600 buildable sq ft on Granados (55' distance to ESHA)

vs.

~9,500 buildable sq ft on Szekeres lot (57'10" distance to ESHA)

Source: Google Earth, historical images April 2015

ESHA Near San Elijo Lagoon (wetland)

CDFW and CCC Approved Design (2014)

Exhibit N – 734 Granados – Only COSB Home Approved under LUP Abutting ESHA

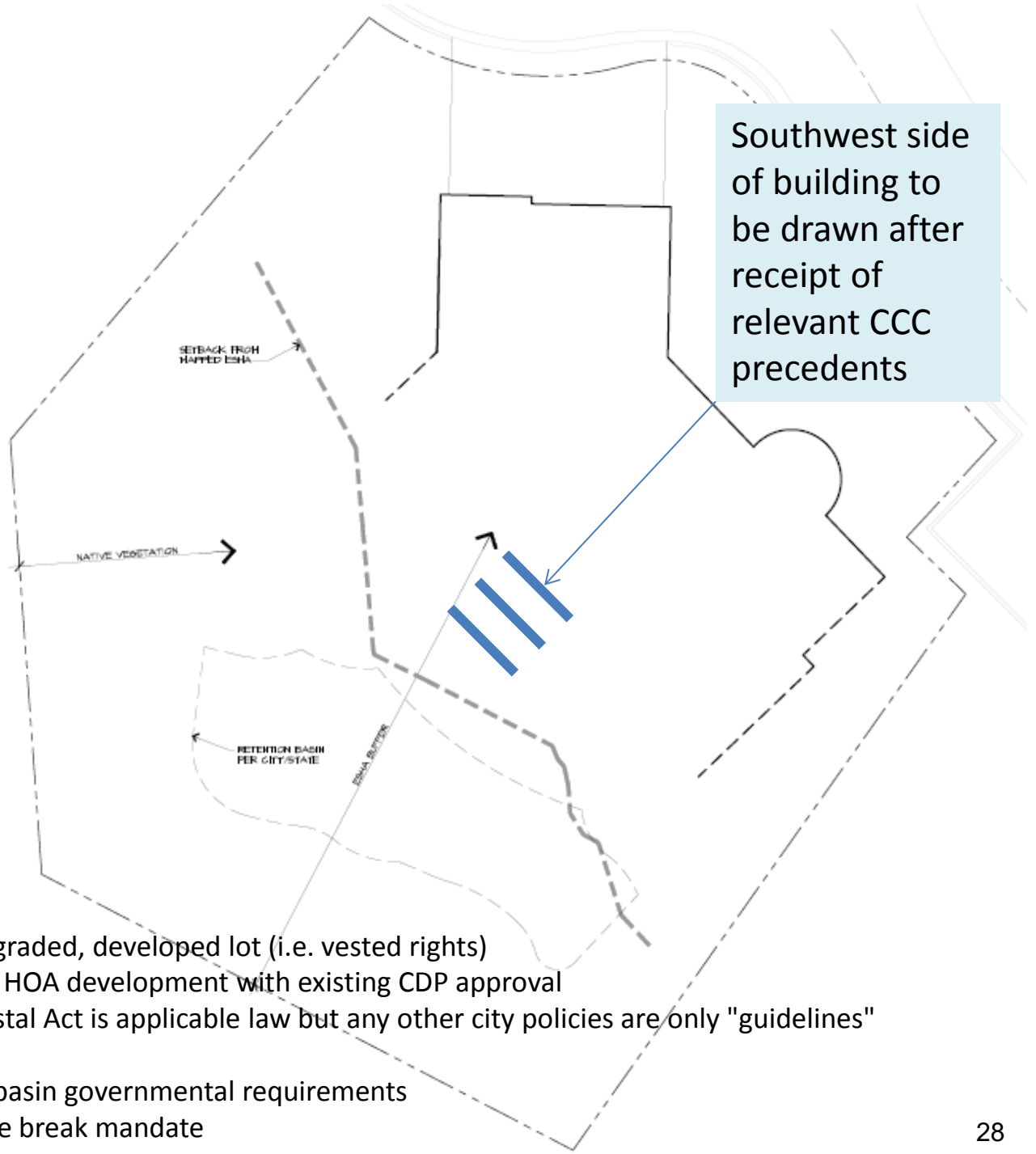
Pavers, BBQ, Fire Pit and Retaining Walls Allowed Within 20' ft of ESHA

55' Distance From Home to ESHA

Exhibit X

Alternative X

Avg Distance from ESHA per precedent	? ft (? ft native veg buffer)
Gross Living Area	? sq ft
City Requirements	Yes
Fire Requirements	Yes
HOA Requirements	Unknown
COSB View Assessment	Yes
Engineering Requirements	Yes
Livable for Szekeres'	Unknown
Incremental Costs	Depends on variation from Current Proposal – Exhibit E



Precedent Characteristics:

1. New home construction on a prior graded, developed lot (i.e. vested rights)
2. Lot is part of a multi-parcel condo / HOA development with existing CDP approval
3. Lot sits within a city where the Coastal Act is applicable law but any other city policies are only "guidelines"
4. Lot has > 25% slope constraints
5. Lot subject to retention/detention basin governmental requirements
6. Lot has a "no native vegetation" fire break mandate

THE JON CORN LAW FIRM
160 CHESTERFIELD DRIVE • SUITE 201
CARDIFF BY THE SEA • CALIFORNIA 92007
www.joncornlaw.com • 760-944-9006

May 5, 2017

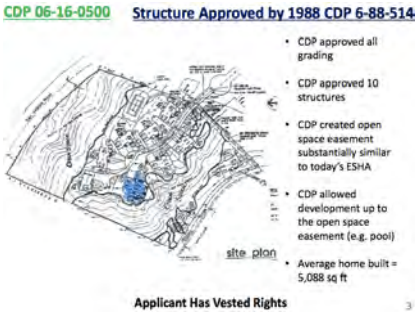
Th20b

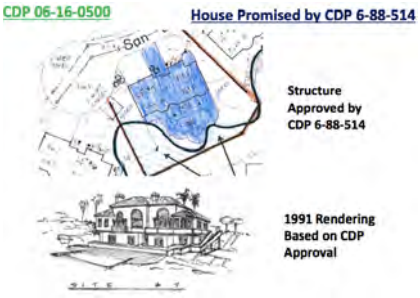
Chair Dayna Bochco
Honorable Coastal Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: **Szekeres Home; CDP No. 06-16-0500**
With Reference to CDP No. 6-88-514 (Vesting Permit)

I represent Jeff and Amy Szekeres who have been struggling with Coastal staff for 18 months to obtain a CDP for a single-family home on a graded, in-fill lot surrounded on all sides by existing development.

The lot is located in the City of Solana Beach, east of I-5 and not proximate to the coast or any watersheds. See Slide 1, attached. All issues have been resolved except one. The singular issue before you concerns the composition of an otherwise agreed upon buffer zone between the proposed home and an isolated swath of non-wetland, non-riparian ESHA plants on a steep slope just beyond Jeff and Amy's lot. Significantly, the home in question will be constructed entirely on a graded pad, vested by a prior Commission approval (CDP No. 6-88-514).[1] See Slides 2, 3 and 4. The home will be set back an average of 57'10 feet from the ESHA plants in question even though the vested building pad comes within 26'3" feet of the ESHA plants.





CDP 6-88-514 approved a large structure with a swimming pool immediately adjacent to the steep slope now deemed ESHA. The proposed home observes a 57'10" foot buffer from the ESHA.

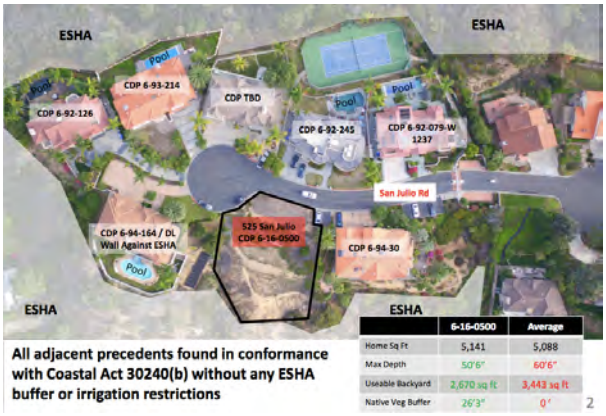
[1] Since CDP 6-88-514 approved a structure on Jeff and Amy's lot this application is made unde that a new CDP is not required. A waiver request was rejected by Coastal staff.

[2] The first two homes constructed after the Commission approved CDP No. 6-88-514 were grar

Notably, in 2008, the Commission's ecologist conducted a site-specific analysis and found that the plants on this slope were *not* ESHA "as the vegetation is patchy and mostly surrounded by development." CDP 6-07-112 (Page 9). Subsequently, the City conducted a high-level, aerial survey and mapped the area in question as ESHA. Today, the area in question still contains a patchy mix of southern maritime chaparral already infiltrated by non-native invasive plant species typical for densely developed urban neighborhoods. This ESHA does not involve or support any sensitive animal species, just plants.

None of the surrounding homes, all approved by the Commission, provide any buffer, native vegetation or otherwise, from the same ESHA plants. See Slide 5. And, in the case of the home immediately adjacent and north to Jeff and Amy's lot, the Commission allowed the property owner to install fill and build a large concrete block wall directly in the ESHA (CDP No. 6-94-164). See Slide 6.

Significantly, in a recent Commission decision involving a home adjacent to San Elijo Lagoon ESHA (i.e. wetland ESHA with nearby rare *ceanothus* plants), the Commission administratively approved a single-family home and landscape plan that included a concrete patio, hardscaping, walls, irrigation, and an outdoor kitchen immediately adjacent to the ESHA in combination with no fuel modification requirements to the ESHA (CDP No. 6-14-0734). See Slides 7, 8, and 9. This administrative approval took place in 2014, *after* the Commission certified the City's LUP.



Jeff and Amy's Lot is the last lot on the Solana Hills Estates subdivision mesa. None of the previously approved homes or the tennis court was required to provide any buffer or irrigation restrictions. The other homes were approved through waivers, administrative permits, or on the consent calendar. The average home size in Solana Hills Estates is 5,088 square feet. See Slide 10.[2]

The Commission approved the new home at 734 Granados in 2014 after the City's LUP was certified (CDP 6-14-0734). Substantial hardscaping and irrigation was allowed immediately adjacent to the San Elijo Lagoon ESHA. The home is proximate to the Lagoon, which connects to the Pacific Ocean. By contrast, proposed Special Condition 1 for Jeff and Amy's home would require them to maintain a 50-foot native vegetation buffer from an isolated patch of non-wetland buffer that is surrounded by development and infiltrated by invasive species.

Despite the vested rights created by the Commission's past action authorizing their pad and home (CDP No. 6-88-514), the precedent established by the Commission's actions on homes within the same

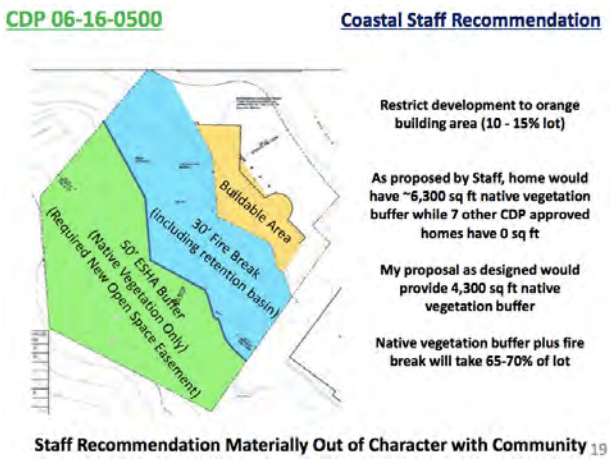
[2] The first two homes constructed after the Commission approved CDP No. 6-88-514 were granted waivers because the homes were "substantially similar" to the structures approved by CDP No. 6-88-514 (See, Staff Report for 6-16-0500, Page 13, Para. 5, Lines 8-10). Since Jeff and Amy's home is also substantially similar to the structure approved under CDP 6-88-514, the Commission should have granted a waiver for this project, but refused. See Slide 4.

subdivision, and the recent precedent for the home adjacent to Lagoon ESHA (CDP No. 6-14-0734), Jeff and Amy have agreed to create and maintain a 57'10-foot buffer between their home and the ESHA plants on the hillside below their lot. See Slides 11 and 12.

Coastal staff concedes that this width is adequate, but they nevertheless insist that the entirety of the buffer, which has been graded and barren for almost 30 years, must now be re-landscaped with native vegetation in order to adequately protect the ESHA plants from the impact of Jeff and Amy's home.

Although not necessary, Jeff and Amy would do this if they could, but they cannot because their lot is simply not deep enough. That said, they have agreed to install and maintain in perpetuity a 100% native vegetation in the first 26 feet of the 57-foot buffer. However, because the Fire Marshall does not allow combustible materials within 30 feet of the structure, the balance of the buffer would include a state-mandated bio-retention basin and pervious pavers, which are non-combustible. The firebreak area will also serve as their kids' backyard play area.

Nevertheless, Coastal staff insists that at least 50 feet of the buffer area must be planted with 100% native vegetation, and that Jeff and Amy must shrink their home by 30 feet to accommodate both the 50-foot native vegetation buffer and a 30-foot firebreak for a total separation between the home and ESHA of 80 feet. See Slide 13. This recommended requirement is neither necessary, legally required, nor feasible. Moreover, it would result in a regulatory taking.



The 13,852 square foot, polygonal-shaped lot is only 76 to 144 feet deep to begin with. Staff's recommendation, coupled with the City's setback and height restrictions, would allow a home of no more than 1,905 square feet and a 1-car garage, in a completely dysfunctional floor plan. However, even if such a small home could accommodate Jeff and Amy's plans for a family of 6

(including mother-in-law), the HOA will not approve such a small structure for community character and lack of harmony reasons.[3]

The average home in the subdivision, all approved by the Commission with no ESHA buffers, is 5,088 square feet.

Coastal staff's solution to the complications created by the City's Municipal Code and the HOA's CC&Rs is that the City and HOA should simply be more flexible. They should waive their height, setback, view impairment, parking and community character code requirements and rules to allow room for 50-feet of native vegetation. Per staff, if the City just allowed further setback encroachments (the City already granted a variance to reduce the front yard setback by 8 feet) and also allowed the home to exceed the height limit for this zone, then Jeff and Amy could even build a larger home, with room left to provide a 50-foot native vegetation buffer and the Fire Marshall's 30-foot firebreak.

However, neither the City nor the HOA will agree to such significant departures from their rule sets. Their reasons are obvious and numerous, but clearly include the fact that their independent biologists both concluded that the 26-foot native vegetation zone is more than adequate to protect the newly-designated ESHA plants below Jeff and Amy's home.

Additionally, if the City and the HOA allowed the home to expand into the setbacks and exceed the height limit, the new structure would block substantial private coastal views in violation of the City's robust view protection ordinance, and it would be grossly out of character with the rest of the neighborhood. The affected private property owners would likely sue the City, the HOA, and Jeff and Amy to protect their ocean views and the character of their community, and such suits would have merit.

The law that applies to development adjacent to ESHA is Coastal Act §30240(b). Section 30240(b) does not require an ESHA buffer and it does not speak to the composition of lands adjacent to ESHA. Instead, it merely provides that development adjacent to ESHA must be sited and designed to avoid "significant degradation" of the ESHA.

Coastal staff acknowledges this is the standard yet centers its discussion on the City's LUP (which it wrote). However, since the City does not have a full LCP, the certified LUP is not the legal standard applicable to this case. Nevertheless, Coastal staff urges you to follow the LUP as "guidance," ostensibly because they believe it lends some support to their recommendation, but this request is not legally supported and the LUP is not "evidence" upon which you can rely to support your decision. Neither the Coastal Act nor case law support the idea that a LUP must or even should be used for "guidance," whatever that term may even mean.

To be fair, if the Commission is to consider the City's LUP language for "guidance," it should also look at neighboring jurisdictions that have fully certified LCPs. The certified LCP for Encinitas, the next coastal town to the north, does not have a minimum ESHA buffer standard, but instead allows the City to make site-specific determinations. The next town, Carlsbad, has a 20-foot ESHA buffer requirement in its LCP. Oceanside, like Encinitas, relies on a site-specific analysis solution with no minimum buffer, or any buffer, required. In Jeff and Amy's case, they meet the requirements of Encinitas, Carlsbad, and

[3] Pursuant to the applicable CC&Rs, all new homes must be approved by the HOA, which is authorized and duty bound to deny proposals that are out of character and proportion with the community.

Oceanside. Clearly, since the Commission certified these LCPs, it is not possible for the Commission to legally or scientifically determine that a 50-foot native vegetation buffer *must* be required at this inland Solana Beach site in order to comply with Section 30240(b) of the Coastal Act.

LCP	Minimum "ESHA Buffer"	Distance from Szekeres lot
Encinitas	No minimum standard	5.0 mi
Carlsbad	20 ft	14.0 mi
Oceanside	No minimum standard	20.0 mi

Plenty of Local Precedents Allow for 20' Native Vegetation Buffers

Without doubt, the law applicable to this matter is Coastal Act §30240(b), and you must rely on the objective and substantial evidence before you to apply the "significant degradation" standard.[4] Both the City and the HOA's biologists concluded that the project, as proposed by Jeff and Amy, will not cause "significant degradation" of the ESHA. In fact, both say that the project will bring about an improvement over existing conditions as a result of improving 4,300 square feet of 30 year old barren land into new southern maritime chapparal. These biologists are from San Diego, were not hired by the Szekeres' and have specialized knowledge regarding San Diego's southern maritime chaparral that exists on the hillside below Jeff and Amy's lot.

The below excerpts summarize the key conclusions reached by Helix and Busby:

> *The proposed project would not result in direct or indirect impacts to sensitive biological resources or adjacent ESHA. No direct impacts are anticipated, and implementation of mitigation measures listed above would reduce all potential indirect impacts to below a level of significance.* Helix Report, November 23, 2015.[5]
>
> *I would strongly discourage any requirements on the applicant to further redesign the proposed project or develop alternative designs because the nominal increases in the setback would not provide any substantial biological protections of the ESHA…. It is my professional opinion that the project, as currently proposed, would provide an adequate buffer from the ESHA and additional setback distances would not be biologically based.* Helix Report, August 19, 2016.
>
> *To summarize, it is my professional opinion that Helix's methods, results, and associated analysis as presented in the Biological Resources Report and as approved by the City of Solana Beach not only meet the industry standard for this type of residential project but also provide adequate information to determine that,*

---

4 However, you can and should also conclude that CDP No. 6-88-514 approved the home and that a new CDP is not required. At a minimum, you must conclude that Jeff and Amy have a vested right to build a house on the graded pad approved and created pursuant to CDP No. 6-88-514.

5 The City hired Helix. These statements were made based on a previous design when the home was sited closer to the ESHA than the project now before you.

> *with the implementation of the mitigation measures included in the report, the impacts to sensitive biological resources associated with this project would be less than significant. As such, I concur that there are no reasons for concern with the current plans.* Busby Biological Services Report, October 4, 2016.[6]

The Helix and Busby conclusions are supported by their on-site observations, expert familiarity with San Diego biology, and common sense. Given that development already surrounds the ESHA plants on all sides, and that no other homes provide any buffer, it is impossible to conclude that Jeff and Amy's house, which will be constructed on a 30-year old graded pad and maintain a 57'10" foot separation from the ESHA plants, could cause significant degradation of the plants on the slope below.

As conditioned by Coastal staff's proposed resolution, no reasonable home is possible on the site and would thus lead to an obvious regulatory taking. Coastal staff erroneously believes that the Commission can escape takings liability as long as the special conditions allow *some* use of a property. This overly narrow view is incorrect for several reasons.

One, since HOA will not approve a smaller structure, the Coastal staff recommendation would in fact deprive Jeff and Amy's lot of all value. This is a clear taking. Two, Coastal staff ignores the "investment backed expectations" side of the regulatory takings analysis. "Where a regulation places limitations on land that fall short of eliminating all economically beneficial use, a taking nonetheless may have occurred, depending on a complex of factors including the regulation's economic effect on the landowner, the extent to which the regulation interferes with reasonable investment-backed expectations, and the character of the government action." Palazzolo v. Rhode Island (2001) 533 U.S. 606, 617-618 ("a state may not evade the duty to compensate on the premise that the landowner is left with a token interest").

At Thursday's hearing, it will be clear that Coastal staff's recommendation is not supported by the law, applicable precedents, or any substantial evidence that Jeff and Amy's home will cause significant degradation of the erstwhile ESHA on the steep slope below their home. Importantly, we believe you will also conclude that Coastal staff's recommendation asks you to render an indefensible decision that is entirely inconsistent with past Commission action in this very neighborhood and elsewhere in Solana Beach. See Slide 14.

Moreover, given the physical constraints of this site, coupled with the requirements of the City's municipal code and applicable CC&Rs, Staff's recommendation would allow no more than a dysfunctional, unmarketable, and undesirable 1,905 square foot home.

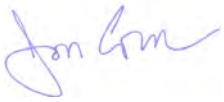
By contrast, the Commission has expressly approved every other home in this neighborhood at an average size of 5,088 square feet and with no native vegetation buffer requirement whatsoever. The Commission has expressly allowed every other home in this neighborhood to include development up to the ESHA, and even allowed one home to build a large wall in the ESHA. Frankly, it is difficult to square the staff recommendation with the facts as we see them, and we respectfully request that you approve Jeff and Amy's application as submitted.

---

6 Busby was hired by the HOA after Jeff and Amy applied for a waiver (i.e., relaxation of HOA standards) in light of Coastal staff's strong desire to force a smaller home. The HOA denied the waiver application since it could not be established that a smaller home would further protect the ESHA.

Jeff and Amy are prepared to accept all the recommended special conditions as long as they are amended to require the average 26-foot native vegetation zone instead of the impractical and unnecessary zone urged by Coastal staff. See Slide 15.

Respectfully submitted,



Jon Corn

cc: Coastal staff
Amy Szekeres
Jeff Szekeres

CDP 06-16-0500 (Szekeres)

525 San Julio Road

CDP 06-16-0500 is in Solana Beach, San Diego County

1.5 miles from ocean, East of 5, surrounded by urban residential development

CDP 06-16-0500

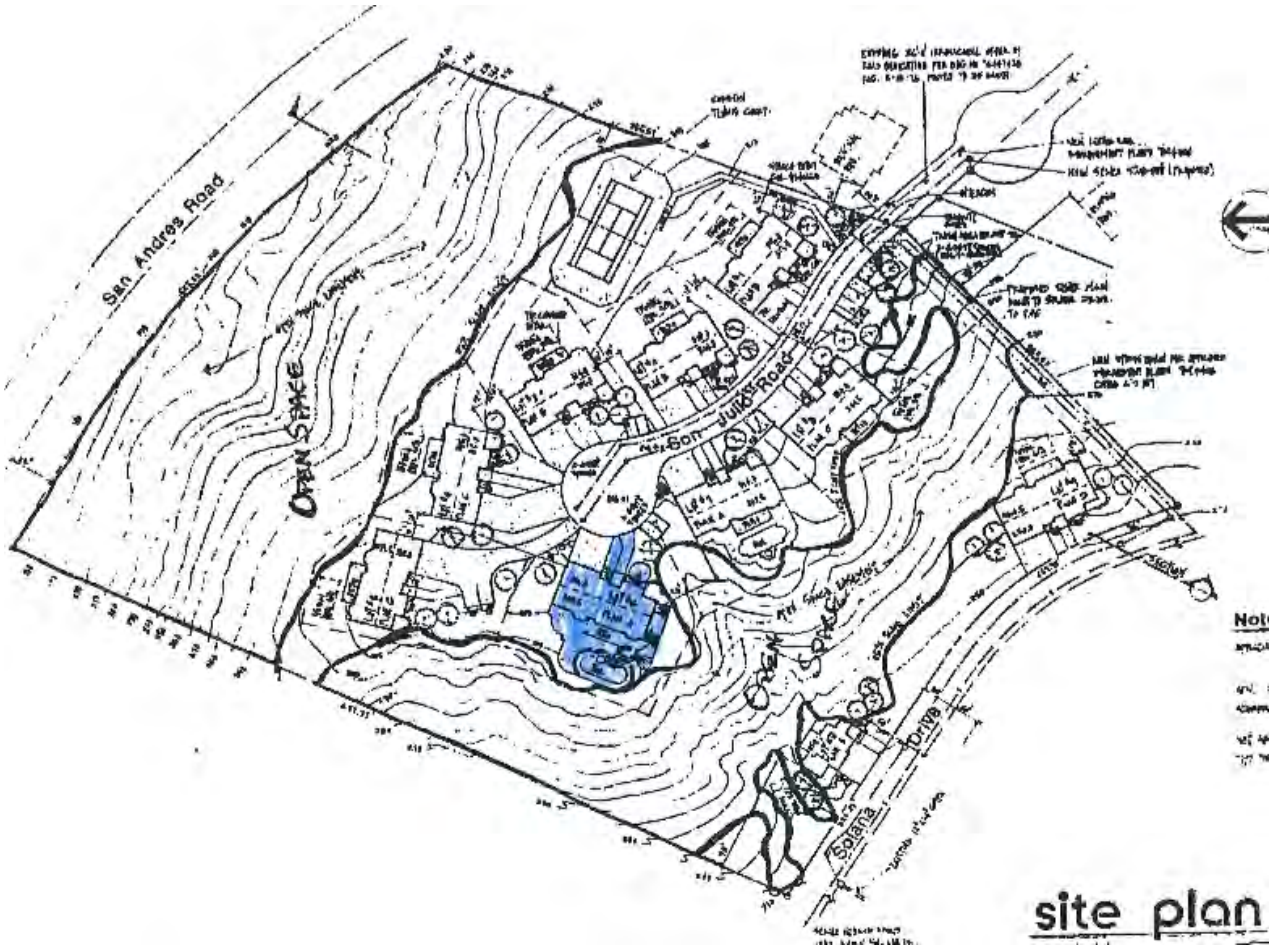
Last of 8 Lots to be Built

	6-16-0500	Average
Home Sq Ft	5,141	5,088
Max Depth	50'6"	60'6"
Useable Backyard	2,670 sq ft	3,443 sq ft
Native Veg Buffer	26'3"	0 '

All adjacent precedents found in conformance with Coastal Act 30240(b) without any ESHA buffer or irrigation restrictions

CDP 06-16-0500

Structure Approved by 1988 CDP 6-88-514

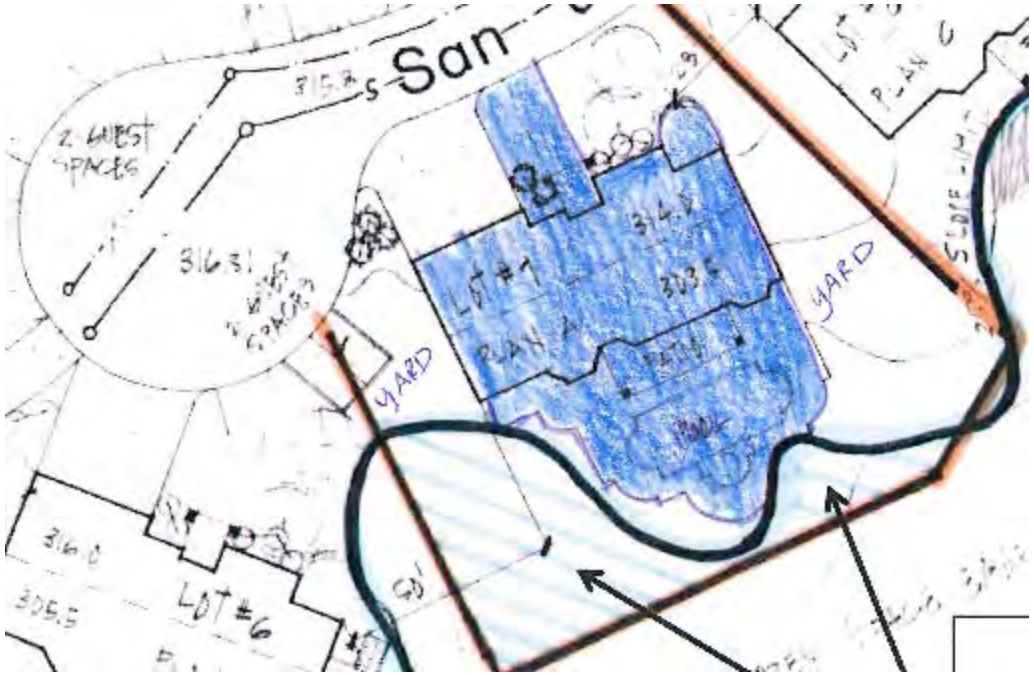


- CDP approved all grading
- CDP approved 10 structures
- CDP created open space easement substantially similar to today's ESHA
- CDP allowed development up to the open space easement (e.g. pool)
- Average home built = 5,088 sq ft

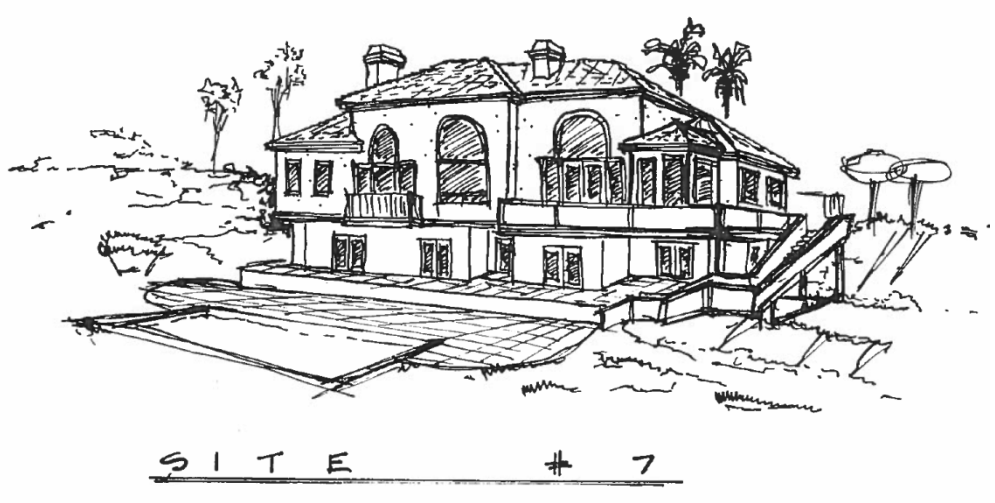
Applicant Has Vested Rights

CDP 06-16-0500

House Promised by CDP 6-88-514



Structure Approved by CDP 6-88-514



1991 Rendering Based on CDP Approval

CDP 06-16-0500

Precedents

CDP Approved Homes	Native Vegetation Buffer	Distance from Szekeres lot
550 San Julio Rd	0 ft	0.1 mi
522 San Julio Rd	0 ft	0.1 mi
500 San Julio Rd	0 ft	0.1 mi
530 San Julio Rd	0 ft	0.1 mi
510 San Julio Rd	0 ft	0.1 mi
507 San Julio Rd	0 ft	0.1 mi
541 San Julio Rd	0 ft	0.1 mi
734 Granados	0 ft	2.0 mi

LCP	Minimum "ESHA Buffer"	Distance from Szekeres lot
Encinitas	No minimum standard	5.0 mi
Carlsbad	20 ft	14.0 mi
Oceanside	No minimum standard	20.0 mi

Plenty of Local Precedents Allow for 20' Native Vegetation Buffers

CDP 06-16-0500

Previous CCC Comments

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.
- CDP 6-07-112 Staff Report Diana Lily

734 Granados (CDP 6-14-0734)

Development / Fire Break Allowed in ESHA Buffer; No Vegetation Buffer

Landscape Plans Submitted to CCC and CDFW for 734 Granados

CDP 06-16-0500 (Szekeres) 525 San Julio Rd vs 734 Granados

	734 Granados (6-14-0734)	525 San Julio (06-16-0500)
Vested Rights	Building pad (home demolished 2015)	Building pad (CDP 6-88-514)
Adjacent to ESHA	Yes, San Elijo Ecological Reserve	Yes, non-wetland, isolated, circumscribed by homes/streets
Nearby Sensitive Plants Cited in COSB LUP	Wart-stemmed ceanothus Nuttall's scrub oak	Wart-stemmed ceanothus (125' away from lot)
Application submitted post COSB LUP (2013)	Yes	Yes
Off-site Fuel Modification by Fire	No	No
Distance from Home to ESHA	55' (~100% development/irrigation)	57'10" (~50% native vegetation buffer with no irrigation) – (CCC Staff wants 0%)
Native Vegetation Buffer with no Irrigation	0'	26'3" (CCC Staff wants 50')
CCC Biologist/Ecologist or CDFW Visit	No, confirmed by homeowner and architect	Yes
3rd Party Biology Report Required	No, confirmed by public information requests with CDFW, COSB and CCC	Yes (Helix & Busby)
Precedents (i.e other granted CDP's) Cited in Staff Report	Abutting 742 N Granados, abutting 726 N Granados, 774 N Granados	None. Rely entirely on LUP policies for 50' buffer size
CDFW Point of View	A reduced buffer would not result in adverse impacts to sensitive habitat	50 ft. ESHA buffer needed on site, ESHA buffer should consist entirely of native vegetation, ESHA buffer should not contain built or maintainable structures
Administrative Permit	Yes	No (May 2017 hearing required)

CDP 06-16-0500

Solana Hills Estates History

Address	CDP	Approval Type
Entire Subdivision	6-88-514	Consent Calendar
550 San Julio Rd	6-92-079 - S Sarb	Waiver
522 San Julio Rd	Unknown	Waiver
500 San Julio Rd	6-92-126 - L Owens	Administrative
530 San Julio Rd	6-92-245 – P Webb	Administrative
510 San Julio Rd	6-93-214 – L Owens	Administrative
507 San Julio Rd	6-94-164 - **D Lily**	Administrative (wall in ESHA)
541 San Julio Rd	6-94-30 – L Owens	Regular
1138 Solana Drive	6-99-45 – **D Lily**	Regular
1128 Solana Drive	6-07-112 – **D Lily**	Regular – (owner let expire, No ESHA designation in Staff Report)

Diana Lily and Lisa Schlembach Working on My Application

CDP 06-16-0500

Steep Slopes Adjacent to ESHA

Outline of Existing, Vested Building Pads

Property Line

100% of Area Outside Building Pad Dedicated to Native Vegetation Buffer

CDP 06-16-0500

Proposed Home + Vegetation Buffer

50’ Setback from ESHA

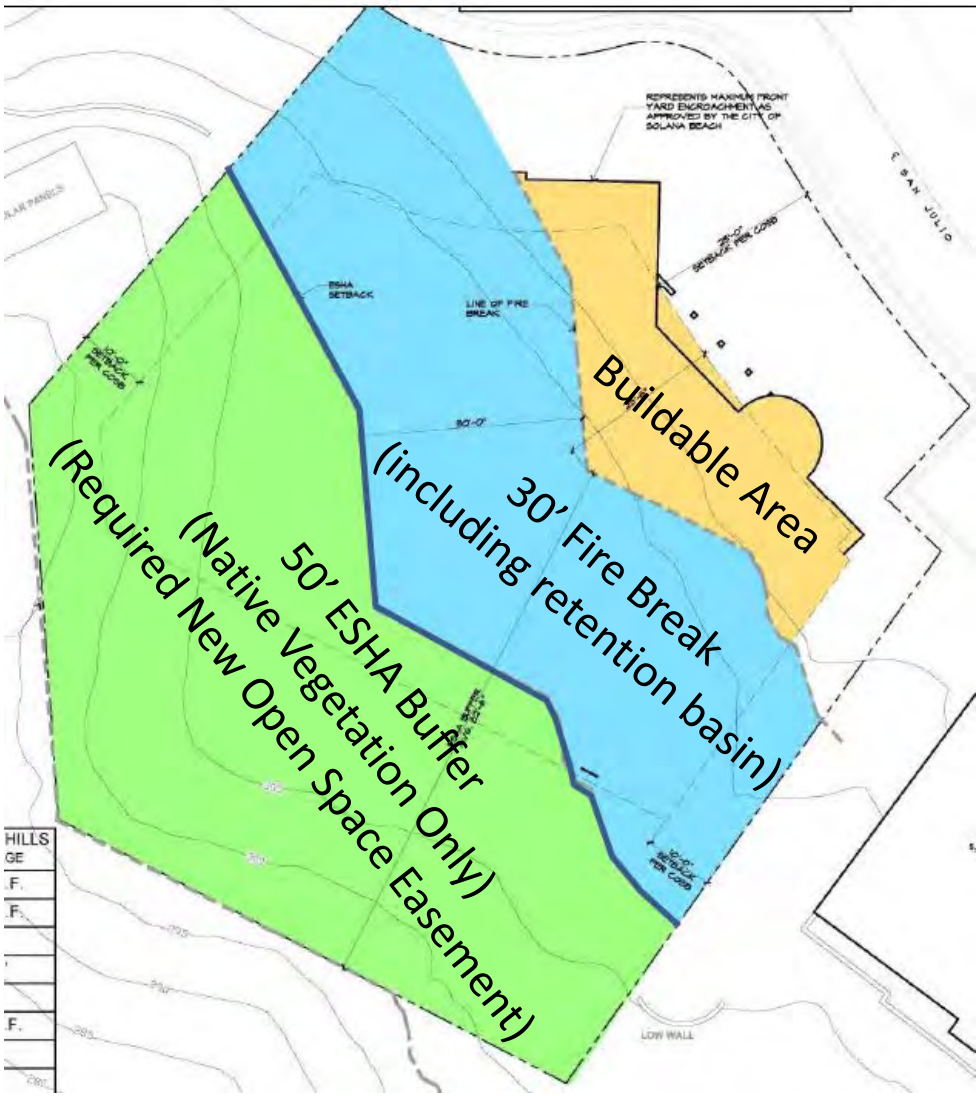
Outline of Existing, Vested Building Pads

= ~750 sq ft of pervious pavers in ESHA Buffer/fire break

= ~1250 sq ft of retention basin in ESHA Buffer/fire break

CDP 06-16-0500

Coastal Staff Recommendation



Restrict development to orange building area (10 - 15% lot)

As proposed by Staff, home would have ~6,300 sq ft native vegetation buffer while 7 other CDP approved homes have 0 sq ft

My proposal as designed would provide 4,300 sq ft native vegetation buffer

Native vegetation buffer plus fire break will take 65-70% of lot

Staff Recommendation Materially Out of Character with Community

CDP 06-16-0500

Key Considerations

- Grading and structure approved by CCC in 1988
- All homes deemed in conformance with 30240 despite NO ESHA buffer
- Slope deemed NOT ESHA by CCC Ecologist's in 2008 CDP 6-07-112
- As designed, Szekeres home provides 57'10" ESHA buffer
- Staff believes ESHA buffer must contain 100% native vegetation
- Section 30240 standard is "significant degradation" only
  - No ESHA buffer minimum
  - No 100% native requirement
- Solana Beach lacks certified LCP; Coastal Act is standard of review
- Two independent biologists (Solana Beach, HOA) indicate my project does not significantly degrade (30240b) the nearby ESHA

CDP 06-16-0500

Resolution

- Change Special Condition 1a and 1b from 50 ft to “no less than 20 ft” as in Exhibits from Szekeres CDP Application
  - 100% of lot between the vested pad and SW property line being granted by applicant to native vegetation buffer
- Conform remaining Special Conditions to reflect the modified native vegetation buffer and location of retention basin
- Accept all other Special Conditions