

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: AMENDMENT

Application No.: 6-88-273-A1

Applicant: Felix Frueh

Agent: Bob Trettin

Location: 4628 Rancho Reposo, San Diego County
(APN: 302-210-24)

Original Project Description: Construction of a 4,181 square foot, two-story, four bedroom single-family residence on a vacant 2.15 acre site with a previously graded pad.

Proposed Amendment: Construction of an approximately 40-foot long by 16-foot tall shotcrete retention wall on an inland canyon slope adjacent to an approximately 4,181 sq. ft. single-family residence on a 93,654 sq. ft. lot.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending **approval** of the proposed amendment with conditions. As conditioned, the project will stabilize the failing slope and protect the single-family residence above the failing slope, and is not expected to adversely impact biological or visual resources.

The primary concerns with the proposed project are potential adverse impacts to sensitive or protected species and adverse visual impacts near steep slopes and native vegetation. The subject site is inland of Interstate 5, located at the top of a coastal canyon on the north side of

Via de la Valle in an unincorporated portion of San Diego County. In 1988 the Commission approved the construction of a single-family residence on a vacant graded pad. Due to continued erosion adjacent to the rear yard of the home, portions of the existing home are within 5 feet of the top edge of a failing slope. The applicant proposes to construct a shotcrete retaining wall to stabilize the failing slope in order to prevent future erosion at the location and to protect their home from becoming undermined by continued erosion of the site. The Commission's geologist has reviewed the project and agrees that the existing structure is threatened, and there is no alternative location or feasible alternative to the proposed wall. As proposed, the wall will be located in an area devoid of vegetation. The wall will not be visible from the adjacent lagoon or any public trails. The wall will be colored and textured to limit visibility and any impacts to views from Via de la Valle.

To address the potential adverse impacts the Commission staff is recommending several special conditions. **Special Condition #4** assures that no impacts to sensitive or protected species occur due to construction noise or equipment staging by requiring habitat areas not be used as staging or storage areas. **Special Condition #5** requires that if all work cannot be completed outside of avian nesting season, that a qualified biologist shall survey the area for gnatcatchers and active nests, and shall halt construction activities until all birds have fledged and all nests are inactive or have been otherwise abandoned. In addition, Commission staff is also recommending **Special Condition #3** requires the applicant to submit final construction plans in substantial conformance with the plans dated September 7, 2018 by Soil Engineering Construction, Inc., and requires that the stabilization wall be finished with natural colors and textures for maximum protection of visual resources, respectively. **Special Condition #6** requires that the original open space deed restriction over the site, recorded in September of 1988, be amended to clarify the limited development that can be approved and to allow for maintenance of the wall upon its construction.

The project has been designed to avoid impacts to sensitive habitat to the greatest extent feasible while providing stabilization for the existing single-family residence.

Commission staff recommends **approval** of coastal development permit application 6-88-273-A1 as conditioned.

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EXHIBITS

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I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** the proposed amendment to Coastal Development Permit Application No. 6-88-273-A1 subject to the conditions set forth in the staff recommendation.*

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

Resolution:

The Commission hereby approves coastal development permit amendment 6-88-273-A1 and adopts the findings set forth below on grounds that the development as amended and conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. SPECIAL CONDITIONS

This permit is granted subject to the following new special conditions:

The following shall be added as new Special Condition 3 to the permit:

3. Final Retaining Wall Plans.

- (a) PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final stabilization wall plans for the proposed stabilizing wall. Said plans shall be in substantial conformance with the plans submitted by Soil Engineering, Inc. dated September 7, 2018, and shall include the following:
 - i. Sufficient detail regarding the construction method and technology utilized for texturing and coloring the wall. Such plans shall confirm, and be of sufficient detail to verify, that that wall has been designed, including color, contour, and texture to closely match the adjacent natural unarmored bluffs, including provision of a color board indicating the wall material.

- (b) The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

The following shall be added as new Special Condition 4 to the permit:

4. **Storage and Staging Areas.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit final plans for the review and written approval of the Executive Director, showing the locations which will be used as staging and storage areas for materials and equipment during the construction phase of this project. The plans shall indicate that construction access corridors and staging areas shall be located in a manner that has the least impact on sensitive resources, and shall include the following items as written notes on the plans:

- (a) Habitat areas shall not be used as staging or storage areas;
- (b) Identification of limits of the staging area(s);
- (c) Identification of construction corridor(s); and
- (d) Identification of the location of construction fencing and temporary job trailers, if any.

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

The following shall be added as new Special Condition 5 to the permit:

5. **Sensitive Species Monitoring.** PRIOR TO ANY CONSTRUCTION ACTIVITIES during gnatcatcher breeding/nesting season (February 15th through August 15th), a qualified biologist shall conduct a site survey for active nests no more than 72 hours prior to any development. If an active nest is located, then a qualified biologist shall monitor the nest daily until project activities are no longer occurring within 300 feet of the nest or within 500 feet of active gnatcatchers, or until the young have fledged and are independent of the adults or the nest is otherwise abandoned. The monitoring biologist shall halt construction activities if he or she determines that the construction activities may be disturbing or disrupting the nesting or foraging activities. The monitoring biologist shall make practicable recommendations to reduce the noise or disturbance in the vicinity of the active nest or gnatcatcher, or to eliminate the noise if it continues to be disruptive. This may include recommendations such as turning off vehicle engines and other equipment whenever possible to reduce noise, placing muffling

blankets around heavy machinery, erecting a temporary barrier between the construction location and gnatcatcher nests or foraging habitat, or ceasing noisemaking activities until gnatcatchers are observed to relocate unprompted. The monitoring biologist shall review and certify compliance with these avoidance boundaries and shall verify that the nesting effort has finished in a written report. Unrestricted construction activities may resume when no other active nests are found. The results of the site survey and any follow-up construction avoidance measures shall be documented by the monitoring biologist and submitted to the San Diego office of the California Coastal Commission.

The following shall be added as new Special Condition 6 to the permit:

6. Evidence of Amendments to Recorded Document. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall provide evidence that San Diego County Recording No. 88-455489 has been amended in a form and content reviewed and approved by the Executive Director, to accurately implement Special Condition 1 of CDP No. 6-88-273.

The following shall be added as new Special Condition 7 to the permit:

7. General Deed Restriction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions, and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

The following shall be added as new Special Condition 8 to the permit:

8. Assumption of Risk, Waiver of Liability and Indemnity Agreement. By acceptance of this permit, the applicant acknowledges and agrees (1) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (2) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (3) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

The following shall be added as new Special Condition 9 to the permit:

9. **Project Modifications.** Only that work specifically described in this permit is authorized. Any additional work requires separate authorization from the Executive Director. If, during construction, site conditions warrant changes to the project, the San Diego District office of the Coastal Commission shall be contacted immediately prior to any changes to the project in the field. No changes to the project shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

III. FINDINGS AND DECLARATIONS

A. PROJECT HISTORY/ AMENDMENT DESCRIPTION

The proposed development is construction of an approximately 40-foot long by 16-foot tall shotcrete-faced retention wall with a tieback anchor system located on an inland hillside overlooking a steep canyon above Via de la Valle, in an unincorporated area of San Diego County, just east of the City of Solana Beach. The proposed wall would be located in the rear yard of a 93,654 sq. ft. lot containing an approximately 4,181 sq. ft. single-family residence. The existing residence is located on a mesa-top above a steep, natively-vegetated canyon area. The lot is zoned SR-2 (Semi-Rural Residential) in the County of San Diego LUP. The site is approximately 2.3 miles inland of the shoreline, and approximately 0.28 miles west of El Camino Real, the coastal zone boundary in this area.

The single-family residence is currently located as close as 5 feet from the canyon edge (see [Exhibit 2](#)). The canyon adjacent to the residence consists of a near vertical approximately 15-foot high eroding slope which continues at a slightly less slope for approximately 20 feet east to the neighboring property boundary. The applicant has indicated that a slope collapse occurred in 2018, and the proposed wall is intended to stabilize the slope and protect the residence from further erosion and slope failure. The proposed wall would be constructed with tieback anchors with reinforced shotcrete facing sculpted and color-treated to blend as closely as possible with the surrounding slope appearance.

In 1979, the Commission approved a subdivision creating the subject lot (CDP #F7943). This permit allowed grading and drainage improvements, and required recordation of open space deed restrictions prohibiting the alteration of landforms, removal of vegetation, and erection of structures over portions of the steep slope areas, effectively prohibiting any development below the approved graded pads.

In July of 1988, the Commission approved construction of the single-family residence that exists at the site today (CDP #6-88-273). At that time, the Commission determined that the deed restriction required to be recorded over the steep slopes located on the southern and eastern portion of the property was never recorded and that there was not

legally-binding restriction prohibiting development below the graded pad. Therefore, as a condition of approval for construction of the house, the Commission required the applicants to record a deed restriction protecting all areas in excess of 25% grade through an open space deed restriction. As with the previous condition, the restriction effectively covered all of the subject property except the existing graded pad, prohibiting development of any type in the area below the graded building pad, including the area for the proposed retaining wall, without prior approval from the Commission. As recorded, the wording of this restriction does not provide for the construction of any structures even with the permission of the Commission. While Recording No. 88-455489 included Special Condition #1 as approved by the Commission, the restriction itself barred development on the slopes without qualifying for amendment, in tension with the Commission's action. Special Condition #1 did not ban all development on the slopes but required that the permittee apply for an amendment to this permit when altering landforms, removing vegetation, or erecting structures of any type. Thus, while the applicant originally applied for a new permit to construct the proposed wall (CDP #6-18-1026), staff directed the applicant to apply for an amendment to the previous permit as construction of the proposed wall would require an amendment to the existing deed restriction.

The applicant submitted an emergency CDP application (#G-6-18-0025) for the proposed shotcrete retention wall system concurrent with a regular CDP application (#6-18-1026) in October 2018. Upon review of the geotechnical report, the Commission's staff geologist determined that the project did not qualify for an emergency permit, and proceeded with review of the regular permit application (later resubmitted as the subject amendment).

On December 17, 2018, the Commission certified the County's LUP. However, the County has not yet completed any implementing ordinances; thus, the County's LCP is not effective for purposes of issuing permits. Therefore, the project site remains in an area of deferred certification where the Commission retains permit authority, and Chapter 3 of the Coastal Act remains the legal standard of review, with the County's LUP used as guidance.

B. GEOLOGIC STABILITY

Section 30253 of the Coastal Act states:

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, 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.*

Policy 9.12 of the certified County of San Diego Land Use Plan states:

Regulate development in hillside areas to minimize alteration of natural landforms and enhance scenic qualities of the County, protect native coastal vegetation, preserve existing watersheds, and reduce the potential for environmental hazards including soil erosion, landslides, adverse impacts due to runoff, and other impacts which may affect general safety and welfare.

The proposed development consists of a concrete wall molded into the existing sheer non-coastal slope immediately adjacent to an existing single-family residence. The topography surrounding the project site includes moderate to steep slopes, and the project site itself consists of a sheer slope face with a relatively flat base near the top of a steep canyon slope. The existing house is located as close as 5 feet from the edge of the slope. A single, approximately 40-foot wide by 16-foot tall shotcrete wall, secured by tiebacks into the slope is proposed to be constructed along the east side of the slope. The project does not propose grading of any kind, including cut or fill, and as such, no grading is authorized through this permit.

As previously mentioned, the applicant submitted an emergency CDP application and a regular CDP application concurrently for the proposed shotcrete retention wall system October 2018. In the applications, the applicant documented recent and ongoing slope failures at the site, but while the existing home is located very near the slope edge, the Commission's geologist and engineer did not find adequate evidence that a sudden and unexpected occurrence necessitated the need to issue a permit more quickly than the regular permit process.

Since that time, the applicant has submitted additional documentation regarding the safety of the residence. The project's geotechnical consultant, Hetherington Engineering, Inc., conducted a geotechnical investigation of the stability near the vertical portion of the slope at the rear of the existing residential structure at the subject site from June through August of 2018. Specifically, the investigation evaluated geologic and soil conditions, and assessed the stability of the slope within the rear portion of the vertical slope. Through their investigation it was determined that low factors of safety, approximately 1.1 static and 1.0 seismic, exist along a cross-section (A-A') in the upper bluff materials, supporting that portions of the home are vulnerable to slope failure.

At the request of the Commission, a brief alternatives analysis was provided by the project's construction engineer that looked into the feasibility of a smaller shotcrete wall, and a line of caissons or soldier piles into the bedrock. It was determined that a shorter wall would terminate in the paralic deposits that comprise the upper portions of the slope up to the surface level, resulting in continued erosion under the base of the wall and ultimately would result in undermining of the retention system. As proposed, the wall terminates into natural downslope protruding headland topography, and encompasses the entire length of the scarp to both contain the scarp from expanding and to more aesthetically blend the wall into the natural topography. Through the evaluation of placing a line of caissons or soldier piles into the bedrock as a stabilization measure, it was determined that due to the close distance of approximately 5-feet between the top of

scarp and the supporting portions of the residence, that there is not sufficient room to accommodate installation of such devices. Additionally, even if caissons or piles could be installed on some parts of the system, they could become exposed with a single additional failure episode, resulting in the need for a wall facing and tieback system to be constructed. While rear-yard, below grade caissons have been utilized on bluffs fronting the ocean, the purpose of those systems is designed to allow bluffs to naturally fail to as great an extent as possible without impacting the structures above so as to provide additional beach quality sands to fall onto the beaches. This is not the case with inland bluffs, however, and there is no environmental benefit in allowing the subject failure to expand. In addition, while a large lot, the majority of the site consists of steep slopes, with only a relatively small graded pad where the house is located. Relocation of the residence on the site would not be feasible.

The Commission's Coastal Engineer and Geologist concur that the loss of material has made the home's stability situation worse, and that a stabilizing device is warranted. The Commission's staff geologist has reviewed the project's geotechnical evaluations and concurs that a portion of the home nearest to the failing slope is vulnerable to slope failures just within the upper bluff materials and as such. The Commission's geologist has also reviewed the alternatives analysis provided by the applicant and has agreed that the proposed stabilization wall is necessary to protect the single-family residence from continued slope failures. No grading is necessary and the proposed project represents the least environmentally damaging alternative to stabilize the existing single-family residence. **Special Condition #6** has been included to require the applicant amend the original deed restriction over the steep slope areas of the property to allow and clarify that limited development and maintenance, if approved by the Commission, can be performed on the proposed wall to ensure that no adverse impacts to biological or visual resources occur in the future in the event of a wall failure.

To assure that all future owners of the property are aware of all of these conditions, **Special Condition #7** requires a deed restriction be placed on the property identifying the terms and conditions of the subject permit. **Special Conditions #8 and #9** require that the applicant assume the risks involved with the proposed project and waive liability of the Commission for authorizing such development, and require that any changes to the project as proposed be submitted as an amendment to this permit unless the Executive Director determines that an amendment is not legally required, respectively. Thus, the proposed project is consistent with Coastal Act Section 30253.

C. BIOLOGICAL RESOURCES

Section 30240 of the Coastal Act states:

(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 certified County of San Diego Land Use Plan states:

Limit development in steep hillside areas to minimize potential impacts on native plant and animal species and protect native habitat.

Policy 3.29 of the certified County of San Diego Land Use Plan states:

Permitted development located within or adjacent to ESHA or parklands shall include open space or conservation restrictions or easements over ESHA, ESHA buffers, or parkland buffers in order to protect resources.

The proposed wall would be located on a steep escarpment that is part of a canyon system overlooking Via de la Valle, and beyond that, San Dieguito Lagoon. In December 2016, the Commission reviewed and approved a permit (CDP #6-16-0807) for the expansion of Via de la Valle which included a biological survey of the slopes in the general region of the subject site. This previous report describes the slopes in the nearby region as ESHA because of the presence of gnatcatchers. As such, the site is protected by Section 30240(b) of the Coastal Act against significant disruption of habitat values. However, while the lot itself contains native vegetation and may be adjacent to ESHA, the specific location where the wall is proposed is entirely devoid of vegetation due to the steepness of the slope. Given the recent and on-going erosion, it can be assumed that the site has not been recently and will not be able to support vegetation. Thus, construction of the wall against the dirt slope will not impact any native or sensitive vegetation.

Nevertheless, while no direct impacts to habitat will occur, due to the location of the proposed project and its vicinity to nearby habitat, appropriate measures must be taken to ensure that no impacts to habitat or sensitive species occur during development. **Special Condition #5** requires that if work is to occur during nesting season, from February 15th through August 15th, that a qualified biologist with stop-work authority shall survey the area for active gnatcatcher nests and shall monitor the active nest(s) until the nest(s) are inactive and construction activities are completed. Staging associated with the project will only be located in the front of the home on the paved driveway or street, and no equipment will be staged in the rear yard of the home above the slope, or on the base of the failing slope in the canyon. Additionally, all access and proposed work to construct the wall, including work related to installation of the tiebacks, steel and shotcrete, will be performed from temporary scaffolding at the base of the failing slope (see **Special Condition #4**). Tieback drilling will use a hydraulic (vegetable oil) auger drilling rig that will be hand-carried into place, and the drill's motor and frame may be taken apart to ease moving from location to location. Further, excavation of the wall's toe trench will be done by hand, and soil spoils will be brought to the top of the slope using plastic buckets pulled by a rope. Thus, no impacts to vegetation are expected to occur during construction.

Therefore, as conditioned, the proposed development will not result in any adverse impacts to environmentally sensitive habitat or coastal biological resources and can be found consistent with all applicable policies of the Coastal Act.

D. VISUAL RESOURCES

Section 30251 of the Coastal Act states:

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. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Policy 6.7 of the certified County of San Diego Land Use Plan states:

New development on properties visible from public trails in and around San Elijo Lagoon and San Dieguito Park, or other public viewing areas, shall be sited and designed to protect public views of the ridgelines and natural features of the area through measures including, but not limited to, providing setbacks from the slope edge, restricting the maximum size, reducing maximum height limits, incorporating landscape elements and screening, incorporating earthen colors and exterior materials that are compatible with the surrounding natural landscape (avoiding bright whites and other colors except as minor accents). The use of highly reflective materials shall be prohibited.

Policy 6.10 of the certified County of San Diego Land Use Plan states:

Require development to conform to the natural topography to limit grading and to incorporate and not significantly alter the dominant physical characteristics of the site.

The project site is located on the southeastern side of a canyon slope, immediately below and adjacent to an existing single-family residence, with other neighboring residences lining the top of the graded slope. The residence itself overlooks the San Dieguito Lagoon and River Park, but as the slope on the site is set back from Via de la Valle and generally facing east, the location of the proposed wall is not visible from the lagoon trails or from eastbound Via de la Valle. The slope is visible from a portion of the westbound Via de la Valle corridor, for approximately 0.35 miles, roughly from Polo Point to De La Valle Place. However, while the proposed wall will be briefly visible from a small stretch of this major public access corridor, it will not protrude above the ridgeline and scenic views from westbound Via de la Valle are generally of the lagoon valley to the south, not the hillside to the north. As proposed, the wall will be colored and textured to match the surrounding bluffs, which will minimize visual impacts.

Special Condition #3 requires that the retaining wall be finished with natural colors and textures for maximum protection of visual resources. The wall is the minimum size

necessary to protect the existing house, and any impacts on public views will be less than significant.

Therefore, the Commission finds the proposed development, as conditioned, consistent with Section 30251 of the Coastal Act.

E. LOCAL COASTAL PLANNING

Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The Commission approved the County's LCP Land Use Plan (LUP) in May 2017 with suggested modifications. The County accepted all of the Commission's suggested modifications on September 12, 2018; and on December 17, 2018, the Commission certified the County's LUP. However, the County has not yet submitted implementing ordinances, thus, the County's LCP is not effective for purposes of issuing permits. The proposed development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act and the certified LUP. Therefore, the Commission finds that approval of the proposed development would not prejudice the ability of the County of San Diego to complete its LCP.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The County of San Diego has found the project as proposed to be categorically exempt from CEQA regulations.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing visual impacts and possible biological impacts will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

6-88-273-A1 (Frueh)

Appendix A – Substantive File Documents

County of San Diego certified Land Use Plan

San Diego County Recording No. 88-455489

California Coastal Commission Coastal Development Permit No. 6-88-273

California Coastal Commission Coastal Development Permit No. F7943