

CALIFORNIA COASTAL COMMISSION

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



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REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-08-056

Applicant: Pardee Homes, Attn: Beth Fischer, Agent: Latitude 33 Planning
Jimmy Ayala and Karen Kosup & Engineering, Attn: Ted Shaw

Description: Subdivision of 41.83 acres into 15 lots (ten single-family lots and five open space, brush management and private road lots); project includes construction of ten residences and potential guest quarters, 28,000 cu.yds. of balanced grading, road improvements along Old El Camino Real, and improvement of a public trail link.

Lot Area	1,808,960 sq. ft.
Building Coverage	23,000 sq. ft. (01%)
Pavement Coverage	89,298 sq. ft. (05%)
Landscape Coverage	239,580 sq. ft. (13%)
Unimproved Area	1,457,092 sq. ft. (81%)
Parking Spaces	28
Zoning	AR-1-1
Ht abv fin grade	32.5 feet

Site: West side of Old El Camino Real south of San Dieguito Road, San Diego
(San Diego County) APN 304-020-18

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed development with special conditions. The project site contains sensitive native habitats, historic agricultural lands and various trails, and the proposed home development and necessary brush management will occur on the already disturbed portion of the site. While the subdivision and construction of homes will not result in any impacts to coastal resources, improvement of a public multi-use trail would impact 0.02 acres of coastal sage scrub along Old El Camino Real. Special Condition #1 calls for final plans, including realignment of the public trail in a

manner that avoids all impacts to sensitive vegetation. Other special conditions require the applicant's adherence to the submitted BMP program, landscaping plans, and revegetation plans.

Substantive File Documents: Certified City of San Diego LCP; Mitigated Negative Declaration, SCH No. 2003101160; Soil and Geologic Reconnaissance by Geocon Incorporated, dated August 28, 2002; Biological Resources Assessment by Natural Resource Consultants, dated October 18, 2007; Water Quality Technical Report by Latitude 33 Planning and Engineering, as revised September 3, 2008; City of San Diego Planned Development Permit No. 8294, Site Development Permit No. 8292, and Neighborhood Use Permit No. 411907

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-08-056 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

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

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Revised Final Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit final plans for all project components to include tentative map, site, building, grading, and road and trail plans, for the review and written approval of the Executive Director. Said plans shall be approved by the City of San Diego and shall be in substantial conformance with the plans received with the permit application, except they shall be revised as follows:

- all residential development, including any guest quarters shall be located entirely within the delineated building envelope, and shall not result in the need to extend brush management into Lot A or native habitats
- the public trail link shall be constructed along the northern edge of the proposed development, north of Parcels 1, 2, 3, and 4, and shall not impact any sensitive biological resources
- the existing trail along portions of the southern, western and eastern perimeters of the developable area shall remain in its current condition and configuration

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

2. BMP Program. The applicant shall implement all water quality BMPs identified in the Water Quality Technical Report by Latitude 33 Planning and Engineering, revised September 3, 2008 and shown on Plan Sheets A-2 and A-4. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Landscaping/Revegetation Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and written approval of the Executive Director, a final revised landscaping plan. Said plans shall be approved by the City of San Diego and shall be in substantial conformance with the landscape plans submitted with this application, except they shall be revised as follows:

- a. A plan showing the type, size, extent and location of all trees, shrubs and groundcovers on the site.
- b. Only plant materials that are drought tolerant and native, or non-invasive shall be utilized in the approved plant palette for the project, except for the landscape palette

immediately adjacent to the residences, that is subject to Zone One brush management and required to be permanently irrigated. The final plan for this area shall emphasize the use of native species, but use of non-invasive ornamental species and lawn area is allowed. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized.

c. A planting schedule that indicates that slope stabilization/revegetation planting shall be implemented within 60 days of completion of grading and the remainder of the planting plan shall be implemented within 60 days of completion of construction of the homes.

d. A written commitment by the applicant that all required plantings shall be maintained in good growing conditions, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.

e. No pesticides or rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall be used on the site.

f. No clear glass windscreens, clear glass railings around decks, or clear glass in perimeter fencing or fire walls shall be installed on the site.

g. Five years from the date of issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

The permittee, and each subsequent landowner, shall undertake and maintain the development in accordance with the approved landscape plans. Any proposed changes to the approved landscape plans shall be reported to the Executive Director. No changes to

the landscape plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. Exterior Treatments. The applicant shall implement the Color Selection Book by Bassenian Lagoni Architects, dated March 31, 2008 exclusively that includes only the use of earth tone colors and materials. No changes to the colors shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

5. Open Space Restriction – Lot A.

A. No development, as defined in section 30106 of the Coastal Act shall occur in the area depicted as the 33.45 acre Lot A on the Vesting Tentative Map By Latitude 33 dated September 28, 2007 as described and depicted in an Exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit except for:

1. Restoration of Coastal Sage Scrub habitat, including revegetation and maintenance of these areas,
2. Existing utility easements, including necessary access and maintenance of such,
3. Construction of and maintenance and use of new trail segment along northern edge of the development and use of existing public trails.

B. PRIOR TO ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOI FOR THIS PERMIT, the applicant shall submit for the review and approval of the Executive Director, and upon such approval, for attachment as an Exhibit to the NOI, a formal legal description and graphic depiction of the portion of the subject property affected by this condition, as generally described above and shown on Exhibit #2 attached to this staff report.

6. Public Trail Easement.

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit an irrevocable offer to dedicate a five (5) foot wide public access trail easement that traverses across the northern edge of the proposed development, north of Parcels 1, 2, 3, and 4, as depicted in Exhibit #3 attached to this report.

B. The irrevocable offer shall be of a form and content approved by the Executive Director, free of prior encumbrances, except for tax liens, that the Executive Director determines may affect the interest being conveyed, and shall provide the public the right to use the dedicated route for hiking and horseback-riding from sunrise to sunset daily. The dedicated trail easement shall not be open for public hiking and equestrian usage until a public agency or private association approved

by the Executive Director agrees to accept responsibility for maintenance and liability associated with the trail easement. The document shall provide that the offer of dedication shall not be used or construed to allow anyone, prior to acceptance of the offer, to interfere with any rights of public access acquired through use which may exist on the property. The offer shall run with the land in favor of the State of California binding successors and assigns of the applicant or landowner. The offer of dedication shall be irrevocable for a period of 21 years, such period running from the date of recording.

7. Future Development. This permit is only for the development described in coastal development permit #6-08-56. Except as provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106 shall require an amendment to Permit #6-08-56 from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission or from the applicable certified local government.

8. Evidence of Dedication of Lot A to the City of San Diego. Within 90 days of issuance of the Executive Director of this permit, the applicant shall provide evidence, for the review and written approval of the Executive Director, that the area depicted as Lot A in Exhibit #2 has been dedicated in fee title to the City of San Diego.

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

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The applicant is proposing subdivision of 41.83 acres of land into 15 lots. Ten of these lots will be developed with single-family residences, and range in size from 0.39 acre to 0.95 acre, with most lots approximately half an acre in size. There is one open space lot proposed, that will encompass all undeveloped portions of the site; it is 33.45 acres in size. The other four lots are proposed to belong to the HOA, and represent the areas for required brush management

and the private driveway to serve the subdivision. The proposal also includes construction of the ten homes, construction of potential guest quarters without kitchens, 28,000 cu.yds. of balanced grading, drainage and erosion control improvements, parking and landscaping. The applicant proposes two single-story home designs and two, two-story designs, ranging in size from 3,759 sq.ft. to 5,311 sq.ft. Special Condition #1 calls for a complete set of final plans, some of which are also addressed in other special conditions and in subsequent findings.

The property is located on Old El Camino Real, one property south of San Dieguito Road and extends westward to realigned El Camino Real in the City of San Diego. The portion of the site adjacent to Old El Camino Real is relatively flat, somewhat higher than the road, and has been farmed in the recent past, giving the appearance of fallow agricultural fields. This is the part of the site proposed to be developed with ten single-family residences. A greater portion of the site has had past agricultural use than the proposed development area, which represents about one-fifth of the total site. These previously-disturbed areas will be restored with coastal sage scrub vegetation. Existing native communities also exist on the site, as it slopes downhill to the south, west, and northwest, into Gonzales Canyon. This canyon occupies most of the western and far-southern part of the property and provides a habitat linkage between the San Dieguito and Los Penasquitos open space systems.

The proposed subdivision will not itself result in adverse impacts on coastal resources. However, an existing informal multi-use trail crosses the property and connects Old and New El Camino Real. Since portions of this trail will be lost to the proposed development, the City of San Diego, in approving local discretionary permits for the project, required replacement of the lost trail segment with a new trail segment running along the southern edge of the subdivision. In the area where the proposed trail segment meets up with Old El Camino Real, approximately 0.02-acre of coastal sage habitat will be removed. This will be addressed fully in Special Conditions of approval and the following findings on Biological Resources.

The project site is located in Subarea II of the North City Future Urbanizing Area, which is an area of deferred certification in the City's LCP. The area was primarily undeveloped when the Commission certified the North City Future Urbanizing Plan in the mid-90s. Because that plan lacked specificity, except for its circulation and environmental aspects, it was agreed that coastal development permit jurisdiction would not transfer to the City of San Diego until the Commission had certified subarea plans for the three subareas that were all, or partly, in the coastal zone. Since then, the Commission has certified subarea plans for two of those three subareas (Pacific Highlands Ranch/Subarea III and Del Mar Mesa/Subarea V), and the City now has permit jurisdiction in those communities. No plan for Subarea II has been reviewed or certified by the Commission; thus, Subarea II remains in the Coastal Commission's coastal development permit jurisdiction. Chapter 3 of the Coastal Act is the legal standard of review, with the City's LCP used for guidance.

2. Biological Resources/Public Trails. The following Coastal Act policy addresses the coastal sage scrub vegetation found on the subject site, including the area subject to impact by the proposed development, and states:

Section 30240

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

This site consists of a somewhat mounded area near Old El Camino Real, which, along with gentle slopes around it, has been farmed in the past, and also natively-vegetated steep slopes and a riparian corridor at the base of a canyon, Gonzales Canyon, that runs along the southern and western portions of the property, as well as off-site. The highest part of the “mound” is proposed for a daylight cut, with the graded spoils used to build up the lower part of the mound, creating a flat area for the building sites. All proposed development will take place on the flatter, previously-farmed portions of the site, and all existing native habitat areas will be permanently preserved as open space. Moreover, all previously farmed area not part of the actual development on the site will be revegetated with coastal sage species. The proposed homes, landscaping, driveways, potential guesthouses, etc., as well as all brush management (Zones 1 and 2), are contained within the 20% portion of the site closest to Old El Camino Real, and all are within previously-farmed areas. The proposed subdivision and construction of ten homes and associated improvements does not impact any coastal sage habitat on the existing site.

The applicant is proposing to dedicate the 33.45 acre area (Lot A) to the City for incorporation into the City’s MHPA preserve. To assure this occurs, Special Condition #8 requires the applicant to provide evidence that such dedication has occurred within 90 days of issuance of the coastal development permit by the Executive Director. In addition, to further assure this area is protected, Special Condition #5 requires the application to place an open space restriction over this area. Special Condition #9 requires the applicant to record a deed restriction that imposes the terms and conditions of this permit as restrictions on use and enjoyment of the property and thereby provides any prospective purchaser of the site with recorded notice that the restrictions are imposed on the subject property.

In addition, the Commission finds that the amount and location of any new development that could be built in the future on the subject site consistent with the resource protection policies of the Coastal Act is significantly limited by the unique nature of the site and the environmental constraints discussed above. Therefore, the permitting exemptions that apply by default under the Coastal Act for, among other things, improvements to existing

single family homes and repair and maintenance activities may be inappropriate here. In recognition of that fact, and to ensure that any future structures, additions, change in landscaping or intensity of use at the project site that may otherwise be exempt from coastal permit requirements are reviewed by the Commission for consistency with the resource protection policies of the Coastal Act, Special Condition #7, the future development restriction, has been required which requires Commission review of all future development on the site.

There are a number of existing, informal trails across the site, all with evidence of recent equestrian use. The widest trail comes up from the west from New El Camino Real, through part of Gonzales Canyon and across the upper area of the site connecting to Old El Camino Real; the portion of the trail on the flatter “mound” is fairly wide and was likely used as a farm road in the past. The proposed development would directly block access to portions of that trail (and other smaller and lesser used trails), removing it and replacing it with one proposed home site and the private cul-de-sac serving the proposed development. Because that trail forms a connection between other existing and proposed public trails in the general area, the City of San Diego has required the applicant to replace that trail segment with a new trail running along the southern edge of the graded area. For the most part, this trail already exists just upland of where the native vegetation starts, but it’s only a couple feet wide in places and obviously not as heavily used as the “main” trail. The applicant proposes to widen this trail to an average width of five feet, and bring it through to Old El Camino Real at the southern property line. A gully adjacent to Old El Camino Real contains coastal sage scrub vegetation, and the trail completion would remove approximately 0.02-acre of the habitat (roughly 850 sq.ft.) located immediately adjacent to sidewalk improvements also required by the City of San Diego. The sidewalk improvements themselves do not impact the habitat area.

The Commission’s staff ecologist has reviewed the biology reports prepared for the project and the proposed trail development and has determined that the coastal sage habitat that would be impacted meets the definition of Environmentally Sensitive Habitat Area (ESHA) under the Coastal Act. Moreover, the coastal sage community in this area is part of the Gonzales Canyon system which wraps around the southern and western portions of the subject site. This canyon would appear to serve as a wildlife corridor between Multiple Habitat Planning Area (MHPA) lands to the east and the San Dieguito River Valley to the northwest. Although the proposed impact would occur in an upland area and not in the actual canyon, it is all part of the same ecosystem. The MHPA is land designated as open space through the City’s Multi-Species Conservation Program (MSCP), which was developed in response to state legislation and identifies where future development can occur and what areas must be placed in permanent open space. Some of the land on the subject site is delineated as MHPA land, but that is well outside the area proposed for development.

The specific alignment of the trail approved by the City is intended to come out on Old El Camino Real some distance north of where a new trail to the east would begin on the opposite (east) side of Old El Camino Real. The trail system is intended to eventually provide a connection between the Coast to Crest Trail, which will run the length of the

San Dieguito River Valley and on eastward to the source of the San Dieguito River near Julian, CA, and the proposed trail system in the Pacific Highlands Ranch community (North City Future Urbanizing Area Subarea III). Old El Camino Real is the boundary between Subareas II and III in this particular location, and is also the coastal zone boundary; although portions of Subarea III are in the coastal zone, these areas are further south along SR 56.

The Subarea III plan certified by the Coastal Commission does include a trail system on the eastern side of Old El Camino Real, but the planned trail appears to be located farther north than the connection desired by the City of San Diego, which circles around the southern part of the proposed development footprint on the subject site. Immediately east of Old El Camino Real, existing trails, that appear to be in the alignment shown in the certified LUP, follow utility easements and would, or could through offshoots, connect to the City's desired trail further south. The applicant stated that the proposed southern trail on the east side would be mostly in City-owned open space, but it must cross private land to connect to Old El Camino Real; there is evidently some reluctance on the part of that property owner, which will delay, or possibly prevent, completion of that trail.

However, there already are existing, Subarea III trails within utility easements, which would appear to be better served by a new trail running along the northern perimeter of the proposed graded pads on the subject site, rather than the one to the south endorsed by the City. The applicant has indicated that a northern trail had been their original proposal to the City, but it was rejected in favor of the southern trail. However, the southern trail will impact 0.02 acres of ESHA, whereas the applicant believes a northern alignment would completely avoid any habitat impacts. In a conversation with the City's Open Space Trails Manager, he said his personal opinion was that a trail on the north side made more sense as it would connect better with trails to the east. Exhibit #3 shows roughly where the existing trails are, the proposed southern alignment, and the recommended northern alignment.

The project manager at the City however, identified several reasons why the City prefers a southern trail. First, it believes most equestrian uses come from the south, with two existing commercial stables immediately south of the subject property, located directly across the street from where the southern trail to the east would begin if it gets built. Using only the trails farther north would require horses from those facilities to walk along the road for some distance on one side of Old El Camino Real or the other. However, using the southern trail across the subject site, horses on that trail would have to do the same, although for a lesser distance. Second, Old El Camino Real has a very narrow right of way (one car in each direction), which will become even more so once the applicant installs a sidewalk along its street frontage, as required by the City, raising some safety concerns over horses and cars mixing. Finally, the City says horses coming across the subject site from the west using a northern trail would have to cross Old El Camino Real close to the crest of a hill, and adjacent to the proposed subdivision entryway, again raising safety concerns over sightlines and cars.

However, there is no reason to have to choose between a northern or southern trail when the City can have both. If the City obtains permission to complete the off-site (and out of the coastal zone) segments of the southern trail, then the commercial facilities can certainly make use of it. The narrow existing trail on the subject site can also remain, without any improvements or a street connection where currently proposed. In its current condition, this narrow trail trends northward parallel to Old El Camino Real until it reaches the “main” trail, or farm road. On the other hand, a northern trail could connect to another existing informal trail which also connects to the “main” trail, then come eastward across the site and out to Old El Camino Real a couple hundred feet or more north of the proposed project entry, all within former agricultural fields. This is also closer to the actual crest of the hill, which may provide better sightlines than would be available at the project entryway itself. Using this alternative, there will be no impacts on sensitive habitats as would occur with improvements to the existing southern trail, and a northern trail should line up fairly well with the existing trails to the east, thus minimizing the time horses would be on the road and completing the connection between the Coast to Crest Trail and Subarea III. Moreover, the northern alignment would be closer to, and thus better replace, the existing trail(s) being lost.

In summary, Special Condition #1 addresses revised final trail plans showing a northern alignment, and Special Condition #6 requires granting of a trail easement. The Commission finds that the proposed construction activities are consistent with Section 30240 of the Coastal Act, which prohibits impacts to ESHA for most activities, only if the proposed public trail is relocated to the northern perimeter of the building area. The staff ecologist has determined that the CSS that will be impacted with the proposed trail alignment is ESHA, both because of the on-site vegetation itself and because the site is part of the Gonzales Canyon ecosystem. In addition, the applicant proposes to revegetate the areas of prior agricultural use outside the development footprint, which will significantly increase the amount of habitat on-site. Therefore, as conditioned, the Commission finds the proposal consistent with the biological resource policies of the Coastal Act.

3. Water Quality/BMP Program. The following Coastal Act policies are most pertinent to water quality concerns, and state:

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The project site is currently vacant and portions of it have been previously farmed. The site is unpaved and contains no impermeable surfaces. The subdivision proposal will result in approximately two acres of land either covered by structures or paved. This includes houses, outbuildings, walkways, driveways and the private access street. Any increase in impermeable surfaces can redirect water flows on a site as well as increase the concentration and velocity of runoff. To help address this the project includes a detention basin in the northeast corner of the site, a vegetated swale, a catch basin and filtered inlets.

In addition to these permanent features, the proposal includes 28,000 cu.yds. of balanced cut and fill grading to create the ten building pads. A daylight cut of the highest portion of the site is proposed, and spreading the fill around the lowered center will create adequate space for the ten proposed homes and other site improvements, including brush management areas. The resulting manufactured slopes beyond the building pads will be revegetated with native coastal sage species. All of this major land alteration occurs outside the portions of the site that are designated as MHPA lands, and at least 150 feet distant from the sensitive vegetation in the canyon.

The submitted Water Quality Technical Report, which contains the plans for both construction and post-construction BMPs, was reviewed by the Commission's Water Quality Unit. A few suggestions for improvement of the plan were made by the Unit, and an updated version of the plan was submitted on August 15, 2008. All the Water Quality Unit's suggestions have been incorporated into the final document, and Special Condition #2 requires strict compliance with the revised plan. Construction BMPs include providing a stabilized construction entrance to the project area and the use of gravel bags and fiber rolls. Post-construction BMPs include a detention basin, filtered inlets and vegetated swales. Thus, the Commission finds the proposal, as conditioned, consistent with the cited Chapter 3 policies.

4. Visual Resources. The following Coastal Act policy addresses the issue of impacts on visual resources, and states in part:

Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. ...

The subject site fronts on Old El Camino Real and extends westward nearly to (new) El Camino Real, which serves as a north-south connector between major east-west coastal access routes (Carmel Valley Road, Del Mar Heights and Via de la Valle in the City of San Diego). Portions of the site are visible from (new) El Camino Real, but the development itself is set back so far from the eastern slope of Gonzales Canyon, which is heavily vegetated, that the houses themselves will not be visible from the road. The site can also be seen from Interstate 5, but at a distance of more than a mile. Once the San Dieguito Restoration Plan is completed, the site may also be visible from some public recreational trails through the restoration site. Because of the site topography, it is unlikely that any of the proposed homes would be visible from those areas. Moreover, existing and planned development along (new) El Camino Real will be much more prominent in the viewshed.

In addition, the application includes a color board, indicating all homes will be of earth tones without any bright accents. Special Condition #4 requires compliance with the submitted color selections and indicates an amendment may be required to change colors in the future. The proposed landscaping and revegetation plans include only appropriate native (with non-native only in the irrigated Brush Management Zone One area), drought-tolerant and non-invasive species. Special Condition #3 formalizes this proposal with the Commission's usual landscaping condition which also includes restrictions on the use of invasive plants, pesticides/rodenticides and use of clear glass on decks or patios. As conditioned, the Commission finds the proposed development consistent with both visual and biological resource policies.

5. Conversion of Agricultural Lands/New Development. The following policies of the Coastal Act address the conversion of agricultural lands and the concentration of development, are most applicable to the proposed development, and state, in part:

Section 30241

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250. ...

Section 30242

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

Section 30250

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources....

The subject site does not contain any prime agricultural lands, nor are there agricultural uses on adjoining properties at this time. There are five types of soil found on the subject site, including undocumented fill, topsoil, colluvium, alluvium and slopewash. These soils were found to be of medium quality for agricultural use. A land Evaluation and Site Assessment (LESA) analysis was conducted by RECON in 2006, wherein the soils scored 38.94. This is not considered significant, and, thus, there are no soils existing on the site which meet the definition of prime agricultural lands.

Although the conversion of the site to non-agricultural uses (residential and open space) would not represent a reduction in prime agricultural lands, the loss of any farmlands represents a cumulative impact on the region's agricultural productivity as a whole. However, the site is located west, across Old El Camino Real, from three large homes in Subarea III, built under residential zoning. There are commercial (equestrian) operations to the south of the site, and to the west across portions of Gonzales Canyon, a church facility is under construction. The currently vacant property north of that church is owned by another church, and similar development is expected to occur on that site in the

future. There are some agricultural activities located to the north of the site, along with a commercial fruit stand/pumpkin patch/Christmas tree lot, depending on the season. Thus, the subject property is surrounded on three sides with non-agricultural uses, and on the fourth by a small agricultural and commercial use, such that agricultural use is no longer the primary land use in this area.

More significantly under Section 30242, the conversion of this site to non-agricultural use is consistent with Section 30250, in that it will cluster the development on only 20% of the site, leaving the rest as permanent open space incorporated into the City's Multi-Species Conservation Program. The area is already served by all utility and sewer connections, and the proposed development is consistent with the City of San Diego's AR-1-1 (Agricultural/Residential) Zone for development pursuant to a Planned Development Permit as a rural cluster development.

In conclusion, the Commission finds the conversion of this property from agricultural to non-agricultural uses consistent with the cited provisions of the Coastal Act. The subject property does not contain prime agricultural lands. Concentrating urban development on a small portion of the site and retaining the remainder of the site in open space is a worthy goal under Coastal Act policies addressing biological resources, visual resources and public access. Although much of the property currently being farmed in the river valley is former wetlands, the subject site is elevated way above the valley floor. However, the area retired from agricultural use and retained as open space is part of a natural corridor connecting the uplands east of (new) El Camino Real with the wetlands currently under restoration within the San Dieguito River Valley. Therefore, the Commission finds the proposed development, as conditioned, consistent with Sections 30242 and 30250 of the Coastal Act.

6. 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.

Subarea II of the North City Future Urbanizing Area does not have a certified LUP, such that Chapter 3 of the Coastal Act is the legal standard of review. The prior findings have found the project consistent, with the proposed conditions, with all cited Coastal Act policies. The Commission finds that approval of the proposed development, as conditioned, will not prejudice the City of San Diego's ability to complete a certifiable LUP for this subarea.

7. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible

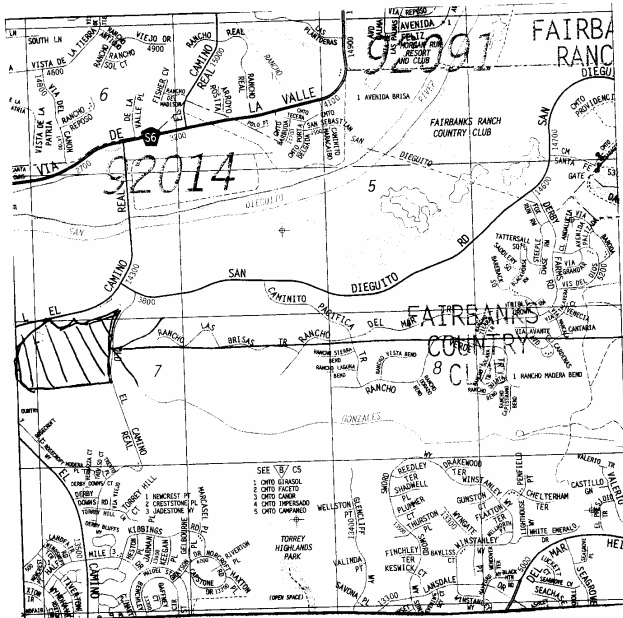
mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

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

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

6-08-056



Site

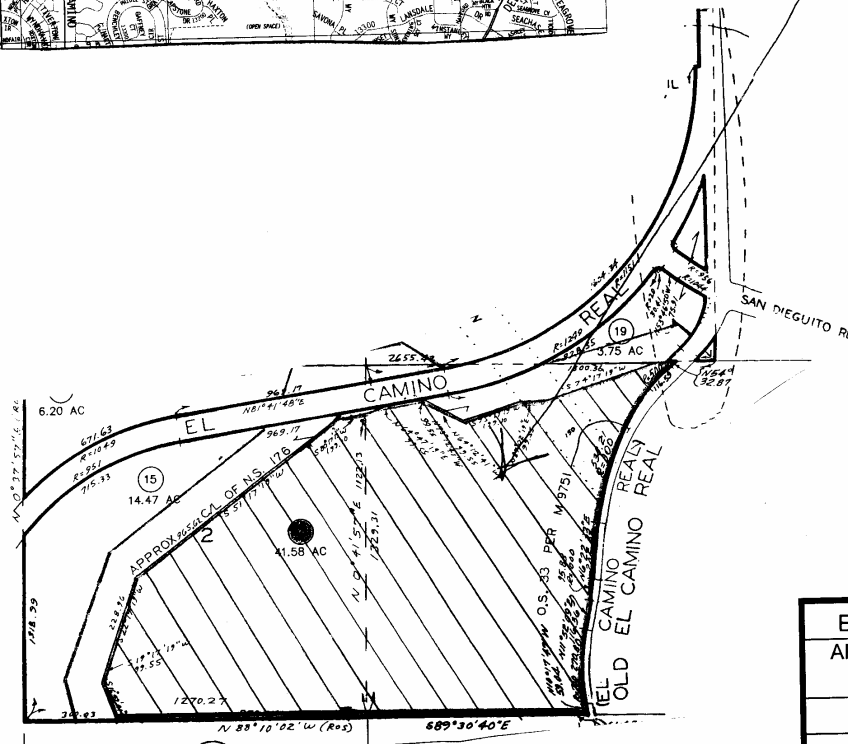
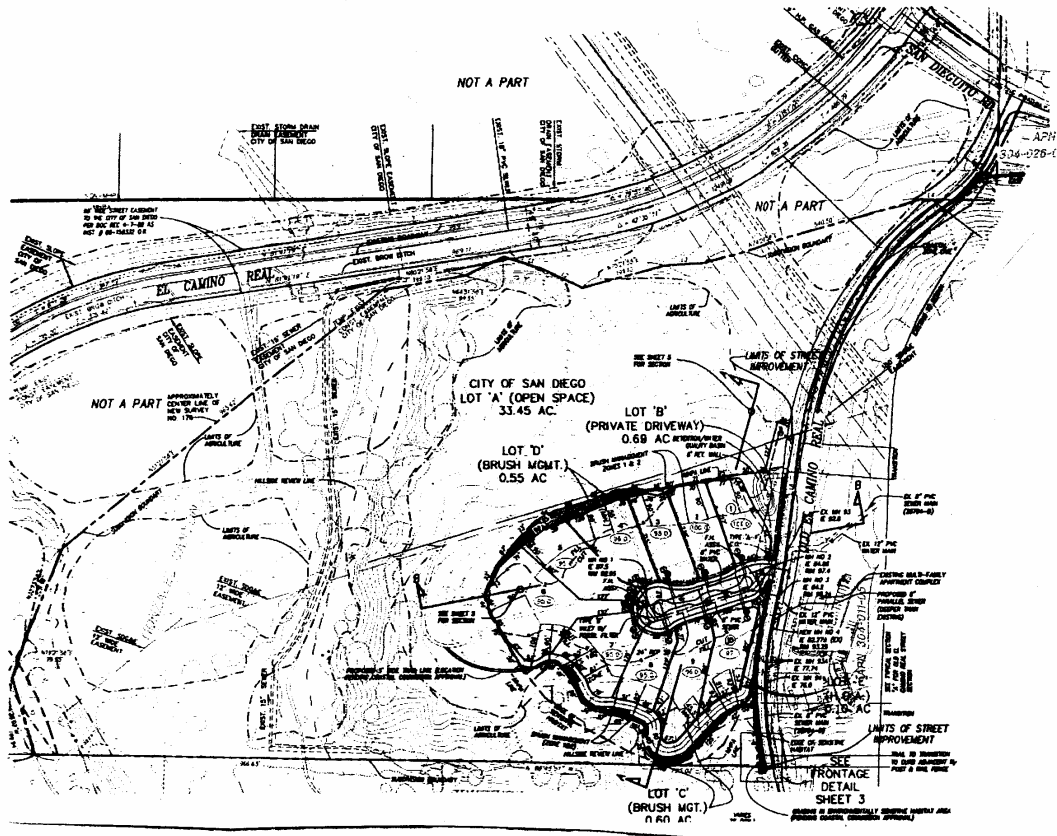


EXHIBIT NO. 1
APPLICATION NO.
6-08-056
Location Map s

California Coastal Commission

6-08-056



Site Plan

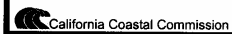


EXHIBIT 2 : SITE MAP
RANCHO VALLEY FARMS | CITY OF SAN DIEGO, CALIFORNIA

- Site Boundary
- MHPA Boundary
- existing trails
- proposed southern trail
- recommended northern trail
- connecting trails east of Old ECR

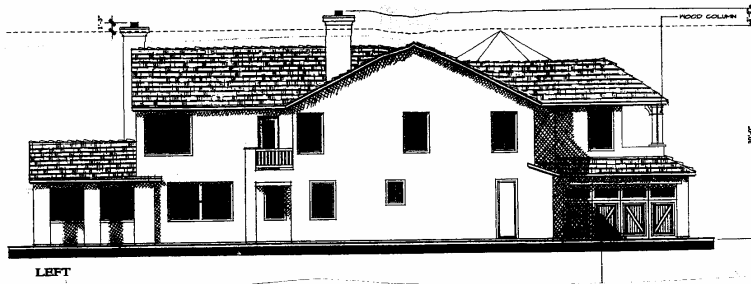


0 50 100 200 400 Feet
1 inch equals 204 feet
13.413



EXHIBIT NO. 3
APPLICATION NO.
6-08-56
Trails Plan





6-08-056

Plan 3
2-story

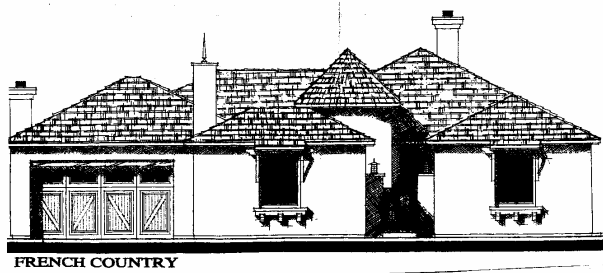
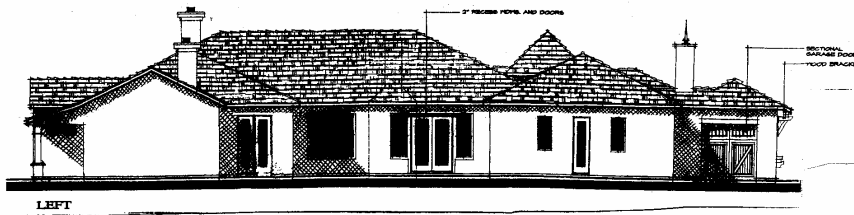


EXHIBIT NO. 4
APPLICATION NO.
6-08-056
Typical Elevations