

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



Th 5a

Addendum

April 29, 2010

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item Th 5a** , Coastal Commission Permit Application **#6-09--072 (Living Water Lutheran Church)**, for the Commission Meeting of May 12-14, 2010.

Staff recommends the following minor corrections be made to the above-referenced staff report:

1. As one of the applicants was inadvertently left out, please add the following party to the list of applicants on Page 1 of the staff report:

St. John Garabed Armenian Apostolic Church




2. Please clarify Special Condition #1, on Page 2 of the staff report as follows:

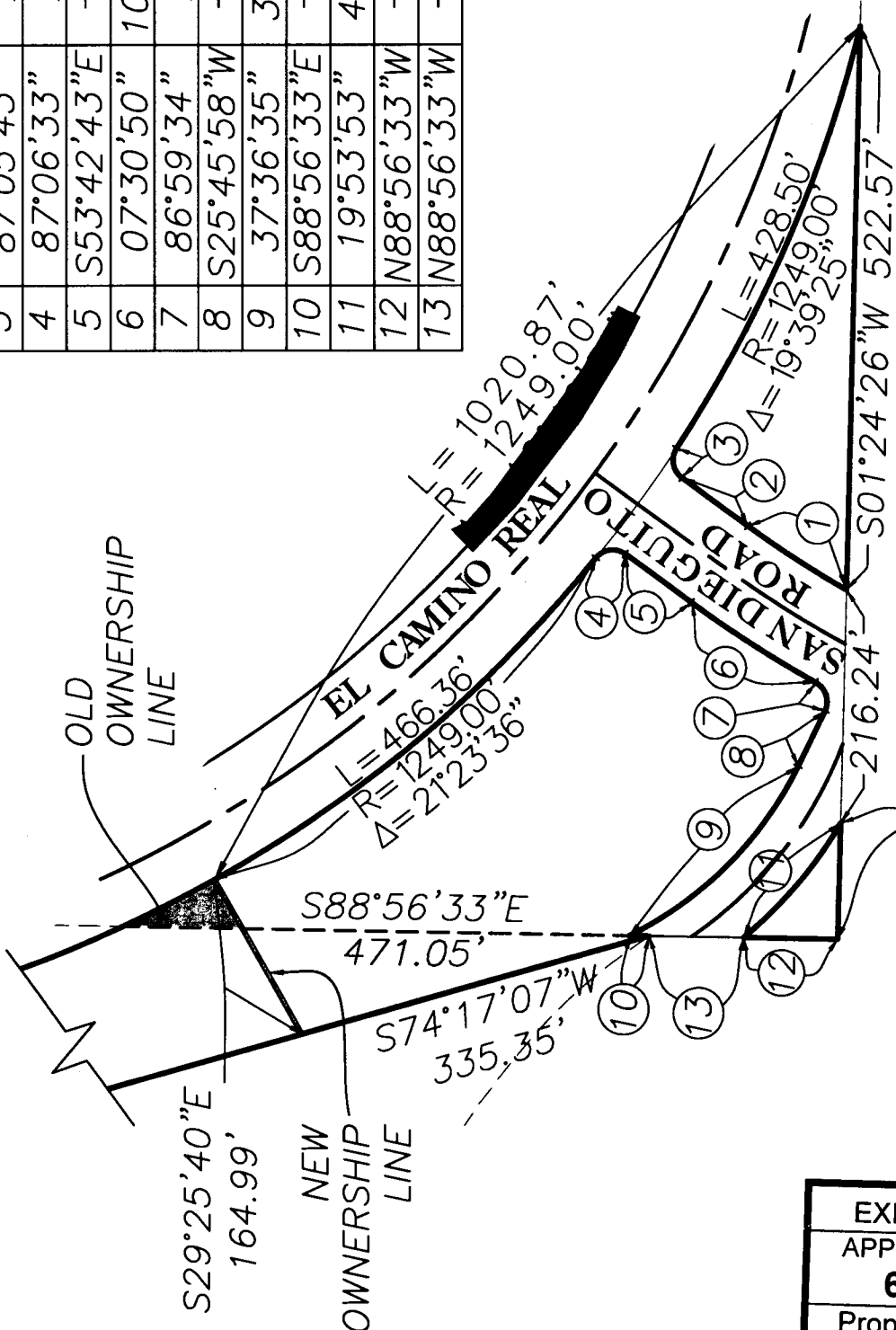
1. Future Development Restriction

A. This permit is only for the development described in coastal development permit No. 6-09-072. Except as provided in Public Resources Code section 30610 and applicable regulations, any future development on either parcel as defined in PRC section 30106, including, but not limited to, a change in the density or intensity of use land, shall require an amendment to Permit No. 6-09-072 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.

3. Please replace existing Exhibit #2 with attached new Exhibit #2

COLOR KEY

-  LAND TO ST. JOHN
-  LAND TO LIVING WATER
-  NEW OWNERSHIP LINE




LOT LINE ADJUSTMENT
NTS



DATA TABLE

BEARING/Δ	RADIUS	LENGTH
1 06°33'05"	956.00'	109.31'
2 N53°42'43"W	—	75.91'
3 87°05'43"	20.00'	30.40'
4 87°06'33"	20.00'	30.41'
5 S53°42'43"E	—	75.91'
6 07°30'50"	1044.00'	136.91'
7 86°59'34"	20.00'	30.37'
8 S25°45'58"W	—	57.36'
9 37°36'35"	345.00'	226.46'
10 S88°56'33"E	—	18.12'
11 19°53'53"	405.00'	140.65'
12 N88°56'33"W	—	87.44'
13 N88°56'33"W	—	87.48'

EXHIBIT NO. 2
APPLICATION NO.
6-09-072
Proposed Lot Line Adjustment



CALIFORNIA COASTAL COMMISSION

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



Th5a

Filed: December 8, 2009
180th Day: June 6, 2010
Staff: TR-SD
Staff Report: April 22, 2010
Hearing Date: May 12-14, 2010

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-09-072

Applicant: Living Water Lutheran Church **Agent:** Michael Rollins

Description: Lot line adjustment affecting two vacant lots totaling 18.14 acres. Lot A = 13.73 acres existing, 13.37 acres proposed; Lot B = 4.41 acres existing, 4.77 acres proposed.

Lot Area	18.41 acres
Zoning	AR-1-1 (Agricultural Residential)
Plan Designation	NCFUA – Subarea II (No Community Subarea Plan Prepared)

Site: East of El Camino Real and southwest of San Dieguito Road, North City, San Diego, San Diego County.
APN(s) 304-020-19, 304-020-15

Substantive File Documents: Wetland Delineation Report for the River Park Equestrian Center Project, prepared by Recon, dated July 9, 2008; El Camino Real Church Property – Biological Resources Constraints, prepared by Recon, dated May 25, 2007.

I. STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Future Development Restriction

A. This permit is only for the development described in coastal development permit No. 6-09-072. Except as provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106, including, but not limited to, a change in the density or intensity of use land, shall require an amendment to Permit No. 6-09-072 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.

IV. Findings and Declarations.

The Commission finds and declares as follows:

A. Detailed Project Description/History.

The proposed project includes a lot line adjustment for two properties located east of El Camino Real and southwest of San Dieguito Road (ref. Exhibit #1). The project will result in a net gain of 0.36 acres to Lot B (from 4.41 acres to 4.77 acres total) and a net loss of 0.36 acres to Lot A (from 13.73 acres to 13.37 acres). The subject site is surrounded by residential development to the south, private property and horse stables to the north, and San Dieguito Lagoon to the west (across El Camino Real), and open space to the east. A portion of the project site associated with Lot B is bisected by San Dieguito Road and is located outside the coastal zone, and thus, is not subject to this review. The project site contains a variety of habitats including eucalyptus woodland, disturbed land, disturbed Diegan coastal sage scrub, southern willow scrub, non-native grassland, ornamental vegetation, agricultural uses, and potential wetlands. While the applicant has indicated that the lot line adjustment is proposed to facilitate a lot shape that will better accommodate development, no development is proposed at this time. Currently, Lots A and B are divided by a sharp angle. This creates a boundary with wedges of land difficult to use on each site. The lot line adjustment moves this line to be

perpendicular to El Camino Real eliminating the existing wedge-shaped lot line (ref. Exhibit #2).

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.

B. Biological Resources. Coastal Act policies 30240 and 30251 restrict the alteration of natural landforms and protect sensitive habitats. Section 30231 of the Coastal Act requires that coastal waters are protected and runoff minimized.

The proposed project is comprised solely of a lot line adjustment. There is no development associated with the proposal at this time. The applicant has submitted biological reports for the project site that indicate there is sensitive habitat on Lots 1 & 2. Based on review of these reports, the proposed new lot lines do not occur in an area that contains sensitive habitat, nor do they result in a lot configuration that would necessarily require impacts to sensitive habitat to develop in the future. However, any future development will need to be designed to avoid any significant disruption to habitat values in environmentally sensitive areas. Further, portions of both Lots A & B are located in the City's MHPA (Multi-Habitat Planning Area) lands. As a history, the City of San Diego created its Multiple Species Conservation Plan (MSCP) in the mid-90's, in response to the state's Natural Communities Conservation Plan (NCCP) legislation. Based on the MSCP requirement to preserve the best habitats, along with connecting habitats to provide corridors for wildlife movement, the City created the Multi-Habitat Preserve Area (MHPA). Thus, future development proposals may also be subject to development standards associated with the City's MSCP.

In response to the above stated concerns, the Commission has included a special condition addressing the future development of the project site. Special Condition #1 provides the applicant/property owner with notice that it must submit an amendment to this permit or an application for an additional coastal development permit from the California Coastal Commission (or from the applicable certified local government) to obtain a coastal development permit for any future development proposals on these parcels. As such, any such proposal will undergo the standard required biological review, and an appropriate development envelope will be determined. Therefore, as conditioned, the proposed development will not have an adverse impact on any natural steep slopes or

sensitive habitat, and will not result in erosion or adverse impacts to water quality. Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

C. Community Character /Visual Quality. The proposed project is comprised solely of a lot line adjustment and will not impact public views. Furthermore, neither of the lots will be modified to a substandard size associated with the proposed adjustment (Lot 1=13.7; Lot 2=4.7 acres). The smaller, and potentially more constrained site (Lot 2), will gain an additional ~0.36 acres, and thus the lot line adjustment will not result in additional strain to accommodate development on a constrained site. However, the project has been conditioned to submit any future development plans to the Coastal Commission. Consistency of the proposed development with the Coastal Act will be reviewed at that time. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

D. Public Access/Parking. The proposed project is compromised solely of a lot line adjustment and will not impact public access. However, the project has been conditioned to submit any future development plans to the Coastal Commission. Consistency of the proposed development with the Coastal Act will be reviewed at that time. Therefore, as conditioned, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

E. Local Coastal Planning. 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.

F. California Environmental Quality Act. As conditioned, the proposed project is not expected to have any significant adverse affect on the environment. Thus, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project is consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

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

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



EXHIBIT NO. 1

APPLICATION NO.

6-09-072

Location Map



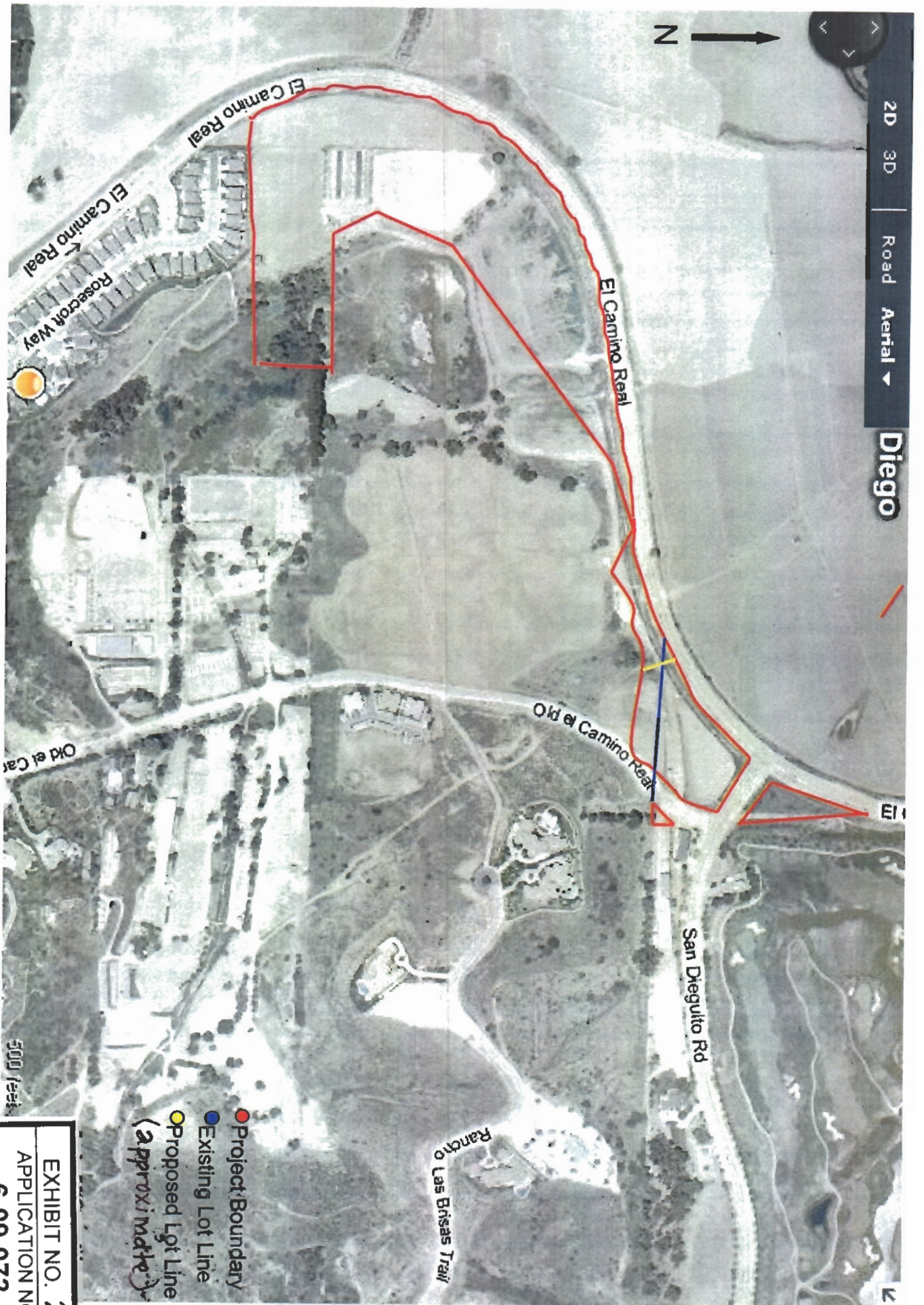


EXHIBIT NO. 2
 APPLICATION NO.
6-09-072
 Proposed LLA
 California Coastal Commission