

CALIFORNIA COASTAL COMMISSION
San Diego Coast
3111 Camino Del Rio North Ste. 200
San Diego, CA 92108
(619) 521-8036

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REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-96-128

Applicant: Fairbanks Ranch Racquet Club Apts., Ltd. Agent: JP Engineering, Inc.

Description: Subdivision of eight acres into nineteen single-family residential lots and two open space lots including grading and installation of utilities, drainage facilities and private streets; also, construction of the northern half of Via de la Valle improvements along site frontage and an on-site desiltation basin north of Via de la Valle. Construction of homes is not included in the proposed development.

Lot Area	8.086 acres
Building Pad Coverage	1.035 acres (13%)
Pavement Coverage	0.853 acres (10%)
Landscape Coverage	6.198 acres (77%)
Zoning	R-1-15,000 (HRO) 3 dua
Plan Designation	Low-density Residential 3 dua

Site: North side of Via de la Valle, between San Andres Drive and Via del Canon, North City, San Diego, San Diego County.
APN 302-090-12

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff recommends approval of the proposed subdivision and site improvements, with special conditions addressing the preservation of open space, grading and erosion controls, runoff controls, brush management and landscaping. Issues raised by the proposed development include biological resources (coastal sage scrub/California Gnatcatchers), water quality in the downstream San Dieguito River and Lagoon, encroachments onto steep slopes and visual resources.

Substantive File Documents: Certified North City LCP Land Use Plan and City of San Diego LCP Implementing Ordinances
Tentative Parcel Map, Land Development Permit,
Hillside Review Permit, Planned Residential
Development Permit and Environmental Impact
Report No. 92-0430

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Open Space Deed Restriction. As proposed by the applicant, and as required by the City of San Diego, the permitted development includes the preservation of approximately four acres of undisturbed steep slopes and sensitive habitat as permanent open space. Thus, prior to the issuance of the coastal development permit, the applicant shall record a restriction against the subject property, free of all prior liens and encumbrances, except for tax liens, and binding on the permittee's successors in interest and any subsequent purchasers of any portion of the real property. The restriction shall prohibit any development, including but not limited to, alteration of landforms, removal of vegetation or the erection of structures of any type, except the fire wall and drainage facilities permitted herein, in the area designated as "open space" on the attached Exhibit "3" and generally described as all of Parcels 20 and 21, as well as those portions of Lots 8-16 that shall remain undisturbed and are in excess of 25% gradient, as shown on TM 92-0430. The recording document shall include legal descriptions of both the applicant's entire parcel(s) and the restricted area, and shall be in a form and content acceptable to the Executive Director. Evidence of recordation of such restriction shall be subject to the review and written approval of the Executive Director.

2. Grading and Erosion Control.

A. From November 15 to March 31 of each year, grading may only occur in increments as determined by the City Engineer and in conformance with Section 62.0417.1 of the Land Development Ordinance of the City of San Diego, as certified by the Commission in January, 1988. Prior to commencement of any grading activity, the permittee shall submit a grading schedule to the Executive Director. Any variation from the schedule shall be promptly reported to the Executive Director.

B. All permanent runoff and erosion control devices shall be developed and installed prior to or concurrent with any on-site grading activities.

C. All areas disturbed, but not completed, during the construction season, including graded pads, shall be stabilized in advance of the rainy season. The use of temporary erosion control measures, such as berms, interceptor ditches, sandbagging, filtered inlets, debris basins, and silt traps shall be utilized in conjunction with plantings to minimize soil loss from the construction site.

D. Prior to the issuance of the coastal development permit, the applicant shall submit final grading plans which shall incorporate each of the above requirements as construction notes on the plans.

3. Runoff Control. Prior to the issuance of a coastal development permit, the applicant shall submit a runoff control plan designed by a licensed engineer qualified in hydrology and hydraulics, that assures the peak runoff rate of the developed site does not exceed the peak runoff rate of the existing undeveloped site in a ten-year frequency storm over a six-hour duration (10 year, 6 hour rainstorm). Runoff control shall be accomplished by an on-site detention/desilting basin. The plan shall provide for energy dissipating measures at the terminus of outflow drains. The plan shall include details of the existing drainage channel and swale south of Via de la Valle. Any necessary improvements to the existing drainage facilities resulting from the construction of the proposed desiltation basin (Alternative 2 on TM 92-0430), shall require the written concurrence of the 22nd District Agricultural Association, as owners of the off-site property where said existing drainage facilities are located. In addition, if such off-site improvements are comprised of more than a typical rock dissipator to meet County of San Diego drainage standards, said improvements will require an amendment to this permit or a separate coastal development permit. The runoff control plan shall be accompanied by supporting calculations and shall be submitted to, reviewed and approved in writing by the Executive Director.

4. Brush Management Plan/Deed Restriction.

a. Prior to the issuance of the coastal development permit, the applicant shall record a deed restriction against the subject property, in a form and content acceptable to the Executive Director, free of all prior liens and encumbrances, except for tax liens, and binding on the permittee's successors

in interest and any subsequent purchasers of any portion of the real property. The deed restriction shall provide the following:

- (1) Zone 1 brush management and/or clear cut vegetation removal is prohibited in the dedicated open space areas;
- (2) A minimum thirty-foot (30') structural setback from dedicated open space areas shall be provided on all lots abutting open space (Lots 5 through 16 as shown on Tentative Map No. 92-0430). This requirement shall apply to both principal and accessory structures and shall be shown on the submitted site plan;
- (3) Building setback and brush management practices on Lots 5 through 16 as shown on Tentative Map No. 92-0430 are limited, pursuant to Coastal Development Permit No. 6-96-128 on file in the Coastal Commission office.

b. Prior to the issuance of the coastal development permit, the applicant shall submit for the review and written approval of the Executive Director, a revised brush management plan which incorporates the above requirements. Compliance with the approved plan shall be required throughout the life of the project.

5. Final Landscape Plans/Deed Restriction

a. Prior to the issuance of the coastal development permit, the applicant shall submit for the review and written approval of the Executive Director, a revised detailed landscape plan which shall include the following:

- (1) The type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features;
- (2) The use of drought tolerant native or naturalizing plant materials to the maximum extent feasible;
- (3) The provision of at least forty specimen size trees (combination 24-inch and 36-inch box minimum) to be planted along the Via de la Valle frontage to effectively screen the site, including the Alternative 2 desiltation basin, from views from Via de la Valle and the San Dieguito River Valley;
- (4) Conformance of the landscape plan with the brush management plan required in Special Condition #4, above;
- (5) Completion of the installation of all plants provided for in the plan within 60 days of completion of all other herein-approved subdivision improvements; and
- (6) Maintenance of all required plants in good growing condition, and whenever necessary, replacement with new plant materials to ensure continued compliance with applicable landscape screening requirements.

b. Prior to the issuance of the coastal development permit, the applicant shall record a deed restriction against the subject property, to ensure that the content of this condition continues to be applicable throughout the life of the project. The restriction shall provide the above language and that landscaping shall be implemented in accordance with Special Condition #5 and consistent with those plans approved with CDP #6-96-128. The restriction shall be recorded, free of all prior liens and encumbrances, except for tax liens, and binding on the permittee's successors in interest and any subsequent purchasers of any portion of the real property.

6. Importation of Fill Material. Prior to the issuance of the coastal development permit, the applicant shall identify the source location for the imported fill material. If the site is located within the coastal zone, a separate coastal development permit or permit amendment shall first be obtained from the California Coastal Commission or its successor in interest.

7. Future Development. This permit is for subdivision of 8 ac. into 19 single family residential lots and 2 open space lots, grading of the site to create building pads, the paving of the internal street system, installation of utilities and drainage facilities and implementation of a landscape plan. All other development proposals for the site, including but not limited to, construction of the residences, shall require review and approval by the Coastal Commission, or its successor in interest, under a separate coastal development permit or an amendment to this permit.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. Proposed is the subdivision of approximately eight net acres of land, located on the north side of Via de la Valle, east of San Andres Drive and west of Via del Canon, into nineteen single-family residential lots and two open space lots. The proposal includes grading of the site to create building pads, the paving of the internal street system, installation of utilities and drainage facilities and implementation of a landscape plan. Construction of homes is not part of the subject proposal, and such construction will require a separate coastal development permit (or multiple permits) in the future.

Also included are off-site half-width improvements to Via de la Valle along the property frontage, to include paving, curb and sidewalk, and the planting of street trees. These off-site improvements will require the removal of approximately forty to fifty mature trees which are located along the southern border of the subject site, within the street right-of-way for the proposed expansion of Via de la Valle to the north.

Grading for the proposed development will include a total of 14,200 cu.yds. of cut and 15,000 cu.yds. of fill, with 800 cu.yds. of material to be imported from an as-yet-unidentified site. Special Condition #6 requires that the import site be identified, and advises that, if the site is within the coastal zone, a coastal development permit is required for that site as well.

2. Environmentally Sensitive Habitats. The following Coastal Act policy is most applicable to the subject site:

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.

Portions of the subject site are vegetated with coastal sage scrub and maritime succulent scrub. California Gnatcatchers, a species listed as threatened by the U.S. Fish and Wildlife Service, have been sighted in both these vegetation communities, which occur along the western edge and eastern quarter of the subject site. The proposed development, however, is within the central portions of the site, and no encroachment into the identified sensitive habitat areas is herein proposed, although development will occur immediately adjacent to the western portion. Because human activities related to construction practices and occupation of the future homes will occur in closer proximity to the sensitive areas than at present, the City of San Diego's approvals require mitigation for indirect impacts in the form of contributions to the City's Habitat Mitigation Fund.

Moreover, as required in the City approvals of the Tentative Map and Planned Residential Development Permit, all areas of sensitive vegetation are within the areas to be retained permanently as open space. The applicant has thus proposed these areas, along with adjacent unvegetated steep slopes, as open space in the subject coastal development permit application. This is an appropriate designation due to the presence of sensitive plant and animal species. Special Condition #1 provides that these open space areas be formalized through recordation of a deed restriction, since the Commission is not party to the open space agreements between the applicant and the City of San Diego. As conditioned, and because there are no direct impacts to these resources, the Commission finds that no further mitigation measures are warranted, and the proposal is found to be consistent with Section 30240 of the Act.

3. Steep Slope Encroachments/Brush Management. In addition to Section 30240 of the Coastal Act, cited above, Sections 30251 and 30253 also apply to the subject proposal, and state 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....

Section 30253

New development shall:

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

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area

The west-central portion of the subject site is relatively flat, and housed nursery operations in the past. The elevation of that part of the property is approximately forty feet, which is level with the adjacent public street, Via de la Valle. It is on this portion of the site that nearly all proposed development will occur.

Approximately half of the subject site is comprised of slopes exceeding 25% gradient, with elevations reaching 166 feet above sea level at the highest point. Moreover, the site is within the Hillside Review (HR) Overlay area of the certified City of San Diego LCP. The certified HR maps, drawn at large scale from aerial photographs, designate all on-site steep slopes as "sensitive," due to the apparent presence of sensitive biological resources. There is some discrepancy between the certified HR mapping of the subject site and the area shown as HR in the project EIR and on the submitted plans for development. Actual on-site conditions appear to be more accurately reflected on the EIR mapping than the certified HR maps; the EIR steep slope boundaries were based on a site-specific slope analysis. Also, the boundaries of existing sensitive vegetation, as shown in the EIR mapping, are based on a site-specific vegetation survey. Some areas of steep slopes are not vegetated at this time.

In addition to potential habitat concerns with steep slope encroachments, grading or other alteration of steep landforms can also affect geologic stability and visual resources. The City's HR Overlay maps designate some slopes as "significant" for these reasons, rather than, or in addition to, being designated "sensitive" due to native vegetation. In this particular case, the HR maps do not indicate either a geological or visual concern. The property owner has submitted studies demonstrating that development of the property, including the proposed grading, should not adversely affect the stability of the site. With respect to visual resources, the site is located within a river valley, much of which is proposed for future parkland. However, the steep slope portions of the property will remain mostly undisturbed. Concerns over visual impacts due to the future residential construction on the flatter areas of the site will be addressed in a later finding.

As stated, nearly all proposed development will occur on the flatter, previously-disturbed portions of the site. However, a fire-wall, proposed as alternative compliance with the City's brush management provisions, is proposed along the rear (western boundary) of Lots 5, 6 and 7, which are located within the western portion of the site. This wall would allow a reduced area for Zone 1 brush management, which provides for a clear-cut area adjacent to structures. This zone is typically a minimum of thirty feet in width but, with the proposed fire wall, the Fire Marshall has accepted a twenty-foot-wide Zone 1 area for brush management in this specific location. In all other portions of the site, the proposed Zone 1 brush management area is 35 feet wide, and, as shown on the submitted conceptual landscaping plan, would encroach into the dedicated open space on Lots 8-16.

Generally speaking, grading, vegetation removal or other alteration/modification of slopes at or exceeding 25% gradient is prohibited within coastal zone portions of the Hillside Review Overlay Zone. The zone, however, does include provision for some minor encroachments into steep slopes. These allowances are discretionary only, and are applied on a case-by-case basis dependent upon the specific development constraints of each individual site. The HR regulations include a sliding scale of potential, discretionary encroachment allowances, which is based on the percentage of the total site comprised of steep slopes. In addition, the amount of permitted encroachment, and potential mitigation measures, are determined by whether slopes are classified as "sensitive" or "non-sensitive."

Under the "sensitive" designation, a maximum, discretionary encroachment allowance of 10% may be granted, when circumstances warrant, to development of a site with less than 75% of the property comprised of 25% or greater slopes; as stated previously, approximately half the subject site is comprised of slopes in excess of 25% gradient. In this particular case, permanent encroachments totalling 7.3% of mapped steep slopes will occur, based on the submitted plans. These calculated encroachments include the above-mentioned fire wall, portions of manufactured slopes behind some of the proposed building pads, retaining walls and concrete drainage ditches/facilities. The plans also indicate another .9% encroachment due to temporary construction impacts for the building of the walls and drainage devices. Temporary encroachments have typically not been counted against a potential discretionary encroachment allowance by the Commission, since the area, once construction is complete, can continue to support native vegetation and provide some wildlife habitat. The Commission finds the proposed 7.3% encroachment acceptable under the provisions of the certified HR ordinance.

However, the submitted encroachment calculations do not include the proposed Zone 1 brush management within the dedicated open space areas, nor do they appear to include encroachment into steep slopes for small portions of the proposed on-site desilting basin (Alternative 2). Zone 1 brush management requires the complete removal (clear-cutting) of all native vegetation for fire protection purposes; thus, all Zone 1 brush management areas represent a permanent encroachment, and are an inappropriate use of open space. The Commission has established precedent requiring that Zone 1 brush management be accommodated through adequate building setbacks on all lots adjacent to open

space areas, such that no clear-cut vegetation removal occurs in the open space itself. Moreover, such setbacks provide the property owner with at least a minimal amount of flat lawn area for private recreation purposes.

The Commission finds it appropriate to grant a discretionary 7.3% encroachment for the proposed subdivision improvements. In addition, although the desiltation encroachments do not appear to be included in the calculated 7.3%, only a very small area of manufactured slopes for that device is within 25% slopes. Thus, even with the addition of this minor encroachment, total encroachments for the development will be within the potential, discretionary maximum of 10% overall. However, the Commission does not find it appropriate to grant any additional encroachment allowance to accommodate brush management. Thus, Special Condition #4 provides that the Zone 1 brush management area be redefined and accommodated entirely outside areas of dedicated open space.

Lots 5 through 16 either abut open space lots or have areas of designated open space within the lots themselves. No setbacks or building envelopes have been shown on the submitted plans to demonstrate that a minimum of thirty feet of level area will be maintained between future structures and the open space. Lots 5, 6 and 7 are a particular concern, since the proposed Zone 1 brush management area has been reduced from the usual minimum of thirty feet to twenty feet in width on these three lots, with the delineated building pads separated from the open space by only a retaining wall and short manufactured slope. With no delineated setback (level) area reserved as a yard, homes could potentially be built right up to the toe of the slope and/or wall. Thus, there is a potential that future property owners would want, or be required, to clear in the adjacent open space, if additional brush management were to be determined necessary at a later date.

Special Condition #4 provides for recordation of a deed restriction to assure that all future property owners are aware of the brush management requirements in the siting of the future homes. The deed restriction will provide that a thirty-foot building setback from open space, for both principal and accessory structures, must be provided on Lots 5-16, and will prohibit any Zone 1 brush management from occurring in areas of designated open space. Only as conditioned can the Commission find the proposed steep slope encroachments consistent with the cited policies of the Coastal Act and with the provisions of the certified Hillside Review Overlay Zone.

4. Runoff and Erosion Controls. Sections 30240 and 30253, cited previously in the finding on slope encroachments, also pertain to drainage and erosion issues, since these can affect environmentally sensitive habitats and site stability. In addition, Section 30231 of the Coastal Act states, in part:

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,

The subject site ranges in elevation from approximately 40 feet above sea level to 166 feet above sea level in the northwest corner of the property. Existing development already exists on properties to the east, west and north of the site. Impermeable surfaces associated with these developments, along with natural waterflow patterns through undeveloped areas, contribute to existing runoff from the subject site. In addition to some level of surface sheetflow, said runoff is currently directed through two existing 18-inch diameter pipes running under Via de la Valle, both of which exit south of the road on property owned by the 22nd District Agricultural Association (commonly known as the Showpark property). From there, water moves southward across the Showpark property until it enters the San Dieguito River, which is approximately a quarter-mile south of the subject site. West of Interstate 5, the river widens into the San Dieguito Lagoon, a significant wetland system, which has been the subject of several enhancement and mitigation activities in the past few years.

The applicant has included proposed drainage facilities on the submitted preliminary plans to collect runoff from the developed site and direct it towards the river. Proposed facilities include concrete ditches, catch basins, retaining walls and storm drains. In addition, the proposed Tentative Map includes two alternative locations for a desiltation basin. Alternative 1 is located off-site, south of Via de la Valle, on the 22nd District property, and Alternative 2 is located on-site, in the eastern portion of the property within an area to be preserved as open space.

A representative for the 22nd District has indicated that Alternative 1 is not acceptable as proposed, since it is inconsistent with current, and possibly future, uses of that portion of the property. Potential future realignment of Via de la Valle also makes the Alternative 1 location less feasible. For these reasons, the Commission is not endorsing the Alternative 1 desiltation basin, and only Alternative 2 is herein approved. Alternative 2 is located on-site, and would discharge all site runoff into the more eastern existing 18-inch pipe running under Via de la Valle. At the terminus of that existing pipe, on the 22nd District's property, there is an existing concrete channel for a short distance passing underneath the Showpark entrance road, then runoff continues through a grassy swale to the river. It is possible that these existing facilities may require some augmentation to adequately handle the increased runoff from the subject site after it develops, at least in the form of a rock dissipator at the discharge point. Towards that end, the 22nd District representative has expressed a willingness to work with the applicant on possible improvements to the existing system on the Showpark property.

Special Conditions #2 and #3 address grading, erosion control and drainage facilities. Condition #2 allows only incremental grading during the rainy season, to minimize construction impacts on downstream sedimentation and site stability. The condition also provides for the installation of temporary erosion control measures during the construction phase of development. Most of the proposed land disturbance will occur on the previously-disturbed flat

areas of the site, such that there is less concern than if significant areas of existing steep slopes were being modified or areas of native vegetation, which provide soil stabilization, being removed.

Condition #3 addresses the permanent drainage facilities required for the anticipated increased site runoff which will result from both street paving under this permit and the future construction of homes to be processed in subsequent coastal development permits. The condition requires the submittal of final drainage plans, along with hydrologic calculations supporting the size and design of all proposed drainage facilities. Should said plans include any off-site improvements to the existing drainage facilities on the 22nd District's property, written concurrence by that agency is required, and, depending on the extent of such modifications, an amendment to this permit or new coastal development permit may be required as well. As conditioned, the Commission finds the subject proposal consistent with the cited policies of the Act.

5. Visual Resources. Section 30251 of the Act, cited previously, provides for the protection of scenic coastal areas and for the compatibility of new and existing development. The subject property is located just north of Via de la Valle, approximately halfway between Interstate 5 and El Camino Real. The higher elevations of the site, where no development is proposed, are more visible from the river valley than the lower area adjacent to the road where the future homes will be located. However, Via de la Valle is a major coastal access route connecting the beaches of Del Mar and Torrey Pines with several inland communities. As such, the street corridor itself provides a public visual experience. Also, the site is visible from portions of the proposed San Dieguito River Park, which is expected to encompass the lagoon, river valley and areas continuing east to the mountains.

Although there are existing residential developments some distance to the east and west of the site, and homes visible on the ridgetops to the north, the subject site and immediately surrounding properties are undeveloped at this time. Thus, any development of the subject property will represent a significant change in the overall appearance of the area. South of the site, across Via de la Valle, there exists the Showpark property, which is developed with stables, corrals, show rings and other equestrian facilities. South of that is the river itself and areas of open space, and there are some existing agricultural activities to the southwest. Finally, there is an existing SDG&E easement with overhead utilities running east-west along the northern boundary of the subject site and onto adjacent properties on either side; this easement will remain.

Implementation of the required street improvements for Via de la Valle will result in the removal of approximately forty mature eucalyptus trees, and a few trees of other varieties, including five Torrey Pine trees and some London Plane trees. Existing Torrey Pines along the northern property boundary would remain, as would a few existing trees in other locations. Other than along the property's perimeters, and in areas designated as open space, most of the site is currently unvegetated. Most building pads are proposed in a "split-level" configuration, with manufactured slopes and retaining walls interspersed throughout the area proposed for future homes.

Although construction of homes is not included in the subject permit application, the City has approved the Planned Residential Development Permit to include specific design criteria for the future homes. The homes cannot exceed thirty feet in height, and are to employ varied setbacks and facade treatments to avoid a regimented appearance. Although such design standards will have a positive effect on overall site appearance, the Commission, through many past permits, has found that protection of the visual resources of sites similar to the subject one are best addressed through adequate and appropriate landscaping. A good landscaping plan can visually blend a development into the surrounding landforms and screen buildings and other improvements to a significant degree.

The applicant has submitted a conceptual landscaping plan which includes street trees and other plantings along the Via de la Valle frontage, a landscape palette for interior manufactured slopes, and another palette for transitional slopes adjacent to the open space areas. Although the types and sizes of proposed plantings are included in the conceptual plan, the numbers of each species are not indicated, and there are no plans included for an irrigation system. Also, the plan did not indicate any landscape screening of the proposed desiltation basin, which will be located immediately adjacent to Via de la Valle, a major coastal access route. Yard treatments will be determined when the actual houses are proposed in a future coastal development permit, but the Via de la Valle street frontage is the critical viewshed in any case, and is appropriately addressed at the subdivision level.

Special Condition #5 requires submittal of final landscaping plans, and provides for a minimum of forty specimen-size trees along the Via de la Valle frontage to provide a similar level of screening as is provided by the existing row of eucalyptus trees, which will be removed. The plan must also include landscape screening for the proposed desiltation basin as well as conform to brush management requirements listed in Special Condition #4. In addition, the condition provides for implementation of the landscaping plan within 60 days of completion of all other subdivision improvements herein approved, and ongoing maintenance of all landscaping in common areas, through recordation of a deed restriction binding both current and future landowners. Again, maintenance of landscaping along the Via de la Valle street frontage is the primary concern of the Commission for purposes of protecting and enhancing public views. As conditioned, the Commission finds the proposal consistent with Section 30251 of the 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. Such a finding can be made for the subject development, as conditioned.

Although the City of San Diego has a fully certified LCP, several isolated areas of deferred certification remain, where detailed planning has not occurred. The subject site is in an area of deferred certification. The local approvals for the development included incorporation of the site into

the Via de la Valle Specific Plan (which has not been reviewed or certified by the Commission thus far) and a rezone of the property from A-1-10 to R-1-15,000 to accommodate the proposed development. Since this area is not part of the certified LCP at this time, these changes do not require an amendment to the LCP.

The overall plan area is now nearly built-out, with the Commission having approved individual development projects on most properties within the Specific Plan boundaries over the past several years. The proposed development is consistent with the R-1-15,000 Zone, as approved by the City under a Planned Residential Development Permit, and with the Low-Density Residential designation of the Via de la Valle Specific Plan. It has received all required local approvals, including approval of the Tentative Map and Hillside Review Permit. As discussed in previous findings, the subject proposal is also consistent, with the inclusion of several special conditions, with Chapter 3 of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the ability of the City of San Diego to complete a certifiable LCP for this area.

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 to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) 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 impact which the activity may have on the environment.

As discussed herein, with the attached special conditions, the proposed project will not cause significant adverse impacts to the environment. Specifically, the project, as conditioned, has been found consistent with the biological resource, water quality, hazards and visual resource policies of the Coastal Act. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity might 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.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application.

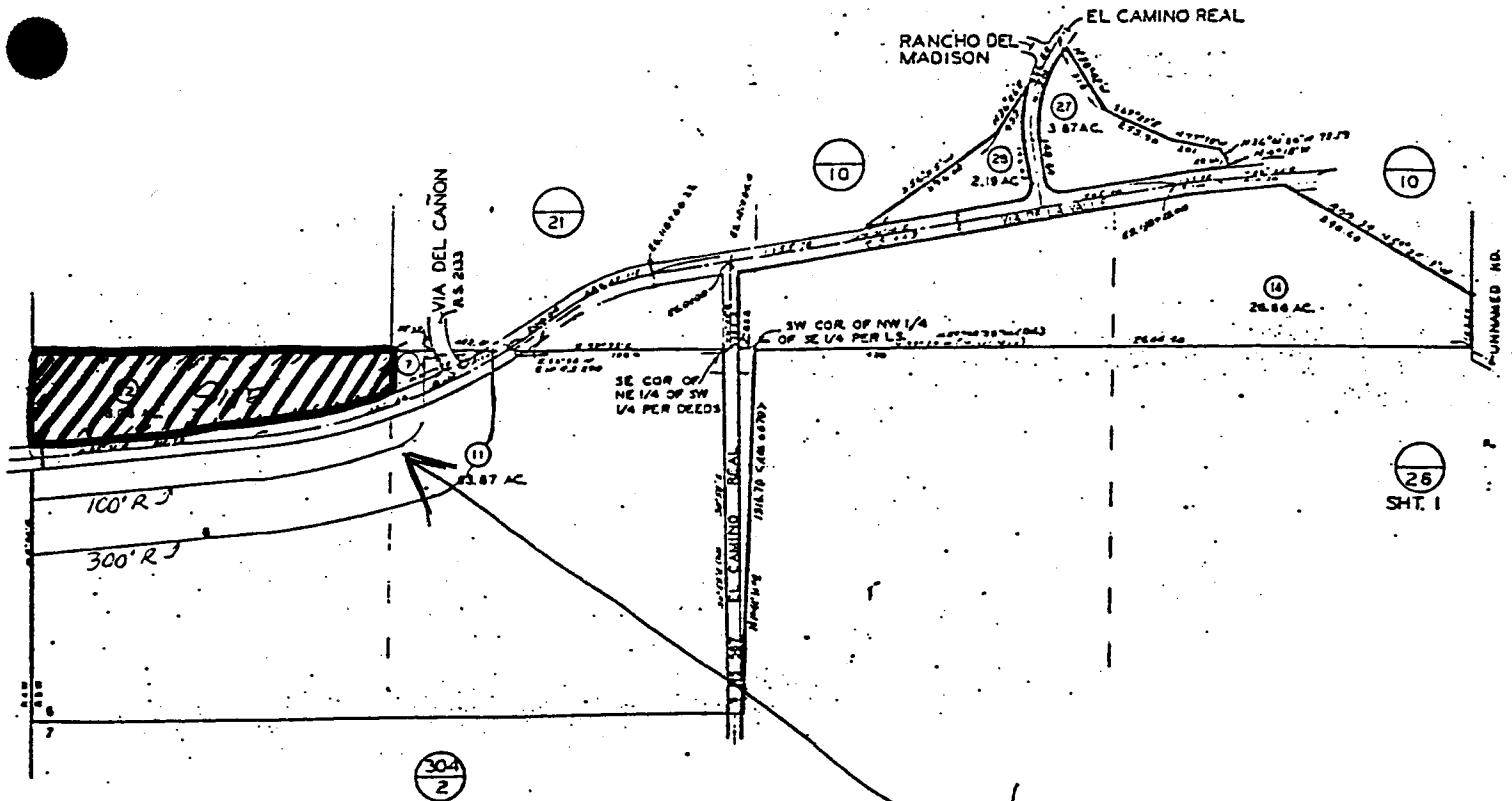
Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

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site

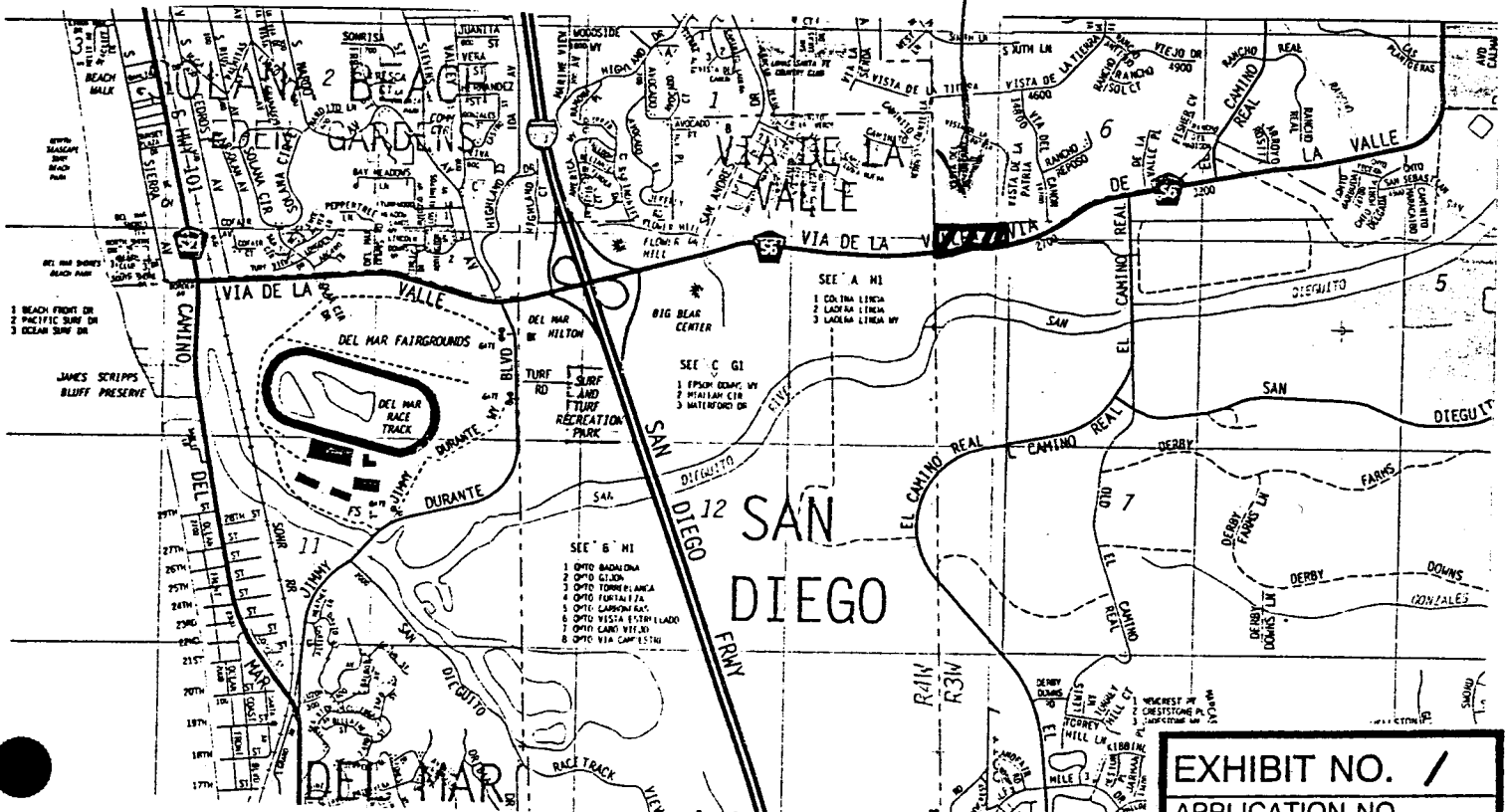


EXHIBIT NO. 1
APPLICATION NO.
6-96-128
Vicinity Maps
California Coastal Commission

6-96-128

Retaining Walls w/ Proposed Heights

Alternative 1

Alternative 2

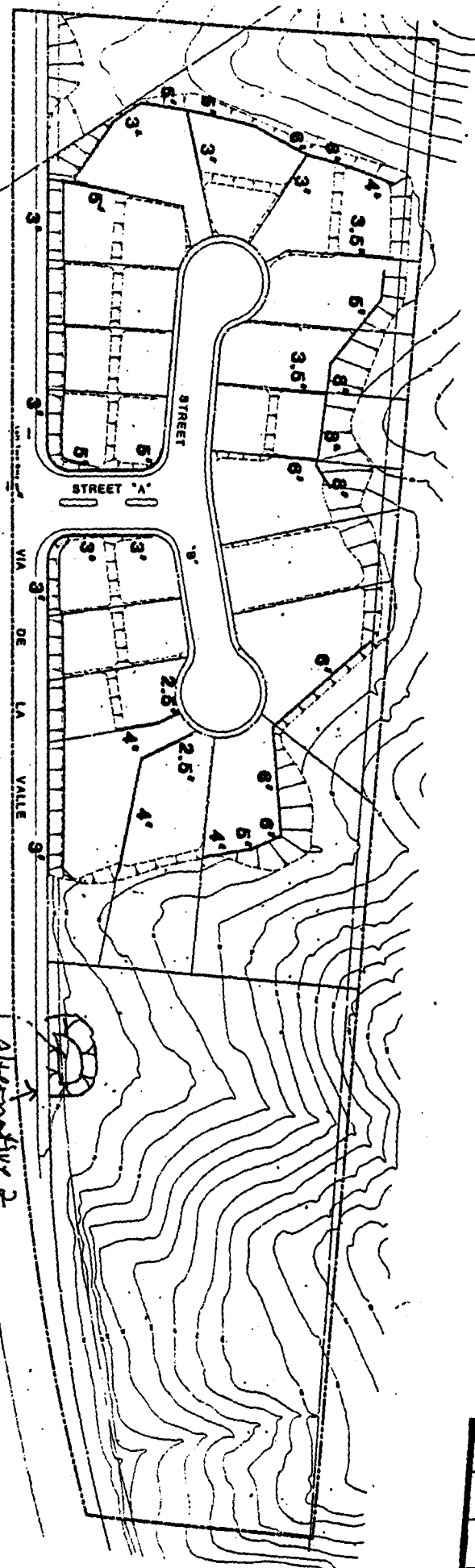



EXHIBIT NO. 2
APPLICATION NO. 6-96-128
Site Plan
(Conceptual)
California Coastal Commission

6-96-128

 - Proposed Open Space

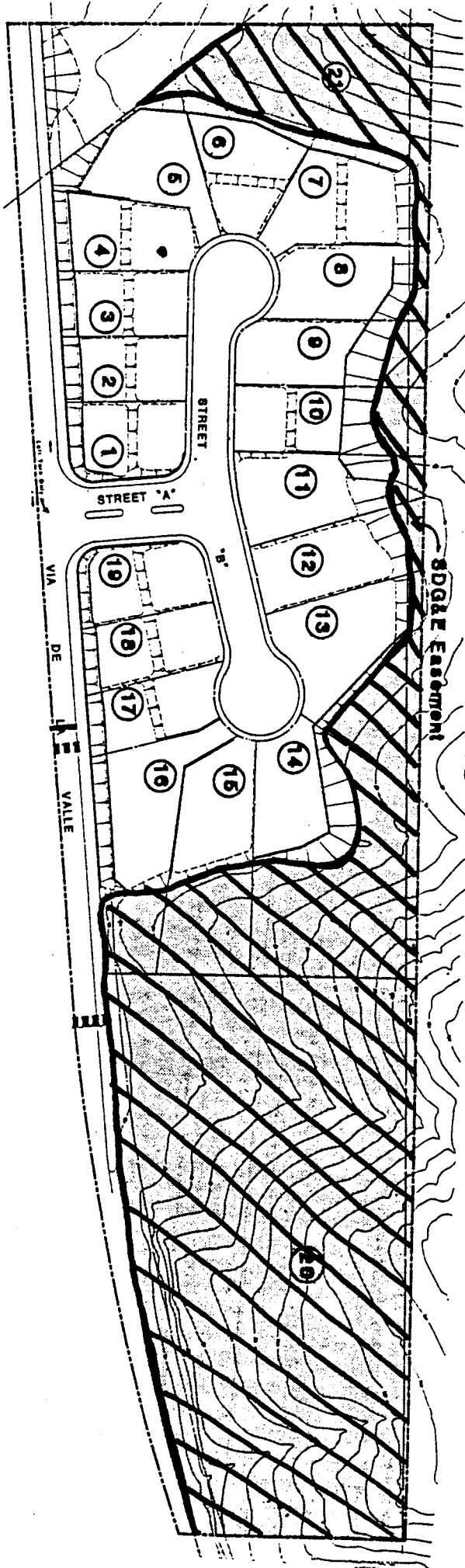


EXHIBIT NO. 3
APPLICATION NO. 6-96-128
Open Space
California Coastal Commission

