

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
 3111 CAMINO DEL RIO NORTH, SUITE 200
 SAN DIEGO, CA 92108-1725
 (619) 521-8036

Filed: April 4, 1996
 49th Day: May 23, 1996
 180th Day: October 1, 1996
 Staff: DL-SD
 Staff Report: April 11, 1996
 Hearing Date: May 7-10, 1996

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-96-47

Applicant: David C. Pierson

Agent: E. Ricci

Description: Subdivision of an existing 20.64 acre lot into 5 parcels:
 Parcel 1 = 3.8 acres, Parcel 2 = 2.95 acres, Parcel 3 = 2.98
 acres, Parcel 4 = 5.11 acres, Parcel 5 = 5.79 acres. Existing
 single-family residence and accessory structures on Parcels 4
 and 5 to remain.

Lot Area	20.64 acres
Building Coverage	5,000 sq. ft. (1%)
Pavement Coverage	35,000 sq. ft. (4%)
Landscaped/Unimproved Area	859,078 sq. ft. (95%)
Parking Spaces	4
Zoning	RR (Rural Residential)
Plan Designation	Estate 17: 1 dwelling unit per 2-4 acres
Project Density	.24 dua

Site: West side of El Camino Real, south of Linea del Cielo, Lomas
 Santa Fe vicinity, San Diego County. APN 268-230-03

Substantive File Documents: Certified County of San Diego Local Coastal
 Program; County of San Diego TPM 19282, P89-018; CDP #6-90-17.

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. Future Development. This permit is for the subdivision of one 20.64 acre lot into five parcels. All other development proposals, including but not limited to grading and the construction of residential units, shall require review and approval by the Coastal Commission, or its successor in interest, under a separate coastal development permit.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. Proposed is the subdivision of 20.64 acres into 5 parcels. Parcel 1 will be 3.81 gross acres (3.8 acres net), Parcel 2 will be 2.95 gross acres (2.87 acres net), Parcel 3 will be 2.98 gross acres (2.86 acres net), Parcel 4 will be 5.11 gross acres (5.05 acres net), and Parcel 5 will be 5.79 gross acres (5.78 acres net). An existing single-family residence, caretaker's residence, garage, pool, and cabana on Parcel 5 will remain. An existing stable and shed on the proposed Parcel 4 will also remain. No grading or construction is proposed at this time.

The site is located on the west side of El Camino Real, between Sun Valley Road and Linea de Cielo in the community of Lomas Santa Fe in the County of San Diego. The site is surrounded by large lot residential development. The site itself is characterized by stands of ornamental trees, predominately Eucalyptus, ornamental landscaping, and a mix of non-native and native grasses. There are portions of the site with steep slopes (greater than 25% in grade), mostly along the El Camino Real frontage. However, there is no coastal sage habitat or scrub brush understory of any type on the site.

In March 1990, the Commission approved Coastal Development Permit #6-90-17 for subdivision of the project site into 5 lots as currently proposed, with a Special Condition notifying the applicant that future development on the site would require a coastal development permit. However, the parcel map for the subdivision was never recorded, and the permit subsequently expired.

2. Resource Protection. Sections 30240 of the Coastal Act provides that environmentally sensitive habitat areas shall be protected, and that development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which would significantly degrade those areas.

The site of the proposed subdivision is located within the Coastal Resource Protection (CRP) Area Overlay contained in the certified County of San Diego

Local Coastal Program. The CRP ordinance regulates the development of naturally vegetated slopes in excess of 25% grade. In processing the subdivision, the County of San Diego required a slope analysis, biological report and tree map. The slope analysis determined that 15% of the project site contains slopes of 25 percent or greater. However, the reports also concluded that the potential for preserving meaningful habitat values on the site was not applicable since there was no natural habitat on the site. However, the County required that an open space easement be placed over the eucalyptus groves to provide for continued raptor use, preservation of the steep slopes, and to provide a visual barrier from views from El Camino Real. The easement precludes grading, placement of fill, removal of the eucalyptus trees, or other development, with the exception that the continued use of the existing paved driveways on Parcels 3 and 4, and the existing private road easement on Parcel 2 is allowed. The construction of one driveway and a leach field to serve each future house site on Parcels 1, 2, 3, and 4 is also permissible.

The subject property has been disturbed in the past and does not contain significant natural vegetation. The open space easement required by the County will provide additional protection for the non-natively vegetated steep slopes on the site. No impacts to coastal resources will result from the proposed subdivision. Therefore, the Commission finds the proposed subdivision consistent with the resource protection policies of the certified County of San Diego Local Coastal Program.

3. New Development/Community Character. Section 30250 of the Coastal Act requires that new development be located within, contiguous with, or in close proximity to existing developed areas able to accommodate it. Section 30251 of the Coastal Act provides for the protection of scenic coastal areas and for the compatibility of new and existing development. The site is located in an area developed with low-density, estate lots, and is served with all typical urban services. The surrounding infrastructure of the community will be able to accommodate the density of development resulting from approval of this subdivision.

The proposed subdivision will create lots similar in size to the surrounding lots. The site is not visible from any portion of the coastline, lagoons, scenic canyons, parks or coastal access routes. Conditions of the County's approval require visual buffering of the project from El Camino Real through the dedication of an open space easement retaining eucalyptus stands between any development and the road. The applicant is notified through Special Condition #1 that any future development on the site, including grading or the construction of residential units, will require the review and approval of the Coastal Commission. Therefore, with urban services available, and no impacts to visual resources from the proposed subdivision, the Commission finds the proposed project as conditioned consistent with Sections 30250 and 30251 of the Coastal Act.

4. 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 findings can be made for the subject proposal.

The County of San Diego has a certified Local Coastal Program for this area; however, the County is not currently issuing Coastal Development Permits under its LCP. The site is currently zoned RR.35 with an estate (17) land use designation. The proposed project is consistent with this designation. No lot is less than the 2.86 acre minimum lot size required by the existing RR.35 zone. As discussed above, the project is consistent with the CRP overlay designation. Therefore, approval of this project as conditioned is consistent with Chapter 3 policies of the Coastal Act and will not prejudice the ability of the County of San Diego to implement its certified LCP.

5. Consistency with the California Environmental Quality Act (CEQA).

Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permit application to be supported by a finding showing the application, as conditioned, 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.

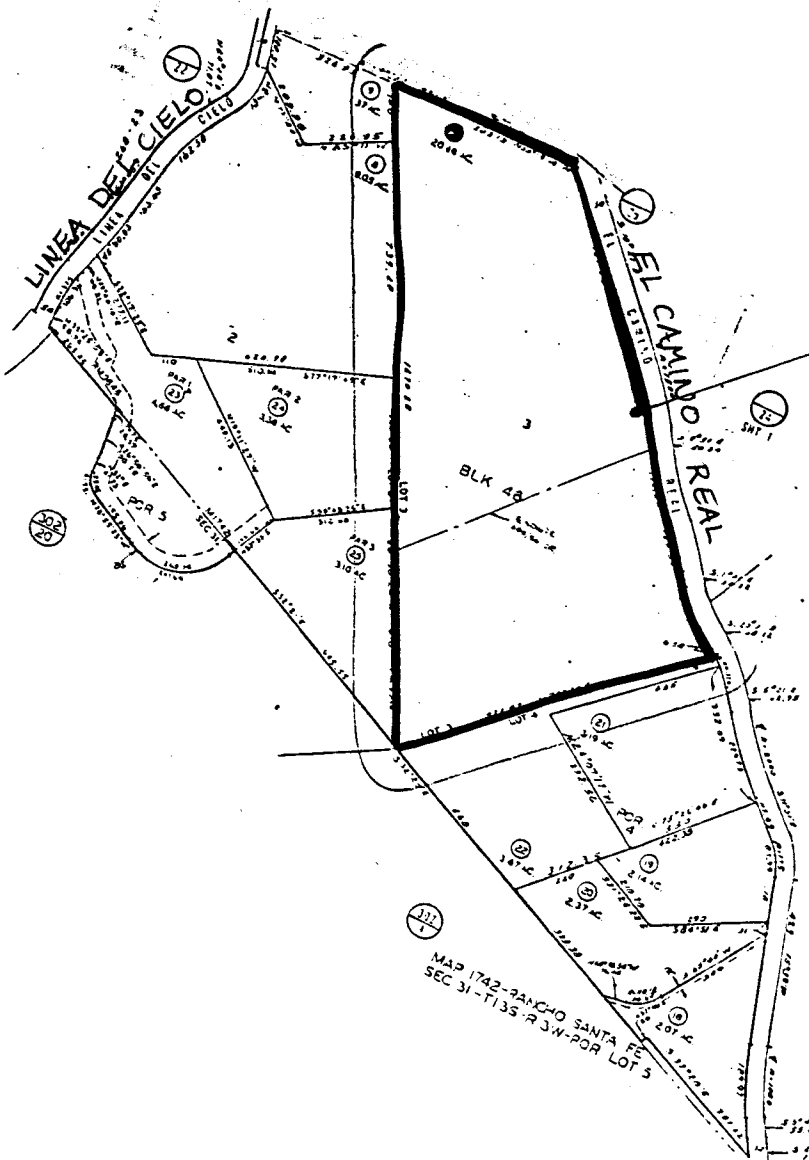
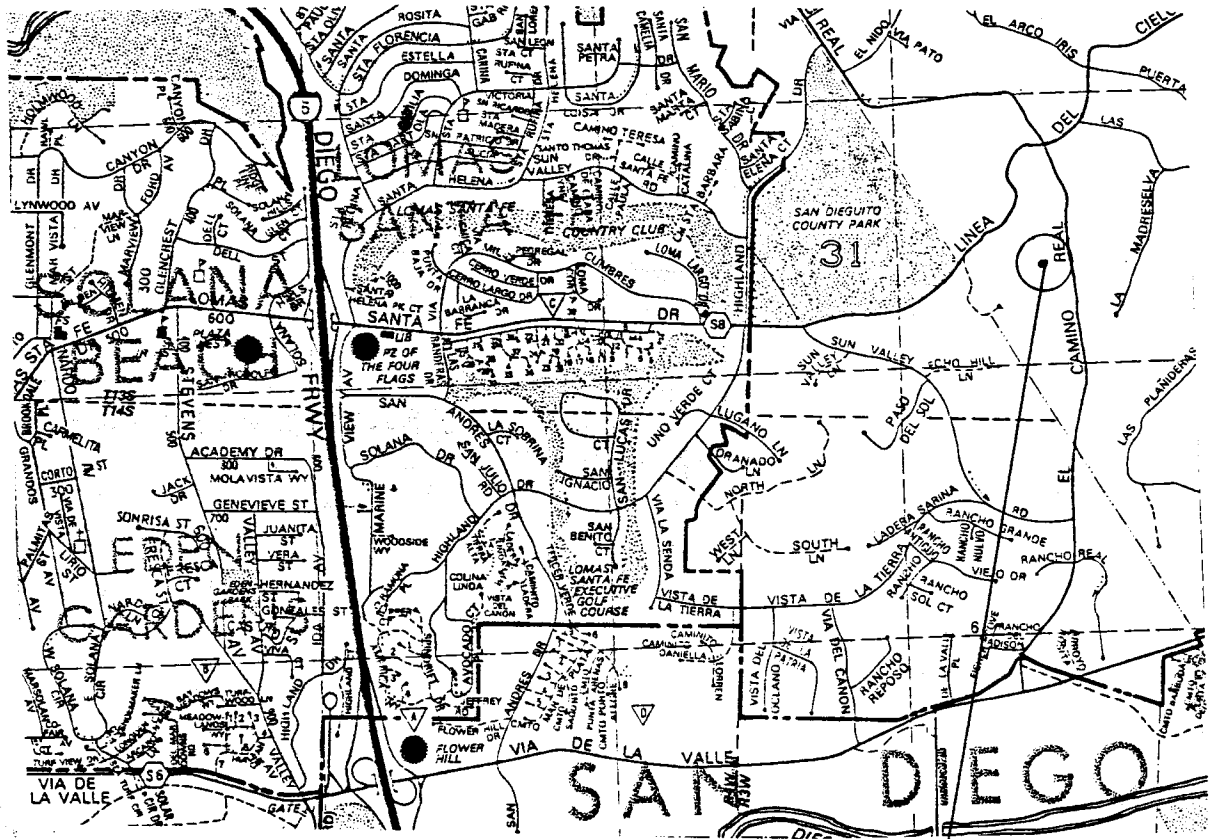
The subject project, as conditioned, has been found to be consistent with the future development, sensitive resource, and visual resource policies of the Coastal Act. Mitigation measures, including notification that future development will require additional review by the Commission, have been incorporated into the project. 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, as conditioned to mitigate the identified impacts, 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.

(6047R)



SITE

EXHIBIT 1
Application Number
6-96-47
Location Maps
California Coastal Commission

REPLACEMENT TENTATIVE PARCEL MAP NO. 4

PLOT PLAN

• 1' - INDICATES PERCOLATION TEST HOLES.

• 15' - INDICATES GROUND WATER/SOIL IDENTIFICATION BORING.

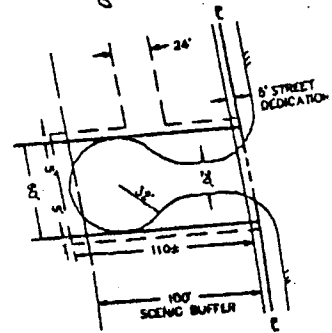
* - EXIST LIGHT

--- OPEN SPACE LIMITS

--- SETBACK LIMITS

--- PRIVATE ROAD EASEMENTS

NOTE:
NO GRADING OR SITE DEVELOPMENT IS PROPOSED BY THIS MAP.



DETAIL 'A'
PRIV. ROAD EASEM
NO SCALE

BLOCK 17

200
150
100
50
0

Parcel 1
3.84 net acres

Parcel 2
2.87 net acres

Parcel 5
5.83 net acres

Parcel 3
3.86 net acres

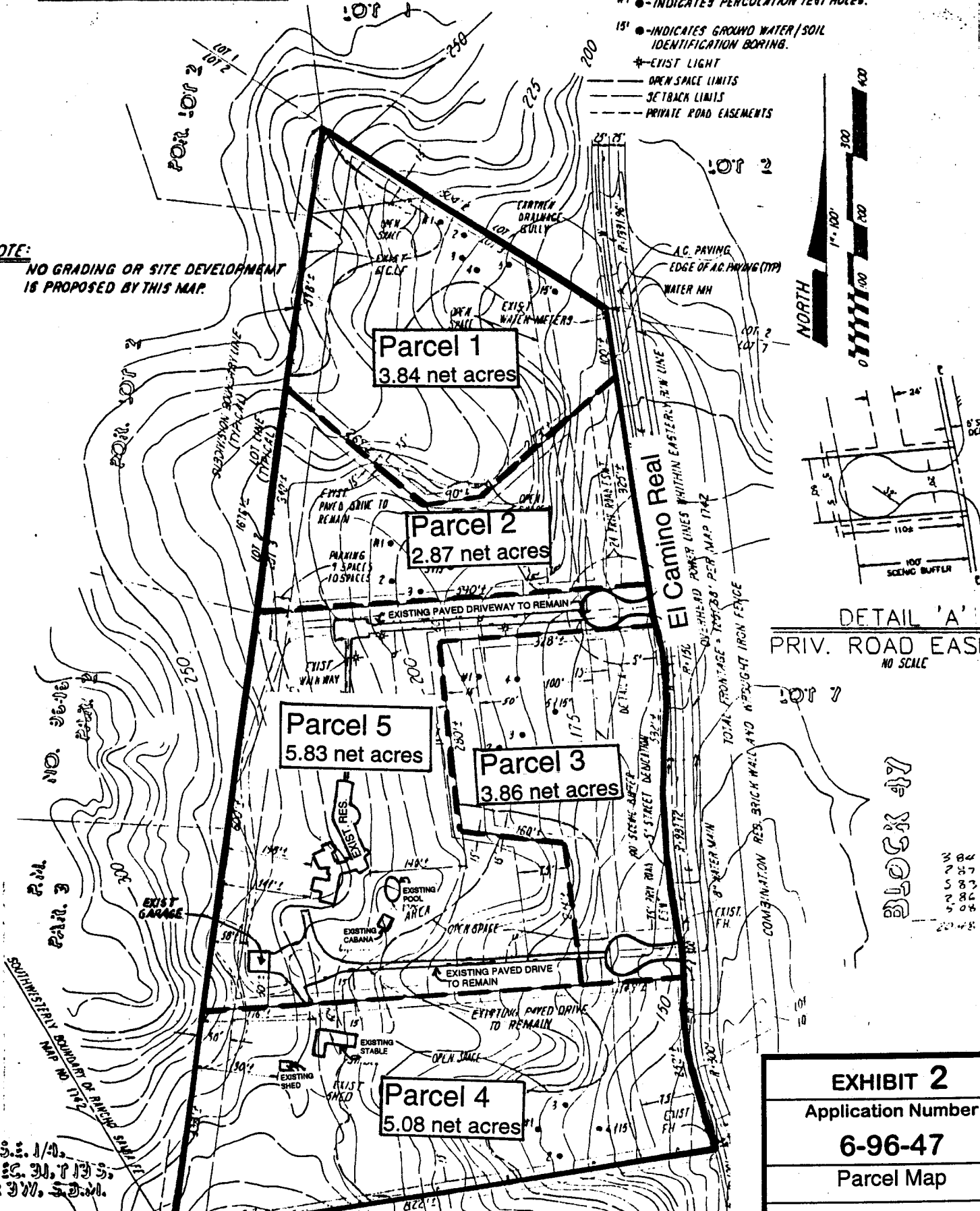
Parcel 4
5.08 net acres

El Camino Real

OVERHEAD POWER LINES WITHIN EASTERLY R.O.W. LINE

TOTAL FRONTAGE = 1707.08' PER MAP 1742

CONVEYANCE RES. BRICK WALL AND WROUGHT IRON FENCE



SOUTHWESTERN QUARTER OF RANGE 50N 117W
P. 1/4
P. 3/4
S. 1/4
S. 3/4
S. 1/2
S. 1/4

SOURCE OF TOPOGRAPHY
ENLARGEMENT OF COUNTY TOPO SHEETS
302-1695 & 302-1701

EXHIBIT 2
Application Number
6-96-47
Parcel Map
California Coastal Commission