

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
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Staff: LJM-SD
Staff Report: 10/16/97
Hearing Date: 11/4-7/97



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REVISED FINDINGS

APPLICATION NO.: 6-97-65

APPLICANT: Donald Glatthorn

AGENT: T.A. Shumaker Jr

PROJECT DESCRIPTION: Subdivision of of a vacant 5.81 acre site into 4 lots, construction of an approximately 5,300 sq. ft., two-story single-family residence on proposed Lot #2, grading consisting of approximately 8,900 cubic yards of balanced cut and fill, construction of private access improvements, an offer to dedicate a public access trail easement across the site and off-site mitigation for impacts to Southern maritime chaparral habitat.

Lot Area	253,084 sq. ft.
Building Coverage	7,015 sq. ft. (3%)
Pavement Coverage	9,320 sq. ft. (4%)
Landscape Coverage	4,000 sq. ft. (2%)
Unimproved Area	232,749 sq. ft. (91%)
Parking Spaces	6
Zoning	RS1
Plan Designation	2 Residential (1 dua)
Ht abv fin grade	35 feet

PROJECT LOCATION: On the north side of Echo Hill Lane, Lomas Santa Fe vicinity, San Diego County. APN 302-202-18

DATE OF COMMISSION ACTION: September 10, 1997

COMMISSIONERS ON PREVAILING SIDE: Allen, Flemming, Kehoe, Nava, Pavley, Potter, Reilly, Staffel, Tuttle and Chairman Areias

SUMMARY OF COMMISSION ACTION:

Staff recommends that the Commission adopt the following revised findings in support of the Commission's action to approve the proposed subdivision and construction of a single-family residence. The Commission's decision permitted the proposed development but added a condition, addressing a proposal by the applicant at the hearing, that an offer to dedicate a public trail easement be recorded for hiking and equestrian use across the property.

Substantive File Documents: Previously Certified County of San Diego Local Coastal Program (LCP); Preliminary Notice of Approval by the County of San Diego Department of Planning and Land Use for Tentative Parcel Map No. TPM 20262; Negative Declaration for Glatthorn Tentative Parcel Map dated June 26, 1997 by the County of San Diego Department of Planning and Land Use; Biological Resources Report and Impact Assessment for the Glatthorn Property dated May 30, 1997 by Dudek & Associates; Preliminary Geotechnical Investigation North of Echo Hill Lane dated April 26, 1996 by Vinje & Middleton Engineering, Inc.

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. Off-Site Mitigation. Prior to the issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, evidence of the purchase and preservation in perpetuity of 1.79 acres of Southern maritime chaparral habitat (as mitigation for impacts to 1.79 acres of Southern maritime chaparral habitat resulting from this development), that meets the following criteria:

a. The off-site mitigation site shall occur within an approved conservation bank or area that can be shown to have long-term conservation and management. The applicant shall provide written evidence of acceptance of the mitigation site by the U.S. Fish and Wildlife Service and the California Department of Fish and Game.

b. The mitigation site must be located within the Coastal Zone and not already subject to conservation in perpetuity through a previously issued coastal development permit.

2. Grading/Drainage/Erosion Control. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, final site, grading and erosion control plans (emergency, temporary and permanent), approved by the County of San Diego, which incorporate the following requirements:

a. All grading activity shall be prohibited between November 15th and April 1st of any year. Prior to the commencement of construction, the applicant shall submit a grading schedule which indicates that the grading will be completed within the proposed and permitted time frame designated in this condition and that any variation from the schedule shall immediately be reported to the Executive Director.

b. All areas disturbed by grading shall be planted within 60 days of the initial disturbance and prior to November 15th with temporary or permanent (in the case of finished slopes) erosion control methods. Said planting shall be accomplished under the supervision of a licensed landscape architect and shall provide adequate coverage within 90 days, subject to Executive Director approval.

c. All temporary and permanent runoff and erosion control devices shall be developed and installed prior to or concurrent with on-site grading activities to minimize the potential for off-site sedimentation impacts. Such erosion control measures shall include desiltation/detention basins, berms, interceptor ditches, sandbagging and filtered inlets as deemed necessary by the County of San Diego and shall be monitored and maintained throughout the grading period. In addition, all emergency erosion control measures shall be in place and operating prior to the onset of the rainy season (October 1st of any year) and monitored and maintained throughout the rainy season.

3. Drainage/Runoff Control. Prior to the issuance of a coastal development permit, the applicant shall submit final drainage and runoff control plans, approved by the County of San Diego, designed by a licensed engineer qualified in hydrology and hydraulics, that will assure no increase in peak runoff rate from the developed site over runoff that would occur from the existing undeveloped site, as a result of a ten-year frequency storm over a six-hour duration (10 year, 6 hour rainstorm). Runoff control shall be accomplished by on-site detention/desilting basins or other similar means. Energy dissipating measures at the terminus of outflow drains shall be constructed. The runoff control plan, including supporting calculations, shall be submitted to, reviewed and approved in writing by the Executive Director.

4. Final Landscape/Brush Management Plans. Prior to the issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, final landscape/brush management plans approved by the County of San Diego Planning Department and the Rancho Santa Fe Fire Department. The plans shall show all area on-site that is within 100-ft. of existing off-site structures and planned on-site structures. The

plans shall demonstrate that only vegetation within 100 ft. of existing and planned structures will be removed for fire protection purposes. The approved clearing shall be conducted entirely by manual means and consist of only the absolute minimum necessary for fire protection. The plans shall also indicate the type, size, extent and location of all proposed plantings, the proposed irrigation system and other landscape features. Drought tolerant native or naturalizing plant materials shall be utilized to the maximum extent feasible. Special emphasis shall be placed on the revegetation of the steep sloped area along Echo Hill Lane with native fire resistant plant materials developed in consultation with the Rancho Santa Fe Fire Department. The plans shall also indicate that all areas cleared for fire safety purposes, shall be immediately revegetated pursuant to the approved landscape plans.

5. Open Space Deed Restriction. Prior to the issuance of the coastal development permit, the applicant shall record a deed 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 or the erection of structures of any type, except for vegetation removal and landscaping for brush management purposes permitted herein, in the area shown on the attached Exhibit #3 and generally described as steep sloped area (25% grade or greater) along the north side of Echo Hill Lane. 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.

6. Future Development. This permit is for a 4 lot residential subdivision, construction of an approximately 5,300 sq. ft. single-family residence on proposed Lot #2, site grading to create building pads, private access and utility improvements and landscaping. All other development proposals for the site, including but not limited to future residential construction, shall require a separate coastal development permit from the Coastal Commission or a certified local government, or a Coastal Commission approved amendment to this permit.

7. Final Plans. Prior to the issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, final building, access and improvement plans that are in substantial conformance with the plans submitted with this application titled Keystone Ridge (Commission date stamped received May 21, 1997).

8. Clearance Abatement Order. Prior to the commencement of construction, the applicant shall submit for review and written approval of the Executive Director, a copy of an abatement order (and the required findings) for clearance of flammable vegetation issued by the Rancho Santa Fe Fire Department for the project site.

9. Recordation of Public Access Trail Easement. Prior to the issuance of the coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director, a public access trail easement for hiking and equestrian use as proposed by the applicant. The easement shall be a minimum of 10 ft. wide and run from Echo Hill Lane to the north across the property and any modification to its use in the future will require review and approval of the California Coastal Commission. The document shall be recorded free of 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 offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording. The recording document shall include legal descriptions of both the applicant's entire parcel(s) and the easement area.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The proposed development involves the subdivision of a currently vacant 5.81 acre site into four single-family residential lots ranging in size from 1.2 acres to 1.81 acres (gross). The project also includes the construction of an approximately 5,300 sq. ft., two-story, 35-ft. high single-family residence on proposed Lot #2 and the construction of an approximately 600 ft. long by 24 ft. wide private access road from Lomas Santa Fe/Linea Del Cielo south along the eastern property boundary. The applicant is also proposing to grade the site to accommodate proposed and future residential development that includes the movement of approximately 8,900 cubic yards of balanced cut and fill. The proposed development also includes an offer to dedicate to a public agency or private association a 10 ft. wide pedestrian and equestrian trail easement through the site from Echo Hill Lane, north across the property. Because the proposed development will affect the majority of the native chaparral habitat on the site, the applicant is proposing to mitigate for its loss by purchasing 1.8 acres of similar habitat off-site for preservation in perpetuity.

No other development is proposed at this time. Therefore, Special Condition #6 has been proposed. This condition notifies the applicant that any further development on the site in the future, including but not limited to, the construction of additional single-family residences, shall require review and approval of the Coastal Commission or its successor agency.

The project site is located between Lomas Santa Fe Drive/Linea Del Cielo and Echo Hill Lane in the Lomas Santa Fe vicinity of the unincorporated County of San Diego. Surrounding uses include Lomas Santa Fe Drive/Linea Del Cielo to the north, Echo Hill Lane and single-family residences to the south,

single-family residences to the west and a private access road and single-family residences to the east.

Although the County of San Diego did previously receive approval, with suggested modifications, from the Commission for its Local Coastal Program (LCP), the County never accepted the suggested modifications and thus the approval subsequently expired. Therefore, the standard of review is Chapter 3 policies of the Coastal Act with the County LCP used as guidance.

2. Protection of Sensitive Coastal Resources. Several Coastal Act policies address the protection of sensitive coastal resources including environmentally sensitive habitat areas, steep slopes and scenic coastal views. The most applicable to the proposed development state, 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...

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.

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...

The site of the proposed development is located within the unincorporated County of San Diego west of and adjacent to the community of Rancho Santa Fe. The site is bounded by private and public roads and/or private access on three sides (Lomas Santa Fe/Linea Del Cielo on the north, a private access road to the east and Echo Hill Lane to the south). In addition, existing single-family residential development, at a maximum density of one dwelling unit per acre, occurs on the parcels to the east, west and south.

The irregularly shaped site is currently vacant and slopes from north to south with topography ranging from elevation 330 (above mean sea level) at Lomas

Santa Fe/Linea Del Cielo to elevation 240 at Echo Hill Lane. Two areas of the site contain slopes in excess of 25% grade. While the majority of the site has been previously disturbed and contains non-native plant species (primarily eucalyptus trees), several isolated areas of the site (totaling 1.79 acres) contain native Southern maritime chaparral habitat.

Because of the presence of naturally vegetated steep slopes, the site was designated within the Coastal Resource Protection (CRP) Overlay in the previous County LCP. Pursuant to Section 30240 of the Coastal Act, the CRP regulations were established to minimize development impacts on environmentally sensitive habitats within the major inland bluff systems. In addition to concerns with protection of native sensitive habitat areas, the limitation of development on steep slope and inland hillside areas is important for other reasons as well.

Grading and development on steep slope areas that are prominent and/or visible from other scenic areas such as lagoons, estuaries, wetlands, public vistas and overlooks, highways and public recreational areas can adversely impact scenic coastal resources. Grading on steep natural slopes not only removes the native plant coverage, but also modifies the natural topography, adversely affecting its scenic qualities. In addition, even when grading does not occur on steep slopes, removal of existing native vegetation on steep slopes for fire protection purposes can also adversely affect views of the site from other scenic public areas, even when revegetation is proposed. Development on steep natural hillsides also raises concerns relative to off-site drainage and sedimentation impacts potentially affecting downstream resources such as wetlands, lagoons, estuaries and other environmentally sensitive habitat areas.

In the case of the proposed development, due to existing topography and surrounding development, the subject site is not visible from any scenic or public recreational area or highway. In addition, while the proposed development does involve a substantial amount of grading (approximately 8,900 cubic yards), other than a small area necessary to accommodate the access road, proposed project grading has been designed to avoid the steep slope portions of the site. As such, the proposed development will not adversely impact scenic coastal resources, consistent with Section 30251 of the Coastal Act.

However, the project will involve impacts to existing environmentally sensitive habitat on the site. Specifically, grading and access improvements and required 100-ft. flammable vegetation clearance for fire safety will directly impact approximately 1.37 acres of existing Southern maritime chaparral habitat on the site. According to the biological analysis prepared for the site, the remaining .42 acres will be adversely affected through isolation and fragmentation. While no state- or federally-listed threatened or endangered species are present on the site, the Southern maritime chaparral habitat that occurs on the site is considered a "high priority vegetation type" by the U.S Fish and Wildlife Service (FWS) and the California Department of Fish and Game (DFG). According to a letter commenting on the environmental review for the project from FWS and DFG, Southern maritime chaparral is

considered sensitive because its distribution is restricted to an extremely limited geographic area along the southern California coastline with less than 2,600 acres of this habitat still remaining. Because this habitat is limited to coastal southern California and such a small amount remains, FWS and DFG consider any further losses as significant.

As stated above, Section 30240 of the Coastal Act requires that environmentally sensitive habitat areas be protected against significant disruption. Because the proposed development substantially eliminates all the Southern maritime chaparral habitat on the site, existing environmentally sensitive habitat will be significantly disrupted, which is inconsistent with Section 30240 of the Coastal Act. However, in this particular case, there are several factors which, when taken together, require the Commission to accept the proposed impacts and approve a permit for the proposed development.

As noted previously, the subject site is an irregularly shaped lot (ref. Exhibit #1 attached) that is surrounded by public and private roads and existing residential development. Subsequent to submitting this application to the Commission for its review, the applicant was contacted by the Rancho Santa Fe Fire Department with regard to the existing native "brush" on the site. The Fire Department indicated that due to the proximity of adjacent residential structures and roads, a substantial portion of the site would need to be cleared of flammable vegetation to provide the necessary fire clearance, including the majority of the Southern maritime chaparral. In discussing this concern with the fire department, Commission staff was informed that the project site and surrounding area is considered a very high hazard area relative to fire concerns. In such high fire hazard areas, the fire department requires that all brush, flammable vegetation and combustible growth be cleared within 100 ft. of all structures and 30 ft. on either side of existing roads/access. If compliance with these standards does not occur voluntarily, then it is so ordered through an abatement order by the fire department.

While an abatement order has not yet been issued for the subject site, the fire department has stated that such an order is forthcoming. Thus, regardless of whether or not the proposed development is ever implemented, the majority of the Southern maritime chaparral habitat on the site will be required to be removed for fire safety purposes. To assure such an order is issued, Special Condition #8 has been proposed. This condition requires the applicant to submit a copy of an abatement order for vegetation clearance on the site from the Rancho Santa Fe Fire Department prior to the commencement of construction.

To address the adverse habitat impacts, the County of San Diego required, and the applicant has proposed, off-site mitigation (within an approved conservation bank) through the purchase and preservation in perpetuity of existing Southern maritime chaparral habitat at a ratio of 1:1. The Commission is concerned with accepting the proposed 1:1 mitigation because there is still an overall net loss of the sensitive habitat. In other words, the proposed mitigation does not involve the creation of new habitat, it only preserves existing habitat. Thus, despite the proposed mitigation, the

proposed development is inconsistent with Section 30240 of the Coastal Act. However, the majority of the sensitive vegetation on the site is required to be removed by order of the fire department. Section 30005 of the Coastal Act provides that the Coastal Act does not limit a local government's authority to abate nuisances. In light of the above facts and the applicant's proposal to preserve in perpetuity existing sensitive habitat off-site at a 1:1 ratio, the Commission finds that the applicant's proposal mitigates the adverse impacts of the vegetation removal.

Special Condition #1 has been attached to address the off-site mitigation. This condition requires the applicant to submit documentation that 1.79 acres of Southern maritime chaparral habitat has been purchased and preserved in perpetuity. The condition further requires that the mitigation site be acceptable to FWS and DFG, that it be located within the Coastal Zone and that it be documented that it is not already preserved or open space through approval of a previous coastal development permit.

Another concern raised by the proposed development relates to the potential for off-site impacts due to sedimentation and runoff from the site. While the project site is not directly adjacent to any natural drainages, wetlands or lagoon areas, drainage and runoff from the site will ultimately end up in downstream resources, which in this case is the San Dieguito Lagoon. This and other coastal lagoons in San Diego County have suffered from extensive siltation impacts, reducing the biological productivity of the lagoons. As such, the Commission has historically not permitted grading to occur during the rainy season (October 1 to April 1 of any year) in areas that naturally drain to lagoons or other environmentally sensitive habitat areas. This is because grading that occurs in these areas, especially during the rainy season, can result in runoff from unprotected soils causing off-site sedimentation.

In this particular case, the proposed project involves balanced grading consisting of 8,900 cubic yards of material. As such, there exists a high potential for increased erosion at this site, and subsequent off-site siltation that could adversely impact downstream sensitive resources. In addition, the applicant is requesting with this application that site grading be allowed to occur within the rainy season, up to November 15 of any year. The Commission has, in limited circumstances, permitted grading to occur into the rainy season on sites where the potential for off-site runoff and sedimentation is substantially reduced through the installation of extensive temporary and permanent erosion control measures. In the case of the proposed development, because no grading is proposed on the steep slopes (other than a small area to accommodate site access) and the site is somewhat removed from downstream sensitive resource area, the Commission can allow grading to occur up to November 15, after the installation of emergency, temporary and permanent drainage facilities and erosion control measures that will prevent erosion and off-site sedimentation.

To assure such, Special Condition #2 has been proposed. This condition requires the applicant to submit final grading and erosion control plans, approved by the County of San Diego, that document that all areas disturbed by

grading will be planted within 60 days of disturbance and that all erosion control measures required and approved by the County of San Diego are installed and operating prior to grading and October 1st and that they be maintained and monitored throughout the rainy season. In addition, Special Condition #4 requires that all areas of the site cleared of existing vegetation for fire safety purposes be immediately revegetated pursuant to an approved landscape plan (developed in consultation with the Rancho Santa Fe Fire Department) with native, drought tolerant and fire resistant plant species.

In addition, to further protect down stream resources after development of the site, Special Condition Nos. 3 and 5 have been proposed. Special Condition #3 requires the submittal of runoff control plans, which document that no increase in peak runoff rate from the developed site would occur as a result of a ten-year frequency storm over a six-hour duration (10 year, 6 hour rainstorm). The plan will document that runoff control shall be accomplished by on-site detention/desilting basins and that energy dissipating measures be constructed at the terminus of all outflow drains.

Because future grading and development of the steep sloped portions of the site could also lead to increased off-site sedimentation, Special Condition #5 requires that that area of the site adjacent to Echo Hill Lane that contains slopes of 25% grade or greater, be restricted from further development through recordation of an open space deed restriction. This restriction allows vegetation clearance and replanting for fire safety purposes, but prohibits all other grading and development within this area.

In summary, while the proposed development involves the removal of the majority of the existing environmentally sensitive habitat (Southern maritime chaparral) on the site, the Commission has determined that in this particular case, such an impact must be accepted. In addition, while the Commission must accept the habitat impacts, appropriate mitigation for such impacts must also be provided to find the project consistent with Coastal Act policies. Additionally, as conditioned, soil loss from the site due to grading and/or removal of vegetation for fire safety will be minimized and downstream resources will be protected against increased sedimentation. Therefore, the Commission finds the proposed development is consistent with Sections 30231, 30240 and 30251 of the Coastal act.

3. Public Access. Section 30210 of the Coastal Act is applicable to the proposed development and states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30214 (c) of the Act is also applicable and states:

(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

The subject site is located well inland of the coast on the south side of Lomas Santa Fe Drive/Linea Del Cielo in the unincorporated County of San Diego. While public access to and along the coast is not an issue with the proposed development, access across the subject site has historically been utilized by various hikers and equestrian groups. As such, the applicant has proposed as part of the project, to record an offer to dedicate a public access easement across the property in order to allow such access to continue into the future.

To assure the proposed offer to dedicate is completed in a form and content acceptable to the Executive Director Special Condition #9 has been attached. As proposed, the subject development will provide continued and improved public access opportunities, consistent with the public access policies 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. In this case, such a finding can be made.

The County of San Diego previously received approval, with suggested modifications, of its Local Coastal Program (LCP) from the Commission. However, the suggested modifications were never accepted by the County and therefore, the LCP was never effectively certified. While the LCP was never effectively certified and the standard of review for development in the unincorporated County of San Diego is Chapter 3 policies of the Coastal Act, the Commission does use the County LCP as guidance. The County LCP designates this area for residential development at a maximum density of one dwelling unit per acre. As noted, the proposed development is consistent with that designation. The project site is also located within the Coastal Resource Protection (CRP) Overlay area which calls for the protection of steep naturally vegetated hillsides. While the project does not include grading of steep slope areas (other than a small area to accommodate site access), existing native habitat will be removed. While such a proposal is not entirely consistent with the CRP provisions, in this particular case, the need to clear native vegetation on this site is for fire safety purposes and will be required regardless of the proposed development.

As discussed above, the Commission finds that approval of the subject development, as conditioned, will not significantly disrupt environmentally

sensitive habitat areas and as conditioned, is consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, approval of the proposed development, as conditioned, will not prejudice the ability of the County of San Diego to prepare a certified LCP.

5. California Environmental Quality Act (CEQA). Section 13096 of the California Code of Regulations requires Commission approval of a coastal development permit 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, the proposed project, as conditioned to require off-site mitigation for impacts to environmentally sensitive habitat areas, open space on the remaining steep slope portion of the site and the development and implementation of detailed erosion control measures, the proposed development will not cause significant adverse impacts to the environment. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the proposed activity may have on the environment. Therefore, the Commission finds the proposed project, as conditioned, 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.

(2053r)

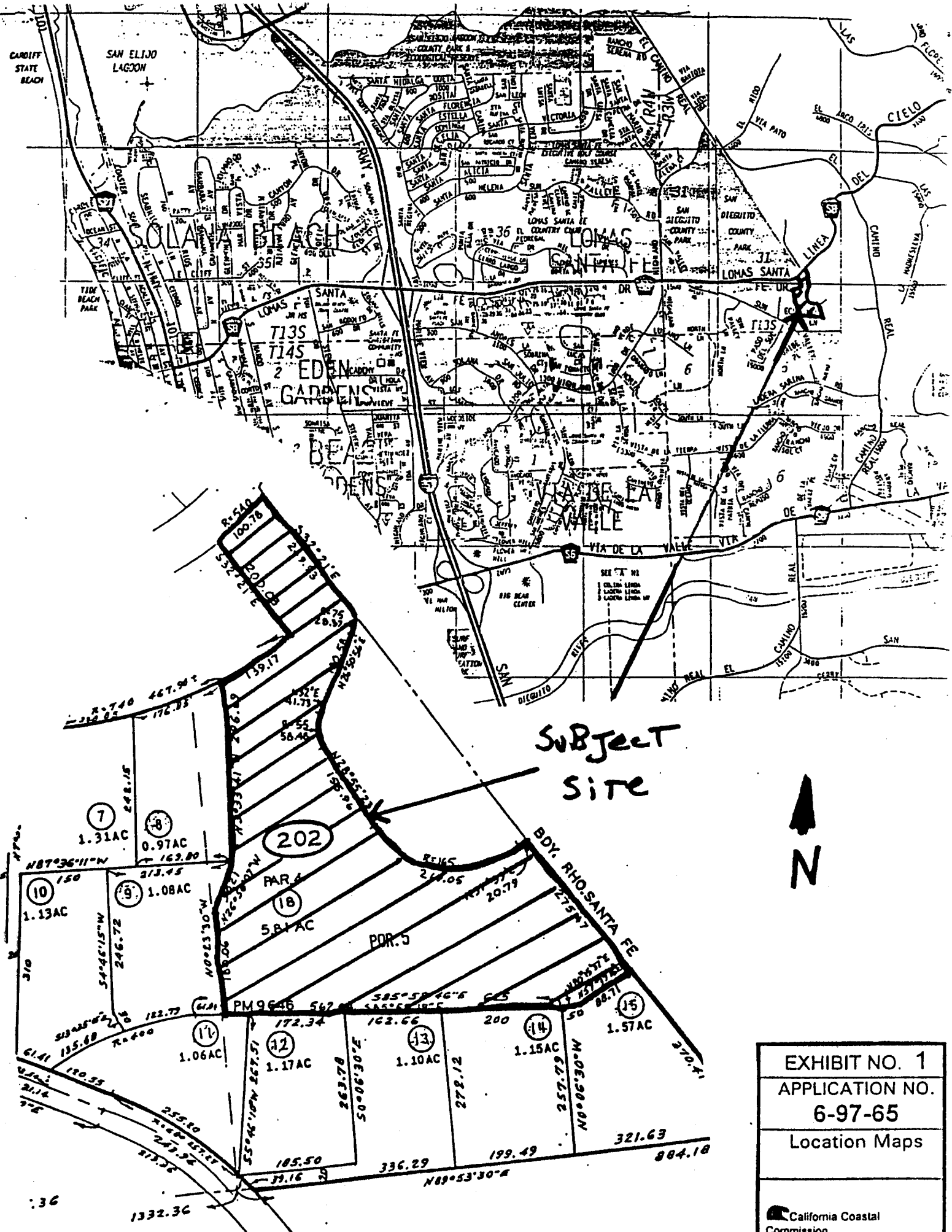


EXHIBIT NO. 1
APPLICATION NO.
6-97-65
Location Maps

California Coastal
Commission

