

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA

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 Hearing Date: 2/4-7/97

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-96-160

Applicant: Pin-Hua Huang

Description: Construction of two approximately 3,240 sq. ft. pre-fabricated steel greenhouse structures on 4.54 acre site containing an existing 2,688 sq. ft. barn, 576 sq. ft. storage shed and perimeter fencing.

Lot Area	4.54 Acres
Building Coverage	.22 Acres
Unimproved Area	4.32 Acres
Zoning	A-1-10
Plan Designation	Future Urbanizing Area (Agriculture)

Site: 4403 Carmel Valley Road, North City, San Diego, San Diego County. APN 305-031-02

Substantive File Documents: Certified North City Future Urbanizing Area (FUA) Framework Plan and City of San Diego LCP Implementing Ordinances

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. Final Plans. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, final building plans for the proposed development. Said plans shall first be approved by the City of San Diego and be in substantial conformance with the preliminary plans date stamped received December 18, 1996.

2. Lagoon Enhancement Fund. Prior to the issuance of the coastal development permit, the applicant shall submit an agreement, suitable in form and content to the Executive Director, demonstrating that the applicant and all successors in interest have participated in a lagoon enhancement fund to aid in the restoration of Los Penasquitos Lagoon. Said agreement shall consist of a Letter Authorizing Deposit and Use of Funds for Los Penasquitos Lagoon Enhancement and a receipt of deposit for an amount equal to three (3) cents per square foot of new impervious surface (buildings and paving) created by this project.

Any funds shall be executed in a manner that allows use of the funds by the Coastal Conservancy, the Wildlife Conservation Board, the Department of Fish and Game or the City of San Diego. No such use of funds shall occur unless and until the Executive Director certifies that the funds are proposed for a bona fide Los Penasquitos enhancement activity. Examples of "bona fide enhancement" activities shall include, but not be limited to, the development of a lagoon restoration plan, the preparation of background technical studies for the development of the plan, the implementation of the plan and stewardship and management following implementation of the plan.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description. This proposal is for the construction of two, approximately 3,240 sq. ft. greenhouse structures (6,480 sq. ft. total) on a 4.54 acre site that contains an existing 2,688 sq. ft. barn, a 576 sq. ft. storage shed and a perimeter fence. The greenhouses will be constructed of pre-fabricated steel and used as nurseries to grow orchids and other such plants. No grading is necessary to accommodate the development and no other improvements are proposed.

The 4.54 acre site, which is completely fenced around its perimeter, is located off Carmel Valley Road, just east of Highway 56 in the North City Community of the City of San Diego. The site is accessed via an existing unpaved private road exiting Carmel Valley Road. Surrounding uses include Carmel Valley Road and vacant land to the north and west, agriculture uses to the east and the creek and single-family residences to the south.

The subject site is located within the City of San Diego, which has a certified LCP. However, the site is in an area of deferred certification

where coastal development permit authority has not yet been delegated to the City. As such, the standard of review is Chapter 3 policies of the Coastal Act with the City's LCP used as guidance.

2. New Development/Visual Resources. Section 30250 of the Coastal Act requires that new development be sited in close proximity to existing development where it will not have significant adverse impacts on coastal resources. In addition, Section 30251 of the Coastal Act provides for the protection of scenic coastal resources and for the compatibility of new and existing development. Although removed from the immediate coastline, the subject site is located within a scenic river valley, upstream from Los Penasquitos Lagoon. The property currently contains a large barn and small storage shed. The remainder of the site is vacant and consists of gently sloping terraces covered by weeds and grass. No steep slopes or native vegetation occurs on the site. The proposed greenhouse structures will be placed on an existing flat area between the existing barn and shed and are relatively low scale (maximum of 14.5 feet in height) as compared to the existing approximately 25 ft. high barn. However, as only preliminary plans have been submitted, Special Condition #1 has been attached to require the applicant to submit final plans for the development.

In addition, the site is serviced by existing utilities and no new services are required or proposed to accommodate the development. Thus, the completed development will not detract from the visual amenities of the area and will be compatible with other agricultural operations in the surrounding area. Therefore, the Commission finds the proposed development, as conditioned, consistent with Sections 30250 and 30251 of the Coastal Act.

3. Lagoon Enhancement Fund. Even with proper project design to minimize erosion and runoff impacts, the proposed development will have some degree of adverse effects on Los Penasquitos Lagoon. As noted in other permits (e.g. 6-82-100, Genstar; 6-82-106-A, Fieldstone; 6-83-13, Baldwin; A-69-81, Village Properties; and, 6-82-182, Lusk-Smith/Mira Mesa North) and in the findings of the predecessor Regional Commission to deny the North City Land Use Plan, development will increase the amount and rate of runoff; and, will increase the amount of urban pollutants in runoff. In addition, even with controls over the rate of runoff, a greater net volume of runoff will result because less water will percolate into the ground. The combined result will provide the potential for a substantial increase in sedimentation.

In order to mitigate the effects of runoff, the Commission sponsored a study of Los Penasquitos Lagoon entitled "Stream and Lagoon Channels of the Los Penasquitos Watershed, California, with an Evaluation of Possible Effects of Proposed Urbanization" by Karen Prestegaard; a recommendation was made to increase the tidal prism of the lagoon by restoring channels cut off by construction of the railroad across the lagoon. It was recommended that this would enhance the capability of the lagoon to maintain an open mouth. It was also reasoned that a lagoon that was open more of the year would be better flushed and more capable of absorbing the increased load of pollutants. Commission staff worked with North City West developers to analyze the costs of a minimal improvement project along the lines recommended in the Prestegaard study.

In this application, the Commission is recognizing the contribution of commercial construction to the problems of Los Penasquitos Lagoon. Because the solution initially developed was a minimal approach, the Commission recognizes that additional funding will allow a more comprehensive and effective solution. The program that arises is how to establish an equitable fee for commercial development. Some degree of the major causative factor in increased runoff and pollutants is the establishment of impervious surfaces. Such areas cause runoff to enter streams more rapidly, and the runoff contains increased pollutant loads particularly from such areas as parking lots. If we generalize residential development such as occurs in North City West to involve a net density of about 5 units per acre and a coverage with impervious surfaces of about 60% (midrange figures, residential development actually varies around these figures depending on density and amenities), the existing fees represent a cost of about 1¢ per square foot of impervious surface. However, impacts are caused by initial grading as well as the ultimate impervious surfaces. Even with maximum possible controls on sedimentation, sedimentation increases downstream from graded areas until landscaping achieves effective coverage. Also, large-scale grading could alter the hydrology or runoff, leading to even more rapid runoff.

Both size of graded area and area of impervious surface are considerations important in commercial projects where grading is most often more extensive (to create large pad areas) and where impervious surfaces (for parking) are usually necessary. The Commission finds that it is appropriate to assess a fee to mitigate these short and long-range impacts. In this particular case however, no grading is proposed and as such, the fee would be based upon three cents per square foot of ultimate impervious surface area only. This fee is for the longer-term impacts of annual rainfall on permanently hardened surfaces. The Commission finds that the fee is a reasonable condition that mitigates the actual effects of grading of undisturbed areas or previously disturbed, but stabilized, sites.

Special Condition #2, attached to this permit, addresses this fee and how it is to be paid. Therefore, as conditioned, the Commission finds the proposed project consistent with Sections 30230 and 30231 of the Coastal Act, which provide for the protection and enhancement of marine resources and biological productivity of streams and lagoons. In addition, application of the lagoon enhancement fee is also consistent with the certified City of San Diego LCP, which includes the mitigation program in its Coastal Development Permit Ordinance, and of which the Los Penasquitos Lagoon Enhancement Plan is a component.

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 particular case, such a finding can be made.

Although the City of San Diego has a fully-certified LCP and has been delegated coastal development permit issuing authority for most areas, the

North City Future Urbanizing Area, where the project site is located, is an area of deferred certification. Thus, the standard of review for this application is Chapter 3 policies of the Coastal Act, and Chapter 3 consistency has been demonstrated in the preceeding findings. The proposed development is also consistent with the A-1-10 Zoning applied to the site as well as the certified Future Urbanizing Area Framework Plan component of the City's LCP. This framework plan is a general planning document, addressing preliminary traffic circulation and open space, but does not include the necessary detail to serve as an LCP Land Use Plan; subarea plans currently being drafted by the City will fill this role. Therefore, the Commission finds that approval of the this development, as conditioned, will not prejudice the ability of the City of San Diego to complete subarea planning for this portion of the North City LCP segment and to continue implementation of the certified LCP in other areas of the City's coastal zone.

5. Consistency with the 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, 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.

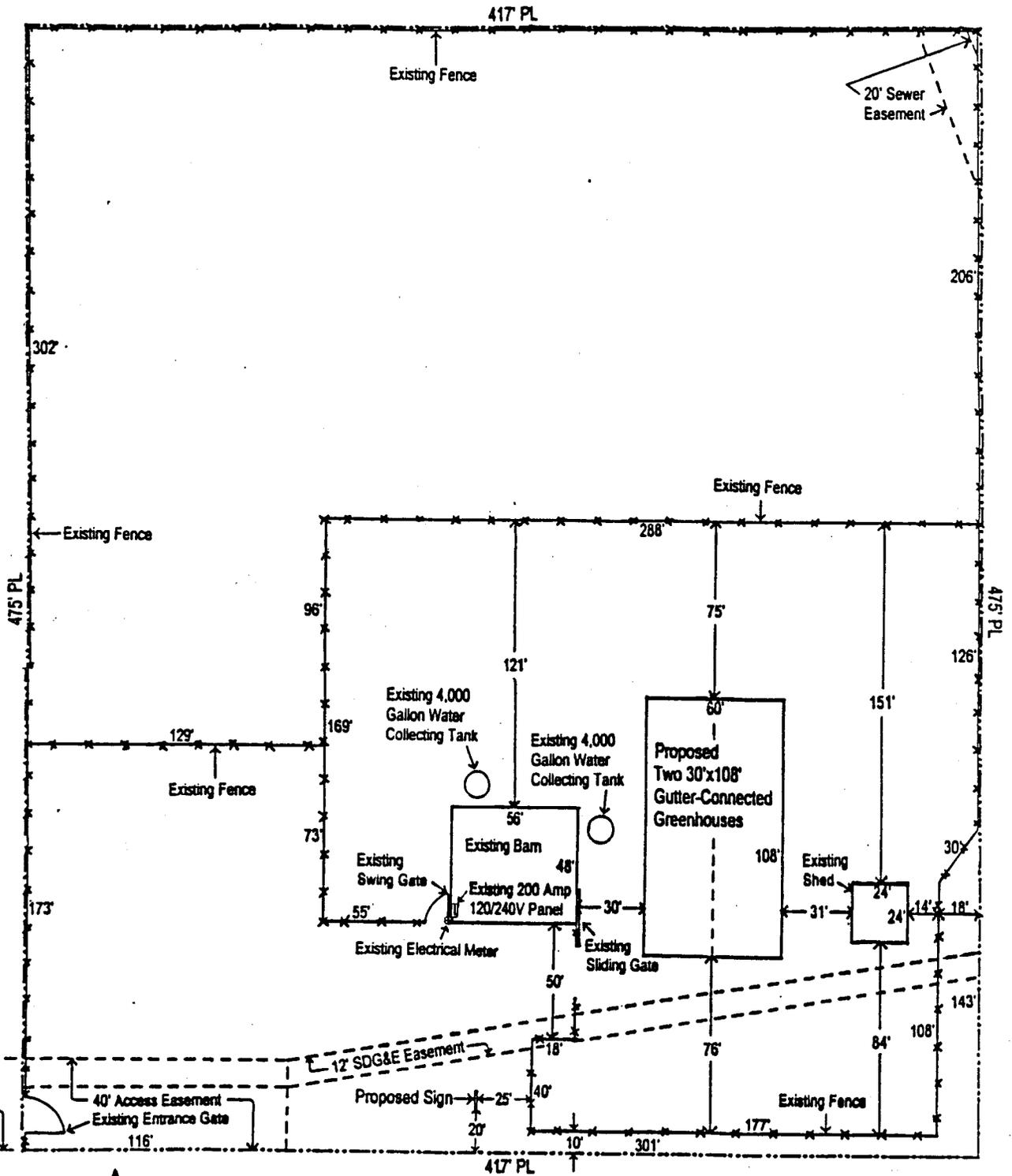
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. 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.

(6160R)

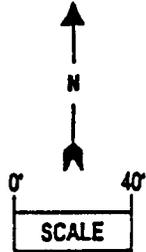
SITE PLAN

RECEIVED
FEB 19 1996

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT



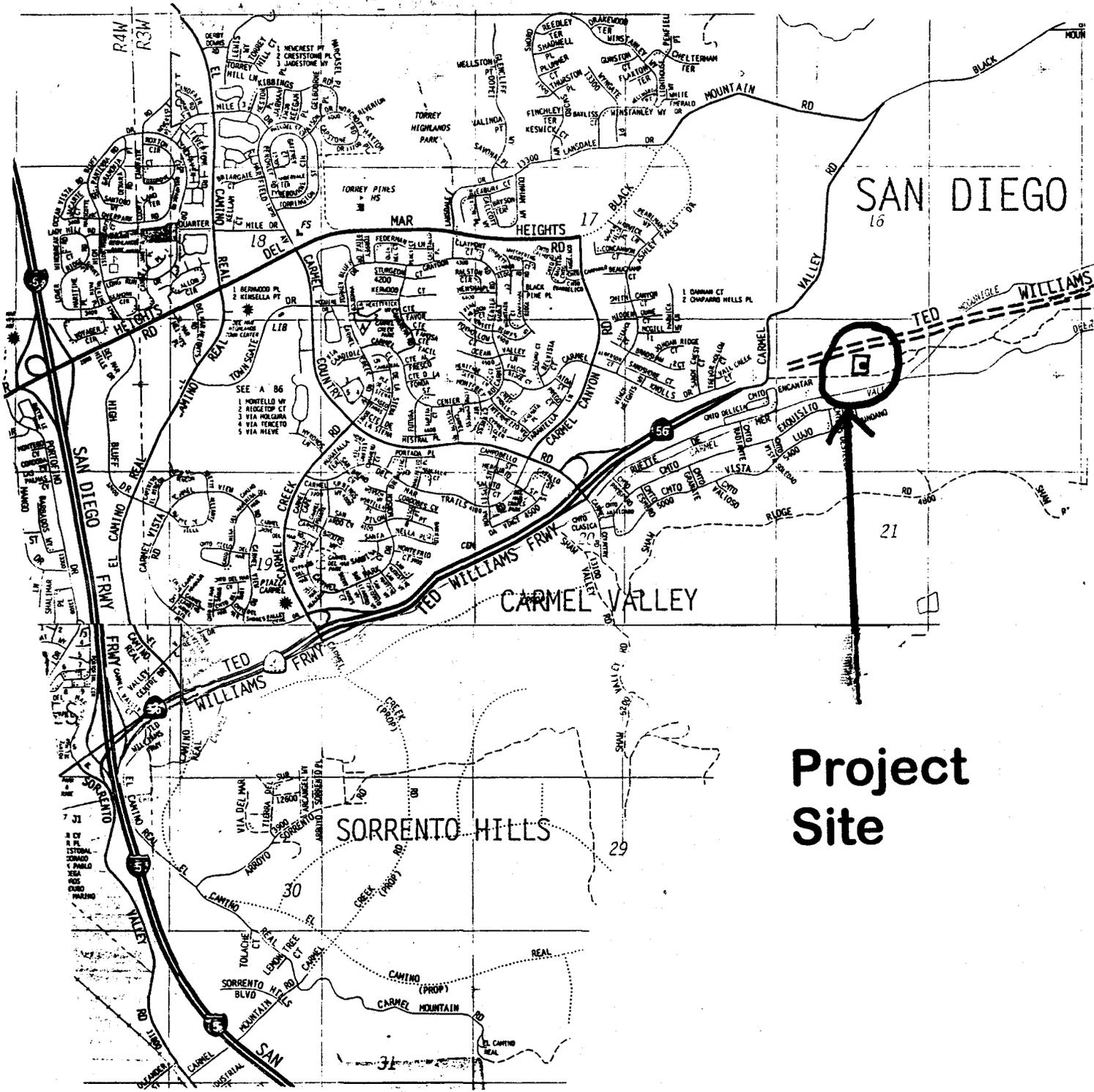
Existing Water Meter At 4401 Carmel Valley Road



Legal Description:
West 417 Feet Of East 752 Feet Of
South 475 Feet Of Southwest 1/4 Of
Section 16-14-3W.
APN# 305-031-02

Site Address:
4403 Carmel Valley Road
San Diego, CA 92130

EXHIBIT NO. 2
APPLICATION NO.
6-96-160
Site Plans
California Coastal Commission



**Project
Site**



EXHIBIT NO. 1
APPLICATION NO.
6-96-160
Location Map