STATE OF CALIFORNIA – THE RESOURCES AGENCY GRAY DAVIS, Governor

CALIFORNIA COASTAL COMMISSION
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49th Day:	June 29, 1999
180th Day:	November 10, 1999
Staff:	BP-SD
Staff Report:	June 24, 1999
Hearing Date:	July 13-16, 1999

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-99-11

Applicant: M. Lou Marsh Agent: John Leppert

Description: Subdivision of a 3.96 acre lot into two parcels of 1.12 acres for Parcel 1 and 2.84 acres for Parcel 2. Proposed Parcel 1 contains an existing single family residence; proposed Parcel 2 proposes grading of a building pad and driveway requiring 6,400 cubic yards of cut, 1,600 cubic yards of fill and 4,800 cubic yards of export. No residential development is proposed.

Zoning: RS-1 (Single Family Residential)
Plan Designation: Residential 1 du/acre

Site: 4610 Rancho Reposo, Del Mar, San Diego County. APN 302-210-58

Substantive File Documents: Certified San Dieguito LCP Land Use Plan and Implementing Ordinances; SDCRC # F7943; CCC Appeal No. 109-77; CCC #6-86-1 (Ford), CDP #6-87-94 (Marsh), "Biological Resources Survey Report for the Marsh Tentative Parcel Map Property TPM 20269, Log 96-13-13 County of San Diego

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STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending denial of the subdivision request because it cannot be found in conformance with the Chapter 3 policies of the Coastal Act. The project proposes development in an environmentally sensitive habitat area that not only contains sensitive plants and animals but also is encumbered by an open space deed restriction previously approved by the Commission.

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Denial.

The Commission hereby denies a permit for the proposed development on the grounds that the development will not be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 and would 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.

II. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description and Site History. The applicant is proposing to subdivide a 3.96-acre lot into two parcels of 1.12 acres for Parcel 1 and 2.84 acres for Parcel 2 within the unincorporated County of San Diego. Proposed Parcel 1 contains existing single family development (4,239 sq.ft. residence, 878 sq.ft. garage and outdoor swimming pool) which was approved in Coastal Development Permit (CDP) 6-87-94; proposed Parcel 2 proposes grading of a building pad and driveway requiring 6,400 cubic yards of cut, 1,600 cubic yards of fill and 4,800 cubic yards of export. Construction of a residence is not proposed on Parcel 2 at this time. Access to the new parcel is proposed from Via Del Canon. The proposed subdivision would create a legal lot (Parcel 2) that would consist almost entirely of native vegetation that provides habitat to sensitive species and would be comprised of over 50% steep slopes and canyons located above the San Dieguito River Valley.

The site is located on the north side of Via De La Valle, which is north of and adjacent to the San Dieguito River Valley. The lot was created by a larger subdivision which was reviewed and approved by the San Diego Coast Regional Commission in 1979 (F-7943). The subdivision was for creation of 17 parcels on 29.2 acres, 53,200 cubic yards of balanced grading for the building pads, and construction of main access roads (i.e., Via del Canon, Rancho Reposo). The Commission action required the southern hillside portion of the subject site (proposed Parcel 2), as well as surrounding lots with a similar configuration, to remain as open space through recordation of an open space deed restriction. The deed restriction stated that no development could occur in the open space area unless approved by the Coastal Commission. Prior to its approval of the 17-lot subdivision, the Commission had denied an earlier version of the subdivision that included lots on the southern sloping hillside. The Commission had denied the initial subdivision because it found those lots on the southern hillside to be inconsistent with the policies of the Coastal Act. The subdivision was approved only after the applicant revised the project to eliminate the southern hillside lots. Proposed parcel 2 is on the southern hillside and is in the same configuration as those lots that were the basis for

denial of the initial subdivision. Much of the site and the surrounding hillside properties consist of naturally vegetated steep slopes, well in excess of 25% gradient. As approved in 1979, access to all the building sites for the subdivision were from the north from Rancho Reposo, and all residences were to be sited on the flatter (mesa top) portions of each site. Today, property in active agricultural and equestrian usage occurs to the south within the floodplain of the San Dieguito River Valley. To the north above the escarpment are a number of developed homes. To the west immediately across from Via del Canon is a single family home.

In April 1986, prior to approval of any permit to construct a residence on the site, a previous owner applied for a coastal development permit to construct a residence on the steep southern portion of the subject lot (in the deed restricted area) taking access via a driveway off Via Del Canon. Preliminary grading was completed to create the southern building pad and driveway without a permit (under the auspices of obtaining soil samples). Portions of the vegetation immediately south of and adjacent to the original building pad that had been approved in the subdivision permit were also removed in unauthorized clearing operations. The Commission approved the application with special conditions requiring relocation of the proposed residence to the approved, previously graded building pad on the northern portion of the lot, with access off Rancho Reposo, and revegetation and restoration of the illegally graded areas (CDP #6-86-001/Ford). File records indicate that restoration activities were completed as of 1988.

The property was then sold to a new owner (M. Lou Marsh) who received approval from the Commission in March, 1987 (#6-87-94) to construct a 4,239 sq.ft single family residence, 878 sq.ft. garage and outdoor swimming pool on the approved building pad. The Commission's approval required relocation of the residence and accessory structures to eliminate any encroachment by grading or structures beyond the existing top of slope or edge of the previously graded pad area. Thinning or revegetation of the naturally vegetated area within ten feet of the slope edge was permitted, pursuant to a landscape plan for fire protection purposes approved by the Executive Director. The Commission's action assured minimal encroachment into the open space deed restricted area of the site consistent with the Commission's previous action and Chapter 3 policies of the Coastal Act. The subject application by the new owner proposes a building site within the previously recorded open space deed-restricted area.

In CDP 6-92-160, the Comission approved a boundary adjustment between the subject lot and the adjacent 1.84 acre lot to the east. The lot line adjustment resolved a property ownership dispute and corrected a front yard setback problem on the easternmost lot. In its approval, the Commission found the lot line adjustment would not affect the boundary of the open space deed restricted area of the site. As a condition of approval for the boundary adjustment, the County of San Diego required the applicant to submit evidence that the grading violation on the southern portion of the lot had been cleared.

While the County of San Diego did receive approval of its Local Coastal Program from the Commission in 1985, it never became effectively certified. As such, the standard of review is Chapter 3 policies of the Coastal Act with the County LCP used as guidance.

2. Environmentally Sensitive Habitat. The subject site is located within the viewshed and watershed of the San Dieguito River Valley within the CRP overlay identified in the County LCP. Section 30240 of the Coastal Act is applicable and states:

> (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.

In the subject application, the applicant is proposing to subdivide 3.96 acres into two parcels of 1.12 acres (Parcel 1) and 2.84 acres (Parcel 2). Proposed Parcel 1 contains the previously approved and built single family residence, which was approved in CDP 6-87-94. Proposed Parcel 2 proposes grading of a building pad and driveway requiring 6,400 cubic yards of cut, 1,600 cubic yards of fill and 4,800 cubic yards of export; no residential development is proposed on Parcel 2 at this time. The entire proposed Parcel 2 is within the previous deed restricted area while an existing single family residence already exists on the mesatop off of Rancho Reposo. Access to proposed Parcel 2 will be off of Via del Canon to the proposed building pad with a driveway proposed up the slope to the building pad. This is in direct contradiction to the previous Commission action taken in 1979 which required this area be reserved in open space and access to the site be taken off Rancho Reposo.

The proposed subdivision will result in adverse impacts to identified environmentally sensitive habitat. The submitted biology survey identifies three primary plant communities on the site: (1) Southern Coastal Bluff Scrub containing elements of Diegan Coastal Sage Scrub and comprising about 77% or 3.04 acres of the property, (2) Southern Maritime Chaparral comprising about 6% or 0.24 acres, and (3) Disturbed Areas, including horticultural landscaping, along roads and surrounding a developed home on the northern end of the site. The former two plant communities are considered sensitive plant communities in the San Diego County region.

The biology report states the following regarding Southern Coastal Bluff Scrub:

> Southern Coastal Bluff Scrub, a variant found entirely along the immediate coast of Southern California and Baja California, has suffered significant losses, as ocean-facing bluff areas are converted to residential developments. This habitat is known to support a number of sensitive species of plants and animals, including the Federally-listed California Gnatcatcher and other very rare species. Unfortunately, the few remaining extensive areas of Southern Coastal Bluff Scrub vegetation are becoming fragmented where they persist. The coastal bluff scrub vegetation on the Marsh lot-split property is in very good condition, given the small size of the property and the

prior disturbance to certain areas. In any case, this plant association forms a biologically significant feature in association with the subject property.

The biology report also states one hundred and nineteen species of plants exist on the site, six of which (Wart-stemmed Ceanothus, Sea Dahlia, Del Mar Mesa Sand Aster, Decumbent Goldenbush, Green's Ground Cherry and Ashy Spike-moss) are considered sensitive. Twenty-five species of vertebrate animals are identified, five of these (California Gnatcatcher, Orange-throated Whiptail, San Diego Pocket Mouse, California Pocket Mouse and Bewick's Wren) are considered sensitive. The report identifies that approximately 0.78 acres of sensitive Southern Coastal Bluff Scrub and 0.04 acres of Southern Maritime chaparral vegetation would be impacted as a result of the proposed development. Other direct impacts identified by the report include a loss of 100 specimens of Del Mar Mesa Sand Aster and losses of Orange-throated Whiptail, San Diego Pocket Mouse, California Pocket Mouse and Bewick's Wren and related habitat. Indirect potential losses include impacts to California Gnatcatchers, and losses of Bewick's Wren.

The biology report states the following regarding the California Gnatcatcher:

> ....two specimens, representing a breeding pair, were observed moving over most of proposed parcel 2 within undisturbed Diegan Coastal Sage Scrub vegetation. This pair presumably nests either onsite or a short distance offsite in suitable scrub habitat. Because this site is primarily situated on a south facing slopes, this pair very likely represents the carrying capacity of the property. It is also clear, based on our understanding of the ecology of this species, that the Marsh lot-split property forms only a small portion of the breeding territory of this pair. California Gnatcatcher, however, is nevertheless considered a significant biological resource on the property....

Both the biological survey and the County in its approval of the subdivision found these losses could be reduced to a level which is less than significant provided the majority of the site (2.52 acres) was placed in open space and offsite mitigation of 0.8 acres of occupied California Gnatcatcher habitat is secured. California Gnatcatcher, however, is nevertheless considered a signficant biological resource on the property.

The submitted slope analysis/vegetation survey indicates that 57% of the site contains steep slopes (greater than 25% grade). Of these steep slopes, 53 % are identified as naturally vegetated steep slopes (coastal sage scrub on slopes greater than 25% grade). In many permit decisions, the Commission has found that such dual criteria slopes are worthy of protection as they not only provide habitat for sensitive plants and animals but also are a visual resource. Furthermore, since the U.S. Fish and Wildlife Service listed the gnatcatcher as an endangered species in 1996, the Commission has found areas of coastal sage scrub to be an environmentally sensitive habitat area (ESHA). In this case, the ESHA onsite consists of sensitive Southern Coastal Bluff Scrub, Southern Maritime chaparral vegetation, Del Mar Mesa Sand Aster, and sensitive animals and their related habitat. A significant direct adverse impact could include impacts to a pair of breeding

California Gnatcatchers which have been documented on the site. The survey indicates that proposed grading would impact 9% of these dual criteria slopes. Additionally, grading is proposed on area less than 25% grade which contains sensitive habitat. The slope analysis does not address the fact that vegetation removal associated with fuel management provisions is required by the fire department. In its approval, the County required that a minimum of 100-feet of vegetation be subject to brush management which would result even more impacts to sensitive habitat. Almost all the area that would be cleared for brush management would occur on natively vegetated steep slopes with corresponding adverse impacts to site resources.

The applicant states the project has been designed in a sensitive manner to minimize the disturbance of the natural resources that are present on the site and to maintain, to the maximum extent possible, the interconnectivity of the habitat in the overall area. Grading has been kept to a minimum and offsite mitigation is proposed. The applicant states that although some discussion was made in previous staff reports regarding open space, neither the conditions of approval or the CC&Rs required that any development of the remaining portions of the property would require Commission approval.

Regarding the applicant's contention that the proposed building site was never identified as an open space area, the Commission found in both CDP #F7943 that this area was subject to preservation as an open space area.

Special Condition #7(b) of CDP #F7943 provides that:

> On lots 47-52 of the amended tentative map, any alteration of landforms, removal of existing vegetation, or erection of structures of any type, shall be prohibited unless approved by the San Diego Coast Regional Commission or its successors in interest, on that area south of a line projected across these parcels as shown on Exhibit B. (Exhibit B [attached] indicates that all property south of the line is to be deed-restricted as open space.)

The subject site is Lot #52. Additionally, the Commission findings for both #F7943 and CDP #6-87-94 make findings that the area was to be reserved as open space. In its finding for Special Condition #7b of #F7943 the Commission found "Special Condition #7b was attached to ensure that the visually prominent steep southern slopes of the site will remain in open space, retaining the visual quality of the area and provide a substantial view corridor across the subject site. The findings also state: "Special Condition #7b provides for the retention of a considerable amount of the site to remain in open space which provides permanent habitat to mitigate the effects of the project on wildlife." Similar references to the southern portion of the subject site being reserved as open space are made in the succeeding Commission actions on this property (i.e. CDP #6-86-1, CDP #6-87-94, CDP 6-92-160).

As noted, the other lots that were created as a result of the Commission's approval of F7943 were approved to allow residential development on the mesa top portion of the property while the steep lower hillside portions of the lots were deed restricted as open

space. Subsequent to its approval of the subdivision, when the individual lots came forward for approval of residential development, the Commission allowed some limited encroachment (i.e., less than 10%) into steep slope areas on the mesa top; however, the Commission never intended to allow encroachment onto the steep, naturally vegetated lower portions of these sites. As noted, the Commission approved these areas as open space to mitigate the habitat and visual resource impacts associated with its approval of the subdivision.

Further, the amount of grading and vegetation removal associated with developing the site make the project inconsistent with Section 30240 of the Coastal Act. As previously indicated, the lot is made up of ESHA that would be significantly, adversely impacted by development of the site. The proposed site plan requires 6,400 cubic yards of grading to construct a building pad and driveway in an area that is occupied by sensitive habitat including the gnatcatcher, orange throated whiptail lizard, and Del Mar Sand Aster. As noted, undeveloped land containing Southern Coastal Bluff Scrub is located along the flanks of the escarpment to the west of the project site and to the immediate east and southeast of the subject property. To allow the proposed disturbance of this stand of environmentally sensitive habitat on the subject site would result in adverse impacts to these resources that would be unmitigable.

The applicant owns an existing 4,239 sq.ft. residence, 878 sq.ft. garage and outdoor swimming pool on the northern portion of the existing 4-acre unsubdivided lot. When the applicant purchased the property, the open space deed restriction was in place. Additionally, all the other homes constructed within this subdivision were required to maintain the open space area (with some minimal encroachment) to preserve this area as habitat and a visual corridor. If it were to approve creation of Parcel 2, the Commission would be creating a lot comprised almost entirely of ESHA and as a result, it could potentially be faced with an argument that it must allow impacts to ESHA to obtain reasonable use of the lot. As stated, the ESHA is the onsite sensitive Southern Coastal Bluff Scrub, Southern Maritime chaparral vegetation, Del Mar Mesa Sand Aster, and sensitive animals and their related habitat. A significant direct adverse impact could include impacts to a pair of breeding California Gnatcatchers which have been documented on the site. Thus, the Commission finds the proposed subdivision can not be found consistent with Section 30240 of the Coastal Act, previous Commission decisions, and the resource protection policies of the County LCP.

3. Visual Resources. Section 30251 of the Coastal Act provides in part:

> 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...

As noted, the subject site is located within the viewshed and watershed of the San Dieguito River Valley within the CRP overlay. There would be impacts to visual resources from the proposed project from a number of scenic areas in the San Dieguito River Valley. While the proposed building site on Lot #2 is located at an elevation well below the existing single family residence on proposed Lot #1, development of this site with a single family dwelling would contribute to the cumulative degradation of the public viewshed in the area. These impacts would occur not only as a result of the grading of the driveway and the building pad but with the subsequent construction of a single-family residence. Further, brush management associated with fire safety would affect 100-feet of vegetation from the building site with its corresponding impact on public views to the project site.

In summary, the proposed project would create a new lot in a location, which the Commission has found on four previous occasions to contain sensitive habitat and visual resources, worthy of preservation in open space. Any future development on the proposed lot would necessarily encroach on these resources, inconsistent with the resource protection and visual policies of Chapter 3 of the Coastal Act. Thus, for the reasons stated above, the Commission finds the proposed subdivision must be denied for its nonconformance to the Chapter 3 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 not be made.

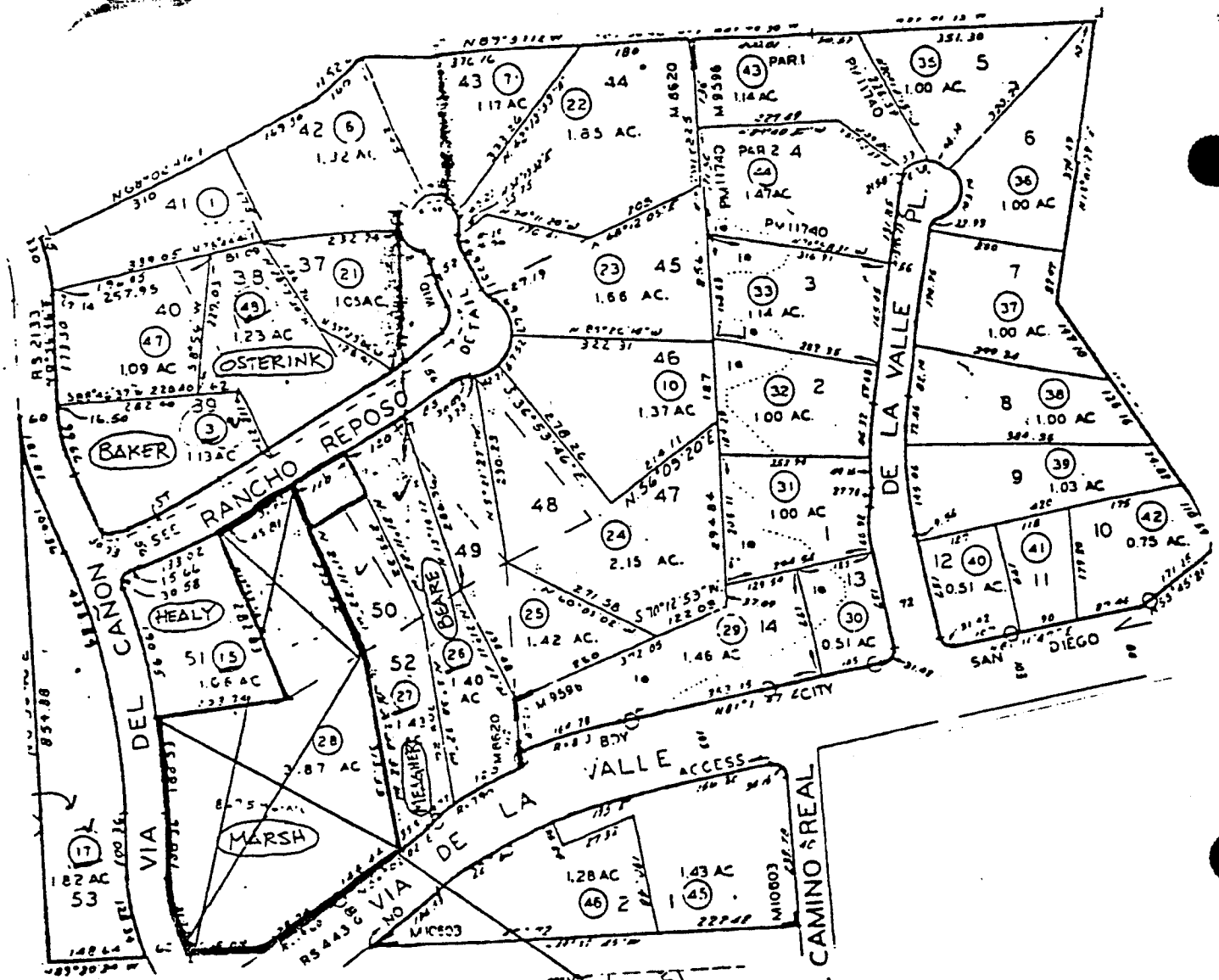
This site is zoned RS1 and designated in the certified San Dieguito Land Use Plan for residential development at a density of one dwelling unit per acre. Although the proposed project is consistent with those designations, it does not meet the requirements of Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that project approval will prejudice the ability of the County of San Diego to complete and effectively certify an LCP for the unincorporated areas north of the San Dieguito River valley.

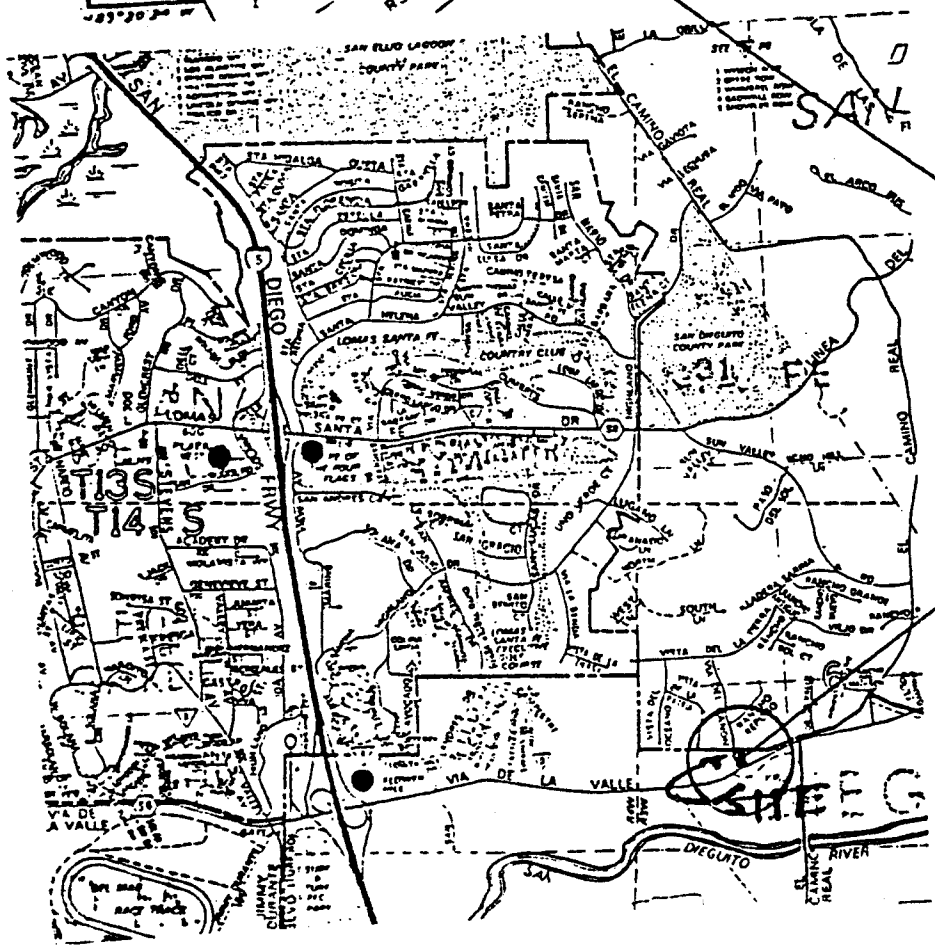
5. California Environmental Quality Act (CEQA) Consistency. Section 13096 of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit to be supported by a finding showing the permit is consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 effect which the activity may have on the environment.

The proposed project has been found inconsistent with the sensitive resource and visual protection policies of the Coastal Act. With the exception of the "No Project" alternative, 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 is not the least environmentally damaging feasible alternative and cannot be found consistent with the requirements of the Coastal Act to conform to CEQA.

(6-99-11 marshstfrpt)





Site

EXHIBIT NO. 1

APPLICATION NO.
6-99-11

Location Map

California Coastal Commiss

California Coastal Commiss

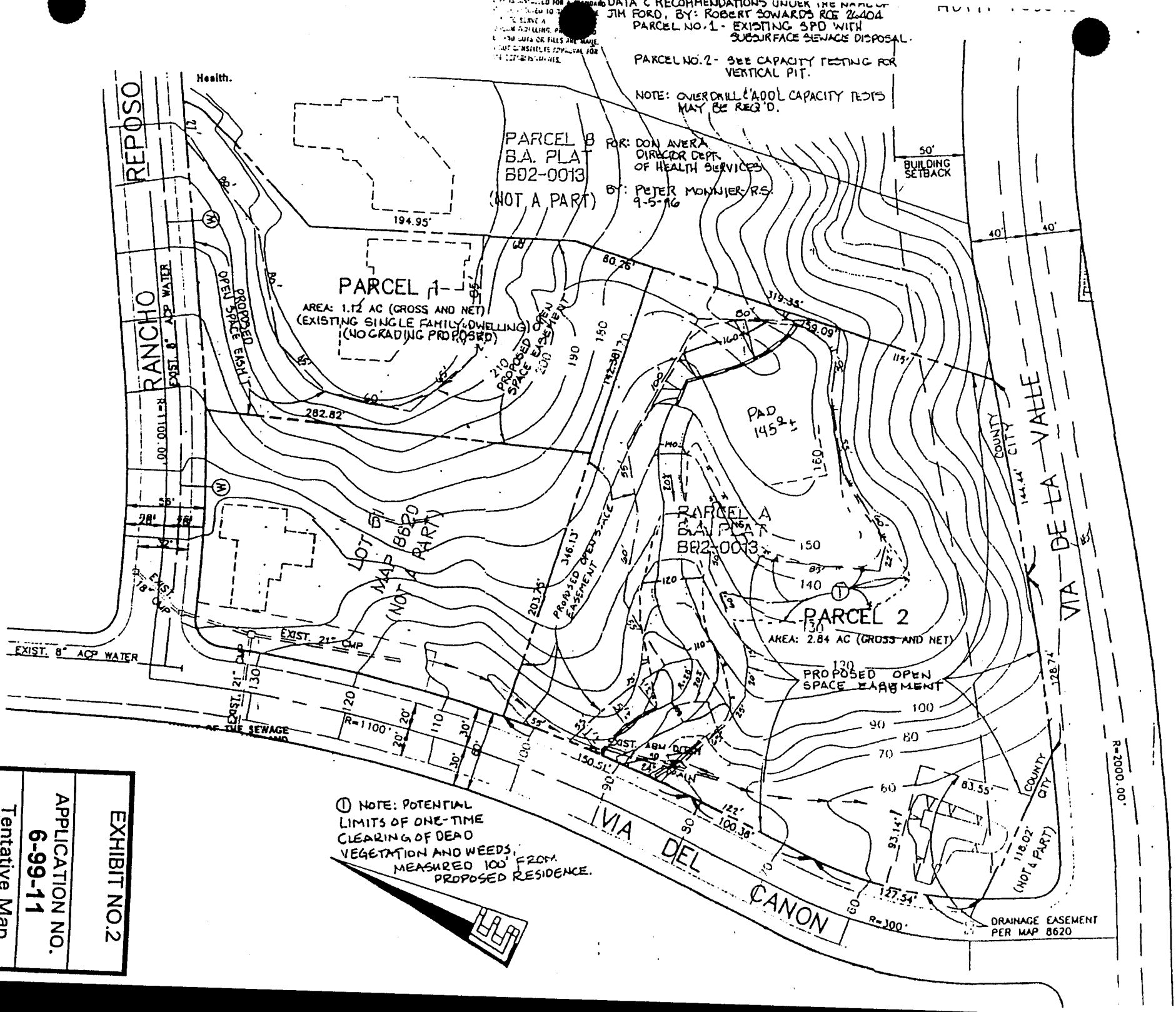


EXHIBIT NO. 2

APPLICATION NO.
6-99-11

Tentative Map

California Coastal Commission

CALIFORNIA COASTAL COMMISSION
631 Howard Street, San Francisco 94105 — (415) 543-8555

STAFF REPORT ON APPEAL

REGULAR CALENDAR

Appeal No. 158-79
(A.K. Enterprises)
42nd Day: 6/15/79

DECISION OF REGIONAL COMMISSION: Permit granted with conditions by San Diego Coast Regional Commission

PERMIT APPLICANT: A. K. Enterprises

DEVELOPMENT LOCATION: On the north side of Via del la Valle, along both sides of Via del Canon, north of the City of San Diego, San Diego County (Exhibit 1)

DEVELOPMENT DESCRIPTION: Subdivision of 29 acres into 17 parcels and installation of roads and utilities service lines (Exhibit 2)

APPELLANT: Mr. C. D. Keeling

APPELLANT CONTENDS THAT:

1. The following grounds of appeal warrant rehearing of the application by the State Commission:

a. The development presents a statewide planning issue on which guidance of the State Commission is required and the matter is of statewide significance.

b. The decision of the Regional Commission adversely affects coastal resources or the proper public use of resources, contrary to specific provisions of the Coastal Act of 1976.

c. The decision of the Regional Commission is inconsistent with previous decisions of the State Commission or did not adequately address issues covered by the Interpretive Guidelines adopted by the State Commission.

2. In support of the above-stated grounds of appeal the appellant contends:

a. "The applicant has submitted basically the same plan that was denied by the State Commission in June, 1977."

b. "The conditions as approved by the Regional Commissi the protection of the lagoon and wetlands as the conditions propo Commission staff in June, 1977 on Appeal No. 109-77."

c. "The appellants in that case were not notified of he project and feel that this is very important because the staff wa recommendation at the time of the public hearing and the interest not given sufficient time to review."

EXHIBIT NO. 3

APPLICATION NO. 6-99-11

Previously approved CCC actions

6/5-6/79

SUBSTANTIVE FILE DOCUMENTS:

1. Notice of Appeal

2. Regional Commission file

3. Appeal No. 109-77 (A.K. Enterprises)

STAFF NOTES:

1. Project Description. The applicant proposes to subdivide 29.2 acres into 17 parcels, including road construction, storm drainage and utilities, on the north side of Via del la Valle, San Diego County (Exhibit 1). Approximately 53,200 cu. yds. of grading, with balanced cut and fill, are proposed. No building construction is proposed in this application. The project is the third phase of a large subdivision proposal, the first two phases of which have been completed. The entire 67-acre project would include 51 lots.

2. Project History. The project was originally proposed to the Regional Commission in March, 1977. That project contained the same number of lots but proposed substantially more grading than the present project. The Regional Commission approved the original project. However, this decision was appealed to the State Commission which subsequently denied the project, finding that it would lead to erosion and alteration of natural landforms, and that alternatives existed that were less environmentally damaging [Appeal No. 109-77 (A.K. Enterprises)]. In its "Staff Note" the State Commission's staff discussed the possibility that the project could be approved if lots 52 and 47 were eliminated, thus eliminating the need for long driveways requiring substantial grading, and resulting in an improved visual impact by keeping development on the mesa top and off the hillsides leading down to the San Dieguito River Valley.

The applicant subsequently applied to the Regional Commission for a permit for a development which retained lots 52 and 47 and which provided a substantial scenic easement. The applicant submitted a copy of this plan to the State Commission staff which indicated that it would be unacceptable based on the State Commission's previous findings (Exhibit 4). The applicant then amended its application before the Regional Commission, deleting lots 52 and 47 and adding 2 additional lots on the mesa top (Exhibit 2). The Regional Commission approved this amended project with conditions requiring the following:

(1) all grading shall be prohibited between the months of October and April;

(2) erosion control devices shall be installed before grading occurs;

(3) all areas to be graded shall be replanted within 60 days, under the supervision of a licensed landscape architect;

(4) slope plantings and erosion control devices shall be maintained by the developer or through CC&R's approved by the Executive Director;

(5) the developer shall submit a run-off control plan, assuring no increase in peak run-off rates beyond that rate which would occur if the site remained undeveloped. The plan shall be designed by a licensed engineer and shall include soil or sand filtration "sufficient to trap oils and suspended solids and prevent them from entering the river." Building pad drainage shall be directed away from the bluff edge and controlled;

(6) the amended plan for subdivision shall be submitted to the County;

(7) the applicant shall record open space easements along the perimeter of the development.

3. Issues on Appeal. The major impacts involved in this appeal are the amount and impacts of grading, the effects of erosion on the San Dieguito River and the San Dieguito Lagoon, and visual impacts. These issues are thoroughly discussed in the attached Regional Commission staff recommendation which the Regional Commission adopted as its findings (Exhibit 5). The appellant contends that the project as approved by the Regional Commission is "basically the same" as the project that was previously denied by the State Commission. However, the applicant did rearrange the lot pattern in response to the Commission's concerns in an attempt to minimize grading and minimize the adverse impact on views from the San Dieguito River Valley. Exhibit 2 shows the original project denied by the State Commission and the present, amended project approved by the Regional Commission. The Regional Commission found:

> The applicant has...submitted an amended tentative map which also serves to further reduce the grading of the site. The amended map eliminates lots 52 and 47 which would have necessitated long driveways that would have required grading. This also allows for the steep southern slopes of the site to be left in open space. To mitigate against erosion impacts associated with the substantial amount of grading which is proposed, several site-grading conditions have been attached. These conditions should substantially reduce both long-term and short-range construction impacts on the site. (see conditions 1-4) Additionally, the special condition regarding energy-dissipating measures will prevent scouring of the existing slopes in connection with future development and the proposed stormdrains system.
>
> Because the project site naturally drains into the San Dieguito River which flows into the San Dieguito Lagoon measure to control run-off and sedimentation are especially critical. The condition attached to project to control sedimentation and run-off from the site will serve to protect the biological quality and habitat value of the San Dieguito River and Lagoon. Specifically condition 5 calls for a run-off control plan which also "includes soil or sand filtration or its equivalent sufficient to trap oils and suspended solid and prevent them from entering the river."
>
> Under the amended tentative map submitted by the applicant lots 52 and 47 which were located on the southern edge of the mesa, and the most visually prominant, are eliminated. Also, the remaining lots to the south of the access road were altered to allow for the addition of two lots to make up for the eliminated lots. Thus, development will occur on the mesa top along the access road and be removed from the steep, visually prominant southern slopes of the site along Via de la Valle.

4. Alternative Road Location. When the project was previously denied by the State Commission, the State Commission's staff discussed with the applicant the possibility of alternative locations for the proposed access road, Rancho Reposo, since construction of this road would result in substantial filling of a canyon.

One of the two other alternative locations discussed would result in more grading than the proposed location. The other alternative discussed would have resulted in the road running through a lot in the adjacent subdivision to the north; this alternative is no longer feasible since that lot has been sold to a private owner. The Regional Commission staff states that the road location as approved by the Regional Commission is the least damaging feasible alternative. The Regional Commission staff report states:

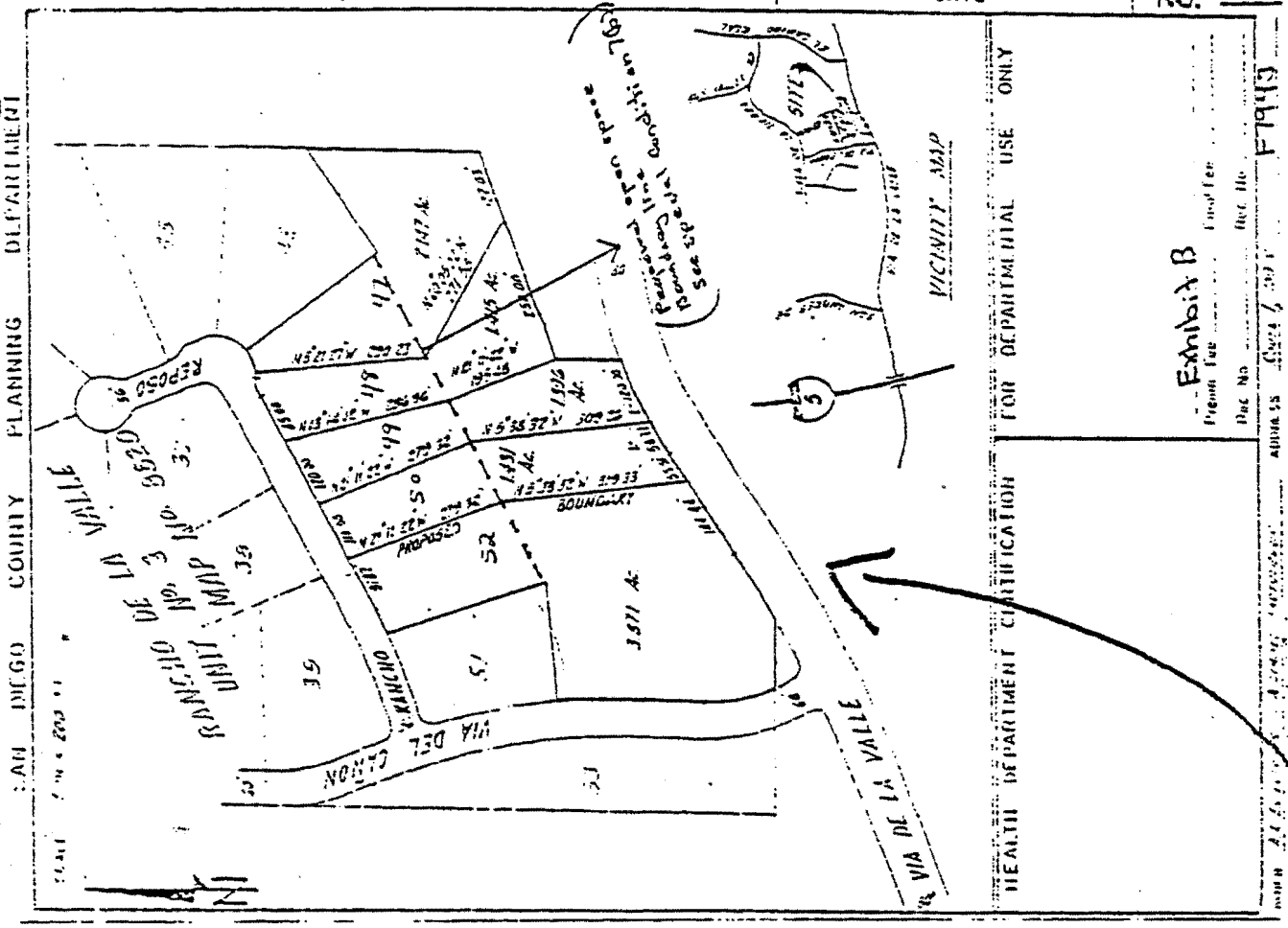
> Under the subject permit...the applicant has substantially reduced the amount of grading proposed (approximately 30% reduction). This reduction is attributed to the applicant increasing the slope of the road, to diminish side cuts. This alteration reduces the amount of cut and fill for the road.

SITE
SAN DIEGO
SOLANA BEACH
CARDIFF BY THE SEA
ENCINITAS
OLIVENHAIN
RANCHO SANTA FE
WHISPERING PALMS
LOMAS DE SANTA FE
Cardiff State Park
Torrey Pines State Park
San Dieguito Lagoon
San Dieguito Rd
Lomas Santa Fe Dr
Via De La Valle
Manchester Ave
Encinitas Blvd
Leucadia Blvd
Carlsbad Village Dr
Paseo Del Mar
Camino Del Mar
Stevens Canyon
Sorrento Valley Rd
Mira Mesa Blvd
Miramar Rd
Scripps Ranch Blvd
Pomerado Rd
Poway Rd
Ruffin Rd
Aero Dr
Kearny Mesa Rd
Clairemont Mesa Blvd
Balboa Ave
Genesee Ave
Nobel Dr
Regents Rd
Mission Bay Dr
Ocean Beach Park
Point Loma
Cabrillo Nat'l Mon
Sea World Dr
Ocean View Blvd
Rosecrans St
Sunset Cliffs Blvd
Ocean Beach Pier
Mission Beach
Pacific Beach
Bonita
Chula Vista
Otay Mesa
Otay Lake
Otay Mesa Rd
Otay Lakes Rd
Palm City
Imperial Beach
Coronado
Coronado Bridge
Silver Strand State Park
Tijuana River Mouth
Tijuana River
Tijuana
Mexico
Sweetwater Reservoir
Sweetwater River
Jamacha Blvd
Lemon Grove
Spring Valley
Lakeside
Ramona
Ramona Airport
Poway
Rancho Bernardo
Rancho Penasquitos
Mira Mesa
Kearny Mesa
Miramar Naval Air Station
Miramar Reservoir
Mission Trails Regional Park
Mission Gorge
Mission Valley
Fashion Valley
Hillcrest
Mission Hills
Pacific Beach
Mission Beach
Ocean Beach
Point Loma
Cabrillo Nat'l Mon
Sea World Dr
Ocean View Blvd
Rosecrans St
Sunset Cliffs Blvd
Ocean Beach Pier
Mission Beach
Pacific Beach
Bonita
Chula Vista
Otay Mesa
Otay Lake
Otay Mesa Rd
Otay Lakes Rd
Palm City
Imperial Beach
Coronado
Coronado Bridge
Silver Strand State Park
Tijuana River Mouth
Tijuana River
Tijuana
Mexico
Sweetwater Reservoir
Sweetwater River
Jamacha Blvd
Lemon Grove
Spring Valley
Lakeside
Ramona
Ramona Airport
Poway
Rancho Bernardo
Rancho Penasquitos
Mira Mesa
Kearny Mesa
Miramar Naval Air Station
Miramar Reservoir
Mission Trails Regional Park
Mission Gorge
Mission Valley
Fashion Valley
Hillcrest
Mission Hills

Exhibit 1

REC'D BY _____ | PRELIMINARY ACTION BY _____ DATE _____ | FINAL ACTION BY _____ DATE _____ | PLAT NO. _____

SAN DIEGO COUNTY PLANNING DEPARTMENT



Amended lot pattern approved by Regional Comaission

Project denied by State Commission (Appeal No. 109-77)

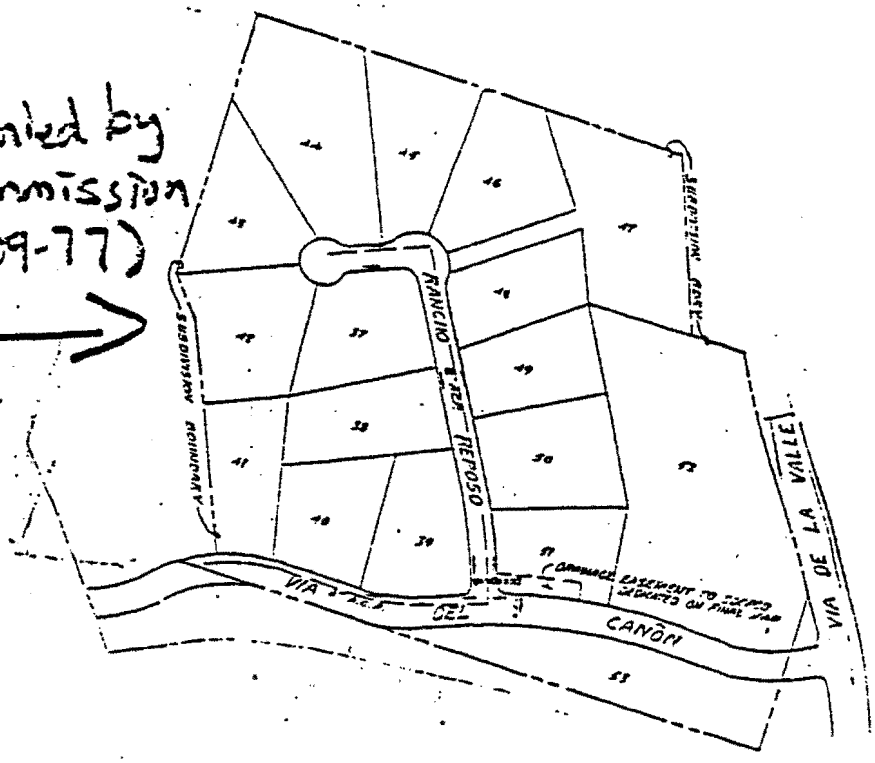


Exhibit A
F7940

EXHIBIT 2

EXHIBIT 3

Exhibit B
FY913
South half
PLAT NO.
FINAL ACTION
PRELIMINARY ACTION
DATE FILED
RECD BY
HEALTH DEPARTMENT CERTIFICATION
FOR DEPARTMENTAL USE ONLY
VICINITY MAP
SITE
VIA DE LA VALLE
RANCHO DEL CAMINO
RANCHO DE LA VALLE
UNIT No. 3
MAP No. 8620
REPOSO
SAN DIEGO COUNTY PLANNING DEPARTMENT
Open Space Easements
Exhibit C
FY913
North half
Open Space - Zone
Open Space Easements

San Diego
Chuck Damm

State of California, Edmund G. Brown Jr., Governor

California Coastal Commission
631 Howard Street, 4th floor
San Francisco, California 94105
(415) 543-8555

March 6, 1979

Vaun Acheson
A-K Enterprises
RFD Box 109-v
Del Mar, CA 92014

Re: Appeal No. 109-77

Dear Mr. Acheson:

I am responding to your letter of February 26, 1979 regarding Rancho de la Valle Unit 3. I had been anticipating submittal of a revised plan for the parcel since our discussion with Steve Horn at the Regional Commission offices last summer.

Unfortunately, the material you submitted does not conform to the conclusions we reached at our earlier meeting, and I cannot support the project as proposed. If you will recall, we discussed elimination of the two lots fronting on Via De La Valle because of the need for long driveways that would require grading and because of the visual impact of development. Steve Horn and I agreed that the two lots thus eliminated could be made up by increasing the number of lots on the mesa top, but we were firm on the point that lots #52 and 47 should be eliminated. The plans submitted with your letter do not eliminate those lots, or even change their orientation. Indeed, the only change is the inclusion of a scenic easement on portions of the visible lots. Had that been the only problem we could have approved the project and required scenic easements as a condition. I remain convinced that lots #52 and 47 are poorly designed and should be changed. Indeed, after viewing the effects of Rancho de la Valle Units 1 and 2 from across the San Dieguito Valley, I'm even more convinced of the point.

When the project plans are changed to conform to our discussion of last summer I will support the project both with the Regional Commission and the State Commission. Until that time, I cannot support the project. Again, I hope that the necessary changes can be made.

Very truly yours,

JAMES McGRATH
Permit Analyst

cc: Chuck Damm, SDCRC

F7943
EXHIBIT 4

STATE OF CALIFORNIA CALIFORNIA COASTAL COMMISSION — EDMUND G. BROWN, JR., Governor

SAN DIEGO COAST REGIONAL COMMISSION
6154 MISSION GORGE ROAD, SUITE 220
SAN DIEGO, CALIFORNIA 92120 TEL. (714) 280-6992

TIM COHELAN
Chairman

ROGER HEDGECOCK
Vice Chairman

Harriet Allen
Representative to the California Coastal Commission

Tom Crandall
Executive Director

REGULAR CALENDAR/PRELIMINARY RECOMMENDATION

CONTROL NO.: F7943

APPLICANT: A. K. Enterprises, Route 1, 109-V, Del Mar, CA 92014 — AGENT: Rancho Santa Fe Engineering Co., P.O. Box 1532, Rancho Santa Fe, CA 92067

PROJECT LOCATION: North side of Via de la Valle, along both sides of Via del Canon, San Diego County (APN 302-090-23-24)

PROJECT DESCRIPTION: Subdivision of 29.2 acres into 17 parcels, all in excess of 1 acre. The project includes road development, storm drainage, water and all utilities. Approximately 53,200 cubic yards of balanced cut and fill grading will be required in the development of road, building sites and access to each lot. No building construction is included with this permit.

Lot area	29.2 acres	
Building coverage	40,000 sq. ft.	(3%)
Paved Area coverage	77,000 sq. ft.	(6%)
Landscape coverage	135,000 sq. ft.	(11%)
Unimproved area	939,952 sq. ft.	(80%)
Parking	85	
Zoning	E-1	
General Plan	Very Low Res. (1 du/ac.)	
Project Density	.75 du/ac.	

OTHER REQUIRED APPROVALS: Tentative Map from County of San Diego

STAFF NOTES:

1. Detailed Project Description – The applicant is proposing the subdivision of 29.2 acres into 17 lots, all in excess of 1 acre, and installation of necessary utilities. Underground power and water utilities are existing in Via del Canon. Approximately 53,200 cubic yards of balanced cut and fill is proposed for the construction of the 960 ft. public access road (Rancho Reposo) and building pads with access to each lot. Approximately 80% of the site will remain in open space. No building construction is included with this permit.

The proposed development is the third phase of a large subdivision proposal by the applicant known as Rancho de la Valle. The entire project, shown in Exhibit D, would subdivide 67 acre site and 51 lots. Units 1 and 2, located in the flatter portion of the site, have been completed and substantially developed.

4/16/79
KF:ccc

EXHIBIT 5

2. Project History – The applicant originally brought the proposed project before the Regional Commission in March of 1977 (see F5286). Under the originally proposed project (F5286) the 29.2 acre site was also to be subdivided into 17 lots, however, substantially more grading was proposed (93,300 cu.yds. cut and 73,300 cu. yds. fill). The project (F5286) was approved with a grading condition by the Regional Commission in April of 1977. The project was then appealed to the State Commission. The State Commission denied the project, finding it inconsistent with Section 30253 and 30213 of the Coastal Act. The State Commission also found that there were feasible alternatives available which would substantially lessen the impacts of the project. Specifically discussed was the elimination of two lots fronting Via de la Valle (lots 52 and 47). This was due to the need for long driveways that would require grading and the visual impacts on the San Dieguito view corridor that would be caused by their development.

The applicant has subsequently reapplied for the subject coastal development permit (F7943). The tentative map originally submitted with the permit application (F7943 retain lots 52 and 47 and provides for a scenic easement on portion of the visible lots (see Exhibit A). However, the applicant has submitted, upon staff request, an amended tentative map which eliminates lots 52 and 47 and adds two new lots on the mesa top along the proposed public road. (Rancho Reposo) (See Exhibit B) The amended tentative map submitted by the applicant has not yet received County of San Diego approval.

3. Surrounding Development, Zoning and General Plan Designations – The project site is a heavily vegetated hillside north of the San Dieguito River Valley. Most of the area is in slopes at 20-40%. To the west of the project site is a large previously subdivided tract (Rancho del Valle units 1 and 2) which is substantially developed with large single-family residences. To the east and north are subdivisions with existing homes. To the south, across Via de la Valle, are the agricultural lands and flood plain of the San Dieguito River Valley.

The proposed subdivision is consistent with the E-1 zoning and the San Dieguito Community Plan which designates the area Very Low Residential (1 du/ac.).

4. Grading and Erosion – To construct the access road and level building pads, approximately 53,200 cut yds. of balanced cut and fill grading is proposed. This grading figure is based on the original tentative map submitted with the application having lots 52 and 47 along Via de la Valle. As stated previously, the amended tentative map eliminates lots 52 and 47 and adds two lots on the mesa top along the access road. This would reduce the amount of grading which was proposed on the original map by the elimination of the access road and pad required for lot 47 and any future potential access road and pad which would have been requested for lot 52.

According to the EIR on the project, the soils covering the majority of the site are "severely susceptible to erosion" and "have very high runoff potential." The report states that these conditions are mitigatable "through proper techniques and controls during grading and construction."

5. Visual Impacts/Siting – The proposed subdivision is located on the top and on the southern canyon faces of a mesa overlooking the San Dieguito River Valley. The site is visually prominent from Interstate 5 freeway, and from wide-spread residential portions of Del Mar and Del Mar Heights. Fill will be used to create building pads in the heads of canyons along the east side of Via del Canon. The nature of the proposed grading could make it possible for well landscaped, low profile houses to be visually unobtrusive from Via de la Valle.

Of primary concern is the proposed grading of pads and access on the mesa top and the visual impacts which may be caused by the associated alterations of land forms.

6. Applicable Policies of the Coastal Act of 1976 - The following are provisions of the Coastal Act which apply to the subject development:

Section 30253(3) - states that: "New development shall...(2) Assure at stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability or destruction of the site, or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs."

Section 30251 - states that: "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 landforms, to be visually compatible with the character of surrounding areas..."

Section 30250 - states that: "New development shall be located...within, contiguous with, or in close proximity to, existing developed areas and where it will not have significant adverse effects either individually or cumulatively, on coastal resources."

Section 30240 - states that: (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values; and only such uses dependent on such resources shall be allowed within such areas."

Section 30231 - states that: "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, preventing depletion of ground water supplies and encouraging waste water. Reclamation, maintaining natural vegetation buffer that protects riparian habitats, and minimizing alteration of natural streams."

KEY ISSUES:

1. Grading, Erosion and Drainage - Would the proposed grading and drainage plan create a substantial potential for soil erosion? The applicant has indicated that "storm drains will be installed to transport storm water directly to the existing culvert in Via de la Valle." Thus the storm waters would be allowed to go directly to the San Dieguito River. Would the water quality of this river be degraded by importation of sediment laydon runoff?

2. Visual Impacts - The subdivision is proposed on the top of a mesa over looking the San Dieguito River Valley. The project site is highly visable from the surrounding area. Will the proposed project significantly impact the visual quality of this area?

3. Existing Developed Area - Can the proposed project be found consistent with Section 30250 of the Coastal Act which calls for new development to be located "within contiguous with, or in close proximity to, existing developed areas,..."

4. Habitat - Can the proposed project be found to be consistent with Section 30240(a) of the Coastal Act which calls for the protection of environmentally sensitive habitat areas against any significant disruption of habitat values...?

EXHIBIT 5 (cont.)

PRELIMINARY RECOMMENDATION AND FINDINGS:

RECOMMENDATION:

Staff recommends that the San Diego Coast Regional Commission ISSUE a development permit for the proposed project subject to the following special conditions:

SPECIAL CONDITIONS:

1. All grading activities for the road, utilities, and installation of the erosion and sedimentation devices shall be prohibited within the period from October 1 to April 1 of each year.

2. All permanent erosions control devices shall be developed and installed prior to any on-site grading activities.

3. All areas disturbed by grading, shall be planted within 60 days of the initial disturbance and prior to October 1 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 consist of seeding, mulching, fertilization and irrigation adequate to provide 90% coverage within 90 days. Planting shall be repeated if the required level of coverage is not established. This requirement shall apply to all disturbed soils including stockpiles.

4. All permanent slope plantings and erosion control devices shall be maintained by the developer, or by the property owners through provisions in the covenants, conditions and restrictions of the subdivision. If said maintenance is to be through provisions in the CC&Rs of the subdivision, a copy of the CC&Rs incorporating this requirement shall be submitted to the Executive Director prior to occupancy of the first completed residence.

5. Prior to the issuance of a coastal development permit, the developer shall submit a runoff control plan, designed by a licensed engineer qualified in hydrology and hydraulics, which would assure no increase in peak runoff rate from the fully developed site over runoff that would occur from the existing undeveloped site as a result of the greatest intensity of rainfall expected during a one-hour period once every 20 years (20 year one-hour rainstorm). Methods employed within the runoff control plan to control increase in runoff are at the discretion of the engineer, and could include check dams, energy dissipators/sedimentation basins. The runoff control plan shall also include soil or sand filtration or its equivalent sufficient to trap oils and suspended solids and prevent them from entering the river. The runoff control plan including supporting calculations shall be submitted to and determined adequate in writing by the Executive Director. All drainage from graded building pads shall be away the bluff edge and controlled through appropriate drainage devices.

6. That the applicant shall, prior to transmittal of the permit, submit to the County of San Diego an amended tentative subdivision map in accordance with map attached to the findings as Exhibit D. Evidence of approval by the County of San Diego of the amended tentative map shall be submitted to and acknowledged in writing by the Executive Director prior to the transmittal of the permit.

7. That prior to recordation of the final map the applicant shall record the following restrictions, on each individual parcel, to run with the land free of prior encumbances, except for tax liens, and in a manner approved by the Executive Director:

(a) On lots 37-46, of the amended tentative map, any alterations of landforms, removal of existing vegetation, or erection of structures of any type shall be prohibited unless approved by the San Diego Coast Regional Commission or successors in interest on that area shown on plans filed with the San Diego Coast Regional Commission and indicated on Exhibit C attached to these findings.

(b) On lots 47-52 of the amended tentative map, any alterations of landforms, removal of existing vegetation, or erection of structures of any type, shall be prohibited unless approved by the San Diego Coast Regional Commission or its successors in interest, on that area south of a line projected across these parcels as shown on Exhibit B. A final detailed topographic plan with this line demarcated shall be submitted and approved by the Executive Director.

Evidence of these restrictions shall be submitted to and acknowledged in writing by the Executive Director prior to transmittal of the permit.

FINDINGS:

I. Conformity with the Coastal Act of 1976 - Section 30604(a) of the California Coastal Act of 1976, requires that the Regional Commission find, prior to issuance of a permit, that the proposed development is in conformity with the provisions of Chapter 3 of the Coastal Act. This general finding can be made for the proposed development based on the following specific findings.

A) Grading and Erosion Protection of Wetland Areas - Section 30253 states in part: New development shall: (2) neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way requires the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. Section 30231 of the Coastal Act states: "The biological productivity and the quality of coastal waters, streams wetland, 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, preventing depletion of ground water supplies and encouraging waste water reclamation, maintain natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams."

The soils at the subject site are Carlsbad gravelly loamy sand, Corralitos loamy sand, Huerhuero loam and terrace escarpments. These soils are described in the projects EIR as "...severely susceptible to erosion"...and "have very high runoff potential." The report also states that these conditions are mitigatible "through proper techniques and controls during grading and construction." Under permit application (F5286) which was denied by the State Commission approximately 93,300 of cut grading and 73,300 cu. yds. of fill grading was proposed, the majority of which was required for the construction of the access road (Rancho Reposo). Under the subject permit application (F7947) the applicant has substantially reduced the amount of grading proposed (approximately 30%) reduction. This reduction is attributed to the applicant increasing of the slope of the road, to diminish side cuts. This alteration reduces the amount of cut and fill for the road. The applicant has also submitted an amended tentative map which also serves to further reduce the grading of the site. The amended map eliminates lots 52 and 47 which would have necessitated long driveways that would have required grading. This also allows for the steep southern slopes of the site to be left in open space. To mitigate against erosion impacts associated with the substantial amount of grading which is proposed, several site grading conditions have been attached. These conditions should substantially reduce both long term and short range construction impacts on the site. (see condition 1-4) Additionally,

the special condition regarding energy dissipating measures will prevent scouring of the existing slopes in connection with future development and the proposed storm-drains system.

Because the project site naturally drains into the San Dieguito River which flows into the San Dieguito Lagoon measure to control runoff and sedimentation are especially critical. The condition attached to project to control sedimentation and runoff from the site will serve to protect the biological quality and habitat value of the San Dieguito River and Lagoon. Specifically condition 5 calls for a runoff control plan which also "includes soil or sand filtration or its equivalent sufficient to trap oils and suspended solid and prevent them from entering the river."

Therefore the proposed project, as conditioned, can be found consistent with Sections 30253 and 30231 of the Coastal Act.

B) Scenic and Visual Resources - Section 30251 of the Coastal Act states in part: "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 ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality of visually degraded areas."

Since the project is located on a visually prominent mesa overlooking the San Dieguito River Valley, a considerable amount of attention has been given to visual impacts associated with it. The grading plans show that the top of the mesa and western edge of Via del Canon will be graded to creat building pads. The fill will be used to create building pads in the heads of canyons along the east side of Via del Canon and to create fill for the access roads. The nature of the proposed grading could make it possible for well landscaped low profile homes to be visually unobtrusive from Via de la Valle. Under the amended tentative map submitted by the applicant lots 52 and 47 which were located on the southern edge of the mesa, and the most visually prominent are eliminated. Also, the remaining lots to the south of the access road were altered to allow for the addition of two lots to make up for the eliminated lots. Then, development will occur on the mesa top along the access road and be removed from the steep, visually prominent southern slopes of the site along Via de la Valle.

Special condition #7(b) was attached to insure that the visually prominent steep southern slopes of the site will remain in open space, retaining the visual quality of the area and provide a substantial view corridor across the subject site.

Therefore, the proposed subdivision, as conditioned, can be found consistent with Section 30251 of the Coastal Act.

C) Habitat - Section 30240 states that (a) "Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only such uses dependent on such resources shall be allowed wit in such areas." An issued addressed by the Commission when it considered the permit application (F5286 appeal No. 109-77) was that of impact on the cliff habitat of wildlife. "...the steep canyons on the property provide unusual cliff habitats which support coyotes, opossum, foxes, rabbits and other small animals including the San Diego horned lizard and the orange-throated whiptail which are considered depleted by the International Union for Conservation of Nature and Natural Resources." The EIR submitted with the application contains no mention of the species, nor plans for mitigation other than keeping portion of the site in natural setting. Special Condition #7(a)(b) provide for the retention of a considerable amount of the site to remain in open space which provides permanent habitat to mitigate the effects of the project on wildlife.

EXHIBIT 5 (cont.)

Therefore, the proposed project, as conditioned, if found to be consistent with Section 30240(a) of the Coastal Act.

b) Subdivision - Section 30250 states that, "New development shall be located... within, contiguous with, or in close proximity to existing developed area..." The subject site is surrounded on 3 sides by similar subdivisions in which homes are rapidly being constructed on the remaining vacant lots. It can be reasonably estimated that the surrounding area is 50% developed; if not it soon will be there. The proposed project is found to be consistent with Section 30250 of the Coastal Act.

2. Preparation of a Local Coastal Program - Section 30604(a) also requires that, prior to certification of the local coastal program, the Regional Commission shall issue a coastal development permit only after it 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. The proposed project is consistent with the zoning and the San Dieguito Community Plan. With the attached special conditions, the proposed development conforms with all the applicable policies of Chapter of the Coastal Act. Therefore, project approval would not prejudice the County of San Diego's ability to develop a certifiable local coastal program.

3. Feasible Alternatives or Mitigation Measures - Under the terms of the California Environmental Quality Act, the Commission must review any feasible alternatives or mitigation measures which would avoid any potentially significant adverse environmental impacts associated with development. With the attached special conditions, the proposed subdivision and minor improvements should not create any substantial impacts on the environment. Therefore, no additional alternatives or mitigation measures are proposed.

NOTE TO APPLICANT AND OTHER INTERESTED PERSONS:

Color slides pertaining to this project may be shown to the Commission at the time of the Final Vote. Those wishing to see these slides, as well as other recent material received pursuant to this application, are welcome to do so at the Commission's offices prior to the day of the Commission meeting.

IMPORTANT:

All appeals of Regional Commission decisions must be received in the State Commission office not later than 10 working days from the date of the Regional Commission's decision. Appeal forms are available at the Regional Commission office.

Exh 4317 5 (cont.)