

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

521-8036



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Staff: EL-SD  
Staff Report: July 22, 1999  
Hearing Date: August 10-13, 1999

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

**Th 9b**

Application No.: 6-98-154

Applicant: San Dieguito Partnership  
Southern California Edison  
City of San Diego

Agent: Roy B. Collins;  
Nancy Lucast; Dann  
Mallec; Bill Dumka;  
Lee Sherwood; John  
Fielder; John Fisher

Description: Subdivision of 26.9 acres of vacant, formerly-agricultural land into 60 lots to create 47 homesites and open space. The proposal includes the recordation of open space easements over 202.33 acres of the San Dieguito River Valley (four other sites), 21,000 cu.yds. of balanced grading, installation of private streets and utilities and off-site road improvements to El Camino Real

Development Site (Parcel E) Only:

Lot Area	26.90 acres
Building Coverage	1.80 acres ( 7%)
Pavement Coverage	2.29 acres ( 8%)
Landscape Coverage	8.51 acres (32%)
Unimproved Area	14.30 acres (53%)
Parking Spaces	47 on-street spaces
Zoning	A1-10, HR and FPF (0.25 dua)
Plan Designation	Future Urbanizing Area
Project Density	2.49 dua

Site: East side of new El Camino Real, south of San Dieguito Road and north of Derby Downs Road (subdivision site) and east of I-5, south of Via de la Valle and west of new El Camino Real (transfer sites), North City, San Diego, San Diego County. APNs 298-300-46, 298-300-51, 299-040-24, 299-040-26, 299-040-36, 299-040-40, 299-043-04, and 304-021-17

Substantive File Documents: Certified North City Local Coastal Program Land Use Plan;  
Certified North City Future Urbanizing Area Framework Plan

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STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Staff recommends approval of the proposed development with special conditions requiring the recordation of open space deed restrictions over all sites that are proposed to be conserved in open space ("donor" sites) and over the undeveloped portions of the subdivision site, establishing parameters for the future development of the subdivided lots, requiring submittal of final plans for grading, drainage improvements, temporary erosion controls, best management practices and landscaping/brush management and assuring the maintenance of pedestrian access to the site. Issues raised by this proposal include the appropriate "development rights" allocated to each donor site, and the potential impacts of the proposed subdivision on visual and biological resources and on potential future public access opportunities. Staff is not certain the open space deed restrictions conditions are acceptable to all the applicants, but believes that all other conditions are acceptable.

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PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

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

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Open Space Deed Restriction – Parcel A. As proposed by the applicants, no development, as defined in Section 30106 of the Coastal Act, shall occur on this entire parcel except for:

a. agriculture on those areas of the site that have been historically farmed;

AND

b. the following development if approved by the Coastal Commission as an amendment to this permit or through a separate coastal development permit

(1) an interpretive center, including parking, public access trails and signage on the northwestern six acres of the site,

(2) restoration/enhancement of the wetland and floodplain areas of the site,

(3) deposition of graded spoils on the upland portions of the site, outside all wetland and floodplain areas,

(4) development associated with an equestrian cross-country course;

AND

(5) installation/maintenance of any drainage facilities required in future permits.

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development of this entire parcel. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Open Space Deed Restriction – Parcels B and C. As proposed by the applicants, no development, as defined in Section 30106 of the Coastal Act, shall occur on these entire parcels except for restoration/enhancement of the existing wetland and floodplain areas of the sites, pursuant an overall wetland restoration program for the river valley, subject to approval through a separate coastal development permit, or an amendment to this permit, by the Coastal Commission.

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development of these two entire parcels. The deed restriction shall include legal descriptions of both the parcels. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the

enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Open Space Deed Restriction – Parcel D. This 105-acre parcel consists of two parts: 68.16 acres proposed as open space and 36.84 acres identified as “not a part” of the proposal, as shown on Exhibit #6. As proposed by the applicant, no development, as defined in Section 30106 of the Coastal Act, shall occur on any part of Parcel D except as set forth below:

A. Agriculture may continue on those portions of the site that have been historically farmed.

B. If Parcel D is owned by the San Dieguito River Park Joint Powers Authority, the following development is allowed if approved by the Coastal Commission as an amendment to this permit or through a separate coastal development permit:

(1) On the 68.16-acre part:

a. restoration/enhancement of the wetland and floodplain areas of the site,

AND

b. installation/maintenance of any drainage facilities required in future permits.

(2) On the 36.84-acre part:

a. public access trails, parking and interpretive overlooks and signage,

b. restoration/enhancement of the existing wetland and floodplain areas of the site;

c. deposition of graded spoils on the upland portions of the site, outside all wetland and floodplain areas,

AND

d. installation/maintenance of any drainage facilities required in future permits.

C. If Parcel D is owned by an entity other than the San Dieguito River Park Joint Powers Authority, the development of up to nine residential units and associated roads and utilities is allowed on the 36.84 acre part if approved by the Coastal Commission as an amendment to this permit.

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, or restrictions, in a form and content acceptable to the Executive Director, reflecting the above restrictions on development of each part of this entire parcel. The deed restriction(s) shall include separate legal descriptions of each part of the applicant's entire parcel. The deed restriction(s) shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction(s). The deed restriction(s) shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. Open Space Deed Restriction – Parcel E (subdivision site). As proposed by the applicant, no development, as defined in Section 30106 of the Coastal Act shall occur on the natural, undisturbed steep slopes, valley and floodplain areas of the site (generally described as Lots 48 and "K"), which occur outside the development area of the site, as shown in Exhibit #3 except for:

- a. construction of a detention basin and drainage facilities on portions of the existing slopes and valley, as approved by this permit,
- b. restoration/replanting of the existing slopes after installation of the drainage facilities, as approved by this permit,
- c. maintenance of an existing dirt access road leading to the detention basin, as approved by this permit,
- d. ongoing maintenance of the detention basin and drainage facilities.

AND

- e. riparian wetland restoration activities in Gonzales Canyon, if approved by the Coastal Commission as an amendment to this permit.

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restriction on development in the designated open space. The deed restriction shall include legal descriptions of both the applicant's entire parcel and the open space area. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. Future Development. Construction of homes is not included in this approval and will require a separate coastal development permit(s). Construction of homes in the future shall comply with the following:

- a. homes shall be constructed within the building envelopes shown on the plan titled "Building Envelopes for Lots Adjacent to Open Space," by Rick Engineering, date-stamped as received by the Coastal Commission on July 13, 1999,
- b. accessory structures within the required rearyard setbacks on lots adjacent to natural steep slopes and/or native vegetation (i.e., Lots 12, 13, 25, 26, 27, 29, 30, 31, and 32 – see Exhibit #4) shall be constructed only of non-combustible materials acceptable to the Fire Marshall,
- c. all residences, and those accessory structures visible from public streets or open space areas, shall be finished in mid to dark earth tones (i.e., deeper beiges, browns, greens and grays) consistent with surrounding natural areas; white or light walls and red or bright roofs shall not be permitted,

AND

- d. no structure shall exceed thirty feet in height.

PRIOR TO ISSUANCE OF THE PERMIT, the applicant shall record a deed restriction, in a form and content acceptable to the Executive Director, that reflects the above requirements. The restriction shall provide that the future construction of homes shall be implemented in accordance with Special Condition #5 and consistent with those plans approved with CDP #6-98-154. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

6. Final Landscaping/Brush Management Plan. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and written approval of the Executive Director, a detailed final landscape/brush management plan indicating the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features. The plan shall include the following specific features:

- a. drought tolerant native or naturalizing plant materials shall be utilized to the maximum extent feasible,
- b. only native plant materials acceptable to the California Department of Fish and Game (CDFG), U.S. Fish and Wildlife Service (Service) and U.S. Army Corps of Engineers (Corps) shall be used adjacent to undisturbed steep slopes,

- c. restoration/revegetation of the natural slopes disturbed to install drainage facilities shall include only native plant materials compatible with the plant communities on adjacent natural areas,
- d. for visual purposes, special emphasis shall be placed on the treatment of all portions of the site which would be visible from public roads such as El Camino Real, I-5 and Via de la Valle (Lots 5, 6-11 and 33-47) and existing and future recreation areas in the San Dieguito River Valley. Said treatment shall include coverage of the sound wall along El Camino Real with native vines and provision of a row of perimeter trees which, at maturity, will serve to break up large expanses of wall or roof within the identified viewsheds; there shall be a minimum of one 30' or taller canopy tree for every fifty (50) feet of frontage of the identified lots, which may be grouped or clustered to present a natural appearance,

AND

- e. all planting of perimeter and common areas shall occur concurrent with the subdivision site improvements approved herein, but no later than sixty (60) days after completion of the project.

The permittee shall undertake development in accordance with the approved final landscaping plan and submit a written commitment that all planted materials shall be maintained in good growing condition. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

PRIOR TO ISSUANCE OF THE PERMIT, the applicant shall record a deed restriction, in a form and content acceptable to the Executive Director, that reflects the above requirements. The restriction shall provide that landscaping and brush management zones shall be implemented in accordance with Special Condition #6 and consistent with those plans approved with CDP #6-98-154. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

7. Grading/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 grading and erosion control plans that have been approved by the City of San Diego. The approved plans shall incorporate the following requirements:

a. all permanent runoff and erosion control devices (i.e., the detention basin and drainage facilities identified on the Replacement Vesting Tentative Map by Rick Engineering, dated November 6, 1998) shall be developed and installed prior to or concurrent with any on-site grading activities. The use of temporary erosion control measures, such as berms, interceptor ditches, sandbagging, filtered inlets, debris basins, and silt traps shall be utilized in conjunction with plantings to minimize soil loss during construction,

AND

b. landscaping shall be installed on all cut and fill slopes prior to October 1st 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, shall provide adequate coverage within 90 days, and shall utilize vegetation of species compatible with surrounding native vegetation, subject to Executive Director approval.

The permittee shall undertake development in accordance with the approved grading and erosion control plans. Any proposed changes to the approved grading and erosion control plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required

8. Water Quality/ Best Management Practices (BMPs). PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and written approval of the Executive Director, a BMP program for the proposed development. At a minimum, the program shall incorporate the following requirements:

- a. all storm drain inlets shall have stenciling that prohibits the disposal of trash in the drains,
- b. solid waste shall be removed regularly and trash receptacles shall be placed adjacent to the pedestrian entrance pathways to Lot "A", the private park,

AND

- c. sweeping of all paved surfaces shall occur at least once a week for the life of the project.

The submitted program shall include, at a minimum, a site plan that shows the location of all storm drains, trash receptacles, and recycling containers; and schedules for street sweeping and trash removal. The program shall also include a copy of the stenciling that will be placed on the curb of each storm drain inlet.



The permittee shall undertake the development in accordance with the approved plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No change to the plan shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

9. Pedestrian Access. The sidewalk/pedestrian access from El Camino Real into the permitted subdivision shall not be removed, gated or in any way abridged without review and approval of the Coastal Commission through an amendment to this permit.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. One of the applicants, the San Dieguito Partnership, is proposing to develop a vacant, 26.9-acre property (Parcel E) located on the southern slopes of the San Dieguito River Valley, between old and new El Camino Real. The site is well east of I-5, south of the San Dieguito River, and located between San Dieguito Road and Derby Downs Road. Development of the site would include subdivision of the property into sixty lots, forty-seven of them for future single-family residences and the remainder for streets, driveways, and various open space purposes (passive park, detention basin, brush management, etc.). Portions of the property have been used for agriculture as recently as last year.

Proposed site improvements include mass grading (21,000 cu.yds. balanced on-site), creation of forty-seven building pads, construction of a detention basin, installation of utilities and drainage facilities and construction of an interior street system. The project also includes construction of a passive private park within the subdivision, construction of a sound attenuation wall along the El Camino Real frontage, and landscaping improvements throughout the common areas of the project interior and along the site's perimeter. In addition, the proposal includes off-site, half-width road improvements to El Camino Real, including expansion of pavement, creation of center median, and installation of curbs, gutters and sidewalk.

In addition to the proposed development of Parcel E, four other parcels in the general area are involved in the overall proposal. The City of San Diego has approved the proposed density at the development site (Parcel E) by transferring development rights from these other four properties and conserving portions of the sites as open space. These sites, Parcels A, B, C and D, are referred to as "donor" sites. Southern California Edison (SCE) owns Parcels A, B and C, which are located east of I-5, south of Via de la Valle and north of the San Dieguito River. Parcel A has been used for agriculture for many years, primarily for producing tomatoes and strawberries. The site is immediately south of Via de la Valle, on the east side of San Andres Drive. Parcels B and C are located between Parcel A and the San Dieguito River. These parcels have been used for horse corrals and pasturage in the more distant past, but have been completely vacant now for several years. Parcel D, owned by the City of San Diego, is located east of I-5, south of the San Dieguito River and west of new El Camino Real. This site has also been

used for agriculture for many years. In fact, both Parcels A and D are currently in agricultural production. The locations of all five parcels are shown on Exhibit #5.

The five project sites are all located in the North City Future Urbanizing Area (NCFUA), which is an area of deferred certification in the City of San Diego's LCP. The NCFUA is divided into five subareas. The Commission certified a Framework Plan for the NCFUA in 1993. This document established conceptual circulation patterns and open space areas, but was intended to be implemented through specific plans for each of the subareas prior to the Commission transferring permit authority to the City for those portions of the NCFUA in the coastal zone. Subareas I and IV are located entirely outside the coastal zone, and the Commission has certified specific plans for the coastal zone portions of Subareas III and V. The subject sites are all located within Subarea II. Since the subject development proposal and the San Dieguito wetlands restoration project currently being planned encompass nearly all of the subarea, it is unlikely that a specific plan will be prepared for this subarea. In any event, the Coastal Commission retains coastal development permit authority over Subarea II at this time and Chapter 3 policies of the Coastal Act are the standard of review.

2. Proposed Density/Parcel E. The proposed development site, Parcel E, is a 26.95 acre property (gross acreage). The City asserts that under current zoning, it could approve a maximum of 6 or 7 units on the site, depending on whether the proposed interior streets are counted towards density. The current zoning is A-1-10, which is an agricultural zone that authorizes 1 residential unit per 10 acres by right, or at the City's discretion and subject to the Planned Residential Development (PRD) Ordinance, 1 unit per 4 acres. The City's determination that 6 or 7 units could be approved is based upon application of the maximum density of 1 unit per 4 acres. This property has a number of environmental constraints: 9 acres are in the floodplain, there is a 0.5-acre riparian wetland, 3.5 acres have steep slopes and there are 2.3 acres of Diegan Coastal Sage Scrub habitat. These resources are somewhat overlapping (i.e., the wetlands are in the floodplain and some of the coastal sage is on steep slopes), and the applicant has identified the unconstrained portion of the site to be 10.5 acres. This is all upland area adjacent to El Camino Real, but raises visual, traffic and water quality issues. In addition, the site has been used for agriculture in the recent past, although it is fallow at this time.

The Commission finds that a density of 47 units on Parcel E can be found consistent with the Coastal Act only because the applicants also propose to retain the four donor sites in permanent open space. The Commission finds that there is some residential development potential on the four sites, although the density of development approved on these sites would likely not be high. Considering the significant coastal resources of the valley as a whole, and the forthcoming SONGS mitigation project, which, if approved and implemented, will restore over 150 acres of wetlands and uplands, the Commission finds that development of the remaining private properties in the valley is not appropriate at densities higher than those allowed by the A-1-10 Zone. At the same time, clustering 47 units on Parcel E, east of El Camino Real, rather than having low density development spread out over the valley on properties both east and west of El Camino Real, appears to

be the most protective of coastal resources. Developing the four donor sites, even at relatively low densities, would be more intrusive and/or detrimental to the wetland, watershed, floodplain and sensitive habitat resources than allowing a significantly higher density on Parcel E. As will be described in later findings, the four donor sites all have significant environmental resources that severely constrain their development potential.

Under the current proposal, the four identified donor sites will be retained as open space, except for the potential to develop 9 residential units on the least constrained area of Parcel D. Therefore, the Commission finds that allowing a higher density on Parcel E will either extinguish or greatly reduce the development potential on the other four parcels. Thus, the proposed development, as conditioned, can be found acceptable because concentrating development on Parcel E will ultimately result in the least impacts on sensitive biological, visual and public access resources and will allow for a larger, contiguous open space area across the most environmentally sensitive areas of the river valley. The higher density on Parcel E is mitigated by the proposal to retain the remaining areas (with the exception of the potential for 9 units on Parcel D) in open space.

3. Sensitive Steep Slopes/Habitat Areas/Parcel E. Sections 30240 and 30253 address sensitive habitat areas and site stability and state, in part:

**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 30253**

New development shall:

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

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs....

Subdivision of 26.9 acres into 47 single-family home sites and various open space parcels is proposed on the project's development site, Parcel E. Parcel E consists of a gently

sloping upper area where the homesites are proposed, a steeply sloping embankment to the east of the proposed development area and low-lying areas consisting of floodplain and riparian habitat at the base of the slopes (portion of Gonzales Canyon). Most of the steep slope embankment is within the Hillside Review (HR) Overlay. Vegetation on the slopes is a combination of native and non-native species, including disturbed grasslands, iceplant and a grove of eucalyptus trees. There is also an area of Diegan Coastal Sage Scrub in the southeastern portion of the site; this occurs on both steep and non-steep areas. In addition, there are two areas of riparian habitat within the proposed open space portion of the site, at the base of the slope. The project, as proposed, will not impact any of the identified biologically sensitive lands.

The applicant proposes construction of a detention basin at the base of the slopes outside any areas of sensitive vegetation and outside the floodplain. The residential development will be constructed on the higher elevations of the site and will drain east/northeasterly towards Gonzales Canyon. Proposed drainage facilities will collect surface runoff and direct it into the detention basin via a stormdrain pipe installed at the northeast corner of the developed area. In addition, an existing, unimproved access road leads down the slope to the area where the detention basin is proposed. This road will be retained to facilitate ongoing maintenance of the detention basin.

There will be minimal encroachment into the steep slopes (0.24 acre) to install this drainage conveyance system. The area of slope where the storm drain will be installed does not contain native vegetation; it is within the area of disturbed grasslands. The 0.24-acre encroachment for the stormdrain improvements represents an encroachment into 4% of the site's total biologically sensitive lands, including both steep and non-steep areas, whereas the HR provisions could allow up to a 10% discretionary encroachment into steep slopes alone. However, the site topography provides sufficient non-steep area to site the proposed building pads and accessory improvements, such that the applicant does not propose any encroachment into steep slope areas for creation of building pads, streets, utilities, landscaping or brush management. Encroachment for installation of the drainpipe, however, is unavoidable, since the drainage system must flow downhill to the detention basin. Once installed, the area will be revegetated consistent with the surrounding areas. Special Condition #6 requires submittal of a final landscaping/brush management plan demonstrating compliance with the proposed development's avoidance of impacts to sensitive areas except for the minimal encroachment for the drainage system.

Although the Commission accepts the minimal encroachment associated with installation of the stormdrain improvements, it is concerned that additional impacts could occur in the future when the homes are constructed. The current proposal is for subdivision and site improvements only, and no construction of houses is proposed herein. Thus, Special Condition #5 sets parameters for ultimate buildout of the site and requires recordation of a deed restriction so that present and future property owners are aware of the restrictions. With respect to protection of hillsides and sensitive resources, no impacts to sensitive resources will occur as a result of the proposed project and building envelopes have been established which will assure no encroachment into sensitive areas/slopes for home

construction, accessory structures, landscaping or brush management. The established building envelopes will assure that all principal structures are set back a minimum of 30 feet from natural steep slopes and/or areas of native vegetation. The Commission therefore finds the proposed development, as conditioned, consistent with the cited Coastal Act policies with respect to steep slope and habitat concerns.

4. Water Quality/Parcel E. Section 30231 of the Coastal Act addresses water quality issues and states:

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 substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The Commission has become increasingly concerned with the effects of non-point source pollution and sedimentation on the quality of the coastal zone's water bodies, both as they affect marine life and as they affect public access and recreation. In this particular case, the proposed development on Parcel E will drain into Gonzales Canyon, which in turn drains into the San Dieguito Lagoon and ultimately the ocean. As previously described, Parcel E includes both upland and low-lying areas, with all development proposed on the upland, gently-sloping portion of the site immediately east of El Camino Real. The site now naturally drains towards the east/northeast into Gonzales Canyon, which is located at the base of the site's steep slopes.

Developing this specific property at a density of 47 units will result in adverse impacts on water quality immediately downstream. These adverse impacts could be reduced by reducing the density of the project. For example, if the 7 units that the City finds approvable were permitted, the adverse impacts would be reduced because there would be significantly less grading and less impermeable surfaces. The proposed 47 units will result in significant grading and significant coverage of the site with impermeable surfaces, thus increasing the volume and rate of runoff. There will be more vehicles on-site, more landscaping and irrigation systems and more domestic pets, all adding to the level of pollutants present in site runoff. The adverse impacts on water quality resulting from this density of development are mitigated, however, by the retention of four other sites in the river valley in an undeveloped state. If the residential development were distributed over those other four parcels, even at low density and with fewer than 47 units, there would be more adverse impacts on water quality than by concentrating all the units on the one site. This is because the other properties are closer to significant lagoon resources, meaning runoff would have less opportunity for natural filtering and percolation before reaching sensitive areas. In addition, most of the sites have poor, or no, street access. This could result in greater landform alteration to extend roads or build long driveways, along with more paved area overall. Having development more spread

out would also make collection of runoff more difficult and more costly. The Commission finds it more appropriate to concentrate the development in one location, provided the project is designed to adequately address all water quality concerns.

The applicant is proposing an on-site runoff control system which will continue the natural drainage patterns by collecting all stormwater and surface drainage from the developed portions of the site and directing it into a proposed detention basin at the toe of the slopes. The detention basin will allow sediments to settle out before the water is released, at non-erosive volumes, into Gonzales Canyon. In addition, the applicant is proposing to vegetate the detention basin with native species, which will aid in the removal of pollutants from the runoff. Special Condition #7 provides specific parameters which must be met in the applicants' final grading and erosion control plans; the parameters are representative of requirements typically placed on any projects sited within sensitive watersheds. The condition provides examples of acceptable temporary erosion control measures, requires permanent drainage facilities to be installed concurrent with site grading and requires revegetation of all disturbed areas prior to the next rainy season.

In light of the increased concerns over the effects of development on downstream water resources, the Commission, in many recent permit decisions, has required applicants to prepare and implement a program of Best Management Practices (BMPs) to provide additional assurance that downstream water quality will be optimized. These programs vary greatly depending on the nature of development proposed. For example, a new marina would have a far more detailed and technical BMP program than a residential subdivision, and commercial projects with large expanses of paved parking lots would be different than either. Special Condition #8 establishes minimal criteria for a BMP program for the proposed Parcel E project site. The criteria include stenciling of stormdrain inlets, regular solid waste removal, placement of trash receptacles at the entrances to the on-site private park and weekly sweeping (mechanical or hand) of all paved areas. With the inclusion of these two conditions, the Commission finds the proposal consistent with the cited Chapter 3 policies of the Coastal Act.

5. Visual Resources/Parcel E. Section 30251 of the Coastal Act addresses the protection and enhancement of visual resources in the coastal zone, and 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 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....

Parcel E is located on the east side of El Camino Real, on the southern side slopes of the San Dieguito River Valley. The site is visible from I-5, Via de la Valle and El Camino Real, and also from throughout the lagoon and river park lands east of I-5. It will also be

visible from portions of the conceptual public trail system currently being designed as part of the SONGS mitigation project.

Under current City zoning, the applicant would only be able to construct a maximum of 7 units on the site. It seems likely that 7 units, spaced out on the upland approximately 12 acres of Parcel E, would not have significant adverse impacts on visual resources. However, under the transfer of development rights approved by the City and proposed in this permit, the applicant is proposing 47 units on Parcel E, not 7 units. The construction of 47 units on this site will be much more visible than 7 and, due to the small size of the proposed 5,000 sq.ft. lots, area available for landscape buffers will be minimal. In addition, the applicants are required to install a sound attenuation wall all along the El Camino Real frontage. While this may serve to partially block views of the future homes, which will be situated behind the wall, it will itself be a significant expanse of concrete in the public viewsheds. Thus, the proposed subdivision will result in significant adverse impacts on the viewshed.

Although the visual impacts of increased density on Parcel E are significant, the Commission finds that these adverse visual impacts are mitigated by retaining the four donor sites in open space, with the possible exception of up to 9 units on Parcel D. The concentration of development on Parcel E is intended to retire nearly all building potential on the west side of El Camino Real, which is closer to the lagoon and more prominent in the identified viewsheds. As a result, the valley area will be mostly open, with no structures intruding in the viewshed. If residential development were approved throughout the valley area, even at low levels, it would have an adverse impact on the scenic quality of this area. The residences would require roads and driveways, and would likely be spread out. This would have a more significant adverse impact than clustering more dense development on Parcel E. Thus, the increased density on Parcel E, along with no development on the donor sites, will reduce visual impacts overall.

Special Condition #5 addresses the future buildout of the site and Special Condition #6 requires final landscaping plans. Both conditions address the visual aspects of the proposed development on Parcel E. Specifically, Condition #5 requires the applicants to record a series of restrictions governing the future buildout of the site. Included is a restriction on colors for the future homes and accessory structures visible from public streets and open space, prohibiting white and light walls and red or bright roofs. This restriction will assure that future structures on the site will not be overly intrusive on the identified viewsheds, but rather will blend in with their surroundings. In addition, the height of all structures is limited to thirty feet. Since this property is located east of I-5, the City's coastal height initiative, which limits most structures west of I-5 to 30 feet, is not applicable. However, the sensitivity of the site, from a visual perspective, certainly warrants a height limit that will allow landscaping to eventually buffer both walls and roofs; thus, a 30 foot limit is appropriate for this proposed development.

In that same regard, Condition #6 requires the planting of a row of trees which, at maturity, will serve to break up the large expanses of wall or roof resulting from buildout of the site. The landscaping/brush management plan submitted with the application

depicts a significant number of perimeter trees, particularly along El Camino Real, and identifies species which should grow taller than the homes at maturity. The applicants' final plan should be generally consistent with this, although additional trees should be added along the northern boundary of the property to shield views from Via de la Valle. The perimeter trees are required along both the El Camino Real frontage and the northern property boundary. The condition also requires that the sound wall be planted with native vines to buffer its appearance. Planting of the perimeter and common areas is required concurrent with the subdivision improvements, not with ultimate construction of the homes. With these two special conditions, the Commission finds that visual issues have been appropriately addressed, acknowledging that concentrating development on Parcel E is preferable, from a visual standpoint as well as many others, to allowing a scattering of an equal number of units over four other river valley properties. Therefore, the Commission finds the proposal, as conditioned, consistent with Section 30251 of the Act.

6. Archaeological Resources/Parcel E. Section 30244 of the Coastal Act briefly addresses the protection of archaeological resources in the coastal zone, and states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The City-adopted EIR for a 1995 development proposal, and its more recent addendum reflecting a reduced project alternative (the project proposed herein), identified a significant cultural resource on the site. The 1995 development plan would have destroyed the entire resource, but the current proposal only encroaches 22% into the archaeological site. A data recovery program and long-term management plan have been prepared and accepted by the City as adequate mitigation. The EIR addendum concluded that the currently-proposed project does not represent a significant impact, either individually or cumulatively, on cultural resources. The EIR mitigation measures are part of the project, as proposed to the Coastal Commission. Therefore, the Commission finds the project, as proposed, consistent with Section 30244 of the Act.

7. Conversion of Agricultural Lands/Parcel E. The following policies of the Coastal Act address the conversion of agricultural lands and the concentration of development and are most applicable to the proposed development:

**Section 30242**

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.



**Section 30250**

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources....

Parcels A, D and E have all been farmed in the recent past, with A and D currently under production and E fallow this year. Tomatoes has been the principal crop on all three sites, with some strawberries produced as well. Actual development is not currently proposed on Parcels A and D, and potential future uses of these sites is dependent on additional action by the Coastal Commission. Parcel E is the site of the proposed subdivision. Although it was being farmed as recently as 1998, it is not currently in production. There have been prior development proposals at the local level for all three sites. Although the residential and commercial projects did not move forward, they did generate environmental review, such that sufficient information to analyze the impacts of the conversion of agricultural lands is available.

Parcel E has been the subject of both a previous EIR addressing a more intense residential project (80 proposed residences) and a more recent addendum to that EIR addressing the currently-proposed subdivision to create 47 building lots and a variety of open space, utility and street lots. According to the EIR and addendum, Parcel E does not contain any prime agricultural lands. There are four types of soil found on Parcel E; they were rated from a low of 23 to a high of 64 on the Storie Index, where a rating between 80 – 100 delineates prime agricultural land. In addition, a Class I or II rating on the Natural Resources Conservation Service Land Use Capability classification indicates prime lands – the four soil types were rated as IIIs, IVs and VIIIs. Thus, there are no soils existing on Parcel E which meet the definition of prime agricultural lands.

Although the conversion of this parcel to non-agricultural use would not represent a reduction in prime agricultural lands, the loss of any farmlands represents a cumulative impact on the region's agricultural productivity as a whole. However, the site is located immediately north of a dense residential subdivision, which is just completing construction. There are existing residential and commercial (equestrian) operations to the east of the site, across portions of Gonzales Canyon and the site immediately north of Parcel E is owned by a church, which is beginning a review process at the local level for a church and school facility. Thus, Parcel E is surrounded on three sides with non-agricultural uses and bound by El Camino Real on the west.

More significantly under Section 30242, the conversion of this site to non-agricultural use is consistent with Section 30250, in that it will extinguish residential development potential on four properties in the river valley less suited to residential development, cluster the development on Parcel E, and thus concentrate residential development on the

south side of the river valley, east of El Camino Real and allow historic agricultural uses to continue on the other sites unchanged. This existing major road, which will be further improved through this development, will form a recognizable boundary between urban and open space uses.

In conclusion, the Commission finds the conversion of this property from agricultural to non-agricultural uses consistent with the cited provisions of the Coastal Act. Parcel E doesn't contain prime lands and the prime lands. Moreover, agriculture will be allowed to continue on Parcels A and D, and will be addressed again in the future when the Commission reviews the SONGS wetland mitigation project or reviews an amendment to this permit to allow up to 9 residential units on Parcel D. Concentrating urban development on the east side of El Camino Real and retaining the area between I-5 and El Camino Real in open space is a worthy goal under Coastal Act policies addressing biological resources, visual resources and public access. Much of the property currently being farmed in the river valley is former wetlands. Therefore, the Commission finds the proposed development, as conditioned, consistent with Sections 30242 and 30250 of the Coastal Act.

8. Development Potential of Donor Sites. The applicants propose to create 47 residential lots on Parcel E and allow for this intensity of development by extinguishing development rights in other areas of the San Dieguito River Valley. In order to determine whether the density of development on Parcel E is balanced by eliminating potential development on the transfer sites, the Commission must determine what development on the transfer sites could be found consistent with the Coastal Act. If the Commission finds that it could approve permits for residential development on the transfer sites, the proposal to restrict development on these sites would offset the increased density of Development on Parcel E. Coastal Act policies that are most applicable in assessing the ability to develop the transfer sites state, in part:

Section 30231 - cited previously

Section 30233

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities....

#### **Section 30236**

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

#### **Section 30240** - cited previously

#### **Section 30241**

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.

(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

**Section 30242** - cited previously

**Section 30250** - cited previously

**Section 30251** - cited previously

**Section 30252**

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

**Section 30253** - cited previously

This non-certified portion of the City of San Diego is currently zoned A-1-10, an agricultural designation that is typically used both for agricultural operations and as a holding zone for rural and semi-rural areas that are expected to switch to higher densities in the future as regional growth patterns dictate. The subject properties are located between highly developed and more rural areas of the City and County of San Diego and nearby the Cities of Del Mar and Solana Beach. The valley floor and side slopes of the San Dieguito River Valley are primarily undeveloped, and much of the property is in public ownership. Conceptual planning would retain the maximum amount possible of the river valley in open space as a public park running from the ocean to the mountains and the source of the San Dieguito River. For this reason, much of the formerly private land in the valley has been acquired by a variety of public entities, including the California Department of Fish and Game (CDFG) and the San Dieguito River Park Joint Powers Authority (JPA).

However, the river valley west of El Camino Real is crossed by three transportation corridors: Camino del Mar, I-5 and the railroad. In addition, the Del Mar Fairgrounds occupies approximately 300 acres on the north side of the river, west of I-5. East of I-5, north of the river, there is an existing shopping center, built on filled wetlands or tidelands prior to passage of Proposition 20. East of Parcel A (one of the donor sites), just south of Via de la Valle, is the Showpark property, an equestrian facility owned by the Del Mar Fairgrounds, and immediately south of Parcel E (the proposed development site) there is dense residential development under construction, recently approved by the City of San Diego under its certified LCP. The boundary between that property and Parcel E marks the delineation between the certified Carmel Valley Neighborhood 7 and the uncertified NCFUA.

The City of San Diego has approved all local discretionary actions required to permit the proposed subdivision and transfer of development rights, as required in a settlement agreement which will resolve long-standing litigation between itself and one of the other applicants, the San Dieguito Partnership. Because this settlement will result in nearly all of the applicants' holdings west of El Camino Real being placed in permanent open space, the proposal has the support of the resource agencies and other interested parties, including the JPA. As one part of the settlement, the City has purchased Parcel D, which was formerly owned by the San Dieguito Partnership. The Partnership also owned Parcel A, which they have recently sold to SCE, who already owned Parcels B and C. SCE has acquired property in the area for the purpose of restoring wetlands to satisfy mitigation requirements of a permit from the Coastal Commission to build and operate Units 2 and 3 at the San Onofre Nuclear Generating Station (SONGS). The SONGS wetland mitigation proposal will eventually recreate, restore and enhance much of the existing and historic wetland resources in the river valley, west of El Camino Real.

Over the past several years, the San Dieguito Partnership has proposed a number of development scenarios for parcels A, D and E, but nothing had been approved by the City or submitted to the Coastal Commission. The past proposals all included increasing the densities (i.e., rezoning the properties from A-1-10 to more intense zoning designations);

such density increases require a vote of the people under proposition A, passed in the mid-1980's. All past proposals failed to gain voter approval.

There are several development options available under A-1-10 zoning: 1) property can be subdivided into ten-acre lots with one unit per lot; 2) property can be developed in clusters at a maximum density of one unit per ten acres (Rural Cluster option), retaining additional development rights on the undeveloped portions of the site should densities increase in the future; or 3) property can be developed in clusters, under a Planned Residential Development Permit, at a maximum density of one unit per four acres, extinguishing all future development rights for the entire site. In determining what development rights exist in the donor sites, the City used the third option and approved transferring development rights, at a ratio of one unit per every four acres, from the four donor sites (all of Parcels B and C, and portions of Parcels A and D). The City also used the third option to determine the number of units allowable on Parcel E, the proposed development site. Thus, Parcel E, as proposed by the applicants and approved by the City, would be developed with the total number of units from the four donor sites along with the development intensity assigned to Parcel E itself by the City.

The 1 unit per lot option under the A-1-10 Zone is allowed by right while the clustering options require discretionary approvals. Both clustering options are also governed by the PRD Ordinance. Under the Planned Residential Development (PRD) Ordinance, allowable density is calculated by using the number of acres of all portions of the site zoned A-1-10, including environmentally constrained areas. The units must then be clustered within the least environmentally constrained areas of the overall site. Under this ordinance, the City has approved transferring 12 units from Parcel A (48.10 net acres), 8 units from Parcel B (33.77 net acres), 3 units from Parcel C (12.62 net acres) and 17 units from Parcel D (68.16 net acres) and combining them with the 7 units which would be allowed on Parcel E (26.95 acres) for a total of 47 units. It must be noted that "net acres" means different things for the various donor sites. On Parcel A, a six-acre area at the northwestern corner has not been included in the transfer process – this portion of Parcel A is intended as the future site of an interpretive center. On Parcels B and C, portions of each site are zoned Floodway – these areas have not been included in the density calculation, since said calculation only applies to areas zoned A-1-10. Finally, on Parcel D, the City has retained 36.84 acres, representing the most developable part of the site, for future uses, and has not included this area in the density calculations.

In approving the proposed development, the City has concluded that 47 residential units is the appropriate development intensity for the above described portions of the five properties combined, and has further concluded that Parcel E is physically capable of sustaining this level of development without adverse impacts on resources. These, or similar, conclusions are required under the terms of the afore-mentioned settlement agreement between the City and the San Dieguito Partnership. The Coastal Commission is not party to any past litigation on these sites, nor to the settlement agreement, or any other agreements between various interests in the river valley, and is thus not legally bound to support these conclusions. The Commission must independently analyze the development potential of the donor sites under the policies of the Coastal Act. To do this,

the Commission must consider the constraints of each site and determine the site's development potential based on Coastal Act policies. The Commission can also consider the certified LCP as guidance. The certified LCP does not apply to this area, however; the LCP includes the A-1-10 Zone and the PRD Ordinance.

Although Parcel A is 54.10 acres in size altogether, the applicants are proposing to transfer development rights from just 48.1 acres (not counting the future interpretive center site). The property consists of vacant land which slopes downhill from Via de la Valle towards the San Dieguito River. Assessing just the 48.10-acre transfer site, over half the site, 34.6 acres, is within the 100-year floodplain; there are also 10.2 acres of various wetland habitats, but these are all within the floodplain. That leaves 13.5 acres of environmentally unconstrained land. Based on the City's PRD Ordinance, and calculating density over the entire 48.1-acre site, the City would allow 12 units on this property, and would require them to be clustered within the 13.5 acres of uplands.

This, of course, does not take into account other potential constraints, such as visual resources, compatibility with the surrounding community, impacts on traffic, circulation and water quality, etc. Via de la Valle is a major east-west transportation corridor, both for commuter and recreational traffic, and is currently only a two-lane road. Moreover, this site is visually prominent from many areas within the river valley, from an overlook located at the top of the hills south of the valley, and from a future planned public trail system in the river park. The sloping site drains south into the San Dieguito River, then downstream to the lagoon and ocean. Of equal or greater significance under Coastal Act provisions, 45.5 acres of Parcel A has been disturbed in the past for agricultural uses and much of the site is currently being farmed. Still, the Commission would acknowledge that some development potential exists on this site, although it may be severely limited by the agricultural preservation policies of the Act and the other constraints identified above.

According to the EIR prepared for the previously-proposed Villages at Stallions Crossing project, Parcel A does not contain any prime agricultural lands. There are two types of soil found on Parcel A; they were rated at 61 and 39 on the Storie Index, where a rating between 80 – 100 delineates prime agricultural land. In addition, a Class I or II rating on the Natural Resources Conservation Service Land Use Capability classification indicates prime lands – the two soil types were rated as IIIs and IVs. Thus, there are no soils existing on Parcel A which meet the definition of prime agricultural lands.

Parcels B and C, which total 86.07 acres, are even more environmentally constrained. Almost half the two sites combined are within the San Dieguito River floodway. This area is not counted by the City in calculating density, nor would it be considered developable under the policies of the Coastal Act, particularly Section 30236. The entire remainder of Parcels B and C are within the 100-year floodplain. There are also a total of 34.35 acres of mapped wetlands on Parcels B and C combined; these are located within both floodplain and floodway areas. While the Commission would acknowledge an inherent development right of one unit per existing legal lot, the Commission could not support higher densities based on clustering options, since there are virtually no

unconstrained areas on either site. There are just under twenty acres of disturbed non-native grasses and non-native weeds outside the floodway, but, again, this is still within the floodplain; however, this is the area where any potential development would have to be sited. Moreover, these sites raise all the same issues with regard to views, traffic, water quality, etc. as did Parcel A. Thus, the Commission finds that, were it reviewing development of Parcels B and C, either together or separately, only one unit per legal lot could be permitted to allow minimum reasonable use of the site.

Parcel D is the largest parcel – 105 acres total. However, the City, which owns this parcel, is only proposing to transfer the development rights from 68.16 acres of the site, and retain the remaining 36.84 acres for future development. The City purchased Parcel D from the San Dieguito Partnership pursuant to the settlement agreement mentioned previously. The intention is to hold the site until the JPA can raise the purchase price in grant money to buy the site from the City and place it in permanent open space as part of their proposed river park. The City is currently proposing to transfer 17 units of development from the most highly constrained portions of the site, but retain the potential for nine units on the more developable area to maintain the monetary value of the property for purposes of recouping its expenses. Although the City would prefer this property to be added to the park as open space, it acknowledges that, should the JPA not be able to purchase the site, the City will have to sell the property for full market value as a mitigation or development site to recover the public funds expended in its purchase.

The 68.16 acres proposed for the transfer of 17 units includes 51 acres of various wetland habitats, and another 2.7 acres of steep slopes (25% grade or steeper). In addition, 45 acres are within the 100-year floodplain. As with the other parcels, portions of the wetlands and floodplain are overlapping, so the numbers don't add up cleanly. However, by the applicants' own calculations, there is a total of 10.5 acres of unconstrained land on the proposed transfer portion of Parcel D. Because site mapping identifies wetland resources immediately adjacent to some areas identified as unconstrained, additional area within the unconstrained portions would be required for wetland buffers, further diminishing the amount of land really available for development. A further complication is that the proposed transfer portion has no direct street access and the unconstrained areas are fragmented. The 36.84 acres proposed for future use, on the other hand, are all contiguous and portions are adjacent to El Camino Real, providing direct access. Although there are small areas of riparian habitat (0.4 acres), floodplain (4.3 acres) and steep slopes (1.3 acres) around the fringes of this portion, there remain 28.4 acres of environmentally unconstrained, previously-disturbed uplands.

Under the PRD Ordinance provisions for increasing densities through clustering, the total 105-acre site would be allocated 26 units; based on the City's usual interpretation of clustered developments, it seems likely that all 26 units would be required to be constructed on the 28.4 unconstrained, contiguous acres identified on the portion of the site not proposed for transfer. Like the other parcels addressed thus far, this is a highly visible site located on a major access route (El Camino Real), and a site that also drains to the river and lagoon. And, like Parcel A, portions of this site are currently being farmed.



Historic and ongoing agricultural activities occupy much of the 36.84-acre future use portion of Parcel D and may extend into the 68.16-acre transfer area as well.

This site was previously identified as the Ranch at Stallions Crossing property and was also the subject of an EIR. That document identified a total of nine soils types on the overall Ranch's site, which included 47 acres more than the subject Parcel D. Of these nine soils types, only one (Grangeville fine sandy loam) was rated above 80 on the Storie Index, with a rating of 81. For the Capability Group rating, two soils types were identified as Class IIs, the Grangeville fine sandy loam and Chino silt loam, saline. Neither of these soil types occurs on the portions of the site which have been farmed in the past and are currently in production. Moreover, the biological survey prepared by the applicants indicates that these soil types occur in areas delineated as coastal salt marsh, riparian and freshwater marsh. The remainder of Parcel D, including all areas which have historically been used for agricultural, is not classified as prime agricultural land.

A major concern to the Commission is that the applicants, in the subject proposal to transfer development rights from Parcel D, are asking the Commission to accept that the highly constrained 68.16-acre transfer portion of the site could physically accommodate the 17 units being transferred to Parcel E, and also find that density consistent with all the policies of the Coastal Act. The City has taken the position that it would have to approve 17 units if this were a separate legal parcel developing under existing zoning. The Commission is not bound by existing zoning, as this is an uncertified area being reviewed under Chapter 3 of the Coastal Act. Furthermore, the Commission has never found that a property owner is automatically entitled to the maximum density allowed by law, when a range of densities is available. The whole purpose of a density range, the Commission finds, is to allow development to respond to site-specific constraints yet still allow for reasonable use. Absent a specific development proposal for Parcel D, which would include a thorough environmental analysis to allow appropriate review, the Commission still finds it unlikely that 17 units on the 68.16-acre transfer portion of Parcel D could be found consistent with Sections 30231, 30233, 30240, 30251 and 30253 of the Coastal Act at a minimum. In addition, the Commission would have to consider what role agriculture has played on this portion of Parcel D and determine if the conversion of agricultural lands was consistent with the Coastal Act.

In general, the Commission is highly supportive of clustering development in the least constrained areas, whether it be on an individual site or on larger areas consisting of multiple sites. Securing the entire river valley west of El Camino Real as open space is a worthy goal, and this development proposal is a step towards achieving that goal. It should be noted here, however, that there are two private property owners with ownership interests west of El Camino Real who are not part of this application. Those properties are located south of Parcel D, on the upland slopes along the south side of the river valley. They are smaller properties than Parcel D and are currently in agricultural use. In addition, the San Dieguito Partnership owns another piece of land south of Parcel D which is the subject of a separate transfer option involving lands not in the coastal zone. Thus, while this application addresses the bulk of the river valley sites west of El

Camino Real still in private ownership, the possibility for some future development in this area still exists.

There are also proposals for future development, as defined in the Coastal Act, on all four of the donor sites, in association with the SONGS mitigation project. That project will seek to use upland portions of Parcels A and D as dredge disposal sites. In addition, a portion of Parcel A is identified for a future interpretive center and portions of both parcels are identified for public trails, viewpoints, interpretive signage, etc. The owners of Showpark, just east of Parcel A, have also suggested that they be allowed to expand some equestrian uses onto that site. Parcels C and D are integral components of the SONGS mitigation plans, and are identified for wetland restoration; the lowland portions of Parcel A and potentially some of Parcel D are also identified for this purpose. It would appear that all these uses have the potential to be compatible with a general designation of open space, if they are appropriately sited and designed.

The City's approval of Planned Residential Development/Resource Protection Ordinance Permit No. 98-0983 included Condition #17, requiring recordation of open space easements over all donor sites "ensuring that no development shall be permitted on these parcels and lots where density has been transferred to the development area on Parcel E." Thus, open space easements on the four donor sites are part of the project as proposed to the Commission. Based on the Coastal Act concerns raised herein, which may go beyond the scope of issues addressed by the City in its local discretionary reviews, the Commission finds it appropriate and necessary to also require the recordation of open space deed restrictions over Parcels A through D. The Commission has found that increased densities on Parcel E will result in significant impacts in the areas of water quality and visual resources. These impacts are acceptable only when mitigated by the extinguishment of development potential on the four donor sites.

However, at the same time, the Commission finds it appropriate to identify, in the required legal documents, potential future uses which could be found compatible with the intent of the deed restrictions. The purpose of the deed restrictions is to preclude use of the sites for residential development or other structures because the elimination of such development on these sites mitigates for the density of development on Parcel E. However, uses that do not involve residential development or other structures, such as wetland restoration and parks do not need to be precluded because these types of developments do not have the adverse impacts to coastal resources associated with residential development and other structures. Accordingly, the deed restrictions identify those uses that would be consistent with the purpose of the restrictions. The identified uses are not approved by this permit and they could not be undertaken without separate coastal development permits with two exceptions. First, there is some proposed development on Parcel E that is approved with this permit (activities associated with the construction and maintenance of the detention basin and drainage facilities) and that will take place in open space. Second, the agricultural uses on Parcels A and D are allowed to continue, and these do not require a coastal development permit because they are currently ongoing.

With respect to Parcel D, the Commission also acknowledges some uncertainty as to the future use of the 36.84-acre portion of the site which the City does not consider part of the density transfer. Should the JPA not be able to purchase Parcel D, the Commission recognizes that some development potential remains. At this time, the Commission finds that a maximum of 9 units could potentially be built on this site in the future, based on application of the City's A-1-10/PRD provisions only. Any future development of Parcel D would, of course, be subject to review and approval by the Coastal Commission as an amendment to this permit. In the Commission's review of such a proposal, it would consider, at a minimum, all the previously-identified constraints of the site, including wetland and floodplain resources, visual amenities, water quality issues and the conversion of agricultural lands, before determining if the maximum 9 units could be found consistent with the Coastal Act. However, it is the Commission's understanding from the City of San Diego, one of the applicants and the owner of Parcel D, that, should the sale to the JPA not occur, the City would then attempt to sell Parcel D as a mitigation site, thus still retaining it in open space. Actual development of Parcel D with residential uses would be considered as a last possible option only.

These concerns notwithstanding, the Commission still finds the proposed concentration of development on Parcel E is mitigated by the proposal to retain the donor sites in open space. The Commission finds the clustering of development on Parcel E consistent with Section 30250 of the Coastal Act, since it will concentrate development on a parcel contiguous with already-developed lands to the south. It will move the development further from the valley floor, which will be the site of future wetland restoration and public park improvements. Also, it will remove the threat of future development on the donor sites, other than for project components directly connected with the wetland restoration and park improvements undergoing preliminary review as part of the SONGS mitigation project, and the possible construction of up to nine single-family homes on the remainder part of Parcel D. As conditioned to retain the four donor sites as open space, and with additional conditions addressing the development site, the Commission finds the proposed development consistent with the cited policies of the Coastal Act.

9. Public Access and Recreation/All Sites. Many policies of the Coastal Act address the provision, protection and enhancement of public access opportunities, particularly access to and along the shoreline. In the subject inland area, the following policies are most applicable, and state, in part:

#### **Section 30210**

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 30213**

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

**Section 30223**

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

A major wetland restoration project is anticipated to be built in the river valley on and adjacent to the subject sites within the next several years, known as the SONGS wetland mitigation project. This development has been in the planning stages for a decade and the EIR will be released for public review within the next month. The wetland restoration component of the overall plans for the river valley will occupy all, or portions of, Parcels A, B, C and D. Some of the land will be needed to create/restore wetlands and other areas will be used for the creation of berms and the disposal of dredge spoils.

A significant component of the overall restoration plans is the enhancement of public access opportunities through construction of a public trail system, interpretive center and parking facilities. With respect to the specific properties that are the subject of this permit, Parcels A and D are both anticipated to support access improvements. An interpretive center, parking lot and public trail are conceptually identified for Parcel A, on areas of the site which will also be used for the disposal of dredge spoils (i.e., the upland areas of the property). For Parcel D, a smaller parking lot and interpretive loop trail are envisioned on the upland portion of the site from which development rights are not transferred herein.

It is the Commission's intent that all future development potential for residential or commercial uses on the four identified donor sites is extinguished through approval of this permit. The Commission does not find an inherent conflict between open space and the types of public access, recreation and education facilities being incorporated into the SONGS project, provided such facilities are sited on upland areas and issues such as water quality, site stability and visual resources are appropriately addressed. To accommodate these potential uses in the open space easements required herein (Special Conditions #1-3), all future uses of these four sites, as currently known, are incorporated as potential exceptions to the open space. Any improvements on these sites will require further review by the Coastal Commission; it is anticipated that most such improvements will come to the Commission as part of the SONGS permit application.

In addition, the Commission understands that, due to the complicated series of agreements between the various applicants and outside interests (primarily the JPA), some minimal development may ultimately occur on a portion of Parcel D. Should that happen, the public trail system currently being designed would not occur, although it is possible an alternative trail system could be built into a future residential development

proposal. Again, this potential exception to the open space has been incorporated into the condition and any future development would require additional Commission review.

Parcel E, as the proposed development site, presents a different concern altogether. The residential subdivision on Parcel E is being proposed as a gated community, so the Commission is rightly concerned with what impacts this may have on public access opportunities. The site is well inland from the coast ( a couple miles) such that there is no issue of actual beach access. However, the site will be nearby, and potentially adjacent if nearby private properties should become public, to portions of the future San Dieguito River Park. Although no public trails are currently proposed on the south side of the river, it is possible that the park could extend south into Gonzales Canyon if the JPA acquired one or more of the intervening private properties. Were that to happen, public access through the subject site, connecting the park with El Camino Real, could be a valuable public asset.

The subdivision has been designed with an interior street system that is being built to public standards, to accommodate parking on both sides of the streets. This is to achieve the parking ratio required by City zoning of two on-premises spaces for each residence and one guest space per residence. The interior street system can accommodate the 47 required guest parking spaces. The interior street system is not designed to accommodate any additional parking, and the proposed improvements of El Camino Real will not result in any on-street parking there either. However, based on the plans for public trails and other access improvements on Parcel D discussed previously, there may, in the future, be a public parking lot located immediately across El Camino Real from Parcel E on Parcel D. In that instance, the public could park on Parcel D and then access either the trail system on that parcel or cross the street, walk through the subject site and access a trail system in Gonzales Canyon.

Although none of the involved parties (the three applicants - Partnership, City, SCE - and the JPA) expects, or is planning, future public park improvements in Gonzales Canyon, the currently-proposed development would not preclude public pedestrian access across Parcel E. Although the proposed gates would prevent vehicular access into the subdivision, sidewalk access would remain available. Moreover, the existing unimproved road down the slopes, which will be retained to access and maintain the detention basin, could also provide the public a means to get from the upper developed portions of Parcel D to Gonzales Canyon at the toe of the slopes. Special Condition #9 assures that the pedestrian access will remain available for potential future public use.

In summary, the proposed development can be found consistent with the cited public access provisions of the Coastal Act. The deed restrictions required on Parcels A - D acknowledge that some future uses, including some level of public access, may ultimately occur on any or all of these sites. The deed restrictions will further note that any such improvements must be reviewed and approved by the Coastal Commission, which can evaluate the suitability of specific projects at a future date. With respect to Parcel E, the Commission finds it acceptable to allow the interior street system to be gated, with the assurance that pedestrian access into the site is available and cannot be

removed without further Commission action. Therefore, the Commission finds the proposal, as conditioned, consistent with Coastal Act policies on public access and recreation.

10. 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 with the inclusion of the attached special conditions.

The five sites are located within Subarea II of the North City Future Urbanizing Area Framework Plan (a component of the North City LCP segment), which the Commission certified several years ago. The Commission's action, however, recognized that the Framework Plan was preliminary in nature and did not transfer permit authority in that action. Rather, the plan identified that each subarea would come forward with a specific plan for development. The Framework Plan identified a conceptual circulation element and environmental tier (open space), which have since been slightly refined by the City in its adoption of the Multiple Species Conservation Plan (MSCP) and identification of the Multi-Habitat Preserve Area (MHPA) lands. The Framework Plan did include a land use plan, which the Commission specifically did not endorse, pending anticipated future review of subarea plans. The conceptual framework land use plan, which is at a very large scale, appears to identify portions of the subject sites as Estate Residential, Very Low Density Residential and Open Space.

Current base zoning for all five sites is A-1-10, with the exception of the portions of Parcels B and C which are zoned Floodway (FW). In addition, portions of Parcels A and D are covered by the Floodplain Fringe (FPF) and Sensitive Coastal Resource (SCR) overlays and portions of Parcel E are covered by the FPF and Hillside Review (HR) overlays. All of Parcels B and C outside the FW Zone are within the FPF overlay, and portions of those sites are also in the SCR overlay.

Through the extinguishment of development potential on the donor sites proposed herein and clustering of development on Parcel E, along with the conditions addressing open space easements, the proposed development is consistent with the identified zoning and conceptual land use plan policies. Moreover, the proposed project establishes long term development patterns for a significant portion of the San Dieguito River Valley located between I-5 and El Camino Real, and for Parcel E located just east of El Camino Real. It is consistent with the goals of the MSCP, which seeks to establish a large connected preserve system to protect the habitats of many animal and plant species, including a significant number of listed species.

Through the prior findings, the Commission has also found the development consistent with all applicable Chapter 3 policies of the Coastal Act. To make this finding, a number of special conditions are attached. Most significant are Conditions #1-4 which preserve the four donor sites as open space, along with all significant resource areas on the

development site as well. The remaining conditions are typical of those placed on most residential subdivisions and apply exclusively to Parcel E. With the conditions, the Commission finds that approval of the proposed development should not prejudice the ability of the City of San Diego to complete a planning process for this area of its coastal zone consistent with the certified LCP.

11. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of coastal development permits to be supported by a finding showing the permit to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(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.

As discussed herein, the proposed project will not cause significant adverse impacts to the environment. Specifically, the project, as conditioned, has been found consistent with the development intensity, biological, archaeological and visual resource, water quality and public access policies of the Coastal Act. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity might have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

#### STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. 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.



6-98-154  
th 9b

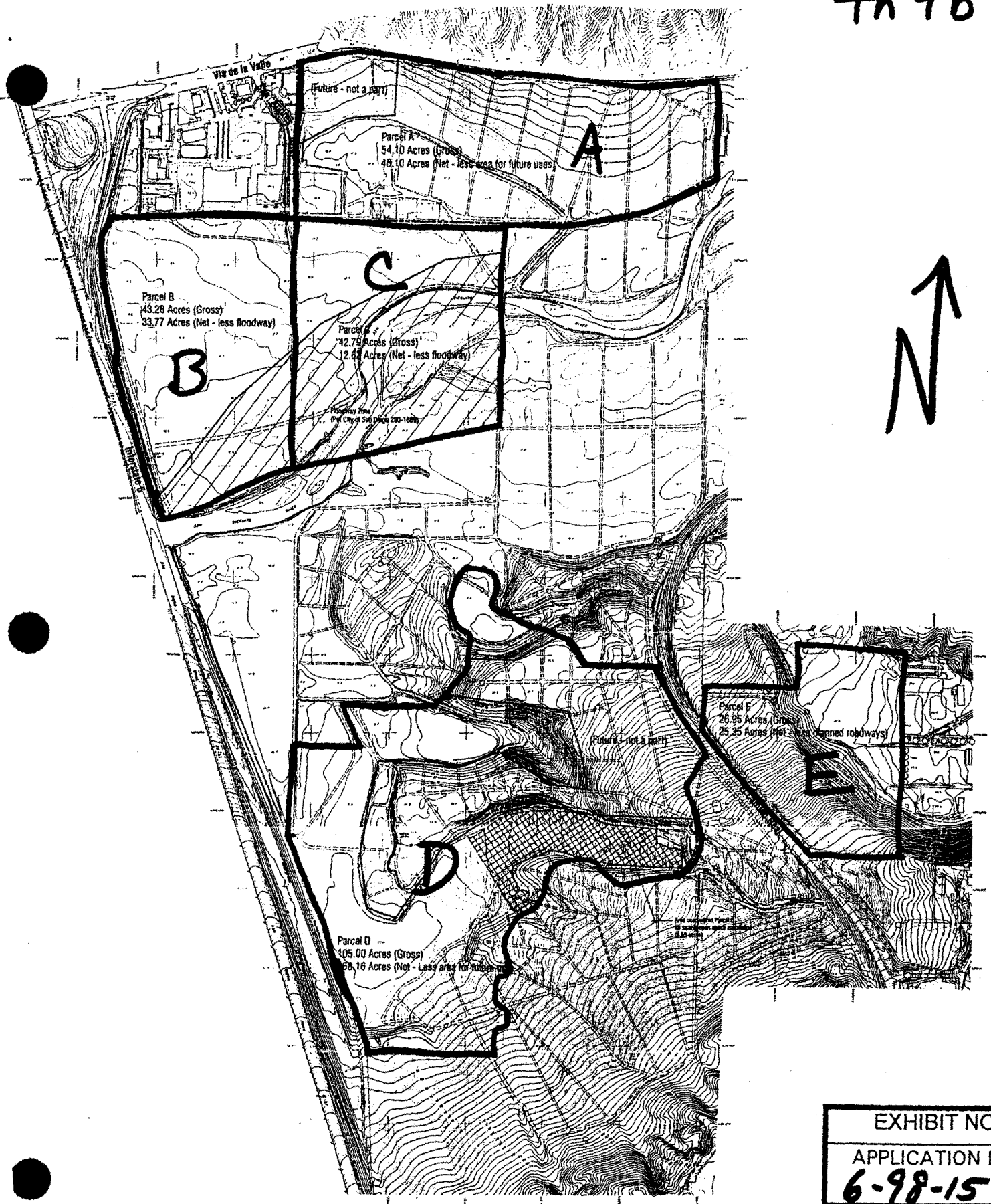


EXHIBIT NO. **5**  
APPLICATION NO.  
**6-98-154**  
**All 5 sites**  
**Parcels A-E**  
California Coastal Commission

6-98-154

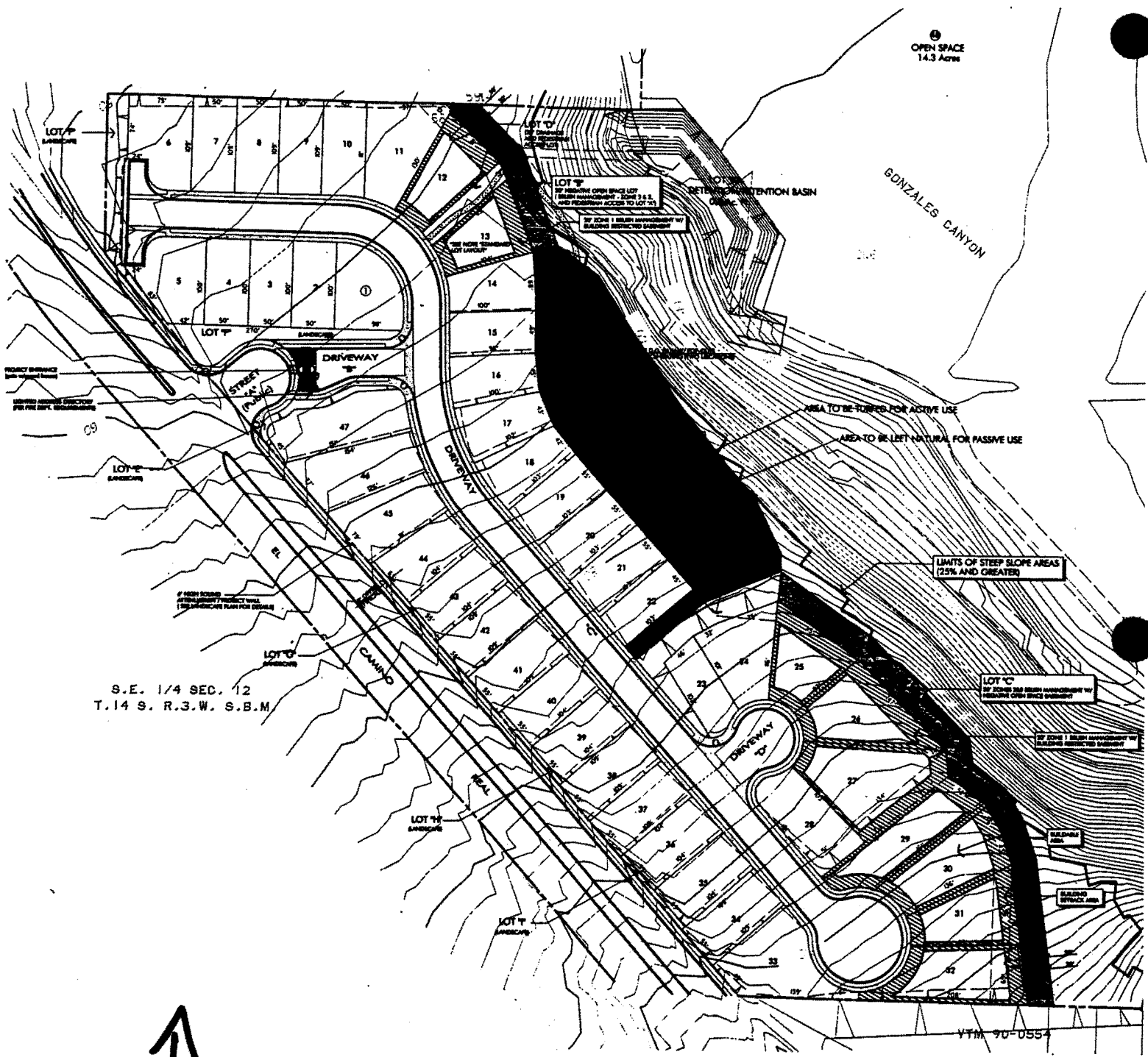


EXHIBIT NO. 4
APPLICATION NO.
6-98-154
Parcel E
Development Project
California Coastal Commission

65628

**FPF**

48  
OPEN SPACE  
14.3 Acres

~~R.3W. SBM~~

**DISCHARGE PIPE  
WITH OUTLET STRUCTURE**

GONZALES CANYON

**SPRINKLER BASIN LOT**

— PPP LINE

**FPF**

The map displays a geographical area with a dashed line indicating the "OVERLAY ZONE BOUNDARY". The area is divided into several regions, some of which are labeled with numbers like 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

~~LOT "A"~~  
~~PASSIVE PARK~~  
~~1.2 Acres~~

UNIT 3

UNIT 1

LOT 7

MEET @ WATER PIER  
DWD. 23937-0

20' SCRW  
FOR DWD. 23937-0

EXHIBIT NO. 3

APPLICATION NO.

6-98-154

Panel E

**Open Space**  
California Coastal Commission

VTM 90-0554

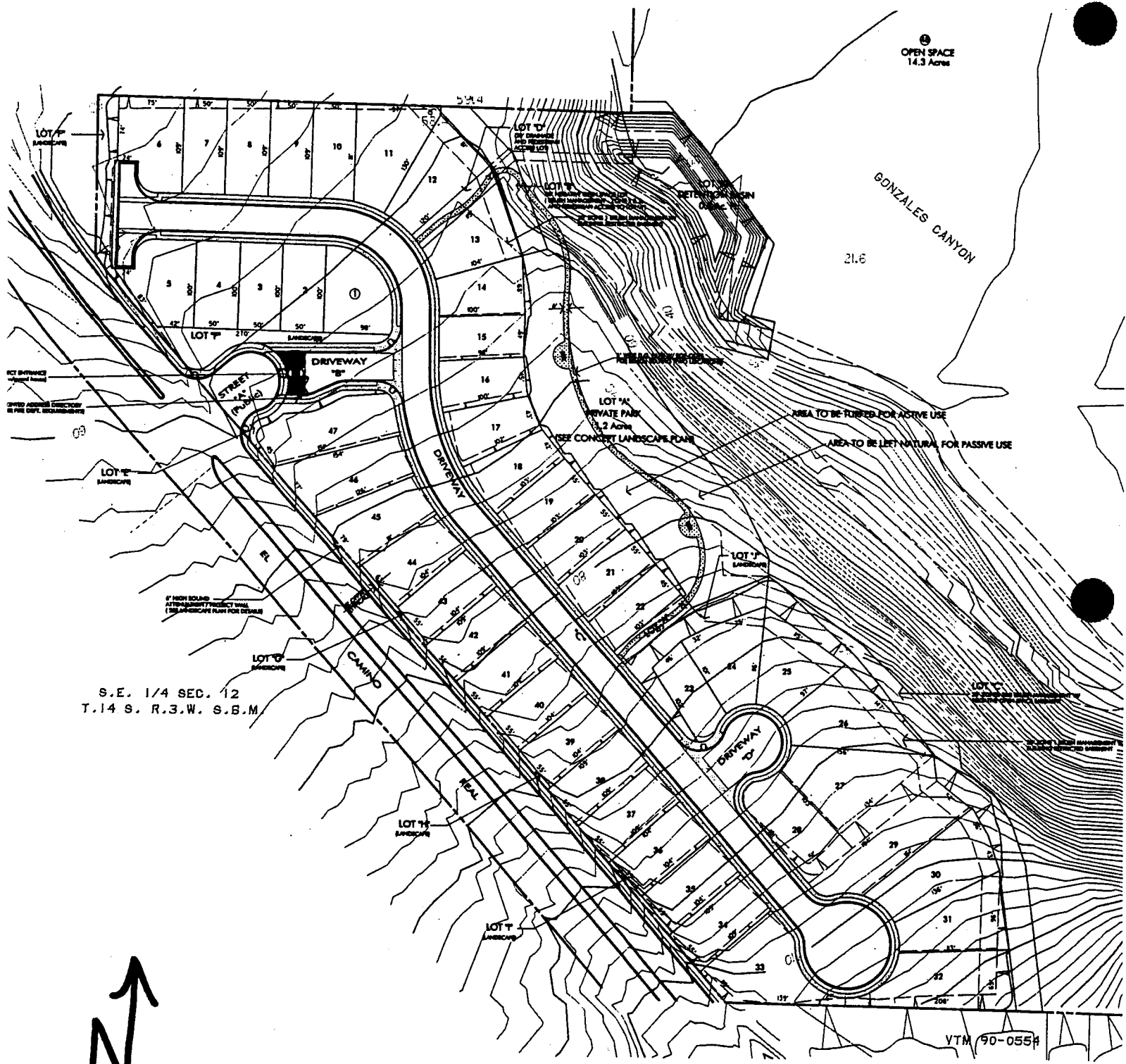


EXHIBIT NO. 2

APPLICATION NO.

6-98-154

Site Plan  
Development Area  
on Parcel E

**California Coastal Commission**

6-98-154

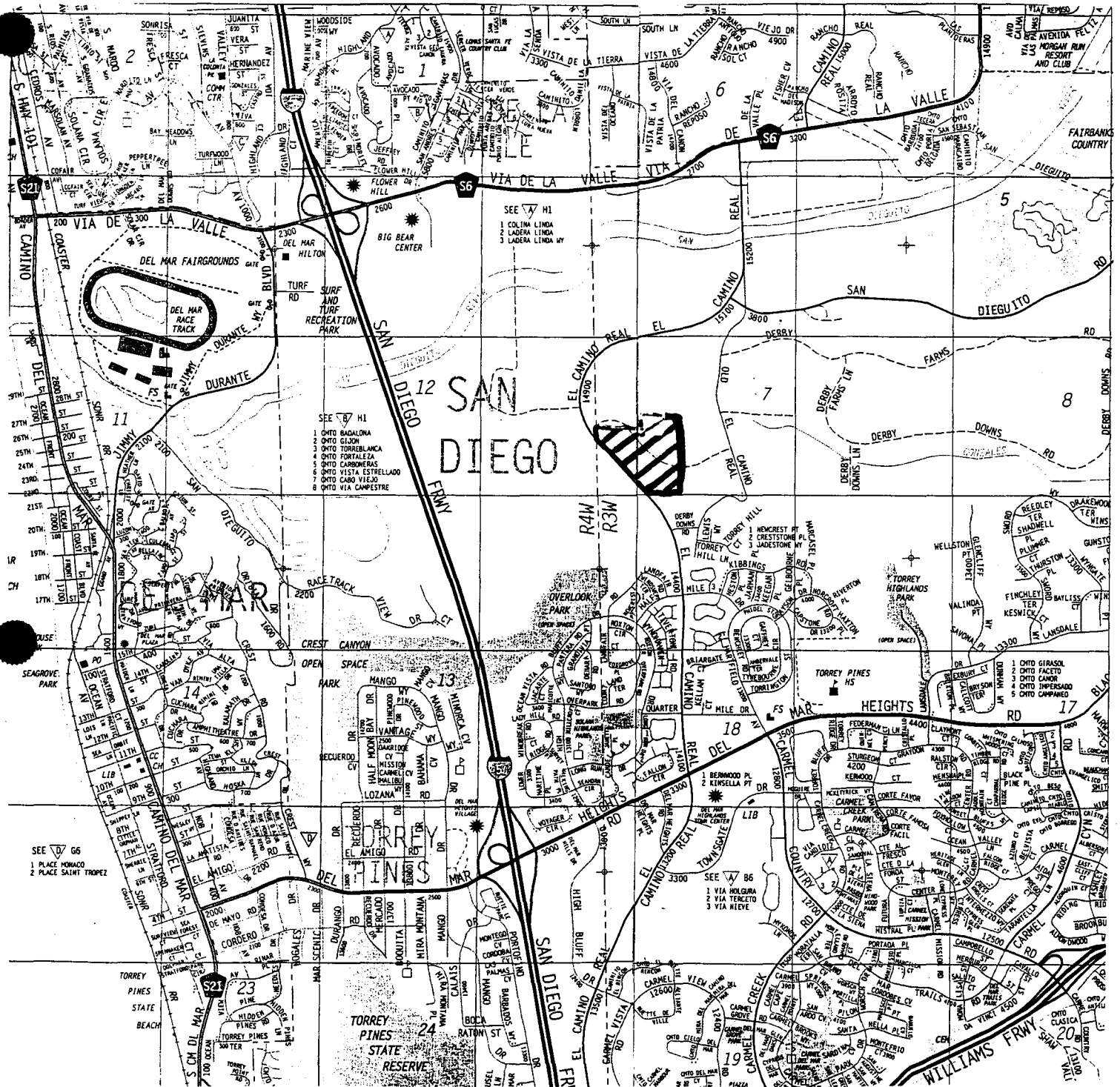


EXHIBIT NO. 1

APPLICATION NO.

6-98-154

Location Map

**Parcel E**

California Coastal Commission

6-98-154

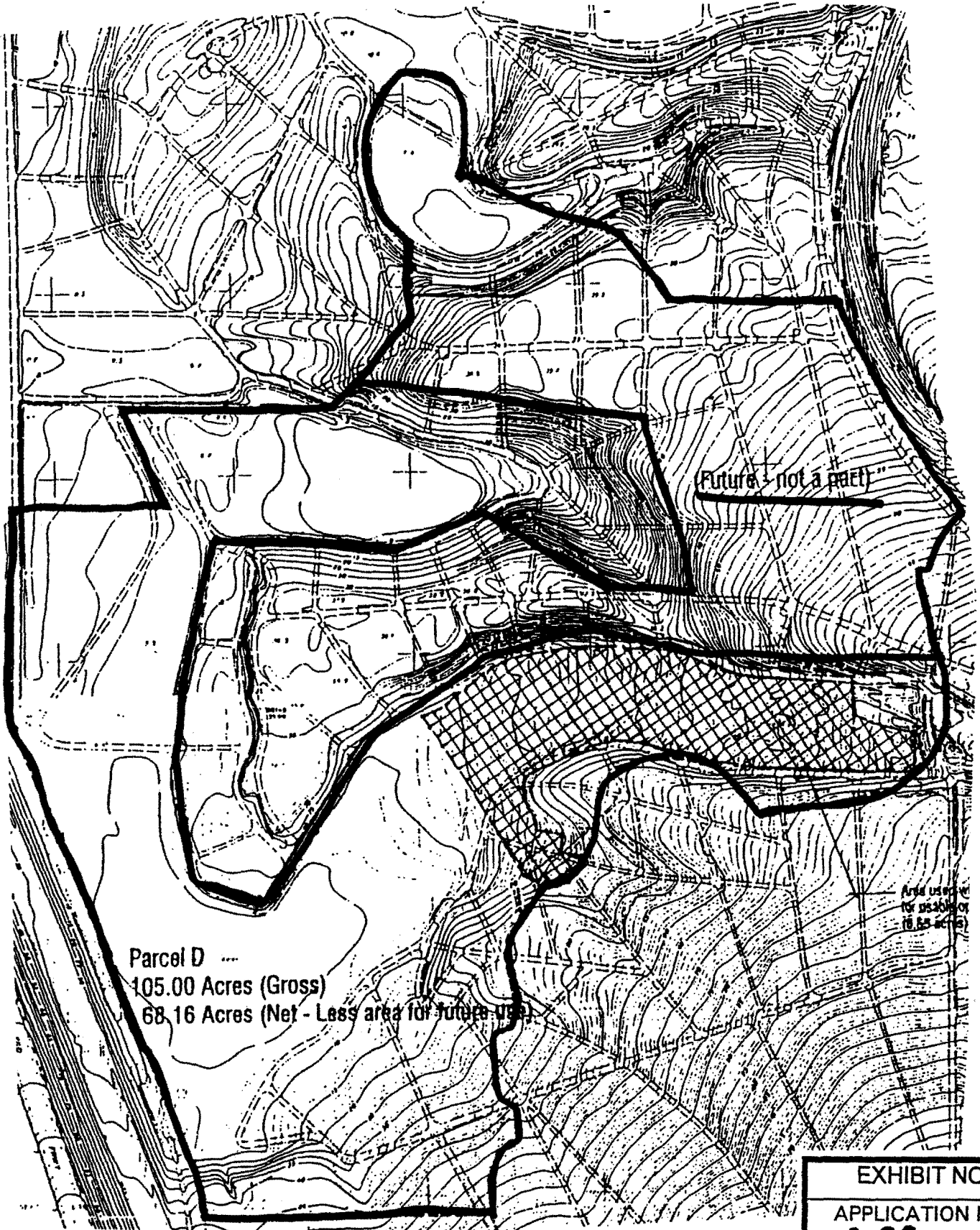
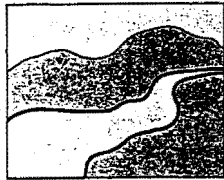


EXHIBIT NO. <b>6</b>
APPLICATION NO. <b>6-98-154</b>
<b>Parcel D</b>
California Coastal Commission



6-98-154



San Dieguito River Valley  
Regional Open Space Park  
1500 State St., Suite 280  
San Diego, CA 92101  
(619) 235-5445 Fax (619) 235-4323  
www.sdrp.org

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JUL 20 1999

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

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July 12, 1999

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Sara Wan, Chair and Members of the  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, California 94105-2219

Re: Coastal Development Permit Application No. 6-98-154 (Villas)

Dear Chairwoman Wan and Members of the Commission:

On behalf of the San Dieguito River Valley Joint Powers Authority (JPA), I urge approval of the Villas Permit Application. On June 18, 1999 the JPA Board of Directors, which includes representatives from five local cities and the County of San Diego, voted unanimously to strongly support the Application. The Villas project comes before you as part of an exciting, in process, success story about achieving the impossible--the restoration of the San Dieguito Lagoon to its former greatness as the crown jewel of the 55 mile long River Park being planned and implemented by the JPA to run from the ocean to the mountains in Julian.

Since the early 1970's and the passage of Prop 20, the predecessor to the Coastal Act of 1976, the lagoons of coastal north San Diego County have been identified as among our most valuable coastal assets. Likewise, since the early 1970's, protection, and where possible, restoration, of these lagoons has been a major Coastal Commission goal. Batiquitos, Buena Vista, Penasquitos, and San Elijo Lagoons have, by in large, been major success stories in this regard, but for years it seemed that the North Countys historically largest and most altered lagoon system, the San Dieguito, might be too far gone, too fragmented in ownership, and too expensive to ever realistically restore. Of critical importance, private land holdings in some of the most sensitive areas of the lagoon have been threatened with development for several years, and litigation surrounding these development proposals had the realistic likelihood of significantly damaging or, even, destroying the park restoration plans.

Through the efforts of the JPA, the City of San Diego, numerous environmental organizations and agencies, and SCE, a global solution was reached to settle the litigation with surrounding landowners and, at the same time, greatly benefit the restoration project. The Villas proposal is an integral part of this solution which includes a comprehensive set of agreements that further the goals and purposes of the JPA and Coastal Act in ways previously thought impossible. Land previously threatened with development can now be included within the wetlands restoration

Letter of Support

project and ultimately be preserved as part of the River Valley Park. Previous adversaries are now joining together to promote and facilitate the River Valley Park and the wetlands restoration project.

Most importantly for your consideration, the agreements and conditions associated with the Villas proposal further each of the following basic goals of the Coastal Act:<sup>1</sup>

**1. Protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.**

The 54.1 acre parcel known as the Villages or Via De La Valle property that was previously threatened with development is now owned by Southern California Edison and is to be included within the wetlands restoration project. Approximately 16 acres is to be restored to functional wetland status, and the balance of the site is available for dredge disposal. This is an essential need of the wetland restoration project which is estimated to produce over a million cubic yards of such material. Ultimately the entire site would be deeded to the JPA if it is included within the restoration project as intended.

The 47.3 acre parcel known as the Ranches that was privately owned and under imminent threat of development is now in the process of being deeded to the City of San Diego and is currently available for dredge disposal associated with the wetlands restoration project.

The threat of new development in the critical river valley zone between Interstate 5 and El Camino Real to the east has been eliminated or significantly reduced. All prior proposals and plans for development of the Villages and Ranches properties are gone and mechanisms to facilitate and encourage preservation of those properties as permanent open space have been put in place.

SCE was able to obtain an easement to restore an additional 30 acres along the San Dieguito River from the City of San Diego. Purchase of the Villages property and transfer of the majority of its development rights to the Villas facilitated the City's need to settle litigation and, thus, was part of the consideration to obtain the restoration easement.

**2. Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.**

The Villas proposal represents a balancing of interests that takes into consideration the social and economic needs of private citizens and the need to further conserve coastal zone resources. The net result of the agreements leading to the Villas Application is a reduction of potential development area for one property owner from approximately 130 acres to only 27 acres. The Applicants agreement to give up its rights to develop the Villages and Ranches properties, in excess of 100 acres, was premised on its ability to develop at a higher

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<sup>1</sup>Public Resources Code section 30001.5



density on the much less sensitive Villas parcel located east of El Camino Real through City approved transfer of development rights. The alternative would have been to allow lower density development over a larger area, including areas that are much more sensitive and important to the restoration and overall park plans. Such an option would significantly undermine the JPA goal of an open space park and the feasibility of the wetlands restoration project which is dependent on the availability of the Villages and Ranches in their undeveloped state.

3. **Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.**

The availability of the Villages property adds a key link to the Coast to Crest trail being developed by the JPA. Six acres of the site is also designated to be River Valley staging and visitor area, to promote and accommodate significant access opportunities.

4. **Assure priority for coastal-dependent and coastal-related development over other development on the coast.**

All the items listed above further this goal. Of particular note, removal of development rights from the Villages property and inclusion of this property in the wetlands restoration project furthers these goals of the JPA and Coastal Act. Transfer of the Ranches property to the City of San Diego also furthers this goal by increasing the likelihood that the property will ultimately become part of the River Valley Park.

Although all of the benefits listed above may not be directly part of the Villas Application being considered by the Commission, they are inextricably tied to the project. The Villas Application is but one part of an overall agreement with many components that are complex and fit together like the pieces of a puzzle to form an exciting picture of the future for this area that is preservation oriented. Importantly, if any piece of the puzzle is pulled out, the entire arrangement could collapse, jeopardizing the wetlands restoration project and reintroducing the threat of development into sensitive areas of the San Dieguito River Valley.

The unanimous support of the JPA Board of Directors is based upon the fact that the benefits associated with the Villas proposal substantially further the Coastal Act goals and purposes set forth above and the JPA goals and purposes. The JPA urges the Commission to extend its support and approve the Application.

Sincerely,

A handwritten signature in black ink, appearing to read "Dianne Jacob", written in a cursive style.

Dianne Jacob, Chair  
Board of Directors

CC: Peter Douglas, Executive Director ✓  
Lee McEachern, Supervisor of Regulation & Planning  
Ellen Lirley, Coastal Planner  
Sherilyn Sarb, District Manager