

## CALIFORNIA COASTAL COMMISSION

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## RECORD PACKET COPY



# Wed 7b

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 49th Day: February 21, 2000  
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 Staff: DL-SD  
 Staff Report: February 24, 2000  
 Hearing Date: March 14-17, 2000

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-99-148

Applicant: Horseman's Valley South LLC                      Agent: Waltz & Associates

Description: Subdivision of an existing 5-lot, 17.93 acre site into 10 lots ranging in size from 1.08 acres to 3.07 acres (gross), and construction of internal streets and utility improvements. An existing single-family residence on site will remain.

Lot Area	17.93 acres
Building Coverage	.15 acres ( 1%)
Pavement Coverage	.96 acres ( 5%)
Landscape Coverage	2.5 acres (14%)
Unimproved Area	14.32 acres. (80%)
Zoning	RS1
Plan Designation	Residential 1 du/ac
Project Density	.55 du/a

Site: West of the intersection of Highland Drive and El Camino Real, Rancho Santa Fe vicinity, San Diego County. APN 302-180-41 through 45

Substantive File Documents: Certified County of San Diego Local Coastal Program (LCP); County of San Diego TM 5128RPL; P98-005; CDP #6-88-173; #6-91-263.

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STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed subdivision. The project has been redesigned to avoid all direct and indirect impacts on steep slopes and native vegetation. As conditioned, the native vegetation and steep slopes on the site will be preserved in open space. Special conditions require the implementation of a rainy season grading restriction, erosion and grading controls, and best management practices to address water

quality impacts resulting from the proposed road construction. No impacts to coastal resources are anticipated.

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- I. **MOTION:** *I move that the Commission approve Coastal Development Permit No. 6-99-148 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

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II. **Standard Conditions.**

See attached page.

III. **Special Conditions.**

The permit is subject to the following conditions:

1. **Open Space Deed Restriction.** No development, as defined in Section 30106 of the Coastal Act, or brush clearance of any kind for fire safety purposes shall occur in the area described as native vegetation and/or steep slopes (as depicted on Exhibit #2 attached) except for:

Installation of a non-combustible wall along the boundary between the native vegetation and the fuel modification zone required by Special Condition #3 of coastal development permit #6-99-148, for the purpose of creating a physical barrier between the native vegetation and the remainder of the lot. No vegetation shall be removed or impacted for construction of the wall.

PRIOR TO 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 which reflects the restrictions stated above on the proposed development in the designated open space. 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.

2. Exterior Treatment/Deed Restriction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval in writing of the Executive Director, a color board or other indication of the exterior materials and color scheme to be utilized in the construction of the proposed non-combustible wall adjacent to the proposed Lots 1, 7, 8, 9, and 10. The color of the wall permitted herein shall be restricted to a color compatible with the surrounding natural environment (earth tones) including shades of green, brown, and gray, with no white or light shades.

PRIOR TO ISSUANCE OF THE PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structure approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances 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. Brush Management/Deed Restriction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval in writing of the Executive Director, a brush management plan for the site approved by the Rancho Santa Fe Fire Department. Said plan shall include the following components:

- a) A 50-foot wide fuel modification zone adjacent to the building envelopes on Lots 1, 2, 3, 7, 8, 9, and 10, and an indication that no brush clearance or thinning will occur outside the fuel modification zone,
- b) A non-combustible wall located on the far side (away from the building envelopes) of the fuel modification zone on Lots 1, 7, 8, 9, and 10,
- c) Only structures or landscaping approved by the Fire Department as consistent with a fuel modification zone shall be permitted in the fuel modification zone.

PRIOR TO 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, which reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structure approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances 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.

4. Runoff Control Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a drainage and polluted runoff control plan designed by a licensed engineer which minimizes the volume, velocity and pollutant load of stormwater leaving the site via the street system. The plan shall include but not be limited to the following criteria:

- a. Post-development peak runoff rates and average volumes shall not exceed pre-development conditions.
- b. Runoff from all streets and other impervious surfaces shall be collected and directed through a system of vegetated and/or gravel filter strips or other media filter devices. The filter elements shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through infiltration and/or biological uptake. Filter elements shall be designed to collectively intercept and infiltrate or treat the volume of runoff produced from each and every storm event up to and including the 85th percentile 24-hour runoff event (approximately 0.75 inches rainfall within a 24-hour period in southern California San Diego County). The drainage system shall also be designed to convey and discharge runoff in excess of this standard from the building site in non-erosive manner.
- c. The plan shall include provisions for maintaining the drainage and filtration systems so that they are functional throughout the life of the approved development. Such maintenance shall include the following: (1) the drainage and filtration system shall be inspected, cleaned and repaired prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work. However, in no case shall the improvements be located in an area containing steep slopes or native vegetation.

5. 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 in writing by the County of San Diego. The approved plans shall incorporate the following requirements into the plans and as written notes on the plans:

a. No grading activities shall be allowed during the rainy season (the period from October 1<sup>st</sup> to April 1<sup>st</sup> of each year). All disturbed areas shall be replanted immediately following grading and prior to the beginning of the rainy season.

b. All permanent runoff and erosion control devices shall be developed and installed prior to or concurrent with any on-site grading activities. All areas disturbed, but not completed, during the construction season, including graded pads, shall be stabilized in advance of the rainy season. 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.

b. Landscaping shall be installed on any cut and fill slopes prior to October 1st with temporary or permanent 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 (non-invasive), 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 or grading schedule 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.

6. Final Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final site and utility improvement plans which have been approved in writing by the County of San Diego. Said plans shall be in substantial conformance with the plans by Rick Engineering Company dated 10/23/98 and as revised by San Dieguito Engineering, Inc. dated 2/14/00 to indicate a 50-foot wide fuel modification zone adjacent to the building envelopes on lots 1, 2, 3, 7, 8, 9, and 10, and a non-combustible wall located on the far side (away from the building envelopes) of the fuel modification zone on lots 1, 7, 8, 9, and 10.

The permittee shall undertake the proposed development in accordance with the approved plans. Any proposed changes to the approved 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

7. Future Development. This permit is for a ten-lot residential subdivision. Any future development proposals for the site including grading and construction of residential structures shall require either a separate coastal development permit or an amendment to this permit. Future development may be required to address impacts to water quality associated with new development and to implement any Best Management Practices necessary to reduce the potential for adverse impacts to water quality.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. The proposed project is for the re-subdivision of an existing 17.93-acre, 5-lot site into 10 residential lots ranging in size from 1.08 acres to 3.07 acres (gross). An existing single-family residence on the proposed Lot 10 will remain. No new residential construction is proposed at this time. Grading consisting of 1,200 cubic yards of balanced cut and fill is proposed for construction of private streets within the proposed subdivision. There is already a driveway off of El Camino Real leading to the existing residence on the site, and this would be expanded into a street. A short cul-de-sac off of the main street would constitute the remaining street construction.

The project site is located on the northwest corner of El Camino Real and Highland Drive, in an unincorporated area of the County of San Diego. El Camino Real forms the inland boundary of the Coastal Zone in this area. The site is bounded on the north, east and west by large-lot residential areas. Across Highland Drive to the south is San Dieguito Count Park, a largely developed park and recreation area.

The site is currently comprised of 5 lots, although one of the "lots" is an approximately 45-foot wide, 1,000-foot long strip of land adjacent to El Camino Real that was previously road right-of-way which was granted to a former property owner in 1973. (The County of San Diego Tentative Map for the proposed project describes the area as a four-parcel site, not recognizing the right-of-way as a legal lot). The other four lots range in size from 2.41 to 5.88 acres. It is unclear exactly when the site was subdivided into its current configuration, although the grant deed for the property indicates the subdivision most likely occurred prior to passage of the Coastal Act.

The Commission has previously reviewed two subdivision proposals for the subject site. In June 1988, the Commission approved subdivision of the site into 9 lots with special conditions requiring that the project be revised to avoid encroachments into steep slopes, an open space deed restriction, and grading, erosion, and runoff restrictions (6-88-173/Gildred). This permit subsequently expired. In March 1992, the Commission approved subdivision of the site into 7 lots with conditions requiring an open space deed

restriction, grading, erosion, and runoff restrictions, and an assumption of risk for potential flooding hazards (6-91-263/Gildred). This permit also expired.

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

2. Environmentally Sensitive Habitats/Steep Slopes. Section 30231 of the Coastal Act is applicable to the proposed development and states, in part:

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...

In addition, Section 30240 of the Coastal Act is applicable and states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The proposed project involves subdivision of a 17.93-acre site into 10 lots. The irregularly-shaped site is partially developed with one single-family residence and an access driveway to the house. There is a large citrus grove on the western portion of the site, and the northwestern and southwestern portions of the site are characterized by steep, natively vegetated slopes. A biological survey submitted by the applicant identified two types of sensitive habitat on the site: .85 acres of Diegan Coastal Sage Scrub, and 4.05 acres of Southern Maritime Chaparral. The remaining portion of the site is 6.13 acres of "disturbed habitat" (a large, maintained equestrian field with a mixture of non-native weeds and grasses and a few native species interspersed); and approximately 7 acres of developed or non-natively vegetated area. Approximately 4 acres of the site contains steep slopes, approximately 3.88 acres of which are natively-vegetated.

As noted above, the County of San Diego LCP was certified by the Commission in 1985. Because the County never formally accepted the Commission's modifications, the LCP was never effectively certified. However, the Commission has continued to use the County's LCP as guidance in review of permit requests in the County. In response to the habitat protection policies of the Coastal Act and the need to preserve sensitive habitats and steep slopes, the County of San Diego developed the Coastal Resource Protection

(CRP) overlay zone as part of its certified LCP. The CRP overlay, which regulates the development of naturally-vegetated slopes in excess of 25% grade, states, in part:

Steep slopes. No development, grading, planting, excavation, deposit of soil or other material, or removal of natural vegetation, except as may be necessary for fire safety or installation of utility lines, shall be permitted on steep natural slopes of 25% grade or greater...No alteration of such natural steep slopes shall be permitted in order to obtain use of a property in excess of the minimum reasonable use. For purposes of this provision, the term "minimum reasonable use" shall mean a minimum of one (1) dwelling unit per acre. Any encroachment into steep slope areas over 25% shall not exceed 10% of the steep slope area over 25% grade.

The project site is located within the CRP overlay zone. The intent of the CRP's restrictions on grading steep slopes is to minimize the visual impacts associated with such grading, to preserve the habitat values of significantly vegetated steep slopes areas, and to avoid the increased likelihood of erosion, runoff and sedimentation which can occur when steep slopes are graded. These concerns are addressed by eliminating or significantly reducing grading on steep slopes. While encroachments into steep slopes can be allowed in some instances, where there is the possibility to develop sites without such encroachments, they are to be avoided. Furthermore, since the time when the County LCP was certified by the Commission the California Gnatcatcher has been listed by the U.S. Fish and Wildlife Service as an endangered species. As a result of this listing, preservation of naturally vegetated (coastal sage/chaparral) slopes is even more significant, particularly when they are located within large contiguous areas of native habitat.

In addition, the issue of fire safety in areas of "wildland/urban interface" has become increasingly pertinent in recent years. Local governments and fire departments/districts have become increasingly aware of the need to either site new development away from fire-prone vegetation, or to regularly clear vegetation surrounding existing structures (ref. Section 4291 of the Public Resource Code). Fire department requirements for vegetation thinning and clear-cutting can adversely affect coastal resources, since "thinning" typically involves removing nearly all surface vegetation, leaving only the below-ground root stock intact. In recent years, the Rancho Santa Fe Fire Department, which governs the project site, has required the partial or total clearing of vegetation up to 100 feet from habitable structures.

The applicant has identified building envelopes on each of the proposed lots, and no direct encroachment is proposed in the steep or natively-vegetated areas. Initially, as a condition of approval by the County and the Rancho Santa Fe Fire Department, the applicant proposed to maintain a 100-foot brush management/fire buffer "easement" around the proposed building envelopes. The first 50-feet of the buffer adjacent to the building envelope would have been clear-cut, and the second 50-feet would be "selectively thinned" and replanted with fire resistive vegetation. As a result, although no native vegetation is located within 50 feet of the proposed building envelopes and thus



no clear-cut would have occurred, thinning activities would have impacted approximately .55 acres of southern mixed/maritime chaparral.

In assessing the value of naturally vegetated areas, the Commission must look at not only the value of the habitat on the site but also the nature of the surrounding area. In the case of the proposed project site, the surrounding area consists of residential development to the west, large-lot residential to the north and east, and the San Dieguito County Park to the south. The vegetation is not directly connected to any preserve areas, but is separated by only one street, Highland Drive, from the County Park, and is approximately ½ mile south of the San Elijo Lagoon County Park & Ecological Reserve. There are substantial pockets of native vegetation on the vacant and low-density developed lots located between the subject site and the lagoon, which could serve as "stopping points" or links for birds between the lagoon and San Dieguito Park (the park is mainly developed with non-native vegetation, but still maintains biological value as an open space area). The Commission's biologist has reviewed the biological survey submitted by the applicant and the area surrounding the site, and has determined that the habitat on the site is an environmentally sensitive habitat area. Thus, a proposal to subdivide and designate building envelopes that will trigger fire department requirements for thinning of this habitat (in this case thinning of 0.55 acres) would be inconsistent with Coastal Act Section 30240.

In order to address concerns relative to protection of environmentally sensitive habitat areas, the applicant met with the Rancho Santa Fe Fire Department to discuss alternatives that would reduce encroachment into the naturally vegetated steep slope areas for fire safety purposes. In this particular case, the fire department determined that the fuel modification zone (FMZ), i.e., the zone in which vegetation will be cleared and/or thinned to protect development from fire hazard, can be reduced to 50 feet under the following conditions:

1. The residential structures built on the site must be of non-combustible construction.
2. No combustible accessory structures can be located within the FMZ.
3. No trees can be planted within the FMZ.
4. Non-combustible walls must be constructed at the edge of the protected habitat at any point where the distance between the structure and the open space is less than 100 feet. The walls must be free-standing, non-penetrable by radiant heat from either side, and shall be constructed to a minimum height of 1 foot above the highest point of any window of the nearest structure on the site facing the habitat.

The fire department requires that these restrictions be recorded as a deed restriction on each of the effected lots.

The applicant has revised the project to incorporate these requirements. Thus, instead of clearing 50 feet from each building envelope and selective-thinning of native habitat between 50 and 100 feet from each building envelope, a masonry wall will be constructed along the edge of the habitat. In addition to addressing fire safety concerns, the wall may help preserve the environmental quality of the habitat by discouraging the intrusion of

people and domestic animals into the habitat. Special Condition #3 requires that the applicant submit a brush management plan that contains a 50-foot wide fuel modification zone on lots 1, 2, 3, 7, 8, 9, and 10, which are adjacent to the proposed open space areas. The brush management program is required to be recorded as a deed restriction to ensure that as individual lots are sold off, future property owners will be aware of the restrictions on the lots. Special Condition #6 requires the applicant to submit final plans reflecting the revised building envelopes that accommodate the fuel management zone.

In order to ensure that the proposed development will not result in significant disruption of native habitat and steep slopes in accordance with Section 30240, Special Condition #1 also requires that the applicants place an open space deed restriction over the portions of the lot containing steep slopes and native vegetation (Exhibit #1). No grading, clearing or development is permitted in the open space area. A small portion of the site (approximately 11,000 sq.ft.) in the middle of the site contains steep slopes but no native vegetation. The applicant is not proposing to grade or develop this area; however, it has not been included in the open space required by Special Condition #1 because the area does not contain sensitive vegetation, and because some of the sloped area is closer than 50 feet to the existing residence on the site, clearing of the site may be required at some point. However, no impacts to sensitive vegetation would occur, and the area is not a significant landform that should be preserved for visual reasons.

In summary, the proposed subdivision has been designed to ensure that future development will not encroach into steep, natively vegetated areas, or result in any impacts to native vegetation due to brush management and fire safety concerns. The open space on the site will be permanently protected through recordation of an open space easement, and a brush management program. Therefore, the proposed project can be found consistent with Sections 30231 and 30240 of the Coastal Act, and the resource protection policies of the certified County LCP.

3. Resource Protection/Water Quality. Section 30231 of the Act 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 proposed subdivision involves construction of street and drainage improvements, and approximately 1,200 cubic yards of grading. Drainage from the site will flow towards El Camino Real, eventually reaching lagoon waters to the north or south. While there are no direct impacts to sensitive resources associated with the project, indirect impacts to water quality and surrounding biological resources can result from sedimentation and runoff

during construction and from an increase in impervious surfaces and pollutants associated with roads.

Coastal lagoons and waters in San Diego County have suffered from extensive siltation impacts, reducing the biological productivity of the lagoons. As such, the Commission has historically not permitted grading to occur during the rainy season (October 1 to April 1 of any year). In the case of the proposed development, the Commission finds it necessary to apply such a grading restriction, due to potential impacts on downstream resources. Special Condition #5 prohibits grading activities during the rainy season and requires that all permanent and temporary erosion controls be developed and installed prior to or concurrent with on-site grading activities and that all areas that are disturbed by grading shall be stabilized prior to the onset of the rainy season.

The road expansion proposed with the subject project would only result in a relatively small increase in impervious surfaces. However, when ten residences are constructed on the proposed lots, runoff from the streets is likely to contain oil, grease and other hydrocarbons as a result of the cars using the streets. These pollutants can be trapped and removed from run-off by the use of filtering devices placed at the end of drains or within catch basins. Accordingly, Special Condition #4 requires the applicant to implement a polluted run-off control plan that will filter and minimize contaminants (petroleum hydrocarbons and heavy metals) from entering coastal waters. The condition requires the use of Best Management Practices (BMP's) such as catch basins, drain filters, grassy swales, landscaping or other filtering devices to treat run-off from the proposed development. In addition, the applicant is required to maintain the polluted run-off system to ensure that debris and other pollutants are removed on a regular basis and especially prior to the onset of the rainy season (October 1<sup>st</sup>). The applicant is proposing to install catch basins, which can be outfitted with filtration devices, and riprap dissipaters near El Camino Real, which could serve as vegetated buffer strips. Since the development involves a private street, not a major roadway, the pollutant load is not expected to be substantial, and can be adequately treated with storm drain filtration devices and/or vegetated buffer strips. There are no sensitive biological resources on the site in the vicinity of the proposed driveway; however, to be certain the run-off control devices do not have any adverse impacts on environmentally sensitive habitat area, the condition prohibits any encroachment into steep or native habitat areas for the pollution control devices. With these conditions, the Commission is assured that all runoff generated by the proposed development will be treated to the maximum extent feasible.

Special Condition #7 is an advisory condition designed to let the applicant know that at the time individual structures are built, additional water quality measures will likely be required to reduce any potential impacts from development of those structures. Therefore, as conditioned, the proposed development will not result in adverse impacts to the biological productivity or quality of coastal waters, and the project can be found consistent with Section 30231.

4. Visual Resources. Section 30251 of the Coastal Act states, in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas...

The site is located on the eastern border of the Coastal Zone, adjacent to El Camino Real. At the time development of single-family residences occurs on the site, these developments would be somewhat visible from El Camino Real and the adjacent San Dieguito Park, but would not be visible from any lagoon or natural area. Nevertheless, the proposed non-combustible wall could present a stark visual contrast to the surrounding naturally-vegetated hillsides if it were painted in white or bright colors. Therefore, Special Condition #2 requires that the wall be constructed utilizing earthen tone construction materials for all exterior surfaces. To assure such a requirement is maintained in the future, Special Condition #2 also requires that a deed restriction be recorded against the property. In this way, future owners will be aware of the condition. Therefore, as conditioned, potential impacts on visual resources have been reduced to the maximum extent feasible, consistent with Section 30251 of the Coastal Act.

5. Local Coastal Planning. Section 30604 (a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The County of San Diego previously received approval, with suggested modifications, of its Local Coastal Program (LCP) from the Commission. However, the suggested modifications were never accepted by the County and therefore, the LCP was never effectively certified. While the LCP was never effectively certified and the standard of review for development in the unincorporated County of San Diego is Chapter 3 policies of the Coastal Act, the Commission does use the County LCP as guidance. The County designates this area for residential development as a maximum density of 1 dwelling unit per acre. The proposed development is consistent with that designation.

The project site is also located within the Coastal Resource Protection (CRP) Overlay area, which calls for the protection of steep naturally vegetated areas. As conditioned, the proposed project is consistent with the CRP provisions. As discussed above, the Commission finds that approval of the proposed development, as conditioned, will not adversely impact environmentally sensitive habitat areas and is consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that project approval will not prejudice the ability of the County of San Diego to obtain an effectively certified LCP.

6. California Environmental Quality Act (CEQA) Consistency. Section 13096 of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit to be supported by a finding showing the permit is consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the resource protection policies of the Coastal Act. Mitigation measures, including conditions which require the submittal of brush management plans, grading, drainage and erosion control plans and the recordation of open space deed restriction over the undisturbed steep and naturally vegetated areas of the site will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project 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.

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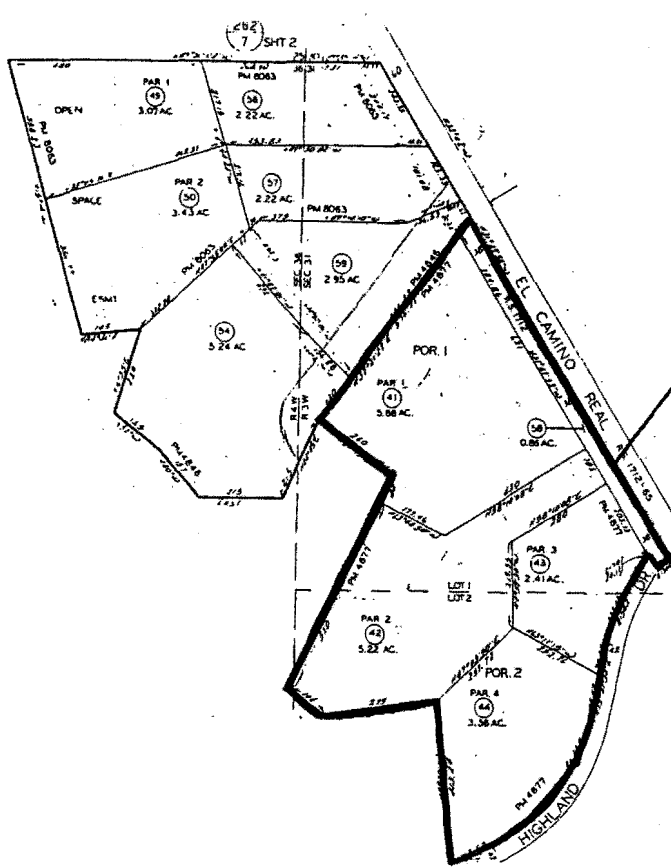
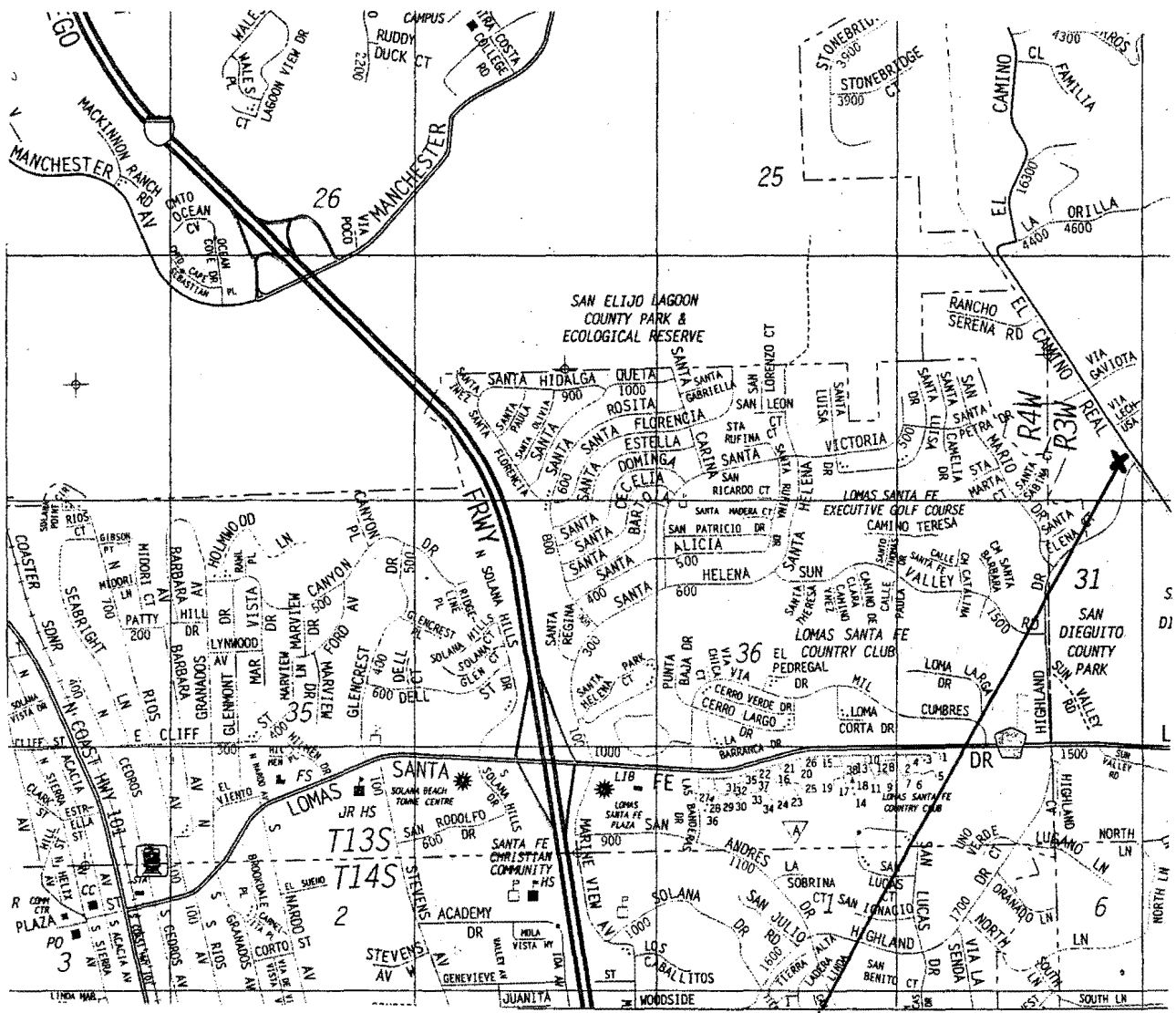
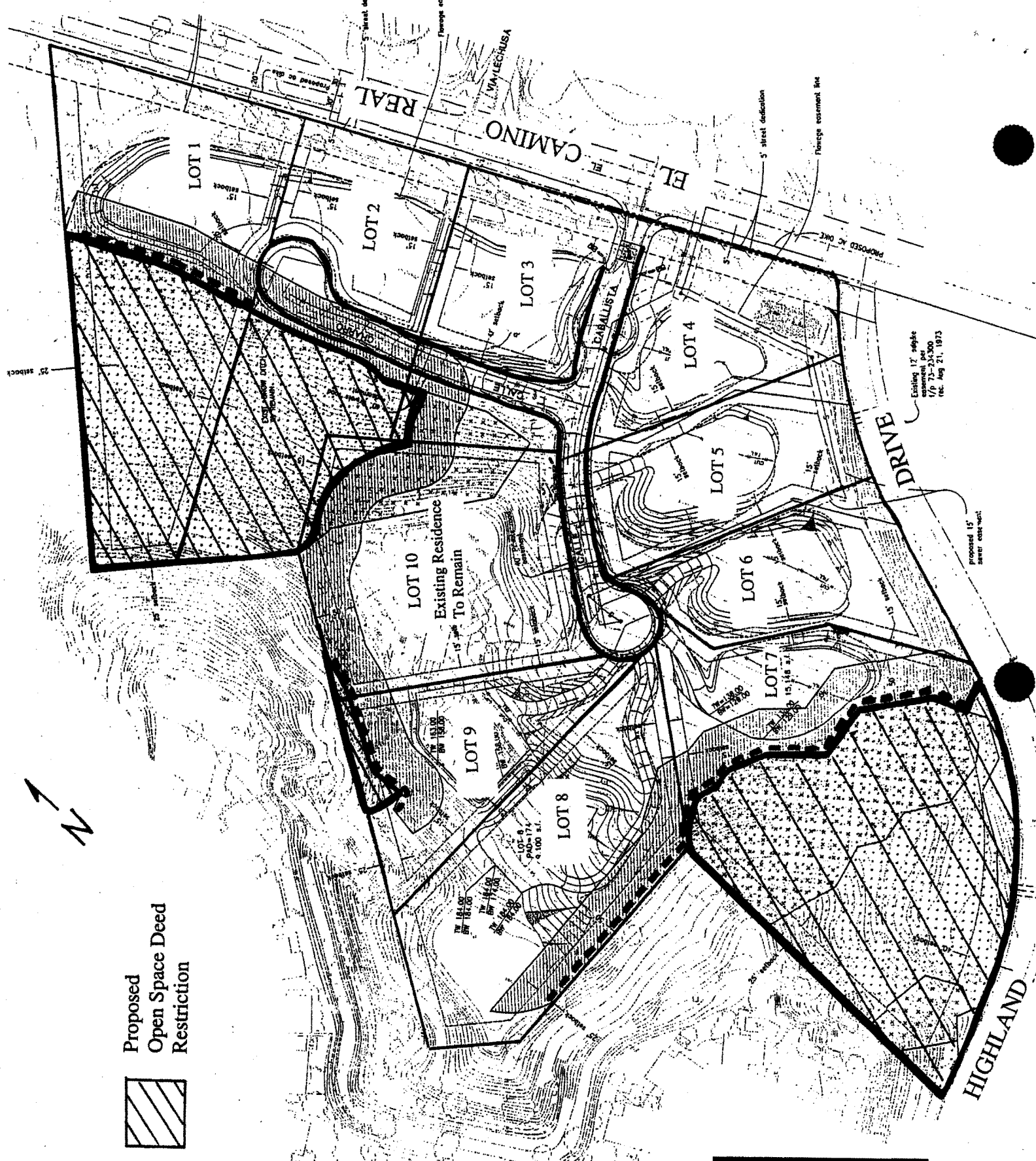


EXHIBIT NO. 1  
 APPLICATION NO.  
 6-99-148  
 Location Map

California Coastal Commission

Proposed  
Open Space Deed  
Restriction



Existing 17' setback  
replacement per  
1/6 73-233-300  
etc. Aug 21, 1973

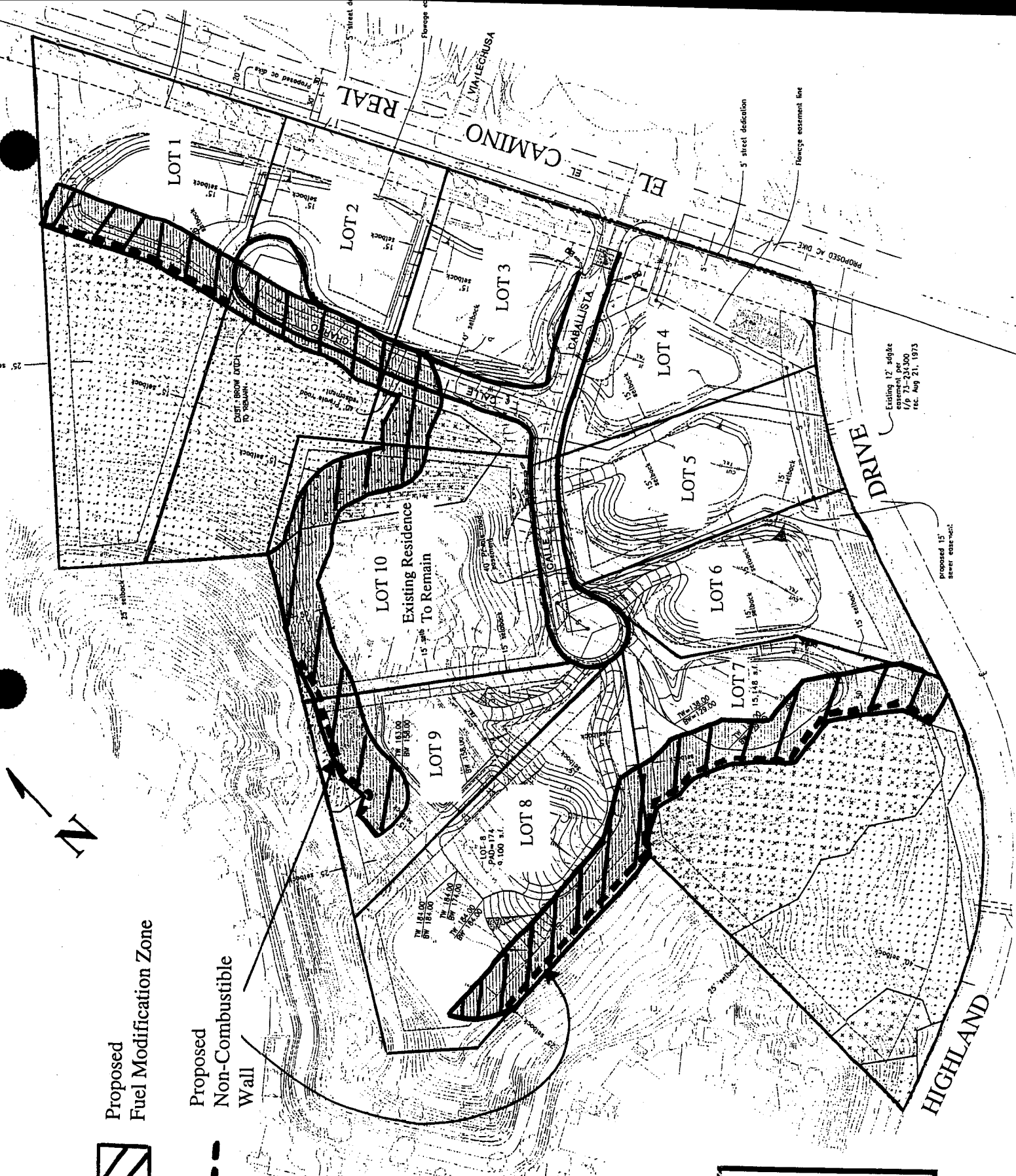
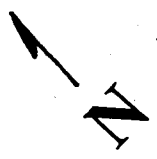
Proposed 15'  
setback

EXHIBIT NO. 2
APPLICATION NO.
<b>6-99-148</b>
Site Plan/Open Space
Deed Restriction
California Coastal Commission



Proposed Fuel Modification Zone

Proposed Non-Combustible Wall



Existing 12' setback assessment per 1/p 73-234.300 rec. Aug 21, 1973

Proposed 15' street easement

EXHIBIT NO. 3
APPLICATION NO.
<b>6-99-148</b>
Fuel Modification
Zone
California Coastal Commission

