

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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 SAN DIEGO, CA 92108-1725
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 Staff: DL-SD
 Staff Report: March 24, 2000
 Hearing Date: April 11-14, 2000

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-99-142

Applicant: Linda & Charles Brandes

Agent: Matt Peterson

Description: Construction of a 30-foot high, 38,936 sq.ft. single-family residence with a basement garage, a detached garage and tennis court on a 4-lot, 26.6 acre site.

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|--------------------|--------------------------------|
| Lot Area | 26.6 acres |
| Building Coverage | .8 acres (3%) |
| Pavement Coverage | 2.3 acres (9%) |
| Landscape Coverage | 15 acres (56%) |
| Unimproved Area | 8.5 acres (32%) |
| Parking Spaces | 26 |
| Zoning | Estate Residential |
| Plan Designation | Estate Residential 1 du/2-4 ac |
| Project Density | .04 du/ac |
| Ht abv fin grade | 30 feet |

Site: 15880 El Camino Real, Rancho Santa Fe, San Diego County. APN 268-220-23, 24, 25, 26.

Substantive File Documents: Certified County of San Diego Local Coastal Program; Recon, "Vegetation Map", 11/20/99; Letter from Recon, "Significant of the Wart-Stemmed Ceanothus", 12/23/99; CDP #6-89-51-A1, A2; 6-89-97-A1, A2.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed residence. There is no significant native vegetation on the site that would be impacted by the proposed development. The proposed structure, while unusually large, will be sited on a very large lot in an area

zoned and planned for estate residential, and will not adversely impact the character of the community. Special conditions require the provision of landscaping to protect the visual quality of the adjacent public park, 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 residential construction. With the conditions, no adverse impacts to coastal resources are anticipated.

The Commission's approval of two separate amendments related to this project is necessary for the proposed single-family residence to be approved. Currently, there are open space restrictions on the subject site required by two previous permits that would not allow the residential development to occur as proposed. Applications to amend the permits to remove the open space deed restrictions are being reviewed concurrently through CDP applications #6-84-233-A2 and #6-89-97-A2.

During the public hearing, the subject project should be trailed in or to allow the two amendments to be heard and acted upon before to this item.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-99-142 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.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Extinguishment of the Open Space Deed Restrictions. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, evidence that the open space deed restrictions on the subject site have been extinguished.

2. Brush Management Plan. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a brush management plan approved by the Rancho Santa Fe Fire Department, that indicates that no off-site clearing or grading is required for fire control purposes for the proposed development.

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

3. 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 building plans for the proposed project in substantial conformance with the preliminary site plan by Tri-Dimensional Engineering, Inc, submitted 11/10/99 and the building plans by Norm Applebaum dated 9/9/99. The final plans may deviate from the prior submitted plans to the extent changes are necessary to allow the applicant to avoid off-site brush clearing or thinning for fire management purposes, consistent with the plan required in Special Condition No. 2 of this permit.

The permittee shall undertake development in accordance with the approved final plans. 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.

4. 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 1st to April 1st of each year). All disturbed areas shall be replanted immediately following grading and prior to the beginning of the rainy season.
- b. All temporary and 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, and shall provide adequate coverage within 90 days.

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.

5. Drainage Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a drainage and runoff control plan documenting that the runoff from the roof, driveway and other impervious surfaces shall be collected and directed into pervious areas on the site (landscaped areas) for infiltration and/or percolation in a non-erosive manner.

The permittee shall undertake the 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.

6. Final Landscaping. 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 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. For visual purposes, special emphasis shall be placed on the treatment of the southwest border of the site adjacent to San Dieguito Park. Said treatment shall include the provision 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,
- b. All planting of the required screening trees shall occur 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 required screening trees materials shall be maintained in good growing condition. Any proposed changes to the required screening trees on approved final plans shall be reported to the Executive Director. No changes to the required screening trees on 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 shall be planted and maintained in accordance with Special Condition #6 and consistent with those plans approved with CDP #6-99-142. 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.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. The proposed project is construction of a 38,936 sq.ft. single-family residence on a 4-lot, approximately 26.6 acre site. The development includes an underground garage, a detached garage, a pool, a pond, and a driveway from El Camino Real. Currently, there is an existing single-family residence on the northern portion of the site, and an access driveway from Linea Del Cielo. The site is located between El Camino Real on the north and Linea Del Cielo on the south, in the unincorporated Rancho Santa Fe area of the County of San Diego. The site is adjacent to the San Dieguito County Park, a largely developed and landscaped recreational park to the west.

The site consists of 4 legal lots consisting of a 17-acre lot located south of El Camino Real, and 3 lots (3 acres, 3.3 acres, and 3.3 acres) adjacent to and south of the 17-acre lot, for a total of 26.6 acres. No consolidation of the lots is proposed. The majority of the proposed residence would be located towards the southern portion of the site, with substantial grading proposed on the northern portion to accommodate the proposed driveway off of El Camino Real. The existing access to the site off of Linea Del Cielo would remain. In total, 44,000 cubic yards of balanced grading is proposed.

In order to construct the proposed development, the removal of deed restrictions placed on the site through two previous permits is required. The request to remove the open space deed restriction, and demolish the existing residence on the 17-acre lot is being reviewed concurrently through CDP application #6-84-233-A2, and the request to remove the deed restrictions on the southern three lots is being reviewed through CDP application #6-89-79-A2. Since the proposed project would not be consistent with the existing open space restrictions, Special Condition #1 requires that the deed restrictions be extinguished prior to issuance of the subject permit. Thus, should the Commission not approve extinguishment of the deed restrictions, the proposed project could not be permitted.

Site History

The site has a considerable and complicated permit history. On June 13, 1984, the Commission approved CDP #6-84-233 for the construction of a single-family residence on a vacant 27-acre site. This site included the 26.6-acre site, plus an additional .4 acre area adjacent the site to the south. The project included a total of 17,615 square feet of building coverage, including a single-family residence with attached garage and maid's quarters, a detached three-bedroom guesthouse, and an access road. A total of 6,440 cubic yards of balanced grading was proposed and approved, in order to construct the access road from El Camino Real.

The permit for this proposal was approved subject to three special conditions. These included requirements for revisions to the building and grading plans to eliminate all grading on slopes greater than 25% grade and submittal of an erosion control plan. All areas located outside the area where development was approved were placed in open space, subject to an open space deed restriction. The deed restriction was recorded and the permit released, and the residence was constructed.

Subsequently, it was determined that the siting of the structures and the grading that actually occurred on the site was substantially different than the approved development. In essence, the entire site was developed, graded or landscaped. In May 1989, the Commission approved the development after-the-fact, finding that the areas that had previously been placed in open space had contained limited amounts of native vegetation and the development had not resulted in significant impacts to coastal resources (#6-89-51). Thus, the Commission found the development was consistent with the Coastal Act as built. However, the open space deed restriction placed on the site by CDP #6-84-233 was not removed from the site.

It was also determined that two additional developments had occurred without the benefit of a coastal development permit. First, a boundary adjustment was performed, effectively subdividing the 27-acre subject site into two lots: a 17-acre lot adjacent to El Camino Real, and a 10-acre lot located to the south. All of the physical improvements approved in CDP #6-89-51 including grading, construction of the house, stables, etc. had been constructed on the 17-acre portion of the original parcel, and the boundary adjustment was approved after-the-fact through CDP #6-89-51.

The owner of the 27-acre site had also purchased a 3-acre lot south of and adjacent to the original 27-acre parcel. The second additional after-the-fact-development involved the re-subdivision of the 10-acre parcel and the 3-acre lot into four lots, resulting in four lots consisting of approximately 3 acres, 3 acres, 3.3 acres, and 3.4 acres. Due to the complexity of the various development actions, and the sale of the 13-acre site to parties not connected to the original project applicant for either CDP #6-84-233 or CDP #6-89-51, the after-the-fact subdivision was reviewed under a separate permit, CDP #6-89-97. In January 1990, the Commission approved CDP #6-89-97, with a special condition requiring that an 80-foot wide open space deed restriction be placed on the north and northwest boundaries of the site, on the approved Lots 1 and 3. Special Conditions also required the removal and relocation of the Western Dichondra located on the subject site, and recordation of a deed restriction notifying future property owners that future development on the site requires a coastal development permit. In March 1991, a non-material amendment was approved allowing an extension of the 90-day time limit for compliance with the conditions requiring recordation of deed restrictions (CDP #6-89-097-A1). The conditions were met and the permit released.

The subject site consists of four lots: the 17-acre parcel and the 3-acre, 3.3-acre, and 3.4-acre lots (Lots 1 through 3 of the 13-acre subdivided parcel). The applicant now owns all of the subject lots. In March 1998, the Commission approved CDP #6-98-4 for construction of a 8,660 sq.ft. single-family on the 3.4-acre Lot 4 (APN 268-220-27). The development has occurred on this site, and the lot is not included in the subject project. Other permit action on the project site includes CDP #6-97-38, approved in May 1997, for construction of 9,466 sq.ft. single-family residence on the approved Lot 1 (APN 268-220-24). However, the Special Conditions on the project were never met and construction did not occur. The permit has since 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 30240 of the Coastal Act is applicable to the proposed project 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.

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 regulates the development of naturally-vegetated slopes in excess of 25% grade in order to reduce or avoid impacts to sensitive habitat, natural landforms, and downstream resources from sedimentation and erosion. The CRP overlay also invokes the Scenic Area regulations.

The proposed project involves construction of an estate-style single-family residence. The subject site is located in an area that is designated with the CRP overlay zone special designator in the County LCP's zoning ordinance. The site was afforded this status due to the presence of naturally occurring chaparral/coastal sage scrub slopes in the general area and due to the fact that the site drains to a small drainage course which leads to San Elijo Lagoon.

As described above, there have been a number of past permit actions on the subject site that have assessed the biological quality of the site. In its approval of CDP #6-89-51, the Commission acknowledged that there was little native habitat on the subject site when the open space deed restriction was originally placed on the site, and therefore authorized the build-out of the northern, 17-acre portion of the site (see #6-84-233-A2 for a more detailed account).

The applicants have also submitted a current biological survey for southern portion of the site. The report notes that eucalyptus woodland vegetation covers all non-paved areas of the site, including eucalyptus trees and other non-native plants. Isolated native plants also appear sporadically around the site, but their presence and indeed, any type of understory vegetation is very limited, most likely due to the prevalence of the eucalyptus trees. This assessment is consistent with the last biological survey performed on the site in 1989 for CDP #6-89-97, which approved the subdivision of the site. The current survey did identify two sensitive plant species, a single wart-stemmed ceanothus in the middle of the site, and a cluster of four coast barrel cactus near the eastern boundary of the project site. However, these plants are unlikely to spread and survive in the eucalyptus woodland setting. The Commission's ecologist has reviewed the biological survey and has determined that these plants do not constitute an environmentally sensitive habitat area (ESHA) and that their loss is not significant. Therefore, given that there are only a few individual plants, that the plants are isolated and not likely to survive and spread, the Commission finds that the these few isolated plants do not constitute

ESHA and that their removal is not a significant adverse environmental effect. Thus, the proposed development will not have any direct impact on sensitive biological habitat and does not raise an issue of consistency with Coastal Act section 30240.

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. However, this requirement can be reduced or altered depending on the topography of a particular site, the proposed building material, and/or the presence of fire walls.

There is no sensitive vegetation on the subject site that could be impacted by clearing for fire safety purposes, but there could be impacts on vegetation on adjacent sites, if off-site clearing were required. The residence and detached garage are proposed to be located near the middle of the lot, no closer than approximately 180 feet from the western property line adjacent to the San Dieguito Park. Thus, no impacts to any sensitive vegetation on the public park property are anticipated, since up to 180 feet of vegetation around the residence could be cleared without encroaching on park property.

A small corner of the proposed residence would be located as close as 89 feet to the eastern property line. The adjacent lot to the east is a private lot, not a preserve, however, the site has not been specifically surveyed for the presence of sensitive vegetation, and thus, there is some potential that sensitive vegetation could be impacted if the fire department required clearing on this lot. Therefore, Special Condition #2 requires the applicant to submit a brush management program approved by the Rancho Santa Fe Fire Department that does not require any off-site clearing or grading. Given that the only habitable structure proposed closer than 100 feet from the surrounding lots, is a small corner of the residence, it is anticipated that this condition can be easily satisfied by a minor building redesign, alterations to the building material, or construction of a fire wall, if necessary. Such minor redesigns do not have the potential to adversely impact coastal resources. Special Condition #3 requires the applicant to submit final site and building plans approved by the County of San Diego. These final plans must be consistent with the plans submitted with the application (i.e., site plan by Tri-Dimensional Engineering Inc., submitted 11/10/99 and building plans by Norm Applebaum dated 9/9/99). However, these site and building plans may be revised as described above in order to avoid the need for off-site brush management. The applicant could also perform a brush survey of vegetation on the property to the east and, if there is no sensitive vegetation on the site, seek an amendment to this permit to allow for off-site brush management in this location.

In summary, there are no sensitive coastal resources on the site that will be adversely impacted by the proposed residence. As conditioned to require a brush management program with no off-site clearing, no impacts to off-site vegetation will occur. Therefore, the proposed project can be found consistent with Section 30240 of the Coastal Act, and the resource protection policies of the certified County LCP.

3. Runoff/Water Quality. 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...

Although 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 buildings and roads. Stormwater run-off from this site eventually drains into San Elijo Lagoon. During construction, graded areas can cause runoff to carry sediments into the stream and thus into the lagoon. Similarly, after the residence, driveway and associated improvements are constructed, runoff can carry oil, grease, and other pollutants associated with automobiles and residential use into the stream and subsequently the lagoon.

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 #4 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.

While the proposed structure is large, the subject site is also large, and will be heavily landscaped. Therefore, in order to reduce the potential for adverse impacts to water quality resulting from drainage runoff from the proposed development, Special Condition #5 has been attached. The condition requires that runoff from the roof, driveway and other impervious surfaces be directed into the landscaped areas on the site for infiltration and/or percolation, prior to being collected and conveyed off-site. Directing on-site runoff through landscaping for filtration of on-site runoff in this fashion is a well-established Best Management Practice for treating runoff. The landscaping will serve to reduce any impacts to water quality from the project to insignificant levels. 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/Community Character. 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. Although the proposed residence is extremely large, it will be located below street level, reducing the structure's visual prominence from surrounding streets. In addition, the area is zoned and designated for estate residential development, and the structure will not adversely impact the character of the community. The site and the proposed structure will be visible from portions of the adjacent San Dieguito Park. A preliminary landscape plan submitted by the applicant indicates that a substantial amount of landscaping will be provided on the site, including numerous trees over the entire site. In order to ensure that views of the structure from the adjacent recreational area are minimized, Special Condition #6 requires the planting of trees along the border of the site shared with the park. To assure such a requirement is maintained in the future, Special Condition #6 also requires that the condition be recorded as a deed restriction so that future owners will be aware of the requirements to maintain the trees as a visual buffer. Therefore, as conditioned, potential impacts on visual resources have been reduced to the maximum extent feasible, and the Commission finds the proposal consistent with Section 30251 of the 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 estate residential development as a maximum density of 1 dwelling unit per 2-4 acres. 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.

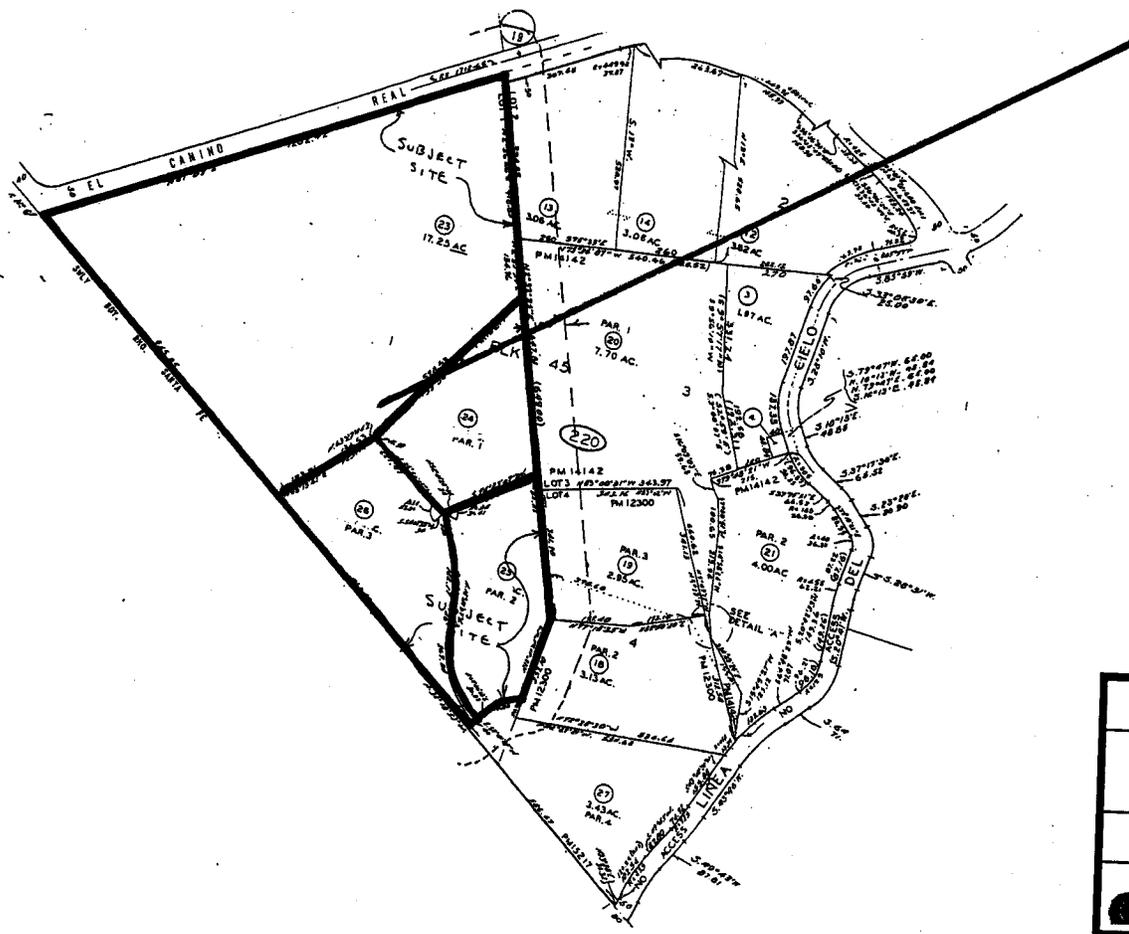
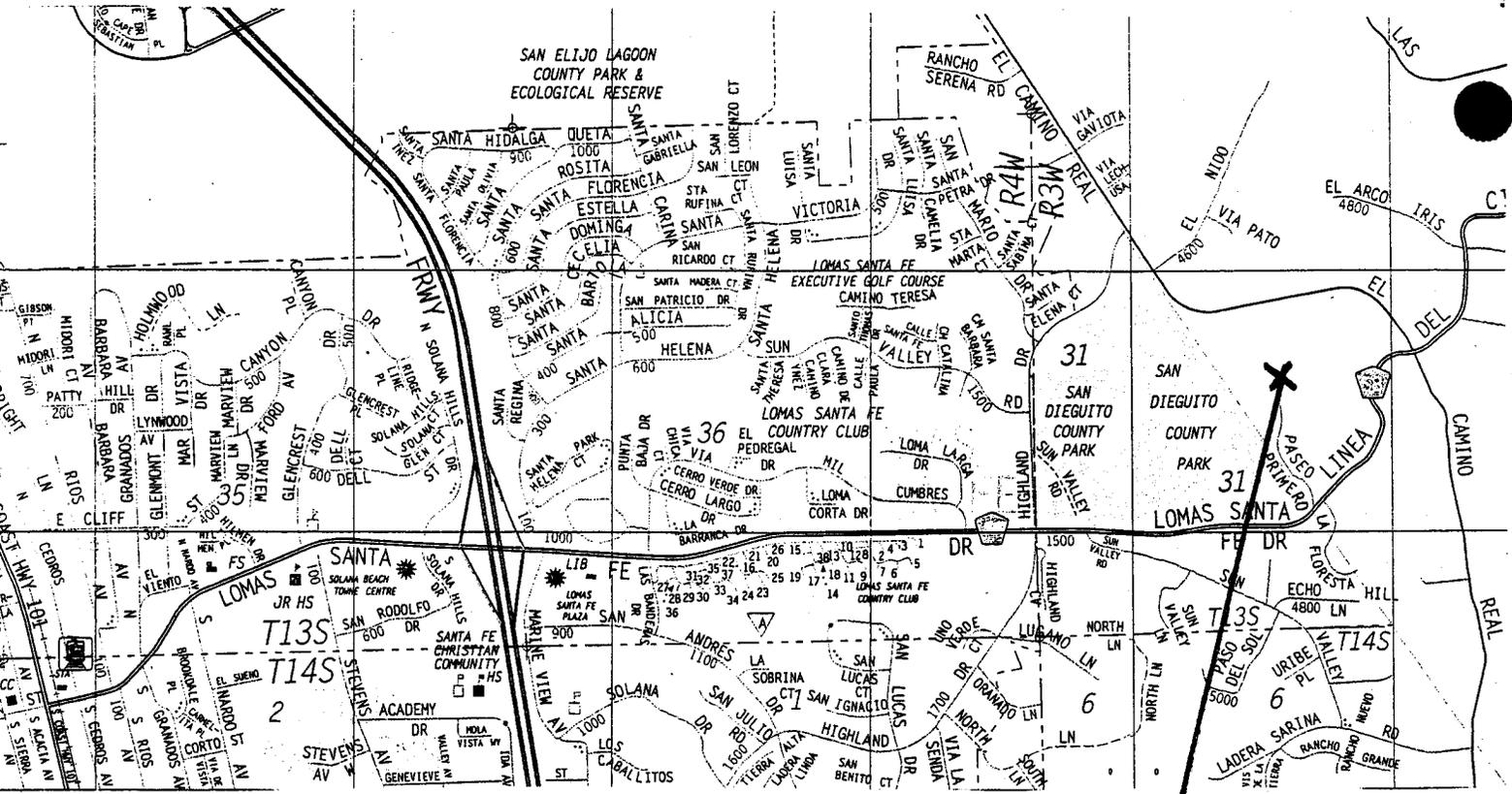
6. California Environmental Quality Act (CEQA) Consistency. Section 13096 of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit to be supported by a finding showing the permit is consistent with any applicable requirements of the California Environmental 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 grading, drainage, brush management, and erosion control plans, 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:

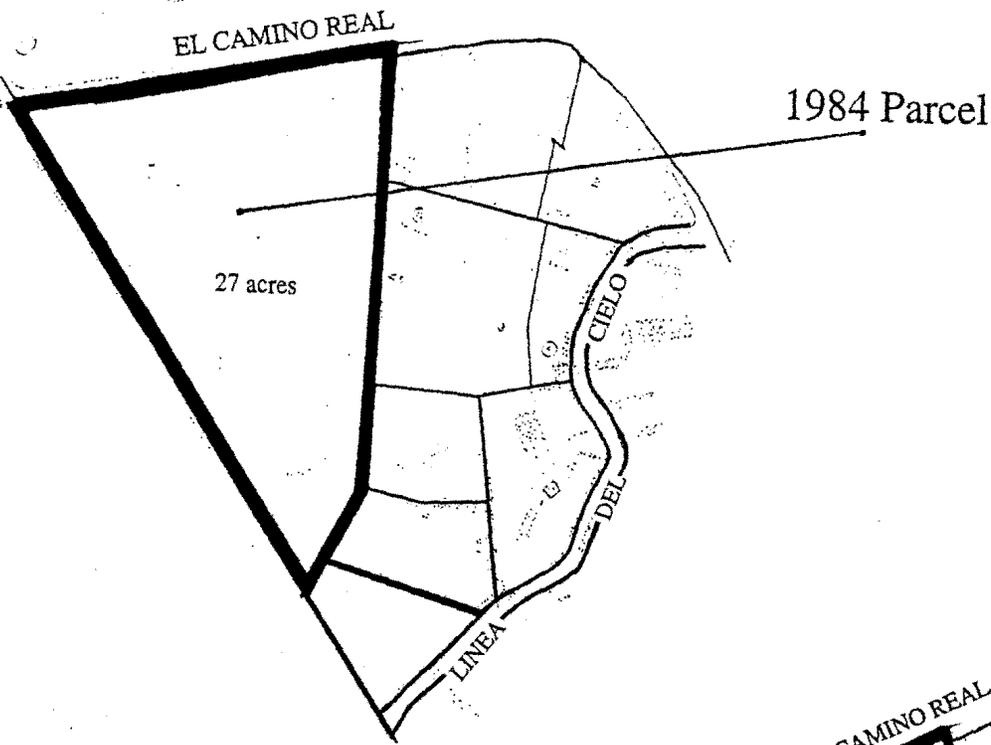
1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. 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.

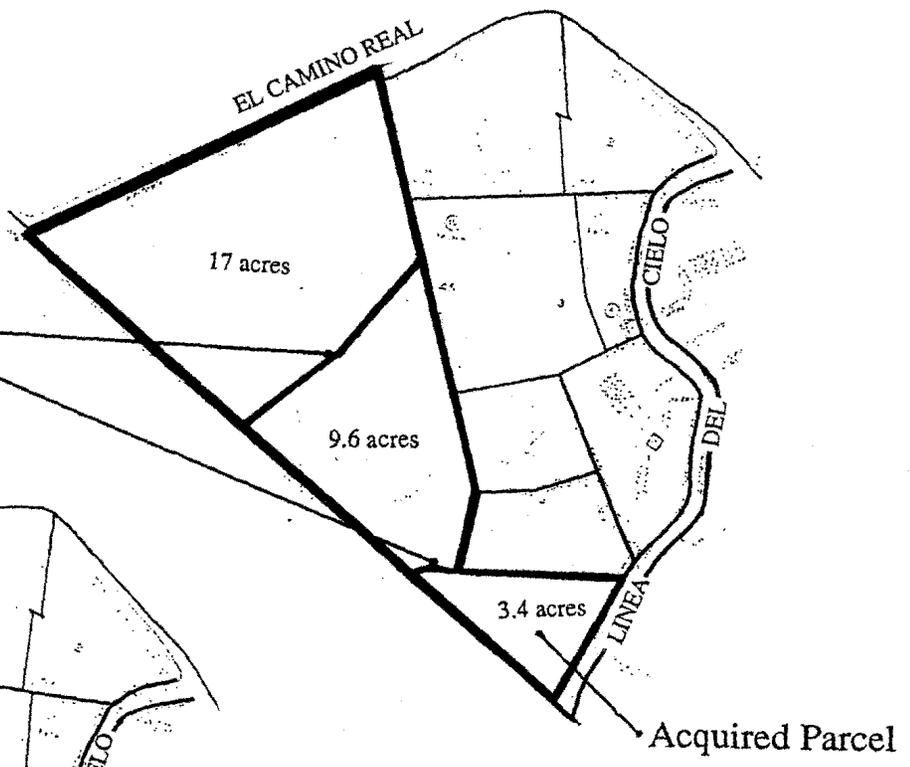


SITE

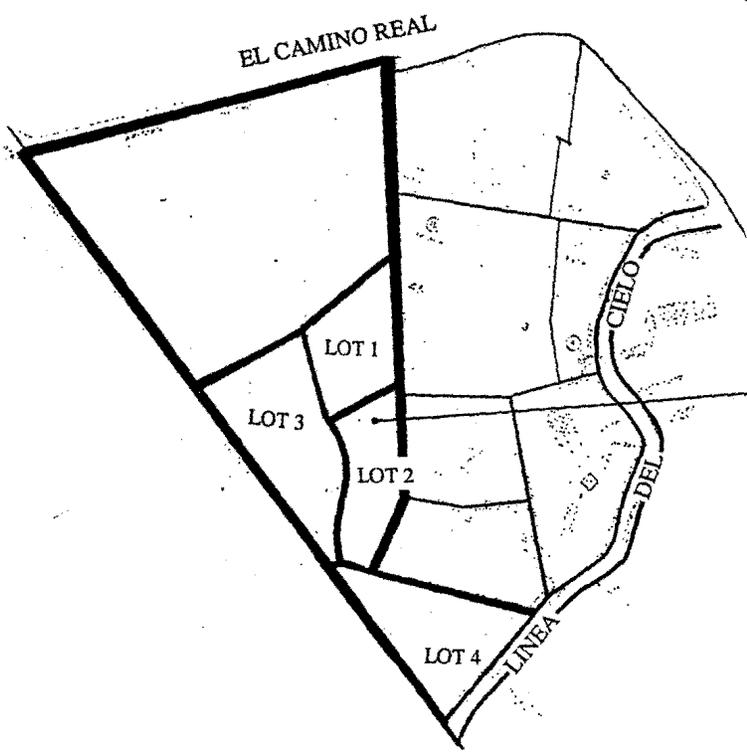
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| EXHIBIT NO. 1 |
| APPLICATION NO. |
| 6-99-142 |
| Location Map |
| California Coastal Commission |



Boundary Adjustment/Lot Split

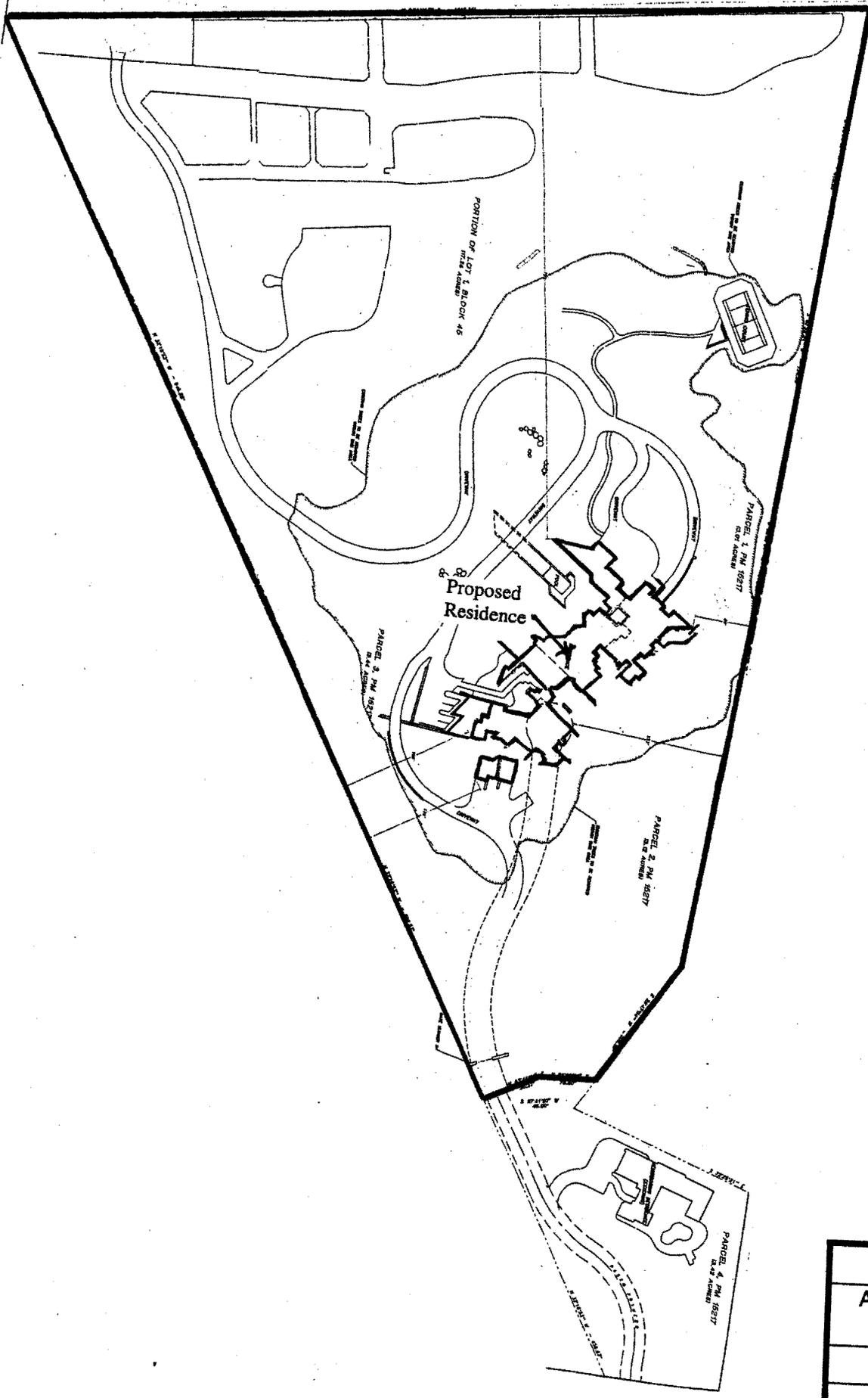


Subdivision



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| EXHIBIT NO. 2 |
| APPLICATION NO. |
| 6-99-142 |
| Site History |
|  California Coastal Commission |

EL CAMINO REAL



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| EXHIBIT NO. 3 |
| APPLICATION NO. |
| 6-99-142 |
| Site Plan |
|  California Coastal Commission |

LINEA DEL CIELO