

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

7575 METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4421

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 Staff: DL-SD
 Staff Report: March 19, 2003
 Hearing Date: April 8-11, 2003.

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-02-99

Applicant: Arcoiris Holdings, LLC

Agent: Samuel Karp

Description: Construction of an approximately 9,680 sq.ft. one-story single-family residence with an attached 1,170 sq.ft. garage; a detached guesthouse and pool on a vacant 4.12-acre lot.

Lot Area	179,467 sq. ft. (4.12 acres)
Building Coverage	10,200 sq. ft. (6%)
Pavement Coverage	20,500 sq. ft. (11%)
Landscape Coverage	127,267 sq. ft. (71%)
Unimproved Area	21,500 sq. ft. (12%)
Parking Spaces	4
Zoning	RR
Plan Designation	RR (.35 dua)
Project Density	0.2 dua
Ht abv fin grade	20 feet

Site: 17539 Rancho La Noria Drive, (Lot 5) Rancho Santa Fe, San Diego
 County APN 266-040-23.

STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed project, subject to several special conditions. The primary issues raised by the proposed development relate to protection of sensitive biological resources. A small corner of the site contains wetland vegetation. As conditioned, an open space restriction will be placed over the portion of the site containing wetland vegetation and a wetland buffer. Thus, as conditioned, the proposed project will not result in any encroachment into the open space area. Special conditions require final drainage plans requiring runoff to be directed into pervious surfaces, such as landscaping, prior to being discharged off-site; grading plans with detailed erosion

control measures; and a final landscape plan that restricts landscaping to drought-tolerant, non-invasive vegetation. As conditioned, no impacts to any coastal resources will result from the project proposal.

Substantive File Documents: Jurisdictional Wetland Delineation Report for Lot 5 of the Rancho La Noria Project, by Merkel & Associates, Inc., revised 2/11/03; CDPs #6-98-46; #6-98-55; #6-01-98; previously certified County of San Diego Local Coastal Program.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-02-99 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. Open Space Restriction. No development, as defined in section 30106 of the Coastal Act shall occur in the area generally described as the delineated wetlands and 100-foot surrounding buffer area located on the northern portion of the subject site as depicted in an exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit except for:

- a. Within the 100-foot buffer area, fuel modification consisting of the removal of dead woody debris and replacement of dead plant material with fire resistant native plants.
- b. Fencing to demarcate the southern extent of the buffer area and the developable portion of the site may be installed on the site.

PRIOR TO ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOI FOR THIS PERMIT, the applicant shall submit for the review and approval of the Executive Director and, upon such approval, for attachment as an Exhibit to the NOI, a formal legal description and graphic depiction of the portion of the subject property affected by this condition, as generally described above and shown on Exhibit #3 attached to this staff report.

2. 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, floor and elevation plans for the permitted development that have been approved in writing by the County of San Diego. Said plans shall be in substantial conformance with the plans designed by G. Stone and drawn by Msilva. The plans shall specifically document either graphically or through written notes on the plans the following:

- a. The delineated wetlands on the northern portion of the site, and a 100-foot buffer area surrounding the wetlands. No structures, grading, or other improvements including fences, patios, walkways are permitted within the wetlands or buffer area, other than a temporary drip irrigation system may be located in the buffer area no closer than 20 feet from the boundary of the wetland. Fencing to demarcate the southern extent of the buffer area and the developable portion of the site may be installed on the site.
- b. The 100-foot wide fuel modification zone required by the Rancho Santa Fe Fire Department shall be depicted on the plans and stamped approved by the Fire Department. No portion of the fuel modification zone shall encroach within the delineated wetlands.
- c. Within the 100-foot wetland buffer area, fuel modification consisting of the removal of dead woody debris and replacement of dead plant material with fire resistant native plants is permitted. No additional landscaping is permitted in the buffer area.

d. Per the requirements of the Rancho Santa Fe Fire Department, the 100-foot wide fuel modification zone shall be maintained on an as needed basis. Maintenance includes the removal of dead woody debris and the replacement of dead plant material with native plants.

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 legally required.

3. Final Drainage Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final drainage and runoff control plans that have been approved in writing by the County of San Diego. The plans shall show the open space restricted area; no drainage or other runoff control facilities are permitted in the open space area. The plans shall specifically document either graphically or through written notes on the plan that the runoff from the roof, driveway and other impervious surfaces will be directed into pervious areas on the site (landscaped areas) for infiltration and/or percolation, prior to being conveyed off-site 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 legally 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 and grading schedule that are in substantial conformance with the plans submitted with this application by San Dieguito Engineering, received by the Commission on November 13, 2002. The plans shall contain written notes or graphic depictions demonstrating that that all permanent and temporary erosion control measures will be developed and installed prior to or concurrent with any on-site grading activities and include, at a minimum, the following measures:

a. Placement of a silt fence around the project anywhere there is the potential for runoff. Check dams, sand bags, straw bales and gravel bags shall be installed as required in the County's grading ordinance. Hydroseeding, energy dissipation and a stabilized construction entrance shall be implemented as required by the County. All disturbed areas shall be revegetated after grading. Where small incremental amounts of daily grading are required; the site shall be secured daily after grading with geotextiles, mats and fiber rolls. Concrete, solid waste, sanitary waste and hazardous waste management BMPs shall be used.

b. Demonstration that all on-site temporary and permanent runoff and erosion control devices are installed and the County of San Diego Engineer has determined that all measures are in place to minimize soil loss from the construction site.

c. If grading is to occur during the rainy season (October 1st to April 1st) of any year, the applicant shall submit to the Executive Director for review and written approval, a program for monitoring the condition of erosion control devices and the effectiveness of the erosion control program. The monitoring program shall include, at a minimum, monthly reports beginning one month from the date of Commission action on this permit approval, continuing to April 1st. The reports shall be completed by a licensed engineer and shall describe the status of grading operations and the condition of erosion control devices, including temporary and permanent desilting basins. Any potential modifications to the approved grading schedule shall be indicated. Maintenance of temporary erosion control measures is the responsibility of the applicant, including replacement of any devices altered or dislodged by storms. Desilting basin maintenance, including removal of accumulated silt, shall occur prior to the onset of the rainy season and on an as-needed basis throughout the season.

d. No grading erosion control measures shall be installed with the open space restricted area.

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

5. Final Landscape Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a final landscape plan. The landscape plan shall show the deed restricted open space area required by Special Condition #1. No grading or removal of vegetation is permitted within the open space area, except for the fuel modification allowed in the buffer area as described in Special Condition #1. Said plans shall contain written notes stating and/or providing the following requirements:

a. The installation of plant materials within the wetland buffer shall consist only of non-invasive native, drought-tolerant, fire-resistant materials. The plan shall also indicate the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features on the site. The plan shall specifically provide that the irrigation system within the buffer area is a drip-system, located no closer than 20-feet from the boundary of the wetland, and that the irrigation system shall be capped one year after installation.

- b. The 100-foot wide fuel modification zone required by the Rancho Santa Fe Fire Department shall be depicted on the landscape plans and stamped approved by the Fire Department.
- c. The installation of plant materials on the remainder of the site shall consist only of drought-tolerant native or non-invasive plant materials.
- d. A planting schedule that indicates the planting plan will be implemented within 60 days of completion of construction.
- e. A written commitment by the applicant that all required plantings will be maintained in good growing condition, and whenever necessary, will be replaced with new plant materials to ensure continued compliance.
- f. A written commitment by the applicant that five years from the date of the receipt of the Certificate of Occupancy for the residence, the applicant will submit for the review and written approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.
- g. If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

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

7. Deed Restriction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property.

The deed restriction shall include a legal description of the applicant's entire parcel or parcels. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. The proposed project is for construction of an approximately 9,680 sq.ft. one-story single-family residence with an attached 1,170 sq.ft. garage; a detached guesthouse and pool on a vacant 4.12-acre lot. The project also includes approximately 500 cu yards of balanced cut and fill grading.

The project site is located on the north side of Rancho La Noria, west of La Noria, approximately 2 miles east of Interstate 5, south of La Bajada, in Rancho Santa Fe, an unincorporated community in San Diego County.

There have been several past permits on the subject site. In June 1998, the Commission approved CDP #6-98-46 for the construction of an approximately 820-foot long private road to provide access to the subject site and three other lots near the subject site. CDP #6-98-55 was approved on July 8, 1998 for a boundary adjustment between the subject site and the three lots. In addition, in August 2001, the Commission approved construction of a single-family home and guesthouse on the adjacent lot to the east of the subject site (CDP #6-01-38).

The project site is located within the unincorporated County of San Diego. Chapter 3 policies of the Coastal Act are the standard of review.

2. Environmentally Sensitive Habitat Area/Hazard. Section 30231 of the Coastal 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.

Section 30233 states, in part:

(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...

(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 30240 of the Coastal Act states the following:

(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.

Escondido Creek lies to the northwest of the site. The site has historically been used for horse ranching and there is some history of development on the site including old horse paths, non-native landscaping, minor remnants of building structures, and a small artificially created slope on the northern part of the property. Due to the proximity of the subject site to creek, the applicant conducted a wetlands delineation on April 18, 2001, and updated the delineation on February 4, 2003. The survey found a small, approximately .06-acre area of non-tidal alkali marsh habitat on the northern portion of the site (see Exhibit #3). The area is part of a larger off-site wetland area. The wetland area on-site is sparsely vegetated and is not expected to substantially support wildlife species or affect the species inhabiting the off-site habitat.

Nevertheless, even remnant wetland vegetation has some habitat value, particularly when connected to a larger wetland area, and is protected under the Coastal Act. The California Department of Fish and Game (DFG) identifies the nearby creek and surrounding wetlands as environmentally sensitive habitat areas. Riparian habitat is important not only for wetland-associated species but is also used as a corridor for wildlife movement through the area.

The Commission's ecologist has reviewed the biological survey and determined that in addition to protecting the wetland vegetation itself, a 100-foot buffer separating the wetlands from development is necessary to minimize impacts to the sensitive resource. This intervening space will act as a distance barrier between human activity and the resource, as well as a transitional habitat area for species using the environmentally sensitive habitat area. The buffer will also reduce the potential for adverse impacts associated with future development of this site (i.e., runoff and siltation associated with grading and site preparation, construction debris, debris generated by residential use, etc.).

Therefore, Special Condition #1 requires the applicant to restrict development in the wetland and an area extending 100 feet upland of the wetlands boundary. The open space restriction area prohibits the erection of any structures or grading within the wetland or wetland buffer, except that fencing to demarcate the southern extent of the buffer area and the developable portion of the site shall be permitted to be installed on the site. In addition, landscaping in the buffer area with drought-tolerant, native, fire-resistant plant species shall also be permitted to prevent the invasion of noxious, invasive plant species in the buffer area. In order to successfully establish the new native plants within the buffer area, a temporary, drip irrigation system may be installed no closer than 20 feet from the edge of the wetlands (to minimize fresh water runoff into the alkali marsh vegetation). This irrigation system must be capped one year after installation, which should allow adequate time for the native vegetation to be established, while preventing the long-term in-flux of fresh water into the adjacent wetlands.

The Rancho Santa Fe Fire Department has reviewed the project and determined that a 100-foot fuel modification zone is required around the proposed structure. The Department requires maintenance of the fuel modification zone consisting of the removal of dead woody debris and the replacement of dead plant material on an as-needed basis.

A portion of this fuel modification zone overlaps the 100-foot wetland buffer. The Commission's ecologist has determined that the removal of dead plant material and the replacement with native, fire-resistant plants is compatible with the protection of the wetland, and is appropriate within the buffer area. Therefore, Special Condition #1 allows maintenance of the fuel-modification zone within the wetland buffer. Special Condition #2 requires the submittal of final plans that demonstrate no encroachment into the open space restricted area. The current plans show a portion of a patio within the 100-foot buffer area, and this will have to be pulled back or modified to avoid encroachment into the buffer.

In the past in San Diego County, the Commission has typically restricted grading, particularly large scale grading projects, to that time of year when erosion and transport of sediment to lagoons or other sensitive resource areas is least likely to occur. That is, the Commission has restricted grading during the winter months. Historically, the Commission has allowed exceptions to the winter grading restriction, but only until November 15, and only if mass grading has been completed prior to October 1 and the site has been secured with temporary and permanent erosion control measures. However, due to technological advances and a better understanding of the importance of erosion control measures, many of the local jurisdictions in San Diego County have new grading ordinances that include detailed erosion control provisions. As such, limiting grading to the non-rainy months is no longer necessary (in most cases) or required by many of the local jurisdictions in San Diego County.

The County of San Diego has also revised their ordinances to not require a rainy season moratorium in coastal San Diego County and has recently adopted new erosion control provisions that assure that off-site sedimentation impacts will be minimized. In this case, while the site drains directly to Escondido Creek, both permanent and temporary erosion control measures are required. Erosion control required by the County consists of placement of a silt fence around the project anywhere there is the potential for runoff. Check dams, sand bags, straw bales and gravel bags installed as required in the County's grading ordinance. Hydroseeding, energy dissipation and a stabilized construction entrance shall be implemented; all disturbed areas shall be revegetated after grading. Where small incremental amounts of daily grading are required; the site shall be secured daily after grading with geotextiles, mats and fiber rolls. Concrete, solid waste, sanitary waste and hazardous waste management BMPs shall be used.

Special Condition #4 requires the submittal of final grading and erosion control plans documenting that these measures will be carried out. Staff has reviewed the measures and has found that, as required, sedimentation impacts off-site will be minimized.

Special Condition #4 also requires the applicant maintain the erosion control measures to assure the success of the proposed winter erosion control program. The conditions require submittal of monthly monitoring reports describing the current status of the grading operations, the conditions of the erosion control devices and any needed repairs or maintenance of the devices. This condition is proposed to ensure maximum protection of the adjacent sensitive biological resources of Escondido Creek.

The Commission finds that in this particular case, allowing grading to occur during the winter months will not adversely impact environmentally sensitive habitat areas because the site is not directly adjacent to Escondido Creek, is relatively flat and minimal grading is proposed. In addition, detailed erosion control measures will be implemented that assure downstream resources will be protected. Therefore, the Commission finds that the subject permit amendment, as conditioned, is consistent with the resource protection policies of the Coastal Act.

While no sensitive vegetation would be directly impacted by the proposed single-family residence, pool, patios, and guest house, Special Condition #5 requires non-invasive plants be used in the proposed landscaping of the site to avoid potential indirect adverse effects to nearby sensitive resources within San Elijo Lagoon and its environs. Therefore, as conditioned, the proposed residential development does not involve impacts to any sensitive upland habitat or wetlands, and the Commission finds the proposed project consistent with Section 30240 of the Coastal Act.

Special Condition #7 requires the applicant to record a deed restriction imposing the conditions of this permit as covenants, conditions and restrictions on the use of the project to ensure future property owners are aware of the restrictions.

In summary, the subject site is located near Escondido Creek and includes wetland resources on-site. As conditioned, the wetland resources will be protected in open space and no impacts to biological resources will occur. The requirement for establishment of a 100-foot buffer from the wetland will ensure that the development proposed adjacent to environmentally sensitive habitat does not degrade those areas. Thus, the Commission finds the project consistent with the Sections 30231 and 30240 of the Coastal Act regarding protection of environmentally sensitive resources

3. Runoff/Water Quality. Section 30231 of the Coastal Act is applicable to the proposed development 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 proposed residential construction will occur on a site that is located approximately 1/8 mile from Escondido Creek, and a small area that contains wetlands.

Section 30231 and 30240 of the Coastal Act also require that new development be designed to minimize the adverse impacts of sediments and polluted runoff that enter

sensitive habitat areas. Because the subject site is located close to Escondido Creek and upland of San Elijo Lagoon, all runoff from the development site will eventually enter into the lagoon. In order to reduce the potential for adverse impacts to water quality of nearby wetlands resulting from drainage runoff from the proposed development, Special Condition #3 is 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 conveyed off-site. Directing runoff through landscaping is a well-established BMP for treating runoff from developments such as the subject proposal. As conditioned, the proposed development will serve to reduce any impacts to water quality from the project to insignificant levels, and the Commission finds that the project is consistent with Section 30231 of the Coastal Act regarding the protection of water quality.

4. Visual Resources. Section 30251 of the Coastal Act is applicable 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...

Section 30251 of the Coastal Act requires that the scenic and visual qualities of coastal areas be considered and protected and that development be sited and designed to protect views along scenic coastal areas. The proposed project site is located well inland and far removed from San Elijo Lagoon, which is located southwest of the site. The proposed home will not be visible from any scenic roadways or recreational areas, is not located on steep slopes, and does not require substantial alteration of natural land forms. Additionally, the subject residence is compatible in size and scale with the pattern of development in the subject area. As such, the project will not adversely impact the visual quality of the area, and is consistent with Section 30251 of the Act.

5. Public Access. The project site is located west of La Noria, which is designated as the first public roadway in this area. As the proposed development will occur between the first public roadway and the sea (San Elijo Lagoon in this case), a public access finding must be made that such development is in conformity with the public access and public recreation policies of the Coastal Act.

While the proposed development is located well inland of the coast, public access and recreational opportunities in the form of hiking do exist in the area, providing access into San Elijo Lagoon Ecological Reserve and Regional Park. However, there are currently no such publicly used or accessible trails existing on the subject site, and the proposed development will not impede access to the lagoon over that which currently exists. Therefore, the proposed development would have no adverse impacts on public access opportunities, consistent with the public access policies of the Coastal Act.

6. 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, as conditioned, such a finding can be made.

The subject site is planned and zoned for large-lot residential development at a density of .35 dwelling units per acre in the certified County of San Diego Local Coastal Program, which the Commission uses for guidance in review of development in this area. The subject site is consistent with designation. As conditioned, the project is consistent with all applicable Chapter 3 policies of the Coastal Act and the Commission finds that approval of the subject project will not prejudice the ability of the County of San Diego to obtain a fully certified Local Coastal Program.

7. 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, as conditioned, 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.

The proposed project has been conditioned in order to be consistent with the environmental resource protection policies of the Coastal Act. Mitigation measures, including conditions addressing the submittal of final site, drainage, grading and landscape 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 is 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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.
5. 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

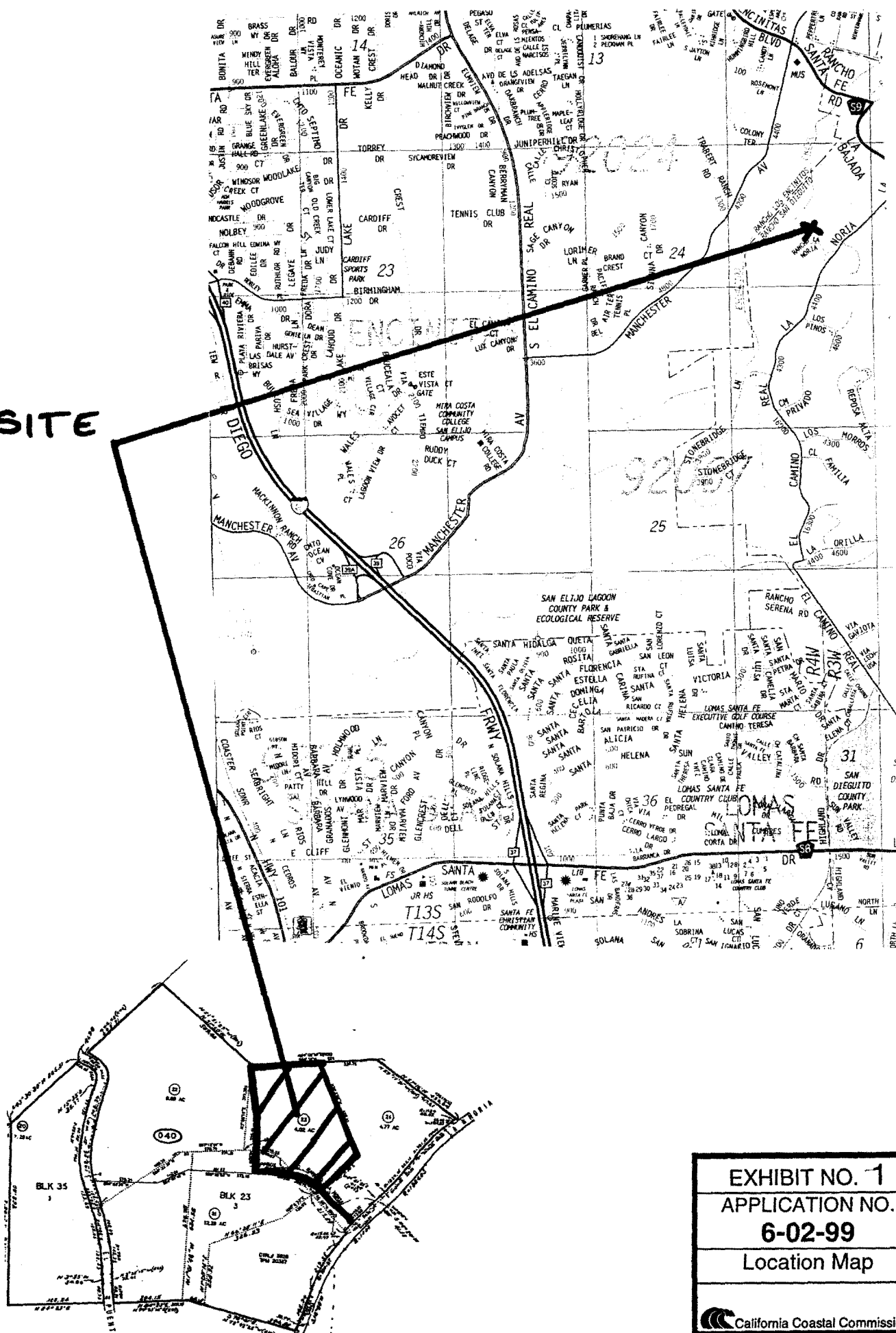



EXHIBIT NO. 1
APPLICATION NO.
6-02-99
Location Map
 California Coastal Commission

APPROXIMATE LOCATION
OF ON-SITE WETLANDS

LOT 5

LOT

LOT 4

F.F. 60.8
P.E. 60.1

RANCHO LA NORIA



SPECIAL NOTES

1. IT SHALL BE THE O



EXHIBIT NO. 2
APPLICATION NO.
6-02-99
Site Plan
 California Coastal Commission

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DIT AND FILL SLOPES IN EXCESS OF 3 FEET

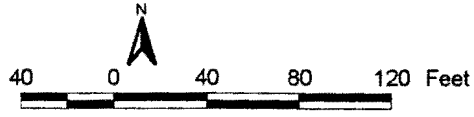
LOT 5

ON-SITE WETLAND HABITATS

-  Non-tidal Alkali Marsh
-  Streambed

OFF-SITE WETLAND HABITATS WITHIN 100' OF PROPERTY

-  Off Site Wetlands
-  Streambed
-  Data Point #
-  Property Boundary



Rancho La Noria Lot
Updated Jurisdictional W

EXHIBIT NO. 3
APPLICATION NO.
6-02-99
Wetlands Map

