

CALIFORNIA COASTAL COMMISSION

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Thu 16a

Staff: DL-SD
 Staff Report: January 26, 2005
 Hearing Date: March 16-18, 2005

REVISED CONDITIONS AND FINDINGS

Application No.: 6-04-71

Applicant: Evangelical Formosan Church Agent: Randy Robbins

Description: Construction of a 24,069 sq. ft. church with a 43-ft high steeple on a vacant 3.6 acre site.

Lot Area	158,558 sq. ft.
Building Coverage	14,637 sq. ft. (9%)
Pavement Coverage	105,462 sq. ft. (67%)
Landscape Coverage	38,459 sq. ft. (24%)
Parking Spaces	158
Zoning	AR-1-1
Plan Designation	Future Urbanizing Area
Ht abv fin grade	43 feet

Site: 14900 El Camino Real, North City, San Diego, San Diego County.
 APN 299-040-33, 35.

Substantive File Documents: Certified North City Local Coastal Program Land Use Plan; Certified North City Future Urbanizing Area Framework Plan, Final EIR/EIS for the San Dieguito Wetland Restoration Project, (September 2000); Water Quality Technical Report by Austin Veum Robbins Parshalle (June 2003 as revised November 2003); City of San Diego Mitigated Negative Declaration #4845; San Diego LCPA #1-93.

Summary of Commission Action:

Staff recommends the Commission adopt the following revised findings in support of the Commission's action on November 17, 2004. In its action, the Commission approved the project with the proposed 43-foot high steeple/tower, with a partially open design on the upper 10 feet of the tower.

The staff report has been revised as follows: Special Condition #1 has been revised to remove the requirement that the open portion of the tower begin at 30 feet in height, instead of the proposed 33 feet in height. The findings on pages 7 and 8 have been revised to reflect these changes.

Date of Commission Action: November 17, 2004

Substantive File Documents: Certified North City Local Coastal Program Land Use Plan; Certified North City Future Urbanizing Area Framework Plan, Final EIR/EIS for the San Dieguito Wetland Restoration Project, (September 2000); Water Quality Technical Report by Austin Veum Robbins Parshalle (June 2003 as revised November 2003); City of San Diego Mitigated Negative Declaration #4845; San Diego LCPA #1-93.

Commissioners on Prevailing Side: Burke, Caldwell, Iseman, Kram, Kruer, Orr, Neely, Peters, Potter, & Chairman Reilly.

MOTION: *I move that the Commission adopt the revised findings in support of the Commission's action on November 17, 2004 concerning approval of Coastal Development Permit No. 6-04-71*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote on the motion. Passage of this motion will result in the adoption of revised findings as set forth in this staff report. The motion requires a majority vote of the members from the prevailing side present at the November 17, 2004 hearing, with at least three of the prevailing members voting. Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the revised findings.

RESOLUTION TO ADOPT REVISED FINDINGS:

The Commission hereby adopts the findings set forth below for *Coastal Development Permit No. 6-43-71* on the ground that the findings support the Commission's decision made on November 17, 2004 and accurately reflect the reasons for it.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Final Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and written approval, final site, building and elevation plans for the permitted development. Said plans shall be stamped approved by the City of San Diego and be in substantial conformance with the plans submitted by Austin Veum Robbins Parshalle, dated June 30, 2004:

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.

2. Landscaping/Brush Management Plan. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and written approval of the Executive Director, a final landscaping/brush management plan, in substantial conformance with the submitted by Environs, dated April 30, 2004. Said plan shall be stamped approved by the City of San Diego and include the following:

- a. The type, size, extent and location of all trees on the site. The trees shall maximize screening of the structure from views from San Dieguito Lagoon and Old El Camino Real, and shall include a continuous line of specimen-sized trees (minimum 24-inch box) along the El Camino Real frontage, except for the MSCP designated area, where scattered trees are acceptable.
- b. Drought-tolerant, native plant materials shall be utilized. No invasive species are permitted.
- c. A planting schedule that indicates that the landscaping plan will be implemented within 60 days of completion of construction. [...]
- d. A written commitment by the applicant that all required plantings will be maintained in good growing conditions, and, whenever necessary, will be replaced with new drought-tolerant native or non-invasive plant materials to ensure continued compliance with applicable landscape screening requirements.
- e. A written commitment by the applicant that five years from the date of the receipt of the Certificate of Occupancy for the church, 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 whether 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.

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

3. Exterior Treatment. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and written approval 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 residence. This document shall comply with the following requirements:

- a. The color of the proposed church shall utilize materials that blend with the natural landscape and be restricted to neutral, earth-tone, muted colors with no bright tones except as minor accents. Wall colors of darker, off-white tones with tan brick and a dull gray roof are acceptable.

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

4. 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 against the parcel(s) governed by this permit 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; and (2) imposing the 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 entire parcel or parcels governed by this permit. 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.

5. MHPA Segment. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval, documentation demonstrating that, as proposed, the applicant has recorded either a conservation easement, covenant of easement, or dedicated in fee title to the City of San Diego the required upland habitat (approximately 0.46 acres) within the MHPA open space on-site. Said documentation shall include evidence of the following: that the easement names the U.S. Fish & Wildlife Service and California Department of Fish & Game as third party beneficiaries, identifies the permissible uses and activities and/or restrictions to be placed on preserve areas, including a provision that no clearing, grubbing, grading or disturbance of the native vegetation would occur within the area, and states that management of the preserved open space would be the responsibility of the owner/permittee/trustee in perpetuity, unless the City of San Diego accepts responsibility for the open space through dedication to the City in fee title.

6. Future Development. This permit is only for the development described in coastal development permit #6-04-71. Except as provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106, including, but not limited to, change in the density or intensity of use land, (such as the addition of a daycare, preschool, after-school childcare or school program) shall require an amendment to Permit #6-04-71 from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission or from the applicable certified local government.

7. Water Quality. The applicant shall comply with Water Quality Technical Report by Austin Veum Robbins Parshalle (June 2003 as revised November 2003).

The permittee shall undertake the development in accordance with the approved report and City codes. Any proposed changes to the program outlined in the approved report or City codes shall be reported to the Executive Director. No changes to the plan shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The proposed project is construction of a new approximately 24,069 sq.ft. church. The project consists of a 9,983 sq.ft., 474-seat main hall, 8,963 sq.ft. of classrooms for associated religious instructions/activities, a 2,326 sq.ft. multi-purpose room, and 2,797 sq.ft. library/office areas. The building includes a 43-foot high steeple/tower. Also included are landscaping, utilities, and 158 parking spaces.

The 3.6-acre site is located on the inland side of Old El Camino Real, east of Interstate 5, in the San Dieguito Valley area of the City of San Diego. The site is currently vacant, and has been graded and used for agricultural uses in the past. Although there is currently no vegetation on the site, the northern tip of the project, approximately .46 acres, is located within Designated Open Space land of the City's Multiple Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA). This area is proposed to remain undeveloped and re-vegetated with a coastal sage scrub hydroseed mix. A conservation easement will be placed over this portion of the property.

The majority of the site is above the 100-year floodplain of the San Dieguito River. A small portion of the northern-most section of the site (approximately 0.017 acres) is within the 100-year floodplain of the San Dieguito River. However, no development is proposed within this portion of the site as this portion is also within the MSCP/MHPA).

The project site is located in the North City Future Urbanizing Area (NCFUA), which is an area of deferred certification in the City of San Diego's LCP. The NCFUA is divided into five subareas. The Commission certified a Framework Plan for the NCFUA in 1993. This document established general conceptual circulation patterns and open space areas, but was intended to be implemented through specific plans for each of the subareas prior to the Commission transferring permit authority to the City for those portions of the NCFUA in the coastal zone. Subareas I and IV are located entirely outside the coastal zone, and the Commission has certified specific plans for the coastal zone portions of Subareas III and V. The subject site is located within Subarea II. Since the vast majority of Subarea II is comprised of area currently being planned for the San Dieguito wetlands restoration project, it is unlikely that a specific plan will ever be prepared for this subarea. Thus, the Commission continues to use the certified Framework Plan as guidance for the area.

There is also a certified Land Use Plan (LUP) for the area--the North City Local Coastal Program LUP, which the Commission uses for guidance. However, this document does not contain any policies with respect to this area, because the Framework Plan and subsequent subarea plans were intended to govern development in the NCFUA. In any event, the Coastal Commission retains coastal development permit authority over Subarea II at this time and Chapter 3 policies of the Coastal Act are the standard of review.

2. Visual Impacts. Section 30251 of the Coastal Act addresses visual resources, and states, in part:

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

The project site is a vacant lot visible from Interstate 5 and Old El Camino Real, a designated scenic roadway in the San Dieguito River valley. The site is located within a portion of the North City Future Urbanizing Area (NCFUA) designated as high scenic value. The proposed structure will be highly visible to both northbound and southbound travelers. The site is across the road from the area planned for the San Dieguito wetland restoration project, and within the viewshed of the San Dieguito River Park and planned trails in this open space park.

In the certified North City Future Urbanizing Framework Plan, which is used for guidance in the area, a land use plan goal for projects adjacent to the River Park area is that development be subordinate to the natural landscape and of compatible design and siting to complement the San Dieguito River habitat.

The majority of the proposed structure would be 30 feet in height, with a 43-foot high steeple/tower on the southern portion of the building. The standard height limit for the area is 30 feet; however, the 43-foot high tower height could be allowed under the City's certified Municipal Zoning Code if various buildings setback requirements are increased. The City found that in this particular case, the narrow shape of the site and its limited width precluded increasing the setbacks to accommodate the additional height, and the City's Code allows for deviations from the standard 30-foot height limit in this area with issuance of a Conditional Use Permit and a Planned Development Permit.

The project has incorporated numerous elements intended to minimize the visual impact of the church. The project went through several redesigns in order to set the structure back from El Camino Real as far as possible. The visibility of the project has been minimized by placing some portions of the project in a basement. Substantial amounts of landscaping are proposed along El Camino Real and in the proposed parking lots, and vine-covered trellises have been incorporated into the façade design. The proposed building materials and colors are darker, off-white tones with tan brick and a dull gray roof. The applicant has attempted to further limit the visual impact of the tower by incorporating an open frame design on three sides of the upper 10 feet (see Exhibit #5).

In addition, the site is located in a transition area between low-intensity uses, such as the wetland restoration project and agricultural uses, and higher intensity uses, including the fairly high-density residential development located immediately southeast of the site (CDP #6-98-154). The project site is higher in elevation than the undeveloped river valley, but lower than the adjacent residential development. Thus, the subject development should appear as a stair-step transition from the river valley to the developed residential area. Views of the site from Interstate 5 are distant, and do not involve any view blockage of the river valley. The site is barely visible to traffic on northbound El Camino Real until immediately at the site, by which point there is little potential for view blockage of the scenic hills and river valley to the north.

Although thirty feet is the typical height limit for new development within most of the Coastal Zone in San Diego County, as noted above, height deviations are allowed on a case-by-case basis. In this particular case, the location and siting of the structure and the various design factors that have been incorporated into the project will minimize the visual impact of the project. Special Condition #1 requires the submittal of final plans, approved by the City of San Diego, in conformance with the preliminary plans.

Special Conditions #3 requires that, as proposed, the applicant provide substantial, mature landscaping of the type that will help shield the proposed structure residence from views from the river valley and El Camino Real. The Commission is also requiring a natural color scheme for the structure, as proposed, to ensure that the visual impact of the structure is minimized. Special Condition #4 requires the applicant to record a deed restriction imposing the conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. This restriction will serve to notify future owners of the on-going requirements for landscaping and coloring. With the proposed design features, included the proposed landscaping and coloring restrictions, the development will not adversely impact the visual quality of the surrounding area.

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

3. Environmentally Sensitive Habitat Area. 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.

Furthermore, Section 30240 of the Coastal Act also 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.

The project site was formerly used for agricultural, and is currently graded and devoid of vegetation. The City of San Diego has designated then northern tip of the property, approximately 0.46 acres, as Open Space land of the Multiple Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA). As proposed and required by the City, this area will remain undeveloped and re-vegetated with a coastal sage scrub hydro-seed mix. The landscaped area at the north parking lot adjacent to the MSCP area would be planted exclusively with native trees, shrubs, grasses, and groundcovers to minimize intrusion of non-native vegetation into the MSCP area.

According the negative declaration performed for the project the on-site MHPA segment is part of a larger wildlife corridor connecting Gonzalez Canyon to the San Dieguito River. The City's MSCP Subarea Plan identifies an area north of the project site (designated as "CIS" of the MHPA Guidelines and maps) as a location to construct a culvert or bridge undercrossing for wildlife movement in the area where El Camino Real cross the outlet of Gonzalez Canyon into the San Dieguito River. The MHPA portion associated with the church property would become part of the broader MHPA area and associated wildlife corridor area; thus, this area will be protected.

The City has required that prior to the recordation of the first final map and/or any building permits, the applicant must record either a conservation easement, covenant of easement, or dedicate in fee title to the City of San Diego the habitat within the MHPA.

The easement would name the U.S. Fish & Wildlife Service and California Department of Fish & Game as third party beneficiaries, and identify the permissible uses and activities and/or restrictions to be placed on preserve areas, including a provision that no clearing, grubbing, grading or disturbance of the native vegetation would occur within the area. Management of the preserved open space would be the responsibility of the owner/permittee/trustee in perpetuity, unless the City accepts responsibility for the open space through dedication to the City in fee title.

Because the open space area is part of the MHPA, the MHPA Land Use Adjacency Guidelines of the MSCP Subarea Plan will apply to the development of the remainder of the property. As such, the project must provide for lighting, drainage, landscaping, grading, and access, consistent with the MHPA Land Use Adjacency Guidelines. In addition, although California gnatcatcher habitat exists approximately 1,000 feet to the east of the project site, the negative declaration for the project determined that this distance, combined with the existing topography, roadway noise levels and intervening existing development, is adequate separation distance from the project site such that construction noise or operation of the church would not adversely affect the bird. Thus, no impacts to off-site sensitive species will result from the project.

In order to ensure the MHPA area is preserved as proposed, Special Condition #5 requires the applicant to provide evidence that the conservation easement or dedication has been approved per the requirements of the City of San Diego. Therefore, as conditioned, no impacts to on or off-site resources will occur, and the Commission finds that the subject proposal is consistent with Sections 30231 and 30240(b) of the Coastal Act.

4. New Development/Traffic/Agricultural Use. Section 30241 and 30242 deal with agricultural use, and state:

Section 30241

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

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

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

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

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

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

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

Section 30242

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

Section 30250 and 30252 affect new development and state, in part:

Section 30250

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

Section 30252

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit...

Because agriculture contributes significantly to the State's economy and unique soil and climate conditions of coastal areas create conditions that provide high productivity for agriculture, the Coastal Act addresses agriculture within the Coastal Zone. According to

the analysis in the Final Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) of the San Dieguito Lagoon Restoration Project, no prime farmlands are on or immediately adjacent to the project site. This EIR/EIS identifies the soil on the proposed church project site as containing Farmland of Statewide Importance, and Farmland of Local Importance, but no Prime Farmland.

Since no prime agricultural lands are present on the subject site, the applicable Chapter 3 policy is Section 30242 of the Act. This non-certified portion of the City of San Diego is currently zoned AR-1-1 (previously A-1-10), an agricultural designation that is typically used both for agricultural operations and as a holding zone for rural and semi-rural areas that are expected to switch to higher densities in the future as regional growth patterns dictate. The subject site is located between highly developed and more rural areas of the City and County of San Diego and nearby the Cities of Del Mar and Solana Beach. The valley floor and side slopes of the San Dieguito River Valley are primarily undeveloped, and much of the property is in public ownership. Conceptual planning would retain the maximum amount possible of the river valley in open space as a public park running from the ocean to the mountains and the source of the San Dieguito River. For this reason, much of the formerly private land in the valley has been acquired by a variety of public entities, including the California Department of Fish and Game (CDFG) and the San Dieguito River Park Joint Powers Authority (JPA).

Although the conversion of this parcel to non-agricultural use would not represent a reduction in prime agricultural lands, the loss of any farmlands represents a cumulative impact on the region's agricultural productivity as a whole. However, the river valley west of El Camino Real is crossed by three major transportation corridors: Camino del Mar, I-5 and the railroad, and has always been expected to transition from agricultural use to a more developed community. The NCFUA Framework Plan contains the following policy for the area:

SUBAREA II: SAN DIEGUITO

- 3.4h Outside the compact community, a variety of low-intensity uses are envisioned. Along El Camino Real and Via de la Valle, very low-density residential development as shown on the framework plan diagram. However, sites in these locations are less suitable for residential use than for public and semi-public uses that are also allowed. The developable area on the south side of Via de la Valle east of El Camino Real may be considered for other uses during subarea planning. Along El Camino Real, public and semi-public activities would ideally be uses where buildings take up a relatively small portion of the site, and where architecture can be in harmony with surrounding open space.

The Del Mar Fairgrounds occupies approximately 300 acres on the north side of the river, west of I-5. East of I-5, north of the river, there is an existing shopping center, built on filled wetlands or tidelands prior to passage of Proposition 20. Northeast of the site, just south of Via de la Valle, is the Horsepark property, an equestrian facility owned and operated by the 22nd District Agricultural Association. The site immediately adjacent to

the east of the subject site is privately owned and under consideration for another church, and southeast of the site is dense residential development. The subject development is a semi-public use on the east side of El Camino Real. It appears that the area is developing consistent with the gradual growth pattern expected under the zoning designation, and in the certified planning documents for the area.

In addition, development of the site as a church is compatible with the surrounding residential uses, and the resulting traffic patterns will be consistent with the roadway classifications in the certified NCFUA Framework Plan. El Camino Real is classified as a major road with an existing Level of Service (LOS) of "A." Existing daily traffic volume is 12,700 average daily traffic (ADT) count with a capacity of 40,000 ADT. The development is anticipated to generate only 630 average daily trips, which is a minor increase well within anticipated volumes able to be accommodated by the existing roadway. The Framework Plan projected a LOS "B" for this segment, which will not be reached through the subject development. Adequate parking to accommodate the development will be provided. Thus, the project will not have an adverse impact on the public's ability to access the coast. In order to ensure that future operations of the church do not expand in such a manner that surrounding roadways and public access could be impacted, Special Condition #6 informs the applicant that any expansions of use at the site, such as for a daycare or school, require additional review.

In conclusion, the Commission finds the conversion of this property from agricultural to non-agricultural uses consistent with the cited provisions of the Coastal Act. The site does not contain prime farmlands, and will not adversely impact continued agricultural use of surrounding properties. Concentrating urban development on the east side of El Camino Real is consistent with Coastal Act policies addressing new development, biological resources, visual resources and public access. Therefore, the Commission finds the proposed development, as conditioned, consistent with Sections 30241, 30242, 30250, and 30252 of the Coastal Act.

5. Water Quality. Section 30231 of the Coastal Act addresses water quality issues and states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The applicants have prepared a Water Quality Technical Report addressing hydrology and Best Management Practices to treat runoff on the site. The plan includes both construction and post-construction Best Management Practices to minimize any site runoff into the San Dieguito River watershed. To treat stormwater runoff, "StormChamber" devices would be installed on the project site as the treatment control infiltration Best

Management Practices (BMP) device. The Negative Declaration for the project determined that this device has the ability to function effectively in soils with limited filtration capability.

The device is an open bottom, high-density polyethylene infiltration chamber BMP which functions in both permeable and non-permeable soils for subsurface retention of storm water runoff. The chambers are generally about 34 inches high, 60 inches wide and 102 inches long and designed to handle 10 cubic feet of storage per lineal foot for a total of 85.42 cubic feet. A grass-lined channel and fossil filters would also be provided on site to filter runoff from the parking areas prior to entry into the StormChamber devices. The devices would capture and retain 100% of the first flush runoff and then allows the captured runoff to slowly filter back into the ground. The StormChamber system improves water quality through the same process as a septic drain field. A biomat of microorganisms forms on the soil and stone underlying the chambers, which metabolizes pollutants and converts nutrients to non-contaminating byproducts.

The Commission's water quality staff have reviewed the proposed BMP program and determined that it will adequately protect water quality and biological resources. The applicant, as proposed, will also comply with the City of San Diego certified Municipal Code regarding erosion and water pollution control. Special Condition #7 requires the applicant to implement the proposed BMP program. Therefore, as conditioned, the proposed project is consistent with the water quality and resource protection 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, such a finding can be made.

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

The NCFUA Framework Plan designates Subarea II for low-intensity residential development and open space, as well as development consistent with agricultural zoning. The site itself is designated in the City's Land Development Code for very-low density residential development (0.8 dwelling units per acre) and open space (the MSCP portion of the site). The site is zoned agricultural-residential (AR-1-1). The purpose of the AR

zones is to accommodate a wide range of agricultural uses while also permitting residential development at a very low density. Churches are considered compatible uses within the residentially-designated areas.

As discussed above, the proposed development, as conditioned, has been found consistent with all applicable Chapter 3 policies, and the existing certified planning documents for the area. Therefore, the Commission finds that approval of the proposed project will not prejudice the ability of the City of San Diego to prepare a certifiable Local Coastal Program for this area.

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.

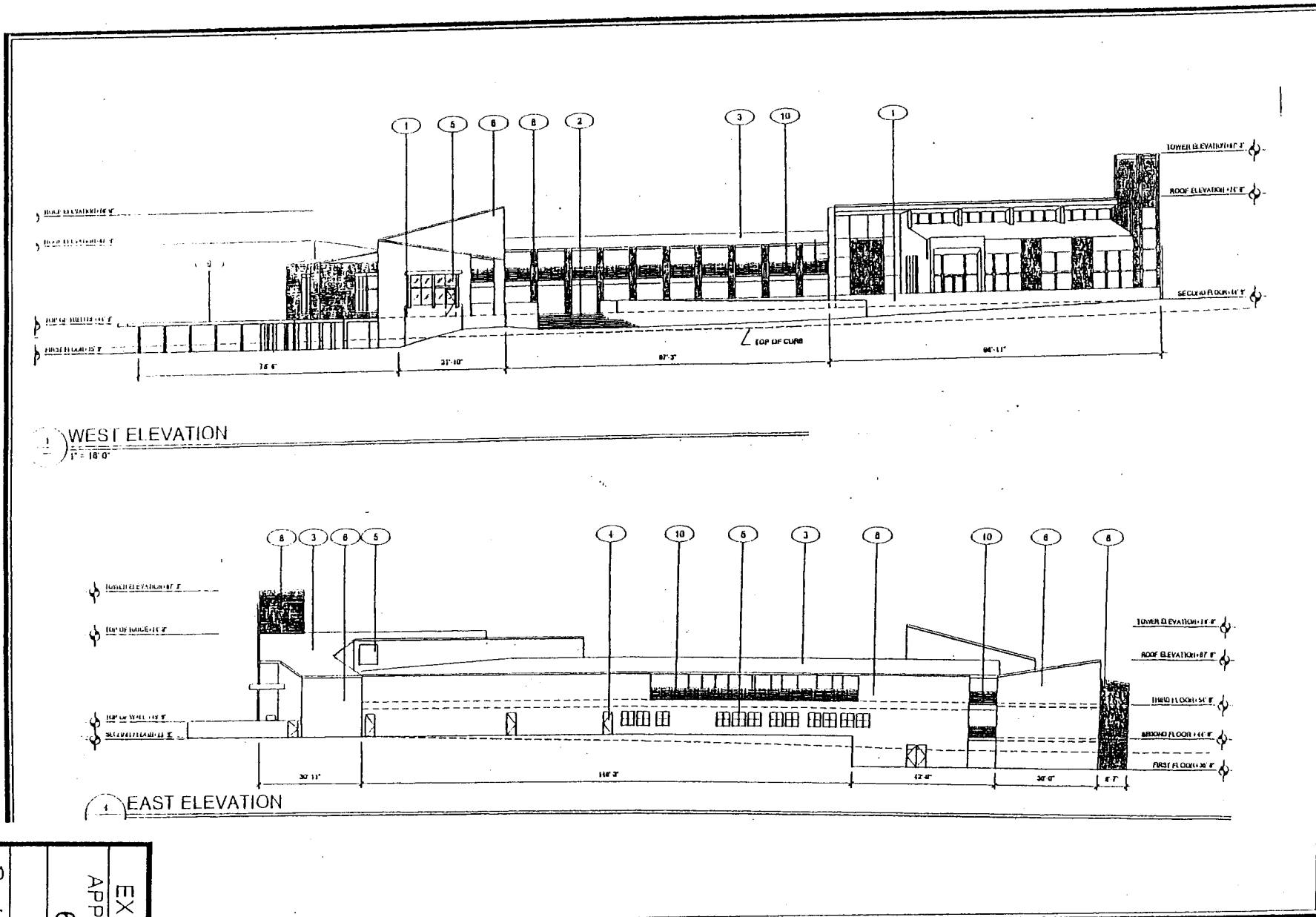
The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing the color of the proposed tower and landscaping will minimize all adverse environmental impacts. As conditioned, there are no 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.

(G:\San Diego\Reports\2004\6-04-71 Revised Findings Evangelical Formosan Church stfrprt.doc)



Evangelical Formosan Church – East and West Elevations
 Environmental Analysis Section – Project Number 4845
 City of San Diego – Development Services Department

Figure
4


 Revised Findings
 California Coastal Commission
 EXHIBIT NO. 4
 APPLICATION NO.
 6-04-071
 Elevations

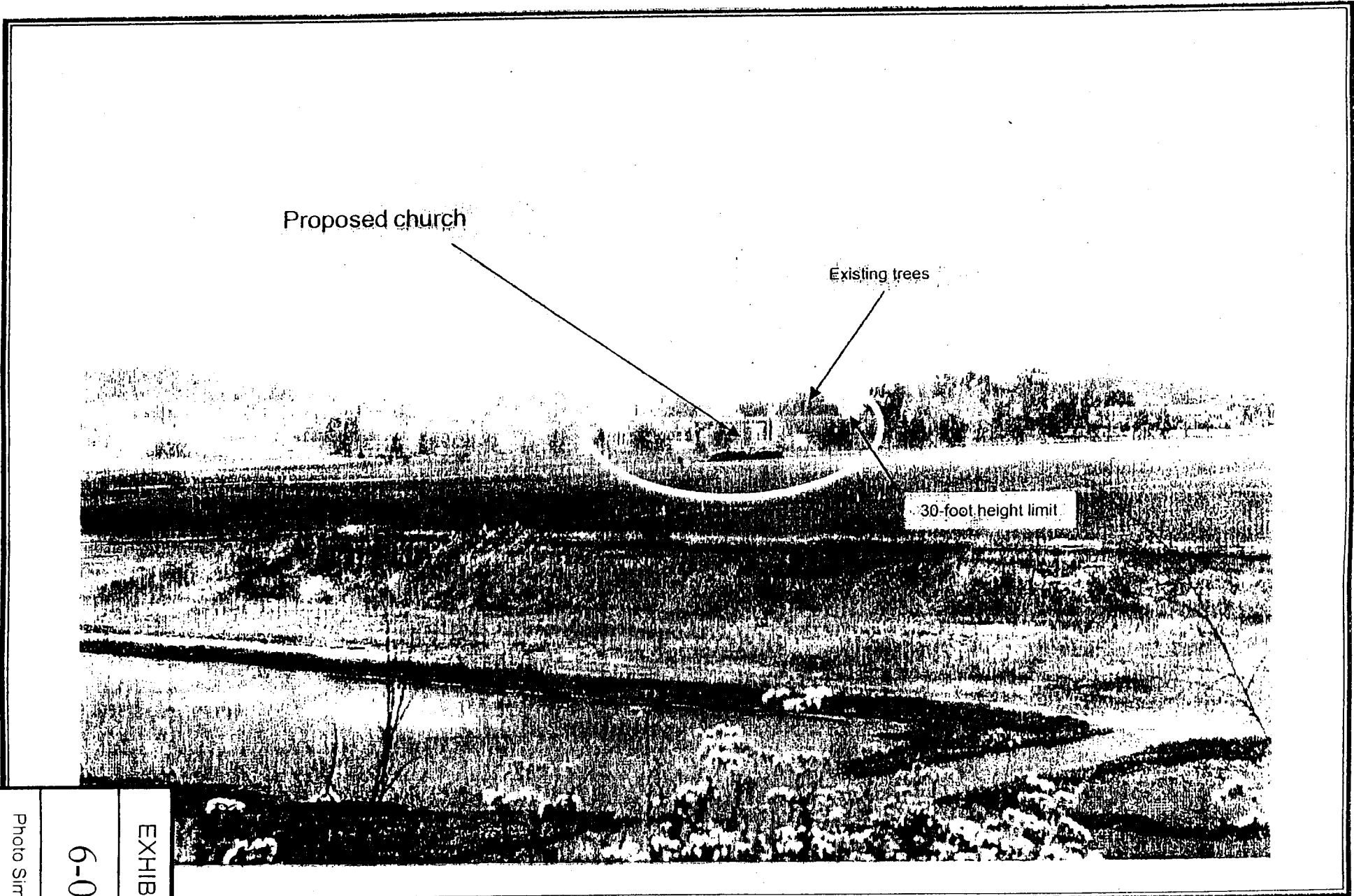
6b.
Roof overhangs are accentuated

3b.
Tower is made more transparent at top

9a.
Articulation is added to south elevation

3a.
More articulation is added to Tower element


EXHIBIT NO. 5
APPLICATION NO.
6-04-071
Tower Frame
Rendering



Proposed church

Existing trees

30-foot height limit

EXHIBIT NO. 6
6-04-71-RF
Photo Simulation 1 of 3
California Coastal Commission

Evangelical Formosan Church Photo Simulation (View Looking East)

Environmental Analysis Section – Project Number 4845

City of San Diego – Development Services Department



Evangelical Formosan Church – Photo Simulation – Area of Enlarged View

Environmental Analysis Section – Project Number 4845

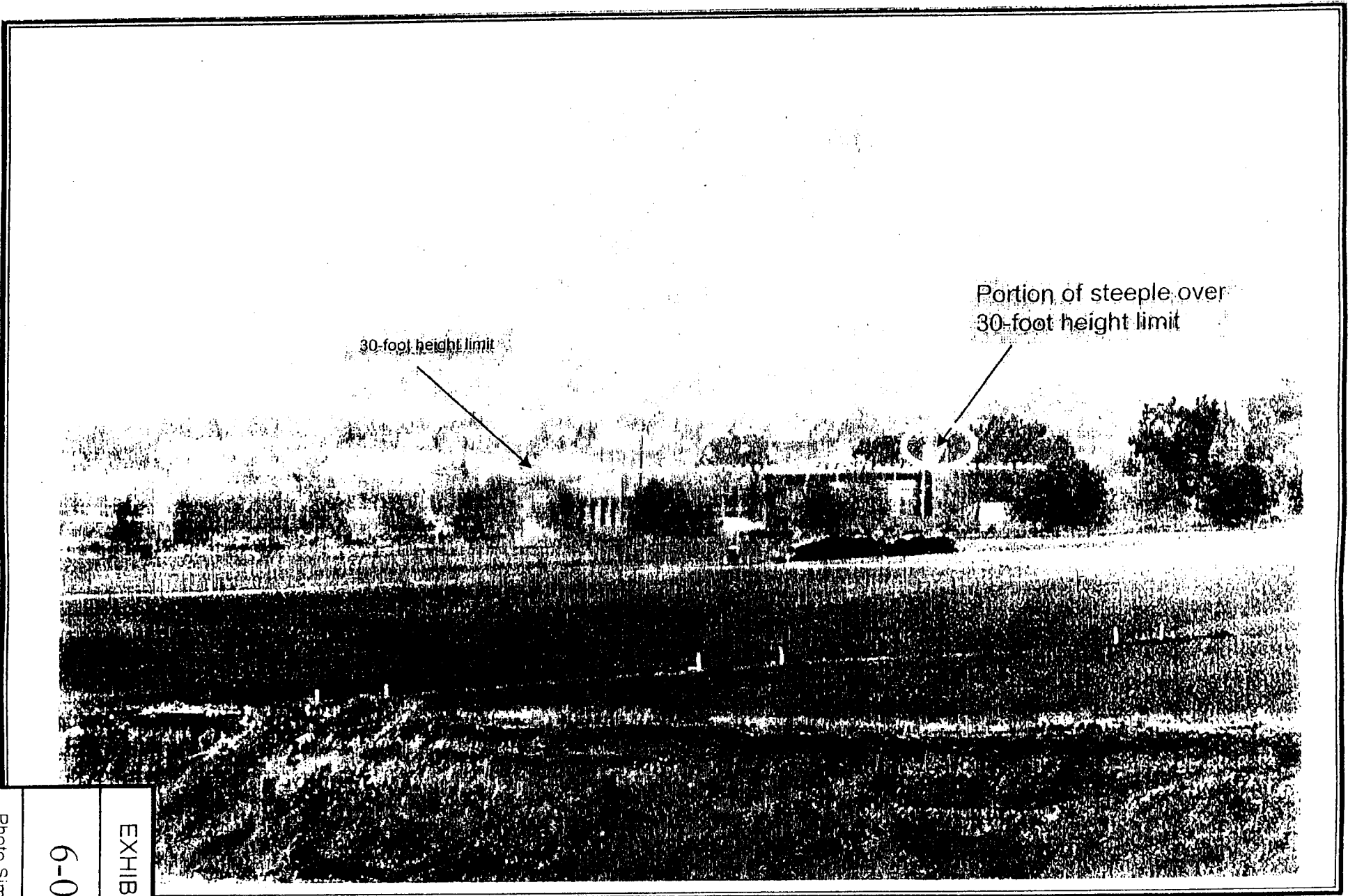
City of San Diego – Development Services Department

EXHIBIT NO. 7

6-04-71-RF

Photo Simulation 2 of 3

California Coastal Commission



Evangelical Formosan Church – Photo Simulation – Enlarged View
Environmental Analysis Section – Project Number 4845
City of San Diego – Development Services Department

EXHIBIT NO. 8

6-04-71-RF

Photo Simulation 3 of 3

California Coastal Commission

