

**TITLE
INFORMATION**

Hundred and No/100 Dollars (\$5500.00) therefor, and that being the highest and best bid made, I struck off and sold to them, the said Max Moskowitz and Max Pearl, all of the property described in the above entitled action and hereinabove described, for said sum, which was the highest bid made and amounting to the sum of \$5500.00 being the whole price paid therefor, and the same is subject to redemption in lawful money of the United States, pursuant to the Statute in such case made and provided.

Given under my hand this 27th day of January, 1936.

CHARLOTTE O. MEIER

Commissioner of said Sale, appointed by the Superior Court of said County

\$5.50 Canceled
1-27-36

Recorded at the request of Charlotte O. Meier, Jan. 27, 1936, 46 Min. past 4 P.M.

O. M. Swope, County Recorder
By Deputy H. Zervas

Fee \$1.90
5868

270337 P.M.

WE, E. C. BATCHELDER and MAUD CLARK BATCHELDER, husband and wife,

For and in consideration of the sum of Ten and No/100 Dollars,

Do hereby grant to Twenty Second District Agricultural Association of the State of California,

All that Real Property situated in the County of San Diego, State of California, bounded and described as follows:

All that portion of the North one half of Section Eleven of Township Fourteen South, Range Four West, S.R.M. described as follows:

Commencing at the corner of Sections One Two, Eleven and Twelve of Township Fourteen South, Range Four West, S.B. Meridian, thence along the Section line between Sections Two and Eleven, South 89° 50' 30" West 127.86 feet to the place of beginning, and the center line of Road Survey 298, thence along said center line of Road Survey 298 South 46° 19' 30" West 361.86 feet to the point of a curve concave southerly and having a radius of 379 feet, thence along said curve southwesterly 111.78 feet, thence South 20° 25' 30" West 485.27 feet, thence leave said center line of Road Survey 298 South 0° 20' 40" East 1381.21 feet, thence North 89° 46' East 864.40 feet to the Section line between Sections Eleven and Twelve, thence along said Section line South 0° 16' East 651.75 feet to the one quarter corner between Sections Eleven and Twelve, thence along the South line of the North one half of Section Eleven South 89° 44' 30" West 1266.40 feet, thence North 70° 36' West 329.90 feet, thence North 83° 08' West 140.96 feet, thence North 87° 59' West 317.33 feet, thence North 55° 42' West 177.24 feet, thence North 45° 32' West 303.62 feet, thence North 25° 52' West 234.44 feet, thence North 19° 38' West 191.38 feet, thence North 36° 29' West 199.85 feet, thence North 43° 34' West 153.66 feet, thence North 23° 58' West 123.58 feet, thence North 16° 17' West 177.41 feet, thence North 75° 19' West 36.35 feet to the easterly right of way line of the A. T. & S. F. Railway, thence along said right of way line North 11° 28' 30" West 1143.60 feet to the Section line between Sections Two and Eleven, thence along said section line North 89° 50' 30" East 3479.64 feet to the place of beginning.

TO HAVE AND TO HOLD the above granted and described premises unto the said Grantee, its successors and assigns forever.

Witness our hands and seals this 27th day of January, 1936.

Signed and executed in presence of--)

E. C. BATCHELDER (SEAL)
MAUD CLARK BATCHELDER (SEAL)

U.T.I.Co. | U.T.I.Co. | U.T.I.Co.
Jan. 27 1936 | Jan. 27 1936 | Jan. 27 1936
San Diego, Calif. | San Diego, Calif. | San Diego, Calif.
\$10. | \$3. | \$09

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss

On this 27th day of January, 1936, before me, Enid F. Hawley, a Notary Public in and for said County and State, personally appeared E.C. Batchelder, and Maud Clark Batchelder, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

Witness my hand and official seal the day and year in this certificate first above written.

12834
Notary Public
San Diego Co.
California

Enid F. Hawley
Notary Public in and for said County and State.
My commission expires July 22, 1936

PHOTOGRAPHED BY SWAIGHT JR. DEPUTY RECORDER

BE IT REVOLVED by the Board of Directors of the Twenty Second District Agricultural Association of the State of California, as follows;

THAT, the Twenty Second District Agricultural Association of the State of California hereby accepts the conveyance to it of the Grant Deed to the following described real property situated in the County of San Diego, State of California, described as follows;

All that portion of the North one half of Section Eleven Township Fourteen South, Range Four West, S.B.M. described as follows;

Commencing at the corner of Sections 1, 2, 11 and 12 of Township fourteen South, Range Four West, S.B.M. thence along the Section line between Sections 2 and 11, South 89° 50' 30" West 127.00 feet to the place of beginning, and the center line of Road Survey 298, thence along said center line of Road Survey 298 South 46° 19' 30" West 261.86 feet to the point of a curve concave southeasterly and having a radius of 379 feet, thence along said curve southwesterly 111.78 feet, thence South 29° 25' 30" West 423.27 feet, thence leaving said center line of Road Survey 298 South 0° 26' 30" East 1281.00 feet, thence North 89° 46' East 664.40 feet to the Section line between Sections 11 and 12, thence along said Section line South 0° 16' East 661.75 feet to the one quarter corner between Sections 11 and 12, thence along the South line of the North one half of Section 11 South 89° 44' 30" West 1866.40 feet, thence North 70° 36' West 329.90 feet, thence North 63° 08' West 140.96 feet, thence North 57° 59' West 317.33 feet, thence North 55° 42' West 177.24 feet, thence North 45° 32' West 203.62 feet, thence North 26° 52' West 234.44 feet, thence North 19° 36' West 181.38 feet, thence North 36° 29' West 198.65 feet, thence North 43° 39' West 152.66 feet, thence North 23° 58' West 123.58 feet, thence North 16° 47' West 177.41 feet, thence North 75° 19' West 36.35 feet to the easterly Right of Way line of the A. T. & S. T. Railway, thence along said Right of Way line North 11° 28' 30" West 1143.60 feet to the Section line between Sections 2 and 11, thence along said Section line North 89° 50' 30" East 3479.64 feet to the place of beginning.

That, the President and Secretary of this Board are hereby authorized, empowered and directed to execute and acknowledge an acceptance of this Association of the said land and conveyance thereto.

JAMES E. FRANKS, President

D. A. NOBLE, Secretary

I hereby certify that the foregoing is a full, true and correct copy of a Resolution passed and adopted by the Board of Directors of the Twenty Second District Agricultural Association of the State of California on November 26th, 1935.

TWENTY SECOND DISTRICT AGRICULTURAL ASSOCIATION OF THE STATE OF CALIFORNIA.

TWENTY SECOND DISTRICT AGRICULTURAL ASSOCIATION

By D. A. Noble, Secretary

ACCEPTANCE OF CONVEYANCE of real estate pursuant to resolution adopted by the Board of Directors of the Twenty Second District Agricultural Association of the State of California.

The Undersigned President and Secretary of the said Association hereby acknowledge the acceptance of the said Association of the conveyance to it of the following described real estate, to-wit;

All that real property situated in the County of San Diego, State of California, described as follows;

All that portion of the North one half of Section Eleven of Township 14 South, Range 4 West, S. B. M. described as follows; Commencing at the corner of Sections 1, 2, 11 and 12 of Township fourteen South, Range four West, S. B. M. thence along the Section line between Sections 2 and 11, South 89° 50' 30" West 127.00 feet to the place of beginning, and the center line of Road Survey 298, thence along said center line of Road Survey 298 South 46° 19' 30" West 261.86 feet to the point of a curve concave southeasterly and having a radius of 379 feet, thence along said curve southwesterly 111.78 feet, thence South 29° 25' 30" West 423.27 feet, thence leaving said center line of Road Survey 298 South 0° 26' 30" East 1281.00 feet, thence North 89° 46' East 664.40 feet to the Section line between Sections 11 and 12, thence along said Section line South 0° 16' East 661.75 feet to the one quarter corner between Sections 11 and 12, thence along the South line of the North one half of Section 11 South 89° 44' 30" West 1866.40 feet, thence North 70° 36' West 329.90 feet, thence North 63° 08' West 140.96 feet, thence North 57° 59' West 317.33 feet, thence North 55° 42' West 177.24 feet, thence North 45° 32' West 203.62 feet, thence North 26° 52' West 234.44 feet, thence North 19° 36' West

PHOTOGRAPHED BY S. WRIGHT JR. DEPUTY RECORDER

PHOTOGRAPHED BY S. WRIGHT JR. DEPUTY RECORDER

181.38 feet, thence North 36° 29' West 199.68 feet, thence North 43° 39' West 152.66 feet, thence North 23° 58' West 123.56 feet, thence North 16° 47' West 177.41 feet, thence North 75° 19' West 36.35 feet to the Easterly Right of Way line of the A. T. & S. F. Railway, thence along said Right of Way line North 11° 28' 30" West 1143.60 feet to the Section line between Sections 2 and 11, thence along said section line North 89° 30' 30" East 3479.54 feet to the place of beginning.

Dated this 27th day of January, 1936, at San Diego, California.

TWENTY SECOND DISTRICT AGRICULTURAL ASSOCIATION OF THE STATE OF CALIFORNIA.

TWENTY SECOND DISTRICT AGRICULTURAL ASSOCIATION

By James E. Franks, President

By R. A. Noble, Secretary

Recorded at request of Grantee Jan. 27, 1936, 55 Min. past 4 P.M.

O. M. Swope, County Recorder
O.M.S.

Fee \$ xx 22

5673

FOR INSTRUMENT AFFECTING THIS DOCUMENT
SEE BOOK 4262, PAGE 367... OFF. REC. FILED 10-15-51
Appl. 97859

File in R.O.

TORRENS TITLE

#108556

This instrument executed in triplicate affects registered land, last Certificates numbered 3117 and 3118

STATE OF CALIFORNIA

LAND BANK COMMISSIONER DEED OF TRUST.

THIS DEED OF TRUST, made the 11th day of January, 1936, between WILLIAM J. DRAPER, a single man, and RICHARD F. DRAPER, a single man, REGISTERED OWNERS, as Grantor, and WALTER C. DEAN, FRANK R. HODGSON, and H. W. BROWNING, as Trustees, and the LAND BANK COMMISSIONER, acting pursuant to Federal Law, having an office in the City of Berkeley, State of California, as Beneficiary,

WITNESSETH: That the said Grantor hereby grants, conveys and confirms unto said Trustees, with power to sell, the following described real property situated in the County of San Diego, State of California, to-wit;

Lot 8 (being the Southwest quarter of the Northeast quarter) of Section 12, Township 11 South, Range 1 West, San Bernardino Meridian, according to the Map thereof No. 865, filed in the office of the Recorder of said San Diego County, September 13, 1900.

The property herein conveyed contains 40 acres, more or less.

Subject to existing rights of way of record.

TOGETHER with all the estate in law or equity which the Grantor now has or may hereafter acquire, in the premises herein granted including the appurtenances, rents, issues and profits thereof;

Together with every water right and every right to any irrigation or drainage ditch, canal, or pipe line used for the irrigation or drainage of said premises to which the Grantor or said premises is now or may become entitled, every such right hereby being made appurtenant to the above described premises.

TO HAVE AND TO HOLD the same unto the Trustees, and their successors and assigns upon the trusts, covenants and agreements herein expressed, to-wit;

As security for the payment of a certain promissory note of even date herewith in the principal amount of \$7500.00 made and delivered by the Grantor to the Land Bank Commissioner, and payable at the office of said Commissioner at The Federal Land Bank of Berkeley in the City of Berkeley, California, on an amortization plan in a fixed number of semiannual installments, and in the manner, in accordance with the terms, and with interest as provided in said note.

And as security for the repayment of any sum which the Beneficiary and the Trustees, or either, may or shall hereafter loan to the Grantor or advance for his account, and as security for the payment of all other moneys that may become due the said Trustees and the Beneficiary.

Recording Requested by and Return to 1613
State of California
California Coastal Commission
631 Howard Street, Fourth Floor
San Francisco, California 94105

83-255924

RECORDED IN
OFFICIAL RECORDS
OF SAN DIEGO COUNTY, CA.

1983 JUL 26 AM 10:48

VERA L. LYLE
COUNTY RECORDER

RF 6-
MG 1-

DEED RESTRICTION

I. WHEREAS, WALLACE W. MCCOY, hereinafter referred to as Owner,
is the record owner of the real property located in the County of San Diego,
described in attached Exhibit A, hereby incorporated by reference, and herein-
after referred to as the subject property; and

II. WHEREAS, the California Coastal Commission is acting on
behalf of the people of the State of California; and

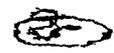
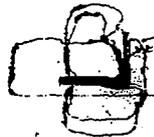
III. WHEREAS, pursuant to the California Coastal Act of 1976, the
Owner applied to the California Coastal Commission for a coastal development
of the subject property; and

IV. WHEREAS, a coastal development permit No. 6-83-225 was
granted on May 24, 1983 by the California Coastal Commission based on the
findings adopted by the California Coastal Commission attached in Exhibit B
and hereby incorporated by reference; and

V. WHEREAS, coastal development permit No. 6-83-225 was
subject to terms and conditions including but not limited to the following
condition:

Waiver of Liability. Prior to the transmittal of a
coastal development permit, the applicant shall submit to the
Executive Director a deed restriction for recording, free of
prior liens except for tax liens, that binds the applicant and
any successors in interest. The form and content of the deed
restriction shall be subject to the review and approval of the
Executive Director. The deed restriction shall provide (a) that
the applicants understand that the site may be subject to
extraordinary hazard from flooding and/or liquefaction and the

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Nº 255924



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applicants assume the liability from those hazards; (b) the applicants unconditionally waive any claim of liability on the part of the Commission or any other regulatory agency for any damage from such hazards, and (c) the applicants understand that construction in the face of these probable hazards may make them ineligible for public disaster funds or loans for repair, replacement, or rehabilitation of the property in the event of flooding and/or liquefaction.

NOW, THEREFORE, in consideration of the granting of Permit No. 6-83-225 to the Owner by the California Coastal Commission that there be, and hereby is, created the following restriction on the use and enjoyment of said property, to be attached to and become a part of the deed to the property: The undersigned Owner, for himself and for his heirs, assigns, and successors in interest, covenants and agrees that:

The applicant understands that the site may be subject to extraordinary hazard from flooding and/or liquefaction; that he assumes the liability from these hazards and unconditionally waives any claims of liability on the part of the California Coastal Commission, or any other entity directly involved in the permit process; that he further understands that construction in the face of these probable hazards may make him, or his heirs, assigns and successors in interest ineligible for public disaster funds or loans for repair, replacement, or rehabilitation of the property in the event of flooding and/or liquefaction.

Said deed restrictions shall remain in full force and effect during the period that said permit, or any modification or amendment thereof, remains effective, and during the period that the development authorized by said permit or any modification of said development, remains in existence in or upon any

93.
No 255924
83.
[Handwritten signature and stamp]

1 part of, and thereby confers benefit upon, the subject property described herein,
2 and to that extent, said deed restriction is hereby deemed and agreed by Owner
3 to be a covenant running with the land, and shall bind Owner and all his assigns
4 or successors in interest.

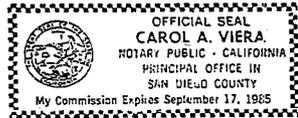
5 Owner agrees to record this Deed Restriction in the Recorder's Office
6 for the County of San Diego as soon as possible after the date of execution.

7 DATED: 7-25, 1983.

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9 Wallace W. McCoy
10 Wallace W. McCoy

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12 STATE OF CALIFORNIA)
13 County of San Diego) ss.

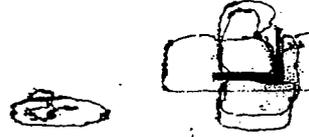
14 On this 25th day of July, 1983, before me Carol A. Viera
15 a Notary Public, personally appeared WALLACE W. MCCOY, personally known to me
16 (or proved to me on the basis of satisfactory evidence) to be the person whose
17 name is subscribed to this instrument, and acknowledged that he executed it.



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19 Carol A. Viera
20 Notary Public in and for said State

21 (Seal)
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No 255924
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1 The land referred to herein is situated in the State of California,
2 County of San Diego, City of San Diego, and is described as follows:

3 PARCEL 1:

4 That portion of Lot 8 in Section 6, Township 14 South, Range 3 West, San
5 Bernardino Meridian, in the County of San Diego, State of California, according
6 to the official plat thereof lying southerly of the center line of County Road
7 Survey No. 443 (Valley Road), according to Plat thereof on file in the Office of
8 the County Engineer of San Diego County.

7 PARCEL 2:

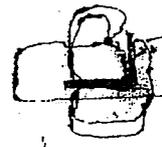
8 That portion of the southeast quarter of the southwest quarter of Section 6,
9 Township 14 South, Range 3 West, San Bernardino Meridian, in the County of San
10 Diego, State of California, according to the official plat thereof, lying
11 southerly and southeasterly of the northwesterly line of County Road Survey No.
12 443 (Valley Road), according to Plat thereof on file in the Office of the County
13 Engineer of San Diego.

14 Assessor's Parcel Number: 302-090-11

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EXHIBIT A

83-
No 255924
83-



Recording Requested by and Return to 1046 87 009825
State of California
California Coastal Commission
631 Howard Street, Fourth Floor
San Francisco, California 94105

RF	14
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RECORDING
OFFICE
FEB JUN -9 11:26
VEVA L. LYLE
COUNTY RECORDER

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DEED RESTRICTION

I. WHEREAS, WALLACE W. MCCOY, hereinafter referred to as Owner is the record owner of the real property located in the County of San Diego, described in attached Exhibit A, hereby incorporated by reference, and hereinafter referred to as the subject property; and

II. WHEREAS, THE California Coastal Commission is acting on behalf of the people of the State of California; and

III. WHEREAS, pursuant to the California Coastal Act of 1976, the Owner applied to the California Coastal Commission for a coastal development of the subject property; and

IV. WHEREAS, a coastal development permit No. 6-85-314 was granted on February 6, 1986 by the California Coastal Commission based on the findings adopted by the California Coastal Commission attached in Exhibit B and hereby incorporated by reference; and

V. WHEREAS, coastal development permit No. 6-85-314 was subject to terms and conditions including but not limited to the following condition:

Applicant's Assumption of Risk. Prior to the transmittal of a coastal development permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from floods, and the applicant assumes the liability from such hazards; and (b) that the applicant unconditionally waives any claim of liability on the part of the Commission and agrees to indemnify and hold harmless the Commission and its advisors relative to the Commission's approval of the

OFFICIAL RECORDS, SAN DIEGO COUNTY, VEVA L. LYLE, RECORDER

1 project for any damage due to natural hazards. The document shall run with
2 the land, binding all successors and assigns, and shall be recorded free of
3 prior liens and encumbrances which the Executive Director determines may
4 affect the interest being conveyed.

5 NOW, THEREFORE, in consideration of the granting of
6 Permit No. 6-85-314 to the Owner by the California Coastal Commission that
7 there be, and hereby is, created the following restrictions on the use and
8 enjoyment of said property, to be attached to and become a part of the deed
9 to the property: The undersigned Owner, for himself and for his heirs,
10 assigns, and successors in interest, covenants and agrees that:

11 The applicant understands that the site may be subject
12 to extraordinary hazard from floods, and the applicant assumes the
13 liability from such hazards; and that the applicant unconditionally waives
14 any claim of liability on the part of the Commission and agrees to
15 indemnify and hold harmless the Commission and its advisors relative to the
16 Commission's approval of the project for any damage due to natural hazards.
17 The document shall run with the land, binding all successors and assigns,
18 and shall be recorded free of prior liens and encumbrances which the
19 Executive Director determines may affect the interest being conveyed.

20 Said deed restriction shall remain in full force and
21 effect during the period that said permit, or any modification or amendment
22 thereof, remains effective, and during the period that the development
23 authorized by said permit or any modification of said development, remains
24 in existence in or upon any part of, and thereby confers benefit upon, the
25 subject property described herein, and to that extent, said deed
26 restriction is hereby deemed and agreed by Owner to be a covenant running
27 with the land, and shall bind Owner and all his/her assigns or successors
28 in interest.

OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER

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OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER 5

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Owner agrees to record this Deed Restriction in the Recorder's office for the County of San Diego as soon as possible after the date of execution.

DATED: December 17, 1986

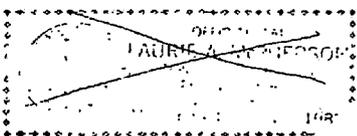
SIGNED: Wallace W. McCoy
Wallace W. McCoy

STATE OF CALIFORNIA)

) ss

COUNTY OF SAN DIEGO)

On this 17th day of December in the year 1986 before me Laurie A. McPherson, a Notary Public, personally appeared WALLACE W. MCCOY, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he executed it.



Laurie A. McPherson
NOTARY PUBLIC IN AND FOR SAID
COUNTY AND STATE



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This is to certify that the deed restriction set forth above is hereby acknowledged by the undersigned officer on behalf of the California Coastal Commission pursuant to authority conferred by the California Coastal Commission when it granted Coastal Development Permit No. 6-85-314 on February 6, 1986 and the California Coastal Commission consents to recordation thereof by its duly authorized officer.

Dated: January 5, 1987

John Bowers
John Bowers, Staff Counsel
California Coastal Commission

STATE OF CALIFORNIA)
) ss
COUNTY OF ~~SAN FRANCISCO~~ SAN FRANCISCO)

On 5 January 1987, before me Gary Lawrence Holloway a Notary Public, personally appeared John Bowers, personally known to me to be (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument as the Staff Counsel, and authorized representative of the
TITLE

California Coastal Commission and acknowledged to me that that the California Coastal Commission executed it.



Gary Lawrence Holloway
Notary public in and for said
County and State

OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LITTLE, RECORDS

1 The land referred to herein is situated in the State of
2 California, County of San Diego, City of San Diego, and is described as
3 follows:

4 PARCEL 1:

5 That portion of Lot 8 in Section 6, Township 14 South, Range 3 West, San
6 Bernardino Meridian, in the County of San Diego, State of California,
7 according to the official plat thereof lying southerly of the center line
8 of County Road Survey No. 443 (Valley Road), according to Plat thereof on
9 file in the Office of the County Engineer of San Diego County.

10 PARCEL 2:

11 That portion of the southeast quarter of the southwest quarter of Section
12 6, Township 14 South, Range 3 West, San Bernardino Meridian, in the County
13 of San Diego, State of California, according to the official plat thereof,
14 lying southerly and southeasterly of the northwesterly line of County Road
15 Survey No. 443 (Valley Road), according to Plat thereof on file in the
16 Office of the County Engineer of San Diego.

17 Assessor's Parcel Number: 302-090-11

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EXHIBIT A

CALIFORNIA COASTAL COMMISSION
 SAN DIEGO COAST DISTRICT
 1333 CAMINO DEL RIO SOUTH, SUITE 125
 SAN DIEGO, CA 92108-3520
 (619) 297-9740

Filed: December 23, 1985
 49th Day: February 10, 1986
 180th Day: June 22, 1986
 Staff: EL-SD-C
 Staff Report: January 22, 1986
 Hearing Date: February 4-7, 1986



REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-85-314

Applicant: Dr. Wallace W. McCoy Agent: JB Young & Associates, LTD.

Description: Construction of an at-grade crossing of the San Dieguito River, with three, 12-inch culverts installed for passage of river water, on site with existing equestrian center (corrals and show arenas). Road surface will be decomposed granite.

Lot Area 63.87 acres
 Zoning A-1-10/FPF/FW
 Plan Designation Agricultural

Site: Southwest corner of Via de la Valle and El Camino Real, North City, San Diego, San Diego County. APN 302-090-11

Substantive File Documents: North City Land Use Plan (certified) and City of San Diego draft implementing ordinances 6-83-225 (McCoy - equestrian center) EQO No. 85-0590 - Negative Declaration

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the project with an advisory condition specifying that only the at-grade crossing is herein approved and with a condition requiring recordation of the applicant's assumption of risk for development within the floodplain.

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions:

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be

EXHIBIT "B"

in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Limitation of Permit. This coastal development permit is specifically for the at-grade crossing of the San Dieguito River, intended for agricultural uses only. Any further improvements, including any channelization of the river or expansion of the equestrian facilities, would require a separate coastal development permit, following the appropriate environmental review, from the Coastal Commission or its successor in interest.

2. Applicant's Assumption of Risk. Prior to the transmittal of a coastal development permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from floods, and the applicant assumes the liability from such hazards; and (b) that the applicant unconditionally waives any claim of liability on the part of the Commission and agrees to indemnify and hold harmless the Commission and its advisors relative to the Commission's approval of the project for any damage due to natural hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances which the Executive Director determines may affect the interest being conveyed.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The applicant is proposing to construct a river crossing to access the southern portion of his property. This is a large property (nearly 64 acres, bisected by the San Dieguito River) which houses an equestrian center, with several corrals and show arenas, as well as facilities to board horses. In addition, the applicant has a sod farm operation on the south side of the river and is required to routinely shuttle equipment and supplies back and forth across the waterway.

The "bridge" is proposed to be an at-grade crossing of decomposed granite, designed not to interfere with river flow, either during the dry season or at times of flood. Three, 12-inch metal pipes will run under the crossing, and these will be adequate to handle the normal flow of the river. During times

of heavy rain and flood, the water will simply flow over the crossing unimpeded or be simply washed out. No other improvements are part of this application, and this permit is conditioned to clarify that the at-grade crossing is the only development being approved at this time.

2. Floodplain Development/Environmentally Sensitive Habitat. Both the approved North City Land Use Plan and Chapter 3 of the Coastal Act have policies addressing development within floodplains and in sensitive habitat areas. The following Coastal Act sections are most pertinent:

Section 30236.

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

Section 30240.

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

Section 30253

New development shall:

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

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

In addition to these Coastal Act policies, the certified North City Land Use Plan, based on Commission action in late August 1985, contains the following language:

Under Section 5. of the Recommended Revisions to the North City LUP:

(A) Within the 100-year floodplain fringe of the San Dieguito River, fill for roads and other public improvements and/or permanent structures will only be allowed if such development is consistent with uses allowed pursuant to the A-1-10 Zone and other existing zoning, is capable of withstanding periodic flooding, and does not require the construction of flood protective works, and the applicant can demonstrate that:

...(3) There will be no significant adverse water quality impacts to downstream wetland, lagoon and other environmentally sensitive habitat areas.

This project underwent an environmental review and was granted a Negative Declaration by the City of San Diego. The findings of this review were that no significant impacts to the San Dieguito Lagoon were expected and there were no valuable resources (particularly no riparian resources) on site. In the case of this particular project, there are no environmentally sensitive habitat or riparian areas within the riverbed, adjoining slopes or upland areas to be altered by the river crossing. The property has been used for agriculture and related uses for some years and is somewhat disturbed. Most of the riverbank area is devoid of any vegetation at all, and what there is consists of non-native grasses.

In addition, the proposed at-grade crossing will cause minimal disturbance to the floodplain, requiring only 45 cu.yds. of cut and 60 cu.yds. of fill. Since the existing equestrian center and agricultural operation are permitted uses under the present A-1-10 zoning and the herein proposed river crossing is an accessory improvement for that use and it has been curtailed in its design, the proposed development may be found consistent with the certified North City Land Use Plan policy cited above.

There is concern, however, for downstream resources, since the river flows into the San Dieguito Lagoon and then the Pacific Ocean only a few miles west of the subject property. The crossing is designed to accommodate normal low flows of water through the 12-inch culverts under the decomposed granite. Flood waters will simply sheet flow over the crossing. At worst, the crossing will wash out and contribute some decomposed granite to downstream sediment, but it is not anticipated that the small amount of materials herein permitted would have a significant detrimental effect on the downstream lagoon and adjacent habitat areas.

Except for minor disturbance during actual construction, no substantial alterations to the San Dieguito River are anticipated. In addition, the finished grades on both riverbanks will be revegetated with native plant materials to minimize erosion into the stream itself. Therefore, since the project is designed not to interfere with river flow, has obtained the necessary environmental review, and will not contribute significantly to downstream sedimentation, the Commission finds the project, as conditioned, consistent with the Coastal Act and Land Use Plan policies stated above.

3. 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.

This site is zoned A-1-10/FPF/FW and the existing and proposed land uses are consistent with those designations. Since the stream crossing is within the floodway itself, a condition is attached requiring the applicant to assume the risks inherent in floodplain development. With that condition, and the advisory condition limiting the permit to the crossing only, the project can be found consistent with all applicable Coastal Act and Land Use Plan policies. The Commission finds that project approval will not prejudice the ability of the City of San Diego to complete a fully-certifiable LCP for the North City area.

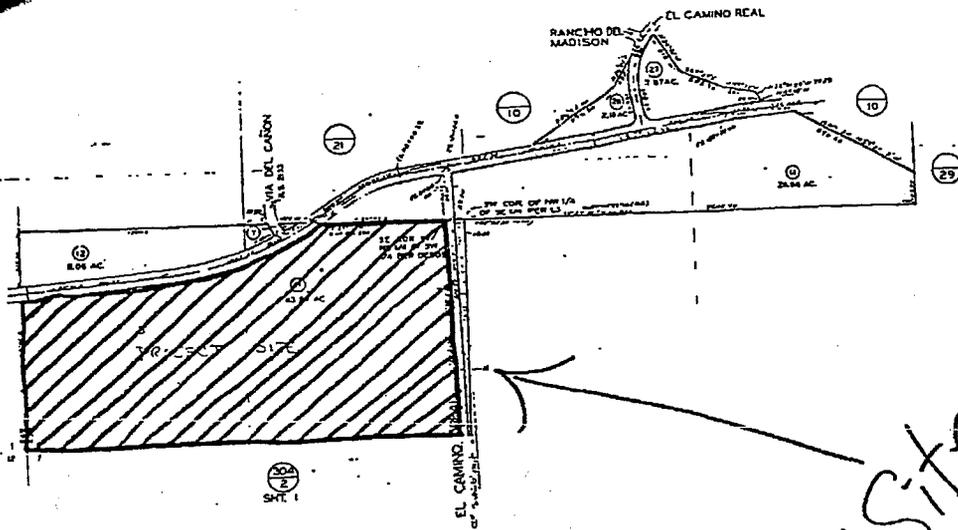
STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

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Site

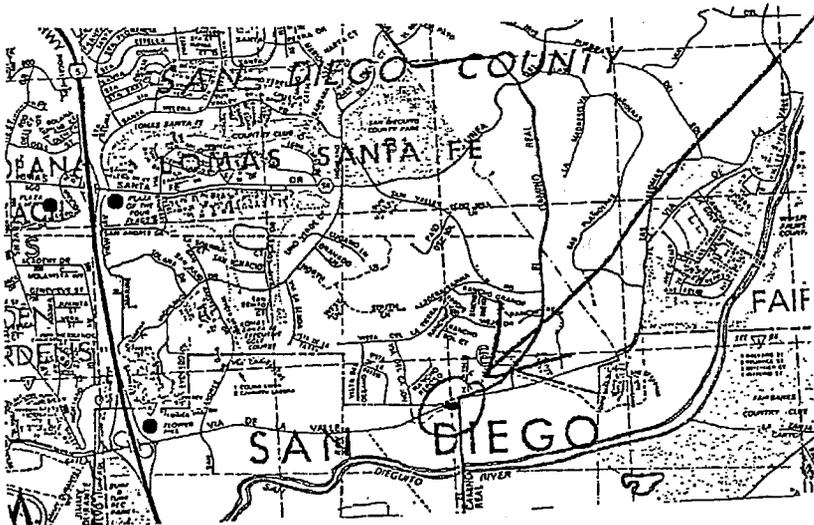


EXHIBIT NO. /
APPLICATION NO. 6-85-314
Location Maps
California Coastal Commission

OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER

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