

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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 SAN DIEGO, CA 92108-4421
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Th13b

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 180th Day: October 26, 2008
 Staff: DL-SD
 Staff Report: May 21, 2008
 Hearing Date: June 11-13, 2008

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-07-03

Applicant: Frank & Ruth Mercurio

Agent: Michael Rollins

Description: Demolition of an existing 2,114 sq.ft. 2-story single-family residence and detached storage sheds, and construction of a new 1-story, 5,445 sq.ft. single-family residence with an attached 594 sq.ft. secondary dwelling unit.

Lot Area	46,323 sq. ft.
Building Coverage	6,892 sq. ft. (15%)
Pavement Coverage	12,531 sq. ft. (27 %)
Landscape Coverage	21,748 sq. ft. (47 %)
Unimproved Area	5,152 sq. ft. (11 %)
Parking Spaces	4
Zoning	RS1
Plan Designation	2- Residential
Ht abv fin grade	25 feet

Site: 4866 Sun Valley Road, Lomas Santa Fe vicinity, San Diego County.
 APN 302-041-18.

Substantive File Documents: Certified County of San Diego Local Coastal Program;
 CDP #6-88-453

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed single-family residence with special conditions. The residence will not have any direct or indirect impact on sensitive coastal resources, including biological resources, public views, and water quality. Special Conditions include a revised landscape plan eliminating invasive plant species, and a water quality plan that directs runoff into landscaping.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-07-03 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. **Revised Landscape Plans: 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 plan in substantial conformance with the preliminary landscape plan by Greg Hebert, dated 4/23/08, but revised as follows:

a. Landscaping on the site shall emphasize the use of drought-tolerant native species. Use of drought-tolerant, non-invasive ornamental species is allowed as a small component. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized.

- b. The planting plan shall be implemented within 60 days of completion of construction.
- c. All required plantings shall be maintained in good growing condition, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.
- d. Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.
- e. Five years from the date of issuance of the coastal development permit, the applicant shall submit for 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.

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 written approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or 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 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.

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

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.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The proposed project is demolition of an existing 2,114 sq.ft. 2-story single-family residence and detached storage sheds, and construction of a new 1-story, 5,445 sq.ft. single-family residence with an attached 594 sq.ft. secondary dwelling unit. The 46,323 sq. ft. lot is located on the north side of Sun Valley Road, approximately 1,000 feet west of El Camino Real, in the unincorporated area of San Diego County.

The project site is located within an area that was covered by the County of San Diego's Local Coastal Program (LCP). However, the County LCP was never effectively certified. As such, the standard of review for the proposed development is Chapter 3 of the Coastal Act.

2. Conformance with Chapter 3 Policies. Section 30240(b) of the Coastal Act is applicable and states:

(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.

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.

Section 30251 of the Act states in part:

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

The proposed development will be located within an established residential neighborhood, and will be consistent with the character of the surrounding community. No public views are available across the site.

The applicant has submitted a landscape plan approved by the Rancho Santa Fe Fire Department that includes a 100-foot fuel modification zone. In January 1989, the Commission approved a boundary adjustment on the adjacent property to the north of the subject site, that included placement of an open space deed restriction on the steep slopes of the property (6-88-453). The second 50-feet of the fuel modification zone for the subject project would encroach onto the designated open space on the adjacent site. However, there is no sensitive vegetation on these slopes; thus, the fuel modification will not have any adverse impact on environmentally sensitive habitat or native vegetation. In addition, the existing residence on the adjacent site is within 50 feet of the open space on that site, and the existing residence and sheds on the subject site proposed for demolition are closer to the open space than the proposed residence. Thus, the new development will not require any more fuel modification or brush clearance than would be required for the existing structures.

The proposed landscape plan includes mostly drought-tolerant species compatible with the California/Mediterranean climate; however, three new California pepper trees are proposed. The Cal-IPC (Invasive Plant Council) website indicates that while Peruvian peppertree is sometimes called California peppertree, the trees are native to South America, and seeds are transported by birds and mammals into natural areas. The aggressive growth of peppers enables them to displace native trees and form dense thickets in natural areas. In addition, the landscape plan also includes seven new Australian tea trees, which is also on Cal-IPC's list. While not immediately adjacent to any lagoon or open space, because plant seeds do travel, to project nearby native areas including San Elijo Lagoon, Special Condition #1 requires the submission of a revised final landscape plan, without any invasive plant species. The condition also prohibits the use of various rodenticides. As conditioned, the Commission finds the proposed landscaping improvements consistent with previously cited Coastal Act policies addressing protection of natural habitats.

In order to reduce the potential for adverse impacts to water quality resulting from drainage runoff from the proposed development, Special Condition #2 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.

In summary, as conditioned, the proposed project will not adversely affect visual resources, sensitive habitat, or water quality. Therefore, the Commissions find the project consistent with the policies of Chapter 3 of the Coastal Act.

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

The subject site is planned and zoned for large-lot residential development. As discussed above, as conditioned, the project will not adversely impact environmentally sensitive habitat areas and is consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that project approval will not prejudice the ability of the County of San Diego to obtain an effectively certified LCP.

4. California Environmental Quality Act. 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.

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, 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.

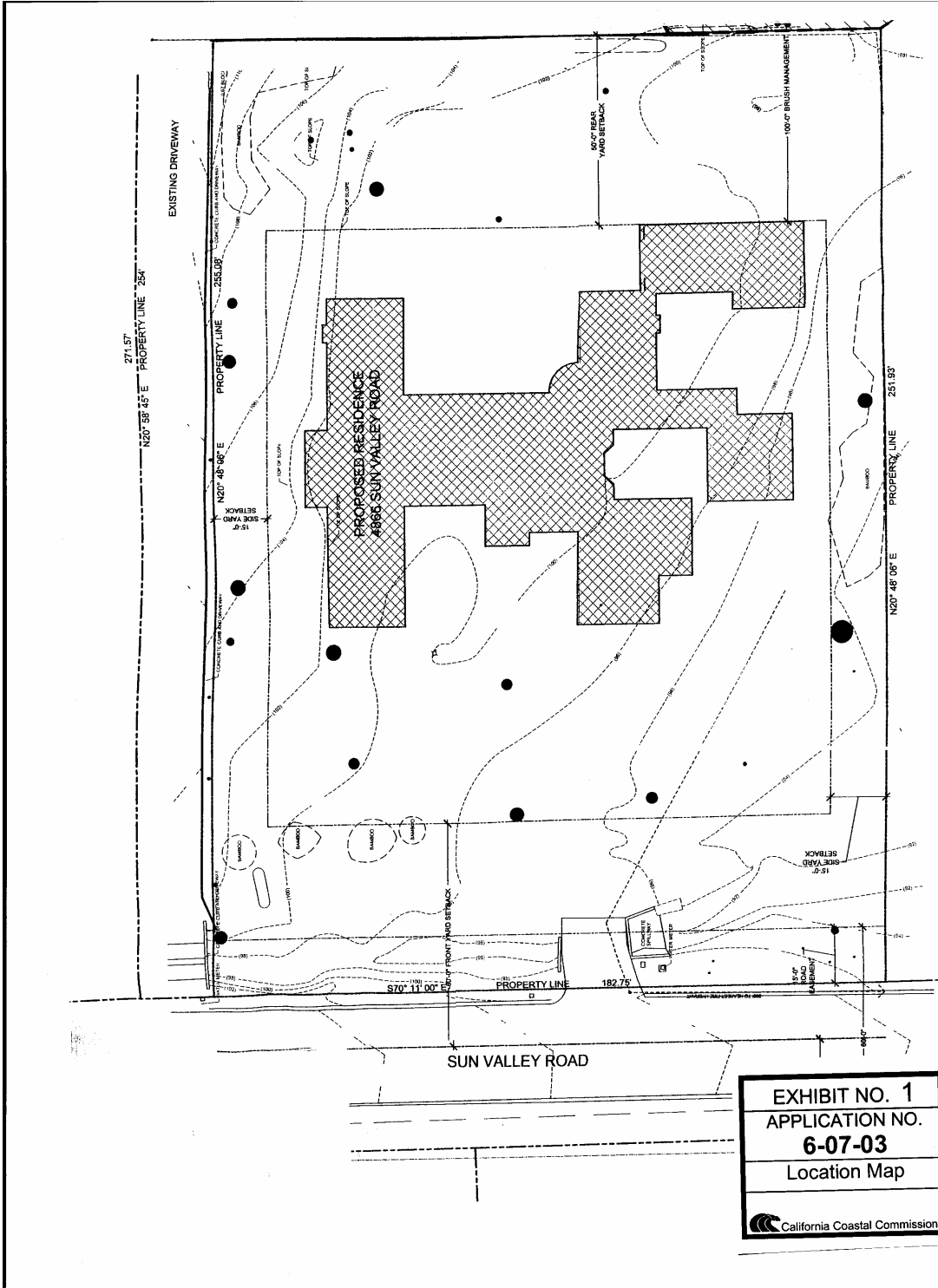


EXHIBIT NO. 1
APPLICATION NO.
6-07-03
Location Map

SITE

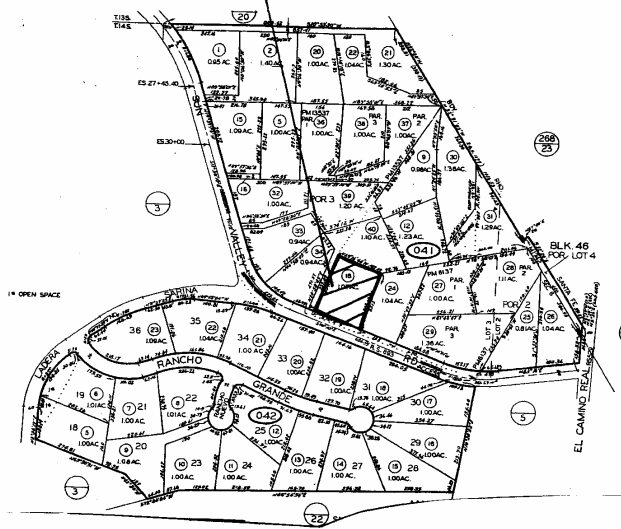
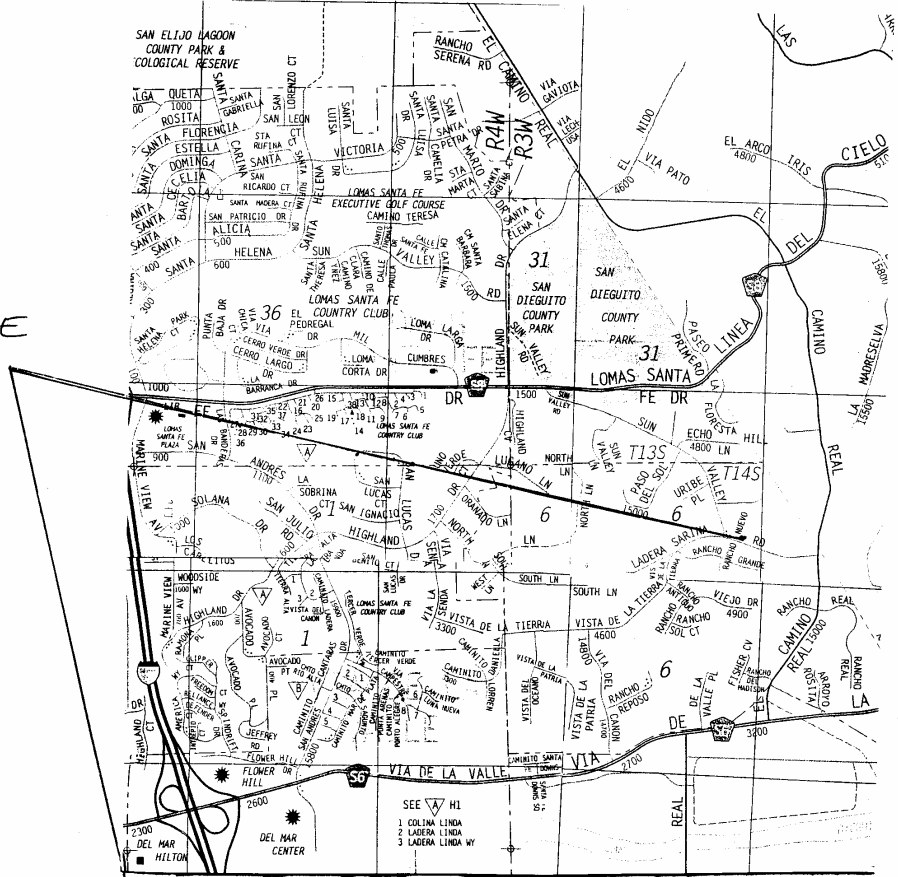


EXHIBIT NO. 2
APPLICATION NO.
6-07-03
Site Plan
California Coastal Commission