

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



W19a

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STAFF REPORT: REGULAR CALENDAR

Application No.: 6-14-0581

Applicant: Kevin & Lauren Farrell

Agent: Scott Spencer

Location: 4807 Linea del Cielo, Rancho Santa Fe, San Diego County (APN 268-230-24)

Project Description: Construction of a 3,190 sq. ft. first and second story addition to an existing 3,743 sq. ft. one-story single family residence, a 190 sq. ft. garage addition, new and expanded driveways, new pool, pond, spa, and landscaping. Demolition of an existing detached barn and construction of a new 1,520 sq. ft. detached barn/guesthouse. After-the-fact approval of unpermitted hardscaping and ornamental landscaping within existing open space areas.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending **approval** of the proposed residential additions and guesthouse with special conditions to minimize impacts to native vegetation and steep slopes. The primary issues raised by this project are the potential impacts of the proposed developments and associated grading and brush management activities to steep slopes

and native vegetation in areas that were placed into open space when construction of the existing residence was approved by the Commission in 1988 in order to protect habitat and minimize landform alteration. As proposed, the pond, garage addition and associated brush management, hardscaped pathways and patio, and native landscaping would encroach into the open space areas. In addition, there are existing encroachments into the open space in the form of a grass lawn, a pool wall, and ornamental landscaping.

However, the Commission's staff ecologist has determined that while there is a limited amount of native vegetation present, it is not EHSA, as it is too small and fragmented. The subject site is located approximately 3 miles inland of the shoreline, 1.5 miles from San Elijo Lagoon to the north and 1.5 miles from San Dieguito Lagoon to the south and is separated from both of these coastal lagoons by extensive residential development, and is not part of a contiguous habitat area. As conditioned, the proposed encroachments in the open space will not cause substantial landform alteration as they will be sited outside of the areas designated as steep slopes. The supplemental brush management that may be required as a result of the proposed residential addition and new barn/guesthouse will not cause any additional impacts to the native vegetation as nearly the entire area containing native vegetation is currently within Brush Management Zone 2 of the existing house and barn, which requires that 50% of existing vegetation be thinned and all dead and dying vegetation be removed. The existing encroachments are minor in nature, did not impact any native vegetation or cause significant landform alteration, and occurred in an area already subject to brush management and are consistent with brush management requirements. The site is not visible from any scenic area and no public views will be blocked by the development. Thus, as conditioned, the proposed addition and after-the-fact landscape and hardscape proposals will not adversely impact any coastal resources.

To address potential adverse impacts, the Commission staff is recommending seven special conditions that would require (1) revised final plans siting all proposed developments in the open space outside of the designated steep slopes, (2) a final landscape plan that requires the use of drought-tolerant, fire resistant, native and non-invasive species, (3) maintenance of the brush management areas so as to avoid the introduction of non-native or invasive species, (4) drainage plans showing that all storm water runoff will be directed to on-site pervious areas to avoid water quality impacts, (5) utilization of erosion control devices and revegetation of all areas disturbed by grading to minimize potential grading impacts, (6) recordation of a deed restriction against the subject property to assure all future owners are aware of the restrictions imposed on the subject property, and (7) fulfillment of the prior to issuance conditions in a timely manner to resolve the subject site's violation.

Commission staff recommends **approval** of coastal development permit application 6-14-0581 as conditioned.

The standard of review for the subject development is the Chapter 3 Policies of the Coastal Act.

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EXHIBITS

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Exhibit 2 – Aerial View

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Exhibit 4 – Open Space Deed Restriction from CDP #6-88-415

Exhibit 5 – Open Space Deed Restricted Areas

Exhibit 6 – Slope Survey

Exhibit 7 – Unpermitted Development

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 6-14-0581 subject to the conditions set forth in the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in conditional approval of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves coastal development permit 6-14-0581 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

This permit is granted subject to the following 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 of 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.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Revised Final Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for review and written approval by the Executive Director, final site, building, and grading plans for the proposed home additions that have first been approved by the County of San Diego. Said plans shall be in substantial conformance with the plans submitted with this application by Scott A. Spencer & Associates, date-stamped received on May 1, 2014, except they shall be revised to reflect the following:

- a. The developments proposed in the open space area 'B' established by Coastal Development Permit #6-88-415, namely the pond, pathway, and patio area, will be resited so they no longer encroach on steep slopes as shown in the slope survey submitted with the aforementioned plans on May 1, 2014 (see Exhibit 6).

The permittee shall undertake 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 Landscaping 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 plan approved by the Rancho Santa Fe Fire Department and County of San Diego. Said plan shall include the following:

- a. All proposed landscaping shall be drought-tolerant, native, fire resistant, non-invasive plant species that are obtained from local stock, if available, but use of drought-tolerant, non-invasive ornamental species and lawn area is allowed as a small component. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest 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. A planting schedule that indicates that the planting plan shall be implemented within 60 days of completion of residential construction.
- c. A written commitment by the applicant that all required plantings shall be maintained in good growing conditions, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape screening requirements.
- d. The use of rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) is prohibited.
- 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.

3. Final Brush Management Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, revised final brush management plans addressing the area within 100 feet of the proposed home, garage and guesthouse. Said plans shall be in substantial conformance with the plans submitted with this application by George Mercer Associates Inc., date-stamped received on June 12, 2014. Said plans shall be approved by the Rancho Santa Fe Fire Department and shall include the following:

- a. The brush management requirements are as follows:
 - i) Zone 1 is the area from the inhabitable structures to a point 50 feet away. This area must be modified and planted with drought-tolerant, fire

resistive plants. Grass and other vegetation located more than 50 feet from the inhabitable structures and less than 6 inches in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion. Irrigation is required.

- ii) Zone 2 is the area between 50 to 100 feet from the inhabitable structures. The native vegetation in this area may remain, but all native, unbroken vegetation must be thinned out by 50 percent. All dead and dying vegetation in addition to undesirable plants and weeds as listed in the Wildland/Urban Interface Development Standard must be removed. Irrigation is optional.
- b. The property owner shall be responsible for at least annual maintenance within the designated 100 ft. brush management area to remove any introduced non-native or invasive plant species.
- c. Fuel modification activities are prohibited during the breeding season of the California Gnatcatcher, February 15th through August 31st of any year.
- d. Any future vegetation clearance within the proposed fuel modification area other than removal of invasive and non-native plant species and dead or dying plants shall require approval of a coastal development permit or amendment to the subject permit, unless the Executive Director determines no permit or amendment is legally required.

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

4. Drainage Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a drainage and runoff control plan approved by the County of San Diego documenting that the runoff from the roof, driveway and other impervious surfaces of the existing and proposed structures will be collected and directed into pervious areas on the site (landscaped areas) for infiltration and/or percolation prior to being discharged off site in a non-erosive manner.

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

5. Grading/Erosion Control. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and written approval, final grading and erosion control plans that have been approved by the County of San Diego. The plans approved shall contain written notes or graphic depictions demonstrating that all permanent and temporary erosion control measures will be developed and installed prior to or concurrent with any on-site grading activities and include, at a minimum, the following measures:

- a. Placement of a silt fence around the project anywhere there is the potential for runoff. Check dams, sand bags, straw bales and gravel bags shall be installed as required in the City's grading ordinance. Hydroseeding, energy dissipation and a stabilized construction entrance shall be implemented as required. All disturbed areas shall be revegetated after grading.
- b. The site shall be secured daily after grading with geotextiles, mats and fiber rolls; only as much grading as can be secured daily shall be permitted. Concrete, solid waste, sanitary waste and hazardous waste management BMP's shall be used.
- c. Demonstration that all on-site temporary and permanent runoff and erosion control devices are installed and in place prior to commencement of construction to minimize soil loss from the construction site.

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

6. 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.

7. **Condition Compliance. WITHIN 90 DAYS OF COMMISSION ACTION ON THIS CDP**, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION/PERMIT HISTORY

The proposed project consists of a 3,190 sq. ft. first and second story addition to an existing 3,743 sq. ft. one-story single family residence, the demolition of an existing 400 sq. ft. detached barn, construction of a new 1,520 sq. ft. detached barn/guesthouse, a new access road, expansion of the existing driveway, a 190 sq. ft. garage addition, and a new pond, landscaping, pool, and spa on an approximately 3.38 acre site. The project site is located at 4807 Linea Del Cielo near the east end of Lomas Santa Fe Drive, west of El Camino Real in the Rancho Santa Fe community of the County of San Diego. The property is approximately 3 miles inland of the shoreline, 1.5 miles from San Elijo Lagoon to the north and 1.5 miles from San Dieguito Lagoon to the south within the unincorporated area of the County of San Diego.

In 1988, the Commission approved the construction of the existing residence and barn (Ref. CDP #6-88-415/Slotkin) with a condition requiring all onsite “naturally vegetated slopes in excess of 25% grade” be protected through the application of a deed restricted open space. The deed restriction prohibits any alteration of landforms, removal of vegetation, or the erection of structures of any type without the written approval of the Coastal Commission or its successor in interest (Exhibit 5).

Currently, a corner of the pool wall, a grass lawn, and ornamental vegetation has been constructed and planted in the area required to be set aside as open space, in apparent violation of the terms of the permit and the Coastal Act. The applicant is requesting after-the-fact approval of these encroachments. In addition, as proposed, the project would also include new development in the open space, consisting of a pond, a pathway to the pond with a small patio, a pathway to the existing encroaching lawn, a portion of the garage addition, and native landscaping.

In 2007, the Commission approved a project similar to the subject proposal for a first and second story addition to the subject existing single family residence and demolition and reconstruction of the detached barn, as well as approval of brush management activities within the existing deed restricted open spaces areas. (Ref. CDP #6-07-090/Chu). The approval of the project was based upon the fact that the proposed additions would not require any further brush management activities than what would already be required for the existing residence. However, this permit was never released or exercised, and has since expired.

The standard of review for the subject development is the Chapter 3 Policies of the Coastal Act.

B. BIOLOGICAL RESOURCES/WATER QUALITY/VISUAL RESOURCES

Section 30240 of the Coastal Act is applicable to biological resource protection and states:

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

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30253(1) is also applicable to biological resource protection and states:

New development shall:

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

Section 30231 of the Coastal Act requires protection and maintenance of the biological productivity of coastal waters 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 entrapment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30251 of the Coastal Act requires visual resource protection 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...

The project site consists of the existing residence and detached barn located on a 3.38 acre site. Except for the building pad area of the existing home and detached barn, most

of the site contains steep slopes that are vegetated predominantly with eucalyptus trees. Properties surrounding the subject site contain large estate sized homes that are generally landscaped with non-native, ornamental plants. The north side of the subject property is bordered by a lot that contains a fruit orchard consisting of several hundred trees.

In approving the home's original construction in 1988, the Commission identified that the property contained "naturally vegetated slopes in excess of 25% grade." At the time of approval of the existing home, the Commission used the Coastal Resource Protection (CRP) Overlay Zone of the San Diego County LCP as guidance in reviewing County projects, although the LCP was never effectively certified. The CRP Overlay regulated the development of "naturally" vegetated steep slopes, defined as those exceeding 25% grade. The Commission has historically limited grading of steep slopes to minimize the visual impacts associated with such grading, to preserve the habitat values of significantly vegetated steep slopes areas, and to avoid the increased likelihood of erosion, runoff and sedimentation which can occur when steep slopes are graded. These concerns can be addressed by eliminating or significantly reducing grading on steep slopes. While minor encroachments into steep slopes have been allowed in some instances, where there is the possibility to develop sites without such encroachments, they should be avoided.

In approving the home, the Commission identified that the residence and barn would be located on previously graded areas with no impacts to the naturally vegetated steep slope areas. The Commission also required that development in all of the naturally vegetated steep slopes on the site be restricted by the recordation of an open space deed restriction to ensure that the natural landform was maintained and to avoid erosion and runoff pollution. Specifically, the open space deed restriction prohibits "any alteration of landforms, removal of vegetation or the erection of structures of any type without the written approval of the Coastal Commission or successor in interest . . ." (Exhibits 4 & 5). No allowance was made for brush management even though some of the deed restricted area was located immediately adjacent to the approved residence.

As noted, in 2007, the Commission approved construction of an addition similar to the proposed project (CDP #6-07-090). At that time, the Commission noted that the 100-foot brush management zone required by the Rancho Santa Fe fire department around the existing residence would encroach into the open space on the site. However, the applicant submitted a biological assessment of the site which determined that the only sensitive vegetation on the site was 0.07 acres of Southern Maritime Chaparral (SMC) between the existing home and the barn, with the rest of the site consisting of non-native habitat and eucalyptus stand (Ref. "Biology Letter Report" by Vincent N. Schmidt dated December 17, 2007). The biology assessment described this area as "highly disturbed" with "very little limb structure". In addition, the letter further notes that "No sensitive species were detected onsite during the field survey and none are anticipated, given the disturbed, developed, and non-native nature of the onsite habitats." The Commission's staff ecologist reviewed the applicant's biological assessment as well as photographs of the site and surrounding area and concluded that the on-site native vegetation is not ESHA because it is isolated, fragmented and the rare plants that are often associated with SMC

are not present. Furthermore, the patch is surrounded by residential development, eucalyptus woodland and a planted grove of fruit trees.

Nevertheless, while not ESHA, preserving the remnant native habitat does have some biological value, as does maintaining the natural landform of the steep slopes and limiting erosion. However, the addition proposed at that time would not have directly encroached into any open space area, and would not have resulted in the need for any brush management beyond that required by the existing structure. Thus, the proposed addition was approved. However, that permit was never released or exercised, and has since expired.

The current project differs slightly from the previous project in that it does include direct encroachment into the open space areas and would require additional brush management. As proposed, the developments and associated brush management activities will impact the on-site steep slopes and native vegetation protected by the open space. Exhibit 7 shows the breakdown of the proposed encroachments from building, landscaping, grading, and brush management within each on-site open space easement. Open Space 'A' in the northwestern-most region of the subject site would not be effected by the proposed project. Within Open Space 'B,' the applicant proposes 2,400 sq. ft. of grading, a new pond, approximately 2,000 sq. ft. of which would encroach in the the open space, 200 sq. ft. of proposed new native landscaping, and a new walkway from the residence to the pond, including a small patio. Within Open Space 'C,' the applicant the proposed garage addition would encroach 10 sq. ft., and approximately 400 sq. ft. of grading, and additional landscaping and hardscaping is also proposed. The garage and residence additions would also result in the need to extend the required Brush Management Zone 1 and Zone 2 approximately 5-6 feet from their current locations, causing the need for additional Zone 1 fuel modification requirements within Open Space 'C.'

In addition to the proposed encroachments, there are several existing encroachments in Open Space 'C' that are inconsistent with the open space deed restriction recorded per CDP #6-88-415. Specifically, the unpermitted development consists of the southwestern corner of the existing pool wall, which encroaches into the northern edge of the boundary of Open Space 'C'; the eastern portion of the existing lawn on the eastern side of the residence (which is now proposed to be partially developed into a hardscaped path per Fire Department requirements), which encroaches into the western, flatter portion of Open Space 'C'; and the existing ornamental vegetation on the eastern border of the lawn and on the top of the steep slope, which encroaches into the steeper western portion of Open Space 'C' (Exhibit 7).

The applicant for the subject proposal submitted an updated biological letter report from a field survey conducted by REC Consultants, Inc. on July 8, 2013 to reevaluate the subject site's biological resources. The letter states: "With the exception of possible further decline in the condition of remnant chaparral due to fuel management, on-site habitats and land cover types appear to remain substantially the same as reported in the Scheidt and Groebner report." No special-status plant or animal species were observed. Thus, although the project does involve a significant amount of encroachment into the area restricted for open space, there will not be any impacts to ESHA, nor any significant

impacts to native vegetation. The majority of the proposed encroachment would occur in the area that is already subject to brush management requirements associated with the existing structures. In addition, as described, most of the proposed encroachment is for landscaping and brush management, not structures; thus, the amount of open area and pervious surfaces on this large lot will not be substantially decreased.

In addition, there would be a minimal amount of landform alteration associated with the proposed development, as the majority of the development would not be located on steep slopes. The pond, although directly encroaching into the deed restricted area, would likely support biological productivity and is sited almost entirely out of the steep slopes identified by the slope survey (Exhibit 6).

The proposed garage addition will not cause any impacts to native vegetation or steep slopes, as it is proposed in a location that has been previously disturbed and developed in violation of the open space as described above. Open Space 'C' already is currently 100% covered by Brush Management Zone 1 and Zone 2 from the existing residence and barn, and nearly the entire SMC vegetated area is within Zone 2 of the existing house and barn, which requires that 50% of existing vegetation be thinned and all dead and dying vegetation be removed. Thus, there would be no significant impacts to the native vegetation from the proposed addition and required additional Zone 1 fuel modification activities. The brush management activities required by the proposed barn/guesthouse would not have any additional impacts to Open Space 'C' but rather would result in clearing and thinning of existing eucalyptus woodland in the northeastern portion of the subject site.

The proposed path and patio, however, would be partially sited on steep slopes in Open Space 'B' and would require grading of these slopes, inconsistent with the intent of the original permit and the deed restriction. Therefore, **Special Condition #1** requires the applicant to submit revised final site, building, and grading plans that show the proposed path and patio relocated outside of the areas identified as steep slopes by the slope survey submitted with the subject application (Exhibit 6).

The Rancho Santa Fe Fire Department requires that only fire-resistant, native and irrigated vegetation may be present within Brush Management Zone 1 (first 50 ft. from the inhabitable structures). Within Brush Management Zone 2 (50-100 ft. from the inhabitable structures), the Fire Department requires that 50% of the area must be thinned and all dead and dying vegetation must be removed. **Special Condition #2** requires that all landscaping within the entire brush management zone be limited to fire-resistant, drought-tolerant, native and non-invasive species. **Special Condition #3** requires the applicant to implement the brush management requirements consistent with the Fire Department's standards and, in addition, requires the property owner to maintain the brush management area and avoid introduction of non-native or invasive species. These conditions will assure that adverse impacts to any nearby native habitat are minimized to the maximum extent possible.

The project site is located approximately a quarter-mile east of San Dieguito County Park, a 125 acre multi-purpose park that includes ball fields, basketball courts, grassy

picnic areas and hiking trails through native habitat. In addition, all runoff from the subject site has the potential to make its way into San Dieguito Lagoon, which is located approximately 1.5 miles to the south. In order to reduce the potential for adverse impacts to water quality resulting from drainage runoff from the proposed development, Special Condition Nos. 4 and 5 have been attached. **Special Condition #4** requires that runoff from the roof of both the existing residence and the proposed barn/guesthouse, the driveway and other impervious surfaces be directed into the landscaped areas on the site for infiltration and/or percolation, prior to being collected and conveyed off-site. Directing on-site runoff through landscaping for filtration of on-site runoff in this fashion is a well-established Best Management Practice for treating runoff from small developments such as the subject proposal. **Special Condition #5** requires installation of temporary and permanent erosion control devices to prevent potential impacts from grading, as well as revegetation of any disturbed area after grading is completed. As conditioned, the drainage and grading/erosion control plans will serve to reduce any impacts to water quality from the project to insignificant levels. Therefore, the Commission finds the proposed project consistent with Section 30231 of the Coastal Act.

In addition, the project site is located in a developed area in the County of San Diego, east of the City of Solana Beach and Interstate 5. The site is not visible from any scenic area and no public views will be blocked by the development. The project site is located within an established residential neighborhood and the proposed residential addition and new barn/guesthouse will be consistent with the bulk and scale of the surrounding development. Given that no impacts to any coastal resources will result from the proposed development and that the development will be compatible with the surrounding area, the Commission finds the proposed project consistent with Sections 30251 of the Act.

Finally, **Special Condition #6** 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 terms and conditions of the permit such as the brush management and landscaping requirements.

In summary, the proposed developments and associated brush management would encroach into the existing open space on the site required by the terms of the permit for the existing residence. However, there is very little native vegetation on the site, and none of it would be impacted by the proposed development. As conditioned, no impacts would occur to steep slopes, visual resources, or water quality. Thus, the Commission finds the proposed project consistent with all applicable sections of the Coastal Act.

C. UNPERMITTED DEVELOPMENT

Development has occurred on the subject site without required coastal development permits including, but not limited to, construction of ornamental landscaping and hardscaping within the deed restricted open space area 'C' (Exhibit 8). Specifically, the unpermitted development consists of the southwestern corner of the existing pool wall encroaching into the northern edge of the boundary of Open Space 'C'; the eastern

portion of the existing lawn on the eastern side of the residence, proposed to be partially developed into a hardscaped path per Fire Department requirements, encroaching into the western, flatter portion of Open Space 'C'; and the existing ornamental vegetation on the eastern border of the lawn and on the top of the steep slope, encroaching into the steeper western portion of Open Space 'C'. To ensure that the matter of unpermitted development is resolved in a timely manner, **Special Condition #7** requires the applicant to fulfill the "prior to issuance" conditions within 90 days of Commission action on the subject application. Only as conditioned is the proposed development consistent with the Coastal Act.

Although development occurred prior to the submission of this permit application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Commission review and action on these permit applications does not constitute a waiver of any legal action with regard to the alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject sites without a coastal permit.

D. 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 subject site is within the unincorporated area of the County of San Diego. Although a LUP and IP were conditionally certified by the Coastal Commission in the 1980's, effective certification and a transfer of permit authority never occurred. Therefore, the Coastal Act remains the legal standard of review. As conditioned, the project is consistent with all cited Coastal Act policies. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the ability of the County of San Diego to create a fully-certifiable LCP.

E. 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.

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 brush management program 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

6-14-0581 (Farrell)

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.

(G:\Reports\2014\6-14-0581 Farrell stf rpt.docx)

APPENDIX A: SUBSTANTIVE FILE DOCUMENTS

CDP #6-88-415, CDP #6-07-090, Biology Letter Report by Vincent N. Schmidt dated December 17, 2007

Subject Site

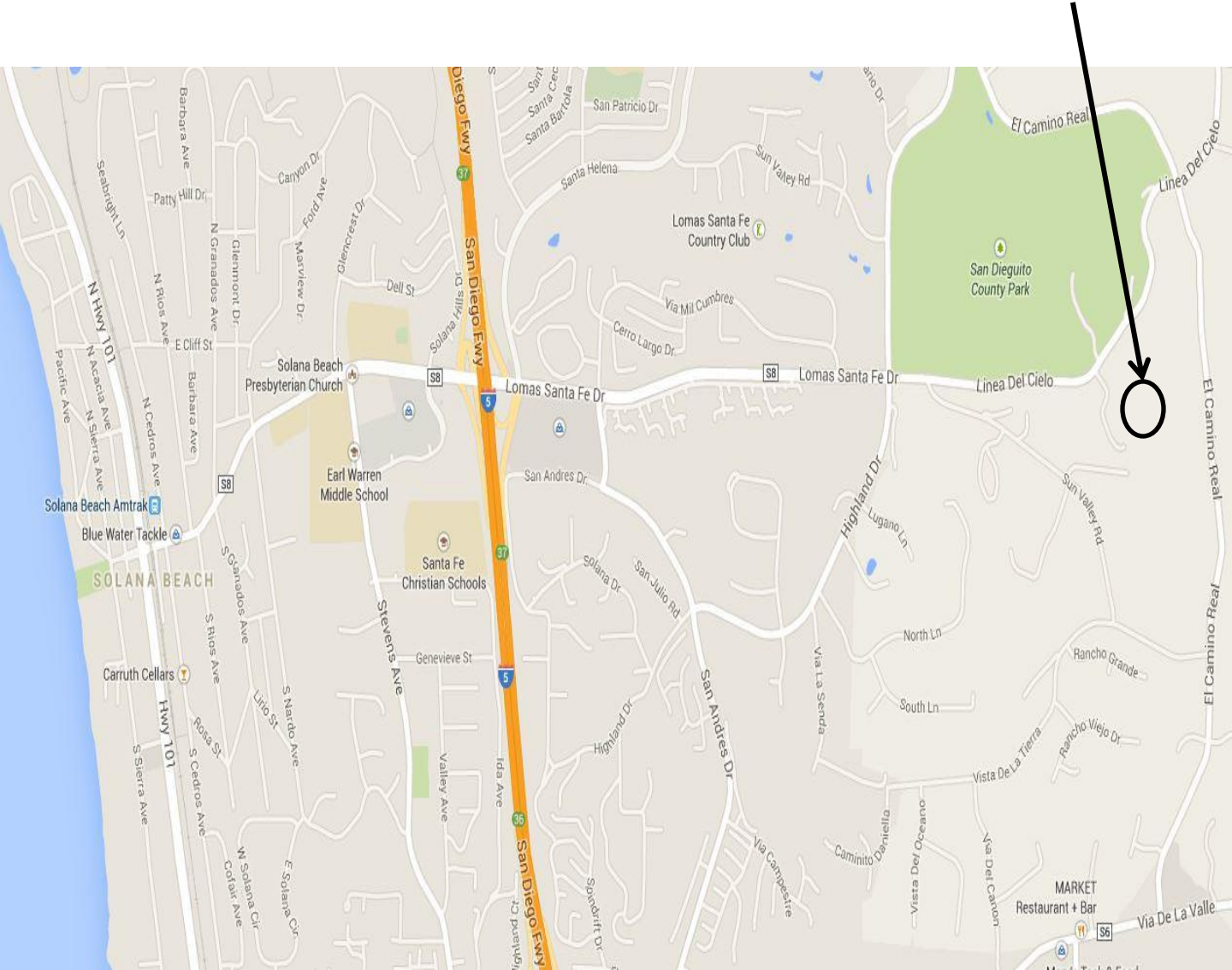
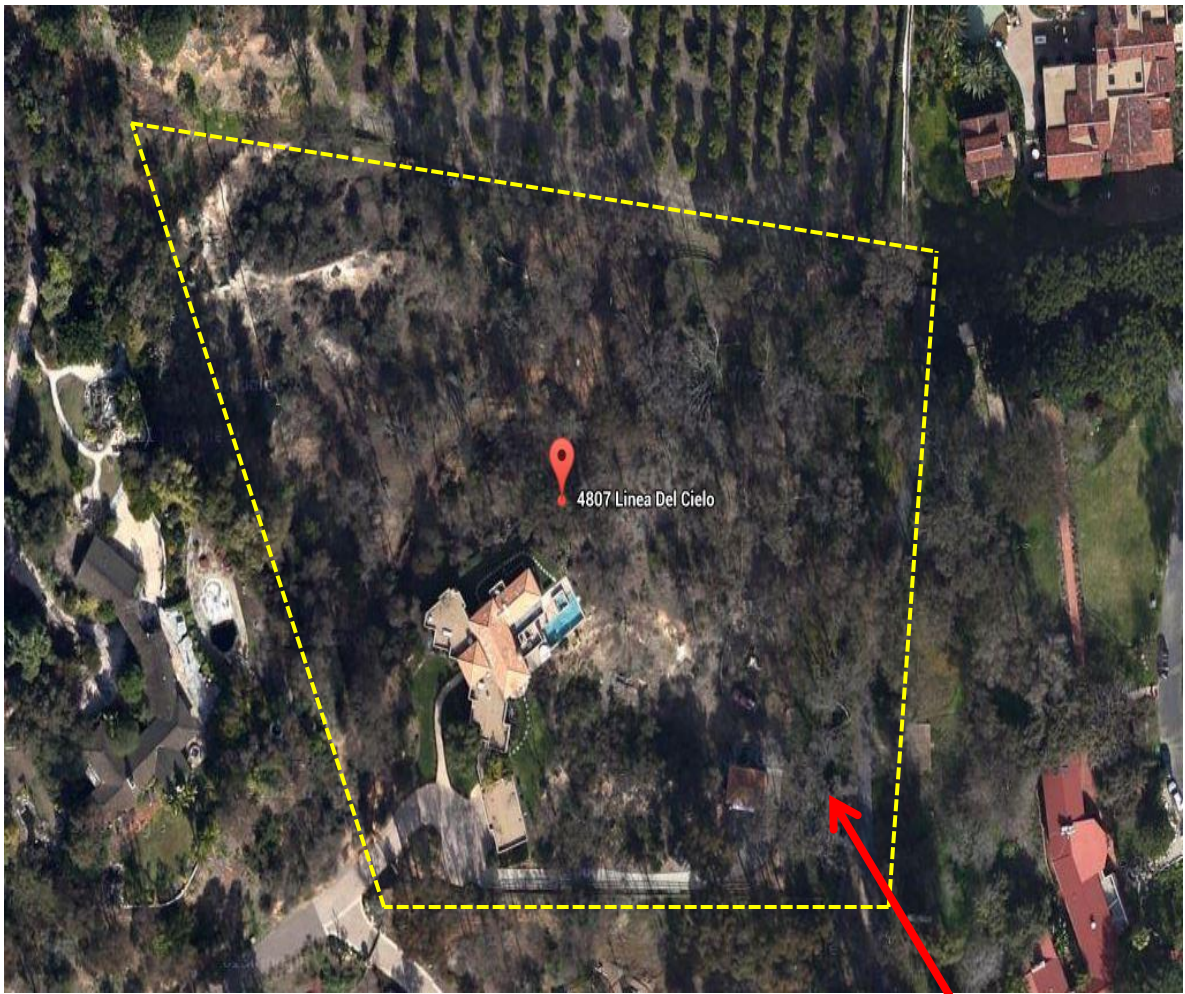


EXHIBIT NO. 1
APPLICATION NO. 6-14-0581
Vicinity Map
 California Coastal Commission



**Subject
Property**

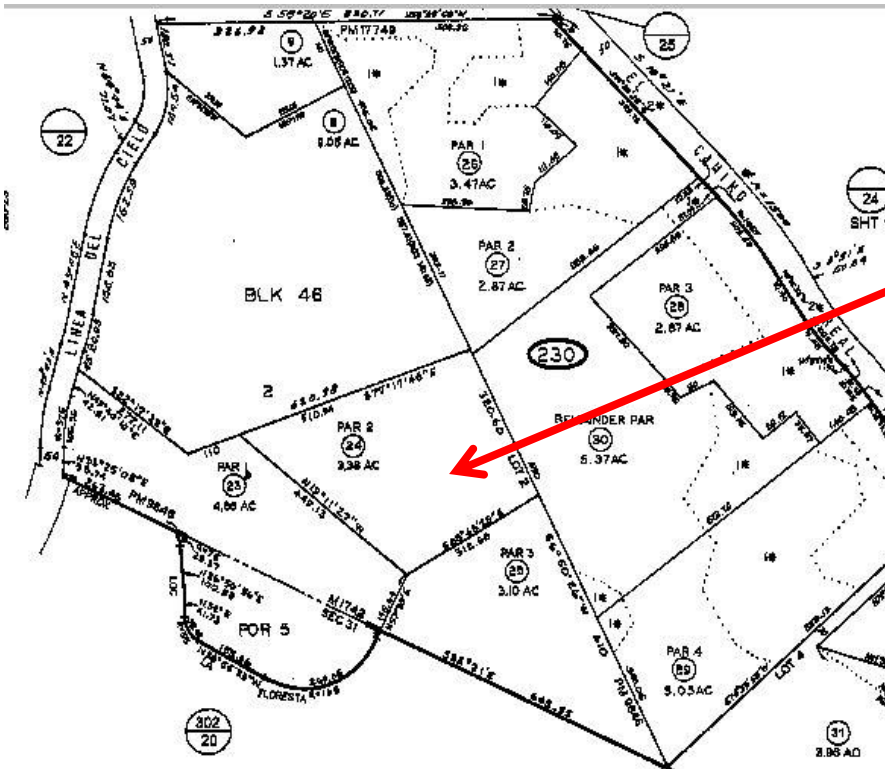


EXHIBIT NO. 2

APPLICATION NO.

6-14-0581

Aerial View



California Coastal Commission

SPECIAL CONDITIONS: 1. Revised Slope Analysis. Prior to the authorization to proceed with development, the applicant shall submit a revised slope analysis indicating all previously undisturbed areas with slopes in excess of 25% grade. The plans shall be submitted to, reviewed and approved in writing by the Executive Director.

2. Open Space Deed Restriction. Prior to the authorization to proceed with development, the applicant shall record a restriction against the subject property, free of all prior liens and encumbrances, except for tax liens, and binding on the permittee's successors in interest and any subsequent purchasers of any portion of the real property. The restriction shall prohibit any alteration of landforms, removal of vegetation or the erection of structures of any type, without the written approval of the California Coastal Commission or successor in interest, in the area described as all undeveloped naturally vegetated areas exceeding 25% grade identified in the revised slope analysis submitted pursuant to Special Condition #1 of this permit. The recording document shall include legal descriptions of both the applicant's entire parcel(s) and the restricted area, and shall be in a form and content acceptable to the Executive Director. Evidence of recordation of such restriction shall be subject to the review and written approval of the Executive Director.

3. Drainage Plan. Prior to the authorization to proceed with development, the applicant shall submit for the review and written approval of the Executive Director, a drainage and runoff control plan, including calculations. This plan shall document that runoff from the roof, driveway and other impervious surfaces will be collected and appropriately discharged. Runoff shall be directed away from the hillside where appropriate and all runoff shall be retained and discharged at a non-erosive velocity and elevation in order to protect the scenic resources and habitat values of the hillsides from degradation by scouring or concentrated runoff.

EXHIBIT NO. 4

APPLICATION NO.

6-14-0581

6-88-415 Open Space

Deed Restriction



California Coastal Commission

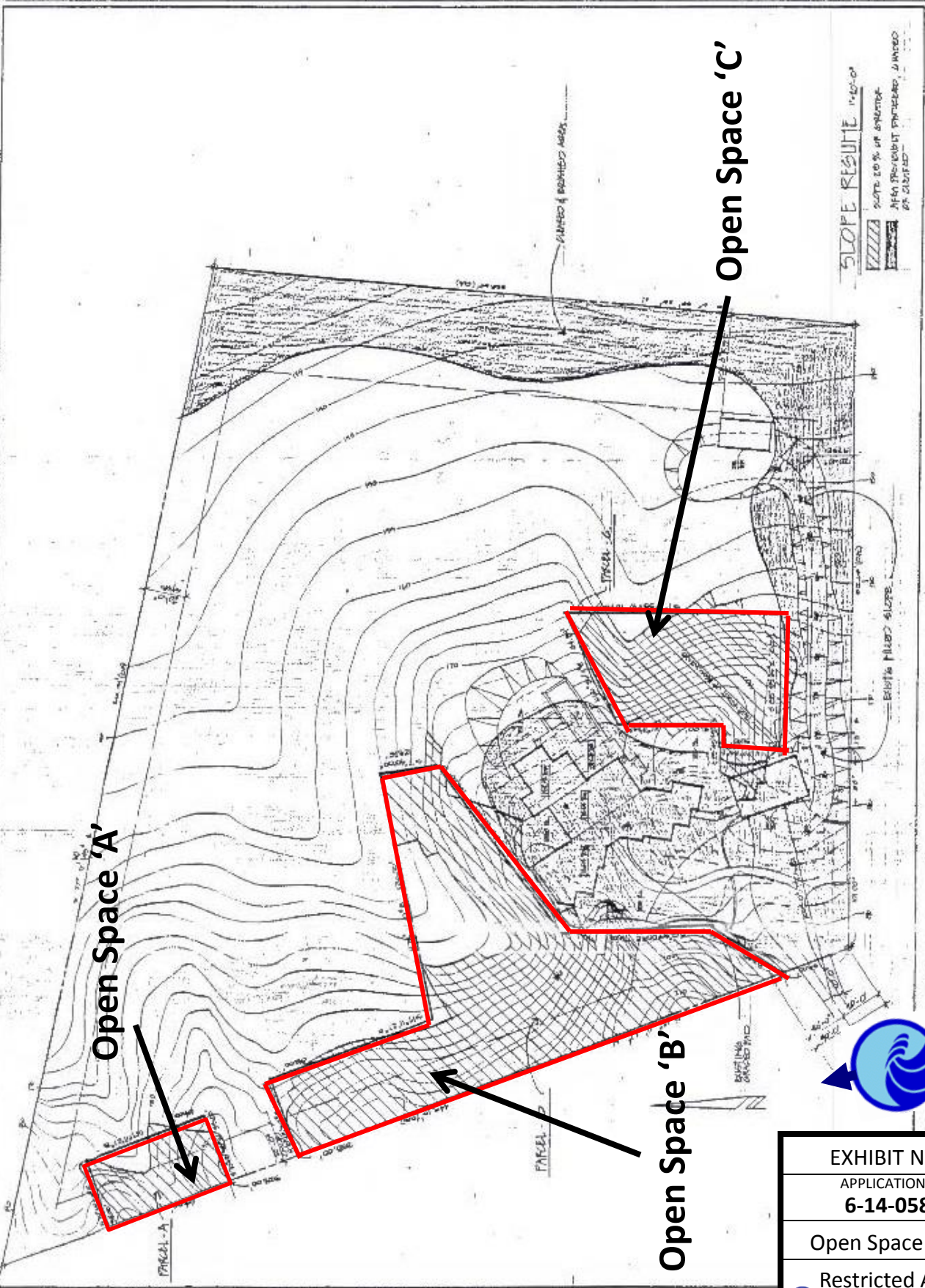
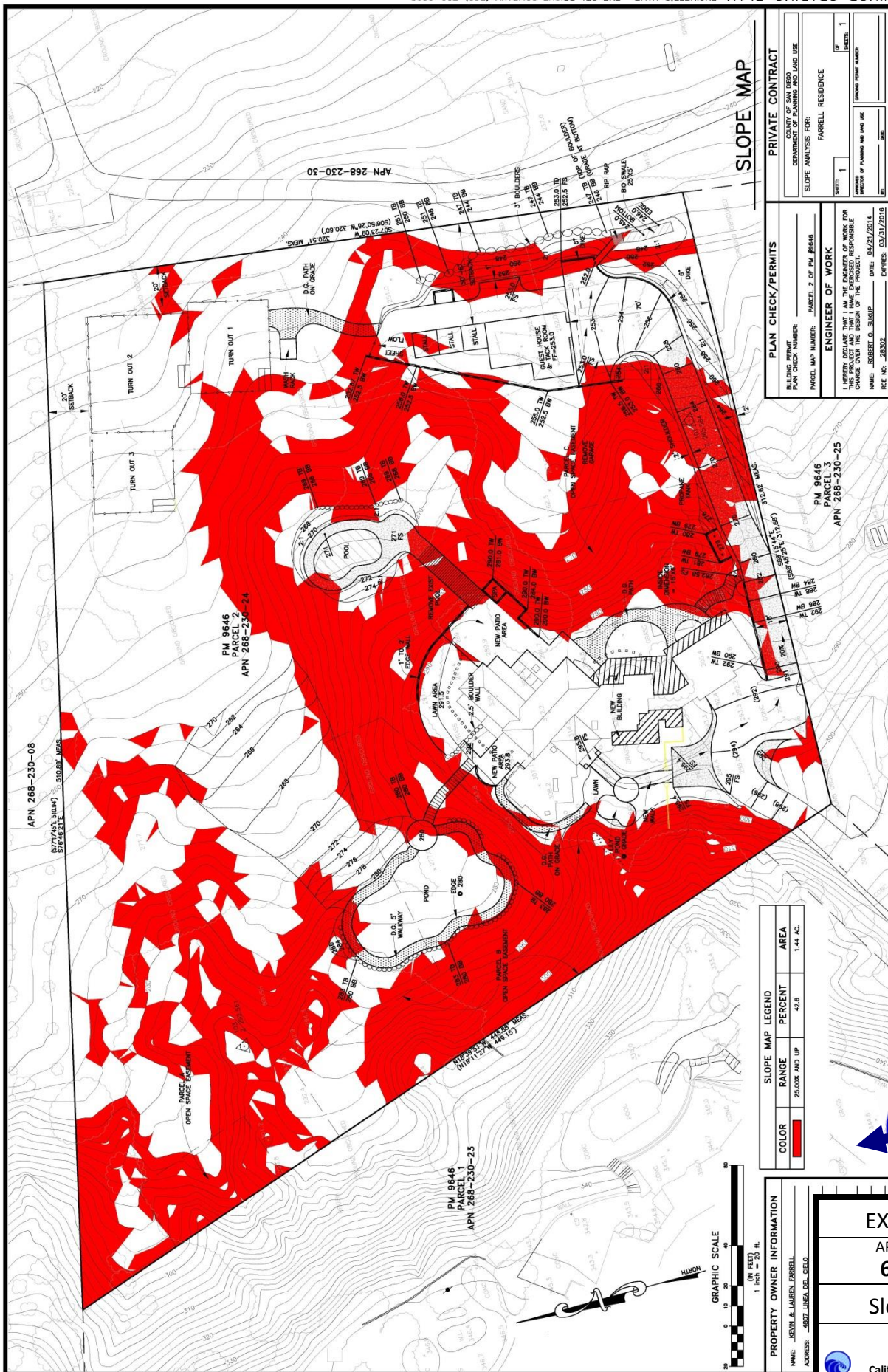



EXHIBIT NO. 5	
APPLICATION NO.	
6-14-0581	
Open Space Deed	
Restricted Areas	
	California Coastal Commission




PLAN CHECK/PERMITS		PRIVATE CONTRACT	
PLANS PLAN CHECK NUMBER: _____	DEPARTMENT OF REVENUE AND LAND USE	SLOPE ANALYSIS FOR: _____	
PACCEL MAP NUMBER: _____	PARCEL 2 OF THE #6646	FARRELL RESIDENCE	
ENGINEER OF WORK		SHEET: 1 OF 1	
I HEREBY DECLARE THAT I AM THE ENGINEER OF WORK FOR THIS PROJECT AND I AM RESPONSIBLE FOR THE DESIGN OF THE PROJECT.		DRAWING PROJECT NUMBER: _____	
NAME: _____	DATE: 05/21/2014	SIGNED: _____	
PROJECT NO.: 283532	DATE: 05/21/2014	SIGNED: _____	

SLOPE MAP LEGEND			
COLOR	RANGE	PERCENT	AREA
	25.00% AND UP	42.6	1.44 AC.

PROPERTY OWNER INFORMATION

NAME: KEVIN & LAUREN FARRELL

ADDRESS: 4807 LINEA DEL CIELO

EXHIBIT NO. 6
APPLICATION NO. 6-14-0581
Slope Survey
 California Coastal Commission

