STATE OF CALIFORNIA-THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA 11 CAMINO DEL RIO NORTH, SUITE 200 N DIEGO, CA 92108-1725 (619) 521-8036

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Filed: January 24, 1997 49th Day: March 4, 1997 180th Dav: July 23, 1997 Staff: DL-SD Staff Report: March 19, 1997 Hearing Date:

April 8-11, 1997

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VED 4a **REGULAR CALENDAR** STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-96-127

Applicant: Terry & Barbara McClanahan

Description: Construction of an approximately 6,000 sq.ft. horse riding ring, a 6.5 foot high wooden fence, drainage improvements including a brow ditch and two rock dissipators and 1,000 cubic yards of balanced grading and recompaction on a site with an existing single-family residence. The work has already occurred without a coastal development permit.

Lot Area	2.86 acres
Parking Spaces	2
Zoning	RR5
Plan Designation	Estate 1 du/2, 4 acres; Impact Sensitive

Site: 3902 Stonebridge Lane, Rancho Santa Fe, San Diego County. APN 262-190-16.

Substantive File Documents: Certified County of San Diego Local Coastal Program; CDP #6-87-334; CDP #6-83-314; Hydrology and Hydraulic Analysis of Corral Site, San Dieguito Engineering, Inc., January 2, 1997; Certified City of Encinitas Local Coastal Program.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending denial of the proposed development due the development's inconsistency with Chapter 3 policies relating to protection of wetlands, environmentally sensitive habitat and visual resources. The project would fill approximately 600 sq.ft. of wetlands and would adversely impact the sensitive habitat of San Elijo Lagoon by degrading water guality through sedimentation and nutrient loading and displacement of native vegetation. The horse corral, grading and drainage improvements have already been constructed and are the source of on-going resource damage to the lagoon environment. The removal of the structures and restoration of the hillside and wetlands will be the subject of a separate enforcement action.



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PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. <u>Denial</u>.

The Commission hereby <u>denies</u> a permit for the proposed development on the grounds that the development will not be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 and would prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of the Coastal Act.

II. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History: The proposed project consists of construction of an approximately 6,000 sq.ft. horse riding ring surrounded by a 6.5 foot high wooden fence, and drainage improvements, including the construction of a brow ditch and two rip rap energy dissipators. Approximately 1,000 cubic yards of balanced cut and fill grading is proposed. The grading, construction of the horse ring and the drainage improvements have already occurred, in an apparent violation of the Coastal Act.

The proposed development is located on the southern portion of a 2.86 acre lot which currently contains an approximately 3,790 sq.ft. single-family residence, an existing horse corral and a barn. The site is located north of and adjacent to San Elijo Lagoon in the Rancho Santa Fe area of the County of San Diego. The southern portion of the lot, where the development is proposed, consists largely of slopes in excess of 25% grade, trending down to the south towards the lagoon. The proposed riding ring itself would be located as close as 25 feet from the southern property line, with the associated grading and rip-rap occurring at the southern property line.

The subject parcel was created pursuant to the subdivision of a larger 50-acre site approved by the Commission in 1983 (CDP #6-83-314/Manchester Estates). The subdivision was approved with a variety of special conditions designed to address future development of individual custom estate sites so as to avoid adverse impacts to the adjacent floodplain, downstream San Elijo Lagoon and its viewshed. The conditions prohibited any alteration of landforms, removal of vegetation or erection of structures within a minimum 100-foot setback from the southern property line adjoining the lagoon wetlands, without the approval of the Coastal Commission. In addition, grading or erection of any structures on naturally vegetated slopes greater than 25% grade was prohibited, except for the minimal amount necessary to access the site (ref. Exhibit 4, CDP #6-83-314).

In August 1987, the Commission approved construction of the one-story residence on the northern portion of the site, with special conditions prohibiting grading during the rainy season, requiring drainage from the site to be discharged at a non-erosive velocity, and notifying the applicants that

any future grading, clearance of vegetation or construction of any detached accessory structures on the site, including any animal corrals, would require review and approval by the Coastal Commission (ref. Exhibit 3, staff report for CDP #6-87-334/McClanahan). It is the subject applicant who received the coastal development permit for construction of the residence and accepted the condition requiring acknowledgement of the need for a separate coastal development permit for animal corrals.

The County of San Diego Local Coastal Program (LCP) has been certified by the Commission; however, the County has not assumed permit issuing authority. Therefore, the County LCP is not effectively certified, and Chapter 3 of the Coastal Act is the standard of review.

2. Sensitive Resources. Section 30231 of the Coastal Act states:

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

Section 30233 states, in part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities...

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines. (6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

[...]

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.

In addition, Section 30240 of the Act 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.

The project site is located north of and immediately adjacent to San Elijo Lagoon, an environmentally sensitive habitat area and Regional Park that is managed jointly by the California Department of Fish and Game and the San Diego County Parks and Recreation Department. In addition, San Elijo Lagoon is one of the 19 priority wetlands listed by the Department of Fish and Game for aquisition. The lagoon provides habitat for at least five State or Federal-listed threatened or endangered birds including the California least tern, the light-footed clapper rail, Belding's savannah sparrow, the brown pelican and the western snowy plover. The California gnatcatcher has also been observed around the lagoon reserve.

The lot on which the development is proposed consists of an upper, flat area containing an existing single-family residence, and a wide steep slope which leads down approximately 40 feet in elevation to the south. The southern property line abuts the County Parks ecological reserve. The proposed horse riding ring would be constructed on the lower half of the slope, which consists almost entirely of slopes greater than 25% in grade. Approximately 1,000 cubic yards of cut and 1,000 cubic yards of fill would be required to create the proposed 6,000 sq.ft. ring, which would be located approximately 25

feet from the southern property line. Some grading and fill would occur along the portion of site immediately adjacent to the County Parks property. The manufactured slopes above and below the ring would be landscaped with iceplant. A rock-lined brow ditch would be constructed above the ring to direct water to either side of the graded pad. No drainage or erosion control measures are proposed for the area immediately downslope of the riding ring.

The Commission has typically found that development within 100 feet of wetland (freshwater or saltmarsh) areas will adversely impact the wetland. The purpose of establishing a buffer area between wetlands and development is to reduce the amount of human and domestic animal intrusion into sensitive vegetation, to reduce the impact of human activity on native wildlife species, to provide an area of land which can filter drainage and runoff from developed areas before it impacts the wetlands, and to provide an upland resting retreat area for some wetland animal species. Maintenance of an adequate buffer area between wetlands and areas where horses are located is particularly important, because nutrients associated with horse waste can be carried or washed into the lagoon, damaging native plant species and encouraging the growth of algae and invasive plant species. Even if solid waste material is removed regularly, liquid wastes can enter the soils and leach into the wetlands.

In response to the need to preserve wetlands and sensitive habitat, the County of San Diego developed the Coastal Resource Protection (CRP) overlay zone as part of its certified LCP. The project site is located within the CRP overlay area. Section 2818 (b) requires that the following specific findings be made for projects within the CRP overlay:

1. The proposed use, activity or construction will not have any significant adverse effects on the habitat or scenic values of the wetlands or on associated rare, threatened or endangered species...

2. The proposed use, activity or construction will not: Involve wetland fill...increase sedimentation of the wetland...

3. The proposed use, activity or construction is consistent with the applicable goals and policies of the California Coastal Act...

Therefore, when the Commission approved the original subdivision for the project (CDP #6-83-314), a deed restriction was placed on the site prohibiting alteration of landforms, placement or removal of vegetation or erection of structures of any type in an area 100 feet in width adjacent to the southern property line. The proposed horse ring and grading would occur almost entirely within this deed-restricted area. Staff met with a representative of the Department of Fish and Game to make a determination of the location and value of sensitive plant species on and adjacent to the subject site. Inspection of the soils and plant growth on the southern portion of the site revealed wetlands in an area proposed to be filled and graded for construction of the ring. Because, in the case of the proposed project, the grading has already occurred, it is difficult to determine exactly how large an area of wetlands has been directly impacted by construction; however, it is estimated to be approximately 600 square feet. Vegetation in this area would also be mowed on a periodic basis.

The quality of the wetlands continues to improve further south of the site approaching the lagoon waters. A number of mature salt-marsh and fresh-water species such as salt-grass, salicornia, mule-fat and willows were also identified immediately adjacent to the site within the County ecological reserve. Thus, the development would fill in and thereby disturb approximately 600 square feet of wetlands. It would also not provide any buffer between the proposed development and the remaining adjacent wetlands. Placement of the riding ring in the buffer area reduces the upland area available for use by wildlife and reduces the area of land that filters stormwater runoff into the lagoon. In addition, the ring will result in horse wastes, both solid and liquids being deposited in close proximity to the lagoon, which will result in nutrients being carried into the lagoon, adversely impacting sensitive vegetation.

Construction of the ring and drainage improvements would also impact steep, naturally vegetated slopes. The CRP overlay zone also contains policies designed to preserve steep slopes and protect against sedimentation of downstream resources. The terms of this ordinance prohibit the grading of undisturbed steep slopes except where it would deny the minimum reasonable use of the property. Minimum reasonable use is defined as 1 dwelling unit per acre. The intent of the CRP's restriction of development on steep slopes is to preserve the habitat value of vegetated steep slopes, to avoid the increase likelihood of erosion, runoff and sedimentation which can occur when steep slopes are graded, and to minimize the visual impacts associated with such development (see <u>Visual Quality</u> discussion, below). Sedimentation is of particular concern with development involving horse activity, because of the dust and dirt loosened by horse movement.

The original permit for the subdivision also required that a deed restriction be recorded on the property prohibiting grading or erection of any structures from occuring on naturally vegetated steep slopes of greater than 25% grade, except for the minimal amount necessary to access the site. The grading and construction of the riding ring would take place almost entirely on naturally vegetated steep slopes. Department of Fish and Game staff have characterized the slopes adjacent to the project site to the east and west as disturbed grasslands of moderate quality. (Although in this particular case the slopes on the site have already been disturbed through unauthorized construction of the proposed development, it can be assumed that the hillside was similar in nature to the adjacent slopes prior to construction). The grasslands consist of a dense cover of annual grasses, native annual wildflowers, exotic weedy species, and isolated stands of coastal sage scrub. These communities are often associated with sensitive native habitat and provide valuable nesting area, reptile and small mammal habitat, and excellent foraging terrain for raptors. In contrast, the succulent landscaping proposed by the applicant on the proposed manufactured slopes would not provide any ground cover and would be invasive, thereby potentially further displacing the adjacent wetland species.

In addition, extensive grading of the slopes would be required to construct the proposed project. Drainage improvements proposed consist of a rock-lined ditch arching over the cut slope above the proposed riding ring, with rip-rap energy dissipators at either end. A hydrology analysis submitted with the application indicates that the discharge of water from the proposed dissipators will be at a less-than-erosive velocity. However, only sheet flow is proposed for the area downslope of the corral itself. This area consists of loose, uncontrolled dirt which would drain immediately into the lagoon during storms. Thus, grading the slopes and riding horses in the proposed ring will increase the amount of sedimentation entering the lagoon, degrading the water quality of the lagoon.

Furthermore, if the proposed project is permitted, it can be anticipated that other property owners nearby will propose similar projects. Restrictions similar to those on the proposed project site were placed on most of the lots in the subdivision. There are three other properties as close to the lagoon as the proposed project site, and nine other sites which, while further away from the lagoon waters, abut the ecological reserve and drain directly into the lagoon. Cumulatively, the impact of additional grading, horse corrals, and sedimentation could be extremely damaging to the fragile lagoon ecosystem.

Because of these adverse impacts associated with construction on steep slopes or construction in or adjacent to wetlands, restrictions similar to those placed on the original subdivision for the project site have typically been incorporated into LCP policies certified by the Commission. For example, the certified LCP of the City of Encinitas, which is located northwest of and adjacent to the County in this location, also contains policies which limit uses permitted in wetlands, require that "100-foot wide buffers shall be provided upland of salt water wetlands" and "encourage the preservation and the function of San Elijo Lagoon...and their adjacent uplands as viable wetlands, ecosystems and habitat for resident and migratory wildlife, by prohibiting...wetland fill or increased sedimentation into wetlands..." (Policies 10.6, 10.9). These types of policies protecting wetlands are widespread and commonly applied.

Because of its adverse impacts to the on-site wetlands and San Elijo lagoon, the proposed development is inconsistent with the policies of Chapter 3 of the Coastal Act. First, the fill of the on-site wetlands is inconsistent with Section 30233. As cited above, under the Coastal Act, filling of wetlands is severely constrained. To be allowable under Section 30233, the proposed development must be unavoidable, a permitted use, be the least environmentally damaging feasible alternative, and incorporate feasible mitigation measures for any associated adverse impacts. Construction of a horse riding ring is not a permitted use under Section 30233. Even if it were a permitted use, no mitigation measures for the damage to the wetlands have been incorporated. In this case, the no project alternative, including removal of the structures and restoration of the site, is an environmentally preferred feasible alternative.

Second, the proposed development is inconsistent with Section 30231 since it will result in degradation of the water quality of San Elijo Lagoon. The development will increase the amount of sedimentation of the lagoon. It will result in the addition of nutrients from horse waste into the lagoon, leading to algae and invasive plant growth. No buffer area between the development and wetlands would be provided.

Construction on the steep slopes would remove native plants and animal groundcover, destroy raptor foraging area and would increase the level of human disturbance adjacent to a fragile ecosystem. Inconsistent with Section 30240 of the Act, the development would not be designed to prevent impacts which would significant degrade environmentally sensitive habitat areas and parks and recreation areas. The development would also be inconsistent with the policies of the certified County of San Diego LCP and with the policies of the recently certified City of Encinitas, the adjacent community to the north. Approval of the project would set a precedent which would likely result in significant cumulative impacts to the lagoon environment. Therefore, the Commission finds the subject proposal is not consistent with Sections 30231, 30233 and 30240 of the Coastal Act, and the project must be denied.

3. <u>Visual Quality</u>. Section 30251 of the Coastal 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 project would be located on a slope overlooking the eastern portion of San Elijo Lagoon. Construction of the proposed project would require considerable landform alteration of the existing steep, grassy slope to construct a flat, 6,000 sq.ft. riding ring. Approximately 1,000 cubic yards of cut and 1,000 cubic yards of fill is proposed. The three-rail fence around the ring would be almost 6 1/2 feet high, and would be painted pink. No landscaping is proposed around the fence.

The slope on which the development would be located is visible from the numerous trails located throughout the eastern side of the lagoon, and from several access points on the south side of the lagoon in the City of Solana Beach. As noted above, when the original subdivision creating the project site was approved by the Commission, a deed restriction was placed on the property prohibiting grading or erection of any structures on slopes greater than 25% grade. These restrictions were placed on the site in order to protect the sensitive resources of the lagoon reserve, and to preserve the scenic quality of the lagoon viewshed.

In addition, the site is located within the County of San Diego's Coastal Resource Protection (CRP) overlay, which evokes the County's Scenic Area regulations. Section 5210 of these regulations states:

...proposed development shall not, to the maximum extent feasible, interfere with or degrade those visual features, natural or man-made, or the site or adjacent sites which contribute to its scenic attractiveness, as viewed from either the scenic highway or the adjacent scenic, historic, or recreational resource.... (a) ...All development shall be compatible with the topography, vegetation and colors of the natural environment...

(b) (2) The placement of buildings and structures shall not detract from the visual setting...and shall be compatible with the topography of the site and adjacent areas.

(f) ... The alteration of the natural topography of the site shall be minimized and shall avoid detrimental effects to the visual setting of the designated area and the existing natural drainage system.

The area surrounding the project site consists of steep grassy hillsides. Currently, these natural landforms provide a gradual visual transition from the open space reserve up to the development along the ridgetops. Grading and terracing the hillside as proposed would significantly alter the appearance of the natural slope. The manufactured slopes would be far more artificial in appearance than the existing natural hillside, and the non-native groundcover proposed for the cut slopes would not be consistent with the grasses and native shrubs on the adjacent hillsides. The alteration of landform and the fence itself would be visible from throughout the lagoon trails from as far away as the trailheads in the City of Solana Beach on the south side of the lagoon.

In addition, the cumulative impact of this type of development within a lagoon viewshed would be substantial. The lots adjacent to the subject site are equally or more visible from the lagoon, and if these lots were also graded and developed with accessory structures, the natural quality of the scenic lagoon viewshed would be considerably diminished.

In summary, the proposed grading and riding corral would involve considerable landform alteration, individually represents a significant adverse impact on the existing scenic and visual quality of the lagoon environment, and is not visually compatible with the character of the surrounding area. Cumulatively, similar development along the north shore of the lagoon would adversely impact the visual quality of the entire lagoon viewshed. Therefore, the Commission finds that the proposed development is inconsistent with Section 30251 of the Coastal Act, and the project must be denied.

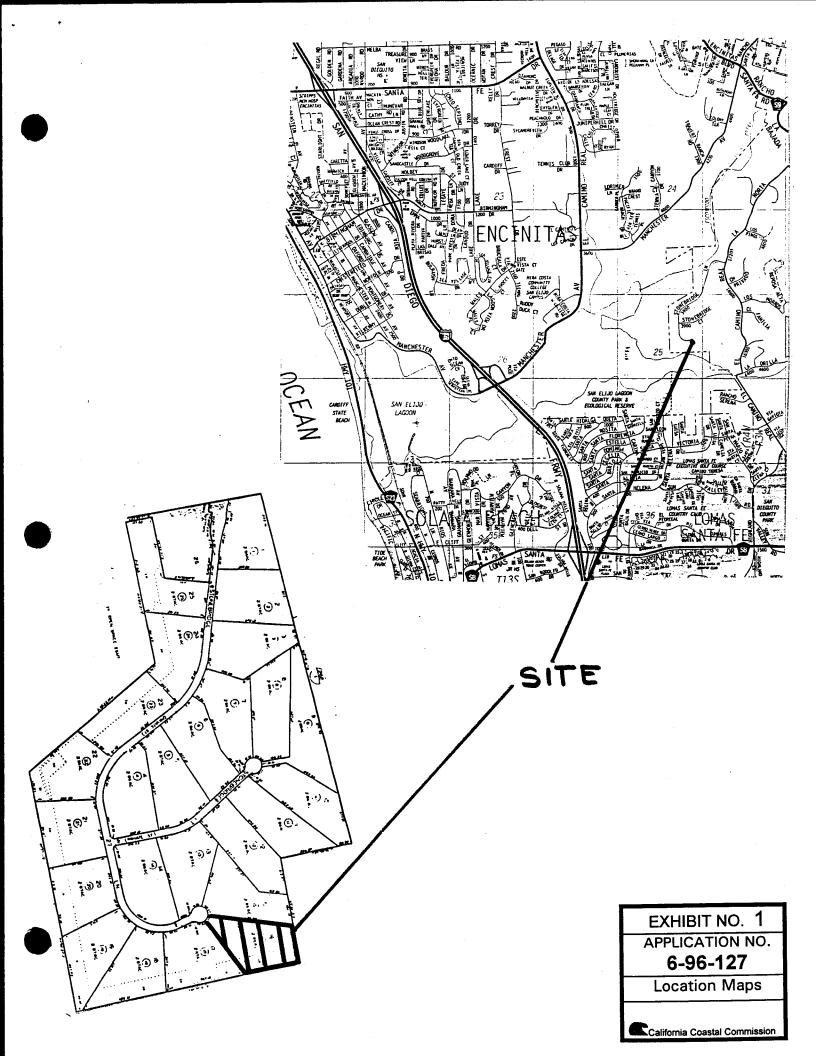
4. Local Coastal Planning. Section 30604 (a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding cannot be made.

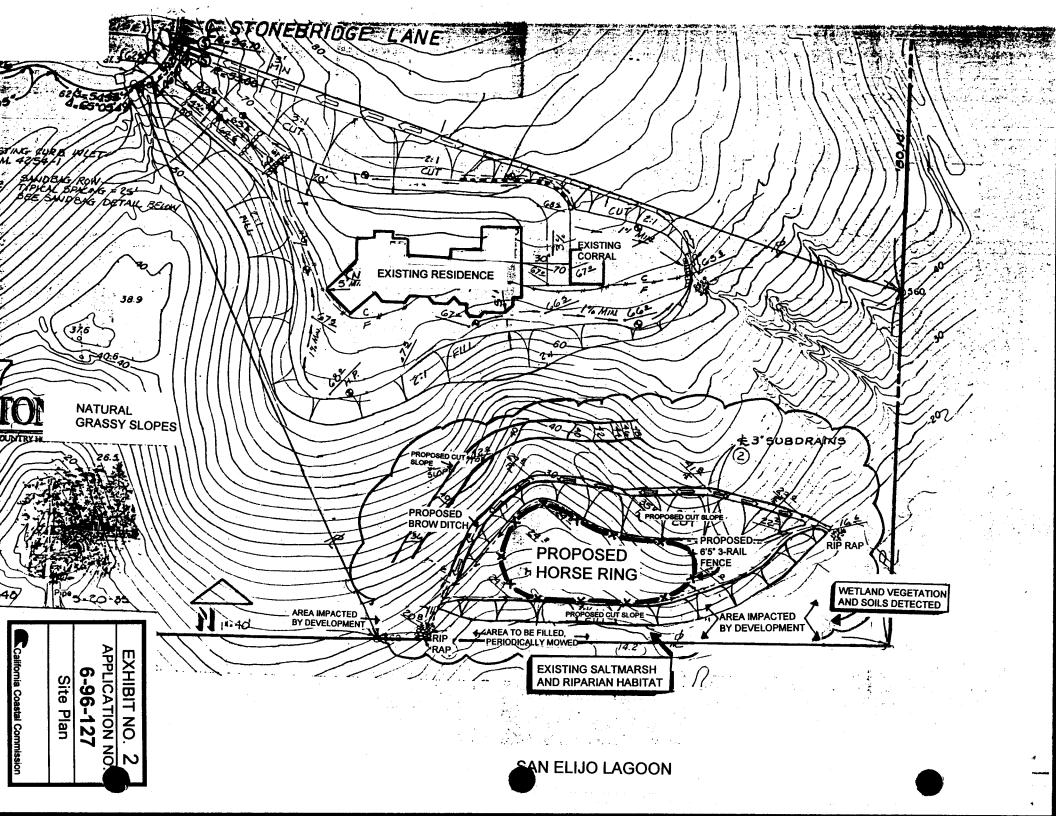
The County of San Diego has a certified Local Coastal Program for this area, however, the County is not currently issuing Coastal Development Permits under its LCP. As discussed above, the proposed riding ring is not consistent with the resource protection policies or visual quality policies of the certified LCP, or with Chapter 3 of the Coastal Act. Therefore, the Commission finds that proposed development could prejudice the ability of the County of San Diego to implement its certified LCP and the permit must be denied. 5. <u>Consistency with the California Environmental Quality Act (CEOA)</u>. Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) 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 impact which the activity may have on the environment.

As previously stated, the proposed development would lead to impacts to coastal resources including direct and indirect impacts to wetlands, and degradation of the visual quality of the lagoon environment. A feasible alternative is the no project alternative. In the case of proposed project, the development has already occurred, and the resource and visual damage described above will continue unless the site is restored to its previous condition. Removal of the structure, restoration of the hillside, and revegetation of the slopes with native materials is a feasible alternative which would lessen the impact the activity has on the environment and allow reasonable use of the property. Therefore, as proposed, the project is not the least environmentally feasible alternative, does not mitigate the identified impacts and cannot be found consistent with the requirements of the Coastal Act to conform to CEQA. Thus, the project must be denied.

6. <u>No Waiver of Violation</u>. Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Action on the permit does not constitute a waiver of any legal action with regard to this violation of the Coastal Act that may have occurred; nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit. As stated above, the development has already occurred without a coastal development permit, in an area deed-restricted through a previously approved permit on the site. The proposed development is inconsistent with the resource protection and visual protection policies of Chapter 3 of the Coastal Act. As detailed in the above findings, on-going resource damage in the form of degradation of water quality and impacts to native wetland vegetation is occurring as a result of the development.

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STATE OF CALIFORNIA-THE RESOURCES AGENCY

GEORGE DEUKMEJIAN, Governor

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT 333 CAMINO DEL RIO SOUTH, SUITE 125 AN DIEGO, CA 92108-3520 (619) 277-9740

Page 1 of <u>5</u> Permit Application No. <u>6-87-334/AB</u> Date July 10, 1987



ADMINISTRATIVE PERMIT

APPLICANT: Terry and Barbara McClanahan

PROJECT DESCRIPTION: Construction of a one story, 3,790 sq. ft., four bedroom single family residence with detached 576 sq. ft. barn on a vacant 2.86 acre parcel.

PROJECT LOCATION: Lot #16, southeast of the terminus of Stonebridge Lane, Rancho Santa Fe, San Diego County. APN 262-190-16

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, are discussed on subsequent pages.

<u>NOTE</u>: The Commission's Regulations provide that this permit shall be reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, a permit will not be issued for this permit application. Instead, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

DATE and TIME: 9:00 a.m., Friday August 28, 1987 LOCATION: Eureka Inn 7th and F Streets Eureka, CA 95501

IMPORTANT - Before you may proceed with development, the following must occur:

For this permit to become effective you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgment and evidence of compliance with all special conditions, we will send you an authorization to proceed with development. <u>BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH</u> <u>DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE</u> PERMIT AUTHORIZATION FROM THIS OFFICE.



CALIFORNIA COASTAL COMMISSION SAN DIEGO COAST DISTRICT PETER DOUGLAS Executive Director

EXHIBIT NO. 3 APPLICATION NO. 6-96-127 CDP #6-87-334 Residence Approval California Coastal Commission

STANDARD CONDITIONS:

- <u>Notice of Receipt and Acknowledgement</u>. 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.
- 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.
- <u>Compliance</u>. 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. <u>Interpretation</u>. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 5. <u>Inspections</u>. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
- 6. <u>Assignment</u>. 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. <u>Terms and Conditions Run with the Land</u>. 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.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

Pursuant to Public Resources Code Section 30624, the Executive Director hereby determines that the proposed development, subject to Standard and Special Conditions as attached, is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. Any development located between the nearest public road and the sea is in conformity with the public access and public recreation policies of Chapter 3.

The applicant proposes to construct a one-story, 3,790 sq.ft., four bedroom, single family home with attached two-car garage on a vacant parcel in Rancho Santa Fe. Also proposed is the construction of a one-story 576 sq. ft. detached barn. The subject property lies north of and adjacent to San Elijo Lagoon. Portions of the site, closest to the lagoon, lie in slopes in excess of 25% grade which are covered with native vegetation. Site preparation for the home, barn and driveway will involve some 2,700 cubic yards of balanced

Exhibit 3 P. 20f 5

cut and fill grading. The 2.8-acre estate parcel was created pursuant to the subdivision of a larger 50-acre site approved by the Commission in 1983 (#6-83-314/Manchester Estates). The subdivision was approved with a variety of conditions designed to address future development of the individual custom estate sites so as to avoid adverse impacts to the adjacent floodplain, downstream San Elijo Lagoon and its viewshed. Pursuant to Coastal Act Sections 30231 and 30240, these conditions required that all new development on the (subdivision) site maintain a minimum 100 foot setback from the western and southern property lines adjoining the lagoon's wetlands. Also, pursuant to the Coastal Resource Protection (CRP) area overlay contained in the certified LUP, the Commission's action required that for certain lots within the subdivision, Lot #16 included, "No grading or erection of any structures shall occur on naturally vegetated slopes of greater than 25% grade, except for the minimal amount necessary to access the site".

The submitted site and grading plans include the provision of the required 100 ft. buffer area for both the residence and the barn, and do not involve encroachement on to the identified steep slope areas of the lot that are covered with native vegetation. The proposal is therefore consistent with the terms of the earlier permit regarding siting of the residence. Special Condition #3 is advisory and serves notice to the applicant that future development on the property will also require review under the coastal development permit process.

The project site lies upland and adjacent to the sensitive habitat of San Elijo Lagoon. Natural drainage patterns would dictate that a portion of the runoff from the development would drain toward the lagoon wetlands. To reduce the potential of erosion and sedimentation of these resources, Special Conditions #1 and 2 have been attached to the permit. The conditions call for the provision of drainage and erosion control plans and are in accordance with the terms of the subdivision permit, the subsequent CC&R's and the CRP area regulations of the certified San Dieguito LCP. The conditions are designed to assure that the site will be in a stabilized state during the rainy season and that runoff from the site is adequately controlled, consistent with Section 30231 and 30240 of the Coastal Act. Although the application package included a preliminary erosion control plan, it does not fully address the concerns expressed above. Therefore the requirement of the erosion control plan has been attached as a condition of the permit.

The site is located on the hillside at the east end of the San Elijo Lagoon Ecological Reserve and Regional Park and is highly visible from San Elijo Lagoon and from Interstate 5 as it crosses the lagoon. Section 30251 of the Coastal Act calls for the preservation of the scenic and visual quality of the coastal zone as a resource of public importance. The proposed project is one story in height and includes the use of stucco siding and flashed clay roof tile. In conjunction with the Commission's earlier concern for preservation of the scenic resources of the area, these materials have been reviewed by the Executive Director and approved as being suitable for use in this location. The project should therefore have only a minimal impact on the scenic resources of the area and is consistent with Section 30251 of the Coastal Act,

> Exhibit 3 p. 30f 5 6-96-127

the Commission's earlier concern that development of the site be subordinate to the natural surroundings and the applicable Scenic Area regulations of the certified LCP.

The site lies between coastal waters (San Elijo Lagoon) and the designated first coastal roadways in the area (El Camino Real and La Noria). However, adequate public access to the lagoon already exists at various locations around the lagoon's perimeter. Additionally, due to the sensitive nature of the lagoon's wetlands adjacent to site, encouragment of public access to this area was not recommended or required by the Commission in its earlier action on the property. The Commission therefore finds the current project consistent with the public access policies of the Coastal Act.

The proposed single family residence is consistent with the Estate land use designation (1 du/ 2 and 4 acres) contained in the certified San Dieguito LCP Land Use Plan. The subject site is located within the Coastal Resource Protection Area and the Scenic Area overlay identified in the LUP. The Scenic Area and CRP regulations were utilized in the original review of the subdivision to determine the appropriate lot development restrictions applied to the permit. As conditioned, the project is in conformance with those provisions of the certified LCP and is also consistent with Chapter 3 policies of the Coastal Act. Therefore approval, as conditioned, should not prejudice the ability of the County of San Diego to implement its certified Local Coastal Program.

SPECIAL CONDITIONS.

1. <u>Grading/Erosion Control</u>. Prior to the authorization to proceed with development, the applicant shall submit to the Executive Director for review and written approval, final site and grading plans approved by the County which incorporate the following:

a. Grading activity shall be prohibited between October 1st and April 1st of any year.

b. All areas disturbed by grading shall be planted within 60 days of the initial disturbance and prior to October 1st with temporary or permanent (in the case of finished slopes) erosion control methods. Said planting shall be accomplished under the supervision of a licensed landscape architect, shall provide adequate coverage within 90 days, and shall utilize vegetation of species compatible with surrounding native vegetation, subject to Executive Director approval.

2. <u>Drainage</u>. 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 designed by a licensed engineer. The plan with supporting calculations shall document that runoff from the roof, driveway and other impervious surfaces will be collected and appropriately discharged at a non-erosive velocity and elevation in order to protect downstream resources from degradation by scouring or concentrated runoff.

Exhibit 3 p. 4 of 5 6-96-127

3. Future Permits. This coastal development permit is for grading of the site and construction of the residence and barn only. Any future grading or clearance of vegetation or construction of any detached accessory structures on the site, including any animal corrals, shall require review and approval by the California Coastal Commission or its successor in interest.

ACKNOWLEDGEMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's

898 Date of Signing

(7334R)

Exhibit 3 P. 5 of 5 6-96-127

State of California	Edmund G. Brown Jr., Chertary
	George Deukmeijan, Governor

Daté	August	2,	1983
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Application No.

NO. 6-83-314

California Coastal Commission San Diego District 6154 Mission Gorge Road, Suite 220 San Diego, California 92120 (714) 280-6992 ATSS 636-5868

NOTICE OF INTENT TO ISSUE PERMIT

On <u>July 27, 1983</u>, the California Coastal Commission approved the application of <u>Manchester Estates</u>, subject to the attached standard and special conditions, for the development described below:

Description:

ion: 26 unit estate subdivision including 25 custom single-family home sites (each 2.9 acres net) and Lot 26 as a residential site and open space (51.5 acres gross). Project includes approximately 3500 cubic yards balanced grading for internal access roads and associated improvements and landscaping.

Lot area	127 acres
Building coverage	0
Pavement coverage	128,800 sq.ft.(2%)
Landscape coverage	20,000 sq.ft.(1'%)
Parking spaces	0
Zoning	RR5, A70
Plan designation	Estate 1 du/2 & 4 acres;
	Impact Sensitive

Project density

Site:

West of El Camino Real, southeast of Manchester Avenue, adjacent to and east of San Elijo Lagoon Ecological Reserve and Regional Park. APNs 262-072-02; 262-070-78, 79, portion of 76 & 77, 262-061-71 & 72 (portion)

The permit will be held in the San Diego District Office of the Coastal Commission, pending fulfillment of Special Conditions <u>1 through 13</u> When these conditions have been satisfied, the permit will be issued.

1 du/2.9 acres

Thomas A. Crandall District Director by

Page

EXHIBIT NO. APPLICATION NO 6-96-127 N.O.I #6-83-314 Subdivision Approv California Coastal Commission



NOTICE OF INTENT TO ISSUE PERMIT, Page 2 of ____

Application No. 6-83-314

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.
- 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. <u>Compliance</u>. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
- 4. <u>Interpretation</u>. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 5. <u>Inspections</u>. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
- 6. <u>Assignment</u>. 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. <u>Terms and Conditions Run with the Land</u>. 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.

SPECIAL CONDITIONS:

1. <u>Permanent Open Space</u>. Prior to issuance of the permit, the applicant shall record an irrevocable offer to dedicate to a public agency, or to a private association acceptable to the Executive Director, an open space easement over the area described as follows:

That portion of Lot 26 between the northern and southern floodway limits, as shown on County of San Diego Tentative Map #4254 and Exhibit A attached.

The offer shall first be made to the County of San Diego. The document shall include legal descriptions of both the applicant's entire parcel and the easement areas and shall prohibit any alteration of landforms, placement or removal of vegetation, or erection of structures of any type. Fxlubit 4 E OF INTENT TO ISSUE PERMIT, Page 3 of 7

Delication No. 6-83-314

SPECIAL CONDITIONS - continued:

Such easement shall be recorded free of prior liens except for tax liens and free of prior encumbrances which the Executive Director determines may effect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding successors and assigns of the applicant or landowner. The offer of dedication shall be irrevocable for a period of 21 years, such period running from the date of recording.

2. <u>Drainage and Runoff Control</u>. The applicant shall comply with the following conditions related to drainage and runoff control:

A. Prior to issuance of the permit, the applicant shall submit final drainage and runoff control plans designed by a licensed engineer qualified in hydrology and hydraulics, which would assure no increase in peak runoff rate from the fully developed site over runoff that would occur from the existing undeveloped site as a result of the greatest intensity of rainfall expected during a six-hour period once every 10 years (10 year six-hour rainstorm).

Said plans shall be accompanied by a hydrology study which indicates drainage patterns and peak runoff rates (volume and velocity) for the existing undeveloped site and the projected developed site (including streets and 25 homes) for 10 year and 100 year rainstorms. The points of discharge of water shall be designed to eliminate potential for erosion downstream and off-site through use of retention basins and energy dissipators or other acceptable means, including easements and off-site improvements. The runoff control plan and hydrology study with supporting calculations shall be submitted to and determined adequate in writing by the Executive Director.

3. <u>Grading and Erosion Control</u>. The applicant shall comply with the following regarding grading and erosion control:

A. Prior to issuance of the permit, the applicant shall submit final grading and improvement plans for the proposed project. In addition to plans for the streets and associated improvements, said plans shall include potential development plans for proposed Lots 17 and 22. Said plans shall indicate that these proposed lots can be developed to accommodate the proposed sewer line and potential drainage and erosion control devices utilizing contour grading with minimal cut and fill, or to the satisfaction of the Executive Director.

If deemed appropriate by the Executive Director, the submitted site development plans, or certain aspects thereof, shall become a part of the proposed project, to be implemented at time of residential construction. Assurance of this can be provided through lot development restrictions as provided in the following condition #9. If Lot 17 and/or 22 cannot be developed to the satisfaction of the Executive Director, a revised tentative map shall be submitted which indicates 25, or less, buildable lots, acceptable to the Executive Director.

Exhibit 4

OF INTENT TO ISSUE PANIT, Page 4 of 7

lication No. 6-83-314

SPECIAL CONDITIONS - continued:

B. Grading activity shall be prohibited during the rainy season from October 1st to April 1st of any year.

C. All graded areas shall be hydroseeded prior to October 1st with either temporary or permanent landscape materials. Landscaping shall be maintained and replanted if not established by December 1st.

D. Grading plans shall indicate staking or fencing of open space areas during construction and shall specifically prohibit running or parking earthmoving equipment, stockpiling of earthwork material, or other disturbances within the open is space areas.

E. Any necessary temporary or permanent erosion control devices shall be developed and installed prior to any on- or off-site grading activities, or, concurrent with grading, provided all devices are installed and operating prior to October 1st, and installation is assured through bonding or other acceptable means.

F. Arrangements for maintenance of the drainage improvements shall be secured to the satisfaction of the Executive Director, prior to issuance of this permit. If said improvements are not to be accepted and maintained by a public agency, the responsibility shall be that of the homeowners association or owner until a homeowners association is formed and detailed maintenance agreements including provisions for financing the maintenance through bonding or other acceptable means shall be secured prior to issuance of the permit. Maintenance shall be addressed as a part of the drainage and runoff control plan required above. The plan shall discuss maintenance costs and such costs shall be certified as a best effort at obtaining accurate figures.

4. <u>Sewer Line</u>. Prior to issuance of this permit, the applicant shall submit to the Executive Director detailed plans and specifications prepared by a licensed engineer for the proposed sewer line, which have been reviewed and approved by the Cardiff Sanitation District and the County of San Diego. Said plans shall be accompanied by an environmental study which addresses the potential impact of the sewer line on the hydrology and riparian habitat within the floodplain of Escondido Creek and downstream San Elijo Lagoon. Said study shall also recommend and plan incorporate the appropriate schedule of installation based on the hydrology of the area.

Prior to the issuance of the permit, a representative from the Department of Fish and Game, along with the applicant's engineer, shall survey the proposed alignment of the sewer line to identify any endangered or significant plant species to assure minimal disturbance of any riparian habitat. Completion and results of the survey shall be documented in writing to the Executive Director. Any disagreement on identification or possible relocation of plant materials shall be resolved by the Executive Director. Additionally, all disturbed areas shall be suitably replanted or restored to their natural state to the maximum

Exhibit"

OF INTENT TO ISSUE AMIT, Page 5 of ____7

plication No.

SPECIAL CONDITIONS - continued:

extent feasible. No imported fill shall be permitted.

Said environmental study prepared by a qualified engineer shall also address the potential for flooding and rupture of the proposed sewer line, include specific recommendations for appropriate design techniques to provide adequate protection against flooding and rupture, specifically addressing that portion of pipe which spans the creek channel. The plans shall incorporate the recommendations contained in the report and be accompanied by certification from the project engineer that the sewer main is designed to withstard the potential impact of the projected 100-year flood.

5. Access Road. Prior to issuance of the permit, the applicant shall submit final improvement plans for the access road off El Camino Real which indicate minimal encroachment into and filling of the floodplain and preservation of existing riparian vegetation to the degree feasible. Said plan shall indicate existing trees located on the south side of the streambed which are to remain. One eucalyptus tree, as shown on the TM within the roadway alignment, may be removed. Landscaping along the road right-of-way, within and adjacent to the floodplain shall be subject to approval by the Executive Director in consultation with the Department of Fish and Game.

6. <u>Fish and Game Review</u>. Prior to issuance of the permit, the applicant shall submit either a 1600 series permit for streambed alteration or exemption from the State Department of Fish and Game.

7. Landscaping. Prior to issuance of the permit, a detailed landscape plan for the entranceway, the proposed cut and fill slopes, the street right-ofways and the perimeter of the residential portion of the project shall be submitted to, reviewed and determined adequate in writing by the Executive Director. Said plan shall indicate the type, size, extent and location of plant materials, the proposed irrigation system and other landscape features.

Native plant materials shall be utilized to the maximum extent feasible. Additionally, all cut and fill slopes shall be protected from future street and surface runoff through the construction of lined brow ditches or other suitable means of intercepting runoff. Graded areas shall be hydroseeded in accordance with condition #3. Perimeter and right-of-way trees shall be planted by the applicant upon completion of construction approved pursuant to this permit.

8. <u>CC&R's</u>. The following provisions shall be included in the covenants, conditions and restrictions of the subdivision:

A. A separate coastal development permit, from the Commission or its successor in interest, is required for construction of each single family home within this subdivision.

- Exhibit 4

CE OF INTENT TO ISSUE PERMIT, Page 6 of 7

oplication No. 6-83-314

SPECIAL CONDITIONS - continued:

B. Site development shall respond to the natural landforms to the maximum degree feasible utilizing contour grading and/or pole construction and minimizing manufactured building pads. Grading and drainage improvement plans for construction of the residences shall be designed by a licensed engineer in accordance with County of San Diego standards.

C. The maximum height of any building above adjacent natural grade shall be 35 feet.

D. Maintenance of the erosion control devices shall be the responsibility of the homeowner's association if not accepted by a public agency. Detailed maintenance arrangements and financing shall be outlined.

E. Exterior colors and materials of all structures shall respond \checkmark to the colors of the native environment.

F. Landscaping shall be maintained in accordance with the approved plans (on file in the Commission office).

A copy of the CC&R's incorporating the above provisions shall be submitted to the Executive Director for review and approval concurrent with recordation of the final map.

9. Lot Development Restrictions. Prior to or concurrent with recordation of the final map, the applicant shall record the following restrictions, on each individual parcel specified, to run with the land free of prior encumbrances, except for tax liens, and in a manner approved by the Executive Director:

A. (Lots 5, 6, 7 8 and 9). No grading or erection of any structures shall occur on slopes of greater than 25% grade except that filling of the eroded gulleys shall be permitted for the purpose of landscaping and erosion control.

B. (Lots 9, 10, 11, 12, 15 and 16). No grading or erection cf any structures shall occur on naturally vegetated slopes of greater than 25% grade, except for the minimal amount necessary to access the site.

10. Archaeology. The applicant shall comply with the appropriate salvage program or preservation plan required by the County of San Diego to protect the archaeological resources which are known to exist on the subject site.

11. <u>State Lands Commission Review</u>. Prior to issuance of the coastal development permit, permittee shall obtain a written determination from the State Lands Commission that:

A. No State Lands are involved in the development, or

B. State Lands are involved in the development and all permits required by the State Lands Commission have been obtained, or

Exhibit 4

CE OF INTENT TO ISSUE MEMIT, Page 7 of ____

pplication No. 6-83-314

SPECIAL CONDITIONS - continued:

C. State Lands may be involved in the development, but pending a final determination an agreement has been made with the State Lands Commission for the project to proceed without prejudice to that determination.

12. <u>Waiver of Liability</u>. Prior to the issuance of a coastal 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 be recorded against the land area containing the portion of the property involving construction within or adjacent to the floodplain, i.e., for the sewer line and access road. The deed restriction shall provide (a) that the applicants understand that the site may be subject to extraordinary hazard from flooding during storms and from erosion, and the 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 known hazards may make them ineligible for public disaster funds or loans for repair, replacement, or rehabilitation of the property in the event of storms.

13. Open Space. Prior to issuance of this permit, the applicant shall record a deed restriction in a form and content acceptable to the Executive Director, which prohibits any alteration of landforms, placement or removal of vegetation, or erection of structures of any type unless approved by the Coastal Commission or its successor in interest in the area described as follows:

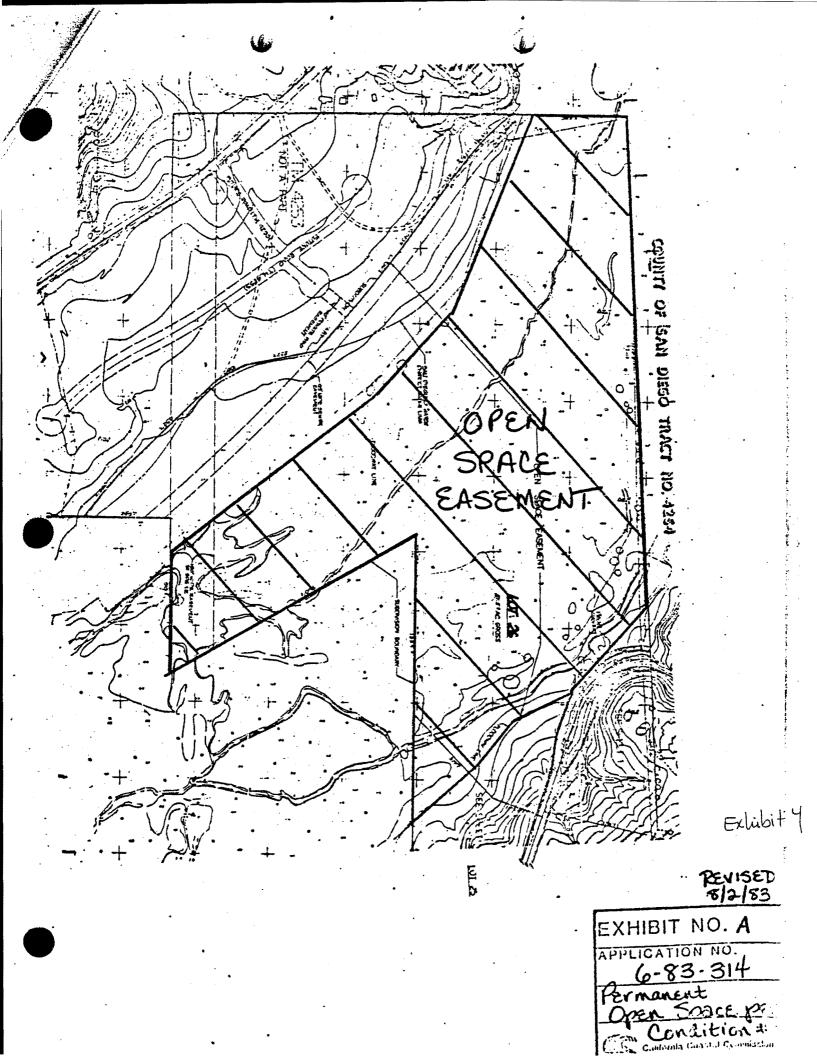
That portion of Lot 26 between the northern floodway limit and the northern subdivision boundary as shown on County of San Diego TM #4254 and Exhibit B attached.

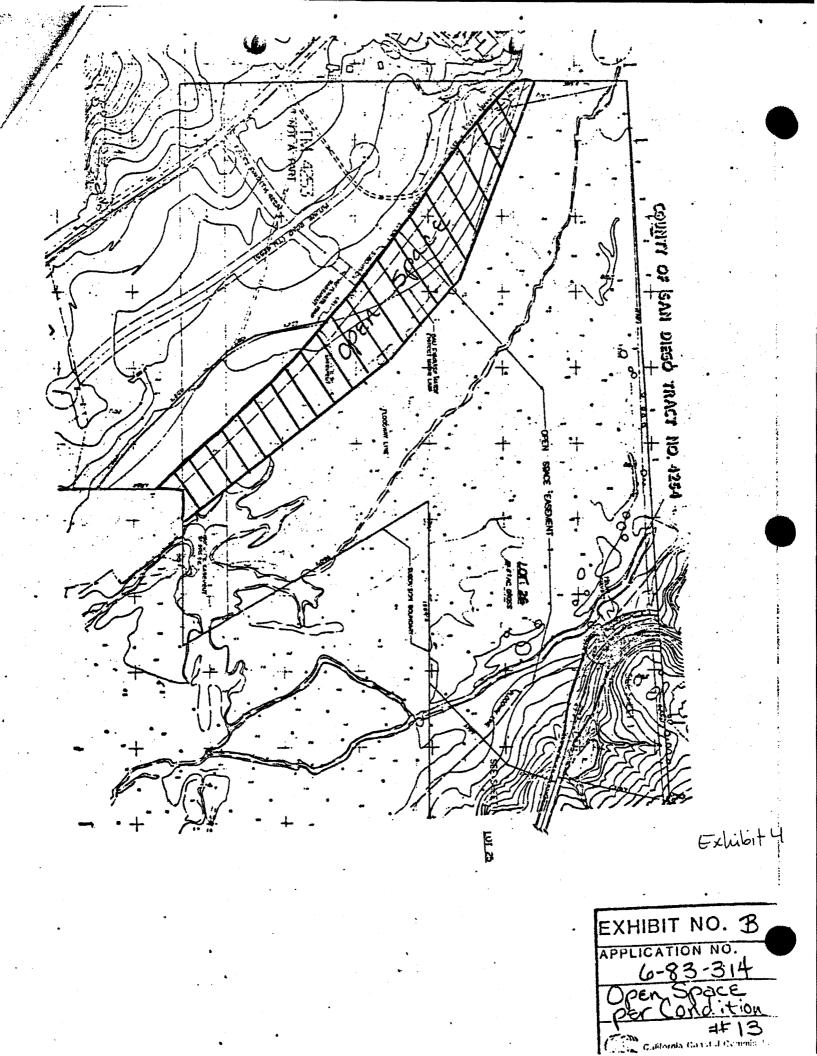
Buffer zones 100 feet in width parallel and adjacent to the southern, western and northern property lines and a buffer zone 50 feet in width parallel and adjacent to the southern floodway limit on Lots 25 and 26, as shown on TM #4254 and Exhibit C attached.

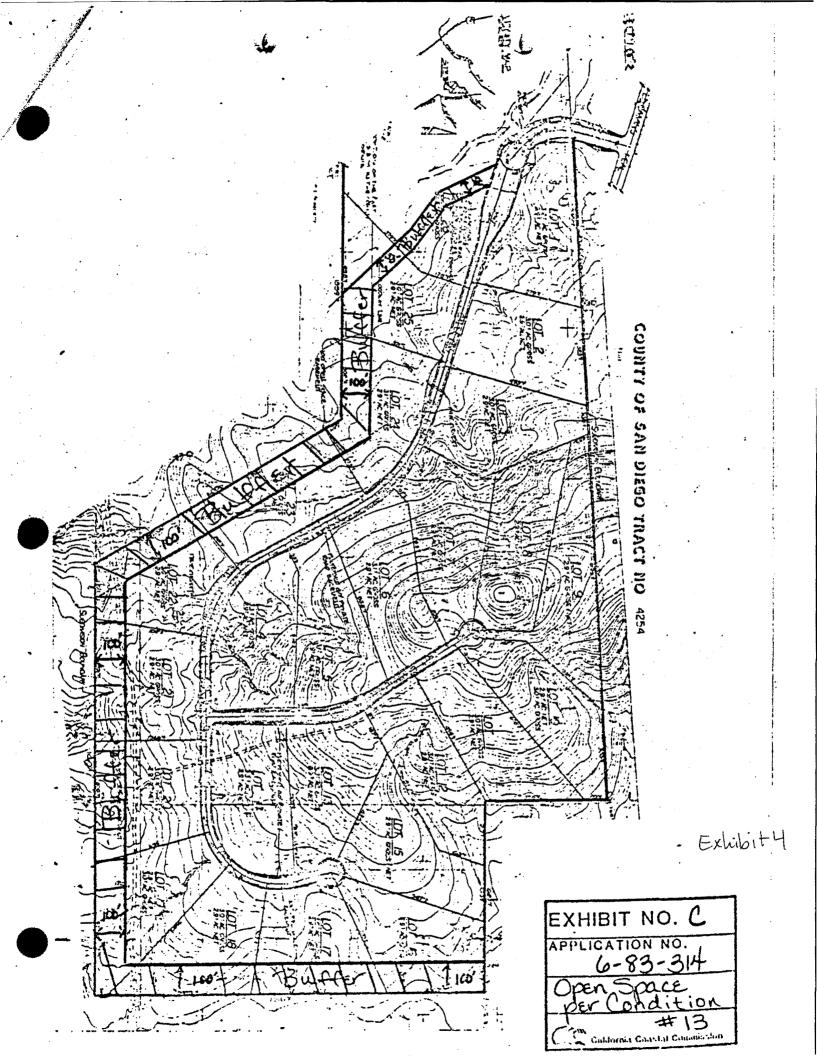
and

Such restriction shall be recorded to run with the land, free of prior liens and encumbrances, except tax liens which in the opinion of the Executive Director, would adversely affect the intent of the restriction.

Felilibity,







PHEKS HUPLIN

rax:0194900641



County of San Biego

MICHAEL G. KEMP DIRECTOR (619) 594-3030

DEPARTMENT OF PARKS AND RECREATION 5201 RUFFIN ROAD, SUITE P. SAN DIEGO, CALIFORNIA 92123-1699

March 17, 1997



San Diego

County Parks

1946 5

Diana Lily California Coastal Commission 3111 Camino Del Rio North, Suite 200 San Diego, CA 92108-3520

CALIFORNIA COASTAL COMMISSION SAN DIEGO COAST DISTRICT

Dear Ms. Lily:

This letter is in response to your request for comments on the violation at 3902 Stonebridge Lane, adjacent to San Elijo Lagoon Ecological Reserve, which is owned and managed by the San Diego County Parks Department. This property was graded within the Coastal Commission designated 100-foot buffer zone. The cut, fill and subsequent use of the area for the placement of an equestrian exercise ring is of great concern to the Parks Department, as owners of the adjacent parcel of land. We support the original intention of the buffer zone, which is to protect the wetlands of the Reserve. We agree that the current situation should be rectified in order to resume its function as a buffer and protect the sensitive resource it borders.

This grading has the potential to impact the adjacent salt marsh in several ways. Erosion of the fill slope may further degrade the marsh. Plants introduced to the cut may escape into the marsh. Increased activity may impact wildlife in the area, including Belding's Savannah Sparrow, which nests in the adjacent marsh.

In addition, coastal sage scrub was removed from this property prior to grading. Several sensitive plant species are still found on the less disturbed slopes to the west of the property, including Mesa Mossfern (<u>Selaginella cinerascens</u>), Coast Barrel Cactus (<u>Ferocactus viridescens</u>) and California Spinebush (<u>Adolphia californica</u>). These species may have been removed from the site by the grading. Sensitive animal species associated with coastal sage scrub include the California gnatcatcher and Orange-throated whiptail, both of which occur in the Reserve directly west of the site.

We strongly urge that you uphold your decision for an open space buffer of 100 feet from wetlands. We feel that this is necessary to protect the Reserve's sensitive marsh.

Sincerely,

ROBERT A. DOWNER, Chief Park Operations Parks and Recreation Department

RAD: BS: cw

