

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA

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REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Wed 10a

Application No.: 6-96-127

Applicant: Terry & Barbara McClanahan

Description: Removal of existing unpermitted development including an approximately 6,000 sq.ft. horse riding ring, a 6.5 foot high wooden fence, and drainage improvements including a brow ditch and two rock dissipators. Recontouring and revegetating slope, enhancement of a 600 sq.ft. wetland area, removal of approximately 2,400 sq.ft. of non-native plants adjacent to the site, and construction of a new approximately 3,000 sq.ft. riding ring on a site with an existing single-family residence.

Lot Area	2.86 acres
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.

STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed development which will remove the previously constructed unpermitted development and mitigate the adverse impacts of the development on wetlands, environmentally sensitive habitat and visual resources. Through weed control and removal of non-native vegetation, the project will enhance an approximately 600 sq.ft. of impacted wetland area on the site and an approximately 2,400 sq.ft. of wetland area adjacent to the site in the San Elijo Lagoon Reserve. The adverse visual impact of the unpermitted horse ring and grading will be mitigated through removal of the ring and recontouring and revegetating the slope. As conditioned, the proposed smaller, relocated riding ring will not impact steep slopes, have a significant adverse visual impact or degrade water quality. Special conditions placed on the project require submittal of a mitigation monitoring plan, limit the time of grading to prevent sedimentation impacts, and require submittal of a color board to assure the fencing around the new riding ring will not have an adverse visual impact.

Substantive File Documents: Certified County of San Diego Local Coastal Program; CDP #6-87-334; CDP #6-83-314; Dudek & Assoc. "Mitigation for Horse Riding Ring Biological Impacts," May 29, 1997; San Dieguito Engineering, Inc. letter dated May 27, 1997; "Hydrology and Hydraulic Analysis of Corral Site," San Dieguito Engineering, Inc., January 2, 1997.

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Mitigation Monitoring Program. The permittee shall implement a mitigation monitoring program as proposed in the "Mitigation for Horse Riding Ring Biological Impacts" by Dudek & Associates dated May 29, 1997, documenting the progress of the wetland native regrowth and weed control for the 600 sq.ft. on-site area and 2,400 sq.ft. off-site wetland enhancement/mitigation area. The program shall include and carry out the following components:

- a) Monitoring shall be performed on a semi-annual basis for a maximum of one year following implementation of the proposed wetland enhancement.
- b) A letter report shall be submitted at the six months review point describing the progress of the native regrowth, an overall assessment of the program's effectiveness, and any recommendations for program changes.
- c) A final report shall be submitted one year after project implementation, but no later than December 31, 1998. The report shall contain an evaluation of the success of the wetland enhancement prepared in consultation with the California Department of Fish and Game.

- d) If the final monitoring report indicates that the enhancement has been, in part, or in whole, unsuccessful, the applicant shall submit a revised or supplemental mitigation program to compensate for those portions of the original program which were not successful. The revised mitigation program, if necessary, shall be processed as an amendment to the coastal development permit.

Any proposed changes to the approved program shall be reported to the Executive Director. No change to the plan shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

2. Timing of Work. The permittee shall comply with the following requirements:

- a) All grading activity shall occur prior to October 1, 1997 and is 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 with the proposed native seed mix.
- c) The proposed grading, removal of all unpermitted development, and non-native plant removal shall be completed by December 1, 1997, or within such additional time as may be granted by the Executive Director for good cause.

3. Visual Resources. Prior to the issuance of the coastal development permit, the applicant shall submit for the review and written approval of the Executive Director a color board or other indication of the exterior materials and color scheme to be utilized in the construction of the proposed new riding ring fencing. Dark green, browns, and other earth tones designed to minimize the project's contrast with the surrounding scenic resources shall be utilized.

4. Manure Removal/Storage. Through acceptance of this permit, the applicant agrees to implement and maintain a manure removal schedule under which manure will be removed from the proposed riding ring at least once a week for appropriate disposal. In addition, any manure stored within the ring area prior to weekly removal shall be stored at the upland, or northern portion of the ring.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History: The proposed project consists of removal of previously unpermitted development including an approximately 6,000 sq.ft. horse riding ring, a 6.5 foot high wooden fence, and drainage improvements including a brow ditch and two rip rap energy dissipators. The improvements are located on a steep slope overlooking the San Elijo Lagoon Reserve into which a flat pad has been graded, involving approximately 1,000 cubic yards of balanced cut and fill. This slope will be recontoured and

revegetated with native plants. Native wetland vegetation will be allowed to naturally reclaim an approximately 600 sq.ft. area of wetlands on the site at the base of the slope adjacent to the lagoon which was disturbed by the unpermitted development, through implementation of a non-native weed control program. An additional 2,400 sq.ft. wetland area adjacent to the site will also be enhanced through the removal of non-native plants and weed control as mitigation for the impacts to wetlands resulting from the unpermitted development. Construction of a new approximately 3,000 sq.ft. riding ring on the northern, upland portion of the site is also proposed.

The proposed development will take place largely 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 restoration is proposed, consists largely of slopes in excess of 25% grade, trending down to the south towards the lagoon. The existing unpermitted riding ring is 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.

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 (see attachment #4, 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 acquisition. 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 unpermitted horse riding ring was 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 filling grading occurred on the site to create the 6,000 sq.ft. ring, which is located approximately 25 feet from the southern property line. Some grading and fill occurred along the portion of site immediately adjacent to the County Parks property. The manufactured slopes above and below the ring were landscaped with iceplant, and a rock-lined brow ditch was constructed above the ring to direct water to either side of the graded pad. No drainage or erosion control measures were constructed 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 unpermitted horse ring and grading occurred 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 which was 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 was been directly impacted by construction; however, it is estimated to be approximately 600 square feet.

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. There is no buffer between the existing riding ring and the remaining adjacent wetlands. Placement of the riding ring in the buffer area has reduced the upland area available for use by wildlife and the area of land that filters stormwater runoff into the lagoon. In addition, development of the ring has likely resulted in both solid and liquid horse waste being

deposited in close proximity to the lagoon, resulting in nutrients being carried into the lagoon, adversely impacting sensitive vegetation. Attachments #5 and #6 to the staff report are letters from the County Department of Parks and Recreation and the California Department of Fish and Game expressing their objections to the work which occurred without a permit.

The proposed project is designed to restore the damage which has occurred to the sensitive vegetation on and around the site, and to mitigate for the impacts. A mitigation report prepared in May 1997 with the consultation of the Department of Fish and Game determined that the direct impact to wetlands from the unpermitted development involved only removal of the existing wetland vegetation; no change to the grade of the area occurred. The biological report found that topsoil in the 600 sq.ft. impact area remains intact and the soil surface shows accumulations of salt. There is evidence of native regrowth of saltgrass and alkali heath in the impact area. The report determined that these site conditions indicate the area will most likely transition back to native vegetation with minimal weed control effort. Therefore, the applicants are proposing to implement a weed control program involving weed whipping the impacted area twice each year to ensure the success of natural regrowth of the native wetland vegetation. Non-native grasses now present in the area will be cut to a height of six inches to control seed production and to reduce thatch build-up that could shade-out native regrowth.

The applicants have also proposed enhancing wetland vegetation in a 2,400 sq.ft. area immediately adjacent to the site to the south, in the Lagoon Reserve. Approximately 2,400 sq.ft. of existing tamarisk (an invasive non-native species) will be manually removed from the marshy area. The presence of adjacent alkali marsh species suggests the area will revegetate as alkali marsh, if weeds are suppressed. The tamarisk will be cut with a pruning saw and fresh cut stumps will be painted with an herbicide. All debris from the removal activity will be disposed of offsite. Follow-up herbicide treatments will be conducted for up to two years after initial removal or until such time that no resprouts appear after one full year. Other weed species that could threaten native regrowth will be removed on a monthly basis. Non-native species to be removed include (but are not limited to) mustard, tree tobacco, sweet fennel, and castor-bean. All non-native grasses occurring in the area will be weed whipped to 6 inches before they set seed.

Typically the Commission requires mitigation in the form of the creation of new wetland habitat, at a 4:1 ratio, to mitigate for impacts to saltmarsh. In this particular case, with implementation of the proposed weed control program, the 600 sq.ft. impacted area should fully restore as wetland habitat. Therefore, the impact to the existing wetland habitat can be characterized as a temporary impact. However, even the temporary loss of wetlands is considered a significant impact which must be mitigated. The enhancement of 2,400 sq.ft. of disturbed wetland (which represents a 4:1 ratio), was suggested by the Department of Fish and Game as adequate mitigation for the temporary loss of wetlands. The restoration will reduce the impact of the unpermitted loss of wetlands to a less than significant level. Restoration is a permitted activity in wetlands under Section 30233 of the Coastal Act.

In order to be assured that the enhancement and restoration is successful, Special Condition #1 requires the applicant to submit a monitoring program. The enhancement effort must be assessed on a semi-annual basis for one year. If it is determined that the mitigation was not successful, the applicant must submit a revised enhancement/mitigation program through a subsequent coastal development permit or amendment.

Construction of the ring and drainage improvements also impacted steep, naturally vegetated slopes. The CRP overlay zone 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 Visual Quality discussion, below). Sedimentation is of particular concern with development involving horse activity, because of the dust and dirt loosened by horse movement and potential water quality impacts associated with waste. The original permit for the subdivision required that a deed restriction be recorded on the property prohibiting grading or erection of any structures from occurring 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 took 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 prior to construction the hillside was similar in nature to the adjacent slopes). 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 unpermitted succulent landscaping now planted on the site on the proposed manufactured slopes does not provide any ground cover and is invasive, which could eventually further displace the adjacent wetland species.

In addition, extensive grading of the slopes was required to construct the unpermitted development. The area downslopes of the unpermitted riding ring consists of loose, uncontrolled dirt which would drain immediately into the lagoon during storms. Drainage from this area consists of only of uncontrolled sheet flow. Thus, both the grading and riding horses in the proposed ring has likely increased the amount of sedimentation entering the lagoon, degrading the water quality of the lagoon.

Therefore, the applicant is also proposing to remove the existing ice plant and seed all graded areas with a native, upland-species seed mix. The seed

mix will be planted across the slope, raked into the soil, and mulched. The mitigation report recommends that the seed installation occur in October or November, ahead of winter rains, to achieve maximum germination. The new plantings will reduce the risk of sedimentation entering the lagoon, and restore the grasslands habitat. Special Condition #2 prohibits the initial grading from occurring after October 1 because of the risk of sedimentation, and requires seeding of the cut slopes to occur within 60 days of grading. Although this creates a fairly narrow window for the grading and revegetation to occur, grading commencing in either late August or September would allow for seeding to occur within 60 days in October or November.

The proposed approximately 3,000 sq.ft. new riding ring will be located on the upland portion of the site east of the existing single-family residence and corral. There are no steep, naturally vegetated slopes in this area. Earthen swales constructed around the ring will direct drainage flow to a proposed rock lined ditch. A hydrology study submitted by the applicant indicates that no diversion of the natural flow on the site will occur as a result of the new riding ring, and no increase in runoff will occur. The closest portion of the proposed ring will be approximately 140 feet from the wetland area, with most of the ring over 160 feet from the wetlands.

Although runoff from the proposed riding ring will eventually drain into the lagoon, the Department of Fish and Game has indicated that the ring will be located sufficiently far away from the lagoon that the nutrients present in horse waste should dissipate enough before reaching the lagoon waters or sensitive vegetation that no impacts to these resources should occur. However, it is necessary that solid waste be removed from the riding ring on a regular basis, and stored on the upland, or northern portion of the ring between collections. Therefore, Special Condition #4 requires the applicant to remove manure on a weekly schedule, and to store any manure kept in the ring on the upland portion of the ring. Therefore, as conditioned, the proposed riding ring will not result in adverse impacts to water quality.

The proposed development will eliminate a source of on-going resource damage to wetland and natural grass habitat by removing the unpermitted riding ring and drainage improvements, seeding the recontoured slopes and enhancing 600 sq.ft. of on-site wetlands and 2,400 sq.ft. of off-site wetlands. The new riding ring will not directly or indirectly impact wetlands or steep slopes, or result in nutrients or sedimentation entering lagoon waters. There will be a buffer of over 100 feet from the new riding ring to any wetland vegetation. Therefore, the project can be found consistent with the resource protection policies of Chapter 3 of the Coastal Act.

3. Visual Quality. 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 restoration will occur on a slope overlooking the eastern portion of San Elijo Lagoon. Construction of the previously unpermitted development required considerable landform alteration to the existing steep, grassy slope to construct a flat, pad to accommodate the 6,000 sq.ft. riding ring. Approximately 1,000 cubic yards of cut and 1,000 cubic yards of fill occurred. The three-rail fence erected around the ring is almost 6 1/2 feet high, and painted pink.

The slope on which the development is 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. 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 has significantly altered the appearance of the natural slope, and the non-native groundcover proposed for the cut slopes is not consistent with the grasses and native shrubs on the adjacent hillsides. The alteration of landform and the fence itself is 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. 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.

The proposed project is designed to eliminate the visual impact by removing the existing riding ring and fence, regrading the hillside and replanting the slope with native upland vegetation similar to that which was removed. The land will not be restored precisely to its pre-development contours, as the amount of grading and slope stabilization necessary to do so would involve a considerable amount of additional grading, thus increasing the risk of sedimentation entering the lagoon until vegetation eventually re-stabilized the slope. However, the flat cuts of the graded pads will be smoothed and softened to more closely resemble the surrounding native landform. Native vegetation planted on the site will also allow the new slope to blend in with the natural surroundings.

As noted previously, the proposed riding ring will be located at the top of the slope adjacent to the existing single-family residence and corral. Only minimal grading (approximately 200 cubic yards) is required to prepare the site for the riding ring; thus, no significant alteration of landforms will occur. Special Condition #3 requires that the applicants submit a color board indicating that the fencing surrounding the proposed riding ring will be colored a dark green, brown or other earthen tone to further reduce its visibility, consistent with the requirements placed on the original subdivision for coloration of the principle residences.

Removal of the existing riding ring, and recontouring and revegetating the slope will result in a significant improvement to the visual quality of the area. The proposed riding ring has been placed in a location that, as conditioned, will not have an adverse impact on the existing scenic and visual quality of the lagoon environment. Therefore, the Commission finds that the proposed development is consistent with Section 30251 of the Coastal Act.

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 can 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, as conditioned, the proposed grading, revegetation and wetland enhancement, and construction of a new riding ring can be found consistent with the resource protection and visual quality policies of the certified LCP, and with Chapter 3 of the Coastal Act. Therefore, the Commission finds that proposed development will not prejudice the ability of the County of San Diego to implement its certified LCP.

5. Consistency with the California Environmental Quality Act (CEQA). 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 not result in any new impacts to coastal resources, and would mitigate previous impacts to wetlands, and restore the visual quality of the lagoon environment. The project would terminate the on-going resource and visual damage described above resulting from the unpermitted activity on the site. The project has been conditioned in order to be found consistent with the resource protection and visual quality policies of the Coastal Act. Mitigation measures, including implementation of a monitoring plan, restrictions on grading, a manure removal requirement and submittal of a color board, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

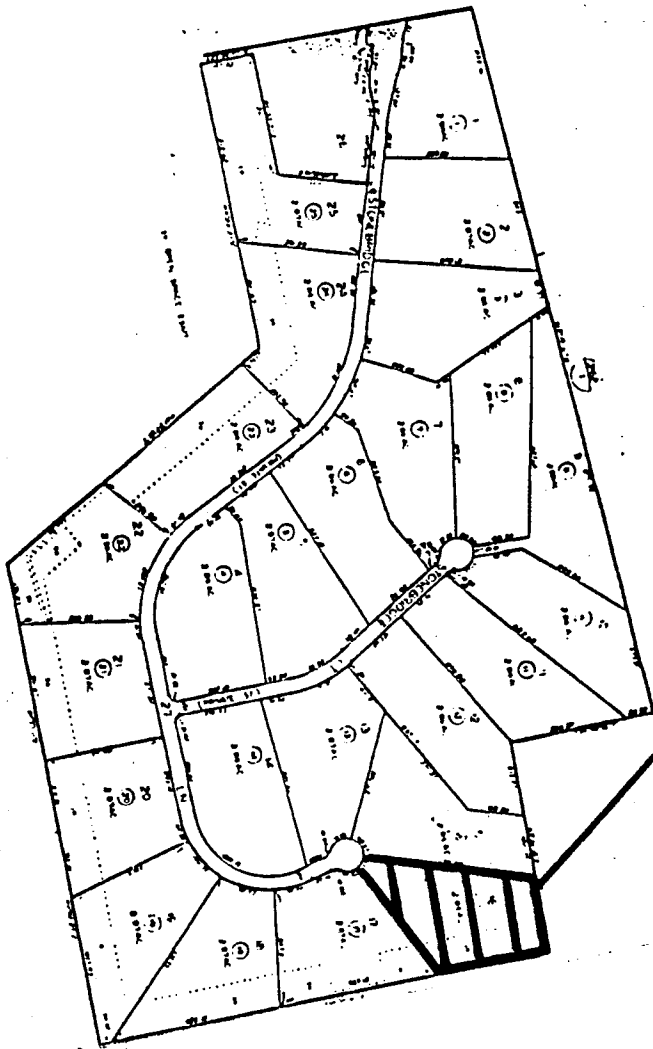
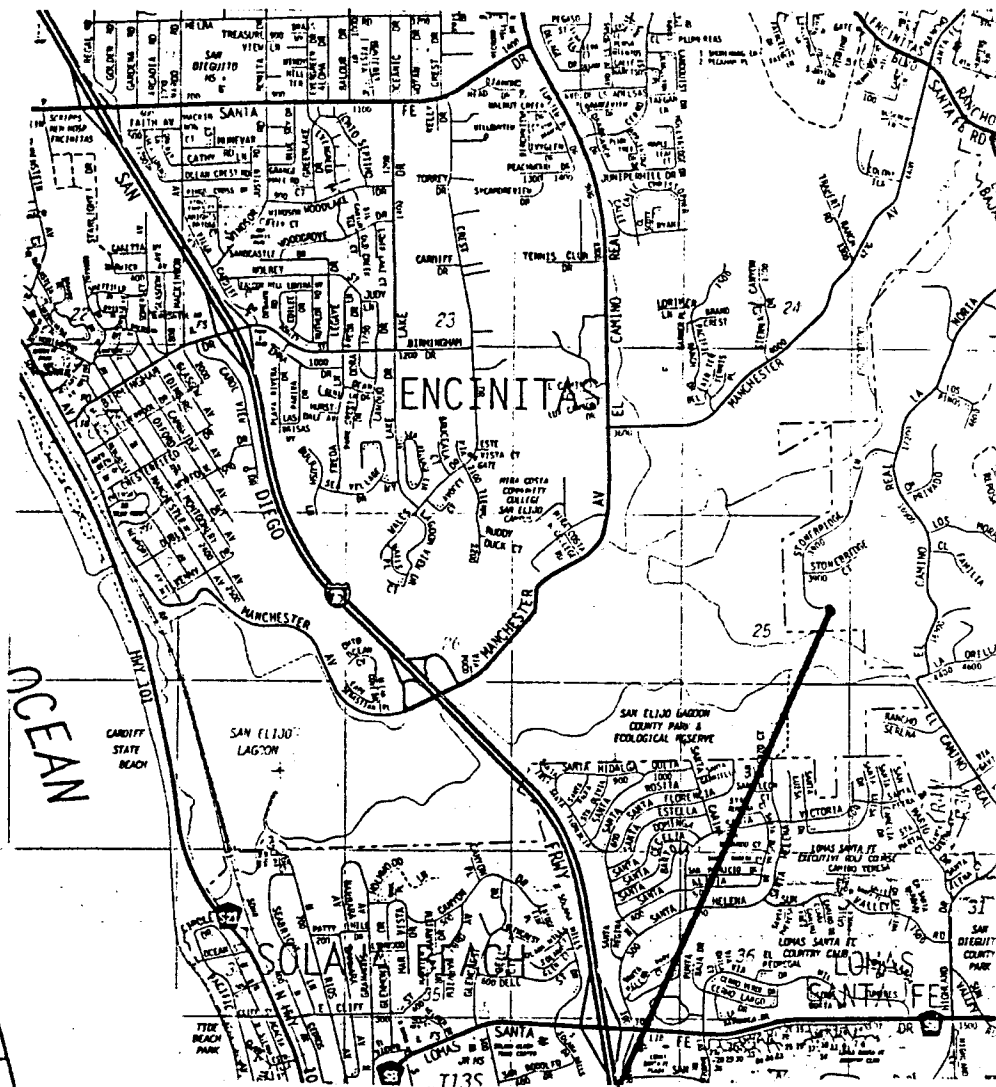
6. No Waiver of Violation. Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Action on the permit does not constitute a waiver of any legal action 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, development has already occurred on the site without a coastal development permit, in an area deed-restricted through a previously approved permit on the site. However, the proposed project will bring the site into consistency with the resource protection and visual protection policies of Chapter 3 of the Coastal Act, and eliminate the on-going resource damage in the form of degradation of water quality and impacts to native wetland vegetation which occurred as a result of the development.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

(6127R)



SITE

EXHIBIT NO. 1
APPLICATION NO.
6-96-127
Location Maps

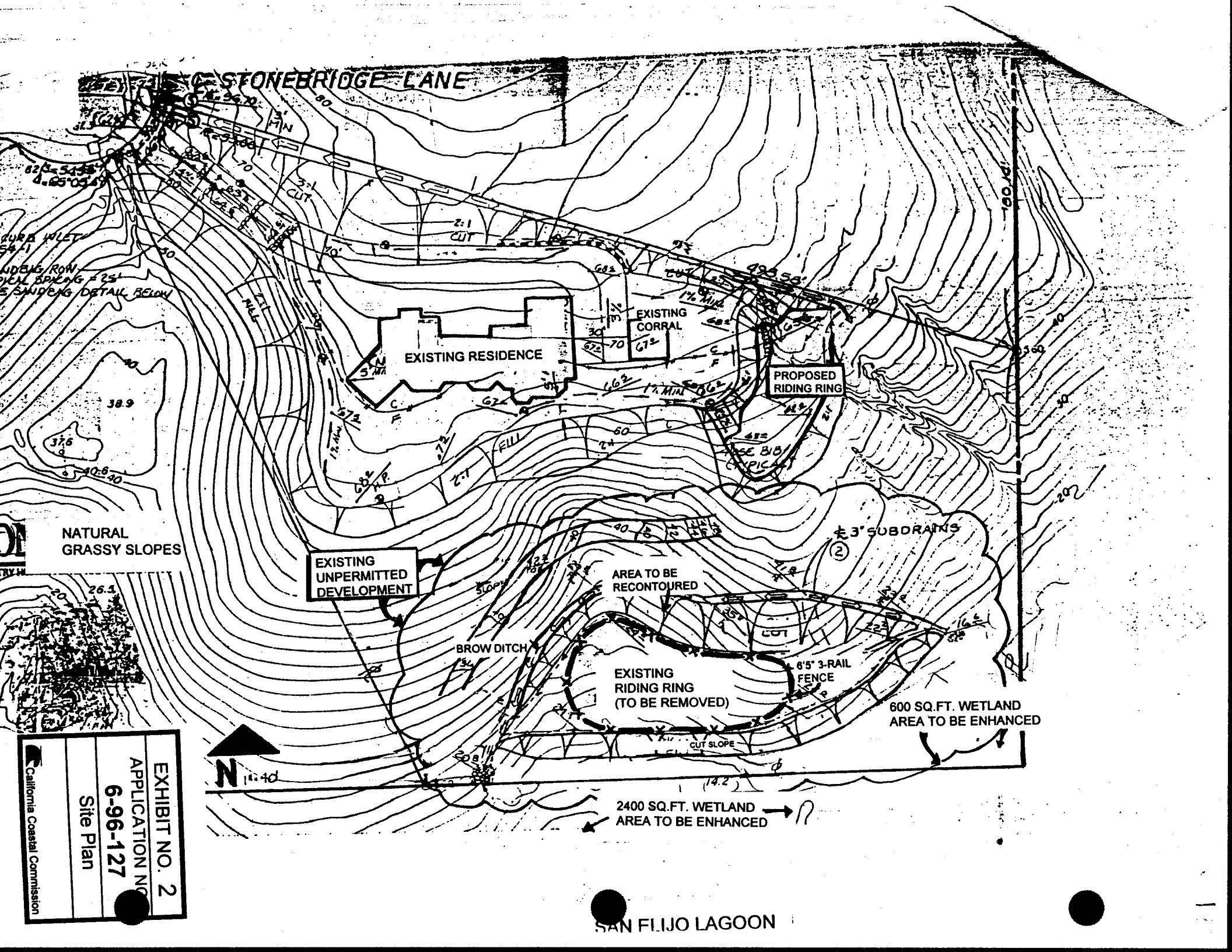


EXHIBIT NO. 2
APPLICATION NO.
6-96-127
Site Plan
California Coastal Commission

SAN ELIJO LAGOON

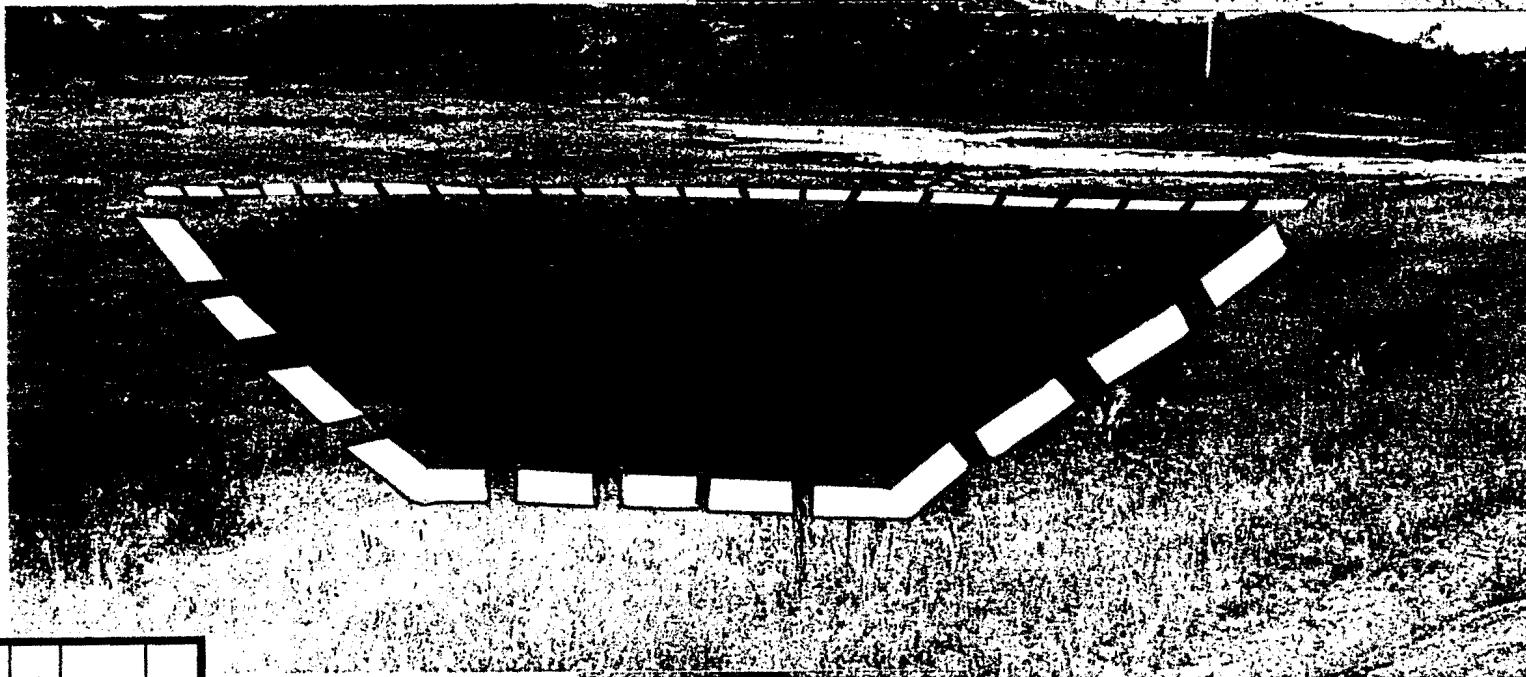
Figure 1. Wetland vegetation impact area

600 sq.ft. to be enhanced



Figure 2. Wetland vegetation enhancement area

2400 sq.ft.



Looking North from the subject site

**McCLANAHAN RESIDENCE
WETLAND MITIGATION PLAN**

EXHIBIT NO. 3

APPLICATION NO.

6-96-127

Proposed Wetland

Enhancement

California Coastal Commission

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT
1333 CAMINO DEL RIO SOUTH, SUITE 125
SAN DIEGO, CA 92108-3520
(619) 277-9740

Page 1 of 5
Permit Application No. 6-87-334/AB
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.

NOTE: 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. BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE PERMIT AUTHORIZATION FROM THIS OFFICE.

PETER DOUGLAS
Executive Director

By: 

RECEIVED
AUG 11 1987
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

EXHIBIT NO. 4

APPLICATION NO.

6-96-127

CDP #6-96-127

Residence Approval

California Coastal Commission

STANDARD CONDITIONS:

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

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

P. 2 of
6-98-12

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 encroachment 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 4
p. 3 of 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, encouragement 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. Grading/Erosion Control. 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. Drainage. 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 4
p. 4 of 5
6-96-12

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.

Tony A. Mulvaney, AS
Applicant's Signature

8/9/87

Date of Signing

(7334R)

Exhibit **4**
P. 5 of 5
6-96-127



County of San Diego

MICHAEL G. KEMP
DIRECTOR
(619) 694-3030

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

San Diego
1946 ~~50~~ 1996
County Parks

March 17, 1997

RECEIVED

MAR 1 1997

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 (Selaginella cinerascens), Coast Barrel Cactus (Ferocactus viridescens) and California Spinebush (Adolphia californica). 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

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

RAD:BS:cw

EXHIBIT NO. 5
APPLICATION NO.
6-96-127
County Parks Letter
California Coastal Commission

Memorandum

To : Attention: Ms. Diana Lilly
San Diego Coast Regional Commission
3111 Camino Del Rio North, Suite 200
San Diego, California 92108

Date : March 20, 1997

From : Department of Fish and Game - Region 5, 330 Golden Shore, Suite 50, Long Beach, CA 90802

Subject : McClanahan Property; CDP 6-96-127

A Department biologist recently viewed the subject property from the San Elijo Ecological Preserve with representatives of the San Diego Parks and Recreation Department and the California Coastal Commission (Commission) after receiving a report of a possible violation. A horse-riding ring had been constructed within approximately 20 feet of existing wetlands in addition to actual grading of wetlands. This placement will likely lead to increased sedimentation of the wetlands, increased nutrients entering the wetlands system, and further disturbance of this system through other associated human activities. The Department is also concerned with the use of invasive succulent vegetation used in the landscaping of the cut slopes around the riding ring.

Without a wetlands delineation, the actual area of the wetlands grading cannot be determined; however it appears that at least 0.1 acre of wetland was disturbed. Because of the placement of fill this close to the remaining wetlands, it is not possible to determine if additional wetlands were destroyed.

We are concerned about the close proximity of the riding ring to the wetlands because the normal filtering effects of vegetation buffers has been eliminated. Normally, a minimum 100-foot buffer is necessary to remove sediments and excess nutrients produced by disturbance, animal wastes, and fertilizers. Without a suitable buffer, these materials can enter and modify or destroy wetland systems. Two examples of this are evident in the main lagoon where farming activity on the northern edge and a failed storm drain on the southern bluff have added large amounts of sediment to the lagoon and raised the land. This land is no longer capable of supporting the former salt marsh habitat because of the altered conditions.

As mentioned above, a minimum 100-foot buffer is necessary to remove sediments and nutrients from runoff. This buffer must be vegetated with native plants and the runoff cannot be heavily loaded with sediments or nutrients, or the buffer will be unable to prevent the undesirable effects created by those materials

EXHIBIT NO. 6

APPLICATION NO.

6-96-127

CA Dept of Fish

Game Letter

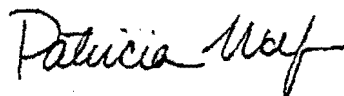
California Coastal Commission

California Coastal Commission
March 20, 1997
Page Two

Therefore, we recommend that the riding ring be removed and the area be recontoured to its original configuration. The area should then be planted with deeply rooted, native plant species to prevent erosion. To offset the destruction of wetlands by grading activities, the Department recommends that restoration or enhancement activities be required as close to the impact area as possible. This will likely require a wetlands delineation to determine the extent of the violation.

In addition to the biological problems with a reduced buffer, we are concerned that this could set a precedent for other property owners who may legally request a reduced buffer. This would lead to the continued cumulative degradation of the lagoon habitats.

Any questions regarding this letter may be addressed to Mr. Tim Dillingham, Wildlife Biologist in our San Diego office, at (619) 581-3507. Thank you for allowing the Department to comment on this project.



Patricia Wolf
Acting Regional Manager

cc: Mr. Tim Dillingham
Department of Fish and Game
San Diego, California

Exhibit 6
6-96-127
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