

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
 3111 CAMINO DEL RIO NORTH, SUITE 200
 SAN DIEGO, CA 92108-1725
 619-491-8036



Filed: 9/21/99
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 Staff Report: 10/12/99
 Hearing Date: 11/2-5/99

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REGULAR CALENDARSTAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-99-78

Applicant: Rancho La Noria
 c/o Sam Karp

Agent: Laurie Simon,
 San Dieguito Engineering

Description: Subdivision of an existing 12.52 acre site into three lots for future development of single family residences.

Site: On the east side of La Noria, south of La Bajada, San Diego County. APN portion of 266-040-03, 12, 16 and 18

Substantive File Documents: CDP #s 6-98-46 and 6-98-55; jurisdictional wetland delineation report by Merkel and Associates, Inc. dated 9/7/99; letter from California Department of Fish and Game dated 9/17/99.

STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed project, subject to several special conditions. The project raises concerns relative to potential impacts to biological resources through the provision of an inadequate wetland buffer for future development on the site. To address this concern, special conditions have been attached which will bring the proposed project into conformance with Chapter 3 policies of the Coastal Act. Specifically, Special Condition #1 requires that a 100-foot wetland buffer area be preserved through an open space deed restriction that permits installation of fencing and landscaping improvements only; Special Condition #2 advises the applicant that any future improvements on the site will be subject to a separate coastal development permit; and, Special Condition #3 requires submittal of a landscape plan that requires installation of native, drought-tolerant, fire resistant plant materials within the required 100-foot buffer area.

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. Open Space Deed Restriction. No development, as defined in Section 30106 of the Coastal Act, shall occur in the area described as the 100 ft. wetlands buffer extending 100 feet upland of the wetlands (as depicted on Exhibit No. 4 attached) except for:

Planting of native drought-tolerant, fire resistant vegetation, and installation of upland fencing and/or landscaping along the boundary between the wetland buffer and the developable portion of the lot for the purpose creating a physical barrier between the wetland buffer and the remainder of the lot.

PRIOR TO ISSUANCE OF THE PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director which reflects the restrictions stated above on the proposed development in the designated open space. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Future Development. This permit is for a three-lot residential subdivision. Any future development proposals for the site including grading and construction of residential structures shall require either a separate coastal development permit or an amendment to this permit.

3. Landscape Plan/Deed Restriction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a final landscape plan for the 100 ft. wetlands buffer developed in consultation with the California Department of Fish and Game. Said plan shall include the following:

- a. The installation of plant materials consisting of native, drought-tolerant fire resistant materials. The plan shall also indicate the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features.
- b. A planting schedule that indicates the planted plan shall be implemented within 60 days of issuance of the coastal development permit.
- c. A written commitment by the applicant that all required plantings shall be maintained in good growing condition, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall record a deed restriction, in a form and content acceptable to the Executive Director, that reflects the above requirements. The restriction shall provide that landscaping shall be implemented in accordance with plans approved pursuant to Special Condition #3 of CDP #6-99-78. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. Proposed is the subdivision of an existing 12.52 acre site into three lots for future development of a single family residence on each of the lots. The proposed sizes of the lots are as follows: Lot 1 = 4.45 acres net, 4.82 acres gross; Lot 2 = 4.19 acres net, 4.20 acres gross; Lot 3 = 3.20 acres net, 3.5 acres gross. No other development is proposed at this time. The subject site is located on the east side La Noria, south of La Bajada in the unincorporated County of San Diego.

The subject site presently contains a horse ranch facility consisting of a single family residence, barns, stables and corrals, and an artificial pond. The pond is lined with concrete and is used as a "watering hole" for horses. There is an existing paved access road on the site also, which was permitted pursuant to CDP #6-98-46 (described below).

The site is relatively flat. The western portion of one of the site (in the area that would become lot #2) is immediately adjacent to Escondido Creek. Escondido Creek in this area contains riparian habitat and both freshwater and saltmarsh vegetation. Immediately to the east of the creek is a paper street known as El Puente (refer to Exhibit No. 2). Neither the creek nor the paper street is located on the subject site. However, wetland habitat associated with the creek is located on the subject site.

There have been two past coastal development permits for development on the subject site. CDP #6-98-46 was approved on June 9, 1998 for the construction of an approximately 820-foot long private road to provide access to the subject site and the three other legal lots near the subject site. CDP #6-98-55 was approved on July 8, 1998 for a boundary adjustment between the subject site and the three other legal lots near the subject site. Together, the four lots total approximately 30.85 acres in size. The boundary adjustment re-configured the lot lines of each parcel without affecting any of the existing improvements. The subject site is the southernmost lot of the four reconfigured lots.

The project site is located within the unincorporated County of San Diego. The County of San Diego's Local Coastal Program (LCP) was certified by the Commission; however, the County never assumed permitting authority. Therefore, the County LCP is not effectively certified. Although the certified LCP is used for guidance, Chapter 3 of the Coastal Act is the standard of review.

2. Environmentally Sensitive Habitat Area. 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.

Also, Section 30233 of the Act 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; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

(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...

Furthermore, Section 30240 of the Coastal Act also states the following:

(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.

As noted earlier, the proposed development consists of a three-lot residential subdivision of a 12.52 acre site which is located adjacent to Escondido Creek and upland of, and within, the watershed of San Elijo Lagoon. No grading or development is proposed at this time. Escondido Creek lies directly to the west of the site and closest to proposed Lot #2. Due to the proximity of the subject site to this area, a wetlands delineation was performed by the applicant's biologist on 8/19/99 and 9/2/99. The findings of the survey were compiled into a report entitled, "Jurisdictional Wetlands Delineation Report" dated

9/7/99. According to the report, four wetland habitat types were found on-site which include 520 sq.ft. (0.01 acres) of Southern Willow Scrub, 32 sq.ft. of Eucalyptus Woodland, 76 sq.ft. of Southern Coastal Salt Marsh and 1,504 sq.ft. of Emergent Wetland. In addition, approximately 36 sq.ft. of jurisdictional non-wetland waters were also found on site. The identified mature riparian and marsh vegetation is located within both the paper street known as El Puente and the subject site (refer to Exhibit Nos. 2 & 3). According to the biologist, the wetlands and jurisdictional waterways southwest and west of the site represent relatively high quality habitats. The creek and surrounding wetlands are also considered environmentally sensitive habitat areas by the California Department of Fish and Game (DFG). DFG has indicated that the wetlands on-site and adjoining the subject site are "biologically valuable" because they are adjacent to high quality riparian habitat along the creek that connects with preserved, sensitive lands downstream of the property that include San Elijo Lagoon. Furthermore, DFG indicates that the on-site and adjoining wetlands are also valuable because they are used as a corridor for wildlife movement through the area. The site also contains an approximately 36 sq.ft. concrete-lined artificial pond that was created for, and is currently used for, watering of horses. This artificial pond is not a wetland within the definition of the Coastal Act.

In its review of the development, the County of San Diego required that prior to obtaining a building permit for Parcel 2, the applicant would be required to grant an open space easement to the County of San Diego. The easement would consist of a landscaped buffer between any future building and the on-site wetlands to protect and vegetate the slope and would prohibit any of the following within the easement area: grading, excavation, placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities, trash dumping; or use for any purpose other than as open space. The County also required that fencing be installed to establish a physical barrier between the open space easement area and any building and that such fencing be installed on the easterly edge of the easement.

The County's open space easement would create a 40 ft. buffer between any future structures and the on-site wetlands. However, while the County found that a 40 ft. buffer would be sufficient to protect on-site and adjacent environmentally-sensitive resources, DFG does not concur. DFG was consulted with regard to the wetland buffer for the subject site. In a letter dated 9/17/99 to Commission staff (ref. Exhibit No. 5), DFG staff states:

To minimize impacts to sensitive resources, the Department typically recommends a minimum 100-foot wide buffer to separate development projects from wetlands. The portion of Escondido Creek that occurs on-site is biologically valuable because it adjoins high quality riparian habitat along the creek and connects with preserved, sensitive lands downstream of the property such as the San Elijo Lagoon. This riparian habitat is important not only for wetland-associated species but is also used as a corridor for wildlife movement through the area. In addition, an effective

wetland buffer will reduce soil erosion problems and help to limit sediment in put into the creek and lagoon...

DFG further indicates that the 100 foot buffer be planted with native fire resistant plant species to prevent invasion of noxious, invasive plant species in the wetland buffer and riparian habitat. Coastal Act policy 30231 provides for protection of wetlands and streams, by among other means, maintaining natural vegetation buffer areas. Section 30240 provides for protection of environmentally sensitive habitat areas. These policies support a requirement that development on this site be set back 100-feet from the wetland boundary to ensure that the environmentally sensitive habitat areas of Escondido Creek will not be significantly disrupted. Pursuant to Sections 30231 and 30240 of the Coastal Act, the Commission has in the past required a 100-foot buffer between new development and marsh habitat or the water's edge of a coastal lagoon. In this particular case, the subject site borders Escondido Creek which contains riparian habitat and both freshwater and saltmarsh vegetation. As noted earlier, the creek and surrounding wetlands have been identified as high quality habitat which is part of a valuable ecosystem because of its connection with preserved, sensitive lands downstream. Furthermore, the riparian habitat is also important because it functions as a corridor for wildlife movement through the area.

The Commission finds that in order to maintain the biological quality of Escondido Creek and its surrounding wetlands, and to prevent a significant disruption of this area, there must be a buffer of undeveloped area to provide physical space between development and environmentally sensitive areas. This intervening space will act as a distance barrier between human activity and the resource, as well as a transitional habitat area for species using the environmentally sensitive habitat area. The buffer will also reduce the potential for adverse impacts associated with future development of this site (i.e., runoff and siltation associated with grading and site preparation, construction debris, debris generated by residential use, etc.). The proposed subdivision will create three legal lots, one of which (Lot #2) will be immediately adjacent to Escondido Creek and will contain all of the wetlands that are on the subject site. The creation of Lot #2 will lead to an expectation of development of a residence and associated improvements on the lot. Since development on Lot #2 would be inconsistent with Chapter 3 policies unless it was set back at least 100 feet from the on-site wetlands, the Commission finds that the proposed development is consistent with Chapter 3 policies only if conditioned to prohibit development within a 100-ft. area from the on-site wetlands.

Accordingly, Special Condition #1, requires that the applicant record a deed restriction that prohibits development in an area extending 100 feet upland of the wetlands boundary. The open space deed restriction, would however, specifically allow for some improvements in the buffer area to include fencing, landscaping, etc. Specifically, fencing to demarcate the eastern extent of the buffer area and the developable portion of the site shall be permitted to be installed on the site. In addition, landscaping of the buffer area with drought-tolerant, fire-resistant plant species shall also be permitted to prevent the invasion of noxious, invasive plant species in the buffer area.

In addition, given that the proposed project is for the subdivision of land only, without any proposed development at this time, Special Condition #2 advises the applicant that any future development on the site will require a coastal development permit. Such permit would have to be obtained from the Coastal Commission or a local government that has a certified local coastal program. Lastly, pursuant to the recommendations of DFG and the importance of revegetating the buffer area for the purpose of preventing the invasion of noxious, invasive plant species, etc., Special Condition #3 requires the applicant to implement a landscape plan. The plan requires that the 100 ft. buffer be planted with native, drought-tolerant, fire resistant plant materials.

In summary, the subject site is located adjacent to Escondido Creek and includes wetland resources on-site. To assure protection of the wetlands which have been identified by DFG as high quality, a native-landscaped 100 ft. buffer is required on the proposed Lot #2. As conditioned, the Commission finds the project consistent with the Sections 30231 and 30240 of the Coastal Act regarding protection of environmentally sensitive resources.

3. New Development. Section 30250 of the Act states Section 30250 (a) of the Coastal Act states, in part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have a significant adverse effect, either individually or cumulatively, on coastal resources.

Additionally, Section 30251 of the Act states, in part:

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

The project site is located in a developed area in the County of San Diego on the east side of Rancho La Noria well inland of Interstate 5. The subject site contains a private access road that extends from La Noria and can provide vehicular access to each of the three proposed lots. In addition, sewer and water facilities and all other utilities have been installed through CDP #6-98-40. Thus, the surrounding infrastructure of the community will be able to accommodate the increased density of development resulting from approval of this subdivision.

The proposed subdivision will result in three lots that are comparable in size to other parcels in the area. The site is not visible from any scenic area and no public views will be blocked by the development. Given that no impacts to any coastal resources will result from the proposed development, as conditioned, and that the development will be compatible with the surrounding area, the Commission finds the proposed project, as conditioned, consistent with Sections 30250 (a) and 30251 of the 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, as conditioned, such a finding can be made.

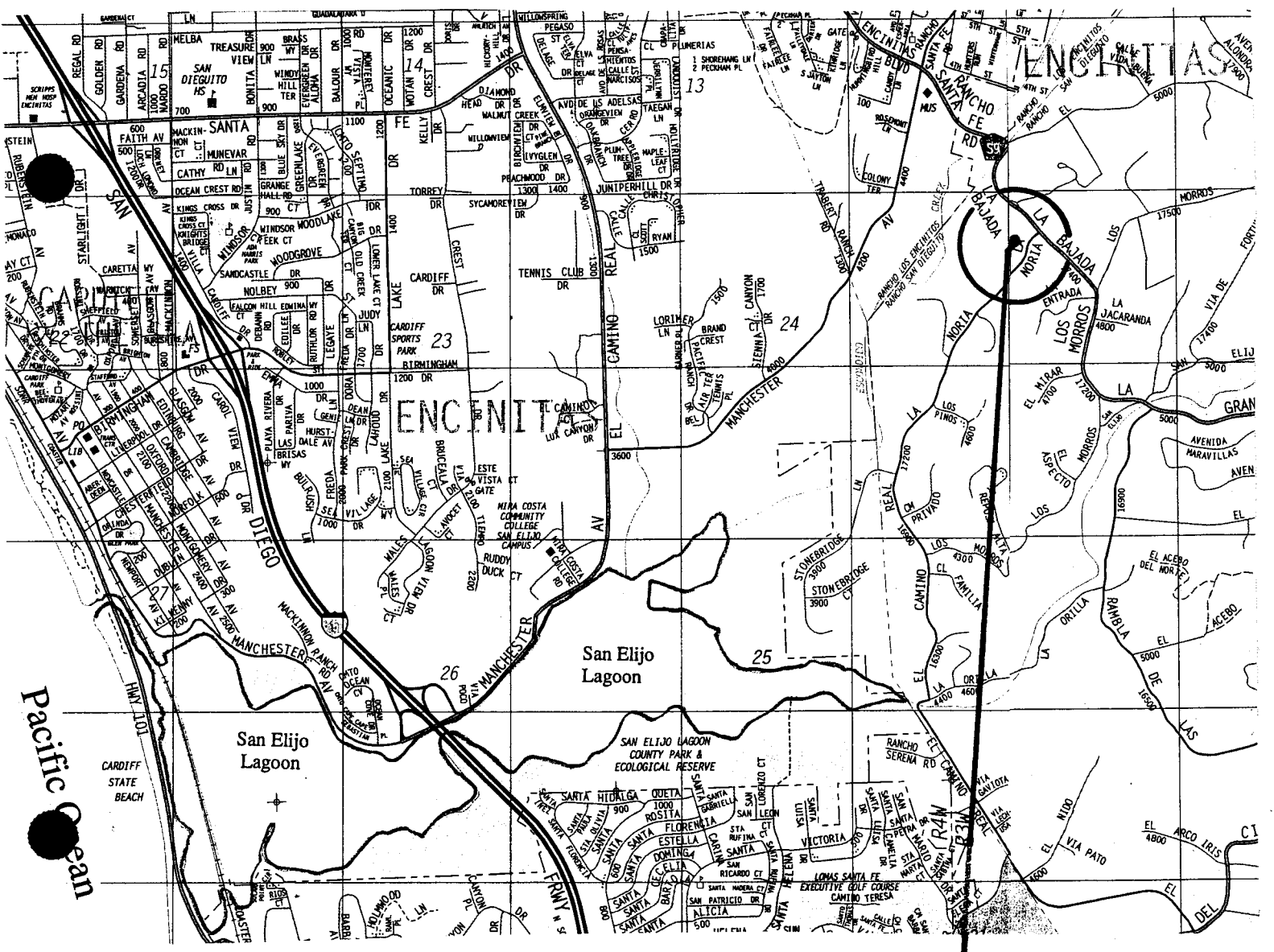
The subject site is planned and zoned for large-lot residential development at a density of .35 dwelling units per acre in the certified County of San Diego Local Coastal Program which the Commission uses for guidance in review of development in this area. The proposed subdivision and future buildout of the subject site with three single family residences would be consistent with that LUP designation. As conditioned, the project is consistent with all applicable Chapter 3 policies of the Coastal Act and the Commission finds that approval of the subject project will not prejudice the ability of the County of San Diego to obtain a fully certified Local Coastal Program.

5. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

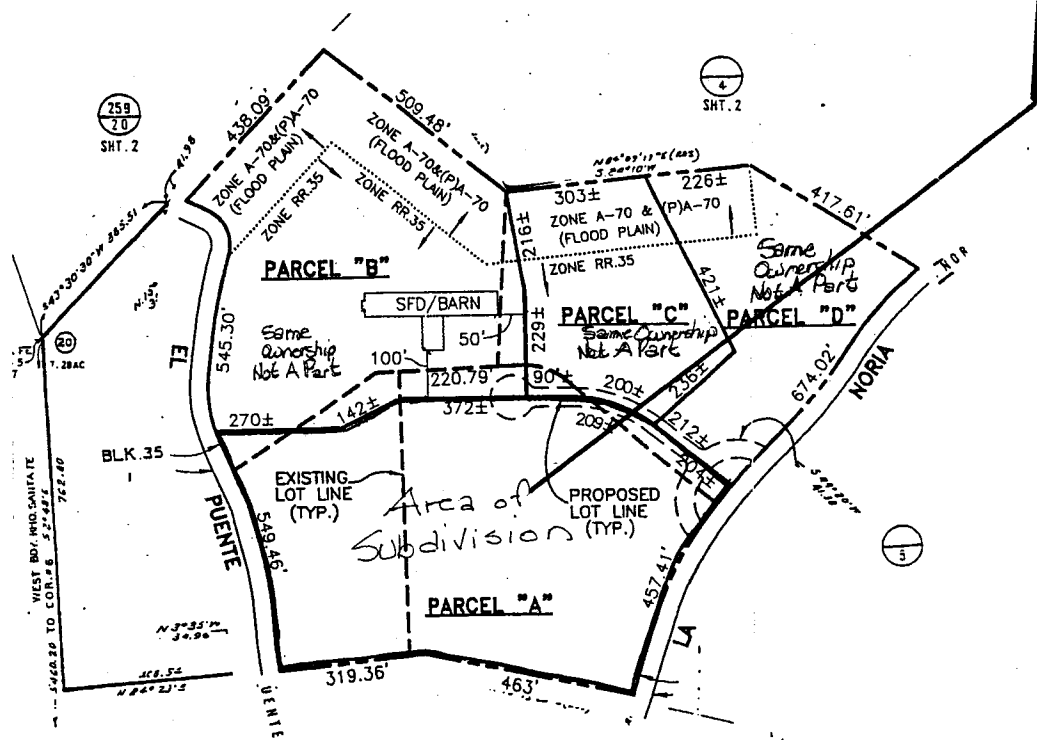
The proposed project has been conditioned in order to be found consistent with the environmental resource protection policies of the Coastal Act. Mitigation measures, including conditions addressing provision of a wetland buffer, future development and landscaping plan will minimize all adverse environmental 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 is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **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.



Pacific Ocean



SITE

EXHIBIT NO. 1
 APPLICATION NO.
 6-99-78
 Location Map

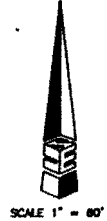
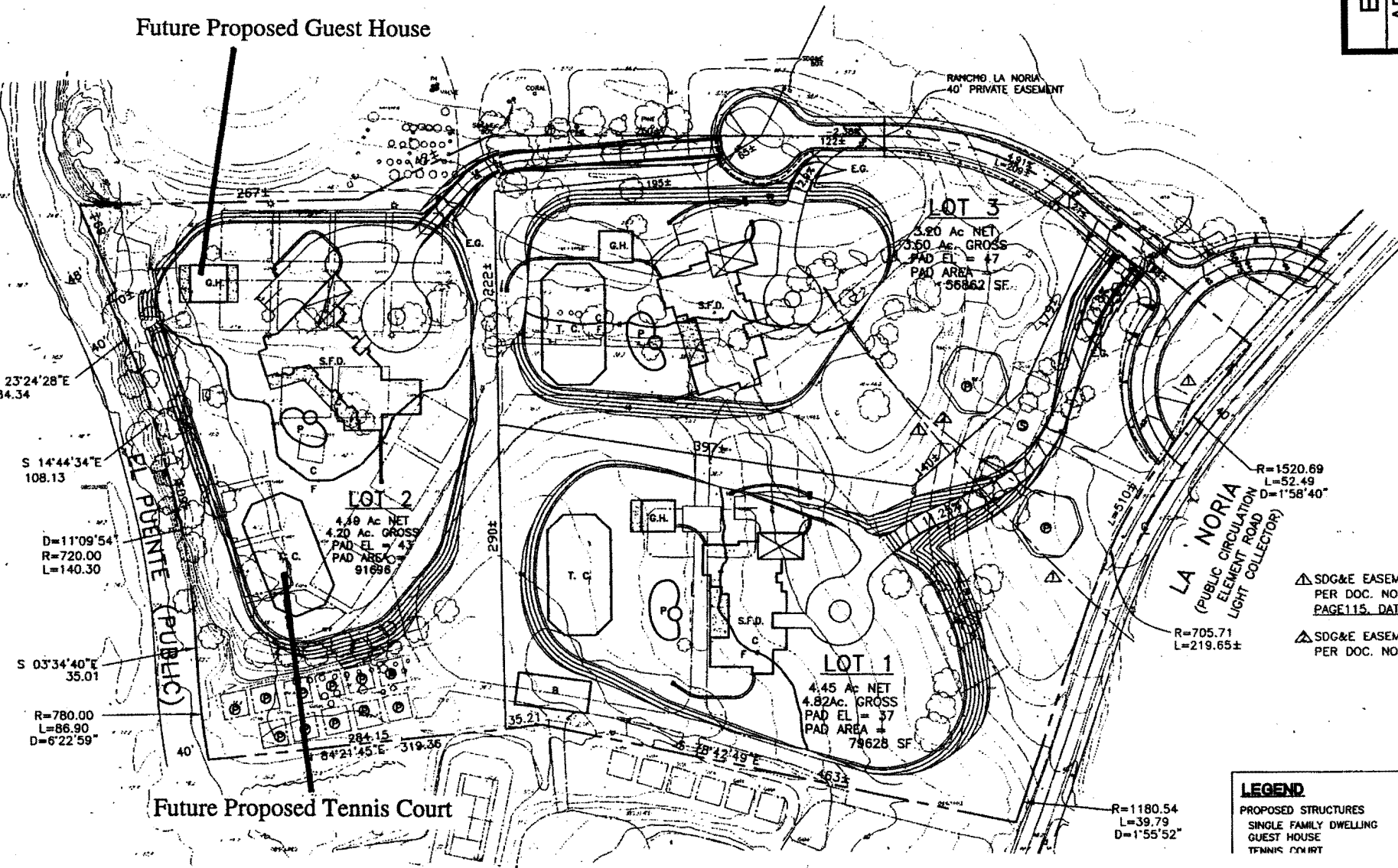
COUNTY OF SAN DIEGO TENTATIVE PARCEL MAP NO. _____

MAJOR USE PERMIT _____

EXHIBIT NO. 2
APPLICATION NO. 6-99-78
Tentative Parcel Map/Site Plan
California Coastal Commission

Future Proposed Guest House

Future Proposed Tennis Court



LAND D

I HEREBY CERTIFY THAT I AM THE COUNTY ASSessor OF THIS PARCEL MAP (E.G. PARCEL MAP NO. 6-99-78) AS OF FEBRUARY 1, 1999. THIS PROPERTY IS SUBJECT TO A UTILITY EASEMENT 23.5 OF THE STREETS.

I FURTHER CERTIFY THAT THE PARCELS ON THIS MAP WERE CREATED OR PARCELS ON THIS MAP WERE CREATED BY A MAJOR MAP MEANS HAVING MAKING CAPABILITY FOR THE PURPOSE OF THIS PERMIT.

I CERTIFY UNDER PENALTY OF PERJURY THAT I HAVE EXECUTED THIS MAP AT THE REQUEST OF THE APPLICANT.

James R. Fox
SIGNATURE: R

NAME: RANCHO LA NORIA
MR. JAMES R. FOX
ADDRESS: P.O. BOX 100
RANCHO LA NORIA
PHONE: (619) 441-1111

PREPARED BY:
Tom R. Fox
TOM R. FOX
R.C.E. 38144


△ SDG&E EASEMENT PER DOC. NO BOOK 3371 PAGE 115, DATED NOVEMBER 1, 1949

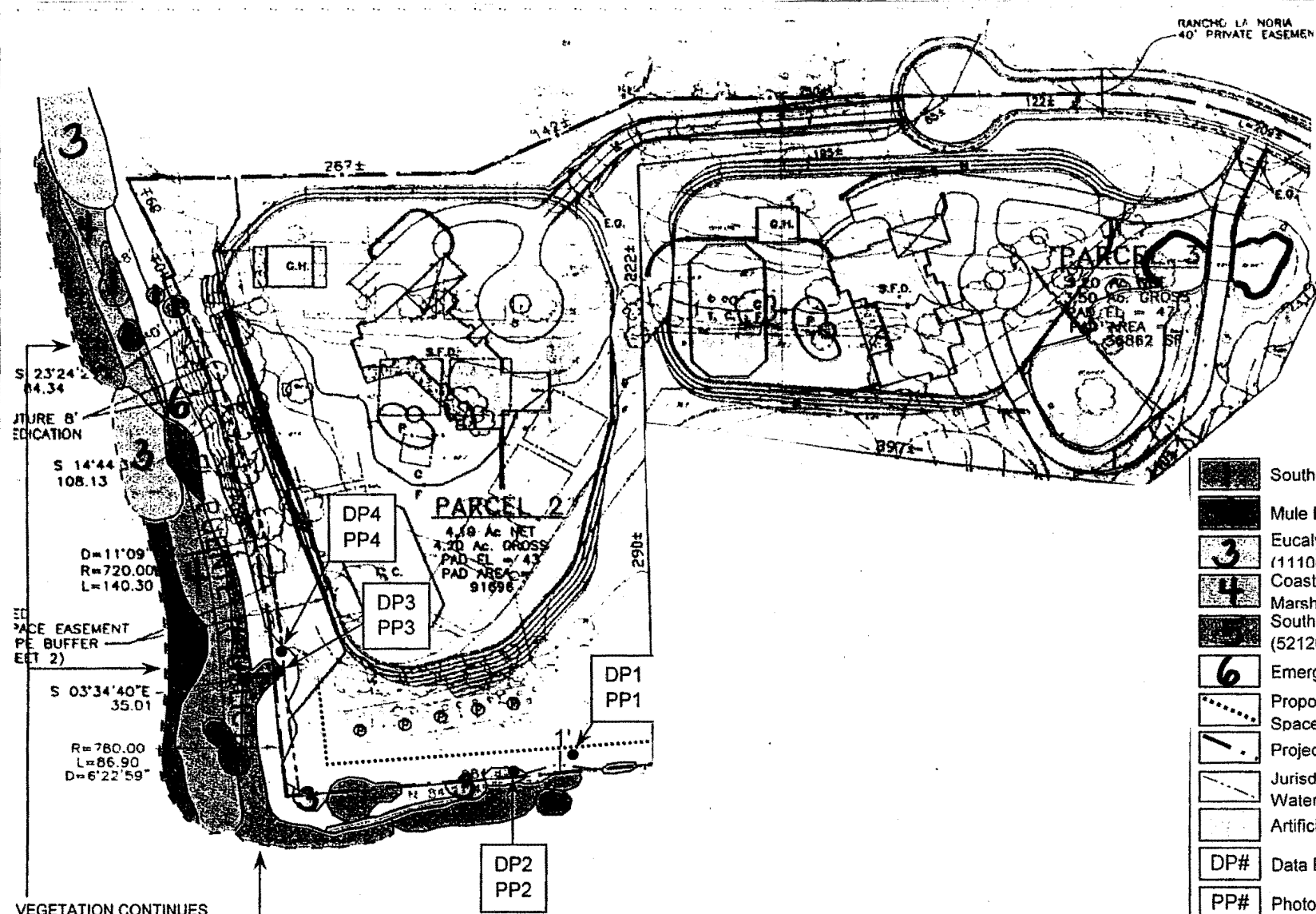
△ SDG&E EASEMENT PER DOC. NO 73-065135

NOTES

1. TAX ASSESSMENT
2. ZONING
3. MINIMUM LOT AREA
4. TOTAL # OF LOTS
5. NUMBER OF LOTS
6. TOTAL # OF UNITS
7. COMMUNITY DESIGNATION
8. TOTAL ACRES
9. STATUS OF PERMIT TO PRIVATE

LEGEND	
PROPOSED STRUCTURES	S.F.D.
SINGLE FAMILY DWELLING	G.H.
GUEST HOUSE	T.C.
TENNIS COURT	

EXHIBIT NO. 3
APPLICATION NO. 6-99-78
Wetlands Delineation/Habitat Species
 California Coastal Commission



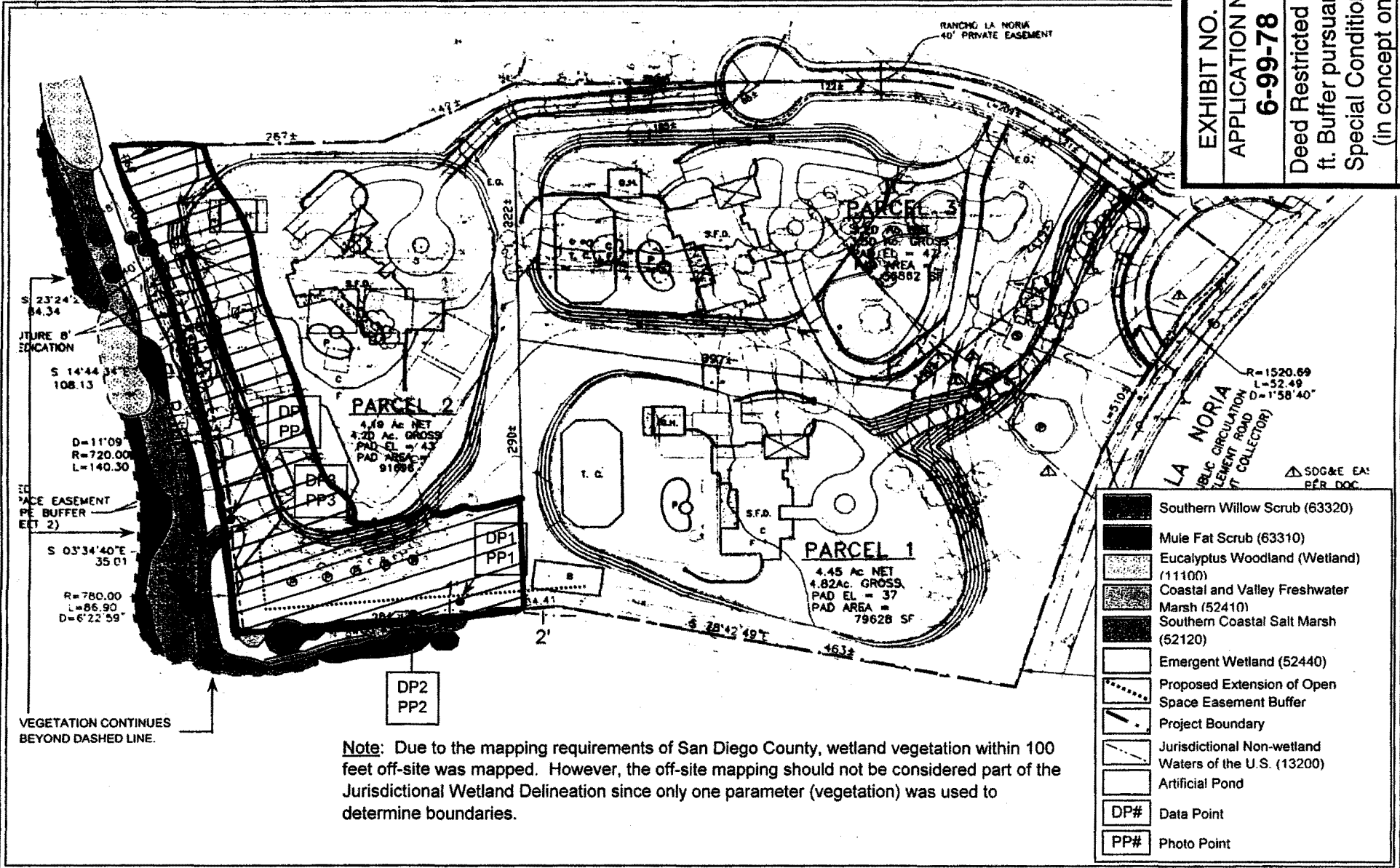
-  Southern Willow Scrub (63320)
-  Mule Fat Scrub (63310)
-  Eucalyptus Woodland (Wetland) (11100)
-  Coastal and Valley Freshwater Marsh (52410)
-  Southern Coastal Salt Marsh (52120)
-  Emergent Wetland (52440)
-  Proposed Extension of Open Space Easement Buffer
-  Project Boundary
-  Jurisdictional Non-wetland Waters of the U.S. (13200)
-  Artificial Pond
-  DP# Data Point
-  PP# Photo Point

Note: Due to the mapping requirements of San Diego County, wetland vegetation within 100 feet off-site was mapped. However, the off-site mapping should not be considered part of the Jurisdictional Wetland Delineation since only one parameter (vegetation) was used to determine boundaries.



EXHIBIT NO. 4
APPLICATION NO.
6-99-78
 Deed Restricted 100-
 ft. Buffer pursuant to
 Special Condition #1
 (in concept only)

California Coastal Commission



Scale: 1" = 140'

Rancho La Noria Project (TPM 20387 RPL1)
Jurisdictional Wetlands and Non-wetland Waters of the U.S.

Figure
2

DEPARTMENT OF FISH AND GAME

Natural Community Conservation Planning
4949 Viewridge Avenue
San Diego, CA 92123
(619) 467-4251
FAX 467-4235



September 17, 1999

RECEIVED

SEP 21 1999

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Mr. Gary D. Cannon
California Coastal Commission
3111 Camino Del Rio North, Suite 200
San Diego, CA 92108

**Recommendation on the Width of the Proposed Landscape Easement on the La Noria
Subdivision (Coastal Development Permit Application #6-99-78)**

Dear Mr. Cannon:

The Department of Fish and Game (Department) has reviewed your letter dated July 2, 1999 requesting concurrence or alternatives to a proposed 40-foot landscape easement on a 12.52-acre subdivision on La Noria in Rancho Santa Fe. According to the tentative parcel map provided, the west side of Parcel 2 of the subdivision borders Escondido Creek and will be separated from the creek by a proposed 40-foot landscape easement.

To minimize impacts to sensitive resources, the Department typically recommends a minimum 100-foot wide buffer to separate development projects from wetlands. The portion of Escondido Creek that occurs onsite is biologically valuable because it adjoins high quality riparian habitat along the creek and connects with preserved, sensitive lands downstream of the property such as the San Elijo Lagoon. This riparian habitat is important not only for wetland-associated species but is also used as a corridor for wildlife movement through the area. In addition, an effective wetland buffer will reduce soil erosion problems and help to limit sediment input into the creek and the lagoon.

After viewing the locations of the proposed structures on Parcel 2 outlined on the tentative parcel map provided, it would appear that a 100-foot easement (i.e. wetland buffer) could be accommodated. The guest house located in the northwestern portion of the parcel and the tennis court located in the southwest portion, could each be shifted approximately 50 to 60 feet to the east. The first 50 feet of the wetland buffer that would lie adjacent to Escondido Creek should be planted with the native riparian plant mixture described on the tentative parcel map. Except for a 30-40 foot fire clearing zone that would be required around the proposed guest house, the remainder of the 100-foot wetland buffer should be hydroseeded with a mixture of

EXHIBIT NO. 5
APPLICATION NO.
6-99-78

Letter From CA
Department of
Fish and Game

Mr. Gary Cannon
Page Two
September 17, 1999

native, fire-retardant plant species to prevent the invasion of noxious, invasive plant species in the wetland buffer and riparian habitat. Because the Coastal Commission standard is a minimum 50-foot buffer for freshwater habitats, and the project has an approved environmental document, the 100-foot buffer may not be achievable. In any case, the Department would not concur with a wetland buffer of less than 50 feet.

The Department requests that the wetland buffer be an open space easement dedicated to the County of San Diego (County). Signage should be erected to delineate the open space easement to preclude the placement of materials, buildings, and structures and to prevent any fire clearing activities from occurring within the easement.

The Department appreciates the opportunity to comment on the proposed landscape easement on the La Noria subdivision in Rancho Santa Fe. If you have questions or comments please do not hesitate to call me at (858) 467-4212.

Sincerely,



William E. Tippetts
Habitat Conservation Supervisor