

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

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REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-98-146

Applicant: Curt Farber; Stephanie Spaulding

Agent: Robert Thiele

Description: Construction of a two-story 4,904 sq.ft. addition to an existing two-story 3,192 sq.ft. single family residence. Also proposed is a raised garden, decks, detached swimming pool and a 5-foot high pool fence; approximately 466 cubic yards of grading is proposed for a new driveway. The applicant proposes a "buffer improvement" of 8,100 sq.ft. within and outside a 50-foot wide buffer zone previously approved by the Commission consisting of revegetation of a 30-foot wide portion of the site with coastal sage scrub.

Lot Area	352, 567 sq. ft.
Building Coverage	8, 285 sq. ft. (2%)
Pavement Coverage	2, 484 sq. ft. (1%)
Landscape Coverage	11,100 sq. ft. (3 %)
Unimproved Area	330, 698 sq. ft. (94%)
Parking Spaces	5
Zoning	R-R, A-70 (2.9 du/ac)
Plan Designation	Estate Residential
Ht abv fin grade	28 Feet

Site: 4142 Stonebridge Lane, San Diego County, APN #262-061-8300

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the project subject to revised plans which indicate that all new development will be setback 100-feet from coastal salt marsh vegetation, and a landscaping plan which indicates the previously approved buffer has been planted with trees that will help mitigate the project's visual impact from scenic areas, a future improvements condition requiring that any future improvements on the site be reviewed by the Commission and

an advisory condition which states that all special conditions adopted by the Coastal Commission as part of the original permit action and amendments, remain in full force and effect.

Substantive File Documents: Certified San Diego County LCP, Coastal Development Permit #'s 6-83-314, 6-83-610, 6-83-610-A

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. Revised Plans. Prior to the issuance of the coastal development permit, the applicant shall submit for review and written approval by the Executive Director, revised site and building plans that have first been approved by the County of San Diego and are in substantial conformance with plans submitted with the application, dated 12/1/98 by Robert Thiele Associates except they shall be revised as follows to document:

- a. Elimination of all proposed new development (interior habitable space, garden, and decks) within 100-feet of the coastal salt marsh as delineated in the wetland delineation by Merkel and Associates, dated February 24, 1999

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

2. Final Landscape Plans/Deed Restriction. Prior to the issuance of the coastal development permit, the applicant shall submit for the review and written approval of the Executive Director, a detailed landscape plan indicating the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features. Drought tolerant native or naturalizing plant materials shall be utilized to the maximum extent feasible. Said plan shall be developed in consultation with the Department of Fish and Game to avoid species inherently noxious to the lagoon environment and shall first be approved by the County of San Diego. The plan shall include the following:

- (1) The 50 buffer zone shall be planted with 27 specimen size trees (24-inch box minimum), with eucalyptus, sycamores, poplars and pines, among others, which at maturity will gain substantial height;
- (2) A planting schedule that indicates that the planting plan shall be implemented within 60 days issuance of the coastal development permit;
- (3) A written commitment by the applicant that all required plantings shall be maintained in good growing conditions, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape screening requirements;
- (4) A revegetation plan that indicates that the driveway and manufactured slopes will be planted with native vegetation that is compatible with the vegetation in the area.

Prior to the issuance of the coastal development permit, the applicant shall record a deed restriction, in a form and content acceptable to the Executive Director, to ensure that the intent of this condition continues to be applicable throughout the life of the project. The restriction shall provide that landscaping shall be implemented in accordance with Special Condition #2 and consistent with those plans approved with CDP #6-98-146. The restriction shall be recorded, free of all prior liens and encumbrances, except for tax liens, and binding on the permittee's successors in interest and any subsequent purchasers of any portion of the real property. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this permit unless the Executive Director determines that no amendment is necessary.

3. Future Development. Prior to the issuance of the coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the coastal development permit No. 6-98-146; and that any future additions or other development as defined in Public Resources Code Section 30106 will require and amendment to permit No. 6-98-146 or will require an additional coastal development permit from the California Coastal Commission or from its successor agency. The restriction shall be recorded free of all prior liens and encumbrances, except tax liens, and binding all successors in interest and subsequent purchasers in any portion of the real

property. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this permit unless the Executive Director determines that no amendment is necessary.

4. Prior Conditions of Approval. All special conditions of the original permit action (CDP#'s 6-83-314, 6-83-610, 6-83-610-A) or any subsequent amendments, except as specifically modified or replaced herein, remain in full force and effect.

5. Grading Restriction. Prior to the issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, final grading plans for the proposed development that have been approved by the County of San Diego. Said plans shall indicate that no grading shall occur during the period of October 1 to April 1 of any year.

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

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. The proposed development involves construction of a two-story 4,904 sq.ft. addition to an existing two-story 3,192 sq.ft. single family residence. Also proposed is a raised garden, decks, detached swimming pool and a 5-foot high pool fence; approximately 466 cubic yards of grading is proposed for a new driveway.

The project site is located on Stonebridge Lane which is west of El Camino Real, adjoining Rancho Santa Fe, southeast of Manchester Avenue and adjacent to and east of San Elijo Lagoon Ecological Reserve and Regional Park in the unincorporated County of San Diego. At this location the project site is between the sea (San Elijo Lagoon) and the first coastal roadway (El Camino Real). The standard of review is Chapter 3 policies of the Coastal Act with the certified County of San Diego Local Coastal Program used as guidance.

The Coastal Commission approved a permit for a 26-lot subdivision in July 1983, which included 25 single-family home sites, and Lot 26 (the subject site) as a residential and open space lot (Ref. CDP #6-83-314). To mitigate the development's potential impact on the adjacent riparian habitat of Escondido Creek, the salt marsh habitat of downstream San Elijo Lagoon, and the visual quality of the scenic area, conditions were placed on the project including a requirement for open space dedication of the floodplain and buffer zones, landscape screening around the perimeter of the project, restrictions on grading and construction during the rainy season, and restrictions on the height and color of

structures. The approved landscaping plan included the placement of several species of eucalyptus, sycamores, poplars and pines within the 50-foot buffer zone. Three open space areas were defined on Lot 26: that portion of Lot 26 between the northern and southern floodway limits, the portion of Lot 26 between the northern floodway limit and the northern subdivision boundary, and a buffer zone 50 feet in width parallel and adjacent to the southern floodway limit.

In December 1983, the Commission approved a permit (#6-83-610) for, among other things, construction of a two-story single-family residence (the gatehouse) on Lot 26. The proposed project is an addition to the gatehouse. To minimize impacts on San Elijo Lagoon and upstream habitats within the 100 year floodplain, special conditions on the project included a requirement that no portion of the gatehouse encroach within 50 feet of the floodway.

In February 1985, the Commission reviewed an amendment request to allow construction of a sedimentation basin within the 50-foot open space buffer zone on Lot 26 (required by Special Condition #13, #6-83-314), to delete the requirement that trees be planted along the project perimeter (Special Condition #7, #6-83-314), and to allow grading for construction of the gatehouse during the rainy season (Special Condition #4b, #6-83-610). Grading and partial construction of the sedimentation basin had already occurred in violation of the approved permit. The Commission approved construction of the sedimentation basin within the buffer zone to reduce the impacts to the adjacent habitat during the rainy season. However, the Commission denied the request to eliminate the perimeter landscaping. The Commission found that the plantings would serve to visually screen the residential development from public views from the lagoon and Manchester Avenue, and would help define the physical boundary between the private and public property, thereby protecting the adjacent floodplain and lagoon resources. The Commission also denied the request to grade during the rainy season.

Special Condition #4 has been attached to notify the applicant that that all special conditions previously adopted by the Coastal Commission on this site that were not specifically modified herein, shall remain in full force and effect.

2. Environmentally Sensitive Habitat/Chapter 3 Policies. 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.

In addition, section 30240 of the Coastal Act provides for the protection of sensitive habitats and parklands, and states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The subject site is located adjacent to the San Elijo Lagoon Ecological Reserve and Regional Park which is located to the north, west and south of the site. The floodplains of the La Orilla Creek and Escondido Creek are adjacent to the south and north respectively. Because of the site's proximity to the environmentally sensitive riparian habitats of these floodplains and the saltmarsh habitat of the lagoon, previous actions by the Commission required many provisions designed to mitigate the impact of the development on these sensitive coastal resources of public and statewide significance.

The certified County of San Diego San Dieguito LCP Land Use Plan, in response to the above provisions of the Coastal Act, designated San Elijo Lagoon as an "Ecological Reserve Area" and the upstream 100 year floodplain as "Impact Sensitive". These two designations effectively prohibit any development or fill within the lagoon (except for minor educational and scientific research and habitat enhancement) and minimize impacts within the 100 year floodplain upstream from the lagoon in order to insure that habitat values are not only preserved, but also protected to the extent feasible from development related impacts immediately upstream.

The subject proposal involves a substantial addition to an existing single family residence, landscaping and hardscape improvements, and construction of a pool and patio. Because of the proximity of wetlands to the site, a recent wetland boundary determination was required prior to filing the application for new construction on the site. The wetland delineation documents that coastal salt marsh previously identified as being outside the approved 50-foot buffer in prior Commission actions had expanded nearer the existing residence since the Commission's last approval. It was now approximately 50-feet from new additions proposed on the north side of the existing residence. Typically, the Commission requires a 100-foot buffer zone between wetland vegetation and any development to protect the habitat from the adverse impacts of runoff and human and domestic animal disturbance. This buffer area is important because it serves to reduce the amount of human activity on sensitive wildlife species, provides an area which can filter drainage and runoff from developed areas before it impacts wetlands and provides an upland resting area for some wetland animal species.

As noted, the Commission previously approved construction of the sedimentation basin within the buffer zone to reduce the impacts to the adjacent habitat during the rainy

season. The applicant requests that the Commission again approve an encroachment into a recommended setback from a sensitive resource, in this case coastal salt marsh. However, in this case, the Commission finds it can not approve another encroachment into a sensitive resource on this site. In this case the newly expanded wetland area is not associated with the existing detention basin; thus, the Commission finds it must apply its typical 100-foot setback requirement to protect the habitat from the adverse impacts of runoff and human and domestic animal disturbance. Those portions of the proposed development that will encroach into the 100-foot buffer are enclosed and open decks and a raised garden. Therefore, the Commission finds that revised plans must be submitted that indicate no portion of the new development extends to within 100-feet of the coastal salt marsh.

The project proposes approximately 466 cubic yards of grading to construct a new driveway entrance to the south of the existing driveway. The proposed driveway is not located within the floodway or floodplain and would descend from Stonebridge Lane to the building pad at a gentle grade. Drainage from the driveway would be directed to the existing sedimentation basin. While the site plan indicates the driveway slopes would be planted with vegetation to stabilize and beautify the slopes, no revegetation plan has been submitted. To ensure that no erosion and sedimentation impacts would occur in this sensitive area, the landscaping plan shall include a provision that the driveway slopes will be planted with native vegetation that is compatible with the vegetation in the area. To further reduce the potential for impacts from erosion and sedimentation, Special Condition #5 requires that a grading plan be submitted which indicates that no grading shall occur during the winter rainy season of October 1st to April 1st of any year.

In summary, as conditioned to remove all encroachments within 100-feet of coastal salt marsh, limit grading to the non-rainy months, and plant slopes resulting from project grading with species compatible to the area the Commission finds the proposed project can be found with applicable Chapter 3 policies of the Coastal Act.

3. Visual Resources. 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 project site is located southeast of Manchester Avenue, which is designated as a Scenic Highway in the certified City of Encinitas LUP, and adjacent to and east of San Elijo Lagoon Ecological Reserve and Regional Park. The subject site is visible from both the lagoon (Ecological Reserve) and Manchester Avenue. Thus, the project area is a scenic area and any new development must be sited and designed to ensure that area visual resources will not be adversely impacted. In its previous actions on the project site, the Commission found that a landscaping plan should be implemented which would

mitigate project impacts. Regarding the perimeter landscaping, the approved landscaping plan included several species of eucalyptus, sycamores, poplars and pines, among others, which at maturity would gain substantial height. The approved landscaping showed trees located within the perimeter buffer zone which is 50-feet on this site and 100-feet wide on other perimeter areas of the larger subdivision. As noted, in CDP #6-83-610-A, the Commission denied a request that these trees be deleted as this landscaped strip served two important purposes.

First, such planting served to visually screen the residential development from public views from the Regional Park and Manchester Avenue to the north and west. The applicant had argued the elevation of the perimeter is lower than the remaining residential portions of the property so effective screening would not occur. The Commission found the approved landscaping would reach a height that would lessen the visual impact of the residential development as viewed from the public park which is at essentially the same elevation as the project perimeter, consistent with Section 30251.

Second and more importantly, the Commission found the approved landscape strip would help define the physical boundary between the private and public property. As so landscaped, the buffer zone would better serve its intended function than if left vacant to be dealt with by each individual property owner. The Commission found the landscaped buffer strip served the function of defining the limits of urban development, thereby protecting the adjacent floodplain and lagoon resources, consistent with Section 30240.

Currently no trees are located within the buffer area in apparent violation of the previous permit. The trees are needed to adequately mitigate the visual impact of the proposed addition which is very substantial. Therefore, the Commission finds the applicant must provide a landscaping plan, which indicates that the buffer will be planted with trees as previously approved by the Commission. Special Condition #2 provides that drought tolerant native or naturalizing plant materials shall be utilized to the maximum extent feasible; however, as before, eucalyptus, sycamores, poplars and pines, among others, which at maturity will gain substantial height are acceptable. The required landscaping shall be planted within the perimeter buffer zone which is 50-feet wide on the project site. Special emphasis shall be placed on the placement of at least 27 specimen size trees (24-inch box minimum spaced at one for every 10 lineal feet within the buffer) to effectively screen the structure from views from San Elijo Lagoon, the Regional Park and Manchester Avenue to the north and west. Said plan shall be approved in writing by the Executive Director in consultation with the Department of Fish and Game to avoid species inherently noxious to the lagoon environment.

To assure that any future development on the site is reviewed, Special Condition #3 requires that the subject permit is only for the development described herein and that any future additions or other development will require an additional coastal development permit from the California Coastal Commission or from its successor agency.

In summary, the subject site is highly visible from several public roads and park areas. As conditioned to provide landscape screening (as required under previous Commission

actions), visual impacts of the proposed development are reduced to the maximum extent feasible. Therefore, the Commission find the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

4. No Waiver of Violation. Currently, the approved 50' buffer is planted with turf grass in apparent violation of the previously approved buffer, which contained floodplain vegetation. Fill or vegetation removal within a floodplain is not generally permitted and no application for such was submitted. Resolution of this matter will be handled by a separate enforcement action. Additionally, the Commission has twice previously found that the buffer should be developed with trees to provide landscape screening and a clear delineation of the limits of urban development, to protect the adjacent floodplain and the natural and scenic lagoon resources. Currently no trees are located within the buffer area in apparent violation of the previous permit. This permit requires the applicant to provide a landscaping plan which indicates that the buffer will be planted with trees as previously approved by the Commission.

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. Approval of 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.

5. Public Access and Recreation. The project site is located on Stonebridge Lane which is west of El Camino Real, adjoining Rancho Santa Fe, southeast of Manchester Avenue and adjacent to and east of San Elijo Lagoon Ecological Reserve and Regional Park. At this location the project site is between the sea (San Elijo Lagoon) and the first coastal roadway (El Camino Real).

Section 30604(c) requires that a specific access finding be made for all development located between the sea and the first coastal roadway. The project site is well removed from the shoreline and no other public trails are identified in the area that would be affected by approval of this project. Therefore, the Commission finds the proposed development consistent with Chapter 3 public access policies of the Coastal Act and similar policies of the certified San Diego County LCP.

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

The subject site is designated for estate residential use in the certified County LCP, which is generally considered by the Commission to be a compatible use adjacent to the sensitive resources of lagoons and floodplains. The site is within the Coastal Resource Protection Overlay (CRP) identified in the certified LCP. The overlay requires that new

development be sited and designed to protect coastal resources, including wetlands and scenic quality. As conditioned herein to plant perimeter landscaping and redesign the project to conform with the required 100-foot setback from coastal salt marsh, the proposed project can be found in conformance with the all applicable Chapter 3 policies of the Coastal Act as well as with the previously certified County LCP. Therefore, as conditioned, the project should not prejudice preparation of a certifiable LCP by the County of San Diego.

7. California Environmental Quality Act (CEQA) Consistency. Section 13096 of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit to be supported by a finding showing the permit, as conditioned, is 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 is consistent with the resource and visual protection policies of the Coastal Act as modified herein. The attached mitigation measures 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.

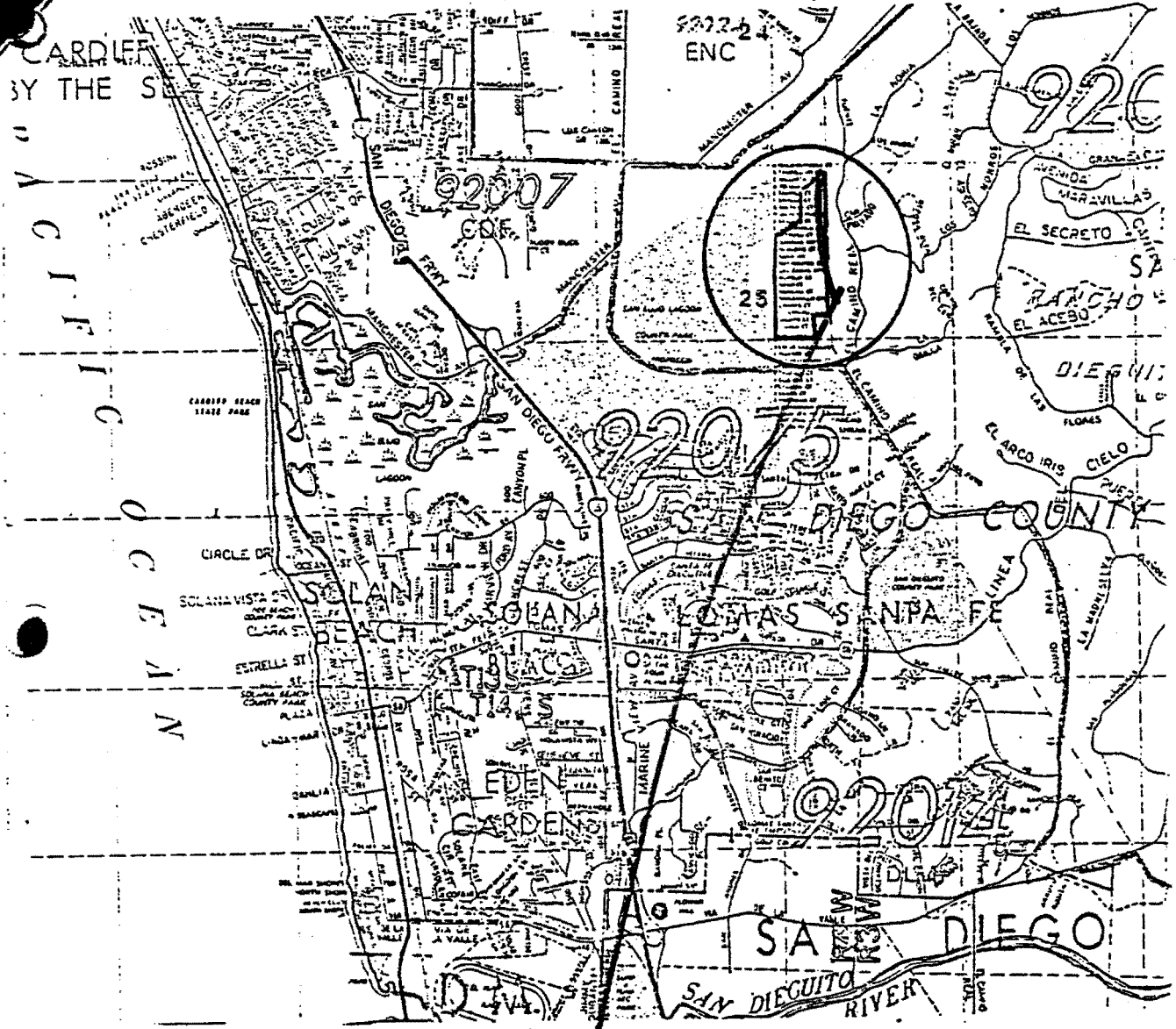
STANDARD CONDITIONS:

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.

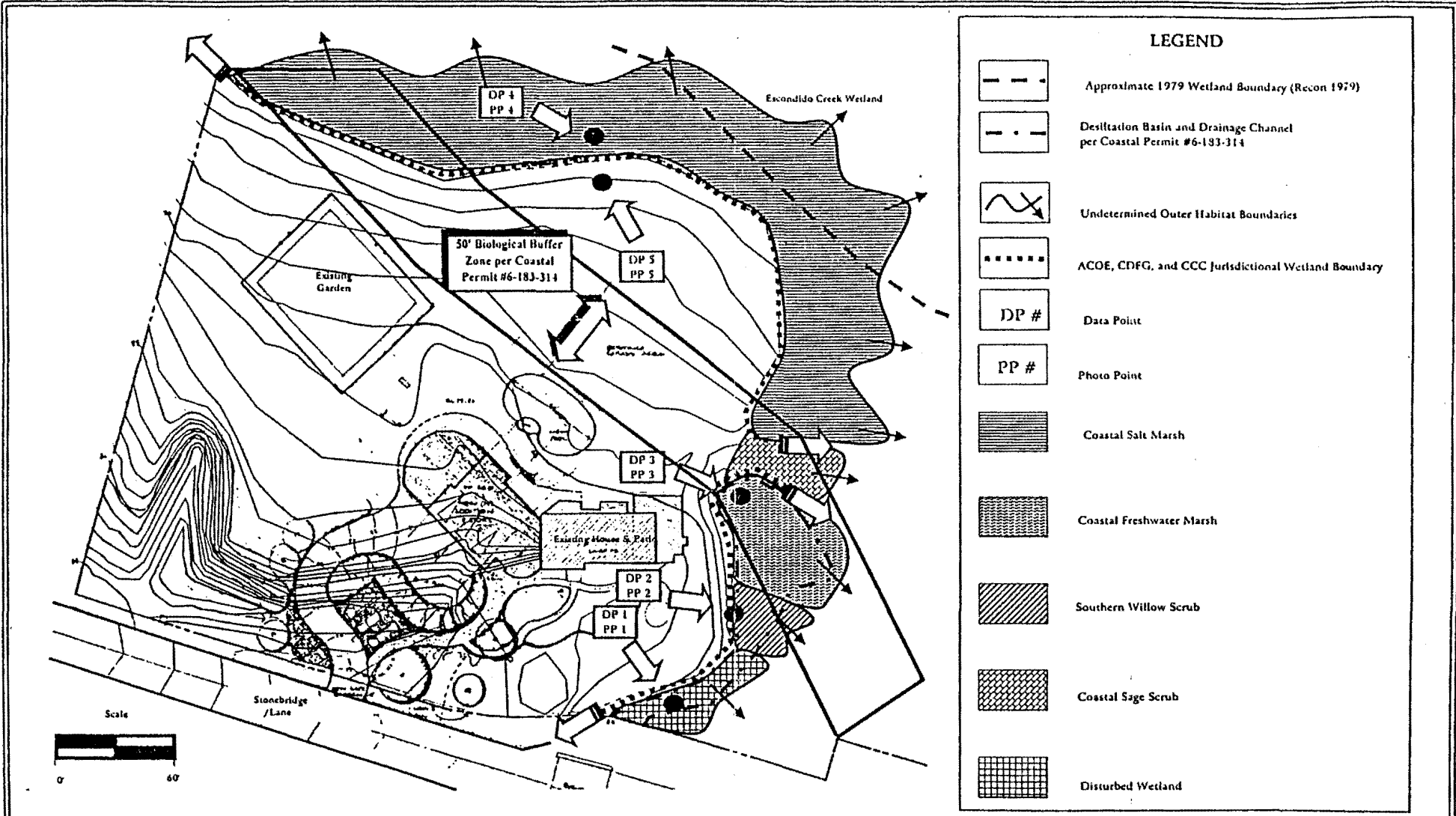
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Project Site

EXHIBIT NO. 1
APPLICATION NO. 6-98-146
Location Map
California Coastal Commission



Jurisdictional Wetland Delineation
Farber Property

Figure
2

Merkel & Associates, Inc.

EXHIBIT NO.2

APPLICATION NO.
6-98-146

Site Plan

California Coastal Commission

Subject
Landscaping
in buffer

100 yr. Floodway

Perimeter Landscaping
Proposed for Deletion

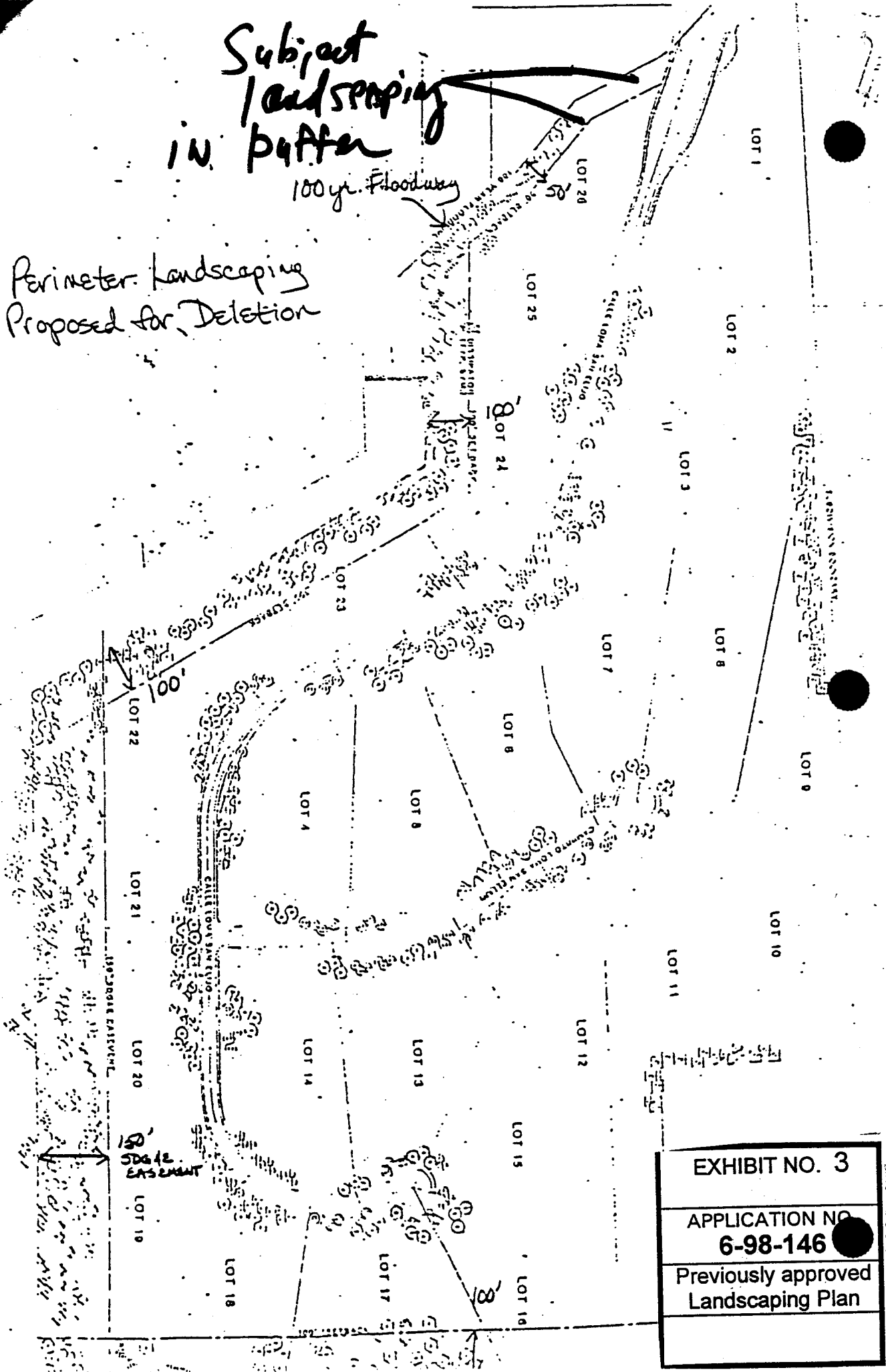


EXHIBIT NO. 3
APPLICATION NO. 6-98-146
Previously approved Landscaping Plan