

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
 3111 CAMINO DEL RIO NORTH, SUITE 200
 SAN DIEGO, CA 92108-1725
 (619) 521-8036

RECORD PACKET COPY



Fri 8c

Filed: 12/22/99
 49th Day: 3/9/00
 180th Day: 6/22/00
 Staff: WNP-SD
 Staff Report: 1/25/00
 Hearing Date: 2/15-18/00

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-99-149

Applicant: Jim Hilgers

Agent: IS Architecture

Description: Construction of a 6,071 sq.ft. single family residence with 580 sq.ft. attached covered walkway and 1,034 sq.ft. 3-car garage on a 3.48 acre vacant lot. Also proposed is swimming pool, courtyard, a septic system, a new private road connecting with an existing private road and 1,400 cubic yards of balanced grading.

Lot Area	3.48 acres
Building Coverage	.18 acre (5%)
Pavement Coverage	.23 acre (7%)
Landscaped/Unimproved Area	3.07 acres (88%)
Parking Spaces	3
Zoning	RR (Rural Residential)
Plan Designation	Estate 17: 1 dwelling unit per 2-4 acres
Project Density	.24 dua

Site: 15488 El Camino Real, Santa Fe vicinity, San Diego County. APN 268-230-26

Substantive File Documents: Certified County of San Diego Local Coastal Program; County of

San Diego TPM 19282, P89-018; CDP #6-90-17, CDP #6-96-47

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed project with special conditions. The project site is a hillside estate lot that contains steep areas and eucalytus trees but no sensitive native vegetation. Some trees would be removed to accommodate the project but would be replaced as indicated in the proposed final landscaping plan. Because of the topography of the site, significant grading is proposed and based on the project's location, a requirement is proposed to limit grading outside the rainy season. Water quality and runoff is also a concern. To find the project consistent with the Coastal Act,

staff is recommending the Commission require a runoff control plan requiring Best Management Practices be implemented to address polluted runoff. With these conditions, impacts of the proposed development will be minimized or mitigated, consistent with Chapter 3 policies of the Coastal Act.

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

- I. **MOTION:** *I move that the Commission approve Coastal Development Permit No. 6-99-149 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a YES vote. This will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned, will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. **Standard Conditions.**

See attached page.

III. **Special Conditions.**

The permit is subject to the following conditions:

1. **Grading/Erosion Control.** Prior to the issuance of the coastal development permit, 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 requirements:

- a. All 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.

The permittee shall undertake the development in accordance with the approved plan. Any proposed changes to the approved plan 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. Polluted Runoff Control Plan. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, a polluted runoff control plan prepared by a licensed professional and approved by the County of San Diego. The polluted runoff control plan shall incorporate structural and non-structural Best Management Practices, designed to mitigate (infiltrate or treat) the volume of runoff from the developed site produced from each and every storm event up to and including 0.75 inch of rainfall, prior to its discharge to a storm water conveyance system. The plan is subject to the following requirements, and shall at a minimum, include the following components:

- (1) Post-development peak runoff rates and volumes shall not exceed current levels.
- (2) Drainage from all roofs, parking areas, driveway area, and other impervious surfaces on the building pad shall be directed through vegetative or other media filter devices effective at removing and/or mitigating contaminants such as petroleum hydrocarbons, heavy metals, and other particulates.
- (3) Run-off from the all portions of the driveway that are not on the building pad shall be collected by a storm water conveyance system and filtered to remove petroleum hydrocarbons and other contaminants.
- (4) Opportunities for directing runoff into pervious areas on-site for infiltration and/or percolation of rainfall through grassy swales or vegetative filter strips, shall be maximized where geotechnical concerns would not otherwise prohibit such use.
- (5) A BMP maintenance agreement in which the permittee agrees to operate and maintain the BMPs in accordance with the approved plan.
- (6) Provisions for maintaining the BMPs so that they are functional throughout the life of the approved development. Such maintenance shall include the following:

(a) All BMP traps/separators and/or filters must be cleaned prior to the onset of the storm season, no later than September 30th each year. (b) Debris and other water pollutants contained in BMP device(s) shall be contained and disposed of in a proper manner. (c) The permittee shall inspect the filter devices each year at the time of cleaning, and replaced if found to be damaged or nonfunctional. (d) The permittee shall submit a report each year that documents what maintenance has taken place, and that documents the results of the inspection and that evaluates the efficacy of the BMPs. Such report shall be submitted to the San Diego office of the Coastal Commission for Executive Director review and approval no later than June 30th of each year for the life of the approved development.

3. Final Landscaping Plan. Prior to the issuance of the coastal development permit, the applicant shall submit a final landscape plan approved by the County of San Diego and in substantial conformance with the preliminary plan by Delorenzo Inc., dated November 2, 1999, 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 submitted to, reviewed and approved in writing by the Executive Director.

The permittee shall undertake the development in accordance with the approved plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the plan 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. Proposed is the construction of a 6,071 sq.ft. single family residence with 580 sq.ft. attached covered walkway and 1,034 sq.ft. 3-car garage on a 3.48 acre vacant lot. Also proposed is a swimming pool, courtyard, a septic system, a new private road connecting with an existing private road and 1,400 cubic yards of balanced grading. The site is unsewered and the proposed septic system has been found acceptable with County health standards.

The site is located on the west side of El Camino Real, between Sun Valley Road and Linea de Cielo in the Rancho Santa Fe community of the unincorporated County of San Diego. The site is surrounded by large lot residential development. The site itself is characterized by stands of ornamental trees, predominately Eucalyptus, ornamental landscaping, and a mix of non-native and native grasses. There are portions of the site with steep slopes (greater than 25% in grade), mostly along the El Camino Real frontage. However, there is no coastal sage habitat or scrub brush understory of any type on the site.

The site was created as part of a five-lot subdivision of 20.64 acres in 1996 (ref. CDP #6-96-47). The subject site was the northernmost parcel created. No grading or construction

was approved with the subdivision. CDP #6-96-47 included a condition notifying the applicant that any future development on the site would require a coastal development permit. In March 1990, the Commission approved Coastal Development Permit #6-90-17 for a 5-lot subdivision on 20.64 acres. However, the parcel map for the subdivision was not recorded and the permit subsequently expired.

The County of San Diego Local Coastal Program (LCP) was certified by the Commission with suggested modifications, however, the County never accepted the suggested modifications and thus, never 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. No Waiver of Violation. A graded building pad, on-site driveway and paving of an off-site access easement has been constructed without benefit of a coastal development permit in apparent violation of the Coastal Act. According to the applicant, some site preparation was done by the previous owner to construct a building pad and on-site driveway. Additionally, while the Commission previously approved access to the site across a private road easement on adjacent Parcel 2, no grading and paving was approved within the easement. Currently a paved road exists within the easement in apparent violation of the Coastal Act. 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.

3. Resource Protection. Section 30240 of the Coastal Act provides that environmentally sensitive habitat areas shall be protected, and that development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which would significantly degrade those areas.

Section 30240

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 within the Coastal Resource Protection (CRP) Area Overlay contained in the certified County of San Diego Local Coastal Program. The CRP ordinance regulates the development of naturally vegetated slopes in excess of 25% grade. In processing the original subdivision, the County of San Diego required a slope analysis, biological report and tree map. The slope analysis determined that 15% of the

project site contains slopes of 25 percent or greater. The reports also concluded that there was no native habitat on the site. However, the County required that an open space easement be placed over the eucalyptus groves to provide for continued raptor use, preservation of the steep slopes and to provide a visual barrier from views from El Camino Real. The easement prohibits grading, placement of fill, removal of the eucalyptus trees, or other development in the open space with the exception of the continued use of the existing paved driveways on Parcels 3 and 4, use of the existing private road easement on Parcel 2, and the construction of one driveway and a leach field to serve each future house site on Parcel(s) 1 (the subject site), 2, 3, and 4. The open space easement is held by the County, and the County's approval of the proposed project has been accepted as evidence of the County's agreement to allow the proposed development in the open space.

The project site has been disturbed in the past and does not contain significant native vegetation. The open space easement required by the County protects the non-natively vegetated steep slopes on the site. The site plan indicates the residential portion of the project will be designed so that no development will encroach into approved open space areas. However, approximately 150 lineal feet of the proposed on-site driveway will encroach into the open space area onto steep but unvegetated slopes. However, the open space easement allows for a driveway to serve this proposed residence. Thus, the proposed driveway does not violate any of the conditions of approval of the subdivision that created this lot, CDP #6-96-47. As noted, the approved open space areas contain no significant habitat other than trees that serve to screen development from nearby El Camino Real, designated as a Scenic Highway in the County's LCP. The encroachment for the driveway will result in the removal of several eucalyptus trees within the open space area; however, the applicant is proposing to replace the trees at greater than a 1:1 ratio, the removed trees will not result in any adverse visual impact considering the number of existing and proposed trees and the road appears to be in the least environmentally damaging alignment given the existing topography of the hillside lot and location of the trees. Thus, the Commission finds that the project proposes no significant adverse impacts to on-site coastal resources.

Approximately 1,400 cubic yards of balanced grading is proposed. During grading, dirt will be exposed, either in stockpile of excavated dirt or as a bare, exposed graded area. Runoff from rainfall on the site will carry sediments off site. While the project site is not directly adjacent to any significant resources, the site ultimately drains downstream to the San Dieguito Lagoon river valley. Thus, off-site sediment impacts associated with the proposed grading must be addressed to the maximum extent feasible for the project to be found consistent with the Chapter 3 resource protection provisions of the Coastal Act. Special Condition #1 requires use of erosion control devices to minimize soil loss from graded areas through submittal of a final grading/erosion control plan and limits grading to the non-rainy season.

Regarding urban runoff and water quality, the large residential project proposes approximately 0.41 acres of building and paved areas. Thus, a significant amount of impervious surfaces are proposed which will serve to concentrate and intensify urban

runoff from the site. A runoff collection system is proposed that will collect runoff from paved areas associated with development proposed on the building pad and direct it via drain pipes into a rip rap energy dissipater below the pad site. Thus, run-off from both the roof and the paved areas on the building pad will be collected and directed into the energy dissipater. From the energy dissipater the run-off will be carried down the hillside.

No such collection system is proposed to collect and dissipate runoff from the proposed driveway. This is a concern as the proposed steep, 20-foot wide driveway would direct large amounts of water to the lower reaches of the site to sheet flow over steep and eroded slopes that contain little or no vegetation. To ensure that runoff will not have adverse downstream impacts on sensitive resources, the Commission finds that a polluted runoff control plan must be submitted which incorporates structural and non-structural Best Management Practices. The Best Management Practices must be designed to infiltrate or treat the storm runoff from the proposed development. Because all run-off associated with development on the residential building pad (i.e., the house, patio, driveway area in front of the house, etc.) is collected and directed to a rip rap energy dissipater via a drain pipe, pollutants in this runoff can be treated by installation of an infiltration or treatment system that removes the pollutants before the run-off is conveyed into the riprap energy dissipater. For example, mechanical filters can be placed at the end (or beginning) of the drainpipe that will collect run-off and direct it into the energy dissipater.

For runoff associated with the driveway, both a filtration or treatment system and a storm water conveyance system must be installed along or within the driveway to comply with the condition. This is required in order to prevent sheet flow across the driveway from causing erosion of the nearby slopes, as well as to ensure that hydrocarbons and other pollutants associated with cars and driveway paving materials are not carried off site in the run-off. Special Condition #2 identifies the measures that must be included in the plan, including requiring a BMP maintenance agreement, which includes annual inspection and maintenance reports.

Thus, as conditioned to restrict grading to the non-rainy months and to implement temporary and permanent erosion control measures and best-management practices regarding the management and reduction of urban pollution and runoff, the proposed development will not adversely impact water quality or have a significant adverse impact to adjacent downstream resources. Therefore, the Commission finds the proposed subdivision consistent with Section 30240 of the Coastal Act.

4. New Development/Community Character. Section 30251 of the Coastal Act provides for the protection of scenic coastal areas and for the compatibility of new and existing development.

Section 30251

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 site is not visible from any portion of the coastline, lagoons, scenic canyons, parks or coastal access routes. Conditions of the County's approval require visual buffering of the project from El Camino Real through the dedication of an open space easement retaining eucalyptus stands between any development and the road. As noted, several trees are proposed for removal to construct the driveway. However, the applicant is proposing to replace the trees at greater than a 1:1 ratio and the removed trees will not result in any adverse visual impact considering the number of existing and proposed trees. The Commission is requiring a final landscape plan, approved by the County of San Diego, in substantial conformance with the preliminary plan, to ensure that the replacement trees will mitigate the visual impacts of site development. Thus, the Commission finds that the project, as conditioned, is consistent with the visual character of the area and proposes no significant adverse impacts to on-site coastal resources. Therefore, the Commission finds the proposed project can be found consistent with Section 30251 of the Coastal Act.

5. 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. Such findings can be made for the subject proposal.

The site is currently zoned RR.35 with an estate (17) land use designation. The proposed project is consistent with this designation (i.e., the lot is not less than the 2.86 acre minimum lot size required by the existing RR.35 zone). As discussed above, the project is consistent with Chapter 3 policies of the Coastal Act and will not prejudice the ability of the County of San Diego to implement its certified LCP.

6. 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.

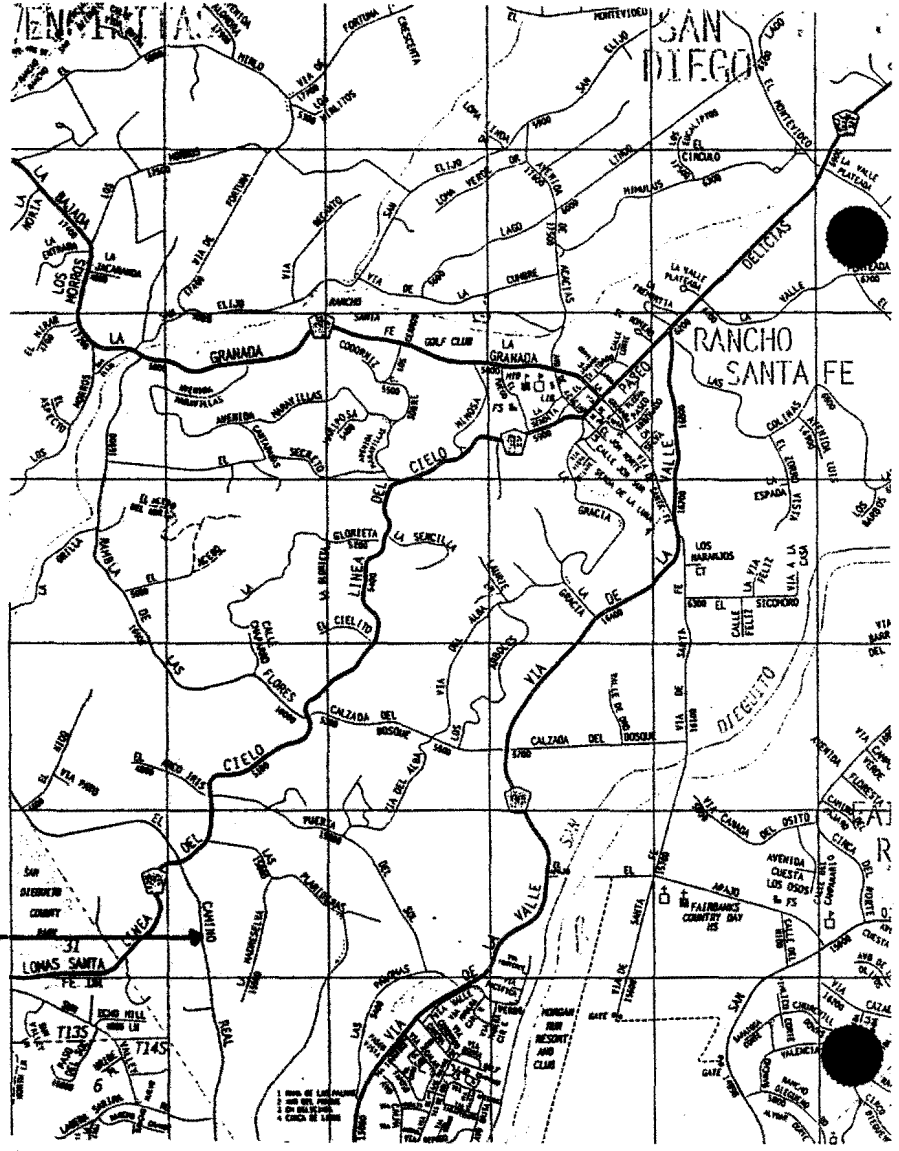
The proposed project has been conditioned to be found consistent with the habitat and visual preservation policies of the Coastal Act. The above mitigation measures will

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 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 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.

NORTH



SITE

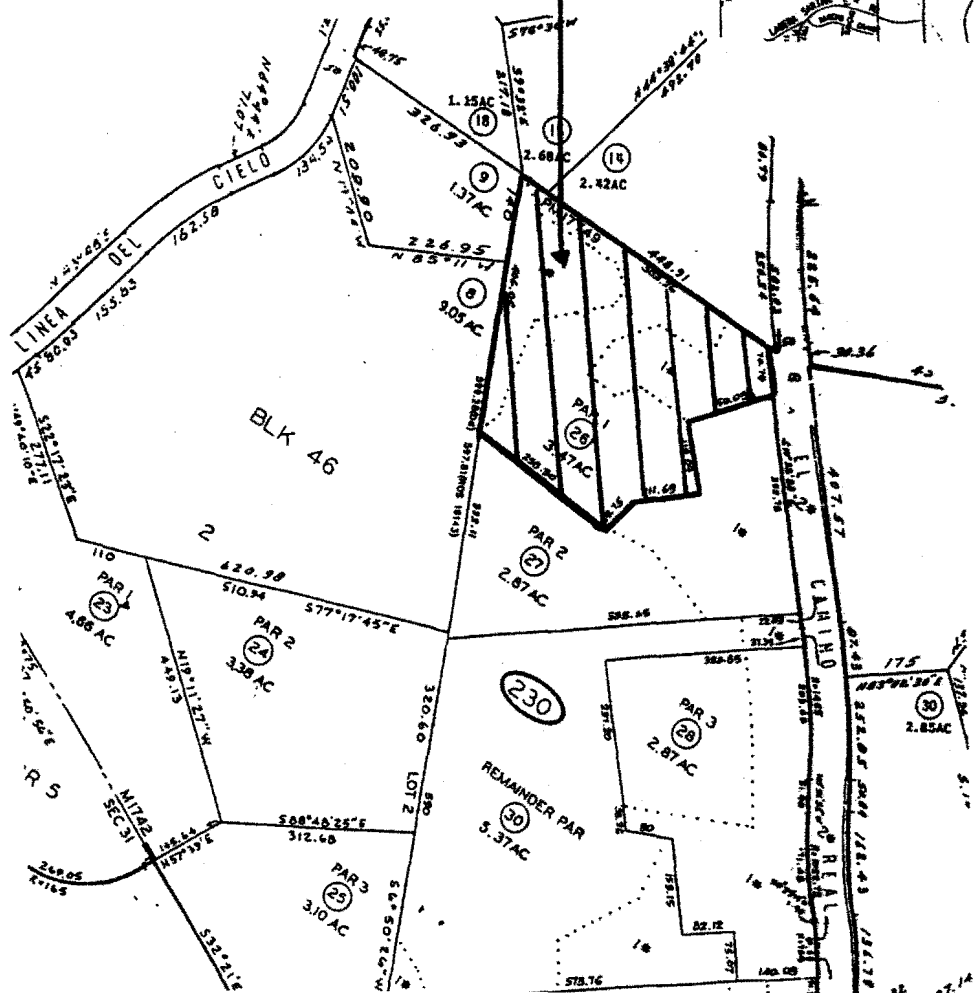


EXHIBIT NO. 1
APPLICATION NO.
6-99-149
Location Map
California Coastal Commission

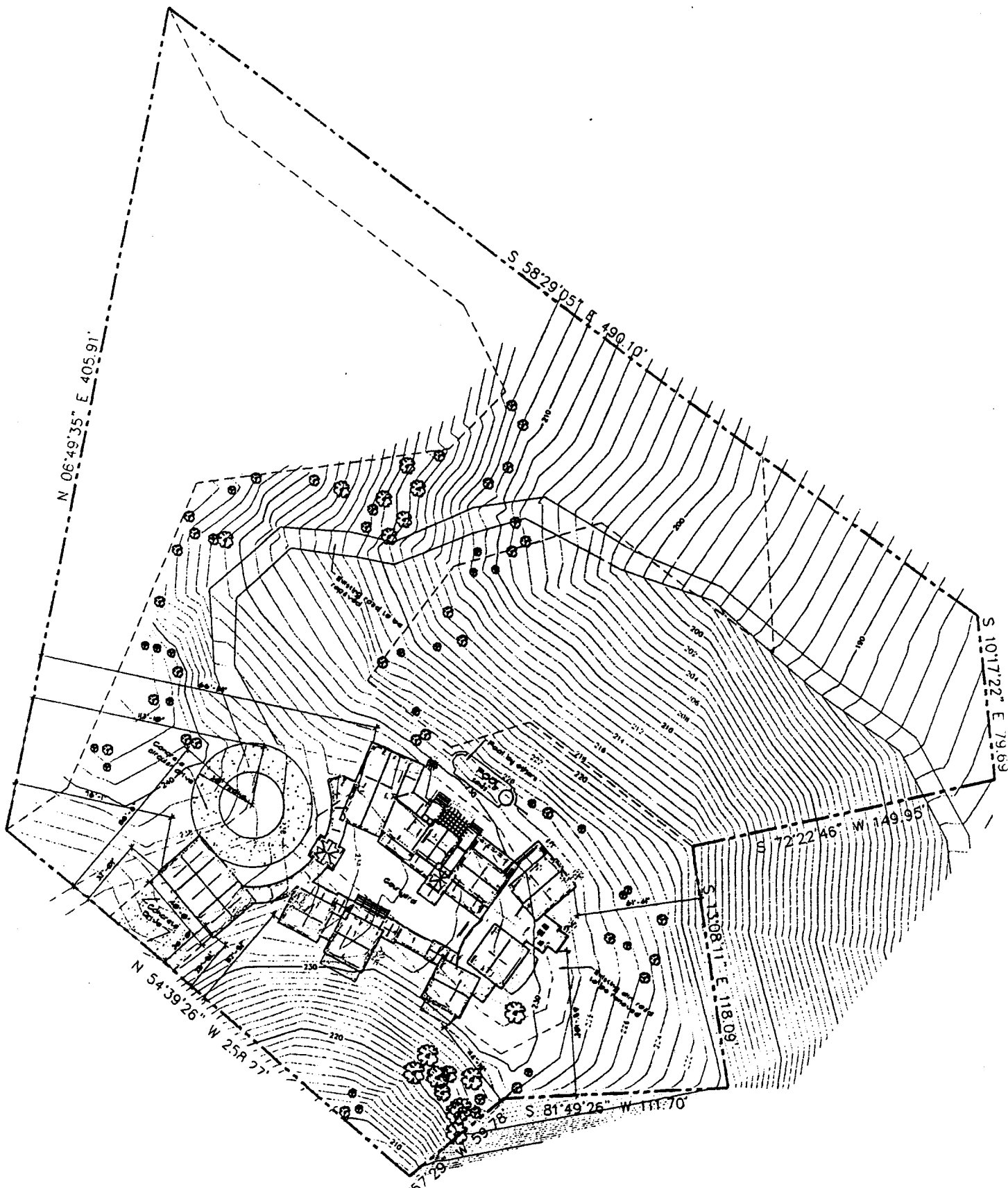



EXHIBIT NO. 2
APPLICATION NO.
6-99-149
Site Plan
 California Coastal Commission

