

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
 7575 METROPOLITAN DRIVE, SUITE 103  
 SAN DIEGO, CA 92108-4421  
 (619) 767-2370



## RECORD PACKET COPY

# Wed 16b

Filed: 4/29/04  
 49th Day: 6/17/04  
 180th Day: 10/26/04  
 Date of  
 Extension Request: 10/26/04  
 Length of Extension 90 Days  
 Final Date for  
 Commission Action 1/24/05  
 Staff: BP-SD  
 Staff Report: 11/19/04  
 Hearing Date: 12/ 8-10/04

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-04-46

Applicant: Mike & Gertrude Lynch

Agent: M. Dena Gillespie

Description: Construction of a two-story 3,027 sq.ft. addition to an existing two-story 3,192 sq.ft. single-family residence, 981 sq.ft. garage, pool, 672 sq.ft. barn and corral fencing and 1,500 cu.yds. of grading. The project also proposes to remove a storage shed from its current location and to plant native plants within previously approved habitat buffers on-site.

Lot Area	352,567 sq. ft. (@8 acres)
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 proposed project subject to several special conditions. The primary issues raised by the proposed development relate to protection of environmentally sensitive habitat areas, visual and water quality resources. The project site contains coastal salt marsh, freshwater marsh and riparian habitat associated with the on-site Escondido Creek and is

visually prominent. Proposed special conditions require a final landscape plan that restricts landscaping to drought-tolerant, native and non-invasive vegetation, requires that turf grass within a previously approved buffer be replaced with salt grass endemic to the area and requires screening trees be installed to screen the project from nearby scenic areas. Other conditions address mitigating the impacts of new development on water quality of nearby Escondido Creek and San Elijo Lagoon. As conditioned, no impacts to coastal resources will result from the project proposal.

---

Substantive File Documents: Jurisdictional Wetland Delineation Report for the Stonebridge Project, dated 3/28/04, by Merkel & Associates, Inc.; Certified San Diego County LCP Coastal Development Permit #'s 6-83-314, 6-83-610, 6-83-610-A, 6-89-146.

---

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

**MOTION:**     *I move that the Commission approve Coastal Development Permit No. 6-04-46 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and 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. Final Plans. Prior to the issuance of the coastal development permit, the applicant shall submit for review and written approval by the Executive Director, revised final site and building plans that have first been approved by the County of San Diego and are in substantial conformance with like plans dated received 7/15/04 by Logan Engineering and George Mercer Associates, Inc. The plans shall indicate the storage shed and the barn has been removed or relocated out of the buffer. The plans shall show the previously required deed restricted open space area. No structures, grading, or other improvements are permitted in the open space area other than the proposed native landscaping (native grasses and trees).

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 Plan. 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 in substantial conformance with the landscaping plan submitted by George Mercer Associates, Inc. on 11/16/04. Said plans shall be approved by the County of San Diego and contain written notes stating and/or providing the following requirements:

- a. The installation of plant materials shall consist only of non-invasive and 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 on the site.
- b. The previously approved 50-foot buffer zone (deed restricted open space) shall be planted with the proposed 27 specimen size (24-inch box minimum) oaks, sycamores, poplars or other riparian trees which at maturity will gain substantial height and restored with the proposed native salt grass (*distichilis spicata*) established from rooted cuttings from flats.
- c. A planting schedule that indicates the planting plan will be implemented within 60 days of completion of construction of the residential addition.
- d. A written commitment by the applicant that all required plantings will be maintained in good growing condition, and whenever necessary, will be replaced with new plant materials to ensure continued compliance.

- e. A written commitment by the applicant that five years from the date of the receipt of the Certificate of Occupancy for the residence, the applicant will submit for the review and written approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

The permittee shall undertake development in accordance with the approved landscaping plans. Any proposed changes to the approved landscaping 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 legally required.

### 3. Future Development.

A. This permit is only for the development described in coastal development permit No. 6-04-46. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply. Accordingly, any future improvements to the single family residence authorized by coastal development permit No. 6-04-46, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Code section 30610(d) and Title 14 California Code of Regulations section 13252(a)-(b), shall require an amendment to permit No. 6-04-46 from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission or from the applicable certified local government.

4. Grading/Erosion Control. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and written approval, final grading and erosion control plans that have been approved by the County of San Diego. The approved plans shall incorporate the following requirements:

- a. No grading activities shall be allowed during the rainy season (the period from October 1<sup>st</sup> to March 31<sup>st</sup> of each year). All disturbed areas shall be replanted immediately following grading and prior to the beginning of the rainy season.

- b. The permittee shall submit a grading schedule to the Executive Director demonstrating compliance with the above restriction.
- c. All permanent runoff and erosion control devices shall be developed and installed prior to or concurrent with any on-site grading activities. All areas disturbed, but not completed, during the construction season, including graded pads, shall be stabilized in advance of the rainy season. The use of temporary erosion control measures, such as berms, interceptor ditches, sandbagging, filtered inlets, debris basins, and silt traps shall be utilized in conjunction with plantings to minimize soil loss during construction.
- d. Landscaping shall be installed on all cut and fill slopes 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 development in accordance with the approved grading and erosion control plans. Any proposed changes to the approved grading and erosion control plans or grading schedule 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.

5. Manure Control Plan\BMP's. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval a manure control plan for any domestic livestock housed on the property, approved by the County of San Diego, which includes at a minimum:

- (a) Manure shall be removed from open areas on a weekly basis and either immediately taken offsite in accordance with the plan or stored in a covered storage area. Stockpiling of manure in open areas is prohibited. Manure shall be removed from the storage area, composted or taken offsite in accordance with the plan on a twice-monthly basis.
- (b) The plan shall require that manure shall be taken offsite and dumped at an authorized solid waste collection facility, be collected by a commercial soils company for processing into a soils additive or be utilized as part of a composting or recycling program.
- (c) Runoff shall be diverted around the barn where the horses are kept. Runoff shall be diverted around animal waste storage areas and manure shall never be stored near a drainage course or other waterway, or in a 100-year flood plain. Manure shall be stored in a covered area with impermeable soil, or a

concrete base shall be used, to prevent leaching into the ground. The horse barn shall be scraped periodically.

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 legally required.

6. Final Drainage Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final drainage and runoff control plans, which shall be approved by the County of San Diego. The plans shall document that the runoff from the roof, driveway and other impervious surfaces shall be directed into pervious areas on the site (landscaped areas) for infiltration and/or percolation, prior to being conveyed into on-site wetland areas or off-site in a non-erosive manner. No dissipating structures shall be located in buffer/deed restricted open space.

The permittee shall undertake the development in accordance with the approved drainage 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 legally required.

7. Disposal of Graded Spoils. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall identify the location for the disposal of graded spoils. If the site is located within the coastal zone, a separate coastal development permit or permit amendment shall first be obtained from the California Coastal Commission or its successors in interest.

8. Exterior Treatment. PRIOR TO 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 addition. This document shall comply with the following requirements:

- a. The color of the proposed home and roof shall be restricted to colors compatible with the surrounding environment (earth tones) including shades of green, brown, and gray, with no white or light shades and no bright tones except as minor accents.

The permittee shall undertake the development in accordance with the approved colors and building materials. Any proposed changes to the approved colors and/or building materials shall be reported to the Executive Director. No changes to the approved colors or building materials shall occur without a Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

9. Deed Restriction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description/History. The proposed project consists of construction of a two-story 3,027 sq.ft. addition to an existing two-story 3,192 sq.ft. single-family residence, 981 sq.ft. garage, pool, 672 sq.ft. barn and corral fencing and 1,500 cu.yds. of grading to construct a driveway, landscaped terraces and the extension of an existing driving path at the south end of the property. The project also proposes to remove a storage shed and plant native grasses within previously approved habitat buffers on-site.

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 floodway of Escondido Creek flows through the northern portion of the property.

The Coastal Commission has approved several permit actions concerning the subject site. In July 1983, the Commission approved CDP #6-83-314 which permitted a 26-lot subdivision, including 25 single-family home sites, and the subject site as a residential and open space lot. To mitigate the development's potential impact on on-site salt marsh and riparian resources and area visual quality, conditions for open space, landscape screening and height and color of structures were required. Several open space areas were defined on the subject lot, including the floodplain of Escondido Creek.

In February 1985, the Commission approved CDP #6-83-314-A1 for construction of a two-story single-family residence on the site, requiring that no portion of the home encroach within 50 feet of the floodplain of Escondido Creek. The proposal also

requested construction of a sedimentation basin within the 50-foot buffer zone and deletion of the requirement that screening trees be planted and to allow winter grading. Grading and partial construction of the sedimentation basin had already occurred in violation of the approved permit. The Commission approved construction of the home and the sedimentation basin within the buffer zone to reduce sediment impacts to the adjacent habitat during the rainy season. However, the Commission denied the request to eliminate the screening landscaping. The Commission found that the plantings would serve to visually screen the residential development from public views from the lagoon and Manchester Avenue. The Commission also denied the request to grade during the rainy season.

The County of San Diego's LCP was approved with suggested modifications but was not effectively certified because the County did not accept the Commission's conditional approval. Therefore, Chapter 3 policies of the Coastal Act are the standard of review.

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 certified County of San Diego LUP designates San Elijo Lagoon as an "Ecological Reserve Area" and the upstream 100-year floodplain as "Impact Sensitive". These designations indicate that these areas qualify as environmentally sensitive habitat areas for purposes of Coastal Act section 30240 and thus prohibit any residential development or fill within the lagoon and its floodplain. The floodplain of Escondido Creek is on-site; the site contains salt



marsh and riparian habitat. Previous permit actions by the Commission required protection of these sensitive coastal resources of statewide significance.

The subject proposal involves a substantial residential addition to an existing single-family residence and associated landscaping and hardscape improvements, including a barn. An updated wetland boundary determination found the line of wetland vegetation near the detention basin had advanced nearer the existing home. However, the proposed addition is towards the middle portion of the site, away from sensitive areas, as well as being consistent with previously approved Commission setback requirements. Thus, no portion of the new residential development encroaches within 100 ft. of existing on- and off-site wetlands. In addition, a storage shed exists on the site within the previously approved 100-foot setback requirement from salt marsh. It is not known when this storage shed was constructed. However, the applicant has agreed to move it to a different location on the site outside the required wetlands buffer. Special Condition #1 requires a final plan which indicates its removal or relocation to a less sensitive location.

Currently, non-native and invasive turf grass is located within the previously required 50-foot habitat buffer in the rear yard. The turf grass was installed prior to the applicant's ownership. Previous Commission approvals indicate a preference for native grasses in the floodplain areas of the Stonebridge subdivision. To address this concern, the applicant has proposed to restore this area with native salt grass (*distichilis spicata*) established from rooted cuttings from flats. As proposed, existing non-native grasses will be sprayed with rodeo herbicide and removed prior to planting the native salt grass. Salt grass is appropriate to the area based on observations of the natural habitats in the area. The Commission's biologist has reviewed the proposed plantings and installation plan and concurs with the applicant's proposal. Special Condition #2 memorializes the proposal.

The Rancho Santa Fe Fire Department has approved the project for fire safety. The approved plans indicate a 100-foot wide brush management area is required; the plans detail in writing the department's requirements for what can occur in each of the two zones (both 50 feet in width). No impacts to sensitive resources will occur as a result of the required brush management. While riparian trees are proposed within the habitat setback (in Zone 2) to screen the project from public areas, because they are fire resistant and properly spaced, the fire department indicates that only occasional trimming of the canopies will be required, which will not adversely affect either the health of the trees or their ability to screen the project site. Additionally, the fire department indicates that the proposed salt grass is an acceptable use within the habitat setback (in Zone 1) because it will not achieve a height greater than 6 inches high at maturity. As such the salt grass would not be subject to future clearcut or thinning associated with continuing fire safety maintenance requirements.

The project proposes approximately 1,500 cubic yards of cut grading, 350 cubic yards of fill grading and 1,150 cubic yards of export to construct the proposed improvements. Proposed erosion control measures include silt fences, check dams, fiber rolls, etc. around the site where there is the potential for runoff. Hydroseeding with drought tolerant native seed mix, energy dissipation and a stabilized construction entrance is

proposed. Special Condition #4 requires a grading and erosion control plan requiring that all on site temporary and permanent runoff and erosion control devices will be installed and the County of San Diego Engineer will ensure that all measures are in place to minimize soil loss from the construction site. However, because the project site contains significant resource values, no grading is approved in the rainy season to ensure the resources will be protected from erosion and sedimentation impacts. As such, no adverse impacts to coastal resources are anticipated. Special Condition #7 requires identification of the location for the disposal of graded spoils.

Special Condition #3 notifies the permittee 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. Special Condition #9 requires the applicant to record a deed restriction imposing the conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. This restriction will serve to notify future owners of the sensitive nature of the site.

In summary, as proposed and conditioned to conform to fire safety and grading requirements without adversely affecting sensitive habitat, comply with previous Commission requirements and have subsequent development approved by the Commission, no environmentally sensitive habitat would be adversely affected by the proposed site development. In addition, the project includes the installation of 27 native trees and restoration of the habitat buffer with native salt grass. Therefore, the Commission finds the proposed project is consistent with Sections 30231 and 30240 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 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 screening trees should be planted to mitigate the visual impact of residential development on the site. The Commission also found that proposed residential development must be colored to visually blend into the surrounding natural environment.

The proposal is a significant addition to an existing home in a scenic area. Previous Commission actions have emphasized the need for development on this site to be visually compatible with its natural setting. Currently no trees are located within the buffer area in apparent violation of a previous permit. The applicant has submitted a landscaping plan which indicates that the buffer will be planted with riparian trees (oak, cottonwood, sycamore) which are consistent with the Commission's previous requirements. No color palette has been submitted for the proposed residential addition. Therefore, the Commission finds such a palette must be submitted indicating compliance with the previous Commission requirement as required in Special Condition #8.

In summary, as proposed and conditioned, the home will be screened from public areas with native trees with spreading canopies and colored to visually blend with the environment. In addition, although no substantial grading is proposed (i.e., grading is only for driveways, terraces and graded areas will be planted) grading is required to take place only during the dry season. As conditioned the Commission finds the proposed project is consistent with Section 30251 of the Coastal Act.

4. Runoff/Water Quality. Section 30231 of the Coastal Act is applicable to the proposed development and 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 30231 of the Coastal Act requires that new development be designed to minimize the adverse impacts of sediments and polluted runoff that enter sensitive habitat areas. A barn and horse pasture is proposed which will drain towards the habitat setback and the creek. It is estimated that an average horse produces approximately 1 cubic foot of manure per day, and, therefore, the deposits from two horses over a short period of time on the approximately 8 acre parcel could be significant. Storm water runoff from the site would contain this manure, or pollutants from this manure. Because Escondido Creek is located on the site, runoff from the development site will eventually enter San Elijo lagoon. Therefore, because of the potential harmful effects of manure to these water bodies, it is essential that the manure waste generated on site be removed in a timely manner and that measures be installed which will prohibit the wastes from entering into the lagoon. Special Condition #5 has been attached which requires submittal of a Manure BMP program that requires removal of manure from open areas on a weekly basis and prohibits the stockpiling of manure in open unprotected areas. With this condition, potential adverse impacts from runoff associated with on-site horse activity will be minimized to the maximum extent feasible.

The grading/drainage plan indicates runoff will sheet flow across the site towards the habitat buffer and creek. In order to reduce the potential for adverse impacts to water quality of nearby wetlands resulting from drainage runoff from the proposed development, Special Condition #6 is attached. The condition requires that runoff from the roof, driveway and other impervious surfaces is directed into the landscaped areas on the site for infiltration and/or percolation, prior to being conveyed off-site. Directing runoff through landscaping is a well-established BMP for treating runoff from developments such as the subject proposal. The applicant is proposing to convert an existing paved driveway to a gravel surface; moreover, the proposed driveway to the barn is proposed as gravel. Gravel driveways are preferred as they allow runoff to filter through the gravel prior to being discharged into the ground. Also the proposed rainy season grading restriction will further ensure that area water quality will be protected. As conditioned, the proposed development will serve to reduce any impacts to water quality from the project to insignificant levels, and the Commission finds that the project is consistent with Section 30231 of the Coastal Act regarding the protection of water quality.

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 [LCP issue].

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 County of San Diego previously received approval, with suggested modifications, of its Local Coastal Program (LCP) from the Commission. However, the County did not accept the suggested modifications. Therefore, the LCP was not effectively certified. While the LCP was not effectively certified and the standard of review for development in the unincorporated County of San Diego is Chapter 3 policies of the Coastal Act, the Commission uses the provisions of the County LCP as guidance.

The subject site is designated for estate residential use. The site is within the Coastal Resource Protection Overlay (CRP) of the County LCP. The overlay requires that new development be sited and designed to protect coastal resources. As conditioned herein

the proposed project conforms with the all applicable Chapter 3 policies of the Coastal Act as well as the County LCP. Therefore, as conditioned, the project should not prejudice preparation of a certifiable LCP by the County of San Diego.

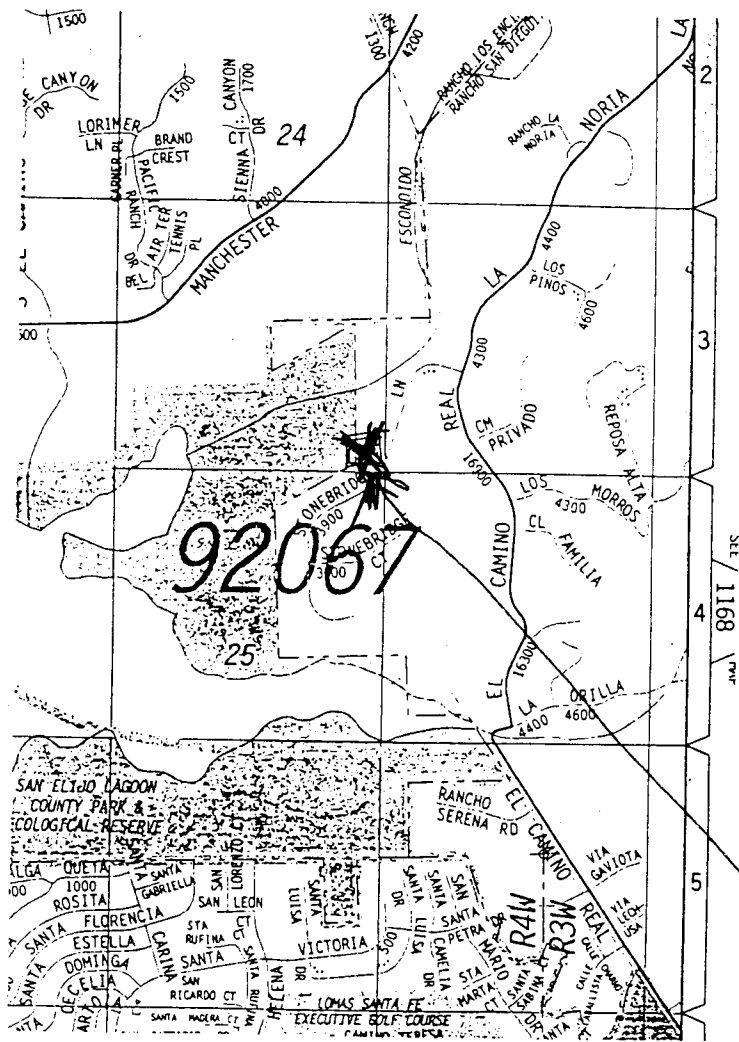
7. California Environmental Quality Act (CEQA) Consistency. Section 13096 of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit to be supported by a finding showing the permit, as conditioned, is consistent with any applicable requirements of the 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 is 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 this permit is reported to the Commission. 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. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **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.
5. **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.





S.E. 1168 1/4

Site

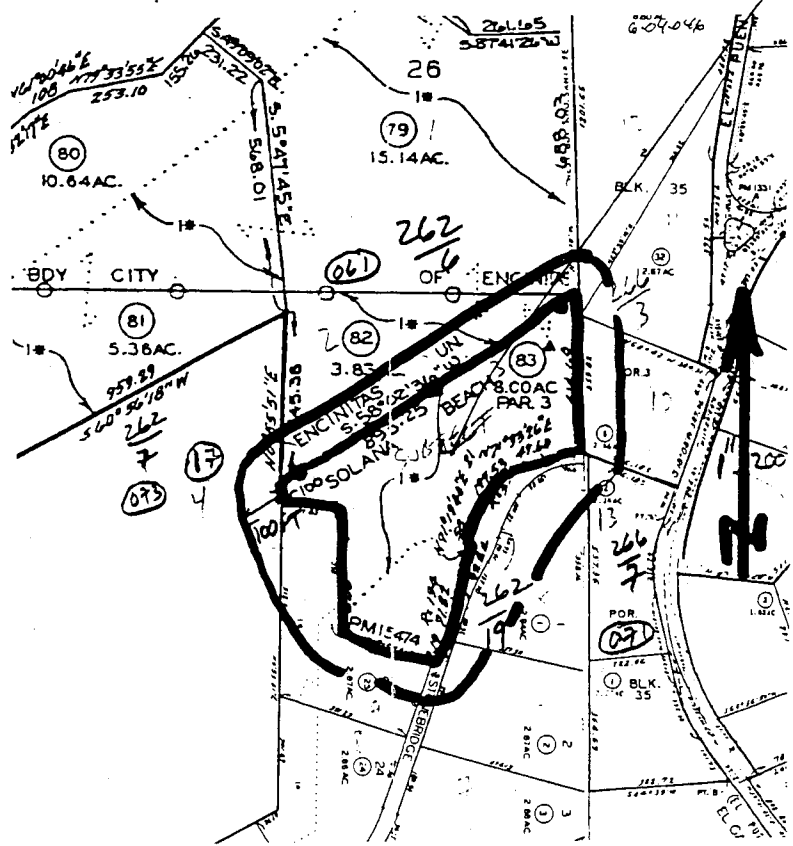


EXHIBIT NO. 1
APPLICATION NO.
<b>6-04-046</b>
Location Map

