

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA

1575 METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4421

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## RECORD PACKET COPY

**Wed 17a**

Filed: 9/20/04  
 49th Day: 11/8/04  
 180th Day: 3/16/05  
 Staff: BP-SD  
 Staff Report: 11/19/04  
 Hearing Date: 12/8-10/04

AMENDMENT REQUEST  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-86-466-A3

Applicant: Craig Lewis

Original

Description: Construction of a two-story, 6,964 sq. ft. home with 2,592 cu yards of grading on a vacant 2.9-acre lot.

Proposed

Amendment: Modifications to the building footprint and architecture resulting in a two-story, 27-foot high 5,226 sq.ft. single family residence with 1,216-sq. ft. detached garage and 440-sq. ft. pool house/cabana on an existing graded pad.

Site: 3981 Stonebridge Court, San Diego County, APN 262-190-11.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed amendment subject to several special conditions. The proposal is to revise the design of a previously approved single-family residence to reduce the size and add some accessory structures on this site. As conditioned, no impacts to any coastal resources will result from the project proposal.

Substantive File Documents: Certified San Diego County LCP, Coastal Development Permit #'s 6-83-314, #6-86-466, #6-86-466-A2, #6-89-60

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

**MOTION:** *I move that the Commission approve the proposed amendment (A3) to Coastal Development Permit No. 6-86-466 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment 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 A PERMIT AMENDMENT:**

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, 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 amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

**II. Standard Conditions.**

See attached page.

**III. Special Conditions.**

The permit is subject to the following conditions:

1. Revised Landscape Plan. The following condition replaces Special Condition #2 of CDP #6-86-466-A2 in its entirety.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final revised landscape plans which indicate that proposed landscaping shall consist of native drought-tolerant plant materials. No invasive species are permitted. Said plans shall be approved by the County of San Diego and contain written notes stating and/or providing the following requirements:

- a. The plan shall indicate the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features on the site.
- b. Special emphasis shall be placed on screening the cabana/pool house from views from the south and west (San Elijo Lagoon Regional Park). The number of native trees along the south-facing frontage shall not be less than two (2). All proposed canopy trees shall be a minimum 24-inch box size.

- c. A planting schedule that indicates the planting plan will be implemented and completed within 60 days of completion of the residential construction.
- 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 whether 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 and implement the approved plan. 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.

2. Final Plans. The following condition replaces Special Condition #3 of CDP #6-86-466 in its entirety.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and written approval by the Executive Director, final site and building plans for the proposed home that have first been approved by the County of San Diego and are in substantial conformance with like plans dated received 7/27/04 by Stephanie Lupton and indicate the following:

- a. All structures conform to the 35-foot height limit.
- b. The color of the proposed home and accessory structures, including roofs, 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 development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Final Drainage Plans. The following condition replaces Special Condition #2 of CDP #6-86-466 in its entirety.

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 off-site in a non-erosive manner.

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.

4. 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.

5. Prior Conditions of Approval. All special conditions of the original permit actions (CDP#6-86-466 and amendments), except as specifically modified or replaced herein, remain in full force and effect.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Amendment Description/History. The 2.9-acre estate parcel was created pursuant to the subdivision of a larger 74-acre site approved by the Commission (CDP No. 6-83-314/Manchester Estates). The subdivision approval included the rough grading of portions of the overall site and construction and installation of roadways and utilities. The subdivision was approved with a variety of conditions designed to address future development of the individual custom estate sites so as to avoid adverse impacts to the adjacent floodplain, downstream San Elijo Lagoon and its view shed. Among these conditions was a prohibition of future grading and erection of structures on certain identified steep slopes (25% or greater).

The Commission approved a 6,964 sq. ft. single-family residence and 2,592 cubic yards of grading on the site (CDP No. 6-86-466, Boyle). The project was approved with conditions requiring grading/erosion control plans, drainage plans, building plans (color treated materials, 35-foot height limit) and review of future permits. An amendment (CDP #6-86-466-A1) was subsequently granted to extend the grading season one month for the 1986 season only and the site was graded and drainage improvements installed (brow ditch). In February, 1987, the Commission granted a second amendment (CDP #6-86-466-A2) allowing after the fact revisions to the grading plan which lowered the pad elevation and adjusted the toe of the pad on the southern and western perimeters. The Commission's approval included a condition limiting grading to the 1987 dry season and a landscaping plan requiring native plants on the south and west facing fill slopes to screen the pad from views from the San Elijo Lagoon Regional Park to the south and west of the site. While the grading was completed, no residential development has occurred.

The proposed amendment includes modifications to the building footprint and architecture resulting in a two-story, 27-foot high 5,226 sq.ft. single-family residence with 1216-sq. ft. detached garage and 440-sq. ft. pool house/cabana on an existing graded pad. The subject property is on the southeast side of Stonebridge Court in Rancho Santa Fe and slopes to the south from elevation 100 feet at the northwest property corner to 34 feet at the southeast corner. The site is bounded by a vacant lot to the northeast and a developed lot to the southwest.

The County of San Diego's LCP was approved with suggested modifications but 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. Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The subject site is located near the San Elijo Lagoon Ecological Reserve and Regional Park. The certified County of San Diego San Diego LUP designates San Elijo Lagoon as an "Ecological Reserve Area" and the upstream 100-year floodplain as "Impact Sensitive". Therefore, the project area contains ESHA. As previously mentioned the subject property is a sloping parcel and does contain some slopes at or greater than 25% percent grade as identified in the slope analyses prepared for the subdivision and for the previous permit on the site. Native vegetation is located on the site at its lower elevations (beyond the fuel modification zone) and will be unaffected by proposed site development.

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 brush management because no sensitive vegetation is located in the brush management area. Special Condition #1 requires landscaping will be native and non-invasive.

In summary, because no environmentally sensitive habitat would be adversely affected by proposed site development, the Commission finds the proposed project is consistent with Section 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 site is located on the hillside at the east end of the San Elijo Lagoon Ecological Reserve and Regional Park and is highly visible from San Elijo Lagoon, Manchester Avenue and from Interstate 5 as it crosses the lagoon. Section 30251 of the Coastal Act protects the scenic and visual quality of the coastal zone as a resource of public importance. CDP #6-86-466-A2 required a landscape plan indicating the manufactured slopes on the site will be revegetated and maintained with native or naturalizing species. The existing slopes have been planted recently for erosion control and are consistent with that requirement. As noted, the San Elijo Lagoon Regional Park is located south and west of the site at lower elevations. The home is setback at least 80 feet from the edge of the building pad and should not be visible from the park. However, the pool

house/cabana is setback only 35 feet and may be visible. Special Condition #1 requires a revised landscaping plan indicating several native screening trees will be installed to screen the pool house/cabana from public views. Special Condition #2 requires a color palette be submitted for the coloring of the proposed exterior surfaces for the home and pool house/cabana to further mitigate visual impacts of the development. Special Condition #4 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 and of the requirements imposed by this permit. Special Condition #5 advises the applicant that all special conditions of the original permit actions (CDP#6-86-466 and amendments), except as specifically modified or replaced herein, remain in full force and effect.

As conditioned, potential impacts on the scenic resources of the area have been reduced to the maximum extent feasible, consistent with both Section 30251 of the Coastal Act and the Commission's earlier concern that development of the site be subordinate to the natural surroundings.

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. The subject site does lie upland and adjacent to the sensitive habitat of San Elijo Lagoon. Natural drainage patterns would dictate that a portion of the runoff from the proposed development flow towards the lagoon wetlands.

Although the site has been previously graded, some site preparation is proposed (soil recompaction of the building pad) requiring the movement of earth. Proposed erosion control measures include silt fences, check dams, fiber rolls, etc. around the site where there is the potential for runoff. As noted, energy dissipation exists down slope in the form of a brow ditch. Special Condition #3 requires that runoff from the roof, driveway and other impervious surfaces is directed into landscaped areas on the site for infiltration and/or percolation, prior to being conveyed to the brow ditch or off-site. As conditioned, no adverse impacts to coastal resources are anticipated. Therefore, 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 Court 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 draft 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 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 draft 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.

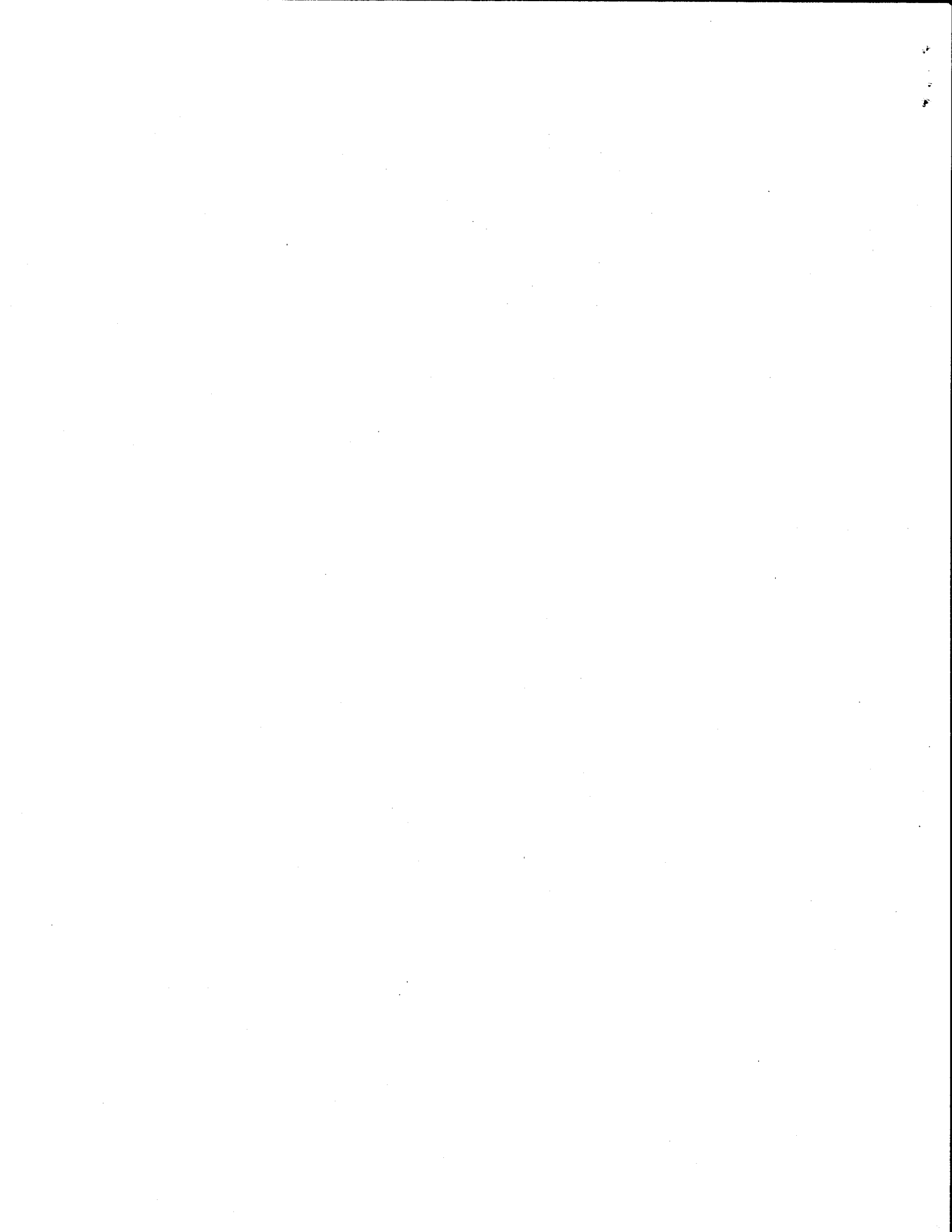
The proposed project is consistent with the resource and visual protection policies of the Coastal Act as modified herein. The attached mitigation measures will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or



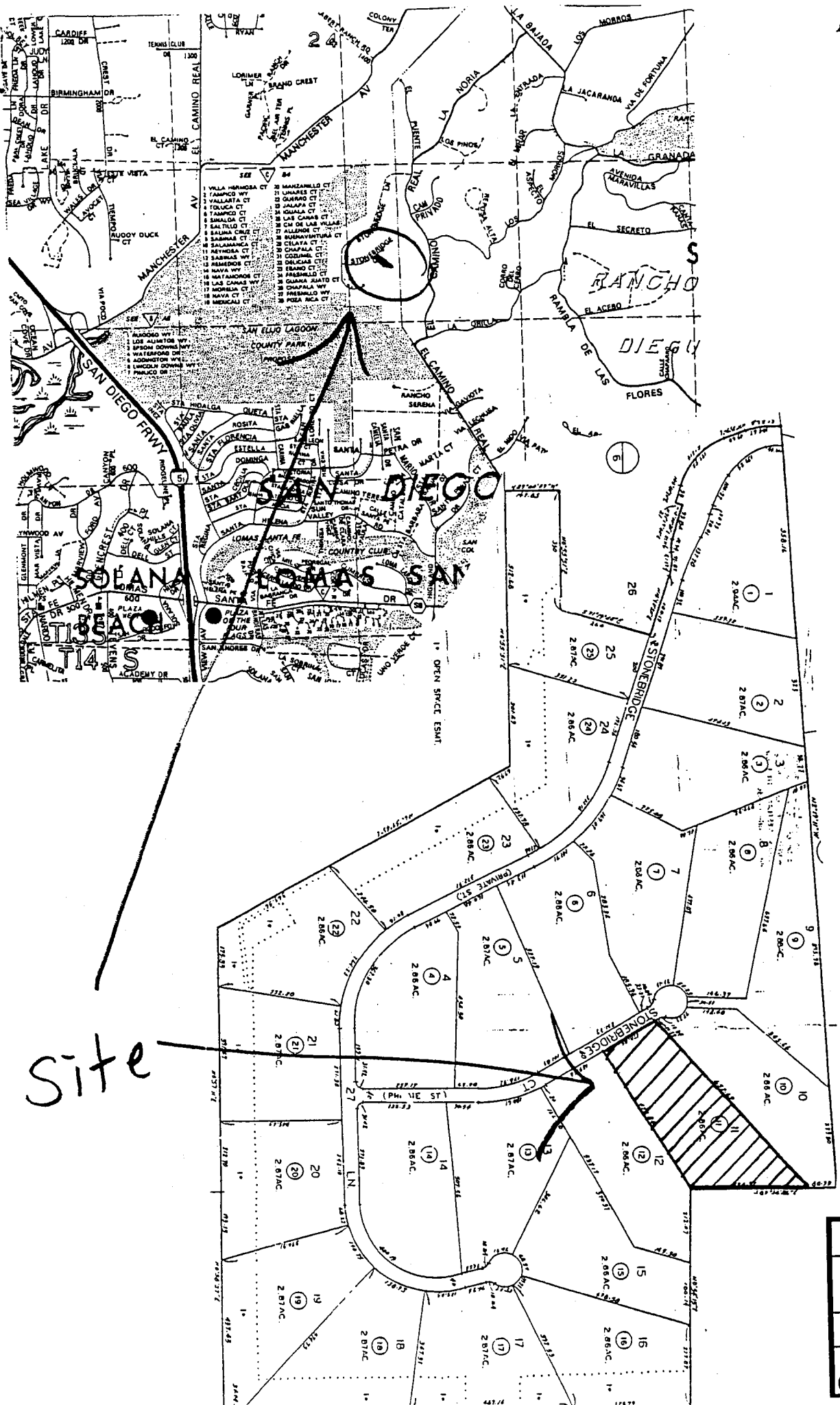
feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible 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.

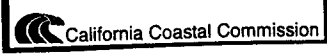


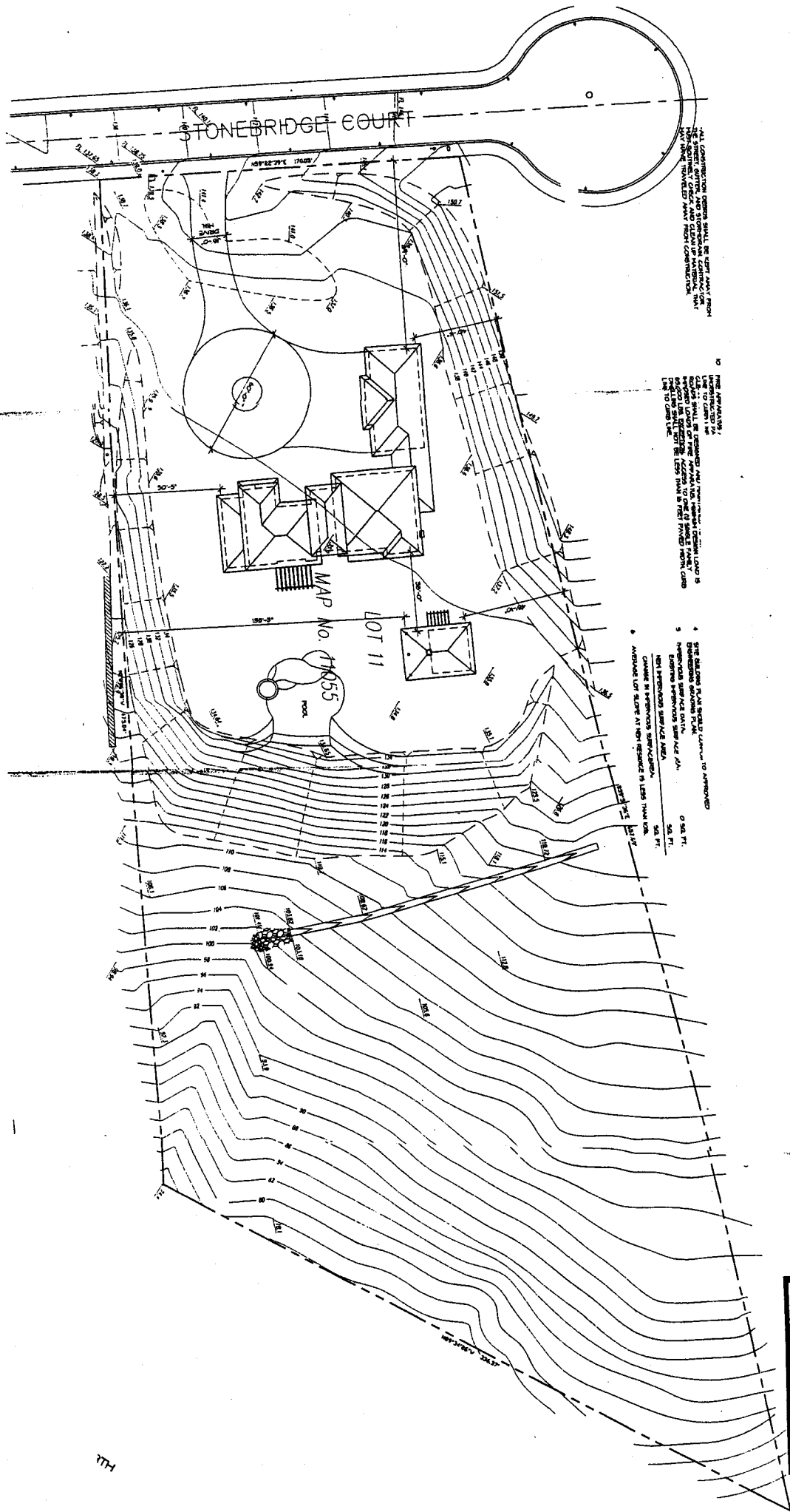
6-86-466-1



Site

EXHIBIT NO. 1  
 APPLICATION NO.  
**6-86-466-A3**  
 Location Map





ALL CONSTRUCTION SHALL BE SET BACK FROM THE STREET FRONT AND SIDE CURBS IN A MANNER THAT NO VEHICLES TRAVELING ALONG FROM CONSTRUCTION

THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION

- 1. THE DISTANCE TO THE STREET CURB TO THE PROPERTY LINE SHALL BE 10 FEET.
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EXHIBIT NO. 2
APPLICATION NO. 6-86-466-A3
Site Plan
California Coastal Commission