

CALIFORNIA COASTAL COMMISSION

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

RECORD PACKET COPY



Thu 16a

Filed: December 10, 2003
49th Day: January 28, 2004
180th Day: June 7, 2004
Staff: BP-SD
Staff Report: January 28, 2004
Hearing Date: February 18-20, 2004

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-03-78

Applicant: Robert & Roberta Weiserau

Description: Construction of a 1,328 sq. ft. addition to an existing 3,790 sq. ft. single-family residence. Also proposed is the removal of an existing sunroom and replacement with an open covered terrace.

Lot Area	2.86 acres
Zoning	RR5
Plan Designation	Estate 1 du/2, 4 acres; Impact Sensitive

Site: 3902 Stonebridge Lane, Rancho Santa Fe, San Diego County, APN 262-190-16.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed development with special conditions. The subject site borders on the upper reaches of San Elijo Lagoon which contain sensitive wetland and upland resources. However, the proposed additions to the existing home are located well over a 100 ft. from the sensitive resource areas and all on-site resources and their buffers are protected by open space restrictions required by previous Commission actions approving both the creation of the lot and construction of the existing home. Runoff from the roof, driveway and other impervious surfaces must be directed into pervious areas on the site (usually landscaped areas) for infiltration and/or percolation, prior to being conveyed to sensitive locations on or off-site in a non-erosive manner. The condition prohibits drainage or other runoff control facilities within the open space area. A condition is proposed to require the proposed additions to be treated with earth tone colors similar to the existing home.

Substantive File Documents: Certified County of San Diego Local Coastal; CDP #6-83-314; CDP #6-96-127

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-03-78 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 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 that have been approved in writing by the County of San Diego. The plans shall show the open space restricted area; no drainage or other runoff control facilities are permitted in the open space area. The plans shall specifically document either graphically or through written

notes on the plan that the runoff from the roof, driveway and other impervious surfaces will be directed into pervious areas on the site (landscaped areas) for infiltration and/or percolation, prior to being conveyed to sensitive locations on or off-site in a non-erosive manner.

The permittee shall undertake the 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 legally required.

2. Exterior Treatment. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval in writing 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 residential addition. The color of the structure and roof permitted hereby shall be restricted to color 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. All windows shall be comprised of non-glare glass.

The permittee shall undertake the development in accordance with the approved color board. Any proposed changes to the approved color board shall be reported to the Executive Director. No changes to the color board 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 project consists of a 1,328 sq. ft. addition to an existing 3,790 sq. ft. single-family residence consisting of new main level bedroom with new upper level family room. An existing sunroom is proposed for removal and replacement with an open covered terrace; the existing driveway areas are proposed for modification to accommodate Fire Department access and guest parking.

The 2.86-acre lot currently contains an approximately 3,790 sq.ft. single-family residence, an existing horse corral and a barn. The site is located north of and adjacent to San Elijo Lagoon in the Rancho Santa Fe area of the County of San Diego. The southern portion of the lot consists largely of slopes in excess of 25% grade, trending down to the south towards the lagoon.

The subject parcel was created pursuant to the subdivision of a larger 50-acre site approved by the Commission in 1983 (CDP #6-83-314/Manchester Estates). The subdivision was approved with a variety of special conditions designed to address future development of individual custom estate sites so as to avoid adverse impacts to the

adjacent floodplain, downstream San Elijo Lagoon and its viewshed. The conditions prohibited any alteration of landforms, removal of vegetation or erection of structures within a minimum 100-foot setback from the southern property line adjoining the lagoon wetlands, without the approval of the Coastal Commission. In addition, grading or erection of any structures on naturally vegetated slopes greater than 25% grade was prohibited, except for the minimal amount necessary to access the site.

In August 1987, the Commission approved construction of the one-story residence on the northern portion of the site, with special conditions prohibiting grading during the rainy season, requiring drainage from the site to be discharged at a non-erosive velocity, and notifying the applicants that any future grading, clearance of vegetation or construction of any detached accessory structures on the site, including any animal corrals, would require review and approval by the Coastal Commission (CDP #6-87-334/McClanahan).

In 1996, the Commission approved the removal of previously unpermitted development including an approximately 6,000 sq.ft. horse riding ring, a 6.5-foot high wooden fence, and drainage improvements including a brow ditch and two rip rap energy dissipaters (ref. CDP #6-96-127/McClanahan). The improvements were located on a steep slope overlooking the San Elijo Lagoon Reserve into which a flat pad had been graded, involving approximately 1,000 cubic yards of balanced cut and fill. The unpermitted horse ring and grading occurred almost entirely within previously deed-restricted area. Pursuant to that permit, the corral and other improvements have been removed and the area restored.

The Commission previously certified the County of San Diego Local Coastal Program (LCP); however, the County 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. Sensitive Resources. 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 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 project site is located immediately adjacent to the eastern end of San Elijo Lagoon, an environmentally sensitive habitat area and Regional Park that is managed jointly by the California Department of Fish and Game and the San Diego County Parks and Recreation Department. In addition, San Elijo Lagoon is one of the 19 priority wetlands listed by the Department of Fish and Game for acquisition. The lagoon provides habitat for at least five State or Federal-listed threatened or endangered birds including the California least tern, the light-footed clapper rail, Belding's savannah sparrow, the brown pelican and the western snowy plover. The California gnatcatcher has also been observed around the lagoon reserve.

When the Commission approved the original subdivision for the project (CDP #6-83-314), a deed restriction was placed on the site prohibiting alteration of landforms, placement or removal of vegetation or erection of structures of any type in an area 100 feet in width adjacent to the southern property line. The original permit for the subdivision required that a deed restriction be recorded on the property prohibiting grading or erection of any structures from occurring on naturally vegetated steep slopes of greater than 25% grade, except for the minimal amount necessary to access the site. This restriction is the same as the 100 ft. buffer area described above.

The plans for the current application indicate all development is proposed upland of open space and setback at least a 100-foot from wetlands. No new landscaping is proposed that could invade nearby sensitive areas. Thus, the project is consistent with the above resource protection policies of Chapter 3 of the Coastal Act.

3. Visual Quality. 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 slope on which the development is located is visible from numerous trails located throughout the eastern side of the lagoon, and from several access points on the south side of the lagoon in the City of Solana Beach as well as portions of I-5 and El Camino Real. As noted above, when the original subdivision creating the project site was approved by the Commission, a deed restriction was placed on the property prohibiting grading or erection of any structures on slopes greater than 25% grade. These restrictions were placed on the site in order to protect the sensitive resources of the lagoon reserve, and to preserve the scenic quality of the lagoon viewshed.

The area surrounding the existing residence consists of steep grassy hillsides. These natural landforms provide a gradual visual transition from the open space reserve up to the development along the ridgetops. In this case, no grading is proposed; thus, no significant alteration of landforms will occur. The addition resulting in a 5,343 sq.ft. home is consistent with character of development in the Rancho Santa Fe area. To minimize the project's contrast with the surrounding scenic resources, the Commission previously required that exterior home materials be earth tones. Inappropriate colors such as white can make the home stand out visually as seen from the nearby public viewshed. As such, Special Condition #2 requires that the proposed addition be comprised of earth tones colors, similar to the existing home. No new landscaping is proposed or necessary to screen the project from offsite public areas (i.e., there is sufficient existing vegetation and the proposed additions are not visible). Therefore, the Commission finds that the proposed development 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.

The proposed residential construction will occur on a site that is located immediately adjacent to San Elijo Lagoon and its associated sensitive resources. 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. Because of the site's location all runoff from the development site will eventually enter environmentally sensitive areas. 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 #1 is attached. The condition requires that runoff from the roof, driveway and other impervious surfaces be 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 condition does not allow drainage improvements within the open space area. As conditioned, the proposed development will minimize adverse effects to water quality from the project to insignificant levels. As conditioned, the Commission finds the project is consistent with Section 30231 of the Coastal Act regarding the protection of water quality.

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. In this case, such a finding can be made.

The Commission previously certified the County of San Diego Local Coastal Program. However, the County never accepted the modifications proposed by the Commission and as such, the LCP was never effectively certified. As discussed above, as conditioned, the proposed development is consistent with the resource protection policies of the Coastal Act. Therefore, the Commission finds that proposed development will not prejudice the ability of the County of San Diego to complete and obtain a certifiable local coastal program.

6. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) 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 impact which the activity may have on the environment.

As previously stated, the proposed development would not result in any new impacts to coastal resources. 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 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. 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.

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

SITE PLAN NOTES

1. ALL UTILITIES SHALL BE SHOWN AND LOCATED IN ACCORDANCE WITH THE CITY OF SAN DIEGO UTILITIES DEPARTMENT RECORD DRAWINGS.
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SITE INFORMATION

OWNER: ROBERT & ROBERTA WEISGRAU
 3402 STEPHENSON LANE
 MANHO SANITA PE CA 92087
 619.628.0092
 A.P.N.: 205-140-10
 LOT 1 2.80 AC (104,501 S.F.)

BUILDING INFORMATION

EXISTING RESIDENCE & SUNROOM (4015 + 248)	4540 S.F.
EXISTING GARAGE	1020 S.F.
EXISTING PORCH	615 S.F.
NEW LIVING AREA (184 + 402 + 442)	1047 S.F.
CONNECTED GARAGE AREA	215 S.F.
NEW ADDED LIVING AREA	1575 S.F.
NEW DINING LIVING (5018 + 1522)	5540 S.F.
NEW COVERED TERRACES (620 + 192 + 190)	1008 S.F.
SUN ROOM REMOVED (628)	
REMOVED GARAGE AREA (1066 - 214)	141 S.F.

NEW BEDROOM ADDITION
 WITH FAMILY ROOM ABOVE & PARTIAL
 GARAGE CONVERSION

NEW COVERED TERRACE
 TO REPLACE EXISTING SUNROOM

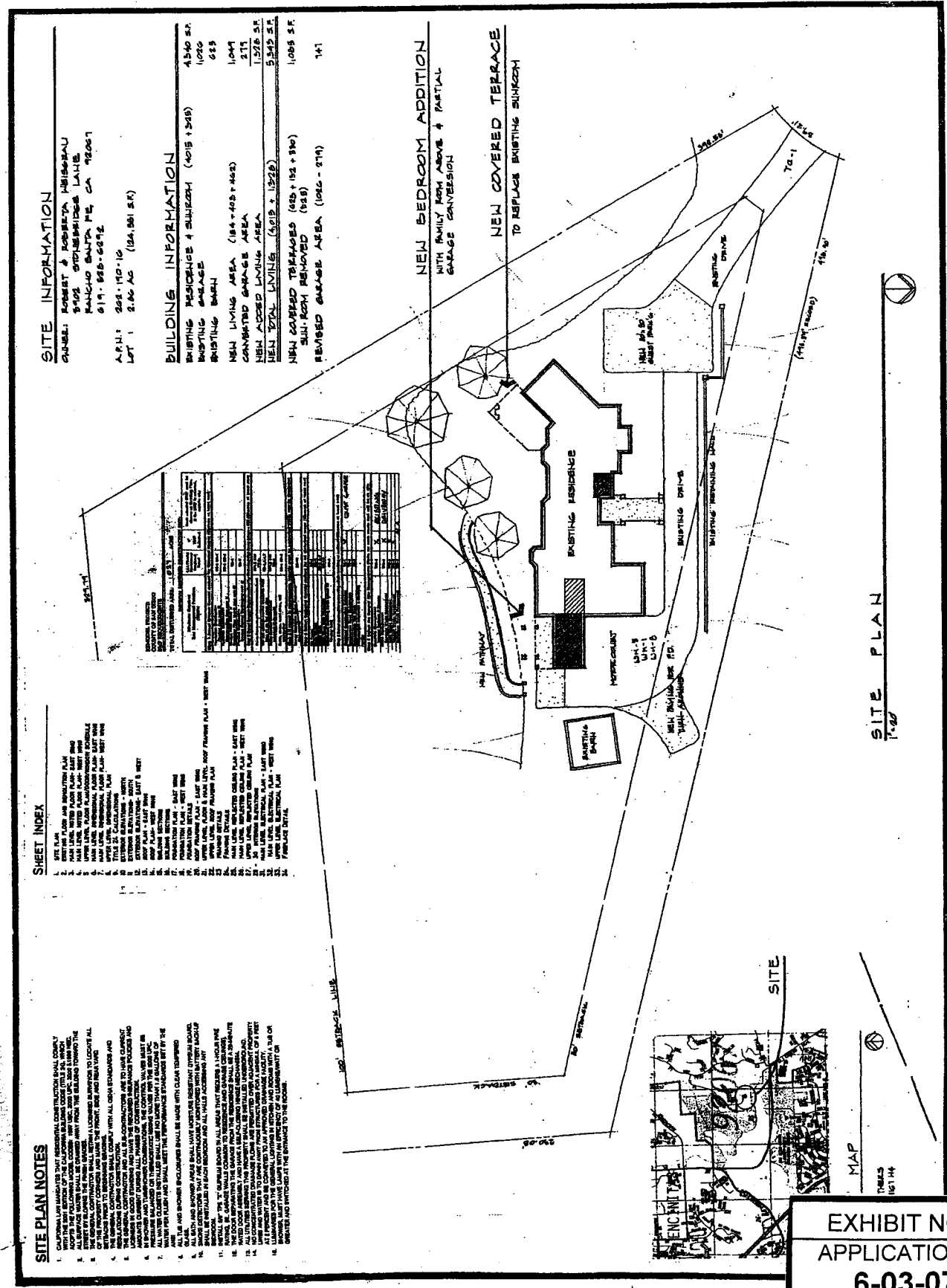
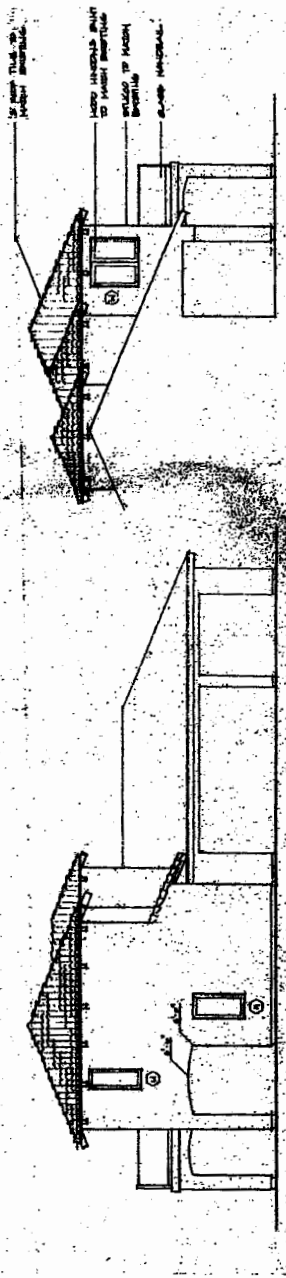
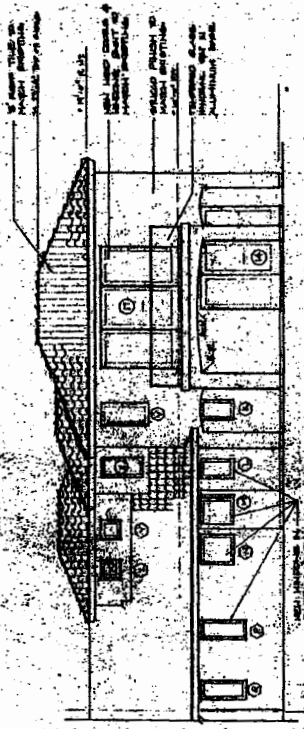


EXHIBIT NO. 1
 APPLICATION NO.
 6-03-078
 SITE PLAN

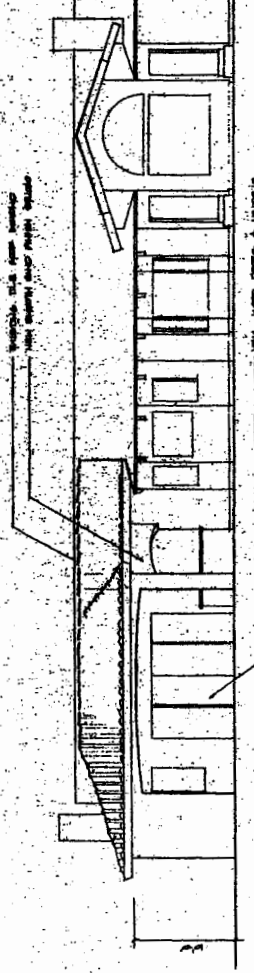


EAST ELEVATION

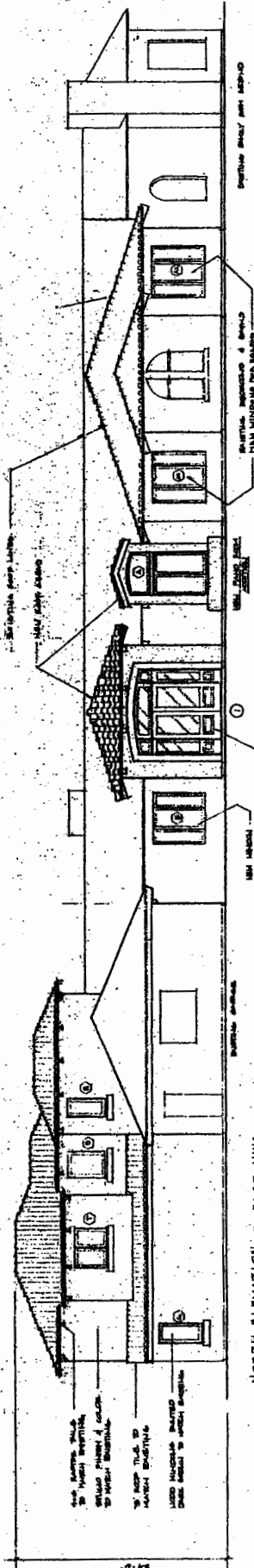
WEST ELEVATION



SOUTH ELEVATION - EAST WING

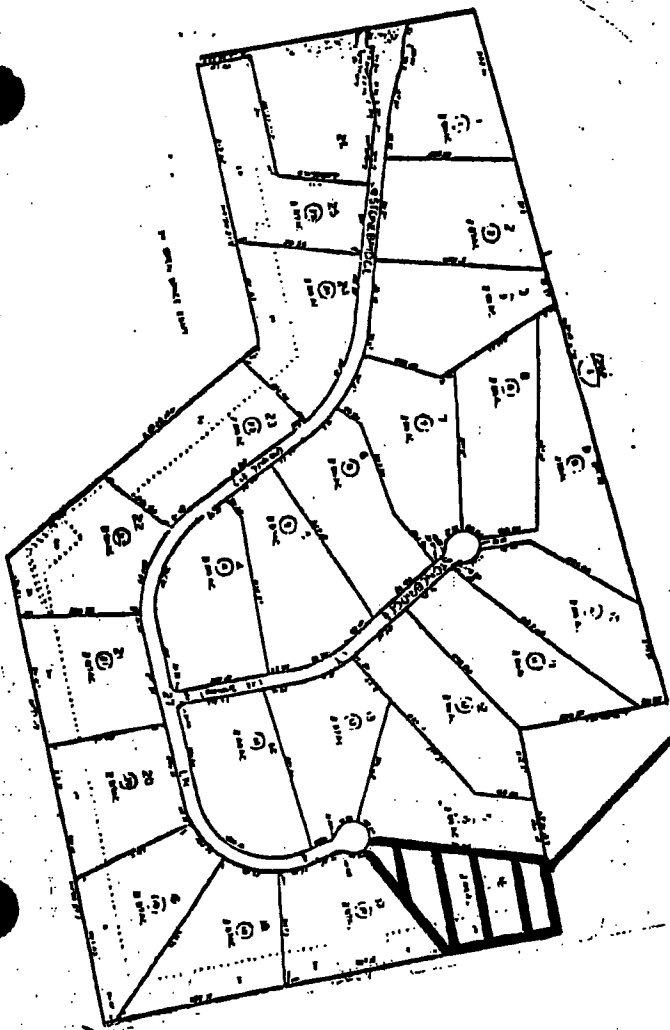
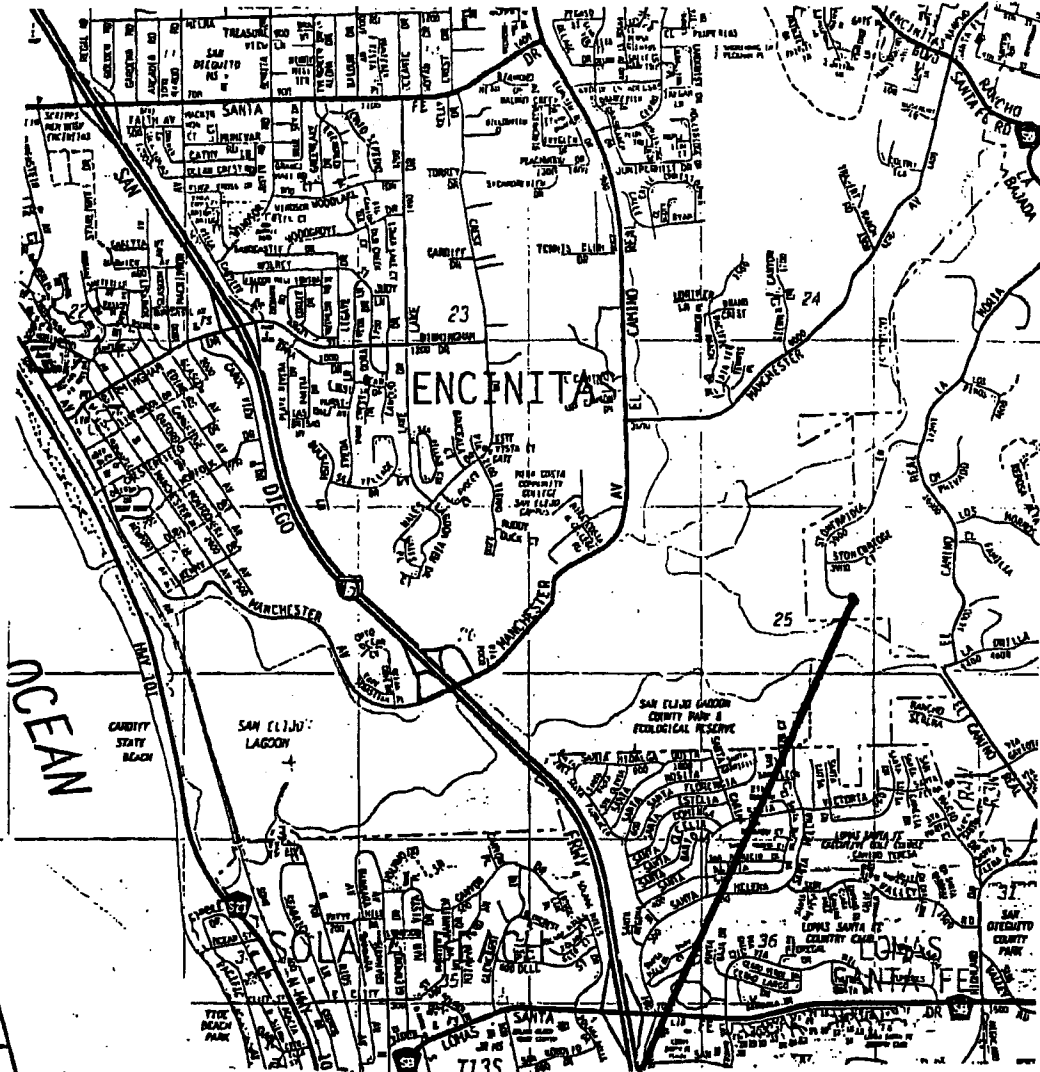


NORTH ELEVATION - WEST WING



EAST ELEVATION - EAST WING

EXHIBIT NO.
 APPLICATION NO.
 6-03-078
 ELEVATION



SITE

EXHIBIT NO. 3
APPLICATION NO.
6-03-078
LOCATION MAP

