

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

7575 METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4421

767-2370

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Hearing Date: March 17-19, 2004

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-03-129

Applicant: BT SACR

Agent: Eric Jantzen

Description: Construction of a two-level, 21-foot high, 12,256 sq.ft. single-family residence with an attached 1,024 sq.ft. garage and a detached 651 sq.ft. guesthouse on a 4.18 acre vacant lot.

Lot Area	182,080 sq. ft.
Building Coverage	11,616 sq. ft. (6%)
Pavement Coverage	23,617 sq. ft. (13%)
Landscape Coverage	146,847 sq. ft. (81%)
Parking Spaces	7
Zoning	RR .35 (2.86 du/ac)
Plan Designation	RR Rural Residential
Project Density	.24 du/ac
Ht abv fin grade	21 feet

Site: 17576 Rancho La Noria, Rancho Santa Fe area, San Diego County.
APN 266-040-26.

Substantive File Documents: County of San Diego Local Coastal Program; Jurisdictional Wetland Delineation Report by Merkel and Associates, Inc., 9/7/99; Letter from California Department of Fish and Game, 9/17/99. CDP#s 6-98-46, 6-98-55, 6-99-78.

STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed project, subject to several special conditions. In approving the subdivision that created the subject site, the Commission required that a portion of the site be set aside as 100-foot wide vegetated buffer between future development of the site and adjacent, wetland vegetation associated with

Escondido Creek. As conditioned, the proposed project is consistent with this condition, and no impacts to sensitive habitat will occur. Special conditions have been attached which require the buffer to be landscaped with only native, non-invasive, drought-tolerant, fire-resistant materials. No invasive plant species are permitted on the site.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-03-129 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. Revised Final Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final site plans for the proposed development. Said plans shall be stamped and approved by the County of San Diego and be in substantial

conformance with the plans submitted with this application by G. Stone dated 10/15/03, except that they shall be revised to reflect the following:

- a. No portion of the proposed guesthouse shall be located closer than 30 feet from the existing 100-foot wide wetland buffer area..

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. Final Drainage Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, revised final drainage and runoff control plans, with supporting calculations, approved in writing by the County of San Diego that 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 percolation to the maximum extent feasible prior to being conveyed off-site in a non-erosive manner. Said plans shall be in substantial conformance with the preliminary plans by Randy Brown dated 10/15/03, which the exception that the plans shall indicate that any required drain pipe and energy dissipater shall be located either outside of or within only the upper 50 foot-wide portion of the wetland buffer area.

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.

3. Grading/Erosion Control. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit to the Executive Director for review and written approval, final grading and erosion control plans approved in writing by the County of San Diego and a grading schedule that are in substantial conformance with the submitted plan by Randy Brown dated 10/15/03. The plans shall indicate that all permanent and temporary erosion control measures shall be developed and installed prior to or concurrent with any on-site grading activities and include, at a minimum, the following measures, which shall be graphically depicted or included as notes on the plans:

- a. Placement of a silt fence around the project anywhere there is the potential for runoff. Check dams, sand bags, straw bales and gravel bags shall be installed as required in the County's grading ordinance. Hydroseeding, energy dissipation and a stabilized construction entrance shall be implemented as required by the County. All disturbed areas shall be revegetated after grading. Where small incremental amounts of daily grading are required; the site shall be secured daily

after grading with geotextiles, mats and fiber rolls. Concrete, solid waste, sanitary waste and hazardous waste management BMPs shall be used.

b. Demonstration that all on-site temporary and permanent runoff and erosion control devices are installed and the County of San Diego Engineer has determined that all measures are in place to minimize soil loss from the construction site.

c. If grading is to occur during the rainy season (October 1st to April 1st) of any year, the applicant shall submit to the Executive Director for review and written approval, a program for monitoring the condition of erosion control devices and the effectiveness of the erosion control program. The monitoring program shall include, at a minimum, monthly reports beginning one month from the date of Commission action on this permit approval, continuing to April 1st. The reports shall be completed by a licensed engineer and shall describe the status of grading operations and the condition of erosion control devices, including temporary and permanent desilting basins. Any potential modifications to the approved grading schedule shall be indicated. Maintenance of temporary erosion control measures is the responsibility of the applicant, including replacement of any devices altered or dislodged by storms. Desilting basin maintenance, including removal of accumulated silt, shall occur prior to the onset of the rainy season and on an as-needed basis throughout the season.

The permittee shall undertake development in accordance with the approved grading plans. Any proposed changes to the approved grading plans shall be reported to the Executive Director. No changes to the grading 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.

4. 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 landscape plan approved by the Rancho Santa Fe Fire Department that indicates the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features. Said plan shall be in substantial conformance with the preliminary landscape plan by G. Stone dated 10/15/03, with the exception that the plan must be developed in consultation with the California Department of Fish and Game to ensure that native, drought-tolerant and non-invasive plants are used throughout the site. Said plan shall further include the following:

- a. The installation of plant materials consisting only of native and drought-tolerant, fire-resistant materials in the 100 foot-wide wetland buffer. No invasive species are permitted.
- b. A written commitment by the applicant that all required plantings in the buffer area shall be maintained in good growing condition, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance.

- c. Five years from the date of the receipt of the Certificate of Occupancy for the residence, the applicant shall 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.
- d. 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.
- e. A planting schedule that indicates that the planting plan shall be implemented within 60 days of completion of the residential construction.

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 required.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. Proposed is the construction of a two-level, 21-foot high, 12,256 sq.ft. single-family residence, with an attached 1,024 sq.ft. garage and a detached 651 sq.ft. guesthouse. The vacant 4.18-acre site is located at the terminus of Rancho La Noria, south of La Bajada Road, in the Rancho Santa Fe community of the unincorporated County of San Diego. Approximately 3,700 cubic yards of excess fill resulting from preparation of the site for development will be exported outside of the coastal zone.

The subject site slopes gently west towards the western property line. There is an existing paved access road that connects the site from La Noria Road and serves several other lots in the vicinity. Many of the surrounding properties are large lots that contain horse ranches, equestrian use, and large single-family residences.

There have been several past coastal development permits on the site. In June 1998, the Commission approved construction of the approximately 820-foot long paved private road (Rancho La Noria), which provides access to the subject site and several other lots

(CDP #6-98-46). In July 8, 1998, a boundary adjustment which affected the subject site was approved (CDP #6-98-55). In November 1999, the Commission approved the subdivision of a 12.52-acre site into three lots for future development of a single-family residence on each of the lots, which created the subject site (CDP #6-99-78). The Commission has since approved construction of a home on one of the other two lots (CDP #6-01-98).

The subject site is the westernmost parcel of the three lots created in 1999. At that time, the Commission placed a condition on the subdivision permit prohibiting development in an 100-foot area along the western and southern boundaries of the lot in order to provide a buffer between future development on the site and wetland vegetation which is located adjacent to the site. The condition was recorded as a deed restriction and the permit issued.

The project site is located within the unincorporated County of San Diego. Chapter 3 policies of the Coastal Act are the standard of review.

2. Environmentally Sensitive Habitat Area.

Section 30240 of the Coastal Act also states the following:

(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 proposed development is located adjacent to Escondido Creek and within the watershed of Escondido Creek. Escondido Creek lies directly west of the subject site. Due to the proximity of the creek, a wetlands delineation was performed by the applicant's biological on 8/19/99 and 9/2/99. The findings of the survey were compiled into a report entitled, "Jurisdictional Wetlands Delineation Report" dated 9/7/99. According to the report, four wetland habitat types were found on-site which include 520 sq.ft. (0.01 acres) of Southern Willow Scrub, 32 sq.ft. of Eucalyptus Woodland, 76 sq.ft. of Southern Coastal Salt Marsh and 1,504 sq.ft. of Emergent Wetland. In addition, approximately 36 sq.ft. of jurisdictional non-wetland waters were also found on site. The identified mature riparian and marsh vegetation is located within both the paper street known as El Puente and the subject site. According to the biologist, the wetlands and jurisdictional waterways southwest and west of the site represent relatively high quality habitats. The creek and surrounding wetlands are also considered environmentally sensitive habitat areas by the California Department of Fish and Game (DFG). DFG has indicated that the wetlands on-site and adjoining the subject site are "biologically valuable" because they are adjacent to high quality riparian habitat along the creek that

connects with preserved, sensitive lands downstream of the property that include San Elijo Lagoon. Furthermore, DFG indicates that the on-site and adjoining wetlands are also valuable because they are used as a corridor for wildlife movement through the area.

As a result, in its approval of the subdivision, the Commission required that a 100-foot wide area on the western and southern sides of the subject site be preserved as a buffer area for the adjacent wetlands. Specifically, the condition states:

1. Open Space/Future Landscape Deed Restriction. No development, as defined in Section 30106 of the Coastal Act, shall occur in the area described as the 100 ft. wetlands buffer extending 100 feet upland of the wetlands (as depicted on Exhibit No. 4 attached) except for the following if approved in a coastal development permit:

Planting of native drought-tolerant, non-invasive, fire resistant vegetation, installation of upland fencing and/or landscaping along the boundary between the wetland buffer and the developable portion of the lot for the purpose creating a physical barrier between the wetland buffer and the remainder of the lot, and a desilting basin within the upper half of the 100-foot buffer area. Creation of a landscaped buffer shall be a requirement of future development of Lot #2.

The subject site is the Lot #2 referenced in the condition. Although it has been several years since the survey was completed, the area has experienced drought conditions, and a visit to the site confirms that the buffer area consists mainly of grasses, bare dirt and small shrubs, not additional wetland vegetation. In addition, much of the buffer area on the western portion of the site is at a considerably higher elevation than the creek, and would not be expected to support wetland species.

The applicant has proposed planting native, fire-resistant plants in the buffer, consistent with the special condition. As proposed, no portion of the proposed residential structures would encroach into the buffer area. A 100-foot wide "fuel modification zone" required by the Rancho Santa Fe Fire Protection District around any habitable structure, in this case, the main residence and the guest house, would overlap the existing wetland buffer zone. The Fire District has reviewed the proposed project and the restrictions placed on development within the buffer, and determined that on this particular site, the fuel modification required by the District is in conformance with the proposed native, fire-resistant plantings required by the previous special condition. No clearing of vegetation (other than dead plants) would be required within the buffer.

Nevertheless, the proximity of the proposed guesthouse to the wetland buffer area raises concerns about the preservation of this area. While the main residence is located no closer than 30 feet from the buffer, the proposed guesthouse would be as close as 10 feet to the buffer. It is standard practice for a minimum 30 foot wide area from habitable structures to be heavily regulated for fire safety purposes, which often means clearing the area of all vegetation. Thus, the Commission has typically required that structures

maintain a minimum of 30 feet distance from any sensitive resources. Fire regulations are subject to change over time based on new information, technologies, and fire incidences, and the proximity of the guesthouse to the wetland buffer does not leave any "wiggle room" should future fire regulations require even 15 feet of clearance around the structure.

As discussed above, the buffer provides a protective area between the human/pet activity, exotic plants associated with residential development. Thus, Special Condition #1 requires that the project be redesigned to relocate the proposed guesthouse a minimum of 30 feet from the wetland buffer. This could require some changes to the proposed driveway or other reconfigurations of the project, but the 4.18 acre can easily accommodate both a main residence and guesthouse a minimum of 30 feet away from the previously required buffer.

While no sensitive vegetation would be directly impacted by the proposed project, the submitted landscape plan indicates at least one plant species (*olea europaea*) that can be invasive in riparian habitats, and thus, must be removed or replaced. Special Condition #4 requires submittal of a revised landscape plan developed in consultation with the California Department of Fish and Game that indicates that native and drought-tolerant plants be used and no invasive species be used in the proposed landscaping of the site to avoid potential indirect adverse effects to nearby sensitive resources within San Elijo Lagoon and its environs. As required by the subdivision permit, the condition also specifically requires the 100-foot wide buffer area to be landscaped with native drought-tolerant, non-invasive, fire resistant vegetation. This special condition will also limit irrigation-related runoff into the creek. In addition, the landscaping on the rest of the site must also be drought-tolerant and avoid any invasive species.

Therefore, as conditioned, the proposed residential development does not involve impacts to any sensitive upland habitat or wetlands, the Commission finds the proposed project is consistent with Section 30240 of the Coastal Act.

3. 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 project site is located near Escondido Creek and is upstream from San Elijo Lagoon. The applicant has submitted a preliminary grading and drainage plan indicating that the majority of the runoff from the hardscape on the site will be directed into landscaping for

filtration and percolation. Because of the soil consistency on the site and the fact that the developable area of the site is at a significantly higher elevation than the adjacent creek bed, some runoff will have to be directed into a storm drain pipe with an energy dissipater to ensure the slope/wetland buffer area is not eroded. The preliminary plans submitted with the application show a drain pipe and energy dissipater located in the southwest corner of the site, well within the buffer area. However, the applicant's engineer has indicated that the project can be redesigned such as all drainage facilities are located within the upper 50 feet of the wetland buffer. This will ensure that water drains adequately and at a non-erosive velocity, which is consistent with the intent of the previously-imposed condition limited development in buffer to protect the off-site sensitive resources from pollutants and sediment.

Therefore, Special Condition #2 requires final plans documenting that runoff from the roof, driveway and other impervious surfaces be directed into the landscaped areas on the site for infiltration and or percolation to the maximum extent feasible, prior to being conveyed off-site. Directing runoff through landscaping is a well-established BMP for treating runoff from small developments such as the subject proposal. The Commission's water quality staff has reviewed the project and determined that, as conditioned, the proposed development will serve to reduce any impacts to water quality from the project to insignificant levels.

Based on the site's proximity to Escondido Creek, Special Condition #3 requires substantial erosion control facilities be installed on the site prior to any grading activities. Should any grading occur during the rainy season, (the period from October 1st to March 31st of each year) a program for monitoring the condition of erosion control devices and the effectiveness of the erosion control program must be developed to ensure sedimentation and erosion impacts to downstream Escondido Creek will be avoided during the time of the year most likely to result in such adverse impacts. As conditioned, the Commission finds the project is consistent with Section 30231 of the Coastal Act regarding the protection of water quality.

4. Visual Resources. Section 30251 of the Coastal Act is applicable and 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...

Section 30251 of the Coastal Act requires that the scenic and visual qualities of coastal areas be considered and protected and that development be sited and designed to protect views along scenic coastal areas. The proposed project site is located well inland and far removed from San Elijo Lagoon which is located southwest of the site. It will not be visible from any scenic roadways or recreational areas. Additionally, the proposed project is compatible in size and scale with the pattern of development in the subject area.

As such, the project will not adversely impact the visual quality of the area, and is consistent with Section 30251 of the Act.

5. Public Access. The project site is located west of La Noria, which is designated as the first public roadway in this area. As the proposed development will occur between the first public roadway and the sea (San Elijo Lagoon in this case), a public access finding must be made that such development is in conformity with the public access and public recreation policies of the Coastal Act.

While the proposed development is located well inland of the coast, public access and recreational opportunities, in the form of hiking and horseback riding, do exist in the area, providing access into San Elijo Lagoon Ecological Reserve and Regional Park. However, there are currently no such trails existing or planned on the subject site and the proposed development will not impede access to the lagoon over that which currently exists. Therefore, the proposed development would have no adverse impacts on public access opportunities, consistent with the public access policies of the Coastal Act.

6. 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, as conditioned, such a finding can be made.

The subject site is planned and zoned for large-lot residential development in the certified County of San Diego Local Coastal Program, which the Commission uses for guidance in review of development in this area. As noted, the County's LCP was certified by the Commission with suggested modifications; however, the County never accepted the modifications and as such, was never effectively certified; thus, Chapter 3 of the Coastal Act is the standard of review. The proposed buildout of the subject site with one single-family residence would be consistent with the certified LCP. As conditioned, the project is consistent with all applicable Chapter 3 policies of the Coastal Act and the Commission finds that approval of the subject project will not prejudice the ability of the County of San Diego to obtain a fully certified Local Coastal Program.

7. 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.

As found above and incorporated herein by reference, the proposed project as conditioned is consistent with the environmental resource protection policies of the Coastal Act. Mitigation measures, including conditions addressing water quality, rainy

season grading and landscaping 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 is consistent with the requirements of 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.

