

**CALIFORNIA COASTAL COMMISSION**

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

**RECORD PACKET COPY****Thu 11c**

Filed: July 12, 2004  
49th Day: August 30, 2004  
180th Day: January 8, 2005  
Staff: BP-SD  
Staff Report: July 22, 2004  
Hearing Date: August 11-13, 2004

**REGULAR CALENDAR**  
**STAFF REPORT AND PRELIMINARY RECOMMENDATION**

Application No.: 6-04-57

Applicant: Lance Waite

Description: Construction of a one story, 9,791 sq.ft single family home, 821 sq.ft detached guest house, swimming pool, landscaping and 12,300 cubic yards of grading on a vacant 9-acre lot.

Site: Ranchito del Rio, Lot B, Rancho Santa Fe, San Diego County. APN 266-041-13

Substantive File Documents: Previously certified County of San Diego Local Coastal Program, Jurisdictional Wetland Delineation Report for the North La Noria Project, dated January 2004, by REC, Inc.; CDP #6-02-43;

---

**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 water quality and sensitive resources. The project site is one lot of a previously approved 4-lot subdivision. At the time the subdivision was approved, the Commission required an open space deed restriction be placed over the portion of the site containing wetland resources associated with Escondido Creek and a 100-foot upland buffer. The proposed project, as conditioned, will not result in any impacts to coastal resources or encroachment into the previously established open space area. Special conditions include a requirement for a final landscape plan that restricts landscaping to drought-tolerant, non-invasive vegetation and a requirement which prohibits winter grading.

---

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

**MOTION:** *I move that the Commission approve Coastal Development Permit No. 6-04-57 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 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 submitted landscaping plan by Gillespie Design Group, Inc. received July 16, 2004 and developed in consultation with the California Department of Fish and Game. Said plan shall contain written notes stating and/or providing the following requirements:

- a. The installation of plant materials shall consist only of native drought-tolerant and non-invasive plant 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. A planting schedule that indicates the planting plan will be implemented within 60 days of completion of construction.
- c. 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.
- d. 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. 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. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final site, building and elevation plans for the permitted development that have been approved in writing by the County of San Diego. Said plans shall be in substantial conformance with the plans submitted by San Dieguito Engineering, dated received July 16, 2004. The site plan shall show the previously recorded deed restricted open space area. No structures, grading, or other improvements other than native landscaping and the previously approved fencing are permitted in the open space area.

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 legally required.

3. 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.

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 permittees 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.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. Proposed is the construction of a one story, 9,791 sq. ft. single family home, 821 sq.ft detached guesthouse, swimming pool, driveway, landscaping, fencing and 12,300 cubic yards of grading on a vacant 9-acre lot. Beyond the development area, the subject site slopes moderately north towards the flood plain of Escondido Creek which runs along a portion of the northern property line. Upland portions of the site have been previously disturbed; the lowland portion of the site contains wetland vegetation. There is an existing paved access road that connects the site from La Noria Road and serves several other sites in the area.

The project site is located on the west side of La Noria, approximately 2 miles east of Interstate 5, approximately 3 miles north of Lomas Santa Fe Drive, just south of La Bajada, in Rancho Santa Fe, an un-incorporated area of San Diego County.

The subject site is Lot B of a 31 acre, 4-lot subdivision approved by the Commission in August 2002 (#6-02-43). At the time the subdivision was reviewed, the applicant submitted a biological survey and wetlands determination for the entire 31-acre site. The report determined that three areas of jurisdictional wetlands are located on the whole site, including wetlands on the subject site immediately adjacent to Escondido Creek. Escondido Creek in this area contains riparian habitat and both freshwater and salt marsh vegetation.

The project site is located within the unincorporated County of San Diego. The County of San Diego's LCP was approved 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. Protection of Environmentally Sensitive Habitat Areas. 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.

Furthermore, 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.

As noted, the lowland portion of the site contains significant wetland vegetation associated with Escondido Creek. The Commission previously required that the floodplain and wetland area associated with Escondido creek be protected as open space. The Commission also required a 100-foot wide buffer area be established upland of the resources; the buffer was also deed restricted as open space. The site also contains a very minor secondary drainage along the southeast property line that drains to the floodplain and contains several freshwater marsh plants. A 50-foot buffer was recorded at subdivision approval to protect these resources. An updated wetland delineation (January 2004) indicates the current proposal conforms to the recorded setback requirements such that no improvements are proposed within the wetlands or their established buffers.

The proposed landscaping plan indicates native plantings will be planted in the buffer and a fence is proposed near the upland extent of the buffer. These improvements are consistent with CDP #6-02-43 which allowed for native plantings in the buffer areas. However, the landscaping plan proposes some non-native ornamental vegetation on portions of the site which could adversely affect on- and off-site sensitive resources. Special Condition #1 requires native drought-tolerant and non-invasive plants be used to avoid potential indirect adverse effects to nearby sensitive resources. The landscaping must be developed in consultation with the California Department of Fish and Game to assure appropriate species are proposed.

The Rancho Santa Fe Fire Department has reviewed the project for fire safety. The fire department has required a 100 ft. brush management zone. However, the approved brush management zone does not involve clearance of any native species or removal of vegetation within the established wetland buffers. While a 10-foot wide by 120 foot long portion of the brush management zone encroaches into the upper 10 feet of the buffer near the guesthouse, the fire department indicates the proposed plantings in that area (oak, lemonade berry) are acceptable because they are fire resistant and are spaced appropriately.

Regarding upland resources, as noted, the site has been previously disturbed and contains no naturally vegetated steep slopes that could be adversely affected by vegetation removal associated with site development.

Grading to accommodate the development involves approximately 12,300 cubic yards of cut 3,100 cubic yards of fill and 9,200 cubic yards of export. While the developable portion of the site is relatively flat, the proposed grading amounts are necessary due to the relatively large building pad required to accommodate the large home and appurtenant development. Additionally, the Rancho Santa Fe Art Jury, a local design review board, required the home to be sunk into the ground to accommodate neighbors views which requires significant cut grading. All grading is occurring outside of sensitive areas and their buffers and can be accepted because it would not significantly alter a significant landform.

The Commission is concerned that Escondido Creek and its wetlands not be adversely affected as a result of grading, particularly in the rainy season when sedimentation and erosion hazards are greatest. While temporary and permanent erosion control measures can help mitigate these impacts, the Commission finds, in this particular case, because grading quantities are so substantial, the risk is too great to allow grading in the rainy season at this location. The site steepens as it approaches Escondido Creek and grading on steep slopes poses the greatest threat to soil and sediment being transported into sensitive areas. Special Condition #4 requires the submittal of final grading and erosion control plans documenting that no grading will take place in the rainy season. Special Condition #3 requires identification of the export site.

In summary, as conditioned to ensure that proposed landscaping will not adversely affect sensitive vegetation and that no grading occurs during the winter, the Commission finds the project is consistent with Sections 30231 and 30240 of the Coastal Act regarding protection of environmentally sensitive resources.

3. Runoff/Water Quality/Hazards. 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.

A portion of the project site is located within Escondido Creek and is upstream from San Elijo Lagoon. Project runoff will be directed into several bioswales prior to discharge into riprap energy dissipaters at several locations on site. Directing runoff through landscaping for filtration of on-site runoff in this fashion is a well-established BMP for treating runoff from small developments such as the subject proposal. As proposed, the proposed development will serve to reduce any impacts to water quality from the project to insignificant levels. Therefore, the Commission finds the proposed project consistent with Section 30231 of the Coastal Act.

4. Visual Resources. Section 30251 of the Coastal Act states in part:

Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas....

Section 30251 of the Coastal Act requires that development must be sited and designed to protect views along scenic coastal areas. The subject site is highly visible from Manchester Avenue to the north which is designated as a scenic highway in the Encinitas LCP. However, visual screening is proposed with native shrubs and trees within the buffer. The proposed plantings in the buffer zone are primarily riparian trees (sycamores, oak, cottonwood, willow) in 24" and 36" boxes which will immediately provide visual screening. The trees are oriented such that the building facade will be broken up as viewed from Manchester Avenue. Therefore, the Commission finds the project is consistent with Section 30251 of the Coastal Act.

5. Public Access. Because the proposed development will occur between the first public roadway and the sea (San Elijo Lagoon), pursuant to Section 30604(c) of the Coastal Act, a specific public access finding must be made that such development is in conformity with the public access and public recreation policies of the Coastal Act in order to approve this project.

While the proposed development is located well inland of the coast, public access and recreational opportunities, in the form of hiking, 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 previously certified County of San Diego Local Coastal Program. The Commission approved the County's LCP but it 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. The proposed buildout of the subject site with one single-family residence would be consistent with that LUP designation. 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 covering this area.

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.

The proposed project as conditioned is consistent with the environmental resource protection policies of the Coastal Act. The herein recommended mitigation measures will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact, which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

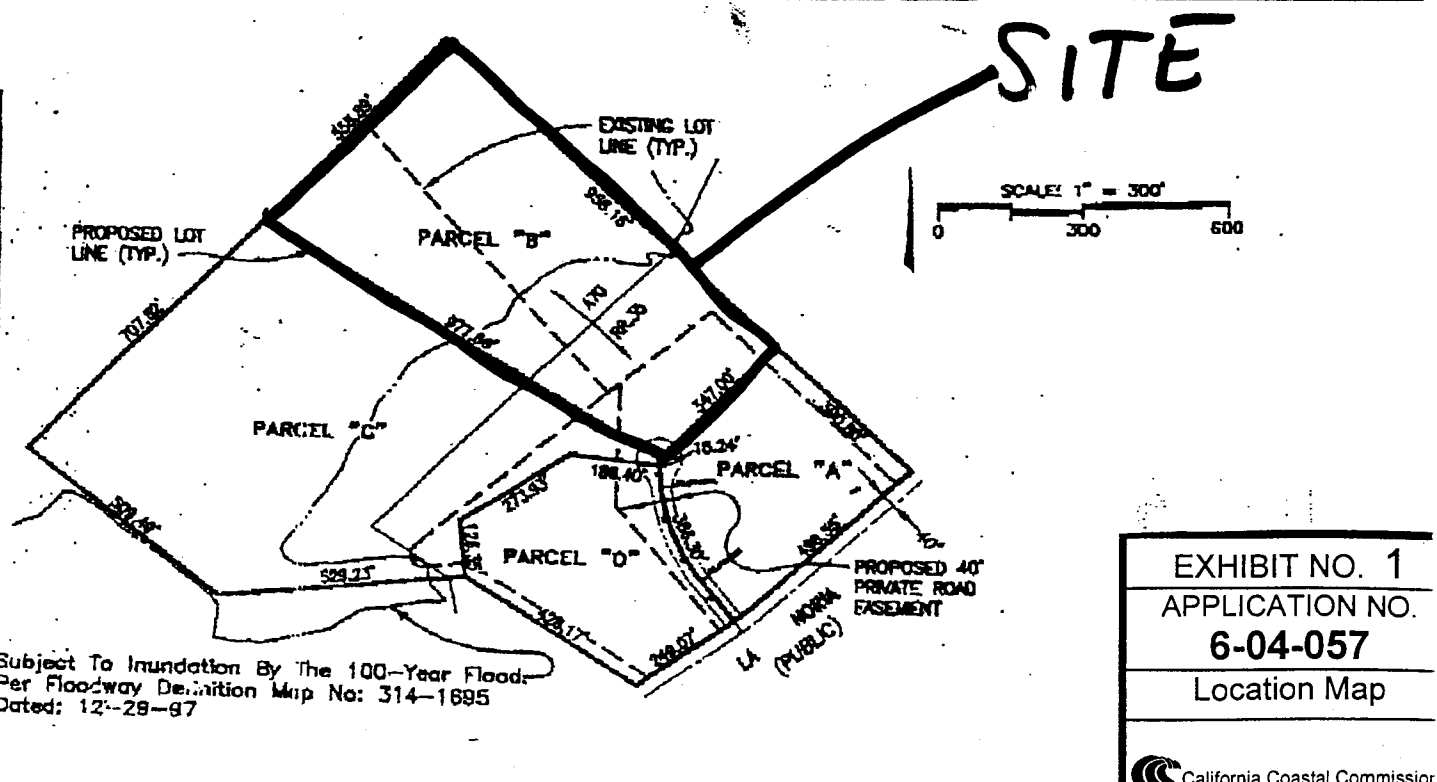
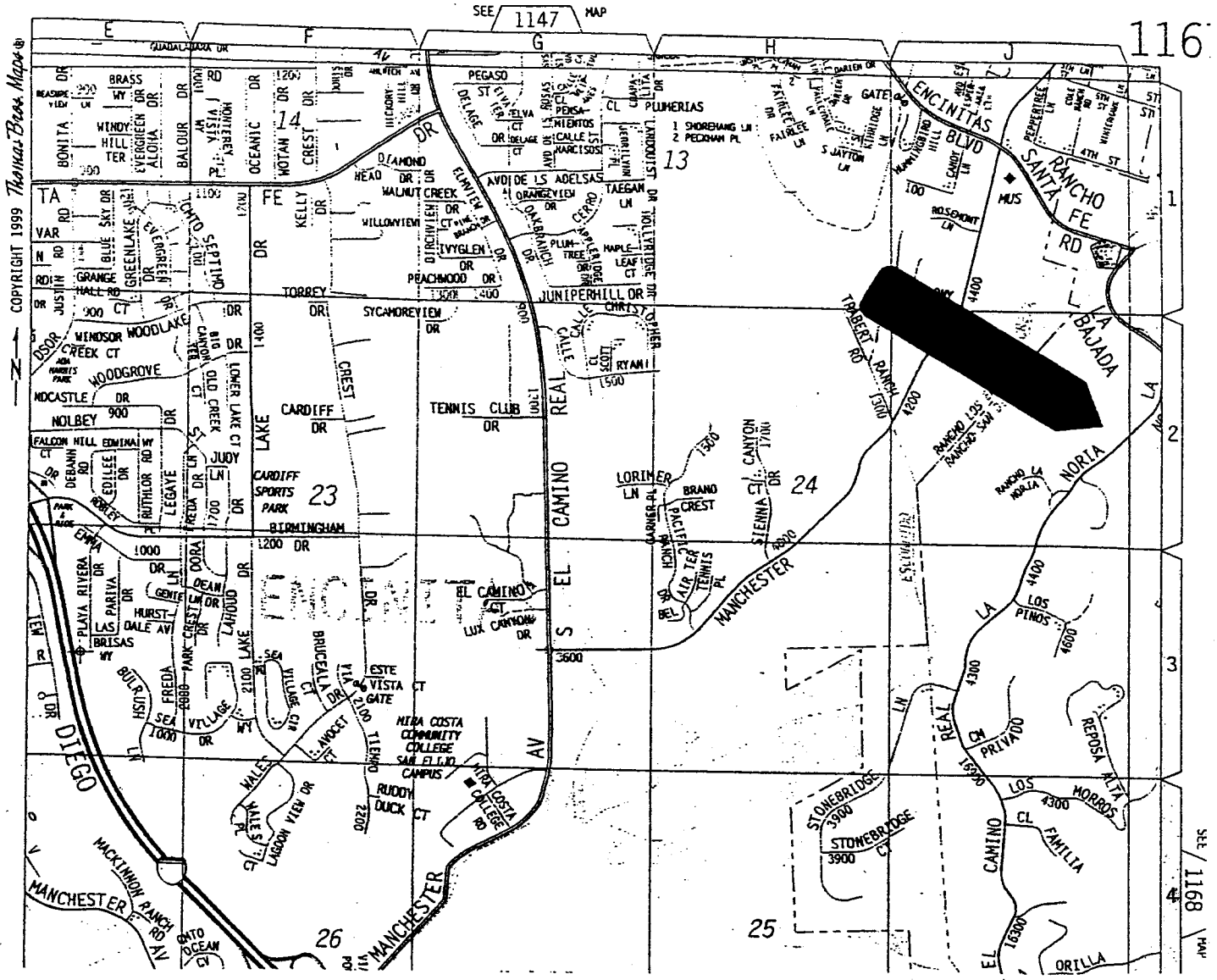
STANDARD CONDITIONS:

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.

(G:\San Diego\Reports\2004\6-04-057 Waite 7.22.04.doc)

VICIN. MAP 6-04-57



ESCONDIDO CREEK  
FLOOD PLAIN

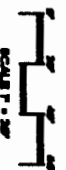
100 YR FLOOD  
LIMIT LINE

100 ft Buffer

50 ft Buffer

Lot C

Lot A



**NOTES:**  
 1. ALL DISTANCES SHOWN ARE MEASURED TO THE CENTERLINE OF THE ROAD OR TO THE CENTERLINE OF THE FLOOD PLAIN.  
 2. THE 100 YEAR FLOOD LIMIT LINE IS BASED ON THE 1981 FLOOD DATA FOR ESCONDIDO CREEK.  
 3. THE 50 FT BUFFER IS MEASURED FROM THE 100 YEAR FLOOD LIMIT LINE.  
 4. THE 100 FT BUFFER IS MEASURED FROM THE 100 YEAR FLOOD LIMIT LINE.  
 5. THE 50 FT BUFFER IS MEASURED FROM THE 100 YEAR FLOOD LIMIT LINE.  
 6. THE 100 FT BUFFER IS MEASURED FROM THE 100 YEAR FLOOD LIMIT LINE.

EXHIBIT NO. 2  
 APPLICATION NO.  
**6-04-057**  
 Site Plan

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

PROJECT CLIENT:  
**WAITE RESIDENCE**  
 SANFORDS DR. AND LOT "B"

PROJECT TITLE:  
**PRELIMINARY  
 CONSTRUCTION SHEET**

9004 GARDNER AVENUE, SUITE 100  
 LA JOLLA, CALIFORNIA 92037  
 619-450-0977  
 FAX 619-450-0100