

## CALIFORNIA COASTAL COMMISSION

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



# Tue 19i

Filed: November 3, 2006  
 49th Day: December 22, 2006  
 180th Day: May 2, 2007  
 Staff: D. Lilly-SD  
 Staff Report: November 20, 2006  
 Hearing Date: December 12-15, 2006

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-06-113

Applicant: Grust Family Trust                      Agent: Greg Konar

Description: Demolition of a single-family residence and construction of a 10,961 sq. ft., 2-story, single-family residence including a 767 sq.ft. attached garage and a pool on a 3.91-acre site

Lot Area	170,313 sq.ft.
Building Coverage	9,212 sq.ft. ( 5%)
Pavement Coverage	19,720 sq.ft. (12%)
Landscape Coverage	116,921 sq.ft. (69%)
Unimproved Area	24,460 sq.ft. (14%)
Parking Spaces	7
Zoning	RR .5
Plan Designation	17
Ht abv fin grade	27 feet

Site: 16810 El Camino Real, Rancho Santa Fe, San Diego County.  
 APN 268-010-06.

Substantive File Documents: Certified County of San Diego Local Coastal Program;  
 CDP #6-98-96.

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STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed project, with special conditions. There are no sensitive resources on the site, and the project has been designed to avoid any impacts to surrounding native habitat and steep slopes resulting from brush management. The proposed brush management plan has been approved by the Rancho Santa Fe Fire Department, and the landscaping plan has been approved by the California Department of Fish and Game. No impacts to coastal resources are anticipated.

Standard of Review: Chapter 3 of the Coastal Act

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I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

**MOTION:**     *I move that the Commission approve Coastal Development Permit No. 6-06-113 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 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. Said plans shall be in substantial conformance with the plans submitted with this application by Mason Architecture & Design, Inc., dated July 19, 2006, except that they shall be revised to eliminate the detached garage and guesthouse.

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 legally required.

2. Final Brush Management Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval revised final brush management plans addressing the area within 100 feet of the proposed home. Said plans shall be in substantial conformance with the plans submitted with this application by G. Stone, date-stamped received November 3, 2006, shall be approved by the Rancho Santa Fe Fire Department, and, with respect to off-site brush management, shall comply with the requirements of Special Condition #2 of coastal development permit #6-98-96 (attached as Exhibit #3 to the staff report for coastal development permit #6-06-113).

The permittee shall undertake development in accordance with the approved plans. Any proposed changes to the approved fuel modification plan should be reported to the Executive Director. No changes to the approved plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Revised Landscaping Plan. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and written approval of the Executive Director a revised final landscape plan developed in consultation with the California Department of Fish and Game and approved by the County of San Diego. Said plan shall be in substantial conformance with the plans submitted with this application by G. Stone, dated-stamped received on November 3, 2006, but shall be revised to include the following requirements:

- a. The landscape palate shall emphasize the use of drought-tolerant native species, but use of drought-tolerant, non-invasive ornamental species and lawn area, is allowed as a small component. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized.
- b. A planting schedule that indicates that the planting plan shall be implemented within 60 days of completion residential construction
- c. A written commitment by the applicant that all required plantings shall be maintained in good growing condition, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape screening requirements.

- d. The use of rodenticides and pesticides shall be prohibited.
- e. Five years from the date of issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or 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 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.

4. Exterior Treatment. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and written approval of the Executive Director a final color board or other indication of the exterior materials and color scheme to be utilized in the construction of the proposed residential addition. This document shall be in substantial conformance with the color board dated stamped received on October 30, 2006, and shall comply with the following requirements:

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

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

5. Final 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 plans approved shall contain written notes or graphic depictions demonstrating that that all permanent and temporary erosion control measures will be developed and installed prior to or concurrent with any on-site grading activities and include, at a minimum, the following measures:

- 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 City's grading ordinance. Hydroseeding, energy dissipation and a stabilized construction entrance shall be implemented as required. All disturbed areas shall be revegetated after grading.
- b. The site shall be secured daily after grading with geotextiles, mats and fiber rolls; only as much grading as can be secured daily shall be permitted. Concrete, solid waste, sanitary waste and hazardous waste management BMPs shall be used. In addition, all on-site temporary and permanent runoff and erosion control devices shall be installed and in place prior to commencement of construction to minimize soil loss from the construction site.
- c. If grading is to occur during the rainy season (October 1<sup>st</sup> to April 1<sup>st</sup>) 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 November 1<sup>st</sup> of any year continuing to April 1<sup>st</sup>, which shall be submitted to the Executive Director for review and written approval at the end of each month. The reports shall be completed by a licensed engineer and shall describe the status of grading operations and the condition of erosion control devices. 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.
- 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 legally required.

6. Drainage Plan. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, a drainage and runoff control plan approved by the City of Solana Beach documenting that the runoff from the roof, driveway and other impervious surfaces will be collected and directed into pervious areas on the site (landscaped areas) for infiltration and/or percolation in a non-erosive manner, prior to being conveyed off-site.

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.

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

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description/History. The proposed project is demolition of an existing single-family residence and construction of a 10,961 sq. ft., 2-story, single-family residence including a 767 sq.ft. attached garage and a pool on a 3.84-acre site. The lot is located on the west side of El Camino Real, which is the Coastal Zone boundary in this location, in the Rancho Santa Fe community of San Diego County. The site overlooks the inland extent of San Elijo Lagoon and the floodplain of Escondido Creek.

The project originally included a detached garage and guesthouse; however, these elements have been removed due to potential impacts to adjacent sensitive habitat resulting from brush management activities. The applicant has submitted a landscape

plan that has been approved by the Department of Fish and Game to ensure all proposed landscaping is compatible with the nearby lagoon habitat.

Past Commission action on the site includes construction of a security gate at the driveway entrance to the site (#6-04-053-W).

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. Environmentally Sensitive Habitat. Section 30240 of the Coastal Act is applicable and states:

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

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

Section 30253(1) states:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

The subject site is located near the San Elijo Lagoon Ecological Reserve and Regional Park. The County of San Diego LUP designates San Elijo Lagoon as an “Ecological Reserve Area” and the upstream 100-year floodplain as “Impact Sensitive.”

The site itself is developed with a single-family home and landscaping, and contains no sensitive vegetation. However, the adjacent site to the north does contain native coastal sage scrub vegetation under an open space deed restriction. This vegetation could potentially be impacted by development on the subject site, were the proposed structures to trigger the need for brush clearance in the open space.

The issue of fire safety in areas of “wildland/urban interface” has become increasingly significant in recent years. Local governments and fire departments/districts have become more aware of the need to either site new development away from fire-prone vegetation, or to regularly clear vegetation surrounding existing structures. Fire department requirements for vegetation thinning and clear-cutting can adversely affect coastal resources in various ways ranging from complete removal of the plant and root

stock to trimming of the plant but leaving the below-ground root stock intact. To avoid such conflicts, the Commission has typically required that new development be sited such that brush management requirements will not adversely affect environmentally sensitive habitat areas nor result in clear cutting or removal of vegetation on steep slopes, such that erosion problems could occur.

The site adjacent to the subject site to the north has steep, naturally vegetated slopes on the southern portion of the site. Thus, when the Commission approved construction of a new single-family residence on that lot in October 1998 (#6-98-96), the Commission required the following brush management program for the site:

2. Final Brush Management/Revegetation/Landscaping Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, detailed brush management/revegetation/landscape plans for the site. Said plans shall be in substantial conformance with the concept landscape plan for the Marquardt Residence, Commission date stamped 9/4/98 and be reviewed and approved by the Rancho Santa Fe Fire Department. Said plans shall include the following:

- a. Within the area 50 ft. from the proposed residence (30 ft. along the southwest corner), all invasive and non-native exotic plant species (as indicated on the final plan) shall be identified and flagged by a qualified landscape architect and then removed by cutting and the use of herbicides (under the supervision of a California licensed pest control applicator).
- b. Within the area 50 ft. from the proposed residence (30 ft. along the southwest corner), in addition to the removal of all invasive and non-native exotic plant species as described in 2(a) above, all remaining high fuel plant species shall be identified and flagged by a qualified landscape architect and then removed. Removal shall be carried-out by manually cutting plants to a height of no less than six (6) inches above grade. To reduce the potential for erosion and off-site sedimentation, no grubbing (removal of roots below the soil surface) shall occur on slopes with gradients of 2:1 or greater.
- c. Within the area 51 ft. to 100 ft. from the proposed residence, 50 percent of all the high fuel plant species (including invasive and non-native exotic species) shall be identified and flagged by a qualified landscape architect and then removed. Removal shall be carried-out by manually cutting plants to a height of no less than six (6) inches above grade. To reduce the potential for erosion and off-site sedimentation, no grubbing (removal of roots below the soil surface) shall occur on slopes with gradients of 2:1 or greater.
- d. All areas within 100 ft. of the proposed residence where vegetation is removed, shall be replanted with native, fire resistant plant species (utilizing a combination of seeding and container plants) compatible with the surrounding native mixed



chaparral vegetation. All areas planted shall be stabilized with geotextile fabric and temporarily irrigated with drip irrigation.

- e. The area within 100 ft. of the proposed residence shall be monitored annually and maintained as needed to assure the elimination of all invasive and non-native exotic plant species and the regrowth of native fire resistant plantings. Any dead or unhealthy plants shall be replaced.

Brush management/revegetation/landscaping shall be installed in accordance with the approved plans. Additionally, PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, which shall reflect the requirements of Special Condition #2 of CDP #6-98-96. The recorded document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. The deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

In short, the Commission allowed the removal of existing vegetation within 50 feet of the approved residence (30 feet at the southwest corner of the house), and the removal of up to 50% of the vegetation in the area up to 100 feet from the residence. No vegetation removal is permitted beyond 100 feet from the residence. In addition, the entire southern vegetated portion of the site was placed under an open space deed restriction prohibiting any removal of vegetation beyond that described above (see Exhibit #4).

As noted, the concern with the proposed project is that brush clearance required for the proposed structure could potentially impact the existing native vegetation and steep slopes on the adjacent lot. To address these concerns, the applicant has worked with Commission staff and the Rancho Santa Fe Fire Department to develop a brush management plan that will not require any brush management within the adjacent open space beyond that currently permitted. A detached garage and guesthouse originally proposed to be located on the northern side of the site have been eliminated, because those structures would have triggered the need for removal of vegetation in a portion of the adjacent open space where no fuel modification is currently permitted. The Fire Department has approved a site plan that specifically limits brush clearance on the adjacent lot to only the limited thinning in the locations currently permitted under permit #6-98-96. Thus, the proposed development will not have any adverse impact on the adjacent sensitive habitat. Special Condition #2 requires submittal of a final brush management plan consistent with the restrictions of the brush management program previously approved through permit #6-98-96.

As noted above, the applicant has submitted a landscape plan approved by the California Department of Fish and Game, that prohibits any invasive plant species. Special Condition #3 requires submittal of a final landscaping plan consistent with these restrictions. This is necessary to ensure that landscaping associated with the proposed development does

not adversely affect nearby native habitat, including in the San Elijo Lagoon Ecological Reserve and Regional Park.

Special Condition #7 has also been attached to require the property owner to record a deed restriction against the property so as to notify all future property owners of the terms and conditions of approval of the permit.

In summary, the proposed development, as conditioned to avoid the need for new clearing of sensitive vegetation, and to avoid invasive species, the Commission finds the project will not result in adverse impacts to sensitive environmental coastal resources. Therefore, the proposed project can be found 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...

Section 30251 of the Coastal Act protects the scenic and visual quality of the coastal zone as a resource of public importance. The site is located on the hillside at the east end of the San Elijo Lagoon Ecological Reserve and Regional Park but there are existing structures between the proposed project and the reserve, and the proposed structure is not expected to be highly visible from Manchester Avenue or from the San Elijo Lagoon to the east and north. The applicants have submitted a draft color board demonstrating that the proposed home will be colored mainly in off-white and reddish tones that are not expected to stand out prominently as viewed from public vantage areas, but will blend in with the surrounding natural hillsides. Special Condition #4 requires submittal of a final color board indicating that no bright or white tones will be used. Thus, as conditioned, the project will have only a minimal impact on the scenic resources of the area and is consistent with both 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 subject site is upstream of San Elijo Lagoon and its surrounding wetlands. In the past in San Diego County, the Commission typically has restricted grading, particularly large scale grading projects, to outside the winter months when erosion and transport of sediment to lagoons or other sensitive resource areas is least likely to occur. However, due to technological advances and a better understanding of the importance of erosion control measures, many of the local jurisdictions in San Diego County have new grading ordinances that include detailed erosion control provisions. As such, limiting grading to the non-rainy months is no longer necessary (in most cases) or required by many of the local jurisdictions in San Diego County. In the case of the proposed project, 2,800 sq.ft. of balance grading is proposed.

The County of San Diego has also revised its ordinances to not require a rainy season moratorium in coastal San Diego County and has recently adopted new erosion control provisions that assure that off-site sedimentation impacts will be minimized. In this case, erosion control measures are important to ensure off-site resources are not harmed. Special Condition #5 requires the submittal of final grading and erosion control plans documenting that erosion control measure will be implemented.

In order to further reduce the potential for adverse impacts to water quality resulting from drainage runoff from the proposed development, Special Condition #6 is attached. The condition requires that runoff from the roof, driveway and other impervious surfaces 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. As conditioned, the proposed development will serve to reduce any impacts to water quality from the project to insignificant levels, and the Commission finds that the project is consistent with Section 30231 of the Coastal Act regarding the protection of water quality.

5. Public Access. Section 30604(c) of the Act requires that a specific access finding be made for any development located between the sea and the first public roadway. In this particular location, El Camino Real serves as the first public roadway and the proposed development would be located between El Camino Real and San Elijo Lagoon.

While the proposed development is located well inland of the coast, public access and recreational opportunities exist at nearby San Elijo Lagoon Ecological Reserve and Regional Park. However, the site is already developed with an existing single-family residence, and there are no existing or planned trails on the subject site. The proposed development will not impede existing access to the lagoon. 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 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 assume permit issuing authority. Therefore, 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 subject site is designated for estate residential use in the County LCP, and as conditioned herein, the proposed project conforms to all applicable Chapter 3 policies of the Coastal Act. 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 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 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 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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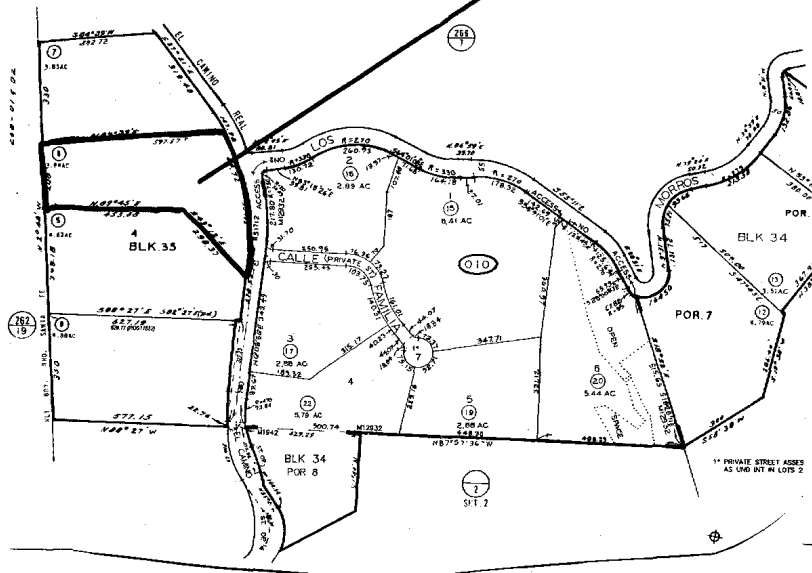
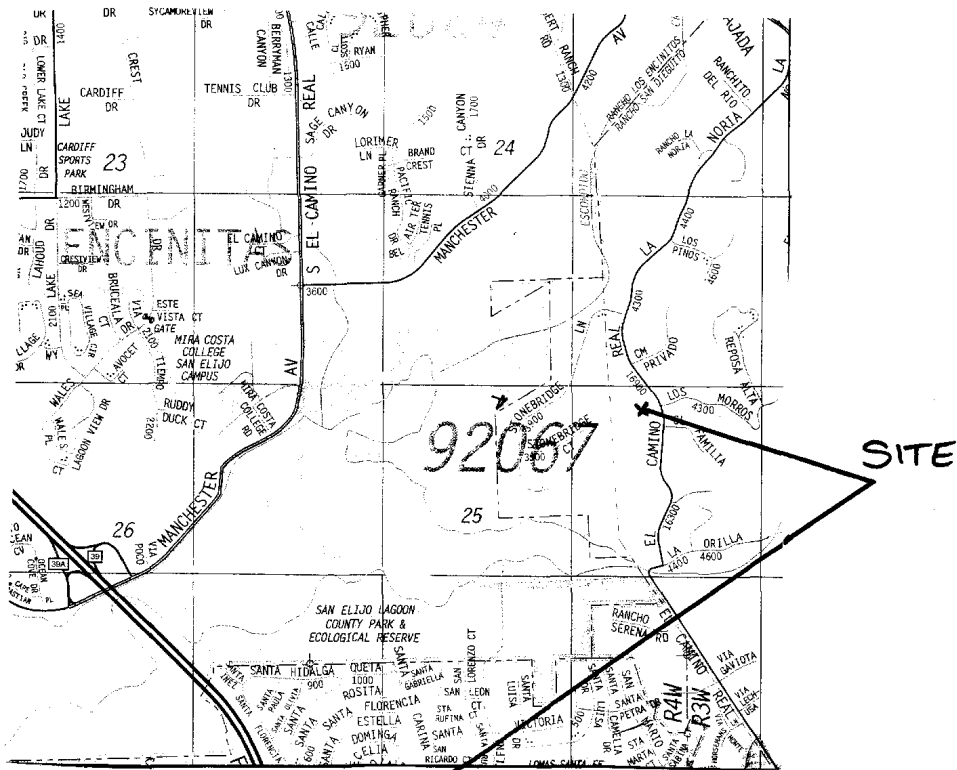

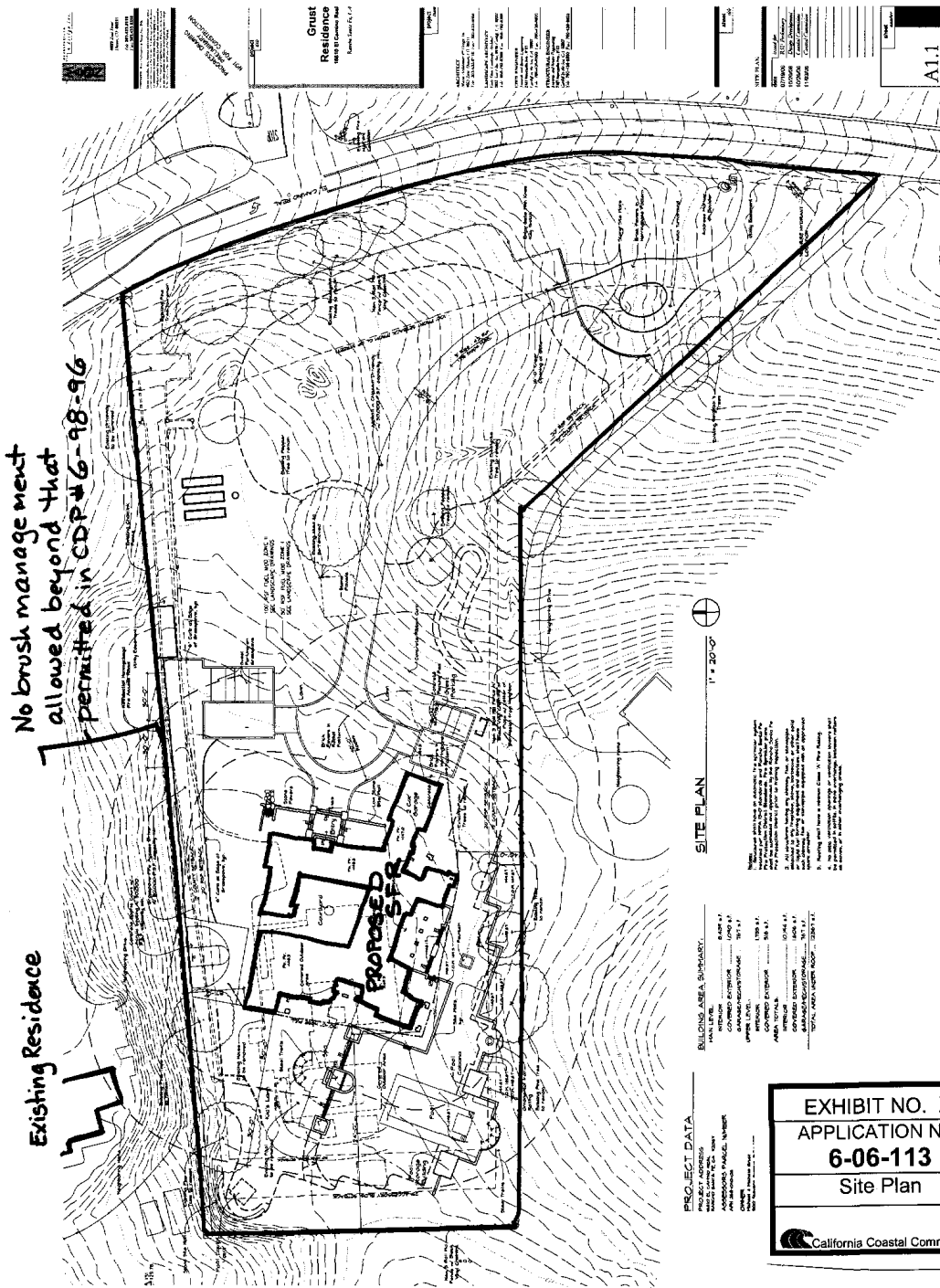


EXHIBIT NO. 1  
APPLICATION NO.  
6-06-113  
Location Map





<b>EXHIBIT NO. 2</b>
<b>APPLICATION NO.</b>
<b>6-06-113</b>
<b>Site Plan</b>
<b>California Coastal Commission</b>

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
3111 CAMINO DEL RIO NORTH, SUITE 200  
SAN DIEGO, CA 92108-1725  
(619) 521-8036



COASTAL DEVELOPMENT PERMIT NO. 6-98-96  
Page 1 of 6

On October 15, 1998, the California Coastal Commission granted to  
Michael Marquardt this permit for the development described below, subject to  
the attached Standard and Special Conditions.

Description: Construction of a 14 ft. high, 7,080 sq.ft. single-family residence with an  
attached 942 sq.ft. garage and swimming pool and on a vacant 3.7 acre lot.

Lot Area	160,300 sq. ft. (3.7 acres)
Building Coverage	8,022 sq. ft. (5%)
Pavement Coverage	7,000 sq. ft. (4%)
Landscape Coverage	20,000 sq. ft. (13%)
Unimproved Area	125,278 sq. ft. (78%)
Parking Spaces	2
Zoning	RR 35 (.35 du/ac)
Plan Designation	Estate 17
Project Density	.27 du
Ht abv fin grade	14 feet

Site: 16814 El Camino Real, Rancho Santa Fe, San Diego County.  
APN 268-010-07

Issued on behalf of the California Coastal Commission by

PETER DOUGLAS  
Executive Director  
and

*Diana Lilly*

**RECEIVED**

NOV 23 1998

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

EXHIBIT NO. 3
APPLICATION NO.
<b>6-06-113</b>
Permit for adjacent
lot (1 of 6)
California Coastal Commission



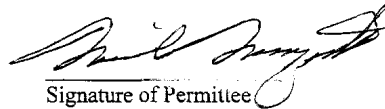
COASTAL DEVELOPMENT PERMIT NO. 6-98-96Page 2 of 6

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE.

## ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

11/23/98  
Date

  
Signature of Permittee

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. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
  4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
  5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
  6. 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.
  7. 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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SPECIAL CONDITIONS:

The permit is subject to the following conditions:

The permit is subject to the following conditions:

1. Final Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final building plans (site plan, floor plans and elevations) which have been approved by the Rancho Santa Fe Fire Department and the County of San Diego Building Department. Said plans shall be in substantial conformance with the Plans for R.S.F. Custom, L.L.C. by Roger W. Forburger dated 6/30/98. Said plans shall document the use of fire resistant building construction methods and materials as proposed and outlined in the letter from the Rancho Santa Fe Fire Department dated August 9, 1998.

The permittee shall undertake the proposed development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Final Brush Management/Revegetation/Landscaping Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, detailed brush management/revegetation/landscape plans for the site. Said plans shall be in substantial conformance with the concept landscape plan for the Marquardt Residence, Commission date stamped 9/4/98 and be reviewed and approved by the Rancho Santa Fe Fire Department. Said plans shall include the following:

- a. Within the area 50 ft. from the proposed residence (30 ft. along the southwest corner), all invasive and non-native exotic plant species (as indicated on the Final plan) shall be identified and flagged by a qualified landscape architect and then removed by cutting and the use of herbicides (under the supervision of a California licensed pest control applicator).
  - b. Within the area 50 ft. from the proposed residence (30 ft. along the southwest corner), in addition to the removal of all invasive and non-native exotic plant species as described in 2(a) above, all remaining high fuel plant species shall be identified and flagged by a qualified landscape architect and then removed. Removal shall be carried-out by manually cutting plants to a height of no less than six (6) inches above grade. To reduce the potential for erosion and off-site sedimentation, no grubbing (removal of roots below the soil surface) shall occur on slopes with gradients of 2:1 or greater.
  - c. Within the area 51 ft. to 100 ft. from the proposed residence, 50 percent of all the high fuel plant species (including invasive and non-native exotic species) shall be
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identified and flagged by a qualified landscape architect and then removed. Removal shall be carried-out by manually cutting plants to a height of no less than six (6) inches above grade. To reduce the potential for erosion and off-site sedimentation, no grubbing (removal of roots below the soil surface) shall occur on slopes with gradients of 2:1 or greater.

d. All areas within 100 ft. of the proposed residence where vegetation is removed, shall be replanted with native, fire resistant plant species (utilizing a combination of seeding and container plants) compatible with the surrounding native mixed chaparral vegetation. All areas planted shall be stabilized with geotextile fabric and temporarily irrigated with drip irrigation.

e. The area within 100 ft. of the proposed residence shall be monitored annually and maintained as needed to assure the elimination of all invasive and non-native exotic plant species and the regrowth of native fire resistant plantings. Any dead or unhealthy plants shall be replaced.

Brush management/revegetation/landscaping shall be installed in accordance with the approved plans. Additionally, PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, which shall reflect the requirements of Special Condition #2 of CDP #6-98-96. The recorded document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. The deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required. —

3. Grading/Erosion Control. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final site, grading and erosion control plans that are in substantial conformance with the plans for RSF Custom, LLC by Tri-Dimensional Engineering, Inc dated 8/25/98 submitted with this application. The plans shall first be approved by the County and include the following:

- a. All grading activity shall be prohibited between December 15, 1998 and April 1, 1999.
- b. All permanent and temporary erosion control measures shall be developed and installed prior to or concurrent with any on-site grading activities. Sediment basins (debris basins, desilting basins, or silt traps) shall be installed in conjunction with the initial grading operation and maintained throughout the development process as necessary to remove sediment from runoff waters draining from the land undergoing development.
- c. Areas disturbed but not completed prior to December 15, shall be suitably prepared to prevent soil loss during the rainy season. All graded slopes shall be

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stabilized prior to December 15 by means of native vegetation. The use of vegetation as a means to control site erosion shall be accomplished pursuant to plans and specifications prepared by a licensed landscape architect or other qualified professional.

- d. Temporary erosion control measures shall include the use of berms, interceptor ditches, sandbagging, hay bales, filtered inlets, debris basins, silt traps, or other similar means.

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 required

4. Drainage Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and written approval of the Executive Director, a drainage and runoff control plan, with supporting calculations. This plan shall document that runoff from the roof, driveway and other impervious surfaces will be collected and appropriately discharged into the existing street drainage system and away from the hillside in order to protect the scenic resources and habitat values of the hillside from degradation by scouring or concentrated runoff. The project shall be constructed in accordance with the approved plans.

The permittee shall undertake development in accordance with the approved drainage plans. Any proposed changes to the approved drainage plans shall be reported to the Executive Director. No changes to the drainage plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required

5. Structural Appearance. The color of the residential structure and roofs permitted herein shall be restricted to earthen tones compatible with the surrounding environment (white tones shall not be acceptable) as depicted on the color board submitted with application.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

The permittee shall undertake development in accordance with the approved color board. Any proposed changes to the approved color board shall be reported to the Executive

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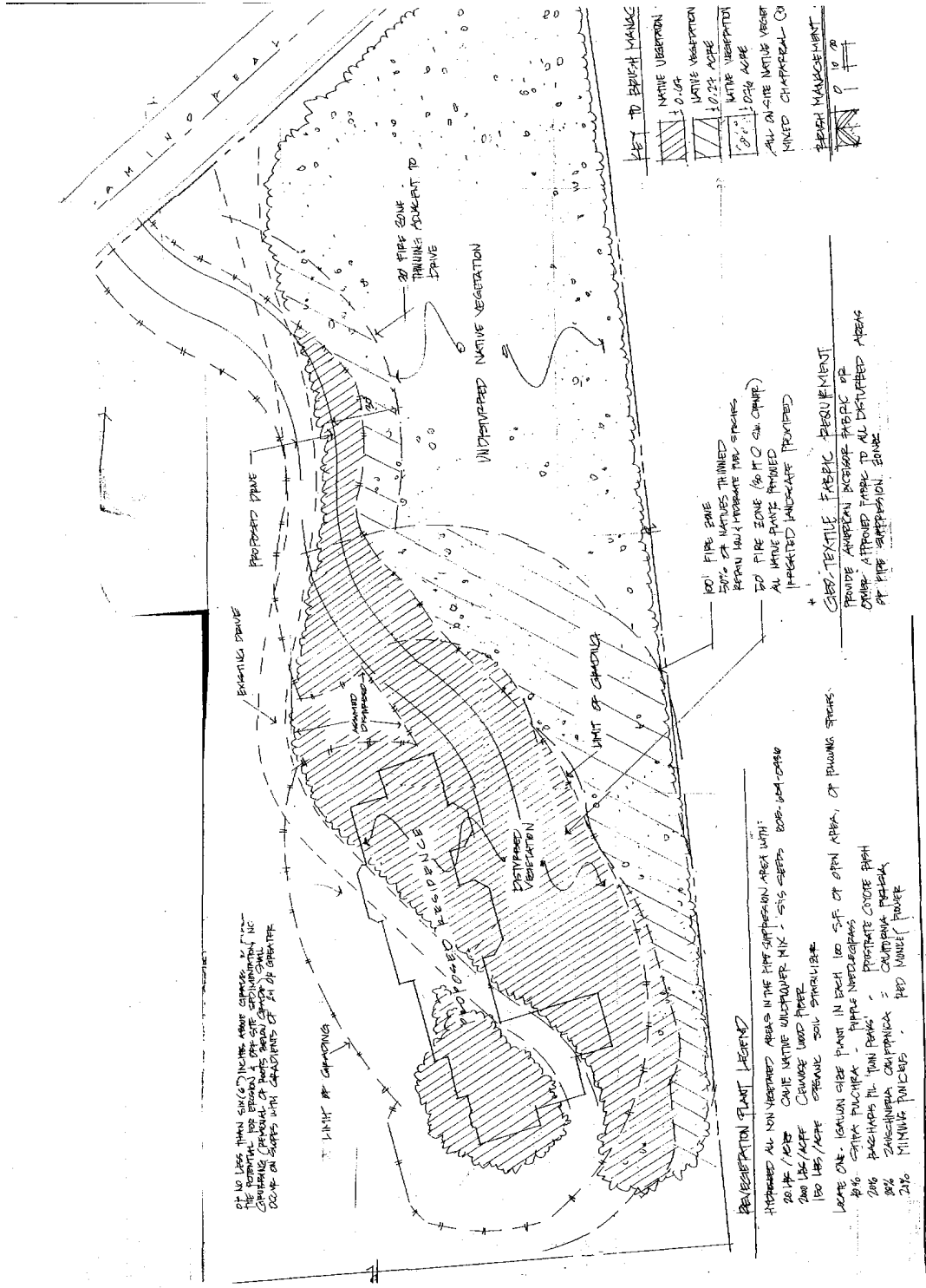
Director. No changes to the color board shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required

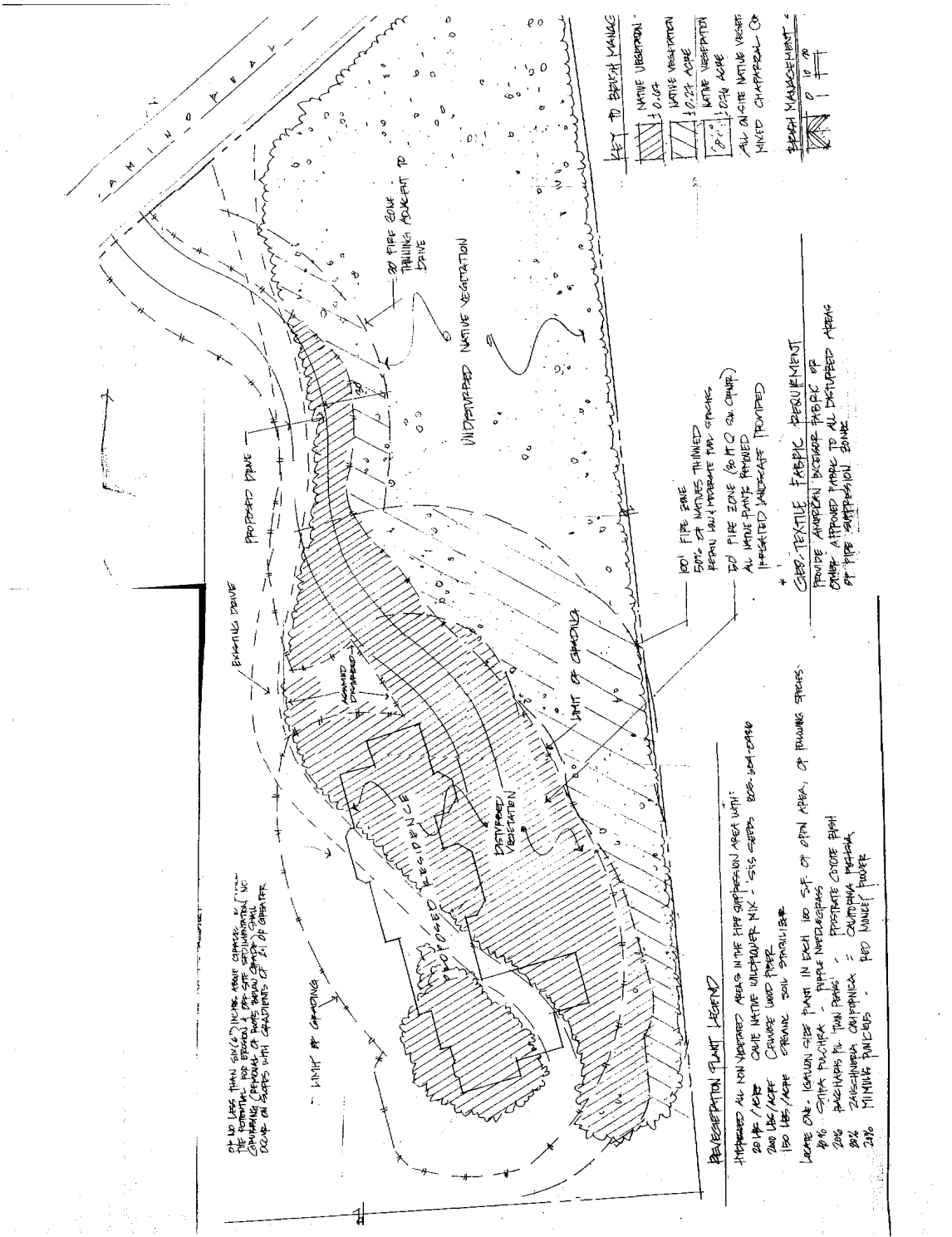
6. Open Space Deed Restriction. No development, as defined in Section 30106 of the Coastal Act, shall occur beyond the edge of the building pad of the subject site containing steep, natively vegetated slopes, as shown on Exhibit #3, except for grading for site access, installation of retaining walls and brush management/revegetation for fire safety and landscaping as approved by CDP #6-98-96.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director which reflects the restrictions stated above on the proposed development in the designated open space. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

(8096p)

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PT. TO LESS THAN SIX (6) INCHES ABOVE GRADE. THE REMAINING TWO EPOCHS OF THE SITE DEVELOPMENT SHALL BE REMOVED. OF THIS AREA SHALL BE REMOVED. OF THIS AREA SHALL BE REMOVED. OF THIS AREA SHALL BE REMOVED.

**REGENERATION PLANT LEGEND**

- IMPROVED ALL NON-VEGETATED AREAS IN THE FIRE SUPPRESSION AREA WITH:
  - 20 LBS/ACRE CANE NATIVE UNDERWOOD MIX - 51% STERIS BOB-604-0410
  - 200 LBS/ACRE CROONER WOOD PINE
  - 150 LBS/ACRE CROONER SOIL STABILIZER
- LOCATE ONE, LEAVEN SIZE PLANT IN EACH 100 SF OF OPEN AREA, OR ROWING STRIPS.
  - 4% SIDA PULCHRA - PINK NEROLI
  - 20% PACHYRHIZA TANNIIFOLIA - PROSTRATE CROONER BUSH
  - 8% ZASCHLIPPERIA CORYMBOSA - CROONER BUSH
  - 2% MIMOSA PUNICATA - RED MIMOSA PROUT

- 100' FIRE ZONE
- 50% OF NATIVES THINNED
- REMAIN MULCH/IRRIGATE FOR 5 YEARS
- 20' FIRE ZONE (S.M.C. ON CHART)
- ALL IRONIC PLANTS REMOVED
- IMPROVED LANDSCAPE PROVIDED

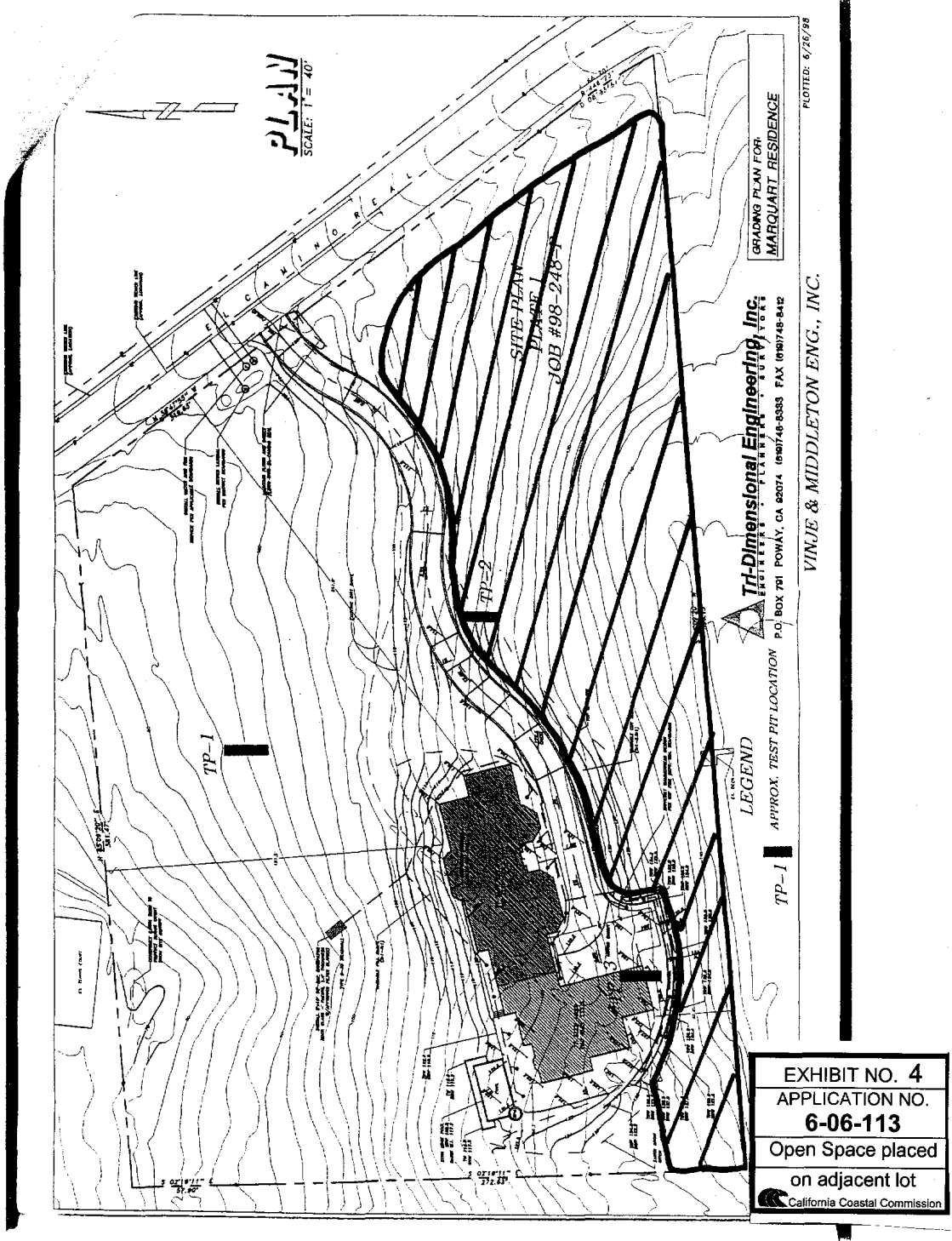
\* GIBB, TEXTILE FABRIC REQUIREMENT  
 PROVIDE AMERICAN-BEACH FABRIC OR OTHER APPROVED FABRIC TO ALL DISTURBED AREAS OF FIRE SUPPRESSION ZONE

**KEY TO BEACH MANAGE**

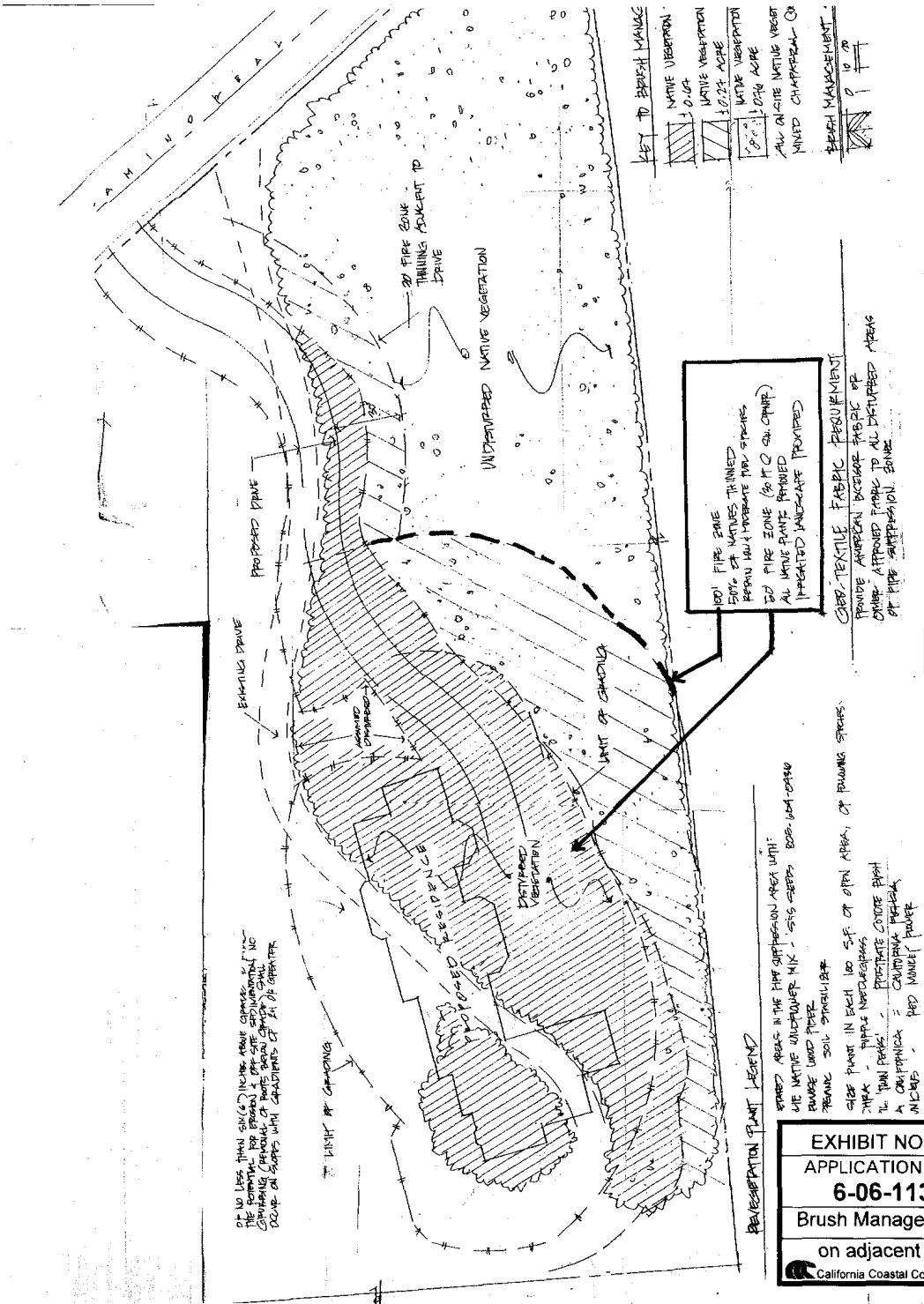
- NATIVE VEGETATION 1:0.04
- NATIVE VEGETATION 1:0.25 ACRES
- NATIVE VEGETATION 1:0.25 ACRES
- ALL ON-SITE NATIVE VEGETATION CHAPPED OR THINED

**BEACH MANAGEMENT**

0 10 20







NO LINES SHALL BE DRAWN IN THE ABOVE AREAS UNLESS THE REMOVAL OF BRUSH OR OTHER OBSTACLES TO THE CONSTRUCTION OF THE DRIVE OR ROAD IS NECESSARY. ALL WORK SHALL BE DONE ON SLOPES WITH GRADIENTS OF 2:1 OR GREATER.

KEY TO BRUSH MANAGEMENT  
 NATIVE VEGETATION 0.04  
 NATIVE VEGETATION 0.24 ACRE  
 NATIVE VEGETATION 0.74 ACRE  
 ALL ON SITE NATIVE VEGETATION SHALL BE REMOVED OR MINED CHAMPAGNE ON  
 BRUSH MANAGEMENT 0.10 OR 0.10

100' FIRE ZONE SHALL BE THINNED 50% OR MORE TO REMOVE FIRE STAGES BEYOND 100' FIRE ZONE (S.M.C. OR OTHER) ALL NATIVE PLANTS REMOVED INTEGRATED LANDSCAPE PROVIDED

GRASS/TEXTILE FABRIC REQUIREMENT PROVIDE AMERICAN BUCKRUM FABRIC OR OTHER APPROVED FORM TO ALL DISTURBED AREAS AT THE DISCRETION OF ENGINEER

REVEGETATION PLANT LEGEND  
 SEEDING AREAS IN THE FIRE SUPPRESSION AREA WITH:  
 1. THE NATIVE WILDFLOWER MIX - 50% SEEDS 50% WOOD-0240  
 2. RANGE WOOD PINE  
 3. TREASURE SOIL STABILIZER  
 4. SEED PLANT IN EACH 100 SF OF OPEN AREA, OF FOLLOWING SPECIES:  
 5. YUKA - YUKA  
 6. PROSTRATE COTONEASTRUM  
 7. "TWIN PEAKS"  
 8. CALIFORNIA FLECKLE  
 9. CALIFORNIA FLECKLE  
 10. RED MANEY POWER  
 11. YUKA

<b>EXHIBIT NO. 5</b>
APPLICATION NO.
<b>6-06-113</b>
<b>Brush Management</b>
on adjacent lot
California Coastal Commission