

CALIFORNIA COASTAL COMMISSION

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Filed: 7/12/12
270th Day: 4/8/13
Staff: Toni Ross-SD
Staff Report: 12/20/12
Hearing Date: 1/9/13

STAFF REPORT: REGULAR CALENDAR

Application No.: 6-12-013

Applicant: John and Adrienne Sherman

Agent: B&W Architects

Location: West of El Camino Real, north of La Orilla, Rancho Santa Fe, San Diego County (APN 268-021-25).

Project Description: Construction of a new 4,578 sq. ft. one-story home with an attached 1,091 sq. ft. garage on a vacant 3.53-acre parcel containing native vegetation; also proposed is request for after-the-fact authorization of lot line adjustment increasing lot from 2.88 acres to 3.53 acres (Lot 1 = 3.53 acres; Lot 2 = 9.07 acres)

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The proposed project includes the construction of a ~4,500 sq. ft. home and a ~1,000 sq. ft. attached garage on a 3.53 acre parcel that contains native habitat comprised of coastal sage scrub, flat-top buckwheat and native grassland totaling 0.24 acres of which 0.211 acres will be removed associated with the construction of the home and the required 100' fuel modification

zone. The primary issues raised by the proposed development relate to protection of biological resources and water quality as native habitat exists on-site and within the adjacent San Elijo Lagoon. While some on-site native habitat will be impacted by the development, the Commission's staff ecologist has reviewed the biological report for the proposal and determined that the habitat onsite is not ESHA. However, while not ESHA, the site is in close proximity to San Elijo Lagoon and thus the on-site native habitat does have some value. As such, staff is recommending that mitigation be provided for the habitat that is impacted by the proposed development. Special Condition #2 requires the applicant to submit an Upland Native Habitat Mitigation Plan, and will require the impacts to native habitat to be replaced through creation or substantial restoration of 0.422 acres (2:1 impact ratio) of CSS habitat within the San Elijo lagoon watershed. To assure no more native habitat on-site is impacted beyond that proposed, Staff is recommending several special conditions. Special Condition #1 requires the applicant to submit final plans, and to construct the proposed structure consistent with these approved plans and Special Condition #5 requires the applicant to submit final fuel modification plans. To address potential water quality issues, Special Condition #3 requires submittal final erosion/grading plans. Finally Special Condition #8 requires the applicant to record a generic deed restriction on the property to memorialize the conditions of the subject coastal development approval. With the proposed conditions, on-site and nearby sensitive biological resources will be protected.

Commission staff recommends **approval** of coastal development permit application 6-12-013, as conditioned.

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I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 6-12-013 subject to the conditions set forth in the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in conditional approval of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves coastal development permit 6-12-013 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

This permit is granted subject to the following 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 of 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.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Final Plans.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and written approval, final site, building, elevation and drainage plans for the permitted development that has been approved by the County of San Diego. Said plans shall be in substantial conformance with the plans submitted by B+W Architects, received by the Commission on 3/14/12, and shall include the following element, drafted by a licensed profession specializing in runoff management plans:

- a. All runoff from the roof, driveway and other impervious surfaces will be directed into pervious areas on the site (landscaped areas) for infiltration and/or percolation, prior to being conveyed off-site in a non-erosive manner. Drainage from all impervious surfaces shall be directed into landscaped areas in a non-erosive manner prior to discharge off-site.

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.

2. **Native Upland Vegetation Mitigation Plan.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a detailed native vegetation mitigation plan to the Executive Director for review and written approval. The plan shall be developed in consultation with the San Elijo Lagoon Conservancy and California Department of Fish and Game (CDFG) and/or the U.S. Fish and Wildlife Service (USFWS). Said plan shall include at a minimum the following elements:

- a. A detailed site plan of the impact area that substantially conforms to the "Biological Technical Report", dated May 10, 2012 by Vincent Scheidt and the "Plot Plan" dated September 13, 2012 by B+W Architects. The final plan must delineate all impact areas and the exact acreage of impact.

- b. A detailed restoration and monitoring plan for the coastal sage scrub mitigation that includes:

1. As proposed, impacts to Diegan Coastal Sage Scrub (CSS), Flat-top Buckwheat (FTB) and Native Grassland (NG) (0.211 acres impact) shall be mitigated at not less

than a ratio of 2:1 (0.422 acres mitigation) in-kind mitigation consisting of creation and/or substantial restoration of Diegan coastal sage scrub and flat-top buckwheat habitat. Identified mitigation site must be located in the same watershed (San Elijo Lagoon) as the subject property.

2. The vegetation planted at the mitigation site shall be of the same type of vegetation as the existing onsite stands of coastal sage scrub and flat-top buckwheat in both species composition and ground cover, and shall achieve 90% coverage in 5 years. Monitoring of the mitigation start shall occur annually. At completion of the restoration effort, the restoration specialist shall prepare a letter report indicating that the installation is finished and that the five-year monitoring period has begun.

3. Monitoring reports will be submitted to the San Elijo Lagoon Conservancy, wildlife agencies, and Coastal Commission annually for five years. At the end of five years a final monitoring report shall be submitted for review and approval by the Executive Director indicating whether or not the success criteria have been met. If, at the end of five years the Executive Director determines that the success criteria have not been met, an amendment to the permit shall be required.

c. The following goals, objectives, and performance standards for the restoration (mitigation) site shall be included in the proposed plan:

1. Goals of the Restoration. A clear statement of the goals of the restoration, including the desired coastal sage scrub community, major vegetation components, and wildlife support functions. There should be a clear narrative description of the characteristics of the habitat type that the restoration is intended to provide.

2. Description of the Existing Habitat. The plan should include a quantitative description of the chosen restoration site. This information is necessary in order to assess whether the proposed restoration site is appropriate for this use and to establish the baseline environment against which the restoration will be measured to determine if the proper mitigation ratios have been achieved in a successful manner.

3. Characterization of the Desired Habitat. Although the characteristics of the model habitat may be based on descriptions in the literature, the best approach is to identify an actual habitat that can act both as a model for the restoration and as a reference site for developing success criteria. The reference habitat should be sampled using the methods that will be applied to the restoration site. The resultant data should be included in the Restoration and Monitoring Plan.

4. Restoration Manager. A qualified individual who will be personally responsible for all phases of the restoration should be identified by name as the restoration manager. Different phases of the restoration should not be assigned to different contractors without onsite supervision by the restoration manager. The restoration manager should be a qualified restoration biologist, not a project manager with no technical background.

5. Grading Plan. If the topography must be altered, a formal grading plan should be included.
 6. Erosion Control. Methods to control erosion and maintain water quality should be included if soil or other substrate will be significantly disturbed during the course of the restoration.
 7. Weed Eradication Plan. One of the greatest threats to the success of restoration projects is invasion by exotic species. If the site chosen for a restoration project is currently dominated by weeds, weed eradication should precede restoration. After restoration takes place, weeding should be very frequent (usually monthly and then quarterly) and intense (zero tolerance) until the native vegetation is sufficiently well-established to resist continued colonization by exotics. Weeding should generally be done by hand and must be supervised by a restoration biologist to insure that the native plants are not disturbed.
 8. Planting plan. The plan should identify the natural habitat type that is the model for the restoration and describe the desired relative abundance of particular species in each vegetation layer. Based on these goals, the plan should identify the species that are to be planted (plant “palette”), and provide a rationale for and describe the size and number of container plants and the rate and method of seed application. Plant propagules should come from local native stock. If plants, cuttings, or seed are obtained from a nursery, the nursery must certify that they are of local origin and are not cultivars and the planting plan should provide specifications for preparation of nursery stock (e.g., container size & shape to develop proper root form, hardening techniques, watering regime, etc.) Technical details of planting methods (e.g., spacing, micorrhyzal inoculation, etc.) should also be included.
 9. Irrigation Plan. If supplemental watering is planned, the method and timing of watering should be described. All irrigation infrastructures must be removed by the end of the monitoring period.
- d. Provisions for submittal, within 30 days of completion of initial planting work, of “as built” plans demonstrating that the restoration site has been established in accordance with the approved design and construction methods

The permittee shall undertake development in accordance with the approved mitigation plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the approved 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. **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 ICA Studio, date 4/12/12, 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. Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.
- 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. Grading/Erosion Control.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant for shall submit to the Executive Director for

review and written approval, final site and grading plans stamped and approved by the County of San Diego with plan notes specifically stating and incorporating the following requirements:

- A. Placement of a silt fence around the project anywhere there is the potential for runoff during construction. 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. 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.

The permittee shall undertake development in accordance with the approved plans. Any proposed changes to the approved erosion control plans shall 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.

5. Final Fire Dept. Fuel Modification 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 fire department fuel modification plans addressing the area within 100 feet of the proposed home, garage and driveway. Said plans shall be in substantial conformance with the plans submitted with this application by B+W Architects dated September 13, 2012, shall be first approved by the Rancho Santa Fe Fire Department and shall include the following:

- a. The fuel modification zone is limited to 100 ft. from the proposed structures and 30 ft. from the proposed access driveway.
- b. The property owner shall be responsible for at least annual maintenance within the designated 100 ft. brush management area to remove any introduced non-native or invasive plant species.
- c. Fuel modification activities are prohibited during the breeding season of the California Gnatcatcher, February 15th through August 30th of any year.
- d. Any future vegetation clearance within the proposed fuel modification area other than removal of invasive and non-native plant species and dead or dying plants shall require approval of a coastal development permit or amendment to the subject permit, unless the Executive Director determines no permit or amendment is legally required.

The permittee shall undertake development in accordance with the approved plans. Any proposed changes to the approved fuel modification plans 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.

- 6. Other Permits.** PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the applicant shall provide to the Executive Director, copies of all other required federal, state or local permits for the development. The applicant shall inform the Executive Director of any changes to the development required by any of these other permits. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.
- 7. Condition Compliance** WITHIN 90 DAYS OF COMMISSION ACTION ON THIS COASTAL DEVELOPMENT PERMIT, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions of the subject permit that the applicant is required to satisfy prior to issuance of this permit.
- 8. Deed Restriction.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written 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 the 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 or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION/HISTORY

The proposed development includes the construction of a 4,578 sq. ft. single-story home on a 3.53-acre site. Accessory improvements include a 570 sq. ft. outdoor living room, 1,034 sq. ft. of covered verandas, a 1,091 sq. ft. attached garage, and 14,132 sq. ft. of paving for a new access road and three additional uncovered parking spaces. The project site is located directly west of El Camino Real and north of La Orilla in the Rancho Sante Fe community of the unincorporated County of San Diego (ref. Exhibit #s 1, 2). The site is bordered to the north and south by estate-style residences, to the west by undeveloped sloping terrain and eventually San Elijo Lagoon. The general topography of the site area consists of a graded pad and foothill terrain.

A biological report submitted associated with the proposed development describes the vast majority of the site supports weedy, non-native vegetation dominated by annual grasses and forbs. The perimeter of the property is ringed with Eucalyptus woodland. The report also includes that the site supports several small and open patches of vegetation identified as Flat-top buckwheat (FTB), Coastal sage scrub (CSS), and native grassland (NG) (ref. Exhibit #4). The total acreage of on-site CSS and FTB is approximately 0.2 acres in aggregate. The total acreage of the NG is approximately 0.04 acres in aggregate. The proposed development and the required 100' fuel modification zone will remove 0.211 acres of the above described habitat types. After construction of the home and accessory structures, approximately 0.029 acres of the native vegetation will remain.

The lot was previously created through Commission approval of CDP #6-89-138. CDP #6-89-138 approved a boundary adjustment (subdivision) of a then 13-acre site thereby separating it into two lots. Lot #1 (9.72 acres) was subsequently developed with a 10,600 sq. ft. home. Lot #2 (2.88 acres) was left undeveloped. The findings in the associated staff report indicated that Lot #2 would be reserved for future development. No restrictions to development were placed on Lot #2 associated with the approval of CDP #6-89-138. During review of the subject proposal by Commission staff it became apparent that sometime between the time of the issuance of CDP #6-89-138 and the submittal of the subject CDP application, an additional lot line adjustment occurred on the subject site. As previously discussed, the subject lot size was characterized during the Commission review of CDP 6-89-138 as a 2.88 acre lot. However, the size of the lot is now characterized as 3.53 acres, an increase the lot by 0.65 acres. In response to this, the applicant has submitted documents indicating that the lot line was adjusted and approved by the County of San Diego in 1990 (ref. Exhibit #5). Because this adjustment would also require a coastal development permit, and no such permit was issued, the applicant has modified the project description to also include a request for after-the-fact authorization of the lot line adjustment.

While the County of San Diego did receive approval of its Local Coastal Program from the Commission in 1985, it never became effectively certified. As such, the standard of review is Chapter 3 policies of the Coastal Act.

B. 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 30250 of the Coastal Act provides, in relevant part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Section 30253(1) states:

New development shall:

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

The proposed development primarily consists of a large single family home being constructed on an undeveloped lot located south and adjacent to San Elijo Lagoon Ecological Reserve and Regional Park. San Elijo Lagoon is an environmentally sensitive habitat area and Regional Park that is managed jointly by the California Department of Fish and Game and the San Diego County Parks and Recreation Department. In addition, San Elijo Lagoon is one of the 19 priority wetlands listed by the State Department of Fish and Game for acquisition. The lagoon provides habitat for several State or Federal-listed threatened or endangered birds that include the California gnatcatcher, California least tern, the light-footed clapper rail, Belding's savannah sparrow, and the western snowy plover. As such, potential adverse impacts on sensitive resources as a result of activity surrounding the lagoon could be significant.

Based on the biological survey submitted by the applicant, the subject site is predominantly vegetated with weedy, non-native vegetation including annual grasses and forbs. However, the lot is also vegetated with native coastal resources, including 0.2-acres (8,700 sq. ft.) of Coastal Sage Scrub (CSS) and Flat-top Buckwheat (FTB). The site also contains 0.04-acres (1,740 sq. ft.) of Native Grassland (NG) vegetation including Purple Needlegrass and Blue-eyed grass (ref. Exhibit #4). Finally the site also contains a small patch of Ashy Spike-moss and an unidentifiable form of Sand Aster. As proposed, the development and the required 100' brush management zone will result in the removal of 0.211 acres of the native habitat. The

Commission's staff ecologist has reviewed the biological survey and development plans and other pertinent information and has determined that the native vegetation onsite is small and isolated, and is therefore not considered an Environmentally Sensitive Habitat Area (ESHA), but is considered a coastal resource that should be protected from significant adverse effects.

As cited above, Section 30240 of the Coastal Act limits development within ESHA to uses that are dependent on the ESHA resources. In this case, no impacts to ESHA are proposed. That being said, Section 30240 also requires that development *adjacent* to those areas shall be sited and designed so as to not adversely impact the ESHA. While the native vegetation contained onsite is too small to provide a real benefit in and of itself to nesting birds, because of its proximity to the San Elijo Lagoon, the on-site habitat may still provide some ancillary benefit to gnatcatchers or similar avian species. Thus, while the on-site native habitat is not considered ESHA in this particular case, it is still important because it is, nonetheless, both a coastal resource and is habitat that is compatible with the adjacent ESHA. As such, any impact to this area from the proposed development must be mitigated to ensure the approved development has the least adverse impact on the environment and is consistent with sections 30240 and 30250 of the Coastal Act. The proposed development and the associated required 100' brush management zone will result in the removal of 0.211 acres of native vegetation. The standard mitigation ratio for impacts to native upland habitat is 2:1. As such, the proposed development must include the creation and/or substantial restoration of 0.422 acres of similar native vegetation.

Traditionally the Commission favors mitigation to be provided onsite. However; in this case, the revegetated habitat on-site would be limited to that which is similar to the existing habitat because the site is small and isolated and therefore, revegetating the subject site would provide a similar limited habitat value. As such, in this particular case, providing mitigation at an off-site location (but still within the same watershed area) may be preferred. Specifically, if the mitigation site were to be located in a larger section of lagoon watershed vegetated with other similar native habitat; the value of the mitigation would be superior to on-site mitigation. Both Commission staff and the applicant have been in consultation with the Director of the San Elijo Lagoon Conservancy, and the Director has identified a 0.422 acre portion of land located within the San Elijo Ecological Reserve that currently has low habitat value and could be used to facilitate the required mitigation (ref. Exhibit #6). As previously discussed, the San Elijo Ecological Reserve is public land managed in partnership by the San Elijo Lagoon Conservancy, the State of California and the County of San Diego Parks and Rec office. Because the proposed mitigation land is located within the reserve, the potential for future development of the mitigation site is not a concern and the mitigation land will be maintained as open space in perpetuity. While the details of the restoration plan have not been finalized, it is the intent of the applicant to utilize the site suggested by the Lagoon Conservancy Director to achieve the 0.422 acres of native upland habitat mitigation requirement. As such, **Special Condition #2** requires the applicant to submit a detailed native vegetation mitigation plan to the Executive Director for review and written approval. The plan will be developed in consultation with the San Elijo Lagoon Conservancy and California Department of Fish and Game (CDFG) and/or the U.S. Fish and Wildlife Service (USFWS). **Special Condition #2** further requires detailed goals, objectives, and performance standards to ensure the long-term viability of the mitigation lands.

The project also raises concerns regarding fire safety and landscaping of the property post-development. The Commission finds that the use of non-native and/or invasive plant species for residential landscaping results in both direct and indirect adverse effects to native plants species indigenous to the nearby San Elijo Lagoon Reserve and Ecological Park. Direct adverse effects from such landscaping results from the direct occupation or displacement of native plant communities by new development and associated non-native landscaping, and mitigation for that effect was discussed in the previous section. Indirect adverse effects include offsite migration and colonization of native plant habitat by non-native/invasive plant species (which tend to out compete native species) adjacent to new development. Therefore, in order to minimize adverse effects to the indigenous plant communities of nearby San Elijo Lagoon and Reserve, **Special Condition #3** requires that landscaping on the site emphasize the use of drought-tolerant native species. **Special Condition #3** also prohibits any plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council. Therefore, the project, as conditioned, will minimize impacts associated with the planting of non-native, invasive landscaping.

To assure the removal/thinning required by the fire department of vegetation within 100 feet of the residence is limited, controlled and consistent with the requirements of the Fire Department so as to minimize impacts on the remaining native vegetation, **Special Condition #5** has been attached which requires submission of the final approved Fire Department fuel modification plans for Executive Director approval. The Commission has already received tentative brush management plans and these were utilized to calculate total native habitat loss. **Special Conditions #5** also requires that any deviation from the plans (and potentially increase the loss of the remaining native vegetation) will require additional and separate review by the Commission.

In conclusion, while no ESHA is located on the subject site, the proposed development will result in the removal of 0.211 acres of native upland habitat on a lot located in close proximity to ESHA. As such, while the removal of the vegetation can be supported, replacement habitat must be provided. As conditioned, the applicant will be required to provide the appropriate mitigation and any future fuel modification will not impact any coastal resources on site. Therefore, as conditioned, the proposed project can be found consistent with Sections 30240, 30250 and 30253 of the Coastal Act.

C. VISUAL RESOURCES/COMMUNITY CHARACTER

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 a sloping site west of El Camino Real and

north of Orilla Road (ref. Exhibit #2). The site is also located adjacent to the southeast corner of the San Elijo Lagoon Ecological Reserve and Regional Park. Although near the Park, there are existing residential structures between the proposed project and the Park, and the proposed structure will not be visible from coastal access streets/highways or from San Elijo Lagoon.

In addition, the proposed size and design of the home is comparable to the existing surrounding residential developments such that it will be in character with the surrounding neighborhood. The applicant is also proposing to construct the home on and already graded or disturbed area of the lot such that alteration to the natural land forms has been minimized. The size of the lot, including the 0.65 acres added as an after-the-fact component of the application, is also consistent and in character with the surrounding lot sizes. Thus, as designed, the project will not have adverse impacts on the scenic resources of the area and is consistent with Section 30251 of the Coastal Act.

D. EROSION/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 located adjacent and south 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.

The proposed project includes 1,600 cu. yds. of balanced cut and fill and no graded material will be exported off-site. However, the proposed project also includes an approximately 5,700 sq. ft. structures (including garage) and 14,132 sq. ft. of paving on a previously undeveloped site. The proposed development will, therefore, greatly increase the impervious surfaces. As such, erosion control measures are important to ensure off-site resources are not harmed. **Special Condition #4** requires the submittal of final grading and erosion control plans documenting that erosion control measures 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 #1** is also 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.

E. 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, there are no existing or planned trails to the Park across the site toward the lagoon because of adjacent steep slopes and residential developments; thus, public trails across this site would be impractical. Therefore, the proposed development will not impede or affect existing access to San Elijo Lagoon Ecological Reserve and Regional Park. Therefore, the proposed development would have no adverse impacts on public access opportunities, consistent with the public access policies of the Coastal Act.

F. UNPERMITTED DEVELOPMENT

Development has occurred on the subject site without the required coastal development permit. Specifically, in 1990 a lot line adjustment was approved by the County of San Diego adding 0.65 acres of land from parcel number 268-021-019 to parcel 268-021-025 (subject parcel) to facilitate better access to the site. The applicant has included the previous lot line adjustment in this permit application for after-the-fact approval. Although development has taken place prior to submission of this permit application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

To assure the unpermitted development is resolved in a timely manner; **Special Condition #6** has been attached to require the applicant to comply with all Special Conditions of approval within 90 days of Commission action or within such additional time granted by the Executive Director for good cause.

G. DEED RESTRICTION

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes one additional condition requiring that the property owner record a deed restriction against the property, referencing all of the above

Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned (**Special Condition No. 8**), this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development.

H. 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 will not prejudice preparation of a certifiable LCP by the County of San Diego.

I. 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.



Site Location

Subject: SHERMAN RESIDENCE
Address: 16414 El Camino Real, Rancho Santa Fe, California
Project No: 114916-1

EXHIBIT NO. 1
APPLICATION NO.
6-12-013
Location Map



FIGURE 2
Site Location Map

Site Location

Project: SHERMAN RESIDENCE
Address: 16414 El Camino Real, Rancho Santa Fe, California
Project No: 114916-1

EXHIBIT NO. 2
APPLICATION NO.
6-12-013
Site Location

A-3.1

SHERMAN RESIDENCE

16470 El Camino Real
Rancho Santa Fe, CA 92067

11/10
Date Printed
10/27/2012



Architecture • Planning • Interior Design
P.O. Box 7223 • 61191 a Camada • Rancho Santa Fe • California • 92067-7223
(858) 756-1738 • (858) 756-1735 (fax) • bmcgough@bmcgough.com

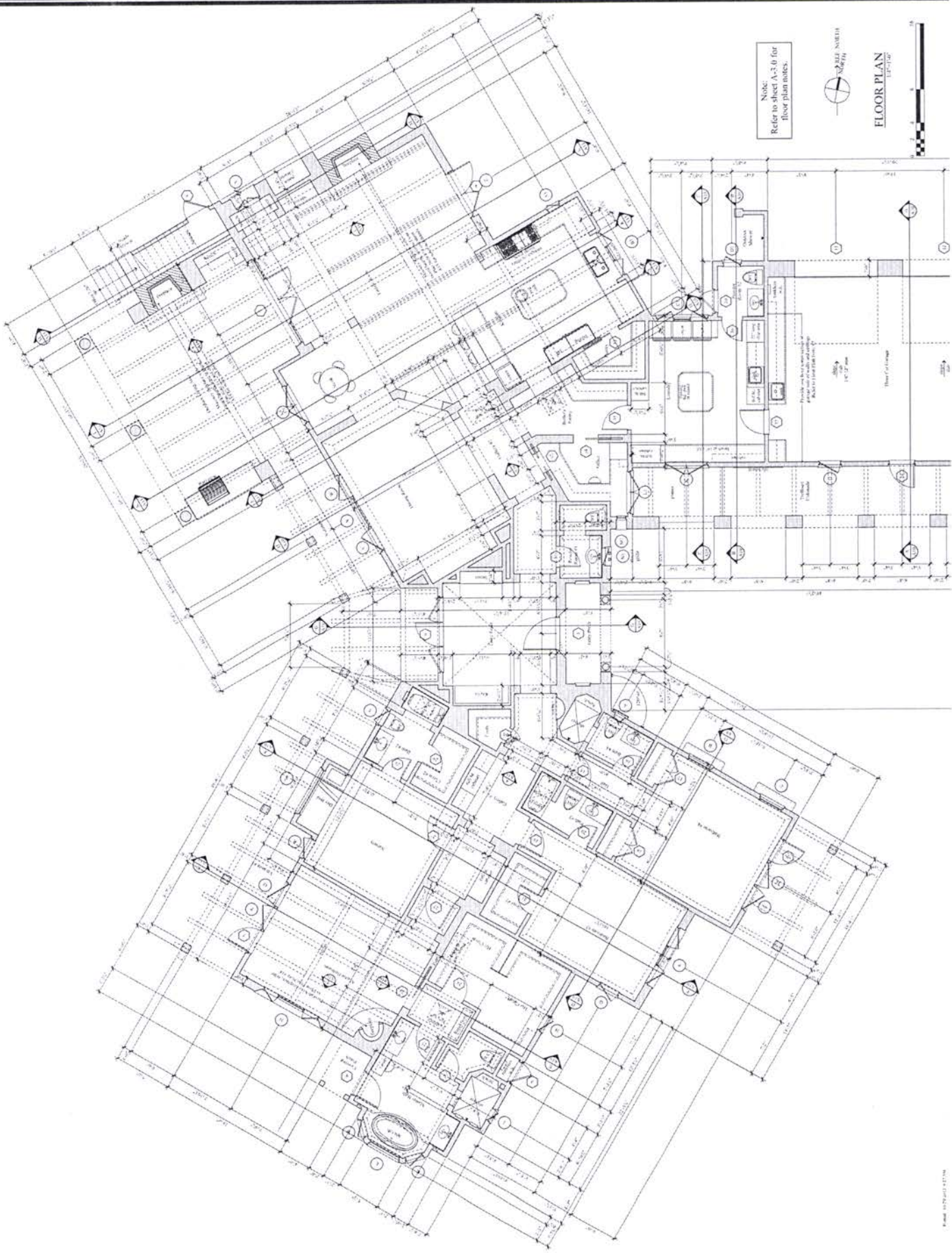


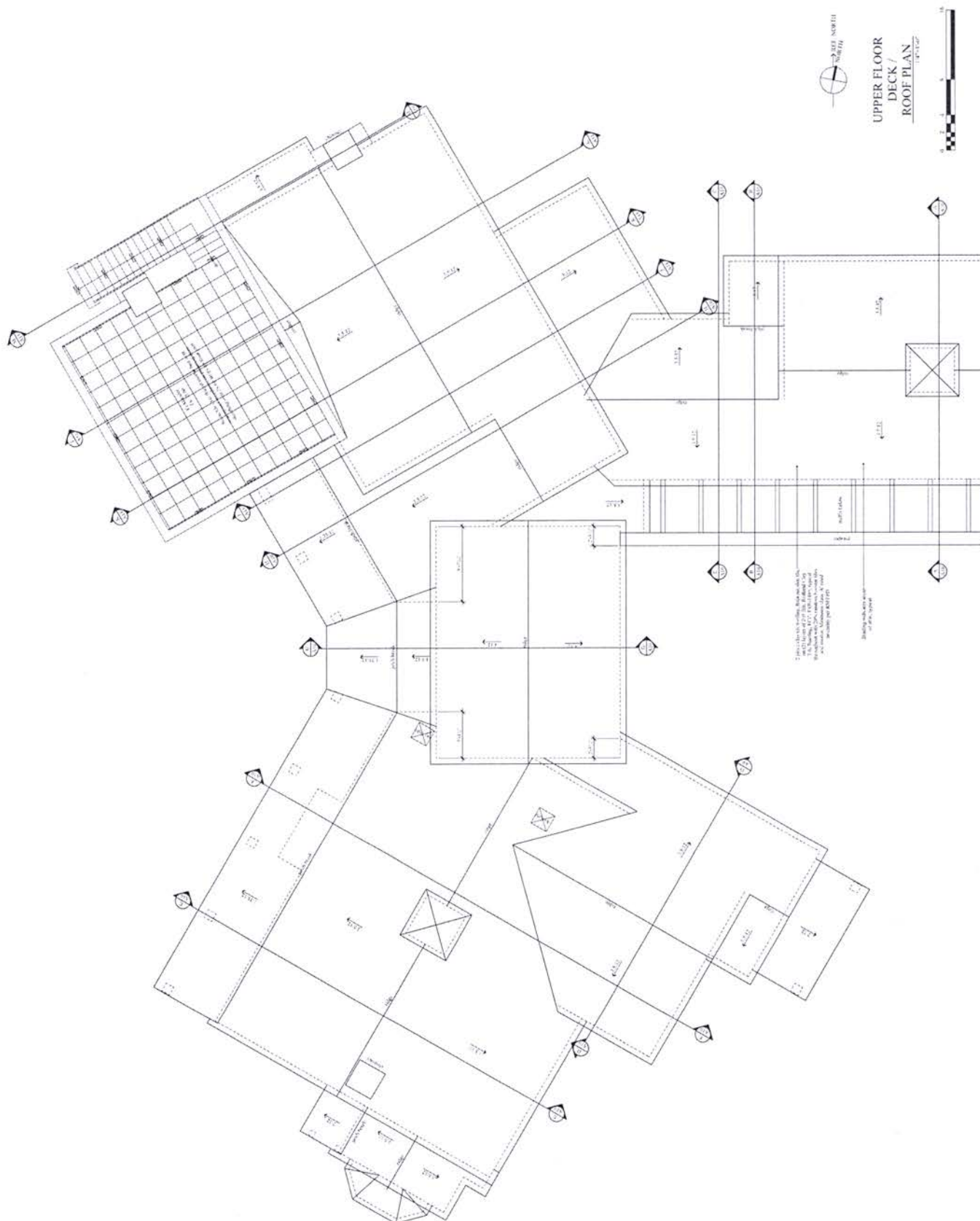
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Note:
Refer to sheet A-3.0 for
floor plan notes.



FLOOR PLAN
1:1/2" = 1'-0"





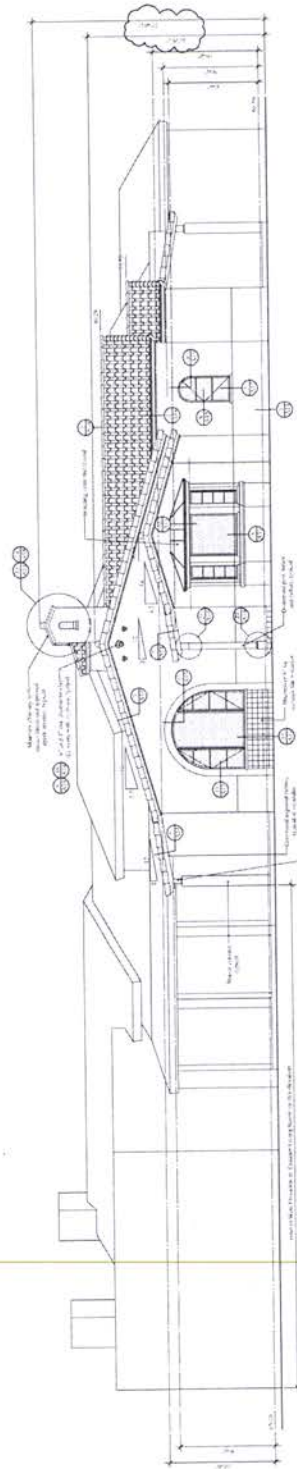
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Archivum Pharmazie Internat
P.O. Box 222 • 9101 La Granda • Rantia Santa Fe • Argentina
(+56) 756-728 • (+56) 756-1733 (fax) • info@archivum.net

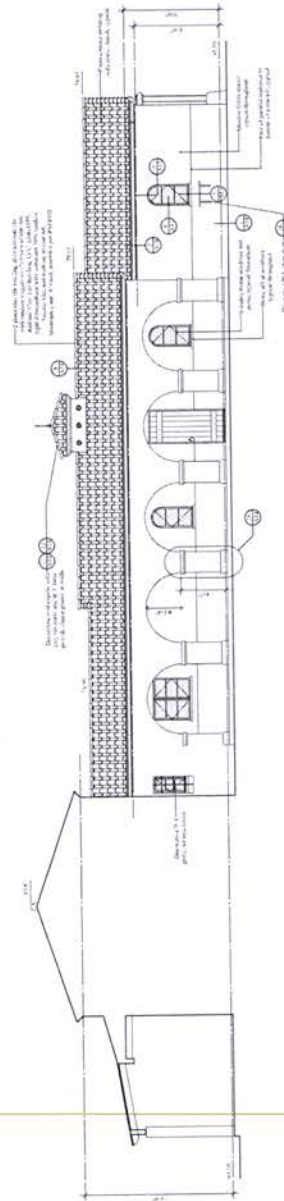


ELEVATION NOTES

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SOUTH ELEVATION
at Master Bedroom



SOUTH ELEVATION
at Entry Courtyard

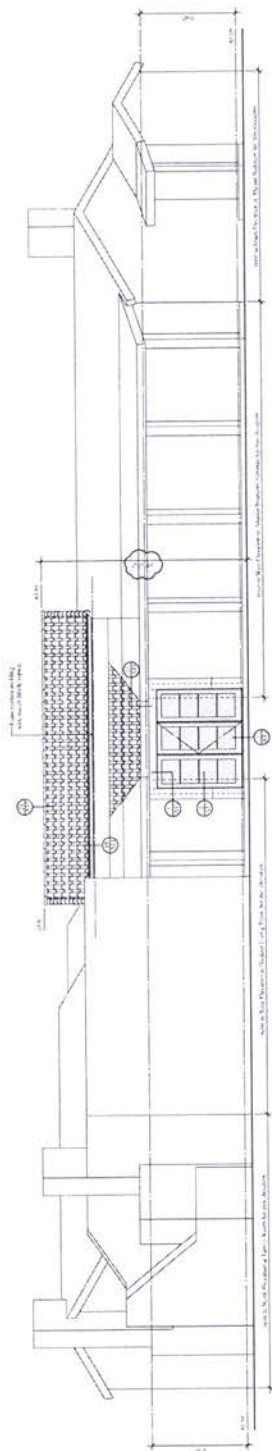


EXTERIOR ELEVATIONS

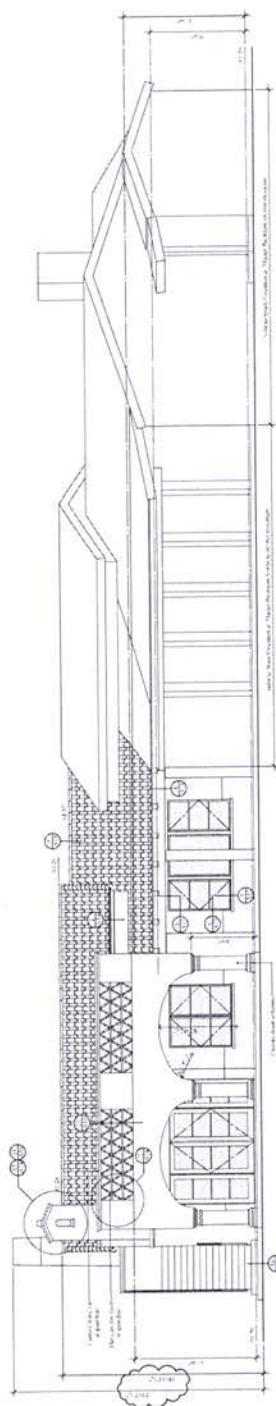


ELEVATION NOTES

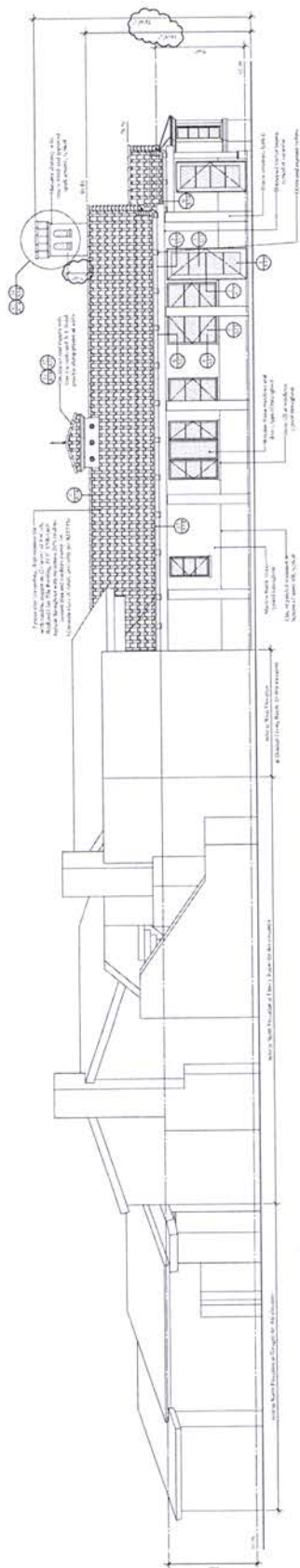
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WEST ELEVATION
at Entry Foyer Veranda



WEST ELEVATION
at Outdoor Living Room



WEST ELEVATION
at Master Bedroom Veranda

REVISIONS

16470 El Camino Real
Santa Fe, CA 92067

Architect: [Logo] • Planning • Interior Design
P.O. Box 7222 • 6119 La Canada • Rancho Santa Fe • California • 92067-7222
(858) 756-1722 • (858) 756-1723 (fax) • (858) 756-1724 (cell) • (858) 756-1725 (toll free)



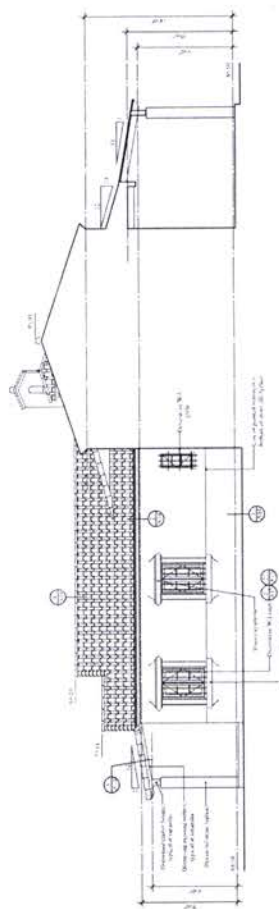
SHERMAN RESIDENCE
16470 El Camino Real
Rancho Santa Fe, CA 92067

9-V

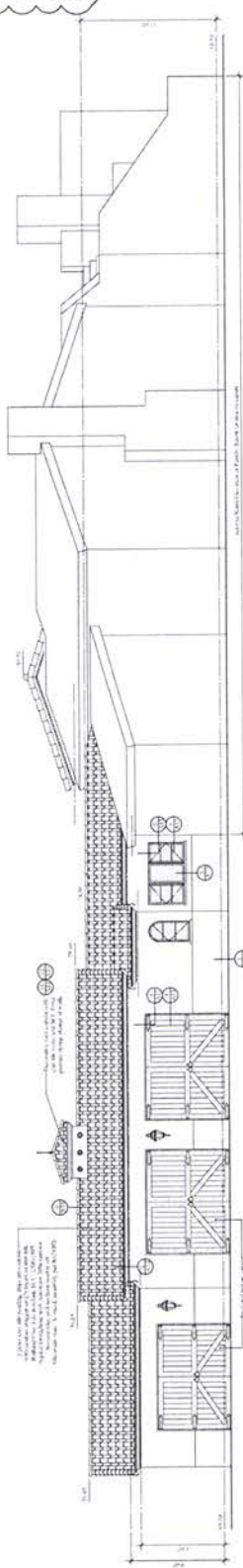
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ELEVATION NOTES

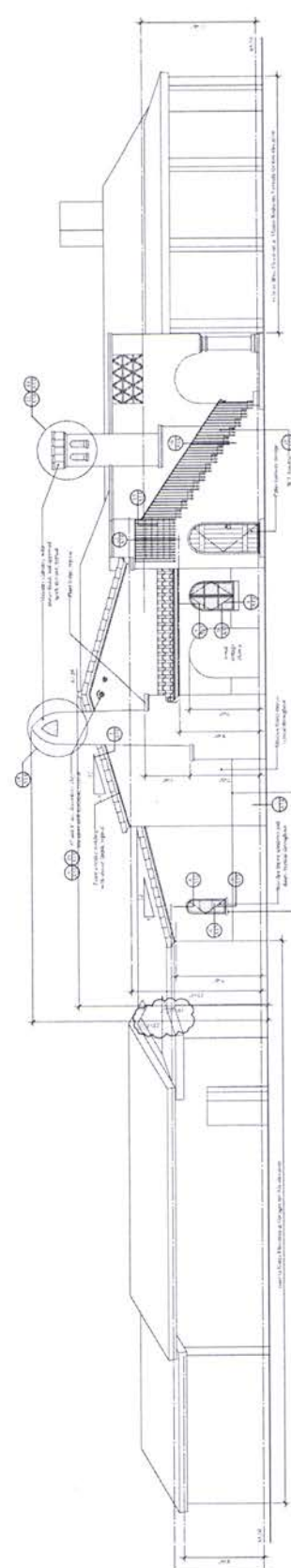
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3. All elevations are to the centerline of the building unless otherwise noted.
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NORTH ELEVATION
at Entry Courtyard



NORTH ELEVATION
at Garages



NORTH ELEVATION
at Family Room

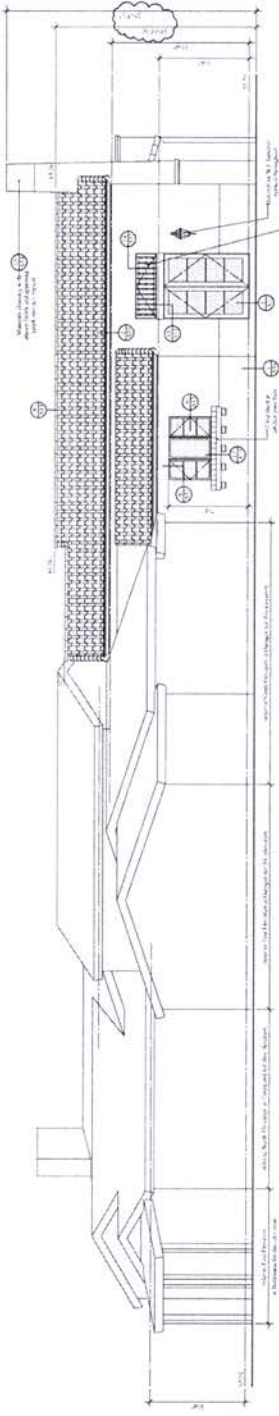
EXTERIOR ELEVATIONS



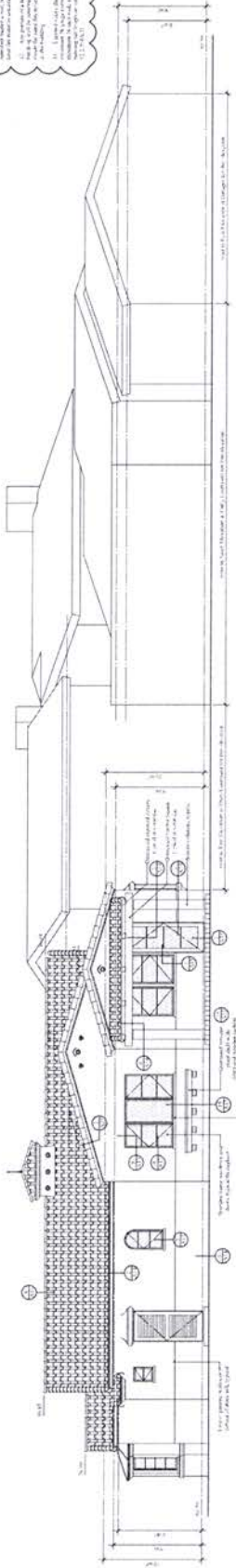


ELEVATION NOTES

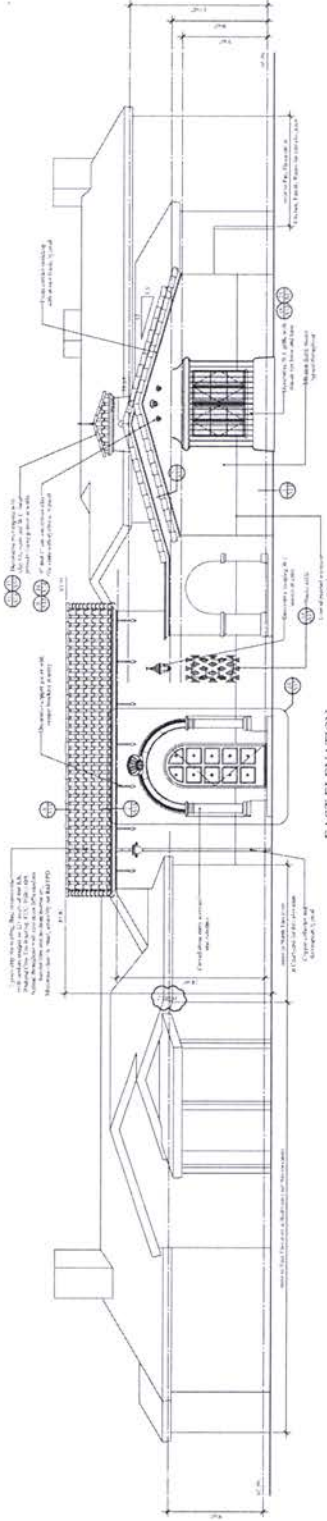
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20. The elevations are shown in the front and back elevations of the building.



EAST ELEVATION
at Kitchen, Family Room



EAST ELEVATION
at Bedrooms



EAST ELEVATION
at Entry Courtyard, Garages

VINCENT N. SCHEIDT

Biological Consultant

3158 Occidental Street • San Diego, CA • 92122-3205 • 858-457-3873 • 858-457-1650 fax • email: vincc@san.rr.com

Mr. Max Wuthrich
B & W Architects
P.O. Box 7223
Rancho Santa Fe, CA 92067

May 10, 2012

RE: Results of a Preliminary Biology Field Reconnaissance Survey of the Sherman SFR Project

Dear Max:

I am pleased to provide you with the results of a preliminary biology field reconnaissance survey of the Sherman SFR project site. This study is based on a field reconnaissance site inspection I completed on the afternoon of 2 May 2012. Weather conditions were conducive to surveying, with overcast to clear skies, temperatures in the mid to high 60's, and a light westerly breeze. The subject property (APN 268-021-25), which is located on the west side of El Camino Real just north of La Orilla in Rancho Santa Fe, consists of approximately 3.5 acres of vacant land that is being proposed for single family home construction. The California Coastal Commission (CCC) has requested this study in a letter to you dated April 12, 2012.

The Sherman project site currently supports several overlapping to discrete habitat-types as defined by the CCC. The vast majority of the property supports weedy, non-native vegetation dominated by annual grasses and forbs, such as Ripgut and Soft Brome (*Bromus diandrus*, *B. mollis*), Slender Wild Oat (*Avena barbata*), Wild Barley (*Hordeum geniculatum*), Crete Hedypnois (*Hedypnois cretica*), Sow Thistle (*Sonchus oleraceus*), Perennial Mustard (*Brassica geniculata*), and many others. Most of this habitat qualifies as Non-native Grassland (NNG). The perimeter of the property is ringed with Eucalyptus Woodland (EW), dominated by Gum Trees (*Eucalyptus*) with other non-native trees. The site also supports several very small and open patches of vegetation that qualify as Flat-top Buckwheat (FTB), Coastal Sage Scrub (CSS), and Native Grassland (NG) vegetation. The FTB and CSS are indicated by Flat-top Buckwheat (*Eriogonum fasciculatum*) and Deerweed (*Lotus scoparius*), with the addition of California Sagebrush (*Artemisia californica*) and other native shrubs within the CSS. The total acreage of CSS and FTB is approximately 0.2 acre (~8,700 square feet) in the aggregate. The tiny patches of NG vegetation are indicated by Purple Needlegrass (*Stipa pulchra*) and Blue-eyed Grass (*Sisyrinchium bellum*) growing in open, sunny areas. The total acreage of NG is approximately 0.04 acre (~1,740 square feet) in the aggregate. The property also contains part of a vegetable garden, which supported ruderal weeds at the time of the survey. Also, much of the site appears to have been mowed in the past, presumably for weed abatement. Some evidence of old plantings (irrigation lines, palm stumps, etc) was observed in a few places.

None of the onsite habitat-types are substantial enough to likely support significant populations of Special Status (sensitive) Species, although a small patch of Ashy Spike-moss (*Selaginella cinerascens*) was observed along with an unidentifiable form of Sand Aster (*Corethrogyne filaginifolia*) which could be a sensitive form. No sensitive animals were detected during the site reconnaissance.

Attached are four photos (Photos 1-4) and a rough figure (Figure 1) that illustrate the onsite habitats.

Thanks for the opportunity to provide this preliminary report. Please contact me if you have questions.

Very truly yours,



Vincent N. Scheidt, MA
Biological Consultant

BIOLOGICAL INVENTORIES • FORENSICS • ENDANGERED SPECIES SURVEYS • HABITAT RESTORATION •

EXHIBIT NO. 4
APPLICATION NO.
6-12-013
Bio Report
Page 1 of 6


 California Coastal Commission



Photo 1. Looking west across proposed driveway location. Vegetation in foreground consists of Non-native Grassland, much of which is offsite. Note Eucalyptus Woodland along the property line.



Photo 2. Patch of Flat-top Buckwheat growing at periphery of Eucalyptus Woodland.



Photo 3. Two patches of Native Grassland: *Stipa*-dominated (left) and Blue-eyed Grass-dominated.



Photo 4. Strip of Coastal Sage Scrub growing along the edge of the vegetable garden. Note irrigation lines. This scrub was probably planted in this location based on the spacing and species composition of the habitat.



Photo 1. Looking west across proposed driveway location. Vegetation in foreground consists of Non-native Grassland, much of which is offsite. Note Eucalyptus Woodland along the property line.



Photo 2. Patch of Flat-top Buckwheat growing at periphery of Eucalyptus Woodland.

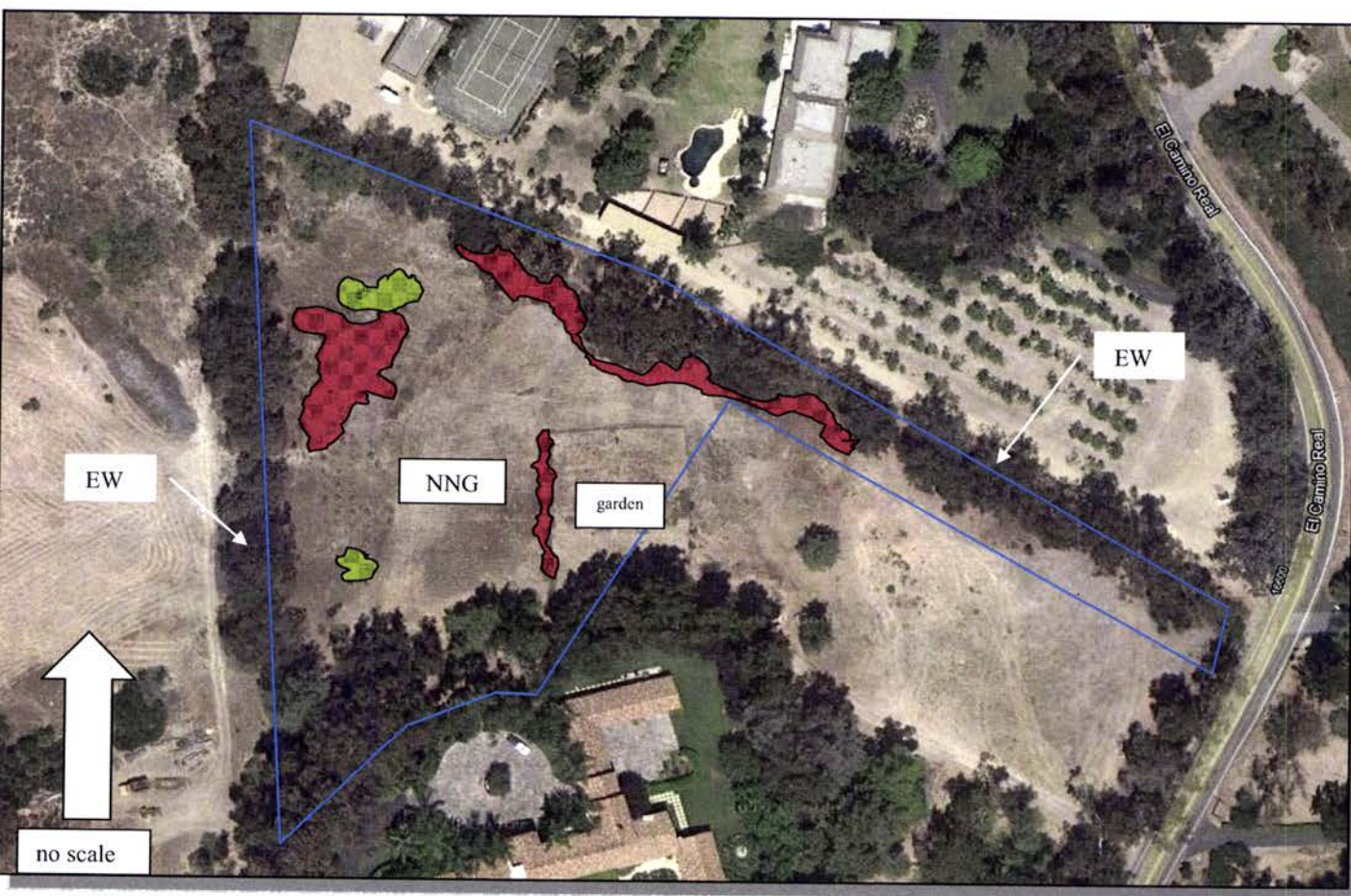


Photo 3. Two patches of Native Grassland: Stipa-dominated (left) and Blue-eyed Grass-dominated.



Photo 4. Strip of Coastal Sage Scrub growing along the edge of the vegetable garden. Note irrigation lines. This scrub was probably planted in this location based on the spacing and species composition of the habitat.

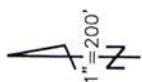
Figure 1. Aerial photograph showing approximate limits of habitats.



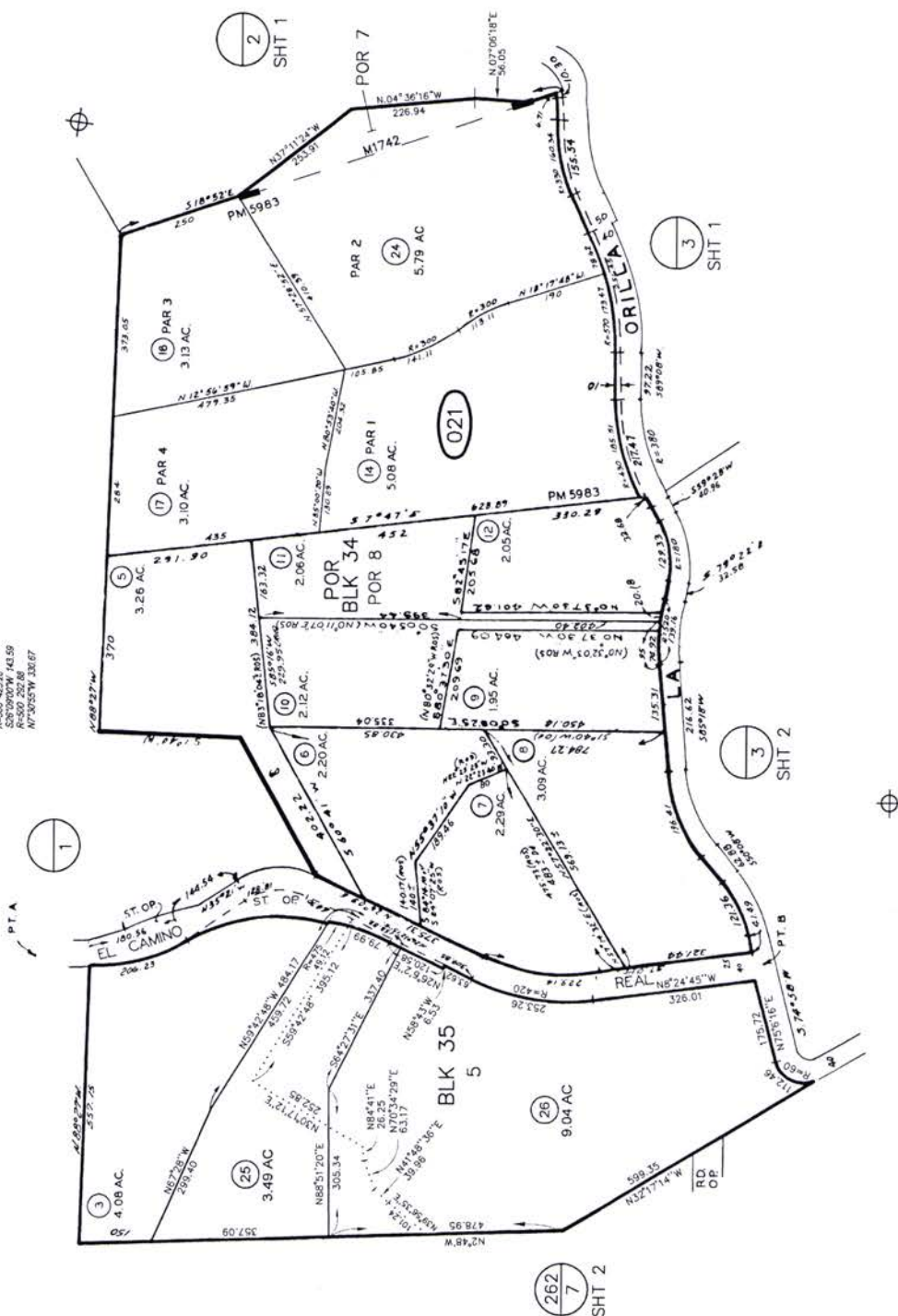
= Native Grassland



= Flat-top Buckwheat & Coastal Sage Scrub



CLRS 1712FRPT A TOPT B
R= 500 246.37
N22°41'06"W 79.13
R=500 425.26
S26°09'00"W 143.59
R=500 292.88
N77°30'55"W 330.67

[illegible]

22-76

SAN DIEGO COUNTY
ASSESSOR'S MAP
BOOK 268 PAGE 02

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES

MAP 1742 - RANCHO SANTA FE
ROS 10015, 11433, 12053



San Elijo Lagoon
Conservancy

Santa Carina
Coastal Sage Scrub
Potential Restoration Sites

Legend



Santa Carina Site



Imagery: Summer 2009



EXHIBIT NO. 6
APPLICATION NO.
6-12-013

Potential Mitigation
Site

Page 1 of 2



California Coastal Commission



San Elijo Lagoon
Conservancy

Santa Carina
Coastal Sage Scrub
Potential Restoration Sites

NOV2012 CSS Pot

Name	Acres
SC01	0.422479
SC04b	0.074332

Legend

 NOV2012 CSS Pot



Imagery: Summer 2009



PROJECT DATA

Project Address
 La Caminos Road
 Rancho Santa Fe, CA 92067

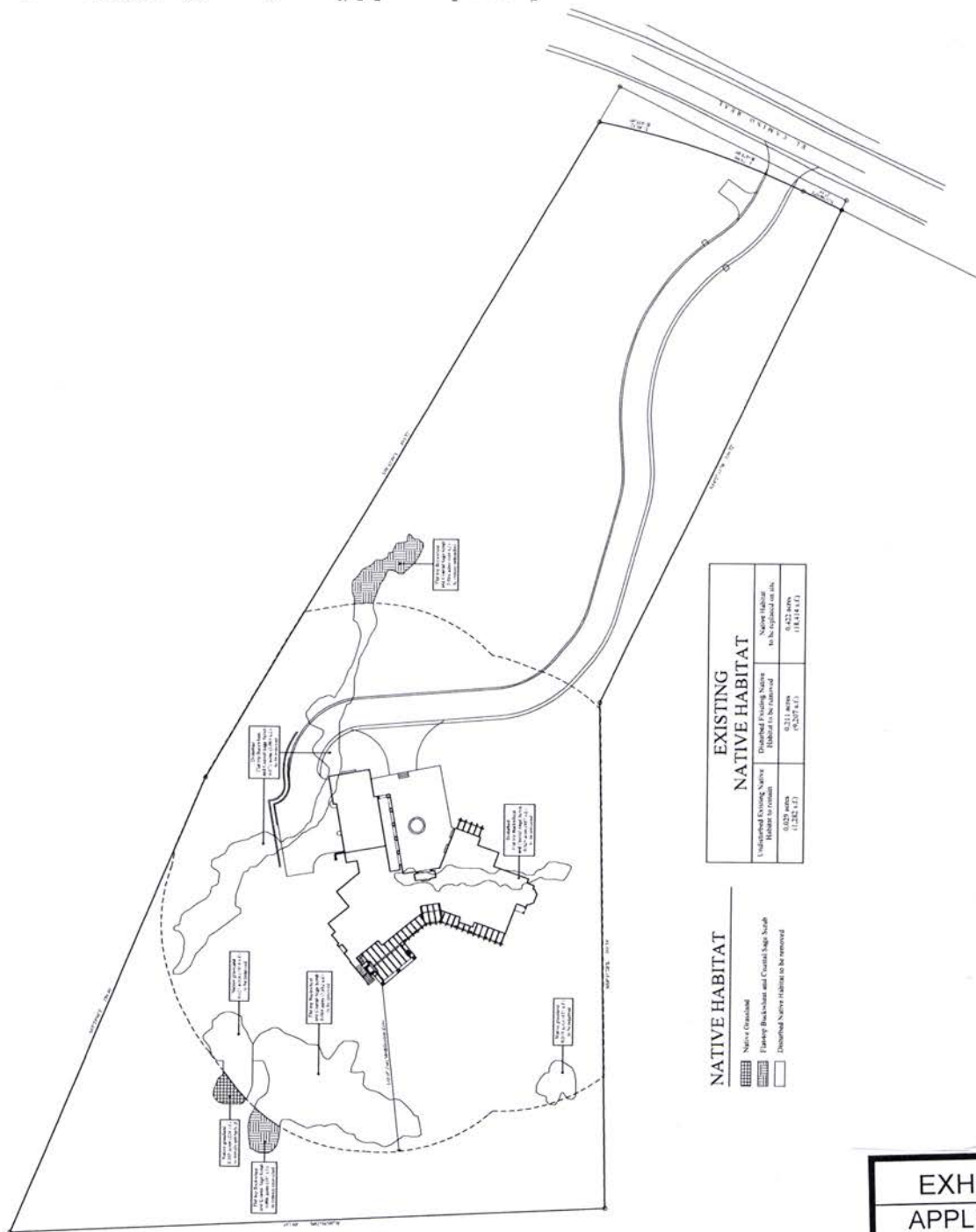
David
Josh and Adrienne Stearns
El Camino Real
P.O. Box 1406
Rancho Santa Fe, CA 92067

Altitude Description	Altitude	Altitude Unit	Altitude Description	Altitude	Altitude Unit
APN:	26-021-25-00		APN:	26-021-25-00	
Map:	DC 90-0020		Map:	DC 90-0020	
Zone:	R.R. 35		Zone:	R.R. 35	
Construction Type:	V-N		Construction Type:	V-N	
Accuracy:	R-3		Accuracy:	R-3	
Area Zone:	R.S.I.P.D.		Area Zone:	R.S.I.P.D.	
County of San Diego:	State of California		County of San Diego:	State of California	

Abstract




Jancho Santa Fe:
Front Yard (from centerline)
Sideyard
Rear Yard (One Story)
Rear Yard (Two Story)
Suggested Height Range (One Story)
Suggested Height Range (Two Story)

Modelled Data

[illegible]

EXISTING NATIVE HABITAT	
Undisturbed Existing Native Habitat to remain	0.029 acres (1,262 s.f.)
Disturbed Existing Native Habitat to be re-created	0.211 acres (9,257 s.f.)
Native Habitat to be replaced on site	0.422 acres (18,514 s.f.)

NATIVE HABITAT

	Native Grassland
	Pinyon Juniper and Coastal Sage Scrub
	Deserted Native Habitat to be removed



PLOT PLAN
1" = 1'-0"



EXHIBIT NO. 7
APPLICATION NO.
6-12-013
Impacts to Native
Habitat