

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: REGULAR CALENDAR

Application No.: 6-13-0768

Applicant: SDRE Investments, LLC

Agent: Whiteside Management, LLC

Location: 17576 Rancho La Noria, Rancho Santa Fe, San Diego County (APN No. 266-040-26-00)

Project Description: Demolish an existing 677 sq. ft. detached guest house and construct an attached, 2,272 sq. ft. one-story over basement gym with outdoor courtyard and landscaping on a 4.21-acre lot that contains a 12,244 sq. ft. single family residence.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of this project, with conditions.

The proposed project raises issues of public access, habitat impacts, water quality, and visual resources. Public access issues arise because the property is located between the first public road and the sea. Habitat impacts and water quality issues arise because the property is located adjacent to the Escondido Creek and near the San Elijo Lagoon. Visual resource issues arise because the area around the Escondido Creek and San Elijo Lagoon is less developed than many other coastal communities and affords a scenic vista visible from multiple public roads and trails in the area.

Recommended conditions include requiring the applicant to adhere to final construction and landscaping plans to ensure that the finished structure is constructed in a manner conforming to approved plans that limit impacts to views and surrounding habitat. Requiring the proposed development to conform to approved construction and landscape plans will ensure that the development will not create unforeseen impacts and will proceed in a manner determined to be most protective of coastal resources.

Commission staff recommends **approval of** coastal development permit amendment 6-13-0768, as conditioned.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION.....	4
II. STANDARD CONDITIONS.....	4
III. SPECIAL CONDITIONS.....	5
IV. FINDINGS AND DECLARATIONS.....	7
A. PROJECT DESCRIPTION/HISTORY.....	7
B. PUBLIC ACCESS.....	7
C. BIOLOGICAL RESOURCES.....	9
D. WATER QUALITY	11
E. VISUAL RESOURCES.....	11
F. LOCAL COASTAL PLANNING.....	12
G. CEQA.....	13

EXHIBITS

Exhibit 1 – Location Map

Exhibit 2 – Aerial View

Exhibit 3 – Biomap

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit No. 6-13-0768 pursuant to staff recommendation.*

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:

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

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 applicant 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 of 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 applicant to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

The permit is subject to the following conditions:

1. **Final Plans.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval final project and BMP plans. Said plans shall first be approved by the County of San Diego and be in substantial conformance with the plans drafted by Thomas Pippin and submitted on September 20, 2013.

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

2. **Final Landscape Plans.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval final landscape plans. Said plans shall first be approved by the County of San Diego and be in substantial conformance with the plans drafted by Thomas Pippin and submitted on September 20, 2013, and shall include the following:
 - a. A plan showing the type, size, extent and location of all trees/shrubs on the site and other landscape features.
 - b. All landscaping shall be drought-tolerant native or non-invasive plant species. 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 within the property.
 - c. A planting schedule that indicates that the planting plan shall be implemented within 60 days of completion of the approved construction.
 - d. 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.
 - e. Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be

used.

- f 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, which 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.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION/HISTORY.

The proposed project is to demolish an existing 677 sq. ft., one-story detached guest house and construct an attached 2,272 sq. ft. one-story over basement gym with outdoor courtyard and landscaping. The project site is located at 17576 Rancho La Noria, a 4.21-acre lot with an existing 12,244 sq. ft. single family residence in the Rancho Santa Fe community of San Diego County.

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

There have been several past coastal development permits on the site. In June 1998, the Commission approved construction of the approximately 820-foot long paved private road (Rancho La Noria), which provides access to the subject site and several other lots (CDP No. 6-98-46). In July 8, 1998, a boundary adjustment which affected the subject site was approved (CDP No. 6-98-55). In November 1999, the Commission approved the subdivision of a 12.52-acre site into three lots for future development of a single-family residence on each of the lots, which created the subject site (CDP No. 6-99-78). The Commission subsequently approved construction of single family residences on the neighboring lots (CDP Nos. 6-01-038, 6-01-98, 6-02-099, 6-04-030). The existing single family residence on the subject site was likewise approved in CDP No. 6-03-129.

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

The project site is located within the unincorporated County of San Diego, which does not have an effectively certified local coastal program. Thus, Chapter 3 policies of the Coastal Act are the standard of review.

B. PUBLIC ACCESS

The following Coastal Act policies are most pertinent to this issue, and state in part:

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent

with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 of the Coastal Act states, in part:

- (a) *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

[...]

- (c) *Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.*

Section 30213 of the Coastal Act states, in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

[...]

Section 30604 of the Coastal Act states, in part:

[...]

- (c) *Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the*

*public access and public recreation policies of Chapter 3
(commencing with Section 30200).*

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

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

To ensure that the applicant conducts development in a manner consistent with these findings, **Special Condition No. 1** requires the applicant to adhere to final plans that are in substantial conformance with the plans approved by the Commission as part of this application submittal to further ensure that public access is not affected. In summary, the Commission finds the proposed attached gymnasium will not result in adverse impacts to coastal access. Therefore, the Commission finds that all access concerns associated solely with development approved herein are adequately addressed, and that the proposed development, as conditioned, is consistent with the cited policies of the Coastal Act.

C. BIOLOGICAL RESOURCES

Section 30240 of the Coastal Act states the following:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

The proposed development is located adjacent to Escondido Creek, within the watershed of Escondido Creek, and upstream of San Elijo Lagoon. Escondido Creek is directly west of the project site, and due to its proximity, a wetlands delineation was performed on August 8, 1999, and November 2, 1999 as part of the application for the existing single family residence on site. The findings of the survey were compiled in a "Jurisdictional Wetlands Delineation Report" dated November 7, 1999. The report found four wetland habitat types on-site, including 520 square feet (0.01 acre) of Southern Willow Scrub, 32 square feet of Eucalyptus Woodland, 76 square feet of Southern

Coastal Salt Marsh, and 1,504 square feet of Emergent Wetland. In addition, approximately 36 square feet of jurisdictional non-wetland waters were also found on-site. The identified mature riparian and marsh vegetation is located within both a paper street known as “El Puente” and the subject site. According to the report, the wetlands and jurisdictional waterways southwest and west of the site represent relatively high quality habitats. The creek and surrounding wetlands are also considered environmentally sensitive habitat areas by the California Department of Fish and Game (“DFG”). DFG has indicated that the wetlands on-site and adjoining the subject site are “biologically valuable” because they are adjacent to high quality riparian habitat along the creek that connect with preserved, sensitive lands downstream of the property that include San Elijo Lagoon. Furthermore, DFG indicates that the on-site and adjoining wetlands are also valuable because they are used as a corridor for wildlife movement through the area.

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

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

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

The subject site is the Lot #2 referenced in the condition.

No portion of the existing residential structures encroaches into the buffer area. A 100-foot wide “fuel modification zone” required by the Rancho Santa Fe Fire Protection District around any habitable structure, in this case the main residence and the guest house, currently overlap the existing wetland buffer zone. Nevertheless, the original Commission approval for the existing residence required that the guesthouse and residence be a minimum 30 feet from the buffer. This was because it is common for a 30-foot wide area from habitable structures to be heavily regulated for fire safety purposes, which often means clearing the area of all vegetation. Thus, the Commission has typically required that structures maintain a minimum of 30 feet distance from any sensitive resources. While the proposed gym is not a habitable structure in and of itself, it will be attached to the main residence. Regardless, the gym, too, will be no closer than 30 feet to the buffer. This will limit the impacts of fire regulations on the buffer area.

Special Condition No. 1 requires the applicant to construct the development in conformance to approved final plans so as to ensure that impacts are properly mitigated and unforeseen impacts do not arise in the adjacent habitat areas. Therefore, as conditioned, the proposed development does not involve impacts to any sensitive upland habitat or wetlands, the Commission finds the proposed project is consistent with Section 30240 of the Coastal Act.

D. WATER QUALITY

Section 30231 of the Coastal Act is states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The project site is located near Escondido Creek and is upstream from San Elijo Lagoon. When the existing single family residence was approved by the Commission, the approved grading and drainage plan directed the majority of the runoff flowing from the hardscape on the site into landscaping for filtration and percolation. Because of the soil consistency on the site and the fact that the developable area of the site is at a significantly higher elevation than the adjacent creek bed, some runoff is directed into an approved storm drain pipe with an energy dissipater to ensure the slope and existing wetland buffer area is not eroded. The drain pipe and energy dissipater are located in the southwest corner of the site, well within the buffer area. All drainage facilities are located within the upper 50 feet of the wetland buffer as approved by the original permit. This ensures that water drains adequately and at a non-erosive velocity, which is consistent with the intent of the previously-imposed condition limited development in buffer to protect the off-site sensitive resources from pollutants and sediment.

Therefore, **Special Condition No. 1** requires the submittal of and adherence to approved final plans ensuring that the development itself is located outside of the existing wetland buffer and that runoff will be either be retained on-site or directed into existing, approved BMP and drainage systems. This will ensure that runoff is directed to the landscaped areas on the site for infiltration and or percolation to the maximum extent feasible, prior to being conveyed off-site. Directing runoff through landscaping is a well-established BMP for treating runoff from small developments such as the subject proposal. Thus, as conditioned, the development approved by this permit will conform to the policies of Chapter 3 of the Coastal Act.

E. VISUAL RESOURCES

Section 30251 of the Act addresses scenic and visual qualities, and states, in part:

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

Section 30251 of the Coastal Act requires that the scenic and visual qualities of coastal areas be considered and protected and that development be sited and designed to protect views along scenic coastal areas. The Escondido Creek and nearby San Elijo Lagoon are popular scenic areas, with multiple trails and vista points scattered throughout the area. While the Rancho Santa Fe community contains many developed properties, the overarching characteristic of the community is of single family residences on large estates set well back from the road and obscured from view by hills, trees, and vegetation. As such, Rancho Santa Fe retains a rural, open-space character throughout much of area, with large areas of wildlife and vegetation corridors set to a backdrop of hills and mountains.

The proposed development is located well inland and far removed from San Elijo Lagoon which is located southwest of the site. The development will be located on the side of the existing single family residence opposite from the street, and will be partially or completely obscured from any scenic roadways or recreational areas. Additionally, the proposed project is compatible in size and scale with the pattern of development in the subject area. As such, the project will not adversely impact the visual quality of the area, and is consistent with Section 30251 of the Act.

To ensure that the final construction does not encroach into the scenic quality of the river and lagoon area, **Special Condition No. 1** requires that the applicant submit and adhere to final, approved construction plans. Thus, this permit, as conditioned, adheres to the visual resource protection policies contained in Chapter 3 of the Coastal Act.

F. LOCAL COASTAL PLANNING

Section 30604(a) 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 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 planned and zoned for large-lot residential development in the certified County of San Diego Local Coastal Program, which the Commission uses for guidance in review of development in this area. The proposed demolition of a detached guest house

and construction of an attached gym would be consistent with the certified LCP. As conditioned, the project is consistent with all applicable Chapter 3 policies of the Coastal Act and the Commission finds that approval of the subject project will not prejudice the ability of the County of San Diego to obtain a fully certified Local Coastal Program.

G. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The County of San Diego is the lead agency for purposes of CEQA review for this project, and the Coastal Commission is a responsible agency. 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 has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing final plans and visual quality, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

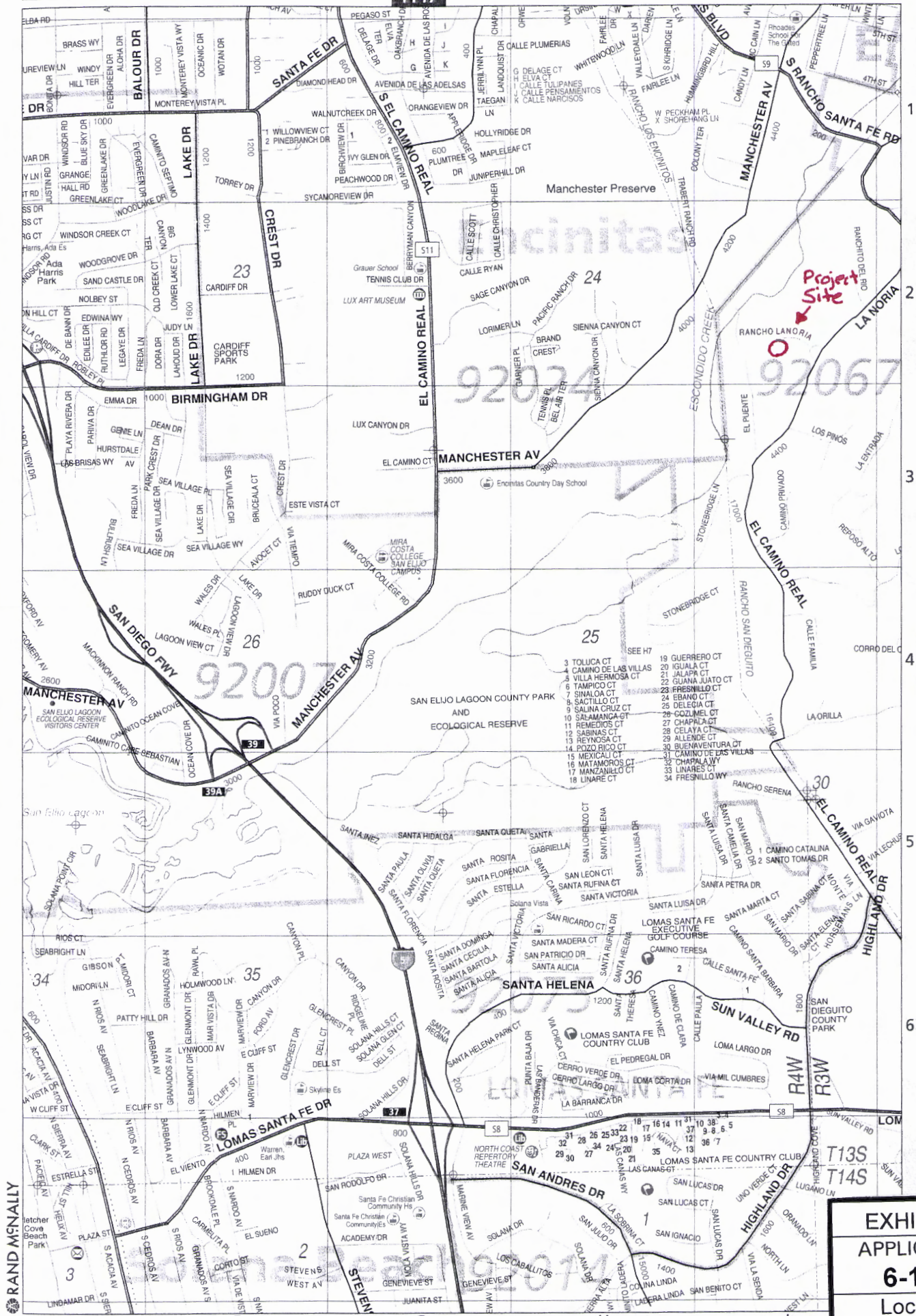
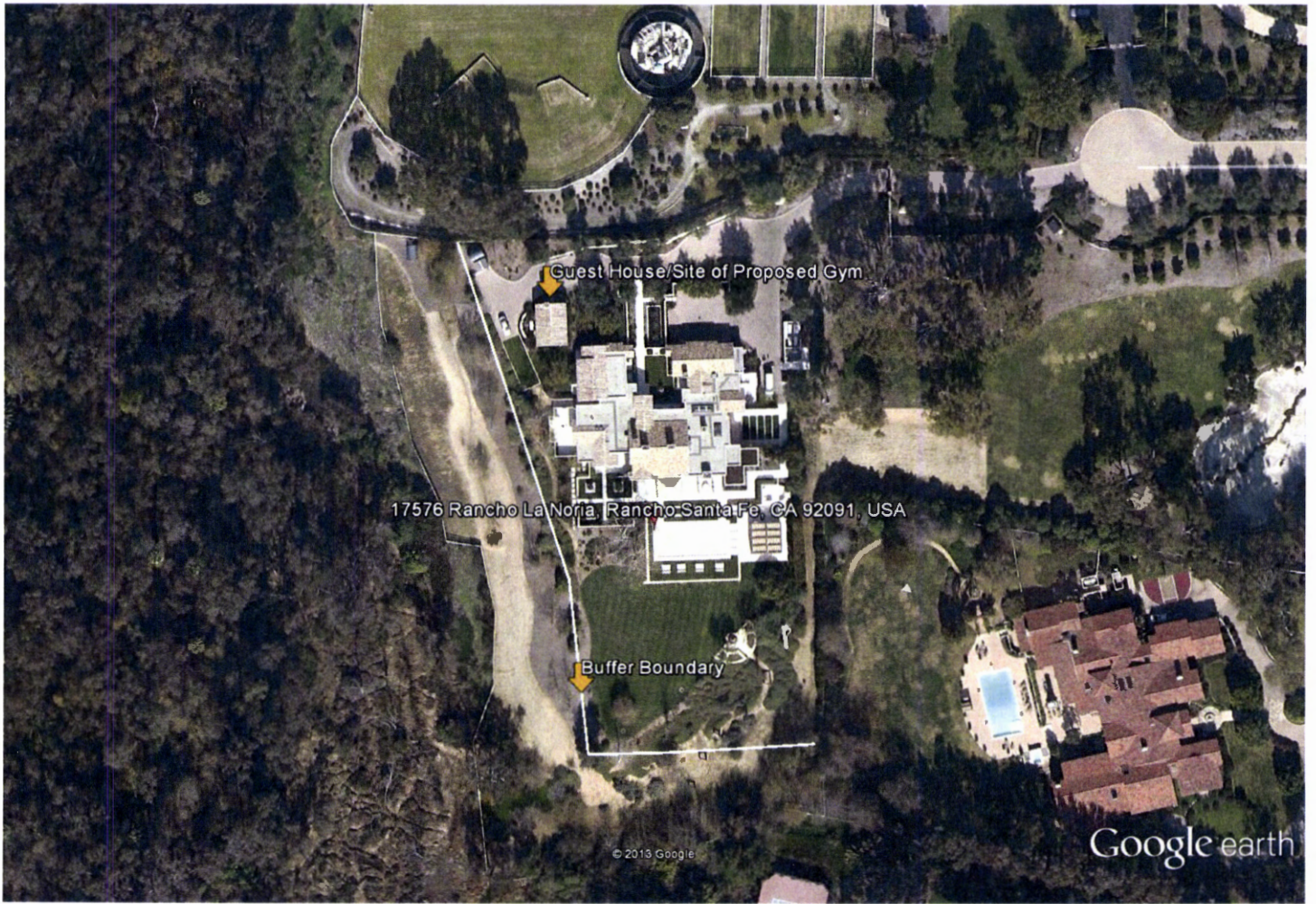



EXHIBIT NO. 1
APPLICATION NO.
6-13-0768
Location Map

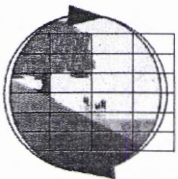
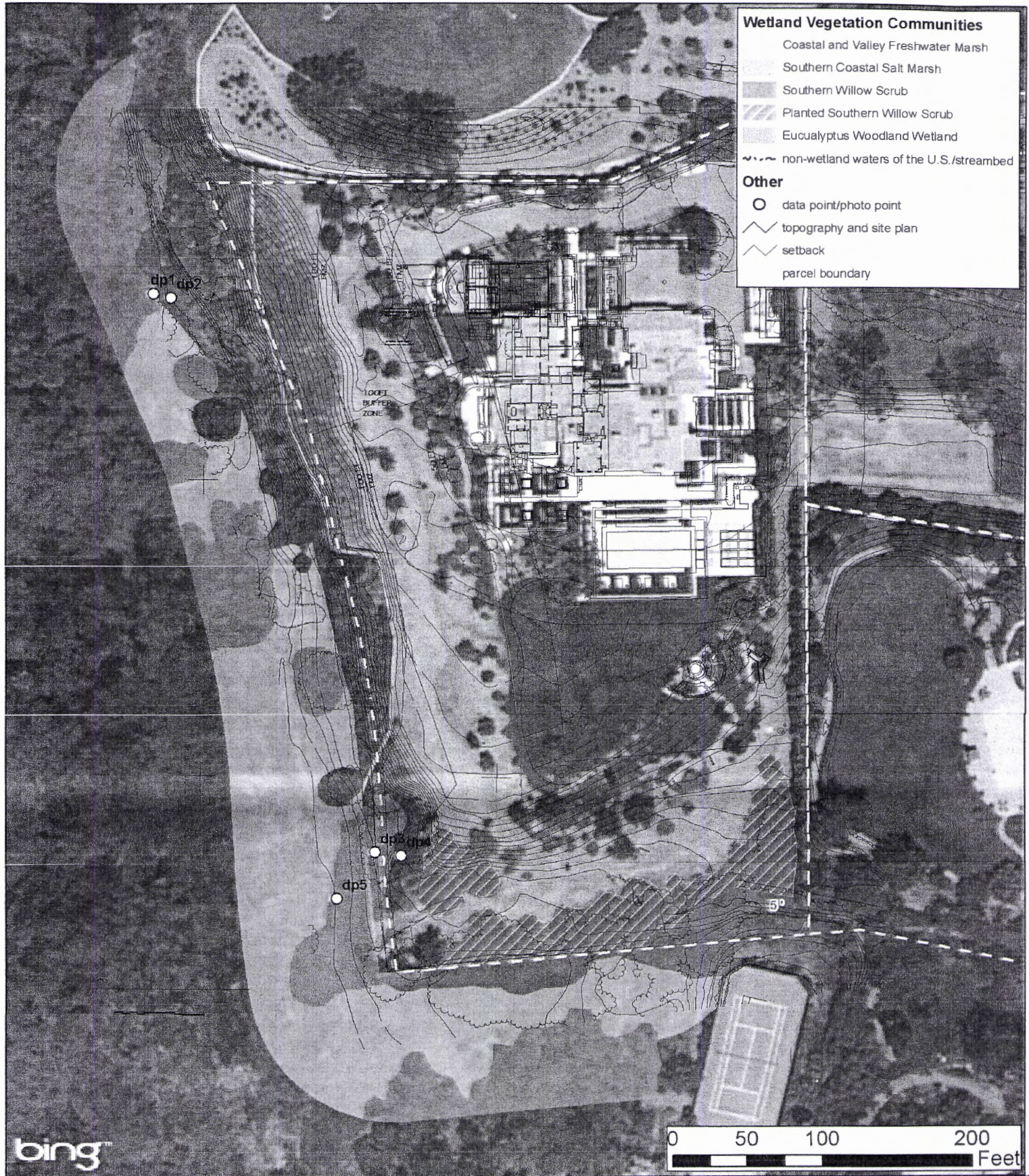


Google earth

feet 500
meters 100



EXHIBIT NO. 2
APPLICATION NO.
6-13-0768
Aerial View
 California Coastal Commission



Wetland Resources Map
Rancho La Noria Property

EXHIBIT NO. 3
APPLICATION NO.
6-13-0768
Biomap