

**CALIFORNIA COASTAL COMMISSION**

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# Th23c

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## STAFF REPORT: REGULAR CALENDAR

**Application No.:** 6-12-081

**Applicant:** Paul & Leah Lonsdale

**Agent:** Mark Turner

**Location:** 3997 Stonebridge Court, Rancho Santa Fe, San Diego County (262-190-09)

**Project Description:** Construction of a 3,499 sq. ft., 1-story, approximately 18 ft. high, single family residence with an attached 825 sq. ft. garage and a pool and solar panel system on a 125,366 sf. ft. vacant lot. Approximately 4,420 cu. yds. of balanced cut and fill are proposed. Restoration of native vegetation to mitigate for prior unpermitted removal and resultant impacts to habitat.

**Staff Recommendation:** Approval with Conditions

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## SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of the proposed new residential development project with special conditions. The subject site is a vacant lot that includes a flatter disturbed area where the proposed home is to be located as well as steep slopes that contain native

6-12-081 (Lonsdale)

habitat. While the Commission's staff ecologist has determined that the native habitat on the site is not ESHA, it is still important.

Major Coastal Act issues associated with this project include the need to provide a 100 ft. brush management zone surrounding the proposed home, as required by the Rancho Santa Fe Fire Department, and protection of important native habitat on steep slopes of the subject site. As proposed, the applicant's preliminary brush management program would not impact any coastal sage scrub vegetation located within 100 feet of the proposed residence. To prevent any adverse impacts to coastal resources the Commission staff is recommending [Special Conditions 2 and 3](#) that would ensure that no native habitat on steep slopes is impacted by the proposed development and all new landscaping and restoration will consist of drought-tolerant and non-invasive plant species that are primarily native.

Commission staff recommends **approval** of coastal development permit application 6-12-081 as conditioned.

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## **EXHIBITS**

Exhibit 1 – Project Location

Exhibit 2 – Site/Grading Plan

Exhibit 3 – Southern Slope – Fuel Modification

Exhibit 4 – Native Restoration Southern Slope 1

Exhibit 5 – Native Restoration Southern Slope 2

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 6-12-081 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 6-12-081 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 ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and written approval of 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 Turner Construction, dated 8/13/2012.

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, final brush management plans addressing the area within 100 feet of the proposed home. Said plans shall be approved by the Rancho Santa Fe Fire Department and shall be in substantial conformance with plans submitted with this application by Gary Stone, dated 6/6/2013 and 1/4/2013 and shall include the following:

- a. No clearing of vegetation is permitted within the native habitat areas on the site, except for the removal of invasive and non-native plant species and dead or dying plants.

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. **Final Landscaping Plans.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and written approval of the Executive Director, final landscaping plans approved by the County of San Diego. Said plans shall be in substantial conformance with the plans submitted with this application by Gary Stone, dated 6/6/2012 and 1/4/2013, and shall include the following:
  - a. All landscaping located within the outer 50 ft. of the 100 ft. brush management zone (Zone 2) shall consist of drought-tolerant native, fire resistant and non-invasive plant species that are obtained from local stock, if available. The landscape palate within the inner 50 ft. of the 100 ft. brush management zone adjacent to the residence shall emphasize the use of drought-tolerant native species, but use of drought-tolerant, non-invasive ornamental species is allowed as a small garden 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. The southern slope of the subject site shall be restored with native habitat.
  - c. A planting schedule that indicates that the planting plan shall be implemented within 60 days of completion of residential 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, 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.

5. **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 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 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.

6. **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 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 BMP's 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 1st to April 1st) of any year, the applicant shall submit to the Executive Director for review and written approval, a program for monitoring the condition of erosion control devices and the effectiveness of the erosion control program. The monitoring program shall include, at a minimum, monthly reports beginning November 1st of any year continuing to April 1st, 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.

- 7. **Final Drainage Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a final drainage and runoff control plan, documenting, graphically and through notes on the plan, that 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.

8. **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.
  
9. **Prior to Issuance Condition Compliance.** WITHIN 60 DAYS OF APPROVAL OF THIS CDP, or within such additional time as the Executive Director may grant for good cause, the applicants shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.
  
10. **Condition Compliance.** WITHIN 120 DAYS OF APPROVAL OF THIS CDP, or within such additional time as the Executive Director may grant for good cause, the applicant shall have completed native habitat restoration on the southern slope of the subject site consistent with plans submitted on 1/04/2013. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

## IV. FINDINGS AND DECLARATIONS

### A. PROJECT DESCRIPTION

The proposed project is the construction of a 3,499 sq. ft., single-story, single-family residence with an attached 825 sq. ft. garage, a pool, and a solar panel system. To prepare the site for development, grading consisting of approximately 4,420 cubic yards of balanced cut and fill is proposed. In addition, the applicant proposes to restore native vegetation to mitigate for prior unpermitted removal and resultant impacts to habitat.

The roughly triangular-shaped, 2.88-acre vacant lot is located at the inland terminus of Stonebridge Court, just west of El Camino Real, near the inland extent of San Elijo Lagoon and the floodplain of Escondido Creek in the Rancho Santa Fe community of San Diego County. The subject site is in the eastern portion of the subdivision, on a mesa top overlooking San Elijo Lagoon (Exhibit 1).

The subject parcel was created through the subdivision of a larger 50-acre site approved by the Commission in 1983 (CDP #6-83-314/Manchester Estates) which created the subject Lot 9 and included the rough grading of portions of the overall site and construction and installation of roadways and utilities.

The subdivision was approved with a variety of special conditions designed to address future development of individual custom estate sites so as to avoid adverse impacts to the adjacent floodplain, downstream San Elijo Lagoon and the surrounding viewshed. For those lots adjacent to the lagoon, the conditions prohibited any alteration of landforms, removal of vegetation or erection of structures within a minimum 100-foot setback from the southern property line adjoining the lagoon wetlands, without the approval of the Coastal Commission (the subject site is not subject to this restriction).

For homes on the mesatop, the original subdivision permit prohibited the grading or erection of any structures on slopes greater than 25% grade on certain lots, including the subject site. This condition was required to be recorded as a deed restriction to ensure that future property owners are aware of the restrictions. A slope analysis of the site indicates that the majority of the steep slopes on the site are on the southernmost and northernmost portions of the site, which are not proposed for any grading, and will be left undeveloped.

The Commission previously certified the County of San Diego Local Coastal Program (LCP); however, the County never assumed permit issuing authority and as such, the LCP was never effectively certified. Therefore, Chapter 3 of the Coastal Act is the standard of review, with the County LCP used as guidance.

## **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 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.” Both the southernmost and the northernmost portions of the subject site contain steep slopes and natural vegetation, mostly coastal sage scrub vegetation.

The Commission has historically limited grading of steep slopes to minimize the visual impacts associated with such grading, to preserve the habitat values of significantly vegetated steep slopes areas, and to avoid the increased likelihood of erosion, runoff and sedimentation which can occur when steep slopes are graded. These concerns can be addressed by eliminating or significantly reducing grading on steep slopes. While minor encroachments into steep slopes have been allowed in some instances, where there is the possibility to develop sites without such encroachments, they should be avoided.

When the Commission approved the original subdivision creating the project site, a deed restriction was placed on the property prohibiting grading or erection of any structures on slopes greater than 25% grade. The condition states:

*9. Lot Development Restrictions. Prior to or concurrent with recordation of the final map, the applicant shall record the following restrictions, on each individual parcel specified, to run with the land free of prior encumbrances, except for tax liens, and in a manner approved by the Executive Director:*

*A. (Lots 5, 6, 7, 8 and 9). No grading or erection of any structures shall occur on slopes of greater than 25% grade except that filling of the eroded gullies shall be permitted for the purpose of landscaping and erosion control. [...]*

*B. (Lots 9, 10, 11, 12, 15 and 16) No grading or erection of any structures shall occur on naturally vegetated slopes of greater than 25% grade, except for the minimal amount necessary to access the site.*

The subject site is Lot 9. Lots 5-9 all contain northwest-facing slopes with a development located up above on the southern, flat portions of the site. The portion of the subject site adjacent to the north side of Stonebridge Court is a mostly flat graded pad devoid of native vegetation. All of the proposed development would be located in this area (Exhibit 2). Although steep slopes are typically required to be placed into open space when properties in this area of the County are developed, it is not necessary in this case because the previous restrictions suffice to prevent grading and erection of structures on steep slopes.

In past projects adjacent to the subject site, the Commission's ecologist has determined that the fairly isolated patch of coastal sage scrub (CSS) that occurs in the vicinity is not an Environmentally Sensitive Habitat Area (ESHA), as the vegetation is surrounded on three sides by development and non-native habitat and there is no direct connection between this patch of CSS and the lagoon (CDP #6-04-108/Mehlberg). This circumstance differs from that encountered in other projects in the same subdivision but located further to the south, where a relatively intact linear strip of CSS provides a wildlife corridor between the lagoon and inland open space in the vicinity of the county park and beyond. Nevertheless, while not rising to the level of ESHA, the native vegetation still maintains some biological productivity and support for the nearby lagoon wetlands and upland ESHA. The Commission's ecologist has visited the subject site, and concluded that, while they do not rise to the level of ESHA, the steep naturally vegetated slopes on the site are a functioning, valuable resource that should not be unnecessarily disrupted.

In 2007, the Commission received multiple reports and photographs alleging that the prior owner of the subject property cleared native habitat from steep slopes on both the north and south sides of the subject undeveloped property. After investigating, Commission staff opened Violation File No. V-6-08-002 and sent a letter informing the property owner at the time that clearing of vegetation on the site was a violation of the Coastal Act and should be stopped immediately. In the approximately five years that has passed since the unauthorized removal of vegetation on the subject site, photographic evidence and site visits show that the native vegetation has, for the most part, naturally regrown. However, it is not possible to determine the extent of adverse impacts to the subject site that persist and temporary habitat impacts must also be considered. Therefore, to address this issue, the applicant has proposed to plant and maintain native plants within a portion of the steep sloped area of the site where vegetation was previously removed. In addition, [Special Condition 3](#) requires that the applicant restore the native habitat to the southern slope of the subject site in order to mitigate the impacts of the native habitat removal by the prior owner of the subject property. The applicant has included the required native habitat restoration into the landscape plans for the site (Exhibits 4 and 5). In addition, [Special Condition 3](#) requires that all landscaping on the lot be non-invasive species to avoid potential indirect adverse effects to nearby sensitive resources.

The issue of fire safety in areas of "wildland/urban interface" has become more pertinent in recent years. Local governments and fire departments/districts have become increasingly 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. Typically to avoid such conflicts, the Commission has required that new development be sited such that the brush management requirements will not adversely affect native and environmentally sensitive habitat areas nor result in clear cutting or removal of vegetation on steep slopes, such that erosion problems can occur.

Historically, the first 30-50 ft. of the required brush management zone, that closest to the home, has consisted of clear-cut removal of all native and/or high fuel vegetation. Beyond the first 30-50 feet, there have been variations in the amount of thinning that may be permitted or required, depending on the habitat value and density of the existing native vegetation and the steepness of the slope. Given the fire threat in southern California, the Commission has generally found it reasonable and prudent to plan for at least a 100-foot wide brush management zone when considering approval of new development.

In the case of the proposed project, the Rancho Santa Fe Fire Department has evaluated the site, and requires clearance for fire safety consisting of a 100-foot wide brush management area of two zones, 50 feet in width each. The first zone comprises the area from the proposed residence to a point 50 feet away, in which all high fire risk plant materials must be removed, and drought tolerant, fire-resistant plants installed. Irrigation is required. For the proposed project, no naturally vegetated slopes would be located in Zone 1.

Zone 2 is the area between 50 to 100 feet from the building. In Zone 2, the Fire Department has indicated that all native, unbroken vegetation must be thinned out by 50%, and all dead and dying vegetation must be removed. In some cases, the fire department has allowed the 50% thinning requirement to be achieved by the removal of existing dead vegetation, thus, avoiding impacts to sensitive habitat (CDP #6-04-108/Mehlberg). Removing native vegetation not only directly impacts the productivity and value of the habitat, it allows for the growth of non-native invasive species, which can push out the remaining natives. The proposed home is located greater than 100 feet from the steep slopes on the northern side of the lot. However, the proposed home is only located 80 feet from the steep slopes on the southern side of the lot and therefore, 20 feet of brush management is required within steep slopes. The 20 feet of required brush management area on the southern slope does not currently contain any native vegetation (Exhibit 3). Thus, the project as proposed would not impact any native habitat through physical encroachment or through required brush management. [Special Condition 2](#) requires that the applicant submit a final brush management plan approved by the fire department for areas within 100 feet of the proposed home and that no clearing of native habitat on the subject site is permitted.

[Special Condition 8](#) has also been attached to require the property owner to record a deed restriction against the property imposing the conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property so as to notify all future property owners of the terms and conditions of approval of the permit.

In summary, as proposed, the residence will not result in impacts to sensitive native vegetation on steep slopes and the applicant has proposed to restore the areas cleared by the prior property owner. Therefore, the Commission finds the project, as conditioned, is consistent with Sections 30240 and 30253 of the Coastal Act.

## **C. 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...*

The site is located on the hillside at the east end of the San Elijo Lagoon Ecological Reserve and Regional Park and portions of the site are highly visible from Manchester Avenue and from the San Elijo Lagoon to the east and north. Section 30251 of the Coastal Act protects the scenic and visual quality of the coastal zone as a resource of public importance. CDP #6-83-314 (the subdivision permit) and the existing CC&R's for the Stonebridge subdivision limit the height of proposed structures to 35 ft. and require structures be colored to conform visually to the natural environment.

The proposed one-story home, at approximately 18 ft. high, is consistent with the 35 ft. height requirement. Due to the proposed height and location of the home away from the northern, more visible portion of the site, there will be negligible visual impacts from public vantage points. The applicant has not submitted a color board or other indication of the colors or materials to be used in the proposed home. As such, [Special Condition 5](#) requires submittal of a color board indicating conformance with the color requirements of the subdivision permit. In this way, the proposed home as viewed from surrounding public vantage areas will not stand out prominently, but will blend in with the adjacent natural hillside.

As described above, other special conditions restrict grading and the removal of native vegetation on the steep hillsides, which will also serve to minimize the visual impact of the development. As conditioned, the project will have no impact or only a minimal impact on the scenic resources of the area and is consistent with both Section 30251 of the Coastal Act and the Commission's previous requirements that development of the site be subordinate to the natural surroundings.

## **D. 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.

The County of San Diego has also revised its ordinances to not require a rainy season moratorium in coastal San Diego County and has adopted new erosion control provisions that assure that off-site sedimentation impacts will be minimized. In this case, approximately 4,420 cubic yards of balanced grading is proposed, and erosion control measures are important to ensure off-site resources are not harmed. [Special Condition 6](#) 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 7](#) 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.

## **E. UNPERMITTED DEVELOPMENT**

Although unpermitted development including, but not limited to, removal of Coastal Sage Scrub and/or other native vegetation on the subject site has occurred without the benefit of a coastal development permit, 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 any violation of the Coastal Act that may have occurred, nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit. [Special Conditions 9 and 10](#) have been included to ensure that the required native habitat restoration required to mitigate for the loss and impacts of the unpermitted development is done so in a timely manner.

## **F. 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 on the subject site and the proposed development will not impede access to the lagoon over that which currently exists. Therefore, the proposed development would have no adverse impacts on public access opportunities, consistent with the public access policies of the Coastal Act.

## **G. LOCAL COASTAL PLANNING**

Section 30604 (a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, 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 accept the suggested modifications. 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, with the County LCP used as guidance.

The subject site is designated for estate residential use in the County LCP. The site is within the Coastal Resource Protection Overlay (CRP) identified in the LCP. The overlay requires that new development be sited and designed to protect coastal resources. As conditioned herein, the proposed project conforms to all applicable Chapter 3 policies of the Coastal Act as well as to the County LCP. Therefore, as conditioned, the project should not prejudice preparation of a certifiable LCP by the County of San Diego.

## **H. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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 consistent with the requirements of the Coastal Act to conform to CEQA.

6-12-081 (Lonsdale)

## **APPENICES**

### **APPENDIX A**

#### **SUBSTANTIVE FILE DOCUMENTS**

- Certified County of San Diego Local Coastal
- Certified County of San Diego Local Coastal
- CDPs #6-83-314 and #6-04-108
- Site Plans by Turner Construction dated 8/13/2012
- Brush Management Plans by Gary Stone dated 1/4/2013
- Landscaping Plan by Gary Stone dated 6/6/2012 and 1/4/2013

(G:\San Diego\Reports\2012\6-12-081 Lonsdale Staff Report.docx)

# PROJECT LOCATION

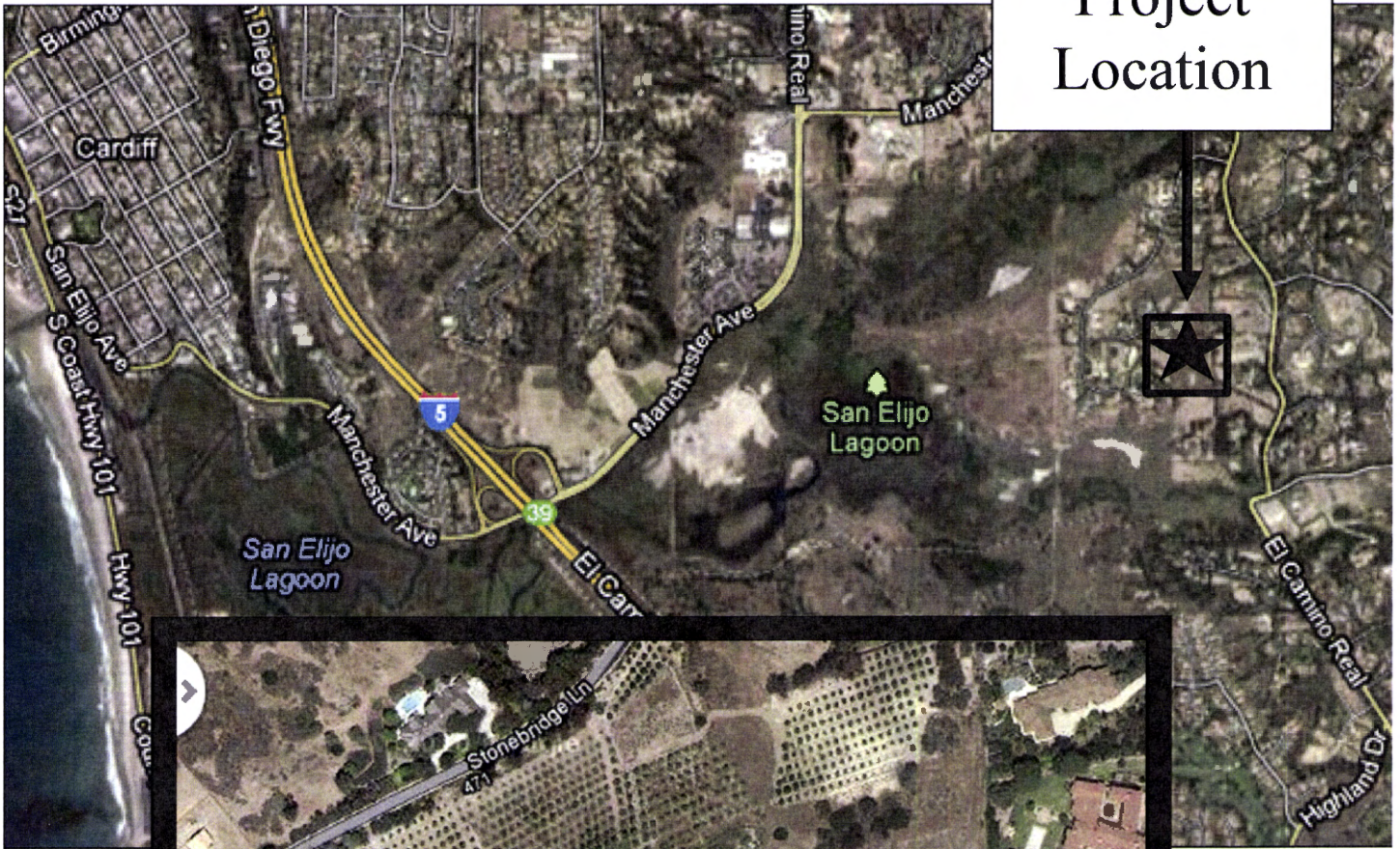


EXHIBIT NO. 1
APPLICATION NO. <b>6-12-081</b>
Project Location
 California Coastal Commission

Google Maps

# SITE/GRADING PLAN

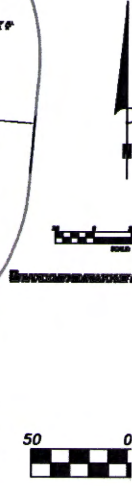
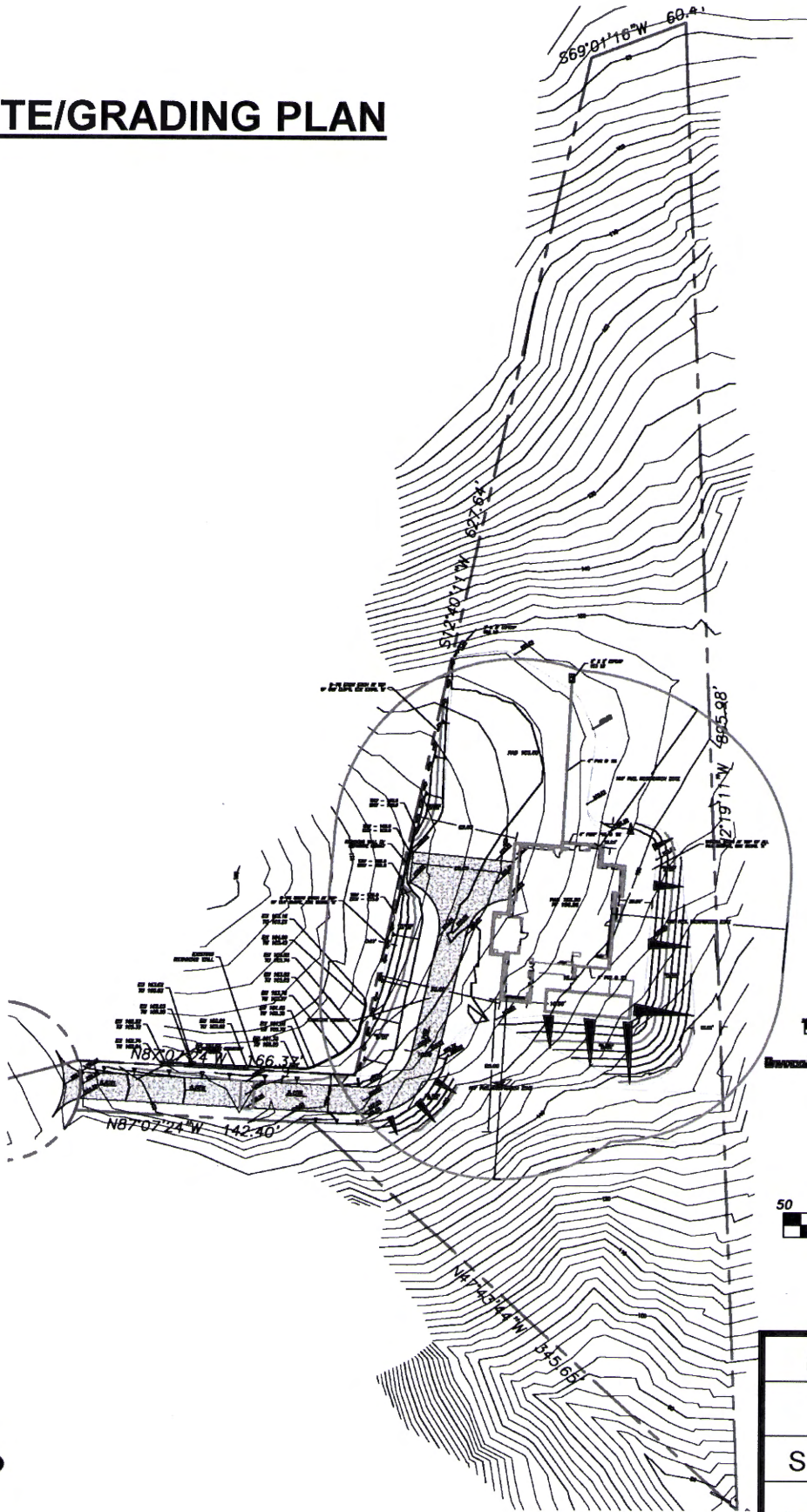



EXHIBIT NO. 2
APPLICATION NO. <b>6-12-081</b>
Site/Grading Plan
 California Coastal Commission

## SOUTHERN SLOPE – FUEL MODIFICATION

Looking down the south slope. Man is standing 100 feet from proposed structure. Photo shows no native habitat currently exists within 100 foot fuel modification area.

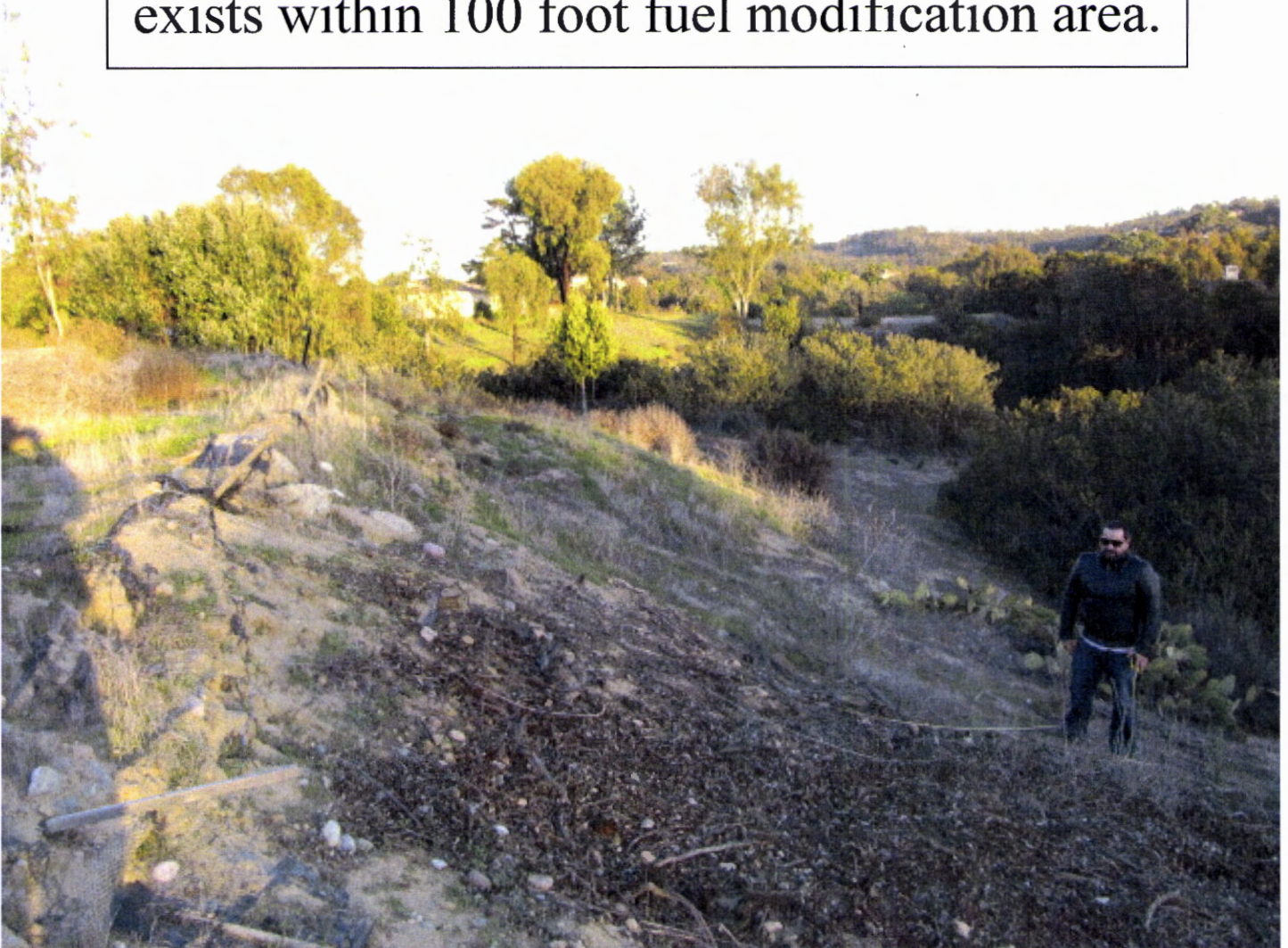


EXHIBIT NO. 3

APPLICATION NO.

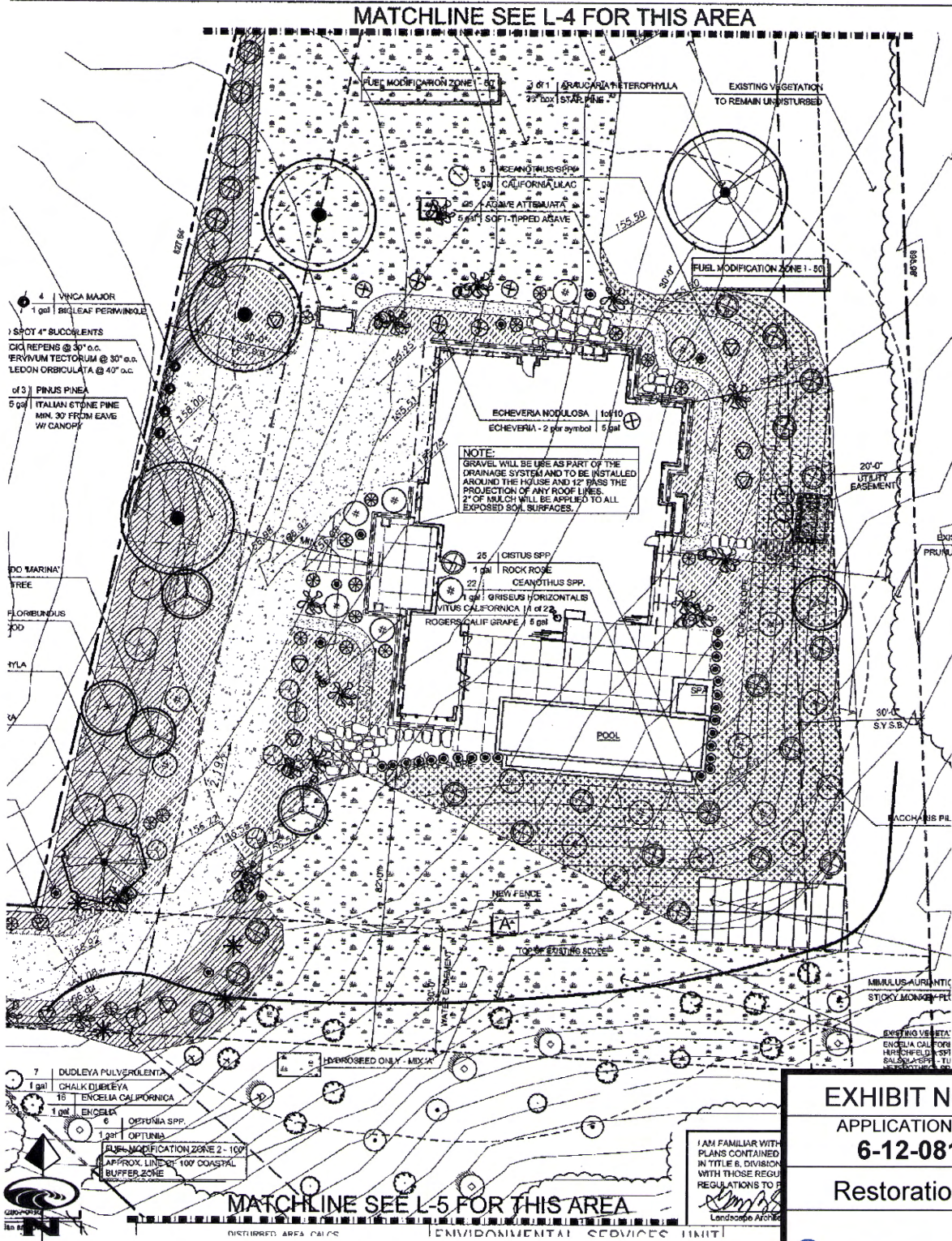
**6-12-081**

Southern Slope



California Coastal Commission

# NATIVE RESTORATION SOUTHERN SLOPE - 1



<b>EXHIBIT NO. 4</b>
APPLICATION NO. <b>6-12-081</b>
<b>Restoration 1</b>

# NATIVE RESTORATION SOUTHERN SLOPE - 2

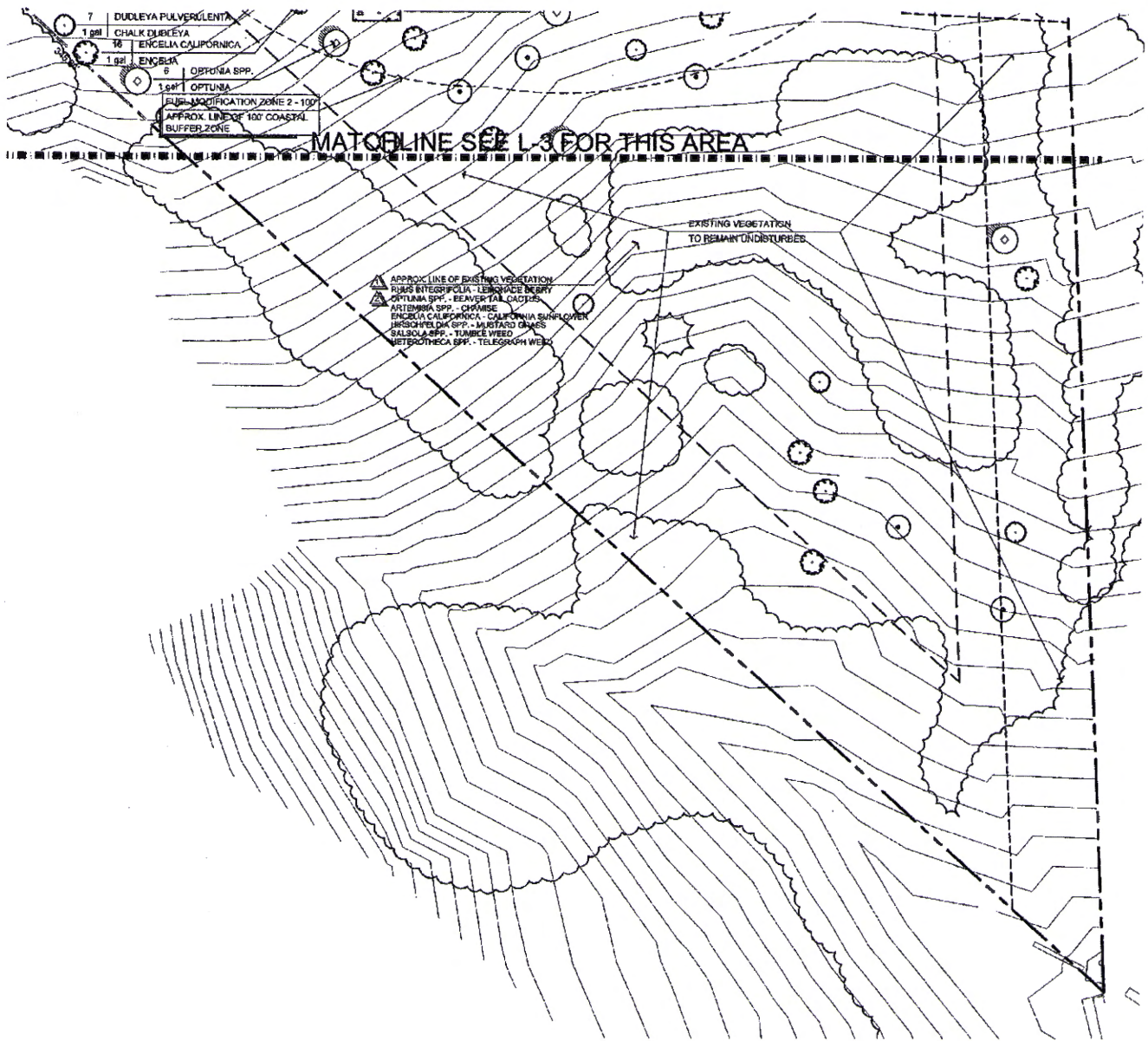


EXHIBIT NO. 5
APPLICATION NO. <b>6-12-081</b>
Restoration 2
California Coastal Commission

Google Maps