

CALIFORNIA COASTAL COMMISSION

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Hearing Date: 3/7/13

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-12-078

Applicant: Farmer

Agent: B+W Architects (Maxwell Wuthrich)

Location: 4366 La Noria, Rancho Santa Fe, San Diego County (266-030-29)

Project Description: Construction of an approximately 1,255 sq. ft. detached garage, an approximately 825 sq. ft. second dwelling unit, an approximately 500 sq. ft. pool cabana and conversion of approximately 98 sq. ft. of the existing garage to habitable living space, and additions totaling approximately 450 sq. ft. to an existing approximately 17 ft. high, 5,278 sq. ft. single family residence with an attached 750 sq. ft. garage on a 145,926 sq. ft. lot.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The proposed project includes the construction of various accessory structures on an existing lot and additions to an existing single family residence. The primary Coastal Act issue associated with this project is the potential impacts to sensitive wetland habitat. The applicant has submitted a plan which shows wetland habitat along the western portion of the property. While the existing home is currently located closer than 100 ft. from the adjacent wetlands, as conditioned, no portion of the new development will occur within 100 feet of the wetland

habitat or closer to the wetland habitat than existing development. Proposed special conditions require that the project be modified to eliminate any new additions that occur within the 100 ft. buffer and closer to the wetlands than the existing home, that no future development or brush management will occur within the 100 ft. wetlands buffer and that landscaping be non-invasive and native. With these conditions, the proposed development is consistent with applicable Chapter 3 policies of the Coastal Act.

Commission staff recommends **approval** of coastal development permit application 6-12-078 as conditioned.

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EXHIBITS

- Exhibit 1 – Project Location
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I. MOTION AND RESOLUTION

MOTION:

*I move that the Commission **approve** the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION:

The Commission hereby approves a permit, subject to the conditions below, for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California 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 alternative 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 or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions.

This permit is granted subject to the following special conditions:

1. **Open Space Restriction.** No new development, as defined in section 30106 of the Coastal Act shall occur in the area generally described as the delineated wetlands and 100-foot surrounding buffer area located on the western portion of the subject site (or nearer to delineated wetlands than the existing footprint of the home) as depicted in an exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit except for:

- a. Within the 100-foot buffer area, fuel modification consisting of the removal of dead woody debris and replacement of dead plant material with fire resistant native plants.
- b. Fencing to demarcate the extent of the buffer area and the developable portion of the site may be installed on the site.

PRIOR TO ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOI FOR THIS PERMIT, the applicant shall submit for the review and approval of the Executive Director and, upon such approval, for attachment as an Exhibit to the NOI, a formal legal description and graphic depiction of the portion of the subject property affected by this condition, as generally described above and shown on Exhibit 2 attached to this staff report.

2. **Final Plans.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and written approval by the Executive Director, revised final site and building plans that have first been approved by the County of San Diego and are in substantial conformance with like plans dated 10/23/2012 by B+W Architects, except that they shall be revised as follows:

- a. the additions on the southwest portion of the home that extends nearer to the wetlands than the existing footprint of the structure shall be removed or relocated outside of the 100-foot wetlands buffer;
- b. the plans shall depict the area that is deed restricted to prohibit alteration of landforms, placement or removal of vegetation, or erection of structures without specific approval; and
- c. the plans shall indicate that no new structures, grading, or other improvements are permitted in the open space area other than native landscaping.

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 required.

3. **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 final landscape plan that has been approved by the County of San Diego that is in substantial conformance with the plan submitted on January 11, 2013. Said plan shall 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 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 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. **Final Fire Department 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, second dwelling unit, pool cabana, garages and driveway. Said plans shall be in substantial conformance with the plans submitted with this application by George Mercer Associates, Inc. dated August 1, 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.

5. **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.
6. **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 subject site is a flag shaped 145,926 sq. ft. lot currently developed with a one story 5,278 sq. ft. single family residence over a partially exposed basement level, an attached 750 sq. ft. garage, a tennis court, and a pool and hardscaping. The proposed development includes the construction of an approximately 1,255 sq. ft. detached garage, an approximately 825 sq. ft. second dwelling unit, an approximately 500 sq. ft. pool cabana and an approximately 920 sq. ft. outdoor living area, and conversion of approximately 98 sq. ft. of the existing garage to habitable living space. In addition to the development described above, three separate additions totaling approximately 450 sq. ft. are proposed to the existing home. Also proposed, is the removal of various invasive trees from the subject site. Currently, a large wrap-a-round deck, supported by large concrete piers, is attached to portions of the southern and western sides of the home. The applicant proposes to remove a large portion of the deck and the associated piers (**Exhibit 3**).

The project site is located on the west side of La Noria in the Rancho Sante Fe community of the unincorporated County of San Diego (**Exhibit 1**). The site is bordered to the north, east and south by estate-style residences, to the west by undeveloped terrain and Escondido Creek, which drains into the San Elijo Lagoon approximately one mile southwest of the subject property. The existing single family residence was permitted for construction by the County of San Diego and the Rancho Santa Fe Association in 1972, prior to the effective date of the Coastal Act. No coastal development permits have ever been issued for the existing single family home and accessory improvements.

A native vegetation and existing wetlands habitat plan submitted by the applicant shows that wetland plant species exist on the western portion of the subject site. In addition, a relatively small patch of Lemonadeberry (*Rhus intergrifolia*) is located on the northwestern portion of the property. However, the majority of the site is dominated by existing development, eucalyptus woodland, and non-native ground cover. The detached garage, the second dwelling unit, the pool cabana, and the three proposed additions do not expand the development footprint on the site any closer to onsite wetland resources than existing development.

A condition restricting development in wetlands and within a 100 ft. buffer of wetlands is typically applied when a property is subdivided or developed for the first time (reference CDP Nos. 6-05-057, 6-04-046, 6-04-018, 6-03-129, 6-02-099). However, the subject site was developed before the Coastal Act and the Commission had permit jurisdiction over the property and portions of the existing home and the existing driveway were constructed as close as 60 feet from the wetland habitat. In order that new development does not further encroach into the wetlands or their 100 ft. buffer area, **Special Condition 1** requires the applicant place an open space restriction over the on-site wetlands and an area extending 100 feet upland of the wetlands or any nearer to the wetlands habitat than the existing footprint of the home. The open space restriction area prohibits the erection of any structures or grading within the wetland or wetland buffer (**Exhibit 2**).

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 Commission retains jurisdiction over this area and the standard of review is Chapter 3 policies of the Coastal Act.

B. BIOLOGICAL RESOURCES/WATER QUALITY

The site is located within the Coastal Resource Protection (CRP) Overlay Zone identified in the County's previously certified LCP. The overlay was developed in response to Coastal Act policies 30240 and 30251 and restricts the alteration of natural landforms and protects sensitive habitats. The CRP Overlay limits the development of naturally vegetated slopes in excess of 25% grade. Section 30231 of the Coastal Act requires that coastal waters are protected and runoff minimized.

The proposed development will not have an adverse impact on any natural steep slopes or sensitive habitat, and will not result in erosion or adverse impacts to water quality. Thus, the project is consistent with the provisions of the CRP ordinance and with the resource and visual protection policies of Chapter 3 of the Coastal Act.

C. COMMUNITY CHARACTER/VISUAL QUALITY

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area and will not impact public views. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

D. PUBLIC ACCESS

As conditioned, the proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities. As conditioned, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

F. LOCAL COASTAL PLANNING

The County of San Diego does not have a certified LCP. As conditioned, the proposed development will be consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect 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.

APPENDIX A

SUBSTANTIVE FILE DOCUMENTS

- CDP Nos. 6-04-046, 6-04-018, 6-03-129, 6-02-099
- Landscape Concept Plan by George Mercer Associates, Inc. dated 8/1/2012
- Existing Native Vegetation and Wetland Habitat Plan by George Mercer Associates, Inc. dated 12/12/2012
- Site Plans by B+W Architects dated 10/23/2012
- Commission certification of San Diego County LCP with suggested modifications in 1984 and 1985

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PROJECT LOCATION



Open Space Buffer

Wetland Boundary

EL PUENTE

EXISTING RESIDENCE

ZONE 1

ZONE 2

EXHIBIT NO.
APPLICATION NO.
6-12-78
Open Space/Wetland

PLANNING AND ZONING DEPARTMENT

California Coastal Commission

Proposed Addition

Additions no longer Proposed

Proposed Additions

New Pool Cabana

New Guest House

New Garage

EXISTING RESIDENCE

GUEST HOUSE

POOL CABANA

WETLAND BOUNDARY

EL PUENTE

EXHIBIT NO. APPLICATION NO. 6-12-78

Proposed Site Plan

California Coastal Commission

 California Coastal Commission