

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. 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.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

Pursuant to Public Resources Code Section 30624, the Executive Director hereby determines that the proposed development, subject to Standard and Special Conditions as attached, is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, 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, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. Any development located between the nearest public road and the sea is in conformity with the public access and public recreation policies of Chapter 3.

The applicant proposes to install landscaping and a below-grade pool and spa in the rear yard of an existing single-family residence in the City of Solana Beach. The existing 5,134 sq. ft. single family residence is located on a 13,300 sq. ft. lot that is situated east of Highway 101 along an elevated ridge area adjacent to the south side of San Elijo Lagoon. The project requires a permit because it involves the construction of a significant non-attached structure (below-grade pool/spa) located between the sea (San Elijo Lagoon) and the first coastal roadway. The existing residence is visible from Highway 101, Interstate 5 and from public areas and walking paths along the shoreline and San Elijo Lagoon.

The proposed below-grade pool and spa area is 40 ft. long and 15 ft. wide with a depth ranging from 4ft. in the shallow end to 6ft. in the deep end. The proposed pool and spa would be constructed within an approximately 616 sq. ft. area of the existing backyard of

the subject single family residence and would not encroach into the adjacent deed-restricted open space area.

The Commission previously approved the subdivision containing the subject lot as well as construction of the subject single family residence with conditions requiring landscaping in CDP No. 6-98-1 (Skerrett). The landscaping condition associated with CDP No. 6-98-1 required the owners to plant one specimen sized tree every 15 feet along the northern perimeter of the property in an effort to help screen views of the residences from Highway 101 and the adjacent San Elijo Lagoon public walking paths. Typically, the Commission requires landscape screening to be provided at a minimum of one tree for every 10ft. of lot frontage visible from a scenic area. In this particular case, however, the Commission previously determined in CDP No. 6-98-1 that as long as the proposed trees are of a substantial breadth with a broad, spreading head of 20-30 ft., one tree planted every 15 ft. along the subject northern lot frontage would be sufficient to mitigate the visual impact of the development.

However, in review of this project, it has been determined that the landscaping was not installed on the subject lot (recorded as lot 5 within the Commission approved subdivision map) as required pursuant to Special Condition No. 3 of CDP No. 6-98-1. Special Condition #3 required the property owners of lots 1-6, as identified in the approved subdivision map, to install specimen sized trees every 15 feet along the northern perimeter of their lots within 60 days of completion of all residential construction. However, the required specimen sized trees were never planted and are not currently present on the subject lot.

Additionally, Commission Staff has been notified that the required specimen sized trees were never planted on the northern perimeter of the other lots (Lots 1,2,3,4, and 6), as required by CDP No. 6-98-1. The Commission's enforcement staff are pursuing resolution of the apparent permit condition violations as separate enforcement matters.

In this application, the applicants have submitted a landscaping plan clearly indicating proposed locations of six specimen sized trees along the northern property line of the subject site in substantial conformance with landscaping requirements of Special Condition #3 in CDP No.6-98-1. The submitted landscaping plan identifies that the applicants will plant either a California Sycamore, Coast Live Oak, or Torrey Pine tree every fifteen feet along the northern boundary line of their property. Cumulatively, this will result in the establishment and maintenance of at least eight native and non-invasive trees along the applicant's northern property line. Special Condition #1 requires the applicant to submit a final landscaping plan for Executive Director written approval. In addition, the condition requires that all approved landscaping be installed within 60 days of completion of the pool. To ensure that the matter of the violation of Special Condition #3 of CDP No. 6-98-1 is resolved in a timely manner, Special Condition #2 of this permit requires that the applicant satisfy all conditions of this permit, which are prerequisite to the authorization to proceed with development, within 60 days of Commission action, or within such additional time as the Executive Director may grant for good cause.

Coastal Act policies 30240 and 30251 restrict the alteration of natural landforms and protect sensitive habitats. Section 30231 of the Coastal Act requires that coastal waters are protected and runoff minimized. As conditioned, the proposed development will not have an adverse impact on any sensitive habitat, and, will not result adverse impacts to water quality, as adequate drainage controls will be provided. Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

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, as conditioned, the Commission finds that the development conforms to Section 30251 of the Coastal Act. The proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities.

SPECIAL CONDITIONS:

1. Final Landscape Plans. PRIOR TO THE AUTHORIZATION TO PROCEED WITH DEVELOPMENT, the applicant shall submit to the Executive Director for review and written approval revised final landscaping plans approved by the City of Solana Beach. The plans shall be in substantial conformance with the landscape plans as submitted by Waterworks Pool Concepts, dated 1/20/11 and shall include the following:

- a. A minimum of one specimen sized tree (24-inch box minimum) shall be planted for every 15 feet of property along the north-facing portion of the subject property (recorded as Lot 5 within the Commission approved subdivision map) and established and maintained in an arrangement that most effectively screens the subject single family residence from existing public views within San Elijo Lagoon, or along Highway 101, and Interstate 5. The trees shall have a broad spreading head of 20-30 feet, and shall be placed in no less than two distinct groups on the lot.
- b. All landscaping shall be drought-tolerant, native and 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. All runoff from newly constructed impervious surfaces shall drain through landscaping prior to exiting the site.
- d. All landscaping shall be installed within 60 days of completion of the pool construction.
- e. A written commitment by the applicant that, five years from the date of the

issuance of the coastal development permit for the residential structure, the applicant will submit for the review and written approval of the Executive Director a landscape monitoring report prepared by a licensed Landscape Architect or qualified Resource Specialist that certifies whether 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 Special 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 landscape plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is legally required.

2. Condition Compliance. WITHIN 60 DAYS OF COMMISSION ACTION ON THIS COASTAL DEVELOPMENT PERMIT APPLICATION, 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 applicants are 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.

ACKNOWLEDGEMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing

