



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. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. 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.

Proposed is the construction of a 950 sq.ft. detached guest house on a 6.86 acre lot containing a 6,440 sq.ft. single-family residence and tennis court. The guesthouse is proposed to meet the definition used by the County of San Diego; that is, the guesthouse contains a sink, but no oven or laundry facilities, and only one electric meter to serve both

the main dwelling and the guest quarters. The guesthouse requires a permit because it is a structure not normally associated with a single-family residence. Also proposed is a 724 sq.ft. garage and bath addition to the existing residence. The site is located southwest of La Bajada Road, in the Rancho Santa Fe area of San Diego County. The proposed residential addition requires a coastal development permit because the residence is located between San Elijo Lagoon and the first public roadway and involves an addition of more than 10% of the internal floor area of the existing residence. The County of San Diego's Local Coastal Program (LCP) has been certified by the Commission; however, the County has not assumed permit issuing authority. Therefore, the County LCP is not effectively certified and Chapter 3 of the Coastal Act is the standard of review.

The northernmost portion of the site is within the 100-year floodway of Escondido Creek. There are no existing structures in this area except for a portion of a horse corral. A portion of the site south of the floodway is within the 100-year floodplain. There is an existing barn, driveway and horse corral in this area. However, the existing residential structure is located on the southern portion of the lot, outside of the floodway and floodplain. The proposed addition and the proposed guesthouse will be located entirely outside of the floodway and floodplain.

In February, 1994, the Commission approved a permit for the County of San Diego for the construction of a new bridge over Escondido Creek along a new alignment of Rancho Santa Fe Road northeast of the project site (#6-93-155). A portion of the off-site mitigation area required as a condition of approval for that project was located on the northernmost portion of the subject site. However, the portion of the site used for mitigation has been sold and is no longer included in the subject parcel.

Section 30231 of the Coastal Act requires that the biological productivity and the quality of coastal waters shall be maintained and restored through minimizing runoff and maintaining natural vegetation buffer areas. Section 30240(b) requires that development in areas adjacent to environmentally sensitive habitat be sited to prevent impacts that would significantly degrade such areas. These Coastal Act sections were implemented in the certified County of San Diego Local Coastal Program through the Coastal Resource Protection (CRP) overlay zone, which restricts development of naturally vegetated steep slopes to maintain the natural landforms to avoid grading and sedimentation impacts on the sensitive lagoon resources located downstream.

The project site is located along the Escondido Creek floodplain, inland from San Elijo Lagoon to the southwest. The project site is located within the CRP overlay area; however, there are no steep slopes on the site, or sensitive vegetation which could be impacted by grading or construction activities. An "Evaluation of Potential Mitigation Sites For the La Bajada Bridge" (CDP #6-94-155) dated May 27, 1994 found that the northern and western portion of the original site contained alkali marsh, southern willow scrub, and coastal freshwater marsh, all classified as disturbed habitat. This area was sold and removed from the subject parcel. The existing subject site is essentially flat and the proposed guesthouse and addition will not substantially increase the amount of hardscape such that increased

erosion and sedimentation entering the lagoon would result from the project. Therefore, the proposed project can be found consistent with the resource protection policies of the Coastal Act.

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 existing residence is visible from the easternmost portion of San Elijo Lagoon. However, the site is at essentially the same elevation as the lagoon, and neither the existing residence nor the proposed addition will be visible from the majority of the lagoon trails. The site will not be visually prominent from any scenic viewshed, and the residence will be compatible in size and character to the surrounding estate-type development. No public views will be blocked. Therefore, the addition will not adversely impact the visual quality of the scenic lagoon viewshed or the neighborhood.

Section 30604 (c) requires a specific finding that the proposed development is consistent with the public access and public recreation policies of Chapter 3 of the Coastal Act. The subject site is located between San Elijo Lagoon and the first public roadway, which in this case is La Bajada Road. The site is located within an estate residential neighborhood, and contains an existing single-family residence. There are no public lagoon trails near the site which will be affected by the proposed residential addition, and the project will have no direct impacts upon the public's ability to access the lagoon.

The project site is located partially within the 100-year floodplain of Escondido Creek. Although the new construction will be located outside of the floodplain, there exists the potential for flooding on the project site. Due to the inherent risk of floodplain development and the Commission's mandate to minimize risks (Section 30253), the standard waiver of liability condition has been attached as Special Condition #1. By this means, the applicant is notified of the risks and the Commission is relieved of liability in permitting the development. Pursuant to Section 13166(a)(1) of the Commission's Code of Regulations, an application may be filed to remove Special Condition #1 from this permit if new information is discovered which refutes one or more findings of the Commission regarding the existence of any hazardous condition affecting the property and which was the basis for the condition. In addition, Special Condition #3 notifies the applicant of the provisions of the certified County of San Diego Local Coastal Program which do not permit any building or structure to be placed, erected, constructed, altered or enlarged within the floodplain area, with the exception of minor repairs to existing buildings or structures which would not result in any increase in flood levels during the occurrence of a 100-year flood.

The subject site is planned and zoned for large-lot estate residential development at a density of .35 dwelling units per acre in the certified County of San Diego Local Coastal Program. The proposed residential addition is consistent with this designation. Guesthouses are a permitted use in the RR zone. Special Condition #2 informs the applicant that conversion of the guesthouse to a second unit will require further review for permit requirements pursuant to the Coastal Act. As conditioned, the project is consistent

with all applicable Chapter 3 policies of the Coastal Act. The Commission finds that approval of the subject project will not prejudice the ability of the County of San Diego to implement their certified Local Coastal Program.

**SPECIAL CONDITIONS:** 1. **Assumption of Risk:** Prior to the authorization to proceed with construction, the applicant [and landowner] shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from flooding and the applicant assumes the liability from such hazards, and (b) the applicant unconditionally waives any claim of liability on the part of the Commission or its successors in interest for damage from such hazards and agrees to indemnify and hold harmless the Commission, its offices, agents, and employees relative to the Commission's approval of the project for any damage. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

2. **Permitted Density.** No portion of the single-family residence or guesthouse permitted on this site shall be rented, leased, occupied, sold or otherwise used as a second separate dwelling unit without the prior review and approval of the Coastal Commission or its successor in interest.

3. **Future Development/ Floodplain Development.** This permit is for construction of a 950 sq.ft. guesthouse and 724 sq.ft. addition to an existing single-family residence. All other development proposals for the site shall require review and approval by the Coastal Commission, or its successor in interest, under a separate coastal development permit, permit exemption, or amendment to this permit. Consistent with the Flood Plain Area Regulations of the certified County of San Diego Local Coastal Program, no building or structure would be permitted to be placed, erected, constructed, altered or enlarged within the floodplain area, except for minor repairs to existing buildings or structures which would not result in any increase in flood levels during the occurrence of a 100-year flood.

**ACKNOWLEDGMENT 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.

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Applicant's Signature

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Date of Signing