

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
3111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
(619) 521-8036



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Permit Application No. 6-97-38/DL
Date May 22, 1997

ADMINISTRATIVE PERMIT

APPLICANT: Kachay Homes, Inc.

PROJECT DESCRIPTION: Construction of a two-story 9,466 sq.ft. single-family residence with septic system, an 860 sq.ft. detached guest house, pool and 1,300 cubic yards of balanced grading on an existing 2.95 acre vacant lot.

PROJECT LOCATION: Paseo Primero (off of Linea Del Cielo), Rancho Santa Fe, San Diego County. APN 268-220-24.

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, are discussed on subsequent pages.

NOTE: The Commission's Regulations provide that this permit shall be reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, a permit will not be issued for this permit application. Instead, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

DATE and TIME:	June 11, 1997 9:00 a.m., Wednesday	LOCATION:	Marin County Brd. of Supervisors Chambers Administration Building., Rm.322 Marin County Civic Center San Rafael, CA
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IMPORTANT - Before you may proceed with development, the following must occur:

For this permit to become effective you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgment and evidence of compliance with all special conditions, we will send you an authorization to proceed with development. BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE PERMIT AUTHORIZATION FROM THIS OFFICE.

PETER DOUGLAS
Executive Director

By: Diana Lilly

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 two-story 9,466 sq.ft. single-family residence with a septic system, an 860 sq.ft. detached guest house, pool, and 1,300 cubic yards of grading on an existing 2.95 acre vacant lot. As required by the County of San Diego, the guest house has a wetbar with certain design limitations (only one sink, no gas connections, no food

preparation facilities, etc.) such that the structure is not considered a separate dwelling unit. The roughly triangular-shaped lot is one of four lots created through CDP #6-89-97 approved by the Commission in January, 1990. The site is located north of Linea del Cielo, just east of the San Dieguito County Park. The site is covered by mature eucalyptus trees, and contains isolated steep slope areas.

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. Although the certified LCP is used for guidance, Chapter 3 of the Coastal Act is the standard of review.

Sections 30231 and 30240 of the Coastal Act call for the protection of coastal waters and environmentally sensitive habitat areas. The Commission approved the subdivision of the subject parcel with special conditions requiring that the applicant place a deed restricted open space corridor along the west and north sides of the original parcel. In the case of the proposed lot, the open space corridor runs along the length of the northern border of the site. The applicant was also required to salvage the Western Dichondra located on the subject site in order to preserve this sensitive plant species. This salvage has taken place, and there have been no other sensitive species identified on the site. All of the proposed development will occur outside the open space corridor.

However, the site is also located within the Coastal Resource Protection (CRP) overlay zone contained in the certified County of San Diego Local Coastal Program. The CRP regulations govern grading on steep, natural slopes in order to minimize alteration of natural landforms and reduce sedimentation impacts to downstream resources, in this case, San Elijo Lagoon. The applicant is not proposing to grade the isolated patches of steep slopes, however, 1,300 cubic yards of balanced grading is required to prepare the site for development. In order to further reduce the risk of erosion and off-site sedimentation, Special Condition #1 requires submittal of a grading and erosion control plan, and restricts grading during the rainy season consistent with the provisions of the CRP overlay which have been routinely applied to development in the surrounding area. Therefore, as conditioned, the project can be found consistent with Sections 30231 and 30240 of the Coastal Act and the certified County LCP.

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 proposed project site is located at the bottom of long, steep accessway off of Linea del Cielo. The development will not be visible from any scenic roadways. The site is one lot east of San Dieguito County Park. At the time the lots adjacent to the project site are developed and cleared of the existing eucalyptus trees, the proposed development may be visible from the County Park. However, there are many residences currently visible from this developed recreational park and the proposed structure will not adversely impact views from the Park. The residence will be compatible in size and character to the surrounding estate-type development. Therefore, the project

will not adversely impact the visual quality of the area, and can be found consistent with Section 30251 of the Act.

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 residence is consistent with this designation. Guest houses are a permitted use in the RR zone. Special Condition #2 informs the applicant that conversion of the guest house to a second unit will require further review and approval pursuant to the Coastal Act. 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 implement its certified Local Coastal Program.

SPECIAL CONDITIONS: 1. **Grading/Erosion Control.** Prior to the authorization to proceed with development, the applicant shall submit to the Executive Director for review and written approval, final site and grading plans stamped and approved by the County with plan notes specifically incorporating the following requirements:

- a. All grading activity shall be prohibited between October 1st and April 1st of any year.
 - b. All areas disturbed by grading shall be planted within 60 days of the initial disturbance and 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.
2. **Permitted Density.** No portion of the single-family residence or guest house 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.

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.

Applicant's Signature

Date of Signing