

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
 7575 METROPOLITAN DRIVE, SUITE 103  
 SAN DIEGO, CA 92108-4421  
 (619) 767-2370



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 Permit Application No. 6-06-091/tlr  
 Date September 21, 2006

ADMINISTRATIVE PERMIT**Wed 3a**

APPLICANT: Jack and Patty Queen

PROJECT DESCRIPTION: Construct a 1,477 sq.ft. 1-story guest house on  
 A 6.86 acre site containing a 5,909 sq.ft., 2-story home with 1255 sq. ft. garage and 2,650  
 sq.ft. barn.

PROJECT LOCATION: 17660 La Bajada, Rancho Santa Fe, San Diego County  
 APN 266-041-06

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: October 11, 2006 9:00am Wednesday	LOCATION: Hyatt Regency Long Beach 200 S. Pine Avenue Long Beach, CA 90802 (562) 491-1234
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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: \_\_\_\_\_

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 proposed the construction of a 1,477 sq. ft. detached guesthouse on a 6.86 acre lot already containing a 5909 sq. ft. single family residence, pool, barn, and tennis court. The site is located on southwest region of La Bajada Road, in the Rancho Santa Fe area of San Diego County. The proposed project will be located within a rural residential (RR) zone and will be compatible with character and scale of the surrounding residential area.

In June of 1996 the Commission approved the construction of a 950 sq. ft. detached guesthouse, and a 724 sq. ft. garage and bath addition (Ref CDP #6-96-52). While the bathroom and garage have since both been expanded, the guesthouse was never developed. The proposed project involves a larger guest house that will be constructed in

a different location on the site. The property owner no longer proposes to complete the previously approved guest house. As such, prior to the authorization to proceed with development, Special Condition #5 requires the land owner to relinquish all rights to the permitted building of formerly mentioned guesthouse, permit application #6-96-52.

Coastal Act section 30604 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 provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made. The County of San Diego's Local Coastal Plan (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 review. The proposed guesthouse requires a coastal development permit given that the guest house is a significant detached structure and is located between San Elijo Lagoon and the first public roadway. The northernmost portion of the site is within the 100-year floodway of Escondido Creek. There is an existing barn and coral in this lower flood zone; however the proposed guesthouse is located in the southern region of the lot well outside the floodway.

Sections 30210, 30211, 30212, 30221, 30251 regulate public access on coastal properties, and properties close to coastal recreational activities. While the subject is located between San Elijo Lagoon and the first road paralleling the sea, it is not blocking public access nor public views; and while located near existing lagoon trails, development will not adversely affect access to these trails. It is therefore found to be in compliance with sections 30210, 30211, 30212, 30221, 30251, 30604 of the Coastal Act.

Section 30231 of the Coastal Act requires that the biological productivity and the quality of coastal waters shall be maintained and restored by minimizing negative effects and controlling runoff, and maintaining natural vegetation buffer 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 the San Elijo Lagoon and within the CRP overlay area; however, there are no steep slopes on the site, or sensitive vegetation, and the proposed development is located within the developed portion of the site well away from the adjacent sensitive resources. The existing subject site is essentially flat and the proposed guesthouse will not substantially increase impervious surfaces such that erosion and sedimentation entering the lagoon would result from the project. Therefore, the proposed project can be found consistent with resource protection policies in section 30231 of the Coastal Act.

Section 30236 regulates channelization, damming, and any other substantial alterations to rivers and streams. The project site does include a portion of the 100-year flood plain of Escondido Creek. However, the development is located outside of said flood zone, and is

thus found in accordance with Section 30236 of the Coastal Act. Due to inherent unpredictability of floodplains, the authorization of permit requires a waiver of liability, included as Special Condition #1.

Section 30240(b) protects areas adjacent to environmentally sensitive habitats, and is designed to prevent the degradation of these areas and promotes compatibility with the continuance of these areas. The construction site is located near environmentally sensitive areas, but is itself currently highly landscaped, thus no sensitive habitat will be removed during development. To promote the continuance of the sensitive areas and assure the proposed development does not result in adverse impacts, Special Condition #4 has been included; requiring that all further landscaping shall be drought tolerant, native, and non-invasive to allow continuance of neighboring local sensitive habitat.

Sections 30250, 30251 of the Coastal Act protect visual qualities of the surrounding area by influencing the location, and type of development permitted. The guesthouse is being constructed on the 6.86 acre plot; the location of the guesthouse will not alter public coastal views. The surrounding area is zoned as rural residential (RR) and many of the surrounding homes have guesthouses on their property and adequate public services exist to the subject site. Further the size and design of the guesthouse is visually compatible to the surrounding areas. It is thus found to be in compliance with sections 30250, 30251 of the Coastal 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. 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 Executive Director finds that approval of the subject project will not prejudice the ability of the County of San Diego to obtain a certified Local Coastal Program.

#### SPECIAL CONDITIONS:

1. Assumption of Risk, Waiver of Liability and Indemnity. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

2. Permitted Density. No portion of the 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. Deed Restriction. **PRIOR TO THE AUTHORIZATION TO PROCEED WITH DEVELOPMENT,** 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.

4. Landscape Plans. **PRIOR TO THE AUTHORIZATION TO PROCEED WITH DEVELOPMENT,** The applicant shall submit for review and written approval of the Executive Director, landscape plans for the proposed development. Said plans shall indicate that any landscaping proposed for the subject guesthouse shall be (1) drought-tolerant and native or (2) non-invasive plant species (i.e., no plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest 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.

5. Permit Application 6-96-52 Restriction. By accepting the conditions of this permit the permittee relinquishes all right to develop previously authorized guesthouse, as outlined in application #6-96-92.

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.

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Applicant's Signature

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Date of Signing