

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

(619) 521-8036



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Permit Application No. 6-95-164/GDC

Date January 16, 1996

ADMINISTRATIVE PERMIT

APPLICANT: Arthur E. Nicholas

PROJECT DESCRIPTION: Demolition of an existing single family residence and pool, construction of a new 6,482 sq. ft. single family residence and pool, and remodel of an existing guest house and garage on a 17,700 sq. ft. oceanfront lot.

PROJECT LOCATION: 2808 Ocean Front, Del Mar, San Diego County.
APN 299-021-26

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: February 8, 1996 LOCATION: U. S. Grant Hotel
9:00 a.m., Thursday 326 Broadway
San Diego, CA

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. 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.

The applicant proposes to demolish an existing single-family home and pool and construct a new one-story 6,482 sq. ft. single-family home with pool and perimeter walls on a 17,700 sq. ft. oceanfront lot. The applicant also proposes to remodel an existing 1,164 sq. ft. guesthouse and garage and demolish an existing greenhouse structure on the subject site. Also, on an adjoining lot, the applicant proposes to remove existing solar panels. The proposed development will be located at mid-block on Ocean Front between 27th and 29th Streets in a fully-developed single-family residential area.

The subject site is located on the beachfront in an area that has been subject to storm waves. The Commission recently approved a permit at this site to demolish a currently-existing seawall and construct a new 120-foot long, vertical steel sheetpile seawall with concrete cap (CDP #6-95-134); the permit has not been implemented to date. The approved seawall alignment is consistent with the City of Del Mar's certified LUP which requires shoreline protective devices to be placed on, or landward of, the Shoreline Protection Area (SPA) line, which, in general, marks the boundary between private and public land in this portion of the City.

Section 30253 of the Coastal Act requires (in part) that new development "minimize risks to life and property in areas of high geologic, flood and fire hazard." Consistent with this Coastal Act policy, the certified Del Mar LUP and existing zoning require all new development to observe a minimum setback of 15 feet from the SPA line. The proposed residence observes a setback of 24 feet from the SPA line, is well within the existing stringline of development along the shoreline, and consists of redeveloping an already-protected site. Thus, the proposed project, as conditioned, is fully consistent with the certified LUP and Section 30253 of the Coastal Act.

However, even with the installation of the approved seawall and setback requirements of the City's LUP, there remains an inherent risk to any structure along the shoreline. Special Condition #1 requires the applicant to record a deed restriction recognizing this risk and waiving any liability on the Commission's part for allowing this new development. Pursuant to Section 13166(a)(1) of the California Code of Regulations, an application may be filed to remove Special Condition #1 from this permit if the applicant presents newly discovered material information regarding the existence of any hazardous condition which was the basis for the condition, if he could not with reasonable diligence have discovered and produced such information before the permit was granted.

A Survey and Easement Plan was submitted with the application describing a "private road easement" on Ocean Front (an alley) between the existing house and guesthouse. The subject lot is bisected by Ocean Front and is the only such bisected lot within the 2800 block of Ocean Front. The Design Review Board approval from the City of Del Mar has been conditioned to require the applicant to verify that a public road easement exists or will be granted, on Ocean Front along the subject property. Consistent with the City's action, Special Condition #1 has been attached to this permit requiring that a new Survey and Easement Plan be submitted for review and approval by the Executive Director indicating that a public road easement exists along Ocean Front.

Since this is a single-story, mid-block development, there is no potential for public view blockage from Camino del Mar, the first public road in this area and a major coastal access route. Furthermore, the proposed development is compatible with the adjacent developed properties and is consistent with the Medium Density Single Family Residential - Beach designation in the certified Del Mar LCP Land Use Plan and existing R1-5B zone. Adequate parking is proposed on-site with two, two-car garages to serve the subject development. Therefore, the proposed development, as conditioned, is not anticipated to

result in adverse impacts to any coastal resources and is consistent with the certified Del Mar LUP and Sections 30251 and 30252 of the Coastal Act.

SPECIAL CONDITIONS:

1. Revised Plans. Prior to the authorization to proceed with development, the applicant shall submit a revised Survey and Easement Plan, approved by the City of Del Mar, documenting that a public road easement has been granted for Ocean Front along the subject property. The plans shall be submitted to, reviewed and approved in writing by the Executive Director.

2. Assumption of Risk: Prior to the authorization to proceed with development, the applicant 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 storm and wave action and (b) the applicant hereby waives any future claims of liability against the Commission or its successors in interest for damage from such hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

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