

**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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Staff: LRO-SD  
Staff Report: 9/4/97  
Hearing Date: 10/7-10/97

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-97-92

Applicant: Joseph M. Zagara Jr.

Agent: Jon Blake/Jon Blake  
Surveying

Description: Demolition of an existing one-car garage, conversion of two existing detached residential units totaling 1,840 sq. ft., into condominium ownership and construction of a concrete block wall between the two units on an 8,000 sq. ft. lot. The demolition of the garage and construction of the concrete block wall has already occurred without benefit of a coastal development permit.

Lot Area	8,000 sq. ft.
Building Coverage	2,080sq. ft. ( 26 %)
Pavement Coverage	2,000 sq. ft. ( 25 %)
Landscape Coverage	3,920 sq. ft. ( 49 %)
Parking Spaces	4
Zoning	R-2
Plan Designation	Residential High Density (12.5 dua)
Project Density	10.8
Ht abv fin grade	14 feet

Site: 127 Seventh Street and 125 Sherry Lane, Del Mar, San Diego County.  
APN 300-182-14

Substantive File Documents: Certified City of Del Mar Land Use Plan

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval.

The Commission hereby grants a permit for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description. Proposed is the demolition of an existing one-car garage, conversion of two existing one-story residential units to condominium ownership and construction of a concrete block wall on the unit division line on an 8,000 sq. ft. parcel. Demolition of the existing garage and construction of the block wall have already occurred without benefit of a coastal development permit. The subject parcel extends from Seventh Street to Sherry Lane. Together, the two residences total to 1,840 sq. ft. in size. The residence on Sherry Lane contains an existing one-car carport. A total of four parking spaces are provided overall for the entire project. The project site is located approximately one-half block from the ocean in the community of Del Mar. An existing railroad right-of-way exists between the subject block and the ocean.

2. Parking/Public Access. Section 30252 provides that new development should maintain and enhance public access to the coast by providing adequate parking facilities. Furthermore, Section 30604(c) of the Coastal Act requires that a specific access finding be provided for every project located between the first coastal road and the sea. Sections 30210 and 30212 of the Act further call for the maximization of public access opportunities and require that access be provided in conjunction with development located between the first coastal road and the sea unless, among other things, adequate access exists nearby.

With regard to parking, the residence fronting on Sherry Lane currently provides one covered parking space via an existing carport and the proposed condominium conversion does not alter the amount of parking for this residence. The residence to the north which fronts on Seventh Street, has no covered parking, but provides parking for three cars in tandem fashion in a long asphalt driveway. It was this latter residence where an existing one-car garage was previously demolished; however, the proposed condominium conversion will not result in a reduction in the current amount of parking provided for

either residence. Normally, two parking spaces are required per each residential unit; however, in this particular case, the City of Del Mar did not require that additional parking be provided because the property was regarded as a non-conforming use and the proposal for a condominium conversion did not result in any physical improvements to the residential units which would trigger the need to provide additional parking as would be required for new development or new construction. As such, the degree of non-conformity is not being increased through the subject proposal and the same amount of parking for the project site will continue to be provided.

As noted previously, the project site is located about a half a block from the ocean, inland of the railroad tracks. Steep coastal bluffs exist to the west of the railroad tracks which descend to the beach and ocean below. Formal vertical access is currently provided to the north at Powerhouse Park and to the south at Torrey Pines State Beach. Historically, residents of Del Mar and many regional beach visitors have gained access to the shoreline by crossing the railroad tracks, then negotiating informal zigzag paths down the bluff face to the beach. There are also informal lateral access paths along the blufftop both east and west of the railroad tracks, within both the City of Del Mar and railroad rights-of-way. The proposed project will not adversely affect these informal public access routes to the shoreline. Thus, the Commission finds the proposed development consistent with the public access policies of the Coastal Act, and, as required in Section 30604(c), addressing development between the sea and first public road, with all other public access and recreation policies as well.

3. No Waiver of Violation. Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to this violation of the Coastal Act that may have occurred; nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit.

4. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

As discussed herein, the proposed project will not cause significant adverse impacts to the environment. Specifically, the project has been found consistent with the public access policies of the Coastal Act. No mitigation measures are required because no environmental impacts have been identified. Therefore, the Commission finds that the

proposed project is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

5. Local Coastal Planning. Section 30604(a) also 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 the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The subject site is zoned R-2 and designated for Residential High Density development in the Del Mar Community Plan and LCP Land Use Plan; the proposed development is consistent with those designations. The Coastal Commission certified the City of Del Mar's LCP Land Use Plan (LUP) with suggested modifications in March, 1993. The proposed project should not prejudice the ability of the City of Del Mar to prepare and implement a fully certifiable Local Coastal Program.

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.

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SITE

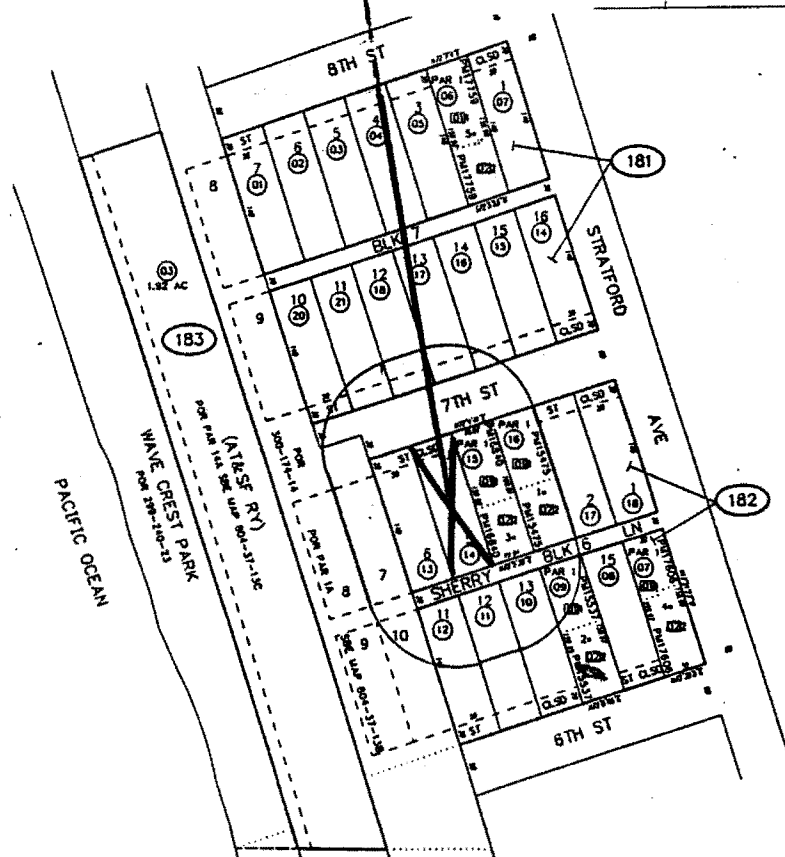


EXHIBIT NO. 1  
APPLICATION NO.  
6-97-92  
Location Maps

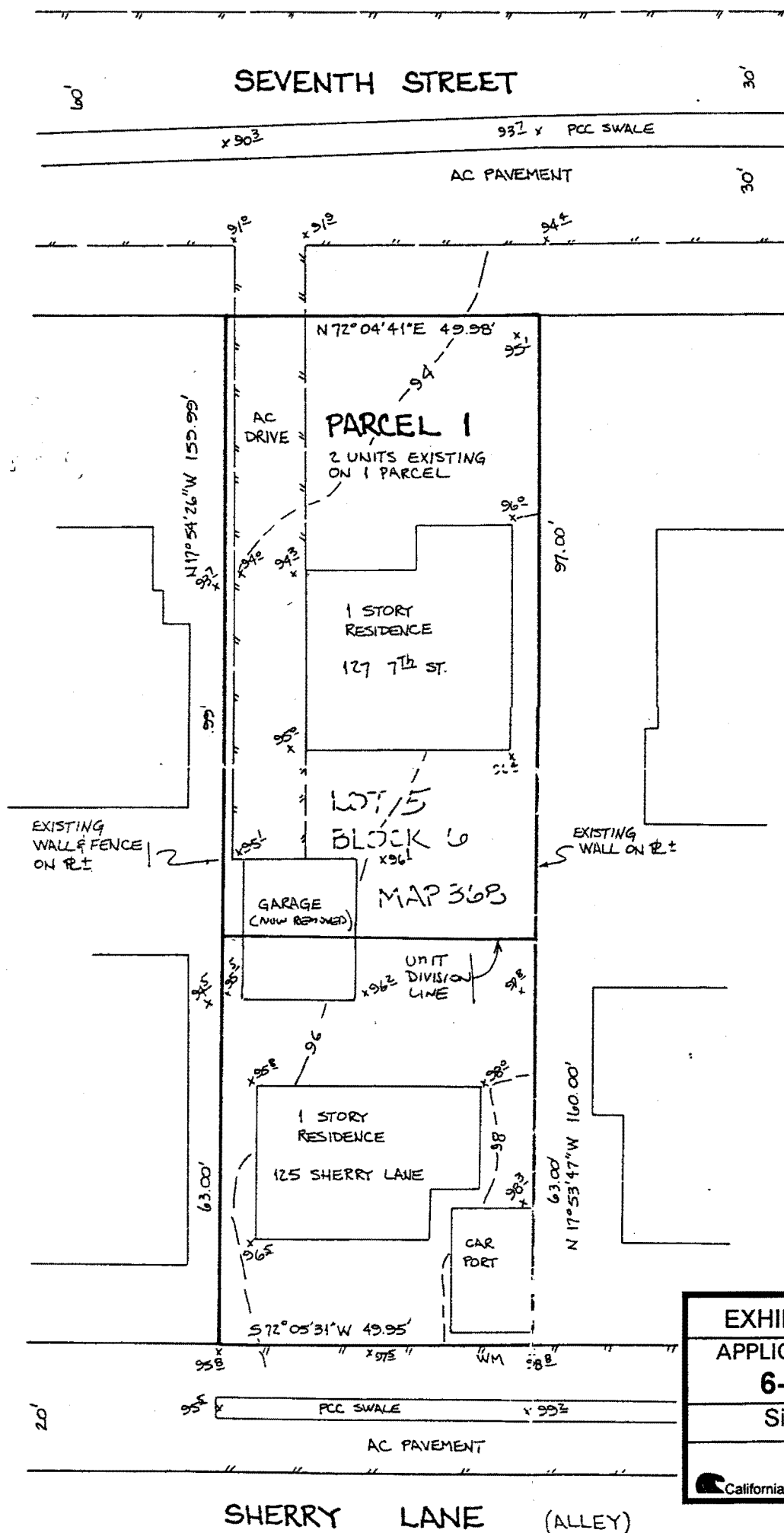
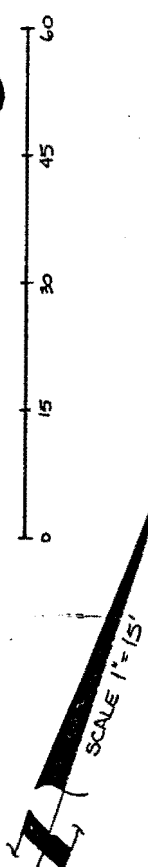


EXHIBIT NO. 2
APPLICATION NO.
6-97-92
Site Plan
California Coastal Commission