

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA

CAMINO DEL RIO NORTH, SUITE 200

DIEGO, CA 92108-1725

(619) 521-8036

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Permit Application No. 6-97-17/EL
Date March 13, 1997ADMINISTRATIVE PERMIT

APPLICANT: Karl Kreutzer

PROJECT DESCRIPTION: Removal of a patio cover and swimming pool associated with the adjacent residence, and construction of a two-story, 2,655 sq.ft. single-family residence, including an attached two-car garage, on a 5,912 sq.ft. lot.

PROJECT LOCATION: 1935 Ocean Front, Del Mar, San Diego County. APN 299-146-19

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: April 9, 1997
9:00 a.m., Wednesday

LOCATION: Waterfront Hilton Beach Resort
21100 Pacific Coast Highway
Huntington Beach, CA 92648

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: Ellen A. Lyle

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 is proposing to remove existing improvements, comprised of a patio cover and swimming pool associated with the adjacent residence, and to construct a 2,655 sq.ft. residence on a 5,912 sq.ft. parcel on the inland side of Ocean Front (a named alley) in Del Mar. The residence will include a partial second story and will contain three bedrooms and an attached two-car garage. The property also has frontage on Coast Boulevard, but all access is taken from the Ocean Front side.

The City of Del Mar has approved a Design Review Permit and Floodplain Development Permit. The proposed development is consistent with the RM-West Zone and Medium Density Mixed Residential-West designation of the certified City of Del Mar LCP Land Use Plan. The project provides adequate parking, consistent with Section 30252 of the Coastal Act and the certified Land Use Plan. Also, the site is located mid-block, with existing development between the subject property and the beach, such that the proposed residence is not within any identified view corridor and will not impede any existing public views to or along the coast, consistent with Section 30251 of the Coastal Act.

The proposed project is located within the 100-year floodplain of the San Dieguito River. Section 30253 of the Coastal Act states, in part, "new development shall: (1) minimize risks to life and property in areas of high geologic, flood and fire hazard...." The area is urbanized and further infilling is deemed appropriate; however, the area is also subject to backwater flooding resulting from the historic development of the river mouth and railroad berms. The City requires a minimum finished floor elevation of nine (9) feet, which will bring the project out of the currently defined floodplain elevation, thus reducing the risk of flooding. However, further development in the area has decreased the amount of permeable land, thus increasing the amount of storm runoff. That increased runoff, along with the area's history of flooding, has led the Commission, in numerous past permits, to find that such proposed mitigation will not totally eliminate the risk of flooding, either from storms or improper drainage.

Because the mitigation is found to be insufficient, it is necessary that a special condition be attached in order to waive any liability on the part of the Coastal Commission in the event of any flooding and/or failure of drainage channels, etc., to adequately convey or drain runoff associated with heavy rainfalls. The assumption of risk documents serve to both notify the owner and future assignees, as well as relieve liability on the Commission for permitting the development. This condition has also been placed on other residential projects (Coastal Development Permits #6-86-557; #6-86-611; #6-93-198; #6-96-35; and #6-97-6, among others) in similar areas of Del Mar. Therefore, as conditioned, the project is consistent with Section 30253 of the Act. 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 the applicant could not with reasonable diligence have discovered and produced such information before the permit was granted.

In summary, the proposed development has received all local discretionary permits, and is consistent with the certified Land Use Plan. As conditioned, it has been found consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, approval of the project, as conditioned, is not anticipated to result in adverse impacts to any coastal resources.

SPECIAL CONDITIONS: 1. Assumption of Risk: Prior to the authorization to proceed with development, 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 (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

(7017R)