

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

(619) 521-8036



Page 1 of 4

Permit Application No. 6-97-54/EL

Date June 11, 1997

ADMINISTRATIVE PERMIT

APPLICANT: Arthur E. Nicholas

PROJECT DESCRIPTION: Construction of a one-story, approximately 384 sq.ft., 14-foot high, wood, glass and concrete greenhouse structure on a 13,560 sq.ft. site with an existing tennis court and landscaping improvements associated with adjacent single-family residences.

PROJECT LOCATION: 2810 Camino del Mar, Del Mar, San Diego County.
APN 299-021-20

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: July 10, 1997
9:00 a.m., Thursday

LOCATION: Holiday Inn - Ventura
450 East Harbor Boulevard
Ventura, CA 93001

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 Liley

western boundaries of the subject lot. The eastern boundary is Camino del Mar, and a separately-owned, developed private parcel is located to the south. The subject lot acts as a recreational amenity (yard area) for the three recently-approved homes.

Section 30251 of Coastal Act provides for the protection of scenic coastal areas and compatibility of new and existing development. The proposed development is smaller in size than the existing single-family homes surrounding it, but is compatible in bulk and scale with the overall pattern of residences and accessory structures in the neighborhood. The property is highly visible, having frontage on Camino Del Mar, a major coastal access route. Due to intervening development, however, there are no existing ocean views available in this location, so the proposed development will not impact any public view corridors. Moreover, the existing tennis court is located between the road and the proposed greenhouse and will thus help to screen the development from public view. Therefore, the proposed development can be found consistent with Section 30251 of the Coastal Act.

The project site is located within the 100-year floodplain of the San Dieguito River. Section 30253 of the Coastal Act requires that new development minimize risks to life and property due to flooding. The area is within an established urbanized area currently developed with residential development, and further infilling is deemed appropriate. Because this is an accessory structure not proposed for habitation, the City of Del Mar did not require a Floodplain Development Permit; however, the Design Review Permit issued by the City specifies that machinery and equipment be situated at a minimum base flood elevation of 10 feet NGVD; as designed, the greenhouse will have a finished floor elevation of 10.5 feet NGVD. However, the potential for damage resulting from flooding still exists. Continuing 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, leads the Commission to find that the risk of flooding, either from storms or improper drainage is not eliminated.

Therefore, the Commission is requiring, through Special Condition #1, that the applicant record a waiver of liability/indemnification. Recordation insures that the applicant and all future property owners understand that flooding and/or failure of drainage channels, etc. to adequately convey or drain runoff associated with storm events could occur and cause damage to life or property, and that the Commission will not be liable for such damages. The indemnification further insures that the Commission will not incur damages as a result of the applicant's decision to build in an area subject to risk of flooding. This condition has also been placed on other projects in floodplain areas of Del Mar, including Coastal Development Permits #6-95-134, #6-95-164 and #6-96-35 for the three single-family residences referenced previously. Therefore, as conditioned, the Commission finds the project consistent with Section 30253 of the Act. Pursuant to Section 13166(a)(1) of the Commission's administrative regulations, an application may be filed to remove Special Condition No. 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 they could not with reasonable diligence have discovered and produced such information before the permit was granted.