

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. 6-97-61/EL
Date June 11, 1997

ADMINISTRATIVE PERMIT

APPLICANT: Donnelley Family Partnership

PROJECT DESCRIPTION: Demolition or removal of an existing single-family home and construction of a new, two-story, 2,748 sq.ft. single-family residence on a 5,735 sq.ft. site.

PROJECT LOCATION: 224 Eighteenth Street, Del Mar, San Diego County.
APN 299-144-07

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

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.

Proposed is the demolition, or removal to a location outside the coastal zone, of an existing one-story single-family residence and the construction of a two-story, three-bedroom, 2,748 sq. ft. single-family residence, including an attached, two-car garage. The residence will be located on a 5,735 sq. ft. property east of Coast Boulevard in the City of Del Mar.

Section 30251 of Coastal Act provides for the protection of scenic coastal areas and compatibility of new and existing development. The proposed development is similar in size and compatible in bulk and scale with the surrounding neighborhood development. The property is not easily visible from any major coastal access route, being located east of Coast Boulevard and west of the railroad tracks. Moreover, the application includes a detailed landscape plan. 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. The provisions of the Floodplain Development Permit issued by the City did not specify a required finish floor elevation for the living area of the proposed residence; however, as designed, the house will have a finished floor elevation of 10.5 feet NGVD, which is consistent with the elevations of other homes in the area. 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 residential projects (#s 6-86-557; 6-86-611; 6-86-745; 6-89-299; 6-93-198; 6-94-22; 6-94-75; 6-96-35; 6-97-17 and many more) in floodplain areas of Del Mar. 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.

The site is designated for Medium Density Residential uses in the certified City of Del Mar Land Use Plan, and is currently zoned RM-West. The proposed development is consistent with those designations. The proposal has received Design Review Board approval (DRB-97-8) and a Floodplain Development Permit (FDP-97-1) and is consistent with the certified City of Del Mar LCP Land Use Plan. As conditioned, it is also fully consistent with the applicable Chapter 3 policies of the Coastal Act. The proposed development is visually compatible with the adjacent properties, and adequate parking is proposed on

the site. Therefore, since the proposed development is consistent with Sections 30251 and 30252 of the Act, and the certified LUP, approval of the development is not anticipated to result in adverse impacts to any coastal resource.

SPECIAL CONDITIONS: 1. Assumption of Risk: Prior to the authorization to proceed with development, the applicant as 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 during storms, and (b) the applicant hereby waives any future claims of liability on the part of the Commission and agrees to indemnify and hold harmless the Commission, its officers, agents and employees relative to the Commission's approval of the project for any damage due to such flooding hazard. 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

(7061R)