

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
3111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
9) 521-8036



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Permit Application No. 6-97-163/EL
Date January 5, 1998

ADMINISTRATIVE PERMIT

APPLICANT: Andrew Gerhard

PROJECT DESCRIPTION: Construction of a one-story, 944 sq.ft. single-family residence, with attached two-car garage, on a vacant 1,750 sq.ft. oceanfront parcel, with an existing seawall which will remain.

PROJECT LOCATION: 2610 Ocean Front, Del Mar, San Diego County. APN 299-065-07

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: February 4, 1998 LOCATION: Quality Resort—Mission Valley
9:00 a.m., Wednesday 875 Hotel Circle South
San Diego, CA 92108

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.

The applicant proposes construction of a small beach cottage, to include 564 sq.ft. of living area and a 380 sq.ft., two-car garage. The structure is single-story in height (16 feet) and will be situated on a vacant (except for existing seawall), 1,750 sq.ft. site. The property is an existing legal lot, although it fails to conform in several respects with the R1-5B zone applied to this area. The City of Del Mar has issued a variance for sideyard

setbacks, which are proposed at three feet where five feet is standard, and for the garage, which is undersize (400 sq.ft. normally required). The variance was issued in light of the substandard lot size (1,750 sq.ft. where 5,000 sq.ft. is required) and substandard lot width (25 feet where 50 feet is required), which made it difficult, if not impossible, for the owner of this legal lot to comply with all aspects of the current zoning requirements.

There have been three past Coastal Commission actions on the site. In Coastal Development Permit #6-89-305, the existing seawall was authorized. It is centered on the western property line and connects with existing seawalls to the north and south; all routine seawall conditions were attached to the permit and satisfied. In design, the existing seawall appears to be part of the seawall protecting the two properties to the south; the existing seawalls to the north, however, are of a different design, and may have been constructed at a different time. Coastal Development Permit #6-90-57 authorized demolition of the previous single family residence on the site, with retention of the seawall, which was newly-constructed at that time (May, 1990). Finally, Coastal Development Permit #6-93-182 authorized construction of a single-family residence very similar in size and design to that currently proposed. The applicant complied with the special condition (identical to that included herein) and the permit was issued; however, the home was not constructed and the permit has expired.

In addition to its consistency with the Del Mar LCP Land Use Plan and current zoning (through the variance process), the proposed residence is fully consistent with the applicable Chapter 3 policies of the Coastal Act. Since this is a 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, although, due to the unusually small lot size, the proposed residence is somewhat smaller than its neighbors. Adequate parking is proposed on the site, with a two-car, attached garage.

The existing seawall was constructed when a previous home existed on the site. It is proposed to remain and will provide protection for the proposed development in this shorefront location where flooding from wave action occurs with some regularity. In many past permits along Ocean Front in Del Mar, the Commission has found that properly sited vertical seawalls, such as that existing on the subject property, are an appropriate method of shoreline protection in this area of beach-level private legal lots. Because of the identified existing hazard, the Commission has further found such seawalls consistent with Section 30235 of the Coastal Act. In further recognition of said hazard, Special Condition #1 requires the applicant to record a deed restriction against the property, assuming all risks from development and indemnifying the Commission against any future claims. In conjunction with the processing of the required deed restriction, the applicant may wish to rescind the restriction associated with the prior permit, which was never acted upon and has now expired. Therefore, since the proposed development is consistent with all applicable Chapter 3 policies of the Act, the certified LUP and, as authorized through the variance process, existing zoning, 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 [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 storms and wave action and the applicant assumes the liability from such hazards; and (b) that the applicant unconditionally waives any claim 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 natural hazards. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction.

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

(7163R)