

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

(619) 521-8036

## RECORD PACKET COPY



Page 1 of 4

Permit Application No. 6-98-42/lro

Date 5/11/98

ADMINISTRATIVE PERMIT

APPLICANT: Howard Gad

PROJECT DESCRIPTION: Demolition of an existing two-car garage and swimming pool and construction of a new, two-story, 2,300 sq.ft. single family residence with attached two-car garage and carport on a 6,000 sq.ft. lot.

PROJECT LOCATION: Northeast corner of Coast Boulevard and 19th Street, Del Mar, San Diego County. APN 299-141-15

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: Tuesday, June 9, 1998 9:00 a.m. LOCATION: Radisson Hotel  
1111 East Cabrillo Blvd.  
Santa Barbara, CA

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: *Laurinda R. Owen*

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 of an existing detached two-car garage and swimming pool and construction of a two-story, 2,300 sq.ft. single family residence with an attached two-car garage and covered parking for one car. The proposed residence will be located on a 6,000 sq.ft. lot at the northeast corner of Coast Boulevard and 19th Street in the City of Del Mar.

The site is a legal lot containing accessory improvements, as described above, which is immediately south of a residentially developed parcel owned by the same property owner.

Section 30254 provides for the provision of adequate parking for new development. As noted above, adequate parking will be provided in the proposed development. There is no on-site parking for the single family residence on the lot immediately to the north. However, the City of Del Mar determined that since that lot and the subject lot are two separate legal lots, there is no connection between the parking located on the subject lot and lot to the north. In other words, removal of the detached garage does not trigger the need for the residence to the north to provide additional parking on site. However, if the lot with the existing single family residence were to redevelop, the provision of adequate on-site parking would need to be addressed at that time. As such, the demolition of the subject detached garage is consistent with Section 30254 of the Act.

Section 30251 of the 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 site is located on a major coastal access route and will be adequately buffered through the installation of landscaping as shown on the landscape plan submitted with the permit application. As such, no adverse visual impacts should result from project approval and the project 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 committed to residential development, and further infilling is deemed appropriate and consistent with past Commission action in this area. 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 9 feet NGVD, which is consistent with the elevations of other homes in the area. The City's permit further required that certain types of machinery and equipment not be located below 9 feet NGVD and that any interior walls, floors and ceilings located below this elevation be constructed to resist flood damage. Nevertheless, 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 areas subject to risk of flooding. This condition has also

been placed on other residential projects (6-97-17, 6-97-61 and many more) in the 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 resources.

SPECIAL CONDITIONS:

1. Assumption of Risk: Prior to the authorization to proceed with development, the applicant 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 that 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