

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
3111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
(619) 521-8036



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Permit Application No. 6-99-116/LODate September 23, 1999ADMINISTRATIVE PERMIT

APPLICANT: Larcher Investments LP

PROJECT DESCRIPTION: Renovation of an existing two-level, 2,707 sq.ft. residence including demolition of a portion of the residence to reduce it to 2,424 sq.ft. and the addition of a clear-story element at the west elevation resulting in an increase in height of the residence from approximately 15 feet to 26 feet on a 3,855 sq.ft. oceanfront site.

PROJECT LOCATION: 1828 Ocean Front Walk, Del Mar, San Diego County.
APN 299-147-06

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: October 14, 1999
9:00 a.m., Thursday

LOCATION: City of Oceanside
City Council Chambers
300 North Coast Highway
Oceanside, 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: *Lucinda R. Owens*

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 proposed development consists of the renovation of an existing two-level, 2,707 sq.ft. single family residence including demolition of a portion of the home to reduce it to 2,424 sq.ft. and to add a clear story element at its west elevation resulting in an increase in height from approximately 15 ft. to 26 ft. on a 3,855 sq.ft. oceanfront lot. The site also contains an existing vertical seawall that is seaward of the existing residence and extends

across the western property lines of approximately nine other adjacent oceanfront lots. The seawall was permitted pursuant to CDP #6-97-141. The applicant is also proposing to install new patio paving in the area of the setback area adjacent to the seawall after demolition/removal of a portion of the residence in this location. In addition, other improvements include the construction of a new driveway, entry gate/fence and trellis at the eastern side of the residence adjacent to Ocean Front. However, all of these latter improvements do not require a coastal development permit as they are exempt as improvements to an existing single family residence that do not constitute an increase of more than 10% in height or internal floor area.

The site is located on Ocean Front (Street) between 18th Street and 19th Streets in the City of Del Mar. Ocean Front is an alley that runs in a north/south direction to the east of all of the shorefront properties in this block. The City of Del Mar has a certified Land Use Plan, but not an implementation plan. As such, the Commission retains permit jurisdiction for this area until such time that the City's implementation plan is submitted to the Commission for review and approved. Therefore, the Chapter 3 policies of the Coastal Act are the standard of review.

Section 30253 of the Act provides that new development shall minimize risks to life and property in areas of high geologic or flood hazard. It also provides that new development should assure the stability and not contribute significantly to erosion of the site in a way that would require the construction of shoreline protective devices that would alter natural landforms along bluffs and cliffs. In this particular case, this Section of the Act is applicable due to the work that is proposed in close proximity to the shoreline. The proposed demolition of a portion of the existing residence involves the removal of the westerly eight feet of the residence in order to bring the residence into conformance with the City's Shoreline Protection Area (SPA). In April, 1988, a voter initiative established the Beach Preservation Initiative which is included in the City's LCP Land Use Plan (LUP), which was certified with suggested modifications by the Coastal Commission. The LUP policies establish designs and alignments for new shoreline protective works and provide for the removal of existing encroachments within the area known as the Shoreline Protection Area (SPA).

The LUP also includes policies addressing setbacks to establish a new stringline of development, which would accommodate necessary shoreline protection while minimizing private encroachments seaward of the SPA line. The SPA line established for the property in question corresponds to the site's western property line and the alignment of the seawall. The required setback from the SPA line is 15 feet. In the subject case, the existing residence is located nine feet from the SPA line and as such, is inconsistent with the required setbacks. With the proposed demolition, the residence will observe the required 15-foot setback from the SPA line/existing seawall, consistent with the certified LUP. Given that the proposed development will reduce the encroachment of the residence towards the beach in a hazardous area, the proposal can be found consistent with Section 30253 of the Act.

However, due to the site's proximity to the ocean, there remains an inherent risk for development to any structure along the shoreline. Special Condition #1 requires the applicant to record a deed restriction recognizing this risk and waiving any liability on the Commission's part for allowing this development.

Section 30604(c) of the Coastal Act requires that a specific finding be provided for every project located between the first coastal road and the sea. Sections 30210 and 30212 of the Act further call for the maximization of public access opportunities and require that access be provided in conjunction with developments located between the first coastal road and the sea unless, among other things, adequate access exists nearby. The project site is located on the beachfront in Del Mar. Unobstructed vertical access is currently provided at the terminus of 18th, five lots to the south of the site, and at the terminus of 19th Street, four lots to the north of the site. In addition, the area seaward of the existing seawall is a public sandy beach with unlimited access. The proposed development will have no impact on public access. As such, the proposed project is consistent with all of the applicable public access and recreation policies of the Coastal Act.

Section 30251 of the Act provides for the protection of scenic coastal areas and for the compatibility of new and existing development. The site is located five lots south of the terminus of 19th Street, which is a pedestrian accessway to the beach. There are no public views toward the ocean from Ocean Front looking west across the subject site due to the existing development on the lot as well as the elevational difference between the shoreline and the street (Ocean Front). As such, the addition of the clear story element, while it will increase the height of the western elevation (beachfront elevation) of the residence, it will not result in the blockage of public views toward the ocean to any further degree than what presently exists. The improvements are minor in nature and the residence will remain compatible in scale and character with the surrounding residential neighborhood. The proposed improvements to the residence will not result in any adverse impacts to visual resources nor public view blockage, consistent with Section 30251 of the Act.

In summary, the Coastal Commission certified the City of Del Mar's LCP Land Use Plan (LUP) with suggested modifications in July, 1991. The project has been designed to be consistent with the policies of the LUP addressing development in the Shoreline Protection Area as it will reduce the encroachment of the existing residence towards the beach and make it consistent with the required minimum setback from the seawall. The subject site is zoned RM-West for medium density/mixed residential development at a density of 8.8-12.5 dwelling units per acre. The proposed development is consistent with those designations. As conditioned, the project should not prejudice the ability of the City of Del Mar to prepare and implement a fully certifiable Local Coastal Program.

SPECIAL CONDITIONS: 1. Assumption of Risk. PRIOR TO 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 storms waves and flooding and the applicant assumes the liability from such

hazards; and (b) the applicant unconditionally waives any claim of liability on the part of the Commission or its successors in interest for damage from such hazards 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.

This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

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