

RECORD PACKET COPY

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San Diego Coast District

CONSENT CALENDAR

Tuesday, September 11, 2001

6-01-089

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

METROPOLITAN DRIVE, SUITE 103
 SAN DIEGO, CA 92108-4402
 (619) 767-2370



Tue 4a

Filed: June 11, 2001
 49th Day: July 30, 2001
 180th Day: December 8, 2001
 Staff: DS-SD
 Staff Report: August 21, 2001
 Hearing Date: September 11-14, 2001

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-01-89

Applicant: Adam & Mary Cherry

Agent: Hector A. Magnus

Description: Lot merger to consolidate three existing approximately 0.183 acre lots into one 0.55 acre (23,897 sq. ft.) lot, demolition of two existing single-family residences and construction of one new 2-story 7,894 sq. ft. single-family residence, with a detached 2 -story guesthouse as well as a lap pool and spa.

Lot Area	23,897 sq. ft.
Building Coverage	5,199 sq. ft. (22%)
Pavement Coverage	7,761 sq. ft. (32%)
Landscape Coverage	10,937 sq. ft. (46%)
Parking Spaces	3
Zoning	R2
Plan Designation	High Density Mixed Residential
Ht abv fin grade	23'-8"

Site: 135 Ninth Street, Del Mar, San Diego County
 APNs 300-174-03; -04;-05.

Substantive File Documents: Certified City of Del Mar LCP Land Use Plan. Coastal Development Permit Waiver # 6-00-24-W. Consent Calendar Item # 6-99-39.

I. STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

Staff recommends a YES vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Final Certificate of Compliance. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a copy(s) of the final Certificate of Compliance for the lot merger required by the City of Del Mar in Design Review Permit DRB-01-16.

2. Final Drainage Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final drainage and runoff control plans, which shall be approved by the City of Del Mar. The plans shall document that the runoff from the roof, driveway and other impervious surfaces shall be directed into pervious areas on the site (landscaped areas) for infiltration and/or percolation, prior to being conveyed off-site in a non-erosive manner.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The applicant is proposing to merge three lots, each 7,971 sq. ft., into one new lot, totaling 23,897 sq. ft. Two existing single-family homes

on the site will be demolished, and a new single-family residence with detached guesthouse is proposed. The new home will be a 2 level, 24-foot high, 7,894-sq. ft. residence, including a detached 2-story guesthouse. Additional improvements include a lap pool and spa, retaining walls, hardscaping, as well as landscaping.

The project site is located on the south side of 9th Street, one half block east of Stratford Court, in the city of Del Mar. The proposed residence would cover three existing lots, approximately 600 feet inland from the bluff.

The City of Del Mar's Design Review Board has approved this project. Conditions of that permit, DRB-01-22, require that the applicant process and record a Lot Merger and Certificate of Compliance, prior to the issuance of building permits. These are not discretionary approvals and do not require any public hearing or notice.

While the applicant has applied to the city for the lot merger, the Final Certificate of Compliance has not yet been issued. Therefore, Special Condition #1 requires that the applicant submit a copy(s) of the final Certificate of Compliance to the Executive Director, prior to issuance of this permit.

2. New Development/Visual Resources. Section 30250 (a) of the Coastal Act requires that new development be located within, contiguous with, or in close proximity to existing developed areas able to accommodate it or in other areas with adequate public services, and where it will not have significant adverse impacts, either individually or cumulatively, on coastal resources.

In addition, Section 30251 of the Coastal Act requires that the scenic and visual qualities of coastal areas be protected and the permitted development be sited and designed to protect views to and along the ocean, minimize the alteration of natural land forms, and be visually compatible with the character of surrounding areas.

The subject site is within a mixed residential community that consists of older, medium sized single-family homes, as well as newer, larger, single-family residences. The site currently has two single-family homes that have access to utilities and other typical urban services. The proposed 7,894 sq. ft. home is comparable in size and scale with other homes in the surrounding neighborhood. The 23,897 sq. ft. lot, resulting from the proposed lot merger, is similar in size to other lots in the area. The proposed development, therefore, will be consistent with the character of the surrounding neighborhood and complies with sections 30250 (a) and 30251 of the Coastal Act.

3. Runoff/Water Quality. Section 30231 of the Coastal Act is applicable to the proposed development and states, in part:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where

feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff...

The project site is currently developed, and is surrounded by existing residential development. In order to reduce the potential for adverse impacts to water quality resulting from drainage runoff from the proposed development, Special Condition #2 is attached. The condition requires that runoff from the roof, driveway and other impervious surfaces be directed into the landscaped areas on the site for infiltration and/or percolation, prior to being conveyed off-site. Directing runoff through landscaping for filtration of on-site runoff in this fashion is a well-established BMP for treating runoff from small developments such as the subject proposal. As conditioned, the proposed development will serve to reduce any impacts to water quality from the project to insignificant levels. Therefore, as conditioned, the Commission finds the proposed project consistent with Section 30231 of the Coastal Act.

4. Local Coastal Planning. Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The City of Del Mar has a certified LCP Land Use Plan. However, the city does not yet have an effectively certified Implementation Plan, and coastal development permit authority within Del Mar remains with the Coastal Commission. Thus, Chapter 3 policies of the Coastal Act are the standard of review, with the certified Land Use Plan used as guidance.

The subject site is zoned and planned for High Density Mixed Development. The proposed home and single lot created by the lot merger are consistent with the zone and plan designation. The development is consistent with all applicable policies of Chapter 3 of the Coastal Act and no adverse impacts on coastal resources are anticipated. Therefore, the Commission finds that approval of the proposed development will not prejudice the ability of the City of Del Mar to complete its LCP certification process.

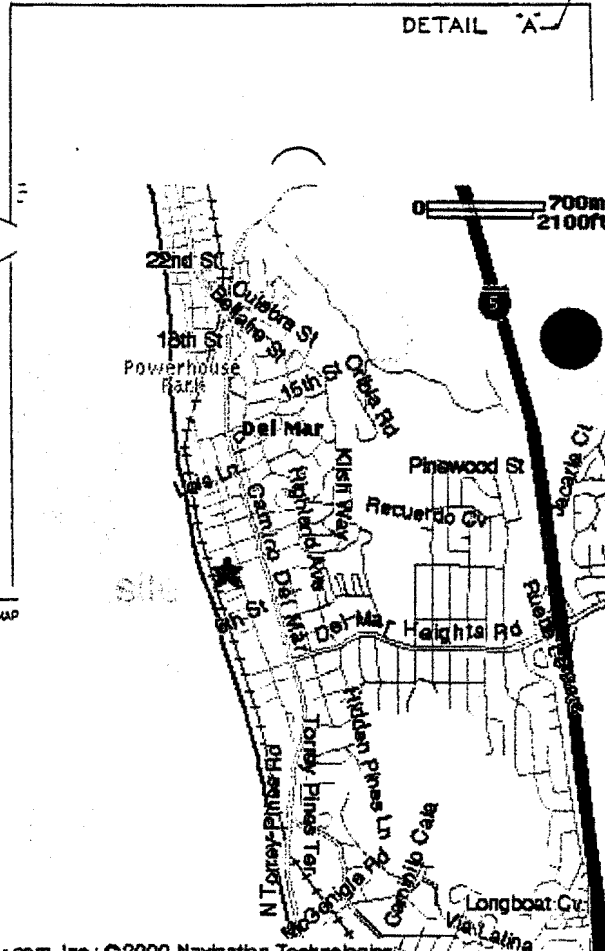
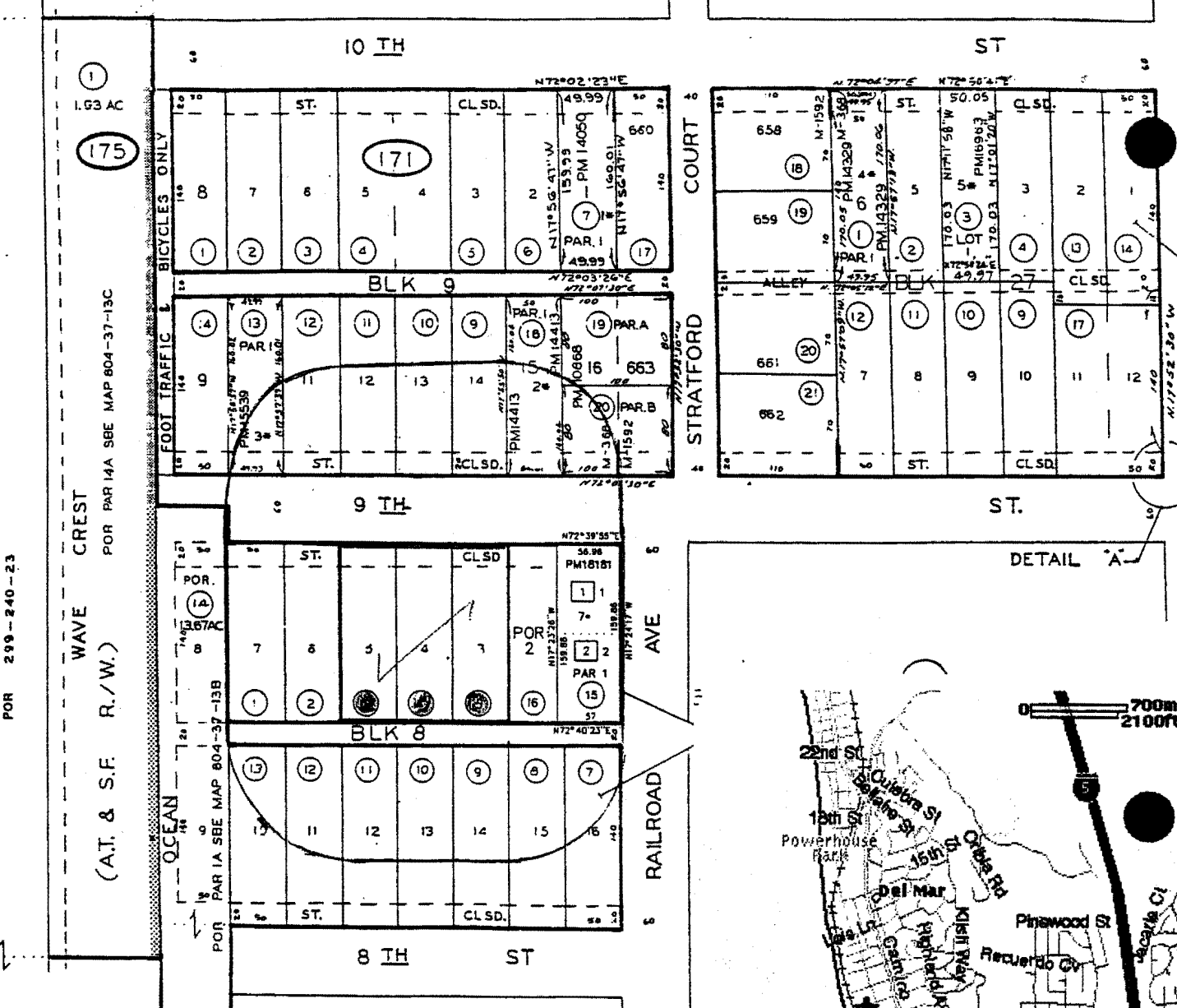
5. California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of coastal development permits to be supported by a finding showing the permit to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect that the activity may have on the environment.

As discussed herein, the proposed project will not cause significant adverse impacts to the environment. There are no feasible alternatives or mitigation measures available that

would substantially lessen any significant adverse impact that the activity might have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. 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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.
5. 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.



Vicinity Map

EXHIBIT NO. 1
APPLICATION NO.
6-01-089
Location Map

EXHIBIT TWO

bench mark
 DESCRIPTION: 2.07' base with hemispherical CURRY
 1/4" in top of curb 7/16" in hole 1/4" in hole
 CONCRETE DIAL MARK AND 1/4" IN DIA.
 RECORD FROM: City of DM, CA
 ELEVATION: 148.78 DATUM: MVD 85



site plan
 1/8" = 1'-0"

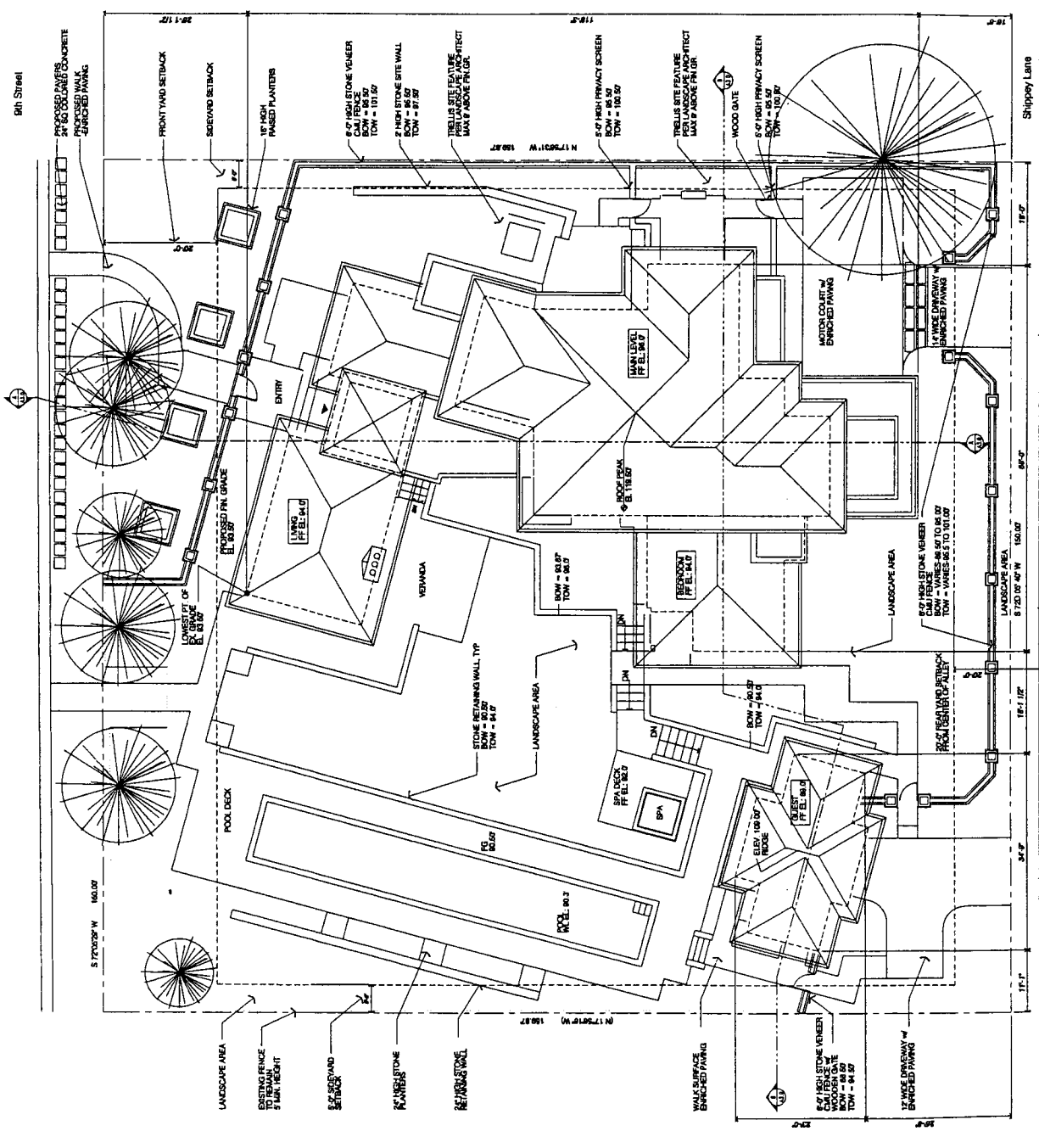


EXHIBIT NO. 2
 APPLICATION NO.
 6-01-089
 Site Plan

