

CALIFORNIA COASTAL COMMISSION

SAN DIEGO DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
VOICE (619) 767-2370
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F18c

A-6-DMR-21-0018 (Ocean Front, LLC)

April 16, 2021

EXHIBITS

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Project Location

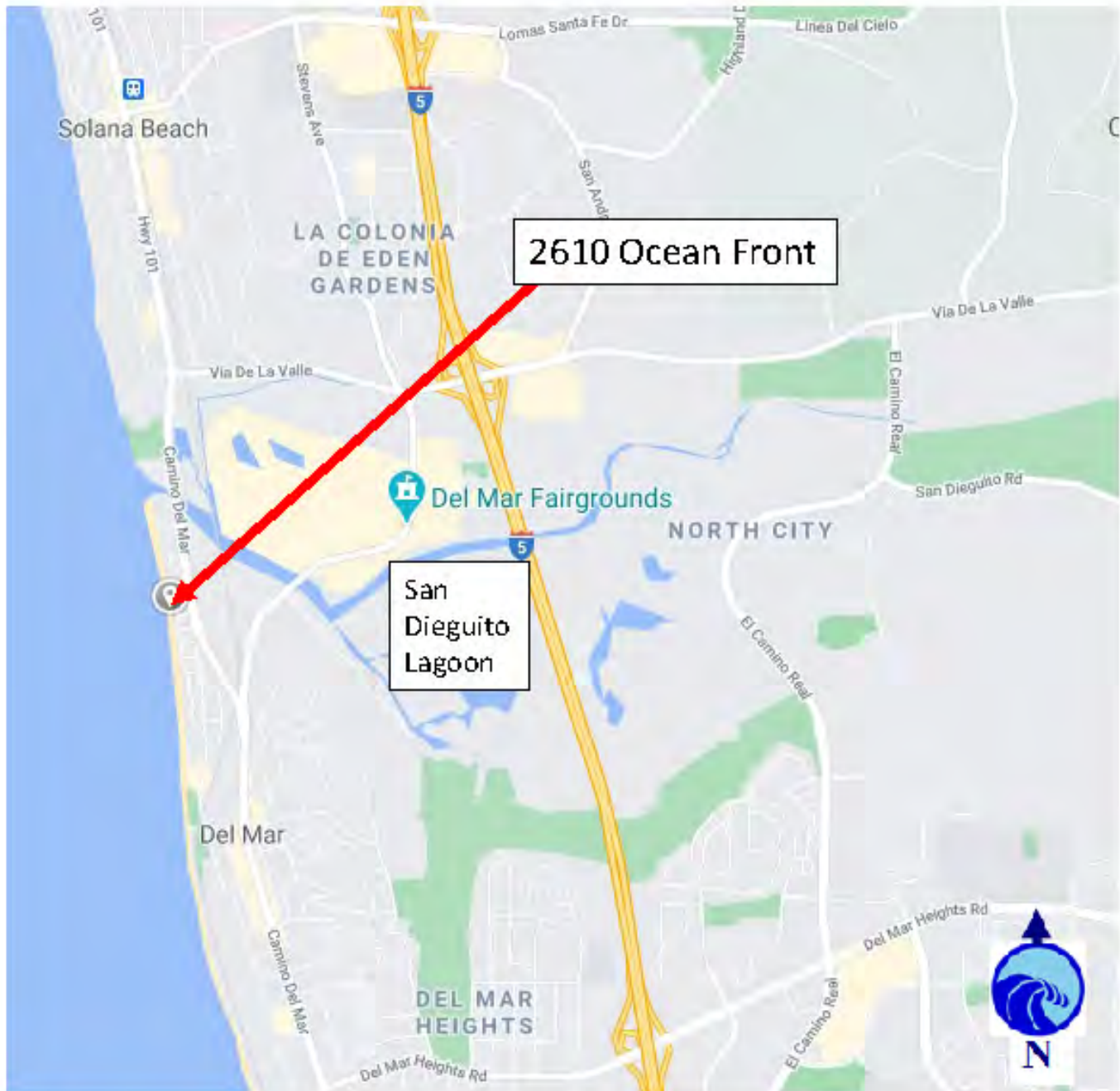


EXHIBIT NO. 1

APPLICATION NO.

A-6-DMR-21-0018

Project Location

Ocean Front, LLC



California Coastal Commission

Nearby Public Access Locations



EXHIBIT NO. 2

APPLICATION NO.

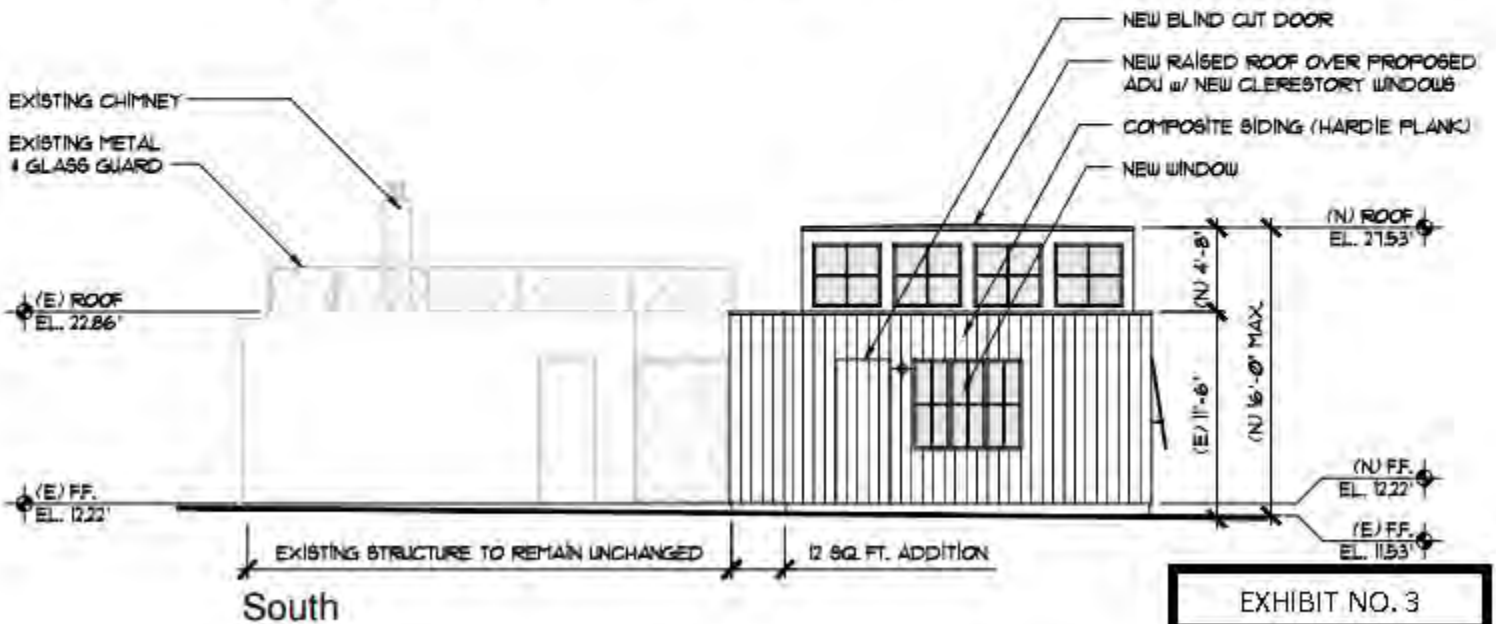
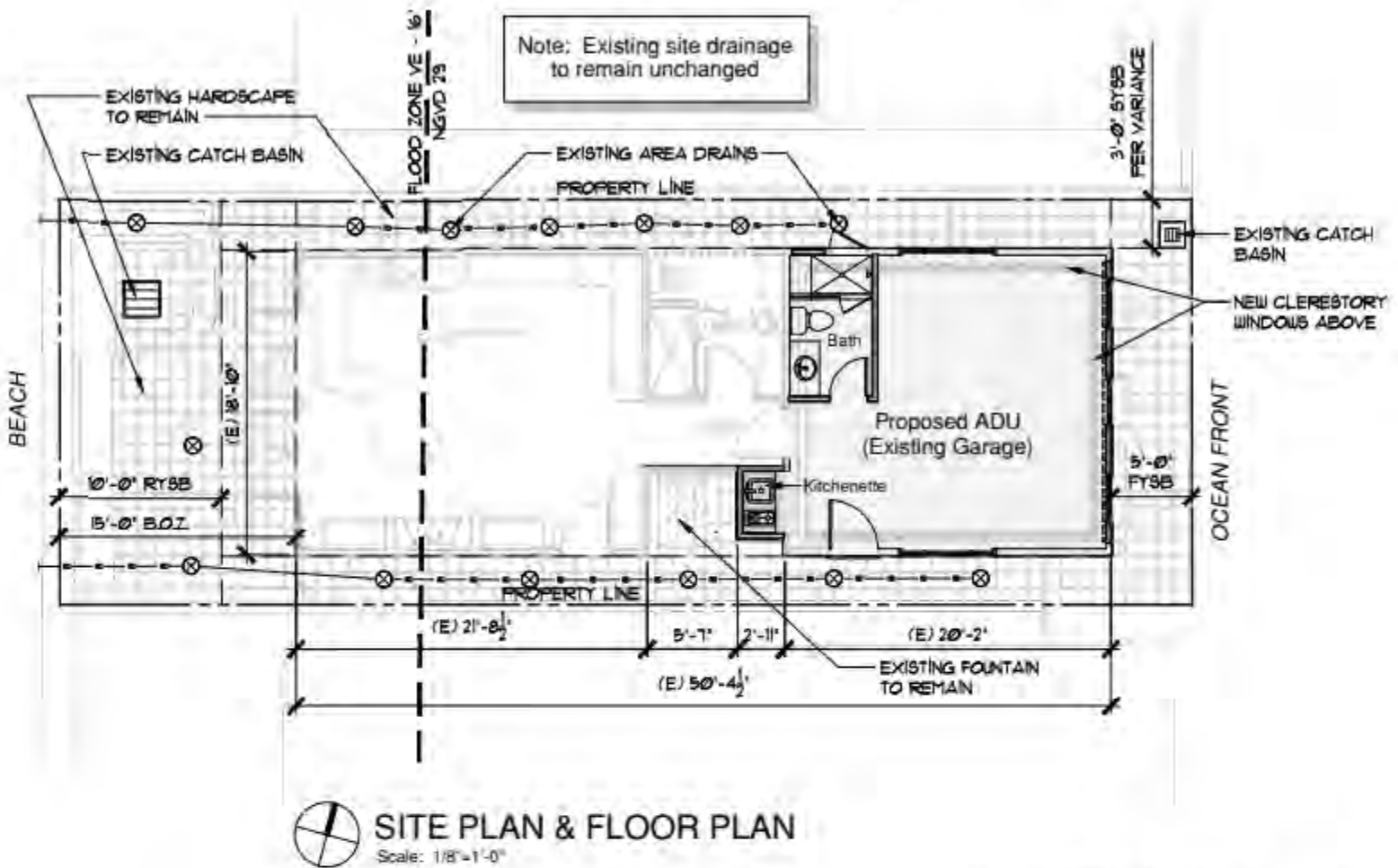
A-6-DMR-21-0018

Nearby Public Access

Ocean Front, LLC
California Coastal Commission

Project Plans

Note: Existing site drainage to remain unchanged



EXTERIOR ELEVATIONS

Scale: 1/8" = 1'-0"

EXHIBIT NO. 3

APPLICATION NO.

A-6-DMR-21-0018

Project Plans

Ocean Front, LLC



California Coastal Commission

Decision on CDP No. CDP20-016

DECISION ON COASTAL DEVELOPMENT PERMIT APPLICATION CDP20-016

A STATEMENT OF THE CITY OF DEL MAR'S DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT REGARDING COASTAL DEVELOPMENT PERMIT APPLICATION CDP20-016 SETTING FORTH FINDINGS AND A DECISION TO APPROVE THE REQUESTED APPLICATION TO INCREASE THE HEIGHT OF AN EXISTING GARAGE ASSOCIATED WITH ITS CONVERSION INTO A NEW ACCESSORY DWELLING UNIT (ADU) ON LAND LOCATED WITHIN THE CITY'S COASTAL OVERLAY (THE CALIFORNIA COASTAL ZONE) AND APPEALS JURISDICTION OF THE CALIFORNIA COASTAL COMMISSION IN DEL MAR, CALIFORNIA.

WHEREAS, 2610 Ocean Front LLC (Applicant/Owner), applied for a Coastal Development Permit (CDP20-016) to increase the height of an existing garage from 11 feet, six inches to 16 feet associated with its conversion into a new ADU at a site which contains an existing single dwelling unit on a property in the R1-5B Zone located 2610 Ocean Front, Del Mar, California (APN 299-065-07); and

WHEREAS, on June 1, 2020, the City Council of the City of Del Mar adopted Ordinance No. 966 amending Del Mar Municipal Code (DMMC) Chapters 30.19, 30.21, and 30.91 related to the regulation of ADUs in compliance with new laws that amended California Government Code Section 65852.2 and 65852.22 that took effect on January 1, 2020; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the approval of an ADU is a ministerial action and Statutorily Exempt pursuant to CEQA Guidelines Sections 15268 (a) and (h); and

WHEREAS, California Government Code Section 65852.2(j) states that a local government shall not be required to hold public hearings for Coastal Development Permit applications for ADUs; and

WHEREAS, the property is located within the Appeals Jurisdiction of the California Coastal Commission (CCC) and the project includes a four-foot, six-inch increase in roof height of an existing structure associated with its conversion into an ADU; and

WHEREAS, the Director of Planning and Community Development shall be the issuing authority of administrative Coastal Development Permits for ADUs proposed in accordance with DMMC Section 30.91.030 (C)(5)(d); and

WHEREAS, the Coastal Development Permit shall be approved if a finding can be made that the proposed development is consistent with the requirements of the certified Local Coastal Program; and

WHEREAS, the Director of Planning and Community Development shall be the authority of administrative Coastal Development Permits for ADUs proposed in accordance with DMMC Section 30.91.030 (C)(5)(d).

EXHIBIT NO. 4
APPLICATION NO. A-6-DMR-21-0018
Local Decision
Ocean Front, LLC  California Coastal Commission

NOW THEREFORE, based on the information received, the Director of Planning and Community Development finds that application CDP20-016 is consistent with the requirements of the certified Local Coastal Program.

BASED ON THE ABOVE FINDINGS, THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT APPROVES APPLICATION CDP20-016.



Joseph D. Smith, AICP
Director of Planning and Community Development

February 2, 2021

Date

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT OFFICE
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Appeal Form

APPEAL FORM

Appeal of Local Government Coastal Development Permit

Filing Information (STAFF ONLY)

District Office: San Diego Coast

Appeal Number: A-6-DMR-21-0018

Date Filed: February 23, 2021

Appellant Name(s): Mark Wyland

APPELLANTS

IMPORTANT. Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review [the appeal information sheet](#). The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>).

Note regarding emailed appeals. Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the San Diego Coast district office, the email address is SanDiegoCoast@coastal.ca.gov. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>.

EXHIBIT NO. 5
APPLICATION NO. A-6-DMR-21-0018
Appeal Form
Ocean Front, LLC California Coastal Commission

Appeal of local CDP decision

Page 2

1. Appellant information¹

Name: Mark Wyland

Mailing address: P.O. Box 1008, Solana Beach CA 92075

Phone number: (760) 807-1524

Email address: mark.wyland@gmail.com

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☐ Submitted comment ☐ Testified at hearing ☒ Other

Describe: I contacted the assigned planner at the City of Del Mar immediately upon
notice the coastal development permit had been approved by the Director of
Planning and Community Development.

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: The coastal development permit was approved through an administrative process
that does not require a public hearing per Del Mar Municipal Code section 30.75.089(E).
I received no notice of the pending permit and no notice was posted on the site,
I had no opportunity for public participation prior to approval of the permit.

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: I contacted the planner immediately upon notice the coastal
development permit had been approved. This was the only notice
provided. I had no opportunity for public input prior to approval of the
coastal development permit.

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Appeal of local CDP decision

Page 3

2. Local CDP decision being appealed²

Local government name: City of Del Mar
Local government approval body: Director of Planning and Community Development
Local government CDP application number: CDP20-2016
Local government CDP decision: ☒ CDP approval ☐ CDP denial³
Date of local government CDP decision: Date of decision not provided on notice.

Please identify the location and description of the development that was approved or denied by the local government.

Describe: 2610 Ocean Front, Del Mar
Increase height of existing structure and convert existing garage
to ADU. Existing dwelling is one-story, 524.6 square feet of
gross floor area not including garage. The existing residence
consists of one large room with living area and kitchen and
one bathroom. Applicant is proposing to convert existing
garage to a 392.4 square foot Accessory Dwelling Unit with one
bathroom and a living area. Applicant is adding 12 sq.ft. to
existing garage to accommodate small kitchenette with a sink
cooktop and under counter refrigerator. Applicant is adding
4'8" of clerestory to the garage conversion.

² Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

³ Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the [appeal information sheet](#) for more information.

Appeal of local CDP decision

Page 4

3. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., the applicant, other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

4. Grounds for this appeal⁴

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: The project is not consistent with the Del Mar LCP or the public access provisions of the Coastal Act. The applicant is proposing to convert the existing garage into a 392.4 square foot ADU. There is little likelihood the ADU will ever provide affordable housing. It is much more likely the ADU will be used to increase the living space of the existing small studio home. The Del Mar LCP requires one space for each studio unit for multi-family dwelling units. (DMMC 30.80.030(B).) The applicant is adding a unit and eliminating all parking on the site. The project will have a negative impact on public parking. The project site is located in a beach area with limited available public parking. The loss of parking combined with the increase in demand for parking is not consistent with the public access policies of the Coastal Act.

⁴ Attach additional sheets as necessary to fully describe the grounds for appeal.

Appeal of local CDP decision

Page 5

5. Appellant certification⁵

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Mark Wyland

Signature

Date of Signature _____

5. Representative authorization⁶

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☒ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Appeal of local CDP decision
Page 5

5. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Mark Wyland

Signature Mark Wyland

Date of Signature 2-23-21

5. Representative authorization

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

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5 If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

6 If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
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FAX (415) 904 5400

**DISCLOSURE OF REPRESENTATIVES**

If you intend to have anyone communicate on your behalf to the California Coastal Commission, individual Commissioners, and/or Commission staff regarding your coastal development permit (CDP) application (including if your project has been appealed to the Commission from a local government decision) or your appeal, then you are required to identify the name and contact information for all such persons prior to any such communication occurring (see Public Resources Code, Section 30319). The law provides that failure to comply with this disclosure requirement prior to the time that a communication occurs is a misdemeanor that is punishable by a fine or imprisonment and may lead to denial of an application or rejection of an appeal.

To meet this important disclosure requirement, please list below all representatives who will communicate on your behalf or on the behalf of your business and submit the list to the appropriate Commission office. This list could include a wide variety of people such as attorneys, architects, biologists, engineers, etc. If you identify more than one such representative, please identify a lead representative for ease of coordination and communication. You must submit an updated list anytime your list of representatives changes. You must submit the disclosure list before any communication by your representative to the Commission or staff occurs.

Your Name Mark Wyland

CDP Application or Appeal Number Del Mar CDP20-016

Lead Representative

Name Julie M. Hamilton
Title Attorney
Street Address. 501 W. Broadway, Suite 800
City San Diego
State, Zip CA 92101
Email Address julie@jmhamiltonlaw.com
Daytime Phone (619) 278-0701

Your Signature

Date of Signature

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
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FAX (415) 904-5400

**DISCLOSURE OF REPRESENTATIVES**

If you intend to have anyone communicate on your behalf to the California Coastal Commission, individual Commissioners, and/or Commission staff regarding your coastal development permit (CDP) application (including if your project has been appealed to the Commission from a local government decision) or your appeal, then you are required to identify the name and contact information for all such persons prior to any such communication occurring (see Public Resources Code, Section 30319). The law provides that failure to comply with this disclosure requirement prior to the time that a communication occurs is a misdemeanor that is punishable by a fine or imprisonment and may lead to denial of an application or rejection of an appeal.

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Your Name Mark Wyland

CDP Application or Appeal Number Del Mar CDP20-016

Lead Representative

Name Julie M. Hamilton
Title Attorney
Street Address 501 W. Broadway, Suite 800
City San Diego
State, Zip CA 92101
Email Address julie@jmhamiltonlaw.com
Daytime Phone (619) 278-0701

Your Signature Mark Wyland

Date of Signature 2-23-21