

CALIFORNIA COASTAL COMMISSION

SAN DIEGO DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
VOICE (619) 767-2370
FAX (619) 767-2384



W17a

A-6-DMR-22-0034 (Del Mar 107, LLC)

September 7 - 9, 2022

EXHIBITS

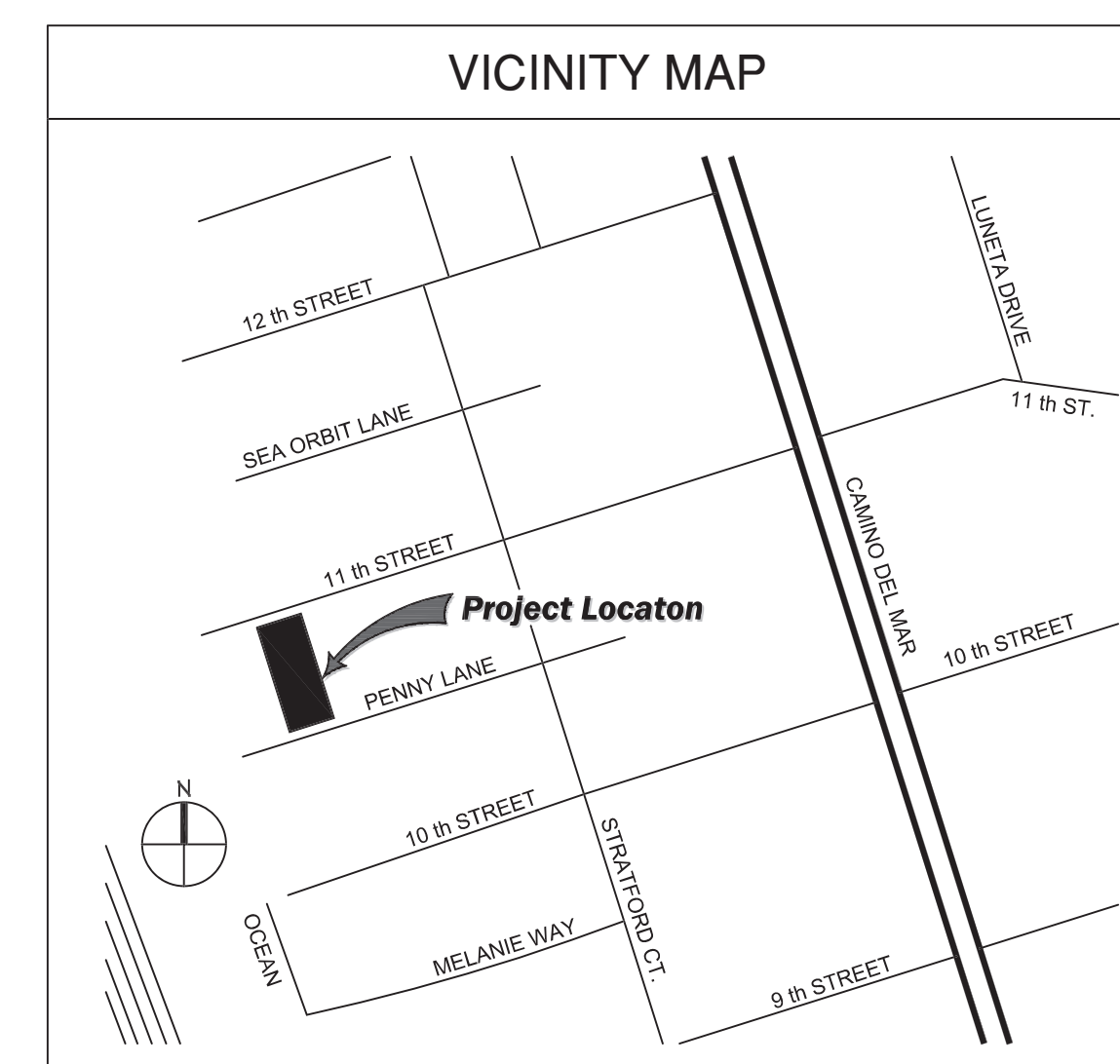
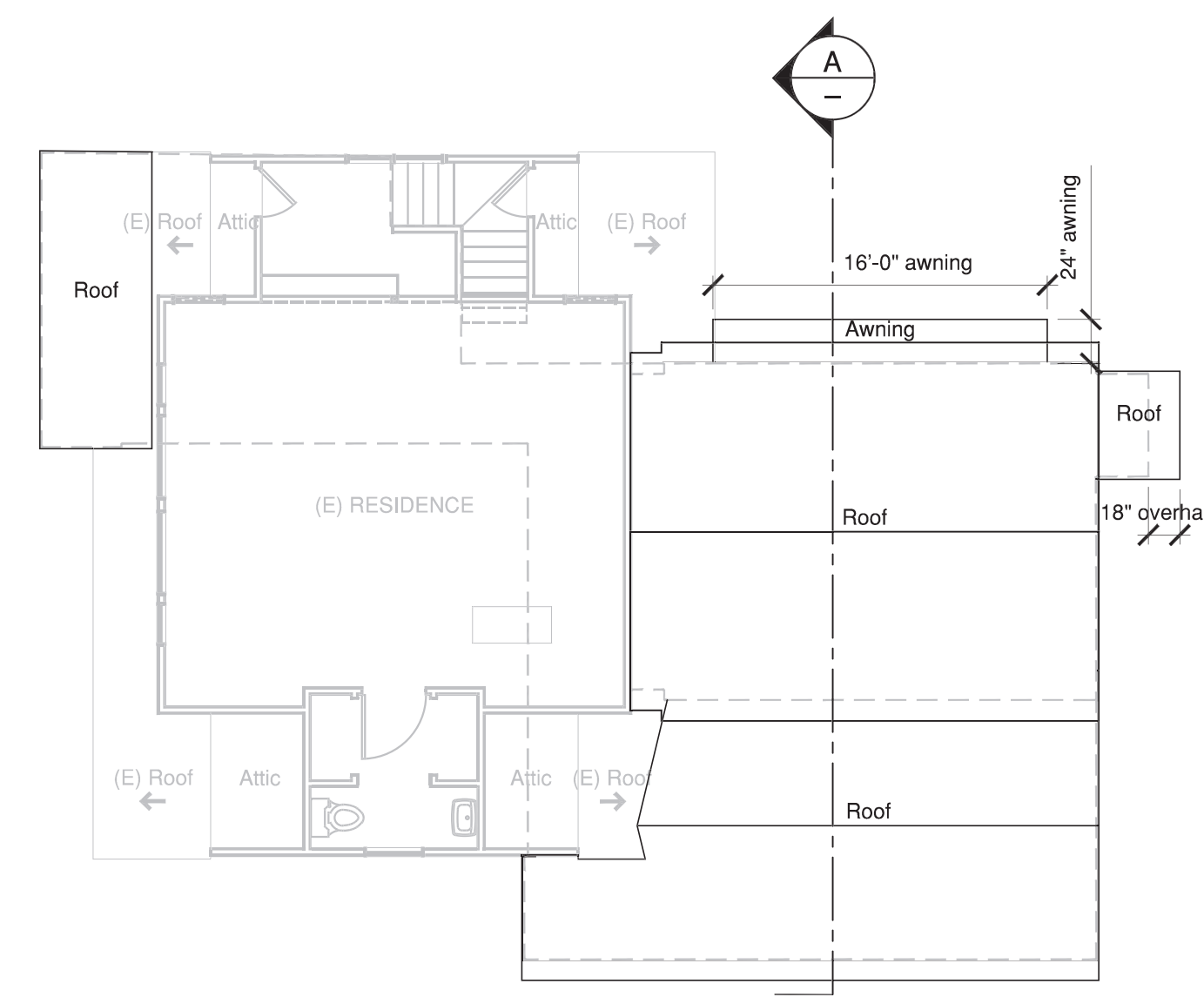
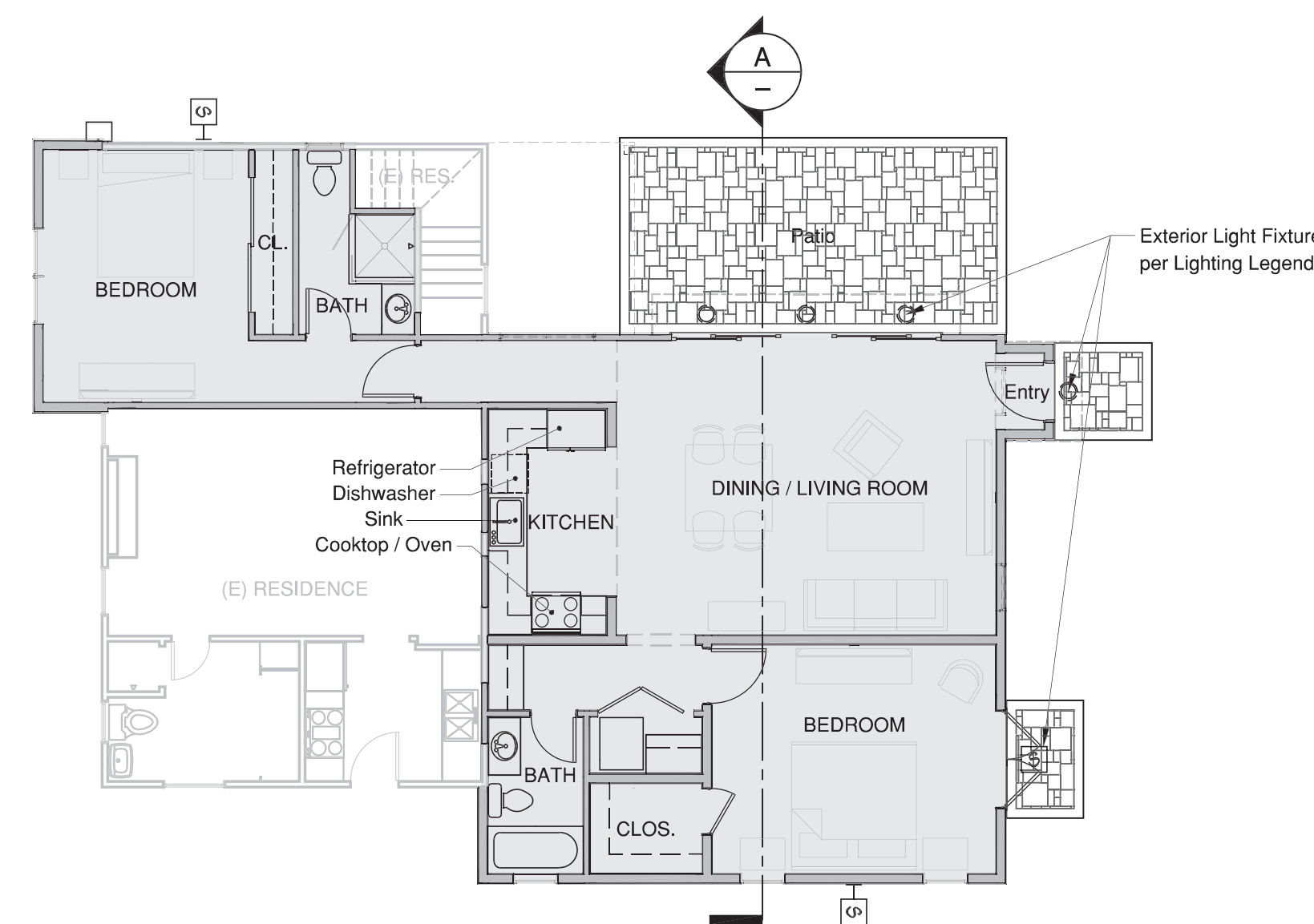
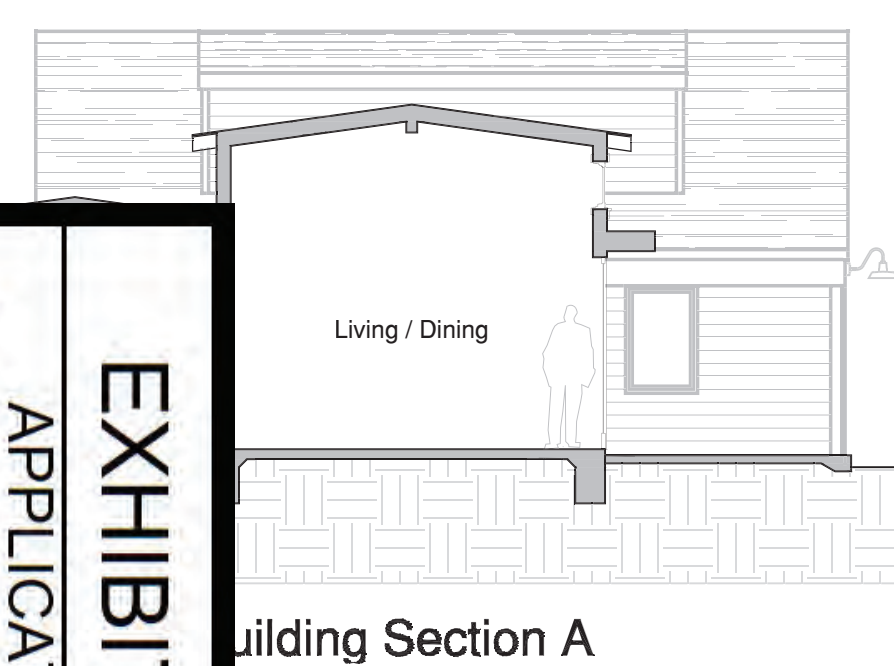
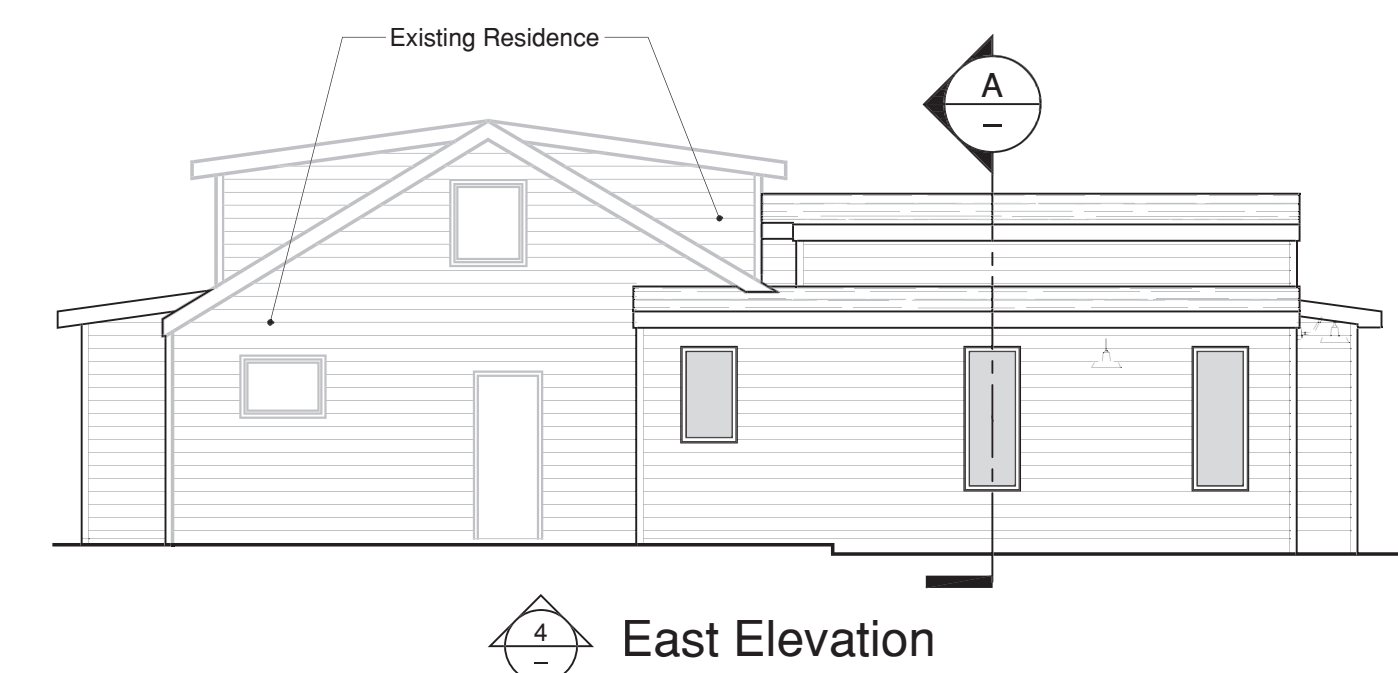
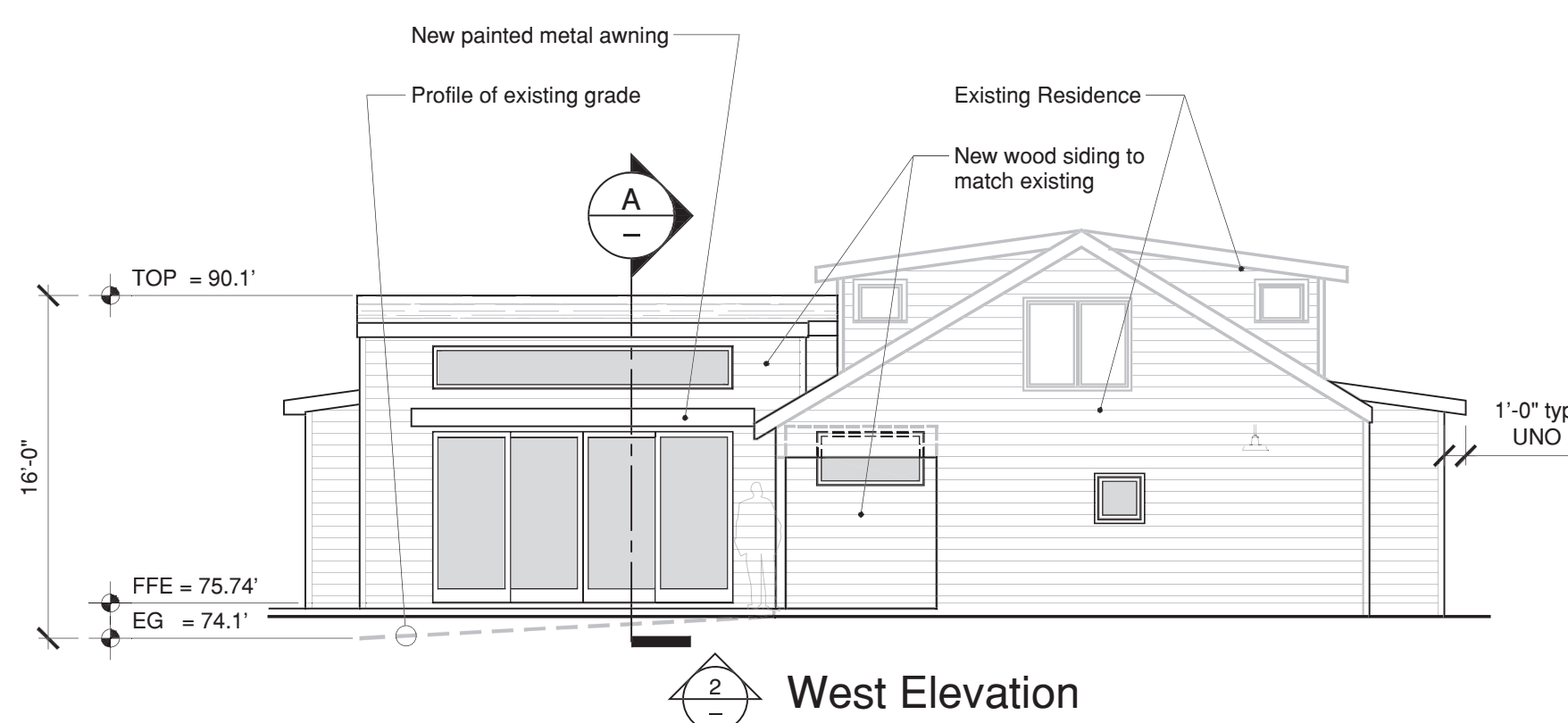
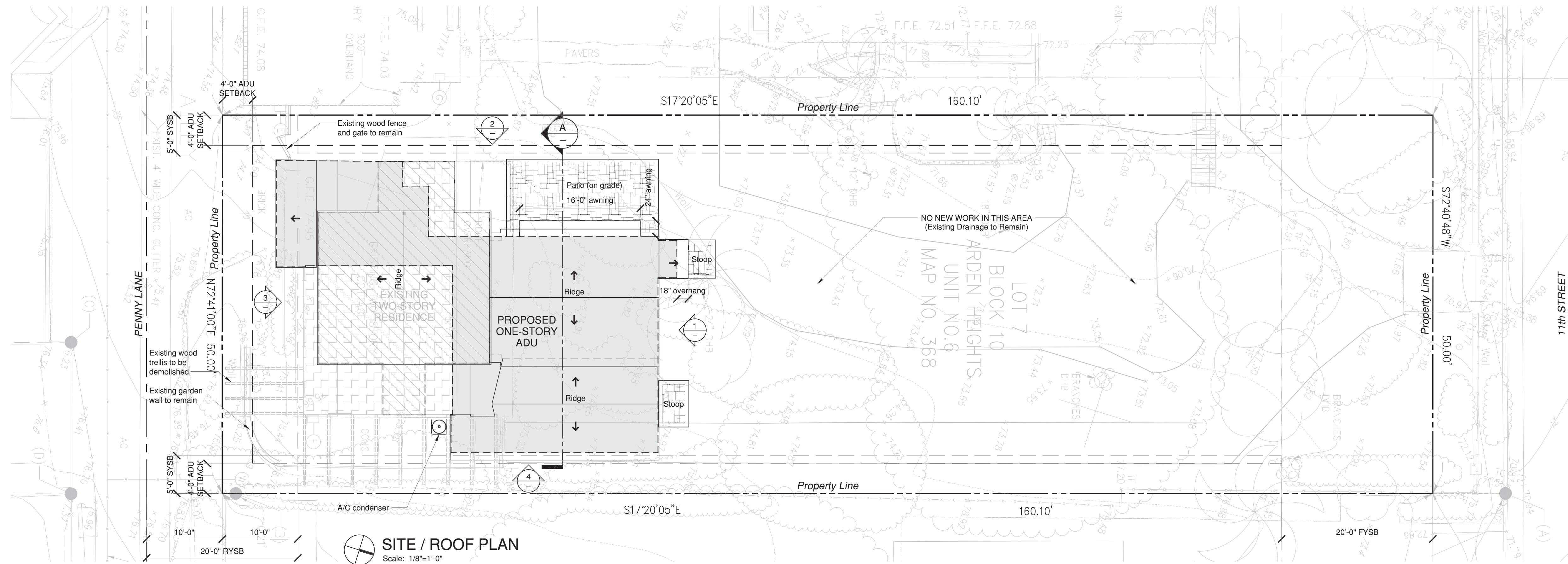
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EXHIBIT NO. 1
APPLICATION NO. A-6-DMR-22-0034
Vicinity Map
 California Coastal Commission






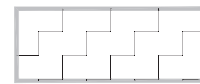
SCOPE OF WORK

Ground floor interior remodel, addition, and exterior improvements to an existing two-story single-family residence which will include new stucco and wood siding, new doors and windows, exterior lighting, and new hardscape.


SITE LEGEND



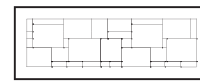
First Floor ADU improvements




Existing Unaltered First Floor area




Existing Second Floor area (Unaltered)



New decorative hardscape



Exterior Elevation Reference



Roof downslope

PROJECT DATA

City of Del Mar Benchmark:
2.5" Brass Disc Marked "Curry 1990 PLS 4965"
Elevation: 146.75'
Datum: NGVD 29

Applicant:
Del Mar 107, LLC (Thomas Harrington)

Assessor's Parcel No.:
300-094-02-00

Site Acreage:
0.18 Acre (8,005 sf)



Existing Zone & Land Use:
R2

Required ADU Setbacks:
Front: 20'
Interior Side: 4'
Rear: 4'

Floor Area:

	1st Flr.	2nd Flr.	Total
Existing Unaltered	466 sf	561 sf	1027 sf
Existing Converted to ADU	255 sf	0 sf	255 sf
Existing Total	721 sf	561 sf	1282 sf
ADU Addition	745 sf	0 sf	745 sf
Total Area:	1466 sf	561 sf	2027 sf
Total Area of ADU:	1000	0 sf	1000 sf

Structure Height of ADU:
Proposed: 16'-0"

ADU NOTES	LIGHTING LEGEND / NOTES
<p>(i) The ADU shall not be sold or otherwise conveyed separate from the primary dwelling unit, except that a qualified non-profit affordable housing organization per Government Code Section 65852.26 may sell a deed restricted ADU to an eligible low-income owner.</p> <p>(ii) The property owner shall reside on the property in either the primary dwelling unit or in the ADU. [Editor's Note: This provision shall not be enforceable until January 1, 2025]</p> <p>(iii) If rented, the term for rental shall be 30 consecutive days or greater (except in zones that allow commercial uses).</p>	<p> COCOBUB 'OLDAGE' 14" BARN LIGHT BLACK FINISH, 24W LED, 2700K</p> <p> RECESSED DOWNLIGHT: HALO H4 4" LED 2700K, SQUARE BAFFLE, BRONZE FINISH</p> <p>1. ALL EXTERIOR LIGHTING SHALL BE OF A LOW-LEVEL INTENSITY, AND THE FIXTURES WILL BE INSTALLED SO THAT THE SOURCE OF LIGHT WILL NOT BE DIRECTED TO-, OR VISIBLE FROM ADJACENT PROPERTIES OR ADJACENT RIGHTS-OF-WAY.</p>

3. ALL EXTERIOR LIGHTING FIXTURES TO BE DOWNWARD DIRECTED, SHIELDED BULB, WITH A KELVIN RATING OF 2700K.

HARRINGTON
Accessory Dwelling Unit

107 11th Street
Del Mar, California 92014

Del Mar, California 92014

BOKAL
& SNEED
ARCHITECTS

244 Ninth Street
Del Mar, California 92014
(858) 481-8244
Fax (858) 481-8364

All ideas, designs, and arrangements indicated on these drawings are the property of Bokal & Sneed Architects and are intended to be used in connection with this specific project only and shall not otherwise be used for any purpose whatsoever without the written consent of Bokal & Sneed Architects. There shall be no changes or deviations from these drawings or the accompanying specifications without the written consent of Bokal & Sneed Architects.

Sheet Title

SITE & FLOOR PLANS
EXTERIOR ELEVATIONS

Scale	AS NOTED
Date	5-8-22
Drawn	MRN
Checked	RDB
Job No.	2125
ADU-1	

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT OFFICE
7575 METROPOLITAN DR., SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370
SANDIEGOCOAST@COASTAL.CA.GOV

A-6-DMR-22-0034 RECEIVED

JUL 07 2022

**APPEAL FORM**

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Appeal of Local Government Coastal Development Permit**Filing Information (STAFF ONLY)**

District Office: San Diego Coast

Appeal Number: _____

Date Filed: _____

Appellant Name(s): _____

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. 4

APPLICATION NO.

A-6-DMR-22-0034

Appellants' Appeals



California Coastal Commission

Appeal of local CDP decision

Page 2

1. Appellant information¹

Name: GREG MONAHAN
Mailing address: 119 11TH STREET DELMAR CA 92014
Phone number: (760) 803-3401
Email address: GREGMONAHAN8@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: SEE ATTACHMENT 1

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: SEE ATTACHMENT 2

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: SEE ATTACHMENT 3

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:

CALIF COASTAL COMMISSION

Local government approval body:

Local government CDP application number: CDP 22-006

Local government CDP decision:

☒ CDP approval ☐ CDP denial³

Date of local government CDP decision:

JUNE 21, 2022

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

Describe:

SEE ATTACHMENT 4

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. Applicant information

Applicant name(s):

THOMAS HARRINGTON

Applicant Address:

UNKNOWN

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: SEE ATTACHMENT 5

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

Appeal of local CDP decision

Page 5

5. 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., 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

6. Appellant certifications

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

Print name GREG MONAHAN



Signature

Date of Signature JULY 1 2022

7. Representative authorization⁵

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.

CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
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 _____

CDP Application or Appeal Number _____

Lead Representative

Name _____

Title _____

Street Address. _____

City _____

State, Zip _____

Email Address _____

Daytime Phone _____

Your Signature _____

Date of Signature _____

Additional Representatives (as necessary)

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Your Signature _____

Date of Signature _____

Attachments to Appeal Form for Coastal Development permit CDP22-006
Location 107 11th Street Del Mar California
Apn(S):300-094-02
Applicant/Owner:Thomas Harrington
Appellant: Greg Monahan

Attachment 1.

1st time I knew anything about the application was when I opened my mail after returning from a trip to the east coast and found a notice of coastal development permit approval for an accessory dwelling unit consistent with the requirements of the certified local coastal program of the city of Del Mar. The Notice stated the permit approval is appealable to the California Coastal Commission and the appeal period is 10 days.

Attachment 2.

I had no knowledge of an application was being processed. After receiving the notice I went to city hall to get more information. When I inquired as to why I was NOT Notified I was told the city was not required to notify me and elected to not notify me.

Attachment 3.

The letter I received stated that the permit was approved and I had 10 days to appeal to decision to Coastal Commission. When I went City Hall to get more information I was told at least twice that my only avenue was to appeal to the commission and that the city of del mar could do nothing else to help. Given that I was on a very short time constraint I proceeded to research the commissions appeal process.

Attachment 4.

The permit relates to the approval of construction of a 1,000 square-foot Accessory Dwelling Unit pursuant to a California law designed to disrupt the cycles of poverty and homelessness. The unit is located at 107 11 street in Del Mar. 107 11th street is a 8,000 square foot lot located between 11th street on the north and penny lane on the south. The only existing structure on the property consists of a single 1,000 square foot two story garage/apartment with each floor occupying approximately 500 square feet. The available land to build on is 7,500 Square feet.

The property has a couple of very unique features relating to its size, location, ownership and existing development. The 107 property is adjacent to 101 11th street and both lots have been under single ownership for at least 70 years. 101 is a 10,400 square foot ocean front lot. It is the western most property on the bluff overlooking the ocean. The prior owner of the two lots passed away a couple of years ago and her heirs recently sold the properties to the person who

is requesting the ADU permit approval for the 1,000 square foot structure on the smaller lot. The larger ocean front lot has a 2,300 square foot 2 bedroom 2 ½ bath main house on the northern end of the property and a small guest house on the southern most end of the property.

The prior owner treated the two properties as one with expansive gardens and lawns. All the building structures are either on the far north or south of the property leaving a large open space in the middle where she would entertain with garden parties looking out onto the ocean. The large open space between the houses has created a large view corridor that has been enjoyed by the neighbors to the east and up the hill for 50 plus years.

Existing ocean front properties in Del Mar are selling in the \$20,000,000 - \$50,000,000 range. With a reasonable development, complying with Del Mar standard practices, it should be logical to expect a completed family compound project would be worth in the neighborhood of \$30,000,000 or more.

The proposed ADU structure would be approximately a 30 foot long single story structure with a height of 16 feet and located on the most eastward side of the 107 property and in the middle of the view corridor. By selecting the ADU process the proponents seek to alleviate the need for complying with the City of Del Mar's development process including reasonable notice to the neighbors of the plans, or any requirement to consider the interests of the neighbors which would be required but for the ADU label on the project.

If the approval of the ADU development is not rejected the owner could also have eliminated the possibility of challenges relating to view impairment on development of his major new house on the larger ocean front lot. If the ADU is built pursuant to the approval at issue the view will be lost- justified by ADU regulations developed for the homeless- and if it is lost ie the uphill neighbors have no view because of the ADU approved structure, there will be no view to cause the normal Del Mar policies to come into play. Bottom line all the design review board issues on both lots have been swept away by this clever tactic of using the ADU subterfuge.

The two lots create a magnificent opportunity to develop a property all of Del Mar could be proud of. Del Mar has over the years developed procedures for development that takes into consideration the interests of the neighbors to the project. Arguably this process would be more appropriate for a project of this size and importance.

Attachment 5 Grounds for this Appeal- approved development does not conform to the LCP

30.75.140 Requirements for written findings

“3. granting of permit will be in conformity with the certified City of Del Mar Local Coastal Program” The City of Del Mar does not have a certified LCP therefore development cannot conform to something that does not exist.

“6. That the proposal is consistent with and implements the provisions of public view protection policies IV-22 through IV-27 of the city of Del Mar LCP use plan” This finding does not exist.

2nd finding re City of Del Mar adopting Ordinance No.966 relating to the regulation of ADUs on June 1, 2020. Nowhere does it say the coastal commission approved the incorporation of this document into the certified LCP. In fact on September 30, 2021 the Coastal Commission Staff recommended the commission DENY the proposed implementation plan as submitted. The fact that the city may have adopted an ordinance thinking it was consistent with new California law is irrelevant. If the coastal commission rejected the language of the ordinance being incorporated into the LCP then the approval does not conform to the LCP and should be rejected

4th finding – Approval of application would have positive impact on the City of Del Mar's housing supply or housing affordability. This finding is clearly false for at least 3 reasons. First the ADU unit will be in the center of a \$30,000,000 plus compound and it is beyond belief that a low income or homeless person will reside there. This unit will be targeted for visiting out of town friends or family and this will not have a positive impact on the supply or affordability of Del Mar housing. Second by counting this unit as against Del Mar's quota for low income housing units Del Mar will be preventing finding a unit that can truly comply with the purpose of the act. Third the city of Del Mar and the ADU movement will be damaged when public learns Del Mar is using slots designed for the underprivileged to help the super rich avoid the sharing the Del Mar beach views with the public.

Proposed building is 16 feet high and Maximum permissible is 14 feet

Addendum #1 to Appeal Form for Coastal Development permit CDP22-006
Location 107 11th Street Del Mar California
Apn(S):300-094-02
Applicant/Owner: Thomas Harrington
Appellant: Greg Monahan

Due to the extraordinary short and conflicting notice of time to Appeal (calendar vs working days) the proposed Coastal Development permit CDP22-006 I was forced to submit my original appeal at a point in time that met all possible interpretations of the time of submittal requirement.

I am now submitting the following additional information in support of my appeal.

The issuance of the requested permit would be a violation of Due Process.

The issuance of the permit would result in an extremely significant deprivation of neighboring property interests and thereby trigger violation of procedural due process. There should be no question that ocean white water views are extremely valuable. The fact that the applicant paid approximately \$10,000,000 for his ocean front lot with an view that could not be obstructed and approximately \$5,000,000 for the adjacent lot to the east whose view that could be obstructed clearly demonstrates that white water views are extremely valuable.

The 10 day notice for appeal is totally unreasonable in light of the circumstances and in no way does it afford the affected person(s) a realistic opportunity to protect their interests. The laws and rules impacting the property in question are overlapping and complex. The state of California has its requirements, the city of Del Mar has its codes and the Coastal commission has its rules and regulations. The Coastal commission information Appeal information sheet refers to city's Certified LCP as the rules to apply. Does the city of Del Mar have an "up to date" CERTIFIED LCP?

The city of Del Mar has a large elderly retired population who tend to take many trips and vacations. How likely is it that this city population would be home during the 10 day window, open the notice letter and have the ability to sort thru the complex regulatory structure to submit an adequate appeal during the 10 day window? To make matters worse the notices were targeted to arrive around the 4th of July holiday when many in the city planning department are absent. I was unable to get answer to the question does city have a CERTIFIED LCP? And if so does it include amendments approved by the Coastal Commission? The Coastal Commissions appeal form specifically states grounds

must be non compliance with the LCP. If the LCP is not defined how can the citizens adequately make such a determination?

When you consider A. the purpose of the accelerated processing time (10 days) of the ADU legislation is to accelerate the providing housing for the homeless and B. a homeless person is never going to end up living in the center of a \$30,000,000 compound does it make sense to rush the taking of a valuable view when the city of Del Mar has worked for years developing and documenting a reasonable process for view conflict issues?

The proposed development will NOT be consistent with and implement Public View protection policies IV-22 Through IV-27 of the city of Del Mar's LCP

Policy IV-27 states "Continue to implement the process of design review for new construction projects in order to preserve views of community-wide importance and enhance the small-town village atmosphere of Del Mar." How can the construction of a 30 foot long, **16 foot high** structure (**labeled as a "ONE-STORY ADU**) located in the middle of one of the most beautiful view corridors in the city of Del Mar, that has been enjoyed by the citizens of Del Mar for over 50 years, be considered to be consistent with the requirement for view preservation? Clearly destruction of this view corridor would not enhance the small-town village atmosphere of Del Mar.

Why place this structure in the middle of the view corridor? The 107 lot has 8,000 square feet of which only 500 square feet are currently being used. Clearly there should be some other location on the lot that would not destroy this view corridor. The natural consequence of the proposed permit, tagged onto the fast track ADU program, if approved would result in the destruction of an important city view without having to go thru the processes set up by the city to preserve such views. Using the ADU program, designed to create low cost housing for the homeless and low income citizens, to avoid the burden of going thru a process designed to protect the citizens of Del Mar is clearly inappropriate and the permit request should be rejected.

Appellant certification

I attest that to the best of my knowledge, all information and facts in this appeal addendum #1 are correct and complete

Print name Greg Monahan



Signature

Date of Signature July 4, 2022

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT OFFICE
7575 METROPOLITAN DR., SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370
SANDIEGOCOAST@COASTAL.CA.GOV

**APPEAL FORM****Appeal of Local Government Coastal Development Permit****Filing Information (STAFF ONLY)**

District Office: San Diego Coast

Appeal Number: _____

Date Filed: 1.1.12

Appellant Name(s): _____

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/#/>.

Appeal of local CDP decision

Page 2

1. Appellant information¹

Name: Daniel Monroe
Mailing address: 123 11th Street
Phone number: (760)-310-3695
Email address: DJMONROE1@AOL.COM

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

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

Describe: See Attachment

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: See Attachment

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: See Attachment

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:

CALIF. COASTAL COMMISSION

Local government approval body:

Local government CDP application number:

CDP 22-006

Local government CDP decision:

☒ CDP approval

☐ CDP denial³

Date of local government CDP decision:

JUNE 24, 2022

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

Describe: SEE Attachment

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. Applicant information

Applicant name(s):

Thomas Harrington

Applicant Address:

NA

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: SEE ATTACHMENT

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

Appeal of local CDP decision

Page 5

5. 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., 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

6. Appellant certifications

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

Print name Daniel Moura

Signature [Signature]

Date of Signature 7-5-22

7. Representative authorization⁵

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.

Addendum to Appeal Form for Coastal development permit CDP22-006
Location 107 11th Street, Del Mar, California
Apn(S):300-094-02
Applicant/Owner: Thomas Harrington
Appellant: Daniel Monroe

I received information about the proposed development from the City of Del Mar on Saturday June 25 and met with a Del Mar City planner on Monday June 27. I was told that a proposed structure to be built at the address above qualifies as an ADU and, therefore, was exempted from the City of Del Mar design review process. A Coastal Commission Appeal was offered as a possible alternative.

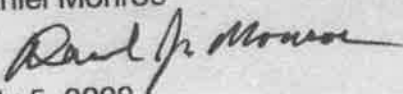
The proposed structure is a 16 foot tall, one story, 1,000 sq.ft. structure that impairs the ocean views of the homes immediately east of the property. If the proposed structure would have been subject to the usual Del Mar design review process that has guided development in the community since it's founding, the structure would likely have been reduced in height and relocated so as not to obstruct the view lines of the neighbors. For these reasons it is hard to believe that it complies with Del Mar's LCP.

In this instance the owner is taking advantage of the good intentions of the ADU program to create a structure that is neither necessary or affordable, and causing real economic loss for the adjacent homeowners. The ADU program is being misused to circumvent the design review process that protects the citizens of Del Mar. The permit request should be rejected.

Appellant certification

I attest that to the best of my knowledge, all of information in this addendum are correct.

Daniel Monroe


July 5, 2022



JUN 28 2022

CITY OF DEL MAR PLANNING DEPARTMENT
1050 CAMINO DEL MAR, DEL MAR, CA 92014 (858) 755-9313

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

**NOTICE OF FINAL ACTION ON
COASTAL DEVELOPMENT PERMIT APPLICATION**

Date: June 22, 2022

A Coastal Development Permit application for the project listed below has been acted upon by the City of Del Mar's:

- ☒ Director of Planning and Community Development
☐ Design Review Board
☐ Planning Commission
☐ City Council

On: June 21, 2022

Action:

- ☒ Approved
☐ Approved with conditions
☐ Denied

APPLICATION NUMBER, PROJECT SITE AND DESCRIPTION OF DEVELOPMENT PROPOSAL:

CDP22-006

Location: 107 11th Street

APN(S): 300-094-02

APPLICANTS/OWNERS: Thomas Harrington

Applicant Representative: Bokal & Sneed Architects

Zone: R2

Overlay Zone(s): Appeals

Staff Contact: Madeline Shute, Assistant Planner

Project Description: A request for approval of a Coastal Development Permit to construct an attached Accessory Dwelling Unit (ADU).

Findings:

See attached Resolution for findings.

Conditions of Approval (if any): None

As noted below, the development may be located in an area of the City of Del Mar's Coastal Zone where, pursuant to Coastal Act Section 30603 and Chapter 30.75 of the Del Mar Municipal Code, an aggrieved person may appeal this decision in writing to the California Coastal Commission. The appeal period runs 10 (ten) days, commencing from the date upon which the Coastal Commission receives notice of the City's final action on the application.

Project site located:

- ☒ Within the City of Del Mar's Coastal Development Permit Appeals Zone (appealable)
☐ Outside of the City of Del Mar's Coastal Development Permit Appeal Zone (not appealable)

Applicant/Owner Address:

Del Mar 107, LLC
105 Fremon Avenue, Suite B
Los Altos, CA 94022

Agent Address:

Bokal & Sneed Architects
244 9th Street
Del Mar, CA 92014

EXHIBIT NO. 5

APPLICATION NO.

A-6-DMR-22-0034

City Notice of Final
Action



California Coastal Commission

JUN 28 2022

DECISION ON COASTAL DEVELOPMENT PERMIT CDP22-006CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

A STATEMENT OF THE CITY OF DEL MAR'S DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT REGARDING COASTAL DEVELOPMENT PERMIT CDP22-006 SETTING FORTH FINDINGS AND A DECISION TO APPROVE THE REQUESTED APPLICATION FOR CONSTRUCTION OF A NEW ACCESSORY DWELLING UNIT (ADU) ON LAND LOCATED WITHIN THE APPEALS JURISDICTION OF THE CALIFORNIA COASTAL COMMISSION IN 107 11TH STREET, DEL MAR, CALIFORNIA APN 300-094-02

WHEREAS, Thomas Harrington (Applicant/Owner), applied for a Coastal Development Permit (CDP22-006) to construct a new, attached, 1,000 square-foot ADU on land located within the High Density Mixed Residential (R2) Zone and Appeal Overlay, at 107 11th Street (APN 300-094-02); 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, the project would propose an Accessory Dwelling Unit to an existing single-unit dwelling in the "High Density Mixed Residential (R2) Zone. Therefore, approval of the requested discretionary development application would have a positive impact on the City of Del Mar's housing supply or housing affordability; and

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

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


WHEREAS, a Coastal Development Permit shall be approved if findings can be made in accordance with DMMC Section 30.91.030 (C)(5)(d)(i) that the proposed development is consistent with the requirements of the certified Local Coastal Program and, for properties located between the nearest public road and the sea, that the proposed development conforms with the public access and public recreation policies of Chapter 3 (commencing with Section 30200); and

WHEREAS, the Director of Planning and Community Development's decision is appealable to the California Coastal Commission in accordance with DMMC Section 30.91.030 (C)(5)(d); and

Director of Planning and Community Development's Decision Regarding:
Coastal Development Permit Application CDP22-006
Page 2 of 2

NOW THEREFORE, based on the information received, the Director of Planning and Community Development finds that the request is consistent with the requirements of the certified Local Coastal Program and due to the orientation of the proposed development, the request conforms with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).

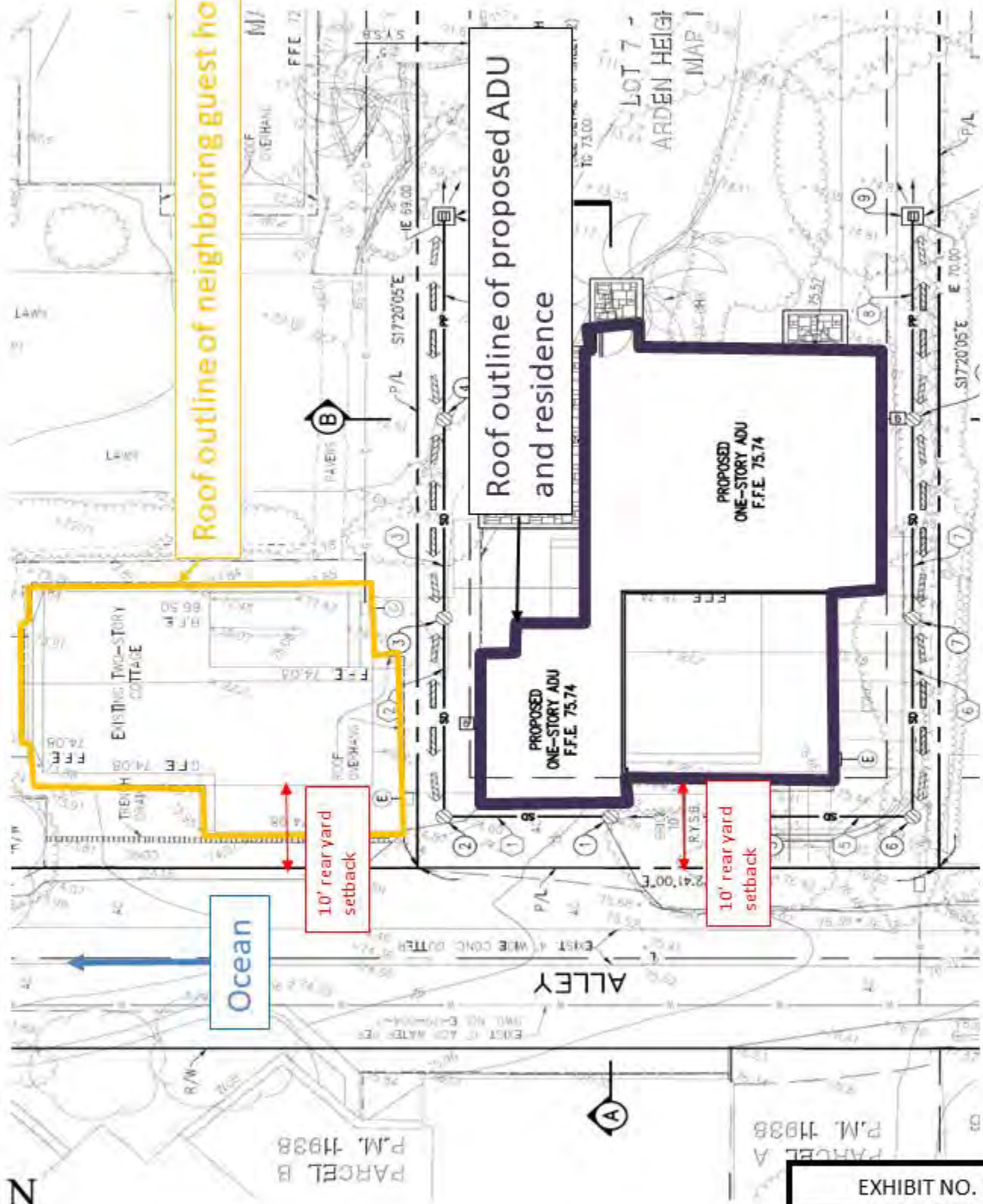
BASED ON THE ABOVE FINDINGS, THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT APPROVES COASTAL DEVELOPMENT PERMIT CDP22-006:



Karen Brindley
Director of Planning and Community Development

6/21/22

Date



California Coastal Commission

1. Looking west on Penny Lane from Stratford Court



EXHIBIT NO. 7

APPLICATION NO.

A-6-DMR-22-0034

Penny Lane View Analysis



California Coastal Commission

2. Walking west on Penny Lane

Roof of western guest house



3. Walking west on Penny Lane

Neighboring guest house

Project Site



4. Walking west on Penny Lane

Neighboring guest house

Project Site



5. Walking west on Penny Lane

Neighboring guest house

Project Site





EXHIBIT NO. 8
APPLICATION NO.
A-6-DMR-22-0034
Additional View
 California Coastal Commission