

CALIFORNIA COASTAL COMMISSION

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Th20a

A-6-DMR-23-0022 (Vonder Reith ADU)

August 10, 2023

CORRESPONDENCE

August 3, 2023

California Coastal Commission
Hearing at Oxnard Meeting
9:00am, Thursday, August 10, 2023



RE: **Agenda No:** Th20a
 Appeal No: A-6-DMR-23-0022 (Vonder Reith, Del Mar)
 Project Address: 120 6th St., Del Mar, CA

CDP review comments and responses:

The following is a response to the Staff Report, dated 7/20/2023, provided for the above project submitted to the Commissioners for the above hearing.

A. General Information:

The owner of the above project has proposed constructing a 1,000sf ADU for their property. This is in accordance with the latest state laws that allow a homeowner to provide an ADU for a property. As the City of Del Mar has not established a new updated ADU ordinance, the state law states that the defined requirements shall be used where appropriate. The in-place city LCP requirements are to be observed and those requirements were implemented for the development of the project. As the architect, we have submitted several options over the past year and the proposed ADU is in compliance with the city's zoning regulations, the city's LCP, the state housing ADU laws, and what the city has been defined are the requirements for the California Coastal Commission. The city has approved the project as submitted, is now open to the public for review and can be appealed to the Coastal Commission for further review. The project has been appealed to the Coastal Commission by several neighbors and is now to be determined by the Commissioners as to whether the project has "significant issues". Thus, the project is subject to be approved or denied based on this review by the Coastal Commission.

The Staff Report as presented appears in our view to be inconsistent with some of the issues noted. The following is a summary of items we feel should be considered.

B. Local Coastal Program (LCP) and Public Views:

- a. We have coordinated the review process for the development and approval for the ADU with the city for several months. There were several design and location alternatives presented prior to the eventual project approval. This final location and design for the ADU was approved by the city and determined to be in compliance with all requirements including the LCP.
- b. The City of Del Mar LCP does not define Public Views from the public streets such as 6th Street.
- c. As the architect, I recognize that public views are very important. We located and designed the proposed ADU to limit the amount of existing blue water view obstruction. Our studies showed that all designs and locations would have some impact on blue water ocean views from 6th Street. The proposed location was determined the best compromise for the ADU's function and impact on views.
- d. The option to place the ADU on the top of the existing residence was a consideration and would have likely provided the least amount of view obstruction. However, the attached ADU in this location was not allowed by the city zoning and LCP.
- e. For further information regarding the public view obstruction, see Exhibit 6 as attached to the Staff Report and our presentation as per the link at the end of this document.

C. Parking Requirements:

- a. The city zoning requirements for parking this site:
 - i. One (1) car parking space for each two-bedroom residence
 - ii. There are two (2) two-bedroom residences on the site = (2) car parking spaces required.
 - iii. The required parking is provided in an existing detached two-car garage.
- b. An existing gravel area for parking is provided off 6th Street:
 - i. By city standards, due to size of the gravel area (approximately 15' x 32'), this provides for a single parking space (9' x 18').
 - ii. This existing gravel area and the single parking space is in addition to the required parking for the site.

- iii. It is noted that family and friends have been able to squeeze four (4) cars within the gravel area if the cars extend out to the street right of way. This would not be considered a viable parking use by the city and may be considered illegal as there is "no-parking" posted along 6th Street in this location.
 - iv. However, even with the construction of the ADU, it is still feasible to park the same number of four (4) cars in this location, legal or not.
 - v. The owners are willing to widen the gravel area to provide for two (2) approved standard parking spaces within the gravel area. This would provide two (2) parking spaces in addition to the required existing parking.
 - c. Parking is an important issue for the Coastal Commission Guidelines. In this area, an ADU may not remove existing parking. This project maintains the existing parking and can add an additional qualified parking space to the project.
- D. Other issues presented by appellants:
- As the architect, I provided a presentation responding to the issues above and to the other issues that the appellants had submitted as part of the appeal to the Coastal Commission. This presentation was not included in the Exhibits provided by the Staff. This presentation provided descriptive and graphic information responding to the issues presented by the appellants. If the Commissioners wish to review this presentation, it can be viewed from the following link:

<https://1drv.ms/b/s!AqFAlexrHjdaopw6ZUKehgFNkx8lQA?e=4jYwlb>

E. Summary:

ADU development and implementation has become a difficult issue to determine all the factors that can impact the surrounding communities. The State of California has created the allowance for ADU's and it is the right of a homeowner to construct one if all the requirements are met. Based on all the conditions and the project requirements, the proposed ADU by the Vonder Reith's appears to only impact the Coastal Commission Requirements regarding the blue water ocean views. The amount of impact on the views is a subjective decision to be made by the Commissioners as to how much a project can be allowed to impact views. As noted, we have made every effort to limit this view impact and feel the view blockage is reasonable in comparison to the allowed projects within the community both in the past and present. We hope this project can be seen as positive to bring additional housing and users to the beach community.

Thank you for your consideration for approval of the project.

Warren W. Scott, AIA
C11211

**Item (Agenda) Number: Th20a; Application (Appeal) Number: A-6-DMR-23-0022;
Owner input**

Curt Vonder Reith <pcvonderreith@gmail.com>

Mon 7/31/2023 2:25 PM

To: Leach, Stephanie@Coastal <stephanie.leach@coastal.ca.gov>; Brownsey, Donne@Coastal <donne.brownsey@coastal.ca.gov>; Hart, Caryl@Coastal <caryl.hart@coastal.ca.gov>; Turnbull-Sanders, Effie@Coastal <effie.turnbull-sanders@coastal.ca.gov>; Notthoff, Ann@Coastal <ann.notthoff@coastal.ca.gov>; Escalante, Linda@Coastal <linda.escalante@coastal.ca.gov>; Wilson, Mike@Coastal <mike.wilson@coastal.ca.gov>; Rice, Katie@Coastal <katie.rice@coastal.ca.gov>; Aguirre, Paloma@Coastal <paloma.aguirre@coastal.ca.gov>; Harmon, Meagan@Coastal <meagan.harmon@coastal.ca.gov>; Uranga, Roberto@Coastal <roberto.uranga@coastal.ca.gov>; Cummings, Justin@Coastal <justin.cummings@coastal.ca.gov>; Mann, Zahirah@Coastal <zahirah.mann@coastal.ca.gov>; O'Malley, Matt@Coastal <matt.omalley@coastal.ca.gov>

Cc: Curt Vonder Reith <pcvonderreith@gmail.com>; Warren Scott <wscott@wsaaia.com>; Bret Vonder Reith <bvonder62@gmail.com>

California Coastal Commission 10 August 2023 Meeting
Item (Agenda) Number: Th20a
Application (Appeal) Number: A-6-DMR-23-0022
Mary Vonder Reith, owner
Support of the CCC Project Approval
(Oppose position of Substantial Findings)
Staff Member notified: Stephanie Leach

The Vonder Reith family has been engaged with the City Of Del Mar for over 3 years to be able to make an improvement to our property. We have actively made a series of iterations and compromises in order to gain City approval to this proposed ADU design. We have moved the structure to as far east, away from blue water views, as possible, and stepped the western section lower accordingly. We have limited the height to be well below California State and City allowances. We have been as accommodating as possible to preserve openness of the western side of our entire lot. Unfortunately, our neighbors have organized to try to block every effort of our desire to modify our property, even after our design concessions. Their appeals (largely copies of a single master) list a variety of topics, all of which are either false, incorrect or show a lack of process understanding.

The San Diego Coastal Commission Staff reviewed these appeals, and their Staff Summary cites three areas of potential 'significant findings': Impact on public views, parking, and City compliance with their LCP.

Regarding public views, the Staff Summary correctly cites that the City's LCP does not identify specific viewpoints or street ends but nonetheless requires the preservation of views from public vantage points. The subject site is the most seaward residential lot

at the terminus of 6th Street, which is a highly scenic public view corridor with ocean views available from Stratford Court down 6th Street. Our exhibits (page 107-112; street photos) show no blockage from the top of the street corridor, and has no impact of views from our street end. Because the approved ADU would not block public views, as referenced in the City's LCP and, based on photo exhibits, it appears that the approved project minimizes impacts to public views. Furthermore, the LCP for the city of Del Mar does not address ocean views from general public streets. The LCP only considers Public Land uses and specific sensitive view corridors, which do not apply to our street. Therefore, the project does not raise a substantial issue.

To recap the public view issue, we want to reinforce that 'the street is 300 ft long'. We have provided numerous photos a) from a hotel balcony off Hwy 101, b) at the end of 6th St across Stratford Ct, c) at the end of 6th St, and d) from the mid point (150 ft down the street) of the street that show the proposed ADU can not be seen due to existing house structures, landscaping and trees. From the last 90-100 ft (west end)

of the street, the ADU does not block any blue water views. Obviously, from the end of the street continuing westward, the access trail to the cliff top trail (another 90 ft), and all along the cliff top trail, this ADU proposal has no blue water impact. That leaves approximately 60-80 ft in the mid section of the street has slight 'through trees' impact on blue water views if you view hard northward during a walk down the street. There is no known definition that only a small section of mid street is considered a public view substantial finding.

Regarding on-site parking, the parking has not been reduced from the available original parking, the same parking area used for 70 years. The ADU structure will not impact our continued ability to park two cars easily, and up to four vehicles depending on model and size when necessary. According to formal City size standards, we are inches too narrow, thus our gravel site only 'officially' provides 1 legal parking space, an on-going non-conformance. On a practical basis, this is a non-issue. We have not and will not be impacting street parking nearby. Our exhibit (page 113, three parked cars photos) confirms this.

Furthermore, our property only requires two parking spaces. The property currently has an oversize two car garage which meets this requirement. The south gravel parking area sited as a potential substantial issue represents additional, non-required parking.

Regarding City compliance with their LCP, Del Mar diligently processed our design proposal against the local and Coastal approved document. The City approved the project precisely because it indeed complies with the city LCP. The City would not have approved this otherwise.

In summary, we are very unclear what, if any, "substantial issue" has been violated. We strongly request that of the Commissioners reject the supposed 'significant findings' cited and the motion to move to the de novo phase. We urge the Commissioners to accept this project as approved by the City. Not doing so would result in wasted staff time and analysis, and unjustifiably delay our project.

Mary Vonder Reith & family

CC (surface mail):

DAYNA BOCHCO, WADE CROWFOOT or JENN ECKERLE / CHRISTOPHER CALFEEWADE, ELENI KOUNALAKIS or MATTHEW DUMLAO and JENNIFER LUCCHESI, TOKS OMISHAKIN or JEREMIAH KETCHUM, DAVID RYU alternate for R DR. CARYL HART, GRETCHEN NEWSOM alternate for ANN NOTTHOFF, SUSANA REYES alternate for LINDA ESCALANTE, RAFAEL MANDELMAN alternate for CATHERINE (KATIE) RICE, CHARLES STRIPLEN alternate for JUSTIN CUMMINGS, RAUL CAMPILLO alternate for PALOMA AGUIRRE.

July 25, 2023

The Commission
California Coastal Commission

Re: A-6-DMR-23-0022 (Vonder Reith ADU) – Substantial Issue

Dear Commissioners:

The proposed ADU project raises a substantial issue and is not consistent with the Coastal Commission's mission or the City of Del Mar's Local Coastal Program.

- The proposed project site is the last house on 6th Street next to the bluffs.
- 6th Street is a substantial scenic public view corridor with oceans views from numerous vantage points which the public enjoys daily. The proposed ADU will block blue water and white-water views from those public vantage points. (See attached photos)
- The construction and lot coverage will create additional adverse conditions along this section of the coast that are known to create stress and erosion on the unstable bluffs. The project and construction propose approximately 60% of the 1st floor of the ADU to be undergrade. The additional hardscape causes additional runoff which is known to accelerate erosion of the bluffs.
- The proposed ADU will not provide necessary parking and will negatively impact the already limited public street parking on 6th Street. It will reduce 2 spaces to 1 space. There are No Parking signs at the street in front of this property, the house to the east next door and the 2 houses across the street. It is nearly impossible to find street parking on 6th Street now.
- This ADU will not provide affordable housing. The rents in this area of extremely high, \$5,000, and higher for 1,000 sf units.
- The proposed project encroaches onto the railroad right of way by approximately 3-4 feet.

This ADU is not consistent with the Coastal Commission's mission to protect, conserve, restore and enhance the state's coastal resources. It's my opinion the Coastal Commission should implement a No ADU zone along the unstable bluffs. It is unreasonable to allow construction that not only blocks public views, negatively impacts public parking, but creates additional stresses on the unstable bluffs.

Thank you for hearing my concerns.

Sincerely,



Gwynn Thomas
Owner of 149 6th Street & 151 6th Street, Del Mar
(803 Amiford Dr, San Diego)
619 997-5219

Attachments: Photos of 6th Street Del Mar







JGS

August 3, 2023

To: California Coastal Commission
Re: Commission Appeal No. A-6-DMR-23-0022
From: Jeff Sturgis

Dear Commissioners,

I am writing to appeal the coastal development permit decision (local permit # CDP23-001 for 118 & 120 6th Street, Del Mar, CA 92014), and to ask that you find that this matter is a “substantial issue” and affirm staff’s recommendation with respect to the grounds cited in the report.

As the commissioners are fully aware, the current regulations of ADUs and local review of proposed developments are currently in tension. The fact of the matter is that the applicant for this project had concurrently sought an ADU at the existing northern unit and an attached ADU at the new southern unit. These ADUs must be reviewed under a ministerial process and cannot be considered by the City of Del Mar’s Design Review Board (DRB) and applicable ordinances, including impacts to private scenic views, and scenic views as it relates to the Coastal Act are under the purview of this body.

At a noticed public hearing on August 24, 2022, the City of Del Mar DRB reviewed a request to demolish an existing dwelling unit from an existing detached duplex and construct a new one-story detached dwelling unit residence with detached garage and to perform associated landscape and site improvements at 118-120 6th Street.

The DRB’s main concern was related to the height of the structure. The Board requested that the applicant look for strategies to reduce the plate height of the structure and therefore reduce the overall height of the structure to address concerns related to bulk and mass and to Scenic View Blockage.

The City of Del Mar DRB had concerns related to unreasonable scenic view blockage, harmonious design with surrounding neighborhood, and lack of landscaping. The DRB ultimately voted unanimously (7-0) to deny this project based on DMMC 23.08.77 D and H.

This applicant’s architect knows fully well that because this project was denied by the DRB, they are now trying to maximize the ADU, which negatively impacts highly scenic views from public vantage points since the site is the most seaward residential lot at the end of our street. The City of Del Mar DRB had concerns related to unreasonable scenic view blockage, and the ADU as proposed suffers the same.

I ask that the Commission find substantial issue and grant this appeal.

Respectfully,



Jeffrey G. Sturgis

Public Comment on August 2023 Agenda Item Thursday 20a - Appeal No. A-6-DMR-23-0022 (Vonder Reith, Del Mar)

Christopher Pederson <cpedersonlaw@gmail.com>

Wed 7/26/2023 11:25 AM

To: SanDiegoCoast@Coastal <SanDiegoCoast@coastal.ca.gov>

Cc: Huckelbridge, Kate@Coastal <Kate.Huckelbridge@coastal.ca.gov>; Schwing, Karl@Coastal <Karl.Schwing@coastal.ca.gov>; Lilly, Diana@Coastal <Diana.Lilly@coastal.ca.gov>; Carney, Kaitlin@Coastal <kaitlin.carney@coastal.ca.gov>; Leach, Stephanie@Coastal <stephanie.leach@coastal.ca.gov>; Mayer, Robin@Coastal <Robin.Mayer@coastal.ca.gov>

 2 attachments (4 MB)

View down 6th St. Del Mar.pdf; 6th Street signage.pdf;

Dear Chair Brownsey and Commissioners:

I urge the Commission to find that the appeals of the proposed Del Mar accessory dwelling unit (ADU) do not raise a substantial issue. The proposed ADU would be located in an urban infill area on a site zoned for high density mixed residential and located within one half mile of transit. In other words, it is exactly the kind of site where the Commission should be encouraging and facilitating additional housing, not creating costly and time-consuming bureaucratic delays. Indeed, the kinds of obstacles the appellants seek to place in the way of this proposed ADU are exactly why the legislature has repeatedly strengthened ADU legislation in recent years.

As explained in greater detail below, the appeals and the staff report fail to substantiate the alleged adverse impacts on public views or public access. The alleged view impacts are transitory views from one small segment of a minor residential side street. The alleged parking effects of the project would occur in a neighborhood the Commission just last year found has a public parking supply fully sufficient to support current and planned future public access. The project therefore raises no Coastal Act concerns that would justify finding substantial issue.

I. The ADU Would Have Only Minimal, Transitory Effects on Public Views

The appeals fail to demonstrate that the proposed ADU would have a meaningful impact on public views of the coast. The view from the nearest thoroughfare, Stratford Court, down 6th Street to the ocean would remain completely unobstructed. (See first attached photo.) It's doubtful that the proposed ADU would even be visible from Stratford Court. When proceeding down 6th Street towards the Ocean, the ADU would have a brief transitory effect on side views from one short segment of the street, but once visitors approach the street end, ocean views would be unobstructed. (See Staff Report, Exhibit 6, views C.2, E.1, E.2.) Given that the ADU would comply with LCP requirements regarding setbacks from the street and would align with how other existing structures are set back from the street, the ADU is fully compliant with the LCP requirement to maximize public views "without preventing reasonable use of private property."

The staff report contends that there may be ways to redesign the project to reduce the already minimal visual impacts of the project even further. That may be, but the delays and expense of negotiating and designing project changes are exactly the kinds of impediments that the legislature has found deter the construction of desperately needed ADUs and that it has tried repeatedly to remove. (See, e.g., Senate Floor Analysis, SB 897, at pp. 4-5 (Aug. 31, 2022).)

In addition, Commission staff rightfully and repeatedly point out that they do not have the resources to adequately address the many compelling problems the coast faces. To devote staff time and effort to tweaking the visibility of a minor project such as this would be a serious misallocation of the Commission's scarce and over-stretched resources.

II. The Alleged Spillover Parking Effects of the ADU Would Not Adversely Affect Public Access

The appeals also fail to identify substantial evidence that the possibility of one or two cars associated with the proposed ADU being parked on the street would cause any meaningful adverse impacts on public access. Currently, 6th Street is not a legal access point to a coastal trail. (See second attached photo.) The Commission has nonetheless characterized "informal" access that occurs at multiple street ends abutting the railroad right-of-way along the Del Mar bluffs as a public access resource. In that context, the Commission has expressly found that the public parking supply along those streets is adequate for current "informal" access and anticipated future formalized access along and across the railroad right-of-way. (See SANDAG, Del Mar Bluffs Stabilization Project, CC-0005-21, at pp. 55-56 <https://documents.coastal.ca.gov/reports/2022/6/W7b/W7b-6-2022-report.pdf>.) Given the Commission's recently adopted findings regarding the adequacy of the public parking supply in the area, it is implausible that the potential de minimis impact of the proposed ADU on public parking supply would adversely affect public access.

The appellants contend that on-street parking can be a challenge overnight because of spillover parking from nearby multifamily housing. Notably, they do not allege that the overnight parking situation constitutes an adverse impact on public access to the coast or the bluff-top trail. The challenges that residents of an area may have locating on-street parking, however, are not a Coastal Act concern. Coastal Act section 30252 addresses parking only to the extent that it relates to public access to the coast.

III. Conclusion

The appeals therefore fail to raise any substantial issues regarding Del Mar's approval of the proposed ADU. If the Commission were to find the appeals raise a substantial issue, that would lend support to those who argue that the Coastal Act is too easily abused by those fortunate or rich enough to have theirs in the coastal zone and wish to exclude everyone else. Please demonstrate that the Coastal Commission can and will safeguard against such abuses.

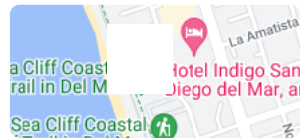
Thank you for your consideration of my comments.

Sincerely,

Christopher Pederson



Image capture: Mar 2019 © 2023 Google



600 Stratford Ct



Image capture: Mar 2023 © 2023 Google



TO: California Coastal Commission
FROM: Rich & Mary Lou Amen
RE: Appeal Number A-6-DMR-23-0022
DATE: July 31, 2023

We strongly oppose the proposed ADU development to be built at 118 and 120 6th Street, Del Mar, CA.

We are surprised that we are not on the list of Appellants issued on the Public Hearing Notice of July 21, 2023, as we were signatories to the letter of objection sent to the Coastal Commission.

Our property is located at 144 Sherrie Lane, Del Mar, which is the second residence behind the proposed development and has views directly impacted by this proposal.

The property owner and her architect previously submitted plans for a similar development for consideration by the Del Mar Design Review Board. The application was unanimously denied, as it was judged that the project would negatively impact ocean views of a number of neighbors, including ours. It was further found that the architectural design was out of keeping with the surrounding neighbors architecture.

Now the owners have blatantly disregarded the concerns of their neighbors by proposing a structure, under the ruse of an ADU development, that more significantly impacts views. The original structure was 13 feet above grade, this new proposal is 16 feet high, an additional 3 feet!

We respectfully request the Commission to deny this request, as it:

1. Significantly impacts the ocean views of many neighbors.
2. Flies against the prior decision to deny the development by the Del Mar Design Review Board.
3. Is not really an ADU, but rather an attempt to build a resaleable residence on this plot.

If you have further questions, you can reach Rich Amen at 858-922-7450 or rich.amen@nuvidaproperties.com.

Best regards,

Rich and Mary Lou Amen