## 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



## Th20a

## A-6-DMR-23-0022 (Mary S. Vonder Reith ADU) August 9-11, 2023

## **EXHIBITS**

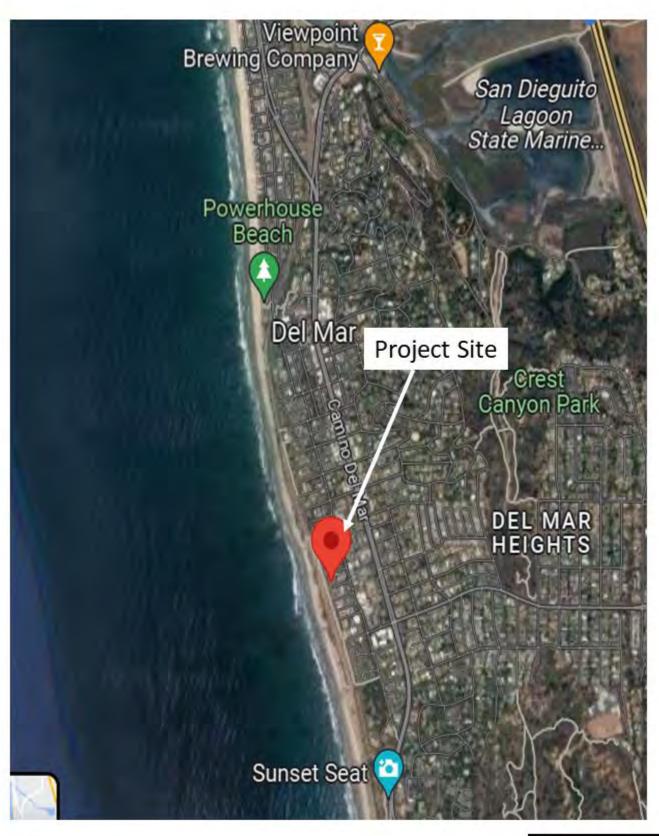
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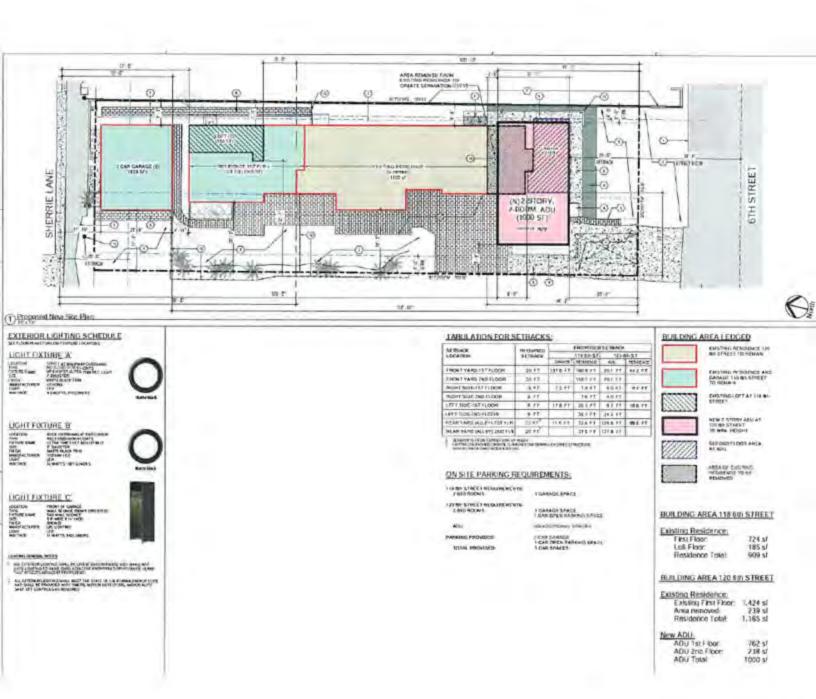














## Approved ADU



Appellant Name(s):

APPLICATION NO.

A-6-DMR-23-0022

Appeals

California Coastal Commission

## CALIFORNIA COASTAL COMMISSION

Filing Information (STAFF ONLY)

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

## District Office: San Diego Coast Appeal Number: A-6-DMR-23-0022 Date Filed: 6/22/2023

Gwynn Thomas

## **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 <a href="mailto:SanDiegoCoast@coastal.ca.gov">SanDiegoCoast@coastal.ca.gov</a>. 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 <a href="mailto:coastal.ca.gov/contact/#/">contact page</a> at <a href="https://coastal.ca.gov/contact/#/">https://coastal.ca.gov/contact/#/</a>).

## 1. Appellant information 1 Gwynn Thomas Name: 803 Amiford Dr., San Diego, CA 92107 \* Mailing address: 619 997-5219 Phone number: gwynn.thomas@outlook.com Email address: \*owner of 149 & 151 6th Street, Del Mar, CA 92014 How did you participate in the local CDP application and decision-making process? X Other Did not participate Submitted comment Testified at hearing I contacted the assigned planner at the City of Del Mar immediately upon Describe: notice the coastal 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). The coastal development permit was approved through an administrative process Describe: that does not require a public hearing per Del Mar Code section 30.75.089 (E) I didn't receive notice of the pending permit and the notice wasn't posted on the site. I had no opportunity for participation prior to the permit being approved. 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). I contacted the City of Del Mar planner immediately when I received notice Describe: the coastal permit had been approved. This was the only notice given and

coastal development permit.

I was not given an opportunity for public input prior to approval of the

<sup>&</sup>lt;sup>1</sup> If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

2. Local C	DP decision being appealed <sub>2</sub>				
Local gover	nment name: City of Del Mar				
Local gover	nment approval body: Director of Planning and Community Development				
Local gover	nment CDP application number: CDP 23-001				
Local gover	nment CDP decision: X CDP approval CDP denial3				
Date of loca	Il government CDP decision: Date wasn't given in the notice. Date the notice				
	was mailed is June 15, 2023 tify the location and description of the development that was approved or ne local government.				
Describe:	118 6th Street, Del Mar Note: This is the address noted on the City Notice but it is				
	wrong. The correct address is 120 6th Street. This is a duplex 118-120 6th St)				
	Existing dwelling is one of the original homes on 6th Street built in 1954. One story.				
	Applicant is proposing demolish 239 sf of south unit (120 6th St) and add a 2 story ADU				
	1,000 sf, 3 bedroom w/living area and small kitchen. Existing structure has front yard				
	gravel parking for 2 cars. Applicant is proposing reducing that to parking for 1 car.				
	The exiting property encroaches 3-4 feet onto the Railroad ROW. Applicant				
	proposes no change to that encroachment.				
	Approximately 60% of the 1st floor of the ADU will be undergrade.				

<sup>&</sup>lt;sup>2</sup> 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.

<sup>&</sup>lt;sup>3</sup> Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the <u>appeal information sheet</u> for more information.

**3. Applicant information** Owner of 118 and 120 6th Street

Applicant name(s): Mary S. Vonder Reith

Applicant Address: c/o Warren Scott

Warren Scott + Architecture

607 N. Vulcan Ave #4, Encinitas, CA 92024

## 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 nor the Coastal Act public access provisions. The existing structure encroaches upon the Railroad ROW 3-4 ft.

The applicant is proposing undergrade building which adversely affects the unstable bluffs. The existing structure is the last house on the street, closest to the railroad. It is very unlikely this ADU will ever provide affordable housing because it has unobstructed 180 ocean views and is in a very high rent district where 1000 SF homes rent for \$4-5,000 a month and far more during summer. The applicant is reducing gravel front yard parking from 2 spaces to 1 space which does not comply with Del Mar LCP DMMC 30.80.030(B). The street in front of this property and the property next door and the 2 homes across the street are No Parking. The project will have a negative impact on pubic parking as it is located in a beach area with limited street parking. The increase in demand for parking combined with the loss of parking isn't consistent with the Coast Act public access policies. 6th Street is a public view corridor and the mass and size of the ADU will negatively impact the public view corridor.

<sup>&</sup>lt;sup>4</sup> Attach additional sheets as necessary to fully describe the grounds for appeal.

## 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 certification <sub>5</sub>			
I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.			
Print nameGwynn Thomas			
Gwynn Thomas Signature			
Signature			
Date of Signature 6/22/23			
7. Representative authorization <sub>6</sub>			
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.			

<sup>&</sup>lt;sup>5</sup> If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

<sup>&</sup>lt;sup>6</sup> 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.

## 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. Gwynn Thomas Print name Date of Signature 7. Representative authorizations 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.

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

<sup>6</sup> 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.

## NOTICE OF COASTAL DEVELOPMENT PERMIT APPROVAL

NOTICE IS HEREBY GIVEN, THAT THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR HAS APPROVED THE FOLLOWING COASTAL DEVELOPMENT PERMIT FINDING THAT APPLICATION CDP-23-001 IS CONSISTENT WITH THE REQUIREMENTS OF THE CERTIFIED LOCAL COASTAL PROGRAM OF THE CITY OF DEL MAR.

CDP 23-001 <u>Location:</u> 118 6<sup>th</sup> Street APN(S): 300-182-12-00

APPLICANTS/OWNERS: Mary S. Vonder Reith

Zone: R2

Staff Contact: Jennifer Gavin, Associate Planner

<u>Project Description</u>: A request for approval of a Coastal Development Permit to construct detached Accessory Dwelling Unit (ADU) in Del Mar, California.

The development is located in an area of the City of Del Mar's Coastal Zone where the City's action on a Coastal Development Permit application is appealable to the California Coastal Commission. The appeal period runs 10 (ten) business days, commencing from the date upon which the Coastal Commission receives notice of the City's final action on the application. The San Diego Office of the California Coastal Commission can be reached at 619-767-2370 or by email at SanDiegoCoast@coastal.ca.gov for more information.











## CALIFORNIA COASTAL COMMISSION

Filing Information (STAFF ONLY)

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### APPEAL FORM

Appeal of Local Government Coastal Development Permit

# District Office: San Diego Coast Appeal Number: \_\_A-6-DMR-23-0022\_\_\_\_\_ Date Filed: \_\_\_6/29/2023\_\_\_\_ Appellant Name(s): \_\_\_Jeff Sturgis\_\_\_\_\_\_

## **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 <a href="https://coastal.ca.gov/contact/#/">https://coastal.ca.gov/contact/#/</a>).

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1. Appella	ant info	
Name:		Jeff Sturgis
Mailing add	dress.	150 6th Street, Del Mar, CA 92014-2709
J		(858)793-6857
Phone num	nber:	jeffsturgis@me.com
Email addr	ess:	
How did yo		pate in the local CDP application and decision-making process?  Bubmitted comment Testified at hearing Other
Describe:	The C	DP was approved by City of Del Mar staff ministerially.
	Neigh	nbors were not notified in advance of the approval.
	No pu	ublic hearings were held.
	Thus,	there was no opportunity to object or provide feedback.
please ider	ntify why because Becau	pate in the local CDP application and decision-making process, you should be allowed to appeal anyway (e.g., if you did not you were not properly noticed).  use the project was approved ministerially with no public
	hearin	g, there was no opportunity to object or provide feedback.
	The C	DP notice had a misleading address: 118 6th St is used
	for the	northern unit on the parcel. The ADU is at 120 6th St to the south.
why you sh	nould be e and hea	you exhausted all LCP CDP appeal processes or otherwise identify allowed to appeal (e.g., if the local government did not follow proper aring procedures, or it charges a fee for local appellate CDP
Describe:	The p	roject was approved ministerially with no public hearing.
	Thus,	there was no opportunity for any members of the public
	to pro	ovide feedback.

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

2. Local C	DP decision being appealed	2			
Local government name:  Local government approval body:  Local government CDP application number:  Local government CDP decision:  Date of local government CDP decision:		City of Del Mar Planning Department Staff CDP 23-001			
				CDP approval CDF June 15, 2023	P denial₃
				Please iden	ntify the location and description on the local government.  1. Approval of a new detached according to the local section of the local
		Describe.	1000 sq ft with (a) loss of parking on a parcel adjacent to a Coastal Access Point;		
	and (b) two-feet depth of grading adjacent to a fragile coastal bluff-edge.				
	<ol> <li>Approval of removal of 250 sq ft of existing Living Area in primary unit.</li> <li>Reconfiguration of a two-car gravel parking pad to a one-car pad with access from a street with No Parking along the entire parcel front yard.</li> </ol>				
	The development will have negative impacts on public street parking on a street with already highly limited public parking in a high density residential zone.  The development will have negative impacts on public view corridors across a Coastal Access Point listed in the City's Local Coastal Program (LCP).  See additional material attached with Description of Development, Page 1				

<sup>&</sup>lt;sup>2</sup> 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.

<sup>&</sup>lt;sup>3</sup> Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the <u>appeal information sheet</u> for more information.

3. Applicant information

Applica	ant name(s):	Mary S. Vonder Reith	
Applicant Address:		118 6th St, Del Mar, CA 92015	
4. Ground	s for this appeal4		
approved d provisions. that the dev Please clea applicable, much as po	evelopment does not conform to For appeals of a CDP denial, grovelopment conforms to the LCP and identify the ways in which the the LCP and Coastal Act provision	appeal are limited to allegations that the the LCP or to Coastal Act public access bunds for appeal are limited to allegations and to Coastal Act public access provisions. In development meets or doesn't meet, as ons, with citations to specific provisions as ed to be concise, and to arrange their sies.	
Describe:	1. Negative impact on public parking at a Coastal Access Point that serves coastal trails at a location		
	that already has insufficient public street parking due to an adjacent high density residential zone.		
2. Negative impact on public		and public view corridors.	
	3. Excessive grading and removal of	f mature vegetation adjacent to a fragile bluff edge.	
	4. Improper noticing with misle	eading address for the project location.	
	See additional material attached v	with Details on Grounds for Appeal, Pages 2-9	

<sup>&</sup>lt;sup>4</sup> Attach additional sheets as necessary to fully describe the grounds for appeal.

## 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

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_	Jeffrey G. Sturgis		
	SMEDMIL		
Signature			
	l 00 0000	<b>1</b>	

Date of Signature June 29, 2023

### 7. 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.

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

<sup>&</sup>lt;sup>5</sup> If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

<sup>&</sup>lt;sup>6</sup> 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 118-120 6<sup>th</sup> St Coastal Development Permit Issued June 15, 2023, per Notice Letter from the City of Del Mar**

**Date of Determination**: June 15, 2023 **Permit Number:** CDP 23-001

## **Description of Development**:

- 1. Approval of a new detached accessory dwelling unit (ADU; 2-story, 2 bedroom, 1000 sf) with
  - a. loss of parking on a parcel adjacent to a Coastal Access Point that serves coastal trails, and
  - b. two feet depth of grading adjacent to a fragile coastal bluff-edge.
- 2. Approval of demolition and removal of about 250 square feet of the south side of the existing house.
- 3. Reconfiguration of a two-car gravel parking pad to a one-car parking pad.
- 4. Approval of a Coastal Development Permit (CDP) in spite of impacts on public street parking on a street with already limited public parking and impacts on public view corridors across a Coastal Access Point listed in the City's Local Coastal Program (LCP).

**Appellant participation:** The entire project was approved ministerially by the City of Del Mar without any Public Hearing and with no notice to the neighbors during the City's review period. Thus, there was no opportunity for anyone to provide feedback or objections.

## **Appellant's interest:**

1. **PARKING IMPACTS:** Public parking for coastal access is already insufficient and limited on 6<sup>th</sup> Street and from 4<sup>th</sup> St to 8<sup>th</sup> St along Stratford Court. The public parking will be negatively impacted, which in turn will impact coastal access and impact all residents along these streets, which include streets in R-2 and in RM (Residential Mixed) zones. One parking space (of four) will be eliminated on the 118-120 6<sup>th</sup> St parcel concurrent with adding an additional housing unit. The negative impacts on public parking will impact public access to the coast along the Del Mar Upper Bluff Coastal Trail that runs from 4<sup>th</sup> St to 8<sup>th</sup> St with access at the street-end at 6<sup>th</sup> St adjacent to the 118-120 6<sup>th</sup> St parcel.

118-120 6<sup>th</sup> St has "No Parking" signs along its entire street-side boundary as does the parcel to the east and the two street-end parcels across the street to the south. "No Parking" at this bluff-top street-end is essential for public safety and fire equipment access and also for preservation and enhancement of public view corridors. The immediate neighborhood is already underserved for public street parking, as are all the bluff-top street ends from 4<sup>th</sup> St south to 13<sup>th</sup> St, and will be more so due to loss of existing parking on this parcel with or without a new ADU.

118-120 6<sup>th</sup> St has a one-door 2-car garage on Sherrie Lane (alley) that serves the northern  $\sim 900$  sf dwelling unit on the lot and a 2-car gravel parking pad on 6<sup>th</sup> St that serves the southern  $\sim 1100$  sf dwelling unit. The 2-car parking pad will be replaced with a one-car pad that is 9' x 18' in size. This single pad is insufficient for the existing dwelling units with or without the new third ADU dwelling unit that will be on the southern half of the parcel. The lack of sufficient on-site parking will lead to additional vehicles parked away from the parcel elsewhere on 6<sup>th</sup> St and overflow will go to

Stratford Court, which already has high demands on public parking due to the many high-density residential buildings in the adjacent RM neighborhood.

- 2. **PUBLIC VIEW CORRIDOR IMPACTS:** Open public views of the ocean across the front yard setbacks on the north side of 6<sup>th</sup> St will be lost. The public view corridor down 6<sup>th</sup> St toward the west and the public coastal access point at the street-end will be reduced.
- 3. **NOTIFICATION IMPACTS:** The notification letter to residents within 300 feet had the wrong address; the address of the parcel is 118-120 6<sup>th</sup> St. The southern dwelling unit is marked on the street as 120 6<sup>th</sup> St, and the northern dwelling unit is marked on Sherrie Lane as 118 6<sup>th</sup> St. The partial demolition of the existing primary dwelling unit, reconfiguration/reduction of a 2-car parking pad, and construction will be on the 120 6<sup>th</sup> St southern portion, not the 118 6<sup>th</sup> St northern portion. Thus, neighbors were confused by the notification letter sent by the city.

## **Grounds for the appeal to the Coastal Commission:**

### 1. FACTUAL ERROR. NEGATIVE IMPACT ON PUBLIC PARKING FOR COASTAL ACCESS:

Public street parking in the neighborhood is already highly limited. The entire west-most 100 feet of 6<sup>th</sup> St on both sides is designated as No Parking for safety and public view reasons. Loss of one space and, concurrently, the addition of a third dwelling unit that is larger than one of the two existing houses will reduce the available parking on the parcel and increase overflow from the parcel onto the neighboring streets. Already, there is no room for overflow parking because 6<sup>th</sup> St is adjacent to the high density Residential Mixed (RM) zone.

LOSS OF 1 OF 2 PARKING SPACES, ESPECIALLY WITH ADDITION OF ONE ACCESSORY DWELLING UNIT WILL IMPACT PUBLIC PARKING FOR COASTAL ACCESS:

The 118-120  $6^{th}$  St parcel has four parking spaces: 2 in a two-car one-door garage on Sherrie Lane (alley) that serves the northern  $\sim 909$  sf dwelling unit on the lot and 2 on a two-car gravel parking pad on  $6^{th}$  St that serves the southern  $\sim 1185$  sf dwelling unit. The two-car gravel parking pad will be reduced to one-car, 9' x 18' in the front yard setback.

Thus, one existing space out of two for the southern dwelling unit will be lost.

The southern dwelling unit has no dedicated garage parking, given the reality that the Sherrie Lane garage has one door, faces Sherrie Lane, serves the existing northern unit, and is not quite wide enough for two cars to fit side by side. One gravel pad space is insufficient for the southern dwelling unit with or without a new ADU on the southern portion of the parcel.

The reduced parking will lead to additional vehicles parked in the limited parking spaces on 6<sup>th</sup> St with overflow to Stratford Court which already overflows in parking demand due to the adjacent high density RM (Residential Mixed) neighborhood.

6<sup>th</sup> St is 300 feet long from Stratford Court to the west street end, i.e., 600 linear feet on both sides. However, 250 linear feet with No Parking signs include the entire parcel width for 118-120 6<sup>th</sup> St and the parcel to the east (100 feet) on the north side as well as the entire parcel widths for the three west-most parcels on the south side (150 feet). The No Parking area at the bluff-top street-end is essential for public safety and fire equipment access, and for maintaining and maximizing public view corridors at the coastal Public Access point at the street-end.

Driveway entrances on the other parcels further restrict street parking, leaving under 270 linear feet available for street parking on 6<sup>th</sup> St. (See Photos 1 and 2 as illustration)

Street parking on Stratford Ct adjacent to 6<sup>th</sup> St is regularly completely full, especially in the evenings and overnight, due to overflow parking needs in the Residential Mixed (RM) zone adjacent to 6<sup>th</sup> St on the south. For example, residents and guests of 48 apartments at 510 Stratford (one acre parcel; density is 48 units per acre), 53 apartments at 526 Camino Del Mar (1.3 acres; density is 40 units per acre), and multifamily condominium buildings at 519 (18 du/0.5 ac), 511 (10 du/0.5ac), 425 (18 du/0.5 ac), and 424 Stratford (38 du/1 ac) as well as 615 (16 du/0.55 ac), 639 (16 du/0.55 ac), and 703 (12 du/0.5 ac) all depend heavily on public street parking along Stratford Ct for overflow vehicles, guests, and visitors. This total of 229 units on 6.5 acres within one block of the project are an average density of 35 du/ac. Further, the buildings at 510 and 511 utilize their entire street-front parcel width for on-site parking, further limiting the public street parking in the neighborhood.

Thus, the impact of loss of one of two 6<sup>th</sup> St on-site parking spaces at 118-120 6<sup>th</sup> with or without the concurrent increased need for parking created by an additional dwelling unit will have a negative impact on public parking, on the health and safety of residents in the neighborhood, and on public access to the coastal bluff trails that are accessible from the 6<sup>th</sup> Street street-end, an entrance that is included as a public access point in Del Mar's Local Coastal Program.

### 2. FACTUAL ERROR. NEGATIVE IMPACT ON PUBLIC VIEWS

The 6<sup>th</sup> St street-end is a recognized public access point to Del Mar's coastal bluff trails. The view corridor toward the street-end presents a beautiful open ocean view to passers-by, hikers, bikers, and visitors to the coastal bluff trails. The proposed modifications to the existing dwelling unit and parking pad with removal of mature vegetation will impact that view. *(See PHOTOS 2 and 3)* Any similarly situated future front-yard projects would further impact public views.

The public access trail map in Del Mar's Local Coastal Program is on pages 85-89 at the following link: <a href="https://www.delmar.ca.us/DocumentCenter/View/620/City-of-Del-Mar-Local-Coastal-Plan?bidId="following">https://www.delmar.ca.us/DocumentCenter/View/620/City-of-Del-Mar-Local-Coastal-Plan?bidId= (See PHOTO 4 for excerpt showing 6th St on the map)</a>

**3. CONFLICTS. Del Mar's Local Coastal Plan (LCP)** (available at https://www.delmar.ca.us/DocumentCenter/View/620/City-of-Del-Mar-Local-Coastal-Plan?bidId=) **and Parking Ordinance Section 30.80.030.** 

ADUs must be considered in the context of a certified Local Coastal Program and must adhere to the zone requirements in the LCP. The proposed ADU conflicts with Del Mar's Local Coastal Program (LCP) in several ways, including the following:

a. INSUFFICIENT PARKING. The proposed ADU and modifications to the existing structure and parking pad will reduce the on-site parking spaces by one space and at the same time increase the need for parking by adding a third dwelling unit on a street with a coastal trail public access point.

More than one-third of the street's linear feet is already designated as No Parking, including the entire street-front along the parcel at 118-120 6<sup>th</sup> St. The No Parking areas at the street-end are necessary for public safety and fire equipment access, and to maintain and maximize open public view corridors.

Del Mar's LCP and DMCC Section 30.80.030 require one garage space per unit in a multi-family structure; and for each multifamily unit with two or three bedrooms, an additional on-site parking space. The multifamily dwelling units at 118-120 6<sup>th</sup> St were advertised for sale in January-February 2018 as 2 units with a total of 4 bedrooms and 3 bathrooms (see https://www.zillow.com/homedetails/118-20-6th-St-Del-Mar-CA-92014/16763088\_zpid/; parcel # 3001821200; see PHOTO 6 for excerpt). Thus, it seems that four spaces are required for the two units on this parcel.

Moreover, with the addition of a third unit, according to a strict reading of the parking calculations in the LCP, three garage spaces and at least two onsite spaces are required for three units on this parcel, at least two of which have 2+ bedrooms.

The location of the proposed ADU will eliminate one of two existing parking spaces on a gravel pad, reduce the total number of parking spaces for the two existing units to 3 spaces which is at least one too few given the number and distribution of bedrooms, and add an additional 1000 sq. ft. dwelling unit with no parking space.

These parking space numbers do not meet the requirements of the OFF-STREET PARKING REGULATIONS for Dwelling Units in the LCP (page 81).

Further, the reduction in on-site parking conflicts with LCP Goal IV-D, "Maximize the opportunity for access to beach areas by minimizing competition for public on-street parking spaces." (page 79)

b. PUBLIC VIEW CORRIDOR IMPACT. The location of the proposed ADU will reduce public views of the ocean along the 6<sup>th</sup> St view corridor. The 6<sup>th</sup> St street-end is a Public Access point noted in the LCP (map, page 86). Public views along the approach to the access point will be reduced. As discussed during Design Review for a project that would have replaced both houses and added an ADU, this ADU could be reconfigured to have less impact on public view corridors.

The ADU location and height conflicts with LCP Goal IV-C, "Preserve existing views and view corridors from public vantage points to the maximum extent possible without preventing reasonable use of private property."

The ADU project with its substantial alteration of an existing structure is also in conflict with LCP Policy IV-27, "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."

**4. CONFLICTS.** Del Mar's Local Coastal Plan (LCP) (available at https://www.delmar.ca.us/DocumentCenter/View/620/City-of-Del-Mar-Local-Coastal-Plan?bidId=) and DMCC Section 30.52.120 – Grading Methodology and Practice.

The modification to the existing southern dwelling unit, the reconfiguration of the parking pad, and the ADU construction includes removal of mature vegetation and a grading component near a bluff face. The height above current grade of the two-story ADU will be 16 feet. Thus, the grading will be at least 2 foot depth removal of dirt for the entire footprint of the 1000 sq ft ADU; if the footprint is 500 sq ft, the dirt removed will be at least 37 cubic yards ((500 sq ft \* 2 ft)/27 cu ft/cu yd = 37 cu yd).

According to **DMMC Section 30.52.120.A.1-5**, projects located within a certain distance of a Bluff, Slope or Canyon shall be subject to certain provisions including the following:

1. All projects involving grading shall be subject to the submittal of an erosion and sedimentation control plan. Said plan shall ensure that the project will not result in an increase in peak runoff from the site over the greatest discharge expected during a 10-year, 6-hour frequency storm. Runoff control shall be accomplished by a variety of measures including, but not limited to, on-site catchment basins, detention basins, siltation traps, energy dissipaters and the installation of landscape material. The required erosion and sedimentation control plan, and any proposals to increase flows, shall be subject to review and approval of the City Engineer.

Del Mar's LCP requires minimization of runoff and erosion control. Land Use Plan GOAL III-C seeks to "Protect resources and property located downstream from hillside and bluff areas from damage due to uncontrolled runoff." Policies III-10.a-d specify that a project must "Minimize damage from runoff from all projects within the City by: a. Ensuring that storm drains are designed and provided in such a manner to carry the entire amount of intercepted storm runoff estimated to occur during a storm having a return period of ten years;" (page 44)

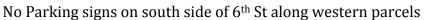
It is unclear whether an erosion and sedimentation control plan was submitted, reviewed, or approved by the City Engineer.

## 5. CONFLICTS. Noticing.

The letter notifying residents of the Coastal Development Permit approval used the address 118 6<sup>th</sup> St, which refers to the house on the northern part of the parcel not the southern part of the parcel *(See PHOTO 7)*. All modifications, reconfiguration, and construction are on the southern part of the parcel which is known as 120 6<sup>th</sup> St. *(See PHOTO 5)* Thus, neighbors were confused by the notification letter sent by the city.

## **Appendix: Supporting Photos:**

**PHOTO 1.** 





**PHOTO 2.**EXISTING PUBLIC SCENIC VIEWS due west along 6<sup>th</sup> St
No Parking signs on north side of 6<sup>th</sup> St along western parcels

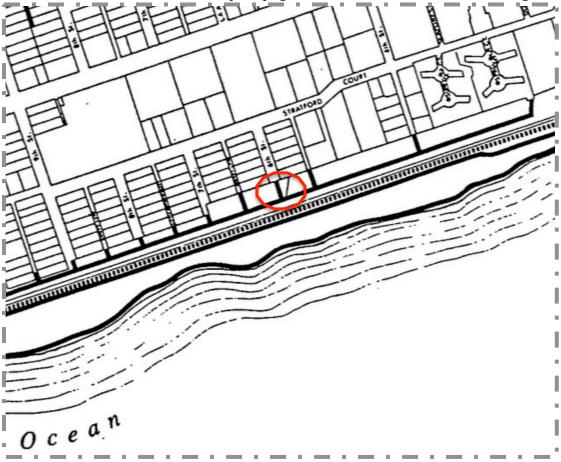


**PHOTO 3.** EXISTING PUBLIC VIEWS due west from the middle of  $6^{th}$  St



## **PHOTO 4.**

6<sup>TH</sup> ST PUBLIC ACCESS – from map on page 86 of Del Mar's Local Coastal Program Land Use Plan



**PHOTO 5.** GOOGLE MAPS SCREEN SHOT OF  $6^{\text{TH}}$  ST WITH HOUSE NUMBERS





### **PHOTO 6.**

ZILLOW SCREEN SHOT OF 118-120  $6^{TH}$  ST DETAILS FROM FEBRUARY 2018 FOR SALE LISTING

**≥** Zillow

4 bd | 3 ba | 2,440 sqft

118-20 6th St, Del Mar, CA 92014

• Off market Zestimate<sup>®</sup>: \$3,849,700 Rent Zestimate<sup>®</sup>: \$15,223

Est. refi payment: \$25,392/mo S Refinance your loan

Home value Owner tools Home details Neighborhood details

**Interior details** 

**Bedrooms and bathrooms** 

Bedrooms: 4
Bathrooms: 3
Full bathrooms: 3

Other interior features

Total interior livable area: 2,440 sqft

**Property details** 

Property Other property information

Exterior features: Wood Parcel number: 3001821200

Lot

Lot size: 0.25 Acres

**Construction details** 

Type and style Condition

Home type: SingleFamily Year built: 1954

**Community and Neighborhood Details** 

Location

Region: Del Mar

Other

Other factsBedrooms Total: 4Stories: Other/RemarksBedrooms: 3

Community: DEL MAR Neighborhood: Bluff Front Property

### **PHOTO 7.**

### NOTIFICATION LETTER FOR 118 6TH ST COASTAL DEVELOPMENT PERMIT

### NOTICE OF COASTAL DEVELOPMENT PERMIT APPROVAL

NOTICE IS HEREBY GIVEN, THAT THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR HAS APPROVED THE FOLLOWING COASTAL DEVELOPMENT PERMIT FINDING THAT APPLICATION CDP-23-001 IS CONSISTENT WITH THE REQUIREMENTS OF THE CERTIFIED LOCAL COASTAL PROGRAM OF THE CITY OF DEL MAR.

CDP 23-001

<u>Location:</u> 118 6<sup>th</sup> Street **APN(S):** 300-182-12-00

APPLICANTS/OWNERS: Mary S. Vonder Reith

Zone: R2

Staff Contact: Jennifer Gavin, Associate Planner

Project Description: A request for approval of a Coastal Development Permit to construct detached Accessory Dwelling

Unit (ADU) in Del Mar, California.

The development is located in an area of the City of Del Mar's Coastal Zone where the City's action on a Coastal Development Permit application is appealable to the California Coastal Commission. The appeal period runs 10 (ten) business days, commencing from the date upon which the Coastal Commission receives notice of the City's final action on the application. The San Diego Office of the California Coastal Commission can be reached at 619-767-2370 or by email at SanDiegoCoast@coastal.ca.gov for more information.

Notice mailed June 15, 2023

## **INTERESTED PERSONS**

All owners within 300 linear feet of the project, including the following in Del Mar, CA 92014:

Holley and Robert Martens	126 6th St	holleymartens@gmail.com
Gwynn Thomas	149/151 6th St	gwynn.thomas@outlook.com
Jan and Bill Frieder	132 6th St	billfrieder@aol.com
Jeff Sturgis	150/152 6th St	jeffsturgis@me.com
Robert Boyce	158 6th St	rb@boyce-schaefer.com
Laura Schaefer	158 6th St	ls@boyce-schaefer.com
Richard Jacobson	141/143 6th St	delmarre2020@gmail.com
Lois Lund	135 6th St	loiselavender@gmail.cojacobs
Mary Roddy and Mark Yeager	133 Sherrie Ln	maryroddy93@gmail.com
Mary Lou and Richard Amen	144 Sherrie Ln	mlamen@nuvidaproperties.com

### CALIFORNIA COASTAL COMMISSION

Filing Information (STAFF ONLY)

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

District Office: San Diego Coast		
Appeal Number:		
Date Filed:		
Appellant Name(s): Laura Schaefer		

## **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 Jaw, 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 <a href="https://coastal.ca.gov/contact/#/">https://coastal.ca.gov/contact/#/</a>).

**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 <a href="mailegoCoast@coastal.ca.gov">SanDiegoCoast@coastal.ca.gov</a>. 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 <a href="mailegocoastal.ca.gov/contact/#/">contact page</a> at <a href="https://coastal.ca.gov/contact/#/">https://coastal.ca.gov/contact/#/</a>).

1. Appella	ant infor	• •
Name:		Jaura Schaefer
Mailing add	dress:	158 6th St. Del Mar CA 92014
Phone num	nber:	619.232.3320
Email addr	ess:	15 Oboyce - schaefer. com
How did yo	u participa	ate in the local CDP application and decision-making process?
Did not p	articipate	<del></del>
Describe:	The CI	OP was approved by City of Del Mar staff ministerially.
	Neigh	bors were not notified in advance of the approval.
	No pu	blic hearings were held.
	Thus, t	here was no opportunity to object or provide feedback.
please ider	ntify why y because y Becaus	pate in the local CDP application and decision-making process, you should be allowed to appeal anyway (e.g., if you did not you were not properly noticed).  se the project was approved ministerially with no public
		there was no opportunity to object or provide feedback.
		OP notice had a misleading address: 118 6th St is used
	for the n	orthern unit on the parcel. The ADU is at 120 6th St to the south.
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:	The pro	oject was approved ministerially with no public hearing.
	Thus, t	here was no opportunity for any members of the public
	to prov	vide feedback.

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

2. Local C	DP decision being appealed	2		
Local government name:  Local government approval body:  Local government CDP application number:  Local government CDP decision:		City of Del Mar Planning Department Staff CDP 23-001		
				CDP approval CDP denials
		Date of loca	al government CDP decision:	June 15, 2023
			ntify the location and description on the local government.	of the development that was approved or
Describe:	1. Approval of a new detached acc	cessory dwelling unit (ADU; 2-story, 2-bedroom		
	1000 sq ft with (a) loss of parking on a parcel adjacent to a Coastal Access Point;			
	and (b) two-feet depth of grading adjacent to a fragile coastal bluff-edge.			
	2. Approval of removal of 250 sq ft of existing Living Area in primary unit.			
	3. Reconfiguration of a two-car gravel parking pad to a one-car pad with			
	access from a street with No Parking along the entire parcel front yard.			
	The development will have negative impacts on public street parking on a street			
	with already highly limited public parking in a high density residential zone.			
	The development will have negative impacts on public view corridors across a			
	Coastal Access Point listed in the City's Local Coastal Program (LCP).			
	See additional material attached	d with Description of Development, Page 1		

<sup>&</sup>lt;sup>2</sup> 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.

<sup>&</sup>lt;sup>3</sup> 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.

3. Applicant information

Applicant name(s): Applicant Address:		Mary S. Vonder Reith	
		118 6th St, Del Mar, CA 92015	
4. Ground	ls for this appeal₄		
approved d provisions. that the dev Please clea applicable, much as po	levelopment does not conform to For appeals of a CDP denial, grangle velopment conforms to the LCP arly identify the ways in which the the LCP and Coastal Act provise	or appeal are limited to allegations that the of the LCP or to Coastal Act public access rounds for appeal are limited to allegations and to Coastal Act public access provisions. The development meets or doesn't meet, as ions, with citations to specific provisions as ged to be concise, and to arrange their icies.	
Describe:	Negative impact on public parking at a	a Coastal Access Point that serves coastal trails at a location	
	that already has insufficient public street parking due to an adjacent high density residential zone.		
		s and public view corridors.	
		of mature vegetation adjacent to a fragile bluff edge.	
		eading address for the project location.	
	See additional material attached	with Details on Grounds for Appeal, Pages 2-9	
•			

<sup>4</sup> Attach additional sheets as necessary to fully describe the grounds for appeal.

## 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 Laura Schaefer	
Raclas	
Signature	
Date of Signature June 29, 2023	

## 7. 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
ne representative authorization form attached.					

<sup>&</sup>lt;sup>5</sup> If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

<sup>6</sup> 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 118-120 6th St Coastal Development Permit

Issued June 15, 2023, per Notice Letter from the City of Del Mar

**Date of Determination**: June 15, 2023 **Permit Number**: CDP 23-001

## **Description of Development:**

- 1. Approval of a new detached accessory dwelling unit (ADU; 2-story, 2 bedroom, 1000 sf) with
  - a. loss of parking on a parcel adjacent to a Coastal Access Point that serves coastal trails, and
  - b. two feet depth of grading adjacent to a fragile coastal bluff-edge.
- 2. Approval of demolition and removal of about 250 square feet of the south side of the existing house.
- 3. Reconfiguration of a two-car gravel parking pad to a one-car parking pad.
- 4. Approval of a Coastal Development Permit (CDP) in spite of impacts on public street parking on a street with already limited public parking and impacts on public view corridors across a Coastal Access Point listed in the City's Local Coastal Program (LCP).

**Appellant participation:** The entire project was approved ministerially by the City of Del Mar without any Public Hearing and with no notice to the neighbors during the City's review period. Thus, there was no opportunity for anyone to provide feedback or objections.

## Appellant's interest:

- 1. **PARKING IMPACTS:** Public parking for coastal access is already insufficient and limited on 6<sup>th</sup> Street and from 4<sup>th</sup> St to 8<sup>th</sup> St along Stratford Court. The public parking will be negatively impacted, which in turn will impact coastal access and impact all residents along these streets, which include streets in R-2 and in RM (Residential Mixed) zones. One parking space (of four) will be eliminated on the 118-120 6<sup>th</sup> St parcel concurrent with adding an additional housing unit. The negative impacts on public parking will impact public access to the coast along the Del Mar Upper Bluff Coastal Trail that runs from 4<sup>th</sup> St to 8<sup>th</sup> St with access at the street-end at 6<sup>th</sup> St adjacent to the 118-120 6<sup>th</sup> St parcel.
  - 118-120 6th St has "No Parking" signs along its entire street-side boundary as does the parcel to the east and the two street-end parcels across the street to the south. "No Parking" at this bluff-top street-end is essential for public safety and fire equipment access and also for preservation and enhancement of public view corridors. The immediate neighborhood is already underserved for public street parking, as are all the bluff-top street ends from 4th St south to 13th St, and will be more so due to loss of existing parking on this parcel with or without a new ADU.
  - 118-120 6th St has a one-door 2-car garage on Sherrie Lane (alley) that serves the northern  $\sim\!900$  sf dwelling unit on the lot and a 2-car gravel parking pad on 6th St that serves the southern  $\sim\!1100$  sf dwelling unit. The 2-car parking pad will be replaced with a one-car pad that is 9' x 18' in size. This single pad is insufficient for the existing dwelling units with or without the new third ADU dwelling unit that will be on the southern half of the parcel. The lack of sufficient on-site parking will lead to additional vehicles parked away from the parcel elsewhere on 6th St and overflow will go to

Stratford Court, which already has high demands on public parking due to the many high-density residential buildings in the adjacent RM neighborhood.

- 2. **PUBLIC VIEW CORRIDOR IMPACTS:** Open public views of the ocean across the front yard setbacks on the north side of 6<sup>th</sup> St will be lost. The public view corridor down 6<sup>th</sup> St toward the west and the public coastal access point at the street-end will be reduced.
- 3. **NOTIFICATION IMPACTS:** The notification letter to residents within 300 feet had the wrong address; the address of the parcel is 118-120 6<sup>th</sup> St. The southern dwelling unit is marked on the street as 120 6<sup>th</sup> St, and the northern dwelling unit is marked on Sherrie Lane as 118 6<sup>th</sup> St. The partial demolition of the existing primary dwelling unit, reconfiguration/reduction of a 2-car parking pad, and construction will be on the 120 6<sup>th</sup> St southern portion, not the 118 6<sup>th</sup> St northern portion. Thus, neighbors were confused by the notification letter sent by the city.

# Grounds for the appeal to the Coastal Commission:

# 1. FACTUAL ERROR. NEGATIVE IMPACT ON PUBLIC PARKING FOR COASTAL ACCESS:

Public street parking in the neighborhood is already highly limited. The entire west-most 100 feet of 6<sup>th</sup> St on both sides is designated as No Parking for safety and public view reasons. Loss of one space and, concurrently, the addition of a third dwelling unit that is larger than one of the two existing houses will reduce the available parking on the parcel and increase overflow from the parcel onto the neighboring streets. Already, there is no room for overflow parking because 6<sup>th</sup> St is adjacent to the high density Residential Mixed (RM) zone.

LOSS OF 1 OF 2 PARKING SPACES, ESPECIALLY WITH ADDITION OF ONE ACCESSORY DWELLING UNIT WILL IMPACT PUBLIC PARKING FOR COASTAL ACCESS:

The 118-120  $6^{th}$  St parcel has four parking spaces: 2 in a two-car one-door garage on Sherrie Lane (alley) that serves the northern ~909 sf dwelling unit on the lot and 2 on a two-car gravel parking pad on  $6^{th}$  St that serves the southern ~1185 sf dwelling unit. The two-car gravel parking pad will be reduced to one-car, 9' x 18' in the front yard setback.

Thus, one existing space out of two for the southern dwelling unit will be lost.

The southern dwelling unit has no dedicated garage parking, given the reality that the Sherrie Lane garage has one door, faces Sherrie Lane, serves the existing northern unit, and is not quite wide enough for two cars to fit side by side. One gravel pad space is insufficient for the southern dwelling unit with or without a new ADU on the southern portion of the parcel.

The reduced parking will lead to additional vehicles parked in the limited parking spaces on 6th St with overflow to Stratford Court which already overflows in parking demand due to the adjacent high density RM (Residential Mixed) neighborhood.

6th St is 300 feet long from Stratford Court to the west street end, i.e., 600 linear feet on both sides. However, 250 linear feet with No Parking signs include the entire parcel width for 118-120 6th St and the parcel to the east (100 feet) on the north side as well as the entire parcel widths for the three west-most parcels on the south side (150 feet). The No Parking area at the bluff-top street-end is essential for public safety and fire equipment access, and for maintaining and maximizing public view corridors at the coastal Public Access point at the street-end.

Driveway entrances on the other parcels further restrict street parking, leaving under 270 linear feet available for street parking on 6<sup>th</sup> St. (See Photos 1 and 2 as illustration)

Street parking on Stratford Ct adjacent to  $6^{th}$  St is regularly completely full, especially in the evenings and overnight, due to overflow parking needs in the Residential Mixed (RM) zone adjacent to  $6^{th}$  St on the south. For example, residents and guests of 48 apartments at 510 Stratford (one acre parcel; density is 48 units per acre), 53 apartments at 526 Camino Del Mar (1.3 acres; density is 40 units per acre), and multifamily condominium buildings at 519 (18 du/0.5 ac), 511 (10 du/0.5ac), 425 (18 du/0.5 ac), and 424 Stratford (38 du/1 ac) as well as 615 (16 du/0.55 ac), 639 (16 du/0.55 ac), and 703 (12 du/0.5 ac) all depend heavily on public street parking along Stratford Ct for overflow vehicles, guests, and visitors. This total of 229 units on 6.5 acres within one block of the project are an average density of 35 du/ac. Further, the buildings at 510 and 511 utilize their entire street-front parcel width for on-site parking, further limiting the public street parking in the neighborhood.

Thus, the impact of loss of one of two  $6^{th}$  St on-site parking spaces at 118-120  $6^{th}$  with or without the concurrent increased need for parking created by an additional dwelling unit will have a negative impact on public parking, on the health and safety of residents in the neighborhood, and on public access to the coastal bluff trails that are accessible from the  $6^{th}$  Street street-end, an entrance that is included as a public access point in Del Mar's Local Coastal Program.

# 2. FACTUAL ERROR. NEGATIVE IMPACT ON PUBLIC VIEWS

The 6th St street-end is a recognized public access point to Del Mar's coastal bluff trails. The view corridor toward the street-end presents a beautiful open ocean view to passers-by, hikers, bikers, and visitors to the coastal bluff trails. The proposed modifications to the existing dwelling unit and parking pad with removal of mature vegetation will impact that view. (See PHOTOS 2 and 3) Any similarly situated future front-yard projects would further impact public views.

The public access trail map in Del Mar's Local Coastal Program is on pages 85-89 at the following link: <a href="https://www.delmar.ca.us/DocumentCenter/View/620/City-of-Del-Mar-Local-Coastal-Plan?bidId="following-fo

3. CONFLICTS. Del Mar's Local Coastal Plan (LCP) (available at https://www.delmar.ca.us/DocumentCenter/View/620/City-of-Del-Mar-Local-Coastal-Plan?bidId=) and Parking Ordinance Section 30.80.030.

ADUs must be considered in the context of a certified Local Coastal Program and must adhere to the zone requirements in the LCP. The proposed ADU conflicts with Del Mar's Local Coastal Program (LCP) in several ways, including the following:

a. INSUFFICIENT PARKING. The proposed ADU and modifications to the existing structure and parking pad will reduce the on-site parking spaces by one space and at the same time increase the need for parking by adding a third dwelling unit on a street with a coastal trail public access point.

More than one-third of the street's linear feet is already designated as No Parking, including the entire street-front along the parcel at 118-120 6th St. The No Parking areas at the street-end are necessary for public safety and fire equipment access, and to maintain and maximize open public view corridors.

Del Mar's LCP and DMCC Section 30.80.030 require one garage space per unit in a multi-family structure; and for each multifamily unit with two or three bedrooms, an additional on-site parking space. The multifamily dwelling units at 118-120 6<sup>th</sup> St were advertised for sale in January-February 2018 as 2 units with a total of 4 bedrooms and 3 bathrooms (see https://www.zillow.com/homedetails/118-20-6th-St-Del-Mar-CA-92014/16763088\_zpid/; parcel # 3001821200; see PHOTO 6 for excerpt). Thus, it seems that four spaces are required for the two units on this parcel.

Moreover, with the addition of a third unit, according to a strict reading of the parking calculations in the LCP, three garage spaces and at least two onsite spaces are required for three units on this parcel, at least two of which have 2+ bedrooms.

The location of the proposed ADU will eliminate one of two existing parking spaces on a gravel pad, reduce the total number of parking spaces for the two existing units to 3 spaces which is at least one too few given the number and distribution of bedrooms, and add an additional 1000 sq. ft. dwelling unit with no parking space.

These parking space numbers do not meet the requirements of the OFF-STREET PARKING REGULATIONS for Dwelling Units in the LCP (page 81).

Further, the reduction in on-site parking conflicts with LCP Goal IV-D, "Maximize the opportunity for access to beach areas by minimizing competition for public on-street parking spaces." (page 79)

b. PUBLIC VIEW CORRIDOR IMPACT. The location of the proposed ADU will reduce public views of the ocean along the 6<sup>th</sup> St view corridor. The 6<sup>th</sup> St street-end is a Public Access point noted in the LCP (map, page 86). Public views along the approach to the access point will be reduced. As discussed during Design Review for a project that would have replaced both houses and added an ADU, this ADU could be reconfigured to have less impact on public view corridors.

The ADU location and height conflicts with **LCP Goal IV-C**, "Preserve existing views and view corridors from public vantage points to the maximum extent possible without preventing reasonable use of private property."

The ADU project with its substantial alteration of an existing structure is also in conflict with LCP Policy IV-27, "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."

4. CONFLICTS. Del Mar's Local Coastal Plan (LCP) (available at https://www.delmar.ca.us/DocumentCenter/View/620/City-of-Del-Mar-Local-Coastal-Plan?bidId=) and DMCC Section 30.52.120 - Grading Methodology and Practice.

The modification to the existing southern dwelling unit, the reconfiguration of the parking pad, and the ADU construction includes removal of mature vegetation and a grading component near a bluff face. The height above current grade of the two-story ADU will be 16 feet. Thus, the grading will be at least 2 foot depth removal of dirt for the entire footprint of the 1000 sq ft ADU; if the footprint is 500 sq ft, the dirt removed will be at least 37 cubic yards ((500 sq ft \* 2 ft)/27 cu ft/cu yd = 37 cu yd).

According to **DMMC Section 30.52.120.A.1-5**, projects located within a certain distance of a Bluff, Slope or Canyon shall be subject to certain provisions including the following:

1. All projects involving grading shall be subject to the submittal of an erosion and sedimentation control plan. Said plan shall ensure that the project will not result in an increase in peak runoff from the site over the greatest discharge expected during a 10-year, 6-hour frequency storm. Runoff control shall be accomplished by a variety of measures including, but not limited to, on-site catchment basins, detention basins, siltation traps, energy dissipaters and the installation of landscape material. The required erosion and sedimentation control plan, and any proposals to increase flows, shall be subject to review and approval of the City Engineer.

Del Mar's LCP requires minimization of runoff and erosion control. Land Use Plan GOAL III-C seeks to "Protect resources and property located downstream from hillside and bluff areas from damage due to uncontrolled runoff." Policies III-10.a-d specify that a project must "Minimize damage from runoff from all projects within the City by: a. Ensuring that storm drains are designed and provided in such a manner to carry the entire amount of intercepted storm runoff estimated to occur during a storm having a return period of ten years;" (page 44)

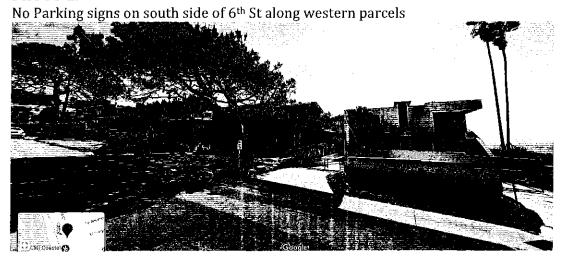
It is unclear whether an erosion and sedimentation control plan was submitted, reviewed, or approved by the City Engineer.

## 5. CONFLICTS. Noticing.

The letter notifying residents of the Coastal Development Permit approval used the address  $118\,6^{th}$  St, which refers to the house on the northern part of the parcel not the southern part of the parcel (See PHOTO 7). All modifications, reconfiguration, and construction are on the southern part of the parcel which is known as  $120\,6^{th}$  St. (See PHOTO 5) Thus, neighbors were confused by the notification letter sent by the city.

# **Appendix: Supporting Photos:**

PHOTO 1.



**PHOTO 2.**EXISTING PUBLIC SCENIC VIEWS due west along 6<sup>th</sup> St
No Parking signs on north side of 6<sup>th</sup> St along western parcels

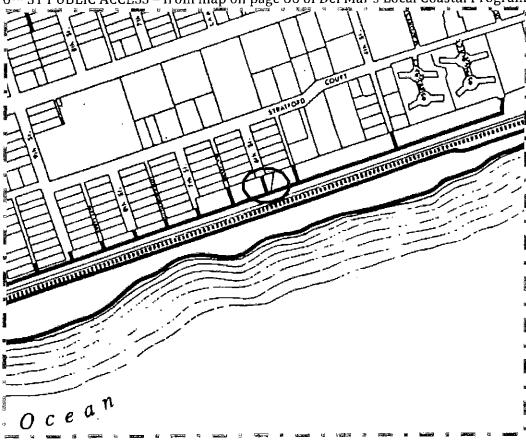


**PHOTO 3.** EXISTING PUBLIC VIEWS due west from the middle of  $6^{th}$  St



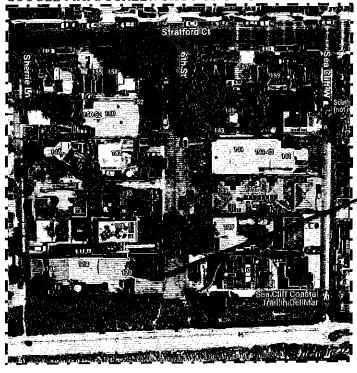
## **PHOTO 4.**

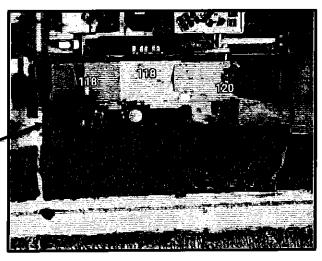
6TH ST PUBLIC ACCESS – from map on page 86 of Del Mar's Local Coastal Program Land Use Plan



# РНОТО 5.

GOOGLE MAPS SCREEN SHOT OF  $6^{\text{TH}}$  ST WITH HOUSE NUMBERS





#### **PHOTO 6.**

ZILLOW SCREEN SHOT OF 118-120 6TH ST DETAILS FROM FEBRUARY 2018 FOR SALE LISTING

含Zillow

Ø Edit ♥ Save ♠ Share • More

4 bd 3 ba 2,440 sqft

118-20 6th St, Del Mar, CA 92014

Off market Zestimate®: \$3,849,700 Rent Zestimate®: \$15,223

Est. refi payment: \$25,392/mo S Refinance your loan

Home value Owner tools Home details Neighborhood details

Interior details

Bedrooms and bathrooms

Bedrooms: 4 Bathrooms: 3

Full bathrooms: 3

Other interior features

Total interior livable area: 2,440 sqft

**Property details** 

Property Other property information

Exterior features: Wood Parcel number: 3001821200

Lot

Lot size: 0.25 Acres

**Construction details** 

Type and style Condition

Home type: SingleFamily Year built: 1954

Tome type: Strigiet armity

**Community and Neighborhood Details** 

Location

Region: Del Mar

Other

Other facts Bedrooms Total: 4

Stories: Other/Remarks Bedrooms: 3

Community: DEL MAR Neighborhood: Bluff Front Property

#### PHOTO 7.

NOTIFICATION LETTER FOR 118 6TH ST COASTAL DEVELOPMENT PERMIT

#### NOTICE OF COASTAL DEVELOPMENT PERMIT APPROVAL

NOTICE IS HEREBY GIVEN, THAT THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR HAS APPROVED THE FOLLOWING COASTAL DEVELOPMENT PERMIT FINDING THAT APPLICATION CDP-23-001 IS CONSISTENT WITH THE REQUIREMENTS OF THE CERTIFIED LOCAL COASTAL PROGRAM OF THE CITY OF DEL MAR.

CDP 23-001

<u>Location:</u> 118 6<sup>th</sup> Street <u>APN(S)</u>: 300-182-12-00

APPLICANTS/OWNERS: Mary S. Vonder Reith

Zone: R2

Staff Contact: Jennifer Gavin, Associate Planner

Project Description: A request for approval of a Coastal Development Permit to construct detached Accessory Dwelling

Unit (ADU) in Del Mar, California.

The development is located in an area of the City of Del Mar's Coastal Zone where the City's action on a Coastal Development Permit application is appealable to the California Coastal Commission. The appeal period runs 10 (ten) business days, commencing from the date upon which the Coastal Commission receives notice of the City's final action on the application. The San Diego Office of the California Coastal Commission can be reached at 619-767-2370 or by email at SanDiegoCoast@coastal.ca.gov for more information.

Notice mailed June 15, 2023

# INTERESTED PERSONS

All owners within 300 linear feet of the project, including the following in Del Mar, CA 92014:

Holley and Robert Martens	126 6 <sup>th</sup> St	holleymartens@gmail.com
Gwynn Thomas	149/151 6th St	gwynn.thomas@outlook.com
Jan and Bill Frieder	132 6 <sup>th</sup> St	billfrieder@aol.com
Jeff Sturgis	150/152 6th St	jeffsturgis@me.com
Robert Boyce	158 6 <sup>th</sup> St	rb@boyce-schaefer.com
Laura Schaefer	158 6 <sup>th</sup> St	ls@boyce-schaefer.com
Richard Jacobson	141/143 6 <sup>th</sup> St	delmarre2020@gmail.com
Lois Lund	135 6 <sup>th</sup> St	loiselavender@gmail.cojacobs
Mary Roddy and Mark Yeager	133 Sherrie Ln	maryroddy93@gmail.com
Mary Lou and Richard Amen	144 Sherrie Ln	mlamen@nuvidaproperties.com

# CALIFORNIA COASTAL COMMISSION

Filing Information (STAFF ONLY)

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

District Office: San Diego Coast		
Appeal Number: A-6-DMR-23-0022		
Date Filed:		
Appellant Name(s): Lois Lund		

## **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 <a href="mailegoCoast@coastal.ca.gov">SanDiegoCoast@coastal.ca.gov</a>. 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 <a href="mailegoCoast@coastal.ca.gov/contact/#/">contact p ag e at https://coastal.ca.gov/contact/#/</a>).

information <sub>1</sub>
Lois E. Lund
s: 135 Sixth Street, Del MAR, (A92014-
(858) 254-2421
Joiselavender@gmail.com
articipate in the local CDP application and decision-making process?
cipate Submitted comment Testified at hearing Other le CDP was approved by City of Del Mar staff ministerially.
eighbors were not notified in advance of the approval.
public hearings were held.
us, there was no opportunity to object or provide feedback.
articipate in the local CDP application and decision-making process, why you should be allowed to appeal anyway (e.g., if you did not ause you were not properly noticed).  Ecause the project was approved ministerially with no public aring, there was no opportunity to object or provide feedback.
e CDP notice had a misleading address: 118 6th St is used
the northern unit on the parcel. The ADU is at 120 6th St to the south.
how you exhausted all LCP CDP appeal processes or otherwise identify be allowed to appeal (e.g., if the local government did not follow proper the hearing procedures, or it charges a fee for local appellate CDP e project was approved ministerially with no public hearing.  us, there was no opportunity for any members of the public provide feedback.

<sup>&</sup>lt;sup>1</sup> If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

CDP decision being appealed	City of Del Mar	
rnment name:	City of Deliviar	
mment name.	<del></del>	
rnment approval body:		
rnment CDP application number:	CDP 23-001	
rnment CDP decision:		3
al government CDP decision:	June 15, 2023	
he local government.		
1000 sq ft with (a) loss of parking on a parcel adjacent to a Coastal Access Point;		
and (b) two-feet depth of grading adjacent to a fragile coastal bluff-edge.		
2. Approval of removal of 250 s	sq ft of existing Living Area in primary	unit.
3. Reconfiguration of a two-car	gravel parking pad to a one-car pad v	with
access from a street with No Park	ing along the entire parcel front yard.	
÷		
The development will have negative impacts on public street parking on a stree		
with already highly limited public parking in a high density residential zone.		
The development will have negative impacts on public view corridors across a		
Coastal Access Point listed in the	City's Local Coastal Program (LCP).	
See additional material attached	d with Description of Development, Pa	ge 1
	rnment CDP application number: rnment CDP decision: al government CDP decision: ntify the location and description of the local government.  1. Approval of a new detached accompand (b) two-feet depth of grading and (b) two-feet depth of grading and (b) two-feet depth of grading access from a street with No Park  The development will have negative with already highly limited public processed access Point listed in the	rnment approval body: rnment CDP application number: rnment CDP decision: al government CDP decision: June 15, 2023  ntify the location and description of the development that was approved the local government.  1. Approval of a new detached accessory dwelling unit (ADU; 2-story, 2-bedramed) 1000 sq ft with (a) loss of parking on a parcel adjacent to a Coastal Access F and (b) two-feet depth of grading adjacent to a fragile coastal bluff-ed.  2. Approval of removal of 250 sq ft of existing Living Area in primary 3. Reconfiguration of a two-car gravel parking pad to a one-car pad vaccess from a street with No Parking along the entire parcel front yard.  The development will have negative impacts on public street parking on a swith already highly limited public parking in a high density residential zone.

<sup>&</sup>lt;sup>2</sup> 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.

<sup>&</sup>lt;sup>3</sup> 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.

3. Applicant information

Applic	ant name(s):	Mary S. Vonder Reith	
	. ,		
Applicant Address:		118 6th St, Del Mar, CA 92015	
4. Ground	s for this appeal4		
approved d provisions. that the dev Please clea applicable, much as po	levelopment does not conform to For appeals of a CDP denial, grovelopment conforms to the LCP a arly identify the ways in which the the LCP and Coastal Act provision	appeal are limited to allegations that the the LCP or to Coastal Act public access unds for appeal are limited to allegations and to Coastal Act public access provisions. development meets or doesn't meet, as ons, with citations to specific provisions as ed to be concise, and to arrange their ies.	
Describe:	Negative impact on public parking at a 0	Coastal Access Point that serves coastal trails at a location	
that already has insufficient public street parking due to an adjacent high density residential			
	Negative impact on public views and public view corridors.     Excessive grading and removal of mature vegetation adjacent to a fragile bluff edge.		
	4. Improper noticing with misle	ading address for the project location.	
	See additional material attached v	vith Details on Grounds for Appeal, Pages 2-9	

<sup>4</sup> Attach additional sheets as necessary to fully describe the grounds for appeal.

# 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 Lois E. Lund

Job E. Zund

Signature

Date of Signature June 29, 2023

# 7. Representative authorizations

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 or
the	representative authorization form attached.

<sup>&</sup>lt;sup>5</sup> If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

<sup>6</sup> 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 118-120 6<sup>th</sup> St Coastal Development Permit Issued June 15, 2023, per Notice Letter from the City of Del Mar

**Date of Determination**: June 15, 2023 **Permit Number**: CDP 23-001

# **Description of Development:**

- 1. Approval of a new detached accessory dwelling unit (ADU; 2-story, 2 bedroom, 1000 sf) with
  - a. loss of parking on a parcel adjacent to a Coastal Access Point that serves coastal trails, and
  - b. two feet depth of grading adjacent to a fragile coastal bluff-edge.
- 2. Approval of demolition and removal of about 250 square feet of the south side of the existing house.
- 3. Reconfiguration of a two-car gravel parking pad to a one-car parking pad.
- 4. Approval of a Coastal Development Permit (CDP) in spite of impacts on public street parking on a street with already limited public parking and impacts on public view corridors across a Coastal Access Point listed in the City's Local Coastal Program (LCP).

**Appellant participation:** The entire project was approved ministerially by the City of Del Mar without any Public Hearing and with no notice to the neighbors during the City's review period. Thus, there was no opportunity for anyone to provide feedback or objections.

# Appellant's interest:

1. **PARKING IMPACTS:** Public parking for coastal access is already insufficient and limited on 6<sup>th</sup> Street and from 4<sup>th</sup> St to 8<sup>th</sup> St along Stratford Court. The public parking will be negatively impacted, which in turn will impact coastal access and impact all residents along these streets, which include streets in R-2 and in RM (Residential Mixed) zones. One parking space (of four) will be eliminated on the 118-120 6<sup>th</sup> St parcel concurrent with adding an additional housing unit. The negative impacts on public parking will impact public access to the coast along the Del Mar Upper Bluff Coastal Trail that runs from 4<sup>th</sup> St to 8<sup>th</sup> St with access at the street-end at 6<sup>th</sup> St adjacent to the 118-120 6<sup>th</sup> St parcel.

118-120 6<sup>th</sup> St has "No Parking" signs along its entire street-side boundary as does the parcel to the east and the two street-end parcels across the street to the south. "No Parking" at this bluff-top street-end is essential for public safety and fire equipment access and also for preservation and enhancement of public view corridors. The immediate neighborhood is already underserved for public street parking, as are all the bluff-top street ends from 4<sup>th</sup> St south to 13<sup>th</sup> St, and will be more so due to loss of existing parking on this parcel with or without a new ADU.

118-120 6th St has a one-door 2-car garage on Sherrie Lane (alley) that serves the northern  $\sim 900$  sf dwelling unit on the lot and a 2-car gravel parking pad on 6th St that serves the southern  $\sim 1100$  sf dwelling unit. The 2-car parking pad will be replaced with a one-car pad that is 9' x 18' in size. This single pad is insufficient for the existing dwelling units with or without the new third ADU dwelling unit that will be on the southern half of the parcel. The lack of sufficient on-site parking will lead to additional vehicles parked away from the parcel elsewhere on 6th St and overflow will go to

Stratford Court, which already has high demands on public parking due to the many high-density residential buildings in the adjacent RM neighborhood.

- 2. **PUBLIC VIEW CORRIDOR IMPACTS:** Open public views of the ocean across the front yard setbacks on the north side of 6<sup>th</sup> St will be lost. The public view corridor down 6<sup>th</sup> St toward the west and the public coastal access point at the street-end will be reduced.
- 3. **NOTIFICATION IMPACTS:** The notification letter to residents within 300 feet had the wrong address; the address of the parcel is 118-120 6th St. The southern dwelling unit is marked on the street as 120 6th St, and the northern dwelling unit is marked on Sherrie Lane as 118 6th St. The partial demolition of the existing primary dwelling unit, reconfiguration/reduction of a 2-car parking pad, and construction will be on the 120 6th St southern portion, not the 118 6th St northern portion. Thus, neighbors were confused by the notification letter sent by the city.

# **Grounds for the appeal to the Coastal Commission:**

#### 1. FACTUAL ERROR, NEGATIVE IMPACT ON PUBLIC PARKING FOR COASTAL ACCESS:

Public street parking in the neighborhood is already highly limited. The entire west-most 100 feet of  $6^{th}$  St on both sides is designated as No Parking for safety and public view reasons. Loss of one space and, concurrently, the addition of a third dwelling unit that is larger than one of the two existing houses will reduce the available parking on the parcel and increase overflow from the parcel onto the neighboring streets. Already, there is no room for overflow parking because  $6^{th}$  St is adjacent to the high density Residential Mixed (RM) zone.

LOSS OF 1 OF 2 PARKING SPACES, ESPECIALLY WITH ADDITION OF ONE ACCESSORY DWELLING UNIT WILL IMPACT PUBLIC PARKING FOR COASTAL ACCESS:

The 118-120 6th St parcel has four parking spaces: 2 in a two-car one-door garage on Sherrie Lane (alley) that serves the northern ~909 sf dwelling unit on the lot and 2 on a two-car gravel parking pad on 6th St that serves the southern ~1185 sf dwelling unit. The two-car gravel parking pad will be reduced to one-car, 9' x 18' in the front vard setback.

Thus, one existing space out of two for the southern dwelling unit will be lost.

The southern dwelling unit has no dedicated garage parking, given the reality that the Sherrie Lane garage has one door, faces Sherrie Lane, serves the existing northern unit, and is not quite wide enough for two cars to fit side by side. One gravel pad space is insufficient for the southern dwelling unit with or without a new ADU on the southern portion of the parcel.

The reduced parking will lead to additional vehicles parked in the limited parking spaces on 6th St with overflow to Stratford Court which already overflows in parking demand due to the adjacent high density RM (Residential Mixed) neighborhood.

6th St is 300 feet long from Stratford Court to the west street end, i.e., 600 linear feet on both sides. However, 250 linear feet with No Parking signs include the entire parcel width for 118-120 6th St and the parcel to the east (100 feet) on the north side as well as the entire parcel widths for the three west-most parcels on the south side (150 feet). The No Parking area at the bluff-top street-end is essential for public safety and fire equipment access, and for maintaining and maximizing public view corridors at the coastal Public Access point at the street-end.

Driveway entrances on the other parcels further restrict street parking, leaving under 270 linear feet available for street parking on 6th St. (See Photos 1 and 2 as illustration)

Street parking on Stratford Ct adjacent to  $6^{th}$  St is regularly completely full, especially in the evenings and overnight, due to overflow parking needs in the Residential Mixed (RM) zone adjacent to  $6^{th}$  St on the south. For example, residents and guests of 48 apartments at 510 Stratford (one acre parcel; density is 48 units per acre), 53 apartments at 526 Camino Del Mar (1.3 acres; density is 40 units per acre), and multifamily condominium buildings at 519 (18 du/0.5 ac), 511 (10 du/0.5ac), 425 (18 du/0.5 ac), and 424 Stratford (38 du/1 ac) as well as 615 (16 du/0.55 ac), 639 (16 du/0.55 ac), and 703 (12 du/0.5 ac) all depend heavily on public street parking along Stratford Ct for overflow vehicles, guests, and visitors. This total of 229 units on 6.5 acres within one block of the project are an average density of 35 du/ac. Further, the buildings at 510 and 511 utilize their entire street-front parcel width for on-site parking, further limiting the public street parking in the neighborhood.

Thus, the impact of loss of one of two  $6^{th}$  St on-site parking spaces at 118-120  $6^{th}$  with or without the concurrent increased need for parking created by an additional dwelling unit will have a negative impact on public parking, on the health and safety of residents in the neighborhood, and on public access to the coastal bluff trails that are accessible from the  $6^{th}$  Street street-end, an entrance that is included as a public access point in Del Mar's Local Coastal Program.

#### 2. FACTUAL ERROR. NEGATIVE IMPACT ON PUBLIC VIEWS

The 6th St street-end is a recognized public access point to Del Mar's coastal bluff trails. The view corridor toward the street-end presents a beautiful open ocean view to passers-by, hikers, bikers, and visitors to the coastal bluff trails. The proposed modifications to the existing dwelling unit and parking pad with removal of mature vegetation will impact that view. (See PHOTOS 2 and 3) Any similarly situated future front-yard projects would further impact public views.

The public access trail map in Del Mar's Local Coastal Program is on pages 85-89 at the following link: <a href="https://www.delmar.ca.us/DocumentCenter/View/620/City-of-Del-Mar-Local-Coastal-Plan?bidId="">https://www.delmar.ca.us/DocumentCenter/View/620/City-of-Del-Mar-Local-Coastal-Plan?bidId=</a> (See PHOTO 4 for excerpt showing 6th St on the map)

3. CONFLICTS. Del Mar's Local Coastal Plan (LCP) (available at https://www.delmar.ca.us/DocumentCenter/View/620/City-of-Del-Mar-Local-Coastal-Plan?bidId=) and Parking Ordinance Section 30.80.030.

ADUs must be considered in the context of a certified Local Coastal Program and must adhere to the zone requirements in the LCP. The proposed ADU conflicts with Del Mar's Local Coastal Program (LCP) in several ways, including the following:

a. INSUFFICIENT PARKING. The proposed ADU and modifications to the existing structure and parking pad will reduce the on-site parking spaces by one space and at the same time increase the need for parking by adding a third dwelling unit on a street with a coastal trail public access point.

More than one-third of the street's linear feet is already designated as No Parking, including the entire street-front along the parcel at  $118-120~6^{th}$  St. The No Parking areas at the street-end are necessary for public safety and fire equipment access, and to maintain and maximize open public view corridors.

Del Mar's LCP and DMCC Section 30.80.030 require one garage space per unit in a multi-family structure; and for each multifamily unit with two or three bedrooms, an additional on-site parking space. The multifamily dwelling units at 118-120 6<sup>th</sup> St were advertised for sale in January-February 2018 as 2 units with a total of 4 bedrooms and 3 bathrooms (see https://www.zillow.com/homedetails/118-20-6th-St-Del-Mar-CA-92014/16763088\_zpid/; parcel # 3001821200; see PHOTO 6 for excerpt). Thus, it seems that four spaces are required for the two units on this parcel.

Moreover, with the addition of a third unit, according to a strict reading of the parking calculations in the LCP, three garage spaces and at least two onsite spaces are required for three units on this parcel, at least two of which have 2+ bedrooms.

The location of the proposed ADU will eliminate one of two existing parking spaces on a gravel pad, reduce the total number of parking spaces for the two existing units to 3 spaces which is at least one too few given the number and distribution of bedrooms, and add an additional 1000 sq. ft. dwelling unit with no parking space.

These parking space numbers do not meet the requirements of the OFF-STREET PARKING REGULATIONS for Dwelling Units in the LCP (page 81).

Further, the reduction in on-site parking conflicts with LCP Goal IV-D, "Maximize the opportunity for access to beach areas by minimizing competition for public on-street parking spaces." (page 79)

b. PUBLIC VIEW CORRIDOR IMPACT. The location of the proposed ADU will reduce public views of the ocean along the 6th St view corridor. The 6th St street-end is a Public Access point noted in the LCP (map, page 86). Public views along the approach to the access point will be reduced. As discussed during Design Review for a project that would have replaced both houses and added an ADU, this ADU could be reconfigured to have less impact on public view corridors.

The ADU location and height conflicts with LCP Goal IV-C, "Preserve existing views and view corridors from public vantage points to the maximum extent possible without preventing reasonable use of private property."

The ADU project with its substantial alteration of an existing structure is also in conflict with LCP Policy IV-27, "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."

4. CONFLICTS. Del Mar's Local Coastal Plan (LCP) (available at https://www.delmar.ca.us/DocumentCenter/View/620/City-of-Del-Mar-Local-Coastal-Plan?bidId=) and DMCC Section 30.52.120 - Grading Methodology and Practice.

The modification to the existing southern dwelling unit, the reconfiguration of the parking pad, and the ADU construction includes removal of mature vegetation and a grading component near a bluff face. The height above current grade of the two-story ADU will be 16 feet. Thus, the grading will be at least 2 foot depth removal of dirt for the entire footprint of the 1000 sq ft ADU; if the footprint is 500 sq ft, the dirt removed will be at least 37 cubic yards ( (500 sq ft \* 2 ft)/27 cu ft/cu yd = 37 cu yd).

According to **DMMC Section 30.52.120.A.1-5**, projects located within a certain distance of a Bluff, Slope or Canyon shall be subject to certain provisions including the following:

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Del Mar's LCP requires minimization of runoff and erosion control. Land Use Plan GOAL III-C seeks to "Protect resources and property located downstream from hillside and bluff areas from damage due to uncontrolled runoff." Policies III-10.a-d specify that a project must "Minimize damage from runoff from all projects within the City by: a. Ensuring that storm drains are designed and provided in such a manner to carry the entire amount of intercepted storm runoff estimated to occur during a storm having a return period of ten years;" (page 44)

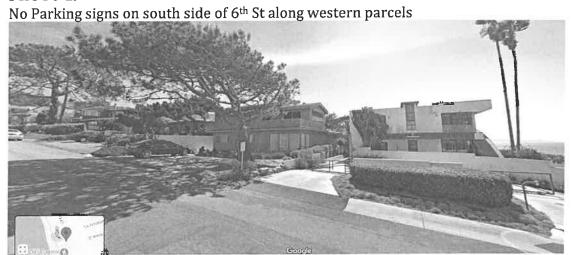
It is unclear whether an erosion and sedimentation control plan was submitted, reviewed, or approved by the City Engineer.

# 5. CONFLICTS. Noticing.

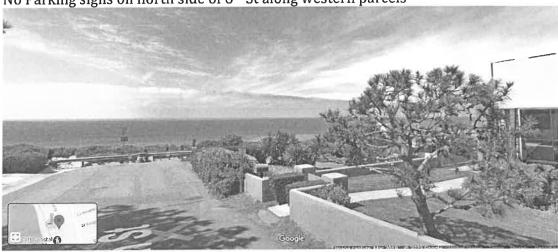
The letter notifying residents of the Coastal Development Permit approval used the address 118 6<sup>th</sup> St, which refers to the house on the northern part of the parcel not the southern part of the parcel (See PHOTO 7). All modifications, reconfiguration, and construction are on the southern part of the parcel which is known as 120 6<sup>th</sup> St. (See PHOTO 5) Thus, neighbors were confused by the notification letter sent by the city.

# **Appendix: Supporting Photos:**

РНОТО 1.



**PHOTO 2.**EXISTING PUBLIC SCENIC VIEWS due west along 6<sup>th</sup> St
No Parking signs on north side of 6<sup>th</sup> St along western parcels

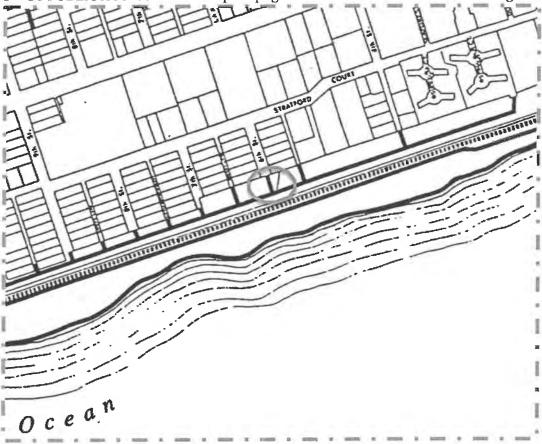


**PHOTO 3.** EXISTING PUBLIC VIEWS due west from the middle of  $6^{th}$  St



## **PHOTO 4.**

6<sup>TH</sup> ST PUBLIC ACCESS – from map on page 86 of Del Mar's Local Coastal Program Land Use Plan



# **PHOTO 5.**

GOOGLE MAPS SCREEN SHOT OF 6<sup>TH</sup> ST WITH HOUSE NUMBERS





#### PHOTO 6.

ZILLOW SCREEN SHOT OF 118-120 6TH ST DETAILS FROM FEBRUARY 2018 FOR SALE LISTING

含Zillow 4 bd 3 ba 2,440 sqft 118-20 6th St, Del Mar, CA 92014 Off market | Zestimate<sup>®</sup>: \$3,849,700 | Rent Zestimate<sup>®</sup>: \$15,223 Est. refi payment: \$25,392/mo S Refinance your loan Home value Owner tools Home details Neighborhood details Interior details Bedrooms and bathrooms Other interior features Total interior livable area: 2,440 sqft Bedrooms: 4 Bathrooms: 3 Full bathrooms: 3 **Property details** Other property information **Property** Parcel number: 3001821200 Exterior features: Wood Lot size: 0.25 Acres **Construction details** Type and style Condition Year built: 1954 Home type: SingleFamily **Community and Neighborhood Details** Location Region: Del Mar Other Bedrooms Total: 4 Other facts Bedrooms: 3 Stories: Other/Remarks Neighborhood: Bluff Front Property Community: DEL MAR

#### **PHOTO 7.**

NOTIFICATION LETTER FOR 118 6TH ST COASTAL DEVELOPMENT PERMIT

#### NOTICE OF COASTAL DEVELOPMENT PERMIT APPROVAL

NOTICE IS HEREBY GIVEN, THAT THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR HAS APPROVED THE FOLLOWING COASTAL DEVELOPMENT PERMIT FINDING THAT APPLICATION CDP-23-001 IS CONSISTENT WITH THE REQUIREMENTS OF THE CERTIFIED LOCAL COASTAL PROGRAM OF THE CITY OF DEL MAR.

CDP 23-001

<u>Location:</u> 118 6<sup>th</sup> Street <u>APN(S)</u>: 300-182-12-00

APPLICANTS/OWNERS: Mary S. Vonder Reith

Zone: R2

Staff Contact: Jennifer Gavin, Associate Planner

<u>Project Description</u>: A request for approval of a Coastal Development Permit to construct detached Accessory Dwelling Unit (ADU) in Del Mar, California.

The development is located in an area of the City of Del Mar's Coastal Zone where the City's action on a Coastal Development Permit application is appealable to the California Coastal Commission. The appeal period runs 10 (ten) business days, commencing from the date upon which the Coastal Commission receives notice of the City's final action on the application. The San Diego Office of the California Coastal Commission can be reached at 619-767-2370 or by email at SanDiegoCoast@coastal.ca.gov for more information.

Notice mailed June 15, 2023

# **INTERESTED PERSONS**

All owners within 300 linear feet of the project, including the following in Del Mar, CA 92014:

Holley and Robert Martens	126 6th St	holleymartens@gmail.com
Gwynn Thomas	149/151 6 <sup>th</sup> St	gwynn.thomas@outlook.com
Jan and Bill Frieder	132 6th St	billfrieder@aol.com
Jeff Sturgis	150/152 6th St	jeffsturgis@me.com
Robert Boyce	158 6th St	rb@boyce-schaefer.com
Laura Schaefer	158 6th St	ls@boyce-schaefer.com
Richard Jacobson	141/143 6th St	delmarre2020@gmail.com
Lois Lund	135 6th St	loiselavender@gmail.cojacobs
Mary Roddy and Mark Yeager	133 Sherrie Ln	maryroddy93@gmail.com
Mary Lou and Richard Amen	144 Sherrie Ln	mlamen@nuvidaproperties.com

# CALIFORNIA COASTAL COMMISSION

Filing Information (STAFF ONLY)

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

# District Office: San Diego Coast Appeal Number: \_\_A-6-DMR-23-0022\_\_\_\_\_ Date Filed: \_\_7/3/2023\_\_\_\_ Appellant Name(s): \_\_James Wood\_\_\_\_\_\_

# **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 <a href="mailto:SanDiegoCoast@coastal.ca.gov">SanDiegoCoast@coastal.ca.gov</a>. 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 <a href="mailto:coastal.ca.gov/contact/#/">contact page</a> at <a href="mailto:https://coastal.ca.gov/contact/#/">https://coastal.ca.gov/contact/#/</a>).

1. Appellant information1

Name:	James Wood		
Mailing address:	151 Sherrie Lane Del Mar CA 9	2014	
Phone number:	408-483-4607		
Email address:	jbwood@tsia.com		
How did you partic	cipate in the local CDP application	and decision-making proc	ess?
Did not participa	ate Submitted comment	Testified at hearing	Other
Describe:			
please identify why	cipate in the local CDP application y you should be allowed to appeal se you were not properly noticed).		
why you should be	w you exhausted all LCP CDP app e allowed to appeal (e.g., if the loca earing procedures, or it charges a	al government did not follo	w proper
Describe:			

<sup>&</sup>lt;sup>1</sup> If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

2. Local C	DP decision being appealed:	2	
Local gover	nment name:		
Local gover	nment approval body:		
Local gover	nment CDP application number:		
Local gover	nment CDP decision:	CDP approval	CDP denial <sub>3</sub>
Date of loca	ll government CDP decision:		
Please iden denied by th	tify the location and description of ne local government.	f the development that	was approved or
Describe:			
•			
•			
•			

<sup>&</sup>lt;sup>2</sup> 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.

<sup>&</sup>lt;sup>3</sup> Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the <u>appeal information sheet</u> for more information.

3. Applica	nt information	
Applica	int name(s):	
Applica	int Address:	
4. Grounds	s for this appeal4	
approved de provisions. It that the deve Please clear applicable, to much as posappeals by to	evelopment does not conform to the recomment does not conform to the recomment conforms to the LCP and identify the ways in which the the LCP and Coastal Act provision	

<sup>&</sup>lt;sup>4</sup> Attach additional sheets as necessary to fully describe the grounds for appeal.

# **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 certification<sup>5</sup>

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

Print name			
James Wood			
Signature			
Date of Signature	<del>-</del>	_	

# 7. 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.

<sup>&</sup>lt;sup>5</sup> If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

<sup>&</sup>lt;sup>6</sup> 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 118-120 6<sup>th</sup> St Coastal Development Permit Issued June 15, 2023, per Notice Letter from the City of Del Mar**

**Date of Determination**: June 15, 2023 **Permit Number:** CDP 23-001

# **Description of Development**:

- 1. Approval of a new detached accessory dwelling unit (ADU; 2-story, 2 bedroom, 1000 sf) with
  - a. loss of parking on a parcel adjacent to a Coastal Access Point that serves coastal trails, and
  - b. two feet depth of grading adjacent to a fragile coastal bluff-edge.
- 2. Approval of demolition and removal of about 250 square feet of the south side of the existing house.
- 3. Reconfiguration of a two-car gravel parking pad to a one-car parking pad.
- 4. Approval of a Coastal Development Permit (CDP) in spite of impacts on public street parking on a street with already limited public parking and impacts on public view corridors across a Coastal Access Point listed in the City's Local Coastal Program (LCP).

**Appellant participation:** The entire project was approved ministerially by the City of Del Mar without any Public Hearing and with no notice to the neighbors during the City's review period. Thus, there was no opportunity for anyone to provide feedback or objections.

# **Appellant's interest:**

1. **PARKING IMPACTS:** Public parking for coastal access is already insufficient and limited on 6<sup>th</sup> Street and from 4<sup>th</sup> St to 8<sup>th</sup> St along Stratford Court. The public parking will be negatively impacted, which in turn will impact coastal access and impact all residents along these streets, which include streets in R-2 and in RM (Residential Mixed) zones. One parking space (of four) will be eliminated on the 118-120 6<sup>th</sup> St parcel concurrent with adding an additional housing unit. The negative impacts on public parking will impact public access to the coast along the Del Mar Upper Bluff Coastal Trail that runs from 4<sup>th</sup> St to 8<sup>th</sup> St with access at the street-end at 6<sup>th</sup> St adjacent to the 118-120 6<sup>th</sup> St parcel.

118-120 6<sup>th</sup> St has "No Parking" signs along its entire street-side boundary as does the parcel to the east and the two street-end parcels across the street to the south. "No Parking" at this bluff-top street-end is essential for public safety and fire equipment access and also for preservation and enhancement of public view corridors. The immediate neighborhood is already underserved for public street parking, as are all the bluff-top street ends from 4<sup>th</sup> St south to 13<sup>th</sup> St, and will be more so due to loss of existing parking on this parcel with or without a new ADU.

118-120 6<sup>th</sup> St has a one-door 2-car garage on Sherrie Lane (alley) that serves the northern  $\sim 900$  sf dwelling unit on the lot and a 2-car gravel parking pad on 6<sup>th</sup> St that serves the southern  $\sim 1100$  sf dwelling unit. The 2-car parking pad will be replaced with a one-car pad that is 9' x 18' in size. This single pad is insufficient for the existing dwelling units with or without the new third ADU dwelling unit that will be on the southern half of the parcel. The lack of sufficient on-site parking will lead to additional vehicles parked away from the parcel elsewhere on 6<sup>th</sup> St and overflow will go to

Stratford Court, which already has high demands on public parking due to the many high-density residential buildings in the adjacent RM neighborhood.

- 2. **PUBLIC VIEW CORRIDOR IMPACTS:** Open public views of the ocean across the front yard setbacks on the north side of 6<sup>th</sup> St will be lost. The public view corridor down 6<sup>th</sup> St toward the west and the public coastal access point at the street-end will be reduced.
- 3. **NOTIFICATION IMPACTS:** The notification letter to residents within 300 feet had the wrong address; the address of the parcel is 118-120 6<sup>th</sup> St. The southern dwelling unit is marked on the street as 120 6<sup>th</sup> St, and the northern dwelling unit is marked on Sherrie Lane as 118 6<sup>th</sup> St. The partial demolition of the existing primary dwelling unit, reconfiguration/reduction of a 2-car parking pad, and construction will be on the 120 6<sup>th</sup> St southern portion, not the 118 6<sup>th</sup> St northern portion. Thus, neighbors were confused by the notification letter sent by the city.

# **Grounds for the appeal to the Coastal Commission:**

## 1. FACTUAL ERROR. NEGATIVE IMPACT ON PUBLIC PARKING FOR COASTAL ACCESS:

Public street parking in the neighborhood is already highly limited. The entire west-most 100 feet of 6<sup>th</sup> St on both sides is designated as No Parking for safety and public view reasons. Loss of one space and, concurrently, the addition of a third dwelling unit that is larger than one of the two existing houses will reduce the available parking on the parcel and increase overflow from the parcel onto the neighboring streets. Already, there is no room for overflow parking because 6<sup>th</sup> St is adjacent to the high density Residential Mixed (RM) zone.

LOSS OF 1 OF 2 PARKING SPACES, ESPECIALLY WITH ADDITION OF ONE ACCESSORY DWELLING UNIT WILL IMPACT PUBLIC PARKING FOR COASTAL ACCESS:

The 118-120  $6^{th}$  St parcel has four parking spaces: 2 in a two-car one-door garage on Sherrie Lane (alley) that serves the northern  $\sim 909$  sf dwelling unit on the lot and 2 on a two-car gravel parking pad on  $6^{th}$  St that serves the southern  $\sim 1185$  sf dwelling unit. The two-car gravel parking pad will be reduced to one-car, 9' x 18' in the front yard setback.

Thus, one existing space out of two for the southern dwelling unit will be lost.

The southern dwelling unit has no dedicated garage parking, given the reality that the Sherrie Lane garage has one door, faces Sherrie Lane, serves the existing northern unit, and is not quite wide enough for two cars to fit side by side. One gravel pad space is insufficient for the southern dwelling unit with or without a new ADU on the southern portion of the parcel.

The reduced parking will lead to additional vehicles parked in the limited parking spaces on 6<sup>th</sup> St with overflow to Stratford Court which already overflows in parking demand due to the adjacent high density RM (Residential Mixed) neighborhood.

6<sup>th</sup> St is 300 feet long from Stratford Court to the west street end, i.e., 600 linear feet on both sides. However, 250 linear feet with No Parking signs include the entire parcel width for 118-120 6<sup>th</sup> St and the parcel to the east (100 feet) on the north side as well as the entire parcel widths for the three west-most parcels on the south side (150 feet). The No Parking area at the bluff-top street-end is essential for public safety and fire equipment access, and for maintaining and maximizing public view corridors at the coastal Public Access point at the street-end.

Driveway entrances on the other parcels further restrict street parking, leaving under 270 linear feet available for street parking on 6<sup>th</sup> St. (See Photos 1 and 2 as illustration)

Street parking on Stratford Ct adjacent to 6<sup>th</sup> St is regularly completely full, especially in the evenings and overnight, due to overflow parking needs in the Residential Mixed (RM) zone adjacent to 6<sup>th</sup> St on the south. For example, residents and guests of 48 apartments at 510 Stratford (one acre parcel; density is 48 units per acre), 53 apartments at 526 Camino Del Mar (1.3 acres; density is 40 units per acre), and multifamily condominium buildings at 519 (18 du/0.5 ac), 511 (10 du/0.5ac), 425 (18 du/0.5 ac), and 424 Stratford (38 du/1 ac) as well as 615 (16 du/0.55 ac), 639 (16 du/0.55 ac), and 703 (12 du/0.5 ac) all depend heavily on public street parking along Stratford Ct for overflow vehicles, guests, and visitors. This total of 229 units on 6.5 acres within one block of the project are an average density of 35 du/ac. Further, the buildings at 510 and 511 utilize their entire street-front parcel width for on-site parking, further limiting the public street parking in the neighborhood.

Thus, the impact of loss of one of two 6<sup>th</sup> St on-site parking spaces at 118-120 6<sup>th</sup> with or without the concurrent increased need for parking created by an additional dwelling unit will have a negative impact on public parking, on the health and safety of residents in the neighborhood, and on public access to the coastal bluff trails that are accessible from the 6<sup>th</sup> Street street-end, an entrance that is included as a public access point in Del Mar's Local Coastal Program.

#### 2. FACTUAL ERROR. NEGATIVE IMPACT ON PUBLIC VIEWS

The 6<sup>th</sup> St street-end is a recognized public access point to Del Mar's coastal bluff trails. The view corridor toward the street-end presents a beautiful open ocean view to passers-by, hikers, bikers, and visitors to the coastal bluff trails. The proposed modifications to the existing dwelling unit and parking pad with removal of mature vegetation will impact that view. *(See PHOTOS 2 and 3)* Any similarly situated future front-yard projects would further impact public views.

The public access trail map in Del Mar's Local Coastal Program is on pages 85-89 at the following link: <a href="https://www.delmar.ca.us/DocumentCenter/View/620/City-of-Del-Mar-Local-Coastal-Plan?bidId="following">https://www.delmar.ca.us/DocumentCenter/View/620/City-of-Del-Mar-Local-Coastal-Plan?bidId= (See PHOTO 4 for excerpt showing 6th St on the map)</a>

**3. CONFLICTS. Del Mar's Local Coastal Plan (LCP)** (available at https://www.delmar.ca.us/DocumentCenter/View/620/City-of-Del-Mar-Local-Coastal-Plan?bidId=) **and Parking Ordinance Section 30.80.030.** 

ADUs must be considered in the context of a certified Local Coastal Program and must adhere to the zone requirements in the LCP. The proposed ADU conflicts with Del Mar's Local Coastal Program (LCP) in several ways, including the following:

a. INSUFFICIENT PARKING. The proposed ADU and modifications to the existing structure and parking pad will reduce the on-site parking spaces by one space and at the same time increase the need for parking by adding a third dwelling unit on a street with a coastal trail public access point.

More than one-third of the street's linear feet is already designated as No Parking, including the entire street-front along the parcel at 118-120 6<sup>th</sup> St. The No Parking areas at the street-end are necessary for public safety and fire equipment access, and to maintain and maximize open public view corridors.

Del Mar's LCP and DMCC Section 30.80.030 require one garage space per unit in a multi-family structure; and for each multifamily unit with two or three bedrooms, an additional on-site parking space. The multifamily dwelling units at 118-120 6<sup>th</sup> St were advertised for sale in January-February 2018 as 2 units with a total of 4 bedrooms and 3 bathrooms (see https://www.zillow.com/homedetails/118-20-6th-St-Del-Mar-CA-92014/16763088\_zpid/; parcel # 3001821200; see PHOTO 6 for excerpt). Thus, it seems that four spaces are required for the two units on this parcel.

Moreover, with the addition of a third unit, according to a strict reading of the parking calculations in the LCP, three garage spaces and at least two onsite spaces are required for three units on this parcel, at least two of which have 2+ bedrooms.

The location of the proposed ADU will eliminate one of two existing parking spaces on a gravel pad, reduce the total number of parking spaces for the two existing units to 3 spaces which is at least one too few given the number and distribution of bedrooms, and add an additional 1000 sq. ft. dwelling unit with no parking space.

These parking space numbers do not meet the requirements of the OFF-STREET PARKING REGULATIONS for Dwelling Units in the LCP (page 81).

Further, the reduction in on-site parking conflicts with LCP Goal IV-D, "Maximize the opportunity for access to beach areas by minimizing competition for public on-street parking spaces." (page 79)

b. PUBLIC VIEW CORRIDOR IMPACT. The location of the proposed ADU will reduce public views of the ocean along the 6<sup>th</sup> St view corridor. The 6<sup>th</sup> St street-end is a Public Access point noted in the LCP (map, page 86). Public views along the approach to the access point will be reduced. As discussed during Design Review for a project that would have replaced both houses and added an ADU, this ADU could be reconfigured to have less impact on public view corridors.

The ADU location and height conflicts with LCP Goal IV-C, "Preserve existing views and view corridors from public vantage points to the maximum extent possible without preventing reasonable use of private property."

The ADU project with its substantial alteration of an existing structure is also in conflict with LCP Policy IV-27, "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."

**4. CONFLICTS.** Del Mar's Local Coastal Plan (LCP) (available at https://www.delmar.ca.us/DocumentCenter/View/620/City-of-Del-Mar-Local-Coastal-Plan?bidId=) and DMCC Section 30.52.120 – Grading Methodology and Practice.

The modification to the existing southern dwelling unit, the reconfiguration of the parking pad, and the ADU construction includes removal of mature vegetation and a grading component near a bluff face. The height above current grade of the two-story ADU will be 16 feet. Thus, the grading will be at least 2 foot depth removal of dirt for the entire footprint of the 1000 sq ft ADU; if the footprint is 500 sq ft, the dirt removed will be at least 37 cubic yards ((500 sq ft \* 2 ft)/27 cu ft/cu yd = 37 cu yd).

According to **DMMC Section 30.52.120.A.1-5**, projects located within a certain distance of a Bluff, Slope or Canyon shall be subject to certain provisions including the following:

1. All projects involving grading shall be subject to the submittal of an erosion and sedimentation control plan. Said plan shall ensure that the project will not result in an increase in peak runoff from the site over the greatest discharge expected during a 10-year, 6-hour frequency storm. Runoff control shall be accomplished by a variety of measures including, but not limited to, on-site catchment basins, detention basins, siltation traps, energy dissipaters and the installation of landscape material. The required erosion and sedimentation control plan, and any proposals to increase flows, shall be subject to review and approval of the City Engineer.

Del Mar's LCP requires minimization of runoff and erosion control. Land Use Plan GOAL III-C seeks to "Protect resources and property located downstream from hillside and bluff areas from damage due to uncontrolled runoff." Policies III-10.a-d specify that a project must "Minimize damage from runoff from all projects within the City by: a. Ensuring that storm drains are designed and provided in such a manner to carry the entire amount of intercepted storm runoff estimated to occur during a storm having a return period of ten years;" (page 44)

It is unclear whether an erosion and sedimentation control plan was submitted, reviewed, or approved by the City Engineer.

## 5. CONFLICTS. Noticing.

The letter notifying residents of the Coastal Development Permit approval used the address 118 6<sup>th</sup> St, which refers to the house on the northern part of the parcel not the southern part of the parcel *(See PHOTO 7)*. All modifications, reconfiguration, and construction are on the southern part of the parcel which is known as 120 6<sup>th</sup> St. *(See PHOTO 5)* Thus, neighbors were confused by the notification letter sent by the city.

# **Appendix: Supporting Photos:**

# **PHOTO 1.**

No Parking signs on south side of 6<sup>th</sup> St along western parcels



**PHOTO 2.**EXISTING PUBLIC SCENIC VIEWS due west along 6<sup>th</sup> St
No Parking signs on north side of 6<sup>th</sup> St along western parcels

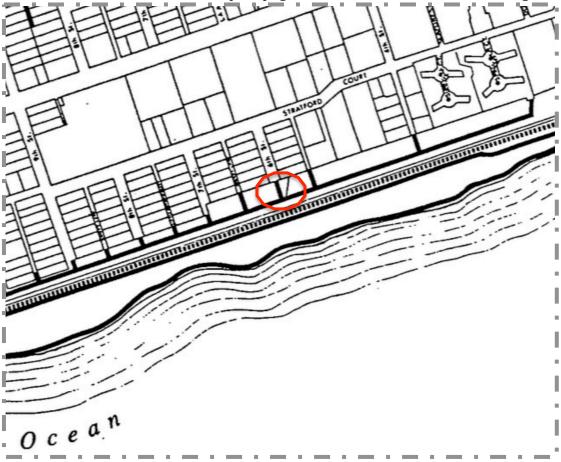


**PHOTO 3.** EXISTING PUBLIC VIEWS due west from the middle of  $6^{th}$  St



# **PHOTO 4.**

6<sup>TH</sup> ST PUBLIC ACCESS – from map on page 86 of Del Mar's Local Coastal Program Land Use Plan



**PHOTO 5.** GOOGLE MAPS SCREEN SHOT OF  $6^{\text{TH}}$  ST WITH HOUSE NUMBERS





#### **PHOTO 6.**

ZILLOW SCREEN SHOT OF 118-120  $6^{TH}$  ST DETAILS FROM FEBRUARY 2018 FOR SALE LISTING

**≥** Zillow

4 bd | 3 ba | 2,440 sqft

118-20 6th St, Del Mar, CA 92014

• Off market Zestimate<sup>®</sup>: \$3,849,700 Rent Zestimate<sup>®</sup>: \$15,223

Est. refi payment: \$25,392/mo S Refinance your loan

Home value Owner tools Home details Neighborhood details

**Interior details** 

**Bedrooms and bathrooms** 

Bedrooms: 4
Bathrooms: 3
Full bathrooms: 3

Other interior features

Total interior livable area: 2,440 sqft

**Property details** 

Property Other property information

Exterior features: Wood Parcel number: 3001821200

Lot

Lot size: 0.25 Acres

**Construction details** 

Type and style Condition

Home type: SingleFamily Year built: 1954

**Community and Neighborhood Details** 

Location

Region: Del Mar

Other

Other factsBedrooms Total: 4Stories: Other/RemarksBedrooms: 3

Community: DEL MAR Neighborhood: Bluff Front Property

#### **PHOTO 7.**

#### NOTIFICATION LETTER FOR 118 6TH ST COASTAL DEVELOPMENT PERMIT

#### NOTICE OF COASTAL DEVELOPMENT PERMIT APPROVAL

NOTICE IS HEREBY GIVEN, THAT THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR HAS APPROVED THE FOLLOWING COASTAL DEVELOPMENT PERMIT FINDING THAT APPLICATION CDP-23-001 IS CONSISTENT WITH THE REQUIREMENTS OF THE CERTIFIED LOCAL COASTAL PROGRAM OF THE CITY OF DEL MAR.

CDP 23-001

<u>Location:</u> 118 6<sup>th</sup> Street **APN(S):** 300-182-12-00

APPLICANTS/OWNERS: Mary S. Vonder Reith

Zone: R2

Staff Contact: Jennifer Gavin, Associate Planner

Project Description: A request for approval of a Coastal Development Permit to construct detached Accessory Dwelling

Unit (ADU) in Del Mar, California.

The development is located in an area of the City of Del Mar's Coastal Zone where the City's action on a Coastal Development Permit application is appealable to the California Coastal Commission. The appeal period runs 10 (ten) business days, commencing from the date upon which the Coastal Commission receives notice of the City's final action on the application. The San Diego Office of the California Coastal Commission can be reached at 619-767-2370 or by email at SanDiegoCoast@coastal.ca.gov for more information.

Notice mailed June 15, 2023

#### **INTERESTED PERSONS**

All owners within 300 linear feet of the project, including the following in Del Mar, CA 92014:

Holley and Robert Martens	126 6th St	holleymartens@gmail.com
Gwynn Thomas	149/151 6th St	gwynn.thomas@outlook.com
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Jeff Sturgis	150/152 6th St	jeffsturgis@me.com
Robert Boyce	158 6th St	rb@boyce-schaefer.com
Laura Schaefer	158 6th St	ls@boyce-schaefer.com
Richard Jacobson	141/143 6th St	delmarre2020@gmail.com
Lois Lund	135 6th St	loiselavender@gmail.cojacobs
Mary Roddy and Mark Yeager	133 Sherrie Ln	maryroddy93@gmail.com
Mary Lou and Richard Amen	144 Sherrie Ln	mlamen@nuvidaproperties.com

#### CALIFORNIA COASTAL COMMISSION

Filing Information (STAFF ONLY)

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

# District Office: San Diego Coast Appeal Number: A-6-DMR-23-0022 Date Filed: 7/5/2023 Appellant Name(s): Holley Martens

#### **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 <a href="maileocoast@coast@coastal.ca.gov">SanDiegoCoast@coastal.ca.gov</a>. 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 <a href="maileocoastal.ca.gov/contact/#/">contact page</a> at <a href="https://coastal.ca.gov/contact/#/">https://coastal.ca.gov/contact/#/</a>).

II Whheile	ant mio	ination
Name:		Holley Fowler Martens
Mailing address:		1050 E 9th Street 2B Cleveland OH 44114
Phone nun	nber:	216-832-2631
Email addr	ess:	HolleyMartens@gmail.com
How did yo	ou particip	pate in the local CDP application and decision-making process?
Did not p	articipate	e Submitted comment Testified at hearing 🗹 Other
Describe:	The CD	P was approved by City of Del Mar staff ministerially.
	Neighbo	ors were not notified in advance of the approval.
	No publi	ic hearings were held.
	Thus, th	ere was no opportunity to object or provide feedback.
If you did <i>not</i> 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:  Because the project was approved ministerially with no public		
		there was no opportunity to object or provide feedback.
	The CD	P notice had a misleading address: 118 6th St is used
	for the n	northern unit on the parcel. The proposed ADU is at 120 6th St to the
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:	The proj	ject was approved ministerially with no public hearing.
	Thus, th	ere was no opportunity for any members of the public
	to provid	de feedback.

<sup>&</sup>lt;sup>1</sup> If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

#### 2. Local CDP decision being appealed2 City of Del Mar Local government name: Planning Department Staff Local government approval body: CDP 23-001 Local government CDP application number: ✓ CDP approval CDP denial3 Local government CDP decision: June 15, 2023 Date of local government CDP decision: Please identify the location and description of the development that was approved or denied by the local government. 1. Approval of a new detached accessory dwelling unit (ADU; 2-story, 2-bed Describe: 1000 sq ft with (a) loss of parking on a parcel adjacent to a Coastal Access and (b) two-feet depth of grading adjacent to a fragile coastal bluff-edge. 2. Approval of removal of 250 sq ft of existing Living Area in primary unit. 3. Reconfiguration of a two-car gravel parking pad to a one-car pad with access from a street with No Parking along the entire parcel front yard. The development will have negative impacts on public street parking on a str with already highly limited public parking in a high density residential zone. The development will have negative impacts on public view corridors across Coastal Access Point listed in the City's Local Coastal Program (LCP).

See additional material attached with Description of Development, Page 1

<sup>&</sup>lt;sup>2</sup> 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.

<sup>&</sup>lt;sup>3</sup> Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the <u>appeal information sheet</u> for more information.

3. Applica	int information		
Applic	ant name(s):	Mary S. Vonder Reith	
Applic	ant Address:	118 6th St, Del Mar, CA 92015	
4. Ground	ls for this appeal₄		
approved of provisions. that the developerate clear applicable, much as possible appeals by	levelopment does not conform to For appeals of a CDP denial, growelopment conforms to the LCP and identify the ways in which the the LCP and Coastal Act provisions in the LCP and Coast		
Describe:	1. Negative impact on public parking at a Coastal Access Point that serves of that already has insufficient public street parking due to an adjacent high der		
	that already has insufficient pub	ild street parking due to an adjacent high der	
	2. Negative impact on public vie	ws and public view corridors.	
	3. Excessive grading and remove	val of mature vegetation adjacent to a fragile	
	4. Improper noticing with mislead	ding address for the project location.	
	See additional material attached	with Details on Grounds for Appeal, Pages	

<sup>&</sup>lt;sup>4</sup> Attach additional sheets as necessary to fully describe the grounds for appeal.

#### 5. Identification of interested persons

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 certification₅
I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

On a separate page, please provide the names and contact information (i.e., mailing

Print name	Holley Fowler Martens e	
Helley	XL	
Signature	;	
Date of Sig	ignature July 5, 2023	

#### 7. 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 or
the	e representative authorization form attached.

<sup>&</sup>lt;sup>5</sup> If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

<sup>&</sup>lt;sup>6</sup> 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 118-120 6th St Coastal Development Permit Issued June 15, 2023, per Notice Letter from the City of Del Mar**

**Date of Determination**: June 15, 2023 **Permit Number:** CDP 23-001

#### **Description of Development:**

- 1. Approval of a new detached accessory dwelling unit (ADU; 2-story, 2 bedroom, 1000 sf) with
  - a. loss of parking on a parcel adjacent to a Coastal Access Point that serves coastal trails, and
  - b. two feet depth of grading adjacent to a fragile coastal bluff-edge.
- 2. Approval of demolition and removal of about 250 square feet of the south side of the existing house.
- 3. Reconfiguration of a two-car gravel parking pad to a one-car parking pad.
- 4. Approval of a Coastal Development Permit (CDP) in spite of impacts on public street parking on a street with already limited public parking and impacts on public view corridors across a Coastal Access Point listed in the City's Local Coastal Program (LCP).

**Appellant participation:** The entire project was approved ministerially by the City of Del Mar without any Public Hearing and with no notice to the neighbors during the City's review period. Thus, there was no opportunity for anyone to provide feedback or objections.

#### Appellant's interest:

1. **PARKING IMPACTS:** Public parking for coastal access is already insufficient and limited on 6<sup>th</sup> Street and from 4<sup>th</sup> St to 8<sup>th</sup> St along Stratford Court. The public parking will be negatively impacted, which in turn will impact coastal access and impact all residents along these streets, which include streets in R-2 and in RM (Residential Mixed) zones. One parking space (of four) will be eliminated on the 118-120 6<sup>th</sup> St parcel concurrent with adding an additional housing unit. The negative impacts on public parking will impact public access to the coast along the Del Mar Upper Bluff Coastal Trail that runs from 4<sup>th</sup> St to 8<sup>th</sup> St with access at the street-end at 6<sup>th</sup> St adjacent to the 118-120 6<sup>th</sup> St parcel.

118-120  $6^{th}$  St has "No Parking" signs along its entire street-side boundary as does the parcel to the east and the two street-end parcels across the street to the south. "No Parking" at this bluff-top street-end is essential for public safety and fire equipment access and also for preservation and enhancement of public view corridors. The immediate neighborhood is already underserved for public street parking, as are all the bluff-top street ends from  $4^{th}$  St south to  $13^{th}$  St, and will be more so due to loss of existing parking on this parcel with or without a new ADU.

118-120 6<sup>th</sup> St has a one-door 2-car garage on Sherrie Lane (alley) that serves the northern  $\sim 900$  sf dwelling unit on the lot and a 2-car gravel parking pad on 6<sup>th</sup> St that serves the southern  $\sim 1100$  sf dwelling unit. The 2-car parking pad will be replaced with a one-car pad that is 9' x 18' in size. This single pad is insufficient for the existing dwelling units with or without the new third ADU dwelling unit that will be on the southern half of the parcel. The lack of sufficient on-site parking will lead to additional vehicles parked away from the parcel elsewhere on 6<sup>th</sup> St and overflow will go to

Stratford Court, which already has high demands on public parking due to the many high-density residential buildings in the adjacent RM neighborhood.

- 2. **PUBLIC VIEW CORRIDOR IMPACTS:** Open public views of the ocean across the front yard setbacks on the north side of 6<sup>th</sup> St will be lost. The public view corridor down 6<sup>th</sup> St toward the west and the public coastal access point at the street-end will be reduced.
- 3. **NOTIFICATION IMPACTS:** The notification letter to residents within 300 feet had the wrong address; the address of the parcel is 118-120 6<sup>th</sup> St. The southern dwelling unit is marked on the street as 120 6<sup>th</sup> St, and the northern dwelling unit is marked on Sherrie Lane as 118 6<sup>th</sup> St. The partial demolition of the existing primary dwelling unit, reconfiguration/reduction of a 2-car parking pad, and construction will be on the 120 6<sup>th</sup> St southern portion, not the 118 6<sup>th</sup> St northern portion. Thus, neighbors were confused by the notification letter sent by the city.

#### **Grounds for the appeal to the Coastal Commission:**

#### 1. FACTUAL ERROR. NEGATIVE IMPACT ON PUBLIC PARKING FOR COASTAL ACCESS:

Public street parking in the neighborhood is already highly limited. The entire west-most 100 feet of 6<sup>th</sup> St on both sides is designated as No Parking for safety and public view reasons. Loss of one space and, concurrently, the addition of a third dwelling unit that is larger than one of the two existing houses will reduce the available parking on the parcel and increase overflow from the parcel onto the neighboring streets. Already, there is no room for overflow parking because 6<sup>th</sup> St is adjacent to the high density Residential Mixed (RM) zone.

LOSS OF 1 OF 2 PARKING SPACES, ESPECIALLY WITH ADDITION OF ONE ACCESSORY DWELLING UNIT WILL IMPACT PUBLIC PARKING FOR COASTAL ACCESS:

The 118-120 6<sup>th</sup> St parcel has four parking spaces: 2 in a two-car one-door garage on Sherrie Lane (alley) that serves the northern  $\sim$ 909 sf dwelling unit on the lot and 2 on a two-car gravel parking pad on 6<sup>th</sup> St that serves the southern  $\sim$ 1185 sf dwelling unit. The two-car gravel parking pad will be reduced to one-car, 9' x 18' in the front yard setback.

Thus, one existing space out of two for the southern dwelling unit will be lost.

The southern dwelling unit has no dedicated garage parking, given the reality that the Sherrie Lane garage has one door, faces Sherrie Lane, serves the existing northern unit, and is not quite wide enough for two cars to fit side by side. One gravel pad space is insufficient for the southern dwelling unit with or without a new ADU on the southern portion of the parcel.

The reduced parking will lead to additional vehicles parked in the limited parking spaces on 6<sup>th</sup> St with overflow to Stratford Court which already overflows in parking demand due to the adjacent high density RM (Residential Mixed) neighborhood.

6<sup>th</sup> St is 300 feet long from Stratford Court to the west street end, i.e., 600 linear feet on both sides. However, 250 linear feet with No Parking signs include the entire parcel width for 118-120 6<sup>th</sup> St and the parcel to the east (100 feet) on the north side as well as the entire parcel widths for the three west-most parcels on the south side (150 feet). The No Parking area at the bluff-top street-end is essential for public safety and fire equipment access, and for maintaining and maximizing public view corridors at the coastal Public Access point at the street-end.

Driveway entrances on the other parcels further restrict street parking, leaving under 270 linear feet available for street parking on 6<sup>th</sup> St. *(See Photos 1 and 2 as illustration)* 

Street parking on Stratford Ct adjacent to 6<sup>th</sup> St is regularly completely full, especially in the evenings and overnight, due to overflow parking needs in the Residential Mixed (RM) zone adjacent to 6<sup>th</sup> St on the south. For example, residents and guests of 48 apartments at 510 Stratford (one acre parcel; density is 48 units per acre), 53 apartments at 526 Camino Del Mar (1.3 acres; density is 40 units per acre), and multifamily condominium buildings at 519 (18 du/0.5 ac), 511 (10 du/0.5ac), 425 (18 du/0.5 ac), and 424 Stratford (38 du/1 ac) as well as 615 (16 du/0.55 ac), 639 (16 du/0.55 ac), and 703 (12 du/0.5 ac) all depend heavily on public street parking along Stratford Ct for overflow vehicles, guests, and visitors. This total of 229 units on 6.5 acres within one block of the project are an average density of 35 du/ac. Further, the buildings at 510 and 511 utilize their entire street-front parcel width for on-site parking, further limiting the public street parking in the neighborhood.

Thus, the impact of loss of one of two  $6^{th}$  St on-site parking spaces at 118-120  $6^{th}$  with or without the concurrent increased need for parking created by an additional dwelling unit will have a negative impact on public parking, on the health and safety of residents in the neighborhood, and on public access to the coastal bluff trails that are accessible from the  $6^{th}$  Street street-end, an entrance that is included as a public access point in Del Mar's Local Coastal Program.

#### 2. FACTUAL ERROR. NEGATIVE IMPACT ON PUBLIC VIEWS

The 6th St street-end is a recognized public access point to Del Mar's coastal bluff trails. The view corridor toward the street-end presents a beautiful open ocean view to passers-by, hikers, bikers, and visitors to the coastal bluff trails. The proposed modifications to the existing dwelling unit and parking pad with removal of mature vegetation will impact that view. *(See PHOTOS 2 and 3)* Any similarly situated future front-yard projects would further impact public views.

The public access trail map in Del Mar's Local Coastal Program is on pages 85-89 at the following link: <a href="https://www.delmar.ca.us/DocumentCenter/View/620/City-of-Del-Mar-Local-Coastal-Plan?bidId="(See PHOTO 4 for excerpt showing 6th St on the map)">https://www.delmar.ca.us/DocumentCenter/View/620/City-of-Del-Mar-Local-Coastal-Plan?bidId= (See PHOTO 4 for excerpt showing 6th St on the map)</a>

**3. CONFLICTS. Del Mar's Local Coastal Plan (LCP)** (available at https://www.delmar.ca.us/DocumentCenter/View/620/City-of-Del-Mar-Local-Coastal-Plan?bidId=) and Parking Ordinance Section 30.80.030.

ADUs must be considered in the context of a certified Local Coastal Program and must adhere to the zone requirements in the LCP. The proposed ADU conflicts with Del Mar's Local Coastal Program (LCP) in several ways, including the following:

a. INSUFFICIENT PARKING. The proposed ADU and modifications to the existing structure and parking pad will reduce the on-site parking spaces by one space and at the same time increase the need for parking by adding a third dwelling unit on a street with a coastal trail public access point.

More than one-third of the street's linear feet is already designated as No Parking, including the entire street-front along the parcel at 118-120 6<sup>th</sup> St. The No Parking areas at the street-end are necessary for public safety and fire equipment access, and to maintain and maximize open public view corridors.

Del Mar's LCP and DMCC Section 30.80.030 require one garage space per unit in a multi-family structure; and for each multifamily unit with two or three bedrooms, an additional on-site parking space. The multifamily dwelling units at 118-120 6<sup>th</sup> St were advertised for sale in January-February 2018 as 2 units with a total of 4 bedrooms and 3 bathrooms (see https://www.zillow.com/homedetails/118-20-6th-St-Del-Mar-CA-92014/16763088\_zpid/; parcel # 3001821200; *see PHOTO 6 for excerpt*). Thus, it seems that four spaces are required for the two units on this parcel.

Moreover, with the addition of a third unit, according to a strict reading of the parking calculations in the LCP, three garage spaces and at least two onsite spaces are required for three units on this parcel, at least two of which have 2+ bedrooms.

The location of the proposed ADU will eliminate one of two existing parking spaces on a gravel pad, reduce the total number of parking spaces for the two existing units to 3 spaces which is at least one too few given the number and distribution of bedrooms, and add an additional 1000 sq. ft. dwelling unit with no parking space.

These parking space numbers do not meet the requirements of the OFF-STREET PARKING REGULATIONS for Dwelling Units in the LCP (page 81).

Further, the reduction in on-site parking conflicts with LCP Goal IV-D, "Maximize the opportunity for access to beach areas by minimizing competition for public on-street parking spaces." (page 79)

b. PUBLIC VIEW CORRIDOR IMPACT. The location of the proposed ADU will reduce public views of the ocean along the 6<sup>th</sup> St view corridor. The 6<sup>th</sup> St street-end is a Public Access point noted in the LCP (map, page 86). Public views along the approach to the access point will be reduced. As discussed during Design Review for a project that would have replaced both houses and added an ADU, this ADU could be reconfigured to have less impact on public view corridors.

The ADU location and height conflicts with **LCP Goal IV-C**, "Preserve existing views and view corridors from public vantage points to the maximum extent possible without preventing reasonable use of private property."

The ADU project with its substantial alteration of an existing structure is also in conflict with LCP Policy IV-27, "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."

**4. CONFLICTS. Del Mar's Local Coastal Plan (LCP)** (available at https://www.delmar.ca.us/DocumentCenter/View/620/City-of-Del-Mar-Local-Coastal-Plan?bidId=) **and DMCC Section 30.52.120 – Grading Methodology and Practice.** 

The modification to the existing southern dwelling unit, the reconfiguration of the parking pad, and the ADU construction includes removal of mature vegetation and a grading component near a bluff face. The height above current grade of the two-story ADU will be 16 feet. Thus, the grading will be at least 2 foot depth removal of dirt for the entire footprint of the 1000 sq ft ADU; if the footprint is 500 sq ft, the dirt removed will be at least 37 cubic yards ((500 sq ft \* 2 ft)/27 cu ft/cu yd = 37 cu yd).

According to **DMMC Section 30.52.120.A.1-5**, projects located within a certain distance of a Bluff, Slope or Canyon shall be subject to certain provisions including the following:

1. All projects involving grading shall be subject to the submittal of an erosion and sedimentation control plan. Said plan shall ensure that the project will not result in an increase in peak runoff from the site over the greatest discharge expected during a 10-year, 6-hour frequency storm. Runoff control shall be accomplished by a variety of measures including, but not limited to, on-site catchment basins, detention basins, siltation traps, energy dissipaters and the installation of landscape material. The required erosion and sedimentation control plan, and any proposals to increase flows, shall be subject to review and approval of the City Engineer.

Del Mar's LCP requires minimization of runoff and erosion control. Land Use Plan GOAL III-C seeks to "Protect resources and property located downstream from hillside and bluff areas from damage due to uncontrolled runoff." Policies III-10.a-d specify that a project must "Minimize damage from runoff from all projects within the City by: a. Ensuring that storm drains are designed and provided in such a manner to carry the entire amount of intercepted storm runoff estimated to occur during a storm having a return period of ten years;" (page 44)

It is unclear whether an erosion and sedimentation control plan was submitted, reviewed, or approved by the City Engineer.

#### 5. CONFLICTS. Noticing.

The letter notifying residents of the Coastal Development Permit approval used the address 118 6<sup>th</sup> St, which refers to the house on the northern part of the parcel not the southern part of the parcel *(See PHOTO 7)*. All modifications, reconfiguration, and construction are on the southern part of the parcel which is known as 120 6<sup>th</sup> St. *(See PHOTO 5)* Thus, neighbors were confused by the notification letter sent by the city.

#### **Appendix: Supporting Photos:**

#### PHOTO 1.

No Parking signs on south side of 6th St along western parcels



**PHOTO 2.**EXISTING PUBLIC SCENIC VIEWS due west along 6<sup>th</sup> St
No Parking signs on north side of 6<sup>th</sup> St along western parcels

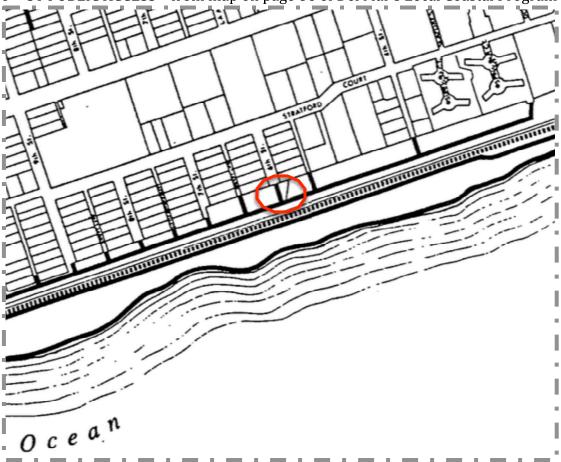


**PHOTO 3.** EXISTING PUBLIC VIEWS due west from the middle of  $6^{th}$  St



#### **PHOTO 4.**



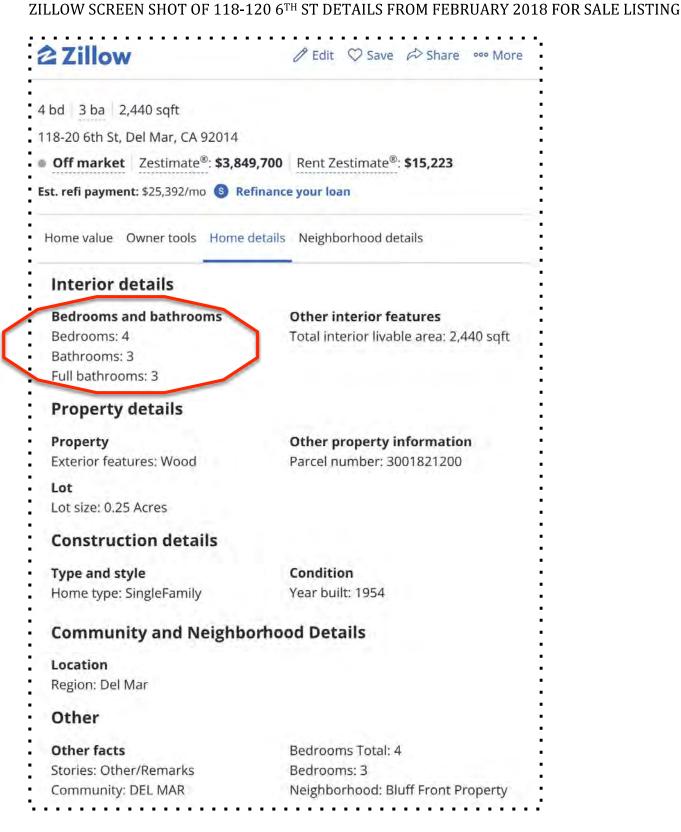


**PHOTO 5.** GOOGLE MAPS SCREEN SHOT OF  $6^{\text{TH}}$  ST WITH HOUSE NUMBERS





#### PHOTO 6.



#### **PHOTO 7.**

#### NOTIFICATION LETTER FOR 118 6TH ST COASTAL DEVELOPMENT PERMIT

#### NOTICE OF COASTAL DEVELOPMENT PERMIT APPROVAL

NOTICE IS HEREBY GIVEN, THAT THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR HAS APPROVED THE FOLLOWING COASTAL DEVELOPMENT PERMIT FINDING THAT APPLICATION CDP-23-001 IS CONSISTENT WITH THE REQUIREMENTS OF THE CERTIFIED LOCAL COASTAL PROGRAM OF THE CITY OF DEL MAR.

CDP 23-001 Location: 118 6th Street

APN(S): 300-182-12-00

APPLICANTS/OWNERS: Mary S. Vonder Reith

Zone: R2

Staff Contact: Jennifer Gavin, Associate Planner

Project Description: A request for approval of a Coastal Development Permit to construct detached Accessory Dwelling Unit (ADU) in Del Mar, California.

The development is located in an area of the City of Del Mar's Coastal Zone where the City's action on a Coastal Development Permit application is appealable to the California Coastal Commission. The appeal period runs 10 (ten) business days, commencing from the date upon which the Coastal Commission receives notice of the City's final action on the application. The San Diego Office of the California Coastal Commission can be reached at 619-767-2370 or by email at SanDiegoCoast@coastal.ca.gov for more information.

Notice mailed June 15, 2023

#### **INTERESTED PERSONS**

All owners within 300 linear feet of the project, including the following in Del Mar, CA 92014:

Holley and Robert Martens	126 6th St	holleymartens@gmail.com
Gwynn Thomas	149/151 6 <sup>th</sup> St	gwynn.thomas@outlook.com
Jan and Bill Frieder	132 6 <sup>th</sup> St	billfrieder@aol.com
Jeff Sturgis	150/152 6th St	jeffsturgis@me.com
Robert Boyce	158 6 <sup>th</sup> St	rb@boyce-schaefer.com
Laura Schaefer	158 6 <sup>th</sup> St	ls@boyce-schaefer.com
Richard Jacobson	141/143 6 <sup>th</sup> St	delmarre2020@gmail.com
Lois Lund	135 6 <sup>th</sup> St	loiselavender@gmail.cojacobs
Mary Roddy and Mark Yeager	133 Sherrie Ln	maryroddy93@gmail.com
Mary Lou and Richard Amen	144 Sherrie Ln	mlamen@nuvidaproperties.com





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

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

Date: June 15, 2023

A Coastal Development Permit application for the by the City of Del Mar's:  ☑ Director of Planning and Community Develop	
Design Review Board	SEGETA EID
☐ Planning Commission ☐ City Council	JUN 2 0 2023
On: <u>June 14, 2023</u>	CALIFORNIA COASTAL COMMISSION SAN DIEGO COAST DISTRICT
Action:	CANTRIC IDAGO COSTO FILA
Approved Approved with conditions Denied	5
APPLICATION NUMBER, PROJECT SITE AND DESCRI	IPTION OF DEVELOPMENT PROPOSAL:
CDP 23-001 Location: 118 6 <sup>th</sup> Street APN(S): 300-182-12-00 APPLICANTS/OWNERS: Mary	S. Vonder Reith
	uest for approval of a Coastal uct detached Accessory Dwelling
Findings: See attached Resolution for findings.	
Conditions of Approval (if any): None	
As noted below, the development <u>may</u> be located in an area of the Act Section 30603 and Chapter 30.75 of the Del Mar Municipal Co to the California Coastal Commission. The appeal period runs Coastal Commission receives notice of the City's final action on the	ode, an aggrieved person may appeal this decision in writing 10 (ten) days, commencing from the date upon which the
Project site located:	
<ul> <li>✓ Within the City of Del Mar's Coastal Development Permi</li> <li>✓ Outside of the City of Del Mar's Coastal Development Permi</li> </ul>	
Applicant/Owner Address:	Agent Address:
Mary S. Vonder Reith 151 La Veta Avenue	Warren W. Scott 763 2 <sup>nd</sup> Street, Suite 200
Encinitas, CA 92024	Encinitas, CA 92024 EXHIBIT NO.

EXHIBIT NO. 5

APPLICATION NO.

A-6-DMR-23-0022

City Notice of Final

Action

California Coastal Commission

#### **DECISION ON COASTAL DEVELOPMENT PERMIT CDP23-001**

A STATEMENT OF THE CITY OF DEL MAR'S DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT REGARDING COASTAL DEVELOPMENT PERMIT CDP23-001 SETTING FORTH FINDINGS AND A DECISION TO APPROVE THE REQUESTED APPLICATION FOR CONSTRUCTION OF A NEW 1,000 SQUARE-FOOT, DETACHED, ACCESSORY DWELLING UNIT (ADU) ON LAND LOCATED WITHIN THE CALIFORNIA COASTAL ZONE AND APPEALS JURISDICTION OF THE CALIFORNIA COASTAL COMMISSION AT 118-120 6<sup>TH</sup> STREET, DEL MAR, CALIFORNIA APN 300-182-12-00.

WHEREAS, the Mary S. Vonder Reith Declaration of Trust dated August 29, 1988 (Applicant/Owner), applied for a Coastal Development Permit (CDP23-001) to construct a new, 1,000-square-foot, detached Accessory Dwelling Unit on land located within the High Density Mixed Residential (R2) Zone and within the Coastal Commission Appeals Jurisdiction of the California Coastal Zone, at 118-120 6<sup>th</sup> Street (APN 300-182-12-00); and

WHEREAS, the regulation of ADUs must be in compliance with State legislation that amended California Government Code Section 65852.2 and 65852.22 and 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

WHEREAS, the project would propose a detached ADU accessory to an existing 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 Del Mar Municipal Code (DMMC) Section 30.75.080 (E)(3); and

WHEREAS, a Coastal Development Permit shall be approved if findings can be made in accordance with DMMC Section 30.75.140, 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 decision of the Director of Planning and Community Development is appealable to the California Coastal Commission in accordance with DMMC Section 30.75.110; and

Director of Planning and Community Development's Decision Regarding: Coastal Development Permit Application CDP23-001 Page 2 of 5

NOW THEREFORE, based on the information received, the Director of Planning and Community Development finds that CDP22-014 is consistent with the City's certified LCP in that:

- 1) The proposed 1,000-square-foot, detached, Accessory Dwelling Unit is a permitted use within the High Density Mixed Residential (R2) zoning designation and is permitted within the California Coastal Zone as well as the Appeals Jurisdiction of the California Coastal Commission.
- 2) The proposed 1,000-square-foot, detached, Accessory Dwelling Unit meets the criteria of the applicable chapters of Title 30 of the Del Mar Municipal Code because the Accessory Dwelling Unit meets the height requirement as the unit is proposed at an overall height of 16 feet where the maximum is 26 feet, and is located 4 feet from the rear property line (4 feet is required); and 20 feet from the front (south) property line (20 feet is required).
- 3) The granting of the Coastal Development Permit is in conformity with the City's certified Local Coastal Program in that the Accessory Dwelling Unit is consistent with the goals and policies within the Local Coastal Program such as Policy II-1 which is to maintain a small-scale character of the community by allowing one-and two-story development with a maximum allowable height of 26 feet. The proposed 1,000-square-foot, detached, Accessory Dwelling Unit is one-story with an overall height of 16 feet.
- 4) While the subject property is located between the first public road and the sea, adequate public access to the coast exists elsewhere in close proximity at public Seagrove and Powerhouse Parks. No public recreation facilities exist on the property and none would be impacted with implementation of the project.
- 5) The project does not include or require the construction or placement of a shoreline protective device in that the proposed 1,000-square-foot, detached, Accessory Dwelling Unit is located outside of the Shoreline Protection Area of the Beach Overlay Zone where a shoreline protective device is necessary.
- 6) The project is consistent with and implements the public view protection policies identified as polices IV-22 through IV-27 of the Local Coastal Program in that the proposed 1,000-square-foot, detached, Accessory Dwelling Unit does not abut public view corridors identified in the Local Coastal Program such as Camino del Mar, Carmel Valley Road, Jimmy Durante Boulevard, or San Dieguito Drive; and therefore, will not impact public views. Furthermore, the Accessory Dwelling Unit complies with the required front yard setback, minimizing potential impacts to existing public coastal views from 6<sup>th</sup> Street.

Director of Planning and Community Development's Decision Regarding: Coastal Development Permit Application CDP23-001 Page 3 of 5

## BASED ON THE ABOVE FINDINGS, THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT APPROVES COASTAL DEVELOPMENT PERMIT CDP22-017, SUBJECT TO THE FOLLOWING:

[Note: This list may have gaps in numbering or lettering. These gaps are intentional.]

#### **STANDARD APPROVAL NOTES:**

#### G-1 [Business License]

Prior to commencement of any work on site, all contractors and subcontractors shall obtain a valid City of Del Mar Business License. The general contractor shall be responsible for ensuring that all subcontractors obtain required Business License and shall retain copies of said permits on site for verification by City staff.

#### G-2 [Utility Undergrounding Threshold]

If the total cost of new construction exceeds \$7,500 (as determined by the Building Department), all new utility service connections shall be placed underground consistent with the provisions of Section 30.86.210 of the Del Mar Municipal Code.

#### G-3 [Development Authorization Limited to Plan Set]

This permit is granted based on submitted plans dated May 22, 2023, and so identified by the staff of the Del Mar Planning and Community Development Department. Revisions to these plans and/or any proposals for modification shall require review and prior authorization from the appropriate entities of the City of Del Mar.

#### G-5 [Requirement for Building Permits]

Prior to commencement of work, the applicant or agent shall obtain all required Building Permits.

#### G-6 [Construction and Demolition Waste Recycling Requirement]

Owners and builders generating any construction and demolition debris on a project must comply with the minimum requirements regarding recycling or reuse for salvage set forth in the 2016 California Green Building Standards Code, Title 24, Part 11. This includes, but is not limited to, the submittal of a Construction Waste Management Plan and a minimum diversion of 65% of non-hazardous construction and demolition waste. Signage shall be posted on-site with information identifying materials to be diverted.

#### G-7 [Code Compliance]

Approval of this application shall not waive the requirement for compliance with the provisions of the Del Mar Municipal Code or other applicable City regulations in effect at the time of Building Permit issuance, unless specifically waived in this permit authorization.

#### G-11 [Plan for Construction-Phase Impacts]

Prior to issuance of Building Permits or commencement of project implementation (whichever comes first), the applicant shall provide a plan for construction-phase parking and equipment/materials storage for the project. The plan must include the following:

Director of Planning and Community Development's Decision Regarding: Coastal Development Permit Application CDP23-001 Page 4 of 5

- a. Identification of an on-site material storage location;
- b. Identification of an on-site equipment storage location;
- c. Identification of at least two on-site parking space which will remain available throughout the duration of the project;
- d. Location of any temporary sanitary facilities;
- e. A note stating that "If on-street parking is utilized, a minimum street access clearance of 20ft. will be maintained";
- f. Map displaying any/all haul routes; and
- g. Contact information (phone number and Email) for the on-site supervisor(s);
  - 1. This information must also be posted on-site in a location which is readily visible from the public right-of-way for the duration of the project.

The plan required herein shall be subject to the review and written approval of the Planning and Community Development Director, working in consultation with Parking Enforcement and Public Works Departments. Haul routes and work and/or storage of material or equipment within a City right-of-way will require the receipt of an Encroachment Permit. The requirements mentioned above may be modified by the Planning and Community Development Director upon a determination that sufficient alternatives have been proposed which achieve a similar level of compliance.

G-11A In addition to the submittal of a Construction Phase Impact Plan, the applicant must place a Construction Parking Placard in all vehicles associated with the project which will be parked off-site. The placard must remain in plain view on the dashboard of the vehicle throughout the duration of the project. A Construction Parking Placard can be obtained from the City of Del Mar Planning Department.

#### G-13 [Permit Expiration]

This permit shall expire three years from the date of approval, on **June 14, 2026** unless a Building Permit has been issued (if required by the DMMC) and substantial construction has been accomplished in reliance upon the permit. Pursuant to the DMMC, substantial construction is defined as: completion of a minimum of 10% of the total amount of construction authorized by the permit, based on the monetary value of construction costs including grading, site preparation and construction but specifically excluding all costs associated with the acquisition of interest in the project site and all costs associated with the preparation and processing of permits or plans.

#### G-16 [Compliance with City Noise Regulations]

The applicant and all parties involved with implementation of the project shall comply with the regulations of the DMMC with regard to construction noise. The regulations stipulate that all construction activities are limited to the following periods: between 7:00 a.m. and 7:00 p.m. / Monday through Friday and between 9:00 a.m. and 7:00 p.m. on Saturdays. Construction activities are prohibited during other hours and on Sundays and City Holidays. The City's Noise Ordinance, Chapter 9.20 of the Del Mar Municipal Code, includes the dates of City Holidays, and can be viewed on the City's web page (www.delmar.ca.us).

Director of Planning and Community Development's Decision Regarding: Coastal Development Permit Application CDP23-001 Page 5 of 5

G-17 [Dig Alert]

Prior to excavation or trenching, the applicant shall call Underground Service Alert of Southern California (Dig Alert- 1-800-227-2600) for a mark out of service utilities.

G-18 [Rules for Construction-related Signage]

All construction-related signage posted at the project site shall comply with DMMC Chapter 30.84 (Signs). The pertinent sections of the Sign Chapter allow installation of a total 5.5 square feet of temporary signage on a residential property (that is cumulative of all signs posted). Such signs may be posted for a maximum of sixty (60) days in a calendar year.

The restrictions noted above do not apply to the Development Pending, Construction Noise Notice and Building Permit signs required by the City as part of the project review process.

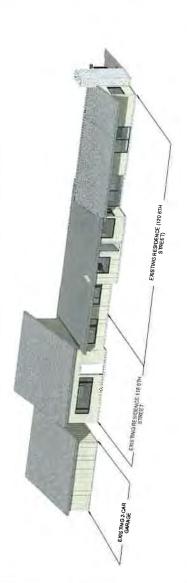
All construction related signage, including City required signs, shall be removed prior to final approval of the project.

Approved by:

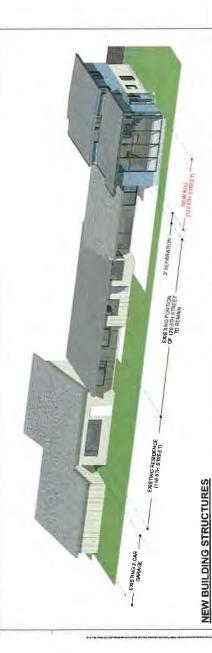
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Karen Brindley	Date	
Director of Planning and Community Development		

# Proposed New Addition for ADU

City of Del Mar Planning Department RECEIVED 5/22/2023



# **EXISTING BUILDING STRUCTURES**



# VICINITY MAP

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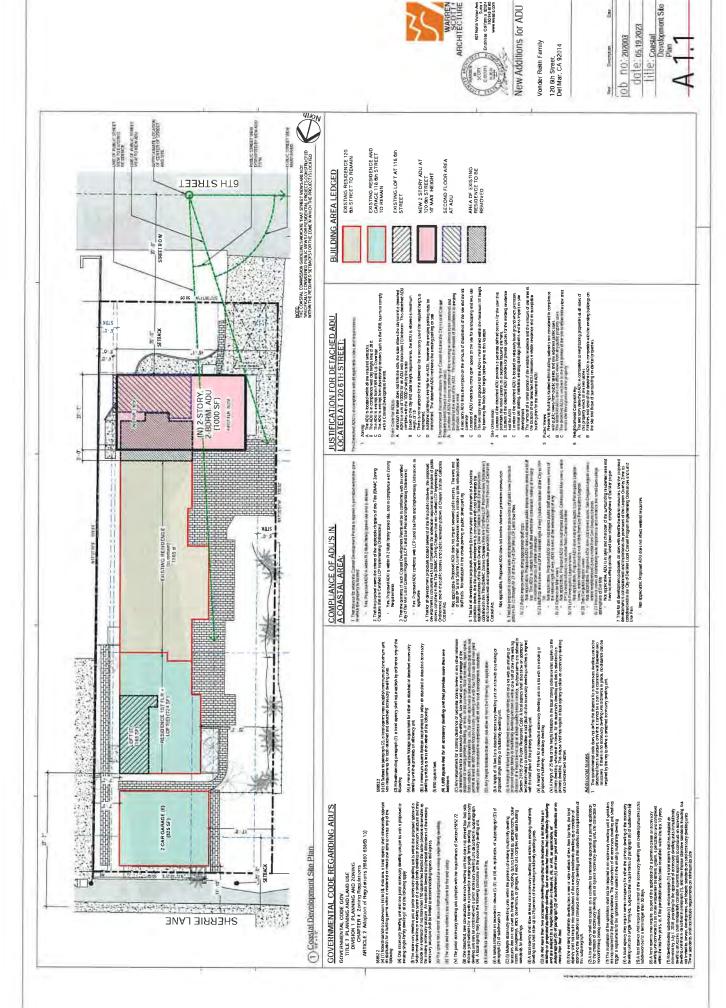
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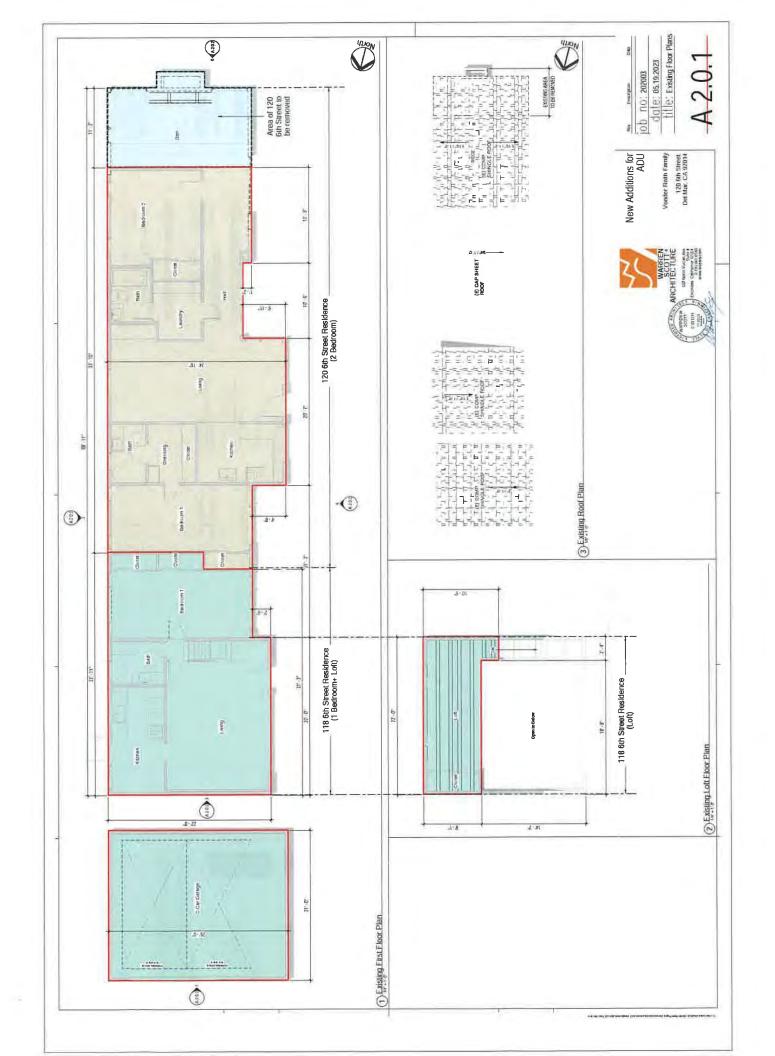
New Additions for ADU

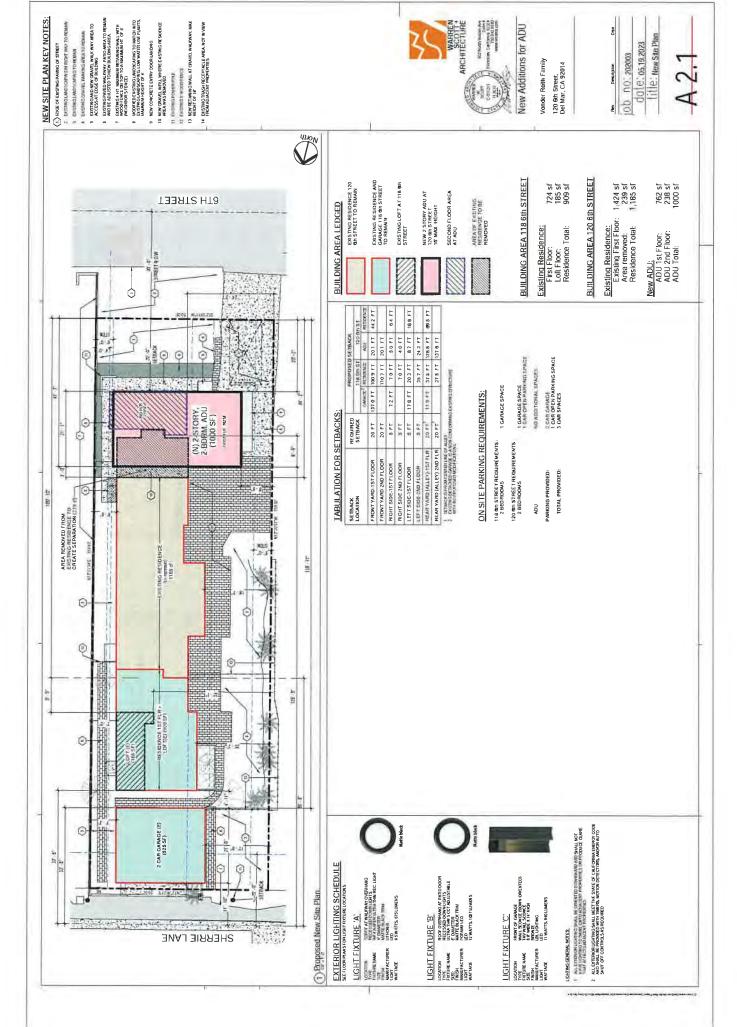
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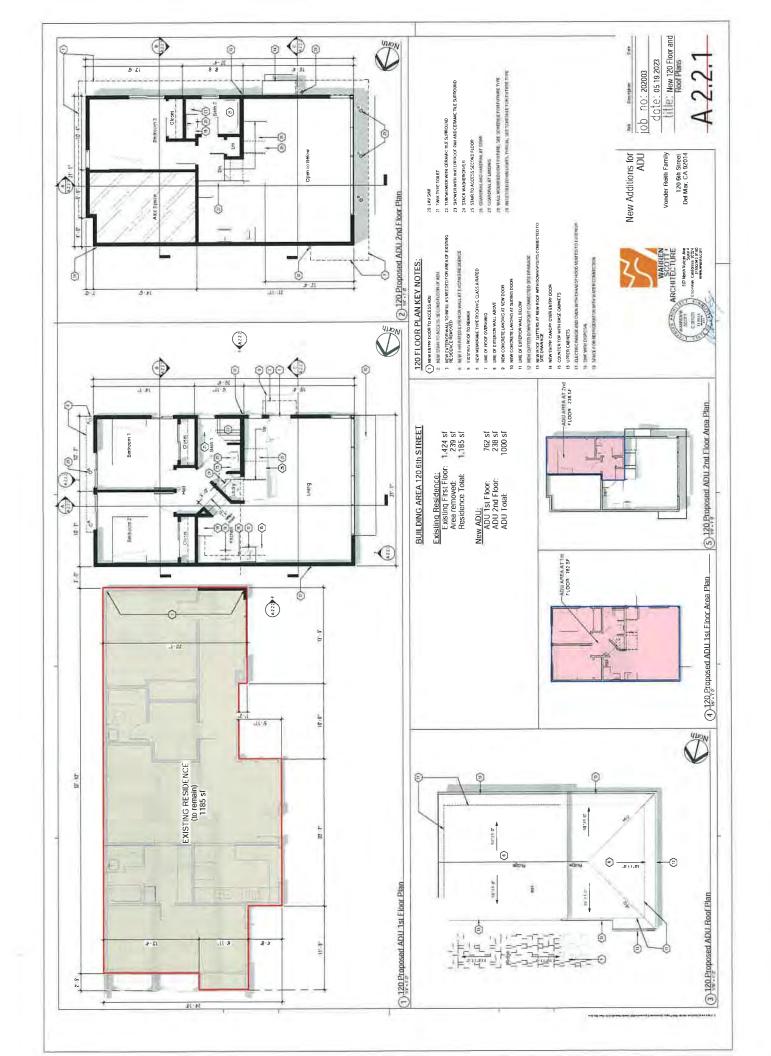
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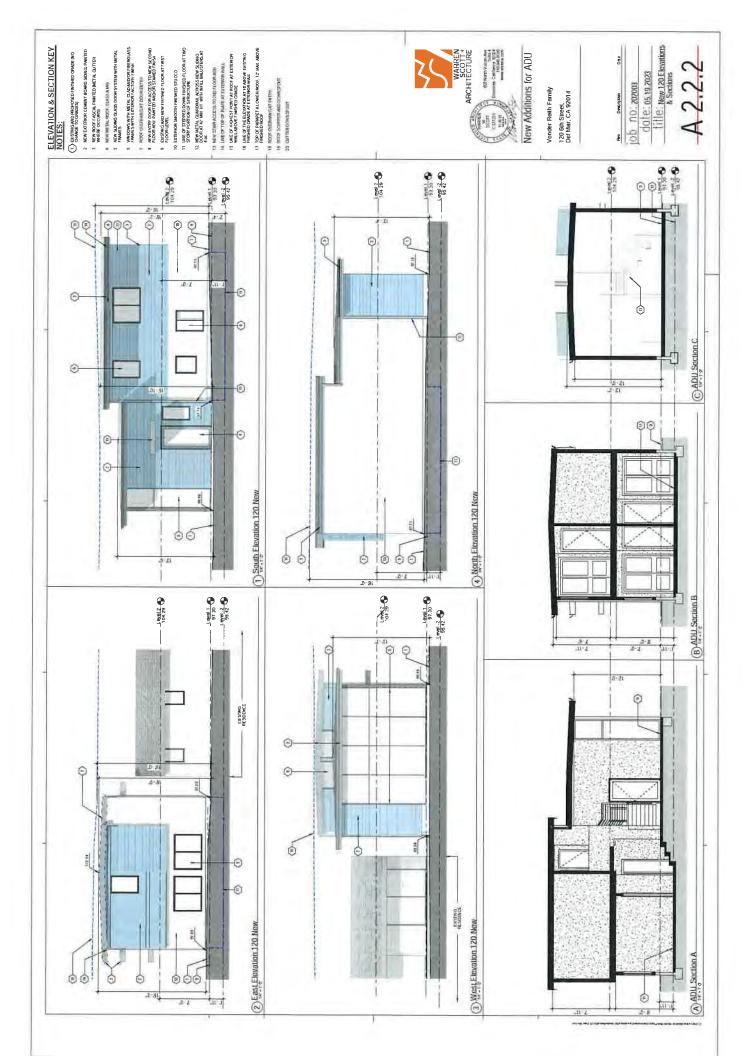
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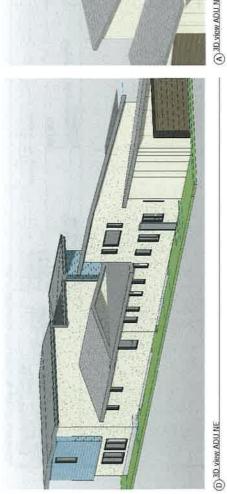


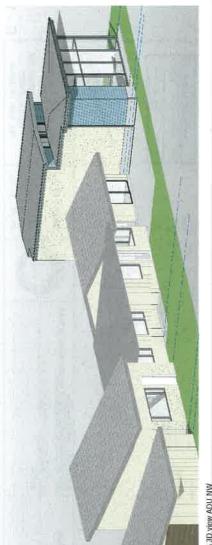




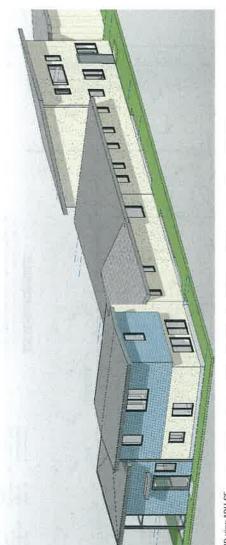








A) 3D view ADU NW



(B) 3D view ADU SE



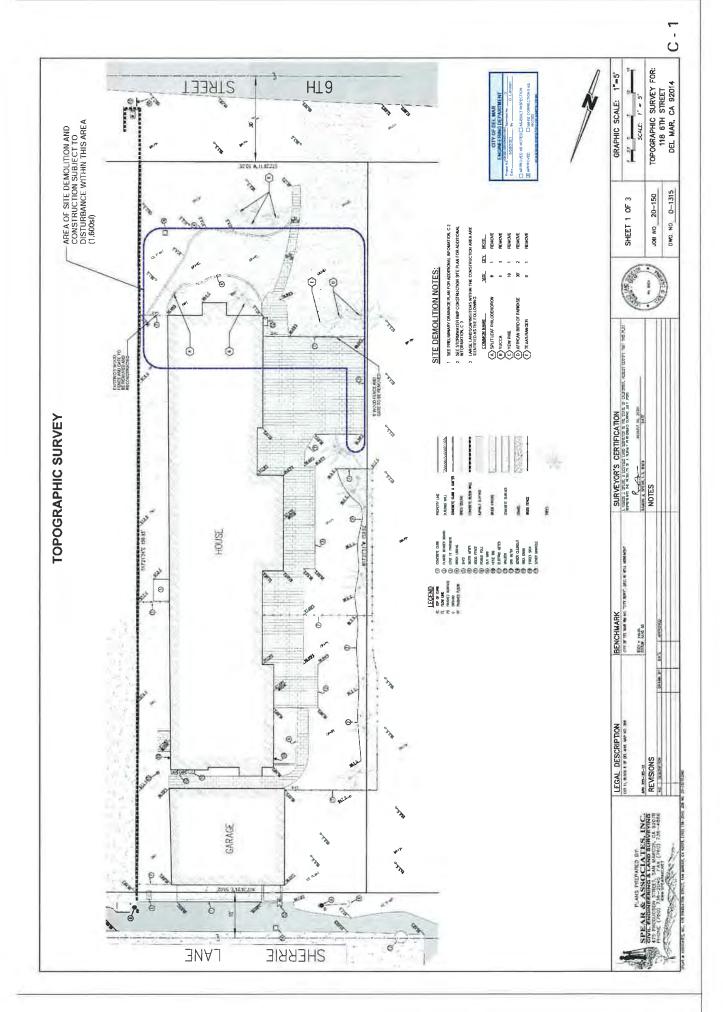
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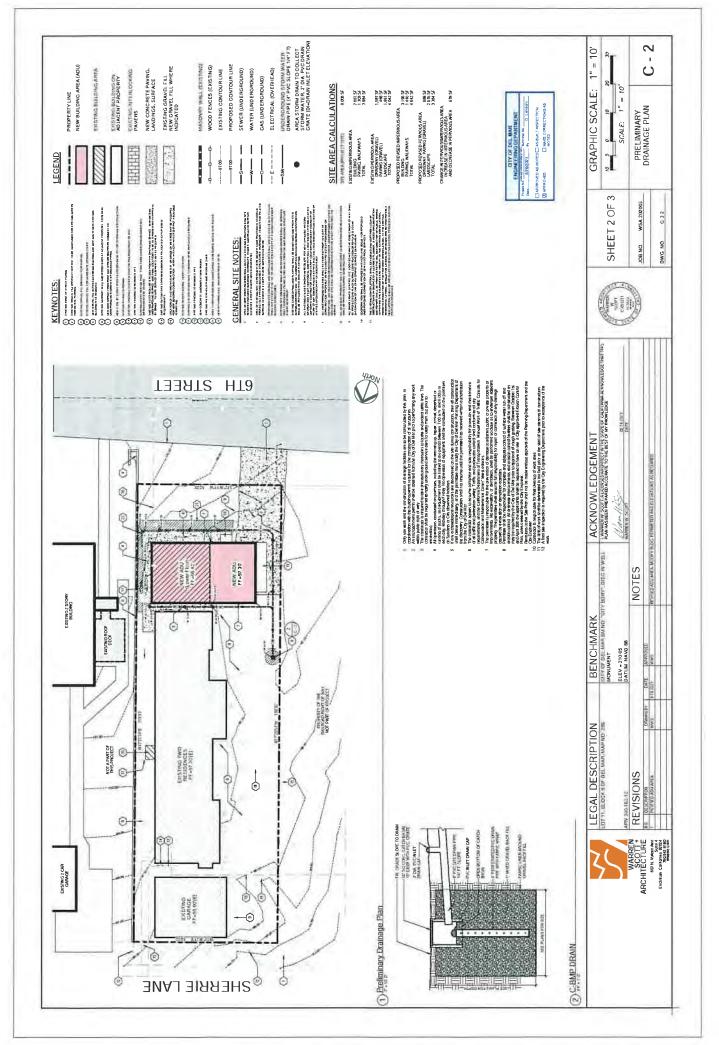
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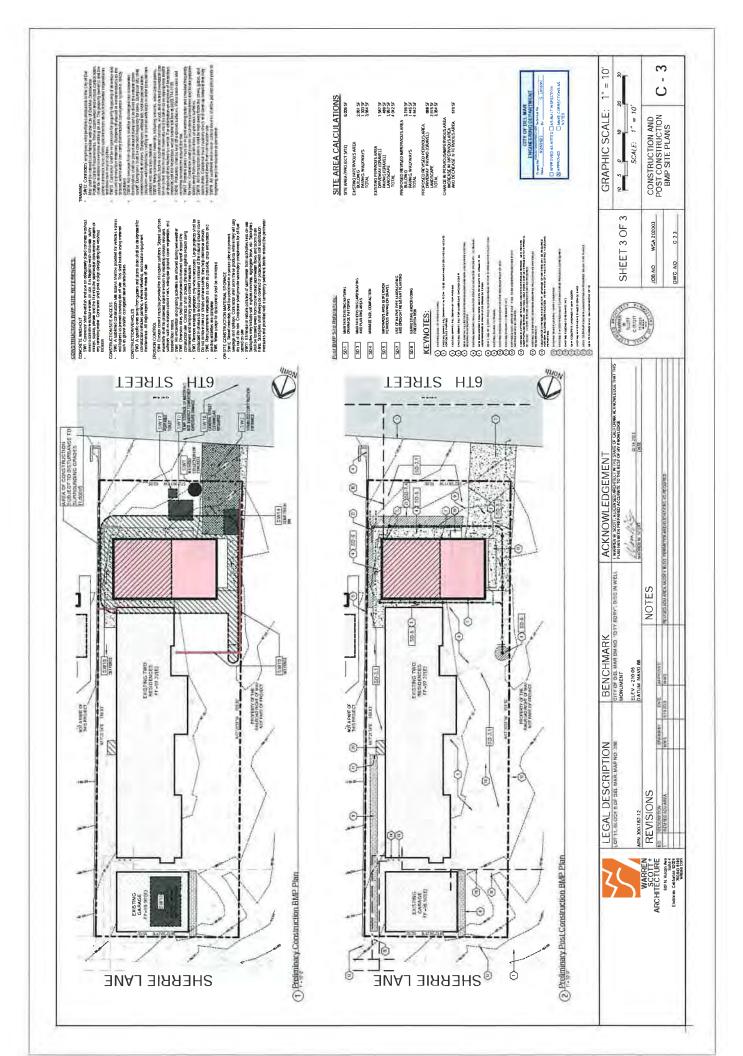
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AT THIS POINT IN A WALK DOWN 6TH STREET, VIEW IS 180 DEGREES

WALKING DISTANCE AT CENTER OF STREET WHERE PARTIAL OCEAN BLOCKAGE OCCURS IS ABOUT 40 STEPS AND ABOUT A 28 SECOND WALK





Key viewpoint photos on following pages

EXHIBIT NO. 6

APPLICATION NO.

A-6-DMR-23-0022

6<sup>th</sup> Street View Analysis



California Coastal Commission



A.1 6th Street View, Existing



A.2 6th Street View, With ADU



B.1 6th Street View, Existing



B.2 6th Street View, With ADU



C.1 6th Street View, Existing



C.2 6th Street View, With ADU



D.1 6th Street View, Existing



D.2 6th Street View, With ADU



E.1 6th Street View, Existing



E.2 6th Street View, With ADU



March 2016 – 2 cars parked in driveway (Google Earth)



3 cars in driveway (applicant's photo)

EXHIBIT NO. 7

APPLICATION NO.

A-6-DMR-23-0022

Parking Imagery

