

State of California, George Deukmejian, Governor
California Coastal Commission
1333 Camino Del Rio, South, Suite 125
San Diego, Ca 92108
(619) 297-9740

APPLICATION FOR COASTAL DEVELOPMENT PERMIT

Type of application:

Standard Permit

Administrative Permit: (May be applicable if development is one of the following:

(a) improvement to any existing structure;

(b) any new development costing less than \$100,000;

(c) single family dwelling; (d) four dwelling units or less, within any incorporated area, that does not require demolition or subdivision of land; or (e) development authorized as a principal permitted use and proposed in an area for which the Land Use Plan has been certified.

SECTION I. APPLICANT

1. Name, mailing address and telephone number of all applicants.

SEE ATTACHMENT A

(Area code/daytime phone number)

2. Name, mailing address and telephone number of applicant's representative, if any.

GROUP DELTA CONSULTANTS, INC. - WALTER F. CRAMPYON, PRINCIPAL ENGINEER

4455 MURPHY CANYON ROAD, SUITE 100, SAN DIEGO, CALIFORNIA 92123

(619) 573-1777

(area code/daytime phone number)

For office use only

Application Number _____ (1) Project cost _____

Received _____ Filed _____ Jurisdiction code _____ (3)

Fee _____ Date paid _____ LCP segment _____ (4)

Tentative hearing date _____ Geo Ref Code _____ (5)

X _____ (6) Y _____ (7)



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3. Who should receive written material relevant to the application?

Applicant Representative Both and Mr. John Mackel @ Sullivan, Workman, & Doe, 800 S. Figueroa, #1200, Los Angeles, CA 90017

4. Conflict of Interest. All applicants for the development must complete Appendix A, the declaration of campaign contributions.

SECTION II. PROPOSED DEVELOPMENT

Please answer ALL questions. Where questions do not apply to your project (for instance, project height for a land division), indicate "Not Applicable" or "N.A."

1. Project Location. Include street address, city, and/or county. If there is no street address, include other description such as nearest cross streets.

Seawall constructed westerly of existing residential structures located at
number (8) street (9)

1924 through 2102 Ocean Front, Del Mar, California

city (10) county (11)

Assessor's Parcel Number SEE ATTACHMENT A

2. Describe the proposed development. Include secondary improvements such as septic tanks, water wells, roads, etc.

Construction of a vertical wall within 5 feet westward of the shoreline protection line, as a protective structure designed to protect existing residential structures and property from ocean flooding and wave damage.

a) If residential, state:

1) Number of units N/A (28)

2) Number of bedrooms per unit N/A (28)

3) Type of ownership proposed: rental N/A
(if other than owner-occupied) condominium
 stock cooperative
 time share
 other

b) Number of boat slips, if applicable N/A (29)

c) If land division, number of lots to be created and size N/A

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3. Present use of property.

- a) Are there existing structures on the property? Yes No
 If yes, describe (including number of residential units and occupancy status).

Sixteen single-family residences on seventeen lots, with westerly patios, decks, fences, and riprap.

- b) Will any existing structures be demolished? Yes No
 Will any existing structures be removed? Yes No
 If yes to either question, describe the type of development to be demolished or removed, including the relocation site, if applicable.

Riprap will be removed and portions of patios, decks, roof eave overhangs, sunrooms, walls and fences will be removed or demolished, as necessary. (31)

4. Estimated cost of development (not including cost of land) \$ 1,000,000 (32)

5. Has any application for a development on this site been submitted previously to the California Coastal Zone Conservation Commission or the Coastal Commission? Yes No

If yes, state previous application number N/A

6. Project height: Maximum height of structure 16.33 ft, MSL Datum ft
 Maximum height of structure as measured from centerline of frontage road N/A ft

7. Total number of floors in structure, including subterranean floors, lofts, and mezzanines N/A

8. Gross floor area including covered parking and accessory buildings N/A sq ft

Gross floor area excluding parking N/A sq ft

9. Lot area (within property lines) N/A sq ft or acres

<u>Lot coverages:</u>	<u>Existing</u>	<u>New proposed</u>	<u>Total</u>
Building coverage	_____ sq ft	_____ sq ft	_____ sq ft
Paved area	_____ sq ft	_____ sq ft	_____ sq ft
Landscaped area	_____ sq ft	_____ sq ft	_____ sq ft
Unimproved area	_____ sq ft	_____ sq ft	_____ sq ft

No change, other than to remove portions of patios, landscaping, and riprap in order to develop more useable public beach.

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10. Parking: number of spaces existing N/A
 number of new spaces proposed _____
 Total _____

no. of covered spaces _____ no. of uncovered spaces _____
 no. of standard spaces _____ size _____
 no. of compact spaces _____ size _____

Is tandem parking existing and/or proposed? Yes No
 If yes, how many tandem sets? _____ size _____

11. Are utility extensions for the following needed to serve the project?

- a) water Yes No
- b) gas Yes No
- c) electric Yes No
- d) sewer Yes No
- e) telephone Yes No

If yes to any of the above, would extensions be above ground? Yes No

SECTION III. ADDITIONAL INFORMATION

The relationship of the development to the applicable items below must be explained fully. Attach additional sheets if necessary.

1. If the development is between the first public road and the sea, is public access to the shoreline and along the coast currently available near the site? Yes No If yes, indicate the location of the nearby access, including the distance from the project site.

Within the site, public access is currently available and will continue to be provided at the 20th and 21st Street street-ends.

2. Is any grading proposed? Yes No If yes, complete the following.

- a) amount of cut _____ cu yds
- b) amount of fill _____ cu yds
- c) maximum height of fill slope _____ ft
- d) maximum height of cut slope _____ ft
- e) amount of import or export _____ cu yds
- f) location of borrow or disposal site _____

Grading and drainage plans must be included with this application. In certain areas, and engineering geology report must also be included. See Section V, paragraph 11 for the specifics of these requirements.

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3. Does the development involve diking, filling, dredging or placing structures in open coastal waters, wetlands, estuaries, or lakes?

- a) diking Yes No c) dredging Yes No
b) filling Yes No d) placement of structures Yes No

Amount of material to be dredged or filled _____ cu yds.

Location of dredged material disposal site _____

Has a U.S. Army Corps of Engineers permit been applied for? Yes No

4. Will the development extend onto or adjoin any beach, tidelands, submerged lands or public trust lands? Yes No

For projects on State-owned lands, additional information may be required as set forth in Section V, paragraph 10.

5. Will the development protect existing lower-cost visitor and recreational facilities? Yes No It will provide protection to public facilities associated with the lifeguard tower (showers, landscaping, benches, drinking fountains) located at the end of 20th Street.

Will the development provide public or private recreational opportunities? Yes No If yes, explain.

It will provide public beach accessways at the 20th and 21st Street street-ends, and will provide funds necessary to remodel the 20th Street lifeguard facility so that it conforms to the boundaries of the shoreline protection area.

6. Will the proposed development convert land currently or previously used for agriculture to another use? Yes No

If yes, how many acres will be converted? _____ acres.

7. Is the proposed development in or near:

- a) sensitive habitat areas Yes No (biological survey may be required)
b) 100-year floodplain Yes No (hydrologic mapping may be required)
c) park or recreation area Yes No

8. Is the proposed development visible from:

- a) US Highway 1 or other scenic route Yes No
b) park, beach, or recreation area Yes No
c) harbor area Yes No

9. Does the site contain any:

- a) historic resources Yes No
b) archaeological resources Yes No
c) paleontological resources Yes No

If yes to any of the above, please explain on an attached sheet.

10. Where a stream or spring is to be diverted, provide the following information:

Estimated streamflow or spring yield N/A gpm

If well is being used, existing yield N/A gpm

If water source is on adjacent property, attach Division of Water Rights approval and property owner's approval.

SECTION IV. OTHER GOVERNMENTAL REQUIREMENTS

The Local Agency Review Form, Appendix B, must be completed and signed by the local government in whose jurisdiction the project site is located. The completed and signed form must be submitted with this application for the application to be considered complete.

SECTION V. ADDITIONAL ATTACHMENTS

The following items must be submitted with this form as part of the application.

- 1. Proof of the applicant's legal interest in the property. (A copy of any of the following will be acceptable: current tax bill, recorded deed, signed Offer to Purchase along with a receipt of deposit, signed final escrow document, or current policy of title insurance. Preliminary title reports will not be accepted.)
- 2. Assessor's parcel map(s) showing the applicant's property and all other properties within 100 feet (excluding roads) of the property lines of the project site. (Available from the County Assessor)
- 3. Copies of required local approvals for the proposed project, including zoning variances, use permits, etc., as noted on Local Agency Review Form, Appendix B.
- 4. Stamped envelopes addressed to each property owner and occupant of property situated within 100 feet of the property lines of the project site (excluding roads), along with a list containing the names, addresses and assessor's parcel numbers of same. The envelopes must be plain (i.e., no return address), and regular business size (9½" x 4 1/8"). Include first class postage on each one. Metered envelopes will not be accepted. Use Appendix C, attached, for the listing of names and addresses. (Alternate notice provisions may be employed at the discretion of the District Director under extraordinary circumstances.) (Envelopes are not required for Administrative items, but the list must be submitted for all items.)
- 5. Stamped, addressed envelopes and a list of names and addresses of all other parties known to the applicant to have an interest in the proposed development (such as persons expressing interest at a local government hearing, etc.).
- 6. A vicinity or location map (copy of Thomas Bros. or other road map or USGS quad map) with the project site clearly marked.

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- 7. Copy(s) of project plans, drawn to scale, including site plans, floor plans, elevations, grading and drainage plans, landscape plans, and septic system plans. Trees to be removed must be marked on the site plan. In addition, a reduced site plan, 8½" x 11" in size, must be submitted. Reduced copies of complete project plans will be required for large projects.
- 8. Application fee. The fee for all administrative calendar items is \$25. The fee for all consent calendar items is \$50. The fee for regular calendar items varies depending upon the project size. Contact District Office for exact fee. Only checks or money orders accepted; cash is not accepted. Fee is payable at time of application submittal.
- 9. Where septic systems are proposed, evidence of County approval or Regional Water Quality Control Board approval. Where water wells are proposed, evidence of County review and approval.
- 10. A copy of any Final Negative Declaration, Final Environmental Impact Report (FEIR) or Final Environmental Impact Statement (FEIS) prepared for the project. Comments of all reviewing agencies and responses to comments must be included.
- 11. Verification of all other permits, permissions or approvals applied for or granted by public agencies (e.g., Dept. of Fish and Game, State Lands Commission, U.S. Army Corps of Engineers, U.S. Coast Guard).
- 12. For development on a bluff face, bluff top, or in any area of high geologic risk, a comprehensive, site-specific geology and soils report (including maps) prepared in accordance with the Coastal Commission's Interpretive Guidelines. Copies of the guidelines are available from the District Office.

SECTION VI. NOTICE TO APPLICANTS

Under certain circumstances, additional material may be required prior to issuance of a coastal development permit. For example, where offers of access or open space dedication are required, preliminary title reports, land surveys, legal descriptions, subordination agreements, and other outside agreements will be required prior to issuance of the permit.

In addition, the Commission may adopt or amend regulations affecting the issuance of coastal development permits. If you would like notice of such proposals during the pendency of this application of such proposals that are reasonably related to this application indicate that desire.

Yes No

SECTION VII. AUTHORIZATION OF AGENT

I hereby authorize WALTER F. CRAMPTON
to act as my representative and to bind me in all matters concerning this application.

Earle W. Frey, Jr.
Designated Homeowners' Representative
Earle W. Frey, Jr.

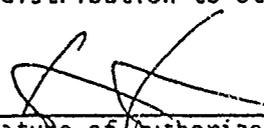
SEE ATTACHED LETTER OF MAY 20, 1991
FROM APPLICANT'S ATTORNEY
3125
Signature of Applicant(s)

SECTION VIII. CERTIFICATION

1. I hereby certify that I, or my authorized representative, will complete and post the Notice of Pending Permit card in a conspicuous place on the property within 3 days of receipt of the card and notification of filing of this application.
2. I hereby certify that I understand the Commission may impose reasonable conditions that must be satisfied by persons that are not a party to this application and that prior to issuance of the permit, I must submit evidence that the conditions will be satisfied by the appropriate parties.
3. I hereby certify that I have read this completed application and that, to the best of my knowledge, the information in this application and all attached appendices and exhibits is complete and correct. I understand that any misstatement or omission of the requested information or of any information subsequently requested shall be grounds for denying the permit, for suspending or revoking a permit issued on the basis of these or subsequent representations, or for seeking of such further relief as may seem proper to the Commission.
4. I hereby authorize representatives of the California Coastal Commission to conduct site inspections on my property. Unless arranged otherwise, these site inspections shall take place between the hours of 8:00 am and 5:00 pm.

SECTION XIV. COMMUNICATION WITH COMMISSIONERS

Decisions of the Coastal Commission must be made on the basis of information available to all commissioners and the public. Therefore, permit applicants and interested parties and their representatives are advised not to discuss with commissioners any matters relating to a permit outside the public hearing. Such contacts may jeopardize the fairness of the hearing and result in invalidation of the Commission's decision by court. Any written material sent to a commissioner should also be sent to the commission office for inclusion in the public record and distribution to other commissioners.



Signature of Authorized Agent or Applicant(s)

APPLICATION FOR COASTAL DEVELOPMENT PERMIT

APPENDIX A

DECLARATION OF CAMPAIGN CONTRIBUTIONS

Government Code Section 84308 prohibits any Commissioner voting on a project if he or she has received campaign contributions of \$250 or more within the past year from project proponents or opponents, their agents, employees or family, or any person with a financial interest in the project.

In the event of such contributions, a Commissioner must disqualify him or herself from voting on the project; failure to do so may lead to revocation of the permit.

Each applicant must declare below whether any such contributions have been made to any of the Commissioners or Alternates. A list of Commissioners and Alternates is available from the District office.

CHECK ONE

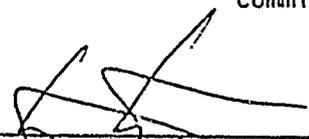
 X The applicants, their agents, employees, family and any person with a financial interest in the project HAVE NOT CONTRIBUTED \$250 or more to any Commissioner(s) or Alternates within the past year.

 The applicants, their agents, employees, and/or family, and/or any person having a financial interest in the project HAVE CONTRIBUTED \$250 or more to the Commissioner(s) or Alternates listed below within the past year.

Commissioner _____

Commissioner _____

Commissioner _____



Signature of Applicant or Authorized Agent

MAY 22, 1991
Date

Please print your name WALTER F. CRAMPTON

MAY 23 1991
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APPLICATION FOR COASTAL DEVELOPMENT PERMIT

APPENDIX B

LOCAL AGENCY REVIEW FORM

SECTION A (To be completed by applicant)

Applicant WALTER F. CRAMPTON, GROUP DELTA CONSULTANTS, INC.

Project description Construction of a vertical wall within the shoreline protection area, or within 5 feet westward of the shoreline protection line, as a protective structure designed to protect existing residential structures and property from ocean flooding and wave damage.

Location Seawall constructed westerly of existing residential structures located at 1924 through 2102 Ocean Front, Del Mar, CA Assessor's Parcel Number SEE ATTACHMENT A

SECTION B (To be completed by local planning or building inspection department)

Zoning designation Public Parkland/ R1-5b du/ac

General or Community Plan designation Beaches/ Bluffs du/ac

Local Discretionary Approvals

- Proposed development meets all zoning requirements and needs no local permits other than building permits.
- Proposed development needs local discretionary approvals noted below.

Needed Received

- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Design/Architectural review |
| <input type="checkbox"/> | <input type="checkbox"/> | Variance for _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | Rezone from _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | Tentative Subdivision/Parcel Map No. _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | Grading/Land Development Permit No. _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | Planned Residential/Commercial Development |
| <input type="checkbox"/> | <input type="checkbox"/> | Site Plan Review |
| <input type="checkbox"/> | <input type="checkbox"/> | Condominium Conversion Permit |
| <input type="checkbox"/> | <input type="checkbox"/> | Condition , Special, or Major Use Permit No. _____ |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Other <u>Shorline Protection Permit (SPP)</u> |

CEQA Status

- Categorically Exempt - Class _____ Item _____
- Negative Declaration Granted April 15, 1991
- Environmental Impact Report Required, Final Report certified _____

Prepared for the City/County of Del Mar by Chris Miller

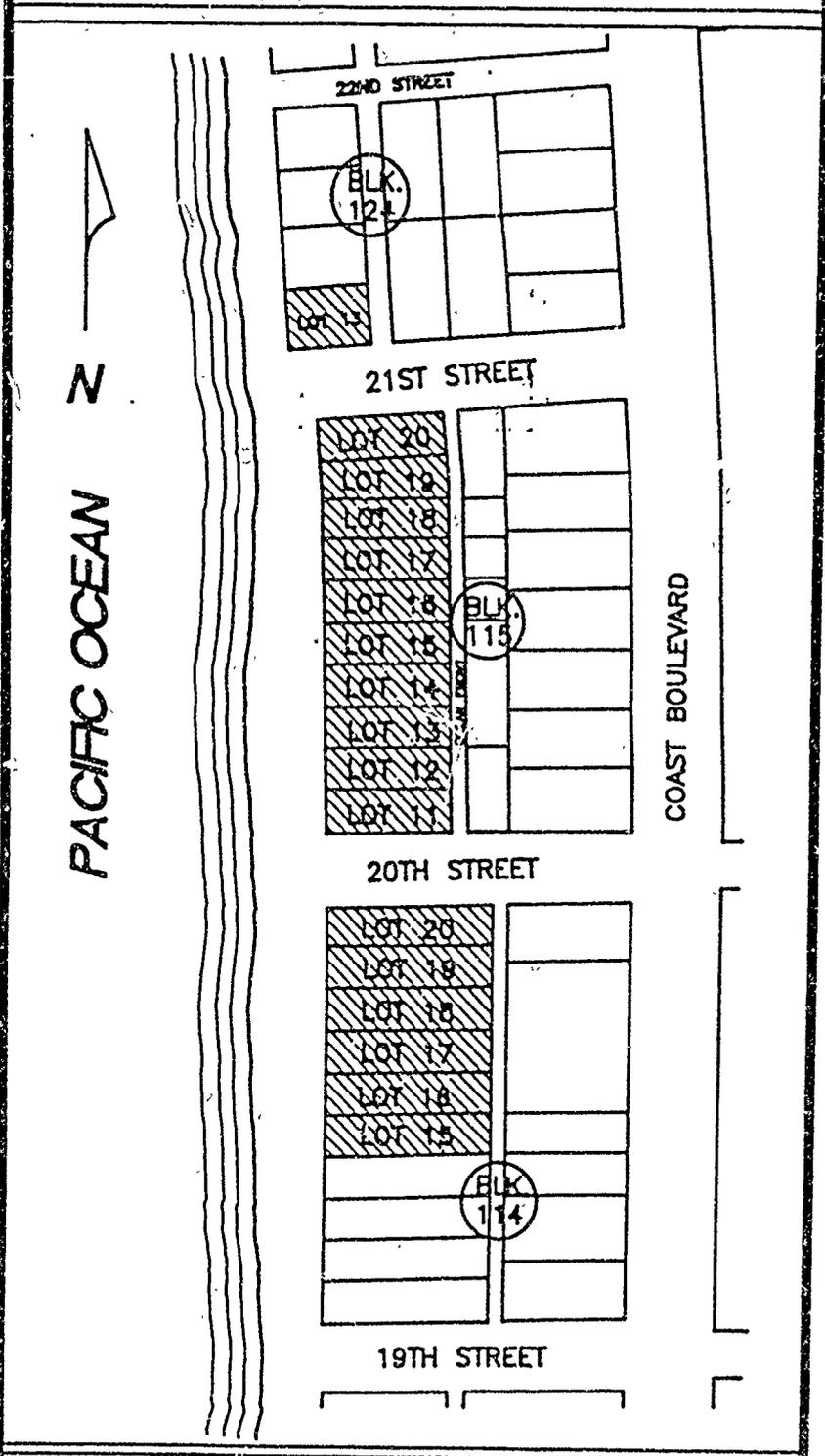
CALIFORNIA
 APR 17 1991
 7:44
 Chris Miller

APPLICATION FOR COASTAL DEVELOPMENT PERMIT

APPENDIX C - List of Property Owners and Occupants within 100 feet

<p>Please use one box per name and address. Additional copies will be mailed upon request.</p>	<p>Joann Phillips 1470 Neptune Ave. Leucadia, CA 92024</p>	<p>Paul Oman P.O. Box 49757 Los Angeles, CA 90049</p>
<p>Patricia C. Duckett 345 S. Figueroa Street No. 302 Los Angeles, CA 90071</p>	<p>Gordon M. Walton 4811 Sun Valley Road Del Mar, CA 92014</p>	<p>Harold B. Starkey 849 Sunset Cliffs Blvd. San Diego, CA 92107</p>
<p>Jeffry E. & Anna M. Persons 1442 Irvine Blvd., No. 225 Tustin, CA 92680</p>	<p>Mercy Cruz Rosenblum 2014 Coast Boulevard Del Mar, CA 92014-2120</p>	<p>Nancy L. & H. Randall Stoke 1920 Coast Boulevard Del Mar, CA 92014-2118</p>
<p>Leslie M. Crouch 2484 Hotel Circle Pl. San Diego, CA 92108</p>	<p>John S. Pingel P.O. Box 45088 Dallas, TX 75235</p>	<p>Vast Development 1547 Tarrytown San Mateo, CA 94402</p>
<p>Thomas Werner 2121 Avenue of the Stars Los Angeles, CA 90067</p>	<p>Jock E. J. Jocoy 2118 Ocean Front Del Mar, CA 92014-2132</p>	<p>Mark P. Neary 1904 Coast Boulevard Del Mar, CA 92014-2118</p>
<p>Ben L. Bear 2040 Ocean Front Del Mar, CA 92014</p>	<p>Charlyne Lyons 2125 Ocean Front Del Mar, CA 92014-2131</p>	<p>Richard Mallery 2201 E. Georgia Ave. Phoenix, AZ 85016</p>
<p>David W. Keirsej P.O. Box 2082 Del Mar, CA 92014</p>	<p>John D. Case 22 Lake Helix Dr. La Mesa, CA 92041</p>	<p>Lorens H. Good P.O. Box 217 Del Mar, CA 92014</p>
<p>Milton M. Cerf 4737 Paradise Dr. Tiburon, CA 94920</p>	<p>Nicholas D. Holland 2102 Coast Boulevard Del Mar, CA 92014-2122</p>	<p>James A. Charnholm P.O. Box 459 Del Mar, CA 92014</p>
<p>Bonds Properties Co. 900 Kearney Street El Cerrito, CA 94530</p>	<p>Edward Nahem 130 21st Street Del Mar, CA 92014-2106</p>	
<p>Richard R. & Debo Logiurato 2659 Buenos Aires Covina, CA 91722</p>	<p>D. W. Hyder 2111 Ocean Front Del Mar, CA 92014</p>	<p>487.45 3132</p>

MAP REFERENCE:
THOMAS BROTHERS
PAGE: 34
COORDINATES: A2



VICINITY MAP

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EXHIBIT "D"

RESOLUTION NO. 91-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR APPROVING A SHORELINE PROTECTION PERMIT (SPP-90-03) FOR AN APPROXIMATE 692 FOOT LONG VERTICAL SHEET-PILE SEAWALL WITH RETURN WALLS TO BE LOCATED SO THAT THE EAST FACE OF THE SEAWALL COINCIDES WITH THE SPA LINE AND THE WEST FACE OF THE SEAWALL IS 2 1/2 FEET WEST OF THE SPA LINE, ADJACENT TO 1924 THROUGH 2102 OCEAN FRONT, WITH THE EXCEPTION OF THE PROPERTIES LOCATED AT 2008, 2028, 2034, and 2040 OCEAN FRONT WHICH SHALL BE LOCATED SO THAT THE WESTERLY FACE OF THE SEAWALL IS LOCATED 5 FEET WEST OF SPA LINE.

Applicant: Walter Crampton, Group Delta Consultants, Inc.

Owners: See exhibit A

WHEREAS, on March 18, 1991, April 1, 1991 and April 15, 1991, the City Council of the City of Del Mar held a duly advertised public hearing to consider the merits of approving Shoreline Protection Permit application SPP-90-03 and,

WHEREAS, pursuant to an Initial Environmental Assessment per the requirements of the California Environmental Quality Act, it has been determined that based on the adoption of mitigation measures, this proposal will not have the potential for any significant unmitigated negative environmental effects; public notice of the determination of Negative Declaration has been provided as required by the State and Local CEQA Guidelines, and no challenges to this finding have been filed; and,

WHEREAS, the Council has reviewed, considered, and found adequate Program EIR, E-89-1, certified by City Council Resolution No. 89-56, and finds said EIR adequate to support the previously issued Negative Declaration for this project and, therefore, recertifies the adequacy of said Negative Declaration in reliance on said EIR as well as on the previously approved Initial Study; and,

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WHEREAS, at said public hearing the City Council considered the staff report, general background studies and related documents and public testimony and written comments; and,

WHEREAS, the Council has reviewed and considered the site specific, lot by lot analysis provided by the applicants which is part of the official record, showing the applicants' justifications for encroachment into the SPA area; and

WHEREAS, the Council has considered various staff reports and analyses on the location issues, including the input of the City's Coastal Engineer; and

WHEREAS, the Council considered the information and input of Dr. Inman of Scripps Institute; and

WHEREAS, the Council considered the public benefits to be provided to the City as a result of this project; and

WHEREAS, the Council considered precedents established by the City in its approval of prior seawall applications; and

WHEREAS, the Council contemplated the "feasibility", as that term is used in the Beach Protection Initiative, or requiring a location of the wall closer to the private property line than is authorized by the approval; and

WHEREAS, the Council considered the testimony and input of those who appeared at the public hearings; and

WHEREAS, on April 15, 1991 a motion was duly made and seconded to approve SPP-90-03, as conditioned, based on the following findings:

A. The proposed use is required to protect existing structures and, as conditioned, is designed to mitigate adverse impacts to the shoreline sand supply, the private property owners, and the public.

B. The proposed use will not, as conditioned, adversely affect the Community Plan in that the use is consistent with the Community Plan, is permitted by Chapter 30.50 of the Municipal Code, and is consistent with the California Coastal Act and the City's Land Use Plan portion of its Local Coastal Program now pending before the Coastal Commission, and

C. The proposed use, as conditioned, will minimize risks to life and property in that the proposed structure will protect existing easterly structures.

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D. The proposed use, as conditioned, will ensure structural integrity and stability and will not significantly create nor contribute to erosion, geologic instability, or destruction of the site or surrounding areas since as proposed the construction is to be located on a stringline with minimal breaks or offsets in the wall.

E. The proposed use is consistent with the goals and regulations of the California Coastal Act since the project involves the construction of a vertical seawall. The engineering design and location include the use of measures designed to minimize shoreline erosion. The alignment of the wall has been design to minimize on lateral access along sandy beach recognizing the Coastal Act requirements to afford protection to existing developments. Vertical access is provided at 20th and 21st Street.

F. The proposed project is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act because it will maximize lateral access and will accommodate needed vertical access at the 20th and 21st street ends.

G. The proposed materials and design are consistent with good engineering practices.

H. The proposed use and its development will be consistent with the goals and regulations of the City's Municipal Code, Community Plan and Beach Preservation Initiative, since the project and its development are permitted in this location.

I. The proposed project as approved is the least damaging, feasible environmental project. As conditioned the project will minimize sand erosion, wave overtopping and flood/wave damage because the wall is located as far inland (landward) as feasible, has a re-curved face and is well designed. The proposed location and design represent the best environmental solution taking into account all relevant factors, including private property rights, public beach rights, the need to maximize useable public beach, and the feasibility and cost of the alternatives.

J. The proposed encroachment of 2-1/2 feet to accommodate the width of the proposed wall (2 feet) and the wave reflector (6 inches) is engineeringly necessary, is feasible, and is the environmentally least damaging alternative for all the following reasons:

K. The proposed project will have an eventual uniform alignment of the wall which is recommended by the EIR, is visually more pleasing to the public and the private owners, causes less erosion, is less costly, and minimizes the concentration of wave energy which results from angles and offsets.

L. Assessment District financing is contemplated for this project, and consequently, it is necessary to align the wall so that it abuts the SPA line located on public property. The 2.5 foot encroachment is the minimum possible to accommodate assessment district financing which is an important part of the project.

M. The only alternative would be to vary the wall in and out on a lot by lot basis. This would result in multiple offsets and angles and consequent adverse impacts. The Council finds that the public interest in securing a uniform wall outweighs any encroachment which might be avoided by a strict lot by lot analysis (with the exception of the Special Situation Lots addressed below), particularly in light of the relatively minor amount of encroachment proposed at 2.5 feet.

N. As to the few special lots (2008, 2028, 2034 and 2040 Ocean Front) where an additional encroachment is allowed, the Council finds that site specific conditions on these lots support the additional encroachment and support the proposed specific findings as to these lots.

1. Bear, Sullivan, Werner. As to the Bear, Sullivan and Werner lots, the facts show, and the Council finds, that the risk of damage to improvements due to the proximity of the private improvements to the SPA line supports the additional encroachment. Permitting these properties to encroach to the five foot line will give these properties the additional protection against construction related damage that the other applicants in the group will have.

O. The Council further finds that while the facts are not identical as to the Bear, Werner, and Sullivan properties, and arguably different encroachments could be approved as to each lot, the public and private interests involved are best served by a uniform alignment across these three properties. The uniform wall will minimize offsets and the adverse effects thereof as discussed in detail during these proceedings. This interest outweighs any interest in support of granting different encroachments to these three lots.

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1. Campbell Alternate 1, Approval of 5 feet. As to the Campbell property, the Council finds that a structural column is 4.1 feet from the SPA line and the rest of the bearing wall fronting the beach is 5.1 feet from the SPA line. The evidence indicates that the foundation for the column and the home are old and probably brittle. In contrast to the Royce home, the Campbell home is 2 stories and of different construction; all of which make it more vulnerable to construction related problems. Accordingly, the council finds that an additional encroachment up to a five foot line is necessary and justified to provide a reasonable amount of protection to the structure from construction related impacts.

The council recognizes that some foundation reinforcing or underpinning may be prudent in any event, but finds that the facts as to this lot are substantially different from the facts of the Royce lot, for the reasons stated herein and noted in the applicants' submittal.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Del Mar that Shoreline Protection Permit Application SPP-90-03 is hereby approved based on the plans, on file in the Planning Department office and subject to the following conditions:

1. The site shall be developed in accordance with the approved plans on file in the Planning Department and the conditions contained herein.
2. The easterly face of the seawall shall coincide with the SPA line and the westerly face of the seawall cap shall extend 2 1/2 feet westward of the SPA line for the properties located adjacent to 1924 through 2102 Ocean Front with the exception of the properties located at 2008, 2028, 2034 and 2040 Ocean Front which shall be located so that the westerly face of the seawall is located 5 feet west of the SPA line.
3. Should any owner elect not to construct the proposed seawall on (in front of) his or her property, construction of the remainder of the proposed seawall by the other owners may proceed provided: 1) all other relevant conditions herein are satisfied; 2) revised plans incorporating appropriate return walls or other lateral protective devices at each terminus created by the resulting modification to the project are submitted to the City of Del Mar, and approved by the City Manager, prior to the completion of the affected segment of the seawall; and 3) The City Manager finds that there will be no unmitigated adverse impact to the public, the public beach or the adjoining owners as a result of the change.

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4. This permit is only valid as to those properties whose owners have signed the Shoreline Protection Permit application and who sign accepting the terms of this permit as approved.
5. As a condition of this approval the applicants agree to install a "phase 2" rip-rap toe as an addition to the seawall project along its entire length, at the time that the average sand elevation, as determined by the City's Coastal Engineer, west of the seawall declines to the 0.0 foot level, NGVD, or lower, as a result of natural forces. The applicants understand that the installation of this "Phase 2" rip-rap toe is a mitigation measure to mitigate adverse sand erosion impacts to the public beach and forms a material part of the approval of this application and the authorized seawall encroachment onto public property.

The delayed installation of phase 2 is authorized to minimize the expense to the applicants which would otherwise result from substantial sand excavation and to minimize construction impacts to the beach which would result from immediate installation of the rip-rap toe.

Acceptance of this permit shall constitute an agreement by the applicants and a covenant running with the land binding upon each applicant's property for the benefit of the adjoining public beach property. Acceptance of the permit will also waive opposition and any protest right that such property may have to a future Assessment District, or to an amendment to an existing Assessment District if one is formed to finance the seawall project; to finance the rip-rap toe installation project.

In addition to the foregoing general requirements, the following specific requirements shall apply as part of this Condition:

A. Design. The rip-rap toe shall be properly engineered and designed to comply with the Beach Preservation Initiative. The design shall be certified by a Coastal Engineer and shall be approved by the City Manager.

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B. Time of Installation. The proceedings to establish an Assessment District to finance the rip-rap project, and the engineering and design of the toe, shall be processed within one year of the date of approval of this application so that installation can proceed promptly when the indicated sand level is reached. Upon notice from the City that the indicated sand level has been reached and that it is safe to begin construction, the project shall commence and be diligently pursued to completion.

C. Carry Forward of Other Conditions. All other conditions of this approval, including construction-related conditions, shall remain in full force and effect as to the rip-rap project.

D. Financing. The City agrees to initiate assessment district proceedings for the phase 2 project without the need for a landowner petition upon the deposit by the applicants of funds to pay for the costs of initial proceedings. If the district is formed, these advance costs may be reimbursed from the district to the extent permitted by law. If the district is not formed for any reason, any unused balance shall be refunded to those who made the deposit.

Only the applicants' properties will be included in the district to be assessed for the phase 2 project unless the inclusion of other properties is required by law or unless the City and the affected owners agree.

While it is contemplated that the phase 2 project will be financed through assessment district proceedings, approval and establishment of such a district is not a condition precedent or subsequent to the obligations of this condition. This condition shall remain binding in any event.

CALENDAR PAGE 2017.53
MINUTE 3140

6. Considering the input on the issue of a windscreen device, the City Council hereby finds that a windscreen element serves a primarily aesthetic function, with limited protective capability. The Council further finds that protection could be provided equally or better by elevating the wall or through the use of removable partitions. The Council finds that maintaining a windscreen year round would have a negative visual impact in regards to maintaining coastal views. However, the City Council hereby finds that a protective screen, if removable and only raised between November 15 and removed no later than April 15 of each year, could afford property owners protection equivalent to, or better than, the proposed windscreen without the negative year round visual impacts. Therefore, a removable screening device which can accommodate either sheet metal, plywood or lexan is a feasible, cost effective, and less environmentally damaging alternative than a fixed screen device, and the project is approved with the option for a removable screen device, subject to review and approval of the design by the City Manager.
7. The color of the concrete cap shall match with the color of the beach sand.
8. The applicants/owners agree to indemnify, defend and save the City of Del Mar, its authorized agents, officers, representatives and employees harmless from and against any and all penalties, claims, liabilities or annoyances or loss resulting from claims or court action and arising out of any accident, loss or damage to persons or property happening or occurring as a proximate result of any work undertaken under the permit granted pursuant to the application.
9. The applicant agrees that if any tank, pipe, conduit, duct, tunnel or other installation of any nature or kind placed in the structure for which the permit is issued which shall at any time in the future interfere with the use, repair, improvement, widening, or change of grade of the affected public property, the applicants, or their successors or assigns, within ten (10) working days after the receipt of a written notice from the City Manager to do so, will at their own expense either remove such tank, pipe, conduit, duct, tunnel or other installation, or subject to the approval of the City Manager, relocate them to a site which may be designated by the City Manager.

CALENDAR

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MINUTE

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10. The contractor/owners hereby agree to notify the Superintendent of Public Works and the Lifeguard Department in writing at least twenty-four (24) hours in advance of the time when work will be started. Contractor/owners will, upon completion of the work, immediately notify the Planning Director in writing of such completion.
11. Contractor/owners shall notify the appropriate utility owner forty-eight (48) hours prior to performing any work on or adjacent to any public utility. All such work shall be done only with authorization and with inspection by the appropriate utility owner.
12. The contractor shall provide a minimum of one (1) flag person to be on site at all times during the operation of heavy equipment. In addition, the contractor shall be subject to all safety measures required by the Lifeguard Department during construction.
13. If the contractor/owners propose to stock pile equipment or materials, a staging plan shall be submitted to the City of Del Mar, in advance, for the approval of the City Manager.
14. Any damage to existing public facilities caused by construction, shall be repaired to the satisfaction of the City Manager.
15. No material or equipment shall be stored on public streets or rights-of-ways without prior written authority from the City Manager.
16. Vertical and lateral pedestrian and lifeguard beach access shall be maintained during construction at 19th, 20th and 21st streets and lateral access shall be maintained above the Mean High Tide line or as required by the Lifeguard Department of the City of Del Mar.
17. All sand removed from the beach shall be replaced to the satisfaction of the City Manager.
18. Prior to the commencement of construction, the owners shall have issued in favor of the City of Del Mar a letter of credit, cash deposit or other appropriate security, the form and content of which is acceptable to the City, in the amount of \$ 90,000.00 dollars.

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19. Construction work shall only take place between 7:00 a.m and 7:00 p.m. Monday through Friday, and 9:00 a.m. to 7:00 p.m. Saturdays, in order to minimize noise and vibration levels and construction impacts. No construction work shall be performed on Sundays or City holidays and shall be consistent with the City Noise Ordinance Chapter 9.20 of the Del Mar Municipal Code.
20. Prior to the commencement of work, all contractors and subcontractors shall first obtain a valid City of Del Mar Business License.
21. To protect the public interest, the contractor/owners shall be required to file a certificate of insurance evidencing coverage of bodily injury or property damage liability subject to the approval of the City Manager.
22. The project is approved subject to all the mitigation measures set forth herein.
23. The applicants/owners are required to obtain a written clearance from the State Lands Commission with respect to the location of the wall as a condition precedent to the effectiveness of this permit.
24. Mitigated Negative Declaration (Attachment B to staff report dated April 15, 1991) is hereby certified for the project, and the Council certifies that it has reviewed, considered and found adequate for this project the information in Program EIR 89-1 and in the referenced Mitigated Negative Declaration. This permit shall not be effective until said Mitigated Negative Declaration becomes final.
25. The applicants/owners understand that a Coastal Permit issued by the Coastal Commission is required for this project.
26. The owners file a statement of acceptance of conditions stating that the owners have read and understand and accept the conditions listed above and shall prior to the commencement of construction, return a signed statement accepting said conditions.

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27. This permit and its terms and conditions shall be recorded against the subject properties.
28. The attached Mitigation and Monitoring Plan is hereby approved as a condition of the permit. Mitigation and monitoring shall be overseen by the Planning Department.

THIS APPROVAL IS VALID for one year to expire April 25, 1992. Prior to that date appropriate conditions must be satisfied, permits issued, and substantial construction must have begun to vest the permit.

PASSED AND ADOPTED by the City Council of the City of Del Mar at a regular meeting held this 15th day of April, 1991 by the following vote, to-wit:

Jacqueline H. Winterer

JACQUELINE WINTERER, Mayor
City of Del Mar

ATTEST:

Patti Barnes /mig
PATTI BARNES, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss
CITY OF DEL MAR)

I, PATTI BARNES, City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. 91-41 adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 15th day of April, 1991, by the following vote:

AYES: Councilmembers Helton, Franklin, Hugo-Martinez;
Mayor Jacqueline Winterer

NOES: None

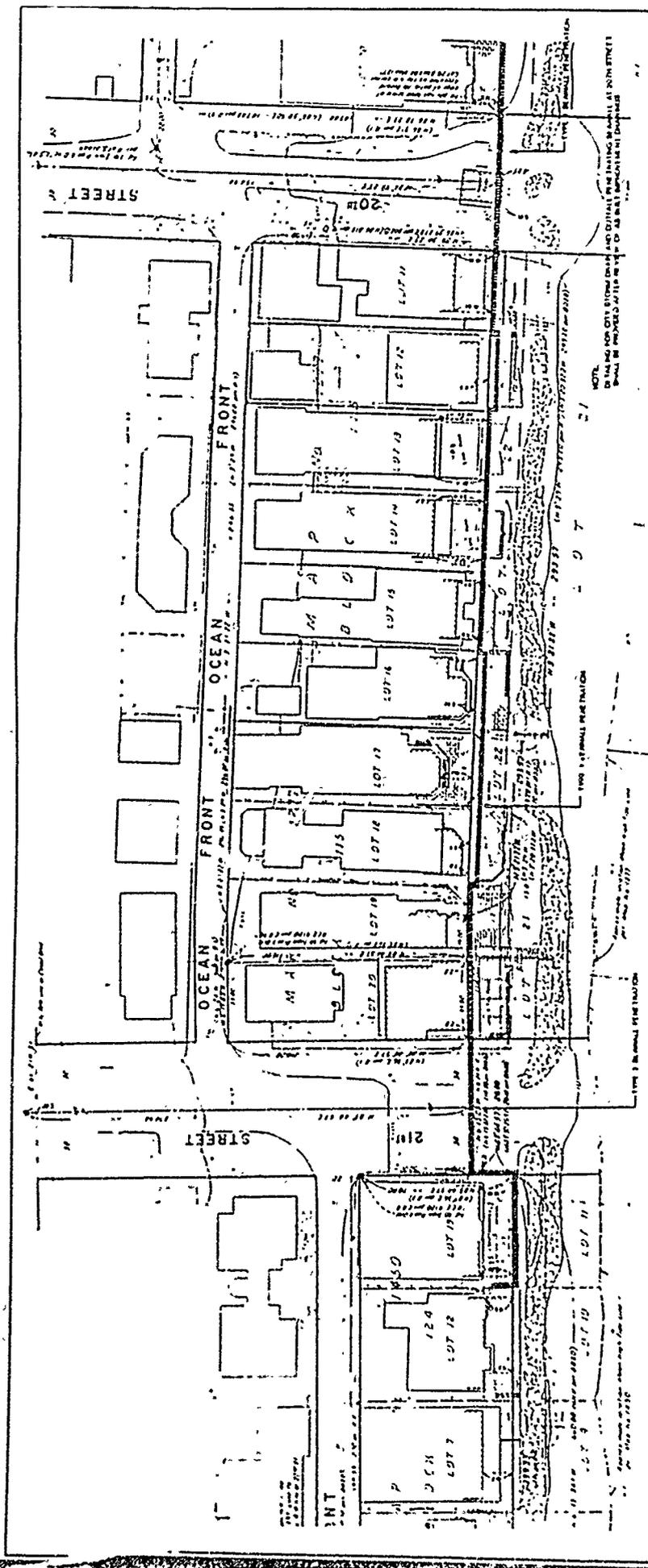
ABSENT: Councilmember McMillan

ABSTAIN: None

(SEAL)

Patti Barnes /mig
PATTI BARNES, City Clerk

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NOTICE TO THE PUBLIC: This plan is subject to the provisions of the Ordinance of the City of Del Mar, California, relating to the subdivision of land, and the provisions of the State of California, relating to the subdivision of land. The City Engineer has approved this plan for recording, and the same is hereby published for the purpose of giving notice to the public that the same will be subject to the provisions of the Ordinance of the City of Del Mar, California, relating to the subdivision of land, and the provisions of the State of California, relating to the subdivision of land, on the date hereinafter specified.



19TH STREET THROUGH 21ST STREET SEAWALL		DRAWING NO. 3146
CITY OF DEL MAR		SHEET NO. 17.59
GROUP DELTA CONSULTANTS Engineers and Architects 1411 Broadway, Suite 2100 San Francisco, California 94109 PH 415-774-1177	DATE OF PREPARATION 11/15/11	SCALE AS SHOWN
PROJECT NO. 11-115	SHEET NO. 17.59	DATE OF RECORDING 11/15/11

CITY OF DEL MAR RESOLUTION
MEMORIALIZING USER FEE AGREEMENT WITH
THE CITY OF DEL MAR

CALENDAR PAGE 117.60
SERIAL PAGE 3147

city of del mar staff report

TO: Honorable Mayor and Members of the City Council

FROM: J. D. Sandoval, Planning Director
Via Gloria Curry, City Manager
Prepared by Monica Tuchscher, Associate Planner *MT*

DATE: June 17, 1991

RE: Amendment of the conditions of approval for Shoreline Protection Permit SPP-90-03 for construction of a 692-foot-long seawall to establish an appropriate user fee for authorized encroachment into the Shoreline Protection Area.

ISSUE: Whether to amend the conditions of SPP-90-03 as reflected in Resolution 91-41 to establish and clarify the user fee requirements for Shoreline Protection Permit SPP-90-03.

RECOMMENDATION:

The City Council adopt the attached draft resolution (Attachment A) amending Council Resolution 91-41 (Attachment B) to add a new condition #29 for Shoreline Protection Permit SPP-90-03. The new condition clarifies the user fee requirement as it pertains to Shoreline Protection Permit SPP-90-03.

Council Action:

JUN 17 1991 2:17 PM
ITEM 17 3148

City Council Staff Report
Amending Resolution 91-41
June 17, 1991
2

BACKGROUND:

On March 18, April 1, and April 15, 1991, the City Council reviewed a proposal for an approximately 692-foot-long seawall with return walls to be located on and adjacent to properties at 1924-2102 Ocean Front (SPP-90-03). The approved seawall includes the provision of shoreline protection for the (westerly) street ends of 19th and 20th Streets (SPP-90-03) and the reconstruction of all damage which may occur to the 20th Street lifeguard tower.

After the close of the public hearings and consideration of all testimony offered, the Council voted to conditionally approve the project. The findings and conditions of approval are reflected in City Council Resolution No. 91-41.

During the course of Council deliberation, there was discussion in regards to the appropriate user fee to be established for the project pursuant to Section 30.50.080(C)(2) of the Beach Preservation Initiative. The Council, noted that the project applicants proposed to pay a user fee in the form of approximately \$ 200,000 in public benefit improvements (in the form of shoreline protection for public street ends and repairs to the 20th street lifeguard tower) authorized that the public benefit derived from the project was a reasonable user fee.

While this issue was discussed during Council deliberation, it was overlooked when the Council conditionally approved the SPP application. It is staff's understanding that the Council had intended to establish the required user fee for the project on the basis of the approximately \$ 200,000 in public benefit improvements derived from the project. The attached, draft resolution reflects this understanding. It establishes a new Condition #29 and specified that the remaining conditions of approve remain in effect and have not been modified.

It is staff's understanding that the modification of the conditions is acceptable to the project applicants/owners. Notice of the proposed change and potential Council action were mailed to interested parties and published in the local newspaper.

CONCLUSION:

In conclusion, staff recommends approving the attached Resolution amending Resolution No. 91-41.

Attachment A - Draft Resolution
Attachment B - Resolution 91-41

JUN 17 1991 PAGE ITEM 17 3149

RESOLUTION NO. 91-68

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR AMENDING CITY COUNCIL RESOLUTION (91-41) TO ADD A CONDITION ESTABLISHING AND CLARIFYING A USER FEE FOR SHORELINE PROTECTION PERMIT SPP-90-03 AREA AUTHORIZED UNDER THE PREVIOUS CITY COUNCIL RESOLUTION.

Applicant: Walter Crampton, Group Delta Consultants, Inc.

Owners: See Exhibit A

WHEREAS, on March 18, 1991, April 1, 1991 and April 15, 1991, the City Council of the City of Del Mar held a duly advertised public hearing to consider the merits of approving Shoreline Protection Permit application SPP-90-03 and associated environmental documents required pursuant to the California Environmental Quality Act and,

WHEREAS, at said public hearings the City Council considered the staff reports, general background studies and related documents, public testimony and written comments; and,

WHEREAS, after consideration of all such input, the Council voted to conditionally approve the project with the findings and conditions set forth in City Council Resolution 91-41, and

WHEREAS, the Council at that meeting discussed the establishment of a user fee consistent with the provisions of the Beach Preservation Initiative with recognition that the applicant included within the project proposal approximately \$200,000 worth of public improvements, including the design, processing, and construction of public access and emergency vehicle access at the westerly terminus of 19th and 20th Streets, and the reconstruction of any damage which may occur to the 20th street lifeguard tower at the owner/applicant's expense; and

WHEREAS, the Council considered precedents established by the City in its approval of prior seawall applications which involved the construction of public improvements at private property owner's expense and the appropriate user fees for such projects.

WHEREAS, despite the Council discussion of such public improvements and user fees in the course of hearings on March 18, April 1 and April 15, 1991, the final resolution of approval (City Council Resolution #91-41) did not incorporate the establishment of a user fee for the applicant's encroachment into and use of specified Shoreline Protection Area;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Del Mar that the conditions of Shoreline Protection Permit Application SPP-90-03 as described in City Council Resolution 91-41 are hereby amended to add a new condition, condition #29 to read as follows:

29. As a condition of this approval, the applicants agree to pay a user fee in the form of approximately \$ 200,000 in public benefit improvements that are to be constructed as party of the project at the applicants expense. Taking into account the public improvements to be provided, and the limited nature of the encroachments authorized, the user fee is reasonable.

AND BE IT FURTHER RESOLVED that the findings contained within Resolution 91-41 are incorporated herein by reference and that conditions #1-28 of Resolution 91-41 remain in full force and affect and are not modified by the establishment of a new condition #29.

PASSED AND ADOPTED by the City Council of the City of Del Mar at a regular meeting held this 17th day of July, 1991 by the following vote, to-wit:

Jaqueline H. Winterer
JACQUELINE WINTERER, Mayor
City of Del Mar

ATTEST:

Patti Barnes
PATTI BARNES, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) 188
CITY OF DEL MAR)

I, PATTI BARNES, City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. 91-68 adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 3rd day of June, 1991, by the following vote:

AYES: Councilmembers Hugo-Martinez, Franklin, Mayor Winterer

NOES: None

ABSENT: Councilmember McMillan

ABSTAIN: None

(SEAL)

Patti Barnes
PATTI BARNES, City Clerk

FILED PAGE 217 64
DATE PAGE 3151

MITIGATED NEGATIVE DECLARATION

Pursuant to the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration has been filed on the below referenced project, on the basis that said project will not have a significant effect on the environment.

Description of Project

A request for a Shoreline Protection Permit (SPP-90-03), to construct an approximate 692 foot long vertical sheet-pile seawall with return walls to be located adjacent to 1924 Ocean Front 2102 Ocean Front (inclusive of 20th and 21st street end), Del Mar, in the Public Parkland, R1-5B and Beach Overlay Zones. The project is regulated by the Beach Preservation Initiative Ordinance.

Mitigation Measures

1. The construction of the seawall is part of a continuous line of walls (to the south) and will not encourage additional offsets in wall alignment.
2. Construction hours shall be consistent with the City Noise Ordinance Chapter 9.20 of the Municipal Code.
3. The sandy beach area within the construction zone shall be restored at the end of each work week. Notwithstanding statements to the contrary elsewhere, as to this specific measure [item 4A(2)] this provision shall control over any mitigation measure proposed by the EIR.
4. Construction shall not occur west of the permitted shoreline protection line between Memorial Day and Labor Day (except for emergencies).
5. The City shall ensure minimization of usurpation of public parking areas during the construction period.
6. That the City shall monitor the above mentioned activities and mitigation measures to insure compliance and in accordance with Assembly Bill AB-3180.
7. The project shall comply with all conditions of approval.

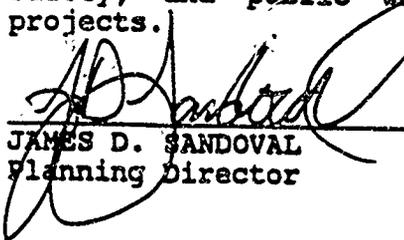
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1987, 2000, 2022 OCEAN FRONT

Findings of No Significant Effect (with Mitigation Measures)

1. Based upon the Initial Study, there is no substantial evidence that the project, with mitigation and monitoring measures, will have a significant effect on the environment; and

2. The project will conform to all design, building safety, and public works standards applicable for such projects.



JAMES D. SANDOVAL
Planning Director

EXHIBIT "E"

List of Beachfront Owners applying for permit

Earle W. and Elizabeth F. Frey, Jr.
PO Box 271220
Escondido CA 92027

Burnet F. Wohlford
PO Box 382
Escondido CA 92033

Robert S. and Helen J. Strauss
4100 First City Center
1700 Pacific Avenue
Dallas, TX 75201-4618

Ben L. and E. Joan Bear, Jr.
2040 Ocean Front
Del Mar CA 92014

Thomas and Jill Werner
2034 Ocean Front
Del Mar CA 92014

Joseph and Alice Sullivan
2028 Ocean Front
Del Mar CA 92014

Adelaide Cocherane
c/o Dr. Charles Cocherane
Department of Immunology
Research Institute of Scripps College
10666 N. Torrey Pines Road
La Jolla Ca 92037

John D. and Lucille A. Lindsey
PO Box 1789
Rancho Santa Fe CA 92067

Gary Burke
2016 Ocean Front
Del Mar CA 92014

Margaret J. Wells
Leon G. Campbell, Jr.
Patricia C. Duckett
c/o Leon G. Campbell
585 Albion Way
Woodside, CA 94062

Sheldon I. Brockett
4522 Trias Street
San Diego CA 92103

3154

Edward H. and Nancy B. Lyon
2411 Canyon Road
Escondido CA 92025

Robert S. and Marion L. Wilson
2600 Mandeville Canyon Road
Los Angeles Ca 90049

Lorens H. and Geneva M. Good
PO Box 217
Del Mar CA 92014

Starkey Estate Company
PO Box 1469
Rancho Santa Fe CA 92067

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