

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
3111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
(619) 521-8036



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Permit Application No. 6-95-132/DL
Date November 21, 1995

ADMINISTRATIVE PERMIT

APPLICANT: Seascape Surf Management Corporation, et.al.

PROJECT DESCRIPTION: Construction of 44 to 99 sq.ft. additions to 59 individual condominium units to enclose patio or balcony on the landward side of four detached buildings on a 10.74 acre blufftop lot.

PROJECT LOCATION: 555 South Sierra Avenue, Solana Beach, San Diego County.
APN 298-211-71, 72, 79, 80.

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, are discussed on subsequent pages.

NOTE: The Commission's Regulations provide that this permit shall be reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, a permit will not be issued for this permit application. Instead, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

IMPORTANT - Before you may proceed with development, the following must occur:

For this permit to become effective you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgment and evidence of compliance with all special conditions, we will send you an authorization to proceed with development. BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE PERMIT AUTHORIZATION FROM THIS OFFICE.

PETER DOUGLAS
Executive Director

By: Diana Lilly

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

Pursuant to Public Resources Code Section 30624, the Executive Director hereby determines that the proposed development, subject to Standard and Special Conditions as attached, is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. Any development located between the nearest public road and the sea is in conformity with the public access and public recreation policies of Chapter 3.

The proposed project will enclose existing patios or balconies of 59 individual condominium units located in four detached, three-story buildings. The four buildings are part of a larger 188 unit condominium complex consisting of 14 detached condominium buildings, a recreation building, tennis courts, and two pools. The construction would enclose patios on the ground level units, and balconies on the upper floors. The 10.74 acre site is located in the City of Solana Beach, west of Highway 101, atop a coastal

bluff. The four subject buildings (numbered 515, 539, 567, 597) are the only residential structures in the complex adjacent to the bluff. There is an existing public beach stairway at the northwest corner of the site. The existing buildings range from approximately 30-45 feet from the edge of the bluff. However, all of the proposed enclosures will take place on patios or balconies which are greater than 50 feet from the edge of the bluff on the landward side of the building; patios and balconies facing the ocean are specifically excluded from this project.

The proposed multi-family addition requires a coastal development permit because, although the areas which will be enclosed are not within 50 feet of the edge of the bluff, the condominium buildings are as close as 30 feet to the bluff edge. Similar enclosures to the patio/balcony units in the other buildings in the complex would not require a coastal development permit. The 59 units have four different floor plans with total square footages ranging from 1,050 sq.ft. to 1,650 sq.ft. The square footage of the patio and balcony enclosures will range from 44 sq.ft. to 99 sq.ft. Floor plan A would enclose 51 sq.ft.; floor plan B-1 would enclose up to 99 sq.ft.; floor plan B-2 would enclose up to 44 sq.ft.; and floor plan C-1 would enclose 45 sq.ft. The enclosures will not create any additional bedrooms.

As noted above, no enclosures will be constructed for patios or balconies facing the ocean. Therefore, no construction is proposed for unit numbers 66, 67, 68, 87, 88, 89, 90, 105, 106, 107, 126, 127, 128, and 129. Unit numbers 53-64, 71-85, 92-101, 103, 109-112, 114-117, 119-124 will construct enclosures only on the rear, or inland side of the structure. Unit numbers 65, 69, 86, 91, 104, 108, and 125 will construct patio/balcony enclosures only on the north or south facing side of the unit. The owners of unit numbers 70, 102, 103, and 118 declined to participate in the proposed project, and therefore no construction on these units is herein permitted.

The proposed project is located atop a coastal bluff. Section 30253 of the Coastal Act states, in part, "new development shall: (1) minimize risks to life and property in areas of high geologic, flood and fire hazard...." The development will be set back over 50 feet from the edge of the bluff, and involves enclosing existing patios and balconies. However, due to the inherent risk of shoreline development and the Commission's mandate to minimize risks, the standard waiver of liability condition has been attached through Special Condition #1. By this means, the applicants are notified of the risks and the Commission is relieved of liability in permitting the development.

In this particular case, the condition is not required to be recorded as a deed restriction. The development proposed will be at least 50 feet from the edge of the coastal bluff. A coastal development permit is required for the development only because portions of the condominium buildings themselves are closer than 50 feet to the bluff edge. The proposed development will not extend the affected units any closer to the bluff edge than the existing line of development. In addition, although the project will create additional interior floor space, the balcony/patio space is already enclosed on three sides (top and sides); the only construction required to enclose the area is relocating an existing sliding glass door. No changes to the building

foundation are required or proposed. The applicant has submitted a statement from a geologist certifying that the development is not expected to subject to nor contribute to significant bluff instability. Therefore, the project will not create additional developed area which would be subject to further hazard from erosion.

Although the Commission typically requires such waivers to be executed through a deed restriction in order to both record the applicant's assumption of risk and provide notice to future buyers, the nature of the improvements in this particular case are minor and recordation is not warranted. The attached waiver is no less binding and the scale of development is so limited that notification to future buyers is not a critical issue. Thus, in this particular case, the waiver of liability condition is attached as an advisory condition.

Section 30251 of the Coastal Act provides for the protection of scenic coastal areas and for the compatibility of new and existing development. The project will enclose existing patios or balconies of 59 condominium units. The areas are already enclosed on three sides, and the only change will be the relocation of an existing glass door. The change in the appearance of the building will be minimal and will not have an adverse visual impact on the community.

Section 30604(c) of the Coastal Act requires that every coastal development permit issued for development between the first public road and the sea include a specific finding that the project conforms with the public access and recreation policies of Chapter 3. There is an existing public beach stairway on the northern border of the site. All of the proposed construction will take place on private property and involves no increase in intensity of use. The accessway will not be affected in any way. Therefore, the project can be found consistent with the requirements of the relevant Chapter 3 policies on public access and recreation.

The site is zoned and designated for high density residential uses in the City of Solana Beach and the previously certified County of San Diego Local Coastal Program (LCP). The proposed development is consistent with these designations. Therefore, as conditioned, the project can be found consistent with Sections 30253, 30251, and all other applicable Chapter 3 policies of the Coastal Act, and will not prejudice the ability of the City of Solana Beach to prepare a certifiable LCP.

SPECIAL CONDITIONS: 1. Assumption of Risk: By acceptance of this permit, the applicants: (a) understand that the site may be subject to extraordinary hazard from bluff retreat and erosion and (b) hereby waive any future claims of liability against the Commission or its successors in interest for damage from such hazards.

ACKNOWLEDGEMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing