

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. 6-96-112/GDC

Date September 19, 1996

ADMINISTRATIVE PERMIT

APPLICANT: Charlie Song

PROJECT DESCRIPTION: Addition of 945 sq. ft. to existing 4,816 sq. ft. restaurant by enclosing existing patio area within an approximately 188,000 sq. ft. shopping center on 17.42 acres.

PROJECT LOCATION: 979 Lomas Santa Fe Drive, Solana Beach, San Diego County.
APN 263-293-60

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:

DATE and TIME: October 9, 1996
9:00 a.m., Wednesday

LOCATION: Sheraton Hotel - LAX
6101 W. Century Blvd.
Los Angeles, Ca

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: Gary Cannon

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 development involves the enclosure of an existing 945 sq. ft. patio area of an existing 4,816 sq. ft. restaurant, resulting in a new total 5,760 sq. ft. of restaurant use. The 945 sq. ft. outdoor patio is currently operating as a dining area without the benefit of a coastal development permit. A previous coastal development permit for the restaurant development did not include the use of the outdoor patio area for dining (CDP 6-87-420).

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to this violation of the Coastal Act that may have occurred; nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit. The site is located within Lomas Santa Fe Plaza, east of Interstate 5 in Solana Beach.

Section 30252 of the Act requires that new development provide adequate parking to maintain public access to the coast. The existing shopping center has approximately 631 parking spaces which serve the existing, approximately 188,000 sq. ft. facility. In July of this year, the shopping center received a permit exemption from the Coastal Commission to re-stripe the existing parking area to create 709 parking spaces. The proposed 945 sq. ft. addition to the existing restaurant would require 9 additional spaces to be provided, based on the uncertified City of Solana Beach's zoning requirement of 1 parking space per 100 sq. ft. of restaurant space. In addition, the certified County of San Diego Local Coastal Program which the Commission uses for guidance within the City of Solana Beach, requires 1 parking space per 225 sq. ft. of retail/restaurant where less than 10% is occupied by restaurant. This guideline would require 4 new parking spaces. The proposed re-striping of the parking lot will more than accommodate the required increase in parking spaces. The project site is located east of Interstate 5 several miles from the shoreline such that the surrounding streets are not used for beach parking. Thus, any parking on adjacent streets by shopping center patrons, caused by insufficient parking within the center itself, would not displace beach visitors. Therefore, since adequate parking will be provided and public access to the shoreline will not be affected, the Commission finds the development consistent with Section 30252 of the Act.

Section 30251 of the Coastal Act provides for the protection of scenic coastal areas and for the compatibility of new and existing development. The proposed development is to enclose a previously existing patio area. The patio is currently semi-enclosed by an approximately 5 foot-high glass wall. The proposed development will not, therefore, substantially alter the character of the existing facility. The site is located within a shopping center and is not visible from the street or from any coastal access road. No new signage is proposed. This proposal, therefore, will not have any adverse visual impacts to scenic coastal resources.

The site is zoned and designated for commercial uses in the City of Solana Beach and is also designated for such uses in the previously-certified County of San Diego LCP which applied to this site prior to Solana Beach's incorporation. The proposed development is consistent with these designations. In addition, the project has been found consistent with all applicable Chapter 3 policies of the Coastal Act. Thus, the proposed development will not prejudice the ability of the City of Solana Beach to prepare a certifiable local coastal program, and project approval should not result in adverse impacts to any coastal resources.

SPECIAL CONDITIONS: None.

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

(6112R)