

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

(619) 521-8036



Page 1 of 4

Permit Application No. 6-97-58/DL

Date June 19, 1997

ADMINISTRATIVE PERMIT

APPLICANT: Sean Peter Sillstrop

PROJECT DESCRIPTION: Conversion of a 1,861 sq.ft. commercial retail suite to a restaurant in an existing 30,169 sq.ft. shopping center on a 2.10 acre site.

PROJECT LOCATION: 124-140 Lomas Santa Fe Drive #108, Solana Beach, San Diego County. APN 263-351-35.

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: July 10, 1997
9:00 a.m. ThursdayLOCATION: Holiday Inn - Ventura
450 East Harbor Blvd.
Ventura, CAIMPORTANT - 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 DirectorBy: Diana Lilly

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. 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.

Proposed is the conversion of an existing 1,861 sq.ft. commercial retail suite into a restaurant. The suite is located in a split-level building in an existing shopping center containing approximately 30,169 sq.ft. of building space in two separate buildings, with 160 parking spaces. The 2.10 acre site is located on the northeast corner of Lomas Santa Fe Drive and Cedros Avenue in the City of Solana Beach, several hundred feet east of Highway 101.

Section 30252 of the Coastal Act states that the location and amount of new development should maintain and enhance public access to the coast by providing adequate parking facilities. The site is adjacent to Lomas Santa Fe Drive, a major coastal access route, and is approximately 1/4 mile inland from Fletcher Cove Beach Park.

The existing commercial retail center was approved by the Commission in November 1987 (CDP #6-87-549) with a restaurant deck addition approved in March 1997 (#6-94-186), and the operation of a farmer's market approved for each Sunday for a two-year period until Memorial Day, 1997 (#6-95-143). In its original approval of the center, the Commission required that a deed restriction be recorded limiting eating and drinking establishments to a maximum of 10% of the gross floor area of the center, or 3,000 sq.ft., whichever is less. Any modification of this limit is allowed only subsequent to the prior review and written approval of the Commission. The applicant has submitted a breakdown of uses at the center which indicates that there is currently 4,124 sq.ft. of restaurant uses on the site, or 1,639 sq.ft. more than the 2,485 sq.ft. feet of restaurant previously documented and approved through CDP #6-94-186. Thus, it appears that several suites in the center have converted from commercial uses to restaurant without the prior review and written approval of the Commission. Nevertheless, the amount of retail, office, and restaurant currently on the site, including the proposed restaurant, would require 130 parking spaces, or 30 less than the 160 spaces on the site.

Previous approvals on the site have indicated that 27 spaces on the subject shopping center have been reserved for use by the North County Transit Center, located directly west of the subject site, through an informal agreement with the previous owner of the shopping center site. However, none of the spaces on the site are specifically assigned or designated for transit center parking, and thus all of the parking spaces are available for patrons of the shopping facilities.

In addition, the applicant has submitted a draft parking analysis performed for the farmer's market project during March 1996 to March 1997 which indicates that even when the market was in operation, (which occupied 45 parking spaces in the lot) there was excess parking at the site, thus further substantiating that there is adequate parking on the site.

Therefore, since there are 160 parking spaces on the site, there is adequate parking on the site to accommodate the proposed 1,861 sq.ft. retail to restaurant conversion, and the Commission can approve an excess of 3,000 sq.ft. of restaurant uses on the site. Conversion of the previously approved commercial floor area to restaurant which appears to have occurred without Commission approval is not approved through this permit and will be pursued separately.

As noted above, the farmer's market was only approved through Memorial Day, 1997, and it is likely that the City of Solana Beach will apply for a permit to continue operation of the market. Continuation of the market would be reviewed under a separate permit; however, based upon the amount of existing parking on the site and the draft parking analysis, it

appears that approval of the current project would not result in there being insufficient parking to allow future operation of the farmer's market.

Section 30251 of the Coastal Act provides for the protection of scenic coastal areas and for the compatibility of new and existing development. Previous restrictions on the site limited signage to monument signs not to exceed eight feet in height, and facade signs (CDP #6-87-549). The applicant has indicated that no new signage will be associated with the proposed restaurant conversion; only changes to the wording of existing signs will take place. No impacts or changes to the previously approved landscaping plan for the site will result from the proposed project. Therefore, no adverse visual impacts will be associated with the project.

The site is zoned and designated for commercial uses in the City of Solana Beach and the previously-certified County of San Diego LUP, which is used for guidance in the City of Solana Beach. The proposed restaurant conversion is consistent with these designations. As proposed, the project is 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.

SPECIAL CONDITIONS: NONE

ACKNOWLEDGMENT 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



GREATER SOLANA BEACH CHAMBER OF COMMERCE

P.O. Box 623 — 210 West Plaza, Solana Beach, CA 92075
619-755-4775

"The Best Spot Under The Sun"

May 30, 1997

RECEIVED

JUN 02 1997

Coastal Commission
3111 Camino Del Rio No. #200
San Diego CA 92108-1725

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Re: Application #6-97
Applicant Sean Sillstrop

I have worked in the Solana Beach Visitor Center since July 1996. Our center is located on the Amtrak-Coaster parking lot. I am often asked where visitors can sit down, eat and relax while waiting for their ride. They want to be close to the station and don't like to cross over the tracks and Hwy 101. I know there is a real need for a restaurant on the east side of the tracks.

Judy Cunningham
Judy Cunningham
Solana Beach Visitor Center

6-97-58
Letters of Support



HIGHWAY 101

Merchants & Property Owners' Association of Solana Beach

155 SO. HIGHWAY 101 ♦ SUITE 3 ♦ SOLANA BEACH, CA 92075 ♦ 259-6560 ♦ FAX: 259-8337

June 6, 1997

RECEIVED

JUN 09 1997

Coastal Commission
3111 Camino Del Rio No. #200
San Diego, Ca. 92108-1725

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Attn: Diana Lily

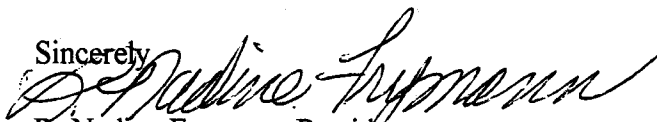
Re: Application #6-97-58
Applicant Sean Sillstrop

Dear Ms. Lily:

In representation of the Hwy 101 Merchant and Property Owners Association we urgently ask that you do approve the above applicant. We are in dire need of eating establishments in the downtown area of Solana Beach near the Plaza. We hope that you will give this your consideration.

Thank you.

Sincerely,


R. Nadine Frymann, President