

## CALIFORNIA COASTAL COMMISSION

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



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Permit Application No. 6-97-147/DL  
Date December 17, 1997

ADMINISTRATIVE PERMIT

APPLICANT: Jerilyn Heiser & Donna Johnson

PROJECT DESCRIPTION: Conversion of an existing 2-story, 1,331 sq.ft. residence/pottery manufacturing shop to commercial retail on a 19,539 sq.ft. lot also containing approximately 12,169 sq.ft. of retail commercial and warehouse buildings. The conversion has already occurred without a coastal development permit.

PROJECT LOCATION: 324 South Cedros Avenue, Solana Beach, San Diego County. APN 298-076-21.

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: January 12, 1998                      LOCATION: Embassy Suites -- San Luis Obispo  
10:00 a.m., Monday                                      333 Madonna Road  
San Luis Obispo, CA 93405

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 Kelly*

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.

The proposed project involves conversion of an existing 1,331 sq.ft. structure containing a one-unit residence above a pottery manufacturing business, to a commercial retail shop. No additions or increases in the square footage are proposed. The subject building is located on a 19,539 sq.ft. lot also containing a building consisting of approximately 2,625 sq.ft. of retail commercial and 9,544 sq.ft. of warehouse uses. There are approximately 8

informal parking spaces on the site located under a covered portion of the warehouse at the back of the lot which appear to be used by employees of the various existing businesses on the site; however, there are no customer parking spaces on the site. The building has already been converted to a retail store without a coastal development permit in an apparent violation of the coastal act.

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.

Section 30252 of the Act requires that new development provide adequate parking facilities so as not to compete with or preclude the public's access to the coast by usurping on-street public parking spaces. The area around the project site is known as the Cedros Design District, which consists of a variety of commercial and tourist-oriented businesses. Many of the buildings are relatively old, and were constructed at a time when off-street parking was not required to be provided in conjunction with new development, or were approved with less restrictive parking requirements than utilized today. Thus, many of the business are deficient in parking and off-street spaces are at a premium in the area.

The subject site is zoned and designated for Special Commercial uses in the City of Solana Beach, which is intended to promote pedestrian-oriented specialty businesses, and thus has less restrictive parking requirements than typically imposed. For the proposed project's existing use as a 2-bedroom residence and 539 sq.ft. pottery manufacturing business, 3 parking spaces would be required, while the remaining uses on the site would require approximately 16 spaces, for a total of 19 required spaces. Converted to a retail business, at a ratio of 1 space per every 450 sq.ft. of floor area, the proposed 1,331 sq.ft. structure would also require 3 parking spaces. However, under the previously certified County of San Diego Local Coastal Program, which the Commission uses for guidance in the City of Solana Beach, 4 spaces would be required for a residence/industrial use, and 45 spaces for the other uses on the site. Seven spaces, an increase of 3 spaces, would be required for the proposed retail structure.

Clearly, under either standard, the uses on the site do not currently have adequate parking. In its review of the project, the City of Solana Beach determined that although there is no on-site parking for the proposed project, since the proposed conversion of use would require no more parking than the previous use, no additional parking needed to be provided. There is a similar provision in the County regulations, which states that conversions of existing structures erected prior to May 10, 1985 are required only to provide parking to accommodate the increase in intensity. Since there would be a small increase in intensity under the County regulations, the applicants have agreed to formalize the existing 8 parking spaces through signage and striping to make these spaces available to the public. Thus, although the lot would still be deficient in parking, an additional 8

spaces would be formalized through this development, maximizing the amount of parking spaces able to be accommodated on the site. Special Condition #1 requires the applicant to submit a parking plan indicating that 8 spaces will be provided.

Section 30251 of the Coastal Act states in part that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. In past Commission action on commercial development within this area, the Commission has regulated the height and amount of signage because of the potential for adverse impacts on the scenic quality of the area, and inconsistency with Section 30251 of the Act. Strict limits on the size and height of commercial signs were included within the previously certified County of San Diego Local Coastal Program. To assure that all proposed signage is consistent with Chapter 3 policies, Special Condition #2 has been proposed. The condition requires the submittal of a sign program documenting that only monument signs not exceeding eight feet in height or facade signs will be installed. Therefore, as conditioned, the project will not have any adverse visual impacts to scenic coastal resources and the project can be found consistent with Section 30251 of the Coastal Act.

**SPECIAL CONDITIONS:** 1. **Parking Plan.** Within 30 days of Commission action and prior to the authorization to proceed with development, the applicant shall submit a parking plan indicating that a minimum of eight (8) on-site parking spaces will be provided. The plan shall indicate the location and text of signage directing the public to the parking spaces. Said plan shall be subject to the review and written approval of the Executive Director, and the parking spaces/signage shall subsequently be installed consistent with the approved plans. Installation shall occur within 60 days of Executive Director approval of said plans.

2. **Sign Program.** Within 30 days of Commission action and prior to the authorization to proceed with development, the applicant shall submit a comprehensive sign program for all proposed signage documented that only monument signs, not to exceed eight (8) feet in height, or facade signs are proposed. No free-standing pole or roof signs shall be allowed. Said plan shall be subject to the review and written approval of the Executive Director, and signs shall subsequently be installed consistent with the approved plans. Installation shall occur within 60 days of Executive Director approval of said plans.

**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.

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Applicant's Signature

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Date of Signing