

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

7575 METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4402

767-2370

## RECORD PACKET COPY

**Wed 16b**

Filed: 6/3/02  
49th Day: 7/22/02  
180th Day: 11/30/02  
Date of Ext. Req. 11/19/02  
CCC Action: 2/17/03  
Staff: GDC-SD  
Staff Report: 11/21/02  
Hearing Date: 12/10-13/02



REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-02-50

Applicant: City of Solana Beach

Agent: Jim Greenstein

Description: Demolition of an existing approximately 378 sq. ft. public restroom building and construction of a new approximately 420 sq. ft. public restroom building placed in the slope adjacent to beach access ramp within public beach park.

Site: Fletcher Cove Park, 111 South Sierra Avenue, Solana Beach, San Diego County. APN 298-010-65

Substantive File Documents: City of Solana Beach General Plan and Zoning Ordinance; Geotechnical Investigation - Marine Safety Center Fletcher Cove by TerraCosta Consulting Group, Inc. dated May 30, 2002.

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STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed development with conditions. The primary issue raised by the proposed development relates to protection of public views. Currently views are available of the ocean from Plaza Street and across Fletcher Cove Park. Originally, the applicant proposed to place the new restroom within this viewshed. However, after concerns were raised by Commission staff and the public, the City modified the proposal to pull the restroom into the slope such that it will not project into this view corridor. With the special conditions, requiring submission of final plans to assure that no impacts to public views occur within the existing view corridor, a final landscape plan that assures the use of drought tolerant plants and the prohibition of permanent irrigation devices so as to prevent over watering of the blufftop, and submission of a BMP program to assure that no adverse impacts to ocean waters occurs during construction, the proposed development is consistent with the Coastal Act.

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The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Final Landscape Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and written approval of the Executive Director, a final landscaping plan. Said plan shall be in substantial conformance with the draft landscape plan submitted by Allard Jansen & Associates dated March 12, 2002, but shall be revised as follows

- a. A plan showing the type, size, extent and location of all plant materials on the site.
- b. All new plant material shall consist of drought tolerant native, non-invasive plant materials. New trees shall be prohibited.
- c. No new permanent irrigation system shall be installed.
- d. A planting schedule that indicates that the planting plan shall be implemented within 60 days of removal of the existing restroom.
- e. A written commitment by the applicant that all required plantings shall be maintained in good growing conditions, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.

The permittee shall undertake the development in accordance with the approved landscape plans. Any proposed changes to the approved landscape plans shall be reported to the Executive Director. No changes to the landscape plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Public Access Corridors. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final plans indicating the location of access corridors to the construction site and staging areas. The final plans shall indicate that:

- a. No overnight storage of equipment or materials shall occur on sandy beach or within Fletcher Cove Park.
- b. Fletcher Cove Park and access ramp shall remain open and available to public use during construction.

- (h) Construction equipment shall not be washed on the beach or within the Fletcher Cove parking lot.
- (i) The applicant shall submit evidence that the approved plans/notes have been incorporated into construction bid documents.

The permittee shall undertake development in accordance with the approved final plan and schedule and other requirements. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The proposed development involves the demolition and replacement of an existing public restroom within a 6.4 acre blufftop park in the City of Solana Beach. Specifically, the proposal is to demolish the existing approximately 378 sq. ft. public restroom structure located generally in the center of the park, approximately 90 ft. from the bluff edge, and construct a new 420 sq. ft. public restroom structure into an existing landscaped slope adjacent to and north of an existing concrete ramp that provides access from the park to the beach both for pedestrians and lifeguard/safety vehicles. After demolition of the existing restroom, the concrete slab will be removed and the area will be landscaped. Also proposed is 120 cubic yards of balanced grading to accommodate the construction of the restroom. The parking lot currently contains 90 parking spaces, 87 standard and 3 accessible. The development also includes restriping a portion of the parking lot to convert one standard space into an accessible parking space. Upon completion of the project, 90 parking spaces will remain, 86 standard and 4 accessible.

The project site is Fletcher Cove Park, located at the western terminus of Plaza Street, just west of Highway 101 in the City of Solana Beach. Existing structures on the bluff top include an asphalt parking area on the inland side of the site, a 3,570 sq.ft. Marine Safety/Lifeguard Headquarters located as close as 9.5 feet from the bluff edge, the public restroom and landscape/hardscape public park improvements. The bluff face and beach are public property owned by the City.

The City of Solana Beach does not have a certified Local Coastal Program (LCP). As such, the standard of review for the proposed development is Chapter 3 policies of the Coastal act.

2. Visual Resources. Section 30251 of the Coastal Act is applicable and states, in part:

As noted above, Section 30251 also requires that new development minimize the alteration of natural landforms. However, in this case, the slope into which the proposed restroom will be placed is not a natural landform, but is instead an altered slope created in the 1920's with development of the park. In addition, the structure will be setback into the slope with a pitched roof design that generally is angled in a way that will conform to the angle of the altered slope. In this way the design of the structure will serve to minimize its impact on public views of the ocean. While the applicant has revised the original project so as to site the new restroom completely within the north slope, flush with the existing retaining wall and outside of the public view corridor, no plans have submitted to reflect this change; only a photo simulation has been submitted. As such, Special Condition #1 has been attached which requires submission of final plans consistent with this revision.

In summary, the proposed restroom structure will be located outside of the existing view corridor, has been designed to minimize its impact to public views of the ocean and will not alter natural landforms. In addition, with the removal of existing restroom new public views of the ocean will be created and the overall public view of the ocean will be enhanced, consistent with Section 30251 of the Coastal Act.

3. Geologic Stability. Section 30253 of the Coastal Act addresses geologic stability in new development and states, in part:

**Section 30253**

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed development includes the construction of an approximately 420 sq. ft. restroom to be setback into the north slope of Fletcher Cove Park approximately 110 feet landward of the shoreline. The north slope of Fletcher Cove lies perpendicular to the shoreline and, therefore, is not an ocean facing slope subject to wave action. As described above, the northern slope of Fletcher Cove was altered in the 1920's by hydraulic water pressure to create the park and, thus, does not currently represent a natural landform. This excavation resulted in the removal of an approximately 320 ft.-wide section of the top half of an oceanfront bluff to create both physical and visual access to the shoreline. Currently this substantially altered and reduced blufftop area contains an approximately 3,570 sq. ft. Marine Safety/Lifeguard Headquarters located as close as 9.5 feet from the bluff edge, a restroom located approximately 90 feet from the bluff edge and various landscape/hardscape public park improvements including a 90

**Section 30211**

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

**Section 30212**

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby...

**Section 30212.5**

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

**Section 30213**

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Fletcher Cove is one of the primary beach access sites for the City of Solana Beach. While several bluff face public access stairways are located both south and north of Fletcher Cove, the public access ramp at Fletcher Cove is the only facility that accommodates direct access to the shoreline for pedestrians and lifeguard vehicles. In addition, with parking space for up to 90 vehicles, Fletcher Cove Park provides close and immediate access for beachgoers. Therefore, any development that affects the public's ability to use the concrete access ramp will impede public access to the shoreline. However, in this case, the proposed restroom facility will be located adjacent to the public access ramp and will not affect public access to the shoreline. In addition, as described previously, part of the proposal involves restriping a portion of the parking lot to provide for one additional handicap accessible parking space. However, the restriping will only convert one standard parking space to handicap with no overall reduction in the number of parking spaces. Therefore, public access in terms of parking will not be affected by the proposed development.

Although the development once completed will not adversely affect public access to the shoreline, its construction and the demolition of the existing restroom could adversely

with the demolition of the existing facility and construction of the new restroom to adversely affect ocean water quality. In order to ensure construction impacts are minimized, Special Condition #4 addresses Best Management Practices for construction related activities which includes, in part, requiring that all construction debris be removed from the site within one day of completion of construction, that no sand and other beach materials be used for construction material and that any proposed stock piled areas be covered properly, etc. to avoid impacts to downstream resources. Because these types of BMPs are typically not developed by the construction contractor until after permits are already issued, the requirements of Special Condition #4 can be satisfied prior to the commencement of construction.

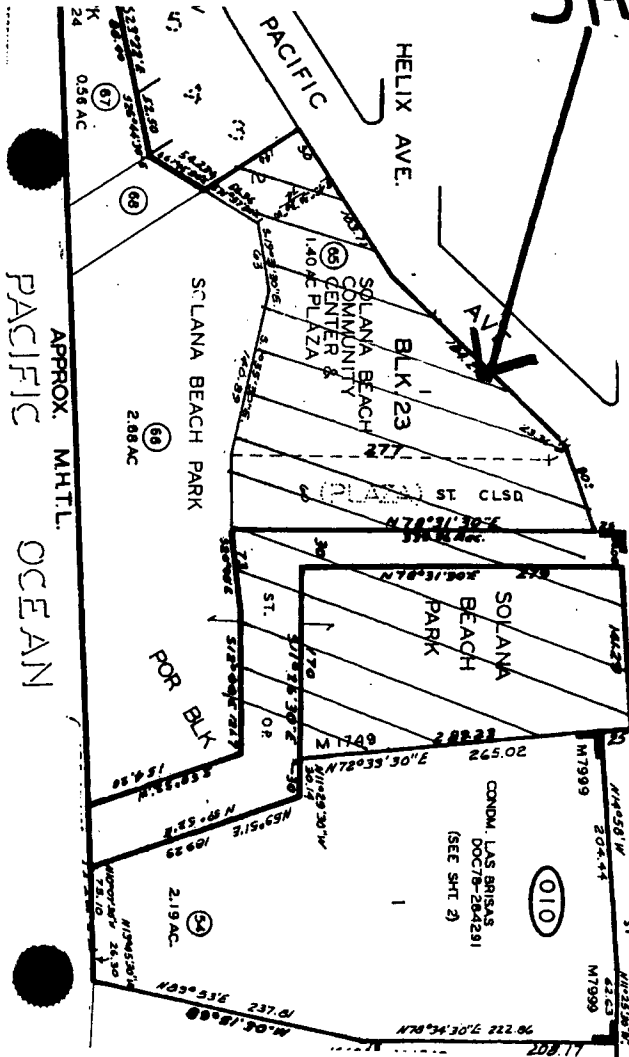
Thus, as conditioned to implement best-management practices during construction and as proposed to include a fossil filter or equivalent to filter all runoff from the site, the proposed development will not adversely impact water quality or have a significant adverse impact to adjacent downstream resources. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with the Chapter 3 policies regarding the protection and improvement of water quality.

6. Local Coastal Planning. Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The subject site was previously in the County of San Diego Local Coastal Program (LCP) jurisdiction, but is now within the boundaries of the City of Solana Beach. Because of the incorporation of the City, the certified County of San Diego Local Coastal Program no longer applies to the area. The City is in the process of preparing for the Commission's review a new LCP for the area. However, the Commission will continue to utilize the San Diego County LCP documents for guidance in its review of development proposals in the City of Solana Beach until such time as the California Coastal Commission certifies an LCP for the City.

The project site was previously designated for open space/recreation under the County LCP and in the City of Solana Beach Zoning Ordinance and General Plan. The proposed development is consistent with these requirements. The Commission therefore finds the proposed development, as conditioned, conforms to Coastal Act Chapter 3 policies and the certified San Diego County LCP. Therefore, as conditioned, the subject development will not prejudice the ability of the City of Solana Beach to complete a certifiable local coastal program.

7. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible



PACIFIC OCEAN

APPROX. MHTL.

Site

CARDIFF STATE BEACH

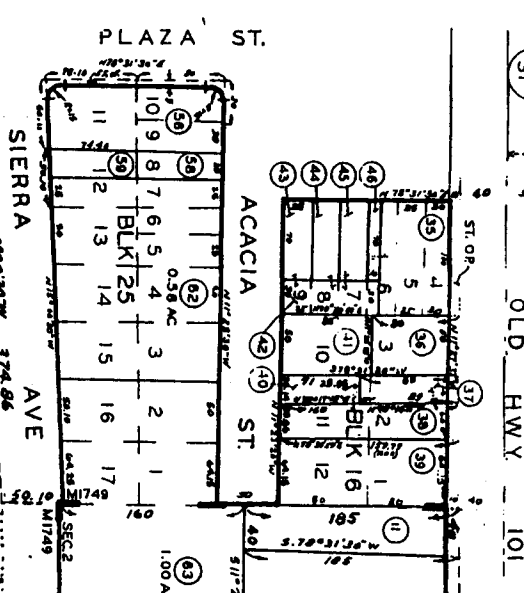
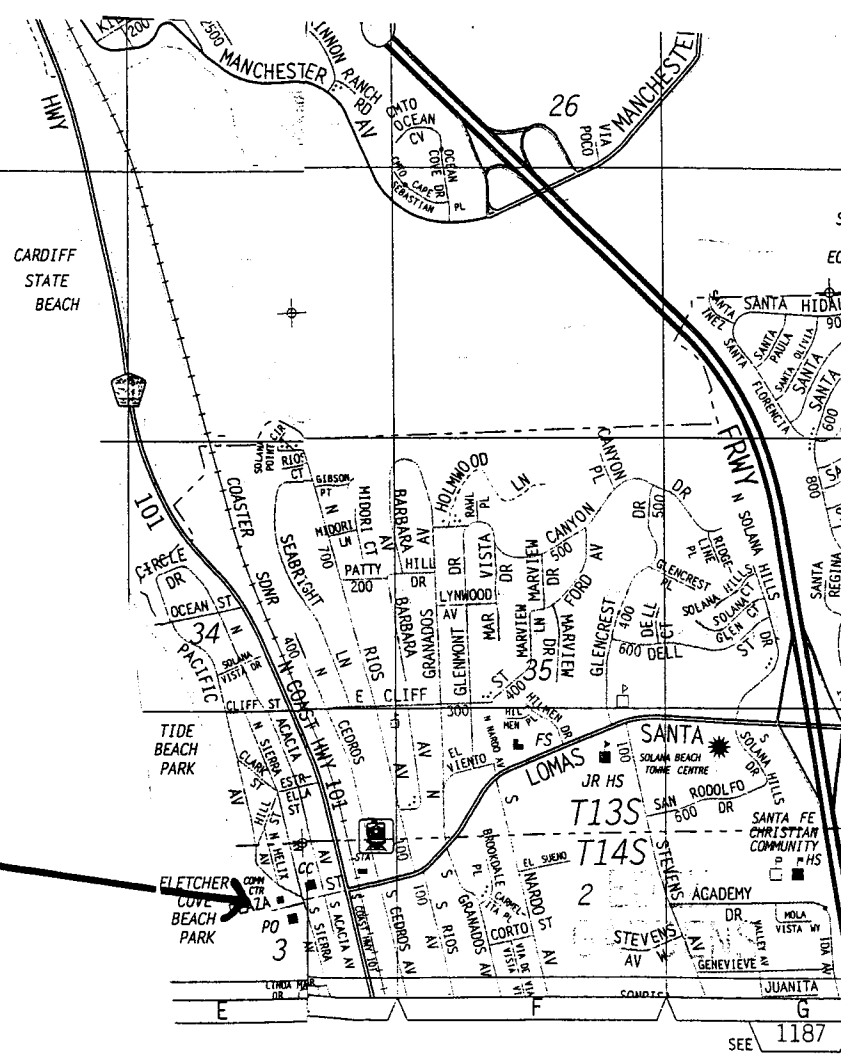
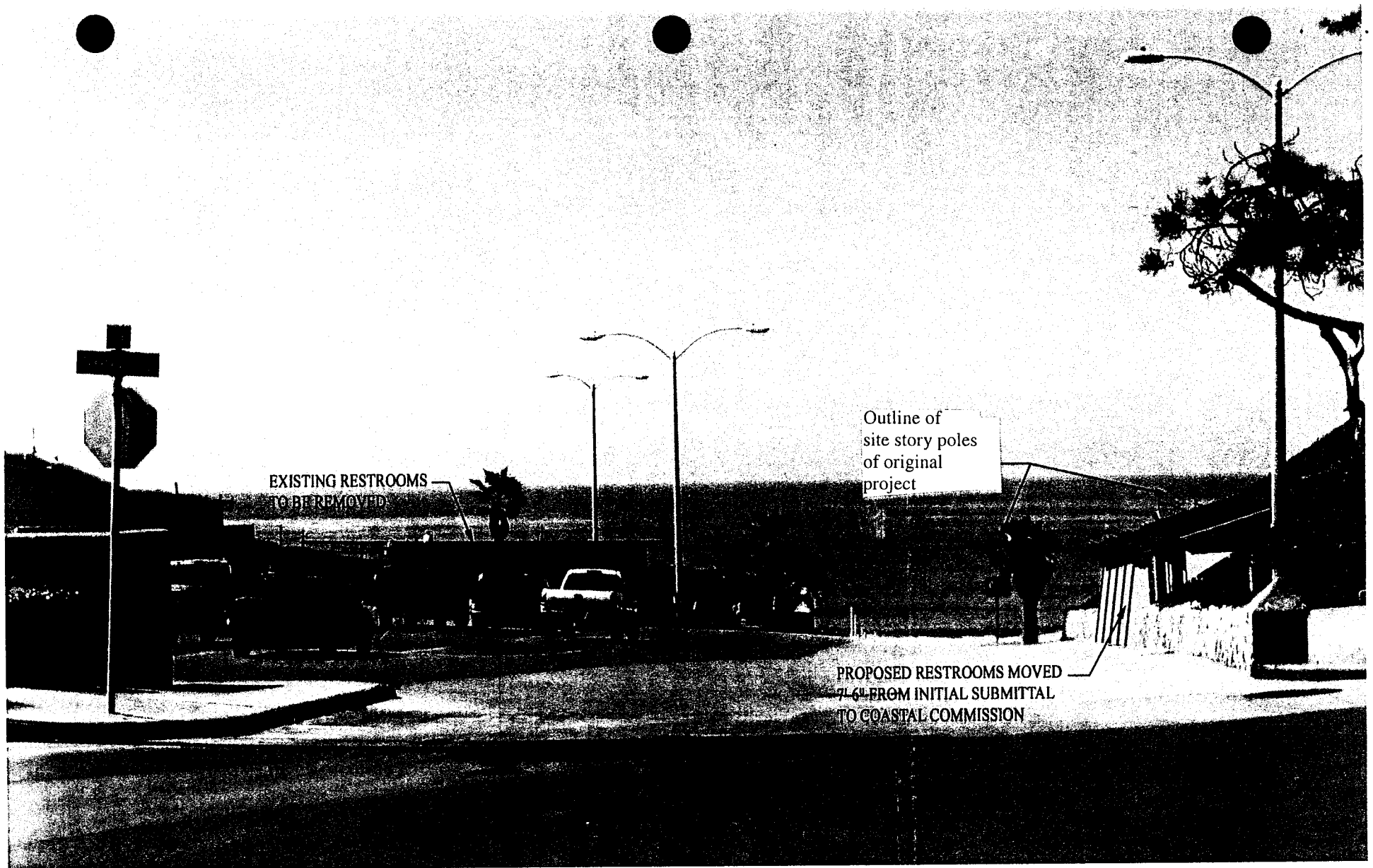


EXHIBIT NO. 1
APPLICATION NO.
6-02-50
Location Map

California Coastal Commission



ATTACHMENT 2  
BATHROOM SHIFTED 7'-6" TO THE NORTH

# FLETCHER COVE RESTROOM

SOLANA BEACH, CA

OCTOBER 8, 2002

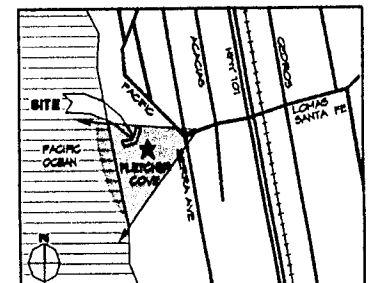


EXHIBIT NO. 3

APPLICATION NO.

6-02-50

Photo Simulation



California Coastal Commission



September 13, 2002

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SEP 17 2002

California Coastal Commission  
San Diego District  
7575 Metropolitan Drive, Ste. 103  
San Diego, CA. 92108-4402

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

Attn: Gary Cannon

Dear Mr. Cannon,

This letter is in reference to the new bathroom facilities to be built at Fletcher Cove in Solana Beach. I/we hereby object to the proposed relocation of the bathroom for the following reasons:

1. Solana Beach has only one ocean view corridor in the entire city. The proposed bathroom facility will further limit the ocean view the city now has. The view from the corner of Pacific and Sierra is something many people enjoy on an everyday basis. The proposed location of the new bathroom facility will drastically affect the current view.
2. People drive daily into the parking lot of Fletcher Cove to view surf conditions at the same location as the proposed bathroom facility. The proposed bathroom would greatly hinder the ability to view surf conditions.
3. At the proposed location a hazardous condition would be created between pedestrians and automobiles.

Lowering the grade at the existing bathroom location is a better solution. By lowering the grade at the existing location you would enhance the ocean views and usability. The present location, if lowered, would allow for easier access to the bathrooms from the beach and would also create a separation between pedestrians and autos.

Solana Beach Residents

Name: Eugene B. Fletcher III Signatures: Eugene B. Fletcher III

Address: 522 TurFmond Ln.  
Solana Beach Ca. 92075

Phone: (858) 229 7450

My Great Grand Father Ed Fletcher gave  
The County of San Diego / Solana Beach  
Fletcher Cove For all to enjoy. IT would  
be a shame to restrict the views that he  
Thought was so important.

EXHIBIT NO. 4
APPLICATION NO.
6-02-50
Letters of Opposition to Original Restroom Location
Page 1 of 14
California Coastal Commission

SEP 13 2002  
SEP 13 2002  
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Solana Beach Residents

Name: Richard Jacobs

Signatures: Richard Jacobs

Address: 128 N. Helix

Phone: (858) 720-0492

September 13, 2002

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7575 Metropolitan Drive, Ste. 103  
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Solana Beach Residents

Name: \_\_\_\_\_

*Tony Iron Ford*

Signatures: \_\_\_\_\_

Address: \_\_\_\_\_

*408 Hillmen Pl.  
Solana Beach, CA 92075*

Phone: \_\_\_\_\_

*555-755-6499*

FROM : DW

PHONE NO. : 5197925478

Sep. 11 2002 04:41AM P2

September 13, 2002

California Coastal Commission  
San Diego District  
7575 Metropolitan Drive, Ste. 103  
San Diego, CA. 92108-4402

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Solana Beach Residents

Name: Jim Berry

Address: 357 Hilman Dr.

Phone: 858-2594855

Signatures: 

September 13, 2002

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7575 Metropolitan Drive, Ste. 103  
San Diego, CA. 92108-4402

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Solana Beach Residents

Name: Ric Kennedy  
Address: 122 N. Sierra Av  
Phone: 858 350-5987

Signatures: Ric Kennedy

September 13, 2002

California Coastal Commission  
San Diego District  
7575 Metropolitan Drive, Ste. 103  
San Diego, CA. 92108-4402

RECEIVED

SEP 25 2002

COMMUNITY  
COORDINATOR  
SAN DIEGO COAST DISTRICT

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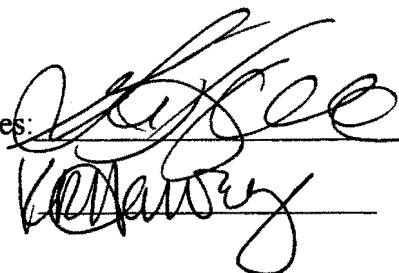
Solana Beach Residents

Name: GREG & KIM HARVEY

Address: 208 PACIFIC AVE  
SOLANA BEACH CA

Phone: 858 442-2814 92015

Signatures:



SEP 11 2002  
September 13, 2002

California Coastal Commission  
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Solana Beach Residents

Name: Nicole Mione

Signatures: Nicole Mione

Address: 119 N. Sierra

Phone: 350-1793