

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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Permit Application No. 6-02-75/gdc
Date August 22, 2002

ADMINISTRATIVE PERMIT**Mon 3a**

Application No.: 6-02-75

Applicant: Marvin Zigman and City of Solana Beach

Description: Construction of an approximately 55 ft. long, concrete block retaining wall that varies in height from approximately 2 to 5 feet and re-paving and re-striping of an existing parking lot (resulting in the loss of one parking space), on a site containing an existing approximately 5,015 sq. ft. commercial structure that includes a restaurant.

Site: 137 Lomas Santa Fe Drive, Solana Beach, San Diego County
APN: 298-73-03

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:	September 9, 2002	LOCATION:	Westin Hotel—LAX
	9:00 a.m., Monday		5400 West Century Boulevard
			Los Angeles, CA 90045

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: 

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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.
5. 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 the construction of an approximately 55 ft. long, concrete block retaining wall along the eastern property line that varies in height from approximately 2 to 5 feet and the re-paving and re-striping of an existing parking lot (resulting in the loss of one parking space) on a site containing an existing approximately 5,015 sq. ft. commercial structure that includes a restaurant.

The City of Solana Beach has recently acquired the portions of the subject site fronting Lomas Santa Fe Drive in order to construct a widened bike lane, curbs and gutters, and an improved sidewalk. Currently the subject site "juts out" in a manner that raises safety concerns for motorists and bicyclists along Lomas Santa Fe Drive. These roadway improvements within the City's recently acquired right-of-way are exempt from Coastal Development Permit requirements. However, in order to accommodate these roadway

improvements, an existing berm and concrete retaining wall located along the eastern property line of commercial structure at Lomas Santa Fe Drive must be demolished. As a result, the existing parking lot for the commercial structure must also be modified in order to retain as much as possible the current number of parking spaces.

Although the public street improvements are exempt from Coastal Development Permit requirements, the development proposed on private property requires a permit because the project involves the construction of a significant non-attached structure and the removal of one parking space from the existing lot.

The project site is located at 137 Lomas Santa Fe Drive, approximately ½ mile east of Fletcher Cove, the primary beach access site in the City of Solana Beach. The project site is located within an area that was previously covered by the County of San Diego's Local Coastal Program (LCP). However, the County LCP was never effectively certified and is thus used as guidance, with Chapter 3 Policies of the Coastal Act used as the standard of review.

Section 30252 of the Act requires that new development should maintain and enhance public access to the coast by providing adequate parking facilities. The subject proposal would result in the elimination of one parking space from its existing 14 spaces. The existing structure does not currently have enough parking spaces to conform to current City parking requirements. However, because the structure existed before the incorporation of the City, the structure is considered to be legally non-conforming. No modifications to the existing commercial building are proposed with this application. In the future if the site is redeveloped, the new development will be required to conform to current City standards. Special Condition #1 advises the applicant that any change in use or other development at the site may require a coastal development permit or amendment to this permit.

In terms of the loss of one parking space and its impact on public access to the shoreline, the site is at a substantial distance from the City's beaches such that a patron of the commercial building will not use public beach parking if onsite parking is not available at the commercial site. Also, there is no on-street parking available along this section of Lomas Santa Fe Drive. Most of the existing beach parking lots for the City's beaches are located on the west side of Highway 101 which is two blocks west of the subject site. In addition, the existing public parking lots at Fletcher Cove and along Sierra Avenue are not currently filled even during the summer months. Therefore, the loss of one space of parking at the subject site will not adversely affect public access to the beach. In addition, because of the City's construction of the sidewalk and bike lane, safety for motorists, bicyclists and pedestrians will be increased and access will be enhanced, consistent with all applicable public access policies of the Coastal Act.

Section 30230 and 30231 of the Coastal Act require that the biological productivity of coastal waters, streams, etc., be maintained by, among other means, controlling runoff. The proposed project site is currently built-out with asphalt and concrete, and the proposed development will not alter the amount or rate of runoff. Therefore, in this

particular case, the Executive Director finds the proposed project consistent with Section 30230 and 30231 of the Coastal Act.

Section 30251 of the Act calls for the protection of the coastal zone's scenic amenities and requires that new development be visually compatible with the character of the surrounding community. The proposed development is located in a commercial district along Lomas Santa Fe Drive containing varied commercial uses. The proposed project is consistent with the surrounding uses and is in character with existing structures in this community. Public views will not be affected because the project site is not within a view corridor and views of the beach or ocean are not available across the site. The Executive Director therefore finds the proposed project consistent with Section 30251 of the Act.

Section 30604(a) of the Coastal Act 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 provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made. The subject site was designated for Commercial uses in the previously certified County of San Diego LCP. The City of Solana Beach has zoned and designated this area for Commercial uses in their draft Land Use Plan and Zoning Ordinance, and the proposed development is consistent with these designations. As discussed above, the proposed project can be found consistent with the relevant Chapter 3 policies regarding the protection of public access and visual resources, and no adverse impacts to coastal resources are anticipated. As described above, the proposed project will not have any adverse impact on coastal access. Therefore, the Executive Director finds the proposed development will not prejudice the ability of the City of Solana Beach to prepare a certifiable Local Coastal Program.

SPECIAL CONDITIONS:

1. Future Development Restriction. This permit is only for the development described in coastal development permit #6-02-75. Except as provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106, including, but not limited to, change in the density or intensity of use land, (such as a conversion of use from retail to restaurant) shall require an amendment to Permit #6-02-75 from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission or from the applicable certified local government.

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

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