

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



W17a

Addendum

February 3, 2012

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item W17a**, Coastal Commission Permit Application
6-05-040-A2 (Solana Beach Parking Lot Time Restrictions) for the
Commission Meeting of February 8, 2012.

Staff recommends the following changes be made to the above-referenced staff report:

1. On Page 4-5 of the staff report, Special Condition #14 shall be revised as follows:

14. Parking Monitoring Program. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for review and written approval of the Executive Director, a parking monitoring program which shall, at a minimum, incorporate the following:

a. Monitoring shall be conducted throughout the one-year term for which the permit authorizes the parking restrictions.

b. Monitoring shall occur at the following locations:

- ~~All public street parking and other public parking lots west of Highway 101 within a 1 mile radius of the Distillery Lot.~~
- The Distillery Lot parking spaces.
- Fletcher Cove Beach Parking Lot
- The public parking lot on the west side of S. Sierra Avenue immediately north of the Solana Beach Tennis Club parking lot.
- Public street parking within the following limits:
 1. The public street parking along S. Sierra Avenue from the Distillery Lot south to Dahlia Drive.
 2. The public street parking along Pacific Street from W. Plaza Street north to Hill Street.
 3. The public street parking on N. Helix Street.
 4. The public street parking along N. Sierra Avenue from W. Plaza Street north to Estrella Street.

5. The public street parking along N. Acacia Avenue from W. Plaza Street. north to Estrella Street.

c. Monitoring for the ~~parking lots~~ three parking lots (as noted in Item b above) shall occur ~~on~~:

- ~~One Saturday and one Sunday each month from date of parking time limit sign installation until one year following installation.~~
- ~~Every Saturday, Sunday and holiday between Memorial Day weekend and Labor Day.~~
- Quarterly on one Saturday and one weekday outside of the summer months. These counts will occur in January, April and October.
- Twice monthly on one Saturday and one weekday during the summer months of June, July and August. Monitoring needs to occur on one Saturday during a holiday weekend.
- Monitoring of the parking lots shall occur on the same day as monitoring of the surrounding neighborhood.

d. Monitoring ~~within the parking lot~~ for the three parking lots (as noted in Item b above) shall consist of:

- Parking counts taken each hour between 10:00 a.m. and 2:00 p.m. on every monitored day; recordation of temperature, weather and surf conditions during each count;
- Documentation of both actual car counts and percentage of occupancy, assuming 74 available public parking spaces; and
- Documentation of turnover rates.

e. Monitoring the surrounding neighborhood (as noted in the first subsection of letter "b" above) shall occur ~~on~~:

- ~~One Saturday and one Sunday each month from date of the parking time limit sign installation until one year following installation.~~
- ~~Every Saturday, Sunday and holiday between Memorial Day weekend and Labor Day.~~
- Quarterly on one Saturday and one weekday outside of the summer months. These counts will occur in January, April and October.
- Twice monthly on one Saturday and one weekday during the summer months of June, July and August. Monitoring needs to occur on one Saturday during a holiday weekend.
- Monitoring of the surrounding neighborhood shall occur on the same day as the monitoring of the parking lot.

f. Monitoring the surrounding neighborhood (as noted in the first subsection of letter "b" above) shall consist of:

- Parking counts within the surrounding areas detailed above for all street parking shall be taken at the approximate hours of 10:00 a.m. and 2:00 p.m. on every monitored day. The permittee shall also record the temperature, weather and surf conditions during each count and shall include documentation of total parking spaces available.

Results of the quarterly monitoring shall be submitted to the Coastal Commission at the end of 6 months (starting within 60 days of installation of parking lot signage) and at the end of one year, with an additional final parking analysis report to be submitted at the end of the year trial period. The reports shall include documentation of any modifications made to existing street parking (i.e. reductions of existing spaces by red curbing, curb cuts, no parking signs, and installation of automated parking fee devices etc.). The reports shall also include a summary of any complaint reports from the public during the year trial period. Data shall be presented in tables and graphs and shall compare the number of open parking spaces in the surrounding neighborhood and Fletcher Cove Beach Lot to the usage of the Distillery Parking Lot.

The permittee shall undertake monitoring in accordance with the approved monitoring program. Any proposed changes to the approved program shall be reported to the Executive Director. No changes to the program shall occur; including any reduction in intensity of monitoring efforts, without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



W17a

Filed: 10/31/11
49th Day: 12/19/11
180th Day: 4/28/12
Staff: M.Ahrens-SD
Staff Report: 1/20/12
Hearing Date: 2/8-10/12

AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-05-40-A2

Applicant: City of Solana Beach

Agent: Dan Goldberg

Original

Description: Demolition of 60 parking spaces within an existing 93-space public beach asphalt parking lot (Fletcher Cove Beach Park) and replacement with a grass and/or sand covered park and the request for after-the-fact approval of an unpermitted 74-space parking lot at 140 S. Sierra Avenue.

Proposed

Amendment: To amend Special Condition #10 to conditionally place time restrictions on the parking spaces at the Distillery Parking Lot for a one year time period. The request will place a four hour time limit on 74 spaces and a two hour limit on eight spaces.

Site: 140 S. Sierra Avenue, Solana Beach, San Diego County.

Substantive File Documents: San Diego County Local Coastal Plan, San Dieguito Land Use Plan (1980); Fletcher Cove Master Plan/June 1992; Fletcher Cove Master Plan/June 2001; "Fletcher Cove Parking Study" by Katz, Okitsu & Associates dated April 12, 2005, Fletcher Cove Parking Demand Study dated August 26, 2008 by RBF Consulting, Fletcher Cove Parking Demand Study dated October, 20, 2011 by RBF Consulting, Letter from City of Solana Beach dated December 20, 2011.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed amendment request with conditions. The subject parking lot is located across the street and east of the Fletcher Cove Beach parking lot and recreation park in the City of Solana Beach. The Distillery Lot was considered to be an adjacent public parking reservoir for the parking spaces lost through the Fletcher Cove park

redevelopment project (6-05-040). However, the City of Solana Beach is raising concerns that use of the Distillery Lot by public beach goers is adversely affected by the long-term use of the subject lot by nearby business employees. The primary coastal issue raised by the subject amendment request involves public beach access and the availability of public parking in this area of Solana Beach. The project as designed could potentially result in increased public access and recreation opportunities as well as improved distribution of available public parking opportunities. However, as there have been no comprehensive long-term parking studies conducted for the Distillery Lot that would confirm that the subject lot is being used primarily for long term employee parking rather than public beach parking, the potential exists that the proposed parking time limits would negatively impact public parking on the adjacent streets and in the Fletcher Cove Beach Lot. As such, the City is proposing the project on a trial basis for a one year period. During that time, the City will monitor the use of the lot and surrounding areas to see if any adverse impacts can be attributed to the time restrictions. Special Condition #15 is proposed to require the City to conduct quarterly parking monitoring and submit a final annual parking study that documents the parking trends for the Distillery Lot and the distribution of parking throughout other nearby public parking areas. With a condition requiring that this permit be issued for a one year trial period and be accompanied with comprehensive parking monitoring reports, the proposed project can be found consistent with Coastal Act policies related to public access.

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

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 6-05-40 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE A PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the grounds that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local

Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. Special Conditions.

1. The following shall replace in its entirety, Special Condition #10 of Coastal Development Permit No. 6-05-40, as amended:

10. Distillery Lot Use Restriction. A minimum of seventy-four (74) public parking spaces shall be available in perpetuity at the "Distillery Lot". These spaces cannot be leased or made available for exclusive use by private entities at any time. For a one year time period, to start on the date the parking time limit signs are installed at the Distillery Lot, the 74 public parking spaces will have a 4 hour time limit in effect between the hours of 6 a.m. and 7 p.m., except on Sundays when they will not be restricted and the eight (8) leased spaces will have a 2 hour time limit in effect between the hours of 6 a.m. and 7 p.m., except on Sundays when they will not be restricted.

2. The following shall be added as new Special Condition Nos.14, 15, 16 & 17:

14. Parking Monitoring Program. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for review and written approval of the Executive Director, a parking monitoring program which shall, at a minimum, incorporate the following:

a. Monitoring shall be conducted throughout the one-year term for which the permit authorizes the parking restrictions.

b. Monitoring shall occur at the following locations:

- All public street parking and other public parking lots west of Highway 101 within a 1 mile radius of the Distillery Lot.
- The Distillery Lot parking spaces.
- Fletcher Cove Beach Parking Lot

c. Monitoring for the parking lots shall occur on:

- One Saturday and one Sunday each month from date of parking time limit sign installation until one year following installation.
- Every Saturday, Sunday and holiday between Memorial Day weekend and Labor Day.

- Monitoring of the parking lots shall occur on the same day as monitoring of the surrounding neighborhood.
- d. Monitoring within the parking lot shall consist of:
- Parking counts taken each hour between 10:00 a.m. and 2:00 p.m. on every monitored day; recordation of temperature, weather and surf conditions during each count;
 - Documentation of both actual car counts and percentage of occupancy, assuming 74 available public parking spaces; and
 - Documentation of turnover rates.
- e. Monitoring the surrounding neighborhood (as noted in the first subsection of letter "b" above) shall occur on:
- One Saturday and one Sunday each month from date of the parking time limit sign installation until one year following installation.
 - Every Saturday, Sunday and holiday between Memorial Day weekend and Labor Day.
 - Monitoring of the surrounding neighborhood shall occur on the same day as the monitoring of the parking lot.
- f. Monitoring the surrounding neighborhood (as noted in the first subsection of letter "b" above) shall consist of:
- Parking counts within the surrounding areas detailed above for all street parking shall be taken at the approximate hours of 10:00 a.m. and 2:00 p.m. on every monitored day. The permittee shall also record the temperature, weather and surf conditions during each count and shall include documentation of total parking spaces available.

Results of the quarterly monitoring shall be submitted to the Coastal Commission at the end of 6 months (starting within 60 days of installation of parking lot signage) and at the end of one year, with an additional final parking analysis report to be submitted at the end of the year trial period. The reports shall include documentation of any modifications made to existing street parking (i.e. reductions of existing spaces by red curbing, curb cuts, no parking signs, and installation of automated parking fee devices etc.). Data shall be presented in tables and graphs and shall compare the number of open parking spaces in the surrounding neighborhood and Fletcher Cove Beach Lot to the usage of the Distillery Parking Lot.

The permittee shall undertake monitoring in accordance with the approved monitoring program. Any proposed changes to the approved program shall be reported to the Executive Director. No changes to the program shall occur; including any reduction in intensity of monitoring efforts, without a Coastal Commission

approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required

15. Deed Restriction. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the “Distillery Lot” parcel governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, as amended the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit, as amended, as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire “Distillery Lot” parcel governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

16. Term of Permit. The time restrictions on the Distillery Parking Lot shall be permitted for one year from the date of approval of this permit amendment. In order to continue the time restrictions beyond this date, the applicant shall submit and receive approval of an amendment to this permit.

17. Prior Conditions of Approval. All other terms and conditions of the original approval of Coastal Development Permit #6-05-40, as amended, not specifically modified by amendment 6-05-040-A2, shall remain in full force and effect and become part of Amended Coastal Development Permit #6-05-40-A2.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Project History/Amendment Description. The proposed amendment request involves imposing a 4 hour time limit onto 74 existing public parking spaces and a 2 hour time limit on 8 existing spaces that are being leased by an adjacent business. The proposed project will involve the installation of parking signage indicating that parking in 74 public spaces is limited to a 4 hour time period between the hours of 6 a.m. and 7 p.m. except on Sundays when there will be no restrictions and parking in the 8 leased spaces is limited to a 2 hour time period between the hours of 6 a.m. and 7 p.m. except on Sundays. No meters or fee machines are proposed as part of the parking time limitations, instead, signage indicating the proposed time limits will be located in strategic locations around the parking lot area, and tickets for violators will be issued by an on site enforcement officer. The subject site is referred to as the “Distillery Lot” located across Sierra Avenue and to the east of the Fletcher Cove Beach Lot, west of Highway 101. No

remodeling, repaving or renovation of the parking lot, other than the installation of new signage, is proposed as part of this project. The proposed sign posts will be no higher than surrounding parking time limit posts and will not include monument signs or any signage that could be considered visually intrusive. As such, there will be no modifications or encroachments into existing public ocean views in the area.

The original project approved by the Commission in June of 2005 through CDP #6-05-040 involved the removal of 60 parking spaces within the 93 spaced asphalt parking lot at Fletcher Cove and the construction of a grassy recreation area in their place. Permit amendment #6-05-040-A1, which was approved by the Commission in 2006, involved a complete redesign of the initial project as approved by the Commission and resulted in a revision of the entire parking lot area construction and improvements adjacent to the bluff. The Commission based its decision of approval for the Fletcher Cove Beach development and loss of 60 parking spaces on the fact that there were 74 unrestricted public parking spaces located across the street from Fletcher Cove in the Distillery Lot that could be used for public beach parking. As such, the proposed amendment may only be approved if these spaces continue to be available for public beach parking.

2. Public Access/Recreation. The following Coastal Act policies relate to the proposed amendment request:

Section 30210

In carrying out the requirements of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

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, or,

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.

Section 30221

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

The proposed project is designed to improve public parking availability and enhance public access and recreational opportunities at Fletcher Cove Beach Park through implementation of time restrictions on the 74 public parking spaces in the Distillery Lot. Currently the Distillery Lot has 74 unrestricted public parking spaces available. To accommodate the loss of the 60 parking spaces within Fletcher Cove Park, approved through 6-05-040, the Commission determined in 2005 that available parking exists on the nearby streets and at the nearby Distillery Lot. However, the City has submitted parking reports that suggest that available public parking at the Distillery Lot is being used on weekdays primarily for all day parking by nearby employees or residents. As such, the City is proposing to implement 4 hour (for 74 public spaces) and 2 hour (for 8 leased spaces) parking time limits to see if this will improve the availability of weekday parking in the distillery lot without causing a deficiency in available public parking at the Fletcher Cove Beach Lot or on the surrounding streets or neighborhoods.

The intent of the City's request to install time limitations on the Distillery Lot is to help alleviate overcrowding of the lot during daytime business hours when, according to the City, it is used primarily as all day parking for employees of local businesses along the 101 corridor and nearby residents. The City has submitted a parking study for the Distillery Lot and Fletcher Cove Beach Lot, however, it was deficient in analysis and breadth of study and did not span an adequate amount of time to be found firmly conclusive. As it remains unclear whether the proposed time limits will adversely impact the availability of public parking at the nearby Fletcher Cove Beach Lot, Special Condition #10 of the original permit is proposed to be modified such that the permit be

issued on a 1 year trial basis (as proposed by the applicant). None of the Special Conditions replaced or added in 6-05-040-A1 restricted or conditioned the Distillery Lot, however, Special Condition #10 of the original CDP 6-05-40 prohibited any restrictions from being placed on the existing public parking spaces in that lot. The Commission included this Special Condition to ensure the protection of available public parking within the Distillery Lot that was intended to mitigate for the loss of 60 public parking spaces within the Fletcher Cove Beach Lot. Modification of Special Condition #10 would allow for the temporary implementation of parking restrictions in the Distillery Lot to improve public access, and the addition of Special Condition #16 would limit the subject permit amendment to a one year trial period. At the end of this one year period, to be initiated upon installation of the subject parking limit signage, the applicant would be required to submit a CDP amendment application, as well as parking monitoring data, in order to implement the 4 hour and 2 hour time restrictions permanently or for a longer time period.

The Fletcher Cove Beach Lot currently provides 34 unrestricted spaces. Other public parking opportunities in the immediate area include street parking along Sierra Avenue and along Pacific Street as well as parking along South Highway 101 that is currently limited to a 2 hour time period. The subject development is located adjacent to several commercial developments that front Highway 101 to the east and Plaza Street to the north. Many of the existing commercial developments that surround the proposed parking lot were constructed prior to the incorporation of the City of Solana Beach and fail to meet the City's current parking standards. As a result, the City has suggested that the subject parking lot (Distillery Lot) is heavily used during the workweek by employees and patrons of the surrounding businesses. The City has indicated that while there are currently ample public beach parking opportunities in the area that allow for access to Fletcher Cove Beach, they think that imposing a time limit on parking at the Distillery Lot will help to discourage all day parking during the peak weekday working hours of 9am-5pm, and function to increase the availability of public parking in the area during these hours.

As part of this permit amendment, Special Condition #10 would be modified to allow for the proposed time restrictions on the 74 public spaces and 8 leased spaces in the Distillery Lot on a one year trial basis. In order to ensure that there are no impacts to the availability of public parking in the immediate area and specifically to the Fletcher Cove Beach Lot, Special Condition #14 is proposed to require the applicant to submit comprehensive parking monitoring reports and analysis during the one year trial period. Special Condition #14 requires the applicant to monitor and analyze the availability of public parking at the Distillery Lot, Fletcher Cove Lot, and on nearby streets where public parking is available. The monitoring is required to occur on one Saturday and one Sunday each month from the date of parking time limit sign installation until one year following installation, and for every Saturday, Sunday and holiday between Memorial Day weekend and Labor Day. Also, monitoring of the parking lot is required to occur on the same day as monitoring of the surrounding neighborhood. On the day monitoring will occur, parking counts are required to be taken each hour between 10:00 a.m. and 2:00 p.m.; the monitoring report will also include recordation of temperature, weather

and surf conditions during each count. Documentation of both actual car counts and percentage of occupancy, assuming 74 available public parking spaces and documentation of turnover rates are also required to be included in the monitoring data. The applicant will be required to prepare a monitoring report on a quarterly basis, with the results submitted after 6 months and at the end of the one year period. Additionally, the City will be required to prepare a final parking analysis following the end of the one year period.

With Special Conditions restricting the implementation of the parking time limits to a one year period and requiring the submittal of comprehensive parking studies, the proposed project, designed to enhance and protect access and recreational opportunities, can be found to be consistent with the public access and recreational policies of the Coastal Act.

3. 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.

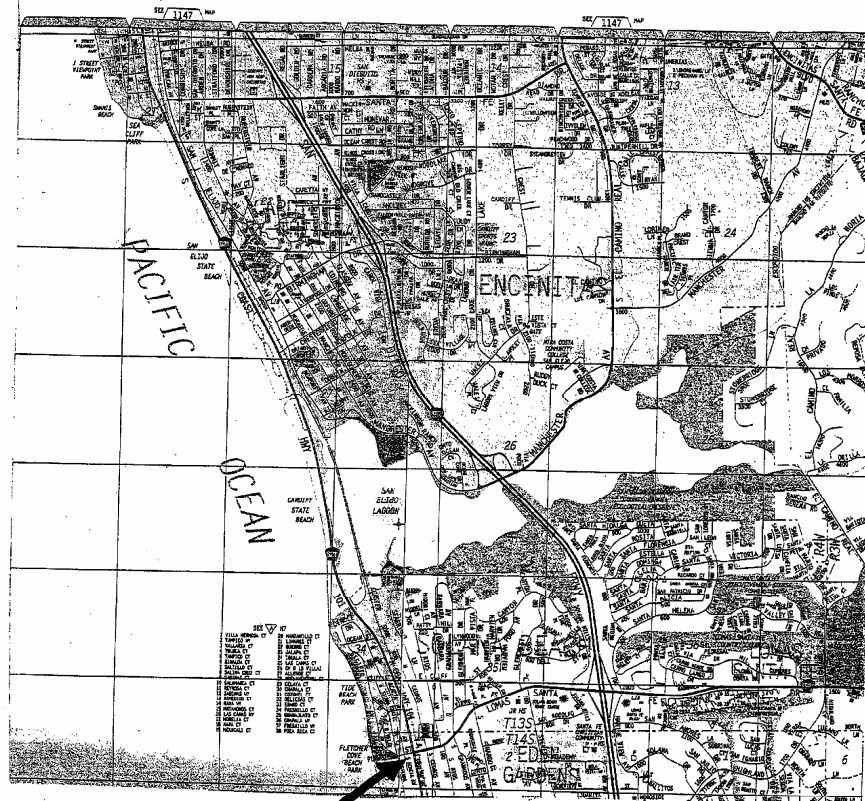
The subject site was previously in the County of San Diego Local Coastal Program (LCP) jurisdiction, but is now within the boundaries of the City of Solana Beach. Because of the incorporation of the City, the certified County of San Diego Local Coastal Program no longer applies to the area. The City has recently submitted the Land Use Plan (LUP) portion of its LCP for Commission's review. However, it has not yet been certified by the Commission. As such, 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 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.


4. 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 mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the public access policies of the Coastal Act. No impacts to sensitive environmental resources will result as part of the proposed project. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant

adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.



SUBJECT SITE

EXHIBIT NO. 1
APPLICATION NO. 6-05-040-A2
Location Map
 California Coastal Commission



6-05-040-A2
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EXHIBIT NO. 3
APPLICATION NO. 6-05-040-A2
Parking Signage
 California Coastal Commission

STATE OF CALIFORNIA - THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION

San Diego Coast Area Office
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4421
(619) 767-2370

Date: March 24, 2006
Permit Application No.: 6-05-040-A1
Page: 1 of 10



FILE COPY

NOTICE OF INTENT TO ISSUE AMENDED PERMIT
(Upon satisfaction of special conditions)

THIS IS NOT A COASTAL DEVELOPMENT PERMIT

THE SOLE PURPOSE OF THIS NOTICE IS TO INFORM THE APPLICANT OF THE STEPS NECESSARY TO OBTAIN A VALID AND EFFECTIVE AMENDED COASTAL DEVELOPMENT PERMIT ("CDP"). An Amended Coastal Development Permit for the development described below has been approved but is not yet effective. Development on the site cannot commence until the amended CDP is effective. In order for the amended CDP to be effective, Commission staff must issue the amended CDP to the applicant, and the applicant must sign and return the amended CDP. **Commission staff cannot issue the Amended CDP until the applicant has fulfilled each of the "prior to issuance" Special Conditions.** A list of all of the Special Conditions for this amended permit is attached.

The Commission's approval of the CDP is valid for two years from the date of approval. To prevent expiration of the CDP, you must fulfill the "prior to issuance" Special Conditions, obtain and sign the CDP, and commence development within two years of the original approval date (June 8, 2005). You may apply for an extension of the permit pursuant to the Commission's regulations at Cal. Code Regs. title 14, section 13169.

On February 9, 2006, the California Coastal Commission approved Amended Coastal Development Permit No. 6-05-040-A1, requested by The City of Solana Beach, subject to the attached conditions, for development consisting of: **Modify the proposed renovation of Fletcher Cove Beach Park to include new pedestrian walkways, revised vehicle access, 34 parking spaces, tot lot, basketball court, boardwalk, grassy areas, retaining walls, landscape improvements, and permanent irrigation devices.** Also requested is removal of Special Condition #5c that prohibits installation of permanent irrigation system. More specifically described in the application file in the Commission offices. **Commission staff will not issue the CDP until the "prior to issuance" special conditions have been satisfied.**

EXHIBIT NO. 4

APPLICATION NO.

6-05-040-A2

6-05-040-A1 NOI

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California Coastal Commission

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NOTICE OF INTENT TO ISSUE PERMIT

(Upon satisfaction of special conditions)

Date: March 24, 2006


Permit Application No. 6-05-40-A1

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The development is within the coastal zone in **140 S. Sierra Avenue and Fletcher Cove Beach Park, west end of Plaza St., Solana Beach (San Diego County) 298-010-63, 298-010-66.**

If you have any questions regarding how to fulfill the "prior to issuance" Special Conditions for CDP No. 6-05-040-A1, please contact the Coastal Program Analyst identified below.

Sincerely,
PETER M. DOUGLAS
Executive Director


By: Gary Cannon
Coastal Program Analyst
Date: March 24, 2006

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this Notice and fully understands its contents, including all conditions imposed.

Date_____
Permittee

Please sign and return one copy of this form to the Commission office at the above address.

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.

NOTICE OF INTENT TO ISSUE PERMIT
(Upon satisfaction of special conditions)

Date: March 24, 2006

Permit Application No. 6-05-40-A1

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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.

SPECIAL CONDITIONS:

NOTE: IF THE SPECIAL CONDITIONS REQUIRE THAT DOCUMENT(S) BE RECORDED WITH THE COUNTY RECORDER, YOU WILL RECEIVE THE LEGAL FORMS TO COMPLETE (WITH INSTRUCTIONS). IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE DISTRICT OFFICE.

The permit is subject to the following conditions:

1. **Drainage and Polluted Runoff Control Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, final drainage and runoff control plans and supporting calculations for the Distillery lot that have been approved by the City of Solana Beach Engineering Department. The plans shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater produced on site by each runoff event, up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner.

NOTICE OF INTENT TO ISSUE PERMIT

(Upon satisfaction of special conditions)

Date: March 24, 2006

Permit Application No. 6-05-40-A1

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- (c) Drainage from the parking areas, driveway area, and other impervious surfaces on the site shall be directed through vegetative or other media filter devices effective at removing and/or mitigating contaminants such as petroleum hydrocarbons, heavy metals, and other particulates.
- (d) Opportunities for directing runoff into pervious areas on-site for infiltration and/or percolation of rainfall through grassy swales or vegetative filter strips, shall be maximized where geotechnical concerns would not otherwise prohibit such use.
- (e) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. The plan shall include an identification of the party or entity(ies) responsible for maintaining the various drainage systems over its lifetime and shall include written acceptance by the responsible entity(ies). Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to and during each rainy season, including conducting an annual inspection no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.
- (f) Sweeping of all impervious parking lot surfaces shall be conducted on a regular basis (e.g., monthly or weekly) using a vacuum regenerative sweeper or equivalent method that removes trash and particulate matter.

The permittee shall undertake development in accordance with the approved drainage and runoff control plans. Any proposed changes to the approved drainage and runoff control plans shall be reported to the Executive Director. No changes to the approved plans shall occur without an amendment to this coastal

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development permit unless the Executive Director determines that no amendment is required.

2. Condition Compliance. WITHIN 60 DAYS OF COMMISSION ACTION ON THIS CDP APPLICATION, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

3. Implementation of Drainage and Polluted Runoff BMPs. WITHIN 90 DAYS OF ISSUANCE OF THIS PERMIT, or within such additional time as the Executive Director may grant for good cause, the applicant shall install/implement drainage and polluted runoff control BMPs consistent with the plans approved pursuant to Special Condition #1 of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

4. Final Revised Plans. PRIOR TO THE ISSUANCE OF THE AMENDED COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and written approval, final site, grading, and building plans for the permitted Fletcher Cove Beach Park development. Said plans shall be in substantial conformance with the site plan shown on Exhibit #4 of Amendment 6-05-40-A1 staff report.

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.

5. Final Landscape Plans. PRIOR TO THE ISSUANCE OF THE AMENDED COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and written approval of the Executive Director, a final landscaping and irrigation plan for the Fletcher Cove Beach Park development that incorporates the following:

- a. A plan showing the type, size, extent and location of all existing and proposed plant materials on the site and clearly indicating those to be retained and those proposed for removal.

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- b. All new plant material shall consist of low growing, drought tolerant native, non-invasive plant materials. New trees or other plants shall be prohibited in areas that could adversely affect public views of the ocean.
- c. All existing permanent irrigation devices located within 100 feet of the bluff edge shall be removed.
- d. Any proposed permanent irrigation systems must be located at least 100 feet landward of the bluff edge and include effective measures so that all runoff or irrigation water will be directed away from the bluff and into the nearby low-flow diversion system and will not enter into groundwater. The design shall include an impervious clay layer and drainage system to be installed beneath any permanent irrigation devices in order to prevent infiltration of runoff or irrigation water into the bluff. The impervious clay layer shall be a minimum of twelve inches thick and shall have a maximum hydraulic conductivity of 1×10^{-6} cm/sec. The clay layer shall be capped by a layer of sand with minimum hydraulic conductivity of 1×10^{-2} cm/sec, containing perforated drainage pipes designed to collect groundwater and carry it to the street. If the above described clay layer design cannot be implemented, then landscaping shall consist entirely of drought-tolerant native plants that eliminate the need for permanent irrigation.
- e. The use of rodenticides and pesticides is prohibited.
- f. The use of fertilizer shall be minimized and the method of application shall be managed so that there will be no measurable discharge to coastal waters.
- g. 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.

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6. Public Access Corridors. **PRIOR TO THE ISSUANCE OF THE AMENDED COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, final plans for the Fletcher Cove Beach Park development indicating the location of access corridors to the beach through the construction site and staging areas. The final plans shall indicate that:

- a. No storage of equipment or materials shall occur on the sandy beach.
- b. Access through Fletcher Cove Park to the beach shall remain open during construction to the maximum extent possible. Closure, if necessary, shall be minimal with the accessway re-opened for public use as soon as possible.
- c. Access and use of the Park's overlook area and remaining parking areas shall remain available to the maximum extent possible.
- d. No work shall occur during the summer months between Memorial Day weekend and Labor Day of any year.
- e. The applicant shall submit evidence that the approved plans/notes have been incorporated into construction bid documents. The staging site shall be removed and/or restored immediately following completion of the development.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the 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.

7. Storage of Construction Materials, Mechanized Equipment, and Removal of Construction Debris. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION**, the applicant shall submit for the review and approval of the Executive Director, a Construction Best Management Practices Plan for the Fletcher Cove Beach Park construction project site, prepared by a licensed professional, and shall incorporate erosion, sediment, and chemical control Best Management Practices (BMPs) designed to minimize to the maximum extent feasible the adverse impacts associated with construction to receiving waters. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

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- a. No construction materials, equipment, debris, oil, liquid chemicals, or waste shall be placed or stored where it may be subject to stormwater, or where it may contribute to or come into contact with nuisance flow;
- b. Any and all debris resulting from construction activities shall be removed from the site within 1 day of completion of construction;
- c. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material;
- d. All stock piles and construction materials shall be covered, enclosed on all sides, and shall be located as far away as possible from drain inlets and any waterway;
- e. All debris and trash shall be disposed of in proper trash and recycling receptacles at the end of each construction day;
- f. The discharge of any hazardous materials into any receiving waters shall be prohibited.
- g. Construction equipment shall not be washed on the beach or within the Fletcher Cove parking lot.
- h. 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.

8. Public Parking Sign Program. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a public parking sign program for the parking lots at both Fletcher Cove and the Distillery Lot. The plan shall include the following:

- a. Signage at the Fletcher Cove lot shall direct the public to additional public parking at the Distillery Lot.

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- b. Signage at the Distillery Lot shall clearly indicate the availability of the 74 spaces available at all times for beach parking as well as times at which the remaining 50 spaces are available for beach parking.

9. Parking Demand Monitoring Program. The applicant shall conduct a parking demand study during the summer from Memorial Day through Labor Day of the Fletcher Cove, the Distillery Lot and adjacent public streets each year for a period of two years following elimination of the 60 parking spaces at Fletcher Cove. This information shall be considered in the Commission's decision on future amendments to this permit or in future permit requests for development at Fletcher Cove or the nearby properties. In addition, the parking demand study shall include an analysis and evaluation of the use of a public shuttle system along the Highway 101 Corridor and the Solana Beach Transit Center to Fletcher Cove.

10. Distillery Lot Use Restriction. A minimum of seventy-four (74) unrestricted public parking spaces shall be available in perpetuity at the "Distillery Lot". These spaces cannot be leased or made available for exclusive use by private entities at any time.

11. Deed Restriction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the "Distillery Lot" parcel governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire "Distillery Lot" parcel governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

12. Shoreline Protection Waiver. By acceptance of this Permit Amendment (6-05-040-A1), the applicant agrees, on behalf of itself and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to

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protect the development approved pursuant to Coastal Development Permit No. 6-05-40, as amended, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards in the future. By acceptance of this Permit Amendment, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235 to protect the proposed development.

By acceptance of this Permit Amendment, the applicant further agrees, on behalf of itself, and all successors and assigns, that the applicant shall remove all portions of existing or proposed development (excluding the Marine Safety Center) if the structures become hazardous or a threat to the public. Replacement structures shall be no closer than 5 ft. landward of the bluff edge. In the event that portions of such development fall to the beach before they are removed, the applicant shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.