

**CALIFORNIA COASTAL COMMISSION**

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



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original staff report

# W12b

## Addendum

October 6, 2014

To: Commissioners and Interested Persons

From: California Coastal Commission  
San Diego Staff

Subject: Addendum to **Item W12b**, Coastal Commission Permit Application  
**#6-14-1033 (Hitzke Development Corporation)**, for the Commission  
Meeting of October 8, 2014

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Staff recommends the following changes be made to the above-referenced staff report. Deletions shall be marked by a ~~strike through~~ and additions shall be underlined.

1. On Page 2 of the staff report, the third paragraph shall be modified as follows:

To address these potential adverse impacts, the Commission staff is recommending ~~nine~~ ten special conditions that would require (1) final site and (2) revised final landscape plans requiring all removed trees to be replaced and prohibiting the use of invasive plant species, (3) a final sign program with easily visible and legible signage to alert the public of the available public parking spaces, (4) prohibiting construction staging and storage from occupying off-site public parking areas and reopening the on-site public parking spaces as soon as possible, (5) drainage/runoff control plans that prevent water quality impacts to the ocean from polluted runoff, (6) erosion control plans requiring construction BMPs to protect and maintain the quality of coastal waters during construction, (7) testing the excavated material for suitability for beach deposition and, if suitable, placing the material on the beach via the SCoup program, (8) recordation of a deed and lease restriction against the subject property to assure all future owners are aware of the restrictions imposed on the subject property, (9) providing a minimum of 31 public parking spaces in perpetuity, and (10) accepting liability for costs and attorney fees that the Coastal Commission may incur in defending its action should there be litigation challenging its approval of this permit.

2. On Page 10 of the staff report, Special Condition No. 8 shall be modified as follows:

8. **Deed and Lease Restriction. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the

Executive Director for review and approval documentation demonstrating that the landowner and lessor have ~~has~~ executed and recorded against the parcel(s) governed by this permit a deed and lease 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 and lease restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed and lease restriction shall also indicate that, in the event of an extinguishment or termination of the deed and lease 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.

3. On Page 11 of the staff report, the following shall be added after the last sentence of the last paragraph:

City staff have indicated that they have no record of when the parking hour restrictions were placed on the subject lot, and that no permits, records or documents have been identified that contain any use restrictions on the property (Exhibit 7). There is a quitclaim deed that describes the subject property as “for public vehicular parking” at the time the land was transferred from the County to the City upon incorporation; however, the City has asserted that the quitclaim deed did not place any prohibition on future use of the property. Nonetheless, the proposed project is maintaining and supplementing all existing public parking.

4. On Page 15 of the staff report, the following sentence shall be added after the last sentence of the last complete paragraph:

Therefore, the proposed parking is comparable or superior to the existing parking, considering that there are 22 additional spaces proposed. There have also been assertions by members of the public that the proposed development is deficient by four parking spaces for guest parking. However, the City approved a density bonus for the proposed development as it would provide 100% of the units to very low income households, thereby making the proposal eligible for and compliant with the vehicular parking ratio provided by Government Code Section 65915(p).

5. On Page 17 of the staff report, the following shall be added after the last sentence of the second paragraph:

There have been assertions by members of the public that a deed restriction currently exists for this property that limits its use to public parking only; however, both the applicant and the City have indicated that no records or documents have been identified that contain use restrictions on the property (Exhibit 7). As previously mentioned, there is a quitclaim deed that describes the subject property



PHI INDIVIDUENT TO:  
CITY OF SOLANA BEACH  
380 STEVENS AVENUE  
SUITE #120  
SOLANA BEACH, CALIF  
92075  
Attn: City Clerk's Office

381

88 310665

JUN 29 PM 2:27

NO FEE

NO TRANSFER TAX DUE

SPACE ABOVE FOR RECORDER'S USE ONLY

### Quitclaim Deed

DUPLICATE ORIGINAL

Assessor's Parcel  
No. 298-010-60, 263-041-17, 298-212-81

Project Solana Beach Tide Park  
W. O. No. PM5100  
Parcel No. 86-0310-A, B, C, D

For a valuable consideration,

COUNTY OF SAN DIEGO, a political subdivision of the State

of California

do(es) hereby remise, release and forever quitclaim to

CITY OF SOLANA BEACH, a municipal corporation

the following described real property in the County of San Diego, State of California:

Parcel No. 86-0310-A (7-21-86) (JA:JA:po)

That portion of Block 24 of Solana Beach, in the City of Solana Beach, County of San Diego, State of California, according to Map thereof No. 1749, filed in the Office of the County Recorder of said County, together with that portion of Plaza Street vacated by the Board of Supervisors recorded September 16, 1968 as File/Page No. 68-159721 in the Office of the County Recorder of said County lying Northerly of the Northerly line of LAS BRISAS Subdivision according to Map thereof No. 7999 filed in the Office of said County Recorder.

Parcel No. 86-0310-B (7-21-86) (JA:JA:po)

All of Tide Park, in the City of Solana Beach, County of San Diego, State of California, as shown and dedicated on Map No. 2143, filed in the Office of the County Recorder of said County.

Parcel No. 86-0310-C (7-21-86) (JA:JA:po)

A strip of land 100.00 feet wide for public vehicular parking in the City of Solana Beach, County of San Diego, State of California, being a portion of Lot 4 of Sunset Plaza, according to Map thereof No. 5575, filed in the Office of the County Recorder of said County together with a portion of the North Half of the Southwest Quarter, San Bernardino Base and Meridian, the Westerly line of said strip being the Westerly line of said Lot 4 and the Northwesterly extension thereof and the Southerly line being the Southerly line of said Lot 4 and the Northerly line being a line that is 76.61 feet Northerly of and parallel with the Northerly line of said Lot 4.

CCSF, Rev. 85 10, 5/77

OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER

EXHIBIT NO. 9
APPLICATION NO. 6-14-1033
Quitclaim Deed

Parcel No. 86-0310-D (7-27-86) (JA:JA:po)

All those Easements for Recreational, Public Pathway and Beach Access purposes, and those Open Space Easements and Public Vehicular parking areas dedicated and accepted on Subdivision Maps, in the City of Solana Beach, County of San Diego, State of California.

QUITCLAIM DEED

PARCEL NO.: 86-0310-A, B, C, D

Dated this 9th day of June, 1987 (34)

COUNTY OF SAN DIEGO

Kathryn A. Nelson  
Clerk of the Board of Supervisors

STATE OF CALIFORNIA) ss.  
COUNTY OF SAN DIEGO)

On this 9th day of June in the year 1987, before me, ROBERT D. ZUMWALT, County Clerk and ex-officio Clerk of the Superior Court of the County of San Diego, personally appeared KATHRYN A. NELSON, known to me to be the Clerk of the Board of Supervisors of said County, and known to me to be the person who executed the within instrument on behalf of said County, and acknowledged to me that such County executed the same.

ROBERT D. ZUMWALT, County Clerk and ex-officio, Clerk of the Superior Court

By Patricia W. Stewart Deputy

(SEAL)

OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER



NO.	PARCEL NO.
①	86-0310-B
④⑥	86-0310-A
⑧	86-0310-C
NOT SHOWN	86-0310-D



# DELANO & DELANO

September 25, 2014

*VIA E-MAIL & U.S. MAIL*

Brittney Laver  
Coastal Program Analyst  
California Coastal Commission  
7575 Metropolitan Drive, Suite 103  
San Diego, CA 92108-4421

Re: CDP 3 6-14-1033

Dear Ms. Laver:

On behalf of Seascape Surf Estate Management Corporation, I am enclosing an analysis prepared by RK Engineering Group, Inc. regarding the parking and traffic analyses for the Pearl Mixed Use project in Solana Beach. As you will see, the enclosed analysis determines that the parking and traffic analysis for the Pearl project are substantially flawed.

Additionally, I received a copy of a September 11<sup>th</sup> letter to you from the City Manager, in which he asserts that "project opponents have not provided any document evidencing the alleged public parking only use restriction." For your information, I am enclosing a copy of the deed restriction. Please note that this document was previously provided to the City of Solana Beach.

Please feel free to contact me if you have questions or need additional information.

Sincerely,

Everett DeLano

Enclosures

EVERETT L. DELANO III  
*Admitted in California and Colorado*

M. DARE DELANO  
*Admitted in California and New York*

220 W. Grand Avenue  
Escondido, CA 92025

(760) 510-1562 :: Office  
(760) 510-1565 :: Fax

September 16, 2014

Mr. Everett DeLano  
DELANO & DELANO  
220 West Grand Avenue  
Escondido, CA 92025

**Subject: The Pearl Mixed Use Development Parking and Traffic Review,  
City of Solana Beach**

Dear Mr. DeLano:

RK ENGINEERING GROUP, INC. (RK) is pleased to submit this review of the traffic impact study for the proposed Pearl Mixed Use project in the City of Solana Beach. RK has reviewed the proposed development plan and *The Pearl Mixed Use Project Traffic Impact Study* (prepared by Kimley Horn & Associates, Inc. on November 4, 2013) to analyze the site plan, parking requirements, parking lot design standards and traffic impact study. After completing this review, RK has developed the following findings and recommendations for further analysis.

**Site Plan Summary**

RK has reviewed the site plan for the proposed project with respect to parking and on-site circulation. The proposed site plan is included in Appendix A. The site is currently operating as a public parking lot with 31 parking stalls. The proposed site is a mixed use project with 10 multi-family residential units and 795 square feet of commercial use. The proposed site has been planned with 53 parking stalls. The project intends to have 31 of these parking stalls serve as replacement stalls for the public parking lot that will be eliminated.

**Parking Requirement Review**

The parking requirements for the proposed project have been reviewed. The City of Solana Beach Parking Regulations are included in Appendix B. According to the City of Solana Beach Parking Requirements, the proposed project would be responsible for providing 26 parking stalls for the proposed land uses. In addition, the project plans to provide 31 public parking stalls to replace the public parking stalls that will be eliminated to develop this project. As shown on Table 1, RK has tabulated this parking requirement at 57 parking stalls.

According to the site plan, the project plans to provide 53 parking stalls. This is 4 parking stalls less than what RK has calculated to be required by the City of Solana Beach Parking requirements. The difference seems to be that RK has included parking for guest parking at a rate of 1 space per 4 units (both as required in the City of Solana Beach Parking Code).

Items of Note:

1. The proposed parking provided is deficient of The City of Solana Beach Parking Code by 4 parking stalls.
2. It was not mentioned if public parking and parking for residents will be separated with assigned parking. Signage designating public parking and residential parking should be provided to prevent overflow between the two uses.

**Parking Lot Design Review**

The proposed parking lot design has been reviewed according to City Standards and engineering judgment. The parking is planned to be a two-level subterranean parking structure with two entrance points below the commercial and residential developments, as shown on the Site Plan in Appendix A.

Items of Note:

1. Because of the change from visible at-grade level parking to enclosed, subterranean parking, the following consequences should be considered:
  - a. Parking of oversized vehicles may be restricted.
  - b. The ability to easily view available parking is restricted. This may result in additional trips being generated as vehicles enter the parking structure to view if parking stalls are available.
  - c. As noted previously, if parking stalls are not designated for either public or residential use, it is possible that the residents may use the public parking stalls for additional parking, and vice versa, public parking may overflow into the residential area.
2. The limited turn-around areas on both Level 1 and Level 0 do not appear to facilitate ease of movement of vehicles to maneuver through the parking lots. In particular, the two parking spaces at the end of each parking area do not appear to have the ability to turn around to exit the parking lot. It is recommended that a turning template analysis be conducted to ensure that free-flow movement can be accommodated for vehicles entering and exiting the structure even when the lot is full.

3. Because the Level 1 and Level 0 parking sections have separate entrances and are not visible from the street, this may potentially increase traffic as vehicles seek an available parking space and must maneuver from one parking section to another. This is not an issue with the current at-grade parking lot where open parking spaces may be visible from the street and all spaces can be accessed from the single inbound driveway.
4. The proposed site plan calls out a ramp slope of 25% which is in accordance with the City of Solana Beach Design Requirements. In general, typical ramps tend to be a range on 10-15%. A ramp slope of 25% would be considered a very steep angle and may pose a problem for vehicles entering and exiting the parking area.
5. The clearance level to the parking areas have not been called out on the Site Plan; therefore, it would need to be confirmed to ensure that it meets the City Design Requirements.
6. Although the parking stalls and drive aisle lanes for the proposed project meet the City of Solana Beach Design Guidelines, the size of the parking stalls and drive aisle widths have been reduced considerably from the current parking lot. This may be an issue for public beach users who may be loading and unloading beach gear.
7. It should be noted that there may be some loss of on-street parking in front of the proposed site since there are now two full size driveways serving the site. Once this lost number of spaces is determined, the spaces should be provided by the proposed site.

### **Traffic Impact Study Review**

*The Pearl Mixed Use Project Traffic Impact Study* (prepared by Kimley Horn & Associates, Inc. on November 4, 2013) has been reviewed and the following items have been noted for your consideration.

Traffic counts for the traffic impact study were taken in October 2013. In a beach community with a thriving Summer Junior Lifeguard program in the vicinity of the site, October would be considered an off-peak month for traffic volumes and traffic impacts may have been underestimated. Traffic volumes from the Kimley Horn traffic study are included in Appendix C.

Items of Note:

1. Traffic impacts may have been underestimated since traffic counts were taken in October 2013 which would be considered an off-peak month for traffic volumes in the vicinity of the proposed project. It is recommended that the report be updated to acknowledge the seasonal difference.
2. Queuing may also be affected by an increase in peak activity periods (during the nearby Summer Junior Lifeguards program).
3. The trip generation does not include a trip generation source for vehicles entering the public portion of the parking lot. Although, this would be assumed to be unchanged from the traffic entering/exiting the existing parking lot, as noted previously, the trip generation may be increased from the current at-grade parking lot by the fact that public parking stalls are not visible from the street. Therefore, vehicles seeking a parking stall must enter the parking structure before knowing if a parking stall is available, rather than being able to view the lot from the street. In addition, summer traffic has been shown to be higher seasonally than traffic counts collected in October 2013.
4. It should be noted that the existing parking lot has one inbound and one outbound driveway. Therefore, this proposed site plan with two inbound/outbound driveways will potentially increase side friction traffic along Sierra Avenue.

**Conclusions**

After reviewing *The Pearl Mixed Use Project Traffic Impact Study* (prepared by Kimley Horn & Associates, Inc. on November 4, 2013), RK has developed the following recommendations:

1. The proposed parking provided appears to be deficient of the City requirements. Four (4) additional parking stalls should be provided to meet City parking requirements. In addition, if the end spaces are removed to allow turn around space, then parking will be further reduced.
2. Parking stalls should be designated for public use and residential use with "Reserved Parking for Residents" and "Public Parking Only" signage, to prevent overflow from the residents.

3. The ramp down to the Level 0 parking area is designed at a 25% grade. Although this meets the City of Solana Beach Design Guidelines, this ramp is steeper than typical ramps and may pose a problem for vehicles entering and exiting.
4. The driveway ramp clearance levels should be obtained to ensure that the clearance levels meet City standards.
5. The project could consider a real-time digital parking availability display sign that would note the number of available parking spaces at each entrance driveway to help vehicles know where and if parking is available to reduce unnecessary traffic in the parking structures since the ability to view available parking is restricted.
6. A turning template analysis should be conducted to ensure that the planned turnarounds provide free-flow movement to accommodate vehicles entering and exiting the structure in particular when the lot is full. In particular, the two end parking spaces in each parking level do not appear to have the ability to turn around to exit the parking area if the lot is full.
7. The traffic analysis should be updated to acknowledge the seasonal variation in traffic conditions, and whether additional impacts may occur during summer months..
8. Any increase in trip generation due to the lack of visibility of available parking from the street should be taken into consideration.
9. Although the parking stalls and drive aisle lanes for the proposed project meet the City of Solana Beach Design Guidelines, the size of the parking stalls and drive aisle widths have been reduced significantly from the current parking lot. This may be an issue for public beach users who may be loading and unloading beach gear.
10. It should be noted that there may be some loss of on-street parking in front of the proposed site since there are now two full size driveways serving the site. Once this lost number of spaces is determined, the spaces should be provided by the proposed site.
11. It should be noted that the existing parking lot has one inbound driveway and one outbound driveway. Therefore, this proposed site plan with two inbound/outbound driveways will potentially increase side friction traffic along Sierra Avenue.
12. It is the opinion of RK Engineering Group, Inc. that although the proposed project's plans meet the City Design Codes, the public beach parking may not operate with the

Mr. Everett Delano  
DELANO AND DELANO  
September 16, 2014  
Page 6 of 6

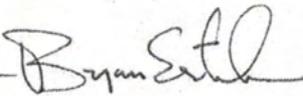
same ease as the current public parking lot at the site due to the lack of visibility of available parking, reduced parking stall size, reduced aisle width and increased number of driveways.

RK appreciates the opportunity to work with DELANO & DELANO on this project. If you have any questions regarding this review, please call our office at (949) 474-0809.

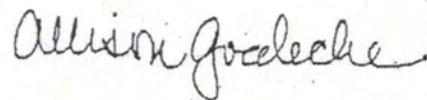
Sincerely,  
RK ENGINEERING GROUP, INC.



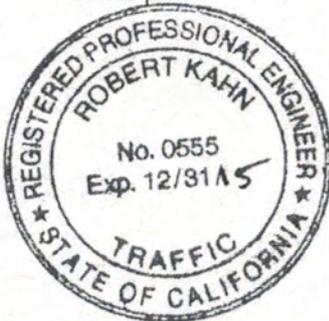
Robert Kahn, P.E.  
Principal



Bryan Estrada, PTP  
Senior Transportation Planner



Allison Goedecke, M.B.A.  
Senior Transportation Planner



THE INSTRUMENT TO:  
CITY OF SOLANA BEACH  
380. STEVENS AVENUE  
SUITE #120  
SOLANA BEACH, CALIF  
92075  
Attn: City Clerk's Office

381

88 314665

JUN 29 PM 2:27

NO FEE

NO TRANSFER TAX DUE

SPACE ABOVE FOR RECORDER'S USE ONLY

# Quitclaim Deed

DUPLICATE ORIGINAL

Assessor's Parcel  
No. 298-010-60, 263-041-17, 298-212-81

Project Solana Beach Tide Park  
W. O. No. PM5100  
Parcel No. 86-0310-A, B, C, D

For a valuable consideration,

of California COUNTY OF SAN DIEGO, a political subdivision of the State  
do (es) hereby remise, release and forever quitclaim to  
CITY OF SOLANA BEACH, a municipal corporation

the following described real property in the County of San Diego, State of California:

Parcel No. 86-0310-A (7-21-86) (JA:JA:po)

That portion of Block 24 of Solana Beach, in the City of Solana Beach, County of San Diego, State of California, according to Map thereof No. 1749, filed in the Office of the County Recorder of said County, together with that portion of Plaza Street vacated by the Board of Supervisors recorded September 16, 1968 as File/Page No. 68-159721 in the Office of the County Recorder of said County lying Northerly of the Northerly line of LAS BRISAS Subdivision according to Map thereof No. 7999 filed in the Office of said County Recorder.

Parcel No. 86-0310-B (7-21-86) (JA:JA:po)

All of Tide Park, in the City of Solana Beach, County of San Diego, State of California, as shown and dedicated on Map No. 2143, filed in the Office of the County Recorder of said County.

Parcel No. 86-0310-C (7-21-86) (JA:JA:po)

A strip of land 100.00 feet wide for Public vehicular parking in the City of Solana Beach, County of San Diego, State of California, being a portion of Lot 4 of Sunset Plaza, according to Map thereof No. 5575, filed in the Office of the County Recorder of said County together with a portion of the North Half of the Southwest Quarter, San Bernardino Base and Meridian, the Westerly line of said strip being the Westerly line of said Lot 4 and the Northwesterly extension thereof and the Southerly line being the Southerly line of said Lot 4 and the Northerly line being a line that is 76.61 feet Northerly of and parallel with the Northerly line of said Lot 4.

OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER

Parcel No. 86-0310-D (7-27-86) (JA:JA:po)

All those Easements for Recreational, Public Pathway and Beach Access purposes, and those Open Space Easements and Public Vehicular parking areas dedicated and accepted on Subdivision Maps, in the City of Solana Beach, County of San Diego, State of California.

QUITCLAIM DEED

PARCEL NO.: 86-0310-A, B, C, D

Dated this 9th day of June, 1987 (34)

COUNTY OF SAN DIEGO

*Kathryn A. Nelson*  
Clerk of the Board of Supervisors

STATE OF CALIFORNIA) ss.  
COUNTY OF SAN DIEGO)

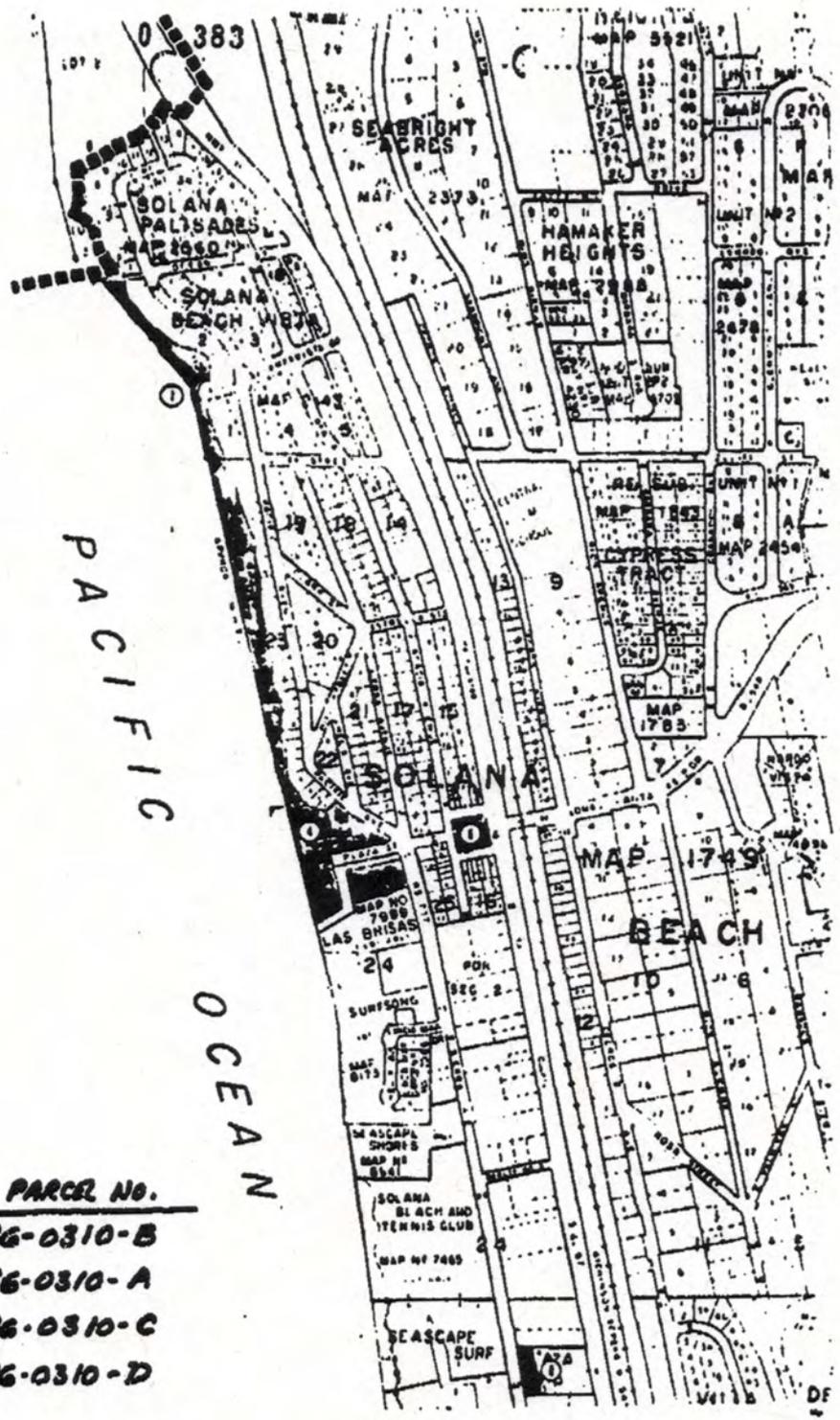
On this 9th day of June in the year 1987, before me, ROBERT D. ZUMWALT, County Clerk and ex-officio Clerk of the Superior Court of the County of San Diego, personally appeared KATHRYN A. NELSON, known to me to be the Clerk of the Board of Supervisors of said County, and known to me to be the person who executed the within instrument on behalf of said County, and acknowledged to me that such County executed the same.

ROBERT D. ZUMWALT, County Clerk and ex-officio Clerk of the Superior Court

By *Patricia Stewart*  
Deputy

(SEAL)

OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER



NO.	PARCEL NO.
①	86-0310-B
②	86-0310-A
③	86-0310-C
NOT SHOWN	86-0310-D

California Coastal Commission  
San Diego Coast District Office  
7575 Metropolitan Drive, Suite 103  
San Diego, California 92108-4402

Sharon C. Frank  
539 S. Sierra Ave #103  
Solana Beach, Ca 92075

RECEIVED

OCT 01 2014

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

Item NO:W 12b  
Permit #: 6-14-1033  
Applicant: Hitzke

Please vote NO on  
this permit application

Dear Commissioner,

Please vote NO on this permit application. This proposed Development will be a permanent and irrevocable detriment to the access to Cherry Hill Beach and will be a safety hazard to the Beach Goers and Residents who live on this street.

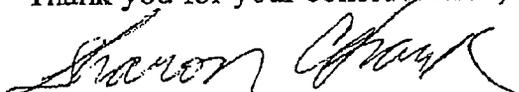
The City of Solana Beach is violating deeded instructions that mandate 500 S. Sierra as a parking lot indefinitely. Improper density bonus calculations were used to over build this Housing Project on this very small lot. The City also improperly denied Seascape Sur's view assessment. If this parking lot is used for this housing project it will eliminate convenient and safe drop off for parents and children participating in the Del Mar Junior Life Guards that occurs 5 days a week in the summer time, with the closest parking and drop off located 500 feet South, at City Hall and 900 feet North at the next available City Lot.

There are major safety concerns as the street level entrance and exit to this development is through one single driveway directly opposite Seascape Sur's entrance, and exit.

The current 31 street level parking stalls are being replaced with much smaller parking stalls and neither the ground level or the underground level parking has turnaround space, thus creating a hazard with cars getting backed up onto Sierra Street, all while beachgoers try to use this parking lot without any guarantee that the lot will even be available to them.

This Housing Project will also irrevocably change the character and nature of this seaside community. Please carefully consider denying this Application.

Thank you for your consideration,





# DELANO & DELANO

October 2, 2014

*VIA E-MAIL & HAND DELIVERY*

California Coastal Commission  
c/o Brittney Laver  
Coastal Program Analyst  
7575 Metropolitan Drive, Suite 103  
San Diego, CA 92108-4421

Re: October 8, 2014 Commission Meeting, Item 12b: Application No. 6-14-1033

Dear California Coastal Commission:

This letter is submitted on behalf of Seascape Surf Estate Management Corporation in connection with the proposed Pearl Mixed Use project in Solana Beach ("Project").

The staff report identifies several relevant and important Coastal Act policies relating to public access and recreation. *See* Staff Report at 12 – 14. The Project site currently operates as an important beach parking location and beach access point – popular beach locations are within a very short walking distance. The City's own Local Coastal Program Land Use Plan ("LUP") acknowledges that Seascape Surf is a public access point to the beach. *See* LUP at 2 – 3. It also designates the Project site as a public parking lot. *Id.*, Ex. 2-2 (copy attached). And the staff report correctly notes:

The proposed development would demolish the existing 31-space public parking lot to construct the residential units and office space. In a popular beach community with so many nearby public beach accessways such as this, a loss of public beach parking has the potential to adversely impact public access and recreation opportunities.

Staff Report at 14. Unfortunately, the staff report incorrectly concludes the Project's "proposed parking is comparable or superior to the existing parking ...." *Id.* at 15.

In reaching this conclusion, the staff report incorrectly assumes that constructing 31 narrow and difficult-to-see parking spaces inside the Project's building will adequately "replace" the existing wide and open parking spaces. But as pictures previously submitted to Commission staff show, the existing lot is heavily used by a

EVERETT L. DELANO III  
*Admitted in California and Colorado*

M. DARE DELANO  
*Admitted in California and New York*

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(760) 510-1562 :: Office  
(760) 510-1565 :: Fax

variety of vehicles, including large trucks and vans carrying surfboards, paddle boards, and other large beach recreation equipment. And as noted by a report from RK Engineering, submitted to Commission staff with my September 25, 2014 letter, the steep ramp, low clearance, sharp turning radius, and other features of the Project, crammed into the small site, will make access for many vehicles difficult if not impossible.

Furthermore, the staff report incorrectly assumes that 22 parking spaces with “green ‘General Parking’ signs” will provide additional public parking. The staff report also incorrectly concludes that the 22 “additional parking spaces would be provided to meet the demand generated by the proposed new development, consistent with the requirements in the [City’s] LUP.” Staff Report at 15. In fact, as the RK Engineering report notes, the Project’s parking is four stalls deficient of City requirements.<sup>1</sup> In other words, residents will end up using the spaces that are intended for public parking because there is an insufficient number of residential spaces. Indeed, the Project’s parking plan is unrealistic – tenants cannot be expected to wait until the public moves out of the “General Parking” spaces at 10 p.m. and, as such, they are likely to take any space available to them regardless of signage and designations.

In a September 11, 2014 letter to Commission staff, the City Manager asserted that “project opponents have not provided any document evidencing the alleged public parking only use restriction.” This assertion is incorrect at two levels. First, the deed has been provided to the City by Project opponents, it was included with the Project application to the Commission, and a copy was enclosed with my September 25, 2014 letter. Second, the Project is inconsistent with the deed restriction on the site. The deed limits use to “Public vehicular parking in the City of Solana Beach.” “It is well settled that where a grant deed is for a specified, limited and definite purpose, the subject of the grant cannot be used for another and different purpose.” *County of Solano v. Handlery* (2007) 155 Cal.App.4<sup>th</sup> 566, 575 (citations omitted). Accordingly, use of the Project site for housing and commercial purposes is prohibited.

The staff report also notes “the potential for adverse impacts to public access and recreation” during construction activities. Staff Report at 17. Unfortunately, the staff report does not propose any conditions to mitigate this impact. Proposed Special Condition # 4 merely “prohibits the use of off-site public parking areas for staging and storage of materials, and requires that the proposed on-site public parking spaces be reopened to the public as soon as possible when not precluded by the approved

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<sup>1</sup> In its report to the City Council, City staff did not assert the Project was consistent with City parking requirements. Rather, staff noted the parking requirements found in state density bonus law (attached is Table 1 from the April 23, 2014 staff report to the City Council). However, while such requirements may be binding upon the City, they do not bind the Coastal Commission. See Gov. Code § 65915(p)(1) (“no city, county, or city and county shall require a vehicular parking ratio ... that exceeds the following ratios ....”) (emphasis added).

construction.” *Id.* This Commission should require the applicant to provide alternative parking nearby to compensate for the loss of the spaces during construction.

Additionally, the staff report incorrectly asserts that the Project will not lead to any impacts to visual resources or community character, reasoning it is “consistent with all mixed use development standards as detailed in the Specific Plan.” Staff Report at 18. However, as even the City staff report acknowledged (on page 4 of the attached report), the Project applicant requested City “Council approval of a density bonus, an incentive to waive the development standard in the Highway 101 Corridor Specific Plan that limits the residential component of a mixed use development to 40 percent or less of the total, and a parking ratio, all of which are required by State density bonus law (Government Code Section 65915).” Here, the Project is inconsistent with existing community character. *See* Pub. Res. Code § 30251 (“Permitted development shall be sited and designed ... to be visually compatible with the character of surrounding areas ....”) & § 30253 (“New development shall ... [w]here appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses”)

“Coastal Commission review is a substitute for an EIR. Its review is ‘the functional equivalent of the EIR process.’” *McAllister v. County of Monterey* (2007) 147 Cal.App.4<sup>th</sup> 253, 296 (citing Pub. Res. Code §§ 21080.5(a) & (e)(1); CEQA Guidelines §§ 15002(l) & 15251(c) & (f); *Kaczorowski v. Mendocino County Bd. of Supervisors* (2001) 88 Cal.App.4<sup>th</sup> 564, 569) (emphasis in original) (footnote omitted). As such, the Coastal Commission must ensure adequate environmental analysis, since its “review [is] the final step in a sequential process of CEQA proceedings, which started with the [City’s] planning commission.” *Id.* Here, as these and other comments demonstrate, the Project will create significant environmental impacts to parking, traffic, land use, aesthetics and community character. As such, the Commission should prepare an analysis that addresses the scope of the impacts, mitigation measures, alternatives and cumulative impacts. *See Friends of Old Trees v. Department of Forestry & Fire Protection* (1997) 52 Cal.App.4<sup>th</sup> 1383, 1393.

Accordingly, Seascape Surf requests the Commission reject the Project. Thank you for your consideration of these concerns.

Sincerely,



Everett DeLano

Enclosures

## Public Parking Lots

1.	Transit Parking (106 North Cedros Ave)	= 319
2.	Plaza Street North Parking Lot (116 North Highway 101)	= 24
3.	Plaza Street South Parking Lot (116 North Highway 101)	= 23
4.	Fletcher Cove Parking Lot (101 South Sierra Avenue)	= 33
5.	Distillery Parking Lot (140 South Sierra Avenue)	= 82
6.	423 South Sierra Avenue	= 37
7.	535 South Sierra	= 31
8.	City Hall Parking Lot (635 South Highway 101)	= 66
9.	Del Mar Shores North (721 South Sierra Avenue)	= 20
10.	Del Mar Shores South (733 South Sierra Avenue)	= 21
11.	740 South Sierra Avenue	= <u>20</u>
	<b>Total</b>	<b>= 676</b>

### ON STREET PARKING

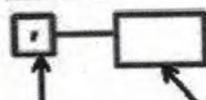
All public streets from Cedros Avenue, West to the ocean

= 1384

**Grand Total (Includes Parking Lots and On-Street Parking)**

**= 2060**

### Legend

- 
- Lot #      Parking Lot Boundary
-  City Operated Lot, Beach Parking
-  City Operated Lot, Business Public Parking
-  Transit Station Parking, NCTD Operated

### EXHIBIT 2-2 PUBLIC PARKING INVENTORY

Adopted Local Coastal Program Land Use Plan  
City of Solana Beach, February 2013





## STAFF REPORT CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** David Ott, City Manager  
**MEETING DATE:** April 23, 2014  
**ORIGINATING DEPT:** Community Development Department  
**SUBJECT:** 1) Development Review Permit (DRP), Structure Development Permit (SDP), Density Bonus, Parking Ratio, and Incentive for City-Owned Property in the 500 Block of South Sierra Avenue; Applicant: Hitzke Development Corporation (Case # 17-11-05)  
2) Development, Disposition, and Loan Agreement (DDLA) for Development of Affordable Housing

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### **BACKGROUND**

The Applicant requests Council approval of a Development Review Permit (DRP); an administrative Structure Development Permit (SDP); a density bonus; the use of vehicular parking ratio for the residential component as provided in Government Code Section 65915(p); an incentive to waive the development standard in the Highway 101 Corridor Specific Plan that limits the residential component of a mixed use development to 40 percent or less of the total as required by State law; and approval of a categorical exemption under CEQA to construct a mixed-use development on a City-owned, 14,721 square foot site in the 500 block of South Sierra Avenue.

The building includes 12,920 square feet composed of 10 dwelling units, and required facilities, including laundry, maintenance, elevators, and trash enclosures, and commercial office space. The proposed development includes 795 square feet of commercial office space on the first level, 10 affordable housing units located on the second and third levels, and structured parking on the first and basement levels. A total of 53 parking spaces are proposed, including 31 parking spaces to replace the existing 31 public parking spaces, 18 parking spaces for the proposed residential units, and four (4) parking spaces for the commercial office use. The maximum height of the development is proposed to be 35 feet from the lower of pre-existing or finished grade. The project proposes 5,100 cubic yards of excavation of potential beach-quality soil, all to be exported. The property is zoned General Commercial (C) and is located in the Highway 101 Corridor Specific Plan. A DRP is required for projects that include more than 50 cubic yards of grading or an addition of 500 square feet or more within the C Zone. An SDP is required for the construction of a structure greater than 16 feet in

CITY COUNCIL ACTION:

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height as measured from pre-existing grade. The project plans are provided in Attachment 1.

Should the Council make the necessary findings to approve the project, it will then consider approval of a Disposition, Development, and Loan Agreement (DDLA) and associated documents (Exhibit A of Resolution 2014-040, Attachment 3).

Under the terms of a settlement agreement in *People v. Perl*, the 1990 RDA, which was later deactivated by Ordinance No. 259, and the City committed to replace 13 units of affordable housing that were removed. To date, three units have been replaced. The proposed project would replace the remaining 10 units.

As part of ongoing efforts to promote affordable housing in Solana Beach, the City invited affordable housing developers to two workshops to discuss development options for affordable housing at various City-owned sites during the winter of 2008 and spring 2009. In March of 2009, the City and the Redevelopment Agency, established in 2003 and dissolved in 2012 pursuant to California Health & Safety Code section 34172 ("Former Agency"), received an unsolicited original proposal from the Applicant to develop a mixed-use development, including affordable housing, neighborhood-serving commercial space, off-street private parking, and public parking on the subject site.

The City and the Former Agency approved an Exclusive Negotiation Agreement (ENA) with the Applicant at the July 14, 2010 City Council meeting. The purpose of the ENA was to establish procedures and standards for negotiation by the City, Agency, and the Applicant for development of the Project through a DDLA. On January 26, 2011, the City and the Former Agency approved the First Amended and Restated Exclusive Right to Negotiate and Predevelopment Loan Agreement for the development of the Project (the ERNA). The City and Former Agency also approved a Predevelopment Loan in the maximum amount of \$648,000. The purpose of the Predevelopment Loan was to defray some of the estimated \$1.1 million in indirect predevelopment costs expected to be incurred by the Applicant, including, but not limited to: architectural, planning, and engineering studies and designs; analysis of water, sewer, and other utilities; legal fees; planning application fees; and other studies.

Subsequent to meetings with City Staff, the Applicant amended the initial development proposal. The City received the initial application on February 23, 2011. Public workshops were held on June 1, 2011 and August 15, 2011 at City Hall to provide information regarding the proposed project and receive input. A third Public Workshop was held at City Hall on October 18, 2011, where the Applicant presented several design alternatives in response to concerns expressed at the first two workshops regarding the proposed architectural style, bulk, and setbacks of the proposed project. The Applicant subsequently submitted revised plans to address concerns expressed at the workshops regarding the project as originally proposed, such as changing the architectural style from a modern to a cottage style to be compatible with existing development in the area; increasing the front setback; changing the use of the commercial space from a neighborhood market to office use; and reducing the size of the commercial space from 1,350 to 795 square feet.

Since the time this project was originally proposed, the State passed AB 1X 26 (the Dissolution Act), which dissolved redevelopment agencies in California. Until their dissolution, redevelopment agencies provided the primary local funding source for the production and preservation of affordable housing in California. The Dissolution Act authorized the City to elect to become the Successor Housing Agency of the Former Agency and to retain the housing assets and affordable housing functions of the Former Agency. The City Council elected to become the successor agency to the Former Agency when it was dissolved on February 1, 2012. The complexities of AB 1X 26 impacted the timing of negotiations with the Applicant. The California Department of Finance eventually approved the transfer of the predevelopment loan funds to the City as the housing successor to the Former Agency and agreed that the ERNA, including the \$648,000 predevelopment loan, was an enforceable obligation.

The issues before the Council are: (1) whether to approve, approve with conditions, or deny the Applicant's request for the proposed project; and, if the project is approved, (2) whether to approve the DDLA and associated documents and authorize the City Manager to sign the DDLA and all associated documents on behalf of the City.

#### **DISCUSSION – CONSIDERATION OF PROJECT APPROVAL**

The proposed project is a mixed-use development that includes commercial office space, ten affordable housing units, and a total of 53 parking spaces in structured parking. The 14,721 square foot project site is a City-owned public parking lot located in the 500 block of South Sierra Avenue on the east side of the street. The existing parking lot includes 31 public parking spaces, all of which would be replaced by the proposed project. The project is summarized as follows:

- 795 square feet of commercial office space on Level 1 (the ground level).
- Ten dwelling units on Levels 2 and 3, including:
  - Three one-bedroom units, all located on Level 2, ranging in size from 505 to 515 square feet.
  - Three two-bedroom units, all designed as townhouse style units, located on Levels 2 and 3, ranging in size from 918 to 1,032 square feet.
  - Three three-bedroom units, one of which is located on Level 2 with the other two units located on Level 3, ranging in size from 1,002 to 1,232 square feet.
  - One 1,383 square foot four-bedroom unit, located on Level 2.
- A total of 53 parking spaces in structured parking, including replacement of the existing 31 public parking spaces:
  - Level 1: Twenty-two public parking spaces, including an ADA-accessible parking space that counts toward replacing public parking; an ADA-accessible parking space that counts toward required parking for the commercial use; one motorcycle space; and four bicycle spaces.

- o Level 0 (Basement): Nine public parking spaces, three spaces for the commercial use, and 18 spaces for the residential use, including one ADA-accessible parking space that counts toward required parking for the residential use.

To construct the project, the existing asphalt surface parking lot and all related onsite structures would be demolished and all vegetation removed. Approximately 5,100 cubic yards of excavation would be required to create the basement level of the parking garage. All soil would be exported from the site. It is anticipated that the exported soil is compatible with beach sediments. If so, it will be required to be deposited on City beaches in conformance with the City's Sand Compatibility and Opportunistic Use Program (SCOUP).

### **Zoning Compliance**

The property is located within the General Commercial (C) Zone of the Highway 101 Corridor Specific Plan (Specific Plan), in the South Highway 101/South Sierra District, which allows mixed-use development. Certain development standards contained in the Specific Plan are tailored to the unique character of the area and modify those usually required by the C zone. The mixed-use development standards that apply to this project are contained in Table 4-3 of the Specific Plan. For other standards, the Specific Plan refers directly to those contained in the Zoning Ordinance.

The Applicant requests Council approval of a density bonus, an incentive to waive the development standard in the Highway 101 Corridor Specific Plan that limits the residential component of a mixed use development to 40 percent or less of the total, and a parking ratio, all of which are required by State density bonus law (Government Code Section 65915). As required by State law, Solana Beach has adopted a local ordinance, SBMC 17.20.050 to implement the density bonus statute.

Table 1, on the following page, provides a synopsis of the Solana Beach Municipal Code (SBMC) specific minimum and maximum requirements for the development of the property compared to the Applicant's proposed design. Specific details regarding zoning regulations are provided following Table 1.

**Table 1**

LOT INFORMATION	
<p><b>Property Address:</b> 500 block of S. Sierra  <b>Site Area:</b> 14,721 ft<sup>2</sup> (.338 ac)  <b>Maximum FAR Allowable:</b> 1.2:1 or 17,665 ft<sup>2</sup>  <b>Proposed FAR:</b> 1.16 or 17,089 ft<sup>2</sup>  <b>Below Max. FAR by:</b> 576 ft<sup>2</sup>  <b>Maximum Building Height:</b> 35 ft.  <b>Proposed Building Height:</b> 35 ft.</p> <p><b>Applicable Specific Plans:</b> Highway 101 Corridor Specific Plan</p> <p><b>Applicable Overlay Zones:</b> None</p>	<p><b>Zone:</b> C / HWY 101 Corridor Specific Plan  <b>Density Allowed:</b> 10 du<sup>1</sup>  <b>Density Requested:</b> 10 du  <b>Setbacks Required:</b>            Front: 10 ft.            Side (I): 0 ft.            Side (E): N/A            Rear: 0 ft.</p> <p><b>Setbacks Provided:</b>            Front: 10'-0"            Side (I)-North: 2'-0"            Side (I)-South: 1'-0"            Rear: 0'-8"</p>
PROPOSED PROJECT INFORMATION	
<p><b>Proposed Square Footage/FAR Breakdown:</b></p> <p>Level 0 (Basement): 10,607 ft<sup>2</sup></p> <p>Level 1:</p> <ul style="list-style-type: none"> <li>• Commercial: 795 ft<sup>2</sup></li> <li>• Parking: 8,308 ft<sup>2</sup></li> <li>• Utility/trash/stairs/elevator: 768 ft<sup>2</sup></li> </ul> <p>Level 2:</p> <ul style="list-style-type: none"> <li>• Residential: 6,080 ft<sup>2</sup></li> <li>• Laundry/maintenance: 176 ft<sup>2</sup></li> </ul> <p>Level 3:</p> <ul style="list-style-type: none"> <li>• Residential: 4,562 ft<sup>2</sup></li> </ul> <p>Subtotal: 31,296 ft<sup>2</sup></p> <ul style="list-style-type: none"> <li>• Basement: -10,607 ft<sup>2</sup></li> <li>• Parking for residential<sup>2</sup>: -3,600 ft<sup>2</sup></li> </ul> <p>Total FAR: 17,089 ft<sup>2</sup></p>	<p><b>Required Permits:</b></p> <p><b>DRP-</b> For an increase of 500 ft<sup>2</sup> of floor area in a commercial zone and for grading in excess of 50 cubic yards.</p> <p><b>SDP-</b> For construction in excess of 16 feet in height measured from pre-existing grade.</p>
<p><b>Proposed Grading:</b> Cut: 5,100 cubic yards    Fill: 0 cubic yards    Export: 5,100 cubic yards</p>	
<p><b>Required Parking for Project:</b></p> <ul style="list-style-type: none"> <li>• 22 spaces for automobile parking<sup>3</sup></li> <li>• 1 space for motorcycle parking</li> <li>• 4 spaces for bicycle parking</li> <li>• 31 spaces to replace public parking</li> </ul> <p><b>Proposed Parking:</b> As required  <b>Proposed Fences and Walls:</b> No  <b>Proposed Accessory Living Unit:</b> No  <b>Proposed Accessory Structure:</b> No</p>	<p><b>Existing Development:</b> Surface parking lot  <b>To Remain:</b> No</p>
<p><sup>1</sup>Pursuant to Government Code Section 65915(f)(2) and Government Code Section 65915(f)(5).  <sup>2</sup>200 ft<sup>2</sup> per required parking space X 18 required parking spaces = 3,600 ft<sup>2</sup>  <sup>3</sup>Pursuant to Government Code Section 65915(p)</p>	

RECEIVED

OCT 03 2014

906 - Petitions Total

10/2/14 Del. to Coastal Commission

Judy Gifford

October 1, 2014

To: Members of the Coastal Commission  
CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

From: Tamara Kushner, 561 So. Sierra Ave., Solana Beach, tkushner@comcast.net

Re: Coastal Permit Application Number 6-14-1033, Hitzke Development Corporation

Dear Coastal Commissioners,

I am concerned that the staff report on this application does not reflect the level of widespread community opposition to the proposed project.

I am one of the volunteers collecting signatures on a petition to save the current beach access parking lot and all the valuable recreational activity it supports.

We have a table at the end of the beach access easement served by the parking lot in question. When beach users hear what is proposed for their parking lot, virtually everyone decides to sign the petition. While the majority of the signers come from Solana Beach and nearby communities, signers come from all over San Diego County and from other areas of California. Also among the signers are people from nearby states and from all over the US. These are all people who are attracted to the beautiful California coastline, and who greatly appreciate the California Coastal Commission's commitment to protect easy, convenient public access to our beaches.

It does not take much discussion to obtain signatures—the beach goers and surfers and visitors to the view point all use the public parking lot across from the beach access easement, and they are immediately unhappy when they hear that this convenient and well designed public parking lot might be transformed into a three-story building taking up the entire lot, with inconvenient, poorly visible parking, much smaller parking spaces sized for compact cars, no flow through if spaces aren't available, and a steep driveway that may not accommodate their vehicles. They certainly do not feel that the proposed parking arrangement is in any way comparable to what is there now—those who use the parking lot regularly recognize immediately that the proposed project parking is not "like for like," but is substantially reduced and inferior to the present public parking lot.

We are submitting hundreds of signatures with this letter, and the petition drive continues. I have personally collected signatures for about 5 hours at various times during both weekend days. I consistently collect between 30 and 35 signatures each hour. These are all people who regularly use the parking lot for beach access, and whose voices have not been heard. The applicant, and the City of Solana Beach, were aware of the significant number of petitions gathered in response to the original application; they also have hundreds of emails from community members stating strong opposition to the proposed project, and many people opposed the project at City meetings. None of this community opposition was mentioned in the Coastal Commission staff report on the permit application. I urge you to seriously consider this community opposition in your deliberations.

Tamara Kushner



RECEIVED

OCT 03 2014

400 Petitions

Delivered to Coastal Commission

10/2/2014

PETITION TO THE CALIFORNIA COASTAL COMMISSION

SAN DIEGO COUNTY DISTRICT

FOR THE PROTECTION OF BEACH ACCESS AND PUBLIC SAFETY AT THE 500 SOUTH SIERRA AVE. PUBLIC PARKING LOT IN SOLANA BEACH.

NAME Greg Petre SIGNATURE [Signature]  
PRINT AND SIGN

ADDRESS 327 N. Acacia Ave.

NAME Sandra Rosenthal SIGNATURE [Signature]  
PRINT AND SIGN

ADDRESS PO Box 965 Solana Beach

NAME Kathy Connor SIGNATURE [Signature]  
PRINT AND SIGN

ADDRESS 8148 Genesee Ave apt 116 SB, Ca 92122

NAME Marjorie Petre SIGNATURE [Signature]  
PRINT AND SIGN

ADDRESS 335 S. Sierra #135, Solana Beach, CA 92075

NAME [Signature] SIGNATURE \_\_\_\_\_  
PRINT AND SIGN

ADDRESS 638 Old Camino Dr, Clare, S. Beach

Signatures gathered by volunteers

Contact Info. [Signature]

RECEIVED

OCT 03 2014

October 2, 2014

California Coastal Commission  
c/o Brittney Laver  
Coastal Program Analyst  
7575 Metropolitan Drive  
San Diego, CA 92108-442

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COASTAL DISTRICT

Re: October 8, 2014 Commission Meeting, Item 12b: Application No. 6-14-1033

Dear California Coastal Commission:

Along with this letter and attachment, I concurrently submitted a letter to the San Diego Coastal Commission office requesting a denial of the above referenced application due to the development's impact on public beach and recreational access in the coastal area of the City of Solana Beach (the "City"). The letter was submitted on behalf of an informal group of Solana Beach residents, Save Our Beach Access, which opposes the development of a dedicated beach access parking lot, especially when other, better alternatives exist in the area. In addition to providing history and current usage of the property for the proposed development, that letter discusses the impact on coastal beach access and recreation and includes supporting document.

After reading the staff report posted with the October 8, 2014 agenda item, we have concerns with the inclusion of inaccurate, incomplete and unsubstantiated information. These concerns are outlined in the enclosed Attachment A for the Commission consideration in its decision.

As discussed in the letter submitted for Save Our Beach Access and in the enclosed attachment, the proposed development fails to provide adequate parking either for the public or its own residents. The project site is a very important public parking lot and beach access, yet the project does not provide comparable parking opportunities to what exists there now. The City does not have a viable alternative location for the Junior Lifeguard Program. And finally, the project will create substantial negative impacts to views and aesthetics.

Although, this development may be a good affordable housing project, it is being forced into an unworkable space while other, better alternative spaces exist nearby. In fact, it is ironic that the City represented to Coastal Commission staff that the City Hall parking lot can be used for the City's Junior Lifeguard Program as the City staff ignored any suggestion that the project be moved one block to the City Hall parking lot. The City Hall parking lot is ideal as there are already 2 public beach parking lots with 50 spaces across the street from the City Hall lot serving the Del Mar Shores beach. It is a much larger parking lot (about twice the size) and the commercial use already exists (and complements weekend and holiday beach usage). The only components that need to be built are the underground parking lot and the 10 residential units.

Although, this may seem like a small project to the Commission, we believe it has important implications for coastal access and recreation in the City because it is the first of its kind in the area. The City has indicated in its LUP that all new development in the City will be west of the 5 Freeway and primarily in the Plaza District (one block North of the proposed development). The Plaza District is already the most congested area in the City as its western boundary is Fletcher Cove Beach Park. Since the majority of vacant land is zoned commercial, most future development in the City is expected to be mixed-used (similar to this development). Because many other proposed developments are expected to come before the Commission (including a mixed used development one block North on the corner of Dahlia and South Sierra already in the works), the Commission's approval may set precedent for these future developments. These decisions are related to the following:

- Public Beach Parking Lots. Using a scarce resource (public beach parking lots) that have existed for decades and currently provide well dispersed public beach access and recreational use when other alternatives are available. See attached Exhibit 1 showing the location of public access points and compatible public parking lots.
- Site Specific and Accumulative Beach Access Impact: Projects especially those going through redesign for 4-5 years as this one has should not be approved without site specific and/or area specific parking. In addition, all parking and traffic studies need to be conducted during the beach season not in April or October as was done in the traffic study for this project. In addition, there needs to be some measurement of the impact of recent changes and expected future changes in the project area. As an example, South Sierra has been impacted by the City's elimination of left turns into businesses on State Hwy 101 when traveling north. This has resulted in more traffic as cars either stay on Villa de la Valle to go North on South Sierra or turn on Dahlia and come into the businesses from the back off of South Sierra. Another example is the recent change allowing for dogs on some City beaches which obviously brings more year-round beach goers utilizing the existing beach access parking lots.

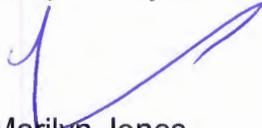
Approving mitigation measures such as the one presented in the staff report that only moves the impact on beach access to on-street parking which is already extremely limited as it serves the guest of some 900+ residences already on South Sierra Avenue. It is especially concerning that the staff report suggests that there can be shared parking with residents in the proposed development on the weekends.

- Density: The use of the public right-of-way to achieve a lot size allowing the highest density in the City (a use that is not allowed for under the City ordinances) has tremendous implication for all future development (and redevelopment) in the area. In the proposed development, the 20 units per net acre became 30 units per net acre without the density bonus even included.
- Deed Restrictions/Dedications. The public needs to be able to rely on the enforcement of current restrictions/dedications for public parking.

- Lastly and most importantly, the public needs to be able to rely on the process. Public input at the local (City) level and the Coastal Commission level must be given some weight. When hundreds (probably over 1,000) members of the public have expressed interest in and opposition to the project, they should be heard and at least acknowledged in staff reports.

On behalf of Save Our Beach Access, I respectfully request that the Commission deny a permit for this project.

Respectfully submitted,



Marilyn Jones  
Representative, Save Our Beach Access  
567 S. Sierra Ave #84  
Solana Beach, CA 92075

**Attachment A: Concerns Re: Staff Report -October 8, 2014 Commission Meeting,  
Item 12b: Application No. 6-14-1033**

**Public Input Missing**

Of particular concern is that the staff report is presenting the Applicant's perspective of the project and its impact on beach access with very little supporting documentation. It contain very little if any reference to the significant amount of public opposition to the project. After a project on the parking lot property was announced by the City in 2011 and then revised in 2012, numerous residents and members of the public provided input. There were hundreds of emails and phone calls and hundreds of signatures on petitions – the total input was close to 1,000 individuals. The ratio of those supporting the project to those opposing the use of the beach access parking lot for this project was about 99 to 1. The vast majority of the reason for opposition was the impact on traffic, parking, access to the beach, the use of a dedicated beach access parking lot and that the size and scope of the project was not consistent with the City's General and Specific Plan. There is no mention of the magnitude of the input in the staff report and many of the issues that were raised remain unaddressed by the City and the Applicant.

**Project Exceeds Maximum Density**

In Section IV A, the staff report continues to represent the project as a 14,721 sq. ft. paved parking lot and to indicate the 14,721 sq. ft. can be used to compute compliance with the maximum density for the area with no supporting documentation from the Applicant or the City.

The surveyed size of the parking lot property owned by the City is 12,782 sq. ft as documented in the City's own Survey of the Parking Lot. (See Attached Exhibit 2 ). The 14,721 sq. ft. that the staff report references includes a section of the public right-of-way which is not allowed for purposes of determining density compliance in accordance with the Solana Beach Municipal Code (SBMC). The 12,782 sq. ft. allows for 8 maximum housing units under the related City ordinances including the State density bonus (9 would be allowed if the City's allowance for rounding up only for 0.70+ units is ignored). There are several other City land use and zoning requirements related to this project that were not met but this one is especially disconcerting for the public as it sets a precedent to allow density manipulation in the coastal zone which clearly impacts beach access.

**Impact on Beach Access Parking**

In Section IV B page 15 of the staff report, there is representation that the proposed project provides 53 public parking spaces as all residential spaces will be available to the public from 6 am to 10 pm. Requiring the residents to share parking from 6 am to 10 pm is not consistent with the City's LUP parking requirements or not presented at the permit hearing to the City.

In addition, the approved project plan does not provide any visibility of the parking spaces from the road as also indicated on page 15 of the staff report. The proposed building is not an open building and has 0 feet setbacks to the adjacent properties. This is readily shown on staff report Exhibit 6. At the street level, the public will need to go onto the site

**Attachment A: Concerns Re: Staff Report -October 8, 2014 Commission Meeting, Item 12b: Application No. 6-14-1033**

to see if there is an open space at the side or back of the building and then exit out the same entrance if there is no open space at the street level. Then they will need to go back out to South Sierra Ave to enter the underground parking level to see if there is an open space and then out the same entrance if there is no open space. Larger cars/trucks may even have to back out of the parking lot when it is near or at full capacity.

Finally, also on page 15, the staff report states that the existence of 22 additional spaces is comparable or superior to the current public parking area. The required number of spaces to accommodate the residential and commercial components of the proposed development under the City's LUP 2.28 parking requirements is deficient by 4 spaces. The demand for parking for these two uses does not go away just because the parking stalls get labeled "public" parking. In addition, there is at least a 10% reduction in both the size of the parking spaces provided and the turnaround area available. The reduction in the size of the parking spaces has an even bigger impact on disabled access.

**Displacement of the Junior Lifeguard Program**

The City says they can move the Junior Lifeguard Program but there is no viable option. In Section IV B page 16 of the staff report there is a misrepresentation of the location of public beach access and the public beach parking serving these public access points. The City's LUP table 2.1 and related maps (See attached Exhibit 1) identify the public parking lots and the beach access staircases. As this exhibit shows, Del Mar Beach Club, Seascape I and Seascape Shores (at Sierra & Dahlia) provide only private beach access and thus do not serve public beach access in any way. There is no public beach access at Dahlia as stated in the staff report.

As indicated earlier, the City Hall parking lot is not viable option for the Junior Lifeguard Program and it certainly can't be moved to parking lots without public beach access. That leaves Del Mar Shores or Fletcher Cove as the other options for the Junior Lifeguard Program presented in the staff report. However, both of these beaches have lateral issues as the bluffs protrude west into the ocean at these points. Thus, there is insufficient area for the program which has grown significantly over the years requiring a substantial beach area. In addition, as the Coastal Commission is aware from past rulings (recent implementation of parking time limits), the Fletcher Cove area has significant parking issues even outside of beach season. While Del Mar Shores has two small parking lots on the west side of South Sierra available parking spaces are not visible to the public and there are no circular drives, so all loading/unloading would have to take place on the street.

**Other Recreational Impact**

As Exhibit 1 shows the public beach access parking is currently well disbursed along the South Sierra (as required under the City's LUP Policy 2.28) with at least one public parking lot serving each beach access point. The proposed development will be using the only public parking lot within 500 ft serving the popular surfing beach, Seascape Surf (Cherry Hill); thus impacting all recreational activity at this beach.

**Attachment A: Concerns Re: Staff Report -October 8, 2014 Commission Meeting,  
Item 12b: Application No. 6-14-1033**

**Unsubstantiated Conclusions**

At the end of Section IV B on page 16, the statement that "as proposed, the new development will provide maximum public access to the shoreline and nearby beaches as well as additional public recreation opportunities" was unsubstantiated. The project is proposed with a reduction in the parking needs of the residents who will live there and a commercial usage that has no relationship to beach access and recreation. It is unlikely that the residents will supplement their parking needs outside of the beach access area to accommodate the public usage of residential spaces between 6 am and 10 pm

Under Section IV C of the staff report there are several misrepresentations of the neighborhood. On page 18 the report, there is a general representation of the neighborhood which is not factual correct. On the west side of the South Sierra across from the property there exists many condominium complexes (homeowners associations). The Sand Pebble Time Shares is also a homeowners association. The public parking lots along South Sierra Avenue which provide the public beach access were provided to the County for area parking by the developers of these residences. All of these condominiums have significant open space, significantly more setback than the proposed project's 10 ft. front setback and 0 ft side and back setbacks. They are all fronted by trees that result in a tree lined view down South Sierra.

In this same section, there is also some discussion as to view corridors and impact. While it is factual true that there is no view to the ocean from the project area, the proposed building will be viewable from Highway 101 and the general public will no longer be able to see that there is an access road to the ocean. This view is provided in the attached Exhibit 4.

Lastly, under this section, there is a conclusion that the proposed development is consistent with all mixed used development standards as detailed in the Specific Plan and a listing of a few standards. The Specific Plan is not a stand-alone set of development standards. It works in tandem with the City's General Plan and zoning ordinances (see Chapter 1 of the Specific Plan). The Specific Plan also states "The Zoning Ordinance also includes the definition of technical terms that apply to the terms used in the Specific Plan". As already discussed, the proposed development does not meet the density requirement of the area, it does not meet the 40% maximum residential requirement for mixed used, it does not meet the FAR requirement as defined under the ordinance, and it does not meet the minimum size of a residential unit. The Specific Plan also sets development design standards for the various distinct areas covered in the Specific Plan and requires written documentation as to how the development meets those standards. This written documentation has been omitted from the Applicants file.

In this same paragraph, there is also an unsubstantiated conclusion that the proposed development will be consistent and compatible with the surrounding area. Since the Applicant and the City failed to perform a View Assessment as required under the City's ordinance after receiving and accepting view assessment applications in 2011 and 2012 and the Applicant failed to notice the project for view assessment in 2013 and 2014 (after

**Attachment A: Concerns Re: Staff Report -October 8, 2014 Commission Meeting,  
Item 12b: Application No. 6-14-1033**

submitting more project applications) to the City, input from neighboring residences was not considered. In addition, to addressing a neighbor's view impact, the view assessment hearing considers the consistency of a proposed project as it relates to scale, style and setback.

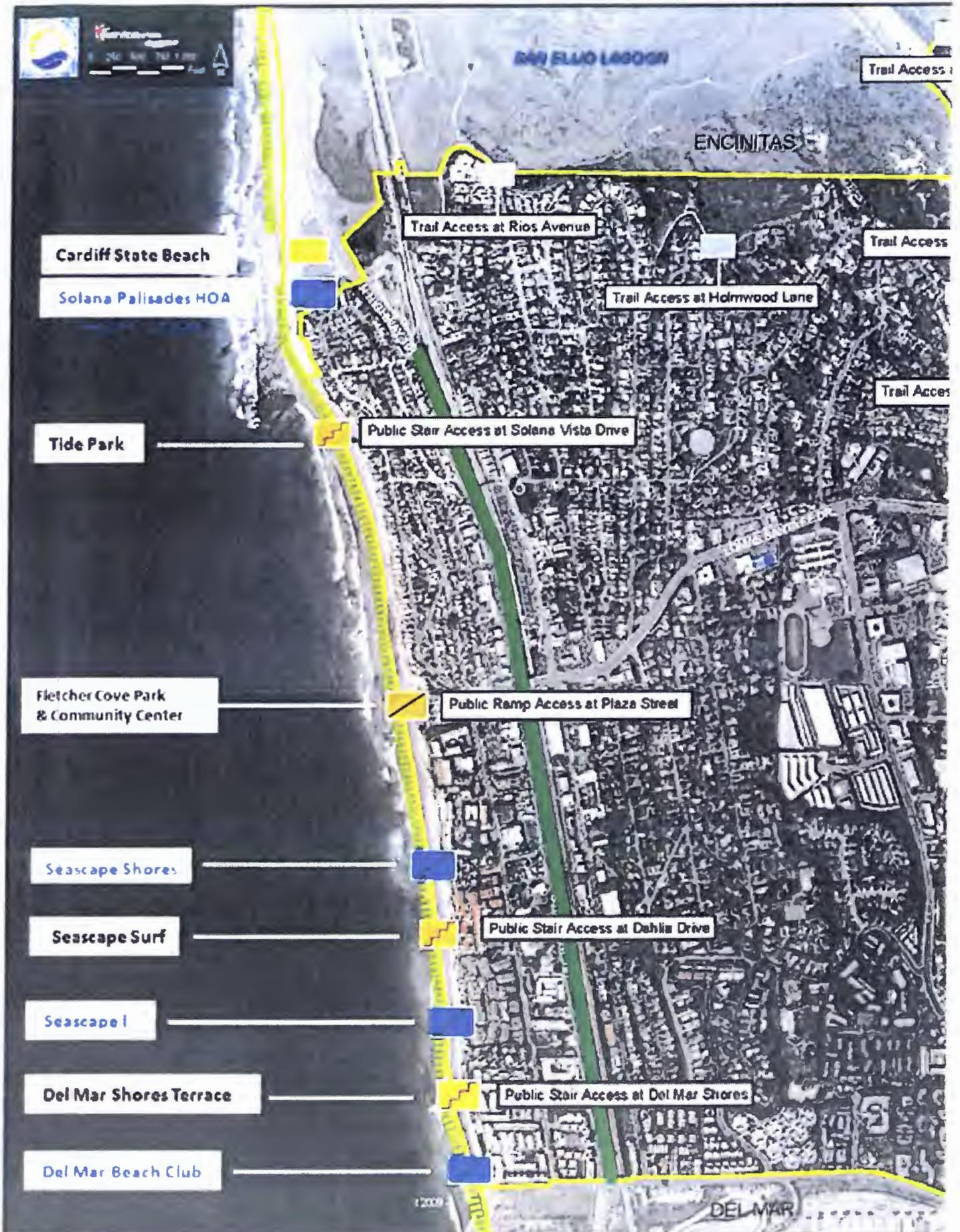
**Other Staff Report Issues**

In Section F Local Coastal Planning of the staff report, there is a finding that, as proposed, the development is consistent with the density limitations, building setbacks, parking requirements and height limits of the City's commercial zone standards. As already indicated above the density of the project is not in compliance with the City's density requirements.

## CHAPTER 2—PUBLIC ACCESS AND RECREATION

**EXISTING PUBLIC PARKING AVAILABLE FOR BEACH USERS  
PUBLIC PARKING LOTS AND SPACES  
TABLE 2-1**

<b>Lot #</b>	<b>Description</b>	<b>Spaces</b>
1	Transit Station	319
2	Plaza Street North	24
3	Plaza Street South	23
4	Fletcher Cove	33
5	Distillery	82
6	423 South Sierra Avenue	37
7	535 South Sierra Avenue	31
8	City Hall	66
9	Del Mar Shores North	20
10	Del Mar Shores South	21
11	740 South Sierra Avenue	20
	SUB TOTAL	676
	<b>ON STREET PARKING SPACES</b>	1,384
	<b>TOTAL AVAILABLE PUBLIC PARKING SPACES</b>	<b>2,060</b>



## Public Parking Lots

1. Transit Parking  
(106 North Cedros Ave)
  2. Plaza Street North Parking Lot  
(116 North Highway 101)
  3. Plaza Street South Parking Lot  
(116 North Highway 101)
  4. Fletcher Cove Parking Lot  
(101 South Sierra Avenue)
  5. Distillery Parking Lot  
(140 South Sierra Avenue)
  6. 423 South Sierra Avenue
  7. 535 South Sierra
  8. City Hall Parking Lot  
(635 South Highway 101)
  9. Del Mar Shores North  
(721 South Sierra Avenue)
  10. Del Mar Shores South  
(733 South Sierra Avenue)
  11. 740 South Sierra Avenue
- Total

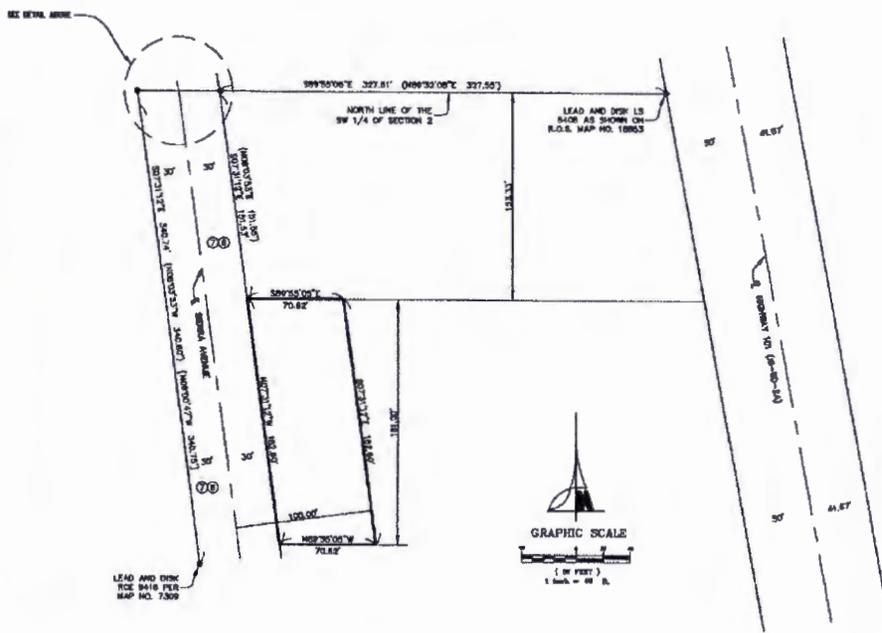
### ON STREET PARKING

All public streets from Cedros Avenue, W ocean

Grand Total (Includes Parking Lots and On Street Parking)

### Legend





**BASIS OF BEARINGS**

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM OF 1983 (FIPS 490-1) ZONE 10, AS DETERMINED LOCALLY BY THE LINE BETWEEN FIRST-ORDER SPMS CONTROL POINT MONUMENT NUMBERS 2008 AND 2009 AS SHOWN ON RECORD OF SURVEY 18971 FILED ON 8/27/18, 2009. THE BEARING FROM SAID POINTS BEING REVERSE OF THE CLOSURE BEARINGS FROM REFERENCED MAPS OR RECORDS MAY OR MAY NOT BE IN TERMS OF SAID SYSTEM.

**PARKING SPACES**

THE PARKING STRIPES ARE A SINGLE 4' WIDE STRIP SPACED 10' +/- ON CENTER.  
REGULAR = 30 SPACES  
ACCESSIBLE = 1 SPACE  
TOTAL = 31 SPACES

**SCHEDULE 'B' EXCEPTIONS**

3. AN EASEMENT IN FAVOR OF THE PUBLIC OVER ANY EXISTING ROADS LYING WITHIN SAID LAND.
4. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT GRANTED TO SANTA FE IRRIGATION DISTRICT PURSUANT TO PUBLIC LAWS RECORDED OCTOBER 14, 1925 IN BOOK 1026, PAGE 487 OF RECORDS AND IN BOOK 1112, PAGE(S) 430, OF RECORDS. THE EXACT LOCATION AND FOR EXTENT OF SAID EASEMENT IS NOT DISCLOSED IN THE PUBLIC RECORDS.
5. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT GRANTED TO THE COUNTY OF SAN DIEGO PURSUANT TO PUBLIC LAWS RECORDED APRIL 11, 1983 AS INSTRUMENT NO. 82348 OF OFFICIAL RECORDS AFFECTS SAID LAND MORE PARTICULARLY DESCRIBED THEREIN AND SHOWN HEREON.
6. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT GRANTED TO THE COUNTY OF SAN DIEGO PURSUANT TO PUBLIC LAWS RECORDED APRIL 11, 1983 AS INSTRUMENT NO. 82348 OF OFFICIAL RECORDS AFFECTS SAID LAND MORE PARTICULARLY DESCRIBED THEREIN AND SHOWN HEREON.
7. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT GRANTED TO THE COUNTY OF SAN DIEGO PURSUANT TO PUBLIC LAWS RECORDED APRIL 11, 1983 AS INSTRUMENT NO. 82348 OF OFFICIAL RECORDS AFFECTS SAID LAND MORE PARTICULARLY DESCRIBED THEREIN AND SHOWN HEREON.
8. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT GRANTED TO THE COUNTY OF SAN DIEGO PURSUANT TO PUBLIC LAWS RECORDED APRIL 11, 1983 AS INSTRUMENT NO. 82348 OF OFFICIAL RECORDS AFFECTS SAID LAND MORE PARTICULARLY DESCRIBED THEREIN AND SHOWN HEREON.

**LEGEND**

- ( ) RECORD DATA OR CALCD FROM MAP NO. 7308
- ( ) RECORD DATA OR CALCD FROM R.O.S. 18853 IN SAN DIEGO COUNTY
- MONUMENT FOUND AS DESCRIBED HEREON
- BOUNDARY LINE
- BOUNDARY--OTHERS
- - - ROAD CENTERLINE
- - - ROAD RIGHT-OF-WAY
- RAD
- R.O.S. RECORD OF SURVEY

**RECORD DESCRIPTION**

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS: THE WEST 100 FEET OF THE NORTH 1/4 PART OF THE FOLLOWING DESCRIBED REAL PROPERTY: ALL THAT PORTION OF SUNSET PLAZA, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP TRACED NO. 5575, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, TOGETHER WITH THAT PORTION OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 14 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASIN AND METCALLE, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT DESIGN: LYING NORTH OF A LINE THAT IS PARALLEL WITH AND DISTANT 858.8 FEET AT RIGHT ANGLES NORTHERLY FROM THE SOUTH LINE OF SAID NORTH HALF OF THE SOUTHWEST QUARTER AND WEST OF THE WESTERN LINE OF SAID NORTH HALF OF THE SOUTHWEST QUARTER AND SOUTH OF A LINE THAT IS PARALLEL WITH AND DISTANT 1033.5 FEET AT RIGHT ANGLES SOUTHERLY FROM THE NORTH LINE OF SAID NORTH HALF OF THE SOUTHWEST QUARTER AND 1/2ND EASTERLY OF THE CENTER LINE OF THAT CERTAIN 60' FOOT STRIP DESCRIBED IN EASEMENT DEED TO THE COUNTY OF SAN DIEGO, RECORDED APRIL 11, 1983 AS DOCUMENT NO. 82348 OF OFFICIAL RECORDS AND KNOWN AS SUDRA AVENUE. ASSessor'S PARCEL NUMBER 288-211-01

**LAND AREA**

NET: 12,793 SF. +/-  
GROSS: 18,280 SF. +/-

**ENCROACHMENTS**

SEE SHEET 2 OF 2 FOR ENCROACHMENTS

**SURVEYOR'S NOTE**

DURING THE COURSE OF THE FIELD SURVEY AND RECORD REVISION, NO CLAIMS OR OVERLAPS BETWEEN PARCELS SHOWN ON THIS PLAT WERE OBSERVED. ADDITIONAL NOTES ARE SHOWN ON SHEET 2 OF 2.

**RELEVANT AGENCY CONTACTS**

SAN DIEGO GAS AND ELECTRIC  
P.O. BOX 128431  
SAN DIEGO, CA 92112-8431  
(760) 480-1848 (ENGINEERING PROJECT MANAGEMENT CENTER)  
CITY OF SOLANA BEACH  
830 S. HWY 101  
SOLANA BEACH, CA 92075  
(760) 730-8400

**ALTA/ACSM LAND TITLE SURVEY**

FOR THE CITY OF SOLANA BEACH

BASED UPON A PRELIMINARY TITLE REPORT/COMMITMENT NO. 11754708-10 OF LANDERS TITLE COMPANY BEARING AN EFFECTIVE DATE OF OCT 8, 2009.

LOCATED BY  
BY 1/4 SECTION 2, T.14N, R.4E, S.B.M.  
CITY OF SOLANA BEACH,  
COUNTY OF SAN DIEGO,  
STATE OF CALIFORNIA.

**SURVEYOR'S CERTIFICATION**

TO THE CITY OF SOLANA BEACH  
LANDING TITLE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE THIRDSUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, SIMILY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2002, AND INCLUDES ITEMS 8 AND 11(b) OF TABLE A THEREOF. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDETERMINED FURTHER CERTIFIED THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF CALIFORNIA, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.



PAUL G. ORRELL, L.S. ENCL. DWP/ES 12/25/18 DATE 12/28/2020

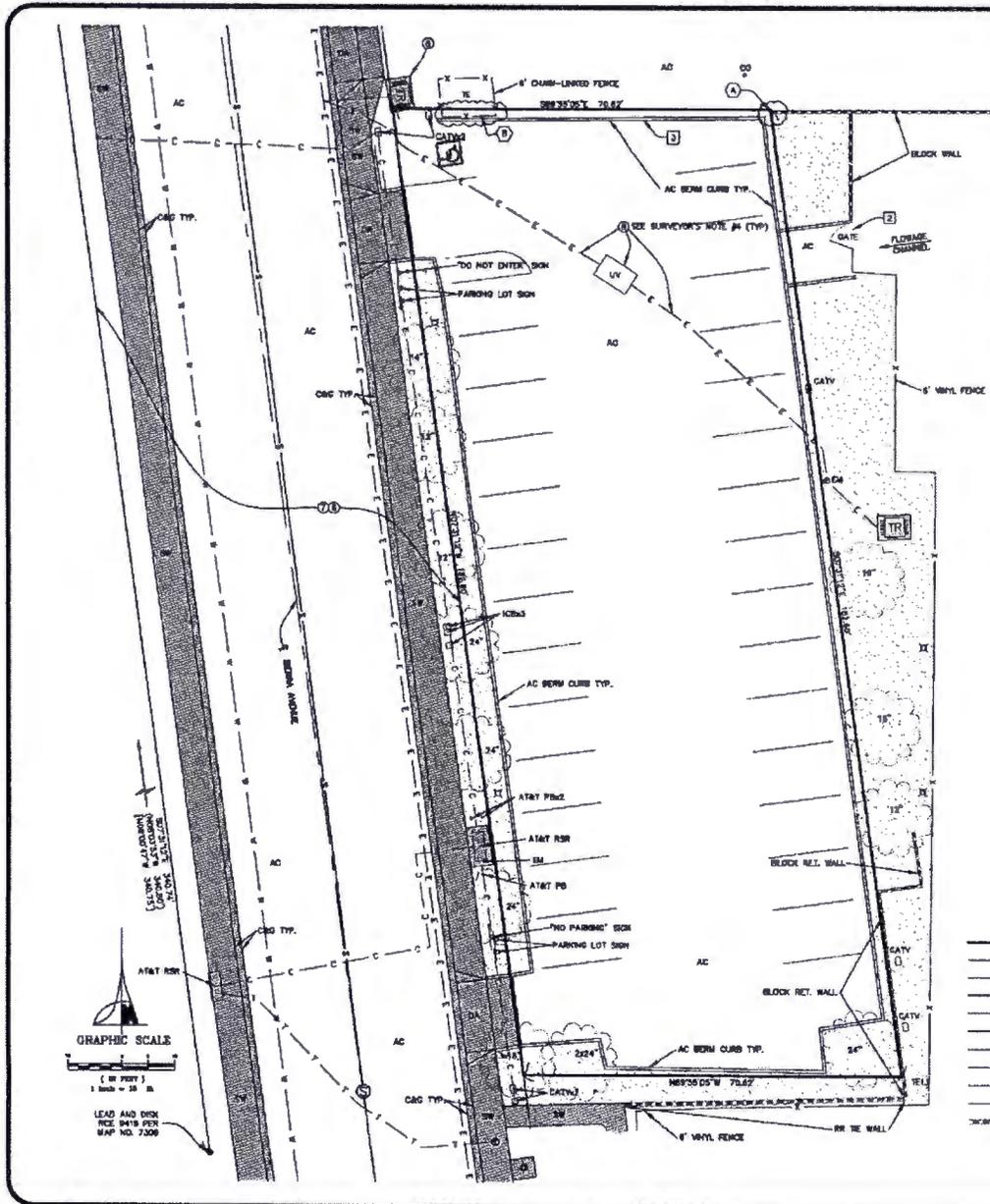
CONSULTING CIVIL ENGINEERING AND LAND SURVEYING  
www.cornestone.com

CORNERSTONE  
ENGINEERING, INC.  
10000 WILSON AVENUE  
SUITE 100  
DALLAS, TEXAS 75243  
TEL: 972.382.1234  
FAX: 972.382.1235



ALTA/ACSM LAND TITLE  
SURVEY  
APR 28/20-21-27 SOLANA BEACH, CA

SHEET NO.	DATE	BY	CHK
1	12-28-20	PAUL G. ORRELL	PAUL G. ORRELL
2	12-28-20	PAUL G. ORRELL	PAUL G. ORRELL



**BASIS OF BEARINGS**

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM OF 1983 (CPRS 1983) ZONE 4, AS DETERMINED LOCALLY BY THE LINE BETWEEN FIRST-ORDER GPS CONTROL POINT MEASUREMENT NUMBER 2028 AND 2029 AS SHOWN ON RECORD OF SURVEY 18977 FILED ON 05/17/14, 2005. THE BEARING FROM SAID POINTS BEING N22°30'23"W. QUOTED BEARINGS FROM REFERENCED MAPS OR DEEDS MAY OR MAY NOT BE IN TERMS OF SAID SYSTEM.

**SCHEDULE 'B' EXCEPTIONS**

- ① AN EASEMENT IN FAVOR OF THE PUBLIC OVER ANY EXISTING ROADS LYING WITHIN SAID LOTS.
- ② AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THEREOF AS SET FORTH IN A DOCUMENT GRANTED TO THE COUNTY OF SAN DIEGO PURPOSE: PUBLIC ROAD RECORDED: OCTOBER 14, 1928 IN BOOK 1290, PAGE 497 OF OFFICIAL RECORDS AND IN BOOK 1110, PAGE 426 OF DEEDS. THE EXACT LOCATION AND/OR EXTENT OF SAID EASEMENT IS NOT DISCLOSED IN THE PUBLIC RECORD.
- ③ AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THEREOF AS SET FORTH IN A DOCUMENT GRANTED TO THE COUNTY OF SAN DIEGO PURPOSE: PUBLIC ROAD RECORDED: APRIL 11, 1983 AS INSTRUMENT NO. 432379 OF OFFICIAL RECORDS AFFECTS SAID LAND MORE PARTICULARLY DESCRIBED THEREIN AND SHOWN HEREON.
- ④ AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THEREOF AS SET FORTH IN A DOCUMENT GRANTED TO THE COUNTY OF SAN DIEGO PURPOSE: UTILITIES RECORDED: NOVEMBER 14, 1982 AS INSTRUMENT NO. 432379 OF OFFICIAL RECORDS AFFECTS SAID LAND MORE PARTICULARLY DESCRIBED THEREIN AND SHOWN HEREON. THE EXACT LOCATION OF THIS EASEMENT CANNOT BE PLOTTED FROM SAID INSTRUMENT. (SEE SURVEYOR'S NOTE NO. 4.)

**LEGEND**

- [ ] RECORD DATA OF CALC'D FROM MAP NO. 7300
- [ ] RECORD DATA OF CALC'D FROM P.L.O.S. 18983
- (A) DRIVE ACCESS
- (TD) PAVEMENT TRANSFORMER
- (OR) IRRIGATION CONTROL BOX
- (TE) TUBS ENCLOSURE
- (UB) UTILITY BOX
- (UV) UTILITY VAULT
- (PB) ELECTRIC PULL BOX
- (TEL) TELE RISER
- (CO) CLEAR CUT
- (SD) SOD/WALK
- (CATV) CABLE TV RISER
- (C&G) CURB AND GUTTER
- (RDR) RISER
- (S.F.) SQUARE FEET
- (AC) ASPHALT COATING
- (EM) ELECTRIC METER
- (X) AREA LIGHT
- (S) SIGN
- (M) SEWER MANHOLE
- (D) STORM DRAIN MANHOLE
- (T) TELECOMMUNICATION MANHOLE
- (F) FOUND MONUMENT AS DESCRIBED
- (O) DIMENSION TREE P/DIAMETER NOTED (INCHES)
- BOUNDARY LINE
- BOUNDARY - OTHERS
- ROAD CENTERLINE
- ROAD RIGHT-OF-WAY
- WATER LINE
- SANITARY SEWER PIPE
- ELECTRIC LINE
- CABLE TV LINE
- TELEPHONE LINE
- FENCE AS DESCRIBED HEREON
- WALL AS DESCRIBED HEREON
- CONCRETE
- DIRT LANDSCAPING AREA

**RECORD DESCRIPTION**

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS: THE WEST 100 FEET OF THE NORTH 181 FEET OF THE FOLLOWING DESCRIBED REAL PROPERTY: ALL THAT PORTION OF SUBSET PLAZA, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 5578, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, TOGETHER WITH NORTHERN PORTION OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 14 SOUTH, RANGE 4 WEST, 34M BENCHMARK BASE AND MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, LYING NORTH OF A LINE THAT IS PARALLEL WITH AND DISTANT 806.8 FEET AT RIGHT ANGLES NORTHERLY FROM THE SOUTH LINE OF SAID NORTH HALF OF THE SOUTHWEST QUARTER, AND WEST OF THE WESTERLY LINE OF STATE HIGHWAY AS DESCRIBED IN DEED FROM MICHAEL COLLIER TO THE STATE OF CALIFORNIA, RECORDED IN BOOK 357, PAGE 498 OF OFFICIAL RECORDS OF SAID COUNTY AND SOUTH OF A LINE THAT IS PARALLEL WITH AND DISTANT 153.33 FEET AT RIGHT ANGLES SOUTHERLY FROM THE NORTH LINE OF SAID NORTH HALF OF THE SOUTHWEST QUARTER AND 1200 EASTWESTLY OF THE CENTER LINE OF THAT CERTAIN 800.00 FOOT STRIP DESCRIBED IN EASEMENT DEED TO THE COUNTY OF SAN DIEGO, RECORDED APRIL 11, 1983 AS DOCUMENT NO. 432379 OF OFFICIAL RECORDS AND KNOWN AS SIERRA AVENUE, ASSESSOR'S PARCEL NUMBER: 258-21-01

**LAND AREA**

NET: 12,782 S.F. +/-  
GROSS: 18,280 S.F. +/-

**ENCROACHMENTS**

- ① A 0.1' ENCROACHMENT OF A BLOCK WALL ONTO PROPERTY AS SHOWN HEREON.
- ② A 1.2' - 1.3' ENCROACHMENT OF A CHAIN-LINKED FENCE (TRAILER ENCLOSURE) ONTO PROPERTY AS SHOWN HEREON.

**SURVEYOR'S NOTE**

- ① DURING THE COURSE OF THE FIELD SURVEY AND RECORD RESEARCH, NO GAPS OR OVERLAPS BETWEEN PARCELS SHOWN ON THIS PLAT WERE OBSERVED.
- ② THE GATE AS SHOWN ALLOWS ACCESS ONTO THE SUBJECT PARCEL.
- ③ THE LDF AC BEAM AS SHOWN ALLOWS ACCESS ONTO THE SUBJECT PARCEL.
- ④ THE UTILITIES SHOWN HEREON WERE LOCATED BY NOISE INDICATOR, PLAIN, AND MAPPERS. OTHER UTILITIES NOT SHOWN MAY EXIST AND CIRCUMVENTION NOTE MADE TO MENTION THE LOCATION OF UNDERGROUND UTILITIES AS INDICATED ON PLANS AND MAPS, AND SUCH UTILITIES MAY NOT BE IN LOCATIONS INDICATED HEREON.

**PARKING SPACES**

THE PARKING STRIP(S) ARE A SINGLE 4" WHITE STRIPE SPACED 10' +/- ON CENTER.  
REGULAR = 30 SPACES  
ACCESSIBLE = 1 SPACE  
TOTAL = 31 SPACES

**ALTA/ACSM LAND TITLE SURVEY**  
FOR  
**THE CITY OF SOLANA BEACH**

BASED UPON A PRELIMINARY TITLE REPORT/COMMITMENT NO. 11724708-10 OF LANDIS TITLE COMPANY DATED AND EFFECTIVE DATE OF OCT 6, 2008

LOCATED IN  
SW 1/4 SECTION 2, T.14S., R.4E.,  
S.25M.,  
CITY OF SOLANA BEACH,  
COUNTY OF SAN DIEGO,  
STATE OF CALIFORNIA.

**SURVEYOR'S CERTIFICATION**

THE CITY OF SOLANA BEACH  
LAWYERS TITLE DEPARTMENT

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2000, AND INCLUDES THEREIN AND THEREON OF TABLE A HEREON, PURSUANT TO THE ACCURACY STANDARDS AS DESCRIBED IN ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNLESS OTHERWISE SPECIFIED THAT BY ANY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF CALIFORNIA, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.



PHIL E. DUVALL, L.A. 0001, 12/29/70  
DATE

CORNERSTONE ENGINEERING, INC.  
CONSULTING CIVIL ENGINEERING AND LAND SURVEYING  
1000 N. MICHIGAN AVE., SUITE 100  
ANN ARBOR, MI 48106-1501  
PH: 734.769.0000  
FAX: 734.769.0001  
WWW.CORNERSTONE-ENG.COM



ALTA/ACSM LAND TITLE SURVEY  
APR 2009-21-01 SOLANA BEACH, CA

DATE PLOTTED	12/29/2008
DATE PRINTED	12/29/2008
DATE PLOTTED	12/29/2008
DATE PRINTED	12/29/2008

SHEET	OF
22	22





Exhibit 4 View to South Sierra From Highway 101



California Coastal Commission  
c/o Brittney Laver  
Coastal Program Analyst  
7575 Metropolitan Drive  
San Diego, CA 92108-442

RECEIVED

October 2, 2014

OCT 02 2014

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

Re: October 8, 2014 Commission Meeting, Item 12b: Application No. 6-14-1033

The Coastal Commission has received a permit application (Exhibit A) from the Hitzke Corporation (the "Applicant") to build a mixed-used development (the "Development") on the City of Solana Beach (the "City") beach access parking lot at 535 South Sierra Ave (referred to on the application as "approx. 500 S. Sierra Ave" and herein referred to as the "Parking Lot"). This Parking Lot is identified by the City as a City operated parking lot for beach parking (Exhibit B) in the City's Local Coastal Plan (LCP) and on the City's website.

Following is information to clarify and support our opposition to this project. We divide the information into the following categories:

- History of the Property
- Current Uses of the Parking Lot
- Proposed Uses of the Parking Lot
- Coastal Commission Authority
- Why the Coastal Commission Must Deny the Applicant a Permit

South Sierra Ave is the first street directly west of the Pacific Ocean and runs from Border Ave to Lomas Santa Fe. It is not a through street (North Sierra Ave commences at Lomas Santa Fe and dead ends at Cliff Street). The first public road running through Solana Beach is State Highway 101 which is directly east of South Sierra Ave.

## **History of the Property**

There were 5 original public parking lots on South Sierra Ave. These parking lots were built years ago (in the 1970's) prior to Solana Beach being incorporated as a city. The County of San Diego (the "County"), as a condition to obtain the permits to build condominiums on South Sierra Ave, required the developers to dedicate and improve property for beach access parking and to provide a 12 foot plus easement access across the properties to the bluff. The parking lots and access easements were completed with the understanding that the County would build stairs between the bluff top and the beach. The original five lots are now owned by the City of Solana Beach. The signs at the entrance of the lots designate them as "Public Parking".

The Westward Construction Corporation (developer of the Seascape Sur condominium complex directly across the street from the Parking Lot, the Sand Pebble Time Share directly behind the Parking Lot and Seascape Shore condominium complex directly adjacent to Seascape Sur) transferred the deed for the Parking Lot to the County in 1972 when these properties were built. At the same time, the Westward Construction Corporation provided a public easement (walkway) to the ocean which is situated between the Seascape Sur and Seascape Shore condominiums. Shortly after the City incorporated in 1986, the County

transferred the deed for the Parking Lot to the City with a deed restriction for public vehicular parking (See Exhibit C for related deeds). Any proposed use of this property must conform to this usage or directly contribute to the dedicated purpose described in the deed.

## **Current Uses of the Parking Lot**

This parking lot is identified in Chapter 2 of the City's LCP as an existing public parking lot available to Beach Users (See Exhibit B). Its current uses include the following:

### **Public Beach Parking for the Public Beach Access and Staircase to Cherry Hill (Seascape Surf) Beach**

Although Cherry Hill Beach is utilized year-round as the major surfing site in Solana Beach, it is heavily utilized from April through September by beach goers from all over. Lifeguards are on duty from 10 am to 6 pm from Memorial Day to Labor Day to provide safety to the public.

### **Junior Lifeguard Program**

Many local area Moms and Dads will be familiar with this beach parking lot as it is where their children hang out after drop off and before pick up for the Junior Lifeguard program during the summer months. This is an annual usage every summer, Monday through Friday from 8:00 to 11:30 am and from 1:00 to 4:00 pm. The recent 2014 Season ran from June 16<sup>th</sup> through August 22<sup>nd</sup>. Exhibit D provides related pictures at the Parking Lot during drop off and pick up.

### **Public Parking for the Scenic Resource**

Because this Parking Lot is less than 200 feet from the beach access to the public viewing site next to Seascape Surf on the bluff, it provides public parking for the viewing site. This viewing area is identified as #3 on the map and accompanying view snapshot in Chapter 6 of the City's LUP (See Exhibit E).

### **Back Up Parking**

This Parking Lot is approximately a block away from the pedestrian bridge to Cedros Ave (the Design District) and provides overflow parking for visitors to the Design District on Cedros Ave. There are currently significant parking issues on Cedros Ave and in fact the City has recently held public parking meetings to address the issues.

The Parking Lot also provides parking for numerous events which while not adjacent to this Parking Lot are within walking distance. These events include but are not limited to the Del Mar Fair, the Del Mar Races and the Solana Beach Fiesta del Sol and Concerts and Movies at Fletcher Cove. The Parking Lot also provides overflow parking at peak hours for the Solana Beach fitness center (Fit Gym formerly Frog's Gym) which sponsors many beach-related fitness activities on the beach and provides a dual purpose for those looking to engage in both indoor/outdoor physical activities for their workouts.

### **Regular Parking**

As with any public parking lot in a residential area, this Parking Lot also provides parking for residential guests and visitors on an ongoing basis. The 900+ residences on South Sierra Avenue have significantly fewer parking spaces than would be required under current

parking regulations, and no guest parking at all except for the public lots they dedicated to the County when they were built.

### **Public Works Parking**

This Parking Lot also provides parking for City vehicles and has been utilized to temporarily store material for public work being done on South Sierra Ave during non-beach-season months.

Since the Coastal Commission staff declined to meet with local residents and view this Parking Lot during the beach season, pictures of usage for sample summer days on South Sierra are provided in Exhibit F.

### **Proposed Use of the Parking Lot**

The proposed use for this Parking Lot is approximately 80% (see page 14 of City Staff Report) for housing (specifically affordable housing designated for very low income). In addition, the property will include a 795 sq. ft commercial component and 53 parking spaces including 31 spaces stated to be for public parking. 18 spaces for the residential apartments (3 – 1 bedrooms, 3 – 2 bedrooms, 3 – 3 bedrooms, 1 – 4 bedrooms) and 4 for the commercial use. The Applicant notes that 2 of the commercial spaces will be used by employees. The proposed commercial usage is for a professional office, but with no requirement for hours or days of the week of operation. The proposed housing development contains no recreational area for the 22 to 88+ expected residents. The City claims that these units are to provide replacement housing for residents covered under the Perl settlement (61 covered residents in 13 housing units). There are no limits on the number of residents that may reside in the proposed 10 housing units. The Applicant is setting up a Limited Liability Partnership which will enter into a Ground Lease with the City. The City is granting a 55 year lease to the Partnership with an option for the Applicant to renew the lease for an additional 35 years. The Ground Lease will be \$1 per year for the first 55 years and 10% of gross revenues for the 35 year renewal period. The Ground Lease limits the use of the property for 10 units of housing and at least 31 public parking spaces for the 55 years.

### **Coastal Commission Authority**

As the Coastal Commission is aware, this public Parking Lot lies within the State designated Coastal Zone. The City recently received approval from the Coastal Commission for its Land Use Policies (LUP). At the April 23, 2014 City Council Meeting and permit hearing for the Applicant, it was represented by the City Attorney that since the City did not have an approved Local Implementation Plan (LIP), the LUP policy issues raised by the public did not need to be addressed by the City Council as the proposed development would require Coastal Commission approval. As indicated by the Applicant and the City, the two parties have been working on this project since 2009. In 2010, the City conditioned a pre-development loan with the understanding that the Applicant had informally received approval from the Coastal Commission.

The following Coastal Act policies relate to the Applicant's proposed development:

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 30252: The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Related City LUP policies are identified below.

## **Why the Coastal Commission Must Deny the Applicant a Permit**

We represent an informal association of Solana Beach residents and other members of the public who signed petitions opposing the replacement of the primary use of the Parking Lot from beach access parking to residential use. We outline below the issues the proposed development has relating to both the above Coastal Act policies and the policies in the City's LUP. Collectively, the issues require a denial of the permit application submitted by the Applicant and the City. Given the number of new developments planned by the City in this important coastal area, the public must be able to rely on the Coastal Commission enforcement of the City's LUP.

### **Comparable Replacement Area Not Provided**

This development does not comply with Policy 2.25 of the LUP which requires that adequate parking should be provided to serve coastal access and recreation uses. In addition, it requires that existing parking areas serving recreational uses may not be displaced unless a comparable replacement area is provided. This non-compliance is evidenced by the following:

- The width of the current 31 parking stalls is approximately 10' (See Exhibit G for Survey of the property). The 31 replacement parking stalls are mostly 8'6", creating a reduction in parking stall area of at least 10%. The total parking area reduction cannot be determined as the Applicant does not provide in their plans where the parking bumpers will be placed to provide a safe walkway for the public and residents. In addition, the turnaround area next to the parking spaces has also been substantially reduced from 29' to 22', a reduction of 24%.
- The Parking Lot is currently open space with the ability and room for vehicles of any size to enter at either end, circle around and exit out at the opposite end (no turnaround is required). In addition, open spaces are visible from the street so no entrance into the Parking Lot is required if the lot is full. As proposed by the Applicant, the public parking spaces will no longer be visible to the public and will be on two levels. Each level will have its own entrance (which now will also be the exit) and each level will require a tight turnaround (or backing up) to exit out if no spaces are available. The Applicant did not provide a turning template analysis to demonstrate the feasibility of a turnaround when the lot is full.
- The existing bike rack will be moved out of public view thereby impacting both access and recreation. Many cyclists will be reluctant to chain their bikes in out of sight, unsecured areas.
- Access to the street from parking level 2 is via a staircase or an elevator. Since neither the City nor the Applicant viewed the impact on beach access, no determination has been made on whether the steep incline of the driveway entrance to the underground parking lot, the staircase or the size of the elevators will accommodate beach paraphernalia.

### **Proposed Development Will Impact On-Street Parking**

- The City and the Applicant did not address the impact on the current street parking. As indicated above, there will be two separate entrances (one for each level) into the two parking levels that will each have some public parking stalls. In order to provide safety to pedestrians, joggers, cyclist as well as drivers, all residential complexes and the handful of commercial buildings on South Sierra have considerable redlines (no parking zones) to the left and right of their driveways. This redlines typically range from 18 ft to 54 ft on each side depending on the building setbacks and open space in front of the building. The proposed Development eliminates all open space, will have the smallest (10 ft) building setback on South Sierra Ave and the eight mature (foliage well above 20 ft thus no hindrance to drivers) eucalyptus trees will be replaced with immature vegetation. Redlining will certainly have to be increased to provide the required safety. The decreases will likely result in the elimination of 1 to all 4 on-street parking spaces based on applying similar redlining patterns. See Exhibit F pages 34 & 35 for example of ongoing violations of redlines during beach season.

### **Reduced Coastal Disability Access**

- The reduction in parking space size with no enhancement to disability access creates more obstruction to disabled persons access rather than enhancing it as required under the City LUP Policy 2.57. Since the one disability public parking space in the proposed development is 9 ft wide (smaller in size than the 31 current parking spaces), disability access is being substantially reduced (currently, 31 approximately 10 ft wide spaces are available to accommodate larger vehicles).

### **Impact of Reduction in Residential Parking**

The project's 18 residential parking spaces do not meet the parking requirements under the City General Plan, the Highway 101 Corridor Specific Plan and LUP 2.28 which would have required 22 total residential spaces including 3 spaces for guests. (See Exhibit H for parking requirements). LUP Policy 2.41 requires that a modification in the required parking standards through the variance process shall not be approved unless the City makes findings based on a current, site-specific study that the provisions of fewer parking spaces will not result in adverse impacts to public access.

- No current site specific parking study was submitted by the Applicant or the City.
- No evidence was presented by the Applicant or the City that the parking reduction would not impact the current and future use of the Parking Lot, which is within 200 feet of the public access way to Cherry Hill (Seascape Surf) Beach and the LUP viewpoint #3.
- A Traffic Study was submitted to the Coastal Commission by the Applicant which uses out-dated methodology and measurement dates in October; these dates are not appropriate data points for public beach and recreational access which is at its heaviest between May and September. As indicated in the City's LUP Chapter 2 – Public Access and Recreation (4<sup>th</sup> paragraph), the peak season or the recreational use of the Solana Beach shoreline by residents and visitors occurs between Memorial Day and Labor Day

each year. Cherry Hill beach for which this public Parking Lot was dedicated is cited as one of the favorite spots. Despite this, the City and the Applicant opted to rely solely for its impact study on a Traffic Study using out-dated methodology and 2 dates in October as the data points.

- While the Applicant may argue that the 4 spaces for the commercial component can be used for public parking, no evidence was presented by the Applicant to demonstrate that substantial conflict will not exist in accordance with LUP Policy 2.36 for shared parking. In addition, there are no limitations on the commercial use (other than designated as professional office space) that would ensure these 4 spaces will be available to the public during the beach season or on the weekends. The Applicant indicates that 2 of these spaces will be used by employees. Finally, there is nothing to ensure that the clients of the commercial use won't need to use the "public" parking spaces. There are no limitations or requirements for hours or days of operation to insure that the commercial usage is complimentary to beach access demand. Based on the current commercial business in this area, the usage will likely be a real estate or property management company both of which operate 7 days a week and are especially busy on weekends and during the beach season.
- The commercial usage of this project, if successful, will put increased demand for parking in the area which will compete with the current parking demand for beach access and recreation. In addition, if the commercial usage is not viable, the financial success of the project may jeopardize the ongoing maintenance of the property.
- The residential parking demand cannot be mitigated through shared parking, as residential needs will override the public needs since the residents have easy access to all spaces. The net impact in beach area parking is the same regardless of whether the residents park in residential spaces, the allotted public spaces or nearby on-street parking.
- Weekend public parking during the beach season is not compatible with shared residential parking.
- No accumulative impact of recent City decisions on beach access parking is accounted for. As an example, dogs are now allowed on certain beach areas in Solana Beach resulting in increased year- round parking demand.

## **Project's Impact on Recreational Activity**

As indicated above, the existing Parking Lot supports numerous recreational activities along the coast. The Parking Lot is heavily used by surfers, beach goers and visitors wanting to enjoy the viewpoint from the bluff. As indicated in the City's LUP, the recreational demands in the area are very high and projected to increase, especially in the summer months. Also, as indicated above, the City's LUP requires that existing public parking areas serving beach access and recreational uses not be displaced unless a comparable replacement area is provided.

- Since the proposed building is using the entire footprint of the current Parking Lot and the proposed parking structures does not provide circular movement, the Junior Lifeguard Program drop off/meeting site will be displaced. As indicated in the City's LUP, due to the narrow beaches, lateral beach access is limited during high tides. The current program resides at Cherry Hill (Seascape Surf) which depending on tides often cannot be accessed from Fletcher Cove or Del Mar Shores, the only other public access points on South Sierra. The City has indicated that they can simply move it to another parking lot but the parking lots available either have no nearby beach access (Seascape Shore – private access only); have no open space and circular movement available (Del Mar Shores); already have usage issues (Fletcher Cove - Distillery Parking Lot); or have lateral beach access issues (Fletcher Cove, Del Mar Shores). We assume that the Coastal Commission needs to carefully consider the impact on beach access in other areas if Junior Lifeguards has to move.
- The elimination of open space, reduction in the size of the parking spaces, and the use of a steep driveway to enter the underground parking lot all hinder the types of vehicles that can use the parking lot and hinder the public's access to beach activities. (See Exhibit I for sample vehicle types at this Parking Lot)
- Given the proposed construction period and no limitations set by the City, the summer months between Memorial Day weekend and Labor Day will be tremendously impacted as in addition to the elimination of all 31 spots, most of the on-street parking on the block will need to be eliminated.
- The City's LUP Policy 2.4 requires that new development shall avoid impacts to public access along the shoreline and inland trails and that the City assure that the recreational needs resulting from any proposed development will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition at 3 acres per 1000 population and/or development plans with the provision of onsite recreational facilities to serve new development. Based on this policy alone a project of this size should not be built as the required onsite recreational facility would be between 0.07 to 0.26 acres (assuming 22 to 88 residents).

- The beach access parking lots including this Parking Lot were situated back in the 1970's to guarantee beach access at several points along the coast. Suggestions that usage and demands on this Parking Lot can and will be shifted to other area parking lots is inconsistent with Section 30212.5 which provides, 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 or otherwise, of overcrowding or overuse by the public of any single area. This includes the loss of the future opportunity to expand beach access parking on this Parking Lot as future area demand increases.

### **Proposed Usage Violates Deed Restriction**

The deed to the property is restricted for vehicular parking as it is currently being used. A deed restriction requires that a property usage be restricted primarily for its dedicated purpose. The Applicant acknowledges that the primary usage will be housing (80% cited by the Applicant and the City) and the 55 year ground lease with a 35 year renewal option prevents the future usage for additional parking. A copy of the deed transferring the Parking Lot to the City with the deed restriction is provided in Exhibit C. The City was notified in 2011 by residents that a deed restriction existed and has a copy of the related deed.

The City LUP Policy 2.15 requires that the City should coordinate with County and State Parks and nonprofit land trusts or organizations to ensure that private land donations and/or public access dedications are accepted and managed for their intended use. Presumably when the City is modifying or eliminating a deed dedication that supports public access to the beach, notification would be required and coordinated.

### **Special Requirements for New Development**

The City's LUP Policy 5.16 also required that modification in the required parking standards through the variance process shall not be approved unless the City makes findings that the provision of fewer parking spaces will not result in adverse impacts to public access. The City and the Applicant's response to the public raising the issue of beach access was that they were replacing 31 spaces for 31 spaces and that was all that was required.

The City's LUP Policy 5.26 requires that new development conform to all applicable policies, including maximum density provisions. The surveyed size of the Parking Lot property is 12,782 sq. ft. (see Exhibit G) which would provides for 8 maximum units including the State density bonus (9 if allow rounding up). The maximum density for mixed used commercial is 20 units per acre which is  $\times 12,782/43,560 * 20$  or 5.84. Since rounding is allowed for 0.70 units and above, the maximum allowable units is 6 prior to allowing for a density bonus. Applying the maximum density bonus of 35%, you get  $6 \times 1.35 = 8.1$  units. In order to justify 10 units, the Applicant has included a section of the public right-of-way. The use of this area in the net acreage to determine density compliance has never been done before and is not in accordance with the related Solana Beach Municipal Code (SBMC) provisions including 17.12, 17.20 & 17.24.

As discussed above, the proposed development fails to provide adequate parking either for the public or its own residents. The project site is a very important public parking lot and beach access, yet the project does not provide comparable parking opportunities to what exists there now. The City does not have a viable alternative location for the Junior Lifeguard Program. And finally, the project will create substantial negative impacts to views and aesthetics.

On behalf of Save Our Beach Access, I respectfully request that the Commission deny a permit for this project.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Marilyn Jones', with a long, sweeping horizontal stroke extending to the right.

Marilyn Jones  
Representative, Save Our Beach Access  
567 S. Sierra Ave #84  
Solana Beach, CA 92075

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO COAST DISTRICT OFFICE  
 7575 METROPOLITAN DRIVE, SUITE 103  
 SAN DIEGO, CA 92108-4421  
 VOICE AND TDD (619) 767-2370  
 FAX (619) 767-2384



**PERMIT APPLICATION INSTRUCTIONS**

A completed application includes the APPLICATION FOR COASTAL DEVELOPMENT PERMIT, the appendices to the application, and **Required Attachments**.

- Please answer all questions. If a question is not applicable to your project, indicate **N.A.**
- Refer to pages 7–8 of the APPLICATION for a list of **Required Attachments**.
- Incomplete applications will not be accepted for filing.
- All exhibits must be legible.

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 JUN 26 2014  
 SAN DIEGO COASTAL COMMISSION  
 SAN DIEGO COASTAL DISTRICT

The following checklist is provided for the convenience of applicants in gathering necessary application materials; it is not a complete statement of filing requirements.

	Page	Item
<input checked="" type="checkbox"/> Proof of applicant's interest in the property. ....	7	1
<input checked="" type="checkbox"/> Assessor's parcel map(s) showing the proposed development site and <b>all</b> adjacent properties within 100 feet of the property boundary. ....	7	2
<input checked="" type="checkbox"/> <b>Stamped</b> envelopes ( <i>no postage meter please</i> ) addressed to neighboring property owners and occupants and other interested parties <b>and</b> a list of the same. ....	7, 8	4, 5
<input checked="" type="checkbox"/> Vicinity map. ....	8	6
<input checked="" type="checkbox"/> Two sets of each : project plan(s), site plan(s), and applicable other plans. (Please note the size which plans are required to be submitted.) ....	8	7, 11
<input checked="" type="checkbox"/> Copy of any environmental documents (DRAFT AND FINAL EIRs, EISs, NEGATIVE DECLARATION) if prepared for the project and any comments and responses. ....	8	9
<input checked="" type="checkbox"/> Verification of all other permits, permissions or approvals applied for or granted by public agencies. ....	8	10
<input checked="" type="checkbox"/> Copy of geology or soils report (if necessary). ....	8	11
<input checked="" type="checkbox"/> Local approval of the project. ....	Appendix B	
<input checked="" type="checkbox"/> Has the Notice of Pending Permit been posted in a conspicuous place? .....	Appendix D	
<input checked="" type="checkbox"/> Filing fee. ....	Appendix E	

Have you and the agent (if appropriate) signed the application at the appropriate lines on pages 9, 10, and 13?

# APPLICATION FOR COASTAL DEVELOPMENT PERMIT

## SECTION I. APPLICANT

1. Name, mailing address, and telephone number of all applicants.

Hitzke Development Corporation      ginger@hitzkedevlopment.com (Ginger Hitzke)

251 Autumn Drive, Suite 100

San Marcos, CA 92069      (760) 798-9809

(Area code/daytime phone number)

**Note: All applicants for the development must complete Appendix A, the declaration of campaign contributions.**

2. Name, mailing address and telephone number of applicant's representatives, if any. Please include all representatives who will communicate on behalf of the applicant or the applicant's business partners, for compensation, with the Commission or the staff. (It is the applicant's responsibility to update this list, as appropriate, including after the application is accepted for filing. Failure to provide this information prior to communication with the Commission or staff may result in denial of the permit or criminal penalties.)

Please see the attached list of individuals authorized to discuss this matter with  
the Commission or Commission Staff.

(Area code/daytime phone number)

## SECTION II. PROPOSED DEVELOPMENT

Please answer all questions. Where questions do not apply to your project (for instance, project height for a land division), indicate **Not Applicable** or **N.A.**

1. **Project Location.** Include street address, city, and/or county. If there is no street address, include other description such as nearest cross streets.

(approx.) 500      S. Sierra Ave.  
*number*      *street*  
Solana Beach      San Diego county  
*city*      *county*

Assessor's Parcel Number(s) (obtainable from tax bill or County Assessor):

298-211-81-00

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6-14-1033

APPLICATION NUMBER

2. Describe the proposed development in detail. Include secondary improvements such as grading, septic tanks, water wells, roads, driveways, outbuildings, fences, etc. (Attach additional sheets as necessary.)

The proposed development consists of a new mixed-use building with 10 dwelling units located on the second and third floor and 1 non-residential unit on the ground floor. The building is covered with a gable roof with multiple dormers. The palette of wall finishes is inspired by the local cliffs and consists of stone veneer reminiscent of coastal reef, semi-smooth field stucco and siding.

The building includes a parking garage distributed over 2 stories (open garage on the ground floor and closed garage on the subterranean floor). The garage has 53 parking spaces including 3 ADA accessible spaces. In addition 4 bicycle spaces and 1 motorcycle space are provided on the ground floor. Out of the 53 parking spaces, 18 parking spaces are reserved for the residential tenants, 4 for non-residential and 31 are (replaced) public parking spaces. All existing on-site parking will be replaced on site.

The basement, ground floor and common residential tenant's deck on the second floor are connected by an elevator. A laundry room is provided off the tenant's deck on the second floor. A trash enclosure and utility room are located on the ground floor.

New landscaping will be provided between the street curb and the building frontage. Planting areas are also located in the open parking garage and on the tenant's deck on the second floor. The common tenant's deck and some private patios are partially covered with shade providers (pergolas and trellises).

Grading improvements are proposed around the building to accommodate proper rainwater drainage. To provide access to both parking garage levels 2 short driveways are being proposed on the north and south side of the property. Storm water treatment is handled on site using biofiltration planters and landscape areas.

a. If multi-family residential, state:

Number of units			Number of bedrooms per unit (both existing and proposed)	Type of ownership proposed
Existing units	Proposed new units	Net number of units on completion of project		
0	10 residential 1 non-residential	10 residential 1 non-residential	No bedrooms currently exist. Proposed bedroom mix includes: (3) 1-bedroom apartments* (3) 2-bedroom apartments* (3) 3-bedroom apartments* (1) 4-bedroom apartments* *all apartments will be deed-restricted and affordable to very low-income households.  795 square feet of non-residential space	<input checked="" type="checkbox"/> rental <input type="checkbox"/> condominium <input type="checkbox"/> stock cooperative <input type="checkbox"/> time share <input type="checkbox"/> other <u>very low income</u>

b. If land division or lot line adjustment, indicate:

Number of lots			Size of lots to be created (indicate <i>net</i> or <i>gross</i> acreage)	
Existing Lots	Proposed new lots	Net number of lots on completion of project	Existing	Proposed
1	1	1	14,721 sq. ft net	14,721 sq. ft net

3. Estimated cost of development (not including cost of land) \$ 3,821,807 (off/on-sites, buildings, hard costs)

4. Project height: Maximum height of structure (ft.) 35'  
 ▪ above existing (natural) grade ..... 35'  
 ▪ above finished grade ..... 35'  
 ▪ as measured from centerline of frontage road ..... 35.5'
5. Total number of floors in structure, including  
 subterranean floors, lofts, and mezzanines ..... 4
6. Gross floor area excluding parking (sq.ft.)..... 12,920  
 Gross floor area including covered parking and  
 accessory buildings (sq.ft.)..... 31,296

Note: On the ground floor, along the perimeter of the building, some portions of the parking spaces are not covered by a building above. Since these uncovered portions are surrounded by a low wall and are part of the structure below the uncovered portions of the parking spaces are included in this gross floor area number.

7. Lot area (within property lines) (sq.ft. or acre)..... 14,721

Lot coverage	Existing (sq.ft. or acre)	New proposed (sq.ft. or acre)	Total (sq.ft. or acre)
Building	0	9,871	9,871
Paved area	12,534	(9,214)	3,320
Landscaped area	2,187	(657)	1,530
Unimproved area	0	0	0
Grand Total (should equal lot area as shown in #7 above)			14,721

8. Is any grading proposed?.....  Yes  No

<i>If yes, complete the following.</i>					
a) Amount of cut	5,100	cu. yds.	d) Maximum height of cut slope	n/a	ft.
b) Amount of fill	0	cu. yds.	e) Maximum height of fill slope	n/a	ft.
c) Amount of <u>import or export</u> (circle which)	5,100	cu. yds.	f) Location of borrow or disposal site	SCOUP program	

Grading, drainage, and erosion control plans must be included with this application, if applicable. In certain areas, an engineering geology report must also be included. See page 7, items # 7 and 11.

Please list any geologic or other technical reports of which you are aware that apply to this property:

Drainage Study prepared by SWS Engineering, Inc. dated 01/23/12;

Preliminary Geotechnical Interpretive Report prepared by Earth-Strata, Inc. dated 01/20/11

Both reports are included in this application along with other non-geologic / drainage reports.

9. Parking:

Number of parking spaces (indicate whether standard or compact)		
Existing Spaces	Proposed new spaces	Net number of spaces on completion of project
31 standard	22 standard	53 standard

Is any existing parking being removed? .....  Yes  No

If yes, how many spaces? n/a size n/a

Is tandem parking existing and/or proposed? .....  Yes  No

If yes, how many tandem sets? n/a size n/a

10 Are utility extensions for the following needed to serve the project? (Please check **yes** or **no**)

a) water      b) gas      c) sewer      d) electric      e) telephone

Yes       Yes       Yes       Yes       Yes

No       No       No       No       No

Will electric or telephone extensions be above-ground? .....  Yes  No

11. Does project include removal of trees or other vegetation? .....  Yes  No

If yes, indicate **number, type** and **size** of trees 9 Melaleuca trees (5 standard sizes, 8", 12", 15" 20" & 24"). 4 multi-trunk sizes between 18" & 30" per plan sheet L3

or **type** and **area** of other vegetation Dirt, mulch & groundcover of 1,047 sq. ft.

**SECTION III. ADDITIONAL INFORMATION**

The relationship of the development to the applicable items below must be explained fully. Attach additional sheets if necessary.

1. Present use of property.

a. Are there existing structures on the property? .....  Yes  No

<i>If yes, describe</i>
The site is currently a parking lot for public use. There are 31 parking spaces. 1 is an accessible space. The proposed project will replace all of the existing public parking spaces and will add 22 new spaces. There will be a total of 53 parking spaces.

- b. Will any existing structures be demolished? .....  Yes  No  
 Will any existing structures be removed? .....  Yes  No

*If yes to either question, describe the type of development to be demolished or removed, including the relocation site, if applicable.*

No habitable structures will be removed. Surface parking and subterranean dry utility structures will be temporarily removed during construction but all will be replaced in connection with the proposed project.

2. Is the proposed development to be governed by any Development Agreement?.....  Yes  No
3. Has any application for development on this site including any subdivision been submitted previously to the California Coastal Zone Conservation Commission or the Coastal Commission? .....  Yes  No
- If yes, state previous application number(s)           n/a

4. a. Is the development between the first public road and the sea (including lagoons, bays, and other bodies of water connected to the sea) .....  Yes  No
- b. If yes, is public access to the shoreline and along the coast currently available on the site or near the site? .....  Yes  No

*If yes, indicate the location and nature of the access, including the distance from the project site, if applicable.*

The site is a public parking lot. Persons parking their vehicles on the subject site may access the beach by walking across the street to a pedestrian path to the beach. This access will not be hindered or blocked by the proposed development. All public parking will be replaced by the proposed development.

- c. Will the project have an effect on public access to and along the shoreline, either directly or indirectly (e.g., removing parking used for access to the beach)? .....  Yes  No

*If yes, describe the effect*

The site is a public parking lot. Persons parking their vehicles on the subject site may access the beach by walking across the street to a pedestrian path to the beach. This access will not be hindered or blocked by the proposed development. All public parking will be replaced by the proposed development



- c. Harbor area .....  Yes  No
11. Does the site contain any: (If yes to any of the following, please explain on an attached sheet.)
- a. Historic resources .....  Yes  No
- b. Archaeological resources .....  Yes  No
- c. Paleontological resources .....  Yes  No

12. Where a stream or spring is to be diverted, provide the following information:

Estimated streamflow or spring yield (gpm)           N/A          

If well is to be used, existing yield (gpm)           N/A          

If water source is on adjacent property, attach Division of Water Rights approval and property owner's approval.

**SECTION IV. REQUIRED ATTACHMENTS**

The following items must be submitted with this form as part of the application.

1. **Proof of the applicant's legal interest in the property.** A copy of any of the following will be acceptable: current tax bill, recorded deed, lease, easement, or current policy of title insurance. Preliminary title reports will not be accepted for this purpose. Documentation reflecting intent to purchase such as a signed Offer to Purchase along with a receipt of deposit or signed final escrow document is also acceptable, but in such a case, issuance of the permit may be contingent on submission of evidence satisfactory to the Executive Director that the sale has been completed.  
  
The identity of all persons or entities which have an ownership interest in the property superior to that of the applicant must be provided.
2. **Assessor's parcel map(s)** showing the page number, the applicant's property, and all other properties within 100 feet (excluding roads) of the property lines of the project site. (Available from the County Assessor.)
3. Copies of required **local approvals** for the proposed project, including zoning variances, use permits, etc., as noted on Local Agency Review Form, Appendix B. Appendix B must be completed and signed by the local government in whose jurisdiction the project site is located.
4. **Stamped envelopes addressed to each property owner and occupant of property situated within 100 feet of the property lines of the project site (excluding roads), along with a list containing the names, addresses and assessor's parcel numbers of same.** The envelopes must be plain (i.e., no return address), and regular business size (9 1/2" x 4 1/8"). Include first class postage on each one. **Metered postage is not acceptable.** Use Appendix C, attached, for the listing of names and addresses. (Alternate notice provisions may be employed at the discretion of the District Director under extraordinary circumstances.)
5. **Stamped, addressed envelopes (no metered postage, please) and a list of names and addresses of all other parties known to the applicant to be interested in the proposed development** (such as persons expressing interest at a local government hearing, etc.).

6. A **vicinity or location map** (copy of Thomas Bros. or other road map or USGS quad map) with the project site clearly marked.
7. Copy(s) of plans drawn to scale, including (as applicable):
  - site plans
  - floor plans
  - building elevations
  - grading, drainage, and erosion control plans
  - landscape plans
  - septic system plans

Trees to be removed must be marked on the site plan. In addition, a reduced site plan, 8 1/2" x 11" in size, must be submitted. Reduced copies of complete project plans will be required for large projects. NOTE: See instruction page for number of sets of plans required.

8. Where septic systems are proposed, evidence of County approval or Regional Water Quality Control Board approval. Where water wells are proposed, evidence of County review and approval.
9. A copy of any **Draft or Final Negative Declaration, Environmental Impact Report (EIR) or Environmental Impact Statement (EIS)** prepared for the project. If available, comments of all reviewing agencies and responses to comments must be included.
10. **Verification of all other permits, permissions or approvals** applied for or granted by public agencies such as:
  - Department of Fish and Game
  - State Lands Commission
  - Army Corps of Engineers
  - U.S. Coast Guard

For projects such as seawalls located on or near state tidelands or public trust lands, the Coastal Commission must have a written determination from the State Lands Commission whether the project would encroach onto such lands and, if so, whether the State Lands Commission has approved such encroachment.

11. For development on a bluff face, bluff top, or in any area of high geologic risk, a comprehensive, site-specific **geology and soils report** (including maps) prepared in accordance with the Coastal Commission's Interpretive Guidelines. Copies of the guidelines are available from the District Office.

## SECTION V. NOTICE TO APPLICANTS

Under certain circumstances, additional material may be required prior to issuance of a coastal development permit. For example, where offers of access or open space dedication are required,

preliminary title reports, land surveys, legal descriptions, subordination agreements, and other outside agreements will be required prior to issuance of the permit.

In addition, the Commission may adopt or amend regulations affecting the issuance of coastal development permits. If you would like notice of such proposals during the pendency of this application, if such proposals are reasonably related to this application, indicate that desire.....

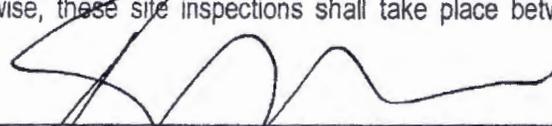
Yes  No

**SECTION VI. COMMUNICATION WITH COMMISSIONERS**

Decisions of the Coastal Commission must be made on the basis of information in the public record available to all commissioners and the public. Permit applicants and interested parties and their representatives may contact individual commissioners to discuss permit matters outside the public hearing (an "ex parte" communication). However, the commissioner must provide a complete description of the communication either in writing prior to the hearing or at the public hearing, to assure that such communication does not jeopardize the fairness of the hearing or potentially result in invalidation of the Commission's decision by a court. Any written material sent to a commissioner should also be sent to the commission's office in San Francisco and the appropriate district office for inclusion in the public record and distribution to other commissioners.

**SECTION VII. CERTIFICATION**

1. I hereby certify that I, or my authorized representative, have completed and posted or will post the **Notice of Pending Permit** stock card in a conspicuous place on the property within three days of submitting the application to the Commission office.
2. I hereby certify that I have read this completed application and that, to the best of my knowledge, the information in this application and all attached appendices and exhibits is complete and correct. I understand that the failure to provide any requested information or any misstatements submitted in support of the application shall be grounds for either refusing to accept this application, for denying the permit, for suspending or revoking a permit issued on the basis of such misrepresentations, or for seeking of such further relief as may seem proper to the Commission.
3. I hereby authorize representatives of the California Coastal Commission to conduct site inspections on my property. Unless arranged otherwise, these site inspections shall take place between the hours of 8:00 A.M. and 5:00 P.M.

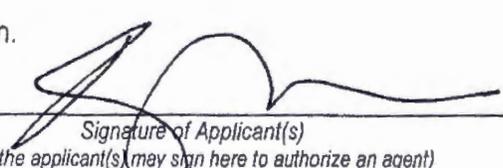


*Signature of Authorized Agent(s) or if no agent, signature of Applicant*

**NOTE: IF SIGNED ABOVE BY AGENT, APPLICANT MUST SIGN BELOW.**

**SECTION VIII. AUTHORIZATION OF AGENT**

I hereby authorize Ginger Hitzke or Michael VanBuskirk to act as my representative and to bind me in all matters concerning this application.



*Signature of Applicant(s)*

*(Only the applicant(s) may sign here to authorize an agent)*

APPLICATION FOR COASTAL DEVELOPMENT PERMIT

APPENDIX A

DECLARATION OF CAMPAIGN CONTRIBUTIONS

Government Code Section 84308 prohibits any Commissioner from voting on a project if he or she has received campaign contributions in excess of \$250 within the past year from project proponents or opponents, their agents, employees or family, or any person with a financial interest in the project.

In the event of such contributions, a Commissioner must disqualify himself or herself from voting on the project.

Each applicant must declare below whether any such contributions have been made to any of the listed Commissioners or Alternates (see last page).

CHECK ONE



The applicants, their agents, employees, family and/or any person with a financial interest in the project **have not contributed** over \$250 to any Commissioner(s) or Alternate(s) within the past year.

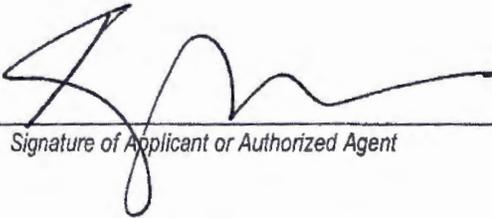


The applicants, their agents, employees, family, and/or any person with a financial interest in the project **have contributed** over \$250 to the Commissioner(s) or Alternate(s) listed below within the past year.

Commissioner or Alternate n/a

Commissioner or Alternate n/a

Commissioner or Alternate n/a

  
Signature of Applicant or Authorized Agent

6/26/14  
Date

Please type or print your name Ginger Hitzke

APPENDIX B

LOCAL AGENCY REVIEW FORM

SECTION A (TO BE COMPLETED BY APPLICANT)

Applicant Hitzke Development Corporation

Project Description The Pearl - 10 units of very low-income rental housing with 795 square feet of Non-residential space, 31 public replacement parking spaces and 22 other parking spaces

Location (approx.) 500 block of S. Sierra Avenue, Solana Beach, CA

Assessor's Parcel Number 298-211-81-00

SECTION B (TO BE COMPLETED BY LOCAL PLANNING OR BUILDING INSPECTION DEPARTMENT)

Zoning Designation HIGHWAY 101 CORRIDOR SPECIFIC PLAN / GENERAL COMMERCIAL 20 du/ac

General or Community Plan Designation GENERAL COMMERCIAL 20 du/ac

Local Discretionary Approvals

Proposed development meets all zoning requirements and needs no local permits other than building permits.

Proposed development needs local discretionary approvals noted below.

Needed Received

- Design/Architectural review
- Variance for \_\_\_\_\_
- Rezone from \_\_\_\_\_
- Tentative Subdivision/Parcel Map No. \_\_\_\_\_
- Grading/Land Development Permit No. \_\_\_\_\_
- Planned Residential/Commercial Development Approval
- Site Plan Review
- Condominium Conversion Permit
- Conditional, Special, or Major Use Permit No. \_\_\_\_\_
- Other DDLA

DEVELOPMENT REVIEW & STRUCTURE DEVELOPMENT PERMITS

CEQA Status

Categorically Exempt Class 32 Item SECTION 15332

Negative Declaration Granted (Date) \_\_\_\_\_

Environmental Impact Report Required, Final Report Certified (Date) \_\_\_\_\_

Other \_\_\_\_\_

Prepared for the City/County of SOLANA BEACH by PATRICIA BLUMAN

Date 6/25/14 Title PRINCIPAL PLANNER

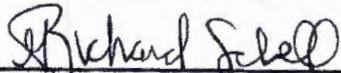
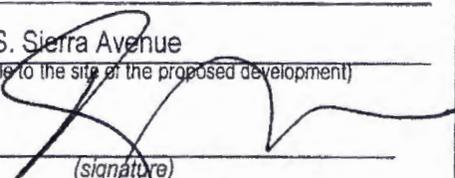


**APPENDIX D**  
(Permit Application)

**DECLARATION OF POSTING**

Prior to or at the time the application is submitted for filing, the applicant must post, at a conspicuous place, easily read by the public and as close as possible to the site of the proposed development, notice that an application for the proposed development has been submitted to the Commission. Such notice shall contain a general description of the nature of the proposed development. The Commission furnishes the applicant with a standardized form to be used for such posting. If the applicant fails to post the completed notice form and sign the Declaration of Posting, the Executive Director of the Commission shall refuse to file the application. 14 Cal. Code Regs. Section 13054(d).

Please sign and date this Declaration of Posting form when the site is posted; it serves as proof of posting. It should be returned to our office with the application.

Pursuant to the requirements of California Administrative Code Section 13054(b), I hereby certify	
that on, <u>June 24, 2014</u>	I or my authorized representative posted the <b>Notice</b>
<small>(date of posting)</small>	
<b>of Pending Permit</b> for application to obtain a coastal development permit for the development of	
<u>The Pearl – 10 units of residential rental housing for very low-income households,</u>	
<u>795 square feet of non-residential space for business activities, replacement of 31</u>	
<u>Existing public parking spaces and 22 additional parking spaces.</u>	
<small>(description of development)</small>	
Located at <u>(approx.) 500 block of S. Sierra Avenue, Solana Beach, CA 92075</u>	
<u>APN 298-211-81-00</u>	
<small>(address of development or assessor's parcel number)</small>	
The public notice was posted at <u>(approx.) 500 block of S. Sierra Avenue, Solana Beach, CA</u>	
<u>92075</u>	
on the project notification sign clearly displayed along <u>S. Sierra Avenue</u>	
<small>(a conspicuous place, easily seen by the public and as close as possible to the site of the proposed development)</small>	
<u></u>	<u></u>
Authorized Representative/Poster	<small>(signature)</small>
<u>6/24/2014</u>	<u>6/24/14</u>
<small>date</small>	<small>(date)</small>

NOTE: Your application cannot be processed until this **Declaration of Posting** is signed and returned to this office.

<small>FOR OFFICE USE ONLY</small>	
PERMIT NUMBER.....	<u>6-14-1032</u>
RECEIVED .....	<u>6/26/14</u>
DECLARATION COMPLETE.....	_____

**Subject:** Notice posted  
**From:** richard@hitzkeddevelopment.com (richard@hitzkeddevelopment.com)  
**To:** ginger@hitzkeddevelopment.com;  
**Date:** Tuesday, June 24, 2014 11:07 AM

Ginger,

Attached please find the pictures of the Notice posted at 11:00 am today.

Sent from Yahoo Mail on Android

## Appendix D

### Declaration and Evidence of Posting



Photographs of yellow, laminated permit card posted to existing Notice of Permit Application sign facing S. Sierra Avenue at the project site. Posted by Richard Schell on behalf of Ginger Hitzke on June 24, 2014 at approximately 11:00 a.m. Witnessed by Helen Subka of Hitzke Development Corporation.



## APPENDIX E

### FILING FEE SCHEDULE

(EFFECTIVE JULY 1, 2013)

**FEES WILL BE ADJUSTED EACH YEAR ON JULY 1, ACCORDING TO THE CALIFORNIA CONSUMER PRICE INDEX**

- Pursuant to Government Code section 6103, public entities are exempt from the fees set forth in this schedule.
- Permits shall not be issued without full payment for all applicable fees. If overpayment of a fee occurs, a refund will be issued. Fees are assessed at the time of application, based on the project as proposed initially. If the size or scope of a proposed development is amended during the application review process, the fee may be changed. If a permit application is withdrawn, a refund will be due only if no significant staff review time has been expended (e.g., the staff report has not yet been prepared). Denial of a permit application by the Commission is not grounds for a refund.
- If different types of development are included on one site under one application, the fee is based on the sum of each fee that would apply if each development were applied for separately, not to exceed \$107,600 for residential development and \$269,000 for all other types of development.
- Fees for after-the-fact (ATF) permit applications shall be five times the regular permit application fee unless the Executive Director reduces the fee to no less than two times the regular permit application fee. The Executive Director may reduce the fee if it is determined that either: (1) the ATF application can be processed by staff without significant additional review time (as compared to the time required for the processing of a regular permit,) or (2) the owner did not undertake the development for which the owner is seeking the ATF permit.
- In addition to the above fees, the Commission may require the applicant to reimburse it for any additional reasonable expenses incurred in its consideration of the permit application, including the costs of providing public notice.
- The Executive Director shall waive the application fee where requested by resolution of the Commission. Fees for green buildings or affordable housing projects may be reduced, pursuant to Section 13055(h) of the Commission's regulations.

**SEE SECTION 13055 OF THE COMMISSION'S REGULATIONS  
(CALIFORNIA CODE OF REGULATIONS, TITLE 14)  
FOR FULL TEXT OF THE REQUIREMENTS**

**I. RESIDENTIAL DEVELOPMENT<sup>1</sup>**

- De minimis waiver .....  \$ 538
- Administrative permit.....  \$ 2,690<sup>2</sup>

**A. Detached residential development**

Regular calendar for up to 4 detached, single-family dwelling(s)<sup>3,4</sup>

- 1,500 square feet or less .....  \$ 3,228/ea
- 1,501 to 5,000 square feet.....  \$ 4,842/ea
- 5,001 to 10,000 square feet .....  \$ 6,456/ea
- 10,001 or more square feet.....  \$ 8,070/ea

Regular calendar for more than 4 detached, single-family dwellings<sup>3,4</sup>

- 1,500 square feet or less .....  \$ 16,140 or \$1,076/ea<sup>5</sup>  
whichever is greater
- 1,501 to 5,000 square feet .....  \$ 24,210 or \$1,614/ea<sup>5</sup>  
whichever is greater
- 5,001 to 10,000 square feet .....  \$ 32,280 or \$2,152/ea<sup>5</sup>  
whichever is greater
- 10,001 or more square feet.....  \$ 40,350 or \$2,690/ea<sup>5</sup>  
whichever is greater

**B. Attached residential development**

- 2-4 units .....  \$ 8,070
- More than 4 units .....  \$ 10,760 or \$807/ea<sup>6</sup>  
whichever is greater

**C. Additions or improvements**

If **not** a waiver or an amendment to a previous coastal development permit, the fee is assessed according to the schedule in A. above (i.e., based on the calendar and/or size of the addition, plus the grading fee, if applicable).

If handled as an amendment to a previous coastal development permit, see Amendments (in Section III.F).

<sup>1</sup> Additional fee for grading applies. (See Section III.A of this fee schedule.)

<sup>2</sup> Additional fee will apply if the project is removed from the Administrative Calendar and rescheduled on the Regular Calendar.

<sup>3</sup> "Square footage" includes gross internal floor space of main house and attached garage(s), plus any detached structures (e.g., guest houses, detached bedrooms, in-law units, garages, barns, art studios, tool sheds, and other outbuildings).

<sup>4</sup> For developments that include residences of different sizes, the fee shall be based upon the average square footage of all the residences.

<sup>5</sup> Not to exceed \$107,600.

<sup>6</sup> Not to exceed \$53,800.

**II. OFFICE, COMMERCIAL, CONVENTION, INDUSTRIAL (INCLUDING ENERGY FACILITIES), AND OTHER DEVELOPMENT NOT OTHERWISE IDENTIFIED IN THIS SECTION<sup>7,8,9</sup>**

**A. Based on Gross Square Footage**

1,000 square feet (gross) or less.....	<input type="checkbox"/>	\$ 5,380
1,001 to 10,000 square feet (gross) .....	<input type="checkbox"/>	\$ 10,760
10,001 to 25,000 square feet (gross) .....	<input type="checkbox"/>	\$ 16,140
25,001 to 50,000 square feet (gross) .....	<input type="checkbox"/>	\$ 21,520
50,001 to 100,000 square feet (gross) .....	<input type="checkbox"/>	\$ 32,280
100,001 or more square feet (gross) .....	<input type="checkbox"/>	\$ 53,800

**B. Based on Development Cost<sup>10</sup>**

Development cost up to and including \$100,000 .....	<input type="checkbox"/>	\$ 3,228
\$100,001 to \$500,000 .....	<input type="checkbox"/>	\$ 6,456
\$500,001 to \$2,000,000 .....	<input type="checkbox"/>	\$ 10,760
\$2,000,001 to \$5,000,000 .....	<input type="checkbox"/>	\$ 21,520
\$5,000,001 to \$10,000,000 .....	<input type="checkbox"/>	\$ 26,900
\$10,000,001 to \$25,000,000 .....	<input type="checkbox"/>	\$ 32,280
\$25,000,001 to \$50,000,000 .....	<input type="checkbox"/>	\$ 53,800
\$50,000,001 to \$100,000,000 .....	<input type="checkbox"/>	\$ 107,600
\$100,000,001 or more .....	<input type="checkbox"/>	\$ 269,000

**III. OTHER FEES**

**A. Grading<sup>11</sup>**

50 cubic yards or less.....	<input type="checkbox"/>	\$ 0
51 to 100 cubic yards .....	<input type="checkbox"/>	\$ 538
101 to 1,000 cubic yards .....	<input type="checkbox"/>	\$ 1076
1,001 to 10,000 cubic yards .....	<input type="checkbox"/>	\$ 2,152
10,001 to 100,000 cubic yards .....	<input type="checkbox"/>	\$ 3,228
100,001 to 200,000 cubic yards .....	<input type="checkbox"/>	\$ 5,380
200,001 or more cubic yards .....	<input type="checkbox"/>	\$ 10,760

**B. Lot line adjustment<sup>12</sup> .....**  \$ 3,228

<sup>7</sup> The fee shall be based on either the gross square footage or the development cost, whichever is greater.

<sup>8</sup> Additional fee for grading applies. (See section III.A of this schedule).

<sup>9</sup> Pursuant to section 13055(a)(5) of the Commission's regulations, this category includes all development not otherwise identified in this section, such as seawalls, docks and water wells.

<sup>10</sup> Development cost includes all expenditures, including the cost for planning, engineering, architectural, and other services, made or to be made for designing the project plus the estimated cost of construction of all aspects of the project both inside and outside the Commission's jurisdiction.

<sup>11</sup> The fee for grading is based on the cubic yards of cut, plus the cubic yards of fill.

<b>C. Subdivision<sup>13</sup></b>	
Up to 4 new lots.....	<input type="checkbox"/> \$ 3,228/ea
More than 4 new lots.....	<input type="checkbox"/> \$ 12,912 plus \$1,076 for each lot above 4
<b>D. Administrative permit.....</b>	
	<input type="checkbox"/> \$ 2,690 <sup>14</sup>
<b>E. Emergency permit .....</b>	
	<input type="checkbox"/> \$ 1,076 <sup>15</sup>
<b>F. Amendment</b>	
Immaterial amendment.....	<input type="checkbox"/> \$ 1,076
Material amendment..... [50% of fee applicable to underlying permit if it were submitted today]	<input type="checkbox"/> \$ _____ (calculate fee)
<b>G. Temporary event which requires a permit pursuant to Public Resources Code section 30610(i)</b>	
If scheduled on administrative calendar.....	<input type="checkbox"/> \$ 1,076
If not scheduled on administrative calendar.....	<input type="checkbox"/> \$ 2,690
<b>H. Extension<sup>16</sup> and Reconsideration</b>	
Single-family residence .....	<input type="checkbox"/> \$ 538
All other development.....	<input type="checkbox"/> \$ 1,076
<b>I. Request for continuance</b>	
1st request .....	<input type="checkbox"/> No charge
Each subsequent request (where Commission approves the continuance).....	<input type="checkbox"/> \$ 1,076
<b>J. De minimis or other waivers.....</b>	
	<input type="checkbox"/> \$ 538
<b>K. Federal Consistency Certification<sup>17</sup></b>	
[The fee is assessed according to sections I, II, and III, above] .....	<input type="checkbox"/> \$ _____
<b>L. Appeal of a denial of a permit by a local government<sup>18</sup></b>	
[The fee is assessed according to sections I, II, and III, above] .....	<input type="checkbox"/> \$ _____
<b>M. Written Permit Exemption.....</b>	
	<input type="checkbox"/> \$ 269
<b>N. Written Boundary Determination.....</b>	
	<input type="checkbox"/> \$ 269
<b>O. Coastal Zone Boundary Adjustment.....</b>	
	<input type="checkbox"/> \$ 5,380

<sup>12</sup> A lot line adjustment is between adjoining parcels where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created.

<sup>13</sup> The fee is charged for each parcel created in addition to the parcels that originally existed.

<sup>14</sup> Additional fee will apply if the project is removed from the Administrative Calendar and rescheduled on the Regular Calendar.

<sup>15</sup> The emergency application fee is credited toward the follow-up permit application fee.

<sup>16</sup> If permit extension is objected to by the Commission and the application is set for a new hearing, then a new application fee is required, based on type of development and/or applicable calendar.

<sup>17</sup> Fees for federal consistency items will be assessed now that the Commission has received approval from NOAA to amend the California Coastal Management Program.

<sup>18</sup> Pursuant to Public Resources Code section 30602 or 30603(a)(5).

TOTAL SUBMITTED

\$

**TO BE COMPLETED BY STAFF**

SUBMITTED FEE VERIFIED BY:		DATE:
IS SUBMITTED AMOUNT CORRECT?		
<input type="checkbox"/> Yes. Applicant has correctly characterized the development, and payment is appropriate.	<input type="checkbox"/> Applicant did not fill out form, thus staff has marked the form to compute the fee, and applicant has paid fee.	<input type="checkbox"/> No. Why? _____ _____
REFUND OR ADDITIONAL FEE REQUIRED? (STATE REASON)		
<input type="checkbox"/> Refund amount	(_____)	
<input type="checkbox"/> Additional fee amount	(_____)	
<b>REMINDER: RECORD FEE PAYMENT IN PERMIT LOG</b>		
FINAL FEE VERIFIED BY: (TO BE COMPLETED <u>AFTER</u> COMMISSION ACTION)		DATE:

(COPY)

# NOTICE OF PENDING PERMIT

A PERMIT APPLICATION FOR DEVELOPMENT ON THIS SITE IS PENDING BEFORE THE CALIFORNIA COASTAL COMMISSION.

PROPOSED DEVELOPMENT: The Pearl – a mixed-use Development containing 10 affordable rental apartments, 795 sq. ft. of non-residential space, replacement of existing free public parking and additional parking for new uses. \_\_\_\_\_

LOCATION: 500 block of South Sierra on this parking lot \_\_\_\_\_ in Solana Beach, California \_\_\_\_\_

APPLICANT: Hitzke Development Corporation \_\_\_\_\_

APPLICATION NUMBER: \_\_\_\_\_

DATE NOTICE POSTED: June 24, 2014 \_\_\_\_\_

FOR FURTHER INFORMATION, PLEASE PHONE OR WRITE THE OFFICE LISTED BELOW BETWEEN 8 A.M. AND 5 P.M., WEEKDAYS.



CALIFORNIA COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT OFFICE  
7575 METROPOLITAN DRIVE, STE 103  
SAN DIEGO, CA 92108-4402  
(619) 767-2370

PRINT ON YELLOW STOCK CARD

**Per Section 1, Item 2 of this application, any of the following parties may speak to the Coastal Commission or Coastal Commission Staff regarding the project:**

1. Ginger Hitzke  
President, Hitzke Development Corporation  
251 Autumn Drive, Suite 100, San Marcos, CA 92069  
Tel: 760-798-9809
2. Michael VanBuskirk  
Sr. Project Manager, Hitzke Consulting  
251 Autumn Drive, Suite 100, San Marcos, CA 92069  
Tel: 760-798-9809
3. Marco Gonzalez  
Managing Partner, Coast Law Group  
1140 S Coast Highway 101, Encinitas, CA 92024  
Tel: 760-942-8505
4. Dennis Stryker  
Partner, Stryker Slev Law Group  
3555 Fifth Avenue, Suite 205  
P.O. Box 83295  
San Diego, CA 92138-3295  
Tel: 619-599-8266
5. Michael Burnett, Principal  
Craig Abenilla, Principal  
Robert Gabriel, Designer  
Foundation for Form Architecture & Development  
830 25<sup>th</sup> Street, Suite 200, San Diego, CA 92102  
Tel: 619-906-4006
6. Michael Schweitzer, President  
Tracy Santucci, Principal  
SWS Engineer, Inc.  
261 Autumn Drive, Suite 115, San Marcos, CA 92069  
Tel: 760-744-0011
7. Mohamed Zaki  
Principal, MZaki Design, Inc.  
4670 Saratoga Ave. # 3, San Diego, CA 92107  
Tel: 619-255-1802

## CHAPTER 2—PUBLIC ACCESS AND RECREATION

EXISTING PUBLIC PARKING AVAILABLE FOR BEACH USERS  
PUBLIC PARKING LOTS AND SPACES  
TABLE 2-1

Lot #	Description	Spaces
1	Transit Station	319
2	Plaza Street North	24
3	Plaza Street South	23
4	Fletcher Cove	33
5	Distillery	82
6	423 South Sierra Avenue	37
7	535 South Sierra Avenue	31
8	City Hall	66
9	Del Mar Shores North	20
10	Del Mar Shores South	21
11	740 South Sierra Avenue	20
	SUB TOTAL	676
	ON STREET PARKING SPACES	1,384
	TOTAL AVAILABLE PUBLIC PARKING SPACES	2,060



Scale: 1" = 200' 500' 1000' 2000'

SAN ELLO LAGOON

ENCINITAS

Trail Access

Cardiff State Beach

Solana Palisades HOA

Trail Access at Rios Avenue

Trail Access at Holmwood Lane

Trail Access

Tide Park

Public Stair Access at Solana Vista Drive

Trail Access

Fletcher Cove Park & Community Center

Public Ramp Access at Plaza Street

Seascape Shores

Seascape Surf

Public Stair Access at Dahlia Drive

Seascape I

Del Mar Shores Terrace

Public Stair Access at Del Mar Shores

Del Mar Beach Club

DEL MAR

1:2000





# MAP NO. 5575

## SUNSET PLAZA

SHEET 1 OF 2 SHEETS

MICROFILMED AT  
15:1 REDUCTION

I, Clifford C. Hood, a Registered Civil Engineer, hereby certify that the survey of this subdivision was made by me or under my direction between June 1965 and July 1965 and said survey is true and complete and that the monuments are of the character and accuracy that the positions indicated, and are sufficient to identify the survey to be retraced.

My commission expires Feb. 8, 1966  
Clifford C. Hood  
 Registered Civil Engineer No. 74889

State of California )  
 County of Orange )  
 On this 15th day of April, 1965 before me, S.P. Parker, a Notary Public in and for said County and State, personally appeared A.A. HELLWIG, known to me to be the person whose name is subscribed to the above certificate and acknowledged to me that he executed the same.  
 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal in said County and State, the day and year in this certificate first above written.

S.P. Parker  
 Notary Public in and for said County and State

State of California )  
 County of San Diego )  
 On this 15th day of April, 1965 before me, Clifford C. Hood, a Notary Public in and for said County and State, personally appeared Clifford C. Hood, known to me to be the person whose name is subscribed to the above certificate and acknowledged to me that he executed the same.  
 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal in said County and State, the day and year in this certificate first above written.

Clifford C. Hood  
 Notary Public in and for said County and State

State of California )  
 County of San Diego )  
 On this 15th day of October, 1964, before me, Clifford C. Hood, a Notary Public in and for said County and State, personally appeared Clifford C. Hood, known to me to be the person whose name is subscribed to the above certificate and acknowledged to me that he executed the same.  
 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal in said County and State, the day and year in this certificate first above written.

Clifford C. Hood  
 Notary Public in and for said County and State

Being a subdivision of all of Hayden Heights, in the County of San Diego, California, according to Map No. 2382, filed in the Office of the County Recorder of San Diego County, including the portions of Palm Drive and the drainage easement created by action of the Board of Supervisors dated May 31, 1964.

1. This insurance and Trust Company hereby certifies that according to the Official Records of the County of San Diego, A. A. Helwig, a married man as his sole and separate property, as owner and his wife, Josephine Helwig, as holder of those certain generational rights created in a Declaration of Restrictions, recorded October 30, 1946, in Book 2276, Page 179 of Official Records, in the Office of the County Recorder of San Diego County, California, were on the 30th day of April, 1965, recorded in the Official Records of the County of San Diego, California, in Book 1936, Page 480 of Official Records. Said Helwig and Helwig, as holder of that certain easement recorded October 4, 1965, in Book 1112, page 480 of Official Records of the County of San Diego, as holder of that certain easement recorded April 14, 1963, under Record No. 16289, series 4, Book 1263, recorded November 25, 1964, under Recorder's File No. 14933, series 1, Book 1904, page 100 of Official Records of the County of San Diego, California, in the Official Records of the County of San Diego, California, in Book 1936, Page 480 of Official Records, and the Insurance and Trust Company has caused this instrument to be executed under its corporate name and authority and the day and year first above written.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal in said County and State, the day and year in this certificate first above written.

Brian D. Dresser  
 My commission expires March 1, 1966  
 Notary Public in and for said County and State

State of California )  
 County of San Diego )  
 On this 15th day of April, 1965 before me, Clifford C. Hood, a Notary Public in and for said County and State, personally appeared Clifford C. Hood, known to me to be the person whose name is subscribed to the above certificate and acknowledged to me that he executed the same.  
 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal in said County and State, the day and year in this certificate first above written.

Clifford C. Hood  
 Notary Public in and for said County and State

THE INSURANCE AND TRUST COMPANY  
 145 New York Street  
 San Diego, California  
 Secretary

State of California )  
 County of San Diego )  
 I, Helen Knecker, Clerk of the Board of Supervisors of the County of San Diego, certify that said Map No. 2382, filed in the Office of the County Recorder of San Diego County, including the portions of Palm Drive and the drainage easement created by action of the Board of Supervisors dated May 31, 1964, is a true and correct copy of the original map on file in the Office of the County Recorder of San Diego County, California, and that the same is being recorded in the Official Records of the County of San Diego, California, in Book 1936, Page 480 of Official Records.

Helen Knecker  
 Clerk of the Board of Supervisors

Approved as to form:  
Richard McLean, Jr.  
 County Counsel

1. D. K. Speer, County Surveyor, certifies that I have examined this map and that the subdivision is substantially the same as it appeared on the tentative map, and any ground alterations thereof, the all portions of the subdivision map and the all portions of the subdivision map and the all portions of the subdivision map are in accordance with the map as it is technically correct.

State of California )  
 County of San Diego )  
 On this 15th day of October, 1964, before me, Clifford C. Hood, a Notary Public in and for said County and State, personally appeared Clifford C. Hood, known to me to be the person whose name is subscribed to the above certificate and acknowledged to me that he executed the same.  
 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal in said County and State, the day and year in this certificate first above written.

Clifford C. Hood  
 Notary Public in and for said County and State

State of California )  
 County of San Diego )  
 On this 15th day of April, 1965 before me, Clifford C. Hood, a Notary Public in and for said County and State, personally appeared Clifford C. Hood, known to me to be the person whose name is subscribed to the above certificate and acknowledged to me that he executed the same.  
 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal in said County and State, the day and year in this certificate first above written.

Clifford C. Hood  
 Notary Public in and for said County and State

State of California )  
 County of San Diego )  
 On this 15th day of April, 1965 before me, Clifford C. Hood, a Notary Public in and for said County and State, personally appeared Clifford C. Hood, known to me to be the person whose name is subscribed to the above certificate and acknowledged to me that he executed the same.  
 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal in said County and State, the day and year in this certificate first above written.

Clifford C. Hood  
 Notary Public in and for said County and State

Approved as to form:  
Richard McLean, Jr.  
 County Counsel

I hereby approve the name Sunset Plaza for the subdivision shown on the annexed map.

Richard McLean, Jr.  
 County Counsel

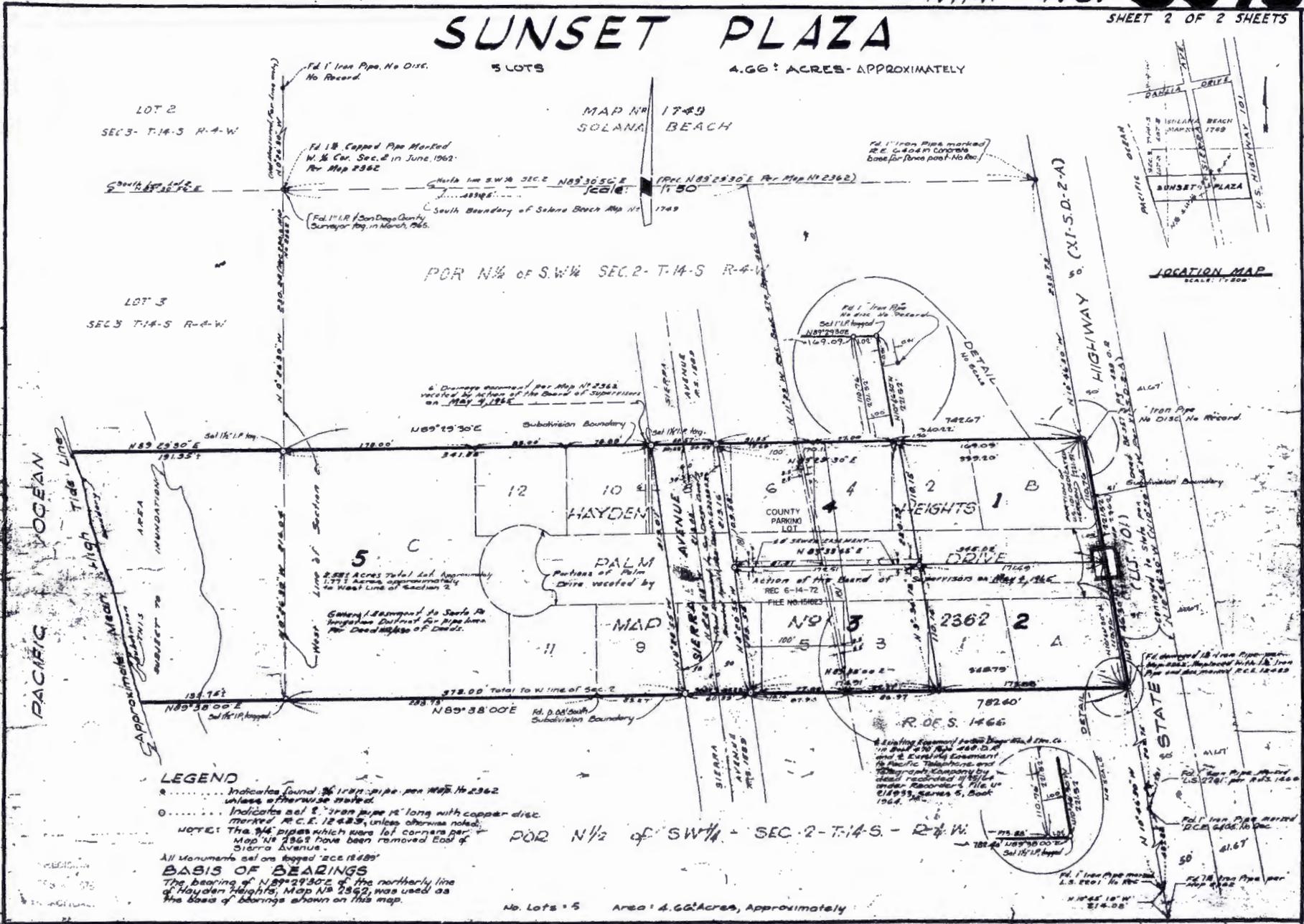
State of California )  
 County of San Diego )  
 On this 15th day of April, 1965 before me, Clifford C. Hood, a Notary Public in and for said County and State, personally appeared Clifford C. Hood, known to me to be the person whose name is subscribed to the above certificate and acknowledged to me that he executed the same.  
 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal in said County and State, the day and year in this certificate first above written.

Clifford C. Hood  
 Notary Public in and for said County and State

## SUNSET PLAZA

5 LOTS

4.66 ACRES - APPROXIMATELY



### LEGEND

- Indicates found 1/2" iron pipe per Map No. 2362 unless otherwise noted.
  - Indicates set 2" iron pipe 12' long with copper disc marked N.C.E. 12483, unless otherwise noted.
- NOTE: The 1/4" pipes which were lot corners per Map No. 1962 have been removed East of Sierra Avenue.

All monuments set on Map No. 1889  
**BASIS OF BEARINGS**  
 The bearing of N89°29'30"E of the northerly line of Hayden Heights, Map No. 2362, was used as the basis of bearings shown on this map.

POR N 1/2 of SW 1/4 - SEC. 2 - T. 14 - S. - R. 4 - W.

No. Lots = 5 Area = 4.66 Acres, Approximately

MAY 20 1965  
MICROFILMED

MICROFILMED AT  
16:1 REDUCTION

# MAP NO. 7309

## SHEET 1 OF 3 SHEETS

### SEASCAPE SURF

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OR ARE INTERESTED IN THE LAND SUBDIVIDED BY THIS MAP AND WE CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP.

LOTS 1 AND 2 WITHIN THIS SUBDIVISION ARE CONDOMINIUM LOTS CONTAINING A MAXIMUM OF 130 DWELLING UNITS AND IS A CONDOMINIUM PROJECT AS DEFINED IN SECTION 1750 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT. LOT 3 WITHIN THIS SUBDIVISION IS NOT A CONDOMINIUM LOT.

WE HEREBY DEDICATE TO THE PUBLIC AN EASEMENT FOR "PUBLIC RECREATIONAL USE AND AN EASEMENT FOR "PUBLIC PATHWAY AND BEACH ACCESS" PURPOSES, ALL AS SHOWN OR SAID MAP.

WE HEREBY GRANT TO THE COUNTY OF SAN DIEGO AN EASEMENT OVER, UPON, ACROSS AND UNDER LOTS 1, 2, AND 3, (HEREINAFTER REFERRED TO AS THE SUBJECT LAND), TO-WIT:

(1) A PERPETUAL EASEMENT FOR OPEN SPACE OR, UPON, OVER AND ABOVE THE SUBJECT LAND AND INCLUDING, STRUCTURE OR OTHER THING WHATSOEVER SHALL BE CONSTRUCTED, ERRECTED, PLACED OR MAINTAINED ON THE SUBJECT LAND EXCEPT AS MAY BE PERMITTED BY A SPECIAL USE PERMIT ISSUED PURSUANT TO THE ZONING ORDINANCE OF THE COUNTY OF SAN DIEGO.

(2) THE PERPETUAL RIGHT, BUT NOT THE OBLIGATION, TO ENTER UPON THE SUBJECT LAND AND REMOVE ANY BUILDINGS, STRUCTURES OR OTHER THINGS WHATSOEVER CONSTRUCTED, ERRECTED, PLACED OR MAINTAINED ON THE SUBJECT LAND CONTRARY TO ANY TERM, COVENANT OR CONDITION OF THIS EASEMENT AND TO DO ANY WORK NECESSARY TO ELIMINATE THE EFFECTS OF ANY ERRECTION OR ERRECTION OR PLACEMENT OF SAND, GRAVEL, OR ANY OTHER MATERIALS PLACED OR PLACED ON THE SUBJECT LAND CONTRARY TO ANY TERM, COVENANT OR CONDITION OF THIS EASEMENT, GRANTOR COVENANTS AND WAIVES FOR ITSELF AND ITS SUCCESSORS AND ASSIGNS AS FOLLOWS:

a. THAT IT SHALL NOT ERRECT, CONSTRUCT, PLACE OR MAINTAIN, OR PERMIT THE ERRECTION, CONSTRUCTION, PLACEMENT OR MAINTENANCE OF ANY BUILDING OR STRUCTURE OR OTHER THING WHATSOEVER ON THE SUBJECT LAND OTHER THAN SUCH BUILDINGS, STRUCTURES AND OTHER THINGS AS NOT BE PERMITTED BY A SPECIAL USE PERMIT ISSUED PURSUANT TO THE ZONING ORDINANCE OF THE COUNTY OF SAN DIEGO.

b. THAT IT SHALL NOT USE THE SUBJECT LAND FOR ANY PURPOSE EXCEPT AS OPEN SPACE AND FOR PARK AND/OR RECREATIONAL PURPOSES, WITHOUT THE WRITTEN AUTHORIZATION OF THE COUNTY OF SAN DIEGO OR ITS SUCCESSORS OR ASSIGNS.

c. THAT IT SHALL NOT EXCAVATE OR GRADE OR PERMIT ANY EXCAVATING OR GRADING TO BE DONE, OR PLACE OR ALLOW TO BE PLACED ANY BUILDING OR STRUCTURE OR OTHER THING WHATSOEVER ON THE SUBJECT LAND WITHOUT THE WRITTEN PERMISSION OF THE COUNTY OF SAN DIEGO OR ITS SUCCESSORS OR ASSIGNS. PROVIDED, HOWEVER, THAT GRADING MAY BE NECESSARY TO GRADE OR PLACE SAND, GRAVEL, ROCK OR GRAVEL OR OTHER MATERIALS ON THE SUBJECT LAND AS MAY BE PERMITTED BY A SPECIAL USE PERMIT ISSUED PURSUANT TO THE ZONING ORDINANCE OF THE COUNTY OF SAN DIEGO.

d. THAT THE TERMS, COVENANTS AND CONDITIONS SET FORTH HEREIN MAY BE SPECIFICALLY ENFORCED OR ENFORCED BY PROCEEDINGS IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA. THE GRANT OF THIS EASEMENT AND ITS ACCEPTANCE BY THE COUNTY OF SAN DIEGO SHALL NOT IN ANY MANNER WAIVE THE PUBLIC OR ANY NUMBER THEREOF TO USE OR ENTER UPON ALL OR ANY PART OF THE SUBJECT LAND, IT BEING UNDERSTOOD THAT THE PURPOSE OF THIS EASEMENT IS SOLELY TO RESTRICT THE USES TO WHICH THE SUBJECT LAND MAY BE PUT.

THIS EASEMENT SHALL BIND THE GRANTOR AND ITS SUCCESSORS AND ASSIGNS.

WE HEREBY DEDICATE TO THE SAN DIEGO COUNTY FLOOD CONTROL DISTRICT THE DRAINAGE EASEMENT AS SHOWN ON SAID MAP.

A. A. HELWIG, AS OWNER:  
*A. A. Helwig*

WESTWARD CONSTRUCTION CORPORATION, A CALIFORNIA CORPORATION, AS OWNER:  
*Nicholas P. Frost*  
NICHOLAS P. FROST, PRESIDENT

UNITED CALIFORNIA BANK, A CALIFORNIA CORPORATION, AS TRUSTEE UNDER THIS CERTAIN TRUST DEED OF TRUST RECORDED OCT 16, 1970 AS FILE/PAGE 18, 19, 21, 22 BOOK 1970 OF OFFICIAL RECORDS.  
*Lighting S. Tuck* BY *Jackie Sheffield*  
VICE-PRESIDENT ASSISTANT SECRETARY

THE SIGNATURE OF THE COUNTY OF SAN DIEGO, OWNER OF EASEMENT RECORDED APRIL 11, 1963, FILE/PAGE NO. 62243, SERIES 4, BOOK 1963 OF OFFICIAL RECORDS, AND HOLDER OF RIGHTS AS CONTAINED IN DOCUMENTS RECORDED APRIL 11, 1963, FILE/PAGE NOS. 62237, 62238, 62239 AND 62240, SERIES 4, BOOK 1963 OF OFFICIAL RECORDS OF SAN DIEGO COUNTY HAS BEEN OMITTED UNDER THE PROVISIONS OF SECTION 11587, SUBSECTION (a), OF THE SUBDIVISION MAP ACT, THEIR INTEREST IS SUCH THAT IT CANNOT BE PUT INTO A FEZ TITLE AND SAID SIGNATURE IS NOT REQUIRED BY THE GOVERNING BODY.

DELAVAN J. DICKSON COUNTY TREASURER BY: *Yeagy Hatcher* DATED: 4-20-72  
H. M. TAYLOR COUNTY ENGINEER BY: *R. H. Masserman* DATED: 5-31-72  
C. J. HOUSON DIRECTOR OF DEPARTMENT OF SANITATION AND FLOOD CONTROL BY: *W. J. Rohl* DATED: 5-31-72

PRECISION

SUBDIVISION GUARANTEE FURNISHED BY TITLE INSURANCE AND TRUST COMPANY, ORDER NO. 936972  
BEING A SUBDIVISION OF PORTIONS OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 2 AND OF LOT 3 IN SECTION 3, TOWNSHIP 14 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF, TOGETHER WITH LOT 5 OF SUNSET PLAZA, ACCORDING TO MAP THEREOF NO. 5575, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MAY 5, 1965, ALL BEING IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, TOGETHER WITH A PORTION OF THE LAND LYING WESTERLY OF THE HEADER LINE ACCORDING TO UNITED STATES GOVERNMENT SURVEY AND EASTERLY OF THE MEAN HIGH TIDE LINE OF THE PACIFIC OCEAN.  
FOR COMPLETE METES AND BOUNDS LEGAL DESCRIPTION OF THE BOUNDARY OF THIS SUBDIVISION, SEE CERTIFIED TITLE COMPANY DESCRIPTION AND REPORT ON FILE IN THE OFFICE OF THE COUNTY ENGINEER.

STATE OF CALIFORNIA) SS. ON THIS 26 DAY OF April, 1972,  
COUNTY OF SAN DIEGO) SS. BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED A. A. HELWIG, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE ABOVE CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL IN SAID COUNTY AND STATE, THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.  
MY COMMISSION EXPIRES 2-27-76  
*Sharon M. Friedman*  
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE

STATE OF CALIFORNIA) SS. ON THIS 1st DAY OF April, 1972,  
COUNTY OF SAN DIEGO) SS. BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED NICHOLAS P. FROST, KNOWN TO ME TO BE THE PRESIDENT OF WESTWARD CONSTRUCTION CORPORATION, A CALIFORNIA CORPORATION, THE CORPORATION THAT EXECUTED THE ABOVE CERTIFICATE AND KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE ABOVE CERTIFICATE ON BEHALF OF THE CORPORATION THEREIN NAMED, AND ACKNOWLEDGED TO ME THAT SUCH CORPORATION EXECUTED SAID CERTIFICATE PURSUANT TO ITS BYLAWS OR A RESOLUTION OF ITS BOARD OF DIRECTORS.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL IN SAID COUNTY AND STATE, THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.  
MY COMMISSION EXPIRES 1-2-76  
*Nicholas P. Frost*  
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE

STATE OF CALIFORNIA) SS. ON THIS 26th DAY OF APRIL, 1972,  
COUNTY OF LOS ANGELES) SS. BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED *Richard S. Pugh* KNOWN TO ME TO BE VICE-PRESIDENT AND *Jackie Sheffield* KNOWN TO ME TO BE ASSISTANT SECRETARY OF UNITED CALIFORNIA BANK, A CALIFORNIA CORPORATION, THE CORPORATION THAT EXECUTED THE ABOVE CERTIFICATE, AND KNOWN TO ME TO BE THE PERSONS WHO EXECUTED THE ABOVE CERTIFICATE ON BEHALF OF THE CORPORATION THEREIN NAMED, AND ACKNOWLEDGED TO ME THAT SUCH CORPORATION EXECUTED SAID CERTIFICATE PURSUANT TO ITS BYLAWS OR A RESOLUTION OF ITS BOARD OF DIRECTORS.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL IN SAID COUNTY AND STATE, THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.  
MY COMMISSION EXPIRES Oct. 18, 1975  
*William B. Rick*  
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE

STATE OF CALIFORNIA) SS. ON THIS 26th DAY OF APRIL, 1972,  
COUNTY OF SAN DIEGO) SS. BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED *Delavan J. Dickson* KNOWN TO ME TO BE COUNTY TREASURER OF THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, COUNTY ENGINEER OF SAID COUNTY, AND DIRECTOR OF DEPARTMENT OF SANITATION AND FLOOD CONTROL OF SAID COUNTY, HEREBY CERTIFY THAT THERE ARE NO UNPAID SPECIAL ASSESSMENTS OR BONDS WHICH MAY BE PAID IN FULL, SHOWN BY THE BOOKS OF OUR OFFICES, AGAINST THE TRACT OR SUBDIVISION, OR ANY PART THEREOF, SHOWN ON THE ANNEXED MAP AND DESCRIBED IN THE CAPTION THEREOF.

DELAVAN J. DICKSON COUNTY TREASURER BY: *Yeagy Hatcher* DATED: 4-20-72  
H. M. TAYLOR COUNTY ENGINEER BY: *R. H. Masserman* DATED: 5-31-72  
C. J. HOUSON DIRECTOR OF DEPARTMENT OF SANITATION AND FLOOD CONTROL BY: *W. J. Rohl* DATED: 5-31-72

PRECISION

I, WILLIAM B. RICK, A REGISTERED CIVIL ENGINEER, CERTIFY THAT THE SURVEY OF THIS SUBDIVISION WAS MADE BY ME OR UNDER MY DIRECTION SURVEY NOVEMBER 5, 1971 AND NOVEMBER 9, 1971 AND SAID SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT MONUMENTS OF THE CHARACTER INDICATED HAVE BEEN SET OR FOUND AT THE SUBDIVISION BOUNDARY CORNERS, AND I WILL SET ALL OTHER MONUMENTS OF THE CHARACTER AND AT THE POSITION INDICATED BY LEGEND IN THIS MAP WITHIN 30 DAYS AFTER THE COMPLETION OF THE REQUIRED IMPROVEMENTS AND THEIR ACCEPTANCE BY THE COUNTY OF SAN DIEGO AND SUCH MONUMENTS ARE OR WILL BE SUFFICIENT TO EMBLE THE SURVEY TO BE RETRACED. (SEE LEGEND ON SHEET NO. 2.)  
*William B. Rick*  
WILLIAM B. RICK, R.C.E. 9416 DATE: 5-31-72

I, H. M. TAYLOR, COUNTY ENGINEER OF THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP; THAT THE SUBDIVISION IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF; THAT ALL THE PROVISIONS OF THE SUBDIVISION MAP ACT AND DIVISION I OF TITLE 8 OF THE SAN DIEGO COUNTY CODE HAVE BEEN COMPLIED WITH; AND THAT I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.  
H. M. TAYLOR COUNTY ENGINEER BY: *R. H. Masserman* DATED: 5-31-72 ASSISTANT COUNTY ENGINEER

I, PORTER D. CREMENS, CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, HEREBY CERTIFY THAT THE PROVISIONS OF CHAPTER 2, PART 2, DIVISION 4, OF THE BUSINESS AND PROFESSIONS CODE HAVE BEEN COMPLIED WITH REGARDING DEPOSITS FOR TAXES ON THE PROPERTY WITHIN THIS SUBDIVISION.  
PORTER D. CREMENS CLERK OF THE BOARD OF SUPERVISORS BY: *Porter D. Cremens* DATED: 6/6/72

THIS IS TO CERTIFY THAT THE DRAINAGE EASEMENTS AS SHOWN ON THIS MAP DEDICATED TO THE SAN DIEGO COUNTY FLOOD CONTROL DISTRICT ARE HEREBY ACCEPTED BY THE UNDERSIGNED OFFICER OR AGENT ON BEHALF OF THE BOARD OF DIRECTORS OF THE SAN DIEGO COUNTY FLOOD CONTROL DISTRICT PURSUANT TO AUTHORITY CONFERRED BY RESOLUTION OF SAID BOARD OF DIRECTORS, ADOPTED ON MARCH 18, 1969, AND THE DISTRICT CONSENTS TO THE RECORDATION THEREOF BY ITS DULY AUTHORIZED AGENT.  
SAN DIEGO COUNTY FLOOD CONTROL DISTRICT BY: *Robert E. Blythe* DATED: 5/31/72

APPROVED AS TO FORM.  
ROBERT G. BERRY COUNTY COUNSEL BY: *Robert E. Blythe* DATED: 5-31-72 DEPUTY

I HEREBY APPROVE THE NAME SEASCAPE SURF FOR THE SUBDIVISION SHOWN ON THE ANNEXED MAP.  
HARLEY F. BLOOM COUNTY RECORDER BY: *R. H. Masserman* DATED: 7-20-72 DEPUTY

FILE NO. 152948

I, HARLEY F. BLOOM, COUNTY RECORDER OF THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, HEREBY CERTIFY THAT I HAVE ACCEPTED FOR RECORDATION THIS MAP FILED AT THE REQUEST OF WILLIAM B. RICK THIS 1st DAY OF APRIL, 1972, AT 2:20 O'CLOCK P.M.  
HARLEY F. BLOOM COUNTY RECORDER BY: *Tracy K. Kistner* DEPUTY

FILE NO. 152948  
I, PORTER D. CREMENS, CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO, CERTIFY THAT SAID BOARD OF SUPERVISORS HAS APPROVED THIS MAP, AND HAS ACCEPTED ON BEHALF OF THE PUBLIC THE EASEMENT FOR "PUBLIC RECREATIONAL USE" AND THE EASEMENT FOR "PUBLIC PATHWAY AND BEACH ACCESS PURPOSES", AND HAS ACCEPTED THE GRANT OF AN EASEMENT FOR OPEN SPACE OVER, UPON, ACROSS AND UNDER LOTS 1, 2, AND 3, (HEREINAFTER REFERRED TO AS THE SUBJECT LAND), ALL AS DEDICATED ON SAID MAP.  
PORTER D. CREMENS CLERK OF THE BOARD OF SUPERVISORS BY: *Porter D. Cremens* DATED: 4/6/72

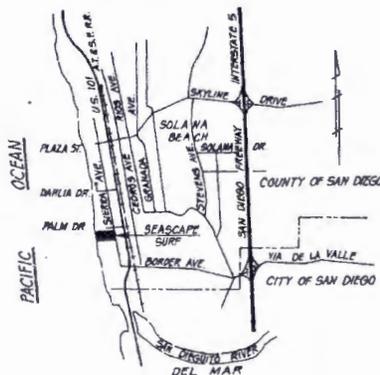
MICROFILMED

Rick ENGINEERING COMPANY  
2620 Pines Road ES-0707 San Diego, Calif.  
JOB NO. 4477

Map 7309 1 of 3

COUNTY TM 2976-1  
L-6285  
CAL. COORD. INSET. 298-1483

# SEASCAPE SURF



LOCATION MAP  
NO SCALE

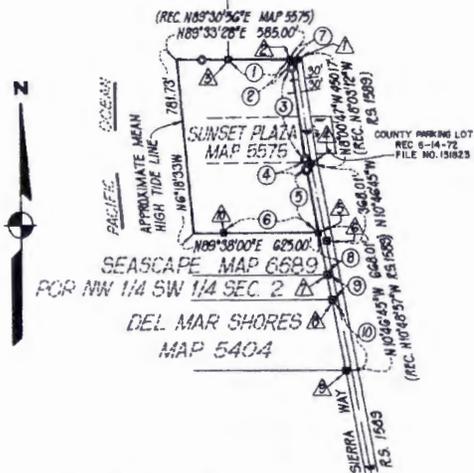
**BASIS OF BEARINGS**

THE BASIS OF BEARINGS HEREON IS THE WEST RIGHT OF WAY LINE OF SIERRA AVENUE AS SHOWN ON MAP NO. 6689. I.E., N.10°46'45"W.

**LEGEND**

- ⊙ ----- INDICATES SET A 2"x28" IRON PIPE WITH BRASS DISC STAMPED "R.C.E. 9416"
- ----- INDICATES FOUND POINT AS NOTED
- ----- INDICATES SET A 3/4"x18" IRON PIPE WITH BRASS DISC STAMPED "R.C.E. 9416" SEE DETAIL "EDMONTON, N.E. 1A, CERTIFICATE OF SURVEY"
- I.P. ----- INDICATES IRON PIPE
- REC ----- INDICATES RECORD
- FD ----- INDICATES FOUND
- ROD ----- INDICATES RADIAL
- R.S. ----- INDICATES ROAD SURVEY
- M.S.L. ----- INDICATES MEAN SEA LEVEL

T14S R4W S8M  
LOT 2 SEC. 3 SW 1/4 NW 1/4  
SEC. 2



PROCEDURE OF SURVEY  
SCALE: 1"=400'

NO.	BEARING OR DELTA	RADIUS	LENGTH	NO.	DESCRIPTION
①	N 89°33'28" E.	311.45'		△	FOUND PK NAIL, NO RECORD, ACCEPTED AS P.I., R.S. 1589
②	02°22'34"	270.00'	11.20'	△	FOUND 1" I.P. WITH DISC MARKED "S.D. CO. SURVY" PER CO. FIELD BOOK R1589, PAGE 40, 0.03' W/4 OF PROPERTY CORNER. SEE DETAIL "A", SHEET 3.
③	N 08°00'47" W	435.75'		△	FOUND PK NAIL, NO RECORD, ACCEPTED AS P.I., R.S. 1589.
④	02°45'58"	330.00'	15.93'	△	FOUND 2" I.P. WITH DISC "R.C.E. 9416" N.E. CORNER MAP NO. 6689.
⑤	N 10°46'45" W	324.98'		△	FOUND 1" I.P. WITH DISC MARKED "S.D. CO. SURVY" PER MAP NO. 5575.
⑥	N 89°38'00" E	475.00'		△	FOUND PK NAIL, NO RECORD, ACCEPTED AS P.I., R.S. 1589.
⑦	N 89°33'28" E	30.56'		△	FOUND 2" I.P. WITH DISC "R.C.E. 9416" PER MAP NO. 5404 AND MAP NO. 6689
⑧	N 10°46'45" W	203.35'		△	FOUND 2" I.P. WITH DISC "R.C.E. 9416" PER MAP NO. 5404 AND MAP NO. 6689
⑨	N 10°46'45" W	116.93'		△	FOUND 2" I.P. WITH DISC "R.C.E. 9416" PER MAP NO. 5404 AND MAP NO. 6689
⑩	N 10°46'45" W	347.73'		△	FOUND 2" I.P. WITH DISC "R.C.E. 9416" PER MAP NO. 6689

**NOTES**

1. THE TOTAL AREA OF THIS SUBDIVISION IS 10.729± ACRES.
2. THE TOTAL NUMBER OF LOTS IS 3.
3. BEGINNING LOT NUMBER IS 1, ENDING LOT NUMBER IS 3.
4. THE WESTERLY CORNERS OF THIS SUBDIVISION ARE ON THE APPROXIMATE MEAN HIGH TIDE LINE OF THE PACIFIC OCEAN AND ARE IN AN INACCESSIBLE LOCATION AND NOT FEASIBLE TO SET.
5. ANY PORTION OF LAND LYING BETWEEN THE WESTERLY PROLONGATION OF THE NORTH LINE AND THE SOUTH LINE OF THE ABOVE DESCRIPTION (SHEET 1) AND ABOVE THE EXACT MEAN HIGH TIDE LINE IS INTENDED TO BE INCLUDED WITHIN THE ABOVE DESCRIPTION AND THE SUBDIVISION SHOWN HEREON ADJACENT TO SAID LAND. ANY OF SAID LAND LYING BELOW THE EXACT MEAN HIGH TIDE LINE IS INTENDED TO BE AND IS EXCLUDED FROM SAID DESCRIPTION AND THE SUBDIVISION SHOWN HEREON ADJACENT TO SAID LAND.
6. A SOILS REPORT WAS MADE FOR THE LOTS WITHIN THIS SUBDIVISION ON FEBRUARY 29, 1972, BY H. V. LAWMASTER & CO., INC., PROJECT NO. 72-5096, AND SIGNED BY WILLIAM T. CORUM, R.C.E. 6207.



RECORDING REQUESTED BY

1961

151823

FILE/PAGE NO. BOOK 1972  
RECORDED REQUEST OF  
County Board of Supervisors

JUN 14 2 12 PM '72

OFFICIAL RECORDS  
SAN DIEGO COUNTY, CALIF.  
HARLEY F. BLOOM  
RECORDER

AND WHEN RECORDED MAIL TO

CLERK, BOARD OF SUPERVISORS  
Room 306, County Administration Center  
San Diego, California 92101

SPACE ABOVE THIS LINE FOR RECORDER'S USE NO FEE

MAIL TAX STATEMENTS TO

Documentary Transfer Tax Consideration less than  
Computed on full value of property conveyed.  
or computed on full value less liens and on \$100.00  
balances remaining thereon at time of sale.

Signature of declarant or agent determining tax  
Firm Name Westward Construction Corporation  
87008/211-64 wop & 65 wop

UNINCORPORATED AREA

### Corporation Grant Deed

TO: 408 CA (7-65)

THIS FORM FURNISHED BY TITLE INSURANCE AND TRUST COMPANY

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,  
**WESTWARD CONSTRUCTION CORPORATION**

a corporation organized under the laws of the state of **California**,  
hereby **GRANTS** to

**COUNTY OF SAN DIEGO**

the following described real property in the  
County of **San Diego**, State of California:

The West 100 feet of the North 181 feet of the following described real property:

All that portion of **SUNSET PLAZA**, in the County of San Diego, State of California, according to Map thereof No. 5575, filed in the office of the County Recorder of said County, together with that portion of the North Half of the Southwest Quarter of Section 2, Township 14 South, Range 4 West, San Bernardino Meridian, in the County of San Diego, State of California, according to official plat thereof, lying North of a line that is parallel with and distant 856.9 feet at right angles Northerly from the South line of said North half of the Southwest Quarter; and West of the Westerly line of State Highway as described in deed from Michael Collins to the State of California, recorded in Book 357, Page 499 of Official Records of said County and South of a line that is parallel with and distant 153.33 feet at right angles Southerly from the North line of said North half of the Southwest Quarter and lying Easterly of the center line of that certain 60.00 foot strip described in Easement Deed to the County of San Diego, recorded April 11, 1963 as Document No. 62239 of Official Records and known as **Sierra Avenue**.

This is to certify that the interest in real property conveyed by the foregoing deed or grant is the County of San Diego, official corporation as set forth in the Official Records of said County, Supervisor on 3/7/72 and the same is subject to the conditions to which said interest is subject.

PORTER D. CREMANS  
Clerk of the Board of Supervisors  
By Porter D. Cremans

In Witness Whereof, said corporation has caused its corporate name and seal to be affixed hereto and this instrument to be executed by its \_\_\_\_\_ President and \_\_\_\_\_ thereunto duly authorized.

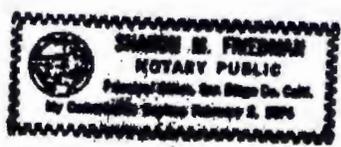
Dated: February 15, 1972

**WESTWARD CONSTRUCTION CORPORATION**

STATE OF CALIFORNIA }  
COUNTY OF San Diego } SS.  
On February 15, 1972 before me, the undersigned, a Notary Public in and for said State, personally appeared Nicholas P. Groat known to me to be the \_\_\_\_\_ President, and J. Gregory Rowler known to me to be the \_\_\_\_\_ Secretary of the Corporation that executed the within instrument, known to me to be the person who executed the within instrument on behalf of the Corporation therein named, and acknowledged to me that each Corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.  
Signature Nicholas P. Groat

By [Signature] President  
By [Signature] Secretary



No 151823

THE INSTRUMENT TO:  
CITY OF SOLANA BEACH  
380. STEVENS AVENUE  
SUITE #120  
SOLANA BEACH, CALIF  
92075  
Attn: City Clerk's Office

381

88 314665

JUN 29 PM 2:27

NO FEE

NO TRANSFER TAX DUE

SPACE ABOVE FOR RECORDER'S USE ONLY

### Quitclaim Deed

DUPLICATE ORIGINAL

Assessor's Parcel  
No. 298-010-60, 263-041-17, 298-212-81

Project Solana Beach Tide Park  
W. O. No. PMS100  
Parcel No. 86-0310-A, B, C, D

For a valuable consideration,

of California COUNTY OF SAN DIEGO, a political subdivision of the State  
do(es) hereby remise, release and forever quitclaim to

CITY OF SOLANA BEACH, a municipal corporation

the following described real property in the County of San Diego, State of California:

Parcel No. 86-0310-A (7-21-86) (JA:JA:po)

That portion of Block 24 of Solana Beach, in the City of Solana Beach, County of San Diego, State of California, according to Map thereof No. 1749, filed in the Office of the County Recorder of said County, together with that portion of Plaza Street vacated by the Board of Supervisors recorded September 16, 1968 as File/Page No. 68-159721 in the Office of the County Recorder of said County lying Northerly of the Northerly line of LAS BRISAS Subdivision according to Map thereof No. 7999 filed in the Office of said County Recorder.

Parcel No. 86-0310-B (7-21-86) (JA:JA:po)

All of Tide Park, in the City of Solana Beach, County of San Diego, State of California, as shown and dedicated on Map No. 2143, filed in the Office of the County Recorder of said County.

Parcel No. 86-0310-C (7-21-86) (JA:JA:po)

A strip of land 100.00 feet wide for Public vehicular parking in the City of Solana Beach, County of San Diego, State of California, being a portion of Lot 4 of Sunset Plaza, according to Map thereof No. 5575, filed in the Office of the County Recorder of said County together with a portion of the North Half of the Southwest Quarter, San Bernardino Base and Meridian, the Westerly line of said strip being the Westerly line of said Lot 4 and the Northwesterly extension thereof and the Southerly line being the Southerly line of said Lot 4 and the Northerly line being a line that is 76.61 feet Northerly of and parallel with the Northerly line of said Lot 4.

OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER

Parcel No. 86-0310-D (7-27-86) (JA:JA:po)

All those Easements for Recreational, Public Pathway and Beach Access purposes, and those Open Space Easements and Public Vehicular parking areas dedicated and accepted on Subdivision Maps, in the City of Solana Beach, County of San Diego, State of California.

QUITCLAIM DEED

PARCEL NO.: 86-0310-A, B, C, D

Dated this 9th day of June, 1987 (34)

COUNTY OF SAN DIEGO

Kathryn A. Nelson  
Clerk of the Board of Supervisors

STATE OF CALIFORNIA)  
COUNTY OF SAN DIEGO) ss.

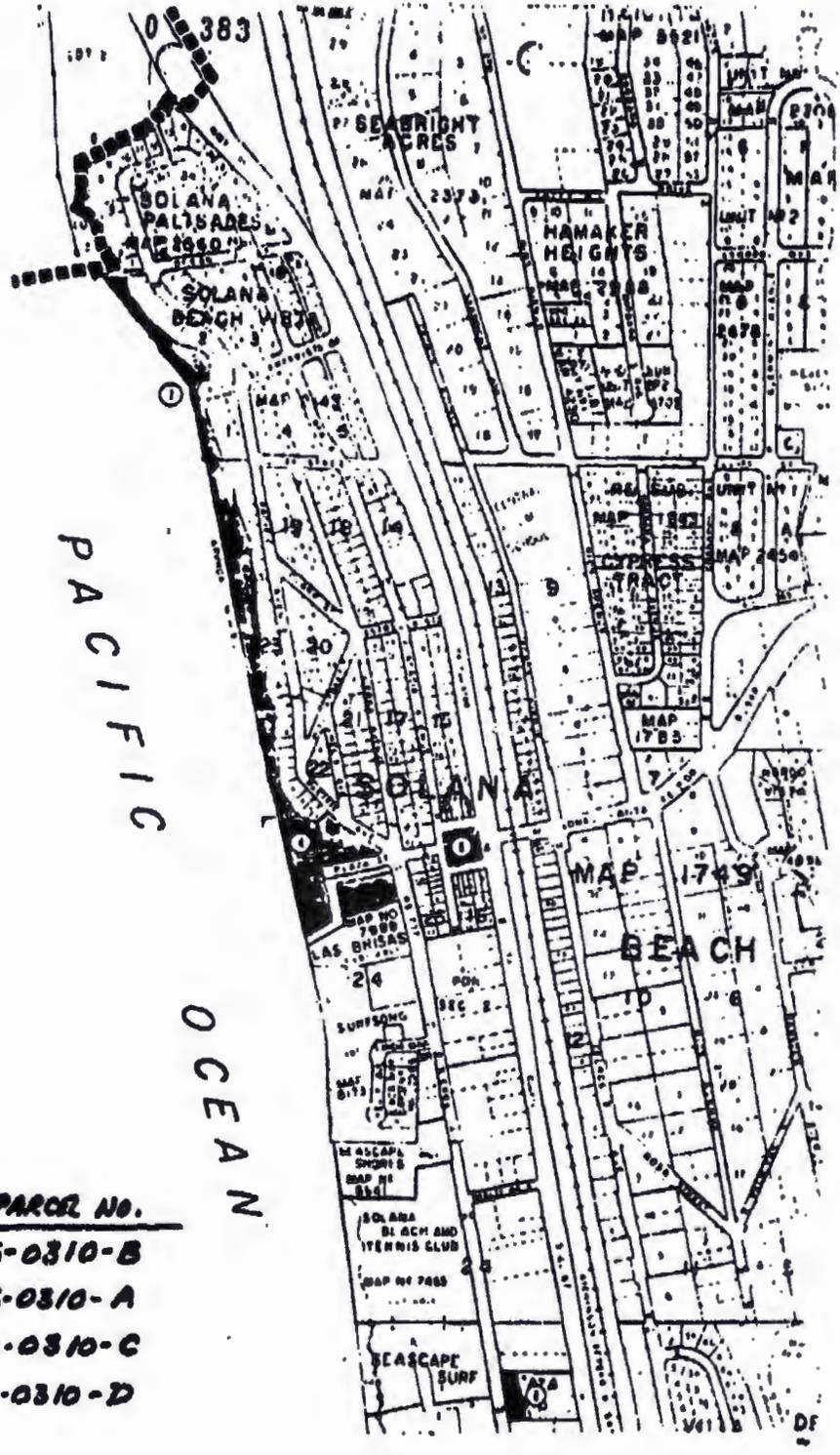
On this 9th day of June in the year 1987, before me, ROBERT D. ZUMWALT, County Clerk and ex-officio Clerk of the Superior Court of the County of San Diego, personally appeared KATHRYN A. NELSON, known to me to be the Clerk of the Board of Supervisors of said County, and known to me to be the person who executed the within instrument on behalf of said County, and acknowledged to me that such County executed the same.

ROBERT D. ZUMWALT, County Clerk and ex-officio Clerk of the Superior Court

By Patricia Stewart  
Deputy

(SEAL)

OFFICIAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER



NO.	PARCEL NO.
①	86-0310-B
④⑥	86-0310-A
⑧	86-0310-C
NOT SHOWN	86-0310-D

1478 90 614855

Recording Requested by  
SAN DIEGO GAS & ELECTRIC COMPANY  
When Recorded

OFFICE OF THE CLERK  
OF SAN DIEGO COUNTY, CALIF.

1990 NOV 14 AM 10:40

COUNTY CLERK

AFNF	
RF	6
AR	4
MG	1
UF	1
OC	1
UNPD	1

Mail to: SDG&E, P.O. Box 1831  
San Diego, CA 92112  
ATTN: Office Services, Room 611

SPACE ABOVE FOR RECORDER'S

Transfer Tax None  
SAN DIEGO GAS & ELECTRIC COMPANY

142707 *San Diego*  
EASEMENT

CITY OF SOLANA BEACH, a municipal corporation, (Grantor), grants to SAN DIEGO GAS & ELECTRIC COMPANY, a corporation (Grantee), a non-exclusive easement in, upon, over, under and across the lands hereinafter described, to erect, construct, change the size of, improve, reconstruct, relocate, repair, maintain and use facilities consisting of:

1. Underground facilities and appurtenances for the transmission and distribution of electricity.
2. Underground communication facilities, and appurtenances.

The above facilities will be installed at such locations and elevations within and upon the hereinafter described easement as Grantee may now or hereafter deem convenient or necessary. Grantee also has the right of ingress and egress, to, from and along this easement in, upon, over and across the hereinafter described lands, upon reasonable advance notice to Grantor.

The property in which this easement is hereby granted is situated in the County of San Diego, State of California, described as follows:

That portion of Lot 4 of Sunset Plaza, according to Map thereof No. 5575, filed in the office of the County Recorder of said County of San Diego, together with that portion of the North Half of the Southwest Quarter of Section 2, Township 14 South, Range 4 West, San Bernardino Meridian, described in a Deed recorded June 29, 1988 at Recorder's File/Page No. 88-314665 of Official Records of said County of San Diego.

The easement in the aforesaid property shall be a strip of land, including all of the area lying between the exterior sidelines, which sidelines shall be three (3) feet, measured at right angles, on each exterior side of each and every facility installed, the approximate location being shown and delineated as "Utility Facilities" on the Exhibit "A", attached hereto and made a part hereof.

Grantor reserves the right to erect, place or construct, or permit to be erected, placed or constructed, any building or other structure, or plant any tree, or drill or dig any well, within this easement upon advance written notice to Grantee. Grantee reserves the right to review and approve any and all advance notice by Grantor to provide written consent for Grantor's reservations upon this easement. Such consent by Grantee shall not unreasonably be withheld.

Grantor reserves the right to increase or decrease the ground surface elevations within this easement after the installation of Grantee's facilities, said elevations shall not extend a maximum depth of 6 (six) inches below nor extend a maximum height of 12 (twelve) inches above final ground surface installation.

RECORDED AT THE COUNTY CLERK'S OFFICE

1479

Grantor further grants to Grantee the right to assign any or all of the rights and duties granted in this easement in whole or in part to other companies providing utility or communication facilities/services.

Grantee reserves the right and accepts the duty, to trim or remove trees and brush and remove roots from within this easement whenever Grantee deems it necessary, in order to prevent danger or hazard to property or persons. Grantee shall obtain written consent by Grantor prior to any and all tree, or brush, or root trim or removal. Said written consent shall not unreasonably be withheld.

CONDUITS CARRY HIGH VOLTAGE ELECTRICAL CONDUCTORS, therefore Grantor shall not make or allow any excavation or fill to be made within this easement WITHOUT FIRST NOTIFYING SAN DIEGO GAS & ELECTRIC COMPANY BY CALLING 696-2000, and OBTAINING PERMISSION, which PERMISSION shall not unreasonably be withheld. Grantee reserves the right to withhold said permission in any and all cases when future relocations of Grantee's facilities within this easement are evident.

This easement shall be binding upon and inure to the benefit of successors, heirs, executors, administrators, permittees, licensees, agents or assigns of Grantor and Grantee.

IN WITNESS WHEREOF, Grantor executed this instrument this 10th day of August, 1990.

CITY OF SOLANA BEACH, a municipal corporation

By *Marion B. Dodson*  
Marion B. Dodson, Mayor

By \_\_\_\_\_

Drawn Dehesa  
Checked  
Sketch OS-11250  
Date May 23, 1990  
Project No. 918995-020  
Const. No. 2365950  
A.P. No. 298-213-81  
reference: Parcel No. 86-0310-C  
per Quitclaim Deed to  
City of Solana Beach

RECORDS, SAN DIEGO COUNTY

1480

CORPORATE ACKNOWLEDGMENT

CAL-24

State of California }  
County of SAN DIEGO } SS.

On this the 16TH day of AUGUST 1990, before me,

KATHLEEN JACKSON  
the undersigned Notary Public, personally appeared

MARION B. DADSON

personally known to me  
 proved to me on the basis of satisfactory evidence  
to be the person(s) who executed the within instrument as  
MAYOR or on behalf of the corporation therein  
named, and acknowledged to me that the corporation executed it.

WITNESS my hand and official seal.

Kathleen Jackson  
Notary's Signature



*EMERSON W/SDG & SOLANA BEACH*

RECORDS SAN DIEGO COUNTY



PARCEL MAP NO.

16639

SHEET 1 OF 4 SHEETS

OWNERS CERTIFICATE

WE HEREBY STATE THAT WE ARE THE OWNERS OF OR ARE INTERESTED IN THE LAND SUBDIVIDED BY THIS MAP AND WE CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP...

SOLANA BEACH WALK PARTNERS, L.P., A CALIFORNIA LIMITED PARTNERSHIP, AS OWNER

ROBERT ANGELLO, AS GENERAL PARTNER

BY Robert Angello GENERAL PARTNER

ROBERT M. IRISH, INC., A CALIFORNIA CORPORATION, AS GENERAL PARTNER

BY Robert M. Irish, Inc. SECRETARY

K-DEVELOPMENT CORPORATION, A CALIFORNIA CORPORATION, AS GENERAL PARTNER

BY Donald A. Gey PRESIDENT SECRETARY

BENEFICIARY

SUMMITO BANK OF CALIFORNIA, A CALIFORNIA BANKING CORPORATION, AS BENEFICIARY UNDER COED OF TRUST RECORDED APRIL 19, 1991 AS FIP NO. 91-048342.

BY R. TITLE VICE PRESIDENT BY J. TITLE AVP

SEYMORE G. JACOBY, FLORENCE JACOBY, SUSAN J. BREIST, SANDRA J. JACOBY, STEVEN B. JACOBY AND MICHAEL JACOBY, ALL BEING BENEFICIARY OF A TRUST RECORDED APRIL 19, 1991 AS FILE NO. 91-048342 OF OFFICIAL RECORD.

Seymore G. Jacoby Florence Jacoby

Susan J. Breist Sandra J. Jacoby

Steven B. Jacoby Michael Jacoby

THE SIGNATURE OF THE FOLLOWING EASEMENT HOLDERS HAVE BEEN OMITTED UNDER THE PROVISIONS OF SECTION 8643B, SUBSECTION (b) (3) (A) (3) OF THE SUBDIVISION MAP ACT...

- 1. A UTILITY EASEMENT GRANTED TO SAN DIEGO CONSOLIDATED GAS AND ELECTRIC COMPANY RECORDED FEBRUARY 5, 1928 IN BOOK 476 AT PAGE 28 AND BOOK 476 AT PAGE 225 OF OFFICIAL RECORD.
2. A PUBLIC ROAD EASEMENT GRANTED TO THE STATE OF CALIFORNIA RECORDED SEPTEMBER 17, 1928 IN BOOK 884 AT PAGE 301 AND RECORDED NOVEMBER 27, 1928 IN BOOK 884 AT PAGE 385 OF OFFICIAL RECORDS.
3. A UTILITY EASEMENT GRANTED TO SAN DIEGO GAS AND ELECTRIC COMPANY RECORDED JANUARY 4, 1928 IN BOOK 888 AT PAGE 217 AND JANUARY 5, 1928 IN BOOK 880 AT PAGE 88 AND NOVEMBER 27, 1921 IN BOOK 4302 AT PAGE 453 AND JUNE 28, 1928 AS FILE NO. 113575 AND NOVEMBER 14, 1990 AS FILE NO. 90-6144M ALL OF OFFICIAL RECORDS.
4. A WATER LINE EASEMENT GRANTED TO SANTA FE IRRIGATION DISTRICT RECORDED MARCH 4, 1929 IN BOOK 7330 AT PAGE 225 OF OFFICIAL RECORDS.
5. A PUBLIC ROAD EASEMENT GRANTED TO THE COUNTY OF SAN DIEGO RECORDED APRIL 11, 1983 AS FILE NO. 82241 AND MAY 18, 1983 AS FILE NO. 85460 OF OFFICIAL RECORD.
6. A SLOPE AND DRAINAGE EASEMENT GRANTED TO THE COUNTY OF SAN DIEGO RECORDED MAY 16, 1983 AS FILE NO. 85650.

COPIES A LOT CONSOLIDATION MAP OF PARCEL 1, PARCEL 2 AND PARCEL 3 PER FIP NO. 88-448878 RECORDED AUGUST 18, 1988, AS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, BEING IN A PORTION OF BLOCK 24 OF SOLANA BEACH, ACCORDING TO MAP THEREOF NO. 1749 IN THE CITY OF SOLANA BEACH, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

PRELIMINARY TITLE REPORT BY: STEWART TITLE CO. ORDER NO. 87007-10 AMENDED FEBRUARY 19, 1991 AND JULY 15, 1991

'STATE OF CALIFORNIA' COUNTY OF San Diego, SS ON March 1, 1991 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED Daniel A. Gey, (PERSONALLY KNOWN TO ME) (PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PRESIDENT, AND SECRETARY OF K-DEVELOPMENT CORPORATION TO BE KNOWN TO ME (PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE SECRETARY OF K-DEVELOPMENT CORPORATION THAT EXECUTED THE WITHIN INSTRUMENT, (PERSONALLY KNOWN TO ME) (PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON(S) WHO EXECUTED THE WITHIN INSTRUMENT ON BEHALF OF THE CORPORATION HEREN NAMED, AND ACKNOWLEDGED TO ME THAT SUCH CORPORATION EXECUTED THE WITHIN INSTRUMENT PURSUANT TO ITS BY-LAWS OR A RESOLUTION OF ITS BOARD OF DIRECTORS AS GENERAL PARTNER(S) OF THE PARTNERSHIP THAT EXECUTED THE WITHIN INSTRUMENT, (PERSONALLY KNOWN TO ME) (PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON(S) WHO EXECUTED THE WITHIN INSTRUMENT ON BEHALF OF SAID PARTNERSHIP, AND ACKNOWLEDGED TO ME THAT SUCH PARTNERSHIP EXECUTED THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL. MY COMMISSION EXPIRES 10/01/94



NOTARY PUBLIC AND FOR SAID STATE. PRINCIPAL PLACE OF BUSINESS IN San Diego COUNTY

'STATE OF CALIFORNIA' COUNTY OF San Diego, SS ON March 1, 1991 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED Robert M. Irish, (PERSONALLY KNOWN TO ME) (PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE GENERAL PARTNER(S) OF THE PARTNERSHIP THAT EXECUTED THE WITHIN INSTRUMENT, (PERSONALLY KNOWN TO ME) (PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON(S) WHO EXECUTED THE WITHIN INSTRUMENT ON BEHALF OF SAID PARTNERSHIP, AND ACKNOWLEDGED TO ME THAT SUCH PARTNERSHIP EXECUTED THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL. MY COMMISSION EXPIRES 10/01/94



NOTARY PUBLIC IN AND FOR SAID STATE. PRINCIPAL PLACE OF BUSINESS IN San Diego COUNTY

'STATE OF CALIFORNIA' COUNTY OF San Diego, SS ON March 1, 1991 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED Robert M. Irish, (PERSONALLY KNOWN TO ME) (PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PRESIDENT, AND SECRETARY OF ROBERT M. IRISH, INC. THE CORPORATION THAT EXECUTED THE WITHIN INSTRUMENT, (PERSONALLY KNOWN TO ME) (PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON(S) WHO EXECUTED THE WITHIN INSTRUMENT ON BEHALF OF THE CORPORATION HEREN NAMED, AND ACKNOWLEDGED TO ME THAT SUCH CORPORATION EXECUTED THE WITHIN INSTRUMENT PURSUANT TO ITS BY-LAWS OR A RESOLUTION OF ITS BOARD OF DIRECTORS AS GENERAL PARTNER(S) OF THE PARTNERSHIP THAT EXECUTED THE WITHIN INSTRUMENT, (PERSONALLY KNOWN TO ME) (PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON(S) WHO EXECUTED THE WITHIN INSTRUMENT ON BEHALF OF SAID PARTNERSHIP, AND ACKNOWLEDGED TO ME THAT SUCH PARTNERSHIP EXECUTED THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL. MY COMMISSION EXPIRES 10/01/94



NOTARY PUBLIC AND FOR SAID STATE. PRINCIPAL PLACE OF BUSINESS IN San Diego COUNTY

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES AT THE REQUEST OF ROBERT M. IRISH ON JANUARY 11, 1980, AND I STATE THAT SAID SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT THE MONUMENTS ARE OF THE CHARACTER INDICATED AND OCCUPY THE POSITION SHOWN THEREON. I WILL SET ALL OTHER MONUMENTS OF THE CHARACTER AND AT POSITION INDICATED BY THE LEGEND IN THIS MAP AFTER THE COMPLETION OF THE REQUIRED IMPROVEMENTS, AND ALL SUCH MONUMENTS ARE OR WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED. (SEE LEGEND ON SHEET NO. 3)

I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY.

Randy R. Brown RANDY R. BROWN, L.S. 5408 MY REGISTRATION EXPIRES 9/30/92



I, MORTON F. AUGUST, CITY ENGINEER OF SOLANA BEACH, STATE THAT THIS MAP DOES NOT APPEAR TO BE A MAP OF A MAJOR SUBDIVISION FOR WHICH A FINAL MAP IS REQUIRED PURSUANT TO SECTION 8643B OF THE SUBDIVISION MAP ACT. I FURTHER STATE THAT THIS PARCEL MAP CONFORMS TO THE RTG DEVELOPMENT PERMIT NO. 80-80-18 AND CONFORMS WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT.

MORTON F. AUGUST, RCE 25184, EXPIRES 12/31/88 CITY ENGINEER

BY: Morton F. August DATE 5/24/91



FILE NO.

I, DEBORAH HARRINGTON, CITY CLERK OF THE CITY OF SOLANA BEACH, CERTIFY THAT SAID CITY COUNCIL HAS APPROVED THIS MAP, HAS ACCEPTED, ON BEHALF OF EACH OFFICER AND GRANTEE EACH OFFER OF DEDICATION, GRANT AND WAIVER OF RIGHTS AS SET FORTH ON THIS MAP, SUBJECT TO IMPROVEMENTS, IF ANY.

DEBORAH HARRINGTON, CLERK OF THE CITY COUNCIL DATE June 6, 1991 BY Deborah Harrington

TOMMAS PATRIZI, ASSISTANT CLERK OF THE BOARD OF SUPERVISORS, HEREBY CERTIFY THAT THE PROVISIONS OF THE SUBDIVISION MAP ACT (DIVISION 2 OF TITLE 7 OF THE GOVERNMENT CODE) REGARDING (A) DEPOSITS FOR TAXES, AND (B) CERTIFICATION OF THE ABSENCE OF LIENS FOR UNPAID STATE, COUNTY, MUNICIPAL OR LOCAL TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES EXCEPT THOSE NOT YET PAYABLE, HAVE BEEN COMPLIED WITH.

TOMMAS PATRIZI ASSISTANT CLERK OF THE BOARD OF SUPERVISORS BY: DEPUTY DATE 9-20-91 DSM.

FILED THIS 20th DAY OF September, 1991 AT 10:37 AM IN BOOK OF PARCEL MAPS AT PAGE 16639 AT THE REQUEST OF RANDY R. BROWN

ANNETTE EVANS COUNTY RECORDER BY: Annette Evans DEPUTY COUNTY RECORDER

FEES \$ 11.00 M.F. \$ 1.00

CAL. COOPD. INDEX 898-16089



JOB NO. 89-150

STATE OF CALIFORNIA )  
COUNTY OF San Diego ) SS.

ON August 19, 1991, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED RICHARD V. HERRERA (PERSONALLY KNOWN TO ME) (PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE VICE PRESIDENT, AND MICHELLE MAYESA (PERSONALLY KNOWN TO ME) (PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE APPT. VICE PRES. SECRETARY OF THE CORPORATION THAT EXECUTED THE WITHIN INSTRUMENT AS (BENEFICIARY) AND (PERSONALLY KNOWN TO ME) (PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSONS WHO EXECUTED THE SAME ON BEHALF OF SAID CORPORATION, AND ACKNOWLEDGED TO ME THAT SAID CORPORATION EXECUTED THE SAME AS BENEFICIARY PURSUANT TO ITS BYLAWS OR A RESOLUTION OF ITS BOARD OF DIRECTORS.

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES 8-9-93

Joseph P. Bolan  
NOTARY PUBLIC IN AND FOR SAID STATE.

PRINCIPAL PLACE OF BUSINESS IN carlsbad COUNTY



STATE OF CALIFORNIA )  
COUNTY OF Los Angeles ) SS.

ON MARCH 7, 1991, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED SEYMOUR JACOBI (PERSONALLY KNOWN TO ME) (PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) to be the person THAT EXECUTED THE WITHIN INSTRUMENT AS (BENEFICIARY) AND (PERSONALLY KNOWN TO ME) (PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHO EXECUTED THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES JANUARY 8, 1993

Joe Landa  
NOTARY PUBLIC IN AND FOR SAID STATE.

PRINCIPAL PLACE OF BUSINESS IN Los Angeles COUNTY



STATE OF CALIFORNIA )  
COUNTY OF Los Angeles ) SS.

ON MARCH 5, 1991, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED ANDREA J. JACOBI (PERSONALLY KNOWN TO ME) (PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) to be the person THAT EXECUTED THE WITHIN INSTRUMENT AS (BENEFICIARY) AND (PERSONALLY KNOWN TO ME) (PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHO EXECUTED THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES 2/20/93

By: J. Nallo  
NOTARY PUBLIC IN AND FOR SAID STATE.

PRINCIPAL PLACE OF BUSINESS IN Los Angeles COUNTY



STATE OF CALIFORNIA )  
COUNTY OF Los Angeles ) SS.

ON March 4, 1991, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED STEVEN B. JACOBY (PERSONALLY KNOWN TO ME) (PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) to be the person THAT EXECUTED THE WITHIN INSTRUMENT AS (BENEFICIARY) AND (PERSONALLY KNOWN TO ME) (PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHO EXECUTED THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES 9-17-93

Harley Saltzman  
NOTARY PUBLIC IN AND FOR SAID STATE.

PRINCIPAL PLACE OF BUSINESS IN Los Angeles COUNTY



STATE OF CALIFORNIA )  
COUNTY OF Los Angeles ) SS.

ON MARCH 5, 1991, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED TERENCE JACOBY (PERSONALLY KNOWN TO ME) (PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) to be the person THAT EXECUTED THE WITHIN INSTRUMENT AS (BENEFICIARY) AND (PERSONALLY KNOWN TO ME) (PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHO EXECUTED THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES 9-17-93

Harley Saltzman  
NOTARY PUBLIC IN AND FOR SAID STATE.

PRINCIPAL PLACE OF BUSINESS IN Los Angeles COUNTY



STATE OF CALIFORNIA )  
COUNTY OF Los Angeles ) SS.

ON MARCH 5, 1991, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED ANDREA J. JACOBI (PERSONALLY KNOWN TO ME) (PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) to be the person THAT EXECUTED THE WITHIN INSTRUMENT AS (BENEFICIARY) AND (PERSONALLY KNOWN TO ME) (PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHO EXECUTED THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES 9-17-93

Harley Saltzman  
NOTARY PUBLIC IN AND FOR SAID STATE.

PRINCIPAL PLACE OF BUSINESS IN Los Angeles COUNTY



STATE OF CALIFORNIA )  
COUNTY OF Los Angeles ) SS.

ON MARCH 5, 1991, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED ANDREA J. JACOBI (PERSONALLY KNOWN TO ME) (PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) to be the person THAT EXECUTED THE WITHIN INSTRUMENT AS (BENEFICIARY) AND (PERSONALLY KNOWN TO ME) (PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHO EXECUTED THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES 2/20/93

By: J. Nallo  
NOTARY PUBLIC IN AND FOR SAID STATE.

PRINCIPAL PLACE OF BUSINESS IN Los Angeles COUNTY



SANTA FE IRRIGATION DISTRICT, AN IRRIGATION DISTRICT OF THE STATE OF CALIFORNIA, PURSUANT TO A DULY ADOPTED RESOLUTION OF ITS BOARD OF DIRECTORS, HEREBY ACCEPTS THE INTERESTS IN REAL PROPERTY SHOWN AND DESIGNATED ON THE MAP AS BEING OFFERED FOR DEDICATION TO SANTA FE IRRIGATION DISTRICT FOR THE PUBLIC PURPOSE SET FORTH IN THE OFFER TO DEDICATE, AND THE GRANTEE CONSENTS TO RECORDATION THEREOF.

DATED: MARCH 8, 1991

James S. Tolley  
JAMES S. TOLLEY  
CLERK OF THE BOARD OF DIRECTORS

STATE OF CALIFORNIA )  
COUNTY OF San Diego ) SS.

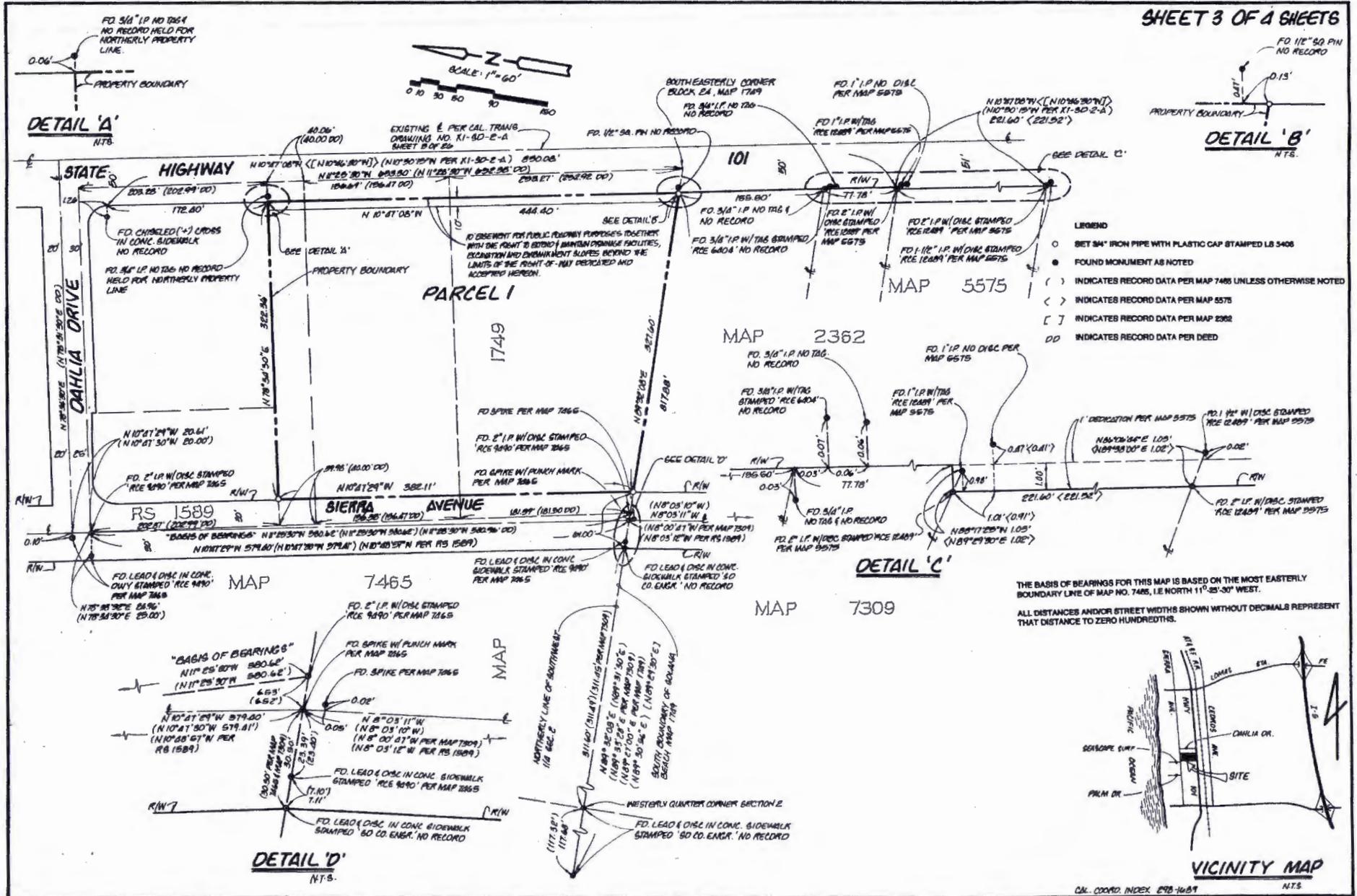
ON MARCH 8, 1991, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED JAMES S. TOLLEY (PERSONALLY KNOWN TO ME) (PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSONS WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES MARCH 5, 1993

Arnold S. Brown  
NOTARY PUBLIC IN AND FOR SAID STATE.





DETAIL 'A'  
N.T.S.

DETAIL 'B'  
N.T.S.

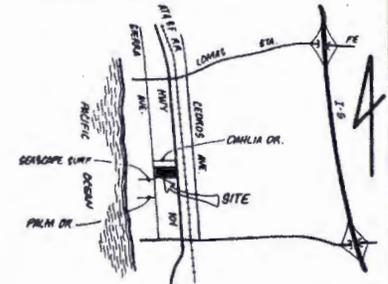
DETAIL 'C'  
N.T.S.

DETAIL 'D'  
N.T.S.

- LEGEND
- SET 3/4" IRON PIPE WITH PLASTIC CAP STAMPED LB 5408
  - FOUND MONUMENT AS NOTED
  - ( ) INDICATES RECORD DATA PER MAP 7485 UNLESS OTHERWISE NOTED
  - < > INDICATES RECORD DATA PER MAP 5575
  - [ ] INDICATES RECORD DATA PER MAP 2362
  - DD INDICATES RECORD DATA PER DEED

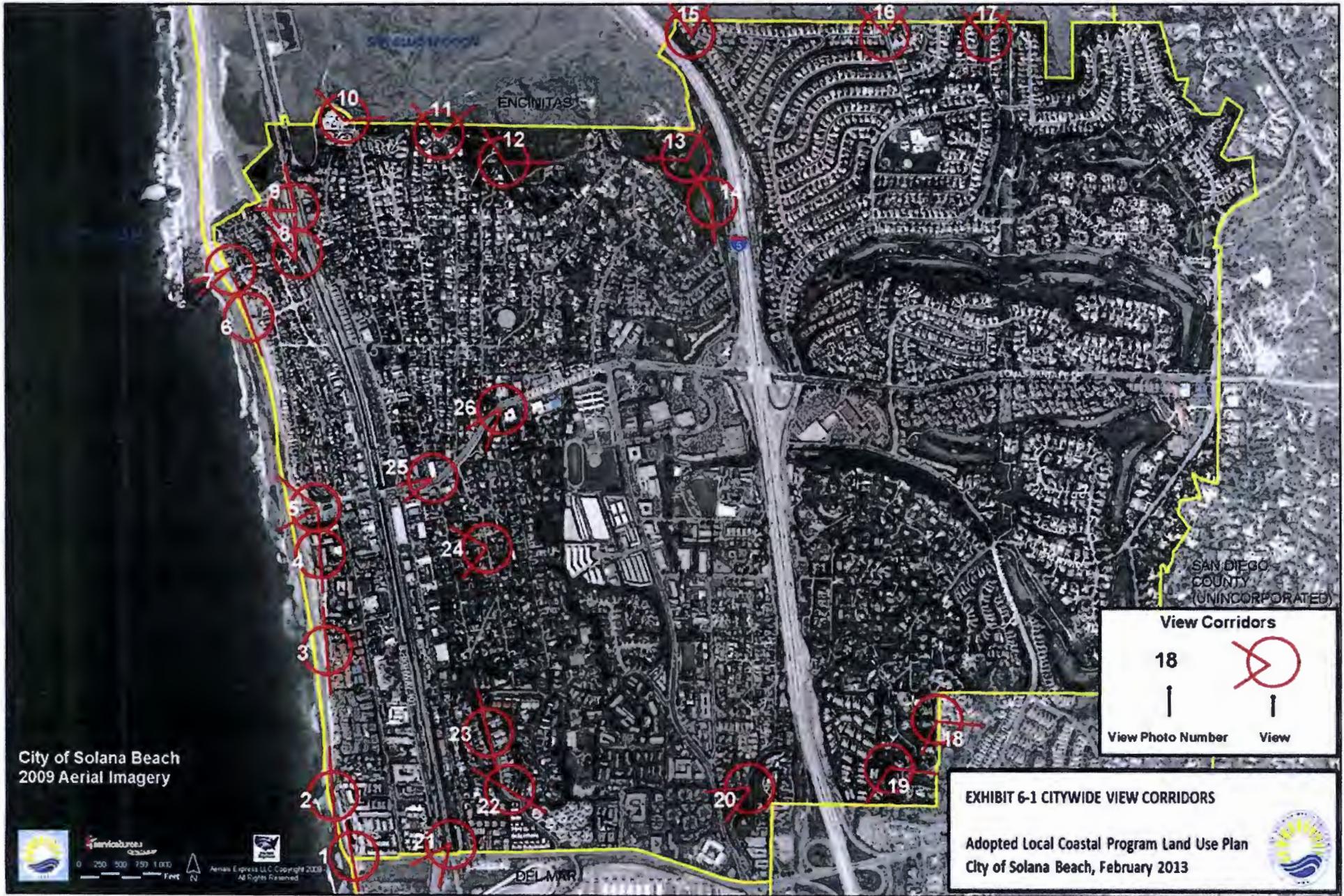
THE BASIS OF BEARINGS FOR THIS MAP IS BASED ON THE MOST EASTERLY BOUNDARY LINE OF MAP NO. 7465, I.E. NORTH 11° 25' 30" WEST.

ALL DISTANCES AND/OR STREET WIDTHS SHOWN WITHOUT DECIMALS REPRESENT THAT DISTANCE TO ZERO HUNDRETHS.



VICINITY MAP  
N.T.S.





City of Solana Beach  
2009 Aerial Imagery



Services  
aerispace

0 250 500 750 1 000 Feet



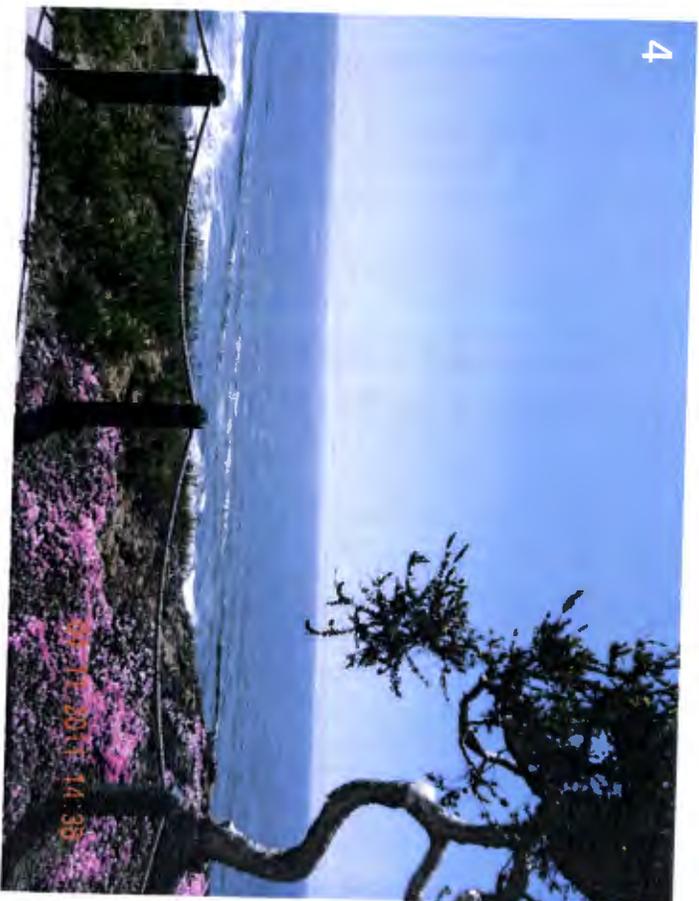
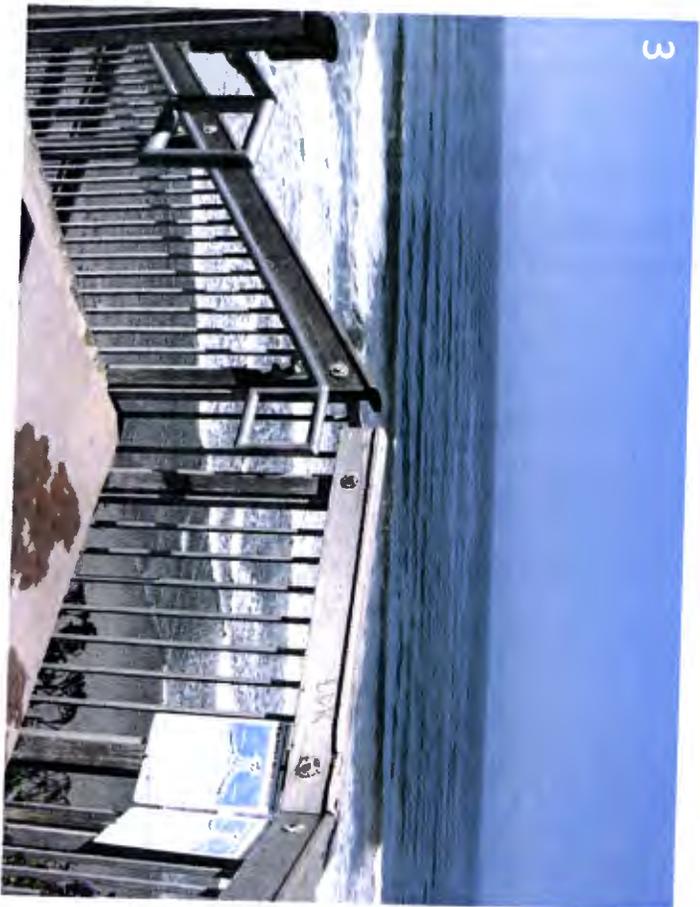
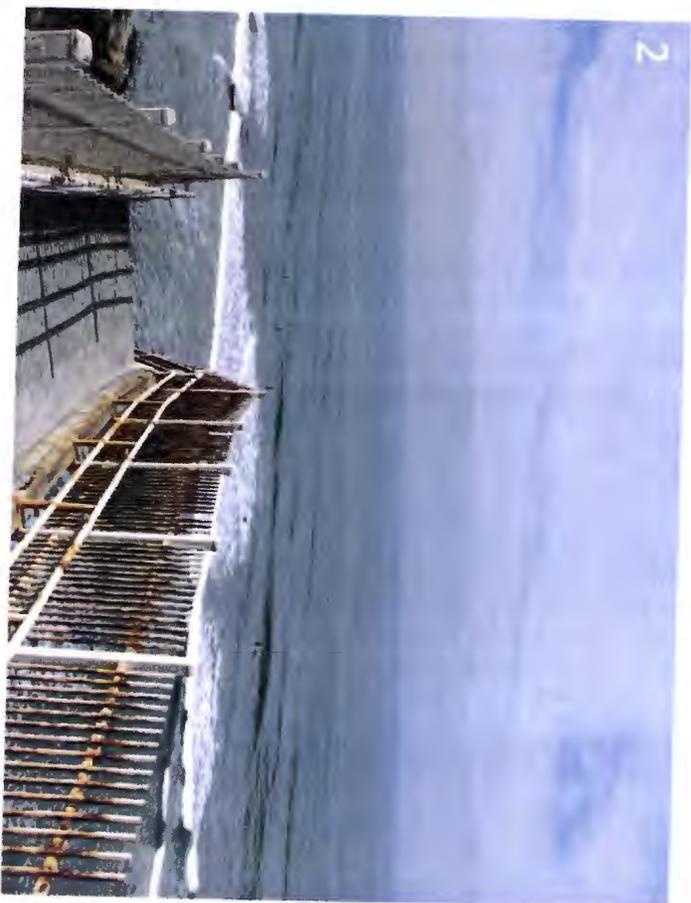
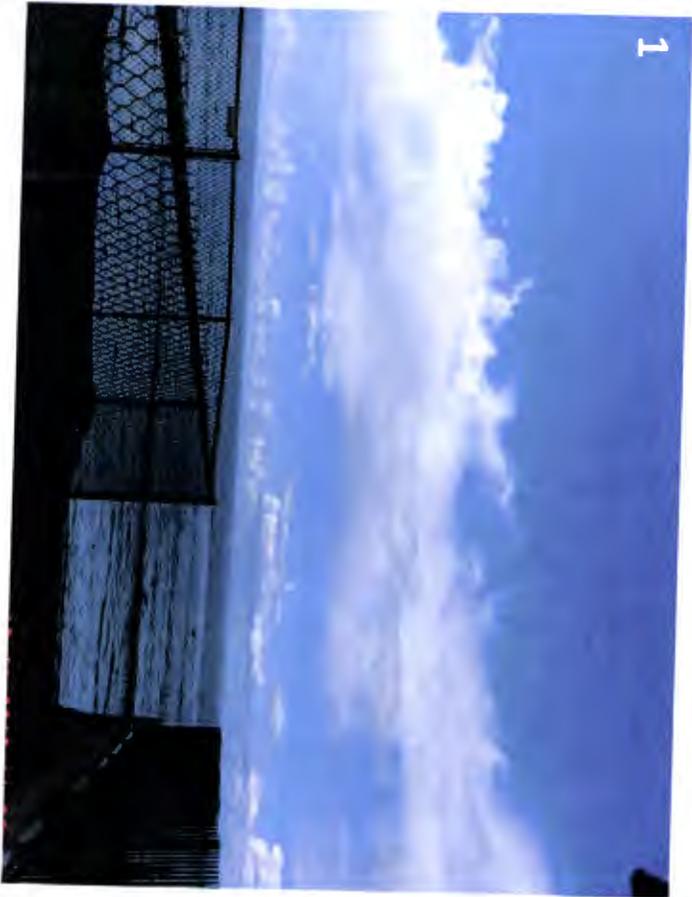
Aeris Express LLC Copyright 2009  
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**View Corridors**

18	
↑	↑
View Photo Number	View

**EXHIBIT 6-1 CITYWIDE VIEW CORRIDORS**  
Adopted Local Coastal Program Land Use Plan  
City of Solana Beach, February 2013



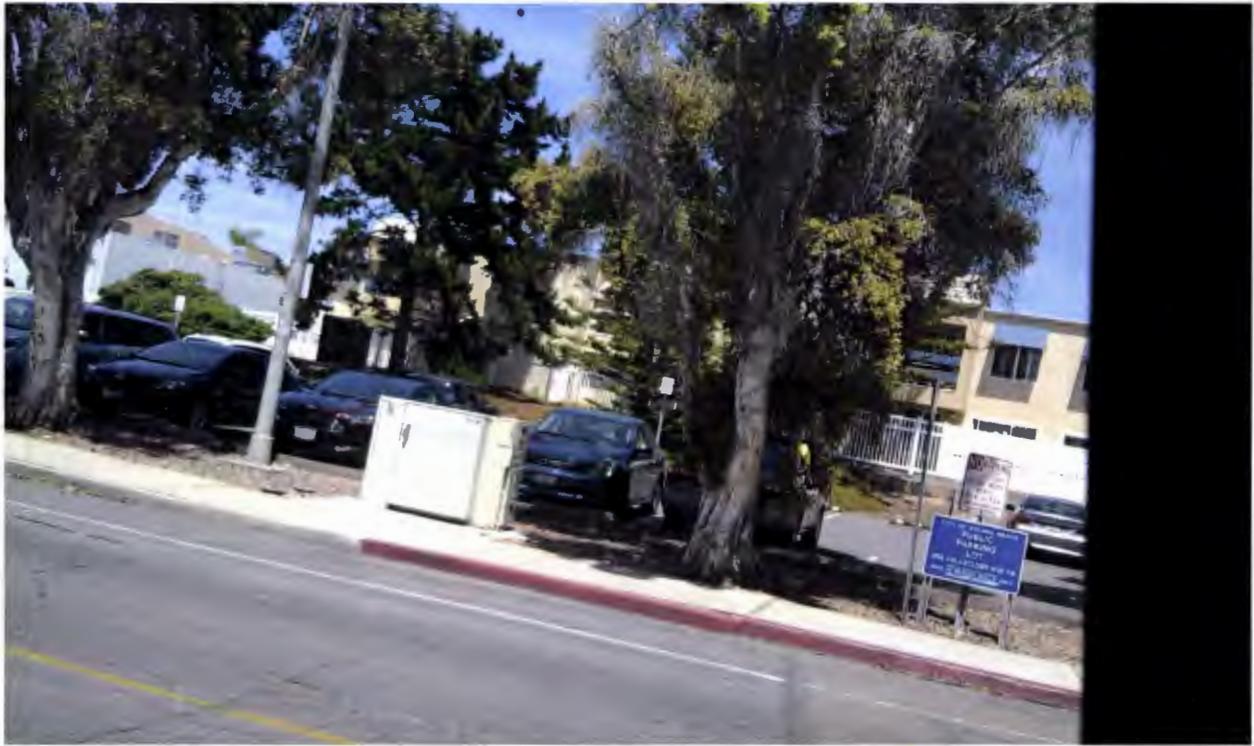








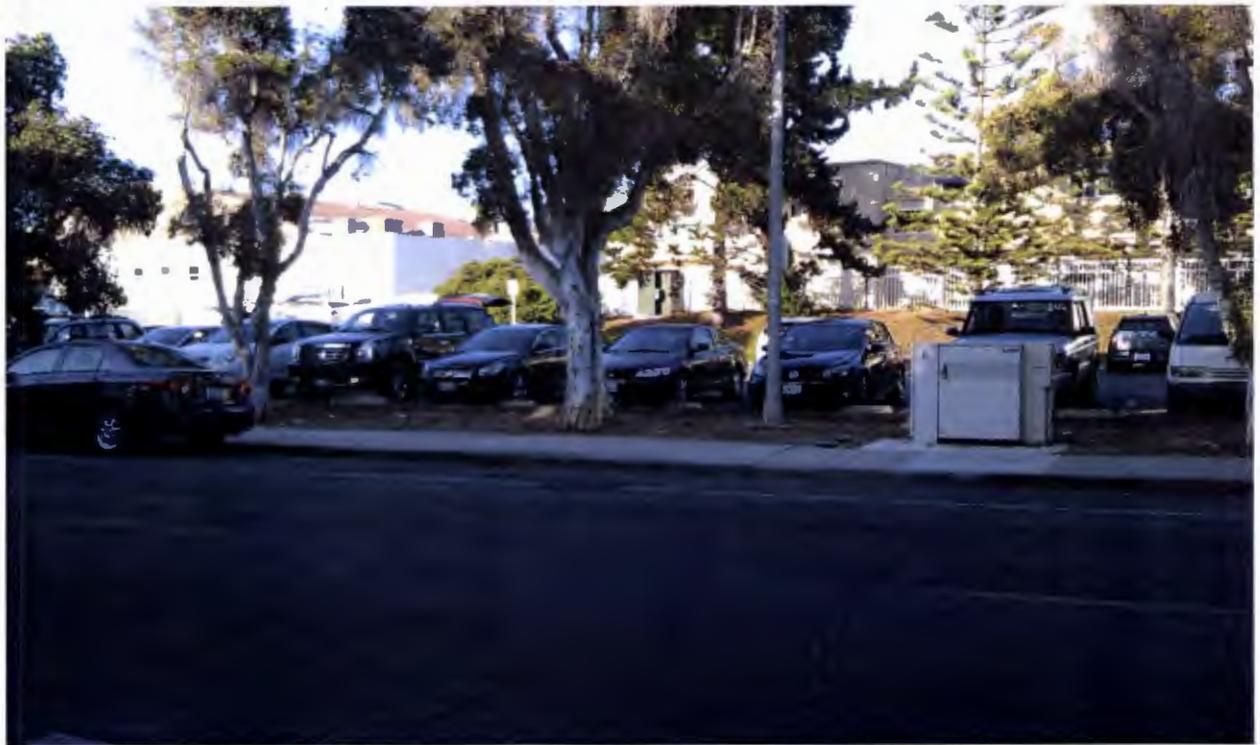
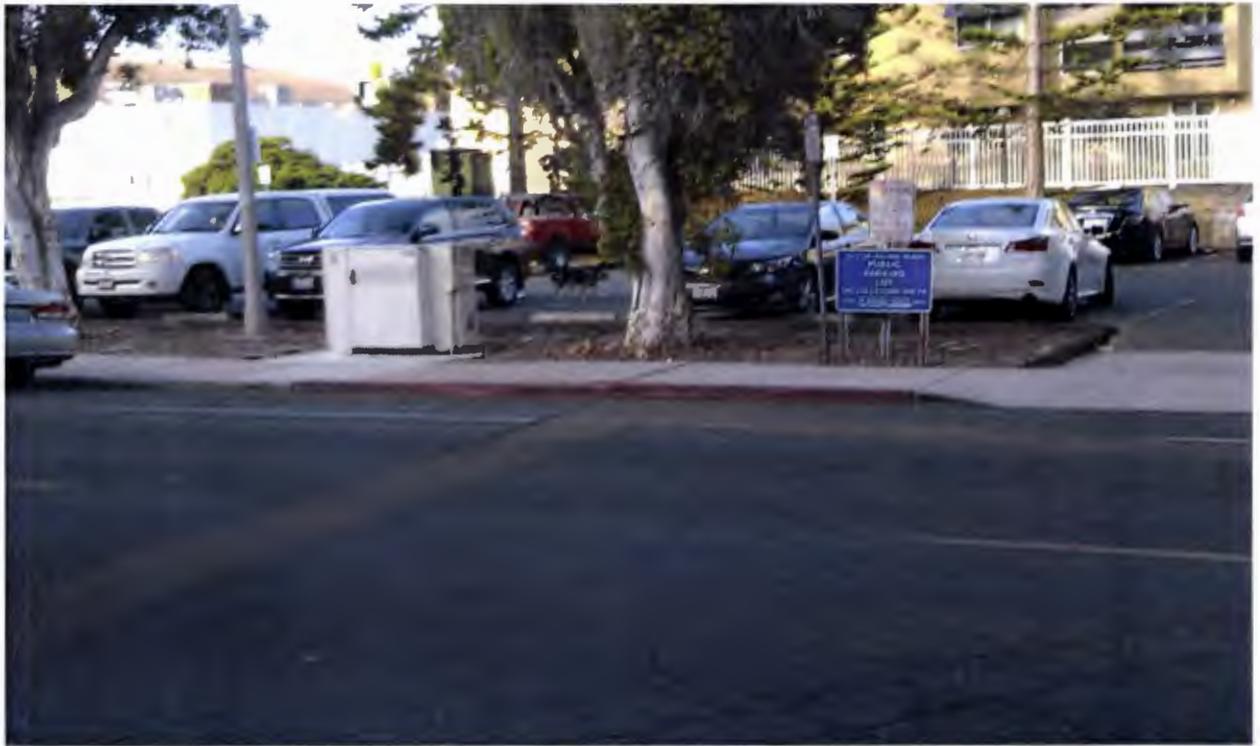


















Below is 535 South Sierra Parking Lot 7:34 pm on 7/24/2014















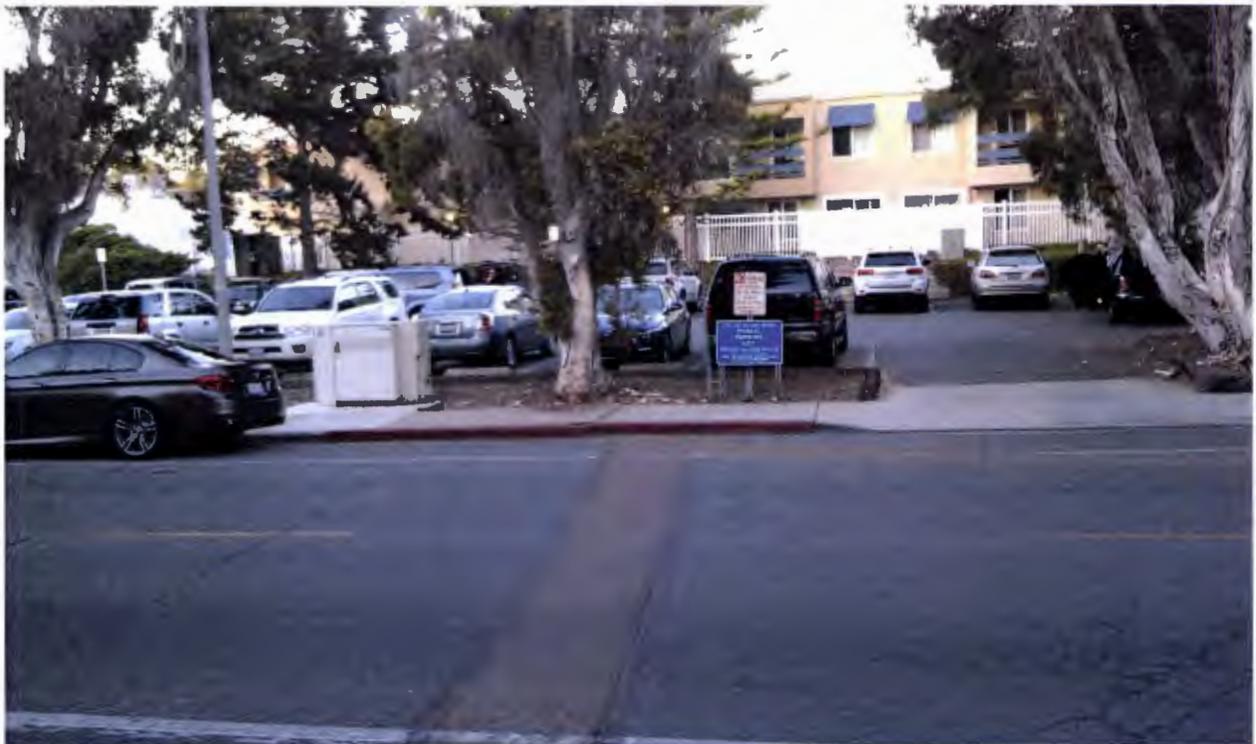




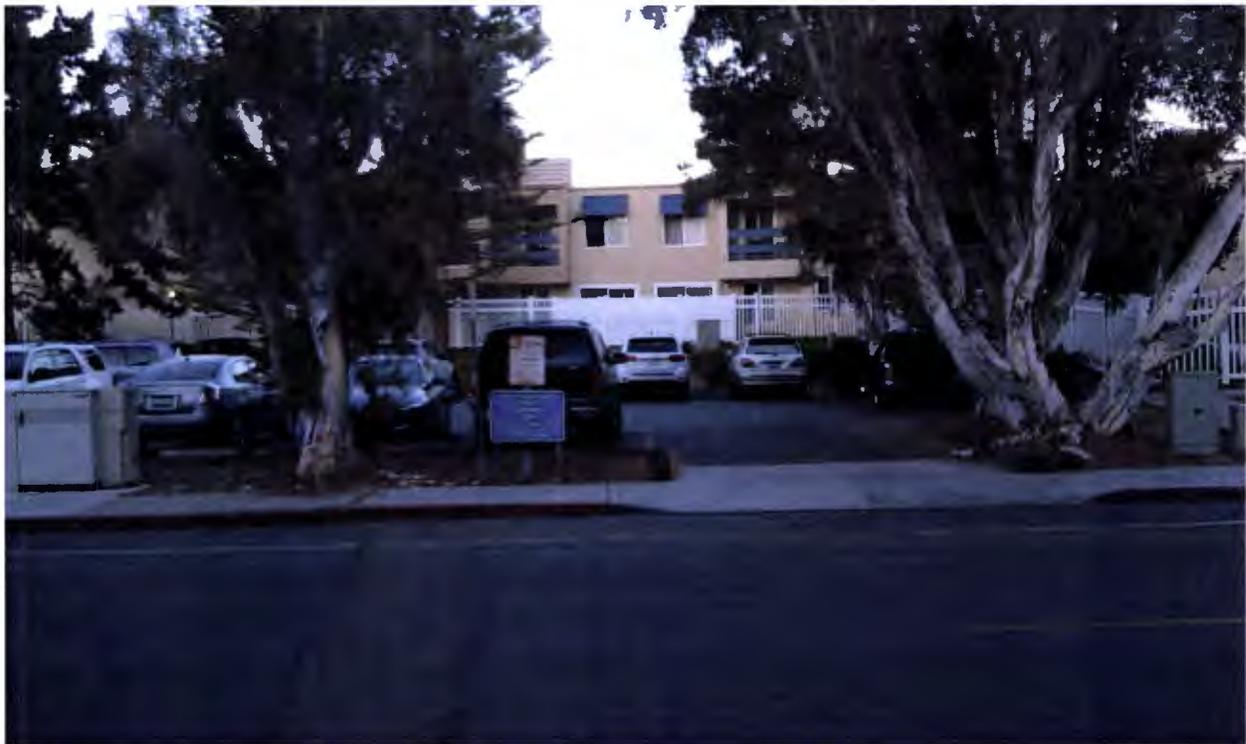


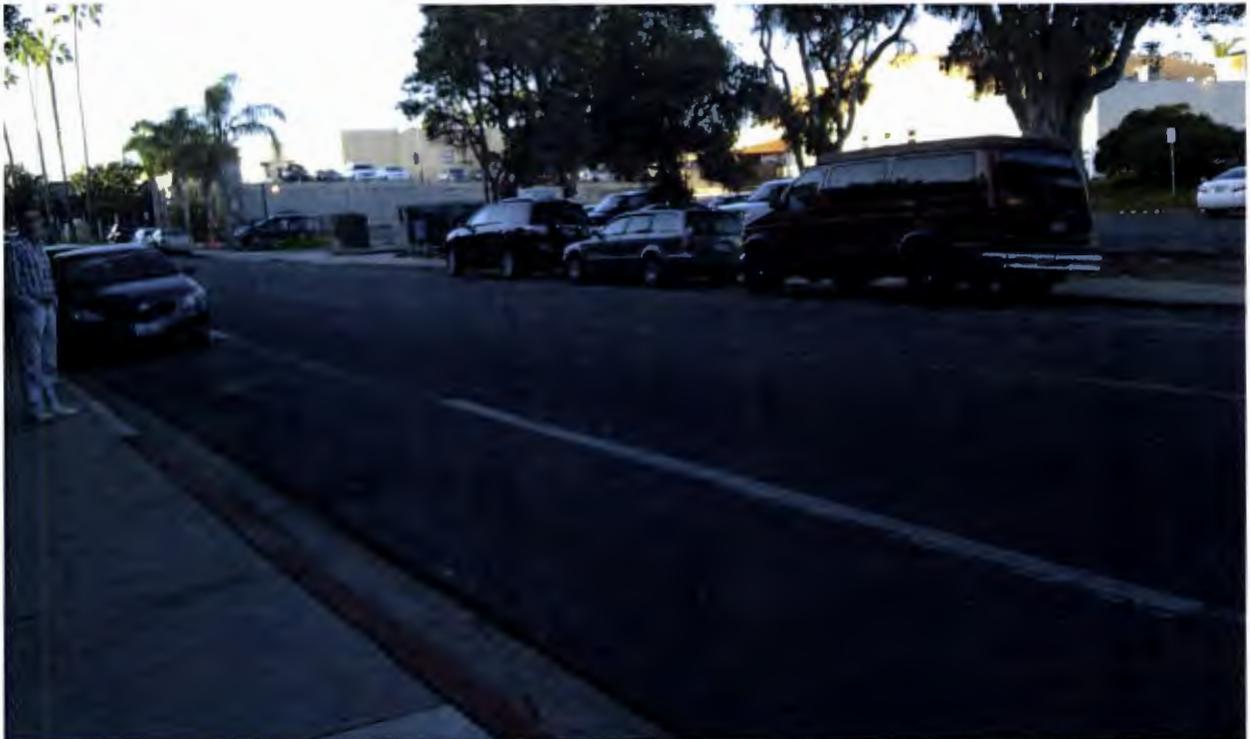




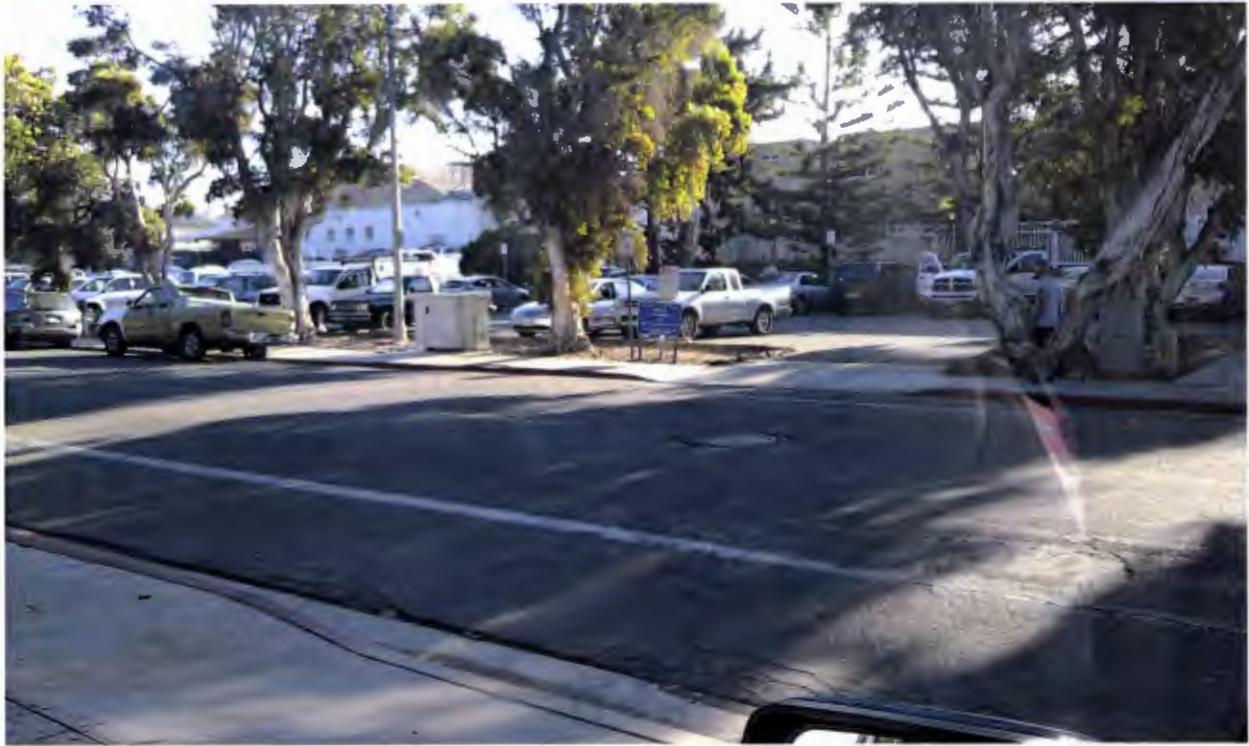


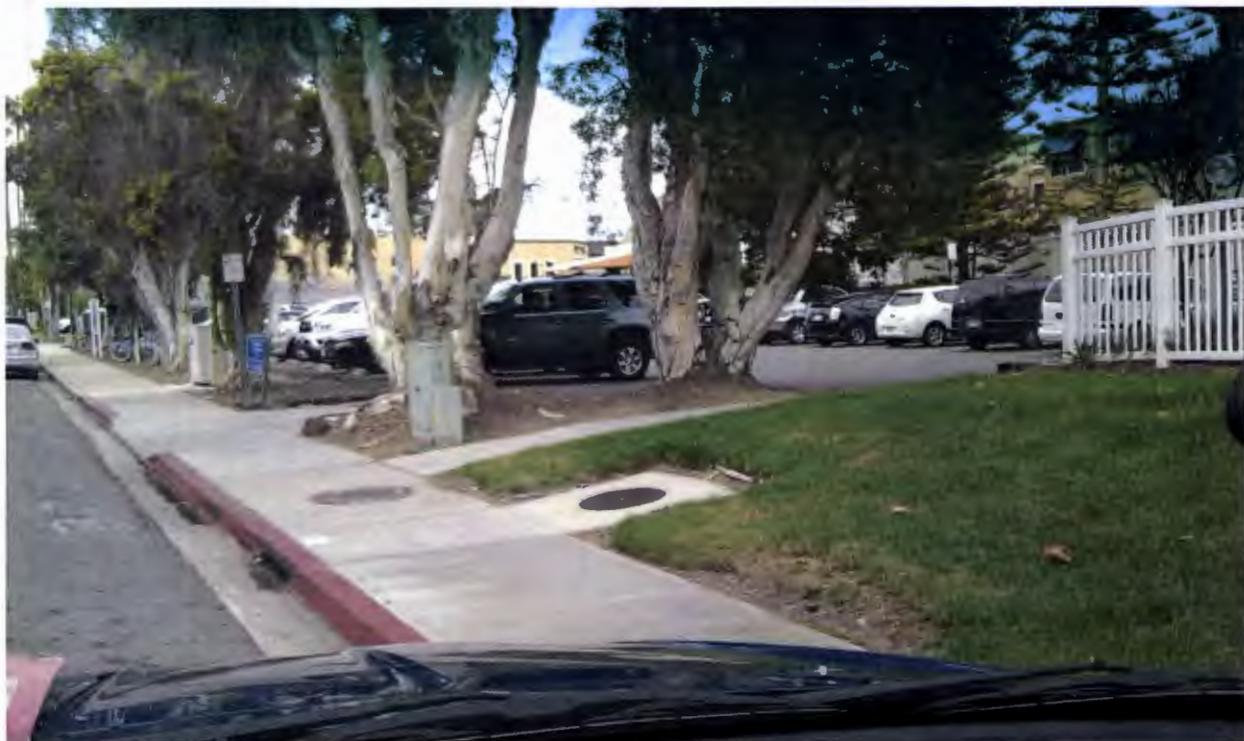












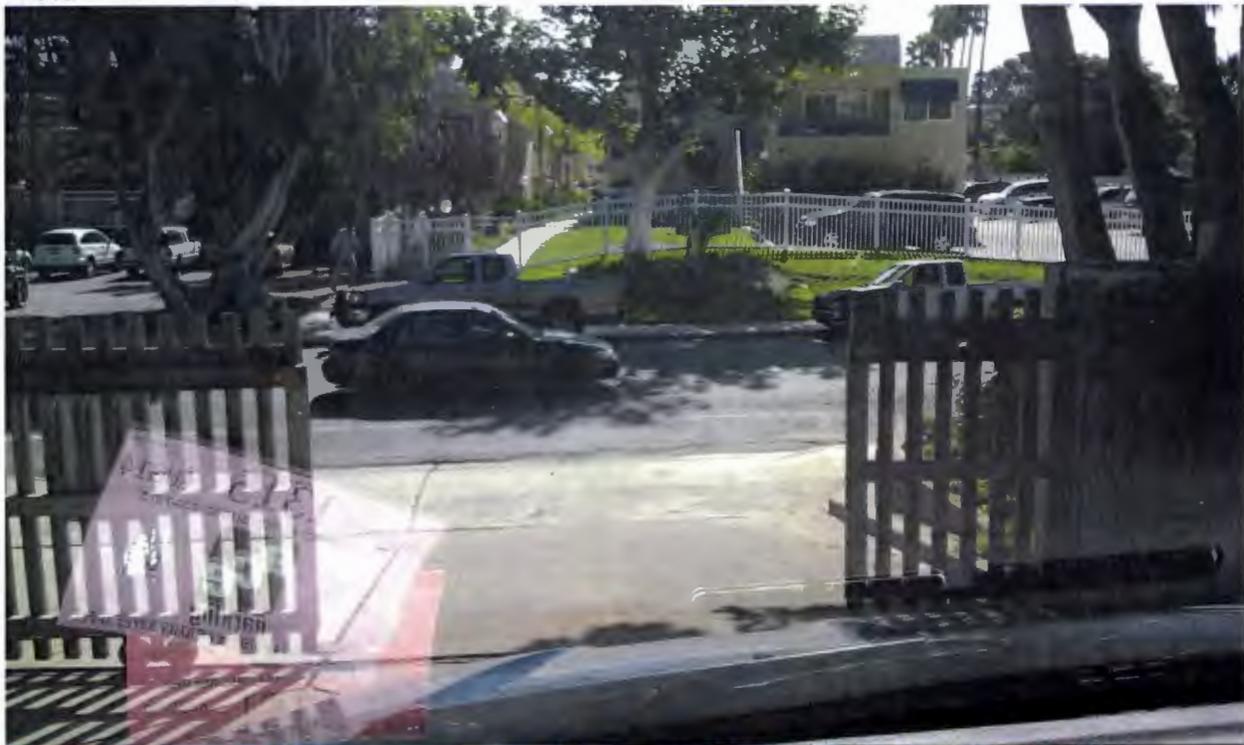






Next 4 Pictures are Exiting Seascap Sur directly across the street from the 535 South Sierra Ave Parking Lot: 8/6/2014: 9:32 am

Note all the redline violations





















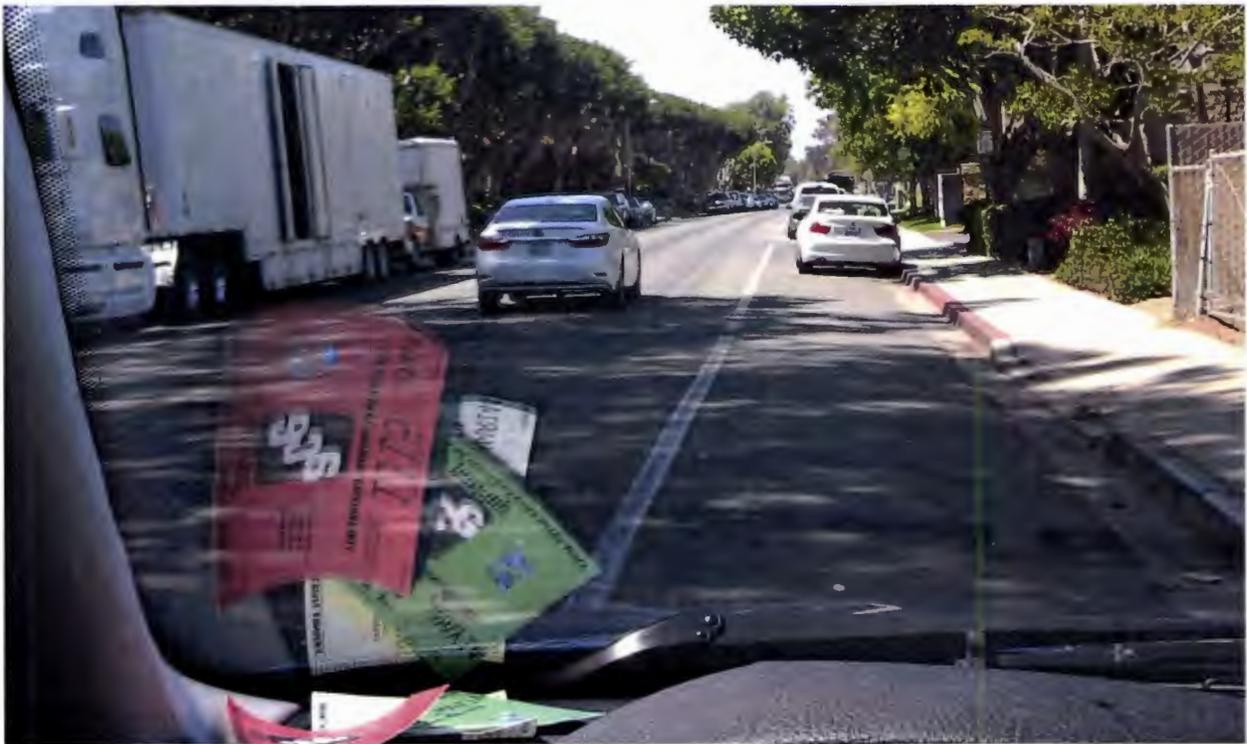










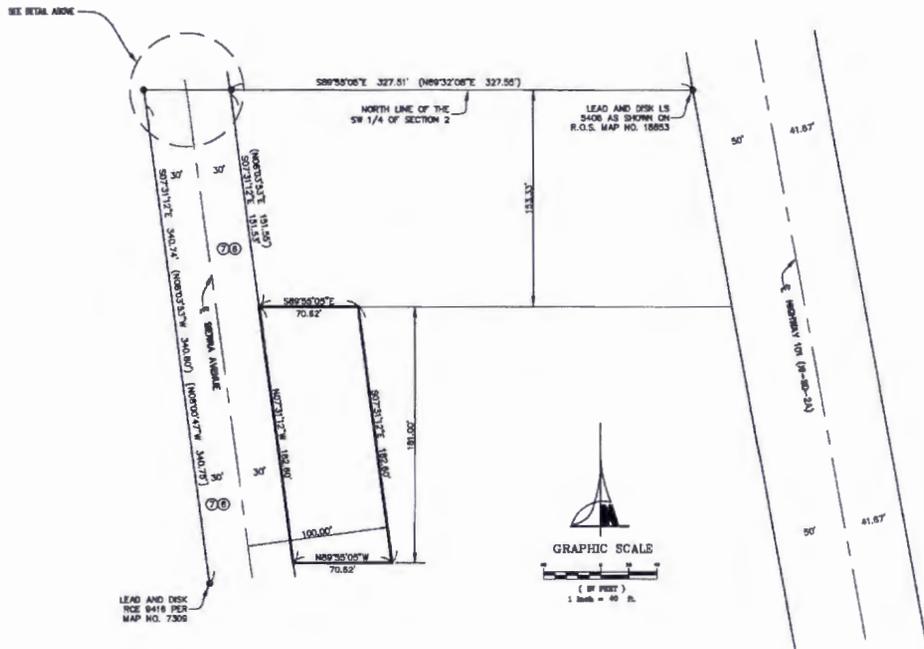




3/4" IRON PIPE W/PLUG LS 8027 PER R.O.S. MAP NO. 18853 AND MONUMENTS 0.17' FROM THE INTERSECTION OF EASTERLY RIGHT OF WAY LINE OF SIERRA AVE. AND THE NORTH LINE OF THE SW 1/4 SEC. 2



DETAIL



GRAPHIC SCALE  
1 inch = 40 ft.

**BASIS OF BEARINGS**

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM OF 1983 (EPOCH 1961.35) ZONE 8, AS DETERMINED LOCALLY BY THE LINE BETWEEN FIRST-ORDER GPS CONTROL POINT MONUMENT NUMBERS 2009 AND 2001 AS SHOWN ON RECORD OF SURVEY 18971 FILED ON JUNE 18, 2005. THE BEARING FROM SAID POINTS BEING N22°39'25"W. QUOTED BEARINGS FROM REFERENCED MAPS OR DEEDS MAY OR MAY NOT BE IN TERMS OF SAID SYSTEM.

**PARKING SPACES**

THE PARKING STRIPES ARE A SINGLE 4" WHITE STRIPE SPACED 10' +/- ON CENTER.  
 REGULAR = 30 SPACES  
 ACCESSIBLE = 1 SPACE  
 TOTAL = 31 SPACES

**SCHEDULE 'B' EXCEPTIONS**

- ① AN EASEMENT IN FAVOR OF THE PUBLIC OVER ANY EXISTING ROADS LYING WITHIN SAID LANDS.
- ② AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT GRANTED TO: SANTA FE IRRIGATION DISTRICT PURPOSE: PIPE LINES RECORDED: OCTOBER 14, 1925 IN BOOK 1950 PAGE 497 OF DEEDS AND IN BOOK 1112 PAGES 430 OF DEEDS. THE EXACT LOCATION AND/OR EXTENT OF SAID EASEMENT IS NOT DISCLOSED IN THE PUBLIC RECORDS.
- ③ AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT GRANTED TO: THE COUNTY OF SAN DIEGO PURPOSE: PUBLIC ROAD RECORDED: APRIL 11, 1983 AS INSTRUMENT NO. 82240 OF OFFICIAL RECORDS AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN AND SHOWN HEREON.
- ④ AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT GRANTED TO: COUNTY OF SAN DIEGO PURPOSE: PUBLIC ROAD RECORDED: APRIL 11, 1983 AS INSTRUMENT NO. 82238 OF OFFICIAL RECORDS AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN AND SHOWN HEREON.
- ⑤ AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT GRANTED TO: SAN DIEGO GAS & ELECTRIC COMPANY PURPOSE: UTILITIES RECORDED: NOVEMBER 14, 1980 AS INSTRUMENT NO. 80485 OF OFFICIAL RECORDS AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN. THE EXACT LOCATION OF THIS EASEMENT CANNOT BE PLOTTED FROM SAID INSTRUMENT.

**LEGEND**

- [ ] RECORD DATA OR CALC'D FROM MAP NO. 7306
- ( ) RECORD DATA OR CALC'D FROM R.O.S. 18853 IN SAN DIEGO COUNTY
- MONUMENT FOUND AS DESCRIBED HEREON
- BOUNDARY LINE
- BOUNDARY—OTHERS
- - - ROAD CENTERLINE
- - - ROAD RIGHT-OF-WAY
- RAD RADIUS
- R.O.S. RECORD OF SURVEY

**RECORD DESCRIPTION**

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS: THE WEST 100 FEET OF THE NORTH 181 FEET OF THE FOLLOWING DESCRIBED REAL PROPERTY: ALL THAT PORTION OF SUNSET PLAZA IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 5575 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY TOGETHER WITH THAT PORTION OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 14 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, LYING NORTH OF A LINE THAT IS PARALLEL, WITH AND DISTANT 88.88 FEET AT RIGHT ANGLES NORTHERLY FROM THE SOUTH LINE OF SAID NORTH HALF OF THE SOUTHWEST QUARTER, AND WEST OF THE WESTERLY LINE OF STATE HIGHWAY AS DESCRIBED IN DEED FROM MICHAEL COLLINS TO THE STATE OF CALIFORNIA, RECORDED IN BOOK 357, PAGE 489 OF OFFICIAL RECORDS OF SAID COUNTY AND SOUTH OF A LINE THAT IS PARALLEL WITH AND DISTANT 153.33 FEET AT RIGHT ANGLES SOUTHERLY FROM THE NORTH LINE OF SAID NORTH HALF OF THE SOUTHWEST QUARTER AND LYING EASTERLY OF THE CENTER LINE OF THAT CERTAIN 60.00 FOOT STRIP DESCRIBED IN EASEMENT DEED TO THE COUNTY OF SAN DIEGO, RECORDED APRIL 11, 1983 AS DOCUMENT NO. 82239 OF OFFICIAL RECORDS AND KNOWN AS SIERRA AVENUE. ASSESSOR'S PARCEL NUMBER: 298-211-81

**LAND AREA**

NET: 12,782 S.F. +/-  
 GROSS: 16,280 S.F. +/-

**ENCROACHMENTS**

SEE SHEET 2 OF 2 FOR ENCROACHMENTS

**SURVEYOR'S NOTE**

DURING THE COURSE OF THE FIELD SURVEY AND RECORD RESEARCH, NO GAPS OR OVERLAPS BETWEEN PARCELS SHOWN ON THIS PLAT WERE OBSERVED. ADDITIONAL NOTES ARE SHOWN ON SHEET 2 OF 2.

**RELEVANT AGENCY CONTACTS**

SAN DIEGO GAS AND ELECTRIC  
 P.O. BOX 129631  
 SAN DIEGO, CA 92112-9631  
 (760) 480-7845 (ESCOMODO PROJECT MANAGEMENT CENTER)

CITY OF SOLANA BEACH  
 835 S. HWY 101  
 SOLANA BEACH, CA 92075  
 (858) 720-2400

**ALTA/ACSM LAND TITLE SURVEY**  
 FOR  
**THE CITY OF SOLANA BEACH**

BASED UPON A PRELIMINARY TITLE REPORT/COMMITMENT NO. 11754706-10 OF LAWYERS TITLE COMPANY BEARING AN EFFECTIVE DATE OF OCT 8, 2009

LOCATED IN  
 SW 1/4 SECTION 2, T.14S., R.4W., S.8E.  
 CITY OF SOLANA BEACH,  
 COUNTY OF SAN DIEGO,  
 STATE OF CALIFORNIA.

**SURVEYOR'S CERTIFICATION**

TO: THE CITY OF SOLANA BEACH,  
 LAWYERS TITLE COMPANY;

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAILED REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NPS IN 2003, AND INCLUDES ITEMS 9 AND 11(i) OF TABLE A THEREOF. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF CALIFORNIA, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.



FALL E. COE, L.S. 9496, DWRWS 12/29/09

19/28/2009

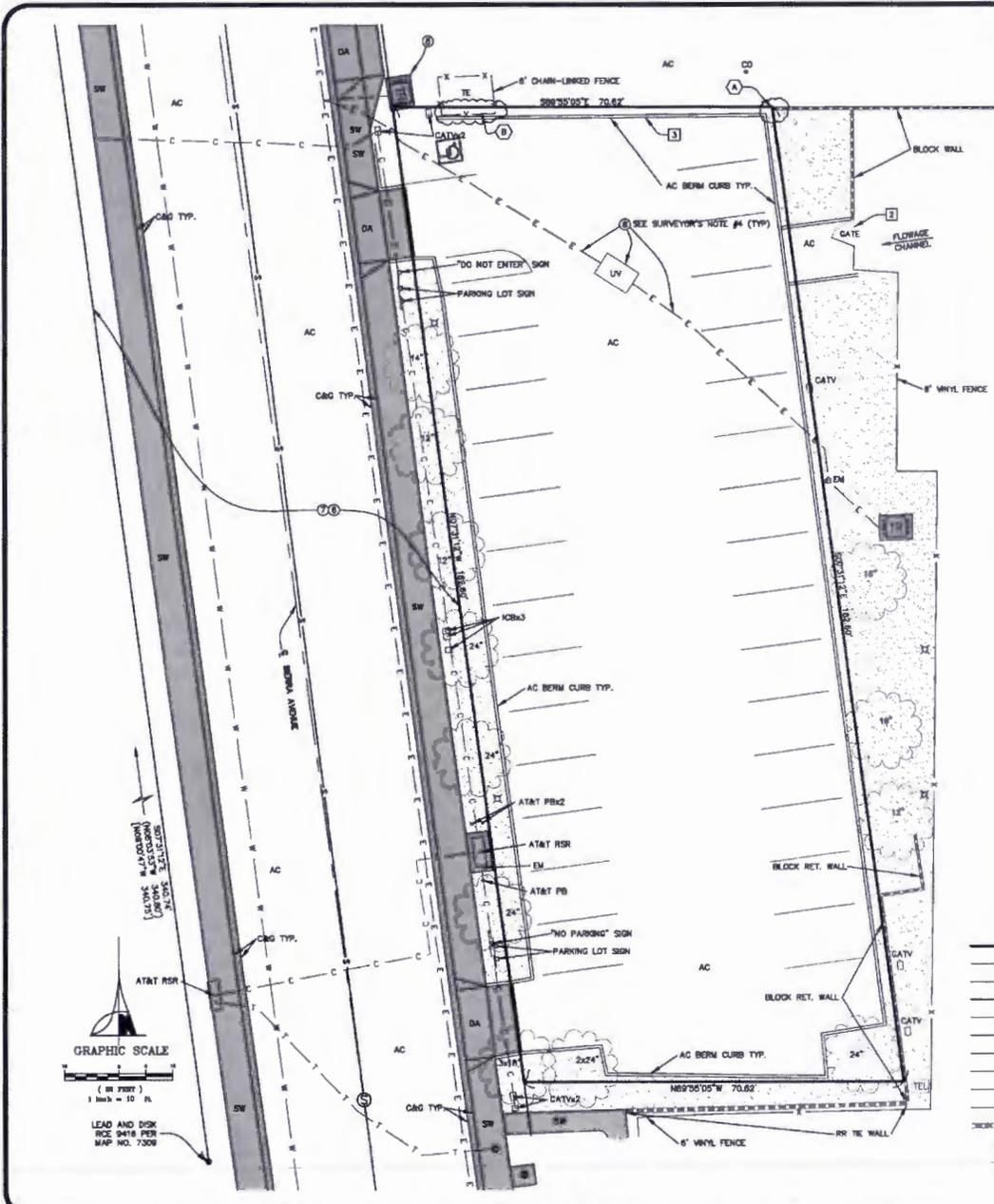
CONSULTING CIVIL ENGINEERING AND LAND SURVEYING  
 www.cornerstoneinc.com



ALTA/ACSM LAND TITLE SURVEY  
 APN 298-71-81 SOLANA BEACH, CA

SURVEYOR	REC	FILED
DATE	BY	DATE
12-28-09	12-28-09	12-28-09
19/28/09	19/28/09	19/28/09
19/28/09	19/28/09	19/28/09

SHEET 1 OF 2



**BASIS OF BEARINGS**

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM OF 1983 (FPOOH 1991.35) ZONE 6, AS DETERMINED LOCALLY BY THE LINE BETWEEN FIRST-ORDER GPS CONTROL POINT MONUMENT NUMBERS 2008 AND 2001 AS SHOWN ON RECORD OF SURVEY 18871 FILED ON SEPT 16, 2005, THE BEARING FROM SAID POINTS BEING ACCURATELY QUOTED BEARINGS FROM REPERCHED MAPS OR DEEDS MAY OR MAY NOT BE IN TERMS OF SAID SYSTEM.

**SCHEDULE 'B' EXCEPTIONS**

- 1 AN EASEMENT IN FAVOR OF THE PUBLIC OVER ANY EXISTING ROADS LYING WITHIN SAID LAND.
- 2 AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT GRANTED TO: SANTA FE IRRIGATION DISTRICT PURPOSE: PIPE LINES RECORDED: OCTOBER 14, 1925 IN BOOK 1059, PAGE 467 OF DEEDS; AND IN BOOK 1116, PAGE(S) 430, OF DEEDS. THE EXACT LOCATION AND/OR EXTENT OF SAID EASEMENT IS NOT DISCLOSED IN THE PUBLIC RECORDS.
- 3 AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT GRANTED TO: THE COUNTY OF SAN DIEGO PURPOSE: PUBLIC ROAD RECORDED: APRIL 11, 1963 AS INSTRUMENT NO. 82240 OF OFFICIAL RECORDS AFFECTS SAID LAND MORE PARTICULARLY DESCRIBED THEREIN AND SHOWN HEREON.
- 4 AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT GRANTED TO: COUNTY OF SAN DIEGO PURPOSE: PUBLIC ROAD RECORDED: APRIL 11, 1963 AS INSTRUMENT NO. 82236 OF OFFICIAL RECORDS AFFECTS SAID LAND MORE PARTICULARLY DESCRIBED THEREIN AND SHOWN HEREON.
- 5 AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT GRANTED TO: COUNTY OF SAN DIEGO GAS & ELECTRIC COMPANY PURPOSE: UTILITIES RECORDED: NOVEMBER 14, 1980 AS INSTRUMENT NO. 1081485 OF OFFICIAL RECORDS AFFECTS SAID LAND MORE PARTICULARLY DESCRIBED THEREIN. THE EXACT LOCATION OF THIS EASEMENT CANNOT BE PLOTTED FROM SAID INSTRUMENT. (SEE SURVEYOR'S NOTE NO. 4.)

**LEGEND**

- [ ] RECORD DATA OR CALC'D FROM MAP NO. 7309
- ( ) RECORD DATA OR CALC'D FROM R.O.S. 18863
- DA DRIVE ACCESS
- TM PADMOUNT TRANSFORMER
- IOB IRRIGATION CONTROL BOX
- TE TRASH ENCLOSURE
- UB UTILITY BOX
- UV UTILITY VAULT
- PB ELECTRIC PULL BOX
- TEL TELE RISER
- CO CLEAN OUT
- SW SIDEWALK
- CATV CABLE TV RISER
- CAO CURB AND OUTLET
- RSR RISER
- S.F. SQUARE FEET
- AC ASPHALT COATING
- EM ELECTRIC METER
- II AREA LIGHT
- SIGN
- SEWER MANHOLE
- STORM DRAIN MANHOLE
- TELECOMMUNICATION MANHOLE
- FOUND MONUMENT AS DESCRIBED
- DEODOROUS TREE W/DIAMETER NOTED (INCHES)
- BOUNDARY LINE
- BOUNDARY - OTHERS
- ROAD CENTERLINE
- ROAD RIGHT-OF-WAY
- W WATER LINE
- S SANITARY SEWER PIPE
- E ELECTRIC LINE
- C CABLE TV LINE
- T TELEPHONE LINE
- X FENCE AS DESCRIBED HEREON
- WALL AS DESCRIBED HEREON
- CONCRETE
- DRY LANDSCAPING AREA

**RECORD DESCRIPTION**

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS: THE WEST 100 FEET OF THE NORTH 181 FEET OF THE FOLLOWING DESCRIBED REAL PROPERTY: ALL THAT PORTION OF SUNSET PLAZA, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 5574, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, TOGETHER WITH THAT PORTION OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 14 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE ANGLE, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, LYING NORTH OF A LINE THAT IS PARALLEL WITH AND DISTANT 88.8 FEET AT RIGHT ANGLES NORTHERLY FROM THE SOUTH LINE OF SAID NORTH HALF OF THE SOUTHWEST QUARTER; AND WEST OF THE WESTERLY LINE OF STATE HIGHWAY AS DESCRIBED IN DEED FROM MICHAEL COLLINS TO THE STATE OF CALIFORNIA, RECORDED IN BOOK 357, PAGE 498 OF OFFICIAL RECORDS OF SAID COUNTY AND SOUTH OF A LINE THAT IS PARALLEL WITH AND DISTANT 153.33 FEET AT RIGHT ANGLES SOUTHERLY FROM THE NORTH LINE OF SAID NORTH HALF OF THE SOUTHWEST QUARTER AND LYING EASTERLY OF THE CENTER LINE OF THAT CERTAIN 80.00 FOOT STRIP DESCRIBED IN EASEMENT DEED TO THE COUNTY OF SAN DIEGO, RECORDED APRIL 11, 1963 AS DOCUMENT NO. 82236 OF OFFICIAL RECORDS AND KNOWN AS SIERRA AVENUE, ASSESSOR'S PARCEL NUMBER: 246-211-81

**LAND AREA**

NET: 12,782 S.F. +/-  
GROSS: 18,280 S.F. +/-

**ENCROACHMENTS**

- A A 0.1' ENCROACHMENT OF A BLOCK WALL ONTO PROPERTY AS SHOWN HEREON.
- B A 1.2' - 1.2' ENCROACHMENT OF A CHAIN-LINKED FENCE (TRASH ENCLOSURE) ONTO PROPERTY AS SHOWN HEREON.

**SURVEYOR'S NOTE**

- 1 DURING THE COURSE OF THE FIELD SURVEY AND RECORD RESEARCH, NO GAPS OR OVERLAPS BETWEEN PARCELS SHOWN ON THIS PLAT WERE OBSERVED.
- 2 THE GATE AS SHOWN ALLOWS ACCESS ONTO THE SUBJECT PARCEL.
- 3 THE LOW AC BERM AS SHOWN ALLOWS ACCESS ONTO THE SUBJECT PARCEL.
- 4 THE UTILITIES SHOWN HEREON WERE LOCATED BY VISUAL INDICATIONS, PLANS, AND MAPS. OTHER UTILITIES NOT SHOWN MAY EXIST. NO EXCAVATIONS WERE MADE TO VERIFY THE LOCATION OF UNDERGROUND UTILITIES AS DEPICTED ON PLANS AND MAPS, AND SUCH UTILITIES MAY NOT BE IN LOCATIONS INDICATED HEREON.

**PARKING SPACES**

THE PARKING STRIPES ARE A SINGLE 4' WHITE STRIPE SPACED 10' +/- ON CENTER.  
REGULAR = 30 SPACES  
ACCESSIBLE = 1 SPACE  
TOTAL = 31 SPACES

**ALTA/ACSM LAND TITLE SURVEY**

FOR THE CITY OF SOLANA BEACH

BASED UPON A PRELIMINARY TITLE REPORT/COMMENTARY NO. 11754708-10 OF LANDERS TITLE COMPANY BEARING AN EFFECTIVE DATE OF OCT 6, 2008

LOCATED IN SW 1/4 SECTION 2, T.14S., R.4W., S.16E. CITY OF SOLANA BEACH, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

**SURVEYOR'S CERTIFICATION**

THE CITY OF SOLANA BEACH, LANDERS TITLE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS" CONTINUED ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2000, AND INCLUDES ITEMS 9 AND 11(B) OF "TABLE A" THEREOF, PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION. UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF CALIFORNIA, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.



PAUL L. COBELL, L.S. 9948, EXPIRES 12/31/10 DATE 12/28/2008

CONSULTING CIVIL ENGINEERING AND LAND SURVEYING

**CORNERSTONE ENGINEERING, INC.**  
4420 LA JOLLA VILLAGE DRIVE, SUITE 100  
SAN DIEGO, CALIFORNIA 92131  
TEL: (619) 521-2200 FAX: (619) 521-2209

**ALTA/ACSM LAND TITLE SURVEY**

APR 2008-21-81 SOLANA BEACH, CA

SURVEYOR - PEG	FILED
CHECKED BY	12-28-08
DATE	12/28/08
DATE	12/28/08
SHEET	2

## CHAPTER 2—PUBLIC ACCESS AND RECREATION

---

**Policy 2.34:** Priority shall be given to the development of visitor serving commercial and/or recreational uses that complement public recreation areas or supply recreational opportunities not currently available in public parks or beaches. Visitor serving commercial and/or recreational uses may be located near public park and recreation areas only if the scale and intensity of the visitor serving commercial recreational uses is compatible with the character of the nearby parkland and all applicable provisions of the LCP.

**Policy 2.35:** The use of private or public grants or other local, State and Federal funding sources may be utilized to help finance the construction and maintenance of new access-ways.

**Policy 2.36 Shared parking:** In all zones, parking facilities may be shared by multiple uses whose activities are not normally conducted during the same hours, or when hours of peak use vary. The applicant shall have the burden of proof for a reduction in the total number of required off-street parking spaces for shared parking arrangements. Shared parking may be permitted pursuant to a conditional use permit issued by the director of community development or concurrently with another application reviewed by the city council subject to the following minimum conditions:

- (a) A sufficient number of spaces (both shared and separate) are provided to meet the greater parking demand of the participating uses.
- (b) Satisfactory evidence, as deemed by the hearing authority, has been submitted by the parties operating the shared parking facility, demonstrating that substantial conflict will not exist in the principal hours or periods of peak demand for the uses for which the shared parking is proposed.
- (c) Shared parking facilities shall not be located further than 600 feet from any structure or use served, unless it can be shown that increased distances are feasible through use alternative transportation modes such as shuttle services.
- (d) A written agreement, covenant, deed restriction or other document as determined necessary by the hearing authority shall be executed by all parties to assure the continued availability of the shared parking spaces for the life of the proposed development or use.

**Policy 2.37:** The City shall not close, abandon, or render unusable by the public any existing access-ways which the City owns, operates, maintains, or is otherwise responsible for without first obtaining a CDP unless it is determined to be necessary on a temporary basis for public safety. Any access-ways which the City or any other managing agency or organization determines cannot be maintained or operated in a condition suitable for public use shall be offered to another public agency or qualified private association that agrees to open and maintain the access-way for public use.

**Policy 2.38:** Apply City parking regulations to new projects and redevelopment projects to ensure that the parking demands generated by new development are provided on-site as follows:

## CHAPTER 2—PUBLIC ACCESS AND RECREATION

---

<u>Land Use</u>	<u>Number of Spaces Required</u>
<b>Residential Uses</b>	
Single-family dwellings (conventional)	2 parking spaces.
Two-family dwellings, multiple-family dwellings and mobile homes*	
Studios	1 space per unit.
One bedroom	1.5 spaces per unit.
Two or more bedrooms	2 spaces per unit.
Additional guest parking	1 uncovered space for each 4 units.
*(For rental apartments - a minimum of 50 percent of required parking spaces shall be covered)	
Mobile home parks	2 covered spaces per unit within an enclosed garage which may be tandem, and 1 uncovered guest space for each 4 units.
Group residential	1 space for each resident in accordance with total permitted occupancy plus 1 guest space for each 4 residents of permitted occupancy.
Accessory living units	0 space in addition to those required for primary residence.
Caretaker units	1 space in addition to those required for primary use.
Residential day care	2 spaces in addition to those required for primary residence.
Residential care facilities	. 1 parking space per employee and one parking space for every 7 beds, unless the director of community development determines that additional parking spaces are required.
<b>Civic/Institutional Uses</b>	
Religious and civic assembly facilities.** This requirement may be modified pursuant to Policy 2.36, Shared parking	1 space for each 4 fixed seats, or 1 space for each 35 s.f. of non-fixed seating area in the principal sanctuary or auditorium, whichever is greater. 18 inches of bench shall be considered a fixed seat.
**(Parking for accessory uses shall be as required for each use separately)	
Libraries, cultural exhibits, museums	1 space for each 300 s.f. of gfa.
Hospitals	1.75 spaces for each patient bed, or as determined by conditional use permit.

## CHAPTER 2—PUBLIC ACCESS AND RECREATION

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Convalescent facilities, sanitariums, nursing homes	1 space for each 4 beds in accordance with the resident capacity of the facility.
<b>Educational institutions, schools</b>	
Nursery/preschool	1 space for each staff member, plus 1 space for each 10 children.
Elementary/junior high	2 spaces for each classroom.
High school	7 spaces for each classroom.
Community college/ university	10 spaces for each classroom.
<b>Office Uses</b>	
Office, general	
Less than 2,000 s.f.	1 space for each 200 s.f. of gfa.
2,001 to 7,500 s.f.	1 space for each 225 s.f. of gfa.
7,501 to 40,000 s.f.	1 space for each 250 s.f. of gfa.
40,001 and greater	1 space for each 300 s.f. of gfa.
Offices, medical and dental	1 space for each 200 s.f. for first 2,000 s.f., plus 1 space for each additional 175 s.f. over 2,000 s.f.
Offices, real estate sales	Same as General Commercial
Banks, savings and loans, financial	Same as General Office, plus 1 lane for each drive-up window and/or automatic teller machine with 6 vehicles per lane.
<b>Commercial, General</b> (Retail trade, neighborhood commercial, personal and household services, business services)	
All multi-tenant commercial centers and all freestanding general commercial uses not listed below	
Less than 25,000 s.f.	1 space for each 200 s.f. of gfa.
25,001 to 250,000 s.f.	1 space for each 225 s.f. of gfa.
250,001 and greater	1 space for each 250 s.f. of gfa.
Building supply/ furniture/appliance stores	1 space for each 250 s.f. of gfa. of sales floor area, plus 1 space for each 800 s.f. of gfa. of warehouse storage area.
Retail nursery/garden shop	1 space for each 250 s.f. of indoor display area, plus 1 space for each 800 s.f. of outdoor display area.
Art/dance studio	1 space per employee, plus 1 space per two students at maximum capacity.
Barber shop/beauty parlor	1 space per 200 s.f. of gfa.

## CHAPTER 2—PUBLIC ACCESS AND RECREATION

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Business/professional/ trade schools	1 space per employee, plus 1 space per 2 students at maximum capacity.
Mortuaries and funeral homes	1 space for each 4 fixed seats, or 1 space for each 35 s.f. for non-fixed seating area in the principal sanctuary, whichever is greater.
<b>Automotive Sales and Service</b>	
Carwash - full service	1 space per every 3 employees on the maximum shift, plus 400 s.f. of operations parking area for each 20 ft. of conveyer length.
Carwash - self service	2 spaces per stall, plus 2-space queuing lane in front of each stall.
Oil change, lube and tune shops	1 space per service bay, plus 1 space for each employee, plus 2-space queuing lane for each bay.
Vehicle repair/garage	1 space for each 400 s.f. of gfa.
Vehicle sales	1 space for each 400 s.f. of gfa. for showroom and office, plus 1 space for each 2,000 s.f. of outdoor display area, plus 1 space for each 500 s.f. of gfa. for vehicle repair.
Service stations	1 space for each pump island, plus 1 space for each service bay, plus 1 space for each 250 s.f. of convenience store sales area.
Multi-tenant auto-related facilities	1 space for each 200 .s.f. of gfa., plus 1 space for each employee.
<b>Commercial Recreation and Large Assembly</b>	
Restaurants, cafes, bars, night clubs and other eating and drinking establishments	1 space per 100 s.f. of gfa. (gfa. excludes outdoor seating/eating area approved by the City Council), exempting from parking standards up to four incidental tables and 16 chairs for all retail food establishments and restaurants approved by the City Council. This exemption shall also apply to (a) outdoor tables and chairs proposed in the public right-of-way, and does not apply to (b) uses facing an adjacent residential zone, unless specifically permitted by the City Council as part of a discretionary public hearing permit.
Restaurants with drive-in/ drive-thru facilities	1 space for each 50 s.f. of gfa., plus 1 lane for each drive-up window with stacking space for 6 vehicles before the menu board.
Bowling alley	3 spaces per lane, plus parking required for incidental uses (i.e., pro shop, coffee shop, etc.).
Driving range	1 space per tee, plus parking required for incidental uses.

## CHAPTER 2—PUBLIC ACCESS AND RECREATION

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Golf course	6 spaces per hole, plus parking required for incidental uses (i.e., pro shop, bar, banquet room).
Miniature golf course	3 spaces per hole, plus parking required for incidental uses (i.e., game room, food service, etc.).
Tennis/racquetball courts	3 spaces per court, plus parking required for incidental uses.
Amusement parks, video arcades, skating rinks	1 space per 200 s.f. of area within enclosed structures, plus 1 space per 3 persons at maximum capacity (may be adjusted at project review).
Health clubs and other indoor participant sports facilities	1 space for each 200 s.f. of gfa.
Hotels and motels	1 space for each guest unit, plus parking requirements for associated commercial uses, plus 1 space for each 50 s.f. of gfa. of main assembly room, plus 1 space for each employee at maximum shift.
Theaters, conference/ meeting facilities, convention halls, auditoriums	1 space for each 4 fixed seats, or 1 space for each 35 s.f. of non-fixed seating area in the principal auditorium or conference space, whichever is greater.
Kiosks	0 spaces for kiosks of 80 s.f. Or less in area and located on private property, no more than 1 per parcel, which does not reduce any existing required parking when approved by the City Council.
<b>Industrial Uses</b>	
Manufacturing and warehousing, general	
Less than 3,000 s.f.	1 space for each 250 s.f. of gfa.
3,001 to 5,000 s.f.	1 space for each 500 s.f. of gfa.
5,001 to 10,000 s.f.	1 space for each 750 s.f. of gfa.
10,0001 to 50,000 s.f.	1 space for each 1,000 s.f. of gfa.
50,001 and greater	1 space for each 1,250 s.f. of gfa.
Mini-warehouse/personal storage (minimum aisle width of 24 feet required between buildings)	1 space for each 300 s.f. of gfa. used for office or maintenance purposes, plus 2 spaces for caretaker's unit, if applicable.
<b>Special Uses</b>	
Recycling centers, service yards	1 space for each 300 s.f. of gross building area, plus 1 space for every 1,000 s.f. of gross yard area.
Outdoor markets, swap meets	1 space for each 200 s.f. of gross sales area, plus 1 space per vendor space.





October 2, 2014

My

name is Judi Stubbs and I am OPPOSED to this development.

RECEIVED

OCT 06 2014

CALIFORNIA COASTAL COMMISSION  
SAN DIEGO COUNTY DISTRICT

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY

EDMUND G. BROWN, JR., Governor

**CALIFORNIA COASTAL COMMISSION**

San Diego Coast District Office  
7575 Metropolitan Drive, Suite 103  
San Diego, California 92108-4402  
(619) 767-2370 FAX (619) 767-2384



Page: 1

Date: September 19, 2014

**IMPORTANT PUBLIC HEARING NOTICE  
COASTAL PERMIT APPLICATION**

PERMIT NUMBER: 6-14-1033

APPLICANT(S): Hitzke Development Corporation, Attn: Ginger Hitzke

PROJECT DESCRIPTION: Construction of a 17,089 sq. ft., 3-story, 35-ft. tall mixed-use building including 759 sq. ft. of commercial office space, 10 low-income housing residential units, 53 subterranean and ground-level public/private parking spaces, landscaping, sidewalk improvements, and 5,100 CY of grading on an existing 14,721 sq. ft. paved public parking lot with 31 parking spaces.

PROJECT LOCATION: South Sierra Avenue, approximately 800 ft. south of Dahlia Drive, Solana Beach, San Diego County. APN 298-211-81

HEARING DATE AND LOCATION:

DATE Wednesday, October 8, 2014  
TIME Meeting Begins at 9:00am ITEM NO:W12b  
PLACE City of Newport Beach  
100 Civic Center Drive, Newport Beach, CA 92660  
PHONE (415) 407-3211

HEARING PROCEDURES:

**CALIFORNIA COASTAL COMMISSION**

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



# W12b

Filed: 7/25/14  
180th Day: 1/20/15  
Staff: B. Laver -SD  
Staff Report: 9/18/14  
Hearing Date: 10/8-10/14

## STAFF REPORT: REGULAR CALENDAR

**Application No.:** 6-14-1033

**Applicant:** Hitzke Development Corporation

**Agent:** Ginger Hitzke

**Location:** South Sierra Avenue, approximately 800 ft. south of Dahlia Drive, Solana Beach, San Diego County.  
APN 298-211-81

**Project Description:** Construction of a 17,089 sq. ft., 3-story, 35-ft. tall mixed-use building including 759 sq. ft. of commercial office space, 10 low-income housing residential units, 53 subterranean and ground-level public/private parking spaces, landscaping, sidewalk improvements, and 5,100 CY of grading on an existing 14,721 sq. ft. paved public parking lot with 31 parking spaces.

**Staff Recommendation:** Approval with Conditions

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## SUMMARY OF STAFF RECOMMENDATION

Staff is recommending **approval** of the proposed development with special conditions to prevent potential impacts to public access, public recreation, and water quality.

The proposed development is construction of a 10-unit low-income housing building with 759 sq. ft. of office space on an existing 31-space public parking lot on the eastern side of the 500 block of South Sierra Avenue, which in this location serves as the first public road parallel to the sea in the City of Solana Beach. The proposal includes 5,100 CY of grading, removal of nine trees and replacement with new landscaping, sidewalk improvements, and replacement of the existing 31 parking spaces in addition to construction of 22 new parking spaces. The proposed total of 53 parking spaces would be split between a ground level and a subterranean lot, and would all be available to the public. The applicant has proposed to test all material excavated from the site for beach quality sand to determine if it could be used for beach replenishment through the City-approved Sand Compatibility and Opportunistic Use Program (SCOUP).

The primary Coastal Act issues associated with this project relate to public access and recreation, water quality, and visual resources. As proposed, the development has the potential to adversely impact public beach parking by removing the 31 public parking spaces that exist on site. Also, the presence of construction workers and equipment in such a densely populated, popular beach area could impact public access by occupying public parking spaces for storage or blocking public right-of-ways to and along the beach, especially during the summer months when beach use is at its peak. In addition, the construction and grading associated with the proposed development has the potential to impact water quality in the surrounding area. Lastly, as proposed, there is the potential for adverse impacts to visual resources and community character. However, the proposed development is not within any designated view corridors, views to the ocean from the subject site are currently blocked by the large condominium development on the western side of South Sierra Avenue, and the proposed development is consistent with the character of the large-scale multi-residential developments in the surrounding area.

To address these potential adverse impacts, the Commission staff is recommending nine special conditions that would require (1) final site and (2) revised final landscape plans requiring all removed trees to be replaced and prohibiting the use of invasive plant species, (3) a final sign program with easily visible and legible signage to alert the public of the available public parking spaces, (4) prohibiting construction staging and storage from occupying off-site public parking areas and reopening the on-site public parking spaces as soon as possible, (5) drainage/runoff control plans that prevent water quality impacts to the ocean from polluted runoff, (6) erosion control plans requiring construction BMPs to protect and maintain the quality of coastal waters during construction, (7) testing the excavated material for suitability for beach deposition and, if suitable, placing the material on the beach via the SCOUP program, (8) recordation of a deed restriction against the subject property to assure all future owners are aware of the restrictions imposed on the subject property, (9) providing a minimum of 31 public parking spaces in perpetuity, and (10) accepting liability for costs and attorney fees that the Coastal Commission may incur in defending its action should there be litigation challenging its approval of this permit.

As conditioned, the proposed development will not have any adverse impacts on coastal resources. Commission staff recommends **approval** of coastal development permit application 6-14-1033 as conditioned.

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### APPENDICES

Appendix A – Substantive File Documents

### EXHIBITS

Exhibit 1 – Vicinity Map

Exhibit 2 – Aerial View

Exhibit 3 – Existing Parking Signage

Exhibit 4 – Proposed Parking Signage

Exhibit 5 – Proposed Parking Plan

Exhibit 6 – Proposed Development Visual Simulation

Exhibit 7 – Letters from the City

Exhibit 8 – Letters of Opposition

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 6-14-1033 subject to the conditions set forth in the staff recommendation.*

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

### Resolution:

*The Commission hereby approves coastal development permit 6-14-1033 and adopts the findings set forth below on grounds that the development as conditioned 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 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 development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

## II. STANDARD CONDITIONS

This permit is granted subject to the following 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. **Interpretation.** Any questions of intent of 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.

### III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Final Plans. PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT,** the applicant shall submit to the Executive Director for review and written approval final project plans. Said plans shall first be stamped approved by the City of Solana Beach and be in substantial conformance with the plans submitted with this application by the Hitzke Development Corporation, dated as revised on March 28, 2014.

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.

2. **Final Revised Landscape Plans. PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT,** the applicant shall submit for review and written approval by the Executive Director, final landscape plans for the proposed development. Said plans shall first be approved by the City of Solana Beach and be in substantial conformance with the plans submitted with this application by the Hitzke Development Corporation, dated as revised on March 28, 2014, except they shall be revised to reflect the following:

- a. The nine existing trees proposed to be removed from the subject site due to construction shall be replaced with nine drought tolerant and native or non-invasive trees.
- b. All proposed landscaping shall be drought tolerant and native or non-invasive plant species. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property.

The permittee shall undertake 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.

**3. Final Revised Sign Program. PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for review and written approval by the Executive Director, a final comprehensive sign program in substantial conformance with the draft sign program submitted with this application by the Hitzke Development Corporation, date stamped as received by the Commission on June 26, 2014, except they shall be revised to reflect the following:

- a. The two proposed Public Parking Lot signs shall be no smaller than 3 ft. wide by 2 ft. tall, shall be easily visible and legible from South Sierra Avenue, and shall include language stating “Parking available to public in all green and blue stalls from 6:00 am to 10:00 pm. No overnight parking except with permit in green stalls.”
- b. One of the two proposed Public Parking Lot signs shall be placed in an easily visible location at the southernmost access driveway to the subject property and shall include language stating “Entrance/exit for ground-level parking only.” The second proposed Public Parking Lot sign shall be placed in an easily visible location at the northernmost access driveway to the subject property and shall include language stating “Entrance/exit for sub-level parking only.”

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

**4. Timing of Construction/Storage and Staging Areas. PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant shall submit final plans for the review and written approval of the Executive Director, showing the locations, both on- and off- site, which will be used as staging and storage areas for materials and equipment during the construction phase of this project. The applicant shall submit evidence that the approved plans/notes have been incorporated into construction bid documents and have been approved by the City of Solana Beach. The plans shall indicate that construction access corridors and staging areas shall be located in a manner that has the least impact on public access to and along the shoreline, and shall include the following items as written notes on the plans:

- a. No portion of existing off-site public parking lots or public on-street parking areas shall be used for the interim or overnight storage of construction equipment or materials.

- b. The on-site public parking spaces shall be opened to the public as soon as possible when not precluded by the approved construction activities.

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.

**5. Drainage and Runoff Control Plan. PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, a final drainage and runoff control plan that has been stamped and approved by the City of Solana Beach. The plan shall be prepared by a licensed engineer and shall incorporate any structural and non-structural Best Management Practices (BMPs) necessary to control the volume, velocity and pollutant load of storm water leaving the developed site, as specified below. All calculations supporting the proposed design of the facilities shall be detailed in the plan. Specifically, the plan shall be in substantial conformance with the following requirements:

- a. Before conveyance off-site, any drainage from uncovered parking areas, driveway areas, roofs, and walkways shall be directed to Treatment BMPs effective at removing any pollutants likely to be present in the runoff from these sources, including petroleum hydrocarbons, nutrients, bacteria, sediment, and litter.
- b. Unless specifically prohibited by conditions as documented in a detailed site analysis certified by a licensed engineer, runoff from the development, up to and including the 85th percentile, 24-hour runoff event, shall be infiltrated on-site.
- c. All Treatment BMPs (or suites of BMPs) shall be designed to treat or filter the amount of storm water 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 a safety factor of 2x, for flow-based BMPs.
- d. Soil and/or vegetation-type treatment BMPs shall be preferentially used. A typical diagram of each BMP shall be included in the plans.
- e. The plan shall include provisions for maintaining the drainage system, including all water quality BMPs, in a functional condition over the lifetime of the development. The plan shall identify, and include written acceptance of, the party or entity(ies) responsible for maintaining the drainage system components. Maintenance shall include an annual inspection, and clean-up and repair as necessary, no later than September 30<sup>th</sup> each year. Prior to the commencement of any repairs, a plan shall be submitted to the Executive Director to determine if an

amendment or new coastal development permit is required to authorize such work.

- f. All parking lot surfaces shall be swept twice-annually using a vacuum regenerative sweeper or equivalent method that removes trash and particulate matter. Spills of automotive fluids or other pollutants likely to enter the drainage system shall be cleaned up within 24 hours. A record of the activity shall be maintained on the premises.

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

**6. Erosion Control and Construction BMPs Plan. PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT,** the applicant shall submit, for review and approval of the Executive Director, an Erosion Control and Construction Best Management Practices Plan, prepared by licensed professional<sup>1</sup>. The licensed professional shall certify in writing that the Erosion Control and Construction Best Management Practices (BMPs) Plan includes the following items:

1. Erosion Control Plan.
  - a. The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas.
  - b. Include a narrative report describing all temporary run-off and erosion control measures to be used during construction.
  - c. The plan shall identify and delineate on a site or grading plan the locations of all temporary erosion control measures.
  - d. The applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps); temporary drains and swales; sand bag barriers; silt fencing; stabilize any stockpiled fill with geofabric covers or other appropriate cover; install geotextiles or mats on all cut or fill slopes; and close and stabilize open trenches as soon as possible.
  - e. The plan shall specify that grading shall not take place during the rainy season (November 1 – March 31).
  - f. The erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site, unless

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<sup>1</sup> A licensed professional may be a California Registered Professional Civil Engineer, Geologist or Engineering Geologist, Hydrogeologist, or Landscape Architect, qualified to complete this work.

removed to an appropriate, approved dumping location either outside of the coastal zone or within the coastal zone to a site permitted to receive fill.

- g. The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

## 2. Construction Best Management Practices

- a. No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
- b. Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- c. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- d. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- e. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- f. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
- g. All stock piles and construction materials shall be contained so that materials cannot be conveyed to drain inlets and any waterway, and shall not be stored in contact with the soil.
- h. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- i. The discharge of any hazardous materials into any receiving waters shall be prohibited.

- j. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- k. The applicant shall provide a map delineating the construction site, construction phasing boundaries, and the location of all temporary construction-phase BMPs (such as silt fences, inlet protection, and sediment basins).

The final Erosion Control and Construction Best Management Practices Plan shall be in conformance with the site/development plans approved by the Coastal Commission. Any changes to the Coastal Commission approved site/development plans required by the consulting civil engineer/water quality professional shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is legally required.

7. **SCOUP Suitability and Participation.** The applicant shall comply with and implement their proposal to test all excavated material for suitability with the criteria of the City of Solana Beach's Sand Compatibility and Opportunistic Use Program (SCOUP) for beach quality material. If found to be consistent with SCOUP criteria, the excavated material shall be deposited on City beaches in conformance with the SCOUP program.

The applicant 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.

8. **Deed Restriction. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT,** the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowner has executed and recorded against the parcel(s) 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 parcel or parcels 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.

9. **Public Parking Lot Use Restriction.** A minimum of thirty-one (31) public parking spaces shall be available in perpetuity at the subject property, located at the 500 block of South Sierra Avenue. The 31 public parking spaces shall be available daily for public use between the hours of 6:00 am and 10:00 pm.

10. **Liability for Costs and Attorney Fees.** By acceptance of this coastal development permit, the Applicants/Permittees agree to reimburse the Coastal Commission in full for all Coastal Commission costs and attorney's fees including (1) those charged by the Office of the Attorney General, and (2) any court costs and attorney's fees that the Coastal Commission may be required by a court to pay that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Applicant/Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this permit. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.

#### **IV. FINDINGS AND DECLARATIONS**

##### **A. PROJECT DESCRIPTION**

The proposed development is a 17,089 sq. ft., 3-story, 35-ft. tall mixed-use building including 759 sq. ft. of commercial office space, 10 low-income housing residential units, 53 subterranean and ground-level parking spaces, and new landscaping on an existing 14,721 sq. ft. paved municipal parking lot. The lot is currently developed with 31 parking spaces that are available to the public from 6:00 am to 10:00 pm. As proposed, the project will incorporate all of the existing public parking spaces into the development in addition to 22 new spaces, all of which will be available for public parking from 6:00 am to 10:00 pm. The proposed development will meet the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) certification standards, with the goal of achieving LEED Platinum or Gold certification upon completion of construction.

The subject site is located on the inland side of the 500 block of South Sierra Avenue in the City of Solana Beach, west of the Sand Pebbles Resort and Fit Athletic Club, west of historic Highway 101 (Exhibits 1 and 2). On the western side of South Sierra Avenue across from the proposed development are the Solana Beach and Tennis Club, the Seascape Condominiums development, and the Pacific Ocean.

The site has been operating as a parking lot since before the City was incorporated. The parking lot is currently owned and operated by the City of Solana Beach, but the City approved an agreement that granted the applicant a long term leasehold title interest with an extension for 90 years. In addition, the lot has been used as a pick-up and drop-off location for the City-run Junior Lifeguard Program since 2006. City staff have indicated that they have no record of when the parking hour restrictions were placed on the subject

lot, and that no permits, records or documents have been identified that contain any use restrictions on the property (Exhibit 7).

The City of Solana Beach has been subject to lawsuits regarding providing affordable housing since the 1990s, after the City Council approved the closure of a mobile home park. Subsequently, the City entered into a settlement that mandated the replacement of 13 affordable units. Since the settlement, three affordable units have been provided. The subject proposal would provide the remaining ten affordable units. The City's resolution for the loan agreement requires the applicant to make the proposed units affordable to very low income households for at least 55 years.

The subject site is zoned as Commercial in the certified LUP, and General Commercial in the City of Solana Beach Highway 101 Corridor Specific Plan, which allows mixed-use development at up to 20 dwelling units per acre. Thus, the .43-acre site could have up to 9 units. However, the proposed project is eligible for and was granted a density bonus of up to 35 percent by the City, as 100 percent of the proposed units will be provided to very low income households. Thus, the proposed development is consistent with the City's land use designation and zoning requirements for the subject site.

The City of Solana Beach has a certified Land Use Plan (LUP), which is used for guidance. The City has not yet completed, nor has the Commission reviewed, any implementing ordinances. Thus, the City's LCP is not certified and the standard of review for the proposed development is the Chapter 3 policies of the Coastal Act.

## **B. PUBLIC ACCESS/RECREATION**

The following Coastal Act policies are applicable and state:

### 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 30252

*The location and amount of new development should maintain and enhance public access to the coast by... (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, ... (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation...*

The following LUP policies are relevant:

Policy 2.3: *The shoreline, parklands, beaches and trails located within the City provide coastal access and a wide range of recreational opportunities in natural settings which include hiking, bird watching, walking, bicycling, educational study and picnicking. These recreational opportunities should be protected, and where feasible, expanded or enhanced as resources of regional, state and national importance.*

Policy 2.17: *Recreation and access opportunities at existing public beaches and parks shall be protected, and where feasible, enhanced as an important coastal resource. Public beaches and parks should maintain lower-cost parking fees (if any), and maximize hours of use to the extent feasible, in order to maximize public access and recreation opportunities. Limitations on time of use or increases in use fees or parking fees, which affect the intensity of use, will require a Coastal Development Permit.*

Policy 2.24: *New development shall provide off-street parking sufficient to serve the approved use in order to minimize impacts to public street parking available for coastal access and recreation.*

Policy 2.25: *Adequate parking should be provided to serve coastal access and*

*recreation uses. Existing parking areas serving recreational uses may not be displaced unless a comparable replacement area is provided.*

*Policy 2.28: Parking facilities for new development of general office or commercial use, which may cumulatively impact public access and recreation, should be designed where feasible to serve not only the development during ordinary working hours, but also public beach parking during weekends and holidays, in conjunction with public transit or shuttle buses serving beach recreational areas.*

*Policy 2.33: Coastal recreational and visitor serving uses and opportunities, especially lower and moderate cost opportunities, shall be protected, encouraged, and where feasible, provided by both public and private means. Removal or conversion of existing lower cost opportunities, including overnight accommodations, shall be discouraged unless the use will be replaced with another use offering comparable visitor serving or recreational opportunities.*

*Policy 2.41: Protect and promote existing parking for public coastal access. Off-street parking shall be provided for all new development in accordance with the ordinances contained in the LCP to assure there is adequate public access to coastal resources. A modification in the required parking standards through the variance process shall not be approved unless the City makes findings based on a current, site-specific study that the provision of fewer parking spaces will not result in adverse impacts to public access.*

While South Sierra Avenue serves as the first public road parallel to the sea in the subject area, the proposed development is on the landward side of South Sierra Avenue and thus is not between the first public road and the sea. Nonetheless, South Sierra Avenue serves as a main road for the community and for public beach-goers due to its proximity to Highway 101 and to the ocean. Public beach access is available within walking distance from the subject site approximately 0.2 miles south via the public stairs at Del Mar Shores Terrace, approximately 0.15 miles north via the public stairs at Dahlia Drive adjacent to Seascape Surf, and less than a half-mile north via the public ramp at Fletcher Cove Park. Public beach access is also available within a short drive of the subject site, approximately one mile north via the public stairs to Tide Park and approximately 1.3 miles north at Cardiff State Beach. Currently, the public may utilize the parking lot at the subject site from 6:00 am to 10:00 pm daily to access the beach or to visit the nearby shops, restaurants, and the popular Cedros Avenue Fashion District just on the eastern side of Highway 101.

The proposed development would demolish the existing 31-space public parking lot to construct the residential units and office space. In a popular beach community with so many nearby public beach accessways such as this, a loss of public beach parking has the potential to adversely impact public access and recreation opportunities. However, the applicant has proposed to replace all of the existing parking spaces within the proposed development, consistent with the City's LUP public access and recreation policies.

Twenty-two additional parking spaces would be provided to meet the demand generated by the proposed new development, consistent with the requirements in the LUP.

The proposed total of 53 parking spaces would all be available to the public from 6:00 am to 10:00 pm daily, which is the same hours of operation as the existing municipal lot (Exhibits 3 and 4). As proposed, 22 spaces will each have green 'General Parking' signs that indicate the space is available to the public from 6:00 am to 10:00 pm, and that it is permit parking only from 10:00 pm to 6:00 am (Exhibit 4 Page 2). These 22 spaces are intended to be used by the tenants of the proposed residential units for overnight parking, while maximizing the availability of public parking during the day when the tenants are less likely to be using these spaces. The other 31 spaces will each have blue 'Public Parking' signs that indicate the space is available to the public from 6:00 am to 10:00 pm (Exhibit 4 Page 2). Overnight parking is not allowed in these spaces, which is intended to encourage the tenants to utilize the 22 'General Parking' spaces and keep the 31 'Public Parking' spaces open for public use as the existing 31 spaces are.

The 53 proposed parking spaces will be located both on ground-level and in a subterranean level. The ground-level parking will be accessible from the existing southern street access driveway, while the subterranean parking will be accessible from the existing northern street access driveway. The majority of the 'Public Parking' spaces will be on the ground level so as to be most easily accessible and visible to the public, while all except for one of the 'General Parking' spaces will be located on the subterranean level (Exhibit 5). The one ground-level 'General Parking' space will be ADA compliant. In addition, there will be one ground-level 'Public Parking' ADA compliant space and one subterranean 'General Parking' ADA compliant space.

There have been assertions by members of the public that the proposed development would not provide comparable, adequate parking in replacement of the existing parking. However, as discussed above, the applicant proposes to replace all of the existing parking spaces in addition to providing the required parking per the amount of proposed residential units and office space. This would result in an additional 22 parking spaces available to the public beyond what exists, hence expanding the public beach parking reservoir of the subject area. The existing standard parking stalls have slightly inconsistent widths, ranging from approximately 9.3 to 10 feet wide, with a regular length of 18 feet. The proposed parking stalls would be a minimum of 8.5 feet wide and 18 feet long as required by the municipal code. The proposed parking stalls would be wider when next to a wall or column, ranging from about 10.5 to 13 feet wide by 18 feet long. All proposed parking stall dimensions, driving aisle widths, back-up space, and driveway entrances are compliant with the Solana Beach Municipal Code and the City's Off-Street Parking Design Manual. Therefore, the proposed parking is comparable or superior to the existing parking, considering that there are 22 additional spaces proposed.

A traffic impact study performed for the proposed development determined that the project would not result in significant traffic impacts beyond the current traffic conditions of the subject area, based on an analysis of the level of service (LOS) and the amount of queuing along South Sierra Avenue. The study used the rates defined in the San Diego Association of Government's (SANDAG) *Brief Guide of Vehicular Traffic Generation*

*Rates for the San Diego Region, April 2002*, a comparison of 2008 and 2035 SANDAG Series 12 traffic forecast models, and an estimation that the proposed development would generate a combined total of 207 daily trips to and from the subject site. According to the results of the study's analyses, under existing traffic conditions, the proposed development will not cause significant roadway blockage or excessive queuing along South Sierra Avenue. The study concluded that S. Sierra Avenue would operate at a LOS B, defined as "operations with good progression but with some restricted movement" and with a LOS A being the highest LOS, with or without the addition of the proposed development.

As previously mentioned, the subject site is currently used as a drop-off and pick-up location for the City's Junior Lifeguard Program, specifically every Monday through Friday from June through August between 7:30 am and 4:00 pm. The City has indicated that this program will continue to be offered and will utilize a nearby public parking lot for the drop-off and pick-up location for the duration of the construction of the proposed development, or permanently if desired (Exhibit 7). Alternate drop-off/pick-up locations under consideration by the City are the Fletcher Cove Park, the City Hall parking lot, and the City-owned parking lot on the west side of South Sierra Avenue adjacent to the Seascape Beach access. Relocating the summer lifeguard drop-off facility to a nearby municipal parking is not expected to adversely impact any coastal resources.

As proposed, the new development will provide maximum public access to the shoreline and nearby beaches with the increased amount of public parking spaces, consistent with Coastal Act Sections 30210, 30211, 30212, and 30252. The replacement and supplemental public parking spaces will protect existing public recreational opportunities as well as provide additional public recreational opportunities by accommodating more parking for beach-goers, consistent with Coastal Act Section 30213 and 30221.

However, there is the potential for adverse impacts to public access from replacing a public parking lot with a private residential development if it were not clear to the public that the spaces are available for public use. Thus, **Special Condition #3** requires the applicant to submit a final revised sign program with easily visible and legible signage that will alert the public of the available public parking spaces. The sign program shall include two replacement "Public Parking Lot" signs to be placed adjacent to the sidewalk facing the street, as proposed (Exhibit 4 Page 1); however, these two signs shall be revised to include language stating that parking is available to the public in all green and blue stalls from 6:00 am to 10:00 pm, and that there is no overnight parking except with a permit in the green stalls. In addition, one "Public Parking Lot" sign shall be placed in an easily visible location near the southernmost access driveway to the subject property and shall include language stating "Entrance/exit for ground-level parking only." The second proposed Public Parking Lot sign shall be placed in an easily visible location at the northernmost access driveway to the subject property and shall include language stating "Entrance/exit for sub-level parking only." With this condition, the public will be encouraged to use any of the proposed parking spaces between 6:00 am and 10:00 pm and will be made aware of how to access these parking spaces.

In addition, while the proposed development is being constructed, there is the potential for adverse impacts to public access and recreation from development activities occupying public parking spaces for storage or blocking public right-of-ways to and along the beach. Furthermore, the proposed development will impact the availability of public beach parking by occupying the existing on-site public parking spaces for the duration of construction. However, in this particular case, limiting construction activities to outside the peak summer season is not feasible, as construction of the site is expected to take approximately 13 months. To limit and reduce impacts to public beach parking and thus public access and recreation, **Special Condition #4** prohibits the use of off-site public parking areas for staging or storage of materials, and requires that the proposed on-site public parking spaces be reopened to the public as soon as possible when not precluded by the approved construction.

To ensure that the proposed parking spaces remain available to the public, **Special Condition #9** requires that a minimum of thirty-one (31) public parking spaces shall be available daily for public use between the hours of 6:00 am and 10:00 pm in perpetuity. To ensure that all prospective and future owners of the property are made aware of the applicability of the conditions of this permit, **Special Condition #8** requires that the property owner record a deed restriction against the subject property, referencing all of the above Special Conditions of this permit. There have been assertions by members of the public that a deed restriction currently exists for this property that limits its use to public parking only; however, both the applicant and the City have indicated that no records or documents have been identified that contain use restrictions on the property (Exhibit 7).

In addition, the applicant has proposed to test the 5,100 CY of excavated material for beach quality sand. The Commission approved the City's Sand Compatibility and Opportunistic Use Program (SCOUP) in 2008 and again in 2013, each for a 5-year period, with specific criteria for determining beach quality material as well as restrictions on the amount and the timing of beach deposition (Ref. CDP No. 6-08-038/City of Solana Beach, CDP No. 6-08-038-A1/City of Solana Beach). If any amount is compatible with beach quality sediment, the applicant proposes to incorporate it into the SCOUP program for beach replenishment. Thus, the project has the potential to improve recreational opportunities on the City's beaches. Any non-beach quality material is proposed to be exported to a site outside of the Coastal Zone. **Special Condition #7** requires the applicant to comply with and implement this proposal.

Therefore, as conditioned, the proposed development will not result in any impacts to public access and recreation and can be found consistent with all applicable public access and recreation policies of the Coastal Act as well as the City's certified Land Use Plan.

## C. VISUAL RESOURCES/COMMUNITY CHARACTER

Section 30251 of the Coastal Act states:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and*

*designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of the setting.*

The proposed development is a 3-story, 35-foot tall, 17,089 sq. ft. building that would be located on an existing parking lot approximately 500 feet inland from the shoreline. The subject site is currently surrounded by several large existing developments, and there are no views to the shoreline or ocean across the site. On the western side of South Sierra Avenue across from the subject site, the Seascape Condominiums consist of many residential condominiums, several pools, and hardscaping and landscaping adjacent to the bluff edge that block all views of the coastline from the adjacent street and from Highway 101. Immediately south of the Seascape Condominiums are the Seascape Sur vacation rental homes, and immediately north is the Solana Beach and Tennis Club, both of which block views of the coastline and ocean from the adjacent street and from Highway 101. Immediately east of the subject site and adjacent to Highway 101 is the two-story Sand Pebbles Resort hotel.

The subject site is not within the City's Scenic Area Overlay zone, and there are no view corridors designated in the City's LUP that the proposed development could impede. In addition, the proposed development meets the height requirements of the Solana Beach Municipal Code. Views of the proposed development will be largely blocked from Highway 101 by the Sand Pebbles Resort, and the existing and proposed trees and shrubbery will provide additional visual screening. The building exterior is proposed to be finished with stone veneer, semi-smooth field stucco and siding in earth and beach-toned colors (Exhibit 6). Thus, the proposed development will not impact any public views to and along the coastline and the ocean, consistent with Section 30251 of the Coastal Act.

There have been assertions by members of the public that the proposed development would adversely affect the community character of the area. However, the mixed-use, multi-residential building is consistent with the character of the surrounding area which, as described above, consists of several large-scale multi-residential condominiums and a 49-unit two-story hotel. The site is designated in the certified LUP and General Plan for commercial uses. The site is also located within the City's Highway 101 Corridor Specific Plan, which designates the site as General Commercial and allows for mixed use including residential development. The proposed development is consistent with all mixed use development standards as detailed in the Specific Plan, namely by meeting the zero-foot setback requirements, the 35-foot height limit, the 1.2:1 maximum floor area ratio (FAR), the parking and landscaping requirements, and by restricting the residential units to the upper floors. Thus, the proposed development will be consistent and compatible with the character of the surrounding area, consistent with Section 30251 of the Coastal Act.

**Special Condition #3** requires the proposed street-front signage to be no smaller than the existing street-front signage (3 ft. wide by 2 ft. tall) so as to be easily visible and legible from South Sierra Avenue. The proposed interior parking signs to be installed at every parking space would not be visible from outside of the proposed structure.

Therefore, as conditioned, the proposed development is consistent with all applicable policies of the Coastal Act regarding visual resources.

#### **D. EROSION/WATER QUALITY**

Section 30231 of the Coastal Act is applicable to the proposed development and states:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

The proposed project includes demolition of an existing parking lot and 5,100 CY of grading to accommodate subterranean development at a site that is within approximately 500 feet of the shoreline, creating the potential for adverse impacts to the water quality of coastal waters. However, as described above, there is a significant amount of development separating the proposed development from the coastal bluffs. The subject site has been previously graded and developed as a public parking lot; thus, there will be no alteration of natural landforms. In addition, the applicant is proposing grading improvements including catch basins and concrete brow ditches to accommodate proper rainwater drainage, as well as biofiltration planters and 1,222 sq. ft. of landscaping to treat storm water runoff. Furthermore, as proposed and per LEED certification standards, the proposed irrigation system would be designed for maximum efficiency and water conservation.

A Phase I Environmental Site Assessment (ESA) was conducted and a report was prepared for the proposed development. The ESA's intent was to identify any recognized environmental conditions (RECs) connected to the subject property that could result or have resulted in the release of any hazardous substances or petroleum products into the ground, groundwater, or surface water of the property. Via site reconnaissance of the subject property, limited observations of adjoining properties, and review of the historical usage of the subject property, the ESA identified no obvious evidence of RECs in connection with the subject property.

However, all runoff from the subject site has the potential to reach the nearby coastal waters. In urban areas such as this, runoff can contain oil, gasoline, brake dust, particles of roofing material and construction matter, chemicals, trash and other contaminants. In

order to reduce runoff volume and the potential for adverse impacts to water quality resulting from polluted runoff from the proposed development, **Special Condition #5** requires the applicant to submit and implement drainage and runoff control plans. These plans must show the utilization of effective best management practices (BMPs) to ensure that all runoff will be directed into on-site landscaping or other filtering media before it leaves the site. In addition, without the use of appropriate BMPs during the construction phase of the proposed development, there is the potential for construction debris and activities to result in short-term water quality impacts. To prevent any potential impacts to water quality during construction, **Special Condition #6** requires the applicant to submit and implement an erosion control and construction BMPs plan.

New landscaped areas both reduce storm water runoff and provide opportunities to infiltrate potentially polluted runoff from the impervious areas of the proposed development. The applicant proposes approximately 1,222 sq. ft. of landscaped area, including landscaping features on the subterranean level, ground level, and second floor. However, there will be an overall small increase in the amount of impervious surface at the subject site. Therefore, **Special Condition #2** requires the applicant to submit final landscape plans showing that all proposed landscaping must be drought-tolerant and native or non-invasive plant species. In addition, the proposed development would require removing nine existing trees from the property and, as proposed, the project would replace eight of the nine trees. Thus, the condition also requires revising the landscape plan so that all of the removed trees are replaced. While the applicant has submitted preliminary project plans, **Special Condition #1** requires the submission of final plans for the review and written approval of the Executive Director prior to the issuance of the coastal development permit, to ensure they are in substantial conformance with the approved plans.

As conditioned, the landscape, drainage, and erosion control plans will serve to reduce any impacts to water quality from the project to insignificant levels. Therefore, as conditioned, the proposed development is consistent with Section 30231 of the Coastal Act.

#### **E. REIMBURSEMENT IN CASE OF CHALLENGE**

Coastal Act Section 30620(c)(1) authorizes the Commission to require applicants to reimburse the Commission for expenses incurred in processing CDP applications. Thus, the Commission is authorized to require reimbursement for expenses incurred in defending its action on the pending CDP application in the event that the Commission's action is challenged by a party other than the applicant. Therefore, consistent with Section 30620(c), the Commission imposes **Special Condition #10** requiring reimbursement for any costs and attorney fees that the Commission incurs in connection with the defense of any action brought by a party other than the applicant challenging the approval or issuance of this permit.

**F. 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 Commission approved and certified the City's Local Coastal Program Land Use Plan (LUP) in March 2012. The City of Solana Beach was awarded an LCP Assistance Grant of \$120,000 in January 2014 by the Coastal Commission to be used for LCP preparation and certification. However, the City has not yet completed, nor has the Commission reviewed, any implementing ordinances. Thus, the City's LCP is not fully certified. Therefore, Chapter 3 of the Coastal Act is the standard of review.

The location of the proposed residential project is designated for commercial uses in the City of Solana Beach LUP, which allows for mixed use development in order to implement the mixed use concepts in the Highway 101 Corridor Specific Plan and the Housing Element of the City's General Plan. As proposed, the development is consistent with the density limitations, building setbacks, parking requirements, and height limits of the City's commercial zone standards. As described in the above findings, the proposed development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act.

Therefore, the Commission finds the proposed development, as conditioned, will not prejudice the ability of the City of Solana Beach to complete a certifiable local coastal program.

**G. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

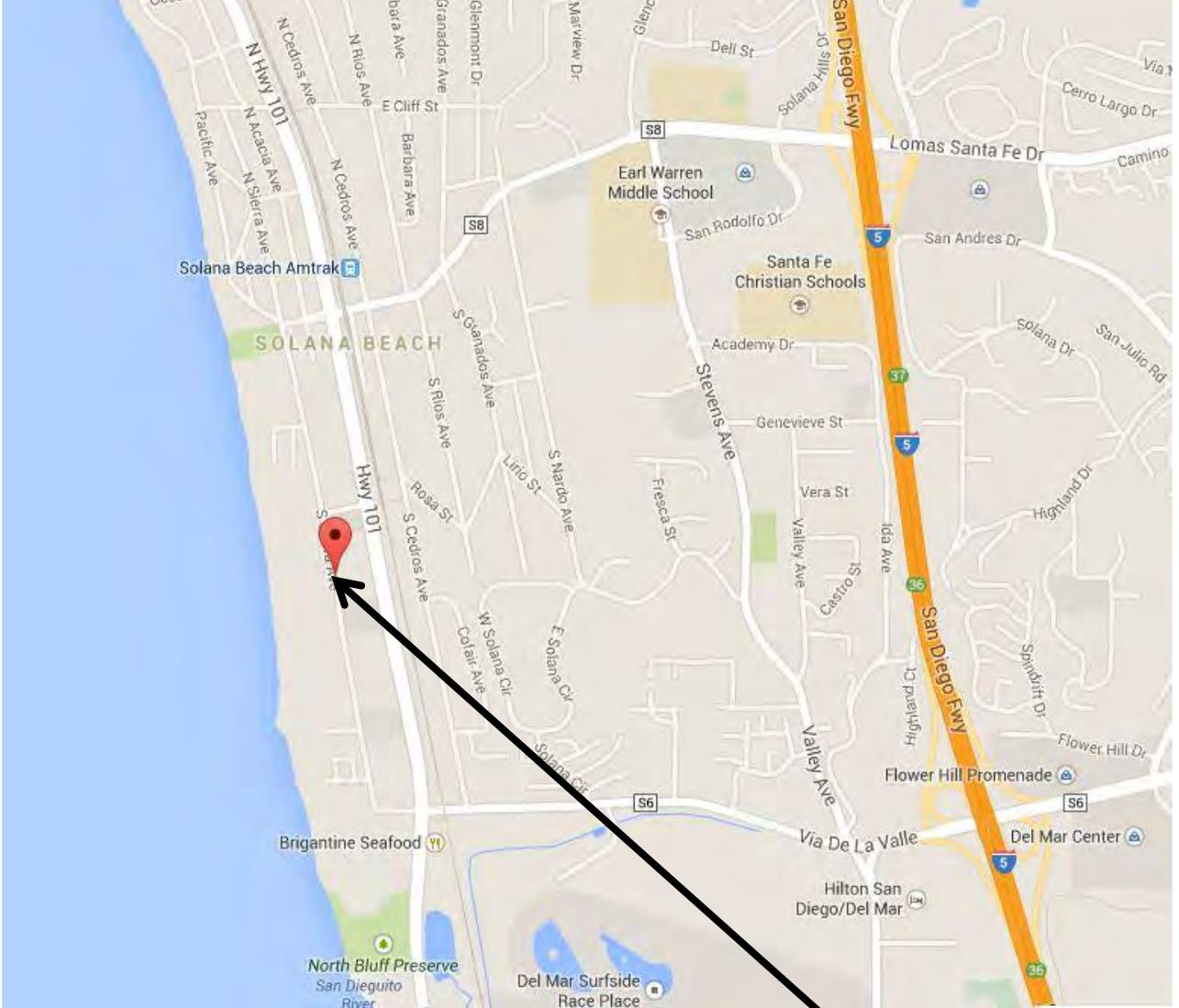
Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing the use of drought-tolerant landscaping, drainage and runoff control, erosion control, and temporary and permanent water quality best management practices will minimize all adverse environmental impacts. 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.

6-14-1033 (Hitzke Development Corporation)

## **Appendix A: Substantive File Documents**

City of Solana Beach certified Local Coastal Program Land Use Plan, Solana Beach Municipal Code, City of Solana Beach Highway 101 Corridor Specific Plan, CDP No. 6-08-038/City of Solana Beach, CDP No. 6-08-038-A1/City of Solana Beach



**Subject Site**

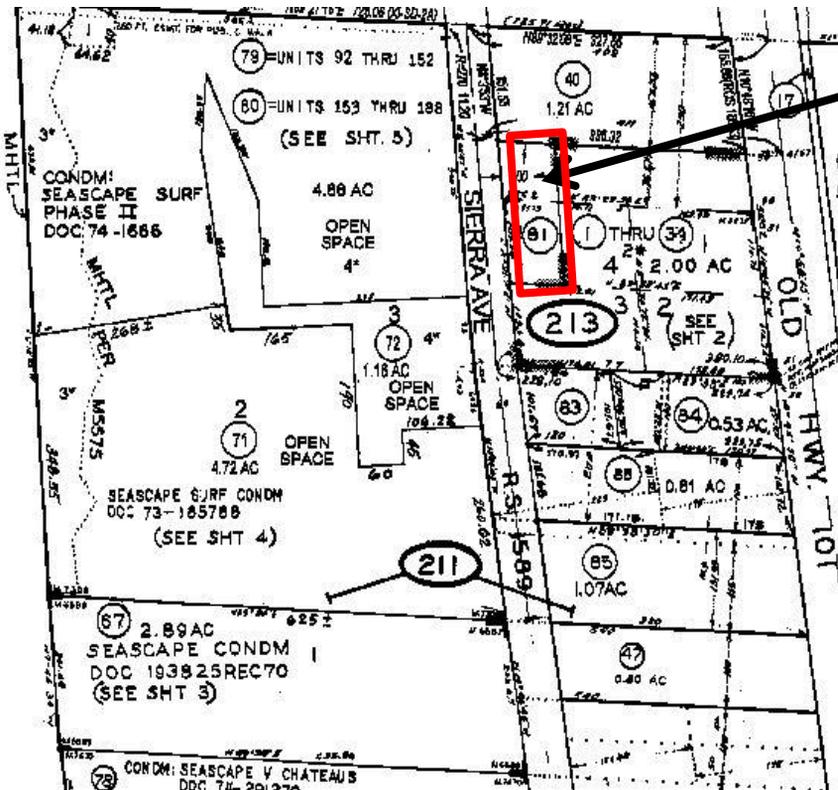
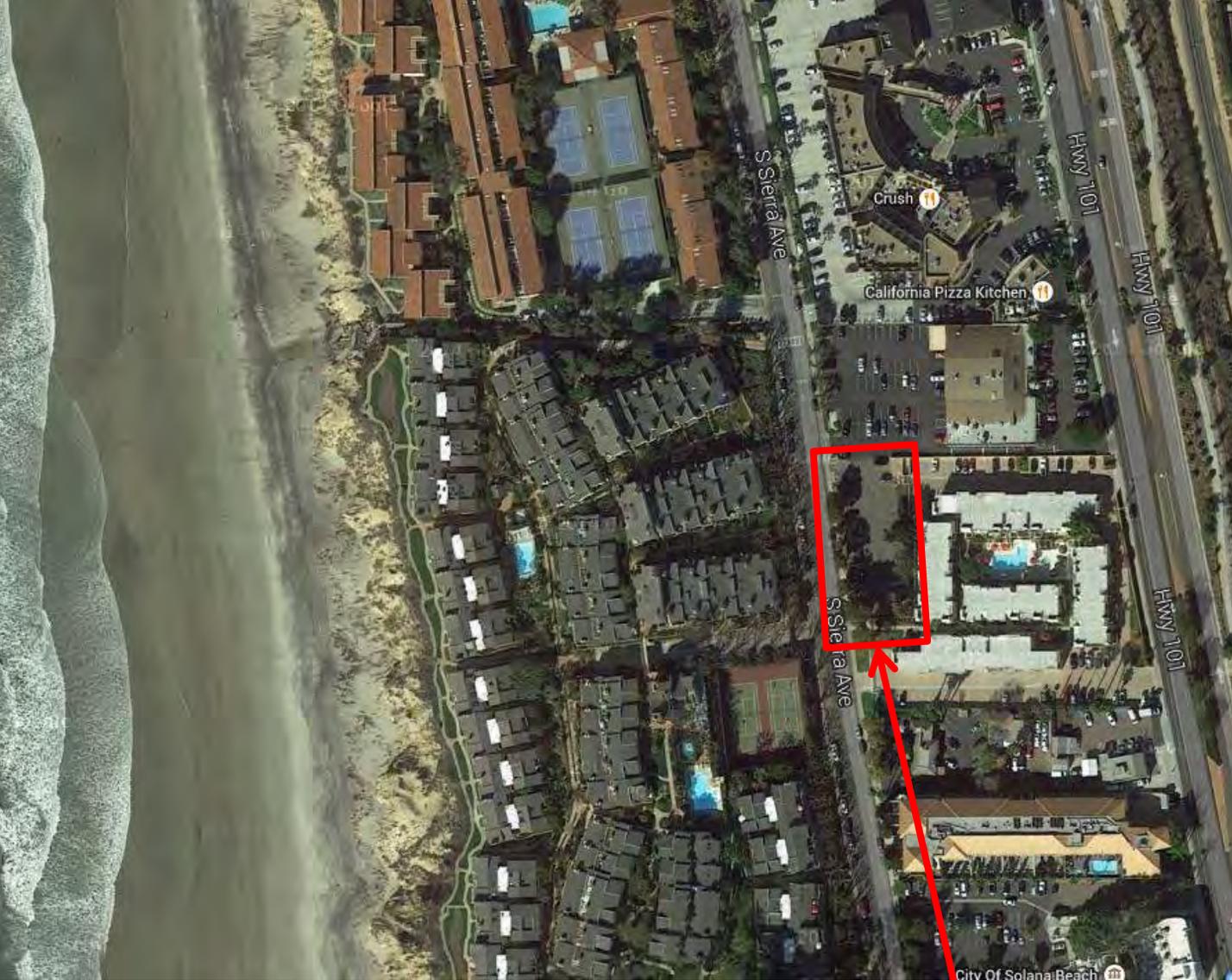


EXHIBIT NO. 1
APPLICATION NO.
<b>6-14-1033</b>
Vicinity Map
 California Coastal Commission



**Subject Site**



EXHIBIT NO. 2
APPLICATION NO. <b>6-14-1033</b>
Aerial View
 California Coastal Commission

**NO PARKING**  
2ND AND 4TH  
TUESDAY  
BETWEEN  
1 A.M. AND 7 A.M.  
STREET SWEEPING

**NO PARKING**  
1ST TUESDAY  
OF THE MONTH  
BETWEEN  
7 A.M. AND 9 A.M.  
PARKING LOT  
SWEEPING

CITY OF SOLANA BEACH  
PUBLIC  
PARKING  
LOT  
OPEN 6:00 A.M. CLOSED 10:00 P.M.  
SBMC 10.28.080 / C.V.C. 211113(A)  
PARK IN MARKED STALLS ONLY  
SBMC 10.28.035 / SBMC 10.28.205

EXHIBIT NO. 3
APPLICATION NO. <b>6-14-1033</b>
Existing Parking
Signage
 California Coastal Commission



**Sample / Option of Exterior Parking Sign**  
(scale to-be-dictated by Coastal Development Permit)

EXHIBIT NO. 4
APPLICATION NO. <b>6-14-1033</b>
Proposed Parking
Signage
 California Coastal Commission

CITY OF SOLANA BEACH

# PUBLIC PARKING

---

OPEN 6:00 AM CLOSED 10:00 PM

SBMC 10.28.205 / SBMC 10.28.080

---

PARK IN MARKED STALLS ONLY

SBMC 10.28.035 // C.V.C. 21113(a)

**Sample / Option  
of  
Interior, Individual  
PUBLIC Parking Sign**

(scale to-be-dictated  
by  
Coastal Development Permit)

# GENERAL PARKING

---

PARKING AVAILABLE TO  
THE PUBLIC

6:00 AM - 10:00 PM

---

PERMIT PARKING ONLY

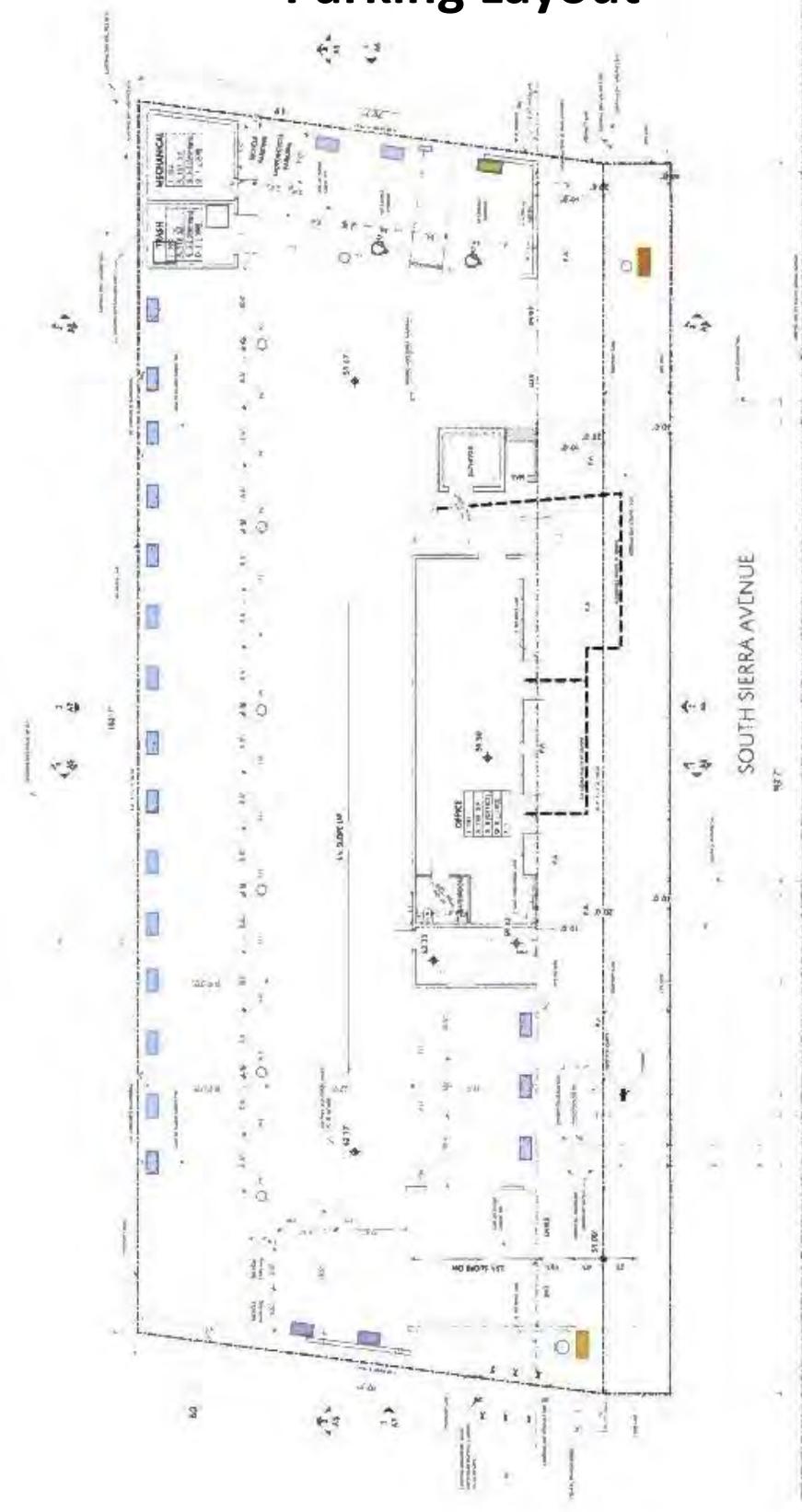
10:00 PM - 6:00 AM

**Sample / Option  
of  
Interior, Individual  
GENERAL Parking Sign**

(scale to-be-dictated  
by  
Coastal Development Permit)

# Proposed Ground-level Parking Layout

## Attachment 18 - Public Parking Plan



PROPOSED SITE PLAN LEVEL P1

-  approx. location of exterior public parking signs
-  approx. location of general use parking spaces

-  approx. location of individual, public interior parking signs

EXHIBIT NO. 5
APPLICATION NO. <b>6-14-1033</b>
Proposed Parking
Plan
 California Coastal Commission

# Attachment 18 - Public Parking Plan



FLOOR PLAN LEVEL P0

- approx. location of individual, public interior parking signs
- approx. location of exterior public parking signs
- approx. location of general use parking spaces



4



5



EXHIBIT NO. 6
APPLICATION NO.
<b>6-14-1033</b>
Proposed Development
Visual Simulation
California Coastal Commission



## CITY OF SOLANA BEACH

635 SOUTH HIGHWAY 101 • SOLANA BEACH, CALIFORNIA 92075-2215 • (858) 720-2400  
www.cityofsolanabeach.org FAX (858) 792-6513 / (858) 755-1782

August 22, 2014

Brittney Laver  
[Brittney.Laver@coastal.ca.gov](mailto:Brittney.Laver@coastal.ca.gov)

Re: CDP #6-14-1033, The Pearl

Dear Brittney;

On behalf of the City of Solana Beach, below please find the responses to your questions associated with the proposed mixed-use development, The Pearl, on the City's property located on the 500 block of South Sierra Avenue (APN: 298-211-81).

- **Parking Hour Restrictions:**  
After review of the City's records, we have been unable to find when the hour restrictions were placed on this specific lot. The working assumption among staff is that it predated the City's incorporation in 1986.
- **Junior Lifeguards Program:**  
The Junior Lifeguards Program is a City-run program. It has been in existence for over 40 years. This program is very important to the City of Solana Beach and this program will continue to be offered by the City to the youths of this community and surrounding communities. Also, it is important to note only recently in 2006 did the City start using this particular parking lot for drop-off and pick-up of program attendees. The City has other public parking lots close to this location that could be used during the construction period or permanently if desired.
- **Alleged Deed Restriction:**  
Independent of the title report the Applicant submitted as part of the project application file, the City commissioned an ALTA survey and a Property Information Guaranty on this property. No records or documents have been identified that contain use restrictions on the property. Opponents of the project have failed to provide the City any document that would support their contention that a restriction exists limiting the use for public parking only.

Please contact me should you have any additional questions.

Sincerely,

Johanna N. Canlas  
City Attorney  
City of Solana Beach

EXHIBIT NO. 7

APPLICATION NO.

**6-14-1033**

Letters from the City



California Coastal Commission



## CITY OF SOLANA BEACH

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September 11, 2014

Brittney Laver  
Coastal Program Analyst  
California Coastal Commission  
7575 Metropolitan Drive, Ste 103  
San Diego, CA 92108-4402

RE: CDP # 6-14-1033, The Pearl

Dear Ms. Laver;

The City's Junior Lifeguard Program for 2014 recently concluded. As the City staff evaluates programmatic needs for next year's program and the anticipated construction of The Pearl, several City-owned locations are under consideration; including but not limited, to the following:

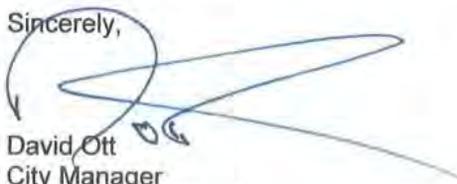
- Fletcher Cove Park: The City's Junior Lifeguard program was staged at the Fletcher Cove Park until about six years ago when it was moved to the City parking lot that is the project site for The Pearl.
- City-owned parking lot on the west side of South Sierra Avenue adjacent to the Seascape Shores: This site is ideal for its proximity to the Seascape Beach Access. At this location, Junior Lifeguard Program participants will not need to cross the street to reach the beach as they currently have to do.
- City Hall Parking lot: As in the summer of 2011, the City Hall parking lot served as the staging area for drop off and pick up for the Junior Lifeguard Program.

I cannot emphasize enough that the Junior Lifeguard Program, as a City program, will continue to be offered at a City facility best suited to address its programmatic needs.

As previously detailed in the letter from the City Attorney, the City did its due diligence, conducted an exhaustive search, and have obtained all available recorded documents from the County Recorder's Office related to its parking lot on the 500 block of South Sierra Avenue (APN: 298-211-81). No records or documents have been identified to contain use restrictions on the property. Again, throughout the discretionary permit process with the City and to date, project opponents have not provided any document evidencing the alleged public parking only use restriction.

The City looks forward to having a housing development that promotes affordability and coastal public access to Solana Beach as envisioned by the Coastal Act. We look forward to the anticipated favorable staff recommendation to make The Pearl a reality.

Sincerely,

  
David Ott  
City Manager  
City of Solana Beach

Attn: Britney Laver  
 Fax #: (619) 767-2384  
 Phone: (619) 767-2370

September 2, 2014

Dear Coastal Commission & Staff:

I recently stopped by the Coastal Commission office to review the application submitted by the Hitzke Development Corporation (herein referred to as "Applicant") for a Coastal Development Permit to develop the beach access parking lot located at 535 South Sierra Avenue (or approximately 500 South Sierra Avenue as the Applicant represents). In addition to the concerns with the impact on public beach access and recreation, I'm also concerned that the application contains responses that are inaccurate or misleading. I will be submitting separate documentation about the impact on public beach access and recreation on behalf of Save Our Beach Access, a group of local Solana Beach residents who opposed the usage of this parking lot for the development when it was proposed in 2011/12. Finally, I am also requesting a hearing to address the beach access and recreation impact issues with the Coastal Commission staff.

The property location is 535 South Sierra Ave and is identified by the City of Solana Beach (the "City") as public parking for beach access to Seascape Surf also known as Cherry Hill Beach. The following is a description of the beach access area, usages at the beach and the availability of public parking via this lot as described on the City's website for visitors (below).

[http://www.ci.solana-beach.ca.us/index.asp?SEC={7EAF816C-8241-41B6-B6E8-B3FC045CFE0C}&Type=B\\_BASIC](http://www.ci.solana-beach.ca.us/index.asp?SEC={7EAF816C-8241-41B6-B6E8-B3FC045CFE0C}&Type=B_BASIC)

"SEASCAPE SURF: Known to many surfers as Cherry Hill, Seascape Surf is situated approximately 1/2 mile south of Fletcher Cove. Public access to the Beach Park is provided via a stairway located at 501 S. Sierra Avenue. In addition to free street parking, free parking is also available in a public parking lot located across the street from the beach access. Public showers are located above the beach access, but there are no public restrooms. Wide sandy beaches provide excellent recreational opportunities for beach activities such as walking, jogging, and Frisbee throwing. Seascape Surf is also an excellent location for surfing, surf-fishing, swimming, body-boarding, snorkeling, and other water related activities. Lifeguards are on duty at Seascape Surf only during the summer months from 10:00 a.m. to 6:00 p.m."

The parking lot is also identified as a beach access parking lot and a preserved viewpoint in the City's Local Coastal Plan (LCP) and Land Use Plan (LUP). See Table 2.1 in Section 2 and Scenic Viewpoint #3 in Exhibit 6-1 of Section 6 of the City's LCP/LUP.

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 SAN DIEGO COAST DISTRICT

EXHIBIT NO. 8

APPLICATION NO.

6-14-1033

Letters of Opposition



Because the area of South Sierra where the public beach parking lot is located is primarily residential, much of the on-street parking is already limited due to the redlining of the curbs to enhance safety for entering into/exiting from the residential driveways as well as the public beach parking lot driveways. Although South Sierra Avenue is the first local road west of the ocean, it is not a through street. The next street is State Highway 1 which is the first public road in Solana Beach. The public beach parking lot is within 200 ft of the public beach access which leads to the stairway to Cherry Hill Beach.

The Applicant is listed as the Hitzke Development Corporation but the land is owned by the City and carries a deed restriction for public vehicular parking. The parking lot was built prior to Solana Beach incorporating as a city. As a condition of obtaining permits to build condominiums on South Sierra Avenue, the County of San Diego required the developers to dedicate and improve property for beach access parking and to provide a 12 foot plus easement access across their properties to the bluff. The parking lots and access easements were completed with the understanding that the County would build stairs between the bluff tops and the beach. In 1987, the County transferred this particular beach access parking lot to the City with the deed restriction just after the City incorporated.

I've outline my concerns with the application as identified by the application Section and item number. These are in no specific order of importance and are as follows:

## **Section II**

On page 2. Item 2. The description of the property implies replacement of the existing 31 parking spaces. The actual parking stall area will be reduced by 40% for the 31 existing parking spaces and the turnaround area is reduced by 24% so a comparable area is not being provided as required under the City LUP Policy 2.25. In addition, the parking spaces will no longer be visible from the street and will be intermixed with spaces for commercial usage and residential usage. Finally, the development requires a variance from the residential parking requirements under both the City's ordinance and the LCP/LUP. Neither the City nor the Applicant performed a site-specific study for providing fewer parking spaces than required as required under the City LUP Policy 2.41.

On page 2 Item 2.b. - The Applicant states that the existing and proposed lot size is 14,721 sq. ft. net. In fact, the actual net existing lot size and proposed lot size is only 12,721 sq. ft. net. In order to achieve their claimed lot size, the Applicant has included a 10 ft. wide by 182.6 ft. long strip of land lying within the public right of way, west of the property's west property line. The assumed purpose for including this area in the net acreage is to achieve a higher density than the property provides for even with the State density bonus included.

On page 2, Item 3 the cost of the development is listed as \$3,821,807 excluding the cost of the land. The cost of the project as outlined by the Applicant in their pro forma was a total of \$6,644,000 excluding the cost of the land.

On page 4, Item 9, the Applicant represents that there are 31 standard existing spaces that will be maintained. The 31 "standard spaces" are not being replaced; rather the Applicant is proposing including 31 parking spaces reduced 40% in size to be marked as public and moved out of sight to the public.

On page 4, Item 11, the Applicant does not mention the removal of several large Eucalyptus trees. There are currently 7 large Eucalyptus trees fronting the parking lot.

### **Section III**

Page 4, Item 1.a. The Applicant represents that the existing 31 parking spaces will be replaced. As noted above, the actual parking stall area will be reduced by 40% for the 31 existing parking spaces and the turnaround area is reduced by 24% so a comparable area is not being provided as required under the City LUP Policy 2.25. In addition, the parking spaces will no longer be visible from the street and will be intermixed with spaces for commercial usage and residential usage. The development requires a variance from the residential parking requirements under both the City's ordinance and the LCP/LUP. Neither the City nor the Applicant performed a site-specific study for providing fewer parking spaces than required as required under the City LUP Policy 2.41. Finally, the Applicant does not address changes to the redlining of the curbs in front of the development which will likely be required since the open parking lot is being replaced with a 35' high building setback only 10 ft from the curb.

On Page 5, Item 4 a. 535 South Sierra Avenue (or approximately 500 South Sierra Avenue as the Applicant represents) is between the sea and the first public road, State Hwy 1.

On Page 5, Item 4.c. The Applicant states that there will be no effect on public access to and along the shoreline. This parking lot is heavily used by beach goers, participants in the Junior Lifeguard Program and visitors wanting to enjoy the viewpoint from the bluff. As indicated above there is a 40% reduction in the public parking area, the turnaround areas is also being reduced by 24%, the public will have no visibility of available spaces, both the variance in the residential component including the lack of guest spaces and the commercial demand will impact public usage for beach access especially during the already congested months between Memorial and Labor Day. Neither the Applicant nor the City conducted a site specific parking study to determine possible impact. The Applicant has submitted a Traffic Study with their application. The Traffic Study itself is inadequate using outdated (2000) methodology when newer (2010) methodology was available and the data points used were 2 dates in October which would not be representative of the impact during the beach season.

On Page 6, Item 7. The Applicant fails to identify that there are no onsite recreational facilities for the residential units in the proposed project, that the Junior Lifeguard Program will likely have to be moved and that there is a 40% reduction in the public parking area and the size of the parking stalls which at minimum will preclude types of vehicles able to utilize the parking lot.

On Page 6, Item 10. The proposed development will be visible from State Hwy 1. There is about a 40 ft wide viewing area onto South Sierra Avenue (between the (FIT- previously Frog Gym - and the Sand Pebble Time Share) from State Hwy 1. Both a pedestrian on the West or East side of State Hwy 1 or passengers in a vehicle or a cyclist traveling Northbound or Southbound on State Hwy 1 can see the beach access local road - South Sierra. About 2/3<sup>rd</sup> of this view area will be blocked by the project as the North side setback is just 2 feet from the property line.

Thank you for the opportunity to express my concerns. I look forward to hearing back from you on my request for a hearing with the Coastal Commission staff.

Marilyn K. Jones  
Solana Beach Resident  
Representative Save Our Beach Access  
567 S. Sierra Ave, Unit 84  
Solana Beach, CA 92075  
(858) 922-2459

## Cherry Hill Beach Access

Cherry Hill is the name of a stretch of beach located in Solana Beach. Beach goers who are going to Cherry Hill beach use the public beach access less than 20 yards away. Many park in the lot across the street at 500 S. Sierra Avenue which has been used as a public parking lot for over 40 years.

### Positive Information to retain the 500 S. Sierra Avenue Cherry Hill beach access parking lot in its present location;

- This property was deed restricted for parking - providing for beach access parking indefinitely and the opportunity to increase beach access through additional parking in the future.
- It is convenient, safe, and allows easy access to enter and exit the parking lot onto Sierra Avenue for beach families and surfers.
- The current entrance and exit from the parking lot does not currently conflict with the neighboring driveways and pedestrian cross walks providing safety to pedestrians and drivers.
- The 9x9 parking stalls allow for easy entering and exiting.
- It allows for a wide 29 foot turning radius to enter stalls.
- It has excellent parking and access for all sizes of vehicle's vans, suvs, and trucks. It is easy and convenient for beach goers that are loading or unloading. Also they will not have a clearance problem.
- The lot is used from mid June until late August for the Junior Life Guard program. They use it 5 days a week from 7:00 A.M. until 4:00P.M. The cross walk that they use to walk to the beach access and parking lot is only 20 yards away which allows for a short safe entrance and exit while crossing S. Sierra.
- Excellent process of 2 car lanes moving swiftly thru the parking lot especially at the peak hours for drop off and pickup of Junior Life Guards.
- Open space parking lot provides for limited traffic impact with present flow from Junior Life Guard program and beach goers.
- Open space parking lot provides for maximum use of street parking as reduces redlining (no parking) required.
- Excellent vegetation for shade with mature trees surrounding the lot.

*Bill Gifford*

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CALIFORNIA  
COASTAL COMMISSION  
SOUTH COAST DISTRICT

## Cherry Hill Beach Access

### **Reasons to reject the Hitscke Development at 500 S. Sierra;**

- The city is violating deeded instructions that mandate 500 S. Sierra as a parking lot indefinitely.
- The City of Solana Beach denied Seascape Sur a view assessment improperly.
- Improper density bonus calculations to over build the housing project.
- Major safety concerns as street levels entrance and exits are one single driveway directly opposite Seascape Sur's entrance.
- This will eliminate a convenient separate entrance/exit drive thru for parents dropping off and picking up Junior Life Guards 5 days a week. A very important safety issue.
- The City of Solana Beach claims to be replacing 31 parking stalls even though the area they designated is much smaller than the present parking lot.
- **They are not replacing like for like**, (if 8 feet 6 inch) stalls were used in the present lot the lot would contain 37 parking stalls.
- Parking stalls presently are 9 feet 9 inches wide and will shrink to compact car size to 8 feet 6 inches wide.
- Originally 31 parking spots were to be located on the street level for beach use. That now has been changed to 22 stalls at street level with 9 stalls below ground (useless).
- The parking lot turning radius is presently 29 feet wide easily handling 2 car wide drive thru this will shrink to 22 foot turning radius.
- There is no guarantee that the 22 small 8 foot 6 inch parking stalls at street level will be available for beach access participants.
- There is no turn around area on either parking levels unless there is an empty stall.
- There is no way to tell if parking spots are available until entering the lot (certainly underground creating possible traffic back up especially if more than 1 car has entered that level).
- The nearest parking areas are 500 feet South (City Hall) and 900 feet North (city parking lot). This distance makes it very inconvenient to carry surf boards and beach equipment to the beach.
- During the view assessment period the 500 S. Sierra parking lot was closed. Local businesses posted 'no parking-tow away signs'. Streets filled up early as Cherry Hill is the most convenient and popular beach access in Solana Beach.
- All mature shade trees will be removed if this project is allowed to be built.