

**CALIFORNIA COASTAL COMMISSION**

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



Click for original  
staff report

# F16a

## Addendum

April 8, 2014

To: Commissioners and Interested Persons

From: California Coastal Commission  
San Diego Staff

Subject: Addendum to **Item F16a**, Coastal Commission Permit Amendment  
**#6-05-040-A3 (Solana Beach Distillery Parking Time Limits)**, for the  
Commission Meeting of April 11, 2014

---

Staff recommends the following changes be made to the above-referenced staff report.  
Language to be added is underlined and language to be deleted is ~~struck out~~.

1. On Page 6 of the staff report, the sentence beginning the Special Conditions section shall be revised as follows:

### **III. SPECIAL CONDITIONS**

The following Special Conditions 1 through 12 include all the applicable conditions pursuant to the original approval and the subsequent amendments.  
These special conditions supersede those required by CDP 6-05-040 and its subsequent amendments in their entirety:

2. On Page 6 of the staff report, Special Condition 1 shall be revised as follows:

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

3. On Page 8 of the staff report, Special Condition 5 shall be revised as follows:

Deed Restriction. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT (6-05-040-A3)**, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the “Distillery Lot” area, as generally depicted in Exhibit No. 7 of this permit, within the parcel governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal descriptions of the entire “~~Distillery Lot~~” parcel governed by this permit and the Distillery Lot area within the parcel and corresponding graphic depictions. 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. This deed restriction shall supersede and replace the deed restriction recorded pursuant to Special Condition #11 of Coastal Development Permit #6-05-040, approved on June 8, 2005, which deed restriction is recorded as Instrument No. 2006-0607317 in the official records of San Diego County, as well as the deed restriction recorded pursuant to Special Condition #15 of Coastal Development Permit #6-05-040-A2, approved on March 7, 2012, which deed restriction is recorded as Instrument No. 2012-0263578 in the official records of San Diego County.

4. On Page 9 of the staff report, the following sentence before Special Condition 8 shall be omitted:

~~The following special conditions of CDP #6-05-040 and its subsequent amendments remain in full effect and are not changed by this amendment:~~

5. On Page 17 of the staff report, the first sentence of the last paragraph shall be revised as follows:

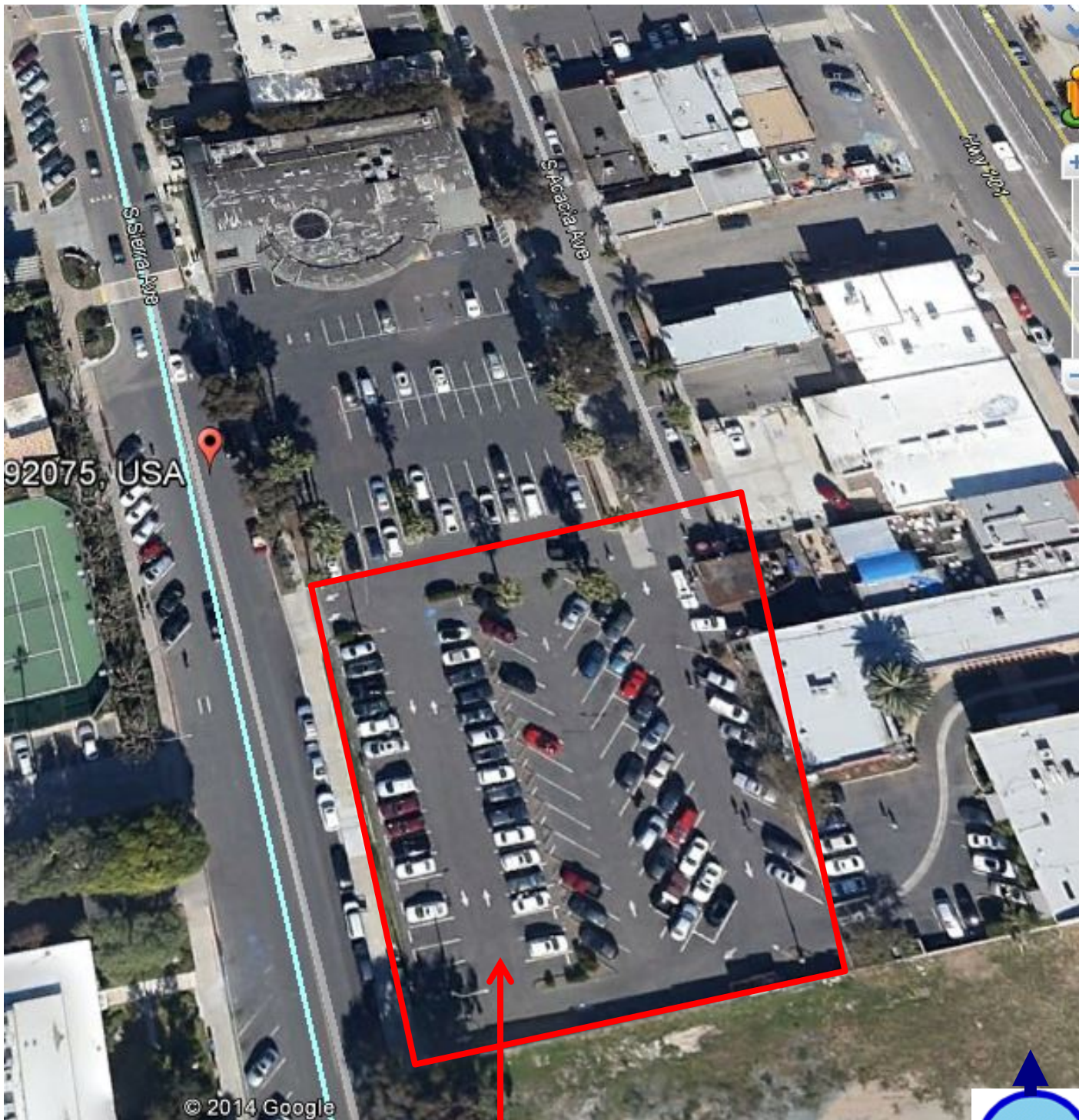
Trends in the parking monitoring data demonstrate that when the Distillery Lot is over 85% full, ~~percent~~ parking occupancy increases occur mainly at the street parking areas of Pacific Ave., N. Acacia, and N. Sierra, suggesting that the spillover from the Distillery Lot may be impacting parking availability on these streets, but that there are still spaces available.

6. On Page 18 of the staff report, the first sentence of the second paragraph shall be revised as follows:

Thus, rather than approve the proposed time restrictions permanently, Special Condition #1 and #2 require that the term of the restrictions be limited to five years

from the date of Commission approval, with a new parking monitoring survey performed ~~on~~ throughout the ~~final~~ fourth year of restriction.

7. Exhibit 7 shall be added to the end of the staff report, as attached.



74 City-owned spaces (4 hour limit) +  
8 leased spaces (2 hour limit)

EXHIBIT NO. 7

APPLICATION NO.

**6-05-040-A3**

Distillery Lot

Deed Restricted Area



California Coastal Commission

**CALIFORNIA COASTAL COMMISSION**

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



# F16a

Filed: 10/4/13  
180<sup>th</sup> Day: 4/2/14  
270<sup>th</sup> Day: 7/1/14  
Staff: B. Laver-SD  
Staff Report: 3/13/14  
Hearing Date: 4/9-11/14

## STAFF REPORT: AMENDMENT REQUEST

**Application No.:** 6-05-040-A3

**Applicant:** City of Solana Beach

**Agent:** Dan Goldberg

**Location:** 140 S. Sierra Avenue, Solana Beach, San Diego County  
(APN 298-010-63)

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

**First Amendment** Modify the renovation of Fletcher Cove Beach Park to include new pedestrian walkways, revised vehicle access, 33 parking spaces, tot lot, basketball court, boardwalk, grassy area, retaining walls, landscaping, and permanent irrigation devices.

**Second Amendment** Place a four hour time limit on 74 spaces and a two hour limit on eight spaces at the Distillery Parking Lot for a one-year period.

**Proposed Amendment:** Retain the 4-hour and 2-hour time limits in the Distillery Lot permanently.

**Staff Recommendation:** Approval with Conditions

## SUMMARY OF STAFF RECOMMENDATION

Staff is recommending **approval** of the proposed amendment request with conditions. As conditioned, the project has the potential to create an improved distribution of available public parking opportunities and is not expected to adversely impact public access or recreation opportunities.

The primary Coastal Act issues associated with this project include public beach access and recreation and the availability of public beach parking in the Fletcher Cove vicinity of Solana Beach. The subject parking lot is located directly southeast of the Fletcher Cove Beach parking lot and public park in the City of Solana Beach. When the Commission approved redevelopment of Fletcher Cove Beach Park in 2005, it found that the loss of public parking spaces at Fletcher Cove would be offset by designating additional public parking spaces at the Distillery Lot (CDP #6-05-040). However, in 2011, the City of Solana Beach indicated that the Distillery Lot was not being used by public beach goers, but was instead being largely occupied by nearby business employees. Thus, in 2012, the Commission approved a permit to restrict parking in the Distillery Lot to a 4-hour time limit on 74 spaces and a 2-hour time limit on 8 spaces for a one year period (CDP #6-05-040-A2).

During the one-year trial period, the City of Solana Beach conducted a parking monitoring survey to document the distribution of parking at the Distillery Lot and designated nearby parking areas with conditional parking time limits in place at the subject lot. The survey demonstrates that the parking time limits at the Distillery Lot have not resulted in a decrease in the amount of available public beach parking, as a significant amount of parking remained available in the nearby lots and streets during peak season at prime beach-going hours.

However, the study also confirms that the area surrounding the Distillery Lot continues to be in high demand. This raises concerns about future parking availability with population and tourism increases and the potential for intensified use of the Fletcher Cove Community Center, especially as multiple public parking areas in the vicinity are already often near capacity during prime beach-going hours. Several proposed beach replenishment projects may also impact the demand for beach parking in the area. As conditions change, it is unclear whether the proposed time restrictions will restrict public access, or promote access by encouraging turnover.

Therefore, to address potential adverse impacts to public access and recreation, staff is recommending **Special Condition Nos. #1 and #2** to allow the parking time limits at the Distillery Lot to persist for five years from the date of approval of this permit amendment. **Special Condition #3** requires the applicant to conduct a parking monitoring survey throughout the fourth year of the permit life that mirrors the parameters of the survey submitted with the amendment request for CDP 6-05-040-A3. These conditions will allow reassessment of parking availability in the Fletcher Cove vicinity in the near future.



In addition, **Special Condition #4** requires the placement of additional signage to inform the public of the location of public parking areas around Fletcher Cove. **Special Condition #5** requires that the terms of the permit be recorded as a deed restriction against the property, and **Special Condition #6** requires that the Special Conditions be complied with within 90 days of Commission action. The remaining Special Conditions are on-going requirements of the previous permit actions.

PLEASE NOTE: Because the subject permit has been amended several times with a variety of different on-going and short-term conditions, for ease of comprehension, all of the applicable permit conditions have been revised and renumbered through this permit amendment.

Commission staff recommends **approval** of coastal development permit amendment 6-05-040-A3 as conditioned.

## TABLE OF CONTENTS

<b>I.</b>	<b>MOTION AND RESOLUTION.....</b>	<b>5</b>
<b>II.</b>	<b>STANDARD CONDITIONS.....</b>	<b>5</b>
<b>III.</b>	<b>SPECIAL CONDITIONS.....</b>	<b>6</b>
<b>IV.</b>	<b>FINDINGS AND DECLARATIONS.....</b>	<b>12</b>
	A. PROJECT HISTORY.....	12
	B. AMENDMENT DESCRIPTION.....	13
	C. PUBLIC ACCESS/RECREATION.....	13
	D. UNPERMITTED DEVELOPMENT.....	18
	E. LOCAL COASTAL PLANNING .....	19
	F. CALIFORNIA ENVIRONMENTAL QUALITY ACT.....	19

## APPENDICES

Appendix A – Substantive File Documents

## EXHIBITS

Exhibit 1 – Previous Special Conditions

Exhibit 2 – Vicinity Map

Exhibit 3 – Aerial Map

Exhibit 4 – Parking Study Subject Sites

Exhibit 5 – Parking Study Graphs

Exhibit 6 – Existing Signage



## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** the proposed amendment to Coastal Development Permit Application No. 6-05-040-A3 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 amendment 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 amendment 6-05-040-A3 and adopts the findings set forth below on grounds that the development as amended and 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

The following special conditions supersede those required by CDP 6-05-040 and its subsequent amendments in their entirety:

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

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

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

a. Monitoring shall be conducted throughout the fourth year for which the permit authorizes the parking restrictions.

b. Monitoring shall occur at the following locations:

- The Distillery Lot parking spaces.
- Fletcher Cove Beach Parking Lot
- The public parking lot on the west side of S. Sierra Avenue immediately north of the Solana Beach Tennis Club parking lot.
- Public street parking within the following limits:
  - The public street parking along S. Sierra Avenue from the Distillery Lot south to Dahlia Drive.

- The public street parking along Pacific Street from W. Plaza Street north to Hill Street.
- The public street parking on N. Helix Street.
- The public street parking along N. Sierra Avenue from W. Plaza Street north to Estrella Street.
- The public street parking along N. Acacia Avenue from W. Plaza Street north to Estrella Street.

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

- Once monthly on one Saturday and one weekday during the off-season months of February, April and September. Monitoring needs to occur on Labor Day and the Saturday of Labor Day weekend.
- Twice monthly on one Saturday and one weekday during the summer months of June, July and August.
- Monitoring of the parking lots shall occur on the same day as monitoring of the surrounding neighborhood.

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

- Parking counts taken at the approximate hours of 10:00 a.m. and 2:00 p.m. on every monitored day; recordation of weather during each count;
- Documentation of both actual car counts and percentage of occupancy, including documentation of total parking spaces available.

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

- Once monthly on one Saturday and one weekday during the off-season months of February, April and September. Monitoring needs to occur on Labor Day and the Saturday of Labor Day weekend.
- Twice monthly on one Saturday and one weekday during the summer months of June, July and August.
- Monitoring of the surrounding neighborhood shall occur on the same day as the monitoring of the parking lots.

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

- Parking counts taken at the approximate hours of 10:00 a.m. and 2:00 p.m. on every monitored day; recordation of weather during each count;
- Documentation of both actual car counts and percentage of occupancy, including documentation of total parking spaces available.

Results of the monitoring with an additional final parking analysis report shall be submitted to the Coastal Commission at the end of the fourth year for which the permit authorizes the parking restrictions. The report shall include documentation of any modifications made to existing street parking (i.e. reductions of existing spaces by red curbing, curb cuts, no parking signs, installation of automated parking fee devices, etc.). The report shall also include a summary of any complaint reports from the public since the date of approval of this permit amendment. Data shall be presented in tables and graphs and shall compare the number of open parking spaces in the surrounding designated public parking lots and street parking areas to the usage of the Distillery Parking Lot.

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

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

- a. Signage at the Fletcher Cove lot shall direct the public to additional public parking at the Distillery Lot.
- b. Signage at the Distillery Lot shall clearly indicate the availability of the 74 spaces for beach parking with their time restrictions as well as times at which the remaining 50 spaces are available for beach parking.
- c. Additional signage shall be added at the Distillery Lot to indicate the location of available public parking in the area with a simplified map and language stating "Additional public and beach parking available in these locations:"

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

conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

6. Condition Compliance. **WITHIN 90 DAYS OF COMMISSION ACTION ON THIS CDP AMENDMENT**, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

7. Prior Conditions of Approval. All other terms and conditions of the original approval of Coastal Development Permit #6-05-40, as amended, not specifically modified by amendment #6-05-040-A3, shall remain in full force and effect and become part of Amended Coastal Development Permit #6-05-40-A3.

The following special conditions of CDP #6-05-040 and its subsequent amendments remain in full effect and are not changed by this amendment:

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

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of storm water produced on site by each runoff event, up to and including the 85<sup>th</sup> percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner.
- (c) Drainage from the parking areas, driveway area, and other impervious surfaces on the site shall be directed through vegetative or other media filter devices effective at removing and/or mitigating contaminants such as petroleum hydrocarbons, heavy metals, and other particulates.
- (d) Opportunities for directing runoff into pervious areas on-site for infiltration and/or percolation of rainfall through grassy swales or vegetative filter strips

shall be maximized where geotechnical concerns would not otherwise prohibit such use.

- (e) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. The plan shall include an identification of the party or entity(ies) responsible for maintaining the various drainage systems over its lifetime and shall include written acceptance by the responsible entity(ies). Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to and during each rainy season, including conducting an annual inspection no later than September 30<sup>th</sup> each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.
- (f) Sweeping of all impervious parking lot surfaces shall be conducted on a regular basis (e.g., monthly or weekly) using a vacuum regenerative sweeper or equivalent method that removes trash and particulate matter.

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

9. Implementation of Drainage and Polluted Runoff BMPs. The applicant shall install/implement drainage and polluted runoff control BMPs consistent with the plans approved pursuant to Special Condition #10 of this permit amendment. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

10. Final Revised Plans. The applicant shall submit to the Executive Director for review and written approval, final site, grading, and building plans for the permitted Fletcher Cove Beach Park development. Said plans shall be in substantial conformance with the site plan shown on Exhibit #4 of Amendment #6-05-40-A1 staff report. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

11. Final Landscape Plans. The applicant shall submit for the review and written approval of the Executive Director, a final landscaping and irrigation plan for the Fletcher Cove Beach Park development that incorporates the following:

- a. A plan showing the type, size, extent and location of all existing and proposed plant materials on the site and clearly indicating those to be retained and those proposed for removal.
- b. All new plant material shall consist of low growing, drought tolerant native, non-invasive plant materials. New trees or other plants shall be prohibited in areas that could adversely affect public views of the ocean.
- c. All existing permanent irrigation devices located within 100 feet of the bluff edge shall be removed.
- d. Any proposed permanent irrigation systems must be located at least 100 feet landward of the bluff edge and include effective measures so that all runoff or irrigation water will be directed away from the bluff and into the nearby low-flow diversion system and will not enter into groundwater. The design shall include an impervious clay layer and drainage system to be installed beneath any permanent irrigation devices in order to prevent infiltration of runoff or irrigation water into the bluff. The impervious clay layer shall be a minimum of twelve inches thick and shall have a maximum hydraulic conductivity of  $1 \times 10^{-6}$  cm/sec. The clay layer shall be capped by a layer of sand with minimum hydraulic conductivity of  $1 \times 10^{-2}$  cm/sec, containing perforated drainage pipes designed to collect groundwater and carry it to the street.
- e. The use of rodenticides and pesticides is prohibited.
- f. The use of fertilizer shall be minimized and the method of application shall be managed so that there will be no measurable discharge to coastal waters.
- g. A written commitment by the applicant that all required plantings shall be maintained in good growing conditions, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.

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

12. Shoreline Protection Waiver. The applicant agrees, on behalf of itself and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development



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

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

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

##### **A. PROJECT HISTORY**

The original CDP #6-05-040, approved by the Commission in June of 2005, involved the removal of 60 parking spaces within the 93-space asphalt parking lot at Fletcher Cove in the City of Solana Beach and the construction of a grassy recreation area in their place. The permit also granted after-the-fact approval of the unpermitted 74-space parking area at the Distillery Lot which was acquired and developed by the City of Solana Beach in 1994. Fletcher Cove Beach Park, a popular beach-going area of Solana Beach and the main beach access point in the City, is located on the west side of South Sierra Avenue, at the western terminus of Plaza Street. The Distillery Lot is located at 140 South Sierra Avenue, on the east side of South Sierra Avenue behind several commercial buildings that front Highway 101 and Plaza Street. The Distillery Lot is approximately 250 to 300 ft. southeast of Fletcher Cove.

In order to make up for the loss of 60 beach parking spaces at Fletcher Cove, 74 parking spaces at the Distillery Lot were made available for beach parking. Signage at the Distillery Lot was required as a special condition in order to clearly indicate to the public that the 74 unrestricted parking spaces were available for public beach parking at all times.

Permit amendment #6-05-040-A1, approved by the Commission in February of 2006, involved modification of the proposed grassy recreational area at Fletcher Cove Park to include the specific details of the renovation plans. Modifications included new pedestrian walkways, revised vehicle access, 33 parking spaces, grassy areas, retaining walls, landscape improvements, and a permanent irrigation system. The amendment also removed the special condition which prohibited installation of permanent irrigation

systems, to require removal of all existing permanent irrigation devices located within 100 feet of the bluff edge.

Amendment request #6-05-040-A2 proposed permanent 4-hour time restrictions on the 74 unrestricted parking spaces and 2-hour time limits on eight leased parking spaces at the Distillery Lot. However, there was significant public opposition to the time restrictions, and the Commission was concerned that the restrictions would result in employees using the surrounding unrestricted public parking spaces and displacing beach users. Therefore, in March 2012, the Commission approved the restrictions on a one-year trial basis with a detailed monitoring program to assess the impact of the restrictions. Signage was installed and enforcement of the conditional time restriction signs began in June of 2012.

## **B. AMENDMENT DESCRIPTION**

The proposed amendment request would amend Special Condition No. 10 of the permit amendment to make the one-year parking time restrictions in the Distillery Lot permanent, with a 4 hour time limit on 74 existing public parking spaces and a 2 hour time limit on 8 existing spaces that are being leased by an adjacent business. The current signage, indicating the 4-hour limit on 74 spaces between the hours of 6 a.m. and 7 p.m. except on Sundays and holidays when there will be no restrictions and the 2-hour limit on 8 spaces between the hours of 6 a.m. and 7 p.m. except on Sundays and holidays when there will be no restrictions, is to remain. No meters or fee machines are proposed as part of the parking time limitations, nor is any remodeling or repaving of the parking lot proposed as part of the project. The existing sign posts are no higher than surrounding parking time limit posts and do not include monument signs or any signage that could be considered visually intrusive.

According to the terms of the permit, the one-year trial period ended in June 2013. On October 4, 2013, the City submitted the subject amendment request to retain the restrictions. However, the signs have not been removed and the City is still enforcing the time restrictions.

The City of Solana Beach has a certified Land Use Plan (LUP), which is used for guidance. The standard of review for the proposed development is the Chapter 3 policies of the Coastal Act.

## **C. PUBLIC ACCESS/RECREATION**

The following Coastal Act policies relate to the proposed amendment request:

### Section 30210

*In carrying out the requirements of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public*

6-05-040-A3 (City of Solana Beach)

*safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30211

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

Section 30212

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

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

*(2) adequate access exists nearby, or, ....*

Section 30212.5

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

Section 30213

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

Section 30221

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

Section 30223

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

The 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 2.25: 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 2.26: The implementation of restrictions on public parking, which would impede or restrict public access to beaches, trails or parklands, (including, but not limited to, the posting of “no parking” signs, red curbing, physical barriers, imposition of maximum parking time periods, and preferential parking programs) shall be prohibited except where such restrictions are needed to protect a documented threat to public safety and where no other feasible alternative exists to provide public safety. Where feasible, an equivalent number of public parking spaces should be provided nearby as mitigation for impacts to coastal access and recreation.*

*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.*

Currently, there are a fair amount of public parking spaces in Solana Beach’s coastal region. In addition to the 74 spaces at the Distillery Lot, the Fletcher Cove Beach Lot currently provides 33 unrestricted spaces and the public parking lot immediately north of the Solana Beach Tennis Club provides 37 unrestricted spaces. Unrestricted public street parking opportunities near the Distillery Lot include parking along North and South Acacia Avenue, North and South Sierra Avenue, Pacific Avenue, and North Helix Avenue. Restricted public parking opportunities near the Distillery Lot include parking along South Highway 101 that is currently limited to a 2 hour time period.

When the Commission originally approved #CDP 6-05-040, which included the loss of the 60 public parking spaces within Fletcher Cove Park, it did so in part because a Fletcher Cove Parking Study conducted by Katz, Okitsu, & Associates in February-March of 2005 concluded through parking occupancy counts in the nearby public parking lots and street parking areas that there was a significant amount of empty parking spaces to meet parking demands in the Fletcher Cove vicinity during peak beach-going hours. In addition, Special Condition No. 9 of #CDP 6-05-040 required an additional Parking Demand Monitoring Program, which asked for a two-year analysis following the elimination of the 60 parking spaces at Fletcher Cove that determined the effects on public parking availability in the Fletcher Cove vicinity. This study, conducted by RBF Consulting, was received in December 2008 and concluded that the 60-space loss at Fletcher Cove did not result in a parking shortage as a significant amount of parking

remained available in the nearby lots and streets during peak season at prime beach-going hours. The Commission also required that 74 unrestricted parking spaces at the Distillery Lot remain available to the general public, and that the lot have adequate signage identifying that the 74 spaces are available at all times to the general public.

However, many of the existing commercial developments near Fletcher Cove were constructed prior to the incorporation of the City of Solana Beach and fail to meet the City's current parking standards. The City has suggested that as a result of this, the Distillery Lot is being heavily used during the workweek by employees and patrons of the surrounding businesses. Therefore, in October 2011 the City proposed implementing time limitations on the Distillery Lot to help alleviate overcrowding of the lot during daytime business hours when, according to the City, it is used primarily as all-day parking for nearby residents and employees of local businesses along the Highway 101 corridor (#6-05-040-A2). In addition, because the Distillery Lot is designated public beach parking, the restrictions were intended to improve public parking availability and enhance public access and recreational opportunities at Fletcher Cove Beach Park.

The Commission has historically found that in beach areas, a minimum 4-hour time limit is necessary to serve the beach-going public (See CDP #A-6-DMR-04-024/Del Mar Parking Meters; CDP #6-11-079/Hwy 101 Street Improvements). However, in order to fully assess the impact of the time restrictions on the surrounding public parking areas, the Commission approved amendment #6-05-040-A2 on a one-year trial period including a condition that required monitoring parking at the Distillery Lot and the surrounding parking areas.

With the completion of the one-year trial period and application for amendment request #6-05-040-A3, the City submitted the Parking Monitoring Program conducted from June 2012 to June 2013. The City of Solana Beach reported receiving approximately five public opposition phone calls during the one-year trial period, all from nearby business owners or their employees pertaining to the inability to park long-term at the Distillery Lot. There were no modifications made to existing street parking in the area during the one-year trial period. Analysis of the car counts and percent parking occupancy of the required monitoring areas concluded that the parking time limits at the Distillery Lot did not result in a parking shortage as a significant amount of parking remained available in the nearby lots and streets during peak season at prime beach-going hours.

Trends in the parking monitoring data demonstrate that when the Distillery Lot is over 85% full, percent parking occupancy increases occur mainly at the street parking areas of Pacific Ave., N. Acacia, and N. Sierra, suggesting that the spillover from the Distillery Lot may be impacting parking availability on these streets, but that there are still spaces available. The Fletcher Cove lot is almost always over 85% full, regardless of the percent parking occupancy at the Distillery Lot at the time. Notably, when the Distillery Lot is over 85% full, the parking spaces at the Tennis Club lot, S. Sierra, and N. Helix are often less than 50% occupied. Regardless of the percent parking occupancy at the Distillery Lot, the Tennis Club lot never exceeds 40% occupancy. Thus, it appears that some of these lots that are further away from Fletcher Cove (but still within walking distance) may not be known to the public. As a whole, the seven monitored parking areas in the

vicinity of the Distillery Lot never exceed 76% occupancy. This signifies that during the monitoring times, there were always at least 70 out of the total 292 spaces available in the vicinity of the Distillery Lot, regardless of the percent parking occupancy at the Distillery Lot. Individually, there is a fairly low correlation between the percent occupancy of the surrounding parking areas and the percent occupancy of the Distillery Lot. This suggests that parking availability is not dependent on the Distillery Lot, and that high parking occupancy at the Distillery Lot does not correspond to high parking occupancy in the surrounding parking areas and vice versa.

In conclusion, the parking survey determined that there is a significant amount of parking available in the vicinity of the Distillery Lot such that the time limits do not cause a shortage of public beach parking during the summer months, as well as the off-season months, at prime beach-going hours. However, the study also confirmed that this area is heavily used for beach-going and there is not unlimited parking availability. This raises the concern that parking availability may be an issue in the near future with increases in population and tourism. In addition, the City's recently adopted Resolution 2013-096, which makes the Fletcher Cove Community Center available for private weekend rental use, may have an adverse impact on parking availability in the vicinity that is not possible to assess at this time. Several proposed beach replenishment projects may also impact the demand for beach parking in the area. As conditions change, it is unclear whether the proposed time restrictions will restrict public access, or promote access by encouraging turnover.

Thus, rather than approve the proposed time restrictions permanently, Special Condition #1 and #2 require that the term of the restrictions be limited to five years from the date of Commission approval, with a new parking monitoring survey performed on the final year of restriction. Thus, if the City wishes to extend the time limits beyond five years, the Commission will be able to assess if there are any changed circumstances in the area that warrant a reassessment of the parking restrictions. Special Condition #3 requires a new monitoring study with parameters matching those of the parking monitoring survey that was submitted with the subject amendment request. In addition, because of the lack of use of the Tennis Club lot and to further improve distribution of public beach parking, Special Condition #4 requires additional signage at the Distillery Lot directing the public to surrounding public parking areas. To assure all future owners of the property are aware of these conditions, Special Condition #5 requires a deed restriction be placed on the property identifying the terms and conditions of the subject permit.

Because the subject permit has been amended several times with a variety of different on-going and short-term conditions, for ease of comprehension, all of the applicable permit conditions have been revised and renumbered through this permit amendment. As conditioned, the proposed amendment can be found consistent with the public access and recreation policies of the Coastal Act.

#### **D. UNPERMITTED DEVELOPMENT**



Development has occurred on the subject site without required coastal development permits including, but not limited to, parking signage indicating parking time limits that expired with permit amendment #6-05-040-A2 in June 2013. The applicant was required to submit and receive approval of an amendment to the permit in order to continue the parking time limits beyond the permitted one-year trial period which began in June 2012, but this amendment request was not submitted until October 2013 and the signage has remained in place. To ensure that the matter of unpermitted development is resolved in a timely manner, Special Condition No. 3 requires the City to submit a new monitoring program for the 4<sup>th</sup> year of the restriction, and Special Condition No. 4 requires implementation of the enhanced signage within 90 days of Commission action. Only as conditioned is the proposed development consistent with the Coastal Act.

Although development occurred prior to the submission of this permit application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Commission review and action on these permit applications does not constitute a waiver of any legal action with regard to the alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject sites without a coastal permit.

#### **E. LOCAL COASTAL PLANNING**

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

The subject site was previously in the County of San Diego Local Coastal Program (LCP) jurisdiction, but is now within the boundaries of the City of Solana Beach. The City of Solana Beach does not yet have a LCP certified by the Commission, but is in the process of doing so. As such, the Commission will continue to utilize the Chapter 3 policies of the Coastal Act as the standard of review.

The Commission therefore finds the proposed development, as conditioned, conforms to Coastal Act Chapter 3 policies. As conditioned, the subject development will not prejudice the ability of the City of Solana Beach to complete a certifiable local coastal program.

#### **F. 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 public access policies of the Coastal Act. No impacts to sensitive environmental resources will result as part of the proposed project. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

(G:\Reports\Amendments\2000s\6-05-040-A3 Distillery Lot stf rpt.docx)

## **APPENDIX A**

### Substantive File Documents

Solana Beach certified Land Use Plan

Fletcher Cove Master Plan

Coastal Development Permit A-6-DMR-04-024

Coastal Development Permit 6-11-079

City of Solana Beach Council Policy No. 23 (Resolution 2013-096)

## **Previous Special Conditions for CDP #6-05-040 and Amendments**

(Revised and Renumbered by Permit Amendment #6-05-040-A3)

(Conditions 1-3 as stated in original permit)

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

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater produced on site by each runoff event, up to and including the 85<sup>th</sup> percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner.
- (c) Drainage from the parking areas, driveway area, and other impervious surfaces on the site shall be directed through vegetative or other media filter devices effective at removing and/or mitigating contaminants such as petroleum hydrocarbons, heavy metals, and other particulates.
- (d) Opportunities for directing runoff into pervious areas on-site for infiltration and/or percolation of rainfall through grassy swales or vegetative filter strips, shall be maximized where geotechnical concerns would not otherwise prohibit such use.
- (e) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. The plan shall include an identification of the party or entity(ies) responsible for maintaining the various drainage systems over its lifetime and shall include written acceptance by the responsible entity(ies). Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to and during each rainy season, including conducting an annual inspection no later than September 30<sup>th</sup> each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

EXHIBIT NO. 1

APPLICATION NO.

**6-05-040-A3**

Previous Special

Conditions



California Coastal Commission

- (f) Sweeping of all impervious parking lot surfaces shall be conducted on a regular basis (e.g., monthly or weekly) using a vacuum regenerative sweeper or equivalent method that removes trash and particulate matter.

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

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

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

(Conditions 4-7 as amended by #6-05-040-A1)

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

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

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

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



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

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

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

- a. No storage of equipment or materials shall occur on the sandy beach.
- b. Access through Fletcher Cove Park to the beach shall remain open during construction to the maximum extent possible. Closure, if necessary, shall be minimal with the accessway re-opened for public use as soon as possible.
- c. Access and use of the Park's overlook area and remaining parking areas shall remain available to the maximum extent possible.

- d. No work shall occur during the summer months between Memorial Day weekend and Labor Day of any year.
- e. The applicant shall submit evidence that the approved plans/notes have been incorporated into construction bid documents. The staging site shall be removed and/or restored immediately following completion of the development.

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

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

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

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



(Conditions 8 and 9 as stated in original permit)

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

- a. Signage at the Fletcher Cove lot shall direct the public to additional public parking at the Distillery Lot.
- b. Signage at the Distillery Lot shall clearly indicate the availability of the 74 spaces available at all times for beach parking as well as times at which the remaining 50 spaces are available for beach parking.

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

(Condition 10 as amended by #6-05-040-A2)

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

(Condition 11 as stated in original permit)

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

(Condition 12 added by #6-05-040-A1)

12. Shoreline Protection Waiver. By acceptance of this Permit Amendment (#6-05-040-A1), the applicant agrees, on behalf of itself and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No 6-05-40, as amended, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards in the future. By acceptance of this Permit Amendment, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235 to protect the proposed development.

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

(CONDITION 13 INCLUDED IN #6-05-040-A1 STAFF REPORT BUT NOT IN AMENDED PERMIT)

13. Prior Conditions of Approval. All other terms and conditions of the original approval of Coastal Development Permit #6-05-40 not specifically modified by amendment #6-05-040-A1, shall remain in full force and effect and become part of Amended Coastal Development Permit #6-05-40-A1.

(Conditions 14-17 added by #6-05-040-A2)

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

- a. Monitoring shall be conducted throughout the one-year term for which the permit authorizes the parking restrictions.
- b. Monitoring shall occur at the following locations:
  - The Distillery Lot parking spaces.
  - Fletcher Cove Beach Parking Lot
  - The public parking lot on the west side of S. Sierra Avenue immediately north of the Solana Beach Tennis Club parking lot.
  - Public street parking within the following limits:
    - The public street parking along S. Sierra Avenue from the Distillery Lot south to Dahlia Drive.
    - The public street parking along Pacific Street from W. Plaza Street north to Hill Street.
    - The public street parking on N. Helix Street.
    - The public street parking along N. Sierra Avenue from W. Plaza Street north to Estrella Street.
    - The public street parking along N. Acacia Avenue from W. Plaza Street north to Estrella Street.



- c. Monitoring for the three parking lots (as noted in Item b above) shall occur:
- Quarterly on one Saturday and one weekday outside of the summer months. These counts will occur in January, April and October.
  - Twice monthly on one Saturday and one weekday during the summer months of June, July and August. Monitoring needs to occur on one Saturday during a holiday weekend.
  - Monitoring of the parking lots shall occur on the same day as monitoring of the surrounding neighborhood.
- d. Monitoring for the three parking lots (as noted in Item b above) shall consist of:
- Parking counts taken each hour between 10:00 a.m. and 2:00 p.m. on every monitored day; recordation of temperature, weather and surf conditions during each count;
  - Documentation of both actual car counts and percentage of occupancy, assuming 74 available public parking spaces; and
  - Documentation of turnover rates.
- e. Monitoring the surrounding neighborhood (as noted in the first subsection of letter "b" above) shall occur:
- Quarterly on one Saturday and one weekday outside of the summer months. These counts will occur in January, April and October.
  - Twice monthly on one Saturday and one weekday during the summer months of June, July and August. Monitoring needs to occur on one Saturday during a holiday weekend.
  - Monitoring of the surrounding neighborhood shall occur on the same day as the monitoring of the parking lot.
- f. Monitoring the surrounding neighborhood (as noted in the first subsection of letter "b" above) shall consist of:
- Parking counts within the surrounding areas detailed above for all street parking shall be taken at the approximate hours of 10:00 a.m. and 2:00 p.m. on every monitored day. The permittee shall also record the temperature, weather and surf conditions during each count and shall include documentation of total parking spaces available.

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

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

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

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

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

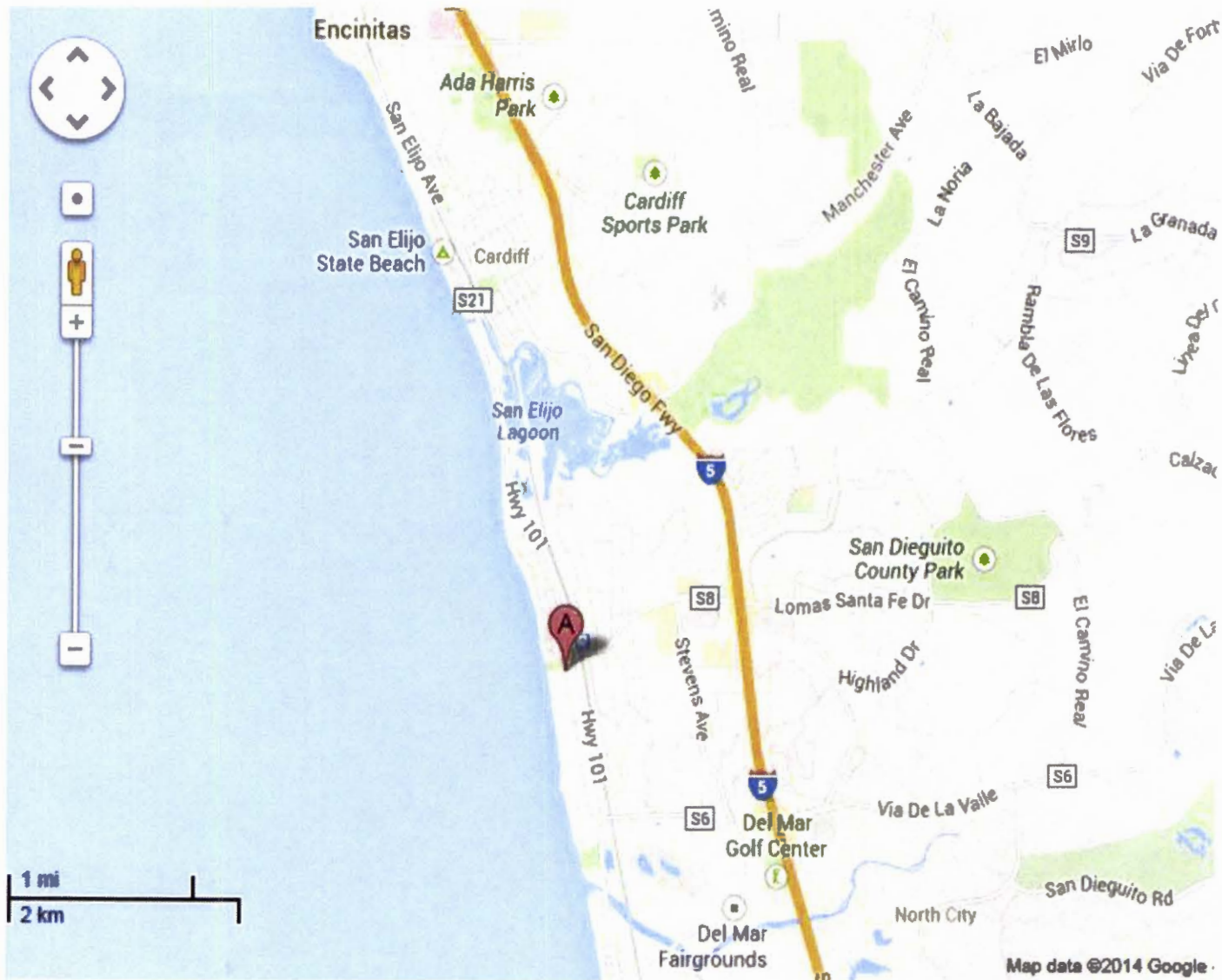


EXHIBIT NO. 2

APPLICATION NO.

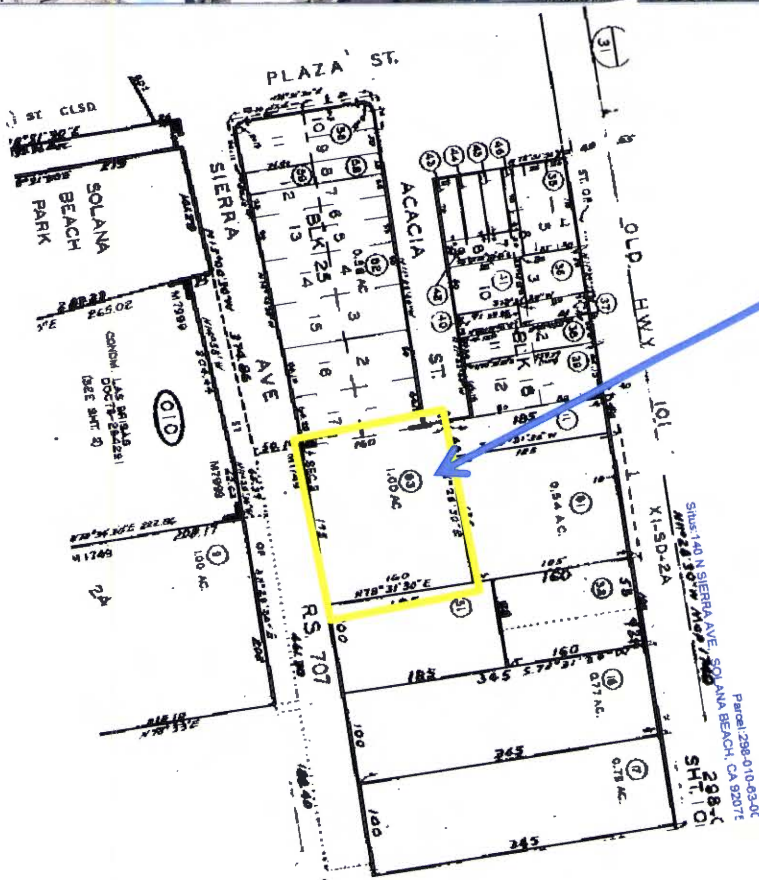
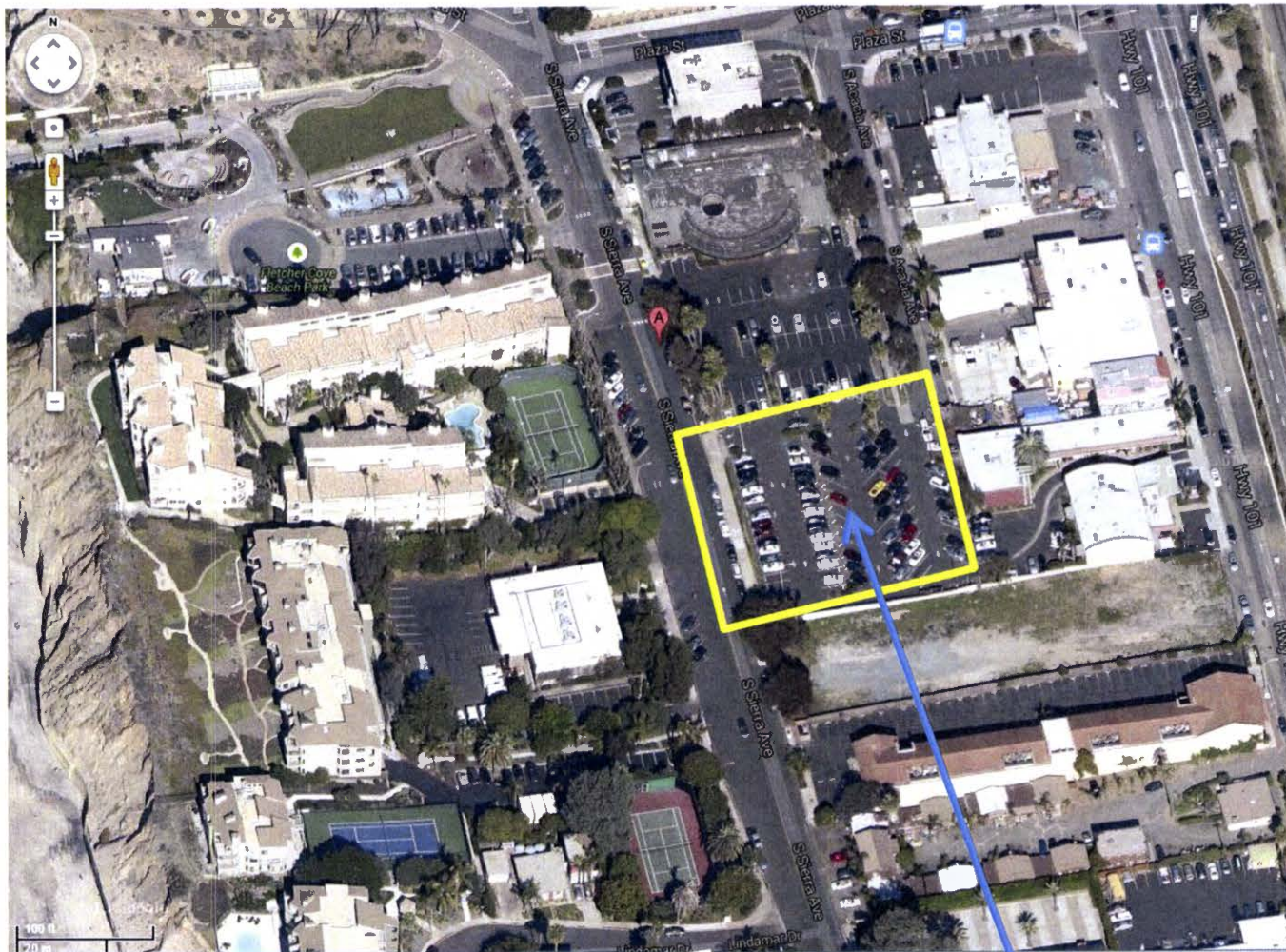
**6-05-040-A3**

Vicinity Map



California Coastal Commission





Subject  
parking lot



EXHIBIT NO. 3

APPLICATION NO.

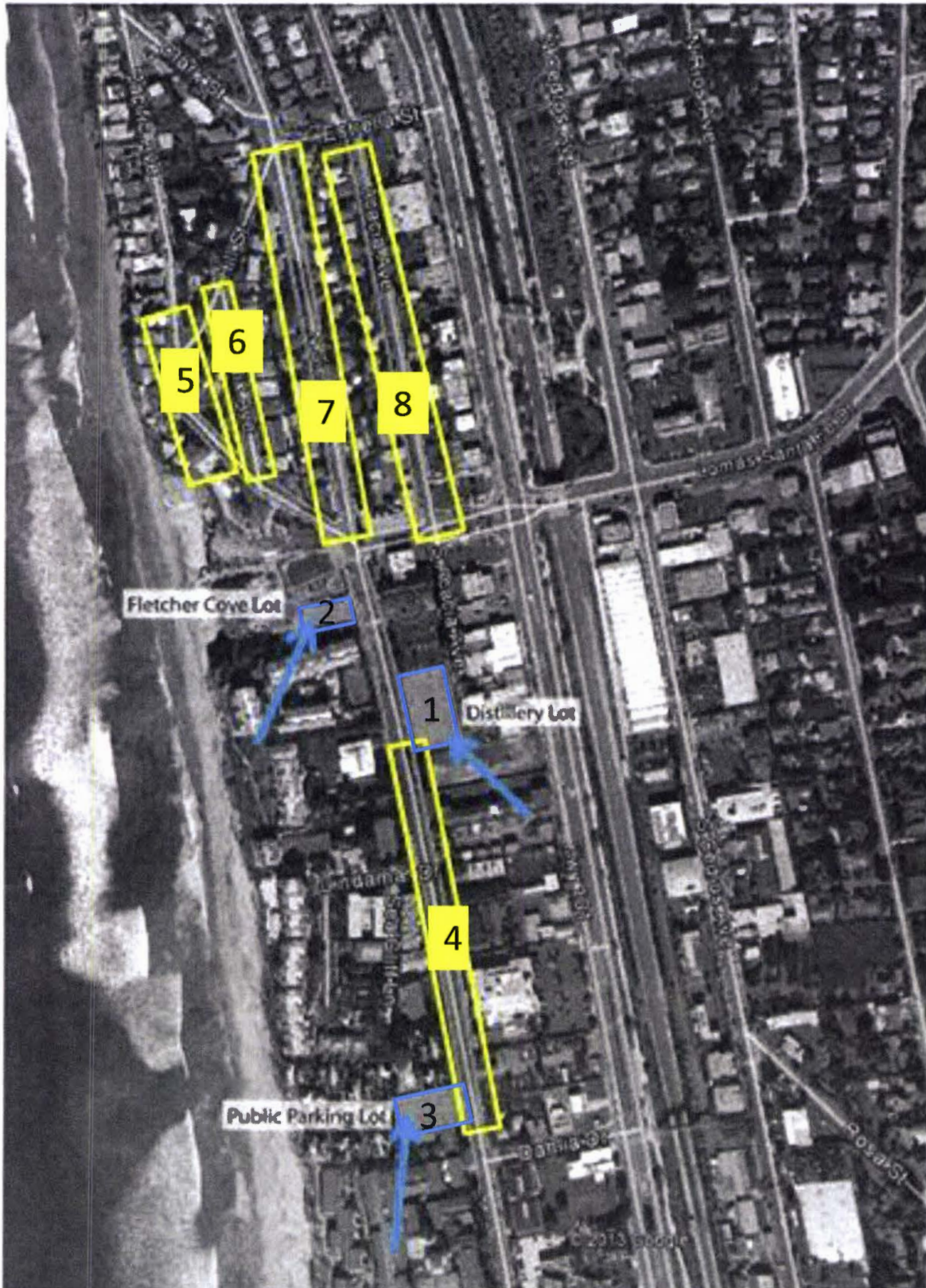
6-05-040-A3

Aerial Map



California Coastal Commission





1. Distillery Lot
2. Fletcher Cove Lot
3. Public Parking Lot



4. S. Sierra Ave.
5. Pacific St.
6. N. Helix St.
7. N. Sierra Ave.
8. N. Acacia Ave.

EXHIBIT NO. 4

APPLICATION NO.

**6-05-040-A3**

Parking Study

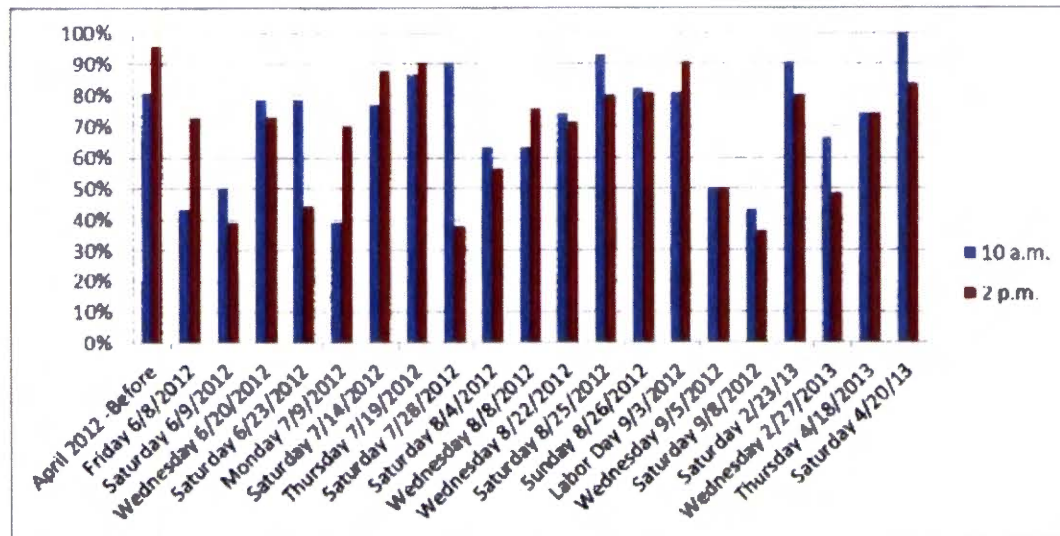
Subject Sites



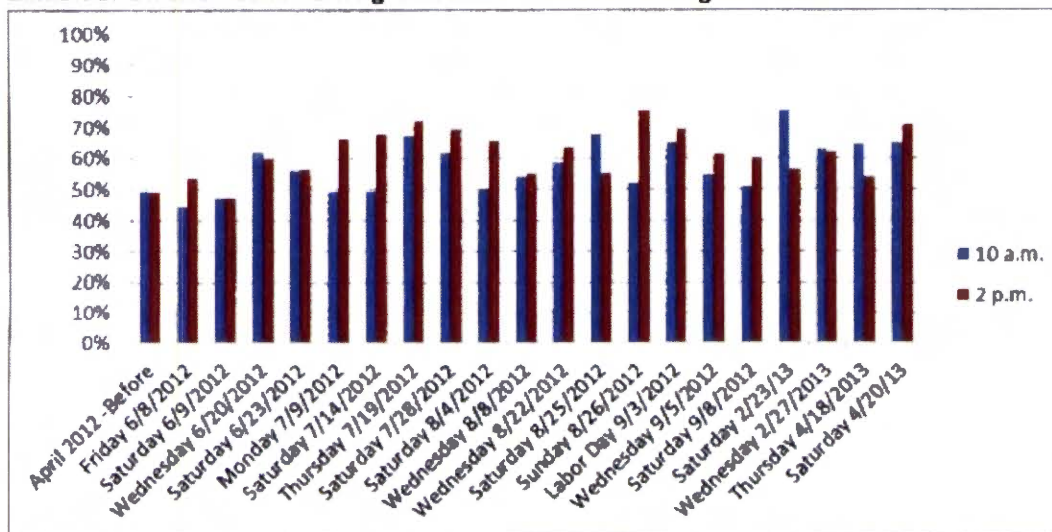
California Coastal Commission



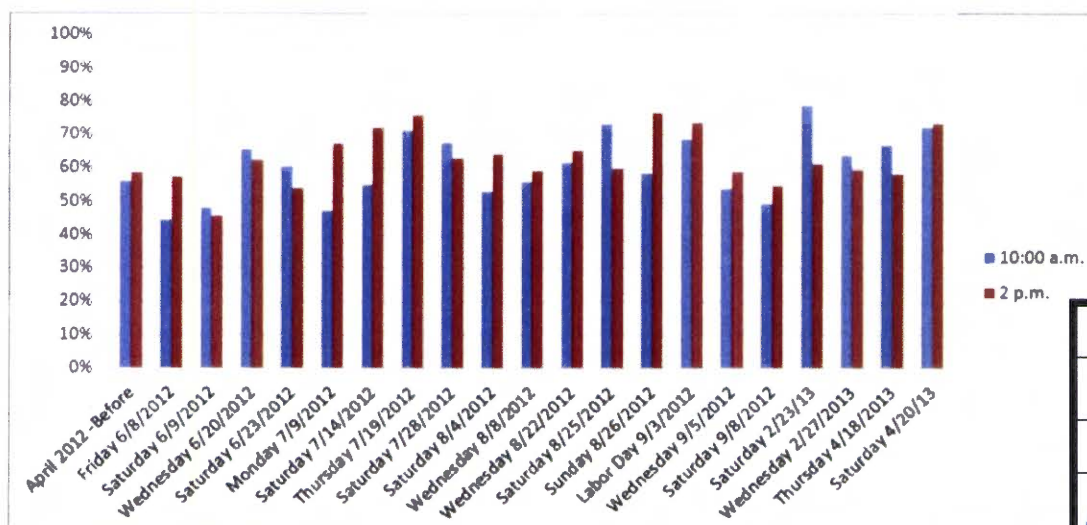
**Exhibit I: Distillery Lot Parking Utilization Rates**



**Exhibit 2: Off-site Public Parking Lots and On-Street Parking Utilization Rates**



**Exhibit 3: Combined Off-site Public Parking Lots and On-Street Parking Utilization Rates**



**EXHIBIT NO. 5**

APPLICATION NO.

**6-05-040-A3**

**Parking Study**

**Graphs**



California Coastal Commission





EXHIBIT NO. 6

APPLICATION NO.

**6-05-040-A3**

Existing Signage



California Coastal Commission