

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

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W11

SAN DIEGO COAST DISTRICT DEPUTY DIRECTOR'S REPORT

*For the
December 2016 Meeting of the California Coastal Commission*

December 01, 2016

To: Commissioners and Interested Parties
From: Sherilyn Sarb, San Diego Coast District Deputy Director

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the San Diego Coast District Office for the December 2016 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the San Diego Coast District.

REGULAR WAIVERS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 13250(c) and/or Section 13253(c) of the California Code of Regulations.

Applicant	Project Description	Project Location
6-16-0955-W City of Solana Beach, Attn: Dan Goldberg	Use of mechanized equipment on the beach to facilitate in-lieu replacement of all wooden stair treads and all metal connectors and fittings on the existing Seascape Sur public stairway. Project does not include any changes to existing landings or columns or to the footprint of the stairway. No overnight storage of equipment or materials will occur on the public beach, no staging will occur at the Fletcher Cove parking lot, and no work will occur on the beach on weekends, holidays or between Memorial Day weekend and Labor Day of any year.	On the beach and bluff between 423 and 539 South Sierra Avenue, Solana Beach, San Diego County.
6-16-0980-W Todd & Renee Austin	Interior remodel and installation of new exterior doors, skylights and a solar tube at an existing 1,458 sq. ft. condominium unit.	233 South Helix #48 Ave, Solana Beach, San Diego County. APN: 298-520-01-48.
6-16-0996-W T-Mobile	Temporarily relocate existing telecommunications equipment consisting of 3 10-ft. tall panel antennae and related equipment and cabinets from the Plunge building to a rooftop platform atop neighboring building to the east until August 31, 2018 or until reconstruction of the Plunge is completed, whichever occurs first.	3136 Mission Blvd, Mission Beach, San Diego, San Diego County. APN: 423-680-12.
6-16-1046-W Ted & Licia Vaughn	Construction of a pool, spa, and hardscape in the backyard of an existing 2-story single-family residence.	753 Santa Rosita, Solana Beach, San Diego County. APN: 263-530-12.
6-16-1047-W Paul Heidemann	Construction of a pool, spa, and hardscape in the backyard of an existing single-family residence.	716 Rawl Place, Solana Beach, San Diego County. APN: 263-103-04.

DE MINIMIS WAIVERS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 30624.7 of the California Coastal Act of 1976.

Applicant	Project Description	Project Location
6-16-0880-W Brian & Elizabeth Tresp	Construction of a new 2-story 1,797 sq. ft. single family residence with 637 sq. ft. attached garage on a 9,002 sq. ft. vacant lot.	738 Castro Street, Solana Beach, San Diego County. APN: 298-162-25.
6-16-0981-W Barbara Houlton	Placement of up to 10 approximately 3 ft. by 3 ft. by 4 ft. sand bags filled with beach quality sand on the public beach seaward of a void below an existing seawall (approximately 13 cubic yards of sand). The sand bags will not be filled with sand from the beach. The proposed project includes removal of the sand bags prior to May 31, 2017. The applicant must receive written concurrence from the City of San Diego prior to placement of sand bags on the beach.	4820 Point Loma Ave, Ocean Beach, San Diego, San Diego County APN: 448-241-01.

EXTENSIONS - IMMATERIAL

Applicant	Project Description	Project Location
6-14-1033-E1 Hitzke Development Corporation, Attn: Ginger Hitzke	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.	500 South Sierra, Solana Beach, San Diego County. APN: 298-211-81.

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November 21, 2016

Coastal Development Permit Waiver Improvements to Existing Single-Family Residences or Structures Coastal Act Sections 30610(a) and (b)

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13250(c), Section 13252(e), or Section 13253(c), Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 6-16-0955-W

Applicant: City of Solana Beach, Attn: Dan Goldberg

Location: On the beach and bluff between 423 and 539 South Sierra Avenue, Solana Beach

Proposed Development: Use of mechanized equipment on the beach to facilitate in-lieu replacement of all wooden stair treads and all metal connectors and fittings on the existing Seascape Sur public stairway. Project does not include any changes to existing landings or columns or to the footprint of the stairway. No overnight storage of equipment or materials will occur on the public beach, no staging will occur at the Fletcher Cove parking lot, and no work will occur on the beach on weekends, holidays or between Memorial Day weekend and Labor Day of any year.

Rationale: The proposed project requires a coastal development permit because it involves the use of mechanized equipment on the beach. The proposed development will result in continued access to the public beach and is consistent with all applicable policies of the Coastal Act and the City's certified Land Use Plan. No impacts to coastal resources are expected to result from this project.

This waiver will not become effective until reported to the Commission at their December 2016 meeting. If three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Acting Executive Director

Eric Stevens
Coastal Program Analyst

A handwritten signature in black ink, appearing to read "Eric Stevens", written over a white background.

cc: Commissioners/File

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November 17, 2016

Coastal Development Permit Waiver Improvements to Existing Single-Family Residences or Structures Coastal Act Sections 30610(a) and (b)

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13250(c), Section 13252(e), or Section 13253(c), Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 6-16-0980-W

Applicant: Todd & Renee Austin

Location: 233 South Helix #48 Ave, Solana Beach (San Diego County) (APN(s): 298-520-01-48)

Proposed Development: Interior remodel and installation of new exterior doors, skylights and a solar tube at an existing 1,458 sq. ft. condominium unit.

Rationale: The proposed development is located within an existing condominium unit. The existing condominium building is located within 50 ft. of the coastal bluff; however, the proposed project will not affect the stability of the coastal bluff. The development does not result in the alteration of greater than 50% of the exterior walls of the existing structure. The proposed development will not affect public views or coastal access, and no adverse impacts to coastal resources are anticipated. The project is consistent with Chapter 3 of the Coastal Act.

This waiver will not become effective until reported to the Commission at their December 2016 meeting. If three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Acting Executive Director

A handwritten signature in black ink, appearing to read "John Ainsworth".

Eric Stevens
Coastal Program Analyst

cc: Commissioners/File

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November 30, 2016

Coastal Development Permit Waiver Improvements to Existing Single-Family Residences or Structures Coastal Act Sections 30610(a) and (b)

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13250(c), Section 13252(e), or Section 13253(c), Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 6-16-0996-W

Applicant: T-Mobile

Location: 3136 Mission Blvd, Mission Beach San Diego (San Diego County) (APN: 423-680-12)

Proposed Development: Temporarily relocate existing telecommunications equipment consisting of 3 10-ft. tall panel antennae and related equipment and cabinets from the Plunge building to a rooftop platform atop neighboring building to the east until August 31, 2018 or until reconstruction of the Plunge is completed, whichever occurs first.

Rationale: The proposed relocation of telecommunication equipment is required because it will increase the height of a building between the sea and first coastal roadway by more than 10%. The equipment will not be screened, but will be located temporarily until August 31, 2018 at the latest. The equipment is the lowest height required to operate properly, outside of the public right-of-way, and will not block public views of the ocean. Thus, the development can be found in conformance with Chapter 3 of the Coastal Act.

This waiver will not become effective until reported to the Commission at their December 2016 meeting. If three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Acting Executive Director

A handwritten signature in black ink, appearing to read "Alex Llerandi".

Alexander Llerandi
Coastal Program Analyst

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November 30, 2016

Coastal Development Permit Waiver Improvements to Existing Single-Family Residences or Structures Coastal Act Sections 30610(a) and (b)

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13250(c), Section 13252(e), or Section 13253(c), Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 6-16-1046-W

Applicant: Ted and Licia Vaughn

Location: 753 Santa Rosita, Solana Beach (San Diego County) (APN(s): 263-530-12)

Proposed Development: Construction of a pool, spa, and hardscape in the backyard of an existing 2-story single-family residence.

Rationale: The proposal involves a significant non-attached structure located on property between the lagoon and first coastal roadway; thus, a coastal development permit is required. The site is located adjacent to the east side of Interstate 5 in an area not subject to wave action or coastal erosion, is within an established residential neighborhood, and the proposed structures will be in character with the surrounding area. The proposed development is consistent with the land use designations applied to the site by the City of Solana Beach. No adverse impacts on coastal resources are anticipated.

This waiver will not become effective until reported to the Commission at their December 2016 meeting. If three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Acting Executive Director

A handwritten signature in black ink, appearing to read "Kaitlin Carney".

Kaitlin Carney
Coastal Program Analyst

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November 30, 2016

Coastal Development Permit Waiver Improvements to Existing Single-Family Residences or Structures Coastal Act Sections 30610(a) and (b)

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13250(c), Section 13252(e), or Section 13253(c), Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 6-16-1047-W

Applicant: Paul Heidemann

Location: 716 Rawl Pl, Solana Beach (San Diego County) (APN: 263-103-04)

Proposed Development: Construction of a pool, spa, and hardscape in the backyard of an existing single-family residence.

Rationale: The subject site overlooks the lagoon on the east side of Interstate 5 in an area not subject to wave action or coastal erosion, and the new pool will be largely on the inland side of the site, not immediately adjacent to the canyon. The proposed development is located on an existing developed lot within an established residential neighborhood. The project is consistent with the zoning and plan designations for the City. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with the certified Land Use Plan and the Chapter 3 policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at their December 2016 meeting. If three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Acting Executive Director

Eric Stevens
Coastal Program Analyst

A handwritten signature in black ink, appearing to read "John Ainsworth".

cc: Commissioners/File

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November 14, 2016

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 6-16-0880-W

Applicant: Brian and Elizabeth Tresp

Location: 738 Castro Street, Solana Beach (San Diego County) (APN: 298-162-25)

Proposed Development: Construction of a new 2-story 1,797 sq. ft. single-family residence with 637 sq. ft. attached garage on a 9,002 sq. ft. vacant lot.

Rationale: The proposed project is located within an established residential neighborhood consisting of single and multi-family residences similar in size and scale to the proposed development. The development will not block any public views or impact public access, is not subject to any of the special overlays in the City of Solana Beach certified Land Use Plan, and is consistent with the zoning and plan designations for the City. The project is consistent with all Chapter 3 policies of the Coastal Act and no impacts to coastal resources are expected.

This waiver will not become effective until reported to the Commission at their December 2016 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Acting Executive Director

A handwritten signature in black ink, appearing to be "Kaitlin Carney".

Kaitlin Carney
Coastal Program Analyst

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November 23, 2016

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 6-16-0981-W

Applicant: Barbara Houlton

Location: 4820 Point Loma Ave, San Diego (San Diego County) (APN: 448-241-01)

Proposed Development: Placement of up to 10 approximately 3 ft. by 3 ft. by 4 ft. sand bags filled with beach quality sand on the public beach seaward of a void below an existing seawall (approximately 13 cubic yards of sand). The sand bags will not be filled with sand from the beach. The proposed project includes removal of the sand bags prior to May 31, 2017. The applicant must receive written concurrence from the City of San Diego prior to placement of sand bags on the beach.

Rationale: The intent of the project is to protect and increase the stability of the coastal bluff during high tides and the storm events during the 2016/17 winter season without constructing hard shoreline armoring, while a more comprehensive project can be developed. The proposed development will not affect public views or have a significant, long-term impact on public access, and no adverse impacts to coastal resources are anticipated. The project is consistent with the Chapter 3 policies of the Coastal Act and the certified City of San Diego Local Coastal Program.

This waiver will not become effective until reported to the Commission at their December 2016 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,
John Ainsworth
Acting Executive Director

Eric Stevens
Coastal Program Analyst

A handwritten signature in black ink, appearing to read "Eric Stevens".

cc: Bob Trettin/Matt Peterson/File

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NOTICE OF EXTENSION REQUEST FOR COASTAL DEVELOPMENT PERMIT

October 31, 2016

Notice is hereby given that Hitzke Development Corporation has applied for a one year extension of 6-14-1033 granted by the California Coastal Commission on October 8, 2014.

For: 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.

At: 500 South Sierra Ave, Solana Beach (San Diego County) (APN(s): 298-211-81)

Pursuant to Section 13169 of the Commission Regulations, the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive... and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

Sincerely,

John Ainsworth
Acting Executive Director

A handwritten signature in black ink, appearing to be "Kaitlin Carney".

Kaitlin Carney
Coastal Program Analyst



CITY OF SOLANA BEACH FAX (858) 792-6513 / (858) 755-1782
635 SOUTH HIGHWAY 101 • SOLANA BEACH • CALIFORNIA 92075-2215 • (858) 720-2400

December 4, 2016

California Coastal Commission
c/o John Ainsworth, Acting Executive Director
San Diego District Office
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

SUBJECT: EXTENSION OF COASTAL DEVELOPMENT PERMIT 6-14-1033 FOR A 10-UNIT AFFORDABLE HOUSING PROJECT AT 500 SOUTH SIERRA AVENUE IN SOLANA BEACH, CA (APN 298-21-810)

Dear Mr. Ainsworth,

This letter is written in support of the extension of Coastal Development Permit (CDP) 6-14-1033 issued to Hitzke Development Corporation ("Applicant") for a proposed 10-Unit Affordable Housing Project located at 500 South Sierra Avenue in Solana Beach (APN 298-21-810). On December 9, 2015, the City Council unanimously adopted Resolution 2015-138 (attached) granting a time extension of the project entitlements including a Development Review Permit and a Structure Development Permit (City of Solana Beach Case File #17-11-05).

After the project approval on April 23, 2014, Seascape Surf Estate Management Corporation filed a Writ of Mandate Petition to challenge the approvals by the City of Solana Beach. The City and the Applicant diligently and successfully defended the challenge in Superior Court. On August 17, 2015, the Superior Court ruled in favor of the City and the Applicant and the judgement was entered by the Court on September 7, 2015. Subsequently, Seascape Surf Management Corporation filed an appeal on September 28, 2015. That appeal is scheduled for hearing on December 13, 2016.

The City of Solana Beach respectfully requests that the California Coastal Commission approve the requested time extension of CDP 6-14-1033, which will help the City meet its affordable housing obligations and its Regional Housing Needs Allocation (RHNA) goals. If you have any questions, please feel free to contact City Manager Greg Wade at (858) 720-2431 or by email at gwade@cosb.org.

Sincerely,

David A. Zito, Mayor
City of Solana Beach

6-14-1033-E1
Letters of Support

RESOLUTION 2015-140

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, CONDITIONALLY APPROVING DEVELOPMENT REVIEW PERMIT, AN ADMINISTRATIVE STRUCTURE DEVELOPMENT PERMIT TIME EXTENSION TO CONSTRUCT A MIXED-USE DEVELOPMENT ON CITY-OWNED PROPERTY IN THE 500 BLOCK OF SOUTH SIERRA AVENUE IN SOLANA BEACH

APPLICANT: Hitzke Development Corporation
CASE NO.: 17-11-05 DRP/SDP Time Extension

WHEREAS, Hitzke Development Corporation (hereinafter referred to as "Applicant") has submitted a request for a time extension of the original approved Development Review Permit (DRP), administrative Structure Development Permit (SDP) for a mixed use project on the 500 block of South Sierra Avenue, pursuant to Title 17 (Zoning), of the Solana Beach Municipal Code (SBMC); and

WHEREAS, the original project was approved at the regularly scheduled April 23, 2014 City Council meeting; and

WHEREAS, Seascope Surf Estate Management Corporation filed a petition to challenge the approvals by the City of Solana Beach and the Superior Court ruled in favor of Solana Beach and the Real Party- Hitzke Development Corporation and the judgement was entered by the Court on September 8, 2015;and

WHEREAS, Seascope Surf Estate Management Corporation subsequently filed an appeal and the Court of Appeals has yet to issue a briefing schedule on the matter, therefore, delaying construction of the project; and

WHEREAS, on December 9, 2015, the City Council held a duly noticed Public Hearing to consider the time extension request; and

WHEREAS, the Public Hearing was conducted pursuant to the provisions of SBMC 17.72.030 of the Solana Beach Zoning Ordinance; and

WHEREAS, at the Public Hearing, the City Council received and considered evidence concerning the proposed Time Extension Request; and

WHEREAS, the City Council of the City of Solana Beach found that a Time Extension Request is not a project according to the State California Environmental Quality Act (CEQA) Guidelines, however, the City Council found that the original project application request for a DRP/SDP was exempt from the CEQA Guidelines pursuant to Class 32, Section 15332 of the State CEQA Guidelines, which exempts infill development within urbanized areas; and

WHEREAS, this decision is based upon the evidence presented at the hearing, and any information the City Council gathered by viewing the site and the area as disclosed

at the hearing.

NOW THEREFORE, the City Council of the City of Solana Beach, California, does resolve as follows:

1. That the foregoing recitations are true and correct.
2. That the request for a time extension of the approved Development Review Permit (DRP) and administrative Structure Development Permit (SDP) to construct a mixed-use development on a City-owned site in the 500 block of South Sierra Avenue, setting the expiration date to 24 months from the date of the entry of the final judgment in the case is approved based on the following Findings, and all terms and conditions of Resolution 2014-039 and are in effect along with the Time Extension:
3. FINDINGS:
 - A. In accordance with Section 17.72.110 (Lapse of Approval and Extensions) of the City of Solana Beach Municipal Code, the City Council finds the following:
 - I. The Applicant has presented facts which establish that the Applicant has timely and diligently pursued issuance of a building permit during the current extension period;
 - II. Circumstances beyond the Applicant's control have intervened and prevented the Applicant from obtaining the issuance of a building permit for the project prior to expiration of the current extension period;
 - III. The application for the extension sets forth a reasonable and substantial factual basis for issuance of the time extension;
 - IV. There is a substantial factual basis to determine that the Applicant will be able to perform the actions necessary to obtain issuance of a building permit prior to expiration of the requested extension;
 - V. The duration of the time extension requested by the Applicant is not longer than is reasonably necessary to perform the actions necessary to obtain the issuance of a building permit;
 - VI. There have not been any significant changes in the general plan, applicable specific plan, if any, zoning, or character of the area within which the project is located that would cause the approved project to become inconsistent, incompatible, or nonconforming therewith; and

VII. The granting of an extension shall not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

4. CONDITIONS

Prior to use or development of the property in reliance on this permit, the Applicants shall provide for and adhere to the conditions of the original project approval of Resolution 2014-039.

5. ENFORCEMENT: Pursuant to SBMC 17.72.120(B) failure to satisfy any and all of the above-mentioned conditions of approval is subject to the imposition of penalties as set forth in SBMC Chapters 1.16 and 1.18 in addition to any applicable revocation proceedings.

6. EXPIRATION: The Development Review Permit and Structure Development Permit for the project will expire 24 months from the date of the entry of the final judgment in the case, unless the Applicants have obtained building permits and have commenced construction prior to that date, and diligently pursued construction to completion. An extension of the application may be granted by the City Council.

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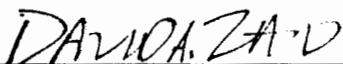
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7. INDEMNIFICATION AGREEMENT: The Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify the Applicant of any claim, action, or proceeding. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the Applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicant shall not be required to pay or perform any settlement unless such settlement is approved by the Applicant.

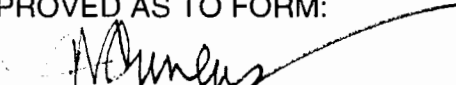
NOTICE TO APPLICANT: Pursuant to Government Code Section 66020, you are hereby notified that the 90-day period to protest the imposition of the fees, dedications, reservations or other exactions described in this Resolution commences on the effective date of this resolution. To protest the imposition of any fee, dedications, reservations or other exactions described in this Resolution you must comply with the provisions of Government Code Section 66020. Generally the Resolution is effective upon expiration of the tenth day following the date of adoption of this Resolution, unless the resolution is appealed or called for review as provided in the Solana Beach Zoning Ordinance.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Solana Beach, California, held on the 9th day of December 2015, by the following vote:

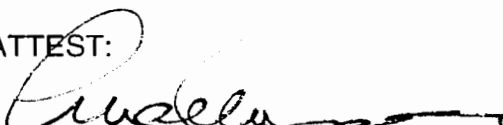
AYES: Councilmembers – Zito, Nichols, Marshall, Heebner
NOES: Councilmembers – None
ABSENT: Councilmembers – Zahn
ABSTAIN: Councilmembers – None



DAVID A. ZITO, Mayor

APPROVED AS TO FORM:


JOHANNA N. CANLAS, City Attorney

ATTEST:


ANGELA IVEY, City Clerk



RESOLUTION CERTIFICATION

STATE OF CALIFORNIA }
COUNTY OF SAN DIEGO } §
CITY OF SOLANA BEACH }

I, ANGELA IVEY, City Clerk of the City of Solana Beach, California, DO HEREBY CERTIFY that the foregoing is a full, true and correct copy of **Resolution 2015-140** *conditionally approving a time extension of a Development Review Permit (DRP), and an administrative Structure Development Permit (SDP) at 500 block of South Sierra Ave., Case No. 17-11-05, Applicant: Hitzke Development Corporation* as duly passed and adopted at a Regular Solana Beach City Council meeting held on the 9th day of December 2015 and the original is on file in the City Clerk's Office.


ANGELA IVEY, CITY CLERK

CERTIFICATION DATE: December 14, 2015

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

* Att: John Ainsworth, Acting Executive Director
Att: Kaitlin Carney, Coastal Program Analyst

Dear Commission,

Being keenly aware of the questionable ethics and behavior of the California Coastal Commission, we were very hesitant to grant any further permission for ANY construction along the coastal area. However, upon reviewing an aerial view of the construction site, and the features it will include, we feel more amenable to the project. Our second "however" is, we also feel very strongly that the low income housing units MUST be actually LOW INCOME and not some other feathered version of it. Any action to accommodate these folks is vital and commendable.

Please be assured that you are being watched.

Sincerely,

Edwin Aluzas 11/04/16

Gloria Aluzas 11/4/16

Edwin and Gloria Aluzas

Time Share Owners at Sand Pebbles Resort since 1986
Solana Beach, Ca.

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NOV 07 2016

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

California Coastal Commission
John Ainsworth
Acting Executive Director
Kaitlin Carney
Coastal Program Analyst

RECEIVED November 7, 2016

NOV 10 2016

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

7575 Metropolitan Drive
San Diego, CA 92108-442

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

Dear California Coastal Commission:

This letter is a formal objection to the one-year extension (requested by the Hitzke Development Corporation) of 6-14-1033 granted by the California Coastal Commission (the "Commission") on October 8, 2014.

The Coastal Commission approval to replace a beach access parking lot in the City of Solana Beach (the "City") with a 3-story mixed-used (10 affordable housing units and 1 commercial office space) development was made by the Commission on the basis that having affordable housing at the beach trumped Chapter 3 of the California Coastal Act (Chapter 3). All evidence presented showing the impact on public beach access and recreational opportunities was ignored by the Commission and dismissed by the City staff. The Commission approved the development subject to a number of conditions presented by Commission staff and based on the development as described by the Developer.

So what are the changed circumstances since Commission approval on October 8, 2014 that affect the consistency of the development with the policies of Chapter 3? Beach access issues in Solana Beach have only worsened and most are related to access to public parking in the area. The City has added no additional beach access parking, while there has been a substantial increase in visitors to the area. The increase in visitors is due in part to the increased use of VRBO and Airbnb in the neighborhoods as well as the increased number of warm months during the past couple of years. Many owners who live on South Sierra who rent out their homes move their cars to street parking during the beach season. Although the City has a 7-day residential rental minimum, they have no enforcement mechanism in place to ensure compliance. In fact, a simple search of VRBO and Airbnb shows current advertisements for daily and 3- or 4-day rentals, all of which increase the need for public parking and beach access.

Below are objections to the granting of an extension. The primary objection is that there exists no Commission-approved project that is consistent with the City-approved project. Further, the Developer has not taken any steps to submit an application to the City for approval of either the changes made in the Developer's application to the Commission or the changes made by the Commission in their approval. A project that changes in this way, depending on the audience, is clearly out of compliance with Chapter 3, which exists to maximize beach access and recreational activity for the public. The Developer, the City and the Commission all know that this project will negatively impact beach access and recreational activity. Further, the expansion of the Courtyard Marriot (within 2 blocks from this public beach parking lot) and the two newly proposed mixed-use developments (one just 1 block from this public beach parking lot and the other at the Cedros train station) will bring daily visitors into the beach area. The cumulative effect of parking, safety and traffic on beach access and recreational activities has not been considered by the City or the Commission.

Objection 1. The application (based on the staff report) as approved by the Coastal Commission on October 8, 2014 described a development that did not receive approval by the City of Solana Beach (the "City"). In addition, many of the conditions set forth by the Commission may not be met unless City ordinances are revised and the City notices and conducts public hearings.

The Commission approved an application submitted to them by the Developer that described a mixed-use development that had shared residential parking spaces (i.e., the residents of the apartments, who would number at least 30 but could be much higher, will have a permit for parking in green stalls between 10 pm to 6 am). On the other hand, the City approved a mixed-used project with the residents having 14 assigned parking spaces, and in their approval, granted a variance from the applicable City parking ordinance which would have required more than 14 parking spaces. Subsequent to the Commission's approval of the project on October 8th, the City has not conducted a public hearing either approving the applicant's changes to the parking allowances/variance, or modifying City ordinances so that the development as presented and approved by the Commission is in compliance.

The Commission also approved the Developer's application contingent upon a number of conditions that were not part of the application approved by the City. These include the following:

Final Revised Sign Program. The Developer's sign program must include two Public Parking Lot signs no smaller than 3ft. wide by 2ft. tall that are easily visible and legible from South Sierra Avenue. One of the two signs shall be placed at the southernmost access driveway to the property indicating "Entrance/exit for ground-level parking only." The second sign shall be placed in an easily visible location at the northernmost access driveway to the subject property and include language stating "Entrance/exit for sub-level parking only."

The subject property is on South Sierra Avenue and is subject to the Solana Beach Highway 101 Corridor Specific Plan. The signage required by the Commission was not submitted by the Developer nor approved by the City and there has been no public hearing on the safety issues/parking issues that may result. In order to ensure that the signs are "easily visible," it is likely that several street parking places, currently available for beach access parking, will have to be eliminated. Further, although the staff report provided to the Commission implied otherwise, all parking spaces will not be visible to the public.

Deed Restriction. The Developer must demonstrate that the City has executed and recorded against the property a deed restriction which includes a Public Parking Lot Use Restriction requiring a minimum of 31 public parking spaces shall be available in perpetuity for public use between the hours of 6:00 am and 10:00 pm. Again, the City has not taken any action to provide either a public notice or a public hearing to place a deed restriction on the property. It flies in the face of common sense that the City would take this action. Such a deed restriction would be wasting a valuable asset and be in violation of public trust, since it would render the property less valuable.


Objection 2. The Commission approved the project based on the staff report finding that there would be improved recreational opportunities on the City's beaches. This was premised on the Applicant's proposal to test excavation for placement of beach quality sand on the beaches. However, the City is now participating in an approved long term Sand Replenishment Program, thereby nullifying any "recreational benefits" that the staff reported. The project will not provide any enhancement to

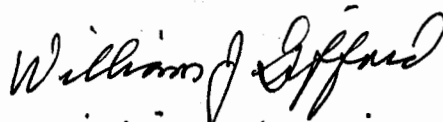
recreational activity. The Junior Lifeguard Program will still be displaced and beach goers will have reduced parking opportunity.

Objection 3. Finally, in order for the Executive Director to even consider the application for extension, the "Applicant" must provide evidence of their "legal interest" in the property. The legal entity controlling/owning this property is the City of Solana Beach. Despite signing a Disposition, Development, and Loan Agreement with the Developer, the City of Solana Beach currently holds all legal rights until certain conditions are met. At a minimum, given the change in economic circumstances, including but not limited to the availability of funding and the increasing cost to build, the Executive Director should require that the Developer provide a current financing plan before making a finding that the Developer has provided evidence of "legal interest."

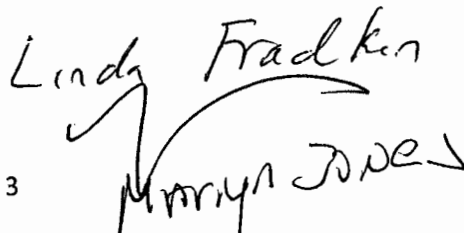
This lack of legal interest is further evidenced by the Commission's own conditions upon which its approval of the development/project is based. What exists that compels the City to place a deed restriction on the property - absolutely nothing - neither the Developer nor the Commission can compel the City of Solana Beach to add a deed restriction to the property.

In summary, there is ample evidence of changed circumstances that may affect the consistency of the development to warrant a rejection of the Developer's request for an extension and to require a hearing on these issues.

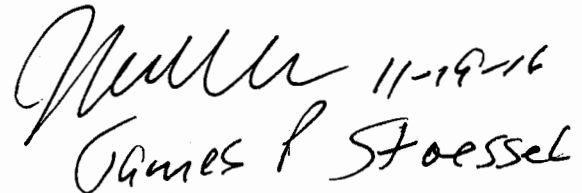
 11-9-16
Gerard Reski



 11-9-2016
William J Gifford

 09 NOV 2016

 11-9-2016
3 Marilyn Jones

 11-9-16
Tamara Kushner

 11-9-16
James P Stoessel

 11-9-11
JUDY GIFFORD

JUDI STUBBS 11.10.16

November 4, 2016

Ray Del Pilar
8931 Wald Rd.
Houston, TX. 77034

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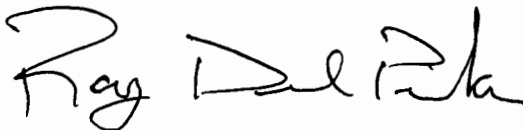
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

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

RE: Extension 6-14-1033 Hitzke Development Corporation

This is my formal objection to the requested extension by Hitzke Development Corporation # 6-14-1033. Our Coastal community is a precious resource that once disturbed its damage is unchangeable. The proposed development would leave a life time mark and disturb the natural beauty of our community. I am sure that there are other sites more inland which would lessen the footprint on our community with more advantages forthcoming. Thank You!

Sincerely,



Ray Del Pilar

FILE COPY

From: Lindsey Hardison
To: Carney, Kaitlin@Coastal
Subject: Apartments
Date: Wednesday, November 09, 2016 12:22:40 PM

Hello,

I have been coming to Solana Beach for over 20 years as part of a large, extended-family vacation. We have loved it so much that as we have grown up, married, and had our own children, we have all purchased our own condo time shares so that we now own over 30. I have personally had my condo time share for over 10 years. I am upset about the low-income housing to be built IMMEDIATELY BEHIND our location. This is a poor choice of zoning and housing to put such a project behind a place where families with young children stay all summer. Please, please, please, reconsider this project. We want to come to Sand Pebbles in Solana Beach for many more years, but this project may force us to look elsewhere for a family-friendly vacation spot.

Lil Eskey

Sent from my iPhone

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

FILE COPY

Carney, Kaitlin@Coastal

From: kblake80@cox.net
Sent: Wednesday, November 09, 2016 11:26 AM
To: Carney, Kaitlin@Coastal
Subject: low income housing in Solana Beach

To Whom It may concern,

We have been coming to Solana Beach for 25 years and have found it a delightful, family-oriented vacation spot. However, we fear that is to change with the scheduled low-income housing slated to be built immediately behind Sand Pebbles resort. We find this distressful. As the patriarch of a family that now numbers over 70 — and all of whom come to Solana Beach — I am concerned for the safety and the quality of our annual vacation spot. Please reconsider this. We would hate to have to change destinations to a more favorable and family-centered city.

Kent Blake

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SAN DIEGO COAST DISTRICT

FILE COPY

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NOV 09 2016

From: Amy Hardison
To: [Carney, Kaitlin@Coastal](mailto:Carney.Kaitlin@Coastal)
Subject: low-income housing in Solana Beach
Date: Wednesday, November 09, 2016 11:24:45 AM

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

To Whom It may Concern,

We are part of a large extended family that owns over 20 condo time shares at Sand Pebbles in Solana beach. We have come to Solana Beach for over 20 years and have loved our experience there. We are deeply concerned about the low-income housing project projected to built immediately behind Sand Pebbles. We have 40 young children as part of our 4 generation family that stays at Sand Pebbles. Obviously, the children frequently walk between our condos and the beach. Having low-income housing in the immediate proximity of where we stay gives us great safety concerns. In as strong of terms as possible, we ask you to reconsider this low-income project.

Thank you,
Amy Hardison

FILE COPY

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NOV 09 2016

Nov 7, 2016

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

To: Kaitlin Carney

RE: Extension of 6-14-1033 for APN 298-211-81, (500 S. Sierra Ave, Solana Beach)

I would like to strongly object to the extension of the 3 story building in Solana Beach, located directly behind our three timeshares. The back units, which are several, receive a beautiful breeze every day. As soon as that building is built, all of those units, because YOU granted a variance and allowed the company to build on parts of their property that were supposed to be building free, will now become hot, hot condos. These condos have no AC because we have never needed it. You are going to cause our home owners association fees to be increased because all of those units will now be undesirable.

Back in 1971, I was poor. I lived in Largo, Fla. No one said to me that because I was poor I could live across the street from the beach. I, of course, lived far inland from the beach in an area that was not considered a great part of town. But that is the great part of living. If you work hard, then later maybe you can change your circumstances. Had you made this a one story building, I probably would not have minded as much.

The lifeguards have trained in that parking lot since I have owned the property in 1985. The parking lot is usually full with cars of the people who use that beach access every day. Where are all those people going to park? This was a bad decision from the get go and I certainly hope that you take the time to correct it now and say NO. You do not need this location. Find a less expensive piece of property that DOES NOT require you to grant a variance to go too close to the adjacent property's property line. All people deserve fairness. Our property owners do not deserve to have their property value lowered due to your decisions, along with parking, and the Jr. Life Guard training program.

Please help property owners who have owned a long time. This was a very unfair decision and you have the chance to correct it now. Please do so.

Jill Hubbard

7915 SVL Box

Victorville, Ca 92395

Jill Hubbard

h 760 243 5841

c 760 963 5972

FILE COPY

From: Melinda Jennings
To: Carney, Kaitlin@Coastal
Subject: Low income housing project
Date: Wednesday, November 09, 2016 9:32:58 AM

Hi Kaitlin,

I own three timeshare units at the Sand Pebbles resort in Solana Beach and have been coming to vacation there for the past twenty years. Our time in Solana Beach has been the highlight of the year for our entire family. I was disappointed when I first learned of the low income housing project to be built in the parking lot right behind Sand Pebbles. I felt that having it build would compromise the security, noise level, relaxed nature, and aesthetics of the area. The area is well used as a parking lot and drop off/pick up for junior life guards. It seems like other areas in Solana Beach that are not yet developed would be a better choice and would be improved rather than compromised by the low income housing.

I would urge you to vote against an extension and keep this area as nice as it is now. I love Solana Beach and want our experience to stay as wonderful as it has always been.

Thank you for your consideration,
Melinda Jennings

Sent from my iPad

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

FILE COPY

From: Jenifer Jones
To: Carney, Kaitlin@Coastal
Subject: Project 6-14-1033
Date: Tuesday, November 08, 2016 8:02:11 PM

I am an owner of two timeshare condominiums at the Sand Pebble Resort. We have been vacationing there for over 20 years. It has always been a place where we have felt safe for all ages of people in our family to hang out and we have enjoyed the close proximity to the beach.

The Sand Pebbles Resort is located directly behind where the Hitzke Development Corporation is planning on building low income housing. (Project 6-14-1033). I have strong objections to this project. Putting low income housing so close to the Resort will decrease the safety of Sand Pebbles and the many other vacation resorts that are close by. I feel like the property value will decrease and make the area not a desirable place to stay.

Please consider these objections when deciding to extend the contract.

Thank you,
Jenifer Jones

Sent from my iPhone

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

FILE COPY

From: Tiffany Jennings
To: Carney, Kaitlin@Coastal
Subject: Project 6-14-1033
Date: Tuesday, November 08, 2016 8:12:55 PM

Hi Kaitlin,
Our family is very concerned with how this new housing would effect the safe, comfortable environment we feel when we come to Sand Pebbles. We may end up needing to move our huge extended family reunion elsewhere. Thank you for listening.
Sincerely,
Tiffany Jennings

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SAN DIEGO COAST DISTRICT

11-7-16
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To Whom Concerns

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

I have been a time share
owner at Sand pebbles since
1983. I do not want any building
in the lot. 6-14-1033. This is
unfair to the people living in this
area. The parking lot is used by
the young people who are training
to be life guards.

at Sand pebbles we enjoy the
quite times on our vacation
not to be over run by what
this project would cause.

Thank you
Wilma Cop

Albert W. Stewart
12298 Avenida Consentido
San Diego, CA 92128
858-675-9493
aws00@yahoo.com

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NOV 08 2016

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

November 5, 2016

Mr. John Ainsworth
Executive Director
California Coastal Commission
San Diego Coast District Office
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402


Dear Mr. Ainsworth:

As suggested in my phone conversation with Kaitlin Carney of your office yesterday, I'm writing to formally protest your giving a one-year extension of 6-14-1033 to Hitzke Development Corp. to develop the property at 500 S. Sierra Ave. in Solana Beach.

That project involves erecting a 3-story 17,000-square-foot building with subterranean parking to house commercial offices as well as residences on a space now occupied by a relatively small parking lot in an area that is currently surrounded by private residences.

Such a development is totally out of place in such a neighborhood, and I am disappointed in the Coastal Commission for approving such a project. In the letter that I received signed by Ms. Carney and you it was stated that if you received an objection such as this one within 10 working days of that letter's Oct. 31 date that Hitzke's extension application would be reported to the Commission for a possible hearing. That is why I'm writing this, and I'm hoping that when the Commission reviews this project they will recognize the mistake they made in the first place and deny the extension.

Sincerely,



Albert W. Stewart

(Owner of 521 S. Sierra Ave. #174 in Solana Beach, across the street from the proposed Hitzke project)

The Sand Pebbles

535 South Highway 101
Solana Beach, CA 92075

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NOV 08 2016

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

November 7, 2016

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

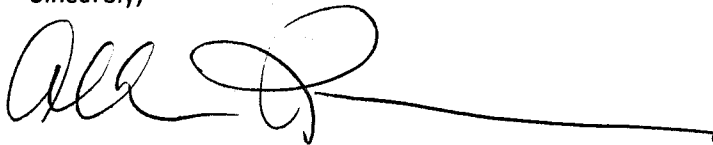
RE: 6-14-1033 – Hitzke Development Corporation Construction Project "The Pearl"

Dear Coastal Commission:

In response to Kaitlin Carney's letter received November 3rd, 2016 regarding the request to extend the Coastal Commission's Permit, we, again, formally and respectfully submit our objection to the project. We are the Owner's Association for the adjacent property directly to the east of the project known as "Sand Pebbles Resort", a timeshare resort that consists of 49 units that represents 2499 individual ownerships. We object to this project for these reasons:

- The proposed project allows a building 35 feet tall to be built within 8 inches of our property line. Privacy infringement, noise, congestion are just a few concerns to the placement of the proposed building.
- Parking is already a premium in this area but will really be a concern for our employees and guests while construction is taking place and after the project is completed.
- Our access to the public beach access will be limited because we will be losing one gate to get to Sierra Avenue from our property.
- The proposed building will block the ocean air and cool breezes we have grown accustomed to after 30 plus years of enjoyment.
- Real probability of foundation/structural damage and issues to our buildings once construction begins.
- Possibility of loss of our mature trees that are near property line of proposed project
- Need to plant and/or replant landscaping at Developer's cost to negate the impairment of noise, congestion and people so close in proximity to our property line

Sincerely,



Allison Russell
Association Manager for Sand Pebbles Resort/Solana Beach Plan Owners Association

CC: Solana Beach Plan Owners Associations Board of Directors

Randy Kirby and Elizabeth Kirby
919 Glenlea St.
La Verne, CA 91750

**NOTICE OF "OBJECTION" TO EXTENSION
REQUEST FOR COASTAL DEVELOPMENT PERMIT**

November 4, 2016

John Ainsworth
Acting Executive Director
California Coastal Commission
San Diego Coast District Office
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-2384

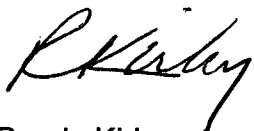
The undersigned received notice on November 3, 2016 regarding the application by Hitzke Development Corporation for a one year extension of coastal development permit 6-14-1033.

Notice is hereby given that Randy Kirby and Elizabeth Kirby, timeshare owners at 535 S. Highway 101 Solana Beach, CA (APN(s) 298-213-30-75 & 298-213-20) "object" to the granting of a one year extension for a coastal development permit to Hitzke Development Corporation regarding the development of the property at:

500 S. Sierra Ave, Solana Beach (San Diego County) (APN(s): 298-211-81).

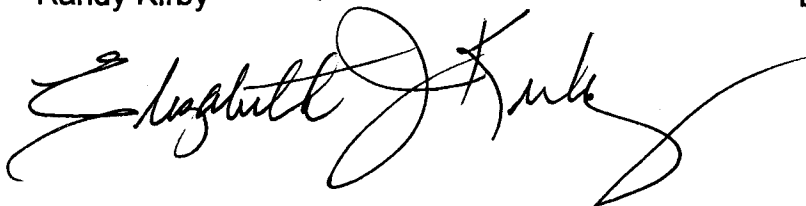
Anyone with questions regarding this notice should contact the undersigned at the above address or telephone number 909-592-9829.

Respectfully submitted,



Randy Kirby

Elizabeth Kirby



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C: Solana Beach Plan Owners Association
535 S. Highway 101, Solana Beach, CA 92075

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Carney, Kaitlin@Coastal

From: Salscitylights@aol.com
Sent: Monday, November 07, 2016 12:39 PM
To: Carney, Kaitlin@Coastal
Subject: RE: NOTICE # 6-14-1033

CALIFORNIA COASTAL COMMISSION

I AM IN OBJECTION OF ANY FURTHER EXTENSIONS CONCERNING THIS PROJECT # 6-14-1033 THE DEVELOPER NEEDS TO MOVE FORWARD OR ABANDON THE PROJECT THIS HAS GONE ON LONG ENOUGH. I OWN 2 CONDOMINIUMS IN THE AREA AND HAVE NEVER BEEN IN FAVOR OF THIS PROJECT.

Sal DeNatale
480-518-7389

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NOV 07 2016

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT