

CALIFORNIA COASTAL COMMISSION

SAN DIEGO DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
PH (619) 767-2370 FAX (619) 767-2384
WWW.COASTAL.CA.GOV



W13

Prepared March 3, 2021 (for the March 10, 2021 Hearing)

To: Commissioners and Interested Parties
From: Karl Schwing, San Diego Coast District Deputy Director
Subject: **San Diego Coast District Deputy Director's Report for March 2021**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the San Diego Coast District Office are being reported to the Commission on March 10, 2021. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's San Diego Coast District Office in San Diego. Staff is asking for the Commission's concurrence on the items in the San Diego Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on March 10th.

As a result of the COVID-19 emergency and the Governor's Executive Orders [N-29-20](#) and [N-33-20](#), this Coastal Commission meeting will occur virtually through video and teleconference. Please see the **Coastal Commission's Virtual Hearing Procedures** posted on the Coastal Commission's webpage at www.coastal.ca.gov for details on the procedures of this hearing. If you would like to receive a paper copy of the Coastal Commission's Virtual Hearing Procedures, please call 415-904-5202.

With respect to the March 10th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on March 10, 2021 (see attached)

Waivers

- 6-20-0692-W Granados Avenue Partners Condominium Units (Solana Beach)
- 6-20-0693-W Devlin & Linin SFR (Solana Beach)
- 6-21-0029-W Pope ADU (Solana Beach)
- 6-21-0033-W Dunne ADU (Solana Beach)

Immaterial Amendments

- 6-92-203-A7 Encinitas Resort Revisions (Encinitas)

Emergency Permit Waivers

- G-6-21-0004-W UCSD Black's Beach Bluff Debris Clearing (San Diego)
- G-6-21-0005-W UCSD Black's Beach Access Road Grading (San Diego)

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February 23, 2021

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: 6-20-0692-W

Applicant: Granados Avenue Partners, LLC

Location: 127 & 129 Granados Avenue, Solana Beach (San Diego County) (APNs: 263-372-26, 263-372-27)

Proposed Development: Demolition of an existing 1,020 sq. ft., 1-story single-family residence and 520 sq. ft. detached garage; Tentative Parcel Map for consolidation of two existing lots into a 14,381 sq. ft. lot and construction of four 2-story detached condominium units (1,969 sq. ft., 1,976 sq. ft., 1,794 sq. ft., and 1,962 sq. ft.) on the lot.

Rationale: The proposed development is located within an established residential neighborhood consisting of single-family residences and multi-family residences similar in size and scale to the proposed development, thus the project will not be out of character with the existing community. The site is designated for medium density residential land uses in the City of Solana Beach certified LUP, and medium/high residential land uses in the City's General Plan/Zoning Map. The development of the site as a medium/high residential land use will not block any public views or impact public access and is compatible with the surrounding land uses. The project is also consistent with past Commission actions in the area and Chapter 3 policies of the Coastal Act, and no impacts to coastal resources are expected. The City has stated that the LUP will be updated to reflect a medium/high residential land use designation for the subject site in the future.

This waiver will not become effective until reported to the Commission at its March 2021 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

Coastal Development Permit De Minimis Waiver
6-20-0692-W

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
Executive Director

Original on File signed by:

Dennis Davis
Coastal Program Analyst

cc: Commissioners/File

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February 25, 2021

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: 6-20-0693-W

Applicant: Richard Devlin and Kimberly Linin

Location: 710 West Solana Circle, Solana Beach, San Diego County.
(APN: 298-320-14)

Proposed Development: Demolition of an existing 2,107 sq. ft. one-story single-family residence with 332 sq. ft. attached garage on a 4,820 sq. ft. lot. Construction of a new approximately 1,930 sq. ft. one-story single-family residence with 470 sq. ft. attached garage; minor grading, landscaping, and hardscape improvements.

Rationale: The residence is located within an established residential neighborhood consisting of single-family residences similar in size and scale to the proposed development; therefore, the project will not be out of character with the existing community. The development will not block any public views or impact public access, is not subject to any relevant special overlays in the City of Solana Beach's 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 its March 2021 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.

Coastal Development Permit Waiver
6-20-0693-W

Sincerely,

John Ainsworth
Executive Director



Carrie Boyle
Coastal Program Analyst

cc: Commissioners/File

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February 25, 2021

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: 6-21-0029-W

Applicant: Sean Pope

Location: 645 N. Rios Ave, Solana Beach, San Diego County. (APN: 263-031-12)

Proposed Development: Construction of an approximately 800 sq. ft. detached accessory dwelling unit and patio on a 0.5-acre lot with an existing 4,040 sq. ft. single-family residence with attached 866 sq. ft. garage.

Rationale: The proposed project is located in an established residential neighborhood consisting of single-family residences similar in size and scale to the proposed development; therefore, the project will not be out of character with the existing community. The proposed accessory unit is consistent with the City of Solana Beach standards for accessory units in an area designated for residential uses. The development will not block any public views, and adequate parking is provided. The project is consistent with the zoning and plan designations for the City of Solana Beach and its certified Land Use Plan, as well as all applicable Chapter 3 policies of the Coastal Act, and no adverse impacts to coastal resources are anticipated.

This waiver will not become effective until reported to the Commission at its March 2021 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.

Coastal Development Permit Waiver
6-21-0029-W

Sincerely,

John Ainsworth
Executive Director



Carrie Boyle
Coastal Program Analyst

cc: Commissioners/File

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February 23, 2021

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: 6-21-0033-W

Applicant: Sage Dunne Cerami Trust

Location: 617 Barbara Avenue, Solana Beach (San Diego County) (APN: 263-081-19)

Proposed Development: Construction of a 997 sq. ft., one-story ADU attached to an existing 2,221 sq. ft., one-story single-family residence on a 10,800 sq. ft. lot. A 124 sq. ft. detached shed will remain.

Rationale: The proposed project is located within an established residential neighborhood consisting of single-family residences similar in size and scale to the proposed development, thus the project will not be out of character with the existing community. The proposed accessory unit is consistent with the City of Solana Beach standards for accessory units in an area designated for low/medium-density residential uses. The development will not block any public views and adequate parking will be provided. Additionally, the project is consistent with the zoning and plan designations for the City of Solana Beach and its certified Land Use Plan, as well as all applicable Chapter 3 policies of the Coastal Act, and no adverse impacts to coastal resources are anticipated.

This waiver will not become effective until reported to the Commission at its March 2021 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.

Coastal Development Permit De Minimis Waiver
6-21-0033-W

Sincerely,

John Ainsworth
Executive Director

Original on File signed by:

Dennis Davis
Coastal Program Analyst

cc: Commissioners/File

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March 3, 2021

**NOTICE OF PROPOSED IMMATERIAL PERMIT
AMENDMENT**Coastal Development Permit Amendment No. **6-92-203-A7****To:** All Interested Parties**From:** John Ainsworth, Executive Director

Subject: Permit No. **6-92-203-A7** granted to **Encinitas Beach Venture I, LLC** for: Demolition of 3 single-family residences, relocation of 7 mobile homes and the construction of an approximately 138,460 sq. ft., 2-story, 130-unit resort hotel complex with banquet facilities, a restaurant, public access amenities, and 230 space underground parking garage on 4.3 acre blufftop site. Also proposed are the consolidation of 4 lots into 1 lot and the vacation of 2 public access easements totaling .67 acres.

Project Site: 2100 North Coast Highway 101, Encinitas (San Diego County) (APN(s): 216-041-20, 216-041-21, & 216-041-26)

The Executive Director of the California Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following change(s):

Amend Special Condition 27 to declare that the permittee may extinguish previously-recorded offers to dedicate.

FINDINGS

The Executive Director has determined this amendment to be IMMATERIAL within the meaning of section 13166(b) of the Commission's regulations.¹ Pursuant to section 13166(b)(1), if no written objection to this notice of immaterial amendment is received at the Commission office listed above within ten (10) working days of mailing said notice, the determination of immateriality shall be conclusive, and the amendment shall be approved (i.e., the permit will be amended as proposed).

Pursuant to section 13166(b)(2), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive

¹ The Commission's regulations are codified in Title 14 of the California Code of Regulations.

Notice of Proposed Immaterial Permit Amendment

6-92-203-A7

director determines that the objection does not raise an issue of conformity with the Coastal Act or certified local coastal program if applicable, the amendment shall not be effective until the amendment and objection are reported to the Commission at its next regularly scheduled meeting. If any three Commissioners object to the executive director's designation of immateriality, the amendment application shall be referred to the Commission to be reviewed as a material amendment at a subsequent Commission meeting. If no three Commissioners object to the executive director's designation of immateriality, that designation shall stand, and the amendment shall become effective.

Pursuant to section 13166(b)(3), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive director determines that the objection does raise an issue of conformity with the Coastal Act or a certified local coastal program if applicable, the amendment application shall be referred to the Commission to be reviewed as a material amendment at a subsequent Commission meeting.

The Executive Director has determined this proposed amendment to be "immaterial" for the following reason(s):

This amendment, No. 6-92-203-A7, amends Special Condition 27 to add a legal clarification. In June 2019, Amendment No. 6-92-203-A6 added Special Condition 27 to implement an updated method to secure public access areas (containing vertical and lateral access paths) on the hotel site along with an updated exhibit showing a revised and expanded map of the access areas. Because the applicant agreed to assume all maintenance, operational, and liability responsibilities for the access areas, the Commission approved deed restrictions to replace the offers to dedicate. Those offers were originally required by Special Condition 4 and were subsequently recorded (Nos. 2000.0615532 and 2000.0615533) but not accepted. Today's immaterial amendment clarifies that the previously-recorded offers may be extinguished and that no entity need accept the offers. The vertical and lateral access deed restrictions are not affected. The public access areas will not change in any respect. The amendment does not have potential to create adverse impacts, either individually or cumulatively, on coastal resources or public access to and along coastal waters.

If you wish to register an objection to the processing of this amendment application as an immaterial amendment, please send the objection in writing to the address above.

If you have any questions about the proposal or wish to register an objection, please contact Cort Hitchens at the San Diego Coast District Office at (619) 767-2370 or SanDiegoCoast@coastal.ca.gov.

cc: Commissioners/File

NOTE: ALL OF THE COMMISSION'S PREVIOUSLY ADOPTED SPECIAL CONDITIONS CONTINUE TO APPLY IN THEIR MOST RECENTLY APPROVED FORM UNLESS EXPLICITLY CHANGED BY THIS ACTION.

Special Condition 27 of CDP 6-92-203 is amended as follows:

WITHIN 180 DAYS OF ISSUANCE OF THIS PERMIT AMENDMENT, the permittee shall execute and record document(s) in a form and content acceptable to the Executive Director, restricting the use and enjoyment of the parcel, and providing public access and recreational uses in perpetuity as depicted in Exhibit 1 of this amendment, CDP No. 6-92-203-A6.

- (a). Public Access Areas.** The deed restriction shall reflect that the permittee shall provide public access for recreational uses consistent with the terms and conditions of this coastal development permit, including a vertical and a lateral access path, and as generally shown in Exhibit 1. Said deed restrictions shall encompass the access features required and approved pursuant to Special Condition No. 2 of CDP No. #6-92-203, except where the features are located on existing public lands. The Executive Director may extend the 180 day deadline for good cause.
- (i) Access improvements within the deed restricted area shall be ambulatory, including that the deed restricted area boundaries and amenities (e.g., path, trail, benches, etc.) shall move inland within the permittee's property, if relocation and/or reconstruction of access amenities in the deed restricted area are necessary to retain their continuity and/or utility.
 - (ii) **Development and Use Restrictions.** No development, as defined in Section 30106 of the Coastal Act, shall occur within any of the public access areas other than as described by Special Condition 2 of CDP No. #6-92-203. The deed restriction shall provide that access shall be uninterrupted at all times.
- (b) The recorded document(s) shall include a legal description and corresponding graphic depiction of the legal parcel(s) subject to this permit and a metes and bounds legal description and a corresponding graphic depiction, drawn to scale, of the designated public access area(s) prepared by a licensed surveyor based on an on-site inspection of the public access area(s).
- (c) The deed restriction shall be recorded free of prior liens and any other encumbrances that the Executive Director determines may affect the interest being conveyed.
- (d) The deed restriction shall run with the land in favor of the People of the State of California, binding successors and assigns of the applicant or landowner in perpetuity.

Notice of Proposed Immaterial Permit Amendment

6-92-203-A7

Following proper recordation of the deed restriction required by this Special Condition, as verified by the Executive Director, the Offers to Dedicate a lateral and a vertical easement as required by Special Condition 4 (Recording Nos. 2000-0615532 and 2000-0615533) may be extinguished.

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February 26, 2021

Anu Delouri
University of California, San Diego
9500 Gilman Drive
La Jolla, CA 92093-0074

Re: Request for Emergency Action at Black's Beach No. G-6-21-0004-W

Dear Ms. Delouri:

On February 9, 2021, the Executive Director received your request for an emergency permit for excavation and removal of bluff material following a February 7, 2021 bluff collapse at Black's Beach. The collapsed material was located on the emergency access road, impeding emergency vehicle access to the beach. The City of San Diego Lifeguards and University of California, San Diego (UCSD) determined immediate action was necessary to relocate the collapsed material to the base of the bluff in order to clear the road and restore emergency vehicle access. Emergency work was completed on February 7th and took approximately an hour. The work consisted of using a backhoe, with the total amount of bluff material relocated being less than a scoop.

Commission staff has determined that this project qualifies for a Coastal Act Section 30611 Emergency Permit Waiver for the following reasons:

1. Immediate action by a public agency, UCSD, is necessary to protect life and public property and maintain public utilities, and the proposed work is the minimum necessary to alleviate the emergency condition.
2. There will be no permanent erection of any structure valued at more than \$25,000.
3. The project is the minimum amount of work necessary to clear the emergency access road and no impacts to public access will occur.

Because the development qualifies for an Emergency Permit Waiver under Section 30611 of the Coastal Act, a follow-up coastal development permit is not required to authorize the work. The work will be reported to the Coastal Commission at the next Commission meeting on March 10-12, 2021.

Sincerely,

A handwritten signature in blue ink, appearing to read 'ML'.

Melody Lasiter
Coastal Program Analyst

CALIFORNIA COASTAL COMMISSION

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March 3, 2021

Anu Delouri
University of California, San Diego
9500 Gilman Drive
La Jolla, CA 92093-0074

Re: Request for Emergency Action at Black's Beach No. G-6-21-0005-W

Dear Ms. Delouri:

On March 1, 2021, the Executive Director received your request for an emergency permit for road grading following the February 26, 2021 high tides at Black's Beach. The high tides had washed out the northwestern section of the emergency access road, leaving a gap between the road and the beach and impeding emergency vehicle access to the beach. The City of San Diego Lifeguards and University of California, San Diego (UCSD) determined immediate action was necessary to grade the road and restore emergency vehicle access. Emergency work was completed on February 26th and took approximately an hour. The work consisted of using a backhoe to smooth the lower section of the road to allow continued emergency vehicle access. No import or export of materials occurred.

Commission staff has determined that this project qualifies for a Coastal Act Section 30611 Emergency Permit Waiver for the following reasons:

1. Immediate action by a public agency, UCSD, is necessary to protect life and public property and maintain public utilities, and the proposed work is the minimum necessary to alleviate the emergency condition.
2. There will be no permanent erection of any structure valued at more than \$25,000.
3. The project is the minimum amount of work necessary to clear the emergency access road and no impacts to public access will occur.

Because the development qualifies for an Emergency Permit Waiver under Section 30611 of the Coastal Act, a follow-up coastal development permit is not required to authorize the work. The work will be reported to the Coastal Commission at the next Commission meeting on March 10-12, 2021.

Sincerely,

A handwritten signature in blue ink, appearing to read 'ML'.

Melody Lasiter
Coastal Program Analyst